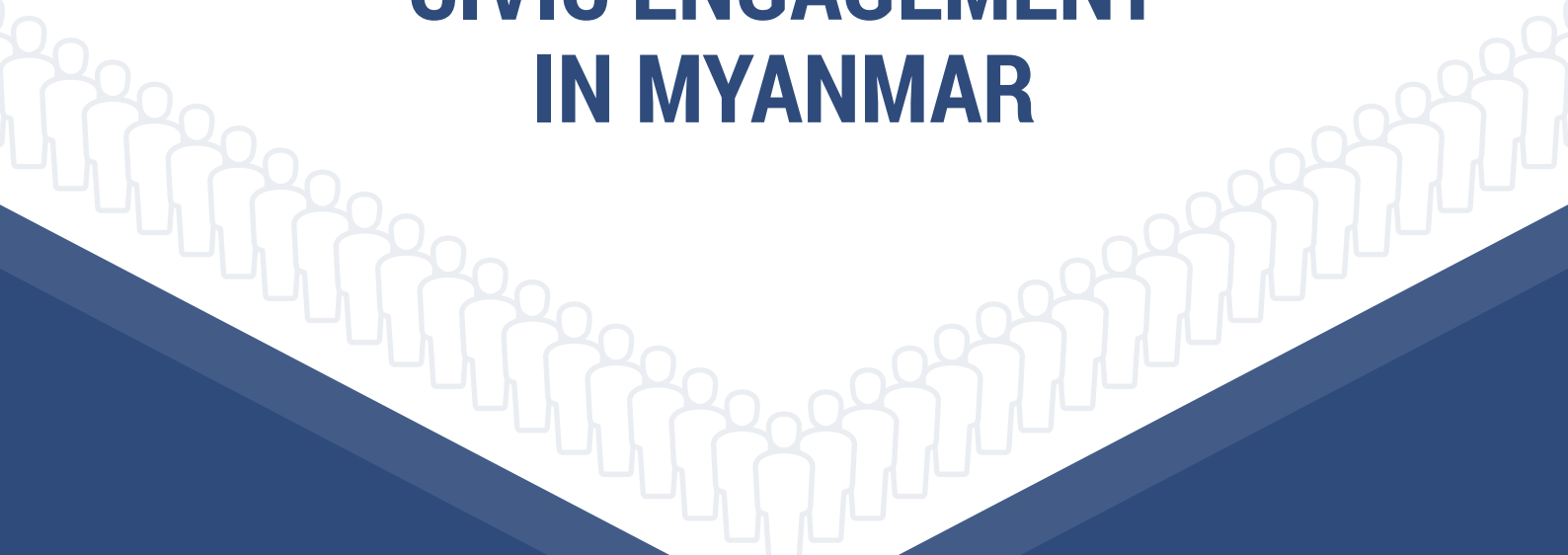


STRENGTHENING SUBNATIONAL CIVIC ENGAGEMENT IN MYANMAR



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Any fault in analysis or substance rests with the authors.

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PREFACE

Meaningful and constructive civic engagement remains a core tactic for ensuring inclusive and accountable governance. However, identifying strategic entry-points to initiate and strengthen civic engagement during periods of political transition is not always straightforward. As new actors and institutions endeavor to understand decision-making processes and perform core functions, civic engagement can run the risk of legitimizing old power hierarchies, becoming elite-driven, overwhelming nascent institutions, or disenchanting an initially enthusiastic public due to its failure to generate change. A critical first step to supporting civic engagement requires an up-to-date and thorough understanding of decision-making actors, how they make decisions, and who they are ultimately accountable to.

In Myanmar, the establishment of state and region governments in 2010 introduced new actors at the subnational level. Today state and region governments increasingly matter, demonstrating increased competence whilst undertaking expanded roles and responsibilities. This report looks in greater detail at how Myanmar's changing governance parameters are impacting meaningful civic engagement. The paper focuses on civil society, a chief actor in leading and catalyzing civic engagement, and how they are adapting and innovating in response to this changing environment.

This report draws on interviews with civil society and government actors at a subnational level across five townships and experience from the *Myanmar Strategic Support Program* and *Open Budget Initiative*, implemented by The Asia Foundation across nine states and regions.

This paper was generously funded by The Rockefeller Foundation under the Strengthening Civic Engagement in Myanmar Program, which seeks to support meaningful civic engagement through the use of evidence and data. We hope that this report will offer practitioners and donors a practical reference to inform the design and implementation of effective civic engagement efforts at a subnational level in Myanmar.

The views and opinions expressed in the report are those of the authors, not those of The Asia Foundation or the Rockefeller Foundation.

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Yangon, February 2020

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INTRODUCTION

Meaningful and inclusive civic engagement has the potential to support and sustain Myanmar's aspirations for democracy, sustained economic development, and lasting peace. Myanmar's social contract with its people was severely damaged as a result of decades of military rule. The on-going democratic transition presents an opportunity for the state to renegotiate a social contract that is more accountable, inclusive, and stable.

Three core features of the current transition period are particularly relevant. First, the impact of the 2008 Constitution in establishing new institutions and features in Myanmar's governance system, particularly at the state and region level, even as the 2008 Constitution continues to embody many or even most of the political tensions in the country.¹ Second, the transition from military rule to a quasi-civilian rule, notably the introduction of elections and elected representatives thus incentivizing downwards accountability to the public. Third, political and legal reform expanding Myanmar's historically closed and heavily scrutinized civic space. Together they open new opportunities for engagement amongst Myanmar's general public, civil society and the government. To illustrate, the existence of lower levels of government in theory brings with it the potential for improved governance through strengthened accountability and responsiveness.² While positive effects of decentralization reforms in Myanmar are not guaranteed, subnational governments increasingly matter and thus present novel entry points for meaningful civic engagement. However, less is known about the evolving nature of civic engagement with decision-makers at lower levels of government in Myanmar.

For the public, healthy civic engagement requires knowledge and trust: knowledge of the opportunities to engage, collectively or individually, in decision-making processes and trust in the benefit of doing so. In 2014, The Asia Foundation conducted the first nationwide survey on civic knowledge and values in Myanmar.³ It revealed a lack of public knowledge about the structures and functions of various levels of government, the opportunities to engage with them, and a limited understanding of the principles and practices that underpin a democratic society. Social trust was found to be low and political disagreements deeply polarizing. The survey also found that attitudes to gender roles are highly patriarchal, increasing gender inequalities and divisions, disempowering women and

“ FOR THE PUBLIC, HEALTHY CIVIC ENGAGEMENT REQUIRES KNOWLEDGE AND TRUST. ”

leaving them with fewer avenues to engage in political life.⁴ Myanmar's public and civil society are increasingly interested and engaging in and with political systems, demanding more transparency from private and public authorities, and vocalizing their needs and aspirations. Local communities are starting to engage with the government on service delivery and policy advocacy, however, civic engagement can often be an adversarial, elite-driven process that fuels contentious state-society relations. Citizens, especially women and other marginalised groups, continue to have limited political voice. As a result, today, many remain sceptical about whether current reforms can bring genuine, inclusive development and peace.

PURPOSE

This paper aims to provide a descriptive summary of key developments in governance structures and civic engagement practices in Myanmar since 2010. Focused on the subnational level, this paper will highlight emerging opportunities for strengthening subnational civic engagement with key actors and decision-making processes. By doing so, it hopes to positively inform on-going engagement efforts and promote empirically informed dialogues. While the primary audience of the paper is civil society, it may also serve as a useful primer for development partners keen to support on-going reforms, particularly through the establishment of more consistent and predictable mechanisms that normalize a more collaborative and inclusive approach to civic engagement as a means of increasing government accountability and responsiveness.

KEY DEFINITIONS AND SCOPE

Civic engagement is viewed as individual or collective actions by members of the public that aim to influence decision-makers or to pursue common goals⁵ or efforts taken by powerholders to share information, engage in dialogue with or receive feedback from the wider public.

The nature, scope and effectiveness of civic engagement varies across contexts and is dependent on a range of factors under two principal categories:

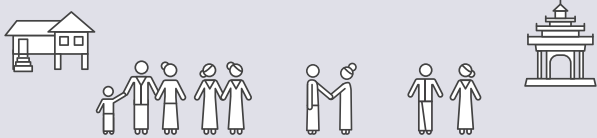
1 First



A safe and open operating environment that enables communities to organize and have a voice, to freely share and access information, and that empowers strong public accountability institutions. This includes for example:

- A. A supportive legal and regulatory framework(s).
- B. A political environment broadly conducive to reform and progressive change.
- C. Democratic systems and structures.

2 Second



Actors on both sides i.e. the powerholders (supply side) and groups seeking to influence (the demand side) having the desire, space, and capacity to engage with one other. For example:

- A. On the supply-side this includes institutions, actors and systems being capable in policymaking and implementation (to a minimum degree); formal processes that encourage participation and good informal relations with citizens; good communication of those processes; a desire to achieve greater accountability and institutional incentives to do so.
- B. On the demand-side it requires social trust, knowledge of opportunities to engage, and often support from civil society as an interlocutor of knowledge and opportunity.

Importantly, civic engagement has multiple dimensions and encompasses a broad range of activities pursued by different actors. **This paper focuses on one such dimension: focusing on civic engagement initiated by or involving civil society.** Taking a more inclusive definition of civil society, this paper defines civil society as individual or collective actors that function between the family, market and state.⁶ The reason for focusing on civil society is two-fold, first, given the focus of available research on evolving public-state interactions in Myanmar during the transitional

period; and second, in light of a growing body of global evidence noting the role civil society can potentially play in both expanding and sustaining civic engagement during and after political transitions. While civil society is often conceived as a positive good, not all civil society actors share the same ideologies or common interests. Civil society groups can often actively work to promote discrimination and perpetuate inequality or seek political gains. Furthermore, as this paper acknowledges, it does not intend to serve as an assessment of those efforts or suggest that civil society are the only or preferred conduit for meaningful and inclusive civic engagement with powerholders in Myanmar. Conversely, the paper will focus on civic engagement with subnational government.

METHODOLOGY

This report draws on recent research produced by The Asia Foundation on decentralization, public financial management, and subnational governance. In addition, it is supported by a desk review of available evidence on governance and civil society focused on Myanmar and more globally. The report also draws on internal documentation from The Asia Foundation's governance programming across nine states and regions and interviews with government and civil society in Yangon, Kachin State, and Tanintharyi Region.

THIS REPORT

This paper is comprised of three key sections:

Section 1 provides a conceptual framework for understanding and assessing civic engagement between civil society and governments. This includes highlighting core competencies that theoretically enable meaningful and inclusive civic engagement. The framework then serves as a structural guide in the following chapters which focus specifically on Myanmar.

Section 2 provides a descriptive summary on key actors, institutions, and processes at a subnational level. It does so by introducing key government and civil society actors at the state/region and local level, summarizing key functions and decision-making processes of government, and summarizing evolving civil society initiated civic engagement practice.

Section 3 concludes the report by highlighting emerging opportunities for strengthening civic engagement in light of current practices.

SECTION 1.

CIVIC ENGAGEMENT

1.1. WHAT IS CIVIC ENGAGEMENT AND WHY IS IT IMPORTANT?

For the purposes of this paper, “civic engagement” is understood as individual or collective action by members of the public aiming to influence decision-makers or to take action on issues of public concern. Such action may be undertaken directly or indirectly. Civic engagement may also be undertaken to influence other significant actors such as multilateral institutions or businesses. On the other hand, it also includes efforts taken by powerholders to share information, engage in dialogue, or receive feedback from the wider public. It is worth noting that in many international contexts an emphasis is placed on citizens and citizenship in their engagement with policy and decision-makers. In Myanmar, however, the term “general public” is less politicized, tends to be less inflammatory and is more inclusive.

Civic engagement can be short-term and specific or sustained over a longer period aimed at a broader change. Its goals may also evolve over time. Individuals or groups do not have to seek change through highly political means; some forms of civic engagement are more social in nature and involve activities such as delivering local services, volunteering or making donations to charity. However, some forms of engagement are more explicitly political and involve actions that try to engage directly with government structures, institutions or actors. These may involve membership of an organization or committee, the monitoring of government activities or, in more extreme cases, actions that are disruptive or confrontational. No matter how vehement these actions may be, however, generally “civic engagement” is understood to be non-violent.

Civic engagement can also take place at different levels. At the community level, it may be focused on civic awareness and education or engagement with local authorities (formal and informal). At the national level, civic engagement may, for example,

comprise consultation and feedback processes on the development of laws or policies. The nature, scope and purpose of these actions vary based on local needs, the history of state-society relations, the economic environment, and nature and capacities of the public and civil society.⁷ In other words, while these are general characteristics of civic engagement, its scope and specific activities are highly contextual.

Civic engagement provides people with a means to “pursue goals and aspirations that they value, and to seek redress when an injustice is perceived.”⁸ It is a vital mechanism for raising public awareness, understanding and articulating people’s needs and perspectives. Done effectively, civic engagement can contribute to holding governments and other powerholders (such as private sector corporations) to account. In addition to being a positive stimulus during democratic transitions, recent studies indicate that those transitions are far more likely to be sustained when accompanied by inclusive civic engagement, as state-society relations are improved in the process.⁹ The practice of civic engagement improves the likelihood that efforts aimed at promoting public participation achieve their goal. Where that engagement is open and non-discriminatory, and the public feel empowered to speak up without fear, individual well-being and quality of life can also be improved.¹⁰

The central role of civic engagement in achieving sustainable development outcomes has been acknowledged in the Sustainable Development Goals (SDGs). Civic engagement is one of the indicators for the achievement of SDG 16: Peaceful and inclusive societies for sustainable development, access to justice for all and effective, accountable and inclusive institutions at all levels, and SDG 17: The global partnership for sustainable development.

FIGURE 1. Key Functions of Civil Society

As noted in the introduction, civil society plays an important role in initiating and strengthening civic engagement. While their tactics differ in response to the wider context and based on their own capacities and motivations, The Asia Foundation has identified four core cross-cutting functions that civil society must perform in order to lead meaningful and effective civic engagement.

AWARENESS RAISING

Civil society must have access to and understand foundational information such as the role and function of the government, government priorities and commitments, the decision-making process and final decisions. Furthermore, civil society is often tasked with the vital function of sharing this information with the wider public in an accessible manner. Main responsibilities of civil society in performing this function include:

- Understanding foundational information on processes and policies
- Understanding roles of public and key stakeholders in decision-making and implementation processes
- Accessing and analyze relevant data and information.
- Helping the public and/or targeted stakeholders understand foundational information, their rights and responsibilities and their own roles within the policy-making process (this can be done via online and offline channels and mechanisms)

ARTICULATION OF INFORMATION AND NEEDS

Civil society should be able to identify, synthesize and communicate local issues and needs using relevant evidence, including documenting and highlighting the voices of marginalized and vulnerable populations. This includes:

- Coordinating between relevant actors to identify key issues and needs
- Prioritizing and selecting issues for engagement
- Collecting and consolidating constituencies' voices, relevant data/evidence and developing strategies for communication of issues
- Generating evidence (such as documentation, research paper, policy briefs)



MONITORING AND EVALUATION

Civil society should be able to effectively monitor and assess the work of government. This includes:

- Establishing a systematic approach to monitor government policy implementation
- Conducting regular monitoring activities
- Assessing data collected from monitoring activities

CONSTRUCTIVE PARTICIPATION

Civil society should have the opportunities and capacities to actively participate in the government's decision-making processes. This includes:

- Identifying entry points for direct engagement with government
- Participating in engagement opportunities with government
- Providing input for decision making consideration to government
- Identifying entry points to provide or channel feedback to decision makers in government

1.2. ACCOUNTABILITY FRAMEWORKS AND CIVIC ENGAGEMENT

The achievement of tangible change as a result of civic engagement requires two types of accountability: demand-side accountability (from civil society and the public) and supply-side accountability (from the government or other powerholder). Optimal conditions are achieved when, on the supply side, the government ensures that relevant information is available and accessible, government actors reach out to stakeholders and take on board a wide range of views. At the same time, on the demand side, a broad and diverse range of actors engage with the information provided by government and participate in the channels available to them to represent their needs, and to hold governments accountable for their commitments. Furthermore, public action needs to be matched by conditions, capacities, and mechanisms on the part of the government that allow public engagement through elections, political parties, a free press, judicial systems, parliaments and other mechanisms.¹¹ These conditions are challenging to achieve, of course, in any context and involve the negotiation of as many political hurdles as capability challenges.

Notably, sequencing of interventions remains critical to prevent situations where efforts to exact accountability are introduced too soon. In other words, governments must achieve a baseline level of competence before introducing demands for increased accountability. It becomes essential in contexts of transitional governments and for nascent institutions who require steady processes and clarity on functions that empower them to both engage with and effectively respond to public wants, and to prevent the risk of participation fatigue among community members who may devalue engagement due to its perceived inability to produce change.

STRENGTHENING DEMAND SIDE ACCOUNTABILITY

Civil society¹², broadly defined, can play a critical role as interlocutors between the government and the general population. While this relationship is diverse and complicated, their value as autonomous actors in promoting accountability and transparency, amplifying needs of local and often marginalized populations, complementing (and at times supplementing)

shortcomings in the state's ability to deliver services and development, among other functions, make them central actors in promoting democracy, and ensuring equitable and inclusive development.¹³

For civic engagement to contribute to more inclusive, responsive and accountable governance, there are core functions that civil society must fulfil. Although this does not always fall neatly into distinct stages, some commonalities can be identified. These stages can be conceptualized per the diagram below, which highlights the need for individuals or, collectively, for the representative spectrum of civil society to be aware of both their and governments' roles and responsibilities with regards to decision or policy making. It also highlights core functions for civic actors as being able to articulate the needs of different types of people, engage constructively with the decision-making process, and to monitor what the government is doing about it and assess how well they are doing it (figure 1).

CORE COMPETENCIES FOR MEANINGFUL CIVIC ENGAGEMENT

In order to fulfil these responsibilities effectively, civil society and government need to have a skillset that allows them to do so. The skills required may vary according to country or even subject matter, but in the Myanmar context five key competencies have been identified: understanding of roles and responsibilities, the ability to use data and information, technical skills for the specific subject matter at hand, horizontal and vertical coordination, and stakeholder engagement.

To conclude, as illustrated by Figure 2, each of the core competencies are essential components to successful action by civil society which in turn contribute to strengthened civic engagement. For example, in *awareness raising initiatives* civil society must have an understanding of roles and responsibilities, technical skills, data and information availability and ultimately, demonstrate effective stakeholder engagement. On the other hand, constructive participation requires all of the stated competencies that together provide lead to insightful, actor-specific engagement activities grounded in evidence and local realities.

FIGURE 2. Core Competencies for Strengthening Civic Engagement



SECTION 2.

CIVIC ENGAGEMENT AND SUBNATIONAL GOVERNMENT IN MYANMAR

Reforms to the basic structures of governance under the 2008 Constitution provide new opportunities for the representation of local interests in government decision-making processes. These reforms include the introduction of decentralized subnational governance structures such as state and region governments, parliaments, and elected representatives at the ward and village tract level. Decentralization reforms ideally facilitate greater devolution of power and decision-making authority to local levels of government thereby opening accessible opportunities for more influential civic engagement.

Currently, civic actors still face the challenge of ongoing changes to policy, process and practice that keep the functions of different actors and institutions unclear. For instance, overlapping responsibilities between the Union and state/region governments, and between groups of departments tasked with delivering a single type of service, limit the public's ability to accurately identify and effectively engage with relevant decision-makers across the different levels of government. The following section provides a brief on changing parameters of governance and civic engagement practices at a subnational level.

2.1 GOVERNANCE PARAMETERS IN MYANMAR

The following sub-section provides an overview of major subnational institutions and the functions they perform at different administrative levels, including how it related to civic engagement.

2.1.1. KEY INSTITUTIONS AND ACTORS

Myanmar features a graded, territorial administrative system comprising seven states and seven regions, 74 districts, and 330 townships. Below the township level are urban wards and rural village tracts. The 2008 Constitution began the process of decentralization with the introduction of new actors and institutions, most significantly by creating a distinct level of government at the state and region level. Provisions were not established for institutions below the state

and region level, meaning that a 'third tier' of government does not exist, making the state/region governments the closest level of representative government while essential administrative functions and public services are delivered by township-level departments.

National and Subnational Responsibilities

Schedules I and II of the 2008 Constitution divide the legislative and administrative responsibilities between Union and state/region governments. Schedule II of the 2008 Constitution provides state/region governments with the mandate to legislate and provide services under eight sectors. Notably, while Schedule II lists specific responsibilities under each of the sectors, many are shared with the Union and the division for responsibility is not well defined. Several are deferred for future clarification or "in

accord with the law enacted by the Union.” While these ambiguities could provide subnational governments with an opportunity to define their own agenda, in practice most subnational governments have refrained from acting independently and have instead waited

for the Union government to assume leadership. How this impacts the functioning of state and region governments and subsequently civic engagement is detailed under Chapter 3.

FIGURE 3. What do State/Region governments do?

PRIORITIES

REGIONAL DEVELOPMENT

Support regional development through investment in infrastructure:



Roads



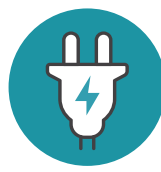
Bridges



Public
transportation



Water supply



Electricity



Agriculture



Industry



Environmental
conservation

PROMOTING THE RULE OF LAW



Clean
government



Fair local
administration



Promoting
land rights



Open
procurement



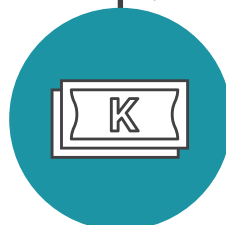
Budget
transparency

State/region governments direct departments to fulfil their priorities



**STATE/REGION
GOVERNMENT EXECUTIVE
AUTHORITY**

State/region governments have spent **12,274,647 million kyat** (US\$8.4 billion) to date (2012–13 to 2017–18)



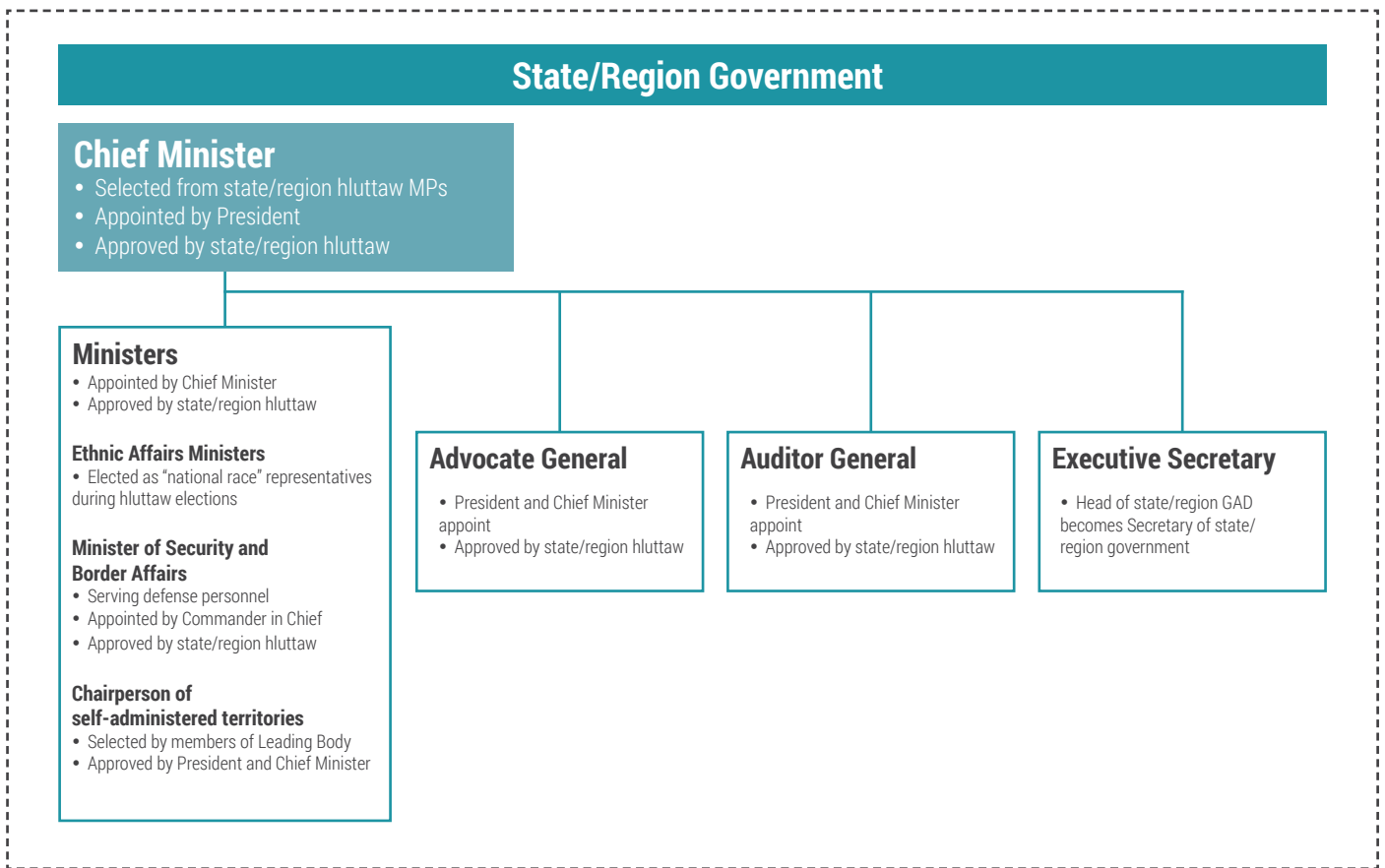
**STATE/REGION
GOVERNMENT
BUDGETS**

Subnational

Each state/region consists of an *executive branch* led by a chief minister and cabinet. The chief minister is centrally appointed by and reports to the president; the chief minister appoints cabinet members who are approved by the state/region hluttaw. Historically, chief ministers have drawn their cabinets from elected

state/region hluttaw representatives; however, under the NLD government there has been an increase in the number of non-MP appointees. While this allows for the appointment of potentially more qualified ministers than exist in the pool of elected MPs, it could arguably diminish the democratic or accountable nature of the cabinet.

FIGURE 4. Structure of state/region executives

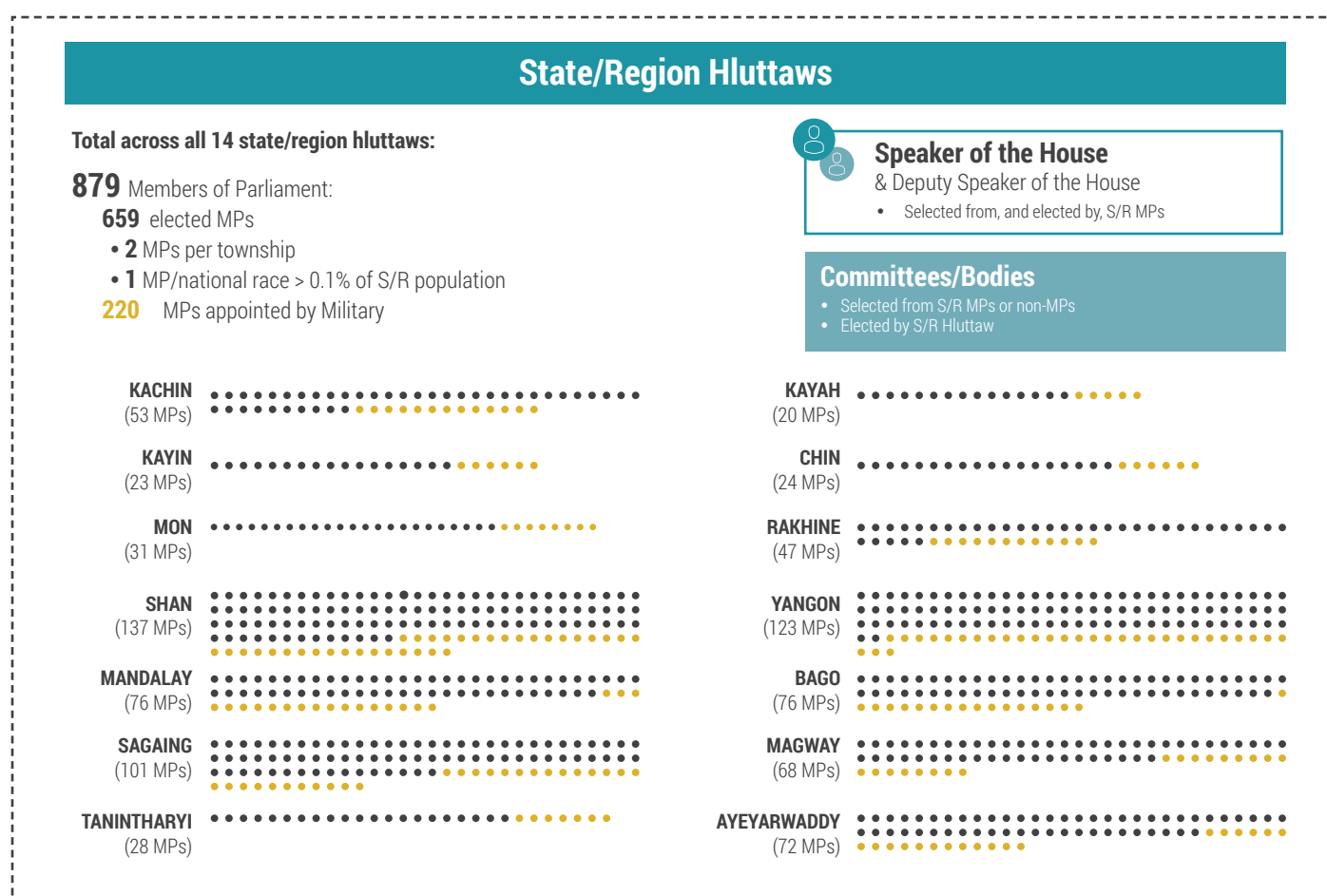


Despite this concern, the introduction of this level of government is significant to the democratic functioning of government in Myanmar, based on the principle of subsidiarity which states that the closer decision-makers are to the public, the greater the degree of accountability the public can exert over power-holders. This is especially pertinent with regard to the development of subnational budgets and decision-making of how to distribute public resources.

The *legislative branch* has a stronger dimension of public representation, consisting of a parliament (hluttaw) made up of 75 percent elected representatives and 25 percent military appointees. Each township elects two members and there is a further opportunity for inclusive representation whereby an additional MP may stand for a "national

race" with over 0.1 percent of the state or region's population that has not already obtained an ethnic status.^{14,15}

The introduction of elected representatives at the subnational level, particularly in the absence of a third tier of elected local government, may play the most significant role yet in advancing democratic decentralization by introducing candidates at a local level who are accountable to their local constituents. In particular, they provide an "opportunity for representation of ethnic and regional aspirations in theoretical benefit of decentralization in diverse and complex societies."¹⁶ This is contingent on the assumption that candidates will be selected from local communities.

FIGURE 5. Structure of state/region hluttaws

Changes in the legal framework, such as the 2013 State and Region Hluttaw Law,¹⁷ have further increased scope for civic engagement by instituting provisions for the public to ask questions to government via MPs and to attend hluttaw sessions. The public can also submit requests and proposals directly to MPs and representative offices thereby providing openings for increased engagement in decision making processes.

Township

Myanmar's 330 townships form the foundation of public administration and service delivery.¹⁸ Although there is no third tier of elected government, both USDP and NLD governments have made efforts to strengthen local governance systems and make local governance more participatory and responsive, mainly through the introduction of committees and funds at the local level, and reform of ward and village tract administration.¹⁹

Most sectoral ministries have line department offices and officials at the township level that provide frontline public services. Most departments are sectoral in nature and report to their relevant ministry at the union and state/region level based on Schedule I and II,

often resulting in "siloes and isolated performance of functions."²⁰

Four departments have a cross-sectoral mandate: General Administration Department (GAD), Development Affairs Organizations (DAO), Department of Rural Development (DRD), and Planning Department. They have "wide-ranging duties and functions (some overlapping) and operate as the primary interfaces between the state and the general population."²¹

The GAD forms the backbone of local administration. In addition to its critical coordination role among other government departments, it is tasked with "enforcing rule of law, community peace and tranquility, implementation of government policies, establishment of good governance and conducting people-centered regional development work."²² GAD offices serve as the primary focal point for many of the average Myanmar citizen's engagements with the state.²³ The township administrator, a GAD officer, is the most important government official at the township level. Township administrators are replaced on a three-year basis.²⁴ During the township administrator's tenure,²⁵ they serve

as the head for the majority of township committees, coordinate and supervise wards and village tracts and grant permission for all activities taking place in his township. Civil society organizations seeking to register have to go through the GAD, and after registering are required to provide monthly and biannual reports accompanied by detailed financial reports and activity logs to the township administrator.²⁶ Civil society organizations have to seek prior approval from the township administrator for most activities, ranging from closed door workshops to public events. Timelines for approval varies based on type of activity and the content being discussed.

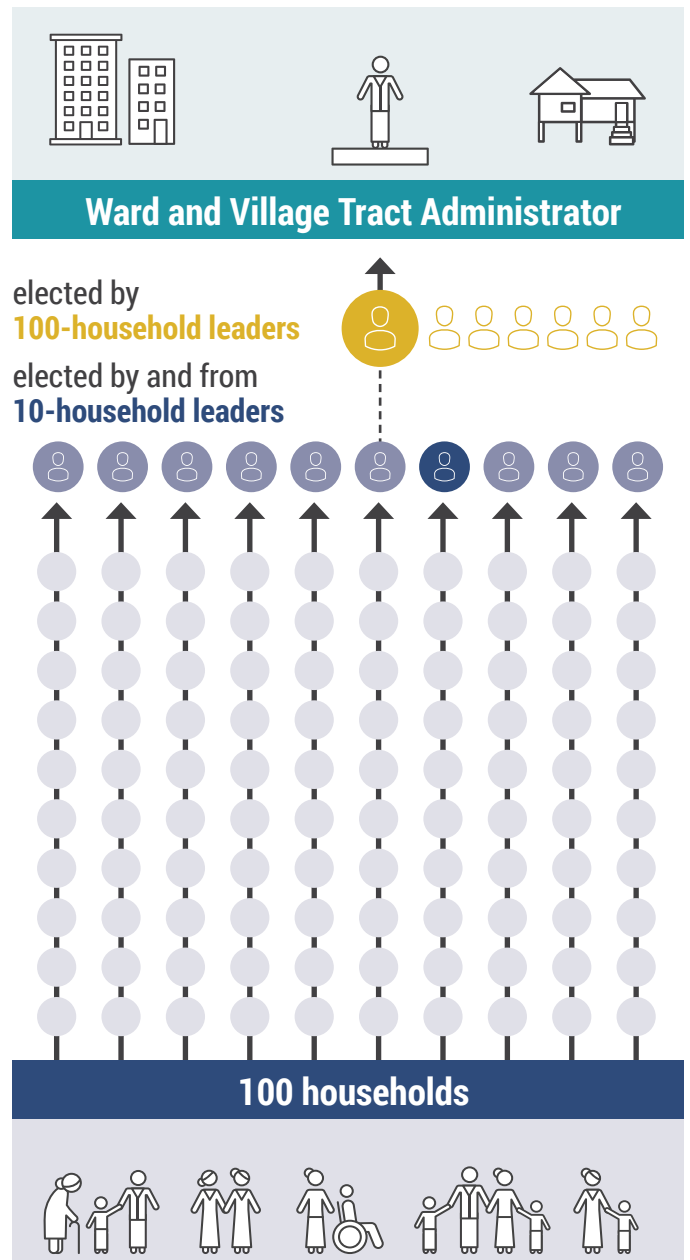
Development Affairs Organizations (DAOs) fall under the state/region Departments of Development Affairs (DDAs). DDAs are the only fully decentralized body in Myanmar and are solely accountable to states/regions. This means they have full control of how they raise and spend money, policy development, human resource management, and procurement.²⁷ DAOs are responsible for municipal services in urban wards²⁸, which range from urban water, sewage, garbage collection, roads and bridges to street lighting and drainage. They also oversee local economic governance by issuing licenses and permits to local businesses, collecting taxes and fees, and holding auctions to operate services such as local ferries and toll roads.²⁹ DAOs include an important dimension of public representation through the Township Development Affairs Committees (TDAC). The TDAC collaborate with DAOs to serve a two-fold purpose: reflecting public priorities and ensuring successful implementation of project implementation.³⁰

The *Department of Rural Development* (DRD) falls under the Ministry of Agriculture, Livestock and Irrigation (MoALI). Responsible for rural development through a 'people-centered approach,' the DRD is tasked with 12 main development tasks ranging from provision of safe drinking water, sanitation and housing, electrification, access to finance for rural households to poverty alleviation.³¹ Notably, the planning process under the DRD includes a greater amount of community participation in relation to others with a wide variation in practice among townships.³² It is responsible for rolling out the Mya Sein Yaung project (also known as Evergreen Village Development program), which established revolving local funds at a village level that are managed by a local management committee. The fund provides loans to community members for entrepreneurial activities and returns from the loans are to be reinvested in the community.³³ DRD also oversees three major development projects, each of which focusses on local community participation in the planning process: the National Community Driven Development Project (NCDDP), Village Development Planning (VDP), and the Enhancing Rural Livelihoods and Incomes Project (ERLIP).³⁴ Notably, the draft Rural Development Bill³⁵, introduced to the Union Hluttaw in

early 2019, explicitly lays out enhancing community participation in rural development projects as one of its core objectives and details duties and rights of rural communities.

Township Planning Departments, in collaboration with the GAD, play an important role in the "bottom up planning process" and are tasked with identifying, generating, assessing and prioritizing proposals. Notably, the Planning Department coordinates interdepartmental Township Planning and Implementation Committees (TPIC) meetings which is chaired by the Township

FIGURE 6. Ward/Village Tract Administrators election process



BOX A Defining Policy and Policy Making

A **policy** can generally be understood as what government officials deliberately choose to do, or not to do, about public problems. Public problems are conditions that the public widely perceives as unacceptable, and that therefore require intervention. Among different definitions of “public policy,” scholars generally agree that public policies result from decisions governments make to undertake certain actions or to do nothing.

Policymaking is the combination of basic decisions, commitments, and actions that public officials make. Such initiatives, decisions, actions, or programs direct the flow of resources that affect the public. More generally, policymaking can be understood as the process of formulating policies, especially in politics.

Administrator and is attended by line departments, MPs, and at times community representatives.

Urban Wards/Village Tracts

Myanmar’s townships consist of 13,620 village tracts covering rural areas and 3,133 urban wards. At the lowest level, villages grouped into village tracts and households, grouped into urban wards, form the lowest level of administration (sub-township).

Notably, the Ward or Village Administration Law, first passed in 2012³⁶, introduced elections, although indirectly, to select ward and village-tract administrators (W/VTAs). Previously, these positions were filled through direct appointments by the GAD township administrators. While W/VTAs report to the GAD, they are not considered government staff and occupy an ambiguous role as quasi-government and quasi-public representative.³⁷

The process for selecting a W/VTA begins at the household level with each household electing or nominating a 10 households leader, who in turn elect a 100-household leader who then vote to elect a W/VTA.³⁸ The election is supervised by a board of five elders (*Yatmi Yappa*) who are appointed by the Township administrator.³⁹ This means the W/VTA elections are under the purview of the GAD not the Union Election Commission (UEC).⁴⁰ The five-year term of W/VTA aligns with the president and they can be elected a maximum of three times.⁴¹

In reality, documented W/VTA elections show low direct participation during elections, with previous research estimating less than half of local people participating.⁴² Other research has pointed to little change in the socio-economic status of W/VTAs. This is understandable, given the 2012 law requires W/VTA to have “sufficient resources for his (or her) livelihood,” thus introducing an economic barrier to entry.⁴³ The research did note a change in the educational status of W/VTAs. Where

previously all W/VTAs were said to have university degrees, after the election, the composition of the group was more diverse.⁴⁴

W/VTAs perform a dual role of administrators and representatives. They are in charge of maintenance of law and order, monitor development projects, support poverty reduction, collect land revenue, oversee birth and death registration, support GAD officials to keep record of statistics, and other duties assigned by the township administrator or government departments in accordance with the law.⁴⁵ At the same time, they also serve as the core conduit for channeling community needs upwards to township administrators, MPs, and

FIGURE 7. The policy making process



departments and ministries. W/VTAs are regularly requested to document and submit village needs to higher authorities during decision-making processes and to physically represent the community at the township level.⁴⁶

2.1.2. MYANMAR POLICY CYCLE

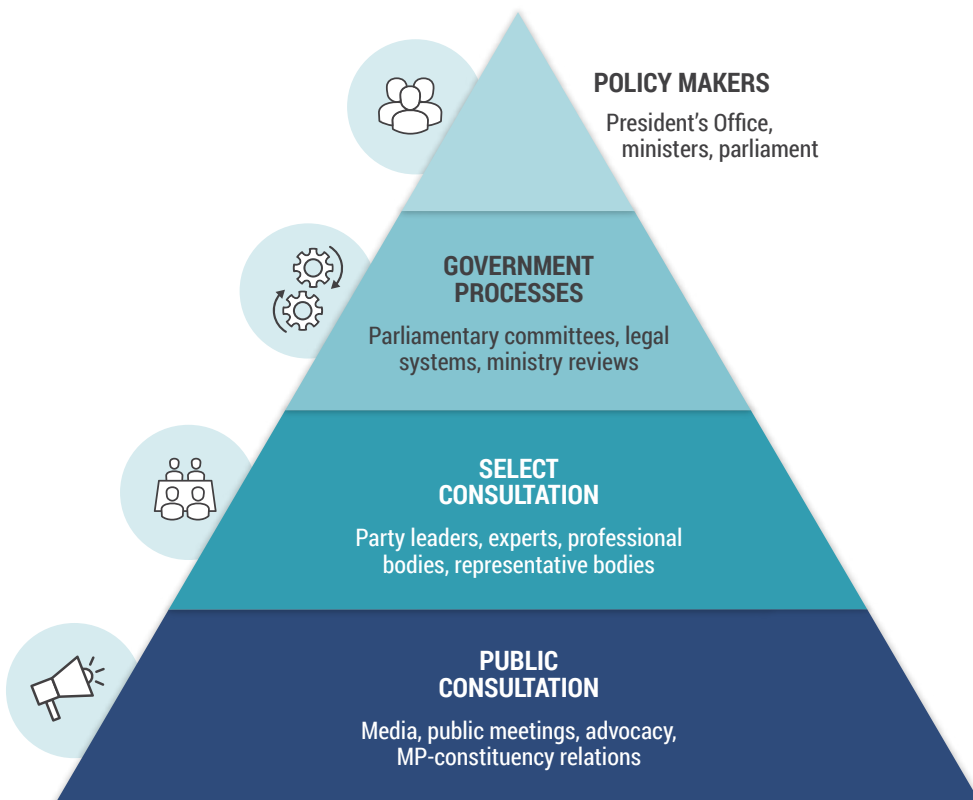
A prominent strand of civic engagement efforts centers on noting, influencing and tracking commitments and actions (and inactions) of decision-makers, prominently the government. A policy cycle, as detailed below, can serve as a useful tool to map, unpack and ultimately influence the government. While the reality is more complex, neither linear nor clear cut, each stage presents a different juncture of decision-making and provides a framework to assess on-going developments and strategic entry-points for meaningful civic engagement.

In theory, a policy making process (as illustrated in Figure 7) begins with the identification of priority issues that are ideally based on sound evidence and vetted through discussions with counterparts within the government and technical experts. Following the identification of priorities, the government develops technical proposals offering different approaches for

tackling the issue at hand. At this stage, governments can initiate broad-based engagement at times including the public through mechanisms such as public consultations, thus enabling people to have a greater stake in decisions impacting their lives. In parliamentary systems, policy proposals may be pushed further and introduced in the parliament for debate. In such instances, elected representatives would deliberate the proposal, propose amendments and if it had enough support, it would be enacted as a law. The fourth stage of the policy cycle relates to the actual implementation of the policy. During the implementation phase, departments, ministers, and MPs actively monitor the quality and effectiveness. Evaluation, the final stage of the policy-making cycle, includes an assessment of its design, delivery and overall impact.

The degree of civic engagement during the policy making process varies based on topical focus, nature of policy, and government incentives. Figure 8 illustrates the varying levels of participation that could take place during the policy making process. For example, governments may seek a broad base of engagement on a particular policy and facilitate *public consultations*, enabling the public to provide feedback and preferences on proposed policy solutions. Public consultations do

FIGURE 8. Levels of policy making in Myanmar

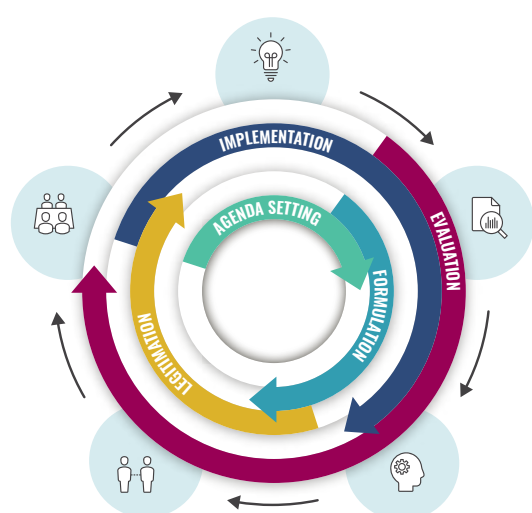


not guarantee that all feedback provided during the consultation will be incorporated in the final policy; given that public consultations are costly and time-consuming, governments sometimes opt for *select consultations* with targeted stakeholders, technical experts, or representatives. To illustrate, the Ministry of Education may design targeted discussions with education experts and teachers, school administrators and parents when revising or developing a new education policy. At minimum, most governments follow more regular government processes for

reviewing policy decisions within Ministries or in the parliament. Finally, policies are also developed by high-level decision-makers such the president and cabinet ministers and shared publicly once designed and agreed upon internally.

To summarize, the policy cycle can be broadly conceived of comprising of five stages, with the nature and focus of civic engagement varying across each stage. Table 1 captures the different stages in a policy cycle and illustrates how the purpose of civic engagement and subsequent design of civic engagement initiatives can be tailored to each stage.

TABLE 1. The policy making process



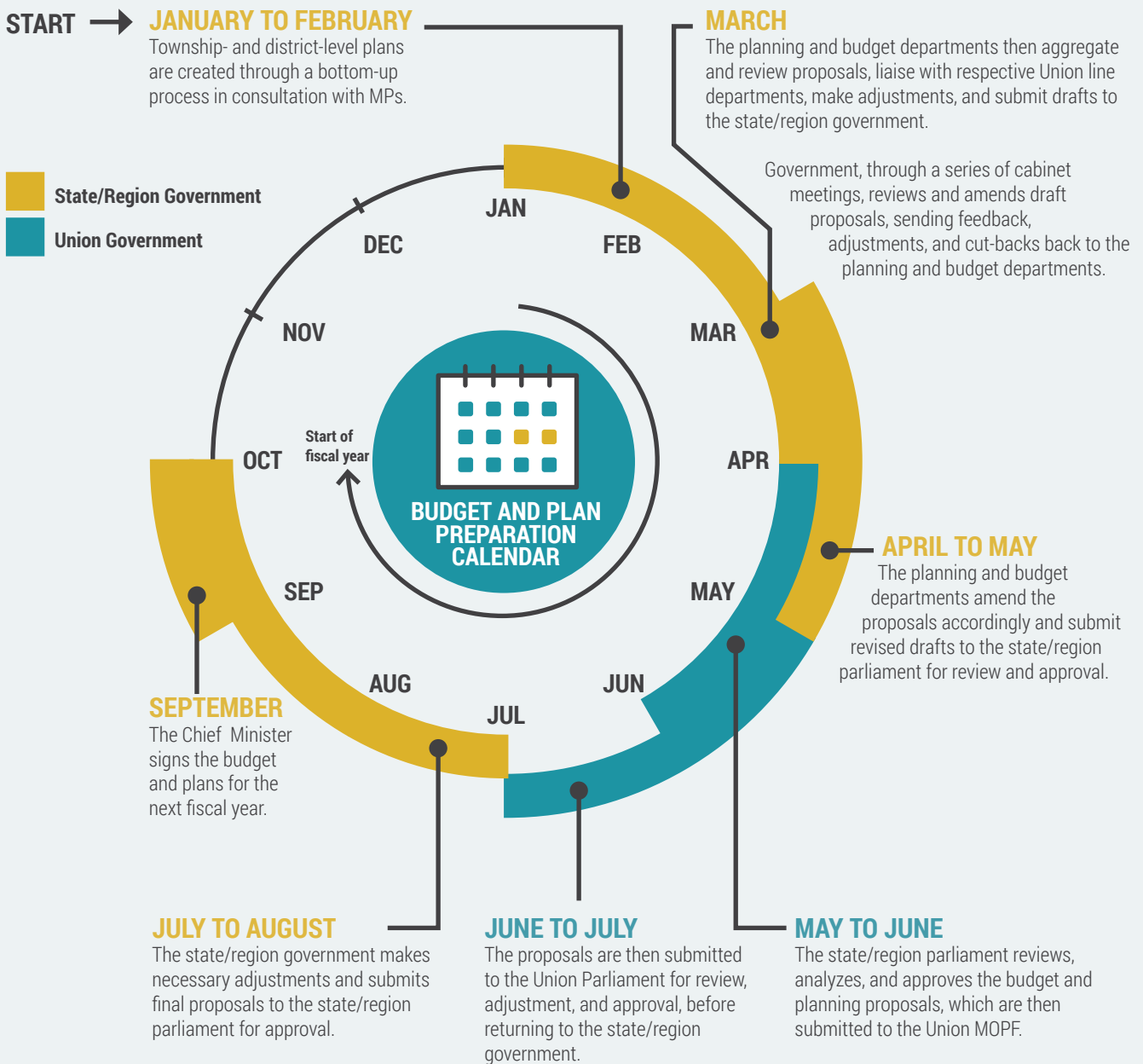
Similar to the policy cycle, the development and execution of the budget broadly undergo five stages that broadly follow a routine calendar schedule. The process begins with the process of developing priorities and project proposals. All are then collectively reviewed by the Union and state/region planning and budget departments. The budget department then develops a draft proposal (i.e. the pre-budget statement), which is shared with the state/region hluttaw for review. At times, the pre-budget statement can be shared with civil society or the wider public for their feedback. The budget law (i.e. the budget estimate of the following fiscal year) is deliberated on and passed by the hluttaw. Once enacted it is shared with ministries and line departments who begin implementing the budget. In Myanmar, the budget law is enacted in September every year. During the implementation process, civil society and the public can provide oversight and monitor spending. At the end of the fiscal year, the auditor general assesses the quality of design and nature of effectiveness of the budget.

Policy Cycle	Nature of decisions-making	Purpose of civic engagement	Examples of civic engagement tools
Agenda setting	Issue prioritization.	Articulating local needs and priorities to decision-makers.	Surveys, qualitative studies
Formulation	Development of policy proposals/varying options for responding to identified issue.	Presenting recommendations and/or evidence to decision-makers on policy proposals.	Public consultations
Legislation	Deliberating policy proposal and enacting a law.	Providing recommendations and/or evidence to inform policy deliberations within parliament.	Parliamentary hearings
Implementation	Delivery of goods and services or establishment of procedures.	Monitoring effectiveness and quality of implementation.	Community report cards, Public Expenditure Tracking Surveys
Evaluation	Assessing impact of policy including quality of design and implementation.	Evaluating how the design and implementation of the policy impacted communities, including intended and unintended positive and negative consequences. Can include recommendations for improvement in design and/or execution in the future.	Social Audits

BOX B

The planning and budgeting process – an example of government decision making and civic engagement in Myanmar

A budget is one the most important policy decisions made and a core function performed by any government. Each year governments develop their plan to raise money and where to spend it. An annual budget serves as an important guide to understand government priorities and when shared publicly serves as one of the most important tools to hold governments accountable. In Myanmar, both the Union and State/region governments prepare and share their budgets annually.



For more information on how budgets are developed in Myanmar see: Batcheler, Richard. *Where Top Down Meets Bottom Up*. The Asia Foundation, 2019.

The state/region plans and budgets are reviewed at the Union level, including by the National Planning Commission, which reviews, adjusts, and approves.

2.2 CIVIC ENGAGEMENT IN MYANMAR

Since independence, a range of political systems have impacted the contours of civic space and the nature of civil society actors in different periods. For instance, during the first decade of independence after 1948, civic organizations – particularly religious associations – were encouraged and flourished under Myanmar’s fledgling parliamentary democracy.⁴⁷ Only a few years later, however, the military coup in 1962 led to a crackdown on CSOs, resulting in severe restrictions on freedom of organization and assembly. Civic space was subsequently occupied by a variety of government-sanctioned non-governmental organizations or ‘GONGOs’.

From 1962 onwards, there was limited political space in which civil society could develop. The first signs of change occurred in 1988 with the failed nationwide pro-democracy protests known as the ‘8888 Uprising’, which was followed by further government repression. The 1994 ceasefire between the military junta and the Kachin Independence Army (KIA), ending over 30 years of conflict in the area, provided further impetus to organized collective action in Myanmar’s public sphere. The devastation caused by Cyclone Nargis in 2008 saw successful international pressure on the government to allow aid organizations more freedom to operate in the country and resulted in the most visible increase in the scale and diversity of civil society in recent history.

The change in government and the democratic reform process has had a further impact on the structure, dynamics, and tactics used by Myanmar’s civil society. It has opened new avenues for engagement though this change has not been linear or always positive. The introduction of state and region governments and *hluttaws* make unpacking the evolution of civic engagement at a subnational level especially interesting. The following section provides a brief introduction to subnational civil society, presents how civil society organizations are responding to and creating new avenues for civic engagement and identifies ongoing limitations given the current parameters of subnational governance.

Unpacking subnational civil society in Myanmar

While there is no single definition of “civil society” in the Burmese language⁴⁸ and western conceptions of civil society don’t neatly apply in the Myanmar context, “civil society” does have historical roots in Myanmar. Civil society is considered as a collective entity, whereby members of the public organize themselves together in a wide variety of formal and informal groups such as community-based organizations, village associations,

environmental groups, women’s rights groups, farmers’ associations, faith-based organizations, labor unions, co-operatives, professional associations, chambers of commerce, independent research institutes and, the not-for-profit media. In Myanmar, civil society is often used synonymously with civil society organizations (CSOs), excluding much of its diversity. Furthermore, CSOs in Myanmar have a narrower-than-usual definition, whereby they are often associated only with the segment of organizations that work on political themes, such as extractive industry transparency, land rights, human rights, or gender equality. Charity groups, service-based, or religious or cultural associations at times being considered as different, non-CSO entities remain, as detailed below, important features of Myanmar’s civil society landscape.

Religious organizations and cultural organizations, for example, have a resilient and historic presence in Myanmar as important instruments for social formation outside the family and state structure.⁴⁹ Since pre-colonial times Buddhist, but also Christian, Hindu, and Muslim organizations, have been actively engaging on social welfare and development, through interreligious cooperation.⁵⁰ These groups have at times also provided needed protection and support to individuals and groups seeking to organize and engage on a range of issues during the fraught post-independence period. For instance, contemporary non-sectarian civil society actors interviewed in Kachin traced their origins to working under the auspices of religious institutions and attributed this as an essential mechanism for survival under regimes that banned all “political” activity.⁵¹ Even today, local development and community work organized by religious organizations or leaders, often with the help of youth volunteers, serve as the entry point for future civil society actors.

Cultural and Literary Associations: In states such as Kachin, Cultural and Literary Associations (CLAs) serve as important intermediaries between communities and regional ministries and *hluttaw* representatives. For example, in one of the townships interviewed as part of this research, the CLA played a central role in facilitating and hosting MP and ministerial visits, and liaised with local authorities, MPs and Ministries on local needs. Within their communities, CLAs perform a variety of functions from providing an alternative justice system and mode of dispute resolution to overseeing and fundraising for local development projects and services, including the delivery of ethnic language education.⁵²

The post-independence period witnessed the emergence of *welfare organizations* (“*myo-neh athin*”) at

the township level,⁵³ also known as “self-help groups”, that included groups containing Buddhist notions of social assistance (“*parahita*”). These groups continue to have a visible presence today providing essential services ranging from free funeral and ambulance services to supporting local infrastructure projects.⁵⁴ At times these local social service delivery organizations are often viewed as external to ‘civil society’ either due to their seemingly “apolitical” nature or confined geographical presence. During interviews with CSOs, respondents often described these groups as different entities, rationalizing the distinction stating that they do not represent the public. Yet these groups seem to offer foundational spaces for individuals with political aspirations.⁵⁵ Local social service delivery organizations seem to provide a notable medium for gaining recognition among neighbors and local community members, that serve as a prerequisite for assuming traditional leadership roles and more recently, representative forms of leadership.

Local business associations are another important civic group at the township level. These “commercial elites,”⁵⁶ often have close relationships with township officials and are often invited in government meetings at the township level to serve as community representatives. Within the community they are often seen as benevolent benefactors, deriving their legitimacy from their support to local development projects and public donations.⁵⁷

Finally, “*Yatmi Yappas*”, loosely defined as “village elders” are a noticeable actors at the subnational level. Though it is hard to assign an explicit criterion for their selection, *Yatmi Yappas* tend to include successful local businessmen, former teachers or GAD officials. Their presence is ubiquitous as they continue to have a notable presence and operate across all levels of subnational governance. They are often viewed by government departments as de facto community representatives, evidenced by their participation in multiple township committees and role in supervising W/VTA elections.⁵⁸ They play a proactive role in managing local infrastructure projects, often overseeing drives for community contributions and supervising youth groups to implement projects identified by them.⁵⁹

Historic forms of local leadership, such as *Yatmi Yappa*, household heads and religious leaders such as local *Sayadaws* (translated as venerable teachers but mainly used in reference to senior Buddhist monks) remain significant actors, assuming the roles of representatives, mediators, and administrators of community led social and development activities. It is frequently the case that a single individual, most often a respected male member with prior administrative experience in the government or a former teacher, occupies multiple roles and forms of leadership

and representation at once. They are often viewed by government departments as de-facto community representatives, evidenced by their participation in multiple township committees and role in supervising W/VTA elections.⁶⁰

Youth mobilization has occupied an important role in Myanmar’s modern history. With a median national age of 27 (according to the 2014 census)⁶¹, Myanmar’s youth continues to be a significant force. There is a notable presence of youth-led groups⁶², particularly centered around peace building, social cohesion and interfaith activities, advancing civil and political rights, education, and youth-focused policy-making in Myanmar. Importantly, youth groups often cross ethnic and religious lines and actively work through networks at the local, subnational/regional (e.g. Karen State Youth Network, Union of Karenni State Youth, Tai Youth Network) and national level (such as the National Youth Congress and national Ethnic Youth Alliance).⁶³

At a township and sub township level, young people serve as the implementing arms for community-led local development projects overseen by local leaders such as *Yatmi Yappas*, religious leaders etc.⁶⁴ Evidently, social media has a salient presence in the lives of young people as a means for both organizing and learning and young people appear more skeptical of the information available online, denoting the prevalence and dangers of fake news and rumors.⁶⁵ Contrary to common perceptions of increasing apathy among young people, a recent study conducted by youth-led researchers in Yangon and Lashio interviewing 553 respondents, found that almost half of young people were involved in a youth group or other organization.⁶⁶ In terms of barriers to engagement, the report highlighted financial constraints, restrictions on mobility, unemployment, and mistrust of parents and authorities resulting in mistrust towards institutions and authorities.⁶⁷

Current forms of civic engagement in Myanmar

While a common perception in Myanmar views the nature of civic engagement in Myanmar as primarily oppositional and contentious, in practice civil society actors have adopted multiple approaches to engage with the Myanmar government based on context, selecting strategies based on what would be expedient and effective.

Illustrated below are two broad entry points of civic engagement with the Government of Myanmar. Notably, level 4 and 3 corresponding to the Union and State/region government include democratically elected civilian government. Level 2 and 1, on the other hand, correspond to the township and sub-township level, where the structures of governance remained unchanged by the 2008 Constitution.

Civic engagement at this level is predominantly with township departments of Union Ministries. A notable shift under the NLD has been the increased presence of MPs at the township level. Civil society plays a notable role in facilitating and leading engagement between Myanmar’s public and decision-makers at each level.

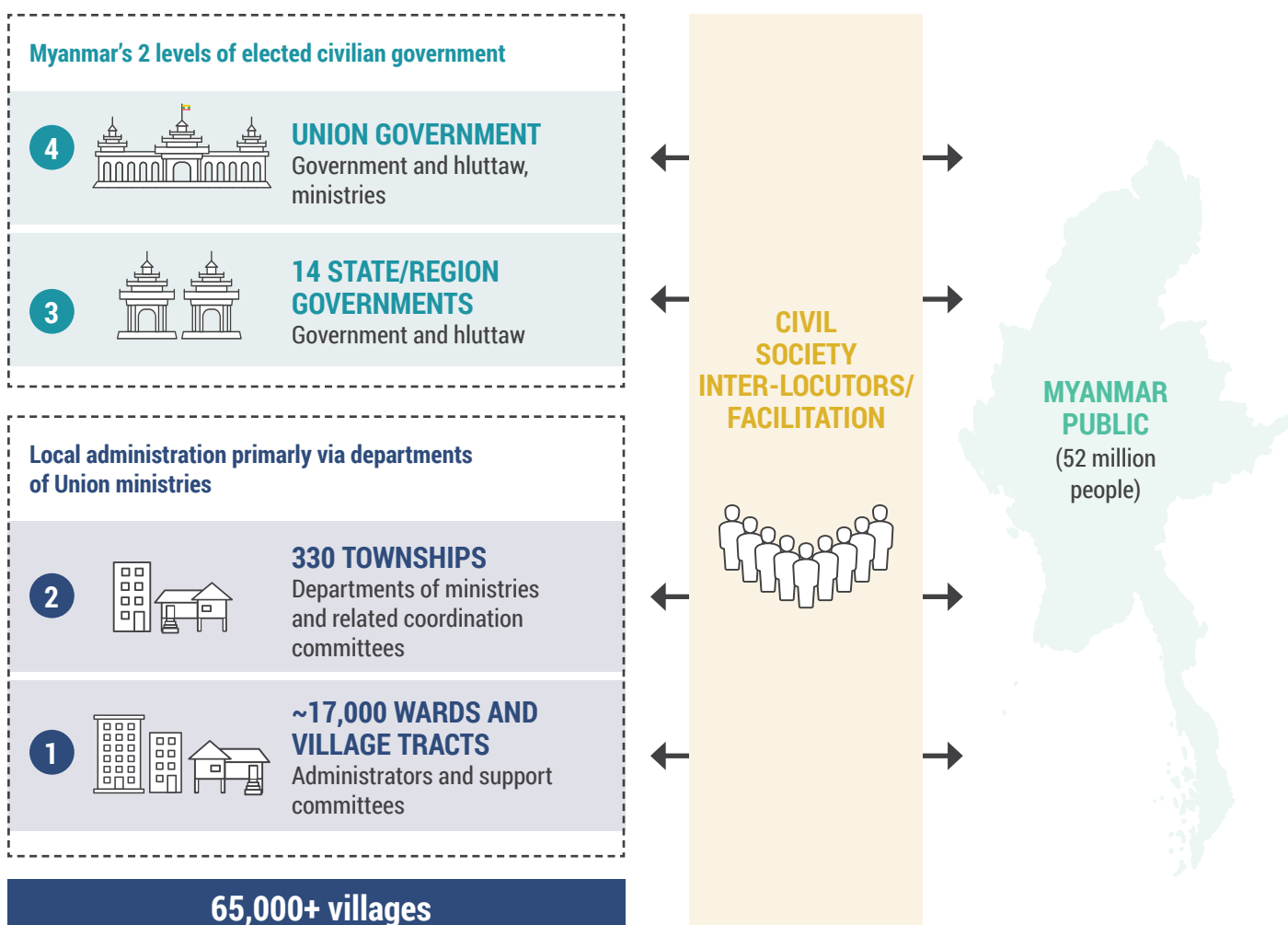
More recently, civil society is adapting and responding to on-going changes in governance structures and actively working to expand spaces for civic engagement to be more inclusive and participatory. Highlighted below are some key trends of civic engagement at a subnational level.

Assorted forms of civil society are becoming increasingly visible, vocal and influential. The ongoing transition and initial expansion of civic space has facilitated the emergence of new and previously unexposed actors into the public domain. This includes, but is not limited to, the formation of civil society groups by former political prisoners, teachers, students, and surfacing of historically active but hidden

groups as distinct organizations. At the same time, groups focused on amplifying the rights and voices of marginalized groups are starting to play an important role in demanding greater inclusivity. In response to recent advances in transparency and the introduction of new technologies, **newer entrants to the space are civic tech organizations that are promoting accountability and public engagement through open data and government engagement.** Often working closely with media and civil society, these groups serve as critical platforms for strengthening civic engagement and include groups that promote budget transparency, such as Ananda data,⁶⁸ or enable legislative tracking, such as Myanmar Fifth Estate’s Open Hluttaw Platform.⁶⁹

The post-2011 political and economic reform process has also given impetus to the emergence of **new research institutes and think tanks, many of which were established with the explicit aim of informing, influencing, and monitoring implementation of various aspects of the reform agenda.** This dimension of civil society – focused on influencing government

FIGURE 9. Levels of civic engagement in Myanmar

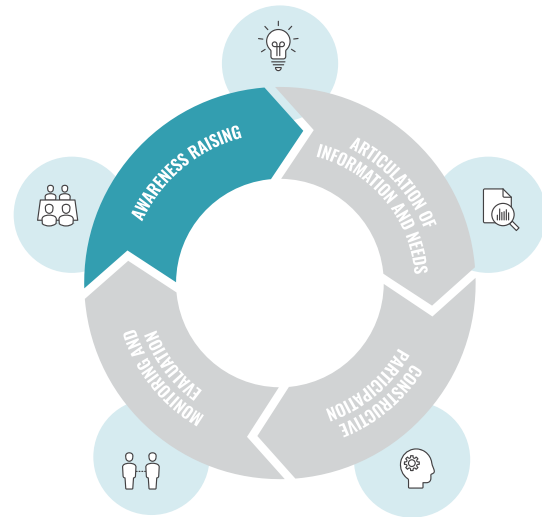


policymaking with research-based information and knowledge is quite new for Myanmar and over the past few years various organizations have “become active contributors to policy formulation, contributing a great deal of information pertaining to specific problems and their preferred solutions.”⁷⁰ Together they make up a kind of ‘epistemic community’ or nascent ‘knowledge sector’. While some are closely linked with the government and comparable to GONGOs, others are housed within universities or are more independent. Importantly, their growing influence indicates a growing appetite for evidence-based analysis and decision-making among the government.

Regional media⁷¹ are beginning to play a visible role in raising awareness among public, amplifying needs to the regional government, and monitoring and evaluating government policies and delivery of services. Independent regional media groups are expanding their readership, including subnational governments, and leveraging use of social media. Many of these groups emerged at the same time as formal civil society organizations and in response to lack of detailed regional/state coverage and understanding by national media. Those interviewed during the research maintained a close relationship with prominent members of local civil society, for example; Kachin Times is housed within Humanity’s Institute, and viewed their work as mutually supportive.⁷²

Informal and formal coalitions serve as critical enablers of civic engagement. Civil society actors consistently cite the importance of informal relationships and networks as critical enablers through their life cycle. For instance, the farmers’ associations in Dawei were set up with the support from the local ‘88 Generation’ representatives who provided organizational development advice and facilitated access to a national network of civil society actors. As a result, families were able to nominate and establish an association to raise awareness, negotiate with government and private companies, and represent their needs in local and subnational land rights committees. Moreover, the formation of formal networks improves civil society’s bargaining power at a national and regional level and seems to have more success in establishing mechanisms for formal representation within government structures/committees,⁷³ partly because the government sees those seats as being more “representative”. Civil society actors interviewed were often part of multiple formal and informal groups focused on a diverse range of issues with varying goals.

Across sectors, civil society actors are responding to, initiating and advocating for improved conditions and opportunities for promoting constructive and meaningful civic engagement. **Based on civil society functions introduced in the first chapter, civil society actors’ initiatives are seen across all four functions.**



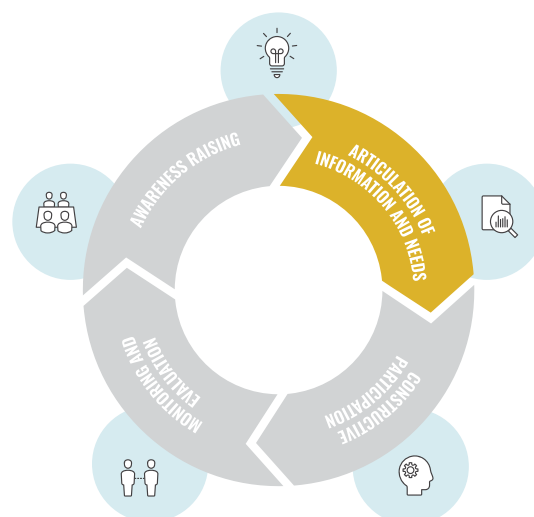
AWARENESS RAISING

There is a growing awareness among civic actors of their responsibility to understand the respective roles that they and subnational government actors can and should play in developing policies (i.e. subnational budgets or sector-based reforms) that are responsive to public needs.

Civic groups are generating awareness amongst the public to ensure that they have the information needed to understand what they can expect from their government representatives. Groups are providing trainings on topical issues such as human rights and its core principles, democracy and democratic principles such as accountability, voter education, land rights, women’s rights, and child rights, and substance abuse.



Community awareness session in Taunggyi.



ARTICULATION OF INFORMATION AND NEEDS

In order for public needs to be addressed by authorities, it is critical that these needs are well articulated so decision-makers can accurately understand and prioritize local needs, distinguish needs from wants, and then respond through policy decisions.

Civil society are showing signs of more effective efforts at generating evidence as a means of strengthening accountability and justice at a subnational level. This includes assessing the environmental, economic and social impacts of development projects and government policies,⁷⁴ highlighting needs and preferences of underserved and marginalized communities and documenting human rights and contractual violations. Here the process becomes as important as the output. These civic groups often build close relationships with community groups, who then reach out to them on a wider array of issues seeking information or assistance, and at times assume a representational role. Research efforts are often undertaken alongside efforts to raise community awareness⁷⁵ and build local capacity to articulate their needs. Influence is not limited to government, but to other groups influencing policy development or implementing programs (e.g. delivering humanitarian assistance). Some groups have indicated an increased willingness of subnational huttaws to engage with civil society, noting increased ease in setting up meetings, presenting in huttaw sessions and facilitating interaction.⁷⁶ A notable space for civil society to act as a conduit between local communities and departmental officials is the bottom up planning process where civil society activity is notably absent. Recent research covering 10 townships in Myanmar reported zero engagement between CSOs and department officials, and an absence of any mechanism to facilitate proposal generation or submission by civil society.⁷⁷

“ CIVIC GROUPS ARE GENERATING AWARENESS AMONGST THE PUBLIC TO ENSURE THAT THEY HAVE THE INFORMATION NEEDED TO UNDERSTAND WHAT THEY CAN EXPECT FROM THEIR GOVERNMENT REPRESENTATIVES. ”

The topical focus of awareness efforts has expanded since the 2011 reforms, when there was a loosening of control around the use of previously banned language, particularly as it relates to rights. Such initiatives are largely being carried out through community level trainings and awareness campaigns and accompanied by local leadership programs aimed at creating community trainers or youth leaders and can be seen as core functions of civil society. Recently, some groups have begun encouraging government actors to take a more direct role in leading awareness raising efforts on key issues and government responsibilities. Such efforts serve as important initial steps at building relationships and encouraging community members to report and reach out to service providers. This is particularly visible in cases related to gender-based violence and child rights, where trainers are often firsthand responders when an incident is reported.

BOX C

Legitimizing community needs and increasing government responsiveness

In 2018, the Yangon-based CSO Women of the World (WfW) designed and conducted six ward safety audits across three townships in Yangon, Shan, and Kayin, working with ward residents and ward administrators to geolocate and map the perceived dangers of their neighborhood.

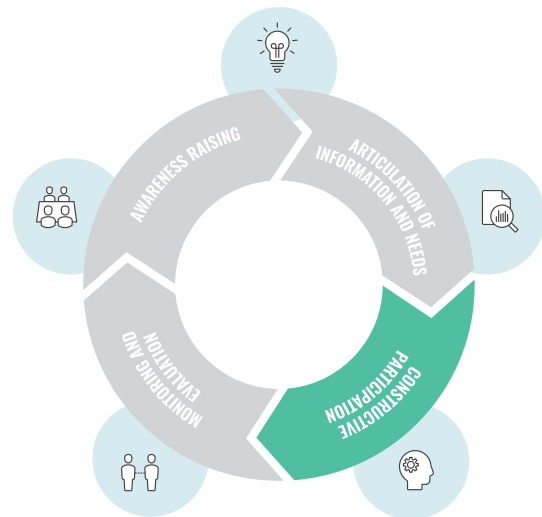
The process of the safety audit was just as important as the mapped outputs. The WfW methodology consisted of training community members to collect and geotag data from their own wards, develop maps based on the geolocated data, and use this visualization of ward safety information to determine community priorities, and feed these up to ward and township authorities.

Many of the safety issues identified by the audits were not surprises – flood zones, unlit streets, or traffic accident hotspots were often common knowledge to ward residents; however, they had tended to go unacknowledged by ward or township authorities. By representing commonly accepted safety issues through maps, community members were able to formally demonstrate their concerns in a robust, structured and methodological fashion to authorities, who recognized for the first time the legitimacy of community safety needs.



Community members mapping findings from the ward safety audit.

WfW facilitated structured dialogues between community members and township authorities, based on the maps, which allowed for constructive engagement, building trust and understanding of each other’s needs and constraints. In one Hlaingtharyar ward, group reflection around the maps identified that a common flooded area was also an area without garbage collection services from the municipal authorities. Through discussions and pointing to the mapped evidence, local authorities made critical acknowledgement of the lack of services, agreed to respond to this need, and extended services to all parts of the ward.



CONSTRUCTIVE PARTICIPATION

The space that opened for civic engagement immediately post 2011 reforms was often characterized by contention, blame, and grievance-raising on the part of civil society and defensiveness on the part of government. Avenues for constructive participation were limited. However, currently, and contrary to nationally reported trends, subnational civil society noted greater ease in accessing and engaging with state/region huttaws and government departments, through individual meetings and formal interaction during huttaw sessions. This trend can be attributed to a combination of factors including the increased presence of MPs at the township level, discernible through their participation in local decision-making and

mediation; the expanding influence of MPs in decision making; and the opening of opportunities for formal engagement in the hluttaw. However, the results of such interaction are yet to be assessed.

Prominent or nationally focused civil society organizations, particularly those based in Yangon, are actively investing in building the advocacy skills of local groups to strategically identify relevant decision-makers and effectively present public needs. This support usually entails a combination of funding, mentorship, coalition-building and technical capacity building on advocacy and research.⁷⁸

At the same time, subnational civil society actors are increasing engagement with MPs, township officials (e.g., Humanity's Institute working with Kachin State and Myitkyina Education Department on education budgets), and DAOs (e.g., Loka Alinn in Dawei, Yone Gyi Yar in Sagaing, Ayeyarwaddy Transparency and Accountability Association in Patheingyi). In states such as Tanintharyi, formal mechanisms such as the subnational units (SNUs) set up under the Myanmar Extractive Industries Transparency Initiative (MEITI) provide additional avenues for engagement. These SNUs are overseen by a multi-stakeholder group (MSG) consisting of representatives from government, private sector and civil society. However, the implementation of the MEITI SNU workplan in Tanintharyi has been constrained due to budget constraints and low participation of influential private sector representatives.⁷⁹ There are also emerging examples of engagement mechanisms initiated by civil society and government. For example, in Tanintharyi, civil society have been successful initiating a complaint mechanism at a sub-township and township level as a channel to feed mechanisms directly to the Department of Mines, with a certain level of success.⁸⁰

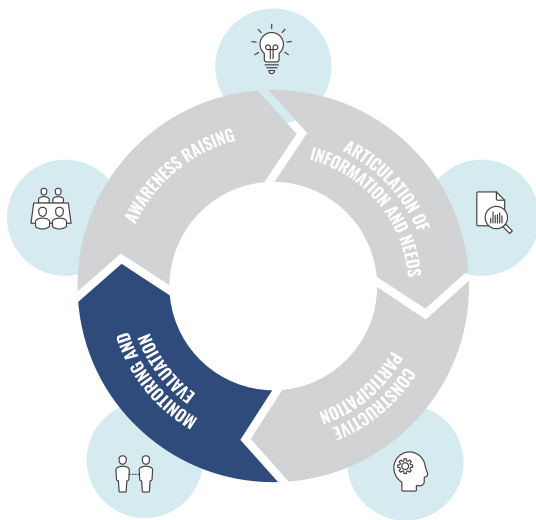
BOX D

Civic engagement contributing to improved transparency

Responding to an environment of increased availability of information on the functions of local government agencies, Ayeyarwaddy Transparency and Accountability Association (ATAA) initiated a Community Report Card Project in 2018. The project was designed to assess communities' perceptions of the responsiveness and quality of services delivered by the municipal authorities, as well as their awareness levels on elections and fiscal transparency. Implemented across six townships, ATAA shared findings back to township and regional authorities, and followed this up with discussions on potential actions that the government could take to be able to respond to the points highlighted during the meeting. For example, a key finding pointed to the lack of community awareness on planned and on-going government projects, garbage collection routes and government's budgets. In response, the DAO posted 90 vinyl signboards across the six focus townships, detailing their annual review, expenditures and garbage collection timetables. Pleased with the engagement and findings from the report card, the Ayeyarwaddy Regional Director recommended implementing the report cards in all townships in the Ayeyarwaddy region in the following year. Furthermore, data collected on municipal election contributed to ATAA's work on legal reform. This initiative was novel in its use of evidence as a base for driving civic engagement efforts and highlighting willingness of government to be assessed and take actionable steps in response.

Signboards displaying DAO revenue information, erected in response to community feedback





MONITORING AND EVALUATION

Ensuring that governments are carrying out their stated plans and policies and assessing the quality and impact of their investments is a relatively new concept for civil society in Myanmar. Experience in holding government to account based on evidence gathered as a result of such monitoring or evaluation initiatives is limited. However, notable among recent efforts are initiatives aimed at monitoring quality and reach of public service delivery, performance of elected officials (e.g. by Pace for Peaceful Pluralism and Enlightened Myanmar Research Foundation⁸¹) and analyzing government budgets (e.g. by Ananda Data). Enabled by increased transparency, in particular budget data, civil society are monitoring the delivery of services and implementation of government budgets. This includes the first known public expenditure tracking survey (PETS) in Bago Region, led by Ananda Data, and auditing DAO services in Tanintharyi⁸² and Sagaing Region.

BOX E Assessing quality of implementation

In 2018, Ananda Data in partnership with civil society from Bago Region conducted the first public expenditure tracking survey (PETS) in Myanmar. Ananda, a Yangon based civic tech organization, began the process by sharing publicly available budget data with civil society from all 28 townships in Bago Region. Collectively, civil society participants identified access to water a key priority issue. Given water projects are administered by the Department of Rural Development (DRD), a smaller group of civil society shared the proposed project with the DRD who subsequently provided civil society with detailed project level data on planned projects. Receiving this information further enabled civil society to assess the implementation status of planned wells to be constructed and determine the accessibility of the water source, the drinkability of the water source, and the level of financial contribution made by community members. The data collection in each township was led by local civil society. Ultimately, findings were shared with Bago Region Minister of Agriculture and Irrigation, Head of Bago DRD, Township officers from DRD and civil society. As a result, the government agreed to review and update their internal procedures for quality control during the implementation process.

“ ENSURING THAT GOVERNMENTS ARE CARRYING OUT THEIR STATED PLANS AND POLICIES AND ASSESSING THE QUALITY AND IMPACT OF THEIR INVESTMENTS IS A RELATIVELY NEW CONCEPT FOR CIVIL SOCIETY IN MYANMAR.

”

SECTION 3.

OPPORTUNITIES TO STRENGTHEN SUBNATIONAL CIVIC ENGAGEMENT

Since 2010, state and region governments, hluttaw representatives, and local authorities have been growing into their roles and responsibilities, demonstrating increased competency and taking initiative (both formally and informally) to promote stakeholder engagement. Recognizing the potential of on-going developments to both enable and limit meaningful civic engagement at a subnational level, the following section summarizes emerging opportunities for civic engagement while noting on-going limitations.

1. Increased availability of information/data in the public domain can inform and strengthen civic engagement efforts.

Since 2014, the Myanmar government has increased its international commitments to transparency by signing onto initiatives such as the Extractive Industries Transparency Initiative (EITI)⁸³ and investing significant efforts to improving its score on the Open Budget Index.⁸⁴ At the same time, clear articulation of government objectives and plans serve as critical enablers for meaningful civic engagement. Knowledge of government priorities empowers civil society and the public to assess government commitments, and thus, enable public and legislative oversight on the effectiveness of government performance. The Government of Myanmar has taken visible steps in this direction, beginning with the Union government's 12-point economic agenda and Framework for Economic and Social Reform,⁸⁵ and more recently the Myanmar Sustainable Development Plan (MSDP), which consolidates and presents the current government's vision across five pillars and has an accompanying indicator framework to measure progress toward meeting their vision. The MSDP is the most important articulation of policy priorities laid out by the NLD.

Subnational governments have also taken strides to improve transparency. For instance, in FY 2018-2019 all fourteen states/regions produced Citizen's

Budgets in an attempt to make information on the enacted budget more accessible. Furthermore, Shan, Tanintharyi and Bago were the first subnational governments to release pre-budget statements.⁸⁶ So far, the availability of Citizen's Budget and other budget data provides aspirational potential as civil society and other public institutions have not yet used them to hold governments to account or to influence the budget planning process. This is due in part to lack of technical capacity on how to use budget data but also due to lack of comprehensiveness of budget data made publicly available.

Township departments are starting to take the initiative in sharing their plans and upcoming projects through public announcements, use of social media, transparency boards, etc. In 2018, the Development Affairs Organization in Taunggyi produced a municipal Citizen's Budget,⁸⁷ a practice that the Monywa DAO is following in FY2019-2020.

Platforms such as the Open Hluttaw platform provide unprecedented information on the performance of hluttaw representatives, thus empowering the public, civic groups, and the media to track and assess MP performance and legislative developments. In addition to increased public access on government priorities and decisions, on-going research has contributed to greater understanding of government structures and process, thus enabling targeted civic engagement initiatives.

2. Emerging examples of public acknowledgement by government on the importance of public participation.

The budget and planning process provides a notable space where the need for engagement has been acknowledged by the Myanmar government. The MSDP Strategy 2.4.6. encourages "greater and more inclusive public participation in budgetary processes at all levels." Citizen's Budgets produced by subnational governments also acknowledge the importance of

BOX F

Government transparency commitments made by the Government of Myanmar

Open Government Partnership: Governments work with civil society to co-create two-year action plans, with concrete steps – commitments – across a broad range of issues. This model ensures that civil society organizations or direct citizen engagement has a role in shaping and overseeing governments.

<https://www.opengovpartnership.org/about/approach/>

Open Budget Survey (OBS): Part of the International Budget Partnership's Open Budget Initiative, a global research and advocacy program to promote public access to budget information and the adoption of accountable budget systems. Launched in 2006, OBS is the world's only independent, comparative assessment of the three pillars of public budget accountability: (1) transparency, (2) oversight and (3) public participation.

Open Budget Index (OBI): Part of the OBS and the world's only independent, comparative measure of central government budget transparency. Countries covered by the Open Budget Survey are given a transparency score between 0 and 100, which IBP uses to construct the Index, which ranks the assessed countries. <https://www.internationalbudget.org/open-budget-survey/>

Extractive Industry Transparency Initiative (EITI): A global initiative focusing on promoting open and accountable management of extractive resources (i.e. oil, gas and mineral resources). The initiative sets a global standard to encourage government and private sector to promote openness and accountability through the disclosure of information on point of extraction, revenue generation and expected benefits to the public. <https://eiti.org/homepage>

public participation in the budget cycle and include commitments to promoting entry points for public engagement. In 2019, the Bago regional government took an additional step of inviting local civil society to learn about the pre-budget statement and provide feedback directly to MPs and representatives from the Bago Ministry of Planning and Finance. While statements do not automatically translate into action, there is a distinct shift from the past, with government more open to constructive scrutiny by the public and civil society.

3. State/region governments are expanding their roles thus presenting more avenues for meaningful and broad-based civic engagement.

The 2015 constitutional amendments expanded state/regions' power over land management, small-scale mining, environmental conservation, water-resources development, and care of children, women, the elderly and those with disabilities. These changes also include powers, albeit limited, relating to basic education, hospitals and clinics, thus introducing state/regions' involvement in decision-making in a sphere that had previously been under the exclusive jurisdiction of Schedule I and thus the Union government. These expanded responsibilities on issues of high public importance build upon those enumerated under Schedule II and open new avenues for engagement

between the public and governance institutions closer to them. Yet, as with undefined sectors under Schedule II, for each of these new areas, the law includes the phrase, "in accordance with the law enacted by the Union," therefore, in the absence of Union legislation, many of these potential new responsibilities remain with the Union level.⁸⁸

In practice, subnational and local authorities are expanding their role and presence in leading local development and promoting rule of law. State/region and local government actors are taking initiative to introduce reform and communicate their priorities. Additionally, they are increasing their physical presence within townships through routine field visits to urban wards as well as rural village tracts and villages. For example, in some states/regions MOPF ministers have reported conducting field visits during the beginning of the budget cycle independently of the more common ministerial visits when accompanying the chief ministers.⁸⁹ At the township level, these visits are organized by the township administrator, with the help of W/VTAs, who invite local residents to receive updates on government policies and actions, and facilitate discussions intended to capture local needs. However, practices such as township level public meetings, public hearings, and field visits vary significantly across state/regions, townships and ministries and further inquiry is needed on the level of participation and inclusion of different groups and uptake of needs

by the visiting officials. A recent study noted instances of authorities taking initiative to improve village administration or procurement processes through better transparency, and publicly calling for the need to reduce corruption and cronyism.⁹⁰ State/region governments are also increasingly involved in decisions around land disputes and seizures.⁹¹

The proportion of revenue raised by lower tiers of government and decision-making abilities in how resources are allocated is a telling indication of the state of decentralization across different levels of government. In Myanmar, revenues raised by state and region governments are starting to form a larger share of the country's budget since 2010 and subnational actors have a greater say in how subnational resources are allocated across sectors. The overall estimates place the share of state/region budgets as 12 percent of total government expenditure.⁹² However, a recent analysis separating current from capital expenditure concluded that up to 88 percent of all capital expenditure allocated within a township was financed under the state/region budget.⁹³ While this percentage varies across township (as low as 33 percent in the same study), it is highly significant as it illustrates the important role that state/region governments play in deciding central issues such as the construction of roads, bridges and electricity grids.⁹⁴

4. MPs are playing a more active and influential role at a township level and view representing the public as a core function- this incentivizes opportunities for improved civic engagement.

Research with subnational hluttaw representatives has found that of the three core functions of the hluttaw – representing the public, government oversight, and law making – most MPs view representing their respective constituencies as their primary role.⁹⁵ Under the NLD there has been a notable shift in MPs spending more time at the local levels, with MPs increasing their participation in local committees such as Township Planning and Implementation Committees (TPIC), which were set up to operationalize the NLD's bottom up planning vision. MPs are also spending a significant proportion of their time resolving land disputes and holding W/VTAs accountable.⁹⁶ However, there remains room for hluttaws to improve communication with the public. In 2018, the Mandalay Hluttaw was the first and only subnational legislative body to develop a website, while few MPs have other communication strategies, and only some maintain Facebook pages.⁹⁷

5. Amidst a lack of structural reform at the township level, DAOs stand out as a notable exception presenting an opportunity for strengthening meaningful and productive civic engagement in urban wards.

Generally, stronger and more representative local governments are found to strengthen incentives for increased and meaningful engagement between government and civil society. As front-line service providers and government actors closest to the communities they serve, local governments arguably present the greatest potential for civic engagement. However, this is contingent on their decision-making powers and if they can make changes in response to feedback presented by local communities. At the same time, if subnational or local government officials are perceived as lacking in decision-making ability, civil society is less likely to engage with them, instead opting for higher levels of government when accessible. For these reasons, an elected third tier of government could serve as a key interface between the government and public and is where civic engagement efforts have the highest likelihood of effecting change.

Presently, the lack of structural reform in township administration in Myanmar limits government capacity to be responsive and reduces incentive for demand and supply side accountability. However, both the USDP and NLD governments have continued the policy of decentralization through the introduction of local committees and funds, at times instituting mechanisms for community participation within such initiatives.

The USDP's decentralization policy of "people-centered development" included an administration reform (The Ward or Village Tract Administration Law, 2012) and setting up committees at the township level. As detailed in the previous chapter, the W/VTA law introduced elections and thus increased community expectations towards W/VTAs to be more responsive.⁹⁸ Concurrently, research has noted that community members are still either unaware of W/VTAs' role in local development or continue to view them in their traditional roles of maintaining law and order and performing administrative duties.⁹⁹ Furthermore, a review of ward and village tract administrator elections highlighted constraints as lack of access to information and lack of interest and participation from the media, political parties, and civil society.¹⁰⁰ Thus, while this increased role introduces an opportunity for greater civic engagement the results are yet to be seen. Conversely, the lack of investment and training provided to W/VTAs in relation to their expanded role provides an avenue for engagement. Civil society can play an important role in supporting W/VTAs expand stakeholder engagement, strengthening W/VTA capacities, raising community awareness on W/VTAs roles and responsibilities and the election process, and importantly highlighting the need for gender equality and inclusion.¹⁰¹

Previously, local committees were mandated to improve coordination between government departments and the local population, which

included civilian representation in socio-economic development planning. Many of these committees sought to promote public participation by including community leaders and representatives from civil society, business, and professional associations.¹⁰² However, their effectiveness in enhancing public participation varied. For example, both Development Support Committees and Township Development Affairs Committees included an election process, but in practice elections lacked transparency and there were no official mechanisms for consulting with communities to ensure meaningful and inclusive representation of local needs.¹⁰³ The NLD government continued a similar approach of focusing on local committees as the central mechanism through which to strengthen local participation and accountability. Following the 2015 elections, the NLD made several changes to the committee structure at the local level. It abolished the Development Support and introduced the Township Planning and Implementation Committee, while continuing the Township Development Affairs Committee. To reiterate, a distinct shift in practice under the NLD has been the increased participation of MPs at the local level, particularly within local committees such as the TPIC.¹⁰⁴

The introduction of local development funds is the second mechanism through which both governments have sought to improve infrastructure, tackle poverty and promote local ownership within local development projects. Most of these funds are overseen by the Ministry of Agriculture, Labor and Irrigation (MOALI).¹⁰⁵ Local development funds, coupled with township and ward/village tract development support committees, present opportunities for increased civic engagement on decisions related to the selection and implementation of local infrastructure projects. The role of W/VTAs in chairing local management committees (e.g. land management committee) and MPs increasing presence at the township level make them important actors for engagement.

In contrast to other local departments, DAOs have greater autonomy over decision- and policymaking and are able to raise their own revenues and develop their own budgets. They are also the only township-level actor to have oversight from elected persons, through the Township Development Affairs Committee (TDAC). The TDAC comprises four public members and three civil servants and serves two purposes: “to reflect public priorities and to ensure successful project implementation.”¹⁰⁶ While the influence of the TDAC varies significantly across townships, TDACs can be “viewed as a nascent form of elected municipal council,”¹⁰⁷ with documented examples of emerging good practices. As of early 2019, the Taunggyi DAO has taken efforts to promote transparency and civic engagement by designing and releasing their own municipal Citizen’s Budget and setting up

an information center intended to improve public understanding on DAO services.

Finally, the GAD remains the chief management body overseeing civil society status and activities. The GAD is responsible for the registration process for local, sub-national, and national associations, and oversee permits for all public events. Registered civil society organizations are mandated to submit their workplan and budgets, including a list of donors, to the GAD for review on a bi-annual basis. The GAD is taking steps to improve coordination among different departments and committees in part to make it easier for the public. For example, the GAD’s Mobile One Stop Service is the emerging mechanism through which the government interfaces and provides services to rural populations, which constitute a majority of Myanmar’s population. This, for instance, allows the government to reach and provide access to key public services (i.e. documentation from Ministry of Labor, Immigration and Population or access to support from Department of Social Welfare) up to two times per month in remote areas in Kachin State.¹⁰⁸



Township authorities and the public attend the launch of Taunggyi's Municipal Citizen's Budget



Taunggyi Township GAD Administrator reviews the Municipal Citizen's Budget

ANNEX 1

MYANMAR SUSTAINABLE DEVELOPMENT PLAN, STRATEGY 1.5

PILLAR 1: PEACE AND STABILITY

GOAL 1: PEACE, NATIONAL RECONCILIATION, SECURITY & GOOD GOVERNANCE

Strategy 1.5	Increase the ability of all people to engage with government	
	Action Plan	Strategic Outcome
1.5.1	Strengthen civic engagement and public consultation processes with respect to policymaking at all levels	More inclusive, participatory and representative decision-making
1.5.2	Strengthen public sector communications capacities, allowing for more effective policy dialogue and feedback mechanisms to emerge	Increased transparency, predictability and accountability of government processes
1.5.3	Improve and legalize citizens' access to information and broaden the accessibility of information on budgets, legislation, strategies plans, policies, statistics and other key information held by public authorities	Increased transparency, predictability and accountability of government processes
1.5.4	Strengthen inclusive planning practices based on participatory processes across all levels of government	More inclusive, participatory and representative decision-making
1.5.5	Promote cultural and linguistic pluralism at all levels with legislation protecting the freedom of expression for individuals and groups	More inclusive, participatory and representative decision-making
1.5.6	Establish a standardized, transparent and competitive tendering system for public procurement at both national and sub-national levels	More inclusive, participatory and representative decision-making
1.5.7	Place equity, inclusivity and gender empowerment at the centre of development strategies and policies at all levels and in all sectors	More inclusive, participatory and representative decision-making

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26. Civil society, Key informant interviews.
27. The structure of municipal bodies differs in Yangon, Mandalay and Nay Pyi Taw. In Yangon and Mandalay, municipal affairs is managed by Yangon City Development Committee (YCDC) and Mandalay City Development Committee (MCDC) that are structured slightly differently and allow for consolidated management of townships – 33 for Yangon and seven for Mandalay. In Nay Pyi Taw municipal affairs is managed by a 10-member Nay Pyi Taw Council.
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