

Promotion of participatory and accountable local governance in
Tanintharyi Region

Experiences of and priorities for local governance reform in Tanintharyi Region

Findings from the Local Governance Mapping in Tanintharyi Region

SUMMARY

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Implementing organisations

VNG International is the International Cooperation Agency of the Association of Netherlands Municipalities. VNG International supports decentralisation processes and facilitates decentralised cooperation. It provides capacity building services to strengthen local governments, their associations, training institutes and decentralisation task forces in developing countries and countries in transition.

Loka Ahlinn Social Development Network is an independent Civil Society Organisation based in Yangon. Its mission is to prepare various community groups and organizations through networking and capacity building for nation-wide development and to improve effectiveness of and participation in local governance.

The Ministry of Development Affairs of Tanintharyi Regional Government is responsible for municipal affairs, sports and tourism in the region overseen by the Region Minister of Development Affairs under the authority of the Chief Minister of Tanintharyi Region government

The EU in Myanmar

The purpose of EU support is to help a legitimate, civilian government advance the social and economic development of the country and its people, while respecting human rights and rebuilding Myanmar's position on the international scene. Beyond political support, the EU is the largest grant donor to Myanmar, providing close to €1 billion between 2014 and 2020 to assist Myanmar in reaching its objectives.

About the PALGO project

The objective of the PALGO project is to promote participatory and accountable local governance in Tanintharyi Region, Myanmar. This will be realised by improving the capacity of government staff and members of township committees to engage with the public – and by creating opportunities for government staff, members of township committees, civil society, the private sector, political representatives and the public to work jointly on improving local governance and development in the region. The project is implemented by VNG International, Loka Ahlinn Social Development Network and Tanintharyi Region Government and runs from February 2015 until January 2018. The project has a budget of EUR 670.609,42 and is co-funded by the European Union (for 74.54%) as part of the EU support to local governance in Myanmar under the EU Programme “Non State Actors and Local Authorities in Development”.

Specific objectives

1. Enhancing the capacities of local authorities of Tanintharyi Region in participatory development planning and accountable financial management processes.
2. Strengthening active engagement and dialogue between local authorities, local civil society (including women and youth) and business associations in ways that foster public participation, transparency, accountability and communication.
3. Promoting in-country knowledge of and support for participatory and accountable local governance through development and dissemination of sustainable and innovative models, tools, research and resource materials.

Introduction

This multi-stakeholder local governance mapping in Tanintharyi Region with a focus on Dawei and Myeik Townships aims to form a better idea of priorities for local governance reform for Tanintharyi Region. This mapping took place during August and September 2015. Information from subsequent consultations and reviews until mid-2016 is also included. It focuses on the role of the following key entities in planning and budgeting processes as well as service delivery: Township General Administration Department (GAD) and its extension or liaison on the community level the Village Tract/Ward Administrator; Township Development Affairs Organisation (TDAO); Township Rural Development Department (DRD) and the Township Development Support Committee (TDSC). The TDSC has subsequently been abolished but the information is still included here for those who find it relevant.

The mapping aimed to answer the following key questions:

1. To what extent are the entities fulfilling their mandate in relation to planning, budgeting and service delivery, and what are key challenges?
2. What are the forms and extent of citizen participation (in relation to these entities)?
3. What are the forms and extent of transparency (in relation to these entities)?
4. What are the forms and the extent of accountability (in relation to these entities)?
5. What are priorities for improvements?

The main methodology was use of Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs). It involved both the “supply” side (GAD, RDD, TDAO, TDSC and VT/WA) and the “demand” side (civil society, political parties, business associations and the general public). 172 respondents took part.

1 The Township General Administration Department and Ward/Village Tract Administrators

1.1 Official composition, duties and functions

The Township GAD: The General Administration Department (GAD) is central to Myanmar's administrative system under the Ministry of Home Affairs. The Department has a wide presence in the country, forming the backbone of the State bureaucracy, and also provides administrative and coordination functions for the state/region governments. The township GAD first of all has a variety of administrative duties such as household and population registration, tax collection, collation of socio-economic data, and local dispute resolution amongst others. Overall, the township GAD is also the main administrative focal point for township-level government departments and coordinates between these. The township GADs have a number of functions to fulfill in terms of local economic governance. The GAD provides the recommendations necessary for a range of licenses and permits, including land transfers, construction permits, tenders and collecting certain taxes on alcohol and land title transfer. Since 2011, the GAD's role has expanded in response to the creation of the States/ Region governments, and the President U Thein's reform objectives of people-centered development. In this role, the township GAD has become the coordinator of a number of new committees with the aim to strengthen people-centered bottom-up planning and development. These include: the Township Management Committee (TMC), the Land Management Committee (LMC), the Township Development Support Committee (TDSC) and Township Development Affairs Committee (TDAC), which together are locally known as "the four committees" (or in some places as "the three committees"). It also chairs the Township Planning and Implementation Committee (TPIC),

The Ward and Village Tract Administrator: The ward and village tract administrators (WA/VTA) form the lowest level of the government bureaucracy and while they are not GAD staff, they are under the authority of the GAD. Following the enactment of the 2012 *Ward and Village Tract Administration Law*, the WA/VTA is now indirectly elected by representatives of ten households. The roles of the WA/VTA include: maintenance of law and order in the village tract/ward; disciplinary matters; monitoring development projects; helping with rural development and poverty reduction; informing and assisting government agencies on crime prevention; submitting requests for public events to the TA; monitoring overnight guests; grant permission for public entertainment; registration of deaths and births; maintaining irrigation works; collecting land revenue; liaising with local and international organisations implementing local development projects; carrying out additional duties assigned by the TA and government departments in accordance with the law.

1.2 Fulfilment of mandate

Composition: Tanintharyi Region has 10 townships. The township GAD in Dawei and Myeik Township consists each of 34 staff. They oversee 42 WA/VTAs in Dawei and 34 WA/VTAs in Myeik respectively and a similar number of WA/VTA level clerks. In all 10 townships of Tanintharyi Region, township-level one stop-shops have been established by early-2016 with several departments represented. However, awareness of one-stop shops remained low at the time of research.

The township GAD in Dawei and Myeik manages 5 sources of funding for development: 1. Funds from the GAD; 2. Funds provided by the Region Government; 3. The Rural Development Funds; 4. The Poverty Reduction Fund; and 5. The Constituency Development Fund.

Planning and budgeting processes: Overall, there has been a change in the budget and planning system in recent years according to the township GAD with the planning and management system having stronger input from township level authorities and committees than before where it was based solely on a fixed budget allocated from the Union level. They also stress the hundreds of local development projects funded by various sources. For coordination on planning between different township departments, a Township Planning and Implementation Committee (TPIC) has been established. For local development funds such as the Rural Development Fund, the Poverty Reduction Fund and The Constituency Development Fund it is the GAD's task to keep an overview of the needs in the various village tracts and wards – done predominantly by inviting WA/VTAs to specify needs and submit proposals for projects. Together the GAD, the TMC, TDSC, Township Development Affairs Organisation (TDAO), the TPIC and members of parliament (particular for the CDF) from Dawei and Myeik Townships decide which proposal fits with which fund and should be given priority. After this, the responsible department or committee oversees implementation.

Implementation of development projects: The respective WA/VTAs and a community implementation committee oversee implementation, manage the funds and submit reports. Some government staff monitoring these projects express that it is challenging for communities to be so closely involved in these projects as they are not professional contractors and labourers and therefore deviate from existing plans. The GAD would like to make development more professional, but cites lack the staff and funds. Community leaders generally express great satisfaction with being involved in the implementation of local development projects and are confident that they can manage smaller projects well although they would like training in a number of issues. They also proactively request that more information is made available for larger projects implemented by private contractors so that they are in a better position to monitor these.

1.3 Citizen participation

Representativeness: An important avenue for indirect participation in the operations of the GAD is the election of the WA/VTAs, which in comparison with the past system is more representative and transparent. However, there is still scope for improvement with less than half of the interviewed citizens in Dawei and Myeik indicating they were familiar with the WA/VTAs election process. Citizens also indicated that the way WA/VTAs listen and respond to people's requests and demands and the way they communicate with the people in the village tract/ward has changed since 2012, with WA/VTAs taking more advice and becoming more active. They stressed that the increased responsiveness had resulted in improved local infrastructure such as better roads and bridges, improved drainage, repair of the local health clinic - and overall emphasizing that the WA/VTAs listen more to local needs and make more information available to the public about local projects. However there is scope for further improvement including making the election system for WA/VTAs more representative and inclusive.

Direct participation by people: Generally, the Dawei and Myeik Township GAD express that communities are closely involved in development activities through the WA/VTAs and implementation committees. GAD staff rely to a high extent on the WA/VTA as the channel between the GAD and the public – instead of direct GAD staff involvement in local development projects. However, some changes are taking place in this respect – particularly in Myeik Township where the new GAD TA and his staff now undertake many joint field visits – some of them in cooperation with other departments. A vast majority of citizen respondents indicating that they have never interacted with GAD staff directly in any context. It appears the WA/VTAs form the key avenue for interaction and participation between the GAD and the general public. If the WA/VTAs don't systematically include the wider local community in planning, decision-making and information-sharing (as is often the case), this overreliance on the WA/VTA comes with the risk of them acting as bottle-necks for information and decision-making. In general local community respondents indicate that feel they have limited involvement in deciding what development projects are implemented in their local area. They would like to be better informed and that their needs should be better reflected in the projects chosen. Several WA/VTAs expressed that they found it challenging to mobilise community participation while GAD staff would like people to take their responsibilities as citizens more seriously and follow rules and regulations. For local development projects, it is quite common that community members make up the shortfall when funds from the government fall short. Overall, there is no standard operating procedure or training to assist the WA/VTA in how to conduct participatory development planning, implementation and monitoring processes. The township GAD do organise a training for new WA/VTAs covering administrative issues and functions of different government departments.

Civil society organisations and businesses: Other than in the context of registration processes and requests for permission, the GAD generally maintains no regular relations with civil society. Both in Dawei and Myeik CSOs find that there are no channels or fora for CSOs to make suggestions in relation to local development planning. However, the GAD TAs emphasize that they are open to suggestions, cooperation and resolving specific issues if approached by CSOs which can also contact the TAs directly by telephone or request meetings. Unlike in Myeik, the GAD in Dawei Township maintains no relations with business associations or platforms, but only with individual companies in the context of registration, licensing and tax.

1.4 Transparency

Transparency of VT/WA elections: Information about the previous WA/VTA elections (2012), particularly who could vote and when and where, was announced in some places through the outgoing WA/VTA, through notice boards and pamphlets. The process as outlined in the Ward and Village Tract Administration Law seem to have been largely followed in all wards and village tracts visited.

Transparency of mandate, planning and budgeting, contracting and overall activities: Apart from public noticeboards at the GAD office and field visits (particularly in Myeik), the township GAD does not proactively share information about its functions directly with the wider the public. Instead it relies on the WA/VTA to do so locally which may / may not take place in an effective manner. Civil society organisations in Dawei and Myeik indicated that the process of planning and budgeting by the GAD was not clear to them or to the public. They generally have no involvement in this process at all.

However, the GAD stressed that they are available to meet with CSOs if approached by them and gave examples of recent meetings. In addition, they would like CSOs to have a better understanding of government departments rather than rely on outdated perceptions – particularly at a time where changes are taking place. Among the public, less than 10% of citizens indicate that it is clear to them what the GAD is supposed to do. In contrast almost half stated that they are familiar with the roles and responsibilities of the WA/VTA. Most citizens have no information about what local development funds have been spent in their village. Few citizens know any basic details of ongoing local development projects managed by the GAD or other departments (such as the detailed activities, timeframe or budget). This information is normally kept by the WA/VTA but often not widely shared locally.

1.5 Accountability

Influence of citizens on (s)election of WA/VTAs and right to recall: There is no clear right to recall representatives, although the community can submit complaints to the TA. In Launglon Township neighbouring Dawei Township there has been a case of a community protesting against a corrupt VTA, and the township administration organising new elections.

Code of conduct: several GAD staff referred to the Civil Servant Law, in which a code of conduct for civil servants is outlined. In addition, the generally strong hierarchy and regular instructions from upper officers was noted as a way to ensure proper behavior and to prevent corruption.

Monitoring practices & regular independent audits: Project monitoring mechanisms exist both at the community and the GAD level although the GAD staff find themselves too busy to undertake monitoring as well and as often as they would like to. Till it was abolished, the TDSC (in Dawei only) takes the lead role in monitoring projects funded by the CDF. There is also a regular auditing procedure managed by the Township Auditing Department.

Anti-corruption measures: Perceptions of accountability of GAD and other government staff amongst civil society and the public were rather low. A perceived high incidence of corruption was noted by civil society organisations. GAD and other government staff stated that they take corruption very seriously but that it is not widespread and referred to a strong anti-corruption culture within their organisation. Civil society organisations assume that the GAD leads tendering processes and perceive them as fairly flawed with little transparency, much favoritism and monopolization. In actuality, the GAD is not in charge of tendering but only provides support to other departments/committees for tendering processes. With the establishment of one-stop shops there is a hope that there will be fewer agents taking fees for services. To strengthen this effect, it is necessary to strengthen the transparency of these one-stop shops, and increase the public's awareness of them.

Dispute resolution mechanism: From the perspective of the GAD, complaints are taken seriously. The GAD receives more complaints these days due to more people are starting to exercise their right to complain. The majority of the disputes focus on land confiscation complaints. There is no prescribed channel for complaints. Sometimes the GAD form a committee to investigate the complaint while at other time the TA or his staff handle it directly. Next to none of the citizen respondents had ever submitted a complaint to the township level about a local development project.

2 The Township Development Affairs Organisation

2.1 Official composition, duties and functions

Development Affairs¹ Organisations (DAOs) are urban agencies with responsibilities for providing a significant range of municipal social services and for overseeing local economic governance. Township DAOs consist of two complimentary entities: a Township DAO Office and a Township Development Affairs Committee (TDAC). The Township DAO Office is composed of professional DAO civil servants, while TDACs are generally composed of seven members, including four elected community representatives. The TDAOs are under the full remit of the new state and region governments and thus by far the most decentralized government entity in Myanmar. Each state/region has separate but largely similar municipal laws. The size of the township determines the size of the TDAO office and its staff. In all 14 states and regions, TDACs have seven members: four from the public and three from the government. The core duties and responsibilities of DAO Offices focus on 41 functions: social service provision and local economic governance in urban areas such as water supply, sanitation, sewage, street lightning, urban roads and bridges, improvement of public parks, removal of squatters, regulation and monitoring of building construction, markets, slaughterhouses, small businesses, livestock breeding and ferries. TDAO offices receive no funding from the Union Government but rely on the funding they raise in their respective townships such as user fees, regular license fees (including for land and housing) and tender license fees. The low level of revenue is a major constraint for the TDAOs when they seek to fulfil their functions. TDACs have decision-making power over the direction and functioning of Township DAO Offices and play an important role in setting priorities for annual planning and budgeting of township DAOs.

2.2 Fulfillment of mandate

Composition: The TDAO in Dawei and Myeik consists of five departments, namely engineering, human resources, sanitation, tax and rules and regulations, and finance. The TDACs in Dawei and Myeik follows the prescribed composition. The public representatives are generally well-educated and at present active in the business sector. The relationship between the TDAO office and TDAC appears to be cooperative and respectful after some initial challenges finding a modus operandi between the two entities. The Executive Officer (EO) is responsible for overseeing that the decisions of the TDAO and TDAC are carried out. He also plays a role in decision making within the TDAC together with the Chairman (who is a public representative), and the other public members also having a say.

Services: The TDAOs in Dawei and Myeik are responsible for all prescribed 41 functions. They focus primarily on sanitation and water, roads and bridges, maintenance of public spaces, oversight of markets and other licenses - in addition to responding to specific community requests.

¹ The Myanmar word စည်သူအဖွဲ့ / *si-pin-tha-yar-ye* can be translated as 'municipal affairs' or 'development affairs', although a different word is used for 'development' in a more general sense.

The staff expressed strong commitment to improving services but due to funding shortages they were not able to carry out all the required services and meet the expectations of the public for service delivery, for example in the area of garbage collection and drinking water supply. For this reason, private businesses have moved in to provide part of these services - under the advice and in cooperation with the TDAO.

In interviews, citizens recognized that some improvements to municipal infrastructure had taken place in the last few years but civil society organisations in Myeik stressed dissatisfaction with the level of municipal services provided such as the high cost of water usage, lack of machinery and adequate funding for projects requiring communities to partly fund development projects themselves. They did not seem to be aware of the significant funding constraints that the TDAOs are operating under.

Overall urban respondents in Dawei and Myeik rated the quality of services (not distinguishing between those delivered by the TDAO and those delivered by private entities) rather low with water supply ranking highest (largely private supply). Key reasons for low scores in Dawei were the quality of the pavement whereas in Myeik it was mainly related to drainage. In Myeik many respondents stressed that the roads and bridges had improved since 2012.

The quality of waste management was rated the lowest among all urban services surveyed - due to the absence or infrequency of waste collection. Improvements are necessary, particularly in the waste management sector, which lies within the TDAO remit but also requires a level of public cooperation to function effectively. That said, there have been improvements to waste management in Myeik after the data collection period, which is not reflected in the survey findings.

Revenue sources: The TDAO relies primarily on taxation and fees raised locally. There is no transfer of funds from the union level. At the end of the budget year all remaining funds must be transferred to the region government. As the TDAOs are fully reliant on income generated in the actual budget year and does not receive an up-front transfer in advance extra care must be taking in project planning and revenue spending throughout and especially towards the end of each budget year. Taxes are raised in various ways through user fees, general license fees and tender license fees – the vast majority from local businesses. In many cases, the TDAO auctions off the process of taxing local businesses to private companies. In Myeik, 50% of the annual revenue derives from various tenders those such as those for slaughter houses, markets and street stalls in addition to the so-called ‘wheel tax’ on vehicles. In Dawei, 40% of the revenue is from auctioning of the tender for slaughterhouses, for parking tax, wheel tax, markets, street stalls etc. DAO staff stress that tax compliance is low (only about 30% of tax payers submit their taxes at the TDAO office while the TDAO staff must seek to obtain tax and fees from the remaining by visiting their businesses/residences in person). The TDAO struggles to enforce tax payments due to among other issues lack of staff and systems to do this effectively. Sometimes the TDAO accepts lower fee payments than stipulated in order not to place large burdens on the public. In Dawei, the TDAO stressed that the many migratory workers in the area also require municipal services but they do not contribute to revenue – at the expense of local citizens. Overall, the TDAO find it difficult to fund the services they are responsible to deliver due to the low revenue. For example in Myeik Township, the revenue amounts to around 1000 kyat per citizen, per month. The TDAO express that the public have high expectations but that many do not pay the tax required to fund the services.

With the new decentralised responsibility for the DAOs, the TDAO is better at being responsive to community needs despite the limited funds. That said, among citizens and CSOs, there is a rather negative perception of how the TDAOs spend the revenue assigning an average score of 1.9 (“insufficient”) to this question.

Planning: The TDAC fulfills an essential role in planning for development works by scrutinizing community proposals submitted by the WA/VTA. There is no format for submissions. Fund-matching is common, whereby communities also contribute material or labour for a project while the TDAO provides engineering expertise and machinery, particularly in the case of ward road construction.

In Myeik, several prominent local companies have also undertaken work to improve road infrastructure in cooperation with the TDAO where most of the costs are covered by the private businesses. All interviewed staff and committee members of the TDAO Office /TDAC emphasized that they provide services and carry out development activities as well as possible but that the lack of revenue is a serious constraint.

Involvement in local development funds: The GAD has the leading role in coordinating the local development funds at the township level. The TDAO provides technical (particularly engineering) advice for the RDF, PRF and CDF when requested by the GAD. The majority of these funds are allocated to rural and not urban areas so the TDAC/TDAO involvement is limited.

Implementation of development projects: The TDAO generally does not hire private companies, but implements its development projects itself. While they take all responsibility for technical matters and have or acquire the necessary machinery, they may hire additional daily labour. Local communities may also provide support as outlined previously. Such implementation matters are the responsibility of the assigned engineer. The TDAO is responsible for the tendering process of licenses though, which are sold to companies and citizens (NRC card holders) through auctions.

2.3 Citizen participation

Representativeness: The 2013 President's Office Notification 27 did not set out in any detail how members of the TDAC should be 'elected'. In Myeik and Dawei, two representatives were selected from each ward by the respective WAs and *ya mi ya phas*. All the representatives then met as a group and selected the TDAC members from among themselves. Few citizens were aware of this process.

Direct participation by people: The TDAO and TDAC explain they undertake consultations regularly for local projects and budget prioritisation meeting with the respective WAs – but not the wider local community. In the stage of proposal development for local development projects the WAs submit these to the TDAO. In the selection phase the TDAC visit locations to discuss plans for projects mainly with the WAs and local *ya mi ya pha* who often do not share this information with the wider local community. As a result, few of the interviewed urban citizens in Dawei, had ever interacted with the TDAC or been invited to a meeting. In the project implementation phase, communities are often engaged by contributing material and labour. The TDAO senior staff state that they welcome proposals and engagement with the public and they emphasized that without stronger public participation, they cannot improve local services, particular in relation to waste management. However, there is no regular structure or fora to facilitate this such as for example a monthly town hall meeting or the like. The TDAO also cite lack of interest and active participation by citizens as a hindrance to improving cooperation and service delivery in general.

They provided examples of market stall holders not attending larger public meetings called by the TDAOs, citizens ignoring requests to not litter, the lack of willingness to pay tax etc. The TDAO express frustration that citizens expect full services but are reluctant to cooperate with the TDAO.

However, they also highlight increased participation in relation to construction of local roads in recent years due to the introduction of the TDAC public representatives. The TDAOs expressed that they after the new government has taken over, have new plans for more public consultations including with CSOs. Overall, CSOs and local political parties indicate that they feel there is much need for improvement.

Civil society organisations and business associations: The TDAO offices and especially the TDACs (which has 4 members from the public) have some ad hoc interaction with CSOs in both Dawei and Myeik, but there is no platform or regular exchange apart from this. In Myeik, the TDAO is very close to a group of leading businessmen with some of them being members of the TDAC (as well as the now disbanded TDSC) and coordinate on specific projects. Most recently, a leading local company has announced plans for donation of garbage trucks in a cost sharing scheme with citizens - organized at the ward level in cooperation with the TDAO and the TGAD. The TDAO stress that they are also close to citizens. Overall CSOs preferred more information sharing by the TDAO and more public input into planning and budgeting processes, which they at the moment feel are rather closed. Some positive examples of engagement between the TDAO/TDACs, business associations, MPs and CSOs have emerged in recent months in the form of for example a joint waste collection scheme in Myeik.

2.4 Transparency

Transparency of elections: In Dawei, the time and the procedure of the TDAC election was announced through the WA only. About a third of citizens stated being aware of the right to elect their representative to the TDAC. None was familiar with the election process of the TDAC, and only a few knew any of the TDAC members.

Transparency of mandate, planning and budgeting, contracting and overall activities: CSOs and business associations in Dawei noted that a lack of clarity around the municipal law, which they didn't know had replaced the former law. The TDAO explain that it was published in a local journal, printed versions of the law are available to the public from the TDAO office and was shared with WA/VTAs and lawyers groups when it was passed in 2013. About a third of citizens indicate in surveys that they are aware of what the TDAO is responsible for. The TDAO staff have no active mechanism for sharing information about their mandate with the public but stress they are open to the public if members of the public approach them. They indicate they would like local journals to cover municipal affairs and the work of the TDAO more regularly. Clarity on taxation is another issue, with CSOs expressing it is unclear what is taxable and for how much. Regarding transparency of plans, projects and budgets, the TDAO/TDAC explained that for information dissemination the TDAO makes use of the GAD and its administrative channel of the WA. The TDACs in Dawei and Myeik stated that they also often go to communities themselves and meet with the WAs to explain which proposals they have chosen. This year, they have gone to every ward. However, there seems to be a gap between the perception of the TDAO and that of the public, particularly the CSOs who stress they find that the planning processes are rather closed and with little input on public priorities. This may be due to that the TDAO/TDACs engage primarily with the WAs and *ya mi ya pha* and less so with the CSOs as a specific group.

2.5 Accountability

Influence of citizens on (s)election of TDAC public representatives and right to recall: It appears that citizens have had little influence on the selection process of TDAC members so far. There is no precedent of TDAC public representatives having been recalled in Dawei or Myeik Townships but in a nearby township, the TDAC chairman did not follow TDAC rules so he was forced to resign.

Monitoring practices & regular independent audits: The TDAO and CSOs understand accountability as taking responsibility for the quality of a project. It appears there are different monitoring practices for different types of projects. The TDAO stress that regular audits take place every 6 months. CSOs expressed that they view the accountability and monitoring processes of the TDAO can be improved if more information about the projects are made publicly available and the TDAO better understands public relations. On the other hand, the TDAO request the public to take more active interest in municipal affairs and engage proactively with the TDAO/TDAC if they have any issues they would like to see addressed.

Anti-corruption measures: The TDAO explained, that when there is any sign of corruption, they appoint a committee to conduct what they call a primary evaluation followed by a tertiary evaluation, and if a staff member is found guilty of corruption he or she is fired. CSOs express concern about close relationships between some companies and the TDAOs but the TDAO emphasize they follow regulations and laws in any contact with local companies.

Dispute resolution mechanism: The TDAC generally investigates a complaint/dispute by consulting with the community and then take action, if required. Land disputes are frequent and difficult to solve. Some CSOs referred to that the public have the impression that their complaints are not being adequately addressed which has lead people to not complain. It is unclear to what extent the public is aware of this dispute resolution mechanism.

3 The Department of Rural Development

3.1 Official composition, duties and functions

By 2013, the Department of Rural Development (DRD) was shifted to the Ministry of Livestock, Fisheries and Rural Development and several thousand new staff were recruited. The national budget for the DRD has been boosted and it has become a core department in the government's efforts to improve rural development with a focus on small grants allocated directly to local communities - and is also a key department for cooperation and roll out of large-scale National Community Driven Development Project. The DRD has set up 12 main rural development tasks for rural areas only, which include: construction and maintenance of rural roads and bridges; provision of safe drinking water; sanitation works; construction of housing; electrification works; promotion of productive activities; promotion of the economy; launching microfinance program; addressing human resource development; preservation of cultures and traditions; formulation and implementation of strategic development plans; assist the 8-task National Rural Development and Poverty Alleviation Program. Starting in 2014-2015, the Department of Rural Development also launched The Village Plan Scheme with support from the Multi-donor Livelihoods Trust Fund and Green Emerald Fund (*mya sein yaun*).

3.2 Fulfillment of mandate

Composition: The Dawei DRD was set up by September 2013 and has 13 staff in total. The Myeik DRD was established in October 2013 and has 16 staff.

Services: In Dawei, the DRD focuses on development activities related to water supply, electricity, latrine, housing (big and small), road construction and bridges. In addition, it manages a vocational training program that targets youth in particular. In Myeik, the focus of the DRD is paving of roads in rural areas, supply and improve electricity, contribute to a healthy environment and socio-economic development, ensure homes for the homeless and deliver vocational training for a few villages. As in Dawei, the vast majority of its work is for small-scale village development (in addition to construction of large bridges in Dawei) prioritized by local communities and implemented by private contractors under the oversight of the DRD. The exception is the Village Plan Scheme and the Green Emerald Fund where local communities implement the projects themselves.

Planning and budgeting processes: The DRD's 2015-2016 budget is 5000 million kyat for the whole Region, of which 630 million kyat is for Dawei Township and 254.90 million kyat for Myeik Township (an increase from 201.46 million in 2014-2015). Tendering open to local companies takes place at the region level by a multi-department tender committee, which also manages the financial transfers directly to companies. The township DRD monitors development planning and submits request to the region level for release of the funds to the companies in installments based on project progress. However, funds for the Green Emerald Fund project and the Village Plan Scheme are directed through the township DRD to local villages. The township DRD follows an annual cycle of planning and budgeting. The DRD in both Dawei and Myeik Townships does some systematic baseline data collection on the community level and carries out regular field visits, particularly for the key villages they work in which are still relatively few in view of the need.

For needs assessment, like the GAD, they primarily depend on proposals submitted by the VTAs, Village Tract Development Support Committees (VTDC) and *ya mi ya phas*, which can be submitted throughout the year. For the five villages in Dawei covered by the Village Plan Scheme participatory local needs assessment are carried out in a systematic manner. The DRD at the township level prioritizes the many small-scale projects submitted by communities and submit them to the region DRD for final selection.

Involvement in local development funds: Dawei Townships's DRD has limited involvement in the allocation of the local development funds that are administered outside of the department such as the CDF and the poverty reduction fund. In Myeik, the DRD participates in the twice monthly joint meetings to discuss and decide the allocation of the local development funds with other departments.

Implementation of development projects: All tendering and contracting of projects to private companies takes place at the Region level, and the township DRD is responsible for monitoring progress of the work. Payments from the Region level to companies are released in installments upon recommendation of the township level DRD based on their monitoring visits in coordination with local communities. The latter does not always have access to the specifications of the contracts awarded but take a keen interest in this process). At the community-level an implementation committee is established at the village level, which oversees the implementation and coordinates with the private company. The DRD in Dawei and Myeik Townships are also responsible for the establishment and oversight of the Green Emerald Fund in cooperation with the Fisheries Department and the Livestock Department in several villages in the two townships with the objective to establish revolving funds and provide loans for entrepreneurial activities. Overall, there are more than a hundred villages involved in the whole of Tanintharyi Region.

3.3 Citizen participation

Direct participation by people: Overall, local community representatives expressed that government support for local development projects had significantly improved since around 2012. According to DRD staff, the level of participation is general high and takes the form of provision of suggestions, supervision of projects or community monitoring, and maintenance following completion of a project. However, often community participation does not go much beyond the VTA and sometimes the VTDC and the *ya mi ya pha*. In some villages the DRD experience that communities are not interested in and even reluctant to cooperate with government departments such as DRD due to prevailing negative perceptions of government departments despite changes in recent years. Interviews with community leaders and members demonstrate that community participation varies from village to village. No village or village tracts expressed that they had standard operating procedures for how to consult the wider community on needs and priorities and no training is available for VTAs, TDSCs and *ya mi ya pha* on community participation or rural development. In surveys community respondents rated the DRD's responsiveness to local needs rather low. However, the sample village tracts covered by the survey did not include the few villages covered thus far by the Green Emerald Fund and Village Plan Schemes where the township DRD emphasizes that the situation is significantly different, participatory planning is being piloted, women's representation is significantly higher in the community implementation committee and the DRD engages regularly with communities.

Interaction with civil society organisations and business associations: The Dawei and Myeik DRD work together with a few non-governmental and UN organisations including the FAO, LIFT, UNICEF and the World Bank but there is not any regular structured engagement with locals CSOs. The only contact the DRD in both Dawei and Myeik has with the business community is with the companies contracted to implement village projects.

3.4 Transparency

Transparency of mandate, planning and budgeting, contracting and overall activities: The DRD in Dawei expressed that they generally think the public is aware of its mandate and work. However, this is mainly through the WA/VTA and the VTDC, and they are not sure how much information reaches beyond the WA/VTA and VTDC. The DRD in both Dawei and Myeik occasionally organise bigger community meetings such as for project opening ceremonies, during which they explain their mandate and/or a specific project, or after completion of a project, explain how best to maintain the public good. In Dawei Township, particularly when a village wins a project, the DRD tends to go to the community to share the budget and blueprint. In Myeik, local community leaders raised the issue that community monitoring of DRD projects that are implemented by private companies could be improved if communities have systematic access to the blue print of the projects. The community surveys point to a lack of information about the DRD among ordinary rural citizens - among the 25 rural respondents, only 2 said that it was clear to them what the duties and functions of the DRD are.

3.5 Accountability

Code of Conduct: When discussing a code of conduct for DRD staff, staff referred to the Civil Servant Law. Contracts with private companies generally outline a code of conduct as well as penalties in case of transgression.

Monitoring practices & regular independent audits: While decisions for projects are taken on the regional level, monitoring and evaluation of projects are generally organised on the township level through the Work Done & Quality Control committee followed by an audit conducted by the Township Auditing Department. The DRD staff also carry out regular monitoring visits to local villages but the high number of projects poses a constraint. Despite these various checks, CSOs in Dawei were of the opinion that the DRD does limited quality control of the roads they commission. They recommend for the DRD to hire a skilled independent company to monitor construction companies. In Myeik, the main recommendation was for the DRD to increase its engagement with the general public so that the public has a better understanding of the DRD's mandate, budget, plans and activities.

Anti-corruption measures: As for anti-corruption measures senior DRD staff explained that appropriate action is taken if corruption issues occur. There are not specific guidelines for anti-corruption apart from the audit procedures and the contracts for local companies winning the tenders.

Dispute resolution mechanism: The DRD staff explained that community members can contact the DRD office independently when they are dissatisfied with a private company's performance after which the department will investigate. If a project is delayed or a company is non-performing then the DRD can take several steps such as fining the company, pausing further installments, restricting the company from taking part in next year's tender and finally black-listing the company. There is a concern among CSOs in Dawei that the contracted companies focus more on profit are than delivering high-quality outcomes.

4 The Township Development Support Committee

Township and Ward/Village Tract Development Support Committees were abolished by President U Htin Kyaw on 10th June 2016. The below description has been included as the committees were in place at the time of research - and in the hope that lessons learned from the establishment and functioning of these committees will be useful in further conceptualization of future local governance structures in Myanmar.

4.1 Official composition, duties and functions

The Township Development Support Committee (TDSC) was formed by Presidential notification in February 2013 to improve government accountability at a grassroots level. The TDSC serves to inform township-level government departments of community needs and advice on local development projects. It has 9 members of which 7 are from the public. At the ward and village tract level a corresponding Ward and Village Tract Development Support Committee (W/VTDSC) has also been established with 5-7 members to assist the W/VTAs in development activities but they are not always active.

4.2 Fulfilment of mandate

Composition: The TDSC in Dawei was established in 2013, and consisted of the Deputy TA and the TDAO Executive Officer, as well as 7 public representatives. Of the 7 public representatives, 3 were particularly active. In Myeik, the public members of the TDSC are mainly local businessmen with the area's prominent business leader as the Chairman. Ward and village tract level DSCs have been established in the wards and village tracts surveyed in both Dawei and Myeik Townships.

Services: The TDSC was not involved in service delivery. It is only an advisory body set up to voice community needs at the township level. In Dawei the TDSC meets regularly and once monthly with the TMC and TDAC and is involved in allocation of the CDF, in addition to weekly field monitoring visits. In Myeik Township, the TDSC was largely inactive as an advisory committee and generally did not take part in meetings with the TMC and TDAC. However, the TDSC chairman and his company provided ad hoc funding, material and technical support to development projects upon request from the GAD.

Planning and budgeting processes: Apart from involvement in local development funds, in the case of Dawei, the TDSCs were not significantly involved in any planning and budgeting processes but responded to ad hoc requests from the GAD, which appreciates this.

Implementation of local development funds: In Dawei, the TDSC played a leading role in the CDF and no role in the RDF and PRF. In Myeik, the TDSC played no noticeable role in the implementation of any local development funds. In contrast with findings in other townships, the TDSC in Dawei Township was rather clear on its role and responsibility related to planning and budgeting processes. They were responsible for project selection for the CDF and for subsequent project implementation. Compared to other places in the country, involvement of MPs in the CDF process appeared relatively limited in Dawei. In Myeik Township, due to the lack of active participation of TDSC members, the TDSC it did not play any role in allocation and implementation of the CDF.

Countrywide there was an absence of clear operating guidelines for the committees, particularly for the TDSC. No detailed procedures or terms of reference existed which leads to very different interpretations and implementation of TDSCs in different townships as documented in the case of Myeik and Dawei Townships. Instead, in Myeik Township a township committee with members of most government departments managed the CDF, which allocated 3 million kyats per year to each ward/village tract independent of its size or local needs. Communities were invited to submit small-scale project proposals in cooperation with their W/VTA. At least in Myeik, monitoring is rather weak.

4.3 Citizen participation

Representativeness: In Myeik Township, it was unclear how the TDSC members were chosen but no public selection/election process seems to have taken place. The TA stressed that it would be preferable with direct elections for the TDSC next time to ensure that the members are actually interested in the position and will participate actively. In Dawei, the GAD and the WA nominated 10 persons each from the townships 10 wards – but not from the rural village tracts. Subsequently the public could cast votes among a pool of 30 people. While the TDSC covered urban and rural areas, as well as Myitta town area, rural areas and the whole of Myitta are not represented in the TDSC. There were no women or representatives from ethnic groups. The GAD in Dawei Township was very satisfied with the operations of the TDSC while the Myeik GAD appreciated the contributions for local infrastructure projects from the business members of the TDSC.

Direct participation by people: Knowledge among the public of the TDSC was low. Among 24 interviewed citizens in Dawei, only 2 persons knew that the township had a TDSC. Interestingly in Myeik Township, about a third knew.

Civil society organisations and business associations: In Dawei, a TDSC member expressed that he regularly coordinated with some religious, social welfare and funeral organisations. However, none of the interviewed CSOs, political parties or business associations in Dawei maintained contact with the TDSC. In Myeik Townships, the TDSC was close to certain sectors of the business community. It generally did not cooperate with CSOs but this may be changing. The TDSC chairman has been part of a CSO initiative in cooperation with a local youth group, MPs and the TDAO/TDAC for a local garbage clean up initiative. His company also had plans to donate garbage trucks with a required 50% contribution by citizens in local wards and an area to be used as a landfill.

4.4 Transparency

Representativeness: Despite some measures to announce the TDSC elections in Dawei, the GAD had the impression that not so many in the public are aware of their representatives on the committee, which is confirmed by the findings of the citizen survey. In Myeik Township, none of the interviewed CSOs and political parties knew of the TDSC election and current government staff are also unclear about what process took place due to government staff transfers.

Transparency of mandate, planning and budgeting, contracting and overall activities: In both Dawei and Myeik Townships, the citizen survey showed extremely low awareness among the public about the duties and functions of the TDSC. However, in Dawei Township, the TDSC felt that their work is well-known and transparent to the public.

4.5 Accountability

Influence of citizens on (s)election of TDSC public representatives and right to recall: It appears in Dawei and Myeik, citizens had a rather limited influence on the election of TDSC public representatives. There has been no precedent of a TDSC member being recalled and it is unclear if such an open exist.

Monitoring practices & regular independent audits: In Dawei Township, the TDSC was responsible for carrying out field visits to communities to monitor progress on CDF projects.

Anti-corruption measures: In Dawei and Myeik, no specific measures were in place to prevent corruption by TDSC members in addition to the general measures by which funding for projects were released in instalments and subject to progress in implementation along with audit reports.

5 Recommendations

The Township General Administration Department and Ward/Village Tract Administrators

Key recommendations include trainings and guidelines for WA/VTAs (along with W/VTDCs) on their general role representing communities, information sharing, accounting and in participatory planning; making more information about local development funds and the GAD directly available; pilot public fora and participatory budgeting and development planning; GAD staff familiarised with and operationalizing citizen participation, transparency and accountability; engage CSOs and business associations in how they can promote better local governance in cooperation with government entities and citizens.

The Township Development Affairs Organisation

Key recommendations include clarify and review the Tanintharyi Region Municipal Law with the public; carry out a functional analysis of the revenue sources and tax system to increase revenue and enhance compliance; map citizen priorities and adopt elements of participatory budgeting; pilot improvement of a particular service area; consider changes to the TDAC (s)election system, increase the transparency of the election process of TDAC members, and strengthen people's involvement.

The Department of Rural Development

Key Recommendations include strengthen the public's information about the mandate, activities, project budgets (blueprints and implementation plans); of the DRD; improve genuine community participation beyond community leaders; strengthen community monitoring and that feedback is considered for tendering processes on the regional level; and conduct staff trainings on community participation, transparency and accountability.

The Township Development Support Committee

Key Recommendations include improve the TDSC election process, awareness of its mandate and engagement with the public; develop Standard Operating Procedures (SOPs) for TDSC members and for the CDFs to ensure inclusion; training for TDSCs members, W/VTADSCs and WA/VTAS in small-scale grants project management and participatory development planning.

More information?

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