

## Country and Government Context

Myanmar is the largest country in mainland Southeast Asia, with a land area of 676,000 square kilometers. Myanmar is divided administratively into seven states and seven regions. Nay Pyi Taw is the capital, with an official population of almost 1 million people and located 320 kilometers north of Yangon, the previous capital.

According to the provisional results from the 2014 census, Myanmar now has a population of 51.4 million,<sup>a</sup> with a diverse ethnic and religious makeup, including 135 officially recognized nationality groups, divided into eight national ethnic races.

Myanmar's gross domestic product (GDP) grew at an estimated 7.5% in FY2013 (ended 31 March 2014), from 7.3% in FY2012, and the economy is forecast to post higher growth of 7.8% in both FY2014 and FY2015.<sup>b</sup> The economy remains dominated by agriculture—accounting for 30% of GDP and more than 50% of employment—and natural resource extraction, particularly the export of natural gas to Thailand and the People's Republic of China. Mining and timber extraction also make considerable contributions in both the formal and informal economies.<sup>c</sup>

Myanmar is undergoing a profound transformation, emerging from more than 50 years of military rule, centralized control, and internal conflict. In 2008, Myanmar adopted a new Constitution that established a parliamentary government. In 2010, the country held national and state-level elections, with by-elections conducted in 2012 in which the National League for Democracy, whose chair is Aung San Suu Kyi, gained 43 seats in the Parliament. Another round of national and state-level elections is scheduled for late 2015.

Although the profound changes in Myanmar are nascent and significant risks remain—conflict, human rights, and humanitarian issues persist in the northeastern areas of the country and treatment of non-Kaman Muslims in Rakhine State, which is a highly complex situation that must be addressed as a matter of priority—a national ceasefire with almost all of the major non-state armed groups appears likely. Recent political and economic reforms have the potential to support peace, opportunity, and a better future for the people of Myanmar.

<sup>a</sup> United Nations Population Fund. 2014. First census results reveal Myanmar's population size to be 51.4 million. 30 August. [http://countryoffice.unfpa.org/myanmar/2014/09/16/10550/first\\_census\\_results\\_reveal\\_myanmar\\_population\\_size\\_to\\_be\\_51.4\\_million/](http://countryoffice.unfpa.org/myanmar/2014/09/16/10550/first_census_results_reveal_myanmar_population_size_to_be_51.4_million/)

<sup>b</sup> ADB. 2014. *Asian Development Bank Outlook 2014: Fiscal Policy for Inclusive Growth*. Manila, pp. 212–213.

<sup>c</sup> See footnote b.

## Civil Society: An Overview

Civil society structures in Myanmar traditionally existed at the local level within religious groups, emerging from Buddhist and Christian-led social welfare activities and focusing on poverty, health, and the daily needs of communities. Particularly in areas of weak central government control and armed conflict, civil society often filled the state's service-delivery role.<sup>1</sup>

There are three types of civil society organizations in Myanmar: community-based organizations, and local and international nongovernment organizations (NGOs).

The community-based organizations are informal or voluntary associations formed at the village level to perform social and religious functions, including health, education, and social services. Many of them are religious-based and provide support for funerals and family or community emergencies. They do not normally have paid staff, and members are typically beneficiaries. Although there are no government or other statistics on these groups, one estimate puts the number of community-based organizations in Myanmar at 214,000.<sup>2</sup>

Local NGOs typically originate from cities, townships, or population centers and maintain connections with communities. These groups are usually unregistered with the government, often have paid and skilled staff, and are increasingly connected to regional and national NGO networks, and/or with international NGOs. In ethnic areas, many local NGOs have links to ethnic armed groups. Several large NGOs are registered with government ministries and at times work with the government and development agencies to implement projects in diverse sectors, including health care, rural development, education, and agriculture.

Estimates vary widely on the number of local NGOs in Myanmar. An article claimed more than 10,000 such groups,<sup>3</sup> while another study conducted in 2003 by Save the Children—the first detailed look at civil society in Myanmar—estimated there were 270 local NGOs at that time.<sup>4</sup> Regardless of the number, there is a vibrant and growing nongovernment sector encompassing a range of interests and approaches throughout the country.

International NGOs are increasingly active in Myanmar, working in humanitarian response and longer-term development in a multitude of sectors, including the environment, health, education, livelihoods, rule of law, advocacy, and civil society capacity building. International NGOs, present in small numbers since the 1990s, have entered Myanmar in two recent waves: in the aftermath of

Cyclone Nargis in 2008, and since the forming of the new government in early 2011.

Domestic civil society is increasingly networked into the international development and rights-based communities. With the influx of international NGOs recently entering or expanding operations in Myanmar, a significant challenge for domestic civil society has surfaced as foreign stakeholders look for local partners, skilled staff, training participants, and practical advice. A common refrain heard in Yangon from civil society groups is that they spend more time in meetings and training than in implementing their work. Yet, there is increasing coordination among all levels of civil society, which is manifesting itself in new working relationships across groups and networks.

## Civil Society: Historical Perspective

Civil society can trace its origins in Myanmar back to village-level religious organizations, an early way in which local people came together and organized social or religious activities.<sup>5</sup> Historically, these were informal arrangements, without any official registration or membership. Since then, religious organizations (Buddhist, Christian, Hindu, Muslim, and others) have set up social welfare and development programs, active locally and outside their communities.

During the colonial period in the early part of the 1900s, community organizations were created and formal associations emerged. Toward the end of the 20th century, these associations focused on religious and cultural dimensions of society; some later evolved into ethnic and political movements.

By independence in 1948, professional, trade, and voluntary organizations and associations flourished. Between 1948 and 1962—when General Ne Win took power through a military coup—township-based societies or associations emerged, often to support funerals or elderly persons and respond to other social welfare needs. Simultaneously, civil and ethnic conflicts grew, limiting the space for an independent and open civil society.

From 1962 to 1988 and under General Ne Win and the Burma Socialist Programme Party, large associations were created for groups, including farmers, workers, youth, and war veterans. These government-organized NGOs mobilized and directed activities and were tightly controlled by the state; they included the Myanmar Maternal and Child Welfare Association and the Myanmar Red Cross Society. At the same time, most civil society organizations were banned or placed under strict government control. Dissent was not tolerated.

During General Ne Win's rule, the state placed stricter restrictions on religious groups, including limiting their

political activity. In 1980, General Ne Win established the State Sangha Maha Nayaka Committee, the government-appointed highest body of Buddhist monks, to oversee and regulate the monks at all levels in the country. Despite these restrictions, religious activities continued to grow.

Following the creation of the State Law and Order Restoration Council in 1988 (later renamed the State Peace and Development Council), the military established new mass organizations under the umbrella of the Union Solidarity and Development Association, a predecessor to today's Union Solidarity and Development Party, the current governing party.

A number of government officials and retired officials founded professional and service organizations that, technically, are not government-organized NGOs but are not entirely independent of the government. These organizations, including the Myanmar Nurse and Midwife Association and Myanmar Health Assistant Association, are well resourced, with high levels of technical skills, have working relationships with international agencies, and a presence in many areas of the country.

## Civil Society in Ethnic Nationality Areas

By 1948, nationalist movements emerged from most major ethnic groups. Civil conflicts between the Burman-led central administration and ethnic armed organizations took place as the government attempted to bring all populations under its control.

As ethnic armed groups attempted to assert themselves or consolidate governance of territories and meet the needs of their ethnic communities, they increasingly provided social services.<sup>6</sup>

In many ethnic areas, the signing of ceasefire agreements in the 1990s allowed civil society organizations affiliated with ethnic armed organizations to emerge, often to fill the gap as service providers for social and health services. Examples include the Metta Development Foundation and the Shalom Foundation (now Nyein Foundation), and NGOs founded in Kachin State, with informal relations with the Kachin Independence Organization.

Community-based organizations and NGOs proliferated from within ethnic communities, especially in areas of weak central government control and across a range of issues and sectors. Youth groups, women's organizations, environmental and sustainable development-focused groups, among others, arose to meet community needs and address critical social issues.

By 2000, civil society organizations proliferated in both ethnic areas and central Burma, as it was

called then, due to the deteriorating socioeconomic conditions and the lack of basic services provided by the state. These organizations included the religious, educational, and social welfare organizations, and civil society groups focusing on environmental issues and community development.<sup>8</sup>

After Cyclone Nargis devastatingly struck the southern portion of the country in 2008, and more recently with the change in government and democratic reforms, civil society experienced a profound evolution in structure, resources, stakeholders, and modalities. New networks are now forming, and existing networks are expanding. There are increased local, national, and international partnerships; civil society and government are beginning to interact more openly and constructively, and legal frameworks for participation are in some areas liberalizing.

Since the 2010 elections, political “space” has continued to open around the country, especially in urban areas, with additional resources and stakeholders helping networks and coalitions form and flourish, and the government increasingly accepting a role for civil society.<sup>9</sup> Civil society is becoming more active, engaging local, national, and international communities as well as the Myanmar government.

A rise in independent media and investigative reports, protests, and public awareness events by civil society is leading to increased transparency, awareness, and engagement in civic life in Myanmar.

Still, legal and practical restrictions remain in many areas, where authorities continue to view civil society activity with suspicion. In a number of cases, farmers, activists, and journalists have been charged, convicted, and imprisoned for taking part in peaceful protests or exposing government activities.<sup>10</sup>

Many development-oriented civil society organizations continue to implement programs that are focused on service delivery. A limited number of these programs are carried out in partnership with the government. Large international NGOs and a limited number of local development NGOs have registered with the government or have a memorandum of understanding with one or more ministry. Increasingly, a number of local and international NGOs enter into memorandums of understanding with government ministries, primarily around development work and social welfare related to agriculture, health, and education.

Strong networks of local organizations with ties to regional and international actors are active in natural resource governance, HIV prevention, preservation of historical sites, rule of law and legal accountability, monitoring international financial institutions and promoting labor and land rights, fisheries protection, peace building, technology and clean energy, and

general large-scale development, among many other issues. These networks typically are based or have a presence in Yangon but are also active at the village or township level.

Evidence of greater freedom of expression is the civil society response to significant investment projects and major rights-based issues, including around natural resources, the environment, press freedom, cultural heritage, and landownership.

The presence of international NGOs represents another huge shift. While international NGOs based in Europe, North America, and Australia advocated successfully through the 1990s and 2000s for their governments to impose economic sanctions on Myanmar in response to the country’s human rights record, as political conditions have changed, these NGOs have adapted their advocacy strategies, increasingly working inside the country and with local civil society groups across a range of issues.

Within this dynamic civil society environment, the rapid influx of development actors looking for local partners and qualified staff is straining the resources and absorptive capacity, especially among Yangon-based NGOs.

Even though legal and practical challenges remain, clearly the space and scope for civil society activity is increasing in Myanmar today.

## Government–Civil Society Relations

While the Government of Myanmar remains highly centralized, the landscape for civil society–government relations is rapidly changing. Civil society stakeholders are increasingly working with, influencing, and coordinating activities with the government at the village, village tract (urban ward), township, state, region, and national levels.

At the local level, this includes increased cooperation with township, village tract, and ward officials; currently, village tract and ward communities elect their Township Development Committee, which decides what development projects to pursue for the community’s benefit. Since the government’s reforms, there has been a push for villages to draft development plans, but there has been limited implementation so far.

At the state and region levels, civil society is beginning to engage authorities on policies and around specific development projects and doing so on its own terms (rather than following government agendas). The first in a series of state- and region-level People’s Forums was conducted in Mon State in June 2014; 75 civil society organizations discussed and presented a list of recommendations to the central and state governments on such issues as democratization,

political reforms, the peace process, human rights, and socioeconomic development. Similar forums are envisioned in all states and regions in the coming years.<sup>11</sup>

At the national level, government is increasingly accepting civil society inputs to policy formation. Civil society groups were consulted on the drafting of the Association Registration Law; trade union representatives were informally included in discussions on the Factory Act, the Social Security Act, and the Health and Safety Act; and the Interim Press Council has been drafting bylaws for the Media Law, which Parliament passed and the President signed in 2014.

Other examples of the growing opportunities for civil society in national governance include participation in development sector working groups, the National Strategic Planning of the National AIDS Programme, and in the Extractive Industry Transparency Initiative's Multi-Stakeholder Group.

As the opportunities for and activities of civil society grow, some national and local authorities are becoming accustomed to increased civil society participation and are beginning to recognize the valuable role these stakeholders have; however, change is uneven between and within the national, state, region, and township administrations, which are managed by many officials from the former military administration.

Some national ministries and departments, notably the Ministry of Health and the Department of Rural Development of the Ministry of Livestock, Fisheries and Rural Development, have been actively engaged in working with and soliciting civil society participation in their activities, including HIV prevention and community-driven development projects funded by the Asian Development Bank (ADB) and the World Bank.

Despite the increasing civil society participation in important policy areas, certain issues remain off-limits, or at least risky to civil society participation, including proposals to amend the 2008 Constitution and formal inclusion of civil society representation in the ongoing peace negotiations with non-state ethnic armed groups.<sup>12</sup>

Apart from the groups dedicated to policy advocacy with the government, many civil society organizations take pragmatic positions, especially at the local level, and are not overtly political—preferring to accept the status quo—in exchange for room to pursue their activities.<sup>13</sup>

## Civil Society and the Peace Process in Myanmar

Myanmar has experienced long-standing armed conflict between the government and non-state ethnic armed organizations. After the 2010 elections, the new

government prioritized ceasefire agreements and a peace process. In August 2014, the government and most ethnic armed groups reached bilateral ceasefires and are working toward a unified, nationwide ceasefire agreement. The negotiations have reached agreement on the majority of issues. Significant challenges remain, but some version of a nationwide ceasefire appears possible in the next year.

Historically, there was little role for civil society in ceasefire agreements or peace negotiations, with the government and the ethnic armed organizations dominating the process.<sup>14</sup> With the political environment changing, civil society is taking on a more active role in promoting the peace process, even in specific elements of the individual ceasefires. Civil society organizations are conducting peace-related trainings, organizing public consultations on the peace process, and participating in ceasefire monitoring. Civil society leaders participate as members in the Nationwide Ceasefire Coordination Team, providing support and input from the community level. Local and international NGOs increasingly work with ethnic organizations to support dialogue between the non-state armed groups and the government and facilitate public consultations to increase civil society participation in the peace process.<sup>15</sup>

Nonetheless, critical challenges continue to inhibit full civil society participation in the peace process. These include the legacy of military rule, which has influenced civil society's willingness to engage directly in political arenas; there is a lack of communication and coordination between non-state armed organizations and civil society; there is tremendous mistrust among all the stakeholders; and there remains an absence of a formal role for civil society.<sup>16</sup>

On this important last issue, there is disagreement on the role of civil society organizations in the political dialogue, which is expected to be clarified following the planned national ceasefire. The Myanmar government's Union Peace-making Work Committee has proposed allowing civil society participation in the political dialogue, while some ethnic armed groups prefer that civil society join only as observers; they do not believe civil society should have equal decision-making power. These groups worry that the government will try to use the civil society to expand their influence in the dialogue. Additionally, some political parties have expressed concern that if civil society groups are allowed into the peace process, there will be too many parties to make reaching agreement possible.

## The Legal Framework for Civil Society

Important progress has been made to advance the rule of law and support the development of an active and independent civil society in Myanmar, but challenges remain.

Positive changes include the ending of prepublication media censorship; adoption of new laws and policies on freedom of the press, on association, and on the registration of civil society organizations; and laws and procedures governing environmental and social protections and land rights.

However, the former UN Special Rapporteur on the situation of human rights in Myanmar, human rights groups, and civil society have raised concerns that some new laws are used to deprive citizens of their fundamental rights<sup>17</sup> and may be insufficient to protect them against mass land grabs by the military and companies.<sup>18</sup>

There have been reported cases of protesters and people assembling to demand an end to land grabbing and other perceived abuses who were arrested, charged, detained, and convicted under laws existing at the time.<sup>19</sup>

Local and international groups have called on the government to amend or rescind many of these laws, including Section 505(b) of the Penal Code, Section 18 of the 2011 Right to Peaceful Assembly and Peaceful Procession Law, the 1908 Unlawful Associations Act, and the 1988 Law Relating to Forming of Organizations. The government is considering amending and repealing many of these laws and has made important progress in these efforts over the past several years.

In 2014, the Right to Peaceful Assembly and Peaceful Procession Law was amended, leading to a relaxing of the prior-permission requirement and to a reduction in the maximum sentence for violations of the law.<sup>20</sup> Authorities maintain the right to deny or not issue protest permits if they believe the protest could affect the country, race or religious relations, human dignity, or moral principles; and all protest chants continue to require approval.<sup>21</sup>

In 2014 and after considerable civil society consultation, Parliament passed an Association Registration Law and signed into law by the President that clarifies NGO requirements for registration with the government, including voluntary registration procedures for local and international NGOs and no restrictions or criminal punishments for organizations that choose not to register.<sup>22</sup>

Laws drafted with the assistance of the International Labour Organization and approved since 2011 and 2012 have dramatically expanded rights to freedom of association and collective bargaining for workers in Myanmar. The Labour Organization Law (2012) and Labour Dispute Settlement Law (2012) allow workers the right to free association, to create trade unions (workers' and employers' organizations), and to strike.

Pre-censorship was abolished in 2012, and in 2014 two new media laws were passed: a government-drafted Printers and Publishers Enterprise Law<sup>23</sup> and a Media

Law, drafted by the Interim Press Council.<sup>24</sup> However, civil society has expressed concerns regarding a number of journalists who have since been charged and sentenced to prison for exposing allegations of corruption or challenging powerful interests.<sup>25</sup>

Other areas of concern are the judiciary, which remains controlled by the executive branch of government,<sup>26</sup> and ongoing allegations of corruption within the legal system.<sup>27</sup>

## Umbrella and Coordinating Bodies

Local and international NGOs and some community-based organizations have formed or joined thematic or issue-based coalitions, umbrella groups, and networks. Prominent among them are the following:

**Local Resource Center (LRC)** was formed in 2008 by local and international NGOs to support the increased coordination of their emergency relief and humanitarian assistance after Cyclone Nargis struck the southern portion of the country. The LRC, with a head office in Yangon and regional coordination offices in Lashio, Mandalay, and Mawlamyine, is now the coordinating body for more than 600 civil society organizations, with links to over 30 civil society networks. The LRC focuses on the development of indigenous organizations by promoting institutional development through capacity building and information sharing. The LRC creates opportunities for civil society organizations to engage and collaborate together with other public and private stakeholders. Through broad-based dialogue and research-based advocacy, the LRC works toward establishing a more enabling policy environment for civil society engagement and a vibrant collective culture among organizations in Myanmar.

For more details, see [www.lrcmyanmar.org](http://www.lrcmyanmar.org)

**Myanmar Alliance for Transparency and Accountability (MATA)** is a nationwide network that advocates for transparency and accountability of government, elected representatives, companies, donors, and civil society; and promotes the freedom of public participation and scrutiny of Myanmar's legal frameworks and guidelines relating to resources. MATA nominates and provides financial assistance to civil society representatives to the Multi-Stakeholder Group of Myanmar's Extractive Industry Transparency Initiative (EITI).<sup>28</sup> MATA established an innovative and unique, bottom-up, inclusive participatory decision-making process where working groups from the state and region level are selected; from those working groups, five representatives are selected to join the national EITI working group; one representative from the five is selected as the focal person for each state or region who then becomes a member of the Civil Society EITI Steering Committee.

For more details, see [www.facebook.com/pages/Myanmar-Alliance-for-Transparency-and-Accountability MATA/672103292860036](http://www.facebook.com/pages/Myanmar-Alliance-for-Transparency-and-Accountability-MATA/672103292860036)

**Gender Equality Network (GEN)**, formerly the Women's Protection Technical Working Group, was set up in 2008 to focus on multisector and cross-cutting issues faced by women in Cyclone Nargis-affected areas. GEN is an interagency network, comprising approximately 60 local and international NGOs, civil society networks, and technical resource persons specializing in the development and implementation of enabling systems, structures, and practices for the advancement of women, gender equality, and the realization of women's rights in Myanmar.

For more details, see <http://tinyurl.com/kvq529p>

**Women's Organizations Network (Myanmar)**, or WON, is a network of 27 women's community-based organizations. Its website states it is the first women's organization network in the country, formed in the aftermath of the Cyclone Nargis disaster in 2008 to facilitate the exchange of information and experiences and to promote mutual learning and cooperation among women-led groups. WON is striving to improve the socioeconomic conditions of people in general and to empower and to promote the role of women in society.

For more details, see [www.facebook.com/WONMM](http://www.facebook.com/WONMM)

**Women's League of Burma (WLB)** is an umbrella organization comprising 13 women's organizations of different ethnic, religious, and cultural backgrounds that came together in 1999 to increase the participation of women in the struggle for democracy and human rights, promote women's participation in the national peace and reconciliation process, and to enhance the role of the women of Burma at the national and international levels.

For more details, see [www.womenofburma.org](http://www.womenofburma.org)

**Myanmar NGO Network (MNN)** operates to increase coordination and cooperation among NGOs, including increased exchange of information, experiences, and ideas; and to effectively communicate with United Nations agencies, international organizations, and the Government of Myanmar. The MNN provides local NGOs with information, technologies, and assistance that will help them build up their capacities. As of January 2013, the MNN had 110 members.

For more details, see [www.myanmarngonetwork.org](http://www.myanmarngonetwork.org)

**INGO Forum** was created in 2007 to offer international NGOs an independent forum (separate from United Nations-led groups). With 75 members, the INGO Forum supports dialogue among international NGO decision makers on operational matters, helps to

develop complementary strategies, and serves as a platform for joint advocacy initiatives. The INGO Forum works to deepen the understanding of causes and effects of humanitarian and development problems through coordinated information sharing and by exploring opportunities to strengthen policies and best practices through constructive engagement with national and international decision makers.

For more details, see <http://ingoforummyanmar.org/>

**IFI Watch Myanmar** is an organization working to ensure democratic space for civil society and communities in the activities of international financial institutions (IFI) by facilitating dialogue among IFIs, the government, and local communities. Participants belong to ethnic groups and represent civil society organizations, with activities in every state and region.

For more details, see [www.facebook.com/IFIWatchMyanmar/info](http://www.facebook.com/IFIWatchMyanmar/info)

**Myanmar Positive Group National PLHIV Network (MPG)** was founded in 2005 with support from the United Nations Development Programme and the International HIV/AIDS Alliance. The MPG works to build capacity, networking, and self-help groups among people living with HIV, based on the Greater Involvement of People Living with HIV/AIDS policy. In its early days, the MPG networked with 47 self-help groups across the country; as of 2012, that number had grown to 214 groups. The MPG also networks with the Asia-Pacific Network of People Living with HIV/AIDS (APN+) and the Global Network of People Living with HIV/AIDS (GPN+).

For more details, see [www.mpgnationalnetwork.org](http://www.mpgnationalnetwork.org)

**Food Security Working Group (FSWG)** provides a forum for networking, capacity building, and knowledge sharing for organizations and individuals working on food security and livelihood-related issues. Established in 2002, the FSWG links with other NGOs, resource centers, universities, government ministries, and departments at the national level and also with international networks, such as the INGO network and the Greater Mekong Community Forestry network. The FSWG consists of 80 local and international NGOs, community-based organizations, and individuals. It hosts the Land Core Group, a network of organizations and individuals working on land policy issues, particularly those that support smallholder farmers.

For more details, see [www.myanmarfswg.org](http://www.myanmarfswg.org)

**Myanmar Lawyers' Network and Myanmar Legal Aid Network (MLAW)** are among several domestic coordinating entities that have developed or expanded in the past several years. The legal networks are increasingly taking pro bono rights-based cases, are

active in the development of emerging bar associations, are establishing legal aid centers, and are increasing local lawyer's participation in international and regional bodies, such as the Mekong Legal Network.

For more details, see [www.m-law.org](http://www.m-law.org)

**Paung Ku** (Bridge), a civil society initiative established by a consortium of international and local NGOs and now operating as an independent local NGO, works to strengthen local community and civil society organization capacity throughout the country, focusing on high-profile development projects and key issues relating to land, conflict and development and religious tolerance. Paung Ku has been critical in linking international and local groups and directing support to local civil society groups.

For more details, see [www.facebook.com/PaungKu](http://www.facebook.com/PaungKu)

## Civil Society Directories

The **Myanmar Information Management Unit** provides information management services to strengthen analysis and decision making of the humanitarian and development community. It maintains civil society databases by sector and based on nationwide, region, township, village tract, and village location as well as information on which group is doing what and where.

For more details, see [www.themimu.info](http://www.themimu.info)

The **Local Resource Center** produces directories of networks and local and international NGOs.

For more details, see [www.lrcmyanmar.org/en](http://www.lrcmyanmar.org/en)

## Civil Society Capacity

The strength of Myanmar civil society organizations lies in their connection to local communities and having an intimate understanding of the local dynamics and stakeholders, the growing networks within the sector, the dedication and creativity formed from many years of struggling in an extremely challenging environment, and its vital role in service delivery.

Civil society organizations have proven to be highly capable service providers to the poor and underserved, particularly (but in no way exclusively) in conflict-affected areas and areas with weak central government control.

There are several noteworthy civil society capacity-building initiatives, many started by or with the support of international NGOs that have become national groups in the past several years. The Capacity Building Initiative was established by international NGOs in 2000 to meet

their growing demand for skilled and trained staff. As the Transnational Institute's report on Myanmar's civil society in 2011 explained, participants initially consisted of local staff from the international NGOs. Eventually, staff from local NGOs received relevant training. Less an organizational development initiative, the Capacity Building Initiative fills an important skill development role for civil society in Myanmar.<sup>29</sup>

Another prominent initiative is Paung Ku, which as previously described is a national group started by a consortium of international NGOs to assist a range of smaller organizations on training, advocacy, coordination, and small grants. It also takes a critical role in helping international NGOs work with civil society.

Also previously described, the Local Resource Center is a prominent civil society network established by international and local NGOs, which trains and coordinates local NGO capacity building and advocacy around the country through its four offices.

Other civil society capacity-building initiatives have more issue-specific focus. Founded in 2007 by the United Kingdom's Department for International Development, Pyor Pin works with local NGOs and community-based organizations to increase civil society participation in governance and policy processes.

There are also an increasing number of international NGOs working around Myanmar with a specific mandate to strengthen civil society. One such group is ActionAid Myanmar, which provides intensive training to local organizations and assistance through its fellowship program. The program deploys youth leaders in targeted communities to help them, through participatory processes, analyze their problems, plan for development, promote democratic norms and forms of decision making, mobilize resources (including that of local government), and facilitate the implementation of community-prioritized action points through village development banks. The government has embraced the model as an example of people-centered development.

Since 2010, major donors, bilateral agencies, and development partners have increased support for capacity building and awareness-raising activities for civil society organizations active inside Myanmar across a broad spectrum of sectors and geographic areas, often delivering project-based support through third-party international NGOs.<sup>30</sup>

Finally, as the country has opened to the world, Myanmar civil society has likewise increased its collaborations and participation in regional and international initiatives, around issues as diverse as climate change, regional integration, business and human rights, gender equality, and international financial institutions.

As repeatedly noted, many major challenges remain for Myanmar civil society. The urban–rural divide continues with profound technical, resource, and capacity gaps between those based in Yangon and a few other urban areas (including Mandalay) and the rural-based local NGOs and community-based organizations. Support for civil society is overwhelmingly directed at organizations with a presence in Yangon, with capacity-building training and other opportunities offered in the few major urban areas.

Although civil society groups in Myanmar have expanded and diversified quickly, they are experiencing considerable capacity and resource constraints under the myriad changes and challenges of the rapidly growing development assistance and investments. Local NGOs often struggle to retain skilled staff and meet the requests of development agencies and international NGOs eager to work and partner with them.

Local NGOs and community-based organizations are struggling to secure adequate funding for core operations and expanded programs. Although some donors are modifying their registration, reporting, and other requirements to correspond better to the local context, more needs to be done to ensure that local groups can access much-needed resources.

## ADB–Civil Society Cooperation in Myanmar

ADB defines civil society as individuals and groups in the realm of public activity outside of the government and the private sector, including project-affected people. ADB cooperates with civil society on the policy, country-strategy, and project levels. More than two-thirds of ADB sovereign loans, grants, and related project preparatory technical assistance include elements of civil society participation. ADB project officers from a range of sectors, including energy, transport, urban development, and health, have met with local and international NGOs to discuss partnerships and ways of collaborating on new projects.

ADB has prioritized consultation with a broad array of civil society groups since reengaging with Myanmar in 2012. A consistent message from civil society to ADB is the desire for the organization to hold itself and the government to the high standards found in ADB policies on transparency, public communication, accountability, and safeguards.

Responding to civil society recommendations, ADB approved a technical assistance grant in December 2012, Strengthening Civil Society Participation in ADB-Financed Operations (46478), which is developing a Consultation and Participation (C&P) plan for Myanmar. In developing the C&P plan, ADB engaged a team of civil society experts to lead a series of

stakeholder consultations and work with civil society organizations, ADB staff and consultants, and the Government of Myanmar to develop recommendations to increase civil society participation in ADB-financed operations. The team consulted diverse stakeholders across the country, including the border areas, and internationally regarding ADB strategic and project-based activities. The team assisted project officers with stakeholder analysis and identification, and provided village-level consultation support. The 2-year project has supported ADB–civil society cooperation on policies, strategy, sector assessments, and project planning and implementation.

Civil society, among other key internal and external stakeholders, is actively consulted in the development and review of ADB country policies and strategies, and has been involved in the design and implementation of several ADB-financed projects.

## Japan Fund for Poverty Reduction

The Japan Fund for Poverty Reduction (JFPR) is an untied grant facility established by the Government of Japan and ADB in May 2000. As of July 2013, the total JFPR funds available to ADB developing member countries totaled \$615.4 million.<sup>31</sup> ADB approved 158 grant projects (\$422 million equivalent) and 124 technical assistance projects (\$128.1 million equivalent).

The JFPR assists ADB clients in providing direct relief to the poorest and most vulnerable segments of society while building up their capacities for self-help and income generation. Specifically, the JFPR initiates and supports innovative programs that respond directly to the needs of the poorest and most vulnerable groups through new and innovative methods; provides relatively rapid, demonstrable benefits through initiatives that can be developed and sustained in the long term; and helps local populations and civil society design and implement programs.

The Government of Myanmar and ADB have signed three JFPR grant agreements financed by the Government of Japan to help reduce rural poverty, expand HIV or AIDS services to vulnerable groups and into remote areas, and to provide pro-poor community infrastructure and basic services in urban areas. The Enhancing Rural Livelihoods and Incomes grant (\$12 million) is being implemented in six townships in five states and regions; the Greater Mekong Subregion (GMS) Capacity Building for HIV/AIDS Prevention grant (\$10 million) is directed toward at-risk populations around economic corridors near the Thailand border; and the Pro-poor Community Infrastructure and Basic Services grant (\$4 million) is helping establish water supply, sanitation, and other urban services to impoverished communities in Yangon and Mandalay.



The 3-year Enhancing Rural Livelihoods and Incomes grant began its implementation in early 2014. In cooperation with the Ministry of Livestock, Fisheries and Rural Development (as the executing agency) and implemented through the Department of Rural Development, the project will provide community-developed and community-implemented projects to 96 village tracts in six townships. Project implementation units based locally will work with township, village tract, and village officials as well as community members and civil society groups to expand participation from underrepresented populations and ensure that participatory processes lead to village development plans.

A key feature of the Enhancing Rural Livelihoods and Incomes grant is its community-driven approach, under which village infrastructure will be improved, such as access roads, jetties, water and irrigation facilities, schools, and community health centers. Income-earning opportunities will be developed in such areas as fish and shrimp farming, livestock husbandry, and the production of cash crops, including garlic and chilies. The grants help determine and prioritize community-specific needs, which will be financed through community block funds, thus enabling rural communities in particular to directly benefit from the project. ADB has consulted with a broad range of civil society groups, both nationally and regionally, on this project and will continue to do so throughout its operation.

The Capacity Building for HIV/AIDS Prevention grant includes building 47 rural health centers and clinics, refurbishing three township hospitals, and supplying medical equipment and training. The JFPR grant will increase access and quality to health and HIV and AIDS services along fast-developing economic corridors in Mon, Kayin, and Shan states, where new opportunities will attract migrant workers and mobile populations. In these underserved areas, mobile populations and communities are at increased risk of communicable diseases, including HIV. An estimated 200,000 people in Myanmar live with HIV.

## NGO Concerns over ADB Initiatives

Civil society stakeholders have expressed concern to ADB over planned and approved ADB-financed operations in areas with histories of armed ethnic and religious conflict and weak governance, without fully understanding the complex operating environment and incorporating a Myanmar-appropriate conflict-sensitive approach. In response to these concerns, ADB is developing a Myanmar-specific conflict-sensitive strategy and consults extensively with leading experts and diverse and marginalized stakeholders in conducting detailed stakeholder analysis to inform project design and implementation.

The three-pronged ADB conflict-sensitive strategy aims to (i) sensitize and raise capacity within its ranks by training staff at headquarters and the resident mission on conflict assessment approaches, (ii) develop a conflict-sensitive civil society engagement and participation strategy, and (iii) review ADB pipeline projects and apply assessment tools to support development projects that reduce or avoid exacerbating any existing tensions.

ADB has formed an internal mechanism to coordinate activities and systematize outreach and operations particularly for projects in Kayin and Mon states that encourage local participation and optimize the synergies that will maximize local development outcomes.

Remaining concerns center on the lack of timely project- and sector-specific civil society consultation and participation in ADB-financed projects, specifically at the design and feasibility study phases, to the detriment of overall project coordination and outcomes.<sup>32</sup>

Civil society groups have expressed a desire for more significant and earlier roles in ADB's policy work with the government around issues of energy, tourism, country safeguards, rural development, and foundational studies, such as the Country Diagnostic Study<sup>33</sup> and the Interim Country Partnership Strategy. Local groups in particular have urged ADB to design engagements with civil society that take into account their capacity and resources to interface with ADB, particularly project-affected people and civil society outside of Yangon. They note that, at times, the highly technical nature of the policy or project-level information is not accessible to local civil society.

Civil society groups worry that rapid increases in development aid is overwhelming the government's and their own absorptive capacity to engage in policy and project planning, implementation, and monitoring. They have recommended that donors show less concern for "quick wins" and instead increase emphasis on coordination, participation, and capacity building within all stakeholder groups.

Lastly, local civil society groups as well as international NGOs have strongly requested that ADB and other major development agencies pay particular attention to two separate but interrelated issues: first, convergence on service delivery, and second, ensuring that development assistance does not undermine the ongoing peace process. In some conflict-affected areas, expansion of government services with donor support may take the place of traditional local service delivery, often performed by groups linked to ethnic armed organizations. This can have negative effects on the peace process. At the same time, these traditional service delivery modalities are seeing their support erode as donor priorities shift.<sup>34</sup>

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<sup>3</sup> The International Center for Not-for-Profit Law. 2014. *NGO Law Monitor: Myanmar* (Burma). <http://www.icnl.org/research/monitor/Myanmar.html> (accessed 21 August 2014).

<sup>4</sup> See endnote 2, p. 11.

<sup>5</sup> Adapted from Thein Swe, ADB. Report of Government–CSO Relations: Opportunities for Collaboration. Unpublished; see also Transnational Institute and Burma Center Netherlands. 2011. *Civil Society Gaining Ground: Opportunities for Change and Development in Burma*. Amsterdam.

<sup>6</sup> Asia Foundation. 2014. *Ethnic Conflict and Social Services in Myanmar's Contested Regions*. Yangon. p. 7 (citing author interviews with Kachin Independence Organization leaders in September 2013, New Mon State Party leaders in September 2013, Restoration Council of

Shan State leaders in November 2013, Karen National Union leaders in June and July 2013, and a former New Mon State Party leader in March 2014).

<sup>7</sup> See endnote 6, p. 16.

<sup>8</sup> See endnote 3. p. 10.

<sup>9</sup> Government of Myanmar. 2013. *The Nay Pyi Taw Accord for Effective Development Cooperation* (committing the government to consulting with civil society on development priorities and plans and creating an enabling environment for civil society contribution to policy formulation, budgetary processes, and delivery of services at the grassroots level. Nay Pyi Taw.

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<sup>11</sup> Myanmar People Forum Working Group. 2014. *Civil Society Plan Regional People's Forum in Every State, Division*. Yangon; Yen Snaing. 2014. Civil Society Plans 'Regional People's Forum' in Every State, Division. *The Irrawaddy*. 17 June. <http://www.irrawaddy.org/burma/civil-society-plans-regional-peoples-forum-every-state-division.html>

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<sup>13</sup> E. Prasse-Freeman. 2012. Power, Civil Society, and an Inchoate Politics of the Daily in Burma/Myanmar. *The Journal of Asian Studies*. 71 (2). p. 382.

<sup>14</sup> Ja Nan Lahtaw, Nang Raw Zahkung, and Nang Shan Lahpai. 2014. Civil Society Contributions to Myanmar's Peace Process. *Catalyzing Reflection*. Yangon: Swisspeace and Shalom (Nyein) Foundation. p. 10.

<sup>15</sup> See endnote 14, pp. 16–17 for a list of local organizations supporting the peace process.

<sup>16</sup> See endnote 14, pp. 13–15.

<sup>17</sup> United Nations Human Rights Council. 2014. *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar* (UN Doc A/HRC/25/64, 2 April). Geneva.

<sup>18</sup> Human Rights Watch. 2014. *World Report: Burma Country Summary*. New York. p. 3.

<sup>19</sup> United Nations. 2014. Situation of Human Rights in Myanmar: Report of the Special Rapporteur on the Situation of Human Rights in Myanmar (A/69/398, 23 September). <http://www.ohchr.org/EN/newyork/Pages/HRreportstothe69thsessionGA.aspx>; see also Statement of the United Nations Special Rapporteur on the Situation of Human Rights in Myanmar, 26 July 2014.

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- <sup>25</sup> See endnote 12.
- <sup>26</sup> In his 2013 report to the Human Rights Council (UN Doc. A/HRC/22/58, 17 April 2013), the UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, noted seeing no evidence that the judiciary is developing any independence from the Executive (para. 63) and expressed continued concern over information he received of ongoing intimidation of lawyers by state officials and arbitrary revocation of licenses (para. 67).
- <sup>27</sup> International Commission of Jurists. 2013. *Right to Council: The Independence of Lawyers in Myanmar*. Bangkok. p. 15.
- <sup>28</sup> Ministry of President's Office (3). 2014. Myanmar Application for Candidacy from EITI. <http://eiti.org/files/MEITI-application.pdf>
- <sup>29</sup> See endnote 3, p. 38.
- <sup>30</sup> Prominent examples of external support for civil society capacity building: United Nations Development Programme support to strengthen the institutional capacity of civil society and media institutions to coordinate and engage public and private sectors in the provision of public services; British Council's Active Citizens program; USAID Human Rights and Rule of Law; and Open Society Foundation Burma Project.
- <sup>31</sup> All currencies are in US dollars.
- <sup>32</sup> Interviews with Myanmar local NGO staff in Yangon involved in TA 8289: Strengthening Civil Society Participation in ADB-Financed Operations, 2013–2014.
- <sup>33</sup> ADB. 2014. *Myanmar: Unlocking the Potential*. Manila.
- <sup>34</sup> See endnote 8, p. iii.

## Definition and Objectives of Civil Society Collaboration

Civil society is an important stakeholder in the operations of the Asian Development Bank (ADB) and its borrowers and clients. It is distinct from the government and the private sector and consists of a diverse range of individuals, groups, and nonprofit organizations. They operate around shared interests, purposes, and values with a varying degree of formality and encompass a diverse range—from informal unorganized community groups to large international labor union organizations. Of particular relevance to ADB are nongovernment organizations, community-based organizations and people's organizations, foundations, professional associations, research institutes and universities, labor unions, mass organizations, social movements, and coalitions and networks of civil society organizations (CSOs) and umbrella organizations.<sup>a</sup>

ADB recognizes CSOs as development actors in their own right whose efforts complement those of governments and the private sector, and who play a significant role in development in Asia and the Pacific. ADB has a long tradition of interacting with CSOs in different contexts, through policy- and country strategy-level consultation, and in designing, implementing, and monitoring projects.

In 2008, ADB launched Strategy 2020, which articulates the organization's future direction and vision until 2020.<sup>b</sup> Above all, Strategy 2020 presents three complementary strategic agendas to guide ADB operations: inclusive economic growth, environmentally sustainable growth, and regional integration. These agendas reflect the recognition that it is not only the pace of growth but also the pattern of growth matters in reducing poverty in the region. In this new strategic context, partnerships with a range of organizations, including CSOs, will become central to planning, financing, implementing, and evaluating ADB projects.

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<sup>b</sup> ADB. 2008. *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank, 2008-2020*. Manila.

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