

DECENTRALIZATION IN MYANMAR: THE EVOLUTION OF THE DEVELOPMENT
AFFAIRS ORGANIZATION (DAO)

A Research Paper
Presented to the Faculty of the Graduate School
of Cornell University
in Partial Fulfillment of the Requirements for the Degree of
Master of Regional Planning

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December 2018

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ABSTRACT

This paper analyzes the work and role of the Development Affairs Organization (DAO) introduced in the local governance system in Myanmar through the 2008 Constitution. It traces its evolution and looks at the functioning and efficacy of the officials, the DAOs, through the analytical lens proposed by development economist, Judith Tandler in her path breaking book (1997), *Good Government in the Tropics*. My methods of analysis were mainly qualitative, built on field surveys, focus group discussions and interviews with different stakeholders. The DAOs are under the State and Region governments with 31 urban functions under their mandate but have no reporting ministry at the Union level unlike the Financial and Revenue Planning ministry or Agriculture ministries. In a country without a third tier of governance, the DAOs are representative of the state and are a major basic services provider. I find DAOs to be functioning as the face of the state at the local level, even as they face many limitations under the GAD (General Administration Department) and cannot fully provide the ‘missing link’ between the central state and municipal governance in Myanmar.

BIOGRAPHICAL SKETCH

In a lot of ways my life mirrors the words of *Chicago Tribune* journalist Mary Schmich, turned into a gentle narration by Australian director, Baz Luhrmann, in the ‘Sunscreen Song’. A few lines that resonate, “Don't feel guilty if you don't know what you want to do with your life....the most interesting people I know didn't know at 22 what they wanted to do with their lives, some of the most interesting 40-year olds I know, still don't.” I have meandered my way from a bachelor’s degree in architecture to working in urban design, sustainability, transportation and environmental finance. I have picked, examined and embedded various experiences from these journeys and in a twist of proverbial fate do hope to combine these interests someday. This paper reflects my interest in peace-conflict and planning, the DAOs are a by-product of the military rule in Myanmar, but more importantly embed in them characteristics from the time of the monarchy in Burma.

ACKNOWLEDGEMENTS

This paper would not have been possible without the help of many wonderful individuals over the two years I was here in Ithaca. I am extremely grateful to them for their time, guidance and patience.

I approached Professor Neema Kudva trying to explore the intersection of planning and conflict. Having been a witness to the long-lasting effects of violent religious conflict in New Delhi, Mumbai and Ahmedabad, and with prior experience in Jharkhand's Naxal belt (which former Indian Prime Minister termed as the biggest threat to internal security), I was very curious about this relation. Her immediate feedback and guidance throughout the process has been amazing and helpful as I figure out how to put my thoughts into words. Professor Matthew Evangelista's weekly Thursday talks on conflict through the Judith Reppy Institute for Peace and Conflict Studies at Cornell University helped me immensely to situate my interest within the broad field of conflict and peace studies. His feedback and continuous encouragement to add different perspectives was very helpful.

In particular, I would like to thank Professor Tamara Loos whose class *Cambodge* gave me my first glimpse into Southeast Asia. Reading a book per week for her discussion styled class helped me understand not just Cambodia, but Myanmar in the light of its ties to other southeast Asian countries.

All this work was not conceivable without my colleagues at The Asia Foundation; Ma Ei Ei The, Ko Tun Thet Aung, James Owen and Matthew Arnold, who helped me figure the country and the DAOs as well as Lachlan and Arkar at the Renaissance Institute who helped me understand the DAO's user fees and taxes better.

Finally, this paper would not have been possible without financial assistance from the Einaudi Center for International Learning, the South East Asia Program and the Department of City and Regional Planning at Cornell University.

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LIST OF ABBREVIATIONS

BSPP	Burmese Socialist Programme Party
CDF	Constituency Development Fund
DAO	Development Affairs Organization
DANIDA	Danish International Development Agency
DDA	Department of Development Affairs
DFID	Department for International Development
DRD	Department of Rural Development
GAD	General Administration Department
IPWT	Industrial Performance Workplace Transformation
MDRI	Myanmar Development and Resource Institute
MIMU	Myanmar Information Management Unit
MoBA	Ministry of Border Affairs
MoDA	Ministry of Development Affairs
MoHA	Ministry of Home Affairs
MoLFRD	Ministry of Livestock, Fisheries, and Rural Development
NLD	National League for Democracy
SIDA	Swedish International Development Cooperation Agency
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
TAF	The Asia Foundation
TDAC	Township Development Affairs Committee
UCSB	Union Civil Service Board
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
USDA	Union Solidarity and Development Association
USDP	United Solidarity and Development Party

INTRODUCTION

Motivation

As the global community moves forward on a framework of international cooperation and strong economic growth, there are several fragile states languishing at the bottom of this group.¹ These so-called fragile states lack the political will or capacity to deliver public safety and basic services to all their citizens (Baird, 2010). As a planning professional with experience working and living in a conflict zone in India, I have a keen interest in understanding the mechanisms of how basic services are delivered to people, be it by the state or a non-elected entity in a setting where political will and capacity is deficient.² When I decided to spend the summer of 2017 in Myanmar with The Asia Foundation, it was with an aim of understanding these nuances in a country governed by a military elite for decades.³ The introduction of a new constitution in 2008 and the push to change the top-down autocratic regime into a responsive and devolved administration is fascinating because of my interest in the details of how this change is taking place at the local administrative level.

I chose to work with The Asia Foundation's (TAF) Myanmar office because of the significant body of research it has produced on issues related to conflict, economic development and governance in the country. TAF is an international non-profit development organization committed to improving lives across Asia, with headquarters in San Francisco, California. It established an office in Myanmar in 1958, but along with other international organizations was forced to leave the country after the 1962 coup by General Ne Win.

¹ The World Bank and the OECD in their States of Fragility, 2015 report presented a monitoring framework that looks at countries through five dimensions of fragility; violence, justice, institutions, economic foundations and resilience.

² Basic services as broadly defined by international aid organizations includes social services (food, health, education, sanitation and clean water), social protection (social safety nets, improvement of livelihood programs) and security and justice.

³ The Asia Foundation is an international non-profit development organization headquartered in San Francisco, USA. It has offices in 18 countries and informed by deep local expertise and six decades of experience, addresses critical issues affecting Asia in the 21st century by: strengthening governance, expanding economic opportunity, increasing environmental resilience, empowering women, and promoting international cooperation.

Having re-established its office in Myanmar in 2013, TAF works with different stakeholders in the government, private sector and civil society.

At TAF, I discovered the important role of the Development Affairs Organization (DAO) in the system of local governance in Myanmar. In my research prior to reaching Myanmar, I had not come across detailed information on the DAOs in different documents or reports published by an initial rush of international aid organizations that flooded the country after the historic 2012 elections and transition.⁴ ⁵The DAO is the local administrative body tasked with municipal governance, delivering many urban services and overseeing the local economy. It conducts important everyday functions (refer to Table 1, for a complete list of duties and functions) like approving licenses, road construction, provision of basic services like water, garbage disposal and street lighting.⁶

DAOs are present in all townships in Myanmar, except in Naypyidaw (the capital city), Yangon and Mandalay regions.⁷ Despite the country's centralized governance system, the DAOs have a considerable degree of autonomy and control over basic service provision and revenue generation. They have autonomy to raise revenues (based on agendas set by the state and the TDAC) and significant discretion to develop the township according to the most pressing needs of the people. DAOs are the only fully decentralized government agency under the control of state and region governments with no mother ministry at the Union-level to report to. The DAO at the township level reports directly to the State Development Affairs (DA) minister. A remark by the Chin State's DA minister, Salai Issac Kehn's in a TAF led meeting of different DAOs, that the DAOs are "Myanmar's test of

⁴ The poor visibility of the DAOs from early reports was a testament of how little the outside world knew of governance systems in Myanmar. TAF had a bottoms-up approach which allowed them to focus on entities in the subnational governance structure, especially the DAOs and publish the sole report (till 2018) highlighting their functions and importance.

⁵ This lack of information was pervasive across the country, in many cases there was anecdotal evidence of how newly elected Members of Parliament or state representative were not very sure about their roles and responsibilities or the legislative privileges that the 2008 Constitution gave their position.

⁶ These functions and duties are funded from user fees collected within the township and small grants from the state/region when redistribution of unused funds from all DAOs within the state/region is done.

⁷ Yangon and Mandalay have City Development Committees which are comparable municipal bodies to the DAOs, while Naypyidaw has a Leading Body Council led by the President

decentralization” highlights the importance of this organization as Myanmar tries to move away from a centralized decision-making structure (James Owen, 2018).

Table 1: All 30 duties and functions of the Development Affairs Organizations

Social Services Duties and Functions	Economic Governance Duties and Functions
Town planning	Markets owned by DAO
Water supply	Privately-owned markets
Sanitation	Cattle markets
Sewage disposal	Slaughterhouses
Disaster preparedness	Roadside stalls
Street lighting	Small loan businesses
Roads and bridges	Bakeries and restaurants
Removal of vagrant persons on streets	Dangerous trades
Animal control	Lodging houses
Parks, swimming pools, public baths, and recreation centers	Breeding of animals and disposal of carcasses
Road rules, street naming & addresses	Ferries
Cemeteries and crematoriums	Slow-moving vehicles
Removal of cemeteries	
Public buildings under the charge of DAO	
Demolition of squatter buildings	
Construction permission for private buildings	
Other development works in the public interest	
Other duties as needed	

Source: Matthew Arnold, Y. T. (2015). *Municipal Governance in Myanmar: An Overview of DAOs*. Yangon: The Asia Foundation. Page 3.

My involvement with TAF was through the Myanmar Strategic Support Program (MSSP) which works with states, regions and local governments to strengthen capacity for delivery of basic services. Working on these issues with the DAOs in Hp’an (capital of Kayin state) and *Taunggyi* (capital of Shan State) along with exposure to work going on in the Yangon and Mandalay regions, I got a glimpse of how the DAO works and the perception that citizens hold of them. This paper looks at the organizational effectiveness of the DAO, the face of the government on the ground, through an analytical structure grounded in concepts developed by Judith Tendler, in her influential book on international development, administration and political hierarchy, *Good Government in the Tropics* (1997).

Tendler was a world-renowned development economist who spent much of her professional life in Latin America, South Asia and Africa. Her book is set in Brazil when it was under military dictatorship (1964-85) with a unitary structure that resembles Myanmar's governance system. As in Brazil at the time of Tendler's writing, Myanmar lags behind other states when several social, economic and political indicators are taken into account. Accepting this poverty and condition of scarce resources, Tendler's work tried to shift the debate away from what is *wrong* to what works, and at the circumstances under which public servants become truly committed to their work and improve public service. In this respect, I found the DAOs to be an organization that is the primary 'giver' of basic services and 'doer' of projects that are important to people at the township level, with the potential of becoming much more.

Research Method

The research in this study was largely qualitative and involved synthesizing a lot of secondary information from colonial acts and laws and current translated legislations. For the purpose of this paper, I did preliminary literature reviews while at Cornell, accessing the Echols Southeast Asia Collection in the Kroch Library and meeting numerous subject and regional experts through the Gatty Lecture series from 2016-18. In Myanmar, I conducted interviews with different stakeholders in the *Taunggyi* and *Hpa-an* DAOs, absorbed a lot of information from local staff at TAF where I interned, observed and documented daily routines visually or on a sound recorder and had a number of casual conversations with people from all walks of life.⁸

⁸ Sometimes these casual conversations gave a much better understanding of the country. For instance, in a ride with a Rohingya cab driver, he talked about the discrimination faced by the community even in urban and well-educated areas like Yangon. The closure of mosques during Eid celebrations, the implied bias in people not visiting Rohingya restaurants and the unwavering support for Aung San Suu Kyi despite all of these issues was a surprising insight that neither a book nor report could have told me.

Table 2: Interviews conducted between May – August 2017 for the paper

Location	Date of visit	Interview/ focus group	Details
New Delhi, India	30th May, 2017	2	CPR-CSH Workshop on 'Democratisation through Participatory Action Planning in Yangon'; Banashree Banerjee
Taunggyi, Shan State, Myanmar	5th – 9th June, 2017	5	Interviewed different officials in the Taunggyi DAO; Executive Officer, State Director, Deputy Staff Officer, Chief Engineer and civil society organization
Hpa-an, Kayin State, Myanmar	20th – 23rd June, 2017	4	Interviewed different officials in the Hpa-an DAO; Executive Officer, DSO, CE, Assistant Engineers, Junior Engineers
Naypyidaw Union Territory, Myanmar	2nd – 4th July, 2017	3	Conversations with civilians and one international aid worker
Taunggyi, Shan State, Myanmar	10th – 13th July, 2017	2	Interviewed non-gazetted staff at the Taunggyi DAO
Hpa-an, Kayin State, Myanmar	18th-19th July, 2017	2	Interviewed Executive Officer, non-gazetted staff at the Hpa-an DAO
Yangon, Myanmar	Spread over three months period I was in Myanmar	18	Interactions with staff at TAF, MDRI, Renaissance Institute, Yangon Heritage Trust, International Labor Organization, United Nations Office for Project Services (UNOPS), Associated Press (AP), Danish International Development Agency (DANIDA), Swedish International Development Cooperation Agency (SIDA), Department for International Development (DFID), Koe Koe Tech ⁹

I analyzed the collected data and connected the dots with past and existing legislation to understand how the work of the DAOs translates on the ground. I have also relied on creating chronological maps to better understand the different political changes, restructuring of the governance system and changes in power structures. The exercise of

⁹ A large number of these meetings and interviews with international development agencies started off as informal chats in 'expat' parties. The opening up of Myanmar to international aid has led to a number of expats making it home. This also means that because of governance parameters within their organizations, these aid agencies hire many locals in their staff. One big issue they face though was the high turnover of this local staff to competing agencies. Experienced Burmese staff who have a decent knowledge of English and know their way around the bureaucracy and government are highly valued. Funnily, such people also tend to openly call themselves 'fixers'. It's a term with negative connotations in my experience, but is valued in Myanmar.

mapping change over time allowed me to consolidate information from multiple sources and established a coherent flow and narrative that undergird my analysis.

To grasp the functioning of the DAO required understanding the administration and political hierarchy of the monarchy in pre-colonial Burma (9th century to 1885), British colonial rule (1885 – 1948), the short-lived democratic period (1948 - 62) and the current rule of the military junta (1962 – 2015) which has seen different phases. Myanmar's history as a nation with a mix of different ethnicities and religions, a checkered past and present with military dictatorship have lent a unique flavor to the governance system. It is difficult to understand governance structures in current day Myanmar, without a grasp of its evolution through these various periods.

History of Myanmar as a Nation

The Republic of the Union of Myanmar was known till 1989 by its former name, Burma, or the land of the majority Bamar ethnic group. The United Nations uses the term Myanmar, though many in the international and domestic community still prefer to use Burma.¹⁰ Myanmar is a sovereign state where about 90% of the population practices the Theravada school of Buddhism. It shares borders with Bangladesh, China, India, Laos and Thailand, and transitioned into a limited democracy, when the military junta allowed democratic elections in 2012. Its long and often troubled modern history cycles through a monarchy to colonialism, with a long period of military dictatorship that ends in an uneasy relationship with democracy led by a Nobel peace prize winner, Aung San Suu Kyi.¹¹

The region that is modern-day Myanmar was a group of warring principalities up to the early 19th century, comprising of the Bamars, Arakan, Shan and Kachin states. The Arakan

¹⁰ Aung San Suu Kyi after winning the elections in 2016 announced that since the Constitution doesn't give precedence or preference to either, both terms can be used. USA and many European countries still officially refer to Myanmar as Burma, avoiding a term they feel was formalized by a military dictatorship

¹¹ Aung San Suu Kyi, also known as 'The Lady' or ASSK, is the daughter of Aung San, considered to be Father of the Nation of Myanmar, who was assassinated right after Burma got independence in 1948. ASSK's official role in Myanmar politics is that of State Counsellor and she is the leader of the majority party, the National League for Democracy.

(also known as Rakhine) state shares a border with Bangladesh and has a large Rohingya population. It was an independent kingdom that weakened towards the early 18th century but served an important role as buffer between British controlled India and the rest of mainland Southeast Asia, until the Burmese Konbaung dynasty captured Arakan in 1784. The proximity of the Burmese kings with British ruled territories, pitched them in direct confrontation. The resulting three Anglo-Burmese wars from 1824-1885 saw the gradual British takeover of the region. They consolidated the whole area under the name, Burma.

The pre-colonial Burmese system of governance under the monarchy comprised of a council of ministers (hluttaw) who handled different subjects, like the current Constitution's Union legislative list handled by different Union ministers (refer to appendix 3 for entire list). Local administrators known as *Myo Wun* administered townships as their governors (Ninh & Arnold, 2016). The British directly administered the Bamar majority areas but indirectly controlled the ethnic regions. For example, the *Saophas* (also called *Sawbwaws*) were hereditary rulers of 34 semi-independent Shan states which were nominal sovereign princely states during the colonial period and agreed to relinquish titles to form the Union of Burma in 1948 (Sargent, 1994).¹² The British consolidation of ethnic and Bamar areas formed the basis of modern day Myanmar, with the influences of both monarchy and colonial administration seen in the present form.

Burma was administered from Calcutta (India) and as a part of the (larger British India) colony saw a free flow of labor, capital and goods between the subjugated masses (Steinberg D. , 2001).¹³ To highlight the free transfer of goods between the two countries - at one point, Indians owned more property in Burma than the Britishers (Myint-U, 2011).¹⁴

¹² The British took tributes from the Shan states in return allowing the traditional local monarchs to rule the areas

¹³ Though they were two separate colonies, Burma and India were considered as part of the larger subjugated region and ruled as one.

¹⁴ On an interesting side note, the last Mughal emperor, Bahadur Shah Zafar II was exiled to Rangoon (now Yangon) after the Indian Rebellion of 1857 and the last sovereign King of Burma, Thibaw Min, was exiled to the port city of Ratnagiri, Maharashtra after the Third Anglo-Burmese War in 1885 (Keck, 2009).

During World War II, the Burmese sided with the Japanese to overthrow the British and win their independence in 1948. The assassination of the military chief and ‘father of the nation’, Aung San, shortly after independence by a group of paramilitaries aligned with former Prime Minister, U Saw, left the country under the leadership of Prime Minister U Nu, for a major part of the time till 1962.^{15 16 17} A coup by then head of the *Tatmadaw* (the Burmese armed forces), General Ne Win would kickstart an extended period of rule by the military junta that resulted in disastrous consequences for the development of the country. In the next five years (1962-67), international organizations were shunted out and a nationalistic economy policy called the ‘Burmese Way to Socialism’ exiled non-Burmese populations as the government seized private lands and properties. These were followed by policies on demonetization based on the General’s lucky number, 9, which crippled the Burmese economy and wiped out people’s savings overnight. The policies led to the economic isolation of the country and simultaneously created a huge black market.¹⁸ Political opponents were silenced, and Ne Win controlled the country through his political proxy, the mass-based organization, the Burma Socialist Programme Party (BSPP) till the student protests of 1988.

The spring of 1988 saw the frustrations of the country spilled on to the streets of Yangon. University students, monks, political dissidents and the local population clashed

¹⁵ Rumours have always abounded of who ordered the assassination of Aung San and his six cabinet colleagues with him. The Britishers who were leaving were suspect at one point as well.

¹⁶ Burmese names tend to have honorifics, U is used for men in a high position or respected in society

¹⁷ U Nu was Prime Minister of Burma from 1948-56, 1957-1958 and 1960-62. He relinquished his post in 1956, however was voted back in during the 1957 elections. In 1958 he asked General Ne Win to lead a caretaker government because of a poorly performing economy but won the 1960 elections to return as prime minister.

¹⁸ Myanmar had three rounds of demonetization, starting in 1964, when denominations of 50 and 100 kyats ceased to be legal tender overnight. In a predominantly cash economy, the move largely affected the rural Burmese population and small businesses, who couldn’t pull strings in the government and exchange notes in time. The next demonetization order in 1985 was again supposed to lower inflation and stop black marketeering, and like the previous one did not specify an exchange time or deadline. New 25, 35 and 75 kyat notes were issued in place of 20, 50 and 100 kyat notes (the 50 and 100 kyat notes were reintroduced after the 1964 round). The 1987 demonetization spree was the most bizarre, General Ne Win pulled all notes introduced in 1985 and replaced them with notes that were multiples of his lucky number 9. No exchange, compensation or official explanation were provided, and Myanmar’s economy crippled further. This round was the last straw, providing in part impetus for the student demonstrations of 1988.

with the special riot police (the *Lon Htein*) and the *Tatmadaw* resulting in the killings, torture and rape of thousands of protestors who are still unaccounted for (Watcher, 1989). The 8888 Uprising (known so because key events peaked in August 1988) led to the resignation of General Ne Win from the chairmanship of the BSSP and the emergence of Aung San Suu Kyi as a national icon.^{19 20} The army chief, General Saw Maung staged a coup (with the blessing of Ne Win) retaking power while simultaneously crushing any opposition and establishing the State Law and Order Restoration Council (SLORC) to rule Myanmar (Watcher, 1989). The SLORC set four goals to rule the country: maintain law and order, improve transportation, improve the humanitarian situation and hold multi-party elections (Guyot, 1991). In a result that the SLORC refused to acknowledge, the Aung San Suu Kyi led National League for Democracy (NLD) won 80% of seats in the 1990 multi-party general elections. The military junta continued to rule Myanmar through its proxy political parties and the State Peace and Development Council (SPDC) which replaced the SLORC in 1997.

Having been a pariah state for more than fifty years, the military leadership aimed to ease its grip and provide a semblance of democracy through an electoral process. The NLD won 43 of 44 seats that it contested in the 2012 by-elections, though the military's proxy political party still controlled the houses of parliament, the Union Solidarity and Development Party (USDP).²¹ The 2015 elections were the first truly fair general elections in five decades that resulted in the NLD coming to power with a resounding 86 percent majority of seats. The NLD assumed control of most legislative-executive bodies, except

¹⁹ Ne Win would continue to play a shadowy role in Myanmar politics till 1998 when Senior General Than Shwe would consolidate his hold on the country and the army. Post 1998 till his death in 2002, Ne Win started playing a lower role in the politics of the state.

²⁰ Successive army generals have added titles to their designations, for instance Than Shwe started using 'Senior General' to create a separate legacy from that of General Ne Win.

²¹ After the disbanding of the State Peace and Development Council (SPDC) in 2011, the Union Solidarity and Development Party (USDP) took the mantle of the Burmese government's mass organization party. This existed in the past as the Burmese Socialist Programme Party (BSSP), which became the Union Solidarity and Development Association (USDA) in 1993 and then took the form of the USDP in 2010. The USDP is currently the opposition political party to the NLD.

three important Union ministries that were under the military's control - Defense, Border Affairs and Home Affairs (under which the General Administration Department is). Aung San Suu Kyi assumed the role of State Counsellor (a bill passed by the bicameral legislature created this post) since statute 59(f) of the 2008 Constitution does not allow a person with a spouse or children who are foreign nationals, to become Head of State.²²

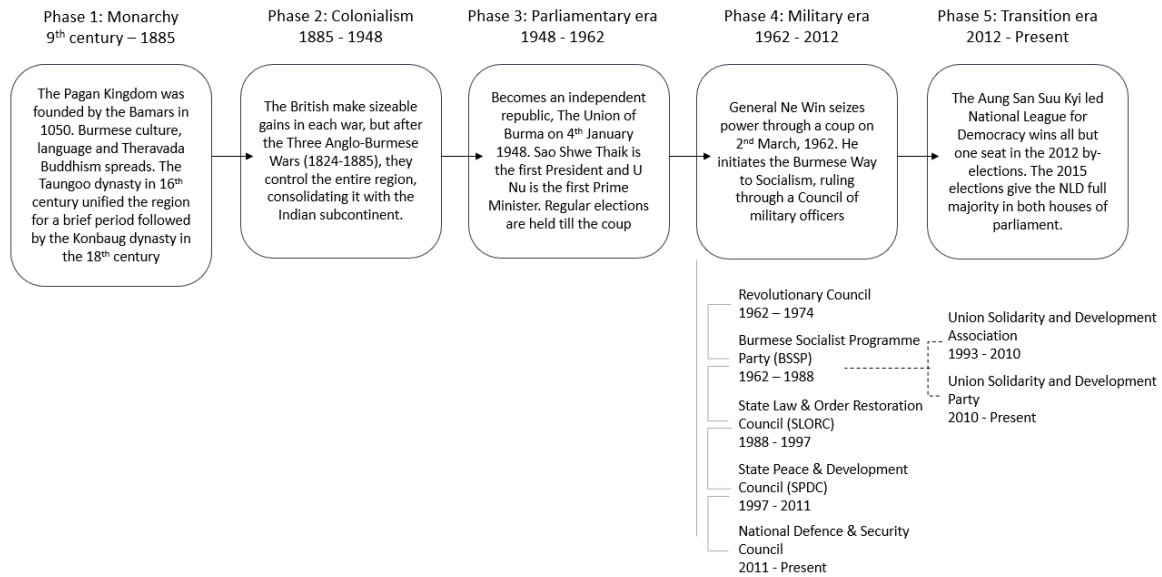


Figure 1: Phases that Myanmar went through from the 9th century till 2018

This history of governance in Myanmar as shown in Figure 1, which describes the different phases that have contributed to the current system of governance and administration in Myanmar. These have led to different administrative structures of local governments - the monarchy ruled through their council of ministers (*hluttaws*), the British introduced a system of municipal governance and relied on overlords in ethnic areas, and the military which retained bits and pieces of these systems, implemented a top-down central chain of command. This centrality makes the current push towards decentralization through

²² Aung San Suu Kyi was married to a British citizen, Michael Aris, who died in 1999 and has two son who are British citizens as well. Her sons cannot get Burmese citizenship since Myanmar does not recognize dual citizenship.

the 2008 Constitution fascinating.²³ The process of decentralization has accelerated since the Thein Sein government came into power in 2011. He is a former military general whose government has emphasized “people-centered development,” creating consultative bodies or elected positions at district, township and village levels. Thein Sein also ordered state and region level civil servants to coordinate with state and region government over Union level responsibilities and increased the budgets available for local public functions and development projects (Hamish Nixon, 2014).

The Development Affairs Organization (DAO) has changed forms, reporting authorities and mandating laws through successive periods, but has emerged as one of the largest urban service providers at the local level. To understand the present form of the DAO, it is important to understand aspects of changes in Myanmar’s governance. The implementation of three constitutions over a period of sixty years, the military junta-initiated mass-based organizations and the current democratic transition make for an interesting case in how local governance implements programs on the ground.

Background of changes in governance in Myanmar

Myanmar’s turbulent history reflects in its form of government, pattern of administrative organization and practices and the basic principles and ethos of the civil servants (Yin, 1963, pp. 1-4). The mix of the traditional monarchic organization, the codified British administration and the rigid centrality of the military junta created a unique blend that retains characteristics of all three till today. For instance, local governance took its earliest shape from the colonial 1874 Burma Municipal Act which creates formal municipal committees (now the DAOs) for townships but also carried over concepts like the village elders system, which is a key part of the local governance system.²⁴ These were

²³ Though the Constitution was passed by a referendum, additional decentralization statutes were accelerated by President Thein Sein through presidential decrees.

²⁴ The elders represent a fundamental part of governance at the village level. Age is correlated with wisdom and the village elders perform a variety of functions, everything from officiating marriages to regulating social life. During the rule of the monarchy, the village elders along with the headman were an extension of the King’s rule.

practices from the monarchy that carried into present day Myanmar and resemble an administrative system that is an early traditional organization erected on an established social order. After independence in 1948, the new constitution juxtaposed many old practices on a new order of governance. Accompanied by conditions of social change (that) have led to a degree of disorganization in the course of its transformation, these come together to form the current state of governance in Myanmar (Yin, 1963, p. 4). The military coup and the propagation of a Socialist path combined with a Buddhist way of looking at life created a confusing amalgamation. David Steinberg captures the sense of Burma after decades of military rule, perfectly in this paragraph,

Burma is an anomaly - a unique nation dominated by a highly centralized single-party dictatorship yet composed of over sixty-five thousand village economies only loosely tied to the central government. Burma's political ideology ostensibly enforces a rigid socialist system, but economically it openly tolerates, and indeed is dependent on, an informal, and often illegal, parallel market. It preaches the harmonious equal union of diverse ethnic groups, yet it has been internally domineering toward these groups and in consequence is plagued by minority dissension and rebellion. The Government espouses Marxism, but the Burma Communist Party is in active revolt; while it blends doctrinaire socialism with the Buddhist concept of the impermanence of things, it rejects historical determinism.... Burma could be considered terra incognita in the contemporary sense, where crucial statistics are often lacking, where available data are often contradictory, and where public distribution of material is controlled (Steinberg D. , 2001, p. xxxii).

Some scholars have tried to understand these anomalies, focusing on the different phases of governance. Alleyne Ireland (1907), John Furnivall (1958), Hugh Tinker (1954) and David Steinberg (2001) are among a few who studied the governance of pre and post-independence Burma in detail. Alleyne Ireland's exhaustive two-volume book details the history of Burma, its takeover by the British, demography and the governance system. It gives a detailed account of 'reforms' introduced by the British in the civil service, judiciary and municipal administration, in most cases, biased with a view of continuing colonialism

(Ireland, 1907).²⁵ John Furnivall on the other hand was steeped in Burmese culture and wrote a detailed account of the history of Burma's administration and its intersection with the post-independence system (Furnivall, 1958).²⁶ Tinker illustrates the common colonial thread connecting India, Pakistan, Burma and Sri Lanka through his book and details the indigenous local government institutions that underline the current governance systems (Tinker, *The Foundations of Local Self-Government in India, Pakistan and Burma*, 1954).²⁷ Steinberg's book is one of the first that strives to understand the rule of the military in Burma after the 1988 student uprisings, he explores different facets of the country and uses personal and foreign observer accounts to provide an overview of the administration (Steinberg D., 2001). These authors give a sense of the changes that took place as the country transitioned between different styles of political and social authority.

This paper looks at governance through the work of the DAOs while acknowledging the present transition to democracy. My definition of governance is based on Lester Salamon's interpretation, who instead of using the word, government, used "governance" to emphasize the collaborative nature of public problem-solving in the 21st century (Salamon L., 2001). Such an approach is necessary because problems have become too complex for government to handle on its own, and because disagreements exist about the proper ends of public action. Governments increasingly lack the authority to enforce their will on crucial actors without giving them a meaningful seat at the table (Salamon L., 2001). I accept Salamon's definition because it comes close to describing an ideal system of good governance in a democratic society. Myanmar has for decades seen a history of centralized governance with power concentrated in the hands of few military elites. A collaborative

²⁵ Alleyne Ireland's accounts talk of how the British bought the country out of a 'state of chaos of horrors' and of low rung workers as people who 'require a vigilant eye to supervise them, and a strong hand to keep them up to their work.' His accounts fall under the 'traditional public administration' genre that deals exclusively with internal operations of public agencies and is considered to be colonial writing

²⁶ Furnivall was a career Indian Civil Service officer, married to a Burmese woman and was Prime Minister U Nu's National Planning Advisor in 1948. His book encompasses the different periods in Burmese administration and argued that colonial practices had destroyed the social order in Burma.

²⁷ Tinker refers to this entire landmass as 'South Asia' opining that Burma is far closer to the Indian subcontinent than Southeast Asia, both culturally and politically.

form of governance defines the new union, state and local structures that have come up post the 2008 Constitution. Similarly, instead of considering the traditional concept of public administration that looks at the specifics of staff recruitment, budgeting and task accomplishment – this paper builds on the concepts discussed by Tendler and Salamon to see how programs are operationalized and implemented in the real world and what makes an organization effective in terms of service delivery.

Judith Tendler's work has been instrumental in shaping my perspective for this paper. It focuses on Brazil and gives a Latin American context to governance but was set in a period where Brazil was under military dictatorship (1964-85). Her case studies look at indigenous best practices within the governance system in the state of Ceará, that went against the grain of thought in the early 1990s that led most donor countries, implementing agencies and aid organizations to recommend trimming the size of the bureaucracy and privatizing and contracting out essential basic services to galvanize the public sector. Development orthodoxy of that period also recommended subjecting the state to market discipline. The dominant view then (and perhaps even now) was to pick up best practices from developed countries and transplant them in developing regions, despite the fact that they faced different issues with corruption, large bureaucracies, nepotism and weak capacity. Tendler went against the mainstream perspective, to address what developing countries and regions were doing well. She explored a three-way dynamic between the state, local government and civil society, which is starkly different from the view of a separate civil society as a watchdog. In her version, the state, local government and civil society organizations work together and are held accountable through different mechanisms involving each other, motivated citizens, and the community.

A Roadmap to the paper

Following this introduction, this paper starts by understanding the historical context of governance in Myanmar, which stretches back to where the country as it is now never existed. For the purposes of my research, I restricted this study to the post-colonial era after Burma gained independence from the British in 1948. A newly independent nation and its executives brimming with ideas strove to incorporate changes in the 1948 Constitution, and simultaneously to push through economic reforms in the country. An understanding of the constitution gives a window into the thinking of people in power at that point. For instance, the nationalistic call for Burmanization and nationalization in 1948 is not surprising when you consider that Burma had been under the British for the better part of a century who often treated the majority Bamar group as second citizens after the Indians and Chinese. I use the three constitutions that have been produced in independent Myanmar as the focal point to understand the behaviors of the executive, legislative and judiciary, and to understand the evolution of the DAO. This entity traces its history back to the age of the monarchy but starts getting formalized in the colonial period through different municipal acts, finally becoming a formal become a part of Myanmar's governance structure in the 2008 Constitution. This is important because of the legitimacy it finally bestows on the DAO, who can declare their duties and responsibilities, and situate themselves within a confusing tangle of ministries and organizations. It also opens a front for local governments and civil society to use the DAO's roles and advocate for changes with the Union government. Connecting these threads and looking at the history of how and why the DAOs function in a peculiar and independent way helped orient my understanding of Tendler's work in the context of Myanmar.

Judith Tendler's work spans Latin America and in her early work, Africa and South Asia as well. Her work resonated with me because of she studied local government functionaries under a similar unitary structure in Brazil, which was trying to devolve duties and responsibilities at different levels by facilitating, creating relationships even as they

were held accountable in various ways. I also read Akhil Gupta's (2012) *'Red Tape: Bureaucracy, Structural Violence, and Poverty in India'* which conceptualizes governmentality and the systematic as well as arbitrary nature of structural violence that the state imposes on its people. Like Tendler, Gupta is interested in understanding the workings of the state through the bureaucratic apparatus. Gupta's work is in India, which, unlike Myanmar or Brazil, is a democratic country with a due election process. Yet Gupta shows how the arbitrary nature of the very programs designed to include and assist disadvantaged populations goes against them. While Gupta, like Tendler, underscores a concept of the state as having multiple levels (federal, state, district, sub-division and block), it does not address the issue of how different levels work together to ensure a certain accountability at the local level. Its ethnographic attention to local bureaucracy, while important and enriching, was less helpful to me than Tendler's work that explicitly sought to link governance, accountability and policy outcomes in the work of local government functionaries. As importantly, Tendler sought to provide an alternative to the dominant pessimistic view of governance and highlights what works in a context that mirrors Myanmar. To be clear, there were important and clear dissimilarities between the contexts of Brazil and Myanmar. One example are the state-run civic education campaigns in Ceara that were not present in Myanmar despite significant need for public outreach and building awareness. The lack of a clear administrative structure also hampers the Myanmar case, where the GAD is omnipresent in every level. It leaves me wondering if the union exercises them as part of a unitary structure which allows breathing space to its subjects in the form of decentralized entities only independent in name. As Myanmar moves forward, the state will have to work on establishing credibility and showing its true independence to play the part of the face of the people.

Following this introduction, the section on *Historical Context* focuses on the three Constitutions that were created in Myanmar since independence in 1948. This paper is one of the few documents in the literature on Myanmar that compiles and connects insights from

the secondary literature to show how Myanmar's governance structures changed over three distinct periods in its post-colonial history, from the democratic socialist period to the current uneasy alliance between a democratically elected populist party and the Military. Without understanding the sometimes arcane details embedded in the constitutional reforms of each period, it is difficult to understand how the role of the DAO evolved. The section on the *Present Form of Governance in Myanmar* focuses on explaining the current government structure and the roles and responsibilities of the DAO within it. Information on how the DAO operates, its revenue generation (they are funded through local tax revenue) and accountability mechanisms are explained. In the final descriptive section of the paper, *Understanding the Role of the DAO: The Face of the State*, I use my field data to analyze DAO operation. I show that a strong sense of mission and legitimacy are prevalent among DAO who show an unusual level of dedication to their work when compared to local government functionaries. They have considerable flexibility and discretion and are the face of the state for the ordinary citizen of Myanmar. However, various details including the structure of government (the DAO report to the GAD and have no Union level Ministry) limits the role of the DAO at the local level, which brings into question how local level needs are communicated to higher levels of government and can shape governance structures and policy making that are responsive to ground level challenges. The conclusion emphasizes these challenges and limitations on the role of the DAO. Accompanying Appendices provide details on local level departments, applicable legislation as well as lists of taxes and fees collected –details and supporting evidence that provide important information for readers interested in local government functionaries.

HISTORICAL CONTEXT

Myanmar has made three attempts at creating an enduring constitution that sets precedents to govern the country. The 1948 constitution was the most inclusive and democratic, since it was founded on the basis of a political pact²⁸ and approved with wide consensus; compared to the 1974 and 2008 constitutions which were decreed by undemocratic governments. The 2008 constitution reads much like a carefully orchestrated exit plan for the *Tatmadaw* leadership which allows leaders to escape scrutiny or prosecution for past actions.²⁹

I focus on the executive and legislative arms of the governance system because the judiciary's role for the longest time after the junta's rule (1962 onwards) was largely symbolic and influenced by the Revolutionary Council, the SLORC and the SPDC.³⁰ The 2008 constitution was followed by the Union Judiciary Law in 2010 that restored the standing of the Supreme Court as the highest court in the federal structure of Myanmar.³¹

The changing constitutions affected the different subjects under an administration's purview through the State and Union list.³² The shifting nature of the administration and the composition of the legislature, executive and judiciary (The 1974 constitution removed the Supreme Court) did not provide long-term institutional stability; economic plans were

²⁸ This political act was the Panglong Agreement, 1947, between the Burmese government led by Aung San and members from different ethnicities. It gave full autonomy in internal administration for the frontier and ethnicity majority regions (self-administered zones), essentially upholding sharing of power within the new country.

²⁹ This coincides with the formation of the capital city, Naypyidaw; which is located in the geographic center of Myanmar and has exit routes built into the city in case of a coup or assault by foreign forces. The Constitution in a similar way feels like a document that closes its eyes to the past military abuses and moves on while granting clemency to these past discretions.

³⁰ After the 1962 coup, General Ne Win abolished the Supreme Court and established a Chief Court and lower courts that adopted the Burmese Way to Socialism as their guiding principle.

³¹ The 1974 Constitution abolished the judiciary and set up the Council of People's Justice as the highest judicial body, controlled by the military

³² Items included in the Union and State lists change from time to time, these include everything from tax collection to providing of basic services. The military centralized portfolios, allotting more items under the Union list

abandoned midway and short-term planning permeates the system. This is true in the case of the DAOs as well.³³

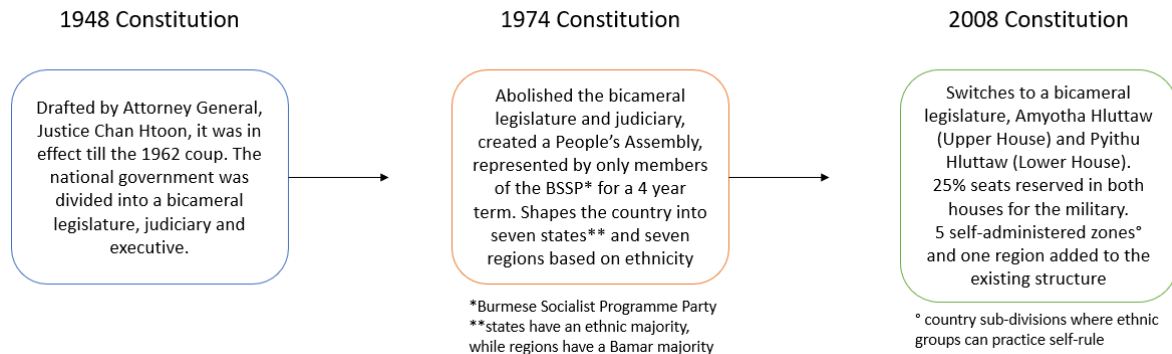


Figure 2: Timeline of the 1948, 1974 and 2008 constitutions in Myanmar

Post-Independence and the 1948 Constitution

Myanmar's 1948 Constitution used the 1946 Yugoslav Constitution as a role model but liberally borrowed details from the British, American and French constitutions (Donnison, 1970, p. 141). The national government was trifurcated into three branches (refer to Figure 3); executive, legislature and the judiciary³⁴. A bicameral legislature consisting of two chambers, the Lumyozu Hluttaw (Chamber of Nationalities) and the Pyithu Hluttaw (Chamber of Deputies) performed the role of the legislative. The Lumyozu Hluttaw or the Upper House functioned primarily to give minority ethnic groups some political power in the legislative process (refer to Table 4 for distribution of seats). The Prime Minister and cabinet were selected from the Pyithu Hluttaw or Lower House, whose seats were double that of the Upper House and corresponded to the population of the constituent ethnicities. The titular Head of State, the President's office, was rotated among the ethnic groups and officially appointed the Union government (Yin, 1963, pp. 224-235). The ethnic minorities;

³³ Discussed in detail in the chapter on DAOs. They plan in one-year increments to finish using budgeted money which if not used by the end of the fiscal year, is sent to the State/Region, from where it goes to a Union Fund

³⁴ The Supreme Court was the highest judicial authority, aided by High Courts in the states and divisions, and lower courts at the district and township levels. The Union Judiciary Act of 1948 established these.

the Shans, the Kachins, Chins, Kayahs and Karens were allocated separate states, consolidating areas where the ethnic groups were present in large numbers.³⁵ The remaining Bamar dominated areas were grouped as seven separate divisions.³⁶

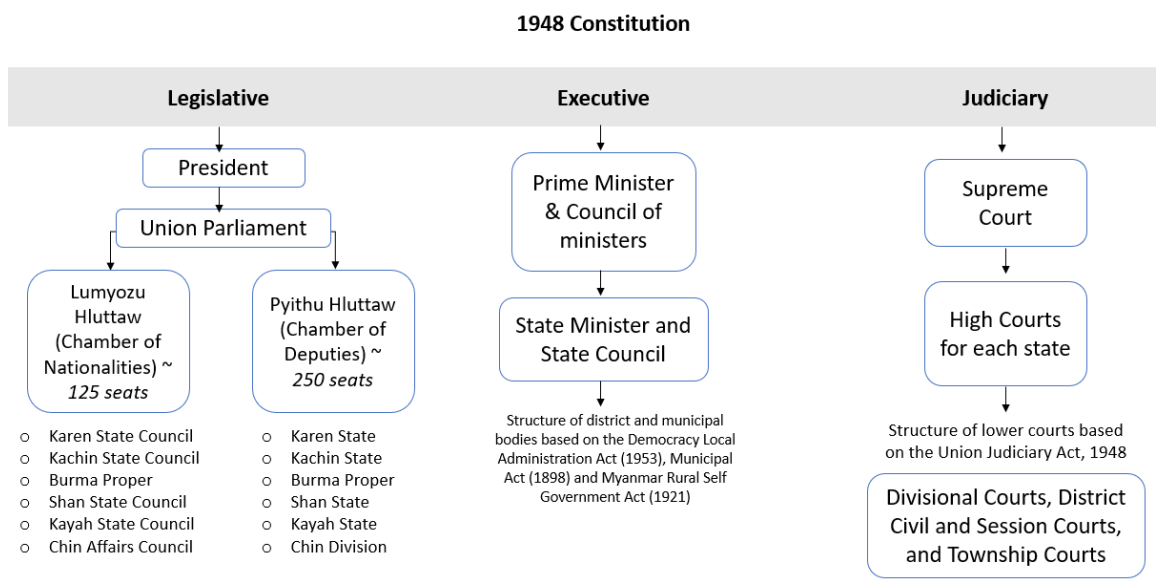


Figure 3: Structure of the 1948 Burmese governance system³⁷

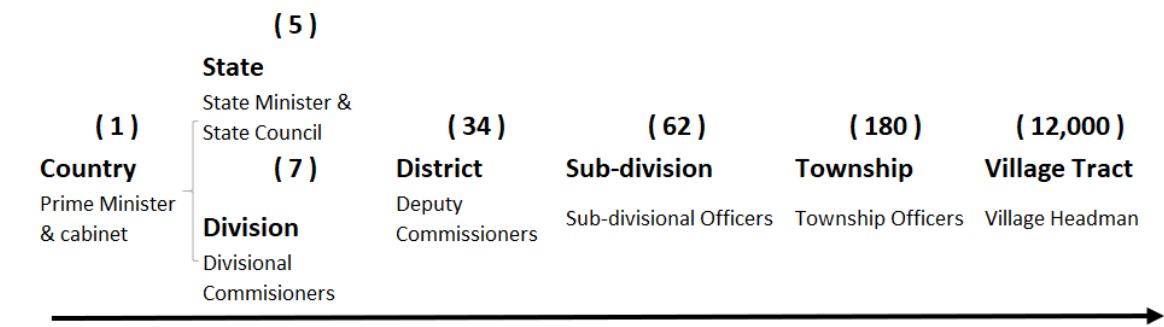


Figure 4: Hierarchy and number of territorial divisions and their heads in 1948

³⁵ The states of Mon, Arakan and Kachin were added later in 1961.

³⁶ The British demarcated the country as Upper and Lower Burma, the upper part was the Bamar majority region surrounded by the then frontier states of Shan, Kachin, Arakan. Lower Burma was predominantly Mon and separated by the Karen state, which acted as a buffer till the British captured the entire region after the third Anglo-Burmese war.

³⁷ Burma Proper refers to the lowland, central population of Burmans along with the Mon and Arakanese

Table 3: Distribution of Seats in both Chambers in 1948

Distribution of Seats in the two Chambers

Chamber of Nationalities (Seats)		Chamber of Deputies (Seats)	
Shan State	25	Shan State	25
Kachin State	12	Kachin State	7
Chin Special Division	8	Chin Special Division	6
Kayah State	3	Kayah State	2
Karen State	24	Karen State	7
Remaining Area	53	Remaining Area	203
	125		250

Source: Adapted by Dominic Mathew from (Furnivall, 1958, p. 372) and (Burma, 1948, p. 2nd Schedule)³⁸



Figure 5: Political Map of Burma in 1948

Source: Adapted by Dominic Mathew, 2018 from <https://goo.gl/E7qKMX>

³⁸ The divisions among the Barmars and other ethnicities was always present, the British came and exacerbated them. They created distinctions between the groups using the term martial races for all the ethnicities and non-martial race for the Barmars. The martial races were given preference to join the British army, (like their 'divide and rule' policy in India) ultimately the British succeeded in making allies of the ethnic groups.

The basic structure of local administration that existed since British rule was a hierarchy of territorial organizations in the order of the State, Divisions, Sub-divisions, Townships and Village Tracts (Yin, 1963, pp. 251-252). The respective heads with jurisdiction in these areas were the State chief minister and State Council, Divisional Commissioners, Deputy Commissioners, Sub-divisional officers, Township Officers and Village headmen (refer Figure 4). Each ministry at the union had its political head, a minister who had a secretariat with a Chief Secretary as its administrative head. At the municipal level,³⁹ the constitution provided the backbone through the third and fourth schedules that detailed the functions of the union and state, but the main organizations and bodies were determined by the 1898 British Municipal Act, which lasted till 1993, and the Democracy Local Administration Act, 1953.

At the local administration level, 40-50 village tracts made a township, each headed by the lowest appointed Burma Civil Services officer.⁴⁰ The Township Officer's role was an intermediary, conveying the wishes of the people through the Village and Urban Councils to the district (refer Figure 6), to maintain law and order, and collect revenues (Furnivall, 1958, pp. 80-85). The Deputy Commissioner was the cog in the wheel on which the administration revolved (Furnivall, 1958), this post would be the modern-day equivalent of the State DA Minister. Municipal committees in urban areas and district councils in rural areas played the role of the current DAOs and were the service providers.⁴¹ These mirrored many current DAO functions but had a strong relation with the Union and the state, relying on them for money, guidance on budget formation and personnel deployment.

³⁹ The British used the word municipal governance to denote local administration and governance, the 1974 or new 2008 Constitution only mention the Union and State lists and leave it to the 1898 and later 1993 Municipal Act to determine municipal governance.

⁴⁰ The Indian Civil Service (ICS) officers from the colonial rule transitioned into the Burma Civil Service (BCS) which reported to the Public Service Commission.

⁴¹ The Democracy Local Administration Act, 1953 was enacted to remove colonial era administration with greater public participation. Elections to the Yangon Municipal Committee were held under this Act. It was however repealed after the 1962 coup and the 1898 Municipal Act and 1921 Myanmar Rural Self Government Act continued to provide foundation to urban and rural governance.

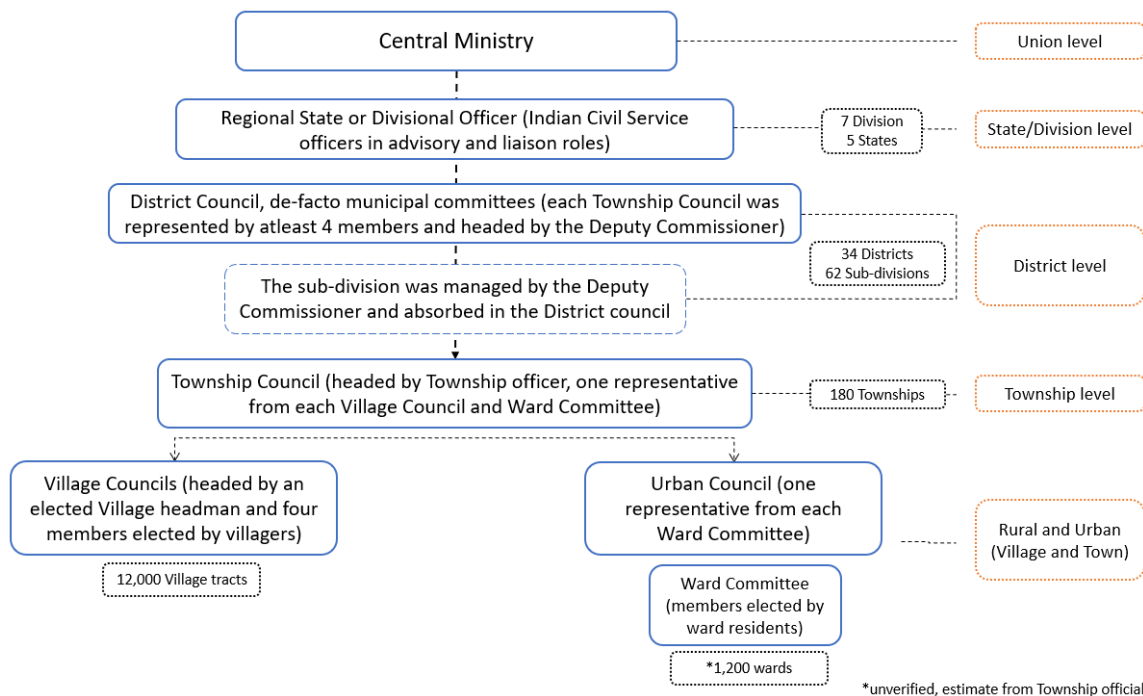


Figure 6: Hierarchy of Councils at each administrative level as per the 1948 Constitution

Post-independence, the U Nu government set sights on creating a welfare state but were repeatedly held back by various insurgencies led by ethnic groups and retreating Kuomintang troops in the Shan state.⁴² An interim Two-Year Plan in 1948 initiated economic development in the country as a new plan was drawn for a long-term economic plan.⁴³ Another Two-Year interim plan passed before the *Pyidawtha* Plan (*Pyidawtha* means welfare state) was passed in 1952 in the *Pyidawtha* Conference (Lockwood, 1958).⁴⁴ Also referred to as the Eight-Year Plan, the \$1.575 billion economic development plan covered

⁴² In 1950 over 1000 Kuomintang troops fled after Chiang Kai-shek's withdrawal from mainland China and settled in Shan state running a parallel government with support from USA, Taiwan and Thailand. They were not defeated till 1960-61.

⁴³ This plan was prepared by an American firm, Knappen Tippetts Abbett McCarthy (KTA) and financed by USAID's pre-cursor, the US Technical Cooperation Administration (TCA). When asked about the selection of an American firm and its ability to provide advice for a functioning socialist state, U Nu remarked that KTA was the best firm and he was being pragmatic.

⁴⁴ The Pyidawthan Plan aimed at Burmanization of the economy and self-help (despite all the foreign aid), aliens and immigrants were required to go through administrative red tape to be able to work in Burma. A lot of Indians and Chinese left en-masse from 1951-57 before U Nu changed the policy for alien participation in occupations in Burma in 1957. This was short-lived till General Ne Win's coup.

ten schemes⁴⁵ to implement a modern welfare state in Burma (Lockwood, 1958). The plan constituted *Pyidawtha* committees headed by the respective head in each administrative division. These officials had powers to plan and implement projects for the welfare of the common citizen, The State/divisional *Pyidawtha* committees exercised supervision over the rest and conveyed project proposals to the union ministries for approval from the respective ministries and the Ministry of Finance and Revenue. The General Supervisory Committee headed by the prime minister and the Procurement and Advisory Committee, that included ministers of different social services (Planning, 1952). A major part of the revenue to fund the plan came from the export of rice (refer to figure 7)⁴⁶, minerals (oil and jade) and timber.⁴⁷ This was accompanied by the nationalization of the above exports industries (rice was controlled by the State Agricultural Marketing Board) and that of land through the 1948 and 1953 Land Nationalization Acts (FAO, 2016).^{48 49} The *Pyidawtha* Plan met initial success in increasing agriculture production and saw a surge in the foreign aid that Burma received but largely failed to rejuvenate the economy; projects were delayed and subject to overspending, corruption and lack of technical expertise to execute projects, and while

⁴⁵ Devolution of power to regional governments, health, education, economy, nationalization of arable lands, transportation, welfare, democratic local councils, development of frontier and undeveloped areas rebuilding from the KTA Survey, 1958.

⁴⁶ Myanmar was the world's biggest exporter of rice, post-World War II, especially from 1961-63, which contributed 60% of the GDP. It is now 9th and lost the position due to lack of investment in modernizing agriculture, price controls on procurement and poor-quality control.

⁴⁷ The sale of narcotics does not count as part of the GDP but adds a substantial part in terms of illegally obtained money. In the 1948 Constitution it is listed as a part of the revenue streams, meaning it was legal then, but is not mentioned in later Constitutions. Many of the private family run groups in Myanmar, benefited from the narcotic sale. E.g. Myanmar's largest and most diversified company, Asia World Group, handles the Yangon ports and airports, owns real estate, runs supermarkets, paper mills among other interests. It's founder Lo Hsing Han, controlled the country's largest heroin trafficking groups.

⁴⁸ The 1948 Constitution gave the State ultimate authority over land. The Land Nationalization Act, 1948 removed large land owners and distributed upto 10 acres of land per household. There was a loss of tenure due to mismanagement in the redistribution process. A 1953 amendment aimed to redistribute more land among farmers.

⁴⁹ Even though agriculture production was not nationalized farmers faced restrictions in terms of crops planted in a given area or the price it was sold for. The State Agricultural Marketing Board (SAMB) in 1950 controlled imports, exports and prices. The SAMB set a fixed price of \$28/ton ostensibly 'protecting' the farmer from fluctuations in price. The same rice was sold by the government for \$140-168/ton, with the supposedly proceeds going to the *Pyidawtha* Plan from which the farmer would get other social services. The lack of incentive to produce good quality rice would affect the crop in the years to come.

Burma's rice exports increased the world price of rice decreased (Than, 2013). The plan based on a foundation of revenues from these rice exports could not be sustained and was abandoned in 1956.⁵⁰ A Four-Year plan was started based on the *Pyidawtha* Plan with watered down targets.

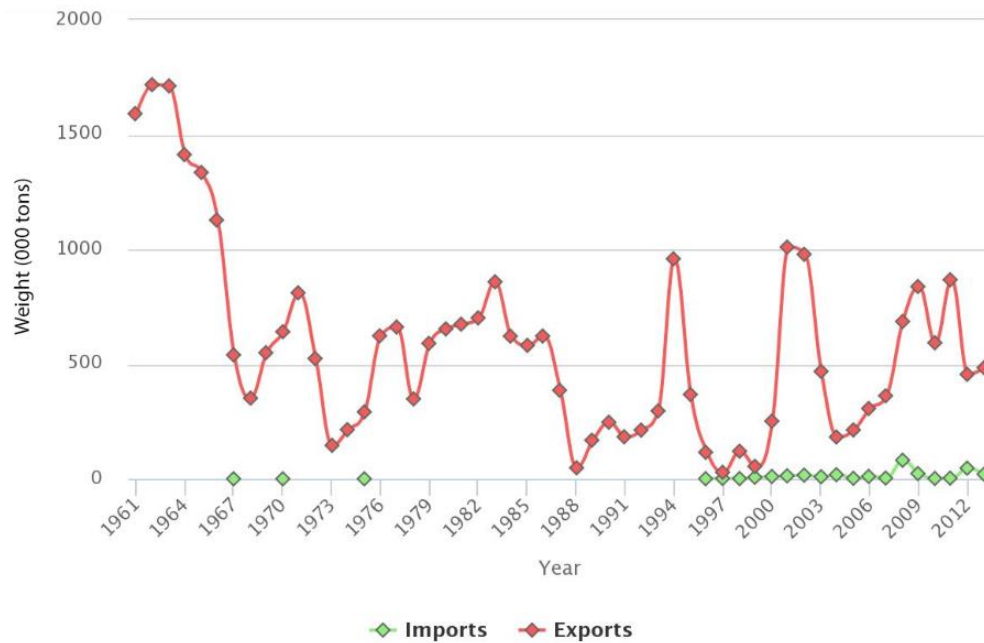


Figure 7: Rice exports in Myanmar from 1961- 2012

Source: CGIAR (Consultative Group for International Agricultural Research), 2012

⁵⁰ Pyidawtha in common lingo came to be known for modern hyped things that are ridiculed for their absurdity. “E.g. couples practicing ball- room dancing and women wearing sheer blouses were referred to as ‘Pyidawtha’”. Pyidawtha in this context became an oxymoron. Its original meaning highlighted modernity as a desirable lifestyle, yet when the Plan collapsed, Pyidawtha became synonymous with what society considered to be social ills, such as male–female intimacy, indulgence and immodesty” (Than, T. The languages of Pyidawtha and the Burmese approach to national development. *South East Asia Research*, 21(4), 639-654.).

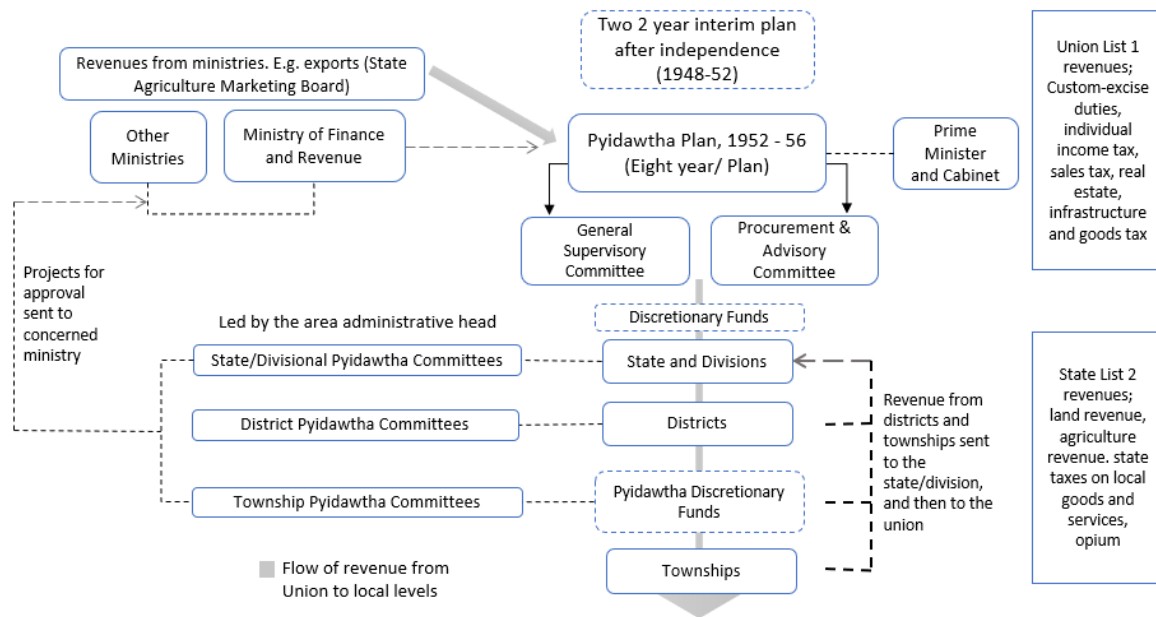


Figure 8: Basic revenue structure during the Pyidawtha Plan (1952-56)

After the 1962 coup, General Ne Win suspended the 1948 constitution and established a Revolutionary Council (1962-74) comprising of himself as the chairman and 16 military officers as members. The Council's underlying philosophy was termed as the 'Burmese Way to Socialism' with the goal to turn the country into a self-sustaining democratic socialist state (Moscotti, 1977, pp. 171-172). The Burmese Way was set to combine the egalitarian values of Marxism with the mysticism and folklore of Buddhism, and a dose of nationalism. In spite of the stated goals, democracy was secondary to the Revolutionary Council, which was obsessed with the idea of unity – of the state, the military, concepts of governance, of ideas and of the administration (Steinberg D. , 2001, p. 69). The introduction of the Burma Socialist Programme Party (BSPP) and its evolution from a cadre-based party to a mass-based organization, helped General Ne Win consolidate power throughout the country.⁵¹

⁵¹ The BSPP emerged from being a 'cadre' to a mass-based party by 1971. In the early 1980s its membership was 1.5 million (Myanmar's population in 1980 was 32.86 million as per the World Bank) and members included all Tatmadaw personnel, government employees and civilians. BSPP had different mass organizations to achieve popular support, some of these included youth groups, peasant and worker associations, and trade unions. The territorial organization remained the same as the dominant role of the BSPP's decision making

The Tatmadaw led Constitution in 1974

Following the coup, state sponsored violence against foreigners and seizing of their personal properties led to an exodus of Burma's non-ethnic population.⁵² Combined with policies on nationalization of private assets and three demonetization rounds, the last of which was based on Ne Win's lucky number 9, the Burmese economy was crippled, and savings wiped out overnight.⁵³ The military with its 'The Burmese Way to Socialism' economically isolated the country and would lead to the birth of a huge black market. Further, any opposition was stifled and in 1974, a new constitution based on a 'democratic referendum'⁵⁴ officially recognized a unitary state with one party, the Burma Socialist Programme Party (BSP) - the rest were all derecognized and political opponents silenced. The constitution gave shape to the current governance structure by dividing the country into seven states and seven regions that were each handled as separate administrative areas.⁵⁵ It also switched Burma to a unicameral legislature called the Pyithu Hluttaw (People's Assembly) and aimed to evolve the BSP into a 'mass party' that would have nationwide membership and effectively mobilize the population for socialist development.⁵⁶ The Pyithu Hluttaw delegated judicial and executive powers to the various Councils of Peoples under it with four administrative areas (State, states/divisions, townships and village-tracts and towns). A 29-member body of the Hluttaw, Council of State, controlled and directed these bodies and was headed by the President (Ne Win).⁵⁷ All means of production were

authority was substituted with the SLORC in 1988. The mass-based party reach would be revived with the Union Solidarity and Development Association (USDA) in 1993.

⁵² The Chinese and Indian communities were most affected by the spread of nationalism stoked by the Tatmadaw. The Indian community in the 1930s accounted for half of Yangon's population and played key roles in the administration, trade and commerce. Similarly, the Chinese in Burma were merchants, retailers or entrepreneurs, and were part of the forced expulsions after the coup. A lot of the fear mongering against non-ethnic Burmese stemmed from finding scapegoats to distract the population from real issues like inflation and price rise.

⁵³ Refer page 6

⁵⁴ The military referred to the new constitution of 1974 as Burma's return to democracy, touting the overwhelming majority (almost 95% of voters) who approved it. It was more a decree than a referendum, with vote rigging and intimidation reported across the country.

⁵⁵ The regions were Bamar dominated, e.g. Yangon, Mandalay, while the states were ethnic majorities.

⁵⁶ The Revolutionary Council abolished and appropriated assets of all other political parties

⁵⁷ Some members from the Revolutionary Council were inducted in the Council of State

nationalized as state enterprises that were owned and operated by co-operatives, with the Constitution upholding ‘local autonomy under central leadership is the system of the State.’⁵⁸ The People’s Council at every level, though constitutionally mandated to be democratically elected by citizens, were hand-picked nominees of the Centre (Martin, 1975). This perpetuated the centrality of the local leadership and kept the governance structure unified. The People’s Council could make its own budgets, collect tax and implement projects.

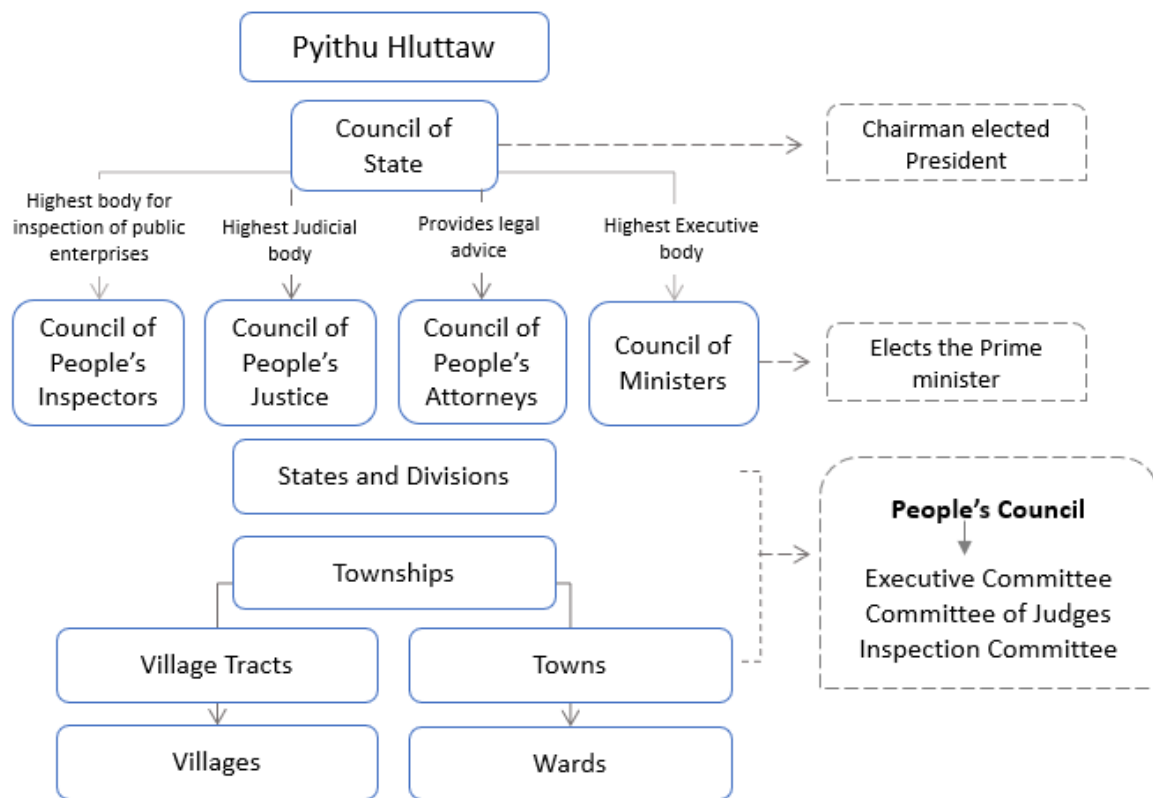


Figure 9: Governance structure after the 1974 Constitution

The judiciary was abolished and replaced by the Council of People’s Justice, in line with socialism after the coup. It was reinstated after the new 2008 constitution was passed. This Council was the highest judicial body and introduced the Central Court, State and Divisional Courts, Township Courts, Wards and Village Tract Courts in a new socialist

⁵⁸ Article 28, 1974 Constitution

judicial system.⁵⁹ Administratively, the present form of the DAO within the Myanmar administration started taking shape. In 1972, keeping in line with the use of nationalism and religion to reinforce their legitimacy, the *Tatmadaw* renamed the Ministry of Local Democratic Governance and Local Organizations as the Ministry of Home Affairs and Religious Affairs, which oversaw the General Administration Department (GAD).⁶⁰ ⁶¹ These continued as committees under the Council of State after the introduction of the 1974 Constitution. The Revolutionary Council government combined the municipal committees and district councils into Township Development Committees (TDC) which were responsible for both urban governance and rural development.⁶² The presence of the powerful District/Deputy Commissioner was abolished and the Commissioner's Local Fund at the district level was integrated with the TDC and later under the People's Council in 1974.⁶³ This allowed the *Tatmadaw* to remove Burma Civil Service officers and appoint military personnel across the administrative structure, keeping a tight control on even the smallest hint of dissent at the local levels.⁶⁴ It gave rise to the patron-client relationship⁶⁵ that marked Myanmar through the years of the *Tatmadaw* rule and caused a great amount of suffering and frustration for ordinary Burmese citizens. This was an unwieldy synthesis of

⁵⁹ All these changes were perfunctory; the *Tatmadaw* controlled the entire governance structure and kept amenable people in these positions to carry out their wishes.

⁶⁰ The Ministry of Local Democratic Governance and Local Organizations oversaw municipal committees and district councils.

⁶¹ The military used nationalism and religion as excuses to carry out their policies and reinforce the image that they knew best what the people wanted.

⁶² The current DAO follow a similar system combined with public participation and is cut off from any Union decision making

⁶³ The 1921 Rural Self-Government Act created the District/ Deputy Commissioner's Local Funds to support rural areas as part of the larger District Council.

⁶⁴ The military leadership frequently held purges within the civil service and military to remove 'educated dissent', conducting surveys and distributing questionnaires with questions like "Do you want to see Myanmar ruled by the CIA?" or "The country ruled by someone married to a foreigner?"

⁶⁵ Most of the large corporations in Myanmar; Htoo Group, Kanbawza Group, Myanmar Economic Corporation (MEC), Myanmar Economic Holdings Ltd (MEHL) and Shwe Taung Group have links to the military. MEC's Dagon Beverages, whose parent company is owned by defense personnel and the Myanmar Brewery Ltd. owned by MEHL are the biggest beer brands in the country, operating for the past thirty years in a landscape where getting government approvals is very tough. This is similar with every industry

Buddhist, Marxist and socialist ideas, that ultimately resulted in the student protests of 1988 (Seekins, 2002, pp. 45-51).⁶⁶

The New 2008 Constitution

The 8-8-88 Uprisings and pro-democracy protests originated from Rangoon University but soon spread nationwide leading to a military coup that deposed Ne Win and put a violent end to the protests.⁶⁷ The army chief of staff who assumed command, Senior General⁶⁸ Saw Maung founded the State Law and Order Restoration Council (SLORC), a cosmetic change from the defunct Revolutionary Council, whose totalitarian decision-making style it mimicked. The SLORC, composed of powerful regional military leaders, proclaimed four ‘National Duties’ of which one was to conduct multiparty elections ⁶⁹ (Watch, 2008).

Senior General Saw Maung’s willingness to consider multiparty elections did not sit well with others in the SLORC and in 1992, his deputy, General Than Shwe took control of the SLORC and became commander-in-chief of the Myanmar Armed Forces and assumed the title Senior General. Shwe established a mass-based social welfare movement similar to the BSPP, the Union Solidarity and Development Association (USDA)⁷⁰, to skirt the law

⁶⁶ Under military rule, the educated population of Myanmar was sidelined, the educational system consisting of schools and universities worsened in quality, unemployment rates shot up and the nationalized economy was dominated by military cronies. The three rounds of demonetization wiped savings off from rural hinterlands and people from low and middle-income communities. The last round of demonetization based on Ne Win’s lucky number 9 did not offer compensation or any options of exchanging currency. The military was forced to pay 175 kyats as travel allowance to protesting students who couldn’t return to their homes after the notes ban. These emotions combined with several culminating events like the dishonor to United Nations Secretary General U Thant during his burial, resulted in the tip over point in August 1988.

⁶⁷ General Ne Win gave his blessings for the coup, as a final resort to appease the Burmese population. The estimated deaths from the 8888 uprising vary depending on who gave the estimate, the government put the death toll at three hundred, while human rights group estimate a much larger number of three thousand.

⁶⁸ Self-proclaimed military title assumed by Saw Maung, then later Than Shwe, a ploy to assert their separate identities compared to their predecessors using grandiose titles.

⁶⁹ The four duties included;

1. Non-disintegration of the Union;
2. Non-disintegration of national unity;
3. Perpetuation of national sovereignty;
4. Promotion of a genuine multiparty democracy

⁷⁰ The mass party BSPP was resurrected as the USDA

that forbid civil servants from joining political parties.⁷¹ In a decade (by 2008), the USDA counted half the country's population as members (23 million) and formed the base of the proxy political party that participated in the 2010 election, the Union Solidarity and Development Party (USDP).

A National Convention comprising of township level officials was handpicked by the SLORC and was constituted to write a new constitution (Watch, 2008, p. 3). These officials were part of the USDA and handpicked to deliberate and produce a draft of the constitution that the military leadership wanted. By 1997, in a move to reassign military officials (who were getting too powerful in their positions), military leaders replaced the SLORC with the State Peace and Development Council (SPDC) and a new set of senior military officials were inducted in the lead roles (Seekins, 2002).⁷² In 2003, this new leadership introduced the seven-step 'Roadmap to Democracy' detailing broad goals to achieve a multiparty democracy with free and fair elections (Watch, 2008). This gradual shift had a lot to do with events happening both within and outside Myanmar in the late 90s and early 2000s (refer to Figure 10). The free flow of money in the economy through the sale of natural gas to Thailand, large amounts of aid assistance from Japan and South Korea and the emergence of new offshore natural gas fields in Arakan (that both India and China vied for; China won the contract), gave the junta leadership a sense of the advantages of opening the economy up.⁷³ The rise of China as a global power and its investment in the region coupled with membership to the Association of Southeast Asian Nations (ASEAN, which Myanmar joined in 1997) gave a boost to Myanmar's efforts to open up to investment after years of closing its economy to outsiders. On the other hand, the condemnation on human rights

⁷¹ The Civil Service Personnel Law 1972 and 2013, and Article 26(A) of the 2008 Constitution forbid civil servants from holding affiliations to political parties

⁷² This periodic hustling is visible throughout the junta's rule, the insecurity and anxiety of the junta leadership towards another coup from within or outside was very high

⁷³ Up to this point, the junta and its cronies laundered money from the narcotics trade (Myanmar is the second largest producer of opium in the world, after Afghanistan. It produces 25% of the world's opium and lies in the lucrative Golden Triangle that covers Thailand, Myanmar and Laos), timber trading, mining of minerals and infrastructure building.

violations by the international community, the emergence of Aung San Suu Kyi as a key figure in the democratic movement and the freezing of foreign bank accounts of military cronies by the US and Europe left the junta rattled to the possibility of losing monetary gains and valuable access to capital (Rieffel, 2010).

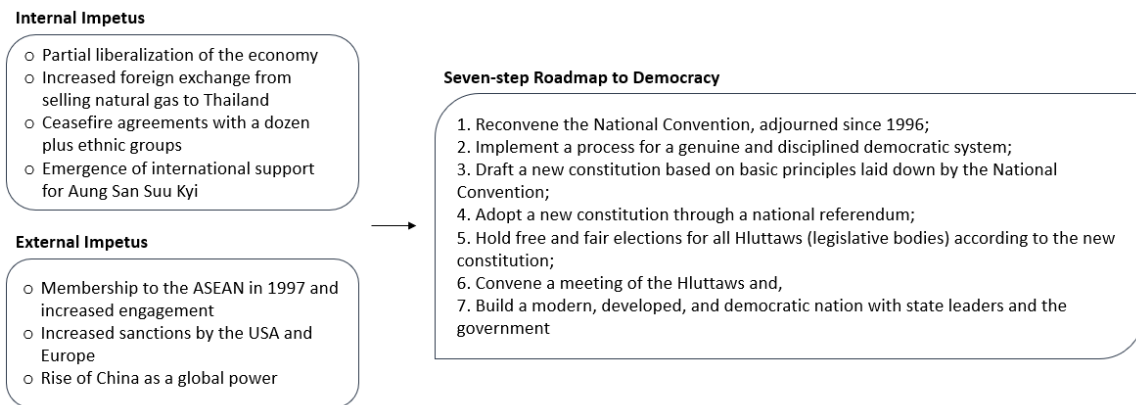


Figure 10: Factors leading to the ‘Roadmap to Democracy

Over a two decades period (1988-2008) with numerous National Conventions, the draft of a new constitution was presented and approved in a nationwide referendum, that was widely believed to have been rigged, held in the aftermath of Myanmar’s worst natural disaster, Cyclone Nargis in 2008 (Englehart, 2012). Many took a dim view of the new constitution, one political scientist, Susanne Nyein termed it as “a decorative cover up that will codify the predominance of the military within a “civilianized” political system comparable to the 1974 constitution” (Nyein, 2009).

The 2008 Constitution demarcated the territories in the country between seven regions (Bamar majority), seven states (ethnic group majority), a national union territory, five self-administered zones and one self-administered division. The constitution strengthened the military’s hand, switched the country back into a bicameral legislature (refer Figure 11) with one-fourth of the seats reserved for either serving or retired military personnel nominated by the Commander-in-Chief, effectively giving the military a veto

power over any constitutional amendments.⁷⁴ The biggest change was the introduction of the National Defence and Security Council (NDSC) in the constitution⁷⁵ as the quasi highest authority in the Myanmar government. The NDSC is an eleven-member council comprising of the President, two vice presidents, speakers of both hluttaws, the Commander-in-Chief of the Defence forces and their deputy, and the Union ministers for Defence, Border Affairs, Foreign Affairs and Home Affairs.⁷⁶ The council has expansive powers⁷⁷, is the parent body of the *Tatmadaw* and played the role of the executive, legislative and judiciary, in the interim while the 2008 Constitution was adopted. The constitution systemized the military as an institution separate from the elected government and from civilian oversight.⁷⁸ In explicit terms it allows the junta to assume absolute sovereignty in a state of emergency which can be triggered by broadly defined conditions.⁷⁹ The NDSC took over the mantle from the SPDC and constitutionally enshrines the centrality of the military in the governance of the country.

⁷⁴ Article 109(b) and 141(b) of the 2008 Constitution provide for one-fourth seat reservation for military personnel in both chambers of the parliament

⁷⁵ Chapter V deals entirely with the National Defence and Security Council

⁷⁶ The military appointed personnel in the NDSC can outvote their civilian counterparts

⁷⁷ The NDSC can declare emergency, conscript citizens, grant pardons for crimes, declare war, influence foreign relations, elect the Commander-in-Chief of the Defence forces and exercise sovereign power during an emergency.

⁷⁸ Article 20(b) of the 2008 Constitution

⁷⁹ Article 40(c) of the 2008 Constitution prescribes that, "If there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts therefore by wrongful forcible means such as insurgency or violence, the Commander-in-Chief of the Defence Services has the right to take over and exercise State sovereign power in accord with the provisions of this Constitution."

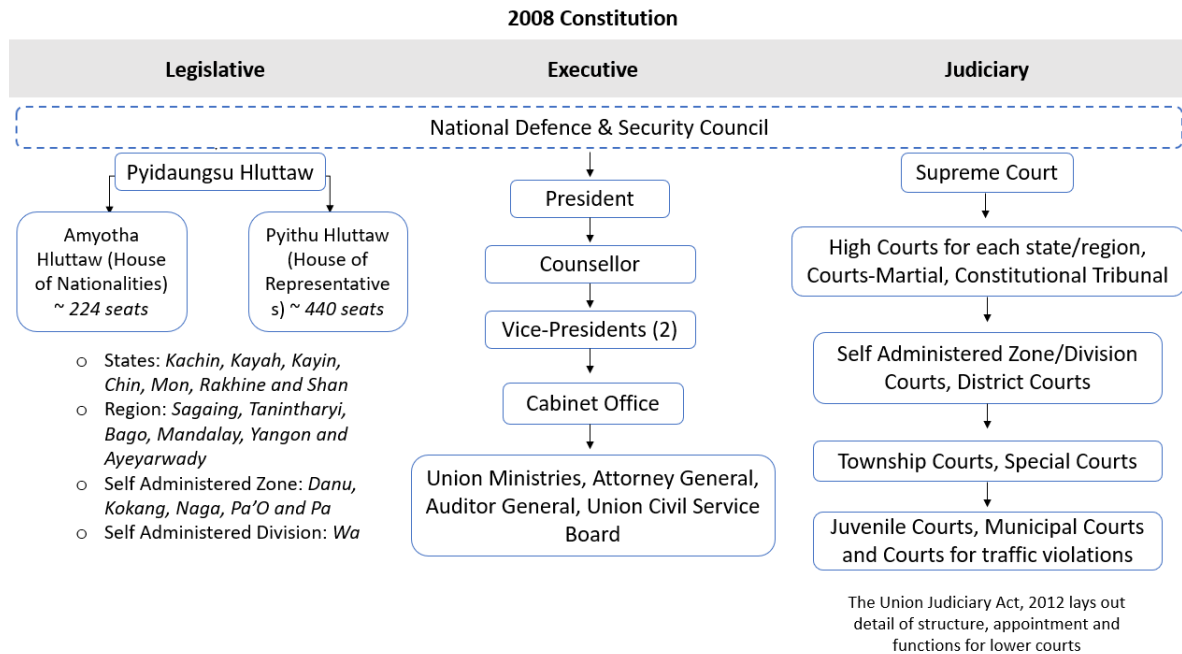


Figure 11: The Governance structure according to the 2008 Constitution

The first general elections that followed the new constitution in 2010 was boycotted by the NLD and won by the military's proxy political party, the USDP.⁸⁰ The United Nations and several countries questioned the validity of the election and called for Aung San Suu Kyi's release from house arrest. Myanmar still has a highly centralized military chain of command, with control of three major union ministries and a significant say in the legislature through the reserved seats for military personnel, the constitution talks for the first time about the DAO and delegating municipal governance to states and regions. This break in being a unitary state and delegating power is seen by many organizations as the first step towards decentralization of power by the junta (Ninh & Arnold, 2016).

The SPDC was officially dissolved in March 2011 and many military members moved into a post-SPDC civilian or bureaucratic role retaining influence through the executive or legislature (Nick Cheesman, 2014, p. 261). Many district and township roles were filled by the General Administration Department (GAD), retaining the military's

⁸⁰ NLD's boycott was to protest a new law by the junta that targeted Aung San Suu Kyi and debarred her and anyone who served jail time or had been convicted by the courts from standing in the election. The law barred many political activists and NLD members who were actively opposing the junta.

control on the selection of civil servants who are the points of contact for a lot of day-to-day work for citizens.

After the 5-year term limit, new elections in 2015 ushered in the NLD, which won a combined 390 seats (out of 664 seats) in the *Pyidaungsu Hluttaw*. In comparison, the USDP won just 41 seats. This transition to a democratic governance system changed the way country administered municipal governance, as several new members of parliament belonging to the NLD came with ambitions to improve local governance and service delivery. The current structure of governance is based on previous territorial divisions and governance structures. There is a clear push towards delegating authority to the states and regions while keeping a central supervision through the GAD.

PRESENT FORM OF GOVERNANCE IN MYANMAR

Post 1997, Myanmar came under a lot of international pressure to allow access to its economy and transition from military rule. The ASEAN played a key role in helping the country open on its own terms, which was very important for the military elite, to stay free of any corruption, criminal or human rights charges. The pre-condition for the international community to lift sanctions on Myanmar and provide development aid was to initiate democratic reforms. President Thein Sein (President from 2011-2016) started a number of steps to partly remove state restrictions and censorship⁸¹ to appease the international community. Though a former military general, he was a moderate who championed the cause for decentralization in Myanmar.⁸² The 2008 Constitution returned the country back to a governance structure with an executive, legislature and judiciary. The new constitution resulted in the current territorial divisions in Myanmar, spread over seven states, seven regions, five self-administered zones and one self-administered division (refer to Figure 12 and Figure 14 for the administrative structure and territorial map) with the promise of democratic participation by a diverse range of actors. On a local governance level; districts, townships, wards (urban) and villages (rural) represent the places where basic service delivery has been the worst.⁸³ The fourteen states and regions form the basic building blocks of Myanmar's subnational governance (H. Nixon, 2015). The states and regions are starting to take up more responsibility, in 2017 their total expenditure was \$1.8 billion compared to one-third the amount in 2014.⁸⁴ The states consist of a majority ethnic population located along Myanmar's borders while the regions are predominantly Burman Buddhist areas.

⁸¹ He removed censorship on newspapers, granting autonomy to private news publishers

⁸² Not to absolve him of other crimes against humanity during his forty years with the military. Thein Sein took up monkhood on his retirement from politics.

⁸³ The determination for an area being rural or urban is made based on population estimates formulated by the National Statistical offices.

⁸⁴ Batcheler, R. (2018, November 07). Myanmar Democracy: Small Steps on a Long Journey. Retrieved December 16, 2018, from <https://asiafoundation.org/2018/11/07/myanmar-democracy-small-steps-on-a-long-journey/>

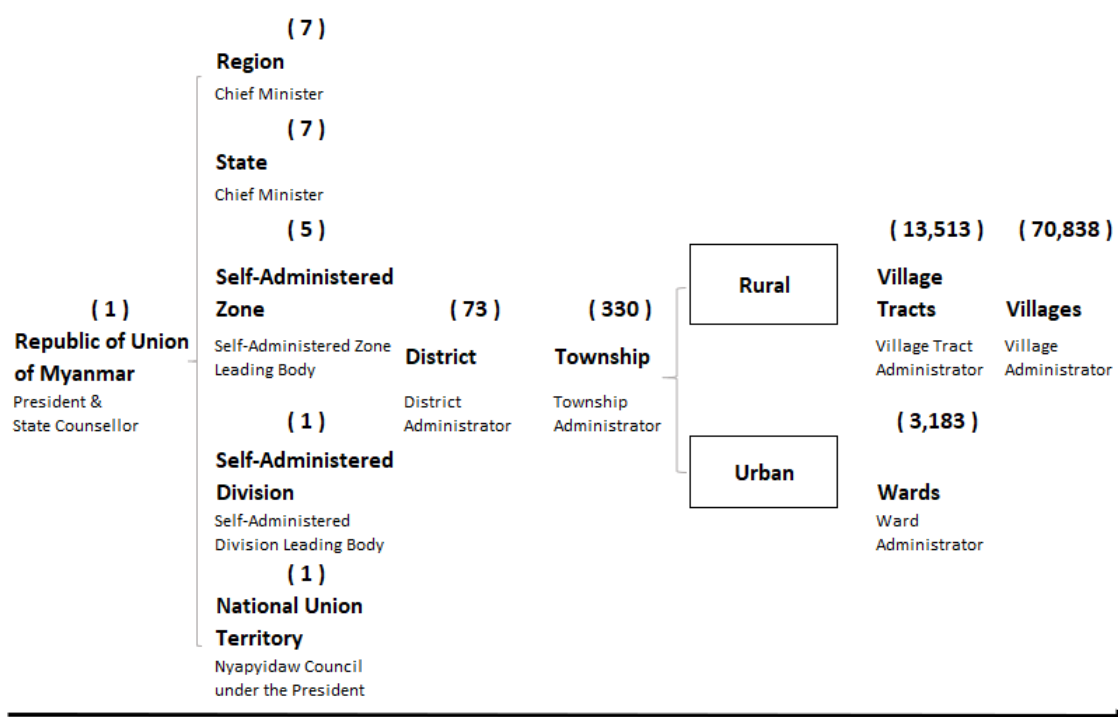


Figure 12: Hierarchy, number and heads of territorial divisions based on 2008 Constitution

The President is the executive head of the country and Chief Ministers head the states/regions. The 2008 Constitution gives detailed on the structure and functions of various arms of the governance systems, compared to previous constitutions. At the township level, administration is assigned to a Myanmar Civil Services personnel (part of the GAD) and at a village-tract level to an elected administrator and a council of respectable older people in the community.^{85 86} The election of the village and ward administrator was aimed to increase public participation in the election process; a 2012 amendment to the 1907 Ward and Village Tract Administration Act instituted direct elections for administrators in the wards, villages and village tracts.

⁸⁵ 2008 Constitution, Article 288-289

⁸⁶ The Buddhist way of life accords deference and respect to elders, visible in local/ village administration where respected elders presided over a hundred village households. The deference to the Village Elder is maintained by the new constitution

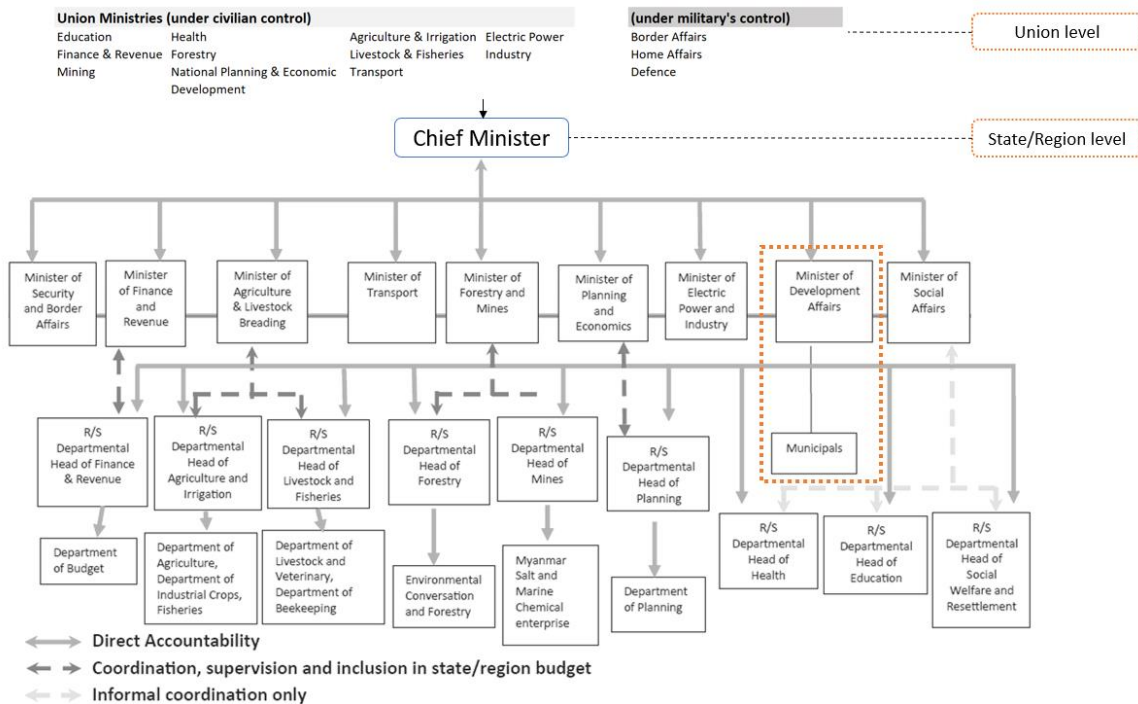


Figure 13: Organization and flow of ministries in the Union and state/region governments

Source: Modified by Dominic Mathew, 2018 from H. Nixon, C. J. (2015). *State and Region Governments in Myanmar*. Yangon: MDRI-CESD and The Asia Foundation, pg. 16

The accountability and coordination among Union and State/Region ministries (refer to Figure 13) shows the autonomy of municipal governance within the state and region hierarchy. The municipalities (DAOs) are answerable to the state/region DA Ministry and do not have a parent body in the Union structure. This hierarchy is complicated by the presence of the Executive Secretary who is a Deputy Director-General position GAD bureaucrat at the state level, who though under the Chief Minister, reports to the Ministry of Home Affairs. The Union controls the health and education departments at the state/region level with only informal coordination by the sub-national government (as shown in Figure 13).

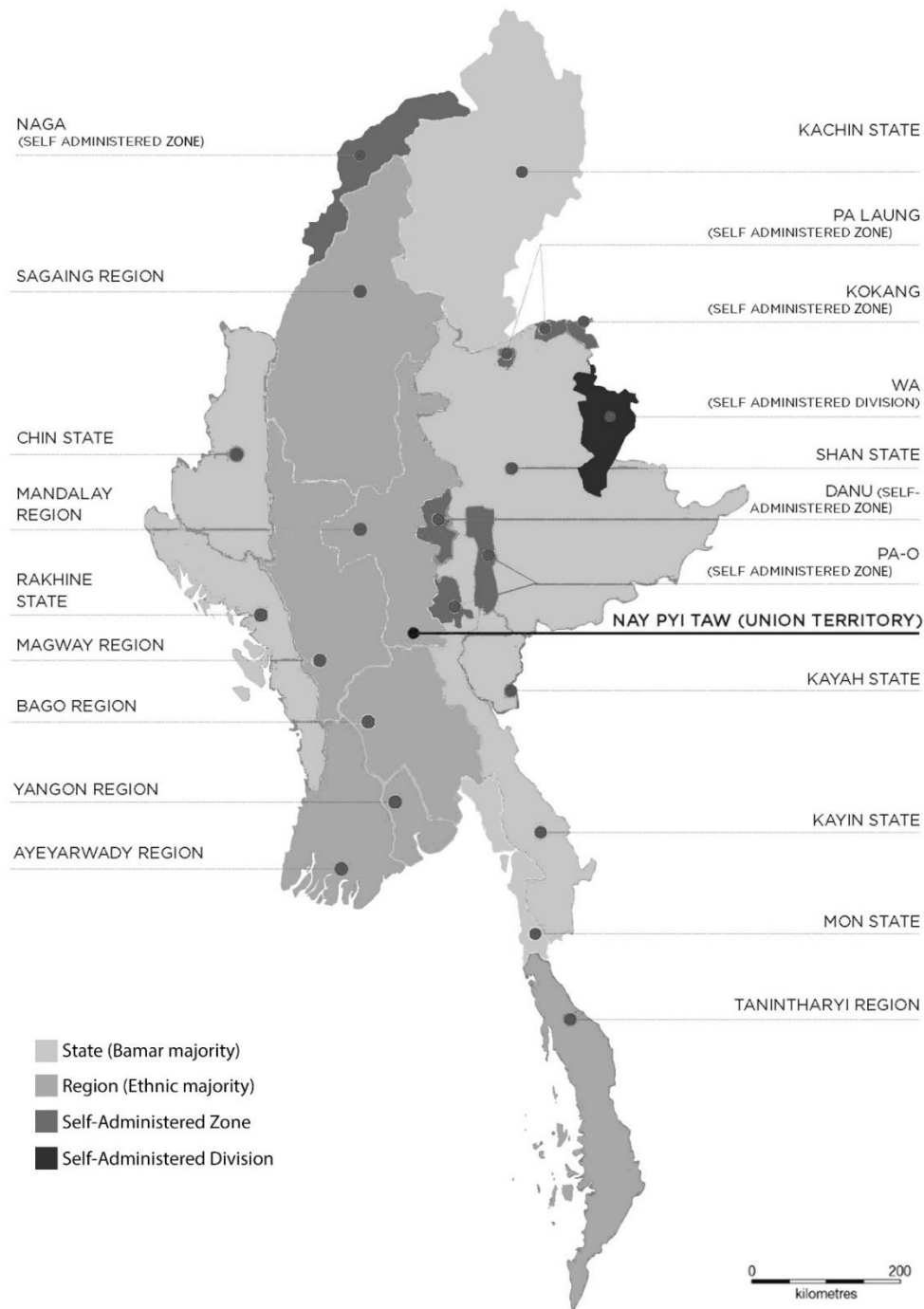


Figure 14: Political map of Myanmar as per the 2008 Constitution

Source: Adapted by Dominic Mathew, 2018 from Hluttaw brochure, 2017

The national union parliament, the *Pyidaungsu Hluttaw* consists of the House of Representatives, the *Pyithu Hluttaw* and the House of Nationalities, the *Amyotha Hluttaw* (refer Figure 15). Representing a total of 664 elected and nominated representatives, the

Pyidaungsu Hluttaw is located in the new capital, Naypyidaw and covers eleven subjects as per the Union Legislative List (refer to appendix part 3).⁸⁷ The Union, State/Region and Self-administered Zone legislative lists were removed in the 1974 Constitution and power concentrated in the union ministries or the General Administration Department (GAD), which was run by the junta.

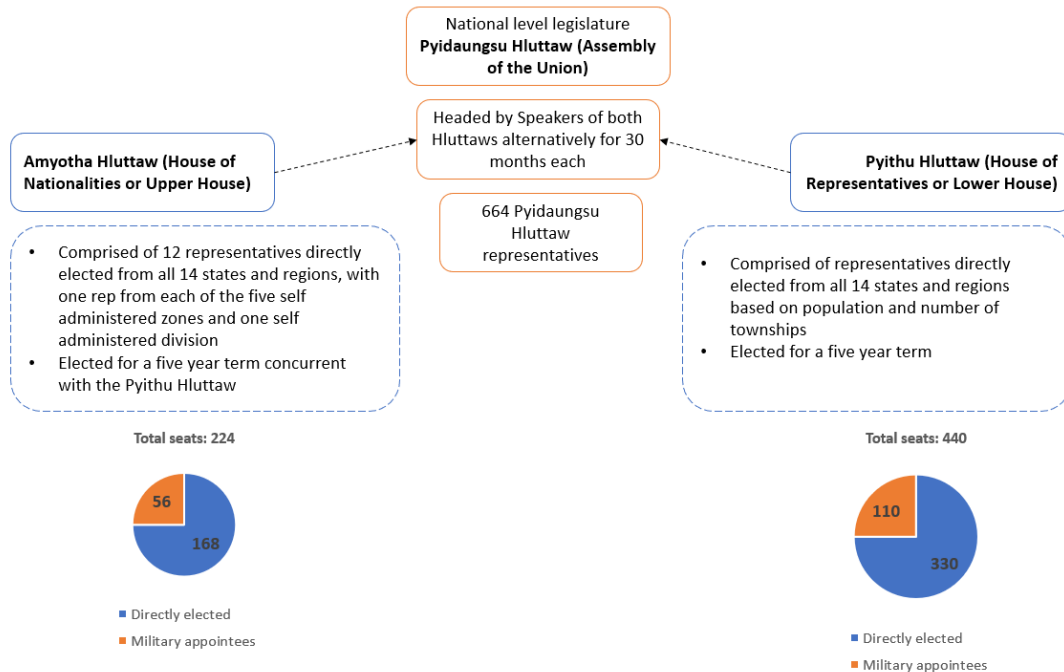


Figure 15: Graphical representation of the legislature

The *Amyotha Hluttaw* is the upper house with twelve representatives for each of the seven states and regions, including one each from the self-administered zones and division. The *Pyithu Hluttaw* is the lower house with representatives elected based on the state or region's population and number of townships. Twenty five percent seats in both hluttaws are reserved for defense personnel, nominated by the Commander-in-Chief.⁸⁸ Elections to the

⁸⁷ As per article 96 and Schedule 1 of the 2008 Constitution, the Union Legislative list includes defense, foreign affairs, general administration, finance, commerce, agriculture, energy, industry, transportation, social service and the judiciary.

⁸⁸ Shan state, the largest administrative division has 55 seats and Naypyidaw, the smallest, has 5 seats.

hluttaws are held every five years with a first-past-the-ballot system wherein candidates with the highest votes are elected.⁸⁹

Both houses have equal powers, similar functions and duties, though the *Pyithu Hluttaw* enjoys a numerical advantage. The joint assembly or *Pyidaungsu Hluttaw* is used to convene both houses in case of a disagreement, to settle and vote on an issue. It is also used to introduce bills of national or international importance, constitutional amendments and annual budgets.

Table 4: Number of elected representatives for Amyotha and Pyithu Hluttaws from states, regions and union territory in 2008⁹⁰

	Amyotha Hluttaw	Pyithu Hluttaw
Kachin State	12	18
Kayah State	12	7
Kayin State	12	7
Chin State	12	9
Mon State	12	10
Rakhine State	12	17
Shan State	12	55
Sagaing Region	12	37
Tanintharyi Region	12	10
Bago Region	12	28
Magway Region	12	25
Mandalay Region	12	31
Yangon Region	12	45
Ayeyarwady Region	12	26
Naypyidaw Territory		5
	168	330

Source: Adapted by Dominic Mathew, 2018 from 2008 Constitution

After the 2008 Constitution was adopted, the structural framework for decentralization and local governance took time to begin, starting only in 2011 with the election of the USDP's quasi-civilian rule (Ninh & Arnold, 2016). Till the new constitution took effect, regional military commanders managed the states and regions. The commanders were guided by a central military leadership and supported by administrative staff allotted

⁸⁹ Voting is not compulsory, but suffrage is not extended to members of religious orders, persons with intellectual disability, prisoners and insolvent persons.

⁹⁰ The rest make up the twenty-five percent of military personnel nominated by the military

by the General Administration Department (GAD). The GAD staff ensured that the central leadership always had a say in determining the composition of sub-national administration and could effectively clip the wings of ambitious regional commanders.^{91 92}

The state and region governance systems consist of a partially elected unicameral parliament, *hluttaw*, an executive led by a chief minister and cabinet of ministers, and state/region judicial institutions. Like the nationally elected legislature, the state/region *hluttaws* are composed of both elected members and appointed military representatives, equal to one third of the total.⁹³ The chief minister is selected by the president from among elected or unelected *hluttaw* members and confirmed by the *hluttaw*. The number of seats for the state and regional *hluttaws* are determined by the number of townships, with two representatives selected from each township along with additional elected representatives belonging to national races, if they constitute more than the 0.1 percent of the total Union's population.⁹⁴ The state and regional *hluttaws* pass laws provided in Schedule 2 (refer to Appendix part 4 for full list), pertaining to eight broad sectors. Both Schedule 1 (for Union) and Schedule 2 (for state/region) form the basis of division of power in the country.

The fourteen states and regions are organized into 74 districts, further subdivided into 330 townships (refer Table 6) These townships are the key building blocks of public administration in the country and house several important union ministry's regional offices,

⁹¹ Conversation with TAF colleague

⁹² One thing the military leadership was afraid of since it took over Myanmar is losing power to either the people (counting ambitious military subordinates) or to a foreign power determined to impose democracy. This fear is visible in the planning of Burmese cities, universities were divided into different campuses, distance education was encouraged, and relocations took place to the outskirts of the city limits to forestall and lower the chances of demonstrations by students within cities. As per the account of a senior DAO official, the quiet and sudden shift to the greenfield capital, Naypyidaw in 2005, right in the geographical middle of the country and inaccessible by sea, underlay fears of an amphibious assault by US forces. The wide 14 lane highways right outside the parliament complex were rumored to have been constructed so as to land a plane and plan a quick exit for the junta leadership in case of a coup. Naypyidaw is administered directly by the president and controlled by an appointed administrative council.

⁹³ 2008 Constitution, Article 161 (d)

⁹⁴ 2008 Constitution, Article 161 (a-c)

including the presence of GAD controlled departments.⁹⁵ A village is the smallest formal administrative unit in Myanmar (Ninh & Arnold, 2016).

Table 5: Number of administrative divisions in 2014

	Numbers in 2014
States & Regions	14
Self-Administered Division	1
Self-Administered Zone	5
Union Territory	1
District	73
Township	330
Cities and Towns	422
Wards & Village Tracts	16696
Villages	70838

Source: Kyi Pyar Chit Saw, M. A. (2014). Administering the State in Myanmar: An Overview of the General Administration Department. Yangon: MDRI, The Asia Foundation, pg 17

A common thread across these divisions is the administrative backbone of Myanmar, the General Administration Department (GAD) which reports to its parent Union ministry, the Ministry of Home Affairs (MoHA).⁹⁶ Although many changes have occurred in Myanmar's public sector, the GAD, particularly at the subnational levels have remained a constant across the governance system (Kyi Pyar Chit Saw, Administering the State in Myanmar: An Overview of the GAD, 2014).⁹⁷ Post-independence, many of the colonial structures of general administration were retained, among them was the Ministry of Home Affairs. The GAD evolved from the Burmese Government Secretariat, where the Chief Secretary headed the country's administrative systems, with a Secretariat in each state and division that oversaw basic administration, led by a Secretary. In 1957, the GAD was formed under the MoHA and has existed since then, in various forms throughout the states,

⁹⁵ The GAD assigns civil servants to different departments and comes under the larger Home Affairs ministry. It is headed by an active duty military personnel and provides administrative support to performing daily roles like tax collection, land record management or conducting registration and certification.

⁹⁶ MoHA is one of the three ministries controlled by the military

⁹⁷ Some of the GAD's roles also include to manage public administration from the State/Region level to the districts and townships and conduct elections to different administrative posts at the local level

regions, districts, townships, wards and villages.⁹⁸ There were 36,080 GAD members in 2014 with almost two-thirds in non-gazetted posts⁹⁹, junior officers are recruited via the Union Civil Service Board and make their way up the ranks (Kyi Pyar Chit Saw, Administering the State in Myanmar - An Overview of the General Administration Department, 2014).

The states/regions in the early stages of decentralization were (and still are) heavily reliant on the GAD to collect taxes. The size of the state/region budget was decided by the amount of financial transfers from the Union through the Finance Commission or revenues collected under Schedule Five. In the 2013-14 period, financial transfers from the Union amounted to almost 48% of the state/region budgets, though they form less than 1% of the Union's expenditures (refer to Figure 17) (Giles Dickenson-Jones, 2015). Health and education, as part of the Union list, were considered the 'line ministries' and are directly controlled by the Union ministry.¹⁰⁰ State/Region ministers can provide funds to (line ministries) schools and hospitals through the local Constituency Development Funds (CDF).¹⁰¹ The CDF is at the discretion of the Union and state/region MPs and is used primarily in the rural areas to implement small-scale infrastructure projects with the help of villagers.¹⁰²

⁹⁸ The GAD's security role as the extension of the British government (earlier) and now the military to keep an eye on the subordinate government remains central to its role in Myanmar. Its checkered past includes forced conscription of labor for projects initiated by the junta.

⁹⁹ The largest number of GAD staff are employed at the ward and village tract clerk levels. These roles have forbidden the hiring of women post 2010, of 15,972 ward and village tract clerks, only 17 are women from hiring cycles before 2010. All GAD staff have three-year assignments followed by rotations.

¹⁰⁰ Line ministries have their own subnational departments which have informal coordination with the State/Region. Employees in clinic, hospitals, schools and universities are staffed, hired and paid by the Union, with no role of the state or regions.

¹⁰¹ The Constituency Development Fund was introduced in 2013, the Union budget allocates 33 billion kyats to the elected MPs in the 330 townships. Each township gets 100 billion kyats for small scale infrastructure work with each project size limited to 5 million kyats (~\$3200). The Central Committee for Development Affairs at the Union and the Township Development Implementation Committee (TDIC) at the township manage the CDF. The TDIC consists of the Union and state/region MPs who submit project proposals to be approved by the union. The CDF do not go through a tender process because villagers provide labor and sees the most use in rural villages and village tracts.

¹⁰² The use of free labor harks back to the past military rule where conscription of labor was common

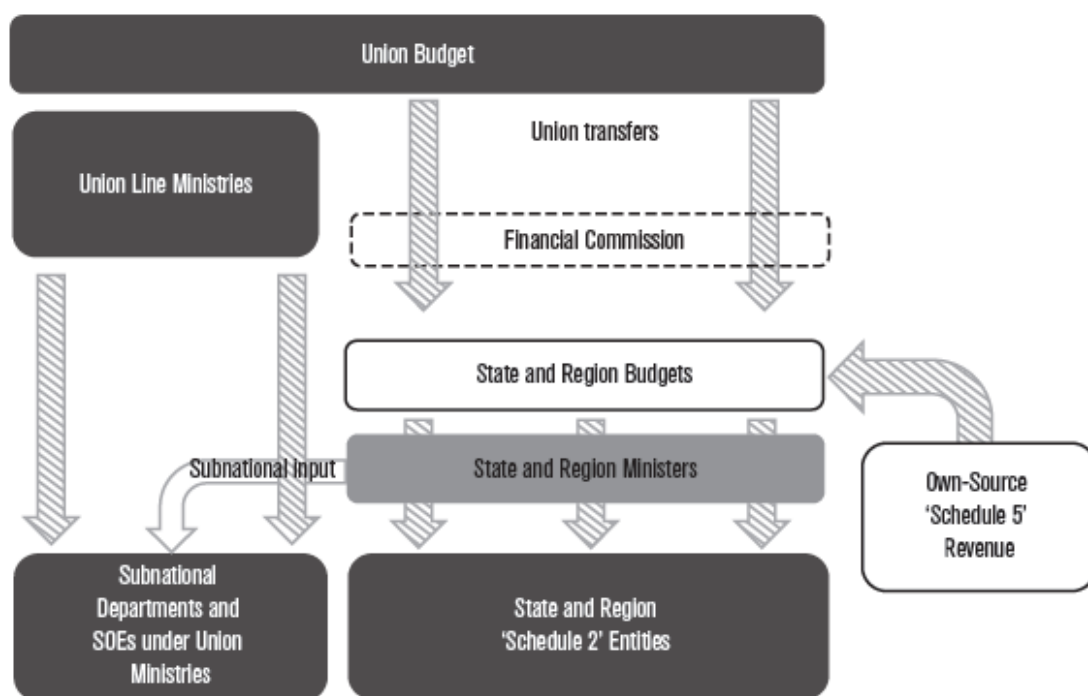


Figure 16: Structure of Union transfers to State/Region

Source: Giles Dickenson-Jones, S. K. (2015). *State and Region Public Finances in Myanmar*. International Growth Center, TAF, MDRI CESD. pg.3¹⁰³

The 2008 Constitution allows states and regions to come up with their own regional plans. The State and Regional Legislative Lists demarcate the power to decide municipal taxes, municipal matters and town and housing development to the states and regions (UNDP, 2015, p. 24). States and regions collect agricultural revenue, which is a significant number, Myanmar is still an agrarian economy with 65% of the labor force engaged in agriculture contributing 37.8% of the GDP.¹⁰⁴

¹⁰³ SOEs stand for State Owned Enterprises

¹⁰⁴ World Bank Myanmar Data Bank 2017

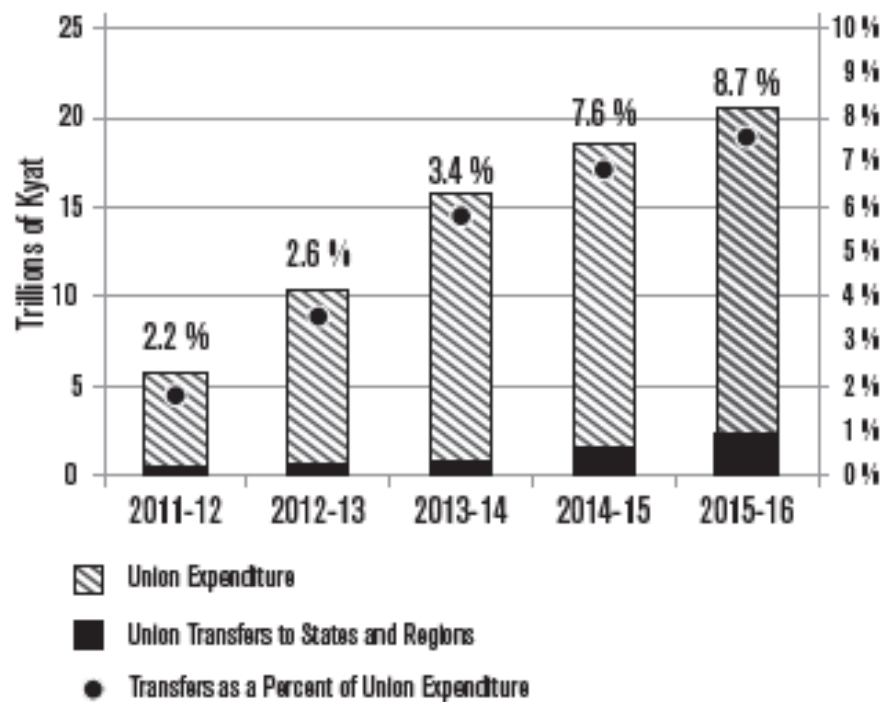


Figure 17: Union Transfers to State/Regions, 2011-16

Source: Giles Dickenson-Jones, S. K. (2015). *State and Region Public Finances in Myanmar*. International Growth Center, TAF, MDRI CESD. pg.5

GAD officers head the administrative functions at the states and regions as Secretaries and coordinate activities at the district and township as District and Township Administrators.¹⁰⁵ Districts have few service delivery functions and have a leaner administrative setup, playing a supervisory role over the townships. The Township Administrator is the GAD's main civil servant at the local level and coordinates different departments in the township. The Township Administrator does not have any power over the 'line ministries' which are under the Union List (health and education), and have their own budget dictated by the Union.^{106 107}

¹⁰⁵ The administrators at the ward, village tract and village levels are elected but their clerks who help them with general management are full-time GAD employees. It presents a curious case where these administrators can be dismissed at any time, do not draw a pension and don't get any benefits like a full-time employee.

¹⁰⁶ Other departments which are present throughout townships and have similar levels of authority to the GAD include the Internal Revenue Department (IRD) focused on revenue collections, the former land records department now called the Department of Agricultural Land Management and Statistics (DALMS) and the Myanmar's commercial public bank, the Myanmar Economic Bank (MEB) (Bissinger, 2016, p. 18)

¹⁰⁷ The existence of the line ministries is part of the central authority exercised by the military. Education was heavily restricted and modified to praise the military's moves, so it makes sense it is a line ministry. I could not

In the areas demarcated rural (based on population statistics by the National Statistics offices) the Department of Rural Development (DRD) and the Department of Agriculture and Forestry play an important role in administration and management.¹⁰⁸ Myanmar's agrarian economy and slow pace of urbanization has resulted in more than two-thirds of the country being rural. The urban focus of the DAO means that they are a very visible part of the local governance structure and have a client facing role that opens them up to intense scrutiny.¹⁰⁹ The evolution of the DAO has its foundation in the monarchy but got its formal shape in the colonial period through various municipal laws.

Development Affairs Organization

The Development Affairs Organizations, known as *si-bin-tha-ya-ye-apwe* in Burmese or 'municipal offices', have a unique role in the local governance structure. They are the only department of the Union whose powers are decentralized to the states and regions with the 2008 Constitution (Bissinger, 2016). They trace their legal framework to the Burma Municipal Act of 1874 (refer to Figure 12), which delegated powers for municipal governance to municipal committees.^{110 111} The 1898 Burma Municipal Act covered the entire Burma area and accorded new powers and responsibilities to these municipal committees, most of which are still performed by the current DAO. The provisions included acquisition of land, taxation, provide health and education public services, administering a municipal fund, building construction permits, registration of births

find information on why healthcare is a line ministry. The spending on education and health respectively are 2.1% and 2% of the GDP in 2017.

¹⁰⁸ Refer to appendix 1 for a list of common departments active at the township level

¹⁰⁹ They are the only organization at the subnational level who focus on running communication campaigns; to highlight past work done or generate public support for work undertaken. These campaigns span social media, banners and murals.

¹¹⁰ Burma Municipal Act, 1874

¹¹¹ Municipal committees had varying powers; collect tax, construct infrastructure, licensing powers among many other functions. The Lieutenant Governor of Burma, the highest colonial authority, oversaw the Municipal Committees, which ranged in numbers from 10 – 32 with a mix of British government appointees and elected civilians from within the city. After the 1884 Municipal Act, these municipal committees could operate under their own name and office seal, possessed perpetual succession and had the right to sue and be sued in their corporate names.

and deaths, licensing for commercial businesses and markets, drainage, sewerage and water supply (Municipal Act of Burma, 1898).

The two entities governing townships, Municipal Committees in urban areas and District Councils in rural areas, fell under the GAD's (within the MoHA) purview during the Revolutionary Council's rule in 1972 and were amalgamated later as the Township Development Committees or TDCs (Matthew Arnold, 2015). The wide-reaching powers inscribed in the 1898 Act saw it last till 1993, when a new Development Committees law transferred the Township Development Committees from the Ministry of Home Affairs directly to the military under the Ministry of Border Affairs's (MoBA) Department of Development Affairs (DDA). The 2008 Constitution's State and Regions Legislative List (Schedule 2) placed the DDA (now called the state DA ministry) as a separate ministry under the total control of the states and regions. The DA ministry focuses only on urban governance and each of the 14 states and region hluttaws enacted DA Laws for areas under them (Matthew Arnold, 2015).¹¹² The political leadership is provided by a state or regional Development Affairs (DA) minister and a director level civil servant (appointed by the GAD) heads all the DAOs in each state and region. A deputy director level civil servant heads each DAO at the township level (refer appendix 2 for hierarchy in the civil service).¹¹³ These positions are gazetted posts and are appointed through the Union Civil Service Board, and the persons are members of the Myanmar Civil Service. Many serving officers found themselves caught in the change brought by the 2008 Constitution. As part of the DDA they had fixed appointments and had fixed-term rotations in different regions – with the shift in the parent ministry, their positions were suddenly set in stone, as a result many of the senior DAO staff aren't 'native' to a township. The DAO staff now constitutes a state/region civil

¹¹² Starting in 2012, all 14 state and region governments passed their own Development Affairs laws. These are based on the 1993 Development Committees Law and have similar structure and provisions, the only differences being the composition of the Township Development Affairs Committee (TDAC) and number of fines levied.

¹¹³ These can vary depending on the grade of the township which range from A (large populated urban townships) to E (very low populated, slightly rural townships)

service and does not enjoy the same full upward ‘movement’ as the union civil servants¹¹⁴

This ruling can be circumvented by appealing to the Union Civil Service Board and the state/region Chief Minister, and in larger states the State/Region DA ministry can be headed by a deputy director general level officer.

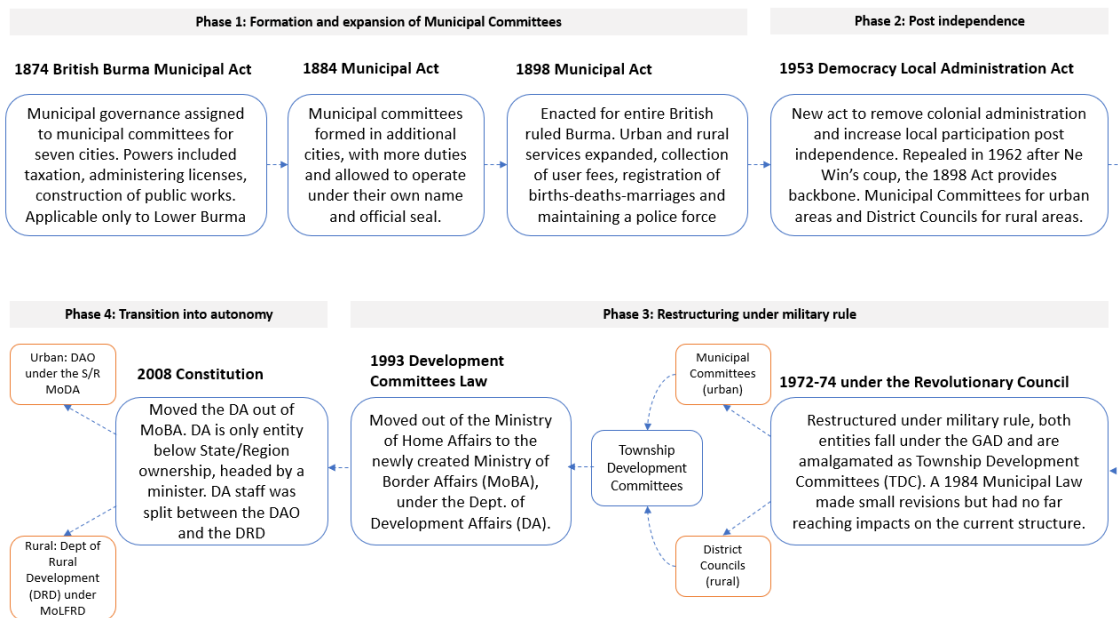


Figure 18: An evolution of the Development Affairs Organization

Source: Dominic Mathew, 2018^{115 116}

The core operational focus of DAOs is at the township level, which consist of the Township Development Affairs Committee (TDAC), that oversees and supports the Township DAO office (refer to Figure 19). The TDAC has authority to set rates of fees and taxes, and levy fines. Each township has a set of byelaws which determines the ‘tax capacity’ of the area based on what they feel people and businesses can or will pay.¹¹⁷ The

¹¹⁴ This also creates headaches for junior staff, if a particularly young (early 50s) director helms a state/region DA ministry, the juniors will have to wait 10 years till the Director reaches retirement age because his upward mobility is restricted to the state.

¹¹⁵ Data analyzed and drawn from 1874, 1884 and 1898 Municipal Acts and 2008 Constitution

¹¹⁶ MoLFRD refers to the Ministry of Livestock, Fisheries and Rural Development, MoDa is the Ministry of Development Affairs and MoBA is the Ministry of Border Affairs

¹¹⁷ It is arbitrary in many cases, there are townships where building taxes levied on unoccupied/ occupied/ residential/ commercial buildings are all the same. The agenda to spend these revenues are set by the state/region in discussion with the townships - for instance the states I worked in; Shan, focused on road

lack of any DAO presence at the district level means that the states/regions and the townships oversee all developmental work in the area. The functioning of the DAO office is consistent across the different phases of the evolution of the organization, the TDAC though, is a new entity that has assumed a greater role in representing public participation and engagement (Matthew Arnold, 2015). The TDAC is a seven-member body (three from the government and four civilians) that provides oversight over program implementation by the DAOs, the committee has a five-year term, which runs concurrent with the state/region government.

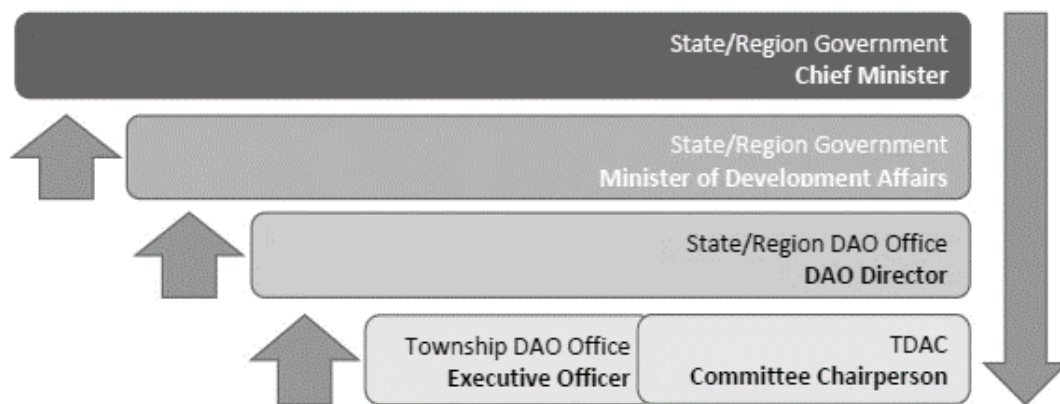


Figure 19: Hierarchy of the DAO system

Source: Matthew Arnold, Y. T. (2015). *Municipal Governance in Myanmar: An Overview of DAOs*. Yangon: The Asia Foundation, pg. 17

building, water supply (being a hilly area), Kayin state focused on drainage and road maintenance (being a flood prone low-lying region).

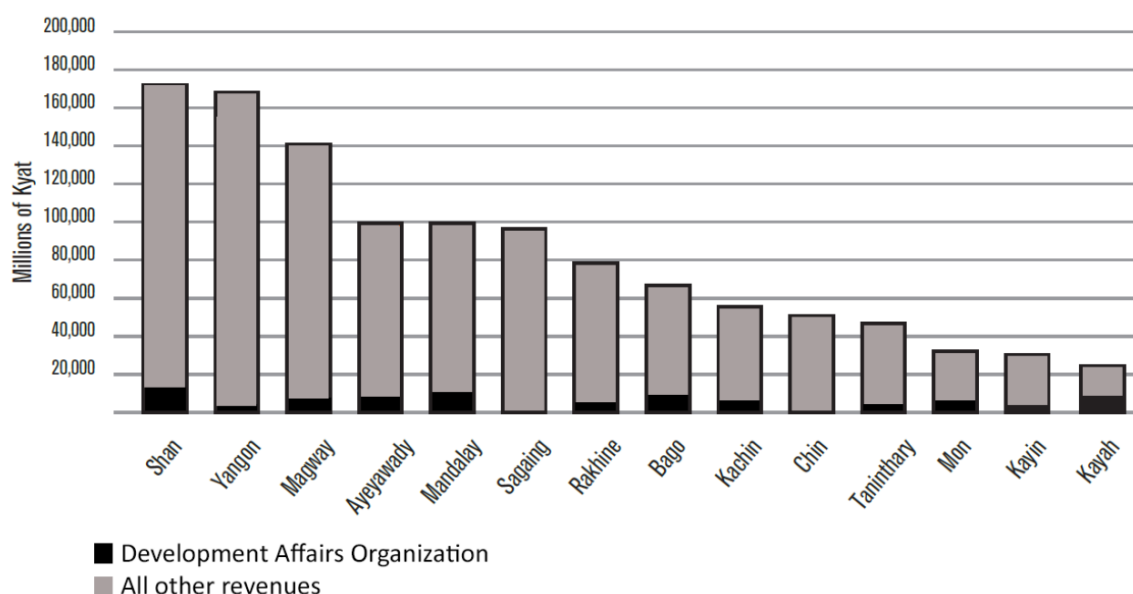


Figure 20: Revenue from DAO vs other sources for State/Region, 2013-14

Source: Adapted by Dominic Mathew, 2018 from Giles Dickenson-Jones, S. K. (2015). *State and Region Public Finances in Myanmar*. International Growth Center, TAF, MDRI CESD. pg.6¹¹⁸

Revenues of the DAO are collected from three main sources; user fees for services provided,¹¹⁹ regular license fees for small businesses to operate and tender license fees for certain businesses.¹²⁰ The revenues raised by the DAO can only be used within the township where they are collected, if not used in a fiscal year, the surplus is sent to the state/region's budget department and ultimately handed over to a Union fund. This inability to carry forward revenue into multiple fiscal years hinders the DAOs from carrying out long-term projects such as water or sewage systems.¹²¹

¹¹⁸ This shows revenues collected by DAOs in the state/region compared to other revenue streams like excise, property tax, revenue from state/regional owned enterprises. Yangon and Mandalay have their own City Development Committees; this chart shows the inter-regional transfer amount they get.

¹¹⁹ These can range from a user fee for garbage collection, wheel fee for vehicle owners, street lighting fee or water supply fee.

¹²⁰ The tender license fees are the money generator for the DAOs and include licenses to operate slaughterhouses, ferries etc. Licenses for slaughterhouses are the biggest component across DAOs, only 3-4 slaughterhouses are permitted in each township and it is auctioned for a high price. Curiously, the DAO sets prices for the meat sold in the slaughterhouse. Yangon and Mandalay have high 'wheel fees' because of a high number of vehicles and high land fees, because of an increase in real estate transactions (refer to Figure 19).

¹²¹ If the DAOs run a deficit they must take a loan from the state/region to supplement their budget. This one-year loan comes at a steep 13% interest. This leads to the micromanagement of the budget, if taking on projects lead to an increase or deficit; they are delayed till the next year budget. This was a pain point for many DAO

The state/region DA ministry does not implement projects or provide services to the public and neither does it collect revenue, the township DAOs perform this task. The running of the state/region DA offices are funded by the inter-transfer of 3-10% of revenues from township DAO offices (Giles Dickenson-Jones, 2015). Some states like Shan have guidelines in their DA laws which mandate transfer of upto 10% of revenues from high income DAOs to smaller sized DAOs.¹²² Across the state DA laws, each township DAO has a mandate to spend upto 90% of their revenues in the place of collection. In terms of expenditures on staffing and personnel, most DA laws keep a cap of upto 30% to be spent on salaries of employees.

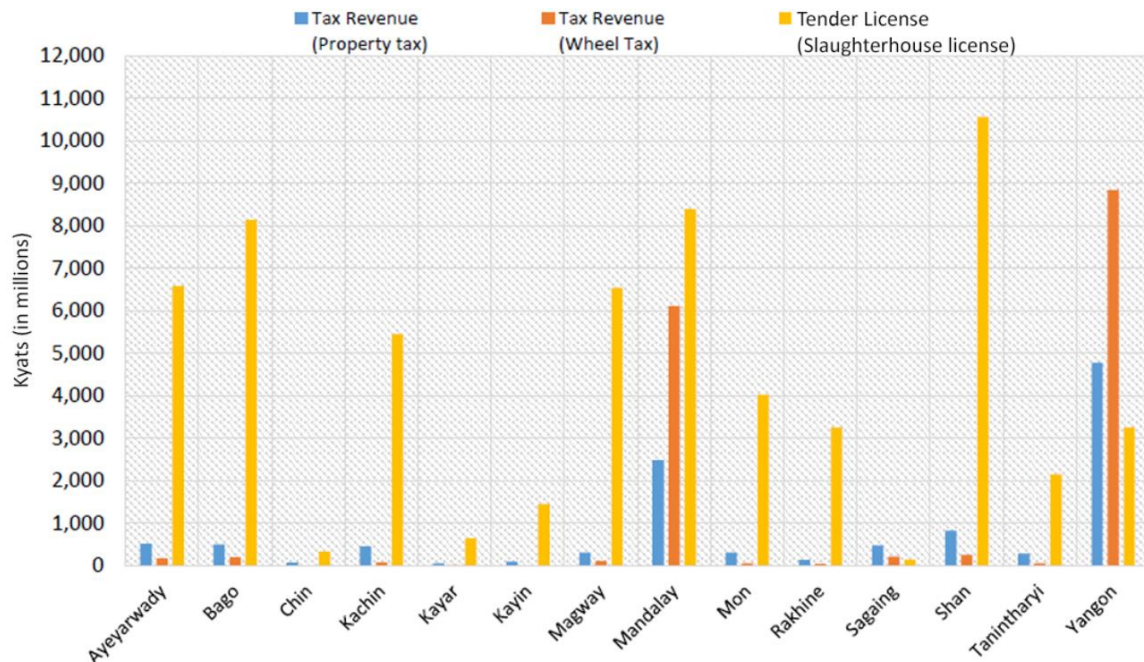


Figure 21: Major sources of DAO revenues in 2013-14

Source: Matthew Arnold, Y. T. (2015). *Municipal Governance in Myanmar: An Overview of DAOs*. Yangon: The Asia Foundation

officials who talked about delaying important work like lighting up unsafe areas or paving residential roads, that citizens were forced to carry them out.

¹²² Since the states/regions implemented their own DA laws, some have taken the prerogative of supporting smaller townships with transfers from the larger ones. The inequity among townships is huge in a state like Shan, where the Taunggyi township being the state capital has a huge population and hence tax base, while smaller townships straddle the definition between urban and rural. Shan is the largest state in Myanmar with 11 districts and 58 townships, compared to a smaller state like Chin with three districts and nine townships.

As mentioned before the Development Affairs Organization fills the gap of a missing ‘third tier’ of government, providing an interface for the Myanmar state with the people (Matthew Arnold, 2015). As they build capacity and become more responsive to the needs of the citizens, the DAO’s mandate as the primary provider of services in municipal areas will be realized. It is this response of governance in face of constant restructuring and a chaotic political landscape, that I explore through a different perspective of organizational effectiveness. Judith Tandler’s perspective explores the best practices in existing governance systems in Latin America. She argues that existing literature on governance in developing countries shows examples of corrupt, self-interest maximizing bureaucrats, inefficient and bloated governments and clientelism. Looking at similarities and differences with the Myanmar municipal governance structure, I hope to understand what the DAO does well and where it lacks.

UNDERSTANDING THE ROLE OF THE DAO: THE FACE OF THE STATE

To understand the role of the DAO in a governance landscape that is highly centralized, I used Judith Tandler's framework of organizational effectiveness, which she explored in her book, 'Good Government in the Tropics' (1997). She was a development economist who worked in the U.S Agency for International Development's (USAID) Latin America bureau in the 1980s.¹²³ Her research in the book explores four cases of good governance in the north-eastern Brazilian state, Ceará.¹²⁴ Ceará is one-fifth the size of Myanmar and has a population that is one-seventh that of Myanmar, but bears similarities in terms of the military dictatorship it was under when Tandler conducted her research. Ceará has a unitary structure with some amount of devolution in power to implement basic services programs at the grassroots. Given the *Tatmadaw*'s rule and its ubiquitous presence in the country through the GAD, in spite of the decentralization given impetus by the 2008 Constitution, the governance form still has connecting threads to the military.

Tandler argues that international development agencies tend to focus on the poor performances of governments in developing countries, listing common obstacles like clientelism and nepotism, a self-interest maximizing bureaucracy, over extended governments and poor capacity (Tandler, 1997, pp. 4-10). Overlooking good examples and affixing blanket labels (e.g. good performers, global south, developed-developing-underdeveloped) that result in skewed comparisons. The tendency to paint different countries with the same brush and importing best practices without understanding the context has resulted in some standard solutions – reducing the size of the bureaucracy, removing policies that foster corruption or allow undue influence to be exerted (e.g. licensing) and introducing techniques and incentives based on a strong belief of the superiority of the market (e.g. bonuses, out-of-turn promotions) (Tandler, 1997, pp. 1-16).

¹²³ Judith Tandler (1938-2016), taught at MIT in the Department of Urban Studies and Planning

¹²⁴ 'Good Government in the Tropics' is set in Brazil which had a military dictatorship (1964-85) and was a unitary state. There was lack of capacity, clientelism and the local governance structure was abysmal. This holds true for Myanmar as well, which makes using this framework an interesting case study.

These recommendations place a lot of faith on the user client and ignores literature on how large organizations work, often not acknowledging the need for a good labor management relationship system.

Tendler recommends the opposite of what development organizations do, introducing an Industrial Performance Workplace Transformation (IPWT) that allows greater discretion and autonomy among workers, and improves cooperation between management and workers. Applying IPWT in labor management relationship results in greater flexibility, an adaptive organization structure with greater informality. She identified four themes behind the success of the case studies and links them to this theory. In the first theme; instead of enforcing complete decentralization, the central government acted in a self-interested fashion, it monitored service delivery by local governments, and played an active role in civic education at the local level. (Chattopadhyay, 2016). Secondly, the state government recognized works and programs run by local governments, that created a strong sense of calling and mission within workers. These workers who felt appreciated and recognized for their service, especially within their immediate society, displayed greater dedication to their roles.

In the third theme, Tendler discussed having a broader definition of the duties of the organization and greater discretion to respond to client's demands to achieve a goal resulted in more work being carried out, beyond the scope of what was expected and sometimes even done voluntarily. Finally; with increased accountability towards citizens, the central government ran anti-corruption and program dissemination campaigns to educate the public, a form of indirect supervision over the works of the state¹²⁵, which was effective in creating a well-informed citizenry that knew what to expect from the local officials.

¹²⁵ A situation where the central government is implying to 'come tell us' if the state does not do things properly. In many instances, people who sat for recruitment tests but did not land the role, were encouraged to report corruption in the system or any lack in the performance of people in the those very roles they recruited for.

Judith Tendler's unconventional approach to studying decentralization while concentrating on the politics behind its implementation that encompasses different stakeholders, questions the traditional roles each party was supposed to play. Using her literature to understand the public administration in Myanmar draws several parallels. As the military gradually follows a decentralization of governance, the DAOs at the township levels are emerging as a huge urban services provider. Though under the state/region authority they maintain a relationship with the military through the bureaucracy (GAD), and exhibit many of the themes suggested by Tendler. Looking at these themes, I try to understand the foundation of why and how the DAOs either conform or defy these notions of good practices in governance in developing countries.

Strong sense of mission and legitimacy bestowed by the state

For sixty years post-independence, the General Administration Department (GAD) which currently reports to its parent Ministry of Home Affairs, conducted staffing of all government entities in Myanmar. The GAD with its motto to follow state policy and uphold the security apparatus of the state, staffed the DAOs when they were formed. Given their history and administration under the Ministry of Border Affairs, the DAOs were viewed suspiciously as a vestige of the *Tatmadaw* by the NLD when they won a majority in the 2015 general elections.¹²⁶ From my interviews and focus group discussions (refer to Research Methods, pg. 4) with personnel in the DAOs, the state/region governments are starting to recognize the work done at the township level and are overcoming their hostility to use the DAOs to push forward urban services that will significantly increase the quality of life in these areas.¹²⁷ In *Taunggyi* township (capital of Shan state), the Shan state

¹²⁶ This mistrust was real because the DAO was staffed by the GAD which had a history of forcible conscriptions for military backed public and private projects and had a mandate to uphold State policy. The other arms of the GAD; the police, Bureau of Special Investigations, prisons and fire services, all focused on the security of the state.

¹²⁷ A lot of these reservations were held by newly elected NLD leaders working at the state/region with members of the GAD, who now worked in the DAOs. Having been in the crosshairs of the same GAD members just a few years ago, the NLD leaders found it hard to let their guard down easily.

Development Affairs ministry held a huge public convention of DAOs in the capital, applauding the work done by them and rewarding best performing DAOs with heavy machinery like excavators, JCBs and garbage trucks.¹²⁸ These best performers were selected on the basis of roads constructed and maintained,¹²⁹ tax base increased and in some cases, the number of street lights installed. The DAOs are generally stretched in terms of finances, since they are majorly self-funded from revenues collected in the township, and often cannot afford costly fixed assets like additional garbage trucks, laying water pipelines for the entire township or public transportation.¹³⁰ The state's appreciation of the DAOs recognizes their contribution and in a subtle move of gamification, gives the DAOs reason to compete for the big prize by improving their performance.¹³¹ Not all states/regions have the means to provide such infrastructure though, states like Kayin and Kayah have very small budgets at the state/region level to make any difference to the DAOs.

The DAOs are increasingly seen, as the de-facto municipal governments in the respective townships by multilaterals like the Asian Development Bank (ADB), which work with them to assess urban development and water infrastructure. The United Nations Human Settlements Programme (UN-Habitat) mapped slums and urban infrastructure in various townships and the governments of Japan, United Kingdom, United States, South Korea and China run a number of developmental programs in the country, tapping on working with the DAOs. Non-profits like TAF have identified DAOs as the key to unlocking development of Myanmar's growing urban areas, with several programs developing capacity at a local level

¹²⁸ The convention was held on 8th June 2018 in *Taunggyi*. Figure 23 shows the promotional material that showed progress made by the DAO

¹²⁹ This is the single largest project that DAOs are obsessed with; it is short term, can be implemented in one year and the result is very visible.

¹³⁰ Total DAOs annual revenues can range from \$125,000, for 9 townships in Chin, Rakhine to \$6.5 million for all 77 townships in Shan state. The average revenue per township ranges from \$15,000 – 85,000. This discrepancy hampers poorly developed states/regions from investing in infrastructure and capacity. The DAO revenues can only be spent in the township in which they are collected, with a small amount (5-10%) sent to the states/regions for redistribution to other DAOs.

¹³¹ After nearly 60 years of no economic development seeping to the middle, low income and rural communities, the sense of responsibility is high among state, region and township officials to bring improvements in their areas.

leading to the efficient delivery of different services and functions. This increased legitimacy and recognition is powering the work of the DAOs creating a strong sense of calling and mission within DAO officers. Recruitment exams for non-gazetted posts in the DAO are handled by the respective state/region and conducted locally. These positions could be full-time, or contract based and generate a lot of interest within the townships when released.¹³²

This strong calling towards the work of the DAO is reminiscent of the example that Tendler provides in her book about the Ceará Health Agent Programme that saw significant health care improvements in terms of increased vaccination rates and lowered infant mortality. At first glance this seems largely due to the state machinery surrendering its traditional functions to non-state local actors. Tendler digs deeper and explains how the state got involved in a self-centered manner by monitoring the delivery of the healthcare services by the local government and playing an active role through civic education. Instead of allowing clientelism by allowing an existing post like a mayor or a state health director to recruit employees, the state directs the hiring of qualified locals and gives them control over the Health Agent Programme. The assumed benefits of ‘decentralization’ are questioned through this case, where the state government aims to take away power from the local governments but ultimately thought its actions provides strengthening of capacity at the local governance level. This strong comparison with the structure of the DAOs and their work is striking.

In a country without a separate ‘third tier’ of government, the DAOs provide a face to governance on the ground. The chief minister in the state/region is assisted by nine cabinet ministers handling different portfolios, these cabinet members exercise very few

¹³² National unemployment rates for men and women are 3.9% and 4% (Ministry of Immigration and Population estimates, 2016). A job with the DAO is prestigious and a lot of candidates who get in on contract jobs are retained if their work ethic and quality is good. Women are barred from the ward, village and village-tract clerk positions for unknown reasons but are present in significant numbers in the DAO staff. They view the benefits of the job; 9-5 daily, decent pay scale for low stress work and the chance to create change in their hometowns, as the biggest advantages.

powers compared to their Union counterparts and are ‘ministers without ministries’ because of the lack of supporting infrastructure or dedicated staff on the ground to implement their plans. The DAOs are an exception, they are headed by a State/region Development Affairs (DA) Minister who helps set the agenda and oversees the work of all DAOs in the entire state/region. The state/region DA minister is assisted by a Director-level bureaucrat from the GAD who supervises the individual township DAOs, carrying out the instructions of the minister. The state/region DAO office is mainly responsible for coordination and staff management of their area, while the township offices are responsible for prioritizing public works and municipal management (Matthew Arnold, 2015, p. 12). At the township level, the DAO comprises of the Township Development Affairs Committee (TDAC) and the DAO office (refer to Figure 22).

The structure of the DAO, like the Ceará case has significant tones of the unitary military structure that was prevalent in Myanmar for the last fifty years. The highest GAD officer in the state, the Executive Secretary is a Deputy Director General level officer, works under the orders of the Chief Minister but is supervised by their parent Ministry of Home Affairs at the union level. So, while in theory the DA ministry at the state and the DAO at the township are independent organizations under the state, they have strong connections to the GAD through their administrative officers. Unlike Ceará, the union does not play any role in civic education by running its awareness programs. The push towards decentralization in Myanmar was not set explicitly by the *Tatmadaw* but by President Thein Sein who led a series of presidential decrees decentralizing the governance structure at the local levels. Thein Sein is a former general of the *Tatmadaw* and a moderate reformist in the junta government. Who undertook these efforts to spur economic development, improve service delivery and enable political reforms to support nascent peace processes with ethnic armed groups (Ninh & Arnold, 2016). The autonomy of many governance institutions is hampered by the centralized administrative hiring process which limits the independence and decentralization at the local levels.

The DAOs are the only government entity in Myanmar overseen by a semi-elected local committee (TDAC) with significant decision-making powers. Indirectly elected through the township or village administrator's recommendation, the elected members are respected elders in the community or part of civil society organizations, who are not paid to perform this role. The committee has a client facing role, engaging with the public, in many cases actively getting feedback from the masses before deciding on license rates, tariffs or user fees. The role of the TDAC as a supervisory body makes the DAO's functioning quite unique and positions it as a flexible organization that can respond to public demands.

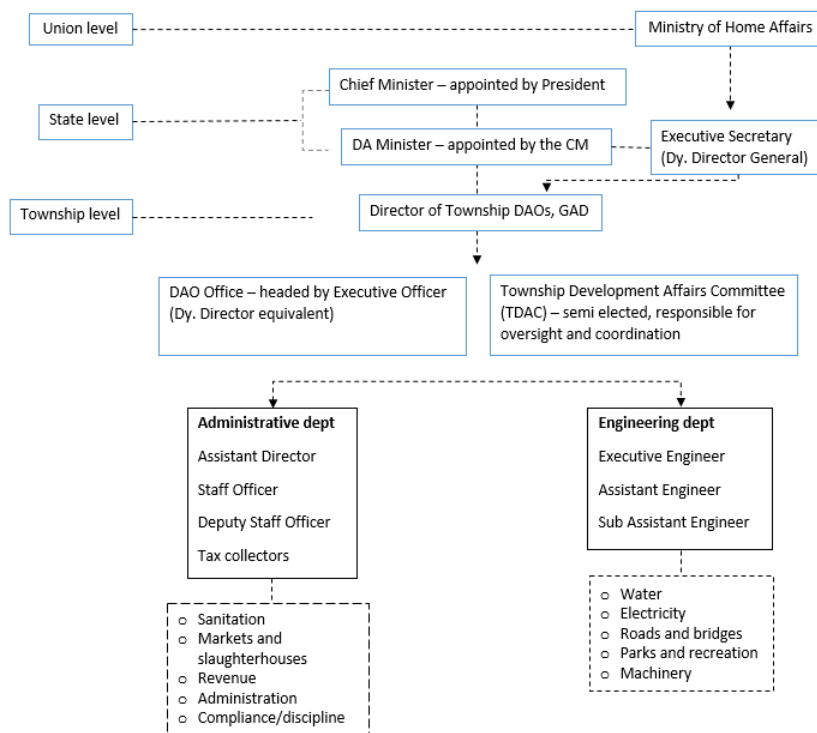


Figure 22: Structure of the state DA ministry and township DAO (2018)

Source: Dominic Mathew, 2018 ¹³³

TDACs are a seven-member committee (refer Table 7 for composition), that include four indirectly elected and three appointed members, who retain the final vote on the use of the township's budget and creating a strategy for urban development. They play an

¹³³ Compiled from an analysis of the 2008 Constitution, 1993 Development Committees Law

important role of oversight, because the elected officials outnumber the appointed ones and have considerable sway in reflecting the people's desires through their decisions.¹³⁴

Table 6: Composition of the seven-member TDAC

Township Elder	Elected	Chairperson
Township Elder	Elected	Member
Business sector representative	Elected	Member
Social sector representative	Elected	Member
DAO Executive Officer	Appointed	Secretary
GAD Deputy Township Officer	Appointed	Member
DRD Deputy Township Officer	Appointed	Member

Source: Matthew Arnold, Y. T. (2015). *Municipal Governance in Myanmar: An Overview of DAOs*. Yangon: The Asia Foundation.

The *Taunggyi* TDAC's chairperson, a well-connected civil engineer who owns a construction business in the area, was working with the Executive Officer, U Aye Ko to improve the image of the DAO. He was keen on running a communication strategy on social media and print, highlighting not just the work done by them but also their functions and mandate.¹³⁵ Given the frequent changes in administration and governance structures, the DAO's jurisdictions, duties and functions aren't clear to everyone.¹³⁶ Executive officers in different townships have voiced the need for more public awareness regarding the DAO's roles and are using different media to create a well-informed citizenry. In *Taunggyi*, I came across promotional material that were being used to highlight the work the DAO had done, with before and after pictures of road construction, drainage, public parks and water pipelines (refer to Figure 23). The *Taunggyi* TDAC was actively thinking about hiring a communications consultant to produce banners and pamphlets that detailed the DAO's roles

¹³⁴ The four TDAC are elected indirectly in methods that vary across state/region, depending on the DA laws of the state/region. These include names of members being suggested by civil society organizations or ward councils, which are then voted on by the public.

¹³⁵ Due to the nascent stage of these government organizations in Myanmar, many elected representatives, bureaucrats, citizens face the problem of not really knowing the extent of their responsibilities, functions and duties

¹³⁶ A common complaint I heard from the DAO officials was about people who had problems which dealt with subject matters outside the purview of the DAO. Since the DAO is a very visible part of the municipal administration, people would look up to them to give solutions.

and responsibilities. They were also keen to leverage social media sites and work with civil society organizations to run awareness campaigns that involves the youth.¹³⁷

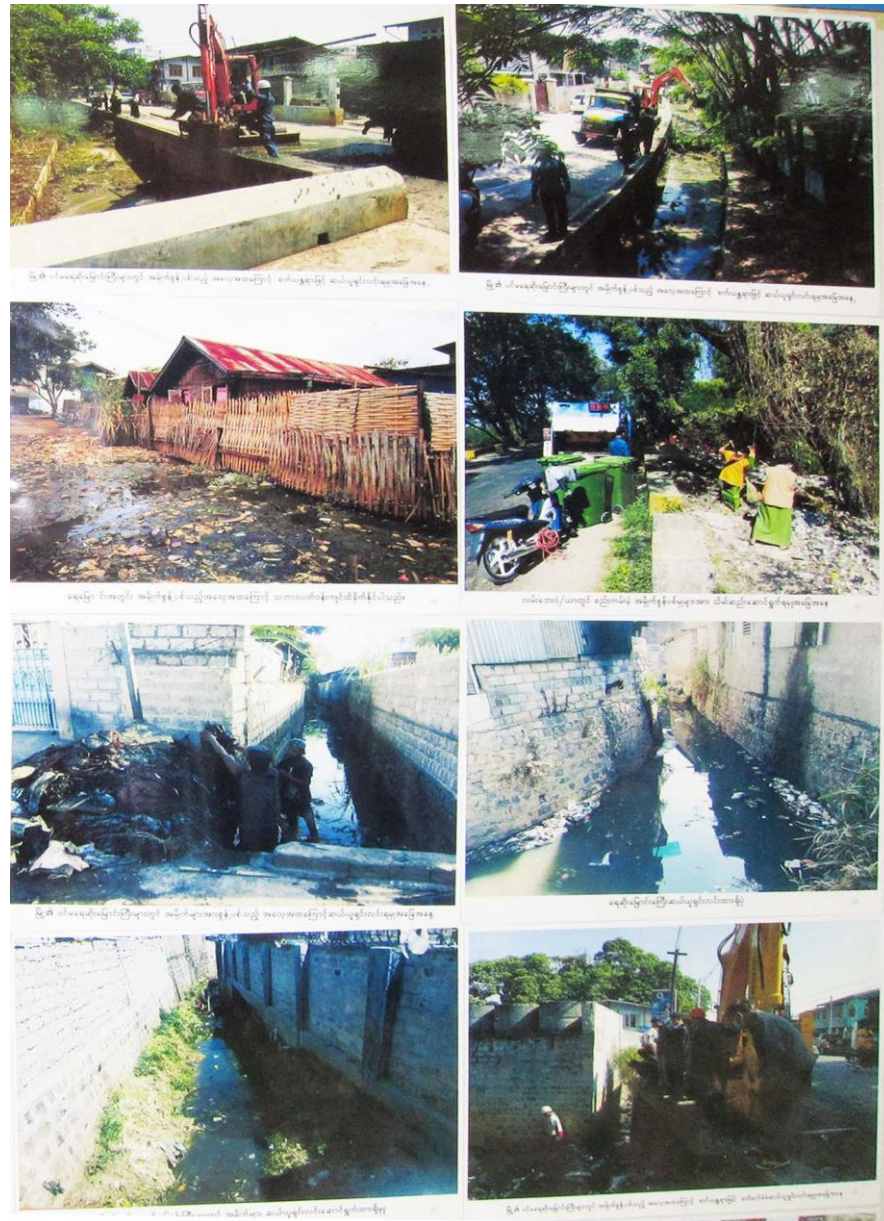


Figure 23: Promotion material highlighting 'before and after' pictures at Taunggyi DAO

Source: Dominic Mathew, 2017¹³⁸

¹³⁷ One such instance with civil society organizations (CSO) in *Taunggyi*, Shan state pertained to running a social awareness campaign to address illegal garbage dumping in the township. The CSOs designed a public awareness campaign that involved cleaning sidewalks with youth organizations, pamphlets that discouraged dumping and using Facebook to publicly shame people who continued to do this.

¹³⁸ This is from a huge banner at the *Taunggyi* DAO office. The first four pictures show DAO staff cleaning sewers and sides of pavements. The next four pictures show a sewer being cleaned and filled and then a concrete road laid on top

There is a concern about people looking up to DAOs for everything, in some cases for things outside their mandate (not surprising given their wide and diverse functions), which the TDAC is hoping to rectify. They even have their own Facebook page (refer to Figure 24) actively administered by DAO staff, where residents put up posts on grievances, everything from potholed roads to illegal garbage sites, while the DAO puts up posts on the work they finished or are in the process of completing. It is an easy way to get feedback from their constituents and reach many people effortlessly.



Figure 24: Hpa-an, Kayin state TDAC website

Source: Facebook, 2018

The presence of social media as a tool of legitimacy for the DAOs is an interesting case. Facebook has a huge user base in Myanmar’s urban areas, more than two-thirds of the urban population are constantly on the platform treating it as a search engine (I came across a number of people who ‘Googled’ things on the Facebook app, never having used a browser to look up things on the internet) or to convey personal and public news.¹³⁹ The

¹³⁹ Trautwein, Catherine. “Facebook Racks up 10m Myanmar Users.” The Myanmar Times, 13 June 2016, www.mmtimes.com/business/technology/20816-facebook-racks-up-10m-myanmar-users.html. Accessed 08/01/2018

extensive reach of Facebook is also because unlike other portals which are in English, it supports the use of Burmese text on its platform.¹⁴⁰ This social media platform is routinely used by Myanmar organizations to launch reports and findings from studies and by the Myanmar government to issue official orders and notifications – in many cases these Facebook sites are better managed and up to date than the corresponding official websites.¹⁴¹

This (mis)use of Facebook has lately garnered a lot of international attention given the focus on the company's practices and the Rohingya refugee crisis that was precipitated to a large extent through inflammatory posts on social media.

¹⁴⁰ The country where Facebook posts whipped up hate. (2018, September 12). Retrieved November 13, 2018, from <https://www.bbc.com/news/blogs-trending-45449938>

¹⁴¹ On the flip side, Facebook is also routinely used to spread rumors and coordinate attacks on freedom of speech and demonstrations against minorities. This was broadcast in an episode on Last Week Tonight with John Oliver, Sept 23rd, 2018; <https://www.youtube.com/watch?v=OjPYmEZxACM&t=2s>

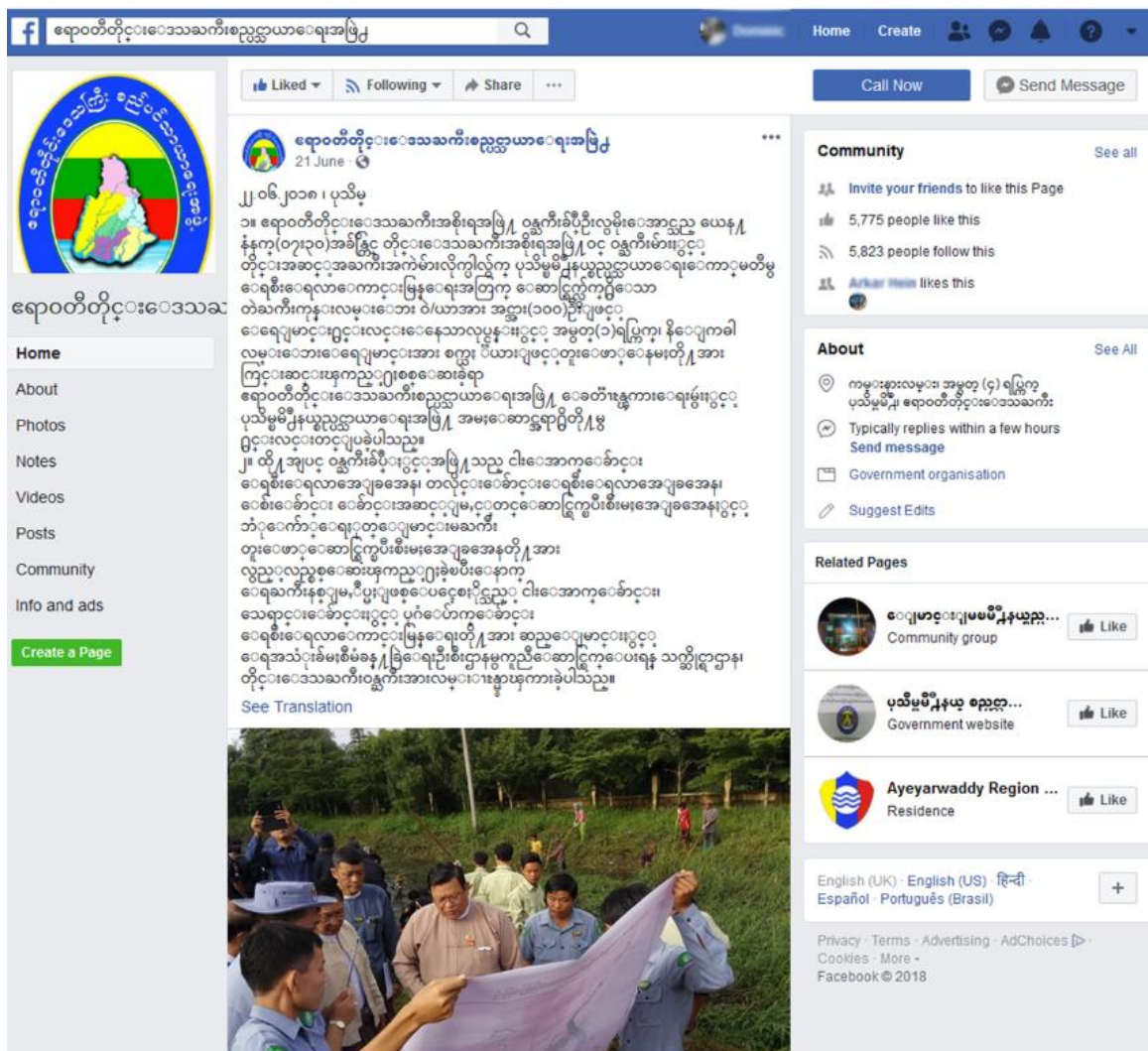


Figure 25: Official Facebook page of an Ayeyarwady Region DAO detailing the visit of an elected representative overseeing developmental work

Source: Facebook, 2018

The synonymy of Facebook with internet and its power to shape the discourse in the country has strengthened the position of DAOs as tools of governance. Users tend to tag the official pages to highlight their grievances catching the attention of the administrator who flags the issues, which are taken up on a priority basis. It can be argued that the fear of their ‘failures’ being publicized contributes to the efficiency in dealing with these complaints, a strong sense of mission pushed by an understanding of their role in developing the country.

The DAOs have different controlling agencies legally and administratively. The legal mandate is controlled by states/regions who have passed individual DAO laws starting 2012, which have a similar backbone based on the 1993 Development Committee Laws but can differ on fines charged and appointment methods to the TDAC. The states/regions have complete control over the recruitment and termination of staff but pay scales and pensions are mandated by the Union government.¹⁴² The Union keeps a check on the state/region employees even though they have no role in their appointments. The numbers of these staff can differ across townships, numbering from 10 to more than 150 personnel in larger townships (Matthew Arnold, 2015, pp. 25-31). The strong influence of the State/region on the DAOs and the recognition of their efforts in rebuilding Myanmar in a system where most of the township offices are a proxy of the GAD or other Union ministries, motivates the organization to put its best foot forward.

Unusual dedication amongst the implementation agency

In *Good Governance in the Tropics*, Tandler describes an emergency relief program implemented in Ceará after a series of devastating droughts in 1987. Historically, the well-to-do garnered previous relief efforts and these failed to meet the state's objectives in providing need-based relief to the most vulnerable. The drought left large parts of the agrarian population under duress without access to water, relief supplies and jobs. The 1987 program focused on giving direct responsibility to extension services personnel who were already present on the ground instead of hiring outside agencies. An incentives structure and managerial support from the state government kept up monitoring on the hired personnel and elicited strong commitment from the workers. In the previous Health Agent Program, the state constantly ran publicity campaigns during the hiring process and after it to create a group of well-informed public monitors who held people accountable to their roles. These

¹⁴² Employees are officially attached with the state/region and paid by them, but have access to Union resources, like staff training colleges and professional development.

campaigns also aimed at instilling a sense of pride in the roles with the state exalting the impact that these workers would have on the local population.

In the case of the DAOs, the commitment of the workers follows the way social life in Myanmar is governed by religion. A few people I met were circumspect about disparaging the role of the military in the country's decline, in many instances talking about it being karma for sins they must have committed in the past.¹⁴³ It is with the same perspective that I found many staffers who talked about gaining merits doing something good for their community.¹⁴⁴ This role of Buddhism in their daily lives shapes the way the bureaucracy works, though not to an extent where corruption is shunned and inefficiencies are removed. Paradoxically, borrowing a theme from the *Burmese Days* by George Orwell, where a local bureaucrat performs actions to gain good merits after dealing in corruption – this is something the *Tatmadaw* did, when there was a spurt in the building of pagodas to avert bad karma for their actions.

The staffing of DAOs is based on a grading of townships from A (large townships that have more staff) to F (very small township) unlike the GAD offices which are uniformly staffed in terms of numbers and with administrators of similar ranks across townships. Recruitment of gazette officers is advertised in local newspapers after permission from the state/region and conducted through an exam held by the Union Civil Service Board (UCSB) in Naypyidaw. It ends with an interview held in the township by the DAO. The hiring for non-officer posts are completely decentralized and held by the DAOs under the supervision of the state/region without any involvement from Naypyidaw. These DAO posts are highly desirable at the township level. A lot of the new staff in the DAOs have graduate degrees and are shunning private sector jobs for the prestige and opportunity afforded by the position. There is a new outlook towards the country's progress, people have a lot of faith in

¹⁴³ I am sure the students and monks in the protests of 1988 felt quite different. It wasn't surprising though to see this reaction from some people, who blamed themselves for what was happening to them.

¹⁴⁴ In Myanmar you gain merits for good deeds which may include something small as feeding birds to huge capital-intensive actions like organizing large kitchens for the poor or constructing pagodas.

Aung San Suu Kyi's leadership and the NLD government and see themselves as part of the rebuilding process. The staff members that I spoke with were in many cases local to the township, knew many of their constituents and genuinely wanted to improve the way things functioned. On the flip side, getting a government job is a good deal – a permanent position with pensions, benefits and if on contract, the lure of getting it converted to a full-time role.

One of the most striking memories from my work with the DAOs in Myanmar was listening to the Executive Officer (EO) of *Taunggyi* township, U Aye Ko give an impromptu impassioned speech to his co-workers, reflecting on the DAOs past, the country's transition and its future in their hands.

From dawn to dusk it is the DAOs. With democracy we need to listen more to the people. We need revenues for delivery of better services. Now with software it doesn't require as much paperwork as we did before.

Reform the DAOs so that we are more respectable. And reform starts with you. I know you are paying with your own money to meet the targets. This must stop. We will report to the state director and admit that we could not collect tax. You don't have to pay with your own money anymore.¹⁴⁵

Some of you can adapt to new technology quickly, others are slow. You must be more cooperative, help pull each other up (assist with learning the new ways). You must collect (taxes) from each household. Form reform group on roads and bridges. The auditor looks at length and width of road and checks according to the budget. We need to create more bridges and drainage, overcome infrastructure neglected for years.

People are demanding more, and I feel ashamed to walk the streets having not delivered. The new government (NLD) thought DAOs are corrupt. NLD has always criticized DAOs but now sees them as a good example. We need to know our problems and weaknesses before other people point them out. We have to do reforms not because we are wrong but because this is a different time. Take on the things that are right for us.

¹⁴⁵ This case of tax collectors paying out of their own pockets arises due to a few factors; they have assessed annually based on ten broad parameters ranging from responsibility, competency to leadership. The tax targets weigh in on this. Second, using their discretion the collectors leave certain individuals or businesses out, who they feel do not have the means to pay the tax. Third, errors in transferring data from one hand-written form to another. Lastly, corruption, there is some fudging of taxes and exchange of bribes in kind or cash that takes place in the townships.

U Aye Ko is a former teacher turned administrator who holds a keen vision on the role that the DAOs will play in transforming the country's landscape. As the EO of *Taunggyi*, the largest city and capital of Shan state, he holds a position of power from where he can influence other DAOs. U Aye Ko played an important role in changing how the *Taunggyi* DAO responds to public feedback that pertained to the poor quality of service delivery. With the assistance of The Asia Foundation, U Aye Ko took the initiative to introduce an app called *Myankhon* (fast tax in Myanmar) created by a homegrown IT social enterprise, *Koe Koe Tech*, that digitizes tax payer and tax collection data, produces bills based on usage and makes it easier to identify households or properties that do not pay tax. The app allowed tax collectors to finish collections in two months compared to the six months they took earlier. It allowed tax collectors to bill users directly for charges like business and tender licenses, car registrations and billboard fees; increasing transparency because bills aren't prepared by hand. DAO figures show that the total user-fees for buildings rose by 1.7 percent in 6 months in 2017, from 23,313 households spending 26.3 million kyats to 23,691 households spending 27.3 million kyats.¹⁴⁶ In October 2018, the Ministry of Planning and Finance announced that the entire tax collection system would go digital from the current paper-based system.¹⁴⁷

The *Myankhon* app allowed the DAO to monitor service delivery, spatially map households and identify tax evasions. It successfully increased the tax base and used the additional revenues to structure delivery of services like water, garbage collection and construction of roads. In a rare move, the DAO delegated responsibility through public-private partnerships to private companies supervised by the TDAC. An example was garbage collection in *Taunggyi*, awarded to a private agency that streamlined and optimized garbage collection routes and pays a fee to the DAO. The DAO undertakes collection of user

¹⁴⁶ Khaing, H. (2017, August 07). Mobile app a step forward for municipal governance. Retrieved December 1, 2018, from <https://frontiermyanmar.net/en/mobile-app-a-step-forward-for-municipal-governance>

¹⁴⁷ Canada's Sogema Team Company won the contract.

fees and then pays the private agency for its services.¹⁴⁸ The level of oversight in the whole process from the TDAC and local civil society organizations was refreshing, and odd in some ways to see a bureaucrat in U Aye Ko's position give up control to let things happen.¹⁴⁹

In the second part of his speech, U Aye Ko showed off his tech-savvy side. As an engineer he used his laptop to learn computer aided design (CAD) programs and mapping software. He showed how he used Google Earth to map water aquifers and illegal garbage sites in the township, one of the very few government officials I interacted with, who was using technology to aid their decision-making process. His enthusiasm extended to getting the *Taunggyi* DAO staff to sit in for workshops on mapping services to the township population in an efficient manner.

Maps – with better maps we can look and respond to demand/supply more efficiently. Tax collectors must do the paperwork and I push them to do site visits. We should make ourselves efficient. Are we wrong for doing reform? Ma Ei Ei¹⁵⁰ flattered us saying that *Taunggyi* is at the very front (in terms of adopting reforms). We are public servants and you must know your responsibilities and fulfill your duties. We have to think about what needs to be done before someone else points it out. These are the things (the TAF team was doing a problem deconstruction exercise) that we should do ourselves, but they have done it for us. It is you who have to be part of the team and to take the initiative. Bring your ideas and tell it to other people.¹⁵¹

I want our own mapping programme in the township and have been using Google maps since 2012. We are the first in the Shan State government to do so. Nobody knew this until now. We always have to think, to be creative, to do more than what is expected.

A lot of things he pointed out in his speech encapsulate the working and unusual dedication of the DAO staff. The sense of responsibility bestowed through their roles in society is discernible through his statement of walking amongst people with his head bowed

¹⁴⁸ The roundabout manner of doing this was attributed to an administrative rule.

¹⁴⁹ It is still strange to see bureaucrats delegate responsibility and decentralize an organization they head. As a caveat, this might not be the case everywhere; but coming from the largest DAO in Shan state, it is a step that will be copied by smaller DAOs

¹⁵⁰ Ma Ei Ei Thwe, program coordinator at TAF, the main contact person for the MSSP

¹⁵¹ June 7, 2017 at *Taunggyi* DAO office translated from Burmese by Ma Ei Ei Thwe

in shame when the implementation of things did not take place. Less for the gazetted posts, but more so for local staff who belong to the township and looked at by friends and kin to facilitate the improvement of services. This is because, many of the officer level staff are remnants of the MoBa switch. They joined the central civil service expecting to climb up the ranks and eventually end up in Yangon or Naypyidaw in senior positions before the handover of ministries stripped them off these ambitions. Left with no ‘mother ministry’ many are now stuck in township roles (from which they expected to be transferred in a few years with the MoBa) with a lack of promotion opportunities (senior posts are limited in each state/region to the Director level) and no easy way to transfer out of these roles to adjacent state/region or to the Union. Despite these changes, their salary and pension levels are set by the Union, and state/region do not have a say on the matter and pay for it out of their regular revenues. To add to this discrepancy, Myanmar has a two-tier system, the pay for civilian government personnel is lesser than their military counterparts of similar rank.¹⁵² A junior clerk earns around 150,000 kyats (\$98) a month compared to a deputy director general level person who earns 310,000 kyats (\$202).¹⁵³ A military official with a similar top rank though earns 410,000 kyats (\$268), coupled with other allowances.¹⁵⁴ This is slated to change with the new Civil Service Reform Strategic Action Plan for Myanmar intended to devolve the civil service to the state/region levels, being pushed by the UNDP and the UCSB.

As regular civil servants, the DAO staff get good access to professional development programs at both Civil Service Training Institutes, which include union ministry personnel, and with the MoBa, which includes armed forces personnel. These institutes offer both broad administration, finance and policy courses, along with specialized ones in urban

¹⁵² Civilian personnel do get a Hardship Area bonus which is a 25% increment on their salary if they work in a conflict or remote area

¹⁵³ Interview in *Hpa-an* township, June 12, 2018.

¹⁵⁴ Myanmar’s minimum wage is 4800 kyats (\$3.14) from Farrelly, N. (2015, April 22). Fair pay for Myanmar's civil servants. Retrieved from <https://www.mmmtimes.com/in-depth/14072-fair-pay-for-myanmar-s-civil-servants.html>

planning, agriculture, licensing et al. All of this in a country where employment opportunities are low and of 33 million who are of employable age, more than 1 million are in the civilian government. A role with the government offers stability, a pension when one retires and a respectable position in the society.

Greater discretion and flexibility to meet the client's needs

The DAOs as an entity are structured different compared to the Union ministry offices. They are majorly self-funded by revenues collected locally through license fees, user fees and auctions for the rights to run certain businesses. More than 60% funding of the DAOs comes from the auctioning of slaughterhouse licenses and the right to operate jetties.¹⁵⁵ They receive no funding from the Union and must spend most of the money (upto 90%) in the township where it was collected. The cap for expenditure on staff salaries is 30% of the total budget, and DAOs generally hire less than required staff to stay within these limits. Since they receive directives from state/regions on agendas to focus on, the DAO along with the TDAC has the discretion to decide on the projects it wants to take up. In theory the DAOs can borrow money from international agencies like the ADB and the World Bank, the only issue being the repayment of loans or grants by an agency that is still finding its feet fiscally. The reality may be different, the constant presence of the GAD officer at the state level who reports to the Ministry of Home Affairs and control of the state DA over agenda setting may never let such a 'foreign aid' transfer happen.

In a hard to understand rule, any surplus revenue at the end of the fiscal year annually, goes to the state/region budget office before going to the Union Fund Account. This probably has to do with the structure of the DAOs under the MoBA, when the centralized structure required surpluses to be directed back to plan the overall budget for the next fiscal year. This rule does not incentivize the DAOs to increase revenue generation or collection, instead they focus on tried and tested tasks to cover any surplus money. These

¹⁵⁵ Interview with DAO staff in *Hpa-an*

tasks include road maintenance and construction, putting up streetlights and garbage collection. This rule makes multi-year budgeting difficult, projects have a timeline of one fiscal year and are small-scale in nature leading to a lack of large infrastructure projects. Many projects that require sustained capital investment, like urban water utilities and sewage systems remain seldom undertaken by the DAO. Within the realm of these restrictions the DAO has a lot of discretion in deciding where to spend its revenues, but these barriers make it unable to extend services or take up projects that are part of an infrastructure network. Projects like road construction, garbage collection, maintaining green parks and putting up streetlights improve the perception of the DAOs, leading to better relationships with the communities – but fail to address the core duties of the DAOs.

These characteristics echo with the Ceará example where government agents who were implementing different programs were given more autonomy, discretion and control over their programs to customize their services to clients.

The basis of administrative deconcentration¹⁵⁶ and fiscal decentralization gives the DAO flexibility in dealing with issues. In the *Hpa-an* and *Taunggyi* township, the DAO staff spoke of people or businesses who couldn't pay user fees or business tax at certain points of time. The tax collectors would leave the paper form blank (this was before the introduction of *Myankhon* in *Taunggyi*) and return to collect the taxes in the next month's round. Sometimes these are the people that tax collectors pay out of their pockets for, because they feel the user cannot afford or pay these taxes and will wait for the user to get back on their feet to get money from them. Tax rates are not common knowledge and awareness is dependent on the DAOs outreach, which can range from being none to 'trying hard'. Users not aware of these fees would hesitate or outright refuse to pay. The DAO does not have an enforcement wing and going to the courts is an arduous process, so the collectors would

¹⁵⁶ Deconcentration means lower administrative levels have more authority but remain accountable to a higher body, while fiscal decentralization means the devolution of power and responsibilities to local governments

leave them. The tax rates are not consistent,¹⁵⁷ which makes it harder for tax collectors to put forth an argument.¹⁵⁸ Before the app's introduction, water fee was a flat 2000 kyats for everyone in *Taunggyi*, regardless of whether you used 100 liters or 1000 liters, the app now lets users track their usage and the DAOs to levy fees accordingly. This new way of keeping track of consumers for the DAO and looking up existing services for the user, introduces a sense of accountability and responsibility.¹⁵⁹ It did have its hiccups, in the initial days of introduction, tax collectors were wary of using the app and its power as a tool of digital oversight to monitor their daily movements. Teething issues with the hand-held tablets that had *Myankhon* installed and removing the notion that the tax collectors were replicating and doing extra work took some time.¹⁶⁰ In a curious instance while evaluating the GPS coordinates from a *Taunggyi* tax collector's tablet, I noticed a heavy number of user records concentrated in one area. This area turned out to be the location of the township DAO office. Digging further into the issue, I found out that many tax collectors simply turned off their tablets when they were in areas without sufficient internet connection, they wrote down tax information and came back to the DAO office to fill the fields in the app using the office wi-fi. The default location thus showed up as the DAO office, presenting a clearly wrong picture of where the user base is located. Koe Koe Tech remedied this and introduced access to filling in the fields without internet and running a few more workshops on the app's usage. The adoption of technology and simple procedures to digitize information has freed up administrative officers from signing over three thousand business licenses a year to

¹⁵⁷ A lot of reform is underway in this aspect, to streamline tax bases and rates across townships to reflect the actual costs instead of an arbitrary number.

¹⁵⁸ Many tax collectors talked about how they couldn't persist with people to pay taxes when they themselves knew there was no sound logic behind it. Having a local tax policy is a first step that the DAOs are aiming to reform.

¹⁵⁹ Tax collectors were very wary of the *Myankhon* app initially, there were concerns of the digital oversight the app could perform and if TAF or the Executive Officer could supervise their daily actions.

¹⁶⁰ Many tax collectors considered this a novelty and extra work outside of their daily responsibilities. It took time for them to see the benefit of digitizing their records and saving on time instead of filling tax forms by hand and maintaining rooms full of ledgers.

cutting down the three months required at the beginning of the fiscal year to filing tax bills by hand.¹⁶¹

Accountability towards citizens

One story that remained with me from Tendler's book was about the state government's motivated push towards promoting accountability in the local government. The state ran publicity campaigns to educate citizens about their right to demand good quality service delivery. Citizens were exhorted to vote out the local elites; like the mayor, if they were not able to garner basic services like access to health, holding those in power accountable for service delivery. The recruitment process for health agents in the community encouraged rejected candidates to become motivated community leaders, and report on wrongdoing or dismal performances of those selected, thus providing a layer of monitoring and oversight. The DAOs have a strong public participation system in the form of the Township Development Affairs Committee (TDAC). These committees are required by state DA laws to be elected by community members, though their election procedure varies from state to state. Some are nominated by the Executive Officer, others are respected citizens who are elected to the posts.

The TDAC acts as a tool for accountability within the DAO. They are the only dedicated local committee which oversees a local government and has decision making powers invested in a people elected by the community. One of the TDAC's main roles is to do public outreach and communicate the decisions of the DAO to the layperson. Small and large businesses contribute the most to the DAOs revenues through licenses and fees for services provided, the business representative in the TDAC acts as a liaison to reduce concerns of lack of transparency and accountability. Since their revenues do not match up with possible investments in large capital projects, the DAO works with the public in many

¹⁶¹ Owen, J., & Chung, H. (2018, December 5). Leapfrogging and Sidestepping: Outliers Spark Municipal Reform in Myanmar. Retrieved December 10, 2018, from <https://asiafoundation.org/2018/12/05/leapfrogging-and-sidestepping-outliers-spark-municipal-reform-in-myanmar/>

instances to implement such projects. Constructing bridges or roads with the help of locals in residential neighborhoods is quite common. Citizens contribute anything from 25-75% of the capital costs, with the DAOs providing the balance capital, heavy machinery and labor.¹⁶² ¹⁶³ In a similar structure the construction and maintenance of rural roads is implemented through the Constituency Development Fund (CDF), using free labor from the village.

In a move to depoliticize the role of the TDAC and make them truly representative of the community, the members cannot be affiliated to any political party. If the DAOs are the face of the government, the TDACs are the thread that connects this face with the community. They are a diverse group that holds the overall power on decision making for DAO affairs. The Taunggyi TDAC strongly supported the move to introduce the *Myankhon* app to improve transparency in the charges the DAO levies. They talked about giving the citizens a sense of ownership in municipal affairs. Something that the TDAC also does through its feedback sessions when the DAOs propose changes in byelaws,¹⁶⁴ the TDACs gathers public feedback and conducts review sessions. They have a back and forth between citizens before proposing a final version to the state/region.

DAOs have a functional, structural, and political significance to Myanmar's transition. Their unique characteristics in terms of accountability to the state/region governments, self-funding and an expansive mandate define DAOs as a significant experiment in Myanmar's push towards greater decentralization. In the absence of a 'third tier' of governance the DAOs can effectively play the role of an implementing agency if there is efficient use of its organizational framework and operational restrictions removed. They are a hybrid entity with decentralized responsibilities and revenues, but without the

¹⁶² Interviews with multiple DAO staff. The DAO bears the full cost of constructing urban, access and bypass roads.

¹⁶³ The DAO has a lot of legacy machines and vehicles. The Japanese and Koreans have contributed and gifted vehicles over the years to the Myanmar government, used by the townships.

¹⁶⁴ These byelaws are arbitrary in some cases where the TDACs do not complement the DAO office, but in places where the TDAC works they tend to fix rates according to the tax capacity of the region. Poorer townships often have lower tax rates.

full powers accorded to an official local municipal government. Improving the operational effectiveness of DAOs can enable them to play a particularly strong role in improving local social services and stimulating economic growth

In Myanmar's current transitional context, it would be valuable to reconsider the organization structures and processes of municipal governance in ways that go beyond current institutions. As Myanmar's transition towards democracy continues, and urbanization increases, demands are likely to increase for greater local control over governance matters, for better-quality municipal services, and for greater community representation. A more responsive, accountable, and transparent DAOs can become the 'flagship' government agency, to demonstrate how Myanmar's governance structure can deliver better services to the common people.

CONCLUSION

Since 2008, Myanmar has undergone several historic reforms in its governance system that are changing the way union-state-municipal relations are structured. As Myanmar's rate of urbanization picks up, the existing thirty percent urban population is going to increase at a tremendous rate. This shift to urban areas will require a strong municipal governance system to tackle different challenges that will arise because of the need for basic services for this increased population. The Development Affairs Organization's position as a relatively decentralized entity following the broader goals of the state government but with independence to set its own agenda and choose projects, makes it a unique organization. The lack of a centralized military control and the freedom to implement projects which are most important to their citizens give the DAO a special status despite operational hurdles.

The biggest limitations that the DAOs face are operational in nature due to constraints either written in the state DA laws or because of practices entrenched in the centralized hierarchy of Myanmar's governance system. The lack of multi-year budgeting and the transfer of surpluses to the state and ultimately to the Union, hinders the DAOs from planning a strategic vision. They are effectively restricted to small projects that can be completed in one fiscal year. In line with the lack of operational effectiveness, enforcement is a key area that pulls down the DAOs. They are toothless tigers relying on the courts (where the process is too long and time consuming) or on GAD appointed police officers to handle disputes and suggest resolutions. In many cases the DAOs glosses over non-payment of user fees and small infractions because of the lack of structured enforcement mechanism.

Foreign donors have primarily engaged with rural organizations in Myanmar, because of its agrarian economy. UNOPS's LIFT program targets farmers in Myanmar's rural belts and aims to increase agricultural productivity given the number of workers engaged in agriculture. DAOs have till recently been ignored by aid agencies and

development organizations. Foreign aid and foreign direct investment (FDI) are a major part of Myanmar's total GDP and shape the budget at the union level. This has limited their dialogue with external agencies and internally amongst township DAOs, not allowing the DAOs to fully leverage their status as a municipal body.

Their standing as a majorly self-funding organization helps the DAO keep their independence and allows significant discretion to respond to the demands of the people in the township. As their capacity increases and the law which dissuades a multiyear budget is rewritten, the DAOs will be able to add a larger population to their tax base, effectively adding more revenue that can be spend within the township. As a local governance actor, it oversees so many essential services and is a daily touch-point for citizens in the township, that it finds itself in a coveted spot to claim being the flagship government agency that demonstrates how Myanmar's governance can deliver better services. Its role in filling the gap of the municipal body in the township and the legitimacy bestowed by the 2008 Constitution give the DAOs a tenure similar to the three arms of governance. The prestige attached with a position in the DAO and the hiring of local staff below the Executive Officer position promotes the 'connect' of the employees to their work and the DAO, adding an incentive to give their best. This dedication coupled with public participation built into the DAO through the TDAC, provide a level of oversight and accountability, not seen in other organizations in Myanmar.

APPENDIX

1. Departments at the Township level (Bissinger, 2016, p. 7):

Audit Department	Housing Department
Border Affairs	Immigration
Cooperative Department	Information and Public Relations
Customs	Internal Revenue Department
Department for Rural Development	Labor Department
Department of Agricultural Land Management and Statistics	Law Department
Department of Agriculture	Livestock, Breeding and Veterinary
Department of Fisheries	Myanmar Economic Bank
Department of Highways	Myanmar Posts and Telecommunications
Department of Industrial Crops	Planning Department
Department of Irrigation	Police Department
Development Affairs	Public Works
Education Office	Religious Affairs
Electricity	Road Transportation
Farm Machinery Department	Social Welfare
Fire Department	Sports
Forest Department	Township Court
Freight Handling Department	Trade Promotion and Consumer Affairs
General Administration Department	Traditional Medicine
Health Office	Uphill Farmland Department

2. Hierarchy of civil servants in Myanmar (UNDP U. C., 2017)

1. Director General
2. Deputy Director General
3. Director
4. Deputy Director
5. Assistant Director
6. Staff Officer

3. Union Legislative List (Schedule One), 2008 Constitution

1. Union Defense and Security
2. Foreign Affairs
3. Finance and Planning
4. Economic Sector
5. Agriculture and Livestock Breeding
6. Energy, Electricity and Mining
7. Industries

8. Transportation, Communication and Construction
 9. Social Services
 10. General Administration and Management
 11. Judiciary
4. Region or State Legislative List (Schedule Two), 2008 Constitution
 1. Finance and Planning
 2. Economic Sector
 3. Agriculture and Livestock Breeding
 4. Energy, Electricity, Mining and Forestry
 5. Industries
 6. Transportation, Communication and Construction
 7. Social Services
 8. Management
5. List of Legislation of the Leading Body of Self-Administered Division or Self-Administered Zone (Schedule Three), 2008 Constitution
 1. Urban and Rural Projects
 2. Construction and Maintenance of Roads and Bridges
 3. Public Health
 4. Development Affairs
 5. Prevention of Fire Hazard
 6. Maintenance of Pasture
 7. Conservation and Preservation of Forest
 8. Preservation of Natural Environment as per Union law
 9. Water and Electricity Matters in Towns and Villages
 10. Market Matters of Towns and Villages
6. Taxes and Fees Collected by Region or States (Schedule Five)
 1. Land revenue.
 2. Excise revenue.
 3. Water tax and embankment tax based on dams and reservoirs managed by the
 4. Region or State and tax on use of electricity generated by such facilities managed by the Region or State.
 5. Toll fees from using roads and bridges managed by the Region or State.
 6. (a) Royalty collected on fresh water fisheries;
 - (b) Royalty collected on marine fisheries within the permitted range of territorial water.

7. Taxes collected on vehicles on road transport and vessels on inland waterway transport, in accord with law, in a Region or a State.
8. Proceeds, rent fees and other profits from those properties owned by a Region or a State.
9. Fees, taxes and other revenues collected on services enterprises by a Region or a State.
10. Fines imposed by judicial courts in a Region or a State including Region Hluttaw or State Hluttaw and taxes collected on service provision and other revenues.
11. Interests from disbursed by a Region or State.
12. Profits returned from investment of a Region or State.
13. Taxes collected on extraction of the following items from the forests in a Region or a State:
 - a. Taxes collected on all other woods except teak and other restricted hardwoods;
 - b. Taxes collected on firewood, charcoal, rattan, bamboo, birdnests, catch, thanetkha, turpentine, eaglewood and honey-based products.
14. Registration fees.
15. Taxes on entrainments.
16. Salt tax.
17. Revenue received from the Union Fund Account.
18. Contributions by development affairs organizations in a Region or State concerned.
19. Unclaimed cash and property.
20. Treasure trove.

7. Core Tasks of Municipal Governance in Myanmar (as per SLORC 1993 Law)

1. Drawing up plans and carrying out town planning;
2. Carrying out works for water supply;
3. Carrying out works for sanitation;
4. Carrying out works for disposal sewage;
5. Carrying out works for lighting of roads;
6. Construction, supervision and maintenance of markets owned by the Committee;
7. Granting permission for the establishment of privately-owned markets and supervising them;
8. Establishing cattle markets and supervising them;
9. Stipulation of conditions in respect of roadside stalls;
10. Stipulation of conditions in respect of bakeries and restaurants;
11. Stipulation of conditions in respect of dangerous trade;

12. Carrying out precautionary measures against fire, flood, storm and natural disaster;
13. Establishing cattle slaughter houses, granting permission for slaughtering of cattle for public consumption and supervising sale of meat;
14. Administration of ferries;
15. Stipulation of conditions in respect of small loan business;
16. Administration of Slow-moving Vehicles;
17. Construction and maintenance of roads, bridges;
18. Prescribing road bye-laws and the use of road, name of road, and number for the building;
19. Construction and maintenance of buildings under the charge of the Committees;
20. Granting permission for construction of private buildings within the Development
21. Committee boundary limit and supervision thereof;
22. With the approval of the Ministry, granting permission for the construction and supervision of private buildings in rural area outside the Development Committee boundary limit specified by notification;
23. Demolition of squatter buildings;
24. Granting permission for opening lodging houses and supervision thereof;
25. Supervising the keeping and breeding of animals within the development area and disposal of carcasses;
26. Arresting of wandering insane persons, lepers, and beggars and handing over to the authority concerned;
27. Rounding-up, keeping in custody of wandering animals and disposing them;
28. Construction and maintenance of gardens, parks, playground, swimming pools, public baths and recreation centers;
29. Allotting and supervising cemeteries, constructing and maintaining crematoriums;
30. With the approval of the Ministry, demolishing of cemeteries and using of land for other purposes;
31. Executing other development works in the public interest; and
32. Carrying out other duties assigned by the Ministry from time to time

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