

Thilawa Multi-Stakeholder Advisory Group (MSAG) Evaluation July/August 2016

A participatory evaluation of the Multi-Stakeholder Advisory Group (MSAG) for the Thilawa Special Economic Zone (SEZ) took place in July 2016. It consisted of semi-structured interviews with all the stakeholders at their chosen location. The interviews lasted between 45 and 90 minutes.

The evaluation was timely as participants expressed the need to revisit the MSAG - its purpose and structure - and find a sustainable mechanism that will oversee and manage the company-community relations in the SEZ.

MAIN FINDINGS

The following findings reflect the opinions expressed by an overwhelming majority of the interviewees.

- Stakeholders agree that the creation of the MSAG was necessary and timely, however, it appears to have reached its limits;
- The majority of stakeholders agree that the MSAG's most important function is that of **dialogue**;
- The MSAG is not an adequate mechanism through which the community can pursue resolution of their grievances (and most agree that the MSAG meetings are not the place for it);
- There are concerns regarding the role and influence of some of the MSAG participants, especially in terms of their ability to act on community grievances;
- The majority of stakeholders expressed doubts about the representativeness of the current community representatives who attend MSAG meetings; stakeholders do not feel that they interact with the 'true' representatives;
- MSAG meetings - if they continue - should take place in Thilawa;
- Yangon Regional Government's current absence from the MSAG is regretted and their presence considered crucial to future dialogue;
- The right entities are represented in the MSAG, however, there is a need to ensure that individuals representing those entities have the power and will to communicate community needs to those who can act upon them;
- There is a communication deficit in Thilawa and a communication strategy should be designed and implemented to ensure that all stakeholders are informed of relevant developments within the Zone.

PURPOSE

The stakeholders agreed that the MSAG was created at a difficult time for all parties involved. A process, which brought all those involved to a common table for an open discussion was deemed necessary and the creation of the MSAG timely.

Although each stakeholder's views reflected their affiliation and/or position, the evaluation made it evident that all involved wanted the Thilawa Special Economic Zone to be an example of good practice so that the Zone may serve as a positive example to future similar endeavours in Myanmar. The MSAG is perceived as a step in that direction.

The current justice vacuum in the area, due to previous governments' policies, has led to many needs, which are easily transferrable into demands. A process is needed to discern which of those needs/demands could be addressed by the private sector, and those which should fall under the government's jurisdiction. It is not advisable that the private sector takes over state functions.

STRUCTURE

The MSAG's members agreed that all relevant entities are represented in the Group, however, there are doubts as to the role of some and representativeness of others.

Should the MSAG retain its current format, it would be necessary to ensure that company and governmental representatives are able to make executive decisions regarding the redress sought by communities or at least have direct access to those who could make appropriate decisions and implement them.

By the same token, it would be necessary to revisit the current community representation team and ensure that those who represent the communities are considered legitimate by all stakeholders, e.g. the current absence of women among community representatives in the MSAG cannot be explained away by cultural factors alone. It is important that the community representatives enable the circulation of information and discussion, and do not act like gatekeepers.

One notable absentee from the MSAG is the Yangon Regional Government whose involvement in the Group or a future community relations mechanism was deemed necessary by all stakeholders.

PROCESS

The interviewees were all aware of the MSAG's ToRs. They were able to identify the process of setting the meeting agenda, felt they could insert topics of interest, and said they knew about the date of upcoming meetings around one week before the event, which they deemed sufficient.

Some concern was expressed regarding time-keeping during the meetings. The need for simultaneous interpretation was confirmed, as a way of maximising the available speaking time for all. It was felt that in some cases some members dominate the meeting and that a time limit should be imposed on those presenting issues (the time limit did not relate to discussion).

The location of the MSAG meetings in Yangon was deemed as inappropriate. Meetings, if they continue, should take place close to or in the SEZ, preferably at an affected community's location to ensure greatest transparency.

POINTS OF CONTENTION

In Thilawa, and within the MSAG, there are cultural and institutional differences in how problems are communicated, acknowledged and addressed; in the perception of what is right and correct, and the extent to which authorities and private sector bear social and environmental responsibility.

There is a human element to the story in Thilawa that cannot be sufficiently addressed by following external guidelines and protocols, or measured by capturing economic data. Job creation, income generation, modernisation and industrialisation can be measured, however, these data do not tell us how people perceive and live out their situations.

A feeling of injustice can be lasting and persist despite efforts to address an individual's or a community's grievances. This can frustrate assistance efforts, especially when those assisting feel they have done their job correctly and well. Psychosocial support may become a vital component of company-community engagement.

RECOMMENDATIONS

The Multi-Stakeholder Advisory Group (MSAG) has introduced relevant stakeholders to a process of dialogue, which was and continues to be necessary in Thilawa. The Group, however, appears to have fulfilled its purpose of initiating dialogue and it is time to replace it with **a mechanism that will incorporate dialogue and the ability to address eligible community concerns** in a timely and relevant manner.

On this note, **it is important that such a mechanism does not create dependency for the concerned communities**. Clear eligibility criteria needs to be drawn identifying which grievances fall within the Thilawa Economic Zone's 'jurisdiction' and which require the authorities' involvement. Communities need to become self-reliant - in economic, social and infrastructural terms - and **companies should be encouraged to act within the law and in respect of international standards** concerning their socio-economic and environmental actions, especially where local legislation may be insufficient at present in providing protection and redress.

The Yangon Regional Government needs to be involved in the dialogue and grievance resolution processes. Its current absence limits the will of those who could and want to act in good faith and for the good of the concerned communities. The absence also complicates the identification of those who should be responsible for addressing certain issues.

Empowerment of communities, which usually results in the empowerment of the few most outspoken and confident individuals - **and the piloting of community-based projects need to be aligned with the principle of 'do no harm'**. Empowerment of individuals can be 'a one way street' whereby those empowered adopt a leadership role among their constituents without the necessary checks and balances on their activities that are necessary in a democratic governance process. This may lead to the creation of community gate keepers, rather than interlocutors who circulate information to and from communities, building a barrier to open interaction with those most affected and in need.

The piloting of projects and interventions requires an ethical framework. Each project and intervention offers affected community members hope and may lead to unrealistic expectations. When those are not met, harm is done and people are left in apathy. While it is important that communities feel confident in their interactions with those in position of influence, it is equally important that a sense of civic duty is encouraged among affected communities. The current model of community-company interaction encourages dependency and victimhood, rather than independence and agency.

A robust communication strategy is needed. The MSAG is insufficient in maintaining the communities informed and relies on representatives, who may or may not be legitimate in some people's eyes, to spread the word. It is not known how information is circulated to avoid deformation and rumour. In addition, the MSAG has not been in a position to fill the communication deficit **from all the main actors in the SEZ**, and any successor body should not be expected to fill those gaps.

CONCLUSION

- Moving towards Interest-based Negotiation...

The MSAG has created a space for dialogue and has allowed for stakeholders to begin shifting from a power-driven to a mutual-gains approach of negotiation (see table below). It is worth noting that examples of company-community mediation around the world suggest that the entry process to company-community mediation/ negotiation is more similar to political rather than commercial mediation with key players often absent at the beginning of the process and the government undecided whether it is in favour or against the process. This is evident in Thilawa.

In the context of company-community disputes, where there exist numerous stakeholders with divergent interests, a mutual gains approach to negotiation is encouraged. One of the major benefits of this approach is that it allows for parties to define their interests,

which are their motivational needs, and by doing so leads to parties defining their problems collaboratively. This provides an opportunity to find common interests and sometimes numerous solutions.

A visual presentation of the two negotiation approaches is helpful to think through one's own role in the current process.

Power Driven (Distributive)	Mutual Gains (Integrative)
Based on positions/ opinions	Based on interests
Thinking in us/ them	Listening and understanding
Win-Lose	Win-Win
Tactics & Tricks	Openness
Find the Other Person's Weak Spot	Joint Fact Finding
Manipulate Information	Searching Solutions Together

The evaluation has shown that there is good will among the various stakeholders and a desire to create a favourable company-community atmosphere for the benefit of all. This is good news. This will should be recognised and harnessed to encourage a collaborative working relationship between the companies, the authorities and the affected communities. **On this note, an important thing to remember is that the identities of those communities will change as the SEZ develops and population in the area increases.** A mechanism for company-community relations, therefore, should be flexible enough to accommodate for these changes.