

Subnational Governance in Myanmar Discussion Paper Series

# Administering the State in Myanmar

## An Overview of the General Administration Department



Kyi Pyar Chit Saw and Matthew Arnold

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**The Asia Foundation**  
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***Administering the State in Myanmar***  
***An Overview of the General Administration Department***

**Kyi Pyar Chit Saw and Matthew Arnold**

**October 2014**

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The ***Subnational Governance in Myanmar Discussion Paper Series*** is a collaborative research initiative between MDRI-CESD and The Asia Foundation. The paper series aims to provide Myanmar policy-makers at national and local levels, civil society organizations, the business community, development partners and other interested stakeholders with timely research on subnational governance issues that directly inform policy and reform processes. The research behind the series incorporates the perspectives of a range of government, political, non-governmental, civil society and community stakeholders in subnational governance, while also bringing to bear the most relevant policy analysis and international experience. MDRI-CESD and The Asia Foundation welcome input and suggestions on published, ongoing, or future research.

The **Myanmar Development Resource Institute's Centre for Economic and Social Development** is an independent think-tank dedicated to the economic and social transformation of Myanmar. The Centre undertakes participatory policy research studies related to economic reform, poverty-reduction, sustainable development, and good governance in Myanmar. It also provides training and education services for key institutions and organizations contributing to the ongoing process of reform.

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## Preface

The Myanmar Development Resource Institute's Centre for Economic and Social Development (MDRI-CESD) and The Asia Foundation are pleased to present this sixth volume in the *Subnational Governance in Myanmar Discussion Paper Series*.

The pace of change in Myanmar is rapid and constantly evolving, and decentralization and local governance are issues of critical importance to the country's long-term development and priorities in the government's reform agenda. As such, there is a real need for timely research and analysis on key reform areas related to decentralization and local governance. As an extended collaboration between The Asia Foundation and MDRI-CESD, this series of discussion papers aims to provide Myanmar's policymakers at national and local levels, civil society organizations, the business community, development partners, and other interested stakeholders with research findings on subnational governance issues that directly inform policy and reform processes.

The General Administration Department (GAD) of the Ministry of Home Affairs is critically important to subnational governance in Myanmar. The GAD acts as the civil service for the new state and region governments and provides the administration for the country's districts and townships. Given its pervasive importance as the bureaucratic backbone of the country and its impact on the lives of citizens, it is also surprising that there is little information on how the GAD is organized, its roles and functions, and how it has evolved over time. A more systematic understanding of the GAD by all stakeholders in government and civil society as well as development partners is essential to effectively advance reforms, particularly as they relate to administrative decentralization, local governance, social service provision, but also the relationship between the state and citizens.

To address this significant information gap, this research report provides an extensive overview to the GAD based on literature review and a series of in-depth interviews. The report first outlines the historic evolution of "general administration" in Myanmar, followed by a detailed mapping of the roles, structures and functions of the GAD at the Union level. The paper then methodically defines the roles, structures and functions of the GAD at the state and region, district, township and ward and village tract levels of government, and the extent to which they have been redefined in recent years as the country embarked on political and administrative reforms.

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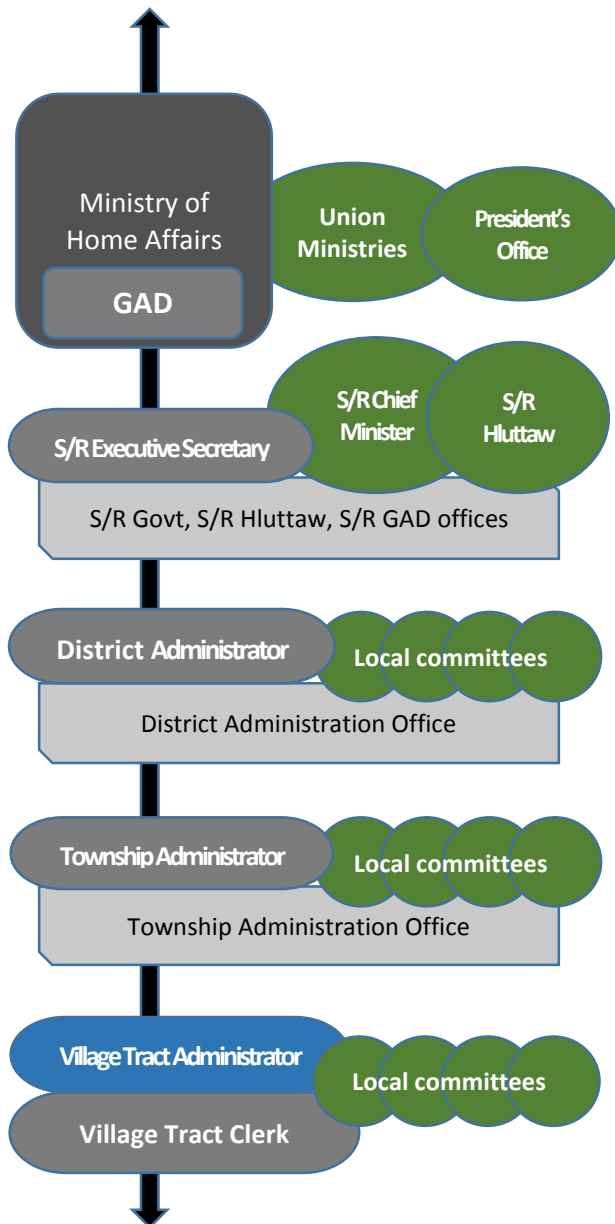
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## Acronyms

BSPP	Burma Socialist Programme Party
CSTU	Civil Service Training Universities
CSO	Civil society organization
FESR	Framework on Economic and Social Reform
GAD	General Administration Department
IDA	Institute of Development Administration
IRD	Internal Revenue Department
LORC	Law and Order Restoration Council
MoFA	Ministry of Foreign Affairs
MoHA	Ministry of Home Affairs
NLD	National League for Democracy
PDC	Peace and Development Council
SWG	Sector Working Group
SEZ	Special Economic Zone
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
UCSB	Union Civil Service Board
USDP	Union Solidarity and Development Party

## ONE: Introduction

The General Administration Department (GAD) is central to the functioning of the administrative mechanism across the country. No other government organization has such a wide presence in the country. Even the *Tatmadaw* (army) is not spread among the general population to the same degree. As the Union administration’s vertical core, the GAD supports coordination and communication among the



Union government’s 36 ministries and also connects the capital, Nay Pyi Taw, to approximately 16,700 wards and village tracts.<sup>1</sup> Within the Union government, the GAD is a part of the Ministry of Home Affairs (MoHA), and plays a wide range of roles—ranging from tax collection, to land management, and assorted registration and certification processes. The GAD also provides administrative support to the Union territory of Nay Pyi Taw.

The GAD’s primary responsibility is the management of the country’s public administrative structures, which are hierarchical and geographically defined. The 14 new state and region governments, which were created by the 2008 Constitution, rely upon the GAD to serve as their civil service, and the Executive Secretary, a GAD Deputy Director General, is the senior civil servant in each state and region.

Below states and regions, the district administrator is a GAD officer, and heads up the District General Administrative Office. In turn, the district level supervises the respective townships, which are the critical building blocks of administration in Myanmar. A township administrator, who is always the GAD officer heading the township office, manages each township and provides direction to village tract and ward administrators. These administrators receive an honorarium from the

<sup>1</sup> Note that wards and village tracts are equivalent in terms of administration, but wards simply exist in urban areas rather than rural ones. For simplicity, this report uses ‘village tracts’ to represent the level of village tracts and wards. Moreover, note that village tracts do not simply correlate with ‘a village’, but rather a grouping of them. For perspective, there are 63,938 villages in the country according to GAD statistics, which fall under 3,133 wards and 13,620 village tracts.

GAD but are not GAD staff members.<sup>2</sup> Within villages, there is a further level of coordination known as the 'household heads' system, whereby groups of 10 households select representatives to participate in village tract forums.<sup>3</sup>

The importance of the GAD depends not so much on what it explicitly controls, which is, in fact, a great deal, but rather because of the GAD's ubiquitous presence, and the authority to coordinate, communicate among, and convene other government actors. While governance reforms to reconstruct and reorient much of Myanmar's public sector have proliferated since the 2008 Constitution, with the exception of accruing new responsibilities at the state and region level, the GAD has experienced relatively limited reform of its own structures and processes. The GAD's parent ministry, Home Affairs, is one of three ministries which, according to the 2008 Constitution, must be led by a high ranking military official on active duty, and appointed by the Commander-in-Chief of the Armed Forces.<sup>4</sup>

Although many changes are sweeping Myanmar's public sector, one of the great constants during this transition, as with previous ones, is the ongoing centrality of the GAD to the functioning of the Myanmar state, particularly at the subnational levels. The intent of this report is to detail the GAD's mandates, roles, and structures, and to frame them in the context of the wider governance environment. Given that the GAD is such an important but little-known organization, particularly with regard to its policies on local governance, national policy-makers and international development partners need to understand the GAD in order to effectively advance reforms, particularly as they relate to administrative decentralization, local governance, and social service provision.

This report is largely descriptive, focused on the functions, structures and processes that define the GAD. Moreover, in terms of *description*, this paper focuses on functions, structures and processes as they are officially understood. Providing a fairly descriptive overview is imperative as a starting point since it will then allow for more sophisticated discussions. These discussions could be about how the wider reform environment is unfolding, and also about which roles the GAD should, in fact, play in Myanmar's transition process.

With these intents in mind, the methodology for this research paper was based on extensive qualitative interviewing, plus a review of relevant laws and the GAD's own policy guidelines. A total of 35 key informant and focus group interviews were conducted between October 2013 and March 2014 with former and current GAD leaders and staff, political party representatives, members of parliament,

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<sup>2</sup> Under the State Peace and Development Council government, village tract administrators were considered a part of the local Peace and Development Councils and received a subsidy from the government. Currently, and according to the 2012 Ward and Village Tract Administration Law, village tract administrators are not GAD employees. One village tract administrator interviewed described their status as 'public servants.' Moreover, the government currently provides village tract administrators with small amounts of financial support for office expenditures (50,000 kyat per month) and a 70,000 kyat per month for their personal subsidy.

<sup>3</sup> Previously there was also a '100 households head', which was roughly equivalent to a 'village headman.' However, the 2012 Ward and Village Tract Administration Law formally removed this position, which has been community activists' major criticism of the law, as it is thought to be an attempt to dilute local representation.

<sup>4</sup> Constitution of Myanmar (2008), Article 232. The other ministries in the military's 'gift' are Defense and Border Affairs.



government officers, village leaders, and civil society organizations. Research questions focused on ascertaining the mandates, roles, and structures of the GAD, and contextualizing these in the wider governance environment, particularly at subnational levels.

Interviews were conducted in Nay Pyi Taw and Yangon as well as three states and regions—Shan, Mon and Ayeyarwaddy. Special efforts were made to conduct interviews at all levels of the GAD, starting with repeated conversations with the senior officials at headquarters, and then state and region officers, and finally staff at the district, township, and village tract administration levels. Collection of primary data for this report builds upon interviews conducted for the study, *State and Region Governments in Myanmar*. For that study, which was published in 2013, extensive interviews were conducted about the GAD, and these findings have been included in this report.

## TWO: The origins and evolution of the GAD

By no means meant as a comprehensive or particularly academic history, this section provides a basic overview of the origins of the GAD, identifying key traits of general administration in Myanmar, and highlighting milestones that are important to understanding the GAD today.

Myanmar has had an extended history of general administrators stemming from the country's dynastic origins as a series of empires as well as the colonial rule of the British. Within the contexts of absolute monarchies and colonialism, followed by military government, 'general administration' was premised on the need for bureaucratic units to support powerful executives—monarchs, colonial officers, and eventually regional military commanders—to fulfill general tasks and manage the state's engagement with the general public. Or, as J.S. Furnivall argued, historically, general administration in Burma (sic Myanmar) entailed the presence of 'omni-competent' administrators who 'performed all the essential functions of government: they tried civil cases as judges, and criminal cases as magistrates; they collected the revenue and were generally responsible for the promotion of welfare throughout their local charges.'<sup>5</sup>

### 2.1 Historical overview of territorial administration in Burma<sup>6</sup>

Basic administration in 'Burma proper' long relied upon a hierarchy of administrators overseeing territorial units extending from the central to local levels, in what could be considered a 'graded territorial system.'<sup>7</sup> These were routine under the kingdoms of Burma.<sup>8</sup> A central-level administrative system started as early as the Pagan Period, and the first recognized *hluttaw*, a council of ministers, was formed during the reign of King Htilominlo (1210-1234).<sup>9</sup> The monarch exercised absolute power through 'certain ministers and councils and administrative departments.'<sup>10</sup> Ministers, known as *wungyi*, oversaw a series of departments responsible for assorted administration needs ranging from defense, judiciary and home affairs, to revenue and finance, farmland and agriculture, public service, transportation and foreign affairs.<sup>11</sup>

At the local level, an important local public administrator in pre-British Burma was the *Myo Wun*, who was the governor of a township, and delegated by the central government to administer the township. According to Daw Mya Sein, the 'central unit of local government' was historically the *Myo*, or township.<sup>12</sup> *Myo Wun* officers served at the pleasure of the king and could be recalled and replaced at any time

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<sup>5</sup> J.S. Furnivall, 1958, *The Governance of Modern Burma*, pg 7.

<sup>6</sup> Note that this section is focused on what the British considered 'Burma proper'; namely areas that had been directly under the control of assorted Burman kings or directly ruled by the British administration. This contrasts with 'frontier' areas that were only indirectly ruled or not ruled at all.

<sup>7</sup> J.S. Furnivall, *op. cit.* pg 7.

<sup>8</sup> There have been four dynastic periods in Myanmar's history: the Pagan Period (1044-1287), the Shan Period (1287-1531), the Toungoo Period (1531-1752), and the Alaungpaya Period (1752-1885).

<sup>9</sup> Daw Mya Sein, 1973, *The Administration of Burma*, pg 5.

<sup>10</sup> Daw Mya Sein, *ibid.* pg 17.

<sup>11</sup> U Ba U, 2011, *Myanmar Administration*, pg 137.

<sup>12</sup> Daw Mya Sein, *op. cit.* pg xii.

without prior warning. A description by U Ba U provides an understanding of the eclectic range of tasks required of local administrations:

[T]o make sure the security of the respective township and its surrounding areas, to make sure the accuracy of weights and scales of buyers and sellers when they are doing business in the respective township, to make sure the correct amount of tax collection from merchants, sellers and business men, to make sure there had to be twelve entrance gate in the respective town and each gate was guarded by the gate keeper who had to keep the list of strangers who will come inside and go outside of the township, to make sure there had no visitor in the town without informing and getting permission from administration, to make sure there had no crime in the town and if there had crimes and criminal arrested, the case was submitted to the upper level and executed according to the upper level decision.<sup>13</sup>

*Myo Wuns* worked out of township offices known as *Myo-Yons*, and were supported by a range of other officials performing local administration roles. These officials included the *Yewun*, the chief manager of war boats and other craft; the *Akunwun*, the collector of land revenue; the *Akawkwan*, the collector of sea customs; the *Sitke*, the general in charge of the police; and the *Naknan* who spied on the other officers and reported misconduct to the king.<sup>14</sup>

Another important type of local administrator during Burma's monarchies was the *Myothugyi*, who was 'the chief local authority who acquired a larger share of influence and following in the district than a *Myo Wun* because he was a local man whose family had ruled for generations; the office being hereditary.'<sup>15</sup> The *Myothugyi* played a largely complementary role to the centrally-appointed *Myo Wun*, and their major responsibilities included:

[T]o look after the interests of the government, to collect the revenue and forward it to the *Kathaung myaung* [treasury] at the nearest large town, to supervise servants [*athis*] of the king to make sure they perform their duties and general affairs of the state. The other important duties of *Myothugyi* were the judicial work to settle all civil disputes.<sup>16</sup>

Importantly, there were both higher and lower levels of administrators. The *Kayaing Wun* were in charge of larger townships and supervised lower-level administrators, including the *Myothugyi*. At the lowest level were the *Ywa Thugyi*, or village heads. The *Myo Wun*, *Myothugyi* and *Kayaing Wun* were the most significant public administrators overseeing local administration in pre-British Burma. Some of their roles and responsibilities (for example, the *Myo Wun's* roles of ensuring township security, tax collection, and tracking population movements) are still practiced at the local level by GAD administrators.

British colonial administration was based on 'the indigenous administration system' at local levels and evolved significantly over time.<sup>17</sup> In general, this meant the continuation of a hierarchical system of

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<sup>13</sup> U Ba U, *op. cit.*, pg 152.

<sup>14</sup> Daw Mya Sein, *op. cit.* pg 37.

<sup>15</sup> Daw Mya Sein, *ibid.* pg 41.

<sup>16</sup> Daw Mya Sein, *ibid.* pg 66. For further details, please also see U Maung Maung Tin's classic *Paper on Myanmar King's Administration*.

<sup>17</sup> Daw Mya Sein, *op. cit.* pg 125. This primarily meant engaging with village headmen.

administrators overseeing geographically-defined jurisdictions, and, in many areas, indirect rule through traditional leaders overseen by British resident officers. The chief commissioner was the highest authority of local government, and acted as an “Agent of the Governor-General.” As Burma was divided into divisions, districts, subdivisions, and townships, the respective ‘commissioners, deputy commissioners, sub-divisional, and township officers’ were the administrative authorities at these assorted subnational levels.<sup>18</sup> The commissioners and deputy commissioners had responsibilities that included ‘the working of all departments of public services in his district, performing the functions of a District Magistrate and Collector, District Judge in civil matters and Registrar’ as well as maintaining peace and security via ‘the administration of police throughout his jurisdiction.’<sup>19</sup>

One of the most important functions of the deputy commissioner (also referred to as the district administrative officer), as well as the township officers, was coordination of central government departments. At the local level, these central departments concerned forestry, health, education, and public works. This coordination was a pressing need as ‘the departmental officials had no authority [themselves] over the people except through the township officer and local head man.’<sup>20</sup> Coordinating the work of various government departments was critical for all levels of administrators, and this role continues to be important for the GAD.

In addition, an emphasis on maintaining local security was also paramount during British colonial rule and extended down to the village level. The foundation of the administration system for the village level was the Upper Burma Village Regulation Act and the Lower Burma Village Act, which were later revised as the Village Act of 1907.<sup>21</sup> These codified the roles and responsibilities of village heads, known as *Thugyi*, who were effectively mandated by the law to ‘suppress disorder and strengthen the hands of the district officers.’<sup>22</sup> Maintaining local peace and security remains core to the roles and responsibilities of the GAD’s local administrators.

Through the Secretariat Office, British colonial rule also left important legacies for the centralized management of local public administration. According to the 1908 Burma Secretariat Office Act, and the Secretariat Code Manual, the Secretariat Office was responsible for managing administrative structures at subnational levels.<sup>23</sup> The Secretariat Office hosted senior secretaries who were the highest level of administration, with the Chief Secretary as the most senior official, and authorized from the highest level to supervise Commissioners, Deputy Commissioners, Sub-Divisional Officers, and Village Headmen.<sup>24</sup>

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<sup>18</sup> J.S. Furnivall, *op. cit.* pg 81.

<sup>19</sup> Daw Mya Sein, *op. cit.* pg 75.

<sup>20</sup> U Kyaw, 2004, *op. cit.*, pg 36.

<sup>21</sup> Daw Mya Sein, *op. cit.* pg 75.

<sup>22</sup> Daw Mya Sein, *ibid.* pg 125.

<sup>23</sup> U Kyaw, 2012, *Review of Management of Myanmar Administrative Organizations*, pg 34.

<sup>24</sup> Ne Tun, *op. cit.* pg 22.

## 2.2 Public administration after independence

Myanmar's first independent government was formed in January 1948. It was led by Prime Minister U Nu and comprised 20 ministries. The 1947 constitution created governments and councils (parliaments) in Shan, Kachin, Karen, and Kayah states, eight Burman-majority divisions, and the Chin Special Division.<sup>25</sup> These state and division councils had legislative powers, while the chief of the state/division was appointed by the prime minister, but in consultation with the respective council. The remaining 'Frontier Areas' were governed directly by the Frontier Areas Administration Department.

During this early post-colonial period, often referred to as 'Parliamentary Government', many of the colonial structures and processes for general administration were maintained. British-trained administrative officials, specifically from the Burma Civil Service, continued to play significant roles. Moreover, the Burmese Government Secretariat of the Ministry of Home Affairs was responsible for the country's administrative functions.<sup>26</sup> Accordingly, the country's administrative systems functioned under the Chief Secretary from the Secretariat Office, with each division and state having its own Secretariat to oversee basic administration, led by a Secretary. The formation and structure of the Secretariat Office can be considered as a foundation of sorts for the GAD's current structure. Moreover, a hierarchy of local administrators below these secretariats was maintained,<sup>27</sup> with duties which continued largely as before, including general administration work, revenue collection and property registration. Interestingly, these local administrators also chaired local "Welfare Committees", which were responsible for implementing local development projects using central government funds.<sup>28</sup>

In 1957, the Secretariat of the Ministry of Home Affairs was reorganized under the Prime Minister's Office.<sup>29</sup> Two departments were then formed under the Ministry of Home Affairs: the General Administration Department and the Democracy and Administration Department. Secretaries, still under the Ministry of Home Affairs, continued as the executives responsible for general administration.<sup>30</sup> During this period, the geographic units of administration consisted of state/division, districts, sub-divisions, townships, and wards and village tracts, managed respectively by Commissioners, Deputy Commissioners, Sub-divisional Officers, Township Officers, Assistant Township Officers, and Headmen. Three districts remained under the Frontier Areas Administration Department: Putao, Kunlong, and Lawkhong.<sup>31</sup> During the Parliamentary Government era, in addition to its core administrative responsibilities for the Ministry of Home Affairs, the General Administration Sub-department worked for a number of other ministries.<sup>32</sup>

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<sup>25</sup> U Kyaw, *op. cit.*

<sup>26</sup> *GAD 2012 Annual Record*, Introduction.

<sup>27</sup> U Kyaw, *op. cit.* pg 45.

<sup>28</sup> U Kyaw, *ibid.* pg 44.

<sup>29</sup> U Kyaw, *ibid.* pg 29.

<sup>30</sup> *GAD Annual Record 2012*.

<sup>31</sup> U Kyaw *op. cit.* pg 30.

<sup>32</sup> Ministry of Home Affairs for urban and rural administration, including community peace and tranquility, rule of law and regional development; Ministry of Judicial Affairs for crimes and punishments; Ministry of Finance and Revenue for land and excise administration and treasury administration; Ministry of Land Nationalization for

A caretaker government, led by General Ne Win, functioned between 1958 and 1960. The major change to the administration system during this period was the formation of security councils (*Na-La-Ka*) at the national, division/state, district, township, and village tract levels. These councils, which were comprised of general administration officers and military personnel, were chaired by a military officer. Through the supervision of other government departments and organizations, the security councils managed administration, security, peace, and economic development. At the same time, mass based organizations like the *Kyant Khaing Yae Ah Thin* (Solidarity Organizations), were also formed at different levels to support the work of the security councils.<sup>33</sup>

After a general election in 1960, U Nu again formed a government, but in 1962 Ne Win retook power in another military coup. The subsequent Revolutionary Council Government (1962-1974) formed a Central Security and Administrative Committee and a Security and Administrative Committee for each state/division, district, township, ward and village tract, and delegated executive power to the subnational committees to exercise local control on behalf of the Revolutionary Council.<sup>34</sup> Moreover, the Central Security and Administrative Committee was placed directly under the Revolutionary Council Government Chairperson rather than the Ministry of Home Affairs, though the same administrative personnel were maintained, albeit playing a secondary, supporting role.

This central committee implemented the policies of the government and coordinated government departments at different levels. Critically, at all levels, Tatmadaw personnel led as committee chairpersons, while general administration staff and the police were included as members. Overall, this era was significant in Myanmar's history as the governing power of subnational civilian administrators was reduced in favor of 'security and administrative' councils led by Tatmadaw officers.<sup>35</sup> Moreover, during this era, the size of the public sector was greatly reduced, while the expansion of state enterprises was extensive, placing most of the economy under government control.<sup>36</sup>

An important milestone in the evolution of the GAD occurred in 1972 when the Revolutionary Council Government of General Ne Win enacted major structural changes to the ministries. Under Revolutionary Council Government Notification Number 97, new administrative structures were created.<sup>37</sup> These

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functions concerning restrictions on transferring immovable properties and contracts; Ministry of Democratization and Local Administration for the functions of municipal/township committees, district committees and local government organizations; Ministry of Rehabilitation for disaster management and rehabilitation and other social affairs; and other functions and duties assigned by the government. *GAD Chronicle*, pg 24.

<sup>33</sup> These were community organizations formed by the government and meant to support different government bodies. U Myint Thein, 2006, *Changes of Myanmar Administration System*, pg 87.

<sup>34</sup> U Kyaw, 2004, *op. cit.* pg 25.

<sup>35</sup> Ministry of Culture, 2012, *Period of Myanmar Political System Change (1962-1974)*, Historical Research Department, Ministry of Culture.

<sup>36</sup> Alex Mutebi. 2005, 'Muddling Through' Past Legacies: Myanmar's Civil Bureaucracy and the Need for Reforms', pg 12.

<sup>37</sup> Structural changes developed according to the following dictates: 'reform the ministries after abolishing the Secretariat Office which was the base of bureaucratic mechanism; reform the departments under each ministry; reform the government administrative procedures after abolishing the Secretariat Manual; and reform the different levels of the Security and Administrative Committees.' *GAD Chronicle*, pg 26.

changes focused on terminating the colonial legacy of administrative power centered in the Secretariat Office. In its place, the Ministry of Home Affairs and Religious Affairs was reformed through integration with the Ministry of Immigration and National Registration, the Ministry of Democratization and Local Administration<sup>38</sup>, and the Ministry of Social Welfare and Religious Affairs.<sup>39</sup>

The new, consolidated Ministry of Home and Religious Affairs included the General Administration Department and managed offices at the central as well as subnational levels. These offices performed assorted functions: urban and rural administration; rural area development; 'press scrutinizing' and registration of publishers; local government administration; logistics, finance and personnel functions for the department; and other general tasks assigned by the ministry.<sup>40</sup> However, in reforming colonial-era structures, some civil administrative duties were transferred away from general administration officers. Notably, these were judicial functions, some land and revenue administration, and treasury administration. Revenue and judicial functions shifted respectively to the Ministry of Finance and Revenue and the Ministry of Judicial Affairs.<sup>41</sup>

Following the 1974 Constitution, the Union of Socialist Republic of Myanmar was led by the Peoples' Council Government until 1988.<sup>42</sup> Under the leadership of the one party, Burma Socialist Programme Party, Peoples' Councils were formed in states/divisions, townships and village tracts according to the Peoples' Council Act. These councils worked largely along the lines established since 1962, with Tatmadaw officers taking charge of administrative and security councils. General administration offices at the different subnational levels were transferred from the control of the central State Council to work directly for the Peoples' Council offices. In 1977, the department was renamed the General Department.<sup>43</sup> One of the gravest outcomes of Ne Win's administrative reforms was deterioration of the bureaucracy's capacity to design public policy and actually implement it at the local level. The legacies of this era are still felt across the country as it seeks to transition under the reformist government of President Thein Sein.<sup>44</sup>

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<sup>38</sup> Interestingly, Burma briefly introduced local elections in 1954. The Ministry of Democratization and Local Governments ultimately oversaw elections for 10 districts, 2,153 village councils, 518 ward committees, 58 urban councils, 57 township councils, and 10 district councils. In 1961, the *Democratization of Local Administration Act* was revoked. U Myint Thein, 2000, *A Comparative Study of Administrative Development in Myanmar*: pg 120.

<sup>39</sup> *GAD Chronicle, op. cit.* pg 26.

<sup>40</sup> *GAD Chronicle, ibid.* pg 27.

<sup>41</sup> U Kyaw, 2004, *op. cit.* pg 43.

<sup>42</sup> One important change instituted by the 1974 Constitution was to maintain seven 'divisions' that had been ethnic Burman majority, as well as the seven states defined by ethnic minorities, but to end any distinctions in governance structures between them. The 14 divisions and states now form the 14 regions and states, which are equal in mandates and functions under the 2008 Constitution.

<sup>43</sup> *GAD Chronicle*, pg 28.

<sup>44</sup> As Alex Mutebi notes, this era ensured a bureaucratic culture 'preoccupied with petty secrecy and that micro-managed, distorted, and manipulated information to disguise inadequacies, root out dissension, exaggerate performance, and misinform.' *Op. cit.* pg 13.

### 2.3 Public administration after 1988

Following the assumption of power by the State Law and Order Restoration Council (SLORC) in September 1988, significant changes were made to the administrative systems of the country. Following precedents from the Ne Win regimes, the SLORC created a Law and Order Restoration Council (LORC) for each state and division, district, township, ward and village tract, which were comprised of army officers, GAD staff, and police officers.<sup>45</sup> The current GAD was effectively created at this time, with the General Department once again named the General Administration Department (GAD) and hosted in a reformed Ministry of Home Affairs after Religious Affairs was moved into a new ministry.<sup>46</sup> In 1988, at the headquarters level, the GAD had five divisions (general, land and excise revenue collection, literature censorship and registration, finance, and personnel), and 14 state/division GAD offices, 50 district GAD offices, and 314 township GAD offices.<sup>47</sup>

The responsibilities of the GAD in the early years of the SLORC, and later under the State Peace and Development Council government (SPDC), centered on the functioning of the assorted Councils. From 1988 to 2011, the GAD was central to the functioning of the LORCs, and later the Peace and Development Councils (PDC) at all levels of subnational government. The military played the dominant role in running these councils, with the GAD tasked to provide general administrative support to carry out PDC directives and wider functions. Military officers always led the councils, while GAD administrators and police officers served as members, with the council's general secretary appointed by the chairperson. The formation of these councils resembled the precedence of previous 'security and administrative committees' in 1960s. These military personnel, GAD officers, police officers, and other military appointees were assigned to the state/division, district and township PDCs.<sup>48</sup>

Core mandates for the GAD offices under the LORCs and PDCs included town and village administration, development affairs, press scrutiny and registration, land and excise administration, and revenue collection, amongst others.<sup>49</sup> In terms of staff organization, five functional sectors defined roles and responsibilities: 1) personnel affairs, budgets, and accounts; 2) meetings, reports, and election commission support; 3) legal affairs, security, rural development activities, and urban rent control; 4) land and excise administration, revenue collection, and works delegated by other ministries; and 5) economic, social and PDC affairs.<sup>50</sup> During the SLORC period, the GAD gained the power to enforce some civil laws (35 laws, rules, regulations, procedures, and notifications).<sup>51</sup> Conversely, while the GAD initially managed

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<sup>45</sup> U Kyaw, 2004, *op. cit.* pg 28.

<sup>46</sup> The origins of the current GAD are Government of Myanmar Notification No. 1/88, dated 22 September 1988, and Notification No. 4/88, dated 7 November 1988, that assigned acts, rules and regulations to the GAD, renamed it, and moved staff to it under the MoHA.

<sup>47</sup> *GAD Chronicle*, pg 49.

<sup>48</sup> *GAD Chronicle*, Appendix.

<sup>49</sup> Ne Tun, *op. cit.* pg 36.

<sup>50</sup> Ne Tun, *op. cit.* pg 37.

<sup>51</sup> *GAD Chronicle*, pg 37.



municipal offices at the township level, in 1994, these were transferred to the Ministry for the Progress of Border Areas and National Races and Development Affairs.<sup>52</sup>

The legacy of the SLORC/SPDC era for the current GAD's mandates and functioning, as well as the public's perceptions of the GAD, are profound.<sup>53</sup> Most of the structures, mandates, and roles of the current GAD stem from this era. A review of the GAD's current policy manuals, priorities, and mottos, for instance, show the continuity of how it identifies itself. During the SLORC/SPDC era the GAD expanded in size and importance to support functioning of the Myanmar state. For instance, in 1988 there were 26,236 staff, whereas by 1995, with the formation of new and additional offices at district, township and sub-township levels, the GAD had expanded to 31,339 staff.<sup>54</sup>

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<sup>52</sup> SPDC notification number 15/94, *GAD Chronicle*, pg 49.

<sup>53</sup> A particularly unfortunate legacy to overcome is forced labor, which was quite rampant during the earlier years of military rule. The "Village Manual" was used to justify conscripting forced labor and the issue eventually became a major argument for criticizing the junta's development policies.

<sup>54</sup> *GAD Chronicle*, pg 54.

## THREE: Mandates and headquarters' functions and structures

*Rule of Law, Community Peace and Tranquility, Local Development, and  
Serve the Public Interest.*

- GAD's official objectives<sup>55</sup>

With this history in mind, it is now possible to show how the GAD's current mandate follows the 2008 Constitution and the ongoing reforms enacted by the Thein Sein government, and also discuss how the GAD is structured and functions at the assorted levels of subnational governance.

### 3.1 The GAD's mandate

The GAD is a part of the Ministry of Home Affairs (MoHA), its bureaucratic home since 1988. Constitutionally, the MoHA is one of three important ministries led by high ranking military officials. It is noteworthy that as part of the Ministry of Home Affairs, the GAD's sister organizations—the police, the Bureau of Special Investigation, and the prison and fire services—are all primarily focused on the security matters of the state. Within this group, the GAD officially places a very heavy ideational value on protecting peace and stability, albeit through public administration. The GAD's security role remains central to basic administration in the country, including for the newly-created state and region governments.<sup>56</sup> The GAD has been under the umbrella of Home Affairs for successive governments. Like the Ministry of Home Affairs, the official mandate of the GAD is first and foremost, ensuring the rule of law as well as the peace and prosperity of villages and townships, regional development, and people's welfare.<sup>57</sup> Down to the level of every village in the country, the GAD has a mandate to support government security efforts as well as report relevant information back to Nay Pyi Taw. These include population movements, security incidents, and basic demographic data. Moreover, the GAD still has power to enforce some civil laws.

#### Motto of the GAD

- *Be in line with State Policy*
- *Be in accord with Basic Principles*
- *Be in accord with the Procedures*

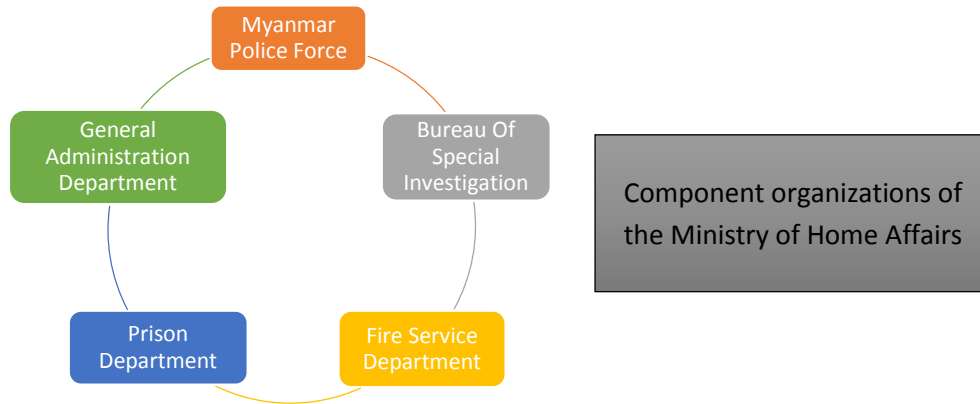
#### Code of Conduct for the GAD

- *Think over widely and deeply*
- *Discharge duties and functions strenuously and energetically*
- *Say the truth*
- *Stand steadfastly*
- *Be sincere and honest*
- *Deal with the people amicably and politely*

<sup>55</sup> GAD brochure, 2014.

<sup>56</sup> As Robert Taylor has argued of the 2008 Constitution's construction and intent: 'Central supervision of subordinate government is maintained by the appointment of the secretary to the government from the General Administration Department of the Home Ministry,' *op. cit.* pg 501.

<sup>57</sup> Ministry of Home Affairs power points.



As stated previously, the current legal basis for the GAD is the 2008 Constitution and the 2010 State and Region Governments Law and Self-Administered Zone and Region Law. Under the 2008 Constitution, the GAD’s pre-existing role as a primary link between the Union government and subnational-levels of governance continues, as well as the GAD’s direct control of the country’s core administrative institutions: the districts and townships. Moreover, Myanmar’s tradition of hierarchical control over geographically-defined administrative institutions was even expanded to include the GAD administration of new state and region governments, as well as the new Union territory that hosts the capital, Nay Pyi Taw.

*2008 Constitution’s provisions for the GAD<sup>58</sup>*

- *The Head of the General Administration Department of the Region or State is the ex-officio Secretary of the Region or State Government concerned. Moreover, the General Administration Department of the Region or State is the Office of the Region or State Government concerned. The head of the General Administration Department is the secretary of the State and Region Government.*
- *The Head of General Administration Department of Nay Pyi Taw is ex-officio the secretary of the Nay Pyi Taw Council. General Administration Department of Nay Pyi Taw is the office of the Nay Pyi Taw Council.*
- *Administration of district and township level shall be assigned to the Civil Servants personnel.*

The 2010 State and Region Governments Law echoes constitutional provisions defining the GAD’s central role, and also provides greater definition for the GAD’s roles and responsibilities, functions, and structures in the new level of subnational governance created by the 2008 Constitution—state and region governments. Primarily, this entails the GAD acting as the civil service for the new state and region governments by setting up three attendant offices to support their functioning. As discussed in greater detail in a subsequent section, this includes acting as the office for both the newly created state and region *huttaws* (parliaments) as well as for the chief ministers and their attendant cabinets.

<sup>58</sup> 2008 Constitution, Articles 260, 287, and 288.

2010 State and Region Governments Law's provisions for the GAD<sup>59</sup>

- *Hluttaw Office is the State and Region General Administration Department which is formed to implement administrative office functions of the Hluttaw.*
- *The head of the General Administration Department is the secretary of the State and Region Government.*
- *The State and Region General Administration Department is the respective State and Region Government office.*

Overall, the relative power and institutional significance of the GAD has assuredly increased since the 2008 Constitution was enacted, as PDCs at subnational levels have been removed, and along with them, the routine involvement of Tatmadaw officers in general administration. At these subnational levels, the GAD has now become the paramount government presence. Moreover, while there are now state and region governments, with both legislative and executive powers, they are utterly dependent on the GAD for basic and routine functioning as they have no dedicated civil service.<sup>60</sup> Municipal offices are under the control of state/region governments, but they are not a dedicated civil service as they have no policy making role.

However, while the GAD saw its control of districts and townships maintained, there have been significant changes to village tract administration according to the law, which will also be discussed in greater detail later in this section. Article 289 of the 2008 Constitution states that 'administration of ward or village-tract shall be assigned in accord with the law to a person whose integrity is respected by the community.' This was operationalized by the Ward and Village Tract Administration Law of 2012, which stipulated that there be elected village tract administrators while the village tract clerks continue to be appointed by the GAD's township administrators.<sup>61</sup>

Lastly, it is important to note that the 2008 Constitution amended the structures of states and regions to include self-administered zones and divisions. Accordingly, the GAD received a legal mandate to lead the administration of the country's one Self-Administered Division and five Self-Administered Zones.<sup>62</sup> Article 283 of the 2008 Constitution mandates that:

The Head of the General Administration Department of the Leading Bodies of the Self-Administered Division or Self-Administered Zone shall serve as the Secretary of the Leading Bodies of the Self-Administered Division or Self-Administered Zone. Moreover, the General Administration Department of the Self-Administered Division or Self-Administered Zone is also the Office of the Leading Bodies of the Self-Administered Division or Self-Administered Zone.

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<sup>59</sup> 2010 State and Region Governments Law, Article 2(j), Article 3(b), and Article 61.

<sup>60</sup> However, between 2013 and 2014, budget preparation for the state/region *hluttaw* offices was separated from the GAD state/region office budget, possibly increasing the *hluttaws'* autonomy, though all support staff are still GAD.

<sup>61</sup> The Ward or Village Tract Administration Law, Article 8.

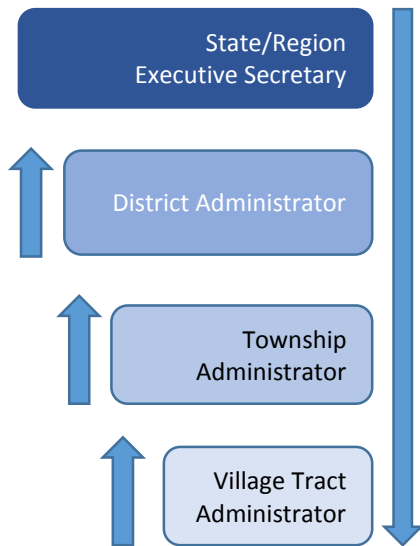
<sup>62</sup> The self-administered division is Wa, and the self-administered zones are Kokang, Naga, Pa-O, Palaung, and Danu.

Alongside the 2010 State and Region Governments Law, there is also a 2010 Self-Administered Zone/Division Law, of which Article 5 states: ‘The head of the General Administration Department is the secretary of the Self-Administered Zone/Division leading body and also working committee. He/she has not been elected.’

Given these legal foundations as well as previous ones, the GAD should be understood as playing two institutional roles currently.<sup>63</sup> The first is the continuation of an ‘historic role’ and the second, a nascent one, is defined around changes in subnational governance demands since April 2011, and the concomitant opening of the country to greater international development assistance.

<u>GAD Civil Service Officers</u>	
➤	Director General (1)
➤	Deputy Director Generals (16)
➤	Directors (25)
➤	Deputy Directors (132)
➤	Assistant Directors (493)
➤	Gazetted Officers (1,452)

The historic role has been relatively untouched by the provisions of the 2008 Constitution or related laws, and focuses on an eclectic variety of core mandates stretching from excise management to collecting assorted taxes, collecting demographic data, land management, and local dispute resolution. Moreover,



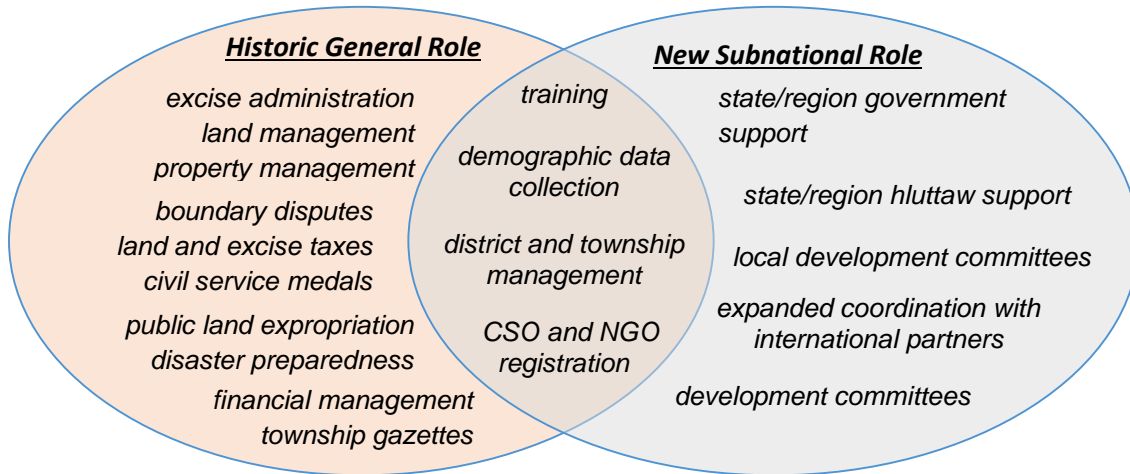
as mentioned, this historic role sees the continuation of the GAD’s core function of providing administration for the country’s basic units of administration, districts and townships, and the supervision of all 16,700-plus wards and village tracts. This historic role will be detailed in the following section on the GAD’s structures and functioning at the Union level, which notes that these core functions are centrally defined and controlled, but that the GAD bureaucracy at all levels are responsible for implementation.

The second role responds specifically to the creation of the 14 state and region governments, as well as the Union territory of Nay Pyi Taw, and the burgeoning demands arising from President Thein Sein’s efforts to promote ‘people-centered development’ and the related infusion of international development assistance at the township and village levels. In terms of tangible changes, this means acting as the administration for state and region governments, something the GAD has never undertaken before, given the entirely new formation of chief minister posts and *hluttaws*.<sup>64</sup>

<sup>63</sup> This dualism was highlighted in repeated interviews with senior GAD staff, though there is no specific mention of it in the GAD’s policy guidance. The Mon State Executive Secretary was most articulate in describing these roles.

<sup>64</sup> This role largely flows around the need to support the implementation of Schedule II of the 2008 Constitution.

Diagram 1: GAD's dual roles



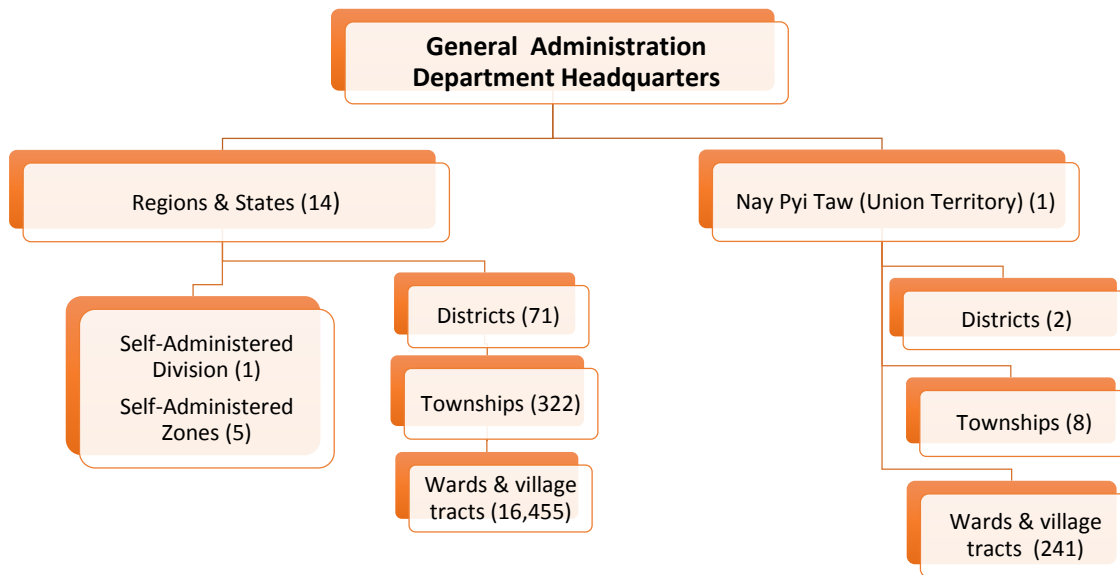
This has shifted the GAD from being a centralized actor working only for the Union government, albeit at local levels, to an increasingly decentralized department with a mandate to respond to the demands and dictates of new subnational governments. As such, the GAD functions as the administrative core of Myanmar's vertical subnational state structure, which revolves around its hierarchy of administrators. Beyond that, the expansion of local development funds and related coordination committees at the township and village levels, as well as processes to include communities' greater participation in development planning and budgeting processes, has resulted in expansion of the responsibilities of GAD township administrators. This new role will be detailed extensively in subsequent sections about the GAD at the state/region, township and village levels.

It is telling that given these dual roles, the GAD has seen relatively few changes to the structure and type of personnel at its headquarters where only one division has been added. This is the International Affairs Division (which is interesting, given the newly emergent need to engage with the international community).<sup>65</sup> Conversely, at the subnational level, significant structural and personnel changes have been made. Two more GAD offices have emerged in the state and region capitals to support the *hluttaws*, the chief ministers and their cabinets. Furthermore, there are also now six self-administered zones and one division that have dedicated GAD offices supporting local governments. As discussed in greater detail later in this section, this has meant that the GAD has appointed more staff in its subnational offices and, systematically, raised the ranks of officers at the different administrative levels.

Overall, the roles of the GAD as the backbone of Myanmar's public administration have been reinforced and expanded. With 36,080 staff spread across the country, the GAD maintains a ubiquitous presence built around its administrators, particularly at the all-important township level. The diagram below details the full extent of the GAD across Myanmar.

<sup>65</sup> GAD Chronicle.

Diagram 2: Presence of GAD offices, administrators, and staff<sup>66</sup>



The human resources of the GAD have some important characteristics. GAD staff are both gazetted and non-gazetted officers.<sup>67</sup> The vast majority of staff are employed at subnational level and local levels, with the single largest category of staff being ward and village tract clerks. It is notable that most of the executive staff, i.e. 14 of 16 deputy director generals, are located in states and regions rather than Nay Pyi Taw. Townships are not defined according to a standard population size but township offices are uniform in size.<sup>68</sup> All GAD officials serve 3-year assignments and are then rotated under a stipulated rotation cycle.

Within the GAD staff, gender ratios are also important to note and vary significantly between officers and non-gazetted staff.<sup>69</sup> Of non-gazetted staff, 65% are men and 35% are women. However, for gazetted officers, 89% are men and only 11% are women. There are no women administrators for the country's 330 townships. However, there are plans to change the situation and, as a gesture of gender equality in administrative roles, the GAD headquarters appointed a female deputy township administrator in Cocokyone Township in Yangon Region. Although there are no legal provisions which prevent women from acting as administrators, of the current 15,972 ward/village tract administrators, only 17 are women.<sup>70</sup> The ethnic composition of the GAD could not be determined through this research, though it is

<sup>66</sup> GAD brochure.

<sup>67</sup> Gazetted officers are the director general, deputy director generals, directors, deputy directors, assistant directors, staff officers, and deputy staff officers. Non-gazetted officers are department clerks, sub-department clerks, senior clerks, junior clerks, accountants, office assistants, cleaners, and drivers.

<sup>68</sup> For instance, and according to the GAD's own demographic data, the ratio of administrators to population is 503:1 in Chin State and 619:1 in Kayah State, whereas it is 2,566:1 in Yangon Region, and 2,154:1 in Mandalay Region. Interviews with the director and senior staff of the Administration, Personnel Affairs and Logistics Division.

<sup>69</sup> GAD human resources statistics.

<sup>70</sup> In contrast, GAD rules now state that only men can be hired as village tract or ward clerks. Prior to 2010, women could be hired as clerks and some women still occupy these positions.

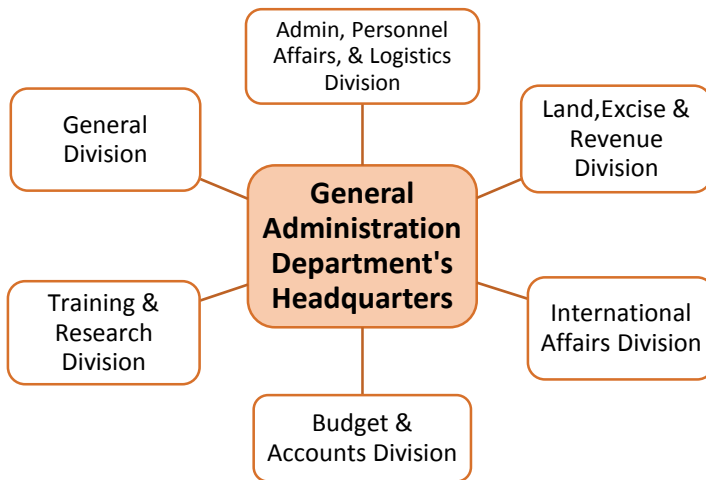
surely an important consideration in a multi-ethnic country.<sup>71</sup> Most GAD officers, particularly junior ones, are recruited via the Union Civil Servants Board's (UCSB) selection process.

### 3.2 GAD's functions and structures at the Union-level

At the Union-level, the GAD is still performing its historic role which is focused primarily on general administration.<sup>72</sup> As defined by GAD policy, the eight principal functions of the department are:

- 1) land administration;
- 2) excise administration;
- 3) collection of four kinds of tax;
- 4) structural settlement of villages and towns;
- 5) rural development;
- 6) formation and registration of organizations and associations;
- 7) conferring honorable titles and medals; and
- 8) functions on restriction of transferring the immovable properties.<sup>73</sup>

As a general functionary of the state, the GAD responds to instructions from many government actors. Accordingly, and as noted in its policy guidance, its responsibilities include: 'Tasks assigned by the President's Office and [the] Union Government, functions entrusted by the Ministry of Home Affairs,



principal duties and functions of [the] General Administration Department, [and] tasks delegated by other ministries.<sup>74</sup>

Given the plethora of responsibilities, the GAD's structure at the Union level, namely its headquarters in Nay Pyi Taw, includes seven divisions: 1) Administration, Personnel Affairs and Logistics Division, 2) General Division, 3) Land, Excise and Revenue Division, 4) Budget and Accounts Division, 5) Training

and Research Division, and the 6) International Affairs Division. The seventh division, the Institute of Development Administration (IDA), is not in Nay Pyi Taw but is rather in northern Yangon. The IDA is a dedicated civil service training center for the GAD.<sup>75</sup> Until 2004, one of the headquarters' divisions was a

<sup>71</sup> The GAD maintains a recruitment drive for ethnic minority youths. Graduates from the Capacity Development College of the Union National Races Development University are selected under specific arrangements made by Ministry of Border Affairs to serve at the GAD, with a view to supporting the development of border areas.

<sup>72</sup> *GAD Record Manual*, Section 8.

<sup>73</sup> GAD brochure.

<sup>74</sup> GAD internal document summarizing its history and mandate.

<sup>75</sup> Ministry of Home Affairs, *GAD Annual Record 2012*, pg 4. Note that the Burmese name for the IDA school is different from the English name. The direct translation of the school's name should be "The Institute for Development of Administration Knowledge".



Censorship/Registration of Press Division but this was eventually transferred to the Ministry of Information.<sup>76</sup> From 2005 to 2012, there were only five divisions but after the new government of President Thein Sein was formed in April 2011, the International Affairs Division was created to meet the demands for greater engagement with international actors such as United Nations (UN) agencies, the donor community, and INGOs.<sup>77</sup>

**Administration, Personnel Affairs and Logistics Division:**

This division is primarily focused on the internal functioning of the GAD.<sup>78</sup> Its remit includes managing the administration, finance and human resources systems for the GAD itself. Routine tasks include determining appointments and transfers, approving leave time, setting promotions, and managing the pension system for retired staff.

Promotions adhere to guidelines provided by the Union Civil Servants Law. GAD staff are directly recruited, though the Union Civil Service Board (UCSB) is also involved. This is a significant responsibility as the human resources decisions of the GAD are mostly centralized. All state/region, district and township administrators are appointed by Nay Pyi Taw. The MoHA deputy minister chairs a committee to approve all promotions for deputy director and above, while the GAD director general chairs a committee for everything below deputy director. Division personnel are also responsible for general office management tasks and the allotment and maintenance of vehicles. Another key task is to circulate the dictates of Union ministries to the wider civil service. Lastly, the division is responsible for providing administrative support to the other units of the MoHA.

- Objectives of the Admin., Personnel Affairs and Logistics Division
1. *Be loyal to the gratitude of the State and uplift of dynamic of patriotic spirit of the service personnel of GAD.*
  2. *Carry out the administrative duties and functions for achieving the objectives of GAD.*
  3. *Make sure service personnel respect and abide by the ethics and existing laws, rules and regulations.*
  4. *Make sure welfare and facilitation of service personnel.*
  5. *Preserve state-owned property and revenue from waste.*

- Objectives of the General Division
1. *Carry out legal affairs.*
  2. *Carry out structural settlement of towns and villages.*
  3. *Undertake rural development tasks systematically.*
  4. *Carry out formation and registration of organizations and associations in accord with the law.*
  5. *Conferring honorable titles and medals on those deserving.*

**General Division:** This division undertakes an eclectic range of functions for the GAD.<sup>79</sup> One of the more extensive ones is carrying out assorted legal activities. This primarily means enforcing the GAD’s own laws and policies for its staff and also responding to queries from parliament. Moreover, there is also a specific mandate from a 1987 law to manage the return of property previously owned by foreigners to Myanmar citizens.<sup>80</sup> Another major responsibility is managing the registration process for all domestic and international NGOs with social welfare mandates. With the opening of the country

<sup>76</sup> 2004, GAD headquarters structure, *GAD Record Manual*, Appendix C 1 and Ministry of Information, Order Number 2-10 (3/2005).

<sup>77</sup> Ne Tun, *op. cit.* Appendix B and interviews with the International Affairs Division.

<sup>78</sup> Ne Tun, *ibid.* pg 116.

<sup>79</sup> Interview with the director and senior staff in the General Division, and the GAD brochure.

<sup>80</sup> This law was entitled the ‘Transfer of Immoveable Property Restriction Law.’

to more international development assistance since 2011, this has been a major task.<sup>81</sup> The process involves extended consultations with relevant Union ministries, the Bureau of Special Investigations, and state and region governments. With regard to ‘structural settlements’, the division’s mandate includes demarcating the borders between the geographic units of administration, most often through the creation of districts and townships.<sup>82</sup> Lastly, the General Division is responsible for conferring medals on the country’s civil servants, police and firefighting services, as well as the general public.<sup>83</sup>

Objectives of the Land, Excise and Revenue Division

1. *Ensure Land Administration is in accordance with the law.*
2. *Ensure Excise Administration is in accordance with the law.*
3. *Undertake the fulfillment of estimated four kinds of tax collection.*

**Land, Excise and Revenue Division:** The responsibilities of this division primarily concern land and excise management, and implementing four kinds of taxation: land, excise, mineral, and irrigation.<sup>84</sup>

In terms of land management, the GAD is responsible for ‘town lands’ and grants, leases and licenses for residential, industrial, and commercial purposes.<sup>85</sup> The GAD also issues grants, free of land revenue, for the erection of a religious edifice or for an unremunerative public purpose. Lastly, when required, the GAD

secures the acquisition of lands for public interest, such as for building schools, roads and Special Economic Zones (SEZs). The Land, Excise and Revenue Division is also involved in settling land disputes.<sup>86</sup> If possible, smaller land disputes are solved by the GAD administrators in districts and townships. In terms of excise management, while the GAD historically issued 41 types of excise licenses for four basic commodities (liquor, beer, yeast, and wine), excise management is now evolving in the states and regions for these four commodities (see Annex 4).<sup>87</sup> Excise management is based on the *Burma Excise Manual of 1917*. GAD headquarters only issues final approval for the licenses which are issued by the district GAD and managed locally by the township GAD, including taxation.

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<sup>81</sup> Prior to the transition, there were only 235 NGOs and 2 INGOs registered, whereas by early 2014 there were over 600. Interview with the director of the GAD’s General Division.

<sup>82</sup> For example, in 1972, there were 47 districts and 286 townships versus 65 districts and 325 townships in 2004, and 73 districts and 330 townships in 2014. U Kyaw, *op. cit.* pgs 58 and 63.

<sup>83</sup> Common types of medals include the Good Civil Servants Prize, the Civil Servant Award, and the Rule of Law and Development Award.

<sup>84</sup> Interview with the director and senior staff of the Land, Excise and Revenue Division.

<sup>85</sup> The Ministry of Agriculture keeps records for all ‘farm lands’ in the country, though the GAD manages ‘grazing grants’ for pasture land.

<sup>86</sup> According to Union government order number 59/2013, the Land Use Management Central Committee is chaired by the vice president and vice chaired by the Minister of Home Affairs and the Minister of Agriculture and Irrigation. Parallel committees exist from the central to the village level. These committees are responsible for trying to resolve land disputes, complaints and land grabbing cases at their respective level. At the village tract level, these committees are often subsumed within the Farmland Management Committee.

<sup>87</sup> Note that currently, the GAD only routinely issues 28 types of excise licenses as some of the original 41 date back to the British colonial era and are decidedly archaic. Moreover, some of the state and region *hluttaws* are passing new laws to amend excise licenses and taxes.

Tax collection constitutes a major role for the GAD.<sup>88</sup> While the Land, Excise and Revenue Division bears overall responsibility for tax collection, collection is undertaken by township and district administrative offices. Four basic types of taxes are collected by the GAD:<sup>89</sup>

- *Excise tax*: for the 41 types of excise licenses issued for liquor, beer, yeast, and wine.<sup>90</sup>
- *Land tax*: for usage of some urban residential areas and some lands where crops are planted.
- *Irrigation tax*: for usage of embankments, primarily along paddy fields and along rivers and irrigation canals. Primarily collected in Myanmar's coastal regions.
- *Mineral tax*: for collection of set minerals from state owned public properties. These include: laterite or 'stone metal' for municipal or local public roads; laterite for other purposes; limestone; stone for irrigation works, railway ballast or public works; clay; marble, gypsum, and 'other minerals for which special rules do not exist.'<sup>91</sup>

The details of these taxes are understandably complex and beyond the scope of this research paper. The taxes are based upon six archaic laws, largely dating back to the colonial era:

1. Land and Revenue Act (1876)
2. The District Cesses Act (1880)
3. Upper Burma Land and Revenue Regulation (1889)
4. Revenue Recovery Act (1890)
5. Burma Excise Act (1917)
6. Burma Excise Act (1928)
7. Burma Water and Irrigation (1982)<sup>92</sup>

Tax collection is generally undertaken annually, with the revenues now going to the state and region funds as they have the constitutional mandate under Schedule V regarding subnational revenues. In contrast, tax revenues from the Union territory of Nay Pyi Taw go directly to the Union government. The GAD only began to collect these taxes in 1989–1990, prior to which the Internal Revenue Department was responsible.<sup>93</sup> Excise taxes have historically been by far the most significant in terms of revenue. Land and mineral taxes have been moderately increasing in terms of total revenue, though they are still minimal. The irrigation tax has seen reduced revenue as it included a specific tax for water until May 2007 when that responsibility was transferred from the GAD to the Irrigation Department of the Ministry of Agriculture and Irrigation.

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<sup>88</sup> Within the GAD, a district administrator is officially designated as the 'tax collector' while a township administrator is an 'assistant tax collector'. Interview with the district administrator in Mon State.

<sup>89</sup> *GAD 2012 Annual Record*, pg 70.

<sup>90</sup> Note that there were 41 excise licenses historically, but these are continually evolving and can vary between states and regions as they fall under the purview of state and region governments.

<sup>91</sup> Ne Tun, *op. cit.* pgs 127–128.

<sup>92</sup> Ministry of Home Affairs (MoHA), 2012, *GAD 2012 Annual Record*, pg 71.

<sup>93</sup> These responsibilities were transferred to the GAD in fiscal year 1989–90; therefore, the GAD started to collect these, beginning April 1, 1989. However, in previous manifestations, the GAD had significant tax collection responsibilities. For instance, prior to 1972, when responsibility for excise was given to the Internal Revenue Department, the GAD was responsible for excise.

Table 1: Total GAD collection of four taxes (in millions of kyat)<sup>94</sup>

Type of tax	1989–90 fiscal year	2009–10 fiscal year	2012–13 fiscal year
Excise tax	12.76	6,066.54	8,533.01
Land tax	44.82	130.36	144.69
Irrigation	19.17	12.31	10.45
Mineral	4.69	48.65	196.92

**Budget and Accounts Division:** Prior to the introduction of state/region governments in 2011, the Budgets and Accounts Division at the GAD headquarters handled all budgets for states and regions.<sup>95</sup> However, following the dictates of the 2008 Constitution, the GAD budget now contains two parts: the Union budget of the GAD and the state/region GAD budgets. The GAD’s Union budget covers: 1) the GAD headquarters budget, 2) the IDA training school budget, and 3) the Nay Pyi Taw Council budget. GAD headquarters prepares the Union budget request annually and submits it to the MoHA. Once approved, the Budget and Accounts Division submits the draft to the Union Finance Commission for approval and subsequent final approval by the Union parliament as part of the annual finance law. For example, for the 2012–13 fiscal year, the GAD’s Union budget was 2,093.384 million kyat, most of which covers staff costs.<sup>96</sup>

Objectives of Budget and  
Accounts Division

1. *Make sure beyond the allocated earnings, and save the expenditures.*
2. *Be any expenditures in accord with financial procedures, rules and regulations.*

Since October 1, 2011, all of the budgets and accounts for states and regions have been managed directly through the GAD offices in the state and region governments.<sup>97</sup> Notably, this includes the salaries of GAD staff working at subnational levels (including village tract administrators and clerks), though their appointment and management is still centrally controlled. The GAD executive secretaries must submit their budget needs so that GAD costs are included in the state and region budgets that are submitted annually to Nay Pyi Taw by state and region chief ministers. Precise figures are not available, but the proportion of the GAD’s budget going through its headquarters is now relatively small given that most funds are now accounted for through state and region budgets. Moreover, this proportion of work includes tax collection by the GAD, and the GAD’s Budgets and Accounts Division only supports tax collection on behalf of the Nay Pyi Taw Council, collecting and transferring it to the Union account.

<sup>94</sup> MoHA, 2012, *op. cit.* pg 71. It is assumed these figures have been adjusted for inflation.

<sup>95</sup> Interview with the director and senior staff of the GAD Budgets and Accounts Division.

<sup>96</sup> *GAD 2012 Annual Record*, pg 101.

<sup>97</sup> This means handled and spent, but not planned or budgeted, because the number and level of staff are set centrally. Namely, it is a formal, rather than a substantive deconcentration of GAD budgeting to this level.

The Budget and Account Division is also cooperating with the Ministry of Social Welfare, Relief and Resettlement in natural disaster management. The Union Minister for Social Welfare, Relief and Resettlement serves as Chairman of the “National-level Natural Disaster Protection and Management Working Committee” and the GAD’s Director General serves as Joint Secretary. In the respective states and regions, the Chief Ministers serve as Chairman at relevant state/region “Natural Disaster Protection and Management Working Groups.” Every ward/village tract, township and district has also formed working groups to implement natural disaster protection and management activities.

**International Affairs Division:** The newest unit at GAD headquarters is the International Affairs Division and it plays a very important role for the whole organization.<sup>98</sup> The division has no wide mandates related to the GAD’s historic role, but instead, on behalf of the government, responds to a multitude of special needs related to international engagement. This is especially true for a range of large UN agencies. For instance, the division operates as an interlocutor between UNICEF and the Ministry of Defence to end the use of child soldiers, and between the International Labour Organization and the Ministry of Labor to end forced labor and human trafficking. The division also hosts the Sector Working Group for Public Sector Reforms, which is led by United Nations Development Programme (UNDP) and the European Union (EU). Additionally, the International Affairs Division responds to special queries from international actors, including those from the UN Human Rights Commission. It also provides briefings for the resident diplomatic corps.

Objectives of International Affairs Division

1. *Implement vigorously rural development and poverty reduction for the sake of national development.*
2. *Implement socio-economic development of the whole nation through cooperation with international communities.*
3. *Cooperate cordially and friendly with neighboring country in Boundary Affairs and Border Area Development.*
4. *Establish friendly and cordial relationship with United Nations, UN organizations, non-governmental organizations, international organizations, regional organizations, and world countries.*
5. *Carry out the elimination of forced labor. Human Rights protection and promotion within the nation by cooperating with United Nations, UN organizations, international organizations, and relevant organizations from the view of the administrative sector.*

Another role of the division is assisting in resolution of border disputes with neighboring countries. Although the Ministry of Foreign Affairs (MoFA) is primarily responsible, especially for issues related to Thailand, the GAD has been extensively engaged in resolving border disputes with India and Bangladesh. Currently Myanmar has a Memorandum of Understanding with India to work towards resolving the disputes along the far northwestern border, while the GAD is also involved with Bangladesh’s Internal Affairs Ministry to prevent border encroachment in Rakhine State.

**Training and Research Division:** Created in 2003, the division focuses on meeting two basic needs of the GAD: training and research.<sup>99</sup> With regard to research, the division aggregates and compiles township

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<sup>98</sup> Interview with the director and senior staff of the International Affairs Division.

<sup>99</sup> Interview with the director and senior staff of the Training and Research Division.

data into annual gazettes. Intended for government use only, all 330 townships each have their own annual gazette with basic demographic data, accounts of government activities, and summaries of key local actors and events from the past year. Other research functions include answering queries from parliament, recording GAD sessions, and preparing speeches for senior staff. Interestingly, this division is also involved in election preparation through its support for communication between the Union and the state and region election commissions.

The training functions of the division focus on sending staff to trainings by the Union Civil Service Board, other Union ministries, and to specialty trainings such as those of international development partners. As will be discussed in detail below, there is also a dedicated GAD training center outside of Yangon, the IDA, which is separate from the Training and Research Division. The IDA was part of the division until August 2013 but is now a separate entity equivalent to a headquarters' division, though it still plays a role in developing the IDA's curriculum.<sup>100</sup> For its part, the division organizes training programs, as well as for staff from other Union ministries. For example, following changes to local governance structures in late 2012, through township administrators, GAD provided trainings for village tract administrators and clerks. The division was responsible for designing the curriculum and providing the training materials to all townships.

Objectives of the Training and Research Division

1. *Train sustainably in order to be efficient service personnel with full five criteria so as to an effective National Administrative Mechanism.*
2. *Cultivate good practice of performing in accord with policies, principles, and procedures laid down by the State.*
3. *Ensure keeping up the improvement of functional performance with the development of information technology.*
4. *Carry out research into governance administration and leadership to keep pace with international standard.*

**Institute of Development Administration:** As mentioned, in addition to the six headquarters' divisions, there is also a dedicated GAD training center. The main training institution for GAD administrators is the IDA, which opened a dedicated campus in Mingaladon Township, on the northern outskirts of Yangon, in July 2003. The IDA offers a range of courses depending on the staff level of the students, and works through three cycles of trainings per year. It was set up for, and continues to emphasize, strengthening the capacity of administrators working in rural areas.<sup>101</sup>

The IDA is headed by a director who is accountable to the director general and deputy director general of the GAD. There are two deputy directors, one responsible for administration and one responsible for teaching and training. They are also supported by four assistant directors. The IDA only provides training to gazetted officers. GAD personnel can also attend training at the country's two Civil Service Training

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<sup>100</sup> The IDA's current curriculum includes: 1) political science, 2) administration, 3) economics, 4) law, 5) state security, 6) English, 7) national defense, 8) natural disaster prevention and rehabilitation, 9) subjects relating to GAD functions, 10) civil servant rules and regulation, and 11) functions of an administrator and office functions. Institute of Development Administration booklet, pg 14. February 26, 2014.

<sup>101</sup> Interview with the IDA director.

Universities (CSTU) in Phaung Gyi, for Lower Myanmar, and Zee-Bin Gyi, for Upper Myanmar. The IDA does not have academic ‘faculties’; rather it recruits resource persons, internally and from different ministries, to teach specific courses. The IDA is staffed by 27 training officers, plus 129 management and support staff.

The course offerings at the IDA vary widely, both in purpose and length. In general, trainings are targeted at officers as they proceed through the ranks and assume more responsibilities.<sup>102</sup> Courses vary in length, from a minimum of 2 weeks, but some last from 4 to 12 weeks. For example, all new gazetted officers, starting from the rank of staff officer, must attend a 4-week introduction course, while a 12-week course is required for officers being promoted to township administrators. The shorter courses tend to focus on deepening technical skills. In general, the courses are targeted at the lower officer ranks of the GAD.

Aims of IDA

1. *To emerge the skillful and qualified administrators in building peaceful, modern, developed and democratic nation.*
2. *To train and teach the subject of Leadership, administration and management in accordance with international standard.*
3. *To train in order to be successful implementation of the (4) objectives, functions and duties of the General Administration Department.*

Objectives of IDA

- *To be a good administrator*
- *To be a good staff officer*
- *To be a good demonstrator*

The IDA’s training schedule is intensive. Each class, usually framed around functional roles and responsibilities, lasts 50 minutes. Seven classes are provided per day. Thus over a 12-week training program, trainees receive 420 classes (the equivalent of 350 class-hours). Trainees wake up at 05:30 and their daily routine includes physical exercise, taking an oath in front of the flag-pole, and classes that run from 08:00 until 15:30. In the evening, there is physical exercise again, followed by a night study session, which ends at 22:00.<sup>103</sup>

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<sup>102</sup> Examples of shorter courses include: the township clerks judiciary course, the accounting and treasury course, the financial management and accounting course, the land, excise and revenue management refresher course, and the training of trainers’ course. Longer courses include: the managerial staff Level 1 introduction course (4 weeks) and the managerial staff Level 2 course (12 weeks).

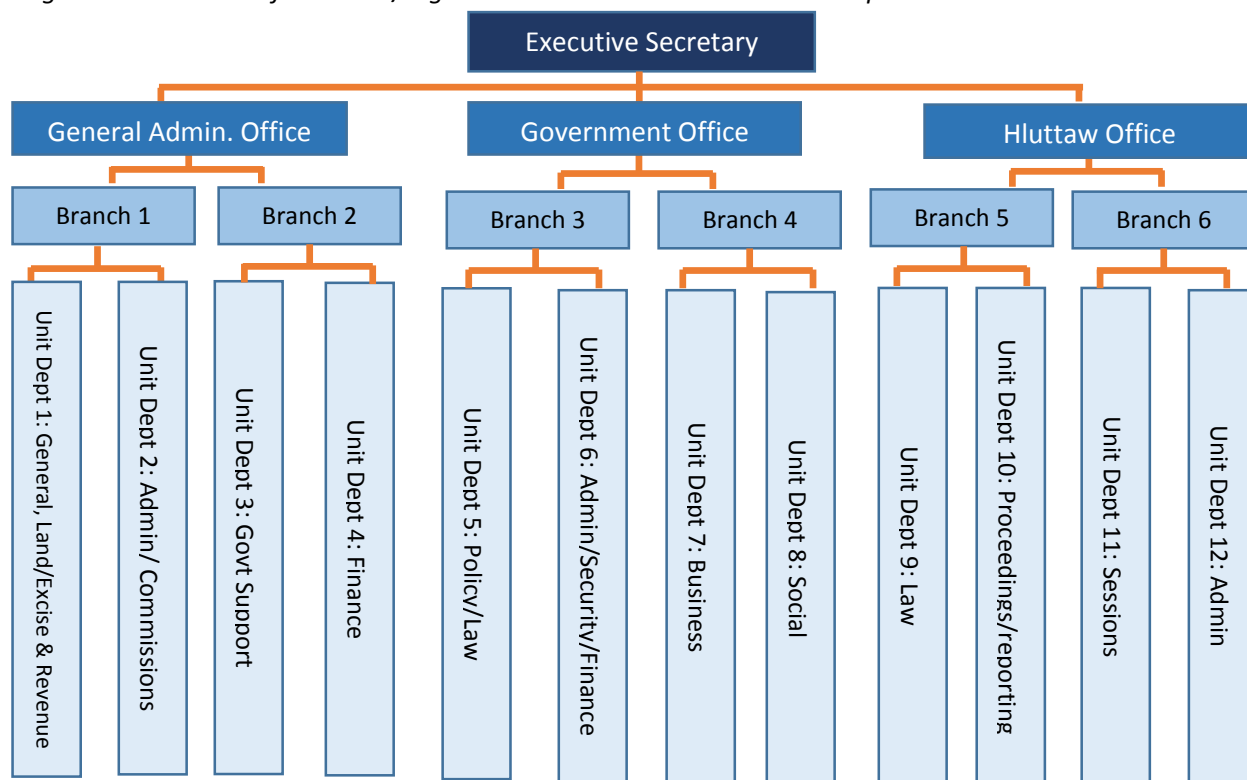
<sup>103</sup> IDA project refresher course for Administration Level 2 staff (1/2013), dated on 11 September 2013.

## FOUR: Functions and structures at subnational levels

### 4.1 GAD's functions and structures at the state and region-level

The 2008 Constitution created 14 new state and region governments. The GAD provides basic administrative and coordination functions for the region/state government, the region/state *hluttaw*, as well as Union ministries and state/region departments.<sup>104</sup> The senior GAD administrator for each state and region is the executive secretary of the state/region government (Deputy Director General level), and currently supervises 283 GAD employees staffing a General Administrator Office, a state/region Government Office, and a state/region *Hluttaw* Office. It is important to note that despite the various sizes of the states and regions, these GAD support offices are uniform in terms of functions and staffing levels.

Diagram 3: Structure of the state/region-level General Administration Department



#### GAD Officer Personnel

Deputy Director General - 1  
 Director - 3  
 Deputy Director - 3  
 Assistant Director - 7  
Officer - 19  
 Total - 33 staff

#### Functionary Personnel

Admin - 33      Senior Clerk - 43  
 Driver - 29      Junior Clerk - 76  
 Guard - 5      Cleaner - 6  
 Unit Clerk - 26      Office Helper/Post man- 31  
Registrar - 5  
 Total - 251 staff

<sup>104</sup> For example, all state/region meetings must be recorded by the office of the region or state government, which is the GAD office. Region and State Government Law, Article 50.



As detailed in *State and Region Governments in Myanmar*, there are no independent state/region ministries to carry out the functions assigned to the states and regions under Schedule II of the 2008 Constitution.<sup>105</sup> Instead, there is a combination of departments with mixed accountability relationships with both Union and state/region governments on the one hand, and state/region units of centralized Union ministries on the other. The executive and legislative structures of a state/region government continue to rely on the key building block of the country's pre-existing governance structure: the GAD.

The GAD's Government Office provides administrative support to the chief minister and the nine state/region ministers that form the cabinet, while the *Hluttaw* Office provides administrative support for the state/region *hluttaw*. The General Administrator Office oversees the wider state/region administration (for example, managing general finance and human resource needs). This 'horizontal' presence at the state/region level ensures that all correspondence, administration, budget management, and general functioning of both the executive and legislative branches of a state/region government is largely dependent on the work of the GAD.

Within the state/region governance hierarchy, the executive secretary is directly accountable to the GAD but is also expected to report to the chief minister as a matter of course.<sup>106</sup> As highlighted in *State and Region Governments in Myanmar*, how this relationship actually functions is ambiguous and likely varies between the states and regions.<sup>107</sup> Regardless, both inside and outside state/region governance institutions, the GAD is considered critically important. For example, civil society organizers in one state noted that while the chief minister might have some authority (for example, over certain staffing appointments in his/her cabinet), it is the GAD that has to release the state/region budget.<sup>108</sup>

In terms of the dual roles of the GAD, described in the beginning of this section, the General Administrator Office is responsible for much of the 'historic role', specifically reporting to the six divisions in GAD Headquarters to fulfill tasks long assigned to the organization (for example, tax collection, demographic data aggregation, inter-governmental communication and liaison, and registration and assorted approval processes). The General Administrator Office has two branches: one working on routine functions of the GAD, and another working on administration and financial support for the wider state/region government.<sup>109</sup>

Conversely, the Government Office and the *Hluttaw* Office are distinct, new creations for meeting the second role of supporting new subnational governance bodies. Towards this, the Government Office has two sub-departments that focus on a variety of functions to support the chief minister and his/her cabinet, including economic and social policy support and administration of the chief minister's schedule and

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<sup>105</sup> Hamish Nixon *et al.*, 2013, *State and Region Governments in Myanmar*, pg 25–35.

<sup>106</sup> *ibid.* pgs 32–33.

<sup>107</sup> *ibid.* pg 33.

<sup>108</sup> Interview with a civil society organizer in Mon State.

<sup>109</sup> Ministry of Home Affairs, *op. cit.*

related support to the cabinet. In the *Hluttaw* Office, there are also two sub-departments; one engaged in legal support around draft legislation and another that manages the *hluttaw* sessions.

The GAD also plays a strong role in the fiscal architecture and financial management of the state/region level of governance. All GAD offices at the state/region level and below are currently accounted for under state/region government budgets rather than under the Union budget. These budgets cover ordinary expenditures, such as staff salaries and building maintenance, as well as capital expenses, such as the construction of new buildings. In total, in the states and regions, over 83,409 million kyat were spent by the GAD for the 2013–14 fiscal year.<sup>110</sup>

*Table 2: GAD expenditures in states and regions in 2013-14 (in millions of kyat)*

	<i>Ordinary expenditure</i>	<i>Capital expenses</i>
<i>Mandalay</i>	5,774.49	1,596.97
<i>Sagaing</i>	7,829.71	2,800.77
<i>Kachin</i>	3,530.91	3,247.13
<i>Yangon</i>	4,394.99	9.33
<i>Ayeyarwaddy</i>	7,388.10	1,314.57
<i>Shan</i>	9,157.03	2,191.84
<i>Magway</i>	5,441.94	1,054.75
<i>Chin</i>	3,244.44	1,329.00
<i>Mon</i>	1,619.12	807.60
<i>Rakhine</i>	4,168.78	2,260.46
<i>Bago</i>	5,741.13	507.13
<i>Kayin</i>	2,047.89	905.64
<i>Tanintharyi</i>	2,113.74	613.19
<i>Kayan</i>	1,304.42	1,014.06

In addition to ordinary expenditures for its own operations and capital expenses, the GAD continues to maintain some discretionary funds to support development in rural areas, which is one of the historic functions of the GAD. The ‘rural area development budget’ of the GAD applies largely to five types of projects: agricultural development, road construction, drinking water, health, education, and area development. In the 2012–2013 fiscal year, the budget for rural area development was 300 million kyat derived from the MoHA’s own budget.<sup>111</sup> Additionally, the GAD also provides fiscal management and advice to the Ministry of Border Affairs and several local development funds.<sup>112</sup>

<sup>110</sup> Government budget gazettes, 2013–14.

<sup>111</sup> MoHA *op. cit.*

<sup>112</sup> For further details, see *Fiscal Decentralization* discussion paper by Hamish Nixon and Cindy Joelene.

- *Rural area development budget of the Ministry of Border Affairs*: the role of the GAD is to help prepare the budget against identified development needs in the respective localities. The ministry, however, is fully responsible for implementing the projects.<sup>113</sup>
- *Poverty Reduction Fund*: this fund is derived from the Union budget as an allocation to the states and regions, and is administered by the GAD. Chief Ministers and cabinets decide how to utilize the funds, but the GAD provides management support for actual implementation.<sup>114</sup>
- *Constituency Development Fund*: on an annual basis, these funds allow the four *hluttaw* members per township to choose local development projects in their constituencies, using 5 million kyat per constituency.<sup>115</sup> The body lacks any staff of its own so must develop projects with the help of assorted township committees.<sup>116</sup> Primarily, this entails choosing projects proposed by the township development support committee, and then tasking the respective management and development affairs (municipals) committee to implement the project.<sup>117</sup> The role of GAD for this fund is budget oversight and assisting with the prioritization of projects through the township management committees.

As well as being granted limited responsibility for expenditures, the state and region governments are assigned certain revenue sources, detailed in Schedule Five of the 2008 Constitution. These include taxes on land, excise, dams, motor vehicles and vessels, and local production of minor forest products and salt. Various service fees, fines and tolls are also included, as well as the proceeds from properties and those state economic enterprises (SEEs) that are run by the region or state.

The GAD's tax collection for state and region governments is typically conducted at the township level (land and excise are two examples) and goes directly into state and region budgets.<sup>118</sup> As described previously, land tax rates were long held at very low levels (7 kyat per acre) but in the 2013–14 fiscal year, land taxes were increased one hundred times by most states and regions (for example, by the Mon State Land Tax Law).<sup>119</sup> This was legislated by the state and region *hluttaws* because land tax, and indeed all of the GAD's tax mandates, fall under the jurisdiction of states and regions. Across the 14 states and regions, the land tax collected in 2013–14 was 13,950.54 million kyat, an exceptional increase in revenue over FY 2012–13, when the total land tax collected was 144.69 million kyat. Excise taxes have also increased as state/region *hluttaws* in Mon, Kayin, Chin, Bago, and Ayeyarwaddy passed new excise tax laws and also redefined some of the historic types of licenses (See Annex 5).

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<sup>113</sup> Interviews with the Mon State GAD, 2014.

<sup>114</sup> Interviews with the Mon State GAD.

<sup>115</sup> The four are two for the respective state/region *hluttaws* and one apiece for the *pyithu* and *amyothar hluttaws*.

<sup>116</sup> Pyi Htaung Su Hluttaw Order Number (82/2013), Constituency Development Fund, Article 7.

<sup>117</sup> *ibid.*

<sup>118</sup> In rural areas, taxes are collected by the village tract administration, which receives 10% as payment for collecting fees once the tax is remitted to the GAD. Interviews with township officers.

<sup>119</sup> This rate of increase has varied as some state and region *hluttaws* have yet to raise the land tax rates. For instance, Ayeyarwaddy Region has yet to change land tax rates.

Table 3: 'Four taxes' collected by the GAD in states and regions in 2013–14 (millions of kyat)<sup>120</sup>

Type of tax	Excise tax	Land tax	Irrigation tax	Mineral tax
Mandalay	2,746.8	1,789.385	n/a	11.08
Sagaing	610.96	2,721.221	0.138	31.727
Kachin	190.932	458.63	n/a	1.122
Yangon	2,338.888	1,062.312	1.589	27.718
Ayeyarwaddy	712.812	33.356	7.781	11.787
Shan	415.681	1,139.507	28.18	11.798
Magway	441.768	1,698.305	0.003	11.085
Chin	35.863	109.221	n/a	0.088
Mon	381.24	748.95	0.683	6.475
Rakhine	167.149	905.737	0.172	2.337
Bago	624.378	2,354.629	1.619	15.938
Kayin	83.133	409.043	0.045	1.75
Tanintharyi	134.13	519.207	0.051	0.832
Kayan	23.96	1.039	n/a	0.3

Within the hierarchy of subnational governance, the district is immediately below the states and regions, and as mentioned previously, is headed by a senior official from the GAD. The district administrator is a GAD officer at the rank of deputy director, with a designated office: the District General Administration Office (district office). The district level supervises the respective townships under its geographic jurisdiction, which are the critical building blocks of administration in Myanmar.<sup>121</sup> As such, districts form a middle tier of administration, interfacing between state and region governments and the townships. The district administrator is directly supported by two staff officers, who lead the district office's two sub-departments. The total staff for the office is 27, most of whom are clerks.<sup>122</sup>

The role of the district office is primarily that of coordination and communication with the respective townships below, and with the state and region governments, above.<sup>123</sup> Primarily this means aggregating data and planning and budgeting information, as well as relaying government decrees. District administrators will also often be called in to resolve disputes that cannot be resolved by lower levels, such as those involving land or complaints of abuse of power by township or village tract administrators.

With the increasing importance of local development funds, and the related proliferation of local development planning committees, the district GAD acts as an aggregating conduit for basic

<sup>120</sup> Government budget gazettes, 2013–14.

<sup>121</sup> Interview with the district administrator in Mon and Shan States.

<sup>122</sup> Deputy director (x1), staff officer (x2), unit clerk (x1), senior clerk (x5), junior clerk (x12), driver (x1), guard (x1), postman (x2), and office helper (x2).

<sup>123</sup> Interview with the district administrator in Mon State.

administration. Like township administrators, the district administrators are also extensively involved in coordinating their respective district's management and development committees, which will be discussed in greater length in the next section. In terms of direct interactions with businesses, the only routine engagement is district administrators approving licenses for shops selling alcohol. Land grants are also approved and issued by district administrators.<sup>124</sup>

Before concluding this section, it is important to note the role that the GAD plays within the Union territory of Nay Pyi Taw. As is the case in many other countries, Myanmar has designated a special area for its capital city, Nay Pyi Taw. Unlike the states and regions, this area is constitutionally limited as it has neither an elected *hluttaw* nor a chief minister. Rather it is managed by the Nay Pyi Taw Council, a management body comprised of 10 members that reports to the President's Office No. 2. Nine of the council's members are selected by the president, and the tenth, a military officer, is appointed by the military.

The GAD plays a central role in administering Nay Pyi Taw.<sup>125</sup> This is similar to the GAD's role in the states and regions, and is detailed in Article 284 of the 2008 Constitution: 'The Head of [the] General Administration Department of Nay Pyi Taw is ex-officio the secretary of the Nay Pyi Taw Council. [The] General Administration Department of Nay Pyi Taw is the office of the Nay Pyi Taw Council.' In Nay Pyi Taw, the GAD is responsible for general administration for the two districts and eight townships in the capital area, which include 241 villages.

The senior civil servant in Nay Pyi Taw is the GAD's executive secretary, who has a rank of deputy director general, and oversees a GAD office with 204 staff.<sup>126</sup> The composition and functioning of the district and township offices follow the same structures and processes as elsewhere, as do the local development and management committees, all of which will be detailed in the next sub-section.

Uniquely, however, of the nine civilian members on the Nay Pyi Taw Council, eight support individual townships in a manner similar to *hluttaw* members in the states and regions. Even though they are not elected representatives, their role emphasizes constituency engagement. The ninth civilian focuses on supporting large infrastructure projects, while the military member has a security portfolio. Additionally, and as mentioned previously, all taxes collected by the GAD in Nay Pyi Taw go directly to the Union budget rather than a dedicated Nay Pyi Taw account. Another important role of the Nay Pyi Taw Council, which requires a great deal of GAD effort, is that of organizing large events in the capital for the president's office (for example, Union Day).

#### **4.2 GAD's functions and structures at the township level**

Myanmar's 330 townships are the building blocks for public administration in the country. Township General Administration Offices (township offices) are the primary focal point for the average Myanmar citizen's engagements with the state. The township office, under the leadership of a township

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<sup>124</sup> Jared Bissinger & Linn Muang Muang, *op. cit.* pg 11.

<sup>125</sup> Interview with the director in the Nay Pyi Taw Council GAD office.

<sup>126</sup> MoHA, *op. cit.* pg 27.

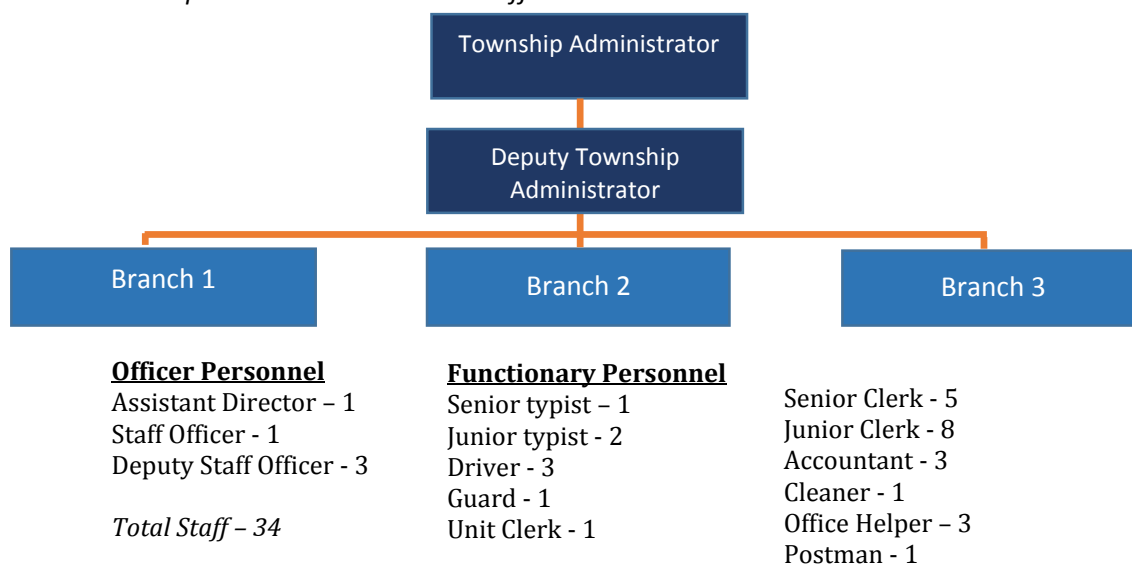
administrator, is where key functions of government take place, including population registration, land registration, and most forms of tax collection.

While states and regions have seen significant changes to their governance structures since 2011, townships continue to function around the executive authority of GAD township administrators and do not yet have elected representative bodies.<sup>127</sup> Overall, the township office is responsible for coordinating assorted government actors functioning at the township level, including, notably, the Union ministries' field offices. The township offices also have a plethora of other duties ranging from data collection/aggregation and supervising village administration, to assorted land management tasks, local dispute resolution, and collecting different types of taxes.

Routinely, township administrators identify their roles as the promotion of social and economic development through management of township affairs, oversight of implementation for development projects, and coordinating with other parts of government.<sup>128</sup> For example, an important activity of township administrators is coordinating the GAD's Rural Development Funds, which are local grants intended to meet needs in local communities. Previously managed solely by the GAD, the grants are now implemented by township administrators in consultation with the state or region government.

Township offices comprise 34 GAD staff reporting to the township administrator, who has the rank of an assistant director.<sup>129</sup> As is the case with GAD offices at other levels, regardless of population size, the township offices are all the same size. The township administrator is supported by one deputy township administrator, who is a staff officer. The two manage an office staffed primarily by clerks and accountants.

Diagram 3: Township General Administration Office structure<sup>130</sup>



<sup>127</sup> It is telling that while there have been additional laws since the 2008 Constitution that cover governance at both state/region (2010) and ward/village tract levels (2012), there has been no similar legislation for districts and townships.

<sup>128</sup> Multiple interviews with township administrators.

<sup>129</sup> MoHA, *op. cit.* pg 34.

<sup>130</sup> MoHA, *op. cit.*

As detailed extensively in *Subnational Governments and Business*, the Township General Administration Office has a number of functions to fulfill in terms of local economic governance.<sup>131</sup> Indeed, one of the most important levels of GAD interaction with businesses is at the township level, which regularly engages with micro and small businesses. Licenses for particular activities, including the sale of alcohol and real estate, are issued by the GAD. The GAD also provides the recommendations necessary for a range of licenses and permits, including land transfers, construction permits and operating licenses, and collects certain taxes on alcohol and land. As noted by Bissinger and Linn Maung, while not a steadfast rule, township GADs are often involved in supporting economic activities that could be perceived as having ‘social’ implications.<sup>132</sup>

Within the wider spectrum of township governance, it is useful to frame the GAD’s role against another distinctly important government actor at the township level—municipal offices (also known as development affairs organizations or *sibintharyaryay* in the Myanmar language). While the GAD’s role focuses on coordination and township management functions, municipal offices play an important role in collecting certain taxes and other fees, issuing business operating licenses and construction permits, and delivering services such as water, sewage, trash collection, as well as urban road maintenance and urban electricity.<sup>133</sup> There are some overlapping functions. For instance, both the GAD and municipal offices collect land taxes. These are assessed once a year and collected by various authorities, including municipal office staff and the township GAD, depending on the location of the business (rural vs. urban). While the township office is generally considered more powerful, it cannot direct the actions of the municipal office.

Overall, townships are a central element in President Thein Sein’s reform agenda that stresses ‘people-centered development’. Moreover, many large development partners—notably the World Bank and UNDP—have begun large-scale community development programs that emphasize both townships and village tracts. Although the GAD’s township administrators remain firmly in control of this level of governance, there has been an expansion of assorted committees that help manage and guide local development efforts. As the township level is dominated by the GAD, this effectively puts the GAD at the very center of the Thein Sein government’s reform plans, as well as those of many international development programs.

#### **4.3 GAD’s functions and structures at the village tract level**

The GAD also plays a central role in administration at the village tract level, which has seen recent reforms following passage of the Ward or Village Tract Administration Law in February 2012. As of late 2012, ward and village tract administrators were being indirectly elected.<sup>134</sup> The village tract administrator now

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<sup>131</sup> Jared Bissinger & Linn Muang Muang, *op. cit.* pgs 11–12.

<sup>132</sup> Social implications could include activities that may affect social stability and law and order—for example, selling alcohol or educational services. Jared Bissinger & Linn Muang Muang, *op.cit.* pg 12.

<sup>133</sup> For a fuller accounting of Municipal Offices, see Jared Bissinger & Linn Muang Muang, *op. cit.* pgs 13–15.

<sup>134</sup> After passage of the Ward and Village Tract Administration Law in 2012, a selection process was implemented to indirectly elect the village tract administrator. Under the 2012 law, 10 household heads elect their preferred village tract administrator, who is then confirmed by the township administrator. For further details of this process, see Chapter IV, Articles 7-9, the Ward and Village Tract Administration Law, Ministry of Home Affairs.

receives a small personal ‘subsidy’ from the GAD, rather than a salary, and is not technically a government employee.<sup>135</sup> As they are not GAD staff, village tract administrators cannot be promoted within the GAD, but can be dismissed by the GAD’s township administrator for abuse-of-power, incompetence and corruption charges.<sup>136</sup> Each village tract administrator is supported by a village tract clerk, who is a full GAD employee and therefore receives a salary and can be promoted within the department.

The role of these village tract administrators is still very important, however, as they are the interface between the central state and most of Myanmar’s population, which is 80% rural. Indeed, village tract administrators are the anchor of the GAD’s vertical role in public administration, and they effectively act as an extension of the GAD’s township administrator, who supervises them.<sup>137</sup> Village tract administrators continue to play the same varied roles that they have historically, including tax collection, land registration, and reporting on demographics. At times, village tract administrators may even be required to sign off on farmers’ loans from the Myanmar Agricultural Development Bank. Village tract administrators’ engagement with businesses is limited to providing recommendation letters for certain licenses and permissions.<sup>138</sup> Village tract clerks support the administrators and keep records of administrative, economic, and social statistics, as well as office procedures and security records on 33 standardized forms.<sup>139</sup>

While many of the functions of the township office concern the GAD’s historic role (data aggregation, land management, dispute resolution, and tax collection) increasing effort goes into coordinating the proliferation of district, township and village-level development and management committees.

There are currently no official plans for elections of local legislative bodies at the township or district level.<sup>140</sup> Rather, the township and district administrators play a primary role in the assorted management and development committees that have evolved, some of which have community representatives. Indeed, these committees now consume a large part of township administrators’ time as they must focus on prioritizing and implementing local development projects.<sup>141</sup> The impetus for expanding local

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<sup>135</sup> Ward and Village Tract Administration Law 2012, Chapter XIV, Articles 32-33. The 2012 Ward and Village Tract Administration Law, Article 28, states: ‘The Ministry of Home Affairs, with the approval of the Union government, shall prescribe the following subsidies for the ward or village tract administrator: (1) monthly subsidy, (b) lump sum subsidy if he serves the entire term of duty efficiently.’

<sup>136</sup> This is complicated further by the fact that village tract administrators get an official appointment letter from the GAD.

<sup>137</sup> In their interviews, village tract administrators routinely noted that they communicate regularly with their respective township administrators and that approval is required for many different processes, including local development projects.

<sup>138</sup> Jared Bissinger & Linn Muang Muang, *op. cit.*, pg 11.

<sup>139</sup> These records are collected monthly and are amazingly extensive, covering population figures, school enrollment, migration, births and deaths, visitor lists, Red Cross activities, construction, and details of activities by local organizations. For a further description of their importance, see Bart Robertson, ‘A vital, little-known cog in Myanmar’s reform process,’ *Myanmar Times*, 27 October 2013.

<sup>140</sup> The governing Union Solidarity and Development Party (USDP) has even proposed that there be elected bodies for both townships and districts, but no specific plans for this have been publicized. Htet Naing Zaw, ‘USDP Announces Surprise Constitutional Amendment Proposal,’ *The Irrawaddy*, 31 December 2013.

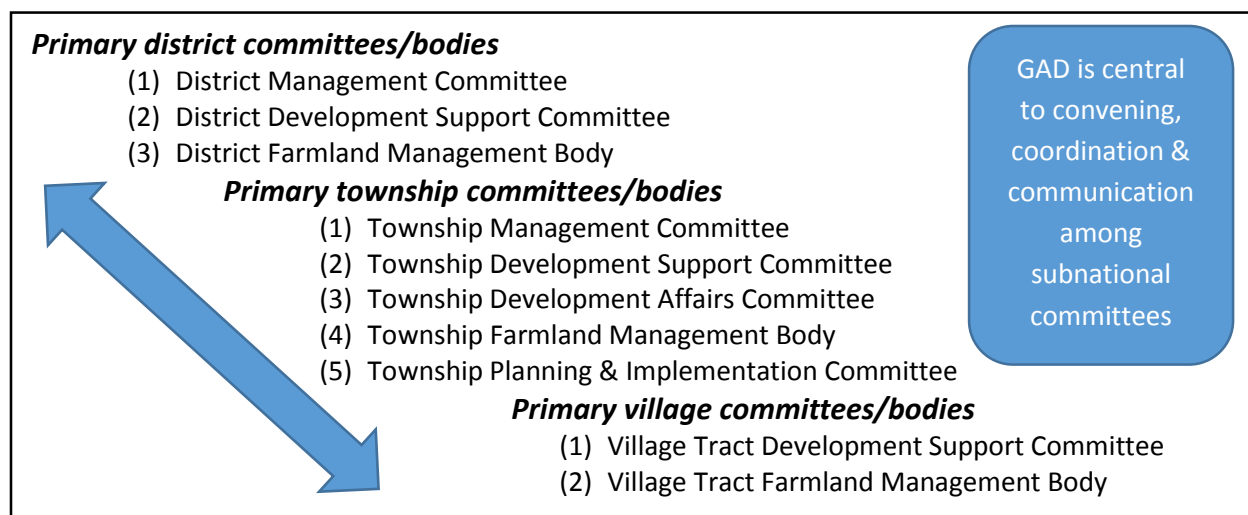
<sup>141</sup> These local projects tend to respond to health, water, education, or agriculture needs. Interviews with multiple township and village tract administrators in Mon and Shan States and the Ayeyarwaddy Region.



committees comes from President Thein Sein himself, largely in the form of presidential decrees, and these are meant to complement the selection process for village tract administrators that began in late 2012 (namely their indirect election by household heads).<sup>142</sup>

Resulting from the President’s orders in 2012, a number of complementary committees have emerged at the district, township and village tract levels. These are primarily management committees, development support committees, and farmland management bodies. The township level has two additional committees: the township development affairs committee (municipals) and the township planning and implementation committee.

*Diagram 4: Subnational development and management committees*



In emphasizing the expanded role of local communities, the president was very clear about the need to balance the authority of GAD administrators with participation by the community. When expressing his hopes for these committees, the president commented: “I believe that such an arrangement will reduce public grievances caused by the highhanded actions taken by individual administrators.”<sup>143</sup> Together, all of these committees form key pillars in President Thein Sein’s ‘people-centered development’ priorities and are explicitly intended to improve the ‘bottom-up’ participation in governance and development:

Under the new administrative system, the township administrative officer will form a township administrative [management] committee and sub-committees with township-level officials from other government agencies, community leaders, and representatives from civil society, business, and professional associations to manage law and order, security, the rule of law, and economic and social issues in the township. The township

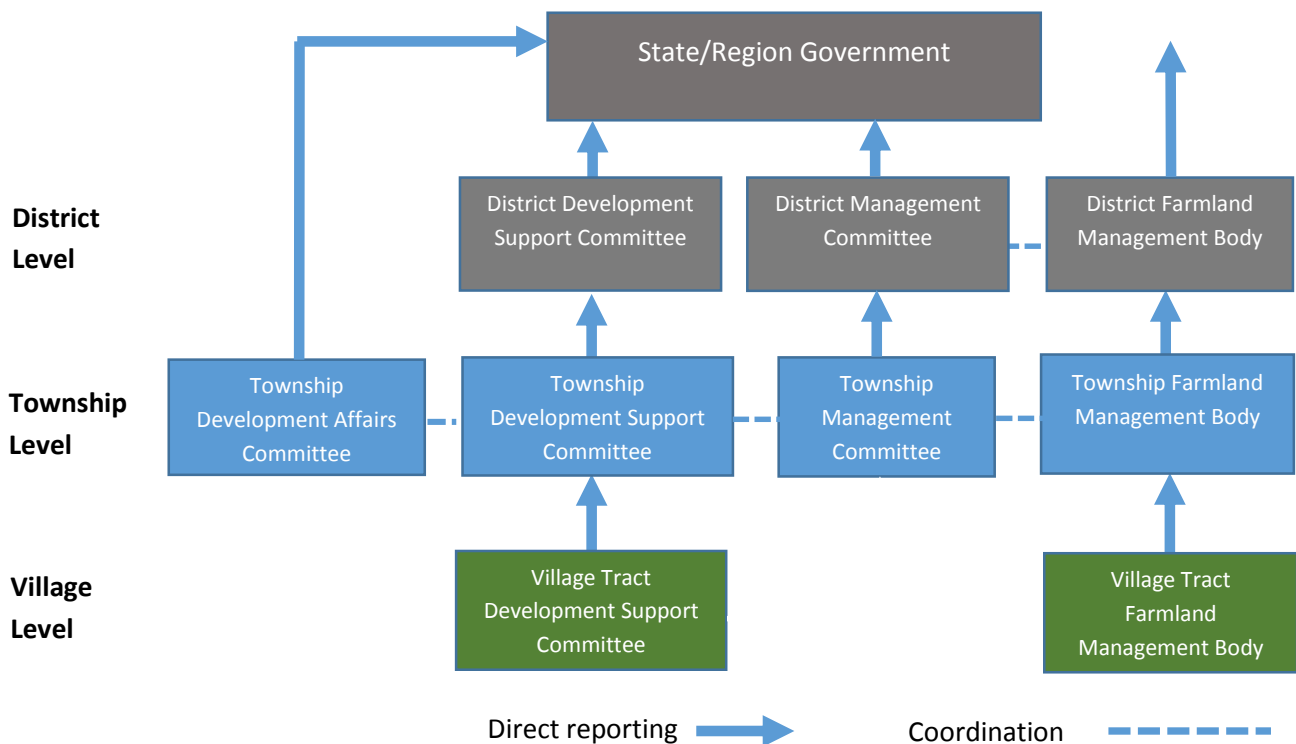
<sup>142</sup> As the president stated, “[I]n order to promote the local economic development and improvement of living standard, committees are needed to form at the township level and village level. These committees are township development support committee which includes the elected persons and civil servants, township development affairs committee (municipal) with the elected persons. The village development support committee also need to form with the elected village head.” Union Government, President Office Notification No. 27/2013.

<sup>143</sup> U Thein Sein, 26 December 2012. Speech in Nay Pyi Taw.

committee will collectively discuss and make decisions on all the matters that used to be handled by [a] few township officers. The committee will then collectively implement the decisions. Similar administrative reforms will be undertaken at the district level as well.<sup>144</sup>

The composition, roles and functions of these assorted committees vary (see Annexes 1-3 for a full listing of their composition and mandates).<sup>145</sup> The GAD plays a central role in convening, coordinating and communicating the discussions, recommendations and decisions of these assorted committees within the state administration, and particularly up to the state and region governments. This has become an increasingly complex task as the assorted committees are involved in prioritizing projects for multiple local development funds, all of which require numerous consultations with a plethora of government actors, other committees, and approval from both district administrators and state and region governments or Union ministries.<sup>146</sup>

Diagram 5: Approximation of major committees ostensibly functioning at subnational levels<sup>147</sup>



The GAD’s role is strongest in the district and township management committees, where district and township administrators act as chairpersons.<sup>148</sup> District and township management committees are the most powerful committees in any one locality, being composed of local government officials responsible

<sup>144</sup> *ibid.*

<sup>145</sup> For a full accounting of the composition and official roles, please see Annexes 1, 2, and 3.

<sup>146</sup> Interviews with township administrators.

<sup>147</sup> Mon state GAD interviews and the manuals of assorted committees.

<sup>148</sup> Interview with the township administrator in Mon State.

for administration, security and social services.<sup>149</sup> Under the township management committee is a sub-committee, the ‘security, stability, and tranquility, and rule-of-law working committee’, that coordinates local security needs. Additionally, GAD township deputy administrators are still involved as members of the other committees—the development support and the development affairs (municipals) committees. This means the management committees and farmland management bodies have appointed the senior government officials leading them, while the development support and development affairs committees (municipals) are chaired by persons elected from the community.<sup>150</sup> At the village tract level, the village tract administrator, who is elected by heads of households, is the chairperson of all village tract committees.<sup>151</sup> The village tract clerk serves as secretary.

Based on its mandates for land management and taxation, the GAD is involved in farmland management. This involvement centers on land registration and dispute resolution at the assorted subnational levels, and is managed through the farmland management body. However, these management bodies are not fundamentally under the control of the GAD, but are instead directed from the Union government’s Farmland Management Body as per the 2012 Farmland Law. At the township level, this body is composed entirely of local officials, but at the village tract level, there is participation by two elected locals.<sup>152</sup> Central to the functioning of these bodies is the issuance of registration certificates for farms and other lands. Village farmland management bodies must get permission from the township bodies for all registrations, while for some cases disputes may be raised to the district level for resolution.<sup>153</sup>

Myanmar has long had a tradition of creating special government committees to focus problem solving efforts. For example, at the assorted subnational levels, during the SLORC/SPDC era, GAD administrators functioned as chairs, secretaries or members of 39 parallel committees.<sup>154</sup> The efficacy of this approach is debatable, but it remains a common practice. Precise numbers are unknown for the current situation at the local level, but there are at least several dozen. While the ones described above are the most significant, a number of other committees are emerging at the local level.

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<sup>149</sup> Repeated interviews with township administrators. The specific mandate from the president is: “to manage law and order, security, the rule of law, and economic and social issues in the township.” U Thein Sein, December 2012 *op. cit.*

<sup>150</sup> Interviews with Mon State GAD senior staff. The selection process is not a straight vote, but rather is conducted by the household heads system.

<sup>151</sup> Manuals from Mon State on roles and responsibilities for district and township management committees, township development support committees, district and township farmland management bodies, and township development affairs committees.

<sup>152</sup> 2012 Farmland Law Article 16. The Central Farmland Management Body may form:(a) the following farmland management bodies at various levels, i. Region or State Farmland Management Body; ii. District Farmland Management Body; iii. Township Farmland Management Body; and iv. Ward or Village Tract Farmland Management Body.

<sup>153</sup> 2012 Farmland Law Article 22.

<sup>154</sup> Committees covered an enormous range of topics and had titles such as: University Distance Education Supervision, Video Business Scrutiny, Loans Supervision, Narcotics Drugs Prevention, Educational Funding, Red Cross Society Supervision, Forest Conservation, Disaster Prevention and Resettlement, Town Plan Drawing, and Poppy Cultivation Data Collection. Ne Tun, *op. cit.* pgs 129–131.

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## Annex 1: District-level Development and Management Committees

### District Management Committee (as of 2013)

<i>Composition</i>	
1) District GAD administrator	Chairperson
2) One of the department heads in district	Secretary
3) Department heads in district	Members

#### *Roles & Responsibilities:*

- 1) District level coordination for cases submitted by township committees;
- 2) Implementation with the directions of S/R government if cases cannot be handled by district level;
- 3) Monitoring the development of townships within the district and submit reports to S/R governments;
- 4) Promote competition of developments among townships in the district;
- 5) Requesting suggestions and advice from technical experts, members of parliaments and local experts for township development cases submitted by townships; and
- 6) Coordination with township development supporting committee as there is no district development support committee.

**District Farmland Management Body (as of 2013)**

<i>Composition</i>	
1) District GAD Officer	Chairperson
2) Head of Agricultural and Irrigation Department	Member
3) Head of Planning Department	Member
4) Head of Livestock, Fisheries and Rural Development Department	Member
5) Head of Settlement and Land Record Department	Secretary

*Roles and Responsibilities:*

- 1) Submission of land use for residential buildings to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 2) Submission of land use for public buildings to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 3) Submission of land use of farm lands for industrialized farming materials and buildings to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 4) Submission of land use of farm lands for industrialized farming to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 5) Approval, change or reject and decision making of the cases submitted to resolve for dissatisfied decisions made by Township Farmland Management Body;
- 6) Approval or reject of land use right submitted by Township Farmland Management Body and inform the decision to the Township SLRD office within limited days;
- 7) Approval or reject of land use right, which are stopped or new farm lands are developed by the State, submitted by Township Farmland Management Body and inform the decision to the Township SLRD office;
- 8) Approval of virgin land grants submitted by Village Farmland Management Body and Township Farmland Management Body;
- 9) Submission and requested decision of Nay Pyi Taw Council, Region or State Farmland Management Body over virgin land disputes in townships or villages;
- 10) Submission of compensation requests by Township Farmland Management Body to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 11) Submission of change of crops requests to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 12) Submission of land utilization for other purposes by Township Farmland Management Body to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 13) Submission of reports and findings after monitoring the process of land utilization for other purposes to Nay Pyi Taw Council, Region and State Farmland Management Body;
- 14) Submission of findings to take action if the grantees of land utilization for other purposes have not started to implement the process with 6 months or have not finished the process in specified duration;
- 15) Informing permission of change of vacant, fallow and virgin lands into farm land request by grantees to Township SLRD office through Township Farmland Management Body



after getting information from Nay Pyi Taw Council, Region and State Farmland Management Body when the decision was made by Central Farmland Management Body;

- 16) Informing permission of change of vacant, fallow and virgin lands into farm lands for small households farmers to Township SLRD office through Township Farmland Management body after approval from Nay Pyi Taw Council, Region and State Farmland Management Body;
- 17) Monitoring, direction and coordination of townships and Village Farmland Management Body in terms of shifting cultivation farming;
- 18) Directions towards township and village land management committees and submission reports to Nay Pyi Taw Council, Region and State Farmland Management Body for taking action of squatting and building without permission; and
- 19) Other activities assigned by Central Farmland Management Body and Nay Pyi Taw Council, Region or State Farmland Management Body.

## Annex 2: Township-level Development and Management Committees

### Township Management Committee (as of 2013)

<i>Composition</i>	
1) Township GAD Officer	Chairperson
2) Township GAD Deputy Officer	Secretary
3) Police Officer	Member
4) Planning Department Officer	Member
5) Forestry Department Officer	Member
6) Education Department Officer	Member
7) Municipal Officer	Member
8) Legal Department Officer	Member
9) Revenue Department Officer	Member

#### *Roles and Responsibilities:*

- 1) Weekly coordination meeting with other departments for township development;
- 2) At least once a month meeting with township development support committee for township development;
- 3) Weekly management meeting with other departments for township security, peace and rule of law;
- 4) Collecting data and statistics for national planning, monitoring accuracy of the data, balancing projects and estimated budgets, coordination with other departments, organizations and village/ward administrators for township plans, land utilization and land issues;
- 5) Coordination of farming sector and socio economic development for wards and villages, working with township development support committee for improvement of livestock breeding, industries, services, transportation and financial sector;
- 6) Implementation with coordination to improve indicators of township education, health and human resources index;
- 7) Reporting the progress of poverty reduction to achieve the objectives of rural development and poverty reduction agenda;
- 8) Reporting and coordination with other departments while implementing the projects of international assistance;
- 9) Monitoring the other departments to improve service delivery;
- 10) Awareness raising and education of rule of law for security, peace and development;
- 11) Implementing to achieve the objectives of good governance;

- 12) Reporting of township management committee progress to district management committee;
- 13) Solving the problems submitted by township development support committee if the township level can solve in accord with rules, regulations, procedures, instructions and if it cannot solve, submit it to the higher level;
- 14) If the problems cannot be solved at the township level beyond its authority, rules and regulations, it has to be explained to the public and submitted to the higher level with suggestions;
- 15) Coordination and implementation of budgets with different budget accounts (State Budget or international assistance or self-funding) for drinking water and electricity in the township;
- 16) Opening libraries for public knowledge and education;
- 17) Providing telephones and internet for villages; and
- 18) Increasing the number of roads and bridges according to the budget.

### **Township Development Support Committee (as of 2013)**

<i>Composition</i>	
1) Elected influential person	Chairperson
2) Elected influential representative	Secretary
3) Elected farmer representative	Member
4) CSO representative	Member
5) Business representative	Member
6) Worker representative	Member
7) Township GAD Deputy Officer	Member
8) Township development representative	Member

#### *Roles and Responsibilities:*

- 1) Implementation of township development with *Yat-Mi-Yat-Pha* (Influential persons), finding solutions and working for socio economic development of the townships;
- 2) Coordination with township departments without disturbances of their other responsibilities assigned in accord with laws, rules and regulations for township developments, getting advices;
- 3) Coordination and implementation with township management committee for socio-economic development of the people and township/villages development;
- 4) Discussion and suggestion for investment planes while developing township plan in terms of socio economy and environmental consideration;
- 5) Participation and promotion of cooperatives, companies, public companies and economic development organizations to improve the economic sector for township economic growth;
- 6) Suggestion and coordination with other relevant township departments for education, health and human resource development;
- 7) Participation of implementation process for rural area development and poverty reduction;
- 8) Participation of international assistance programs in the township for effectiveness; and
- 9) Solving problems after submission to township management committee.

**Township Farmland Management Body (as of 2013)**

<i>Composition</i>	
1) Township GAD Officer	Chairperson
2) Agricultural Department Officer	Member
3) Planning Department Officer	Member
4) Rural Development, Livestock and Fisheries Department Officer	Member
5) Settlement and Land Record Department Officer	Member

*Roles and Responsibilities:*

- 1) Submission of land use right cases submitted by Township Settlement and Land Record Department (SLRD) and to the district Farmland Management Body and issuing land use right certificate or reject letter;
- 2) Announcement of new land and lands re granted and submission of land use rights for those lands submitted by Township Settlement and Land Record Department and to the district Farmland Management Body and issuing land use right certificate or reject letter;
- 3) Issuing land use right certificate to those who sell, exchange or transfer land and submission of land use right cases submitted by Township Settlement and Land Record Department to the district Farmland Management Body;
- 4) Informing approval or reject of inheritance of the land to Township Settlement and Land Record (TSLR) Department and issuing land use right certificate for those lands after TSLR registration and submission of the report to district Farmland Management Body;
- 5) Issuing land use right certificate to those who got approval from Central Farmland Management Body to change vacant, fallow and virgin lands into farmlands after informing TSLR;
- 6) Issuing land use right certificate to those who applied as small farmers got approval from Nay Pyi Taw Council/Region and State Farmland Management Body to change vacant, fallow and virgin lands into farmlands after informing TSLR;
- 7) Issuing land use right certificate of mortgaged land cases submitted by TSLR and informing approval to them and submission of report to District Farmland Management Body;
- 8) Supervise the land owners not to transfer lands to foreigner or foreigner companies;
- 9) Submission of cases which violate the farmland law no 27 or which did not use the land within specified duration to District Farmland Management Body for grabbing land;
- 10) Submission of cases which violate the farmland law no 19 to District Farmland Management Body for grabbing land;
- 11) Approval, change or reject the decision made by Village Farmland Management Body for land disputes;
- 12) Submission of compensation to District Farmland Management Body for grabbed lands by the State;

- 13) Submission of cases submitted by TSLR to change lands of seasonal farming to perennial farming to District Farm land Management Body;
- 14) Submission of cases which applied land utilization for other purposes;
- 15) Investigation and submission of report to District Farmland Management Body when the projects of land utilization for other purposes have not started within 6 months after the approval;
- 16) Implementation of land use re issuing for industrialized farming;
- 17) Sue the violators who violates farmland law no 12 or submission of the case to District Farmland Management Body;
- 18) Informing police to take action for transferring land ownership to the foreigners or organizations involving foreigner according to law no 37;
- 19) Identification, specification, issuing land use certificate, registration and dispute of virgin lands; and
- 20) Other activities assigned by Central Farmland Management Body and Nay Pyi Taw Council, Region or State Farmland Management Body and District Farmland Management Body.

**Township Development Affairs Committee (as of 2013)**

<i>Composition</i>	
1) Elected Influential Person	Chairperson
2) Municipal Officer	Secretary
3) Social sector representative	Member
4) Business sector representative	Member
5) Academic representative	Member
6) GAD Deputy Township Officer	Member
7) Rural, Livestock and Fisheries Department Deputy Officer	Member

*Roles and Responsibilities:*

- 1) With supervision of Mon State Development committee, the township committee can implement the following activities:
  - a. Borrowing and getting loans from the Union Government, State/Region government and domestic and international organizations in line with the laws, rules and regulations;
  - b. Implementing municipal affairs with support from domestic and international organizations or individuals;
- 2) Ownership, inheritance and law suit of the name and logo;
- 3) Funding can be saved with different bank account and can be spent for municipal functions and it can also be increased with requirements;
- 4) Funding from foreign sources can also be saved with different bank account and it can be spent with the permission of Chief Minister through the Development minister;
- 5) Private bank can be set up with application in line with the law;
- 6) Auditing, accounting and management of funding has to be performed;
- 7) Development priorities submitted by villages and wards has to submit to the Mon State Development committee and work and cooperate together with Township Development body;
- 8) Mobilize people participation and suggestion for Township Development body for township development activities;
- 9) Awareness raising and mobilizing public for township development rules and regulations;
- 10) Implement activities assigned by Mon State government and Mon State Development committee;
- 11) Submission of township development suggestions and ways to Mon State Development Committee and implement with the approval;
- 12) Officer of the Township Development Body, secretary of the committee, has to perform the decisions of the committees with the funding in line with fiscal rules and regulations;
- 13) Estimated budget of Township Development body for five year plan has to be drawn with the requirements;

- 14) Recommendations and suggestions submitted by the Township Development Committee has to be implemented by Township Development Body and if it cannot be implemented, it has to submit to Mon state Development Body;
- 15) Mon state development body has to monitor, supervise, approve and permit the following functions:
  - a. Township Development body Civil servants functions according to the Union Civil Servants Laws;
  - b. Fiscal activities according to the Ministry of Finance;
  - c. Auditing functions according to the Union Office of the Auditor General;
  - d. Civil servants functions according to Mon state development law and law amendment;
  - e. Fiscal functions and auditing process;
- 16) Report of Township development committee has to submit to State Development Committee.



### Annex 3: Ward/Village tract-level Development and Management Committees

#### Ward/Village Tract Development Support Committee (as of 2013)

<i>Composition</i>	
1) Ward/Village Tract Administrator	Chairperson
2) Elected person from wards/villages	Member
3) Elected person from ten and hundred households	Member
4) Elected person from influential elders <i>yet-mi-yet-pha</i>	Member
5) Elected person from among the committee	Member
6) Ward/Village Clerk	Secretary

#### *Roles and Responsibilities:*

- 1) Supporting, suggestion and cooperation with ward or village tract administrator according to the law of ward or village tract administration
- 2) Cooperation of village development
- 3) Submission of the cases which cannot be handled by the village level to the township administrative committee
- 4) Cooperation of rural area development and poverty reduction
- 5) Suggestion of environmental conversation and village wood plantation according to the forestry department to the township administrative committee
- 6) Implementation activities including people's education, educational development and human resources capacity development
- 7) Mobilizing and participation of understanding laws, rules and regulations.

**Ward/Village Tract Farmland Management Body (as of 2013)**

<i>Composition</i>	
1) Ward/Village Tract Administrator	Chairperson
2) Ward/Village Tract Clerk	Secretary
3) Settlement and Land Record Department Clerk	Member
4) Elected farmer representative	Member
5) Elected influential elders <i>yat-mi-yat-pha</i> representative	Member

*Roles and Responsibilities:*

- 1) Recommendation and application of land use right to the Township Settlement and Land Record Department within 30 days after acceptance;
- 2) Farmland sale, mortgage, rent, exchange and transfer has to be contracted with the evidence of village farmland management body;
- 3) Recording of users who have received land use rights permission and save the documents of land use right registration form (Form-11);
- 4) Monitor land use right users to follow the rules of land use rights and submission of reports to Township Farmland Management Body to take action;
- 5) Investigate and decision making of land disputes;
- 6) Supervise to follow the decision of Farmland Management Body decision making during farmland dispute;
- 7) Supervise not to transfer the land from land use right users to foreigners or foreign organizations and if found out, submit the case to Township Farmland Management Body for taking action;
- 8) Filtering and submission of cases which applied to change seasonal crops to perennial crops;
- 9) Filtering and submission of cases which applied to use farmland for other purposes;
- 10) Manage not to destroy pastures and common land;
- 11) Submission of cases of virgin land which is closest to the village to the Township Farmland Management Body;
- 12) Investigation and coordination of virgin land dispute with Farmland Management Body; and
- 13) Implement the activities assigned by Central, Nay Pyi Taw Council, State/Region, District and Township Farmland Management Body.

*The Subnational Governance in Myanmar Discussion Paper Series* is a collaborative research initiative between MDRI-CESD and The Asia Foundation. The paper series aims to provide Myanmar policy-makers at national and local levels, civil society organizations, the business community, development partners and others interested stakeholders with timely research on subnational governance issues that directly inform policy and reform processes. The research behind the series incorporates the perspectives of a range of government, political, non-governmental, civil society and community stakeholders in subnational governance, while also bringing to bear the most relevant policy analysis and international experience. MDRI-CESD and The Asia Foundation welcome input and suggestions on published, ongoing, or future research.



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