



A Study on Municipal Grievance Hearing and Redress Mechanisms in Chin State

MAGIC Project

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Abbreviations and Acronyms

TDAC	Township Development Affairs Committee
TDAO	Township Development Affairs Organization
CSO	Civil Society Organization
WA	Award Administrator
CBO	Community-Based Organization
UN	United Nations
KII	Key Informant Interview
FGD	Focus Group Discussion
UNDP	United Nations Development Programme

This report examines practices around municipal (i.e. Township Development Affairs Office) grievance hearing and redress mechanism in Chin State bases on findings generated through focus group discussions, semi-structured interviews and case studies with more than 267 participants (about half were women) from Falam and Hakha Townships, Chin State.

Executive Summary

Under its pillar one, the Myanmar Sustainable Development Plan (2018-2030) put an action plan (1.4.5) that aims to “review and strengthen anti-corruption related legislation, enforcement measure and policies, including strengthening grievance and whistle-blower mechanisms” (Government of Myanmar, 2018). However, the Chin State Municipal Law and its associated rules and by-law outlines little about grievance redress. In article 107 and 108 of the Chin State Municipal Law, the complaints are to be referred to Township Development Affairs Committee (TDAC) and the TDAC has the responsibility to investigate, resolve and determine compensation accordingly.

The examination of grievance redress practices in Chin State Municipal Governance indicates that Chin State Municipal Law and associated laws provide little information or procedure on how the grievances should be addressed by the TDAC, and the TDAC role in resolving grievances with regards to the vast majority of municipal services is not clearly defined in the law. Our key findings are summarized in the following.

Firstly, Citizens in Hakha and Falam rarely report and express their grievances. Some possible factors identified through this study include a traditional way of solving grievances, fear of writing complaints and lack of mechanisms through which citizens can file their complaints.

Secondly, although the TDAC in Chin State has a mandate to deal with grievances, the law neglects to provide clear guidance. Therefore, Township Development Affairs Offices (TDAO) and TDACs in Falam and Hakha have been dealing with grievances on an ad hoc basis. Several complaints were reportedly addressed by TDACs, and also in collaboration with TDAOs and other relevant government departments. Indeed, there is no defined grievance redress system for municipal governance in Chin State.

Thirdly, the study also found that various complaints were left unaddressed even after months of receiving complaints from citizens. Citizens often complained more than once to get their concern addressed, and even sought help from other relevant government departments. Ward Administrators are still one of mostly contacted peoples through which communities expressed their concern.

Fourthly, the Township DAOs, TDACs and State level DAOs all continue to depend mainly on paper to receive and record complaints. There is no practice of sorting grievances. Nonetheless, most of the complaints weren't referred to State DAO as they were mainly resolved at Township level.

Finally, although there was no easily accessible grievance redress mechanism in Chin State, Citizens relied on several channels to express their grievances including phone call, town hall meeting, CSOs/CBOs leader and so on. Interestingly, members of communities in Hakha have been using the signature petition to express their concerns and grievances to the municipality.

1 Methodology and limitations

This study was conducted in three major steps: 1) focus group discussion, 2) semi-structured key informant interviews, and 3) case studies. Both focus group discussion and semi-structured interview questionnaires were conducted using a series of pre-determined questions. Additionally, the focus-group discussion also employed appreciative inquiry approach using pre-determined question forms. The vast majority of key informant interviews were conducted face-to-face while only 3 out of 24 interviews were conducted via phone. Research participants comprise of 52% men and 48% women (138 men and 129 women).

Case studies were informed by focus-group discussion, meaning that cases to be studies further were identified during focus-group discussions.

The Chinbridge Institute team found several limitations in the field study, especially with the interviews. Firstly, lack of openness concerning information on municipal services which was seemingly enforced by fear of punishment for sharing information by a public official. Interviewees were a bit fearful of answering interview questions even after the objective and reason for the study had been explained by the interviewer. As result, several people contacted for the interviews declined the request. Secondly, records like complaints were treated as confidential by the DAO offices, meaning that those are inaccessible for researchers.

Finally but most importantly, request made to the DAO office in Hakha Township to share data with the researcher has been unsuccessful for various reasons until the end of this study period.

1.1 Focus Group Discussions

Focus group discussions were separately held with government officials, members of communities, CSOs, youth and women groups in Falam and Hakha. In Hakha, five FGDs were held at each of five selected wards such as Myohaung, Hakhathar 1, Pyidawtha, Zaythit and Cawbuk. A total of 177 people (88 men and 89 women) have participated in a series of FGD in Hakha. FGDs in Hakha were held between 10 December 2020 and 20 December 2020.

Similarly, seven FGDs were held in Falam with participants from Cinmual, Balai, Farthuak, and Tlanglo wards. FGDs in Falam were held separately with women group, students and youth organization, and community leaders. FGDs in Falam were held between 29 December 2020 and 31 December 2020. A total of 48 people (17 men and 31 women) have participated in FGDs in Falam.

1.2 1.2. Semi-structured Interviews

In semi-structured interviews and questionnaires, a pre-determined set of open questions or checkpoints are used to gather information about specific themes or issues. This study is a result of additional interviews with 24 stakeholders (22 men and 2 women) in Falam and Hakha. The reason why most of the KII participants were men was the fact that ward administrators, 10/100 household heads and DAO Officers themselves were mostly men.

Our respondents comprise of stakeholders from Ward Administration, Audit Office, State and Township DAO Offices, TDAC Office, 10 Household heads, 100 household heads and other key informant individuals from non-governmental organizations. The interviews were conducted between 27 December 2020 and 29 January 2021.

1.3 Case Studies

Several cases were identified through focus-group discussions. The research team reviewed those cases and selected 8 cases for further studies for the second step. In the second step, those 8 cases are followed and studied, and the research team ended up with an in-depth and detailed analysis of 5 cases. All cases selected are in Hakha because there were no recent cases identified which were deemed informative to be studied in Falam during focus-group discussions. For case studies, a total of 18 participants (11 men and 7 women) have participated.

2 Aim, Objective and Scope of the Study

The assignment aims to assess and describe the procedures as well as the capacity of the existing grievance hearing and redress mechanisms at municipal and state levels in Chin State and provide recommendations for developing the capacity to bring municipal grievance hearing and redress mechanisms in line with reasonably acceptable international practices for the identification and correction of maladministration in the access to public municipal services and benefits.

This assignment focuses on the 2 municipalities Hakha and Falam. The study involved an interview with ward administrators, Township DAO, Township TDAC, State DAO and State Parliament. Since the municipal governance is under the direct control of the State Government, the role of State Parliament in their oversight function to monitor maladministration is also part of the study.

The core focus of the study is on municipal mechanisms. Judicial and other bodies dealing with maladministration, except for parliamentary bodies such as Ombudsman and/or Auditor General, are outside the scope of this study.

3 Literature Review

Whereas there have been very few literatures on grievance redress mechanism in Myanmar as a whole, Chin State, in particular, little previous literatures have made noticeable contribution to a better understanding of how the informal grievance redressal work in Chin State. Recent key knowledge developments in term of literature on grievance redress mechanism indicated (a) lack of formal grievance reporting and redress mechanism and (b) grievance reporting through existing institutions or channels but infrequent grievances reporting.

In general, there is a lack of access to effective avenues for individuals and communities to express their grievances through a formal grievance system in Chin State. A grievance reporting is still largely infrequent and there seems to be slow progress in grievance management at State level. A previous study suggested that “property rights and complaints about land use have significantly improved in Hakha compared with the military-backed government period. However, DAO/DAC still has limited authority to handle the problem effectively” (VNG International, 2018). However, disputes are rarely mediated through the formal system of grievances (UNDP Myanmar, 2014).

Recent studies also indicated that, in Chin State, ward or village administrator is often the first person approached by people in case of land dispute as well as in case of some municipal services like waste disposal, water supply and drainage. For instance, 73% of the sampled population first approached ward or village administrator, according to a survey conducted by UNDP but still, grievance reporting is relatively infrequent in Chin State (UNDP Myanmar, 2015). A survey conducted by VNG International showcased that the vast majority of citizens in Chin State are unlikely to do “nothing” when they have a need or suggestion or complaint regarding the municipal services. According to the survey, more than 80% and 35% of sampled citizens respectively in Hakha and Falam responded they would “do nothing” (VNG International, 2018). This infrequent complaint is also attributed to the existence of customary practices in Chin State, meaning that most grievances are resolved through traditional mechanisms (UNDP Myanmar, 2014).

Therefore, at least in the context of Chin State, there hasn’t been enough information on how the Chin State government as a whole or Chin State DAO Office or TDAC has been dealing with citizen grievances with regarding providing public services. The role of Chin State Parliament as well as TDAC, which are thought to be mediating channels for citizens to express their grievances, for more instances, is yet to be studied.

4 State, Township DAO and TDAC Offices: An Overview

The Chin State Municipal Government is comprised of State DAO office, Township DAO Office and TDAC office. Each Township in Chin State has TDAC. The TDAC consists of 7 members, including an elected person as Chairman and Executive Officer of Township DAO office as a secretary. Of 7 TDAC members, two are from governmental department selected including DAO Executive Officer, and five of them are elected through the election. One person from a household can vote in the TDAC election in Chin State (Chin State Government, 2014).

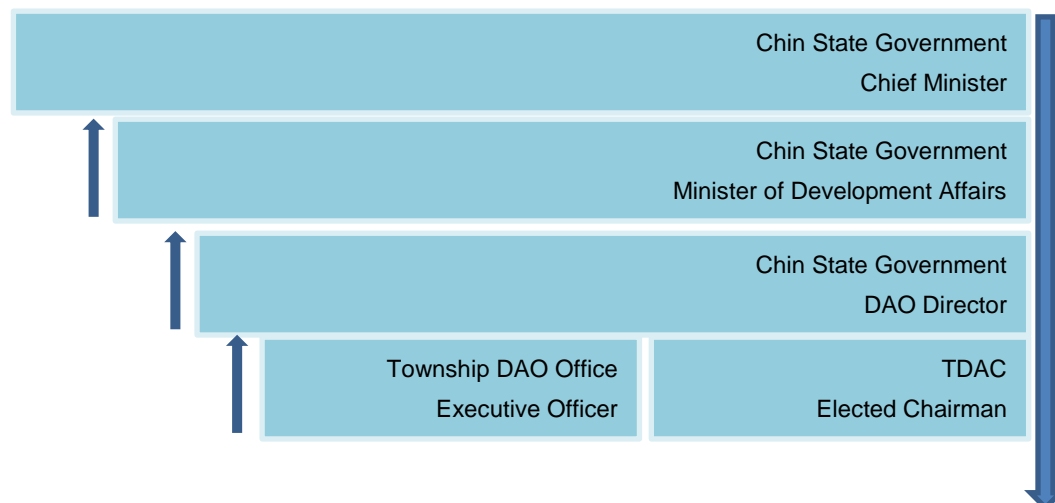
The division of responsibilities between TDAC and Township DAO office is not explicitly clear. The lack of a clear mandate of TDAC and unclear division of responsibilities reportedly has negatively impacted the effectiveness of TDAC (Bik P. L., 2021). While the Chin State Municipal Rule gives a relatively high level of responsibilities and mandates, including resolving grievances, to TDAC the controller of Township Municipal Government is Township DAO Executive Officer.

The fact that Township DAO Executive Officer serves as a controller seemingly suggests that EO is the highest decision-maker in Township Municipal Governance. However, there is also an assumption that Township DAO office is just an implementing body, so TDAC is higher in term of decision-making (Anonymous, Interview on TDAC and Grievance Redress Mechanism, 2020).

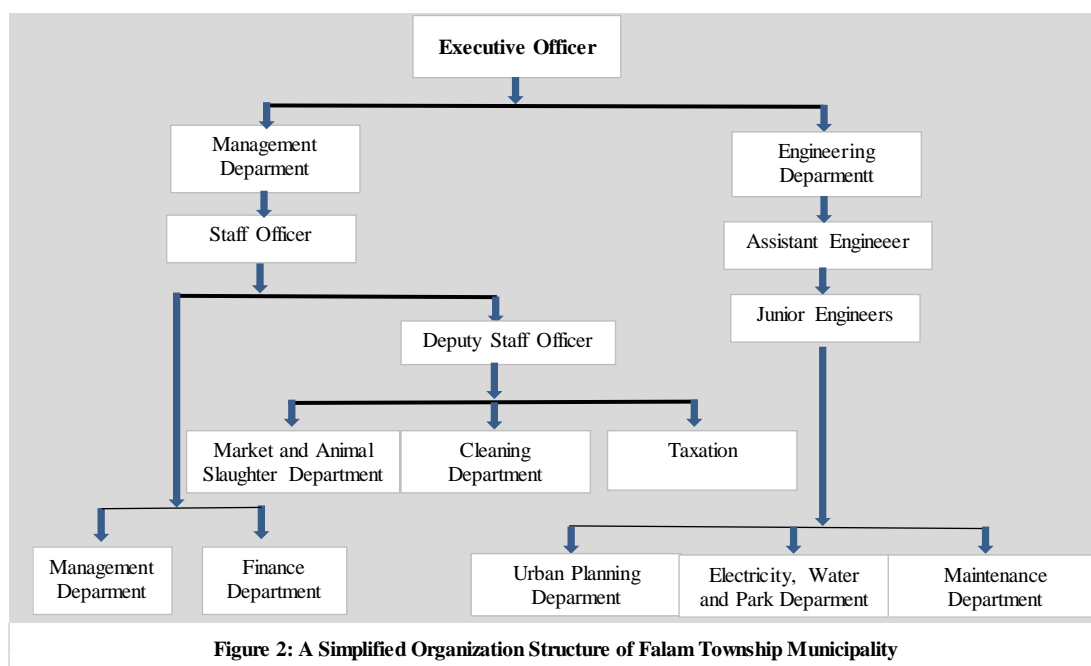
It is thus evident in principle that while the Township DAO office takes responsibility for day-to-day operation the Township TDAC takes responsibility for setting priorities and coordination with the people and other government actors. Similarly, while TDAC has a relatively high level of decision-making mandate the Township DAO Executive Office as a controller implies that the Township DAO office still plays a central role (Arnold, Aung, Kempel, & Saw, 2015). It is therefore not very explicit whether Township DAOs in Chin State are primarily accountable to the TDAC (VNG International, 2018). This inexplicit role of the TDAC or lack of well-defined role of the TDAC in the law has could be regarded as “a significant challenge” “regarding the level of authority the TDACs should exercise over township DAO offices” (Arnold, Aung, Kempel, & Saw, 2015).

Below is a diagram illustrating the hierarchy of the DAO system.

Figure 1: Chin State DAO Structure



The following flow charts show a simplified organization structure of Chin State Municipality.



There are two main departments within township DAO office such as management and engineering departments. The key services such as market and animal slaughter, cleaning, taxation, urban planning, electricity and park are run under separate sub-department. In municipal governance in Chin State, there are no established accessible contact points to receive complaints and grievances.

5 Legal Framework on GRM

The Chin State Municipal Law, Rule and associated by-law, for instance, Market By-law, doesn't sufficiently outline grievance redressing system despite some foreseeable or possible grievances were recognized in the Chin State Municipal Law. For instance, article 107 of Chin State Municipal Rule states:

Article 107: "If the committee [TDAC] permitted a building and if such building construction damaged the surrounding building or part of the surrounding building, the aggrieved party may file an objection to the committee" (Chin State Government, 2014).

In accordance with rule 107 mentioned above, the TDAC is tasked with the responsibility to investigate the filed objection. The Chin State Municipal Rule, article 108 states:

Article 108: "The committee shall, following article 107, promptly investigate the objection filed by the aggrieved party and, if found guilty, shall, in consultation with the building construction licensee, determine the appropriate compensation" (Chin State Government, 2014).

Separately, in case of the TDAC being not able to redress the grievance, the rule allows the aggrieved citizen to apply compensation to the relevant court. The municipal rule article 109 states:

Article 109: "If the beneficiaries do not accept the compensation negotiated by the committee or if the committee didn't take any action to pay compensation under article 108, the aggrieved party may appeal to the relevant court for compensation under the existing laws" (Chin State Government, 2014).

The rule puts an aggrieved person outside of the negotiation process but rather the perpetrator is to be approached by the TDAC for consultation concerning compensation. Additionally, the TDAC or Sipin is not required by the law to redress such grievance (article 109). However, the rule allows the aggrieved person to "appeal" to the relevant court.

Similar grievance redressing system is also highlighted in other municipal service areas. For instance, article 22 (G-H) of Chin State Municipal Law states:

Article 22 (G-H): "(G) operating the sewer or water pipe should be done if permitted by the adjacent landowner, through which the pipe passed through. (H) In case of operating a sewer or water pipe crossing someone else's land and if such landowner aggrieved, the pipe owner shall pay the appropriate compensation determined by the committee." (Chin State Government, 2014).

Above articles indicated that TDAC was mostly tasked with the handling of certain complaints but the law or rule doesn't explicitly mention the handling of complaints as a function of the TDAC or DAO. After all, the Chin State Municipal Law, rule and other associated by-law doesn't provide a systematic grievance handling guidance. The findings from interviews with members of TDAC, case studies and focus group discussions also showcased that grievances are normally addressed ad hoc and on a case by case basis.

Additionally, the Chin State Municipal Law and Rule said little about the oversight role of State Auditor General on municipal governance. The rule, however, states that the budget of TDAO should be inspected by a person assigned by State Auditor General and budget should be drawn in consultation with State Auditor General (Chin State Government, 2014).

6 GRM Practices and Processes in Chin State

6.1 Grievance Reporting, Customary Practice and Public's Trust in Government

It is evident from the study that formal complaints are infrequent in Chin State. The infrequency in grievances reporting could be attributed to both customary practice of the Chins and low level of trust in Chin State Government on the side of citizens, as well as practices on the side of the municipalities in Chin State in addition the municipality ineffective and slow response to complaint.

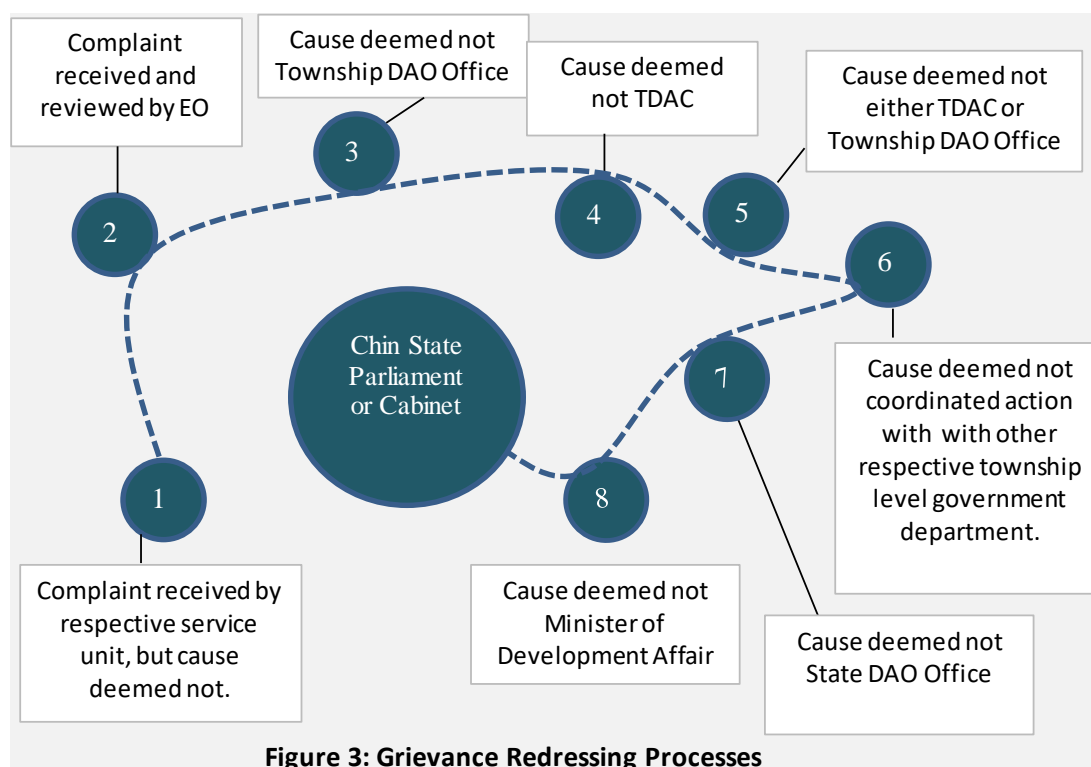
Both the current study and previous study have confirmed that infrequent complaints in Chin State are related to Chin customary practices at least in two ways. Firstly, most grievances are resolved through traditional mechanisms (UNDP Myanmar, 2014). Secondly, reporting or complaining is thought to be undesirable among Chin people. Some focus group discussion participants expressed that complaining could further create misunderstanding between the complainant and complained. Thirdly, it is also learned that the municipality in Chin State is slow to response to complaint. Several complaint cases are often remained unaddressed.

According to Myanmar Anti-corruption Commission, there were 9393 and 5963 complaints made to the commission in 2019 and 2020. The commission received 75 and 51 complaints in 2019 and 2020, putting Chin State in the second place from where less number of complaints received (Myanmar, Anti-corruption Commission, 2020).

According to Chinbridge Institute's perception survey, the number of people who came into contact with municipal officials and paid bribe is the highest among Government departments in Chin State. When the sampled respondents were asked to indicate what they think is the major reason for not reporting bribery cases in Chin State, 29% of respondent replied that people are afraid of the consequences while 16% of them responded that reporting wouldn't make any difference (Chinbridge Institute, 2018).

6.2 Informal GRM and GRM Processes

The Chin State Municipality, at least in the case of Falam and Hakha townships, didn't practice a system of sorting, proper recording, registration and a system to categorize assign grievance priority. The sorting, remedying and assigning a person to do resolve grievance all is done informally through unstructured without a preassigned assignment flow. The following figure charts an informal flow of grievance redress across these different units as found during the research.



The Township DAO and TDAC working within an informal or non-structured GRM have been able to address several complaints in a coordinated manner. An examination of FGD discussions and KII findings indicated that grievances are addressed ad hoc on a case by case basis.

If a reported grievance was a case deemed for the respective department of the Township DAO office (e.g. Urban Planning Department), the case was addressed and resolved at Township DAO department level. If the case is not deemed for Township DAO department level, it was transferred to DAO Executive Officer. Similarly, in this step, the DAO Executive Officer may review the case and solve it alone or take coordinated action in collaboration with TDAC. Likewise, several complaints were resolved by the TDAC chairman or TDAC as a team.

A coordinated action to deal with complaints are believed to be relatively high in Chin State where either GAD or another respective government department may deal with a grievance in coordination with Township TDAC or Township DAO Office. Resolved grievances are mostly addressed by EO or TDAC or both. One of TDAC chairmen reported that “I solved many complaints. I have worked for more than 7 years and there were only a few complaints that I can’t fully address. So, I refer those cases to Chin State Government” (Bik P. L., 2021). Detailed examples of such cases were presented in the following case studies section.

Most of the reported cases were reportedly solved at Township level either by the relevant Department of Township DAO office, DAO Executive Officer or TDAC or through coordinated action. For this reason, the State Level DAO reportedly received very few complaints. If a complaint were transferred to State DAO Office, and if it is not deemed for them to address, the case would be transferred to Minister of Development Affairs, and the minister would take the case himself/herself with his/her staff or raised the issue at State Cabinet meeting.

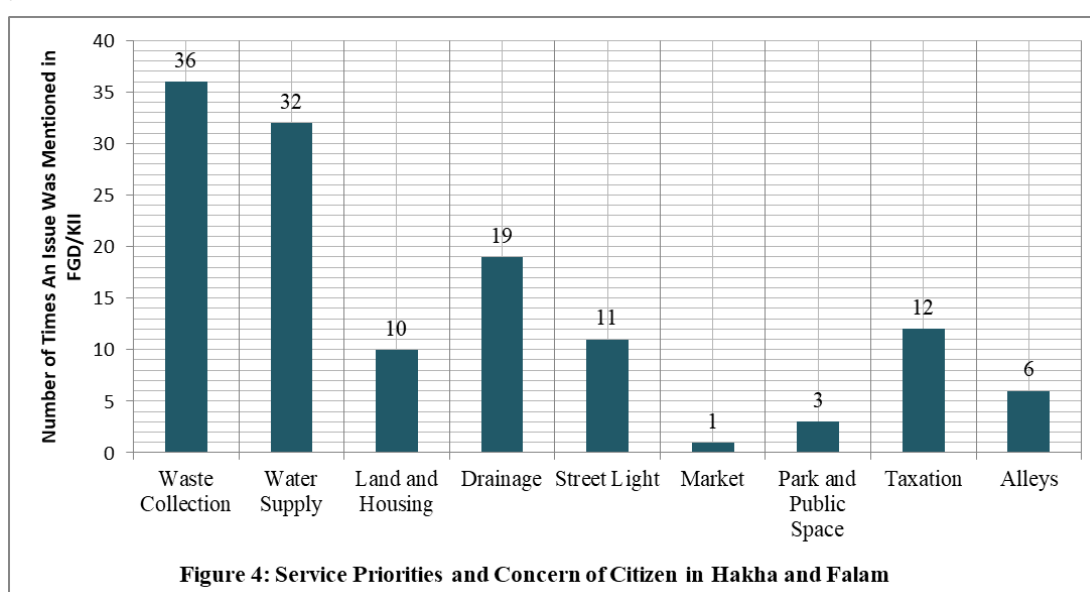
The fact that the TDAO and TDAC have been able to take a coordinated action to address some grievances could be regarded as the strength of municipal government in Chin State. However, the non-existence of an entity to deal with grievances, lack of an explicit legal framework of grievance redressal along with lack of a proper system of sorting, recording, registration and indeed a system to categorized and assigned grievances to an appropriate entity could all contribute to maladministration within the municipal government in Chin State.

Separately, all focus group discussion participants and interviewees expressed their concern of the non-existence of the GRM system and hope that the future Chin State Municipal Government will have a system in place. For instance, participants of a focus-group discussion held on 29 December 2021 propose “an independent body to oversight complaints” that would also “promote awareness that reporting or complaining is not a crime” and protect “the privacy of complainant.”

6.3 Municipal Service Priorities and Most Frequently Complain Issues

Focus group discussion participants in Falam constantly and consistently recognize improvements in municipal services in the last one and a half years. DAO in Falam engagement has been credited for improving municipal services. It is also observed that citizens in Falam have relatively high trust in DAO office compared to the ones in Hakha seemingly owing to higher municipality and community engagement in Falam compared to Hakha.

However, improving waste collection service, water supply and drainage systems were the highest priorities discussed extensively among communities in Falam and Hakha. However, land and housing issue was seen as the fourth top priority area of concern in Hakha while Falam was a relatively high level of concern over street light. According to a recent survey on citizens' satisfaction on the selected municipal services, Hakha residents scored high on electricity, town planning and development works for public interest (VNG International, 2018). In several focus-group discussions, participants in both Hakha highlighted the important of taking water supply, street lights and drainage system into account when implementing town plan projects. According to the same study, Falam residents score high for parks (VNG International, 2018). The current study found that several young people in Falam were very satisfied with the coordination between the Falam municipality and youth organizations in the last few year prior to this research.



Interestingly, the study also shows that there is also a close relationship between services regarded priority areas for improvement and the number of complaints reported to citizens to either DAO or TDAC.

In Hakha, for instance, 7 out of 24 interview respondents noted that water supply service has most complaints while 5 out of 24 respondents also said that “land and housing” has most of the complaints. A series of case studies carried out as part of this study also proved that waste collection service also has a relatively high level of complaints. However, there was no exact data on the number of complaints on certain municipal services and their status in term of redressing.

6.4 Grievance Reporting: Suggestion Box

Like other Townships in Chin State, the Falam DAO office has been employing suggestion box to allow the citizen to report their grievances and file suggestions to DAO. However, the suggestion box was opened rarely, according to several FGD respondents. Moreover, a lesson learned from Thantlang (Chinbridge Institute, 2020) and Falam DAO office indicated that only a few citizens normally use the suggestion box. Additionally, although the suggestion box is kept in place, there is no system of sorting and filtering suggestion and complaints systematically. Additionally, in Hakha Township DAO office, there is a suggestion box located in a place not very visible for visitors.

The Falam DAO, one of the DAOs in Chin State with a seemingly higher level of community engagement also seems to have fewer grievances received. According to the DAO Office, there are very few complaints from the citizens concerning municipal services in the last one and a half years when there also seem to be a higher level of community engagement and collaboration with CBO. Interestingly, higher collaboration and engagement with citizens is attributed as the reason for fewer numbers of complaints from citizens (Tum, 2020).

It is also assumed that the existence of suggestion boxes in township DAO Offices in Chin State is unlikely to be widely known by the citizens. Several FGD respondents didn't know that there were suggestion boxes in the DAO Office.

6.5 Channel of Grievance Reporting and Grievance Redressal

The previous current study also indicates that VTA and WA still remain as the key channel for passing complaints up from the public to township administration. There seems to be no difference in the case of grievance redressing within the municipal mechanism. The case is WA served as one of the key channels for complaint reporting as well as one of the key actors for addressing grievances.

Although the TDAC has majority membership elected to represent the citizens, it is remarkable that complaints still pass through the Ward Administrator who has no formal relationship with the TDAC/DAC. This can be explained by the fact that the TDAO is a relatively new body. Citizens do not always have a clear understanding of the services of the TDAO and also do not know the elected DAC members (VNG International, 2018). This implies that incidents of complaints filed through TDAC, though not recorded, seem to be still low.

It is also evident that in some cases, as indicated by an examination of grievance redressing cases and interview findings, the TDAC also have been successfully redressing some grievances in Falam and Hakha. TDAC is often assumed as a citizen representative body acting as the channel through which the community can express any grievances on municipal services, but locals questioned the representativeness of the TDACs (Bik T. , 2020).

The following chart shows the channel used for complaint reporting and mode of reporting identified through this study.

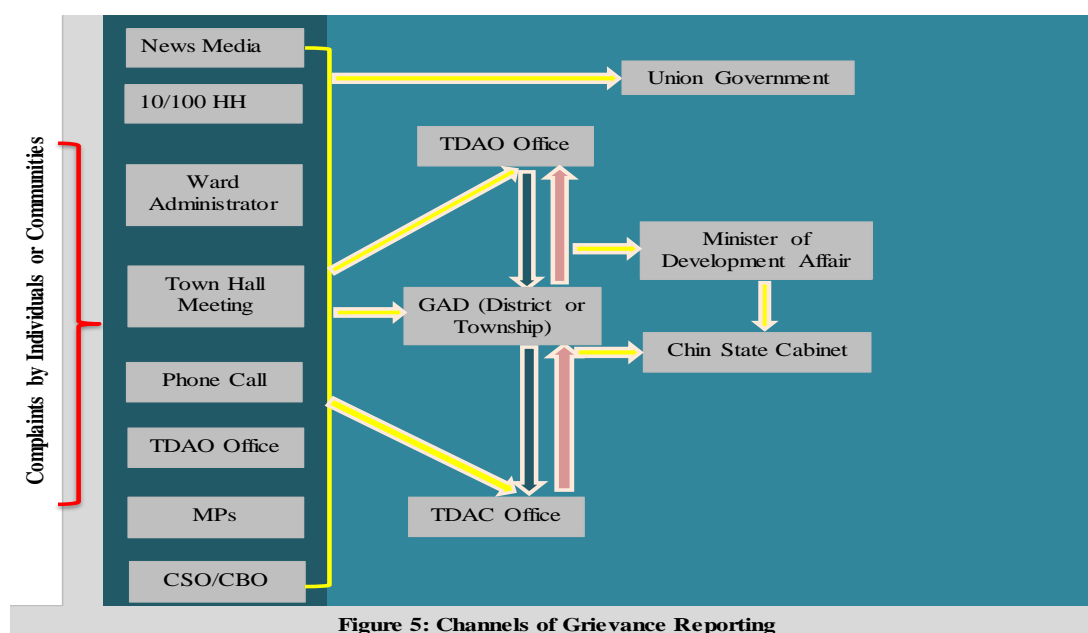


Figure 5: Channels of Grievance Reporting

Although there are cases reported by an individual directly to either TDAC or TDAO office, many cases were reported to TDAC or TDAO via other channels as shown in the above chart. Interestingly, there was a case directly reported to the Union Government by one of CSOs based in Hakha. The study hasn't identified any case that went to either TDAC or TDAO office via suggestion box despite it was reportedly and widely employed in all TDAO offices in Chin State.

7 Grievance Redressal: Case Studies

7.1 Ginger Confiscation Case

The ginger case as in below case box I indicated the important role of media and CSOs in Hakha for grievance redress. Although the aggrieved person in the case firstly approached TDAO Office in Hakha, the office denied responding to their request by saying that their action to destroy ginger was legitimate.

The case shows a relatively independent role of TDAC to address a grievance. The TDAC members met with the aggrieved person and were paid compensation. However, the action wasn't known to TDAO office. Soon after the compensation was paid to the aggrieved person, TDAO office was called and the TDAO office explicitly said that they don't know that the compensation has been paid.

The case shows below also covers the use of e-petition. Although it was unsuccessful so far, 230 people living in and outside of Hakha signed the petition asking the TDAC to take action.

Case Box I: TDAC Addressing Ginger Confiscation Case

On 25 August 2020, The market unit of DAO Office confiscated potatoes, lime, corn and ginger at Myoma Market (Pyidawtha Market). The authority claimed that the vegetables and fruits were destroyed because they were kept in a restricted area.

According to a statement issued by TDAC and the victim, hereafter Person V, most of the items destroyed were ginger. According to the victim and the Hakha Township Development Committee, most of the items destroyed were ginger, reportedly worth more than 200,000 kyats.

Soon after the ginger and other items were seized, Person V and her relatives visited DAO office and requested the EO to give the ginger back. But it wasn't successful. They were told that the ginger and other items had been destroyed.

On 2 September 2020, Democratic Voice of Chin interviewed Person V and two officials from Hakha DAO Office about the confiscation of the ginger. DAO Office claimed that ginger was destroyed because the product was kept in a restricted area (Democratic Voice of Chin, 2020).

The interview recording was released online. The following day, TDAC sent a letter to Democratic Voice of Chin (DVC) and Person V to visit the Sipin Office. DVC representative and Person A were threatened with a lawsuit if they failed to attend the meeting (see Annex I).

On the same day news about the confiscation of ginger was released by DVC, CSOs leaders met with EO and TDAC members at TDAO Office. One of the CSO leaders demanded that compensation for confiscated ginger should be paid. The demand was denied as the action was considered legitimate.

On 3 September 2020, Hakha TDAC issued a notification (notification no.36/2020) and stated that "the TDAC normally seizes and confiscates non-compliant items according to the decision made by TDAC" (See Annex II).

In response to the notification, a group of young people released a statement to overturn the decision of TDAC to destroy seized food and vegetables. The statement was sent to Hakha TDAC Chairman and other stakeholders.

On 4 September 2020, a group of young people launched an online petition to overturn TDAC's decision to further destroyed vegetable and fruit when seized and about 230 signed the petition. On 7 September 2020, the petition was submitted to the TDAC. However, there is not a response to the petition until today.

Around 6 September 2020 (from 4th to 7th December 2020), TDAC reportedly met and negotiated the case again with Person V.

Following the meeting, the TDAC informed petition leader and confirmed the TDAC paid a compensation of 100,000 kyats to Person A. There was no public announcement on the outcome, including about paid compensation.

7.2 A spring Watershed Case in Hakha

The case in case box II is interesting because the complaint process is relatively complex. It involved various stakeholders beyond the TDAO, such as Settlement and Land Records Department, Ward Administrator and General Administration Department.

The Ward Administration had addressed a grievance and the case was settled. However, this associated case emerged from the same issue. After the initial settlement by the WA, the aggrieved person filed a complaint letter to the TDAC. TDAC collaborated with Ward Administrator to investigate the case.

After the investigation, TDAC wrote a letter to the GAD District Office, which referred the case to the GAD Township Office. The collaborative action subsequently initiated by GAD, TDAC, and Ward Administrator appears to have satisfied the aggrieved person.

Case Box II: A Spring Watershed Case in Hakha

There was a spring watershed on land owned by Person A at Dinglo in Hakha. The spring was used and the land has been owned by the forefather of Person A since 1963.

Several households in Dinglo use the spring for drinking and other purposes. It is one of the pioneer water supplies used by these households at Dinglo.

There is a small house adjacent to the spring. The owner of that house also used the spring. Person B bought that small house in 2018. Separately, Person C bought the land where the spring is located with 500,000 kyats from the Settlement and Land Records Department (SLRD) which issued him a temporary land map.

Person C planned to build a house where the spring was located. However, Person A objected to the plan and claimed that the land where spring located belongs to him. For that reason, Person A and Person C filed a lawsuit against each other.

Additionally, Person B also built a big house adjacent to the spring location where he had bought the small house. The house was rented by four households, and their waste polluted the spring location. Therefore, the spring water was no longer useable by others for their household water supply.

The households who used to use that spring water called the Ward Administrator via phone and reported that the spring water was polluted by neighbouring household liquid waste. So, the Ward Administrator visited the location.

Then, Person A, the original landowner, wrote a complaint letter to the Hakha. Although the house owner wasn't there, the Ward Administrator called and urged him to change his pipe direction to avoid pollution of the spring water.

TDAC, Ward Administrator and Person A visited the spring location. Hakha TDAC promptly wrote to the GAD District Office, which transferred the letter to the GAD Township Office.

After conducting site investigation, the Township GAD called Person A along with the Ward Administrator to the GAD office. Township GAD told Person A to write a letter to Sipin with proof. The Person A however didn't have any documents to justify ownership of the land where the spring was located.

Although Person A didn't have an ownership license for the land where the spring is located, a community petition with 29 signatories backed his claim of ownership. The spring was reportedly used by people in Dinglo since 1963.

Following this, GAD also called and met with Person C who claimed to have bought the land where the spring was located with 500,000 MMK. However, Person C didn't have enough evidence to support his claim.

Finally, Township GAD and Sipin concluded that the land had been used by the Dinglo community, so it shouldn't be the property of one person, Person C. Then, Sipin urged Person A to lawfully apply for an ownership license to the Sipin for the land where is spring located.

7.3 Human Excreta Disposal Case

The case presented below is one of example of the focus group claim that the TDAO Office in Hakha often ignores reported grievances. Although the complaint was reported to TDAO Office on 30 November 2020, there hasn't been any response from the TDAC office to date. Additionally, TDAC hasn't been consulted on the case by the TDAO office.

As the case shows, the truck used to dispose of human excretes in an improper location reportedly belongs to TDAO. The lack of response suggests that TDAO is reluctant to take responsibility.

Case Box III: Waste Disposal Case

On 20 November 2020, at the Unsiva stream located just above U Hung Ngai road (city loop road) in Myohaung ward, two unknown people disposed of human excretes with a truck. There are some gardens below the Unsiva stream. The stream was used for water supply by garden owners. On 25 November 2020, after 8:00 PM, a similar case occurred again in the same location.

The truck used by two unknown men to dispose of human excretes belongs to the Township DAO. The truck disposed of human excretes in the south of Myohaung. At the time of the case interview, it has reportedly disposed about five times.

In November, after the third disposal incident, a resident of Myohaung made a phone call to the Ward Administrator. However, the Ward Administrator didn't pick up the phone. So, she wrote a news article at The Hakha Time with the title "Unknown Person Disposed of Excrete in Khuahlun with a Truck at the Unsiva stream" (Hnem, 2020). One blogger describes the event as "abominable and sickening" (The Chin Star, 2020).

Following the event, residents of Myohaung also complained to Hakha Foundation, a CBO founded by residents of Myohaung, and requested to report the case to Sipin.

Afterwards, on 30 November 2020, Myohaung Ward Administrator wrote a complain letter to Hakha Sipin Executive Officer. The TDAC didn't receive a copy of the report and didn't know that there was a complaint until the date that the interview for this case was conducted. However, in early 2021, TDAC had managed to repair the road to the human excreta disposal site located in Haithla outside of Myohaung.

The Hakha Sipin had not responded to the complaint when the interview was conducted.

Myohaung has a large number of residents. They reportedly have a lot of grievances related to land, municipal services and ward administration. However, their grievances are rarely reported.

7.4 Cawbuk Dumpsite Case

Similar to case III, case IV also suggests that the Township TDAO in Hakha is reluctant to respond to the complaint. Although people disagreed to use a location used by TDAO for waste disposal, the TDAO reportedly used it until the issue was resolved with the involvement of Minister of Transportation.

Concerning case IV, one of Hakha-based CBOs filed a complaint letter to TDAO office twice and raised the issue at a Town Hall meeting. After the TDAO failed to take action, the CBO referred the case to the Minister of Transportation, reportedly because the dumpsite used by TDAO was located at Pyidaungsu highway. Afterwards, the minister met with municipal officers and the case was addressed. Following that, the site was no longer used as a dumpsite.

Case Box IV: Dumpsite Case

About five years ago, beyond Cawbuk Ward in Hakha, Municipal truck and private individuals disposed their waste beside the highway road. Waste was normally burned and the smoke and smell disturbed travelers.

One of CBO opposed the dumpsite location because it disturbed the public. In the same way, residents of Cawbuk Ward also opposed it. As the result, the CBO wrote a complain letter to the Hakha DAO office twice. However, there were no responses from the TDAO.

During a town meeting at the Town Hall in Hakha, one of CBO directors expressed the concern to Township Municipal Executive Officer. However, no action was taken.

Afterwards, a CBO wrote a letter to State Minister of Transportation in Hakha and requested to allow them to fence the area to prevent waste disposal in the area. The letter was written to the Minister of Transportation because the opposed dumpsite was on the highway road and the municipality had not taken any action in response to the complaints.

Following a letter from CBO, the Minister met with Municipal officers and visited the site. Finally, the minister allowed a CBO to fence the area.

7.5 Temporary Dumpsite Case

The following case demonstrates that not just TDAO but also TDAC inaction and ineffective handling of complaints. The case was a complaint by phone call once, followed by a formal complaint letter. No action has been taken.

Case Box V: Temporary Dumpsite Case

The municipal government designated a place at the roadside of U Hung Ngai road (city loop road) in Myohaung ward as a temporary dumpsite in the beginning of November 2020. The site located near Zayhaung though officially is in Myohaung ward.

The problem is that one family from outside Chin State built a tent and lives near the temporary dumpsite to collect recyclable debris for sale. As they overturn the debris, the garbage usually scatters on the road. Moreover, the Sipin trucks also sometimes disposed of the garbage on the roadside and/or on the road.

Case Box V: Temporary Dumpsite Case

The Hakha municipal government had told both the Myohaung administrator and the Zayhaung administrator that they would use the site only for two weeks. However, the site was used for more than a month and therefore residents of Myohaung and Zayhaung started complaining to their ward administrators through the phone.

The Zayhaung administrator, then, made phone calls to a member of TDAC in November 2020, requesting him to shift the dumpsite to another place. However, Sipin did not take any action, so the Myohaung ward administrator reported the case to the Sipin in writing on 1st December 2020. The TDAO refer the case to the TDAC.

After receiving the complaint letter, a TDAC member phoned the Myohaung administrator and said, “We will shift the dumpsite soon. And they will also check the current temporary dumpsite”. TDAC members checked once after that phone call but have not taken any action regarding shifting the dumpsite to date.

8 Parliamentary Oversight: Chin State Parliament Engagement on Municipal Governance

It also has been learned that most states and regions have passed very few laws dealing with local issues. *“Hluttaws, particularly in smaller states and regions, tend to be marginalized by the cabinet and are relatively inactive. Hampered by administrative and fiscal limitations, the potential for state/region representatives to be a conduit for local priorities, a check on central and local executive power, and a channel for grievances is still underdeveloped”* even though *“the establishment of State Hluttaws has ...opened up a significant potential avenue for the expression and representation of ethnic and regional aspirations and grievances”* (Nixon, Joelene, Saw, Lynn, & and Arnold, 2013). It is also reported that State Hluttaws in Myanmar felt relatively unable to act on a complaint raised by citizens (Nixon, Joelene, Saw, Lynn, & and Arnold, 2013).

This has been the same case in Chin State. Although the municipal governance is under the State legislature, the oversight role of Chin State Parliament on municipal governance was reportedly weak. The municipal related laws were passed by Chin State Parliament, and the Chin State Parliament also has a committee called Chin State Parliament-Government Promises, Responsibilities, Complaints and Appeal Review Committee. The committee exists as de facto grievance handling committee only. One of the respondents, a former member of Chin State Parliament, said that *“this established committee can’t do much...to speak simply, this committee is almost nothing”* (Anonymous, Interview with Former Member of Parliament to State Parliament Oversight Role on Municipal Governance, 201).

The following Timit Water supply project case seemly best describes the State Hluttaw inability to take serious action on the State Municipal Governance.

Case Box VI: The Timit Water Supply Project Case

The Timit Water Supply Project began on 10 November 2014 by the USDP-led Chin State government and was set to be completed by 2015 (The Chinland Post, 2014). The project was executed by Myanmar Ahla Company. The company completed building a dam, pumping system and sanitation reservoir tanks in 2015 but could not complete the distribution part of the project. USDP lost the 2015 general election and therefore the project was carried out by the NLD-led government. About 22.9 billion kyats was allocated for the distribution part of the project. Surprisingly, the project was managed by the General Administration Department instead of the Development Affairs Organization, which is responsible by law for town water supply. Two companies from the plain, namely Moekuk Shwe Yi and K&DL were selected for the project execution. The project started on 19 November 2016 and was planned to complete on 30 March 2017 according to the contract. As the company could not complete the project in March, the project period was extended to 31 October 2017. However, the companies did not complete in October either. Therefore, the government decided that the companies will return the money two times if they do not complete on 31 December 2017 (Hre, 2019). Unfortunately, the two companies that executed the project withdrew, spending all the money, but did not complete the project.

Surprisingly, the whole population in Hakha is grieved by the mishandling of the project. They raise questions, such as why the General Administration Department managed the project instead of the Development Affairs Organization as the water supply is the purview of the Ministry of Development Affairs; who the most responsible persons are; how the companies withdrew all the money; how the companies left unaccounted; and why the Development Affairs Organization later took the responsibility and so on.

The problem, according to Minister of Development Affairs, was that the government made a mistake in selecting the companies. The selected companies did not survey the area, nor did they draw a design (The Hakha Post, 2020). At last, the State government decided that the companies must return about 2.2 billion kyats to the government as they did not complete the project according to the contract. The companies did not return the money and therefore the government sent a second order to the companies on 21 June 2019 (Tluangte, 2020). The companies pledged on 12 July 2019 to return the said amount to the government. However, the companies have not returned the money till writing this report.

The government then added another 900 million kyats and managed by Development Affairs Organization (Tluangte, 2020). Unfortunately, people in Hakha do not get the water yet from Timit water supply project.

Case Box VI: The Timit Water Supply Project Case

Town elders (Myomih-myopha) called a meeting on 18 January 2020, attended by representatives from Youths, Women and other civil society organizations and unanimously decided to file a complaint case to the government. However, the two Myomih-myopha leaders thought it is not good to file the case directly; it is better to consult the Chief Minister first and therefore met with the Chief Minister. Chief Minister, told them not to report the case that he will supervise himself and take good care of all the things relating the project. Therefore, though it was decided in the meeting, Myomih-myopha did not file a complaint.

Frustrated by the action of Myomih-myopha leaders, a CBO in Hakha reported the case in writing (with petition signatures attached) to the Union government in January 2021. Another civil society organization also submitted a grievance letter to the State Counselor in January 2021.

Besides, Chin State Hluttaw also intervened in the case. The Chin State Hluttaw Second Term, the 36th Meeting held on 4 December 2020 decided that project must be completed before the end of the Second Term of the Hluttaw.

However, the project is not completed to date and there has not been any action taken from the government concerning the grievance letters or State Hluttaw decision. Another CBO is planning to conduct a signature campaign to file a petition to take serious action about the project.

9 Access to Information and Information Flow

Access to information is vital for addressing public grievances and mitigating the risks of maladministration, and indeed for advancing Chin State's socio-economic development and public service provision. In making decisions, policymakers must have access to both data stored by relevant government officials and information provided by non-governmental information, media, academics and researchers to identify, understand, and prioritize policy issues, and assess potential solutions and methods of potential interventions.

While government departments' data are crucial for policy-maker, a series of analytical papers are also equally important. However, the latter requires a free flow of information from a government department to media, academics, and researchers. Without insufficient data, the media, academics and researchers won't be able to conduct investigative, constructive and in-depth studies.

10

Conclusion and Recommendation

Decentralized municipal governance along with the creation of the Township Development Affairs Committee has raised hope for better service delivered among citizens in Chin State. This requires an active role of elected representative organs, such as the TDAC and the State parliament to act on behalf of citizens. Grievance redress is an important function of the government, in which representative organs could have a mediating and controlling role. This study has found that despite relatively infrequent complaints in Chin State, there have been some complaints that show how the Chin State DAO Office, Township DAO Offices and TDACs have so far been handling grievances in Chin State. In the following, the research team makes recommendations based on our findings.

First, the Chin State DAO, at least at Township level, has received and addressed several complaints especially related to water supply service, waste disposal and land. The Chin Municipality should use those experiences to improve how it deals systematically with grievances. Next to learning from resolving the complaint, an important objective could be to avoid repeating the activities that led to the complaints. Additionally, it is critically important that the Chin State Municipal Law and Rule provide clear guidance on grievance redressal. It could help citizens to understand that complaints are welcome, where they should be filed, and what kind of action they can expect (e.g. investigation). Managing citizen feedback is important in a strong democracy that seeks to improve services and protect people's health and safety.

Second, the Chin State Municipality should put a new effort to create a dispute resolution body, such as the use of ombudsman or alternative dispute mechanisms to improve governance along with the enforcement of laws. The appointment of ombudsman or the creation of a body to deal with grievances should be legalized.


Third, it is equally important that elected TDAC members' capacity is strengthened and knowledge of their function deepened, to better represent the interest of the people that elected them. Through a stronger, deeper and genuine representation, and clear processes to hear citizens' voices (including their complaints) they can enhance governance and service delivery. The election of TDAC members should meet more often with residents of their respective towns to strengthen representation. This study found that there were very few meetings between the town elders, citizens and the TDAC in Falam and Hakha.

Fourth, this study showed that several residents reported their grievances via phone and citizens also use e-petition to express complaints. Such practices suggest that e-grievance system is a very likely an effective system by which citizens can mobilize support for their complaint. E-grievance system is worth considering for promoting good governance, deepening representation and strengthening service deliveries. The guidelines should clearly explain how verbal and e-complaints should be recorded and handled by the TDAO and the TDAC.

Finally, the municipal government as a local government should promote the free flow of information and make all relevant laws and be-law freely available to citizens they served. This information should help citizens to understand their rights and responsibilities, and who to complain to (i.e. the responsible officer) if these are not respected. To do so, the Chin State Parliament should amend the Chin State Municipal Law and clearly define access to information on public records held by TDAO or TDAC. Additionally, there is often a case that TDAC resolved complaint but the public does not seem to know about it. The municipal bodies should have been able to come up with a transparent outcome as well so as attract public trust.

Annexes

Annex I: TDAC Addressing Ginger Confiscation Case Supporting Document I



မြို့နယ် စည်ပင်သာယာရေးကော်မတီ
တားခါးမြို့
စာအမှတ် ၁၁၁ / ကမတ / တခ-၁(၈၈၇)
ရက်စွဲ ၂၀၂၀ ခုနှစ်၊ စက်တင်ဘာလ ၃ ရက်

၁။ ဦးသာဓုန်သန်
ပြည်ပတက်သာရပ်ကွက်
တားခါးမြို့

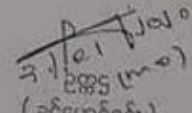
၂။ ဦးလန်သာလွန် (Pravasi Buddhist Church) သင်းကုင်ဆရာ
တားခါးသာရပ်ကွက်
တားခါးမြို့

၃။ ခေါ်ဝန်ကြွေးခေါ်
ဓမ္မသင်္ဂဟကွက်၊ ဝင်လိုရပ်
တားခါးမြို့

အကြောင်းအရာ မိုးသို့ လာရောက်ရန် ကိစ္စ

၁။ တားခါးမြို့ ပြည်ပတက်သာရပ်ကွက် မြို့မဓမ္မ ပြည်သူ့လျှောက်လှမ်းတွင် ကွင်းပုံထားပြီး သိမ်းဆည်းခြင်းအကြောင်း
ဗီဒီယို Democratic Voice of Chin-DVC လိုင်းတင်သည့်ကိစ္စနှင့်ပတ်သက်၍ ဆွေးနွေးပေးခြင်းရန် ဖိတ်ခေါ်သဖြင့်
၂၀၂၀ ခုနှစ်၊ စက်တင်ဘာလ (၄) ရက်နေ့၊ နံနက် (၁၀:၀၀) နာရီအချိန်တွင် လိပ်မူပါလူကြီးမင်းတား မပျက်မကွက်
(မပျက်မကွက်) လာရောက်ရန် အကြောင်းကြားသည်။

၂။ အကယ်၍ လာရောက်ရန် မပျက်မကွက်ပါက တည်ဆဲဥပဒေအရ တရားစွဲဆို အရေးယူခံရမည်ဖြစ်ကြောင်း
အကြောင်းကြားသိစေအပ်ပါသည်။


(ခင်မောင်ဝင်း)
မြို့နယ်စည်ပင်သာယာရေးကော်မတီ
တားခါးမြို့

မိတ္တူ

- ဝန်ကြီး စည်ပင်သာယာရေး၊ လျှပ်စစ်နှင့်စက်မှုလက်မှုဝန်ကြီးဌာန၊ ချင်းပြည်နယ်အစိုးရအဖွဲ့၊ တားခါးမြို့
- ညွှန်ကြားရေးမှူး၊ မြည်နယ်စည်ပင်သာယာရေးအဖွဲ့၊ ချင်းပြည်နယ်၊ တားခါးမြို့
- တရားသူကြီး၊ မြို့နယ်တရားရုံး၊ တားခါးမြို့
- မြို့နယ်ရဲတပ်ဖွဲ့မှူး၊ မြို့နယ်ရဲတပ်ဖွဲ့ရုံး၊ တားခါးမြို့
- အမှုဆောင်အရာရှိ၊ မြို့နယ်စည်ပင်သာယာရေးအဖွဲ့၊ တားခါးမြို့
- မှတ်တမ်း/ဓမ္မစာတွဲ

Annex II: TDAC Addressing Ginger Confiscation Case Supporting Document 2

သို့

ဥက္ကဋ္ဌ

မြို့နယ်စည်ပင်သာယာရေးကော်မတီ

ဟားခါး။

ရက်စွဲ။ ။ ၂၀၂၀ခုနှစ် စက်တင်ဘာလ (၇)ရက်နေ့။

အကြောင်းအရာ။ **စားကုန်ပစ္စည်းဖျက်ဆီးရန် မြို့နယ်စည်ပင်ကော်မတီ၏ အစည်းအဝေး ဆုံးဖြတ်ချက် ပြန်လည်ရုတ်သိမ်းရန် တောင်းဆိုခြင်း။**

(က) ဟားခါးမြို့နယ်စည်ပင်သာယာရေးအဖွဲ့ပိုင် မြို့မဈေးအတွင်း ၂၀၂၀ ပြည့်နှစ်၊ ဩဂုတ်လ ၂၇ ရက်နေ့တွင် စည်ပင်သာယာရေးကော်မတီ၊ စည်ပင်သာယာရေးအဖွဲ့များမှ ဂျင်း၊ ပြောင်းဖူး၊ အားလူး၊ သံပုရာသီး၊ ချဉ်ပေါင်နှင့် ပန်းများအား တားမြစ်ထားသည့်နေရာများတွင် ထားရှိသည်ဟု ဆိုကာ ထိုပစ္စည်းများကို သိမ်းဆည်း၍ ဖျက်ဆီးခဲ့ပါသည်။

(ခ) ဤသို့ဖျက်ဆီးခဲ့သော ပစ္စည်းများအနက် အများဆုံးသည် ဂျင်းဖြစ်ပြီး ပိဿာအားဖြင့် ၁၂၀မှ ၁၉၀ ကြား ဖြစ်မည်ဟု ကာယကံရှင်နှင့် ဟားခါးမြို့နယ်စည်ပင်သာယာရေးကော်မတီမှ ပြောကြားချက်အရ သိရသည်။

(ဂ) ဟားခါးမြို့နယ်စည်ပင်သာယာရေးကော်မတီ၏ ၂၀၂၀ ပြည့်နှစ် စက်တင်ဘာလ (၇)ရက်နေ့ နေ့စွဲပါ အမိန့်ကြော်ငြာစာအမှတ် (၃၆/၂၀၂၀)အရ စည်ပင်သာယာရေးကော်မတီမှ “သတ်မှတ်ထားသည့် စည်းကမ်းနှင့် မညီညွတ်သည့် ပစ္စည်းအားလုံးကို အဖွဲ့ပိုင်ပစ္စည်းအဖြစ် သိမ်းဆည်းပြီး စည်ပင်သာယာရေး ကော်မတီ၏ ဆုံးဖြတ်ချက်အတိုင်း အပြီးသတ်ဖျက်ဆီးဆောင်ရွက်လာသည်မှာ အစဉ်တစိုက်ဖြစ်ပါသည်” ဟုဖော်ပြထားပါသည်။

(ဃ) ဤသို့ အများပြည်သူ၏အကျိုးကို ဥပက္ခာပြု၍ စားကုန်ပစ္စည်းများအပြီးသတ်ဖျက်ဆီးခြင်းကို ပြင်းထန်စွာ ရှုတ်ချကြောင်းနှင့် ထိုကဲ့သို့ဖျက်ဆီးရန် ချမှတ်သည့် ဟားခါးမြို့နယ်စည်ပင်သာယာရေး ကော်မတီ၏ အစည်းအဝေးဆုံးဖြတ်ချက်ကို ပြန်လည်ရုတ်သိမ်းပေးပါရန် တောင်းဆိုအပ်ပါသည်။

ကန့်ကွက်၊ တောင်းဆိုသူများကိုယ်စား

Petition Organizers					<u>Team Leader and Contact</u>	
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3	Salai Za Hlei Sang	4	Salai Za Peng Lian			
For media contact: vancunglian09@gmail.com or 09892238330						

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Annex III: Key Informant Interview Form

A study on grievance hearing and redress mechanisms at municipal and state levels (Chin State)

<p>January 2021 VNG International Chinbridge Institute- Salai Van Cung Lian</p>	<p>A Study on Municipal Grievance Hearing and Redress Mechanisms in Chin State MAGIC Project</p>
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	3.
Grievance Reporting System	
<p>How grievances are reported?</p> <p>In some cases, grievances are reported through (a) verbal communication to a grievance focal point/person, (b) using a grievance envelope or a suggestion box, (c) letter to GRM body or officer, (d) letter to ward administrator, (e) at meetings and monitoring visits and (f) emails or phone, and so on.</p>	
Receive Grievance	
<p>Who do normally receive complain or grievance? (<i>E.g. DAO office or TDAC</i>). Do you have a</p>	

<p>How does the GRM body/officer register or handle the complaint?</p> <p>Is there an independent body to address grievances?</p> <p>What is the exact name of the GRM?</p> <p>Is GRM exist independently or controlled by government administrative machinery?</p> <p>Is a GRM body linked to parliament?</p>	
Objectiveness and independence of GRM.	
<p>Does the GRM operate independently of interested parties or widely perceived as independent in order to guarantee fair, objective, and impartial treatment to each case?</p> <p>Is it autonomous or independently working and not controlled by Government administrative machinery?</p> <p>Are the GRM bodies impartial and organized in such a way?</p>	

Do GRM officials have adequate means and powers to investigate grievances (e.g., interview witnesses, access records)?

Accessibility, simplicity and transparency

What actions are applicable and relevant to enhance GRM accessibility to all stakeholders, irrespective of the remoteness of the area they live in, irrespective of the language they speak, and their level of education or income?

Are procedures to file grievances and seek action easily understood by beneficiaries? Is the GRM appropriately advertised and communicated to potentially affected people?

Are there a range of contact options for citizens including, at a minimum, a telephone number (preferably toll-free), an e-mail address, and a postal address, avoid complex processes that create confusion or anxiety (such as on accepting grievances on official-looking standard forms

or through grievance boxes in government offices)

Can grievances be filed anonymously /incognito of others?

How transparent do you think is the GRM's procedures and outcomes?

Capability, responsiveness and efficiency

What is the training commonly provided for effective functioning?

Do GRM officials have the necessary technical, human and financial resources, means and powers to investigate /review grievances / complaints credibly and fairly?

<p>What capacities exist to enforce decisions on grievances efficiently? Are officials trained to take effective action upon, and respond quickly to, grievances and suggestions?</p>	
Structure and Staff	
<p>Are there experiences on the existence of both centralized and decentralized GRMs? Are there clearly defined vertical and horizontal relations?</p> <p>Are the scopes of grievance redress /complaint handling generic or standalone in the areas of service delivery?</p> <p>What are the commonly accepted organizational and internal structure of GRM at national and sub national level globally?</p> <p>Does the GRM structural agency share works with other concerned institution? Are the relationships of GRM with other involved defined/ streamlined and their roles identified or does it depend on its own?</p>	

GRM processes	
<p>Is there a system of sorting, recording, registration and a system to categorize, assign priority, and route grievances to the appropriate entity?</p> <p><u>Acknowledging and following the complaints</u></p> <p>Are there clear timetables that are publicly available?</p> <p>Are complaints acknowledged in writing?</p> <p>Does the acknowledgement outline the GRM process, provide contact details and indicate how long it is likely to take to resolve the grievance?</p> <p>Are the preliminary responses given to citizens? Are final decisions informed to grievant/complainant or citizens?</p> <p>Is there right to appeal? If yes, are citizens informed about this right and is the appeal channel accessible to citizens?</p> <p><u>Verify, Investigate, and Act</u></p> <p>How the complaints are normally investigated and verify?</p> <p>How investigation is made? Do you appoint investigator/s?</p>	

Base on the investigation result of the complaints, what kind of actions are taken?

Seeking Feedback

Do GRM or a body handling complaint or conducting investigation publicize results of investigations?

Does the body have a feedback mechanism?

Monitoring and Evaluation

Is there a process to track grievances and assess progress being made to resolve grievances? Are there indicators to measure grievance monitoring and resolution?

Analysis: Is there a timely framed process to analyze the effectiveness of the GRM?

Is this data being collected used to make policy and/or process changes to minimize similar grievances in the future?

Feedback: Does a user survey exist to get feedback on the credibility of the process? Is such feedback publicly available?

<p><u>Enforcement / action on grievances</u></p> <p>Is action taken or enforced on every grievance? What factors challenge, delay or enhance decisions and appeals?</p>	
<p>Parliamentary Oversight</p>	
<p>4. Is parliament powerful to exercise power over GRMs and enforce actions?</p> <p>Do the GRMs exercise extended legal power the powers to: appeal to courts, <i>participate in court proceedings, file applications in administrative proceedings, propose legislative amendments, and recommend disciplinary or criminal proceedings?</i></p>	
<p>Additional comments, questions, thoughts on Municipal GRM</p>	
<p>6. Do you have additional comments or questions?</p>	
<p>Afterthoughts: These to be answered by the researcher only</p>	
<p>8. Did you observe any relevant group dynamics?</p> <p>Who spoke the most? Least?</p> <p>Other relevant observations?</p>	

<p>9. Did you identify a case study?</p> <p>If you identified a case study, please fill as many contact people as possible. [People who do you think should be interviewed for this case study]</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes (if yes – refer the case to your Lead Investigator and make sure that you collect relevant contact information below)</p> <div data-bbox="643 465 999 577"> <p>Please write description of the case you identified</p> </div> <div data-bbox="643 577 1348 645"> <p>Case Study Contact Collection</p> </div> <table border="1" data-bbox="643 645 1348 1016"> <thead> <tr> <th data-bbox="643 645 1038 723">Name</th> <th data-bbox="1038 645 1348 723">Phone</th> </tr> </thead> <tbody> <tr> <td data-bbox="643 723 1038 790"></td> <td data-bbox="1038 723 1348 790"></td> </tr> <tr> <td data-bbox="643 790 1038 869"></td> <td data-bbox="1038 790 1348 869"></td> </tr> <tr> <td data-bbox="643 869 1038 947"></td> <td data-bbox="1038 869 1348 947"></td> </tr> <tr> <td data-bbox="643 947 1038 1016"></td> <td data-bbox="1038 947 1348 1016"></td> </tr> </tbody> </table>		Name	Phone								
Name	Phone											
<p>Additional Comments on Identified case</p>												

Annex IV: Focus-group Discussion Form

Focus Group Discussion. A study on grievance hearing and redress mechanisms at municipal and state levels (Chin State).

General Information	
Date	Researcher
Town or City	
Hakha	<input type="checkbox"/> Pyidawta <input type="checkbox"/> Zaythit <input type="checkbox"/> Myohaung <input type="checkbox"/> Zayhaung <input type="checkbox"/> Cawbuk <input type="checkbox"/> Myothit <input type="checkbox"/> Hakhathar 1 <input type="checkbox"/> Hakhathar 2
Falam	<input type="checkbox"/> Cinmual <input type="checkbox"/> Balai <input type="checkbox"/> Farthuak <input type="checkbox"/> Tlanglo
Note: Collection of cases of GRM issues that provide pertinent illustrations and insights about how GRM issues are addressed in the municipalities, state. Collected cases will be included in the final report.	
Respondent Profile	
No of Respondents and Sex	Total: _____ Female: _____ Male: _____
Other relevant demographic data: <i>*note: fill in only what you feel is relevant</i>	Ethnicity/religion: Social status: Disability: Other:
Contact of Focal Person(s):	
<i>*Note: 1 or 2 focal persons. Fill in preferred contact data (e.g. phone, facebook or email)</i>	
IDENTIFYING ISSUES	

General Information	
<p>1. What are 3 main issues in your wards that are related to Sipin in your ward?</p> <p>2. Why do you think these are the main issues? How have they affected your families or your community?</p>	<p>Three main issues and why they are important:</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>Additional Researcher's Comment:</p> <p>Did you observe any relevant dynamics on which issues are important to each demographic: gender, age, socio-economic status, etc.?</p> <p>Did they describe any incidents of violence (e.g. clashes) or abuse associated with these issues (during the past few years)? If so, please describe?</p>
Reporting or Complain	

General Information

3. Can you describe a time moment or event when someone in your ward complaint or reported a community issues (e.g. be it about road, waste, water or anything else) to any of GRM or any government department or hluttaw?

Instruction or follow up:**Try to capture the following:**

Is there a report to GRM? What is the exact name of the GRM?

Is GRM exist independently or controlled by government administrative machinery?

Did the complaint addressed on a timely manner? How it is ended – solved or remains unsolved? Why?

GRM Accessibility and Simplicity

General Information

3. Can you describe a time or an event when someone would like to complain a community issues related to municipal services (e.g. water, waste), but didn't know how and where to complaint?

Follow up:

When you could like to file a complaint, where would you usually file?

If you don't know where to file, where do you usually seek help, if any?

Can grievances or complaints be filed anonymously/incognito of others?

Acknowledgement and Follow Up

4. Are complaints acknowledged in writing or in verbal (e.g. phone)?

Follow up questions:

1. *Does the acknowledgement outline the GRM process, provide contact details and indicate how long it is likely to take resolve the grievance?*
2. *Are the final decisions informed to grievant/complainant or citizens?*

Design and Do

5. What actions are applicable and relevant to enhance GRM accessibility to all stakeholders, irrespective of the remoteness of the area they live in, irrespective of the language they speak, and their level of education or income?

General Information											
Additional comments, questions, thoughts on Municipal GRM											
6. Do you have additional comments or questions?											
7. Do you have any thoughts on how the municipal GRM might help resolve the "three issues" you identified above?											
Afterthoughts: These to be answered by the researcher only											
8. Did you observe any relevant group dynamics? Who spoke the most? Least? Other relevant observations?											
9. Did you identify a case study? If you identified a case study, please fill as many contact people as possible. [People who do you think should be interviewed for this case study]	<input type="checkbox"/> No <input type="checkbox"/> Yes (if yes – refer the case to your Lead Investigator and make sure that you collect relevant contact information below)										
	<div> <div>Please write description of the case you identified</div> <div></div> </div>										
	<div> <div>Case Study Contact Collection</div> <table border="1"> <thead> <tr> <th>Name</th> <th>Phone</th> </tr> </thead> <tbody> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </tbody> </table> </div>	Name	Phone								
Name	Phone										

Annex V: Case Studies Form

Case Study Form. A study on grievance hearing and redress mechanisms at municipal and state levels (Chin State).

General Information			
Date		Researcher	
Town or City		Respondent Gender	
Respondent Name		Respondent Phone	
Hakha	<input type="checkbox"/> Pyidawta <input type="checkbox"/> Zaythit <input type="checkbox"/> Myohaung <input type="checkbox"/> Zayhaung <input type="checkbox"/> Cawbuk <input type="checkbox"/> Myothit <input type="checkbox"/> Hakhathar 1 <input type="checkbox"/> Hakhathar 2		
Falam	<input type="checkbox"/> Cinmual <input type="checkbox"/> Balai <input type="checkbox"/> Farthuak <input type="checkbox"/> Tlanglo		
Note: Collection of cases of GRM issues that provide pertinent illustrations and insights about how GRM issues are addressed in the municipalities, state. Collected cases will be included in the final report.			
Stakeholders			
1. Who are the stakeholders involved in the story? 2. Are there any specific individuals involved that you should mention? 3. Is there anything about stakeholders or individual that is important to note?			
Location			

General Information	
4. Where did this story take place?	
5. Are there any details about the location that are important to know?	
Times	
6. When did this story happen?	
7. Is there anything about the exact timing that is significant?	
Background	
8. Is there any background information that is important for the story?	
<p>Example:</p> <ul style="list-style-type: none"> a. <i>Did something happen there previously that is significant, or does this place have some history that is relevant?</i> b. <i>What information should the reader know before hearing the story?</i> 	
Story	
9. What happened?	
(Note: break it down into steps. Use extra paper if this page doesn't fit all).	

General Information	
1.	
2.	
3.	
4.	

General Information			
5.			
6.			
7.			
Links and Additional Information			
13. Is there any news report or online story related to this case? (Note: include additional report in this section including link to story/article or video).	Sr.	Links	Description
	1.		
	2.		
	3.		
	4.		
Contact			

General Information		
14. In case of additional information needed, whom shall we contact? (Note: list name and contact number of each individual we should contact for additional information).	Sr.	Name and Organization
		Phone
Confidentiality Instruction: take extra precaution about disclosing any information you get from case study. Adhere to the principal of “no harm” and “never disclose any personal information of the subject.”		

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