



GENDER MAINSTREAMING IN
SUBNATIONAL GOVERNANCE:
**MYANMAR'S
FISHERIES
AND
LIVESTOCK
SECTORS**

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SECTION 1

INTRODUCTION

Since 2011, Myanmar has begun implementing significant governance reforms. The 2008 Constitution provided a framework for the beginning of decentralization, shifting from a highly centralized and authoritarian system to one that more closely resembles a democracy. The formation of State and Region (S/R) governments, Myanmar's newly established subnational governing bodies, has created opportunities for legislation, policies, and budgets that are more responsive and representative of local needs. While the introduction of subnational institutions has indeed laid the foundations for increasingly democratic practices, the road towards gender equality continues to face significant challenges under Myanmar's current governance structure. These challenges include:

- A complex administrative structure that neglects to clearly define roles, responsibilities, and reporting relationships;¹
- A general attitude that issues affecting women fall exclusively under the purview of the Ministry of Social Welfare, Relief, and Resettlement; and
- Outdated governance systems that pose barriers to equitable participation.

Nonetheless, this critical period of transition continues to offer opportunities for positive and lasting progress toward gender equality at the subnational level. Some advancement can already be seen as the percentage of elected S/R women parliamentarians rose from 3.8 percent in 2010 to 12.7 percent in 2015.² Representation of the diverse life experiences of all demographics is an important part of good governance and the increase in women's political participation is an encouraging development. That being said, representation alone cannot achieve gender equality. Gender mainstreaming across all sectors is needed, which happens when gender perspectives are integrated into the design and implementation of all legislation, policy, and budget allocation decisions.

The potential for gender mainstreaming in subnational governance remains largely unexplored in Myanmar. One area where policy-makers can begin immediate reform is in the fisheries and livestock sectors. This was chosen as a policy area for research as it falls outside of typical discourse on gender equality in Myanmar. Furthermore, S/R governments are relatively empowered to make changes in these areas already,³ as exemplified in Rakhine State and Shan State, which will be discussed later in this paper. Lastly, reforming the tender and auction license system, a widespread local economic governance practice where business licenses are awarded predominantly to men, has the potential to reverberate widespread positive impact across Myanmar. As such, this paper aims to demonstrate how gender equitable practices can be conducted outside of what is usually considered women-centric policy domains in Myanmar.

KEY TERMS

GENDER MAINSTREAMING

The United Nations Economic and Social Council define gender mainstreaming as “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels...The ultimate goal is to achieve gender equality” (ECOSOC, 1997).

GENDER EQUALITY VS. GENDER EQUITY

UN Women defines gender equality and gender equity as the following:

“Gender equality, equality between men and women...does not mean that women and men have to become the same, but that their rights, responsibilities, and opportunities will not depend on whether they were born male or female. Gender equity means fairness of treatment for men and women according to their respective needs”.

Gender equality can be thought of as the ultimate goal and equity is the process towards this goal.

A piece of legislation, policy, or budget allocation can be gender-equitable by addressing the different needs of women and men to correct current gender imbalances and reach a state of gender equality.



AUTHOR'S NOTE

For this policy paper, we are using the term “woman” and “female” interchangeably as the referenced data is sex-disaggregated and does not explicitly address gender identity. Being male/female refers to an individual’s biological sex whereas being a man/woman refers to an individual’s gender identity. A cisgender identity is when an individual’s biological sex matches society’s expectations of its corresponding gender identity (e.g. born biologically female and identifies as a woman). A transgender identity is when an individual’s biological sex does not match society’s expectation of its corresponding gender identity (e.g. born biologically female and identifies as a man).



SECTION 2

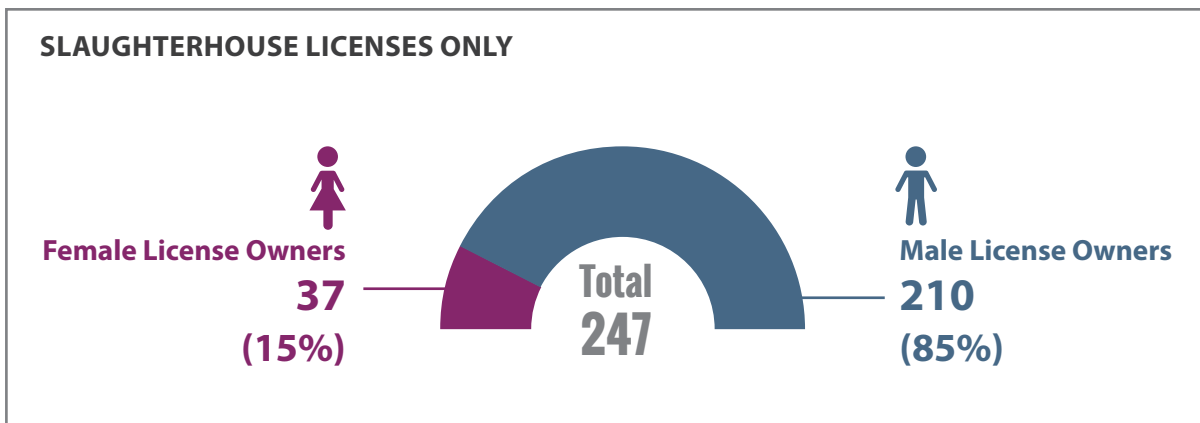
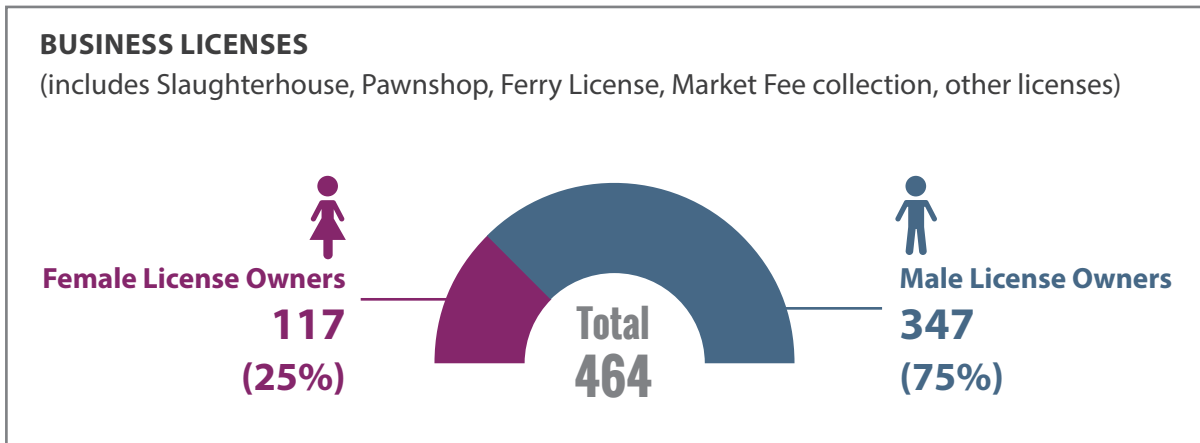
WOMEN IN MYANMAR'S SUBNATIONAL FISHERIES AND LIVESTOCK SECTORS

Schedule Two of the Constitution indicates eight sectors over which the S/R Parliaments have the right to enact laws.⁴ Freshwater fisheries and livestock breeding are two areas included in this legislative list. Freshwater fisheries include lakes, rivers, streams and other bodies of water with less than 500 parts per million of dissolved salt. To fish in these areas, one must obtain a license which “need to be approved only by the S/R government, not the Union-level Ministry for Livestock, Fisheries, and Rural Development.”⁵ In the livestock sector, the Department of Livestock administers a registration system for people who raise animals and operates livestock inspections of animals before and after slaughter.⁶ The licensing regime for slaughterhouses is usually administered at the township level by Development Affairs Organizations (DAOs), Myanmar’s municipal governing agencies. As such, subnational governments retain relative autonomy in regulating and operating licensing systems in these sectors without significant interference from the Union.

Research on women’s roles in the fisheries and livestock sectors at the subnational level is currently limited. That being said, existing data provides us with some insight into the gender gap as it relates to participation and earnings. In Myanmar’s Agriculture, Forestry, and Fishery sector, 63.5 percent of the workers are male compared to the 36.5 percent who are female.⁷ There is evidence to suggest that there is a general division of labor with women more involved with feeding, processing, and selling fish, as opposed to catching fish.⁸ Such disparate roles are used to justify the existing pay gap between men and women, as men receive approximately 4,000 MMK per day for more physically demanding work, and women receive 2,000-2,500 MMK per day.⁹

In the livestock sector, women are significantly under-represented as business license holders. Sex-disaggregated data of business licenses awarded in one township between April–September 2018¹⁰ reveal the majority of license-holders, including that of slaughterhouses, are men.¹¹ Instead of operating enterprises, women in the livestock sector are more likely to be involved in processing and selling meat.

Gender division of labour generally produces unequal compensation. While different roles merit fair compensation based on difficulty, “the negative consequences of occupational segregation are multiple and far-reaching, including on the quality of work women can access and the valuation of their skills”.¹² Furthermore, there is evidence to suggest that women are informally acting as business operators and managers of fishing enterprises that are registered under their husbands’ names.¹³ When women work under these informal conditions, it “limits their autonomy and decision-making role... as well as their empowerment more broadly”.¹⁴ By removing structural barriers to participation, women have more opportunities for increased earnings and influence.





SECTION 3

THE “PAY TO PLAY” LICENSE SYSTEM

The fisheries and livestock sectors retain regressive systems that operate under a “pay to play” principle. That is, a tender and auction system that only allows individuals with significant cash on hand to be awarded business licenses to fish in freshwater and raise livestock for sale. It should be noted that while there is a tendency for Myanmar civil servants to refer to the tender and auction systems as two separate systems, they are in effect the same system operating under the same principles with slight variations in the way they are administered. For example, in Tanintharyi Region, the tender is announced in newspapers and the process is open to the public. Fishery workers then submit their bids on a piece of paper to the respective committee, which then selects the winner in a private meeting, with the winner usually being the highest bidder. Similarly, auctions for various business licenses are announced and are open to the public. In Shan State, bids are submitted on paper and announced in a public gathering, with the highest bid usually winning the license. In this sense, tenders and auctions are essentially the same system, as the principle that guides it is ultimately the one where the highest bid wins. Some township auction licenses have set floor prices, which are seemingly decided arbitrarily.¹⁵

When floor prices are set, this “artificially create(s) inflation at a rate not linked with the inflation rate of the economy more broadly”.¹⁶ Furthermore, the system favors those with resources, creating the perfect environment for monopolies, oligopolies, corruption, and collusion to fester. It thus creates a vicious cycle, acting as a powerful force to make the wealthy, wealthier, and the poor, poorer. As women often have less decision-making power and poor access to capital, compounded by existing cultural attitudes that women are primarily responsible for unpaid domestic duties, they are systematically shut out from becoming large-scale business owners and formal operators in these sectors. Furthermore, these license fees are, in reality, indirect taxes on women and their families as they shoulder an unfair burden of overpriced fish and meat products.

This antiquated system is a legacy from Myanmar’s previous government and continues to exist partly due to the country’s deliberate neglect of tax collection.¹⁷ Licenses awarded under the auction and tender system demand revenue upfront as a one-time payment from winning bidders, allowing governments to rely less on stringent tax collection process and the tax compliance of its

constituents. This poses a barrier to long-term development as domestic taxes are often times “the largest untapped source of financing to fund national development plans”.¹⁸ Furthermore, a well-functioning and transparent tax system helps to build public trust in government, a key ingredient to a healthy democracy, and “can lead to the emergence of a more responsive, accountable and capable state”.¹⁹



SECTION 4

REFORM TO THE SECTORS

Despite these deeply ingrained systemic challenges, reform and experimentation is still happening in certain S/R. In 2014, the Rakhine State Parliament passed the Rakhine State Freshwater Fisheries Law, which “recognizes the rights of communities to establish community fisheries organizations and associations”.²⁰ Under this law, small-scale fishers can form community groups and be designated parts of freshwater as their own to fish by paying a small fee, instead of competing in a tender or auction system for the right to fish. It appears that the inspiration behind this law stems from the State’s concern for sustainability in fishing, as villages have seen their catch depleting year after year. Such a system allows village fishers to have more control over the fishing areas and apply indigenous knowledge of sustainable fishing practices in their communities. It does not appear that gender was a driving force in the reform of this State’s fisheries sector. Nevertheless, this legislative change does remove the “pay to play” system and open doors for participation. It also welcomes competition into the market, which in theory, should drive down prices and improve the quality of products. With the law being drafted by the Department of Fisheries, State Members of Parliament (MPs), local civil society organizations and international non-governmental organizations, this is an example of a successful collaboration for reform in Myanmar.

Despite this promising reform, there are still challenges that need to be tackled, such as enforcement. While the law does stipulate community rights in fishing practices, it appears that large-scale fishers are still illegally entering waterways and fishing in areas designated for small-scale fishing community groups. The State currently does not have enough capacity to monitor compliance of regulations, nor are there explicit guidelines on how to implement the law, such as criteria for registration, the process for selection, fees to be paid, etc. Currently, a by-law is being drafted to provide more guidance for implementation.²¹

In 2012, one MP from the upper house of the Union Parliament, raised his concern over elevated meat prices in Shan State. As there was no clear directive from the Union government on how to proceed, the Shan State government issued a directive to implement reforms in 2013 and Executive Officers from all Shan State DAOs were asked to submit proposals on how to proceed. In the township of Taunggyi, auction licenses were abolished by the 2013/14 Financial Year and a system resembling a free market was implemented. Under this new system, anyone can apply for a license and license-holders are “subject to two fees: (1) five percent of meat sales price, and (2) a fee per animal”.²² Under this new system, the Taunggyi DAO is not generating as much revenue through slaughterhouse licenses as before, due to the fact that inflated profits are no longer being captured. Nonetheless, with time, Taunggyi will see more competition entering the market and more revenue raised through the higher uptake of fees.

In the two examples outlined, it is not entirely clear what processes were required to implement such reforms. This issue stems from the ambiguity of the 2008 Constitution and its lack of clarity with the devolution of responsibilities. Article 188 of the Constitution states “The Region or State Hluttaw (Parliament) shall have the right to enact laws for the entire or any part of the Region or State related to matters prescribed in Schedule Two of the Region or State Hluttaw Legislative List”. One can interpret this as S/R having full autonomy to enact laws in sectors listed under Schedule Two of the Constitution. However, in reality, many Ministers and MPs believe a Union-level law must be passed before S/R Parliaments have the authority to act. This may be due to the highly-centralized governance culture that Myanmar has historically had. Moreover, in the 2015 Constitutional Amendments, each sub-article added has been followed by the phrase “in accordance with the law enacted by the Union” (e.g. “Coastal fisheries which is entitled to be carried out by the Region or State in accordance with the law enacted by the Union”). Without clear articulation of S/R responsibilities and authority, the Constitution and Schedule Two remain open to interpretation. It remains unclear whether reform requires legislative changes at the Union-level.



SECTION 5

CONCLUSION AND KEY RECOMMENDATIONS

Myanmar's ongoing transition presents a key opportunity for gender mainstreaming in subnational governance. The efforts of both Rakhine State and Shan State governments to reform their fisheries and livestock sectors have resulted in policies and legislation that are sensitive to the local context and have the potential to greater socio-economic equality. While breaking down economic barriers alone will not create gender equality, these examples provide a glimpse into what is possible when considering gender-responsive governance at the subnational level. It demonstrates that there is indeed room for creativity within Schedule Two's mandate and a significant scope for S/R to empower women specifically. Decision-makers within S/R can and should thus be encouraged to explore such spaces, and exercise greater autonomy in pursuing equality and sustainable development. Some immediate next steps towards this include:

1. DISCUSSING WAYS TO EMPOWER WOMEN AT THE SUBNATIONAL LEVEL THAT MOVES BEYOND WOMEN'S POLITICAL PARTICIPATION AND SOCIAL WELFARE

Much of the existing discourse surrounds the need to increase political participation of women (e.g. increase percentage of women holding Parliamentary seats) and expand resources for social welfare. While these are extremely important courses of action, that alone will not achieve gender equality in Myanmar. The prevalent tender and auction system in Myanmar provides an example of lesser known systemic barriers facing women that should be assessed and tackled. Perhaps the biggest takeaway from this policy paper is to mainstream gender in all aspects of legislation, policies and budgets at the subnational level.

2. ABOLISHING THE TENDER AND AUCTION SYSTEM AS AN EXAMPLE OF BREAKING DOWN SYSTEMIC, ECONOMIC BARRIERS TO WOMEN

The tender and auction system present some very obvious obstacles to women entering the fisheries and livestock sectors. The "pay-to-play" system only allows individuals or companies with upfront capital to participate in the bidding process. Existing data suggests women in Myanmar are more disadvantaged when accessing capital. By abolishing the system, we may see an increase in women entrepreneurs and business owners in these sectors.

This recommendation should not be applied uniformly across all S/R as different S/R currently apply this system and rely on its revenue differently. For example, revenue raised by the fisheries tax²³ in Kayin State only made up 5 percent of total tax revenue²⁴ in the 2017-18

fiscal year compared to 56 percent in Ayeyarwaddy Region.²⁵ For a S/R like Ayeyarwaddy that is highly dependent on the fisheries tax/license fees as a form of tax revenue, mechanisms should be put in place to offset temporary losses in revenue when the tender and auction system is abolished and long-term strategies need to be put in place to raise revenue in a sustainable way. For a S/R like Kayin, it may be possible to abolish the system immediately without the State experiencing a significant loss in tax revenue.

In theory, by eliminating the tender and auction system, more competition will enter the fisheries and livestock sectors. As such, legislation and policies regulating the industries must be implemented to ensure sustainability and prevent overfishing and exploitation of natural resources.

3. USING TAX REFORM AS A LONG-TERM STRATEGY TO RAISE REVENUES

Implementing a progressive and transparent tax system is one of the most equitable and sustainable ways a country can raise revenue towards development. Currently, Myanmar has one of the lowest tax takes around the world.²⁶ In a recent study conducted by The Asia Foundation, it was discovered that only 11 percent of the respondents paid income tax.²⁷ Reforming the current tax system will involve strengthening a currently weak tax collection and administration process as well as improving transparency on what tax revenue is going towards in order to build public trust.

4. MONITORING REFORM OUTCOMES IN RAKHINE STATE AND SHAN STATE

The examples of reform in Rakhine State and Shan State are still relatively new. It will be important to monitor the impact that these reforms have had in the States over time and assess the extent easing capital constraints have allowed for more economic participation of women in the market. This will include finding baseline data where available, such as sex-disaggregated data on license holders before and after reform.

ENDNOTES

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2. Shwe Shwe Sein Latt et al., *Women's Political Participation in Myanmar: Experiences of Women Parliamentarians 211-2016* (Yangon: The Asia Foundation, 2017), p.2.
3. Constitution of Myanmar, Schedule Two.
4. Constitution, Schedule Two: The sectors are finance and planning; economic; agriculture and livestock breeding; energy, electricity, mining, and forestry; industrial; transport, communication and construction; social sector; and management.
5. Jared Bissinger, *Local Economic Governance in Myanmar* (Yangon: The Asia Foundation, 2016), p.5.
6. *ibid.* p.20.
7. *The 2014 Myanmar Population and Housing Census: Thematic Report on Gender Dimensions* (Nay Pi Taw: Department of Population and Ministry of Labour, Immigration and Population, 2017), p.83.
8. Interview with subject matter expert in Yangon, April 4, 2018
9. *ibid*
10. As business licenses are distributed through the tender and auction system, all licenses were awarded at the beginning of this period, as opposed to licenses being awarded on a rolling basis. Therefore, the authors were able to retrieve complete data for the interim fiscal period on April 11, 2018. When the Foundation asked this township's Development Affairs Organization (DAO) for data dating back three years, the Foundation was told that it would take too much time to retrieve the data. This is due to the fact that record-keeping for most DAOs and other government offices are yet to become digitized, making data retrieval and analysis extremely time-consuming as many public records are still logged on paper.
11. Based on data provided by the DAO in Dawei, Tanintharyi Region
12. *Progress of The World's Women 2015-2016: Transforming Economies, Realizing Rights* (New York: UN Women, 2015), p.89-90.
13. Myat Thet Thitsar, *Gender Value Chain: Fishery in Pya Pon and Dedaye Townships* (Yangon: Myanmar Development Research Institute, 2012), p.20.
14. *Progress of The World's Women 2015-2016: Transforming Economies, Realizing Rights* (New York: UN Women, 2015), p.102.
15. Jared Bissinger, *Local Economic Governance in Myanmar* (Yangon: The Asia Foundation, 2016), p.41.
16. *ibid.* p.36.
17. James Owen and Hay Mahn Htun, *Attitudes Towards Taxation In Myanmar: Insights From Urban Citizens* (Yangon: The Asia Foundation, 2018), p.10.
18. IMF and World Bank, *Domestic Resource Mobilisation and Taxation* (Washington, D. C.: Inter-agency Task Force on Financing for Development, International Monetary Fund and World, 2016), p.1
19. Cathal Long and Mark Miller, *Taxation and the Sustainable Development Goals: Do good things come to those who tax more?* (London: Overseas Development Institute, 2017), p.4
20. Jenny Macintyre, "Tat Lan partners promote community fisheries, local knowledge in the 2014 Rakhine State Freshwater Fisheries Law"; UN Livelihoods and Food Security Trust Fund, July 15, 2018, <https://www.lift-fund.org/news/tat-lan-partners-promote-community-fisheries-local-knowledge-2014-rakhine-state-freshwater>
21. Interview with subject matter expert, May 16, 2018
22. Jared Bissinger, *Local Economic Governance in Myanmar* (Yangon: The Asia Foundation, 2016), p.36.
23. Speaking broadly, there's a blurry distinction between what is referred to as a tax and a fee in Myanmar government offices. What is referred to as the "fisheries tax" is likely not a separate fisheries tax but the tender and auction licence fee.
24. Ildrim Valley and Hein Aung Kyaw, *Sub-national Public Finance Management in Myanmar. Budget Brief Series: Kayin | No.2* (Yangon: Renaissance Institute, 2017), p.6.
25. Ildrim Valley and Hein Aung Kyaw, *Sub-national Public Finance Management in Myanmar. Budget Brief Series: Ayeyarwaddy | No.1* (Yangon: Renaissance Institute, 2017), p.6.
26. "Myanmar has one of the lowest tax takes in the world", *The Economist*, November 16, 2017, <https://www.economist.com/asia/2017/11/16/myanmar-has-one-of-the-lowest-tax-takes-in-the-world>
27. James Owen and David Ney, *City Life Survey: Myanmar 2017 Pilot Initiative* (Yangon: The Asia Foundation, 2018), p.65.

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