Follow-up Mission Report

Follow-up Findings and Recommendations
InterAction Protection Mission – Myanmar
June 2 - 6, 2018

Introduction and background

InterAction's Program Manager – Protection, Ramon Broers, visited Myanmar for a short mission from 2 – 6 June, 2018. The purpose of the trip was to follow-up on the protection findings and recommendations from the previous InterAction mission conducted last year (from 26 February to 9 March, 2017) which examined opportunities to strengthen the ways of working outlined in the IASC Protection Policy to address protection concerns. Multiple NGOs were consulted prior to, during, and after the trip, including the INGO Forum, NRC, Trocaire, DRC, KMSS, CDA, Oxfam, MSF, LWF, and Save the Children, in addition to the National Protection Cluster.

Since the previous InterAction visit in 2017, the internal conflict in Myanmar intensified, especially in Rakhine, but also in Kachin and Northern Shan

Topline Recommendations

1. Conduct a protection analysis focused on connecters, dividers, and key influencers in Kachin and Northern Shan.

2. Create and follow a collective advocacy strategy that supports a principled approach to humanitarian interventions and prevents complicity.

3. Re-establish civil-military dialogue at the working level.

4. Ensure stakeholder engagement and buy-in in the underlying analysis for and development of the HCT protection strategy.

5. Ensure that protection becomes a consistent and standing agenda item for HCT meetings.

where increased military operations caused additional hardship and displaced more than 7,000 people. In response to a Rohingya insurgents attack on police posts in Northern Rakhine, the Myanmar military, Tatmadaw, organized large scale clearance operations which killed over 6,700 Rohingya[1] and forcefully displaced nearly 700,000 people in what has been described as ethnic cleansing and crimes against humanity with allegations of genocidal intent.[2] The interim Humanitarian Response Plan for 2018 shows that there are an additional 691,000 people in need across the three conflict states, which is nearly three times the number of people in need from 2017.

The consequent humanitarian response, advocacy, and search for detailed information shaped the conversations held during InterAction's follow-up protection visit. However, considering the protracted nature of the internal conflict in Myanmar, the consulted actors in Yangon point out that **most of the previous recommendations are still relevant**. New observations and recommendations

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[1] MSF publicly released one of the only detailed reports on the atrocities committed against the Rohingya: https://msf.org/myanmarbangladesh-msf-surveys-estimate-least-6700-rohingya-were-killed-during-attacks-myanmar. The report is widely cited by the humanitarian community and used a reference document.

[2] OHCHR Fact Finding Mission report: https://reliefweb.int/report/myanmar/report-independent-international-fact-finding-mission-myanmar-ahrc3964-advance

were made based on the conversations with the field level practitioners with a view to create new momentum and stronger humanitarian coherence nearly a year after the August 2017 Rohingya crisis.

The observations and recommendations presented below follow the same structure as InterAction's previous report, addressing: (i) Implementing a whole-of-system approach to achieve protection outcomes; (ii) Good information-flow and analysis as a basis for problem-solving; (iii) Diversifying ways of working in pursuit of protection outcomes; and (iv) Designing and implementing collective protection strategies.

Implementing a whole-of-system approach to achieve protection outcomes

As stated in the previous mission report "*A whole-of-system approach to protection recognizes that comprehensive reduction of risk typically requires more than one sector to achieve protection outcomes and therefore takes a multi-sectoral and multi-disciplinary approach.*" This is important across all three conflict states Kachin, Shan, and Rakhine. The HCT should make all efforts to build a shared view of protection as a humanitarian outcome as well as establish a conceptually solid outline of the main protection risks. In addition, international, national, and local NGOs should work together to:

- **Conduct a stakeholder mapping exercise.** Many implementing actors are still not aware of stakeholder maps, and while there are resources such as the Myanmar Information Management Unit, organizations are hesitant to share their contacts in fear of undermining their long-term efforts to establish good relationships, especially with government and military actors. Stakeholder mapping exercises have taken place in the past, for example, through the INGO Forum and the HCT Humanitarian Advocacy and Communications Group, but they did not result in any tangible products that are still usable.[3] Consulted actors stated that such an exercise would be very useful in order to identify influential actors, advocacy opportunities, and facilitate joined-up work. Such an exercise could be conducted under the National Protection Cluster or the INGO Forum.

- **Support church leaders** as they provide aid to the 7,000 people in Kachin displaced in May 2018. Local actors, such as religious leaders are the only ones allowed access to non-government-controlled areas and thus able to reach this population. All NGOs should support the displaced population that want to but cannot return to their land because it has been appropriated by other actors, e.g. by providing legal aid.[4]

Good information-flow and analysis as a basis for problem-solving

The UNHCR-led Protection Incident Monitoring System (PIMS) continues to collect and share protection related information, and more actors are feeding information into the system. However, the system is relatively new, and partly due to access constraints, it does not contain sufficient actionable data. Moreover, some of the information that is reported through PIMS is not shared with the wider humanitarian community. Little information is coming out of Northern Rakhine; the area is largely inaccessible as the government is strictly controlling movement in and out. Additionally, local networks and key monitors have been lost due to the escalated conflict and large-scale displacement. There is also little systematic information gathering from Kachin and Shan as information is coming on an ad hoc basis depending on recent access by local actors. Due to a lack of a system-wide information management system, many actors have developed their own information systems.

A number of new reports are produced with some regularity (several are referenced in this report), but there are few continuous monitoring efforts that allow for analysis of threat and vulnerability scenarios,

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[3] This can partly be explained by having focused too heavily on individual contacts and not having included the institutions (or department/sub-department) they are associated with, which would be more usable long-term.

[4] Read the joint report written by multiple NGOs here: https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/bp-displaced-dispossessed-land-myanmar-210518-en.pdf

while considering current or new community-based protection initiatives. Of the analysis that comes out, very little is action-oriented or written in a straightforward manner that allows for easy uptake and implementation. As emphasized in the previous InterAction protection mission recommendations, **the humanitarian leadership, through the HC, should send a demand signal to the wider humanitarian community for protection information** to encourage UN agencies and NGOs to improve information gathering and analysis as a basis for efforts to reach collective outcomes.

In order to ensure actionable continuous context-specific analysis, the humanitarian community should:

- **Take initial steps to re-establish connections with the affected populations in Northern Rakhine and improve the information flow**. NGOs should look for alternative ways to do this and not wait for access to potentially be improved following the tripartite MOU between UNHCR, UNDP, and the Government of Myanmar. Despite having been operational since June, the MOU has not achieved any meaningful access, according to consulted actors.

- **Establish a mechanism to collect *and* share community-level data and information,[5]** following the *Professional Standards for Protection Work* (especially Chapter 6: Managing data and information for protection outcomes). Shared information provides the basis for collective action. In order to mitigate the risks associated with collecting and sharing sensitive information, emphasis should be placed on equipping human rights defenders with relevant skills and knowledge, and on laying out a sound methodology that ensures their safety.

- **Update protection analyses for key conflict areas,** i.e. northern Shan and Kachin, and potentially Rakhine depending on the changing environment.[6] The last comprehensive protection analysis was conducted in 2015.[7] In northern Shan and Kachin, the protection analysis could take the shape of a conflict analysis focused on connecters, dividers, and key influencers.

  - Dedicate substantial time to follow-up on the recommendations. In order to ensure a more action-oriented approach, continuous monitoring of the identified protection concerns should take place every 3-6 months, as a light and focused exercise.

  - The conflict analysis should include the relevant regional stakeholders identified in the stakeholder mapping exercise and identify the actors with the best potential to help reduce protection risks – Protection Cluster members should develop productive relationships with those actors and include them in strategic planning.

  - There are many researchers in-country and forums where some of them meet, but they would need to be connected for this analysis, possibly organized under the National Protection Sector or the International Peace Support Group.

- **Present findings and recommendations from protection analysis to the HCT on a regular basis:** in areas of ongoing conflict and acute needs that could be every month, and in more stable areas that could mean quarterly or bi-annually.

Diversifying ways of working in pursuit of protection outcomes

A **lack of permanent advocacy specialists, a cohesive strategy, and willingness to take a strong stance are highlighted as the main remaining challenges.** While the humanitarian community has been willing to make stronger statements criticizing the government and are more comfortable using the term Rohingya, there is still a reluctance to take a principled approach and demand that the government

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[5] This was previously attempted with DRC's Conflict Tracker, but it is no longer operational.

[6] One of the actors InterAction consulted advised against another conflict analysis for Rakhine as there was little to no follow-up on the recommendations from previous analyses conducted by CDA Collaborative Learning Projects (now called RAFT).

[7] They can be accessed here: http://themimu.info/sites/themimu.info/files/documents/Ref_Doc_Protection_Sector_-_Context_Analysis_Rakhine_2015.pdf and here:
http://ingoforummyanmar.org/sites/ingoforummyanmar.org/files/report-files/Protection_Sector_-_Concerns_and_Risks_Analysis_KACHIN_SHAN_22October_FINAL.pdf

gives full rights to ethnic minorities. International actors need to condemn atrocities and not be concerned about being expelled from the country or not getting their MOUs renewed; indeed, **several consulted individuals argued that they should pull out if they don't get full access to affected populations**. However, one actor stated that "Everyone talks about this, but nobody that I've seen is willing to take that position," suggesting that a potential advocacy strategy needs to identify viable and effective positions while also addressing the humanitarian community's considerable risk aversion.

Consulted actors contend that complying with government restrictions in order to maintain minimal access, especially in service delivery to people in need, is tantamount to complicity – it has also been argued in several reports, including Liam Mahony's recent analysis of the collective work on the Rohingya crisis. This complicity may be forced by the government of Myanmar, but the consensus among the consulted actors in of this InterAction follow-up mission was that the complicity needs to end. One consulted party stated that "we are already at the level of atrocity and impunity we saw in Sri Lanka, and we must make sure that it does not get even worse." Humanitarian actors **need to create an advocacy strategy and take collective responsibility for messaging**, be it in bilateral communications with the government or public statements. This would include advocacy with donors (e.g. World Bank and the Asian Development Bank) about what they fund and how. Mahony appropriately argues that "more advocacy needs to happen even if it does represent a risk to the institutions. Different INGOs will have different levels of risk aversion, so all organizations will not be on the same page. If 'joint advocacy' requires universal participation it will not happen, so it will need to be coordinated in a more ad hoc fashion, pulling together 'coalitions of the willing' on specific issues at specific times." An advocacy strategy should allow for such flexibility and approaches, as a way of adjusting to context.

As stated in the previous report "*achieving measurable results and protection outcomes manifested in reduced risk demands different ways of working, depending on the specific threats in each context, and people's vulnerabilities and capacities vis-à-vis those threats. This means effective use of advocacy alongside other means of bringing about the desired outcomes*." In addition to taking better advantage of collective advocacy, humanitarian actors should look into **re-establishing context-specific and nuanced civil-military dialogue** at the working-level. This might be a daunting task; the military seems inaccessible and the recommendations from the OHCHR Fact Finding Mission highlights the potential risk of legitimization. However, some entry points can be found at the field level, and the stakeholder mapping can help identify particular locations where dialogue is more likely to have effective outcomes. The Myanmar military will have several overlapping concerns with the general population and NGOs, which can be used to initiate dialogue, e.g. related to health issues such as malaria and demining initiatives that would decrease their own casualty rates. Dialogue will also be important for post-2020 election as the military-backed Union Solidarity and Development Party (USDP) might gain more power.

Designing and implementing collective protection strategies

In order to achieve collective protection outcomes, the humanitarian leadership needs to mobilize and align capacities and resources from across sectors, disciplines, and mandates. This could happen through collective strategies and conversations with a range of actors. With the arrival of a new Humanitarian Coordinator in 2017, several organizations expressed hope that the humanitarian community would work better together; be willing to criticize the government more strongly for its breaches of IHL and IHRL; be more inclusive of NGO voices; and focus more strongly on protection. The Myanmar Humanitarian Country Team (HCT) currently comprises UN agencies, INGOs, LNGOs, and donors (as observers), and the HC made a very good decision to keep an NGO as the co-chair of the group.

In order to prioritize key protection issues and create a framework for joint action, the HCT needs an action-oriented protection strategy. In a positive development, ProCap will send a protection specialist to Myanmar to support the HCT in creating such a strategy. The goal is to have the strategy ready by fall 2018. While it can be important to have an HCT Protection Strategy to guide the

humanitarian community towards collective protection outcomes, an effort should be made to ensure relevant stakeholders are appropriately included in the underlying analysis and the drafting of the strategy in order to encourage the buy-in necessary for this document to be action-oriented and not simply a checkbox exercise. This point was emphasized in the previous InterAction protection mission report. Building on past experiences with nearly a dozen HCT Protection Strategies and following the Global Protection Cluster's provisional guidance on such strategies, it is recommended that the strategy only focuses in on 1-2 key protection issues. It is also recommended that the HCT periodically reviews progress towards the identified protection issues. In order to ensure alignment with National Protection Sector strategies, the HC and HCT must establish regular communication and should consider including protection as a standing agenda item.

There are two different humanitarian communities working on the Rohingya issue: one based in Cox's Bazaar, Bangladesh, and the other in Rakhine, Myanmar. These communities are not streamlined and rarely communicate in a meaningful and transparent manner. In order to identify durable solutions for the displaced Rohingya population in Bangladesh, both humanitarian responses need access to and information from Rakhine. Moreover, the Rohingya need full freedom of movement within and past the borders of Rakhine, unlike the restrictive language in the recent MOU between UNDP, UNHCR, and the Myanmar government, which urges conformity with existing restrictive laws.[8]

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[8] See Reuters article on the issue here: https://www.reuters.com/article/us-myanmar-rohingya/secret-u-n-myanmar-deal-on-rohingya-offers-no-guarantees-on-citizenship-idUSKBN1JP2PF