

Strategic Review of Mercy Corps' Experience with Dispute Resolution and Mediation Programs in Myanmar

A Report commissioned by Mercy Corps Myanmar and co-authored by Chris Moore, Aye Aye Kyu and Zayar Lin.



Cover Photo: WVTAs undertaking IBN training in Myanmar.

Photo credit: Benjamin Medam



Contents

Tables and Figures	4
List of Acronyms	5
1. Executive Summary	6
2. Introduction	10
2.1 Objectives of IBN/IBM Programming	12
3. Objectives of Strategic Review	14
4. Methodology	14
4.1 Evaluation/Strategic Review Methodology	14
4.2 Data Collection Methods	17
4.3 Sampling Strategy	17
4.4 Data Analysis and Reporting	19
4.5 Ethical Considerations	19
5. Lessons from Mercy Corps’ Negotiation and Mediation Programs between 2013 and 2019	20
5.1 Inclusive Natural Resource Management (INRM)	20
5.1.1 Findings of the INRM Program	21
5.1.2 Relevance/ Appropriateness of IBN	22
5.1.3 Effectiveness	22
5.1.4 Sustainability/ Impact	23
5.1.5 Recommendations	24
5.2 Local Resilience for Peace (LRP)	24
5.2.1 Relevance/ Appropriateness	26
5.2.2 Effectiveness	32
5.2.3 Sustainability and Impact	34
5.3 The Sone Hmat Program (2016 – 2018)	37
5.3.1 Relevance and Appropriateness	39
5.3.2 Effectiveness	41
5.3.3 Sustainability/ Impact	45
5.4 The Promote Sustainable Peace and Resiliency in Kayah (PROSPER) /Paung Si Lett Program (2015 – 2018)	45
5.4.1 Relevance/ Appropriateness	46
5.4.2 Effectiveness	47
5.4.3 Sustainability	53

5.4.4	Impact	55
5.5	The Rights-Based Dispute Resolution Project (RBDRP) (2017-2019)	57
5.5.1	Relevance and Appropriateness	58
5.5.2	Effectiveness	58
5.5.3	Impact	60
5.5.4	Sustainability	62
6.	Conclusions	64
7.	Recommendations	69
7.1	Strengthening future initiatives	69
7.1.1	Characteristics of Peaceful Communities	70
7.1.2	Broad Social Change Strategies	71
7.2	Recommendations for Future Intercommunal Peacebuilding and Conflict Resolution Programming	78
7.2.1	How Should MC frame its Work? Recommendations Concerning Potential Terminology	78
7.3	Where should MC Work?	78
7.3.1	Recommendations Concerning how to Determine Where MC Should Work	78
7.4	What Should MC do?	80
7.4.1	Recommendations Concerning the Kinds of Intercommunal Work MC Should Engage in	80
7.5	What Should be the ‘Institutional Home’ for a Future Program?	80
7.5.1	Existing Institutions	81
	Civil Society Institutions and Initiatives	81
	Religious Institutions	81
	Local Government	81
	Police	82
	A New Free-Standing Institution	82
7.5.2	Recommendations on determining the Institutional Home for MC Intercommunal Programming	83
7.6	How should Mercy Corps Organize its Activities and who should it Work With?	83
	Peacebuilding and Conflict Prevention	83
	Community Dialogues	83
	Joint Projects for Mutual Benefit	85
7.6.1	Recommendations Concerning Peacebuilding and Conflict Prevention	85
7.7	Conflict Anticipation	85
	Early Warning Systems	86
	Rumor Control Centers and Mechanisms	86

7.8	Conflict Regulation	87
	Developing Acceptable Standards and Norms for Attitudes, Speech, and Behavior of Community Members	87
	Community Walks and Neighborhood Watch Groups	87
	Independent Impartial Observers or Monitors	87
	Community Peacekeeping	87
7.9	Recommendations Concerning Conflict Regulation	88
7.10	Conflict Engagement Capacity Building	88
7.10.1	Recommendations on Conflict Engagement Capacity Building	88
7.11	Conflict Management and Resolution	89
7.11.1	Recommendations concerning Conflict Management and Resolution	89
7.12	Conflict Transformation	91
7.12.1	Recommendations concerning Conflict Transformation	91
8.	Recommendations for other issues	91
8.1	Recommendations on Strategies for Institutionalization of the Use of IBN and IBM	91

Tables and Figures

Table 1	Summary of Sample List of MC Projects and Programs	10
Table 2	Relations between Intercommunal Groups and Responses to Prevent Conflict, Resolve Disputes and Transform Conflict are a range of mechanisms and procedures from which Mercy Corp should select to implement future programming	73
Table 3	Focus, Types and Levels of Change and Potential Activities to Achieve Them	83

List of Acronyms

AVSI	Association of Volunteers in International Service Foundation	KII	Key Informant Interviews
AYO	Ar Yone Oo	KMSS	Karuna Myanmar Social Services
CBO	Community Based Organisation	KMSS	Karuna Mission Social Solidarity
CDR	Collaborative Dispute Resolution	KNPP	Karenni National Progressive Party
CMG	Conflict Management Group	KNSO	Karenni National Social Organization
CSO	Civil Society organizations	LRP	Local Resilience for Peace
EAO	Ethnic Armed Organization	LRP	Local resilience for Peace Initiative
EO	Ethnic Organization	MC	Mercy Corps
EWER	Early Warning and Early Response	NCA	National Cease Fire Agreement
FGD	Focus Group Discussions	PROSPER	Promote Sustainable Peace and Resiliency
GORUM	Government of the Republic of the Union of Myanmar	RBDR	Rights-Based Dispute Resolution
IBM	Interest Based Mediation	RBDR	Rights-Based Dispute Resolution Project
IBN	Interest Based Negotiation	RMRE	Reconciliation through Mine Risk Education
IDA	Institute for Development Administration	TBC	The Border Consortium
IDG	Inter-faith Dialogue Group	W/VTA	Ward and Village Tract Administration
INRM	Inclusive Natural Resource Management		
IRC	International Rescue Committee		
JSCB	Justice Sector Coordination Body		
JSCB	Justice Sector Coordination Body		

1. Executive Summary

Mercy Corps (MC) has been implementing programs to strengthen the negotiation and dispute resolution skills of civil society leaders, religious leaders, and government officials in Myanmar for over five years.¹ These programs apply a collaborative approach to negotiation and problem solving – referred to by MC as the interest-based negotiation (IBN) framework – to strengthen the capacities of participating leaders to communicate constructively across lines of division and effectively resolve disputes. The approach, dating back to MC’s 2004 merge with the Cambridge-based Conflict Management Group and adapted to Myanmar’s context, builds on MC’s global experience using IBN as a tool to support dispute resolution, collaborative problem solving, and joint project implementation.

Purpose of the strategic review:

1. Capture program impact, successes, and setbacks.
2. Review Mercy Corps’ current dispute resolution programming approaches against global best practice.
3. Generate practical recommendations for strengthening implementation and impact in the anticipated second phase of the intercommunal violence program as well as in other ongoing and future programs.

After several years of implementation and adaptation, the MC team is taking a step back to review its dispute resolution program against global best practice with an eye to strengthen implementation and impact in upcoming programs. The team hopes that this strategic review will also expose new theoretical perspectives and approaches that may be integrated into the existing approach, enhancing sustainability and impact.

The strategic review assesses the relevance of the IBN approach and reviews results chains and achievements against intended outcomes; it also does likewise the different approaches and tools used in different projects. This strategic review, based on its learnings, serves as a key decision point in formulating recommendations for future programs and potentially reorienting our approach.

Objectives of the strategic review: The strategic review aims to:

(1) Review, based on the below strategic review questions and against global best practices, MC’s past and current dispute resolution program approaches, capturing program impacts, successes, and setbacks. This includes reviewing the participant selection strategies, curriculum, strategies for supporting ongoing networking and learning, and methods of monitoring and evaluating the impact of dispute resolution programming.

¹ These programs include INRM, LRP, RMRE (mine risk education), Sone Hmat, PROSPER, My Justice (+ Bago pilot), ACE, DSW, NCDDP.

(2) Generate recommendations for improving the mediation and dispute resolution components of future programs. Recommendations should draw on the review and best practices in mediation and dispute resolution programming and provide concrete and practical guidance for strengthening implementation and impact. Recommendations should focus on Myanmar, but they could also inform MC's IBN work globally.

(3) Expose the MC team to new ideas around dispute resolution training and best practices. The consultant should be prepared to talk through best practices and common pitfalls of dispute resolution programming with the team. To the extent possible, team members should be involved in the review process in order to maximize learning.

Participants involved in the review: The evaluation and strategic review team solicited the voices of people involved in all of MC's IBN/IBM initiatives and asked them to directly share their insights about program approaches, monitoring, and achievement; they also discussed future MC programming. This was done in efforts to evaluate and assess the relevance, effectiveness, efficiency, impact, and sustainability of the program. Key participants in the evaluation and strategic review were township administrators, W/VTAs, and religious, community, and civil society leaders who had participated in MC's programs. Other participants in the evaluation included disputants in cases handled by W/VTAs, trained in CBDR IBN/IBM, and a control group of W/VTAs similar to those who participated in the program but were not participants or trained in dispute resolution procedures and skills.

Methodology: This section of the report consolidates the findings from the evaluations of all of MC's IBN/IBM programs in Myanmar and incorporates input from MC staff and national consultants, Aye Aye Kyu and Zayar Lin and international consultant, Chris Moore, who participated in a two-day learnings workshop. It addresses some of the key strategic questions related to MC's introduction and implementation IBN/IBM procedures to address and resolve some of the most important issues faced by the country and to promote development and peace.

Additional data was collected to support the strategic review, which included focus group discussions (FGDs) and key informant interviews (KIIs). Evaluation questions that guided FGDs and KIIs can be found in Annex A and B. Data was also collected from MC's staff members who implemented past programs during a two-day lessons-learned workshop conducted prior to consolidating information from program participants and preparing this evaluation and strategic review. Data collection activities were carried out in six cities: Mandalay, Loikaw, Taunggyi, Hpa-an, Belin, and Mawlamyine. A total of 76 trained leaders (41 from RBDRP project and 35 from past MC projects), ten disputants (two per MyJustice project area), and 19 control participants participated in this evaluation.

Main Findings and Recommendations:

1. Program Impact:

- MC programs have been very successful in transferring IBN/IBM knowledge and skills to leaders and members of CSOs. Training leaders and staff of CSOs in the procedures in the context of MC's programs is clearly beneficial, both for achieving MC's goals and empowering CSOs to work effectively on these and other issues of concern. These initiatives should be continued in future programs.

- Overall, the majority of programs' result chains and achievements have matched the intended outcomes of the programs. Notably, program participants' IBN/IBM capacities have significantly increased. Making intended impacts and outcomes for mediation program more congruent is a complex problem, as it is highly dependent on a number of macro factors that were, and still are, outside of the scope and control of the projects.
- In regard to retention, at an individual level across all projects, respondents reported that the program experience had been valuable. For many, it was very exciting and significantly changed the way they viewed differences, personally dealt with issues and problems, and worked with parties in disputes. A large number of trainees reported that they retained what they had learned and continued to use the knowledge and skills to help diverse parties reach collaborative agreements and resolve conflicts. However, one drawback in retention is local leadership positions can change if they are in elected positions.

2. Relevance of Program Design and Contextualization (Issues, Institutions, and Participants)

- The theory of change (ToC) and strategic entry points selected by MC in terms of issues, institutions, and participants for its programs were highly relevant and appropriate for the needs of Myanmar. MC has sought to provide creative ways to address some of the most important and difficult issues in the country: access to and use of natural resources, inter-religious and inter-ethnic cooperation and disputes, development issues, and community participation in governance.

3. Institutionalization of IBN, IBM, and Government Engagement

- At an institutional level, the institutionalization and continued use of IBN/IBM procedures by the Government of Myanmar (GOM) personnel, such as the General Administration Department (GAD) officials at the Townships level or by W/VTAs, has been somewhat problematic. To date, no formal measures have been taken by any GOM institution to institutionalize the use of IBN/IBM by formal endorsement, granting permission, or requirement for their use; changes in policies or procedures; or provision of routine and ongoing training for service providers. The exception is the IDA training program in which IBM/IBM has been introduced.
- To improve institutionalization and retention on the individual level, MC could initiate follow-up programs for former trainees to support the continued use of the procedures. One approach to institutionalize the use of the procedures in government institutions could be formalizing the presentation of IBN/IBM procedures in ongoing training programs of the IDA or other government institutions that train civil servants. A more ambitious initiative might be working with other INGOs and donors to persuade GORUM to encourage or authorize the use of IBN/IBM by civil servants, either by legislation or administrative decree.
- Additional ways to strengthen institutional capacities and institutionalize IBN/IBM approaches and procedures might be assembling data on past use and success of IBN/IBM and creating endorsement letters and/or petitions to make a "business case." There is also space for MC to work with CSOs, the legal community, national NGOs, other INGOs, and donors to

encourage GORUM to approve or authorize the use of IBN/IBM by government institutions and civil servants.

- A second level approach would be to advocate for approval and use of the procedures by GORUM institutions – such as ministries (Ministry of the Office of the Union Government, Ministry of Labor, Immigration, and Population, etc.) or national committees (the Administrative Body of the Farmlands, the Central Committee for Scrutinizing Confiscated Farmlands and Other Lands, etc) – by issuance of administrative orders or guidelines, since the government’s organizational structure is top-down from the national to village level.
- As one of MC’s goals has been to improve relations between government officials and CSOs, it should explore conducting more activities that involve both groups together. An example is joint training programs to explore how to address issues of common concern, such as resolving land disputes, or to start dialogue and discuss how governmental practices might be modified to better meet the needs of both communities and the government.

4. Recommendations for Future Programs’ Improvement

- MC can ensure that its programs have an impact at the community level by conducting regularly scheduled feedback meetings, for example on a quarterly basis, with leaders and members of communities to solicit feedback on how its programming is being received. This would include feedback on the performance of trainees, disputants’ satisfaction with assistance provided, and the outcomes of disputes. Care would need to be taken to ensure that feedback is solicited from women and minorities who might normally have not have access to or be able to participate in such meetings.
- Other national issues that might have been pursued, and which are still appropriate, could be a national program on women’s empowerment using IBN/IBM and a program that includes efforts to address serious human rights issues. At this time, the first focus might be feasible; the latter, however, will be extremely difficult.
- There is some space for MC's training processes, vocabulary, and training materials to be appropriately adapted to the situation in Myanmar and improved; however, overall respondents were quite satisfied with the IBN/IBM curriculum, framework, and procedures. For example, the translation of training materials could use improvement in some of the language so it is more understandable to trainees and could provide simpler and Myanmar-specific examples.
- Although IBN/IBM already included some common procedural and substantive human rights standards—for example: participation, accountability, non-discrimination and equality, empowerment and legality—in the evaluation many trainees lacked a clear understanding of what was and was not a human right. Many thought that identification of individual and mutual interests, demonstrating mutual respect, and negotiation were human rights. It is clear from responses that more work needs to be done to clarify what human rights are and to more clearly teach the concepts and how they should be put into practice when resolving disputes.
- A critical area to address is when and how to apply different Standards of Legitimacy – national laws, international agreements, and customary norms and practices – and how to reconcile them when they differ. Exercises need to be developed to help trainees learn how

to apply human rights standards and help parties identify and/or develop interest-based and rights-compatible settlements for disputes.

2. Introduction

Mercy Corps (MC) is an international non-governmental organization (INGO) established in 1979 that is dedicated to helping people facing the toughest challenges, survive and move toward a stronger more resilient future. In 2004, MC merged with the Conflict Management Group (CMG), an INGO with expertise in collaborative problem solving, negotiation, and dispute resolution.

MC began work in Myanmar 2008 to help communities recover from the loss of life and livelihoods due to destruction caused by Cyclone Nargis. Since then, MC has expanded its work to respond to communities' needs and support the country in its path to economic growth, resilience, peace, and good governance; this includes improving the ability of local governments and civil society groups to resolve conflicts.

People in Myanmar, as in other countries and cultures, are often involved in disputes and conflicts. Some disputes involve interpersonal and family disagreements or tensions between neighbors or with members of their community. Others involve tensions between members of different ethnic communities. Finally, there some disputes involve personnel and agencies of the Government of the Republic of the Union of Myanmar (GORUM), either as parties or intermediaries.

An important component of MC's work involves introducing procedures to assist people to collaborate, reach mutually acceptable agreements, and resolve difficult disputes, which to the greatest extent possible result in joint gains for all concerned. The goal for MC's negotiation and dispute resolution programming has been to strengthen the capacities of participating leaders to communicate constructively across lines of division and resolve disputes effectively. The first tool selected to help achieve this goal was a collaborative approach to negotiation and problem solving, commonly referred to as Interest-Based Negotiation (IBN).

IBN is a problem-solving process in which people or groups that want to reach an agreement or resolve a dispute engage in "back and forth" communication and work together collaboratively to develop agreements that meet each party's needs and address their interests. They do this by identifying and educating each other about their needs and interests, generating potential options to meet these needs and interests, evaluating how well options address their concerns, and modifying options until a satisfactory outcome is identified or developed.²

In 2017, MC expanded its work in problem solving and dispute resolution to add a new tool, Interest-Based Mediation (IBM). IBM involves the voluntary submission of a contested issue, dispute, or conflict by involved people or parties to a mutually acceptable and unbiased third party. This third party helps them establish positive working relationships and provides and manages a process that enables them to effectively engage in IBN.

² IBN is an alternative to positional negotiations where parties develop and make specific proposals (positions) to each other that meet their interests and needs. Proposals are sequentially exchanged until an acceptable compromise or outcome is reached.

In Myanmar, two IBM processes may be used to reach a mutually satisfactory interest-based outcome or agreement. In the first process, the involved parties, with the assistance of an acceptable mediator, engage in IBN (as described above), to identify or develop a mutually acceptable agreement. In this process, the mediator does not make any recommendations for solutions. The second process involves implementing the first procedure, but if the parties are unable to reach an agreement, they may request, or the third party may suggest, an “integrative, interest-based solution” that strives to address and meet all parties interests to the greatest extent possible, which all involved voluntarily accept.³ In this process, the facilitator will make recommendations and suggestions for solutions.

In 2017, Mercy Corps added a third element to its programming, Human Rights-based Dispute Resolution.⁴ This approach for settling disputes and conflicts uses *procedural* and *substantive rights*, which are established for individuals or groups by national laws or international agreements as standards and criteria for parties or mediators to use when generating potential options for agreements. This approach helps evaluate whether possible outcomes recognize all parties’ rights and are fair and just.⁵

Standards and criteria for a rights-based approach are outlined in the Panel Principles.⁶ The Panel Principles include:

- 1) **Participation:** People should be involved in decisions that affect their rights.
- 2) **Accountability:** There should be monitoring of how people’s rights are being affected, as well as remedies when things go wrong.
- 3) **Non-Discrimination and Equality:** All forms of discrimination must be prohibited, prevented and eliminated, [and] people who face the biggest barriers to realizing their rights should be prioritized.
- 4) **Empowerment:** Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives. and
- 5) **Legality:** Approaches should be grounded in the legal rights that are set out in domestic and international laws (Scottish Human Rights Commission, 2016).

³ This latter process in Myanmar is referred to as “mediation”. In practice, however, it is more similar to procedures used in other countries referred to as conciliation. Conciliation is “a third-party dispute, grievance, or conflict resolution process in which an independent intermediary gathers relevant information through interviews with involved or other knowledgeable parties, mediates, and, if necessary, makes a recommendation for how parties’ differences might be satisfactorily resolved.” Christopher Moore, *A Feasibility Assessment on the Introduction of Alternative Dispute Resolution (ADR)/Collaborative Dispute Resolution (CDR) to Resolve Land Disputes in Myanmar*. Yangon, Myanmar: Norwegian Refugee Council and My Justice, 2019.

⁴ The term, Human Rights-Based Dispute Resolution, is often shortened in Myanmar to “rights-based” dispute resolution to make it more politically acceptable. There is a high degree of sensitivity in the country to referencing “human rights,” which are frequently argued as being standards externally imposed and used to judge the country and its government by the international community.

⁵ Many people across Myanmar when asked about outcomes that they want as a result of using a dispute resolution process to address a range of issues, such as issues over land, commonly respond that they want it to be fair, respect their rights, and, when appropriate, the outcome is recognized by GORUM and other concerned parties as “legal.”

⁶ *A Human Rights-Based Approach: An Introduction*. Scottish Human Rights Commission. http://www.scottishhumanrights.com/media/1409/shrc_hrba_leaflet.pdf

Mercy Corps believes that IBN/IBM and rights-based dispute resolution are complementary and highly compatible for several reasons. First, one of the seven Elements of the IBN framework and process used by MC is “legitimacy,” the search for, and application of, objective standards and criteria that help parties determine the fairness of an agreement.⁷ Legitimacy of a potential or actual agreement can be based solely on what parties believe is fair and just, but can also be enhanced by utilizing broadly accepted objective standards and criteria beyond the views of disputants that codified in domestic laws, rules, regulations, and/or procedures or in international agreements.

Second, using both an interest-based and a rights-based process together can help prevent situations where parties’ interests are met in an agreement but the settlement does not comply with, or is not congruent with, domestic and/or international standards. This approach is also beneficial when potential solutions comply with one or more parties’ rights, but inadequate consideration has been given to a potentially more satisfactorily agreement by another rights-compatible and interest-based solution.

MC believes that integrating IBN and IBM as procedural approaches for dispute resolution and using Rights-based Dispute Resolution standards and criteria, will help assure that the interests of all parties are considered and met to the greatest extent possible. Furthermore, that options generated and agreed upon recognize all parties’ rights, relevant laws and standards. MC believes that interest-based and rights compatible agreements that are reached will be stronger, fairer, and more just and are more likely to be implemented with terms complied with.

2.1 Objectives of IBN/IBM Programming

Since the inception of MC’s peacebuilding work in Myanmar on collaborative problem solving, negotiation, and mediation, the organization has made significant efforts to target and address *issues* that have caused, or may in the future cause, significant social divisions. It has also identified and engaged appropriate *people* and *institutions* to work with that have the capacity to make major improvements in the ways people in the country handle difficult issues, disputes, or conflicts. MC’s programming has sought to:

- 1) Enhance the dispute resolution capacities of diverse government officials at Township and Ward and Village Tract Administration (W/VTA) levels to better resolve a range of community disputes by presenting programs and workshops on rights-based IBN/IBM and taking steps to institutionalize the procedures in GORUM institutions that educate civil servants. (MC’s Strengthening Knowledge and Skills of Rights-Based Dispute Resolution Program is for men and women who are W/VTAs and Deputy Staff Officers. Hereafter, this initiative will be called the Rights-Based Dispute Resolution Program – RBDRP and procedures used RBDR).
- 2) Increase the ability of Township and W/VTAs to work across lines of division to resolve disputes over development and natural resource issues, strengthen the capacities of local organizations to negotiate agreements and implement natural resource projects, and strengthen the abilities of local government to implement initiatives to promote and reduce

⁷ The 7 elements of the IBN framework are: 1) Improve the *Relationship* between the parties, 2) Promote good two-way *Communication* between the parties, 3) dig under positions to clarify and articulate *Interests*, 4) Promote joint brainstorming of many *Options* before parties decide, 5) Elicit *Standards of Legitimacy* and focus on what parties deem fair, 6) Help craft realistic, operational and sufficient *Commitments*, and 7) Reality test each party’s Best Alternative to a Negotiated Agreement (BATNA).

tensions over natural resources. (MC's Inclusive Natural Resource Management Training Program).

- 3) Build skills and relationships of a diverse group of people (community members and civil society organizations [CSOs]); township, ward, and village governments; and Ethnic Organizations (EOs) in Kayah State to lay the foundations for sustainable peace (MC's "Promoting Sustainable Peace and Resiliency in Kayah State" program).
- 4) Establish local networks of respected, influential, and legitimate leaders who play a critical role in mitigating intercommunal tensions and preventing violence, building the capacity of CSOs to mitigate impacts of intercommunal violence, and assisting them to develop new narratives of inclusive and equitable Myanmar identities; and promote tolerance and reconciliation between individuals and groups from diverse ethnic communities (MC "Local Resilience for Peace (LRP) program in Taunggyi and Mandalay).
- 5) Support networks of local leaders in Mandalay and Taunggyi to work together to mediate disputes, diffuse intercommunal tensions, and support civil society actors to plan and implement initiatives to promote tolerance and reconciliation (MC "Sone Hmat" project, a follow-on initiative to previous activities of the LRP program).
- 6) Build cooperation and collaborative capacities of local government and members of ethnic minority populations to successfully address their shared interest in resolving land-mine issues by capacity building around problem solving and negotiation (MC's and the Shalom Foundation's "Reconciliation through Mine Risk Education (RMRE) Program).

For most of the above initiatives, MC, its staff and partners developed a Theory of Change, a hypothesis and description of how and why a desired change was expected to happen in a specific context as a result of implementation of specific strategies and actions.

In its most basic form, a Theory of Change hypothesizes that:



"If X (activity is conducted), then Y (the change that is expected to occur), because Z (the rationale for why the change will happen.."

— Reflecting on Peace Practice (RPP) Basics: A Resource Manual. p. 47.

MC uses a variety of approaches, procedures and strategies to implement its programs. The most common, which were used in many of the initiatives identified above are:

- Introductory Training Programs on IBN and IBM
- Advanced Training Programs on IBN
- Mentoring and Coaching Trainees
- Quarterly Meetings
- Lessons Learned Workshops
- Convening Community Dialogues

More will be discussed later about how Theories of Change and MC activities were applied in the projects identified above.

3. Objectives of Strategic Review

After over five years of adapting and applying IBN/IBM approaches and procedures to specific situations and issues in Myanmar, the MC team decided to take a step back and review its dispute resolution programming in light of global best practices with an eye to strengthening implementation and impact of future programs. The broad goals of this strategic review are to:

- 1) Capture program impact, successes, and setbacks by comparing results chains and achievements of diverse IBN/IBM initiatives against intended outcomes;
- 2) Review MC's current dispute resolution programming approaches against global best practices;
- 3) Expose members of the MC team to new ideas around dispute resolution training and best practices and identify common pitfalls of dispute resolution programming;
- 4) Generate practical recommendations for strengthening implementation and impact in the second phase of the intercommunal violence dispute prevention and resolution program as well as in other ongoing and future MC programs.

4. Methodology

4.1 Evaluation/Strategic Review Methodology

This methodology will be in two parts: first, the individual review of each IBN/IBM project using robust review criteria will be assessed, and second, the IBN/IBM strategy as a whole will be analyzed using a second set of criteria.

For the individual reviews, to evaluate and assess the relevance, effectiveness, efficiency, impact, and sustainability of the programs, the evaluation/strategic review team solicited the voices of people involved in all of MC's IBN/IBM initiatives. They were asked to share their insights about program approaches, monitoring, and achievements, as well as suggestions for future MC programming.

Key informants in the evaluation/strategic review were Township Administrators, W/VTAs, and religious and civil society leaders who participated in MC's programs. Henceforth, these participants will be referred to as respondents.

Other participants in the evaluation included disputants in cases handled by W/VTAs trained in RBDR IBN/IBM and a control group of W/VTAs similar to those who participated in the program but were not participants or trained in dispute resolution procedures and skills.

The evaluation/strategic review also solicited views of MC program staff members and teams involved in implementing programs. They were asked to identify strengths and weaknesses of program activities.

The evaluation/strategic review utilized and analyzed five criteria:

- 1) *Relevance*: to assess the degree to which the program's design was relevant given the changing context and nature of the beneficiary/beneficiaries.
 - Were activities of the program appropriate to successfully respond to the issue(s) or problem(s) identified?
 - Has the nature of the problems or the context in which they exist changed, and if so, have activities and strategies been appropriately altered to remain relevant?
 - In general, was the program relevant to reducing tensions/conflicts and did it help increase the capacities of the program participants from target areas to do so?
- 2) *Effectiveness*: to assess whether the program was implemented as planned and to identify any roadblocks encountered and whether appropriate adaptations were made and adapted appropriately.
 - Was the program implemented as originally planned? What worked or did not work?
 - What changes could be made to strengthen and enhance project performance of future programs with similar focuses?
 - Were there any learning mechanisms in place to adapt program interventions throughout implementation that should be preserved and implemented in future programs?
 - To what extent has the program been successful in achieving its goals for outcomes and meeting its log frame indicator targets? (For example: in the case of the RBDRP, did the W/VTAs who were trained provide rights-based mediation and dispute resolution in the last six months? Have the skills and confidence of W/VTAs in provision of rights-based mediation and dispute resolution improved? Has the communication and collaboration for rule of law and justice improved between/among program participants?)
- 3) *Efficiency*: to assess the progress of the program towards achieving outputs and meeting targets in relation to inputs (human, financial and time).
 - Was the program implemented efficiently, given the implementing environment?
- 4) *Impact*: to assess any expected or unexpected impacts and consequences due to the program's activities to date, either positive and/or negative
 - What has happened as a result of the program?
 - What changed the most from the perspective of program participants?
 - What real differences have the activities made to program participants and their community or communities?
 - What unexpected changes have come about as a result of the program? What factors have contributed to these changes? E.g., have there been any changes in how conflicts are resolved? What are the changes?

- 5) *Sustainability*: to assess if the program's activities produced results that continue and will be sustained over time and the potential for scaling up.
- How successful was the program in building the capacities of program participants and the institutions in which they work to provide problem-solving and dispute resolution services in the program's targeted areas over time? To what extent has the program created sustainable change for local communities?
 - To what extent are the benefits of the program likely to continue after donor funding ends?

In order to undertake a comprehensive and thorough review of the IBN strategy, the following review questions have also been considered.

- 1) *Impact and sustainability*: How are former participants doing today? How have trained mediators' approaches to negotiation changed since their participation in Mercy Corps' program? What is retained at an individual and institutional level? What are some of the strategic entry points Mercy Corps can leverage to strengthen institutional capacities? How do we make sure these programs have an impact at the community level? To what extent has Mercy Corps been successful with transferring skills and knowledge to local civil society organizations?
- 2) *Adaptation*: How did Mercy Corps adapt IBN to the Myanmar-context and specific dynamics? To what extent were we successful in doing so? What opportunities have we missed?
 - In Myanmar, Mercy Corps has used its IBN approach for different program objectives with uneven results:
 - Increase communities' trust and confidence in leaders;
 - Decrease the number of disputes;
 - Strengthen local conflict management mechanisms through:
 - Adoption of tools,
 - Peer to peer relationships,
 - Social cohesion and community trust,
 - Conflict resolution - with mediation and negotiation being used interchangeably,
 - Conflict prevention,
 - Provision of justice services, with a strong human rights components
 - Better track and monitor disputes through a documentation system.
 - In Myanmar, Mercy Corps has used and adapted its IBN approach to contexts (urban and rural areas, government-controlled areas, ethnic authorities-controlled areas, mixed controlled areas, conflict-affected areas).
- 3) *Training curriculum*: Based on the above and feedback from alumni, how can the training curriculum be improved?
- 4) *Mentoring and coaching*: Should IBN be a standalone project or fit with a larger peacebuilding architecture? What additional, ongoing support should be provided to trained mediators in order to consolidate new dispute resolution skills? Is the "exchange meeting" system effective? Has the "mentoring and coaching" system work? Does it make sense to work with trained alumni as mentors?

- 5) *Target beneficiaries*: What type of person is most impactful and feasible to target for training in mediation and dispute resolution? Did we target the right people? How can selection and engagement of program participants be improved? How can we better target women and youth when engaging leaders?
- In Myanmar, the IBN curriculum was first adapted from the model used by Mercy Corps' conflict resolution programs in Iraq, which involved a strong network-building component. However, in Myanmar, Mercy Corps decided to identify and work with key individuals ("champions" - civil society representatives, government officials, ethnic authorities, religious leaders) rather than existing networks. In doing so, Mercy Corps paid careful attention to making sure that the skills transferred would remain within specific institutions, whether government or stemming from civil society initiatives.

4.2 Data Collection Methods

Data collection design was based on the above five criteria of evaluation. The development of interview questions was also linked to program goals and objectives as defined in the logical framework for each initiative. To assess the effectiveness and impacts of MC's programs, the evaluation/strategic review team collected self-reported information from program participants trained in IBN/IBM and RBDR. Data gathered focused on informants' knowledge, confidence, skills, and capacities to use IBN/IBM and RBDR to reach agreements and/or settle disputes as well as their perceptions of the fairness of the procedures.

Core information was harvested from participants on MC's choices of; issues and target groups to work with, implementation of its strategies and to get recommendation on what should have been done or could in the future. The evaluation/strategic review team asked participants in FGDs and KIIs for their input on beneficiary selection, the appropriateness and quality of the training curriculum, the use and effectiveness of mentoring and coaching, links between peace and justice and concrete recommendations to improve the quality of MC's work.

In addition to the above data collection methods, where possible, participants for the control group were identified. For example, in the RBDRP, a sample of non-trained W/VTAs working in the same areas, in similar positions and with equivalent levels of education were interviewed, and the results were compared with individuals trained in RBDR IBN/IBM.

Methods for data collection for the control group included FGDs and KIIs. Evaluation questions that guided FGDs and KIIs can be found in Annex A and B. Data was also collected from MC's team members who implemented the RBDRP and past programs during a two-day lessons-learned workshop. This was conducted prior to consolidating information from program participants and preparing this evaluation and strategic review.

4.3 Sampling Strategy

To obtain an adequate sample of MC participants' views, the evaluation/strategic review team utilized "convenience sampling," a non-probability sampling method in which people are identified for participation in FGDs and KIIs based on convenient accessibility and proximity to the researcher. Participants sampled in the evaluation of the RBDRP were selected in five kinds of locations where they could be located: urban areas, remote and ethnic armed organization (EAO) controlled areas,

remote and non-EAO controlled areas, peri-urban and EAO controlled areas, and peri-urban & non-EAO controlled areas.

MC provided a list of disputants in each township where it had RBDRP programming, and the evaluation/strategic review team randomly selected two parties in each location to participate in KIIs. Participants in past MC projects (PROSPER/Paung Si Lett, Sone Hmat, INRM, LRP, and RMRE) were invited based on their availability in data collection sites.

Data collection activities were carried out in six cities: Mandalay, Loikaw, Taunggyi, Hpa-An, Belin, and Mawlamyine. A total of 76 trained leaders (44 from the RBDRP project and 35-39 from past MC projects), 10 disputants (two per project area), and 19 control participants participated in this evaluation. Table 1 is summary of the sample list of MC projects and programs, their locations, target participants, and methods used to gather information.

Table 1 Summary of sample list of MC projects and programs

Project	Location	Target participants	Methods
RBDRP (2017-19) Sone Hmat (2016-18)	Hpa-an	W/VTAs	1 FGD (5 participants), 9 KIIs
		Disputants	2 KIIs
		Control	8 KIIs
		Women	2 KIIs
RBDRP Sone Hmat	Mawlamyine	W/VTAs	1 FGD (6 participants), 4 KIIs
		Disputants	2 KIIs
		Women	2 KIIs
RBDRP	Bilin	W/VTAs	1 FGD (4 participants), 6 KIIs
		Disputants	2 KIIs
		Control	2 KIIs
RBDRP	Chan Aye Tha Zan	W/VTAs	1 FGD (6 participants)
		Disputants	2 KIIs
RBDRP	Patheingyi	W/VTAs	4 KIIs
		Disputants	2 KIIs

		Control	5 KIIs
Sone Hmat LRP (2015)	Mandalay	Religious leaders	1 FGD (6 participants)
		Religious leaders	4 KIIs
RBDRP (2017-19) Sone Hmat (2016-18)	Loikaw	Govt Dept.	1 KII
		Social Worker	1 KII
		EAOs	1 KII
		Municipal Committee member	1 KII
		CSO Activists, Religious leaders	1 FGD (5 participants)
Sone Hmat LRP INRM (2013)	Taunggyi	W/VTAs	1 FGD (6 participants),
		W/VTAs Religious leaders CSOs	8 KIIs
		W/VTAs Community leaders Govt Dept. Activists	

4.4 Data Analysis and Reporting

Since the number of participants in some FGDs and KIIs was not large, a simple Microsoft Excel format was used to analyze all qualitative data. Information collected was transcribed and uploaded in an Excel format with codes assigned for each question related to overall project objectives and a separate code for each question related to overall project or program objectives and main outcomes of the project. Similar coding was used for questions related to the relevance, effectiveness, efficiency, and sustainability of program activities.

4.5 Ethical Considerations

The development and use of ethical guidelines were part of the evaluation methodology. Efforts were made to clearly inform all participants in FGDs and KIIs about the purpose of the evaluation and ensure that their participation was informed and voluntary. All opinions of participants were respected and treated anonymously to encourage and facilitate freedom of expression. An Informed Consent Form was developed and can be found in Annex C.

5. Lessons from Mercy Corps' Negotiation and Mediation Programs between 2013 and 2019

All MC's programs conducted between 2013 and 2018 focused on improving the capacity of diverse parties to reach collaborative agreements and more effectively address and resolve disputes concerning important and often controversial issues in the country. Participants in MC's programs included individuals and groups from government, civil society, and communities. Issues encompassed interpersonal, family, and neighbor-neighbor problems, access to and use of natural resources, intercommunal relations, tensions and potential violence, impacts of development efforts, and demining activities.

All MC's programs involved the introduction of and capacity building in IBN or IBM as potential procedures to address the above issues. Over the course of multiple projects, MC provided different kinds of training, mentoring, coaching, and learning meetings to enhance the capacities of participants to better handle and resolve differences.

The purpose of evaluating MC's past programs was to:

- 1) Assess their relevance/appropriateness for responding to the needs of the involved parties and targeted situations in the country,
- 2) Evaluate IBN's effectiveness in achieving program goals,
- 3) Determine the sustainability of use of the procedure over time, and
- 4) Inform and provide guidance for future MC programming.

Evaluation methods used were identical to those applied to the RBDRP described above. They consisted of a number of qualitative interviews and FGDs with different types of trainees: government officers, religious leaders, staff from Civil Society Organizations (CSOs), members of Community-Based Organizations (CBOs), and W/VTAs—all of whom were involved in efforts to seek and provide justice at the local level.

5.1 Inclusive Natural Resource Management (INRM)

MC's Inclusive Natural Resource Management (INRM) Program was a two-year pilot project launched in May 2013 and funded by USAID's Office of Conflict Management & Mitigation. Its goal was to strengthen the capacity of local government, civil society, and community leaders to prevent and resolve natural resource-based conflict.

Focused at the subnational level, the program supported the broader governmental transition and decentralization process by building the capacity of township-level government actors to address community concerns related to development and natural resources, while also building the capacity of civil society to constructively engage with government. Key program activities included: negotiation training, including IBN training for local government and civil society leaders, monitoring of alternative dispute resolution processes, and land law education. Additionally, the implementation of natural resource projects created opportunities for multi-stakeholder engagement while addressing community concerns related to natural resources. Implemented in

Global Best Practices – Strategies for Introducing Collaborative Dispute Resolution Approaches and Procedures

Best practices for introducing new methods for agreement making and dispute resolution advise that the substantive topics that will be addressed should be of significant importance to both those who will implement the new procedures and concerned parties that will use them. Natural resource and development issues in Myanmar are such topics, as the majority of the population are involved in agriculture and depend on access to land and/or resources on it.

partnership with two local organizations, Ar Yone Oo (AYO) in Chin State and Karuna Myanmar Social Services (KMSS). In Shan State, the program also had a strong emphasis on capacity building of local peacebuilding organizations. The program was implemented in Tonzang and Tedim Townships in northern Chin State and Taunggyi, Kalaw, and Hopone Townships in southern Shan State.⁸

MC's Theory of Change for this Project was:

If local government officials and civil society and community leaders were trained in, and built their capacities to effectively apply and use IBN; then they would be better able to: a) work across lines of division to resolve natural resource disputes, b) have greater capacities to implement natural resource projects that supported negotiated agreements, and would be able to implement initiatives to lessen tensions over natural resources; because they would have the knowledge and skills that would enable them to work with participants to build positive working relationships, identify their interests and generate options for agreement that resulted in integrative interest-based outcomes.

5.1.1 Findings of the INRM Program

Findings of the Strategic Review of the INRM project were highly constrained due to the unavailability of program participants to participate in data collection interviews and their short duration. Only two people were interviewed on their involvement in the program and only for a brief period of time.

⁸ Inclusive Natural Resource Management (INRM) Program, Mercy Corps - Myanmar, 2015 Final Evaluation, p. 9.

Monitoring data of what was achieved during the lifetime of the project was reported in a Final Evaluation Report on the INRM Program, and it was reviewed during the initial Desk Review. Input for annual progress reports were drawn from Quarterly Meetings of specific types of trainees conducted in year one: government officials, civil society leaders, and mixed groups of participants in year two.

5.1.2 Relevance/ Appropriateness of IBN

The two respondents consulted for this evaluation noted that the IBN tool was in general relevant in terms of dispute resolution. Respondents, however, were not able to provide specific information on whether the tool was specifically relevant for resolving resource-based conflicts as they had limited experience handling these types of cases.

Despite reporting that IBN was relevant for the resolution of disputes, the opportunities for local government officials, civil society, and community leaders to apply it to resolve natural resource-based conflicts seemed to be limited and were not frequent enough to determine if it had a significant impact on settlements. One respondent reported:

There were no disputes related to land and natural resources that I resolved after the training. Only a tree chopping issue that I resolved and submitted the township authority with a recommendation to not give a permit to the involved party to continue to do so.

My ward has a spring and pond that can distribute water to the whole town. The ward formed a City Water Assessment Group with all stakeholders included [to address issues related to the spring.] A Parliamentarian leads the group. [The group] resolved the issues using a bulldozer.⁹

He also discussed the few development projects related to the natural resources and land in Taunggyi Township:

There are very few projects here in Taunggyi. In Pin Laung Township there was a dispute regarding ash from the coal factory which was spread on farmers' fields, and the plants were destroyed. They resolved the dispute with the assistance of an international organization, which decided to implement projects in places they could control and not adversely affect the environment.¹⁰

Another respondent, however, reported:

I engaged and resolved some disputes related to natural resources, land, or other types of disputes after the training, but I don't remember the frequency.¹¹

5.1.3 Effectiveness

Respondents noted that the capacities of government officials, CSOs, community leaders, and members of the community to resolve disputes improved after the project through the use of the IBN

⁹ KII with a Ward Administrator from Taunggyi, INRM Project.

¹⁰ KII with a Ward Administrator from Taunggyi, INRM Project.

¹¹ KII with a Ward Administrator from Taunggyi, INRM Project.

tool. All respondents gave positive responses about this during KIIs. One respondent for this review highlighted the recent formation of a government Land Committee to resolve natural resource and land issues:

I became the Ward Administrator in 2017 and a member of the Land Management Committee in 2018. I noted the difference between the two government officers who had received IBN training and those who had not.

When IBN training started in 2013, GAD Township Head Officers were really interested in this training. Only three Ward Administrators, however, were selected for training. We [the Township Officers and Ward Administrators] collaborated with each other and worked together, so that it was good.”¹²

Later, the GAD formed the Land Management Committees [entities that are part of the Administrative Bodies of the Farmland] at village, ward, township, District, and [state] region levels. At the ward/ village level, committee members include the W/VTA as Chairman, a Land Record Department Clerk, and two respected community members. At the Township level, members include the Township Administrator as a Chairman, who is a staff member of the GAD, and the Head of the Township Settlement and Land Record Department¹³, Assistant Director of the Municipal Department, Head of the Township Planning Department, and two respected persons from the township. Similar committee members are on District and Regional level committees. They solve natural resource-based disputes. For example, if one person bought land and applied for a Land-Use Certificate (LUC), the ward-level committee reviews and investigates the application to determine whether the land claim is illegal or not. As committee members have not had IBN training, they are not as effective in resolving disputes.¹⁴

If the dispute is between just two parties, they come to me, [as the Ward Administrator] as I have used the IBN tool and resolved the land issues ¹⁵

5.1.4 Sustainability/ Impact

The limited number of participants in this program who were interviewed for this evaluation indicated that they have been able to apply and use IBN in the resolution of some disputes. When they are on land committees, it appears that this is even more feasible, although other members who have not had IBN training may not be as effective as dispute resolvers. One respondent suggested that training members of intact Land Committees in IBN would be appropriate, improve their effectiveness in resolving land disputes and would help sustain use of the procedure over time. A key informant who is a Ward Administrator from Taunggyi shared his experience related to the resolution of development issues:

¹² KII with a Ward Administrator from Taunggyi, INRM Project.

¹³This is the composition of the Administrative Body of the Farmland at the W/VT levels. This body, on occasion may also help the Township Administrator to gather information for the Committee on Re-scrutinizing Confiscated Farmlands and Other Lands if disputes involve land grabbing.

¹⁴ KII with a Ward Administrator from Taunggyi, INRM Project.

¹⁵ KII with a Ward Administrator from Taunggyi, INRM Project.

From my experience, when I worked on my ward development activities, I noted that government participation was very weak; all parties engaged in the activity should access the IBN training as well. [This will help promote sustainability of use of the procedures].¹⁶

Another Ward Administrator suggested that the sustainability of IBN could increase if MC or former participants engaged in educating others about the process and gathered twice-a-year event to continue networking and sharing knowledge.

Conflicts happen continuously. We are trained but if we cannot practice the IBN tool on the ground, we will not remember it. We should form a committee that goes to villages to share the IBN knowledge with heads of 100 Households; otherwise the IBN training knowledge will be lost. Mercy Corps needs to gather trainees twice a year and do follow up for sustainability.¹⁷

5.1.5 Recommendations

- Provide IBN/IBM training to actors who are actively involved in natural resources and land issues. Consider the present governmental administrative bodies and select the right government trainees who can be authorized to use the skills and procedures in resolving disputes or who can do so informally.
- Consider selecting trainees who are in physical locations where natural resources and land issues are present and/or frequently happen. Examples are where mines, dams, large agricultural projects, or special economic zones are in place, being sited, or constructed. Select trainees who are closely involved in those issues
- Provide IBN training to the *Land Management Committees* (Also called Administrative Bodies of the Farmland) at the village, Ward and Village Tract, Township, and District levels.

5.2 Local Resilience for Peace (LRP)

Launched in February 2015, the one-year Local Resilience for Peace (LRP) program aimed to reduce intercommunal violence in Myanmar by building the capacity of local actors to resolve intercommunal disputes and promote tolerance and reconciliation. The program was conducted in two regional hubs: Mandalay and Taunggyi.

Objective 1 of the program was to strengthen the ability of diverse local leaders to work across lines of ethnic and religious division to resolve disputes. The program aimed to build the capacity of 40 local leaders, including junior religious leaders, civil society leaders, and Ward Administrators, to intervene and resolve intercommunal disputes, using either IBN/IBM, or to network and connect disputing parties to other individuals or organizations that could help them resolve their issues. Key activities included training program participants in the two IBN approaches in dispute resolution, conducting quarterly exchange meetings to promote networking, peer-to-peer learning, and monitoring the dispute resolution processes.

¹⁶ KII with a Ward Administrator from Taunggyi, INRM Project.

¹⁷ KII with a Ward Administrator from Taunggyi, INRM Project.

Objective 2 was to empower local civil society organizations and activists to prevent intercommunal violence by promoting tolerance and networking with local authorities.¹⁸

There are two components of MC's Theory of Change:

Component 1: local networks of respected, influential, and legitimate leaders play a critical role in mitigating intercommunal tensions and preventing violence in cities. LRP strengthened these networks by building the capacities of 40 local leaders in negotiation and dispute resolution, combining classroom and experiential learning over the life of the program, including formal training, regular professional networking, and ongoing monitoring and learning. The skills and relationships developed through the program are intended to help participating leaders work together to address intercommunal tensions. This begins with small-scale problems and builds up to more complex issues as they develop more robust relationships and gain greater confidence in their dispute resolution skills. Participating leaders may assume a variety of responsibilities, including countering a negative message campaign, mediating a dialogue between two groups who mistrust each other, or negotiating agreements around shared natural resources that fuel tensions.

Component 2: CSOs are a significant actor that contribute to mitigating intercommunal violence and offer an alternative narrative that fosters inclusive and equitable Myanmar identities. LRP supports eight CSOs in their efforts to increase understanding and acceptance of diversity in their communities, while also building networks of regional actors committed to promoting peaceful co-existence among diverse ethnic and religious groups. Support to CSO actors includes training in assessment methods, strategies for promoting tolerance and reconciliation, and the project cycle management. Support also includes small funds for the implementation of tolerance and reconciliation projects and mentoring and accompaniment through the implementation of these projects.

Global Best Practices – Focus on Dispute Prevention as well as Dispute Resolution

Analysis of best practices for addressing inter-ethnic or inter-religious tensions or conflicts indicate that programs that focus on both dispute prevention and dispute resolution are likely to be more effective and successful in achieving their goals than those that have only one of these focuses. Dispute prevention, which is often fostered by initiation of community dialogues, can help members of different ethnic or religious communities build trust and relationships and develop initiatives that foster cooperation and result in outcomes that benefit all concerned. Effective dispute resolution initiatives help effectively address and resolve conflicts when they arise, especially when disputes are smaller and a respected third party intervenes. Additionally, early intervention can help prevent minor differences from escalating into more serious conflicts or violence.

¹⁸ Final Evaluation Report, Local Resilience for Peace (LRP), p. 51.

5.2.1 Relevance/ Appropriateness

IBN was originally developed in 1979 by the Harvard Negotiation Project to improve how the world deals with negotiation and conflicts. Despite being an international process, after adapting it to the Myanmar context, evaluation findings indicate that the tool is relevant in terms of the country's history, cultures, religions, administrative procedures, and common community customs and practices. This was found to be the case for addressing inter-ethnic and inter-religious tensions and disputes.

Some respondents noted that informal dispute resolution processes that have been practiced in Myanmar for centuries are very similar to IBM procedures:

In 2013 we established the Islam Peace Group and Amyo Bartha Tharthanar Group, and people contacted us to resolve disputes. For example, a young Muslim man ran away with a Buddhist young lady. We met with respective religious leaders and resolved the case. I noted that the approach we used was very similar to the IBN.¹⁹

Even before I attended the IBN training, I knew the concept of clarifying the dispute and identifying the root causes. Mostly media persons and international students came to see me. I analyzed the interests of all parties.²⁰

Other respondents, when asked specifically about the relevance and appropriateness of IBN in the Myanmar context, reported that:

All seven components of the IBN process are linked to each other. None are lacking.²¹

It is relevant as we now mostly use IBM. [Prior to IBN training,] we didn't have a formal tool to resolve disputes; it gives us the framework and confidence.²²

The IBN tool is relevant in many other countries. We cannot fully practice it, but it is really good. Influential people should access this kind of IBN. Nothing can influence the IBN tool.²³

A temporary resolution needs to have support from outside parties such as authorities, to satisfy their [the parties'] minds that IBM is the best tool as it is very systematic approach in dispute resolution.²⁴

It is appropriate to our Myanmar context. It can also be appropriate for women participants since it is based upon identifying their interests.²⁵

Even Myanmar Buddhists have several minds [about disputes and how they can be resolved]; the IBN tool is relevant [if there are no other acceptable or effective ways to

¹⁹ KII with a religious leader from Mandalay, LRP project.

²⁰ KII with a Buddhist Monk from Mandalay, LRP project.

²¹ KII with a religious leader from Taunggyi, LRP project.

²² KII with a religious leader from Taunggyi, LRP project.

²³ KII with a religious leader from Mandalay, LRP project.

²⁴ KII with a religious leader from Mandalay, LRP project.

²⁵ KII with a religious leader from Mandalay, LRP project.

resolve disputes]. However, if we want everyone to use it, we need to conduct a lot of activities, such as intensive advocacy, which needs time and funding. IBN training should be offered not only in Townships but also to villages.²⁶

Appropriate – When I shared this question with my group members, they requested me to resolve their cases by IBN.²⁷

All sections included in the IBN are relevant to our local context, I asked Mercy Corps to continue this training.²⁸

The question about the relevance and appropriateness of IBN to address intercultural issues, tensions, and disputes also needs to be addressed. Relevance and appropriateness in this context refers to whether: 1) MC's program and the use of IBN/IBM was applicable and suitable for resolving disputes and enhancing cooperation between members of different ethnic and religious groups; 2) the use of intermediaries from different ethnic and religious backgrounds was appropriate and acceptable to disputing parties; 3) the use of inter-ethnic or inter-religious intermediaries affected the dispute resolution process and outcomes; and 4) the ethnicity and religions of intermediaries affected their performance.

Respondents trained by MC who served as mediators in their communities reported that IBN was both relevant and appropriate for resolving intercommunal disputes and reducing tensions and potential violence involving members of diverse groups. By building the IBN capacities of local actors to proactively respond to disputes that involved members of different ethnic communities, and engaging ethnic leaders in intercommunal dialogues, the program and its participants were able to promote a greater understanding and tolerance and improve relations between diverse members of communities.

Several respondents who are religious leaders from Mandalay and Taunggyi noted that their capacities to address intercommunal disputes improved as a result of IBN training:

As a result of training, I got to know people in dispute and their problems differently - regardless of whether I was negotiating, mediating, or arbitrating. I like the methods of communication and relationship building most. IBN is a really useful tool to negotiate resolutions of disputes as the tool is very flexible.²⁹

Before the IBN training, I resolved disputes based on my own feelings. I liked to speak harshly when I saw someone has been very bad. Now I can resolve the disputes in a way that both parties are satisfied. Now I can identify whether the dispute should be solved immediately or should take days to reach an acceptable outcome.³⁰

Respondents were asked several questions regarding negotiation and its relation to ethnicity, for example, whether the ethnicity or religion of interveners affected their ability to enter into a dispute

²⁶ KII with a religious leader from Taunggyi, LRP project.

²⁷ KII with a CSO member from Taunggyi, LRP project.

²⁸ KII with a CSO member from Taunggyi, LRP project.

²⁹ KII with a religious leader from Mandalay, LRP project.

³⁰ KII with a religious leader from Mandalay, LRP project.

as negotiators or as mediators and if they could be accepted by parties from different backgrounds to help them to reach agreements or common understandings. Respondents noted that their ethnicity or religion did not seem to make a difference.

They also indicated that if an agreement was not reached, the ethnicity or religion of the intervener did not seem to have had an impact on the outcome. Religious leaders commented on this factor as per below:

If a big religious dispute happened, we discussed it with respective religious leaders so that even if they have their own views about me, it won't affect my ability to provide help very much.³¹

Since we are focused on building peace, the result won't be different [regardless of the ethnicity of mediator who provides help].³²

Yes – people have different minds and thinking. When we have a dispute, we discussed with other religious leaders and resolved the cases.³³

The final questions were around whether the respondents' religious knowledge, beliefs, and/or practices influenced how they viewed disputes, disputants, or whether they provided IBN assistance as well as potential influence on dispute outcomes. These questions were generally answered negatively by respondents:

No – I do not have a religious focus. I differentiate between the person and problem. We negotiated respectively with the Amyo Barthar Tharthanar Group and only worked to reach peace.³⁴

I viewed disputes based on my religious beliefs and political view. My religion and ethnicity, however, didn't affect the way I viewed the parties and helped them to achieve results.³⁵

I mixed IBN with my life experiences and religious beliefs, but avoided any personal bias when working to resolve disputes with the IBN tool. Religious beliefs can overrule someone but cannot overrule [the principles and procedures] of the IBN approach.³⁶

We should resolve the issue without linking the process or outcome with a specific religion [and seek to] only find the right way.³⁷

A religious leader from Mandalay noted that the dignity of the intervener and respect parties have toward them, rather than their religion, status, or position (junior religious leader, Ward Administrator or civil society activist) was generally a more important factor in resolving disputes:

³¹ KII with a religious leader from Mandalay, LRP project.

³² KII with a religious leader from Taunggyi, LRP project.

³³ KII with a religious leader from Taunggyi, LRP project.

³⁴ KII with a religious leader from Taunggyi, LRP project.

³⁵ KII with a religious leader from Mandalay, LRP project.

³⁶ KII with a religious leader from Mandalay, LRP project.

³⁷ KII with an IBN trainee (religious leader) from the LRP project, Taunggyi.

It made a difference in the resolution or non-resolution of disputes especially in terms of respect, but the person also needs to have dignity and be trustworthy.³⁸

Participants attending IBN training three years ago remembered the components of the IBN tool and explained how they applied some elements during resolution efforts.

I used IBN when negotiating disputes. I investigated the case first... identified the interest, and sometimes helped them agree according to the law.³⁹

I gained the benefits of [understanding] balance, and no selfishness in resolving disputes. For example: Ma Phyu (who herds cattle) and Ma Ni (who farms Paddy) had a dispute [over cows getting into the Paddy field]. We needed to identify the root cause – cows and paddy are connected; cows like paddy. We needed to find out the root causes, such as the lack of barrier around the field, and then look for solutions – such as building a fence.⁴⁰

During multiple FGDs with IBN, trainees from the different programs, such as INRM, LRP, and Sone Hmat noted that the element in IBN that focused on identification of parties' interests helped them to resolve disputes. They also highlighted the element of building relationships between parties as being very useful.

Yes, we used IBN. Regarding the element of building relationships, we can even use it in our families. We can decide what we should say [and] should not say. It is useful to communities, including in doing business, as it can identify their interests... Before [the training], I was not patient and responded quickly. I now listen patiently in conflicts to identify parties' interests and whether they would like to open the case in court or not. We [disputants and I, as a religious leader] mostly used [and decided on] the most suitable step [and procedure].⁴¹

Respondents mentioned that a human rights perspective and citizen rights in the Myanmar Constitution were also covered in IBN training:

It also included the human rights resolutions, equality, mutual respect, cooperation, and negotiation from the Myanmar Constitutions.⁴²

The module covered the human rights – we have four religions in Myanmar – IBN works for members of all religions.⁴³

Right-based IBN already includes a human rights perspective since the process advocates not having a bias, non-discrimination, and no unfair pressure to agree.⁴⁴

³⁸ KII with a religious leader from Mandalay, LRP project.

³⁹ KII with a religious leader from Mandalay, LRP project.

⁴⁰ KII with a religious leader from Taunggyi, LRP project.

⁴¹ FGD with respondents from INRM, LRP, and Sone Hmat Projects.

⁴² KII with a religious leader from Taunggyi, LRP project.

⁴³ KII with a CSO member from Taunggyi, LRP project.

⁴⁴ KII with a CSO member from Taunggyi, LRP project.

When asked about the strength of the IBN tool and whether when used alone it would be able to resolve very difficult disputes, the majority of respondents reported that the IBN process alone is not enough to reach that goal. They explained that in particular situations, for example, when disputants have negative intentions and only focus on their own interests or want to cause intercommunal violence, IBN needs additional support and tools:

It is relevant to the Myanmar context, but we cannot use this tool alone if disputants have bad intentions, don't want to resolve the disputes, only want to get what they wish, or are holding on tightly to their pride, norms, and beliefs.⁴⁵

Additional support is needed in some disputes, such as cases where a man and woman who are from different religions and ethnicities have run away together. When this happened, we called police as we expected that communal violence might occur because of the strong feelings of community members about the situation.⁴⁶

It needs other forms of support, not only for religion-related disputes, but also for all kinds of disputes.⁴⁷

It depends upon the interest of the parties– if they only want the other party to be imprisoned– we have to seek outside support, for example, from police, religious leaders, etc., to help them explore other options.⁴⁸

Yes– IBN needs outside support when addressing issues that have religious components. Support is needed from respected religious leaders to enable parties to address religious-related issues.⁴⁹

When assessing whether training and the use of IBN helped promote greater tolerance and reconciliation between diverse ethnic and religious communities, respondents reported that people in the community who had been trained became more collaborative when applying the elements of communication and relationship and became more tolerant.

I collaborated with some CBOs to resolve disputes that satisfied all parties' interests. For example: a monk had an affair with a woman in a village monastery, and I had to collaborate with the "Shwe Kyee Si" community-based social work group, Sayardaw. I don't know about religious principles, and Sayrdaw helped me on this.⁵⁰

I collaborated with people from the community. I used the communication and relationship elements and got the information from the respected people in the community to use in settling disputes.⁵¹

⁴⁵ KII with a religious leader from Mandalay, LRP project.

⁴⁶ KII with a religious leader from Mandalay, LRP project.

⁴⁷ KII with a religious leader from Mandalay, LRP project.

⁴⁸ KII with a CSO member from Taunggyi, LRP project.

⁴⁹ KII with a CSO member from Taunggyi, LRP project.

⁵⁰ KII with a religious leader from Mandalay, LRP project.

⁵¹ KII with a religious leader from Mandalay, LRP project.

I [a Muslim religious leader] have collaborated with Buddhist religious leaders. They supported me a lot.⁵²

Yes, for example: to resolve the Nam Sam case, I must get the information from their community, listen to them, and conduct investigations in the community.⁵³

One senior religious leader from Taunggyi reported that he collaborated with people from different backgrounds and institutions when successfully resolving a big dispute in Pin Laung Township. He described the resolution effort as follows:

Success Story: Apprehending a Rapist

One dispute happened in Pin Laung. A Muslim man raped four girls who were under-age, between nine and 12 years old. The girls were from a shop in the village. He used to come to the shop and give the girls food, so they knew each other. When people in the surrounding villages heard what had happened, tensions began to rise, and it became so serious that if we did not engage and negotiate we were concerned that it might escalate into violence. Two Muslim religious leaders, several Buddhist monks, police, authorities, and I brought community members together at the local monastery and negotiated with them [about not escalating the dispute and using violence]. We persuaded community members to let the man (the perpetrator) to be judged according to the law rather than taking the situation into their own hands. The man is now in prison.

Two other success stories were shared by CSO members trained in IBN. They explained how they used two IBN elements of the tool – relationship and communication – to successfully resolve disputes:

Success Story: A Marital Dispute

A woman from Nam Sam Township, who was 23 years old, had been married for 10 months. During which time she became pregnant. Six months after she was married. Her husband left her [and did not provide any money to support her]. She came to seek my advice.

Her interest was to divorce her husband and to get support from him for her and her unborn child. She was so excited and overwhelmed that she wanted to take legal action against her husband and have him imprisoned. Since I am from Taunggyi Township, I searched for her relatives and asked them to go with the woman and seek advice from Nam Sam Township Women's Affairs Office (WAO). I also called her husband... The Nam Sam Township WAO investigated the dispute and helped her reach a satisfactory settlement with her husband that required him to agree to a divorce and financially support the child.

Success Story: A Case involving a Young Muslim Man and Young Buddhist Woman Who Wanted to Marry

One year after the IBN/IBM training, I negotiated a dispute between a young Muslim man and young Buddhist woman over whether they could marry. I negotiated between the respective religious leaders –

⁵² KII with a religious leader from Mandalay, LRP project.

⁵³ KII with a COS member from Taunggyi, LRP project.

monks from the Damikyama Monastery who considered the views of the Buddhist woman and religious leaders from the Muslim temple for the Muslim man. A government authority, the WA from Myoma Ward and cousins of the Muslim man were also involved. After discussions, all were satisfied, and the couple was able to peacefully marry.

5.2.2 Effectiveness

A major goal and projected outcome for the program was the increased capacity of target groups, who were intermediaries, and concerned community members to respond proactively to communal tensions by resolving disputes. Reports from respondents indicated that they were able to resolve a range of types of disputes regardless of whether disputants were from the same or different ethnic groups or religions.

A significant number of disputes that were resolved after the IBN training proved the effectiveness of the IBN tool in enhancing the capacities of the diverse trainees: religious leaders, W/VTAs, and CSO/CBO staff. Data collected indicated that over 100 disputes were resolved after the IBN training (2014-2015), an average of seven disputes per month. Success stories shared during the qualitative interviews further support the conclusion:

Success Story: A Dispute involving a young Muslim man who ran away with a young Buddhist woman

There was a case of a young Muslim man who ran away with a young Buddhist woman. The parents of the woman invited me, as a Buddhist religious leader, to resolve the case. I asked the woman's parents why they did not agree to their daughter marrying the Muslim man. I talked with them about their interests and discovered that the parents would agree to the relationship if the man would marry their daughter and participate in a proper ceremony. With this understanding, they settled the dispute.

Success Story: A Dispute between a Muslim Man and Buddhist Community Members

There was a rice donation to a monks' event (Sune San Sane Laung Pwe) in Taunggyi in August of 2018. It is conducted regularly once a year. During this time, the main road is blocked for one day for the event, and a lot of temporary pavilions are set up. A Muslim man stopped and parked his car at the location where one pavilion was to be built. The people putting up the pavilion requested him to move his car during the rice donation event, but he refused to do it even after he was asked three or four times. Finally, participants in the event decided to build the pavilion over and covering his car, which would likely have caused the participants difficulties in putting in rice bags and oil bottles. There was the potential for rising tensions. The participants called me to help. I went there alone and negotiated with people in the Muslim house. [At first,] the man's mother refused to listen to me, but I explained the situation and helped identify some options for where the car could be parked for a while. When I mentioned about my position (as Buddhist religious leader and as a person who tried to solve problems during the event), the man accepted my request and moved the car.

Success Story – A Family Dispute over Inheritance

A house was built on 45x110ft land. It was inherited by seven siblings, all of whom were Muslims. Two of the siblings, the eldest and youngest, lived in the house and didn't want to sell it because it was their home. The other five siblings, however, wanted to sell the house.

All of the siblings are entitled to inherit the house or some of the proceeds if it was sold. Negotiation among the siblings over the inheritance was difficult and they were not able to reach a mutually acceptable agreement. The eldest brother, who was a horse rider with no education, was hard for the others to deal with.

The siblings did not understand the law related to inheritance and decided to go to court. Eventually, they also came to me for help.

I realized that I might have difficulty helping them to reach an agreement on my own, so I looked for and found an influential person to work with to help talk with the siblings. Using the communication and negotiation method, the influential person and I negotiated with two of the siblings who wanted to sell the house and explained that if the house was sold, the two family members who were living there would become homeless. [The ones that wanted to sell the house said that their interests were to receive some money as their inheritance.] Finally, the two siblings living in the house came to me and agreed to give 25 lakhs each to the other five siblings as their share of the inheritance. This was acceptable to all and the dispute was settled.

Respondents in KIIs and FGDs reported that different types of interveners were involved in settling disputes, depending on the issues and people involved. Religious leaders generally helped resolve disputes between parties who were members of different ethnic groups and religions. For example, if a Muslim young man ran away with a Buddhist young woman or there was a dispute over loans between members of different ethnic groups, these would be handled by a religious leader. Exceptions were where either religious leaders or other members of communities believed the dispute might escalate and result in violence between members of ethnic or religious groups. These cases were generally referred to government justice institutions to handle.

Disputes between people or groups from the same religion and ethnicity – such as those over loans, inheritance, land, or family issues – were typically resolved by W/VTAs.

Although information gathered from interviews consistently indicated that respondents did not face any difficulties applying IBN procedures, some constraints were found to be challenging. One was finding culturally appropriate terms in the Myanmar language for concepts and procedures presented by trainers during training programs, either verbally or in power-points.

When translating the IBN Method from English to Myanmar, it is a bit confusing – need to improve in this area.⁵⁴

⁵⁴ KII with a junior religious leader from Mandalay, LRP project.

Another difficulty was understanding and applying the concept of standards of legitimacy in a way that was understandable and acceptable to parties involved in disputes.

When we need to identify the standards of legitimacy, it is difficult for me to identify them in terms of religion, social, [and] culture. Standards are different among the people, based on their location.⁵⁵

5.2.3 Sustainability and Impact

Overall, the IBN training conducted during the LRP program had a positive impact on targeted local actors, such as W/VTAs, CSO activists, and junior religious leaders, in terms of building closer relationships and increasing coordination in the resolution of ethnic and religious-related disputes.

Yes, [the training and use of IBN in] our township reduced the intercommunal violence and hatred.⁵⁶

We did not have religious related groups before [who were trained and used IBN], but now we do, and we can control [and] guide people on how to resolve disputes. It is a [new] way forward.⁵⁷

Respondents reported that the use of IBN had positive impacts on both those trained in the process and actual or potential disputants and members of the community (although they had little experience applying it in intercommunal cases). Its impact, however, was not the only factor that respondents attributed to the reduction of tension. They noted that changes in the economy, the ability of community members to secure livelihoods, and changes in the media also contributed to the change.

It [inter-ethnic and inter-religious tensions] decreased. [In the past] we saw pictures of intercommunal violence on Facebook, but posts of this type were later banned. This helped reduce these kinds of conflicts [in our community]. It has also reduced [its occurrence] in outside communities.⁵⁸

In other townships, discrimination in buying [and] selling things has continued to exist. We had that issue in Taunggyi before, but now the issues have reduced.⁵⁹

[Intercommunal tension] still happens, but it is not a big issue. However, if we cannot resolve [these conflicts], in time they will increase.⁶⁰

A variety of constructive suggestions were made during interviews on ways to improve training modules, enhance the use of IBN, and increase its sustainability. Regarding training:

⁵⁵ KII with a Myanmar Buddhist Monk from Mandalay, LRP project.

⁵⁶ KII with a staff from CSO from Taunggyi, LRP project.

⁵⁷ KII with a junior religious leader from Taunggyi, LRP project.

⁵⁸ KII with a Myanmar Buddhist Monk from Mandalay, LRP project.

⁵⁹ KII with a staff from CSO from Taunggyi, LRP project.

⁶⁰ KII with a junior religious leader from Taunggyi, LRP project.

We want to add a part [to training] on the kinds of people that should be engaged to provide dispute resolution assistance so that it will be seriously conducted. We wish that Mercy Corps would contact all trainees on a regular basis and encourage them to continue working. We don't want them to neglect us. Whether the project continues or not, [Mercy Corps] should always contact trainees and monitor their cases – how disputes developed and trainees' understanding of root causes. [Mercy Corps] Should also provide updates [for] the IBN Method.⁶¹

The socio-economic trend has been changing, and needs of people have been changing; the IBN method [and training] should be adapted to meet changing needs.⁶²

Mercy Corps collaborated with us and conducted multi-religious activities. These should be extended to more diverse trainees.⁶³

Translation of the IBN Module from English to Myanmar should be improved. Use easy words that Myanmar trainees can understand and that are relevant to the Myanmar context.⁶⁴

Provide training where most Muslim Temples (Balee), Churches, Chinese temples, and Hindu Temples [are] located.⁶⁵

Regarding continuing and expanding uses of IBN, respondents suggested expanding training to other communities and providing more assistance to dialogues to assure they function over time.

I want the other townships to have this training. It will help promote sustainably.⁶⁶

To extend the training in Northern Shan, we initiated an Inter-faith Dialogue Group (IDG). It was conducted from 2015 to 2017. IDG activities, however, are not well functioning now.⁶⁷

For the sustainability of IBN training, respondents highlighted the necessity of greater engagement of influential religious leaders and other key community members in future training.

If Mercy Corps can select the right trainees, such as persons who are influential in each religious community, intercommunal conflicts and potential violence can be handled more effectively. It is difficult, however, to approach them and have them involved because of their status and limited free time.⁶⁸

I want religious leaders to engage in and use IBN. Mercy Corps needs to find ways they can engage them in this training. In addition, instead of giving the IBN training exclusively on how

⁶¹ FGD with W/VTAs from Taunggyi, LRP project.

⁶² KII with a staff from CSO from Taunggyi, LRP project.

⁶³ KII with a junior religious leader from Taunggyi, LRP project.

⁶⁴ KII with a junior religious leader from Mandalay, LRP project.

⁶⁵ KII with a junior religious leader from Mandalay, LRP project.

⁶⁶ KII with a staff from CSO from Taunggyi, LRP project.

⁶⁷ KII with a junior religious leader from Taunggyi, LRP project.

⁶⁸ KII with a Myanmar Buddhist Monk from Mandalay, LRP project.

*to resolve disputes, activities should be conducted on how to prevent and reduce intercommunal violence.*⁶⁹

*Since CSO leaders/ W/VTAs have changed over time, refresher training[s] [are] needed. Training is also needed for other diverse stakeholders. I want Myanmar Nuns (Thilashin) to be included in the list of future trainees, as religious-related disputes are currently mostly resolved by the monks. [A gender dimension] needs to be added so that we listen to their [women's] voices as well.*⁷⁰

*Youth should participate in the training, as youth are very emotional and weak in self-control.*⁷¹

The evaluation indicated that IBN trainees were very committed to using IBN and furthering their knowledge about the process. They built networks through the internet and other social media to contact each other and establish a formal group of practitioners who both resolved disputes and initiate community dialogues.

*In 2018, we conducted five days of open discussion between participants from multiple religions in Taunggyi. A total of 80 people, 20 from each religion, attended. Participants were able to ask any questions they had about to each religion. For example, people asked why Buddhist people worship the pagodas. I explained the four kinds of pagodas since Buddha's era, and that we don't worship the pagoda, but the relics that are inside them.*⁷²

*W/VTAs seek our advice on how to resolve some disputes. For example, a boy teased a girl student in Ninth Standard and interrupted her. Since the Ward Administrator attended the IBN training, he called us to negotiate the dispute. I asked the boy [to] not interrupt her again and got his promise and signature not to do it again. Both parents also signed as witnesses.*⁷³

*I have to learn the culture of the disputants and how it is practiced. I need to ask questions about their religion [and] ethnicity, as I don't know their beliefs norms. I seek advice from other trainees who are the same religion/ ethnicity [as disputants I'm helping].*⁷⁴

*We [religious leaders who were trained] still have contact with W/VTAs who are using IBN. They seek my advice if they have religious or other types of disputes.*⁷⁵

We are still in contact with each other – sharing experiences, information, and knowledge of training – and forming a viber group. We formed a “Conflict Prevention Group” first, and later a “Conflicts and Tensions Watch Group (Widyawdi Tinmarhmumyar Saunt Kyit Yay Group).”

⁶⁹ KII with a junior religious leader from Mandalay, LRP project.

⁷⁰ KII with a staff from CSO from Taunggyi, LRP project.

⁷¹ KII with a junior religious leader from Mandalay, LRP project.

⁷² KII with a junior religious leader from Taunggyi, LRP project.

⁷³ KII with a junior religious leader from Taunggyi, LRP project.

⁷⁴ KII with a junior religious leader from Mandalay, LRP project.

⁷⁵ KII with a junior religious leader from Mandalay, LRP project.

The latter group has two members from the LRP project and others from across [other states and regions in] Myanmar.⁷⁶

We have a committee with trainees from MC's 2013, 2015, and 2016 IBN training programs. We call it the "Negotiation Assist Group." In March of 2019, we established the viber messenger group. Our current activities are a once a month meetings where we share knowledge and discuss issues amongst ourselves. We plan subjects on the seven IBN Elements to discuss at each month's meeting. We will collect the monthly member fees 10,000 kyat later. We do not need the support of Mercy Corps at present, as our group is not yet registered, but later we will only need MC's technical support for knowledge sharing.⁷⁷

Two Ward Administrators from Taunggyi who attended IBN training during the LRP project shared their perceptions about the IBN tool and how it contributed to reducing intercommunal violence by building local capacities for proactive responses to tensions by resolving disputes:

In my Ward there are so many people from different religions. Before the IBN training, I just resolved disputes at a surface level. Now I understand the process more deeply and have changed my perception from just seeing disputes from one side to viewing situations from both sides and helping people resolve differences using this perspective.⁷⁸

We can connect with the religious leaders if it looks like communal violence might happen. We can contact to them and seek their advice on how to settle issues according to their customs, so it is easier to resolve the conflicts.⁷⁹

Ward Administrators also emphasized the impact of IBN training in terms of promoting tolerance and reconciliation between diverse ethnic and religious communities:

We called all religious leaders to help resolve disputes when there were huge tensions. Since they had already been involved in IBN training, it was easier for them to reach resolutions. Afterwards, there were no further complaints from the communities in terms of bias of the interveners.⁸⁰

In practice, I have not yet resolved inter-ethnic or inter-religious conflicts with the religious leaders, such as meeting with them and resolving disputes together. But I have learned their customs. For example, when a Muslim young man ran away with a Buddhist young lady, I met with the parents of each one and better understood their religious views.⁸¹

5.3 The Sone Hmat Program (2016 – 2018)

Building upon previous work under the LRP program (2014-2015), Mercy Corps launched its Paung Sie Facility-funded Sone Hmat program in May 2016 in Mandalay and Taunggyi. The Paung Sie

⁷⁶ KII with a junior religious leader from Mandalay, LRP project.

⁷⁷ FGD with W/VTAs from Taunggyi, LRP project.

⁷⁸ KII with a ward administrator from Taunggyi, LRP project.

⁷⁹ KII with a ward administrator from Taunggyi, LRP project.

⁸⁰ KII with a ward administrator from Taunggyi, LRP project.

⁸¹ KII with a ward administrator from Taunggyi, LRP project.

Facility is funded by UK Aid, Australian Aid, and Sweden. The Sone Hmat Program's goal was "to enhance social cohesion in Myanmar by supporting locally driven, catalytic initiatives and ideas".

The Theory of Change for the Sone Hmat program was:



If IBN training is presented to influential local leaders and civil society organizations and they were able to more effectively resolve inter-ethnic and inter-religious disputes and make changes in local policies and practices, then greater tolerance would be created among members of different communities, and inter-religious tensions would decrease. This is because local leaders will have specific procedures and skills to better resolve differences and engage in dialogues and problem solving with different groups.

The program consisted of two main components:

- 1) A Mediation Initiative to "Strengthen the ability of diverse local leaders to work across lines of ethnic and religious division to mediate disputes and reduce intercommunal tensions" and
- 2) An Inter-faith Dialogue to "Empower influential civil society actors to better promote inter-religious tolerance."

Global Best Practices – Determine the Kinds of Desired Change and Develop Appropriate Structures and Participants for a Community Dialogue

When considering conducting a community dialogue it is important for organizers to consider the type and level of change desired. These factors influence the structure and participant for the process.

Community dialogues can focus on opening communications, establishing relations, enhancing understanding, and building trust among participants. They can also focus on engaging participants in activities that promote intercommunal cooperation in their communities and initiating projects that will result in benefits for all concerned.

Community dialogues can be structured using small groups, multiple small groups that are linked to a larger one, or by implementing high-involvement large groups.

Depending on the kinds of change desired and who needs to be involved to achieve it, participants in community dialogues may be neighbors from different backgrounds who live close to each other, members of different civic organizations, groups of respected and influential community members who can develop and make recommendations to people in authority, or key governmental and non-governmental leaders, decision-makers who have the authority and resources to make desired changes.

5.3.1 Relevance and Appropriateness

Where IBM training was provided to religious leaders as a tool to empower them to reduce inter-religious tensions by mediating disputes, trainees reported that the process was both relevant and appropriate for achieving this goal. Respondents agreed that training in IBM had increased their knowledge about how to mediate disputes with religious aspects and encouraged them to view parties and issues patiently and carefully before making any decisions on how to help settle differences. Regarding how training helped them expand their perspectives on issues, one respondent reported:

All religions are good... I liked IBM so much during the training session. The trainers showed us a portrait of a person and it looks like the back view of a lady, but when we looked at it more carefully, it could also be a picture of an old woman. The exercise taught us to understand that the same situation could be seen in different ways and the importance of developing an accurate view...

Another exercise used in training asked us to arm-wrestle and see how many times we could get our partner's arm to touch the table. We did it two to three times strongly with neither of use winning very often. When, however, we learned to cooperate, we could each get many points by alternating getting each other's arm to touch the table. I learned from that exercise that we need to view disputes and potential outcomes very carefully and listen very patiently; IBM is so related to natural law.⁸²

Another noted that there are various types of disputes that have religious aspects:

All participants in disputes who are members of a religious group are not focused on religion. IBM is not related to religion; it just provides knowledge about a process that can be used when people with differences are from different backgrounds.⁸³

Yet another reported on how participants in training changed their approaches to resolving disputes that involved religious elements:

On the 28th and 29th of November 2016, we attended an IBM training program. Religious and social leaders were participants. During the training, the Seven Key Elements were taught to use in our mediation... We learned about the importance of relationship and communication, interests, standards and criteria, generating options, etc. Before training, when there were religion-related disputes in our community, we resolved them in our own ways. Now we resolve them systematically using the Seven Elements. They have really supported our process and no further complaints have been received.⁸⁴

IBM also helped achieve the goal of reducing inter-religious tensions by empowering influential local leaders to engage in dialogue and promote tolerance:

⁸² FGD with religious leaders from Mandalay, Sone Hmat project.

⁸³ FGD with religious leaders from Mandalay, Sone Hmat project.

⁸⁴ FGD with the religious leaders from Mandalay, Sone Hmat project.

When all of us [who were trained in IBM] were working together to reduce intercommunal violence, other community members saw our efforts, and it automatically reduced their tensions and promoted better relations, even if they still had some tensions in their minds. For example, The Peace Group, which was organized by the Prime Minister (and composed of some members who had attended IBM training), provided traditional Myanmar snacks (Mote Let Saung) during the four days of the water festival. Muslim, Buddhist, Christian, and Brahman youths participated, and everyone saw what was happening.

Last month, the Peace Group went to Pyinoolwin and offered food to 11 Buddhist monks at the Asia Light Monastery. We also went to Narga Christian School and fed children biryani. All religions and ethnicities were included in the Peace Group and were engaged in social work and made donations together. When people saw our activities, their tensions were automatically reduced.⁸⁵

The Peace group visited the Byamasoe Group, Muslim Temples (Balees), Baharyi Centers, and Christian Churches. People we met said that our visits sowed the seeds [of peace] among us.⁸⁶

Islam Angel Mohamed's Birthday was conducted in Mandalay and many famous Buddhist monks attended. Over 10,000 people from diverse religions participated in the event.⁸⁷

One respondent and others in an FGD thanked MC for the IBM training and said that it sowed the seeds for greater social cohesion among diverse religious leaders and members of targeted communities.

The evaluation found that the Sone Hmat Program and the use of at IBM were relevant and appropriate for addressing and settling a wide range of types of disputes. It also found that other factors— such as the social position, religion, or ethnicity of mediators— did not seem to affect disputants' views toward interveners' impartiality, neutrality, or ability to provide help in reaching or not reaching agreements. When an interviewee was asked whether the ethnicity or religion of the mediator affects their ability to help resolve disputes, they responded:

No, we only listen to the situation, whether one and whether an interest stated by one party is acceptable to others. We have to mediate without bias, so that it can be accepted by the majority. We mediate only based on the truth of the dispute.⁸⁸

Another component considered was disputants' views about whether mediators and/or parties engage in the process without bias and a minimal degree of coercion.

When we are mediating the dispute, we stand with our roles and responsibilities, but the disputants viewed this as pressurizing them. For example, we used the law and procedure, but the disputants felt like we put pressure on them by using these documents... For example, in one case, when we used a voting system for transparency [and fairness], a poor

⁸⁵ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁸⁶ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁸⁷ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁸⁸ FGD with the religious leaders from Mandalay, Sone Hmat project.

person from the community was elected instead of a rich person, who would normally have likely been elected. Despite the use of voting system [and a majority outcome], some people did not want to accept the result and argued that the poor person was not efficient. We explained the disputants [our logic for why we used specific procedures], and every time we face dissatisfaction.⁸⁹

Intermediaries having specific positions, at least in some situations, also did not seem to impact their acceptance by disputants or their ability to help settle disputes. One retired junior religious leader from the Sikh Council supported this finding in the group interview”

I haven't taken on any new responsibilities or positions after working for the “Myanmar Sikh Council” for 26 years. Now I found that it is better to resolve the dispute without any positions or titles. Before, people thought I would resolve the dispute with bias, but now that I have no position or title, I am seen as being more independent and more reliable not to have a bias.⁹⁰

Intervenors' positions, titles, religion, or ethnicity were not key factors in parties agreeing or not agreeing to mediate or using IBM. When, however, the tool was not used, the status or affiliations of the mediator did seem to affect whether or not disputants reached agreements.

The background of the persons who mediates issues is relevant to the process and outcome of disputes. For example, if the person who mediates a dispute is a Ward Administrator, he will use the method that he normally uses to mediate day by day. Similarly, if the person was a lawyer, he will view it from a legal perspective. If he is a religious leader, he will take a religious view. So, the personal perspective of the intermediary is critical for dispute settlement. For example, there is a very powerful religious leader who manages over 200,000 people in Mandalay, and he resolved disputes that no one else was able to do, maybe not even the President. Everyone must listen to him. The resolution he makes is the final decision whether it was right or wrong. The power of the person who resolved the dispute has an impact upon the dispute.⁹¹

If two parties are not able to reach an agreement that satisfies their interests, but are willing to accept the recommendation or decision of a powerful person, the dispute can be settled in an acceptable way.⁹²

5.3.2 Effectiveness

When analyzing the number of disputes with a religious component that were settled, some respondents said that they had no trouble using and applying the process in a significant number of cases without any difficulties. Several reported that they had successfully mediated at least 12 cases, 75% of which involved individuals or groups, from different ethnic or religious communities.

⁸⁹ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹⁰ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹¹ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹² FGD with the religious leaders from Mandalay, Sone Hmat project.

I recently mediated disputes that were likely to go to court. I resolved three big disputes. One was between a factory owner and employee. The employee had serious injuries in five places and the company manager came to discuss the case instead of the factory owner.⁹³

We resolved many disputes concerning religion, family problems, economics, and religious positions where elders didn't want to give them to the younger generation. We explained the need for the younger generations to wait [and they would be able to have the positions in the future].⁹⁴

In Myingyan, there are three clans – Tamil, Hindustani, and Bangali. A Sikh man was the head of the temple trustees for 30 years, then a Tamil man for 20 years, and now it was the turn of the of a Hindustani for this position. But since he was weak in management, he did not get the position and contested the outcome. A Tamil requested to take on the role, but I successfully mediated the dispute, to give the position [to the man who should have it] according to the customary rules...⁹⁵

In Meikhtila, we noted that there was a potential for intercommunal violence due to digging for water drainage and renting the house. We arranged to mediate the dispute and successfully resolved it.⁹⁶

Some success stories highlight the effectiveness of the IBM tool to achieve the project's goal in terms of strengthening the ability of religious leaders to work across lines of ethnic and religious division, to mediate disputes, and to reduce intercommunal tensions. A monk who attended IBM training during the Sone Hmat project was empowered to successfully mediate a religion-related dispute and described his experience as follows:

Success Story—Rather Than Mediating a Dispute Persuasion Exercising Using Power

I used to manage monks who were not practicing monks' principles. Once I was invited to mediate a dispute at a monastery, as the monks knew that I had attended IBM training.

One of the parties was a nun who used to be a teacher. She cheated people. The other parties included monks who wanted her to follow nuns' principles.

I tried to find out about her past history and the mediation lasted until 2 AM in the morning. There are five monks in the monastery, but they did not want to use their power [to impose a solution on the nun]. They wanted to use persuasion to have her change her ways. Ultimately the monks and I were able to persuade her to change, and the parties reached a satisfactory agreement.

Another success story involved potential intercommunal violence which was likely to happen if the IBM trainees did not engage in the dispute between two different religions groups:

⁹³ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹⁴ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹⁵ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹⁶ FGD with the religious leaders from Mandalay, Sone Hmat project.

Success Story – Mediating a Dispute by Identifying the Root Cause

There was a dispute related to land ownership in Hinngyu village. Land owned by a Muslim family had been grabbed by the police to build a police training school. Ultimately, the police agreed to return the land, but a Buddhist man and his family from the village claimed that he should receive the land and wanted to grab it for himself. He spread rumors that the government would arrest the Muslims if they moved back to live on the land. The Muslims were afraid to return; for fear that they would just lose their land again.

Religious leaders from Mandalay, who participated in the IBM training under the Sone Hmat project, noted that there are a number of factors which make the use of IBN/IBM more difficult and pose barriers to reaching agreements. Two are greediness and self-centeredness.

I am currently working as a secretary of the “Upper Myanmar Hindu religion.” We failed to mediate a settlement in the Sagaing Temple case. The background of the dispute was as follows: After the term of an old temple trustee expired, an election was held to determine who would fill the position. After the election, the old temple trustee did not want to give up the position to the winner of the election as required in new temple rules and regulations. Before, we didn’t have any rules or regulations on how trustees were appointed. The old trustee didn’t want to accept the new rules and regulations.⁹⁷

I used the relations element in the IBM framework and tried to mediate but could not help them reach an agreement. There are so many benefits from being a trustee of the temple that the older trustee just didn’t want to give them up. Eventually, the parties had to go to the police for help.⁹⁸

A similar case occurred in Taunggyi. A temple trustee arrangement was formed by a clan, and only members of this group occupied the position. Other Hindustani groups wanted to be able to have one of their members serve in the position and asked me for help. I contacted the clan that held the contested position and asked them to re-consider their position. They refused.⁹⁹

Two Hindu brothers argued over inheritance and ownership of a temple. We called them to mediate. One party was very greedy regarding the inheritance and entitlements. We asked him to allow the other to use the temple, but he refused. We used lots of the IBM elements, such as finding influential people who might be able to persuade the disputants to agree and to help generate options— it was hard [to get any movement]. Ultimately, the greedy brother asked for a sum of money to allow his brother to use the temple. An offer was made by the second brother to pay 500 lakhs, but it was refused. The case is currently in court.¹⁰⁰

The effectiveness of the IBM tool to mediate disputes between or among members of different religions or ethnic communities often depends on the availability of other services or supports.

⁹⁷ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹⁸ FGD with the religious leaders from Mandalay, Sone Hmat project.

⁹⁹ FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰⁰ FGD with the religious leaders from Mandalay, Sone Hmat project.

For example, if the Department of Religious Affairs asked us to form a commission to help resolve disputes. The Department of Religious Affairs, Mandalay Region government, and District Administrator might all be involved in helping to resolve the case. Whenever a religious-related dispute happens, we have to work with them and get their support.

In another case, we were asked to help conduct the selection process for temple (Bali) leaders. 85 members of the temple, however, rejected the process we had proposed and were implementing and refused to continue participating in the selection. Since the dispute occurred in a Township, it is subject to the authority of the Township Administrator who is an official of the GAD. We needed to submit a letter requesting the support of the Administrator for our process, which he gave, and the selection was completed.¹⁰¹

For some disputes, we need religious leaders. If they participate the issue can be solved successfully.¹⁰²

There is a Myanmar proverb, “People listen to someone they feel close to.” When mediating disputes, if one disputant is rich and powerful and we do not have the ability to influence them, we need to approach someone who is close to them who will be able to persuade them to mediate and reach a settlement of the dispute. This is one element of IBM.¹⁰³

Discussions with respondents who had been trained in IBM stated that the IBM tool was effective in strengthening their abilities to help reduce intercommunal tensions and potential violence. All participants reported that intercommunal violence had decreased during the last three years, in part they believed, due to the use of IBM to help settle differences.

Intercommunal tensions and violence were reduced. The Mandalay Region Prime Minister invited us to his office and told us to form the Peace Group. He stated that if the Peace Group can be formed, Mandalay Region will become peaceful. All citizens witnessed our efforts, united, and conducted the activities together- their tensions reduced automatically.¹⁰⁴

When former participants in MC’s training were asked “If you had the opportunity, what would you like to add to the IBM module to make it more effective and relevant to Myanmar context?” they responded:

Arbitration is very famous in other countries. We should have an Arbitration Center in Mandalay to resolve disputes. The government has no budget for this, so CSOs should do it together. If a case goes to court it will have negative effects on the parties: prolonged court proceedings, financial difficulties, and time-consuming impacts on family members.¹⁰⁵

¹⁰¹ FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰² FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰³ FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰⁴ FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰⁵ FGD with the religious leaders from Mandalay, Sone Hmat project.

Government staff from the Department of Labor and Department of Social Welfare should participate in IBM training [and be able to provide mediation assistance].¹⁰⁶

We have very little knowledge about Early Warning and Early Response (EWER) to prevent disputes before they happen. The training will be more effective if this can be added in the IBM module.¹⁰⁷

5.3.3 Sustainability/ Impact

IBM training and ongoing activities of MC and trainees contributed significantly to achieving program goals for impacts on both providers of intermediary assistance and targeted communities. Trainees reported that they have continued to provide mediation assistance after the conclusion of the MC program.

Efforts were also made by leaders trained in IBM to create a network of practitioners to share experiences and learnings and provide advice to each other. The network, however, was difficult to sustain.

We formed the group called “Mercy Corps” in viber and intended to meet monthly. We choose topics for every meeting. For example, we selected “Things that could happen in the future” for one of them and “The way forward for our country” for another. We put the group funding into the bank, and we met at the community center, Bahari religion place. February 2019, however, was the last time we met.¹⁰⁸

5.4 The Promote Sustainable Peace and Resiliency in Kayah (PROSPER) /Paung Si Lett Program (2015 – 2018)

The “Promoting Sustainable Peace and Resiliency in Kayh State” (PROSPER, or Paung Si Lett in Myanmar language), was implemented by MC from March 2015 to October 2018. MC led the program as part of a consortium, whose members included the International Rescue Committee (IRC), the Border Consortium (TBC), Nyein Foundation (Shalom), Karuna Mission Social Solidarity – Loikaw (KMSS Loikaw), and the Association of Volunteers in International Service Foundation (AVSI).

The three-and-a-half-year program focused on laying the foundation for sustainable peace and development in Kayah State. It had three components: governance, community driven development (CDD), and peacebuilding. The program was conducted in all townships in Kayah State. Each was implemented simultaneously, so that they could support one another.¹⁰⁹

The Theory of Change for the Prosper Project was:

¹⁰⁶ FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰⁷ FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰⁸ FGD with the religious leaders from Mandalay, Sone Hmat project.

¹⁰⁹ Final Evaluation Report on Paung Si Lett, Myanmar Survey Research (MSR), p. – 7.



If multi-tiered interventions at village, township, district, and state levels were made, then the relationships and skills of diverse actors would be built, so that they could work together effectively and peacefully to address underlying grievances.

Participants in the program included community members; civil society organizations (CSOs); state, district, township, and village Governments; and ethnic organizations (EOs).

5.4.1 Relevance/ Appropriateness

The relevance of the PROSPER program's three areas of focus was confirmed by respondents, as was the appropriateness of IBN as an appropriate tool for use in the local context where there were community members from different religions and ethnicities, and villagers have strong traditional norms/ beliefs. Respondents noted that the PROSPER supported participants to build relationships and skills needed to work together to address issues or problems of common concern. Mercy Corps provided IBN training as part of the Good Governance component of the program. The PROSPER provided multiple opportunities for training and interventions.

Success Story – Supporting Program Initiatives by Incorporating IBN Training

Analysis of Global Best Practices indicate that development projects where diverse groups need to cooperate and reach joint decisions can often be enhanced and enable them to more easily reach their goals if participants are trained in IBN or IBF (Interest-Based Facilitation). These procedures and skills can enable groups to collaborate, identify their interests, and develop solutions that are mutually acceptable.

It should be noted, however, that the use of a process such as IBN, even if it is a highly effective one and conducted well, is not a substitute for good leadership. Participants will seek solutions that will have joint-gains rather than result in stalemates or win-lose outcomes

Trainees engaged in resolving a range of disputes related to program initiatives, with the back-up of taking cases to the police or court if agreements could not be reached:

The disputes I resolved were mostly between the groups and involved land and financial issues. I used IBN tool. I first communicated with them and negotiated between them fairly.¹¹⁰

An added benefit of participants engaging in the program was that one IBN trainee received a grant under the Community Driven Development component of the project.

The IBM method was found to be fully suitable and contributed to parties reaching agreements. Respondents explained that the tool covered procedural elements related to human rights because it was transparent, created space for disputants to participate in the resolution of their differences, and enabled them to identify their interests and choose options on their own without pressure from an external party. One respondent reported:

¹¹⁰ KII with a social worker from Kayah State, PROSPER project.

We resolved community disputes. Before we did not use negotiation, but now we ask both parties about their interests and identified the root causes of disputes.

When we resolved land issues, we identified both parties' interests. For example, one party wants land whereas another part wants cash, if they went to the court, the person who did not have Form seven might lose the case. [It is possible that the person who wanted the land would not get it and the one that wanted cash would also not get what they wanted.]

We also resolved disputes over wages for labor, such as when a contractor didn't give [workers] wages owed to them.

When we were resolving the disputes, we listened to both parties, negotiated, and did not make any decisions for them. We used similar approaches when handling bribery and corruption disputes.¹¹¹

Before, we used only the laws that were in place [to decide a case], whether those of an Ethnic Armed Group or the Government of Myanmar. Now we consider not only laws, but also local standard – cultural beliefs and norms. When we provide help, our role is to assist parties to negotiate and not decide for them. We identify the root causes from the views of both parties. The IBN tool also included human rights– right of participation [and] making peoples' voices heard.¹¹²

My work is as a service provider in terms of development, city cleaning, and issues related to providing social services to people. I received disputes such as property ownership. For example, I handled cases involving fences. [Before training] I used my own way; after training I've used IBN, and it has been so helpful.¹¹³

Human rights are already covered in IBN– we negotiated the interests of the parties.¹¹⁴

[The training] also contained the concept of human rights as it relates to identifying the interests of parties and then helping them negotiate without pressure.¹¹⁵

Human rights are already covered in the training– no bias, only identification of interests– so both parties are satisfied.¹¹⁶

5.4.2 Effectiveness

During individual and group interviews, respondents emphasized that they regularly used the IBN method to help resolve disputes. In spite of the wide range of types of disputes trainees were asked to settle, respondents stated that the method was quite effective, and the majority of disputes were able to be resolved using the method.

¹¹¹ FGD with the IBN trainees from Kayah State, PROSPER project.

¹¹² KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹¹³ KII with a Government Officer from the Kayah State, PROSPER project.

¹¹⁴ KII with a Municipal Committee member from the Kayah State, PROSPER project.

¹¹⁵ KII with a Government Officer from the Kayah State, PROSPER project.

¹¹⁶ FGD with the IBN trainees from Kayah State, PROSPER project.

When I first used IBN and tried to reach negotiated agreements rather than just apply Municipal Laws, parties didn't see the need for IBN. The parties thought that we [as mediators] were weak [if we weren't making decisions]. But eventually, we mostly did negotiations among municipal committee members and disputants.¹¹⁷

I used the IBN tool. We had a meeting every Wednesday to resolve issues. When some cases were very difficult, we had to refer them to the courts, but mostly we were able to negotiate [and settle] 90% of the cases [through mediation] at our stage.¹¹⁸

When there was a dispute, first, we needed to negotiate using the Seven Elements such, as communication and/or identifying the root cause, worries, and interests.¹¹⁹

Respondents appreciated the effectiveness of the IBM method, especially the approach for identifying the real interests of disputants as illustrated by the “Orange Story” presented in the IBN training.

The story I liked most was the dispute between two sisters over an orange. It was settled by dividing the orange in half and giving each of them their share. The solution, however, was reached before each sister understood each other's interests.

The younger sister, however, wanted the peel to make an orange cake icing. The older one, the fruit to eat. Cutting the orange in half and giving them an equal share did not fully satisfy their interests. [Each got only half of what they wanted.] If they had communicated and spent time identifying their interests, each could have gotten everything they wanted.¹²⁰

We learned how to negotiate disputes using the Seven Elements. I liked the example of the division of an orange to share between two people and the importance of identifying interests.¹²¹

The effectiveness of the IBM method was clearly illustrated by a number of success stories.

Success Story – Identifying Interests in a Land Dispute

I am a Demoso township Municipal Committee member responsible for securing land for new roads. When I negotiated with someone, I tried to identify their interests as a way to resolve any differences we might have.

For example, one time a new road was to be constructed. Its location would affect the house of a female teacher who lived along the proposed route. She opposed either giving or the government taking 30 feet of her land which would be needed for the new road. When she came to my office, she scolded me for trying to unjustly take her land.

¹¹⁷ KII with a Municipal Committee member from the Kayah State, PROSPER project.

¹¹⁸ KII with a Government Officer from the Kayah State, PROSPER project.

¹¹⁹ KII with a social worker from Kayah State, PROSPER project.

¹²⁰ KII with a Government Officer from the Kayah State, PROSPER project.

¹²¹ KII with a Municipal Committee member from the Kayah State, PROSPER project.

I asked her what her concerns [interests] were, and she told me that she had bought the land for one lakh for each square foot of the property. If she was to lose her land, she wanted fair compensation. She asked me to provide a remedy for the loss of her land.

The woman also wanted payment for the loss of her kitchen, which would be destroyed by the new road. She asked for five lakhs for the loss of her kitchen.

I thought about her interests— concern for the loss of the land, desire for some kind of compensation, and the need to replace her kitchen if it was lost to construction. I also learned that she was a widow and didn't have much income.

I talked with her about some options. I suggested that she might consider remodeling the house so that she could create a small shop at the front facing the new road. [This would potentially provide her with some income]. I also suggested that she might consider locating a new kitchen on the back of her house. She agreed, but said that as she was a widow, she didn't have the money to make these changes to her house.

It was clear that if the land needed for the road was to be acquired without a fight, something would need to be done to cover the cost of the woman's construction expenses. Rather than make a monetary payment, I collected the bricks, cement, doors, sand, etc. and asked community members to provide the labor to do the re-building.

I used the IBN element of identifying the parties' interests to resolve the dispute. By identifying interests, we were able to develop a solution that both parties felt was fair. Her house now has a small shop and a kitchen, and she is very thankful to me for my help. She really appreciated that she did not have to find cash for everything to be done. The town also has its new road.

In this case, I did not have to use the power I had [to impose a decision], because of my position that would only be favorable to me and the community, but not for her. We identified [both of our] interests and did what we needed to do.

Success Story – Practicing the Elements of Option (Alternatives) Generation and Commitment to Resolve a Dispute

I used the IBN method for two cases. The first one was an accident. A person passed away during the water festival as a result of a car accident. Police asked for money from the defendant to close the case and to not prosecute him. We [the mediators] were approached by the family of the deceased. I talked with them and tried to find the root cause of the tensions the family was feeling. I invited people from community as well as leaders from a social work CBO who could help identify the truth about what happened and who could be witnesses for any agreements. I helped identify options... We did not need to talk a lot, but all agreed on how the family should proceed.

Success Story– Using the Elements of Relation and Communication to Resolve a Dispute

I was involved in one dispute where I used IBN. A monk dug a feces pit on my land without my permission. I was so angry. I invited several religious leaders to help me settle the dispute, but they were not able to resolve it. Therefore, I invited the District Religion Group to help and explained the nature of the dispute to the lead monk. I said that the dispute was not over a religious issue but between two people who happened to be adherents of different religions. Using the method of finding influential people who could influence another party, people from the District Religion Group, I was able to persuade the monk to give me back my land.

Respondents noted that the IBN method was initially not easy to understand, which raised some questions in their minds about its potential value and effectiveness. MC trainers, however, provided many examples that helped clarify misunderstandings and more clearly illustrated the use of each of the Seven Elements.

I did not know anything about negotiation before I attended the training. The concept of negotiation at first seemed too advanced and beyond me. When, however, the [Mercy Corps] teachers gave examples, I and others began to understand. The first time we did not understand; the second time was clearer. We should use this [two-time] approach to teaching and use it regularly in training programs.¹²²

Before the training and when resolving disputes, I did not know about the underlying causes of problems. The example of an ice mountain, however, [with different levels of things that influence the development and a conflict] clarified this concept, and I realized I needed to be patient and investigate the causes of disputes. Now I am better able to resolve them.¹²³

While the IBN method was quite effective in resolving many disputes, it was not successful in all cases. Disputes in which it was more difficult to apply IBN were those rooted in socio-cultural or value-based issues and differences. Respondents briefly discussed this issue in a group interview:

When I was trying to help resolve social disputes, where the cultural beliefs [and] norms of some disputants were stronger, and some parties wanted to apply government law to guide or determine outcomes and others wanted to use local norms and customs [it was more difficult]. Having studied these two standards for making decisions, I explained both approaches to the parties and let them decide.¹²⁴

Sometimes we have to use our own way. For example, a person who has never engaged in community activities, and only destroys everything and scolds everyone was eventually abandoned by members of the community. [We were not able to negotiate with him to change his behavior.]

¹²² KII with a Municipal Committee member from the Kayah State, PROSPER project.

¹²³ KII with a Government Officer from the Kayah State, PROSPER project.

¹²⁴ FGD with the IBN trainees from Kayah State, PROSPER project.

There are some husbands and wives' issues that I have not been able to resolve by negotiation. I have transferred them to the Karenni National Social Organization (KNSO).

Other difficult cases involved armed groups. For example, a woman with two children was living separately from her husband and did not want to be reunited. She was engaged in a dispute with him over his failure to financially support his family. The case could not be negotiated and was taken to the KNSO to resolve. The KNSO decided that the man should pay 180,000 Kyat per month to his family.

Another case illustrates the difficulty of resolving a case if only government or other laws are applied. A person reported that a car driven by the police hit his shop stand. [If the dispute was handled only by law, the driver might be given a ticket, but not have to pay for the damage. The person requested that the case be settled using cultural norms "a cleaning method" in which compensation would be paid [by providing him with hens and cocks].¹²⁵

Another respondent from an EAO noted that the amount of power that a negotiator has can contribute both the development of disputes and parties' failure to reach agreements:

I used IBN fully, but since we have no power and recognition as an ethnic armed group, we cannot use this tool when we have issues with government and police. We are required to wear our uniforms when trying to resolve disputes, which enable us to be recognized by government authorities [which puts us at a disadvantage and at risk].¹²⁶

Respondents explained that they sometimes faced difficulties when applying the IBN method and needed other supports. One respondent stated his experience in applying IBN by adding the three principles of Collect, Correct, and Create (try to find a way), which he learned from military training:

I was trained by the military and we applied the Su, Ti, Kyansa (Collect, Correct, Create) method. It is useful in practice in any situation. The IBN tool too, can be used in any situation. It can be applied based on our knowledge, and then we try to find a way using the creation [and] innovation method.¹²⁷

Others noted some other problems in applying the method:

IBN is relevant to the local context. It, however, needs other supports for some disputes that cannot be resolved by the process alone. I [have] heard of some disputes that cannot resolve, for example, issues over the erection of the Bogyoke Statute. I also don't know whether Ethnic Armed Organizations (EAOs) are using the IBN method or not.¹²⁸

In some cases, that relate to cultural beliefs [and] norms, we do not necessarily need to use the law to reach settlements. In 70% of our cases, we were able to negotiate agreements using IBN alone. In 30%, however, we needed other supports, such as application of the law or involvement of other institutions to reach decisions. In one case we needed to submit our

¹²⁵ FGD with the IBN trainees from Kayah State, PROSPER project.

¹²⁶ KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹²⁷ KII with a Government Officer from the Kayah State, PROSPER project.

¹²⁸ KII with a social worker from Kayah State, PROSPER project.

*decision to the State Government, and finally State Government agreed similarly to our decision.*¹²⁹

Personal pride and selfishness were found to be other factors that undermine the effectiveness of IBN to settle disputes.

*We can use IBN method alone for 50% [of cases] we know that disputants had issues, but they already had resolutions as well– only their pride and selfishness constrained them from getting an acceptable answer.*¹³⁰

For IBN to be more effective in communities, key actors who represent the community as a whole and who are playing or can play critical roles in preventing disputes, should be trained in the process. Examples of potential trainees include key decision-makers from government authorities, government administrative staff who are members of specific groups, heads of 100 households at the village level, and youth groups.¹³¹

*Decision making people with authority should access IBN training.*¹³²

*Those who have to do practical work on the ground in every area should receive training. For example, members of Natural Disaster Prevention Groups and W/VTAs.*¹³³

*Although It is difficult to gather members of youth groups (both genders), they are very critical [in government activities]. They need this kind of training as they are engaged in many activities. For example, young armed forces groups and young religious leaders should participate in IBN training.*¹³⁴

Other players, such as leaders from political parties, were also identified as critical persons who should participate in IBN training.

*Leaders from each political party should definitely access IBN training as they will rule our state one day.*¹³⁵

One participant in a FGD interview identified a number of other institutions and people in some localities that often play supporting roles in resolving disputes. Some of them include:

*People's Militia (Pyithusit), ethnic armed groups, religious leaders, and members from both political parties, parliamentarians, respected members of Wards and villages, and spirit mediums (Nat Sayar).*¹³⁶

¹²⁹ KII with a Municipal Committee member from the Kayah State, PROSPER project.

¹³⁰ FGD with the IBN trainees from Kayah State, PROSPER project.

¹³¹ Women are not always mentioned as potential participants in dispute resolution activities.

¹³² KII with a social worker from Kayah State, PROSPER project.

¹³³ KII with a Government Officer from the Kayah State, PROSPER project.

¹³⁴ KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹³⁵ FGD with the IBN trainees from Kayah State, PROSPER project.

¹³⁶ FGD with the IBN trainees from Kayah State, PROSPER project.

Whether to include members of these institutions or groups as participants in future IBN training programs should be considered by MC, but their involvement may be a challenge due to their potential lack of support for or comprehension of the IBN method.

5.4.3 Sustainability

The sustainability of activities and impacts of the PROSPER, including those of IBN training, have been highly dependent on a number of factors, some of which are beyond the scope of the program. Among the most significant factors that are beyond the program's control are broader ongoing tensions between various groups in Kayah State. During the field visit to the state for data collection, it was evident to the researchers that there were major tensions between communities, CSOs, and GORUM. One source of tensions was the lack of consultation by GORUM with communities and concerned parties on the siting and placement of the Bogyoke Statute. The government made the decision unilaterally.

Communities believe that lack of consultation and unilateral decision-making by the government is a continued pattern and practice. Community members say that the government does not consult them when considering or implementing big projects. For example, it is planning to build a cement factory around the airport in Demoso Township. Some community members believe that there has not been adequate local consultation on the proposed project. Another point of tension is rooted in the politics of the state, its relationship with GORUM, and the signing the National Cease Fire Agreement (NCA). The Karenni National Progressive Party (KNPP) did not sign the NCA, which has resulted in tensions between young people in communities and the State government.

CSO staff also discussed land ownership disputes as another source of tension. When the government amended the "Vacant, Fallow, and Virgin Land Law" in 2018, national and international business owners applied for land. A significant amount of land applied for was designated as vacant but in reality, it had long term occupants and customary "owners." Unfortunately, the latter often could not prove their ownership in the short period of time allowed by GORUM to register claimed land or did not have formal legal documents to prove their legal right. There have been many disputes related to this change in the law.

Human rights are another critical challenge for the Kayah State government. Many disputes over human rights are rooted in different perceptions and understandings of past and present history. The CSO staff interviewed provided some insights about the current situation and issues between the government and local people. These insights included adverse effects in terms of building relationships that would lay the foundations for sustainable peace and development in Kayah State.

Earlier, government and religious leaders negotiated on peacebuilding issues; now there are no negotiations like that.¹³⁷

There are many issues to resolve— many strikes by communities and tensions that became conflicts, due to security. When the government held a consultation meeting, they left but did

¹³⁷ KII with a Municipal Committee member from the Kayah State, PROSPER project.

not satisfy the community. Consultation meetings were held twice in the state, but the one scheduled for March was canceled by the State Prime Minister's office¹³⁸

The government did not consult with [local] organizations and resolved the disputes [on its own]. They called for tenders for local development projects, but local people only got information about projects of 300 - 400 lakh... Projects above 1,000 lakhs were only known to people close to the government, and they got the award. There was no transparency at all.¹³⁹

In contrast to trainees that participated in IBN/IBM training as part of the INRM, LRP and Sone Hmat projects, IBN trainees from the Paung Si Lett (PROSPER) program have had limited later contact and interaction with each other. In interviews, participants from the PROSPER program attributed the lack of connection of trainees to their active involvement in conducting business and the long distance between them.

As we are so busy, it is very rare to contact each other. We resolve disputes by ourselves.¹⁴⁰

We don't have further interaction or a network. Networking is based on locality. Here it is so difficult to contact each other. [Also, when] I was resolving the disputes with the government and if I asked other trainees for advice it might contradict my approach.¹⁴¹ I, however, have some difficulties since I have to resolve the disputes by myself alone. If I had more partners [IBN trainees] they could give me suggestions on how to handle some cases. Additionally, we have not been provided with forms or ongoing mentoring or coaching.¹⁴²

Findings from the other three past MC programs indicate the importance of networking in promoting the sustainability of initiatives. There was one initiative of this type that resulted from IBN training in the PROSPER Program. A respondent noted:

We did not contact each other much. We did, however, establish a joint group called the Karenni National Union Joint Committee (KNUJC) with ten IBN trainees out of a total of forty-three who were trained. We focused on political and peace processes, listening to communities' voices, and understanding how they feel about big projects in their communities.¹⁴³

Regarding the content and process for IBN training and how it might be improved to promote greater comprehension, use and sustainability, participants in KIIs and FGD suggested extending the number of training days and adding more simple examples to illustrate concepts and procedures.

I would like to add more discussions. Lessons are so fast, and some participants did not understand some points. Extending the training days would help.

¹³⁸ FGD with the IBN trainees from Kayah State, PROSPER project.

¹³⁹ KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹⁴⁰ KII with a Government Officer from the Kayah State, PROSPER project.

¹⁴¹ FGD with the IBN trainees from Kayah State, PROSPER project.

¹⁴² KII with a social worker from Kayah State, PROSPER project.

¹⁴³

The IBN training tool is perfect, but its effectiveness depends on people understanding how to use it. For example, villagers cannot understand the method and need more time to do so. Villagers use very simple methods for resolving disputes. For example, when a rape happened in a village, they just resolved it in the traditional way, by giving pigs as compensation. More examples for options need to be given when training people from local communities, so they understand how to use IBN effectively and develop multiple choices for outcomes.¹⁴⁴

Another interesting suggestion in relation to the IBN/IBM module was to explore how to change the government system of resolving disputes.¹⁴⁵ Although not directly linked to training in IBN procedures, a module could be developed on the role of government staff in resolving disputes and how IBN could become institutionalized in its system. One respondent suggested that MC could:

Not only to provide training, but work on change of the government [dispute resolution system]. Government mechanisms are their own system. All government staff have to apply this system. Even if they were exposed to IBN/IBM training, they may not be able to apply the tool as long as they are working under the government system. I suggest that MC provide technical support to the government to promote system change.¹⁴⁶

5.4.4 Impact

This evaluation was not primarily focused on the relevance, effectiveness, and sustainability of the PROSPER program as a whole. CSO staff, religious leaders, government staff, and EAG members, however, who participated in and provided input for the evaluation had mixed reviews on PROSPER's overall success and impacts. When participants in KIIs and FGDs were asked, "Do you think the PROSPER had an impact in Kayah State in improving dialogue, inclusive decision making, and building trust between authorities, community, and CSO concerning local peacebuilding and development initiatives?" respondents had the following comments:

It is too early to say that the PROSPER Project has not succeeded. IBN training was provided to community-level people only, but not for decision-making people. It needs time to go further as long as these [decision making groups] did not participate in the training... In regards to the impact, all trainees have more confidence from this training and can resolve disputes more systematically.¹⁴⁷

During the three years of the program, collaboration between the government and communities has not yet improved, but it is also not much worse. There were some positive changes, such as communities have now had some opportunities to speak up. For example, farmers have more voice about their rights and land grabbing issues.¹⁴⁸

The erection of the Bogyoke Statute case is an emerging issue. Local people would like to use the cash being used for the statue for local development. Based on past history they did not think Bogyoke Aung San is a hero for them. Hence, the government and these groups

¹⁴⁴ KII with a Government Officer from the Kayah State, PROSPER project.

¹⁴⁵ Many government administrators use a combination of fact finding and administrative decision-making to resolve disputes.

¹⁴⁶ KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹⁴⁷ KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹⁴⁸ KII with a social worker from Kayah State, PROSPER project.

had an issue, because of having different perceptions. It is early to say whether the PROSPER project was a success or not.¹⁴⁹

The program was not successful. The Program's purposes came from INGO's, not from the government. This resulted in government staff assuming that they could not participate because of the program's political nature. If government staff had accessed this kind of training, we hoped they would use the training tool. [As it is] Government staff only focus on achieving their work and do not to think about the difficulties [in accomplishing their goals]. They did not listen to communities' voices.

'Centralization,' especially, is still practiced. It is even worse now. [There are five institutions (Government, CSO, EO, community, and armed groups) that needed to change for the project to be successful]. The KNPP changed many of their practices when community members pointed out what needed to change. But the Government was not like that. It never changed any of its procedures or practices (strong manners). For example– The Kayah State Government Performance Discussion was held on 28th May 2019. The media provided ten questions for which they requested answers. The government provided significant answers to only two out of four relevant questions. Local authorities don't want conflict to happen, but the central government is still holding on to rigid procedures.¹⁵⁰

While some of the above statements emphasized the government's hard line approach, respondents also pointed out the need for behavior change in communities and among their members. When asked to answer the following question, *"What kind of project does this township need to promote greater trust between the government authorities, CSOs, EOs, and community to lay the foundation of sustainable peace and development in Kayah State?"* respondents had a range of opinions.

Mercy Corps needs to advocate for communities. It needs to help build relations between the government and communities. A first step is for communities to improve their knowledge and outlook. If they do, everything will become easier. For example, when we went to villages, communities were not ready and prepared for the meetings. Both parties [government and communities] cannot discuss issues well. Also, women did not come, as their culture is that only men should participate in events.¹⁵¹

A characteristic of Kayah State is social and religious leaders are involved in CSOs. Community members are not informed and do not know about issues or are not interested in them. They just follow CSO leaders. Therefore, MC should first improve the capacity of communities and their knowledge through more awareness raising sessions so that community members will be able to speak up.¹⁵²

The government and EAOs could not cooperate or coordinate before. They never gave information to communities about projects. If Mercy Corps could organize training for government staff and establish a new system of consultation, greater trust between the

¹⁴⁹ KII with a Government Officer from the Kayah State, PROSPER project.

¹⁵⁰ FGD with the IBN trainees from Kayah State, PROSPER project.

¹⁵¹ KII with a Municipal Committee member from the Kayah State, PROSPER project.

¹⁵² KII with a Government Officer from the Kayah State, PROSPER project.

*government authorities, CSOs, EOs, and communities could be built and the foundation for sustainable peace and development in Kayah State would be laid.*¹⁵³

Other examples of the “system” respondents said what needed to be changed was the appointment of government administrators and educators. They reported that all the GAD Township officers in Kayah State are Myanmar, and 70% of the teachers are from big states and regions. Only 30% of all teachers are from Kayah State. When positions were open, people from Kayah do not get them.

Respondents noted that decentralization needs to be established first, then changes in government recognition of local Kayah people and groups may be able to be achieved. An exception for when some change occurred without decentralization was when the Kayah Civil Health Development Network (CHDN) conducted health projects, which applied the WHO method finally gained recognition by the central government. This occurred after the International Rescue Committee (IRC) provided support and served as a liaison to the government. The government finally provided medicines so that the projects could be implemented.¹⁵⁴

In contrast to participants’ views on the success of the PROSPER as a whole, IBN training conducted to support various program components was seen as having a positive impact on trainees and members of communities with whom they worked.

*PROSPER did not succeeded fully. Knowledge of communities should be improved. The training should be provided to communities as well [as leaders]. We should share the training with other people... there was some impact on trainees, who benefited from the training. We are more experienced and find it easier to resolve the disputes*¹⁵⁵

Another recommendation, however, was for forums to increase communication between the government and communities:

*Instead of training, we need discussions and face-to-face consultation with people in government. For example, it would be good to have a yearly meeting between parliamentarians and communities. To do so, a liaison is needed to organize it. CSOs, EOs, armed groups, and communities and their members can I bring the questions and the parliamentarians can answer on them.*¹⁵⁶

5.5 The Rights-Based Dispute Resolution Project (RBDRP) (2017-2019)

Between May 2017 and April 2019, MC, with support from the My Justice program in Myanmar, implemented a two-year Rights-Based Dispute Resolution Project (RBDRP) program to promote the use of Rights-Based IBN/IBM at local levels where there was a demonstrated need to improve the resolution of disputes and promote peace.

MC’s Theory of Change was as follows:

¹⁵³ KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹⁵⁴ KII with a Communication Officer from the Ethnic Armed Group, Kayah State, PROSPER project.

¹⁵⁵ KII with a Municipal Committee member from the Kayah State, PROSPER project.

¹⁵⁶ FGD with the IBN trainees from Kayah State, PROSPER project.



If local leaders serving in “at risk communities” are trained and apply the rights and interest-based approaches to the way they analyze, understand, and resolve conflicts at W/VTAs levels, (X) community members will feel they have greater access to justice, and disputes will be less likely to escalate into more serious conflicts or violence (Y); because training will empower leaders with the knowledge and skills needed to serve as effective intermediaries, make them comfortable using the rights and interest-based procedures, and enable them to help parties develop mutually acceptable interest-based and rights compatible settlements.

5.5.1 Relevance and Appropriateness

MC identified five target areas in Myanmar where it would introduce Rights-Based IBN and IBN programming. These included the Yangon Region, Patheingyi and Chan Aye Thar Zan Townships in Mandalay Region, Hpa-an Township in Kayin State, and Mawlamyine and Bilin Townships in Mon State. These locations (except Bilin Township), were selected as target areas for both the RBDRP and Sone Hmat, which is an inter-faith peacebuilding program implemented by MC, as they were identified as “at-risk communities.” This means there has been or may be in the future issues or disputes that impact peace and conflict. These areas were determined to be both relevant and appropriate for the My Justice Program.

Participants were chosen using MC’s own experience and research conducted by other organizations, such as My Justice and The Asia Foundation. The research determined that most community disputes and grievances in Myanmar, if not settled by village leaders at the village level using customary procedures, are usually handled at the Ward or Village Tract level by W/VTAs. W/VTAs are the lowest level of statutory government officials in Myanmar and are the primary interface between citizens and the state.

While many W/VTAs have experience resolving disputes, there is a tendency among a number of them to use a top-down, positional decision-making approach, which may or may not address parties’ interests or comply with national law or international standards. The alternative approach advocated by MC in this program was to empower W/VTAs to engage with disputants in collaborative, joint deliberations and problem solving. Here, interests could be identified, effective negotiation or mediation procedures could be provided, and mutually acceptable agreements that recognized parties’ rights and satisfied their interests could be reached.

5.5.2 Effectiveness

Respondents trained in rights-based IBN/IBM reported that they were very successful in negotiating agreements and resolving disputes. Characteristics of successful cases were those in which W/VTAs were able to listen to both parties, take time and go into adequate depth to identify and explore parties’ interests, take a neutral stance without bias, and use influential external parties as needed. Findings indicated that, overall, disputes did not reach the stage where disputants had to consider or pursue dispute-resolution alternatives to negotiate or mediate agreements.

Some participants reported the effectiveness of solving disputes collaboratively:

*I invite everyone to come when a decision is being made, as it is better to decide with and in front of many heads instead of one.*¹⁵⁷

*The chance of making a wrong decision is low if the dispute is discussed by two to three people together rather than alone.*¹⁵⁸

Other WVTAs reported the difficulty using IBN to effectively solve disputes in some situations:

*It is very difficult to ask questions and use IBN/IBM with a person who has been drinking or who has a drinking problem. He will agree at the office during the mediation but repeat the same behavior of beating his wife one or two days later.*¹⁵⁹

Overall, a majority of participants in rights-based IBM/IBN training programs found them to be valuable and highly effective. In particular, all respondents reported that the Seven Elements of negotiation were effective, very useful, and that they had applied them in every dispute they resolved. Respondents validated their understanding of the Seven Elements by describing how they applied them in the resolution of specific disputes in their communities.

One respondent explained the importance of communication and building relationships between disputants:

*It is important to use effective communication and to build good relationships. Concerning use of relationships to help resolve disputes, it is often helpful to involve one or more people who have positive or influential relationships with one or more of the parties. In the past, when we invited U Phyu and U Me to come and discuss their dispute at the office, we sent them an official letter delivered by a 100 or 10 Household Head. Now, if we want to invite U Me, we identify someone who influences U Me. We also identify someone in our village who knows U Me. The official letter is given to the latter person and they are asked to bring U Me to the office. We request that that person talk a little bit about the dispute with U Me and the person who may influence U Me in order to make the dispute smaller and to minimize the degree of anger. If U Me comes to my office directly without having any discussion in advance, anger will be brought with him.*¹⁶⁰

Another respondent similarly reported about communication and relationship:

*In the past, we did not know about the importance of communication and building relationships. We learned from the training that if we identify both parties' interests through communication and we reduce their tension by helping them to recognize the importance of building a positive working relationship before bringing them to the table to discuss their issues, they will be more successful. At the table, we communicate until both parties' interests are identified. Doing this is easier if the relationship is built well.*¹⁶¹

One respondent explained about the application of options, legitimacy, and commitment:

We select options for consideration for agreements that are closest to meeting the interests of both parties. I said, "Yes, we have selected those options to look at. Are they fair

¹⁵⁷ KII with VTA in Mawlamyine

¹⁵⁸ KII with VTA in Bilin

¹⁵⁹ KII with VTA in Hpa-an

¹⁶⁰ KII with VTA in Bilin

¹⁶¹ KII with WTA in Mawlamyine

enough?" I provide examples of how they are in line with the legitimacy of traditional customs and procedures. I ask them which option is more legitimate and then select the one they think is the most legitimate. I then ask both parties to sign the commitment (do's and don't's) in written format or confirm their agreement verbally.¹⁶²

All disputants interviewed were highly satisfied with the outcomes of their disputes and the dispute resolution process. Out of ten disputants interviewed, nine gave a rating of ten, with ten being highly satisfied, and one disputant gave a rating of 8. Disputants also reported that they would work with the same W/VTA and use the process again in the future if they experienced a dispute they could not resolve. According to the reflection of disputants, they feel satisfied mainly because of the dispute resolution process used by W/VTAs. During the dispute resolution process, their concerns and feeling were heard by W/VTAs, they had the opportunity to contribute significantly in formulation of solution, and they liked the ways W/VTAs used objective criteria. However, it is not possible to generalize from this data. Firstly, this is because the sample size is too small, and secondly, because the disputants are selected by the W/Vas, as MC has limited direct access to the disputants themselves. This could result in a positive bias.

5.5.3 Impact

Reports from respondents and disputants alike indicate that the rights-based IBN/IBM RBDR program had significant positive impacts on beneficiaries, the wider community, and W/VTA trainees.

Changes to beneficiaries and the wider community

Regarding changes to beneficiaries, dispute resolution utilizing Rights-Based IBN/IBM has contributed not only to the settlement of contested issues, but often to the transformation of disputants' relationships.

As IBN/IBM method brings a win-win outcome, I think the relationship between the disputants is not broken after resolving the dispute.¹⁶³

By using IBN/IBM to resolve disputes, women have also had greater opportunities to express their feelings and perspectives and advocate for recognition and satisfaction of their interests and rights. It appears from reports by W/VTAs and disputants' on the settlements that were reached, but not verified directly in interviews, that the use of IBN/IBM where men heard women's views and voices in a structured format, may also have reduced their prejudice toward women, changed their perceptions of women's roles in their families and the community and increased their willingness to recognize women's rights.

This research however, found that community mediation did not generally empower community members to solve disputes on their own. The conduct of IBM by W/VTAs where parties used IBN to develop their own solutions did not translate into parties having the capacity to use the process on their own if another dispute developed. Disputants interviewed were not aware of and did not understand the IBN/IBM methods used by their W/VTAs so that they could apply them themselves.

¹⁶² II with VTA in Mawlamyine

¹⁶³ KII with VTA in Biliin

There was clearly a difference between effective use of the process when it was conducted by a third party and parties learning the process and being able to apply it without assistance. If a goal of future programming is for disputants to learn the process, IBN training will need to be provided for them.

Additionally, no trained W/VTAs stated that IBN/IBM could be used to address and resolve problems that happen in their everyday life. It appears that they saw its utility only for more formal and serious disputes or conflicts. On the positive side, community mediation using Rights-Based IBN/IBM did appear to have a positive impact on the community. Nearly half of respondents reported that the program had reduced some tensions and conflicts in the community.

Trained W/VTAs also reported that they believe that using IBN or IBM had increased community members' trust in them. They reported that when a dispute occurs, many community members now come to them for assistance. They believe this indicates increased trust. Some respondents also commented that using rights-based IBN/IBM meant that not as many cases are taken to court.

Changes to W/VTAs

Regarding changes to W/VTAs, more than half of the respondents reported that the way they resolve disputes has changed since they received IBN/IM training. Prior to being trained, respondents said that they used an adversarial approach to dispute resolution that generally resulted in win-lose outcomes. Now, using IBN and IBM, they try to help disputants generate win-win outcome for both parties. Respondents also stated that IBN/IBM training and practice transformed them both as mediators and as people by cultivating positive traits. Some respondents mentioned that they become more respectful and less judgmental toward disputants. One respondent said:

I realized after the training that I needed to empathize not only with the victim, but also with the accused. I use empathy to demonstrate my understanding of both parties' thoughts and feelings.¹⁶⁴

A significant increase in self-confidence was also reported by some W/VTAs who participated in training. One stated:

Before Mercy Corps' IBN/IBM training, I was not confident, and [I was] afraid to resolve cases. The fear was based on being concerned that I would be blamed if I was not able to resolve the case successfully or that I would not be able to resolve it well. Now, I no longer have such concerns, because I realized that it is not only my responsibility or fault if cases are not resolved. Our role is not to make decision for the disputants, but only to help them negotiate. The decision on whether to agree or not is up to them.¹⁶⁵

Based on the responses provided by respondents, it is clear that they understand their role in a collaborative dispute resolution process. As one respondent noted:

In the past, W/VTAs played a key role and resolved cases by making decisions. Their decision was the outcome of the dispute. Now we need to facilitate the process of dispute

¹⁶⁴ KII with VTA in Kayin

¹⁶⁵ KII with VTA in Bilin

*resolution by taking a neutral stance between the parties. We are not judges but third-party facilitators who help disputants find a practical solution that both parties can agree to. Disputants control the outcome of the disputes.*¹⁶⁶

One respondent highlighted a different meaning of “fairness” when using IBN/IBM:

*If we stick to a rigid principle of fairness, one party may lose because they are the accused and are a person who has often makes mistakes. However, IBN/IBM asks us to use persuasion to try to get a fair outcome that fully meets the legitimate interests of both parties.*¹⁶⁷

Another respondent similarly reported:

I believe IBN/IBM is not a lens to immediately look for the fault of one party. IBN/IBM focuses on the issues and strives to find a solution that everyone involved in the dispute is satisfied with.

5.5.4 Sustainability

Sustainability, as noted earlier, refers to the capacities of program participants and the institutions in which they work to continue to provide rights-based IBN/IBM services to address and resolve disputes.

There are a number of positive factors that indicate the sustainability of the provision of rights-based IBN/IBM.

First, all W/VTAs who participated in training reported that they will continue to use what they learned about IBN/IBM in the future, regardless of ongoing MC or donor support. Reasons for their responses included changes in their views and values about how disputes can or should be resolved in a collaborative manner, increased confidence and skills in providing procedures, and the visible demonstrations of success through development of integrative interest-based outcomes.

When asked how they would continue providing rights-based IBN/IBM assistance, the majority of respondents said they would use the processes when people asked them for help to resolve disputes, and that they would do this even if they were no longer W/VTAs. Others mentioned they would share IBN/IBM concepts and procedures with other people in the community.

Second, all W/VTAs who participated in the training reported they had in the past or were currently sharing IBN/IBM knowledge with their 100 and 10 household heads. Interestingly, one respondent noted that he also shared information on human rights, laws, and justice with community members when they were called for community meetings.¹⁶⁸ A number of respondents believed that the use of rights-based IBN/IBM could be carried on if some of the 100 or 10 household heads were exposed to the processes by observing or working with trained W/VTAs.

¹⁶⁶ KII with VTA in Bilin

¹⁶⁷ KII with VTA in Kayin

¹⁶⁸ KII with VTA in Bilin

Third, the majority of respondents noted that in the future they were interested in becoming rights-based IBN/IBM trainers or mentors. They did however, identify several possible barriers for them moving into this role which included: lack of time, needing to travel to other areas that are far from their hometown, lack of funding to make these trips, and their lack of formal authority to influence new W/VTAs to participate in training and mentoring or use rights-based IBN/IBM.

Finally, the program made significant progress in promoting the sustainability and the institutionalization of rights-based IBN/IBM by gaining approval of the GORUM to conduct workshops on the procedures as part of the annual Institute for Development Administration (IDA). During the IDA's program, 1,200 Deputy Staff officers and 84 women W/VTAs were introduced to collaborate on ways of resolving disputes. It is expected that some of the Deputy Staff Officers may be able to introduce rights-based IBN/IBM when they return or are assigned to postings in Townships. Training women W/VTAs is also an important step in promoting gender equality and equal capacities for women in these positions.

There are, however, a number of factors that will test the sustainability and ongoing use of rights-based IBN/IBM. First, the majority of trained W/VTAs did not have a personal plan for capacity-building to continue to improve their IBN/IBM skills. Only a few respondents named resources they planned to use to build capacities in conflict resolution. Resources identified included reference books provided by MC, others on justice and law, a handbook for W/VTAs, Ian Pya Kye software,¹⁶⁹ and Myanmar's Radio and Television Q&A program for legal issues with U Khin Zaw. Helping W/VTA trainees to develop a personal plan for ongoing capacity building and continuing to provide dispute resolution services should be a part of this program.

Another factor related to sustainability is that W/VTAs and 100/10 Household Heads are elected by members of wards or villages in Village Tracts, and periodically need to run for re-election. This raises the possibility that W/VTAs who have been trained, or 100/10 Household Heads who have worked with them to provide dispute resolution assistance, may not be re-elected and potentially replaced by individuals who may not be familiar with rights-based IBN/IBM. If this occurs, respondents said that the continued use of the dispute resolution procedures would depend on the attitudes and beliefs of new W/VTAs, availability of ongoing training in rights-based IBN/IBM, the abilities of new W/VTAs to facilitate the processes, and whether there was a positive relationship between former W/VTAs who had been trained and new ones.

Respondents said that if they did not continue in their positions as W/VTAs, they would try to convince the new W/VTAs to use rights-based IBN/IBM. However, there are a number of potential barriers to this being successful. One is that if elections have been hotly contested, and both the trained W/VTA and new W/VTA were candidates, the newly elected W/VTA may not be open to hearing how to perform their jobs by a person they defeated in the election.

¹⁶⁹ LannPya is a mobile phone application ('App') which aims to improve public access to information on domestic law and fundamental rights and connect people with legal problems to lawyers and other service providers who can help. The App provides information about people's rights under Myanmar law, contact information to courts, law offices, and police, searchable directories of lawyers and civil society organizations, step-by-step guides on what can be done in common legal problems, and games and links to external resources on justice in Myanmar. MyJustice (n.d.). Empowering People to Access Justice through Technology: LannPya Access to Justice Mobile Phone Application Launched in Yangon. [online] MyJustice Myanmar. Available at: <https://www.myjusticemyanmar.org/news/empowering-people-access-justice-through-technology-lannpya-access-justice-mobile-phone> [Accessed 26 Sep. 2019].

Another factor is that if new W/VTAs are from different political parties than current trained W/VTAs, they may have different political philosophies. One respondent noted that if the new and the trained W/VTAs are from different political parties, tensions may result from their different philosophies because their norms may be authoritative, which supports win-lose outcomes rather than integrative interest-based solutions.¹⁷⁰

6. Conclusions

This section provides a series of conclusions for a variety of questions designed to analyze specific initiatives in past programming and discover whether these programs should be continued or new initiatives used. The questions include insights into the following topics: intended outcomes verses achievements, program knowledge retention, appropriateness of theories of change, capacity strengthening, training processes, human rights standards and customary law, and strengthening CSOs.

What have been the impacts of results chains and achievements verses intended outcomes? How can intended impacts and outcomes be made more congruent?

The results chains and achievements of the RBDRP, LRP, and Sone Hmat Programs generally matched the intended outcomes for the programs. The INRM and PROSPER partially met their goals.

The INRM Program with IBN training did significantly increase the capacities of program participants to resolve a range of disputes, but they were not able to settle as many cases related to natural resources and development as expected. In part, this was due to the actual number of natural resource disputes that were brought to them for resolution, and secondarily, the difficulty government trainees had in resolving them due to their lack of authority to do so.

Increasing the congruity of the INRM Project's goals with outcomes probably depends on empowering government officials to resolve natural resource cases and permitting them to use IBN or IBM to do so.

The PROSPER/Paung Si Lett Program's results chains and achievements as a whole did not always match the intended outcomes although some progress was made towards them. However, the IBN element of the program, in which training in dispute resolution and collaborative decision-making approaches were conducted for the different components of the program, was successful.

Making intended impacts and outcomes for this program more congruent is a complex problem, as they are highly dependent on a number of macro factors that were, and still are, outside of the scope and control of the project.

¹⁷⁰ KII with VTA in Biliin

What has been retained at an individual and institutional level? How could retention be enhanced?

Across all projects, respondents who participated in MC's IBN/IBM training programs reported that the experience had been valuable. For many, it was very exciting and significantly changed the way they viewed differences, personally dealt with issues and problems, and worked with parties in disputes.

A large number of trainees reported that they retained what they had learned and continued to use the knowledge and skills to help diverse parties reach collaborative agreements and resolve conflicts. Some former trainees said that they were currently using the procedures, or would in the future, even when they were no longer part of the MC program or held formal positions that put them in direct contact with disputants.

Information presented in training programs was both retained and reinforced by MC's ongoing mentoring, coaching and learning meetings, and workshops conducted during the life of programs.

Training programs that targeted individuals who were in positions of authority and who were likely to remain in their positions generally had a higher probability that trainees would continue to use IBN/IBM. A significant structural variable, however, which may hinder continued use of IBN/IBM procedures and the provision of agreement-making and dispute resolution assistance by specific types of trainees is Government administrators at the Township level and above may be transferred to new positions. If this happens, they will not be able to apply the procedures as intended in programs or target areas for which they were trained. Additionally, W/VTAs and heads of 100 households are elected; unless they continue to hold their positions, they may be replaced by new leaders who have not received IBN/IBM training.

Trainees selected by MC to participate in the LRP and Sone Hmat Programs were individuals who were not formally connected in their capacities as dispute resolvers to formal institutions. During the life of the program, they provided dispute resolution assistance in the context of MC's program and structure. While some participants did form networks to support their ongoing collaboration with other trainees, not all networks were sustained.

The structures created by MC for dispute resolvers in the LRP and Sone Hmat Programs to provide assistance meant that, when the programs were completed, the provision of ongoing services was very much dependent on the interest and commitment of former trainees to continue to do so as individuals. There were no formal institutions put in place to provide guidance and assistance in provision of IBN and IBM services. A possible exception was in communities where dialogue groups were established and where trainees played a significant role in organizing and conducting them. It appears that where dialogue groups have continued, they provide a platform for ongoing use of IBN and IBM, both to resolve disputes and support ongoing communications and collaboration among concerned parties in communities.

Institutionalization and continued use of IBN/IBM procedures by GORUM personnel, such as GAD officials at the township-level or by W/VTAs, has been somewhat problematic. To date, no formal measures have been taken by any GORUM institution to institutionalize the use of IBN/IBM by formal endorsement, granting permission or requirement for their use; changes in policies or

procedures; or provision of routine and ongoing training for service providers. The exception is the IDA training program in which IBN/IBM has been introduced.

Several measures might be considered by MC to improve institutionalization and retention of IBN/IBM procedures in institutions and skills by trainees. On the individual level, MC could initiate follow-up programs for former trainees— in-service workshops, coaching and mentoring, and the establishment of sustainable networks— to support the continued use of the procedures. A potential example of such an initiative might include establishing a Network of Women Administrators to link former participants in the IDA training program.¹⁷¹

Approaches to institutionalize the use of the procedures in government institutions would be to formalize presentation of IBN/IBM procedures in ongoing training programs of the IDA or other government institutions that train civil servants. A more ambitious initiative might be to work with other INGOs and donors to persuade GORUM to encourage or authorize the use of IBN/IBM by civil servants, either by legislation or administrative decree.

Were the ToC and strategic entry points selected by Mercy Corps (people, institutions, issues, etc.), appropriate for what is needed in Myanmar and by its institutions and communities, or were there alternatives that might have been more appropriate and effective in achieving desirable goals?

The ToC and strategic entry points selected by MC in terms of issues, institutions, and participants for its programs were highly relevant and appropriate for the needs of Myanmar. MC has sought to provide creative ways to address some of the most important and difficult issues in the country— access to and use of natural resources, inter-religious and inter-ethnic cooperation and disputes, development issues, and community participation in governance. Other national issues that might have been pursued, and are still appropriate, could be a national program on women’s empowerment using IBN/IBM and efforts to address serious human rights issues. At this time, the first focus might be feasible; the latter, however, will be extremely difficult.

What might be done to strengthen institutional capacities, and institutionalize IBN approaches and procedures? What might be done beyond building capacities in procedures and skills? What could be done to change structures so they might more readily to use IBN?

Strengthening institutional capacities and institutionalization of IBN/IBM approaches and procedures could be done in a number of ways.

A first step might be to assemble data on past use and success of IBN/IBM— how many people have been trained, types of conflicts that have been addressed, how many disputes have been resolved, significant success stories, etc. Additionally, past trainees and beneficiaries of their services could prepare an endorsement letter or petition where they testify to the effectiveness of procedures and advocate for their institutionalization. These measures could be used to make a “business case” for institutionalization of the procedures.

¹⁷¹ If this initiative is pursued, adequate funding will be needed to link participants together as they are posted in locales across the country.

A high-level approach for institutionalization would involve MC working with CSOs, the legal community, national NGOs, other INGOs, and donors to encourage GORUM to approve or authorize the use of IBN/IBM by government institutions and civil servants to resolve designated types of disputes. Approval for the use of IBN/IBM could be institutionalized through legislation or a presidential order.

A second level approach would be to advocate for approval and use of the procedures by GORUM institutions— such as ministries (Ministry of the Office of the Union Government, Ministry of Labor, Immigration, and Population, etc.) or national committees (the Administrative Body of the Farmlands, the Central Committee for Rescrutinizing Confiscated Farmlands and Other Lands or the Central Committee for Management of Vacant, Fallow or Virgin Lands – by issuance of administrative orders or guidelines. Since the government’s organizational structure is top-down from the national to village level, an official statement or guidelines issued by a ministry or central committee will become a solid government endorsement for use of the procedures at all levels of government across Myanmar.

While the evaluation found that GORUM agencies were generally reluctant to formally endorse or have their staff use IBN/IBM (even though many had participated in training programs and were enthusiastic about the procedures), many trained officials are using it informally without formal authorization. Building on what is happening on the ground, a third level approach for institutionalizing procedures by the government might be to propose pilot projects in which government agencies at designated levels could try implementing the procedures on a trial basis to address specific kinds of disputes before committing to formally institutionalizing their use. For either a pilot program or formal institutionalization, MC can help implementation by developing an integrated Standard Operating Procedure (SOP) for utilizing the IBN/IBM process. Initiatives such as these could be fostered by MC hosting and conducting institutional “design shops” for multiple institutions or specific ministries or commissions to explore how IBN/IBM could be introduced and become part of how GORUM institutions conduct their day-to-day business.

Regardless of institutions targeted for the institutionalization of IBN/IBM, measures will need to be taken to formalize ongoing training, especially if it is required, to assure practitioners are adequately prepared to effectively implement the procedures. Training can be provided by GORUM institutions that prepare civil servants or through courses in universities likely to be attended by future practitioners.

Institutionalization of IBN/IBM can also be implemented by CSOs and communities. This can initially be achieved by MC providing training and subsequently working with leaders to develop policies and procedures that provide guidelines for its use in their programming or conduct of village business.

Additionally, former trainees can be trained as trainers, so that they can teach others IBN and IBM procedures and skills. Ideally, future trainees should be embedded in institutions where they can provide dispute-resolution services and continue their use.

How can Mercy Corps assure that its programs have an impact at the community level?

One way to achieve this goal is for MC to conduct regularly-scheduled feedback meetings with leaders and members of communities, for example on a quarterly basis, to solicit feedback on how

its programming is being received. This would include feedback on the performance of trainees, disputants' satisfaction with assistance provided and the outcomes of disputes. Care would need to be taken to assure that feedback is solicited from women and minorities who might not normally have access to or be able to participate in such meetings

Where can Mercy Corps' training processes, vocabulary, and training materials be appropriately adapted to the situation in Myanmar, and are there ways to improve them?

Respondents who participated in the evaluation indicated that the IBN/IBM curriculum is generally appropriate and relevant in the Myanmar context. All Seven Elements in the framework and procedures are also appropriate.

Some respondents noted that the training could be improved by clarifying some of the Seven Elements and how they should be applied in practice. One that needs more focus is Standards for Legitimacy, specifically how different laws and customary norms and practices can be reconciled. Others suggested exploring ways that Alternatives and Commitments could better be explained and how they apply to situations in Myanmar.

Another suggestion for improvement of training materials was to review their translation from English to Myanmar and identify terms in the latter language that will be more understandable by trainees. Also, providing simpler Myanmar-specific examples can increase trainees' comprehension of concepts and terms.

How can differences in human rights standards and customary law and practices be reconciled when using IBN processes? How can "interest-based and rights-compatible" outcomes be developed?

IBN and IBM already include some common procedural and substantive human rights standards outlined in the Panel Principles described earlier. To recap, they include:

- 1) **Participation:** People should be involved in decisions that affect their rights;
- 2) **Accountability:** There should be monitoring of how people's rights are being affected and remedies when things go wrong;
- 3) **Non-Discrimination and Equality:** All forms of discrimination must be prohibited, prevented, and eliminated, and people who face the biggest barriers to realizing their rights should be prioritized;
- 4) **Empowerment:** Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives; and
- 5) **Legality:** Approaches should be grounded in the legal rights that are set out in domestic and international laws (Scottish Human Rights Commission, 2016).

It was clear, however, in the evaluation that many trainees lacked a clear understanding of what was and was not a human right. Many thought that identification of individual and mutual interests, demonstrating mutual respect, and negotiation were human rights. It is clear from responses that

more work needs to be done to clarify what human rights are, how to teach the concepts, and how they should be put into practice when resolving disputes.

A critical area to address is when and how to apply different Standards of Legitimacy– national laws, international agreements, and customary norms and practice – and how to reconcile them when they differ. Exercises need to be developed to help trainees learn how to apply human rights standards and help parties identify and/or develop interest-based and rights-compatible settlements for disputes.

Has Mercy Corps been successful with transferring skills and knowledge to local civil society organizations? What more could be done?

CSOs often see their role as being more engaged in advocacy, development work, or social protection and gender-based issues (such as preventing human trafficking and gender-based violence or protection of women and children), than in resolving disputes. Their work, however, often requires that they negotiate solutions to pressing social and economic problems or resolve disputes with government, with other CSOs, their members, or with beneficiaries of their services.

Past MC programs have been very successful in transferring IBN/IBM knowledge and skills to leaders and members of CSOs. Training leaders and staff of CSOs in the procedures in the context of MC's programs is clearly beneficial both for achieving MC's goals and empowering CSOs to work effectively on these and other issues of concern. These initiatives should be continued in future programs

As one of MC's goals has been to improve relations between government officials and CSOs, it should explore conducting more activities that involve both groups together. An example is joint training programs to explore how to address issues of common concern, such as resolving land disputes or starting a dialogue and discuss how governmental practices might be modified to better meet the needs of both communities and the government.

7. Recommendations

7.1 Strengthening future initiatives

This section of MC's program evaluation and strategic review focuses on recommendations for improving the application of mediation and dispute resolution in the second phase of the Intercommunal Violence Prevention and Resolution Program and other future Mercy Corps initiatives.

Intercommunal relations between members of different ethnic groups and religions in Myanmar has, in the past and will likely continue in the future to be, an issue for the country and members of the diverse communities that live there. Maintaining some degree of intercommunal harmony and addressing serious issues of social justice are critical for the government and people seeking security and the ability to attain sustainable livelihoods.

During the past five years, MC conducted two programs– the Local Resilience for Peace Initiative (LRP) Program (2014 – 2015) and the Sone Hmat Program (2016 – 2018)– that focused on improving intercommunal relationships, resolving disputes, and lowering the potential for violence

between members of different ethnic and religious communities. These initiatives have been described above.

Presented below are potential ideas for programming, strategies, and activities that MC might pursue in the next phase of the Intercommunal Violence Prevention and Resolution Program to assist citizens, communities, and the government to improve intercommunal relations and prevent or mitigate tensions and violence from occurring. The recommendations are based on suggestions by participants in MC's past projects, insights and input from its staff, and a review of best practices of other programs and projects focused on improving intercommunal relations by MC's national and international consultants

This section of the report covers:

- Characteristics of peaceful communities;
- Potential kinds of changes needed to promote peaceful inter-ethnic and inter-religious communities;
- Approaches and procedures for working with individuals and groups from different ethnic or religious backgrounds to engage in peacebuilding, preventing conflicts, and collaborating to address and resolve intercommunal disputes;
- How MC might describe its work;
- Where MC might work in the future;
- What "institutional homes" might be appropriate for future MC activities;
- What should MC do and with whom should it work;
- Recommendations for other potential programming by MC;

7.1.1 Characteristics of Peaceful Communities

Most people in Myanmar, regardless of their ethnic background or religious affiliation, want to live without fear, in communities that are peaceful and secure. They want a place where they and their kin are respected and trusted, where they are able to maintain their personal dignity.

Additionally, people want physical security for themselves, those they care about, and their property; they want to be able to attain reasonable livelihoods, free from unreasonable or unnecessarily constraints imposed by others. Finally, they want their rights, both those recognized by their government and the international community, to be recognized, respected, and protected

While above vision is a goal, there are inevitably times when tensions may rise between or among people in families, neighborhoods, organizations, or communities. These tensions or disputes are generally much more problematic and difficult to address and resolve when participants are from different ethnic groups or religions.

In general, there are four situations that may be categorized as inter-ethnic or inter-religious tensions or disputes. Those where two or more individuals or groups are from different ethnic groups or religions:

- The dispute is over issues that have nothing to do with their ethnic identities or religious affiliations, and the latter are not a contributing source of their tensions or disagreements;
- One or more of them have and act on problematic attitudes or behaviors that are directly attributed to and triggered by the "others'" ethnic identity, culture, or religion;

- Their differences are directly attributed to other participant's ethnic identity or religion, i.e. who they are;
- They disagree over some aspect of one another's beliefs or practices that are directly attributed to ethnicity or religion.

To address the above kinds of inter-ethnic and inter-religious tensions or disputes and achieve the kind of peaceful communities that most people want, two things are needed: 1) procedures for peacebuilding, conflict prevention, and enhancing multicultural tolerance and cooperation; and 2) procedures to anticipate, regulate, manage, and resolve problems, disputes, or conflicts when they arise. While these two kinds of activities can be conducted separately, each is stronger and more effective if designed, implemented, and conducted jointly, because each of them reinforces the other.

When considering what integrated initiative to use to implement the two sets of activities identified above, it is helpful to investigate various situations and times in communities where positive relationships and cooperation can be created, times in which tensions may erupt into serious harmful disputes and conflicts, and what creative responses are needed to address them. In general, there are six situations in communities when issues, problems, disputes, or conflicts may be prevented or develop; customized strategies may be needed to address them. These include times when:

- There are relatively peaceful and harmonious intercommunal relationships in a community among individuals with different ethnic and religious backgrounds. communal groups, organizations and institutions;
- there is the potential for tensions to develop or disputes occur between members of different intercommunal groups and/or one or more "trigger events" have happened that indicate there is a potential for differences to escalate into a more serious conflict;
- a dispute or conflict is fully manifest, which currently or will likely in the future result in significant psychological, physical other forms of injury to those directly involved, innocent bystanders and/or damage and destruction of property if something is not done to constrain it;
- a dispute or conflict is fully manifest, and activities are needed to manage or resolve it; and
- Party's communications, mutual understanding and interactions have improved, and they are ready to make significant interpersonal and intergroup changes and address problematic structural or systemic causes of conflict to transform them into opportunities for sustainable peaceful relationships.

7.1.2 Broad Social Change Strategies

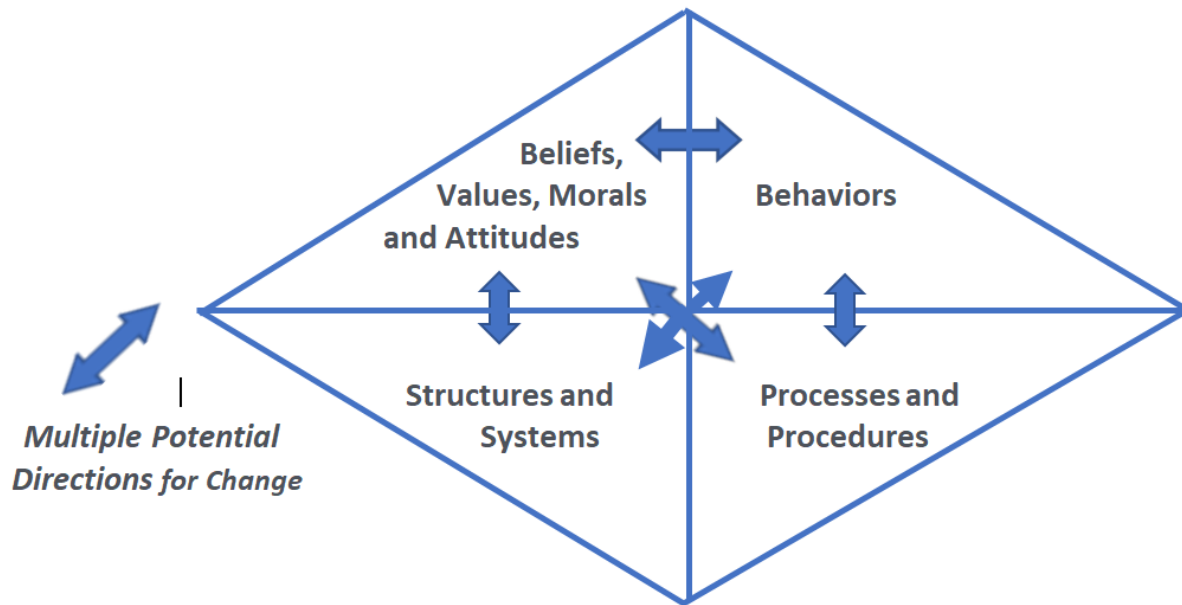
To address the above situations, potential changes in four areas may be needed. They are identified in in Figure 1 Potential Areas for Change to Improve Intercommunal Relations and Transform Conflict.

All four of the areas where change may be needed or can be made are interconnected. A positive change in one may create shifts and changes in another. For example, a change in attitude may result in changed behavior which in turn may increase openness to implementation of new procedures that may result in structural change. Conversely, a change in a system within a structure may result in changed processes that will require different behaviors and attitudes.

To make desirable or necessary changes in the above four areas, effective conflict prevention, anticipation, regulation, management, resolution and transformation mechanisms and procedures need to be implemented.

Figure 1 Potential Areas for Change to Improve Intercommunal Relations and Transform Conflict

Figure 1: Potential Areas for Change to Improve Intercommunal Relations and Transform Conflict



Beliefs, Values, Morals and Attitudes:

- **Beliefs** – Convictions about doctrines, statements or experiences individuals or groups hold to be inherently true, with or without evidence of proof. Beliefs generally inform values, morals and attitudes.
- **Values** – Principles, ideals or standards that guide an individual and enable them to determine what is fair vs. unfair, just vs. unjust, etc. Values affect a **person's** character, personality, attitudes and behavior.
- **Morals** – An individual's or group's beliefs about standards for behavior about what is and is not acceptable to do.
- **Attitudes** – A mental view often combined with feelings, about a person, place, thing or event.

Behaviors:

- **Behaviors** - Ways a person or group conducts themselves

Processes and Procedures:

- **Processes** – A series of actions or steps taken to achieve a particular goal or end
- **Procedures** - Specific ways of performing or doing something

Structures and Systems:

- **Structure** – The mandate, purpose, functions, personnel, roles and responsibilities and procedures of group organization, institution or community
- **System** – A set of principles and procedures to get something done.

Listed below in Table 2 Relations between Intercommunal Groups and Responses to Prevent Conflict, Resolve Disputes and Transform Conflict are a range of mechanisms and procedures from which Mercy Corp should select to implement future programming. Each can be conducted individually, but are more effective if conducted together, as they reinforce each other.

Table 2 Relations between Intercommunal Groups and Responses to Prevent Conflict, Resolve Disputes and Transform Conflict are a range of mechanisms and procedures from which Mercy Corp should select to implement future programming

State of Intercommunal Relations	Goals related to a contested issue, dispute or conflict	Potential Response: <i>Peacebuilding and Conflict Prevention</i>	Potential Initiatives and/or Actions
<p><i>Currently positive, peaceful relationships and interactions between members of different ethnic and religious communities</i></p>	<p>To maintain and enhance existing positive intercommunal relationships between individuals and groups and address structural or systemic socio-political barriers to positive individual and intergroup relationships, fair and equal treatment and access to justice for all</p>	<p>Options:</p> <ul style="list-style-type: none"> • <i>Community Dialogues</i> • <i>Joint community projects</i> • <i>Cultural exchanges</i> • <i>Educational programs</i> • <i>Media programs</i> 	<ul style="list-style-type: none"> • <i>Convening and Conducting Community Dialogues</i>– Initiatives that develop constructive personal, group, and potentially political relationships across ethnic and religious divides by opening communications, increasing understanding and tolerance, building positive working relationships, and making needed socio-political changes • <i>Initiating Joint Community Projects</i>– Initiatives that address issues of concern to multiple ethnic or religious groups and engage their members in initiatives that result in tangible benefits for all concerned, which would have been difficult if not impossible for any of them to attain on their own. • <i>Organizing Cultural Exchanges</i> – Initiatives to provide accurate information and promote understanding of different ethnic and/or religious groups, their beliefs, and practices • <i>Conducting educational and media programs or campaigns</i>– Programs presented at all levels in schools and the community that convey messages of tolerance of different ethnic and religious groups, maintaining respectful relationships, and working together
State of Intercommunal Relations	Goals related to a contested issue, dispute or conflict	Potential Response: Conflict Anticipation	Potential Initiatives and/or Actions

<p>Significant potential inter-ethnic or inter-religious issues and/or flashpoints are present, or actual “trigger events” have occurred between individuals or groups from different backgrounds, which may result in expansion and escalation of disputes into more serious conflicts</p>	<p>To identify potential or actual issues or disputes that may or have occurred that need to be addressed to regulate interactions between parties to prevent and limit harm to persons and property</p>	<p>Options:</p> <ul style="list-style-type: none"> • Early Warning Systems • Rumor Control Centers and Mechanisms 	<ul style="list-style-type: none"> • Initiating an Early Warning System – An information gathering mechanism, such as reporters in locales where conflicts are likely to develop and social media to communicate and identify potential serious issues or problems that may occur or those where a “trigger event” has happened that may result in conflict escalation. Information is forward to appropriate people and institution that have capacities to appropriately respond • Initiating Rumor Control Centers and Mechanisms– Individuals, mechanisms (a call-in center or social media), and procedures that check the veracity of rumors and disseminate accurate information to members of the public or potential participants, generally to dissuade them from engaging in conflict
<p>State of Intercommunal Relations</p>	<p>Goals related to a contested issue, dispute or conflict</p>	<p>Potential Response: Conflict Regulation</p>	<p>Potential specific Initiatives and/or Actions</p>
<p>Threats or actual physical violence to people or property by individuals or members of groups belonging to different ethnic or religious communities</p>	<p>Prevent or limit harm to parties involved in a dispute or conflict and allow time for procedures to be implemented that will enable them to address and resolve their differences, disputes, and conflicts in a non-violent manner</p>	<p>Options:</p> <ul style="list-style-type: none"> • Standards and norms for intercommunal relations • Community Gatherings or Walks to Promote Peaceful Intercommunal Relationships • Neighborhood Walks to Promote Community Safety • Independent Impartial Observers or Monitors • Community Peacekeeping 	<ul style="list-style-type: none"> ▪ Standards and Norms for Intercommunal Relations– A set of community standards for relations between members of different ethnic groups or religions, developed by a credible body, such as a broadly representative community body composed of community leaders, and broadly supported by leaders and diverse members of all communities. ▪ Community Walks to Promote Community Safety– Initiatives by members a community of different ages and from diverse ethnic groups or religions to form small teams to walk community streets during the evening or at other times when intercommunal disputes have or are most likely to occur. By their presence, and the possibility that perpetrators of intercommunal harm or conflict may be observed, they help prevent problematic interactions, crime, or disputes from occurring.

State of Intercommunal Relations	Goals related to a contested issue, dispute or conflict	Potential Response: Conflict Engagement Capacity Building	Potential specific Initiatives and/or Actions
<p><i>Parties in dispute and/or potential intermediaries lack knowledge and skills to effectively engage in managing or resolving intercommunal disputes or conflicts</i></p>	<p>To provide parties in dispute and/or potential intermediaries with appropriate analytical and procedural skills that will enable them to effectively engage in regulation, management, and resolution of intercommunal disputes or conflicts</p>	<p><i>Options:</i></p> <ul style="list-style-type: none"> • <i>Conflict analysis and resolution strategy design</i> • <i>Negotiation</i> • <i>Convening</i> • <i>Facilitation</i> • <i>Mediation</i> • <i>Conciliation</i> • <i>Arbitration</i> • <i>Community peacekeeping</i> • <i>Training on substantive issues related to kinds of disputes trainees will be helping to resolve</i> 	<ul style="list-style-type: none"> ▪ <i>Independent Impartial Observers</i> – Individuals or groups from respected and credible backgrounds who publicly observe disputes or conflicts and by their presence limit violence or harm. They may also, at a later time, be able to provide testimony about what happened and who was responsible. <i>Community Peacekeeping</i>– Conflict regulation assistance conducted by a team or multiple teams of trained community members of different ages and from diverse ethnic or religious backgrounds who intervene in tense situations or “hot conflicts” to separately involved parties and prevent or limit potential harm. Interventions may include marshalling at demonstrations or marches, interposition between disputing groups during conflicts, negotiating truces and/or terms for parties to disengage from each other, etc. ▪ <i>Conflict Engagement Capacity Building</i>– Design and delivery of culturally appropriate and participatory conflict regulation, management, and resolution training programs that impart knowledge on conflict analysis, resolution, strategy design, and a range of other conflict regulation and settlement approaches, procedures, and skills. Training may also be presented on substantive topics relevant for informed and fair resolution of disputes.

State of Intercommunal Relations	Goals related to a contested issue, dispute or conflict	Potential Response: Conflict Management or Resolution Procedures	Potential specific Initiatives and/or Actions
<p><i>Parties to an intercommunal dispute or conflict are ready, willing, and able to engage in a conflict management or resolution initiative or have already started to do so</i></p>	<p>Have parties to an intercommunal dispute or conflict productively engage in a dispute or conflict management or resolution effort to reach agreements that manage and/or resolve their differences</p>	<p>Options:</p> <ul style="list-style-type: none"> • Conflict analysis and resolution strategy design • Negotiation • Convening • Facilitation • Mediation • Conciliation • Arbitration • Agreement implementation and compliance monitoring 	<p>Creating forums, empowering people, and providing procedures to successfully manage and/or resolve intercommunal differences, disputes, or conflicts– Disputing Parties may unilaterally initiate conflict management or resolution procedures, or a third-party may be asked to intervene or do so on their own initiative. Additional help may be provided to set up an effective mechanism to monitor implementation and compliance with agreements once settlements have been reached.</p>
State of Intercommunal Relations	Goals	Potential Response: Conflict Transformation	Potential Prevention/Intervention Activities
<p><i>Deepening communications and positive working relationships between leaders and members of different ethnic and religious groups and ongoing efforts to make structural or systemic changes that address and remove sources of intercommunal tensions and conflict</i></p>	<p>Change parties' perception and understandings of themselves and each other, build positive working relationships, and change structures and systems that are inequitable, unfair, or unjust</p>	<ul style="list-style-type: none"> • Ongoing community dialogues, focused on maintaining and enhancing positive intercommunal working relationships • Ongoing dialogues and negotiations between and among appropriate parties with authority to make needed structural or systemic changes 	<ul style="list-style-type: none"> ▪ Coordinating Conflict Management and Resolution Activities– Conflict anticipation, regulation, capacity building, and dispute and conflict management/resolution activities detailed above ▪ Designing and conducting public forums– Procedures where diverse community members engage and discuss topics of mutual concern ▪ Conducting Community Leadership Dialogues– Forums where leaders from government and civil society engage in discussions and make recommendations to government– at appropriate township, district, regional, state, and national levels– to make needed changes in the community on their own that satisfactorily address intercommunal issues ▪ Conducting policy dialogues or regulatory negotiations that include diverse stakeholders from different ethnic/religious communities

7.2 Recommendations for Future Intercommunal Peacebuilding and Conflict Resolution Programming

7.2.1 How Should MC frame its Work? Recommendations Concerning Potential Terminology

Depending on the place, situation, and people involved, there may be sensitivity or resistance on the part of some people to using terms such as “disputes” and “conflicts.” On occasion, some people may want to deny that such things exist in their communities or ignore and not speak directly about them if they are present. This is often the view both of more powerful parties who want to present a veneer of peaceful relations and demonstrate that they are in control, or weaker, more fearful ones who want to avoid directly naming what exists for fear of retribution or retaliation. Resistance to the terms like “dispute” and “conflict” may also be related to the fact that in Myanmar they are generally seen as negative and disruptors of harmony.

Some people may also be reluctant to use terms such as “negotiation” or “mediation” because they appear to be formal procedures that are distant from what is familiar to them. They may be more comfortable using terms like “problem solving” or having “help to resolve their differences.”

To address the above issue, MC should consider reframing the name of its future program to one that is more positive or at least includes a positive element in its name. Examples are a “Program on Multicultural Cooperation” (PMC), a “Program on Community Cooperation,” a “Program on Community Peacebuilding” (PCP), a “Program on Multicultural Cooperation and Issue (or Dispute) Resolution.” A name with a more positive emphasis may increase community acceptance of MC’s future programming.

7.3 Where should MC Work?

7.3.1 Recommendations Concerning how to Determine Where MC Should Work

- 1) Mercy Corps should develop programs on intercommunal cooperation and dispute resolution in cities or parts of cities where there is a significant mix of ethnic groups, specifically people of Myanmar and South Asian descent, and religions— Buddhists, Muslims, and Hindus— before selecting sites for its intercommunal programs. MC should:
 - Research cities or parts of cities that have in the past experienced significant intercommunal tensions or violent conflicts and that may potentially have similar issues in the future. The workshop at the end of data collection for the program evaluation and strategic review indicated that Meikhitla and Kauk Se might be appropriate sites, as these are sensitive areas for intercommunal conflict.
 - Identify cities where there have been significant groups that have actively advocated, provoked, or engaged in intercommunal tensions, disputes, or conflicts, ideally those who have opposed them.
 - Identify cities where local government has played a significant role, either positive or negative, in addressing intercommunal tensions or violence, and what they did to either exacerbate or positively handle them. Assessing this may not be easy as local government officials may have changed, for better or worse, since the last time there

was a serious conflict. MC should interview leading government officials in sites being considered for programming to determine their views on the proposed initiative.

- Identify cities where police have played a role, either positive or negative, in addressing intercommunal tensions or violence, and what they have done to either exacerbate or positively handle them. Again, this may not be easy as police officials or officers may have changed, for better or worse, since the last time there was a serious conflict. MC should interview senior police officers in sites being considered for programming to determine their views on the proposed initiative.
 - Identify cities where there have been some initiatives by religious or civil society leaders or groups to positively address intercommunal issues. MC should visit and talk with these individuals and groups to see what value-added MC might provide by working with them, whether they might be interested in participating in MC's programming, and to help avoid them seeing MC as a competitor.
 - Identify cities where there has been a low level of intercommunal tensions and why this has been the case. MC should determine what can be learned from these low-conflict locales.
- 2) Mercy Corps should research whether potential target cities have a history of community dialogues or efforts by the local population to manage, address, and resolve sources of intercommunal tensions. If they have, determine what can be learned from them.
 - 3) Mercy Corps should assess whether there is a norm of voluntarism in potential sites for a program and whether there are people who would be interested and have the time to engage as participants in MC's programs as most are likely to be volunteers.
 - 4) Based on information gathered that answer the above questions, MC should determine the ideal sites for future programming. Before doing so, MC should decide if it wants to take on the most difficult situations, where making an impact on intercommunal relations will be more difficult; sites that are a bit easier; or a mix location, some of which are hard, others that are moderately difficult, and yet others that are easier. Having one site that is somewhat easier can provide a model for those that are more difficult or hard.
 - 5) If only a few sites are selected, their ideal qualities would likely be:
 - A significant mix of ethnic groups and religions, specifically people of Myanmar and South Asian descent and Buddhists, Muslims, and Hindus
 - A history of some ethnic tensions, but not necessarily the most extreme cases
 - A low or moderate presence of groups that may oppose improving intercommunal relations
 - A history of some civil society efforts to address past intercommunal tensions or violence
 - Local government that is supportive of, or at a minimal neutral and not opposed to, an initiative to improve intercommunal relations
 - Local police that are supportive of, or at a minimal neutral and not opposed to, an initiative to improve intercommunal relations
 - 6) MC should remember when selecting sites to work that it is conducting a social change campaign to improve intercommunal relations and resolve disputes that potentially may escalate into more serious conflicts. Developing a program that is successful and can

provide a model for other cities and their citizens will be very important. Picking the most difficult situation and not being successful will not encourage others to take similar risks and initiatives.

7.4 What Should MC do?

7.4.1 Recommendations Concerning the Kinds of Intercommunal Work MC Should Engage in

- 1) MC should consider developing an integrated conflict-prevention and dispute-resolution program to promote multicultural cooperation, peacebuilding, and dispute resolution. Having a component of the program that actively promotes cooperation, rather than solely dispute resolution, can help increase both community acceptance and participation in MC's initiative.
- 2) Ideally, the peacemaking and conflict prevention and conflict resolution components of MC's programming should be directly linked and part of the same initiative— such as a community dialogue to help prevent conflicts from arising, whose members also provide dispute resolution assistance.
- 3) MC should consider including appropriate Conflict Anticipation, Regulation, Management and Resolution, and Transformation activities, as needed or feasible.

7.5 What Should be the ‘Institutional Home’ for a Future Program?

Institutional homes are entities that sponsor, support, and conduct activities to achieve specific goals. They often also have members, personnel, or staff who both provide services and can continue the organization's work over the long run.

Having an established and reputable institutional home in which to base a program is important because it:

- lends credibility and legitimacy to the program and its activities;
- provides an organization and structure to support program work;
- makes available people to carry out programmatic work;
- exists over time and is not exclusively limited by a program donor's timeframe and/or funding;
- helps promote long-term sustainability for program work and accomplishment of goals.

In the case of MC's future programming, what should be the institutional home for programs to promote community peacebuilding, conflict prevention and resolution? There are a number of potential options. Generally, if there is an institution in place that has a mission and conducts work similar to what MC wants to do, or is open to expanding its focus or services, it is easier to make it the institutional home for a program than creating a totally new entity.

7.5.1 Existing Institutions

Listed below are some potential options for institutional homes that may currently exist or might be easily established.

Civil Society Institutions and Initiatives

There are often civil society organizations in cities and communities that could be potential institutional homes for a new MC initiative. As noted in interviews for this program evaluation and strategic assessment, however, many NGOs/CSOs do not have focuses directly related to intercommunal cooperation or dispute resolution. They commonly focus on development, women's issues, human rights, etc.

If an appropriate NGO or CSO can be identified that has an interest in what MC can provide and is willing to partner, this could be a viable option.

A variable to a specific NGO/CSO serving as the institutional home for a MC initiative is a community dialogue. Preliminary research indicates that civil-society initiatives have established community dialogues in a number of places in Myanmar that are affiliated with a specific group, a coalition of groups, or are free-standing institutions. If one or more of these dialogue groups is interested in working with MC on a new initiative on intercommunal cooperation and dispute resolution, this could be a viable option.

Religious Institutions

As one of the main goals for a future MC initiative is to improve working relationships between members of different religions and their religious bodies, it could be appropriate to have a religiously-affiliated institution be the institutional home for the MC initiative. The dilemma is finding an institution with members from diverse religions or that is not primarily composed of only one. If there is a local institution, such as a clergy council with diverse members, it could be a viable institutional home.

An alternative is to develop a cooperative agreement between MC and at least two religious institutions, one Buddhist and the other Muslim, to form a common institutional home, so that there is a balance of religious affiliations among members. This entity could be both the home of a community dialogue to promote intercommunal cooperation and a provider of dispute resolution services.

Local Government

Local governments around the world are often the institutional homes for programs that promote positive inter-ethnic or inter-racial relations and resolution of disputes.¹⁷² Generally, either one of

¹⁷² The Philippines Barangay Justice System and community mediation programs in Nepal are good examples. The Barangay Justice System, a service of local government, consists of panels of mediators and arbitrators, who provide dispute resolution assistance to citizens living in their local Barangay, the equivalent of a Ward in Myanmar. Dispute resolution assistance is provided by trained volunteers. For more information see: R.R. Robiso "Barangay Justice System." Philippine Social Justice Foundation. <https://philjustfoundation.blogspot.com/p/plgr.html>. Nepal too, has developed a similar system of community mediators affiliated with local government. For more information, see: M. Khanal and Preeti Thapa *Community Mediation and Social Harmony in Nepal*. London: Justice and Security Research Programme, London School of Economics, 2014; and John Paul Lederach and Preeti Thapa "Staying True in Nepal: Understanding Community Mediation through Action Research." In *Cultural Encounters and Emerging Practices in Conflict Resolution Capacity Building*. Tamra Pearson d'Estree and Ruth Parsons (eds.). Cham, Switzerland: Palgrave/Macmillan, 2018.

their departments or a human relations commission takes on this role and function. Dispute resolvers are often volunteers. These governmental institutions generally provide mediation, either by an individual or a panel, but also, according to the will of disputants, may also provide voluntary arbitration.

Police

Police departments are often the institutional home for a range of dispute resolution activities. Officers are often trained in conflict regulation and dispute resolution procedures, which they use to intervene in potentially or actually violent interpersonal disputes or intergroup confrontations and conflicts. Police commonly provide conflict regulation and use negotiation to de-escalate conflicts or encourage parties to cease threatening activities or engaging in physical harm or destruction of property. They also often engage as intermediaries between conflicting individuals or groups. Finally, they have authority to make arrests of people involved in potential or actual crimes, the ultimate form of conflict regulation.

A nation-wide study, *Searching for Justice in the Law: Understanding Access to Justice in Myanmar*, surveyed 3,565 people over the age of 18 about their views regarding who at the local level and beyond the was most responsible for handling justice-related tasks, including maintaining safety and security, preventing crime, investigating crime, determining guilt or innocence, punishing those guilty of a crime, and settling issues between people.¹⁷³ The most frequently mentioned parties at the local level were Ward and Village Tract Administrators and 10/100 Household Heads. Police, who were a distant third in the survey, were primarily seen as providing assistance at the township level.

While police departments may not become an institutional home for Mercy Corps programs, their personnel should be considered as candidates for training in IBN and IBM. Exposure to MC's program and procedures can help officers in their daily work and enable them to coordinate their approaches and strategies with MC's dispute-resolution providers when their assistance is needed to help regulate serious and potentially violent conflicts.

A New Free-Standing Institution

Creating a new, free-standing institutional home for peacebuilding and dispute resolution services has advantages and disadvantages. Advantages include:

- Independence and the potential to be seen as legitimate (neutral, impartial, and unbiased)
- The ability to have a clear mission, focus, and activities free from distraction from other demands or responsibilities that might be inherent in an institution or organization with multiple purposes and goals
- Control over governance, priorities, personnel, procedures, and budget
- Potential accessibility and ability to provide rapid responses

Disadvantages include:

- Absence of well-known champions who can promote services offered by the program to stakeholders for whom they are intended
- Being new and unknown because of lack of affiliation with a credible and respected institution

¹⁷³ *Searching for Justice in the law: Understanding access to justice in Myanmar*. London: MyJustice/British Council, 2018, p.

- New, emerging, and potentially less effective processes for “marketing” services and getting word out to potential stakeholders
- Lack of a track record due to absence of affiliation with an established institution that would encourage stakeholders to use the service
- External funding for a limited time depending on donors’ interests and availability of funds, with no assurance of continued financial support at the conclusion of their funding cycle
- Potential future problems with sustainability because services are not embedded in an ongoing institution

7.5.2 Recommendations on determining the Institutional Home for MC Intercommunal Programming

- 1) Mercy Corps should conduct an assessment to determine the most appropriate institutional home for future programming related to intercommunal relations.
- 2) If it is found that a community dialogue, either currently in place or that could easily be established, seems to be the most viable option for an institutional home, Mercy Corps should utilize them. Using a community dialogue can make linkage between conflict prevention and resolution activities easier.

7.6 How should Mercy Corps Organize its Activities and who should it Work With?

The answer to this question depends on the range of activities related to peacebuilding and conflict resolution that Mercy Corps decides to do. Below are several possibilities:

Peacebuilding and Conflict Prevention

There are a number of potential programmatic choices in this area. Two are conducting community dialogues and initiating joint projects for mutual benefit.

Community Dialogues

There are a wide number of potential focuses, types, and levels of change and activities for community dialogues. In general, dialogues focus on a) facilitating changes in individuals and groups and establishing and building positive relationships with people from diverse backgrounds, b) planning for and initiating activities to make some kind of desirable socio-political change, or c) both.

Table 3 Focus, Types and Levels of Change and Potential Activities to Achieve Them,¹⁷⁴ details choices for focuses for community dialogues and possible activities that may be conducted to achieve the desired type and level of change.

¹⁷⁴ Adapted from *Reflecting on Peace Practice (RPP) Basics: A Resource Manual*. Cambridge, MA: CDA Collaborative Learning Projects, 2016, p. 38.

Table 3 Focus, Types and Levels of Change and Potential Activities to Achieve Them

<p>Focus on individual / personal changes</p>	<ul style="list-style-type: none"> ▪ Sharing accurate information to increase knowledge and prevent views or actions based on rumors or misinformation ▪ Hearing and building awareness of participants' personal experiences ▪ Understanding how participants view events in their community and broader society ▪ Shifting perceptions and attitudes about people and their views, concerns and interests, and increased tolerance for differences ▪ Building and sharing individual visions for a positive future ▪ Changing individual behavior– speech and actions ▪ Establishing positive personal relationships between individuals ▪ Building individual capacities for engagement with people from different backgrounds and skills in effective communication and problem solving ▪ Healing, recovery, individual reconciliation, and forgiveness
<p>Focus on broader socio-political changes</p>	<ul style="list-style-type: none"> ▪ Changing intergroup behavior and relationships and increasing cooperation ▪ Building a common vision for a positive future ▪ Building public opinion to support desired change ▪ Increasing group awareness of problematic social views and norms and how they are expressed and acted on and changing them ▪ Mobilizing community groups and members of the public to support and take action to achieve desired change ▪ Changing the structures, procedures and practices of institutions– by modifying, dropping, or adding components– to promote and achieve desired change ▪ Changing power relationships to broaden participation, increase involvement in decision-making, and more fairly share resources ▪ Shifting a community's culture to promote a "culture of dialogue and collaboration"

If the focus of the dialogue is on individual and interpersonal change and building positive relationships among participants– which commonly focuses on sharing and understanding personal beliefs, values, attitudes, and potentially morals and moral choices– MC will need to determine whose views need to change and select them as participants.

If, however, the dialogue's purpose is to focus on making broader socio-political changes in a community or institutional structures, systems, processes, or procedures– such as often happens in a "policy dialogue–" participants will need to be selected from a pool of influential community, religious, and governmental leaders, who either have the authority and resources to directly implement decisions made by committee or make recommendations to appropriate government institutions or officials that will be seriously be considered and approved for implementation.

Also, if a community dialogue is organized by MC or a partner organization, MC will need to decide if a staff member facilitates it or how to select a well-respected community member with a sense of group dynamics to do so.

Additionally, if MC decides to support an existing dialogue or create a new one, participants should receive training in collaborative problem solving and negotiation, and some of them should also be trained in facilitation to increase their capacities to conduct both large plenary meetings and small working group meetings.

It should be noted that MC's current programs on IBN and IBM could easily be adapted for a new course on IBF.

Joint Projects for Mutual Benefit

Another approach for peacebuilding and conflict prevention is to engage members of multiple ethnic groups in activities where joint benefits can be secured, which no individual or group could easily achieve on their own. Studies in other countries have found that communities where there is a vibrant civil society with organizations that have cross-cutting members from different identity groups who work on projects that result in common and joint benefits have been less prone to outbreaks of communal violence.¹⁷⁵ It appears that disparate groups working on common projects have a greater effect on promoting communal peace than mere social contact between neighbors, in jobs, or in markets, even if the contact is regular. Successful projects where there are joint benefits generally require changes in participants communications with each other, engagement to establish mutual goals, development of positive working relationships, and active cooperation to create new structures and processes to implement the initiative.

Projects that foster joint gains for diverse community members could be initiated by conveners and participants of community dialogues.

7.6.1 Recommendations Concerning Peacebuilding and Conflict Prevention

- 1) Some peacebuilding and conflict prevention activities should be part of the foundation of MC's programming. MC should determine the peacebuilding and conflict prevention activities that will add value to its programming and work with diverse ethnic and religious communities to implement them.
- 2) Community dialogues with focuses on personal and intergroup change, relationship building, and initiatives to change problematic socio-political structures and systems should be components of MC intercommunal program work. MC should work with potential partners and program participants to identify appropriate focuses for socio-political changes and develop initiatives to address them.
- 3) Potential parties to work with on peacebuilding and conflict prevention include religious leaders, GAD officials at township levels, EAOs, members of the business community, and staff of the Department of Social Welfare if women's or children's issues need to be addressed.

7.7 Conflict Anticipation

Conflict anticipation involves utilization of mechanisms, procedures, and people focused on monitoring situations that may develop into more serious conflicts and reporting incidents and trigger events to entities prepared to respond to them. Implementing conflict anticipation mechanisms usually involves creating new structures, systems, processes, and procedures.

¹⁷⁵ Ashutosh Varshney "Ethnic Conflict and Civil Society: India And Beyond." This article was presented at the annual meeting of the American Political Science Association, Boston, 1998.

An example of two conflict anticipation mechanisms are: Early Warning Systems and Rumor Control Centers and Mechanisms.

Early Warning Systems

Early Warning Systems involve observers in areas where significant disputes or conflicts have occurred in the past and/or are likely to occur in the future. Observations of the current situation and “trigger events–” incidents that could potentially result in the escalation of conflict– are reported electronically to a central coordination center that has access to dispute resolvers who can be assigned to intervene to address emerging tensions as early as possible, resolve disputes, and prevent conflict escalation.

Rumor Control Centers and Mechanisms

Myanmar and a number of other countries that have experienced inter-ethnic and inter-religious violence are very aware of the serious impact that unsubstantiated rumors, many of which have been conveyed on social media, can have on the escalation of violence.¹⁷⁶ Three initiatives have been used to counter this problem: a) creation of a call center to accept rumors and answer questions by members of the public, b) an investigation mechanism to verify or dispel rumors, and c) mechanisms to disseminate accurate information to members of the public, dispute resolution providers, and/or law enforcement officials.

Call centers, which operate regularly or kick in when a questionable incident or rumor occurs, have been successful in collecting data on potential emerging disputes or conflicts and dispelling false rumors. They are often operated by government agencies but can also be housed at a credible entity, such as an NGO, CBO, or community dialogue.

Once a report or rumor is received that needs to be checked for accuracy, the call center contacts observers who are part of the Early Warning System, asks them to verify whether the rumor is true or not, and reports back on their findings.

Findings are reviewed by call center staff and community and/or governmental leaders, and timely reports are made public via social media, radio or TV. Care needs to be taken that information disseminated does not further escalate a tense situation. Discrediting rumors can be a powerful tool to deescalate actual or potential conflicts.¹⁷⁷

7.7.1 Recommendations concerning Conflict Anticipation

MC should determine whether there would be value-added for communities and its dispute resolvers by including a program component on conflict anticipation. If its decision is affirmative, staff will need to research selected procedures and secure training to apply and teach them to program participants.

¹⁷⁶ “Is social media inciting violence in Myanmar?” Daily Star, April 18, 2018. <https://www.thedailystar.net/star-weekend/social-media-inciting-violence-myanmar-1561876>

¹⁷⁷ “Harnessing the power of social media for conflict prevention.” <https://www.peaceinsight.org/blog/2013/07/social-media-conflict-prevention/>

7.8 Conflict Regulation

Conflict regulation includes “preventions,” activities that prevent escalation of disputes or conflicts, and “interventions,” actions that limit the escalation of a situation and minimize harm to persons and/or property. Listed below are examples of preventions and interventions:

Developing Acceptable Standards and Norms for Attitudes, Speech, and Behavior of Community Members

An example of “prevention” is the list of standards and norms developed by a joint committee of Christian and Muslim leaders in Ambon, Indonesia during a time of serious inter-religious violence. The standards stated what was and was not acceptable in terms of attitudes, speech, or actions by diverse members of the community. The rules also listed consequences for non-compliance, including but not limited to making apologies, public shaming, repairing any damage done to property, and in extreme cases expulsion from the community and not being allowed to be buried there. The stature of the leaders encouraged community members to follow the “community rules.”

Community Walks and Neighborhood Watch Groups

Conflict regulation actions may also include public community gatherings or walks to voice public support for peaceful community relations and demonstrate opposition to individuals or groups that threaten community peace.

Community walks can also be used to help assure community safety and prevent acts that may create intercommunal tensions, crimes, or violence. Many countries around the world have organized Neighborhood Watch Groups, unarmed teams of diverse citizens who walk in groups in their neighborhoods at night or other times when potential crimes might be committed. Their presence alone can often deter would-be offenders from engaging in problematic activities.¹⁷⁸ Some Neighborhood Watches are independent and exclusively community-based; others have either informal or formal relationships with law enforcement agencies.

Independent Impartial Observers or Monitors

Individuals or groups serving in this role are often organized by NGOs, dedicated to seeing that human or electoral rights are recognized and respected. They are often deployed in situations where there is the potential for rights to be violated by either parties to a conflict or law enforcement officers. Their presence as impartial observers can often help prevent violation of rights.

Community Peacekeeping

This is the most active form of intervention by community members in conflict situations to regulate their intensity and prevent escalation. It involves the formation of teams of community people who can intervene in conflict situations to prevent, mitigate, or stop incidents of violence by their presence, or if necessary interposition by team members between conflicting parties. Community peacekeeping teams have intervened in serious inter-ethnic community conflicts and during marches and rallies. Participants on teams need training in non-violent peacekeeping to learn the most effective intervention strategies and techniques.

¹⁷⁸ “About Neighborhood Watch” describes experiences in the U.S., but some of the principles and procedures apply in many other countries. <https://www.nnw.org/about-neighborhood-watch>

7.9 Recommendations Concerning Conflict Regulation

MC should determine whether there would be value-added for the communities in which it works to include a conflict-regulation component and activities to its programming. If its decision is affirmative, staff will need to research selected procedures and secure training to implement them and teach the procedures to program participants.

7.10 Conflict Engagement Capacity Building

Parties engaging with each other to reach collaborative agreements, such as participants in community dialogues, or to resolve disputes or conflicts, such as disputants themselves or intermediaries, can often benefit from participation in capacity-building training to learn effective approaches and procedures for reaching accords or resolving differences. Focuses of capacity-building training programs commonly include conflict analysis and resolution strategy design, convening, communication skills, negotiation, facilitation, mediation, conciliation¹⁷⁹, arbitration, and non-violent peacekeeping.

7.10.1 Recommendations on Conflict Engagement Capacity Building

- 1) MC should continue to incorporate and provide IBN and IBM training in all of its future peacebuilding and conflict resolution programs. Training should be customized to address the specific kinds of issues or topics that trainees are likely to encounter in their future activities with MC's programs. Training should include extensive time for practice by participants of dispute-resolution procedures and skills, using customized simulations based on real or close to real fact patterns or real-life case examples elicited from training participants.
- 2) MC should utilize its current training curriculum on IBN and IBM to develop a new course on IBF. Training on this topic can be presented for facilitators of community dialogues or other meetings associated with MC's program implementation.
- 3) MC should continue its model for training that includes introductory and follow up training programs, mentoring, and coaching and regularly scheduled learning meetings. The only suggestion concerning the duration of training is to have the introductory program be three days in length to allow more time to practice procedures and skills using customized simulations.
- 4) MC should provide substantive and procedural training on topics related to the kinds of disputes program participants are mediating. Potential topics include human rights standards and law, land law, how to develop interest-based, and rights-compatible settlements and how to provide interest-based advice or recommendations.

¹⁷⁹ *Conciliation* – A third party dispute, grievance or conflict resolution process in which an independent intermediary gathers relevant information through interviews with involved or other knowledgeable parties, mediates and, if necessary, makes a non-binding recommendation for how parties' differences might be satisfactorily resolved. (This process is also called "advisory mediation".) This process is quite similar to many customary dispute resolution procedures practiced in Myanmar.

- 5) General and specialized training should be conducted for MC program participants, depending on MC decisions on what to include in its programming, on various aspects of peacebuilding, conflict prevention, conflict anticipation, conflict regulation, and conflict management and resolution. Prospective participants should include religious and civil society leaders, GAD government officials, and potentially members of the business community.
- 6) MC should offer general training on IBN and IBM, with an emphasis on handling disputes with a religious component, for leaders and students at monks' training schools and the Arabic Language Institute.

7.11 Conflict Management and Resolution

Conflict management and resolution involve a range of potential activities by parties in dispute or third parties who assist them. Some of them include negotiation, convening, facilitation, mediation, conciliation arbitration, and customary dispute resolution procedures.

Providing conflict management and resolution assistance by trained mediators has been at the core of MC's initiatives to address intercommunal tensions and conflict. Participants have been successful in resolving a number of disputes that involve members of different ethnic groups or religions. MC should continue this work.

7.11.1 Recommendations concerning Conflict Management and Resolution

Listed below are recommendations focused on MC's work on addressing intercommunal issues and disputes. They focus on who to work with and how provision of dispute resolution services might be organized. MC should:

- 1) Establish and build relationships with senior religious leaders from different religions and secure their support for MC's intercommunal conflict management and resolution programming. Several interviewees for this program evaluation noted that having connections with senior religious leaders could help program mediators to settle disputes. Their support can provide legitimacy and weight to program initiatives and indicate backing for program mediators.

Interviewees indicated that senior religious leaders had many demands on their time and likely would not be able to participate as mediators on a regular basis. There are, however, other ways that religious leaders could support MC's initiative.

Leaders can be asked to be champions and make public statements supporting intercommunal peace, non-violent resolution of differences, and intermediaries in MC's program. They could also be asked to serve on a program advisory committee to help determine the direction for peacebuilding and dispute resolution or participate in a training program to raise their awareness of the initiative and the procedures and skills used.¹⁸⁰ In more serious conflicts or where multiple parties are involved, trained senior religious leaders could be asked to mediate or serve on a mediation team or panel with other program mediators. Having their involvement as intermediaries can

¹⁸⁰ They may benefit from exposure to IBN/IBM procedures and skills when addressing internal issues in their own religious bodies or that involve their members.

also provide another level of dispute resolution assistance. Their engagement and status may encourage parties to reach agreements.

- 2) Develop a case intake mechanism and related procedures that have multiple entry points and minimal paperwork to make it easy for disputants to access services.
- 3) Discuss and develop a policy regarding how assertive mediators should be when seeking to gain entry into a dispute. Should they wait until one or more parties approach them for help, or be proactive and take initiative to contact parties without being invited and offer to mediate?
- 4) Develop a set of standards and criteria for which cases will be handled by program mediators and which will be referred to others, such as law enforcement and courts, for resolution assistance.
- 5) Recruit prospective mediator trainees from diverse ethnic groups and religions who are highly respected, trusted and with higher status and level of influence in their communities than most of the disputants they are likely to engage with. Interviewees for this evaluation indicated that while in some cases the ethnicity or the religion of mediators may be important, much more critical factors were the intermediaries' character, their reputation in the community, and the level of influence they could exert because of who they are or those they are associated with.
- 6) Consider how mediator trainees can be affiliated with or under the sponsorship or care of a community organization— a community dialogue, a respected civil society organization, a government entity, a partnership of two religious bodies, or a consortium of different religious groups. This affiliation can provide intermediaries with additional leverage and influence in negotiations and mediations and link them to an ongoing institution or organization that can continue providing dispute-resolution services beyond the end of MC's program and donor funding.
- 7) If mediators are affiliated with a community dialogue, it may be important for them to be members and engage in peacemaking activities alongside their involvement in dispute resolution.
- 8) Consider, at least for some disputes, pairing mediators with different backgrounds and encouraging them to co-mediate. There are a number of potential benefits for this model of intervention. Disputants may be more willing to mediate if one of the intermediaries is from their ethnic group or has the same religion. Mediators can model intercommunal cooperation and demonstrate that it is possible through their words and actions when serving as intermediaries. Co-mediators can learn from each other and deepen their expertise as intermediaries. Finally, inter-ethnic or inter-religious friendships may develop through mediators' common engagement in work that is important to them and has benefits for each of their communities.
- 9) Consider forming mediation panels composed of multiple program mediators to handle especially difficult cases or those involving multiple parties. Panel members

can be selected by disputants from among program mediators, with each party picking one and the two selected choosing the third. Panels could provide mediation, conciliation (mediation with a non-binding recommendation), or arbitration depending on the will of the parties.

7.12 Conflict Transformation

Conflict transformation is a process rather than an end. It involves ongoing efforts by community leaders and members to engage in respectful and in-depth communications, maintain and enhance their working relationships, and engage in continuous improvement of structures, systems, and processes to assure fair and just treatment for all community members regardless of their ethnicity or religion. It also involves constant efforts to identify initiatives and projects that community members can jointly engage in that will result in benefits for all members of the community.

7.12.1 Recommendations concerning Conflict Transformation

- 1) MC, from the beginning of its new initiative in intercommunal peacebuilding and conflict resolution, should consider and make plans for how relationships, structures, systems, and procedures developed in its program can be sustained after the project is finished and donor funding ceases. MC, its partners, and program participants should consider the legacy it wants to leave and assure that measures are put in place to continue the good work that has been done.
- 2) MC should consider helping program participants to design and implement public policy dialogues to help community leaders and members; government officials; NGOs and CBOs develop new initiatives to appropriately change structures, systems, and procedures to make them more equitable and fairer for all members of communities.

8. Recommendations for other issues

Over the last five years, Mercy Corps has conducted a number of programs designed to establish open communications and create more positive working relationships between government officials, CSOs and members of communities. This work has been important and should be continued.

Listed below are recommendations on how MC can leverage its past work to move into new areas and institutionalize the use of IBN and IBM.

8.1 Recommendations on Strategies for Institutionalization of the Use of IBN and IBM

- 1) Develop strategies to influence executives and senior leaders in GORUM and EAO government institutions to authorize the use of IBN and IBM by their subordinates. Conduct senior executive seminars on the topics to introduce leaders to the concepts and procedures and encourage them to issue administrative guidance that approves and authorizes their use. This could be done as a pilot project to lower concerns about the effectiveness of the procedures and any perceived risks for their use.
- 2) MC should continue to teach courses on IBN and IBM in government educational institutions, such as the Institute of Development and Administration under Ministry of

- Home Affairs and the Department of Social Welfare, that provide training for new public servants and continuing education for current ones. Their learning IBN and IBM is an important early step in changing the culture for how decisions are made and differences resolved in Myanmar.
- 3) To assure that courses are continued to be taught in these institutions when MC no longer has funding for this work, MC should conduct training-for-trainers courses to prepare government officials to teach the courses. The ideal instructors would be officials that have used the procedures, found them to be effective, and have passion for their implementation by other officials.
 - 4) MC should consider developing curriculum and presenting seminars in the Law Department, with a certificate of completion issued at the end of programs. Programs could also be presented in law schools with similar efforts to include IBN and IBM as part of their regular curriculum.
 - 5) MC should work with Union-level Coordination Body for Rule of Law Centers and Justice Sector Coordination Body (JSCB) (a government entity with both government and civil society members authorized to identify and develop proposals for the country's justice reform priorities), other NGOs (such as the Norwegian Refugee Council), and donors (such as MyJustice) that are committed to implementing and institutionalizing the use of Collaborative Dispute Resolution (CDR) to increase access to justice to develop new legislation that would authorize the use of CDR by government Ministries and Departments.
 - 6) MC should explore how to coordinate with a current court-led mediation pilot being supported by Japan to see how MC-trained mediators might provide dispute resolution assistance. Currently, mediation is being provided by judges, but many court-connected mediation services around the world use either professional or voluntary mediators to provide dispute resolution assistance.
 - 7) MC should look into a long-term initiative to establish a Center for Collaborative Problem Solving and Dispute Resolution, or under some other name, that would institutionalize training and provision of peacemaking, conflict prevention, collaborative problem solving, and dispute resolution services. There a number of models for these institution either as free-standing, non-governmental organizations or connected either loosely or part of a government agency.¹⁸¹
 - 8) MC should educate donors about realistic timeframes needed to accomplish the goals and objectives of ambitious programs, oriented toward changing the culture of decision-making and dispute resolution in the country. Ideally, funding for projects should be for at least three years to assure adequate time to make deeper progress and changes. A longer runway for programs will also provide time for programs to develop plans for their long-term sustainability when donor funds are no longer available.

¹⁸¹ An interesting quasi-governmental model is that of the Alternative Dispute Resolution Center in Ghana. See: The Alternative Dispute Resolution Act, 2010. <https://www.wipo.int/edocs/lexdocs/laws/en/gh/gh036en.pdf>

ANNEX A

INTERVIEW GUIDES FOR MY JUSTICE RIGHTS-BASED DISPUTE RESOLUTION PROGRAM

FGD/KII Questions with Trained W/VTAs

Name of data collector:		
Date:		
Location:		
Number of participants:	Males:	Females:
Age of participant(s)		
Ethnicity of participant(s)		
Religion of participant(s)		
Title of participant(s)		

Benefits gained by program participants

1. What training program activities did you participate in? IBN? IBM? Two- day introductory program? Mentoring? Quarterly Meetings, Lessons Learned Meetings?
2. What did you learn, like or find to be useful from those activities?

Conflict management

3. What kinds of disputes did you try to resolve during the life of the project?
4. What disputes were the easiest to settle? The most difficult? Why?
5. Can you describe a dispute you successfully resolved in the last six months?
 - Did you apply the techniques you learned from the program?
 - How did you apply them?
 - What was the outcome of this dispute?

As you reflect on your experience resolving this dispute, what were your strengths? What areas do you think need improvement? *For those who have not yet had any successful cases* – Can you describe situation in which you were able to apply what you learned from the program?
6. Are there any disputes that you were not able to resolve in six months?
 - If yes, why?
 - If you were not able to resolve them, where did people go for further resolution help?
 - Why did they go there?
7. Are there any disputes where you collaborated with community leaders, ethnic leaders, civil society organizations, social service agencies and/or other government officials/officers/ to help try and reach a resolution? If you did, what did they do and was the collaboration helpful and/or successful in resolving disputes?
8. In the past 6 months did you seek advice from female community leaders and/ or women organizations to resolve disputes? If yes, can you please provide some examples of the type of disputes? If not, can you explain why not?
9. Did you in the past or are you currently contacting other trained W/VTAs to seek advice on the disputes you were or are resolving?

10. Do you use the form provided for the dispute resolution documentation system? If you do, could you tell me your experience of using the form?

Changes

11. What has changed for the larger community and beneficiaries (disputants) because of the IBN/IBM program? (*changes can be both positive and negative*)
Did you observe any changes particular to women? men? Youth? Please explain.
OR
In general, do you think the program has reduced some tensions/conflicts in the community?
Why/ why not?
12. Do you think the work you have done using IBN or IBM has increased trust of community members in W/VTAs and the government? If it has, what would indicate t this has happened?
13. Compared with two years ago, have there been any changes in how you resolve conflicts?
- What are the changes? (*changes can be both positive and negative*)
 - What do you do differently because of the program?

Relevance

14. How appropriate is the content of the IBN? IBM program to your work resolving disputes and disputes that exist in the community? (*the nature of the problems or the context in which they exist or local justice issues*) How appropriate is the program content to female program participants?
15. How compatible do you think IBN/IBM are with the views and ways people from different cultures in Myanmar resolve disputes?
16. How applicable are the human rights standards integrated into the IBN and IBM training program to the disputes you handle?

IBN/IBM training, coaching and mentoring, and meetings

17. Please remember the IBN/IBM training you participated in. What do you most remember about the training? Do you have any suggestions for how the training could be improved?
18. What did you learn, like or find to be useful from mentoring and coaching sessions, quarterly/exchange meetings, cross-learning exchange meetings? Do you have any suggestions for how these activities could be improved?

Sustainability

19. After your involvement with the Mercy Corps program, will you continue to use what you have learned about IBN/IBM? Why/why not?
20. How might you build up your conflict resolution knowledge and skills in the future?
21. Have you in the past or are you currently sharing your r technical expertise in IBN/IBM with other people in your W/VT?
- Follow-up questions for 19*
- Would you be interested in being a mentor in your community to help other members implement and use IBN/IBM?

- Would you be interested in being trained as an IBN/IBM trainer so you could train them in these procedures and skills?
22. If you were no longer the W/VTA, would others in your Ward or VT be able to continue use of IBN/IBM to resolve disputes? If yes, why? If no, why?
 23. What could you and Mercy Corps do to continue the use of IBN/IBM and institutionalize it in your Ward or VT?

Recommendations

24. If you could ask some interventions from Mercy Corps in the future, what would those interventions be?
25. What kinds of people, institutions, organizations, etc. do you think Mercy Corps should work with in the future to achieve the greatest impact and success in helping individuals, institutions and communities resolve difficult disputes?
26. Do you think Mercy Corps should train people other than W/VTAs to implement IBN/IBM in your location?

KII Questions for Disputants

Name of data collector:	
Date:	
Location:	
Type of case:	
Gender of disputant:	
Age of disputant:	
Ethnicity of disputant:	
Religion of disputant:	
Result of the case:	Successful or Unsuccessful

We are interested to learn about your experience with the W/VTA who provided assistance to try and help resolve your dispute?

- Can you tell me the story of the case?
- Did the W/VTA help you to resolve your dispute?
- If it was not resolved, what was the outcome?
- What did you do with your dispute if it was not resolved? Did you go to someone else for help, or drop your dispute?

Process of resolving the case

Ask the following probing questions if the disputant has not yet responded:

- Were there any efforts to resolve the dispute before the case was brought to the W/VTA? If so, who tried to resolve it and what did they do?
- How was the case reported to the W/VTA?
- Why was the case reported to the W/VTA?

- How was the case handled by the W/VTAs? What happened? What did the W/VTAs do to help?
- Did the W/VTAs resolve the case alone, with a local W/VTAs committee or by collaborating with other community leaders, members or stakeholders?
 - If collaboration, how did other parties work with the W/VTAs? What assistance or services did they provide?
- What was the outcome of the case (result)?
- Was the outcome a negotiated or mediated agreement to which all parties accepted or a recommendation or decision by the W/VTAs that the parties accepted?
- How long did it take to reach an outcome?

Note: Probe to learn the detailed process of resolving the case.

Satisfaction of the disputant

- What did you think about the outcome/ result and the dispute resolution process?
- Did you agree and were satisfied with the way the case was handled and its outcome??
If yes – please mention your level of satisfaction – Range 1 ----- to 10 (the best) (will ask the disputant if he/ she gave under 5 – why?)
If no – why?
- If you were involved in a dispute in the future, would you seek help from the W/VTAs again?
Why/ why not?
- Are there any suggestions you would like to give to W/VTAs to provide more helpful intervention assistance or service in the future?

Changes

- Compared with two years ago, have the number of difficult issues, tensions / disputes / conflicts / issues increased or declined in your community? Why/ why not?
- If they have increased, what specific kinds of issues/tensions / disputes have increased? Why?
- Have you worked with the same W/VTAs in the last two years to resolve other disputes/ If yes – Do you notice any changes/ differences in the way they provided assistance? If so, please describe.
- What changes would you suggest for how your W/VTAs helps to resolve disputes in the W/VT?

KII Questions with Control Participants

Name of data collector:	
Date:	
Location:	
Name of the respondent:	
Gender of the respondent	
Age of the respondent	
Ethnicity of the respondent	

Religion of the respondent	
Title of the respondent	
Address of the respondent	

Conflict management

1. How many years have you been working as W/TA?
2. What kinds of disputes did you try to resolve in two years?
3. What were disputes that are the easiest and the most difficult to settle? Why?
4. In general, to whom people go for help in your community when they have disputes? Why?
5. Have you received training related to conflict management before? Do you apply the techniques you learned from the training you participated in?
6. Could you describe a dispute you have successfully resolved in the last six months?
 - How did you help resolve it? What procedures or techniques did you use?
 - What was the outcome of the dispute?
 - Why do you think the dispute was successful?
7. When you reflect on your experience of resolving this dispute, what do you think your strengths were? What areas do you think you need to improve?
8. Are there any disputes that you were not able to help resolve in the last six months?
 - If yes, why?
 - When they were not resolved, where did people go for other dispute resolution assistance?
 - Why did they go there?
9. Are there any disputes that you collaborated with community leaders, ethnic leaders, civil society organizations, social service agencies and other government departments to help reach agreements? If you did, was the collaboration successful? If yes, how? If no, why?
10. What could be done to improve collaboration with appropriate people, if needed, to help resolve disputes?
11. Have you in the past or do you currently contact other W/VTAs to seek advice, ask about their experiences or to discuss strategies for resolving disputes? If yes, give examples. If no, why was consultation not used?
12. How did you document the disputes you have resolved in two years? Please describe.
13. In order to provide better service, how are you building up your capacity and skills in terms of conflict management? Are there any other capacities you need? If yes, please describe.

**ANNEX B
INTERVIEW GUIDES FOR PAST MC PROJECTS**

Inclusive Natural Resource Management (INRM)

Name of data collector:			
Date:			
Location:			
Number of participants:	Males:	Females:	
	Ages	Ethnicity	Ages Ethnicity

Sr No	Question	Type
1	What are the types of disputes that most frequently occur in your township?	
2	What are the most common methods used by government officials, CSOs and leaders in communities in your township to resolve disputes related to land, natural resources, development projects, etc.?	
3	When did you attend the Mercy Corps Issue-based Negotiation (IBN) training?	
4	How many natural resources, land or other type of disputes you have been engaged in and solved after the training?	
5	Can you please tell me how you solved those disputes?	
6	With which institutions/ organizations/ authorities you have collaborated in solving those disputes? Other government institutions? CSOs? Others?	
7	Did you apply what you learned from MC IBN training in solving those disputes? If yes – how? If no – why?	Y/N
8	Do you think IBN is a practical tool that can be used and relevant to your local context when resolving disputes? If yes – how? If no – why?	Y/N
9	From your experience, to achieve/succeed in the resolution of natural resource, land or development disputes, is using an IBN process alone enough to reach the goal or is any additional information and/or other services/ supports/ tools needed? If yes – please explain If no – please explain	Y/N
10	Do you have any success stories? If yes, can you share them with me? If no – why?	Y/N
11	How do you think IBN could be institutionalized in your Township so that it is potentially the first method tried and commonly used to resolve disputes? (Probe for whether authorization by higher officials, changes in rules and procedures, allowing more time for resolution efforts, designating other officials below the TA to negotiate or mediate cases, ongoing regular training, etc., might be used.	
12	Are there any other key government officials/staff members at the Township level or other leaders or members of the broader community you think should be trained in IBN? If yes – who are they? How might they use and benefit from IBN training?	Y/N
13	Have tensions and conflicts in your township among government officials, CSOs, and community members related to land/ natural resources/ development projects increased or decreased over the last 5 years? If increased – why? If decreased – why?	I/D

14	Have the capacities of government officials, CSOs, and community leaders and members improved over the last 5 years in resolving disputes? If yes – what kinds of disputer and how have they improved? If no – why?	Y/N
15	What do suggest would enable and improve collaboration between government officials, CSO leaders and members, and community leaders to systematically resolve natural resource, land, development and other disputes or issues in your area?	

MDL - Sone Hmat

Name of data collector:			
Date:			
Location:			
Composition of FGD: # of Ward Administrators ___ Civil Society Activists ___ Junior Religious Leaders ___ Senior Religious Leaders ___			
Number of participants:	Males:	Females:	
	Ages	Ethnicity	Ages Ethnicity

Sr No	Question	Type
1	When did you attend the MC IBN/IBM training?	
2	Up to today, how many disputes have you helped parties to resolve? (Indicate numbers by three types of people trained in IBN/IBM and Senior Religious Leaders) How many disputes did you try to resolve but the parties failed to reach an agreement? (Indicate numbers by three types of people trained in IBN/IBM and Senior Religious Leaders)	WAs_ ___ CSA's ___ Jr Rel_ Sr Rel_
3	How many disputes were you able to resolve that involved members or groups from the same ethic/religious community?	
4	How many disputes were you not able to resolve that involved members or groups from the same ethic/religious community?	
5	How many disputes were you able to resolve that involved individuals or groups from different ethic/religious communities?	
6	How many disputes were you not able to resolve that involved parties from different ethic/religious communities?	
7	For disputes that involved members of different ethic/ religious communities, were any issues in dispute specifically ethnic or religious, or were they only problems between people from different ethic/religious backgrounds? Please describe	
8	Do you think position in your community or ethnicity/religion affected either the parties' views toward you or their ability to reach/not reach agreements? If yes – how? If no – why?	
9	Do you think it made a difference whether you were a Ward Administrator, civil society activist or junior religious leader in the resolution or non-resolution of	

	disputes? If yes – why? If no – Why?	
10	Do you think it would have made a difference in the rate of resolution, if the person providing IBN/IBM assistance would not have been closely linked with a specific religion?	
11	In any of the disputes you tried to resolve, did your ethnicity or religion affect the way you viewed the parties, issues in dispute, resolution procedures or outcomes? If yes – how?	
12	Did you apply what you learned from the MC IBN/IBM training when working to resolve disputes? If yes – how? If no – why?	Y/N
13	Did you face any difficulties when using the IBN procedures/tools in resolving disputes? If yes – what are they?	Y/N
14	Can you share any success stories about the disputes you resolved? If yes, please tell me? If no – why?	Y/N
15	Do you think IBN tool is relevant to the Myanmar context – history, cultures, religions, administrative procedures, common community customs and practices – when resolving disputes? If yes – why? If no – why?	Y/N
16	From your experience, to achieve/succeed in the resolution of disputes between or among members of different ethic/religious communities, is using an IBN process alone enough to reach the goal or is additional information and/or other services/ supports/ tools needed? If yes – please explain If no – please explain	Y/N
17	Did you collaborate/ interact with other people in the community when trying to resolve disputes? If yes – how? If no – why?	Y/N
18	Is the MC trainees network still functioning such as contacting/ sharing experiences/ seeking advices among yourself regularly? If no, why? If yes – how? If no – why?	Y/N
19	What impact did the Civil Society Development Initiative contribute to developing a culture of peace, inclusion among Myanmar’s diverse ethnic and religious communities and tolerance and reconciliation for at-risk communities? If there was an impact - what was it and how did it happen? If no – why not?	
20	Are there any other key community members who should participate in IBN/IBM training? If yes – who are they?	Y/N
21	Intercommunal violence increased or decreased during the last 3 years? If increased – why? If decreased – why?	I/D
22	If you had the opportunity, what would you like to add to the IBN module to make it more effective and relevant to Myanmar context?	

Local Resilience Program (LRP)

KII - Sone Hmat

Name of data collector:			
Date:			
Location:			
Composition of FGD: Local leaders_____ Civil Society Leaders and Members_____			
Number of participants:	Males:	Females:	
	Ages	Ethnicity	Ages Ethnicity

Sr No	Question	Type
1	When did you attend the MC IBN/IBM training?	
2	Up to today, how many disputes have you helped parties to resolve? How many did you try to resolve but the parties failed to reach an agreement?	
3	How many disputes were you able to resolve that involved members or groups from the same ethic/religious community?	
4	How many disputes were you not able to resolve that involved members or groups from the same ethic/religious community?	
5	How many disputes were you able to resolve that involved individuals or groups from different ethic/religious communities?	
6	How many disputes were you not able to resolve that involved parties from different ethic/religious communities?	
7	For disputes that involved members of different ethic/ religious communities, were any issues in dispute specifically ethnic or religious, or were they only problems between people from different ethic/religious backgrounds? Please describe	
8	Do you think your ethnicity/religion and your position in your community affected either the parties' views toward you or their ability to reach/not reach agreements? If yes – how? If no – why?	
9	Do you think it would have made a difference in the rate of resolution, if the person providing IBN/IBM assistance would not have been closely linked with a specific religion?	
10	In any of the disputes you tried to resolve, did your ethnicity or religion affect the way you viewed the parties, issues in dispute, resolution procedures or outcomes? If yes – how?	
11	Did you apply what you learned from the MC IBN/IBM training when working to resolve disputes? If yes – how? If no – why?	Y/N
12	Did you face any difficulties using the IBN procedures/tools in resolving disputes? If yes – what are they?	Y/N
13	Can you share any success stories among the disputes you resolved? If yes - please tell me? If no – why?	Y/N

14	Do you think IBN tool is relevant to the Myanmar context – history, cultures, religions, administrative procedures, common community customs and practices – when resolving disputes? If yes – why? If no – why?	Y/N
15	From your experience, to achieve/succeed in the resolution of disputes between or among members of different ethnic/religious communities, is using an IBN process alone enough to reach the goal or are leaders' experience and reputation, additional information and/or other services/ supports/ tools needed? If yes –please explain If no – please explain	Y/N
16	Did you collaborate/ interact with other people in the community when trying to resolve disputes? If yes – why and how? If no – why?	Y/N
17	Were any inter-faith dialogues conducted during the last 3 years? If yes how many times? If not, why?	Y/N
18	If yes to #17, how have government, CSO and community leaders or members been involved?	
19	Were issues, disputes or conflicts raised in inter-faith dialogues resolved? If yes – how? If no – why?	
20	Is the MC trainees network still functioning such as contacting/ sharing experiences/ seeking advices among yourself regularly? If yes – how? If no – why?	
21	Have intercommunal disputes, conflicts or physical violence increased or decreased during the last 3 years? If increased – why? If decreased – why?	Y/N
22	Have structural sources of violence – different treatment, discrimination, procedures, etc. – increased or decreased over the last few years? If increased – why If decreased – why?	
23	Are there any other key community members who should be trained in IBN ? If yes – who are they?	Y/N
24	What else might be done to institutionalize the uses of IBN/IBM to address intercommunal differ so that it was commonly used by diverse	Y/N
25	If you had the opportunity, what would you like to add in an IBN module to make it more effective and relevant in the Myanmar context?	

Promoting Sustainable Peace & Resiliency in Kayah State (PROSPER)

Sone Hmat

Name of data collector:		
Date:		
Location:		
Composition of FGD: Local leaders____ Civil Society Leaders and Members____		
Number of participants:	Males:	Females:

	Ages	Ethnicity	Ages Ethnicity
--	------	-----------	-------------------

Sr No	Question	Type
1	When did you attend the MC IBN/IBM training?	
2	What are recent disputes in your area?	
3	How have government officials, CSOs, EOs and community leaders resolve these disputes?	
4	How did you engage in those disputes?	
5	Did you use what you learned from MC training in resolving these disputes? If yes – how? If no – why?	Y/N
6	Do you think PROSPER Project had an impact in Kayah State in improving dialogue, inclusive decision making, and building trust between authorities, community, and CSO concerning local peacebuilding and development initiatives? If yes – how? If no – why?	Y/N
7	What kind of Project does this township need to promote greater trust between the government authorities, CSOs, EOs and community to lay the foundation of sustainable peace and development in Kayah State?	
8	Are there any other specific actors in the communities (apart from authorities, CSO, and EOs) that should engage in that kind of project? If yes – who are they?	Y/N

**ANNEX C
INFORMED CONSENT FORM**

We would like to request your participation in a sixty minute group discussion / individual interview to study the way disputes are resolved in your community. The purpose of the interview is to evaluate Mercy Corps' Rights-Based Dispute Resolution Program which was implemented from May 2017 to April 2019 and to help inform the future interventions of Mercy Corps on community based dispute resolution.

The interview will be audio taped to better record your words. You should feel free to ask to turn off the recorder if you feel uncomfortable at any time. Your participation in today's program is voluntary. There will be no negative consequence for deciding not to participate in this interview. Although your responses are recorded, your names will be strictly confidential, and your answers will be anonymous.

If you consent to take part in this interview, please provide your information below.

Signature

Name

Location

Position / Title

Age

Gender

Ethnicity

Religion

Date

CONTACT

Jonathan BARTOLOZZI
Director of Programs
jbartolozzi@mercycorps.org

ABOUT MERCY CORPS

Mercy Corps is a leading global organization powered by the belief that a better world is possible. In disaster, in hardship, in more than 40 countries around the world, we partner to put bold solutions into action — helping people triumph over adversity and build stronger communities from within. Now, and for the future.



45 SW Ankeny Street
Portland, Oregon 97204
888.842.0842
mercycorps.org