



**Mid-term review of Development of Internal and International Labour Migration Governance
(DIILM)**

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by

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Any errors in this MTR – either factual or interpretative – are the sole responsibility of the MTR consultant.

Abbreviations

AFFM-CTUM	Agriculture & Farmer Federation of Myanmar - Confederation of Trade Unions of Myanmar
ALD	Association for Labor and Development
BC	Bill Committee
C189	Domestic Workers Convention, 2011 (No. 189)
CM	Complaint's Mechanism
CSO	Civil Society Organization
DILLM	Development of Internal and International Labour Migration Governance
DoE	Department of Education
DoH	Department of Health
DoI	Department of Immigration
DoL	Department of Labour
DoP	Department of Planning
DoSW	Department of Social Welfare
FED	Foundation for Education and Development
FGD	Focus Group Discussion
FLC	Future Light Center
FWAC	Farmers and Workers' Affairs Committee
GAD	General Administration Department
GOUM	Government of the Union of Myanmar
ILO	International Labour Organization
IOM	International Organisation for Migration
IP	Implementing Partner
IRC	International Relations Committee
JCC	Joint Coordination Committee
KBC	Karen Baptist Convention?
KII	Key Informant Interviews
LIFT	Livelihoods and Food Security Trust Fund
LOEC	Local and Overseas Employment Committee
LRDP	Labor Rights Defenders and Promoters
M&E	Monitoring and Evaluation
MMTUF	Myanmar Maritime Trade Unions Federation
MOEAF	Myanmar Overseas Employment Agency Federation
MOFA	Ministry of Foreign Affairs
MOLIP	Ministry of Labour, Immigration and Population
MOU	Memorandum of Understanding
MRC	Migrant Resource Centres
MTR	Mid Term Review
NLD	National League for Democracy
SB	Special Branch, Myanmar Police Force
SDGs	Sustainable Development Goals

ToC	Theory of Change
TRIANGLE	Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN
UNOPS	United Nations Office for Project Services
USDP	Union Solidarity and Development Party
WCAC	Women and Children's Affairs Committee

Executive Summary

Development of Internal and International Labour Migration Governance (DIILM) started on 1st February 2016 and will be ended on 31st December 2018. The project focuses on 4 key policy outcomes, namely

- 1) Key legislation and policies on international labour migration are adopted in line with relevant international labour standards, the ILO Multi-lateral framework and in consultation with all relevant stakeholders
- 2) National and regional policies are adopted in consultation with all relevant stakeholders to combat abusive recruitment processes for internal migrants and for the promotion of decent work for domestic workers
- 3) Policies to encourage and enable successful reintegration for returned migrants are endorsed
- 4) The ILO contributes to a migration knowledge platform in Myanmar

The purpose of the project is to improve the legal and policy framework governing internal and international migration and to better protect international migrants with international employment standards, particularly related to recruitment processes, complaints mechanisms and a newly designed welfare system. This project will work on the Law relating to Overseas Employment, which requires supplementary rules and regulations and access to documentation and employment information for the returning migrants to support successful reintegration.

Scope and Evaluation Questions

The Mid Term Review (MTR, or Review) evaluated aspects of progress thus far and make findings, lessons and recommendations to take into next phase. The main Review questions were:

- Which parts of the current outputs are still relevant under the new LIFT strategy, especially the generation of policy-relevant evidence regarding pro-poor development? (Relevance)
- Are activities implemented in a cost effective way? This includes project design, the scope and quality of the results? (Efficiency)
- What are the good points, opportunities and lessons learned from the various pillars of the project that can improve the remaining activities of the project? (Effectiveness)
- How likely the policy related outcomes are taken up by the project partners and other stakeholders? (Sustainability)

Methodology

The MTR was conducted from August 14th to the 26th, 2017, by a primary consultant who was supported by UNOPS LIFT staff in terms of logistics, interpretation, document review and

discussion. The consultant adopted a straightforward approach to the MTR by holding discussions with a wide spectrum of stakeholders to collect various perspectives on the main activities of the project, its relevance, effectiveness and potentially for sustainability. The consultant then compiled and synthesized these viewpoints, discussed them with DILLM staff, presented them during a preliminary findings meeting to LIFT on 26 August, and incorporated the responses as part of the draft.

The consultant reviewed close to 60 documents, conducted 14 Key Informant Interviews, and held four Focus Group Discussions with 47 participants. The spectrum of stakeholders ranged across DILLM and ILO staff, MOLIP representatives and other functionaries, overseas employment agencies and CSO and Union representatives. LIFT staff were present throughout most of the meetings. Limitations include limited time to uncover high levels of complexity, language barriers, potential beneficiary selection bias and unavailability of key stakeholders.

Relevance Findings

DILLM remains an extremely relevant project to the current context of migration in Myanmar. Its theory of change offers a clear plan of action, but could benefit from improved linkages and extra support to move outputs to more substantial outcomes. Some changes in context – such as the shift to the IOM as the lead agency to advance the NPA, as well as the recent change in leadership at the Department of Migration – have resulted in delays in higher level policy changes and accomplishments, but should be reviewed further to see what midcourse corrections can be made. A particularly pressing issue is clarity between DILLM and LIFT on the potential next steps to promote the ratification of C189, or if alternative efforts to promote a more “home grown” policy on domestic work should be pursued. Finally, some of the previously-envisioned activities – such as data collection capacity building – may no longer be feasible within the current project period of performance and may need to be removed.

Efficiency Findings

Overall, DILLM has made implementation progress on media pieces, trainings, consultations, and policy papers, but it is difficult to identify in precise terms just how much progress has been made because many activities are reported as progress across multiple areas. DILLM appears to be on track to deliver most of its targeted trainings (although data collection training is unclear), as well as media pieces on international migration, but may not hit its targets for public events and approved policy papers. Progress on consultations is not clear, due to the ambiguity in which they are defined. Finally, there is little evidence that DILLM’s progress on outputs has translated into the higher level formal policy changes the project hopes to achieve. Progress on the revised Law on Overseas Employment has stalled, and progress on other policy areas has not yet emerged.

The project has economized on its resources by condensing multiple objectives into fewer events. For example, trainings appear to have a consultation/discussion section that are both an opportunity to apply the materials in the various papers, as well as gather more information to either revise current draft papers or feed into new ones. While this may have resulted in cost savings, overall progress is slower than originally targeted.

The project is significantly underspent, spending around 33% of overall budgeted funds to date. This is in part due to the direct implementation role placed by project management. When considering how more substantial progress can be made, project management could benefit from shifting away from direct implementation and towards more management of others to do the implementation. Doing so would invariably involve the hiring of more core staff, as well as potentially expanding the project's short term and consultant workforce. Moreover, the program support unit also potentially could play an expanded role in supporting DILLM, and help both strengthen current M&E systems as well as improve the clarity of reporting.

Effectiveness Findings

This MTR found that DILLM has effectively established a strong working relationship with MOLIP, and, in particular, the Department of Migration's Executive Management. However, feedback from both MOLIP and Parliament suggest that DILLM's current strategy of working with MOLIP as the primary driver of policy change may need to be revisited. Respondents reported a generally-agreed reluctance of MOLIP to advocate for more rapid and wider policy changes and the recent change in MOLIP leadership highlights the fragility of the current relations.

Respondents also suggest that DILLM could benefit from a pivot towards a more direct engagement and advocacy strategy with Parliament. As a first step, this would entail DILLM staff increase their familiarity with national legislative processes, committee protocols, etc., as well as interact more frequently and more intensively with MPs and Committees. DILLM staff should then outline clear policy objectives; clear intermediate markers of success; clear constituents within Parliament, potential opponents and undecideds; and clear strategies for engagement.

However, the MTR also found that becoming more "political" may have inherent risks. There are potential opponents to C189 in Parliament, due to the fact that domestic work abroad is currently considered illegal. Moreover, more direct support to Parliament may also be perceived as overly pro-National League for Democracy (NLD), and might not be representative of all of Parliament.

Some members of ILO's program management team (who provide technical support to DILLM) indicated that they had encouraged DILLM staff to work more directly with Parliament and adopt more direct engagement tactics. Indeed, the program management team also indicated this strategy would complement the ILO's REQUEST project, which seeks to build the capacity of Parliamentarians to draft higher quality legislation with regards to labor protection. Finally, the laws and policies supported by DILLM – regardless if they are pushed through MOLIP or key Committees in Parliament – will still be subject to vote by Parliament, so the process is inherently political under any scenario.

The MTR also found that government functionaries found DILLM trainings and workshops most valuable in terms of expanding their networks of collaboration on migration issues as well as

the increased knowledge they gained from the content of the presentations. Although this information was less relevant to the day to day work of most attendees, there was anecdotal evidence to suggest that some were able to apply the knowledge they learned and directly assist migrants in need of support. Key improvements suggested by attendees include inviting key decision makers, expanding the scope to include MOFA representatives and more GAD representatives, and producing easy to understand IEC materials to reach potential migrants before they leave.

Yet although government functionaries valued these trainings, their overall effectiveness is less clear and may have a limited impact. This is not to suggest these workshops should be stopped and substituted with another activity (e.g. the networking building value of these workshops alone have proven to yield benefits). Yet it is to suggest that DILLM may wish to consider dedicating more time to identifying the strategic value of these workshops, their participants and what types of outcomes they think might produce.

Also, the MTR found that the current CSO safe migration network has greatly benefited from the ILO's support, and most likely would not even exist if it weren't for the efforts of the DILLM team. CSO members have learned to come together to exchange information, expanded their network and jointly participate in high profile events in Yangon. They clearly also appreciate the trainings and workshops provided by the ILO, esp. under the TRIANGLE project, and have passed this on to help migrants on the ground. Finally, they've benefited from the ILO's strong reputation and in turn have increased their own legitimacy as civil society actors with a mandate to engage the government for positive policy change.

However, as a network for policy change, the CSO network currently is a long way off. It's members currently gather to share information, but it is unclear how this information is applied to change their organizations. Moreover, they lack a clear strategy for policy change and corresponding goals on which policy outcomes they would like to support and how to achieve this. The lack of CSO leadership within the network is also troubling, as it is clear no one believes the network will survive without ILO support.

The MTR also found that DILLM has completed a Complaints Mechanism (CM) paper, policy coherence paper, a domestic workers advocacy paper, a recruitment and a social protection paper. Of these, only CM paper had been formally approved, translated into the Myanmar language and distributed. As noted in the recent semi-annual report, the content of the remaining papers has been used as inputs to the various trainings and workshops provided by DILLM.

Yet DILLM does not seem to have a clear dissemination strategy on which key actors should be exposed to which key points of the papers. Without such a strategy, the use of these papers to develop policy may be limited.

Sustainability Findings

The MTR found that a formal approval of the draft Law on Overseas Employment could produce the longest lasting impact by DILLM. DILLM could also potential use its remaining time to re-establish a leadership role in moving the next iteration of the National Plan of Action forward as well. However, unless a more coherent dissemination strategy is developed, the lasting impacts of the various policy papers are minimal. Similarly, the impact of the various trainings will diminish over time. Finally, the CSO network is currently unsustainable and will most likely cease to exist once DILLM support is withdrawn.

Overall Conclusion

As a convener of key stakeholders and facilitator of dialogue around safer migration policy, the DILLM project has clearly demonstrated its competitive advantage through the various activities to date. Yet as a more proactive driver of policy change, the project's current tactics have been less effective. One key point is that the direct engagement with MOLIP is most likely a necessary but insufficient mechanism to producing policy change. In searching for those additional elements to produce success, this MTR suggests that the CSO Network and Government Functionary Capacity Building pathways may not generate enough momentum to push policy change forward. Conversely, feedback from various respondents, including members of parliament themselves, suggest that exploring and pursuing a more proactive Parliamentary pathway may be worth considering, although the potential political implications must be taken into account. Feedback from key stakeholders does suggest that there is a strong appetite for moving forward on C189, and this was expressed across MOLIP, Parliament, Government Functionaries, and CSO respondents. Overall, this MTR has found that the time may be ripe for DILLM to reconsider some of its strategies, revise its current theory of change and reallocate its budget accordingly.

Overall Recommendations

- DILLM should consider revising its current theory of change and dedicate more attention to elaborating how its project outputs will translate into outcomes and impacts. In doing so, the project may wish to consider greater follow up of completed activities to monitor their progress over time.
- LIFT and DILLM may wish to review the current NPA process and consider taking a stronger role in moving it forward. This should also be done in consultation with the IOM.
- In regard to the planned data collection capacity building activities, DILLM and LIFT may wish to identify an expiration date after which these Outputs (3.2 and 2.3) are dropped if no further progress is made and their resources reallocated elsewhere.
- In regard to project reporting and M&E, DILLM may wish to clarify the definitions of its various activities – including the various types of papers, consultations, trainings – and assign their completion to discrete outputs as well as refrain from reporting the same outputs across multiple sections.
- DILLM project management may benefit from a shift away from direct implementation of project activities and towards a delegation of these activities to others. Doing so would require the hiring of more core staff, as well as potentially expanding the

project's short term and consultant workforce. Moreover, the program support unit also potentially could play an expanded role in supporting DILLM, and help both strengthen current M&E systems as well as improve the clarity of reporting.

- DILLM, in consultation with LIFT, may benefit from a substantial budget realignment around an expanded approach towards achieving DILLM's overarching goals. Exploring how DILLM may be expanded within its current period of performance should take place before consideration is given to a discussion on a potential no-cost extension.
- DILLM staff should, in cooperation with its executive management, clarify the ILOs position in consultation with LIFT staff regarding two items: a. Greater engagement with Parliament as an additional source of policy change, and b. DILLM's level of commitment to advocating C189 as the primary legal framework for domestic worker laws in Myanmar vs. a more home-grown approach that deviates from the standards of C189.
- Should it be agreed that introducing domestic and international labor laws directly through and in partnership with Parliament is a viable option, DILLM should consider not only revising its work plan accordingly, but also developing a corresponding engagement strategy and potentially hiring an additional lawmaking and lobbying expert to support this shift.
- If it is agreed that C189 should be the priority for DILLM, the project may then wish to consider mapping out the legal process associated with ratification, identify which other key decision-maker stakeholders should be included, and develop intermediate benchmarks of success accordingly. Although the project may not be able to help facilitate full ratification by the end of the period of performance, these intermediate markers will help LIFT and other donors better understand how they may support further efforts towards ratification.
- For the remaining government functionary capacity building workshops, DILLM may wish to consider inviting more key-decision makers, especially from GAD and MoFA.
- DILLM should consider reviewing the CSO network strategy, and discuss the merits of moving the network to a more advocacy-based role to pressure substantive policy change on safe migration. DILLM should also identify a plan for how the CSO network might survive without ILO support.
- DILLM may wish to consider developing a more focused dissemination strategy for the distribution of the various background papers. These papers should also include executive summaries.

Methods

Introduction

Background of DIILM¹

Development of Internal and International Labour Migration Governance (DIILM) started on 1st February 2016 and will be ended on 31st December 2018. The project focuses on 4 key policy outcomes, namely

- 5) Key legislation and policies on international labour migration are adopted in line with relevant international labour standards, the ILO Multi-lateral framework and in consultation with all relevant stakeholders
- 6) National and regional policies are adopted in consultation with all relevant stakeholders to combat abusive recruitment processes for internal migrants and for the promotion of decent work for domestic workers
- 7) Policies to encourage and enable successful reintegration for returned migrants are endorsed
- 8) The ILO contributes to a migration knowledge platform in Myanmar

The purpose of the project is to improve the legal and policy framework governing internal and international migration and to better protect international migrants with international employment standards, particularly related to recruitment processes, complaints mechanisms and a newly designed welfare system. This project will work on the Law relating to Overseas Employment, which requires supplementary rules and regulations and access to documentation and employment information for the returning migrants to support successful reintegration.

The project has been implementing at National level as well as regional levels, particularly in Yangon and four LIFT targeted areas: Shan State, Mandalay Region, Rakhine State and Ayeyarwaddy region for policy development.

Overall goal of the project

Myanmar's labour migration governance framework enables women and men to migrate safely, and migration to better contribute to development of Myanmar

Purpose of the project:

The purpose of the DIILM project that is implemented by ILO is to achieve four policy outcomes which are adoption of key policies and legislation and national and regional policies on internal migration, endorsement of policies to encourage successful reintegration for returned migrants (internal and international) and contribution to a migration knowledge platform in Myanmar.

The expected outputs under four policy outcomes are:

International Migration Policy

- Output 1.1: Policy relevant evidence generated regarding international migration through social dialogue

¹ This background section was taken verbatim from the MTR Task Note.

- Output 1.2: Relevant laws and policies are revised in line with international standards, and in consultation with stakeholders
- Output 1.3: Capacity of government and social partners to develop evidence-based policies on international labour migration increased
- Output 1.4: Migration is included in different policy areas, through multi-stakeholder and multi-level mechanisms

Internal Migration Policy and Protection, Data

- Output 2.1: Development of national level and regional level policies that address the major barriers to internal migrants' safety
- Output 2.2: National policy to improve the working conditions and protection of rights of domestic workers is developed
- Output 2.3: Data collection on internal labour migration improved, including on domestic workers and informal sector employment

Reintegration of Migrants – Policies and Data

- Output 3.1: Policies that contribute to an enabling environment for return and reintegration of migrants are developed
- Output 3.2: Improved Labour migration data collection on return and reintegration, especially data that will allow gender analysis

General Public Dialogue

- Output 4.1: Dialogue and events on migration and development issues increase knowledge and awareness among policymakers and the public

Evaluation Design and Methodology

Purpose and objectives of the evaluation

This Mid Term Review (MTR, or Review) evaluated aspects of progress thus far and make findings, lessons and recommendations to take into next phase. The MTR assessed achievement and/or progress towards outputs and outcomes on the basis of the project measurement plan, also the LIFT Programme measurement plan, with attention to gender and social equality issues. The specific objectives are to:

- Independently assess the results of project activities against planned outputs, targets and milestones;
- Independently assess the quality and the effectiveness of both IP and LIFT M&E and adaptive management in relation to constraints and challenges in implementation;
- Identify and explain what developmental changes have occurred (beneficial or detrimental), to what extent they can be attributed to the project , and to what extent they will be sustainable;
- Assess the value for money achieved, or to be realized later, from the investments and activities, including the distribution of costs and benefits;
- Use this and related evidence to propose and explain the elements which should be taken into continuing migration program
- Assess any other factors outside the projects that can significantly influence the outputs or outcomes of the project.

Midterm Review questions

The main Review questions are:

- Which parts of the current outputs are still relevant under the new LIFT strategy, especially the generation of policy-relevant evidence regarding pro-poor development? (Relevance)
- Are activities implemented in a cost effective way? This includes project design, the scope and quality of the results? (Efficiency)
- What are the good points, opportunities and lessons learned from the various pillars of the project that can improve the remaining activities of the project? (Effectiveness)
- How likely the policy related outcomes are taken up by the project partners and other stakeholders? (Sustainability)

Evaluation approach, data collection sources and methods

The MTR was conducted from August 14th to the 26th, 2017, by a primary consultant who was supported by UNOPS LIFT staff in terms of logistics, interpretation, document review and discussion. Given the short time frame, the consultant adopted a straightforward approach to the MTR by holding discussions with a wide spectrum of stakeholders to collect various perspectives on the main activities of the project, it's relevance, effectiveness and potentially for sustainability. The consultant then compiled and synthesized these viewpoints, discussed

them with DILLM staff, presented them during a preliminary findings meeting to LIFT on 26 August, and incorporated the responses as part of the draft.

In doing so, the consultant reviewed close to 60 documents, which primarily consisted of DILLM project documents and reports. The consultant also conducted 14 Key Informant Interviews and held four Focus Group Discussions with 47 participants. The spectrum of stakeholders ranged across DILLM and ILO staff, MOLIP representatives and other functionaries, and CSO and Union representatives (see Annex 2 for a list of respondents). LIFT staff were present throughout most of the meetings.

Limitations of the evaluation

There were four main limitations to this MTR:

Time and complexity: The limited time to conduct the MTR meant it was not feasible to conduct a deep dive of program implementation processes and associated results. Assessing the contribution claims of policy change projects typically requires substantial time and resources to be done properly. In lieu of policy contribution analysis, the MTR team instead inquired to what extent DILLM had systems in place to track and demonstrate policy contributions. Moreover, the politically sensitive nature of the subject matter, i.e. labour migration, implies that the rationale behind some policy decisions and dynamics are less transparent, involve complex political interests and may in fact involve elements of corruption. The implications are the MTR is forced to make its best possible assessment based upon limited amounts of information of varying quality.

Language: The MTR consultant did not speak any of the official languages of the GoUM and at times had to rely on the use of an interpreter. As a result, some information was lost in translation and the cultural context less understood. This limitation primarily impacted the focus group and MOLIP interviews, and attempts were made to mitigate this limitation by summarizing key points with the respondents at various points in the discussions.

Unavailability of Key Stakeholders: As will be mentioned below, the previous Director General for Migration was recently relocated to another department and was not available to share his experiences with the project over the past year and a half. The new Director had less familiarity, and also spoke in place of the Assistant Director General as a matter of protocol. Moreover, the DG made the final decisions on who the review team interviewed in MOLIP, and indicated that it was not necessary to meet the Minister of MOLIP nor the Permanent Secretary. As such, an important high-level perspective of DILLM's relevance and significance was not captured in this MTR.

Relevance

Evaluative questions around relevance typically involve a review of the overarching context in which a project operates, the project's appropriateness to that context, and logical coherence (typically by reviewing its theory of change). For this MTR, the main Relevance question is as follows:

- Which parts of the current outputs are still relevant under the new LIFT strategy, especially the generation of policy-relevant evidence regarding pro-poor development?

Below we address these and other relevance concerns. Our methodology for this section is primarily based upon a review of the initial project documents (especially the proposal, inception report and theory of change), as well as conversations with ILO staff on the design of the Migration project. This section then sets the stage for subsequent discussions about the actual implementation and quality (in the efficiency section) of the project and its effectiveness to date.

It doesn't require an extensive literature review to demonstrate that migration within and out from Myanmar is one of the major issues defining Myanmar's transition today. Although data is incomplete and oftentimes unreliable, recent sources have estimated that one in four people in Myanmar is a migrant.² Broken down further, there are an estimated more than 2 million registered migrants abroad (with 70% in Thailand);³ many more are unregistered/illegally abroad; and there are very high levels of internal migration, with some regions experiencing as much as one household in four currently having a family member living as a domestic migrant away from home.⁴ Overall, Myanmar has surpassed the Philippines as the largest migration source country in the region.

As is noted in the original DIILM proposal, there is widespread consensus that the contribution of international migrants to development in both countries of origin and destination depends crucially upon policies that ensure migration occurs in safe and legal conditions, with full respect and safeguards for the human rights of migrants. Myanmar's own progress on migration legislation – both internal and international – advanced considerably in 2009 with the implementation of MOU on Labor Cooperation with Thailand(2003) and with the creation of the Migration Division in the Ministry of Labour in 2012 as part of the larger political, economic and legal reform process associated with the country's transition.

² See the recent IOM press release (17 Mar 2017), "Unique Partnership Seeks to Increase Developmental Role of Migration in Myanmar," found at <http://reliefweb.int/report/myanmar/unique-partnership-seeks-increase-developmental-role-migration-myanmar>

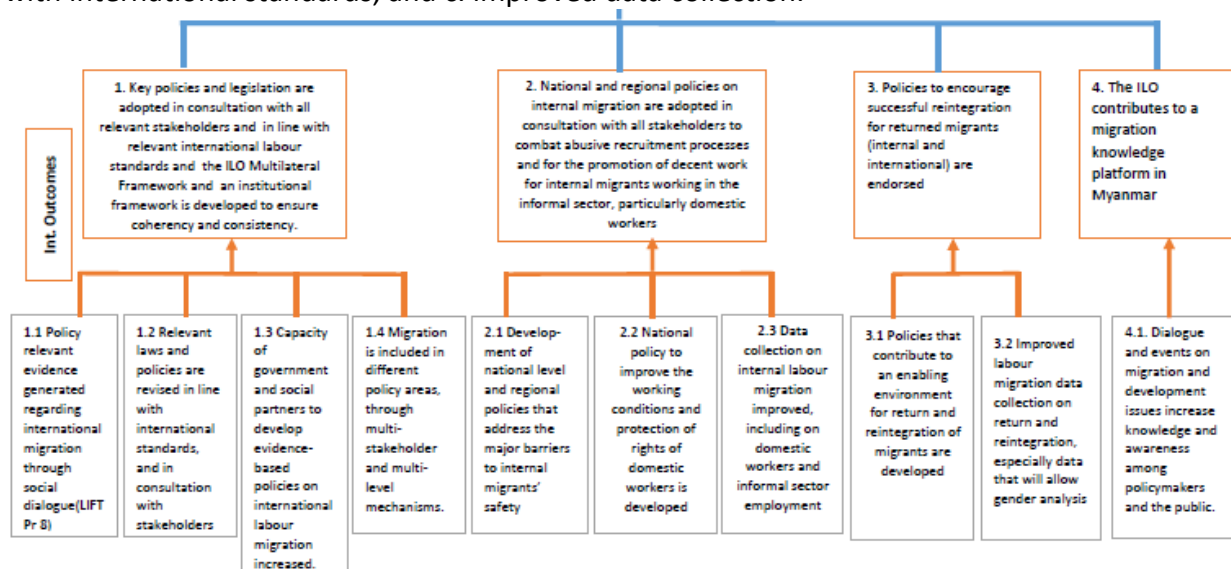
³ See "Labour Migration in Myanmar" ILO page, found at <http://www.ilo.org/yangon/areas/labour-migration/lang-en/index.htm>.

⁴ See World Bank (2016), "A Country on the Move: Domestic Migration in Two Regions of Myanmar." Found at <http://www.worldbank.org/en/country/myanmar/publication/a-country-on-the-move---domestic-migration-in-two-regions-of-myanmar>

Yet gaps remain, as there are still prohibitive costs and administrative barriers to accessing the legal channels of labour migration from and within Myanmar, which has forced many migrants into irregular situations, oftentimes facilitated by private recruitment agencies that abuse their positions as intermediaries through illegal channels, and which has left women and men more vulnerable to exploitation, human trafficking, and related abuses. These gaps also extend to the safe return and reintegration of migrants, as many migrants lack passports, face difficulties returning, are unable to apply for jobs or for Labour cards at the Labour exchange office, and/or access other social services. In this context, DILLM is an extremely relevant project to the national legal and regulatory framework needs of the country.

DILLM's Theory of Change

DILLM was designed to address the above listed challenges through its four policy outcome goals of policy adoption and improved knowledge management across the areas of international migration, internal migration and domestic work, and safer recruitment and reintegration. To assess the coherence and quality of this design, we first reviewed the overarching DILLM theory of change (ToC), presented as a simple results framework graphic, in the project proposal, and subsequently revised in the inception report, as well as a detailed description of what was to be implemented organized by output. Turning to the ToC first, the graphic below suggested that the four objectives could be achieved through an implementation approach composed of a. building capacity to build evidenced based policies, b. direct provision of improved policies (both through revising current laws as well as introduce new ones) in line with international standards, and c. improved data collection.

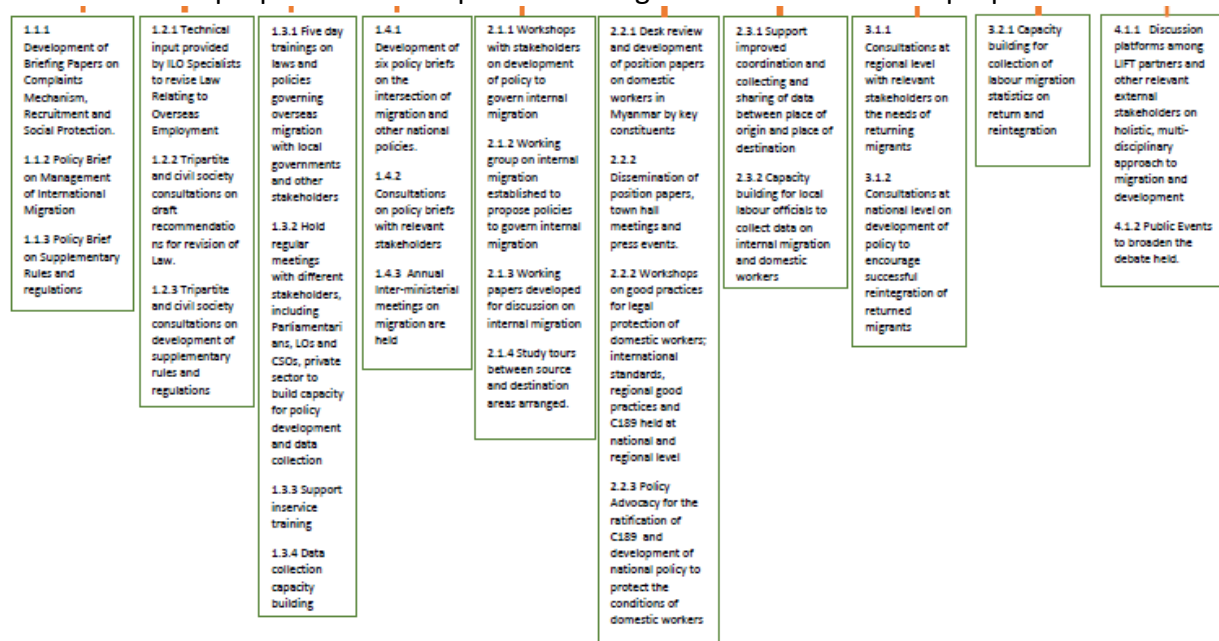


From the above, it is clear that DILLM was designed to be a policy generating and adoption project with a strong focus at the national, and to some extent, regional level. While the ToC is somewhat unclear on which particular laws and policies will be advanced, the program proposal does identify the following specific targets:

- Law Relating to Overseas Employment (supporting the revision of the Law, including supplementary rules and regulations);
- Convention 189 on Decent Work for Domestic Workers (C189) and the development of a national policy to protect domestic conditions of workers
- Complaints Mechanism (assessing the mechanism and provide recommendations on its improvement)

The proposal also promised further development of additional yet unidentified national laws and policies pertaining to the main thematic areas listed above (international migration, internal migration, recruitment and reintegration).

Moving farther down to the output level, the theory of change and proposal document both emphasize background papers and coordination, yet the results framework graphic pays little attention to the proposed workshops and training activities found in the proposal:



The proposal promises to deliver trainings on the current Overseas Employment Law with reference to international standards, workshops on internal migration and C189, consultations/meetings, public events and capacity building on data collection. Notably, informed and improved coordination between ministries, with Parliament, with civil society and labour organizations sits as a cross cutting theme (not shown above) around key stakeholder engagement. These factors notwithstanding, the proposed approach found in the proposal is more or less aligned with the graphical ToC, although it is interesting to note that the proposal makes no reference to a ToC in the text, and overall, the ToC seems to have been forgotten once the project began.

While the need to build capacity to do this is omnipresent in any policy-centric project, the project documents fail to explain how the lower level activities around trainings and consultations will translate into policy victories at the higher outcome levels (this is commonly

referred to as the outputs to outcomes problem). For example, what is it about the policy briefs produced that will help facilitate the policy change goals of, say, the Law on Overseas Employment? How will these briefs be disseminated and specifically to whom? Underlying this is a lack of reference to a strategic mapping of the policy making processes adopted by the GoUM, the legal steps to, say, revising current legislation, clear milestones of intermediary success and key actors/constituents to be targeted. To be sure, the project documents do make references to such groups as stakeholders, the Government, civil society groups, etc., but they are only referenced in the abstract sense and lack precision. As will be discussed below, this lack of a clearer, more precise strategy will sit as a key tension that limits the overall potential of the project. As such, this MTR does present the opportunity to further refine the DILLM project theory of change.

Changes Since Inception

National Plan of Action

Originally, the National Plan of Action (NPA) on International Labor Migration had appeared in the earlier theory of change graphic as the key mechanism through which international migration policy was to be improved, but subsequent meetings with the IOM and MOLIP indicated that IOM was expected to take the lead (see the Inception Report). Yet, as reported by DILLM staff, the IOM to date has not taken significant action to move the NPA forward and progress has stalled. This delay will continue to grow in urgency, as the current NPA will expire this year. This may present an opportunity for the ILO to take a stronger role and deliver on its earlier commitments to strengthen the Plan, but most likely would require the support of LIFT Fund Managers to ensure their support across both agencies is synchronized.

C189

Another area of activities that may need to be re-considered centers directly on Objective 2 regarding improvements to national and regional policies on internal migration. First, it is important to note that internal migration falls into two categories, i.e. a. general internal migration that falls across a variety of sectors and b. specific legislation regarding domestic work (e.g. household labour), with the assumption being that most domestic workers are internal migrants. In practice, DILLM is more focused on the latter, which includes a large number of domestic workers who do not migrate, but at the same time also includes a large number who travel from other regions to seek household work. Second, GOUM currently lacks a legal framework for domestic worker rights, and originally DILLM had committed to supporting its creation, specifically in regard to Convention 189 on the Protection of Domestic Workers. Under Output 2.2 of the original proposal, the ILO promised to not only hold workshops on C189 but also advocate for its ratification and development of national policy to protect workers. Alignment of national policies on employment of domestic workers with C189 articles is also mentioned in the ILO measurement plan, and is also mentioned in the revised theory of change framework completed during the Inception Phase. Partly due to these commitments, LIFT reportedly has expectations that substantial efforts and progress towards ratification of C189 will be made under DILLM.

Conversations with DILLM staff suggest otherwise. They indicate that ratification is not likely, as this involves a long complex process that may never be realized. However, they were unable to precisely identify how the ratification process works, how much consultation is needed, the role of parliament, etc. It is therefore difficult to gauge just how far off ratification may be, as the intermediate steps to achieve it are unclear. Nevertheless, DILLM staff did identify some potential intermediary markers of progress that can be considered, including:

- Analysis is done on which aspects of C189 are compatible with the current national framework, which are in conflict, etc.
- MOLIP introduces C189 as a policy priority
- Parliament summons MOLIP staff for questions about C189
- Members of Parliament state their intention to support C189

This is an impartial list, and could be further developed through greater familiarity with GoUM law making processes. Even so, progress on these markers is also unlikely, as DILLM staff indicated that they find a more “home grown” approach to national policy making in which the GoUM adopts its own version of domestic worker protections more feasible. While a home grown approach to creating a national framework could certainly be informed by the provisions of C189, DILLM faces clear choices around how much emphasis they want to play on the principles of the Convention and its alignment. Although it is unclear which type of domestic worker protections are currently under consideration, DILLM staff have indicated that they felt it is not up to them to prioritize a C189-driven approach, but would rather prefer to follow the direction of MOLIP. This direction is unlikely to emerge under DILLM without further advocacy on the part of staff and others, in part because Convention provisions regarding child labour will be particularly complicated in the Myanmar context. It is therefore more likely that DILLM staff will provide support to MOLIP-driven home grown initiatives than dedicate substantial effort to advancing C189. As such, LIFT and ILO staff should come to agreement that either the original commitments to advancing C189 are less relevant than was previously articulated, or that ILO staff should change course and devise a more proactive strategy for advancing the Convention in the current context.

One of the reasons why involves the professed lack of competitive advantage in domestic migration issues. As reported by the Project manager, the ILO had originally proposed to be the sole implementer of LIFT’s migration portfolio and had suggested a stronger focus civil society building, but was subsequently asked to revise to focus more on policy. While the ILO had already experience with regional policy through its TRIANGLE project, the project manager suggested some of the issues around internal migration policy, such as citizenship issues, ID documentation, sanitation, etc., were not part of ILO’s usual expertise. Her strategy has since been to focus more on building momentum for Objective 1, as well as to learn more from workshop participants about what the key issues are. In the latest semi-annual narrative report, project staff indicate that it will be a challenge to make a strong shift to Objective 2 without losing momentum from Objective 1. Moving forward, the ILO expects to develop and integrate internal migration and domestic work through back to back workshops in its target regions. As suggested before, the ILO and LIFT should clearly articulate how the aftermath of

these workshops may lead to an improved policy environment for internal migration, and then dedicate efforts to closely monitor progress and confirm if this approach to policy change holds true.

Improved Labour Migration Data Collection

During the time of the MTR, DILLM had not made any progress on Objective 3: Policies to encourage successful reintegration for returned international and internal migrants are endorsed. This objective is planned in the workplan for Year Three, and will involve consultations with relevant stakeholders on the needs of returning migrants, including consultations at the national level on development of policy to encourage successful reintegration of returned migrants. Concurrently, under Output 3.2, the ILO proposed to build capacity to collect labour migration statistics on return and reintegration. Although the proposal did not identify to which department/office(s) these capacity building services would be provided, it is clear there were clear administrative beneficiaries in mind. The ILO had highlighted new modules they had developed to improve the collection of labor migration statistics, including a module on returning and reintegrating migrants. They also proposed to work with provincial offices to use these modules to improve the overall quality of the administrative records and data collected, with special emphasis on gender and stronger adherence to common standards and classifications. The ILO also promised technical support on how to amend or add questions on labour migration in existing labour force or household surveys.

Similarity, Output 2.3 also involved improved data collection capacity building, but with a focus on a different system, i.e. domestic workers. Here, Labour Exchange Offices, Ward Administration Offices, and National counterparts were identified as the recipients of support to develop systems to collect information on internal migration. The data focus of this output is on Labour cards at Labour Exchange offices, and the development of systems which allow for domestic workers to register and details to be collated confidentially.

Looking forward, there may be cause for concern that progress on Output 3.2 and 2.3 might not be achieved. During the review, the DILLM team stated that they have hit a brickwall on these outputs. They are interested in conducting a data mapping exercise of what could be collected, but to date they've been unable to find a consultant with the technical skills to perform the work, and they expressed little confidence that one could be found. Moreover, they were also unsure of what their role would be in this process, and didn't want to undertake a mapping exercise that wouldn't yield any results. To the extent this lack of progress continues, DILLM and LIFT may wish to identify an expiration date after which Outputs 3.2 and 2.3 are dropped and their resources reallocated elsewhere.

Overall Relevance Conclusion

DILLM remains an extremely relevant project to the current context of migration in Myanmar. It's theory of change offers a clear plan of action, but could benefit from improved linkages and extra support to move outputs to more substantial outcomes. Some changes in context – such as the shift to the IOM as the lead agency to advance the NPA, as well as the recent change in

leadership at the Department of Migration – have resulted in delays in higher level policy changes and accomplishments, but should be reviewed further to see what midcourse corrections can be made. A particularly pressing issue is clarity between DILLM and LIFT on the potential next steps to promote the ratification of C189, or if alternative efforts to promote a more “home grown” policy on domestic work should be pursued. Finally, some of the previously-envisioned activities – such as data collection capacity building – may no longer be feasible within the current project period of performance and may need to be removed.

Recommendations

- DILLM should consider revising its current theory of change and dedicate more attention to elaborating how its project outputs will translate into outcomes and impacts. In doing so, the project may wish to consider greater follow up of completed activities to monitor their progress over time.
- LIFT and DILLM may wish to review the current NPA process and consider taking a stronger role in moving it forward. This should also be done in consultation with the IOM.
- LIFT and ILO staff should come to agreement that either the original commitments to advancing C189 are less relevant than was previously articulated, or that ILO staff should change course and devise a more proactive strategy for advancing the Convention in the current context.
- In regard to the planned data collection capacity building activities, DILLM and LIFT may wish to identify an expiration date after which these Outputs (3.2 and 2.3) are dropped if no further progress is made and their resources reallocated elsewhere.

Efficiency

Addressing questions of Efficiency typically involve some measure of how much the project has achieved against its planned outputs and how well it converted its resources/inputs (funds, expertise, time, etc.) into results. Oftentimes, this also involves a review of the management and monitoring systems driving implementation, as well as the project's coordination with other complementary activities. These topics will be visited in this section, and fall under the main question - Are activities implemented in a cost effective way? – which is broken down further into the following two questions:

- Have resources (funds, human resources, time, expertise etc.) been allocated strategically to achieve outcomes?
- To what extent has the project achieved planned outputs within the proposed time frame and budget?

In addressing these questions, this section draws upon project budget spending, updated reporting frameworks, the recent semi-annual report, and interviews with DILLM staff and other members of ILO management.

Planned to Actuals

Policy Changes

In understanding how DILLM has performed on results, we draw upon the latest “Measurement Plan” to compare planned vs. actual outputs and results.⁵ At the highest level, DILLM progress on its purpose level indicator (HLO 1) - i.e. develop and adapt policy and legislation that makes recruitment procedures more transparent and well regulated; reduces the costs of migration borne by workers and increase the financial benefits; increases the social protection of migrants; facilitates return and reintegration and access to services; and provides better redress mechanisms - has not been achieved by this MTR, if it is understood in terms of formally changes to policy and laws. To date, the most substantial progress has come in the form of the draft Law Relating to Overseas Employment, but this has hit a stumbling block due to a recent change in the current General Director of Migration. Otherwise, at the time of this MTR, it is unclear if any other formal policy changes will be achieved by the end of Year 3 of the project.

Moving to the Objective level (i.e. PO1-PO4), the DILLM measurement plan again identifies progress in terms of a review of the Overseas Employment Law conducted by the ILO Labour Standards specialist and consultations with MOLIP on international standards. According to the plan and the semi-annual plan, no consultations at the higher level – i.e. with MOLIP and other Ministry Director Generals of above – on the areas of domestic work, successful reintegration

⁵ We were informed by DILLM management that the “Annex 4: Measurement Plan” document was the most update snapshot of performance.

for returned workers, social protection of migrants – have been made. Efforts to hold high level consultations on domestic work, social protection and return/reintegration are forecasted to start in Year 3.

Papers

Moving to the lower level outputs that could help support eventual formal policy changes, DILLM has apparently made significant progress on various papers but it is difficult to tell in precise terms because several outputs are re-reported under different sections and it is difficult to various contributions apart from one another. For example, the development of a draft position paper on Domestic Workers is reported completed under O1.1 and O2.2. Moreover, it is unclear if there is a difference between dissemination papers, working papers, policy briefs, position papers and background briefing papers. These are all targeted to fall under O1.1, O1.3, O2.1.1, O2.2.1; and actual progress has been reported to have been made on O1.1, O1.4.1, PO2, O2.1.2, O2.2.1. Most likely, these are the same thing, and the overall targets seem to be the production of five papers: Social Protection, Complaints Mechanism, Recruitment, Domestic Workers, Policy Coherence. O1.4.1 regarding policy briefs also identifies a target for six policy briefs, one involving social protection (similar to above), and five new topics: rural development and poverty reduction, social and economic, women, trafficking, and skills development. Policy Coherence is not listed as a target policy brief topic under O1.4.1 but is reported as an actual. In fact, what the MTR did learn was that only the Complaints Mechanism paper had formally been approved; even as draft versions of the Policy Coherence, Domestic Workers Advocacy paper, a Recruitment paper and a Social Protection paper. An English version of the Policy Coherence paper has been published on the ILO website and in hard copy but a Myanmar language version might not be approved due to sensitivity issues.⁶ In conclusion, it is unclear how many papers and briefs are expected to be produced, and how many of these will receive official endorsement. To make this easier, DILLM may wish to consider consolidating all of their document production outputs under one heading, clarifying the difference between the various types (e.g. working paper vs position paper, etc.), and refrain from reporting the same output across multiple sections.

Consultations

A second category of both progress and confusion are the various consultations that have been planned and completed. “Consultations” are identified across eight outputs in the planned (O1.1.2, O1.2.2, O1.4.2, O1.4.3, O1.4.5, O2.1.1, O3.1.1, O3.1.2), and aggregate to a total of 78 consultations, although this does not include consultations targeted under O1.4.3 and O1.4.5, as these are confusingly targeted not in terms of consultations but in terms of organizations and types of organizations. In the actual section, it is unclear how many consultations have actually been achieved, as many are reported without numbers. Sixteen appear to have happened, with undisclosed additional consultations occurring across sectors and Ministries. Trainings also

⁶ Initial interview with DILLM management on 15 August 2017.

appear to count as consultations. For example, O1.4.4 tracks the number of inter-ministerial meetings on migration held; and the results are reported as part of a five-day training (unclear the topic) for representatives from six different ministries. Consultations are also counted as part of trainings for O1.4.5. As recommended in the previous paragraph, DILLM should consider undertaking similar effort to streamline the targeting and reporting of actual consultations to make it clearer, as well as identify the difference between consultations, meetings and trainings to guard against multiple reporting of the same activity across different outputs.

Training

Regarding training, DILLM appears to be on track on trainings around labour migration management and the recruitment process, but has made no progress on data collection training. Regarding the first two topics, O1.3.1 Number of participants trained at capacity building events on labour migration governance is targeted at 1,500 across the three years (500 per year), and to date DILLM has reported delivered training to 871 beneficiaries over the first year and half. However, some of these beneficiaries are the same and reappear in both trainings. This clarification aside, DILLM appears to be on target to achieve its training goals. As suggested above, these trainings are also re-reported under O1.4.4 and O1.4.5 as meetings and consultations. Regarding data collection training, no progress has been made on O1.4.5, O2.3, O3.2 – all three involving training on data collection – and targeted for a total of 630 by the end of Year 3. As mentioned in the Relevance section, it is unclear if this activity will occur at all given DILLM's difficulties in finding a consultant to lead its design.

Outside of the Measurement Plan, DILLM also delivered Labour Attaché training at the request of the Department of Labour. The two-day training was attended by 18 participants (2W:16M) from Migration Division, Department of Labour, Social Security Board and Minister's Offices. DILLM also reportedly supported the TRIANGLE project's three-day training of trainers training, which trained 23 participants. It is unclear how much this was supported financially by DILLM and how much was supported by TRIANGLE.

Public Events and Media

Ten public events were targeted across the three years (O4.1), and to date three have been reported to have occurred (International Migrants Day, Public Event on Valuing Domestic Work, Public Event on Irregular Migration and Public Debate on Domestic Worker). Similarly, eight policy oriented events have been targeted over the course of three years (O1.2.6), while two appear to have occurred (International Domestic Workers Day, and the Public Discussion on the Ban on Domestic Work). These two events appear to be the same as the two public events reported under O4.1.

DILLM has over delivered on O1.1.3, media pieces about international migration. Promising four in the first year and 6 in the second, they have in fact delivered more than 10 already in the first year and a half with additional TV pieces which are not captured.

Analysis

Overall, DILLM has made implementation progress on media pieces, trainings, consultations, and policy papers, but it is difficult to identify in precise terms just how much progress has been made because many activities are reported as progress across multiple areas. DILLM appears to be on track to deliver most of its targeted trainings (although data collection training is unclear), as well as media pieces on international migration, but may not hit its targets for public events and approved policy papers. Progress on consultations is not clear, due to the ambiguity in which they are defined. Finally, there is little evidence that DILLM's progress on outputs has translated into the higher level formal policy changes the project hopes to achieve. Progress on the revised Law on Overseas Employment has stalled, and progress on other policy areas has not yet emerged.

The question of reporting the same activities on multiple outcomes is a difficult one. On the one hand, one could argue that greater efficiencies are achieved when multiple objectives are condensed into a single event. For example, trainings appear to have a consultation/discussion section that are both an opportunity to apply the materials in the various papers, as well as gather more information to either revise current draft papers or feed into new ones. On the other hand, doing so runs the risk of deceptive reporting, as the current progress reports do not sufficiently identify where the overlaps occur and do not sufficiently define the terms they use to ensure the project is held accountable to the targets it promised to deliver. As such, DILLM should consider a more transparent reporting template in which overlaps, where they occur, are made clear and the linkages across outputs identified.

Program Management

DILLM is current staffed by a four-person core team consisting of a Project Manager, an Assistant Project Manager, a Translator (who also assists with training), and a finance/administration person. Notably, the Project Manager has also been the lead on the TRIANGLE project, although her allocation to that project is now less than at start up. The project has also employed five short term consultants, mostly to draft various papers, and has also drawn upon the ILO's legal expert, who has conducted reviews of laws and provided comments, most notably the draft Law on Overseas Employment.

In terms of implementation, the core team above has designed and implemented most of the activities to date. To some extent informed by the papers drafted by consultants, the core team designed the training modules as well as delivered the trainings first hand. Consultations have also been directly implemented, and the core team has reportedly dedicated a great deal of effort in behind the scenes organization of the various events. Finally, they estimate they spend approximately one week out of every month traveling to various regions and Naypyidaw.

Interviews with the ILO's program support team reveal that although additional labor expertise and well as additional M&E and report writing support is available in house, DILLM staff have as of yet not fully leveraged that support. However, this may change as the ILO is currently

creating a new Program Document for the office over the next five years. The results are that DILLM's reporting and strategic focus may be more integrated with the larger program document.

Analysis

It seems clear that the current management approach to implementation has reached its limits and partially explains why main targets have not been achieved. The MTR team definitely observed that project management could benefit from shifting away from direct implementation and towards more management of others to do the implementation. Doing so would invariably involve the hiring of more core staff, as well as potentially expanding the project's short term and consultant workforce. Moreover, the program support unit also potentially could play and expanded role in supporting DILLM, and help both strengthen current M&E systems as well as improve the clarity of reporting.

Budget Spending

Below is a summary of current spending to date, broken down by Category, including staff/HR costs; office and equipment costs; and programme costs (by output):

	TOTAL PROJECT BUDGET	Amount spent in US\$	% Spent
Human Resources	\$ 1,138,460.00	\$ 402,597.00	35%
Operational Costs	\$ 259,500.00	\$ 95,245.00	37%
Programme Outputs	\$ 488,600.00	\$ 115,713.00	24%
Output 1	\$ 215,000.00	\$ 87,847.00	41%
Output 2	\$ 146,000.00	\$ 9,721.00	7%
Output 3	\$ 34,000.00	\$ -	0%
Output4	\$ 93,600.00	\$ 18,145.00	19%
Indirect Cost	\$ 113,193.60	\$ 36,399.00	32%
Total	\$ 1,999,753.60	\$ 649,954.00	33%

As can be seen from the above, the project is significantly underspent, spending around one third of overall budgeted funds to date. Although most projects tend to underspend in the beginning of their launch and gain momentum over time, the above figures do suggest that it will be difficult for the project to fully execute the budget before its anticipated end. Human resources costs consume most of the budget, and yet still range fall below projected amounts. Unless additional staff are brought on board, it is doubtful the target will be achieved. By contrast, operations costs are typically higher at project start up and taper off over time, but here the project has spent 37% to date. Finally, direct program costs are noticeably underspent, ranging from nothing spent on Output 3 to around 41% of projected spending on Output 1. Most of Output 1 spending was dedicated to labour migration trainings, followed by spending on costs associated with the National Plan of Action. Considering that the labour migration trainings have been completed, and that MOLIP has asked the IOM to take the lead on NPA, it is

difficult to see the remaining funds even dedicated to Output 1 will be discharged before the end of the project. Indeed, DILLM has already raised the possibility of a no-cost extension, allowing the project to continue to sustain current staff resources for a longer period of time.

Overall Efficiency Conclusion

DILLM

The time may be ripe for DILLM to consider a dramatic expansion of their efforts across all cost categories. In particular and in line with the project management observations made above, project management could potentially benefit by shifting from a direct implementation role to a strong management role by expanding its current capacity, mostly in terms of additional staff resources and expertise. The next section will visit the subject of project effectiveness and suggest a potential re-focus of the current implementation strategies to include a broader policy and engagement approach, particularly in reference to C189 and broader engagement of Parliament. In doing so, DILLM, in consultation with LIFT, may benefit from a substantial budget realignment around an expanded approach towards achieving DILLM's overarching goals. Exploring how DILLM may be expanded within its current period of performance should take place before consideration is given to a discussion on a potential no-cost extension.

Recommendations

In regard to project reporting and M&E, DILLM may wish to clarify the definitions of its various activities – including the various types of papers, consultations, trainings – and assigning them to discrete outputs as well as refrain from reporting the same output across multiple sections.

DILLM project management may benefit from a shift away from direct implementation of project activities and towards a delegation of these activities to others. Doing so would require the hiring of more core staff, as well as potentially expanding the project's short term and consultant workforce. Moreover, the program support unit also potentially could play and expanded role in supporting DILLM, and help both strengthen current M&E systems as well as improve the clarity of reporting.

DILLM, in consultation with LIFT, may benefit from a substantial budget realignment around an expanded approach towards achieving DILLM's overarching goals. Exploring how DILLM may be expanded within its current period of performance should take place before consideration is given to a discussion on a potential no-cost extension.

Effectiveness

Assessing an intervention's effectiveness is the key evaluative mechanism to understanding the link between project outputs and their desired objectives. It requires a keen understanding of how project management articulates its understanding of why they implement their activities, how key stakeholders understand this, what happens after the activity is complete and what further efforts can be taken to ensure the results of the activity transform to contribute to achieving an objective. Increasingly, evaluations of project effectiveness also consider the project's "adaptive management," i.e. a demonstrated willingness and ability to learn from the results (or lack thereof), reflect on successes and failures, and use these insights to justify and advance programmatic changes, if needed. Put differently, assessing effectiveness requires an understanding of the project's "implementation strategy," which is defined as a more precise demonstration – both in terms of words and action – of how outputs turn into outcomes through their actual (as opposed to theorized) activities.

This section will interrogate DILLM's progress to date with the above listed considerations at the forefront. The main review question to be addressed is:

- *What are the good points, opportunities and lessons learned from the various pillars of the project that can improve the remaining activities of the project?*

To answer this question, we visit the four areas in which DILLM has made progress through the perspective of the project and key stakeholders, including:

- Policy change at the national level (drawing upon FGDs with members of Parliament and the Department of Migration);
- Capacity building of government officials at the mid-level (drawing upon FGDs with mid-level functionaries);
- Training and advocacy at the CSO network level (drawing upon FGDs with CSOs and a discussion with the Overseas Employment Agency Federation), and
- The influence of background papers (drawing upon inputs across all of the aforementioned forums).

In what follows below, we draw upon various perspectives offered to us through the MTR FGDs and interviews, with special attention to the views of the current key actors around policy change: MOLIP and Members of Parliament. We also discuss the role of civil society and recruitment agencies, but conclude that these groups either are most likely not as influential for policy change as in comparable migration-centric countries (e.g. the Philippines), or sit as unlikely candidates to champion safer migration policy. We conclude with some considerations for midcourse correction and programmatic adaption.

DILLM's Implementation Strategies

Policy change is a multi-prong process, in which the ILO adapts their tripartite approach to working with actors from the government, workers (via labor unions), and employers, to the context of Myanmar by adding civil society organizations. This tripartite+1 approach can be further divided into national and subnational level strategies. Based upon interviews with the DILLM implementation team and observations of implementation to date, the cross-cutting “implementation strategies” appear to be as follows:

S1: MOLIP as the Main Vehicle for Change: At the national level, the ILO has hypothesized (S1) that it would be best to align most with the Director of the Department of Migration at MOIP. This is a natural choice as the Department is responsible for the implementation of most legislation involving international migration. Moreover, MOLIP has been responsible for introducing new and revised laws to Parliament. Therefore, *by establishing a strong relationship with the Director and his team, DILLM will be well positioned to influence the MOLIP agenda, as well as follow its lead in the form of requests or invitations for support.* Through this approach, DILLM staff hope to advance the objectives of the project.

Notably, Parliament has been less of a focus, save a few awareness raising workshops.

S2: Build Functionary Capacity to Implement Current Migration Policy: Moving beyond MOLIP’s executive leadership, DILLM has focused more on mid-level functionaries across various Ministries and other departments of MOLIP. Here the strategy (S2) appears to be that *by building the awareness of current migration policies and rights, mid-level functionaries will be better able to implement those policies.* This includes building cross departmental and cross ministerial relations so that functionaries are aware of other government service providers to whom they can refer migrants for other services when necessary. Further, it will be easier to take these functionaries “along the way” when/if any major policy changes occur from the top.⁷

S3: Build a CSO and LO Migration Network to Advocate Change: At the subnational level, the ILO has chosen to work more with CSOs than labor unions, than returned migrants and employers. However, in the Myanmar context, labor union participation is limited, especially by migrant workers, and labor unions are still in a nascent form. ILO-Myanmar therefore places more emphasis on the established groups of civil society organizations already in place. Although CSO activism also currently exists only in very nascent forms, CSOs do have the potential to mobilize citizens and can serve as a vehicle for widespread dissemination. Here the strategy (S3) appears to be *that by building a CSO and LO network concerned with safe migration (and the rights of domestic workers), CSO and LO members and their respective constituents will eventually voice these demands to the government and advocate further policy change.* Meanwhile, the ILO will have played an important consultative function with these organizations to not only inform them of best practices in

⁷ This phraseology was offered by the DILLM Project Manager during the initial findings presentation at LIFT on 25 August 2017.

other countries, but to also learn from them what the pressing issues are and validate their approach.

S4: Publish Background Papers that generate evidence to develop policy: Through the generation of background papers - dealing with such subjects of recruitment, the Complaints Mechanism, social protection, migration policy coherence and advocacy for domestic workers – the ILO will have a set of documented tools that will be disseminated to various stakeholders, and provide input to various trainings. These papers should provide contextual knowledge on Myanmar, identify previous and ongoing projects, challenges and needs, and draw upon examples from other countries to identify best practices. Here the strategy (S4) is that *with evidence-based background papers, policy makers will develop more evidence based policies*. To be effective, these papers must be translated into the Myanmar language, so that they can directly inform government decision making.

We will evaluate each of these strategies in turn. In doing so, we identify which evaluative questions of the ToR are also addressed in each discussion. Specifically, the questions addressed below are:

Addressed across Strategies

- To what extent has the project approach produced demonstrated successes?
- To what extent has the project contributed to the development of policies for migrants and migration governance in Myanmar?

Addressed under S1

- What are the government plans in regards to revising of overseas employment law and integrating of supplementary rules and regulations related to complaints mechanism, recruitment system and social welfare fund for overseas migrants?
- To what extent has the Government of Myanmar integrated the recommendations stated in the papers and technical input provided by legal expert for the revision of overseas employment law? If not, what are the challenges and how can they overcome?
- What are the government plans of ratification of C189?

Addressed under S2 and S3

- How effectively has the project built the necessary capacity of people and institutions (government, CSOs and parliamentarians etc.)?
- To what extent the trainings contribute to the understandings of current migration laws in terms of strengths, gaps and provide practical recommendations?
- To what extent has different stakeholders applied knowledge gained upon trainings and consultations to the development of policies and migration governance in Myanmar?

Addressed under S4

- To what extent have the policy relevant evidence documents contributed to policy development and migration governance in Myanmar? If not, what are the challenges and how can they overcome?

S1: MOLIP as the Main Vehicle for Change:

The current legal landscape MOLIP operates in involves a total of 17 laws, of which nine have been approved, one is being amended and three new laws are under development, two abolished laws and two new laws which are required.⁸ One of these laws is the Law Relating to Overseas Employment. To date, DILLM staff have dedicated substantial effort to building a relationship with MOLIP's Director and Assistant Director of Migration to provide technical input into the development of a sound draft of the law to be ready for further consultation, as well as have worked closely with the Permanent Secretary, the Director and the Deputy Director of Labor. DILLM also fielded a National Consultant to further support the development of the law. The law was also under review by a dedicated working group on the issue, and was close to ratification as of mid-June 2017. However, in an unexpected shift, the Director of Migration Division was relocated to the Social Security Office, the DG was changed and a new DG was brought in. A new Director of the Migration Division has yet to be appointed. The implications are that ratification of the law will most likely be delayed, if passed at all, as the new DG must familiarize himself with the process and consent before he can endorse it. This was an obvious set back to substantial progress under DILLM's Objective 1.

Director and Assistant Director of Migration, MOLIP

During the MTR consultant's visit to Myanmar, the team had the opportunity to visit the new DG and DDG to learn more about their expectations for the Law on Overseas Employment and for DILLM.⁹ The DG indicated several priorities:

- Introduce laws to tighten regulation of overseas employment agencies and their representatives' associations, such as the Myanmar Overseas Employment Agency Federation (OEAF)
- Reach an agreement with the Government of Singapore regarding the legalization of domestic labor. This would also require the GoUM also adopt national legislation on domestic work, and this should be inline with international standards. He would like C189 to be the model for these standards.

⁸ Taken from p. 5 of the 2017 Semi-Annual Narrative of DILLM, submitted July 31st, 2017.

⁹ The Assistant Director had been involved with DILLM much longer than the new Director and was far more knowledgeable about the project. However, most likely due to government protocols, her contributions to the conversation were noticeably absent as the new Director took the lead. She was also unable to meet with the MTR separately to offer more detailed information.

- Build the Capacity of staff in the Migrant Resource Centres (MRC), open new centres along the border of Thailand and provide skills training for migrant workers who travel abroad.
- Enforcing policies that protect migrant workers abroad.

Specifically, for DILLM, the DG indicated he would like support on:

- Advancing C189, esp. in terms of draft MOUs and a better understanding of what would be the requirements and obligations for the GoUM to this convention. They would also like to learn more from the Philippines on their experience with C189.
- Providing technical assistance to strengthen the banking system for remitted funds from overseas workers.
- Building the capacity of eight labor attaches in the embassies and consulates across Thailand, Malays and Korea.

The DG also voiced a few critiques of the project to date. The first involved a perceived lack of internal capacity within DILLM. He expected that DILLM do a better of job of producing and demonstrating more tangible and practical outcomes. He also stated that although some government officers provided follow on trainings to other staff in the Ministry, it was still unclear what the outcomes were of many of the training/capacity building sessions and would like to see more follow up. However, it needs to be stressed that the DG was still relatively new and had not had the opportunity to assess all of DILLM's previous work.

Summary

It needs to be stressed that the above listed comments made by the DG were in the context of his new arrival. At the time, DILLM staff had only held one official preliminary meeting with him, and the relationship between DILLM and the DG was unclear at the time of the MTR (although evolving rapidly). As such, some of the above listed statements may already be less relevant. Nevertheless, what is clear is that the highest potential policy change contribution claim currently available to DILLM – the passing of the revised Overseas Employment Law, with its supplements – will now be delayed and take some time before the Director will push it forward. Any additional legislative and policy changes pushed through MOLIP will likely take even longer.

Although there were additional requests voiced by the DG - some which feel outside of the current project's scope of work - the underlying message from the DG appeared to be more substantive and focused information on C189, more substantive content in the trainings/workshops and more follow up to demonstrate tangible and practical outcomes. These suggestions will be discussed below in the conclusion section of this chapter.

Members of Parliament

During the trip to Naypyidaw, the MTR team also conducted a focus group discussion with nine members of Parliament, all from the National League for Democracy (NLD). These members represented the following committees:

- Local and Overseas Employment Committee (LOEC)
- Women and Children's Affairs Committee (WCAC)
- International Relations Committee (IRC)
- Farmers and Workers' Affairs Committee (FWAC)
- Bill Committee (BC)

During the discussion, the following points were made:

- Many members of Parliament, or at least among the NLD, have profound respect for the ILO, which goes back to the organization's earlier work on the prevention of child soldiers.
- Awareness of the complaint's mechanism is low, and awareness of the complaint's mechanism paper is even lower. Members were mostly unaware DILLM was advancing background papers, and was unsure how these papers would be disseminated or used to advance their goals.
- The LOEC requests that DILLM considers also developing draft laws for the protection of seafarers, who are currently excluded from labor laws.
- Members saw the DILLM's effort to connect with Parliament as limited only to introductory information sessions and limited awareness raising.
- Members of the WCAC would like DILLM to advance a gender framework within its approach to policy improvements for migrant workers abroad.
- Members suggested that MOLIP may be reluctant to advance significant migrant labor law revisions, and estimated that it may take at least a year for the Law on Overseas Employment to advance.
- There is keen interest among all MPs on C189, how to implement it, and lessons learned from the Philippines. To wit, during the ILO awareness raising seminar, approximately 160 MPs wished to attend, even though there were only seats for 120. LOEC members had also requested that the ILO translate the Philippines' Domestic Worker Law.
- However, that does not mean there is universal support for C189. Members of WCAC indicated that domestic (household) work abroad is currently illegal in Myanmar, and, although this may change, proponents must be cautious in how this is approached.
- DILLM is not hitting the right actors within Parliament. DILLM oftentimes sends direct invitations to MPs, but they do not do so comprehensively, and many MPs are excluded. DILLM also sends invitations to the Speaker, but this person decides who is included and who isn't. One of the most important committees – BC – have been excluded as a result. They suggested that the appropriate protocol is to circulate invitations through the *Joint Coordination Committee* (JCC), which would ensure all MPs and Committees were aware and invited.

- There is intense interest by MPs for the ILO to engage them directly. They emphasized that they are a viable alternative to introducing and revising laws and policies instead of MOLIP. Traditionally, the legislation introduced by the Ministries was seen as technically superior, but MPs now are openly seeking ways to increase their legitimacy by **directly** introducing high quality laws through their committees. Were the ILO to work directly with them, instead of through and at the request of MOLIP, they would be able to strengthen the law making process and do so more efficiently than through the Ministry.
- However, this does not include the ratification of treaties and conventions such as C189. The Ministry, and any other concerned Ministries, must jointly introduce C189 to Parliament and open consultation. This also requires a joint meeting of both the Upper and Lower Houses through the Union Assembly.

Summary

The feedback from MPs suggest that engaging Parliament directly is a new, potentially effective pathway for change DILLM staff should explore. As stated by respondents, there is a high demand for the ILO to leverage its strong reputation and technical expertise to assist Parliament to directly introduce legislation and bypass the slower process through the Ministry. Doing so may not only be more effective, but may also strengthen the overall democratic law making process at the national level by helping committees demonstrate that Parliament can also be a source of high quality legislation. Moreover, a better understanding of how Parliament works and more attention paid to the JCC appear to be wise suggestions.

Analysis of S1

The above feedback from both MOLIP and Parliament suggest that S1 - *MOLIP as the Main Vehicle for Change* – may need to be revisited. Bearing in mind not only the generally-agreed reluctance of MOLIP to advocate for more rapid and wider policy changes but also the fragility of relations within the Migration Department (as the movement and transfer of Directors is an inherently political and unpredictable process), it may make sense for DILLM to use the findings from this MTR to pivot towards a more direct engagement and advocacy strategy with Parliament. As a first step, this would entail DILLM staff increase their familiarity with national legislative processes, committee protocols, etc., as well as interact more frequently and more intensively with MPs and Committees. Most likely, this would require at least one additional full time DILLM staff member, who should have a proven track record with national policy legislation and advocacy. DILLM staff should then outline clear policy objectives; clear intermediate markers of success; clear constituents within Parliament, potential opponents and undecideds; and clear strategies for engagement.

However, the point made above about potential opponents to C189 in Parliament, due to such things as the current illegal status of domestic work abroad, cannot be overstated. In fact, the opposition within may be greater than anticipated. Yet this is precisely why more attention to building relationship, lobbying, identifying key constituencies and an overall expanded

approach within Parliament, across both Upper and Lower Houses, is a potentially important strategic pivot for DILLM at this midpoint in implementation.

It should be noted that the MTR team conveyed these suggestions by MPs to DILLM management. DILLM's response is that this move may be inherently political and must be viewed with caution. It was also indicated that ILO-Myanmar executive management may be against such a pivot and this would need to be discussed.¹⁰ Indeed, all members of the FDG were from NLD, and may not be representative of all of Parliament.

It should also be noted that respondents from the ILO's program management team (who provide technical support to DILLM) indicated that, on the contrary, they had encouraged DILLM staff to work more directly with Parliament and adopt more direct engagement tactics.¹¹ Indeed, the program management team also indicated this strategy would complement the ILO's REQUEST project, which seeks to build the capacity of Parliamentarians to draft higher quality legislation with regards to labor protection. Finally, the laws and policies supported by DILLM – regardless if they are pushed through MOLIP or key Committees in Parliament – will still be subject to vote by Parliament, so the process is inherently political under any scenario. Given the potential for both greater risk and greater reward by pursuing a more direct policy change engagement strategy with Parliament, DILLM staff should, in cooperation with its executive management, clarify the ILO's position in consultation with LIFT staff. Should it be agreed that introducing domestic and international labor laws directly through and in partnership with Parliament is a viable option, DILLM should consider not only revising its work plan, but also developing a corresponding engagement strategy and hiring additional staff necessary to support this shift.

Government Functionaries

While in Naypyidaw, the MTR team also conducted a focus group discussion with 12 government functionaries from eight departments across various ministries. These included:

- Department of Labour (DoL)
- Department of Planning (DoP)
- Special Branch, Myanmar Police Force (SB)
- Department of Immigration (DoI)
- Department of Education (DoE)
- General Administration Department (GAD)
- Department of Health (DoH)
- Department of Social Welfare (DoSW)

¹¹ Interview

An additional FGD was carried out in Yangon with a mixed group of CSO and government officials, who were from the regional offices (DOI, DoSW, DoL). During both discussions, the following points were made about the Recruitment Process and the Labour Migration Management trainings:

- Out of the eight departments represented, respondents from seven departments (DoP, DoSW, DoI, SB, DoH, GAD, and DoE) did not see a direct application of the content of the trainings to their daily work. Curiously, the DoI also indicated that the training wasn't relevant for their work, but this was because those specific respondents dealt more with the issuance of identify cards for returnees and to help them get in touch with their families.
- DoL saw the workshops as an opportunity to make connections, and also applied the knowledge to assist returnees by providing official documents to help them return to Thailand legally (the so-called U-turn process). She estimated she assisted around 15 migrants with this service.
- SB respondents also used the knowledge, although it fell outside of their scope of work, to reportedly assist around 14 returnees who faced the problems with their employers by facilitating their discussions as a response to the complaint mechanism. Although they didn't know about the CM paper, they did fulfill its functions. They did not see the current CP mechanisms as useful, because they were located in Naypyidaw and Yangon, but not on the border where most complaints are realized. They strongly recommend, if the ILO wants to strengthen the usefulness of the CM, to relocated them along the border, with sites in Kaw Thauung, Myawaddy, and Tachilek as pilots.
- Respondents noted that there had been no follow up after these trainings by DILLM to learn what types of outcomes they may have led to, what challenges they faced applying these learnings and what, if anything, needed to be modified. But they did recommend that the DILLM consider this.
- The GAD respondent also suggested that if DILLM's main focus was on helping migrants on the ground, that the list of trainees should shift away from functionaries who operate at the Union level and instead focus on those who work at lower levels where they come face to face with migrants. There is where the greater opportunities were.
- Respondents also suggested that IEC materials, distributed in high migrant areas through local councils and along the border, may be a more effective way to reach migrants, than by training higher level officials.
- Respondents noted that key decision makers should also be included in the trainings, as many of the policy and procedure issues that were raised through the discussions could not be addressed by attendees, but required higher levels of authority to change.
- Respondents oftentimes spoke most about the Pre-departure Training of Trainers module, which was implemented under the TRIANGLE project.
- Respondents noted that, although gender was discussed in general terms during the training, they couldn't recall any specific gender concerns that were incorporated into the presentations. *Note: This comment was conveyed to DILLM in an interview on 23 August, and they acknowledged that this aspect of their trainings needed strengthening.*

DILLM staff subsequently disputed this finding, noting that gender was discussed during the trainings. While this is probably the case, the job of the MTR is to report what respondents stated, and it is clear from the FGD responses that they couldn't recall any substantive points on gender during the trainings.

- Most respondents indicated that the most tangible outcome as part of their participation was that they made new connections from other departments, to whom they could call for help when they needed assistance.
- Respondents from both FGDs felt strongly that more involvement by GAD was crucial for policy changes at the lower level, and there should even be GAD-specific trainings. GAD representatives oftentimes sit as chairpersons at the local level, and are the key decision makers.
- The Ministry of Foreign Affairs (MOFA) is also a key actor in migration, as they are the main focal point for communication with consulates and embassies abroad. By bringing them into the trainings, they will not only be exposed to some of the materials on safe migration, but also allow other participants to build a network with MFA to help migrants in the future. DILLM should therefore consider inviting them to the trainings.

Summary

In summary, government functionaries found the workshops most valuable in terms of expanding their networks of collaboration on migration issues as well as the increased knowledge they gained from the content of the presentations. Although this information was less relevant to the day to day work of most attendees, there was anecdotal evidence to suggest that some were able to apply the knowledge they learned and directly assist migrants in need of support. Key improvements suggested by attendees include inviting key decision makers, expanding the scope to include MOFA representatives and more GAD representatives, and producing easy to understand IEC materials to reach potential migrants before they leave.

Analysis of S2

Respondents clearly appreciated the level of knowledge they gained during the training, and this is reflected in the after-training surveys administered by DILLM staff (see the trainee satisfaction graph on p. 6 of the 2017 semi-annual report). However, one must question the strategic value of these trainings given that most did not indicated that the trainings were directly relevant to their work. It is next to impossible to accurately measure how many migrant workers these trainings may have benefits, but we can give a very rough approximation based upon the stated responses of FGD attendees. As indicated above, two of the 12 respondents were able to quantify how many beneficiaries they helped with this new knowledge: 14 for SB and 15 for DoL. This yields an approximate ratio of effectiveness at 1 in 6 trainees apply training knowledge that benefits approximately 14.5 migrants. According to the latest semi-annual report, DILLM to date has trained 871 trainees (667+204 = 871, see Annex 2A, p. 3). Applying the ratio of effectiveness to the larger trainee pool then yields 2,105 migrants may have benefited from the trainings ($871/6 * 14.5$). While these numbers are not insignificant, the larger question is how effective will these workshops be in improving the overall capacity of the targeted departments and ministries to improve safe migration.

When addressing this question, two key factors to consider involve the scale of the workshops (what percentage of relevant government workforce are affected) and the strategic value of their participants (how effective are they as change agents). As noted above, most of the 871 workshop participants occupied mid-level functionary roles, managing set teams and overseeing the processing of various services or compliance. In order to understand if this constitutes a critical mass, it is useful to place workshop attendees within the larger body of currently employed government employees. Although precise figures on the size of MOLIP and the other ministries were unavailable, overall, the GoUM currently has an estimated more than 900,000 civil servants,¹² and the total number of MAIL staff must be in the tens of thousands. A rough estimate would therefore be around 1-2 percent of MOLIP's workforce has attended, and much smaller percentages across the other participating ministries and departments. Given this small amount, it is therefore difficult how much of an impact mid-level functionary training will make on overall service delivery without significant scale up of more workshop activities to include more participants.

The second key factor involves the strategic value of participants. Most participants were in fact mid-level functionaries who lacked the decision-making power to change or improve policy. Participants themselves across the different focus group discussions indicated that a key recommendation is to include higher-level representatives from their departments. Furthermore, participants also recommended that decision makers from two additional Ministries – the Ministry of Foreign Affairs and the GAD – should also be included in the trainings. They indicated that the connect with key members of the Ministry of Foreign Affairs would be incredibly useful for those departments and organizations that needed the cooperation of Myanmar Embassies and consultants, particularly in Thailand. But more emphasis was placed on GAD, which typically sit as the head of village councils and hold extraordinary influence over the other members. Including them in the trainings and workshops would not only involve them directly in implementing current legislation more effectively, but also give participants increased access to these decision-makers. ILO staff would also most likely learn a great deal from these representatives, especially in terms of useful contextual information directly relevant to the anticipated pivot to Objective Two and new emphasis on domestic work.¹³

In conclusion, the key question underlying the effectiveness of S2 is not “is building the capacity of functionaries worthwhile and is there evidence that this can assist safe migration.” The answer is clearly yes, it can and there is. Rather, the main question “is S2 an effective approach to meeting the larger policy change goals of DILLM (specifically Objectives 1 and 2)?” The answer to this is less clear, and the evidence less convincing. This is not to suggest these

¹² See the “Civil Service Reform Strategic Action Plan for Myanmar, 2017-2020,” produced by UNDP and found at http://www.mm.undp.org/content/myanmar/en/home/library/democratic_governance/Myanmar_Civil_Service_Reform_Action_Plan.html

¹³ However, it should be noted that the DILLM project manager expressed moral reservations towards working with GAD, mostly rooted in their strong affiliation with the military Junta.

workshops should be stopped and substituted with another activity (e.g. the networking building value of these workshops alone have proven to yield benefits). Yet it is to suggest that DILLM may wish to consider dedicating more time to identifying the strategic value of these workshops, their participants and what types of outcomes they think might produce.

The CSO and LO Network

The MTR team conducted a focus group discussion with 11 CSOs at the ILO office on 22 August. Each CSO described their current involvement with migration issues:

- Myanmar Maritime Trade Unions Federation (MMTU): This union focuses on working with fishermen to collaborate with the government to send them abroad and promote safe practices. They interact with the Seafarer's Department in MOLIP.
- The Fifth Pillar: The Fifth Pillar's main focus is on land rights for the poor, which they see as intricately connected to issues of migration. They also work to raise awareness of legal migration and promote the rights of migrants abroad.
- Agriculture & Farmer Federation of Myanmar (AFFM-IUF): AFFM-IUF focuses on predeparture training and awareness raising on legal migration. They also submitted a letter to Parliament regarding how to make migration safer and more beneficial.
- Confederation of Trade Unions of Myanmar (CTUM): CTUM provides pre departure training on legal migration and combats the overcharging of fees by employment agencies. They are a key player in discussions over migrant social protections and the issue of migrant social security.
- Joint Action Committee for Burmese Affairs (JACBA): JACBA focuses on migrant workers in Thailand. They work with MOLIP, produce media products and share knowledge with migrant works in Thailand about their rights.
- United Action Against Child Trafficking (United Act): ACT focuses on raising awareness of child migration and trafficking. They target the Child Rights and Women's Affairs Committee in Parliament to include protection provisions in the legislation.
- Labor Rights Defenders and Promoters (LRDP): LRDP mostly focuses on labor rights awareness raising for migrant workers in Thailand, combating forced and child labor, and advocating for labor rights within Myanmar through a minimum wage. They are encouraging MOLIP to comply with international labor standards.
- Association for Labor and Development (ALD): ALD provides training and care for victims of forced labor, particularly in regards to domestic work. They work with MOLIP Departments related to Domestic Work.
- Karen Women's Convention (KBC): The KBC is based in Myanmar and Thailand and provides psychological support to migrant women working in Karen State, Myanmar and Thailand.
- Future Light Center (FLC): FLC works at the village level and provides pre-departure migration training. They also have worked with the ILO on the CM paper, and advocate safe migration. They are an active member of the Mekong Migration network.
- Foundation for Education and Development (FED): FED is focused on improving the situation of migrant factory workers in Thailand. They also administer pre-departure

training, which they use as a mechanism to track migrant workers access to education in Thailand. They operate a school in Thailand and were the first Myanmar organization to be registered there.

Most of the CSOs and LOs primarily focused on awareness raising of migrant worker rights abroad. Many had benefited from the TRIANGLE project's pre-departure training of trainer module and provided these services to migrants directly. For those CSOs and LOs who engaged the GoUM, MOLIP was the main focal point for most, while two had a strategy to engage Parliament. One CSO (FED) had also approached the State Chancellor as a means of direct lobbying for migrant workers' rights in Thailand.

From February 2016 to June 2017, representatives from these CSOs met fourteen times to share information and update cases of migrant workers, as well as plan for two public discussions and two international day (International Migrants and International Domestic Workers) events. Based upon these experiences, CSOs offered the following insights:

- Of the trainings attended, CSO representatives valued TRIANGLE's pre-departure training the most and would like to see it continued/expanded.
- Save FLC, the other CSOs in attendance had not heard of the CM paper or had read it. Most felt the centres where these complaints were logged were not useful anyway, as staff there did not have computers and were not in direct contact with most migrants.
- CSOs commented that the regular meetings facilitated by the ILO helped bring these organizations together as a network to meet and exchange information. In fact, DILLM is the main platform for CSOs to meet to discuss migration issues. Closely related, UN WOMEN hosts a similar platform dedicated to human trafficking.
- The two international events days helped create a feeling of shared experience across the network and gave several CSOs greater national exposure. They felt that International Domestic Workers Days was an effective way to demonstrate support for C189 to the government.
- Some CSOs attended the various trainings, which they say helped improve their own awareness of international labor standards, and contact with functionaries within MOLIP has improved.
- Unfortunately, these CSOs and LOs have not collaborated with each other as network outside of ILO facilitation. They have not organized joint action on their own and have no plan to. Most see themselves as information providers.
- CSOs and LOs were in strong agreement that this network would not continue without ILO or similar support.
- Although they have yet to achieve a shared victory, members are optimistic that their advocacy efforts to make domestic migration work legal in Singapore may have a chance of success. They specifically provided suggestions to MOLIP how to make domestic work migration safer. If this were successful, it would come through a Government to Government MoU.

- They look to the ILO for reliable information on migration and international standards. They don't have as much faith in the accuracy of information they receive domestically.

Summary

The CSO and LO network has greatly benefited from the ILO's support, and most likely would not even exist if it weren't for the efforts of the DILLM team. CSO and LO members have learned to come together to exchange information, expanded their network and jointly participate in high profile events in Yangon. They clearly also appreciate the trainings and workshops provided by the ILO, esp. under the TRIANGLE project, and have passed this on to help migrants on the ground. Finally, they've benefited from the ILO's strong reputation and in turn have increased their own legitimacy as civil society actors with a mandate to engage the government for positive policy change.

Analysis of S3

As per FGD feedback, many CSOs are primarily focused on raising awareness of safe migration practices for workers traveling abroad, especially Thailand. As such, they are a key mode of communication to reach larger numbers of citizens at the grassroots level. They also have started to come together to work as a network with similar areas of interests. Their cooperation on the international event days demonstrates how they can come together under single issues and mobilize their constituents to show support. DILLM has certainly sat at the center of this process, and provides an added layer of legitimacy for these CSOs to interface with MOLIP and receive quality information.

However, as a network for policy change, the CSO network currently is a long way off. It's members currently gather to share information, but it is unclear how this information is applied to change their organizations. Moreover, they lack a clear strategy for policy change and corresponding goals on which policy outcomes they would like to support and how to achieve this. One place to start could be a joint MoU among members that describes shared principles and goals. However, the DILLM project manager indicated that moving in this direction would mean that many CSOs would be lost along the way. As such, it appears that the CSO network is stuck in an awareness raising role but with less potential to translate into direct action. This is not to say that this network will not form the prototype for a more advocacy-based approach to policy change, but it is to say that it is very unlikely that this will occur under DILLM's current timeframe.

The lack of CSO leadership within the network is also troubling, as it is clear no one believes the network will survive without ILO support. This puts the ILO in a difficult position. According to the Program Manager, it would be ideal if ILO played a facilitation role to foster CSOs to take the lead. However, she indicated in Myanmar this is unlikely, and the unique ILO history in the country is that they have traditionally stood at the forefront of advocacy on issues such as forced labor. It therefore would not be out of line for DILLM to better position itself to lead the CSO network to directly pressure the government for policy change and improvement. Yet it is

unclear how many CSOs would be willing to move beyond their service provider role to a more active engagement.

In conclusion, the hypothesized role of CSOs as a vehicle for policy change does not seem to hold in the current context. As in the case of building government functionary capacity, DILLM's activities have created and strengthened network linkages across organizations. However, what pathway this network will take to influence policy change is unclear and most likely not possible through the current life of the project.

MOEAF

One model of successful advocacy within the Myanmar context is the Myanmar Overseas Employment Agency Federation (MOEAF). The MOEAF is a consortium of employment agencies with over 260 members, and a rotating executive committee that is chosen on a two-year rotating basis. They have a clear charter with clear goals and advocate their interests directly with government as a highly organized group. During the discussion, the MOEAF also indicated how they recently decided to switch their lobbying strategy away from MOLIP and more towards key members of Parliament. To wit, the Chairmen of the MOEAF informed the MTR team of a recent example in which MOLIP attempted to significantly increase the annual employment agency registration fee. In response, the MOEAF quickly called a meeting of more than 200 agencies, and in that meeting, agreed upon a new strategy and a fee increase they all felt was more reasonable (already the ability of the MOEAF to reach consensus across so many members in such little time is impressive). They then lobbied directly to Parliament and the State Councilor through written statements, and were able to pressure the Rule of Law Committee to summon the Minister of MOLIP for a discussion. During that discussion, the Chair of the Rule of Law Committee reversed the Minister's decision and reduced the registration fees. To the extent these accounts provided by MOEAF to the MTR team are accurate, the MOEAF case is an impressive example of how a wide consortium of organizations can successfully mobilize and consolidate their interests to directly influence policy change at the national level.

One must be cautious when drawing close comparisons of the ILO's CSO network with the MOEAF. The latter is clearly bound by profit-driven vested interests and is obviously a powerful force in terms of formal and most likely informal advocacy with the government. Moreover, members of the MOEAF have also informally been accused of corrupt practices and benefiting from illegal migration practices through exploitation of migrant workers. Nevertheless, what the MOEAF case offers are clear intermediate and ultimate benchmarks for success in terms of policy change. This may help provide greater focus and learning for the CSO network to come together and layout their own vision, and corresponding plan of action on how it is to be achieved.

In any case, the MOEAF and similar federations are key players in both encouraging and undermining safe labor initiatives. In regards to the MOEAF's relationship to the ILO, the MTR team was informed that relations had been constrained until roughly 2013 when the TRIANGLE project created a forum for more productive consultation. OEAF members have also been

invited and intended the various public discussions on safe labor, and used this as an opportunity to contribute to the dialogue. They also perceived their participation in the international labor day events as an effective mechanism to raise awareness of their migration services. Yet they also perceive the ILO as a regulatory agency that puts pressure on their federation and promotes a Code of Conduct (in partnership with MOLIP) that is not inline with their own standards. Moreover, because of tensions with MOLIP, OEAF has not been invited to provide feedback on such policy moves as the revised Law on Overseas Employment.

Whether or not the MOEAF and similar federations can be convinced to willingly adopt stronger Codes of Conduct or if it requires government action and enforcement remains to be seen. What is clear, however, is that MOEAF will most likely respond to any attempts by leveraging their relationship with key members of Parliament. To the extent this scenario is likely, it only increases the urgency for DILLM to better understand and navigate the Parliamentary landscape. In doing so, the connections and tactics of MOEAF will be better understood.

Analysis of S4

To date DILLM has completed a Complaints Mechanism (CM) paper, policy coherence paper, a domestic workers advocacy paper, a recruitment and a social protection paper. Of these, only CM paper had been formally approved, translated into the Myanmar language and distributed. As noted in the recent semi-annual report, the content of the remaining papers has been used as inputs to the various trainings and workshops provided by DILLM.

It should be clear from the testimonies of the various stakeholders given above, the impact of the background paper outside of these forums has been minimal. The majority of stakeholders across the spectrum had little awareness of the paper, less of its content, and, most importantly, very little faith the actual CM could be a useful mechanism in its current form. One key stakeholder – the Director of the Department of Migration – was not aware of the paper but this is understandable given his new arrival to the position. The Deputy Director, however, was aware of the paper and reportedly contributed to its development. Finally, members of Parliament had little to know awareness as well, and it was suggested that distribution through the JCC would be the appropriate and effective mechanism to reach more members of Parliament.

In regards to the other papers, the Policy Coherence paper is the closet to formal completion, but still requires additional translation and endorsement by MOLIP, which the project manager reported as a potentially difficult process due to the paper's content. It is unclear what the plans are for the remaining papers. Not surprisingly, the quality of content in these papers varies considerably. At the one end of the spectrum, the Recruitment paper contains clear, relevant information and concludes with actionable recommendations made to key stakeholders. At the other end of the spectrum, the Organising domestic work paper has less focus and lacks a recommendations section for moving forward. Without recommendations, it is hard to see how this paper will do much to inform decision making and lead to a plan for organizing domestic workers.

All draft papers reviewed lacked executive summaries of key points, conclusion and recommendations. Given that most decision makers and stakeholders might not be able to dedicate much time to the contents of these papers, executive summaries may be a useful way of efficiently presenting the contents of the papers so readers with limited time can still walk away with the main points.

The most important underlying question to consider when assessing the effectiveness of this strategy to date is: how will these papers reach their goal of policy change. DILLM does not seem to have a clear dissemination strategy on which key actors should be exposed to which key points of the papers. Without such a strategy, the use of these papers to develop policy may be limited. DILLM therefore may wish to consider developing a more focused dissemination strategy for these background papers.

Overall Conclusions

There are many pathways to effective policy change and this section has reviewed the evidence around DILLM's current multiprong approach. As a convener of key stakeholders and facilitator of dialogue around safer migration policy, the DILLM project has clearly demonstrated its competitive advantage through the various activities to date. Yet as a more proactive driver of policy change, the project's current tactics have been less effective. One key point is that the direct engagement with MOLIP is most likely a necessary but insufficient mechanism to producing policy change. In searching for those additional elements to produce success, this MTR suggests that the CSO Network and Government Functionary Capacity Building pathways may not generate enough momentum to push policy change forward. Conversely, feedback from various respondents, including members of parliament themselves, suggest that exploring and pursuing a more proactive Parliamentary pathway may be worth considering, although the potential political implications must be taken into account. Finally, feedback from key stakeholders does suggest that there is a strong appetite for moving forward on C189, and this was expressed across MOLIP, Parliament, Government Functionaries, and CSO respondents.

Recommendations

Based upon these findings, the following recommendations are offered:

- DILLM staff should, in cooperation with its executive management, clarify the ILOs position in consultation with LIFT staff regarding two items: a. Greater engagement with Parliament as an additional source of policy change, and b. DILLM's level of commitment to advocating C189 as the primary legal framework for domestic worker laws in Myanmar vs. a more home-grown approach that deviates from the standards of C189.
- Should it be agreed that introducing domestic and international labor laws directly through and in partnership with Parliament is a viable option, DILLM should consider

not only revising its work plan accordingly, but also developing a corresponding engagement strategy and potentially hiring an additional lawmaking and lobbying expert to support this shift.

- If it is agreed that C189 should be the priority for DILLM, the project may then wish to consider mapping out the legal process associated with ratification, identify which other key decision-maker stakeholders should be included, and develop intermediate benchmarks of success accordingly. Although the project may not be able to help facilitate full ratification by the end of the period of performance, these intermediate markers will help LIFT and other donors better understand how they may support further efforts towards ratification.
- For the remaining government functionary capacity building workshops, DILLM may wish to consider inviting more key-decision makers, especially from GAD and MoFA.
- DILLM should consider reviewing the CSO network strategy, and discuss the merits of moving the network to a more advocacy-based role to pressure substantive policy change on safe migration. DILLM should also identify a plan for how the CSO network might survive without ILO support.
- DILLM may wish to consider developing a more focused dissemination strategy for the distribution of the various background papers. These papers should also include executive summaries.

Sustainability

Assessing a project's sustainability during a mid-term review is typically speculative process with little actual evidence to support the conclusions. As a result, findings and conclusions that flow out of the discussion are highly tentative in nature. This MTR is no exception. The main question to be addressed is:

- How likely the policy related outcomes are taken up by the project partners and other stakeholders? (Sustainability)

In addressing this question, this section will draw upon the previous discussions to speculate on the likelihood that the current outputs and outcomes described above will continue without project support. Specific areas to discuss are changes to policy, the policy papers, the trainings, and the CSO network.

Policy Changes

By far the most exciting and largest potential sustainable impacts DILLM can leave behind are formal changes to Myanmar's legal framework regarding safe migration, domestic work, social protection and reintegration upon return. Of these, those most likely achievement appears to be a revision to the Law on Overseas Employment and its corresponding supplements. As discussed previously, the recent change in Director Generals at the Department of Migration is a set back for the project, but it is unclear if this can be overcome within the current duration of the project.

Another potential significant lasting impact may come in the form of a strong role in advancing the new National Plan of Action. The current NPA is set to expire and, as noted, MOLIP has designated the IOM as the lead agency on its next iteration, but efforts to date have faltered. However, should this change, and should the ILO offer an alternative, more effective approach, a new NPA may become a likely outcome supported by DILLM. In this, LIFT may be able to offer a potentially supportive role in a joint conversation with MOLIP.

As suggested in the previous section, a more direct engagement with Parliament, to include the submission of draft laws directly through various relevant committees, may significantly increase the potential for DILLM to have a longer lasting impact on safe migration in Myanmar.

Policy Papers

The potential long term reach of the current policy papers is limited. First, additional papers beyond the Complaint's Mechanism need to be translated into the language of Myanmar to resonate with most stakeholders. Second, some of the papers could benefit from more tangible roadmaps to change and executive summaries. Third, the papers could benefit from a wider distribution guided by a more focused dissemination strategy, which may also include corresponding communication materials that lay out each paper's findings in formats

more accessible to a target migrant audience. Without these or other similar changes, the current impact these papers will have on the policy decision making process is most likely limited.

Trainings

As discussed above, the current trainings have reached a wide array of government functionaries across different ministries and departments. It is unclear how wide the impact of these trainings will be felt, as many respondents indicated that the contents were not directly related to their current work. Nevertheless, the trainings have created new conversations and opened new cross-sectional relationships that may improve overall migration policy and related service delivery. Unless further efforts are made to institutionalize these trainings – with MOLIP assuming more direct control for their organization and administration – the positive impacts they may contribute to will be diluted over time as they are forgotten and as trainees move on to other positions outside of those related to migration.

CSO Network

As discussed in the previous section, the ILO currently sits at the center of the CSO network for migration and, as reported by its members, the network would most likely fall apart should the ILO pull out. One possible solution within the remaining period of performance would be for DILLM to facilitate a more focused strategy exercise to give the network clearer definition and to help better identify internal champions who may take the lead once DILLM is finished. However, such an exercise will most likely result in a loss of some of the current membership.

Summary

As all of these points were addressed in previous sections and entailed corresponding recommendations, no further recommendations are made in this section.

Annex 1: Evaluation ToR

Please see attached ToR Document

Annex 2: List of Individuals and Groups Met during MTR

List of Individuals and Groups Met during MTR				
Date	Type	Organization	Individual(s)	Location
14-Aug-17	Interview	LIFT	Management Team	Yangon
14-Aug-17	Interview	ILO	ILO Chief Technical Advisor	Yangon
14-Aug-17	Interview	ILO	DILLM Program Management	Yangon
14-Aug-17	Interview	ILO	ILO Deputy Liason Officer	Yangon
14-Aug-17	Interview	ILO	ILO Liason Officer	Yangon
16-Aug-17	Interview	MOLIP	Director General of Migration	Naypyitaw
16-Aug-17	Interview	MOLIP	Deputy Director General of Migration	Naypyitaw
16-Aug-17	FGD	Parliament	Member, Local and Overseas Employment Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Member, Local and Overseas Employment Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Member, Women and Children's Affairs Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Secretary, Women and Children's Affairs Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Member, International Relations Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Chair, Farmers and Workers' Affairs Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Member, Farmers and Workers' Affairs Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Secretary, Bill Committee	Naypyitaw
16-Aug-17	FGD	Parliament	Member, Bill Committee	Naypyitaw
16-Aug-17	FGD	Department of Labour	Staff Officer	Naypyitaw
16-Aug-17	FGD	Department of Planning	Deputy Director	Naypyitaw

16-Aug-17	FGD	Department of Planning	Staff Officer	Naypyitaw
16-Aug-17	FGD	Special Branch, Myanmar Police Force	Police Captain	Naypyitaw
16-Aug-17	FGD	Special Branch, Myanmar Police Force	Police Major	Naypyitaw
16-Aug-17	FGD	Department of Immigration	Immigration Officer	Naypyitaw
16-Aug-17	FGD	Department of Immigration	Immigration Officer	Naypyitaw
16-Aug-17	FGD	Department of Education	Deputy Director	Naypyitaw
16-Aug-17	FGD	General Administration Department	Deputy Director	Naypyitaw
16-Aug-17	FGD	Department of Health	Assistant Doctor	Naypyitaw
16-Aug-17	FGD	Department of Social Welfare	Branch Clerk	Naypyitaw
16-Aug-17	FGD	Department of Social Welfare	Junior Staff Officer	Naypyitaw
17-Aug-17	Interview	ILO	DILLM Program Management	Yangon
20-Aug-17	FGD	AFFM-CTUM	Ko Hein Latt	Yangon
20-Aug-17	FGD	FED	Ma Thazin Hlaing	Yangon
20-Aug-17	FGD	MOEAF	Daw Khin Su Hlaing	Yangon
20-Aug-17	FGD	Yankin Skills Training Center, Department of Labour	Daw Hla Hla Htay	Yangon
20-Aug-17	FGD	Department of Information	Daw Hla Hla Myint	Yangon
20-Aug-17	FGD	DOL	U Hla Tun	Yangon
20-Aug-17	FGD	Myanmar Women's Affairs Federation	Daw Thandar Phone Win	Yangon
20-Aug-17	FGD	World Vision	Daw Kathy Win	Yangon
20-Aug-17	FGD	DOL	Daw Mar Mar Aung	Yangon
20-Aug-17	FGD	DOL	Daw Nant Zarli Mon	Yangon
20-Aug-17	FGD	Department of Immigration	Daw Cathy Wann	Yangon
20-Aug-17	FGD	HRWD	Daw Lin Lin Aung	Yangon
20-Aug-17	FGD	I-Law	Daw Lwin Lwin Soe	Yangon
20-Aug-17	FGD	Department of Social Welfare	Daw Ma Ma Nge	Yangon

20-Aug-17	FGD	Mawkkon, Keng Tung	Daw Nang Voe Phat	Yangon
21-Aug-17	FGD	AFFM-IUF	Ko Hein Latt	Yangon
21-Aug-17	FGD	FED	Ma Thazin Hlaing	Yangon
21-Aug-17	FGD	MWRN	Ko Tun	Yangon
21-Aug-17	FGD	FLC	Ma Thet Thet Aung	Yangon
21-Aug-17	FGD	ALD	Daw Mar Mar Oo	Yangon
21-Aug-17	FGD	ALD	Ma Phyu	Yangon
21-Aug-17	FGD	LRDP	Ma Eai Shwe Sinn Nyunt	Yangon
21-Aug-17	FGD	United ACT	Ko Ye Yint Naung	Yangon
21-Aug-17	FGD	JACBA	U Maung Kyi	Yangon
21-Aug-17	FGD	KBC (Women Department)	Naw Eh Dah Phaw	Yangon
21-Aug-17	FGD	CTUM	Ma Htwe Htwe Thein	Yangon
21-Aug-17	Interview	UEAF	4 Committee Members	Yangon
22-Aug-17	Interview	ILO	ILO Program Office Team	Yangon
22-Aug-17	Interview	ILO	DILLM Program Management	Yangon