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Evaluation

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This evaluation has been conducted according to ILO's evaluation policies and procedures. It has not been professionally edited, but has undergone quality control by the ILO Evaluation Office.



FINAL INTERNAL EVALUATION

Legal and Institutional Reforms for Improved Labour Market
Governance (MMR/16/50/EUR)

Abstract

This report presents 10 key findings of the project evaluation and 6 recommendations.

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ACRONYMS / ABBREVIATIONS

ACT/EMP	Bureau for Employers' Activities of the ILO
ACTRAV	Bureau for Workers' Activities of the ILO
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CTA	Chief Technical Advisor
DAC	Development Assistance Committee of the OECD
DG Trade	Directorate-General for Trade in the European Commission
DWCP	Decent Work Country Programme of the ILO
DWT	Decent Work Technical Support Team of the ILO
EC	European Commission
EU	European Union
FISEXT	Financial Information System for External Offices of the ILO
FOA	Freedom of Association
ILO-Yangon	ILO Liaison Officer in Myanmar
ILS	International Labour Standards
IRIS	Integrated Resource Information System of the ILO
LABOURLAW	Labour Law and Reform Unit, Governance and Tripartism Department of the ILO
MoLIP	Ministry of Labour, Immigration and Population of Myanmar
MSDP	Myanmar Sustainable Development Plan
NPC	National Project Coordinator
NTDF	National Tripartite Dialogue Forum of Myanmar
OECD	Organisation for Economic Co-operation and Development
P&B	Programme and Budget of the ILO
RBSA	Regular Budget Supplementary Account of the ILO
SIDA	Swedish International Development Cooperation Agency
ToR	Terms of Reference
TWG-LLR	Technical Working Group on Labour Law Reform of NTDF
UNDAF	United Nations Development Assistance Framework
U.S.A.	United States of America

1. INTRODUCTION

1.1 About this report

This report presents the final evaluation of an ILO project in Myanmar, titled “Legal and Institutional Reforms for Improved Labour Market Governance” (MMR/16/50/EUR; hereafter referred to as “the Project”), as part of the Myanmar Labour Market Governance Programme (“the Programme” hereafter). The report was prepared by the Evaluator, Yoshie Ichinohe¹, in line with the Terms of Reference (Annex I) prepared by the Evaluation Manager, Nogami Natsu, the Chief Technical Advisor (CTA) of the Project.

The report, max. 20 pages as prescribed in the ToR, consists of five chapters, namely: 1. introduction, 2. evaluation framework, 3. key findings, 4. conclusions, and 5. recommendations, along with a set of annexes.

1.2 About the Project

The Project is funded by the European Commission (DG Trade), to the amount of US\$531,051,² for a two-year implementation period starting from 27 September 2016. It follows from the participation of the European Union (EU) in the “Initiative to Improve Fundamental Labour Rights and Practices in Myanmar” (or the Labour Rights Initiative, in short) in 2015, which was originally launched by Myanmar, U.S.A., Japan, Denmark and the ILO in 2014. The funding support was made available in the context of strengthening the EU’s trade partnerships with Myanmar, under the Everything But Arms scheme³.

Of three phases conceived under the Programme, the Project was designed to complete the first two phases (: technical inputs to immediate drafts and amendments of priority laws by early 2017, and development of a labour standards act in 2017-18), as well as the initial preparation for the third phase (: designing a cohesive and consolidated labour code in 2019-20). The Project received a no-cost extension to continue implementation up to 26 December 2018.

Under the overall objective, “To improve labour market governance through legislative and institutional reforms”, the Project was aimed at achieving the following objectives:

- i) To assist the tripartite constituents in ensuring that laws or regulations are aligned with relevant International Labour Standards (ILS);
- ii) To develop a labour law framework that is cohesive and based on social dialogue principles;
- iii) To contribute to enhanced capacity building of labour market institutions to develop coherent laws and promote compliance and application; and
- iv) To build the capacities and confidence of the social partners to engage in social dialogue for labour law reform and sound industrial relations.

The direct target groups of the Project are: the members of the National Tripartite Dialogue Forum (NTDF); Ministry of Labour, Immigration and Population (MoLIP); employers’ organizations; workers’ organizations; and the Parliament.

¹ An ILO official under EVAL coaching, participating in the Internal Evaluation Training Programme (IETP).

² As part of the total funding amounting to €900,000 under an umbrella project (GLO/16/12/EUR), including a separate project for Viet Nam.

³ <http://trade.ec.europa.eu/tradehelp/everything-arms>

The Project has been implemented by the CTA based in Yangon, with a National Legal Officer based in Nay Pyi Taw, the capital and the seat of government of Myanmar, under the administrative responsibility of the ILO Liaison Officer (ILO-Yangon). Technical backstopping is provided by the Decent Work Technical Support Team in Bangkok (DWT-Bangkok), as well as the Labour Law and Reform Unit (LABOURLAW) in Geneva HQ.

Oversight is provided by the Technical Working Group on Labour Law Reform (TWG-LLR) of the NTDF.

In the same Programme framework, the Government of The Netherlands also provided funding equivalent to US\$84,925 (MMR/16/06/NLD), to be used specifically for strengthening the capacities of the national tripartite constituents in the labour law reform process, for the period from 1 January 2017 until 31 July 2018. This funding allowed for engaging a National Lead Trainer based in Yangon, who also provides the CTA with the related administrative support for the Project.

1.3 About this evaluation

Given the project size and duration, in accordance with the ILO Evaluation Policy, the Project is subject to a final internal evaluation. As a formalized process, it is undertaken by an ILO official, with management support from the Project CTA, the two parties having no ties or conflict of interest.

Albeit being a final evaluation, it was undertaken a few months before the original end-date of the Project, 26 September 2018, which was later extended at no cost for three months. In line with the purpose and scope of the evaluation as defined in the ToR, it was intended to be both *summative*, from the Project design stage and covering the implementation period up to mid-July 2018, and *formative*, to feed into the remaining implementation period and the next phase of the Project.

The evaluation also took into account the contribution of the funding provided by The Netherlands, in view of its direct relevance to the Project and its operations, as part of the Labour Market Governance Programme.

The primary users of the evaluation are: the ILO i.e. the Project team, ILO-Yangon, DWT-Bangkok and LABOURLAW, among other collaborating units; representatives of the national tripartite constituents, particularly those who are the members of the TWG-LLR, and the Parliamentarians; and the Labour Rights Initiative partners, particularly the European Commission (DG Trade) as the donor of the Project as well.

2. EVALUATION FRAMEWORK

2.1 Evaluation Questions

The evaluation was undertaken to answer a set of questions to address the five OECD/DAC-proposed criteria, namely relevance, efficiency, effectiveness, sustainability, and impact. The questions proposed in the ToR were reviewed and consolidated by the Evaluator as follows, in light of the definition of each criterion as provided in the ILO Policy Guidelines for Evaluation (3rd edition).⁴

⁴ http://www.ilo.ch/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_571339.pdf

2.1.1 Relevance and strategic fit

Definition: The extent to which the objectives of a development intervention are consistent with beneficiaries' requirements, country needs, global priorities, and partners' and donors' policies.

- a) To what extent the Project maintained its relevance and responsiveness to address issues related to upholding basic labour rights and creating an enabling legislative framework for the promotion and protection of labour rights, in light of the Labour Rights Initiative and of comments from the ILO supervisory mechanisms?
- b) How were the Project objectives and design aligned with the ILO goal of Decent Work for All, in the corporate biennial results framework, Programme and Budget (P&B), including gender equality and non-discrimination as a cross-cutting policy driver? How are they to be positioned in the relevant country-level programmatic frameworks, notably the Decent Work Country Programme and Myanmar Sustainable Development Plan under development, as well as in support of the National Strategic Plan for the Advancement of Women (2013-22)?

2.1.2 Validity of intervention design

Definition: The extent to which the design is logical and coherent.

- c) Were the Project design and the logframe valid and consistent? Have there been adjustments in the logframe throughout the project implementation?
- d) Did the design appropriately identify risks and key assumptions? Did the Project have a mitigation strategy taking into account the situation in the country?
- e) How was the process of consultation and identification of problem and strategies done during the project design stage? To what extent did the consultation results affect the project design, including in terms of addressing the gender dimensions of the problem?

2.1.3 Intervention progress, effectiveness

Definition: The extent to which the intervention's immediate objectives were achieved, or are expected to be achieved, taking into account their relative importance.

- f) To what extent has the Project attained its objectives? What were the major factors influencing their achievement or non-achievement?
- g) What were the challenges faced by the Project in delivering the outputs and activities, particularly with a view to build capacities of the tripartite constituents and to institutionalize the Project interventions? How were they addressed, including through various modalities to engage with the tripartite constituents, in the changing country situation?
- h) To what extent was the Project successful in addressing gender equality?

2.1.4 Efficiency of resource usage

Definition: A measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results.

- i) Have the Project's financial and human resources been allocated and utilized strategically to achieve the Project objectives? Given the size of the Project, have there been any synergies or economies of scale achieved with relevant ILO interventions or with other partners?
- j) What mechanism was in place and operational, to plan and monitor the resource use? Was it effective in ensuring the Project's delivery in a timely and sufficient manner?

2.1.5 Effectiveness of management arrangements

Definition: The extent to which management capacities and arrangements put in place support the achievement of results.

- k) Was the set-up of the Project team itself adequate and sufficient to achieve the objectives? What additional capacities were required, and how were they obtained or not, at what cost?
- l) How were the operational workplanning and risk management conducted, including under ILO-Yangon coordination? Were the associated process and procedure adequate for the Project to deal with technical, operation or strategic issues timely?

2.1.6 Impact orientation and sustainability of the intervention

Definition: The strategic orientation of the project towards making a significant contribution to broader, long-term, sustainable development changes. The likelihood that the results of the intervention are durable and can be maintained or even scaled up and replicated by intervention partners after major assistance has been completed.

- m) To what extent the Project contributed to making the regulatory and policy environment more conducive to promote and protect labour rights?
- n) Any evidence of stronger tripartism and social dialogue with support from the Project?
- o) Any potential good practices or early sign of impact, to keep the tripartite constituents engaged in the Labour Rights Initiative through the Project interventions?
- p) To what extent the project has its long-term effect on more equitable gender relations.

2.2 Methodology and data sources

The Evaluator has combined the following methods to collect qualitative and quantitative data and information, in order to answer the questions listed above:

- Comprehensive review of documentation not only about the Project itself but also about its background and contexts, as collected from the Project, ILO intranet and public websites, IRIS, and through ILO staff of concerned departments (Annex II);
- Unstructured and/or semi-structured interviews, over skype or in person, including through fielding a mission to Myanmar, with the key stakeholders as specified in the ToR, as well as relevant ILO staff based in Geneva HQ, DWT-Bangkok, and from other projects operating in the country (Annex III);
- Observation of the Project activities during the mission;
- Written feedback on a draft evaluation report from the key stakeholders through the Project team, by email, and direct feedback from the Project team itself and other relevant ILO staff, either in writing or orally.

2.3 Limitations

The evaluation mission to the country was fielded at a specific timing, for five working days (29 June – 5 July 2018), which unfortunately coincided with the transfer or leave plan of some focal-point officials among the Labour Rights Initiative partners, staff movement of the regional ACTRAV specialist, as well as with business travel schedules of some employers' and workers' representatives concerned. Alternative arrangements were made after the mission, to obtain inputs from TWG-LLR members from the Myanmar Industries, Crafts and Services Trade Unions Federation (MICS-TUsF), via ILO-Yangon with their translation support, by email; from representatives of the EC (DG Trade) in Brussels and of the EU delegation in Yangon through telephone interviews; and from ACTRAV, through face-to-face interview with the Desk Officer for Asia and the Pacific region, based in Geneva.

Subsequently, a first set of draft evaluation report with the annexes, was submitted at the end of August 2018, which was then circulated by the Evaluation Manager among the key stakeholders for their review and any comments. Meanwhile, the same report needed to be translated into the Burmese language, for consultation with the national tripartite constituents concerned. All these processes required much more time than anticipated, not allowing for this evaluation to be finalized before the original end-date of the Project.

3. KEY FINDINGS

3.1 The Project background

The Project's overarching framework, the Myanmar Labour Market Governance Programme, is an outcome of the first Stakeholder Forum on Labour Law Reform and Institutional Capacity Building, held in May 2015, under the Labour Rights Initiative. At this Stakeholder Forum, a three-phased labour law reform approach was presented by the ILO, towards establishment of a unified, comprehensive labour code, and a general consensus was built amongst the tripartite-plus participants to proceed accordingly. Furthermore, the EU was represented at the same Stakeholder Forum, confirming their decision to join in the Labour Rights Initiative and their intention to contribute to the promotion of fundamental rights, core labour standards, creation of job opportunities, and responsible business practices, in strengthening their trade partnerships with Myanmar⁵.

The labour law reform agenda towards establishing a labour code, as well as the proposed approach in phases, have survived through a major political change - the general elections in November 2015 and the installation of the new Government led by the National League for Development (NLD) in April 2016. The reform agenda and the phased approach were retained as the thrust of the Programme and were further informed by the tripartite-plus consultations at the second Stakeholder Forum held in September 2016, where stronger emphasis was placed on the social dialogue principles in the labour law reform process and on the needs for capacity development of the social partners and of labour market institutions to develop and apply the laws.⁶ These are reflected in the four specific objectives and the strategy of the Project as it was finalized in the same timing, which will be further assessed in the next section.

As evident from the annual progress reports, the Project also has a direct connection with an earlier project titled "Promoting Freedom of Association and Social Dialogue in Myanmar" (MMR/13/06/NOR). This project, known as the FOA project in short, was implemented with a funding from the Government of Norway, to the amount of nearly US\$1.9 million, for the period October 2013 – January 2016. The FOA project itself had a predecessor, "Promoting Rights at Work in Myanmar", funded by the U.S. Department of State to the amount of US\$445,500, from September 2012 for about a year. From the final independent evaluation undertaken on the FOA project, which also took into account the U.S. Department of State-funded project, and as the ILO reported to its Governing Body⁷, these two preceding projects had laid important foundations, immediately after restrictions were lifted following six decades of isolation – which this Project inherited and continued building on. Their contributions entail:

⁵ http://www.ilo.org/yangon/events/WCMS_403560/lang--en/index.htm

⁶ http://www.ilo.org/yangon/events/WCMS_534008/lang--en/index.htm

⁷ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_533209.pdf (paragraphs 25-26)

- raising awareness on the value of the Freedom of Association and Social Dialogue at various levels in the country, reaching out to more than 8,000 social partners;
- building knowledge base and capacity of the national tripartite constituents to pursue the FOA, social dialogue, and sound industrial relations;
- supporting development of basic labour organisations, especially in the agriculture and garment sectors, as well as the registration of a labour confederation and federations, following the 2011 Labour Organization Law and Rules;
- developing basic skills of conciliators and arbitrators of the dispute resolution mechanisms installed, following the 2012 Settlement of Labour Disputes Law and Rules; and
- promoting national-level tripartite dialogue through the establishment of the NTDF, along with three technical working groups including on labour law reform (TWG-LLR)⁸.

Finding 1: The Project's overarching framework, the three-phased Myanmar Labour Market Governance Programme, came out of the multi-stakeholder forum held under the Labour Rights Initiative, involving national tripartite constituents and other international partners. The development of the Programme coincided with the political change in 2015, the new government taking office in early 2016, and the EU's participation in the Labour Rights Initiative, with the funding support to this Project, in the context of strengthening the EU-Myanmar trade partnerships. The Project accordingly took off in September 2016, designed to complete the first two phases of the Programme and to prepare for the third, building on the important foundations laid by the previous projects in promotion of FOA and social dialogue, worth over US\$2.3 million, which were implemented in the period immediately after the country was opened up following the decades of isolation.

3.2 Relevance and strategic fit

The Project is the main ILO intervention in support of the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) in Myanmar⁹. It responds to the challenges faced by the national tripartite constituents in ensuring the labour law provisions in line with the ILS, and also assists the Government in addressing the observations and direct requests made by the Committee of Experts on the Application of Conventions and Recommendations (CEACR).

The Project's intervention in support of the labour law reform, is highly relevant for some key national planning frameworks, and they can be mutually reinforcing. For example, the National Strategic Plan for the Advancement of Women (2013-22) mainstreams action to review, develop and apply laws, policies and procedures, and women's participation in those processes, throughout the 12 priority areas. The Project intervention would be particularly relevant in two of the priority areas: *fairness and equal rights for women in relation to employment, credit, resources, assets and economic benefits* (in the Women and the Economy priority area) and on *women's equal participation in decision-making and leadership at all levels of society* (in the Women and Decision-Making priority area). Such broad alignment is also found in the Myanmar Sustainable Development Plan (: MSDP, 12 February 2018 Working Draft), currently under development. While no specific

⁸ As per the ToR approved during the NTDF held in September 2015, as annexed to the Myanmar Decent Work Country Programme 2018-21 (Draft 22 December 2017).

⁹ Ratified in 1955.

reference is made to the labour law reform agenda, the MSDP contains strategies for *promoting justice and the rule of law* (1.3); *enhancing good governance and institutional performance* (1.4), and for *promoting increased engagement of all people and open communication with government* (1.5), under Goal 1: *Peace National Reconciliation, Security and Good Governance*. Under each of these strategies, a number of pertinent actions are identified, in which the ILO contributions including through this Project, can and should be effectively integrated. Due attention should be paid to the arrangement foreseen for the coordination of MSDP implementation and resource mobilization, seeking comprehensive financing from public and private sources, both domestic and international. The Project's contribution would not be limited to the technical expertise and support for legal reform, but may also entail, as part of the overall ILO intervention in the country, bringing the tripartism and social dialogue principles into the MSDP process.

The Project is prominently positioned in the first Decent Work Country Programme (DWCP) for Myanmar (Draft 22 December 2017), to be launched in the course of 2018¹⁰. The Project is a principal means for the ILO to deliver on Outcome 2.1 to achieve strengthened freedom of association through cohesive labour laws and improved enforcement policies by 2021, and Outcome 2.3 to achieve strengthened industrial relations system at national, township, sectoral, plant and enterprise levels by 2021, under one of the three priority areas: *Application of Fundamental Principles and Rights at work is strengthened through improved labour market governance* (Priority 2). It is also expected to contribute to the other outcomes requiring legislative work i.e. in combatting forced labour and child labour (Outcome 2.2), in extending social insurance schemes (Outcome 3.1), and in establishing occupational safety and health (OSH) system (Outcome 3.3).

The alignment of the project intervention with the ILO's corporate results framework, biennial Programme and Budget (P&B), is clear and straightforward. In the 2016-17 P&B, it was linked to Outcome 2 - *Ratification and application of international labour standards*. The Project's contribution was reported under Indicator 2.3 - *Member States in which constituents and other key actors have improved knowledge on and capacity to use international labour standards and the supervisory system*, against the result criterion - *Government or parliaments take action on drafting or amending legislation in line with international labour standards, including with respect to standards on gender equality and non-discrimination*. Significant contribution to the cross-cutting policy driver on gender equality and non-discrimination was also reported in conjunction with the result achieved during the 2016-17 biennium, in that the amendments proposed by the national tripartite constituents, which were forwarded to the Ministry of Labour for submission to the Parliament, ensured integration of gender equality issues and use of gender sensitive language, with respect to three priority labour laws, namely the Labour Organization Law, the Employment and Skills Development Law, and the Settlement of Labour Disputes Law.¹¹

The Project remains linked to Outcome 2 on ILS in the 2018-19 P&B framework, under Indicator (2.2) – *Number of member States that have taken action to apply international labour standards, in particular in response to issues raised by the supervisory bodies*. In view of the major

¹⁰ It was launched on 21 September 2018: https://www.ilo.org/yangon/press/WCMS_645044/lang-en/index.htm. Development of a DWCP for Myanmar follows from a decision taken by the Governing Body at its 328th Session, October 2016: https://www.ilo.org/gb/decisions/GB328-decision/WCMS_534570/lang-en/index.htm

¹¹ <http://www.ilo.org/IRDashboard/#bd32buw>

milestones defined under the relevant Country Programme Outcome of Myanmar in IRIS¹², as well as the development status of the DWCP through the NTDF process, the Project's contribution would be expected in achieving results against the following success criteria under the said Indicator:

2.2.1 *Tripartite mechanisms are established or strengthened for prevention and resolution of labour standards-related conflicts at national level* (corresponding to Milestone 3: By January 2019, NTDF will have been institutionalized); and

2.2.3 *Progress in the application of ratified Conventions, including the adoption, monitoring and enforcement of laws and regulations and access to remedies for non-compliance, is noted with satisfaction by the supervisory bodies* (corresponding to Milestone 1: By January 2019, key pieces of labour legislations will have been amended, based on social dialogue and international labour standards).

Furthermore, the following criterion may well be taken into consideration, with respect to, for instance, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) among others, including in follow-up of the Standard Review Mechanism¹³ conclusions:

2.2.4 *Government, employers' or workers' organizations take measures to promote the ratification of international labour standards or to address issues raised by the supervisory bodies in the context of implementation of the DWCP, UNDAF or equivalent planning framework.*

Finding 2: There is a good scope for the Project to make a significant contribution to the Myanmar Sustainable Development Plan in making, particularly under Goal 1: *Peace National Reconciliation, Security and Good Governance*, among the key national strategic planning frameworks in place. Due attention to be paid to the MSDP coordination process, including for resource mobilization. In terms of the ILO corporate frameworks, the Project is prominently positioned in the new DWCP to be launched in 2018, under Priority 2, and is fully aligned with P&B Outcome 2, Ratification and Application of ILS, for the 2018-19 biennium. Its contribution to the achievement of reportable results was duly registered for the 2016-17 biennium, including in promotion of gender equality and non-discrimination.

3.3 Validity of the intervention design

The Project design has not been changed since its approval, and there is no plan to introduce any change for the remaining implementation period. It was prepared in the format required by the donor, using different terminology from the ILO's. The Project document did not contain basic description as to what each 'specific objective' (presumably equivalent to 'immediate objective' or 'outcome') entails or not, and what strategy is to be taken to achieve it. The validity of the intervention design was therefore assessed mainly on the basis of the information available in the logical framework ('logframe' in short), inducing what each objective is about from the way the other elements are stated in the logframe.

The Project logframe was built around the 'overall objective' (seemingly equivalent to 'development objective'): *To improve labour market governance through legislative and institutional*

¹² MMR826 in SM/IP module (IP 18 context), reflecting the "5-point Roadmap on Labour Law/Labour Market Governance Reform", endorsed by the tripartite constituents during the 9th NTDF held January 2018.

¹³ http://www.ilo.org/global/standards/WCMS_449687/lang--en/index.htm

reforms, and comprises four ‘specific objectives’ (SO1, SO2, SO3 and SO4), six ‘expected results’ (R1.1, R1.2, R1.3, R2, R3 and R4), and 19 activities linked to the relevant ‘expected results’. Total 13 indicators are defined to measure the ‘overall objective’, ‘specific objectives’, and ‘expected results’.

SO1 – *The tripartite constituents’ capacity to organize and/or actively participate in labour law review processes, to ensure that laws or regulations are aligned with relevant International Labour Standards (ILS), has been strengthened.* The corresponding indicators are aimed at measuring the two aspects of the capacity to be strengthened, as per the SO statement. Three ‘expected results’ (R1.1, R1.2 and R1.3) are defined seemingly under this SO, along with as many as eight elaborate activities, out of 19 in total. From the way the Project’s activities are defined, relative to those for the other SOs, this SO is clearly given a central focus within the intervention framework.

SO2 – *A cohesive labour law framework, based on social dialogue principles, has been developed.* The corresponding indicators reflects the emphasis on the social partners’ participation in the consultative process and their influence in developing a cohesive legislation, rather than on the development of the legal framework per se. Looking at the ‘expected result’ that is seemingly defined under this SO (R2), as well as the five related activities, however, it is principally about preparation of a (draft) labour standards act.

SO3 – *The Capacity of labour market institutions to develop cohesive laws and promote compliance and application has been enhanced.* From this statement alone, in the absence of the basic description and strategy on the SO, it is not clear as to what is to be achieved by whom exactly. The only indicator defined for this SO suggests that it is about tripartite or bipartite action, in the labour law reform process as well as in promotion of application of and compliance with labour laws. As such, this SO would overlap with the first two SOs, and its specificity in the Project framework remains unclear. Looking further at the corresponding Project activities, however, one can induce that this SO is actually about strengthening tripartite and tripartite-plus dialogue fora at national and possibly sectoral levels, to maintain the level of engagement in the labour law reform.

SO4 – *The capacities and confidence of the social partners to engage in social dialogue for labour law reform and sound industrial relations has been enhanced.* While the indicator for this SO is aimed at measuring social dialogue instances with full participation of both employers’ and workers’ representatives, the scope of its ‘expected result’ (R4.1) and the associated activity is much narrower, only to support the workers. An important assumption was made in this connection, as indicated in the “Implementation strategy” section of the Project document, that the necessary capacity building support for employers’ organizations would be provided by the other relevant ILO projects that had started on funding from the Regular Budget Supplementary Account (RBSA) of the ILO. The narrow scope of the ‘expected result’ and the Project activity, does not tally with the level of ambition as expressed in the SO statement, nor with the elaborate strategy to empower trade unions as indicated in the “Implementation strategy” section of the Project document.

As a general observation, the logical linkage and results hierarchy are not always clear between ‘specific objectives’ and ‘expected results’, as well as between the ‘expected results’ and their indicators. The issue seems to lie on the lack of distinction between what the ILO, through the Project, is expected to deliver under its responsibility (i.e. Project activities and outputs) and what the constituents and other target groups are expected to achieve (i.e. SOs and any milestones towards them), given the ILO/Project support. An example to illustrate such confusion is the following: R1.1 reads “Technical assistance provided to the Government in introducing or amending

legislation and adopting regulations in support of the labour law reform process”, which is essentially what the Project is to deliver, and the corresponding indicator reads “The number of laws incorporating written comments from the ILO”, which actually measures achievement at the level of SO, e.g. SO1.

Another major observation on the Project design relates to an unrealistic assumption made with respect to the start-up work to be done and the Project staffing and funding arrangements. Some related risks were identified in the Project document, but their likelihood and severity were underestimated, and no mitigation strategy was prepared. It is essential to note a few points in this regard, in order to make a fair assessment of the Project’s achievement and the effectiveness of the intervention in the next section. First of all, the Project was designed for implementation by a team of nine staff, consisting of an international CTA, four national officers (: a legal officer, two project/training coordinator, and a Monitoring and Evaluation officer), and four other local staff for support services (: a project assistant, a translator/interpreter, an admin/finance assistant, and a driver). However, as mentioned earlier in the introductory chapter of this report, the Project was funded to cover only a CTA and a National Project Coordinator (NPC), and shortly after, additional funding was provided by The Netherlands to engage another national (lead trainer) officer. The other positions were left unfunded at the beginning of the Project, subject to further resource mobilization efforts – which did not materialize to date. Secondly, it was expected that a project monitoring plan be completed, with baseline data, end targets, and milestones, as well as an annual work plan for submission to the donor within the first three months of the Project – all these without any inception period at all. What was also expected at the start of the Project but not fulfilled adequately, was the discussions with the donor on how communication and visibility activities will be managed.

Finding 3: The Project started with, and continues to operate on, less than one third of the staffing as anticipated in the original design to deliver in full. The Project design was not revised in the course of the implementation period to date, despite the funding situation. The Project did not have an inception period to get the team in place, to review the logframe and risk register, to discuss with the donor on the communication and visibility activities, and to prepare the monitoring and implementation plans, including relevant baseline studies. The logframe itself is found to be unclear in terms of the logical linkage and results hierarchy between the ‘specific objectives’ and the ‘expected results’, as well as between the ‘expected results’ and their indicators. In the absence of basic description per objective, and the logframe being unclear, some of the ‘specific objectives’ seem to be overlapping, or practically the same.

3.4 Intervention progress and effectiveness

The Project did not start with the monitoring plan in place. In the absence of the baseline, targets, and milestones, the progress at the level of SOs was monitored and reported as per binary self-rating: either ‘high level of achievement’ or ‘medium level of achievement’ (none rated as low level of achievement). Such rating was not applied at the level of ‘expected results’, and instead, detail account of progress was reported under each of them, down to the level of 19 activities as linked to those ‘expected results’. It is commendable that the Project has systematically monitored the profile of direct beneficiaries by sex and reported accordingly, which have shown fair

representation between women and men across the tripartite constituencies and for all types of activities.

For the implementation period up to end-June 2018, what was rated by the Project as high level of achievement concerns the tripartite consultative process of labour law reform (SO1, Indicator 1.1, SO 2 and SO4). Through total 11 meetings of NTDF and of TWG-LLR, which were facilitated by the Project with technical inputs over a period of some 20 months, a number of important agreements/compromises have been made to progress towards the amendment of three priority laws, namely the Labour Organization Law, the Settlement of Labour Disputes Law, and on the Employment Contract. For instance, tripartite parties agreed on some provisions concerning termination of employment, which were reflected in the amendment Notification on the Employment Contract issued in September 2017 (although it was observed that some of the bipartite-agreed points and many of the ILO comments were not incorporated); bipartite amendment proposals on the Labour Organization Law and the Settlement of Labour Disputes Law were discussed, finalized, and submitted to the government for feedback; and a major tripartite agreement was made on the Settlement of Labour Disputes Law, including a proper distinction between the rights-based grievances and those that are interest-based. In between, the Project also facilitated several bipartite consultative meetings of employers' and workers' representatives, either in preparation for or in follow-up of the NTDF/TWG-LLR meetings. Some tripartite meetings reportedly took place without the involvement of the ILO during this period. Statistics on such incidence at own initiative, with qualitative validation, may serve as a good proxy measurement of stronger tripartism and social dialogue – possibly as an impact of the Project intervention during the implementation period and beyond.

During the NTDF held on 16 January 2018, the tripartite constituents renewed their commitment to the labour law reform agenda and endorsed a roadmap to achieve the following five outcomes by January 2019 ("5-point Roadmap")¹⁴. This roadmap was presented at the third Stakeholder Forum on Labour Law Reform and Institutional Capacity Building, held immediately afterwards, on 17-18 January 2018:

1. *Identify key pieces of labour legislations after tripartite dialogue and amend them based on social dialogue and International Labour Standards;*
2. *A Labour Code or Labour Standards Act will be drafted, based on social dialogue and International Labour Standards;*¹⁵
3. *Strengthened capacities for sound industrial relations and dispute settlement at national, region/state, township, sectoral and enterprise levels. This will be done primarily through the established and implementation of a national or sectoral training curriculum on industrial relations;*
4. *The National Tripartite Dialogue Forum will have become a permanent and operational body;*¹⁶ and
5. *Technical Working Group on Communications will have been established and operational under the NTDF, to develop and implement communication strategies for labour market reform.*

¹⁴ From the statement made by the Permanent Secretary of MoLIP, as published in the Q&A article: http://www.ilo.org/yangon/press/WCMS_616788/lang--en/index.htm

¹⁵ According to the Project's progress report, "By January 2019, preparation to draft a Labour Code/Labour Standards Act will have progressed, based on social dialogue and International Labour Standards".

¹⁶ According to the Project's progress report, "By January 2019, NTDF will have been institutionalized."

The tripartite constituents already took a step on the first outcome, at the NTDF held in May 2018, to agree on the next priority laws for amendment, namely the Employment and Skills Development Law, the Workmen's Compensation Act, and the Social Security Law.

Finding 4: The Project has successfully facilitated a series of NTDF and TWG-LLR meetings (at a pace of one meeting every two months on average), with timely technical inputs, through which a number of tripartite or bipartite agreements were made for the amendments of the Labour Organization Law and the Settlement of Labour Disputes Law. It also led to the renewed tripartite commitment in the labour law reform agenda in January 2018, as expressed in the 5-point Roadmap.

In the interviews held at end-June and early-July 2018, however, tripartite members of the NTDF/TWG-LLR had to share a sense of frustration, dilemma, or even some degree of disappointment, in reflecting on the fully consultative labour law reform process and in view of the way ahead as they committed.

From the government side, the Permanent Secretary and the Directors of MoLIP emphasized their efforts over the past two years to update the existing laws through the tripartite mechanism, with the ILO support, and referred to the Labour Organization Law that is currently under deliberation in the lower house (*Pyithu Hluttaw*) and to the Settlement of Labour Disputes Law that passed the lower house over to the upper house (*Amyotha Hluttaw*). While appreciating the ILO support to come to this point, they found the tripartite consultation process to be too time-consuming to be replicated for the next round of amendments and for the work to be started towards establishing a labour standards act. They suggested an alternative procedure, whereby the government proceeds with a bipartite legal review with employers' representatives and with the workers' respectively, and then holds tripartite consultations to come up with amendment proposals for submission to the Parliament. This procedure assumes a stronger coordination role and capacity on the part of the government, which may be explored with continued ILO technical guidance and facilitation.

The MoLIP officials also pointed out their unmet expectation, beyond the labour law reform. They solicited that the Project should direct its focus and resources more to build institutional capacity, for improved labour administration and a well-functioning industrial relations system. While the Project had made conscious efforts to provide relevant information and learning opportunities for MoLIP officials, including in a number of NTDF and TWG-LLR meetings, those efforts were geared towards the amendment of laws – or so they were perceived. The officials were seeking to learn, possibly in tripartite setting, from practical experiences of other relevant countries, in terms of what challenges they faced and how they handled, for instance, in registering employers' and workers' organizations. As an example of such practical capacity building efforts, they referred to the on-going bilateral cooperation with Denmark, to improve OSH inspection and social dialogue, which will be extended to 2021, also to strengthen the township-level dispute resolution mechanism.

The challenge is recognized by the Project itself. In the progress report for the implementation period up to end-June 2018, the Project rated 'medium-level achievement' with respect to the application of and compliance with the existing labour laws (SO3), citing some government practices in violation of the freedom of association or negligence of their basic

obligation to make public announcement on new amendment Notifications. In this context, among the Project's outputs under development as reported for the said implementation period, the following knowledge products would effectively inform the relevant activities in the future:

- *Strategic analysis of the dispute settlement system of Myanmar, with a view to providing concrete recommendations for amendment, in law and in practice;*
- *Fact-finding assessment of selected industrial actions in the Yangon Industrial Zones; and*
- *ILO Glossary on Industrial Relations, as an annex to a second edition of the ILO Guide to Myanmar Labour Law.*

Finding 5: The MoLIP is seeking an alternative consultation procedure to expedite the next round of amendment of priority laws, and considering further work ahead of them towards establishing a comprehensive labour law framework, as committed in the 5-point Roadmap. Meanwhile, they solicit that the ILO support be geared towards more practical capacity building for improved labour administration and a well-functioning industrial relations system, beyond the legal reform.

The employers' and workers' members of the NTDF/TWG-LLR also shared the dilemma between the speed required to amend the priority laws on one hand, and the slow pace of the consultative, legal process by its nature, on the other. The interviews were held by each affiliated organization separately, in a semi-structured manner, but their responses revealed a common view. That is, a lot have been learned and achieved within the NTDF/TWG-LLR, among the tripartite members, but the challenge remains outside – in the Parliament – where their joint amendment proposals get rejected, without taking into account the considerable tripartite efforts made for them over the years, including to be in line with ILS. Some simply expressed a sense of disappointment and demotivation, while others called for a remedial action to do more awareness raising and knowledge dissemination targeted at the parliamentarians.

This situation is reflected in the Project's self-rating of 'medium level of achievement' as regards draft laws, regulations and amendments being in line with ILS and prepared through tripartite consultation (SO1, Indicator 1.2). Over the past two years, the Project has provided several rounds of briefings/ training sessions reaching out to some 165 parliamentarians of both houses together, on core labour standards in relation to the legislations under amendment. It is however only as recent as the start of 2018, as observed by some workers' representatives, that the parliamentarians started opening their ears, and some recent NTDFs were also attended by parliamentarians as observers.

This evaluation could also benefit from direct observation of two events organized by the Project in Yangon: a half-day tripartite-plus workshop to discuss the preliminary findings and recommendations from the ILO assessment of the labour dispute resolution mechanism of the country, where a group of parliamentarians from both houses were invited as observer, and another half-day briefing on the following day, exclusively for the parliamentarians, to share the ILO comments on the Labour Organization Law and the Settlement of Labour Disputes Laws under amendment. Total around 10 parliamentarians were registered for the events¹⁷, and most of them

¹⁷ It happened that they were all men for these events, whereas the past briefing/training sessions for the parliamentarians were attended in a more balanced manner, according to the Project progress reports.

attended, comprising the Chair and two to three members each from the Local and Overseas Employment Committee of the upper house, the Draft Bill Committee of the lower house, and the Farmers and Workers Affairs Committee of the lower house, as well as one member from the National Assembly (*Pyidaungsu Hluttaw*) Legal Affairs and Special Cases Assessment Commission. Listening to the parliamentarians' interventions during the two events, they seem to be overwhelmed themselves, by the heavy workload and pressure to review over 40 draft laws and amendments before them. Some tensions were raised during the first workshop, which reflected the social partners' concern on the attitude of parliamentarians. In the meantime, some open, sincere attitudes were observed from among the parliamentarians. For instance, during the first workshop, the Chair of the Draft Bill Committee extended the invitation to the tripartite participants and to the ILO, to come and observe their sessions to review the draft amendments on the two laws in question. During the second event that was strictly reserved for the parliamentarians, members of the Local and Overseas Employment Committee explained their thinking behind some of the problematic provisions proposed in the draft amendments, in response to the ILO comments and questions raised in that regard, and clarified that they were still in drafting stage and were open to receive further comments from the ILS perspective.

Finding 6: As part of the strategy to ensure that laws or regulations are aligned with relevant ILS (SO 1, Indicator 1.2), the Project has organized several rounds of briefing/training sessions for the members of Parliament and reached out to nearly a quarter of them from both houses together. However, a common concern remains among the social partners, about the level of awareness and understanding of the members of the Parliament, on the labour law reform process based on social dialogue principles and in line with ILS. It is encouraging to see some sign of open, positive attitude among the key Committee members of the Parliament. The ILO is expected to facilitate more dialogue and engagement opportunities, to bridge between the NTDF/TWG-LLR and the parliamentary process.

3.5 Impact orientation and sustainability

Feedback received from the social partners revealed a shared recognition that they have stronger tripartism and social dialogue at the national level, through the NTDF mechanism for labour law reform, as supported by the Project. It is also shared, particularly among the workers, that this momentum of having stronger dialogue capacity and legal knowledge should be maintained among the tripartite constituents, while a lot more needs be done with and for the lawmakers. As described in the earlier section, some parliamentarians showed an early sign of opening up their attitude towards tripartite process and application of ILS in the national legislation.

The Project made conscious efforts to systematically record the sex-disaggregated data on its direct beneficiaries. It shows encouraging sign of gender parity among the tripartite constituents in the labour law reform process.

While all these initial signs for longer-term result are clearly attributable to the Project-facilitated dialogue processes and capacity building activities, it was noted that several key members of NTDF/TWG-LLR had been involved in the prior ILO interventions in promotion of FOA and social dialogue, and some of them were even trained as trainer on relevant skills and knowledge before the Project started in 2016. The Project has successfully maintained those national capacities with

gender parity and has further strengthened them to effectively engage in the continuing legal reform process to date.

Finding 7: The Project's contribution to longer-term results was observed in terms of stronger tripartism and dialogue culture at the national level, in the labour law reform process, particularly in the feedback received from the social partners closely involved in the NTDF. The Project has successfully built on the earlier relevant ILO interventions in making such contribution, while also maintaining gender parity among the tripartite constituents.

Given the situation of the country that was opened up into the global economy only several years ago, after decades of isolation without freedom of association nor rule of law, international community's support and continued engagement are indispensable to sustain the country's development path. Launching of the Labour Rights Initiative in 2014 was timely in that context, and the Initiative Partners have been providing strategic and coordinated impetus to the labour law reform process, notably through the three two-day Stakeholder Forums: the first in May 2015, in Yangon, where the EU confirmed their decision to join the Initiative, with a view to strengthen their trade partnerships with Myanmar while promoting decent work in the country; and the second in September 2016, in Yangon, and the third in January 2018, in Nay Pyi Taw, both of which were supported by the EC (DG Trade) funding, under the Project. Each Stakeholder Forum gathered a few hundreds of participants, representing not only the Initiative signatories and social partners, but also members of the civil society, international investors and buyers, research institutions, and international organizations. These Forums have been instrumental in continuously encouraging the work of the NTDF, and in raising visibility of the Initiative itself and the Initiative partners' contribution to the labour law reform process.

Looking ahead for the next phase of the Project, it was observed by representatives of some Initiative partners that much stronger coordination and more systematic, proactive communication are required among the Initiative partners, which can be effectively – and perhaps more proactively – facilitated by the ILO, including through the Project. As indicated earlier, in between the Stakeholder Forums held almost on annual basis, the Project has facilitated a series of NTDF and TWG-LLR meetings that produced significant achievements (ref. Section 3.4; Finding 4), including in follow-up to and/or in preparation for the Stakeholder Forums, where the Initiative partners have been occasionally invited. The observation from among the Initiative partners is however legitimate, considering that the past/on-going contributions of the partners do not show clear sign of concerted efforts in support of the country's labour law reform and sound industrial relations as the Initiative platform was intended for. The Initiative platform could have been utilized not only to maintain closer engagement of and coordination among the Initiative partners themselves, but also to expand the partnership base, including for mobilizing more resources to reach the expected level of operational capacity to deliver the Project in full as designed (ref. Section 3.3; Finding 3).

Finding 8: The potential of the Labour Rights Initiative platform was not fully exploited, to maintain closer engagement of and coordination among the Initiative partners between the annual Stakeholder Forums, let alone to expand the partnership base, including for further resource mobilization for the Project to be capacitated for full delivery of its programme.

3.6 Efficiency of resource usage and effectiveness of management arrangements

In terms of financial delivery, the Project is well underway. By mid-June 2018, after some 90% of the Project implementation time have elapsed, 77% of the budget have been spent, or the balance to the amount of US\$123,989 is left available for the remaining period, up to end-September 2018.¹⁸ The expenditure has been well managed from Year 1 up to mid-July 2018, and is likely to be recorded in full amount, considering the staff costs to be charged until the end of the Project.

In terms of staffing, the Project funding covered a CTA and a NPC, as indicated earlier (Section 3.3). Both positions were to be located in Yangon. Through the recruitment process, however, it was decided to re-profile the NPC position to National Legal Officer, and to relocate it to Nay Pyi Taw, in view of the profile of the successful candidate and her interest/willingness to be based in the capital, also to serve as a contact point vis-à-vis the MoLIP and the legislative/ judicial entities there. This evaluation did not find it efficient that the only national officer position under this Project had to be located in Nay Pyi Taw, away from the CTA in Yangon where the day-to-day Project operations take place, including access to the online ILO enterprise resource planning systems (FISEXT and IRIS). If the additional national staff was not engaged in Yangon under the funding from The Netherlands, such re-profiling/relocation of the NPC function would not be justified, as it would compromise minimum due diligence for proper project functioning and management as originally designed. It was also found that the expected liaison function in the capital could not be optimally performed at the National Officer level, as the staff often encountered the situations where international staff – either CTA or the Liaison Officer – had to be asked to intervene, to obtain timely responses from the government.

According to the Project document as approved for funding, the Project was expected to prepare annual work plans. Instead of doing so, the team has tried to follow the “Tentative Implementation Plan” and the specific activities and deliverables as defined in the said document, and commendable efforts have been made to that effect. Budget revisions were done as and when required, rather than through regular planning/monitoring exercise for or by this Project specifically.¹⁹ Being a small team without a dedicated admin/finance assistant, while dealing with a politically sensitive and heavily charged agenda, the Project has been exceptionally granted some flexibility in the internal procedure requiring ILO-Yangon approval e.g. for travel authorization.²⁰

¹⁸ <https://www.ilo.org/DevelopmentCooperationDashboard/> under MMR/16/50/EUR

¹⁹ Otherwise, ILO-Yangon holds a weekly management meeting where overall delivery status is reviewed across all the projects operating in the country.

²⁰ According to a Project staff, more than half or possibly up to 80% of the TAs have been submitted a day before the mission travels, due mainly to the late responses received from the government or other partner institutions. Meanwhile, all the other projects are required to submit TA requests minimum three days in advance.

Finding 9: The Project has been managed well in terms of financial delivery. Minimum operational capacity was safeguarded within the available funding, despite the re-profiling and relocation of the NPC function out of Yangon. Besides being a small team, the Project's operations were often affected by late responses from the beneficiaries, resulting in making last-minute arrangements – which have been accommodated by procedural flexibility granted exceptionally for this Project.

In an effort to fully deliver as per the original implementation plan despite the fundamental limits posed by the size of the team and the overall budget, the Project has achieved a good level of synergy with the other relevant ILO projects and programmes, including under the coordination by Bureaux for Employers' Activities (ACT/EMP) and for Workers' Activities (ACTRAV). While the Project focused on knowledge/skills enhancement of tripartite members of the NTDF/TWG-LLR, as relevant for the labour law reform process, the other ILO projects and programmes provided capacity building support for social partners, either separately or in bipartite manner, in promotion of social dialogue, FOA and collective bargaining, dispute prevention/resolution skills and mechanisms, etc. at different levels. Those complementary capacity building efforts have been made notably through the RBSA-funded programme under ACT/EMP technical backstopping (MMR/14/01/RBS; MMR/16/02/RBS; MMR/16/04/RBS), to the amount of over US\$1.6million since 2014 running up to end-December 2019, and the Swedish International Development Cooperation Agency (SIDA)/H&M-funded project (MMR/16/01/MUL), to the amount of some US\$2.3million for the period of over three years since July 2016, aimed at assisting immediate action on the factory floor, in selected enterprises of the fast-growing garment industry in Myanmar. It should be noted that, as far as the ILO support is concerned, a serious implementation gap remains in terms of workers' education, outside the NTDF/TWG-LLR. This is also felt strongly among some workers' representatives as reflected in their interview responses, particularly those who had seen and participated in a large-scale, dedicated workers' education activities undertaken under the previous projects in promotion of FOA and social dialogue some 3-4 years ago. In this connection, the Project commissioned an important analysis in 2017, "to map out completed, ongoing, and planned capacity building activities provided by the ILO and other stakeholders; and identify gaps and assist ILO Myanmar to form plans to address those gaps".²¹ A set of suggestions were made out of this mapping exercises, but concrete follow-up action is yet to be taken. The mapping exercise and the analysis thereof were very much focused on the activities of the ILO projects or of ILO's partner organizations. Any support provided bilaterally, or through other entities, by the Labour Rights Initiative partners, was not included e.g. the cooperation with Denmark, as referred to by the MoLIP officials.

The Project has been at the service of the other ILO projects operating in the country, for its legal expertise and 'intelligence', as the ILS and national labour laws being at the core and cross-cutting of all areas of the ILO work, and given the country context where there was no rule of law for decades until recently. Testimonies of some CTAs in the area of labour migration, child labour, and industrial relations, reveal that the Project has served as an indispensable 'one-stop-shop' on legal issues and national legislative processes as relevant for specific technical areas. Timely legal advice and inputs made available through the Project were highly valued and considered indispensable.

²¹ "Mapping exercise and gap analysis of the capacity building activities for labour law drafting and development in Myanmar", by John Honney (2017).

Finding 10: A good level of synergies were realized between the Project and the other ILO interventions in the country, particularly in terms of capacity building activities in support of social partners, while a serious implementation gap remains in terms of workers' education, in contrast to the well-resourced, dedicated activities for employers since 2014 to date. An important mapping exercise was undertaken in this connection, to inform ILO-Yangon's capacity building strategy and planning in the future. The Project has been highly valued and considered indispensable by the other ILO projects, for its timely legal advice/inputs and the 'intelligence' on national legislative processes as relevant for each technical area.

4. CONCLUSIONS

With less than a third of expected delivery capacity, the Project has been implemented with an inevitable but legitimate focus on the legal reform and the associated knowledge generation and capacity building, in line with the Project design. That is, more dedicated activities have been undertaken for specific objective (SO) 1 – *The tripartite constituents' capacity to organize and/or actively participate in labour law review processes, to ensure that laws or regulations are aligned with relevant International Labour Standards (ILS)*, relative to the other SOs,²² and significant achievements have been made thereof, building successfully on the past ILO interventions in promotion of social dialogue and FOA. The Project has contributed to achieving other SOs, including through collaboration with the other ILO projects and programmes operating in the country, particularly in terms of capacity building for social partners in promotion of sound industrial relations.

As of mid-July 2018, with some two months left in the implementation period, the first phase of the Project had not been completed yet; amendments of two priority laws were under the parliamentary process, with some other priority laws were still to be identified for tripartite consultation process, while technical inputs had been and continued to be provided through the Project. In the meantime, the national tripartite constituents renewed their commitment in the labour law reform agenda and endorsed the 5-point Roadmap in January 2018, to achieve all that was originally planned in the Project, towards establishing a Labour Code or Labour Standards Act, and even more, by January 2019 (ref. Section 3.4; Finding 4). Such renewed commitment of tripartite TWG-LLR members would require more rigorous support under the Labour Rights Initiative platform, in view of their dilemma between the speed required to amend the labour laws in the face of rapid economic developments and the associated labour issues, on one hand, and the time and capacity required for dialogue process to ensure the quality of the amendments and for their effective application, on the other. With the aim to guide the next course of action in this context, and based on the assessments made thus far, this evaluation presents the six recommendations for consideration in the final chapter.

²² It should be recalled that some SOs were assessed to be overlapping with each other (ref. Section 3.3).

5. RECOMMENDATIONS

Recommendation 1

ILO-Yangon and the Project should continue building the momentum for stronger tripartism and dialogue culture at the national level, in the labour law reform process, assigning an international legal expert who can operate as the focal point on national legislative matters among the ILO projects in the country and on the ILO support for the country's reporting obligations to the supervisory mechanisms, ratification campaigns, etc., in close technical liaison with relevant specialists in RO/DWT-Bangkok, LABOURLAW, and NORMES.

Recommendation 2

The ILO intervention in support of the legal reform in the next phase should include targeted engagement of key members of parliament – those who are (likely to be) involved in the amendment of priority laws, in the immediate term, as well as for establishing labour act or a unified labour code, in a longer run. The overall capacity building strategy for labour law drafting and development should be fully informed by the findings and suggestions of the mapping exercise/gap analysis undertaken in 2017 (ref. Section 3.6; footnote 18).

Recommendation 3

ILO-Yangon and the Project should start envisioning a comprehensive industrial relations system in the next phase, covering not only legal frameworks and dispute settlement, but also dispute prevention mechanisms and public enforcement, with more emphasis on workers' education including through other relevant ILO projects. In so doing, ILO-Yangon should take a lead role among the representatives of the Labour Rights Initiative signatories, in making more concerted efforts to contribute to the 5-point Roadmap, and should even proactively seek to expand the partnership base to increase the level of support commensurate with the level of ambition being set in the DWCP.

Recommendation 4

Considering that a programmatic approach (going beyond a project-specific scope) is required to support the establishment of a well-functioning industrial relations system, a senior international expert in industrial relations should be additionally engaged, to coordinate ILO interventions under DWCP Priority 2 (and for relevant outcomes under Priority 3) and to complement ILO-Yangon capacity in terms of taking a technical lead and convening regular coordination among the Labour Rights Initiative partners in this area of work, including through more rigorous communication and visibility activities.

Recommendation 5

The immediate next phase of the Project should be designed in alignment with the DWCP framework ending 2021, articulating the level of achievements by different resource scenarios. In-depth gender analysis and measures to eliminate discrimination and/or to promote equality, should be imbedded in the intervention design, while continuing the commendable, systematic efforts made by the Project to achieve gender parity at the activity level.

Recommendation 6

ILO-Yangon and the Project should apply results-based management approach in articulating the programme of work for the next phase, following the Development Cooperation Internal Governance Manual²³ and taking advantage of the associated practical guidance, tools, and hands-on support.²⁴ In the remaining implementation period, the Project should be ready with relevant baseline information to the extent possible, with a view to developing an evaluable programme of work with SMART indicators²⁵ and a sound monitoring and evaluation plan in the next phase.

²³ <https://intranet.ilo.org/departments/PARDEV/Pages/DCIG-Manual.aspx>

²⁴ For example: PARDEV Development Cooperation design support (dcdesignsupport@ilo.org); “Development Cooperation in 10 Easy Steps” (<https://intranet.ilo.org/departments/PARDEV/Pages/DC-in-10-Easy-Steps.aspx>); “Templates and ‘How To’ Guides” (<https://intranet.ilo.org/departments/PARDEV/Pages/Templates.aspx>); ITC-Turin courses, such as “Project Design Certification Programme” (<https://www.itcilo.org/en/areas-of-expertise/project-and-programme-cycle-management/writing-successful-project-proposals-new>).

²⁵ Indicators that are Specific, Measurable, Achievable, Relevant, and Time-bound.