

## Written Evidence from Prospect Burma (MYA0053)

[Note: This evidence has been redacted by the Committee. “\*\*\*” represents redacted text.]

Prospect Burma supports Myanmar’s people to gain higher education and skills, and work together to repair the country’s damaged infrastructure and peacefully rebuild civil society. We are a charity based in the UK. We work with and alongside local civil society organisation partners. We have operated since 1989, so have extensive experience of operating through various manmade and natural disasters in the country and across its Thai and Indian borders.

Our evidence pertains primarily to the Committee’s published question: *“What steps should the UK be taking to support justice and redress for civilians affected by the violence?”*. Our recommendations extend beyond the justice system to other sectors equally lacking in skills capacity.

### Executive Summary

- Attempts to administer international justice can have no exit strategy, because there is no efficacious justice system in Myanmar to which ongoing responsibility can be handed.
- Even if the fear of security forces were removed, Myanmar’s justice system is fundamentally flawed due to a lack of ‘hard’ professional skills, and ‘soft’ skills including confidence and the ability to analyse, question, solve and hold others to account.
- This skills gap extends to wider ‘justice’ including the just and fair provision of public services, and the ability of the people and journalists to highlight and question injustice.
- The skills gap results from an education system which is also not fit for purpose. It does not teach critical thinking skills, and disadvantages or excludes people by ethnicity, gender and religion which contributes to inequality and conflict.
- FCDO partly addresses this through the awarding of Chevening Scholarships. However, this scheme risks exacerbating rather than solving inequality because it inherently favours richer, urban, Bamar students. It also takes young people away from Asian countries where they can be part of extensive networks of Myanmar exiles positioned to help displaced persons or to return to Myanmar as circumstances allow.
- Prospect Burma recommends funding be reallocated to better support skills development among people in Myanmar where it is needed most, to reduce inequality and conflict, and to build an effective justice system as part of peaceful, sustainable civil society framework.

### Background

1. Regarding justice, international governments appear to be focussing on international interventions, primarily the International Criminal Court and the current UN mechanism to collect evidence of atrocities in Myanmar. However, these interventions will not be equipped with the ‘on the ground’ granularity or the timescale to address the many thousands of individual offences against persons, nor the conflict resolution capacity to work through the countless losses of livelihood, land or property resulting from decades of violence and displacement.
2. It stands to reason that if local justice systems could be adequately equipped, they would be better placed to identify and resolve multiple issues affecting local communities in the long term. As part of wider community infrastructure, they could become important mechanisms for building a more just provision of services to all individuals. This would help to address inequality in Myanmar, which is widely recognised as a key driver of conflict.
3. However, the justice system in Myanmar is among the least efficacious in the world, even before 2021. In the World Justice Projects Rule of Law Index 2020<sup>i</sup>, Myanmar’s criminal and civil courts

both ranked 112<sup>th</sup> out of 128 countries, while the system overall was ranked 125<sup>th</sup> on application of fundamental rights.

4. In practice, Prospect Burma has found that neither defence counsel nor, quite regularly, judges will question the prosecution's application of procedure rules or even material facts due to fear that this would be seen as disrespectful.
5. This lack of questioning leads to a stagnant and unresponsive law system - it is reported that more than half of Myanmar's current laws were enacted while the country was still under UK rule prior to 1948. Even prior to 2021, many citizens preferred to access justice through informal and customary systems.<sup>ii</sup>
6. Therefore, even if fear of security forces were removed, Myanmar would still not be able to administer its own justice. International interventions would be drawn into prolonged processes with no domestic system to hand over to, thus no exit strategy and even the risk of leaving unresolved issues in a worse place, as arguably happened when the UK withdrew in 1948.
7. The root of inefficacy of the justice system is a combination of lack of:
  - I. 'hard' skills, i.e. people professionally trained to solve the issues
  - II. 'soft' skills, i.e. the critical thinking skills to analyse, question and create solutions in order to affect change and enforce accountability.
8. Regarding hard skills, more than a third of young people drop out of school and often lack qualifications at any level<sup>iii</sup>. Of the remainder who reach their matriculation exam (final exam which defines their future career or study prospects), two thirds fail<sup>iv</sup>. These figures only apply to those in formal state education; there are hundreds of thousands of young people of diverse ethnicities outside the system who are uncounted.
9. The standard of university education is such that over half of Myanmar's 91 ranked higher education institutions are among the lowest 10% of 31,000 worldwide<sup>v</sup>, and only one university (Yangon) even makes the top 10,000. This situation will worsen due to widespread closures in 2021, with the Myanmar Teachers' Federation claiming nearly half of university staff (11,000 of 26,000) have been suspended. This appears to echo the tactic of withholding higher education which was used for two decades following the quashing of the 1988 democracy protests.
10. Regarding soft skills, the Myanmar Ministry of Education's National Education Strategic Plan 2016-21 recognises: "Most teaching still relies heavily on rote memorisation and didactic strategies that do not engage children, and therefore their learning outcomes are poor". Prospect Burma has recorded instances of non-Burmese speakers passing exams purely by remembering sounds without understanding the words. Young people therefore enter the workplace without the confidence or trained ability to question the status quo, create or reform systems or hold their elders accountable.
11. These issues are considerably more pronounced in under-served areas. In 2018, the Ministry of Education recorded that Chin State had the highest poverty rate (73%<sup>vi</sup>) and lowest matriculation exam pass rate (17%), while Mandalay had the opposite – the equal lowest poverty rate (13%) and highest exam pass rate (38%). Lack of education thus contributes to ongoing inequality between States and Regions, which in turn fuels resentment and conflict. It should also be noted that women are almost non-existent in any decision-making position in Myanmar.
12. The direct impact on the administration of justice is self-evident, but the influence is much wider. Professional and critical thinking skills are required to enable peace negotiations, public policy formulation, regulation, legislation and public administration. Individuals in these fields need to work with others who also have professional and critical thinking skills to develop capacity in health, education, rural and urban development, business, and many other essential fields.

13. It should also be noted that 'justice' extends beyond the justice system. A country needs trained journalists to highlight injustice whereas, in Myanmar, all privately run daily news journals inside the country have been closed and 88 journalists arrested (according to AAPPB). Meanwhile, administrative justice requires all public services to act in a just and fair way, and accountability requires the people to have both a voice and a mechanism to make changes. Without effective education and training, justice is disappearing from Myanmar in all its forms.
14. To solve these fundamental issues, international actors need to intervene in Myanmar education to create a cohort of young people equipped with the skills to solve the country's challenges in the long term. The challenge is finding a way to do so within the international sanction framework.
15. FCDO has supported 'soft power' intervention in Myanmar in recent years through funding a Westminster Foundation for Democracy (WFD) project to grow the technical capacity of the Myanmar legislature, and through Chevening Scholarships:
  - I. The WFD project is suspended, but even while operating, it did not address the systemic issue of legislators entering the workplace with a lack of critical thinking skills: it addressed the symptoms of that issue, but not the cause.
  - II. Chevening Scholarships are still open to applicants from Myanmar, and is a way for young people to absorb critical thinking and professional skills abroad which are not available inside Myanmar.
16. However, the eligibility criteria for Chevening includes students having "leadership qualities and a strong academic background". In Myanmar, this immediately disadvantages people from rural areas, ethnic states, women and minority religions who are either less served or entirely excluded by state education. This therefore risks the UK contributing to the inequality fuelling conflict, rather than solving that inequality.

## **Recommendations**

- A. That FCDO maintains the principle of funding young Myanmar people to study higher education abroad to develop critical thinking and professional skills unavailable in Myanmar. This will give people in Myanmar the skills to develop an efficacious justice system as part of a self-sustaining civil society framework, to which international actors can hand over responsibility to grow a peaceful, sustainable country.
- B. That FCDO funding is amended to bring it into line with UDHR Article 26(2) that "higher education should be equally accessible to all on the basis of merit", and UNSDG Goals 4.b, 4.3, 4.4 and 4.5 which relate to equal higher education and skills for all groups including women, indigenous and conflict affected peoples.
- C. That funding is released to assist young people to travel abroad to gain education and skills not available inside Myanmar, but that this is awarded in a way which removes barriers of gender, ethnicity, geography or religion. This will reduce inequality and increase the impact of funding, because it will be more focussed on those best placed to affect change.
- D. To support this, that a portion of funding be reserved to improve disadvantaged applicants' prospects to study at international universities. These young people may easily be bright enough, but just need a boost on basic critical thinking, digital or language skills to compete with applicants from affluent families and private schools with stronger academic records. This needs to be facilitated by trusted local partners.
- E. That funding is focussed on international education in South East Asia, primarily in Thailand and India close to Myanmar's borders, rather than sending students to the UK. This would enable students to be part of growing networks of exiles and displaced people in those areas, and thus better placed to connect and embed change. They would also be better placed to

return quickly or temporarily into Myanmar as circumstances allow. Additionally, this solution would be less expensive for FCDO.

F. That FCDO notes there is a track record of success for this approach but, while private individuals in the UK and governments abroad helped fund these individuals' education, DFID always declined to fund this approach. Former students supported by Prospect Burma include:

- [\*\*\*]
- [\*\*\*]
- Dr Nehginpao Kipgen, recently deceased, was Executive Director of the Centre for Southeast Asian Studies, a prolific author, and activist for non-violent change to the authoritarian status quo.
- We have supported more than 1,400 young people from Myanmar to study abroad. We have many further case studies which detail the positive impact they have made or are making.

### **1 June 2021**

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<sup>i</sup> [WJP-ROLI-2020-Online\\_0.pdf \(worldjusticeproject.org\)](#)

<sup>ii</sup> <https://melissacrouch.com/2021/05/30/law-justice-and-policing-under-myanmars-military-coup/>

<sup>iii</sup> [MOE COVID19 Response and Recovery Plan 03062020.pdf](#)

<sup>iv</sup> [32.06% of students pass in 2020 matriculation examination and Rohingya gets distinction in all subject | Rohingya Khobor - Daily News](#)

<sup>v</sup> [Burma / Myanmar | Ranking Web of Universities: Webometrics ranks 30000 institutions](#)

<sup>vi</sup> [Challenges of Qualified Rural Teacher Education in Myanmar - World Voices Nexus: The WCCES Chronicle \(worldcces.org\)](#)