



## **Analysis of Myanmar’s Second Union Peace Conference- 21<sup>st</sup> Century Panglong from a Gender Perspective by Alliance for Gender Inclusion in the Peace Process (AGIPP)**

June, 2017

### **Introduction**

AGIPP would first like to congratulate and acknowledge all peace actors for successfully holding Myanmar’s 6-day Second Union Peace Conference- 21<sup>st</sup> Century Panglong from May 24<sup>th</sup> - 29<sup>th</sup>, 2017.

At the Conference, AGIPP’s partner organizations were invited to participate in the following roles: one representative for the parent organization (AGIPP); one representative as a facilitator; two representatives as observers from the CSO Forum; and, one representative as technical assistant of the party group—totaling five AGIPP representatives in attendance. AGIPP’s other partner organizations supported in drafting this analysis paper.

This analysis paper on the Second Union Peace Conference- 21<sup>st</sup> Century Panglong from a gender perspective is divided into five parts as follows:

- Part (1)            Analysis and recommendations from a gender perspective on respective sector-wide policy proposals of Union Peace Conference Dialogue Joint Committee (UPDJC) submitted at the Second Union Peace Conference - 21<sup>st</sup> Century Panglong on 24<sup>th</sup> May, 2017
  
- Part (2)            Analysis and recommendations from a gender perspective on discussions of groups on respective sector-wide policy proposals on 25<sup>th</sup> May and 26 May, 2017<sup>1</sup>
  
- Part (3)            Status of women’s inclusion at Second Union Peace Conference - 21<sup>st</sup> Century Panglong
  
- Part (4)            Policy Analysis
  
- Part (5)            Recommendations from a gender perspective on forthcoming Union Peace Conferences

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<sup>1</sup> Note: specific discussions of each group are not included.

## **Part (1) Analysis and recommendations from a gender perspective on respective sector-wide policy proposals of Union Peace Conference Dialogue Joint Committee (UPDJC) submitted at the Second Union Peace Conference - 21<sup>st</sup> Century Panglong**

### **(1.1) Analysis and recommendations from a gender perspective on the political sector policy proposal**

The political sector policy proposal includes ten paragraphs and a conclusion section. In paragraph three, one clause notes that the proposal is, “based on liberty, equity and justice looking forward to non-disintegration of the union, non-disintegration of national solidarity and perpetuation of sovereignty”. We take this to mean that that gender equity will be considered integral to the concept of “equity.”

Following this, in the discussion of equity (a) in paragraph (6), under the topic of “basic political principles for federal union,” one clause mentions that every national race, regardless of political or ethnic orientation, shall have the same rights. However, AGIPP found no specific mention of gender equity in this clause.

Another clause in the following paragraph notes that citizens shall have the right to maintain and promote their language, literature, customs and traditions. While this acceptance of traditional customs and practices of ethnic people is laudable, we note that the customs and traditions of some of ethnic groups in Myanmar negatively impact women’s human rights. Examples include denying inheritance to a daughter; arranged marriages for girls who are under 18; allowing a man to re-marry if the wife cannot give birth to a son, among others. Therefore, AGIPP recommends that a more comprehensive discussion of Myanmar’s ethnic customs and traditions be included in the political sector policy proposal, and include specific language assuring the rights of ethnic people to maintain and promote the customs and traditions that do not negatively impact human rights and gender equity.

Paragraph (6) of the proposal for equity (g) includes a section discussing laws that will allow states and regions to draft their own constitutions. This clause specifies that these drafts must not contradict the 2008 constitution of the Union of Myanmar.

As AGIPP’s Policy Briefs have illustrated, the 2008 constitution is problematic in regard to women’s rights in Myanmar. This has been noted by the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) committee’s concluding observations on the Combined Fourth and Fifth Periodic Reports of Myanmar. In this document, the CEDAW committee raised specific concerns about Myanmar’s 2008 constitution, suggesting that the constitution contradicts international standards, and represents a failure of the Myanmar government to comply with its CEDAW commitment. Paragraph (8) noted that the “Committee remains concerned that the Constitution does not include an effective guarantee of substantive equality.” And paragraph (11) noted, “The Committee reiterated its previous recommendation (CEDAW/C/MMR/CO/3, para.8) that the State party urgently adopt a comprehensive definition of discrimination against women in national legislation, such as its Anti-Discrimination bill, in line with article 1 of the Convention, with a view to ensuring that women are protected against both direct and indirect discrimination in all spheres of life.”

Given these observations and recommendations, AGIPP recommends that in drafting national laws to protect women from direct or indirect discrimination throughout their lives, the definition of discrimination against women be made in accordance with Article (1) of the CEDAW convention. Additionally, the Alliance respectfully encourages policy makers in Myanmar to substantively integrate the recommendations of the CEDAW Committee in amending Myanmar's legal system, including in forthcoming drafts of regional and state constitutions.

We would like to acknowledge the UPC delegates for including several additional important topics in the political sector policy proposal. In (b) of paragraph (10), for example, democratic rights, basic human rights and gender equity are mentioned—an important step in integrating Women, Peace and Security (WPS) issues into the UPC. As a next step, AGIPP will like to recommend that the delegates draft principles on the implementation of these issues, and ensure continuation of the discussion on these points.

### **(1.2) Analysis and recommendations from a gender perspective on the social sector policy proposal**

The social sector policy proposal includes an introduction, sections on resettlement, recovery, and social development issues, and a conclusion. AGIPP acknowledges the UPC delegates for noting that human rights and human dignity are to be respected in accordance with international standards in the affairs of refugees and internally displaced persons (IDPs) in paragraph (1) of resettlement, recovery, and social development issues.

However, this statement is contradicted in paragraph (3), in which women are referred to as vulnerable persons. International standards call for a far broader understanding of women's roles in resettlement, recovery, and social development. According to the 28 basic principles included in the United Nations' Guiding Principles on Internal Displacement, special efforts must be carried out to ensure full cooperation in the planning and management for returning, resettling and reintegrating IDPs. It is further recommended that the capacity and management abilities of women in resettlement, recovery, and social development processes should be considered and included. These recommendations are meant to challenge the idea that women should be seen only as vulnerable persons.

Paragraph (4) of this proposal discusses drug issues, and notes that drug issues must be viewed as a national problem and a political problem. This paragraph calls for drafting a program on drug elimination, eradication and enforcement, and suggests that developing such a program is Myanmar's national duty. No attention, however, is paid to the intersection of drug epidemic and women's experiences of violence in conflict and post-conflict environments.

Moreover, in this proposal there is no explicit discussion of violence against women in conflict and post conflict environments. As United Nations Security Council Resolutions 1325 and 1820 have encouraged states to provide effective protection to women against violence in these contexts, AGIPP deeply encourages and recommends that the delegates include and discuss planning policies on preventing and mitigating violence against women as another national duty of Myanmar. Furthermore, it is essential that these policies take into consideration multiple forms of violence against women, and view such violence as a national concern.

### **(1.3) Analysis and recommendations from a gender perspective on the economic sector policy proposal**

The economic sector policy proposal includes an introduction, a proposal on basic principles for a federal system, basic principles for regional development and a conclusion.

In the economic sector policy proposal, we found that there is no policy that includes and considers gender equity. Sustainable development, however, necessitates that a commitment to gender equity be made in order to advance key development goals. Therefore, we recommend that gender equity be specifically discussed in this proposal.

Currently, the proposal focuses on promoting private sector policy, laws and regulation—mentioned in terms of effectively implementing a market economy in subparagraph (b), paragraph (1) on basic principles for a federal system. In accordance with Sustainable Development Goal 5, we recommend that this proposal include a discussion of reform policies that enable women to access economic resources in order to support the sustainable development of the state. We therefore encourage the delegates to integrate a discussion of gender equity in subparagraph (b).

In paragraph (2), which discusses preventing economic monopoly, a recommendation from a gender perspective is included. This paragraph notes that policies that prevent exploitation of women by various means in business field are necessary to develop.

Paragraph (6) mentions a general need “to implement short term, medium term, long term economic plans of state with transparency, responsibility, and accountability.” To make this clause more thorough, we recommend that policies that respect the opinions of the people—especially the voices and opinions of women—are discussed here.

Paragraph (1) of the basic principle for regional development mentions the need “to draft regional development plans.” We recommend that in drafting these plans, policies that focus on carrying out gender needs assessments be considered.

Paragraph (2) discusses establishing “appropriate incentive schemes in accordance with laws for inviting local and foreign investments”. We recommend that policies that prevent the exploitation of women by various means are included and considered, and that it be made mandatory to implement policies designed to create work places that are safe for women.

### **(1.4) Analysis and recommendations from a gender perspective on the security sector policy proposal**

The security sector policy proposal includes 4 paragraphs and a discussion of 5 topics: (a) state defense issues, (b) national interest, (c) national objective, (d) national defense policy and (e) national defense strategy. In the conference, it was noted that the discussion would only include “keeping one single army policy”, rather than exploring a variety of policies relevant to all stakeholders regarding security issues. Additionally, gender equity and issues relevant to women are not included in the security sector policy proposal.

We strongly recommend that international standards on human rights and gender equality, including the relevant UN Security Resolutions are prioritized, discussed and considered in the upcoming security sector policy discussion.

### **(1.5) Analysis and recommendations from gender perspective on land and environment sector policy proposal**

The land and environment sector policy proposal includes an introduction, six basic principles of land policies based on a federal system, discussions of (a) ownership, (b) right to manage, and (c) preventive measures, and a conclusion.

No (4) of the six basic principles of land policies based on federal system, notes the need “to include human rights standards, international standards and democratic and federal standards in drafting land policy.” AGIPP recommends that the draft of the comprehensive land policy specifically include standards of gender equity.

In no (5), in the presentation on basic principle to establish transparent and clear policies regarding land issues, it is noted that information about these policies must be transparently communicated to the public. We recommend that the actors who develop this information sharing system use methods and language that women can easily understand. The information sharing system should be accessible to women in ethnic regions, poorly educated women and illiterate women (for example, the system should be made available in ethnic languages, include easy-to-understand information, clear explanations and, if possible, illustrations).

We welcome the point made in no (6), discussing the need for farmers to prioritize “the needs of locals in implementing policies for farming sector development”. To be more comprehensive, we suggest that language be added in this section explicitly discussing the needs of local women and men, female and male farmers. This will make no (6) a policy that focus on gender issues. Since traditionally, discussion of farming issues focuses only on men, it is only by erasing the fixed conception that farmers in Myanmar are only men, that inclusion and equity for women farmers will be achieved.

In section 7 (a-1), on ownership, the paper notes that “every citizen have the right to own and manage the land in accordance with the land law. Men and women shall have equal rights.” Following this, section (b) discusses the “right to manage.” In section (b-1), we welcome the statement on managing land ownership, which notes the need “to have equal right for men and women.” We encourage policy makers to take this principle seriously in and see it through to actual implementation.

### **(1.6) Summary of analysis and recommendations from a gender perspective on respective sector-wide policy proposals**

In sum, the policy proposals that included and considered a gender perspective were those discussing land, resource and environment issues. Although women’s issues are considered in the social sector policy proposal, we note the need to broaden a view of women, as being not only refugees and vulnerable persons, but also capable, autonomous, agentive actors who can make beneficial decision for themselves and their communities involving social issues. Broadening the view of women’s capabilities will result in more comprehensive and beneficial policies.

In the political sector policy proposal, we strongly recommend the inclusion of a discussion focusing on traditional norms and practices that do not negatively impact human rights and gender equity. In addition, it is necessary to include a more comprehensive discussion of gender equity issues in this section.

AGIPP found that a gender perspective is not included in the economy sector policy proposal or the security sector policy proposal.

Finally, AGIPP notes that only by including a gender perspective in forthcoming drafts of all policy proposals, will Myanmar's peace actors demonstrate their respect for human rights, and show a commitment to international standards that strengthen the state. Therefore, we strongly encourage and recommend that peace conference delegates consult with gender experts to include a gender perspective in preparing all future policy proposals.

## **Part (2) Analysis and recommendations from a gender perspective on discussions of groups on respective sector-wide policy proposals on 25<sup>th</sup> May and 26 May 2017**

In this section, the observers analyzed only the recorded discussions of groups on respective sector-wide policy proposals. Specific discussions of each group were not analyzed.

### **(2.1) Political sector**

In the political sector, only basic political principles for a federal union were discussed, with a focus on the principles of equity, self-administration and structure and power sharing. The issues of democratic rights, basic human rights and gender equity were included among the topics to be discussed, but were not discussed.

We found that the topic of gender equity was not included in the political sector discussion. Therefore, we strongly suggest that all future delegates and peace actors work to familiarize themselves with women's and gender issues, as well as the political rights of women, in order to strengthen future discussions of the political sector.

### **(2.2) Social sector**

It was found that the delegates from respective groups who were involved in discussions on the social sector highlighted the suffering of women, violence against women, inclusion of women, women and rights and international standards. Moreover, it was found that the delegates who are actively discussed women's affairs were mostly women. We noted that when one male representative discussed the basic principle (1) under the topic of resettlement, recovery and social development issues, he included the wording, "according to acting laws" in his discussion. While this delegate appeared, on the surface, to be noting the need for implementing national laws in accordance with international human rights standards (which could, in fact, include standards addressing gender inclusion), his statement did not specifically address the needs of women.

One female delegate suggested that the issue of women’s inclusion (in social sector discussions) should be considered.

In the basic principle (3), on preventing and promoting the lives of the elderly, the disabled, women and children without discrimination based on race, religion and wealth, we found that women’s issues were given priority in the discussion, and that all discussants were women. The topics under this discussion included:

- Punishing abusers who commit violence against women
- Pregnant women and mothers
- The protection of women in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), without discrimination
- Emergence of draft Violence Against Women Act as a law
- Focusing on women’s inclusion, because women have special needs
- Women’s issues are necessary to include because these issues are not respected in the broader society, and adequate protections for women are lacking

In the basic principle (4), which states the need to view drug issues as a national problem and a political problem and to draft a program on elimination, eradication and enforcement of drug policy as a national duty, we found that the discussion did not include the suffering and subsequent effects of the drug epidemic on women.

AGIPP found that gender stereotyping of the social sector, as being a “sector concerned with women” was prevalent in the UPC discussions. We believe it is necessary to change this view—a view that sees women’s affairs as being concerned only with women—to a more comprehensive understanding of gender equality as being a necessary condition of a healthy and functional society.

### **(2.3) Economic Sector**

AGIPP found that a gender perspective was not only not included in the economic sector policy proposal, but was also absent from discussions on the economic sector. These discussions focused only on policy issues that were blind to gender and women’s affairs.

We therefore strongly suggest that more attention be paid to women and economics in future UPC discussions. Specifically, topics dealing with the suffering of women due to economic sector policies, the involvement of women in the economy, and women’s economic rights should be included, in order to integrate a gender perspective into these conversations.

### **(2.4) Security Sector**

The Alliance found that security sector discussions focused on the issue of keeping one single army, the organizational structure of the army, and links with other nationwide sectors. Women’s affairs and gender equity issues were not included in these discussions.

It was found, however, that the women’s inclusion rate from respective groups in the security sector was 11%, and that 46% of all women spoke at least four times in discussions on the security sector.

Therefore, we note that women’s participation in the security sector discussion was higher than expected—refuting the stereotyped, traditional belief that women are not concerned with security sector issues, and unable to effectively discuss these concerns. Moreover, throughout the one and half days of discussion, 65% of men did not participate in the discussion, while the rate of women’s non-participation was lower, at 54%. We note, therefore, that women representatives were more effective participants than their male counterparts in the security sector discussions.

## **(2.5) Land and environment sector**

In the land and environment sector, gender equity, the rights of women and the “rights to decide” were included in the initial framework of the discussion. We found that men and women from respective groups agreed on the need to include the rights of women in these conversations.

We found, however, that it is still necessary to encourage stronger considerations of gender equity in the land and environment sector.

### **Part (3) Analysis of women’s inclusion in the Second Union Peace Conference- 21<sup>st</sup> Century Panglong**

In collecting data on the status of women’s inclusion at Second Union Peace Conference - 21st Century Panglong, AGIPP delegates faced many challenges. We found these challenges to be greater than those that we faced at the first conference. We feel that it is important to share these challenges transparently, in order to support a comprehensive analysis and provide recommendations from a gender perspective for forthcoming UPCs. Because there were no separate columns noting gender demographics in the attendance list for the UPC, it was difficult for AGIPP to collect data on the exact inclusion rates of each gender. This was one obvious indication that a gender perspective was not considered or valued in the conference preparation. Despite this limitation, AGIPP was able to gather data on women’s inclusion rates among chair people, facilitators and participants, based on the data received from observers in the sector wide discussions . This data is outlined below.

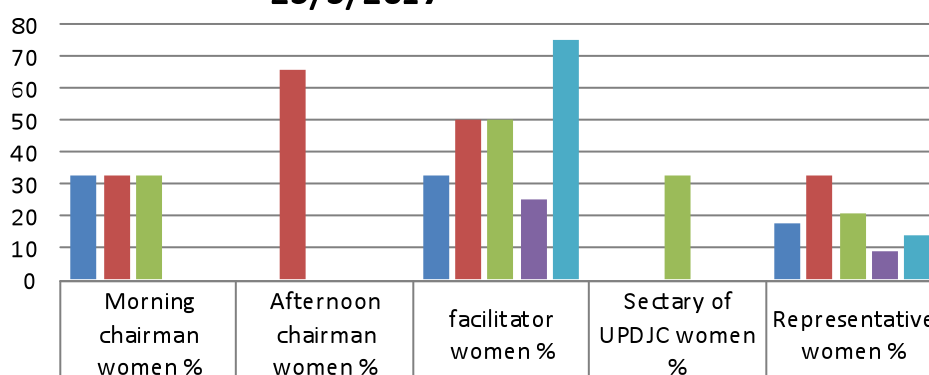
#### **Table showing women’s inclusion at sector-wide discussions on 25<sup>th</sup> May 2017**

Note: this data was gathered anecdotally based on the observations of conference observers, and does not represent exact figures.

<b>25.5.2017</b>	<b>Morning Chairman</b>		<b>Afternoon Chairman</b>		<b>Facilitator</b>		<b>Secretary of UPDJC</b>		<b>Representative</b>	
	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>
Politics	2	1	3	0	4	2	3	0	123	27
Social	2	1	1	2	1	1	3	0	111	56
Economy	2	1	3	0	2	2	2	1	111	29
Security	3	0	3	0	3	1	3	0	120	13
Land and environment	3	0	3	0	1	3	3	0	129	21



### Women's inclusion % in sector-wide discussions on 25/5/2017



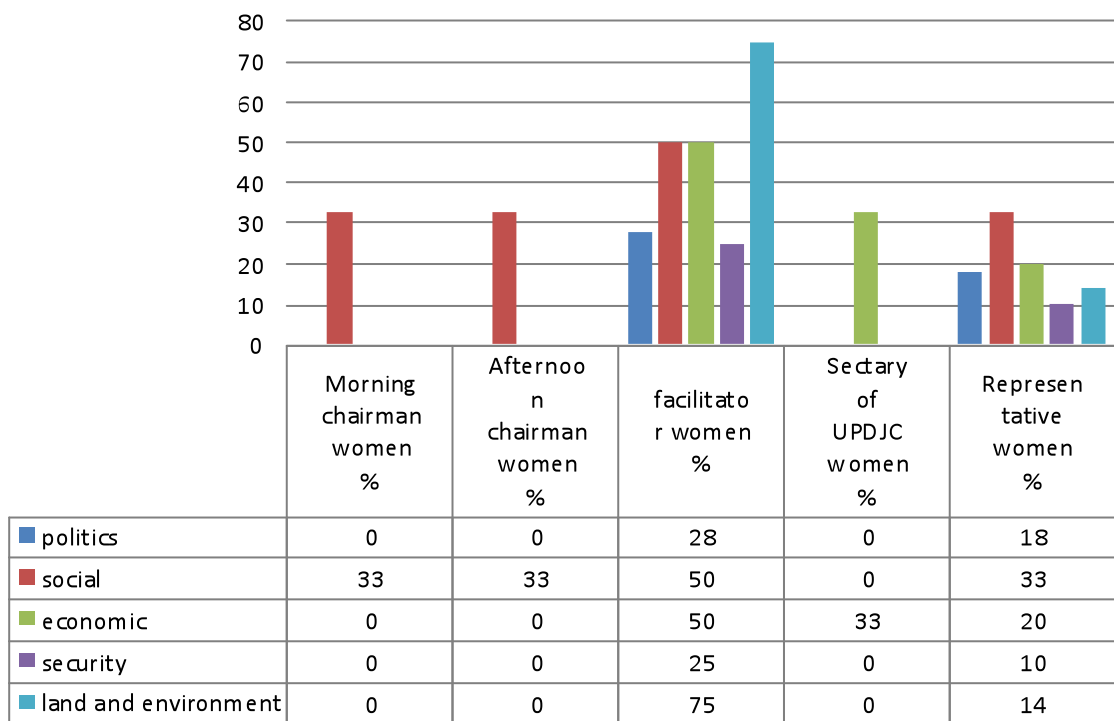
politics	33	0	33	0	18
social	33	66	50	0	33
economic	33	0	50	33	21
security	0	0	25	0	9
land and environment	0	0	75	0	14

The social sector discussion on 25<sup>th</sup> May, 2017 included 33% women representatives. Women's inclusion rates in other sectors are outlined below.

### Table showing women's inclusion in sector-wide discussions on 26<sup>th</sup> May 2017

26.5.2017	Morning Chairman		Afternoon Chairman		Facilitator		Secretary of UPDJC		Representative	
	M	F	M	F	M	F	M	F	M	F
Politics	3	0	3	0	5	2	3	0	123	27
Social	2	1	2	1	1	1	3	0	111	56
Economy	3	0	3	0	2	2	2	1	111	29
Security	3	0	3	0	3	1	3	0	120	13
Land and environment	3	0	3	0	1	3	3	0	129	21

### Women's inclusion % in sector-wide discussions on 26/5/2017



On 26th May 2017, women's inclusion in the sector-wide discussions on the social sector included 33% women representatives. Women's inclusion rates in other sectors are noted below.

There were 50% women facilitators in the social and economic sectors and 75% women facilitators in the land and environment sector.

In the closing ceremony, five men were assigned to be chairmen, while no women were included. Two women and one man took part as facilitators. The representatives who submitted the 37 basic principles from respective sectors of Union Peace Conference Dialogue Joint Committee included one woman and four men.

## Part (4) Policy Analysis

The policies outlined in respective sector-wide proposals of the Union Peace Conference Dialogue Joint Committee submitted at Second Union Peace Conference- 21<sup>st</sup> Century Panglong were as follows:

	Politics	Social	Economy	Security	Land and environment
Total policies proposed	20	4	11	0	10
Total policies agreed	12	4	11	0	10
Policies considered from gender perspective in policies agreed	0	3	0	0	4

Out of 45 policies proposed, a total of 37 policies were agreed upon by delegates. Among these 37 policies agreed upon, we found three principles that directly consider women's affairs, and four principles that indirectly consider women's affairs, bringing the total to seven policies on women's affairs and gender equity in the social and land and environment sectors.

### Social sector policy

This sector included one principle that directly considers women's affairs and gender equity. It is the basic principle (3) to prevent and promote the lives of the elderly, the disabled, women, and the basic rights of children without discrimination based on race, religion or wealth.

This sector included two principles that indirectly consider women's affairs and gender equity. They are: Basic principle (1), to implement systematic plans aiming for durable solution that respects human rights in accordance with international standards on refugees and internally displaced persons due to armed conflicts or manmade and natural disasters without discrimination; and basic principle (2), for refugees and IDPs to be able to settle safely with human dignity to their own location or in a region they desire following armed conflict or man-made or natural disasters.

### Land and environment sector policy

This sector included two principles that directly consider women's affairs and gender equity. They are: Paragraph (7), stating that every citizen has the right to own and manage the land in accordance with the land law; and Paragraph (8), which states that men and women shall have equal rights in accordance with law in managing land ownership.

This sector included two principles that consider indirectly on women's affairs and gender equity. These are: Paragraph (1), to have community based land policy that supports nationwide balanced and sustainable development; and Paragraph (4), on including human rights standards, international standards and democratic and federal standards in drafting land policy.

*In sum, our analysis found that only 19% of policies among the 37 policies agreed to at the second conference included a gender perspective.*

## **Part (5) Recommendations from a gender perspective on forthcoming Union Peace Conferences**

In envisioning forthcoming Union Peace Conferences - 21st Century Panglong and the associated policy proposals that will emerge from these conferences, AGIPP would like to offer delegates and stakeholders the following recommendations. Fundamentally, these recommendations call for the need to integrate a gender perspective into all peace process bodies and mechanisms throughout Myanmar. They include:

- Ensure that upcoming Union Peace Conferences and political discussions include a minimum of 30% of women across all peace process bodies and mechanisms.
- Include a gender perspective in all sector-wide policy proposals, and prepare these proposals in accordance with Women, Peace and Security international norms and standards.
- Amend respective sector-wide policy proposals by reviewing the organizational obstacles and state level policies that hinder the inclusion of women in the peace processes and the social sector.
- Carry out gender audits at every level across the peace process.
- Establish gender justice as a foundational goal of the peace process.
- Form gender policy analysis committees at the state level for drafting gender awareness policies.
- Ensure that reviewing processes of conventions, frameworks and documents centered on the peace process include a minimum of 30% of women.
- Support transparent access to information regarding gender inclusion rates in upcoming Union Peace Conferences - 21st Century Panglong.
- Draft all policies and principles in accordance with international standards guiding gender inclusion (such as CEDAW), to ensure that opportunities for gender equity be made available to women facing gender discrimination in their local communities.

### **Conclusion**

AGIPP applauds the work of delegates who have submitted gender-inclusive policies in the social, land and environment sectors at the second UPC.

AGIPP calls for improvement in including a gender perspective in the policy proposals submitted in the political and economic sectors at the second UPC.

Finally, we strongly encourage all future UPC delegates and stakeholders to include a gender perspective in all policy-level discussions. It is only through adopting a gender-sensitive approach that Myanmar may finally reach consensus on building sustainable peace.