

Research Access and Ethics in Myanmar

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In early 2014, I arrived in Myanmar for a socio-legal study of rule of law intermediaries – parties who mediate, translate, broker or “go-between” – that emerged when foreign organisations flocked to Myanmar to initiate rule of law assistance in the aftermath of the reforms that followed the 2010 elections.²

As my research focus had developed in 2011, the prospects of conducting empirical field research in Myanmar were uncertain. Myanmar had been restricted to foreign researchers during military rule,³ when access to information and reliable sources were difficult to obtain, and research was more commonly conducted by outside observers.⁴ And even when transition was underway there was little indication of development activities that focused on the rule of law.

In late 2012, foreign rule of law actors started to conduct assessments to identify Myanmar’s rule of law deficits and possible solutions.⁵ Thereafter, an increasing number of foreign development actors established a field presence and initiated activities to promote the rule of law. Because of the frantic rule of law activities that were on the rise, and although I was concerned about the ethical dimensions of entering a setting that was already constrained by an abrupt foreign presence, I decided to give fieldwork a try.

While my project started out as a qualitative case study,⁶ because of the access I gained, it came to be significantly informed also by ethnographic methods such as accompaniment and observation.⁷ My direct interactions with individuals in the rule of law community informed my “thick descriptions” of the social groups that I studied⁸, and I was able to observe the way rule of law intermediaries emerged and immersed themselves in that field in a historical moment.

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² Monique Skidmore and Trevor Wilson, ‘Perspectives on a Transitional Situation’ in Nick Cheesman, Monique Skidmore and Trevor Wilson (eds), *Ruling Myanmar: From Cyclone Nargis to National Elections* (ISEAS Publishing 2010).

³ Andrew Selth, ‘Modern Burma Studies: A Survey of the Field’ (2010) *Modern Asian Studies* 44, 2.

⁴ David I. Steinberg, David, *Burma: the State of Myanmar* (Georgetown University Press 2010).

⁵ New Perimeter, Perseus Strategies, and The Jacob Blaustein Institute for the Advancement of Human Rights, ‘Myanmar Rule of Law Assessment’ (March 2013) <<http://viewer.zmags.com/publication/69f423a6#/69f423a6/1>>accessed May 15 2013.

⁶ Robert K. Yin, *Case Study Research: Design and Methods* (SAGE Publications 2003).

⁷ Barbara Kawulich ‘Participant Observation as a Data Collection Method’ (2005) *Forum: Qualitative Social Research* 6, 2.

⁸ Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (Basic Books 1973).

I. My Role as an “International” Researcher

I approached the research site as an “international” and foreigner. Deliberately, I sought my first contacts amongst foreign practitioners. While my approach could result in an overemphasising of the “international,”⁹ I wanted to understand foreign practitioners’ experience of working in a new setting that was culturally and linguistically inaccessible and thus how they became reliant on intermediaries. Also, because of my own background as a rule of law practitioner it seemed the most representative point from which to navigate the setting.

My first encounter with the expat community in Yangon was through an invitation by a foreign lawyer to a boat party on Yangon River. Perplexed by such an invitation, I dressed up for what I suspected to be a cultural event or a professional mingle with lawyers. On my arrival at Yangon harbour and the sight of a rusty old boat filled with expats in flip flops and St Patrick’s Day attire, I realised my misinterpretation. While attracting some stares throughout the night and feeling very new in town, surrounded by American journalists, Russian oil and gas consultants, French gas entrepreneurs, embassy staff and development practitioners, the boat party did open up access that might otherwise have taken considerable time to gain.

II. Access to Research Participants

After that initial opening, considerations on how to best approach respondents and in what sequence became important. As Myanmar was a new “hot spot” for development I had to consider carefully the possibility that potential respondents would already be constrained by other meetings. Also, being reflexive in my role as a foreign researcher was central. As Denzin and Lincoln suggest, in post-colonial settings qualitative research may carry imperial connotations of power, truth, and knowledge.¹⁰ In Myanmar such complexities are further exacerbated by decades of isolation during military rule which contributed to limited interactions with foreigners.

At the outset I had a strategy of “getting to know” people before I asked for a formal interview. With foreign practitioners this proved a bad idea because they were sometimes reluctant to meet a second time. I did understand the hectic work schedule some maintained but it appeared to me that their reluctance was less about being busy at work and more about feeling as if they had done their part in the exchange, which, certainly, is seldom on equal terms because the researcher has little means to offer something in return. The experience was similar with some local participants; however, many also expressed their gratitude that somebody was studying their country.

⁹ Yves Dezalay and Bryant Garth, *The Internationalization of Palace Wars- Lawyers, Economists, and the Contest to Transform Latin American States* (University of Chicago Press 2002).

¹⁰ Norman K. Denzin and Yvonna S. Lincoln, ‘Introduction: The Discipline and Practice of Qualitative Research’ in Norman K. Denzin and Yvonna S. Lincoln (eds) *The Landscape of Qualitative Research* (SAGE Publications 2008).

My experience of interaction with the rule of law intermediaries that became key participants in my research was slightly different. From her field work, Fujii describes how there was a certain point at which she sensed that she was accepted into the community and thus managed to collect data that would be difficult to obtain.¹¹ Fujii experienced her “entry” into a more informal space as she was invited for meals and gossiping with the women she was studying. I experienced something similar as I was invited to join travels, dinners, family lunches and pagoda visits.

III. Qualitative Interviews

The qualitative interviews I conducted as part of my data collection were carried out face-to-face and in English. It could be questioned whether a foreigner without Myanmar language proficiency had the cultural skills to undertake research that involved local participants. My stance was one of behaving ethically, to learn about the field setting, and to convey the perspective of my participants. The opportunities to study Myanmar language that I undertook were limited but provided me with an understanding of how the language is structured, common expressions, and day-to-day basic conversational skills. Fujii argues that a researcher should not refrain from entering a research site because she lacks full language proficiency.¹² Indeed, I am convinced that my lack of language proficiency provided me with a better understanding of the complex situation foreign practitioners face when they enter a new setting. Also as a researcher I had to be mindful about becoming too reliant on the intermediaries, whose role I had set out to study, as they potentially acted as “gatekeepers” for me, as well.¹³

Obtaining personal accounts of intermediaries was to some extent a methodological challenge because they were potentially being asked to reveal “sensitive topics”.¹⁴ Generally, they were willing to talk about rule of law project activities and outputs, or even the lack of rule of law in Myanmar under military rule. They were happy to share stories about their childhoods and early political activities. However, as my questions turned to the theme of their current motivations and activities, interviewees were more reluctant to talk. For example, some would not reveal that they worked on several contracts or that they had wishes to be elected for political office.

Also it proved difficult to encourage interviewees to talk about other people, which was a central aspect of my research. I soon understood that it was problematic for me as an “outsider” to ask questions about “insiders.” The sensitivities of an

¹¹ Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Cornell University Press 2009).

¹² Lee Ann Fujii, ‘Working with interpreters’ in Lana Mosley (ed) *Interview research in Political Science* (Cornell University Press 2013).

¹³ Rosalind Edwards ‘Power and trust: an academic researcher’s perspective on working with interpreters as gatekeepers’ (2013) *International Journal of Social Research Methodology* 16, 6.

¹⁴ Juliet Corbin and Janice M. Morse ‘The unstructured interactive interview: Issues of reciprocity and risks when dealing with sensitive topics’ (2003) *Qualitative Inquiry* 9, 335.

approach that included asking about others can be explained by reference to Myanmar's history of intelligence surveillance and culture of informers.¹⁵

In some cases interviewees revealed that “it felt good to talk” and I understood that they felt as if the interview had enabled them to relieve emotions and worries. This was the case with Hla Aung Shwe¹⁶ who worked for a government department. Since the 2005 move of the capital from Yangon to Nay Pyi Taw, many government employees like Hla Aung Shwe have seen their personal and professional lives increasingly scrutinised. Government employees live in apartment blocks shared with their colleagues from which they travel on buses to and from work every day. The opportunity to meet and talk openly with foreigners is limited. Before Hla Aung Shwe agreed to meet with me I had to contact him several times to assure him that I would come by myself and that our conversation would be anonymous and fully on his conditions. When we met, he was more relaxed and seemed to enjoy sharing stories about work and personal life. After our meeting, he said that it felt good to “talk.” Such “therapeutic interviewing” requires an ethical and sensitive listener.¹⁷ Like Dempsey et al, I found that the emotions shared with me by the interviewees enriched my understanding of the complexities of the research setting and their experiences of living and working there.¹⁸

IV. The Ethics of Myanmar Research

While field research in Myanmar is possible, researcher engagement has the potential to raise ethical problems that can appear unexpectedly.¹⁹ Scholars have previously described how the risks involved in conducting and participating in research in Myanmar arise fundamentally from its absence during military rule.²⁰

As the country initiated political change there was also an influx of foreign researchers. Because of the rapid pace of the transition it may be difficult to fully gauge the risks – the potential to face legal or political consequences - involved for research participants (local, national and international) as well as for the researcher in such a setting.²¹

The general view expressed at the time of my research, was that there was minimal risk involved in conducting research in the country and for research participants as long as the research did not involve sensitive topics, for example, that related to national security, land confiscation, or national minorities. However, despite the current perception of a more permissive political climate, there were sensitivities

¹⁵ Andrew Selth, ‘Burma's Intelligence Apparatus’ (1998) *Intelligence and National Security* 13, 4.

¹⁶ I use pseudonyms to protect the identity of my participants.

¹⁷ Marilys Guillemin and Lynn Gillam, ‘Ethics, Reflexivity, and “Ethically Important Moments” in Research’ (2004) *Qualitative Inquiry* 10, 2.

¹⁸ Laura Dempsey and others, ‘Sensitive Interviewing in Qualitative Research’ (2016) *Res Nurs Health* 39, 480.

¹⁹ Guillemin and Gillam (n16).

²⁰ Selth (n3), 2.

²¹ Lisa Brooten and Rosalie Metro ‘Thinking about Ethics in Burma Research’ (2014) *Journal of Burma Studies* 18, 1.

involved for respondents speaking with foreign academics, and the potential to be reprimanded for divulging information. They, as well as I, remained aware of the possibility that the government could, for whatever reason, revert to its past behaviour.²²

Recent events in the country confirm that transition in Myanmar is a complex matter. The escalation of foreign assisted development aid to Myanmar and its relationship with local actors and reform processes merit in-depth analyses about donor engagements. As much reflection is required for foreign researchers that are engaging in a new research setting.

²² Mary P. Callahan, 'Myanmar's Perpetual Junta: Solving the Riddle of the Tatmadaw's Long Reign' (2009) *New Left Review* 60.