

Entry for Kafka in Myanmar

THE GOLDEN LAND

By Vicky Bowman

When Frank Cathcart woke up that morning from uneasy dreams, having flown in from a different time zone late the previous night, he leapt from his hotel bed. He threw open the curtains, and saw for the first time the golden Shwedagon Pagoda, whose breathtaking image he had come across so many times as prepared for his assignment to Myanmar. He opened the balcony door, stepped outside and inhaled deeply the Yangon air, 'and regretted doing so shortly afterwards.

In the street down below, where his guidebooks had taught him to expect the cries of the pe-byouq (boiled pea) seller against the background of tinkling bells, a loudspeaker was churning out a white noise which might once have been 'Gangnam Style'. Young men standing near – far too near – the speaker appeared to be trying to collect religious donations from the angry drivers sitting in the traffic jam. Since the Company required Safety at All Times, he pulled out his iPhone App and noted that the decibel level even at this distance was above the level the Company's Safety Manager advised for exposure of more than five minutes.

Withdrawing inside his room he closed the balcony door and descended to breakfast where a smorgasbord of delicious Myanmar noodles awaited him. At the end of the counter sat a plate of fluorescent gel and some saddened whorls of rancid fat. The waitress, spotting a foreigner, directed him towards this, muttering 'Over here. Toast-butter-jam'. She had been trained to believe all white people must eat this for breakfast each day, or they would be dead by nightfall.

Frank politely declined, using the second lesson of his Burmese by Ear that he had struggled to master during those evenings in his home town prior to arrival: 'Ma-sa-ba-bu', and helped himself to a large bowl of mohinga for the first, but not the last time.

After breakfast he took a taxi downtown to meet The Company's current manager, Gregor, whom he had been sent to replace. They had entered The Company together eight years ago. But while Frank had spent most of his time at Company HQ in Corporate Relations, writing policy statements and guidelines, Gregor had been sent to the frontline in Myanmar with the instruction to apply for exploration permits.

The Company hoped that they would be able to find gold under the Golden Land, commit to a significant investment, create jobs, recover their costs, make a profit and share the value with the Myanmar people and its government through taxes and sustainable mining practices, which would transform the still problematic mining sector. The Company's shareholders hoped to reap a dividend and not to see their investment disappear into a black hole.

Frank knew the script, having previously spent three years in charge of Corporate Relations in HQ. Myanmar was his first overseas posting and he couldn't wait to begin an assignment in the real world.

The Gregor that greeted him in their downtown office was thinner, and the bags under his eyes were deeper than he remembered. His arms were surprisingly bony and dark, suggesting he had not been applying the Company's safety policy of wearing of long-sleeved shirts in the field. As he 'handed over' to Frank, he appeared to be struggling to suppress some information. He explained how satisfying Frank would find the job, how wonderful the Myanmar people were, and how good the prospects were that

Frank would leave the country in five years' time having established a large scale gold mine for The Company and the country. But every now and again he appeared to choke. Frank wondered whether this was a consequence of long term exposure to the Yangon air.

After about fifteen minutes of this, Frank interrupted and said 'Gregor, could you tell me a bit about the challenges I'll face?'

Perhaps triggered by the word 'challenge', Gregor finally broke. He collapsed back into his office chair, buried his face in his hands and appeared to weep.

Frank, perturbed, observed a man apparently defeated, but by what?

'Gregor' asked Frank softly, 'Is it really that bad? Is it so hard to get things done here?'

'No' sobbed Gregor, 'it's not that. If you try hard enough and actually take the advice of people here to be patient, it actually does work. Eventually'.

'So what is wrong?'

'That's just it, I can't tell you!'

At this, Gregor leapt from his chair and began to pace the room, his body expressing what his brain perhaps could not.

'I've always thought of myself as someone who could analyze and explain. Able to find the hidden meaning, to weave together disjointed information into a digestible story'.

'But here I CAN'T' said Gregor, starting to sweat. 'There is no LOGIC. There is no NARRATIVE. The bosses want a story, an explanation for why things are so hard here. But I can't piece it together. My tongue is tied. It's Kafkaesque!' said Gregor.

Frank looked blank, and then remembered that Gregor's degree before he joined The Company had been in literature. His own degree was in zoology. His PhD thesis had been on "*Blattella asahinai*". It had not been particularly useful even then, and he didn't expect it to be now.

"But I remember from my studies that Kafka, when you analyse it, could be made to make sense', continued Gregor, collapsing into the chair again. 'Once you identified the context. Social isolation. Alienating effects of technology. Impotence for those who try to cry for help. But Kafka would have struggled to make sense of Myanmar's transition, it's metamorphosis from centralised military dictatorship to.....what? I still can't explain it.'

An uncomfortable silence descended upon the office, broken only by the incessant cries of the pe-pyouq seller on the street below.

Just then, a cheery Myanmar man entered the office, 'Mingalaba, Saya! Htamin-sa-pi-bi-la?'

Frank recognised this complicated phrase from Lesson 3 although he had not yet mastered it, or really understood the purpose of interrogating everyone that one met about their rice consumption.

'Let me introduce you to KK', said Gregor.

Frank remembered that KK, whose full name was Kyaw Kyaw, was the office fixer. He had been struck on receiving KK's profile by how much time he had spent in jail and that although he had studied three years of Geology, he did not appear to have graduated. He wondered whether Gregor had cleared his appointment with Human Resources before taking him on.

But when he had dropped Gregor an email to ask him about KK's qualifications, Gregor had responded somewhat tersely that completing one's education in Moscow was quite normal in Myanmar and furthermore this taught skills of innovation, leadership, problem solving and creativity that normal universities were unable to provide. Frank had rechecked KK's profile as he had could not remember him having Russian language skills, but was left none the wiser.

After introducing KK and Frank, Gregor pushed a heavy file of papers across the desk towards him. 'This is where we have got to with the exploration permit for Tenement 1', he said, sighing heavily. Swivelling in his chair, he pointed to a similar file on the shelf behind him. 'That's Tenement 2', he said, 'the status is much the same'. He lit a cigarette, which Frank observed was not only in strict contravention of The Company's OSH policy, but also placed at risk the fruit of five years' work contained in the file in front of him.

Then Gregor began the handover.

'When we first applied for our tenements', he said, 'we were optimistic. A new Mining Law was expected, the Australian Government had committed to help with mining reform, the Myanmar government was telling us how much it wanted our investment'. He dragged heavily on the cigarette.

'I went to see the Ministry, and they explained the application process. I told our Board I expected we would have the licences in a couple of months'.

'That was when?' asked Frank. 'Five years ago.' Gregor paused. His secretary gently slipped a cup of black coffee in front of him and he took a long gulp.

'But first, the Ministry told me, I would need to get a clearance from every township and every village tract in our two tenements. That added up to three townships and 24 village tracts'. 'What kind of clearance?' asked Frank. 'They couldn't tell me. Get a letter they said; we don't want you to hurt the trees or the monasteries, they said; you need to take responsibility, they said. And go to the Township Tax Offices, they told me, you need to get a tax clearance from them. Then you can have your exploration licence'.

'But The Company hasn't begun to make any income, so how can we start paying tax?', said Frank, 'it will be years until we recoup the millions of dollars of investment even if we find a gold resource that's considered commercial. The chances of that are 1 in a 1,000. Don't they realise that?

He continued, starting to be infected by Gregor's agitation, "And this is exploration stage, we won't be touching any trees or monasteries, our geos will just turn up and collect a few rocks, probe the soil, and then leave. We might not be in the village tract for more than a few hours, maybe not at all, unless

the area is geologically interesting. We could be flying a plane overhead for aerial surveys. Why do we need to undertake a census of the trees?’

At that point KK intervened ‘Saya Frank, I forgot to say, Welcome to Myanmar’.

Gregor continued ‘KK and I have spent a lot of time together in the last five years, more time than either of us has spent with our wives. Together we went to every village tract in our tenements to collect the papers in those files. That’s why I look a little tired’.

‘Saya, you know I could have got them on my own’, said KK, ‘Then you could have spent more time with Felice’.

Frank, who had been freshly trained on the Four Eyes Policy by the Head of Compliance in HQ, jumped in at that point to explain why it was always best for company officials to travel in pairs, and carry The Company’s Anti-Corruption Code of Conduct. He felt rather pleased with himself for spotting the opportunity to reinforce the message.

KK looked at him with a mixture of pity and amusement. Then he suddenly perked up and asked Gregor, ‘Saya, now that Frank has arrived, he’s a new boss, can we restart this year’s tea shop logbook?’

‘No’, said Gregor, ‘the annual limit set by the Myanmar President’s Office is based on the tea drinker not the tea buyer. And even though it’s only October Frank doesn’t have any leeway to buy a paw-sein for the Township Officers when he visits the field. We hit the 100,000 kyats limit for most of them in August’.

KK looked crestfallen. Frank heard him muttering a word which sounded like ‘kaq-si-neh-deh’ but it wasn’t vocabulary that featured in the first five lessons of Burmese By Ear that he has covered to date. He scribbled it in his notebook to look up later.

Gregor continued: ‘Once we had put these files together, we were pretty optimistic that the exploration licences would be in our hands within a few weeks. But then the government changed. And then we were told that we needed to get the Chief Minister’s approval’.

‘But I guess that was easy’, said Frank, ‘he must want investment in his region, right?’ ‘Maybe he does’ said Gregor. ‘He didn’t seem sure. First he told us he didn’t like mining so wouldn’t approve our permit. But then he told us he wanted The Company to stay and help make mining better. I explained that my Board wanted the same, but our shareholders would expect us to have an exploration permit too’.

He took a swig of his now almost cold mug of black coffee. ‘But in the end, the permits came through, approved by the Cabinet no less. And I thought that after four years, we could finally get to work and put the geologists into the field, and start looking for gold, since that’s what we’re here for. The problem was, there were other people who wanted to look for gold, the artisanal miners, and now they were unhappy that we would be joining them’.

‘But that’s OK isn’t it?’ said Frank, ‘Our exploration and their mining can coexist, can’t it, at least until we have narrowed our target area to a place where we would be looking to build a large mine’.

At that point Gregor's phone rang and he picked it up. Frank wasn't fully able to follow the discussion but picked up a phrase he recognized from Lesson 2, 'ma-ya-bu' (that won't work). Gregor appeared to be patiently repeating it before passing the phone to KK who explained something at length in rapid Burmese.

'Who was that?' asked Frank. 'Nice guy, small-scale gold miner, from the township in Licence Area 1', said Gregor. 'He's been told by the Ministry that if he wants to continue to mine legally in the tenement, he needs to ask me for permission'.

Frank tried to recall what the 2015 Amended Mining Law and Rules said on this issue. He had started reading it enthusiastically when he was told he would be sent to Myanmar but two months later he hadn't been able to finish it. Indeed, reading it made his head spin.

Gregor continued, 'That's not true of course, we are a company, we don't issue licences. It's the government that needs to do this. But because they didn't consider this before they passed the law, they are passing the buck to us, or as they say in Myanmar, the volleyball'.

It was 11.30 and Gregor suggested they shift the discussion to the local Shan restaurant.

After lunch, the handover continued. Gregor brought out a slim file of papers and pushed it across the table. 'And then last month, this one arrived'. Frank glanced at the unofficial translation of the letter which appeared to be requiring The Company to obtain permits for vacant virgins. He instinctively began to explain The Company's new policy on sexual harassment and combatting violence against women which he had been proud to work on while at HQ. This time it was Gregor's turn to look at him pityingly. Kyaw Kyaw simply looked puzzled.

'I can understand why you don't understand this', said Gregor, 'as I don't understand it either, and I have lived here five years. But let me try to explain. Last year the government amended 'The Vacant Fallow and Virgin Land Law', the VFV Law, which is supposedly about making more unused land available for investment. But the problem is that most land is not really 'unused'. Even forests and mountains have local uses, the local people collect firewood and forest products like mushrooms, they have cultural significance, they provide ecosystem services like springwater'. (Frank was impressed that Gregor used the phrase 'ecosystem services' and wondered whether this was because he had read the HQ policy document on the subject).

'Now the Ministry of Agriculture wants us to apply for VFV Permits for any VFV Land that there might be in our tenement areas. For each 3,000 acres of VFV Land we would need to apply for a VFV permit and pay 8,000 kyats per acre. We might need to get 40 permits or more. We just don't know. And if we got the permits, it would mean that in principle we could clear all the current users of the land just so our geologists could pick up a few rock samples. You can imagine how popular that will make us with the locals - goodbye 'social licence to operate'. But if we don't apply for these VFV permits, someone else could. Then our tenement block would be riddled with holes, because we would lose access to land for which we didn't have the land use permit'.

Frank's Mining Law induced dizzy spell was returning: 'So what can we do?' he asked Gregor.

'KK has been visiting the Land Record Departments in the townships in our tenement areas to ask them for maps of VFV land. But they say they can't tell us where that is, as it hasn't been defined. And

although the Parliament amended the law to say that VFV doesn't include land under 'customary title', there is no definition of what 'customary title' means in Myanmar, and no maps. The Land Records people just tell KK to go away and stop bothering them with stupid questions'.

At this, KK nodded, rolled his eyes and shrugged his shoulders, while smiling all the time. Frank felt sick.

'So this is what I am handing over to you Frank, said Gregor. 'The Board of The Company has asked me for advice for their next meeting, as they are wondering whether to pull the plug on the entire operation. They have calculated that even if there was clarity, the cost of the 'dead rent' we'd need to pay per acre would be more than 60 times comparable jurisdictions'.

Frank felt himself break out in a cold sweat. Gregor, on the other hand, seemed happier for having got this off his chest, and the slim file marked 'VFV' off his desk. He looked sympathetically at his old friend and said "Look, I think I have explained as much to you as I possibly can, and as much as you want to hear for today. KK will be around to fill in the gaps later. I'm on a flight out tonight to Prague via Hong Kong to meet Felice. She left Myanmar as I was so long in the field collecting paperwork. I haven't seen her for a year, our relationship is based nowadays on Facebook Messenger. If I don't make tonight's flight, there goes my marriage'.

'It's still light' continued Gregor. 'Why don't you go up to the Shwedagon and find your planetary corner. What day of the week were you born, Thursday? Then you're a rat. Go and pray to the corner that has the rat, and pour some water over the Buddha and make a wish that the government will sort out this VFV mess'.

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When Frank Cathcart woke up the next morning after uneasy dreams about vacant virgins, he had a quick breakfast and headed for the office. Letting himself in with the spare key that Gregor had given him, he sat down at his new desk, where the slim file marked 'VFV' glared at him. On a nearby table sat the remains of the take away pizza that Gregor must have ordered before heading straight for the airport. He noticed that, in addition to his keys, Gregor had also left behind his phone.

Out of the corner of his eye he spotted movement. A lone cockroach which had been feasting on the pizza jumped from the table and scuttled off into the corner. He was reminded of his PhD thesis. It was unusual to see just one of these normally social insects, he thought. And then he opened the file.