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Nonviolent Action in Myanmar: Challenges and Lessons for Civil Society and Donors

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Demonstrators protest a toughening Myanmar public assembly law in Yangon on March 5, 2018. (Photo by Thein Zaw/AP)

Contents

Introduction	3
Myanmar's Nonviolent Action Landscape	4
The Widening Divide between Civil Society and the NLD	9
Obstacles to Mobilization	18
Conclusion and Recommendations	19

Summary

- As the forces binding the political opposition and civil society can fray after nonviolent transitions from authoritarianism, the relationship of Myanmar's civil society—including social movement actors—with the governing National League for Democracy (NLD) has become contentious, with reduced levels of trust, in the midst of shrinking civic space and other mobilization challenges for strategic nonviolent action.
- Despite state and nonstate repression, Myanmar's nonviolent movements and campaigns continue to mobilize, often with youth in the vanguard. They are pressing for an end to armed conflict, championing freedom of expression, and challenging the military's influence.
- International support to social movement organizations appears to be minimal and usually consists of subgrants handled through international and national intermediaries. This approach has hampered donor engagement with local actors and unintentionally contributed to intra-civil society divides.
- Donors should localize priorities and support sustained solidarity in the face of shrinking civic space, and enable nonviolent action capacities and youth leadership development through flexible financial and nonfinancial assistance.



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ABOUT THE REPORT

This report explores the challenges facing civil society actors in Myanmar as they push for good governance, democracy, and peace. Based on in-country interviews and focus group discussions in 2019 with social movement and civic actors, national and subnational civil society organizations, and international actors, the report was supported by USIP's Program on Nonviolent Action and the US Department of State's Bureau of Democracy, Human Rights, and Labor.

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Youth activists hold placards demanding peace and help for war victims at an anti-war rally in Yangon on May 12, 2018.
(Photo by Thein Zaw/AP)

Introduction

Myanmar's most recent political transition began in 2011 and reached a milestone in 2015, when, after nearly five decades of military rule, the opposition National League for Democracy (NLD) won a decisive victory in partly free parliamentary elections. The party underwent an abrupt identity shift: from an internationally lauded pro-democracy movement to the civilian power-holder in government. The election was widely hailed as a significant turning point in Myanmar's democratic transition, with great promise for resolving long-standing problems of governance and civil conflict. But the euphoria that the NLD victory inspired within Myanmar civil society and the international community has gradually diminished. The anticipated opening of the political system and civic space and a full transition from military rule have not materialized.¹ Hopes for peace have also stalled as armed conflict continues between national security forces and ethnically based rebel groups in the states of Kachin, Shan, and Rakhine.² Most tragically, after a 2017 attack by a Rohingya insurgent group, the military launched a brutal "clearance operation" against the Rohingya civilian population, resulting in razed villages, human rights abuses, and hundreds of thousands of mostly Muslim refugees fleeing to neighboring Bangladesh.³

During this troubled transition, Myanmar civil society has gone through its own process of transformation. Civic organizations, many of which had been partners with the NLD prior to its entrance into government, have since charted their own paths, often in opposition to their former allies. The expansion of civil society in general has been facilitated by support from external

actors, but while this has nurtured significant organizational growth, it has also fueled intergroup competition, “NGO-ization” of groups (i.e., their professionalization and institutionalization), and disconnection from citizens. Although international support for social movements does not appear to be as extensive, by default they are a part of civil society, operate within this environment, and are affected by these dynamics.

This report focuses on the main challenges facing social movements in Myanmar today and the interplay of those challenges with donor practices in an overall context of shrinking civic space. It begins with three cases of organized nonviolent action in Kachin, Mandalay, and Yangon. The report then explores the divide that has opened between civil society and the NLD government and the rifts that have emerged within civil society itself and that have been inadvertently exacerbated by donors and other international actors. It concludes with synergized recommendations for social movement actors, civil society, and donors to enable organized nonviolent action for interrelated goals around accountability, good governance, democracy, equitable development, and peacebuilding.

The narratives and findings in this report come from field research conducted by the first three authors from June to November 2019. It consisted of focus group discussions with civil society organizations (CSOs) and national and local social movement actors in Kachin, Mandalay, and Yangon, as well as one-on-one interviews with a total of thirty-one national and local civic leaders in those parts of the country, and external actors (bilateral donors, embassies, international nongovernmental organizations, implementing partners, and private foundations). The term “CSO” encompasses a wide range of types of organizations, and thus, where necessary, the report distinguishes between those that are formal (registered) or informal (unregistered) and between national, subnational, and local CSOs. The report also differentiates, where appropriate, between CSOs and social movement organizations (SMOs), the latter being a subset of the former. Nonviolent action is a method of advancing social, political, and economic change that includes tactics of protest, noncooperation, and intervention designed to shift power in a conflict without the threat or use of violence. These methods are nonviolent in that they do not include the threat or use of injurious force to others.⁴ Social movements are fluid groups of people, organizations, coalitions, and networks that use nonviolent collective action to advance change-oriented goals.⁵

Myanmar’s Nonviolent Action Landscape

Social movements, as well as other forms of organized nonviolent action in Myanmar, are composed of a broad and fluid range of formal and informal actors working together around shared grievances and goals. They include civic leaders and activists; informal groups; CSOs; coalitions, alliances, and networks; unions; professional organizations; community-based and self-help associations; and faith-based organizations. Some actors in the social movement sphere participate over time while others come and go but maintain relationships and affiliations. Formal CSOs often provide policy, legislative, and technical expertise, legal counseling, and other

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services to maintain and assist a movement. International actors thus have numerous potential direct and indirect counterparts for engagement and support in social movement ecosystems.⁶

Social movements deploy extra-institutional methods, such as protests, boycotts, demonstrations, cultural and artistic expressions, and mutual socioeconomic empowerment, sometimes in combination with institutional measures,

to achieve social, political, and economic change. SMOs often provide a movement with leadership, strategizing, and planning capabilities. However, SMOs are not essential for movements to flourish, and many movements operate without them.

Myanmar has a history of nonviolent action. Movements driven by student mobilization emerged in the late-colonial period, initially pressing for independence and later, after the 1962 military coup, for democracy and human rights. In August 1988, university students launched pro-democracy protests that grew into the “88 Generation” movement. Aung San Suu Kyi, daughter of the country’s independence leader, General Aung San, soon became the face of the uprising and helped form the opposition NLD party. The regime promised elections, which were finally held in 1990, but not before a violent crackdown on the movement. Although the NLD won 80 percent of parliamentary seats in the 1990 elections, the regime refused to recognize the results, banned the party, and placed Aung San Suu Kyi under house arrest.⁷

The next major outpouring of civic action took place in August 2007. Protests and other forms of civil disobedience—originally spurred by a dramatic rise in fuel prices—spread around the country in the so-called Saffron Revolution to end military rule. The uprising was driven by activists, 88 Generation movement veterans, the NLD, women’s groups, and Buddhist monks. The regime responded with another fierce crackdown on protesters, which provoked widespread international condemnation and sanctions.⁸ Although repression temporarily quelled overt dissent and street actions, it failed to crush defiance and aspirations for democracy and justice. Shortly after the Saffron Revolution, the regime’s ineptitude following the aftermath of the devastating Cyclone Nargis, and its initial refusal of international aid, compounded its loss of legitimacy and stoked popular resentment. In 2011, the military-led government began a series of dialogues with Aung San Suu Kyi and the NLD over terms for liberalizing the regime and opening space for democratic participation. The dialogues resulted in the NLD’s participation in by-elections in 2012. NLD candidates won forty-three out of forty-four available seats and became a minority party in government. The reform process accelerated until the 2015 election, which the NLD won by a landslide.

External observers have typically attributed this political upheaval to rising social pressures, dissatisfaction with the government, and elite-level negotiations. But civil society actors were also active—and influential—throughout the period from the Saffron Revolution to the 2015 election. After the regime signed the Myitsone Dam project with China in 2008, construction ceased in 2011 in the face of a nonviolent campaign in Kachin that grew into a national movement involving a wide range of civic groups, environmental activists, artists, musicians, academics, community members, and even some politicians.⁹ A 2009 natural gas pipeline deal with China

also spurred protests over what was deemed unfair land expropriation, pollution concerns, and negligible benefits for local communities in Rakhine State.¹⁰ In 2014, the NLD and an SMO affiliated with the 88 Generation launched a campaign to reform the 2008 constitution. The campaign gathered over 5 million signatures in support of the amendments, but reform was blocked in parliament by military representatives.¹¹

In the years since the 2015 election, civic actors across Myanmar have continued to engage in nonviolent action to counter injustice and atrocities. Their initiatives vary widely in terms of the types of actors involved, the strategies and tactics employed, scale of activities, and objectives. The following three cases illustrate the diversity of nonviolent action initiatives at the nexus of accountability, good governance, democracy, peacebuilding, human rights, and development.

WAGING NONVIOLENT ACTION FOR PEACE

In 2011, a seventeen-year-old cease-fire agreement broke down between the military and the Kachin Independence Army (KIA)—one of many armed, ethnic, self-determination groups in the country—resulting in the displacement of over one hundred thousand people.¹² Human rights violations were committed by both parties.¹³ Since then, humanitarian issues in Kachin have been a central concern for both the international community and domestic peacebuilders. Youth activists and religious institutions have featured prominently in the peacebuilding and nonviolent action space—leading, for instance, an annual peace campaign to end the ongoing civil war and increase humanitarian assistance to internally displaced persons (IDPs).

Although these movements have spurred many youth to become more politically motivated and involved in nonviolent action, they have rarely had a direct impact on the conflict. The situation changed in April 2018. As fighting between the Tatmadaw (the official name for the Myanmar armed forces) and the KIA intensified, roughly five thousand young people, calling themselves the Kachin Youth Movement, mobilized in the Kachin capital city, Myitkyina, to help eight thousand IDPs caught in the conflict zone and trapped in forests. The youth made three demands to the military: free the trapped IDPs, allow the delivery of humanitarian aid, and include youth and civil society participation in the rescue mission and the provision of aid. These requests were designed to be achievable and nonpolitical, thereby increasing the chances of success and reducing the risk of a crackdown.¹⁴

When their initial notification letter to hold an overnight prayer vigil was rejected by the local police commander, the young protesters set up a camp at Manau Park, a public place of symbolic and cultural significance. The next day, they camped outside the offices of the Kachin State government, drawing attention with musicians, singing, and balloons. When the police arrived to disband them, the youth refused to budge and demanded to meet the Kachin State chief minister and the Union (national) minister of social welfare, relief, and resettlement. In early May, as a result of negotiations with these officials, IDPs trapped in two villages were safely evacuated, after which the protestors agreed to disperse.¹⁵

Several factors contributed to the movement's success. The young people were able to organize rapidly, thanks to the existence of broad-ranging, interconnected civil society networks across the state. They also maintained nonviolent discipline despite police intimidation. The humanitarian nature of their issue, their youthful image, and their eye-catching tactics won the



MAP 1. MYANMAR

Adapted from artwork by
Rainer Lesniewski/Shutterstock

sympathy of the public throughout Myanmar, inspiring solidarity and antiwar protests in other parts of the country, including Bago, Mandalay, and Yangon. Bridges were built between rights-based activists and peace activists, between national-level, Yangon-based and subnational civil society leaders and organizations, and across ethnic groups. The presence of the mainstream media and diplomatic community in Yangon also helped increase awareness of the Kachin conflict, the plight of IDPs, and the Kachin Youth Movement.

The value of the movement's broad networks was underlined in December 2018, when the government attempted a crackdown, sentencing three movement leaders to six months in prison for "defaming" the Tatmadaw under section 500(b) of the Penal Code.¹⁶ The sentences backfired, drawing the attention of not only local activists but also the international community.¹⁷ That same month, approximately six thousand Myitkyina residents demon-

strated against the trio's imprisonment.¹⁸ The three leaders have since been released and have resumed their roles within the Kachin Youth Movement.

CHAMPIONING FREEDOM OF EXPRESSION

Since 2016, civil society activists have organized public campaigns in Yangon against the restrictive Telecommunications Law and its section 66(d), of which mandates up to three years in jail for "extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence

or threatening to any person by using any Telecommunications Network.” The government has expansively interpreted the law to crack down on freedom of expression.¹⁹ After two prominent editors were arrested in 2017, a coalition of local and international rights groups formed to push for reform of the law.²⁰ The new Digital Rights Coalition Group launched the #SayNoTo66(d) campaign, which included creating an online data dashboard of cases, and lobbied the government and parliamentary committees to repeal article 66(d) and amend article 77. Individuals involved in the campaign also took part in nonviolent action organized by other groups; for example, they participated in the Blue Shirt solidarity campaign, where activists wore blue shirts (signifying those worn by political prisoners) and attended court hearings of activists, and in the Right to Information campaign to free two Myanmar Reuters journalists imprisoned for their reports about massacres of Rohingya Muslims. In 2018, a series of public protests for freedom of expression and media freedom was organized as a result of collaboration among civil rights activists and journalists.

Learning from their experiences around networking, solidarity, and media attention, the coalition has evolved into the Freedom of Expression Advocacy Coalition. Established in March 2020, and seeking to build unity beyond a narrow constituency, it has brought together eighteen Myanmar CSOs with expertise in a range of areas—from the legal system, to media, activism, research, grassroots education, and digital rights. It aims to expand its membership, scope, and activities yet further.²¹

USING CULTURE AND HUMOR TO CLAIM CIVIC SPACE

In Myanmar, as elsewhere in the world, activists use art and cultural expression as tactics to express dissent, connect to citizens, and challenge injustice.²² The Peacock Generation is a youth troupe that performs “Thangyat,” a traditional Burmese art form similar to “slam poetry,”²³ usually performed during the Buddhist New Year. Thangyat combines humor, song, and dance for social and political critique. In 2019, several poets in the Peacock Generation were arrested, detained, and subsequently sentenced to one year in prison in a Yangon township under article 66(d) of the Telecommunications Law and section 505(a) (punishment for defamation) of the Penal Code. Kay Khine Tun, Zay Yar Lwin, Paing Phyo Min, Paing Ye Thu, Zaw Lin Htut, and Su Yandanar Myint are currently serving prison sentences.²⁴ On June 11, 2020, two local courts in the Ayeyarwady Region also sentenced Paing Phyo Min, Paing Ye Thu, and Zay Yar Lwin to two years of prison with hard labor, bringing their incarceration to a total of four years and six months.²⁵

The repression is backfiring, drawing national attention and international condemnation. In a letter from prison, Zayar Lwin and Paing Ye Thu declared, “We will keep criticizing and pointing out the flawed system in different ways because it is important for us to amend the constitution and to get the military out of politics so that we can pursue genuine democracy in Myanmar.”²⁶



Members of Peacock Generation Thangyat performance group, from left: Zayar Lwin, Paing Phyto Min, Su Yadanar Myint, and Kay Khine Tun, leave court after their trial on October 30, 2019, in Yangon. (Photo by Thein Zaw/AP)

The Widening Divide between Civil Society and the NLD

Myanmar's civil society has had a history of “complex and contentious” relationships with the state that continues today.²⁷ Prior to the onset of political reform in 2011, the NLD had a dual identity as both an opposition political party and a key player in the democracy movement. Upon assuming power in 2016, many veterans of the movement shifted to government and politics.²⁸ Others joined or created formal CSOs. Relations between the government and civil society were initially constructive. For example, civil society actors and the NLD worked together closely on the legislative reform of the Ward or Village Tract Administration Law.²⁹ Elections for ward and village tract administrators are a critical component of local democracy and “a way for ordinary citizens to exercise their democratic rights, and crucial for the development of active citizenship and good local governance.”³⁰ However, by 2017 the relationship between the NLD government and civil society began to fray, in large part due to mistrust and shrinking civic space.

GROWING MISTRUST

Many CSOs have become disappointed in the NLD, which they feel tends to regard them with suspicion and to keep them at arm's length.³¹ Such sentiments were echoed by international actors and civil society respondents in this study. As an interviewee from a multilateral institution

A vicious cycle has developed. As the government curbs contact between itself and some parts of civil society, opportunities for trust building and collaboration decline . . . This in turn reinforces suspicion.

observed, “There is a tension or trust issue between CSOs and the government.” Respondents surmised that civic actors are perceived by the NLD to be “spoilers or problem-makers” and thus barriers to the government achieving its objectives. A prominent young rights defender voiced frustration: “It seems like they [the NLD government] assume that we [activist organizations] are not at a

proper level to meet with them.” Other rights-based civic respondents argued that as the NLD is no longer an opposition party and is now in power, it should be open to criticism and embrace accountability by strengthening mechanisms of checks and balances.

Some research participants postulated that because the NLD, unlike the previous government, was democratically elected, it believes it already has won domestic and international legitimacy and therefore does not need to cultivate it. The NLD expects civil society to support and reinforce its policies and activities. According to a diplomatic interviewee, “They see themselves as the people’s party, so they feel they don’t need to consult with civil society organizations.” This has contributed to an underutilization of CSO competency on a range of policy issues and sectors, including peacebuilding, human rights, health, education, natural resource governance, and labor.³²

At both the subnational and national levels, research participants reported that in matters of contact with CSOs, the NLD party has created a restrictive environment characterized by centralized control. For some, regular contact with officials has dramatically reduced. A Kachin respondent recounted:

We, youth activists, had more freedom in the last government when advocating for youth policy. They even organized a monthly informal meeting with civil society. However, under this NLD government, when we went to meet with the chief minister of Kachin State, he always first asks for the opinion from ministers of Border Affairs and the Social Welfare Department in order to make one decision. Based on their responses, he decides either yes or no.

One respondent, who has been addressing intercommunal conflicts and social cohesion since 2013, offered an example of the difficulties of trying to engage with NLD legislators: “We [the organization] usually invite parliamentarians for conflict prevention workshops. As in a case in one township in Yangon, a [regional] parliamentarian declined to join the meeting. He was afraid of his party [NLD] because he needs permission from the Central Executive Committee.”

A vicious cycle has developed. As the government curbs contact between itself and some parts of civil society, opportunities for trust building and collaboration decline, particularly around contentious issues such as the military’s power outside of the barracks. This in turn reinforces suspicion and widens the divide between the two sectors at a time when, most civil society actors agree, Myanmar needs unity and sustained top-down and bottom-up pressure to reform the 2008 Constitution, consolidate peace, rally public support for democratic consolidation, and tackle drivers of fragility and violence at the nexus of governance, development, and human rights.

Nonetheless, these restrictions are not entirely inescapable. Civic actors have found creative ways to circumvent them, such as through informal meetings with legislators and officials

outside of work settings. In addition, respondents noted that it is easier to approach and engage subnational parliaments (including some members of parliament [MPs]) in Kachin and Mandalay than to try to engage corresponding subnational administrations. These interactions with subnational legislators have proven to be mutually beneficial. On the one side, these MPs need research-based information but often do not have the time or resources to gather it themselves. Civil society actors, in some cases, have been able to fill this gap. On the other side, many local research-oriented CSOs also need the support of MPs because their ultimate objective is to push for legal reforms.

SHRINKING CIVIC SPACE

Article 354 of Myanmar's 2008 Constitution promises freedoms of assembly, association, and expression—three fundamental human rights upholding organized nonviolent action. However, most respondents asserted that rights-based defenders, CSOs, and the media are facing oppressive measures that restrict civic space. “I feel like we are reversed back into the military regime period when it comes to space of civil society movement. We face the same restrictions, both from legal and physical threats, whenever we do community events,” remarked a respondent from a health rights organization. A subnational civic activist remarked that the NLD government does not want to allow any open discussion of, or any action to address, “issues that affect their core interests such as natural resources and their power. In this case [when they want to impose restrictions], they use tools such as legal charges, detaining protestors, and taking action severely.” A research participant who works for an international foundation observed that although people in government have changed, the system has not yet changed. A significant hurdle is the current Constitution, which dates from 2008 and enshrines the military's role as a political force. One-quarter of parliamentary seats are allocated to it, and any constitutional amendments require the support of 75 percent of MPs, essentially providing the armed forces with a veto over structural and political change. The Constitution also gives the Tatmadaw control of key ministries and departments.

In general, both national and subnational authorities are imposing restrictions on CSOs, SMOs, and informal groups that impact trainings, public gatherings, community organizing, and civic mobilization all the way to local levels. In addition to being targeted by laws that curtail their freedom of assembly, association, and expression, often employed together to create double binds for CSOs and social movement actors, rights-based activists and groups have been facing increasing state harassment, particularly by the military and military-controlled ministries.³³

The Peaceful Assembly and Peaceful Procession (PAPP) Law, amended in 2016, is the key legal instrument used to suppress nonviolent street action. A 2020 report by a national human rights organization found that “80% of the charges laid down against the 229 protesters between October 2016 and November 2019 fell under the PAPP Law.”³⁴ During the 2018 IDP crisis in Kachin, fifty activists were arrested in the aforementioned nonviolent antiwar mobilizations in Mandalay, Yangon, Myitkyina, and Pyay and Nattalin townships in the region of Bago.³⁵

According to the letter of the law, anyone convening a peaceful assembly must give the authorities prior notification of the event. In practice, however, this notification is treated as an application for permission, which authorities can deny. Moreover, applicants are often obliged to follow an onerous process that requires giving as much as ten days' advance notice, submitting

extensive paperwork to the respective state or regional government office, and sending copies to relevant ministries, districts, and townships. This creates an administrative burden as well as a climate of uncertainty and anxiety for civil society—including social movement actors—challenging vested interests and tackling politically sensitive problems.

Authorities have also adopted measures to curtail public events, meetings, and trainings—precisely the kinds of activities that are vital to community organizing, citizen engagement, and capacity building for nonviolent action and peacebuilding. As respondents described, these restrictions can vary from place to place. In 2017, for instance, Mandalay State’s NLD chief minister, a former political prisoner and trade unionist, issued a decree requiring every social and nonprofit organization to obtain permission from the local government to organize public events and activities. A trade union respondent shared that most of the union’s permit applications for trainings have been rejected. An interfaith activist recounted that organizers applied for a permit to hold a large interfaith ceremony in Meiktila, the site of Buddhist-Muslim communal violence in 2013.³⁶ Their application was rejected a day before the event. “If the CSOs do the activities that go against the government or the organization that they do not like, they did not give the permission to host the event and pressured [the CSOs] to shut down the activity or move to other places.” Organizers are also asked to provide advance profiles of resource persons conducting trainings.

Civil society actors in Yangon reported somewhat less trying experiences insofar as they can organize events or meetings with a relative degree of freedom and independence. But they have encountered significant restrictions on media coverage of their activities. For example, if a public event is hosted in a hotel and media are invited, the organizer must inform the management of their presence, because hotels are instructed to notify the local administration office about events at which media are present. “It’s not an official government decree, but instructions from the Union government to township administration departments,” explained a CSO respondent and former Generation 88 veteran.

A second restrictive mechanism is the Law Relating to Registration of Organizations, which was introduced in 2014. Civic leaders and activists consistently reported that groups are pressured to formally register even though this is voluntary under the law.³⁷ Not only can the process be difficult and time-consuming, but also the government has denied registration to major CSOs that focus on peace, anticorruption, transparency and accountability, election monitoring, land rights, and environmental and resource extraction.³⁸ Once registered, CSOs must submit financial and activity reports to the government. Some unregistered groups have experienced exclusion and harassment. Research participants remarked that the NLD government and members of the Pyithu Hluttaw (Lower Parliament) unofficially use registration status to exclude CSOs from policy discussions, preferring to interact with registered groups. Yangon focus group discussants said that this “started around 2017. . . . Internally, within NLD, their members [of parliament] are instructed what event to attend, what organization to meet, etc. They mainly ask for the status of being registered. If [it’s a] non-registered organization, it is difficult to meet or talk to them.” Moreover, many authorities at the state and regional levels insist that CSOs be registered before they can organize events.³⁹

The freedom to criticize the government and military remains a sensitive issue. A 2019 Human Rights Watch report concluded that “while discussion of a wide range of topics now flourishes in

Activists hold up blue t-shirts emblazoned with slogans urging protections for freedom of expression during the trial of members of Peacock Generation Thangyat performance group on October 30, 2019, in Yangon. (Photo by Thein Zaw/AP)

both the media and online, those speaking critically of the government, government officials, the military, or events in Rakhine State frequently find themselves subject to arrest and prosecution.”⁴⁰ A 2019 mid-term report by a freedom of expression organization called Athan (“Voice” in Burmese) documented that activists, artists, journalists, students, and citizens



exercising online freedom of expression were the targets of the majority of legal cases lodged for criticizing the military, MPs, military representatives in parliament, and civil servants.⁴¹

One major instrument to curb freedom of speech is article 66(d) of the Telecommunications Law.⁴² As illustrated in the cases of the Digital Rights Coalition Group and the Peacock Generation, defamation charges under this article have been used selectively to arrest reporters, civic actors, activists, and even politicians. In August 2017, the law was amended to be slightly less restrictive following pressure by civil rights activists and lawyers from twenty-two CSOs.⁴³ At the time of writing, the amendments are being considered in the Pyithu Hluttaw.⁴⁴ A second legal instrument used to muzzle activists and journalists is the Penal Code, and in particular sections 500 (punishment for defamation) and 505 (statements conducing to public mischief).⁴⁵ The latter is used to target individuals who criticize the military. Section 17/1 of the colonial-era Unlawful Associations Act has also been used to intimidate civil society groups and silence journalists and perceived political opponents, particularly among minority ethnic communities.⁴⁶

Alarmed by these developments, both external actors and rights-based activists interviewed for this study asserted that freedom of expression and press freedom must urgently be addressed for any meaningful democratization process to advance. An interviewee from an international funding agency stated that, since 2018, the right to freedom of expression has again become a priority programmatic issue in Myanmar, and funding for freedom of expression programs has been included in the agency’s 2020 funding cycle. Likewise, SMOs are changing their approaches and tactics. Respondents said that rebuilding the foundation of human rights and democracy values at the grassroots level is critical. “We have to use people power,” declared a Yangon social movement actor. Some of these SMOs are now focusing on human rights education activities such as local research and documentation, trainings, and public talks and other forms of citizen engagement that connect rights with people’s problems. Research participants also noted that human rights defenders and activists in Myanmar lack protection

mechanisms. Human rights defenders have urged the government to ratify the International Convention on Civil and Political Rights and to prioritize reform of the Myanmar National Human Rights Commission, which is viewed as lacking in authority and being neither independent nor effective in gaining accountability for human rights violations.⁴⁷

In addition to state repression, organized vigilantes, including hard-line Buddhist nationalists with links to the police and Tatmadaw, intimidate, beat, and even arrest protestors and civic actors.⁴⁸ Some respondents cited threats by Buddhist nationalist groups for interfaith activities in Mandalay and described attacks during peace protests in Yangon. Not surprisingly, this degree of intimidation can lead to self-censorship. For instance, a participant from a Mandalay-based ethnic association pointed out that some human rights defenders, especially those from marginalized and minority religious groups, hesitate to speak out for their rights because they fear they will provoke a backlash against their communities.

Not all sectors of civil society face restrictions. Where the goals of a group or civic initiative correspond with the priorities of the national or a subnational government, that group or initiative is less likely to be suppressed. A respondent from a women's leadership organization revealed that the organization's advocacy effort was welcomed by the authorities. Even in the human rights sphere, the issue being addressed can affect the official response. A research participant with a human rights education organization cited their direct advocacy and engagement with Union MPs to reform the National Child Law, contributing to its 2019 passage. The respondent argued that this reform was in the interest of the government, which was obliged to submit a national child law report to the United Nations Human Rights Council through the Universal Periodic Review process. However, such openings can create a false sense of security. What is acceptable to the government and military today may not be tomorrow.

GROWING DIVISIONS WITHIN CIVIL SOCIETY

Prior to Myanmar's democratic opening, civil society was accustomed to operating in opposition and, for the most part, in exile. Once absolute military rule ended, the glue holding civil society together—shared goals and collective identity—began to loosen. At the same time, the civic realm's composition began to change with the return of exiled groups more familiar with international standards and practices. Divisions soon emerged between these returnees and domestic groups that were, initially at least, less savvy about administrative affairs but had a more nuanced grasp of the country context.

Virtually all Myanmar respondents agreed that civil society segmentation is draining the sector's power and resilience. It has engendered competition rather than collaboration and inhibited the building of unity and coalitions, the formation of synergies and linkages across issues, and the emergence and sustainability of nonviolent action campaigns and movements. A weakened civic realm has less capacity to counter closing civic space and harness people power to advance peace, social justice, democracy, accountable governance, and inclusive development.

A major division exists between those groups that believe it is essential to support the NLD government and those that believe in a rights-based approach that involves watchdogging the government, even if it is led by the NLD. The 2017 Rohingya crisis exposed these differences even further. Broadly speaking, the CSOs supportive of the government were silent over the

atrocities committed by the military, whereas their rights-based counterparts condemned the violence and urged the government to take steps to mitigate the subsequent refugee crisis. Some respondents postulated that, at the very least, these divisions make it easier for rights-based civic actors to distinguish between allies and opponents, discern who stands for what, identify common ground, build solidarity, and effectively plan advocacy and nonviolent action initiatives. “We need to pass through this stage,” commented one respondent. “There is no surprise; it is a way to democracy.”

Another civil society divide is between elite and grassroots CSOs. Recent research and analysis have highlighted this growing trend among civic groups around the world.⁴⁹ It is manifested in gaps between the center and the periphery and between professionalized/registered CSOs and informal groups/SMOs that are closer to communities and citizens.⁵⁰

In many parts of the world, the practices of external actors have contributed to these rifts, and Myanmar is no exception. Since 2011, when the country’s reform period began, civil society has undergone an “NGO-ization” in terms of formal registration and organizational professionalization spurred by donor requirements, resulting in weakened relations with the grassroots.⁵¹ A Kachin SMO interviewee captured this dynamic: “The local groups might not be professional but they are working for the needs of the community. However, now, many donors just encouraged [them] slowly to become professional NGOs that lead to project or donor-driven organizations.”

Many international actors embraced the transition and actively supported civil society, mainly through intermediaries and large formalized CSOs in Yangon. By 2018, Myanmar was one of the largest recipients of international assistance in the world, as donors and international nongovernmental organizations (INGOs) sought to tackle extensive poverty and support democratic outcomes.⁵² Donor strategy documents, along with input from research respondents, indicate that few international actors in Myanmar do significant direct outreach to grassroots and social movement actors or to local CSOs to analyze the dynamics, urgencies, and needs concerning transparency, accountability, good governance, development, and human rights issues on the ground. Bilateral and multilateral donors have tended to distribute financial support via multilateral institutions (such as the United Nations), INGOs, implementing partners, and well-established national CSOs that in turn distribute funding to other local CSOs through subgranting. The European Union and its development partners in Myanmar have routed their funds via INGOs and large domestic CSOs that are “well-equipped to comply with the accountability standards.”⁵³

International respondents cited administrative, political, and practical reasons for their preference to not engage directly with grassroots groups and social movements. The most noteworthy of their reasons was to protect recipients from state harassment. For example, one large bilateral donor voiced concern that in a country “where the political space opens and then closes again,” large amounts of externally provided funding could potentially put local CSO staff at risk of arrest on charges of tax fraud or mismanagement—a tactic frequently used by authoritarian governments to repress civil society. The respondent also explained that their institution relies on its international partners that are “used to dealing with [our] bureaucracy in grant management.”

While INGOs receiving international funds are encouraged by their funders to partner with local grassroots groups to strengthen local capacities, there is a growing consensus among

When informal groups register to access international support, an unintended consequence is disconnection from communities and citizens—their principal sources of mobilization, resources, and power.

some major donors that this practice is undermining their own relationships with grassroots groups that ultimately drive progress. A bilateral donor stated, “If change is going to happen, it’s not through INGOs, but the local partners. INGOs are here to support them.” An assessment of the EU Roadmap for Civil Society Engagement in Myanmar (2014–2017) reports that “the use of third parties for the implementation of many programmes has hampered EUD

[European Union Delegation Myanmar] opportunities to reach and engage local CSOs in policy dialogue and has further resulted in competition for funding.” As a result, the EUD launched the EU-CSO Partnership Strategy 2018–2020, which includes structured dialogues and “civil society fairs” at the national and subnational levels.⁵⁴

The practice of using intermediaries for donor engagement and subgranting through INGOs, implementing partners, and in-country CSOs/consortia divided opinion among research participants. Yangon-based civil society actors, including SMOs, rights-based activist groups, and community-based organizations, spoke positively about their ability to access international support through consortia of Myanmar CSOs. They said they had good access to external actors, as well as to a variety of grant types and grant application forms in Burmese (although not in other languages). In contrast, many subnational respondents expressed frustration with subgranting practices, particularly those linked to what were described as “trendy issues,” such as social cohesion, durable peace, and voter education. These respondents maintained that donors tended to engage with major national CSOs that may have considerable experience and credibility but not necessarily local expertise and know-how, which is to be found among grassroots (often unregistered) groups. These latter entities have been at the forefront of community organizing and nonviolent action campaigns on conflict-related issues such as IDPs, ethnic rights, land rights, natural resource exploitation, and repression of human rights defenders. A 2018 report commissioned by the Norwegian Ministry of Foreign Affairs substantiates their observations. On the one hand, Norway appears to be reassessing its approach to peace and democracy assistance in an integrative manner that combines “developmental capacity building with political support for peace and democracy.” On the other hand, it seems to accept the status quo of engaging with major CSOs, albeit with the following qualification: “There are concerns about capacity and competence among the humanitarian and development NGOs that are used for channelling, and whether they can shift their focus to political capacity building in support of political forces and processes vital for peace and democracy.”⁵⁵

Many grassroots participants also cited negative consequences stemming from donor preferences to engage with registered CSOs at the expense of unregistered groups, including social movement actors who may not necessarily wish to register or face rejection upon trying.⁵⁶ This preference can put some informal groups in a bind and reduce their opportunities for international support. A respondent from a human rights advocacy organization added:



Internally displaced ethnic Kachins rest at their hut in the compound of Trinity Baptist Church refugee camp in Myitkyina, Kachin State, northern Myanmar on May 6, 2018. (Photo by Min Kyi Thein/AP)

The unregistered organizations are facing funding constraints since [without registration] they are prohibited from withdrawing or transferring money through banks. Some donors also don't want to fund unregistered groups . . . donors gave funding through domestic [Yangon-based] INGOs, NGOs, or multilateral institutions. These domestic funding organizations turned out to prioritize organizations who support the government's policies and excluded those organizations who criticized government and worked for the rights of marginalized groups, Rohingya, and human rights issues.

When informal groups register to access international support, an unintended consequence is disconnection from communities and citizens—their principal sources of mobilization, resources, and power.⁵⁷ A Kachin activist reflected: “Many local civic organizations are forced to institutionalize in order to meet donor requirements, which leads them to have less involvement with grassroots campaign work. That’s against the nature of civic actors. The more you bind them, the more they become counterproductive in civic movement work.”

Obstacles to Mobilization

In addition to contending with the challenges presented by widening divisions within Myanmar civil society, worsening relationships between it and the government, and their interplay with donor policies and practices, social movement actors face three additional obstacles to nonviolent action mobilization for accountability, good governance, democracy, peace, and equitable development goals.

The first of these is ethnic divisions. Many movement actors struggle to build inclusive relationships among ethnic groups, and the lack of such ties limits opportunities to form coalitions and develop mobilization capacity. Myanmar has 135 officially recognized ethnic groups and a wide variety of languages and dialects. A Kachin activist acknowledged, “In order to have a successful movement, the first question should be to what extent Kachin civic leaders could accommodate non-Kachin and give [them] the space for decision-making roles.” A Mandalay representative from a self-help association for ethnic minorities said that CSOs do not necessarily recognize them as a counterpart. “Some CSOs only invite us to just attend their events by asking us to wear ethnic costumes and to cut ribbon for opening ceremonies, etc. If they don’t need us, we are not invited. . . . We feel that we are just being used,” the respondent remarked.

The second obstacle is difficulty linking democratic principles to real life. Many respondents, including external actors, noted that there is inadequate public understanding of human rights and democratic principles, which creates challenges for mobilizing people for nonviolent action. An embassy interviewee observed that “the success of civic movements depends on the level of political awareness of the general public about the democratic ideology. In Myanmar, it is still lacking.” A political activist and political science lecturer was more upbeat, however: “In Kachin, there are a couple of reasons that people decide to join social movements: first is to express their grievances and resentment on the restriction of their freedom and on-going oppression . . . second, they feel safe since the movement leaders are religious leaders.” His observation highlights two important factors contributing to mobilization. People are more likely to participate when democratic and human rights principles are contextualized to local realities and linked to everyday concerns, and when human rights and democratic principles are espoused by admired societal or community figures with credibility and legitimacy, such as elders or fearless youth.

The third obstacle is a lack of adaptability. Activists reported feeling “stuck,” that is, unable to adapt, learn, and change to tackle challenges such as repression, citizen apathy and fear, and movement sustainability. As a result, their nonviolent action efforts have been reactive rather than proactive. At least two factors are at play. First, they have not been widely exposed to the breadth of knowledge, strategies, skills, and tools that apply to building nonviolent movements, engaging in nonviolent action, and strengthening dialogue and negotiation. They rely on a limited number of tactics, such as demonstrations, that are more confrontational and high risk and thus tend not to draw in a broad population base. As the political science lecturer-activist from Kachin remarked, “We still need to learn a lot of nonconfrontational methods and strategic planning skills for sustainable movement, including how to design measures to [make our opponents’ tactics] backfire, to negotiate with others, and to use secure communication systems.”

International actors should reevaluate approaches to fostering public understanding of human rights, democratic principles, accountability, and peace that are largely based on top-down interventions, international discourse, and abstract concepts.

Second, according to several research participants, since the 2015 political transition numerous CSOs and activists have lost their sense of identity, purpose, and some contended, even their principles. Some attributed this perception to divides between NLD supporters (who believe democracy was achieved when the NLD won the elections) and NLD critics (who believe the role of CSOs is to point out the wrongdoings of *any* government). Others argued that much of civil society has pivoted away from their original

missions and objectives toward donor-driven priorities because they need funding. “Despite an increase in the number of CSOs and busy activists,” commented a local staff member from a sub-granting CSO supported by an international donor, “it doesn’t contribute to the reform process; instead, CSOs lost their focus, their roles, and some are even OK if their priorities are being directed.”

Conclusion and Recommendations

Myanmar’s transition from military rule to democracy remains a work in progress, and advancement toward good governance, accountability, peace, and equitable development is by no means assured. As this report has described, civil society is not monolithic and is beset with divides. It must navigate amid shrinking civic space, military influence and repression, and less than optimal relations with the NLD government, its former ally in the democracy struggle. At the same time, parts of the international community are reconsidering their own strategies for engaging and supporting Myanmar’s civil society. By their own reckoning, they have overemphasized engagement with Yangon-based CSOs and provided insufficient support to grassroots actors to enable a strong, unified civil society to develop and to generate bottom-up pressure through strategic nonviolent action.

What can civic actors—and, in particular, social movement actors—do differently to tackle the challenges they face? What can the international community do differently to help in this endeavor? The following synergized recommendations are designed to offer some answers to these questions.

LOCALIZATION AND NONVIOLENT ACTION CAPACITY BUILDING

A bottom-up approach to accountability and good governance can complement top-down, elite-driven efforts and help strengthen democratic practices, foster a culture of trust and dialogue, and enhance citizen mobilization for nonviolent action. For this to happen, however, CSOs and social movement actors should refrain from approaching communities with predetermined priorities and ready-made projects driven by donors, and instead engage with local communities to connect accountability, democracy, good governance, peacebuilding, and development goals to people’s daily lives, concerns, and grievances. Working closely with local people to identify shared goals can provide the foundation for effective, collective action.⁵⁸ Civic actors also need to build capacity in strategic nonviolent action, community organizing, tactical diversity, nonviolent communication, negotiation and dialogue, democratic leadership, and basic legal and organizational development skills.



Riot police stand in position to block activists during a peace rally on May 12, 2018 in Yangon. (Photo by Thein Zaw/AP)

In turn, international actors should reevaluate approaches to fostering public understanding of human rights, democratic principles, accountability, and peace that are largely based on top-down interventions, international discourse, and abstract concepts. Rather than adopting one-size-fits-all approaches across the country, it is essential to consider subnational contexts and challenges. This might entail conducting periodic contextual assessments (using, for example, CARE International's Contextual Analysis Frameworks) more frequently. Such instruments encompass multifaceted dimensions—including conflict sensitivity, gender mainstreaming, sustainability of civic initiatives and CSOs, and human rights indicators—that contribute to a better understanding of the issues and actors involved in, and the obstacles to, nonviolent action and citizen mobilization.⁵⁹ As importantly, donors should increase engagement with smaller CSOs and social movement actors, and enable the development of the kinds of mobilization skills and capacity building that (as outlined earlier in this report) are lacking.

Digital engagement constitutes an important and complementary component of localized approaches. With nearly 40 percent of Myanmar's population using Facebook for day-to-day communication, civic actors have an opportunity to create online, user-friendly mobile device platforms to raise public awareness, mobilize citizens, bridge the gap between rural and urban

groups, and increase cross-regional collaboration.⁶⁰ External actors could provide small grants to enable SMOs to deliver grassroots education on basic human rights, democratic values, and nonviolent methods via social media platforms. In addition, donors could offer modest support for SMOs and CSOs to collaborate on creating a practical digital civil society platform to improve nonviolent action, community organizing, and strategic planning skills; brainstorm innovative tactics; and develop protection mechanisms.

UNITY AND INCLUSION

Unity of people and goals is a fundamental principle of successful nonviolent action.⁶¹ Given that civic space is currently shrinking, many CSOs have recognized that working together—for example, in coalitions and networks—is necessary for survival and effective for identifying core problems, shared objectives, and common solutions. To this end, CSOs and social movement actors focused on similar issues need to increase strategic coordination and collaboration across geographic locations. One potential focal point at the nexus of conflict, transparency, accountability, and development is the China-Myanmar Economic Corridor to modernize Myanmar's infrastructure and build economic zones, part of China's Belt and Road Initiative.⁶² They should also adopt more innovative and diversified practices to accommodate informal organizations and build participation across gender, ethnicity, regions, religion, professions, and ideologies. This involves going beyond extending token invitations to cultivating mutual respect and trust among ethnic and religious minorities within minority populations, for example, the Ta-ang, Pa-O, Lahu, and A-Hka in Shan State.

In conjunction, donors need to evaluate how their policies and practices inadvertently exacerbate civil society divisions. Rather than channeling grassroots support primarily through INGOs and national CSOs, those donors with bureaucratic flexibility could allocate a portion of their budgets to core funding for locally led CSOs and for modest, flexible, rapid-response grants for social movement actors. For bilateral institutions with administrative constraints, creative approaches could include pooled funding mechanisms with government or private donors; support to international nonviolent action capacity and movement building organizations and networks; and civil society hubs that incorporate nonviolent action into their activities.

As nonviolent action movements and campaigns have often been catalyzed by informal civil society actors and involve grassroots participation from marginalized communities, it is also crucial for external actors to expand their range of vision. Many commonly overlooked groups—such as faith-based organizations, labor unions, student unions, teachers' associations, literary and cultural associations, LGBTI groups, community-based development groups, blood donation groups, funeral and ambulance service associations, and ethnic health-care service groups—have been vital contributors to social transformation and democratization through community-based problem solving and nonviolent action. Results from the 2019 Asian Barometer (a cross-national public opinion survey on democracy, political values, governance, economic reforms, and human security) suggest they are likely to remain important sources of mobilization. The survey found that “Myanmar citizens continue to join religious, charitable and local residential and community organizations to a greater extent than political parties and other groups.”⁶³

Youth (those aged fifteen to thirty-five) constitute over one-third of Myanmar's population and, as illustrated in this report, are often in the vanguard of nonviolent movements and campaigns.⁶⁴ Civic leaders should prioritize youth for leadership development and capacity building in nonviolent action and community organizing. In tandem, international actors can contribute to inclusive youth participation in movements and campaigns by enabling purposeful networking and learning. For example, donors can provide opportunities for young people and student union members from universities across regions and states to build ties and strengthen capacities in strategic planning, scenario analysis, nonviolent tactical innovation, and network building. Such support for students, young professionals, and young activists can be operationalized through short-term fellowships, leadership development programs, regional exchanges and peer-to-peer learning visits, and scholarships for synergized nonviolent action and peacebuilding.

STRATEGIC ENGAGEMENT AND SOLIDARITY

Civic leaders at the subnational and local level, along with national allies, should proactively advocate to donors to support the emergence and sustainability of grassroots nonviolent action tackling governance challenges and other drivers of violent conflict. This advocacy could entail targeted diplomatic briefings and collaboration on international speaker bureau visits bringing resource persons to interact with relevant officials, MPs, academia, students, and civil society at the national and subnational levels. In light of the center-periphery divide, international actors in Myanmar can help amplify the issues, activities, and outcomes of social movements and community-based nonviolent action initiatives for both domestic and international audiences. They can also proactively consult with civil society, including grassroots groups, on priorities and practices. For instance, the EUD in Myanmar initiated a pre-programming consultation questionnaire for CSOs to gather input on its 2021–27 strategy on the “relevance, context, and priority needs for EU support” in five policy areas.⁶⁵

Expressions of international solidarity for civic leaders, activists, organizations, and social movements facing repression can be invaluable, as can diplomatic pressure on the government, should those on the ground desire it. In Myanmar, such support is particularly important given the government's desire for international legitimacy and the country's weak accountability systems. Solidarity can be expressed in various ways, such as visiting a detainee's family members, monitoring court hearings, releasing statements, and bestowing awards for nonviolent action courage, leadership, and accomplishments. In the case of the Kachin Youth Movement, in February 2019, while the three movement leaders were still imprisoned, the World Kachin Congress and the Kachin Consultative Assembly honored them with the Kachin Human Rights Defenders Awards.⁶⁶ Among them, Nang Pu also received the United States Embassy Women of Change Award and the European Union's Schuman Award.⁶⁷

International solidarity can also include enabling local civil society groups to connect to national or international networks so that those at risk become more visible, protected, and funded and have access to more resources. In the research for this study, local civic actors defending the most marginalized communities reported feeling encouraged knowing that the international community still stands on the side of human rights, democracy, and development. Civic actors and nonviolent civic initiatives focusing on politically sensitive issues such as land rights, peace,

mega-development projects, environmentally and socially destructive development projects, and corruption are often targeted by ethnic armed organizations, militia groups, military personnel, and business stakeholders. For the most part, these grassroots changemakers work without any connection to mainstream media and receive little or no support from international organizations until they are attacked, disappeared, or murdered.



Political transitions from authoritarianism toward democracy in fragile contexts, stimulated by nonviolent movements, bring optimism and opportunities to improve the lives of millions living with deprivation and injustice. Myanmar's unfolding experience presents a timely case for international actors committed to supporting accountability, good governance, human rights, equitable development, and an end to armed conflict. Civil society actors and social movements are actively engaged in using nonviolent action to counter emergent restrictions, push for genuine political reforms and peace, and tackle the legacy of problems inherited from years of autocratic rule. But those actors and movements face formidable challenges, some of them inadvertently exacerbated by donor policies and practices. Myanmar's transition will be more likely to lead to a sustainable democratic consolidation if international actors increase their outreach to grassroots actors, localize priorities, provide flexible financial and nonfinancial forms of support, and strengthen solidarity with civil society, including social movements.

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