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The politics of resistance in semi-authoritarian contexts: human rights in Myanmar, 2008-2021

Opening, Occupying and Policing the Space for Dissent

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Thesis submitted for the degree of PhD

2023

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May 2023

Glossary

AAPP	Assistance Association for Political Prisoners
ASSK	Aung San Suu Kyi
BSP	Burma Socialist Program Party
CBO	Community-Based Organization
CDM	Civil Disobedience Movement
CPR	Civil and Political Rights
CSO	Civil Society Organization
CRPH	Committee Representing Pyidaungsu Hluttaw
ESCR	Economic, Social and Cultural Rights
FBO	Faith-Based Organization
FoA	Freedom of Assembly
FoE	Freedom of Expression
FH	Freedom House (https://freedomhouse.org)
GAD	General Administration Department
HRA	Human Rights Advocate
HRD	Human Rights Defender
HRO	Human Rights Organization
HRW	Human Rights Watch
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IPCC	Intergovernmental Panel for Climate Change
IR	International Relations
I/LNGO	International/Local Non-Governmental Organization
NLD	National League for Democracy
NUG	National Unity Government
PDF	People's Defence Forces
SAC	State Administration Council
SAR	Semi-Authoritarian Regime
SEA	Southeast Asia
SLORC	State Law and Order Restoration Council
SPCD	State Peace and Development Council
TAN	Transnational Activism Network

UDHR Universal Declaration on Human Rights

UEC Union Electoral Commission

Acknowledgements

There are few places around the world where street protests, a topic I had been interested in for close to a decade, have been more important than in Myanmar's political history. I first got interested in protests, and especially the policing of protests while interning at Access Info Europe in Madrid, Spain, in the fall of 2012. There, I worked as a research assistant on a [report](#) on "The transparency of policing of protests" in Europe, which sparked my interest in the direct confrontation between activists and the state which is so visible and palpable during protests¹. Before I developed any first-hand experience of Myanmar, and got to observe its political landscape, I had seen images of the mass protests in 1988 and later in 2007 and I was genuinely puzzled at how such a large mobilisation could occur in such a repressive environment, that offered, officially, no space for dissent.

After having lived and worked for a few years in Myanmar, by then a semi-authoritarian state ongoing so many ground-breaking changes, I quickly realized that the rules of the game were completely different there from what I knew them to be in the regimes I was most familiar with, i.e., democracies and authoritarian states, and I was determined to understand how human rights mobilisation occurred in semi-authoritarian contexts. I had found the topic of my PhD.

I can genuinely say this PhD would have never come to see the light of day without the support and the intellectual stimulation of Professor Stephen Hopgood. For years (almost 5!), he patiently, kindly, and rigorously guided me through the PhD journey, provided me with invaluable advice on both the process and the content of my work, and he seemed to never doubt I would bring it to completion, and so neither did I. Thank you so much, I am so proud of the work we did.

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¹ I cannot think about protests and politics of resistance without referencing my ex-colleague Steve Crawshaw's inspiring book *Street Spirit: The Power of Protest and Mischief* (2017).

carrying me through the last few months of the journey, with her precise and demanding comments. Dr Sabaratnam's brilliant mind, her work ethic and the courage and intelligence she demonstrates in her academic career are an inspiration to me and many others, and I wish her all the best in her next adventure at the University of Oxford.

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Last but not least, I thank all the activists, human rights defenders, and individuals who agreed to meet with me to discuss my research interest and to share their experience and vision of the fight for democracy and human rights in Myanmar, as well as all my ex-colleagues in Myanmar. Your courage, resilience and resourcefulness in the face of tremendous challenges post-coup will never cease to inspire me. I am especially grateful to my research assistant who has gone through hell and back in his fight for social justice in Myanmar, I hope our paths cross again someday.

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Table of contents

Glossary	3
Acknowledgements.....	5
Table of contents	8
Figures.....	10
Tables.....	10
Diagrams	10
Abstract.....	11
Chapter 1. Introduction	13
<i>Introduction, research context and puzzle</i>	13
<i>Existing literature’s discussion and assumptions (theoretical framework)</i>	16
<i>Increasing prevalence of ‘semi-authoritarian’ regimes (SARs)</i>	24
<i>Myanmar case-study</i>	27
<i>The evolution of Burma Studies</i>	29
<i>Ethics, methodology and methods</i>	36
<i>Experiential knowledge as a tool for human rights mobilization research</i>	52
<i>Expected contribution and structure of the dissertation</i>	55
PART 1 – The interplay of human rights mobilisation and regime change in Myanmar	59
Chapter 2. Researching human rights and regime change in Myanmar (2008-2021)	60
<i>Introduction</i>	60
<i>Human rights impact theories and the leading “spiral model”</i>	60
<i>Human rights mobilization toolbox in semi-authoritarian contexts</i>	66
<i>Introducing “freedoms of resistance” to frame the human rights mobilisation landscape in SARs</i>	68
<i>Semi-authoritarian regimes (SARs) are not “a phase”</i>	71
<i>Proposing a semi-authoritarian regime (SAR) framework</i>	74
<i>Threats to regime survival triggering repression</i>	78
<i>Drawing lessons from social movements theories to bridge the gap between the human rights and SAR literatures</i>	82
Chapter 3. Transition from military rule to a semi-authoritarian regime: a historical perspective of civil society development in post-1988 Myanmar.....	92
<i>The diversity of Myanmar’s civil society</i>	106
<i>Understanding the military-led regime transition (towards SAR)</i>	113
<i>The pacte vs imposed transition arguments</i>	116
<i>A military-dominated path to “disciplined democracy”</i>	118
<i>Chapter’s conclusions</i>	123
PART 2 – Mobilizing for human rights in semi-authoritarian Myanmar (2008-2021)	127
Chapter 4. Opening the space for dissent: a mapping of freedoms of resistance in semi-authoritarian Myanmar (2008-2011).....	130
<i>Tactical concessions reshaping opportunity structures</i>	130
<i>Freedom of resistance in the Burmese context</i>	131
<i>On the right to participate: limited civil and political rights creating an unfair playing ground</i>	141
<i>On the right to protest: a superficial opening of the space for dissent and the continuity of the repressive spirit of the law</i>	147

<i>On access to information & media freedom in the digital era: a policed space for counter-narratives</i>	154
<i>On the rule of law and judiciary arena: undermined institutional counter-powers and the lack of accountability</i>	158
<i>Chapter's conclusions</i>	163
Chapter 5. Occupying the human rights mobilization landscape in Myanmar: strategies of mobilisation in a semi-authoritarian regime (2011-2016), between dialogue and monologue	169
<i>Introduction</i>	169
<i>Adapting the human rights mobilisation toolbox in semi-authoritarian Myanmar</i>	171
<i>Repertoire of contention between capacity and willingness: a spectrum of engagement with the state, institutions and policy making</i>	190
<i>Expanding human rights mobilisation strategies: adapting, arguing and institutionalising</i>	213
<i>Three democratic narratives: liberal democratisation, moral democracy and equality democracy</i>	214
<i>Chapter's conclusions: carving out democratic space</i>	217
Chapter 6. Policing the space for dissent in semi-authoritarian Myanmar (2016-2021)	220
<i>Repression triggers: the do's and don'ts of dissent in a semi-authoritarian regime</i>	222
<i>Navigating a heavily policed space for dissent</i>	234
<i>The 2021 military coup d'état: regime survival and authoritarian backsliding</i>	244
<i>Chapter's conclusions</i>	255
PART 2 – Conclusions	257
PART 3 – Rethinking human rights mobilization in semi-authoritarian contexts: a contribution to human rights impact models.....	261
Chapter 7. Refining a model of human rights impact in SARs.....	263
<i>Debunking the assumption that regime change is a linear process</i>	265
<i>Tactical concessions</i>	267
<i>Capacity vs willingness</i>	269
<i>Consolidated vs limited statehood</i>	270
<i>The pros and cons of capacity-building efforts</i>	274
<i>SARs' volatility and the risk of authoritarian backsliding</i>	277
<i>A contribution to the spiral model of human rights impact</i>	279
<i>Chapter's conclusion</i>	286
Chapter 8. Concluding reflections on the future of human rights research in Myanmar	290
<i>Main findings</i>	290
<i>Concluding thoughts</i>	304
ANNEXES	307
<i>Annex A – Anonymised list of interviewees</i>	307
<i>Annex B – Interview protocol</i>	309
<i>Annex C – Post-independence Myanmar timeline</i>	312
References.....	314

Figures

Figure 1. Saldaña's streamlined codes-to-theory model for qualitative enquiry (2016:14). ..44	44
Figure 2. Organising nodes/codes into categories in code-to-theory model of qualitative research44	44
Figure 3. This original spiral model in <i>The Power of Human Rights: International Norms and Domestic Change</i> , by Risse and Sikkink (1999:20).....61	61
Figure 4. Updated version of the spiral model, introduced in <i>The Persistent Power of Human Rights</i> , by Risse, Ropp & Sikkink (2013:8).64	64
Figure 5. Classic social movement agenda for explaining contentious politics (McAdam et al., 2001:17)84	84
Figure 6. Myanmar's democratic opening understood as a pacted transition, in Stokke and Aung (2020:280).....111	111
Figure 7. Seven-step roadmap to discipline flourishing democracy (Huang, 2020:56).....121	121
Figure 9. Strategies of engagements: risks vs opportunities (diagram)192	192
Figure 10. Extract of steps 3 and 4 of the spiral model, in <i>The Persistent Power of Human Rights</i> , by Risse, Ropp & Sikkink, (2013:8).267	267

Tables

Table 1. Freedoms of resistance introduction70	70
Table 2. Myanmar Freedom House and Transparency International's annual rankings 2007-2022133	133
Table 3. November 2020 General Elections results for the 2 main competing parties139	139
Table 4. Strategies of engagement: risks vs opportunities (table)193	193
Table 5. Human rights by regime type and degree of statehood (in Börzel & Risse, 2013:69)270	270
Table 6. Amended Human Rights by regime type and degree of statehood (in Börzel & Risse, 2013:69)271	271
Table 7. The openness to political dissent per regime type300	300
Table 8. Copy of Table 6 (p.269). Amended Human Rights by regime type and degree of statehood (in Börzel & Risse, 2013:69)304	304

Diagrams

Diagram 1. Timeline of regime's openness to engagement194	194
Diagram 2. Spectrum of sensitivity per mobilisation topics195	195

Abstract

Given the apparent turn in recent years away from increasing democratisation, but not towards outright authoritarianism, it seems timely and important to ask how human rights advocates operate in semi-authoritarian regimes (SARs) where there is latitude for political dissent, but a high risk remains of repressive state action. My work looks at the interplay of regime type, human rights and mobilisation strategies, contributing to recent efforts to expand the study of human rights mobilisation beyond authoritarian or democratic regimes, towards semi-authoritarian regimes and tapping into social movements theories to highlight the specific political opportunities they present to human rights advocates. This study takes one of the hardest cases—Myanmar—and asks if the leading human rights impact model, the spiral model, by Sikkink, Risse and Ropp, works to explain mobilisation in a country which embarked in 2008 on a road to democracy but where the military junta once again seized power following a coup d'état on 1st February 2021, effectively ending the semi-authoritarian interlude (2008-2021). Following a historical look into the regime transformation and the development of Myanmar's civil society, I develop a framework for SARs as deliberate, permanent yet volatile regimes that present very specific political opportunities and constraints for dissent. I use this to frame the empirical analysis of human rights mobilisation in semi-authoritarian Myanmar in the 2008-2021 period. I demonstrate that 1) the specific political landscape created in semi-authoritarian contexts – where the opening of the space for dissent is realised through genuine political concessions yet limited by the superficial institutionalisation of progress – allows for the instrumentalization of the legal and political framework against human rights advocates, 2) human rights advocates deployed a wide spectrum of mobilisation strategies that reveals both the diversity within civil society and its common goal of carving out and expanding the space for dissent, and 3) the regime found itself policing the political space it had freshly opened as the political dissent it had itself invited threatened its survival. Human rights mobilisation strategies are uncovered via the analysis of qualitative data collected through dozens of interviews with pro-democracy and pro-human rights activists and civil society organisations' publications, among other sources, to shed light on the diversity and impact of the strategies deployed by human rights advocates. (373 words)

One of the ironies of life under an authoritarian government is that it can be easier to navigate what is and is not permissible than it is when freedom comes.

Maung Saung Kha, 2016

Chapter 1. Introduction

Introduction, research context and puzzle

In 2016, Burmese poet Maung Saung Kha², who would soon become a leading figure of the fight for freedom of expression, was arrested in Myanmar³, for a poem he had published on his social media account the year prior. The National League for Democracy (NLD), Aung San Suu Kyi's political party, had just risen to power after a landslide victory at the 2015 general elections, and as talks of freedom of expression were becoming more common following the country's opening in the early 2010s, the poet "was surprised" by the charges. Reflecting on his situation in an interview with a foreign media (Freeman, 2016), he stated,

one of the ironies of life under an authoritarian government is that it can be easier to navigate what is and is not permissible than it is when freedom comes.

An increasing number of regimes combine, like Myanmar, characteristics of both authoritarian and democratic nature and have been classified as semi-authoritarian or hybrid regimes. They are often characterized by a democratic rhetoric that is only partially

² Maung Saung Kha was first jailed in 2016 for 6 months under the Telecommunication Act after he upset the Myanmar military in October 2015, when he posted a poem on his Facebook account that read
*"On my manhood rests a tattooed
portrait of Mr. President
My beloved found that out after
we wed
She was utterly gutted,
Inconsolable."*

He created the Freedom of Expression organization [Athan](#) ('voice' in Burmese) in 2018.

³ The State Law and Order Restoration Council changed the name of the country to Myanmar in 1989 and insisted on it being used to cover all periods. The distinction between "Burma" and "Myanmar" has become heavily political, with a reference to "Burma" suggesting opposition to the military and the use of "Myanmar" suggesting support of the military domination. The official name of the country remains the Republic of the Union of Myanmar. In this thesis I use both terms without political connotation. I will tend to use "Burma" for the pre-1989 period. The adjective 'Burmese' will be preferred when referring to all inhabitant of Myanmar. I deliberately use the term "inhabitants" rather than the much more politically heavy term of "citizens", as access to citizenship remains a very exclusive process in Myanmar. "Bamar" will refer to the dominant Buddhist ethnic group (other ethnic groups (Chin, Shan, Kachin, Mon, Karen, Rohingya, etc.) make up about a third of the total population).

embedded into limited democratic institutions and practices, while illiberal traits remain. As a result, and as Maung Saung Kha explained, the terrain for mobilisation can be challenging for human rights advocates to navigate, with tensions between what is tolerated and what is prohibited, what is legal and what is legitimate, and with an increased array of challenges against political alternatives to the main state narrative. They present human rights advocates with a specific context for mobilisation that seemed unlike what can be found in either authoritarian or democratic regimes.

This thesis' central question is therefore: How do human rights advocates operate in semi-authoritarian regimes (SARs)?

One of the key features of semi-authoritarian regimes, is that their ambiguous nature is often a deliberate choice of governance model that is not thought of as a transitional phase but rather designed to be a governance alternative to both authoritarian and democratic models. Semi-authoritarian regimes *choose* to adopt certain democratic practices, while maintaining certain authoritarian behaviours. In doing so, they create a specific political landscape, in which the space for dissent is real, marked by genuine concessions on the part of the regime; but a high chance of punitive state action remains. An opened space for dissent in SARs naturally leads to enhanced human rights mobilisation. Unlike in authoritarian contexts where close to no political dissent is tolerated – human rights advocates have room to manoeuvre in SARs, to occupy this newly opened space for dissent. Yet, in a semi-authoritarian context, the whole range of strategies of mobilisation expected to be available to human rights advocates in a democratic setting is not there.

This thesis therefore tackles two main questions that unfold from the central inquiry into how human rights mobilisation occurs in the specific political landscape created in a semi-authoritarian regime – where there is space for dissent, but a high risk of backlash against human rights advocates.

Specifically, it asks:

1) How do specific semi-authoritarian regime features affect the regime's openness to human rights mobilization, presenting specific political opportunities to pro-democracy and pro-human rights advocates?

2) How do human rights advocates occupy the space for dissent available in semi-authoritarian regimes and how (and to what extent) can they be successful in progressing their human rights agenda?

This project dives into human rights mobilisation strategies deployed in semi-authoritarian regimes. Building on both the human rights and SAR scholarship and empirical evidence from a country case-study of semi-authoritarian Myanmar, I touch here upon the human rights models, toolbox and languages for social change and how they are deployed in a context-specific approach, to address the primary issue of resistance in SARs.

Myanmar's pro-democracy and pro-human rights movement first rose to prominence in the Western world in 1988, as large protests erupted in the country and brought Daw Aung San Suu Kyi to the forefront of the country's political scene. The mass mobilisation was violently repressed, and the country fell back into another two decades of military dictatorship, until the 2000s, when the military junta launched the country on the road to "disciplined democracy" and appeared eager to reform the civil and political framework. Myanmar's semi-authoritarian phase eventually lasted from 2008 until 2021.

In 2008, the Tatmadaw (military) organised a referendum on the new constitutional framework, the central piece of the military junta's "roadmap to disciplined democracy". This effectively marked the opening of the space for dissent in Myanmar. The 2008-2015 period saw the military dictatorship negotiating a certain transition towards a hybrid model, as liberalisation was perceived as inevitable, or at least presented some appeal, as it became increasingly uncomfortable for the military junta to maintain an authoritarian system that was the target of international sanctions and various boycotts globally, and of increased pressure domestically. The 2010 general elections were the first elections organised in several decades. They were followed five years later by the 2015 general elections that marked the NLD's landslide electoral victory that brought Aung San Suu Kyi to power in March 2016, in her newly created role as State Counsellor. Myanmar entered an unprecedented phase in its democratization process. During this period, Myanmar was widely understood to be a "limited democracy" (Pedersen, 2018:371), with a social and political arena marked by a "dramatic expansion of political freedoms, which prompted a virtual explosion in political debate and contestation, much of it driven by a flourishing private and social media"

(Pedersen, 2018: 372). The opening was short lived however, as the military junta seized power again in a coup d'état on 1st February 2021, effectively ending the semi-authoritarian interlude.

Myanmar's development pathways during the semi-authoritarian period (2008-2021) studied here revolved around contentious politics; everyday resistance; and reconstructive politics (Mullen, 2017). Everyday resistance was preferred during the period (1988-2010) prior to the focus of this study (2008-2021): open dissent was extremely risky and thus uncommon, and it aimed to subtly resist and obstruct military-led politics (see Mullen, 2016 and Tran, 2021). With the opening of the regime in 2008, open dissent became more common, and contentious politics therefore more visible. This study thus focuses on open dissent or contentious politics - i.e., public challenge to political actors by people, communities and organisations – the “three familiar features of social life: contention, collective action, and politics” (Tilly, 2008:5).

Existing literature's discussion and assumptions (theoretical framework)

This study builds on three sets of academic literatures from the social sciences: human rights impact models and the role of transnational advocacy networks in pushing principles-based human rights agendas in domestic contexts; semi-authoritarian regimes scholarship to frame the investigation of human rights mobilisation in constrained environments; and social movements theories and the relevance of political opportunity structures to understand the specific political landscape presented to human rights advocates in semi-authoritarian regimes.

Human Rights impact literature

Cmiel stated that “few political agendas have seen such a rapid and dramatic growth as that of ‘human rights’” (2004:117). The human rights scholarship spectrum expands from prominent defenders of the human rights project (Simmons, Sikkink, Keck, Risse, Ropp), who have developed the foundational and leading models of human rights impact; to sceptic critics who highlight deep structural flaws in the human rights project, such as Hopgood, who argues

human rights institutions are Western cultural imperialism (Hopgood, 2013); Posner who claims economic assistance would be a more efficient strategy to support developing states (Posner, 2014); or Moyn, who states that the human rights project is an utopian project doomed to fail (Moyn, 2010)⁴. Most of the lines of debate run through classic dichotomies, looking into how human rights can “move beyond the contested binaries of local and global, protection and empowerment, and insiders and outsiders” (Brysk, 2017).

The main fragmenting lines therefore running through the human rights contemporary scholarship remain the debated effectiveness⁵ and legitimacy⁶ of human rights. Bächtold (2015) argues that while in the 1990s the legitimacy of the human rights agenda was rooted in morality (defending human rights was the *right* thing to do), effectiveness and legitimacy are now effectively intertwined, as claimed effectiveness – the ability to bring in measurable results – is now a central element of the human rights agenda’s legitimacy. As a result, and as described by Alston, “an increasingly diverse array of governments have all expressed a desire to pushback against key pillars of the international human rights regime” (2017: 3). This “pushback against key pillars of the international human rights regime” (Alston, 2017: 3) is wide, as summarized by Vinjamuri: the US-led assault on norms around the use of torture, Africa’s pushback against the International Criminal Court (ICC), the Chinese government’s “deepening contempt for rights”, and now the pushback against the West (Vinjamuri, 2017; Hopgood, 2013; Brysk and Stohl, 2017). Scholars more inclined to defend the human rights agenda would claim that by raising awareness on human rights and their violations, and designing reporting mechanisms, the human rights movement is partly responsible for the

⁴ See David Forsythe “Hard times for human rights” in *Journal of Human Rights* (2017) for a joint books review of *The Endtimes of Human Rights* by Stephen Hopgood.

⁵ I use here Sikkink’s definition of effectiveness as “whether human rights work produces positive change in the world” (Sikkink, 2017:8).

⁶ I use here Sikkink’s definition of legitimacy as “a generalized perception that a movement or institution is desirable, appropriate, and authentic” (Sikkink, 2017:8). She borrows from Mark Suchman’s organizational theory focusing on organizations being desirable or appropriate (Suchman, M. (1995) “Managing Legitimacy: Strategic and Institutional Approaches” in *The Academy of Management Review*, 20, no. 3: 574) and blends it in the concept of ‘authenticity’, as “one key part of legitimacy in the human rights field”, building on Claire Kramsch’s work “Authenticity and Legitimacy in Multilingual Second Language Acquisition” (unpublished paper, available here: <http://cms.arizona.edu/index.php/multilingual/article/viewFile/9/20>).

overwhelming feeling that the situation is ‘worsening’, a claim supported by Fariss who asserts we are witnessing a “changing standard of accountability” rather than “stagnating human rights practices” (2014:297). Sikkink⁷ argues that the ‘decline’ of human rights is only a “bump on the road” (Sanchez, 2018), and that taking some distance would allow to see positive trends backed up by both human rights and economic data, such as the lengthening of life expectancy, or the decline of civil wars⁸.

In short, scholars have responded that the virulent discourse on the ‘decline’ of human rights dismisses deeply rooted positive trends backed up by both human rights and economic data, such as the lengthening of life expectancy, or the decline of civil wars. Yet it appears that human rights have been “caught between realist, structural and multicultural critiques that rights are not enough” (Brysk and Stohl, 2017:3).

To counter this crisis of legitimacy and effectiveness of the human rights project that triggered this backlash, an extensive literature emerged, aiming to model the impact of human rights advocacy driven by non-state actors. Arguably one of the key sub-questions across the debate on the political role of human rights has been the centrality of human rights principles and values in non-state actors’ mobilisation. Busby states that “perhaps the foundational work on this topic in international relations is Margaret Keck and Kathryn Sikkink’s *Activists Beyond Borders* (1998)” (Busby, 2010:5), capturing “the rise of non-state actors and with a do-it-yourself mentality that anything was possible” (*ibid*).

In *Activists Beyond Borders*, authors demonstrated the centrality of human rights principles and values in *transnational advocacy networks*’ (TANs) mobilisation efforts to transform the political space. Sikkink and Keck modelled transnational activism networks (TANs) as one of the organizational forms through which human rights organizations create positive impact. I adopt here Keck and Sikkink’s (1998) definition of TANs, as “networks of activists,

⁷ Work on human rights such as Sikkink’s and other leading scholars’ reviewed here is in the constructivist vein, and so is this thesis.

⁸ Pinker would argue that the overall level of ongoing violence in the world is much lower than it has ever been, and especially civil wars are nowadays less dangerous than they ever used to be (Pinker, 2012).

distinguishable largely by the centrality of principled ideas or values in motivating their formation” (1998:1). They are “political spaces” (1998:3) and referring to them as “transnational networks (rather than coalitions, movements or civil society)” proposes to focus on the “structured and structuring dimensions in the actions of these complex agents⁹, who not only participate in new areas of politics but also shape them” (1998:4), an essential framework to understand human rights mobilisation in constraining political environments.

Keck and Sikkink demonstrated the importance of transnational networks both domestically and internationally (1998), as well as the blurring line between the two, including through what they modelled as “the boomerang pattern of influence” (Keck and Sikkink, 1998:12). TANs, and the mechanisms of international support to local struggles provides us with a strong background to explain strategic decisions by human rights actors that operate in authoritarian contexts where the dialogue with the state barely exists. Sikkink and Keck’s “**boomerang model**” gave full recognition to non-state actors and modelled their strategic behaviours when facing state repression at home. They demonstrate how they “bring pressure from above on their government to carry out domestic political change”, after seeking out “state and non-state allies in the international arenas” (Sikkink, 2005:154). International supporters (networks or contacts), “provide access, leverage, and information (and often money) to struggling domestic groups, to ‘amplify’ the demands of domestic groups, prize open space for new issues, and then echo these demands back into the domestic arena” (Risse and Sikkink, 1999:18).

Sikkink and colleagues later shifted their attention towards domestic political change¹⁰ (Sikkink, 2005:154), through the original “**spiral model**” (Risse and Sikkink, 1999) (see figure 3 p. 59), at the heart of the influential *The Power of Human Rights* (1999), highlighting how

⁹ I subscribe here to Keck and Sikkink’s view that “Major actors in advocacy networks may include the following: (1) international and domestic nongovernmental research and advocacy organizations; (2) local social movements; (3) foundations; (4) the media; (5) churches, trade unions, consumer organizations, and intellectuals; (6) parts of regional and international intergovernmental organizations; and (7) parts of the executive and / or parliamentary branches of governments.” (1998:9). In practice, prominence is given to NGOs, as “the increase in the number of international NGOs committed to social change” is used as a ‘proxy’ to “count transnational advocacy networks to measure their growth over time” (1998:10).

¹⁰ Original in italic.

authoritarian states were socialized into translating international norms into domestic practices during the Cold War period. While the first wave of scholarship focused on developing countries, and transnational dynamics, conceptualized initially as the 'boomerang model' (Keck and Sikkink, 1998:12), the original 'spiral model' (Risse, Ropp and Sikkink, 1999) laid out the various socialisation stages through which international norms were translated into domestic practices. The spiral model therefore provides an essential framework to explain how human rights mobilisation and impact happen, and the stages it moves through to get states from commitment to compliance with human rights norms. The spiral model acknowledges the potential oppressive relapses of the state, yet it mostly models an onward path through the spiral, that presents limitations to fully grasp what occurs in a semi-authoritarian regime where progress can get stuck, and even get reversed (as in Myanmar).

While *The Power of Human Rights* (1999) focused on authoritarian states, a later publication by the same authors, *The Persistent Power of Human Rights* (2013), expanded their argument to mature democracies, recognizing that regime type seemed to be a relevant variable to assess state's compliance with human rights. They hinted towards what they also called "semi-authoritarian regimes" as potentially presenting a different context for human rights mobilisation. A few scholars have investigated how hybrid regime characteristics affect the nature and outcomes of transnational activism and social movements (Caraway, 2006; Wheatley and Zurcher, 2008; Greene, 2014). What they seem to reveal is that different SARs' strategies give rise to different political opportunities for human rights advocates, confirming the relevance of this project's hypotheses.

This project therefore positions itself in dialogue with the human rights literatures, that has modelled the strategies and networks of influence human rights advocates build and use to have impact, picking up the less prominent question of how to understand the relationship between human rights activism and regime type in more detail. As discussed in chapter 2, this is a critical issue for human rights scholarship going forward as the assumed 'transitions' towards democracy do not in fact take place.

Semi-authoritarian regimes literature

Attempting to make sense of the 2008-2021 period in Myanmar, I realised that the hybrid regime literature was most appropriate to describe the political context. This thesis therefore is both borrowing and contributing to what many scholars are still considering as a "vast grey zone" between authoritarianism and democracy (or as Diamond put it in 1997, the "somewhere in between" regimes), showing how little SARs are known (Bogaards, 2009:415). Having often been understood as either 'faulty democracies' or 'smarter authoritarian regimes' probably explains why SARs long remained under-studied. As Bunce puts it, they combine authoritarian political practices with "democratic decorations" (Koesel and Bunce, 2013:761): rule of law does not fully apply, civil liberties and freedoms remain limited, yet they represent a viable alternative as regimes designed to hold over time (see chapter 2).

The first wave of scholarship on hybrid regimes focused on their democratic characteristics and institutions, the second wave of "adjective democracies" focused instead on their authoritarian characteristics (this thesis' use of the "semi-authoritarian regime" term coined by Ottaway borrows from this second wave). The most recent wave of scholarship on hybrid regimes now focuses on their hybridity (and returned with the term "hybrid regimes" initially introduced in the mid 1990s by Terry Lynn Karl as he observed Central American states (Karl, 1995)).

Recent scholarship has shifted in the past few years towards a focus on the defining characteristics of hybrid regime, thus moving away from comparative analysis of *degrees* of authoritarianism or democracy. Levitsky and Way for instance argued that "different mixes of authoritarian and democratic features have distinct historical roots, and they may have different implications for economic performance¹¹, human rights, and the prospects for democracy" (2002:52). Yet as Caraway puts it, "there is startlingly little systematic consideration of how the domestic political environment affects transnational activism" (2006: 278). While the conceptualization of SARs had been useful to understand both the

¹¹ For instance, Urdal and Hoelscher (2012) found a correlation between urban social disorder and low economic growth and "hybrid democratic regimes".

emergence and functioning of these regimes, there have been few systematic attempts¹² to model how different regime features impact economic, political and social performance, and especially in our case how they impact human rights progress, and human rights activism.

The complexity regarding how to define them has so far dominated academic literature on semi-authoritarian regimes. SARs vary a lot and are indeed very hard to define, in part because they are located in between two well-defined regime types (authoritarian and democratic) and they are often defined *in comparison or in relation* to these, rather than for what specific regime features they actually present, raising the question of whether this limited transformation reveals the limited *ability* and/or the limited *willingness* for change of the ruling elites. But also, because they are moving targets: there are many ways such regimes play out across places and over time.

This means that engaging with them analytically and/or comparatively can be frustrating. Therefore, for the sake of this project, instead of trying to differentiate or categorize them, I chose to focus on what they have in common, i.e., the terrain they present to human rights advocates and that impacts the conditions and the success of human rights mobilisation, and vice-versa. In deconstructing the human rights mobilisation landscape in semi-authoritarian regimes, this thesis therefore seeks to contribute to the emerging scholarship on the characteristics of hybrid regimes.

From the start it was beyond the scope of this thesis to proceed to a complete assessment of Myanmar's regime at any given point in recent times. However, I use here Beetham's definition and core principles of hybrid regimes as a framework to examine the impact of the democratic opening on civic space (Beetham, 1999). Beetham's core principles of democracy have guided other scholars' enquiries into the outcomes of the democratic opening in Myanmar (Stokke and Soe Myint Aung, 2020), whether employing a procedural definition of democracy (focusing on institutional maturity) or a substantive definition (with core principles such as citizens control over collective affairs) (Beetham, 1999:91). Pedersen

¹² Some scholars have reflected on how hybridity affects the outcomes of social movements and protests (see Robertson, 2010; Greene, 2014; and Wheatley and Zurcher, 2008).

qualifies Myanmar as a “limited democracy” and differentiates the procedural democratic traits (institutional reforms) from the substantial democratic features of human rights protection under the rule of law (Pedersen, 2018: 371), feeding onto this project’s goal to refine the definition of SARs as different from ‘flawed democracies’. We are borrowing here from these definitions’ focus on public affairs, the role of respectively elected and non-elected members in public decision- and policymaking, channels of popular representation, participation and opposition to help understand the political threats and opportunities they present for human rights advocates. I argue that the literature on semi-authoritarian regimes has acknowledged yet not fully explored the complexity of semi-authoritarian contexts and analysing the specific opportunities and challenges that arise when mobilizing for human rights in SARs context will contribute to both the human rights and the regime scholarship.

Social movements theories

The social movement literature considers comparable questions as the transnational human rights activism literature – regarding how people mobilise and why do some movements succeed where others don’t. Through a set of variables (opportunity, threat, mobilizing structures, resources, repertoires, framing processes), social movements theories provide a framework to deconstruct collective action (mobilisation) that is the key to unlock this thesis’ analytical scope of human rights mobilisation in semi-authoritarian regimes. Specifically, ‘political opportunity structures’ and ‘repertoires of contention’ are central to this project (Tilly and Tarrow, 2006), as they help bridge the gap between the human rights and SAR literatures. To a lesser extent, framing processes are relevant here too. I use almost interchangeably “human rights mobilisation strategies” and “repertoires of contention” as I will show that human rights mobilisation in a constraining environment becomes automatically contentious, and politically engaged. Similarly, while I am aware of the distinction between “human rights mobilisation” (not necessarily mobilised for dissent in all contexts) and “political dissent” (not necessarily relying on human rights in all contexts), in SARs, I use these concepts almost inter-changeably.

As I turned to the contentious politics model to understand human rights activism in semi-authoritarian regimes, it appeared at time better equipped to deconstruct the mechanisms

at play than the human rights spiral model. The contentious politics literature has been applied extensively to analysis of Southeast Asia (Boudreau 2004; Slater 2010; Ford, 2013; Rodan, 2022) largely to seek explanations for the prevalence of authoritarian regimes in the region (see p. 87-88). Until the 2000s, Southeast Asian studies of activism and dissent had focused primarily on some of the region's nations' fast economic growth, and the relative weak resistance to authoritarianism it appeared to secure. In the late 1990s/early 2000s, a series of political events such as the red and yellow shirts protests in Thailand or the Reformasi movement in Malaysia, gave rise to democratization and transition studies, and a shift towards contentious politics literature to explain patterns of regime change (Slater, 2011; Boudreau, 2004; Maduz, 2020).

Tilly's work, and social movements theories overall, indeed provide us with tools to analyse the specific political landscape that characterize SARs and the openness of the regime and its political institutions to human rights activism. It allows us to identify what a regime prescribes, tolerates or forbids, and how it reacts to threats and political dissent, by deploying anticipatory or responsive repression tactics. This project will therefore borrow from the existing literature on the interactions between social movements and states to look into human rights ideas and practices and dissect how they are adopted, circulate, used strategically, and the opposition they encounter. There is still a lot to explore regarding what social movements theories can bring to the human rights field, in relation to regime types, to model their mechanisms of influence.

Increasing prevalence of 'semi-authoritarian' regimes (SARs)

Hybrid or semi-authoritarian regimes represent about a fourth to a fifth of all current regimes (see Freedom House index), becoming a highly relevant regime type since the 1990s. They have expanded as fast as democratic regimes since the end of the Cold War, proving to be resilient regimes (and not simply transitory formations). Freedom House seemed to reveal in the early 1990s that the fall of the Soviet bloc had marked the end of an era of authoritarianism. Following "dramatic gains for democracy" (FH annual report 1999) during the 1990s and 2000s – including Myanmar's opening from 2008, that culminated with the

Arab Spring in 2011 – the year the newly elected military-turned-civilian government led by U Thein Sein took office in Myanmar. The 2010s were a “slow return to the iron fist” (FH annual report 2015), as the authoritarian challenge re-emerged in a new, smarter form, as “demands for change pushed forward by popular democratic movements, and an authoritarian response that combines intransigence with strategic adaptability” (Freedom in the World, 2013:1). Freedom House remarked that “political rights and civil liberties around the world deteriorated to their lowest point in more than a decade in 2017” – the year marked by the brutal military crackdown on the Rohingya minority in Myanmar, forcing hundreds of thousands of them in exile to Bangladesh.

In a context of global democratic backsliding in the past decade, Freedom House’s annual reports reveal a number of states that managed to stubbornly stay at the top of the “partially free” rankings, right below the democratic layer, for the past 20-25 years. For instance, from 1990 until 2018, Malaysia, Singapore, Hong Kong, Guatemala, Sri Lanka have remained constant “partially free” states, a sign of the resilience of the semi-authoritarian governance model.

Classifying 'hybrid regimes' that combine authoritarian features with democratic practices has thus been a central question in comparative politics (Wigell, 2008). Such regimes are likely to multiply even further, as external factors are increasingly coming in the way of democratization, i.e., ethnic or religious conflicts, populist movements, weak institutions, geopolitical crisis creating instabilities and migration flows. However, Ottaway argues that "semi authoritarian regimes have not received systematic attention" (2003:5).

Beyond their ‘popularity’ and their sheer number, SARs are complex in the sense that they *pretend* to be what they are not. Unlike authoritarian or even democratic regimes that are quite predictable, SARs appear to be democratic (or democratising), and often claim to be a certain type of democracy (electoral, federal, or in Myanmar’s case a self-proclaimed ‘disciplined democracy’), as elections are often held. However, Debre and Morgenbesser encourage us to see elections not from a democratic perspective, but instead to ask which role they might play from an authoritarian functional perspective (2017). He and others (see for instance Croissant and Kamerling, 2013; Levitsky and Way, 2002) have written extensively about elections as tools of legitimation, and more broadly why regimes hold elections and

how. Regular competitive elections are often held, yet while they might be 'free' they remain unfair, and the opposition does not stand a chance from the very start. Steinberg argued that elections, no matter how flawed, "may stem from attempts to secure both popular internal and external legitimacy, attempts that may result in Myanmar in questionable successes in either instance (2011: 175). Self-legitimation may have been a motivating force to affect either internal or external audiences, but either may have been beyond the grasp of the Tatmadaw" (*ibid*). In Myanmar's case, the announcement of the constitutional referendum in 2008 and 2010 general elections by the military were praised by the ASEAN and met with (cautious) encouragements by the United Nations Secretary General.

Authoritarian regimes or democracies are not pretending to be something they are not. The scholar Tin Maung Maung Than, following the 2010 elections argued that Myanmar would not become "a liberal democracy but an illiberal regime embedded in a legislative framework that resembles a democratic structure with ample room for the [military] agency to manoeuvre" (2011:201).

It is also their unpredictability that makes SARs worth studying (and altogether quite fascinating). SARs *chose to* adopt democratic features, no matter what these might be (holding elections, claiming to respect the rule of law, or the independence of the judiciary), manoeuvring to find a balance between just enough democratic practice to keep appearances and nationalistic claims of exceptionalism that allows SARs to keep international and domestic observers (and critics) at bay. Often what they have in common is a very strong nationalist rhetoric, within which they do not hesitate to anchor their own understanding of democratic and human rights practice that, arguably, fits their social and cultural traditions, but mainly protects their own interests. International scrutiny can be temporarily blinded or seduced by an appealing democratic rhetoric. Yet it will rarely translate into complete institutional reforms and/or the full opening of a space for dissent, leaving the generally weak and fragmented opposition to operate in a precarious, constrained context.

Despite their increasing prevalence, I could not find a satisfactory semi-authoritarian checklist to refer to in order to understand the relations between regime components and political opportunities for human rights advocates. In order to frame my empirical observation of

human rights mobilisation in a semi-authoritarian regime, I therefore developed my own semi-authoritarian framework (see chapter 2).

Myanmar case-study

Myanmar as a case presents several opportunities for studying the relationship between human rights activism and regime type, given the country's recent history and changes in the regime. In 2010, elections were organised in Myanmar for the first time in 20 years. A few years later, in November 2015, the National League for Democracy's (NLD) landslide victory was celebrated around the world as the triumph of democracy and human rights in Myanmar, and the Nobel Peace Prize laureate Aung San Suu Kyi took power as State Counsellor in April 2016, ending what had been (until 2011) the longest military dictatorship in the world.

By 2010-2011, protracted conflicts between ethnic armed groups and the Burmese military, the *Tatmadaw*, made Myanmar yet another global record holder, for the longest ongoing civil war. The denial of civil and political rights was not limited to ethnic areas, as freedoms were suppressed across the country during the military regime. Freedom of expression, of assembly, press freedom, and overall political participation¹³ and opposition were crushed at most times, which became vividly apparent during the infamous uprisings of 1988 and 2007. These large-scale social movements, while a proof that dissent was still brewing inside the country, also showed how dissidence was brutally repressed by the regime, causing many human rights defenders and political activists to be jailed or forced into exile. The country remained almost entirely cut off from the world, and interactions with foreigners both within and outside Myanmar were close to non-existent, as both online and offline communication channels remained tightly restricted.

The National League for Democracy (NLD), led by Aung San Suu Kyi (ASSK), the daughter of national independence hero General Aung San, had won the 1990 elections, but the military

¹³ Walton reminds us that "there is no word or phrase in Burmese that approximates the meanings and implications of the English phrase 'political participation'" (Walton, 2012:152).

simply ignored the results and ASSK went on to spend close to two decades under house arrest in Yangon. Beyond Aung San Suu Kyi, who received the Nobel Peace Prize in 1991 and retained a platform as the spokesperson for the Myanmar pro-democracy and pro-human rights movements globally, most of the advocacy efforts came from activists in exile, and little came out from within the country. Political prisoners, estimated to be 2,162 in December 2008 according to the Association for Assistance to Political Prisoners (AAPP, 2014) received long sentences and were kept under very harsh conditions in overcrowded jails across the country, where diseases, mistreatments and even torture were common (Gaborit, 2020). Propaganda and censorship curtailed not only press and media freedom, but also maintained a climate of fear (Skidmore, 2004), with corruption, deletion and arbitrary arrests. Dissidents were closely surveyed (Selth, 2008), often intimidated and harassed, and sentenced under outdated laws from the colonial era.

The economic situation was bleak, and Myanmar ranked at the bottom of development and freedom rankings for decades from the 1960s until the 2010s. While trade flows were active at the borders, and some extractive industries companies had invested in the country, most flourishing businesses remained in the hands of military interests (Ford, Gillan & Thein, 2016; Hlaing, 2008; Woods, 2011). Government spending prioritized military and defence expenditures, at the expense of public social services, such as education or healthcare, whose budgets remained alarmingly low, with civil servants unable to live off their salaries (Turnell, 2010).

Following general elections held in November 2010 by the State Peace and Development Council (SPDC), all eyes turned to Myanmar as a Parliament was formed in the capital Nay Pyi Taw in January 2011. Several military generals, including U Thein Sein, had retired from the military in April 2010, to join the Union Solidarity and Development Party (USDP), presented as a civilian political group. U Thein Sein's government, sworn into office on 30 March 2011, therefore marked a turning point. Egretau, amongst many others, observed that "the political system thereafter evolved from a junta type of military administration to a hybrid parliamentary regime based on a multiparty system, where the exercise of power is shared between the military and civilian authorities" (Egretau & Robinne, 2016: 1), in a unique decision to create "an institutional arrangement seldom observed elsewhere" (*ibid*, p.8). As

such, it appeared that the Myanmar case would therefore shift the focus from long established semi-authoritarian regimes to help finetune our understanding of the precariousness of such regimes, which, while they are designed to remain a viable regime over time, often rest on a precarious opportunistic political equilibrium amongst elites motivated by self-interests rather than political ideologies (see p.78).

The evolution of Burma Studies

The scholarship on the politics of Myanmar has been following these developments closely on two fronts – in terms of the nature of the regime change, and in terms of the evolution of human rights activism. I argue in this thesis that it is valuable to look at the interconnections between these two processes more closely. Joining the two matters for two main reasons: as it contributes a refined understanding of human rights activism in SARs, and as it contributes to Burma Studies a fresh perspective over Myanmar’s civil society in the context of regime change, as a diverse force using a wide range of strategies in reaction to a constrained political environment to progress a pro-human rights, pro-democracy agenda.

Key themes in Burma Studies have been rather consistent over the past few decades, focusing on the regime changes (from authoritarian to hybrid, and now back to a military dictatorship following the 2021 coup) and political resistance, ethno-religious conflicts and peace building (failed) efforts, economic development, and the omnipresence of powerful neighbours (especially China). I propose to focus on the regime change and human rights activism literatures, that I discuss further in chapter 3, especially the arguments of a military-dominated path to discipline democracy and the diversity of Myanmar’s civil society. I make the case that this project benefits Burma Studies by bringing together the Burma Studies literature on regime change and human rights, thus further illuminating the strategic terrain for human rights mobilization under SARs.

Following decades of dictatorship, Selth argued in 2010 that “Burma ha[d] never been a popular subject for research and analysis among scholars outside the country” (Selth, 2010:402). Yet, he recognized that “the political turmoil of 1988 (...) had attracted a new generation of scholars” and that “the tragic events of September 2007 seem[ed] likely to

encourage this trend” (*ibid*). With the opening of the country in the early 2010s, a myriad of scholars interested in the transition Myanmar had embarked on poured into the country, a crowd of “opportunistic professional and foreign consultants seeking to summarily explain Myanmar’s complexities and dispense advice” (Egretreau & Robinne, 2016:7), and whose proliferation prompted long-time Myanmar observers to refer to them as “ephemeral experts” (Steinberg, 2014). Indeed, with 55% of the population below 30 years old, the first generation of individuals that had grown up and been educated largely under the transition period was becoming active and the potential for political change in the country was uncanny. Consequently, Myanmar research shifted in the 2010s, facilitated by the emergence of open access and scholarly freedom. Myanmar research flourished during this decade (Farrelly and Cheesman, 2016), as the country was under heavy international scrutiny and extensive media coverage¹⁴. The focus started in the early 2010s on the opening up after half a century of military ruling¹⁵, and peaked especially after the accession to power in March 2016 of the then acclaimed human rights leader and 1991 Nobel Peace Prize recipient Aung San Suu Kyi (ASSK). Lately it turned to cover the appalling treatment of the Muslim Rohingya minority and the subsequent refugee exodus of the Rohingyas to Bangladesh in late 2017-early 2018, this community becoming arguably “the single largest stateless group worldwide” (ODI, 2018). In 2018, observers highlighted the booming economic growth (at about 8% a year¹⁶) as Myanmar transitioned “from state socialism to state-mediated capitalism” (Jones, 2014b:148), a rapid urbanization, complex peace negotiations with numerous ethnic minorities, an unprecedented decentralization process, and of course the negotiated yet contested transition to a quasi-civilian government with power shared between the NLD and the Tatmadaw.

With a proliferation of Burma studies scholarship came a nuancing of the scholars’ understanding of the country’s situation and an uncovering of the various strategies,

¹⁴ See for instance Amnesty International’s and Human Rights Watch’s media coverage on Myanmar.

¹⁵ See *annex B for a historical timeline of post-colonial Myanmar*.

¹⁶ Myanmar is a lower-middle income economy with a GNI per capita of \$1,455 in 2017.

languages and impact that prominent actors used to progress the social, economic and political situation. Various scholars have indeed worked on Myanmar's transition from authoritarian rule (Cheesman, 2014; Egreteau, 2016; Lall, 2016; Mullen, 2016). Several scholars have also argued, as this thesis does, that a case could be made that Myanmar in the period 2008-2021 was a semi-authoritarian regime (see, for example, Thawngmung and Myoe, 2008; Hlaing, 2004; Tin Maung Maung Than, 2011). Stokke and Soe Myint Aung directly addressed the question in an article called "Transition to democracy or hybrid regime? The Dynamics and Outcomes of Democratization in Myanmar", and "the article concludes that Myanmar can be more accurately described as a relatively stable hybrid regime than as a country that is in transition to democracy" (2020:277), giving weight to the argument that 2008-2021 Myanmar was not simply an authoritarian regime deploying smarter tactics, nor a regime ongoing a significant and genuine democratic transition, yet acknowledging that genuine transformation had occurred in the country. Yet the initial optimism at the country's transformation was met with scepticism by some scholars, such as Brenner and Schulman who argue that "the top-down nature of transition in a context of protracted conflict and authoritarianism poses severe challenges for civil society in Myanmar" (2019:26), especially "(a) the growth of *uncivil* society that pursues exclusionary and violent agendas, and (b) the risk that peace-building and development initiatives are co-opted by securitised state-building and counterinsurgency" (*ibid*). The study of the hybrid, semi-authoritarian nature of the period and how state and non-state actors behaved is of outmost importance for this thesis that builds upon literature framing Myanmar during the studied period as a SAR, as it subscribes and strengthens this line of argument, which by the time this research was initiated had long been uncontentious.

The prospect for democracy in Myanmar had received critical attention both in academia and in global media in the 2000s, as the scholarship focused on both human rights and the assumed transition from authoritarianism towards democracy. However, until 2015-2016, scholars of Burmese studies (both national and international) had covered mainly two key aspects of the country's transition (Callahan, 2010; Cheesman, 2014; Hlaing, 2012; Egreteau and Jaggan, 2013; Egreteau & Robinne, 2016; Pedersen, 2018): the emerging macro-economic and macro-political reforms and their impact and likelihood of success on the one

hand; and on the other hand tensions and conflicts along ethnic-religious divides (Brenner, 2019). In a recent book attempting to unpack this vibrant transition period, the political, cultural and social progress had been described as exponential yet very uneven (Simpson, Farrelly and Holliday, 2018), with clear demarcation lines between urban (30%) and rural (70%) populations, rich and poor (Faxon et al., 2015), men and women, Bamar and ethnic minorities (Kipgen, 2013), educated and non-educated people. As a result, as Prasse-Freeman put it,

a noteworthy political phenomenon has mostly evaded analysis: the explosion of collective social actions emerging around the country to mobilise for, inter alia, constitutional reform, media freedom and protection, education system decentralization, better worker treatment and compensation, responsible environmental protection and stewardship, local influence over development projects, access to livelihoods, and fair energy prices (Prasse-Freeman, 2016:69).

Prasse-Freeman indeed argued that the political events that occupied Myanmar and international actors alike in the 2000s/2010s had “illuminated actors that heretofore had been flying below the radars of many observers and policymakers”: civil society groups (2012:373). Civil society¹⁷ organisations and local activists have gained progressively increasing interest from scholars since the opening of civic space in Myanmar in the late 2000s (Steinberg, 1999, 2011; Liddell, 1999; Callahan, 2010; Heidel, 2006; Hlaing, 2008; Kramer 2011; Lorch 2008; South 2008). This thesis therefore benefited from (and expands on) Burma Studies have drawn parallels between civil society mobilisation and the evolution of the political situation, looking at the evolution of the mobilisation strategies and impact in relation to the political context. A few researchers, especially doctoral researchers, have conducted fascinating studies that this thesis is building on. Duell (2011), Matelski (2016), Doffegnies (2018), Tran (2021) have explored civil society actors’ domestic and transnational

¹⁷ I use “civil society” as an umbrella term, with the underlying assumption that this thesis focuses on civil society actors (not necessarily formalised as ‘organisations’) that defend a progressive pro-democracy and pro-human rights agenda (leaving aside civil society actors that pursue a religious, a right-wing or a conservative agenda).

mobilisation beyond the most visible mass mobilisation momentums. Tran's thesis on "the politics of protests in Myanmar" (2021) focused on contentious politics during the military dictatorship period (1961-2010), with a particular focus on the role of 'bystanders'. She reminds us that contentious movements did not appear overnight, as they were influenced and benefited from veteran activists who had led contentious events in the previous decades. She argues that, already before the opening of the 2010s, veteran activists (both within Myanmar and diasporic platforms) played a crucial role in inspiring and passing knowledge and tactical approaches to further generation of activists, organising and supporting public activism and amplifying the claims of the movement as well as the monitoring of the abuses by the military in order to mobilise public support, including by the international advocacy community. Matelski (2016) studied civil society actors in the next period (2010-2015) and painted a detailed landscape of civil society mobilisation, borrowing from human rights theories, especially framing theories, to understand how civil society actors interacted both with the government and foreign actors. Doffegnies (2018) studied the role of Buddhist leaders in the vernacularisation of human rights in the Myanmar context. As she studies the various ways in which Buddhist leaders engage with the concept of human rights and give it meaning, she demonstrates that while some strategically avoided the language, others used it in various ways, including to support rather than oppose the exclusion of the Muslim minority, as it "came to be seen as a political tool that could be wielded by international agencies in support of Muslim communities, which in turn brought Myanmar Buddhism "under threat"" (Doffegnies and Walls, 2022:261).

This literature is significant in that it allowed for a portraying of the diversity of human rights actors, languages and strategies in a changing political environment, nuancing both a monolithic understanding of what human rights mean for activists (sometimes an anchor for their claims, at times a threat) and how they use it (sometimes to frame their claims to ensure resonance and support from the international community, at times to deny rights to minorities). While it appeared that "most of the 2000s scholarship highlighted the resilience of military rule" (Stokke and Soe Myint Aung, 2020), few scholars had focused directly on mapping out the opportunities (and threats) that this regime change was opening for human rights advocates – which this thesis proposes to do. This study aims to contribute to this

scholarship on Myanmar's human rights mobilisation and social movements, as it models civic space and regime change during the 2008-2021 political transition period. In this context, I refer to "civic space" as the political space for dissent occupied by actors who are actively trying to bring social and political change to the country, by way of progressing the human rights agenda.

Beyond regime change and civil society research, recent governance literature¹⁸ has focused on a range of institutional actors in Myanmar – helping paint a picture of the political landscape in semi-authoritarian Myanmar: Holliday and Su Mon Thazin Aung (2018) looked into the role of the executive branch, and especially the innovative arrangement made to accommodate the creation of ASSK's role as State Counsellor¹⁹; EgretEAU and Joelene (2018) have explored the work of the 1,000 elected legislators at the national and regional levels as legal debates and reforms accelerated after the military stepped back in 2011; Crouch (2014) and Crouch and Lindsey's (2014) review of the judiciary provides us with a valuable analysis of efforts to strengthen the rule of law; Fink and Simpson (2018) looked at civil society's contribution to governance reforms, and the shift that operated since the re-opening of the country, after decades of exile for a large number of political opponents. In additions, various strands of scholarship have focused on reforms in specific fields such as health (Coderey, 2015) and education (South and Lall, 2016). I also discuss in chapter (4) various governance challenges inherent to the political transformation of the early 2010s, especially institutional reforms (and the emerging political and legal institutions), as well as and the decentralization process, in order to set the stage for how human rights mobilisation occurred during the period.

¹⁸ Governance literature on Myanmar had also explored public sphere during authoritarian periods (Dukalsis, 2017) and space for dissent during the six decades of authoritarian military junta's regime (Hlaing, 2004; Mullen 2016).

¹⁹ Article 59(f) of the 2008 Constitution prevented ASSK to become President due to her husband and children being British citizens, as it states that Presidential candidates "shall he himself, one of the parents, the spouse, one of the legitimate children or their spouses not owe allegiance to a foreign power, not be subject of a foreign power or citizen of a foreign country".

Myanmar presented both a unique context as an arguably complex semi-authoritarian regime, and a fascinating human rights mobilisation space, whose ties with the hybrid nature of the regime have been under-studied. Limited but detailed scholarship touched on civil society for the period ranging from 1988 until the mid 2010, but more recent empirical analysis into what would become the second half of the semi-authoritarian period (2016-2021) had not yet been conducted. Similarly, governance literature zoomed in on opportunities and threats for change in key fields but appeared untapped in relation to the civil and political freedom it was expected to progress. Myanmar therefore appeared as an ideal country case-study to investigate semi-authoritarian regime features and the political opportunities and threats it creates for human rights mobilisation in such constraining environment. Indeed, Myanmar came across as an ideal laboratory for empirical analysis due to 1) the fascinating changes that have animated the country since 2008, providing fresh ground for the study of semi-authoritarian regimes as it effectively had opened up less than a decade prior to the start of this project and the NLD leader Aung San Suu Kyi only accessed power effectively in March 2016; 2) the pace and complexity of the unfolding events made it not only under-studied at the time, but also highly relevant as there was then enough depth to see emerging social and political trends, and the rapid and tangled layers of their development surely deserved more attention; 3) especially as the fresh terrain was occupied by a myriad of actors facing an unprecedented decentralization process and a redefinition of the governance structure, and of course a contested regime transition with the cohabitation of the National League for Democracy (NLD) in power with the Tatmadaw (military), creating tensions that culminated in the military coup in February 2021. The period of relative academic freedom was short-lived, and few researchers have been granted enough time to study civic space in Myanmar during the semi-authoritarian period in-depth, adding to this study's value, thanks to new qualitative empirical evidence from the pro-democracy and pro-human rights movements collected for the period 2008-2021.

To conclude, while it is beyond this thesis' scope to explain the rationale behind Myanmar's transition to a semi-authoritarian regime model, it subscribes to the consensus in the scholarship that regime change was conceived by the military from a position of strength, to maintain itself in power while embracing an illiberal capitalist model (Callahan, 2010; Jones

2014a; 2014b; Brenner and Schulman, 2019; Stokke and Soe Myint Aung 2020) (see discussion in chapter 3). As such, it created specific power dynamics and trade-offs between the state and opposition forces that became determinant for semi-authoritarian Myanmar's civic space. In a deeper analysis of the transition from military rule in chapter 3, I therefore help to contextualize activists' strategies and to uncover the specific constraints they faced. Interviews with activists that are analysed at length in empirical part 2 help fine-tune our understanding of the regime's functioning and actors and shed a light on its intricacies and contradictions and their impact on political resistance. Building on extensive scholarship looking on the one hand at the hybridity of the new regime in Myanmar in the 2010s, and at the human rights movement on the other hand, this thesis is offering a new complementing vision as it aims to tie the two literatures, seeking to reveal the specific opportunities and challenges that the semi-authoritarian context created for the human rights movement and how it navigated it.

Ethics, methodology and methods

Looking at Myanmar from an empirical perspective presented challenges, on top of which the drawbacks of working on a 'live' case. Already before the coup, as I was focusing on the fast-paced regime transition that Myanmar had embarked on since 2008, I understood that we – as academic observers, might be lacking distance from a context that was both so fresh and so volatile. As I enrolled into the PhD programme in September 2018, the NLD and its leader Aung San Suu Kyi had only effectively been in power for two and a half years (since March 2016). Later, as the coup unfolded on 1st February 2021, this project was still ongoing, and these events affected both the data collection and the data analysis processes. The pace and the intensity of changes that occurred in the country in the period studied (2008-2021) allowed me a front seat to observe and analyse this under-studied (and over-fascinating) civic space, as I watched civil society actors reorganize and reposition themselves – both politically and geographically, throughout the 2010s and then again following the coup in 2021. I address extensively the methodological, ethical and security challenges that come with working on a live case and conducting research in constraining environments in this section and again in chapter 8.

Data collection

Governments rarely concede rights easily, and most human rights victories come from struggles, often led by grassroots movements, amplified by civil society actors, to sustain pressure on governments to change laws and policies (Sikkink, 2017). Anchored in interpretivism and looking at the social construction of human rights, this qualitative research project aimed to progress the understanding of agents at the heart of human rights struggles. While the recent extensive scholarship using advanced quantitative statistical methods to study states' commitments and compliance²⁰ to human rights norms needs to be acknowledged, this project subscribes to Mason's view that qualitative research allows to "explore a wide array of dimensions of the social world, including the texture and weave of everyday life, the understandings, experiences and imaginings of our research participants, the ways that social processes, institutions, discourses or relationships work, and the significance of the meanings they generate" (Mason, 2002:1). Notwithstanding the fact that reliable quantitative statistical data for Myanmar is not easily available or collectable, quantitative methods such as surveys wouldn't have helped to answer this project's research questions as well, as they would not enable a focus on explanatory factors of the relationship and dynamics between regime type, human rights and activism. Risse, Ropp and Sikkink had already offered to move beyond the quantitative vs. qualitative study of human rights debate, as they observed "a growing convergence between quantitative and qualitative findings on human rights compliance, especially when the quantitative researchers consider the impact of intervening variables such as regime type when attempting to explain the movement (or lack thereof) from treaty ratification to compliance" (2013:10). Therefore, a qualitative approach seemed best suited for this project focused on human rights mobilisation in semi-authoritarian regimes (SARs). A comparative method rather than a single country case-study approach could have been one way to come at this subject. Yet, fieldwork in semi-authoritarian Myanmar, where so little had been captured in academic literature and so much was happening at the time of research, required time to be conducted in-depth. To avoid

²⁰ See Hafner-Burton, 2008; Hafner-Burton and Tsutsui, 2005.

superficial research, I picked one of the hardest cases of SARs I could find and stuck with it. One of the most important contributions of this project is the quantity and quality of testimonies and analysis gathered from human rights advocates operating in Myanmar during the semi-authoritarian period (2008-2021), a notoriously complex place to conduct fieldwork, and a terrain now closed again post-coup.

I relied on both primary and secondary sources, and used various data analysis methods, including key informants' interviews (KIIs), mostly with civil society organisations (CSOs) and other institutions' staff; documents analysis; focus group discussions (FGDs); and non-participatory observation. This study involved individual interviews, interpersonal connections, direct observations of CSOs' work and mobilisations, alongside the analysis of published non-profit reports, articles, books, archives, and social media material. Analysis and documentations produced by international human rights monitoring agencies (notably Human Rights Watch, Amnesty International²¹, Freedom House), as well as Myanmar human rights organizations (strategic plans, reports, campaigns material) were also essential sources²².

Middleton and Win (2021) argue that "Myanmar's public sphere is a 'hybrid public sphere' that holds in tension elements associated with the authoritarian public sphere and a more democratic public sphere that reflects the recently gained civil, political and media freedom" (2021:46)²³. I define here "public sphere" in the sense of Warner's approach to a rhetorically active public sphere, that defines "the public" as a "social entity", for instance a nation (2005:113). In that context, and in agreement with Prasse-Freeman's interpretation of Myanmar's social movements, I consider political 'text' as political acts, "protest declarations are not fixed interpretations of empirical reality or claims pressed for normative goods; they

²¹ I worked at Amnesty International from 2014 until 2017.

²² See Matelski, Dijkstra & McGonigle Leyh (2022) for a discussion on civil society documentation of human rights violations in Myanmar.

²³ Their paper was finalized prior to the November 2020 elections and therefore prior to the coup and serves here to reflect on the recent period prior to the coup (2010-2020).

are speech-acts in the form of public-creating texts whose meanings are decided by political reactions to them” (Prasse-Freeman in Egreteau & Robinne, 2016: 75).

My personal experience in Myanmar prior to the start of this research project created a personal relationship with some of the subjects (human rights advocates) and with the object (civil society mobilisation) of this study. I worked in the non-profit sector for several years in Myanmar prior to this research project, mostly for INGOs (ActionAid Myanmar, Save the Children International in Myanmar, WaterAid Myanmar, Terre des Hommes Italy in Myanmar), often in a research, advocacy or civil society strengthening capacity. This impacted not only my interest in the country as a case-study, but also my access to the field. Some of the human rights advocates I interviewed were either ex-colleagues, or individuals I had come across in my professional capacity, and a few had become friends of mine. This pre-existing connection created both opportunities and limitations to my fieldwork, which I address below.

Conducting interviews

This study adopts a conceptual model of human rights mobilisation grounded in practice (as detailed in chapter 5), by identifying mobilisation strategies, risks and opportunities, as they were presented and explained by interviewees themselves. Most participants were very forthcoming about their experience and their expertise. They shared openly and seemed keen to tell their stories. They were either familiar with the context of academic research, or it appeared they were not very interested in how the interviews would be used. I either knew the interviewees from my work experience or they knew of me and therefore most interviews started in a place of trust, often through exchanging news about our common acquaintances.

The large bulk of interviews were conducted in Yangon in January – April 2021, with approximately 50 individuals (see Annex A for the anonymised list of interviewees). Most interviews were conducted in English, or in Burmese with the help of a research assistant who acted as an interpreter. Most interviews were on average about 1 to 1.5 hour long, with all of them ranging from 20 minutes to close to 3 hours. Background information about interviewees’ profile and their organization was gathered through online research and my

own experience of working in the civil society sector in Myanmar. Roughly half of the interviews were conducted at the interviewees' places of work or offices (my preferred option), and the other half in cafés or outdoor spaces. I recorded, with the participants' consent, most of the interviews, as well as my immediate thoughts immediately after interviews, and transcribed them at a later stage. Handwritten notes during the interviews also helped the interviewees' free flow of thoughts. It gave me a pretext for silence, as I scribbled down notes, which I felt encouraged interviewees to go deeper into their explanations and keep on talking.

The protocol I used for these semi-structured interviews can be found in Annex B. I used interview questions from a set list, to allow for triangulation across respondents, while maintaining flexibility and spontaneity during the exchanges.

Interviewees were chosen for their role and engagement in activities related to human rights, development, peacebuilding, social and political CSOs, and by convenience because I either personally knew them or could secure introductions to them. Participants were of vastly different ages, sex, and ethnic, religious and social backgrounds. I would not be able to make any generalization on their profiles. What did stand out, is their optimism, and their hope. Not a single person I interviewed failed to express hope at the prospect of the democratization process in Myanmar. This would become an important constant in my analysis of the semi-authoritarian period as presenting a "not going back" attitude that would later fuel the resistance to the 2021 coup. However, none of them were naïve and they did not expect change to happen overnight or without consequences. They all had a clear vision of the free and democratic Myanmar they were fighting for. They also all described Myanmar's recent path as marked by deep changes, in constant motion, with a very high degree of unpredictability. They all demonstrated a high tolerance for this uncertainty they clearly named and described. Many of them continue to be active in the resistance since the coup, in either formal or underground capacity, both as civilian and armed combatants. To borrow White's words used in her study of leadership for human rights and democracy in Myanmar and moral courage, "they saw themselves as ordinary people in extraordinary circumstances who felt compelled to work for change in Myanmar" (2015:15).

My interviewees' first hand-experience of human rights mobilization, as well as human rights violations, as they experienced themselves and/or witnessed other people being harassed, sued, beaten, imprisoned, and killed, catalysed their social engagement and activism over the course of many years and sometimes decades. In that sense, more than their *experience*, it is also their *experiential knowledge* that I sought to distillate in my analysis of their interviews (more p.49).

Key informants

I initially identified interviewees through my own existing network within Myanmar's civil society. I concluded most interviews by asking my interlocutors to recommend or introduce me to other people to interview, expecting this process to snowball into allowing me to identify further relevant interlocutors (Wilkinson & Young, 2004). This was also an opportunity to conduct an informal, non-comprehensive mapping of my interlocutors' respective networks. Local and national CSOs can often have an informal structure, due to both registration and security concerns, I therefore had to rely heavily on interviews to understand their strategic positioning, as written reports and strategic plans were rarely available.

The Myanmar Information Management Unit (MIMU) [website](#) was an excellent database to identify contact details of key national actors and upcoming events or publications. I also followed publications and analysis by organizations with a Southeast Asia regional outlook, such as ASEAN Parliamentarians for Human Rights (APHR), Forum-Asia, but also regional offices of large INGOs such as Amnesty International or Article 19. Facebook and Twitter, two crucial platforms in the Southeast Asia media and communication landscape, were also used to follow and engage with online debates and make contacts, as well as encrypted platforms such as WhatsApp, Telegram, Signal and Viber.

Data analysis

Field notes

I loosely kept a field research journal in 2019-2022 to help record my impressions, observations, ideas, and my intuitions regarding hypotheses and arguments, in a non-structured, candid way, which helped me track back progress and ideas later.

Thematic analysis

The first step of my data analysis was a broad thematic analysis (Attride-Stirling, 2001), aiming to identify the main recurring themes that could be extracted from the interviews conducted, and data gathered during the desk-based review.

Interview analysis

Keck and Sikkink admitted that when they started working on *Activists beyond borders* in the late 1990s, “the realm of transnational social movements and networks was still an almost uncharted area of scholarship, both theoretically and empirically, and thus required a style of research aimed at the discovery of new theory and patterns” (1998:5). They therefore adopted a method closely related to ‘grounded theory’, “the most systematic attempt to specify how theoretical insights are generated through qualitative research” (*ibid*). I also found inspiration in grounded theory as “a method of qualitative inquiry in which data collection and analysis reciprocally inform and shape each other through an emergent iterative process” (Charmaz, 2011:360). Grounded theory allows for a mix of theory building and theory testing methods, as well as various data collection methods, that are “particularly fit for social justice studies” (*ibid*) and to make sense of empirical observations, as it enables “empirical scrutiny and analytic precision [which] fosters creating nuanced analyses of how social and economic conditions work in specific situation” (*ibid*). I do not adopt a grounded theory approach. However, whilst the outcome of my findings was the application of a specific model to the context, it nonetheless emerged in dialogue with my sensitivity to the empirical dynamics of the context itself. My own subjective lens initially guided my analysis, that was served by the use of the tool NVivo 12 for data analysis of my interviews’ transcripts. In the vein of grounded theoretical methods, I used codes to integrate, organize and explore my data, “fragmenting empirical data through coding and working with resultant codes to

construct abstract categories that (...) offer a conceptual analysis” (Charmaz, 2011:361). Following this logic, the components of my research design were as follow:

Types of data	Units of observation	Variables	Period	A priori themes
<ul style="list-style-type: none"> • Interviews • News articles • Field notes • Relevant academic literature • INGOs reports and publications • Social media posts 	<ul style="list-style-type: none"> • Individuals • Institutions • Organizations 	<ul style="list-style-type: none"> • Profession (students, LNGO, INGO, politics) • Age • Gender 	<ul style="list-style-type: none"> • Field interviews Jan - April 2020 • Literature review 2019 • Remote data collection (phase 1: 2019-2021 and phase 2: post-coup in 2021) 	<ul style="list-style-type: none"> • Coping mechanisms • Strategies • Successes / failures • Solidarity networks
• <i>Import</i>	• <i>Cases</i>	a) <i>Attributes</i>		• <i>Nodes</i>

I coded my data under various “types of data” (i.e., format) as “import”, units observed were either individuals, institutions or (formal) organizations, coded as “cases”. I integrated several variables (age, gender, profession) for respondents, coded as “attributes”. The period of research was trunked in 3 phases: literature review, preliminary research to design research project (2019); main field work phase (early 2020); remote data collection post-pandemic and post-coup (2019-2022). As I organized my data with NVivo, I extracted preliminary “nodes”, i.e., *a priori* themes that quickly emerged as premises of analytical frames, such as activists’ coping mechanisms, solidarity networks, etc. These nodes fed into a code to theory model of qualitative research (see Figure 1).

Following a thematic analysis approach (as mentioned above), I used a mix of inductive (bottom-up) and to a lesser extent deductive (top-down) coding approach to sort out the interviews data, to test hypotheses while leaving space for patterns to emerge, as explained in the diagram below (Saldaña, 2016:14).

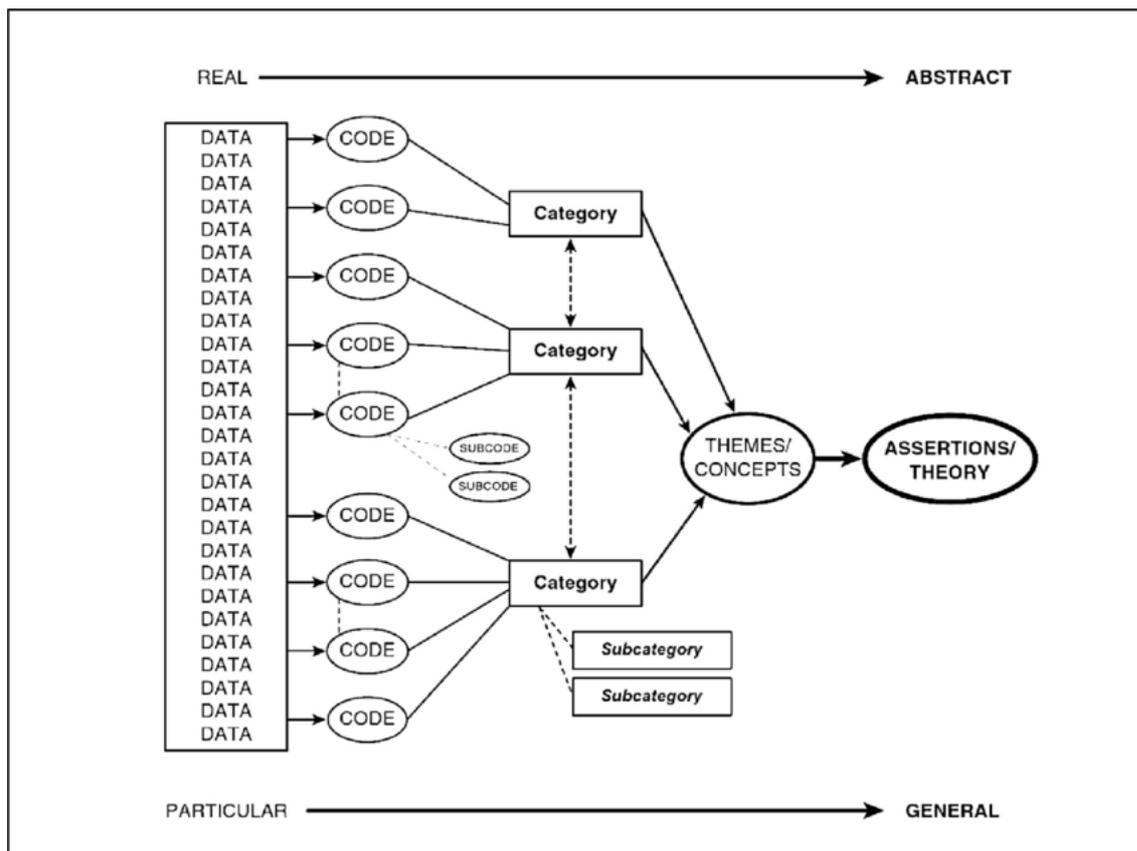


Figure 1. Saldaña's streamlined codes-to-theory model for qualitative enquiry (2016:14).

I looked for concepts, expressions and references to understand the interviewees' strategies, and the motivations of their activism choices and of their work, as they presented it (Chapman *et al.*, 2004), coding them as "nodes" ("codes" in Saladaña's model). I then clustered them into "categories" identified as core components of human rights mobilisation strategies, regarding 1) motivations for action; 2) rationale for strategic choices; 3) explanations of success and failures, as detailed here:



Figure 2. Organising nodes/codes into categories in code-to-theory model of qualitative research

These clusters of “themes/concepts” emerged from the interview data as I organized examples and revised numerous times my transcripts.

Language and overall limitations

As mentioned above, most interviews were conducted in English. Most consequentially, it led to a selection process of my respondents, and therefore of the data upon which the findings of this thesis rest.

The very large majority of my respondents were also conversant in the human rights language and concepts, either through their work, trainings they had attended or even if only to oppose it. While it is consistent with the focus of this study on human rights mobilisation, it also opens clear limitations to my findings, which are mostly focused on and therefore limited to human rights advocates who were familiar with human rights, used the human rights toolbox in their activism, and interacted with international actors (INGOs, researchers, international organisations or diplomatic representatives) on the basis of this shared framework.

Moreover, all of my in-person interviews took place in Yangon. While some of my respondents conducted work in both urban and rural areas of the country, all of the persons I interviewed had most of their connections, work and activities concentrated in the city. My findings are therefore not representative of rural activists’, nor of ethnic activists’ views (nor are they representative of all urban activists’ views). While some findings can be applicable beyond the remits of the urban, educated, internationally-connected group of human rights advocates that actually contributed to this study, my thesis does not prove it.

Therefore, any blanket claims or generalizing statements about Myanmar’s civil society need to be understood as concerning a “Bamar dominated, central and mostly urban Myanmar civil society”, which has been the focus of this research. This project recognizes the diversity of Myanmar’s civil society (a core ambition of this research is to highlight it), as well as the diversity of ethnic nationality communities and civil society movements, their multitude of engagement strategies varying across time and place, and their complexities.

Conducting research in constraining environments: ethical challenges

Building on my experience as a foreign researcher in semi-authoritarian Myanmar, and aware of both the opportunities and limits it imposed on my study, I discuss here the methods I deployed to address risks and security challenges and the ethical considerations involved in this research project conducted mostly in a hybrid context and finalised as Myanmar had returned to authoritarianism.

Prior to starting fieldwork research, I had considered the challenges and ethical considerations to take into account, as highlighted in the upgrade paper I successfully submitted in September 2019. At the time, I wrote that “I [did] not foresee particular issue in terms of access, especially in Myanmar, where my work for various NGOs will help me identify key informants and assures me of my understanding of the sector, but also of domestic challenges”. Mindful of my positionality as a white western young female researcher also working as an international NGO worker in the country, I was keenly aware that my academic research and my professional employment needed to be clearly distinguished, as a blurred understanding by my interlocutors could affect our interactions. I remained attuned to issues of representation, and how these interact with complex power structures I would engage with during my research. I was aware that my research could raise expectations of increased material support (financial support or greater advocacy for instance) due to my prior work in the country, which I had planned to navigate transparently.

To protect my informants and be worthy of their trust, I put systems in place to ensure anonymity, confidentiality, and informed consent. I also had a robust system for data protection, storage and usage, with enhanced security, thanks to encrypted tools (using SOAS cloud, Google Doc rather than Dropbox, etc.). I attended in March 2019 a one-day training on research ethics organized by SOAS’ doctoral school.

To ensure my own security, I believed that being embedded in the national office of an INGO would ensure a certain degree of political and physical protection, as well as guarantee me a

stable immigration status (visa). My knowledge of the Burmese language²⁴, despite at a beginner stage, also proved useful²⁵.

However, halfway through my fieldwork, my research (as well as most other PhD candidates' research), was abruptly interrupted by the COVID-19 pandemic in the spring of 2020. As the situation seemed about to resume to (a new) normal in the early months of 2021, the military coup in Myanmar on 1 February 2021, that would lead to immense human rights violations, yet again threw my research plans, forcing me to revise my methodological approach. It also prompted a reflection on the specifics of conducting field research in a semi-authoritarian (and now, seemingly, authoritarian) context. Both events (the pandemic and the coup) had important consequences on data collection. I will also relate the consequences it had on the framing of my research project as whole.

First, ensuring the safety of my interviewees has been my primary concern, *before, during* and *after* interviews. In a short publication in June 2021 (Dussud, 2021), I wrote about my interviewees that

The informed decision to meet and talk with me before the coup does not automatically translate into an informed consent to see their (always anonymised) statements used during or after the coup. My ethical responsibility lies both with the story I am trying to tell (about civic space in Myanmar) and with the individuals who spoke with me. It then remained up to me, the researcher, to make an “ethically informed risk assessment” (see Bronéus, 2011 on this) not only about how to use them, but also about how to interpret them.

²⁴ While Burmese is the main official language in Myanmar and is spoken as a first language by the Burmans, the ethnic majority group; it is a second language for millions of people in Myanmar. See map of spoken languages in Myanmar here:

https://web.archive.org/web/20180510185408if_/http://themimu.info/sites/themimu.info/files/documents/Ethnologue_Map_Main_Spoken_Languages_of_MyanmarNeighbour_MIMU1300v02_27Nov2017_A1.pdf

²⁵ See South & Lall, 2016 on the interactions between languages and the peace process; Aye & Sercombe, 2014 on language and national building in Myanmar.

The 1st February 2021 coup occurred during what was still my fieldwork phase, due to the delays imposed by the COVID-19 pandemic in 2020. As I found myself having to interrupt data collection and return home to Europe, I then had dozens of hours of interviews recordings and notes, and a crushing feeling that none of it would still be relevant given the extraordinary events unfolding. I had interviewed activists and NGO workers during what appeared as a period of democratic transition, attempting to understand, through my interviewees' experience and expertise, how genuine the assumed democratic transition in Myanmar actually was, and how it had impacted the human rights mobilization landscape and the strategies deployed since the opening in 2008. Suddenly, we had our answer: the 'democratic' transition had ended overnight, or so it appeared.

From a methodological point of view, the events had two main consequences on the remit of my research project. First, this project became a study of human rights mobilization strategies in Myanmar in the time-bound period of 2008-2021. Second, a decision was to be made regarding the relevance and feasibility of extending fieldwork to integrate the coup d'état and its immediate aftermaths into the study. I eventually decided to end the research period prior to the coup, while acknowledging and reflecting in chapter 6 on the consequences of this event. Methodologically, ethically and personally, it appeared unpracticable to continue to observe events as they unfolded, while attempting to progress with data analysis. The emotional distress I felt, as a human rights practitioner and a researcher who had lived in the country for several years and had made close connections, cannot be underestimated. In the weeks following the coup, news came daily of my friends and acquaintances disappearing, getting arrested, fleeing to the jungle or across the border to Thailand to avoid arrest and persecution by security forces. As the months and soon years passed, distressing reports of the escalation of violence would not stop.

Other scholars have contributed their own experience and findings about conducting research in authoritarian environments (see Wackenhut (2018) on fieldwork in Egypt; Dolnik (2011) on conducting field research on terrorism; Carpenter (2012) on fieldwork on the human rights response to children born of war in Bosnia-Herzegovina). Wackenhut (2018) in particular has written on the difficulty to reconcile abstract ethical considerations with a practice of research in what she calls "less-democratic contexts", where "a failure to carefully

consider such ethical questions entails a very real risk of endangering the livelihoods and even lives of research participants” (2018:242). Beyond emphasis on transparency regarding the researcher’s positionality, research has highlighted various risk mitigation strategies (Swenson & Roll, 2020): internalisation, avoidance (for instance through “remote methodologies”, Duffield, 2014) and outsourcing. Carpenter reminds us of the influence of risk over methods and in fine over research findings (Carpenter, 2012:367).

Weiss and Morgenbesser in a 2018 article entitled "Survive and Thrive: Field Research in Authoritarian Southeast Asia" looked into fieldwork in contexts where interviewees are not “likely to enjoy the civil liberties that incline one to speak freely” (2018:386). They argued that limited academic freedoms during and after fieldwork research are a reality across the region, where physical access to areas and people – especially in conflict zones; close to impossible to secure research visas; police intimidation; lack of archives or secured/restricted materials; lack of transparency of decision-making processes and of access to such decision-makers; etc. are amongst everyday challenges faced by national and international researchers. Myanmar is no stranger to the deterioration of the social and political context and therefore of the research environment. Even prior to the 2021 coup, ethnic conflicts had been raging in Myanmar for decades, where "lack of accountability, limited civil liberties, episodic violence and everyday crime (especially where the police lack professionalism) pose real hazards" (Weiss and Morgenbesser, 2018:387). Hedström (2017), for instance, wrote a short piece on fear and fieldwork in Kachin state, Northern Myanmar.

Ethical reflections in political science have mainly focused on the data collection phase, with an encouragement to increase transparency in volatile research environments (Bronéus, 2011; Baron & Young, 2021) and discuss the researcher’s positionality. However, the link between risk and knowledge production and dissemination has been neglected (Swenson & Roll, 2020; Carpenter, 2012). For instance, I debated whether chapter 4 – which details strategies of mobilisation in SARs – was not giving activists’ tactics away, making them even more vulnerable to repression (see also Mullen, 2016). Yet, it is safe to assume that the regime is already aware of how to repress political dissent, and the toolbox of human rights mobilisation strategies is quite known to them. All these considerations are real, and it is essential to reflect on them prior to, during and after fieldwork research. However, I agree

with previous scholars who have worked with civil society actors and activists that we should not assume that vulnerable individuals or populations would rather be safely ignored (Matelski, 2016; Mullen, 2016; Tran, 2020). Many of the individuals I interviewed spoke of wanting not only their stories and perspectives heard, but also their analysis and expertise shared.

Freedom of expression is under assault around the globe and researchers are not safe everywhere²⁶. Risks associated with academic research in semi-authoritarian contexts are known and not to be underestimated. The majority of the discussions in political science regarding risk and field research are concerned with nondemocratic research environments. Most of the constraints are enormous yet rather clear in authoritarian contexts that are characterized by an almost total absence of academic and political freedoms. There, most of the challenges and the solutions provided are linked to the constraints imposed by a lack of freedoms, and the presence of suspicions and various risks that weight heavily on researchers in such environments. However, as I will detail in chapter 2, semi-authoritarian contexts can be all the more complex to navigate for researchers, in that they present partial progress, but a very high level of uncertainty remains, which can lead researchers to downplay the risks they and their research participants incur. Research protocols used and decisions taken when conducting research in a semi-authoritarian context need not to ignore the possibility of authoritarian backsliding²⁷, as it happened in Myanmar in 2021. Operating in a research context with limited but real progress despite a high possibility of tipping over to the authoritarian side, researchers can under-estimate the risks. Research approaches in semi-authoritarian contexts might not be sufficient to ensure protection in case of authoritarian backsliding or might even backfire.

The discussion on positionality has focused since the 2000s on the relationship between the researcher and risks: the risks they face and the risks they create (for interviewees and host

²⁶ Giulio Regeni, a Cambridge University student was tortured and [killed](#) in Egypt in 2016. Fariba Adelkhah, a French Iranian [researcher](#) from Sciences Po Paris has been imprisoned in Iran since June 2019. Dr. Nattapoll Chaiching faces an [ongoing fight](#) against legal harassment and censorship under lèse-majesté claims in Thailand.

²⁷ I borrow here the concept from Dresden, J. R., & Howard, M. M. (2015).

communities). Three main risk mitigation strategies to conducting field research in constraining environment have been modelled by Swenson and Roll (2020): internationalisation, avoidance, and externalisation (of the risks). These strategies influence both the object of research (and the methodological and research design choices) and the interpretation of data collected and therefore the research findings.

- *Internalisation*: while the risk is known and documented, Carpenter reminds us of the direct link between research methods and research findings (2012:37). One need be aware that adapting research methods to face a known risk actually impacts findings as well.
- *Avoidance*: “remote methodologies” such as satellite images, drones, digital ethnographies, etc. can be used in place of actual fieldwork on the ground (see for instance Duffield, 2014).
- *Externalisation*: outsourcing global field research to local actors presents both pros (complementarity, collaboration, valorisation of local expertise and agency) and cons (risk transfers) that need to be well-thought and discussed extensively with local researchers.

I explained earlier how the 2021 coup impacted the remits of my research project, and the coping mechanisms I deployed to complete this study. I also encountered a lack of theorisation in political science of A) research methodology in relation to constraining environments and how to remain adaptable, reactive to what the fieldwork gives us to see and how to build from what is presented to us in the political science, while maintaining a balance between protecting oneself and sources and 1) data quality; 2) the scientificity of the research process and 3) the need to disseminate research findings and B) the consequences on research findings of adapting one’s methodologies and research project to circumvent the risks of fieldwork is not a neutral process and such impact also needs to be acknowledged. Further research in this direction could help scholars navigate fieldwork in hybrid environments.

Experiential knowledge as a tool for human rights mobilization research

In 2017, Yassin Al-Haj Saleh, a Syrian intellectual, argued that Syrians had been “denied ‘epistemological agency’ in the interpretation of the political situation in their country (al-Haj Saleh, 2017), that is, [their] competence in providing the most informed facts and nuanced analysis about [their] country”²⁸, arguing

Either there is no value to what we say, or we are confined to lesser domains of knowledge, turned into mere sources for quotations that a Western journalist or scholar can add to the knowledge he produces. They may accept us as sources of some basic information, and may refer to something we, natives, said in order to sound authentic, but rarely do they draw on our analysis. This hierarchy of knowledge is very widespread and remains under-criticized in the West.

Experiential knowledge is “truth learned from personal experience with a phenomenon rather than truth acquired by discursive reasoning, observation, or reflection on information provided by others” (Borkman, 1976). In her study of human rights leadership in Myanmar, White identifies experiential knowledge as a source of moral courage:

Experiential knowledge is gained from the learners’ direct experiences, in contrast to the knowledge gained when a learner reads, hears, talks, or writes about events or experiences, but never comes into direct contact with them (White, 2015:11).

The capacity to learn from experiences to develop an analysis of a social and political system can be elicited through rigorous methods and can be integrated or used with other analytical approaches.

Local and national²⁹ experiential knowledge is often undervalued and under-represented against international (mostly Western) expert knowledge in the global portraying of a social and political situation (Julian; Bliesemann de Guevara and Redhead, 2019). Knowledge

²⁸ Here I would like to credit Rita Adel for bringing Yassin Al-Haj Saleh’s work to my attention with her blog published here: <https://blogs.lse.ac.uk/fieldresearch/2022/01/11/aid-industry-and-the-politics-of-knowledge-production/> (last accessed February 2022)

²⁹ In this section I used ‘local’ and ‘national’ (native from the place that is the subject of research) in opposition to ‘global’ or ‘international’ (foreign to the place that is the subject of research).

production and dissemination are not immune to deeply rooted power dynamics (often inherited from the colonial era), and Western interpretations tend to overlook national expertise all together. Questioning knowledge production and dissemination is essential 1) to fully understand a particular – often complex and nuanced, political situation and 2) to ensure people’s agency over their own contexts and situations. Only by seeking national experts³⁰, by valuing local expertise and local communities’ experiences can we support their contribution to narratives and analysis that might later influence the decision-making processes that affect them first and foremost. Therefore, centring lived experience of human rights defenders in research allows (counter-)narratives to emerge that are essential to fully grasp the complexity of human rights practice in a given context. This is not to suggest that rigorous research methods are to be set aside, but rather, that such approaches can be complementary – as nationals have a lived experience of the object of the study that international observers don’t have.

Recognizing the experiential knowledge held by my interviewees, gained through first-hand experience of human rights violations and mobilization, and used to interpret the political context they operated in, was essential to this study, that voluntarily relied heavily on human rights advocates’ experiences, interpretations, and knowledge – as both technical experts and experiential experts. Through the combination of their lived experience as both activists and targets of repression and their expertise in their respective fields, they had an intimate understanding of the social and political contexts in which they operated, and therefore brought to my analysis a level of understanding I would have not uncovered without them. Unlike traditional qualitative methods, a research approach centred on experiential knowledge recognises the interpretative authority of the research subject and seeks its *analytical interpretation* of the event/action. It implies an inductive approach that grants extensive relevance to the context.

³⁰ For a discussion on the articulation between experiential and expert knowledge, see Fazey, Fazey, Salisbury, Lindenmayer & Dovers, 2006.

Reliance on experiential knowledge theories helped to progress a narrative of social change that integrates a people-centred approach to human rights. Rooted in local civil society movements and their own practice of human rights, it allows to depart from a state-imposed normative discourse of human rights, and to recognize local communities' and local experts' agencies to interpret and use the human rights toolbox the way they see fit. This also meant recognizing that any given actor that embraces human rights, and makes it their own, to fuel the struggle for civil and political freedoms and democracy, holds a conceptual power of interpretation of human rights. This in turn not only encourages us to localize the practice of human rights; but also, the study of human rights.

Through the recognition (and celebration) of the agency of human rights advocates at the forefront of the democratic struggle, I also hoped to contribute to the much-debated topic of the legitimacy of human rights. It was also my understanding that the predominance of a normative human rights discourse (and international human rights law) had imposed a universal view of what human rights are and what they should mean, that did not resonate in various cultural environments around the world. Arguing in favour of the localisation of human rights practice, I also attempted to approach human rights from the bottom-up, to see what they were and what they meant for the actors that used them on the ground.

Like many before me, I found that there is no one interpretation of human rights. Human rights can be interpreted differently across contexts, and local human rights advocates' use of the human rights language and toolbox, no matter how much it differs from global use, does not make them less relevant or less valid, rather the opposite: it might make them useful. When we question the "correctness" of the use of human rights tools in local contexts, we deny local communities' agency. It does not belong to us, Western scholars and observers, to arbitrate whether human rights are used 'correctly' in any given place.

Human rights as universal values play an essential role in that they give us a common language to describe and progress our fights against oppressive systems, be it a patriarchal, authoritarian, imperialist, or colonial system. They give us overarching concepts and symbols to hold onto, in (transnational) solidarity. Very often for local human rights actors, they give a common language to frame their fight in terms that resonate with international donors so

that they can support, especially financially and diplomatically, their struggles (see Matelski, 2016). One of my respondents explained,

We stand for human rights. Our indicator is human rights, so that for someone who is outside of Myanmar, we can be talking about something in relation to our country. If their program is to improve human rights, it's good. As activists, we don't have chances to learn human rights or international law in Myanmar, that's why that kind of influence we can use as our strength, we can learn many things from the outside. (ITW 21)

A lot happens outside of top-down structures, and community-led mobilization should be celebrated for the creativity and resilience with which it conducts human rights work. Placing human rights tools in the hands of those who need them the most should always be the core purpose of human rights work. Yet western powers have for too long retained ownership of human rights interpretation, and of the moral authority that comes with imposing a vision of human rights that places the global north as the author, judge and protector of the human rights framework, enshrined in international human rights law. Going back to the roots of human rights, recognizing that they are deeply emmeshed with the decolonization discourse, allows to reconnect to their original purpose, which is to uphold human dignity against all forms of oppressions.

Expected contribution and structure of the dissertation

Social scientists have studied human rights advocates in both the domestic and international fields, yet the interest to look at their interaction with the state is recent (about two decades, see Sikkink, 1998) and this project is set to contribute to the limited coverage of their role as domestic political players interacting with regime change. Arguing that the fluidity, informality, and creativity deployed by human rights actors in semi-authoritarian regimes are misunderstood strengths that are too often neglected, I seek to contribute to the overall literature on the legitimacy and relevance of human rights.

This project expects to contribute to the understanding of how human rights mobilisation occurs in semi-authoritarian regimes, and how human rights advocates can successfully progress their agenda in constraining political environments. With this project, I argue that

measuring human rights advocates' successes cannot be limited to their contribution to policy change, but rather that human rights advocates deploy impressive social change innovation motivated by principles and values that fuel human rights mobilisation and feed creative political strategies to carve out political space.

Findings also contribute to further progress the scholarship on semi-authoritarian regimes, by unpacking complex regime specifics and strategies of repression deployed in reaction or in anticipation of human rights threats, beyond a linear progress towards democracy as an end goal and unsatisfactory behavioural models focusing on classic national interest understanding. This thesis therefore seeks to help map SARs features and impactful mobilisation strategies, so as to uncover how mobilisation strategies influence democratic progress and are influenced in return by regime change. By accounting for how activism happens differently in semi-authoritarian contexts than in democratic and authoritarian contexts, this project contributes to refining the understanding of the specifics of SARs. To do so, I borrow from the social movement literature that provides us with a framework to help us understand how a particular repertoire of contention is deployed across specific political opportunities in SARs.

Applying this semi-authoritarian framework to understand human rights mobilisation in 2008-2021 Myanmar, I also seek to contribute to Burma Studies. I argue that Myanmar is an ideal case study to help refine our understanding of SARs that emerged from the 1990s and stand on the fence in the democratic vs. authoritarian debate, further questioning the perception of democracies evolving on a liberalisation axis, that mainly values a (western-imposed) democratic ideal and ignores nuances and complexities of human rights mobilisation strategies and impact. At the same time, this thesis is contributing to our understanding of Myanmar as an understudied terrain and of the transition to a semi-authoritarian regime, as it interacts with studies of human rights, civil society activism and democratisation during the transition period (2010-2021).

Human rights impact research is doubly important: because it theorises human rights, but also because it provides a prescriptive agenda on what needs to happen for human rights to 'work'. Yet in the Myanmar context, such progress got 'stuck' and we observed a rapid authoritarian backsliding following the coup d'état in 2021. It appears that human rights

impact models did not sufficiently account for this potential reverse of progress, which therefore encourages us to rethink how human rights progress happens. Investigating human rights mobilisation strategies in semi-authoritarian contexts would therefore not only give a better picture of semi-authoritarian regimes' strategies of oppression and how to counter them³¹ with progressive agendas, but also of how to better channel support and solidarity towards the actors, networks and strategies that make a positive difference for the realization of human rights. I demonstrate that semi-authoritarian contexts present a wide complexity of challenges for human rights actors that goes beyond the absence of democratic practices. Studying the specific political landscape they present for human rights advocates is expected to refine human rights impact models in semi authoritarian regimes.

Following this introductory chapter, I discuss all three key literatures this project contributes to in the next chapter. There, I also lay out a semi-authoritarian framework of what we should expect from a SAR in terms of the HR landscape that it presents to human rights advocates. This conceptual framework is later used to frame the human rights mobilisation analysis (part 2, chapters 4, 5 and 6). Similarly, I highlight the analytical framework drawn out of the contribution of social movement theories, that I will also use to frame empirical analysis: repertoires of contention and opportunity structures.

Chapter 3 positions this study in the historical context of civil society development and regime change in Myanmar, as it seeks to understand what motivated the regime transition in Myanmar and how did we get to the 2008 turning point that saw a new Constitution adopted. In chapter 4, I argue that political concessions were undeniably made by the military junta from 2008 onwards, and a diverse crowd of pro-democracy and pro-human rights actors emerged to occupy the newly opened space for political dissent in Myanmar. For this reason, it is difficult to characterise Myanmar as a solely authoritarian state, yet it poses the question

³¹ Fariss for instance reports a "changing standard of accountability", encouraged by the fact that while "(1) government authorities have an incentive to hide the use of these policy tools", "(2) observers and activists use countervailing strategies in order to reveal, understand, and ultimately change repressive practices for the better", a process this project aims to contribute to, in the context of semi-authoritarian regimes (2014:297).

of how deep the embedding of democratic rhetoric was. As the legal framework was used in a repressive spirit and undermined institutions limited the opening of the space for dissent, this study's investigation into civil and political rights and freedoms necessary for dissent revealed a constrained, unfair and uneven competitive political arena, another key feature of semi-authoritarian regimes. As demonstrated in chapter 5, human rights advocates nonetheless deployed various mobilisation strategies revealing their diverse pro-democracy and pro-human rights agendas, while at the same time jointly engaging in a struggle to carve out and expand the space for democratic practice. Chapter 6 demonstrates how opening civic space almost immediately presented the regime with a dilemma: *how to police the political space for dissent it had itself created?* Constrained contentious politics left human rights advocates operating mostly outside of legal and institutional frameworks, as the regime found itself compelled to heavily police the expression of dissent it considered most threatening to its survival, which contributed to the coup d'état in February 2021.

In chapter 7, I ask if the leading human rights impact model – the spiral model, by Sikkink, Risse and Ropp, works as well to explain mobilisation in semi-authoritarian Myanmar, arguing that it fell short of explaining 1) the specific political landscape created in semi-authoritarian contexts – where there is space for dissent but the superficial institutionalisation of progress allows for the instrumentalization of the legal and political framework that pushes human rights advocates to operate outside of legal boundaries, 2) how human rights mobilisation occurred during this period – deploying a wide spectrum of mobilisation strategies that reveals both the diversity of the civil society and its ultimate goal of carving out and expanding the space for dissent, and 3) how the regime found itself policing the political space it had freshly opened, as the political dissent it had itself invited threatened regime survival. To make sure the model works in complex cases where it is most needed, i.e., where human rights change is observed but its prospect is uncertain, further attention should be given to semi-authoritarian contexts, whose volatility heightens the likelihood of authoritarian backsliding. Chapter 8 provides concluding thoughts on the future of human rights research and practice in post-coup Myanmar.

PART 1 – The interplay of human rights mobilisation and regime change in Myanmar

“There will always be more on our side. More people. More spirit. More kindness. More courage.”

Activist, Instagram post, 23 February 2021.

Chapter 2. Researching human rights and regime change in Myanmar (2008-2021)

Introduction

As briefly described in the previous chapter, the leading human rights models struggle to fully comprehend how mobilisation happens in semi-authoritarian regimes. They rely on transnational assumptions of how states can be pressured to commit, and ultimately comply with human rights norms, and are more at ease explaining human rights change in well-defined regime types such as democratic or authoritarian regimes. This chapter details what the spiral model, the leading human rights impact model, brings to help make sense of mobilisation in semi-authoritarian regimes, by providing us with a framework of what should be expected – and where it fails to fully comprehend what actually happens in SARs. This chapter also details the specifics of SARs, arguing that as a distinctive regime type, SARs force us to rethink the nature of relations between the state and civil society. To bridge the gap between regime specifics and human rights mobilisation, this chapter details how this thesis draws from social movements theories, inviting political process theory, and the framework of political opportunity structures, framing theories and repertoire of contention into the discussion as a complementary analytical set to the spiral model to address human rights activism in SARs. The chapter concludes by detailing how these literatures will factor in the later empirical inquiry of human rights mobilisation in semi-authoritarian Myanmar.

Human rights impact theories and the leading “spiral model”

The spiral model (developed in *The Power of Human Rights (PoHR)*, Risse, Ropp, Sikkink, 1999) conceptualised “five stages in a socialization process sequentially involving instrumental adaptation, argumentation and persuasion, and – last but not least – habituation” (2017: 137) through which international norms are translated into domestic practices. In *The Persistent Power of Human Rights (PPHR)* (Risse, Ropp, Sikkink, 2013), authors strengthened the last stages of the model, i.e., “4. prescriptive status” and “5. rule consistent behaviour”, which is of particular relevance for this project, as it appears that Myanmar got ‘stuck’

between stage “3. tactical concessions” and stage “4. prescriptive status” of the model, and therefore failed to reach “5. rule-consistent behaviour”.

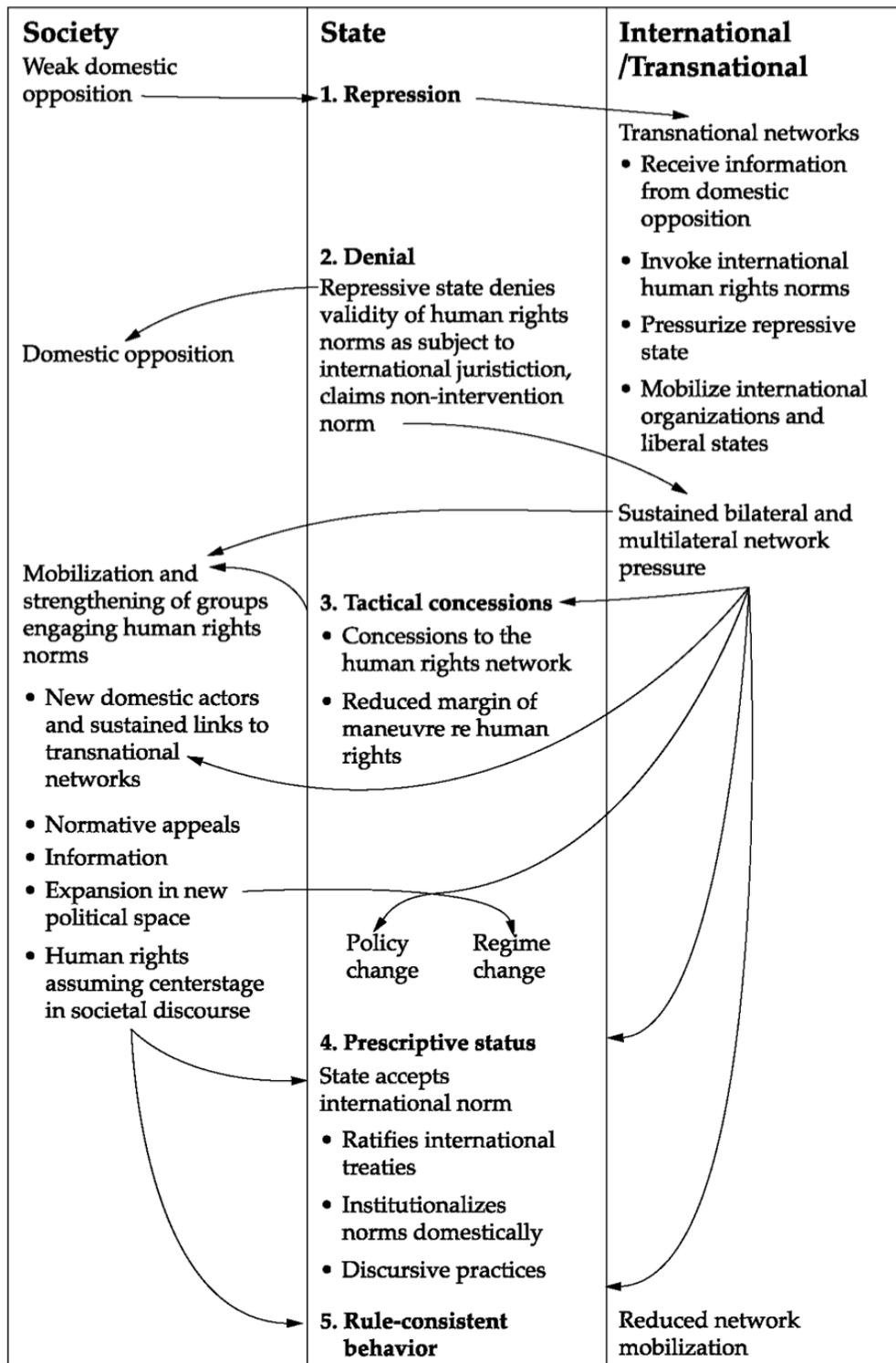


Figure 3. This original spiral model in *The Power of Human Rights: International Norms and Domestic Change*, by Risse and Sikink (1999:20).

The spiral model also marked a renewed focus on domestic practice of states, which was amplified by the realisation that international engagements by non-democratic states did not suffice to secure human rights progress at the domestic level. Hathaway demonstrated that ratifying international treaties (commitment) bears little consequences on compliance with human rights' norms (Hathaway, 2002). Indeed, most research shows that treaty ratification almost only leads to compliance in democracies (Simmons, 2009; Neumayer, 2005). Similarly, an over-reliance on naming and shaming strategies has shown limited results in bringing non-democratic regimes into compliance with human rights norms. Murdie and Davis (2012) have shown the limits of shaming and blaming strategies, the flip side of socialization strategies, to explain human rights change, despite a clear connection between the two. They demonstrated with a global quantitative study that such strategies are not enough and that "improvements in human rights practice result from the interaction of shaming by Human Rights Organizations (HROs) with 1. Large number of HROs present within the state" and "2. Shaming of the regime by third-party states, individuals and organizations" (2012:1).

A second crucial publication almost two decades later, *The Persistent Power of Human Rights* (2013) accepted the weaknesses of some of the 1999 book's arguments and further analysed under what conditions and by what mechanisms state actors make the move from commitment to compliance³² (Risse, Ropp, Sikkink, 2013), assessing dynamics in mature democracies (after having focused on authoritarian states in the original spiral model). It dived into the various causal mechanisms at play, the conditions which produce behavioural compliance, and the scope of the research was extended to democratic state actors, and non-state actors such as multi-national corporations, armed groups, and civil society actors. Regime types also emerged in this publication as a key determinant of human rights impact. Eventually, Risse and Börzel argued that "regime types seem to matter" (Risse and Börzel, 2012:5). This study aims to contribute to that vein of nuancing of the conditions and mechanisms by which human rights change occurs, by applying knowledge previously

³² In *The Persistent Power of Human Rights*, Risse, Ropp and Sikkink "highlight four different mechanisms and modes of social action to induce compliance: (1) coercion; (2) incentives – sanctions and rewards; (3) persuasion and discourse; and (4) capacity-building" (2013: 276).

produced to further test this leading human rights impact model in another regime type, i.e., in semi-authoritarian regimes, a category that the authors also used. Yet as the book was published in 2013, Myanmar was categorized as an authoritarian regime at the time.

In an effort to address the criticism that the original spiral model had “under-specified the processes and scope conditions by which and under which states (...) could be moved from commitment to human rights norms to actual compliance to them” (2013: 4), and that “it emphasized social mechanisms over causal factors” (2017: 138), their new study published in 2013 identified three new main causal factors: centralized vs decentralized rule implementation, material and social vulnerability of rulers to external pressure and, what is of specific interest to us here: “regime type, i.e., democratic vs authoritarian regimes, with a focus on electoral participation by citizens and competition for executive office so as to avoid endogeneity problems” (2017: 138) (see also Simmons, 2009).

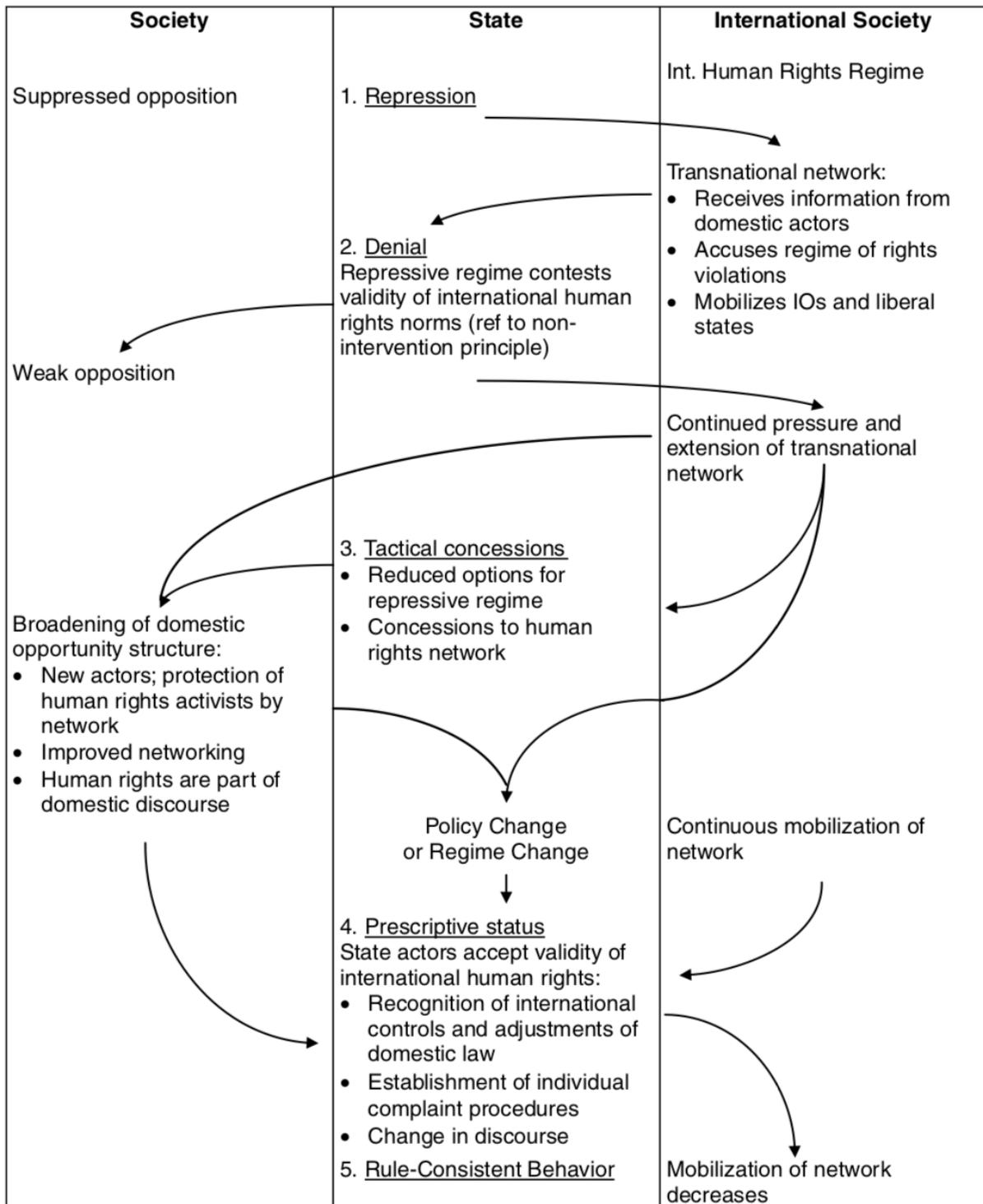


Figure 4. Updated version of the spiral model, introduced in *The Persistent Power of Human Rights*, by Risse, Ropp & Sikkink (2013:8).

The spiral model has been a starting point and a cornerstone of many academic research projects aiming to measure and/or deconstruct human rights progress, including this one. Indeed, this updated version of the 'spiral model' (see figure 4) is the most advanced and

influential attempt at modelling human rights change in current scholarship, so I naturally turned to the spiral model to look for conceptual and analytical tools to approach the political transformations in Myanmar in the 2008-2021 period. As I discuss at length in chapter 7, the human rights scholarship described above provided for this project key concepts such as the power and agency of non-state actors, which has been generously covered and theorised in international relations literature; transnational advocacy networks as principled and values-based mobilisation actors that deploy creative strategies to influence the political arena using human rights; a crucial discussion of the dynamics between the domestic and international spheres; as well as a recognition of regime types as key determinant of human rights compliance. The same analysis of the human rights scholarship also revealed gaps in the literature – among which the fact that the study of human rights mobilisation in semi-authoritarian regimes had been relatively neglected. Risse, Ropp and Sikkink themselves introduced semi-authoritarian regimes in the spiral model in *The Persistent Power of Human Rights* (2013), and their discussion of states' willingness and ability to comply extended to semi-authoritarian regimes.

It is the expansion of the political space, conducive to regime change, as modelled in the spiral model (see figure 4) that is at the heart of this project. As described above, it is undeniable that SARs make concessions to embrace certain democratic practices (we will discuss their motivations to do so at length). These “tactical concessions” as Risse and Sikkink put it, are an essential step (#3) of the spiral model of human rights change (1999:20) (see figure 1). In the model, these tactical concessions are expected to broaden the domestic opportunity structure (as clearly stated in the revised version of the model published in *The Persistent Power of Human Rights* (Risse, Ropp and Sikkink, 2013:8), see figure 2), to eventually lead to prescriptive status (step 4 of the model). Myanmar is a counterexample that challenges this assumption, prompting us to wonder whether existing leading human rights impact model and theories (see Sikkink, Beck, Risse, Ropp, Hafner-Burton) do work where they are most needed, that is to say in contexts where human rights abuses are rampant, yet changes are ongoing.

Throughout empirical chapters (see part 2), I use the spiral model as a guide to understand the political transformations that occurred in semi-authoritarian Myanmar, asking how far Myanmar went into the spiral in the 2008-2021 period, and questioning whether the model is helpful to describe semi-authoritarian cases such as Myanmar. This discussion will culminate in chapter 7 that proposes a contribution to further detail the spiral model's applicability to semi-authoritarian regimes.

Human rights mobilization toolbox in semi-authoritarian contexts

A rich literature documenting social movements' relevance and "the variety of mechanisms by which they exercise influence" (Busby, 2010:6) exists (Price 1998, 2003; Risse, Ropp and Sikkink 1999; Kolb, 2007; Staggenbord, 2015; Tarrow, 1996, 2011; McAdam, Tarrow, and Tilly 2001). Similarly, the human rights literature is rich with research seeking to demonstrate "under what conditions do advocacy networks have influence?" (Keck and Sikkink, 1998:25). Keck and Sikkink argue that activists' influence can be summarized under 5 main categories: (1) issue creation and agenda setting; (2) influence on discursive positions of states and international organizations; (3) influence on institutional procedures; (4) influence on policy change in "target actors" which may be states, international organizations (...) or private actors (...); and (5) influence on state behaviour (*ibid*).

The human rights toolbox also contains specifics on how transnational and international actors interact to amplify national grievances. As they developed the "boomerang model" that modelled strategic behaviours of human rights advocates when facing state repression at home (Keck and Sikkink, 1998), Keck and Sikkink demonstrated how advocates "bring pressure from above on their government to carry out domestic political change", after seeking out "state and non-state allies in the international arenas" (Sikkink, 2005:154). International supporters (networks or contacts), "provide access, leverage, and information (and often money) to struggling domestic groups, to 'amplify' the demands of domestic groups, prize open space for new issues, and then echo these demands back into the domestic arena" (Risse, Ropp and Sikkink, 1999:18). A wide coverage of these Transnational Activism Networks (TANs) and mechanisms of international support to local struggles provides us with

a strong background to explain strategic decisions by human rights actors and social movements.

Largely, documenting social movements relevance has meant modelling the mechanisms by which they exercise influence. This study offers to pursue this endeavour and to help fill in a gap in literature on innovative social change in semi-authoritarian regimes, looking into how human rights advocates contribute to the emergence of human rights narratives, occupy spaces outside of state monopoly, and eventually attempt to play the political power dynamics to their advantage.

The existing human rights toolbox will therefore be an essential framing of my empirical analysis to understand mobilisation in a semi-authoritarian context. As I argue that SAR is a distinctive regime type with its distinctive dynamics, I seek to highlight the meaningful differences between SARs and both authoritarian and democratic regimes that reconfigure the nature of the state – civil society relations. While liberalisation is happening, a restriction on dissent remains in SARs, with a major consequence of containing dissent to a specific sphere, preventing it from spilling out or expanding to other spheres. As the regime makes commitments to recognise human rights and is therefore open to criticism, it does not do away with the tools of direct repression, which remain available to be used when criticism gets harsher and threatens the regime. SARs combine specifics present in both authoritarian (repression) and democratic (dissent) regimes. The threat the state poses is more visible than in a democracy, fuelling and sustaining mobilisation, but the costs of mobilising are harsher, thus deterring it. This thesis seeks to help understand how activists navigate that terrain.

Even if in theory human rights groups might be celebrating some victories, as the regime makes concessions such as ratifying international treaties, reforming some laws and policies, or through symbolic measures such as the release of political opponents from jails, progress might be temporary and short-lasting. In SARs, the transfer of political power seems to occur only selectively, while old actors and mechanisms continue to lock the full deployment of democratic governance.

The path from “tactical concessions” to “prescriptive status” (before reaching the ultimate “rule-consistent behaviour” stage of the model) is where I identify the main gap of the spiral

model to successfully explain activism under SARs. In most SARs, there is no functioning judiciary system nor a significant middle class to use individual complaint procedures or legal cases, to progress the human rights agenda and push for adjustments in domestic law and overall policy and regime changes. The spiral model presupposes a certain institutional stability that, unlike in democratic or authoritarian regime, does not exist in SARs. It hypothesized specific strategies to enable the process of norm socialization to move from one stage to the other, through adaptation, arguing, and institutionalization.

The spiral model described at length above (see figure 2) shows that once a regime concedes tactical concessions, domestic opportunities structures broaden for human rights advocates: new actors emerge, networks improve, and human rights become part of the domestic discourse. Yet in a SAR, counter-narratives and naming and shaming strategies remain the main entry points into prescribing human rights violations as democratic concessions are mainly rhetorical and often fail to translate into substantial institutional reforms. What the spiral model does not explain, is what happens when the broadening of domestic opportunity structures is incomplete? How is the persistent presence of certain authoritarian locks impacting human rights mobilization? These questions will frame my empirical inquiry into the specific and distinct opportunities and threats arise when mobilising for human rights in a SAR that do not arise in the same way in democratic or authoritarian contexts.

Introducing “freedoms of resistance” to frame the human rights mobilisation landscape in SARs

This project’s focus on civil and political rights – and the rights, practices and governance structures that support them, naturally led me to look at the data compiled annually in the Freedom House’s *Freedom in the World* reports, in order to gain systematic intel about the state and evolution of CPR in Myanmar in the period 2008-2021³³. *Freedom in the World*, Freedom House annual ranking and country narratives (currently covering 195 countries and

³³ Each edition covers the previous annual calendar year, so when referring to the 2021 Freedom House report, we are talking about the calendar year 1st January 2020 – 31st December 2020.

15 territories) that started back in 1972, is the “standard-setting comparative assessment of global political rights and civil liberties”. These rankings look at sets of criteria over time, in a systematic way, and therefore provide us with invaluable data, anchored in a strong methodology that allows for comparison over time. While human rights and democracy rankings in general, and Freedom House’s annual ranking in particular, have been criticised for their neo-liberal bias, the opacity of the data collection process, and their oversimplification of what constitutes a functioning democracy or democratic progress, they do serve a purpose: fuelling pro-democracy activists’ advocacy efforts, pressuring certain authoritarian states that find their result embarrassing, and raising world-wide attention. For this project, they provide a methodological framework with key scope conditions, and contribute to telling an overall story of the political transformation in the period studied.

In *Freedom in the World*, countries and territories are ranked ‘free’, ‘partly free’ or ‘not free’, according to an analysis of the following elements:

A. Electoral Process: executive and legislative elections, and electoral framework

B. Political Pluralism and Participation: party system, competition, freedom to exercise political choices, and minority voting rights

C. Functioning of Government: corruption, transparency, and ability of elected officials to govern in practice

D. Freedom of Expression and Belief: media, religious freedom, academic freedom, and free private discussion

E. Associational and Organizational Rights: free assembly, civic groups, and labour unions

F. Rule of Law: independent judges and prosecutors, due process, crime and disorder, and legal equality

G. Personal Autonomy and Individual Rights: freedom of movement, property rights, personal and family rights, and freedom from economic exploitation” (Freedom House).

Building on this data and data related to Myanmar’s regime change, civil and political rights, and human rights mobilisation, and additional material gathered from the Bertelsmann Stiftung’s Transformation Index (BTI) and Transparency International’s index, as well as the

interviews conducted during fieldwork and reports and analysis by national NGOs, I conceptualised a set of freedoms that I introduce below as *freedoms of resistance*, i.e. the necessary freedoms to express political dissent.

Freedoms of resistance help to think about human rights in the context of dissent / resistance to (semi)authoritarianism - as a bridge between human rights and contention, i.e., the human rights needed to sustain contention. For theoretical use in this study, freedoms of resistance are thus a combination of:

- **The Right to participate** (into political governance): freedom of association, right to vote, to form political parties, free and fair elections, etc.
- **The Right to protest**: rights mobilised to express discontent with the governance system, such as freedom of expression, media freedom, freedom of assembly, etc.
- **Counter-powers to the (hegemonic) ruling power**
 - o Counter-narratives sustained by **access to information and press freedom**
 - o Institutional check and balances, to ensure **rule of law**: independence of the judiciary, independent monitoring institutions in charge of transparency, anti-corruption and accountability mechanisms.

Table 1. *Freedoms of resistance introduction*

As a conceptual framework, they go beyond civil and political rights and freedoms, in that at the heart of freedoms of resistance is the democratic function that they serve (such as participating, protesting, holding powers accountable, etc.). They are a translation into the human rights language of the role of human rights in contentious politics. However, they are mainly introduced here as an analytical framework. They allow to connect regime change and human rights mobilisation, by providing an analytical framework that rests on both human rights mobilisation strategies (extracted from human rights theories) and repertoires of contention (extracted from social movement theories). This allows us to highlight SARs' specific relationship to freedom of resistance as one of the defining characteristics of SARs. Mobilising for human rights in a SAR requires a strategic approach that claims together realising civil and political rights (FoE, FoA, etc.) and enabling democratic practices (participation, protest, accountability, etc.).

As an analytical framework, freedoms of resistance are expected to shed light on the political landscape in which human rights actors operate. They will frame the analysis in chapter 4 of the space for dissent in semi-authoritarian Myanmar. There, I detail each freedom of resistance (right to participate, to protest, information and rule of law) in the semi-authoritarian context. This investigation that brings together political opportunity structures and human rights is expected to reveal the extent and nature of the opening of the space for dissent, which will later set the ground for the investigation of human rights mobilisation strategies in chapter 5.

Semi-authoritarian regimes (SARs) are not “a phase”

Most conceptual regime scales, including Freedom House’s ranking introduced above, compare various degrees of “democraticness”, as if democratization was uni-dimensional” (Wigell, 2008: 232) (see Diamond’s scale approach (Diamond, 1999); Przeworski’s binary dichotomy approach (Przeworski, 2000) or Mainwaring et al.’s unidimensional grading approach (Mainwaring, Brinks and Pérez-Linán, 2001)). For instance, Diamond’s model, building on the Freedom House Index, organizes regimes in categories ranging from “liberal democracies”, “electoral democracies”, “pseudo democracies” and “authoritarian regimes” (Diamond, 1999). Wigell’s regime typology covers: “democratic”, “constitutional oligarchic”, “electoral-autocratic” and “authoritarian”, using a two-dimensional classification method that recognizes electoralism and constitutionalism as the two key components of democracies. Levitsky and Way speak of “competitive authoritarian” regimes, to describe regimes such as the Thai regime in 1980-88, led by an unelected Prime Minister (Levitsky and Way, 2010). Diamond’s conception of midrange democracies “that fall somewhere in between, explicitly incorporating basic civil freedoms of expression and association and trying to take serious empirical account of them, yet still allowing for sharp constrictions of citizenship rights and a porous, insecure rule of law” already opened the way for the consideration of semi-authoritarian regimes (Diamond, 1997:15).

In this thesis I adopt Wigell’s view that “political regimes are not necessarily distributed in a linear fashion along a single continuum” (2008:231). While critiquing regime types

classifications that follow either a graded, scaled or binary logic, this thesis finds inspiration in them: debates on conceptual definitions of regime types provide insights into ways of understanding regimes components and democratization processes per se. For instance, the checklists of criteria they propose are crucial in better mapping hybrid regimes, and to guide comparative regime analysis, especially when minimum procedural standards of regime types are identified. Wigell for instance suggests that "defining attributes of political democracy (...) involve certain political rights (electoral dimension of liberal democracy) and civil liberties (constitutional dimension of liberal democracy)" (Wigell, 2008:236). These discussions will guide further analysis of SARs (especially in chapter 4). However, there seems to be an important distinction between regime components enabling certain functions of democracies (electoralism or constitutionalism for instance), and an understanding of the realisation of civil and political rights and freedoms as essential to the broader functioning of a democratic society, relying on values of transparency, inclusive participation and accountability.

While a graded approach that simply adds a qualifier to "democracy" helps progress our understanding of hybrid regimes, it does not sufficiently account for regimes that operate with a pick-and-choose attitude, and deliberately adopt democratic and authoritarian traits to create their own recipe, which I see as a unique feature of SARs. Often, a transformation into a SAR does not rest on either a desire to substantially reform a regime, nor on strong ideological grounds to do so. SARs tend to deploy politically savvy strategies to *appear* reformative while maintaining a tight control over domestic affairs. Rather than a reform of their core identity, they are being smarter about how their project themselves into the world. While the concession they make are real – and create real political opportunities – they continue to have weak institutions, corrupted leadership, scattered civil society opposition, which, along with prior existence of democratic ideas and organizations have been identified as key variables to spark the emergence of progressive movements and counter-powers (see Weiss, 2005; Cummings, 2017; Della Porta *et al.*, 2006; Youngs, 2019), essential turning points in a process of regime change.

SARs have been mainly qualified by their inherent instability, with a pre-supposed understanding that these hybrid regimes are organically uncertain and follow an inconsistent, yet linear path towards democratization. In the contrary, in this paper, I adopt Ottaway's

definition of SARs' key feature as being deliberate regimes rather than failed or imperfect democracies in transition, i.e., "carefully constrained and maintained alternative systems" (2003:7)³⁴. Other scholars also agree: SARs are not, as Risse and Börzel put in, "transition countries on a path to democratization" (2013: 64); Bogaards also demonstrated that "defective democracies and electoral authoritarianism are not transitional phases, but regime types" (2009:415). However, I go further by arguing that not only are SARs deliberate regimes, but they also obey a certain opportunistic logic.

It appears that most SARs *choose* to walk away from a hard-line dictatorship and to adopt some democratic features (Ottaway, 2003; Bogaards, 2009; Diamond, 2002). These regimes – and the elites that lead them, are driven into liberalisation by the prospect of economic development or to comply with minimum standards to participate into international trade.

They know how to play the democratic game to their advantage, choosing to democratise a little, while using the same democratic institutions and practices that have been celebrated for opening civic space to police this space for dissent. They do not strive to achieve a functioning democratic system, rather, they aim to win on both counts: gaining in legitimacy and respectability on the international arena, allowing them benefit from joining a globalised economy, while easing the burden that comes with maintaining a totalitarian ruling style (and the outcast treatment that comes with it). The regime's focus on order and stability, that often comes at the price of civil and political freedoms for people, reveals both their strength: stability is their priority and the roots of their legitimacy, since it is maintained in a trade-off against individual freedoms; as well as their weakness: fear of social and political unrest is a driving factor in their handling of political dissent. This is compliant with modernization theories that do highlight the relationship between economic development and political liberalisation (Przeworski and Limongi, 1997).

It is beyond the scope of this study to fully assess the motivations that led to Myanmar's opening. However, various scholars have looked into why authoritarian regimes adopt certain

³⁴ See also Bogaards, 2009 and Lauth on 'defective democracies' (2004).

democratic features, and how they do so (Croissant and Kamerling, 2013; Bünthe and Dosch, 2015; Debre and Morgenbesser, 2017). They argue that while SARs are complex regimes that absorb some democratic practices, these cannot simply be understood through the lens of the democratic purpose they usually serve in a fully democratic context. Rather, examining their function from the perspective of the authoritarianism purpose that they serve, helps understand the complexity of these regimes, beyond a purely “incomplete democratic” classification. For instance, answering why do regimes hold elections, Debre and Morgenbesser argue that elections serve as a tool for legitimation in hybrid regimes (Debre and Morgenbesser, 2017). Ensuring the legitimacy and legality of their regime and the governance practices they favour appears to be a common motivation behind legal and institutional reforms, constitutional amendments and overall political transformation.

In this context, scholars have been quick to dismiss SARs’ specifics and to categorize them as transitional. Instead, I argue that SARs are permanent yet volatile regimes that navigate a very thin line between liberalisation and control: allowing institutional democratization but actually undermining freshly created or reformed institutions, allowing political participation while maintaining a tight grip on the space for dissent and pushing a very strong nationalistic agenda. This balance is hard to strike and makes SARs precarious regimes (see below p.78) that are not hegemonic: opportunities for social and political change are very real, be it through elections, referendums or other political processes allowing some degree of political participation and therefore, opposition. I propose below a semi-authoritarian framework that will frame further empirical analysis.

Proposing a semi-authoritarian regime (SAR) framework

This thesis is not an inquiry into SARs that aims to classify such regimes, nor to analyse how such regimes come about or what causes variations in regime specifics. Neither is it a comprehensive analysis of the numerous external factors (conflicts, economics, geopolitics, etc.) that influence regime behaviours. Rather, this thesis offers a discussion of the human rights landscape in SARs and how to best progress social change in SARs, with specific attention to how regime features and human rights mobilisation meet in one of the most

difficult and complex SAR cases, e.g., Myanmar. By doing so, it presents an opportunity to develop the specifics of Myanmar's semi-authoritarian-ness.

To frame the inquiry, I built a picture of SARs, highlighting their 4-5 main traits. I argue that SARs differ from authoritarian or democratic regimes in the way they deliberately (and opportunistically) pick and choose specific regime components from each regime types, moving away from ideological strong lines. SARs walk a thin line, opening up just enough to secure international aid and FDIs, while maintaining a tight grasp over their domestic civil society. While they present a very specific political landscape, giving rise to specific opportunity structures, the democratic playing field is systematically and structurally rigged. It favours authoritarian behaviours and players and does not offer a fair chance to counter-powers.

To summarize, here is what we should expect from a SAR:

1. SARs are deliberate regimes.

SARs are hard to define, in part because they are recent, vary in shape and form across time and places, but also because they are an alternative to two very clear models, e.g., authoritarian and democratic regimes. They consciously adopt democratic features without "going all the way" and yet they do not strive to be full-on authoritarian, which is exactly what is both complex and interesting about them.

Characteristics that can be simultaneously found are (Ottaway, 2003; Bogaards, 2009; Levitsky and Way, 2010; Koesel and Bunce, 2013; Debre and Morgenbesser, 2017):

- Political opposition parties are legal, and while there are multiple political parties, we can observe one political group domination; there are democratic processes to compete for power; democratic institutions exist, yet they are undermined;
- Constraints weight heavily on political opposition forces, that are denied access to resources (financial resources, access to the media, or to international supporters);
- Some degree of state propaganda or regime control over the media, that is excessively one-sided;
- Arbitrary and unjustified limitations to civil and political liberties and freedoms;
- Weak rule of law despite some institutional reforms (superficially enacted).

SARs walk a thin line, with a political space opened just enough to secure international aid and FDIs, while maintaining a tight grasp over their domestic political opposition and civic space. They are characterized by a democratic rhetoric that is only partially embedded into limited democratic institutions and practices, while illiberal traits remain. As a result, the political competition arena is open, but it remains uneven and unfair³⁵.

2. SARs present very specific political opportunities and constraints for political dissent.

SARs present a very specific political landscape, giving rise to specific political opportunity structures, creating an open political arena that is systematically and structurally rigged. SARs favour authoritarian behaviours and don't offer a fair chance for counter-powers and counter-narratives to emerge. Underpinned by opportunistic (often short-term) political alliances, SARs are especially precarious during episodes of power transfers or when redesigning power-sharing instances (see chapter 6). Similarly, the main way authoritarian regimes fall appears to be through popular uprisings, almost always around elections periods. For instance, general elections create political momentums that have the potential to remove authoritarian groups from power (prosecutions under international law are another key threatening political moment for authoritarian leaders), and to either progress or reverse ongoing political transformation.

Authoritarian regimes allow no political competition and democratic regimes create fair political competitions. While SAR are unfair competitive regimes, political opportunities are real, and both ruling groups and political opponents have a lot at stake when entering the (flawed) political arena. In SARs, key pillars of the political world are biased in favour of the ruling elites (police, intelligence, tax authorities, etc.): human rights advocates and political opponents in general, are often (legally) harassed; the media is either censored or biased; electoral frauds are common (Levitsky and Way, 2010). The government retains complete

³⁵ See scholarship on competitive authoritarianism – to which SARs borrow – especially Levitsky and Way, 2010.

control over large swaths of the social, political and economic landscape, by policing the space for dissent it has just opened up.

3. SARs are precarious regimes, but they are not a transition phase.

As argued above, while SARs offer limited civil and political liberties and freedoms, and rule of law remains weak, they offer a viable governance alternative to democratic and authoritarian models. Because they are misunderstood and understudied moving targets, they have often been presented as transitional phases. Yet I argue that SARs are ‘full’ regimes rather than a transitional phase between ‘no politics’ like in authoritarian regimes, or ‘all politics’ like in democracies. They are dynamic regimes due to the priority given by regime leaders to holding onto power rather than implementing strong ideological visions. Political alliances in SARs are often born out of opportunistic interests (accessing and staying in power, access to elites, personal economic enrichment, etc.) rather than ideologies or political principles, and such equilibrium is therefore precarious: political elites can change their minds, turn against each other or grow disappointed in a regime’s inability or slowness at delivering said opportunistic interest. As a result, SARs, while designed to last, are more precarious than both democracies and authoritarian regimes. They are all about maintaining that very precarious balance to remain a viable alternative (by securing elites’ and popular support) and last over time. The risk of authoritarian backsliding is often known and internalised by all political actors.

4. SAR are motivated by survival.

Even if political opportunities such as elections and democratic reforms are real, they are unfair, as the regime focuses on taming political opposition and civil society actors (including the media). Most regimes are motivated by survival. What is specific about SAR is that they *claim* to be what they are not: they pick democratic features and initiate superficial reforms, claim fewer human rights violations, while maintaining a tight grip over political dissent as authoritarian practices linger, often justified by an overarching nationalist discourse. In constant fear for their survival, the democratic show is mainly at play for the sake of the

international community, to avoid international scrutiny and international economic sanctions, to embrace development opportunities offered by participation into a globalised economy; and domestically to ensure long-lasting control over the political space and dictate the rules of the political game as change is expected to happen. Yet, while heavily constrained, the political opening in SAR is genuine, and not only does it create opportunities for human rights actors and political opposition, but it also creates threats to the regime, that are often met with heavy repression.

Threats to regime survival triggering repression

SARs propose a trade-off between economic development, stability and order, at the cost of political rights and civil liberties. As Merkel argued, “[a]s long as this equilibrium between problems, context and power lasts, defective democracies will survive for protracted periods of time” (2004, abstract), and Wheatley and Zürcher to add “[i]f this is true, then the empirical study of hybrid regimes should focus particularly on their ‘survival condition’” (2008: 3). Survival conditions are not the core focus of this thesis. However, regime survival can be instrumental in explaining how semi-authoritarian regimes handle political dissent, i.e., what it considered threatening, and therefore worth repressing – which will frame chapter 6 in particular.

Maintaining a subtle balance between opening and controlling the space for dissent is challenging work for semi-authoritarian regimes. It highlights one of the main specificities of SARs: they work very hard to stay in power (Levitsy and Way, 2002; Wheatley, and Zürcher, 2008). As precarious regimes, SARs are very aware of the threats to their survival, and they strike back harshly to prevent and crush challenges as they emerge, on top of a repressive framework deployed preventively. They operate in fear of popular uprising, which makes them dangerous for domestic opponents (crackdowns are always imminent) and unpredictable in foreign policy.

As the regime understands that it becomes unbearable to maintain authoritarian status quo, due to the constant pressure by liberal forces (both transnational and international) and consequences of ostracization on the international scene, counter-intuitively the (apparent)

liberalisation can strengthen the regime's resilience. As it liberalises, for reasons discussed in chapter 1 (to secure diplomatic, economic and domestic gains), it imposes the rules of the new game. As they transform into a smart, agile regime, SARs adapt their political toolkit in various ways, partly to anticipate and discourage dissent, and also to compensate for their precariousness.

Mansfield and Snyder argued that "elites in newly democratizing states often use nationalist appeals to attract mass support without submitting to full democratic accountability" (2002: 298). Both the nationalist discourse trick and maintaining weak institutions are key strategies for a SAR to subtract itself from democratic accountability. Snyder also describes how leaders would hollow out their own government to prevent a potential coup (2022).

These techniques and SARs' survival fear have important consequences on the space for dissent, especially, as Bunce argues, as SAR learn from each other and encourage each other's survival (Bunce and Wolchik, 2010). I argued earlier that SAR work really hard to stay in power and live in constant fear of popular uprising and of the defection of certain supportive constituencies (be it the police, the elites, or religious communities for instance). This fear fuels their (preventive and reactive) repressive crackdown on domestic opposition, relying on what Chenoweth describes as "smart repression" tactics, especially through digital policing tools, or with Internet blackouts (Ranalli, 2019).

"Why do some movements succeed while others fail in authoritarian contexts?" is the interrogation at the heart of Young's work, who argues a connection between social movement's success and regime specifics (Young, 2020). Focusing on southeast Asia (Cambodia, Malaysia and Indonesia), Young argues that social movements and CSOs' success depends on the regime's response to them, and on whether they are perceived as a threat by the regime. Rather than their strength or weakness, it is their perception by the regime that triggers repression. In that context, holding on to power and maintaining political legitimacy are authoritarian regimes' priorities and can predict the regime's response to civil society actors. Such regimes develop various strategies ranging from repressing threatening CSOs to co-opting the ones who align with the regime's interests. As a result, Young argues that civil society actors are more likely to achieve (at least partially) their goals when and if they are

not perceived as threats by the regime and therefore enjoy a wider margin of manoeuvre than other organisations, sometimes more formally organised and resourced.

In a multi-stakeholder power mapping between government, civil society and private interests in power (crony companies, corrupt private companies buying their way into public contracts, etc.), Young's arguments tend to focus more on the regime's internal tensions, within coalitions and private interests of those in power than on social movements and CSOs' specifics. Yet his investigation into authoritarian regimes' survival strategies help lay the ground for this project, that examines the link between regime types, regime survival strategies and civil society actor's strategies and impact.

This tension between regime-led opening and preventive repressive action to handle what is perceived as threatening by the regime opens very specific political opportunities for human rights advocates that will be described and analysed at length in part 2. This thesis aims to uncover the mechanisms between dissent, repression and survival, as regime change impacts human rights claim-making, and vice-versa. The pace of change is also relevant here, as Tilly demonstrated that the more rapidly political opportunities and threats evolve, the more flexibility claim-makers enjoy (Tilly, 2006). Tilly goes further to claim that regimes with authoritarian tendencies (such as SAR) increase repression as the threat to their survival increases (*ibid*, p. 89), giving rise to another action-reaction repression cycle, potentially culminating in the re-establishment of an authoritarian system. Tarrow's argument that "changes in political opportunities and constraints create the most important incentives for initiating new phases of contention" (1998:7) is key in describing the progress of the pro-democracy and pro-human rights movement in semi-authoritarian Myanmar. By occupying the space for dissent, human rights advocates also create opportunities for allies, counter-movements and elites to react to their mobilization (*ibid*, p. 72). Especially relevant to understand activism under SARs is Tarrow's argument that increasing access increases the likelihood of protest, and that "it is in nondemocratic systems that newly opened access is most likely to trigger contention" (1998:78) and that "the narrower the pre-existing avenues to participation, the more likely each new opening is to produce new opportunities for contention" (1998: 78). All these elements are helpful to make sense of the trajectory of contention in semi-authoritarian Myanmar, as well as of the regime's reaction to increasing

dissent it had itself enabled, as the military (and to some extent the NLD government as well) have been overwhelmed by the level of dissent that rapidly poured into the freshly opened space for dissent.

Accounts of fragile democratic transitions offer insights into consolidation mechanisms of democratic practices and Orentlicher highlights how “transitional societies may not yet possess the attributes of a viable democracy” and residual authoritarian institutions or actors (such as the military) who are “ill-disposed to respect human rights” might retaliate (Orentlicher, 1991:2545). Orentlicher has shown how the democratic situation might worsen at its nascent state, observing that prosecutions of past violations under dictatorship (or ongoing violations) “may reverse progress toward consolidating a democratic transition” (*ibid*, p.2559), as “prosecutions could reinforce the military’s propensity to challenge democratic institutions” (*ibid*, p.2545).

Vreeland’s work on why dictatorships behave the way they do and the role of domestic political institutions in explaining these behaviours³⁶ provides us with ground to argue that the way SAR allow some degree of political contestation actually presents the regime *as well* as human rights advocates with complex challenges, that go beyond the lack of (or weakness of) democratic practices (Vreeland, 2008). Circling back to Tilly’s work on political opportunities allows to further our understanding of the regime’s reaction to contention and claim-making. Tilly in *Regimes and Repertoires* argues that regimes deal with claim-making following an *anticipatory vs. responsive & repression vs. facilitation* dichotomy, and that “authoritarian regimes (...) invest heavily in anticipatory repression” (2005:75).

	Anticipatory	Responsive
Repression	Preventive actions and threats	Retaliation
Facilitation	Mobilization	Rewards

Table 2. Regime reaction to claim-making (Tilly, 2005:74)

³⁶ Vreeland’s work focuses on the use of torture in dictatorship.

This approach is consistent with my hypothesis that SAR deploy “anticipatory repression” through a repressive legal and institutional framework that enables “preventive actions and threats” to prevent dissent (see discussion in chapter 4). When forced to be in a responsive position, SAR will default to retaliation against human rights advocates.

Crossed-referenced with political opportunity structures, this classification sheds light onto “the openness of the regime to new actors and the extent to which the regime represses or facilitates collective claim-making” (*ibid*). The way state repression interacts with “repertoires of contention”, impacting mobilization strategies to sustain claim making is a key inquiry of this research project. This will guide our empirical analysis of the case of semi-authoritarian Myanmar. This model also highlights the benefits of classifying contention and claim-making into what is prescribed, tolerated, and forbidden by a regime, a distinction I will use to frame empirical analysis in chapter 6, and that is expected to reveal risks in SARs and how HRA can best navigate them.

Drawing lessons from social movements theories to bridge the gap between the human rights and SAR literatures

I argued in the section before that identifying what a regime prescribes, tolerates or forbids, and how it reacts to threats and political dissent, by deploying anticipatory or responsive repression tactics, allows us to understand the operating context it presents to HRA. Tilly’s work, and social movements theories overall, provide us with the framework to analyse this specific political landscape that characterize SARs and the openness of the regime and its political institutions to human rights activism. I am therefore borrowing from social movements theories, and especially political opportunities structures, framing processes and repertoires of contention (contentious politics) to help study how SARs shape human rights mobilization, as well as how human rights advocates operate successfully within SARs. In this context, social movements theories will act as a bridge between the two main sets of literatures this thesis is embedded into, on SARs and on human rights impact, to highlight the interplays between regime context, concessions and repression and human rights mobilisation strategies.

SARs navigate a very thin line between liberalising and controlling the space for dissent: allowing for institutional democratization but actually undermining their own institutions; allowing for political participation while maintaining a tight grip on the space for dissent; pushing a very strong nationalistic agenda, and repressing counter-narratives, etc. This balance is perilous to strike, as SARs cannot control all political outcomes, and that is another specific: SARs are not hegemonic. Opportunities for social and political change, be it through elections, or other political processes (referendums, policy reforms, etc.), are real, and can be seized by political groups that seek further democratization. While institutions and systems are flawed and disproportionately disadvantageous for the opposition, both sides are taking these political opportunities fairly seriously, for even if the risks inherent to dissenting are high and the likelihood of success relatively thin, the rewards in case of success have the potential to be tremendous, and therefore motivate human rights mobilization.

Every concession SARs make as they liberalise: signing a treaty, allowing international observers or journalists in, going to the UN HRC, in turns creates further opportunities to widen the crack for more dissent, as it reshapes the political space for dissent. Borrowing from social movements theories allows to study the dynamic interactions between political environments and mobilization strategies, as these theories demonstrate that social movements are both shaped by domestic opportunity structures and opening up new political opportunities (Tarrow, 1996). The concept of political opportunity structures is therefore crucial to explain how a regime, and for our argument, a semi-authoritarian regime, “creates a specific environment of political opportunities and threats to which makers of claims necessarily respond” (Tilly, 2006:44). Tarrow shows how political opportunities cross paths with state behaviours: “state strength, prevailing strategies, and repressiveness” (1998: 73), and I build on this existing literature to identify what specific and distinct opportunities and threats arise when mobilising for human rights in a SAR, that do not arise in the same way in democratic or authoritarian contexts.

Specific political opportunities structures in SAR

Political process theory (PPT) of contentious politics (Tarrow, 2011), focusing on the external political environment to social movements, emerged as a key sub field of the social movement literature on contentious politics in the 1970s, as the study of the interaction and mutual influence between protests and regimes (and their political institutions). Within that literature, political opportunity structure³⁷ (POS), framing theories and repertoires of contention (all discussed below) are central concepts that emerged in the 1970s and have been highly debated, as scholars have spread the concepts widely.

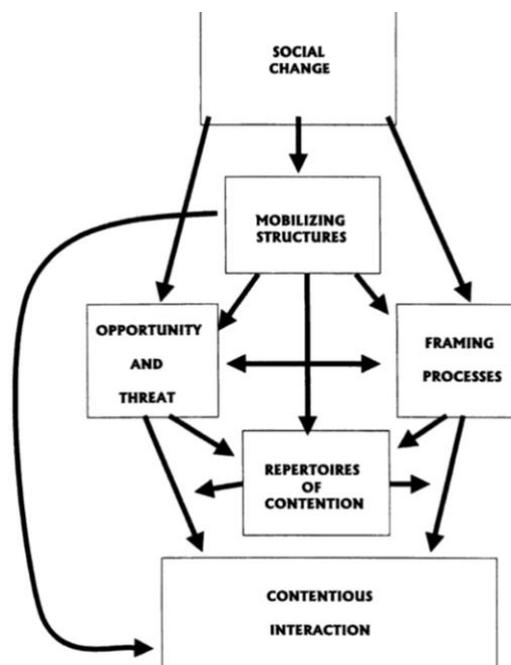


Figure 5. Classic social movement agenda for explaining contentious politics (McAdam et al., 2001:17)

For this project, I understand political opportunity structures to include “a) the multiplicity of independent centres of power within the regime, b) the openness of the regime to new actors, c) the instability of current political alignments, d) the availability of influential allies or supporters, e) the extent to which the regime represses or facilitate collective claim-making and f) decisive changes in a) to e)” (Tilly, 2006:75).

³⁷ The term was first used by Peter Eisinger (1973).

Kriesi's work on strong vs weak state governance in relation to POS is also of interest (1995). Kriesi argues that a state's strength, i.e. its "capacity to get things done" (1995:171) influence the terrain for collective action: a weak state represents a better terrain for collective action's success but might have limited capacity to implement necessary changes to realize said success (*ibid*). Similarly, his argument on weak/strong state's strategies of exclusion vs inclusion of challengers (formal vs informal facilitation of access, repression, presence/absence of veto and substantive concessions) informs my discussion of the exclusive nature of SARs (see chapter 4) (Kriesi, 1995).

I borrow the concept (of POS) to help bridge regime change and human rights mobilisation, as social movements theories, and PPT in particular, highlight the interplays between regime specifics and strategies of contention, with different emphasis on each component (see figure 5). According to PPT, "political opportunities are embedded in the political structures of a regime" (Edwards, 2014:83), and different regime types provide different political opportunity structures (elections, party politics, elites alignments, etc.) for collective action, hence their relevance for this project that aims to uncover opportunities for political influence (human rights mobilization) in semi-authoritarian regimes. While there is a variation across regime types, PPT proposes a set of circumstances conducive to the emergence of political opportunities (there are several variations of this set, but I have chosen the dominant one, Tilly's).

In our case, specifically political opportunity structures and repertoires of contention (to be defined below) provide us with a framework to apprehend the power dynamics that are at play when mobilising for human rights in a semi-authoritarian regime. PPT also recognizes that the influence between social movements and POS is reciprocal, as early social movements actions influence POS for future collective action, as they pry open the ruling front, shed light on the regime's weaknesses, attract attention, etc. Tarrow (1998) refers to these successive episodes as "cycles of protest" (see p. 85 and 297). As such, while I am not discussing these concepts per se (beyond what I lay out here for introduction), POS represents a key analytical framework to unlock the specific features of human rights mobilisation in SARs. I am not looking at all POS in all political contexts and their consequences on all social movements. Rather, I propose a discussion of a set of POS in the context of semi-authoritarian

Myanmar, during the specific studied period of 2008-2021, for (mostly Bamar, urban, internationally connected) human rights advocates.

Theoretically, POS follow a relatively linear logic: opportunities lead to action, increased opportunities lead to increased action, and constrained opportunities lead to a shrinking space for mobilization. This traditional structuralist view finds ample confirmation in empirical analysis but has also been challenged early on as protests have been observed to act at times erratically (resurging after dying down, mobilization efforts going in reverse, etc.) and repression has sometimes led to increased mobilization. Yet, for this project we subscribe to Kriesi's proposition to focus on "aspects of the political context that have to be taken as given by the challenging actors" (Kriesi, 1995: 169), as "the actors cannot anticipate such shifts at the time when they engage in collective action, which means that they have to take the political opportunity structure as a given in their short-term strategic calculations" (*ibid*, p.168).

Assessing whether a regime is open or closed to resistance (on the basis of POS) does not account for the nuances of contention over time (following various cycle of contention), of the regime's openness to certain types of actors and not others, and to certain types of collection action, etc. PPT scholars themselves now talk about "the shifting aspects of political opportunities" (Edwards, 2014:88). Tarrow views political structures as 'dynamic' opportunities (Tarrow, in MacAdam, 2001:41), i.e., with a scope involving regime change and focusing on group-specific opportunities (rather than policy-specific for instance). As such, he defines political opportunity structures as "consistent-but not necessarily formal, permanent, or national – signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements"³⁸ (*ibid*, p. 54). Therefore, while I am not using POS as a predictive structural model of either the likelihood of collective action nor of its success in mobilizing for human rights, it provides me with an analytical framework to assess which regime features (POS) impact mobilization, and how. Methodologically

³⁸ In italic in original.

speaking, I will use Tilly's proposed set of POS as an analytical lens through which to make sense of empirical chapters in Part 2.

Advantages of the POS model as an analytical framework

Granted that both the POS and the spiral models have limitations, the POS model (and both its structural and shifting rationale) allows for the analysis of dynamic interactions between the state and activists without presupposing a causation that is dominant in the spiral model (for instance, naming leads to shaming that leads to increased human rights compliance). Rather, the POS model focuses on the specific conditions under which certain types of contention is enabled, without predicting outcomes (see chapter 7's conclusion). To further deconstruct complex episodes of contention and acknowledging the diversity of motivations of HRAs that can exist simultaneously, as well as the diversity of actors engaged in resistance, I bring in the repertoire of contention, that allows to deconstruct complex episodes of contention and to understand the various mechanisms at play (see section below). And because activists react not only to the political environment in which they operate but also to the meaning they give to it, framing concepts need to be brought into the conversation.

Coupled with framing processes and repertoires of contention (discussed below), political opportunities structures are therefore instrumental for my empirical analysis of the human rights mobilisation landscape in semi-authoritarian Myanmar, and to my contribution to the spiral model. As an alternative analytical model, it allows for a discussion of what happens to a semi-authoritarian state between tactical concessions (step 3 of the spiral model) and prescriptive status of human rights (step 4) (see figure 4).

Framing processes

On top of political opportunities structures to assess the openness of a regime to political dissent, social movement theories offer another useful concept to the investigation of how political dissent occurs in constraining political environments, i.e., framing theories. Framing theories (see also Baumgartner and Jones, 1991), i.e., processes through which joint meaning is produced, have shown how social change relies on activists' ability to construct frames that

give their movement and claims an identity (frame making), that echoes with sympathetic audiences (frame resonance) and to allow them to build connections with allies (frame bridging). Snow and his colleagues have connected their conceptualisation of frame resonance to Tarrow's notion of protest cycles (Snow and Benford, 1992). They demonstrated that struggles over the creation of new frames of meaning occur early in the protest cycle, before "a given collective action frame becomes part of the political culture, which is to say, part of the reservoir of symbols from which future movement entrepreneurs can choose" (Tarrow, 1992:197).

Framing theories have been used extensively by human rights scholars and have become a classic feature of the human rights toolbox. I build on Lyons' work on activism in Southeast Asia³⁹, who shows how framing strategies are essential for NGOs' role as key political opposition forces. She discusses "the ways in which the frames adopted by both camps sought to appeal to government rhetoric reminds us of the extent to which activist repertoires are determined by the political space available" (Ford, 2013:15).

The concept of framing has been "extremely influential in the study of social movements" and it has "particular resonance in the study of social activism in the authoritarian and semi-democratic contexts of South East Asia" (Ford, 2013:5), as it helps understand organizations' strategies, and in the analysis of power relations (Smith, 2002). While there has been in the past decades growing attention directed towards the globalization of social movements, and especially through the study of transnational campaigns and networks, the focus has remained mainly in Western scholarship, and little attention has been devoted to it in Southeast Asian studies (Ford, 2013: 5; Caouette, 2006; Glassman, 2002), a gap that this study aims to tackle. However, this trend is evolving and social movements in East and Southeast Asia are attracting increasing attention. From the Umbrella movement in Hong Kong to the Sunflower protests in Taiwan, the Saffron Revolution in Myanmar to the red and yellow shirts in Thailand. Southeast Asia is a region in constant political, social and economic mutation.

³⁹ And especially in the Singaporean context, usually described by the absence of social activism, an idea that she challenges (Lyons, 2009).

Social activism takes various forms and shapes and targets a wide range of issues, from ethnic and religious minorities rights, to labour and gender rights, or natural resources and the environment. Whether local, national, or transnational, social networks advocating for social change “almost all imagine themselves to be engaged in a struggle against the state” (Ford, 2013:1), a paradigm that is central to this thesis, and that will be discussed at length in chapter 6.

Repertoire of contention

As a result of the structuralist limitations of the initial PPT approach (discussed above), “contentious politics” emerged at the turn of the 21st century as the leading relational approach to connect social movements and their environment (Edwards, 2014). Indeed, Tarrow reminds us that political opportunities are essential for social movements success but not sufficient. The movements’ strategic choices in terms of organisational structure, mobilisation strategies and political engagement priorities are key to secure legitimacy and representativity, hence this project’s interest in repertoire of contention, “forms of claim making that people use real life situations” (McAdam *et al.*, 2001:16) or “the ways that people act together in pursuit of shared interests” (Tilly, 1995:41). The literature on repertoires of contentions is mobilised here to help us understand activism in SAR, as it highlights how “the new repertoire increased the leverage of ordinary people to challenge rulers”, and eventually mobilisation tactics such as mass protests, petitions, sit-ins, became “components of conventional politics” and led to critical changes in politics (Tarrow, 1998:42).

Ford observes “social movements forms and repertoires of actions” (Ford, 2013:15) in Southeast Asia, to analyse to what extent these movements are indigenous, how collective activism forms and remains, how global social movements play out in social and cultural contexts in the region and vice versa. She calls Southeast Asia an “ideal region in which to examine these and other difficult questions that arise in social movements studies about activists’ politics, motivations, tactics and strategies”, “with its history of authoritarian developmentalism and relatively weak civil society” (*ibid*). Looking at social movements, Ford states that “the terrain of social activism in Southeast Asia is both varied and complex,

dictated neither by regime type nor by level of integration in transnational activist networks, though clearly influenced by both” (Ford, 2013:16), making it an ideal terrain to explore the relationships between regime type and activism⁴⁰, the core enquiry of this research project. Indeed, the contentious politics model has already been applied to some analysis of Southeast Asia. I present below some examples of the literature, and comment briefly its contributions and their significance for this project.

Slater’s book *Ordering Power Contentious Politics and Authoritarian Leviathans in Southeast Asia* (2011) marked a shift in contentious politics literature, treating it, not unlike Tilly himself, not as a subject of study (“an outcome to be explained”, p.5) but as a “a producer of political institutions” that can “make the state” (*ibid*), or a “producer of political phenomena” (2011:276). He argues that elites, both domestic and foreign, are influenced by the contentious politics they face, recognizing that “*contentious politics is the most powerful driver of political development*” (original in italic), be it democratization or human rights compliance. Slater makes the case that different types of contentious politics (class/leftist; Absent, Belated, Communal, or Elite-Led; Regionalist) have different political consequences, shaping and shifting political elites’ coalition towards domination, fragmentation or militarization (see Figure 4, 2011:287). Boudreau (2004) encourages us to look beyond how economic development, changing actors’ interests or contentious episodes bring about social and political change towards democracy and human rights, at how contentious politics mechanisms dismantle authoritarian arrangements and open up opportunities within dictatorships. Anchoring his research in the tension between anti-liberal and anti-democratic factions and pro-democracy and rights forces, Rodan (2022) examines power struggles between civil society and the state in Southeast Asia, to demonstrate the political economy considerations that influence mobilization and contention. In this recent study on “how and why spaces for contestation and reform differ from one country to another” (2022:1) in Southeast Asia, he asks similar questions to this project’s, i.e. how does civil society influence

⁴⁰ See also Caraway who has clearly shown the relationships between different styles of state repression, creating opportunities for different kinds of social activism (Caraway, 2006).

groups seeking to open political avenues, and how civil society-state relations are influenced (in his case, by elites)?

This rich literature on civil society and contentious politics in Southeast Asia provides essential considerations for this project, encouraging us to steer away from liberal normative assumptions about civil society and political and social change alike, to understand how the struggle of civil society over state power influences regime development. Slater argues that “counterrevolutions against endemic and unmanageable types of contentious class politics produce especially durable authoritarian Leviathans” (2011:288), laying ground for a reflection on the risk of backsliding prevalent in SAR not accounted for in leading human rights impact models. Rodan argues that no analysis of civil society is complete without considering its relationship to capitalism and neoliberal economic reforms, and how economic interests influence civil society mobilization. He encourages us to borrow from political economy frameworks of analysis to challenge the dominating normatively positive understanding of civil society and observe not only the actual struggle between civil society and the state, but how “civil society in Southeast Asia is transformed through its changing relationships to state power” (2022: 3).

Both the SAR literature and the social movements/contentious politics literature draw out specific features of SARs that highlights how they differ from authoritarian and democratic regimes. As the next part (part 2) will seek to reveal what it is about semi-authoritarian contexts that shape the actions and decision of HRAs, and what tactics of dissent are specific to semi-authoritarian contexts, these concepts (opportunity structures; repertoire of contention; spiral model; human rights toolbox; repression tactics) will be used consistently throughout the empirical analysis.

Chapter 3. Transition from military rule to a semi-authoritarian regime: a historical perspective of civil society development in post-1988 Myanmar

This chapter presents a potted history of the regime transition in Myanmar and of the development of civil society in the domestic context. This broad overview deconstructs the period from 1988 until 2008 to show, as Egretreau and Robinne described, that “many a domestic political event that occurred before the 2011 transition had indeed fostered, in one way or another, social and economic change in the country” (Egretreau and Robinne, 2016:4), prior to the 2008 opening. It highlights the pre-existence of a progressive movement for human rights and democracy during the military dictatorship era, and the diversity of Myanmar’s civil society – despite a common account of the resistance movement being captured by the vocal diaspora during the 1988-2008 period leading to the regime transition, before discussing the origins of the military-led regime transition from 2008 onwards. While the political playing field in the 2010s had been framed by a transition process decided much earlier by a military regime that “impos[ed] its preferred system” and “set the basic contours for the subsequent “reform” process” (Jones, 2014b:157), this section therefore lays the ground to fully comprehend how the semi-authoritarian phase came about in Myanmar, and what was the state of civil society at the onset of the period studied, thus enabling further study on human rights mobilisation during the period, in the following chapters (part 2).

Since its independence in 1949, Myanmar has been largely under a dictatorship system, resulting in very little political interaction with the outside world in general, and with international scholars in particular. One of the many consequences is that Myanmar’s civil society had been largely under-studied until the 2000s, and only recently has its diversity, complexity and dynamism been highlighted in Burmese studies – to which this study contributes. The international community had gotten glimpses of Myanmar’s vibrant civil society every time a political event of scale came to rattle the political landscape (most vividly in 1988, 1995, 2007, 2008), as the coverage in international media provided a window through which to observe not only daily life in Burma, but also “how an alternative politics may contest the status quo” (Prasse-Freeman, 2012:373). The 1988 pro-democracy protests or the humanitarian crisis following Cyclone Nargis in 2008 are examples of such events that allowed foreign observers a peek at Myanmar’s (civil) society, revealing that it remained

politically active despite decades of dictatorship. The past thirty years have been marked by very large citizen mobilizations that have received peaks of – often short-lived – international attention, leaving international audiences with very little knowledge about the diversity and nuances of the political demands of Myanmar’s civil society.

The large pro-democracy students-led movement in 1988 marked a turning point for Burma’s civil society. What became known as “the 1988 revolution” occurred at a time of important global ideological-shift – with the lifting of the Iron Curtain, and the dismantlement of the Soviet Block – towards a normative approach to democracy and human rights, with a legal discourse that emerged strong on the international scene, alongside the increased relevance of non-state actors in international politics. This global context contributed to framing the 1988 uprising in Myanmar over the next two decades as a “pro-democracy and pro-human rights movement”, with the attribution of the Nobel Peace Prize to Aung San Suu Kyi in 1991. While the 1988 uprising had been anchored in a strong democracy narrative, Bächtold reports that by 2015, “the narrative of Myanmar’s situation that dominate[d] the scene is essentially a narrative of lacking capacities, weak institutions and an underdeveloped civil society” (2015:1969).

The first part of this chapter is a short historical portrait of Myanmar’s civil society in the post 1988 era. It draws important observations that shed light on the 2008-2021 period, as it reveals the extent and the diversity of pre-existing pro-democracy and pro-human rights actors in the country. During this very closed political period, Myanmar’s civil society remained active, both domestically and transnationally. While civil society actors perceived domestic political opportunities as mostly closed then, international political opportunities remained opened and activists turned to transnational activism, progressing the struggle for human rights and democracy in Myanmar, through Transnational Advocacy Networks (TANs) (Keck and Sikkink, 1998). This historical deep dive uncovers the resilience of pro-democracy and pro-human rights actors in Myanmar, as well as helps nuancing the view that the movement boiled down to the vocal politically active diaspora operating from outside

Myanmar⁴¹, acting as brokers or “excellent intermediaries between their home country’s political opposition or marginalized groups and the international system” (Duell, 2014:111). Instead, this chapter reminds us that a form of political mobilisation has always been brewing inside Myanmar (Lidauer, 2012), that civil society was everywhere (Heidel, 2006), and that the military’s hegemony was often challenged, most obviously in ethnic-controlled areas (South, 2008).

In a second half of the chapter, I discuss the events leading up to the political transformation from an authoritarian military regime to a semi-authoritarian regime, and especially the events of 2008 as a turning point. The international community was quick to celebrate Myanmar’s regime transition as a weakening of the authoritarian project and a success of the transnational advocacy for democracy and human rights. We cannot entirely discount the pressure exercised by the domestic and global pro-democracy and pro-human rights movements over the military junta, and how it made it costly for the regime to remain authoritarian, especially in the context of the global financial crisis of 2008 and as economic sanctions targeted the country, which might have pressed the military junta further towards considering a voluntary opening. Numerous international companies had invested in the country since the 1990s (especially in extractive industries) and might have been themselves under more scrutiny following the widely publicized regime violations during the 2007 events. Yet, building on the SAR framework developed in chapter 2 and on the historical portrait of the political landscape for civil society in pre-2008 Myanmar, I subscribe to the consensual view that Myanmar’s political transformation in the late 2000s came from a position of strength, as the new SAR was designed as a deliberate and permanent (not transitional) governance structure that obeyed a clear set of rules imposed by the military. Later in this chapter, I seek to summarize some of the motivations behind the regime change as presented in the literature, and to uncover the consequences it had on the operating context for civil society actors. Indeed, while there is consensus over the controlled nature of the transition

⁴¹ As Kirsten Duell demonstrates, diaspora organisations face their own opportunities and threats mirrored in social movement theories (see Duell, 2014:110). On Burmese diaspora, see Zaw Oo, 2006; Egretreau, 2012.

from authoritarian rule, I argue that it still enabled a resurging civil society to occupy the political space, a shift “triggered by active engagement in the electoral process and the constitutional debates preceding it” (Lidauer, 2012:96), as discussed below.

Introduction to a brief history of Myanmar’s civil society in the 1988-2008 era: a pre-existing movement for democracy and human rights

In looking at the historical origins of civil society in Burma, two observations are key: 1) Myanmar’s civil society existed long before the concept itself became widely used, and 2) it is rooted in a fabric of religious associations, mainly Buddhist, but also Hindu, Muslim and Christian (Steinberg, 1999; Jaquet, 2016). Steinberg was the first scholar to argue that Myanmar’s civil society could be traced back to the pre-colonial era (Steinberg, 1999). Fink and Simpson argue that civil society in Myanmar is rooted in informal Buddhist organisations, which developed during the colonial era into political actors, as “the protection and promotion of Buddhism became associated with the nationalist struggle for independence” (Fink and Simpson, 2018:259).

Matelski, whose doctoral thesis⁴² counts amongst one of the most comprehensive accounts of Myanmar’s civil society in recent times, and one of the few to cover part of the semi-authoritarian phase, shows how faith-based organisations have existed in Myanmar even before we started talking about ‘civil society’ (2016). Religious networks of all faiths have indeed been a foundational force to provide services, relief and support to communities across the country, channelled into social efforts (Lorch, 2008). Yet, as Bächtold argues, because their structure differs from the institutional form of a Western NGO, they have not qualified to receive Western support, and have mostly been excluded from being recognized by international donors and INGOs as legitimate partners (2015).

About 214,000 community-based organisations were identified by an independent survey conducted in 2003-2004, mainly working at the local level in the fields of education and health

⁴² A book is expected to be published later in 2023.

(Heidel, 2006:42), acting to fill in the gap left in public services by weak state authorities (Lorch, 2008), an under-funded, corruption-prone bureaucracy (Jones, 2014b) and central-periphery neglect. Kramer argued at the time that “the activities of the majority of local organisations in Burma [could] best be described as charity-oriented and concentrating on social welfare” at the local level (Kramer, 2011: 31), a situation tolerated by both local and national governments, as long as civil society’s action remained framed in non-political terms (Heidel, 2006; Prasse-Freeman, 2012). In the early 2000s, about 200 more formal organisations with development agendas were tolerated by the government on the basis that they would also remain apolitical⁴³ and ties were later formed between international development organisations and their local counterparts (Fink and Simpson, 2018: 259).

Myanmar’s current politically active civil society therefore finds its roots in the struggle for independence, a movement in part driven by a Marxist educated abroad elite (or through domestic colonial institutions). After the independence on 4 January 1948, followed a short interlude of parliamentary rule, between 1948 and 1962, marked by a dynamic popular mobilization, but soon crushed by a coup d’état in 1962 that allowed General Ne Win to take over. During the next half century, the only authorized organizations were large mass organizations mobilized around the military political party in power, the Burma Socialist Program Party (BSPP) and whose key role was mass indoctrination and propaganda in favour of the ruling party. Any political desire for mobilisation or political opposition was completely crushed during this period, resulting in what Steinberg qualified as the murder of Burmese civil society by the BSPP (Steinberg, 1999).

Already from the beginning of the 20th century, the British colonial administration prohibited political organizations, long before the successive Burmese regimes did. Civil society was therefore in its formal sense completely confined to religious social organizations, within which emerged nonetheless during the 20th century a nationalist feeling mainly amongst a

⁴³ Official registration under the Law Relating to Forming of Organizations, promulgated by the military regime in 1988 made registration only possible if the organisation’s mission was clearly apolitical.

Buddhist Bamar elite (ethnic welfare organisations also exist(ed), with a strong ethnic independentist identity as well).

During the several decades of military ruling, under the BSPP (1962-1988)⁴⁴, the military junta State Law and Order Restoration Council (SLORC) (1988-1997) and State Peace and Development Council (SPDC) (1997-2010), civil and political rights and freedoms were vastly denied, and space for political dissent was scarce (Hlaing, 2004). As “the military-state maintained an effective monopoly explicit political expression” (Prasse-Freeman, 2012:372), freedom of assembly was reserved for government supporters, as mass organisations were encouraged, and provided influential support as propaganda arms to the regime, but freedom of expression was inexistent and independent political civil society organisations were unable to operate officially in the country.

In the 1990s, the transition to non-armed resistance and the expansion of ethnic minorities’ self-determination goal led to a shift in the range of tactics for political liberation, with the inclusion of civil society mobilisation and international human rights advocacy (Buzzi, 2016).

In that context, two main political opportunities emerged with the general elections in 1990 and a constitutional reform process launched in 2003, culminating in a constitution referendum in 2008.

First, general elections were held in 1990, following the mass protests of 1988. Some activists involved in the 1988 protests, known as members of the ‘88 Generation’, had created the National League for Democracy (NLD) party, while others maintained a separate political identity. The student movement especially, united under the banner of the All Burma Federation of Student Unions (ABFSU), and led by Min Ko Naing (an 88 leader), assumed different strategies and, prohibited from forming official organisations, remained informal. The National League for Democracy (NLD) won the 1990 elections, but its victory was quickly cancelled by the military that refused to hand over power and orchestrated a new military

⁴⁴ The BSPP was the ruling party from 1962 until 1988, and the sole legal party from 1964 until 1988.

coup d'état. Power remained in the hands of the Tatmadaw, once again proving faithful to its motto: "never surrender".

Second, the military regime launched in 2003 an important process expected to lead to regime change, announcing a "seven-steps roadmap to disciplined democracy" (see figure 7 and discussion below). As a new constitution was being drafted, the civil society was prevented from contributing to the process and there was very little public consultation over the ongoing major constitutional and institutional change. "Executive Order 5/96, which provides for the arrest of any person deemed a threat to the National Convention and the 'roadmap to democracy' effectively stifled open debate among citizens" during the SPDC era (see US Department of State, 2009:709).

These key events have been extensively studied from a regime change perspective, as their meaning in a broader political change process was interrogated and debated. Yet, as political opposition and civil society actors were denied official participation in these political opportunities, this thesis seeks to highlight the turning point they represented for opposition forces, and the space they created for civil society. This period indeed marked the first important organisational shift for Myanmar's civil society, with pro-democracy and pro-human rights activists forced into exile to neighbour countries (especially Thailand, India), but also to Western democracies around the world, and the establishment of a strong diaspora. Domestically, in the period 1988-2008, freedom of assembly was especially tight for NLD members, pro-democracy supporters and those suspected to be in contact with human rights groups in exile. Close to no political civil society organizations officially existed in the country, and international actors were not allowed in. Only two international non-profit organizations (INGOs) were authorized in the country: World Vision (UK) and Doctors Without Borders (Netherlands). They operated under very strict state constraints.

An important dichotomy appeared between the Myanmar civil society in exile, that deployed a transnational advocacy strategy and effectively became the (only) voice of the pro-democracy movement on the international scene, very vocal on issues related to the need of humanitarian aid and respect for human rights and democracy – and domestic civil society actors, with extremely limited room for manoeuvre, but which continued nevertheless to operate discretely inside the country.

2008: a turning point towards regime transition

In the context of the military-announced roadmap to democracy, that unfolded with a complete lack of inclusivity, three consecutive, apparently unrelated events occurred in the late 2000s and completely restructured the civic and political landscape in Myanmar, forcing the military junta to compose with an increasingly important domestic movement for democracy and human rights. Large protests erupted in September 2007, known as the Saffron Revolution (1), led by monks, and continued again in August 2008, led by the 88 Generation. Cyclone Nargis hit the country on 2 May 2008 (2) and killed about 140,000 people overnight. It did not prevent the military regime from holding the Constitution referendum a week later on 10 May (3), for the freshly drafted 2008 Constitution. These events propelled the country onto the transition path announced by the military junta in their roadmap to democracy in 2003, that many have described as a democratic transition, and that appeared in retrospect rather to have been a transition to a hybrid, semi-authoritarian regime. They presented a series of successive opportunities, as per the social movement theory approach, for Myanmar's civil society that slipped into the cracks to participate into and widen the political opening, first with voter education ahead of the 2010 elections⁴⁵, and second with election observation (Lidauer, 2012).

Saffron Revolution, 2007

It was a spike in fuel prices on 15 August 2007 that led to a series of street protests. But it was the arrest of Min Ko Naing, together with other opponents, on 21 August 2007 that sparked large demonstrations that spread quickly across the whole country. Min Ko Naing, born Paw Oo Tun, was known as a legendary leader of the 1988 uprising, who spent over 15 years in prison (from March 1989 until November 2004) and was a founding member of the "88

⁴⁵ For the 2012 by-elections, the bulk of civic and voter education was led by the NLD, with leading figure lawyer Ko Ni, who had written a voter education booklet and toured the country with the NLD (Lidauer, 2012).

generation” student group⁴⁶, along with other political prisoners who had been released in the early 2000s. In the mid-2000s, the 88 generation led bold and well-organised mobilisation events such as the white campaigns (where people dressed in white – the colour of martyrs in Myanmar – to visit religious sites or the families of political prisoners) and organised petitions and letters of grievances to be sent to the Burmese government and UN officials (Duell, 2014:188). At the time, political organisations were forced into informal existence (Hlaing, 2008).

Min Ko Naing explained in an interview with Maël Raynaud and Thinn Thinn in July 2017 how the events that led to the Saffron Revolution unfolded (Raynaud and Thinn Thinn, 2017). In July 2007, the National Convention that was in charge of drafting the new Constitution had entered the final stage of its operation. On 15 August, the government announced the end of fuel subsidies, leading to a price increase of about 66-100% on oil and 500% on gas. Fuel in Myanmar at the time was sold by a state-owned company. By then the economic situation was already alarming, with a military budget that amounted to about 50% of the state budget, leaving little space for public services spending. In the late 2006, cost of basic necessities had already risen sharply by 30-40%. The end of fuel subsidies was the last straw for political opponents who were already mobilising against the National Convention. They chose to organise a gathering on 19 August, anniversary date of the death of the NLD leader U Kyi Maung. As Min Ko Naing stated in the July 2017 interview,

“It was very difficult to gather people, so we took that opportunity. At the beginning, there was just a few hundred people. No one dared to say or do anything. So even that was a success.”

Two days later, on 21 August, 13 protest leaders, among which Min Ko Naing and Ko Ko Gyi were arrested, sent to jail (where they were tortured) under statutes prohibiting speech or conduct intended to disrupt the Government’s “roadmap to democracy”, as state propaganda (especially through the government newspaper *New Light of Myanmar*) stated

⁴⁶ To make itself less prone to harassment by the military regime, the 88 generation student group was a non-hierarchical non-registered organisation, yet Min Ko Naing – along with Ko Ko Gyi, Min Zeya, Htay Kywe, Pone Cho, was a prominent member.

that "[a]ll in all, their agitation to cause civil unrest was aimed at undermining peace and security of the State and disrupting the ongoing National Convention". Min Ko Naing explained,

"the government arrested us for doing politics under the pretext of supporting the 1990 elections' mandate. We were opposed to the National Convention. They just needed to find a reason to arrest us. (...) The demonstration took place only in Yangon, but we already had a network around the country, committed to help if we were arrested. That's how the movement started, because people in this network started to ask for the release of political prisoners".

By September 2007, the protests initially asking for the release of political prisoners snowballed into larger protests⁴⁷ against the military rule all together, that spread from Yangon to the rest of the country, as Min Ko Naing had predicted. What had started under the leadership of the 88 generation actually led to the political awakening of a whole new generation of activists. Political activists were soon joined by tens of thousands of monks and nuns, whose saffron-coloured robes gave its name to the "Saffron revolution". By 24 September, the largest anti-government protest since 1988 was happening, with up to 100,000 participants in Yangon, as reported by the BBC (BBC, 2007) and many more simultaneously across the country. The growing and peaceful protests were soon met with a crackdown from the security forces. Powerful images of monks marching and chanting travelled around the world, as the population and the international community soon realised that the military junta would not hesitate to shoot and kill even its most highly regarded religious leaders.

In November 2008, Min Ko Naing and several other protest leaders were sentenced to 65 years in jail, unusually long sentences according to Win Min, a Burmese politics expert at Chiang Mai University in northern Thailand, quoted in *The New York Times* at the time stating

⁴⁷ On 5 September 2007, 3 monks were injured at a large demonstration in Pakkoku. Tensions between the religious elites and the government escalated from then on.

that “[p]unishments for dissidents have become much harsher in recent years (...). A decade ago, a sentence of 20 years was considered very unusual” (The New York Times, 2008).

Min Ko Naing and others were released on 13 January 2012 in an amnesty that marked the relaxing of the authoritarian grasp over politics by the USDP government. Beatty argued that “usage of the inside-outside dichotomy became pronounced after the September 2007 protests” as “funding inside work became more fashionable” (2010:622). These events and their consequences surely marked a turning point for the domestic pro-democracy and pro-human rights movement in that they reminded the international community that opposition to the junta was brewing actively inside the country, creating opportunities for civil society actors to secure support and slowly, resources, from abroad. The military’s heavy repression of protests costs them heavy criticism from the international community. The 2007 events also brought into political action a new generation of individuals and demonstrated the power of influence of coordinated national action, with mobilisation techniques deployed in 2007 that would be used again by human rights advocates and cited as inspiration. In social movement terms, these became part of the repertoire of contention.

Cyclone Nargis, 2008

Cyclone Nargis hit in May 2008, killing 140,000 and affecting 2 million people. Myanmar’s civil society, revitalised by the political events of 2007, rushed into the breach created by the initial inaction of the government to respond to humanitarian needs. Domestic organisations organised very quickly to provide food, shelters and medical care (Kramer, 2011:12-13). A large movement of spontaneous popular relief response saw thousands of people who wanted to help converge towards the Delta region. Youth, political elites of all sides, physically found themselves together in the region, collaborating to provide relief aid to the affected populations.

In the first three weeks after the cyclone hit, the government first refused to open the country's doors to international development organisations, emergency reliefs and funds. International organizations eventually poured in and never left. In 2008, approximately 44 non-political international humanitarian NGOs started operating in the country, with a focus

on relief efforts in cyclone Nargis-affected regions (US Department of State, 2009:720). Their operations had to obey to the guidelines for the activities of humanitarian organisations that had been negotiated and published in 2006⁴⁸. International human rights experts could only enter the country on visas sponsored by government agencies. They were routinely followed, surveyed and citizens were arrested when and if talking about human rights abuses with foreigners. UN Secretary General Ban Ki Moon visited the country twice in May 2008, for cyclone-relief affairs. This did not prevent relief volunteers to be detained for supporting populations hit by Cyclone Nargis, such as the popular comedian Zarganar, sentenced to 59 years in jail in November 2008. The government relied on the Unlawful Association Act that authorized the head of state to “declare any association unlawful without basing his decision on hard evidence and (...) punish its members with up to five years of imprisonment” (BTI, 2008:8), which continues to be used against dissidents to this day.

The progressive movement that pre-existed the cyclone grew in strength and in visibility through the relief response. A myriad of Burmese self-help associations was thus first officially created under the umbrella of traditional religious organizations to provide humanitarian relief. The vast majority would not last, but some found their autonomy and went on to continue with service-providing activities long past the cyclone relief period. These organisations’ demographics actually resembled these of actors propelled into political action post-2021 military coup d’état: youth from urban ‘middle’ classes.

The government, overwhelmed by the extent of destruction and suffering caused by cyclone Nargis, also leaned in to a certain relaxing of state repression: the secret services specialized in surveillance were dismantled, and the opening up of the country progressed thanks to the emergence of new information technologies (availability of individual SIM cards, internet cafes), the relaxation of media censorship and the symbolic release of a large number of political prisoners (Desaine, 2011). The political opposition would soon seize the opportunities offered by the upcoming 2010 general elections.

⁴⁸ Guidelines were published in both Burmese and English, but the Burmese version expressed tighter measures than the English version.

It became widely obvious that the state was unprepared and unequipped to lead the relief efforts, which was another blow to its credibility, a few months after it had arrested, tortured and killed monks involved in the Saffron Revolution, especially as it initially rejected international relief aid, in total disregard of its own people's urgent humanitarian needs. The regime had also decided to go ahead and hold the constitutional referendum as planned, 8 days after the cyclone, bringing more criticism upon itself. Cyclone Nargis marked not only the entry of INGOs into the country, but also coloured the international aid sector as predominantly working on development issues (disaster relief, environmental preparedness, etc.). Even if later peace and humanitarian organizations joined in, a lot still happened during the studied period 2008-2021 "under cover" of international development work. Civil society actors made further progress in the aftermath of Cyclone Nargis, raising from the ground up, and positioning themselves as service-providers where the regime failed to meet humanitarian needs and had to cave in and let international actors rush in to save its people – another example of the regime concession, as a hard-line authoritarian isolation would have been too costly for the regime, in terms of affected people's lives, and politically.

The 2008 Constitution

Despite the humanitarian crisis in the aftermath of Cyclone Nargis, the new Constitution referendum was organized on 10 May 2008 as planned. It had been postponed to 24 May in cyclone-affected areas, yet on 15 May 2008, the government announced that 98.12% of eligible voters had participated and that the Constitution had been approved by 92.48% of the votes. International observers were prevented from monitoring the voting process, and even international ambassadors on supervised visits to voting centres witnessed and reported tempering with ballots and voters' intimidation. The constitutional referendum was widely criticised by the international community as not free and fair. Yet the Constitution came in effect right away. It introduced a parliamentary system (*Hluttaw*) with upper and lower chambers, and separated the legislative, executive and judiciary branches. However, the SPDC remained in control of all governmental branches until the general elections planned for November 2010. This new constitutional order continued to prioritise state order over

individual rights and freedoms, e.g., article 354 of the 2008 Constitution recognises freedom of expression, as long as it does not go against highly subjective ‘public order’.

“354. Every citizen shall be at liberty in the exercise of the following rights, if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquillity or public order and morality (...).”

Penal code article 505 a) and b) have been widely used against activists, to criminalise statements or reports perceived as defamatory or against public order, both during the semi-authoritarian period and in the post-2021 coup era.

The constitutional reform process revealed how the military junta government used the legal and constitutional framework 1) to control the democratic opening that was deemed inevitable, while appearing reformative and as deferring to international democratic standards; 2) to ensure its continuous grasp over political life, while weakening the democratic governance and institutions it was (nominally) creating and 3) to control the space for political dissent through an intricate set of laws and regulations effectively wrapping civil, political and media freedom under a tight clasp (as discussed below).

Suhardiman *et al.* argue that “the Myanmar case highlights a need to move beyond rules-based approaches to governance that prioritize policies and legal frameworks as the key point of socio-environment change and governance reform” (2019: 370). As Middleton and Win argued, through these events and the reforms that occurred in the 2000s, “social and political relations are reworked, including the demarcation of the hybrid public sphere, through the actions of civil society and community movements in relation to various elite actors” (2021: 50). This thesis agrees with Suhardiman’s view of governance as a social phenomenon (Suhardiman *et al.*, 2019; Middleton and Win, 2021): the governance system is the product of social and political interactions between many actors (public, private, press, civil society) that shape it. Changes in laws and regulations that occurred in Myanmar therefore also need to be seen, not (only) as the starting point of a new governance model, but rather as the product and enabler of interactions in the political space. Focusing solely on law and policy change in Myanmar in the 2000s would result in ignoring the role civil society actors played in shaping and crystalizing power dynamics during the 2000s, and especially after, in the 2008-

2021 period. Even before the opening, civil society actors found ways to engage with the electoral and political change process (Lidauer, 2012).

I argue that civil society actors carved out and occupied a civic space during the semi-authoritarian period in Myanmar that goes beyond what the reformed legal space allowed. The legal and constitutional framework in 2008 needs also to be understood through the lens of the new social and political interactions it permitted between the military junta and political opponents, including domestic and international civil society actors. Law and policy changes can be contradictory (Suhardiman *et al.*, 2019), but regardless, “these provide an opening for civil society groups, members of the public, and marginalized groups to play a part in governance” (Suhardiman *et al.*, 2019: 370). The relational approach to (land) governance reform in Suhardiman *et al.*’s article helped frame the argument in favour of a relational approach to civic space in this thesis: the freshly reformed legal and political framework in Myanmar might have been intentionally and instrumentally flawed, it nevertheless changed the political dynamic in the country and opened the space for dissent for actors (political opponents, human rights advocates, international observers and non-profit, journalists, etc.) that had previously been denied participation. Chapter 4 will look into details at the extent and nature of the opening of the space for dissent in the period 2008-2021.

The diversity of Myanmar’s civil society

From independence, the diversity of Myanmar’s civil society has often been overlooked or misunderstood, in what Duell has describes as “the portrayal of conflict as being a simple struggle between Aung San Suu Kyi and the military, and between democracy and authoritarianism” (2014:115). Under military ruling (1962-2010), collective action of civil society actors mostly operated on a spectrum ranging from direct contestation, avoidance, or preferring social work activities (see chapter 5 for discussion on strategies of engagement during the 2008-2021 period). Scholars have talked of a dividing line between the “1988” civil society and the “Nargis” civil society (Raynaud, 2019), i.e., “civil and political organizations”

and “services providing organizations”, and these two main approaches have dominated Burmese scholarship until recently⁴⁹.

The first approach, anchored in ideological hard-lines, aims at denouncing a system that is deemed corrupt and authoritarian – including under the NLD government, that some activists only supported very reluctantly. This approach is highly politicized, based on a rejection of the freshly reformed constitutional and institutional framework, with members that are often in and out of jail due to their frontal opposition strategies to the government. There is an appetite in this approach to build a federal democratic project, and therefore the ideological approach is concerned with the situation of ethnic communities and ethnic political parties, with the peace agenda, as inter-community reconciliation is understood as a necessary bounding exercise against a common enemy: the Tatmadaw. The initial hope of seeing the NLD and ASSK carry a national federal democratic project⁵⁰ as an alternative to the military domination has disappointed many human rights advocates, with reforms that have failed to translate during the semi-authoritarian phase into actual changes in the everyday life of Burmese people. Regardless, the ideological line encompasses economic, social and cultural rights (ESCR) as well as environmental rights: labour rights, land rights, education reforms, environmental protection, as these are essential to maintaining control over natural and cultural resources, crucial elements of sovereignty (notably ethnic sovereignty).

The second approach, pushed for by a soft-line development community, was more inclined to work within the existing institutional framework, with formal, professional I/LNGOs engaging with the authorities in their respective fields of expertise. This approach assumes a less disruptive position, conducive to securing funding from international donors, especially for activities connected to local communities’ and authorities’ capacity building (see

⁴⁹ The distinction is felt in the way these organisations translate in Burmese language today. CSOs or NGOs with a political mission would translate as a-yat-bet lu-apwe-asi အရပ်ဘက်လူ့အဖွဲ့အစည်း (CSO) or a-soe-ya-ma-hote-taw-apwe-asi အစိုးရမဟုတ်သောအဖွဲ့အစည်း (NGO), while service delivery organisations with a social mission would be translated as *lu-mu yay lu-apwe-asi*.

⁵⁰ Such project has been at the heart of National Unity Government (NUG)’s ambitions in the aftermath of the coup d’état in 2021.

discussion in chapter 6 on capacity-building), policy development, and awareness raising. Their perceived apolitical goals and “their technical capacities to comply with the demands, standards and approaches of the international aid architecture” (Bächtold, 2015:1977) have enabled them to align with a liberal discourse and thus to be perceived as legitimate local actors by international organizations, while “[o]ther forms that could be seen as producing legitimacy – for instance, popular support, numbers of members – are excluded from this calculation” (*ibid*).

The analysis of Myanmar's civil society and the human rights landscape during the period studied has been dominated by a neoliberal discourse, tending to impose western knowledge and concepts onto the situation, problematising it through a western lens. In doing so, it not only co-opted local human rights actors, but also imposed a western vision of social and political change. Bächtold for instance highlights how the term "civil society" in Myanmar mainly equals "civil society organisations that reproduce the organisational form of Western NGOs" and "excludes other parts of civil society, most importantly political activism" (2015:1976). I will later argue that local activists navigated this dichotomy to their advantage, and managed to translate their claims into global concepts, to secure funding and influence. Yet, I agree with critics that denounce the limitations of imposing liberal concepts in the post-colonial global south (see Bächtold, 2015; Roman, 2022). To start with, it imposed in Myanmar a state-civil society frame onto the relations between state and non-state actors that undermine the nuances and complexities of ethnicity in Myanmar's society and institutions.

Burmese studies have only recently started to look at Myanmar's civil society in all its diversity, after several authoritarian decades during which it was assumed that Burma's pro-democracy movement was mostly the one operating in relative freedom from outside of the country. The transnational advocacy networks operating at the border between Thailand and Myanmar, also known as “the border”, were indeed very active in the period 1988-2012⁵¹. The border networks were composed of thousands of individuals that had fled Myanmar after the 1988 protests, mostly to Thailand and India. Waves of student protesters had crossed the

⁵¹ Many individuals and organisations moved back to Myanmar in the early/mid-2010s.

border to Thailand and were not only welcomed by ethnic organizations that had been settled across the border for longer, but also trained and encouraged to set up their own CSOs. What Simpson described as the ‘activists diaspora’⁵² (Simpson, 2013) is an example of human rights actors embedded in transnational advocacy efforts to report on Myanmar’s human rights abuses (South, 2008). Raynaud describes how “two separate movements, one made up of ethnic nationalities, and one that started with the 1988 uprising and the 1990 elections, now were allied towards a common goal, democracy and federalism, supposedly embodied in the “Panglong Spirit”” (2018b). They created CSOs alongside the Myanmar-Thai border, that hosted a vibrant part of Myanmar’s civil society for decades⁵³. These organizations, while located at the border, operated as much inside Myanmar, as internationally. From there, they could do all the work that would have been impossible to pursue within Myanmar: advocacy, fundraising, trainings, strategic planning, etc., in a way that is consistent with Keck and Sikkink’s modelling of transnational advocacy networks (Keck and Sikkink, 1998).

By 2007, there were in effect two main civil society terrains: the domestic civil society and the civil society operating in exile, either across the Thai (and to a lesser extend Indian) borders, or in Western countries (especially in the USA, Australia, and Western Europe). The Thai “border” embodied at that time the “democracy movement” to the eyes of the international community, and acted as a bridge between the diaspora, ethnic communities, civil society inside the country; and the international community.

Observers have argued that the development of the domestic civil society has been outshined first by the activists in exile that tend to deny the rise of their domestic counterparts as they grappled with legitimacy and survival abroad, and second by the harsh prison sentences that were handed to domestic activists (such as Min Ko Naing who was sentenced in November 2008 to 65 years in jail for his involvement in the Saffron Revolution) and effectively silenced domestic actors. At the border, CSOs members were trained on human rights through the

⁵² Simpson argued that domestic restrictions in Myanmar increased the relevance of diaspora and transnational networks (Simpson, 2013).

⁵³ See Duell’s work on transnational activism and the Burmese pro-democracy movement in India and Thailand (Duell, 2011).

EarthRights School, the Shan State School for Nationalities Youth, the legal training of the Burma Lawyers' Council, the Journalism School, or the Foreign Affairs Training (FAT). There, they could meet, exchange, and work together. Countless joint reports were published by border organizations on topics related to federalism and democratic governance, that remained taboos inside Myanmar.

Amongst them, a strong movement of pro-democracy actors emerged, known as the "Third Force" that positioned itself in between the two main approaches of avoidance and direct conflict, by seeking to reform from within the system they did not deem perfect, but still perfectible. Training at the border, the preferred modus operandi of the Third Force was what Mullen defines as "reconstructive politics" as a transformation of the "conditions via the creation of new space, opportunities and relationships", aiming "to avoid, disorient or persuade officials" (Mullen, 2016:9). This engagement strategy was a key pathway to change in Myanmar in the period 2010-2015 (*ibid*). One of the most prominent Third Force organizations, Myanmar Egress, was "the most prominent organisation offering capacity-building and educational activities in Myanmar ahead of the 2010 elections" (Lidauer, 2012: 100). Lall interpreted the work of the Third Force as instrumental in influencing the democratic transformation (Lall, 2016), especially during the Thein Sein era (2011-2016). While adopting a consensual approach with the regime, the Third Force benefited from frontal / grassroots opposition, that highlighted the regime's fallibility and therefore the need for the reforms that the Third Force supported (Prasse-Freeman, 2012).

At the premise of the transition phase, under Thein Sein's USDP government, scholars were indeed able to demonstrate a shift from hard-line resistance to pragmatic engagement (Lall, 2016; Mullen, 2016). As international foreign aid started to pour in from 2008, and diplomatic channels were reopened, reform-oriented 'soft-liners' on both the authoritarian regime and the pro-democracy sides entered into a conversation, illustrated in figure 6. In particular, the Third Force, a "group of engagement-oriented" reformists (Stokke and Aung, 2020:279) supported the USDP government with the unfolding of its reform agenda.

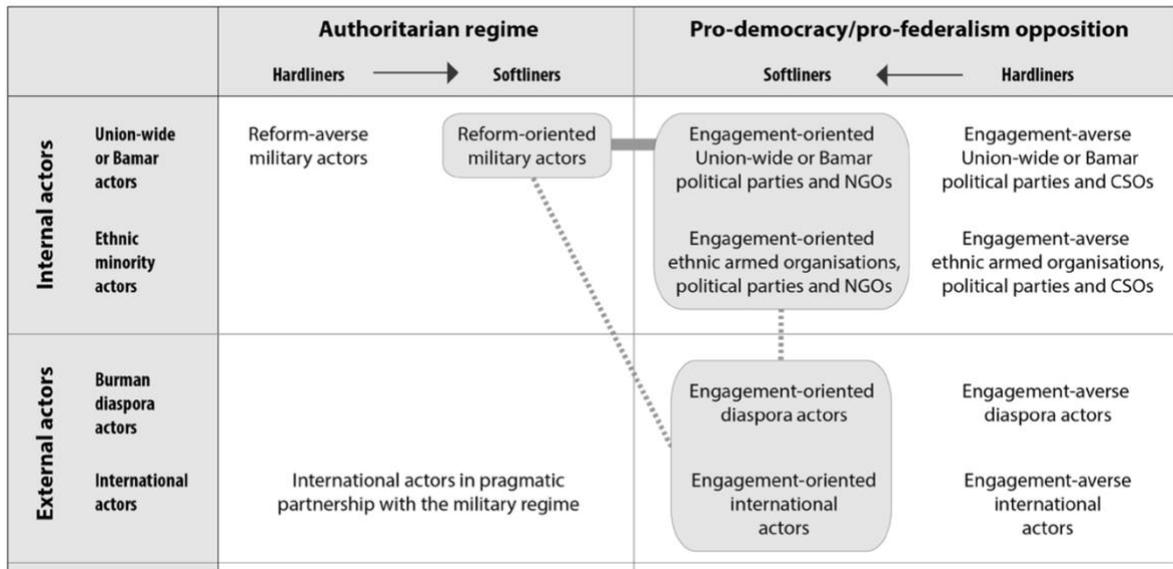


Figure 6. Myanmar's democratic opening understood as a pacted transition, in Stokke and Aung (2020:280).

This dialogue strengthened as numerous civil society leaders from organizations such as Myanmar Egress, the Yangon heritage Trust, UMFCCI became official advisors to President Thein Sein's administration between 2011 and 2016. The new administration sought consultations with civil society representatives around matters of policy change and the drafting of new laws⁵⁴. After Nargis and the 2010 general elections, and as organizations started to move back to Myanmar after the opening in 2011, the Third Force was slowly absorbed into governmental agencies.

Counterintuitively, it is under the NLD administration that the dialogue between civil society and Nay Pyi Taw started to wear off. As the NLD became part of the "system", alongside the tentacular bureaucracy and the military (and its proxy party, the USDP), consultations with civil society organizations regarding reforms became very limited, despite their own capacity issues, leaving CSO feeling like the Thein Sein government was keener to listen to them (more on this in chapter 4). Following the 2021 coup d'état, "the border" is once again where activists and CSOs have sought refuge.

⁵⁴ For instance, Dr Nay Win Maung and U Tin Maung Thann, of Myanmar Egress met U Thein Sein's team for a couple of days of consultation in Nay Pyi Taw in April 2011 (Raynaud, 2018a).

In this chapter I strived to demonstrate that prior to its explosion at the beginning of the 21st century, there appeared to be a healthy diversity within Myanmar's civil society throughout 1988-2008 period, in terms of actors, fields of intervention and mobilization strategies. The spectrum of civil society intervention continued to become increasingly rich during the 2008-2021 period; with increased interaction with and support from foreign actors, gathered through transnational advocacy networks, to the point that they impacted the domestic agenda (see Duell, 2011; Matelski, 2016) and even led to a degree of competition amongst the various pro-democracy and pro-human rights groups for support, funding and influence (see Hlaing, 2007).

This diversity also comes at the cost of a certain fragmentation of the Burmese civil society, along ethno-religious lines that persist, with little inter-ethnic solidarity, even if the 2021 coup seems to have encouraged more bonding between ethnic groups, united once again against their common enemy, the military junta. Tensions could be felt as well between the domestic movement and the political diaspora (see Htet Aung Kyaw, 2008; Steinberg, 2011). Human rights advocates also struggled to implement internally the values of democracy and rights they were striving to defend externally (Duell, 2014), with the underlying fear that any dissension could be exploited by the military regime to weaken the pro-democracy movement. Both the domestic movement and the political groups in exile tend to downplay each other's contributions to the political transformation of the early 2010s, struggling to focus instead on the complementarity of their actions through transnational influence mechanisms.

This study contributes to a better understanding of the diversity of pro-human rights and pro-democracy actors in Myanmar during the 2008-2021 period, as a myriad of actors emerged into the public eye and strategic choices for mobilizing continued to differ and expand (see chapter 5). Buzzi shows how during the 1988-2011 period, "human rights activism (...) expended into three main directions – international human rights advocacy, human rights

education in the communities⁵⁵ and rights-based approaches in humanitarian work” (2016:225). Indeed, some actors committed to the ongoing political transformation, joining in the consultations and development with the authorities of public policies, legislative framework amendments, etc. Other civil society organizations continued to prefer avoidance strategies, attempting to stay as far away as possible from the government's radar. Sometimes under the cover of development activities, access to education, they would actually produce in-depth, structural work, often at the local level – where, “instead of expressing the will of the central state, local state representatives have latitude to negotiate with society” (Prasse-Freeman, 2012:379), as far as possible from the national authorities, aiming to reform local governance structures while lowering risks. I also observed civil society actors who did not shy away from strategies of frontal and direct opposition with the authorities, with the military, the government, despite the high risks (see chapter 6).

In the next empirical chapters, I will analyse at length the diversity as well as the resilience of Burmese civil society's actors, strategies and ambitions, showing that eventually, what unites them are the constraints they faced and the volatile political context in which they operated, as the leading narrative that managed to emerge and remain has been the one imposed by the military junta which spearheads national unity, stability and order, and embodies Burmese nationalism, deeming anyone challenging this narrative as enemies of the state.

Understanding the military-led regime transition (towards SAR)

We carry on in the second part of this chapter looking at how the transition into semi-authoritarian government – envisioned as a permanent regime (and not a transitional phase), as argued in chapter 2 – came about under the military junta and then the Thein Sein's USDP

⁵⁵ See Lidauer, 2012 on the importance of civic and voter education ahead of the 2008 referendum and 2010 elections, as a turning point for civil society's political engagement.

administration (2010-2015)⁵⁶. This discussion elaborates the journey of regime change that unfolded in parallel to civil society development detailed earlier in this chapter, as I seek to demonstrate that their intertwined evolution goes back years prior to the semi-authoritarian period. It allows to demonstrate how far the regime has come and how real the political opening has been, while nuancing the primary interpretation that the military was in control all along – each crack opened was widened by the pro-democracy and pro-human rights actors, each time stretching the boundaries of the space for dissent, until it snapped back.

There is a lot of discussion over the reasons and motives for the regime transition that occurred in Myanmar in the late 2000s, covered extensively in Burmese literature (Egreteau and Robinne, 2016; Huang, 2020; Pedersen, 2018; Simpson *et al.*, 2018; Hlaing, 2004, Stokke, 2018). Yet, consensus is that “Myanmar’s political opening should be understood as an imposed transition, revolving around the aim of securing and legitimising state and military power” (Stokke and Soe Myint Aung, 2020:276).

It is however fair to observe, as demonstrated earlier in this chapter, that the events of the 2000s might have given the military a sense that liberalisation was inevitable. It contributed to the military-orchestrated transition process that culminated in the 2008-2021 period, and that would both give some leeway to liberalisation and institutionalize their holding onto power through veto power, ministerial portfolios, the 2008 Constitution, etc. Tin Maung Maung Than argues that the 2008 Constitution and the 2010 general elections were an “achievement of the Myanmar military’s managed transition towards a civilian government while at the same time ensuring continued military dominance of the political space and the Myanmar state, which have been under different forms of military control for nearly half a century” (Tin Maung Maung Than, 2011:190). It was a “survival strategy of the quasi-military government to overcome the danger of factionalism and increase regime durability by creating power-sharing institutions” (Bünthe and Dosch, 2015: 3; Croissant and Kamerling, 2013) as old military actors retained considerable power in the new regime (Jones, 2014b).

⁵⁶ Thein Sein was Prime Minister of the SPDC military junta government from 2007 until 2011. The outgoing military general-turned civilian then became President in 2011, under the reformed regime.

ASSK's access to power in April 2016 gave legitimacy to the new regime and sparked the hope that the country had embarked into a solid democratic transition.

Scholars agree that the few institutional changes that occurred were not the product of negotiations between the military and opposition forces (Egreteau, 2016; Stokke & Aung, 2020; Bünthe, 2014; Seth and USIP, 2018; Tin Maung Maung Than, 2011). Rather, as Pedersen puts it, the 2008 Constitution crafted a “diarchic system with power shared between the elected government and the military” (2018:372). The military retained the upper hand over the regime change process in Myanmar, institutionalising not only its presence within reformed institutions, but also the tension between civil and military influence – confirming thereby my initial argument that the military envisioned this transition towards a semi-authoritarian regime as permanent. This was a deliberate move that “allowed the SPDC to determine the agenda of Myanmar's transition towards civilian government” (Tin Maung Maung Than, 2011: 191). It is broadly accepted that any recent political changes were not as much due to an uptake in democratic governance, but rather to a new equilibrium carefully crafted by the military that accommodates various groups in power (ranging from the NLD to hard-liners and reformists military factions) (Jones, 2014b). This precarious political equilibrium predisposed the regime to (continued) instability.

Slater argues that Burma's instability (he is talking here about the military dictatorship period) actually predated the semi-authoritarian period. He argues that it is rooted in its “lack of effective civilian institutions and active civilian backing that best explains the country's recurrent lapses into massive societal unrest and violent military crackdowns – vividly illustrating Burma's relative lack of stability vis-à-vis Malaysia and Singapore” (2011:8, footnote 20). Due to the regime's combination of “high duration with relatively low stability, authoritarian durability in Burma is best conceived as intermediate” (2011:8). The way Slater methodologically distinguishes regimes' “state capacity” and “authoritarian durability” is similar to this thesis' argument that SAR are often both marked by both *institutional instability* (due to precarious political equilibrium, as discussed p.78), and a *regime durability* which, if not always realized (due to said instability), is nonetheless central to the regime's design.

The pacteD vs imposed transition arguments

The NLD had been formed in 1988, and two years later in 1990, it triumphed at the general elections, winning over 60% of the votes and 80% of the seats⁵⁷. Yet this landslide victory was annulled by the military junta that stayed in power for another two decades. The November 2010 general elections, the first elections since 1990, were denounced as deeply flawed and the Union Solidarity and Development Party⁵⁸ (USDP), the army's proxy party, won 76,5% of the seats across the upper house, the lower house and regional parliaments. Most analysts however agree on March 2011 to pinpoint the start of the regime transition, as it is the month the State Peace and Development Council (SPDC) was dissolved, and military general-turned civilian U Thein Sein (USDP) took office as President.

Much of the debate on the origins of the regime change process in Myanmar is divided in two theories, as summarized in Stokke & Soe Myint Aung (2020):

- One theory, focusing on the 2011-2015 period, argues that Myanmar's political transition was a **pacted** transition, negotiated between ASSK and the NLD and Thein Sein's government.
- Another theory, looking at the early 2000s, claims it was an **imposed** transition engineered by the military, as announced in 2003.

After having boycotted the 2008 Constitution and the 2010 elections, the NLD and ASSK chose to take part to the 2012 by-elections, de facto accepting to participate in parliamentary politics, in a system designed by the military. **The pacteD transition argument** claims that a 'pact' was made: following a historical meeting with ASSK in August 2011, Thein Sein amended the electoral framework to allow her and the NLD, that was allowed to re-register following a change in the party registration law, to run for election in 2012 (Bünthe 2016; Egreteau 2016). The NLD won 43 out of the 44 seats it contested at the by-elections in April 2012, and ASSK was elected to the legislature. ASSK herself claimed that the country was then

⁵⁷ Due to a majoritarian system.

⁵⁸ The SPDC came about in November 1997, as a reformed version of the military junta SLORC, and was later reformed into the USDP.

“on the verge of a breakthrough” (Bangkok Post, 2012). Ethnic political parties, assembled in the United Nationalities Alliance (UNA) also took part to the 2012 by-elections⁵⁹ (Egreteau, 2016), that were genuinely contested elections, the first elections in over two decades to open real political opportunities for political opponents.

The following general elections in November 2015 have been commented as "as free and fair as is possible in a fledgling democracy like Myanmar" (Badgley and Holliday, 2018: 41). The overall results were very close to the 1990 elections' results, and the NLD won 57% of the votes and 79% of the seats across both houses of Parliament. In April 2016, the newly elected government headed by Aung San Suu Kyi, as leader of the NLD, took office, described as "the first fairly elected government in more than half a century" (Pedersen, 2018).

Stokke and Soe Myint Aung explain that the free elections, as well as the dialogue initiated between Thein Sein's government and the NLD and ASSK could support the claim of a pacted transition that indeed gave political opportunities to political opponents that culminated in their accession to power through elections.

The imposed transition argument on the other hand argues that the military's interests guided the transition process initiated in the early 2000s. The military's self-perception as ultimate guarantor of the unity, sovereignty and stability of the country, anchored in a strong Buddhist nationalist narrative, and its vested economic interests would therefore contribute to explaining the transition process. In this logic, "the imposed transition discourse argues that Myanmar has seen a top-down reform process whereby the military seeks to fortify state security and political stability, withdraw from direct rule but maintain its economic and political power, and strengthen the regime's international leverage and legitimacy (Bünthe 2014; Egreteau 2016; Huang 2013; Jones 2014a)" (Stokke & Soe Myint Aung, 2020:282). Egreteau argued that no substantial negotiations with the pro-democracy movement occurred (2016); and that while it allowed the NLD to access power, the system was designed

⁵⁹ They had participated in the 1990 elections but boycotted the 2010 elections as well.

to maintain the military's ability to bypass the democratically elected government at all times (Selth, 2018).

This argument of an 'imposed transition' has grown in the years prior to the 2021 coup, as the military's strategies to stay in power and mastermind domestic politics became bolder, especially following the allegations of genocide against the Rohingyas, and as tensions between the military and the NLD became more obvious around the NLD's constitutional reform plans.

I argue, and therefore I agree with Stokke and Soe Myint Aung's view, that the pacted transition argument overlooks the need for essential institutional reforms, as it focuses rather on initiatives that while in appearance were game-changing (allowing political opponents' participation into elections and opening parliamentary politics), remained limited (see chapter 4). Instead, I demonstrate in this thesis that Myanmar's liberalization was initiated deliberately by the military from a position of strength. It is beyond the scope of this thesis to proceed to a complete assessment of the why and how of Myanmar's regime transition, as it rather uses the semi-authoritarian framework developed in chapter 2 as a guiding lens through which to examine the nature and impact of the opening of civic space for human rights mobilisation in what either way remained a military-dominated path to democracy. However, understanding the decade of changes prior to the period studied appeared as a necessary context on which to build further empirical assessment in Part 2. I will return to this discussion in chapter 6, that covers the 2020 general elections and the 2021 military coup d'état.

A military-dominated path to "disciplined democracy"

The military built a transition plan and a transition narrative to push back on what was perceived as both domestic and international threats to national unity and to its survival. From the military's National Convention and the ceasefires agreements of the 1990s, to the Seven Steps Roadmap for Discipline-Flourishing Democracy that was announced by General Khin Nyunt in August 2003 (see figure 7), a clear path towards the institutionalisation of military ruling was highlighted. In a recent book on *The Paradox of Myanmar's Regime*

Change, Huang shows how the roadmap actually guided the path towards transition that culminated with Htein Sein's inauguration as President in March 2011, and the dissolution of the SPDC (Huang, 2020).

<i>The seven-step Roadmap to a Disciplined Democracy</i>	<i>Steps taken by the SPDC corresponding to their self-declared roadmap</i>
(1) Reconvening of the National Convention that had been adjourned since 1996.	The National Convention (NC), suspended since 1996, reconvened on May 17, 2004 and met at the Nyaunghnapin Camp, which was built specifically for the purpose for the NC. The first session of the NC concluded on July 9, 2004.
(2) After the successful holding of the National Convention, step by step implementation of the process necessary for the emergence of a genuine and disciplined democratic system.	<ol style="list-style-type: none"> 1 The NC met for their second session on February 17 2005 until March 31, 2005. 2 Naypyidaw, the purpose-built capital was officially revealed to the public, and government offices and civil servants begin to move to the capital on November 6, 2005. The capital's official name was announced to the public on March 27, 2006 (Armed Forces Day). Officially written in English as <i>Nay Pyi Taw</i>, it is generally translated as "abode of kings" or "royal abode." 3 The NC met for the third session from December 5, 2005 until January 31, 2006, where the delegates "adopted the detailed basic principles of the chapters on the sharing of the executive and judicial powers" (<i>New Light of Myanmar</i> 2006). 4 The NC met for the fourth session between October 10, 2016 and December 29, 2006. Further chapters of the Constitution were completed. 5 The NC met for the final session on July 18 2007 and announced on September 3, 2007 the conclusion of the NC with the completion of drafts of the remaining chapters of the Constitution and the adoption of the "Fundamental Principles and Detailed Basic Principles" of the Constitution.
(3) Drafting of a new Constitution in accordance with basic principles and detailed basic principles laid down by the National Convention.	A 54-member Constitution-Drafting Commission met on December 3, 2007 to formally draft the Constitution based on the principles agreed upon by the NC. The Constitution was officially declared completed on February 19, 2008.
(4) Adoption of the Constitution through national referendum.	A national referendum was held on May 10, 2008, just weeks after the devastating Cyclone Nargis. In the worst hit

<i>The seven-step Roadmap to a Disciplined Democracy</i>	<i>Steps taken by the SPDC corresponding to their self-declared roadmap</i>
(5) Holding of free and fair elections for <i>Pyithu Hluttaws</i> (legislative bodies) according to the new Constitution.	townships, the referendum was postponed to May 24, 2008. According to the government the turnout rate was 98.12 percent, with 92.48 percent of voters supporting the Constitution. Leading up to the 2010 elections, there was also an accelerated process of privatization of state assets (Ford et al. 2016: 27; <i>The New York Times</i> 2010). The SPDC Government held Myanmar's first election in 20 years on November 7, 2010. The USDP won the overwhelming majority of the votes in an electoral process that was deemed largely unfree and unfair by the Western-centric international community, including the United Nations (MacFarquhar 2010).
(6) Convening of <i>Hluttaws</i> attended by Hluttaw members in accordance with the new Constitution.	The elected members of the bicameral <i>Hluttaws</i> attended their first parliamentary session on January 31, 2011. The <i>Hluttaws</i> enacted the 2008 Constitution and proceed to elect Thein Sein as the first President based on the 2008 Constitution.
(7) Building a modern, developed, and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.	Thein Sein inaugurated as President on March 30, 2011, thus leading to the official dissolution of the SPDC and the beginning of a disciplined flourishing democratic system – Myanmar's way to democracy.

Source: *New Light of Myanmar* (adapted).

Figure 7. Seven-step roadmap to discipline flourishing democracy (Huang, 2020:56)

This roadmap set the ground as a framework for transition that not only institutionalized the military's presence into power, as discussed before; but also locked opposition forces into a delicate political equilibrium, and forced on them an electoral regime that gave the illusion of progress but that they had no role in designing. The constitutional framework and the parliamentary system further created an uneven playing field. Stokke and Aung argued that the transition was set to "domesticate key political actors and parties into electoral democracy and parliamentary politics" (2020:284) in a military designed constitutional

framework, rolling out a controlled and sequenced regime opening with the army as “arbiter of power” (Bünthe, 2014:753).

The 2008 Constitution consolidated the military’s influence, especially as it allocated 25% of legislative seats at both national and regional levels to the military⁶⁰ (see Holliday, 2011); effectively granting them veto power over any constitutional or legislative reforms. Wade speaks of a catch 22 effect whereby “changing the constitution requires changes to the constitution” that protects Burmese elites (Wade, 2015). The Tatmadaw retained control over key ministerial portfolios such as defence, internal affairs and borders, that answered directly to the Commander-in-Chief⁶¹ of the army. The Defence Ministry controlled armed forces; the Home Affairs Ministry the police; the Border Affairs oversaw ethnic affairs. The Home Ministry also controlled the General Administration Department (GAD); the key actor for administrative functions from state level all the way down to village level. The GAD has historically been the first entry point of contact between Myanmar’s citizens and the public administration. From tax collection to deaths and births registrations, its tentacles reached over 60,000 villages, making it the largest organization across country⁶². Through the GAD, the military’s ability to collect information and data was extensive, and Human Rights Watch (HRW) referred to it as the arm of “local surveillance” (2015). Through these administrative branches and ministerial portfolios, the military-maintained control over local governance and overall security of the country, with a chain of control bypassing elected officials, all the way to Commander-in-Chief Min Aung Hlaing.

Bünthe (2016) argued that Myanmar was experiencing “a protracted transition, in which oppositional forces, ethnic groups, and the military have started to renegotiate political

⁶⁰ In both the lower and upper houses of the Parliament, and in the 14 regional assemblies, 75% of the seats are open to elections and the remaining 25% are appointed by the military Commander-in-Chief – see articles 109, 141 and 161 of the 2008 Constitution.

⁶¹ Min Aung Hlaing served as Commander-in-chief since March 2011, until he seized power with a coup d’état in February 2021 and became chairman of the State Administration Council (SAC). He has been accused before the International Criminal Court (ICC) of committing crimes against humanity.

⁶² “No other government organisation has such a wide presence in the country”, wrote The Asia Foundation in a report (2014:1).

power” (2016:370). Hopes were high when the NLD got into power in April 2016, and strong symbolic measures were soon implemented, such as the release of most imprisoned activists; and legal amendments to key laws that were used to prosecute opponents, such as the 2011 Peaceful Assembly and Peaceful Procession Law. However, Bünthe argues that while some conversation had opened between the military and opposition forces, “the political status of the opposition and civil society [was] too weak to change existing structures and make the country more democratic” (2016:370). Substantive democratic practices remained limited: essential public affairs remained outside of democratic control, parliamentary politics was top-down, and highly centralised, and popular representation and participation was very weak.

Chapter’s conclusions

The Burmese studies literature from the 1990s had focused on regime change as it questioned the prospect for democracy in Myanmar. It had drawn out the military’s motivations behind the transition from authoritarian rule (Egreteau and Robinne, 2016; Huang, 2020; Pedersen, 2018; Simpson *et al.*, 2018; Hlaing, 2004; Stokke, 2018; Huang, 2020), reaching a consensual assessment that it was a careful crafted transition unfolded in a controlled, exclusive way, to secure the military’s grasp over social, economic and political affairs in the country (Stokke and Aung, 2020; Bünthe and Dosch, 2015; Croissant and Kamerling, 2013; Bünthe, 2014; Tin Maung Maung Than, 2011), enabling flourishing enrichment for cronies with the right political connections in this illiberal capitalist economy (Jones, 2014b). In this chapter, I contextualized and agreed with Stokke and Soe Myint Aung’s argument that “Myanmar’s mode of transition has institutionalized a hybrid (semi-authoritarian)⁶³ form of rule where there are new and important democratic spaces, but where the substance of democracy is curtailed by constitutional regulations that guarantee the military’s position of power and prevent substantive popular control of public affairs” (2020:276). Further findings of this thesis will

⁶³ The authors themselves use the terms “hybrid (semiauthoritarian)” to describe Myanmar’s form of rule.

strengthen this argument, to which I return in concluding chapter 8. The literature had acknowledged the attempts at influencing the process by opposition forces, especially the NLD on the one hand, and ethnic minorities on the other hand. This chapter – which aimed to summarize both key political events of the past decades and the specific unfolding of the disciplined path to democracy – offers a contextual understanding of the political opportunities that arose during the period for opposition actors. As it engages with Burmese studies literature, it presents a nuanced argument that can be summarized as below – and will lay the ground to dive into empirical chapters that seek to respond to our main research puzzle: how do human rights advocates operate in semi-authoritarian context?

1) While highly constrained and designed to remain impermeable to non-military influence, this newly created political system presented real opportunities for opposition forces. They found ways to engage with the electoral and constitutional reform processes (Lidauer, 2012), these opportunities thus created new interactions with the state. These events impacted power dynamics in the country, remobilize opposition forces, and opened further space for dissent. From the 2010s, literature demonstrated that opposition groups slowly escalated their campaigns strategy while remaining within the narrow legal space for dissent allocated by the state (Prasse-Freeman, 2012). They used non-political, ergo non-threatening language, to stay within the safe zone where “both "everyone knew" what they were "really" doing, and yet no one was sure” (Prasse-Freeman, 2012:388). This strategy of indirect engagement that dominated activists' mobilization in the 2000s in Myanmar constitutes the starting point of chapter 4 that investigates how strategies evolved in the semi-authoritarian period, to become, as I demonstrate, at times more frontal.

2) Until the 2010s, the diversity of Myanmar's civil society had been a neglected focus in the literature (Duell, 2014). A binary understanding of domestic forces vs borderland, and civil and political organizations vs service-providing organizations (Raynaud, 2019), was dominating Burmese studies. A few recent studies (Duell, 2011; Mullen, 2016; Lidauer, 2012; Prasse-Freeman, 2012, 2023; Matelski, 2016) have encouraged observers to go beyond a binary understanding of the use of the human rights toolbox by activists in Myanmar, arguing that there is a “variety of powerful hybrid visions of human rights that are in existence in the Myanmar context” (Doffegnies and Wells, 2022:248). This thesis embraced this injunction and

seeks to demonstrate the range of mobilisation and contention strategies, and the specific threats and opportunities associated to each (see Part 2). The debates around human rights literature applied to Myanmar has been around a genuine vs opportunistic use of the human rights language. While it is agreed that the human rights language acted as a unifier and a gate opener, garnering funding and influence opportunities from the international community (Hlaing, 2007), there is a question mark around the ability of the human rights language to successfully frame domestic struggles (Bächtold, 2015; Simpson, 2013; Prasse-Freeman, 2012). This thesis contributes to these debates with an in-depth empirical analysis of human rights mobilization in the semi-authoritarian period, and with a specific analysis of the strategic use of human rights language by activists (see chapter 5).

3) Some accounts of the transition period have been quite optimistic analyses of economic and political reforms, building a narrative of an irremediable liberalisation process that, if only for the “momentum behind reform, including popular enthusiasm, would make it difficult to reverse” (Jones, 2014b:155). Yet, already in 2014, Jones (2014b) was reminding us that the top-down reform process was having a limited impact on political equilibriums, the military retained a firm grasp over the transition and controlled its future. Threats to this newly created political equilibrium were sure to spark backlash, and chapter 6 will further analyse the policing of the space for dissent, seeking to uncover how far political opponents could go in pushing for further liberalisation.

With this chapter, I demonstrated how essential the understanding of the political transition as military-led is, in order to understand how it ensured the military’s sustained control over social, political and economic affairs (except in border areas) and constrained the space for dissent. The roadmap to disciplined democracy revealed the regime’s vision of the political transition, and how the military had secured its future, all the way to the introduction of a ‘state of emergency’ article in the 2008 Constitution, which became the basis for the 2021 coup d’état. Yet, concessions were certainly made by the military junta, as it created a limited and uneven, yet opened political space for dissent. These tensions – between the retained control and the leeway granted by the military; the concessions and the remaining constraints; public policy making and actual policy implementation; the democratic progress

and the democratic backlash – are underlying considerations that frame the empirical analysis of part 2 of this thesis, that looks at how the regime opened the space for dissent, sought to control actors that occupied the space, and eventually closed the space, through empirical chapters dedicated to the opening, occupying and closing of the political space for dissent in semi-authoritarian Myanmar.

PART 2 – Mobilizing for human rights in semi-authoritarian Myanmar (2008-2021)

Human rights mobilisation in the Myanmar semi-authoritarian context has often been simplistically portrayed as the stage of a political pendulum between a binary of democratic vs authoritarian practice (Duell, 2014), which does not suffice to explain either the specifics of the human rights mobilisation landscape nor the many ways in which human rights advocates operated and innovated in Myanmar in the period 2008-2021. Traditional human rights impact models presuppose an existing reasonably safe civic space, for human rights actors to successfully operate. As a result, scholars and commentators tend to overlook the diversity of strategies deployed by pro-democracy and pro-human rights actors in a case like Myanmar. To some extent, the binary view of authoritarian vs democratic states that underpins the spiral model has made it and most impact models unequipped to deal with semi-authoritarian contexts, where there is some incline of opening and political possibilities yet very strong constraints (see discussion in chapter 7). As presented in chapter 2, this study therefore brings in political opportunity structures as a framework to understand contentious politics in semi-authoritarian Myanmar.

Empirical chapters in this part II follow a certain chronological logic (see Selth, 2010:403), covering roughly the periods 2008-2011, 2011-2016 and 2016-2021. These periods can be analysed as the opening of the space for political dissent; the peak of civic space; and the repressive era leading up to the 2021 coup d'état. Therefore, they are organised analytically as the "opening" (chapter 4), the "occupying" (chapter 5) and the "closing" (chapter 6) of the space for dissent in semi-authoritarian Myanmar.

By 2008-2009, the global economic crisis was severely affecting Myanmar, whose economy was at its worse since the independence, the failure of the 2007 protests had seriously compromised any upcoming popular uprising, after the government had shown its readiness to arrest, torture and kill even monks, and politically the situation was in deadlock: the government had clearly shown its inability to provide relief for the hundreds of thousands of people affected by Cyclone Nargis in May 2008. Despite the lack of state capacity and

willingness to lead or encourage social and political change, social mobilisation was brewing, and civil society was growing and reorganizing. This initial period is also one of hope for the domestic civil society that celebrated soon after a highly symbolic victory with the government's renunciation to the Irrawaddy dam project in September 2011. This marked a significant victory for Myanmar's environmental movement, and a real turning point for civil society: not only had the movement managed to give national resonance to a local issue, highlighting the potential national repercussions of the project, but more importantly: the government had backed down, a situation unheard of until then.

The 2008-2015 period saw the military dictatorship negotiating a certain regime transition, as liberalisation was perceived as inevitable. The military came at the transition from a position of strength, and by crafting this regime change, they managed to institutionalise their presence into power structures, and to ensure they would retain the upper hand over their political opponents. Through a series of calibrated tactical concessions that gave the appearance of democratic opening, they actually mapped out a specific political arena within which they constrained the political game, while remaining the masterminds. By doing so, they not only managed to crackdown on anyone attempting to voice dissent, but even at times of relative opening of civic space, they made sure the legal arsenal would remain vague enough to entail self-censorship and protect the repressive nature of laws and regulations, not unlike the ones in place in other countries such as Singapore.

The following chapters offer an empirical discussion of the situation in Myanmar from 2008 until 2021. The empirical analysis of this study uncovers semi-authoritarian regime's features (related to the constitution, national institutions, independence of the judiciary system, political parties' structure) and the status of "freedoms of resistance", to brush a picture of the landscape of resistance specific to SARs (see chapter 4). It later highlights the repertoire of human rights mobilisation in semi-authoritarian Myanmar (chapter 5); as well as discusses the risks of mobilising for human rights in a highly policed space, where repression culminated in the 2021 coup d'état (chapter 6).

Chapter 4 provides an opportunity to discuss the role of tactical concessions in SARs; chapter 5 looks into the structural (capacity) and operational (willingness) practices in SARs as well; while chapter 6 questions what happens when progress gets stuck. I uncover empirical

material that will feed into the discussion of the spiral model to describe and analyse human rights impact in semi-authoritarian regimes (chapter 7).

Throughout the next empirical chapters, I continue to rely on the human rights toolbox and repertoire of contention to highlight a wide array of human rights mobilisation strategies deployed by a diverse crowd of human rights actors to occupy and expand the freshly opened space for dissent and ultimately to advance progressive ideas. I also mobilize political opportunity structures as an analytical framework, finding inspiration in both Tarrow's focus on "the opening up of access to power, shifting alignments, the availability of influential allies, and cleavages within and among elites" (1996:54) and Tilly's focus on "a) the multiplicity of independent centers of power within the regime, b) the openness of the regime to new actors, c) the instability of current political alignments, d) the availability of influential allies or supporters and e) the extent to which the regime represses or facilitate collective claim-making" (Tilly, 2006:75, see p.86).

In essence, I am arguing in Part 2 that 1) there is an overlooked diversity of human rights actors and strategies in semi-authoritarian contexts, and 2) beyond their diverse motives and strategies, human rights advocates are united in their ambition to ultimately make space for progressive politics. Indeed, in a semi-authoritarian context such as Myanmar, what we witness is the construction and occupation of the political space to exist and resist. Social change activists are navigating rapidly changing risks and opportunity structures and mobilising different strategies to carve out and expand the scope and reach of progressive ideas and practices, be it through changing mindsets, legislative frameworks, political power dynamics or else.

Chapter 4. Opening the space for dissent: a mapping of freedoms of resistance in semi-authoritarian Myanmar (2008-2011)

As I presented in chapter 3, Myanmar's civil society pre-existed the political transformations of the late 2000s, both internationally and – to a less-known but equally impactful way, domestically. I argued that Myanmar's civil society is often simplistically portrayed as a monolithic pro-human rights and pro-democracy movement led by an overly vocal diaspora, while in fact a diverse range of actors already operated during the authoritarian period and expanded during the semi-authoritarian phase. While the diversity of the civil society has been under-studied, its contribution to the expansion of the civic and political space in Myanmar has been under-estimated (see also Matelski, 2016).

In the 2010s, Freedom House and others conceptualised what was referred to at the time as “modern authoritarianism” (Freedom House, 2017). They observed that previously authoritarian regimes were making series of tactical concessions to comply with the democratic prevailing order in the post-Cold War era. From the 1990s onwards, liberalising the economy, welcoming political pluralism, allowing competing media outlets, opening civic space and reforming policies that claimed to strengthen the rule of law were amongst the concessions made to – at minima, give the appearance of democratic transition. These tactical concessions became a key element influencing human rights mobilisation and provide a helpful framework to understand mobilisation in semi-authoritarian Myanmar.

Tactical concessions reshaping opportunity structures

Political concessions reshape the political landscape and therefore can lead to the emergence of new political opportunities as they influence their structure. In Myanmar, as the military junta progressed towards a “disciplined democracy”, clear concessions were made (the motivations and context behind these reforms were discussed at length in chapters 2 and 3). These concessions took various forms: power transfers, institutional reforms, international treaties signature, laws and policy changes, release of political prisoners, relaxing of

ensorship, etc. President U Thein Sein pronounced an important inaugural speech in Nay Pyi Taw on 30 March 2011 that laid out key areas for expected political, economic and military reforms (The New Light of Myanmar, 2011). Soon followed the highly symbolic release of political activists, the lift of pre-publication press censorship marking the ease of media censorship mid-2012, the wide opening of the telecommunications market in 2014, and international treaties were signed (for instance on extractive industries and the rights of people with disabilities).

This chapter will look in detail into these concessions, that ignited the new openness of the regime to new competing claims and actors, which is in turn an important part of the assessment of the political landscape it presented to human rights advocates (Tilly, 2006).

Freedom of resistance in the Burmese context

This study does not offer an exhaustive account of each of the freedoms and liberties I map out below, nor of contentious politics in Myanmar, rather, as Mullen puts it, “it is meant to move contentious politics in Myanmar from “the” meta-narrative to one narrative in a broader struggle” (2016:21), in our case the struggle for democracy and human rights change.

The analysis of freedom of resistance⁶⁴ in semi-authoritarian Myanmar started from the assumption that SARs lack what Levitsky and Way’s argued are the four key components of modern democratic governments (Levitsky and Way, 2002:53), i.e. 1) executives and legislatures are chosen through elections that are not fully free and fair; 2) certain groups are denied the right to vote; 3) political rights and civil liberties, including freedom of the press, freedom of association, and freedom to criticize the government without reprisal, are either not enshrined in a legal framework or largely violated; and/or 4) elected authorities have a

⁶⁴ See chapter 2 for a discussion of how freedoms of resistance relate to the literature and are an analytical framework that allows to bridge the contention politics framework with the specific human rights mobilisation space in SARs.

limited ability to govern, and are subject to the tutelary control of military, monarchical or clerical actors⁶⁵.

In their article about the rise of competitive authoritarianism, Levitsky and Way (2002) also identify four arenas, in which democratic contestation might occur: the electoral arena, the legislative arena, the judicial arena, and the media. We see these arenas as spaces where human rights actors are challenging the regime and engaging in politics of resistance. Their framing was a useful starting point for this analysis of the civil and political space for dissent in semi-authoritarian Myanmar. Yet, while these four components are the essential bedrock to modern democracies and therefore a stable set of specifics, they did not quite fit SARs. Levitsky and Way had tailored for this situation, arguing that while even democratic regimes can violate some of these components, in authoritarian or hybrid regimes, they are violated to such an extent (in a broad and systematic way) that it “alters the playing field between government and opposition” (*ibid*). This research builds on Levitsky and Way’s initial argument, while contributing an added caveat regarding SARs, arguing that SARs walk a thin line between maintaining and undermining these regime components. This analysis therefore focuses on what this project argues to be a defining property of SARs, which is that they proceed to opening up limited space for dissent to then find themselves heavily policing it.

To come to this conclusion, I proceeded to an empirical analysis of what I framed as *freedoms of resistance*, an ensemble of essential civil and political rights and freedoms, necessary to support political resistance. Freedoms of resistance – acting as a bridge between contentious politics and human rights mobilisation, allow us to talk about a defining trait of SARs, i.e., their specific relationship with freedoms of resistance. They encompass 1) the right to participate; 2) the right to protest; 3) counter-narratives and 4) institutional counter-powers (see table 1).

Civil and political rights and liberties rankings, such as Transparency International’s Corruption Perception Index or Freedom House’s Freedom in the World Annual Reports help

⁶⁵ They borrow from Mainwaring, Brinks, and Pérez-Linan, 2001.

brush a broad portrait of Myanmar’s political regime transformations during the period studied.

	Transparency International Corruption Perceptions Index <i>Country ranking</i>	Freedom House Freedom in the World Annual Report <i>Political rights (1 high -7 low), Civil Liberties (1 high- 7 low), Status (Not Free, NF; Partially Free (PF), Free (F))</i>
2007	180/180	7, 7, NF
2008	179/180	7, 7, NF
2009	178/180	7, 7, NF
2010	176/178	7, 7, NF
2011	180/183	7, 6, NF
2012	172/173	6, 5, NF
2013	157/177	6, 5, NF
2014	156/175	6, 6, NF
2015	147/168	6, 5, NF
2016	136/176	5, 5, PF
2017	130/180	5, 5, PF
2018	132/183	5, 5, PF
2019	130/180	5,6 NF
2020	137/179	5,6 NF
2021	140/180	7,6 NF
2022	157/180	<i>Unpublished at time of study.</i>

Table 2. Myanmar Freedom House and Transparency International's annual rankings 2007-2022⁶⁶

Table 2 shows slow progress from 2011 onwards, with gradual bettering until the country peaked as “partially free” in the period 2016-2018, i.e., following the 2015 general elections and the transfer of power to a (quasi) civilian government led by Aung San Suu Kyi in April

⁶⁶ In Freedom House’s methodology, the annual report 2021 for instance would cover year 2020, and so on. The Freedom House results presented here are per year under review (not per year of publication of the report).

2016. What is more surprising is the slow degradation of the ranking as early as 2019, still under the NLD government that appears to have failed to solidify progress.

With a score of 1.70/10 on 'democracy', Myanmar ranked second-lowest country on the 2008 Transformation Index (BTI, 2008), a global ranking of 125 'transformation and developing countries'. By the end of the 2000s, Freedom House reported that the military junta had "shown no sign of deviating from its "roadmap to democracy"" and "[t]he country continue[d] to be governed by one of the world's most repressive regimes" (FH, 2008:127). Myanmar was year after year ranking at the bottom of the Corruption Perceptions Index of Transparency International: worst ranking in 2007 (along with Somalia), second-to-worst in 2008 (along with Iraq), 178/180 in 2009 (see table 2). By 2008, the beginning of our studied period, both the BTI and FH assessed that the "general political environment ha[d] further deteriorated" in the last few years, and "restrictions on political activity imposed by the military regime ha[d] worsened (...) with its continued refusal to permit meaningful opposition activity" (BTI, 2008:2). While Myanmar ranked at the bottom of these rankings for many years, and is back there post-2021 coup, there was always more politics than we thought or saw, as Burma was not a totalitarian state. Politics was for instance found in the ethnic-controlled areas, and as described in chapter 3, civil society remained active, even if underground.

As described in previous chapters, 2008 marked a turning point for civic space in Myanmar, and the next decade saw many improvements to the civil and political space for dissent. However, two large issues remained at the forefront all throughout the period studied here. **First**, ethnic conflicts went uninterrupted, with conflicts and violence a daily reality for many ethnic minorities, as peace talks stalled, both under President Thein Sein's government and later under the NLD quasi-civilian government. As a result, many ethnic minority groups were prevented from taking part in civic and political life in Myanmar. For instance, voting for the 2012 by-elections was suspended in constituencies in Kachin state due to ongoing conflicts. Freedom of assembly was especially constrained in ethnic areas, where vaguely worded rules and legislations such as the Peaceful Assembly and Peaceful Procession laws were used to limit it. For instance, in September 2015, "a conference on the sensitive topic of development projects' socioeconomic impact on communities in Karen State was closed down after state authorities claimed that the organizers did not seek the proper permissions" (FH, 2016:480).

Second, independent journalists and political activists continued to receive lengthy prison sentences throughout the 2008-2021 period, with various outdated colonial-era or newly enacted laws used to repressive ends. My respondents highlighted that the undeniable opening of the space for dissent analysed in this chapter cannot make us observers forget how risky political opposition remained throughout the 2008-2021 period.

The elections held on 7 November 2010 marked a turning point, as the first general elections organised in 20 years, even if considered by the international community as not free and fair. Open contestation in the electoral arena created powerful political opportunities for pro-democracy actors in the country. While most pro-democracy parties eventually boycotted the elections, it gave political actors a renewed sense of agency and space to talk about electoral strategies in a way that had not existed for the past decades. The Union Solidarity and Development Party (USDP) – that had morphed from the military mass organization Union Solidarity and Development Association (USDA), won 76.8% of the votes and 129 out of the 168 seats open to election at the upper chamber and 250 out of 330 at the lower chamber, as well as 75% of the seats in the 14 states and regions assemblies. U Thein Sein, the outgoing country leader, and a military general who had registered as a civilian candidate with this new party alongside other top military officials, took office as President in March 2011. As described in the “roadmap to ‘disciplined democracy’”, reforms soon started.

After decades of covering Myanmar in its annual report, Freedom House observed in 2011 “an increase in public discussion and media coverage of news and politics, as well as reduced restrictions on education” (FH, 2012:118) and increased the country’s civil liberties rating to 6⁶⁷ (from 7). For the first time in over two decades, ASSK (who had been released from house arrest a few days after the elections in November 2010) was allowed to travel the country, to meet with her supporters and give interviews to domestic media. A dialogue opened between her and the authorities, and she planned on running for the November 2012 by-elections. The release of Daw Suu, the main pro-democracy and pro-human rights figure, most known to the international community as the 1991 Nobel Peace Prize laureate, was an immensely symbolic

⁶⁷ Ratings range from 1 (high) to 7 (low).

concession from the military that had kept her away from the public eye for decades. The same year, the now-civilian President Thein Sein “appointed a series of reformist advisers, and some independent lawmakers raised human rights issues in the parliament for the first time in decades” (FH, 2012: 118). Members of Parliament were allowed to raise issues linked to democratic rights, and national media covered the debates without facing any repercussion. Foreign diplomats in Myanmar were allowed to travel more freely in the country, to observe and report on these recent tactical concessions. Opening the country to foreign observers indeed fuelled a wide hopeful – but not naïve – coverage of Myanmar affairs by international organisations and international medias.

Further improvements continued in 2012-2013, with “the successful participation of opposition parties in legislative by-elections and the continued easing of long-standing restrictions on the media, private discussion, public assembly, civil society, private enterprise, and other activities” (FH, 2013: 121), and Freedom House further increased Myanmar’s civil liberties rating from 6 to 5 and its political rights rating from 7 to 6. As the NLD and ethnic political parties were officially reinstated and authorized to compete in the electoral arena, it gave a sense of renewed political (electoral) competition, and created very real political opportunities for political opponents: ASSK officially got elected to Parliament in April 2012 as the NLD won all 37 available seats in the lower house, and 4 of the 6 seats in the upper house, the other two going to the USDP and Shan Nationalities Democratic Party (SNDP) respectively. Consequently, foreign relations warmed up, and several western leaders visited the country, including a memorable visit by US President Obama in November 2012.

The landslide victory of the NLD at the November 2015 general elections was yet another turning point for Myanmar. The general elections, that were seen as free and fair (despite the complete rebuking of the Rohingyas’ civil and political rights – about one million people were prevented from voting) marked a positive development for democracy in Myanmar, not only because the NLD – the opposition party, won, but especially because the outgoing military party – the USDP, accepted the results and recognized the NLD’s victory, another key

concessions on the part of the military regime that marked a real shift in behaviour⁶⁸. The NLD won 135 out of the 168 seats in the upper house, 255 out of the 330 seats at the lower house and 496 out of the 659 seats of the 14 states and regions parliaments. The USDP won respectively 30, 12 and 76 seats in the lower, upper, and states and regions assemblies. The Arakan National Party (ANP) and the Shan Nationalities League for Democracy (SNLD) secured seats in their respective regions.

Thanks to the relaxing of press and media monitoring, and the large availability of SIM cards and internet connexions throughout the country (see further sections), the 2015 election campaign was marked by “a robust coverage of the competing parties, candidates, and issues at stake” by “several newspapers, online outlets, and foreign or expatriate-based broadcasters” (FH, 2016: 479).

Myanmar moved from ‘not free’ to ‘partly free’ in the FH ranking covering year 2016, a celebration of the “first relatively free presidential election through an indirect vote by the parliament, and as the new government began work on a series of policy reforms aimed at improving civil liberties” (FH, 2017: 354). For the first time in about half a century, someone not affiliated with the military institution was now in charge of ruling the country – or at least a good part of it, in what Freedom House qualified of “a historic transfer of political power to an NLD-dominated parliament” where “Htin Kyaw⁶⁹, the NLD’s primary presidential candidate, won the presidency with 360 out of 652 parliamentary votes cast in the country’s first relatively free presidential election” (FH, 2017: 355). A few days after the presidential handover, ASSK assumes her newly created role of State Counsellor, taking over in April 2016 a large portfolio of responsibilities no longer under the military’s authority. Immediately, the quasi-civilian government proceeded to the “opening of associational and organisational space” (FH, 2017: 355), releasing 69 students protesters jailed the year before, and engaging

⁶⁸ Results of the last general elections won by oppositions parties in 1990 had been ignored by a military that refused to hand over power to the winning parties.

⁶⁹ He resigned in March 2018 and was replaced by Win Myint, a close collaborator of ASSK in the NLD.

with NGOs, therefore widely opening civic space in an unprecedented way. The State Protection Act, under which ASSK had been held on house arrest for so long, was repealed.

The regime not only opened to civil society actors, both domestic and international, but in a rupture with past diplomatic isolation, the NLD government also invited in August 2016 former UN Secretary General Kofi Annan to lead an advisory group to help develop conflict resolution and humanitarian response mechanisms in Rakhine state. However welcome this invited accountability, it is important to note that “the group failed to include a single Rohingya representative, nor was it mandated to investigate human rights abuses” (FH, 2017: 358).

Celebrations were short for the NLD, as 2017 started with the assassination in January of prominent Muslim lawyer U Ko Ni at Yangon airport. U Ko Ni had been a close advisor to the NLD and to ASSK and was credited for being the mastermind behind the creation and negotiation of the State Counsellor role “above the President” that enabled ASSK to lead the quasi-civilian government under the 2008 Constitution. Many perceived the assassination as a warning sign sent to pro-democracy activists. While the military’s influence over electoral competition and outcomes substantively faded away during the period studied, its grasp over institutional power and general political affairs remained consequent.

Anti-Muslim riots, hate speech and discriminations, that had escalated during the 2010s, led to a peak of violence in 2017. A violent crackdown by the military against the Rohingyas in Rakhine state forced 700,000 persons to flee across the border to Bangladesh, in what the UN High Commissioner for Human Rights called “a textbook example of ethnic cleansing” (Ra’ad Al Hussein, 2017). In reprisal for international criticism, the NLD government refused access to the UN-commissioned fact-finding mission in June 2017. The grave human rights violations against the Rohingyas and “the civilian leadership’s failure to stop it, underscored severe flaws in the country’s hybrid political system, which grants the military enormous autonomy and political power” (FH, 2018: 6). Freedom House has shown how ethnic cleansing became a growing global trend, as

“[i]n 2005, Freedom in the World reduced the scores of just three countries for ethnic cleansing or other egregious efforts to alter the ethnic composition of their territory; this number has since grown to 11, and in

some cases the scale or intensity of such activities has increased over time as well. In Syria and Myanmar, hundreds of thousands of civilians from certain ethnic and religious groups have been killed or displaced as world powers either fail to respond adequately or facilitate the violence” (FH, 2019:4).

In October 2018, the UN fact-finding mission Chair Marzuki Darusman spoke of “an ongoing genocide” against the Rohingya minority (UN News, 2018). At the same time, renewed fighting in Shan and Kachin states led to 100,000 new internally displaced persons (IDPs). The NLD lost almost all seats (5/6) in the ethnic minorities’ regions at the November 2018 by-elections, securing 7 out of the 13 seats open for competition.

While neighbouring Thailand was upgraded to “partly free” as it held its first free elections since the last military coup in 2014, Myanmar’s ranking in the Freedom House 2021 Annual Report declined from “partly free” to “not free”, “due to worsening conflicts between the military and ethnic minority rebel groups that reduced freedom of movement in the country” (Freedom House, 2020: 21). Myanmar’s political reform under the NLD government disappointed by its pace and depth, as the government “failed to uphold human rights and to prioritize peace and security in areas affected by armed conflicts” (FH, 2020: 800), and as expressing dissent remained risky. ASSK’s trip to The Hague, where she defended the military’s actions before the International Criminal Court (ICC) against accusations of genocide deeply upset the international pro-human rights community.

The November 2020 general elections results confirmed the NLD’s popularity over the USDP, as it secured a large majority of seats:

	NLD	USDP
Upper house (total seats 168)	138	7
Lower house (total seats 330)	258	26
14 states and regions parliaments (total seats 660)	501	38

Table 3. November 2020 General Elections results for the 2 main competing parties

The USDP soon claimed alleged elections frauds and asked the National Election Commission to investigate. The commission rejected the allegations in January 2021, amongst increased fear of an imminent coup.

The military seized power on 1st February 2021 as the new Parliament was about to be seated. On grounds of electoral fraud at the November 2020 elections, it arrested the heads of state and government (ASSK and President Win Myint were arrested in the first few hours following the coup d'état) and placed many other politicians under house arrest. After declaring a state of emergency as allowed by the 2008 Constitution, and dissolving the parliament and the government, Commander-in-Chief of the army Min Aung Hlaing appointed himself Prime Minister in August 2021. He initially declared that new elections would be held in a year's time, but they were later postponed.

Ethnic conflicts have escalated again since the 2021 coup in Chin, Kachin, Karen, Rakhine and Shan states. Many political dissidents went into hiding from the military in ethnic-controlled areas, sometimes joining forces with ethnic armed groups (EAGs). Human rights violations against civilians spiked again after the coup⁷⁰, as the military forces conducted indiscriminatory attacks, used civilians as human shields against ethnic armed groups, and conducted retaliation attacks against civilian ethnic populations in reprisal for EAG's actions.

In 2022, Myanmar was ranked as "not free" by Freedom House, with a global freedom score of 9/100 for year 2021. With a 'political rights' score of 0/40 (and 9/60 in 'civil liberties'), it is effectively ranked last in the 2021 report, along with North Korea, Turkmenistan, Tajikistan, Sudan, and Equatorial Guinea.

This historical background to freedoms of resistance in semi-authoritarian Myanmar demonstrates that Myanmar was not simply a monolithic authoritarian state and that real progress occurred, as tactical concessions opened real opportunities for human rights mobilisation. Following a key period of political change initiated in 2007-2008, concessions were undeniably made by the regime starting from the early 2010s, which opened more widely than ever seen before the political space for dissent for advocates. It evidently invited other actors to participate in politics, most notably through the transfer of power to a quasi-

⁷⁰ See post-coup investigations by Amnesty International for instance (Amnesty International, 2023).

civilian government following what was seen as mostly free and fair elections in November 2015. These events marked a historical shift in power dynamics in the country, and an undeniable move towards a SAR. The 2015 elections confirmed a major trait of SAR detailed in chapter 2, i.e., that “there is a realistic opportunity for the opposition to increase its support and gain power through elections” (FH, 2018: 678). In short, political opportunities were real in semi-authoritarian Myanmar.

The following sections will highlight how the regime changes affected the opportunity structures – how the space for dissent opened in some ways and remained constrained in other ways, creating both a specific context for human rights mobilisation, and a specific approach on the part of the regime to freedoms of resistance.

On the right to participate: limited civil and political rights creating an unfair playing ground

In effect, the military had enjoyed a hegemonic position prior to 2010: dominating and closing off political life in Myanmar for half a century prior to 2008. The main political opposition player, the National League for Democracy (NLD), had been not only unable to compete, but also unable to exist freely until the 2010s, as it had been under permanent repression and its members had been surveyed, intimidated, harassed and jailed. Prior to the general elections in November 2010, many political dissidents were still in jail in 2009; and opposition leaders remained on house arrest (ASSK) or in prison (Khun Tun Oo, leader of the Shan Nationalities League for Democracy was then serving a 93-year prison term).

The military also completely dominated the 2008 constitutional drafting process, that set the stage for political party competition in the new regime (as covered in chapter 3). Chapter X of the 2008 Constitution, related to Political Parties, contains the following amendments:

Part 1: Formation of the Political Parties

404. A political party shall:

a. set the objective of non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty;

b. be loyal to the State. (...)

Part 2: The right of Non-Existence of Political Parties

407. If a political party infringes one of the following stipulations, it shall have no right of continued existence:

a. having been declared an unlawful association under the existing law;

b. directly or indirectly contacting or abetting the insurgent group launching armed rebellion against the Union or the associations and persons determined by the Union to have committed terrorist acts or the association declared to be an unlawful association;

c. directly or indirectly receiving and expending financial, material and other assistance from a foreign government, a religious association, other association or a person from a foreign country;

d. abusing religion for political purpose.

Vaguely worded requirements such as “being loyal to the State” were planted throughout the 2008 Constitution to leave the door opened to constrain party politics, with looming threats in case of alleged non-compliance of de-registration, administrative and legal hurdles, and even party members arrests. All this resulted in an unfair playing field for the opposition.

The 2010 general elections were a pretence of electoral democracy as “the junta carefully rigged the electoral framework surrounding the 2010 national elections” (FH, 2011:115), maintaining the upper hand over opposition parties. In March 2010, the SPDC had indeed established an election commission with selected members and announced the Political Party Registration Law. It gave the illusion of political competition, while clearly maintaining an unfair competition field for opposition parties. The law established tight electoral deadlines (new political parties had only 60 days to register), obligation for pre-existing political parties to re-register, high registration fees for candidates, obligation to expel party members currently serving prison terms (including ASSK, then under house arrest) or in appeal of their prison sentences – according to the AAPP, 2,100 political prisoners were in jail at the time, including 429 NLD members.

As a result, the NLD decided to boycott the elections that were seen as undemocratic, and the party was officially dissolved in September 2010 as it chose not to comply with the military-imposed obligation for parties to re-register prior to the elections. Pro-democracy candidates and party members suffered harassment and intimidation by security forces, who were also criticised for widespread voters’ intimidation and buying votes. The NLD, even if

officially dissolved, continued to educate people about the upcoming elections, and to campaign for the right (not) to vote. Even if they did not provide the opportunity of political turnover, the elections provided an opportunity to educate the general public, as well as for political parties to structure themselves, to refine their political agenda, and to occupy the political space, ever so imperfect. Indeed, 40 political parties registered, mostly supported by the SPDC. While political parties were technically allowed to campaign, “some campaign materials and speeches were censored; chanting, flag-waving, and marching during rallies were forbidden; and any party planning to hold a gathering outside of its own headquarters was required to seek permission from the government a week in advance” (FH, 2011:116). Domestic and international media coverage were strictly limited, as well as election monitoring by independent observers.

It is important to note that regardless of the unfairness of the electoral arena, pro-democracy candidates did emerge in this electoral context. Political opposition space slowly opened and political parties were thorn over what strategy to adopt and whether to boycott or take part into this rigged electoral game, attempting to assess whether the apparent political chances were real and worth the risks of harassment. This led to internal divisions within political forces. For instance, the Shan Nationalities Democratic Party (SNDP) was born out of the Shan Nationalities League for Democracy’s (SNLD) decision to boycott the 2010 elections, and so did the National Democratic Force (NDF) party, formed by NLD members who chose to run for this election. These internal party divisions also gave rise to diverse political opinions and strategies, an essential feature of democratic debate.

Unsurprisingly, the military proxy party won the 2010 general elections.

Following his nomination by the Parliament, President Thein Sein took office in March 2011 and some of the repressive measures over the civil and political space were soon eased: political activists in exile were urged to return to help rebuild their country⁷¹ after Thein Sein implicitly recognised in a speech in March (The New Light of Myanmar, 2011) that “years of

⁷¹ Yet many of them faced issues in renewing their visas or residency authorisations. For a discussion on whether exiles “could [...] return without legal guarantees or binding policies”, see Duell, 2014:121.

military misrule had left Burma far behind its neighbours in terms of development” (FH, 2012: 120). As discussed in chapter 3, this could be interpreted as one of the incentives behind the opening of the regime in the late 2000s. With this speech, Thein Sein acknowledged the regime’s awareness that it needed to do better economically, socially and politically.

The opposition was allowed to reach the Burmese public through domestic media, as censorship reduced, and foreign media were gradually allowed in the country. Twenty years after her Nobel peace prize, AUNG SAN SUU KYI was released from house arrest 6 days after the November elections. She was prevented from competing electorally, maybe by fear that she could win again (the NLD had won the 1990s elections), yet she was presented as a token of democratisation to the international community who held her as the figure of democracy and human rights in Myanmar.

By the time of the 2012 by-elections, political party mobilisation went mostly undisturbed – even if the government continued to dictate who could or could not participate to the electoral process. Tu Ja, Kachin ethnic leader, was not allowed to form a political party to contest the 2010 and 2012 elections. In October 2013, the Kachin State Democracy Party (KSDP) was finally authorized and he became its chairperson (FH, 2014). That same year, a list of roughly 2,000 individuals to be removed from the immigration blacklist was published, to encourage the return of exiled citizens (about 4,000 individuals remained on the list).

Freedom House reported that “the government has long used violence, displacement, and other tactics to alter the demographics of states featuring ethnic unrest or insurgencies” (FH, 2014: 127). The same way the regime has used the electoral framework to decide who gets to participate into electoral competition and who does not, it has used the constitutional and legal framework to impose its vision of nation building centred around a Buddhist nationalist identity, at the expense of ethnic and religious minorities.

The legal arsenal has been repeatedly used against the Rohingya minority, that has faced restrictions and discriminations that some human rights observers have qualified of apartheid (HRW, 2020). The 1982 Citizenship Law effectively made the Rohingya minority stateless. Cheesman reminds us that while it is commonly believed that Rohingyas were excluded from citizenship due to this law that recognized citizenship only to indigenous groups considered

present in the country prior to 1824, date of the first British occupation (Burma Campaign, 2014), in reality it is the “deliberate breach and selective application” of the law that rendered Rohingya *de facto* stateless (Cheesman, 2017:473). After violence escalated again in 2012 between the Rohingya mostly Muslim minority and the Buddhist majority in Rakhine state, President Thein Sein introduced the Protection of Race and Religion Bills in December 2014. Measures limiting inter-faith marriages, birth rates (in specific regions) and religious conversions were criticized as pursuing a Buddhist nationalist agenda. In the 2014 census, ethnic Rohingyas were pressured by the authorities to register as ‘Bengalis’, denying them recognition as an indigenous people of Myanmar (RFA, 2017). In a further denial of their civic and political rights, those who refused to do so were simply ignored by the census. A few months later in September 2014, the Rakhine State Action Plan was confirmed by the government, leaving “thousands of Rohingyas in detention camps indefinitely due to their inability to produce documentation outlining their familial history in Myanmar” (FH, 2015: 473). The military progressively stripped the Rohingyas of their citizenship throughout the 20th and 21st centuries. Cheesman has studied these exclusive links between ethnicity and citizenships (Cheesman, 2017). From 1951, Rohingyas’ ID cards in Myanmar were called national registration cards (they were green cards – later exchanged for pink cards). Following the 1982 Citizenship Law, the authorities collected the green and pink cards, that were later replaced by white cards, granting temporary residence and initiating a multi-step path towards citizenship. In September 2013, the Political Parties Registration Law was amended to prevent individuals without full citizenship to form political parties and run in elections. While the white cards allowed Rohingyas to vote in 2008 and 2010, they were later revoked in 2015, followed by a constitutional ruling in May 2015 stating that white cards voting was unconstitutional, therefore preventing many Rohingyas from voting at the 2015 general elections. The white cards were replaced this time by National Verification Cards (NVC), another slimmer version of residence permits, granting even fewer rights to Rohingyas. Most parties avoided presenting Muslim candidates by fear of retaliation, and 75 candidates were disqualified by the Union Election Commission, many of them Muslims or Rohingyas. As a result, many Rohingyas were not able to exercise their right to vote in the 2020 elections either. Moreover, about half of the Rohingya candidates to the 2020 elections were denied

participation on citizenship grounds – a clear denial of representation for the minority. The 1982 Citizenship Law, and its discriminatory application, reveal how the law created further ethnic divide, “making membership in a national race the primary basis for citizenship” (Cheesman, 2017:471), while until then “the state in Burma granted citizenship rights to pretty much anyone residing in its territory and opting for them” (*ibid*).

In person campaigning was prohibited in 2020 due to the global COVID19 pandemic, however party mobilisation, like in the 2015 elections, was fair and solid. We observed further increase in political parties and candidacies numbers, as about 7,000 candidates from 90 parties, some of them new, competed in the elections. Various parties elaborated joint strategies and decided to merge in preparation to the 2020 elections, to increase their chances of success, while sub-branches of the two main parties appeared: “former junta leader and lower house speaker Shwe Mann announced the formation of a new political party in February 2019, as did former NLD member Thet Thet Khine in November” 2019 (FH, 2020: 802), the People’s Pioneer Party. This revealed both internal disagreement and cracks in the united front the NLD fought so hard to present, but also the evident appetite of a faction of the historical party’s members for stronger democratic governance within the party as well.

However, due to the pandemic and to ongoing conflicts, the general elections voting was cancelled in conflict-affected zones, in Rakhine, Shan and Kachin states, affecting smaller parties, and especially the ethnic political parties’ chances to get elected to Parliament. Smaller parties and the USDP argued in favour of postponing the elections, but the Union Election Commission refused. Along with limits imposed on voting, possibilities of elections monitoring were also extremely limited. National NGOs, on grounds that they received foreign funding, such as the People’s Alliance for Credible Elections (PACE) as well as international observers were denied accreditation to run official monitoring actions. The Covid19 pandemic in 2020 encouraged the military’s inclination towards opacity, preventing participation, scrutiny and contestation.

The imposed power-sharing of democratically elected civilians with non-elected military forces, as well as the segregation of political opponents were the most visible results of

limited civil and political rights and freedoms that were destined to maintain an unequal playing field in favour of the military, not as a consequence of an ongoing regime change, but as a regime structure designed to strike a specific balance of participation without contestation.

On the right to protest: a superficial opening of the space for dissent and the continuity of the repressive spirit of the law

In the *Protest resilience toolkit*, the INGO Civicus explains that under international law, and especially under the International Covenant on Civil and Political Rights, the rights to freedom of association, peaceful assembly and expression together constitute the right to protest (2019). The INGO Article 19 published a guide in 2016 on protecting the right to protest, that highlights principles on the protection of human rights around and during protests. It recognizes that “participating in protests enables all people to individually and collectively express dissent and seek to influence and strengthen governments’ policymaking and governing practices” (2016:4). As this research project seeks to make sense of the space for political dissent in SAR, it naturally leaned towards using Civicus’ definition of the right to protest, as it encompasses key civil and political rights and freedoms (the rights to freedom of association, peaceful assembly and expression).

The complete definition provided by Article 19, an organisation also active in Myanmar, of the right to protest as a combination of human rights also resonates with this project, and will guide this chapter’s analysis and conclusions (2016:6):

“The right to protest is the individual and/or collective exercise of existing and universally recognised human rights, including the rights to freedom of expression, freedom of peaceful assembly and of association, the right to take part in the conduct of public affairs, the right to freedom of thought, conscience and religion, the right to participation in cultural life, the rights to life, privacy, liberty and security of a person and the right to non-discrimination. The right to protest is also essential to securing all human rights”.

While the 2008 Constitution contained a bill of rights, many of these rights were limited by a wide range of either outdated colonial era laws or freshly enacted laws and remained

available for the government to constrain the right to protest, with no real need for justification, or in case of “state of emergency”. The tremendous political transformation of the 2000s-2010s that impacted and opened the space for dissent, was also accompanied by a historical continuity in the repressive use of the legal framework. The legal repressive arsenal, whose toolbox contained various different acts and laws, has been a regular weapon of the military to curtail dissent and mobilisation throughout the period.

With close to no independent judiciary, the legal system was used arbitrarily, and “the military frequently direct[ed] verdicts in politically sensitive trials of civilians” (US Department of State, 2008:709). During the SPDC era, “the misuse of blanket laws – including the Emergency Provision Act⁷², Unlawful Associations Act, Habitual Offenders Act, Electronics Transactions Act, Video Act and Law on Safeguarding the State from the Danger of Subversive Elements – as well as the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and to stifle peaceful dissent” (*ibid*).

These laws primarily targeted domestic actors, but foreign actors were not exempt. In April 1996, James Nichols, Honorary Consul for Denmark, was sentenced under the SLORC to three years in jail on ground of infringing the Wireless Telegraphy Act from 1933, regulating the possession of “wireless telegraphy apparatus” without permission, as he was found guilty of illegal possession of facsimiles machines and a telephone switchboard in his Yangon home (AP Newsroom, 2007). His proximity with Aung San Suu Kyi was perceived to be the true motive behind his arrest. Similarly, the anti-government protest leaders that led the movements in 2007 were charged under several similar laws, ranging from the Foreign Exchange Act (banning Burmese from handling foreign currencies without permission) to the Television and Video Act (1996) and the Electronic Transaction Law (2004), which requires permits for possession of various electronics equipment. In January 2008, they were charged with failing to register printed documents (*ibid*, p. 710). In effect, covering political repressive

⁷² The 1950 Emergency Provision Act was repealed in October 2016 under the civilian government.

motives under administrative technicalities shielded the military from criticism of their anti-democratic behaviour, while undermining any substantive attempt at democratic practice.

This instrumental use of outdated laws indirectly connected to political dissent also allowed the regime's repressive approach to stay under the radar. By the end of 2008, human rights organisations, and especially the AAPP, operating at the time across the border in Thailand, counted over 2,000 political prisoners in Myanmar. However, because "the government usually charged political detainees with criminal offenses, it denied holding any political prisoners" (*ibid*).

From 2008 onwards, the regime started relaxing sanctions. For instance, sections 33 and 34 of the Electronic Transactions Act, regulating content sent electronically, were amended in 2013, and sentences for "receiving, sending or distributing electronic information which harms national security, community peace, solidarity, the economy or culture" were shortened from 7 to 15 years to 3 to 7 years (Free Expression Myanmar, 2021). These superficial amendments, while a testimony to the regime's reformists' influence, did not translate into policy implementation and did not suffice to cover up for its propensity to stick to the repressive spirit of the law against those who are seen as threats to the regime, as it continued to have a deterring effect on political opposition.

These laws were not only used against pro-democracy and pro-human rights advocates, but also against NLD party members, leaders of political parties and elected members of the Parliament (elected in the last elections to date, in 1990). In August 2008, authorities arrested NLD MPs-elect U Nyi Pu and Tin Min Htut, for signing a letter to UN Secretary General Ban Ki Moon and the UN Security Council criticizing the May 2008 constitutional referendum (an example of transnational activism deployed by human rights advocates, see chapter 5).

Chapter 6 will look into what exactly is perceived as threatening to the regime, what triggers repression and why, but generally, these laws allowed for the detention of people without charges, trial or access to legal counsel for up to five years if perceived as threats to the state's security or sovereignty (FH, 2008: 129). Decree 5/96, issued in 1996, was often used to jail political activists for up to 20 years in case of activities "which adversely affect the national interest". The right to a fair trial, and access to a lawyer for instance, are essential rights that

have been denied all throughout the period studied, and again in the aftermath of the 2021 coup, as thousands of arrested individuals were denied representation, and lawyers were harassed and sometimes arrested as well.

In 2008, despite the enactment of the new Constitution that provided on paper for freedom of speech, the government continued to heavily constrain these freedoms. Individuals were “arrested, detained, convicted and imprisoned (...) for expressing political opinions critical of the government and for distributing or possessing publications in which opposition opinions were expressed. Security services also monitored and harassed persons believed to hold anti-government opinions” (US Department of State, 2008:713). Surveillance remained common under the military-turned civilian government, and later by the Ministry of Home Affairs in the NLD-led government.

The right to protest encompasses a set of freedoms that can be mobilised in the streets, in the press, and of course online. Protesting, and especially taking the streets, has always been intimately tied to issues of legitimacy in Myanmar’s past and the military junta has used “nationalist slogans to enhance unity” and “mass mobilization to seek legitimacy” (BTI, 2008: 9). The largest state-sponsored organisation, the United Solidarity and Development Association (USDA), with its 22 million members (in 2008) not only mobilized support for the government but was also regularly criticized for intimidating pro-democracy and pro-human rights groups. It later evolved into a military-proxy political party prior to the November 2010 elections. The military navigated a precarious line when it comes to policing protests. On the one hand, it tolerated some mobilisation and even encouraged mass mobilisation to strengthen its legitimacy through propaganda efforts. On the other hand, the military leadership’s concern with large scale pro-democracy demonstrations continued to fuel repressive measures to the right to protest, under cover of containing potential destabilisation of the state.

Mass demonstrations were often followed by swiping arrests of dozens of protesters by the police forces. In a continued effort to part from past governments and to kick off his mandate in a spirit of progress, in October 2011, 6,000 prisoners were released by Thein Sein’s government, among which about 100 political prisoners. Sporadic (and conditional) political prisoner releases often coincided with visits from international leaders or visits of Myanmar’s

leadership abroad, a clear effort to appeal to the international community and its lenience towards democratic values. A Committee for Scrutinizing Remaining Political Prisoners was even established in February 2013, “with some civil society representation – to define the category of political prisoners, identify those still behind bars, report to the president, and coordinate a framework for their release” (FH, 2014: 128). According to the government, by 2014, all political prisoners had been freed in a series of presidential pardons. Yet, civil society organisations argued another 33 prisoners of conscience were still in jails.

Civil society mobilization became easier under Thein Sein’s government, and sometimes even successful. The mobilisation against the construction of the Myitsone Dam, a Chinese-funded project on the Irrawaddy River, resulted in Thein Sein’s government halting the project in September 2011. The government operated with a pick and choose attitude towards which mobilisations were tolerated or prohibited. Protests in November 2012 against the Letapadaung copper mine in Northern Burma were met with violent repressive tactics from the security forces. The unpredictability of the government’s reaction to mobilisation left the NLD in an uncomfortable position, when ASSK was appointed head of a commission in charge of investigating the crackdown on protesters in the Letapadaung mine case. The Commission’s report was “strongly criticised” (FH, 2014: 126) for failing to denounce the repressive stance of the government. Later as State Counsellor (2016-2021), ASSK was often criticized for continuing to stand in favour of protecting public order, often at the cost of freedoms.

By 2013, “unlawful public demonstrations” continued to lead to (increasing) arrests of political activists (FH, 2014: 124). Public demonstrations that used to be a last resort as one of the only options available to express dissent in Myanmar, became more common. As very visible mobilisation tactics, they resonated with the military’s fear of large demonstrations and the country’s history of violent repression. Despite the adoption in December 2011 of a legislation legalizing peaceful demonstration: the 2012 Peaceful Assembly and Peaceful Procession Law, protesters were required to seek permission to hold protests from governmental authorities. Not securing permission was punishable by up to one year in prison. This ensured the government would determine the legality and legitimacy of mobilisation tactics, with full powers to decide on what to tolerate or to prohibit. Vaguely

worded laws were still used extensively to deter and arrest protesters, and the use of force against protesters often continued to be excessive. For instance, in February 2019 security forces used rubber bullets against protesters for dismantling a statue in Kayah state.

In November 2017, a “blanket ban” was decided on protests in 11 townships of central Yangon ahead of a visit by Pope Francis, to avoid public disturbance according to the Yangon Region Minister for Security and Border Affairs Colonel Aung Soe Moe. The blanket ban application was unequal (Su Myat Mon, 2019), as pro-military rallies were allowed while pro-democracy protests were heavily constrained. The opening of the space for dissent logically invited more mobilisation, and the semi-authoritarian regime struggled to retain control, often resorting to heavy policing. In May 2018, peace protests erupted across the country against military conduct in Kachin state and mass arrests followed: 47 protesters were arrested and charged on unlawful protest and defamation grounds. Maung Saung Kha, director of the Free Speech organisation Athan explained that “if an event is planned to praise the government they allow it, but if it is to criticise they ban the protest”.

Yet as sentences remained frequent, they also got shorter from 2018-2019. Protesters explained during interviews that they often got jailed for 15 days under the NLD government.

With the transition to a quasi-civilian government in 2016, the right to protest had become real for many human rights advocates, even if opportunistic curtailing remained. In the lead up to the 2020 elections, extensive internet blackouts in Rakhine and Chin states prevented access to information and the possibility for local actors to organise.

Following the 2021 coup, thousands of people stormed the streets across the country to show their support to democracy and claim their rights and freedoms back. However, after a few days of creative peaceful parades, violence escalated quickly, as the military started shooting back at protesters. Legal provisions were quickly amended to enable a return to arbitrary surveillance, interrogation and detention. By mid-February 2021, gathering of more than 5 people were illegal and a curfew had been imposed. As often when offline protests become too risky, mobilisation moved online. In March 2021, virtual private networks (VPNs) were banned to prevent activists from organising online. This marked a sharp and brutal end to the relative opening of civil and political space in Myanmar.

The Association for Political Prisoners (AAPP) estimated at 1,384 the number of people who had been killed and at 11,289 the number of people who had been arrested by end of 2021 (AAPP, 2021). Many pro-democracy and pro-human rights activists went into exile or hiding. Most arrests initially occurred during street protests, but dozens of civil society leaders and political activists were arrested in their homes in the aftermaths of the coup in a swiping wave of targeted arrests by the security forces.

Prison conditions in Myanmar have always been amongst the worst in the world – and they further deteriorated following the COVID19 pandemic in 2020 and then the 2021 military coup. Overcrowding, sanitary conditions, access to healthcare, and human rights abuses make a prison sentence life-threatening for many in Myanmar.

The opening of civil and political space was real and accompanied by the apparition of numerous political actors and a revival of human rights mobilisation in the country. Yet, there was an undeniable superficiality of the political and legal changes that led to an unfair electoral competition; and an uneven access to the political arena. As the self-proclaimed guardian of the country's order and stability, mass demonstrations are threatening to the military. Mass demonstration tell a different story, they fuel criticism and counter-narratives, and they are likely to snowball into further mobilisation. Participation was therefore often curtailed for those perceived as threatening the regime or opposing the nationalist Buddhist agenda. Human rights advocates organised and mobilised, to protest against the regime, to push for alternative narratives and democratic principles on which to ground further political transformations. In return, the regime responded by implementing heavy controls and constraints over the space for contestation it had itself opened, navigating a thin line between continuing to give the appearance of opening and therefore progress, and strict control of the rights to participate and to protest.

On access to information & media freedom in the digital era: a policed space for counter-narratives

The opening of the space for dissent in Myanmar enabled the occupation of the digital world for online mobilization as well as more freedom of information. As the country was propelled into the digital era, counter-narratives emerged and were disseminated widely. In the previous section on the right to protest, I argued that the legal framework was used to draw a line between what is tolerated and what is prohibited when it comes to the right to protest, while maintaining the military in the driver's seat. In cases of repression of offline mobilisation on a particular topic, in a particular place, or by a particular group, we can observe a transfer towards online mobilisation⁷³.

SIM cards were a luxury good in the 2000s, as the Government maintained their price around US\$2,500, so very few people possessed one. As a result, in 2008, there was no real need for laws or regulations controlling Internet communications and freedom of expression online. As internet cafes became popular even before the widespread use of Internet in the country, the military junta would cut internet access at times of social unrest to prevent the spread of online news, criticism and the organisation of mobilisation through online communication channels. For instance, during the Saffron Revolution in 2007, Internet was cut for several days, from late September until 6 October, to prevent images filmed on the ground to be broadcasted through international news agencies and within Burma. There is a history of instrumentalizing internet black outs in Myanmar to control both the population's access to information and its capacity to organise, mobilise and dissent and to refrain the emergence of counter-narratives and prevent criticism and different political views to gain traction.

In mid-2014, the government opened the telecommunication market widely. Foreign operators Telenor and Ooredoo joined the state-owned Myanmar Post and Telecommunication (MPT) operator, and the cost of SIM cards dropped massively, propelling the country onto the Internet era, as mobile phone users rose from two million in 2014 to

⁷³ I credit Dr Jeremy Ladd who explored in Cambodia the mechanisms through which opposition parties attract support in electoral authoritarian regimes (unpublished, Gatty lecture given at Cornell in January 2023).

more than 39 million in 2016 and internet users from 110,000 in 2011 (Data Reportal, 2011) to over 22 million in 2020 (Data Reportal, 2020). In the early 2010s, Myanmar had a large network of Internet cafes, and standards bans on websites were lifted in September 2011 (Kean, 2018), leaving the online space initially quite unregulated.

At the time (early 2010s), the government was monitoring (and often blocking) web pages and censoring online communications, especially email providers and messaging platforms. Certain specific words were censored such as “Burma, drugs, military government, democracy, student movement, 8888, and human rights” (US Department of State, 2008:714), giving us a clear idea of what was considered unacceptable by the regime (see chapter 6). Due to the lack of legal grounds on which to frame repression against freedom of expression online, the government often charged individuals on other grounds, such as “unlawful electronic transactions”. Reporters without borders reported notices displayed in Internet cafés monitored by the government, that prohibited access to pornographic and political sites in the early 2010s (RSF, 2008). Cyber-attacks, hacking attempts against political activists’ email inboxes and Burmese news agencies in exile occurred routinely, as well as slow or shut down internet connections during periods of social unrest. The repression of the online space for dissent continued all throughout the 2010s, as the regime tried to prevent the circulation of information online allegedly for fear of it fuelling social unrest, but also to prevent the emergence of criticism and counter-narratives around political issues that would tarnish its reputation and question its legitimacy. Facebook’s role in fuelling the propagation of hate speech online in Myanmar has been extensively criticised and denounced by human rights organisations (see for instance Amnesty International, 2022) and scholars (Fink, 2018; Kyaw Nyi Nyi, 2019). In June 2019, Rakhine state and Chin state faced months-long Internet blackouts, due to ongoing fighting in these regions. The 2020 elections were also impacted by internet shutdown in conflict-affected areas.

Following President Thein Sein’s nomination in March 2011, some of the repressive measures over the civil and political space were eased and the domestic press arena opened (see Lidauer, 2012). There is a history of using the press to disseminate revolutionary ideas in Myanmar, which created a sensibility around the opening of media freedoms. Print media had been an essential tool to turn a student-led movement into a mass mobilisation in 1988

(Brooten, 2016), as state-run newspapers had been taken over and used to disseminate the demands of the pro-democracy movement. Immediately after the new government took office, the opposition, including ASSK, was allowed to reach the Burmese public through domestic media, as censorship reduced (the government stopped censoring publications that did not directly touch on politics), and foreign media were gradually allowed in the country. By 2012, censorship on domestic media had been lifted, as the official censorship board had been dissolved, and ASSK's appearances became regular on domestic media⁷⁴. Both domestic and international media actors proliferated, and blogs and private publications multiplied mostly unbothered as prepublication censorship protocols were removed and "private daily newspapers were authorized in December 2012 for the first time since the 1960s" (FH, 2014:127).

However, with press freedom and access to information, as with the rights to participate and to protest above, while regulations relaxed, they also morphed. Counter-narratives remained highly triggering for the regime and remained heavily policed (see chapter 6). Journalists or media outlets "whose reporting is considered to have insulted religion or endangered national security" will face the "threat of prosecution under criminal defamation laws" (FH, 2017: 358), "harassment and physical violence" (FH, 2017: 359), and thus despite the provision contained in the 2014 News Media Law that should protect journalistic work when covering conflicts, especially through "Facebook posts deemed insulting to the military or Aung San Suu Kyi" (FH, 2016: 479). Lines blurred between opinions expressed publicly and privately, Facebook becoming a window through which to censor and police freedom of expression online. The organisation *Free Expression Myanmar* (FEM) found that Article 66(d) of the 2013 Telecommunications Law was used to "punish those who are trying to hold [those in position of power] accountable" (2017:2) on grounds of defamation (not defined clearly in the law). Free Expression Myanmar found that arrests under 66(d) spiked following the transfer of power to the quasi-civilian government in 2016, especially against individuals with backgrounds in political parties, human rights activism, media and arts – none of the

⁷⁴ And in taxis in Yangon, where drivers started hanging her picture on their rear-view mirrors.

defendants were military officials (*ibid*, p.18). In 2017, in response to widespread public criticism, the law was discussed in Parliament, that chose to maintain its repressive wording, while amending sentences from 3 to 2 years in August 2017. Athan's work, another Myanmar organisation working on freedom of expression, revealed that the trend continued throughout the NLD government term (Athan, 2020a), with the Telecommunication Law used predominantly for defamation claims against activists. Activists were the first target of defamation lawsuits under the NLD government (Athan, 2020b), and cases rather increased during the NLD mandate.

There is a certain logic to the fact that increased civic space would allow more criticism of the regime, which in turn would lead to some countering by the authorities. Yet counter-intuitively at times, this semi-authoritarian period of overall significant progress for civic space continued to be marked by harsh sentences aiming to curb political dissent. More surprising, was the increase of state repression under the NLD government in the second part of the period (2016-2021), compared to the relatively freer space for expression of dissent in the first part of the period (2011-2016). All throughout, while there was space for some rights-claims, especially at the Union level where the NLD had more control over the debates, at local level the human rights situation remained uneven and very bad at times, due to ethnic conflicts, but also to the permanence of the old Tatmadaw bureaucracy.

A respondent explained,

It's harder and harder to work with the government. When there was the semi-democratic government, they wanted to prove so much. The Thein Sein government, they welcomed everyone in. (...) Now, we see that MoU is no longer just a paper like you had to sign before, you have to report, and apparently it depends on which ministry you are working with or the kind of work you do. If you work in ethnic minority areas, or where there is a conflict happening nearby, your line ministry would be very particular, you would probably have to change every word in your MoU, that's how a training becomes a workshop, and so on. We got the feedback that it's happening more and more.

Following the 2021 coup, satellite television was banned, restricting access to information significantly. Added to Internet blackout imposed on several parts of the country intermittently, they denied access to precious information to help populations navigate both

the armed conflicts, the aftermath of the coup and the COVID-19 pandemic. They also prevented communication and solidarity amongst people, as well as the organization of collective action.

One of civil society's main role is to occupy and preserve the space for critical discourse in the public sphere (Lewis, 2013; Young, 2000). Civil society's contesting of official narratives is often faced with repressive tactics deployed by SARs (Levitsky and Way, 2002; Mc Carthy, 2019). With vaguely worded and highly subjective laws and regulations, the regime did use a repressive legal framework to control the political playing field online and offline and suppress criticism. Yet, analysis of this section on the repression of counter-narratives and the discussions with interviewees it is based upon allowed for an alternative understanding of what was driving the political situation in the semi-authoritarian period to emerge, as it reveals what the regime did care about, that went beyond an objective of simply repressing further claims for democracy. In chapter 6 we will look at what exactly triggered repression. Understanding where a regime draws the line between what is tolerated and what is prohibited has been at the heart of the informants' interviews conducted with activists in Myanmar, and will be discussed in chapter 6.

On the rule of law and judiciary arena: undermined institutional counter-powers and the lack of accountability

Alongside the free circulation of diverging opinions, a healthy democratic practice rests on the existence of functioning institutional counter-powers, while "[a]uthoritarian populism frequently circumvents, eviscerates or captures democratic institutions, even as it uses them to legitimate its dominance, centralise power and crush or severely limit dissent" (Scoones et al. 2018:3). Independent, empowered institutions guaranteeing the accountability and transparency of the executive and the legislative branches of the state are essential. Some such institutions were created under President Thein Sein's and the quasi-civilian governments, yet I argue that they were routinely undermined.

While the 2008 Constitution officially granted the military control over functions that should in any functioning democracy remain in the hand of civilians (Border Affairs, Home Affairs Ministries), the military also expended its presence in lower-position ranking roles within other key ministries (education or health for instance), securing its permanence into the executive architecture at all levels. In the education ministry for instance, military officials, while in administrative positions, often retained power of promotion and dismissal and therefore prevented non-military figures from reaching senior positions. In effect, civilian civil servants often remained under military control in these ministries, a perfect example of what Bruff describes (in authoritarian contexts) as “the refiguring of state and institutional power in an attempt to insulate certain policies and institutional practices from social and political dissent” (2014:115). Undermining democratic institutions as we show here, to neutralise their substantial democratic essence is not only a common feature of SAR, but also a strategy used to legitimate crackdown on political dissent.

- **The independence of the judiciary** is one of the key markers of a healthy democracy, but in 2008, the Bertelsmann Transformation Index (BTI) was reporting that “the junta appoints judges to the Supreme Court which in turn appoints lower court judges with the approval of the junta” (BTI, 2008:8). By 2008, the junta ruled by decrees, combined with martial law and laws inherited from Burma’s colonial time. The International Commission of Jurists reported that a number of newly retired military officials that had been appointed to administrative position at the Supreme Court in September 2015 could then be promoted to senior judiciary roles by the President if they proved to be “eminent jurists”, according to section 310 of the 2008 Constitution (ICJ, 2015). A yellow ribbon campaign was organized by members of the Myanmar bar association to protest this practice of appointing military officers to the judiciary as it threatened the independence, transparency and accountability of the judiciary. Following the coup, the judiciary system once again became the military’s prerogative. Martial law was declared in 11 townships in Yangon and Mandalay states in 2021, and about 90 deaths sentenced were pronounced against dissidents in 2021 (Gaborit, 2022).
- **The Myanmar National Human Rights Commission** was established in September 2011 (see Liljeblad, 2017; Crouch, 2013). Many of its members appointed during the

2010s had connections to the military regime. In a report published in September 2014, local human rights organisations *Burma Partnership, Equality Myanmar*⁷⁵ & the *Asia Forum for Human Rights and Development (Forum Asia)* denounced the lack of independence of the commission, whose loyalty eventually laid with the military government (2014). The lack of credibility and relevance of the MNHRC and its decisions have been perceived as a missed opportunity by civil society actors in Myanmar, as the commission is deemed “another ‘alibi’ institution of the State in human rights governance and within the national protection system” (*ibid*). The MNHRC punctually intervened in favour of pro-human rights and democracy activists, urging the Yangon regional police forces to authorize some protests for instance (Su Myat Mon, 2019), leading us to think that more than a lack of ability, it was a lack of will or a constrained margin for manoeuvre that led this institution to have the wind taken off its sails. Overall, the commission’s contribution was highly disappointing for my respondents, and one of the referred to it as the “National Retired Commission”.

- **The Union Electoral Commission**, established in March 2010, has been widely criticised for serving the USDP’s agenda, and it was used to highlight the military’s ‘legality’ and ‘legitimacy’. For instance, the UEC delegated decision over closing polling stations in conflict-affected areas to the military prior to the 2020 general elections. Elections monitoring groups and organisations have repeatedly denounced the opacity of the voting processes, conducive to frauds, to the UEC, but to no avail. The UEC was dissolved right after the coup (on ground of alleged rigged elections) on 2 February 2021, and of some its members were charged with corruption⁷⁶. The new commission members annulled the November 2020 elections results in July 2021. After cancelling elections in ethnic minority areas in 2020, effectively denying voting

⁷⁵ Whose director, Aung Myo Min, went on to become the Minister for Human Rights in the National Unity Government (NUG) in exile following the coup in 2021.

⁷⁶ The chairman U Hla Thein and two other members were sentenced to three-years in prison under Section 130 (a) of the criminal law in July 2022.

power to thousands of people, the UEC announced in August 2021 that it would conduct a financial audit of all political parties, raising fears that this will be used as a pretext to de-register opposition parties. In October 2021, the UEC announced that the next elections will be held on a proportional system, widely seen as an attempt to secure the military's proxy party's victory.

- **The Anti-Corruption Commission** created in 2014 did publish several conclusions on cases of corruption brought against high ranking official, for instance against the Chief Minister of Tanintharyi Region, sentenced to 30 years in 2020.
- ASSK was appointed head of **the Parliamentary Committee for rule of Law and Stability** in August 2012, aiming to oversee compliance with the rule of law of 4 main institutions: the civil service, the legislature, the judiciary and the media. The Committee submitted its recommendations in 2013, in a short report that “lacked substantive detail” while critics argued “that communal violence, hate speech, corruption and human rights violations in ethnic minority regions have continued unabated under the watch of the committee” (FH, 2014: 126).
- **A draft Right to Information Law** was discussed in parliament in 2016, again in 2017 and stalled in the legislative pipeline. Article 19 (2019) argued that “too often, Myanmar’s laws are not used to uphold the right to information but rather to target those seeking information”.
- In January 2019, the NLD government announced the creation of a **parliamentary committee tasked to work on constitutional change**, blocked in early 2020 by military MPs. Prior to this, in 2014 the NLD had collected 5 million signatures in an effort to push constitutional amendments to counter the military's de facto veto power, as three quarter of the parliamentary majority were necessary to amend the Constitution while the USDP enjoys at least 25% of each chamber's members that it appoints outside of the electoral process.

The institutional progress relied on a mix of inability to do more and better and the unwillingness to fully equip, trust and give autonomy to these freshly created institutions and allow them to work independently. Often more knowledge about how these institutions should work would be found in the CSOs that would solicit them rather than in their own staff

that lacked trainings and were not appointed on grounds of their skills but rather on loyalty to the military or cronyism. Despite their limited impact, their sole existence provides an outlet, no matter how flawed, for formal political discussions and dissent.

As for the military, it has always operated in all impunity and in complete lack of transparency or accountability. It retained the right to administer its own military affairs in all opacity, members of previous military governments benefited from a blanket immunity for official state acts conducted during the military dictatorship era. However, the military's budget (estimated at over 20% of the total state budget) became partially estimable in 2013, and parts of the military budget were made available to the public for the first time in 2015. Yet, the 2011 Special Funds Law "allows the military to circumvent parliamentary oversight to access additional funds" (FH, 2016: 478).

Looking into two key institutions: the Myanmar National Human Rights Commission and the Union Electoral Commission, and how they were created, reformed and used under semi-authoritarian Myanmar illustrates this precarious balance that SARs aim to strike. On the one hand: structural capacity, i.e., the institutional maturity and resources dedicated – or not, to equip the institution and give it capacity to perform. On the other hand: operational willingness, i.e., the political room for manoeuvre granted to the institution to exercise its role of counter-power and enable accountability within the political arena. This tension between willingness and ability will be explored at length in chapter 7, as it is key in determining human rights mobilisation strategies in a SAR. While it is expected of a regime in transition to need time to bring its institutions and its civil services up to international democratic and human rights standards, to fill in the 'capacity gap', it is necessary to differentiate this learning curve from the political willingness a regime shows in handing over influence on various institutions.

Human rights progress presupposes a certain institutional stability as well as a solid support from the broad public, essential to ensure the promotion and protection of human rights and accountability. Such stability is precarious in a SAR, that presents a context of superficial institutional embedding of human rights norms and values, where reformed democratic institutions are created only to be immediately undermined, and where popular support – rarely a priority of the government, can be lacking.

Chapter's conclusions

This chapter described in detail how markers of democracy (electoralism, constitutionalism, a reformed institutional and legal framework) cohabited with remaining authoritarian features (crackdown on rights and freedoms, institutional segregation of political opponents, power sharing with unelected military forces, etc.), painting a very specific portrait of semi-authoritarian Myanmar as an intentional regime type rather than one on a transitional journey towards democratic maturity.

In the spiral model of human rights impact, concessions are expected to lead to further progress through the various stages of the model, towards human rights compliance. In semi-authoritarian Myanmar, these concessions, while welcome, did not distract human rights advocates and observers alike from the repression they continued to face. I argued earlier that these concessions made from a position of strength also reveal the military's ambition and concrete plan to cling to power. The "roadmap to disciplined democracy", the 2008 Constitution, President Thein Sein's inaugural speech in March 2011, gave us the script the Tatmadaw would follow: granting just enough freedoms and symbolic gestures to loosen up international scrutiny, FDIs would pour in, the economy would flourish – at least to the benefits of the well-connected wealthy few, while protecting the country's unity and imposing a Buddhist nationalist agenda. To understand the new political opportunities structures these concessions opened, I return now to Tilly's proposal (introduced p.96).

At first, these apparent reforms rejoiced the international community that was fast to celebrate Myanmar's transition. There was "a sense of euphoric optimism among Burmese and foreign observers" as Egreteau and Robinne wondered if Myanmar would "be the surprising poster child of a successful transition from military rule to a stable multiparty democracy?" (Egreteau & Robinne, 2016:3), as the regime opened to new actors. Numerous crucial changes and concessions occurred, transforming the political space and people's everyday life, as covered extensively in this chapter. Often however, concessions remained of symbolic value, for the benefits of the international community and because the reformist agenda was not met with investments to enable the state apparatus to actually implement them (Jones, 2014b). The transforming regime allowed only superficial changes to the legal and political framework in Myanmar during the period 2008-2021, and what I framed as

freedoms of resistance in this study improved but remained limited. Not only were essential civil and political freedoms incomplete during the period, but they were also designed in an exclusive and repressive spirit, limiting both *who* could participate to this reformed political arena, and *how* this political contention could manifest, as the regime continued to repress collective claim-making.

Our mapping of freedoms of resistance shows how this space was not negotiated and won over by the opposition, but rather that the authoritarian military government made room for a carefully curated space for dissent, that enabled some mobilisation in the social space, but mostly constrained contentious politics to its minimum. As tactical concessions opened real opportunities for human rights advocates, mobilisation remained highly constrained in the political context, as the regime seemed to aim for participation without contestation, protest without criticism, freedom of speech and media freedom without counter-narratives to the dominating nationalist Buddhist agenda, and institutional reforms without accountability.

Despite real but limited openings of the space for dissent, we observe the continuity of the exclusive spirit of the law, to protect the country against vaguely worded threats to national unity, sovereignty, lack of loyalty to the state, or in case of a 'state of emergency'. The nation building efforts revolved around a strong Buddhist nationalist agenda, excluding millions, as most visible during elections periods, but also through military operations in ethnic states, especially in Rakhine state in 2012, and again in 2017, and therefore preventing the flourishing of multiple centres of powers across the regime. Many were denied the enjoyment of civil and political rights, mainly minority ethnic and religious groups, and were at best kept at bay from this new political project, and at worst denied existence with the outmost brutality. In parallel, the excluding nature of the pro-democracy pro-human rights movement itself has been well studied (Cheesman, 2017; Doffegnies and Wells, 2022), mostly as human rights were also denied to ethnic minorities, especially Muslim groups, by mainstream human rights actors.

The country's transition to 'disciplined democracy' ensured the continuity of the military's influence over the governance of the country, as it institutionalised its presence in power. Continuously, the legal framework is used in a repressive manner, drawing lines between what is tolerated and what is prohibited, who belongs in the country or who does not, who is

loyal and who is a threat. Hiding its political agenda behind pretences of administrative technicalities, the regime continued to deny having any political prisoners trialled as criminals in a mockery of democratic practice.

This chapter reveals the specific political opportunity structures that could be found in semi-authoritarian Myanmar and created a specific mobilisation landscape. Following an initial opening in the early 2010s that was perceived as genuine by domestic civil society actors, the military quickly retracted into its repressive stance, patching holes of dissent wherever they appeared, with the outmost brutality. The regime initially appeared opened to new actors and to power-sharing practices that would have enabled the emergence of multiple centres of power across the regime (political opponents elected to Parliament, institutions invested in check and balances roles, etc.). Yet with the new contestations lines that appeared alongside recently gained civil and political freedoms, simultaneous new forms of repression of dissent appeared. While human rights and democratic issues made ways in the public discourse, attempting to challenge the political equilibrium, opposition parties faced relentless administrative hurdles, as loomed over them sanctions and even jail sentences for their lack of 'loyalty' to the regime. Press and media freedom opened widely, but self-censorship prevailed as the regime instilled fears of heavy repercussion, with arbitrary sentences handed for crossing lines on sensitive issues. Civil and political rights improved, but only for those who the regime deemed belonged, as it did not hesitate to revoke voting rights, and denied ethnic-based education, access to public services or to freedom of religion for ethnic minorities. In an initial attempt to appear as welcoming independent counter-powers within the regime, institutions to monitor democratic practice and human rights were created but quickly left as empty shells with puppet individuals whose strings the military pulled to avoid being held accountable.

As the regime offered a trade-off of stability and economic development over freedoms and rights, public outrage was perceived as threatening its credibility and legitimacy. Memories of mass protests sparked by a spike of commodities' prices (in 1988 and 2007) lingered during the semi-authoritarian phase, with the military-turned-civilian government remembering how mass protests catered to the opposition's strategy to storm the streets, building on public discontent with everyday economic challenges to claim for democracy and rights.

Despite having conceded some undeniable political space, the regime attempted to keep a tight grip over freedoms of resistance all together. To preserve its ability to govern and its legitimacy to do so, the regime repressed emerging counter-narratives and counter-powers that it had itself invited into the public debate with the political opening.

Whether the regime was surprised or overwhelmed by the extend and rapid emergence of political dissent that they had to face remains outside of the remits of this inquiry. However, it appears that the successive governments, first headed by President U Thein Sein (2011-2016), and later by State Counsellor Daw Aung San Suu Kyi (2016-2021), quickly reverted to a “pick and choose” attitude towards the existing political and legal framework, instrumentalizing it both to give the appearance of political relaxing, and at the same time using it to curtail human rights advocates’ mobilisation efforts and repress collective claim-making. This repressive behaviour to maintain the status quo and protect the military’s interests resulted in an open but uneven playing field for political opponents, constantly rigged in favour of the military, that benefited at every turn from a system they designed, placing themselves at times at the centre of it, and often above the law, operating with the outmost opacity and impunity. Such lack of accountability went undisturbed, as the few institutions created to ensure check and balance, such as the Union Electoral Commission or the National Human Rights Commission were depleted of any real power to protect a fair political competition and never achieved a status of independent centres of power within the regime.

The reshuffling of power dynamics since the 2010 created new tensions as key players, namely the military, political parties, civil society and the media, fought for influence over public affairs. Soon, this newly established SAR faced several issues it might not have accounted for:

- The NLD’s domestic popularity never weakened, not when having to go through the hoops the Tatmadaw placed on their journey to power, forcing them to operate as a highly constrained opposition force; nor when their leader fell into disgrace in the eyes of the western world over allegations of covering what amounted to crime against humanity and “genocidal intent”;

- Ethnic conflicts continued to rage in the country's peripheral areas, threatening stability and the military's personal economic interests in these rich regions, provoking waves of brutal military crackdown;
- As a result, successive governments found themselves forced to heavily police that space they had just opened up, entering into a game of whack-a-mole with the civil and political opposition, as it flourished and occupied every inch of political space the military would leave unattended.

This chapter draws a clear picture of the specific political landscape in which human rights advocates operated during the semi-authoritarian phase: a political space opened by the military regime, but where counter-powers and counter-narratives were prevented to emerge at all costs. Having initially given the appearance of a highly celebrated progress, the concessions made by the regime at the turn of the century soon resulted in highly constrained freedoms of resistance and a repressive legal and political framework instrumentalized during the semi-authoritarian period to create an unfair, uneven competitive political arena. Yet, this limited progress was enough to encourage pro-democracy and pro-human rights actors to step into that breach, as they spent the decade seizing opportunities that they perceived as few and risky, but nonetheless real.

The analysis above of the freedoms of resistance, that I bundled together as encompassing what I argue are essential rights and freedoms to a functioning democracy relying on values of inclusivity (right to participation), transparency (right to protest) and accountability (counter-narratives and counter-powers), shows that, however limited the progress was, the regime did welcome new independent political actors – both within the regime (institutions) and outside (political opposition). In doing so, it did open some space for dissent, that civil society actors rushed in to occupy – initially challenging political alignments, no matter how risky dissenting remained in semi-authoritarian Myanmar. The relative opening of the political space did reveal a myriad of different actors, that came out of exile and hiding, or emerged, to engage in this freshly opened political space. What was initially perceived as a continuation of “Myanmar's pro-democracy movement” that had operated during the decades of dictatorship, soon appeared in reality a much more nuanced, varied and rich civil society. The next chapter will look at how these actors occupied the freshly opened space for dissent,

revealing a large variety of mobilisation tactics and human rights change strategies, and interrogating both the availability of influential allies and supporters, and the strategic political alignments re-shuffles.

Chapter 5. Occupying the human rights mobilization landscape in Myanmar: strategies of mobilisation in a semi-authoritarian regime (2011-2016), between dialogue and monologue

It's like we are at a junction on a railway. The head of the train is going to the left, when it should go to the right, but the train is still on a straight track. As the outsider, we can warn the head of the train that they are going in the wrong direction. But people at the back of the train are still going straight and they don't understand why activists are shouting. We are on the right track – think the majority of the people. (ITW 8)

The previous chapter dressed a portrait of the environment that was created for human rights actors as a result of the political transformations in Myanmar in the period 2008-2021. Despite the inherent sense of superficiality and fragility of this newly established SAR, political opportunities to challenge the status quo were real, as proven most clearly by the NLD victory in the 2015 general elections and the (incomplete but real) transfer of power that followed. With the opening of civic space, new actors, new and improved transnational advocacy networks (TANs) and new domestic discourses integrating human rights emerged. This chapter focuses on how they aimed at occupying this fresh political terrain and the specifics of doing so in a SAR.

Introduction

As I started my empirical data analysis, I hypothesized that semi-authoritarian regimes are constraining environments for social and political dissent (as well as for academic research – see chapter 8). As such, I argued that semi-authoritarian regimes draw lines between what civil society actors can or cannot do, what can be said or not, who is 'in' and who is not, in a way that is different from authoritarian or democratic regimes. This project aims to reveal these dividing lines in semi-authoritarian regimes, and to show how they have a specific impact on human rights mobilisation, and how human rights advocates (HRAs) mitigate what they identify as risks and how they operate to progress their agendas in a semi-authoritarian context nonetheless.

Mapping freedoms of resistance (the right to participate, to protest and counter-narratives and counter-powers) in semi-authoritarian Myanmar in the previous chapter (4), I argued that:

- Electoral competition outcomes proved that political opportunities for change were real, and concessions were made, most notably the transfer of power to a quasi-civilian government.
- Despite undeniable progress and concessions, limited civil and political rights created an unequal playground for the political opposition, giving the illusion of democratic competition, while locking the political system to ensure status quo.
- Hiding behind a legal framework tailored to repress dissent, to exclude minorities and legally harass dissidents, the regime oppressed human rights actors under administrative hurdles and technicalities, looking to suffocate criticism and emerging counter-narratives and undermine counter-powers, including national institutions.

This chapter will rely heavily on data gathered through interviews to test and refine initial hypotheses. I initially postulated that civil society actors are primarily engaged in a fight against the state, and that their struggle for democracy and human rights can be comprehended through the interactions, sought or imposed, that they have with the regime throughout the process of regime change. Ultimately, the latitude for dissent and how much they can get away with is what frames their strategic choices and strategic positioning.

Following qualitative data analysis processes traditionally used in international politics, empirical data collection was framed around 4 main themes extracted from my research questions, that I have introduced in chapter 1 (see Annex B). During the interviews conducted for the most part in Myanmar in 2018-2020, I inquired about:

- 1) strategies of influence used by individuals and organizations,
- 2) interactions with the state and its institutions and how human rights advocates were treated,
- 3) collaboration with international allies (other INGOs, donors, embassies, etc.),
- 4) alliances formed at the domestic level with other organizations or causes.

I closed chapter 4 on an important question, at the core of this thesis' global enquiry: *how to get away with political dissent?* Chapter 4 analysed at length the changing context in which HRAs operated, arguing that regime change as described in chapter 3 opened very concrete political opportunities. Chapter 5 now sets to investigate how HRAs occupied this freshly opened space for dissent. Looking at mobilisation strategies, I ask what latitude for dissent HRAs enjoyed, how they innovated and managed to obtain and sustain social change in Myanmar, and to circumvent state scrutiny.

In short, I will describe the repertoire of mobilisation of activists in semi-authoritarian Myanmar and how they positioned themselves in relations to the state and its imposed constraints, asking how they managed to carve out space for dissent during that period (2008-2021). I am looking here at how mobilisation strategies are defined and adapted. This chapter, and the empirical material analysed here, reveals that human rights advocates' strategies are heavily impacted by the nature and outcomes of interactions with the regime.

"How much dissent can HRAs get away with?" has been a key driving interrogation throughout the interviews I conducted during my fieldwork for this project, as I aimed to understand how the recent opening in Myanmar during the period 2008-2021 has impacted ways of working and strategies for human rights advocates.

Strategies of mobilisation in the semi-authoritarian period in Myanmar varied across time and places. Different actors deployed different strategies, that can be mapped along a spectrum of engagement vs non engagement with the regime. Strategies did not progress linearly along this binary, rather, I would argue that strategies of mobilisation by human rights advocates and strategies of repression by the regime evolved conjointly: human rights actors both influenced regime change and adapted their mobilization strategies in return, tailoring them to avoid and/or counter state repression.

Adapting the human rights mobilisation toolbox in semi-authoritarian Myanmar

I borrow here the concept of *repertoires of contention* introduced by Tilly (Tilly, 1986; Tilly and Tarrow, 2006): another central concept to social movement theories, highlighting ways in which forms of protests evolve, influenced by structural societal changes – such as

capitalism and nation state building. Social movements pass on the repertoire from one generation of members to the next, producing various strategies of mobilisation to engage in contentious politics and seize political opportunities.

Following decades of the military junta censoring political opposition, the semi-authoritarian period in Myanmar was marked by the opening (in 2008), and then the closing (in 2021) of a dialogue between the government and human rights advocates. Throughout the period, human rights mobilisation evolved alongside regime-imposed boundaries for dissent. In this game of cat and mouse, while the regime maintained the upper hand, political opportunities for dissidents were real and a dialogue opened up. Building on the importance of geography to better understand transnational activism (Sikkink, 2005; Tarrow, 2005), Beatty identifies for Myanmar three “sites of resistance”, that will be described at length in this chapter: opposition from within, opposition from across the borders with neighbouring countries (especially in our case, Thailand) and international opposition (Beatty, 2010). As conceptualised by Keck and Sikkink (1998), I also found that these layers do not operate in isolation.

In this section, findings reveal three main arguments in relations to the interactions between civic space and regime change in Myanmar. First, I argue here that the political transformation, as it created space for them to exist, left human rights advocates operating outside of legal frameworks. Second, human rights advocates knew all along that the superficial embedding of democratic rhetoric into the institutional framework meant that the relative opening could backfire, and the transition be reversed. Yet, the international community was very eager to celebrate Myanmar as a human rights success story, and to frame it as a hopeful case, ignoring the fact that progress was intentionally limited by the regime, and repression remained widespread. Third, and as a result, political transformations opened a wide spectrum of avenues for human rights advocates to interact with the regime: some actors were willing to play along and to engage with the process, while others remained completely excluded from the institutional dialogue and the political arena.

Various levels of mobilisation allowed for actors to amplify each other’s claims, complement but also sometimes compete with each other. Beatty observed that activists operating from neighbouring countries have often supported administratively those operating from inside

Myanmar (Beatty, 2010: 630). At the same time, Banki underlines the “crucial continuing role for diaspora activists located on Burma’s borders, where they continue to broadcast the challenges within Burma and serve as a conduit for other sites of resistance” (in Egreteau & Robinne, 2016: 259). Here I am zooming in on the broadening of domestic opportunity structures that accompanies social and political change and looking at how human rights advocates made progress in the domestic political arena, and in public discourse.

Below I strive to describe how the traditional human rights toolbox, i.e., the main mobilisation tactics, were used in Myanmar during the semi-authoritarian period between 2008 and 2021. The human rights toolbox is not used exhaustively, rather, it is used as a lens through which to describe how the repertoire of mobilisation was specifically adapted to the semi-authoritarian context, and therefore how it is used differently in Myanmar than it would be elsewhere in authoritarian or democratic contexts.

Transnational activism

The current civil society finds its root in the 1988 uprisings, that marked the creation of the National League for Democracy (NLD) and the structuration of transnational advocacy networks (TANs) in exile. TANs were initially opposing a military dictatorship, with a strong administrative web that entangled its power across the country, while ethnic areas remained mostly outside of state control. As one would expect, relationships between the regime and dissidents transformed significantly during the semi-authoritarian interlude (2008-2021). At the start of the period, the Burmese democracy movement relied mostly on transnational advocacy networks and international solidarity, inherited from the previous period of military dictatorship, during which little came directly from civil society actors operating inside the country with heavy constraints, and most of the pro-democracy movement relied on spokespersons and advocates in exile (see chapter 3).

As described at length in chapter 3, civil society at the border has been very vibrant between 1988 and the mid-2010s. By 2015, most of the cross-border organisations and activists had returned to Myanmar. Home sickness, wanting to contribute to the emerging democracy at

home, the slowing Thai economy, were cited by my respondents as reasons why they returned from Thailand to Myanmar in the early 2010s.

I also wanted to contribute, with my experience, my education, and what I have observed from a foreign country. I came back just before the (2015) elections. (ITW 1)

As they relocated to the country, some political activists continued to enjoy strong international connections, both as they travelled abroad or through online networks, allowing them to pursue transnational campaigns or to seek inspiration and import mobilisation tactics back to Myanmar.

From the starting point of their reliance on transnational advocacy networks, and as they reorganised to occupy the newly opened space for dissent within the country, I sought to understand my respondents' goals and the strategies they applied to reach them. To do so, I unpacked their motivations, long term visions and hopes. Transnational activists have been described as having "fewer material constraints (...) and more freedom of manoeuvre" than domestic activists, making them the "archetypical global moral agents, able like no other to construct a robust and fully cosmopolitan universe of obligation". Despite the practical limitations they face (in resources or access), they are able to draw from various contentious politics and human rights toolboxes they have observed elsewhere to "pursue pragmatic and politically savvy strategies" at home (Ron, Ramos, Rodgers, 2005:575), and to mobilize transnational solidarity and influence. As they returned to Myanmar, their human rights practice narrowed down from past decades abroad, due to the constrained domestic context, but also became more indigenous as they creatively adapted them to the local context.

The white roses transnational campaign example: from France to Myanmar

In May 2019, Buddhist nationalists interrupted prayers at various mosques in Yangon, encouraged by the preach of ultranationalist Buddhist monk Wirathu. The MaBaTha movement, also known as movement 969, launched in 2014 and headed by Wirathu, was banned by the Burmese authorities in May 2017 and Wirathu was charged by authorities for hate speech against Muslims. Yet, its hate speech and discriminatory narrative towards the

Muslim minority⁷⁷, and especially the Rohingyas, continued to fuel attacks against the Muslim communities across the country. The adoption in 2015 of the four “race and religion protection laws”, added to the 1982 Citizenship Law, further enshrined discriminations against ethnic minorities.

In response to the May 2019 events, a group of civil society activists decided to distribute white roses to members of the Muslim community during the end of Ramadan's celebration in Yangon (Myanmar Now, 2019). The group was led by the Buddhist monk U Bandatta Seintita, best known as Asia light Sayardaw and by a peace activist, who led the campaign in Yangon. The campaign spread across the country and in 3 weeks, 15,000 white roses had been distributed in Mandalay, Sagaing, Mawlamyine, etc. Under the hashtag #WhiteRose4Peace, the campaign continued online as well (White Rose Campaign, 2019). When I interviewed activists behind the campaign, they explained that they wanted to ‘do something’ to show their solidarity with the Muslim community; that, as Buddhists, they felt a responsibility to show that social cohesion and social harmony was what Buddhists also aspired to. One person explained,

I got the idea that I wanted to do something to counter Wirathu, but I couldn't organize a protest in the street, people would never come out in the street. People don't want to go out in the street, they were quite fed up with that. (ITW 8)

They explained that they got the inspiration for the White Roses for Peace campaign while in France in 2015, a few months after the Charlie Hebdo attacks. Following the terrorist attacks in Nice, France, in July 2016, and after the assassination of Father Hamel in 2016 in Bègles, France, and across Europe during the “Hello we are Muslims” campaign in 2017, the white roses have been used as a symbol of peace between religious communities.

The white rose campaign also the inspiration came from Paris. I was in Paris after the Charlie Hebdo attack, 2-3 months after. I saw Muslim people, with

⁷⁷ About 5% of the population of Myanmar is Muslim.

*women wearing hijabs, giving flowers, white roses, to the passers-by, near the square where all the people gathered.*⁷⁸(ITW 8)

They imported the idea back to Yangon. These activists saw the stigmatisation of the Muslim community in Myanmar resonated with discrimination dynamics observed elsewhere in the world. At the same time, beyond kindness towards the specific Muslim communities they interacted with in Yangon, by adopting campaigns tactics such as the white roses symbol, they incorporated their actions into a broader framework of humanist values. While they imported the symbolic use of a flower campaign, they responded to a social cohesion issue they identified domestically and gave it global resonance. Transnational activism is a two-way street. Other scholars, such as Matelski (2016) have also investigated the strategies deployed by Myanmar civil society actors to engage with global human rights movements, to ensure their struggle would find an echo in international global human rights movements.

Transnational advocacy networks had been essential in sustaining Myanmar's pro-democracy and pro human rights activism during the 1988-2010 period. As described in chapter 3, civil society actors operated across the border to Thailand, as well as from major Western countries where activists had sought exile and where the diaspora settled down. Shortly after U Thein Sein's government era began (in 2011), various organisations re-entered the country to operate domestically. They continued to nurture transnational networks and to deploy mobilisation methods that were transnational in scope and effect, such as the white roses campaign. But mostly they evolved from an outward-looking transnational approach, aiming to mobilise foreign actors to respond to the situation in Myanmar during the 1988-2010 period, to an inward-looking transnational approach, borrowing from the international toolbox to operate domestically.

Almost immediately after the 2021 coup, as the pro-democracy movement faced brutal repression by security forces, activists re-organised and travelled back to rural areas, often ethnic areas, and crossed the border back to Thailand. While doing so, domestic actors reactivated a full set of methods they had used prior to the opening, such as naming and

⁷⁸ Interview conducted in January 2020.

shaming, global advocacy campaigns, resource mobilisation through the diaspora networks, etc.

Awareness raising

First, we have to change the mindsets, and then once they are open you can change more. (ITW 1)

My respondents would barely ever mention changing specific laws or policies as their ultimate goals. It quickly appeared from my interviews that what my respondents sought was more space and more social and political changes, primarily through changing mindsets. By creating an enhanced sense of political possibilities, making individuals and fellow activists believe that change was possible and that they were not alone in aspiring to it, they aimed to spark collective action. In practice, they invested in awareness raising activities to influence narratives and powers dynamics in the country,

Some protests might just be about awareness raising. So normally we organize this for that purpose. So, we just hand out leaflets and people get aware about it, they talk about it online, offline and we get back home safely. But anyway, whenever we organise this kind of public action, we always get online threats, and shaming, naming, everything, so that will continue. (ITW 6)

Awareness raising cannot be conclusive if it does not resonate in domestic politics. Supporting the emergence of a human rights discourse in Myanmar did not happen overnight. People used to whisper the term “human rights” until the early 2010s⁷⁹. Yet as the term became more common, it did not lose its sensitivity all at once. A respondent explained that when they created their organisation,

⁷⁹ Prasse-Freeman reminds us that “Burmese citizens navigate (...) foreigners with care”, as “the state inscribed potential for political challenge upon every foreigner”, hence the widespread whispering around foreigners or when talking about concepts perceived as foreign (2012:378).

In 2013, calling it the “Myanmar Human Rights and Business Centre” was very sensitive, so we went for “Myanmar Responsible Business Centre”, which is still a good idea. (ITW 23)

I often questioned my respondents about their use of the human rights language and toolbox, and how they perceived them to be helpful or detrimental to pursue their progressive agenda. Doffegnies and Wells had argued that “some activists (...) sought to strategically avoid human rights language in their public discourse” (2022:261) despite subscribing to the concept. I found that they appeared helpful in that human rights help connect them to a global human rights movement that would in turn help them secure international funding and support, as well as build momentum and place the country’s struggle on the global agenda. However, they were also detrimental in that they could be taxed of imported Western values that would not be understood or accepted in the domestic context and could raise legal hurdles. Government officials have always been uncomfortable with the mention of human rights, that were perceived as lessons imported from abroad. Human rights norms and standards continued to be the aspiration and the lens through which organisations monitored the government’s progress, but many organisations avoided using the term, framing their goals in a way that was less likely to antagonize the authorities, for instance talking about “responsible business conduct” rather than “business and human rights”.

If we talk about ‘human rights’, people, especially in religion, they are very sensitive. If we talk about human rights, they think we are against God, the bible, like that. They don’t want to hear about human rights or woman rights. Human rights education should also go to religious and political leaders. We are very far. (ITW 2)

Because human rights do not resonate in people’s everyday life, even the most prominent human rights defenders would tend to differentiate the language they use, based on their audience, reverting to a strategy of code-switching that I found prominent in semi-authoritarian Myanmar, and during my interviews alike (see also Doffegnies and Wells, 2022). For instance, one of my respondents [ITW 6] who regularly tweets in English and has grown very popular amongst the international audience of Myanmar observers, talks online of “freedom of expression”, “human rights violations” and “crimes against humanity”. Yet, as she explained, even if she believes in the spirit of human rights, she does not use the human rights language as such in her domestic advocacy (in local languages),

I am ok to use them, I feel comfortable, but I would not use the human rights because people don't have specific language under the human rights. I will try to explain to people in a simplified way, not just using human rights. But I mean human rights are not sensitive anymore. We organise Human Rights Day every year in the public area and nothing happened. (ITW 6)

Switching between an indigenous justice language and the international human rights language provided HRAs with both the ability to navigate stigmas and risks, but also to maximise impact depending on their target audience: mobilisation from domestic actors, and support from international ones. Doffegnies and Wells reminds us that Aung San Suu Kyi herself used a similar strategy, tying human rights to Buddhist concepts to reach her majority Buddhist audience (2022:253).

Not only religious or political leaders distrusted human rights in Myanmar, but they were also misunderstood within the politically savvy community. Myanmar is an ethnic patchwork, with dozens of ethnic groups and where ethnic tensions are instrumentalised by the military that seeks to impose its Buddhist nationalist agenda by pitting ethnic groups against each other. In that context, the universality of human rights is often questioned and rejected.

Here when people talk about human rights they actually talk about rights of that person, the self. I have my right to do that, but that person doesn't have that right. The universality of the rights is not accepted yet. Human rights, that concept is incomplete, people pick it up on the basis of convenience, including human rights activists, often they pick up, because the same human rights activists who fight for Kachin, the same person think 'let the Rohingyas leave the country' is ok. Very few cases where Burmese activists came on the streets. Recently, [prominent youth activist] and this kind of people, they are becoming more global, and that's a different motivation now. For her, [she] is getting lot of international attention, awards, and that inspires her as well. The concept of universality is not here for human rights issues, and also, it's like a one group they don't believe they have the same rights of other groups. That helps the military institutions to have power over everyone. (ITW 3)

Even the 88 generation of pro-democracy activists is often criticised for buying into this view. A high-profile social cohesion activist I interviewed explained to me, about the 88 generation, that,

We have different values; they don't believe in human rights. When we talk about human rights, they say "we are the ones who suffered from the violations", don't come and talk about the human rights. They would give very racist, very nationalist comments, and they don't understand Rohingyas. They fear the other ethnic people, the 135 groups, and also the Muslims, so I don't really trust them. They want to follow the national building. (ITW 8)

Overall, it became much easier to talk about 'human rights', even if not everyone had the same understanding. While human rights were no longer a taboo subject, their universality remained a challenging concept.

More than pushing for the realisation of specific rights, awareness raising activities and global campaigns often amounted to human rights education work. Organisations would organise large public campaigns on gender-based violence, voters' education or children's right to education. But as one respondent put it,

The public is not interested in political change, they are interested in the economic change, in their income, today, this month. (ITW 10)

A real tension between civil and political rights on the one hand and economic, social and cultural rights marked the whole period. As regimes that offer a trade-off between civil and political freedoms and economic development, SAR can be more sensitive to criticism of their economic track-record than of their political reforms. Pro-democracy and pro-human rights actors' role would often be to poke holes in the regime's narrative, seeing through the smokes' screen of economic development.

In a context of rapid changes, neglected influence of macro-trends such as insecurity or inequality (Edwards, 2011), and a globalisation of the news cycle, relayed by an exponential number of social media users, activists deploy a large array of innovative strategies to shed light on pressing human rights issues. Public mobilization has been a way to raise awareness, gain public opinion's support, used to then mobilize resources for a cause, should it be in the shape of international donors' funding, political capital or media coverage (Keck and Sikkink, 1998).

Mass mobilisation

One of the first successful mobilisation in the semi-authoritarian period was organised to halt the Myitsone Dam in 2011. An activist who had been active on the issue for years explained what they considered to be the reasons why it eventually got suspended by the Thein Sein government in 2011

Looking at Myitsone, it has to meet some criteria, first it has to be a national issue. Second, it should have an emotional story, so that people can relate. It also should have support of leading intellectuals' endorsement. The fourth would be national interest, you need to tell a story that this is not in the interest of the country. [ITW 18]

As the period progressed, it became harder to understand why some mass mobilisation efforts would be successful and others not. My interviewees brought up a sense of arbitrary in the government's reactions to mass mobilisation.

This is ironic because the topics that should be sensitive are not sensitive here. The topics that should not be sensitive are sensitive here. For instance, climate strike. We are one of the least green countries, and all the crony people in the government are chopping down all the trees, they're totally guilty. So, while we organized the climate strike, they should be super guilty, and super sensitive with this, because we are pointing out their policy failures, the cyclone Nargis consequences, people still have those memories, it's ground-breaking but they don't care, because it's a global strike. Many people are striking against the global trend, so they let it happen, even many foreigners joined in. It happened 3 times already and nothing happened. The climate strikes were organised by the most radical young and they don't really care because it's about climate. (ITW 6)

In September 2019, hundreds of people marched in solidarity with the Global Climate Strike, in what was at the time one of the largest *peaceful* demonstrations of recent times. This happened despite the ban that remained imposed on demonstrations in central Yangon (a move by authorities "to avoid public inconvenience" (Su Myat Mon, 2019) ahead of a visit by Pope Francis to Myanmar in November 2017, as described in chapter 4).

Similarly, events to celebrate pride were held as 'early' as in 2013 in Yangon and Mandalay. In January/February 2019, the 5th edition of the LGBT festival *&Proud* (Win Zar Ni Aung & Hein Ko Soe, 2019) was organized in Yangon. Renamed the "Yangon Pride" to align with the global

pride movement, it was a frank success. Free concerts, exhibitions and events were organized both publicly and peacefully across Yangon, and a movie festival was hosted by the French embassy. All the while, homosexual relations are still criminalized by a colonial era law⁸⁰ in Myanmar.

As the respondent 6 above mentioned, there does not seem to be a clear connection between the scale of a mobilisation or the nature of the criticism and the regime's reprisal. Thousands of people can demonstrate freely in support of climate change without being bothered. Respondent 6 seemed to imply that the more global the cause, the least interest it raises from the military, who remains focused on domestic affairs, and is not responsive to international pressure or shaming.

Mass mobilisation raised several challenges in semi-authoritarian Myanmar. First, with a history of protests rooted in economic grievances, the regime continued to perceive mass mobilisation as a potential threat to its legitimacy as a regime that offers a trade-off of stability and economic development against civil and political freedoms. Second, as the space for political dissent opened, mass mobilisation gave human rights advocates both protection and momentum. With the February 2021 coup d'état and a spike in regime violence, we observed a transfer from offline mobilisation to online mobilisation.

Burke (2014) argued that most protests in recent years have not formulated rights-based grievances, but rather that the leading cause of worldwide protests in the study period 2006-2013 is "a cluster of grievances related to economic justice" (2014:28). In the World Protests 2006-2013 project, researchers analysed over 800 protests in 84 countries, covering 90% of the world's population. They cross referenced main grievances, demands, methods used, achievements, participants, targets, and the repression they met, to look at the drivers of social unrest in the 2006-2013 period, around the 2008 global economic crisis. In large, researchers conclude that the roots of broad economic justice grievances sparking social unrest can be "found in a cluster of grievances pointing to a failure of political representation"

⁸⁰ Section 377 of the Penal Code.

(Burke, 2014:28), i.e., a crisis of political systems and the lack of democracy to ensure economic justice and meet economic needs. Better governance, better representation, and universal direct participation are requested by protesters who are fighting not only for strong institutions able to defend freedoms and liberties, but for the improvement of their living conditions. Protests due to unsatisfying economic living conditions have been common in Myanmar and have often snowballed into political grievances against the governance system of the country.

The government doesn't really care how strong you are. In my experience, I released a statement that was supported by more than 600 organisations, the whole country, it didn't happen anything. The government can feel bad, they can feel pressure, but they will say "we are supported by 70% voters".
(ITW 6)

The regime's reaction to protests can be determined by the extent to which it challenges its legitimacy. Refusing to engage in healthy democratic debates, the government often dismissed criticism, here hiding being elections results.

During the semi-authoritarian phase, public, large-scale strategies appealing to a wide audience became a regular occurrence in Myanmar's public space. They also enabled human rights defenders to maintain a certain level of protection from state repression. While it became routine response from local police authorities to arrest the handful of official leaders of public demonstrations, their faith would also be known to a large number of participants, often beyond Myanmar, enhancing their protection.

In chapter 4, I retraced the historical symbolism of mass mobilisation in Myanmar, and how mass mobilisation has long been both one of the very few mobilisation tactics available for dissent, and at the same time a last resort strategy repressed with the outmost state-sponsored violence. Tens of thousands of young Burmese taking the streets in February 2021 at the sound of the 1988 chants that most of them had never heard before raises the question of historical continuity in the struggle for democracy in Myanmar, and the essential role of mass mobilisation in recent political shifts. Following the return to authoritarianism with the 2021 coup, mass mobilisation shifted from offline to online platforms.

Information politics and framing strategies

Building on Brysk's typology of tactics of influence: "information politics" and "symbolic politics" (Brysk, 1994; 1995), Keck and Sikkink developed a broader typology of four tactics deployed by transnational actors: information politics, symbolic politics, leverage politics⁸¹ and accountability politics (Keck and Sikkink, 1998:16). As Civicus's Secretary General Cesar Rodriguez Garavito (2018) argued, in the face of criticism and denial of human rights from populists-nationalists, the real question for human rights actors is rather "how to build counter-narratives that influence effectively public opinion and citizen perceptions about rights and about those who defend them". I presented in chapter 3 the debate in the literature on human rights in Myanmar over the ability of the human rights language and toolbox to frame domestic struggles. The use of human rights language in Myanmar has been studied, especially around the central concept of framing. Buzzi (2017) studied the choice of human rights reports to frame the fight for democracy in Myanmar during the period 1988-2011; Matelski (2016) looked into the range of frames used by opposition forces whether they adopted a reformist or frontal opposition agenda, and Doffengnies and Wells (2022) covered the vernacularisation of human rights language and the various meaning it took – from rejection and hybridisation to avoidance in recent years (2015-2021). As a result of focusing either on service-delivery – domestically, apolitically, or on advocacy – transnationally, often illegally, Myanmar's civil society has struggled to make essential linkages between economic, social and cultural rights claims and civil and political ones. Actors adopting the human rights language have often done so to frame their civil and political agenda, for the benefit of a mostly western audience, while failing to apply such language to local revendications of essential rights provisions for a mostly rural, poor population, therefore missing an opportunity to frame the fight against a (semi-)authoritarian regime as a socio-political one (Prasse-Freeman, 2012).

⁸¹ Human rights groups are calling for mechanisms to link foreign aid to recipient human rights' records (Uvin, 2004:56-82).

Indeed, non-state-actors engage with information politics by providing testimonies and facts (i.e., information) that allow a reframing of issues, all the while maintaining their credibility as technical experts (Keck and Sikkink, 1998:19). Thomas names this a strategy of “promoting change by reporting facts” (Thomas, 1993). The role of Myanmar’s exiled media in progressing information politics to promote democracy in Myanmar has been extensively covered (Brooten, 2013, 2016; Pidduck, 2012; Banki, 2016). The *Journal of Human Rights and Democracy* published in Burmese from 2013; DVB (which moved back from Norway to Myanmar and Thailand in 2012); *Mizzima*, produced from India or *The Irrawaddy* have all played essential roles in disseminating information about Myanmar and holding space for counter-narratives. Numerous CSOs adopted the codes and methodologies of international human rights organizations as they sought to monitor and report on human rights in their country.

However, as the United Nations Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee wrote in a 2015 report, “it is not uncommon for persons making allegations against the military to be subject to criminal proceedings for defamation or providing false information” (Lee, 2015). As described in chapter 4, defamation became a widely used defence strategy for the government. As a result, and as described by Levitt and Merry (2009), local human rights activists often resort to framing their claims using concepts that resonate with local understanding of rights, justice and democracy, for their safety and to avoid being perceived as foreign agents, sometimes “abandoning explicit references to human rights language altogether” (2009:448). One of the results of this war on information that the regime led against its political opponent, is that it loses sight of current domestic affairs and can get blindsided by their own narratives.

Naming and shaming

The ‘naming and shaming’ strategy, that consists in evidence-based public denunciation of a regime’s behaviours and track-records, remains the key mechanism for human rights change, for both human rights organizations and scholars alike. It is at the heart of the work of most international human rights organisations operating in and on Myanmar, such as Human Rights

Watch, Amnesty International, Fortify Rights, Global Witness and others on the one hand and Sikkink, Keck, Risse, Ropp on the other hand. Buzzi shows how human rights reporting has evolved from 1988 onwards as a discursive genre framing political change and mobilization in Myanmar (2016). She demonstrates that “over time, reports acquire a strong legal focus as international human rights categories are used to name” and shame (2016:220). She argues that adopting human rights research and documentation as a denunciation strategy allowed to “establish a direct link of accountability for the state”, “shift[ing] the burden of shame away” from victims to government and soldiers, and eventually gathering international attention to support the end of conflicts and human rights violations (*ibid*, p.221).

Yet in semi-authoritarian Myanmar, this strategy had highly limited impact. Firstly, military regime officials have made a habit of not engaging with naming and shaming strategies by human rights advocates, not buying into the “system of morality that assumes human rights violations must be stopped” (Buzzi, 2016:223). They would not respond to demands of interviews by international human rights organisations, refused to engage with reports findings and denouncing press releases, privileging silence, blanket denials to any and all allegations of violations and vague statements barely acknowledging the criticism. Regardless of their success in changing governments’ behaviours, naming and shaming strategies do play an important role in reclaiming truth telling and providing alternative narratives to the government’s.

Beyond naming and shaming strategies (Hafner-Burton, 2008; Ron, Ramos and Rodgers, 2005) or strategic litigation (Vanhala, 2009), Richard Price had already argued that the next research wave should look into “a more conditional understanding of the circumstances that facilitate successful social movement actions” (Price, 1998 in Busby, 2010:6), to answer the following question: “*why do some campaigns succeed in some places but fail in other?*” (Price 2003:596; Busby, 2010). He encouraged more research into the political context of human rights practice, a gap that this project is contributing to fill. My respondents did not perceive this strategy as relevant to move the needle on human rights track records, and even feared it as counterproductive. In chapter 6, I detail the criticism and allegations that would trigger a regime reaction and repression.

Solidarity networks

I looked for solidarity ties in my respondents' answers, aiming to understand how they positioned themselves in the human rights landscape, and who they considered their supporters or their opponents. Solidarity connections are both essential mechanisms to sustain the pro-democracy and pro-human rights movements' activities, and to understand the coping mechanisms deployed by human rights advocates to mitigate the risks that their activism exposes them to (see chapter 6).

Asking an interviewee if they felt their reputation was a liability or an asset, they explained

You can be more targeted if you stand out, but at the same time it will create a kind of protection mechanism, because if something happens to you, it becomes a pressure to them, so I take it as both, but we need to be careful with everything. (ITW 6)

Initially adamant that some groups might be natural allies or share common strategies, I asked all my interviewees for their inputs. As I ended all interviews asking my interlocutors to if they could recommend anyone else I could speak to, I was hoping it would help me map out connections between organisations and their strategic positionings. It did not. As one respondent put it,

There is no national process to bring us together, so in my personal interest I still keep in touch with others, but as an organisation, that is more silos, people working on emergency they are a group, some organisations working on a policy development process they are one group, some working on ethnic rights, democratic struggles, they are another group. Some groups focus on extractive industries. So, it is more subgroups rather than us coming together. (ITW 3)

While it appears that cross-organisations solidarity rarely concretises in formal joint work (or statements), I observed that most active human rights advocates did form a (small) tight crowd. Yet the most prominent activists were only a handful, and remained very exposed,

When I said something sensitive for the first time, actually I was late to criticise – I thought somebody else would do it, (...) they are many others senior people who understand more than me and they would say something. But actually, I realize I was the first one and I got a lot of backlash and backfires, and that created a lot of space for the other activists who wanted

to say the same thing. People continued to talk, to warn the leaders, that's a good thing but I am wondering why it was me. People already criticised her [ASSK], first year, second year, and I was listening. I also thought she [ASSK] wasn't doing right, nobody was speaking loud and once I did that, I was the first. That took a lot of courage, of confusion, I thought "am I alone"? (ITW 6)

Various social movements were active in the region at the time of this study, from Hong Kong to Taiwan or Thailand. While many philanthropic foundations, diplomatic actors and INGOs were fostering ties between pro-democracy and pro-human rights actors across the region, none of the activists I interviewed highlighted a conscious systematic attempt at strategizing jointly. A prominent feminist activist told me she met Nathan Law, the leader of the pro-democracy movement in Hong Kong, and that they had talked a lot. Now they tried to keep in touch, but she explained that they were "so busy", making it difficult. I understood this to mean busy fighting at their respective domestic level, as their interest to seek international networks was mainly for purposes ranging from inspiration and moral support, to resource mobilisation. Another high-profile activist told me,

I have some friends working for the strike in Hong Kong and in Taiwan, but we don't talk much about strategy, I just morally support them. (ITW 8)

The vision that they were fighting the same fight, in favour of social justice, democracy and human rights was however very present. Yet, it appeared that they saw their own domestic context as the main playing field.

What started with an assessment of who my respondents perceived as being their targets, allies or enemies, actually helped me understand how HRA positioned themselves in relation to the state and to address the underlying inquiry that they were in a 'fight against the state'. Efforts by HRAs to occupy public space, to gain legitimacy and credibility to have their voices heard in the public political arena remained a central element in their conscious positioning.

Beyond mobilisation strategies, a connection to international high-profile institutions or individuals is also perceived as both a gate opener and a protection,

I got detained in Cox's Bazar in Bangladesh once, and before I go, I had a meeting with the EU ambassador and I told him what I was doing and he gave me an advice: take a photo with me and put it on Facebook, if anything

happened, this will help you. When I got arrested, they took my phone, checked everything. I was detained about 3 days. They saw the photo with him and asked me “are you friend with him?”: “I am friend with every ambassador in Myanmar”, after that they let me go.

-So, it helped! (me)

-But not in Myanmar. (ITW 8)

Beyond individual connections and friendships, not only did I not find solidarity amongst civil society actors or aligned strategies, but I also actually uncovered some tensions. Competing priorities emerged between domestic civil society, global movements and transnational civil society, as the relationships were at times tarnished by resentment and suspicion towards individuals educated abroad who found themselves torn in between two cultures and were perceived at home as importing foreign ideas to Myanmar.

Generational transmission between activists has been key to ensure strategies and networks would live on. Quite literally, during my interviews with activists on the ground, I observed that they self-identified as “generation 88”, generation 2007, 2015, etc. They would list for me their track records of activism and they all mentioned their links with representatives of different generations of pro-democracy activism, going all the way to 1988 protest leaders receiving trainings from the leaders of the non-communist demonstrations in 1975-1976, as they held workshops to share strategies and tactics of protests and media relations (Boudreau 2004: 197).

In an attempt to conclude on the influence that human rights advocates managed to have over public affairs in semi-authoritarian Myanmar, I would argue that while there was space for activists to engage with some of the policy changes initiated by the regime, to make their positions known to both the state and international actors, and overall to protest more openly – they did not manage to secure influence over issues creation or impose their priorities in terms of agenda setting. State behaviours appeared to remain impervious to external pressure from the civil society. While HRAs attempted to apply the human rights toolbox to the semi-authoritarian context in Myanmar, I demonstrated how most traditional strategies were not successful at moving the needle on human rights. In spite of the constraining

environment, activists did deploy their repertoire of contention, with what seemed to be a common ambition to slip into the breach created by regime change, to occupy the same for dissent they had just been granted.

Despite this mixed record, I demonstrate in the next section how human rights strategies did vary widely during the period. While some actors engaged into lobbying efforts, positioning themselves as experts in their respective fields, others opted for frontal oppositions, either because of lack of access (many locally rooted NGOs did not have such access and still relied on social mobilizations tactics such as small march and protests) or because of their choice of naming and shaming techniques to denounce the regime's actions. Regardless of their level of engagement with the state, most actors were keenly aware of the possibility of triggering repression and looked for ways to cautiously navigate the space for dissent. To them the looming threat of a military crackdown was real and would represent a step back in the political space opening.

Repertoire of contention between capacity and willingness: a spectrum of engagement with the state, institutions and policy making

Democratic forces in Myanmar, both political groups and civil society organizations, have long shown a large diversity of tactics and strategic positionings. Strong political governance alternatives or agendas have not been able to emerge clearly amongst the opposition, that has mainly been forced to define itself in opposition to the state and has not succeeded in imposing its own political vision and reformative agenda.

While many civil society actors historically “[did] not contain the political goals that external observers project upon them”, their strategies of mobilisation have always constituted a spectrum (Prasse-Freeman, 2012:382). Civil society organisations' missions ranged from 1) service delivery; 2) capacity building; 3) advocacy for systemic change and 4) collective mobilisation for change (Korten, 1990). Some civil society organizations have shown that while they do perceive the constitutional and institutional frameworks as deeply flawed, they are willing to engage on specific issues related to their expertise to progress policy change. Other activists, often those groups with stronger pro-democracy political claims, have found

themselves in a more frontal opposition with the government, as they refused to engage with a system and its institutions under the 2008 Constitution perceived as the cornerstone of a deeply corrupt system. They advocated for a systemic reform as a pre-requisite to any further engagement with the government on specific policy issues.

Even though service-providing CSOs and political activists both saw little prospect for substantial change in the foreseeable future, they adopted opposite (yet, I would argue, complementary) strategies: where the former chose to remain non-partisan⁸² and to focus on small progressive wins in their respective fields of expertise; the later fully embraced a revolutionary agenda, and openly opposed the regime as a system to reform. However, even those CSO who attempted to pursue a policy dialogue, building platforms to enable consultations, making their expertise available through roadmaps and action plans, remained side-lined by the NLD and other political parties, that failed to tap into civil society's expertise and representativity. Following an initial period of emergent dialogue, most CSOs found themselves muted, and soon ignored (and often repressed) by the government.

In that context, I identified 3 main strategies adopted by various groups of the civil society:

- **Engagement** with the authorities at all levels (Pyidaungsu Hluttaw, the State and Region parliaments and local government) to influence from within and attempt to weight on thematic policy reforms, resources allocations and accountability mechanisms;
- **Opposition**, either targeting specifically the Tatmadaw, the NLD, or the quasi-civilian government as a whole;
- **Transnational advocacy** towards the international community, in an effort to sustain international pressure against the regime (as described in the *spiral model*);

⁸² See Bächtold (2015) on removing international development and peace from the political realm and the technocratisation of international aid.

In order not to dilute the nuances and complexities of ethnic nationality civil society movements, I will leave ethnic human rights agendas outside of the analysis below (for more on ethnic mobilisation, see Bunte, 2019; South, 2018).

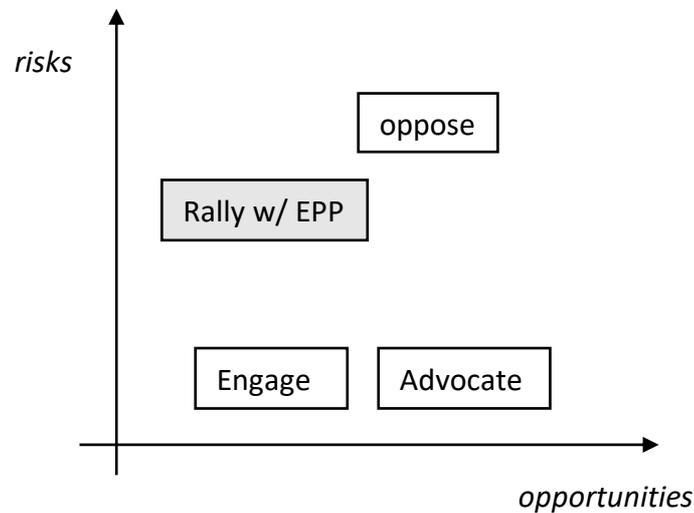


Figure 8. Strategies of engagements: risks vs opportunities (diagram)

As described in figure 8, all 3 strategies brought different risks and opportunities and aimed for different targets. As predicted, safer strategies opened less opportunities to broaden change. While the riskiest, an opposition strategy is the one that would be most likely to bring change. These high risk-high opportunity mobilisation strategies are a defining feature of SARs, where space for dissent is limited and constrained, but opportunities are real.

Table 4 below summarizes each strategy’s associated risks, opportunities and targets.

Strategy	Risks	Opportunities	Targets
Engage	Very low, main risk is to obtain solely progress at the margins and to be muted out of the bigger reform debates	Real concrete wins can be obtained, thematic expertise is recognized, change is slow but embedded in institutional reform.	The state administration. However mainly civil servants, and lower administration ranking officials at union level are accessible. Real decision makers are not open to engagement.
Oppose	Very high, extremely harsh violations and sentences are likely. Polarizing and hard to gain popular support due	Free political speech, through (traditional and social) media coverage, a wide audience is likely to	The regime as a whole. Attempt to push for systemic reforms.

	tactics perceived as aggressive and/or illegal.	be reached, including internationally.	
Advocate towards the international community	Risk of being portrayed as betraying Myanmar's culture and religion, by importing foreign values (such as human rights).	International support can be secured, especially funding, but also opportunities (education, speaking opportunities and trainings abroad for instance), international pressure to domestic actors can lead to change (spiral model).	International human rights community (mostly Western, but not only); transnational actors.

Table 4. Strategies of engagement: risks vs opportunities

The evolution of interactions between the regime and social and political dissidents

It is undeniable that the 2008-2021 period was marked with an unprecedented space for social and political dissident.

Activists or youth or politicians, they speak quite openly. Before, only the outside people could speak. (...) [T]hey need to make sure they don't go against the current government, but they speak more than before. (ITW 1)

In a context of political reforms, I perceived that while my respondents had all integrated that the rules of the game were changing, and they were keen to break the gates open and engage with the authorities and institutions, they were also keenly aware of how precarious the political opening was, and thus they remained cautious,

It's so weird this tension between the state and activists. They're just trying to say what they want to say, and the state is just 'NO'. Some issues can be seen as anti the state, but for instance the peace protests: people are literally just calling for peace. Even that is sensitive. It's weird what is allowed, what is not allowed. And maybe it's because of the labels they put on people. If someone is already known as an activist, there is a greater chance whatever the causes they stand up for, that they would get in trouble. Sometimes what they say is not too different than what the state is saying. (ITW 9)

The above quote summarizes some of the questions I asked myself as I started analysing the empirical data I had collected. It apparently raised two main puzzles:

1) How are HRA adapting their strategies to navigate opportunities and risk in their fight against the state? The whole concept of social and political “dissidence” means that one is breaking off with the main state narrative. There are many ways to do so, from engaging with the state, through its institutions, all the way to contesting power while running for elections for instance.

2) What exactly was triggering state repression? Initially it appeared that repression was often not as much about **what** one said or did, but rather about **who** said or did this, and **who** was the target of the criticism.

While analysing interviews data, I started drawing a timeline of my respondents’ engagement with the state and its institutions. Interview after interview, I sought to reveal the lines not to cross, and what was considered sensitive. Keeping the frame of regime change presented in chapter 3 in mind, I placed anecdotes and accounts of engagement throughout the period 2008-2021, and it quickly revealed that this period could be broken down into 2 sub-periods: 2008 – 2015 (military-turned civilian government) and 2015/16 – 2021 (quasi-civilian government led by the NLD).

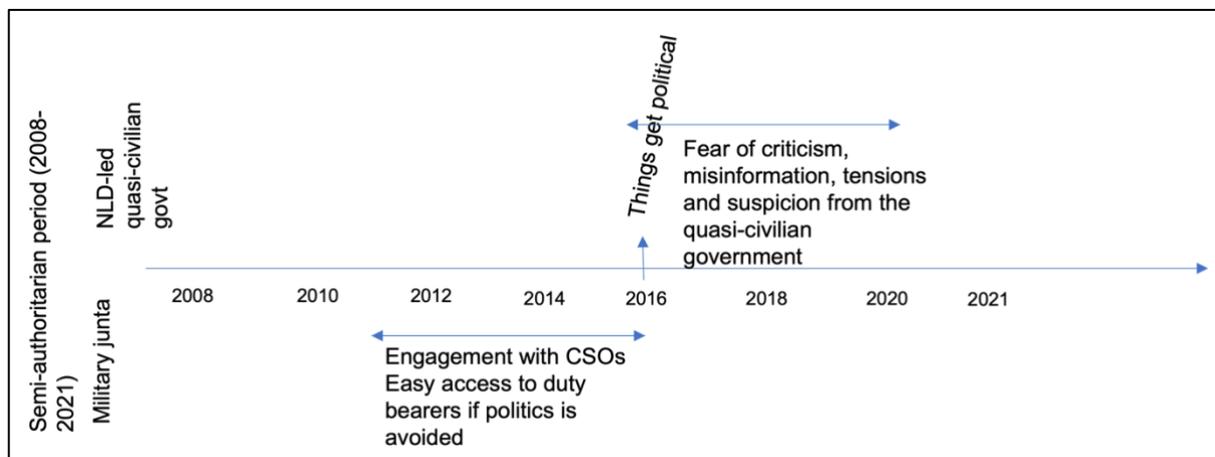


Diagram 1. Timeline of regime's openness to engagement

Under the Thein Sein government (2011-2015), there was an important engagement with CSOs. The space to express dissent was limited, but as long as you avoided political sensitivities, access to decision makers – while not a determinant of the likelihood of success of policy change, was possible. This prompted me to draw a second non-exhaustive, illustrative spectrum, to map out the sensitivity of certain claims and topics, on the basis of

my interviewees' analysis, which will feed into a broader discussion of triggers of repression in chapter 6.

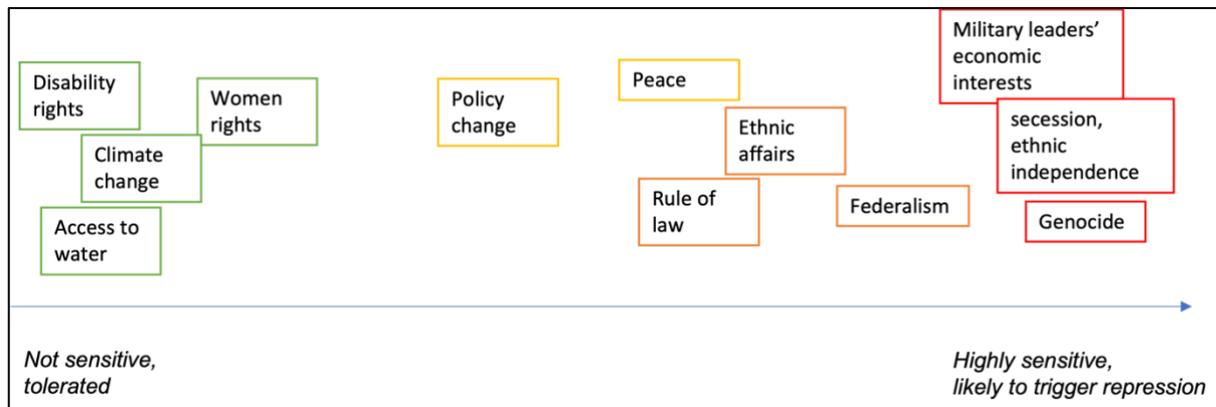


Diagram 2. Spectrum of sensitivity per mobilisation topics

In the early 2010s, human rights advocates, encouraged by recent political transformation and the opening of the political space, were initially keen to engage with the state and its institutions. With the NLD's accession to power following the 2015 general elections and ASSK's new role as State Counsellor in April 2016, things got 'political', and suspicion quickly grew between decision-makers and civil society actors. One could speak up, yet access to state institutions drastically reduced. Whether by fear of criticism, of misinformation, or to avoid ridicule, most governance actors (most of them led by the NLD, but with the military still in control of important fields of public affairs) froze most interactions with CSOs.

Many activists and organisations invested a lot of time and energy into the 2012 and then 2015 elections campaigns, educating the general public about their voting rights, supporting progressive candidates, monitoring electoral practices across the country. Their efforts culminated in the NLD's landslide victory in 2015, initiating what they hoped would be a transformation period. In 2016, the NLD came to power with three self-proclaimed priorities: to further economic development, conclude the peace process, and achieve democratization through institutional reforms (and a decentralization process, highly connected to both the peace negotiations and the democratic reforms). As Freedom House also pointed out,

2015 and onwards really marked the change. Before that, people reached to ministers, and if you wanted to meet, you had to pay. Now the relationships are better, information also, spread is better. Government

body, some of our friends, even in the MP, their background is CSO and NGO level, so they listen to the people. (ITW 2)

Progressive MPs sometimes helped open doors for activists to engage with the authorities and the institutions,

Sometimes when I organize conflict prevention activities, I have to tell all the authorities from the townships, then MPs are the key players, they are connected to everyone. When we convince them, it is very easy for them to help, that is how we work with them. (ITW 8)

The peace process initially entered a new phase with the NLD quasi civilian government, even if it later stalled again,

At the beginning the people who took part to the Panglong conference, they thought that it created the space, that they can come and talk about the constitutional reform. (ITW 2)

Quickly, activists realized however that this civic space they had hoped for did not materialize. As CSO representatives got elected to parliament and accessed public functions under the NLD banner, they had initially allowed to open a dialogue with the state institutions they represented. However, they found themselves soon marginalised from the law-making process that remained driven from above. Interactions between civil society and government representatives mainly relied on interpersonal relationships with friends or ex-colleagues now engaged in politics, and access remained uneven.

As described in chapter 4, defamation lawsuits against activists grew under the NLD government – which contributed to a certain disappointment from civil society actors with the NLD government that they hoped would open the door for wider participation and consultation with civil society representatives. A group of small but high-profile activists who once were firm believers that ASSK would lead to the change they wanted to see for their country, has grown very disillusioned with her and the NLD, and voiced strong condemnation of the NLD's politics.

Everything changed with her [ASSK]. If you compare her speeches of 88, 90, everything is totally different. We thought she was a moral leader. The whole world portrayed her as equal to Dalai lama and Desmond Tutu and other moral leaders, her reputation was so high. The world was wrong. We

didn't know she would change her moral value for her political vision. She is a politician. (ITW 8)

This is a key observation for semi-authoritarian Myanmar. ASSK herself had long reframed her struggle as one of a politician rather than a HRA (DVB, 2013). And as the space for dissent opened, the leading democratic force of the past decades that the regime had just opened up to, the NLD, became the agent of repression. For the longest time, pro-democracy mobilization meant a pro-NLD stance, yet quickly, civil society actors understood that the divide with the NLD leadership had grown too deep.

If we compare with 2010, the previous [Thein Sein] government I didn't like them, they used nationalism as a weapon, to create instability and impose racist laws. But the civil space and the role of activism and civil society, we had somehow a position in the previous government, but in this [NLD] government the role of civil society in practice is worse, we can't even practice our freedom of expression, because they are even more oppressive. (ITW 8)

There was a sense that ASSK and the NLD had made the strategic choice to stick together with the Tatmadaw, a process accelerated by the western international community's unanimous decision to turn their back on ASSK, stripping her from her past awards and recognition,

ASSK is trying to make friends with the army to ensure her togetherness with them. If NLD is together with the army, we will be in another form of democratically elected dictatorship. (ITW 8)

This highlights another important idea for SARs: as the regime opened and transformed, the civilian government found itself caught in the middle between the military regime and activists (see Gandhi and Przeworski, 2007 on the co-option of opposition forces by (semi-) authoritarian regimes); and risked becoming compromised as it might attempt to keep the regime from using heavy repression against activists, and from conducting further human rights violations.

As a result, by the time the 2020 general elections campaign started, there was resignation amongst many of the activists I interviewed, who felt at loss of alternative. As one respondent put it,

Maybe they will understand by then that the NLD is weak. But if not the NLD, then who? (ITW 8)

Engaging with the governments' reform agenda – two case studies

Earlier in this chapter, I highlighted the diversity of the repertoire of mobilisation deployed by human rights advocates. Human rights advocates are a complex, diverse group, with different strategic approaches and agenda to influence the successive governments (see also Matelski, 2016). This thesis aims to highlight the importance of contextualising human rights strategies in semi-authoritarian contexts to fully understand how they adapt and evolve over time and in connection to ongoing political transformations. Beyond the diversity of actors, and the diversity of strategies they deployed, I argued in the previous sections of this thesis that the human rights landscape also evolved throughout the period studied. To some extent, and rather counter-intuitively, human rights advocates felt more constrained under the NLD's government (2016-2021), than they had been during the Thein Sein era (2011-2015). It appeared that what had initially started as a genuine opening of the political space soon backfired. As mistrust between decision makers and advocates grew, the repressive spirit of the legal framework took over and the freshly opened space for dissent became more heavily controlled.

I chose to detail below two brief cases studies, that I believe best highlight two very different paths of engagement with the reformist agenda throughout the successive governments in the 2008-2021 period. They perfectly illustrate the complexity of the semi-authoritarian context and its rapidly evolving power dynamics on the one hand; and on the other hand, the adaptability and resilience of engagement strategies both amongst civil society actors, and from the same actors over time.

The first case focuses on a disability and health activist, with a very strong expertise and an NGO background, who initially chose to engage with the Thein Sein military-turned-civilian government, to help shape health policy reforms, and whose belief in universal human rights eventually fired back. The second case follows a youth group whose members' political dissidence is rooted in student activism, and whose radical activism strategies landed them

in jail several times, including under the quasi-civilian government – which did not discourage their allegiance to the NLD and ASSK herself.

Case-study 1: a health activist's engagement with health policy reforms, 2006-2022

The mini-case-study below on health rights reflects on the path of a health activist and researcher I interviewed several times for this research. Tin Mya⁸³'s career path as well as the stories they shared with me detailing their interactions with the successive governments illustrate the challenges they, and others – faced in attempting to progress the human rights agenda during the semi-authoritarian period.

Tin Mya's career in the non-profit sector started in 2006, as they put it, they were *"caught up with the human rights starting 2006, especially NGOs working on development"*. At the time, while they were *"very interested and intrigued by the ideas of human rights (...), the international perspective about the Burmese government was not good"* and *"it was quite challenging for most of the NGOs to work with the government in terms of advocacy, consultation"*. Tin Mya was involved in emergency response activities following Cyclone Nargis, and they saw first-hand the change that came with that turning point in 2008. To them, the military-led opening occurred for two reasons: first, because the natural catastrophe's consequences were so dire that the military regime could not afford to decline support from the international community, and second the constitutional reform served to secure its power in the long run. Tin Mya's initial engagement with human rights was through human rights education activities. They started promoting human rights in the country, conducting awareness raising trainings, but their work was very risky: *"at the end of the day, people would come knock on [their] residential door and ask questions: who [were they] working for, etc. It was quite challenging"*.

⁸³ Names have been modified. Gender-neutral Burmese names, as well as the "they" pronoun were chosen to enhance security of my respondents.

Tin Mya and their organisation therefore decided to adopt *“a different approach to educate people about human rights through other topics, to avoid unnecessary complicated political situation”*. They founded in 2008 an organisation dedicated to promoting health inclusion, which they saw as a non-sensitive topic through which to enter the broader human rights realm. Tin Mya explained that *“the government was quite receptive at the time because it was not political. There was no political agenda around this issue”*, so through evidence-based advocacy, and because it responded to the government’s appetite for international recognition, they managed to push the issue through to the highest sphere,

We brought up the human rights agenda this way (...), we talked about disability inclusion without mentioning any political words. We met with the law drafting committee, and I was presenting some research findings, about how huge the gap was, disparity due to disability. We were just providing facts, findings, evidence, simply saying that they were marginalized, that they ignored them and that their rights had been denied. But we didn’t necessarily use that word. We used statistics and figures. They started to realize children with disabilities needed to go to school too. And then we promoted employment opportunities, we started saying they had to accept war veterans as MPs, and then we said war veterans also had disabilities and they should be integrated. That’s how we did it. (ITW 7)

The Thein Sein government ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) on 7 December 2011, a perfect example of a tactical concession described in stage 3 of the spiral model (see figure 4). Disabled People Organisations (DPO) had successfully managed to frame the issue of disability to avoid political sensitivity, while appealing to the government’s ambition to appear reformative and improve its global human rights reputation (and low rankings, see chapter 4).

Once you sign up a Convention there is an incentive at the international level. (...) So, they looked at this incentive and they were quite willing to get onboard the disability agenda, even though they didn’t really understand what the UN CRPD means, and they were vague on the concept. But somehow, they managed to sign up for it, and then they tried to develop a law, and that’s where we brought in some international experts and had consultative meetings, and there we could openly discuss about human rights. That’s where the reluctance begins.

A tripartite consultation with international experts, the government and DPOs was organised, to discuss concrete steps to implement the UN CRPD and to develop a national plan of action to implement disability rights in Myanmar. Discussions around universal health coverage, social protection, public services, taxes and social benefits, raised many tensions, and it took 5 years to come up with a draft disability law in 2016.

Tin Mya remembers that period (2011-2016) as a time when

The relationship with CSOs and the government was fair, they had good policies, and we were discussing many agendas. The discussions were vibrant, although we didn't have concrete solutions. It was easy to raise up issues, and to engage with the government. You could just call up the government or send a letter and set up a meeting.

When ASSK and other NLD members got elected to Parliament in 2012,

it was still easy to engage with her and try to convince her about people with disabilities. The relationship with CSOs and the government was fair, they had good policies, and we were discussing many agenda.

The NLD was open to engage, and openly supported the activist movement and the student unions. As the country opened up, new opportunities appeared for civil society actors, and Tin Mya went to study abroad. For a few years, while abroad, they kept in touch with most of the Ministers and the Directors General (DGs) of the Department of Social Welfare (DSW), with whom they used to have very good communication, *"they wrote up to [them] asking some questions and references from the library"*.

"After that [the activists] tried to shift the focus from disability to human rights", and that is where both their human rights campaign and Tin Mya's career derailed.

After years of carefully navigating sensitive topics under the Thein Sein government, Tin Mya had believed things would change with the quasi-civilian government in place. They became more comfortable publicly expressing their political opinions.

In 2017 when the Rohingya issue happened, I was pretty vocal about the Rohingya rights, on Twitter, Facebook, I wrote up an article for [a big international news outlet], I was saying that ethnicity is a socially constructed ideology, and that this agenda should not be a political debate.

The situation faced by the Rohingyas was not the only political issue Tin Mya commented openly. They were also very active as debates emerged around amending the 1949 Suppression of Prostitution Act in 2018. The text criminalized prostitution, and Tin Mya's perspective was that

as long as we criminalize prostitution, the violence against women cannot stop, so I was promoting the idea of decriminalizing the prostitution, and I wrote a letter to the Ministry, a policy brief, explaining that the categorical sort of argument against prostitution being criminal is not the way (...), we could regulate that (...) from a social rights perspective.

But once the NLD got into the government, their mindset towards individuals and CSOs pushing for the human rights agenda shifted. They noticed that *"after April 2016, when the NLD got into power, they were suspicious"*. Their relationship with government officials worsened.

When they returned to Myanmar, the law for people with disabilities had finally been endorsed (in March 2018), and the government formed a National Committee on the Rights of Persons with Disabilities, where CSO representatives and government bureaucrats were to come together under the leadership of the Vice-President, to implement the UN CRPD.

They didn't have much technical support, so DFID got the idea to support with a technical team, and DFID asked me to lead the technical committee. I said yes, that was the whole point. But the Minister asked them to remove my name from the MoU.

At first, Tin Mya could not think of a reason why the Ministry would reject them from the project they had spent close to a decade working on, especially now that they had consolidated their expertise with further education. Then they realized the government was not happy with their public stands on various human rights issues, on top of which the situation in Rakhine state; *"most of my colleagues told me not to get too involved with the Rohingya crisis but I couldn't help it. (...) I didn't hide that"*.

Tin Mya continued to work as a researcher for international NGOs and they wrote several briefings for DFID to feed into the work of the Committee they had been expelled from, that DFID shared without mentioning their name.

Time passed and a few years later, Tin Mya was formally asked to join a sub-committee that had been created in November 2019 by the main National Committee. They agreed to join.

Tin Mya's journey mirrors the ups and downs of human rights mobilisation in 2008-2021 Myanmar. They reflected on their experience during the 2011-2016 Thein Sein government saying that *"as long as there is no political agenda, they are pretty much willing to work with any actors"*. Several of my other respondents confirmed that civil society consultations became more common during the Thein Sein era, as legal reforms were initiated. It was at the time broadly understood that as long as they remained apolitical, the government would engage in a real dialogue with CSOs. However, getting political would continue to get human rights advocates banned from public affairs and repressed (see next case-study).

Back in 2012-2014 during the USDP era, we had to be careful about the words used to promote human rights back then, but still it was easy to get involved with that. But after the NLD government, we can speak openly without considering the political sensitivity of the words, but they are not quite open to discussion or dialogue. They are pretty much protective. That's the resistance I identified.

When I first interviewed them in 2018, Tin Mya continued to believe that *"disability remains one of the easiest entry points"* to engage with the government. They considered that while sensitive around the issues, the NLD was not openly against human rights *per se*, but they observed *"restrictions from the government offices and parliamentarians not to engage with CSOs"*, postulating that the government was *"afraid to engage with CSOs"* altogether.

The first thing is about information: they don't want their people to mistakenly share some internal information, and the second is they don't want to hear the criticism from CSOs. (...) Another third reason to explain the suspicion: (...) even after the USDP government, the whole bureaucratic system remains with the bureaucrats. They haven't changed. It's all set up in a way to create suspicion between the NLD and the CSOs, they don't have trust amongst themselves. So, the easiest thing to do is to restrict everything.

Tin Mya's public commitment to human rights never wavered. When the coup happened in February 2021, they once again took a very public stand in favour of democracy and continued to denunciate the Tatmadaw's human rights violations, talking about genocide and ethnic

minority rights on social media platforms. Their contract with the research subcommittee ended and they took up working as a freelancer for INGOs again. When we spoke in 2022, as I was writing this thesis, they were moving almost every day to avoid getting arrested by security forces.

Domestic civil society actors were engaged in a real dialogue with local authorities, that they perceived as partners they needed to influence and educate, to see the regime change they were hoping for (see Raynaud, 2009). They did not aim for disruptive revolutionary change, or for the collapse of the system, but saw its slow transformation as unavoidable, as they perceived the society was not ready for a radical change, and civil servants were not trained for it either. They saw their role as non-partisan and wanted to engage with the government in supporting regime change overtime. In the years that followed, many NGOs expressed similar frustration towards what they perceived as the NLD's stubbornness and lack of realism.

As [ITW 9] put it, there was space to engage with the government on some topics, but engagement was never fully free, as it excluded space to criticise,

You can support the peace process, but you cannot criticize the peace process. There's a bit of a line there. You can engage. (ITW 9)

As one of my interviewees summed it up,

Once you are government, you act like the government. (ITW 26)

Case-study 2: a student activists' group, 2012-2022

I first interviewed this group of youth activists in a courthouse in Yangon, as they awaited a new trial hearing. The youth group (all of them were in their mid to late 20s) had been active for several years already by the time I first met them in 2020. Every year they would perform Thangyat⁸⁴ theatrical satire scenes accompanied with dance and music during the New Year

⁸⁴ Thangyat, a performance by which actors re-enact all the things that have gone wrong during the past year in hope that the same mistakes won't be repeated in the year to come, re-appeared in 2012, after being forbidden under military dictatorship.

Thingyan Festival. Thangyat is a politically-charged practice, that benefitted from the opening of freedom of expression in the early 2010s (Farrington, 2013). Under cover of comical theatre, Thangyat performances are known to be a powerful and popular way to express public opinion and send messages to the ruling forces. While tolerated all throughout the period, some issues remained taboo, such as race and religion, or criticising military leaders (Kyaw Ye Lynn, 2016).

I conducted interviews with several members of the youth group. In one of our interviews, a member explained to me,

Thangyan is our tradition, once a year, during Thingyan time. We did it for 7 years, it was ok for 6 years. I was arrested before, in 2015 under the Thein Sein government. I was in jail for 9 months and one day.

In 2016, shortly after being released from jail for leading student demonstrations in favour of academic freedom, they resumed their Thangyat performances. One of the performances even took place at a local police station.

Satirical performance, organising protests, were some of the ways this youth group chose to express their political dissent. Their very public approach was met with harsh reprisal under U Thein Sein's and ASSK's governments alike, as they spent several periods in jail, from a few months to several years. Despite such sentences, they remained ardent supporters of ASSK and the NLD, singling-out the military as the main actor responsible for the current state of affairs in their country.

These youths dived into activism in their student days. Some of them were front leaders of the student protests against the Education Law reform under the Thein Sein government and were arrested in 2015. Since the 1988 student-led pro-democracy protests, freedoms at universities had been strictly limited. Campuses had been relocated to the outskirts of urban areas, to remove student populations from city centres and prevent student-led social unrest. The newly enacted education law approved by the government in September 2014 had failed to address the student unions' concerns regarding the state of education in Myanmar. Very limited academic freedoms had led to self-censorship and poor-quality university teaching, as teachers were held accountable for the political activities of their students. Student unions had no official registration mechanisms and therefore could take no formal part in education

governance. Their grievances fuelled the protests that erupted in March 2015, leading to the arrest of a large number of students (127), later sentenced under the Peaceful Assembly and Peaceful Procession Law. One of the group members explained to me that after 9 months spent in jail in 2015-2016, he was then pardoned.

Then state counsellor pardoned us. But this year [2020], I hope I will be pardoned, there is a little chance. If the cases are still ongoing, you cannot be pardoned. I have a lawyer but right now we are boycotting the court. Since 2015, same lawyer. Our lawyer is a member of the NLD party. Our alliance is with ASSK. She can accept that we criticize the government, there is some tolerance.

The youths' allegiance had lied with the NLD since ASSK pardoned their group very shortly after she accessed power in 2016. They had met Daw Suu in May 2015, in the midst of the student protests, shortly before they got arrested. She was an MP at the time. They talked about his studies. He was enrolled at university with a major in development studies, and she asked where he would like to go study abroad if he had the opportunity. Would he consider SOAS or Nottingham University maybe? He told her he wanted to go to the London School of Economics (LSE), but that *"another university would be ok too, to study economics"*. Studying economics was still what he told me he wanted to do next, *"when I am released, I want to study, I want to go to the LSE, to be an economic student"*.

Back then, they had an understanding with the NLD, and they believed the party could tolerate their radical activism, since, as he explained to me,

The government doesn't want me in jail, the military does, because of social criticism. (ITW 10)

What they seemed to call "social criticism" was their criticism of the model of society that the military was implementing. Their vision of change, that fuelled their activism, was one of a systemic revolution. Making a public show of their activism was part of their strategy to highlight the absurdity and the rigidity of a legal and political system they denounced as corrupt. Their boycott of the court system entailed turning their back to the judges, keeping silent when addressed, renouncing to pay bail or to choose fines over jail time. Their goal was clear,

We will continue to criticize forever, until we have a real democratic country.

With a clear enemy (the military leadership, whose highest-ranking generals were the subjects of the Thangyat mockery that landed them in jail in 2018) and a clear aspiration (a “real functioning democracy”, i.e., with democratic institutions and a reformed constitution), they did not shy away from frontal dissent. Yet they also considered alternative strategies. One of the group members had initially announced he would run for the 2020 general elections. A path one of the members I interviewed had also considered, and he explained, pointing to another colleague seating with us at the table, shackles clinging around his ankles,

He was a political candidate, but now he is in jail, so he had to pull out. I am 29 now, maybe when I am over 35, I will become a candidate. But for now, it is too complicated, with the 25% military, it would be difficult.

As they had guessed, the group members were not pardoned in 2020. They were freed in mid-2021, after serving their full sentence. By then, the February 2021 military coup had happened, and my main respondent resumed his activism right away. I was still in touch with him as I drafted this thesis in 2022. With the NLD ousted from power, he was amongst the many activists who had now taken up arms and joined the ranks of the People’s Defence Forces (PDF). In April 2022 he posted စစ်ဟာ စိတ်ကိုမသက်မသာဖြစ်စေတယ် (*the war makes the mind uncomfortable*).

Public denunciation had always been this group’s modus operandi – and a fully functional democratic country their ultimate goals. Their determination to push their agenda despite the hurdles of repeated arrests was rooted in an understanding that the Tatmadaw was the obstacle to the realisation of a pro-democracy action-plan led by the NLD. Despite the illegality of their actions and the time they spent in jail as a result, they remained moderate in their criticism of the forces in power, targeting their blame to the military. This way they also secured a certain indulgence from the NLD. In the face of frontal or radical opposition, and incentives to further liberalise the regime, the quasi-civilian government might have considered those more moderate forces as more “acceptable” opposition. Frontal radical anti-military activism might indeed be easier for a SAR to handle than a long-term human rights reforming approach and the technical, tedious processes it can entail. By favouring more moderate opposition forces (which is what ASSK did when meeting with the youth when she was an MP and later pardoning them), the regime can elevate them to a status of “official

opposition". Clearly identified opponents are easier to control, especially when there is a certain transactional dynamic with these groups. This would in turn enable the government to redirect criticism towards the Tatmadaw, while also discrediting more radical or violent forms of opposition.

Direct engagement however has long remained out of reach for some ethnic activists,

We are officially registered, and I am always looking for opportunities to advocate to the government, in terms of social cohesion issues. They are different approaches: some people always confront the government. But for me, we believe that as a minority we don't have the political power to attack the government, so we need to engage with the government. We have some kind of informal contacts at the personal level. I have friends in the elected congress. (ITW 19)

As the 2021 coup d'état closed the space for dissent, it took away most moderate alternatives of resistance. Some of these youth activists turned to military resistance to as a continue their struggle for democracy and human rights, and they joined armed resistance groups. The activist leader Maung Saung Kha, who led the freedom of expression CSO Athan, has become the commander of the Bamar People's Liberation Army (BPLA). In an interview in January 2023, he was quoted saying "after the coups in 2021, I realized that it was impossible to resist this coup with urban protests alone" (RFA, 2023).

From political dissent to political participation

Some of the activists I interviewed explained that they chose to or were considering engaging directly in electoral politics. Scholars have explored at length the interactions between contentious politics and electoral practice, showing how some (European) social movements made the choice to go beyond resistance by engaging in politics, or rather to bring resistance into the electoral political system (Della Porta, 2016).

Most notably, the National League for Democracy (NLD) political party emerged from the 1988 student-led protests as a response to the burst of collective claims, a perfect example of how new political parties tend to emerge when collective interests are particularly intensely held (Kitschelt, 2006:282). The morphing of the student-led protests into a political

party structured to engage in politics raised many hopes, and the NLD won the 1990 elections. Yet the military refused to hand over power, and the military remained in power throughout the turn of the century. The first half of the semi-authoritarian period continued to be dominated by the military-turned-civilian government led by Thein Sein. Since its creation, the NLD, was not simply a party *in the opposition*, it was *the opposition*, no other mainstream alternatives had successfully emerged to challenge the NLD's monopoly of the opposition space in the electoral arena, and it finally came to power following the 2015 general elections. Political parties have long been considered allies of social movements, especially progressive parties in opposition rather than in power (Della Porta, 2016), and the NLD initially supported and maintained a friendly relationship with other politically active forces. A few alternative political currents emerged from within the NLD, as some other political figures of the 1988 generations went on to get involved in politics and created alternative political parties, such as Ko Ko Gyi, who created the 8888 political party in December 2017. When the space for dissent opened, it created alternatives for individuals and groups who had long been in active resistance. As Min Ko Naing (another leading figure of the 1988 movement) put it in an interview in July 2017: *"two things could happen: form a party or join civil society. I understand both, but I would choose to live with the community. I know the significance of people in forming power"* (Raynaud & Thinn Thinn, 2017).

Min Ko Naing's quote touches on two main key aspects for political dissent in a freshly established semi-authoritarian context. First, party politics and contentious politics (led by civil society) often are the two main options for political dissents in SARs. Second, because how constrained the space for dissent is in a SAR, representation and participation in party politics is limited, so parties tend to struggle to respond to the population's needs.

Social movements are "at the gates" of political parties (Tarrow, 2012), that act as gate keepers, preventing social movements from entering the institutional playground, while recuperating issues brought up by social movements to debate them from within the institutions (*ibid*). The 1988 social mobilisation laid the premises that enabled the formalization of social and political issues that later entered politics through agendas of formal structures such as the NLD and other political parties. The NLD rapidly became the dominant formal opposition force in Myanmar's politics, and it struggled and often refused

to make space for other opposition forces, positioning itself as the ‘official’ opposition. In 2015, the NLD ran a campaign that encouraged voters to “vote for the party”, no matter the candidate and his/her credentials, reputation or else, presenting the NLD as the only democratic opposition force.

Within the NLD as well some party members were keen to see the party apply internally the same democratic values it preached externally. One of my respondents was involved in internal discussions to reform the NLD party. He considered that *“there is no better way to accelerate the transition than to reform the parties”* (ITW 24). He compared getting into politics with activism and argued that a political career was an ungrateful endeavour, and not as rewarding as activism would be. He explained that while activism *“gets you awards”* and one can much faster get in and out of it, reforming a political party from within takes time. According to him, the emergence of new political parties, growing out of the NLD, is a reflection of the NLD’s inability to change and reform itself, in a transformed context where *“it’s not so black and white like before”*. However, he saw party politics not as the end goal, but rather as an intermediary means aiming to strengthen democratic practice: *“the next step after individual politics is policy politics”*.

The binary choice between the military and the NLD proved no longer satisfying to human rights advocates who were hungry for concrete change and alternatives. A high-profile political activist I interviewed shortly before the 2020 general elections told me that *“some of the political parties were also asking [him] to run as an individual. [he thought he] could win, but then with [his] court cases [...] still ongoing, [he] couldn’t”*. Ahead of the 2015 elections, he was frustrated with ASSK’s message to *“just vote for the party; don’t vote for the people”*. He later explained to me that he was trying to form a political party for after the 2020 elections, so I asked if he believed in party politics to bring in the change,

Actually, I have doubts, that’s why we are delaying it. After 2017, the political values collapsed. I wanted to do it, but I was taken in fighting the nationalism, and then I felt a dilemma. People need the alternative. Right now, we are not choosing for the best, we are choosing for the least bad. We need opportunities, that’s why we wanted to create the space. (ITW 8)

In an interview⁸⁵ in 1995, Aung San Suu Kyi, asked whether she thought she would ultimately lead the country, said “our purpose is not to gain power, our purpose is to bring democracy to Burma” (60 Minutes Australia, 1995). The NLD presented itself as the depositor of democratic progress in the country, a position routed in its very creation. As the “88 Generation” student group was created in the mid-2000s, it aligned behind Aung San Suu Kyi as “the one person that can bring about reconciliation and lead us into a new, democratic future” (Lintner, 2007:78 in Duell, 2014:117), a vision that is – to this day- widely shared in the population of Myanmar.

In that context, later generations of activists have been more reluctant to engage in party politics. “Generation Wave” for instance, that emerged in 2007, official favoured political action over party politics. Being kept at bay from party politics (by choice or by design) explains both their criticism 1) of the political system as a whole, that fails to create alternatives and to further democratic practice and 2) of the NLD’s role in it, as it dismissed other opposition forces.

Creating political space, widening opportunities and supporting political alternatives were at the heart of my respondents’ motivations to engage into the political space. They felt a lack of political representation and opportunities embodied by the NLD, that failed to make space to embrace their agenda or to act as a relay of their political concerns and those of the communities they represented. While they ‘used’ political representatives to progress their mission or to open doors for specific issues or in specific localities, the overall feeling was one of disappointment with the NLD. It left them with few options but to, often reluctantly, throw their hat in the ring and run for elections themselves.

Human rights advocates had real expertise and experience to display in order to influence policy reforms that were very slow to concretise under the NLD-led government. While party politics remained hemmed in, the opening of the space for dissent nonetheless widened the spectrum of engagement strategies with the regime, and some actors indeed chose to actively

⁸⁵ <https://www.youtube.com/watch?v=coQyJIA1PVA> (last accessed 24 February 2022)

participate in the political arena, engaging in voting, elections education and monitoring, campaigning and running for elections.

When interviewee 8 quoted above explained his hesitations towards party politics, I pointed that it might be ironic that he was considering running for elections, since he had explained to me earlier in the interview that he himself does not vote. Voting remained a divisive strategy for a lot of activists. On the one hand, many acknowledged voting as their right, one that had been confiscated for decades, and they wanted to encourage people to engage in politics and express their opinions that way. On the other hand, they also had very low expectations towards party politics in this semi-authoritarian context.

I am not sure but, in my profession, I have to motivate the people to vote, because that's our basic right. But for myself I am not sure; it depends on the candidates. This time it will be quite diverse, we will look at more individual now, having some experience within the parties. That's why this time we are a bit divided. (ITW 6)

While some might be tempted to vote for some of the candidates that had emerged with real progressive agendas or a track record of community engagement, others continued to refuse to engage in party politics as long as the 2008 constitution remained in place.

A prominent free speech activist explained that he would not vote at the 2020 general elections. Instead, he planned on supporting ethnic political parties to campaign. He was too disappointed in the NLD to vote for them and had even quit the party in 2018. He explained that we should expect more activists getting arrested in the months leading to the November 2020 general elections. Ahead of the 2015 elections, many outspoken activists had been arrested in the months prior, to prevent dissent. Others recognised that the right to vote was essential in the country, yet they planned to exercise their “right not to vote” at the 2020 general elections, as they did not believe in the current system due to the 2008 Constitution.

This also showed a certain strategic realism from HRAs, that avoided pushing for impossible goals, and had a clear vision of the gradual efforts required to reach solid, institutionalised social and political change. Most local and international CSOs concentrated their efforts related to party politics and elections during the semi-authoritarian phase to human rights education and elections monitoring activities. They provided trainings to political parties’

members and elected representatives, with a focus on women candidates⁸⁶ for instance; led advocacy efforts to influence and accompany parties' policy development on key issues, especially during political campaigns; and monitored the electoral process during elections times (since 2012). The 13 main organisations that monitored the 2015 general elections (including the People's Alliance for Credible Elections, Charity Oriented Myanmar, Generation Wave, Peace and Justice Myanmar, Hornbill, Pan Thee Hein, the Bago Observers' Group) formed the *Electoral Reform Coordination Body* (ERCB) (Raynaud, 2009). The ERCB and others focused on capacity building activities, a "mechanism leading to sustained compliance with international norms" according to Risse, Ropp and Sikkink (2013:15).

Expanding human rights mobilisation strategies: adapting, arguing and institutionalising

Figure 8 and table 4 illustrate the tension between both regime's and HRAs' capacity and willingness to progress change. HRAs understood that while the SAR lacked willingness to enable dissent, it also lacked capacity to create the condition for substantial, long-term change to be solidified into a reformed legal and institutional framework. As the NLD became an agent of repression in the military-driven semi-authoritarian machinery, activists opted for various strategies of mobilisation ranging from adaptation to argumentation to institutionalisation, that revealed 1) a diversity of ambitions on the part of civil society actors; and 2) varying assessment of the quasi-civilian government ability and willingness to support and secure progress on behalf of pro-democracy and pro-human rights actors.

Pro-democracy pro-human rights movements in semi-authoritarian Myanmar often resorted to an escalation of contentious methods due to what they perceived as the authorities' unreceptiveness to social and political claims, becoming "only radical because they were forced to be" (Prasse-Freeman, 2016: 76). Denunciating the human rights violations they

⁸⁶ In a fantastic article "The Women of Burma - A tradition of hard work and independence" published in *The Atlantic* in 1958, Daw Mya Sein describes that in 1927, they "did have a little bit of a feminist movement to abolish the clause which provided that women could not stand for election to the Legislative Council", which she remembers as "one of the first political demonstrations in Burma, and although we were not immediately successful, our feminist feeling lasted only two years. In 1929 a woman was elected for the first time to the Legislature" (Mya Sein, 1958).

experienced or witnessed was often met by very limited (and often a lack of) responsiveness, by both the legal and institutional system and traditional media. Human rights advocates therefore turned to social media or to the streets to ensure a broader circulation of their claims onto the (physical and digital) public space.

Three democratic narratives: liberal democratisation, moral democracy and equality democracy

Democracy has been a debated concept in Myanmar's recent history. Myanmar has proven quite resistant to governance transformation imposed from outside and provides convincing grounds to reject the positivist idea that democracy can be measured scientifically against a uni-dimensional Western-imposed transition path towards the ideal "liberal democracy". 'Democracy' is not an indigenous concept to Myanmar, and assumes various definitions, that vary across time (from the colonial period to today) and across actors, with the military junta adopting its own version of a "discipline-flourishing democracy". Varying visions of democracy competed in semi-authoritarian Myanmar. Wells describes in a recent book on democracy in Myanmar three main democracy narratives that have cohabited in Myanmar (Wells, 2021), and that I found prevalent in my own empirical analysis. We could add a fourth "disciplined democracy" narrative, the one defended by the Tatmadaw, with a strong focus on the stabilisation of the country as a prerequisite to further democratisation, i.e., institutional reform and economic liberalisation (see also Callahan, 2003; Selth, 2002).

The first is the **liberal democratisation approach** that, pushed by liberal western democracies engaged in and with Myanmar, tends to equal democratisation to institutional reforms. It fed a wide range of development projects and investments aiming at supporting the NLD-led reforms in the country. Dominated by experts and technocrats, it tended to depoliticize the democratisation process, assuming all actors moved towards an undisputable common goal (democracy, peace, economic development), and therefore focusing on building capacity of both institutional, political and civil society players to reform the country (Bächtold, 2015) (see a discussion on capacity building in chapter 7).

Second is the “**moral vision of democracy**” defended by the NLD, that favours the nation’s unity over individual freedoms. Myanmar’s governments, whether in authoritarian or democratic regime periods, have always favoured the preservation of “order”, sovereignty and a Buddhist agenda, over their responsibility to protect and promote individual lives (and rights), governing groups rather than individuals (Prasse-Freeman, 2023). ASSK already laid out this vision in her very first speech addressed in 1988 at Shwedagon Pagoda in Yangon, that stressed the principles of unity and discipline that remained prevalent throughout her whole political career,

I believe that all the people who have assembled here have without exception come with the unshakeable desire to strive for and win a multi-party democratic system. In order to arrive at this objective, all the people should march unitedly in a disciplined manner towards the goal of democracy (Kyi, 1991).

“Morality” has been a guiding principle of Aung San Suu Kyi’s political vision (see Walton, 2012). She argued that “the root of a nation’s misfortunes has to be sought in the moral failings of the government” (Kyi, 1991:171). Decades later in a speech before of the ICJ in The Hague on 11 December 2019, ASSK argued,

Mr President, allow me to share one further reflection in this Great Hall of Justice. International law may well be our only global value system, and international justice a practice that affirms our common values. Leaders of States and relevant inter-governmental and non-governmental organisations should also be cognisant of their responsibility to express and affirm fundamental values. Feeding the flames of an extreme polarisation in the context of Rakhine, for example, can harm the values of peace and harmony in Myanmar. Aggravating the wounds of conflict can undermine unity in Rakhine. Hate narratives are not simply confined to hate speech – language that contributes to extreme polarisation also amounts to hate narratives (Kyi, 2019).

Here, while ASSK continues to apply morality as a guiding principle, she is instrumentalizing it to protect her government and the Tatmadaw and call on non-interference by the ICJ and other foreign actors. She argues that foreign forces’ interventions in Myanmar, and especially “in the context of Rakhine”, are disrupting “values of peace and harmony in Myanmar” – which she implies are superior moral values, and should therefore be contained as they could

lead to “extreme polarisation”. Containing “extreme polarisation” has often come at the price of constraining healthy democratic debate, and check and balances necessary to ensure government accountability.

Wells addresses a particularly relevant puzzle to this chapter 6, as he seeks to understand why the NLD regime has been less receptive to Western ideas than the previous military government (Wells, 2021). Wells argues that the NLD’s approach to democracy was rooted in Buddhist values of “benevolence” (*sedana* in Burmese) that favoured moral rectitude, deference to hierarchies and social traditions of obedience (*ibid*). He also argues that ASSK and the NLD’s rejection of liberal values and principles, such as human rights, and its echo in the Burmese public opinion comes down to this “benevolent” democratic approach. It poses the question of who benefits from this exclusive democratic practice based on a conservative approach to identity, citizenship and sovereignty and who belongs to this democratic vision and who does not.

Thirdly, I argue that human rights advocates adopted rather an **“equality democracy narrative”** (Wells, 2021). In this perspective, the progress of the human rights agenda and the democracy agenda are tied. It called for democratic governance based on inclusivity of all diverse ethnic and religious groups, and accountability, in order to carve out space for political dissent and expand democratic space. This approach directly fuelled some human rights advocates’ strategies of mobilisation,

My strategy is participation. We have to promote participation of minorities in the nation building process, peace building, federal discussions, democratic discussions, in the parliament... The approach is to convince the Muslim community to participate in civil and political life, because they think this is not our business. I am trying to change the narrative, with a double approach: convince the minority to participate and convince the majority to recognize the diverse minorities in the nation building process. (ITW 19)

None withstanding the internal diversity amongst groups using either of them, these competing narratives rely on different values, identify various gaps and blockages to progress, but ultimately all aim to progress democratic governance in the country. In this research project, I focused on the human rights mobilization movement, which I observed favoured a “equality democracy narrative” as described by Wells. My approach is consistent with prior

work that demonstrated that in the period following the 1988 uprisings, ‘activists from Burma’ had strived “to push for reforms in the direction of democracy and/or the improved representation of ethnic minorities” (Banki in Egretau & Robinne, 2016:234), and that “they are all concerned with changing structural processes inside of Burma, and can thus be studied for theoretical purposes under one umbrella” (*ibid*, p.241).

Chapter’s conclusions: carving out democratic space

Looking into strategies of mobilisation in this chapter was an essential step in modelling the mechanisms by which HRAs exercise influence in SARs. This project argues that human rights actors are creative, strategic, innovative players that have maximized their agility to navigate legal and political mobilization spaces. To do so, the traditional human rights toolbox presented mixed results in facilitating human rights mobilisation in a SAR, mostly because the regime simply refused to engage with criticism from civil society, and civil society lacked the power to hold the regime to account. Instead, we continue here our exploration of Tilly’s political opportunity structures as an alternative and complementary framework to make sense of the space for dissent in SAR. And secondly, HRAs had to negotiate the co-option into power of their leading force, the NLD, a common strategy of (semi-)authoritarian regimes that “incorporate potential opposition forces, investing them with a stake in the ruler’s survival” (Gandhi and Przeworski, 2007:1280), therefore removing its opposition power. While most HRAs would have assumed it would continue the fight for democracy and human rights from within, the NLD instead became an agent of repression in the semi-authoritarian regime, challenging both the new political alignment – as it moved from opposition to governing party, and renouncing to its role as an influential ally, going from leading the pro-democracy pro-human rights movement to repressing it.

As the space for dissent nonetheless expanded, the human rights front deployed a wide spectrum of strategies towards the regime, ranging from engagement to frontal opposition. Tilly argues that civil society actors must engage in the political space to challenge the state, otherwise, their impact might even become counter-productive: as they find ways to operate at arms-length from the state, they can be co-opted into benefiting from the status quo and become less inclined to oppose the state. While their activities might improve local

communities' daily life, it robs civil society actors of their reformist ambition. Hence the importance of celebrating the diversity of Myanmar's pro-democracy and pro-human rights movement and the various strategies deployed. As no matter how local civil society actors engaged with authorities, their strategies can be perceived as complementary and even mutually beneficial: grassroots organizations can make some progress – often locally, while remaining apolitical, that advocacy organizations can then expand on in a more politically frontal way at central level, to unlock policy change (see Prasse-Freeman, 2012).

Doffegnies and Wells also demonstrated that human rights activists often played a translator role, in between international players, and grassroots actors, revealing “a splintering of ways that participants engaged with and gave meaning to the language of human rights” (2002:262), ranging from rejection, hybridisation, and avoidance. While different engagement strategies and various human rights and democratic narratives cohabited during the semi-authoritarian period, their appeal remained rooted in “their ability to stake a moral claim for dignity as a human being” (Buzzi, 2016:225), to hold the government accountable and to summon international influential allies for support/pressure. HRAs had in common their agility to find their ways into the cracks opened by the regime as the space for dissent expanded, and a common ambition to carve out still more political space to progress their agenda. As such, their strategies of mobilization proved complementary and mutually reinforcing. A certain dialogue opened with the regime as it invited a certain level of collective claim making, after decades of a military-imposed narrative.

In that context, apparent destabilising contentious methods such as demonstrations or suing the government, can also be understood as attempts to restore a different political and moral order and to propose new political alignments. To the nationalist Buddhist order of unity and stability, pro-democracy and pro-human rights activists are opposing a different order, where fundamental human rights are respected⁸⁷ and a pro-democracy front collectively aims at expanding the space for dissent. However, such grievances failed to sustain a momentum for

⁸⁷ See Prasse-Freeman on farmers protests as both breaking the law and restoring a moral order when their land ownership is respected (2016:77).

movement building. While connections were made with influential international allies and supporters to hook national grievances to international norms and discourses, the domestic human rights movement remained divided. Human rights can act as a standard against which to measure public policies related to public grievances and as a roadmap on how to improve political systems to enable inclusive, accountable, transparent democratic practices. It also provides a common language with which to speak about social and political issues, that resonates globally and can therefore rally support. Yet the human rights language appears at times unequipped to provide a strong alternative to SARs who offer a trade-off of economic development and stability vs civil and political rights. This SAR trade-off can fuel a critique of the spiral model's lack of consideration of how vested economic interests affect political change, that I expand on in chapter 7.

Chapter 6. Policing the space for dissent in semi-authoritarian Myanmar (2016-2021)

Introduction: the interplay between repertoire of contention and tactics of repression

In chapter 4, I demonstrated that the superficial embedding of a democratic rhetoric into a repressive legal framework and the undermined institutional framework gave a sense of progress that was limited. As a result, I argue that while the opening did create space for human rights advocates to exist and operate, it left them mostly operating outside of legal frameworks. In this repressive, heavily policed space, human rights advocates knew all along that without further institutionalisation, the democratisation process could backslide and backfire, with a common understanding that “reversal is threatened only if the “reform” process strays beyond acceptable limits” (Jones, 2014b: 157). Yet, the international community was eager to celebrate Myanmar’s human rights progress, and to frame it as a success story. While a part of civil society was willing to engage with the transformation process, human rights actors remained mostly excluded from the institutional dialogue and unable to fully contribute their expertise and capacity to the social and political change.

In June 2009, Raynaud wrote for Myanmar Egress – one of the leading civil society platforms at the time – a think tank and training centre all at once⁸⁸,

Here is a paradox Burma watchers will have to become familiar with, for it is very likely to remain the reality on the ground for possibly the next two decades: many things are now possible in Burma, as long as one does not get anywhere near political dissent. As soon as one does, then one will face the harshest repression (Raynaud, 2021).

Over a decade later, this paradox finds itself at the heart of this PhD project, as Raynaud predicted. It appears that the way semi-authoritarian regimes allow some degree of political

⁸⁸ See Lall, 2016 for more about Myanmar Egress and its influence over the political transformation of the 2000s-2010s.

contestation actually presents the regime as well as human rights advocates with complex challenges.

This chapter aims to uncover the interactive process between the state's tactics of repression and human rights advocates' strategies of dissent. Whether looking at semi-authoritarian regimes in Europe with strong pre-existing democratic institutions yet ongoing authoritarian backlashes (such as Turkey, Poland, Hungary) or at semi-authoritarian regimes with recent and / or limited democratic experience (such as Thailand, Cambodia, Myanmar), tactics of repression⁸⁹ deployed by state authorities appear at first quite similar: restriction on foreign funding, security and anti-terrorism laws and discourses, criminalization of rights-based activism especially concerning issues such as minorities, migrants and refugees. In both cases we are talking about 1) elections as a shiny veneer of democracy, 2) difficulties to legitimize democratic practices, 3) state-sponsored harassment and demonization of HRDs and generally progressive voices, 4) crack down on free speech and the media, 5) personal harassment and institutional segregation of political opponents, 6) encroachment by the state of private liberties such as freedom of religion, sexual preferences, etc., 7) violations of ethnic, religious, sexual minority rights. This chapter presents empirical data about how such tactics played out in semi-authoritarian Myanmar in the period 2008-2021, and the specific risks human rights advocates encounter when mobilizing for human rights in semi-authoritarian contexts.

After deconstructing the opening (chapter 4) and the occupying (chapter 5) of the space for dissent, this chapter (6) enquires into the risks human rights advocates faced in semi-authoritarian Myanmar, and how the policing of dissent unfolded. Looking at how human rights advocates attempted to progress their agenda in the semi-authoritarian context, it appears that while change or success was unlikely, opportunities were real, and so were the risks. Highlighting the heavy policing and the triggers of repression in semi-authoritarian Myanmar allows to return to one of the initial hypotheses that animated this research project: that SARs heavily police the space they have freshly opened. Indeed, opening civic space

⁸⁹ See Tsutsui and Brysk for report of counter-mobilization to rights initiatives in Brysk and Stohl, 2017.

actually presented the (SA) regime with an almost immediate dilemma: *how to police the political space for dissent it had itself created?*

In that context, understanding what exactly triggers repression is expected to reveal the sensitivities of the regime and what it considers unacceptable and threatening. I demonstrate how as a result of a reformed yet repressive political framework, both the regime and human rights actors navigate a thin line between legality and legitimacy. The regime's repressive approach made navigating political opportunities very complex, and often, human rights actors found themselves operating outside of legal frameworks, as they adapted the human rights toolbox and repertoires of contention to navigate these risks.

Therefore, when presented with a legitimacy crisis, SARs might slide back into a repressive mode, all the way to closing the space they have opened, as occurred with the February 2021 military coup d'état. It provides therefore fresh empirical material to discuss what happens in the spiral model of human rights impact when progress gets stuck and democratic/authoritarian backsliding occurs. I argue that the 2021 coup is both revealing of the extent to which the military would go to remain in power, as well as a testimony to the domestic human rights community's efforts in Myanmar and a failure of the international human rights diplomacy. While the situation now in 2023 looks grim, the desire for human rights and democracy of a population that has tasted over a decade of freedoms cannot be erased, despite brutal crackdowns by the military junta since February 2021. Human rights advocates are once again showing their resilience and reorganising their efforts in the new authoritarian context.

Repression triggers: the dos and don'ts of dissent in a semi-authoritarian regime

Previous empirical chapters have aimed to analyse the extent to which the regime was open (or closed) to the emergence of new narratives, new claims and new competing actors. I argued that the apparent openness rather superficially translated into institutional reforms that would have been necessary to sustain reforms overtime and to resist the authoritarian backsliding that ultimately resulted in the coup in February 2021. Pursuing the investigation into the political landscape that was presented to human rights advocates during the 2008-

2021 period, I analyse here the extent to which semi-authoritarian Myanmar repressed (mostly) or enabled (some) collective claims (see also Tilly, 2006).

All throughout the 2008-2021 period, the military remained highly sensitive to criticism, that seemed to provoke systematic reprisal against anyone expressing concerns over or questioning the military's actions, intentions or legitimacy. But in a globalised economy, heavy repression comes at a cost for a regime, in terms of diplomatic and economic reputation and therefore development, so it is not illogical that a regime would at times choose to alleviate some pressure on political opposition. As they do so, they create a context-specific mix-and-match of specific political opportunities and repressive measures that vary from one hybrid⁹⁰ regime to the next, and within a regime across time and place. Some hybrid regimes would tolerate a certain degree of social mobilisation at local level for instance, or regarding specific governance issues; others would favour indirect underhanded repressive methods, such as surveillance and censorship. In that context, activists' influence over governance varies as ruling forces and institutions are more or less open to a dialogue that enables counter-narratives.

Throughout my fieldwork, I aimed to understand what the constraints were for my interviewees and the nature of the risks that dissidents faced. Often, I directly asked what activists perceived as being the dos and don'ts of mobilisation. In previous chapter 5, I hypothesized that triggering issues that would push human rights advocates over the line between what is tolerated and what is prohibited by the regime can be clustered into a few main equations: 1) criticizing the ruling leaders (individuals) vs the military regime as an institution; 2) urban vs rural mobilisation; 3) ethnic-controlled areas vs military-controlled areas; 4) Buddhist nationalism vs ethnic diversity and democratic inclusion.

⁹⁰ Here I revert to using the generic term "hybrid regime", that include, among others, semi-authoritarian regimes.

1) WHO can one criticise?

Despite an apparent relaxing of freedoms, some actions and criticisms hit a sensitive chord and provoked serious backlash from the regime: in July 2013, volume 182 of the *Times*⁹¹ covering “radical Buddhist monks (...) **investigating violence against minority Muslims**” (a feature by Hannah Beech, 2013) was censored in Myanmar, allegedly “to prevent further conflict”; in December 2013, the first journalist to be sentenced under the new Thein Sein government received three months in prison for her **investigation into judicial corruption**; in July 2014, reporters from the *Unity Weekly News* received sentences of 10 years under the 1923 Official Secrets Act “for **reporting on a possible chemical weapons facility**” (Freedom House, 2015:473) and journalist Soe Moe Tun was beaten to death in December 2016 for **reporting on illegal logging**; in October 2014, journalist Aung Kyaw Naing (Par Gyi) was tortured to death in military custody as he was covering conflicts in Karen state⁹²; in June 2015, Htin Linn Oo, a prominent writer and NLD member was sentenced to two years in prison with hard labour for a speech he gave in 2014 that **criticized the MaBaTha organisation** (also known as the Organisation for the Protection of Race and Religion); in May 2015, media access to Parliament was suspended after photographs circulated of members of Parliament asleep during parliamentary sessions; in June 2017, three journalists were charged under the unlawful association law while **covering an antidrug rally** in conflict-affected Shan state; in December 2017, Reuters journalists Wa Lone and Kyaw Soe Oo were sentenced to 7 years⁹³ of imprisonment for violating the 1923 Official Secrets Act for their **investigative work into the killing of Rohingya men and boys in Rakhine state**, in what was widely understood as a setup by security forces; in March 2018, former child soldier Aung Ko Htwe was sentenced to 2 years for speaking up **about his abduction by the military when he was 14 years old**; in September 2020, students protesters **demonstrating against the internet shutdown in**

⁹¹ <https://time.com/vault/issue/2013-07-01/page/6/>

⁹² It was this event that really set prominent Kaman Muslim activist Khin Sandar Tun into activism, she explained. She took part to a demonstration demanding justice for the journalist, and has not stopped promoting civic engagement, social cohesion and interfaith peace since then (Myanmar Mix, 2020).

⁹³ They were released in a presidential pardon in May 2019, after 511 days in jail.

Rakhine state were arrested; Editor U Nay Myo Lin of the *Voice of Myanmar* was arrested following the **interview of the Arakan Army's (AA) spokesman**; Rakhine-based media outlet Narinjara News was also targeted by the police in March 2020, which also shows how free press continues to be one of the most dangerous activities to engage in in Myanmar.

Simply put, it appeared that, as some of my interviewees summarised it,

Criticising the government is ok, criticising the military is not ok (ITW 10).

or

I think now you can really criticise the government, compared to Thailand, China or Singapore. (...) Of course, there are still issues with laws, and implementation, but in general, especially with the troll groups, it's very alive, there is healthy Burmese caricature on social media. The Yangon Chief Minister was trolled and ridiculed. 10 years ago, that would be impossible because everybody was so afraid, but now you can say whatever you want about the government. Of course, don't do personal attack or you'll have to deal with defamation law, but you can approach them and say they are idiots. (ITW 18)

A Muslim activist explained how they differentiate between the government and the military,

We don't have so much problem with the government, because the government already neglects us. They are not hearing whatever you say. You can say that Daw Aung San Suu Kyi is a racist, it is fine. Whatever you say they don't care; they already neglect us. But if you are to criticize the military, it is another story. We cannot say the military is the key player to manipulate the religion in the political system, we cannot say it like that. That is different. (ITW 19)

While 2016 marked a turning point, with freedom of expression increasing overall, it also marked an increased repressive use of defamation laws to crush political criticism. In their report "[66\(d\): No real change](#)" that covered the period 2015-2017, the organisation Free Expression Myanmar (FEM) found that article 66(d) was especially used by those in power against "unflattering expression often called 'offensive' or 'insulting'" the ruling forces' performance, motivations or statements" (2017:14).

Attempting to make sense of these examples, and with a suspicion that criticism of the military or investigation into the military's interests was most likely to ignite reprisal, I asked

each of my interviewees about their interpretation of why some mobilization actions would spark backlash and not others, and how they intended to escape repression. I asked a young activist who was then in jail, awaiting trial, why he thought some activists were getting shorter sentences (a few weeks in jail) than others much longer (several years). I was comparing his situation with the case of activists who had been charged following the organisation of a peace protest in favour of Kachin IDPs. He explained,

Their case is handled by the military. Our case is handled by the township police. First it was 66d and another case 505, they accuse us of instigating the soldiers to rebel against the army. Article 19 is a small case; we didn't inform them (of the time and place of the event). They are following the laws, but the laws are not fair enough, the maximum sentence is one year or so. (ITW 10)

After dozens of interviews and similar conversations, very clear lines appeared that seemed to separate what one could say or not, or who one could criticise. As I analysed the data collected through interviews, I represented on a 'sensitivity spectrum' (see diagram 2) the topics that my respondents perceived as such. In their analysis, reflected here on this simplified diagram, they argued that often, it was not so much about *what* was talked about, rather than *who* was being criticised. Along with clear taboo topics, that were so sensitive that dissidents would avoid verbalising them (see diagram 2), came very clear out-of-reach targets. In both cases, when and if openly discussing certain issues or targeting certain actors, one would expect immediate backlash.

Climate change is a non-sensitive (topic), right? Yet again, it depends. When you talk about climate change and you show how logging is contributing; the one person in Myanmar who has a logging license is Thai Za. Who is Thai Za? A military frontman. You talk about logging? It's sensitive. You talk about climate change? All the dams that they have and, in the future, it's going to have a huge impact on water, on ecosystems. It is not that climate change in the USA will have immediate direct impact here, the impact is made here too – then climate change is no more safe. Any issues here in Myanmar, if it challenges the establishment, and especially the military or the military interests, i.e., military-controlled resources, that is definitely unsafe. (ITW 3)

Some sensitive topics would provoke backlash against activists, opponents or citizens voicing their concerns. Often, it seemed to be both about *what* was being said and *who* was being targeted. Military's actions and interests remained unsafe topics to tackle.

Similarly, expressing solidarity with ethnic struggles remained a very taboo subject during the semi-authoritarian period, for fear of repression,

As an organisation, we have to be careful, if I engage with non-ceasefire ethnic organisations, I can be in trouble. We engage, but not openly. (ITW 18).

2) WHERE can one criticise?

As I asked my interviewees about their coping mechanisms, their networks and solidarity ties, i.e., how they built a united front to protect themselves and strengthen their mobilisation strategies, it appeared that they also adapted their behaviours and strategies to the places where mobilisation would occur. To understand this better, I asked my respondents, a mix of urban and rural activists, Buddhists and ethnic minorities, where in the country they felt the safest. The most common answer was Yangon, "where (...) the state attains significant control at reduced cost" (Prasse-Freeman, 2012:378).

Yangon is much safer. In the community areas you need to be very careful, the community members know where you are staying, when you arrive and when you leave. They have lots of information. In Yangon it is different, safer. You can run. I can hide at my grandmother's home. [ITW 19]

Yangon provides a mix of anonymity and numerous active networks that are perceived as a protection for activists, especially if they are originally from Yangon, but not only,

They are many activists who work really hard for the community, but they have not much network, because of the location, living in Yangon is already a privilege. For them it is more dangerous. [ITW 8]

Solidarity networks with peers, but also with international actors such as embassies or INGOs are stronger and more established in Yangon. The city is perceived as providing more opportunities for education or capacity building and more funding, especially for research and advocacy projects.

Yet my respondents questioned my initial assumption that perceived dangers were different in Yangon vs ethnic community areas. For some, the divide was rather “urban vs rural”,

There is also the Yangon – rural divide of activism. Or urban – rural. If you’re in an urban area you have more access to service providing NGOs, and if you’re in rural areas you have no idea where to start and how to make changes. (...) Official avenues for participating in peace are always in cities. [ITW 9]

And for others, it was rather about “Bamar vs minority areas”. While [ITW 8] explained “it’s easier to do the work in Bamar majority areas”,

[i]t’s safer in ethnic areas if you are an ethnic activist. You will be supported by your ethnic group; you are fully backed. If you are in Yangon, people are not really supportive of what you are talking about. There are a lot of media, the good point is there are lots of diplomatic committees, international groups, so that you will be protected, at the same time it is so easy to attack you at any time. (...) We just have some networks, activist groups, but it is so small, so small. They can just trace you down. [ITW 6]

Ethnic minority areas, or ‘community areas’ as some respondents referred to them, present specific challenges, as the power dynamics are distributed differently amongst local players.

There is a very big difference: there are pro and cons. In Yangon, you cannot worry about the issues of local authorities, to organize events, etc., in the community area you have to deal with local authorities. [In Yangon] Events are harder to organize, because of traffic jams, and people are busy. In the community area it is easy because people know each other, they want to join our activities. [ITW 19]

Respondents report that power dynamics are complex to navigate in ethnic minority areas,

In the community area you have to play politics, especially with the military intelligence. [ITW 19]

In the ethnic areas, the Tatmadaw is dangerous. But in urban areas, usually it is the police. (ITW 1)

We can’t (trust the police). They would just shoot us down and there are many excuses that they would say. They will send the propaganda that we’re destroying public security, they will send drug to my home to try to arrest me, they would try to kill me. People will believe it, they don’t have critical thinking, especially under this civilian government. (ITW 6)

In short, it seemed not so much to be about where you are protesting rather than where your network is. While being closer to central power centres might require increased disguise of political activities (See Prasse-Freeman, 2012), urban zones, and especially Yangon, present tremendous advantages for transnational advocacy activities, with international actors' presence in the main cities (see Matelski's work on civil society's relationship with international donors, 2016). Urban anonymity and dynamic networks also enable activists to alternatively both hide out and rally supporters. Yet some issues can only be tackled *in-situ*, and therefore for instance mobilisation on ethnic issues in ethnic areas is essential. It raises specific challenges: being an ethnic activist in an ethnic area both ensures access to communities, legitimacy and a deep expertise and knowledge of the situation, but it also comes with increased scrutiny and very little anonymity. As ever, mobilisation strategies and coping mechanisms need to respond to the needs and priorities of local human rights advocates, who are at the forefront of mobilisation; and contextualised support to human rights mobilisation is essential to ensure safety, impact and sustainability.

3) WHAT can one say?

Criticising the authorities has continuously proven to be a red line not to cross for activists, for fear of reprisal: popular film maker Min Htin Ko Ko Gyi was charged in August 2019 for allegedly undermining the military on a Facebook post; members of the Peacock Generation satirical group were initially jailed for 1 year for livestreaming a Thingyan performance in April 2019 where they ridiculed the Tatmadaw leadership and further sentences added up. As the Electronic Transactions Law was amended again following the 2021 coup "to include provisions criminalizing antiregime statements" (Freedom House, 2022), it made it clear what is at stake when criticising the regime. Jones (2014b) had already warned us that any attempt at holding military officials to account for human rights violations, or inquiries into military accumulated wealth were off limits.

Indeed, touching on military-interests was mentioned over and over by my respondents as one of the riskiest moves in a resistance strategy. However, it appears worth distinguishing the military individuals' economic interests and criticising the military as an institution, and

its political vision. Criticising military leaders (the individuals) vs the military regime (the institution), while often hard to differentiate in practice, do activate different backlash and bare various consequences. Yet the two are intertwined,

The most angry thing for them [the 'army government'] is touching their interest. When we try to boycott the military businesses, or if we try to do a documentation about the military business interests, they would not allow that. Their power actually relies on these businesses. They are holding the power because they want to protect their interests. They are doing the business because they want to enforce their power. This is the root cause. If we could talk about it, if we revealed something about it, if we reveal their wrongdoing, then they would say "national interest". This kind of things, we could be killed. If we are confronting them, it would be just like the student group (the Peacock Generation), we would be jailed. (ITW 8)

What this respondent seems to imply it two-fold. First, they argue that, as I mentioned above, the reason why criticising the military's interest is not tolerated is because it is the bedrock of their political power. Second, they argue that this inter-dependency goes both way: it is quite straightforward to understand that military figures would want to remain in power to protect their wealth and economic interests; but this interviewee argues that they also use this accumulated wealth in order to ensure their longevity in power. Thus, their activities, be them economic or political – all amount to 'military interest', and therefore in a military regime, as 'national interest'. In that context, the legal framework, the institutions and the bureaucracy can all be mobilised to protect the regime and its leaders, and crush resistance.

Talking about the case against them as they were charged for leading a protest in solidarity with Kachin IDPs in 2018, calling for conflicts in Kachin state to stop, [ITW 6] said,

It is not about legal anymore, but about administration staff. (...) They are biased. They hate us, they hate the peaceful protesters because they feel we are protesting against the military. That's how they felt. They were demanding we should be protesting all the political, all the MPs, not just the military, but we said we are asking anyone, fighting anyone doing wrong to just stop. That's the case. We are not necessarily on anyone's side, whoever is doing it, just stop. They judged it themselves (that it was against them) – they concluded they own judgement. (ITW 6)

Beyond criticising the military as an institution, or threatening military's personal interests, questioning the legitimacy of the military, or the *raison d'être* of the institution, ranks high on the risky dissidence spectrum. Criticising the military for their brutal unlawful actions against ethnic minorities, and especially against the mostly Muslim Rohingya minority, would definitely fall into that category.

Peace, ethnic affairs, constitutional reform, they are still ok. The worse is about supporting the Rohingyas or promoting minority rights, that's going to be the worse. You can do a rally to support NLD, even to support MaBaTha, but Rohingyas is too far. (ITW 8)

A prominent activist explained that according to him and his organisation's research, he believed some topics were particularly sensitive,

The first thing is not the Tatmadaw anymore, the first thing is the Rohingya issues. If you are talking about the Rohingya, not only the Tatmadaw, but also the NLD party and society will ban you. The second thing is Tatmadaw. The third is Buddhist nationalism or MaBaTha. (...) They have very good support from the military, the military always officially donates to MaBaTha. This organisation always supports MAL saying he's a hero, like that. (ITW 21)

Supporting ethnic minority' rights both goes against the military regime's political agenda, as well as their ability to guarantee peace and harmony amongst the people, and stability across the country.

We can talk about promoting interfaith dialogue, social cohesion, in a peaceful process, but we cannot talk about how to protect the minority, especially the religious minorities, such as the Rohingyas. Even if we are not talking about Rohingyas, even though we are talking for example about the Muslims, we have to claim our rights as a minority group, we cannot say this kind of things. (ITW 19)

Criticisms going against respecting the Tatmadaw as the guarantor of the country's unity, stability and order, as it self-proclaims, would therefore lead to some of the most serious backlash.

There are guidelines by the Tatmadaw, so anything that's directly opposite to that, so anything such as: you're not protecting the state or the state sovereignty – going against the idea that they are the protectors of the

country – recognizing their incompetence. They are a well-oiled machine as a military group, but they are pretty incompetent when it comes to the economy for instance, or health. (ITW 9)

As [ITW 9] puts it,

What's underneath this here is xenophobic ideas of Rohingyas, racism that is beyond that, and maybe a fear of secessionism. What is the furthest thing from something that could be supporting the state? The breakup of the state. (ITW 9)

Understanding that Myanmar's semi-authoritarian regime relied on the military's self-proclaimed role as guarantor of the nation's harmony and order, any criticism of their conduct of political affairs would be perceived as a threat to the nation-building process. President Thein Sein spelled this out in his March 2011 speech, claiming that the military was in charge of the "three main national causes [that were:] non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty" (Thein Sein, 2011). These priorities were enshrined in the 2008 Constitution, in the section on political parties that limited political activities of parties that allegedly would be perceived as challenging these principles (see chapter 4). As a result, it triggered the most repressive reactions, with threats of jail time, harassment, and even murder.

When I asked them about the risks they faced, some respondents mentioned the case of U Ko Ni, the prominent Muslim lawyer who was assassinated at Yangon International Airport in January 2017. A close advisor to ASSK, he was credited with achieving the constitutional amendment that enabled the creation of the role of State Counsellor for ASSK in 2016⁹⁴.

U Ko Ni's case, there will be very few. The case is very serious. [Other very public activists' names], they will raise these issues, but they will not be able to really bring the change. But U Ko Ni did. U Ko Ni clearly found some way that the constitution can be changed. (ITW 3)

⁹⁴ Since the constitution would not allow her to hold the role of President due to her children and husband being foreign nationals.

One respondent argued that it was because U Ko Ni achieved actual change that he was murdered. He had crossed that final line by threatening semi-authoritarian Myanmar's survival with his masterminding of the constitutional amendment. His murder was interpreted as a warning by fellow activists,

U Ko Ni was a symbol, it was a message to all activists. I do interpret it that way. (ITW 8)

Prominent activists continued to fear for their lives. While they talked of being fearless, of setting an example for others, of opening ways, they were very aware of how risky political dissent remained in semi-authoritarian Myanmar,

I could be killed. Anything can happen, but the worse thing is assassination. Because I think all the activists are prepared for that. We are an emerging group saying unpopular ideas, against the leadership, against the government, we're being watched, we're being followed. And many things could happen to us. We get a lot of threats, like rape threats, and everything so severe. But if they assassinate only one person from my group, people will stand out against it everywhere. (ITW 6)

Without oversimplifying, looking empirically at a lengthy list of political resistance acts that sparked reprisal, some lessons emerged around what would trigger repression and would therefore be considered as risky by human rights advocates. The first lesson is that it seems to be more about *who* would be the target of criticism, rather than *what* was actually being denounced. Second, there was a different risk perception based on *where* human rights advocates would operate and where were the networks they were embedded into. Lastly, targeting the military regime as an institution, and questioning what it sees as its *raison d'être* – which is to protect national unity and sovereignty – seemed to be the riskiest move for human rights advocates. Interestingly, and in line with initial theoretical thinking and hypotheses, analysing empirically the specific structure of political opportunities in semi-authoritarian Myanmar reveals both specific repression tactics on the part of the regime, and strategies of dissent adapted in return by activists. These repression tactics triggered by the scope of dissent highlighted in this section indeed impacted activists' precarity and their vulnerability to state reprisal.

Banki speaks of the *precarity* of activists, i.e., their exposure to vulnerability, that she defines as “forms of vulnerability and impediments to security and stability that stem from both formal (legal, political) and informal (social, cultural) processes” (in Egreteau & Robinne, 2016: 235). She argues that precarity is not only informed by the risks of repression, but “by the risks associated with an unstable system of governance, and not the certainty of punishment” (*ibid*, p. 258). More than the repressive nature of the semi-authoritarian regime, I argue that it is its inherent volatility that enhances risks for activists, as the repression suffered by activists influences the methods of contention they chose in order to mobilise (Burke, 2014). Building on findings from previous empirical chapters, the next section will look into how both the regime and human rights advocates navigate a heavily policed space for dissent. There, I argue that because of its repressive and exclusive approach, the regime navigates a thin line between legality and legitimacy, reverting to forcing human rights advocates to operate outside of legal frameworks, that are used by the regime to police them (as described in chapter 4).

Navigating a heavily policed space for dissent

This research projects looks at the relationship between regime change and human rights mobilisation. It offered to do so through a thorough empirical analysis of the legal and institutional framework, arguing that it influences both repression and mobilisation strategies, as both sides instrumentalise the system to their advantage. Human rights advocates would use legal avenues to progress their agenda through diverse strategies, from suing the government, to boycotting the court system, to choosing to go to jail, rather than get away with paying fines, to raise the profile of their claims. The regime would also use the legal and institutional framework to pursue its own interests, and control and discredit dissent.

Activists are often criticised by the regime for stirring the pot and fuelling social unrest, while the SAR is built on a promise of stability and order over freedom, and a promise of national harmony over individual freedoms. Through this trade-off, the authorities make themselves indispensable to preserving what is presented as the regime’s interests: stability and order,

and which is in turn used to justify widespread repression of human rights mobilisation. As a result, stability often comes at the cost of the rule of law, civil and political rights and freedoms, civic space and the overall functioning of a democratic state. Following this logic, any dissent that challenges the regime and its core values is deemed destabilising to the national order and triggers heavy repression.

The regime deploys a restrictive, exclusive vision of nation-building, aimed to progress a Buddhist nationalist agenda, in opposition to an inclusive, universal human rights ideology. In that context, political opportunities such as referendums or elections are perceived as the ultimate legitimacy game, and in that sense, they present both political dissidents and the regime with risks and opportunities. Looking at how SARs handle elections or referendums, it appears that a distinctive feature of SARs is that they do not handle power sharing and power transfers well. These can be understood as key moments when the regime is at risk of backsliding. Elections or referendum votes have the potential to disturb the power equilibrium, as opposed forces compete to secure legitimacy out of the ballot boxes, and are prone momentum for political reversal. This could partially explain the shift that culminated in the February 2021 military coup in Myanmar. This tensions between legality and legitimacy also transpires in the NUG's repeated appeal to be referred to as "the legitimately elected government" or the "legitimate government" following its victory at the annulled 2020 general elections, rather than the most commonly used term of "government in exile". While the Tatmadaw embraced a rhetoric to claim the legality of the "state of emergency" as planed in the 2008 Constitution in reaction to alleged rigged general elections, the NUG advocated to be recognised as the legitimate government of Myanmar, a claim that culminated in the recognition by the European Parliament (2022) of "the National Unity Consultative Council (NUCC) as the only legitimate representatives of the democratic wishes of the people of Myanmar".

The opportunistic use of the legal and institutional framework

As I described in chapter 5, different actors would use different strategies to occupy the political space. At times, some human rights advocates would use legal avenues to penetrate

spaces under state monopoly and challenge the status quo from within, even if by doing so they become the active target of state-sponsored legal harassment (see also chapter 5).

When a group of prominent activists were arrested for organising a protest in solidarity with Kachin IDPs in May 2018, as their case was dragging along and they were still awaiting trial 2 years later, they came up with a strategy to highlight the failed court system and decided to sue the government, challenging the Yangon Chief Minister's decision to impose a blanket ban on freedom of assembly in 11 townships.

We are now counter-suing the government. It's the first kind of this case where we submitted a constitutional case to the Supreme Court. And the Supreme Court accepted our case. It will be the first of such cases. We can call the Chief Minister⁹⁵ to discuss the charges, and they will investigate what actually happened, with the state and the protesters. So now we're waiting. We were protesting against the civil war in Kachin at that time. (...) We organised this in solidarity. I was the leader, one of 3 women.

We are making this action a historical one because this never happened in our whole life. Never happened in the legal procedure as well, we will be the first ever kind of case that we can call on the Chief Minister to come and defend the case against us. The Yangon Chief Minister because he ordered that final order, he published that prohibition for 11 townships (blanket ban on protests) (...). At least it will give the message that we can counter the state order if it's unconstitutional and we can actually come back against officials. (ITW 6)

Activists were well aware that the Thein Sein's government drew its legitimacy from the past military regime's gains and the 2008 Constitution it had birthed (see Egretau and Robinne, 2016:2). Yet while they criticised the systems under the 2008 Constitution and denounced the use of the legal framework to harass political dissidents, some of the activists I

⁹⁵ Yangon Chief Minister at the time was Phyo Min Thein, a prominent NLD leader. A political prisoner during the 90s, he was elected to Parliament in 2012, and quickly rose amongst the NLD ranks, to be appointed in October 2016 to the (12 members) NLD Central Executive Committee. He tackled large infrastructure and development projects in the Yangon region, reforming the transportation system, and was often cited as a potential successor to ASSK. He was heavily criticised during the COVID19 pandemic for attending religious gatherings despite the stay-at-home orders and renounced to run for his seat at Parliament again in the 2020 general elections. However, the blanket ban on protests was technically issued by Yangon Region Security and Border Affairs Minister Colonel Aung Soe Moe.

interviewed appeared determined to play by the rules – even if deemed unfair, and to engage with the military and civilian government through the institutions in order to reform from within (see also chapter 5). This approach was thought to both open a dialogue with the authorities, and an opportunity to expose how unfair, illegitimate or ridiculous the legal system was.

Going through the various stages of a legal prosecution case gave dissidents opportunities to publicly oppose the system. They explained that at times they would boycott the court and the judges, by refusing to respond to them, or turning their back to their bench. When presented with the option to either pay a (very manageable) fee or go to jail, most activists would choose jail time, as a matter of principle, to show their solidarity with other political opponents serving longer sentences, and at the same time to show they were not ready to compromise and accept a financial settlement.

We need to prepare mentally. We want to show our solidarity so we should do it (go to jail), it will be just for 2 weeks. Minimum 2 weeks, maximum 2 or 3 months. (ITW 8)

Such strategies were partly enabled by the overall shortening of sentences that marked the semi-authoritarian period, moving away from its authoritarian practice of years- or decades-long sentences. As a result, throughout the period many activists would go in and out of jail, each time gaining in publicity, credibility and legitimacy (to the eyes of their peers and supporters).

This way, a certain dialogue opened between human rights advocates and the institutions, as the activists and the judges, lawyers, government officials, and other bureaucrats would in practice meet in court on a very regular basis. Some of the prosecuted activists I interviewed recognised that they had grown if not friendly, at the very least familiar with the regime's representatives that way, and that some of them even showed compassion but remained loyal to the regime in order to keep their jobs.

As they accelerated, the legal prosecutions opened real opportunities for dialogue; yet there was a real continuity in the way the regime pursued its use of the legal arsenal in a repressive

manner (see chapter 4). The state's repression toolbox comprised of tactics of repression⁹⁶ such as tactical concessions hiding repressive measures, retaliations, legal harassment, restriction on foreign funding, repressive security or anti-terrorism narratives, and state-sponsored harassment of HRDs, criminalization of rights-based activism, especially concerning issues such as minorities, migrants and refugees. As Free Speech organisation Athan's director stated in April 2019: "*the government of Myanmar is focusing on oppressing and penalising the people who criticise it*" (Su Myat Mon, 2019), arguing that the police was discriminately prosecuting pro-human rights and pro-democracy protesters for allegedly violating the Right to Peaceful Assembly and Procession Law. In effect, there was "there [was] no effective abolishment or amendment of laws that are used to violate freedom of expression in the current term of NLD-led government" (Athan, 2019:50), as the government maintained the remaining "repressive laws and legal provisions that should be abolished such as Section 505 (a), (b), 124(a) of the Penal Code, Electronic Transactions Law, Section 17(1) of Unlawful Associations Act, Section 66(d), 68(a), 77 and 78 of Telecommunications Law" (*ibid*), as discussed in chapter 4.

In chapter 2, I introduced a classic list of repressive measures that can be found in semi-authoritarian regimes, i.e. : 1) elections as a shiny veneer of democracy, 2) difficulties to legitimize democratic practices, 3) state-sponsored harassment and demonization of HRDs and generally progressive voices, 4) crack down on free speech and the media, 5) personal harassment and institutional segregation of political opponents, 6) encroachment by the state of private liberties such as freedom of religion, sexual preferences, etc., 7) violations of ethnic, religious, sexual minority rights. Most were empirically observed in semi-authoritarian Myanmar, sustained by the repressive provisions free-speech organisation Athan described above. It appeared that the quasi-civilian government not only did not dismantle these laws and legal provisions, but that it continued to use them to repress dissent arbitrarily. Earlier in this chapter, I argued that the same criticism towards different targets would not be met with the same harshness. Similarly, the same actions by activists would not necessarily trigger the

⁹⁶ See Tsutsui and Brysk for report of counter-mobilization to rights initiatives in Brysk and Stohl, 2017.

same repression at all times or places. Most of my respondents had been involved in activism for years, if not decades, protesting year after year in favour of similar causes, using a relatively similar array of strategies. However, they faced varying reactions over the years, and admitted that the government's response seemed to vary according to the political climate. Activists who had organised a solidarity protest with IDPs in Yangon (despite warnings that they would get into trouble with the military for doing so), explained

Actually, we were doing the same thing just last year, and last two years. At that time, in that moment, we played the game because of that warning, and the environment and political climate was different. We know it. But we just tried to go for it, because we want to normalise protesting, regardless of (political) climate, regardless of what they (the government) are emotional about. Expression is not based on their emotions, we just carry on, we are countering. (ITW 6)

Often, as human rights advocates would get used to enjoying some freedoms in some spaces, they felt like the government would suddenly paddle back and tighten rules again,

In Patheingyi town, we were organising our own workshop, so I applied [for travel authorization] and I got denied. I usually travelled to the remotest places, and we work very closely with the ministry [rural development and health], so that was a change. It depends on the situation, they [the authorities] sometimes give a little bit of space, reduce some of those barriers, and sometimes they bring it back. They loosen the rope and tighten it back. It's that kind of system, it's another thing: creating confusion. [ITW 3]

Creating confusion, and therefore enhancing civil society actors' precarity (see Banki, 2016 on how governance volatility reinforces activists' vulnerability) might have been a conscious strategy from the regime's authorities to confuse and demoralize activists. Either way, it did add to the regime's volatility alongside a repressive legal and institutional framework that remained intact, available for the regime as a toolbox of repression tactics to tap into arbitrarily in order to serve its interests and repress dissent.

When choosing to avoid repression, human rights advocates would deploy a wide range of strategies to stay below the radar,

I don't post on Facebook if the topic is sensitive, I try to look out for the media, how can they deliver my message. This way they cannot sue me directly. They can sue the media. (ITW 19)

Yet often, to remain 'legal' meant being inactive (at least politically) and therefore unable to spark change (Steinberg, 1999).

A legitimacy tug-of-war between activists and the state

Human rights advocates' activities might be framed as illegal by the state, their fight is mostly elsewhere: activists perceive their work as legitimate actors defending an equality democracy narrative (see chapter 5) and they want to be perceived as political actors fighting not *against* the state but *in favour of* rights and freedoms. Yet the opportunistic use of the legal arsenal against human rights activists serves an important narrative of the semi-authoritarian regime, that presents itself as the guarantor of stability and order. Portraying political opponents as dissidents engaged in illegal affairs created a useful frame and the regime fed on human rights advocates' negative reputations. The idea that being socially and politically active would imply "active in breach of the law" was an idea that I found common in my respondents' perceptions, and further illustrated the interaction between the state and non-state actors. As a result, the term 'activist' itself remained heavily connoted,

Activism in Myanmar can mean a lot of different things. I don't consider myself an activist. I actively participate in actions. But the activist label is highly politicized in Myanmar. If you are labelled as an activist, then you're an anti-state actor already. I don't consider myself like that. (...) I don't view myself as against the state, I view myself as even more for the state. I am just for some issue. (...) As the definition of activists goes, not in opposition to the state but in search of something greater, then definitely I am an activist. (ITW 9)

Public opinion could indeed be very harsh against activists and especially street protesters, that they see – as the state does – as troublemakers disrupting public order, and ultimately as opponents of the state.

Other people even refuse to be called 'activist'. 'Activists' are seen as uneducated, not engaged with the government, they don't have ways to engage with the government, they're in the street all the time. That's why I

want to change the narrative: I am talking with the government, I am educated, I am a woman and I am an activist. (ITW 6)

This conception of activists as being engaged in a “fight against the state” (Ford, 2013) has remained a central nod in my investigation, and I remain quite intrigued by this tension between competing ‘democratic’ visions, beyond the context of this case-study on semi-authoritarian Myanmar. If anything, it appears evident that there are competing narratives of nation-building supported by the regime on the one hand and activists on the other. As a result, in a non-democratic, semi-authoritarian context, human rights advocates’ fight for social and political change has often been portrayed as a fight *against the state*, justifying repression against activists framed as state enemies responsible for unrest.

Prasse-Freeman reminds us that the “progression of fairly radical outcomes for quiet appeals for fairness is a message literally written in the demonstrations themselves” in Myanmar, as protesters often initially seek to contextualize their demands, and would later escalate their contentious approach when their initial peaceful claims are dismissed by the authorities, as they are forced into radical methods (in Egreteau & Robinne, 2016:76-77).

Once, I asked a youth activist if he had a lot of active friends in the student movements and beyond, and he responded

It is so hard to define active – do you mean people who got arrested? Then yes of course. It’s hard to find people who are not active. Most people are just trying to make they own life better.

Various of my respondents insisted on the importance of being perceived as serving the state’s interests, or national interests, to be allowed to operate freely,

I think we are the most flexible localised international team on the ground. When people deal with us, they realise we have an international wealth of knowledge but at the same time, they have the assurance that we will not do anything that go against the interest of the people here we live in. It is very helpful in how they perceive our work. We have built that kind of trust with the stakeholders. I don’t feel like we are seen as outsiders like the World Bank or DFID. (ITW 18)

Semi-authoritarian regimes and the unsettling times of power transfers

As described in chapter 4, often as social tensions were expected to arise, the government would revert back to systematic wide-range repression tactics such as blanket protest bans or regional Internet shutdowns. As a respondent put it,

If anything happens, suddenly the internet doesn't work – or it slows down, so slow that people give up, they don't use it. (ITW 3)

For instance, ahead of Chinese President Xi Jinping's visit to Myanmar in January 2020, amongst tensions in Kachin state especially around business interests and China's important presence in the regions, the government obtained the suspensions of all posts in Kachin language on Facebook,

Since morning, you cannot access Kachin pages. I usually check this priest's page every morning, he posts on his page in Kachin. This morning I cannot access. It is the first time it happened. If you mix English and Burmese and Kachin, then it works. Now I tried again (shows me online). Kachin language uses roman alphabet. Many people are screenshotting that it doesn't work since this morning. (...) Now the Kachin community they are also organising a letter to the Chinese president. That's also another reason. (January 2020, ITW 1)

Ahead of the 2020 general elections, respondents expected the NLD to tighten its repression of political dissent.

They [the government] will be super sensitive when they are criticised, especially with the NLD, they might not like activists or organisers to reveal their true colours and they would actually find ways to stop them or constrain them, so the human rights defenders and activists might be in danger. That's our speculation. Both sides might have struggled a lot, because they have some extremes. (ITW 6)

According to Bunce, one of the features of authoritarian leaders is that they are “badly informed” (2015). Without democratic institutions and practices, they do not know what people want or need, which can lead them to making political mistakes (*ibid*)⁹⁷. To protect

⁹⁷ Prasse-Freeman reminds us that this is true of opposition groups too (2012).

itself against external threats and internal mistakes within its own ranks, the regime would revert to expansive repressive measures, such as blanket bans, targeting anyone questioning their role, challenging their power or the foundations it is built upon, especially the 2008 Constitution.

I described at length in chapter 2 how SARs are careful curated regimes that rely on a corpus of legislation and institutions that sustain their leadership's power grip. The U Thein Sein's government anchored its legitimacy in the 2008 Constitution it developed through flawed but official consultation channels such as the 2008 referendum and 2010 elections that shifted political opportunities for opponents (see chapter 3). Relying on referendums to push reforms is a common method to gain legitimacy, enabling governments to claim they are responding to the people's wishes. Yet, while SARs rely on legitimacy-enhancing practice such as elections or referendums, they are not designed or equipped to cope well with periods of potential power sharing or power transfer. In 1990, the NLD's landslide victory at the general elections was ignored by the military that simply refused to hand over power, arguing that the country was not ready for democracy, since internal conflicts were still raging. Periods of intra-regime competition (such as during elections) open real opportunities for political opponents to contest power holding entities. The 2015 elections were thus a critical turning point, as they were not only the first ones the NLD had won, but they became the first elections whose results were respected by the military. Elections in Myanmar presented opportunities to spur a political opposition front and unify opposition forces against the exit government. Repression is likely to increase in these challenging times for a regime, as it feels threatened – potentially all the way to imposing a coup as last resort against a triumphant political opponent, as in February 2021 in Myanmar.

As this section looked into the strategies deployed by activists to navigate the heavily policed space, it revealed how the repertoire of contention and repression tactics are intrinsically linked in SARs, influencing each other: strategies of dissent are heavily constrained by the space left unattended by the regime and the repression they encounter, and the regime's authoritarian backsliding can be understood as a desperate attempt to resist further dissent. SARs curate a legal arsenal to police the space for dissent they have carefully opened and use it to crackdown on dissidents questioning their legitimacy. They deploy a pick-and-choose

attitude towards human rights mobilisation, rigging the electoral arena, the political participation field, tightly constraining freedoms of resistance, and thus impairing power sharing practices. But it is a thin line to walk between legality and legitimacy, to maintain stability and order at all costs, as the state portrays activists as “enemies of the state”, repressing competing democratic narratives that emerge in the freshly opened space for dissent and legitimise dissent, often presented as the last resort to progress human rights. The civil and political opposition operates from an uncomfortable position: mobilisation is risky, public opinion is critical, but pay-offs can be game-changing, and with every bit of space for dissent successfully occupied, with every progress on the democratic and human rights front, the country transforms. And when the civic space changes, the regime’s repressive approach is forced to change too. Space for dissent expands, activists get louder, sentences get shorter – until the system derails, and the military regime feels left with no other option to crush dissent but to confiscate power again.

The 2021 military coup d’état: regime survival and authoritarian backsliding

At the November 2020 general elections, the National League for Democracy (NLD) won more than 80% of the seats up for grabs: 258 lower house seats, 138 upper house seats, and a total of 501 seats across the country’s state and regional parliaments. Ethnic political parties won 31 lower house seats, 16 upper house seats, and 47 seats in state and regional parliaments. The Shan National League for Democracy, third of the more than 90 parties in Myanmar (after the NLD and USDP), won 15 seats at Union level and 26 seats at the Shan State regional parliament. Securing only 33 of the 476 seats (the NLD won 396), the 2020 general elections were a humiliation for the USDP, the proxy military party.

As the newly elected MPs were about to be sworn into Parliament with the opening of the new session in Nay Pyi Taw on 1 February 2021, and after a few days of rumours, leaders and elected members of the NLD were swiftly arrested. As the previous government was deposed, a state of emergency was declared, renewed every 6 months since then, with the promise that new elections would be organized in an effort to continue to support the “genuine and disciplined multi-party democratic system” according to Commander-in-Chief Min Aung

Hlaing (Al Jazeera, 2022), once stability had been regained⁹⁸. The military junta claimed it seized power to counter alleged frauds that had rigged the November 2020 general elections organized across the country. This abruptly interrupted Myanmar's semi-authoritarian period.

The military's trumped up⁹⁹ allegations of electoral fraud and "rigged elections" was used as a justification for declaring a state of emergency that allowed the military to step back in, as anticipated in the 2008 Constitution (see below). In May 2021, a directive emerged dating back to 4 February 2021, a few days after the coup, stating that Min Aung Hlaing could remain Commander-in-Chief for life. Commentators argued that his upcoming retirement at age 65 in July 2021 was one of the reasons behind the coup. By removing the age restriction that would have in effect forced Min Aung Hlaing to step down, the directive shed a new light to his personal motives. The change applies to the Deputy-Commander-in-Chief as well.

Senior General Min Aung Hlaing appointed himself Prime Minister in August 2021. The military, that started to refer to itself as the State Administration Council (SAC), soon imposed a communications shut down, expanded laws and regulations to curtail civil and political rights and arrested political opposition leaders (State Counsellor AUNG MYE THAZAR and President Win Myint were arrested in the following hours of the coup on 1st February 2021 and were both initially sentenced to two years in December 2021 on grounds of incitement), and dissidents, and soon anyone voicing dissent. On top on the initial charges crafted to justify her initial arrest on 1st February, along with other NLD leaders, AUNG MYE THAZAR was charged with additional counts: illegally importing telecommunications equipment, violating pandemic restrictions, corruption, electoral fraud, and breaching the Official Secrets Act (FH, 2021).

An unprecedented Civil Disobedience Movement (CDM) emerged, and quickly, anyone participating or supporting the CDM became a target for state-sponsored reprisal (on CDM, see Thazin, 2021; Jordt, Than & Sue, 2021).

⁹⁸ At time of writing, the next elections were expected in August 2023.

⁹⁹ *Pun intended.*

In chapter 2, I argued that the military utilised the 2008 Constitution to ensure military domination over politics in the newly created semi-authoritarian framework. The military continued to play legitimacy politics in the aftermath of the coup, as they sought to justify the coup d'état by relying on arguments of election frauds and on constitutional provisions allowing them to legally declare a state of emergency – initially presented as time-bound. Article 417 of the 2008 Constitution effectively gave the military power of life or death over this new hybrid regime, as it allowed the dissolution of the civilian government in case of threats of “disintegration of the Union or national solidarity”. Article 417 anticipated conditions for the declaration of a state of emergency,

“417. If there arises or if there is sufficient reason for a state of emergency to arise that may disintegrate the Union or disintegrate national solidarity or that may cause the loss of sovereignty, due to acts or attempts to take over the sovereignty of the Union by insurgency, violence and wrongful forcible means, the President may, after co-ordinating with the National Defence and Security Council, promulgate an ordinance and declare a state of emergency. In the said ordinance, it shall be stated that the area where the state of emergency in operation is the entire Nation and the specified duration is one year from the day of promulgation.”

Commander-in-Chief Min Aung Hlaing quoted articles 417 and 418 of the 2008 Constitution in defence of the legality of the 1st of February 2021 coup d'état. Using the Constitution as well, the democratically elected NUG denied the illegality of the process. It claimed that article 418 clearly states that the transfer of power had to be done by the President, who refused to do so, and not by the Vice-President.

“418. a. In the matter concerning the declaration of the state of emergency according to Section 417, the President shall declare the transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services to enable him to carry out necessary measures to speedily restore its original situation in the Union (...).”

The International Commission of Jurists (ICJ, 2021) supported the claim of the illegality of the coup, declaring it unconstitutional and contrary to essential principles of the rule of law. The ICJ stated that “the Myanmar military’s actions violate even the flawed Constitution that the military itself imposed in 2008”.

The military junta, reformed as the SAC, continued to shield behind the 2008 Constitution, and especially article 432 that prevents challenging the “legitimate measures” implemented following the state of emergency. Both the NLD and the Tatmadaw consider themselves legitimate rulers of the country, one because democratically elected, and the other because protecting the country against threats of disintegration, and the coup can also be understood as a crisis of legitimacy.

Coup and survival

Some countries have a history of coups d'état. This is the case for Thailand, that experienced 13 successful coups, and 9 failed attempts, since 1932, making it the country that has experienced the most coups. Researchers have gathered evidence on political instability, identifying factors that help predict the likelihood of coups. CoupCast, a tool created by One Earth Future in 2016¹⁰⁰, has gathered historical data on coups, to identify “the baseline risks factors and short-term triggers that greatly increase the likelihood of a coup” (One Earth Future, 2016). It demonstrates that countries that have already experienced a coup are more likely to experience it again. In the case of Thailand, they argue that the Thai political culture is “prone to coups”, meaning that there has been a normalization of coups d'état as a way to resolve political crisis, with parts of the public even asking for the military to step in and restore order at times. Moreover, CoupCast data allowed political scientists to argue that regime types were a highly indicative factor to the likelihood of coups. According to CoupCast data, coups are more likely to occur in semi-authoritarian regimes, i.e., they rarely occur in fully democratic or fully authoritarian regimes. The dataset gathered by the CoupCast research project has inspired numerous research publications. Among them, research has found that by incorporating opposition forces into legislature, autocrats tend to survive longer in power (Gandhi and Przeworski, 2007). Moreover, while dictatorships are very unlikely to respect elections results if they lose (88% ignore elections results, according to

¹⁰⁰ The project lasted 5 years and was interrupted by One Earth Future in August 2021.

CoupCast dataset), military dictatorships are the most likely regime type to actually step down (see Wright, and Escribà-Folch, 2012; Geddes, Wright & Frantz, 2014). It is beyond the scope of this research project to test these findings in the Myanmar context, but further research could look into it.

In any case, it is common knowledge that autocrats more often than not refuse to hand over power, and the Tatmadaw had a history of ignoring election results that did not serve their plans, as they had done following the 1990 elections. The potentiality of a coup had therefore already been on everyone's minds during the 2015 general elections. In 2015, Commander-in-Chief Min Aung Hlaing gave a few interviews to foreign medias, including Channel News Asia and the BBC (Fisher, 2015). A few months prior to the 8 November 2015 elections, he had vowed "I personally dislike military takeovers" and "I have no plans for a military coup [and] the military has no plans for it" (The Irrawaddy, 2015). With neighbour country Thailand experiencing a coup the year before (in May 2014), threats of military coups in the region were on everyone's minds. To the BBC in July 2015 he imparted,

I believe the election will be free and fair. That is our true wish. We are committed to helping make that happen anyway we can. When the election commission announces the results, we have to respect it. Because it will have been democratically done.

The BBC (2015) also interviewed President Thein Sein in March 2015. He explained that the military is "only concerned with national interest" and that their role is to "serve the interest of the people", "which means being involved in national politics". Citing Indonesia's examples where the military had 40% of parliamentary seats in the transition period, he assured the BBC that the role of the military will reduce gradually as the transition progressed. At the time, the military presented itself as "safeguarding the constitution" and conditioned stepping back from politics to the conclusion of peace agreements with the ethnic armed groups.

Observers had argued then that the 2008 Constitution, because it had been explicitly designed to institutionalize the military's lasting control "more than anything, explains Min Aung Hlaing's nonchalance when asked whether a coup is likely" (Wade, 2015) in September 2015. Their strong position at the heart of Myanmar's political affairs, based on the 2008

Constitution, ensured the military's long-lasting power. Francis Wade explained that "the military doesn't need to retake power because it has never left, and it won't anytime soon" (Wade, 2015).

A few days prior to the coup in 2021, as domestic electoral observers denied election frauds had occurred during the November 2020 elections (on 29 January 2021), the Tatmadaw refused to rule out a coup, but claimed it would respect the 2008 Constitution.

Several explanations to the 2021 coup have been debated by observers, from Min Aung Hlaing's imminent forced retirement (due to approaching 65) and presidential ambitions, to the ICC case against Myanmar that had both weakened ASSK and emboldened the military. The ICC case against Min Aung Hlaing meant he had to hold on to a senior government position to be protected, which some have argued explained why the NLD had advocated for the ICC to drop the charges against the Burmese military leadership, so he would not resort to holding onto power past retirement to secure its immunity, and he would leave office.

The NLD's open statements that it was laying grounds to reform the 2008 Constitution might have contributed to the military's febrility and its decision to take over and ignore the elections results. While reforming the constitutional framework had always been an ambition for the opposition forces, as one component of regime change; to the Tatmadaw it is the culmination point of an imposed transition that has guaranteed the institutionalisation of the military's power for the long run. By hinting towards the necessary constitutional reform as a looming next step in its regime change plan, the NLD might have upset the military's plans to maintain status quo in this semi-authoritarian regime they had designed to their advantage.

These, coupled with the increased dissent in the previous 10 years since the opening of the political space, might have led the military to revert to its old authoritarian practice through the 2021 coup d'état.

Progress was undeniably on the way before the coup. One could even argue that the progress of human rights advocates in occupying the freshly opened space for dissent became too threatening for the regime. As they enjoyed some leeway and secured some concrete gains, there was always a sense amongst my respondents that a state crackdown was always an

option, highlighting their understanding and expectations regarding the regime's precariousness.

The resilience of Myanmar's civil society during the coup and beyond

Shortly after the coup on 1 February 2021, people poured into the streets to protest, which peaked to hundreds of thousands to over a million people demonstrating in Yangon on 22 February 2021. It seems important to recall here that protests started in reaction to the coup in 2021, and not the other way around (counter to the military's narrative of the coup as a necessary response to regain order). Following a few weeks of peaceful protests marked by creative street protests tactics and the celebration of democratic values that had bloomed in the Burmese society for the past 10 years, the situation quickly worsened. Violence, arrests and killings of protesters soon became a daily occurrence.

The 'anti-coup' reaction turned full-fledge revolution, and the term 'Spring Revolution' took off. "We are exercising our rights" said activists Shunlei Yi mid-March 2021 in a video interview with the TIME (Chen, 2021), as she was actively involved in the protests while moving from one safe location to the other. She denounced the "daily slaughter" of peaceful protesters by the military and argued the "revolution against the political system and cultural system in the country" was underway. By August 2021, Human Rights Watch declared that "the situation for civil society is extremely dangerous as civic freedoms have become non-existent" (Civicus, 2021). By the end of the year 2021, the Assistance Association for Political Prisoners (AAPP), created by Generation 88 ex-political prisoners in 2000, reported that 11,289 people had been arrested and 1,384 died in relation to the 2021 coup¹⁰¹.

With the coup, the junta renewed with a form of collective sanction, by targeting family members of protesters and CDM participants. Internet blackouts imposed on some areas were also a form of such collective punishments. The junta denied crucial access to

¹⁰¹ Interactive AAPP data since the 2021 coup is available here: <https://coup.aappb.org>.

information for populations at times of crisis (including during the Covid-19 pandemic), which also provides a cover for human rights abuses conducted by the authorities.

As discussed earlier, semi-authoritarian regimes' leaders are prone to under- or over-estimate popular reactions to political events (see Bunce and Wolchik, 2010), such as coups. Thinking they had dealt with the main opponents (the NLD), the military junta underestimated the resistance it would encounter from the population. Camroux argued that the military junta "started believing in its own propaganda" and only realized how widely unpopular (Camroux, 2021) it was with the popular reaction to the 2021 military coup and the extent of civil disobedience and popular uprising. Indeed, it under-estimated how large the protest movement against the coup could grow and how resilient and deeply entrenched the resistance could become. In an interview with Hong Kong-based Chinese language broadcaster Phoenix Television on 20 May 2021, Min Aung Hlaing himself admitted that he did not expect such resistance from the country's population to the military coup (The Irrawaddy, 2021).

The Civil Disobedience Movement (CDM) quickly threatened to throw the country into a complete blockage, as civil servants went on strike, abandoned their jobs, and the transportations or banking sectors were put to a complete halt. It also underestimated the extent of transnational activists' connections. Unlike in 1988 or 2007, the world is watching, activists are connected and supported transnationally, and the domestic economy is dependent on the country's ties with a globalized economy that relies on communication technologies. The junta quickly realized that plunging the whole country into an Internet blockage would tank its economy.

The role of women in the mobilisation movement has been a huge progress observed in the pro-human rights mobilisation, with strong female and feminist figures emerging as very visible and vocal spokespersons. Women have weaponized their gender in the streets, as they hung their longyi *htamein*, undergarments and female-perceived gears such as bras or periods pads as protests signs on ropes in the streets. They knew male police and military officers would be reluctant to walk under them, playing onto the belief that female attires are 'dirty' and can stain male *hpon*. Female garments are often washed separately from male's ones in households; and hung out to dry in private. Min Aung Hlaing himself denounced these

“indecent clothes” display as “contrary to Myanmar culture”. There is a real diversity in the profiles of women who are active in the resistance movements. Proclaimed feminists are often “from relatively privileged upper-middle-class backgrounds, but they are not the only ones. Rural female activists, drag queens, ethnic minority women in traditional clothing, female garment workers and labour union representatives, Rohingya women, LGBTI community members, and gender minorities from other marginalized groups have also joined the anti-coup movement” (Lau, 2021).

In that context, a repressive approach to pro-democracy protests was to be expected, with a bold refusal to tolerate dissent or to engage with opposition forces. Instead, the junta banned local media in June 2021 from using the words “junta” or “coup” (Frontier Myanmar, 2022). In an attempt to normalise its ruling in the aftermath of the coup, the junta used pro-military propaganda outlets such as the *Global New Light of Myanmar* to relay a narrative of “return to normal”, as it staged new year’s celebrations in April 2022 for instance (Mizzima, 2022), as well as to depict pro-democracy governance forces, and especially the CRPH, NUG¹⁰² and PDF, as “terrorists” (Myanmar News Agency, 2021).

Leaders of the 1988 uprising are now official spokespersons for the Spring Revolution (such as Aung Myo Min, Minister of Human rights in the NUG or Min Ko Naing, spokespersons of the NUCC¹⁰³), which can be seen as a testimony to the historical continuity of the coup. It finds its roots in the 1988 uprising, with a protest language referencing “invocations of a second struggle for independence have also been key in linking the political role of Aung San Suu Kyi to that of her father” (Raynaud, 2022), and beyond, in the 1930s-1940s independence movement as “much of the vocabulary of the ongoing movement that borrows from the country’s (first) struggle for independence from its British colonizer” (when the All Burma Federation of Students Union was created – Min Ko Naing then became its leader the ABFSU was revived in 1988) (*ibid*).

¹⁰² A government in exile, the National Unity Government (NUG) was formed on 16 April 2021.

¹⁰³ The National Unity Consultative Committee (NUCC) includes both the NUG and the CRPH (the government and parliament in exile).

What started as a cry for respect of the results of the 2020 free elections and the liberation of democratically elected leaders, morphed into systemic claims, in favour of the revision of the 2008 Constitution and the instauration of a federal democracy. A year after the coup, by early 2022, broad claims in favour of “federal democracy” and to “end the military ruling” have replaced the initial demands to respect the 2021 elections’ results and return to pre-coup status quo no longer appears as an option. Only a deep reform of the political systems in Myanmar can ensure the population can enjoy basic fundamental freedoms. While the coup might have brought human rights advocates back into hiding and exile across the border to Thailand and across the world, their messages, resources and resilience are stronger than ever. Protesters continued to frame their demands to find echo on the human rights’ global scene. On 10 December 2021, Human Rights Day was marked by a day of Silent Strike in Myanmar.

There is thus a continuity in civil society’s coping strategies with the 2021 coup, as it recomposed itself, taking up and re-adapting operating methods that it knows well: working through the diaspora, collaborating with transnational/cross-border networks of influence, but also with the National Unity Government (NUG) in exile and the Committee representing the Assembly of the Union (CRPH).

State-sponsored authoritarian repression also took a transnational dimension. Following the coup, the repressive use of the legal framework extended beyond Myanmar’s borders. The Draft Cyber Security Law for instance recognized the extra-territorial reach of the military government’s authority, enabling the prosecution of Myanmar’s citizens abroad (Article 1.a) and international organisations (Article 6.h) (FEM, 2022). The regime hunted down activists globally, harassing their families and closed ones who stayed in the country if they had escaped abroad; revoking activists’ or NUG members’ passports; and hindering online dissent (social media campaigns for instance) labelled ‘misinformation’ and counter to national state’s interests.

Concluding on the coup

The period of transition (2008-2021) has been widely referred to as 'experimental'. The Guardian (2021) wrote in October 2021 that *"the February coup ended a decade of tentative steps towards democracy and economic growth after decades of authoritarian rule and economic stagnation"* in Myanmar. France 24 (2021) blamed the coup for *"effectively ending Myanmar's 10-year experiment with democracy"*.

The February 2021 coup marks both a rupture, and a continuation in Myanmar politics. A rupture as it abruptly halted the semi-authoritarian period that had been initiated in the early 2010s. At the same time, it marked a return to military control over public affairs, a situation that Myanmar is familiar with, having lived through similar take overs in 1962 and 1988. Since the independence, the military has never not been in power, it simply retreated in the period 2010-2021. I would argue there is also a continuity of human rights violations, rooted in situations that pre-date the coup: ongoing ethnic conflicts and the humanitarian crisis, the stalled peace negotiations process, unfair economic development, weak governance mechanisms enabling corruption and limiting democratic practices.

The coup can be seen as another step in the ongoing regime change journey. Rather than an independent event, the coup was a consequence of the opening of the political space by the military junta itself. While not minimising the depth and extent of human rights violations in the post-coup era, it seems essential to see past the coup, to ask to what extent the gains made by human rights advocates during the semi-authoritarian phase can continue to impact the social and political situation positively post-coup. Often, we international human rights observers and scholars tend to overestimate the international dimension of events, and to neglect the importance of domestic politics. The coup is also a consequence of the opening of the space for dissent in Myanmar – had it not open; it wouldn't have to close – yet, it does not invalidate all the progress and learnings of civil society during the semi-authoritarian interlude, as civil society continues to stay active and engaged in carving and expanding the political space. The semi-authoritarian phase created new expectations for the population, which cannot be taken back. The civil society is increasingly politically-savvy, organized and professional, with actors who have benefited from a real intergenerational transmission that continues beyond the coup. After over a decade of increasing freedoms for the people in

Myanmar and human rights mobilisation, in a context of exploding access to information and communication technologies, both activists and the population are showing their readiness to resist going back to a dictatorship despite the risks that resisting under the military junta represents.

As I continue to apply the spiral model to make sense of Myanmar's human rights landscape, the military coup also presented a puzzle: what happens when progress gets halted? I hypothesised that this was most likely in SARs, due to the volatility of this regime type. What are the necessary scope conditions that allow to transform initial concessions into human rights compliance specifically in a SAR? I seek to respond to these interrogations in the following chapter 7.

Chapter's conclusions

In this chapter 6, I pursued an analysis into the opposition human rights advocates encountered and how they perceived, embraced, or avoided risks. I argued that after opening the space for dissent from a position of strength, the regime found itself compelled to heavily police the expression of dissent it considered most threatening. Human rights activists found themselves navigating a very constrained space for dissent, as repression increased, limiting their ability to engage in contentious politics. Yet according to Tilly, it is only when social influence translates into political power that it can oppose the state. It is therefore only when civil society actors are able to engage in contentious politics that they can realize their political influence. Any progress in the social space will have limited impact on the political status quo if it is prevented from translating into political collective claims. In such context, the military became once again the main power centre within the regime, with the 2020 elections – representing peak instability in the political equilibrium, precipitating the country back to an authoritarian regime.

While in the early 2010s the Myanmar military seemed determined to appear reformist by pushing a “transition” narrative, following the coup it reverted to ignoring international (mostly western, but not only: the ASEAN also played a role) pressure to halt human rights violations. For transnational activism and advocacy to work, a regime has to be at least partly

receptive to criticism and to external pressure. The regime's reliance on illicit trade (weapons, drugs, natural resources) also reinforced its isolation post-coup, especially as it was backed by authoritarian allies such as China or Russia, whose support weakened international sanctions and diplomatic pressure aimed at punishing authoritarian behaviours. As Chenoweth and Stephen put it, "a country's extreme isolation may make successful antiregime resistance (violent and non-violent) difficult" (2011: 185). Domestic actors know best how to navigate challenges and the risks associated with each strategies path they chose to take or to avoid (see also Mullen, 2016:67). Activists' mobilisation to attract international attention and support became harder and riskier. Travel restrictions, isolationist policies and the high security concerns continue to limit the connections with transnational solidarity movements. Yet, the pro-democracy and pro-human rights movement can rely on Myanmar's diaspora, and on social and traditional media to keep the situation in Myanmar on the international agenda, and to continue to bring pressure in from outside.

PART 2 – Conclusions

The past three empirical chapters (Part 2) explored the mechanisms by which human rights advocates exercise influence, by looking into human rights ideas and practices and dissecting how they are adopted, circulated, used strategically in a semi-authoritarian context where there is space for dissent, but political competition is neither free nor fair, and heavily policing is expected. To do so, it drew from Tilly's political opportunity structures (introduced p.86), as they provide an analytical framework to the **opening** covered in chapter 4 (especially, *a) the multiplicity of independent centres of power within the regime, b) the openness of the regime to new actors*), the **occupying** covered in chapter 5 (especially *c) the instability of current political alignments, d) the availability of influential allies or supporters*), and the **closing** (especially *e) the extent to which the regime represses or facilitate collective claim-making*), covered in chapter 6, of the space for dissent.

Chapter 4 concluded on the superficial opening of the space for dissent, that, while creating real opportunities, remained highly constrained. I found that contentious politics was framed by very tight legal borders, that enabled the regime to control who could participate or not into the political sphere, while maintaining such a tight grip that any real contention remained very risky or illegal.

A) the multiplicity of independent centres of power within the regime:

While on paper the political reforms invited political dissent, in practice their excluding nature prevailed, as a nationalist Buddhist agenda was imposed. Ethnic minority groups continued to be excluded from both political decision-making processes and from the human rights movement itself, whose mainstream advocates also denied human rights to ethnic minorities. Counter-powers were given a role, with institutions created only to be immediately emptied of any power to hold the government accountable.

B) the openness of the regime to new actors:

On paper, the regime welcomed new actors as it transformed into a multi-party “disciplined democracy” and allowed contested elections. The opening of the regime to new political actors, and especially the accession to power of the NLD did create a new political equilibrium, yet one where the national Buddhist agenda dominated, and where vaguely worded

institutional and legal reforms threatened political opponents' actions and free press coverage.

Chapter 5 looked into the strategies of mobilisation deployed by human rights advocates during the 2008-2021 period.

C) the availability of influential allies or supporters:

After decades of the NLD leading the pro-democracy pro-human rights movement, as a governing party, it not only turned its back to the movement and its principles, but also became an agent of repression of collective claim-making and political dissent more broadly. Domestic human rights actors were able to frame their claims to connect with the international human rights movement, gaining in influence and mobilizing essential resources to sustain their domestic mobilization efforts. Yet, the military regime remained mostly impervious to international pressure rooted in international human rights norms, finding international diplomatic support instead from non-democratic countries like China or Russia. As for the NLD-led government and ASSK herself, while they could have been expected to be receptive to such international pressure, they faced a virulent delegitimizing campaign, preventing them to engage substantially with the international human rights agenda.

D) the instability of current political alignments:

The NLD has been the central variable in the shifting political equilibrium: first as an opposition party invited to compete for power and prevailing in the 2015 general elections, and soon after as a pro-democracy actor turned agent of repression. This trajectory illustrates not only the instability of political alignments, but also the insufficiencies of the pro-democracy pro-human rights front. The lack of solidarity amongst opposition actors, coupled with a regime strategy to divide and conquer, added to the human rights movement's own exclusive approach. It failed to advocate for the universality of civil and political human rights (denying their applicability to ethnic minorities, and tying their legitimacy to "duties"), and it failed to frame everyday struggles into a language of economic, social and cultural rights that could have gained traction among the broader public.

E) the extent to which the regime represses or facilitate collective claim-making:

Studying over 10 years of semi-authoritarian experience in Myanmar allowed us to gain clear insights into what forms of dissent were tolerated by the regime and considered legal, and how the pro-democracy and pro-human rights movement secured real gains. In reverse, it also helped further understand what semi-authoritarian Myanmar prohibited and considered threatening (and why), and therefore worth repressing (chapter 6). The exclusive and repressive spirit of legal and political change excluded both *who* could participate and *how* political contention emerged, as the carefully curated space for dissent kept opposition actors and civil society at arms' length, preventing their claims from spilling from the social space onto the political arena. Eventually, instability in the political space reached its peak at the prospect of further power sharing following the general elections (in 2020) and the regime jolted out of the semi-authoritarian status quo with the military coup in February 2021.

In chapter 2, I asked 3 questions, to which I provide answers both below and in concluding chapter 8:

- what specific and distinct opportunities and threats arise when mobilising for human rights in a SAR, that do not arise in the same way in democratic or authoritarian contexts?
- what it is about semi-authoritarian contexts that shape the actions and decision of HRAs?
- what tactics of dissent are specific to semi-authoritarian contexts?

I observed in semi-authoritarian Myanmar an opportunistic use of political opportunities and partnerships, rather than the implementation of a principle-based governance model that can be found in both authoritarian and democratic regimes. Negotiations, consensus, and opposition are built more frankly and openly, but are also less stable, as they can be dismantled as actors' priorities evolve. For instance, it was in the military's interest to welcome the NLD into a joint government, to best control it, until it no longer was and "disciplined democracy" or the hybrid regime model no longer served the military's agenda and was therefore revoked with the military coup in 2021. Political economy arguments in Burma Studies reveal how political actors' own economic interests shape their behaviours

and are often missed by liberal theories. Moments of power transfers such as elections therefore create peak volatility in SARs, as they call for a reshuffling of power dynamics and coalitions and might lead to a closing of the political space.

HRA both shape and are shaped by the political opportunities that exist in semi-authoritarian contexts. In that context, I observed a variety of civil society actors that deployed varied strategies of mobilization ranging from opposition to collaboration and avoidance, revealing different visions of social change and social progress for Myanmar. Yet as they operated in a highly constrained and unpredictable environment, where the legal and institutional framework was used instrumentally to repress dissent and where the political game was rigged in favour of the military, I uncovered that they all had a joint objective of carving out further space for dissent and progressing the liberalization agenda.

Repressive forces raise an objective of stability and order that justifies the instrumental use of the repression toolbox and creates tensions between the regime and HRAs around what is presented as legal and legitimate. Often, HRAs seek to remain out of reach of state policing, deploying a very intimate understanding of the dos and don'ts of mobilization in a SAR, as they navigate a repressive legal and political framework that both constrains and shapes their mobilisation strategies, for instance preventing a spill over of social complains onto the political field.

PART 3 – Rethinking human rights mobilization in semi-authoritarian contexts: a contribution to human rights impact models

Human rights lawyers in Myanmar have a motto: *“the case is lost but the cause is won”*.

This motto captures a lot of what this thesis set to demonstrate, i.e., that while the battle for Myanmar’s regime transformation in the past decades has been undeniably lost, this story of human rights mobilisation is one of inspiring resilience that continues to unfold in the post 2021 coup d’état era.

While the human rights mobilisation struggle failed to translate into long-lasting human rights policy and regime change progress in Myanmar, where prescriptive status of human rights norms would be secured, leading to a rule-consistent regime behaviour (steps 4 and 5 of the spiral model), a lot can still be learned from human rights progress in semi-authoritarian Myanmar. It allows us to return to the leading human rights impact model, the spiral model, to see to what extent this model helps frame and understand what happened in semi-authoritarian Myanmar, what can be learned from the events that unfolded in 2008-2021, and how the political opportunities structure model as an alternative analytical model helps complement our understanding of human rights activism in semi-authoritarian Myanmar.

Opening civic space presented the regime almost immediately with a dilemma: how to deal with more dissent it had itself invited into the political arena? In the case of Myanmar, the experience was short-lived, as the February 2021 coup marked a return to pre-opening human rights violations and authoritarian regime impunity. However, it was not the first time Myanmar experienced neither the opening nor the closing of its civic space. In 1988, and lately in 2021, following what might look like a complete reversal of progress and the return to authoritarianism, the political space for dissent shrunk, but it did not disappear. Each time, politics of resistance grew more resilient, reverting to ‘survival mode’, moving back across borders to operate transnationally, represented by a government in exile, previously the National Coalition Government of the Union of Burma (NCGUB) (1990-2012) and currently the National Unity Government (NUG), that carry on diplomatic affairs on behalf of a democratically elected government of Myanmar. Change is cyclical in SARs, and so is human rights change. While the spiral model did not plan for or expand on the potential

democratic/authoritarian backsliding that could happen in between human rights change stages, it did recognize that change is not linear.

Chapter 7 proposes to look at the main components of the regime (especially ability vs willingness and consolidated vs limited statehood) that transpired from previous empirical analysis in Part 2, and to use this discussion of human rights change scope conditions, and therefore the spiral model, as a guiding lens to explain human rights mobilisation in SARs. This is expected to provide important conclusions to fulfil this thesis' ambition to progress our thinking and hopefully our understanding of semi-authoritarian contexts themselves, as presenting a very specific human rights mobilisation landscape; but also of activism in such contexts and how human rights advocates appropriate human rights language, methodologies, strategies and the toolbox of human rights mobilisation in volatile semi-authoritarian contexts.

Chapter 7. Refining a model of human rights impact in SARs

As I attempted to make sense of the political transformation in Myanmar in 2008-2021, I turned to the international human rights scholarship to look for conceptual and analytical tools. The spiral model (designed by Risse, Ropp and Sikkink, 1999) jumped out as the leading human rights change model (see chapter 1). The original spiral model had focused on authoritarian states, and Risse, Ropp and Sikkink later considered democratic states as well. They recognised that regime types mattered in predicting state's behaviours when it comes to human rights (Risse and Börzel, 2012), as research confirmed that democratic regimes were more likely to comply with human rights (see Simmons, 2009 and 2013). Buzzi had applied the boomerang and spiral models to Myanmar in the period 1988-2011 (2017). She found that "the use of human rights discourse in Myanmar initially appear[ed] to follow the boomerang model" (2017:216). Yet it quickly appeared that the spiral model did not fully comprehend the transformation of the political scene in Myanmar during the period 2008-2021. For one, it neglected the threat of authoritarian backsliding inherent to precarious SARs, as demonstrated by the 2021 coup d'état in Myanmar.

Using the spiral model as a guide to assess whether it worked or not to explain human rights change in semi-authoritarian Myanmar, I argued throughout this thesis that it struggled to fully make sense of the hardest cases of human rights mobilisation, confirming Hafner-Burton argument that human rights work best where they are needed less, i.e. "generally in the settings where the worst human rights abuses are least likely to occur" (2013:4). Buzzi, who had applied the boomerang and spiral models to Myanmar in the period 1988-2011, found that "the use of human rights discourse in Myanmar initially appears to follow the boomerang model" (2016:216). Subsequently, I observed that the spiral model, while helpful, falls short of explaining human rights mobilisation in semi-authoritarian Myanmar. The spiral model was indeed originally criticized for the weakness of its causal apparatus, as it was failing to identify the scope conditions needed to move states from commitment to compliance with human rights norms. In a following study, the authors had proposed 3 main causal factors: centralized vs decentralized rule implementation, material and social vulnerability of rulers to external pressure, and regime type. It is these scope conditions that guide my considerations of how to ensure the spiral model can help us make sense of the politics of human rights in semi-

authoritarian regimes. While proposing a revised model of human rights change in SARs would be outside the scope of this thesis, I lay out a few preliminary considerations in this chapter. I argue that the human rights impact literature would benefit from an increased attention to the regime type scope condition, in particular the semi-authoritarian regime type, and to authoritarian backsliding as a major looming threat in contemporary politics, both in semi-authoritarian contexts and in mature democracies. I conclude with recommendations on how local actors need to continue to be front and centre in the adaptation of human rights mobilisation strategies to their domestic contexts (see also Hafner-Burton's work on localisation), and international actors need to do better at building on and supporting existing initiatives at the local level.

Thus, in this chapter, we circle back to the updated version of Risse, Ropp and Sikkink's spiral model (see figure 4) introduced in *The Persistent Power of Human Rights* (2013:8), as a guide to shed light on the Myanmar case extensively analysed in previous empirical chapters, to assess whether the spirals model works in complex cases where it most needed. I ask whether the spiral model works as well in spaces that, unlike Latin American countries for instance, do not have a pre-existing favourable context, i.e., where active constituencies, constitutional frameworks, and a democratic institutional heritage might be lacking (see Hafner-Burton, 2013). Myanmar undeniably embarked on a political transformation journey, and I show how far it progressed into the model in the period 2008-2021. Semi-authoritarian Myanmar's lack of progress was initially assumed to be due to a lack of ability from the state to significantly progress policies and reforms that would realise human rights, hence the focus on capacity-building efforts, while in fact, a lot had to do with the regime's resistance to progressive change. Still building on previous empirical chapters, I discuss the scope conditions introduced by other scholars: willingness vs ability argument, consolidated vs limited statehood, capacity building and democratic/authoritarian backsliding. I conclude that the spiral model does not work as well in contexts that need it the most, and I identify specific elements that prevented further progress in semi-authoritarian Myanmar: authoritarian backsliding or semi-authoritarian features such as the lack of democratic pre-existing features. Finally, I offer some considerations that could be relevant for future research aiming to refine existing models of human rights impact in semi-authoritarian contexts.

Debunking the assumption that regime change is a linear process

As mentioned in chapter 1, the original spiral model initially applied only to states with authoritarian and repressive regimes. Risse, Ropp and Sikkink “asked under which conditions a combination of external and internal mobilization of advocacy networks would bring about liberalization and human rights change in these regimes” (2013:16). The authors of the *Power of Human Rights (PoHR)* (1999) initially worked on the assumption that authoritarian states violate human rights and democratic states comply with them (see also Simmons, 2009; Hafner-Burton, 2013). Limited statehood and regime change have already been addressed in *The Persistent Power of Human Rights (PPHR)* (2013), to correct these implicit assumptions that “illiberal regimes violate human rights intentionally, that is, because they want to, not because they lack the capacity to comply with international norms” (2013:63; 2017:139), i.e. the authors’ “assum[ption] that governments were primarily unwilling rather than unable” (2013:15) to comply with international human rights norms. This is a first key scope condition for this project.

The *PPHR* and further work by its authors (see Risse, 2017 for instance) recognized the importance of regime type and proposed to move beyond the dichotomy of authoritarian vs democratic regimes through the ‘limited statehood’ approach (second scope condition discussed below). They opened the door to further contribution to the modelling of human rights progress through the recognition of the increasingly relevant category of semi-authoritarian regimes, where the specifics of civil society-state interactions in rapidly changing and complex contexts such as 2008-2021 Myanmar allow to progress analysis of the relevance of identified scope conditions such as varying degrees of statehood, or SARs’ *willingness* and *capacity* to progress human rights.

It is not to say that other parts of the model are not applicable to this research project. For instance, the work on centralized vs decentralized rule implementation, looking at “the degree to which decision making is centralized with regard to norm compliance makes a difference” (Risse & Ropp, 2013:18) could be relevant, in the sense that “compliance is (...) more likely if those actors who are committed to human rights norms are also those who comply with them directly” (*ibid*, p. 19). In the case of semi-authoritarian Myanmar, compliance has been mainly pressured from the grassroots, and through transnational

advocacy networks, i.e., far from centralized decision-making spaces in the country, including geographically (cf. ethnic groups' claims in the border areas). As a result, compliance would have had to travel a long and hazardous way through conflict-ridden negotiations, decentralized top-down governance mechanisms and consensus building processes before full compliance by centralized state powers is achieved. Applied to protracted civil conflicts in Myanmar, the complete inability of the *civilian* government to hold the military accountable; the protracted stalled peace negotiations with multiple ethnic organizations; the lack of solidarity and union amongst ethnic groups made it not only extremely hard for the *civilian* government to rein in the military and put an end to human rights violations, but also to enforce accountability and reparation mechanisms to move forward. The problem is here exacerbated by the degree of limited statehood that the state enjoyed in ethnic-controlled areas, which is why statehood is the preferred scope condition used for analysis below.

This project focused mainly on the correlations between regime change and human rights change. The spiral model highlights tactical concessions as a turning point that should result in the broadening of domestic opportunity structures, which motivated my interest for political opportunity structures in semi-authoritarian Myanmar.

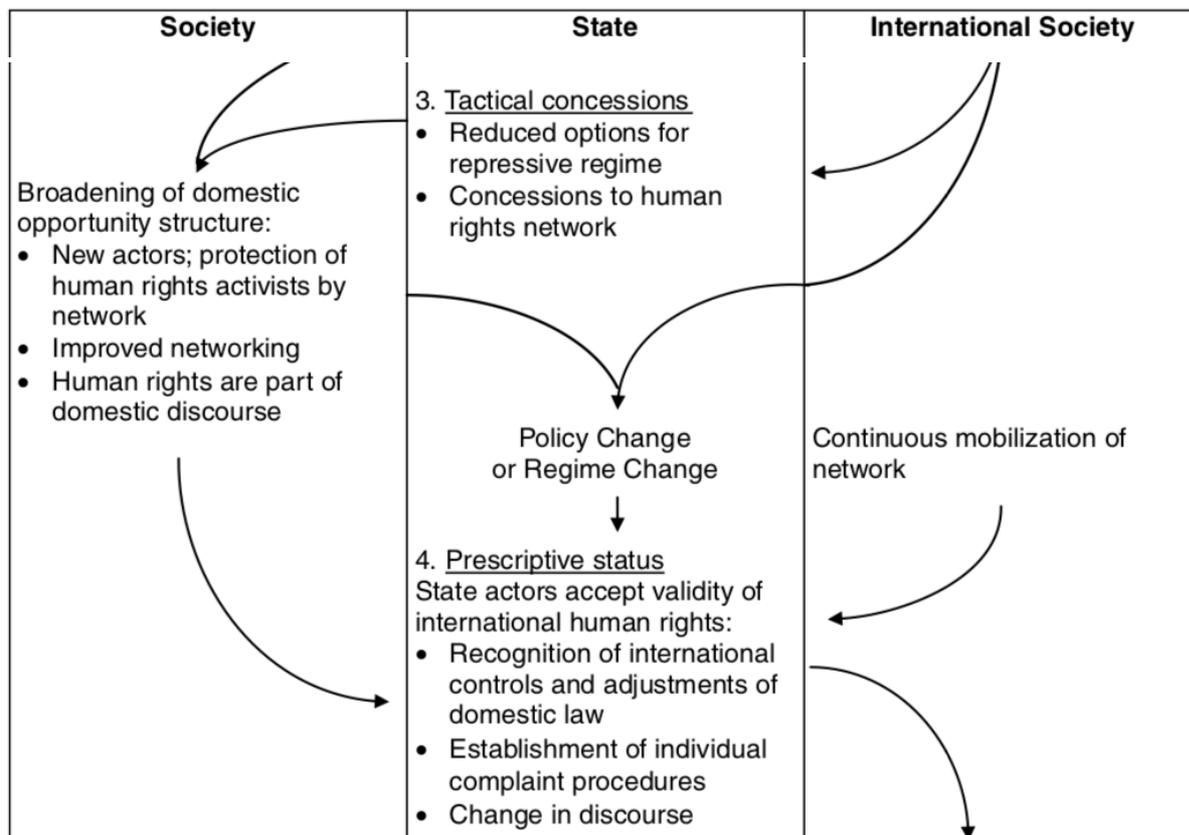


Figure 9. Extract of steps 3 and 4 of the spiral model, in *The Persistent Power of Human Rights*, by Risse, Ropp & Sikkink, (2013:8).

Chapters 3 and 4 especially investigated ‘concessions’ made by the military junta, i.e., what is referred to in the spiral model as “3. Tactical concessions”. Part 2 (empirical chapters) analysed both the opening of the domestic political landscape as well as its occupation by human rights advocates, along the lines of what is described in the model above as the emergence of “new actors”, “improved networking” and how “human rights are part of domestic discourse”. It revealed a gap in the spiral model between stages 3 and 4 in translating concessions into long-lasting human rights and regime change that appeared as a key gap of the model to grasp the reality of SARs, as I discuss below.

Tactical concessions

I found semi-authoritarian Myanmar between 2008 and 2021 to be a textbook example of a regime engaging in tactical concessions with what Risse, Ropp and Sikkink called “a state logic of instrumentality”, i.e., “a repressive state’s use of tactical concessions in order to get the international human rights community “off their backs”” (2013:6). Indeed, I demonstrated in

chapter 3 how the state transformed into a semi-authoritarian regime from a position of strength, a strategic move from the regime that strived to seek a trade-off between economic liberalisation and maintaining a tight grasp over civil and political freedoms. The repressive measures that had governed the political space for half a century of dictatorship (1962-2008) surely relaxed, yet these tactical concessions also functioned as “cosmetic changes” aimed to ease external pressure on the regime (*ibid*, p.25). This kind of concessions, according to Risse and Sikkink, are not so much a reflection of the regime’s ideological change, rather they reveal that the regime is “acting almost solely from an instrumental or strategic position, trying to use concessions to regain military or economic assistance, or to lessen international isolation” (*ibid*).

In any case, it is the impact of such concessions onto the political arena that is of interest to us, as, almost regardless of their motivations, they “facilitate social mobilisation” (*ibid*). The authors argue that what a regime anticipates “to be “low cost” tactical concessions had an important secondary effect in that it facilitated the rapid mobilization and further normative empowerment of domestic advocacy groups”, i.e., what this thesis refers to as the opening of the space for dissent. I argued in chapter 4 that the opening of the political space in Myanmar from 2008 was highly constrained but real, and that real concessions were made by the regime that created opportunities for the pro-human rights and pro-democracy movement. Elections were held; repressive measures relaxed, increasing civic and political freedoms; political prisoners were freed; international human rights treaties were ratified; etc. These political changes resulted in a real opening of the space for dissent, and a broadening of political opportunity structures for dissidents. As predicted by the spiral model, new actors emerged or relocated back to Myanmar after having been operating abroad for decades; improved ties between domestic actors, and with international human rights organisations and diplomatic actors were enabled; and human rights appeared in the domestic political discourse, no longer a dangerous taboo to be whispered about; revealing diverse, proactive, emerging human rights groups in Myanmar.

Yet, according to Risse, Ropp and Sikkink (2013), the political landscape for dissent is expected to shift drastically during that phase, as further concessions are expected between stages 3 to 4, such as the ratification of more international treaties and optional protocols, substantial

changes in the domestic human rights' legal framework, and the emergence of empowered human rights institution. Myanmar never entered this phase, and the February 2021 coup d'état confirmed the superficiality of tactical concessions made in stage 3, that did not translate into further progress, as the regime instead reverted to repression, thus requiring the examination of other scope conditions detailed below.

Capacity vs willingness

As mentioned before, in the concluding chapter (chapter 15) of *The Persistent Power of Human Rights* (2013), Sikkink and Risse argued that regime types did affect actors' *willingness* to comply with human rights (2013:25). Understanding "the institutional capacity of states (...) as a variable rather than as a constant" (Risse & Ropp, 2013:17) is essential and allows us to apply the spiral model to semi-authoritarian Myanmar. Here I revisit this part of the argument around capacity vs willingness and how human rights change happens in connection to regime types, and especially to the semi-authoritarian regime type.

It might be complex to differentiate between lack of willingness and lack of capacity in a SAR, as "semi-authoritarian regimes violate human rights, since they lack the willingness *and* the capacity to comply" (Börzel and Risse, 2013:70). Empirical analysis is thus essential to understand the degree to which a regime is able/willing (or not) to embrace human rights change. Building on empirical analysis in chapters 4 and 5 that feed into discussions of *willingness* and *capacity* in Myanmar, I demonstrated that the state was marked by a military that lacked *willingness* to further comply with human rights norms, and a civilian group in government that lacked the *ability* to fully implement human rights norms, as well as the ability to convince or constrain the military into compliance.

I therefore argue that in SARs with consolidated statehood we witness a willingness to comply with some human rights norms and not others; yet it appears that SARs with limited statehood (such as semi-authoritarian Myanmar) often lack both willingness and ability to address human rights violations, with progressive parts (members of the government, progressive institutions, etc.) aiming for change but unable to impose it on remaining authoritarian entities (institutions, political party in power, legal frameworks) that are

unwilling to accept human rights change. In such environments, it might be all the more essential to focus on contextualising human rights mobilisation strategies and following closely the evolution of power dynamics and policy motivations, to activate a carefully tailored mix of capacity-building, pressure and sanctions (carrot and stick approach) to encourage human rights compliance. I detail below the connections between capacity vs willingness and limited vs consolidated statehood as interlinked scope conditions that explain a regime compliance with human rights.

Consolidated vs limited statehood

The authors recognized in *PPHR* that “commitment might not lead to compliance when central state authorities lack the institutional and administrative capacity to enforce decision including human rights standards” (2013:15). The spiral model is therefore giving us a framework to apprehend these political and social mechanisms across regime type and configuration of statehood (Börzel & Risse, 2013: 69) (see table 5), arguing that while human rights compliance can be expected in democratic regimes with consolidated statehood, human rights violations are due to a lack of willingness in authoritarian regimes with consolidated statehood and to a lack of capacity with limited statehood. Human rights violations in authoritarian regimes with limited statehood are due to both a lack of willingness and capacity to comply with norms.

Regime type \ Configuration of statehood	Consolidated statehood	Limited statehood
	Authoritarian regimes	Human rights violations due to lack of willingness (as in <i>PoHR</i>)
Democratic regimes	Mostly human rights compliance	Human rights violations due to lack of capacity

Table 5. Human rights by regime type and degree of statehood (in Börzel & Risse, 2013:69)

With civil conflicts raging in the border areas of Myanmar since the independence, the quasi-civilian government, and the military junta before, have enjoyed limited domestic sovereignty and control over parts of the territory and population, amounting to limited statehood, which

“refers to parts of a country’s territory or policy areas where central state authorities cannot effectively implement or enforce central decisions or even lack the monopoly over the means of violence¹⁰⁴” (Risse, 2011, 2013:3 and 2017: 135). In some areas, a de facto dual state system is in place, with ethnic organisations running a parallel state-like system (collecting taxes, controlling infrastructures or sovereign functions such as education), as “the central military-state is both unwilling to provide for their needs and unwilling to participate much in their lives” (Prasse-Freeman, 2012:379). Risse’s latest work on “[h]uman rights in areas of limited statehood” (book chapter, 2017) applies to semi-authoritarian Myanmar, a state clearly marked by areas of limited statehood, especially because Risse further discusses “two scope conditions to explain the variation in human rights performance in areas of limited statehood, namely regime type and the material as well as social vulnerability of local rulers or “strongmen¹⁰⁵” in areas of limited statehood” (2017:136). Risse’s interest lies in variations in human rights compliance in areas of limited statehood, that he explains by a focus on localization, vernacularizing and translation as complementary approaches to socialization in the persuasion mechanisms theorized in the spiral model (2017).

To clarify the conceptual relationship between SARs and limited statehood, I suggest below (see table 6) an amendment to table 5, in order to incorporate the specific of SARs.

Configuration of statehood	Consolidated statehood	Limited statehood
Regime type		
Authoritarian regimes	Human rights violations due to lack of willingness (as in PoHR)	Human rights violations due to lack of willingness <i>and</i> capacity
Semi-authoritarian regimes	Willingness to comply with some human rights and mostly decision (governance) to deny others	Human rights violations due to lack of willingness of some parts of the regime <i>and</i> lack of capacity of others
Democratic regimes	Mostly human rights compliance	Human rights violations due to lack of capacity

Table 6. Amended Human Rights by regime type and degree of statehood (in Börzel & Risse, 2013:69)

¹⁰⁴ Here Risse borrows from Weber’s conceptualization of statehood (1921).

¹⁰⁵ I don’t condone the reference to “strongmen”. As there is no further reference to “strongmen” in the book chapter, it does not appear to be the product of a conceptualisation or to carry any specific theoretical meaning, beyond reinforcing the simplistic idea that men are strong and therefore ruling figures ought to be men?

SARs, like authoritarian and democratic regime types, can also enjoy both consolidated statehood (I would argue this is the case with Singapore for instance) and limited statehood (as I argued above for semi-authoritarian Myanmar). SARs with consolidated statehood will tend to rely on quality public services in order to increase their “output legitimacy” (Risse in Hopgood, S.; Snyder, J. & Vinjamuri, L. (2017:150)). As argued in chapter 2, SARs are deliberate regimes, designed as a permanent governance framework, and therefore there is a conscious decision to both respect and/or deny some human rights (often along the line of denial of civil and political freedoms, for the sake of preserving economic rights). In areas of limited statehood, it is mostly the capacity that is lacking, not that the government would be willing to comply with most human rights – it arguably would not; but because even if it wanted to do so (*willingness*) – it could not (*capacity*).

The case of semi-authoritarian Myanmar is complex, in the sense that the government was composed of both civilian and military entities, creating ‘limited statehood areas’, “i.e. territorial or functional spaces within otherwise functioning states in which the latter have lost their ability to govern” (Börzel & Risse, 2013:68), for instance ethnic-controlled border areas; and at the same time, competing willingness (between the military and civilian groups) to progress change. Börzel & Risse therefore recognize that in contexts of limited statehood, two phenomenon lead to human rights violations: first, the central government might lack willingness, but it might also lack the capacity to control its own entities – for instance in Myanmar’s case the Tatmadaw; and second, “‘state’ actors uncontrolled by central authorities are primary perpetrators of human rights violations in areas of limited statehood” (2013: 64) – again, the Tatmadaw. They argue that “semi-authoritarian regimes and imperfect democracies tend to show a higher respect for human rights, the more consolidated their statehood is” (2013: 72) (and in reverse, “the negative effect of authoritarianism on human rights violations is mitigated by statehood in regimes that are neither clearly autocratic nor democratic” (2013:72)). I argue that Myanmar was characterized by limited statehood during the period studied, both geographically in ethnic-controlled areas and functionally in areas of governance that remained under the military’s control. Limited statehood created an environment conducive to human rights violations by military leaders, and at the same time

it hindered Myanmar's civilian leaders' capacity to prevent or mitigate human rights violations¹⁰⁶.

Prasse-Freeman's concept of "blunt biopolitics" is relevant here, to describe how Myanmar's regimes (both semi-authoritarian and authoritarian, and both the military and civilian factions of government) implement a mode of governance that focuses not on "rights-bearing individuals" but on masses and uses violence as a constant to govern sub-groups (2023). Governance in a regime of blunt biopolitics "rejects the possibility of dialogue (...) and interprets any such attempts at that participation as threat" (Prasse-Freeman, 2023:74). The regime stays voluntarily camped in a position of "slippery sovereign", as "it often refuses a position of legibility against which Burmese could even resist" (*ibid*, p. 12) from which it extends very limited interest and knowledge of the governed, while retaining "the capacity to act with (...) brutality" (*ibid*). Therefore "subjects escape the state" (*ibid*), both to stay alive, and because the state isn't making itself approachable, and chose to ignore its subjects (Prasse-Freeman speaks of "mutual rejection", where "subjects and the state turn away from each other" (*ibid*)) and maintains them in a state of unknown as to what the institutions, laws, and rules are and how to engage them. In that context, the "slippery sovereign" has limited statehood, which is both rooted in an avoidance strategy (any interaction with the governed is a potential threat and therefore should be limited) and an omnipresence (any attempt at seeking interaction with the state can be met with extreme violence, as blunt biopolitics disregards the state's responsibility towards individual life), both responsible for the limited presence of the state onto the governance of everyday life, and de facto, limited functional statehood.

Statehood consolidation is a dynamic process that evolves over time. Wigell argues that Southeast Asian regimes have also followed a "pattern of gradual (constitutional) liberalization over a long period of time before (electoral) popularization" (Wigell,

¹⁰⁶ I am not arguing here that the civilian government was not itself responsible for some human rights violations.

2008:234)¹⁰⁷. Scholars have shown how in the "liberalization" phase, support goes to civil society and a free press, in the transition phase, to elections and voters' education, and in the consolidation phase towards building democratic institutions and strengthening the rule of law. This framing is guided by the following assumptions: economic and political liberalisation reforms are interlinked; power is transferred and shared (elections); democratization is institutionalized (constitutional reform, laws and policies). This goes without accounting for constraints due to limited statehood, that can be instrumentalised by SARs to inhibit civil society actors through (reformed) 'democratic' laws and institutions. An over-reliance on democratic contestation from within the electoral arena with institutional reform as the end goal fails not only to account for contentious politics in the broader political sphere (outside of institutional remits); but also, to consider a state's genuine ambition to liberalise and on the contrary to constrain dissent. It is also these assumptions that explain why capacity-building efforts have been prioritised to nudge semi-authoritarian Myanmar towards human rights compliance.

The pros and cons of capacity-building efforts

Capacity-building to Risse and Ropp "refers to a highly institutionalized process of social interaction aiming towards education, training and the building up of administrative capacities to implement and enforce human rights law" (2013:15). Capacity building efforts are often targeted at both human rights advocates and state authorities (they are described extensively in this thesis, see especially chapter 5).

Capacity-building took several forms in semi-authoritarian Myanmar. Since 2008, and especially as the NLD secured access to power in March 2016, expectations and hopes for change were high. Some civil society organisations took it upon themselves to support the institutional reforms that were so desperately needed to create the institutional conditions for democratic practice and engaged in extensive capacity building activities, towards fellow

¹⁰⁷ Addition in brackets not in the original text.

civil society actors and government officials. This strategy aimed at increasing civil society's capacity to participate and influence political transformations in the country; and at the same time, capacity-building targeted policymakers and state authorities, to strengthen their knowledge and use of international democratic norms (ranging from trainings on electoral monitoring, participative policy-making processes, to academic curriculum development or trainings on the appropriate use of force by the police, etc.). Civil society took part into consultation on legislative and policy reforms related for instance to national plans on education, disability, health systems strengthening, etc.

These consultations created an opportunity for dialogue between state and non-state actors, and for human rights advocates to share their expertise and knowledge of international standards and practices in areas of limited state capacity. As Hafner-Burton argues, even the most repressive governments do create capacity building opportunities, most notably when making legal commitment to human rights treaties (2008), as Myanmar did. By making concessions as described at length earlier in this thesis (see chapter 4), the regime did create opportunities for capacity building efforts to be deployed, even if such efforts did not lead to expected long-lasting change in Myanmar.

Capacity building is one of Korten's 4 categories of NGO activities (1) service delivery, 2) capacity building, 3) advocating for systemic change and 4) collective mobilisation for change) (Korten, 1990). Matelski has shown how from the 1990s onwards, international organisations and INGOs have invested in capacity building initiatives which has largely contributed to the professionalisation of civil society actors in Myanmar (Matelski, 2016:118-119). In a context of a systemic lack of education opportunities, it aimed at encouraging critical thinking and the emergence and strengthening of counter-powers within civil society. Yet international organizations have often limited their support to formal organizations that were able to adopt western concepts and discourses and to comply with complex requirements of implementation, results monitoring and reporting. By doing so, they might have not only focused on the wrong local partners, but they also excluded other forms of social and political mobilisation and impact (for instance led by faith-based structures or informal groups) (see Bächtold, 2015). It also tends to reduce societal issues to issues of capacity, neglecting broader and more complex social and political dynamics.

Indeed, the international community's focus on capacity-building in Myanmar obeyed to the logic that capacity building towards (semi-)authoritarian regimes by (mostly western) democracies as well as the strength of civil society seem to be determining factors of progress towards human rights compliance (Börzel & Risse, 2013:81). Yet it appears that capacity building is most influential in regimes that are *willing* but *unable* to comply with human rights norms, especially if due to limited statehood (Risse & Sikkink, 2013:293).

Historically, capacity building of the pro-democracy movement had enabled transnational advocacy networks to advocate towards western powers, yet the domestic impact had been limited (Liddell, 2001). Recent capacity building efforts in Myanmar have continued to face criticism, as they were often deemed to build capacity to respond to donors' increasing compliance and reporting requirements rather than capacity to influence policymaking and governance reforms in the country. Risse also brings up a point that is all the more relevant in the Myanmar context following the coup and the return to an authoritarian system: he argues that "increasing administrative capacity of (semi-)authoritarian states will only make them more effective in repressing the citizens" (2017:151). There is no doubt that the semi-authoritarian regime skilfully instrumentalised the freshly reformed constitutional and legal framework to maintain its repressive use against dissidents, yet it did have to resort to a coup d'état to regain full control.

Most hybrid regimes that are characterised by deeply institutionalised undemocratic power dynamics might be simply unable to build up capacity to progress long lasting reforms. In Myanmar's case, the military's *de facto* veto power over legislative and constitutional change did not allow the quasi-civilian NLD-led government to implement substantial reforms. However, human rights commitment and compliance evolves over time, i.e., as capacity increases in repressive non-democratic contexts. Substantial capacity building and institutional development takes time, and human rights impact research might therefore require assessment of progress as a dynamic process, over an extended span of time. As one of my respondents put it, emphasis on capacity building has also come at the expense of an inclusive discussion on nation building and identity (see Robinne, 2016).

SARs' volatility and the risk of authoritarian backsliding

Most observers initially looked at Myanmar's political transformation in the period 2008-2021 with rose-tinted goggles, looking for encouraging improvements and celebrating important liberalisation milestones, such as the 2015 elections, AUNG MYIN SWE's access to the State Counsellor position, political and economic reforms, etc. When aware of challenges or gaps, they assumed that Myanmar lacked the ability to progress reforms, and therefore invested in capacity building. However, as described at length in previous empirical chapters, despite a genuine opening, the 2008 Constitution and the repressive legal framework, among others, halted substantial progress, especially from 2017 onwards, and eventually laid the ground for the February 2021 military coup, as Myanmar stepped backwards in the spiral model. This study of the semi-authoritarian Myanmar case sheds light on those under-studied situations where the political transformation process gets stuck, and initial human rights progress is reversed.

Risse, Ropp and Sikkink's spiral model already recognized that social and political change is not linear, as their theories evolved from the boomerang model to the spiral model, complexifying the 'stages' through which states move from commitment to compliance with human rights norms. As they stated themselves in *The Persistent Power of Human Rights (2013)*, Risse and Ropp initially saw "commitment and compliance as two ends of a continuum" (Risse & Ropp, 2013:10) and as a result, they "under-theorized the process leading from commitment all the way to sustained rule-consistent behaviour" (*ibid*, p.11), and "did not pay sufficient attention to instances in which states got "stuck" somewhere in the process or even experienced backlash" (*ibid*, p.11).

To move from stage 3 'tactical concessions' to stage 4 'prescriptive status', the model foresaw 'regime change' as a key step. The case of semi-authoritarian Myanmar shows how a regime can backslide at that stage. While the mobilization of the 'human rights network' has been continuous in Myanmar, whether domestically, transnationally or internationally, the broadening of domestic opportunity structures per se has been cyclical, with various opening and closing phase all throughout the 1988-2021 period (see chapters 2 and 3). Each time the regime struggled to handle what it perceived as threats (originating in the pro-democracy and pro-human rights mobilisation), it reverted to closing the political space for dissent, leading

to increased human rights violations. Börzel and Risse's work already highlighted "remaining in power" as a strong motivation behind human rights violations, which is crucial to explain SARs' unwillingness to comply with human rights standards. Centring government behaviour around a regime survival motive can explain both why the regime would remain immune to external pressure from international, TANS and domestic human rights advocates, as well as the regime's repressive stance against activists' claims that are perceived as threatening its core interests. While the liberal approach to human rights focuses on persuasion and normative change, it tends to neglect power or economic interests for instance, which were central to both the regime's, through the military extensive interests in natural resources exploitation and overall trade, and therefore to the activists' strategies of mobilisation. The inability of the state apparatus to implement the reforms due to its inadequate resourcing, impoverished political parties as well as the structural domination of business interests in political affairs have impacted dramatically the margin for manoeuvre of all actors involved, and especially opposition forces, in a context of "state-facilitated crony capitalism" (Jones 2014b:167).

The spiral model reminds us that the phase that goes from initial concession to prescriptive status of human rights is "particularly precarious" as the regime is presented with two main options: it "could react to this rapid increase in mobilization either by engaging in unrelenting repression or by making even more generous tactical concessions" (Risse and Ropp, 2013:6). This precarious state in which the regime must make a choice between further liberalisation or increased repression to move forward in the spiral model was another key element found in 2008-2021 Myanmar. There, the opening of the space for dissent only led to superficial policy change, as the legal and political framework in the country continued to be used in a repressive spirit and was instrumentalised against human rights advocates to portray political dissent as an illegal, illegitimate activity. Despite the continuous mobilisation of the pro-democracy and pro-human rights actors, progress halted, and this celebrated regime change (from authoritarian to semi-authoritarian) did not suffice to translate into what the spiral model refers to as stage 4 'prescriptive status'. I therefore hypothesize that progress is most likely to be halted or even reversed in semi-authoritarian regimes. Further research could investigate how semi-authoritarian regimes' obsession with survival creates a specific

volatility and precarity of this regime type, which in turn appears to increase the risk of authoritarian backsliding, calling therefore for course-correction in both how human rights mobilisation occurs and in how international progressive actors can support human rights progress in SARs.

A contribution to the spiral model of human rights impact

In this chapter, I sought to discuss scope conditions that are expected to influence a regime's progress through different stages of the spiral model towards human rights compliance. The model had already identified "policy change" and "regime change" as key determinants of the progress towards liberalisation – these seem all the more relevant in a semi-authoritarian regime, due to its precarious nature. The analysis of the Myanmar case confirms that the semi-authoritarian regime type and features are under-studied factors that can prove determinant in predicting or explaining both progress towards human rights compliance, as well as a potential retreat to past repressive practices.

Overall, I found semi-authoritarian Myanmar to be a textbook example of instrumental tactical concessions (stage 3) that failed to snowball into further concessions (and liberalisation) and ultimately into the consolidation of the prescriptive status of human rights norms. Rather, the regime, alarmed by the extent of political dissent it had itself invited, reacted by reverting to repressive authoritarian practices. The study of human rights mobilisation in semi-authoritarian Myanmar thus illustrates what can happen in the spiral model between stages 3 'tactical concessions' and 4 'prescriptive status'. Contrary to expectations of linear progress towards commitment and compliance, it contributes to refining the spiral model by highlighting how failure to secure expected institutional regime change can lead a regime to travel backwards through the model. Indeed, only if substantial policy change or regime change is secured in stage 3 for a semi-authoritarian regime (at least towards consolidated statehood, see discussion below), can we expect a consolidation of initial concessions and their translation into prescriptive human rights practices. Otherwise, a semi-authoritarian regime might easily revert to its authoritarian past.

Applying the spiral model developed by Risse, Ropp and Sikkink, to 2008-2021 Myanmar reveals the struggle of the model to fully explain tough cases, where they are in fact most needed. Imposing one-size-fits-all models onto complex unfolding crisis has been at the source of unnuanced portraying of political situations around the world. In line with the argument developed in chapter 1 around the complexity of the Myanmar case, I started this chapter asking whether the spiral model does help make sense of what happened in semi-authoritarian Myanmar. My answer would be yes and no. Yes, the spiral model was relevant and helped frame our understanding of human rights mobilisation in Myanmar, identifying key necessary stages that are relevant across all regime types – an essential contribution for a model. Yet, the spiral model does not pay sufficient attention to the stages that are most important to fully comprehend the semi-authoritarian political landscape and its nuances. Therefore, I offer here to look at what could be learned from the Myanmar case to contribute to human rights impact modelling in regard to how human rights change happens in SARs, discussing their *willingness* and *ability* to progress change and precarious translation of human rights commitment into prescriptive status, a phase most opportune for potential authoritarian backsliding in SARs.

I argue that the spiral model laid out important theoretical contributions such as the distinction between willingness and capacity or an initial discussion on regime survival, but without being able to fully explain or giving full attention to how these notions play out in a semi-authoritarian context, e.g. how crucially policy and regime change need to be secured to enable long-lasting change, how progress can be halted if progress is not sufficiently institutionalised, and how SARs, because they tend to produce a cohabitation of authoritarian and democratic elements, can lack both willingness **and** capacity to progress towards human rights compliance, with potentially different agendas defended by competing factions in power.

- **The semi-authoritarian regime type and semi-authoritarian regime features are under-studied factors that can prove determinant in predicting or explaining human rights compliance: proposing a semi-authoritarian regime category to the spiral model.**

In the late 1990s, human rights models, on top of which the spiral model, convincingly proved that regime types mattered to explain state behaviour in regard to human rights, and that democracies were more likely to comply with human rights than authoritarian regimes (Hafner-Burton, 2013; Risse, Ropp and Sikkink, 2013). Together with the legal enforcement of human rights norms through domestic and international frameworks, an “institutionally embedded logic of appropriateness” explained democratic regimes’ respect for human rights (Risse and Ropp, 2013:17). The lack of institutionalisation of human rights norms in authoritarian regimes would in the contrary contribute to explaining their lack of compliance. In such cases, “non-compliance results primarily from state actors being unwilling to implement human rights norms” (*ibid*, p.18).

While it explicitly recognised the existence of “semi-authoritarian regimes”, the spiral model deployed a binary approach: a regime would either be democratic or authoritarian; with consolidated or limited statehood. I offered earlier in this chapter to introduce a further distinction for SARs, with consolidated or limited statehood, and I proposed an amendment to Börzel and Risse’s approach (see a copy of table 5 below) that could serve as a starting point for further research (degree of statehood and willingness and ability are discussed further below).

Configuration of statehood	Consolidated statehood	Limited statehood
Regime type		
Authoritarian regimes	Human rights violations due to lack of willingness (as in PoHR)	Human rights violations due to lack of willingness <i>and</i> capacity
Semi-authoritarian regimes	Willingness to comply with some human rights and mostly decision (governance) to deny others	Human rights violations due to lack of willingness of some parts of the regime <i>and</i> lack of capacity of others
Democratic regimes	Mostly human rights compliance	Human rights violations due to lack of capacity

Table 5 (copied). Amended Human Rights by regime type and degree of statehood (in Börzel & Risse, 2013: 69)

SARs with consolidated statehood would mostly deploy a governance model that rests on their willingness to comply with some human rights norms while deciding to deny others (because seen as less important, or disruptive to superior principles such as national unity or order). SARs with limited statehood however would require a dynamic analysis that follows

closely the power struggles at play in such regimes. Indeed, in SARs with limited statehood, we can expect human rights violations to be due to a lack of willingness of certain groups in power, and, concomitantly, to a lack of capacity of other groups in power to reign the former into compliance. This tension explains the increased likelihood of authoritarian backsliding in SARs with limited statehood and the priority given by human rights advocates to securing long-lasting change.

- **The distinction between capacity and willingness is especially complex in SARs with limited statehood, where governments entities pulling the state in opposite directions can coexist and where capacity building efforts can have unintended negative consequences.**

I theorized Myanmar's regime in 2008-2021 as a semi-authoritarian regime with limited statehood, due to both the persistence of the military in the governance structure of the regime, and its unchallenged control over sovereign state functions of defence, borders and internal affairs; as well as the existence of several state-within-the-state systems in ethnic-controlled border areas.

Various powers within a SAR can have different – conflicting – motivations and abilities, and human rights and diplomatic actors should not be fooled into blaming human rights gaps for the lack of regime capacity. I therefore paid particular attention to capacity building efforts in semi-authoritarian Myanmar, that have been prioritised under the assumption that they would lead to human rights progress and with little attention to the side effects of such activities. As various scholars have shown (see Liddell, 2001; Matelski, 2016), capacity building efforts in Myanmar have shown limited results and might have even had unintended consequences of boldening the authorities' dismissing of civil society's contribution, especially under the NLD government (2016-2021). Risse and Sikkink alerted in *PPHR* that "strengthening state institutions alone might lead to adverse consequences in cases of semi-authoritarian regimes with areas of limited statehood" (2013:293), and that "capacity-building might lead to more, not less, human rights violations" (*ibid*, see also Börzel and Pamuk, 2011).

In that context, I argued that the essential distinction between a regime's willingness to induce human rights change being different than its capacity to do so, is all the more complex in SARs with limited statehood. In such contexts, increased contextualisation of the human rights toolbox deployment is required, both on the part of domestic actors (they would naturally do so), but especially on the part of international or transnational actors. Attempting to apply to such contexts one-size-fits-all human rights mobilisation methods would prove both challenging and counter-productive. A deep understanding of who holds capacity to change or lead the change but might lack willingness to do so and vice-versa is necessary to progress the human rights agenda in SARs.

Capacity building efforts targeting both human rights advocates and state authorities need to rest on solid grounds of institutional regime change to ensure a long-lasting solid move away from authoritarian practice. Without it, the knowledge and capacity thus built can embolden a regime's propensity to repression and make its repression more efficient. Therefore, it seems that considering how human rights change occurs in SARs encourages us to assess progress towards human rights compliance over time. Expecting instant progress following a treaty signature or a change of political system is not realistic. Only a nuanced, contextualised monitoring of the consolidation (institutionalisation) of human rights practices, coupled with solid reforms to dismantle authoritarian features of the regime can lead to long-lasting human rights change. I focus here on the institutionalisation of human rights change in the context of a regime's journey towards human rights compliance. Yet I argue once again that this is only one side of the human rights story, and that human rights' value is not limited to their ability to advocate for or enable policy or regime change (see chapter 8).

- **This study of human rights mobilisation in semi-authoritarian contexts allows to refine what happens in the spiral model between stage 3 'tactical concessions' and 4 'prescriptive status'. The study of the Myanmar case counters expectations of linear progress and provides an empirical description of authoritarian backsliding in a SAR.**

I described earlier in this chapter how far semi-authoritarian Myanmar went through the spiral model, all the way to finding itself on the verge of transitioning from stage 3 ‘tactical concessions’ to 4 ‘prescriptive status’. I analysed at length the concessions made by the regime in the late 2000s, how it opened the space for political dissent (see chapter 4), that human rights advocates rushed to occupy (see chapter 5). As political opportunities broadened – as expected by the spiral model, old and new human rights actors (re)emerged, and human rights made their way into the domestic discourse. I showed how domestic and international civil society actors’ activities in Myanmar ranged through all 4 categories produced by Korten: 1) service delivery; 2) capacity building; 3) advocacy for systemic change and 4) collective mobilisation for change (Korten, 1990). Eventually, the regime, overwhelmed by the extent of political dissent it faced, after having invited it, reverted to heavily policing the space for dissent through authoritarian practices, leading to an authoritarian backsliding that I hope will be covered by future research on the prospects of democracy and human rights in Myanmar.

- **As stated earlier in this chapter, I hypothesize that progress is most likely to be halted or even reversed in semi-authoritarian regimes. Further research could investigate how semi-authoritarian regimes prioritise survival at all costs, with political leadership often resting on fragile, opportunistic alliances, resulting in precarious regimes, which in turn appears to increase risks of authoritarian backsliding.**

As identified by scholars before, the shift from commitment to compliance is indeed a key turning point in SARs as well. What seems specific to SARs during that phase is the likelihood of authoritarian backsliding. As I argued in chapter 2, SARs are not prepared to concede further power to pro-democracy and pro-human rights political opponents and are willing to repress threats to their survival, even at the cost of economic sanctions, interrupted diplomatic ties, and increased violence and human rights violations. For instance, I argued earlier that SARs do not handle power transfers well, seeking to retain their power at all costs, not shying away from methods such as denying elections results. Their ultimate survival motive, coupled with the superficiality of the legal and policy reforms they engage in, make

SARs very prone to halt or reverse human rights change. This authoritarian backsliding is to be especially expected if the initial progressive relaxing fails to solidify into concrete institutional reforms.

The domestic, transnational, and international human rights actors' efforts might therefore need to focus on what Korten refers to as (3) advocacy for systemic change (Korten, 1990), rather than the current priority given to service delivery (1) and capacity building (2). Without the institutional consolidation of the opening of the space for dissent, long-lasting reforms will not materialise – and a return to an authoritarian political context might be looming.

Often both ambitions can be combined, as capacity building can help scale up an effort to transform the systems in place radically. Myanmar Egress, the civil society platform that acted as both a think tank and a training centre (see chapter 3), had been an incubator of civic engagement whose impact is still felt in Myanmar's civil society today. Raynaud argued that in 2010 and 2011, "Myanmar Egress was the most important organization in Myanmar, besides the Army and the Government" (2018a), the "first (...) training institution in the country, opening up terrain that was previously socially and educationally unknown" (Lidauer, 2012:100). Under the leadership of Dr Nay Win Maung, it trained dozens of future civil society leaders, that would go on to create L/NGOs across the country; and advised the U Thein Sein's government on its policies in the 2011-2016 period. Raynaud reminded us of an interview (Raynaud, 2016:73) of Dr Nay Win Maung with Mullen (2016) in 2010 where Dr Nay Win Maung explained that

the idea is to plant as many seeds as possible. We want to flood the government, the UN, all the INGOs, all the local NGOs with promising young people who believe they can change the system. We want to find all the people who think that politics are worth the time and get into the system.

To some extent, this approach worked in Myanmar, as the efforts of pro-democracy and pro-human rights actors can still be felt in the post-coup era (see discussion in chapter 8). In her work on moral courage in the leadership for human rights and democracy in Myanmar, White shows how civil society leaders in Myanmar that she interviewed "were role models; they trained others to take leadership roles and become active in building the foundation of civil

society in Myanmar and motivated others to develop the moral courage needed to strengthen civil society” (2015:14).

Chapter’s conclusion

As I rummaged through the human rights literature to find frames that would help me make sense of the political transformations that materialised in semi-authoritarian Myanmar during the 2008-2021 period, I identified the spiral model, the leading human rights change model of the past decades, developed by scholars Risse, Ropp and Sikkink as the best framework to help analyse what was unfolding in Myanmar. Without attempting to test the spiral model in the Myanmar context, I rather set to assess whether the spiral model could serve as a guide for my analysis. The model did prove immensely helpful. It contributed essential concepts to help analyse the situation in semi-authoritarian Myanmar, such as the distinction between willingness and capacity, the causal mechanisms at stake when translating tactical concessions into prescriptive status of human rights norms, and it initiated the discussion that both validated the relevance of a semi-authoritarian regime framework in itself, and it acknowledged that in some cases SARs can remain “stuck” in their progress towards human rights compliance. Yet, the spiral model also struggled to explain in detail the dynamics at play in semi-authoritarian Myanmar in what can be considered one of the toughest journeys towards human rights compliance. It struggled to identify when and how progress can be halted or even reverted, and what could explain such backlash. These gaps had been previously identified by the authors of the spiral model themselves. They did mention semi-authoritarian contexts as worth differentiating and hinted at the concept of regime survival, a line of reflection I sought to contribute to with this thesis.

As a result, this thesis pushes back on the language of causation that accompanies some human rights impact models, and especially the spiral model. The political opportunity structure (POS) model was deployed as an alternative and a complementary model throughout this thesis as an analytical framework, rather than a causal theory. Where the spiral model contains a logic of causation (for instance naming and shaming increases compliance with human rights norms), the POS model is all about specific conditions creating opportunities and making certain contentious strategies viable in a particular (in our case, semi-authoritarian) context. As such, the POS model specifies the conditions under which

certain types of political behaviours, such as contention, become possible, without necessarily predicting their outcomes (see discussion in chapter 8).

Hafner-burton had already argued that human rights change models do work best where they are least needed, i.e., in consolidated democracies. And as “naming and shaming” remains the leading strategy of human rights organisations worldwide, and the modus operandi of leading INGOs such as Amnesty International or Human Rights Watch, we have to ask ourselves: if the current models cannot help with the toughest cases, where human rights abuses are at their worst, shouldn't we think of something else? Building on the extensive empirical material I collected in the difficult context of semi-authoritarian Myanmar, I offered in this chapter a few considerations for further reflection and research on how to progress human rights change in semi-authoritarian regimes, while acknowledging that such thinking cannot happen without inviting local actors into the discussion and recognising that they are the ones not only most at risk of experiencing the higher price of backlash, but also the most innovative in their approach to human rights mobilisation.

I would usually end my data collection interviews with two broad questions. The first: do you have hope for the future of the democratic progress of your country? Second: can you give me an example of success, of a change that happened that made you feel like “*this is all worth it*”?

Interestingly, most older people said their hope lies in the young generations. When I asked younger generation activists how they felt about it, they seemed to condemn it as unnecessary pressure, but they also appeared comfortable with the idea,

The younger generation are more progressive so we can have hope for that, but it also depends on the world we create for them, that is our responsibility, how we will nurture the world. (ITW 8)

A peace activist told me,

People under 35 make things happen. They are the backbone of the peace process, logistically, administratively. There is less tension in the youth groups comparatively. The greatest 2 groups: National Ethnic Youth Alliance and National Youth Congress, they are quite friendly towards each other, they respect each other. It's all about representation and the trust within

the community. It's not that they are divided, they are complementary. (ITW 9)

A Muslim INGO country director who had been active in the development field in Myanmar for over 13 years at the time, and one of the only non-Myanmar persons I interviewed, said he had felt hope in 2017 when he saw many Burmese people denounce openly the military's actions against the Rohingyas on their Facebook accounts,

Even in 2012 in Myitkyina, when Muslims had to take shelter to a stadium and were burned in open grounds, nobody talked about it. But the Rohingyas case was much more sensitive, and many Burmese publicly talked about that. They posted on their Facebook, I checked "is it a person living outside the country? Not they live inside!". I see it as a big change. (ITW 3)

While accountability remained mostly absent in Myanmar, the relationship with state authorities, especially at the local level, had also changed

Before, for the local people, they never thought that there is a state for them. (...) The military was sending instructions to the village headman and they had to follow instructions, that was the role of the state. The change is now, that there is a government office, where we go, and we demand for it. There is a government office where we go and tell that our school has only 4 teachers, we need 5 teachers. There is a government office where we go and you tell that village got electricity, what about my village? (ITW 3)

Human rights organisations were betting on inspiring democratic governance everywhere, to lead by example and encourage communities to appropriate the democratic practice. Local CSOs can be very active to lobby local authorities, pushing democratic practices that often go beyond national standards,

The grassroot democratic development – we have elections every 5 year at grassroot level, but people don't really care about them. People might talk about general elections, and also media and groups, but in the grassroot local elections they don't even have a proper by-law, people just do it in their own way, so we help them along the way, how to organise their own elections in their community and how to be a democratic leader in your own community so they allow that space that we can influence on how to be a democratic leader at the grassroot level. It's laying down all the foundations. (ITW 6)

Understanding, adopting and implementing norms such as human rights norms is an active process (Risse, 2017), and therefore “what a particular norm means in a given domestic or local context might change” (*ibid*, p. 153). A vision of international human rights norms as dynamic gives agency to domestic actors. Focusing on what these norms mean on the ground, how they are used, flips the script into a bottom-up learning process whereby international scholars like me, learn about global human rights norms from activists and human rights advocates operating at the local and national levels. This localisation of the knowledge process shifts away from national HRA as “passive recipients of international norms” towards recognising that “local groups develop their own understandings and interpretations of rights agendas” (*ibid*, p. 153). This knowledge production process complements global norms production, as these international norms fully realize their true meaning when they impact people on the ground. Accepting the process of human rights progress as a continuous dynamic change process is essential: it changes the contexts where human rights make their way through language and practices, and in reverse, it changes the human rights norms themselves.

Chapter 8. Concluding reflections on the future of human rights research in Myanmar

Main findings

This PhD thesis' central puzzle focused on how human rights advocates operate within a semi-authoritarian context. It aimed to fill in gaps in both the literature on semi-authoritarian regimes (SARs) and their impact on political dissent; and the human rights mobilisation research literature on how human rights progress happens in a semi-authoritarian context that is neither fully democratic nor fully authoritarian. The extensive original empirical material gathered to explain the semi-authoritarian period in Myanmar and to understand how human rights advocates strategized, operated and navigated risks is a key contribution – including to Burma Studies, of this project, that tackled field research in a complex, and now heavily constrained, research terrain.

I was most interested in the story of human rights in Myanmar in the period 2008-2021, which I qualified and conceptualised as a semi-authoritarian context (see part 1); and more precisely in human rights advocates (HRA) and the mobilisation strategies that they deployed in this context (see part 2), as I aimed to give insights into the nature and the strategies for mobilising for human rights in semi-authoritarian contexts.

From the start, I was interested in understanding what motivated regime change in Myanmar and how did we get to 2008 and what had been the history of civil society before the 2008 transition, since the independence from the British Empire in 1949 and the subsequent falling into half a century of authoritarianism in 1962 (see chapter 3). It appeared that the historical context of civil society development and regime change of the pre-2008 period in Myanmar was indeed important to debunk a dominant narrative in the western world that described Myanmar as a very binary, black and white military dictatorship that lasted half a century (1962-2011) and was opposed by a small but vocal pro-democracy diaspora operating from abroad, and neglected political activity brewing inside the country. This portrait required nuancing. The ambition was to build on existing arguments that 1) Myanmar's regime change was initiated from a position of strength from the military, with a view to crystalize its grip over social, economic and political affairs; 2) civil society pre-existed the opening in 2008, and

deployed diverse, nuanced contentious strategies in the constrained – yet real – new political space for dissent, from the late 2000s / early 2010s.

Framing 2008-2021 Myanmar as a semi-authoritarian regime

In chapter 2, I laid out a framework to define semi-authoritarian contexts; and what human rights landscape we should expect a semi-authoritarian regime to present to human rights advocates. I first developed this conceptual framework that would later be used as a way to frame the human rights mobilisation analysis, which allowed me to set the remit of the analysis of this PhD project: geographically, with a focus on Myanmar; chronologically to bound the time period, with a focus on events that occurred between 2008 and 2021; and thematically, as I investigated political dissent and human rights mobilisation in semi-authoritarian Myanmar.

As a SAR, I expected semi-authoritarian Myanmar would meet 4 simple criteria: it was to be a (1) deliberate regime opening with limited space for dissent, designed as a (2) viable alternative (rather than a transitional phase) and (3) presenting specific political opportunities for political dissent creating a competitive yet unfair political arena. I argued that the difficult balance between opening the space for dissent while maintaining a tight grip over it makes SARs precarious political regimes, where the regime's focus on stability and order opposes political dissent portrayed as unrest, leading to a (4) heavy repression of any mobilisation practice deemed threatening to the regime's stability and therefore, its longevity. The self-proclaimed reform agenda of the military was already enough to tick most criteria identified above, and empirical analysis in Part 2 confirmed that these were indeed present in semi-authoritarian Myanmar in the period 2008-2021:

1. The new regime came about as a deliberate move from the military; and I discussed in chapter 3 what might have motivated this shift.
2. The institutionalisation of the “disciplined democracy” model, through the 2008 Constitution, and later with the negotiation of the State Counsellor role for Aung San Suu Kyi are proofs that the period was not thought by the military as a transition, but as a stable governance model (see also Stokke and Soe Myint Aung, 2020).

3. This resulted in a political landscape marked by the presence of freshly reformed democratic institutions yet with limited power to ensure accountability and counter-powers, as we observed a weak political opposition and continued centralization of political and economic power around the military. The empirical chapters (part 2) demonstrated how and to what extent this presented opposition forces with a very specific (i.e. different from what would be expected of either an authoritarian or a democratic context), rapidly moving, uneven political playing field, with specific political opportunities, and what strategies they adopted to progress their social and political change agenda in that context (see part 2 – Conclusions).

4. The period was marked by heavy repression of political dissent as the military justified crackdowns on human rights mobilisation with a narrative of stability and order, seen as guaranteeing the regime's and the nation's survival, a repression cycle that escalated all the way to the military coup on 1st February 2021.

In chapters 2 and 3, I confirmed the dominant view in Burma Studies that the political transformation initiated in 2008 was deliberate on the part of the military junta, and I demonstrated that while it made important political concessions that undeniably opened the space for dissent, the opening remained limited. If anything, the roadmap to a “discipline-flourishing democracy” showed that Myanmar's semi-authoritarian political system was designed as such and was not a transitional stage in a broader democratisation process (chapter 3). “Discipline-flourishing democracy” was keyword for “hybrid” regime. With chapter 3, I contributed to the overall consensual argument of a transition initiated and imposed by the military; yet I also furthered the account in Burma Studies of the regime change by focusing on the space for dissent it created and how HRAs occupied it, fighting the military for influence over social and political affairs. By doing so, I contributed to refining the understanding in Burma Studies and beyond of the power dynamics between the government and opposition forces in this new political equilibrium, demonstrating the range of engagement strategies and the limitations imposed by a SAR motivated by survival.

Uncovering strategies of human rights mobilisation in semi-authoritarian Myanmar

The study of semi-authoritarian Myanmar was used to uncover a framework of strategies that human rights advocates use to operate in a SAR, as it looked at the opening (chapter 4), occupying (chapter 5) and closing (chapter 6) of the space for dissent in semi-authoritarian Myanmar in the period 2008-2021. The specific political opportunities that arose in such context were analysed at length in part 2, as they provided a comprehensive response to this research project's sub-question #1 (see below). As for sub-question 2, it invited an analysis of what triggers repression of dissent (chapter 6) and revealed that ultimately, as a SAR presents itself as guardian of stability and order, it deems threatening any attempt at challenging its legitimacy, that are portrayed as illegal and illegitimate social unrest, that in turn justifies a crackdown on human rights mobilisation.

Chapter 4 provided an analysis of the opening of the space for dissent, looking at the landscape in which human rights advocates operated during the semi-authoritarian period. It proposed a mapping of freedoms of resistance (key civil and political rights necessary to express dissent in a regime). It looked at both the concessions that were made by the regime and the opportunities they opened for human rights mobilisation. Chapter 5 focused on the occupying of the space for dissent, and human rights advocates' mobilisation strategies and the specific visions of social change that they have for Myanmar. I analysed the power transfers and power sharing in the country and concluded that semi-authoritarian Myanmar presented an uneven playing field to HRAs. Nonetheless, I argued that HRAs navigated the space for dissent to progress their human rights agenda, seeking to remain out of reach of state policing – revealing the diversity and agility of Myanmar's civil society. Chapter 6 investigated the policing of the space for dissent, mapping the "do's and don'ts" of mobilising for dissent in a SAR, looking at what is tolerated and prohibited by the regime. I argued that SARs heavily police the space for dissent they have just opened, revealing a tension between legality and legitimacy in the political arena, as the regime imposes a narrative of stability and order that is used to justify crackdown on human rights mobilisation; and HRAs justify their risk-taking outside of legal frameworks that are used to repress dissent.

The interplay between political opportunity structures and repertoires of contention was heavily constrained by a repressive use of the legal and political framework. Reforms both

provided real opportunities for HRAs and cornered dissent, preventing it from spilling out onto the broader societal debate: dissent was portrayed as illegal and illegitimate, and therefore heavily repressed. As a result, it channelled dissent towards three main strategies: confrontation, avoidance or reformism.

Revealing how human rights advocates operate in semi-authoritarian regimes

This study, too, found Myanmar to be a SAR, and, not unlike Stokke and Aung (2020), found the newly institutionalized hybrid regime to have created space for dissent, while emptying out the democratic practice of its substance with its constitutional constraints. However, I furthered this line of argument (notably prominent in Burma Studies), demonstrating that beyond **structural** constraints such as the legal and constitutional framework, or the limitations of an under-resourced, corrupt state apparatus, the space for dissent left for HRAs to operate in was deeply impacted by an excluding and repressive spirit that permeated every interaction, creating volatility, confusion and unknown for HRAs. Those were left to embrace a strategy of trials and errors, aiming more than progressing specific rights-based agendas, to carve out further space for dissent and progress democratic practice, engaging in a game of whack-a-mole with the government.

As a regime type, a semi-authoritarian regime impacts the political opportunity structures faced by human rights advocates, and therefore their repertoire of contention (see part 2 – Conclusions). Having deconstructed the key characteristics of a semi-authoritarian regime for human rights mobilisation set the ground for this study to respond to the two main research sub-questions it initially sought to tackle: 1) how do specific semi-authoritarian regime features affect the regime's openness to human rights mobilization and 2) how do human rights advocates occupy the space for dissent available in semi-authoritarian regimes – where there is latitude for dissent, but a high risk of backlash against human rights advocates remains.

I hypothesized that SARs present human rights advocates and pro-democracy movements with very specific political opportunities, as SARs tend to heavily police the space for dissent they have freshly opened. As a result, human rights mobilisation is only tolerated as long as

it does not threaten the regime's legitimacy (and therefore survival) as human rights advocates deploy mobilisation strategies that, while varied and nuanced, primarily struggle to sustain the democratic dialogue. I summarize here conclusions to these two research sub-questions.

1) How do specific semi-authoritarian regime features affect the regime's openness to human rights mobilization, presenting specific political opportunities to pro-democracy and pro-human rights advocates?

As described in chapter 1, social movements theories complement the discussion of human rights impact theories that framed this analysis, as they contribute to the discussion on human rights impact many tools useful to help deconstruct the opportunities and constraints human rights advocates face when mobilising for social and political change in semi-authoritarian contexts. In theoretical chapter 2, I explained how social movement theories, and especially the political opportunity structure framework would be mobilized to help bridge the gap between regime change and human rights compliance, e.g. between the SAR literature/analysis and the human rights mobilization/impact literature/analysis. The spiral model itself had already borrowed from social movement theories as it suggested that between stage 3 "tactical concessions" and stage 4 "prescriptive status", occurred a broadening of the domestic opportunity structure (see figure 4). It is specifically that broadening of domestic political opportunities that was of interest to this study – as it sought to reveal what it is about semi-authoritarian contexts that shape the actions and decision of HRAs, and what tactics of dissent are specific to semi-authoritarian contexts. To do so, it brings in the POS framework to expand on our understanding of what happens through the regime change process, that can carry a SAR from initial tactical concessions to further democratic practice/human rights compliance. Tarrow's work on political opportunities was brought in to tackle what I identified as a gap in the human rights mobilisation literature that failed to fully explain how mobilisation occurs in semi-authoritarian contexts. Tarrow (1998) had already demonstrated that the changes in political opportunities that accompany the regime change process – described at length in Part 2, would result in further contention, therefore increasing the likelihood of dissent, and, I argue, increasing the likelihood of

repression. I used Tilly's specific list of political opportunities to frame the empirical analysis in part 2, looking at "a) the multiplicity of independent centres of power within the regime, b) the openness of the regime to new actors, c) the instability of current political alignments, d) the availability of influential allies or supporters, e) the extent to which the regime represses or facilitate collective claim-making" (2006:75). They allowed me to concretely analyse what Tarrow had described as "the opening up of access to power, shifting alignments, the availability of influential allies, and cleavages within and among elites" (Tarrow, 1996:54). Inspired by Tarrow's proposal, and expanding on the military regime's concessions to liberalize described at length in chapter 4, I argue the following:

- **The opening of access to power was realised** when the National League for Democracy (NLD) was allowed to register as an official political party, to run for elections and was successfully voted first into Parliament (following the 2012 by-elections) and later into government (following the 2015 general elections). This new power-sharing arrangement was also reflected at sub-national level, and in the facilitation of human rights advocates' access to decision-makers. These successes and concessions undeniably showed that opportunities to compete for power and to progress human rights were real in semi-authoritarian Myanmar. Yet, the military's willingness to share power with civilian representatives has been inconsistent. General elections results had been annulled in 1990, and once again following the 2020 general elections, as the military both times confiscated power again, denying democratically elected political forces' access to power, and the people's wish to see them there. This makes the short-lived period of 2008-2021, when the military regime showed willingness to share power with democratically elected civilian opponents, all the more unique. At the same time, it confirms the argument that the transition to a semi-authoritarian regime relied on the military's willingness to comply with new rules it had itself carefully laid out in the 2008 Constitution. While the hope of lifting international pressure (and sanctions) that suffocated the country's economic development in the 2000s (and threatened the numerous more flourishing military-owned businesses) might have weighted on this decision, I argued in chapter 3 that the political transition came from a position of control. It might therefore be argued that the military was not cornered to give in, it was willing

to do so, and the Tatmadaw took its time designing the conditions that would structure the new regime (the Constitution came into force in 2011) – making sure it created the structure to protect its political and economic interests and enabled a swift power grab if political opposition came to become unacceptable (as it apparently did in February 2021).

- **In any case, the opening of the civic and political space led to a ground-breaking shift in power dynamics**, in favour of an unusual cohabitation of the military and civilian authorities in government, from 2011 onwards, and most genuinely during the 2016-2020 period. The consequent realignment of influence created simultaneously opportunities and confusion for domestic and transnational human rights advocates. As HRAs moved back to Myanmar after decades in exile and sought to navigate this freshly opened space, they also became more concerned with what they could do or say to progress their pro-human rights and pro-democracy agenda. While domestically their repertoire of contention widened, it also grew more indigenous, as international norms and standards were used as a reference point or to mobilise international resources but did not propel nor frame domestic mobilisation. I empirically observed two main phenomena. Firstly, I noted a widening of the spectrum of engagement strategies deployed by human rights advocates towards the government during the semi-authoritarian period (see chapter 5), with strategies ranging from engagement to transnational advocacy, to opposition, collaboration and avoidance. Second, I observed a deterioration of the dialogue between human rights advocates and policy makers, and especially NLD representatives, with whom some human rights advocates reported having enjoyed several years (especially in the period 2011-2016) of slow but constructive collaboration. HRAs reported facing harder repression of political dissent under the NLD quasi-civilian government than under the military-turned-civilian Thein Sein government (see discussion in chapter 4). As a result, while ASSK and the NLD continued to enjoy overwhelming popular support (comforted by the lack of political alternatives), some advocates grew disappointed with the NLD's strategy to keep civil society actors at bay and criticism of the NLD grew. The liberal human rights approach

also assumed that the NLD would carry on its human rights agenda once in power, and it did not account for the shift in priorities that led to HRAs, and the international community, growing disillusioned with the elected party.

- The period was marked by intense rivalry between the Tatmadaw and the NLD, creating limited incentives for them to make space for civil society representatives to enter the game, as well as a potential opportunity for one side to use political opponents as a weapon against the other side. The situation in semi-authoritarian Myanmar was mainly that the two dominant actors were too busy with their struggle for power to engage with any political dissidents substantively, **resulting in both the military and the quasi-civilian NLD-led government's hostility towards emerging new actors and counter-narratives.** The regime continued to maintain a tight grasp over reformed or newly created institutions, such as the Union Electoral Commission (UEC) or the Myanmar National Human Rights Commission (MNHRC, created in September 2011). Those were mostly unable to operate as they remained under the top-down influence of the military, with little to no independent power to effectively play their role and hold the government to account. Similarly, the judiciary system remained under military influence, and legal intimidation and/or harassment of opposition forces continued to corrupt the political game, leaving opposition actors weak and unable to substantially challenge the military. While the military lacked willingness to further liberalize, and the NLD lacked the ability to coerce it to do so, the NLD's trajectory from leading political opposition force to agent of repression in government is in a way revealing of the dilemmas posed by SARs: to engage or to avoid, to oppose or to reform, and how to navigate risks and opportunities when pushing for change. As it got elected to power, the NLD became co-opted into a system that channelled its influence into preserving national unity at all costs – finding common grounds with the military on a Buddhist nationalist agenda of stability and order, even the cost of rights and freedoms, and heavily constrained its capacity to progress democratic reform.

- While the broadening of domestic political opportunities (an essential step of human rights change, between stages 3 and 4 of the spiral model) was real, it remained incomplete (see chapters 4 and 7). The undermining of freshly created freshly reformed institutions; the instrumentalization of the legal and political framework; limited civil and political freedoms; censored counter-narratives; the constraints over and harassment of opposition actors **perceived as threats to the political equilibrium; all made the political arena widely uneven and unfair**. Human rights advocates, with various strategies and to various degrees of success, were all struggling to ultimately carve out and expand the space for dissent that had just been opened. Historically, the NLD and the pro-democracy, pro-human rights movement had an easier time finding common grounds as they were jointly engaged in a fight against a common enemy, the military dictatorship, which ended with the opening of the political space and the accession to power of the NLD.

Intuitively, one could think that the more authoritarian the regime is, the more repressive of civic space it is, and vice-versa. This is not what I observed in Myanmar during the 2008-2021 period. Instead, and as summarised in table 7 below, this case shows that as the regime invited more dissent by opening civic and political space from 2008 onwards, it soon found itself having to police that space.

	<i>Political landscape</i>	<i>Space for political dissent</i>	<i>Repression of political dissent</i>
<i>Democracy (D)</i>	All politics (full range of political opportunities)	Open and free civic space	Political dissent is encouraged and recognised as supporting democratic functioning.
<i>Semi-authoritarian regime (SAR)</i>	Constrained contentious politics – power is shared, yet unevenly and unfairly	Specific political opportunities (as described above)	Heavy policing of civic space – dissent perceived as threatening regime survival is especially repressed.

<i>Authoritarian regime (AR)</i>	No politics – no political opportunities	Closed space for dissent	Low policing of civic space (since low degree of dissent) – dissent is not threatening to the regime.
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Table 7. *The openness to political dissent per regime type*

I argue that mobilisation strategies that were perceived as threatening to the semi-authoritarian regime were heavily policed, including by the quasi-civilian government led by the NLD (especially in the period 2016-2020). This is not to say that there was less freedom during this period compared to the previous decades of dictatorship (or to the post-2021 coup era) – but rather that opening the space for dissent presented the regime with a dilemma as it both invited more dissent (logically) and therefore required more policing as power became shared. Retaliation occurred in semi-authoritarian Myanmar the same way Vreeland describes how “torture is more likely to occur where power is shared” (2008:69), and when some alternative political points of view are tolerated, and therefore power is no longer absolute. He argues that “partly open societies may require more violence to be ruled” (*ibid*, p.70). This is enhanced in political contexts that lack pre-existing favourable context, i.e., where active constituencies, constitutional frameworks, and a democratic institutional heritage are lacking, such as in semi-authoritarian Myanmar.

2) How do human rights advocates occupy the space for dissent available in semi-authoritarian regimes and how (and to what extent) can they be successful in progressing their human rights agenda?

Having deconstructed the political landscape in a semi-authoritarian regime and the specific political opportunities it presents, I then sought to understand how they changed incentives for human rights advocates and how in return they adapted their mobilisation strategies to this context. HRAs did not solely respond to constraints and incentives the regime presented to them. Rather, empirical analysis revealed that a “dialogue” sparked between pro-democracy and pro-human rights actors and the authorities at all levels, with interactions increasing from 2011 onwards, and differently from 2016 onwards.

I sought to understand how HRAs tried to, and to what extent they succeeded in using this decade of political opening to make progress. Mapping out human rights mobilisation strategies in semi-authoritarian Myanmar and how well they worked or failed, we can start to dress a portrait of a certain model of progressive social change for semi-authoritarian Myanmar, a framework of strategies that human rights advocates use to operate in a SAR.

I originally postulated, along the line of Ford's work on social movements in Southeast Asia that human rights actors are engaged in a fight against the state (see Ford, 2013), struggling to bring to life an alternative governance model relying on the rule of law and human rights norms. I anticipated that their vision and ambitions can be comprehended through the interactions, sought or imposed, that they have with the regime, throughout the process of political transformation and regime change, and how they engaged with it. I argued that semi-authoritarian regimes do grant human rights advocates latitude for dissent, while maintaining strong state scrutiny, and I was interested in understanding how much this would influence HRAs' strategic choices.

My analysis in part 2 of the repertoire of contention/mobilisation deployed by human rights advocates in semi-authoritarian Myanmar brought to light several contributions:

- Human rights advocates are undeniably impacted by the environment they evolve in. In semi-authoritarian Myanmar in the period 2008-2021, HRAs both influenced if not the *occurring* of regime change, at least its *unfolding*, while at the same time adapting their mobilization strategies in return. The **latitude for dissent that they experienced framed their strategic choices.**
- As such, HRAs reorganized and repositioned themselves – both politically and geographically, during the 2010s, and again post-2021 coup d'état. As introduced in chapter 3, part 2 **highlighted both the diversity and the resilience of civil society in Myanmar.** Myanmar's civil society has a history of surviving regime change, morphing through the successive opening and closing cycles of the political space for dissent, and it is happening once again in the post-coup era (see chapter 6). Overall, the pro-democracy movement in Myanmar underwent several phases, or 'cycles of protest' as conceptualized by Tarrow (1998), whereby increased political opportunities led to increased dissent – and I demonstrate, increased repression. The pro-democracy

movement in Myanmar stretches along decades of revendication, various generations of activists (and military leaders), and a continuous yet evolving corpus of pro-independence and later pro-democracy and pro-human rights claims.

- As argued in chapter 2, **precariousness is a key component of the nature of semi-authoritarian regimes, where social and political change is not a linear process.** Despite improvements, tensions remain, crystalizing around issues of survival, legality vs legitimacy and stability and order vs human rights and rule of law, as demonstrated in chapter 6 by the analysis of the triggers of state repression against political dissent.
- This analysis also revealed that HRAs' broader struggle and common goal were to **create, expand and occupy the political space for dissent**, rather than progressing specific rights-based agendas and freedoms. While this could at times be perceived as opportunistic behaviour on the part of HRAs, they often resorted to making progress where space was opened for them to do so safely. In semi-authoritarian contexts where the risks inherent to dissenting are high and the likelihood of success relatively thin, the rewards in case of success have proven to be potentially tremendous in consolidating civic and democratic space, and therefore motivate strategic human rights mobilization.

These findings relied on primary sources' material presented in part 2, that in themselves are an essential contribution to understanding human rights mobilisation in Myanmar, a country that is notorious for presenting a very difficult terrain for fieldwork. They are consistent with Tarrow's demonstration that if initial mobilisation is marked by some success, it soon encounters some form of reaction from the regime, often state repression, as observed in Myanmar (Tarrow, 2011). If mobilisation keeps on being successful despite repression, then it opens room for the movement to participate in politics: taking part in agenda setting, accessing decision making roles, that allows to engage in reform. Tarrow then predicts that if members of the movement see that stage as a sign of "mission accomplished", they might retract and demobilise, as the movement shrinks, due to fatigue, internal politics or missed opportunities or it might turn inwards to decide on next steps. As it does so, reversal can then be expected, with a return of state repression.

Contributing to the spiral model of human rights impact in SARs

As discussed at length in chapter 7, my findings challenged the spiral model in many ways, arguing that it did not account for the complexity of the political changes in semi-authoritarian Myanmar, that did not fit into the binary view of an authoritarian vs democratic sliding scale. As a contribution to the human rights impact literature, this thesis therefore proposed to complement the updated spiral model and expand on SARs as a key regime type with specific opportunity structures that had already been identified by the authors as deserving of more attention.

Indeed, I agreed with initial statements by the authors that the semi-authoritarian regime type and semi-authoritarian regime features had been neglected as determining factors to explain human rights compliance. However, I found that the scope conditions identified in the spiral model were essential to understanding the political opportunities that exist in SARs and influence human rights change. I found that the distinction between capacity and willingness was especially relevant in the case of SARs with limited statehood, such as semi-authoritarian Myanmar, where competing forces cohabit in government. There, I argued that the stage of transformation from stage 3 'tactical concessions' to stage 4 'prescriptive status' is of crucial importance in SARs, whose volatility challenges expectations of linear progress. Building on empirical analysis of Myanmar's authoritarian backsliding with the 2021 military coup, I hypothesised that SARs are especially prone to progress getting halted.

I therefore contributed to the spiral model by proposing to add a semi-authoritarian regime type category, recognizing that SARs with consolidated statehood show willingness to comply with some human rights and mostly decide to deny others, due to their governance model that offers a trade-off between rights and freedoms. Human rights violations in SARs with limited statehood might be due to a lack of willingness of some parts of the regime and a lack of capacity of others competing forces to impose their human rights agenda.

Configuration of statehood	Consolidated statehood	Limited statehood
Regime type		
Authoritarian regimes	Human rights violations due to lack of willingness (as in PoHR)	Human rights violations due to lack of willingness <i>and</i> capacity
Semi-authoritarian regimes	Willingness to comply with some human rights and mostly decision (governance) to deny others	Human rights violations due to lack of willingness of some parts of the regime <i>and</i> lack of capacity of others
Democratic regimes	Mostly human rights compliance	Human rights violations due to lack of capacity

Table 8. Copy of Table 6 (p.269). Amended Human Rights by regime type and degree of statehood (in Börzel & Risse, 2013:69)

Concluding thoughts

I picked a difficult case choosing to work in and on semi-authoritarian Myanmar, arguing that human rights should work where they are most needed, for fear of losing their relevance. I chose a single country case-study rather than a comparative approach, as discussed in chapter 1, and the 2020 Covid-19 pandemic and later the 2021 military coup confirmed this as the only realistic choice for this doctoral project. From this context came my contribution: original empirical material gathered in a challenging context from human rights advocates that at the time of fieldwork operated in relative freedom and have now resumed undercover work, are in jail, in exile or dead. While I argue for the contextualisation of both human rights norms and practices, based on a nuanced, intimate understanding of a political context; I would be interested in looking at the variable components identified here to make sense of human rights mobilisation in a semi-authoritarian context and see how different recipes with those same ingredients could work to understand how human rights mobilisation occurs in other places too. Future comparative work to look at human rights mobilisation in other semi-authoritarian contexts would thus be welcome.

Findings are expected to yield insights and potential strategies for those organisations seeking progressive human rights change. International governance assistance still relies heavily on a Western conceptualisation of democratization rather than on concrete evidence of how change happens locally. And while international aid agencies are under pressure to show tangible results in relatively short funding and implementation cycles, documenting what

works would prove helpful. Literature on contentious politics provides nuances and findings that tend to depart from what is found in human rights impact models, and further studies like this one that bridge the gap between the two could help refine our understanding of how social change happens. This, in turn, will provide insights into the dynamics of pro-democracy and pro-human rights diplomacy in international politics, and new ways to connect the dots of activism from the local to the national, transnational, regional, and global spheres.

The aforementioned events (the pandemic and the coup) forced on me and many other researchers a deep reflexion on how to best conduct research in constraining environments. Further research on how to navigate these constraints, the impact that methodological and ethical choices might have on research approaches and findings could help progress the conversation on how to best render the reality of the communities we observe.

Taking some distance from this project and going back to the broader research environment in which it anchored itself, I am also encouraged to reflect on the future of human rights research in Myanmar, as the current political situation requires extreme creativity to continue fieldwork in/on the country. Scholars have turned to work in the border areas, to digital ethnographies or to focusing on the diaspora communities around the world that lead the vocal advocacy for democracy in Myanmar. This is not the first time in recent decades that Myanmar is closing up to researchers. Taking historical stock of the cyclical nature of research barriers and openings in Myanmar could be a fascinating endeavour and could ensure a generational transmission of lessons learned to future generations of scholars.

Working in and on Myanmar, one cannot ignore the cyclical nature of political transformation in the country. International scholars who had been conducting research in Myanmar in the 1980s, had lost hope of returning to the country due to the 1988 events, and then re-gained access in the late 1990s. After a few decades of increasing research freedom, the country became inaccessible to researchers once again in 2021. The cyclical nature of the opening and closing access to Myanmar for international researchers (and constraints on national researchers) forces upon us two main lessons. First, only through disclosure of the risks, ethical issues faced, and the solution sought throughout the research process can we encourage genuine cross-disciplinary and cross-generational exchanges. Self-reflection on one's positionality as a researcher has become essential in political science's research

projects. Second, conducting research in constraining environments raises the question of how to best collaborate with national researchers, whose risks, access, and positionality differ from those faced by international researchers. While an increased aspiration to strengthen collaboration between international and national scholars in the post-coup era is a welcome development, this cannot happen without a real assessment of the risk and ethical issues it raises for national actors operating in a semi-authoritarian context that is marked by an inherent volatility that increases the risks of worsening of a political situation they might have limited opportunities to escape.

Overall, this thesis aimed to contribute to broaden our understanding of how semi-authoritarian regimes, an increasing and increasingly important regime type, work and what this means for human rights advocates. As a concluding thought, I would encourage further research and further international diplomatic efforts to focus on what sustains the realisation of genuine regime change: ensuring the existence of democratic institutions and practices that actually perform democratic functions, without letting us be fooled by superficial changes embedded by smart and agile SARs in a democratic rhetoric that at times does nothing more than please our ears and feed our hopes before it enables genuine change; and supporting pro-democracy and pro-human rights actors fighting for progress. Progressive democracies and international organisations' roles in helping build democratic state institutions is essential, and this work can only be truly transformative when conducted with and for local actors and local communities, that are the first impacted by (semi-)authoritarian practices and the violations and denial of rights and freedoms, and also the first to respond to political challenges, continually seeking to carve out and expand the space for dissent. Our responsibility lies with them, to support their struggles, recognize their expertise and resilience and celebrate their successes.

ANNEXES

Annex A – Anonymised list of interviewees

#	Date	Place	Role
1	15/01/2020	Yangon, Myanmar	Ethnic activist
2	20/01/2020	Yangon, Myanmar	Ethnic activist
3	15/01/2020	Yangon, Myanmar	International aid worker
4	15/01/2020	Yangon, Myanmar	CSO worker
5	15/01/2020	Yangon, Myanmar	CSO worker
6	21/01/2020	Yangon, Myanmar	Youth activist
7	23/01/2020	Yangon, Myanmar	Political activist
8	27/01/2020	Yangon, Myanmar	Political activist, ex-student leader
9	21/01/2020	Yangon, Myanmar	Youth peace activist
10	30/01/2020	Yangon, Myanmar	Youth activist
11	30/01/2020	Yangon, Myanmar	Political activist
12	unknown	Yangon, Myanmar	Student leader
13	30/01/2020	Yangon, Myanmar	Youth activist, film maker
14	unknown	Yangon, Myanmar	Youth activist
15	unknown	Yangon, Myanmar	Youth peace activist
16	30/01/2020	Yangon, Myanmar	Political activist
17	26/01/2020	Yangon, Myanmar	Tech activist
18	16/01/2020	Yangon, Myanmar	Ethnic activist
19	27/01/2020	Yangon, Myanmar	Ethnic activist
20	14/01/2020	Yangon, Myanmar	Political opponent
21	30/01/2020	Yangon, Myanmar	Political activist
22	24/02/2020	Yangon, Myanmar	Youth activist
23	17/02/2020	Yangon, Myanmar	International analyst
24	07/02/2020	Yangon, Myanmar	Political opponent
25	10/02/2020	Mae Sot, Thailand	Ex-student leader, political activist
26	10/02/2020	Mae Sot, Thailand	Student leader
27	20/02/2020	Yangon, Myanmar	CSO worker
28	30/01/2020	Yangon, Myanmar	Student activist, poet
29	10/03/2020	Yangon, Myanmar	Student activist
30	15/02/2020	Yangon, Myanmar	Monk
31	07/03/2020	Yangon, Myanmar	Social worker and activist
32	07/02/2020	Yangon, Myanmar	LGBT activist
33	unknown	Yangon, Myanmar	LGBT activist
34	14/02/2020	Yangon, Myanmar	CSO worker, political activist
35	07/03/2020	Yangon, Myanmar	Ethnic activist, political opponent
36	31/01/2020	Yangon, Myanmar	Group discussion – students leaders
37	Unknown (2020)	Yangon, Myanmar	Participant observation – protest

38	Unknown (2020)	Yangon, Myanmar	Participant observation – protest
39	20/08/2021	Skype	Political activist
40	10/09/2021	Over emails	CSO worker
41	15/09/2021	Over encrypted software call	Youth activist
42	1/10/2021	Over encrypted chat	Political opponent
43	31/02/2022	Paris, France	Political opponent

Annex B – Interview protocol

The first box is an extract of the template message I used to approach interviewees, explaining what my research was about and what I was looking to discuss:

My research focuses on how semi-authoritarian governments deal with dissent, and how the recent opening in Myanmar has changed ways of working for NGOs, and social and political activists in general.

I am looking for testimonies about key moments or key changes that you have experienced in the past decade. I would like to talk about how change has happened, especially regarding:

- 1) strategies of influence used by individuals and organizations,*
- 2) interactions with the state and its institutions and how human rights advocates were treated,*
- 3) collaboration with international allies (other INGOs, donors, embassies, etc.),*
- 4) alliances formed at the domestic level with other organizations or causes.*

My findings could help other organization in similar opening political spaces elsewhere, as there is a lot to learn from Myanmar. My interviewees are Myanmar people mainly, because you are the experts, and I strive to respect a balanced ratio of female/male interviewees and local/international organizations. Interviews are fully anonymous.

As stated in chapter 1, I aimed to gather respondents' perspectives on:

1) How do they interact with the state / the institutions?

Here I was interested in mapping the remits of FoE and FoA as they perceived it, to understand how much they thoughts they were permitted to do and say. I asked as well about what I define as the 'legal harassment' they might experience as individuals, and as civil society organisations. I asked about how genuine their perceived the recent or ongoing reforms to be, from the government, as well as their feeling towards the upcoming elections (November 2020 General Elections). Overall, I was interested in understanding how much they chose to or were forced to interact with the institutions, and what happened when they did.

2) Reliance on transnational solidarity

With questions connected to this topic, I aimed to understand to what extent my respondents felt connected to social movements abroad, either in solidarity with them, or with support from them; or more broadly to a global fight for democracy and human rights.

I looked into how much inspiration they took from social movements strategies observed elsewhere.

3) *Spill overs and alliances (at domestic level)*

Domestically, I was interested in understanding who my respondents perceived as their allies or their enemies, and anything else in between. I postulated that identifying their targets would help understanding their goals, and the change they wanted to see, but also the strategies they deployed to achieve those goals. I enquired into whether they worked at local, regional or national level; had intermediaries or interlocutors within the institutions; and what motivated some activists to get into politics.

4) *Mobilization and impact strategies*

From the tools they use to their hopes and fears, I was interested in understanding my respondents' strategies and how they deployed them. I was especially interested in narrowing down their vision and grasping their end goal(s), as I investigated human rights mobilisation strategies in semi-authoritarian Myanmar.

5) *The treatment of human rights defenders*

In complementarity to the first set of questions around interactions with the state's institutions, I asked how HRDs are perceived and treated; in what context it is easier to defend human rights (rural vs urban, ethnic vs *Bamar*-dominated zones, etc.). I investigated tensions with INGOs and international organizations; and what support is actually perceived as helpful.

I asked roughly the following questions:

Bank of questions

[In brackets are specific elements or questions I added when interviewing ethnic activists]

- 1. Lots happens on fb, what other media do you use?*
- 2. What do you think of newspapers, do you read them? Are they useful to reach audiences? Do people read them you think?*
- 3. Easier to be an activist in Yangon or in [ethnic areas]?*
- 4. What is the worst thing that could happen to an [ethnic] activist?*
- 5. What kind of funding do [ethnic] organizations prefer? Big donors like SCI/ MEC or local people donations?*
- 6. With big donors – you need formal registration and structure: do you think these organizations like it? Or fear it?*

7. *[Do you believe there is hope for stronger inter-ethnic collaboration?]*
8. *Upcoming elections – how do you feel about that?*
9. *Worse enemy? Police, military?*
10. *What's the ideal goal / best case scenario for [ethnic minority groups] civil society organisations?*
11. *[We worked together on education – it is essential for survival of an ethnic system to exist fully in parallel to state system. Is education the best entry point because less scrutiny?]*
12. *Targets: are you trying to change policies, politics, or public opinion?*
13. *What comes first, peace / democracy or human rights?*
14. *How are [ethnic activists] perceived? Treated?*
15. *As mentioned above, most interviews were followed up by a “who else should I talk to?”, which helped 1) to map my respondents' circles and 2) to broaden my list of interviewees.*

Annex C – Post-independence Myanmar timeline

Background dates:

- July 1947 General Aung San is assassinated
- 1947 A constitution is adopted, that favours a union model rather than a federation (unacceptable to most ethnic minorities). Initially designed to last 10 years.
- Jan 1948 Independence from the British empire: democracy launched under Prime Minister U Nu.

1962-2011: Military ruling

- 1962 General Ne Win military coup. Ex PM Nu's Chief-of-Staff, he returned to power as Chairman of the new Revolutionary Council, "with no invitation and no constitutional authority" (Badgley and Holliday, 2018:37).
- 1974 A new constitution is enacted, and the RC cedes power to a civilian Burma Social Programme Party (BSPP) cabinet, led by retired military generals.
- 1988 Mass protest turns into a general strike on 8-8-1988, crushed by the recently reformed military junta under General Saw Maung (Lintner, 1989). The NLD is formed.
- 1990 Landslide electoral triumph by the major opposition party, the NLD (60% of the votes, 80% of the seats¹⁰⁸) is ignored.
- 2003 'Roadmap for Discipline-Flourishing Democracy' is announced.
- 2008 Cyclone Nargis
- 2008 Constitutional reform
- Nov General elections won by the Union Solidarity and Development Party (USDP),
- 2010 First elections since 1990, denounced as deeply flawed.

2011 – 2015: regime change under former general President Thein Sein (USDP government)

- Mar Most analysts agree on this date to pinpoint the start of the regime change
- 2011 process, as it is the month the State Peace and Development Council (SPDC) was dissolved [the SPDC came about in November 1997, it is a reformed version of the military junta] and President Thein Sein took office on 30 March 2011.
- Apr 2012 By-elections for 45 seats - the NLD wins 43 out of the 44 seats contested, and ASSK is elected to the legislature.
- Nov General elections "as free and fair as is possible in a fledgling democracy like
- 2015 Myanmar" (Badgley and Holliday, 2018: 41). The overall results were very close to the 1990 elections, and the NLD won 57% of the votes and 79% of the seats across both houses of the Parliament.

April 2016 – 2021: a democratic, quasi-civilian government

- Apr Newly elected government headed by Aung San Suu Kyi, NLD leader takes
- 2016 power, following "the first fairly elected government in more than half a century" (Pedersen, 2018).

¹⁰⁸ Due to a majoritarian system.

- Nov 2020 General Elections: new landslide victory of the NLD, in COVID pandemic context.
- 1 Feb 2021 Military coup as the new Parliament is about to be seated.

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