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Studie

Zivilgesellschaft im autoritären Staat: Der Fall Myanmar

Jasmin Lorch

Abstract

Entgegen der gängigen Annahme, dass das starke Militärregime Myanmars keinerlei gesellschaftliche Freiräume zulässt, argumentiert dieser Artikel, dass in drei Bereichen durchaus Handlungsspielräume für zivilgesellschaftliche Akteure existieren: erstens im Rahmen von Wandlungsprozessen innerhalb des Staates selbst, zweitens in verschiedenen Aufgabebereichen des schwachen Wohlfahrtsstaates und drittens in einigen der ausgehandelten Spielräume relativer ethnischer Autonomie in Waffenstillstandsgebieten.

Wengleich diese Handlungsspielräume immer als relational zum autoritären Charakter des Militärregimes betrachtet werden müssen, so wird doch deutlich, dass zivilgesellschaftliche Akteure alle ihnen zur Verfügung stehenden Freiräume nutzen, um die Notlage ihrer Gemeinschaften im Wohlfahrtsbereich zu lindern. Um zivilgesellschaftliche Entwicklungen im autoritären Handlungskontext Myanmars zu erforschen, entwickelt die Autorin erste Ansätze eines relationalen Verständnisses von Zivilgesellschaft und des Handlungsspielraums, der dieser zur Verfügung steht.

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Key words: Myanmar, Zivilgesellschaft, Demokratisierung, Staatszerfall

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1 Introduction

Since the Eastern European regimes collapsed, the concept of civil society has become highly attractive to scholars, politicians and development practitioners (Wischermann 2005: 205). Civil society was assumed to have played a crucial role in the breakdown of those authoritarian regimes, which has led to a sometimes uncritical euphoria about its meaning with respect to democratisation processes (for examples see Rau 1991; Cohen/Arato 1997: 29-83). Many scholars have, however, strongly rejected such assumptions about the democratic potential of civil society, arguing instead that the precedent liberalisation of the respective regimes had actually been much more important for both regime change and the very possibility for civil society to emerge (Yang 2004: 8-10). Can civil society emerge under authoritarian rule? If this is the case, what are the enabling factors and what are the impediments for the emergence of civil society in an authoritarian context?¹ What kind of external support is needed and what is counterproductive? With regard to these general questions, the case of Myanmar reveals some interesting aspects. While it is often assumed that the strong military regime of Myanmar does not allow for any room for manoeuvre, this article argues that spaces for civil society actors do exist within three specific areas: firstly, within the ambit of changes within the state itself; secondly, in various sectors of the weak welfare state; and thirdly, within some of the negotiated spaces of relative ethnic autonomy in ceasefire areas. While these rooms for manoeuvre are always relational to the authoritarian nature of the military regime, civil society actors use every space available in order to tackle the welfare needs of their respective communities.²

Since the military takeover in 1962, Myanmar has remained one of the world's most repressive regimes. A popular uprising led by the country's students in 1988 was brutally suppressed and the military has tried to preserve its control ever

¹ Another interesting question is how the specific character of the authoritarian regime – and indeed of the state in general – influences the development of civil society and the way it is able to constitute itself. So far, surprisingly little research has been conducted with regard to this matter. While this article presents some preliminary findings, a systematic research into the question of what kind of state causes what kind of civil society, is beyond its scope. Such a systematic investigation, which is best dealt with by using a comparative approach, is, however, an important part of the author's future research agenda.

² The observation that civil society actors in an authoritarian context use any space available in order to promote the social interests of their communities has been made by Perinova with regard to civil society developments in Myanmar, China and Vietnam (Perinova 2005: 27).

since. Consequently, the results of the 1990 election, in which the opposition party National League for Democracy (NLD) won a landslide victory, were ignored. Research on civil society developments under such highly restrictive circumstances requires a critical review of existing theoretical concepts. Used in a normative sense, the concept of civil society often fails to explain social developments in non-Western and authoritarian political contexts. In contrast, this article focuses on the analytical dimension of the concept and develops primal approaches to a relational understanding of civil society and the scope of action it has. A relational approach accepts that the characteristics of an embryonic civil society under authoritarian rule may differ from those of a mature civil society in the context of a democratic constitutional state.

An analysis of both the constraints and the enabling factors for the development of civil society in Myanmar is also fruitful for the international community with regard to possible policy options. In this sense, the development of civil society in Myanmar has to be discussed against the broader picture of the debate on humanitarian aid for the country. Myanmar's poor health and socio-economic situation has long been an issue of international concern. For years it has been assumed that about 40 per cent of the population live below the poverty line (Steinberg 2001a: 46). Humanitarian emergencies like child malnutrition seem to be steadily increasing (STI, 8.8.05). According to high estimates from UNAIDS, the number of adult people infected with HIV/AIDS could already have reached 610,000, which would correspond to 2.2 per cent of the adult population (UNAIDS 2004: 2). While the humanitarian need for aid has been acknowledged in principle, critics still argue that it does not reach the people and bring relief, but rather strengthens the military regime and, therefore, inhibits political change (ICG 2002a; ALTSEAN Burma 2002: 9; 31-52). The withdrawal of the UN Global Fund from Myanmar has shown that the restrictions and xenophobia of the regime often make it difficult for UN organisations and international NGOs to operate. If it was possible to identify local civil society actors in Myanmar, this would help international donors, since those domestic groups could be engaged as partners regarding the delivery and distribution of humanitarian aid. In this sense, it is crucial to analyse what room for manoeuvre is available for civil society actors and how this can be strengthened.

Unless otherwise indicated, the findings presented in this essay rest upon the author's research trip to Myanmar and Thailand in summer 2004. In some cases sources of information have been made anonymous in order to protect the people

interviewed. Due to the methodological difficulties resulting from the intricate context of research and the lack of literature, the conclusions drawn here should be considered as preliminary results inspiring further and more extensive research and discussion.

2 Civil Society and Its Scope of Action under Authoritarian Rule

With Myanmar being one of the longest-persisting military regimes in the world, research into civil society developments under its tutelage requires a particularly sound theoretical conceptualisation. This chapter seeks to define civil society and its genesis in an authoritarian context and depicts theoretical approaches that can be utilised to specify the scope of action available for civil society actors under authoritarian rule.

2.1 Civil Society in Authoritarian Regimes: Towards a Relational Understanding

Despite its continuing popularity, the concept of civil society is still a deeply contested one (Wischermann 2005: 205). As Guan aptly says, “The concept has descriptive as well as normative dimensions, and thus its usage is subject to intense and endless debates“ (Guan 2004: 1). Conventional definitions of civil society have laid emphasis on its normative dimensions deriving from democratic theory and the values of the European Enlightenment. In this sense, civil society is closely associated with a sphere which is autonomous from the state and the market. Civil society associations are defined as being characterised by voluntary participation, tolerance, discursive procedures of decision-making and horizontal networks. Correspondingly, they are assumed to generate mutual trust and democratic values and to consequently promote democracy (for an overview and critique of normative civil society theories see Edwards 2004). However, such definitions of civil society have been criticised as stemming from Western philosophical history and therefore as being inapplicable to other cultural contexts. They also tend to be tautological, because a certain degree of democratisation can be considered as both the consequence of and the reason for a vibrant civil society (Guan 2004: 8).

In order to describe civil society in Southeast Asia and its emergence under authoritarian rule, it is more useful to emphasise the empirical analytical dimen-

sions of the concept (Wischermann 2005: 203; Croissant/Lauth/et al. 2000: 10). Used in an analytical way, any definition of civil society has to take into account the specific scope of action it has. A relational approach seems a fruitful approach to this endeavour,³ as it relates civil society to the political and cultural context in which it operates. A relational approach thus takes into consideration the scope of action available for – and conceded to – civil society actors. A democratic constitutional state is the condition *sine qua non* for an autonomous and democratic civil society to flourish. With the state apparatus of Myanmar being heavily infiltrated by the military, it is obvious that this precondition is not met. Instead, civil society emerges in the context of authoritarian rule, which has profound consequences for the way it is able to constitute itself. Studies in civil society developments in other authoritarian contexts provide valuable insights in this regard. The cases of Vietnam and China have shown that in authoritarian regimes that try to penetrate the social sphere, civil society organisations can hardly achieve extensive autonomy of action (Heng 2004: 145ff.). In contrast, civil society actors frequently have to maintain functional ties with members of the ruling establishment – or even let themselves become partially co-opted by the latter. Often, it is only this link that enables civil society actors operating in authoritarian contexts to promote the autonomously defined interests of their respective communities (Yang 2004: 13f.; Perinova 2005: 6ff.; 28). Nevertheless, the cases of Vietnam and China have also shown that penetration can be mutual and that the evolving relations between civil society and the ruling establishment are often multi-layered and complex in nature (Yang 2004: 3-14; Perinova 2005: 6ff.). Based on his analysis of the Vietnamese media, Russell Hiang-Khng Heng has even suggested that under authoritarian rule, civil society might emerge from within the state itself (Heng 2004: 157ff.). If this finding is reasonable, any analysis of civil society in an authoritarian context should also focus on identifying the specific sectors of the state from which it can emerge.

If one wishes to study the genesis of civil society under authoritarian rule, defining it as a sphere that is completely autonomous from the state and the

³ In developing my relational approach I was inspired by Gosewinkel, to whom I am deeply indebted. The starting point – that civil society developments always have to be seen as relational to something else – constitutes the common ground of our approaches. However, my own usage differs from Gosewinkel's in as much as I focus on the scope of action as the essential point of reference when analysing civil society developments instead of using this only as a starting point for a new definition of civil society action, with acknowledgement of difference being the central category, compare Gosewinkel 2003 and 2005 and Gosewinkel/Rucht 2003.

market therefore misses the point. Using a relational approach, by contrast, the ascertainment of civil society actors always has to go hand in hand with an analysis of the context they operate in and the scope of action which is conceded to or gained by them. In this sense, it is more useful to define civil society as a specific type of action and interaction. According to this definition, which was developed by Kocka et al., civil society activities are characterised by self-organisation and self-reliance, by their operating in the public sphere, by using discourse as a means of resolving conflicts, by tolerance of heterogeneity and pluralism, by their differing from violence and war and by their pursuit of the collective good (Gosewinkel/Rucht/et al. 2003: 11).⁴ Defined as such, civil society is neither strictly confined to any specific sector of society, nor will any real civic organisation have all the ideal type characteristics of civil society depicted above. The focus of analysis consequently shifts to research on the degree to which certain organisations are more or less civil society-like.⁵ Likewise, this understanding of civil society allows for an analysis of its dark sides (Lauth 2003: 22). A democratic constitutional state is an essential precondition for a democratic civil society to flourish. Conversely, civil society seen in the context of authoritarianism is likely to mirror features such as hierarchy and exclusiveness. Similarly, vertically structured relationships as well as religious and ethnic cleavages in society as a whole are bound to be found in civil society organisations as well (Croissant 2000: 360; Howell 1999: 17).

While the main characteristic of civil society organisations is the specific type of action and interaction they practise, their degree of formality and their institutional forms may differ considerably. In this sense, there are multiple examples of civil society organisations such as advocacy groups, business associations, registered charities and developmental NGOs, but also informal community groups, faith-based organisations and self-help groups (LSE 2004).⁶

⁴ My own translation.

⁵ Compare Gosewinkel 2003 and Wischermann 2005: 219-222. Both authors suggest focusing on the degree to which certain organisations are more or less civil society-like. Their understanding of the relational approach is different from mine, however; see footnote 3.

⁶ I have borrowed these examples from the London School of Economics' own definition of civil society, which does not explicitly refer to civil society as a specific type of action and interaction. However, since the LSE definition is formal and descriptive rather than normative in character, this is not a contradiction to the interaction-based definition applied in this essay.

2.2 The Scope of Civil Society Action under Authoritarian Rule

Any analysis of the scope of action available to civil society actors has to take into account both the constraints and the enabling factors that could potentially create a suitable environment for civil society activities. Transition theory has acknowledged that civil society can emerge under authoritarian rule (Croissant/Lauth/et al. 2000: 21-30). It has also developed ideal type categories of regimes, but the scope of action for civil society under authoritarian rule has not been extensively conceptualised yet. Croissant, Lauth and Merkel consider the institutions and structures of the authoritarian regime as important parameters for the genesis of civil society. They have identified factors that define the degree to which the political institutions of the authoritarian regime constitute a constraint for civil society to emerge, such as regime coherence and regime durability, the extent to which the authoritarian regime penetrates the society as well as the effectiveness and strength of its corporatist arrangements and mechanisms of co-optation (Croissant 2000: 343-346; Croissant/Lauth/et al. 2000: 21ff.). This corresponds with the proposition of the relational approach that civil society always has to be analysed with regard to the political context in which it operates. The highly authoritarian military regime of Myanmar, where a separation of power and an independent judiciary do not exist, provides strong impediments for civil society, keeping its radius of action tightly in check.

However, in contrast to totalitarian regimes, authoritarian regimes allow for certain albeit limited space for civil society. Totalitarian regimes are characterised by a combination of three dimensions. They have a monistic centre of power, an exclusive and more or less elaborate ideology, which provides an ultimate interpretation of social reality, and they actively mobilise the population through a single party and the monopolistic groups deriving from it (Linz 2000: 70). Thus, totalitarian regimes penetrate society to an extent that does not allow for any kind of pluralism (ibid: 70; 263). Civil society, therefore, cannot exist in a totalitarian context. The regime of Myanmar, however, is “bureaucratic-military authoritarian” rather than totalitarian in character.⁷

⁷ When defining the authoritarian regime of Myanmar as “bureaucratic-military”, I am referring to the typology used in Linz 2000: 184-202. The military regime of Myanmar has undoubtedly incorporated both elements of organic statism and mobilisational practices, which will be depicted below. However, this is not a contradiction to categorising it as “bureaucratic-military authoritarian”, because authoritarian regimes usually combine elements from different regime types (ibid: 176-182).

Moreover, Schneckener has rightly pointed out that regime stability should not be confused with state stability, but that strong authoritarian regime features and state weakness rather tend to be two sides of the same coin (Schneckener 2004: 12). The weak capacity of the state to perform some of its core functions opens up spaces which can be occupied by civil society and other non-state actors. Modern definitions of state attribute three core functions to it: firstly, to provide for the security of the population and control the state's territory; secondly, to provide for the welfare of the population, which includes state activities in various sectors such as the economy, labour, health, education and the environment; and thirdly, to generate legitimacy, allow for popular participation and establish a democratic constitutional state (Schneckener 2004: 12-14). If the state fails to perform these functions, other actors can move into the gaps that exist. While Rotberg especially refers to warlords and other criminal non-state actors (Rotberg 2004: 6ff.), Risse also identifies economic actors, NGOs, family clans and other local groups that practise alternative forms of governance in sectors of state weakness or failure (Risse 2005: 8-12). Some of these groups account for civil society actors in line with the definition which forms the basis of this essay. These observations from the research on weak states correspond with the finding of transition theory that the failure of the state to perform its welfare function can be conducive to the emergence of civil society under authoritarian rule. Local self-help groups can advance to fill the gaps, which exist in sectors of basic needs such as food, health, education, development and environment protection. If they turn into functional substitutes of the state, they sometimes manage to enlarge their political scope of action as well (Croissant/Lauth/et al. 2000: 28f.).

It is noteworthy, however, that while state weakness can be conducive to the emergence of civil society, it is also Janus-faced. As mentioned above, the precondition for a strong – in the sense of independent and democratic – civil society is a strong democratic constitutional state. Conversely, an authoritarian state, which is only strong with regard to its military apparatus and its police force but weak or failing with regard to its function to generate legitimacy, allow for participation and establish a democratic constitutional state, seems to be responsible for many weaknesses and dark sides of civil society.⁸ Furthermore, it is debatable whether gaps in key areas of state responsibility such as welfare

⁸ Literature that focuses on a systematic research into the question of how much and what kind of state is needed in order to generate a strong and democratic civil society is still rare or lacking, however, compare footnote 1.

are really due to state weakness or are rather the result of a deliberate strategy of outsourcing (Zürcher 2005). However, when analysing civil society and its emergence under authoritarian rule, this question is not of central importance. What is crucial in this regard is that governance gaps do exist, whatever the reason might be, and that they can be occupied by civil society actors.

3 Do Civil Society Actors Have Any Room for Manoeuvre in Myanmar?

The “strong military regime – weak state“ phenomenon⁹ can be seen as lying at the very roots of both the constraints and the enabling factors that could potentially create a suitable environment for civil society in Myanmar. Given its durability and repressiveness, there can hardly be any doubt that the military regime of Myanmar is a strong one. Nevertheless, since the regime is not totalitarian, the constraints it imposes on civil society action are not unlimited. Moreover, the strength of the regime does not indicate that the state is strong as well.

“Instead, there is a need to separate the ability of the military regime to run an effective state apparatus and its capability to stay in power.” (Rudland/Pedersen 2000: 2)

As Englehart has shown, the military has sometimes deliberately weakened the bureaucracy in order to prevent it from counterbalancing the strength of the army as an institution (Englehart 2005: 628). Recruitment of personnel on the basis of loyalty rather than competence has led to a decline in bureaucratic performance. Military control has been consolidated at the expense of the state’s capability to perform its functions (Rudland/Pedersen 2000: 7-15). Rudland and Pedersen do not use the “strong regime – weak state“ wordplay in a theoretically embedded manner but only with regard to concrete features of the Myanmar military rule. However, both their findings and those of this article might provide some concrete examples for the theoretical assumption of Schneckener that strong regime and weak state are not mutually exclusive phenomena but rather two sides of the same coin.¹⁰

⁹ In using the “strong military regime – weak state“ wordplay, I am referring to the publication by Pedersen/Rudland/et al. 2000. I have modified this wordplay by categorising the regime explicitly as a military regime.

¹⁰ Moreover, some of the findings of this case study might – in an inductive manner – provide food for thought with regard to a systematic combination of state, regime and civil society theories.

3.1 Limits of Regime Constraints

Institutions and Structures of the Authoritarian Regime

There can scarcely be any doubt that there are considerable structural impediments hindering the emergence of civil society in Myanmar (Steinberg 1999; Liddell 1999). The military regime has been in power for more than forty years. Even though there appear to be internal power struggles, as the ouster of General Khin Nyunt¹¹ has shown, the economical power base of the military still seems to be strong enough to prevent a split occurring within the ruling elite (Will 2004: 5). Thus, the durability and coherence of the regime seem to be formidable. Since the crackdown on the popular demonstrations that took place in 1988, the Tatmandaw¹² has been expanded and modernised (ICG 2002b: 1-5). Figures are hard to obtain, but it is supposed that its size has since doubled to between 400,000 and 500,000 soldiers (Selth 2001: 16). Intelligence capacities to spy on the population have also been enhanced and modernised (Ball 1998: 91-125). With public education facilities closed for long periods, a career in the armed forces is one of the few ways to acquire education and skills. Affiliation with the Tatmandaw also guarantees access to scarce consumer goods and public services (Selth 2001: 16). Most big companies either belong to the armed forces as an institution (Steinberg 2001a: 46) or are privately owned by military personnel (Mya Maung 1998: 65ff.). Together, these structural conditions lead to an enormous concentration of political, social and economic power resources in the hands of the military.

Liddell has described the legal constraints on civil society in Myanmar by saying there is “no room to move” (Liddell 1999: 54); the state apparatus is tightly controlled and infiltrated by the military. The development of free and independent civil society associations is restricted by the lack of fundamental civil liberties such as freedom of association, freedom of opinion, freedom of expression and freedom of movement (*ibid.*). An independent judiciary does not exist. Instead, the military rules the country with a combination of martial law and restrictive decrees left over from Myanmar’s colonial past (ICFTU 2004: 168). It is, therefore, impossible to politically challenge the regime in a legal way

¹¹ The former head of military intelligence, General Khin Nyunt, served as Prime Minister of the State Peace and Development Council (SPDC) from August 2003 to October 2004, when he was charged with corruption and ousted in an internal coup. He introduced a seven-step Roadmap to Democracy and experts and international policy-makers generally considered him to be a pragmatist.

¹² Myanmar’s army (Selth 1995: 237).

(ICG 2001: 6). According to the Unlawful Association Act, the Head of State can declare any association unlawful without basing his decision on hard evidence and can punish its members with up to five years of imprisonment (BLC 2004: 21f.). Since Law 6/88 enacts that no organisation can be formed without the consent of the Home Ministry, the Burma Lawyers' Council considers it to be a deliberate measure on the part of the regime to prevent the emergence of an independent and critical civil society (ibid.: 22f.). The Press Scrutiny Board subjects all publications to strict censorship (Liddell 1999: 59). The Computer Science and Development Law makes the unauthorised possession of computers with networking facilities punishable with sentences of up to seven years' imprisonment (ibid.: 61). To counter attempts at individual expression, the regime controls an extensive propaganda machine including state-run newspapers and television channels.

Consequently, the legal scope of action for civil society is very narrowly circumscribed and its legal ways of expression are extremely limited. Nevertheless, some alternative channels of information and expression do exist. Even though they have been declared illegal by the military regime, the BBC, CNN, Radio Free Asia and the exile government's Democratic Voice of Burma all broadcast to Myanmar. Their programmes are transmitted on short-wave radio and are therefore quite easily accessible. Short-wave radios are imported from neighbouring China and are relatively inexpensive. While such alternative information channels do create enabling conditions for civil society actors, their impact remains limited because many people fear repressions and punishment by the regime.

Mechanisms of the Military Regime with Which to Penetrate Society

Partially due to political motives, exiled Myanmarese experts and members of the Opposition have sometimes argued that their country was under totalitarian rule (e.g. Mya Maung 1992). However, Myanmar's military regime is authoritarian rather than totalitarian in character and permits limited diversity regarding social practices. The regime not only lacks a totalitarian ideology, but it also only partly attempts to mobilise society through corporatist structures.

- **Limited Diversification of Social Practices**

Even though the regime has promoted nationalism and militarism and tried to exploit national security concerns in order to gain legitimacy (Steinberg

2001b: 43-46), this should not be confused with a coherent and broadly accepted ideology.

... neither the Ne Win regime (1962-1988) nor its SLORC/SPDC successor resembles the nightmare regimes of Mao's China or Pol Pot's Cambodia, where a revolutionary elite sought to transform society, destroying traditional culture and ways of life and systematically eliminating millions of "counter-revolutionaries. (Seekins 2005: 445)

While it is true that Christian and other religious minorities are often discriminated against or even attacked by the military (ICG 2003: 21), the regime does not totally deny citizens religious freedom, not even to minority denominations. Christian churches are permitted to hold services and run community programmes, which can especially be observed in Rangoon and in ethnic minority areas. Members of the Muslim minority also conduct welfare programmes in the capital. Furthermore, a certain variety of ethnic and cultural customs persists and these are even displayed publicly. This shows that the regime allows for limited diversification of social practices – but not for their transformation into political practices. Thus, military penetration of Myanmar society is not complete, and some gaps do exist within the regime structure.

- Corporatist Structures and Co-optation

By creating Governmentally Organised NGOs (or GONGOs), the military has tried to “strengthen its civilian support base and pre-empt the formation of a genuine civil society“ (Rudland/Pedersen 2000: 4.). The Union Solidarity and Development Association (USDA) has developed a sophisticated bureaucratic structure and its members are required to join government-organised rallies, some of which serve the purpose of intimidating political opponents (Callahan 2000: 40). Other GONGOs such as the Myanmar Maternal and Child Welfare Association and the Myanmar Red Cross are active in service delivery and community development. Membership is often forced on people by social and political pressure (Steinberg 2000: 115).

Ongoing attempts to co-opt Buddhism follow the same pattern of strengthening the civilian support base of the current regime.¹³ In 1990 the military government established the State Sangha Maha Nayaka Committee as the

¹³ The vast majority of Myanmar are Buddhists. Buddhism not only affects their daily lives, but also to some extent the political decisions made by many citizens of Myanmar (Siemers 1993: 68ff.).

supreme executive organ of the community of Buddhist monks (*Sangha*). Nine Buddhist groups (*Nikayas*) were officially recognised, while all the others were declared illegal. The military has justified such measures by referring to Myanmar's pre-colonial monarchs and their alleged role as purifiers of the Buddhist faith. On the other hand, Senior General Than Shwe and other high-ranking military officials frequently pay public visits to pagodas, and the state media regularly propagates military donations to Buddhist institutions and the state-sponsored construction of temples (Siemers 1993: 78-82; Houtman 1999: 323f.). Nevertheless, the rather decentralised structure of the *Sangha* still allows for some degree of independence, especially at the local level (South 2004: 248f.).

In order to be able to receive international funding, civic organisations in Myanmar are obliged to register with the government, mostly under the Organisation of Association Law. However, registration always increases the risk of an organisation being co-opted by the military regime, which is what happened to the Myanmar Women's Entrepreneurial Association (MWEA), for example. When registering with the Ministry of Home Affairs, it was pressured to invite General Khin Nyunt for an official founding ceremony. Subsequently, members of the MWEA were asked to join the government's mass organisation, the Union Solidarity and Development Association (USDA) (Fink 2001: 134). It has since been considered as a co-opted organisation. Co-option is a pervasive problem for civil society in Myanmar. Even village self-help groups are often pressured to invite government officials to the inaugurating ceremonies of small infrastructure projects. However, although the military regime tries to take the credit for civil society initiatives in such a manner, the respective local communities mostly know how to judge the situation properly. In this sense, co-option often constitutes the lesser evil for civil society actors. Independent initiatives are often cracked down on, even if they are presented as being purely apolitical (ICG 2001: 22). Nevertheless, the phenomenon of civil society emerging from within the state itself and from within GONGOs suggests that co-option is not a matter of one-way traffic, but rather a double-edged sword since it can lead to modest changes within the ruling system itself.

- Civil Society Emerging from within the State and Governmentally Organised NGOs (GONGOs)

In authoritarian Myanmar, civil society is emerging from within sectors of

the state itself and from within organisations which used to be under tight state control. Certain retired officials are frustrated with the regime's policies and the weak bureaucratic capacity of the state to perform its functions. It is against this backdrop that the possibility of civil society emerging from within the state itself has to be analysed. Some retired officials have sought alternative ways to organise and influence political developments. At the same time, they still maintain good contacts with the military and the bureaucracy. The longest-established and most outspoken of those groups is the Veteran Political Colleagues. Made up of a number of surviving members of Aung San's Thirty Comrades,¹⁴ they have issued private and public letters asking the regime to engage in dialogue with the NLD (ICG 2001: 23).

While this group seems to be heavily dependent on the military reputation of its prominent members, it is far from the only one of its kind. Quite a few retired civil servants are active in areas such as food security, health, development and environment protection. While some of them found NGOs, others engage in more informal ways often linked with religious charity.

The Alternative Development Association¹⁵ even declares it follows a participatory approach to community development and capacity building. To ensure sustainable development and food security, it educates local communities in agricultural techniques and resource management. It receives no funding from the government, but is financially and technically supported by a big international NGO instead. Though registered as an independent NGO, it still maintains functional ties with members of the administration and conducts most of its projects in close co-operation with the government. These strong linkages, which the organisation keeps with the state apparatus, indicate that in Myanmar an ample grey zone exists between civil society on the one hand and state and regime structures on the other. In this sense, the founding of NGOs by former members of the administration can be described as a case of civil society emerging from within the state itself. To some extent they practise the specific type of action and interaction defined as characteristic for civil society. The emergent groups are distinguished by a

¹⁴ The Thirty Comrades, including Aung San and Ne Win, went to Japan for military training in 1941. When they returned to Myanmar, they recruited the Burma Independence Army (BIA) and eventually led the country to independence.

¹⁵ Organisation known to the author; name changed for safety's sake.

certain degree of self-organisation and self-reliance, by their operating in the public sphere and by their pursuit of a collective good.

Further activities of this kind include various forms of Buddhist charity. Corruption is prevalent in the administration and public service institutions like hospitals are often neglected. In private, however, government officials often engage in charity, because it is an essential part of their belief system. The degree to which such charity is formalised varies from welfare institutions such as hospitals at one end of the spectrum to much more informal customs such as alms-giving at the other.

A similar pattern of civil society emerging from within the state itself is visible in the emancipation of what were originally government-sponsored groups. The regime has founded several Governmentally Organised NGOs (GONGOs) and tries hard to tightly control them. Certain sub-groups of welfare-orientated GONGOs or individuals within them do, however, test the limits of state control. Some of them are genuinely interested in delivering welfare services the best way possible, but see no other way of doing so than by using government-sponsored channels. When welfare projects cannot be carried out due to the constraints that the regime imposes on political and social activities, these sub-groups or individuals within GONGOs sometimes tacitly try to enlarge their scope of action to include more politically relevant strategies. They might, for example, push for better possibilities to communicate with international partners or tentatively request a more open information system about diseases and natural disasters. Their potential for emancipation has led the ICG to speculate that some GONGOs could be democratised in the future (ICG 2001: 22).

While describing emancipating segments of GONGOs and welfare activities conducted by government officials as examples of civil society emerging from within the state may be useful in analytical and political terms, it would be misleading to perceive them as vehicles for early democratisation. It rather appears that they are conservative and hierarchical in their organisational structures and political cultures. A fruitful policy option for the international community might be to conduct awareness training courses with selected sub-groups of GONGOs and individuals within them. In the long run, this could possibly produce changes in their political and organisational values (ibid.; Purcell 1999: 86ff.). By contrast, only supporting GONGOs financially, as some donors have chosen to do, might not be the best alternative; this

strategy risks strengthening existing power structures rather than achieving piecemeal reform from within. Support in the form of awareness training might be a good option for dealing with retired officials' NGOs as well. Since they often keep up close links to the state apparatus, this could indirectly help to encourage the desire for reform within the ruling establishment, however task-orientated and apolitical they might be.¹⁶

3.2 Enabling Factors for Civil Society – Areas of State Weakness

As Will has said,

Despite the Burmese government's attempts to act in a martial way and curtail its citizens' freedoms considerably, it is not or only on a limited scale able to fulfil some of the fundamental tasks of a modern state, such as guaranteeing a monopoly of power and a reliable legal system, or promoting economic development and social welfare of its citizens. (Will 2004: 1)

The state of Myanmar can be considered as being particularly weak with regard to the core function of providing for the welfare of the population.¹⁷ Furthermore, certain ethnic minority areas are not under the direct control of the central state, which limits its territorial power monopoly. As a result, some room for manoeuvre exists for civil society actors in the sector of welfare provision and in certain territories with a degree of ethnic autonomy.

Undoubtedly, the gaps that exist in the welfare structure are not only due to the weakness of the state bureaucracy; they are also part of a deliberate strategy on the part of the regime, which is unwilling to change its funding priorities. While the government performs poorly in the area of welfare provision, it channels considerable financial resources into its military budget. Since it lacks legitimacy and popular support, military means of coercion are crucial for the regime to keep itself in power. The gaps that exist in the welfare system are, nevertheless, conducive to the emergence of civil society in Myanmar. Civil society actors

¹⁶ This comment on options for the international community to deal with civil society groups that are close to the state apparatus does not aim at broadening the analytical framework of this article. The author chose to include it, however, because it might benefit those readers that are mainly interested in policy options.

¹⁷ Regarding the categorisation of Myanmar as a weak state see e.g. Karetnikov 2004: 49; Pedersen/Rudland/et al. 2000; Englehart 2005. Will categorises Myanmar as a "weak or failing state" (Will 2004).

are able to move into the emerging spaces and take over central functions of the welfare state.

Furthermore, it is not only due to the state's territorial weakness that the regime has negotiated areas of relative ethnic autonomy. In actual fact, economic interests and deliberate strategies aimed at preserving the power position of the military have often been much more important. Since 1989 the regime has concluded ceasefire arrangements with most of the armed ethnic resistance groups. Many of the ceasefires were motivated by economic interests in drug production and resource extraction on both sides. Consequently they neither primarily reflect the military or territorial weakness of the central state, nor a genuine desire for peace and democracy. It is also important to bear in mind that the ceasefire arrangements are not peace treaties in themselves and that the ethnic resistance armies have been able to retain their weapons (South 2004: 239). The military's refusal to negotiate with collective ethnic fronts can be considered a deliberate strategy of divide and rule (South 2003). The political nature of the ceasefires is mostly complex and politically ambivalent.¹⁸ But even so, they still affect the territorial power monopoly held by the central state because the ethnic groups are granted some degree of administrative autonomy. Institutional and structural regime constraints on civil society can hence be limited here.

Room for Manoeuvre for Civil Society in the Welfare Sector

The military regime in Myanmar tolerates certain civil society activities in areas of tremendous welfare needs that the government is unable or unwilling to deal with itself. Local self-help groups take over core functions of the welfare state and try to satisfy basic needs regarding health issues, education and even the provision of food. The emergence of such self-help groups in Myanmar seems to be a rather new phenomenon, but their number is steadily increasing. Civil society initiatives in the welfare sector vary in their degree of formality and organisation; religious and welfare aims are often closely intertwined. At the local level, they include traditional and unregistered village associations such as funeral societies (South 2004: 247). Other civil society groups have established a more formal

¹⁸ In some cases it was only the arrangement of a ceasefire that restored some degree of control over what used to be areas of armed conflict or under the control of armed resistance parties to the central government. In these cases the ethnic ceasefire parties seem to have traded their demand for independence in for an end of the fighting and a degree of administrative autonomy that is contractually guaranteed by the central government.

organisational structure and are registered as NGOs, some of which have already managed to extend their scope of action to the national level. Even though most of these groups are exclusively active in the field of service delivery, some have managed to incorporate measures of capacity building and empowerment in their projects. Subsequently, these NGOs not only provide for basic public goods such as food and health-care facilities, but they also organise local communities into project units and teach them the skills which are necessary for them to tackle welfare issues on their own in the future.

- Community-based Organisations (CBOs) providing for Humanitarian Self-help and local Infrastructure

Some local community groups have set up humanitarian self-help initiatives in sectors concerned with basic needs like food and health care. Other self-help groups have conducted small infrastructure projects on a village level such as the construction of wells. Such projects are mostly funded by donations from members of the respective local communities. Community-based organisations (CBOs) are mostly issue-orientated and have an informal organisational structure. Many of them are unregistered organisations and are therefore hard for international donors to identify. Furthermore, unregistered initiatives often lack the skills to formulate project proposals and are reluctant to establish close contacts with international organisations because they fear repressions by the regime.

In the Buddhist communities of Myanmar it is often the local temples and pagodas that provide the social space for communities to participate in activities. Despite their religious purpose, they also serve important socio-economic functions and offer social security by providing local solidarity groups with a legal space to organise. Some pagodas and temples maintain rice associations and organise festivals, which also serve distributive functions (Mutz/Ouan 2004: 6f.). Thus, these traditional and organic groups fulfil important welfare tasks, which account for civil society activities in the relational sense.

- Funeral Help Associations – Funeral Services for the Poor

A specific example of civil society action in the welfare sector is funeral help associations. Working on the basis of private donations and the voluntary commitment of their members, they organise and finance funerals for poor people. This support is crucial for many needy families, since the expense of a funeral would otherwise plunge them into even greater poverty and debt

than what they already have to cope with. While some funeral societies grew out of traditional village associations (South 2004: 247) and therefore tend to have a rather informal organisational structure, others have registered as NGOs and can even be found in large cities.

One such organisation, the Free Funeral Service Association, has even enjoyed the support of famous local artists. According to Htain Linn, it is due to the failure of the welfare state that Myanmar's military regime tolerates such relatively independent and well-known organisations: "Burma's poverty and economic uncertainty", he recalls, "make an association like this indispensable" (Htain Linn 2003). In spite of their relative publicity, however, the work of such welfare organisations is purely apolitical. If such organisations become too well known and if their existence sheds too much public light on the failure of the state, the regime sometimes pressurises welfare organisations and tries hard to deprive them of their independence.

- Parent-teacher Associations (PTAs) Provide Basic Educational Facilities

Parent-teacher associations (PTAs) have been mushrooming in recent years. In many towns and regions of Myanmar, these voluntary groups consisting of parents and schoolteachers are the only actors to lay the foundations for basic education. According to the Asian Development Bank (ADB) and the United Nations Development Programme (UNDP), more than a third of the children in Myanmar leave school before even finishing the fifth grade (Parker 2005). Figures are hard to obtain, but it is thought that the government spends no more than one per cent of its total budget on education.¹⁹ Because the state often fails to provide even the most basic educational facilities and materials, PTAs collect money for textbooks and take care of the basic maintenance of school buildings. Some PTAs have even managed to establish links to each other, thereby forming a network, which indicates that their degree of organisation is increasing. Moreover, various PTAs have contacts with international organisations that not only support them financially, but also make them familiar with modern approaches to teaching and interactive learning. In this sense, PTAs perform a central role in filling the gaps that exist in the sector of education due to state weakness.

¹⁹ For the financial year 99/00 the International Monetary Fund assumed that the government spent 0.4% of the GDP on education (IMF 2001: 24). Referring to UNESCO figures, the Internationale Konversionszentrum Bonn and the Gemeinsame Konferenz Kirche und Entwicklung (2005) assumed that the educational budget accounted for 1.3% of the GDP.

- The *Sangha* and Monastic Education

The education activities of the *Sangha* also play a prominent role in this field. Throughout the history of Myanmar, monastic education has been crucial as a means of providing the country's ordinary citizens with a basic education. In some rural areas, in fact, monasteries are the only educational institutions that exist (Brandon 1998: 235). Most monastic schools teach novices and lay-children together. Unlike state-run schools, monastic education centres are free of charge or charge less than the official fee at least. Some specifically reach out to street children and orphans and also provide them with food and accommodation. Most monastic schools are active in the field of primary education, but some also teach at a higher level and impart a number of skills. Interestingly, they seem to be relatively free to follow their own curriculum as long as they refrain from criticising the regime. However, monastic students have to pass government exams in order to get an officially recognised degree. Many monastic education centres provide their services regardless of race and religion, but education is certainly conducted in accordance with Buddhist values and principles. Indeed, the main purpose of some Buddhist education programmes is to counter similar efforts by the Christian churches and prevent people converting from Buddhism to Christianity.

Monastic education centres vary both in size and in the degree to which they are co-opted by the regime. Many rural Buddhist groups are localised and centre around individual monks. While they are relatively independent, their radius of action is necessarily limited to a few beneficiaries and their education facilities and materials are often very basic. Even though they fulfil fundamental welfare tasks, such informal initiatives are often invisible to Western donors and consequently receive little or no foreign support (South 2004: 248f.)

By contrast, large monastic schools are often granted a surprisingly large scope of action at first glance. The Dhamma Buddhist Education Centre in Rangoon,²⁰ for example, runs its own medical and income-generating facilities such as a tailor's shop in order to make it self-sufficient. It teaches several foreign languages and is allowed to invite foreign teachers to volunteer. Besides this, it maintains a library with a relatively rich collection of books. Moreover, it has computer facilities and offers computer training courses

²⁰ Organisation known to the author; the name and place have been changed for safety's sake.

for pupils and teachers alike. However, this room for manoeuvre is directly dependent on the personal contacts that the presiding monk maintains with several high-ranking officials. While such personal linkages with the ruling establishment compromise organisational independence, they also protect the institution from repressions. Although the Dhamma Buddhist Education Centre receives no financial support from the state, military officials sometimes pay public visits in order to take some of the credit. In return, the institution is granted considerable autonomy in running its programmes. To sum up, in spite of co-optation (or precisely because of it), the Buddhist *Sangha* enjoys a measurable scope of action, which enables it to offer essential educational services that the state fails to provide.

Similar education and welfare projects are performed by the Muslim, Hindu and Christian minorities (especially by the latter). Since the Christian churches are mostly active in the remote ethnic minority areas, where the biggest part of the Christian population lives, their activities are discussed in the following section.

Negotiated Room for Manoeuvre for Civil Society in Ceasefire Areas

While their political nature is often highly ambivalent, many experts and international aid workers agree that some of the ceasefire agreements have led to the emergence or enlargement of spaces for civil society (Smith 1999: 37-49; Purcell 1999: 89ff.; South 2004: 233). This scope of action for civil society actors depends on at least two factors, however: firstly, the military strength of the ethnic resistance party at the time of the ceasefire agreement determines the degree of autonomy that it is granted; and secondly, the political character and motivation of the respective ethnic party are also crucial because not all minority groups allow the emergent spaces of autonomy to be occupied by civil society actors (Smith 1999: 38). While some ethnic minority parties administer their territories in a highly hierarchical manner, others are more interested in the development and political progress of their regions (ICG 2003: 13). Scopes of action for civil society seem to have been enlarged in parts of Mon, Chin, Karen, Shan and most notably in Kachin State (South 2003). Moreover, the emergence of civil society spaces in minority areas also has to be seen in the broader context of the enormous underdevelopment that these war-torn communities face and which

the central government is unable or unwilling to address. However, while the regime is unwilling to invest adequate amounts of money in the reconstruction of ethnic areas, it might still be afraid that the armed resistance groups will call off the ceasefires due to economic frustration. This may be an important reason why the military regime allows development projects to be conducted by civil society actors, particularly in ethnic areas (ICG 2001: 23). The emergent spaces are filled by civil society initiatives in the sectors of development, culture, education and welfare and vary in their degree of formality and organisation.

- Informal Development Projects

At the local level, there are some informal initiatives and small NGOs that focus on the basic developmental needs and reconstruction of war-torn local communities. Mostly, these are issue-orientated and are highly decentralised. The Development Support Programme in Mon State,²¹ for example, focuses on informal education and capacity building. Its organisers train local beneficiaries in the analysis of social problems, in the writing of funding proposals and in project management. The final goal of this initiative is to promote the emergence of new, self-supporting NGOs. According to its organisers, it is unregistered, but it is still tolerated by the local authorities because it will contribute to satisfy basic humanitarian and developmental needs in the long term.

- Culture and Literature Committees and their Role in Education

In recent years, the regime has allowed various ethnic parties to issue publications in their local languages, which would have been unthinkable before the ceasefires. Following this increase in ethnic autonomy, civil society initiatives in the sectors of culture and literature have been mushrooming. This emerging trend seems to be especially significant in Shan State, where the Shan Culture and Literature Committee plays a significant role (ICG 2003: 18).

As South notes,

In recent years, the Chin, Karen, Mon PaO, Shan and other Culture Committees have been among the few specifically ethnic organisations tolerated by the government. As the education system has deteriorated, such groups have pioneered alternative community education approaches. (South 2004: 247)

²¹ Organisation known to the author; the name and place have been changed for safety's sake.

As early as the year 2000, 46,000 primary-school children in Mon State and 27,000 in Shan State were able to attend language courses in their own ethnic tongues (Smith 2002: 26). The Mon Culture and Literature Committee has conducted educational projects and produced publications in collaboration with the Buddhist *Sangha* (ICG 2003: 18). While ethnic culture and literature committees teach children and illiterate adults important spoken and written language skills, they also bear the risk of being culturally divisive, thereby reinforcing ethnic cleavages.

- Christian Churches and their Role in Education and Development

In predominantly Christian areas it is mostly the churches and church-related organisations that help promote ethnic and local languages and address basic social needs, which the central government is unable or unprepared to tackle itself. To quote May Oo, who was a refugee in Karen State in the late 1980s and therefore became a beneficiary of the welfare and education programmes conducted by the Christian churches:²²

There are several things the church organisations do. Certainly one is to address the social needs in society; ... for example, the schools in remote areas. Churches send teachers to volunteer in a community because the government does not have a system and any kind of infrastructure does not exist in those areas. Then communities will build the school on their own and the teachers most of the time will be provided by the churches, or even by the bible schools. ... And the same thing with health care and health workers. So these fundamental needs like education, health and food, most of the time in remote areas, will be addressed by the church organisations, instead of the government having a programme or a system. ... So if we look at Burma in that sense, then the role the churches play is very significant. (May Oo 2004)

In Christian communities the co-ordination between local associations and INGOs has often worked well. Many Christian church leaders have contacts to churches abroad and are therefore familiar with Western approaches to development and welfare provision. Furthermore, a lot of local congregations have a fairly sophisticated organisational structure, including youth and women's groups, which facilitates targeted implementation of communal

²² May Oo completed her Master of Laws degree in the United States. She is currently Director of Communication of the Free Burma Coalition in Washington DC.

projects (Smith 1999: 44). Christian educational institutions such as bible schools seem to be relatively free to formulate their curriculum and set their topics as long as they do not criticise the regime.

Myanmar's Christian churches have even managed to establish national network structures, such as the Myanmar Baptist Convention (MBC), the Catholic Bishops' Conference and the Myanmar Council of Churches (MCC) (ICG 2003: 17).²³ These umbrella associations run various developmental programmes, some of which they describe as focusing on peace building and women's affairs. In addition to humanitarian aid and disaster relief, they also conduct poppy crop substitution and HIV/AIDS programmes in remote minority areas. Some of their educational programmes aim at financing scholarships for gifted students to study abroad. Big church networks undoubtedly have to keep up some contact with members of the ruling establishment in order to be able to function. While this curtails their organisational independence to a certain extent, it also guarantees them some protection and autonomy in running their programmes.

The ICG links the scope of action conceded to the Christian churches directly to the failure of the state to provide for the welfare of the ethnic minority population in particular: "The regime likely tolerates Christian projects particularly in ethnic minority areas, because they fulfil basic welfare demands not met by the state" (ICG 2003: 18). Furthermore, church leaders have often acted as mediators in ceasefire negotiations (ibid.: 17). As a consequence, some of them have managed to negotiate an expansion of the scope of action available for church-related organisations in the respective ceasefire areas.

- The Example of Kachin State

Kachin State is a good example of an ethnic area where the scope of action available for civil society actors has increased as a result of the ceasefire. Since the nature of the ceasefires is generally complex and multi-faceted, this specific expansion of civil society space is also due to various factors. Firstly, the Kachin Independence Organisation (KIO) was relatively strong from a military point of view when it began its ceasefire negotiations with the regime. Secondly, it has shown some willingness to use the emerging scope of autonomy to achieve developmental goals. A third factor that was crucial for

²³ Accurate figures are difficult to come by, but it is assumed that about two thirds of Myanmar's Christian population belong to various Protestant denominations and the other third are Catholic.

the emergence of civil society space in Kachin was the role that the Kachin Baptist Convention (KBC) and the Reverend Saboi Jum played in the ceasefire process. Acting as mediators, they were instrumental in brokering the KIO ceasefire with the regime (ICG 2003: 17). Today, the Metta Development Foundation and the Shalom Foundation are active in Kachin State. These two registered NGOs have become popular with international experts and aid workers on account of their relative independence and community-based approach to reconstructing their war-torn areas (e.g. South 2004: 247f.; ICG 2001: 23; ICG 2003: 17; Perinova 2005: 14-25). Both organisations grew out of the ceasefire, with Saboi Jum playing a prominent role in their establishment.

- Metta and its Role in Community Development

The Metta Development Foundation was set up in 1998 and has maintained good relations with the KIO ever since (ICG 2001: 23). Metta is active in the sectors of sustainable agriculture, food security, local health care, women's affairs and the reconstruction of local communities after decades of civil war. As a matter of principle, it provides services regardless of ethnicity and religion. Metta has achieved a lot in bringing humanitarian relief and laying the foundations for sustainable development, but it has also managed to incorporate community-building and capacity-building initiatives into its projects. Programmes are organised in line with a grass-roots approach, namely empowering local communities to conduct development projects for themselves. To implement its projects, Metta organises the respective communities into local development committees and later supports their coalescence into self-reliant NGOs under the umbrella of Metta (Metta website). Programme Director Daw Seng Raw has issued public statements about Metta's work, which provide evidence that the organisation is conceded a certain degree of action by both the KIO and the regime. "We believe", she stated in her foreword to Metta's 2004 Annual Report, "the concept of community based projects lends itself readily to the creation of civil society in Myanmar" (Seng Raw 2004). Most importantly, Daw Seng Raw has called for the international community to support reconciliation and development initiatives in ceasefire areas:

It is ... frustrating somewhat ... that no major government or international agency has yet come forward to support such an initiative.

... Rather it seems that certain sectors of the international community have the fixed idea that none of the country's deep problems, including ethnic minority issues can be addressed until there is an overarching political solution based upon developments in Yangon. In contrast, the ceasefire groups believe ... that simply concentrating on the political stalemate in Yangon and waiting for political settlements to come about – however long it takes – is simply not sufficient to bring about the scale of changes that are needed. It ignores realities in areas long affected by war on the ground. To revitalize these communities and bring about real reform, health, social and economic development must run in tandem with political progress. (Seng Raw 2001: 161f.)

- Shalom and its Role in Peace Building

In 2001 Saboi Jum founded the Shalom Foundation (ICG 2003: 17), an organisation that is active in peace and conflict resolution and peace building between various ethnic groups, some of which used to fight each other militarily in the past. Its personnel are highly qualified and committed to their work. Starting from Kachin State, it has managed to extend its programmes to other ethnic minority states as well. Shalom's project approach is participative and the Foundation uses traditional Christian and Buddhist ideas on peace and mutual understanding in order to reach communities that are unfamiliar with modern concepts of peace building more effectively. In a country like Myanmar, which is divided along various ethnic and religious lines, such a bottom-up approach to establishing mutual trust constitutes an indispensable contribution to social development. Even though neither Metta nor Shalom are countrywide institutions, they sometimes act as facilitators for longer-established associations (South 2004: 248) or for newly emergent NGOs created under their auspices. While having to keep up functional ties with the ruling establishment, they might also serve as protective umbrellas for smaller and more independent NGOs within their radius of action. Despite their size, neither of the two seems to have any political potential; rather they steer clear of politics and carefully manage their relations with the authorities in order to run their programmes as independently as possible.²⁴

²⁴ The ICG has made this observation with regard to Metta (ICG 2001: 23). As my findings suggest, however, it is directly comparable to the way the Shalom Foundation works as well.

4 Conclusion

Civil society activities do exist in Myanmar and their room for manoeuvre can be identified by using a relational approach. Theoretically the scope of action available for civil society actors is best conceptualised from two angles. Firstly, the regime is not totalitarian in character. Thus regime constraints on civil society are not unlimited and some gaps within the regime structure do exist. Secondly, the state apparatus of Myanmar is weak with regard to many of its core functions. Spaces open up for civil society actors within such areas of state weakness. This tendency is particularly relevant with regard to the failure of the country's welfare state. Indeed, this pattern seems to be the key factor enabling the existence and emergence of civil society spaces in present-day Myanmar. It is also highly relevant for the emergence of civil society spaces in underdeveloped and war-torn areas with a degree of ethnic autonomy.

The case of Myanmar reveals some interesting aspects concerning the general question of whether civil society can emerge under authoritarian rule and might, therefore, be suggestive with regard to the broader theoretical discussion as well. Firstly, the case of Myanmar provides strong evidence for the assumption of transition theory that the failure of the state to provide for the basic welfare needs of the population can be conducive to the emergence of civil society under authoritarian rule. Secondly, civil society developments in Myanmar also back the assumption made by Russell Hiang-Khng Heng that civil society can emerge from within the state itself in authoritarian contexts, or at least from within organisations that used to be under tight state control. By contrast, the pattern of spaces opening up for civil society in ceasefire areas under the control of ethnic resistance parties might be quite unique to Myanmar, because from a historical point of view the nature and structure of its ethnic conflicts are very specific. A more general feature of these spaces for civil society, however, is that they are negotiated. This pattern may not be confined to Myanmar, but can probably be found in other authoritarian contexts as well.

If civil society spaces are circumscribed and conditioned by an authoritarian regime, what happens within them? What constitutes civil society under authoritarian rule? Regime constraints on civil society remain considerable in Myanmar. The observation that social spaces exist should therefore not be misconstrued as ascribing any political negotiating power to the emerging civil society organisations, which they do not have. Instead, they are issue-orientated and mostly

very localised. In order to be able to tackle the welfare needs of their respective communities, civil society organisations in Myanmar are obliged to stay away from politics and are consequently far from performing an advocacy role, a task which is normally attributed to civil society in democratic contexts. While social spaces are opening up due to state weakness, political space remains contracted to an extent that does not allow for political expression or criticism. At the very least, in order to find a *modus vivendi* under the current regime, civil society organisations in Myanmar have to keep up functional ties with members of the ruling establishment or even let themselves become partially co-opted by the latter, which often gives them a double identity. This case study has shown that co-option can be a double-edged sword, however. In Myanmar the patterns of co-option are multi-layered and complex, a fact that not only deprives civil society of its independence; it can also contribute to modest changes taking place within the ruling establishment itself.

Nevertheless, the prerequisite for a healthy and independent civil society – one that adheres to democratic norms such as flat hierarchies, pluralistic tolerance and dialogue – is the existence of a democratic constitutional state. As this prerequisite has not been fulfilled in the authoritarian context of Myanmar, civil society has taken on a different form and mirrors many of the dark sides of the context of action it is operating in. For example, civil society groups in Myanmar are sometimes exclusive bodies, with membership and benefits confined to a specific ethnic or religious group. Furthermore, their internal structure is often hierarchical, they don't favour active participation by their members with respect to decision making, and they sometimes lack transparency.

With Myanmar's civil society being at such an embryonic stage, it would be utopian to consider it a vehicle for early democratisation. Nevertheless, civil society groups help to sustain basic welfare structures and human resources. Moreover, in spite of their dark sides, they practise a mode of action and interaction that differs from military patterns of command and coercion. Civil society developments in Myanmar could therefore be at the very roots of a gradual transformation of social structures and patterns of behaviour. In the long run, this could contribute to a widening of political space as well.

With the current regime being as strong as it is and the prospects for an early transition bleak, the international community should start thinking about alternative ways of promoting social change in Myanmar and of helping its suffering population. While in the long term the necessity to achieve regime

change continues to be important, international donors should now concentrate on an analysis of what spaces are available for civil society actors and how they can be strengthened. Identifying local partners, channelling humanitarian aid into local community development projects and detecting reform-orientated groups with roots in the state apparatus are all ways that have not been fully explored as yet.

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