

Structure, institutions and NGOisation: a critical realist approach to  
normative change in Myanmar civil society

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# Abstract

Following several decades of suppression under authoritarian military rule, Myanmar's civil society has played an important role in shaping the process and the impact of recent political reforms. Constitutional and legislative change favourable for civil society has been accompanied by an expansion of initiatives by international development agencies to build the capabilities of civic actors and to strengthen their influence in governance and policy making. Together, these are claimed to have enhanced the freedom, security and opportunity, or the space, for civil society to build from its rich history of social and political action and better mobilise for future protection and fulfilment of political and human rights objectives.

This thesis argues that normative change in civil society can only be fully assessed, explained and understood through analysis which critiques rather than repeats conceptualisations of civil society as an autonomous zone of freedom, and the state as an apparatus of coercion. Notions of an 'expanding space' or an 'improved enabling environment' conceal structural and cultural forces which affect the collective agency and normative orientation of civic actors by shaping the political terrain on which they act, enabling and constraining actors' form and political objectives.

I analyse these changes in Myanmar using critical realism and the thought of Antonio Gramsci, and show how the reorganisation of state power and contractual, legal and ethical relations between state and civil society have led to the emergence of an institution of organisation. Tendencies towards professionalisation, formalisation and depoliticisation arise as legitimate activity comes to centre around the hegemonic form of the non-governmental organisation (NGO), with significant implications for the radical transformative potential of both civil society and human rights. Case studies reveal how

the impact of these institutional forces varies according to contingencies in circumstance, resistance and the qualities and histories of actors.

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# **Chapter 1: Civil society - a brief history of a confused concept**

## **Introduction**

Conceptual resurrection is not uncommon in the social and political sciences, but the double migration of civil society from the intellectual morgue to the ivory tower, and then to policymakers and development practitioners is impressive. Commonplace in political philosophy for centuries before falling out of use in the nineteenth century<sup>1</sup>, it is today frequently deployed across the political spectrum, across global geographies and in a multiplicity of institutional settings. Forming much of the intellectual core of democratic movements in 1980s Eastern Europe and Latin America (Escobar 1992; Baker 2002), it is also a defining element in the toolkit of solutions for state and multilateral development agencies, expected to bear dividends in democratic performance, economic growth, inter-communal harmony, gender equality, good governance and many other elements believed to be core components of modern, well-functioning states. If it is not the panacea for all conceivable social ills then it at least appears to be part of, or partner in, their remedies (Rosenblum and Post 2002: 23). As Biku Parekh writes, “there is today an almost universal consensus that civil society is a vital component of a good society, and that the stronger and more developed it is, the better governed and more stable the wider political community is likely to be” (2004: 14).

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<sup>1</sup> Gramsci’s exhumation and adept use of the term in the early twentieth century is, of course, an important exception, and is discussed later in this chapter and drawn upon frequently in this thesis.

Yet in recent years this confidence has tended to be replaced by caution, even criticism. The “plethora of confused meanings and conflicting usages” (Keane 1988: 14) attached to civil society makes for an unhelpful umbrella concept, while untamed optimism mystifies agency and inhibits sober ethical assessment. This chapter seeks both to avoid and examine these problems by placing the conceptual development of civil society in its historical context and to examine the contested thought and political coordinates within which intellectual and material labour have shaped the concept. A necessarily condensed historical overview through antiquity, the Enlightenment and the modern day shows a dialectical development with concepts of the state, democracy and the market which continue today, especially in social movements and international development. Finally, I show how conceptions of civil society are a vector for power and competing visions of the state. This has important consequences for legitimacy in the carriers or agents of transformative potential, and of the realisation or preclusion of that potential. I position the non-governmental organisation (NGO) as a key object of contention in an apparent division between orthodox, development-oriented civil society and a counter-hegemonic version taken up by politically-oriented social agency.

## **Genealogies of civil society thought**

Rather than seeing actually existing civil society work today as the translation into practice of a set of universal principles, contemporary applications are more clearly illuminated by examining the origins and influence of beliefs, theories, norms and values that have, at one time or another, shaped its conceptual evolution. The varied lineages which have developed to inform and lend political hues to civil society today can be understood as tradition(s) of attempts to use the concept in response to the core problematic of

modernity: namely, how human beings should live in common following the throwing off of the yoke of traditional rule. Civil society is therefore deployed as a “specific, historically varying way of addressing the requirements of the viability of modern polities” (Terrier and Wagner 2006: 9). The material, political and intellectual conditions in which answers have been sought illuminates the social history of civil society theory, as well as the nature of the succession between generations of thought – there is no master type of civil society, nor are its concrete manifestations its tokens. As Geuss remarks, “politics is in the first instance about action and the contexts of action, not about mere beliefs or propositions” (2008: 12).

Different authors have employed various typologies and approaches to organise this rich seam of intellectual history. John Keane (1988) applies modes of thought – analytic, normative and practical – critical; Jensen (2006) takes a similar approach. More common are chronological approaches, and here I follow Jeffrey Alexander (1998) by situating thinkers within periods of thought and broader contexts of action. Primarily, these concern conceptual and political economic relationships with developing cognates, especially state and market, signalling difficulties with any straightforward assumption of the autonomy of civil society. In addition, the norms and values which civil society contains or inculcates, either emergent from or superimposed on the concept’s analytical and practical use, are vital to understanding how a particular variant of civil society is taken up or rejected by theorists or practitioners.

### **Civil and civilised society: from antiquity to Enlightenment**

Despite having described above how the term civil society came into common usage in modernity in Enlightenment thought, it is not uncommon for commentators to remark that civil society has a history stretching back to the ancients. This is quite true, yet does

not warrant the conclusion that the civil society we talk about today would be one which the ancients would recognise. Failure to appreciate conceptual complexity can lead to bold claims when writing histories of civil society e.g. “Whilst not arguing that the UK has a longer history of civil society than other countries, it is clear is that its evolution has been recorded as such for at least 1,000 years” (Savage and Pratt 2013: 2). In Chapter 3, a variant of this argument is presented from Myanmar; this chapter should serve to problematise these kinds of assertions more generally.

Certainly, conceptual antecedents are said to stretch back to Greek and Roman city states. Through Cicero and Roman law and into Christendom, civil society as *societas civilitus* retains its identity with the state, conceived as a political community of members bound by the regulation provided by their own laws (and free by virtue of them) - “the state (civitas) as a partnership in law (societas) with equality of legal status” (Black 2001: 33). Liberties cultivated virtues of grace and civility befitting the highest form of community: Aristotle’s *zoon politikon* could realise his teleological virtue only in a political community (*koinōnia politike*) in which man moved above and out of the natural society of animals. Look beyond the state and you find the barbarity and tyranny of unchecked power and nature; you do not, by definition, find alternative institutions.

Civil society as interchangeable with political society, offering a “historical remedy for the inconveniences of the state of nature” (Dunn 2001: 51), continues through Aquinas to the early modern state theory of Hobbes and Locke. This is not to say that the nature of this interchangeableness remains the same: Plato’s “oppressive” ideal of justice obliterated subjectivity, whilst for Locke civil society was equated with a state so sufficiently “benign” that it would function effectively through relations of trust between itself and its individual citizens (Khilnani 2001). Such civility, dependent moreover on individual

discipline and polite resolution rather than realisation of universal justice, plays little role in accounts of the classical *polis*. Yet in common is the elevation of man above the state of nature through his place and participation in creating and sustaining the body politic.

Departures from the civil society / nature antithesis in the eighteenth century heralded the dawn of the contemporary usage of civil society, and indeed of modernity itself, as the concept was deployed to make analytic and normative understanding of modes and forces of economic and political organisation operating following the break with feudal societies dominated by traditional rule and obligation. The breakdown of the old order on the one hand and the rise of a commercial class and property exchange activities independent from monarchical authority on the other, catalysed by enormous progress in the sciences, presaged “the society of the ‘Enlightenment’, constituting a new form of public life... [that] was the prototype of the early modern concept of civil society” (Cohen and Arato 1992: 87). Scarcely any notable figure across the Enlightenment period fails to address and to develop the concept of civil society, with Adam Ferguson, Adam Smith, David Hume, Immanuel Kant and G.W.F. Hegel making the most significant contributions.

The geographical and temporal extent of the Enlightenment, the variety of perspectives on the impact of the political and economic processes it partly constituted (although the class status of most prominent thinkers of this time made for a degree of commonality here) and the traditions of thought drawn upon, meant that there was no overwhelming consensus between thinkers. Basic political concepts of modernity were still under development: characterisations like Alexander’s, that “civil society [between 1750-1850] was an inclusive umbrella-like concept referring to a plethora of institutions *outside* the state” (1998: 3) are premature – the natural law tradition continued to influence early thinkers, making it difficult to identify a state with an inside and an outside.

Understanding the nature and implications of the rise of the *burgherliche Gesellschaft* was therefore accomplished initially with conceptual resources of the *societas civilis*.

Scottish theorists of commercial society followed Locke in moving on from the antimony of civil society and nature<sup>2</sup> while remaining within the overall natural law tradition; the continuities and contradictions between Roman jurisprudence and early capitalism would propel civil society thought forward. For Adam Ferguson (1996 [1767]) the liberty of the moderns was founded both on constitutional protection from arbitrary interference – citizens of a free state under the protection of the rule of law – and the contemporary contestation between individuals fostered by industry. Civil society therefore involved legal and political frameworks and socioeconomic relations, both rational, instrumental artifices that enabled human needs to be met. Yet this far from exhausted civil society: what Scottish Enlightenment theorists stressed were the emergent humanising tendencies (balanced by degrading potential) of commercial, urbanised society.

Like Smith, Hume and William Robertson, Ferguson celebrated the material and cultural progress of the time, the polished, benevolent civilised manners and habits inculcated, and was exercised in laying bare the mechanisms by which civilisation emerged as a humanising, historical force. Yet the advancements associated with commercial interaction were far from automatically virtuous. “Commercial humanism” was in tension with “civic humanism” (Pocock 1975), and new foundations would therefore have to be sought on which to secure political community lest the cohesion of society be torn apart through the primacy of industrial over civic relations, wrecking the tradition of civil society from which it sprung. Ferguson lamented this fall: “To the Ancient Greek or Roman, the

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<sup>2</sup> For Locke, the state of nature was a waystation to civil society, characterized by its inconveniences for more developed society, rather than outright Hobbesian barbaric individualism.

individual was nothing, and the public every thing. To the modern, in too many nations of Europe, the individual is every thing, and the public nothing” (Ferguson 1996 [1767]: 57).

This tension between private interests and the common good is the source of a functional gap from which a conception of civil society develops that lays emphasis on civility and the civic (Jensen 2006). Although social relations in this early capitalism were driven by need and private interest, the resulting “range of political institutions and social transactions” found in society are “held together by the non-legal substance he called ‘bonds’ or ‘bands’” (Oz-Salzberger 2001: 73); the social stuff constituting these bands is moral sentiment or natural sympathy, a kind of benevolence flourishing in the social intercourse of commercial society. It is the moral dimension of this society. These would underpin Ferguson’s republicanism as realised in the collective institutions articulating a popular will, a “national spirit” to discuss, take part in making just decisions and to see they were obeyed (Ferguson 1996 [1767]).

Adam Smith similarly emphasises the civility of civil society, arguing that just as economic order emerges from the self-interested acts of every man, an “end which was no part of his intention” (Smith 1979 [1776]: 456), so the same invisible hand guides the development of an unintended moral order arising from the polite acts and moral affections between civilised men. A laissez-faire economic system “enables one to make contracts with all” (Khilnani 2001: 21), rather than with only those permitted by tradition and privilege, overcoming particularity and exclusiveness. Furthermore, with earthly needs taken care of through market transactions, the instrumental would not pollute the moral affections which flourished in civil society, raising the tide in both the moral and economic worlds.

Both thinkers took a dialectical approach to civil society that identified constituent social forces and their tendencies to produce particular social outcomes. As Ferguson's sentiment quoted earlier indicates, a real anxiety regarding the dehumanising potential of early capitalism pervaded their writings; spontaneous order was always threatened by antagonism, disorder and despotic responses by government. Purported links between a healthy civil society and social stability would be drawn on and developed as a 'watchdog' by later thinkers and practitioners, although as Keane (1988) remarks, it is unclear how civil society would be able to rescue itself from the negative dialectics of political economy once government assumed the role of guarantor of order in the body politic. Furthermore, still wedded to traditional natural law, the psychic relations scaffolding civil society – from Locke's trust to Smith and Ferguson's moral sentiments – constituted a particular variant of *polis*, there was little direct application in Scottish Enlightenment writing to address the concerns of future civil society adherents, identified against the modern, abstract state. Yet Enlightenment thought issues a contemporary cautionary note regarding the unchecked potential of the impact on morality unleashed by commercial relations. Proximity and interaction with fellow citizens is vital for other-oriented moral behaviour; even in the 18<sup>th</sup> century, with intensified competition between capitals over greater distance, so "increasing emphasis [was given] to more abstract, reason-based notions of justice rather than moral sentiments, and in the case of Smith, to self interest as a regulator of economic activity" (Sayer 2000b: 86).

## **Making the break: the contested rise of the state-civil society dichotomy**

Intellectual labour was further catalysed by the Age of Revolution, the emergence of the modern European constitutional state and egalitarian invocations of popular sovereignty



and equal rights. Questions arose that Scottish thought, reliant on “the force of moral sentiments and natural affections” to overcome the dichotomy between the private and the public could, not readily answer (Seligman 1992: 33). How, for instance, could the sovereignty of the individual – at the core of human rights thought today – be reconciled with the sovereignty of the constitutional state?

Most famously, it was Immanuel Kant who sought to rise above earthly political economy with a transcendental conception of justice that involved a revised conception of civil society (1993 [1781]). Kant crowned reason rather than natural moral capacities as the wellspring of social and political institutions, and a public-juridical realm where reasoning – including, importantly, that of the state and the ends it sought to impose – could be scrutinised. He rejected the insecure resolution of the contradictions of civil society through moral affections in favour of a political community based on man’s capacity for reason (1969 [1784]). In such a civil society, the categorical imperative would raise rational man above the perils and pulls of the particular. The French Revolution was an example of universal justice as the wellspring of political history<sup>3</sup>; in rational man’s ability to reflect on and undertake justifiable public actions in response to the moral quality of political arrangements, so the integrity of political and ethical community is less organic, more a product of reasoned deliberation. Yet as the ethics of civil society remain the transcendental engine of politics, with the state the emergent product of ethical actions, their identity remains ultimately intact, if more metaphysically complex.

Only with Hegel, who had absorbed Ferguson’s and Smith’s writings while democratic revolutions were raging, does the contemporary state-civil society dichotomy begin to appear clearly. Like the Scottish thinkers, Hegel had an acute awareness of the double-

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<sup>3</sup> Kant famously withdrew support when The Terror became common knowledge.

sidedness of the *bürgerliche Gesellschaft*, enamoured of its autonomous subjects, the satisfaction of their private wants and the production of luxury but equally the “distress and depravity” and resultant “cynicism” toward society (Hegel 2004 [1820], in Avineri 1972: 153). Not that the egoism of civil society did not represent a dialectical advance over the kind of freedom described in earlier communities, particularly that depicted by Rousseau. In Hegel’s civil society, the satisfaction of selfish interests depends on reciprocal actions of production and exchange by others; on a division of labour and an assembling in corporations with those who share one’s proclivities; and a judicial framework to ensure the protection and regulation of civil society and its products. Such a system of interdependence was a “universal egoism” (ibid.: 134) in which individuals would be conscious of their selves and recognise others – civil society is the universal framework of reciprocity which enables individuals, their property and the possibility of exchange.

Superficially resembling the political community of earlier thinkers, of overwhelming importance to Hegel was the mediating role such a civil society played in the achievement of freedom, and the universalising of subjective particularity as the whole of society was not the terminus but, in its mere convenience for self-interest, only a moment *en route* to freedom. The state entangled in civil society “may be *prima facie* regarded as the external state, the state based on need, the state as the Understanding envisages it” (Hegel 2004 [1820], in Avineri 1972: 142). A truly universal state does not depend on but transcends the expedencies of the particular. The contradictions of civil society, born out of the particularity of exchange and the corporations involved, are overcome not through the checks and balances offered by critical, independent entities but through their sublation in the State and movement into a realm of normative order, the realisation of absolute

Spirit, rising above and completing civil society as the metaphysical guarantor of order, community and rationality (Femia 2009: 132-135).

Hegel thus solidifies the familiar triplicate of family, civil society and the state as the complete, modern ethical and political totality, emerging dialectically. In Hegel, the profundity of the ethical shortcomings of civil society are fully recognised and overcome with political, not civil, institutions that can act in defence of the common good, defined nevertheless externally from civil society. Political liberty is not civil liberty. Practically, Hegel's contribution therefore holds out the threat of despotism: with the hierarchy and rationality of the state established through an idealist logic, civil society becomes the object of the state and subject to its legitimate dominance and control. Hegel did not set out to justify authoritarian rule but romantically froze in thought an institutional integrity of yesteryear, not grasping "that the ideal, integrated unity of the Middle Ages had disappeared in modern times" (Avineri 1968: 21). This mistake guided him like a will-o'-the-wisp to a deeper metaphysical error, presenting the separation - or alienation - of the state from civil society as its very essence. Precisely what had disappeared, the forces that had generated the disentangling of that integrity, and its social and political consequences, formed the core of Marx's devastating critique of Hegel (Marx 1970 [1843]), whose supposed overcoming of the contradictions in civil society remained trapped within *existing* political economy.

Indications that Hegel had rationalised historically and geographically singular circumstances (essentially justifying the existing Prussian state) into a necessity came from across the Atlantic, where different contexts and experiences drove thought towards a normative reversal of the relationship between people and government. If Hegel inadvertently demonstrates the dangers of the state alone articulating societal interests

and the ease by which reasoning can become self-serving, crippling civil society for its own good, Thomas Paine's legacy is the assertion of the moral priority of civil society and its place as a site of (almost) self-sufficient good. Paine's *Rights of Man* (1999 [1791]) can be read as a rejection of the rational articulations of the alien, intrusive state he left behind. In the face of colonial rule, Paine's *Rights of Man* propounded the sovereignty of the individual and a set of God-given civil rights that pre-dated any government. Paine returned nature to a prominent but unique role: it was not set *against* civil society but *was* civil society, part of the natural order and threatened by – not completed by – government, which had strictly limited functions.

### **Emerging contradictions**

It is this idea of an ineradicable tension between state and civil society, rather than Hegel's notion of an ethical whole, which has normatively framed liberal understandings of civil society struggles in recent decades, with Keane (1988: 17) locating in Paine a tradition legitimately "contemptuous" of the status quo. Self-interest *plus* a capacity for mutual aid enabled civil society to cultivate an operational autonomy from government, and Paine's radicalisation of the doctrine of individual sovereignty permitted only the most limited of states – this had to be explicitly consented to by the people, rather than tacitly through a Lockean social contract, demanding (and in its restricted condition, enabling) a close watch to be kept on it by a civil society in constant communication between its constitutive associations. Vested in these are civil society's mutuality and its especial value for democracy. For Alexis de Tocqueville, writing in the middle of the nineteenth century, these associations – serving their members' interests, and in so doing that of the broader public – were vital if the contradictions of social equality and freedom were not to result in a suffocating government and correspondingly passive individuals, interfering in the most minor details of life (a contention that remains vibrant and

seductive in US politics today.) He was clear that the “equality of conditions” he found in America were in no small part down to its rich associational life, but the tendencies equality initiated placed society perennially under threat from government. Associations alone ensured the promise of democracy was fulfilled: “In democratic countries the science of association is the mother of science; the progress of all the rest depends upon the progress it has made” (Tocqueville 1945 [1840]: 118).

Although Tocqueville’s associational approach remains an important strand of civil society thought today, this contrasts markedly with its influence at its time of writing. If, as I will argue, the form of the resurrection of civil society in recent decades has been driven by the political economy of the state-building process, then so too was its downfall and consequent disappearance from political thought during much of the nineteenth and early twentieth centuries. Marxist thought threw cold water on the progressive ambitions of civil society. Marx observed the rancour, inequalities and discord that commerce fostered and, as mentioned above, railed at Hegel’s state and the way idealist logic made civil society the object of the state rather than the subject of man’s material history. Yet any affinity with liberal thought was only superficial: it was the sublation in the state of the alienating quality of civil society that Marx found objectionable. Man’s essence was material, meaning that idealist philosophy can only rationalise away the aggression, isolation and atomisation that characterises civil society, never grasp and overcome it. Transcendence within existing political economy necessarily conserved, even concretised, this alienation: “[p]resent civil society is the accomplished principle of individualism; the individual existence is the final end” (Marx 1970 [1843]: 87).

For Marx, civil society thought and the type of politics erected upon its foundations depended on a distinctly bourgeois angle of vision. The emergence of a historically

unique, autonomous region of liberty and rights masked and mystified the dramatic changes in social and political relations which underpinned the unfettering of productive forces bringing civil society into existence and which made for its unequal enjoyment and precarious future. Bourgeois emancipation from feudal order was the liberation of the economic from the political, privatising power into individual units and divesting it of its public responsibilities. "The political spirit... was now gathered up... freed from its entanglement with civil life, and turned into an ideal communal sphere", the state, in which all men were equal as citizens (Femia 2001: 135). Yet this "consummation of the idealism of the state was at the same time the consummation of the materialism of civil society" (Marx 1978 [1844]: 45) as the rights of man in his egoistic condition of competition in civil society were those protected in his political guise as citizen, his most authentic and "basic element". Turning Hegel on his head, materialist critique shows how in actuality it is therefore the state which rests on civil society. Looking to the future, this fundamentally changes the objective of emancipation, which now depends not on lifting politics from civil society but on the return of politics to civil society and the overcoming of alienating market forces by its complete democratisation:

*Human emancipation will only be complete when the real, individual man has absorbed into himself the abstract citizen; when as an individual man, in his everyday life, in his work, and in his relationships, he has become a species-being; and when he has recognized and organized his own powers (forces propres) as social powers so that he no longer separates this social power from himself as political power (Marx 1978 [1843]: 46).*

Marx's materialist analysis of civil society, its identification with capitalist economic relations, according to Alexander, makes it a mere "epiphenomenon of capitalism" and thus "no longer necessary, either intellectually or socially" (1998: 5). Many Marxists since

have indeed been inclined to relegate to a superstructure the legal frameworks, political arrangements and cultural products of human existence, a reductivism arguably encouraged by Marx in what can only be a partial history of the separation of society and state. With the guarantor of freedom lying not in Tocqueville's "independent eye" of free associations but in economics and collective proletarian movements seeking to answer the social question, we can understand Alexander's charge (1998) that Marx's identification of the market with civil society led directly to the latter's demise. Certainly, the tradition of civil society discourse discussed above withered after Marx, but it is hyperbolic to hold him responsible for this decay. All classical theorists of civil society recognised the salience of the force of capital in shaping civil society even if they drew different normative conclusions. To argue against such an identification is to implicitly propose the addition of the economy as a further analytic element to the state / civil society dichotomy, which Alexander does, but this only becomes more reasonable following the massive expansion and systematisation of accumulation according to market imperatives in the late nineteenth and twentieth century. This saw the development of the science of economics and the extrication of the economy from its broader social and political context and its development as a distinct object of analysis in its own right, tacitly underwriting Polanyi's observation (1944) that modern society was embedded in the economy, rather than the reverse. Despite the seductiveness of modern epistemologies, there is always a complex interplay between these supposed 'zones', one which casts doubt on their separateness and autonomy. I return to this later in the chapter.

## **The modern, liberal orthodoxy of civil society**

The thought of each of these thinkers, and their respective traditions, is obviously much richer than can be described here, yet this brief historical summary should provide the

necessary background to understand and to act as counterpoint to the deployment of civil society discourse as part of analytical frameworks and normative aspirations today; strands are woven from the corpus detailed above into a new guide rope inevitably leading towards a “vision [that] is an unmistakably liberal one” (Mercer 2002: 7). The key themes discussed above orient discussion, if not agreement, in today’s dominant liberal conceptualisation of civil society across three dimensions.

*Analytically*, as above, early civil society thought illuminated complex interrelationships between the social, ethical, economic and political<sup>4</sup>. Enlightenment thinkers writing in a natural law tradition were occupied with the civility of modern society, the decorum encouraged by commerce and the gradual emergence of formal institutions of government. Whilst dispensing with civility, neither Hegel’s idealism nor Marx’s materialism analytically sealed off state and society, with economic relationships greasing their dialectical interplay. In the New World, however, fresh beginnings and a greater distrust of government saw far more emphasis laid on extra-governmental relations and entities, laying the foundation for later inclusive definitions of civil society such as “businesses, schools, clubs, unions, media, churches, charities, libraries and any other non-governmental forms of organization through which a community’s members relate to each other” (Scalet and Schmidtz 2002: 27). Civil society, in its quintessential modern liberal form, becomes involved in contestation with the state over the degree of separateness of its own private, civil relations from those of government, underpinning leanings toward binary ‘realms’ or ‘spheres’.

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<sup>4</sup> Of course, as civil society came to be analysed separately from the state so the state came to be an object of analysis in its own right. This is obviously an enormous topic, central to Western political thought and must remain peripheral to a study which works from the standpoint of civil society.



*Normatively*, civil society is identified as a kind of society that fosters particular sets of values. Enlightenment thought yielded respect for individual sovereignty, equality and tolerance; the rise of commercial society shattered the Christian moral community and replaced values of deference and tradition in favour of self-reliance and acquisition, but also “natural sympathies” – trust, co-operation, friendship and mutual dependence. This evaluative dialectic reappears in later claims that civil society promotes democratic virtues. Nevertheless, Marx was not the only thinker to point out that outcomes are not necessarily always benign: selfishness, inequality and atomisation can issue from commerce, while the promotion of sectional interests threatens the cohesiveness of the social whole. This leads to a second normative aspect, as despite the above complexities, evaluative reasoning tends to mix with the analytic to furnish each sphere with distinct ethical identities. In particular, civil society becomes understood as a realm of freedom while the state is principally coercive. Establishing this is at root a metaphysical rather than empirical matter – on the one hand are the interactions and institutions of sovereign, self-determining individuals, pursuing freely-chosen ends through associations of their own choice; on the other is the state, operating on and compelling society, with its own tendency and rationality of expansion, domination and conquest. This has crucial implications for the role of civil society in democracy: property-centred understandings of civil society may be in tension with democracy-centred interpretations, clearly visible in the American tradition but also in Locke, which position civil society as a bulwark against despotism.

Finally, these developments created *practical* recipes for action – the democratisation of the public sphere, participation in associations and their defence against the state and encouragement of community cohesion through “new forms of solidarity and moral norms... [that] enable modern societies to synthesize individuation and integration”

(Howell and Pearce 2002: 31). Given the normative reflections above, action to strengthen and protect civil society would seem to be warranted, while analytical work illuminates locations where attention should be aimed. These are the points of intervention of today's international development actors and policymakers, the professional network largely responsible for returning civil society to common parlance worldwide.

### **Civil society, democracy and the state**

Liberalism as a political credo is a moving target, forever adapting political thought and the politics of state by refashioning constitutive elements in order to better manage its own internal contradictions and cope with external crises. In the consensus that has undergirded the working ideology of liberal democracy deployed in the restructuring of government and governance worldwide in recent decades, a 'vibrant' civil society is understood as a key part of its realisation as an interrelated set of processual and institutional components and norms (Williams and Young 1994; Ayers 2008). Civil society finds an apparently natural fit as one of the pillars of the liberal state, along with constitutionalism, rule of law and human rights, good governance, and elections and their supporting formal political processes.

These components not only constitute the framework for a modern liberal state, but the conditions for democratic rule through its institutions of government. With liberalism "its absolute premise and foundation" (Parekh 1992: 161), public powers are separated from civil society and the exercise of liberties protected under a regime of rights. The state's organic links to community severed, expressions of the popular will guide the use of state power through the regular election of representatives, by which the authority of rulers to govern the ruled "makes sense" and renders it fit to wear the badge of democratic

legitimacy (Williams 2005: 10). Parliaments far from exhaust democracy, and their potential for manipulation by elites, possibly using state apparatus, only underscored the importance of the further diffusion of counterbalancing social power among the countless interest groups that populate nations, variously seeking protection from the predations of the modern, powerful, centralised state, the articulation of needs and demands, and more simply the conditions and opportunities required to enjoy their rights.

It is this organisational or associative 'realm' and, further, the pursuit of interests for the public good or for their own private publics<sup>5</sup> by their civilised occupants, which has come to define civil society in liberal democracy. Examples in this dominant line of thought in which civil society and state constitute autonomous zones, "each... defined in opposition to the other" (Rosenblum and Post 2002: 11), are legion: Larry Diamond argues that civil society is "the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules" (1994: 5). Michael Walzer draws definitional boundaries while also depicting the particular forms of sociality we could expect to find within this territory: "the words "civil society" name the sphere of uncoerced human association and also the set of relational networks formed for the sake of family, faith, interest and ideology that fill this space" (1992: 107). In contrast to the Enlightenment collapse with bourgeois society, it is common (but disputed) to exclude economic relations by focusing on the uniqueness of the identitarian or public rule-making objectives of associations that are genuinely of civil society. Scholte, for instance, sees civil society as "a political space where voluntary associations deliberately seek to shape the rules that govern one or other aspect of social life... [including] formal directives... informal constructs (such as gender roles) and / or the social order as a whole" (2002: 283).

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<sup>5</sup> Managing these diverse demands is the focus of Habermas' communicative theory, through which he understands civil society as the public sphere.

This “space” is the repository of diverse normative functions. Whilst government is public, overarching and inclusive, “characterized by overarching public norms made and enforced by official institutions”, civil society is plural and particularist, consisting of “partial publics” wedded by mutual recognition (Rosenblum and Post 2002: 3). Pluralisation of the public sphere strengthens it, as the expansion of participatory opportunities leads to a manifold of interest groups with a stake in shaping state and society, showcasing how “associations act as transmission belts between the individual and the state” (Mohan 2002: 3). Opportunities extend to the marginalised, whose voice is amplified. Tocquevillian and Paineian notions of liberty and equality, mutual aid and self-interest, and (privatised) public engagement loom large here, yet associations do not only ‘look after their own’. Civil society can also be considered as the active protector of the environment in which it exercises autonomy, mediating “a distinctive set of institutions which *safeguard the separation* of state and civil society” (Shils 1991: 4. Emphasis mine.) and which rest, fundamentally, on human rights and a judicial system to guarantee their effectiveness (Peruzzotti 2004). In terms of a functioning polity and state-building processes, specialist bodies scrutinise public data to hold government to account and act as a bulwark against despotism (Kudlenko 2016; Ishkanian 2007; Behr and Siitonen 2013). Civil society is thus said to play a central role in democratic consolidation, as Tocquevillian associational tradition and a Lockean concern for checking despotism combine: “independent associations provide the channels or mediating structures through which political participation is mobilized and states are held accountable by their citizens” (Edwards 2004: 74).

From a human rights perspective, the associational realm provides a context conducive to normative pluralism that enables “citizens’ diverse and cooperative pursuit of their

comprehensive philosophical, moral, and religious views”, “a vital instrument for containing the power of democratic governments, checking their potential abuses” and, often underemphasised, offers a citizenship education opportunity to maintain the health of civil society itself (Jensen 2006: 44). For Habermas (1989), its defensive role is not restricted to the predations of the state: the lifeworld is under constant threat of distortion, disruption and colonisation by both the state *and* economic systems. On this basis, Cohen and Arato distinguish the logics of power animating political parties and economic actors from the collective action for shared ends motivating civil society (1992). Post-Marxist thinkers meanwhile have dispensed with the notion of mere democratic consolidation, turning defence into offence and liberation by civil society actors on a global scale, as seen in Hardt and Negri: civil society is an active force, a multitude, standing against oppressions both of government and of economic actors (2000; 2004).

### **Capturing agency: the NGO as *primus inter pares***

In addition to a not inconsiderable amount of wishful thinking, not least evident by the tarring of less acceptable private actors with the predicate ‘uncivil’, realising its various functions clearly demands a great deal from civil society, demanding that we move from the somewhat vague and indeterminate sphere conceptualisation to concrete labour, from liberal theory to political agency. Despite the everyman connotations of ‘the association’, Tocqueville’s spirit today materialises as one unique form of associational actor capable of fulfilling theoretically given demands – the non-governmental organisation (NGO). Against the centuries-old tradition of civil society, the NGO is quintessentially modern, the term making its first official appearance in the UN Charter, which states that “[t]he Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters

within its competence” (United Nations 1945: Article 71). Since the 1970s, the massive expansion of this organisational form at a variety of levels has seen writers attempt to understand it through a variety of classifications, including scale (e.g. international, national, regional, community), their ownership (membership or non-membership based), orientation (service delivery or empowerment), approach (top-down or participatory) and operational dimensions (research, advocacy and campaigning, implementation).

These organisations are sometimes said to constitute a Third Sector or non-profit sector, a lexical shift from ‘realm’ that hints at the return of the economy to civil society. According to Etzioni, the sector results from the merging of capitalism and socialism in modern economies, and its constituent organisations “combine “the best of both worlds” – efficiency and expertise from the business world with public interest, accountability, and broader planning from government” (1973: 315). This contains an enormous diversity of organisational types and objectives – “a strange juxtaposition of very large charities... happy to take over provision of formerly public services, alongside small and radical cooperatives, and also NGOs quietly performing everyday disaster relief” (Hull et al. 2011: xvii).

Thus, like civil society itself, defining an NGO can be problematic. Mercer seeks to capture the common visible markers and traits, holding that the term

*refers to those organizations that are officially established, run by employed staff (often urban professionals or expatriates), well-supported (by domestic or, as is more often the case, international funding), and that are often relatively large and well-resourced. NGOs may therefore be international organizations or they may be national or regional NGOs* (2002: 6).

NGOs are deemed to be the repository of the skills, knowledge and agency required to perform the actual activities to fulfil the functions of civil society detailed above. They give a voice to the plurality of public in civil society and articulate grievances on behalf of interests they are set up to represent. They are the "'missing middle' between citizens and the state" (World Bank 1997: 114), of vital importance at the local level in democratising states and in the international sphere where they play a critical role "in the emergence, formulation, and monitoring of international norms" (Törnquist-Chesnier 2004: 253) – land mines, climate change, global poverty, as well as country-specific concerns such as human rights in Myanmar, to name but a fraction of the areas of focus. Such work is both regular and ongoing, and also enacted in highly specific, time-bound chunks of activity as projects. They are de Tocqueville's "independent eyes", "expanding citizen participation, providing civic education, engaging in advocacy and lobbying for public goods, serving as watchdogs against government abuses, and empowering marginalized and disadvantaged societal groups" (Antlo 2010: 419).

Given the apparent importance of democracy for development, the significance of NGOs in development follows almost syllogistically if one considers them to be somehow *primus inter pares* among actors in civil society. NGOs therefore come to bear the load of both democracy and development: whilst civil society is the "chicken soup of the social sciences" (Rosenblum and Post 2002: 23), when it comes to international development NGOs are a "magic bullet" which, fired off in any direction, can eliminate a whole range of problems and issues that beset states and populations (Edwards and Hulme 1996b). The existence of an NGO sector can be thought to constitute an indicator of the good governance and political stability required for the universal goods of democracy, human rights and economic growth. Should NGOs be absent, or if actors or institutions of civil society appear oriented towards other ends (so-called 'uncivil society'), then civil society

is deemed weak and will have to be built. “Fund NGOs, and you are building civil society” claims Clare Mercer of the “donorthink” that has captured civil society support (2002: 10). Recent decades have seen, therefore, a conflation of civil society with NGOs; and this development can only be fully understood through analysis which critiques rather than repeats the epistemic assumptions that have undergirded the conceptualisation of civil society as an autonomous zone.

### **Epistemological limitations, ideological inclinations and the Gramscian alternative**

The above conflation might not be overly concerning if the actual impact of NGOs had not been challenged, at both the international and local levels. While the NGO’s functioning as a vector of orthodoxy within civil society is the main focus of this research, others have taken issue with its capacity to accomplish core normative tasks. Apparent success in policy or legislative change pays little heed to the complex causalities involved in social change, and arguably has more to do with inter-state political economies than ethical concerns (Fernando 2011: 19-21). In addition to alleged hubris, the outright failures of NGOs in achieving both project-specific objectives and broader aims tend to be ignored or drowned out by a chorus of approval for the morality of the work in general. The suspicion that NGO claims run ahead of genuine influence, even in the most favorable environments, serves to complicate the idea of a set of normative functions bundled into civil society. Such doubt is met with a stock response that the liberal model shows only ideal types: whether the separate logics of state, civil society and economy function as expected and the spheres fulfil their given normative functions, whilst their autonomous operation is an empirical matter. Indeed, Alexander admits to a “shock of encountering ‘real’ as opposed to ‘ideal’ civil society” (1998: 1) on a visit to Hungary in 1990.



Yet the liberal understanding of civil society is also chastened by many more troubling contradictions. Formal equality of access can contrast with dramatic inequalities in actual voice and influence between different groups, 'uncivil society' undermines conditions for democracy and human rights, while corrosion of lifeworld by the system appears ineluctable, challenging the attribution of power to civil society (Habermas 1989). Resolving the tension between theoretical claims of an autonomous civil society possessing unique properties of solidarity and freedom against a reality of conflict and dislocation by appeal to empirical drift places modern liberal civil society theory dangerously close to insulating itself from criticism; it is certainly unmoored from reality, presenting significant analytical limitations. As Chandhoke enquires, even if we can make analytical sense of the concept of civil society, "can we think of any sphere of human activity as either autonomous or as marked by a different logic?" (2001: 6). To believe society can be dissected into discrete parts, each with their own characteristic qualities and functional attributes which, taken together as a whole make up social life, is an additive social science which ignores substantive relations. Whilst they may constitute useful heuristics, what "should be resisted is the implication that these sectors of human activity do not constitute each other, or that they are marked by an exclusive and discrete logic that differs from site to site of such interaction" (ibid.: 8). It overlooks, in particular, the complexities of mutual dependence between state and civil society: even the most cursory observation reveals how the latter depends on the former for legal protection and fulfilment of rights demands, whilst the state depends on civil society for fulfilment of its functions.

This much is often conceded by liberal theorists, but only insofar that such interdependencies are deemed necessary for the functioning of each category or the

maintenance of their boundaries. Yet even this is a highly problematic assumption dependent on neo-Kantian elevation of concept above existence. Liberal civil society theory constructs its ideal type by collapsing difference between a manifold of entities – NGOs sit alongside cooperatives, table tennis clubs, trades unions, Girl Guides, protest groups and so on – on the basis of a number of shared features – primarily the purported autonomy from the state and non-profit status, but also freedom of entry and exit, interest representation and so on. Entities are arbitrarily granted *systemic* equality on the basis of theory alone. Flattening differences between associations, loading normative work onto civil society *qua* sphere masks difference and power, and mystifies actual causal processes. Presented with what Marx called a “chaotic conception”, with disparate objects grouped together regardless of structure or relationships, attributions of agency become immensely problematic “as soon as anyone attributes unitary causal powers or liabilities to the objects falling in that class” (Sayer 1992: 139). With regard to this research, what is most troubling is the difficulty of analysing the disparity of influence of the NGO.

Even worse, by restricting theory to a domain of highly abstract social and ethical constructions, liberal civil society theory not only lacks analytical rigour and explanatory value, its dichotomies resting on highly unstable epistemological foundations, but also conceals its ideological content. It does this by obscuring the relation between social and political conditions and the discovery and advocacy of purportedly universal properties of society, making necessary truths from a selective version of extant circumstances (“boundary ideas”, in Gramsci’s terminology (in Buttigieg 1995: 11)) rather than problematising them. The relationship between theory and reality then easily becomes wishful thinking, constructed around what we want civil society to be like rather than how we find it (Geuss 2008). This motivates Fraser’s rejection of the analytical value of

Habermas' ideal typical public sphere "when these discursive arenas are situated in a larger societal context that is pervaded by structural relations of dominance and subordination" (Fraser 1990: 65). These form no part of Habermas' public sphere; indeed, given his approach to abstraction, they cannot<sup>6</sup>.

Instead of treating theoretical work as something pursued in ahistorical quarantine, it should be acknowledged that concepts assume substantive form only in particular historical contexts (Sayer 1987). As with any work of political theorists, on the streets or in the universities, bodies of thought are cultural emergents that, in order to be fully understood, must be seen as products of their time. Their appearance, appeal and operation can only be fully understood in light of social and material conditions. Moving away from the heuristics of realms, spheres and boundaries towards an acceptance of ideas as inextricably bound up with changes in material conditions, the conceptualisation and actualisation of a particular variant of civil society in the 1980s and 1990s indicates a political project rather than a teleological unfolding of the universal. Unfortunately, orthodox Marxist or, more specifically, historical materialist approaches to civil society have tended to relegate the work of social actors to the superstructure and to downplay the impact of their work as voluntarism, insignificant or irrelevant in the face of the unfolding logic of capital. This, too, is highly problematic. Moreover, it is not enough to simply *explain away* civil society: the deficiencies of liberal theory do not preclude asking important questions regarding relevant social phenomena.

Antonio Gramsci's thought runs against the reductivist grain of orthodox Marxism. Whilst situated within the broader Marxist tradition (c.f. Finocchiaro 2009, in Wainwright 2010), Gramsci's articulation of civil society is part of a rich, variegated understanding of society

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<sup>6</sup> Although see Habermas' further reflections in Habermas (1992).

and politics in general that is acutely sensitive to contingent distributions and expressions of state and social power (Gramsci 1971). Opposing economism of all political hues, Gramsci's work in the early twentieth century did not so much reverse Marx's base-superstructure logic (Bobbio 1979) as operate with a completely different conception of the state, its coercive apparatus and the nature of consent. Gramsci realised both the depth of consent to capitalist dominance in "advanced" societies and the precarious foundations of Bolshevism in Russia; in order to make sense of this he found analytical and practical use for civil society in its own right. The hegemony of prevailing social forces, constituting a historical bloc, was secured by political society not only through the coercive machinery of the state but also through the circuits of power within civil society. Through the rich and varied work of the church, the school and other institutions the speculative project of political society would be ideologically diffused. Dominated classes would come to acquiesce in their subordination: civil society acts as its grounding, its trenches and fortifications forming a dialectical unity with political society in the "integral state", as "the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance but manages to win the active consent of those over whom it rules" (1971: 244).

For Gramsci, civil society was an analytical term, and the aspect of the social it articulated was always in a fluid dialectic with political society as the state (hence his well-known formula, *state = political society + civil society*). Civil society has a certain degree of autonomy, which can be understood as institutionalised power and agency, varying between institutions, and affects political society through ideas, practices, struggles and conflicts while being affected by the coercive instruments, laws and public policy that constitute and enact the speculative projects of political society. It follows that just as civil society can be enfolded into the "historical congruence between material forces,

institutions and ideologies” (Gill 2002: 58), “disseminating an ideological common sense” (Katz 2009: 409) or *forma mentis* to better ensure consent for domination, so it is also a terrain on which these institutions, the fortifications of the state, can be challenged. Revolutionary strategy which sought simply to capture the state was hopeless. Instead, a “war of position” would be fought precisely within civil society, with the intention of mobilising forces in a disruption of the network of mediations that constitute the broader apparatus of the state and hold together the historic bloc. Cultural work that instils an alternative *forma mentis* among the subaltern is necessary preparation for any “war of movement” that would bring lasting change (Gramsci 1971: 229-235).

The position of civil society, for Gramsci, vis-à-vis the state cannot therefore be given by definition or formula but is rather an expression of the configuration of forces in politics and society. If consent is maintained by domination alone then there is no ethical component to the state and civil society appears external. It follows that any thoroughgoing reformation of state and society, whether emancipatory for the subaltern or not, will seek to rearticulate the organic links between political society and civil society. I will return to this point when discussing Myanmar’s authoritarian regime, yet for now the possibility of differently contoured terrains helps to better understand the purported ambivalence or vagueness of civil society as a term in political and social science – “[a]ny fixed definition of the content of the concept 'civil society' would just freeze a particular moment in history and privilege the relations of social forces then prevailing” (Cox 1999: 5). This complicates any simplistic binaries that identify the state with coercion and civil society as freedom, problematises the notion of civil society as external to the state (and, indeed, the rejection of the notion of the state as a synonym for government), exposes the associational idea of civil society led by the NGO as a profoundly Eurocentric or

Western conceptualisation, and, in rejecting autonomous spheres, moves analysis along more *realist* lines.

### **From sphere to reality**

I will expand on the Gramscian notion of the state, civil society and other relevant concepts in later chapters. For now, we can appreciate how the interaction of social, political and economic forces enables recognition of the complex constitution of various social objects previously sequestered in autonomous realms. Notably, the associational approach to civil society around the world is realised through an international development industry – “the community of scholars, consultants, activists and policy analysts that influences policy making in national governments, international agencies, and non-governmental organizations” (Jenkins 2009: 250) – that is not only deeply penetrated by national and inter-governmental state development agencies, but also by markets and economic priorities. Civil society strengthening became a core part of development thinking and practice in the 1980s, an integral part of ‘development solutions’ offered to newly democratising nations or those qualifying for international assistance. Given its apparent centrality in consolidating democracy, generating economic growth and facilitating accountable government, the unalloyed good of a strong civil society came to be a perpetual present in major Western aid programmes (Ishkanian 2007).

This financial and technical largesse has overwhelmingly been directed to NGOs, with Fowler (1991) reporting a five-fold rate of increase in their funding against official development funding in general through the 1980s. The timing of the mass rediscovery of civil society in the form of the NGO is contemporaneous with expansion of neoliberal capitalism (Rieff 1999), and the inception of development of new global governance

architecture to manage the new market-based global order. This is a well-told story. Following the failure of Keynesianism to provide the necessary fix for capitalism's contradictions, a market expansionist consensus combined readily with liberal pronouncements on freedom and democracy to reorder state priorities and economic infrastructure along lines captured in what came to be called the New Policy Agenda (NPA). Multi-party democracy, rule of law, expansion of open markets and limitations on their regulation, good governance and, of course, an adequate civil society, together reorganised social and economic power in society by recombining national and international actors in a new historic bloc. State-led development solutions were eclipsed by approaches that harnessed efficiencies and ingenuities that supposedly resided in the private sector, and the resizing and reshaping of the state saw 'big government' shift to 'flexible governance', from the state as a unitary centre of power to a range of apparatuses "engendering a polycentric organization of interacting governing bodies" (Räthzel et al. 2015: 157)

This required the cooperation of an associational civil society, based on the NGO, put to a variety of uses as required within the new development consensus. Like neoliberalism more broadly, approval of civil society involvement did not appear to be confined to party ideological positions, mainly thanks to the multiplicity of ends which organisations pursue. Liberals could celebrate the work of NGOs promoting democracy by observing elections and providing voter education, or promoting human rights – especially civil and political rights – groups. Conservatives could champion their role in fighting corruption and rent-seeking, enabling sound public financial management and, more controversially, to act as an alternative service provider for those facilities formerly supplied through the state. Different donor development ambitions and agendas might select certain NGO functions as attractive, but in general their importance as a solution for international development

is consistently recognised. High-level thinking on the value of civil society for development was therefore remarkably consistent among major Western governments: for the UK, “a vibrant civil society can be a multiplier for all human rights, driving sustainable economic development and reinforcing good governance” (UK Foreign and Commonwealth Office 2014), while the European Commission proclaims that an

*empowered civil society is a crucial component of any democratic system and is an asset in itself. It represents and fosters pluralism and can contribute to more effective policies, equitable and sustainable development and inclusive growth (2012).*

Underlying this consistency from a Gramscian perspective is civil society’s role in cementing the hegemony of the reformed historical bloc, fostering coherence in political and economic ambitions by facilitating consent for particular approaches to state building, economic growth and democracy that would otherwise threaten destabilisation. The urgent need to secure support through civil society in order to better achieve consent for a newly articulated hegemonic bloc demonstrates its centrality and identity as a “combination of forces upon which the support for a new state and a new order can be built” (Cox 1999: 5). Official aid narratives give the impression that such support is readily forthcoming, that social and political agency has been more or less compliant in enabling liberal hegemonic objectives. Yet Gramsci’s freeing of civil society from its liberal yoke makes this a contingent matter, and indeed in many times and places civil society has assumed a counter-hegemonic role, associated with subaltern efforts. In contrast to the “mainstream” approach described above, Howell and Pearce call this the “alternative tradition” of civil society which, although “largely untheorized and mostly implicit... [and] composed in practice of a multiplicity of visions”, articulates collective social responses in opposition to exploitation, repression and deleterious forms and consequences of



development (2002: 31). Centres of power apparently beyond the easy reach of political elites or marketisation highlight challenges faced by the subaltern, if not capacity for their resolution. This work often coalesces in social movements, and while liberal norms such as human rights, equality, democracy and the value of civility and associational bonds are far from rejected<sup>7</sup>, recognition of the antagonisms and struggle of daily life means that issues of power and conflict, contestation and inequality are not bracketed but are seen as central to social forces shaping civil society and its activity. Marx's original critique thus retains significance not in a cynical rejection of the institutions of civil society as mere epiphenomena of a bourgeois society, but in recognition of their dual character – potentially offering acquiescence to, or agency to overcome, inequalities in social and economic power.

Liberal thought does not, therefore, have a monopoly on civil society, as examples across space and time demonstrate. Leftist movements influenced by Gramscian theory<sup>8</sup> in 1970s and 1980s Latin America worked through coalitions involving the church and voluntary organisations, as well as armed revolutionary groups, seeking social and economic equality rather than democracy and rule of law. In Eastern European, Czech dissidents in the 1970s and 1980s possessed, like Paine, a confidence in society's potential for self-government, their weariness of central planning articulated (mainly as sentiment rather than a strategic goal) in the Chartists'<sup>9</sup> 'society first' approach that would enable a bottom-up, self-management political project (Baker 2002: 33-50). Elsewhere, in Asia, at the Forum for Philippine Alternatives in 1993, civil society was provocatively described as "an arena of social and political life autonomous from state domination where progressive

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<sup>7</sup> However, in challenging all various aspects that constitute liberal thought – free markets, democracy, human rights and so on – it can also be seen to incorporate 'uncivil society'.

<sup>8</sup> This followed the Spanish translation, publication and widespread dissemination of Gramsci's Prison Notebooks among Latin American intellectuals and revolutionaries in the 1960s and 1970s (see Allen and Ouviaña 2017).

<sup>9</sup> The moniker comes from the Charter 77 group to which they were attached.

values and political practices can be articulated, counter-hegemonic institutions can be created” (Greshman and Bello 1993, in Biggs and Neame 1996: 35). Given the expansion of capitalist relations of production in recent decades, it is not only the coercive apparatus of the state that is challenged, and as a multi-scalar process, capitalism draws civil society actors into action at diverse levels. Manifestations of what was once negatively termed an anti-globalisation movement can be seen at local sites of impact as well as in global networks of “activists across borders” (Keck and Sikkink 1998), implicating different sets and types of actors, resources, social agency and social structures (Graeber 2002). Civil society analysis therefore blurs here with studies of contentious politics and social movements, and often involves competing human rights claims.

### **Challenging NGO agency**

Despite, or because of, the lack of success of alternative manifestations, civil society can be seen as contested terrain. As a mediator of hegemony or counter-hegemony it yields the potential, on the one hand, for its power and agency to be harnessed in pursuit of building consensus for elite or neo-imperialist domination, and on the other hand to be harnessed by progressive political leaderships for alternative, emancipatory or redistributive objectives. The phenomenon colloquially called ‘rolling back the state’ widened the gap between political authority and the practical life of people, closing off democratic control and apparently offering greater terrain to both orthodox and alternative forces, making the form and orientation of political agency crucial for achieving desired outcomes. The above discussion returns us, therefore, to contestation over the politics of the most visible modality of activity in the modern, associational understanding of civil society; namely, the NGO. Its position within circuits of power in developing countries, its ascendancy contemporaneous with the rise of neoliberalism and

the growth of civil society as a development instrument, has made it a significant actor of contention for theorists and practitioners critical of the liberal consensus in civil society and the NGO's need for, rather than resistance to, supporters of global market expansion.

Technical considerations of NGO impact and management practices of the so-called third sector, of the kind discussed earlier in this chapter, have tended to dominate discussion of civil society in the social sciences. The growth in NGO numbers, increase in financial turnover, their presence in debates and policy making and their expansion into new issue areas have generally gone uncontested as key indicators of a growing strength of civil society, a transformation moving in sync with the installation of other pillars of modern liberal democratic development. The contrasting position outlined above casts this simple identification into doubt and therefore directs attention to consideration of the *legitimacy* of NGO power. Yet this also has tended to be interpreted in technical fashion, an issue of accountability, representativeness and performance (Lister 2003). Weberian conceptions of legitimacy (Beetham 1991: 3-41) sideline normative or historical discussion regarding how the NGO and its powers came to dominate the civil society landscape in the first place. Exploring legitimacy in this sense examines the development of beliefs and the construction of consent, how "the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions", and the changes in social and political contexts that have seen enabled or retarded these (Suchman 1995: 574).

This is important, as radical authors have challenged the ascendancy of the NGO on grounds of social and political values against other non-NGO civil society actors. They draw a "sharp distinction between NGOs and 'the movement'" (Alvarez 1999: 185). The latter is comprised of self-organised groups committed to achieving collective goals across

a wide thematic spectrum – “women’s movements... ecology movements... peasant groups... civic movements... youth movements... squatter movements” (Escobar 1992: 421). Their “largely volunteer, often sporadic, participants (rather than paid staff), non-formal organizational structures, significantly smaller operating budgets, and whose actions (rather than projects) are guided by more loosely defined, conjunctural goals or objectives” (Alvarez 1999: 186) contrasts with the NGO: staffed by professionals, receiving funding from national or international public and private sources, with clearly defined project goals and organisational structures. The latter are an undesirable “alternative to the social movements and their radical antisystemic politics” (Petras and Veltmeyer 2005: 9).

Yet this immediately leads to an important problem: if the NGO is a problematic form for the emancipatory ambitions of civil society, and if Gramsci restores a degree of relative autonomy for the civil society actor, why do actors continue to adopt the NGO form? As this conversion seems to be most noticeable under liberal regimes, overt coercion can be ruled out. The tendency of the NGO not only to dominate civil society but to become the *appropriate* vehicle for civil society, to displace or crowd out alternative traditions therefore merits close attention. This process has been termed *NGOisation* (INCITE! 2007; Choudry 2010; Choudry and Shragge 2011; Choudry and Kapoor 2013a). More than the simple increase in numbers of NGOs, it is the overwhelmingly negative implications of NGOised agency that is at issue, the pollution of civil society’s enabling environment with “hierarchies of power and knowledge” that “reproduce rather than challenge dominant practices and power relations” (Choudry 2010: 17-18). Making causal sense of this process and assessing the nature and magnitude of its impact is the central topic of subsequent chapters.

## Conclusion

This chapter has summarised the origins and long, rich history of the analytic, normative and pragmatic aspects that have constituted conceptualisations of civil society. Although tracing its origins in antiquity, it is primarily a concept associated with modernity, having gained meaning and significance from its relation to related objects of Enlightenment thought, such as individual sovereignty, equality and human rights and democratic constitutional government. Developing from interrelations of associational and commercial activity and with contrasting normative connotations, it was also seen as an essential bulwark against despotism. Its modern usage in the liberal democratic consensus has primarily been as a realm of associations which, vis-à-vis the state and the economy, fulfil a variety of wholly positive functions – *uncivil* society notwithstanding<sup>10</sup> – which enable the better operation of the institutions and processes of modern liberal democratic polities.

This conception of civil society as an autonomous realm or sphere, widely promoted by liberal thinkers and global institutions, is based on an abstraction that neglects the complexity of social relations. These cross over the ideal typical boundaries between state, economy and civil society imposed by liberal theorists, undermining expectations of autonomy integral to liberal theory. Bracketing social structure and power renders liberal theory useless in analysing actually existing civil society. Abandoning the notion of autonomous spheres for a return to the political economic approach favoured by Gramsci, Marx and earlier Enlightenment scholars, the dialectic between – rather than the separation of – economic, political and social forces enables us to analyse, critique and better understand today's neo-Tocquevillian associational understanding of civil society.

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<sup>10</sup> The straightforward creation of a normative category for the unwholesome and troublesome is again testament to the flattened landscape that the liberal faces – it doesn't matter why or from where these elements have arisen, but simply that they are unwelcome in the liberal order.

The uncovering of substantial interrelationships between formerly sequestered spheres demonstrates the politicisation of civil society – or, indeed, its depoliticisation – and is essential for understanding the ascendancy of the NGO as one part of a broader political project. The norms and assumptions of the mainstream liberal approach continue to inform the recipes for practical action of a manifold of international development actors. Although the conflation of civil society with NGOs is an epistemic event, the social construction of civil society *qua* NGO has a significant material dimension and effects, for example, through flows of finance to local NGOs rather than trades unions, and capacity building programmes in project cycle management rather than praxis for structural transformation. Yet it is reductive and blinkered to park responsibility wholly with donors: these shifts in knowledge are deeply entwined with shifts in broader political economy, and they collide with alternative conceptions and approaches to civil society and citizen organising, making the NGO a strategic site in the struggle between hegemonic and counter-hegemonic forces.

This struggle consists both in the intolerance towards other modes of organising, which must give way for the NGO, and in the distorted actualisation of liberal ambitions due to its own contradictions and the material and normative historical legacy. The slate is never wiped completely clean, and rather than homogenising space through liberal superimposition the impact and legitimacy of NGOs depends greatly on local contexts and history. The failures of sphere theory highlight how understanding of these contexts and their abstraction and theorising needs to be guided by the actual structures and powers which constitute social reality. The forces that have enabled a particular, orthodox organisation of agency to become historically dominant in civil society must, to expand, be successfully introduced into existing social and political orders. Chapter 2 will develop

the critical realist architecture that will scaffold the core of this research, a critical study of the introduction of the NGO to politically-oriented civil society in Myanmar.

# **Chapter 2. Institutions, social change and NGOisation: a theoretical framework**

## **Introduction**

Chapter 1 outlined the contours of the dilemma for those seeking to retain a radical, emancipatory edge for civil society under the broader social, political and economic influence of liberal principles and objectives. For those analysing political change, democratisation and social movements, civil society can connote a zone of freedom that is thought to challenge and push back against state coercion. Yet this underestimates and misconceives state power and the forces involved in its exercise, and the way this affects the form and orientation of social agency collected under the broad civic associational umbrella. Since the 1970s, shifts in these phenomena have undergirded the rise of the NGO (Lewis 1998). The prominence of the NGO today typifies civil society in all its various works: in its service delivery, governance, democratisation and human rights activity; in all the vehicles through which this work is done – forums, campaigns, government and private sector partnerships and the ubiquitous ‘project’; and in the mobilisation of expert local and international knowledge, providing hundreds of thousands of jobs in developing countries (Edwards and Hulme 1996a; Fisher 1997; Mercer 2002).

The New Policy Agenda (NPA) – consisting of the familiar menu of privatisation, fiscal austerity and market expansion and deregulation – not only created a demand for the (believed inherent) efficiency of civil society in service provision but shifted expectations regarding democratic governance, creating the ‘enabling environment’ for civil society actors to play an increasingly central role in social and political development (Silliman 1999). This so-called ‘space for civil society’ will play an important role in the argument in



later chapters. Since the arrival of the NGO, critical literature has questioned their performance and suitability yet explanatory critiques of their materialisation itself - as distinct from broader civil society, social movements or activism - is more recent. NGOisation brings together scholars, practitioners and activists writing on this topic as a branch of social movement studies. As the suffix suggests, this concept seeks to critique the ascendancy of the NGO as a process of change like any other comparable phenomenon – globalisation, democratisation, financialisation, liberalisation and so on – and understand the forces, processes or determinants which have led to the emergence and dominance of this form of organisation.

In Chapter 2, I outline the theoretical framework by which I seek to contribute to this phenomenon, zooming out to argue that NGOisation must be understood as an example of a more general process and result – that of *institutionalisation*. Institutional theory is a broad church in the explanation of social change; setting NGOisation in this tradition makes available a range of conceptual apparatuses largely – and, unfortunately – ignored by radical theorists and practitioners concerned with the implications of the rise of the NGO. Yet as Chapter 1 situated civil society within shifting configurations of social forces, positing determinations of civil society institutionally demands a similar abstraction with the latter. Indeed, it is vitally important to be precise about key concepts such as power and force, as well as to clearly articulate and interrogate assumptions regarding fundamental processes and elements involved in social change, such as causality, agency and properties. Therefore, after introducing the institution, I then argue that the concept – and, *a fortiori*, the institutional understanding of the NGO and NGOisation – can be most productive in social explanation when articulated within the epistemological and methodological setting of critical realism. This meta-theoretical framework will be used in

subsequent chapters to explain and deepen understanding of the phenomenon of NGOisation in Myanmar's civil society.

## **Institutions in the social sciences**

What is notable with regard to the growth of NGOs in many developing countries such as Myanmar is not so much the ubiquity of NGOs but the unquestioned *obviousness* of organising and doing social, political or economic development within its quite singular parameters. As a colleague remarked, somewhat incredulously, on first hearing the term NGOisation in 2013, "But what else would [political activists] do now but start an NGO?" The NGO appears as a form of agency which is "desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions" (Suchman 1995: 574). But how, amidst the immense variety of social issues which civil society is supposedly directed towards and the forms that it could conceivably take, has the NGO achieved this status? We witness here the emergence of a *social institution*; problematising the NGO's ascendancy in this way opens up the use of a particularly fecund branch of social science, yet one replete with possibly as many variations and as much vagueness as civil society.

Definitions reflect theoretical predilections of the writer and the questions they are interested in tackling, and institutions are no exception. For Scott, institutions are "composed of normative, regulative and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life" (Scott 2008: 48). The institution illuminates the taken-for-granted aspects of social life, the 'rules of the game' that provide "stability and meaning to social life" as norms, conventions and standards (ibid.). These have a paradoxical quality in that although, felt inwardly as

compulsions, they are perceived as objective entities. Whilst formal laws and constitutions are made by official acts of government and become effective through threat of formal sanctions, the compelling qualities of social institutions appear to originate and be maintained by the collective actions of individuals, which, “Durkheim writes, are a product of joint activity and association” (Alexander 2014: 259).

Many questions pursued by the social sciences have been given an institutional treatment, ranging from the basic building blocks of modern society, such as the modern state, markets and democracy, to more intimately focused studies on social phenomena such as the financial audit (Power 1996) and French cuisine (Rao et al. 2003). Furthermore, the institution might be understood in different ways. For example, the institution of democracy might be described:

- *in regulative terms, as the procedural rules of elections and parliaments,*
- *normatively, as per the belief that democratic organising is a marker of the legitimacy of formal power (majority voting pervades a wide variety of social settings in the West),*
- *or as cognitive-cultural frames, through which we make sense of or assess other nations or groups (as in measures of democracy).*

Scott’s definition above represents an attempt to capture and consolidate the various ways in which the power of the institution has been depicted, deployed and explained. However, such catch-all definitions underplay the distinctive schools which have formed around the institution<sup>11</sup>. Hall and Taylor’s typology (1996) of institutional schools of

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<sup>11</sup> This ‘return’ followed the rejection of functionalism and behaviorism across much of the social sciences.

thought describes rational choice, historical and sociological variants; these broad traditions have become associated with particular areas of study. Institutional economists have complemented their once-standard utility maximisation reasoning with the concept of bounded rationality (Simon 1982). Historians of political development, particularly of the state, are more inclined to use institutional thought as part of a broader political economic approach to examining how formal political or organisational systems are dialectically related to – and, partly, expressions of – social action and the reproduction of power asymmetries and social conflict. This approach, associated with the work of Moore (1966), Charles Tilly (1978) and Theda Skocpol (1979), tends to work on wider historical and geographical scales, often highlighting path-shaping or path-dependent tendencies, such as the way in which the appearance of the state directly or indirectly affects the shape of certain social activity, such as democratic constitutionalism or collective bargaining traditions. Meanwhile, neoinstitutional sociologists have updated Durkheimian analysis with a richer, more complex understanding of the normative – “routines, procedures, conventions, roles, strategies, organisational forms, and technologies... beliefs, paradigms, codes, cultures and knowledge” (March and Olsen 1989: 22) – often embedded in more culturally-inclined science that seeks to lay bare the “symbol systems, cognitive scripts, and moral templates that provide the ‘frames of meaning’ guiding human action” (Hall and Taylor 1996: 947).

When explicating institutions, for all the complex theory-building and competing perspectives in institutional thought undertaken by scholars, their work centres in the main on two key aspects: firstly, the institution or institutionalisation is used to refer to a *process*, usually occurring within an industry, sector or a less defined ‘region’ of social life such as civil society. This aspect constitutes institutional *change* – involving institutional reproduction or breakdown (deinstitutionalisation) – and involves institutional

dissemination and institutional carriers as part of explanation. This has recently been coined as “institutional work”, “the knowledgeable, creative and practical work of... maintaining and transforming institutions” (Lawrence and Suddaby 2006: 219). Secondly, and interwoven with process, the institution itself is a particular outcome or result of this process, displaying particular properties e.g. the dominance of a particular organisational form in civil society.

In explicating the process and outcomes of social change then, although neoinstitutionalists may have developed their own distinctive theoretical vocabulary, “the questions which they address are the common currency of many of the social sciences” (Morgan 2014: 936). To add a further ontological point (anticipating later realist arguments), the social reality that they attempt to grasp is *objectively* the same as that addressed by non-institutional social science. Here, there is as little unification among institutionalists from different schools as among writers in other parts of the social sciences. A shared embrace of the institution cloaks important differences in how the institution should be deemed causally significant. As Scott argues, different institutional “perspectives embrace not simply different conceptions of the elements or ingredients involved, but of the processes underlying their construction, maintenance and change” (2008: 121).

Institutional thought and investigation certainly brings to the fore issues that should be central for any kind of social research – the relationship between the social environment and agents, the reproduction or modification of that environment, the reproduction or modification of the agent, the nature of the causal processes involved in this maintenance or alteration, and so on. At the same time, “the concept of institution continues to elude clear and full specification” (Mohr and Friedland 2008: 421), and as with all its examples,

“[w]hat punch the concept in fact has will be revealed when we use it in practice to *analyse reality*” – it is here where the concept demonstrates its ability to provide “deeper insight” or greater “explanatory power” than its rivals (Danermark et al. 1997: 122). It therefore pays to move towards a sounder understanding of the institution by temporarily leaving its confines for the wider social world, and setting our conceptual requirements within a broader theoretical approach to understanding the appearance and nature of social reality.

## **Social theory, explanation and critical realism**

Two traditions have been thought to dominate investigation of the social. For naturalists, there was no fundamental difference between the objects of social and natural sciences. Explanation simply involves asking questions about how and why things are the way they are, a pursuit which demands observation and descriptions of facts on the basis of which we gain knowledge of the (social) world by identifying regularities or patterns – “deductive subsumption under universal laws” (Bhaskar 1998: xi). Against Durkheim, Mill and the empiricism and positivism of behaviourists and functionalists responding to the Vienna Circle, an anti-naturalism came to follow from the consideration that the objects of the social world are intrinsically meaningful to the actors involved. This necessitated interpretative understanding on the part of the researcher, what Weber called *verstehen*, required to grasp the meaning-making activities by which people create and make sense of each other and their world (1978 [1922]). The two approaches are seen as in opposition, a schism which has only grown as empiricist and positivist traditions have spawned sophisticated variants aided by developments in fact-gathering technologies of data collection underpinned by advances in rationalist philosophies of science, while anti-naturalism has been energised by a post-Wittgensteinian linguistic turn and social constructivism. At its most extreme, railing against a logocentric scientism,

postmodernism rejects the idea of an objectively knowable world entirely – the discursive construction of the world shatters reality into multiple, incommensurable worlds<sup>12</sup> (Lopez and Potter 2001; Sayer 2000a).

Despite the polarisation entrenched by this dichotomy, their rivalry is, on the one hand, constructed on a fundamental philosophical error and, on the other, offers a false choice by ignoring the breadth of social scientific investigation. Incorrect, firstly, is the positivist portrayal of natural science: that science proceeds by the empirical realist search for and discovery of Humean regularities constituting scientific laws. Against this, proceeding by inverting Kant (asking “What must the world be like in order that scientific practice be successful?” rather than “What *a priori* scientific categories are required to render sense experience coherent?” (Harvey 2002)), Bhaskar (1975; 1979) has argued that the transcendental condition for science is rendered philosophically incoherent by positivism: it cannot accommodate the quintessentially scientific endeavour of searching for unobserved causes of observed (empirical) phenomena, nor can it sustain the transcendental reality of these causes when empirical indicators of their existence might be absent. The objects of science lay beyond sense data: they are “structures, powers, mechanisms and tendencies... aspects of reality that underpin, generate or facilitate the actual phenomena that we may (or may not) experience, but are typically out of phase with them” (Bhaskar and Lawson 1998: 5). This depth realism is ill-conceived by naturalists and anti-naturalists alike, and by positivists and anti-positivists. Secondly, placing these transcendental realist considerations alongside studies of society, the roots of such an approach to social science are visible in a great deal of work since the dawn of the social sciences – in Marx, of course, but also in Polanyi, Durkheim, Weber and in today’s so-called post-positivism and, indeed, neoinstitutionalism. The challenge is to

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<sup>12</sup> Weber did not reject the scientific ambitions of sociology nor generalisation, which is often counterposed to the relativism implied or embraced by some discourse theorists.

draw from and develop upon this work a consistent, naturalist epistemology, which Bhaskar and others have accomplished in *critical realism*.

Realism is a much-used (or overused) term across philosophy and the social sciences. In this context, it simply asserts a fundamental precept of science: that there is a real world independent of the researcher. The concepts and theories developed by the latter, which form the resources and media of science, are *transitive*, while the objects they claim to refer to *intransitive*. Reducing questions of being to questions of knowledge, experience, perspective or discourse collapses ontology into epistemology and “results in the systematic dissolution of the idea of a world... independent of but investigated by science” (Bhaskar 1975: 36–37). The temptation toward epistemic fallacy, to analyse questions or statements about as questions or statements about knowledge, is far greater with the social world as it is dependent on human beings and their interactions to constitute, reproduce and transform it. Yet whilst differing in such agent dependency from the natural world, this does not change the fact that the world created through our everyday interactions brings into being real objects independent of the knowledge and concepts used to grasp and understand them by the social researcher, and, for that matter, by the lay individual. The social world, whilst dependent on our continued physical and mental activities, pre-dates and confronts both the researcher and social agent as the medium and outcome of social activity.

Motivating the rejection of philosophies based on an epistemic fallacy was the inability of empirical realism to provide an explanatory science, “as if the world just happened to correspond to the range of our senses and to be identical to what we experience” (Sayer 2000a: 11). A similar dissolution of intransitivity occurs in those varieties of hermeneutics which understand the world as wholly constituted by textual creation and interpretation.



Both operate on the basis of a “logic of immediacy” through which experience or discourse exhaust the world (Cruickshank 2003). Against this flattened ontology, realism holds that in order to explain social phenomena like events and trends, or beliefs, dilemmas and values, the world must be understood as having *ontological depth*. Reality is understood as layered, consisting of a stratum of *actual* events, a more restricted *empirical* domain constituted by our experiences of those events, and a *real* domain of social structures and mechanisms (Bhaskar 1975).

Given the nature of the real it follows that the task of natural and social science is not the listing of atomistic occurrences but *investigation and explanation of the generative power of causal mechanisms*. “Causal explanation”, therefore, “is not about recording the deterministic or stochastic association of patterns of events, but the ascription of causal powers to objects” (Tsoukas 2000: 29). Empiricism and constructivism evade questions of causality and necessity, and hence fail to explain how different the objects and forces of social reality interact. An important epistemological and methodological consequence of recognising ontological stratification is a more sophisticated conception of these objects of science and of the underlying base of their capacities. Specifically, features or aspects of the world can combine to make “properties or powers of a whole that are not possessed by its parts” (Elder-Vass 2010: 16). Rather than a reductive explanation, critical realism – unburdened by empiricism – looks to explicate the parts and the (most likely unobservable) necessary relations that constitute social objects and resulting *emergent powers*. For example, the ability of an NGO worker to disburse grants depends on role capacities within the organisation, the organisation’s relationship with a donor, donor agency’s relationship with taxpayers at home, with the host state and so on.

For the researcher, this highlights the importance of abstraction, which “attempts to grasp... precisely the generative mechanisms and causal structures which account in all

their complex and multiple determinations for... concrete phenomena” (Bhaskar 1998: xvi). Rather than empirical generalisations or application of neo-Kantian idealist models, analysis is directed toward the structures considered involved in the phenomenon under investigation, rather than experience or idealist reconstructions of it e.g. the autonomous spheres of civil society discussed in Chapter 1. Practitioners and researchers rarely subject the mental activity of selection of such objects, the movement from the “real concrete” to the “thought concrete”, to critical scrutiny (Ollman 2003: 60); but as Sayer notes, “neither objects nor their relations are given to us transparently; their identification is an achievement and must be worked for” (1992: 88). At the end of this Chapter, I outline my method for realising this ambition in empirical research on NGOisation.

Below I apply these observations and injunctions to institutional thought and the causal processes of institutional change in the context of NGOisation. I begin by placing NGOisation in a broader research tradition of rationalisation and formalisation in organisations; careful analysis of influential work in this area demonstrates how critical realism is required to add vital clarity and support required by causal explanation.

## **Institutions and the rise of the formal organisation**

The institutional outcome I primarily focus on within this research is the dominance of the NGO and its effects on the politics of radical, emancipatory collective action. An offshoot of social movement studies, the term ‘NGOisation’ has been increasingly applied in recent years by a small number of writers investigating the rise of the NGO, in a variety of contexts. The term covers variably critical perspectives on recent change in the nature of civil society organisation and activity, characterised by various manifest pathologies including bureaucratisation, “professionalization, depoliticization and demobilization” (Choudry and Kapoor 2013b: 1); in this way, NGOisation challenges, retards or even defiles radical values and objectives of ‘authentic’ social movements. This situates

NGOisation within a broader phenomenon: the ascendancy of formal or rational organisation. Such a dependent variable has been the focus of a great deal of work throughout the twentieth century and in recent decades has seen organisational theory twin with neoinstitutionalism and, consequently, be articulated across the latter's many variants.

Sociologically-inclined institutionalism, in rejecting the pre-constituted rational agent as a basis for the dispersal, reproduction or undermining of institutions (and thus reductively explaining away the institution), instead sees institutions as embedded in the broader socio-cultural environment, the "collective normative order" (Zucker 1987: 444). The task of the social researcher, on this account, is to explain how a rationalised zeitgeist comes to be crystallised in organisations. Meyer and Rowan famously made the case for the decoupling of efficiency and instrumentality from the decision to adopt formal organisational rules and structures, and instead present a cultural argument that "the formal structures of many organizations in postindustrial society... dramatically reflect the myths of their institutional environments instead of the demands of their work activities" (1977: 341). This has accelerated tremendously in recent years as the rationalisation of activity and formal organisation has spread across practically all domains of life, demonstrating "widespread cultural rationalization, characterized by scientism, human rights and empowerment discourses, and the expansion of higher education" (Meyer and Bromley 2013: 369). Whereas the early work held that "ceremonial rules are transmitted by myths" with actors "ceremonially conforming" to institutionalised environments (1977: 355), later work described the dissemination of these cultural principles from environment to organisational setting through law, finance and the professions.

Meyer and Rowan's work prompted more detailed investigation into the interconnections between the organisation and environment-as-institution by Powell and DiMaggio. Their much-cited (1983) paper argues, *contra* Weber, that in late modernity entities display a surprising isomorphism in their structure not by virtue of their enclosure within an "iron cage" of bureaucratic rationality as demanded by capitalist market economy, but through their being structured in an organisational field – in "a recognised area of institutional life" characterised by connectedness and structural equivalence (ibid.: 148). Within the field, analytically distinct coercive, mimetic and normative isomorphic processes operate to see similar forms and approaches respectively forced upon, copied or professionally encouraged, often – echoing Meyer and Rowan – taken up without an iota of evidence that the qualities and properties being replicated are in any way instrumentally effective. "To the extent that organizational effectiveness is enhanced, the reason will often be that organizations are rewarded for being similar to other organizations in their field" (ibid.: 153), even though adopted norms are often even decoupled from actual behaviour.

Most applications of Powell and DiMaggio's work have centred on commercial organisations, but understanding the 'environment as institutional force' clearly merits broader application, including civil society. Barnett understands humanitarianism as an institutional field within which "organizations, desirous of symbolic and material resources and exposed to the same environment, will tend to adopt the same organizational forms" (Barnett 2005: 729). The depiction of the aid industry as a non-profit industrial complex opens the way for introducing this observation into aid and development more broadly, and understand the dominance of the formal organisation in

civil society activity and its effects on social movements – NGOisation – as a particular token of institutionalisation<sup>13</sup>.

Sociological institutionalism successfully prevented theoretical colonisation of institutional approaches to organisation by the neo-utilitarian theory of the firm, enabling culture to displace calculus. However, what is deeply problematic in the above sociological accounts of institutions and organisation is that the purported relationship between the institutionalised agent and their institutionalised environment collapses into a unity. The isomorphism between the organisation and its environment – principally constituted by other organisations – erases the agency of the organisation. Despite this identity apparently processed by reflection, all the heavy lifting is accomplished by “institutionalized environments” into which “organizations tend to disappear as distinct and bounded units” (Meyer and Rowan 1977: 346).

The transformation of agents into institutional dupes is due in no small part to the inability of empiricist methodological inability to theorise beyond collected sense data. Although Powell and DiMaggio claim to identify real *causal* processes behind isomorphism, they are wedded to an understanding of institutional isomorphism which is exhausted by generalisations of the behaviour of actors. This is a common but egregious error, well described by Fleetwood:

*One of the most common mistakes in social science is to confuse the temporal sequence involving agents, the socio-economic phenomena they draw upon, and the resulting action/outcome. It is, for example, extremely common to find institutions conceived of*

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<sup>13</sup> I understand NGOisation as an institutionalisation process. As I show later through the example of Myanmar, different socio-historical circumstances mean the institution is realised in quite different ways.

*simultaneously as phenomena that causally influence agents' actions, and as patterns of agents' actions, typically in the form of regularities* (Fleetwood 2014: 246).

The result is a confusing conflation of the institution, agential routines and structure, a conflation that both stands in for and in the way of a causal description of relationship between what are distinct, real social elements. By virtue of this error, DiMaggio and Powell's purported "mechanisms through which institutional isomorphic change occurs" are merely a description of the phenomena to be explained (1983: 150). What was originally the explanandum now appears as the explanans.

Both these iconic papers draw attention more widely to the undoubted importance of cultural and political change in the dominance of formal organisation across society. Below, I argue that a critical realist understanding of structures, agency and the institution can better grasp the ontology of social change at the meso level and allows it to be more readily connected to dynamics at other levels of abstraction. Allied with insights from historical institutionalism and political economy, a critical realist understanding of a stratified reality makes it well-placed to understand – without conflation – the different layers of structural, agential and institutional dynamics involved in a process of social change like NGOisation. Below I examine recent critical realist attempts to understand institutions and institutionalisation, identifying their insights and their lacunae, before presenting my own version.

## Critical realist approaches to institutions and institutionalisation processes

Given its restriction to ‘underlabouring’<sup>14</sup>, there is no special critical realist version of institutions. Critical realists approach a purported institution as any other entity – with a concern for constitution, emergent properties and causal mechanisms through which they affect the world and a recognition that their *sui generis* powers operate amongst other social mechanisms in open systems. Towards the end of this chapter, I detail the method by which an institution can be identified, explained and its causal powers assessed in practice, using specific critical realist modes of inference to “[describe and conceptualise] properties and causal mechanisms generating and enabling events, making things happen..., and then describing how different mechanisms manifest themselves under specific conditions” (Danermark et al. 1997: 74). Given that realist method and epistemology is driven by ontology, we must embed the kind of causal account required by critical realism within institutional theory – and, having offered further evidence for an institutional character in the tendency towards NGO formation, to NGOisation – whilst avoiding the difficulties seen above.

Our initial sociological understanding of institutions directed attention to “that [which] introduce[s] a prescriptive, evaluative and obligatory dimension into social life” (Scott 2008: 54)<sup>15</sup>. Classical, Durkheimian sociology saw the causal power of norms inhere in society and culture itself. On the other hand, the *felt compulsion* that characterises norms is, by definition, subjective. Thus Elder-Vass asks “what form can culture take that is external to individuals and also able to influence their beliefs?” (Archer and Elder-Vass

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<sup>14</sup> The notion of underlabouring in this context centres on the status of critical realism as “a metatheory or ‘philosophical ontology’, rather than a ‘scientific ontology’ which tells us what structures, entities and mechanisms make up the [social] world” (Archer 1998: 197).

<sup>15</sup> Scott’s definition begins with “rules”, which is perhaps unnecessarily restrictive given the range of forms that normative prescriptions can take.

2012: 99). What are “the precise social entities responsible for the causal influence of normative institutions and the mechanisms by which they acquire these powers” (2010: 116)?

Similarly, Fleetwood sees agents “acting within a social environment consisting of [external] rules... that influence our intentions and actions” (Fleetwood 2008: 253). For Fleetwood the normative system is fundamentally different from social structures as the latter do not ‘touch’ us, whereas institutions seem to do precisely that. They can do this because, whilst structures remain ontologically separate from the agent, “an institution is a system of established rules, conventions, norms, values and customs that become *embodied or internalised within agents* as habits or habitus, via a process of habituation rooted in the nervous system” (ibid.: 254). For Elder-Vass, institutions have a similar impact but work through a different process. He sees them as the emergent power of a group or community - a “norm circle”. Parts (individuals) join together and combine to structure an entity, relating through commitment to the norm; the institution *qua* emergent power is the collective intention to support the norm.

*They may support the norm by advocating the practice, by praising or rewarding those who enact it, by criticising or punishing those who fail to enact it, or even just by ostentatiously enacting it themselves. The consequence of such endorsement and enforcement is that the members of the circle know they face a systematic incentive to enact the practice* (Elder-Vass 2010: 124).

This is not a mere pressure to behave that would most likely disappear when circle members’ backs were turned but a reconstitution of agential dispositions. The institution emergent from agential interaction returns downwards to causally affect that agency. This approach is an improvement on Fleetwood’s conception which, despite seeing institutions



constituted in a “system” (often a byword for a complexity of structures), retains the notion of powers *inhering in* rather than *emergent from* this entity – a restrictive retroduction.

Despite their differences, both Elder-Vass and Fleetwood develop Bourdieu’s notion of habitus to make sense of the internalisation of institutions (Bourdieu 1990). Straightforward, linear institution-to-behaviour hydraulics through habitus can easily resemble what Archer (2015: 125) calls a “blotting paper” approach to socialisation. A ritual reference to open systems (more open in Elder-Vass due to persons affected by wider sets of norms) and tendencies rather than regularities alone is insufficient here. For Fleetwood, this is particularly problematic as the institution *qua* norm appears to work directly on agency; in a return to an oversocialised concept of man it also becomes hard to understand how institutions can wither and fade, or be resisted (Wrong 1968). For Elder-Vass the relationship is indirect, allowing space for the institution to develop socially and be subject to the vicissitudes of agency, and indeed for agential reflection on the institution. Dying norms may bring about few or no previously expected sanctions, while underneath this is the structural dissolution of the norm circle as commitments wane.

Yet norm circles do not help us understand *change*. For Elder-Vass, repeated exposure to norms changes neuropsychological circuitry that results in both subjective endorsing and enforcing behaviour; this is based on emergent products of *past* experience. It is difficult to make ontological room both for institutional emergence and for the subjective apprehension of norms in these circumstances. This suits norm circles to synchronic analysis under conditions of structural stability rather than diachronic analysis during structural elaboration (what Archer (1995) calls “morphogenesis”). Used in the latter it does not merely abstract from other determinants but overwhelms them. Although norm

circles offer an answer the question of how institutions work, it is not immediately obvious how it can help with other core questions sociological institutionalism commonly looks to answer. Why, for instance, does a particular institution emerge in the first place? Why, at that particular place and time, did the institution appear to break down, to 'deinstitutionalise'? The effect is that "social structures abstracted lack historical ontological depth" (Roberts 2014: 12).

Once we have admitted a more complex institutional environment, it is only by a particular methodological fiat – the bracketing of structure and agency – that the downwards causality of institutions holds and characterises institutions *a priori*. It is this which gives the norm circle an unwarranted telos for stability or even permanency, ignoring the powers of agency or other entities, even after the possibility of institutional abandonment has already been admitted. As Carrigan (2014) notes,

*There is a gap between what we endorse, encompassing both the reflective and the habitual, and what we enforce, shaped by the particular relational configurations within which different practitioners of reflexivity find themselves entwined and their ensuing orientations.*

An acceptable account of institutions should be sufficiently adaptable to elucidate key aspects of institutional phenomena: this certainly includes the power of normative institutionalisation, but also the emergence of institutions, their *deinstitutionalisation*, variation in the degree of institutionalisation, resistance to institutionalisation and so on. Whilst the idea of norm circles can be drawn upon to explain institutional power at certain points in the institutionalisation process, it is only through examining the diachronic interplay between structures, institutions, agency and reflexivity that a deeper

account of institutional variation, selection and retention can be given. In other words, institutions need to be put in their ontological place rather than assuming they are the fundamental architecture of social reality (Jessop 2001a; Sum and Jessop 2013: 33-71).

## **An alternative: a strategic-relational approach to institutions and institutionalisation**

A more reasonable account of institutional power, satisfactory for the critical realist from ontological, epistemological and methodological perspectives, comes from locating it “in wider sets of semiotic and structural relations and their articulation” (Sum and Jessop 2013: 26). I use Bob Jessop’s strategic-relational approach (SRA) as an overarching epistemology of social change, and with insights from Andrew Sayer, Margaret Archer, Dave Elder-Vass and critical realism more broadly to build a commensurable understanding of two concepts from neoinstitutionalism – ‘logics of appropriateness’ and the ‘institutional field’. Taken together this represents an advance on the approaches discussed above through the production of a conceptual framework with sufficient conceptual potential to explore both the structural and agential components of the institution. Furthermore, it locates this study within a post-disciplinary framework promoted by critical realism.

Jessop offers no special ontology for the institution, instead using the SRA to illuminate institutional processes of social development.<sup>16</sup> Like other realist models of social action (Bhaskar 1979; Archer 1995), agents are assumed to interact with and so reproduce or transform pre-existing social structures, which constrain or enable social action. More

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<sup>16</sup> This was originally designed to shed light on capital or class-centred accounts of the state. This can be seen as a variation on structure-agency dualism, and although, as Fleetwood and Elder-Vass point out, these terms are far from interchangeable, institution-agency can initially be understood as a further variant of their dialectic and the SRA, therefore, offers a suitable epistemology to examine it.

uniquely, the SRA understands structure and agency *relationally*; their relationship hinging around structural privileging of certain actors and ways of acting, and agential understanding and response to such structural bias. Thus, fundamentally, “social structure can be studied... as involving *structurally inscribed strategic selectivity*; and action can likewise be analyzed in terms of its performance by agents with *strategically calculating structural orientation*” (Jessop 1996: 124). Beginning from this premise – and although the SRA’s rejection of an isolationist ontology of institutional elements makes dissection somewhat difficult – I work from structure to agency and culture in order to develop each side and strata of the relationship, elucidating the co-constitution of the institution, its transformation over time and the all-important socialisation or conditioning of the subject.

### **Structure in the strategic-relational approach**

Structures are here understood as *relatively enduring relations between social positions*. They can exist on a micro scale, such as the relations between professional roles which constitute a firm, or on a macro scale, such as the relations of production that constitute a form of economic organising, such as capitalism. Entities like NGOs appear deceptively simple: however, we have already seen they subsist only within complex relations with the state, and further analysis can show their relations with public law, their beneficiaries, donors and so on. Neoinstitutionalists have termed these systems of relations institutional fields, a concept variously described in recent decades of sociology and institutional writing, most notably by Bourdieu and his usage that brings together totalities of actors and their “objectively defined relations” across culture and society (Wacquant 1989: 39). Similarly, Meyer’s action context, meanwhile, “identifies the

specific social actors who, enabled and constrained by a set of macro-, situated, and field-level identities, are connected by relations of *interdependency*”<sup>17</sup> (Delmestri 2009: 132).

The social structure itself can be understood as an outcome of relations between social positions, internally constitutive of identities “in that what the object is is dependent on its relation to the other” (Sayer 1992: 89). For example, the landlord-tenant *structure* defines the social identities and composite qualities – notably, its powers and its vested interests – of social positions within property rental systems. Moreover, “different (and antagonistic) interests... conflicts within society, and hence... interest-motivated transformations” are relational, located in social structure (Bhaskar 1979: 52-53). This approach to understanding a subject therefore sees it, and its various properties, constituted in a web of social relations. It is in this tradition that I continue to use the term ‘field’, using it to refer to a latticework of relations constituting a structure with emergent selective powers rewarding certain strategic approaches (and thus employing it specifically in an institutional sense).

This latticework is an outcome of earlier social actions, *pre-dating and confronting the actor as objective*<sup>18</sup> *reality*. Confrontation here is employed metaphorically, as what is most likely to be ‘felt’ by actors are certain effects of structural selectivity, the privileging of “some actors, some identities, some strategies, some spatial and temporal horizons, some actions over others” (Jessop 2001a: 1223), as agents attempt to realise projects motivated by structurally-fostered interests<sup>19</sup>. It is by virtue of the impact of these structural mechanisms that the institution appears in a particular area of social life as a

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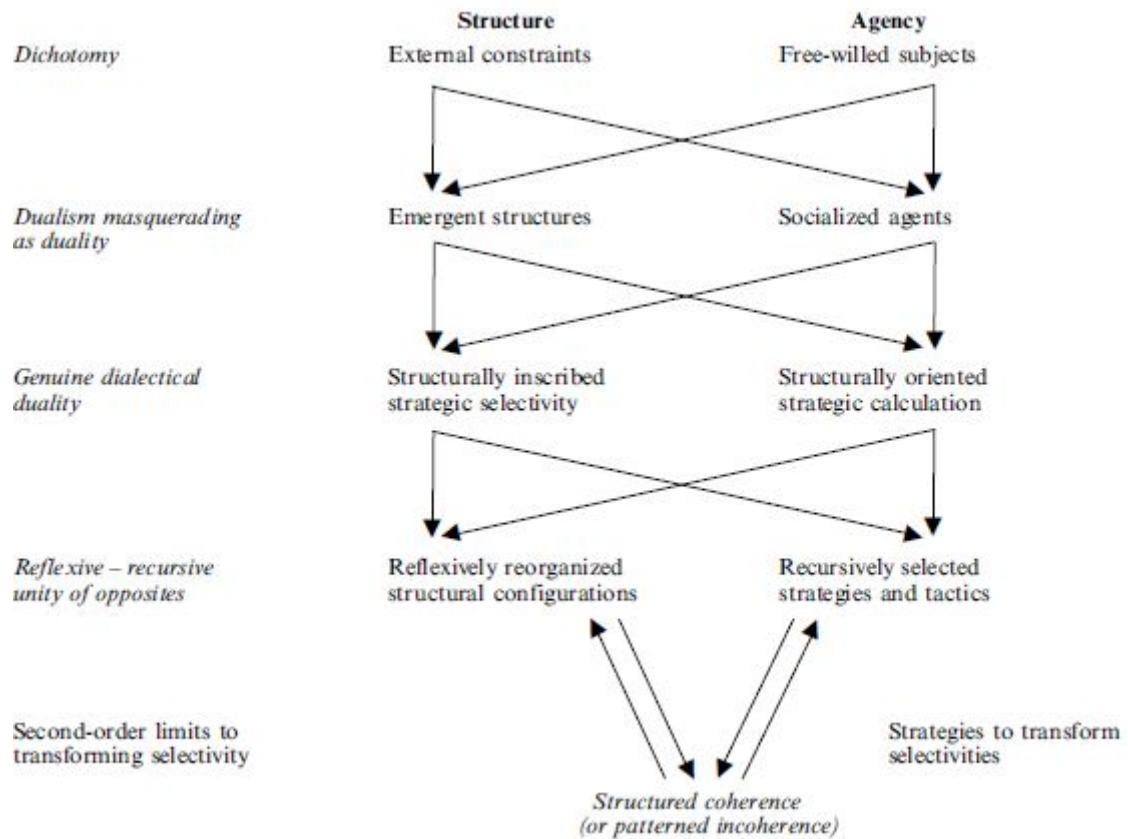
<sup>17</sup> Highlighting structural identities and interdependency here is helpful, so long as we understand that interdependency does not entail symmetries of power.

<sup>18</sup> Throughout this work, I take objective to mean “‘pertaining to objects’, as distinct from subjects and refers to the nature of things regardless of what we or others may think about them” (Sayer 2000a: 58).

<sup>19</sup> The NGO, for instance, located in a latticework that includes structural relations with donors and government, will look to raise money from and keep good relations with the former, and perhaps criticizing (but staying legal in the eyes of) government and the state. These material and ethical aspects are explored in Chapter 4.

strategic context or terrain, forming (in part) by virtue of the strategic selectivity of structures and the particular agential strategies better suited to prevailing institutional circumstances than others (structurally-oriented agency). *Figure 1* shows how these are in dynamic, dialectical relation with one another, evolving (and, also, unravelling in deinstitutionalisation), creating an institutional history, “path-dependent, emergent phenomena, recursively reproduced through specific forms of action” (Jessop 2001a: 1230). As strategic actions compatible with structural prejudices tend to be rewarded, a reinforcing circularity reproduces the institutional field.

Strategic selectivity and structural orientation can therefore be understood as mechanisms in the critical realist sense: causal powers or capacities emergent from particular organisations of parts. However, the agential capacity to gain a ‘feel for the institutional game’, modifying and adapting strategy to in-built contours of the system, is tactically challenging, as legacies from the outcomes of earlier institutional interactions limit agential ability to recalibrate itself (or to challenge structures and work for their rearrangement – see below).



**Figure 1:** Bob Jessop's strategic-relational approach to the structure-agency dialectic (Jessop 2001a: 1224).

## Norms and logics of appropriateness

I will work within this Jessopian institutional frame as the dialectic of structurally inscribed strategic selectivities and structurally oriented strategic calculation is a powerful, useful epistemology to grasp the ontology of stability and change in civil society actors. But as Sum and Jessop note, institutionalisation “involves not only the conduct of agents and their conditions of action, but also *the very constitution of agents, identities, interests and strategies*” (2013: 65). Precisely how agential constitution or institutional conditioning proceeds is therefore of central importance; whilst the SRA unpacks the forces involved, we need to investigate the socialisation process itself in closer detail. Taking the normative content of institutions seriously means finding a place for some of the core material of neoinstitutionalism, including conventions, values, beliefs, modes of

calculation – in short, for the socialisation which results from the *collective* sense-making involved in getting to know and work with particular structural selectivities. Having focused on structure, I now restore balance to the institutional framework developed thus far by seeing the concept of a logic of appropriateness through the lens of Margaret Archer's approach to cultural conditioning. This helps elaborate Jessop's notion of structural selectivities to yield *a culturally mediated structural orientation*.

## **The logic of appropriateness**

The notion of a logic of appropriateness (LoA) captures well the normative topography I wish to emphasise in the institutional dialectic. A LoA says that to

*act appropriately is to proceed according to the institutionalised practices of a collectivity and mutual understandings of what is true, reasonable, natural, right, and good. Actors seek to fulfil the obligations and duties encapsulated in a role, an identity, and a membership in a political community. Rules are followed because they are perceived to be adequate for the task at hand and to have normative validity* (March 2008: 193).

This widespread approach to the LoA draws from hermeneutics and Winch-inspired, Wittgensteinian social theory (Sending 2002). However, as appropriate behavior follows institutionalised practices, the concept appears circular, and once again threatens to turn agents into institutional dupes, "trapped in the narratives that one has learned... to create and live by" (Harre 2001: 26). At the same time, the LoA appears to capture something fundamental and important about the 'givenness' of much routine social life, such as how procedural norms associated with project cycle management are now an integral part of what it means to undertake development and human rights work.

An approach to the LoA more commensurable with realism would see it as an abstraction of knowledge from outcomes of earlier SRA dialectical processes i.e. from the sets of



intelligibilia associated with past structure-agency outcomes. These might include ideas, beliefs, routines, problem-solving logics, technologies, solutions, formations and so on. In Archer's words these are part of "the environment of contemporary action", mediating agency as an "objective influence which conditions action patterns and supplies agents with strategic directional guidance" (Archer 1995: 196). Whilst the idea of actors reflecting on structural selectivities carries an air of scholastic fallacy (Bourdieu 2000), making more familiar things objects of reflection is more realistic especially in times of morphogenesis, as DiMaggio and Powell (1983) showed with the prevalence of mimesis and isomorphism in circumstances of uncertainty.

These logics are encountered in the institutional context in which agents act. Bourdieu (1977), for example, maps out contexts as networks of relevant relationships, while Stones takes seriously the hermeneutics of an agent's "practical action horizon" within networks of position-practices (2005: 87-94). Such networks have also been understood as "communities of practice" (Wenger 1998); they offer learning and reflective opportunities by virtue of being a setting for the daily interactions and routines of similar or related entities – in other words, they are institutional carriers. To take an example from this research, the project and its associated routines such as report writing and financial management are necessary – and to some extent, primary – in the modern labour of democracy promotion and human rights protection. By insertion into this institutional milieu, it is not just these practices that are acquired; at a normative and ideational level, human rights and democracy promotion come to favour a particular agential form and norms.

The practical requirements of 'getting on' in a community of practice are contingent socio-cultural prompts to access an institutionally-relevant subset of items in the "corpus of ideas" that composes the cultural system (Archer 1995). These cultural emergent

properties (CEPs) “are objective and are the product of previous generations of thinkers and the causal relations pertaining to those thinkers” (Thursfield and Hamblett 2004: 114). When this corpus of knowledge *qua* LoA is accessed, it is a generative mechanism with the causal power to enable or constrain action. It offers qualitative guidance for structurally-oriented action, an invitation to orientation through extant practical solutions that can, nevertheless, be refused, challenged, transformed, ignored or misunderstood, depending on agential projects<sup>20</sup>. For NGOs, these cultural products might include “methodologies for calculating results, abstract rules to guide standardized responses, and procedures to improve efficiency and identify the best means to achieve specified ends” (Barnett 2005: 729), and also, less tangibly, underlying assumptions e.g. that these approaches rather than direct action against government are the way to perform human rights and development work.

Importantly, the conditioning of the actor is achieved not by enforced action, or absorption (both suggesting determinism), but by supplied *reasons for action*; it is the agent-in-focus that turns outcomes of everyday encounters into a learning object and his / her interaction that activates their causal powers, not the object itself, meaning that a problematic reification is avoided<sup>21</sup>. I am not therefore suggesting that a logic with causal powers somehow materialises and obligates certain actions. This operationalises Jessop’s observation that

*the recursive selection of strategies and tactics depends on individual, collective, or organisational learning capacities and on the ‘experiences’ resulting from the pursuit of different strategies and tactics in different conjunctures* (Jessop 2000: 49).

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<sup>20</sup> I use this word in the Archerian sense, broadly meaning ‘planned actions’. In later chapters it will also refer to the technical intentions of development actors.

<sup>21</sup> “As [actors] weigh them in the balance, [objective] costs and penalties tip the scales in one direction, meaning that countervailing concerns would have to be strong enough to outweigh them” (Archer 1995: 209).

Situations and agential capacity vary widely in the concrete. In remarking on the “relative variations in the ontic manifestations of general ontological concepts”, Rob Stones invites us to appreciate how qualities of agency such as knowledgeability, reflexivity and strategic thinking are matters of degree, and that this variation between actors can make a difference to outcomes (Stones 2005: 78). From another angle, if actors can only access a limited set of cultural points in which the LoA inheres, if they do not move within particular social circles, they will have little understanding or awareness of developments in logics of appropriateness. This variability of capacity in the face of institutions will be important when exploring the different outcomes of NGOisation. Different groups of human rights defenders seeking resources for varied activities may encounter the same ‘solution’ in the form of a donor-grantee fiduciary structure, but may differ in ability – or inclination – to respond. This is a more reflexive way of understanding similar points made by Fleetwood (2009) and Elder-Vass (2010) regarding the importance of proximity for habitus. Actors with different capacities, histories and interests are differentially affected by (and are differentially effective upon) selectivities, and the LoA ‘answer’ is always contested and contingent, shutting the door on institutional dupes.

### **Culturally-mediated interaction with structural selectivities**

Although structural selectivities are most readily, though fallibly, grasped by actors through norms visible and understood once interacting in the system, *contra* Giddens (1979) such rules of thumb are not structure. Like the institution of the norm circle, the LoA is an emergent entity - a compendium of received wisdom of structurally-oriented calculations with its own powers to affect agency via reflexivity. Structures, on the other hand, are here understood as enduring relations between social positions. Although presented here as somewhat fixed for didactic purposes, structures change, norms change, thanks primarily to agential action. It is important to understand clearly the

relationship between the two institutional levels described, viz. the enduring social relationships constituting the institutional field, and the norms, conventions and values of the LoA, and its dialectical relationship in the creation of the institution.

Given the identity “built into a social position by the relationship of that position to other positions in the system” (Archer 1995: 204) its occupants have particular vested interests and pursue culturally mediated courses of action to meet them. For example, someone is structurally a tenant by virtue of his occupation of a property relation; they will maintain their tenancy by acceding to certain associated norms such as paying the rent on time, keeping the place clean and so on. Moreover, unless one is the *kind of person* who can accede to these norms e.g. has a steady job and a bank account, then one is unlikely to become a tenant at all. This is the mechanism of selectivity, an emergent property of the structure, operating differently on differently endowed subjects.

In this sense, the LoA can be seen not only as disseminating information on simple norms like the correct way to shake hands, but reinforcing fundamental identity-constitutive relations encoded in structural selectivities. At this level my focus is therefore on the institutionalisation of the subject, occurring by virtue of selectivities for the *kind of* entity that can subsist in a given (pre-existing) field position and the agent’s varied awareness and response to those selective mechanisms. It is the institutional work which takes place on the entity that shapes the adequacy of the entity for that role, not the existence of the role itself as per crude functionalism or role theory.

Reality is, of course, complex, and institutional life is not simply made up of interactions internal to one institution but also of causal interactions *between* them. As heuristically useful as it is to proceed on the basis of a simple one-to-one dialectic, whether the real mechanisms of “a potentially unstructured complexity” are unified in a “structured coherence” is not only down to reflexive reorganisation of strategic selectivities – a

dialectical unity of structure-agency – as Jessop highlights (2001a: 1225), and the ontic variation of agential capacity to accomplish this, but is also a function of the complementarities or contradictions between elements of institutions themselves. “Practical exigencies” (Archer 1995: 215) created by “second order emergent properties of compatibility or incompatibility” (ibid.: 201) in institutional ensembles which will “hinder [or help] the achievement or satisfaction of [agents’] vested institutional interests” (ibid.: 215). Compatibilities or contradictions arise between institutionally adjacent norms, beliefs and ideas, while structural synergies appearing or being disrupted between different areas of social interaction.

In these situational logics, tension or congruence between cultural logics and material structures can become apparent. To return to the landlord-tenant relation above, proof of UK residency is now required for tenancy agreements. Such a change in structural selectivity will be refracted in the cultural system e.g. predatory landlord practices arising to service undocumented migrants. The intrusion of utilitarian calculations onto moral economies can result in incongruencies and ethical dilemmas. For example, when the structures and norms around childcare and modern employment institutions graze one another, it is not only systemic incompatibilities which are revealed (for Archer, a function of material relations) but also “the extent to which needs and virtues get compromised in the process” (Sayer 2000b: 93). This highlights the importance of values.

## **The place of values and ideas**

Whilst the social theory above might provide an epistemological frame to grasp aspects of social reality, it says nothing about why the goings-on in this world should motivate or matter to people, nothing about what we value and how we come to value it. For a thesis in which the main protagonists were imprisoned for decades for standing up for human rights, this would be an unacceptable omission; however, the subjective quality of values

appears out of step with the realist view presented so far. Yet far from being irreducibly subjective, Andrew Sayer (2011) has shown how values have an irredeemably *objective* element to them. Sayer understands values as relational phenomena, as “sedimented valuations” (2011: 25) emergent from the history of *evaluative stances* taken by people towards the world. Our relations of care and concern towards the world generate attitudes and dispositions, becoming part of our selves. Values, therefore, “while in one sense... subjective and personal... *are* fallibly related to objective circumstances and events” (ibid.: 28). Our interaction with the everyday world, on this account, is a relation with a world of concern. Hence, the suffering that the civil society activist desires to ameliorate or the authoritarian government she seeks to depose for freedom or equality involve “‘action-guiding’ or ‘world-guiding’” causal qualities that motivate behaviour for change (Jessop 2000: 44).

Another reason values are not exhausted by their subjective component is because our experience of the world is mediated by prevailing social and cultural attitudes. Institutions therefore provide a social context for the acquisition and contestation of values. This does not mean they are “merely ventriloquized by social discourses” of the institution (Sayer 2011: 27), but insofar as institutionalised actors share communities of practice and normative orientations then similar values can arise by virtue of a similar relation of concern and commitment to the world, something especially visible in political action. Yet this can be a dangerous assumption to make, especially between actors occupying different structural positions, and the wider we draw the boundaries of a community of practice the more likely it is that an apparently shared world of concern will actually fragment. For example, a grant for a civil society project superficially indicates a common outlook between donor and organisation, but different structurally-defined interests make this a hasty assumption.

Broadening this point, a logic of appropriateness and institutional norms are only fallibly related to agents' values, and can themselves become objects of evaluative assessment and prompts for collective action in defence of what matters. This is because institutions can have certain undesirable or unexpected outcomes that conflict with values. Such contradictions and the never-fully-closed circuit of institutionalisation highlights the crucial point that actors "can reflexively reconstitute institutions and their resulting matrix" (Jessop 2001a: 1226). On the other hand, social, cultural, political and even physical or environmental change may fundamentally alter the objective reality against which values were developed in the first place – for example, commitment to violent action may seem outmoded following state concessions. Again, whether common ground can be found and an acceptable institutional ensemble maintained, or whether values themselves are reappraised (all more likely to be a matter of discussion in human rights and democracy work than in other social activities) is a contingent, socio-cultural matter.

As values are closely related to beliefs, theory and reflection can play an important enabling role in the direction socio-cultural change takes. As the globalisation debate of the 1990s and 2000s showed, major societal change is commonly accompanied by developments in theory and explanation. It is therefore an uphill struggle to not merely explain material or ideational development but also to critique it. As Elder-Vass reminds us, the relations that sustain societies are, fundamentally, "intentional relations: They depend on the beliefs and dispositions that individuals hold, and in particular on the commitments to each other that these entail" (2012: 20), even if emergent structural powers are encoded materially. Unlike the relationship between our beliefs and the physical world, where the mental is radically separate from the physical, beliefs are a critical component in the reproduction of social stuff as they stand in close relation to, and partly constitute, their object (see Collier 2003: 131-157). Taken-for-granted beliefs that make up the logic of appropriateness and the structures and systems formed by

social relations are shot through with ideas about, and implications for, society. If explanation in social science is not be ideologically complicit by suspending judgment and presenting uncomprehending descriptions of structures and actions then it must extract these ideas and subject them, and the standpoints from where judgments are made, to critical scrutiny.

Gramsci conceived such interrelations in his analysis of the formation and use of state power and, following from Chapter 1, I will use his conceptual apparatus through the following chapters as they powerfully extend the ontological and epistemological frame set out above. In his analysis of the persistence of elite rule under politically emancipated conditions, Gramsci saw this accomplished with the active consent of dominated – or subaltern<sup>22</sup> – groups by way of hegemonic leadership throughout the social realm, which could be secured through the diffusion of certain attitudes, beliefs and moralities (Gramsci 1971: 244). These can be seen to subsist in common apparatuses and practices of society, which yield a “consensual diffusion of a particular cultural and moral view throughout society and its interconnection with coercive functions of power” (Morton 2007: 95). Attempts to cultivate hegemony are promulgated by intellectuals who organise and diffuse ideas in order to cement a reciprocal relationship between the ethico-political and economic structures – constructing complementarities between economic, political and social life into a historic bloc. It is by these means that state power is secured and, *a fortiori*, a class leads and dominates.

Translating Gramsci into the institutional and critical realist parlance employed above, we can see how logics of appropriateness are secreted through everyday practice, and

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<sup>22</sup> Whilst ‘the subaltern’, like many of Gramsci’s concepts, took on different meanings according to the different problems to which he directed it to illuminate, in this thesis I use it according to what Liguori has called Gramsci’s first sense – “disaggregated sections of the population, politically (and therefore culturally) marginalized, whom he judged to be ‘at the margins of history’” (Liguori 2015: 129). Prior to political reform in 2011, this includes the bulk of Myanmar’s population; opposition leaders can therefore be understood in this sense as subaltern leaders, although sometimes allied with bourgeois class interests.



discerned and acquired by agents as they go about their work in their communities of practice. Such cultural mediation serves to ensure that work is more or less adequate or effective with relation to the wider social formation, responsive to its structural selectivities and tending to reproduce them rather than overcome them. Yet any cosy cohesion between beliefs and structures cannot be taken for granted; as Gramsci noted and neo-Gramscians like Jessop insist, the *relative* autonomy of the superstructure from the economic base, of beliefs from structure, of consciousness from social being, opens the way for an alternative discursive mediation of the interactions between these two strata (Jessop 1982; 1990). Subaltern intellectuals engaging in counter-hegemonic struggle, in a war of position on the plane of politics and political values, means that any culturally-mediated structured coherence is only a tendency. Counter-hegemonic projects can involve logics *inappropriate* for the dominant structural field on which logics of appropriateness are based; in other words, political agency may play a key role in the construction of generative mechanisms to transform the established power of institutions (Joseph 2002: 125-145).

With this in mind, below I consider NGOisation through the lens of the institutional account given above, prior to further developing this approach through empirical investigation and explanation in subsequent chapters.

## **Application of institutional thought to studies of NGOisation**

Despite only occasionally making explicit reference to institutional thought itself, recent historical-political studies of NGOisation (which, relative to the scale of the phenomena, are scant) explore the kind of social phenomena well-suited for this line of enquiry: the causes, experiences and consequences of the expansion of a certain kind of behaviour, strategising and organising. Whilst studies from a variety of theoretical perspectives have provided rich accounts of NGOised civil society and civil society agency's location in

*particular* circuits of political power<sup>23</sup>, for a variety of reasons – particularly the underdevelopment of a clear ontology of social causality – theories of and approaches to NGOisation have tended to be one-sided with regard to the institutional dialectic.

For example, social constructivist and discursive accounts have tended to foreground agency over social structure. This is evident in Shrestha and Adhikari's argument that NGOisation is a product of a certain *performance* of politicality (2011), and in Ebrahim's Foucauldian account, which overwhelmingly sees "the actions of NGOs as being structured by development discourse" with actors using their "perceptual frames" to "filter [discursive] information and stimuli from their environments and organize it into worldviews" (Ebrahim 2003: 112). Such approaches can be causally confusing – either the agent is all-powerful in that NGOised institutions are their creations, or the creations and discourses are all-powerful so that agents are its creations, with politics 'getting inside' an entity.

Pulling in the opposite direction are structural accounts drawing from political process theory, which ties the emergence of openings for NGOised agential action to state change at the national and international level. Reimann, for example, highlights "top-down" factors which have led to "the creation of new international institutions" and their provision of "new political opportunities and incentives to organize" (2006: 48). Whilst Reimann goes on to cite the dissemination of a "pro-NGO norm" (ibid.: 58), with little room for agency the normative stuff of institutions can only belong to structure, which does all the causal heavy lifting.

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<sup>23</sup> I emphasise this point as actors and their projects are always located in a circuit of power. Institutions are everywhere, but NGOisation is a politically distinct institutionalisation project.

The NGO boom of the 1990s and 2000s led practitioner-academics observing change from the standpoint of grassroots social movements, especially in Latin America and South Asia, to foreground the political economy of neoliberal development in accounts of NGOisation. Resulting sociological and anthropological accounts of NGOisation drew attention to the professionalisation and depoliticisation of once radical actors and its connections with accompanying profound economic change. Alvarez (1999; 2009) examines the advent of NGOisation and its fracturing of a once vibrant feminist movement in Latin America. It stems from “global neo-liberalism’s active promotion and official sanctioning of particular organisational forms and practices among feminist organizations and other sectors of civil society”, leading to “[s]tate, IGO and IFI promotion of more rhetorically restrained, politically collaborative and technically proficient feminist practices” (Alvarez 2009: 176). Murdock (2008) highlights similar factors. These accounts tend to be deterministic, as the irresistible but disconcertingly nebulous force of neoliberalism negates the agency they are seeking to defend and renders analysis practically unnecessary (Townsend et al. 2002; Petras and Veltmeyer 2005). Later work in this vein recognises such difficulties and returns both the power of agency (Alvarez 2009) and recognition of the contingencies involved in local struggles. This is evident in Choudry and Kapoor’s publication of collected investigations of NGOisation worldwide (2013a), which attends “to the variety in NGO and other organizational/movement types and formations in varied contexts of resistance and mobilization” (2013b: 2).

However, resisting the temptation to posit a “21<sup>st</sup> century Iron Law of NGOization” (Alvarez 2009: 182) need not be at the cost of imprecision about social change: appreciating “that the term NGOization, and the urgency of particular concerns about this phenomenon, may indeed differ across contexts” (Choudry and Kapoor 2013b: 12) does not preclude investigating causal relationships nor entail that no general understanding of NGOisation as a causal process can come from situated investigations. Causal accounts do

not demand positivist, Popper-Hempel covering law generalisations which obliterate contingency, values and identity. Elucidation comes from identifying the structures, mechanisms and emergent properties that generate causal relationships but which are activated (or not) and shaped in concrete circumstances. In an attempt to open the way for grounded accounts of NGOisation to be more richly theorised, I have outlined a dialectical ontology of the institution based on a strategic-relational approach to structure and agency. On this critical realist account, professed 'characteristics' of NGOisation such as professionalisation and bureaucratisation are empirical phenomena which – if present – require causal explanation. Yet their absence does not mean that the causal mechanisms associated with NGOisation are not present, but rather that these powers are not activated or are counteracted by other powers, affected by ontic variations found in the history of organisations and the state, or negated by value-laden reasoning and actions.

The critical realist approach to this research therefore contends that *institutional causal dynamics involve a duality of structure and agency which ontologically converge but can, and must, be analytically separated and examined for causal explanation. Objects of earlier outcomes in the form of culture and values constitute a medium, which, through agential interaction, the move from an idea – a project – to promote and protect democracy and human rights to an actual concrete formation and ways of acting is made and reproduced. The process of realising projects on the institutionalised terrain of civil society involves causal factors that reward a particular form of agency and the strategies it is capable of. With regards to NGOisation, we are investigating the institutional privileging of the NGO.*

The theory presented above describes the ontological and epistemological commitments and key analytical concerns of a critical realist-inflected institutional analysis of

NGOisation; it does not, however, offer much in the way of guidance for empirical investigation. Below I translate the theoretical framework into a methodology for investigating concrete institutional phenomena, in the particular form of NGOisation.

## **Operationalising theory: Critical realist research design and the case study**

In the strategic-relational approach (SRA), structures are understood to have particular strategic selectivities. Emergent mechanisms or powers favour particular configurations, behaviours, practices and projects developed by agents. Examining and explaining NGOisation will therefore demand the depiction of the structural field encountered by human rights and democracy-promoting entities and an exploration of the processes by which structures select for and reinforce institutionally-related interests, yielding NGOising tendencies that impact agential form, practices and values.

Unlike conjunctions of observable events, however, structural relations are not so readily accessible, let alone measurable, putting critical realist explanation at risk of indulging in convenient just-so stories conjured from the fertile academic imagination. Yet whilst critical realism emphasises how “theorizing is an inherent and absolutely vital part of the research method itself” (Danermark et al. 1997: 3), this in no way entails downplaying empirical investigation; nor, however, does it lead to an obvious method and techniques for empirical investigation. Rather, critical realism is unequivocal in holding that ontological commitments must guide epistemology and methodology.

Although deployed by social scientists of all methodological persuasions, case study – “an intensive study of a single unit for the purpose of understanding a larger class of (similar) units” (Gerring 2004: 342) – has been called “the basic design for realist research” (Ackroyd and Karlsson 2014: 23). Accentuated by critical realist metatheory, case study

contradicts the positivist notion that this research design gains scientific credibility through “choosing cases that are especially representative of the phenomenon under study” (Gerring 2004: 347) or when it results in data that can “expand and generalize theories” (Yin 2003: 10). This is because, firstly, widely varying contingencies in open systems mean there is no representative case which stands for the phenomenon in general, and secondly because inductive logic cannot describe the explanatory impetus driving realist research. For the realist, the goal is to lay bare mechanisms of causal necessity rather than to develop universal covering law-type statements. Realist case study therefore leans more toward *intensive* rather than *extensive* research. It seeks to identify the “substantial relations of connection” entered into by social agents and the emergent properties of these relations, thereby illuminating interdependencies between social positions and causal mechanisms generating – and, hence, explaining – phenomena of interest (Sayer 1992: 88). Any actual mechanism, however, must somehow subsist within particularities of space and time, so exploring its development also means explicating the wider context.

In this research, the phenomenon of NGOisation is explored through a case study centering on a particular nation state, Myanmar. Understanding the possible development and impact of NGOisation is undertaken by separating and examining constituent elements of the institutional dialectic as they develop and interact over time. The case study thus investigates the logics of appropriateness that have characterised civil society agency over the nation’s longer history, and identifies the latticework of relations constituting the structural field that have appeared and affected these agential logics and, I will argue, generated the phenomenon of NGOisation in more recent years. Comparative case studies then demonstrate how the impact of NGOisation on actual organisations is shaped by entity origins, values and other contingent factors.

These different elements investigated within the case and the different explanatory aims attached demand a research design with methodological approaches and analytical devices suitably attentive to the ontology of the forms, processes and relations involved. As Ackroyd and Karlsson (2014: 23) note, “research designs for [critical realist]-research projects have the abductive and retroductive logics of discovery... embedded in them”, and I deploy these modes of inference in field and organisational investigations. Their meaning and application, along with other methodological considerations, are described in detail below.

### **The case study: Identifying structures**

As detailed above, social structures underpin the generative mechanisms of institutions. Accordingly, analysis of their *development* is a key part of this research: as Mutch notes, “attention will need to be paid, if we are to take conditioning seriously, to the formation of the structures within which social interaction takes place” (2014: 226). However, as relatively durable social relations, social structures change only gradually – or, only rarely rapidly – over time. Connecting these points, Ackroyd and Karlsson (2014: 32-34) refer to a “generative institutional investigation”, in which attention is directed to the development of emergent generative mechanisms and also to the conditions in which change emerges. Research is both analytical and historical as “[c]ausal connections are sought suggesting the typical way generative mechanisms and contexts have connected historically to produce unique outcomes” (2014: 33). Using this approach the researcher may home in on a particular single case such as a geographical place, as in a regular case study, but within this examine “change in specific combinations of generative mechanisms and their contexts” (ibid.), identifying structures and examining how they combine with historical outcomes to generate, alter or destroy institutions over time (diachronically, as opposed to synchronically).

Within the sweep of time constituting the broader historical context of the case lurk structural developments, whose emergent mechanisms we suspect to generate the institutional phenomena we are interested in. The challenge is to pick out mechanisms from the wider *mélange* of social, political and cultural change – from, for example, shifts in technology, changes in consumption patterns, in governing parties and so on. To a large degree, the process of abduction involved here is a matter of taking on a reliable theoretical guide in order to clarify, redescribe or recontextualise some aspect of phenomena that may already be partly known within a conceptual or theoretical frame that elucidates new aspects (Danermark et al. 1997: 88-95). Possessing “a scholarly knowledge of the object of study in question” is therefore vital (Sayer 2000a: 19).

Chapters 1 and 2 have prepared theoretical ground by critiquing the notion of civil society as a realm of freedom and articulating it as a terrain constituted by particular structural relations that affect – and that are affected by – social agents. In recent history, as a result of structure-agency interactions, NGOs as formalised operations have risen to the fore, with accompanying shifts in actors’ understanding of their role and dominant logics of practice, possibly depoliticising and professionalising subjects. I have suggested this is the effect of certain emergent mechanisms, but have heeding Bhaskar’s advice to “avoid any commitment to the content of specific theories and recognize the conditional nature of all its results” (1979: 6): theory does not specify mechanisms but only provides “parameters of possibility” within which we discover, identify and understand the mechanisms in play, and to reciprocally adjust one’s theory to more accurately represent the dynamics at work (Fletcher 2017: 184).

In taking the development of civil society in Myanmar as the case study, a broad period of historical time was examined – from pre-colonial times, through British conquest in the mid-nineteenth century and through to the present day – but, guided by the theoretical



considerations outlined earlier, data collection and analysis centred on gathering evidence of possible NGOisation and, once noted, the abduction of generative mechanisms. For the critical realist, this typically begins with the identification of empirical “demi-regularities” - events, patterns or tendencies in data which indicate the operation of structural mechanisms (Lawson 2006: 204). Various empirical indicators might suggest the onset of NGOisation: increasing numbers of NGOs, expansion of financial assistance and services for civil society, changes in attitudes towards antagonistic behaviour by civil society actors, and so on. Viewed through the lens of theory, such data may indicate a reorganisation of the structural terrain underlying civil society, and a change in the mechanisms affecting civil society actors.

This does not, of course, provide any new knowledge about *particular* structures. For this, the variation of critical realist metatheory used in this research, the strategic relational approach, supplies principles to guide data collection and analysis to discover structures and emergent mechanisms. As structures are understood to dispose actors to certain orientations in form and practice, the appearance of certain forms of agency or shifts in dominant logics of appropriateness of agents can be used to infer structural change. Qualitative data on practices, on what social movement literature has called “repertoires” (particular sets of tools and techniques available for collective action in a particular space and time, or “culturally encoded ways in which people interact in contentious politics” (McAdam, Tarrow and Tilly 2001: 16)), on adaptations in actors formations, changes in the knowledge and discourse accessed, produced and disseminated by communities of practice, and the consolidation of these communities over time, is therefore particularly instructive not merely as reports or descriptions about agents and agency, but for *what it reveals about the structures selecting for them*.

The logic of discovery used here is *retroductive*, asking what the world must be like in order to explain a certain change between times T1 and T2. This can be furthered by posing counterfactual questions: for example, would the activities that civil society entities engage in be possible if they did not have certain capacities? If not, what constitutes these capacities? What do they depend on? Evidence of particular value can be found in the changing powers and qualities of the civil society actors under scrutiny and the shift in strategic approach these capacities make possible (or even demand) toward actors in other social positions, particularly donors and government. Because the powers, liabilities and interests of entities are inextricably connected to their involvement in material social relations, specific qualitative information about civil society actors can more clearly illuminate the identity of the structures they encounter in the social environment (Sayer 1992: 89).

I deploy this method in a case study of the history of Myanmar civil society, in which I argue for the development of two distinct logics of appropriateness buttressing communities of practice within civil society (Chapter 3), which are later differentially affected by NGOisation. Structural analysis shows NGOising forces to be constituted by the convergence of a number of structural mechanisms (Chapter 4) which are elucidated using the above empirical methods. The process of research involved moving to and fro between these two interrelated areas of empirical data, reinforcing analysis: as evidence indicating changing logics and practice was gathered, so the development of structures that agential strategies relate and adjust to (or possibly resist) would be elucidated. Furthermore, in so doing, the theoretical understanding of NGOisation was further developed<sup>24</sup>.

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<sup>24</sup> The interconnections between these different strands of social activity means that the presentation in subsequent chapters does not necessarily represent the chronological order of the research, nor should it suggest they were undertaken separately.

## **The case study: the differential impact of structural mechanisms**

Research at the field level seeks to discover shifts in the normative orientation of civil society and to consider the structures and forces constituting institutional change. Yet structures only have actual influence by virtue of the projects of actual actors – agential interaction with the former activates the emergent powers of the mechanism. In Vincent and Wapshott's words, a key goal of research therefore is "to understand how micro-level normative practices condition the causal powers of institutional mechanisms which affect the possibilities for action and actor choices" (2014: 162).

Whereas case study analysis of the structural field is restricted to an intensive study of a single unit over an extended period of time, analysing actual interaction at the micro level with mechanisms believed to NGOise focuses attention onto the differing qualities of actors encountering such mechanisms. To understand the impact that such variation makes on the institutionalisation process, in Chapter 5 I undertake comparative case study. Once again, standard method is reconceptualised to fit the metatheoretical premises of critical realist research. For example, Yin states that "evidence from multiple cases is often considered more compelling, and the overall study... more robust" than single case studies (Yin 2003: 46). Whilst critical realists might readily agree, the power of multiple cases for Yin derives from Popperian empiricist methods according to which "we convince ourselves that we are not dealing with a mere isolated 'coincidence', but with events which, on account of their regularity and reproducibility, are in principle intersubjectively testable" (Popper 1972: 23). For the realist, on the other hand, the value of comparison comes from the greater knowledge we gain of the mechanisms under investigation; in particular, the degree to which agency and agential variation contributes to empirical outcomes reveals the power or weakness of structures (Kessler and Bach 2014; Ackroyd and Karlsson 2014: 30-32).

Causal mechanisms will likely manifest impact in a variety of ways, generating a multiplicity of effects, but I restrict investigation to a certain class of research objects. Thus, with overall research focusing on the way the institution of organisation impacts the political orientation of CSOs, I initially select cases on the basis of their similarity, “lightly theorized as suggesting a convergence in process or outcome which derives from the influence of common case features” (Kessler and Bach, 2014: 174). Each case organisation is a politically-oriented (human rights-focused, anti-military, pro-reform) Myanmar civil society entity with its organisational history rooted in logics of appropriateness that, broadly speaking, sought to challenge the existing order. The institutionalisation occurring through the impact of emergent mechanisms should see each shift towards less confrontational, NGOised institutional logics.

However, there are also important differences between the entities examined. Each will be shown to have emerged from different traditions of civil society activity examined in Chapter 3. These differences may be embodied in certain unique properties in organisations or organisational histories so as to affect the outcomes of causal mechanism operations identified in Chapter 4. It is unlikely, therefore, to see homogeneity resulting from the NGOisation process. Furthermore, as the strategic agency of individuals may ‘override’ the effects of structural mechanisms, we might expect differences in values held by individuals in each group to have an effect. Yet these too are not isolated from changes in the objective environment. Selecting for difference here should show how the peculiarities of agency, history and political belief might resist systemic tendencies issuing from structural change.

Comparative case studies here draw evidence from organisational learning experiences and adaptations of strategy, including organisational configurations and normative goals,

taken in response to particular events or (mis)recognition of changing circumstances. This highlights an important discursive aspect to explanation: as Jessop (2000: 44) notes,

*an adequate explanation of a specific historical, cultural or social phenomenon must be adequate both in terms of motivational intelligibility (that is its social meaning for the relevant actors) and its production by the contingent interaction of causal processes in specific conditions.*

In each case study, I explore a thematic area of normative contestation related to NGOisation. I explore the organisation of work into projects ('projectisation'), attempts to embed internal democratic practice as part of a broader radical democratic project, and the fate of civil disobedience. In the course of this contestation, significant turning points appear, moments which may reveal how earlier logics and ideas are "in sync" or "out of phase" with new institutional arrangements (Archer 1995: 66, 71). In this way, I situate what might appear as discrete, individual, micro-events within broader structural change in the politics of Myanmar civil society.

## **Sources of evidence and data collection techniques**

As is common in critical realist case study, research involved theory-driven collection and analysis of a variety of primary and secondary data, using of a range of research techniques that support intensive case study research.

### ***Interviews***

Over fifty one-to-one interviews – totaling around 55 hours – were conducted with practitioners including CSO workers in a variety of positions, donor representatives and consultants on donor-funded civil society development projects. Interviews fulfilled various functions for both field and organisational analysis. For the former, they were a

source of information on key relationships and influential processes, and hence aided the abduction of structures. Information on history and events uncovered the wider social and political context. In addition, interviews provided insight into actor values and perspectives, especially as they relate to the development of logics of appropriateness and communities of practice.

For organisational analysis, interviews were primarily sources of information to reproduce the causal processes involved in key organisational events, helping to “[gain] access... to richly textured accounts of events, experiences and underlying conditions or processes, which represent different facets of a multi-layered social reality” (Smith and Elger 2014: 119). In addition, interviews function also as opportunities for reports on the “inner conversation” accompanying organisational change (Archer 2010), illuminating in particular tensions or congruities between values and wider structures.

Interviews were conducted in English, which, more often than not, was a second language for respondents, yet this presented few, if any, limitations for the research. Practitioners were sought for their involvement with the historical subject matter of the research, for their lengthy participation in civil society activity, and were thus generally, due to more opportunities, those with better English. The danger of this factor introducing a selection bias is offset by interviews being only one of a number of sources of data.

### ***Programmatic documentation***

Documents accessed and analysed were mainly produced by state donor agencies, INGOs and local NGOs active in Myanmar, especially during the 2000s and into Myanmar’s commonly named ‘reform era’ after 2011. Many documents relate to projects and programmes developed for the purpose of civil society strengthening in Myanmar. Papers such as donor programme descriptions are of particular value for field analysis, as these contain details of rationale and programmatic content for working with civil society

actors. Interpreted in a theoretically informed way, these can illuminate changing relationships between local civil society actors, INGOs, donors and the state. On the other side of the dialectic, organisational documentation such as project reports and project proposals, reveal strategic adaptations of organisations in response to structural change. Programme evaluations and even high-level country overviews sometimes give descriptions and assessments (from a variety of perspectives) of current capacities and practices of civil society actors, often in the form of problem statements that describe limitations in organisational abilities or problems in wider conditions that might be alleviated or eliminated through interventions. They therefore provide a further source of information strategies likely to be favourable and, guided by theory, structural change that can make them favourable.

### ***Legislation and government policy***

Many in the human rights community, from field-based practitioners to academics in universities, and even some activists, possess a faith in the creation and enactment of just, fair legislation and legal practice to realise human rights and deliver promised universal goods of justice and freedom. More narrowly, legislation is a key object of analysis for assessing what is often called the ‘enabling environment’ or the ‘space for civil society’. This legalistic approach, however, runs the risk of decoupling law from its placement in broader structures of power and hence overlooking factors which limit or distort its effects (Gordon et al. 2000). Legislation - mainly domestic Myanmar legislation – therefore constitutes a source of information in this research by virtue of the way it directly constitutes or indirectly impacts certain capacities of social actors and shapes the relations between them. Legal change is never simple and unidirectional, making the examination of unintended consequences and interaction with other structures important. An often politically driven interpretation and selective application of laws and

state security powers also offers information as to attitudes towards civil society actors (and vice versa); data such as political prisoner numbers<sup>25</sup> and registration of organisations are, therefore, instructive. Meanwhile, changes in relations may be visible or prefigured by policy announcements, which may affect the legitimacy, constitution and profile of civil society actors.

### ***Secondary data***

I draw on secondary data from a wide range of published analyses of the social and political situation in Myanmar, the development and political economy of the Myanmar state and its civil society, particularly after 1990 and into the reform era. This work not only provides additional factual information, but also helps refine NGOisation theory. Historical and cultural examinations of Myanmar, meanwhile, are particularly instrumental for the identification of repertoires in civil society and gaining a sense of their persistence and relevance over time, informing agential logics of appropriateness and reinforcing or challenging structures of power.

The availability and quality of scholarly literature on Myanmar has expanded significantly since 2012 as political reforms have made the country more accessible to researchers. The underdevelopment of Myanmar's higher education system, however, means that the bulk of this body of work is the product of non-Myanmar writers. However, I also draw from journalism on Myanmar, especially since 2007 when the combination of repression, political events and natural disasters placed the country on the radar of many international reporters, supplementing more longstanding efforts by Myanmar's exile media.

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<sup>25</sup> Prior to political reform, it was common for Myanmar officials to assert that there were no political prisoners in the country e.g. "There are no political prisoners in Myanmar [Burma], and no individual has been incarcerated simply for his or her political beliefs" (U Thant Kyaw, Myanmar Ambassador to the United Nations) (Lalit K. Jha 2010); "We punished them because they violated the law" (President Thein Sein) (Nay Thwin 2011).



### ***Direct participation in projects, processes and events with practitioners***

My research benefited significantly from involvement in civil society initiatives in Myanmar, both before and during the reform era. My occupation of a variety of professional and voluntary roles, involvement in meetings, discussions and programming processes with a wide range of donor and civil society actors offered a vantage point from which to perceive developments in knowledge, practice and attitudes over this time. Along with other interpersonal methods of research described above, this raises ethical questions.

## **Research ethics**

Whilst Bhaskar's naturalism centres on the "essential unity of method between the natural and the social sciences" (1979: 3), differences in their objects of investigation necessitate specific practical considerations. Investigating social reality inevitably requires interaction with agents and their constructions, their beliefs, values and lives. Disseminating findings also affects the social world. It becomes incumbent on researchers, then, to consider and manage the likely impact of their activity and to respect another feature unique to social science; namely, that its objects bear rights<sup>26</sup>.

Whilst the search for causal mechanisms means the wider context may often be bracketed, its features provide the setting for research and therefore demand practical attention. Research in Myanmar provides a perfect example: for decades, Myanmar has gained notoriety for the brutality and intransigence of the military regime that took power in 1990. The violence of its interminable rule resulted in systematic human rights violations and thousands of imprisoned human rights and democracy activists. Because affected individuals, their organisations and stakeholders are at the heart of this work,

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<sup>26</sup> Here I somewhat inevitably combine the two main strands of Western ethical thought, consequentialism and deontology.

considering the practicalities and consequences of research in light of exacting political circumstances is crucial. When participation might lead to physical or psychological harm, ethical protocols on informed consent and protection of the anonymity and confidentiality of subjects take on significant additional weight (Glasius et al. 2018: 25-26; Sriram et al. 2009).

However, even in Myanmar social and political conditions admit of historical and geographical variation. By the time of theoretical development and secondary literature consultation in 2013, there were already a plethora of CSOs working openly on political issues. Continued improvement in conditions for civil and political rights, certainly in Yangon, made for an environment more conducive for safer interviewing and data collection in 2016 and 2017: present and past activity of human rights organisations was by then quite public and often undertaken with the cognizance of government, even when articulating strong opposition. Yet participation in research had not suddenly become risk-free and consequentially insignificant; rather, the composition of risk had altered. Interaction with a wide range of actors revealed that, while political dangers would never vanish entirely, the primary concern for CSO workers were livelihoods, organisational sustainability, relations with donors, friendships and reputations.

Research ethics were thus “situated” and enacted in these circumstances (Piper and Simons 2005: 56). Information sheets detailed institutional details and purpose of the research, enabling subjects to weigh up the pros and cons of participation before providing written consent to interview, or granting access to organisational documentation. The subject’s right to withdraw at any time, to not participate or answer a question was clearly articulated. To ensure confidentiality, data was securely retained on encrypted USB memory sticks and not shared. Later, steps were taken to protect privacy and confidentiality through anonymisation of published data, using pseudonyms

or generic descriptive titles (Wiles 2013: 25-54). Nevertheless, subjects were warned of the potential of identification by readers with suitably detailed knowledge of the organisations and individuals at work in Yangon over the period of research (see Johnson 1982: 85-86). This inescapable possibility redoubled the importance of an “ethical proofreading” of data, a self-censorship emergent from a more fundamental ethic to avoid publishing “negative information that would devalue individuals and groups” (Laine 2000: 178).

Extensive travel in Myanmar and over a decade of participation or employment in its expanding world of civil society strengthening projects, meetings, events and so on provided copious contextual information, offered objects of reflection for theoretical development and helped to develop trusted relationships with a wide range of individuals, organisations and donors. This thesis therefore draws deeply from this lengthy field experience and opportunities to appreciate varied actors’ understanding of and interaction with their environment, often in circumstances when disclosure of research was unfeasible. “Basic practical reasons” for non-disclosure of research are manifold (Spicker 2011: 120). Most common in this research were the fleeting, anonymous nature of the occasions when information or observations were made – as Woods notes (1996: 64) “one encounters so many people during a typical study, often casually, that it is impossible to secure the consent of all” – often with ‘data’ not recognised as such until much later; and, furthermore, that “the research draws on information gained before the research project began” (Spicker 2011: 121).

One final point concerns the aim of the thesis itself. Interviews, documentation analysis and so on were not primarily sought for direct information on injustice and human rights issues in Myanmar but for what this work would reveal about more mundane forces shaping the dynamics of activism through organisations. Increasing openness and

international connections means Myanmar activists have become used to discussing human rights issues and their approaches to combating them, and often I found that enthusiasm to participate in interviews was down to expectation of a shared direct human rights interest and moral outlook. As Sriram (2009: 58) contends, “politicians, human rights advocates, and civil society leaders... [often choose to participate in research interviews] precisely because they want to draw attention to a situation they perceive as unjust”. A passion for human rights was indeed shared but, given research interests, was often moot. It is a basic premise of this enquiry, however, that to forgo examination of wider structures and powers and their institutional influence on the so-called ‘space for civil society’ and agential practices would itself be ethically remiss. Whilst far from advocating that human rights workers immediately down NGOised tools, a more reflective, critical understanding and awareness of how actors are positioned within and affected by established power may encourage a step toward a more emancipatory human rights praxis among civil society actors.<sup>27</sup>

## **Conclusion**

This chapter has introduced and explored a number of key concepts such as the institution and social structures, and situated these within a metatheory – critical realism – to better aid identification and explanation of the real powers and processes in the social world. The need for these was outlined in Chapter 1, which argued that understanding and explaining phenomena in actually existing civil society demanded a ‘reality first’ rather than ‘ethics first’ methodology that could grasp actually existing civil society. Once the alleged autonomous logics of civil society were problematised in this way, conceptual space is made to introduce a causal perspective on the processes that

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<sup>27</sup> The theoretical premises of the thesis were often discussed with subjects after interviews had taken place. On the prompting of one interview subject, I wrote an essay on critical realism for a local philosophy periodical.

establish the primacy of the NGO. Critical realism has enabled the peeling back of stratified layers of social reality to analyse the contribution to processes of institutional reproduction made by agential interaction with cultural and structural mechanisms.

I have argued the institution must be understood as a process of dialectical social change, as an aspect of the process and results of structure-agency interaction (and interaction with those results). Emergent properties of structural selectivity and agential strategic calculation together create the institution. The emergent LoA is a product of the strategic selectivity of a structural field, and reflexive cogitation on a community of practice's repertoires oriented to the selectivities of that field. This institutional terrain constrains and enables the implementation of agential projects in that it offers an environment appropriate for particular sets of behaviour and particular forms of agency capable of such behaviour. At the same time, institutions do not have ontological primacy: value-driven, reflexive agency can undermine structures or overcome the generative power of LoAs, although values held by actors can be disrupted as the institutional dialectic changes the agent's world of concern.

In the following chapters, I use the methodology described above to investigate the historical structural development of Burma's civil society, focusing mainly on developments in recent decades, especially after 2010. This is followed by case studies of human rights defence and political / democratic educational groups in which I examine shifts in configuration and strategy in the face of institutional change. These chapters highlight the actualisation of institutional factors that have seen the NGO become the default form of social organising in Myanmar.

# Chapter 3. Myanmar's Civil Societies

## Introduction

Chapter 2 argued that in order to examine the form and social power of agency, it needs to be understood against structures. Agents encounter these structures as pre-existing objective entities. They are products of history, outcomes of earlier social interactions. Therefore, as Lawson notes, the “comprehension of any (set of) structure(s) will entail identifying the nature of its internal relatedness as well as its particular history” (2006: 232.) This includes institutions, emergent entities through which projects and powers of social agents are mediated and variably attuned to the selectivities of pre-existing, durable social structures (institutional fields). History matters because institutions are not erected on *terra nullis* – realist retroduction “sends us back in time to look for antecedents” (Mutch 2013: 225) that facilitated their arrival on the scene.

This chapter mainly looks downwards to agency, and to the distinct histories and traditions which have emerged in Myanmar's civil society<sup>28</sup>. Prior to the quintessentially modern institutionalising process of NGOisation, addressed in Chapter 4, I argue that Myanmar's modern history sees the development of two distinctive communities of practice within its civil society, distinguishable by virtue of strategy, tactics and – crucially – values vis-à-vis objective structural settings: a politically-oriented civil society that is antagonistic towards state-structural conditions – which, whilst being inevitably mediated by them, ultimately seeks to transform them – and a developmentally-oriented civil society that is accommodated to extant political structural conditions. These logics of

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<sup>28</sup> The English name ‘Burma’ was officially changed to ‘Myanmar’ by the government in 1989, along with the names of many towns and geographical features. Throughout this thesis, I use the names in official use at the times discussed in the thesis – most importantly, ‘Burma’ and ‘Rangoon’ before 1989, ‘Myanmar’ and ‘Yangon’ thereafter.

collective agency are relational achievements, constructed against structural selectivities and discursively mediated objective settings. Whilst the outcomes of interactions see these components intertwine, careful epistemological work can – and, for explanation, must – separate them and examine their interplay (Archer 2010: 274).

Where in the course of this chapter I draw on secondary sources, we can expect other authors to abstract civil society in a different way to the Gramscian approach taken here, usually employing a liberal regime defence or neo-Tocquevillian associational conceptualisation. Nevertheless, those accounts are often part of the cultural environment or intelligibilia which actors draw from and, furthermore, can be understood as contributions to the discursive reinforcement of what will become hegemonic understandings of civil society. For this reason, although the chapter primarily focuses on developments in civil society after 1990, as this raw material for future institutionalising forces was made over many earlier decades, I take a chronological approach, beginning in pre-colonial Burma. With the research focus on the rise, influence and impact of NGOisation, from the 2000s my focus is largely centred on Myanmar's main commercial city and former capital, Yangon, where structural change saw this tendency emerge in starkest form<sup>29</sup>.

## **Historical developments**

### **The problem of pre-colonial civil society**

History appears to hold little in the way of propitious circumstances for Burma's civil society. Much recent attention on Myanmar has been focused on the seemingly

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<sup>29</sup> A comparison between Yangon and other parts of the country is beyond the scope of this thesis. A potentially fruitful line of enquiry for NGOisation would be a contrast between Yangon and the Bamar-dominated heartlands of Myanmar and the country's ethnic states. Here the ethno-political relations that dominate much of political life and refract human rights and democratic issues might serve to keep NGOisation in check.

unbreakable reign of military (also known as the Tatmadaw) rule, an appalling human rights record and Tatmadaw intransigence in the face of international sanctions, UN Special Procedures and Security Council debates, multilateral and bilateral aid restrictions and other punitive measures. During decades of interminable authoritarian rule “the military [was] the only institution in town”, the government “through its extensive surveillance and intimidation networks” leaving “no space for political and civil society” (Alagappa 2001, in James 2005: 41). Colonial rule had preceded this, with the British directly ruling Burma as a Province of British India from 1862, having overthrown an absolute monarchy presiding over a traditional system based on fealty, and with only 14 years of parliamentary government after Burma’s independence in 1948 disturbing the monotony of non-democracy, one could be forgiven for thinking that the concept of civil society would struggle to find an objective referent.

On the other hand, some writers have stressed the opposite and claim to locate the origins of a distinctively Burmese civil society in the pre-colonial past, particularly in traditional community and religious activities. Merit-making activity is at the centre of Buddhist community life across much of Southeast Asia. It “links the cosmology of Theravada Buddhism in graphic and practical terms to the daily lives of the people” (Swearer 2010: 21). Rituals of alms-giving, the making and presentation of robes to monastic communities and the renovation of old pagodas remain vitally important still today, and the organisation of collective work this entails and the religious life it sustains not only provide a community’s social glue but also nurture institutions beyond government. Thus, having noted that “usage of the term civil society in the country really started with the entrance of international agencies and donors in Burma in the mid-1990s”, Kramer quotes approvingly from “one study on civil society in Burma” to attest to its pre-modern lineages:



*Most villages organised social events and initiatives around the Buddhist temple. Monks led these events and initiatives and a local organisation in most villages was formed to support the temple and related activities. The strong patronage system and hierarchy in society probably limited the number of type of organisations to very basic community-based social and religious groups. Yet there are records of many social and religious organisations within communities that were outside of direct state control (Kramer 2011: 6).*

Kyaw Yin Hlaing understands these as evidence of the kind of qualities that characterise something approaching Tocquevillian civil society, noting that “[a]lthough formal organizations emerged only during the colonial period, associational life was not alien to Myanmar society” (2007: 145). The dominance of religion in organising social life also held for non-Buddhist communities: Kramer claims that the first “non-governmental organisation” was the Burma Baptist Missionary Convention (Kramer 2011: 6), formed in 1865.

Yet a pre-modern state system makes the idea that expressions of spirituality were beyond the state doubly problematic in these circumstances. Firstly, religion was a crucial component of monarchical rule: not only was Buddhist theory premised on the existence of an absolute monarchy and a “symbiotic relationship between the government (as the embodiment of the State) and the sangha, the monastic order (the embodiment of the Buddhist Church)” (Becka 1990: 338), but the power and wealth of the state depended on careful intervention and management of Buddhist institutions, which in turn saw its resources ‘purified’<sup>30</sup>. Buddhist practice and principles were inseparable from the Burmese state, and religious organisation, performances and rituals mobilised villagers and were integral to the reproduction of this social system. Writers understanding this as

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<sup>30</sup> Known as the ‘sasana reform’. See Aung-Thwin (1979).

civil society conflate ancient and modern notions: on the one hand, religion underwrites the *res publica*, a civil society that sustains moral order of the state through spirituality and acts of devotion of ordinary people. On the other hand, the governance of these activities secures the attribution of civil society, their organisation as proto-Tocquevillian associations.

Yet although conceptually muddled, the community-based norms woven into this form of organising lingered long in the social memory. As changes in state structures were felt, these would be transferred to non-religious charitable work later, elements to be taken up and combined in different ways and in different contexts as a bricolage of civil society. A second, more fundamental point therefore is that the absence of a Gramscian “proper relationship”<sup>31</sup> between state and civil society is structurally derived, stemming from the fact that life in the Burmese state was yet to be transformed by the midwife of modern civil society – capitalism, and its separation of political rule and economic production, the emancipation of the population from feudal loyalties<sup>32</sup>. The unity of politics, economics and the organisation of society would be shattered by colonialism.

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<sup>31</sup> Thomas writes in a footnote: “‘Proper relationship’ [‘giusto rapporto’] here refers not to a balanced relationship (the adjective in this case would be *equilibrato*), but to the relationship proper to the modern state *qua* modern state. Similarly, the equilibrium of political and civil society is a (stable) ‘disequilibrium’” (Thomas 2009:165).

<sup>32</sup> Independence leader General Aung San famously cast doubt on social control under the monarchy: “The economic divisions of the feudal society were not... so sharply differentiated as in other countries. The humanising influence of Buddhism over all sections of the people; the fact of everyone possessing land of his own; the universality of free education for all, men and women; the co-operative basis of agricultural economy and village life in those days (for in those days in all matters, whether of cultivation or irrigation and what not, it required the co-operative effort of all in the community); the necessity for women to share the out-door economic life of their husbands and family jointly; the absence of large-scale trading - internal or external (agriculture then was purely for domestic consumption, each agricultural family being almost self-sufficient in the matter of foods and clothes with some cottage industries to add, and getting a few other things it needed by exchanging surplus produce of its own etc.,) which in turn accounted for the absence of a large trading class in feudal Burma; and also for lack of proper communications from place to place which again made centralised authority and control not so easy and not so tight; these and other factors combined to make, I think, Burmese feudalism to be perhaps the most enlightened of world feudalism” (Aung San 1945).

## **Empire and rebellion**

Through the nineteenth century, a series of colonial wars preceded the full annexation of Burma under the rule of the British Raj in 1885. Incorporation into the British Empire as a province of India heralded the dismantlement of the monarchical system, the imposition of the colonial state structure (albeit limited, “[f]or purposes of bureaucratic simplification and fiscal cheese-paring” to lower and central Burma, whilst colonial power in sparsely populated hilly regions was exercised through traditional rulers (Callahan 2009: 34)) and the integration of Burma into the export-oriented economic system characteristic of the late British Empire. This process was more or less complete before the end of the nineteenth century: the construction of rationalised structures of administration and taxation, objective national boundaries and the development of a national elite that could operate the new bureaucratic apparatus introduced modern social and political relations into Burma and challenged traditional feudal practices and patron-client ties.

The traumatic social dislocations wrought by colonialism were profound and penetrated deeply: overall, “the changes in society that the new policies and structures of the [colonial] state allowed caused the destruction of the cohesion of Burma’s precolonial social life” (Taylor 2009: 79-80), including the traditional Buddhist activity described above. Under British rule, the state was rid of its cosmic functions as the institutions of government were secularised to stabilise colonial rule and facilitate resource appropriation and circulation in the colonial system, an act that both centralised and restricted political power to certain roles. There was no need to retain the political role of the clergy, and Buddhism’s monopoly on education, legal matters and political functions vanished. Adrift of the state and monarchical patronage, the rupture of the political and economic inverted the cosmic order and made monastic orders fully dependent on donations from layfolk. New groups formed to perform this role, such as the Malunze Rice

Offering Society, “set up by local businessmen in 1896” (Kramer 2011: 7). As imported religions became established, Christian, Hindu and Muslim groups began operation during this time and organised similar initiatives directed towards their own communities.

Economically, the kind of creative destruction unleashed upon Burma was keenly felt in indigenous industry. It was badly impacted by export-oriented policies, suffering under the resulting “increased specialization in rice production and from competition with technologically superior foreign industry under conditions of free trade” (Fenichel and Huff 1975: 323). This was compounded by a British preference for trained, disciplined Indian labour in administration and industry, whilst the high command of new commercial enterprise was, unsurprisingly, dominated by Europeans. Such uneven development restricted the growth of a Burmese bourgeoisie and led to tensions along lines of religion and ethnicity.

The unique aspect of these initiatives was structural: with religious, economic and social bodies ejected from the state, and its colonial successor limited to protecting basic private rights – such protections unevenly available to the Burmese – non-state group activity or private publics implementing activities for social goals were now both imaginable and, for the preservation of traditional life (albeit in alienated form), essential. In other words, the breaking of the holist state into a duality of public and particular yielded modern freedoms as an integral part of a modern exploitation. Empire destroyed traditional systems while making possible action for their conservation. Yet whilst early actions were indeed conservative, involving groups which “ranged from small local associations that gathered to take precepts, recite chants and listen to sermons to large organizations with branches across Burma and ambitious agendas to promote Buddhist education or Buddhist missions abroad” (Turner 2009: 16-17), colonial penetration also carried new ideas and approaches enabling more radical action.

Most importantly, the defining of Burma's borders and the establishment of printing presses enabled the dissemination of critical, reflective local journalism among a (mainly urban and overwhelmingly Bamar) populace, developing an imagined community and the conditions for a nationalist movement (Thant Myint U 2001: 152; Anderson 1983). Alongside this, ideas and artefacts were adapted and reworked by local appropriators: among the new objects introduced by colonialists were organisational archetypes, the most prominent example being the Young Man's Christian Association (YMCA), which served as the model for the development of the Young Man's Buddhist Association (YMBA). As Sahlin and Wedlin note, "ideas do not remain unchanged as they flow but are subject to translation. To imitate... is not just to copy but also to change and to innovate" (2008: 219), and this imported model was "edited", from a prototype of an evangelical lay organisation to a vehicle for growing nationalist sentiments aided by printing. These developments combined to enable the nationalist movement to gain strength and shape, changes similar to the development of Islamic societies such as the Muslim Brotherhood in Egypt under British rule (see Sharkey 2013).

This mimetic work, the copying and critiquing of ideas and formations of colonisers mediated emotions and social forces into forms with political efficacy. Associations and nationalist sentiment were ironically aided by the British ban on political activity, which "encouraged the growth of civil society through ostensibly religious organizations that had a nationalistic agenda" (Steinberg 2006: 155), such as the aforementioned YMBA and the General Council of Burmese Associations (GCBA). Associational political action in colonial Burma was a phenomenon linked closely to class. Taylor notes that "from being essentially non-existent under the monarchical state, [the middle class] had emerged by the 1920s and 1930s" mainly through public and occupational employment, and income from land and other investments (Taylor 2009: 134). This was reflected in the distribution and interests of organisations, which were overwhelmingly an urban phenomenon and

consisted of a rather limited range of literature and cultural societies and associations providing welfare services. Professional groups and associations for indigenous businesses also flourished in the early twentieth century, lobbying lawmakers and shaping the business environment.

Yet associational life also incubated more radical projects. The expansion of university education and factories saw both student and labour unions establish (and register with the colonial authorities, the latter confident that the growth in associations did not threaten colonial rule). The educated class played a vital role in disseminating Marxism and socialist ideas through books, journals and reading groups, most famously the Nagani Book Club (Zöllner 2006), and lent political purpose for labour unions initially set up for workers' welfare (Kyaw Yin Hlaing 2007). Applied to national politics through their interactions with the YMBA, "almost all of the senior students in Burma's two colleges were interested in Burmese politics... It was clear to these students that Burma's colonial relationship with Britain was ridden with social injustices" (Ei Kyaw 1922: 20). The Rangoon University Student's Union and, forming in 1935, the All Burma Federation of Student Unions (ABFSU), became vital associational conduits of civil and political demands. Students would be centrally involved in strikes, demonstrations and local rebellions against colonial rule through until independence; indeed, independence leaders and later political leaders such as Aung San, U Nu, U Ba Swe and U Kyaw Nyein were all key figures in student politics. Although both nationalism and socialism formed the emancipatory vision for Burma, commitment to this programme was debatable. Chenyang argues that "in practice, the central goal of most of the nationalist elite was not to build up a real socialist Burma but to win Burma's national independence" (2008), meaning Buddhist organisations remained central. Burma's emancipation was thus actively sought via these and later organisations, with the Anti-Fascist People's Freedom League (AFPFL) as the vanguard after the Second World War.

## **The life and death of civil society in the parliamentary period**

International politics affected Burma deeply once again, opening the door to decolonisation in the aftermath of the Second World War, the resulting changes in the constitution of government reshaping Burmese civil society. There was an intimacy between the leading figures of the independence movement, collected in the AFPFL as a ruling political party in Burma's post-colonial parliament, and with successors of the mass movements that had articulated nationalist sentiment and facilitated their rise to power. Over the decade that followed the country's independence, umbrella entities were formed to collectively organise Burma's rich panoply of civilian organisations into distinct sectors headed by AFPFL-affiliates. These included

*the All Burma Peasants' Organization (APBO), the Federation of Trades Organization (Burma) (FTOB), the Trade Union Congress (Burma), (TUCB), the Youth League, and the All Burma Women's Organization... [Furthermore, although] local peasant and business organizations and trade unions were not required to join AFPFL-sponsored social organizations, the ruling party lured them to join its affiliated social organizations (Kyaw Yin Hlaing 2007: 151).*

This rearrangement facilitated enactment of policy, gave ruling politicians a secure power base and was an important counterweight to the AFPFL's mainly communist opposition. Thus, whilst the parliamentary period is looked back on as a time when civil society flourished in Burma, it must be recognised that this neither resembled an autonomous Tocquevillian realm of private publics nor an active protector of a zone of freedom imagined by liberalism but, vindicating Gramsci's analysis of civil society's hegemonic role, was dominated by its function as the enabler for political management of the state. The associational life of Burma at this time is more recognisable as a set of "activities [that] bring... populations into a certain political relationship with the state", activities filtered

through nationalist politics, rather than the private realms conceived by liberal theory, under the auspices of state functionaries and organisational leads (Chatterjee 2004: 38). In this, Burma can be said to mirror the fate of other postcolonial states, particularly India.

Understood in this way, Steinberg's famous charge that "civil society died under the [Burma Socialist Party Programme (BSPP)], perhaps, more accurately, it was murdered" (2001: 106) might seem overstated in that it does not perform a full autopsy on the victim and thus overlooks the intimacy between social formations and political society in parliamentary Burma. Nevertheless, whatever political function they came to serve, basic associational freedoms had until this juncture been generally respected; under military rule, they were wholly denied. Frustrated with the inability of parliamentarians to deal with the perceived threat to the integrity of the Burmese state posed by Chinese-sponsored communist insurgency and ethnic insurgent movements, the Burma Army – the Tatmadaw – assumed the political, economic and even social leadership role it would retain for decades.

After the coup was completed in 1962, all parliamentary structures, political parties, the press, the Buddhist Council were either disassembled or absorbed into state apparatus. Replacing the social organisations and federations were mass organisations designed as a channel for dissemination of BSPP decisions and, upwards, popular participation (within strict parameters). These would be "participatory institutions of the type normally associated with the modern state but having no independent power separate from the regime" (Taylor 2009: 316). Mass peasant and workers organisations were crucial here, but groups were also created for writers, artists, and youth.

Most scholars in agreement with Steinberg focus on the banning of independent political activity and the way "many civil-society networks could no longer operate independently, and opposition to the military regime was eliminated, driven underground or forced into



open revolt” (Petrie and South 2014: 88). Political leaders were locked up and an extensive military intelligence apparatus percolated into everyday life, stifling the communicative and organisational prerequisites of the movement. Universities and their student unions, having been the place and medium for radical politics during colonial and parliamentary days, were strictly policed - the student union building was even blown up by the military regime in 1962. Yet the staggering number and variety of banners under which people marched in the various protests that took place in 1988 were a testament to the persistence of repertoires and social memories of associational life despite the strictures of BSPP rule, and the grievances Ne Win’s regime allowed to fester.

## **Logics of opposition: protest and pedagogy for political emancipation**

### **Democracy and human rights protest networks**

Although it is beyond the scope of this research to try to fully describe the events of the late 1980s, let alone specify its causes, the country’s 1988 student uprising – more accurately, the series of protests and demonstrations that peppered 1988-1990 – indicated the continuation of a social movement whose emancipatory values stretched back to Burma’s colonial-era nationalist movement. We have already seen how universities and their student unions, under the umbrella leadership of the ABFSU, had functioned as an unofficial political opposition during colonial and parliamentary eras. Despite the close control of universities during the BSPP era, student political sensibilities were not entirely eliminated. Student-organised demonstrations would occasionally occur – in response to an absence of tickets to Southeast Asian Peninsula Games in 1969, in response to high prices and food shortages in 1974, and in reaction to the government’s

refusal to give former UN Secretary General U Thant a state funeral (Koon-Hong 2014). These were all key events in the student social memory.

To return briefly to theoretical matters, it is fair to say that civil society is not commonly associated with political protest activity, and the study of social movements is usually separated from civil society studies. Diamond holds that civil society consolidates democracy rather than engages in political agitation which might instigate democratic or rights-related political change; beyond academia, Aung San Suu Kyi, following her release from house arrest in 2010, understood civil society to consist solely of groups that performed acts of charity (UK Embassy official 2010. Personal communication)<sup>33</sup>. Yet it is only by definitional fiat that social movements or contentious politics can be sequestered from civil society. With reference to Vietnam and Myanmar respectively, Thayer (2009) and Hewison and Nyein (2010) have argued how, given the state's determination of permissible civil society activity via instruments of law, governance and monopoly of violence, non-state actors which *reject* its frontiers of acceptability can be might be understood as a distinct variant of civil society, which the former term "political society". This predicate is earned by virtue of it being composed of "organizations that seek to establish and expand the political space available for non-state actors" (ibid.: 16), and is contrasted with entities which form and operate *within* the state-validated "space".

Whilst I will go on to problematise the notion of 'space' and its 'opening' or 'closing' as inadequate analytical metaphors (Myanmar civil society had "no room to move" in the 1990s (Liddell 1999: 54)), the basic dichotomy presented above provides a starting point from which to develop an institutional account of political society<sup>34</sup>. However, my

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<sup>33</sup> This conservative perspective is further revealed in Aung San Suu Kyi's bemusement at politics beyond parliament, and sometimes frustration with aid agencies that fund it. See Chapter 4.

<sup>34</sup> However, I avoid this term on the grounds that (a) I refer elsewhere in the text to Gramsci's formulation of political society – Hewison and Nyein's use does not conceptually mirror Gramsci's, and (b) the ontology of my approach depends on a relational understanding of the form and logics of agents, not simply on their intentions.

intention is not simply to refer to sets of organisations grouped according to common intentions or objectives. Quite apart from the fact that some politically-oriented actors might wish to *close* political space<sup>35</sup>, attributing complex political motives to actors risks committing a scholastic fallacy. Knowledge of their environment and political circumstances can be fallible under the best of conditions:

*The reason I took part in the [student] movement [was] not because of political experience, not because of my little bit of knowledge, it was based on my and students' spirit... I didn't know political situation, but I know that General Ne Win's government was very bad and not fair, so I took part in the movement. Angry, excited and emotion – I took part as an emotion, as an ordinary student (Interview 40).*

Of course, many political leaders have a very good sense of change and strategy, and mobilise on this basis. Yet it is important to situate the cultivation of these objectives in their richer, quintessentially social context to ensure they are sufficiently dialectical and reflect the evaluative basis of political sensibilities *in relation to* dominant structures in society and economy, and their transformation. This is fundamentally discursive work, the cultivation of a new vision of social order that can become “rooted in the popular consciousness with the same solidity and imperative quality as traditional beliefs” (Gramsci 1971: 424). Whilst there is no structural asylum, its selectivities always influencing agency, the relatively autonomous logic of movement or opposition developed is a generative mechanism that serves to orient collective valuations of the environment. It articulates a vision of a future social order that gives rise to certain repertoires of action that are retained, learned and developed by successive historical communities of practice. Values inspire, knit groups together and persist in spite of its

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<sup>35</sup> “Myanmar’s most successful civil society movement in recent history has to be Ma Ba Tha” (International civil society consultant: 2017. Personal communication).

pre-institutionalisation<sup>36</sup> by virtue of the longevity of the shared object of an oppositional evaluative stance – the military and its human rights abuses – and “a utopia envisaging to transcend social order and bring about an emancipated society” (Famiglietti 2001: 8). In light of this epistemology, we can refer to the agency of a *politically-oriented civil society* mediated through its own *logics of opposition*.

From both a structural and agential perspective, then, there was continuity in the social forces animating Burma’s politics in the latter decades of the twentieth century. Indeed, it was all too clear that despite superficial changes, objective circumstances conducive to antagonism remained. Totalitarian ambitions may have been relinquished by Myanmar’s rulers following the BSPP’s collapse, but the emphasis on discipline and control, as seen in the title of the State Law and Order Restoration Council (SLORC) which assumed power in 1988, reflected a lack of trust and leadership and continued reliance on coercive apparatus to eliminate challenges to power. With a plethora of repressive colonial-era and emergency laws in the hands of pliant judges (see Chapter 4), facing threats to its rule from ethnic armed groups in the uplands and to its unfolding state project from political dissidents in the Burma heartlands, authorities had both the tools and the imperative to continue repression. Thousands of individuals were imprisoned, and many more went into domestic or foreign exile. Harassment, assault, denial of employment opportunities and other tactics were also employed against opposition in the human rights and democracy movements. Tight restrictions on organising, the near-impossibility of engaging in public actions without severe consequences and the close monitoring of communications between individuals of interest made political dissidence dangerous. This was a quite deliberate military-defined state strategy, summed up in one clause of the “People’s

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<sup>36</sup> This is not a fully-developed institution, on my account, as the logic of opposition is not sustained by i.e. *is not appropriate for* the structures underpinning it. There is no alignment of the political relations between groups, and the economic structures by which those groups would lead. Antagonism reigns. Later versions of civil society in Myanmar see its forms of civil society more perfectly integrated into state power.

Desire” that appeared daily in printed media and public signboards, in the form of the exhortation to “[o]ppose those trying to jeopardize stability of the State and progress of the nation” (author’s field observations; also see Hudson-Rodd 2008).

Among students, a shared construal of these circumstances and the logics guiding strategic action to oppose them emerged out of fresh memories of the 1988 demonstrations, the longer student oppositional history and out of the politics of *physical* space. With gatherings of over six people illegal, once reopened<sup>37</sup>, universities were, along with monasteries, the only physical spaces in Burma where large numbers of people would be able to legally congregate. They compounded evaluative stances against the injustices of military rule by playing host to collective bourgeois interests, especially regarding the quality of university education and hopeless prospects following graduation, although students were well aware of the poverty around them. Historically, this had especially affected individuals who had moved to Rangoon to study, with no familial sources of support (Interviews 40, 47). Yet whilst the desire for social and political change was common on university campuses the very real threat of imprisonment limited public manifestation, and one does not need to be a neo-utilitarian to appreciate that most understood the cost of overt public displays of political opposition to be far too high.

During the repressive years of the 1990s, politically-oriented civil society maintained the kind of direct challenge to government injustice historically shaped by the ABFSU. The constraints on labour for political opposition and the overwhelming need for secrecy made challenging the legitimacy of the regime’s rule the preserve of a restricted, loose network of underground activists connected to the mass protests of 1988 – students central to this uprising becoming known as the 88 Generation – and those continuing to quietly organise around the remains of the (illegal) student unions. The ABFSU maintained

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<sup>37</sup> Universities were closed for long periods on numerous occasions after 1988.

an important position in “organising, distributing information, forming underground alliance fronts, supporting their own network (including political prisoners), and infiltrating the military and the government”. Significant risk meant sacrifices in operating practices familiar to resistance movements:

*Because we have to operate under conditions of severe repression and must maintain secrecy at all costs to protect our members, we unavoidably need to limit our community to trustworthy and reliable groups of activists. Security concerns compel us to create an atmosphere of inner-circle politics, which excludes many people* (Min Zin 1999).

Campus politics had schooled persons in techniques to facilitate clandestine organising; despite the sledgehammer response to student activism in the form of university closure, oppositional activists found ways to plan - “when the universities were closed in 1996, our pro-democracy meetings were held – quietly – in teashops” (Interview 47) – and to express the social position of opposition activists they occupied. As Cohen and Arato (1992) note of social movements in general, this work could be both expressive *and* instrumental: indeed, given the repressive circumstances an expressive achievement was simultaneously an instrumental one, demonstrating a regime that had been outwitted (Interviews 17, 18)<sup>38</sup>. Art was therefore important – satirical cartoons would be posted in public areas such as the telephone booth on a university campus in Yangon, slogans and poems would be put up around campus, hand-copied and further disseminated in lieu of photocopiers, while singing songs popular around the time of the 1988 uprising was also common. Others drew on the country’s literary traditions:

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<sup>38</sup> Foreign supporters of Myanmar’s human rights and democratic cause also joined in attempts to challenge or circumvent repressive state apparatus. In addition to solo protests by individuals who had entered Myanmar on tourist visas, in 2007 the Danish arts group Surrend placed an advertisement in the Myanmar Times newspaper with the hidden message ‘Killer Than Shwe’, referring to the then-Senior General and de facto leader of Myanmar (Irrawaddy 2007).

*We would often distribute poems to motivate students to participate in protests, and to show publicly that the students stood with the people. We would also produce more formal statements, and posters (Interview 47).*

The constant succession of persons arrested, sentenced and – often many years later – released, made for dislocated medium-to-long-term work and long-term absence of leadership. Given that recently released political prisoners could expect close surveillance from the authorities, finding additional labour for this work was far from straightforward despite the focus on civil disobedience and a generally non-violent approach. Any attempt to galvanise public support on a large scale required meticulous planning, trusted networks and a sound understanding of the intelligence and security services. In spite or because of this, highly inventive campaigns were developed – regular prayer campaigns mobilised thousands of worshippers, a “White Campaign” in which solidarity was shown through the wearing of white clothing, a signature campaign for the release of political prisoners and genuine national reconciliation, and “Open Heart” campaign sending letters describing everyday hardship to senior leadership in the regime (see Duell 2014: 118). Such ideas were often the brainchildren of younger students in the opposition group, reading texts around peaceful oppositional action: “We always made an imagination of how to be against the military regime, and at that time, Gene Sharp<sup>39</sup> was very useful for us” (Interview 40).

Yet such was the regime that more public options beyond these were extremely restricted. Protests after 1988, such as student demonstrations in 1996 and 1998 centring around demands to recognise the legitimacy of the student union and conditions of university tuition, were put down quickly and ruthlessly by the security services and would result in renewed close scrutiny from the pervasive Military Intelligence (MI).

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<sup>39</sup> The interviewee refers here to Gene Sharp’s influential three-volume work, *The Politics of Nonviolent Action* (1973).

Mobilisation and persuasive work to expand the size of the opposition was therefore difficult, risky and burdened by secrecy:

*We all contributed to [protest work] but we didn't really know each other, and we distributed literature secretly. This was deliberate and important, as there were only a few of us and the more we knew the more other people would be in danger (Interview 47).*

The fruitlessness of direct action in the face of the persistence of the regime meant that alternative actions were increasingly desirable and also feasible. A growing transnational human rights advocacy movement for democracy and human rights in Myanmar developed through complex networks, interlocking channels both horizontal and vertical, and formal and informal. Myanmar exile organisations such as the Association for Assisting Political Prisoners (AAPP), Karen Human Rights Group (KHRG) and the Human Rights Education Institute of Burma (HREIP) had were headquartered in Thailand and staffed by those who had fled after 1988. Information flows were enabled international NGOs, networks of human rights lawyers, UN Special Procedures, foreign governments and other diplomatic and non-formal actions were crucial nodes and channels sustaining networks. The internet, heavily censored and more or less inaccessible to ordinary Myanmar citizens in the country until well into the 2000s, was nevertheless a boon for Myanmar transnational advocacy: the development of the online news source BurmaNet, for example, would “multiply vastly the number of stories being “published”” on Myanmar (Zaw Oo 2006: 242). Reports would flow through chains of trusted human rights reporters and disseminators in Myanmar, and in the 2000s these became better resourced (Interviews 2, 24). Despite the surveillance machine of SLORC and SPDC, individuals were occasionally able to benefit directly from support of overseas sympathisers, such as trainers from US universities to school people in human rights reporting techniques.



*[Our human rights group] had to go to different places where we heard there were human rights violations, like Medi, Thandwe. I myself did a document and presented it to the Special Rapporteur... We would go there by ourselves [alone] and make documents* (Interview 24).

Although the “boomerang effect” would certainly spin from local abuses to international action (Keck and Sikkink 1998), any return with resolutions was partial, and would in any case have contradictory effects. Whilst Burma campaign groups in the US and UK succeeded in pulling Western foreign direct investment from the country in the mid-1990s, divestment and later sanctions harshly impacted the general population (Khin Zaw Win 2007). Transnational human rights activities inadequately reflected political economic reality, such as Myanmar’s increasing connections to ASEAN and Chinese investment flows and the fact that property regimes were politically constituted rather than embedded in international markets, offsetting the impact on regime coffers (Roberts 2009). Moreover, international attention on Myanmar could result in punitive measures on the opposition: visits by Special Rapporteurs, for example, often meant temporary detention for well-known activists until the commonly named “external interference” had departed (Interview 40).

## **Networks for political pedagogy**

The obduracy of the regime, the stifling of intellectual life through the closure and surveillance of universities, where practically no serious work in social sciences or humanities was pursued, and an acute awareness of the difficulty of protest after 1998 would also lead some toward an alternative modality of political engagement, but one which again drew on earlier repertoires. Private reading and discussion groups had a history which again stretched back to colonial times. In later decades they played an important role in student union politics and communist agitation during the 1960s and

1970s (Interviews 1, 2, 10). Numerous informal circles would meet at teashops on university compounds to quietly discuss national and international affairs, with discussion points centering around topics such as the justness of Ne Win's military coup, and American aggression in the Vietnam. They were a focal point for recruitment into the banned Burma Communist Party (BCP) – with major communist works having been translated and published by the Nagani Book Club during and after colonial rule (Zollner 2006), texts by Marx, Engels and Lenin would be distributed and discussed, although usually in a more private setting (Interview 10).

Whereas these reading groups were directly reproducing a challenge to state power, serving to sustain the communist challenge, the variants which arose in the 1990s and 2000s were more intellectual in focus. Intelligence services were generally indifferent towards these groups and the content of texts; indeed, during the 2000s political science was even read by political prisoners while in jail (Interview 26). Photocopied popular political texts were increasingly obtainable in Yangon through the 1990s and 2000s and set the basis for discussion – works by Thomas Friedman, Samuel Huntington, Francis Fukuyama, Alvin Toffler and even Edward de Bono were among the works translated and pored over by leading members of a new generation of activists<sup>40</sup>. The popularity of these authors and their works demonstrated the centrality of notions of liberty and economic development to the urban-based democracy movement rather than leftist currents, indicating frustration that Myanmar was denied the fruits of globalisation enjoyed by neighbouring countries. More simply, it reflected the anodyne subject matter readily available: only a handful of translators pursued such work, and texts which reflected the international zeitgeist were those which tended to be commercially viable.

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<sup>40</sup> The translator of these works had also been an active member of the Burma Communist Party, and imprisoned during the 1970s.

For both security and comfort, and on grounds of interest and providing a window on the world, discussion of national politics and opposition strategy generally took place elsewhere. Group discussion centred on national politics could attract unwanted attention and, equally, sow unease among members who were more interested in its educative aspects. Texts that might be deemed to indicate a security threat, such as the Universal Declaration of Human Rights, were distributed covertly, usually as part of campaigns. Yet despite the SPDC attention on strategic rather than ideological threats, these groups clearly had a direct opposition function. Although bookish activity itself posed little immediate threat to the military regime, reading groups – which some interviewees half-jokingly referred to as “cells” – were popular with politically active individuals in Yangon and Mandalay and would obviously serve to maintain relations between activists.

These groups were formative for many of those who participated in Myanmar’s 1996 and 1998 student protests:

*During the repressive era, even though we cannot form a formal association we engaged in civil society through some other semi-organisations like art and culture, literary or reading groups. We published underground booklets. During university years we sat at the teashop and discussed all day, this is how I gained political knowledge and argumentative skills... there were informal groups, semi-organisation; very small but very active. I think that all of the famous writers and political activists [in Myanmar] were politicised like this (Interview 31).*

By the mid-2000s, these groups were supplemented by formal education programmes devised and implemented by international organisations, such as the British Council and American Centre. These offered deliberately constructed programmes that introduced a wide range of social science topics with an international flavour, such as introductions to

globalisation, economics, human rights, international governance institutions, and used texts and other resources unavailable outside. Taught by educators learned in social sciences but employed professionally as English language teachers, a variety of specialist teaching techniques ensured that political education went alongside the highly valued acquisition of English language skills. Delivered on diplomatic premises and with students selected by networks of trusted nominators, safety was more or less assured.

Whilst the British Council gained a reputation for its quality of education, the book club at the American Centre 2005-2007 was more popular with activists – and indeed was led by activists, receiving participants on an invitation only basis. Texts such as Machiavelli's *Prince* and Sun Tzu's *Art of War* were deliberately selected for discussion for their focus on change and political strategy (Interview 49). Whilst both institutions were in public buildings, careful planning and the regime's disinclination to disturb activities on diplomatically linked premises limited the threat of disruption by authorities. Nor were they indicators of a liberalisation in Myanmar's politics: for example, while citizenship teacher training programmes were run frequently over a number of years in the British Council, when in 2007 one inspired graduate made the mistake of starting his own programme, he was summoned to the Ministry of Education to give details of his curriculum, to cease activity, and to then to make subsequent reports of his activities to the Ministry.

Indeed, such was the difficulty of working in public that independent places of learning able to operate openly raised suspicions. Myanmar Egress, for example, was a formal organisation that did not threaten the state-building project and, arguably, supported it. Its website details how it was "set up in 2006 by a group of Myanmar nationalists committed to state building through positive change in a progressive yet constructive collaboration and working relationship with the government and all interest groups, both

local and foreign” (Myanmar Egress 2017). The organisation was rewarded with status and operating space, if not influence, but at the expense of legitimacy in the eyes of many activists (Kyaw Yin Hlaing 2014), for whom gaining the tacit approval of and understanding from the military government meant Egress was acting against the long-term interests of the country (Interview 19). Nevertheless, its provision of education opportunities and claim to be building an aspect of a broader reconciliation process gained it international support, the organisation benefiting from some of the early funding to civil society groups made available by donors such as the European Union in the mid-to-late 2000s.

## **Logics of accommodation: community development and education**

Logics of opposition in civil society can be contrasted with logics of *accommodation*. Again, while it is possible to understand this as a simple contrast between actors that reject state boundaries and those that accept them, this tells us little about the conditions and relationships in place to produce and sustain this modality of civil society<sup>41</sup>. Values of civic-minded communities of practice which generally eschewed direct opposition to the state had solidified over generations in Myanmar, as early responses to colonialism demonstrated. Stifled by three decades of totalitarianism, the disintegration of state welfare apparatus meant that pragmatic individuals and groups would focus mainly on service provision to needy populations, ill-served by Myanmar’s inadequate, resource-strapped public services. Basic health, education and social service work such as free funeral provision<sup>42</sup> would draw from earlier repertoires of social organising, most notably ideals of civilised society of pre-colonial times, including “village-level associations and

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<sup>41</sup> The depiction of a distinction is, in any case, somewhat didactic, as in actuality differences were much more nuanced; there was certainly a mixing of their practitioners.

<sup>42</sup> U Kyaw Thu’s Free Funeral Services Society was routinely picked out and admired by interviewees as ‘true’ civil society.

networks whose members conceive of and undertake their work in ‘traditional’ ways”, and which, lacking bureaucratic-rationalised and programmable structures, “‘fall beneath the radar’ of Western observers” and are overlooked as real civil society (Petrie and South 2013: 4). By 2011 this was no longer the case, with non-formal health and education services highly organised in many rural and ethnic areas and an important focus of donor-led development efforts.

Yet control over social matters remained crucial to the maintenance of military rule, too important to cede to social groups. Although coercive tactics were fundamental, if there was any semblance of ideology to accompany and legitimise continued military rule then it was fashioned around the ideal of state unity and development. Having rolled back state socialist architecture after 1988, the military replaced the mass representative bodies that characterised BSPP with new conduits into civil society in the form of government-organised NGOs (GONGOs) such as Myanmar Maternal and Child Welfare Association, and most importantly and extensively the parastatal Union Solidarity and Development Association (USDA). Registered as a social organisation, in 2007 membership approached a staggering 23 million, nearly half the country’s population, ostensibly to participate in social welfare work (Network for Democracy and Development 2006). In actuality, this was a military-backed entity, and “[paralleled] the administrative structure of the state” with “a hierarchy of offices” (Steinberg 2001: 111).

*All Town and Village Peace and Development Committees [consist of] USDA members, so in the formal sense, they are all USDA. How much they all adhere to the USDA is a different matter but I still think the link is pretty strong - they feed into each other (Interview 48).<sup>43</sup>*

The USDA’s local achievements and good works made headlines in state-run newspapers. Its centres around the country provided English language and computer skills tuition, even

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<sup>43</sup> This paragraph is developed from Sheader (2008).

management training for executives. A more notorious political function was the USDA's active recruitment of thugs – the Swan Arr Shin<sup>44</sup> – to intimidate and disrupt NLD gatherings. Yet even if it crowded out development-oriented civil society and harassed political actors, as Kipgen notes, “the formation of USDA... did not change the prospect of the government opening up space for civil society organisations” (2016: 55).

Indeed, there were marked changes in the 1990s which, although scarce by standards of comparable developing countries in the region, such as Cambodia, saw international NGOs (INGOs) permitted to set up small offices during SLORC and SPDC military administrations. As I detail further in Chapter 4, their presence boosted developmentally-oriented civil society. However, INGOs came under close surveillance and were restricted in their operations and movements. Intolerance of “interference in internal affairs” restricted standard activities such as policy advice. Some received public criticism from Burma campaign groups for enabling regime continuity turning and even complicity in human rights violations, such as World Conservation Society's partnership with the government to create a national park near a site of intense civil conflict (see Rabinowitz 2002: 151).

The growth of Myanmar's domestic development community was spurred in more bottom-up fashion too. In a strikingly similar way to how imported concepts contributed to the growth of the nationalist movement in the early twentieth century, community development materials and learning from taught programmes on leadership training, capacity building training and community management taking place among ethnic refugees and Myanmar exile populations in Thailand found their way into Myanmar itself (Interview 1). Ethnic armed groups fighting for self-determination controlled large swathes of territory in Myanmar's Karen, Kachin and Shan States in the early days of the

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<sup>44</sup> Usually translated as ‘masters of force’.

SLORC regime, with parallel state structures in place and ambitions for the development of service provision, especially in education (Interview 16). This meant the circulation and dissemination of materials was usually attached to ethnic or faith-based networks, meaning it was to some degree out of sight of state intelligence – even in urban centres such as Yangon, language and location would keep training and workshops more or less exclusive.

Removed from its political context, content was uncontroversial and sensitive topic areas could be omitted from training sessions in Myanmar. For a young generation that had grown up in the BSPP era, this was a significant opportunity, and the focus on community development, capacity building and self-study became a familiar one through the 1990s and 2000s. This type of activity was non-confrontational, rationalising its right to operate not through basic – and dangerous – principles of rights and justice but in accordance with a development narrative that also undergirded the regime's claim to rule. References to human rights were excised: the Yangon-based Capacity Building Initiative (CBI) resisted attempts by its employees and teachers to incorporate training on human rights and rights-based approaches to development even into Myanmar's early reform years after 2011 (Interview 38).

Training would therefore take place in cities where facilities were located and could be implemented or 'cascaded' in activity locations later. Entities set up as businesses or even early local NGOs were responsible for coordinating training. Given the impoverishment of state education and continued lack of international opportunities, there was a high demand for the acquisition of new ideas:

*These were self-learning programmes... 16 modules for organisational development, office management, human resource management, programme management... It was very*



*useful for community-based organisations [and] they only needed to attend the workshops and trainings at the weekends, everybody loved to join* (Interview 1).

Furthermore, the activity was relatively non-confrontational – models, techniques and skills taught went ostensibly unattached to political objectives, looking to circumvent rather than directly confront the state. Little if any content or form of this activity was directly crafted to the operational or ideational needs of human rights and democracy activists. At the same time, this did not mean these early educational activities were risk-free nor completely devoid of political impact. Persons sympathetic to the political opposition but unable or unwilling to risk participation, usually for family or economic reasons, were attracted to development work (Interview 14). Moreover, the very inapplicability of foreign, somewhat alien developmental and professional concepts in Myanmar held a mirror up to authoritarian government and revealed its failures. Whilst in Hewison and Nyein's terms they therefore constituted (merely) civil society rather than a politically-oriented civil society, in a highly constrained environment these courses were not straightforwardly the vehicles of depoliticisation they were accused of being elsewhere (see, for example, Louth 2015).

### **Early local non-governmental organisations**

Such educational initiatives fed into the development of the first local NGOs (LNGOs) that were born around this time. In 2007, South wrote

*since the early-mid 1990s, the NGO sector in particular has undergone a significant regeneration... [and involves] more-or-less officially registered local agencies, as well as various Burmese religious, cultural, social, professional and educational associations* (2007: 13).

This was a notable development from the BSPP era, in part forced by the appearance of new social problems such as HIV / AIDS, and the extent of poverty-related development issues. The spiralling cost of living following the switch from a socialist to free market economy coupled with the continued militarised orientation of national budgets, away from social provision, had enormous social costs. As South again notes, “[i]n some cases, [NGOs] have been assisted by enlightened state employees, who may work surreptitiously towards non-SPDC sanctioned ends” (ibid.).

Yet although bona fide NGOs – legally registered, salaried staff, a hierarchical structure and specialist bureaucracies and administrative departments – did indeed appear in the 1990s, this does not in itself constitute the emergence of an NGO sector if this is to mean anything more substantial than a small population of local NGOs. The work of these organisations would continue to be subject to invasive scrutiny, they were unable to input into state policy while politics and the impracticalities associated with a state under international sanctions, unconnected to international banking and telecommunications systems, massively disrupted material bases and severely restricted the reach and scope of activities. State-association relations were therefore marked by complexity and inconsistency, so despite the appearance of a repertoire of formal organisation among development-oriented civil society actors, absent were the structures and selectivities required to institutionalise this approach. The ability to actually realise projects was not down to the powers or strategies of the organisation but still depended on authoritarian government and the idiosyncrasies and whims of its rule. Firstly, the history and identity of the individuals and group involved were highly salient. Orthodox development work or relief activities undertaken by individuals or groups associated with opposition political activity would be perceived as potentially political by the state and activity curtailed. The ‘wrong’ connections would disrupt the most innocuous of community development work: activities which revealed links with the NLD or with ethnic opposition groups, however

tenuous, could completely derail project work. A committed care providing group for HIV / AIDS care in Yangon, for example, led by long-time NLD member Phyu Phyu Thin, was regularly disrupted and harassed.

Secondly, significant time, money, knowledge and connections were needed to navigate the labyrinth of bureaucracy to work openly. This created among Yangon LNGOs the urban class bias noted in other country contexts (see Fowler 1991: 73) and could cast doubt on alignment with the interests of the poor or marginalised they were set up to serve. For example, to avoid the inevitable scrutiny that would come from registration with the all-pervasive General Administration Department (under the auspices of the Ministry of Home Affairs), many would set up as businesses or private educational establishments. Those that did apply to register as organisations would sometimes make use of insiders within the civil service to ensure that when the application for registration reached a certain point in its processing, it would be returned to the bottom of the pile. The social capital that enabled access to such knowledge and contacts was of course restricted to those with well-placed, trustworthy government contacts in their extended families.

Early LNGOs would also need to take account of the USDA and GONGOs, which might help secure access to permission required to pursue activities but might also attract unwanted attention. Consent or acquiescence of certain levels of the military command structure would invariably be required at some stage, and variation in local conditions, sensitivities and personalities across space and time made planning difficult. Despite its portrayal as a united entity impervious to the influence of external events, internal wrangling and external threats would shake the regime. The need to make personal connections to get public work done meant that any major political turbulence, such as the purge of Prime Minister Khin Nyunt and the Military Intelligence network in 2004, could have severe

ramifications for organisational work. Periodic crackdowns on the National League for Democracy would cast the net of suspicion widely.

The inhospitable climate for civil society activity generated by regime structures selected for informal, 'traditional' civil society or local, community-based social welfare activity (undertaken by community-based organisations (CBOs)), and meant that they continued to be far more prevalent and significant (at least in terms of the phenomena of organising) than NGOs during the 1990s and 2000s. This was reflected in estimated numbers which, for CBOs, was estimated to be as high as 214,000 by the early 2000s (Heidel 2006: 43). A passion for engaging in 'social work' came to be a commonly-heard sentiment through the 2000s, particularly among the growing urban middle class in Yangon. Caring for the elderly, delivering rice to orphanages or poor communities, organising school lessons for street children were all common activities and, however partial, contributed towards alleviating some of the worst symptoms of military rule and human rights violations without directly challenging authority.

*They do the work because they want to help the people. Nothing more. It's not about politics, it's not about government, it's just about helping. The people are so poor and nobody is doing anything, so we do something (Interview 46).*

Whilst often ephemeral, lacking the internal structures and emergent capacities of formal NGOs for larger-scale projects, these membership-based groups possessed the flexibility required to navigate the unpredictability and excesses of SPDC officials. With significant movement of ethnic groups into Yangon and surrounding areas, work might be additionally motivated by a sense of commonality with a network's ethnic group. EAW, for instance, originally formed to help locally-identified victims of human trafficking from the Karen ethnic group:

*At Karen meetings, some issues come up like Karen girls are trafficked, they don't have a contact... they would call me – "OK, this is a case, someone needs your help to go back to their home". We picked our own money and gave help to that girl to go back home* (Interview 34).

## **2007 and beyond: 'space' appears**

By the mid-2000s the dual logics of opposition and development were entrenched under the single banner of Myanmar civil society. The intransigence of Myanmar's military and longevity of authoritarian rule made for an uneasy ecology, a paradoxically hospitable environment hosting an "apparently durable coexistence of non-governmental associations and the state" frequently found "in many non-democratic political systems" (Lewis 2013: 327). However, given its state of pre-institutionalisation, for opposition and accommodation oriented groups alike the exercise and impact of collective civil society agency depended on the contingencies of the state – strategic calculations were often just best guesses.

Yet such was the ossification of circumstances in Myanmar that even slight perturbations had disproportionate effects. In the 2000s, state-structural change – discussed in detail in Chapter 4 – and certain instances of *force majeure* produced significant variations in the fortunes of institutional actors. Initially, apolitical stances brought increasing rewards: the exercise of agency by politically-oriented civil society was not only stymied by regime actions, in an absolute sense, but would come to be considered as *relatively* ineffective when contrasted to actors willing to avoid politics and rights claims. Divisions had first been hardened by nationwide mass demonstrations in September 2007's Saffron Revolution, which led to the arrests and imprisonment of hundreds of (mainly young) activists and students and to (temporary) disruption of plans for the scaling-up of

pragmatic development work between international actors, authorities and local organisations (civil society strengthening project team leader 2016. Personal communication). Initially sparked by rises in fuel prices, the violence meted out to protesters, journalists, bystanders and, most shockingly, to monks, and the implausible jail sentences handed out in the aftermath of September 2007, reinforced the value of pragmatic approaches.

Less than a year later, divisions between approaches would be further clarified. Cyclone Nargis struck Southern Myanmar's Ayeyarwady Delta region in May 2008, killing over 100,000 people. Locally-led relief work involved hundreds of local groups, many of which had formed in a matter of days, stepping in to distribute locally-collected aid, tend to injuries and the burial of the dead and assemble temporary shelters while the government blocked international aid and delayed its own response. An immense humanitarian operation under intractable circumstances, with the usual logistics of coordinating such work involving accessing remote wetland villages, was made significantly more difficult and time-consuming by intense military scrutiny. For local actors with political backgrounds or possible intentions, difficulties were compounded:

*The SPDC initially stood idly by during the outpouring of local support to help the cyclone's victims, but soon reintroduced control through checkpoints and close monitoring of aid. Later on, the SPDC targeted activists for harassment, arbitrary arrest, and—in a number of cases—lengthy prison sentences for their organizing activities and expressing views that the SPDC viewed as threatening its control (Human Rights Watch 2010: 44).*

For the government this was less a natural disaster to attend to, more a political situation to manage and control. Yet for many organisations and civil society entities that became active into and during the reform era, the learning points offered by the Nargis aftermath

constituted a vital opportunity to grasp what civil society should and should not be doing if it was to make a difference in the 'expanding space':

*In Myanmar there is a lot of space where we can work... The government is restrictive but they are trying to decide if we are good or bad, are trouble or not... They don't give us much trouble when we are working for the community. We don't tend to ask permission and we just do by ourselves* (Centre for Peace and Conflict Studies 2010: 99).

Such "space", in other words, appears skewed in favour of certain actors over others. Sensitivity around civil society actors that made "trouble" by mobilising for political goals would begin to reach levels of paranoia. In 2010, for example, a group of volunteers from community-based development groups visited Pakistan for a global civil society event organised by an international organisation. Following workshops intended for activists working in communities at risk of radicalisation, some returned with the notion that politically-oriented groups seeking democracy and an end to authoritarian rule could be deemed to have been radicalised and should be separated from responsible civil society actors, disseminating these perspectives in their own workshops (Active Citizens programme participants 2010. Personal communication). With hundreds of activists newly imprisoned after the Saffron Revolution and Cyclone Nargis and support for non-state welfare activities steady, Myanmar's civil society appeared to be settling for self-control. Even as late as 2011, Kramer observed that

*The authorities in Burma are wary of civil society actors getting involved in political activities. This is a very sensitive issue for the government, and they have clamped down hard on the activities of local organisations deemed political or critical of the government* (2011: 20).

In fact, the nadir of official intolerance of politically-oriented civil society had been reached during Cyclone Nargis, and the gulf of acceptability separating the two logics would soon narrow remarkably. Landslide approval of the country's third post-independence Constitution in a widely discredited June 2008 referendum was followed by preparation for a general election in November 2010. In the months leading to the poll, urban-based political discussion and pedagogy networks, as well as development-oriented networks, were galvanised by the prospect of political change and began to explore possibilities of work beyond preaching to the converted. Given the national scale, there was potential to reach much further than previously while the state-sanctioned nature of the process promised opportunities to work more openly than previously.

A generation had passed since the last election and inexperience made for serious tensions between police and civil society actors, meaning a great deal of furtive, careful organisation which most local politically-oriented actors were already well-versed in. Engagement consisted of two main activities. Firstly, voter education, with an emphasis on the substance of voting and the democratic project of which it is part, rather than merely procedural aspects particular to the 2008 Constitution. Most of these workshops and meetings were branded as "civic education" and incorporated an overview of the constitution. With an explicit reference to rights now included in the Constitution, an exploration of human rights and citizenship was now possible, and proposals to local embassy funding committees, such as the UK Embassy's Peace, Democracy and Human Rights Programme (PDHR), would be dominated by human rights and democracy education projects. Secondly, election observation was undertaken by a number of groups and individuals, with one large Yangon-based NGO funded by various international donors to organise – surreptitiously – the largest and most comprehensive observation initiative.



Whereas observation attempted clandestine operation and resulted in harassment and detentions on or around the election date, the former was more open and public than could have previously been imagined. “We were questioned by police”, said one civic education trainer, “but we just told them we are telling people about the constitution. They let us continue. They even stayed and told us that they had also learned something!” (Project officer 2013. Personal communication). Certainly, such actions reached only a tiny fraction of the electorate. Lidauer (2012: 100) estimates that “up to 15 different CSOs in the country offered civil society and voter education programmes.” Apart from well-established and well-connected organisations like Myanmar Egress, who trained some 2000 people during the election run-up, most of these organisations were in actual fact very recent inventions, small groups that had previously existed on the quiet as discussion and educational networks but were now able to assume public activities (Interview 19). Furthermore, as information was ‘cascaded’ following workshops via newly trained groups and networks – a device to increase beneficiary reach, and better secure funding – direct organisational instruction did not exhaust activity. Politically-oriented civil society actors nervously enjoyed freedoms to discuss and critique constitutional arrangements, the workings of parliament, party political processes and the rights of the individual; some, moreover, would become involved in the process themselves as political party advisors.

### **Civil society in a new ‘space’**

In April 2012, a year after the military proxy party USDP had formed a governing administration, by-elections were held in a transformed political landscape. The release of most political prisoners and the easing of political surveillance meant that elections, this time contested by the NLD, provided a key test for Myanmar’s new-found openness. Electoral observation work involved high-profile activists from the 88 Generation Students, whose Myanmar Election Network was composed of members from several civil

society organisations. Freely able to monitor, collect eye-witness reports and disseminate findings, the “group [was] satisfied with the whole electoral process now being finished without any major risks including violence and unrest [*sic*]” (Election Monitoring Network 2012: 7).

The 2012 by-elections thus marked the beginning of a rehabilitation of politically-oriented civil society. Their activity was apparently no longer off-limits; indeed, it was now the more accommodation-oriented civil society that was on the backfoot and having to situate their work within the flux of *state* development activity. Funding for domestic civil society actors expanded as donors such as AusAID and Open Society Foundation began to channel resource away from the Thai-Burma border and into Myanmar (The National 2012; Burmalink 2015). New domestic and international links between organisations surged, while open meetings were held in a variety of public locations and key political issues discussed, reports on once sensitive topics published, and often circulated in new private media or over an uncensored internet. Although later chapters will describe ongoing tensions throughout the reform era, with hardened behaviours among various actors persisting, the normalisation of public political participation appeared well under way. Lidauer observes how self-circumscription to welfare activity was left behind, as “civil society actors, be they journalists or members of formal or informal organisations... found new ways to get politically engaged” (2012: 109).

Developments were as swift as they were unprecedented, and generated excitement among analysts of Myanmar’s political development. Understanding and contextualising this apparently dramatic shift requires a sober unpacking of the social forces involved, yet the emotion which accompanied the thaw between state and non-state actors meant actors and commentators alike tended to attribute change to agents: “The space and possibilities for civil society is up to us. We can widen this space. It is not ideal, but it

depends on our creativity” (interview in Kramer 2011: 15). Rather than interrogate the meaning of such claims, many academic commentators on Myanmar would repeat them, placing explanatory weight on the actions and activities of civil society actors alone, on how their agency “opened spaces of discourse and action that have the potential to support and influence, but also oppose, political reforms” (Lidaur 2012: 89). According to the critical realist explanatory logic presented earlier, explaining the *actual* change in (civil) society activity should direct attention to the *real* mechanisms which generate it. On the account given above, the ‘space for civil society’ collapses into the exercise of agential powers, an elisionism or central conflation downwards into the agent, making for a wholly unsatisfactory account of social change. The metaphor of space – a potent and commonplace trope among civil society advocates in reform era Myanmar – appears here as an empty empirical plane, devoid of structural content.

In contrast, Hewison and Nyein, writing as the prospect of political reform in Myanmar was emerging, offer a more cautious assessment, recognising that while the existence of various civil society actors “may lead to an expansion of political space... *this opening requires action by the state*” otherwise “the role of these groups is likely to be compromised or complicit” (2010: 31. Emphasis mine). In Myanmar, after 2009, this appeared to have happened. This highlights two important points which I will develop in Chapter 4: firstly, the idea of *the state as both actor(s) and structure* – exercising state power to reconfigure structures. Secondly, such structural change can be expected to affect generative mechanisms previously relatively isolated in the value-driven discursive politics of civil society, by altering the strategic selectivities which underpinned the formerly stable – all too stable – value-driven logics of accommodation and opposition. Relations of antagonism, sustained in discursive politics, would be undermined as changes in the state led to civil society assuming a more Gramscian proper relationship with political society.

In Myanmar, the changes so refreshingly perceptible to actors after 2010 were only an empirical marker of deeper shifts that had slowly rearranged the structural terrain over a number of years, changes that some argued to have positively changed the ‘enabling environment’ for civil society. Yet if we understand an expansion in the space for civil society as consisting of a socio-political transformation that at least entails greater respect for basic civil and political rights, then structural change might be expected to enable not only freedom of association but also – if it really is a space – to foster conditions to overcome other inequities of power. However, new structures, beyond new political–constitutional rules, mean that certain actors and identities are privileged over others. I examine this in Chapter 4, showing how the resulting ‘space’ is complex and ambivalent in terms of the power it sustains. Indeed, it can be seen to generate the very forces that NGOise civil society.

## **Conclusion**

This account of Myanmar’s civil society has described its somewhat tragic history since colonialism through depicting the emergence of two analytically distinct logics or ‘ways of doing’ civil society – a politically-oriented and a developmentally-oriented civil society. My objective in this chapter has been to focus on the agential side of the institutional dialectic, describing the logics, approaches and the values and social identities in civil society.

In each tradition, actors drew upon historical antecedents: a developmentally-oriented civil society drew upon civic values embodied in (historically) Buddhist notions of community-based charity and giving, largely avoiding rights claims in order to better ensure uninterrupted provision of welfare under authoritarian government. A shift to a capitalist economy and authoritarian politics after 1990 gave a double boost to this

approach – the removal of totalitarian support systems (however paltry) created need while a disinclination to foment political change meant they were regarded as benign entities. They facilitated links and support to expand and formalise efforts by connecting with INGOs. Politically-oriented civil society finds its roots in the early associations which flourished and were politicised under British rule. Its repertoires of opposition included mainly student-led underground political networks, which sought removal of the military and the resolution of various state pathologies believed to be linked to military-institutional interests. Discussion and reading groups were less manifest in their opposition and, drawing from traditions of non-formal education as well as communist cells, worked instead to inculcate a critical pedagogy in a politically inquisitive youth.

Whilst developmentally-oriented civil society actors were far from content with the regime, strategic action was geared towards *nothing more than* accommodation with the state structural selectivities. The values and actions of those embracing logics of politically-oriented civil society, meanwhile, positioned actors *in pursuit of their dismantlement and reorganisation*. An absence of respect for human rights throughout much of Burma's history distanced agential powers from meaningful interaction with the state and made for decades of grim continuity. A sudden reversal of fortunes in 2009, however, saw politically-oriented civil society begin to undertake public activities on a wider scale and with greater openness.

Caught on the hoof, some of Myanmar's civil society activists and scholars sought to attribute this 'expansion of space' to politically-oriented civil society itself. Yet no explanation appears as to why such actions were so suddenly efficacious; from a SRA perspective, the ontology of change involves both sides of the institutional dialectic. Having introduced the dominant agential forms of Myanmar civil society, in Chapter 4 I focus specifically on the structural changes which abolished checks that had stymied the

agential powers of Myanmar's politically-oriented civil society. Yet this does not entail unmitigated freedom, and nor is structural change limited to legal or constitutional reform; indeed, only an understanding of broader social structures to which the state and its projects are related will allow us to see how mechanisms of NGOisation begin to emerge in Myanmar, and thus how the distinct logics of civil society come together in a new, institutionalised form.

# Chapter 4. Reform, and the emergence of the institution of organisation

## Introduction

Logics of opposition and of accommodation were the binaries characterising relations between Myanmar's state and non-state actors through the SPDC era. This stability was reproduced by state response (or its non-response), demonstrating how "authoritarian regimes last in part thanks to certain forms of discontent... the way they are expressed is an integral part of authoritarian governance" (Froissart 2014: 219). The stability of the regime meant time-worn techniques for coping with or challenging state structures could develop, albeit with occasional adaptation in politically-oriented civil society, such as innovative campaigns and the popularity of liberal reading and study groups, and the introduction of the local NGO form in development-oriented civil society.

Towards the end of Chapter 3, I showed how these binaries of civil society began to erode as politically-oriented civil society moved above ground and – rapidly by Myanmar standards – became directly, publicly and apparently freely involved in the promotion of democratic politics and human rights. The claim that this could be understood as actors making more political 'space' for themselves was briefly criticised as presenting a wholly unclear picture of civil society development in Myanmar, offering no explanation of how civil society actors so suddenly overcame decades-old strictures, and instead redefining the problem through a central conflation of structure and agency. Improvement in respect for (certain) civil and political rights, especially since the 2010 elections, transformed conditions for civil society actors, but also altered the basis on which logics of civil society action operated. In moving from underground to above ground, oppositional norms that mediated action and agency for democracy and human rights during its

historical struggle now appear largely incongruous. In their place, a more formalised, public NGO form with its own distinct powers and requirements has become commonplace in Myanmar. Estimates of NGO or CBO, or the catch-all CSO, numbers continue to be reported with wild variation, due to the avoidance of the formal registration process and a lack of consensus on what these terms actually refer to. One well-placed estimate was around 1,000 registered NGOs by 2016 (Interview 43), their work spanning a range of social and, by now, political and human rights issues. CBOs, meanwhile, were said to be well over 200,000 in 2004 (Dorning 2006). Although we lack precise figures in this regard, the appearance and expansion during the 2000s of an INGO and donor-led civil society strengthening ancillary industry out to build the capacity of civil society actors cannot be doubted.

Yet although, undoubtedly, a vast improvement on the conditions described in Chapter 3, that a supposedly politically liberated civil society should see actors converge around a single form rather than carve their own trajectories of development demands explanation and examination. In pursuit of this, I employ the critical realist-inflected institutional approach outlined in Chapter 2 to illuminate both the nature of the NGO itself – its *sui generis* powers and liabilities – and the development in Myanmar of the wider institutional field which provides the structural setting for that organisational form to flourish in the first place. These are not lone phenomena but have appeared as part of broader state change. This chapter therefore has twin aims: firstly, it explores the dynamics of state power in Myanmar and in particular its attempt to rearticulate social forces in civil society. What precisely is this change in the state, and how did it arise? Can coercive state-social relations be said to have been replaced by a relation of consent?

Secondly, in light of state change, I abstract the necessary, internal relations between relevant social entities to develop a regional ontology that characterises the institutional



field, constituting the structural determinants of the institution of the NGO. Structures, concepts and beliefs that generate change are explored through explanatory critique: what are the key structures at issue here? How did they replace the relations of antagonism which underlay earlier normative orientations? How did outcomes of earlier social interactions complicate their instantiation and operation? With a clearer understanding of the structural terrain towards which actors develop strategy and by which certain practices become institutionalised, and an appreciation of how the political and social forces have shaped it, I show how the so-called 'space for civil society' has a structured topography that serves as a vector for NGOisation, which itself must be understood more broadly than the mere adoption of the NGO form. It is within this field and the institutional milieu it fosters that the actors investigated in the Chapter 5 case studies make strategic decisions.

### **Setting the context: state change in Myanmar after 1990**

Given the brutality of military rule in Myanmar and the apparent continuity under SLORC and SPDC of an institutional dominance born in the 1960s, most analyses of Myanmar's government have focused on understanding the obduracy of the regime – its internal politics and the tensions between "hardliners" and "liberals" or "soft-liners" (Kyaw Yin Hlaing 2009; Bunte and Portela 2012), the relative power of the Tatmadaw as the only modern institution in Myanmar (Callahan 2009), and the likeliness of its continued domination through a "hybrid regime" (Selth 2012). Such is its dominance that Steinberg labeled the military a "state within a state", an opinion buttressed by the privileged access of military functionaries to the best schools, healthcare and other trappings of a patrimonial system (Steinberg 2012: 224). To refer to the Thein Sein government which came to power in 2011 as reformist, for many, is therefore deeply problematic. Turnell, for instance, articulates the standpoint of many who are dismissive of any transformation:

*The singular unity of Myanmar's military rule seems likely to persist. All the elements of the oppressive apparatus remain in place, as do the incentives that cement the military, business and other elites to the existing arrangements* (2011: 89).

Yet whilst the military would retain many of its privileges, focusing solely on this (a) overlooks the enormously important changes which resulted in real progress on civil and political rights, and (b) conceals wider structural changes that enabled privilege and political power to be retained *in spite of (a)*. Employing a Gramscian approach to the state sets its transformations within broader social constraints and contexts, including the place of social agency. The state's organisations and apparatus are not seen as "technical instruments of government" but are understood in a way that "relates them to their social bases" in "the economic system and civil society" (Jessop 1982: 146); this illuminates the importance for civil society actors of the shifts made by SLORC and SPDC during the course of military rule. My objective in presenting this is not a normative assessment of the military's reformist agenda, less still any exposé of the military's purported plan for perpetual domination, but to situate civil society in this developing structural context.

The constitutional and political changes in Myanmar that signalled the end of the SPDC and the installation of a civilian regime mark the culmination of a state project realised over two decades. This reconfigured the relationship between government apparatus, civil society (in its broader sense) and the economy, however troubled and contested this apparent normative departure would prove to be. Whilst the state form continued to ensure the dominance of the Tatmadaw, this would be additionally secured through an economic power bloc nurtured by the military. For whilst state structures and bourgeois interests and actions are never unified *simpliciter*, in the Myanmar context the development of this relationship was more direct and explicit, less organic, than in many other nation states, resembling a corporatist project.

The socialist economy collapsed in the 1980s mired in stagflation, international isolation and an underdeveloped national economy, with the private sector crowded out by state economic enterprises (SEEs) and encumbered with bureaucracy. Whilst socialist states in Eastern Europe generally restructured through the gradual inclusion of long-existing informal market systems into the formal economy, any straightforward liberalisation process in Myanmar was complicated by legacies of self-sufficiency policies and state isolation, hence the absence of an active bourgeoisie. Facing this set of contingencies the switch to a new mode of production was not a simple matter of rearticulating relations between political society and dominant class fractions, but in the latter's very creation:

*Since a "fluent, responsible middle class" was absent, it was necessary for the state to "build it up"... Privatisation would thus be gradual and directed to create large-scale "national entrepreneurs" capable of taking on major industries (Jones 2014: 148).*

In a broader Marxist sense, there is nothing unique about the connivance of state-business interests in maintaining the state. Despite the expectation that the capitalist state is largely absent from the economy, even under laissez-faire conditions it plays a crucial role in securing the conditions for particular accumulation regimes and fending off threats from dominated classes (Poulantzas 1973, in Jessop 1982: 153-210). The development of "national entrepreneurs" in Myanmar was, however, quite unique. A Privatisation Commission established in 1995 oversaw the selling off of SEEs and other state assets such as land and buildings over two phases between 1995-2007. Beneficiaries of sales of mining, energy, timber, fuel retail and industrial manufacturing were primarily businesses "owned by individuals with close personal and business connections with the highest levels of the ruling elite" (Ford et al. 2016: 30), and large conglomerates owned by the Burmese military itself - the Union of Myanmar Economic Holdings and Myanmar

Economic Corporation. Close patronage networks were developed between these entities.

Importantly, crony privatisation also undergirded the Tatmadaw's approach to partly unifying the disparate patchworks of ethnic populations across Myanmar through inclusion into the state-capital nexus, a process sometimes referred to as "ceasefire capitalism" (Woods 2011). By 1997, 16 ceasefire agreements had been made between the Tatmadaw and ethnic armed groups; whilst popular demands for federalism went unmet, rebel army commanders laid down weapons for material opportunity in a variety of sectors both licit and illicit, including logging operations, opium farming, jade mining and other lucrative extractive enterprises. This had the concomitant effect of splintering ethnicity-based movements into rival factions, holding different allegiances to the state. Any subsequent attempts at transformation of the state would have to be done amidst a set of formidable constraints, with the symbiosis between the military and new crony elite commanding a concentration of economic power in the hands of a small oligarchy and the political power to design a constitution that preserved gains (Bunte 2011; Callahan and Steinberg 2012).

The state project defined new relations between its own elites and newly constituted concentrations of 'independent' economic power. Yet this initiates tendencies not under the complete control of any one group. Firstly, although extra-economic accumulation and transfers of state-owned assets would be an initially important method of securing resource, it was not necessarily compatible with the interests of the new business class in the long-term which, like any other bourgeoisie, would be increasingly market dependent. Secondly, state power continued to rest on the most fragile of social bases, with the military largely despised among the general population. In a Gramscian sense, cultivation of a genuine historical bloc requires attendance to levels of production *and* politics; the

exercise of ruling power is hegemonic insofar as it is consented to not only by dominant fractions of capital, but also by those groups and classes dominated. This requires compromises and concessions on the part of ruling elites. Yet organic relations between a leading party and civil society were to be found between the latter and the NLD in the Burman heartlands, with various armed groups leading in ethnic areas. Pro-democracy campaigners of 1988, and the generation that followed, also held widespread support. Persuasion and ethical consolidation central to hegemony and integrating society involves mundane everyday matters of statecraft, like “taking systematic account of popular interests and demands, shifting position and making compromises on secondary issues to maintain support... and organizing this support for the attainment of national goals which serve the fundamental long run interests of the dominant group” (Jessop 1982: 148).

The complexity of government that such an integral state requires was ill-suited for Myanmar’s corrupt, bankrupt welfare system and the chronic disinterest and disconnection of the generals from the conditions of the bulk of the population. During implementation of the state project through the 1990s and 2000s the consent of subordinate groups would therefore remain absent, and the military would fall back on familiar repertoires of neutralisation and co-optation. We have seen how the former involved systematic human rights violations against civil society actors, the latter the inclusion of armed groups in ethnic hinterlands in networks of patronage but also tolerance of developmentally-oriented civil society which did not disturb the operation of state power. The efforts of GONGOs and the mass-based USDA had little or no effect on negative sentiments of the population towards the military, especially in urban areas – attendance at anti-NLD rallies and the disruption of demonstrations depended on paid labour and thugs for hire. Whilst many welcomed the fresh, less hostile perspective on political transition encouraged by Myanmar Egress, this barely affected the disaffection felt toward the regime. Across civil society institutions, there was intense antipathy and

opposition towards military rulers and business ‘cronies’<sup>45</sup>. In addition to activist groups, Buddhist monasteries were under close watch, especially after the 2007 ‘Saffron Revolution’, as were universities.

Concessions would therefore be given to development oriented civil society, social welfare groups and in fact, especially through the 2000s, increasingly towards civil society actors which did not pose an immediate danger to the unfolding state project. The aim was not to court an unlikely approval, but to ensure non-interference in the solidification of the bloc and its conditions for reproduction. Constrained and closely supervised participation of the international community was also acceptable and relatively harmless. Unacceptable, on the other hand, were actors who threatened to destabilise the state project, and harsh punishments would be meted out for (broadly defined) acts of civil disobedience. Thus any relaxation of the persecution of politically-oriented civil society had to wait until plans for a new constitution and elected government were realised. Procedural enactment would involve the coercive power of the military bureaucratic state apparatus and its outer ditches of its mass-based associations. The reach of the USDA helped manipulate an overwhelming endorsement of both the 2008 Constitution and the military-backed USDP in the 2010 general election, both critical steps in cementing the new order.

The intended result, a self-described “disciplined democracy”, was envisaged as a carefully-designed superstructure for military rule and, as such, 2010 elections written off as a “sham” by many Myanmar watchers and democracy and human rights groups (see, for example, Clegg 2010; National Democratic Institute 2010). Yet other Southeast Asian nations had experienced waves of often contradictory and disorienting shifts in the state and governing regimes after the eclipse of colonialism, something which the institutional

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<sup>45</sup> A term used very frequently in Myanmar’s among those critical of this state-business nexus.

dominance of the military regime had seen Myanmar largely avoid<sup>46</sup>. Despite important elements of continuity in the military's presence in government, the redrafting of the rules of government would herald a major change in terms of the relations between the Myanmar state and forces of civil society.

## **The new latticework for civil society**

Changes in the state form during the SPDC era were therefore not limited to alterations in the constitutional architecture but involved attempts to organise a reconstituted historic bloc. This initiated social forces which impacted on the form, orientations and practices of civil society. As this state project was gradually cultivated and enacted over the course of the SPDC administration, and especially after 2000, modalities of civil society through which subordinate groups found support or representation were quietly polarised: a normative bifurcation of civil society into a legitimate, depoliticised development-oriented form, and a far less acceptable politically-oriented civil society. Groups which posed genuine hegemonic threats to the unfolding state project were neutralised, while concessions and circumscribed tolerance were on offer for more benign actors.

Neither politically-oriented nor accommodation-oriented civil society, therefore, can be said to have created its *own* space; rather, the SPDC state project together with its intended and unintended effects reorganised the relations within which civil society actors were positioned. These set the structural field against which civil society would develop in the USDP reform administration after 2011, *a latticework of relations between organisations, government and donors*. This is not simply a relationship between groups, but between different groups, their needs, interests and values, *and* an economic system, a first attempt at fitting a capitalism in which cronies and military would dominate – or

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<sup>46</sup> Explanations for state change or stasis, such as the persistence of authoritarianism in the face of modernisation, are of course enormously varied and reflect basic theoretical proclivities. See Robison, Hewison and Rodan (1993) for an excellent summary as the debate relates to Southeast Asia.

certainly retain their spoils – with politically emancipated Myanmar society. This demands management of political and cultural conditions in which subaltern groups were now free to organise, in a way broadly consistent with modern government, and with the broader requirements of the reproduction of the historical bloc itself. In Gramsci's words, "what is involved is the reorganization of the structure and the real relations between men on the one hand and the world of the economy or of production on the other" (1971: 263).

Three interrelated structural relationships can be abstracted and examined within this latticework, each having their own distinct effects on civil society agency and agential projects: *fiduciary, legal and ethical relationships*. The forces which impact Myanmar's civil society would no longer be those of an authoritarian state that requires no ethical component, but come to be more typical of those found in democratic liberal capitalist social formations in which formal, instrumental relations and hegemony are pushed to the fore<sup>47</sup>. In the rest of this chapter, I argue that the historical development, operation and effects of these relations in Myanmar, from 1990 to the present day, offer a more informative, content-rich and causally meaningful account of change in civil society activity than the 'expansion of space' thesis. Indeed, as their effects bolster particular social identities and institutionalised ways of doing civil society while delegitimising and deinstitutionalising others, grasping their ontology is essential to appreciating how the contours of this space favour certain institutionalised forms and orientations of civil society over others. In short, this is the key to understanding the trajectory of Myanmar's politically-oriented civil society and the early appearance of phenomena associated with NGOisation.

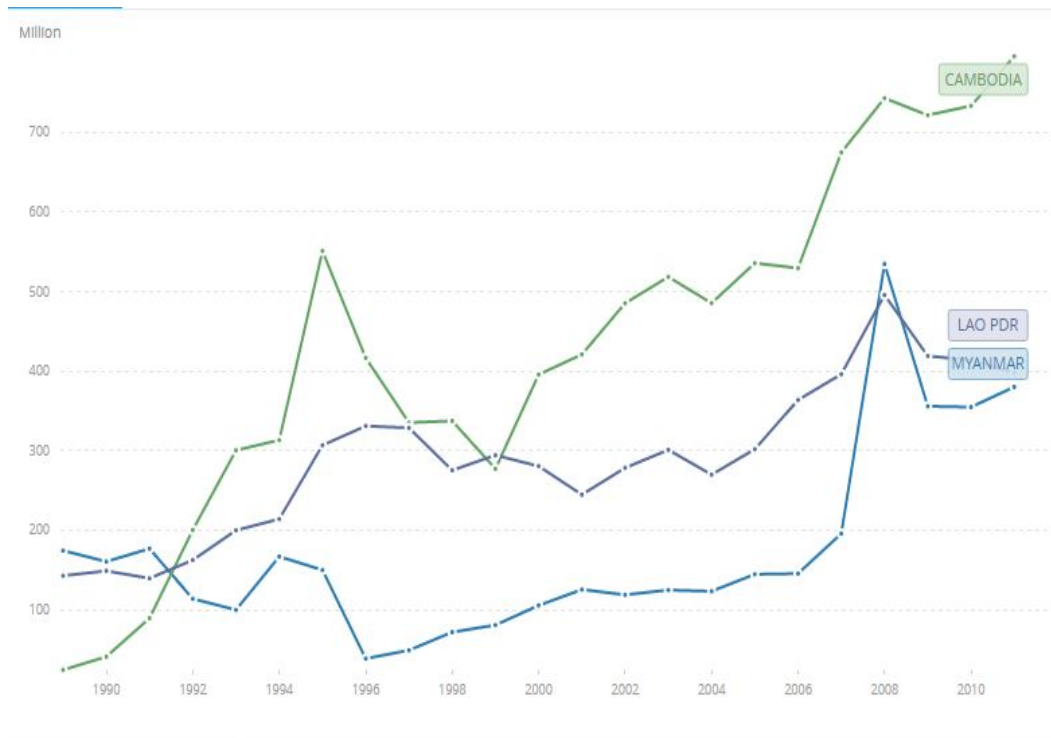
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<sup>47</sup> This is not to suggest that Myanmar transformed into a liberal state in such a short space of time, but that the new sets of relations into which politically-oriented civil society was implicated were liberal solutions to social and political development. These gave rise to institutionalising social forces. In this way, civil society actors were pressed – mainly by donors – to the forefront of liberal democratic development, while state elites were able to remain recalcitrant.



## **Relation 1: Donors, CSO capacity and the development of fiduciary structures**

Until relatively recently, Myanmar made for a significantly – sometimes impossibly – challenging environment for international agencies to engage in the kind of civil society strengthening programmes commonplace in neighbouring countries. As *Figure 2* indicates, donor activity was very limited during much of the SLORC and SPDC period of rule. Prior to 1990, the self-sufficiency policies of the BSPP restricted international presence, meaning that for decades Myanmar had been a largely peripheral site for international development actors and the implementation of new development paradigms. This trend continued under SLORC, which assumed power around the time civil society was being venerated as a “magic bullet” for the West’s development industry (Edwards and Hulme 1996b). Unlike Eastern Europe, in 1988 Myanmar’s subaltern failed to secure a regime conducive to liberal development norms encapsulated in the New Policy Agenda (NPA). The prominence of the military and cronies in the national economy complicated efforts to develop the efficiency of the private sector as an instrument for economic growth and poverty reduction, while the policing of non-state actors and absence of democratic channels of participation strictly curtailed the involvement of civil society in governance.



**Figure 2:** *Net Official Development Assistance received by Cambodia, Laos and Myanmar, 1990-2012 (World Bank 2017).*

The absence of these twin poles of the NPA, fulcra of development in other parts of the world, was doubly problematic. Firstly, official development assistance (ODA) was cancelled by the West (including Japan) in the wake of SLORC's assumption of power and human rights violations. Financial support for Myanmar would fall far below that of its comparable neighbours for decades. Unlike the US, the EU's Common Position did not completely prohibit engagement: aid was permitted when it could be shown it would not benefit the regime, but not only was this highly unlikely but it also ran up against lobbying of solidarity groups toward supportive MPs and senators in the West. Secondly, aid cancellation was only one of a range of tactics – alongside withdrawal of trade privileges, arms embargoes, travel bans, asset freezes and so on – to achieve behavioural or regime change by politically isolating and economically crippling the regime (with significantly detrimental effects on workers) (Haacke 2006). Such actions and their stated goals of (at

least) achieving political change in Myanmar made for a highly-charged political context. Political conditions on aid were seen as “low-intensity warfare” by the SPDC: ““as a sovereign independent country we do not like to be pushed around”” (Hla Min, in Haacke 2006: 64).

Yet despite discouraging circumstances, as part of an initial public relations drive early in its rule, Myanmar’s military rulers had “expressed interest in having international non-governmental organizations (INGOs) undertake relief and development projects in the country” (Arnott 1994). By 2005 there were “41 INGOs employing about 3,500 people in Burma/Myanmar... 7 have staff over 200”. Most were small missions, with a combined “total budget of around \$30 million”, a stark contrast to “Cambodia, with a population of just 15 million” and “about 115 INGOs with a budget of \$110 million” (Stallworthy 2005). The retaliatory actions and diplomatic tensions described above made, therefore, pragmatically awkward circumstances. Whilst officially permitted, regime distrust of foreign – especially Western – interests meant a close supervision of INGO activity, constricted room for geographical and thematic manoeuvre and strained, exhausting relations with central government. Legality of operations depended on obtaining a Memoranda of Understanding (MoU) – a standard requirement in most development circumstances, but one which the military’s overriding concerns with security and non-interference in domestic affairs turned into a highly time-consuming and problematic piece of documentation<sup>48</sup>. These applications, along with separate organisational registrations, approvals for projects, travel permission and recruitment of international staff had to be steered through numerous different government ministries and

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<sup>48</sup> Summed up in the sinister proclamations of the “People’s Desire”, seen on street billboards and in daily newspapers:

- \* Oppose those relying on external elements, acting as stooges, holding negative views
- \* Oppose those trying to jeopardize stability of the State and progress of the nation
- \* Oppose foreign nations interfering in internal affairs of the State
- \* Crush all internal and external destructive elements as the common enemy.

coordinating bodies. Completing this work was expensive and enormously time-consuming.

Official restrictions and exacting procedural constraints accentuated the practical importance of one aspect of the NPA's *modus operandi*, that of 'partnerships' between INGOs and their local counterparts, (and, in more typical circumstances, with public authorities). "Joint principles of operation" released by a group of humanitarian INGOs in 2000 specified how they sought "to operate in a way that supports civil society and builds the capacity of human resources in the country... enhancing both the technical and organisational capacities of our beneficiaries" (International Non-Governmental Organisations (INGOs) Providing Humanitarian Assistance In Burma / Myanmar 2000: Section 7). Beyond relief work, such a principle was equally important for those INGOs and their donor supporters engaged in development activity, focused in Myanmar in sectors such as agriculture, basic health, education and micro-finance. Here, the sustainability of project outcomes would often depend on continued interactions between local organisations, beneficiary communities and local (military-infused) government. Practically, engaging local groups helped to circumvent some of the overt restrictions on international entities – the more work local actors could be trusted to get on with, the less foreigner-military interaction there would be – and therefore became a vital element for any kind of success in the country.

### **The ontology of empowerment**

It has been frequently asserted – and often challenged – that donors and INGOs falsely assumed that Myanmar civil society was weak because there were few NGOs, and even fewer with the capacity to carry out the functions internationals would commonly assign them (see Kramer 2011). Yet this perception was driven by practical need rather than

deficient conceptualisation, and if the required capacity didn't exist in civil society then it would need to be built. Chapter 3 showed how social welfare groups and nascent NGOs had emerged in 1990s Myanmar, thanks to the abandonment of BSPP infrastructure and to new information and teaching materials. This would be further developed by international actors, as needs demanded, through more formalised civil society capacity building efforts among Myanmar's local welfare groups. As both a delivery instrument for INGOs and donor efforts, and as a stand-alone objective insofar as empowered civil society organisations were an integral goal of INGO projects, building the capacity of these associations was of crucial importance.

The ontology of empowerment or capacity building<sup>49</sup> and the political economy assumed by its intended outcomes can be clarified here by critical realism. Two possible objects can be said to exist as targets for empowerment or capacity building work: firstly, work can aim towards improving organisational ability to accomplish certain tasks e.g. improving the organisation's capacity to raise money through applications for funding can be strengthened by staff training, better communications with donors and so on. Secondly, work may focus on the organisational structure itself – this is often called organisational development (OD), and much of its objectives involve the rearrangement of relations between different organisational positions e.g. articulating a reformed division of labour, drawing up new departments, or the development of a more hierarchical system of accountability. These two objects of capacity building can be understood respectively as improving the strategic deployment or refining the quality of organisational powers and, more fundamentally, the bringing into being of those powers or capacities themselves. Like any capability, the NGO's *sui generis* powers are dependent on internal structures – the arrangement of its staff and its other resources according to particular relational

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<sup>49</sup> As is common in international development practice – and indeed in broader skills development – I use these terms interchangeably.

configurations so that it forms an organisation and yields the required organisational powers.

Pursuing these twin objectives through the 1990s and 2000s was vital in the production of a community of civil society actors in Myanmar with the core abilities to fulfil the panoply of duties and expectations ascribed to them by virtue of the function of civil society organisations in development activities. In other words, the organisational powers deemed priorities are closely informed by the politics and ideologies that lay behind conceptualisations of civil society<sup>50</sup>, by virtue of a more fundamental organisation of state, society and economy. First and foremost, certain specific capacities are necessary for the reproduction of a civil society organisation itself. As Howell and Pearce remind, “civil society organizations can neither raise money through taxation like government nor generate profits through capital accumulation like companies” (2002: 108). The material base that supports activities and organisational reproduction – especially the livelihoods of the staff providing organisational labour – is, by and large, secured through donor grants awarded either directly or indirectly as partners in projects<sup>51</sup>. By virtue of the NGO structure and its emergent powers, entities are, and indeed must be, *able to form contractual relationships with other entities* – primarily donors or other (I)NGOs – *and to meet contracted deliverables, usually through the enactment of projects*<sup>52</sup>. The structures and attendant emergent powers required to enter into such a fiduciary relationship and to carry out contractual obligations are integral to being an NGO.

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<sup>50</sup> Further discussed and critiqued in Chapter 6.

<sup>51</sup> Other sources of funding, of course, exist – governments may make unrestricted funds available to organisations (with the original source often being donors); market solutions are increasingly common, with NGOs becoming taking on the guise of a social enterprise and raising funds for activity through the sale of services. See Edwards (2008) for a critique of this supposed panacea for both eliminating social problems and securing the existence of autonomous, effective civil society.

<sup>52</sup> Philanthropic gifts, social enterprise, membership fees are other means of securing a material base. Yet apart from the latter, which can be highly limiting in practice, a similar structure and emergent capacities are presumed.

There are significant contradictions bound up in the NGO-donor relationship. Frequently commented upon is the purported dependency of NGOs on donors, making the former prone to fulfil donor agendas rather than their own and eroding the autonomy of civil society. This appears surprising as liberalism sequesters civil society in its own realm, obscuring the real relations that make it causally effective. Acknowledging how such efficacy is rooted in structures binding state to civil society negates liberal reasoning. A further contradiction exists in the tension between the social or philanthropic values that inspired the creation of the entity, and the demands and conditionalities attached to the provision of resource given for the fulfilment of this mission. These conditions form part of the objective environment, the world of concern through which values develop, just as much as the suffering that generated the original impetus for social action.

Numerous development scholars have understood this tension in terms of accountability. Kaldor (2003), for example, contrasts the moral and procedural accountability of civil society – responsibilities towards beneficiaries versus the management and systems that realise these responsibilities. Uphoff (1996) sees contractual relationships as overwhelming those relating to social responsibilities towards the communities NGOs seek to serve: “there is a fiduciary relationship between NGO staff and trustees and those who provide NGOs with their funds which is *greater than* their obligations to recipients of NGO benefits” (ibid.: 21. Emphasis added). The realist presentation above shows more clearly how the distinctions between these two relationships are qualitative as well as quantitative. The substantial relations of NGO-donor rather than those pertaining between NGO-beneficiaries are writ large in the NGOs distinctive interests and powers, in its social identity. The fiduciary relationship is a necessary relationship, internal to NGO social identity, determining NGO real interests and empirically securing its reproduction. Most importantly for our purposes, *this demands a configuration and powers explicitly*

*driven by the need for better contractual and project management, rather than better fulfilment of democracy and human rights, or other political ends.*

In Myanmar, whilst fiduciary structures and the politics organisational development would initially impact developmentally-oriented actors, politically-oriented civil society would later encounter and be enabled and constrained by these structures.

### **Modalities of empowerment in Myanmar**

The expansion of empowerment and partnership or grant opportunities therefore went hand-in-hand. In 1998, the first large-scale training programmes for local NGOs was developed and implemented by World Vision and Save The Children as the Myanmar Developed Resource Program, later to become the autonomous Capacity Building Initiative (CBI), bringing in new INGO consortium partners. CBI provided trainings to local groups, often linking with groups working as partners in INGO or UN projects, which, together with their publication of the first *Directory of Local Non-Government Organizations in Myanmar*, initially recording 30 LNGOs, helped publicise their existence<sup>53</sup>. CBI training focused on skills considered to be fundamental in professional development work – project cycle management, strategic planning, leadership, project monitoring and evaluation, financial management, personal skills development and so on. Courses would be certified, a huge draw to a hopeful young professional class most impacted by university closure.

As capacity grew in local civil society, it was anticipated that more accomplished and mature organisations would be able to ‘take ownership’ of these projects without the paternal oversight of gatekeeper INGOs; in other words, increased resource could be managed by local non-state actors. Thus Australia-based Burnet Institute’s work in HIV / AIDS, UNDP’s Human Development Initiative, the Spirit in Education Movement operating

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<sup>53</sup> CBI’s criteria for inclusion in the directory were “being willing to be in the directory, having an office in Yangon, being a non-profit organisation, independent and with a clear leadership” (Jaquet and Caillaud 2014).



through ethnic and religious networks on the Thai-Myanmar border and SwissAid's work in providing small grants and training for community-based work were all crucial in providing skills and knowledge-focused work with financial resource and expertise. Bilateral and multilateral assistance supported expanded health and education projects in country – multi-donor funds included the Three Diseases Fund (3DF) and Multi-Donor Education Fund – and both involved the input of local groups. Growing bilateral activity in the 2000s saw large direct grants go to development INGOs in Myanmar such as Marie Stopes International, CARE International, Save The Children and World Vision, an increasing portion of which would be directed towards capacity building for local groups.

Working in partnership with INGOs or, for the handful of more established professionalised fully-fledged local NGOs, obtaining their own grants direct from donors or – more commonly – through sub-grants from INGO projects, was itself an education in internal organisation for modern civil society work. Interacting with locally trained professionals, overseas experts and with the various rubrics and technologies provided by senior 'partners' enabled distinct sets of skills and knowledge to transfer through to local groups. The virtues of partnership included the dissemination of modern project techniques and evidence-based pragmatic approaches to delivering services, benefits regularly highlighted in reports to donors. Although authoritarian government meant that Myanmar in the 1990s and 2000s did not exhibit the channels of participation and guarantees for human rights assumed by liberal development partnerships, donors and INGOs operating there could nevertheless confidently state their commitment to "enhancing the capacity of individuals working within our individual organisations, across a wide variety of skills, including technical skills, critical thinking, problem solving and leadership skills" and "to enhancing both the technical and organisational capacities of our beneficiaries" (International Non-Governmental Organisations (INGOs) Providing Humanitarian Assistance In Burma /Myanmar 2000: Section 7).

This process was both hastened and considerably expanded by the impact of Cyclone Nargis in May 2008. Humanitarian relief and reconstruction efforts brought funding and partnerships with INGOs, but this came alongside other less tangible and more lasting improvements available for many organisations that participated in humanitarian and reconstruction efforts. Whilst foreign INGO staff found access to cyclone-hit areas difficult, secondment arrangements in urban offices enabled project management and financial management techniques to be passed on to local groups. This was continued after Nargis by the establishment of the Local Resource Centre (LRC), a coordination body which sought, amongst other things, to “link local organisations to donor funds and technical expertise” and “provide support to local NGOs in proposal writing, reporting and procuring supplies” (Hedlund and Myint Su 2008). As an autonomous entity, the LRC would continue to play an important role in ‘empowering’ civil society but also in ‘expanding space’ for civil society in later years.

Despite continuing political constraints, local organisations were recognised as becoming better run and better resourced. Commentators were able to speak of a burgeoning NGO sector while those visiting Myanmar for the first time would remark on surprise at the ‘vibrant’ civil society and a clash with expectations of total regime control. As opportunities grew, locals who cut their teeth in large INGO operations in Myanmar were in a position to move into or to found local organisations, bringing with them modern techniques and evidence-based decision-making that held the promise of overcoming decades of clientelism and deference to traditional authority.

*International aid organisations employ and train several thousand Myanmar staff, who through their work are exposed to modern management styles and techniques otherwise little used in the country. This is real capacity building: the experience of participating in*

*organisations that are entrepreneurial and results-oriented, in which performance and talents determine promotion and authority* (International Crisis Group: 2008).

Proposals submitted to donors, and indeed the business cases developed by donors to justify requests for programmatic funds to disburse to civil society, would similarly look to the future: when the time came to participate, local NGOs would be ready. Disseminating existing knowledge and skills for organisational and project management to new civil society actors was thus a core part of many organisations' bids to early funds made directly available to Myanmar civil society, promoted through instruments such as the European Union's 2010 call for proposals under the Good Governance Country-based Support Scheme<sup>54</sup>. Partnerships with local NGOs were necessary for INGOs to access these and similar funds. As funding remained higher than the historic average after Nargis, a common trend in INGO applications to donors and to multi-donor initiatives such as the Livelihoods and Food Security Trust Fund (LIFT) launched in 2009 was the highlighting of the skills transfer that would 'build capacity' in local actors. As one diplomat commented in 2010, "We encourage large NGOs (non-government organisations) to sub-contract work to smaller community groups" (Macan-Marker 2010).

With more INGOs and more donors expanding operations in Myanmar through the 2000s, sharing the same need for trustworthy, empowered, accountable local partners, so the core fiduciary structure was expanded and fortified<sup>55</sup>. By virtue of the operation of strategic relations set in motion between this structure and agents in civil society, standard powers and capacities required of responsible partners were selected for. Little was left to chance as these organisational capacity needs were articulated to local actors through training and workshops. This institutionalisation process would soon expand to

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<sup>54</sup> This was the EU's European Instrument for Democracy and Human Rights, renamed for Myanmar so as not to draw state attention and not to scare off potential applicants.

<sup>55</sup> Other relations are possible, such as the social enterprise.

include those with political or human rights goals, and long-time Myanmar development workers urged this approach on. International actors should

*explore partnerships with domestic organizations and groups that enhance the capacities of local organizations. At present the capacities of local organizations are relatively weak. International agencies should commit themselves to strengthening local capacities through cooperating in analysis of the local context, training, joint planning and implementation, and through consultations and mentoring of partner staff* (Tegenfeldt 2006: 226).

### **The impact on politically-oriented civil society**

Politically-oriented actors were for the most part excluded from these internal development processes, and thus initially unaffected by fiduciary structural selectivities. As discussed in Chapter 3, the nature of oppositional work kept them fluid and out of sight, making formalisation a largely inappropriate option, while INGOs were unwilling to risk their status in country by involving them. Myanmar exile groups had formalised activity but, in contrast to the technical rubrics used to assess funding claims among Myanmar's development cadre, decisions to support here centred on "whether a potential grantee organization was "committed to democratic development" or "working towards democracy"" (Duell 2014: 116). Within Myanmar itself, these criteria would also be employed by the few funders supporting groups inside Myanmar, especially UK and US embassies. Small grants<sup>56</sup> for short missions or activities such as closed-doors training in human rights reporting or the upkeep of offices were rarely subject to the same level of scrutiny or expectation as those working on components of larger development projects. Support for more radical political activity among the 88 Generation and student groups

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<sup>56</sup> Although they might make no official announcement of grant schemes, US and various European embassies would regularly receive speculative applications for sums of up to a few thousand US dollars.

generally came from overseas, from exiles who had set up new lives in Japan or the USA, with monies sent through the *hundi*<sup>57</sup> system (Interview 40).

The marginalisation of politically-oriented civil society was problematic for development work: whilst the absence of a democratic regime could hardly be directly attributed to development NGOs, in better accommodating populations to life in an unjust political system, this humanitarian response faced the accusation of entrenching military rule (see ALTSEAN 2002). This rattled programme directors: often at the behest of ministers in donor countries prior to signing off a programme contribution, consultations would be conducted in secret with senior opposition figures, mainly from the NLD and 88 Generation, before project commencement. Such passive participation was about as far as it went. An inherent political conservatism dogged development activities well into the late 2000s. Initiatives such as CBI, founded under the most constrained political times, feared contamination by politics and avoided what might be seen as routine progressions into training in rights-based approaches to development. A proposal from Myanmar Egress to cooperate in delivering such training in 2010 was met with the standard perfunctory statement that CBI is “not involved in politics”<sup>58</sup> (Interview 38).

Improvements in political conditions following the completion and enactment of the SPDC state project, politically-oriented civil society actors had become sufficiently public that they too began to encounter structurally embedded capacity expectations. They had a great deal of catching up to do:

*[Around 2009/2010] we were, as an Embassy, working with small civil society groups or small local NGOs. The problem is they don't really have a capacity to systematically*

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<sup>57</sup> A trust-based system of international money transfer.

<sup>58</sup> It is also notable that the Director of CBI, U Ngwe Thein, was a former director at the Myanmar Ministry of Commerce.

*implement projects. They have a real, very strong will and commitment to do things but... they are not really systematic, they cannot really report factually* (Interview 7).

With politics increasingly open, agents would need to possess the powers and capacities demanded by a fiduciary regime if they were to be successful as organisations. In their absence, trust and ideological sympathy initially overrode risk. After early support through embassy grants, contracted work rapidly increased during the 2012 by-elections with direct support from specialist democracy-focused US foundations, such as the Carter Foundation, National Endowment for Democracy and George Soros' Open Society Foundation. Lacking physical offices *in situ*, these agencies checked the suitability of actors through local contacts or field trips to Yangon, and were often willing to take risks with new organisations lacking track records in grant management.

Grant opportunities for democracy and human rights promotion work and investment in capacity building and civil society strengthening would increase rapidly after Myanmar passed the acid test of a democratic 2012 election. Projects included the EU-funded Supporting Participation, Accountability and Civil society Empowerment (SPACE) project, which aimed to "strengthen the organisational capacity of Civil Society Organisations across 11 states and regions in Myanmar and support them to implement programmes on issues that affect their communities" (European Commission 2015), and the DFID / SIDA-funded Amatae project<sup>59</sup>. The latter, launched in late 2012 as part of the Burma Civil Society Strengthening Programme, provided core funding and organisational capacity development support to "organisations working on social and political issues across the country" (Amatae 2016a).

Amatae's professional, depoliticised perspective on capacity is captured in one of its later products, an "organisation capability self-assessment tool". This identifies "nine

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<sup>59</sup> I was involved in this project.

capabilities that Amatae CSO partners believe are characteristic of organisations working to become stronger, more adaptable, more accountable, more transparent *and therefore, more sustainable*”:

- *Community focus*
- *Organisational culture*
- *Governance*
- *Leadership and management*
- *Strategic planning and programme management*
- *Human resource and development*
- *Financial management and sustainability*
- *Stakeholder engagement and communications*
- *Advocacy*

(Amatae 2016b).

Suggestions for featured capabilities came from grant-receiving organisations, and can thus be expected to closely reflect systemic demands experienced by participating groups. Sustainability, the capacity to reproduce the organisation, becomes the critical factor in assessing the strength and value of an organisation, and is understood as the sum product of a manifold of powers emergent from the sound structures found in organisations fitted to fiduciary selectivities. Whilst these may yield organisations which survive and even thrive, this fact and the qualities themselves are wholly decoupled from political strategy or political objectives. Can we assume that these capabilities are equally relevant for the achievement of any and all political goals civil society actors might have? Or are political ambitions expected to be rearticulated so they can only be achieved with the assistance of these qualities? I explore these questions in the case studies in Chapter 5.

Despite the centrality donors occupy for many civil society theorists and practitioners, the significance of the relations they foster for the NGO must be seen alongside other structural factors which, together, shape a terrain on which structurally-oriented agency must become attuned to a new institutional order so as to stay relevant and effective. In light of this dialectic, in Chapter 3 I argued that political space was not solely an outcome of political agency. Nor, I argue against those who have observed the “recent evolution of the enabling environment for civil society in Myanmar”, is it “the legal and regulatory framework and the political environment within which civil society operates” (Jaquet 2014: 2) – important factors, but a limited understanding of structure. Rather than an empty, Newtonian expanse on which autonomous agents freely act, political space is a terrain constituted by the emergent properties of sets of relatively durable relations between social positions. That particular modalities of action in pursuit of particular political objectives become, if not impossible or illegitimate then at least unwise, indicates the appearance of a new normative order.

My focus now shifts to two further structural changes between government and civil society actors. Firstly, the repeal of repressive legislation on civil society actors and subsequent establishment of a *legal structure* that constitutes civic associations as rights-holders and government as duty-bearers; and secondly, the development of policy instruments to enable civil society to work with government, including the development of capacity in officials and other state representatives to engage with autonomous groups. This constitutes an *ethical structure* that establishes CSOs as advisors and the governing regime as advised. Together, these changes would see politically-oriented civil society come in from cold exclusion, design and perform activities which the donors above would be interested in funding – civil society activity would, finally, be structurally oriented and these structures strategically selective, consolidating an *institution of organisation*. The improvement in respect for human rights, governance and participatory



opportunities this change constitutes is, however, counterbalanced in each case by visible and no-so-visible contradictions of newly inscribed power relations – the reorganised space for civil society contains forces which ensure that actors, along with beliefs and ideas about civil society, democracy and human rights, come “to play a highly ambivalent role in respect of power” (Stammers 1999: 997).

## **Relation 2: The legal dimension – organisations as rights holders**

During the 1990s and early 2000s, while civil society became an important development actor in Eastern Europe and other parts of South East Asia, legislation in Myanmar – often drawn up in colonial times – was used to police, restrict and ultimately stifle civil society activity. Working with a wholly compliant, even subservient judicial system, particular sections of the legal framework were routinely used to imprison dissidents and those threatening military rule. Routine activities of civil society actors could fall foul of numerous laws, the application of which was often driven by political considerations, thereby contributing to the climate of fear in which even the most accommodation-oriented civil society work took place. For instance, freedom of association was contained by the Unlawful Associations Act (1908), authorising the Head of State to declare any association illegal and thereafter criminalising those in contact with it. This is of particular concern for civil society in conflict-affected areas. Articles 2, 3 and 4 of the Emergency Provisions Act (1950) were notoriously loose, targeting “[a]nyone who [...] causes or intends to disrupt the morality or the behaviour of a group of people or the general public or to disrupt the security or the reconstruction of stability of the union”. Freedom of expression was harshly curtailed through Article 505(b) of the Myanmar Penal Code (1861), penalising those judged to be “making statements causing undue public fear or alarm” and the Printers and Publishers Registrations Act (1962). The SPDC caught up with

changes in media and telecommunications with the Electronic Transactions Law (2004), under which 88 Generation activists were sentenced to 65 years following emails sent to the UN Secretary General in 2007 (Amnesty International 2011) <sup>60</sup>.

Against this background, the Thein Sein administration's replacement of the 1988 Associations Act (Law No 6/88) with the Registration of Organizations Law (2014) came as a welcome surprise. Whilst the punitive laws described above, and others regularly used to punish political dissenters, remained on the statute books, legal registration would lift the applicability of the 1908 law described above. As mentioned in Chapter 3, few NGOs would register under the 1988 Law, preferring to remain small and relatively undetectable, to draw up specific MoUs with government departments, to work personal relationships with the authorities or operate as businesses – a 'solution' that actually made life highly unpredictable for "tolerated but illegal" associations, thus generating pressure to minimise conflict (Jaquet and Caillaud 2014: 88).

The 2014 Law eventually presented a straightforward, less invasive process to register applying organisations. Both the law itself and the open, inclusive process by which it was drafted received widespread praise from domestic and international actors. Requirements are straightforward. The legislation asks any applicant seeking legal status for their association to provide information shown in *Figure 3*, part of the checks Registration Committees must undertake according to Chapter IV Section 8(a), ensuring the entity does not undermine "rule of law and state security". Most notable are the requests for information on objectives, activities, committee members and organisational structure / article of association, which together constitute a generic blueprint to be followed so that legal status can be conferred.

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<sup>60</sup> Since 2013, Section 66(d) of the Telecommunications Law (2013) has functioned as the cornerstone of Myanmar's new libel regime, with criminal charges brought against critics of public and private figures, actions and events.

#### **Chapter 4: Registration of local organizations**

7. If an organization wants to register, the chairman of the organization, secretary or the responsible person shall apply to the relevant registration body in accordance with the wishes of the organization and furnish-

- (a) name of the organization;
- (b) location and contact address;
- (c) date of the organization's foundation;
- (d) objective;
- (e) number of the organization's executives;
- (f) number of the members;
- (g) [information on] money and assets owned by the organization;
- (h) The organization's activities;
- (i) charter of the organization;
- (j) other specific items;
- (k) date of the application.

**Figure 3.** *Information required from applicants seeking to officially register an association under Myanmar's Registration of Organizations Law (2014).*

The final version of the law was very different from early drafts, which had included punishments of fines and prison terms for those found to have joined groups operating without registration. Finally, instead of threats and in line with international best practice the enacted version focused on the rights and subsequent legal protections accruing to those entities which chose to register, including support from the state (“necessary support from respective ministries in line with law”), the right to international donor support and the right to file suits (balanced by the capacity to be sued – donors supporting the development of the registration process were, in part, driven by due diligence concerns (Interview 9)). Through this legislation, so long as “the applicant has no

reason to damage the Rule of Law and State Security”<sup>61</sup>, individual civil society organisations therefore become legal subjects, rights holders with a set of legal claims on the state and wholly part of the *polis*. Unlike previously, when mass parastatal associations and GONGOs received preferential government treatment, all organisations have equal status before the law. With recourse to the courts system, they are protected against the kind of violations on associational freedoms by authorities that characterised authoritarian rule under SPDC. A repeat murder of Myanmar civil society is legally proscribed.

As such, this legal development was, unsurprisingly, broadly welcomed by many local and international observers, putting an end to constant uncertainty and risk (whilst maintaining concern and criticism at the retention of existing punitive laws mentioned above, and fresh legal constraints on civil rights brought by new Acts, such as Section 18 of the Right to Peaceful Assembly and Peaceful Procession Act<sup>62</sup>). CIVCUS, an international organisation which provided comparative international legal information to support Myanmar NGOs involved in consultations in the legal drafting process, summarised the opinion of many international observers when it reported on the Law’s impact, and on other legal developments, including relaxation of media restrictions:

*Civil society [in Myanmar] has been able to benefit from expanding space, thanks mostly to political changes at the highest levels of government. This enabled - still incomplete - regulatory and legal reform, leading to noticeable increases in freedom of expression,*

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<sup>61</sup> It is also important to note that in key areas there is no corresponding legislation which might force groups into obtaining registration: for example, international donors are not legally bound to only fund registered groups. They would, of course, have their own fiduciary and due diligence related reasons for such stipulations. Grant applicants are increasingly expected to have registered status.

<sup>62</sup> This punished those leading or participating in public demonstrations which had not been granted permission by local police, a process requiring an official request to demonstrate being made at least 5 days prior to the protest and, amongst other information, disclosure of the chants to be used during the action (see Human Rights Watch 2015).

*association and assembly. Issues, once considered taboo, can increasingly be discussed by CSOs (Jaquet 2014: 1).*

### **Contradictions in the legal space**

A public sphere is under construction, a 'realm' in which organisations representative of various sections of public opinion can propound on the issues of the day. Together with funding, this should create "a virtuous cycle in which rights to free association beget sound government policies, human development, and (ultimately) a more conducive environment for the protection of individual liberties" (Jenkins 2001: 252). Yet it is at the legal juncture newly constructed between government and civil society where normative liberal assumptions become most visible, and from where contradictions in these presuppositions become evident. This phenomenon is noted by Stammers, who argues that "it is in their institutionalised/legal form that ideas and practices in respect of human rights are most likely to sustain relations and structures of power" (Stammers 2010: 997). Here, I avoid Stammers' idealism to locate the source of institutionalisation in the state-civil society structure, rather than in human rights themselves.

Firstly, on the one hand, the 2014 Law appears blind to the political content of organisation's projects. Concerns remain at the powers given in 17 (a) with regard to how "The Union Registration committee shall decide if the applicant organization has no reason to damage the Rule of Law and State Security", but given the hundreds of organisations now successfully registered, many of which are staffed by former political prisoners (see Chapter 5, Case Study 2), worries have generally proved unfounded. Anxiety and apprehension also surrounded the very concreteness of a legal relationship with a state infrastructure known primarily for its capacity and predilection for surveillance and interference towards non-state groups, yet this has not proved to be an issue, problems of recalcitrance or over-zealousness among officials markedly decreasing

under the Thein Sein regime. Moreover, human rights organisations now have a legal assurance for their collective existence and, as such, the limits of state power vis-à-vis society are now established through the ascription of a guarantee on the existence of civil society organisations and a protection for their self-ascribed normative functions.

However, this self-delimitation of the exercise of state power, the legal codification of the rights of civil society and its associations, can only proceed by a sovereign exclusion of collective activity which falls outside of the regulatory framework. Some of these have been explicitly codified into the 2014 Law itself: “organizations that pursue religious and economic activities only” and organisations registered as political parties or under other existing laws do not qualify for the Law’s protections (Chapter VI). A new set of institutional boundaries for legitimate civil society are juridically defined, enabling organisations keeping within them to function and pursue activities as an entity with the full rights and protections provided by the law. Whilst I do not wish to push this argument in a wholly biopolitical direction, a similar act of “inclusive exclusion” that Agamben (1998) highlights is at play here. Activities and forms of organising which cannot be regulated produce a domain for rights-endowed actors and activity under the regulation of the state. Organisations and activity outside of this zone of legality and legitimacy may fall under the auspices of other legislation or, especially important with regard to politically-oriented civil society activity, are subject to legitimate state violence as a threat to rule of law. It thus comes to be managed by laws and regulations related to the security and maintenance of the state.

Secondly, it is precisely *because* ‘space’ has opened and the environment liberalised that activity beyond that sanctioned by new laws becomes necessary in the first place. Political and economic development in Myanmar has not only had civil society organisations and their activities as its object but has also opened up areas of the lifeworld to the exercise of

property rights held by private actors<sup>63</sup>. Whilst injecting capital into desperately poor parts of the country, for many these investments have also had detrimental consequences. For instance, some of the most urgent human rights issues to appear in the wake of reform have centred around labour exploitation in new export processing zones and accelerated marketisation of land for agribusiness and mining as part of new capital accumulation regimes for Myanmar's economic development.

The lifting of EU sanctions and the restoration of US Generalised System of Preferences for Myanmar exports has proven to be a massive boost for Myanmar's garment industry: in 2015, exports to the EU totalled €423 million, 80% higher than 2014 and including many familiar Western high street brands. Despite sanctions, the number of factories has grown to over 400, and the current 350,000 workers employed in the industry is anticipated to soar to 1.5 million by 2024 (Theuws et al. 2016: 8; Myanmar Garment Industry 2015). Unsurprisingly, it is Myanmar's low labour costs that are proving attractive, with Myanmar positioned "towards the very bottom of the wage ladder vis-à-vis other [garment, textile and footwear] producers in the region" (ILO 2016: 2). Even then, the lowest minimum wage in Asia is routinely flouted and the "hodgepodge of laws" regulating labour practices (Greenlee 2016), especially around unionising, are often circumvented by factory-based lawyers (Interview 41) and the termination of contracts of active union members (Action Labour Rights 2016: 23-24).

Regarding land, since 2011, new laws shifted the modality of accumulation from extra-economic accumulation, by investors in cahoots with the military regime, towards 'fairer' market-based endeavours secured through legal and transparent relations. The Vacant, Fallow and Virgin Lands (VFV) Law (2012), Foreign Investment Law (2012), Special

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<sup>63</sup> Marx understands rights as integral to capitalist society, not simply in their production of an egoist subject but in that their creation of the formal equality between agents as possessors or buyers of labour power, and as such necessary for the reciprocal acts of exchange to take place without coercion. (See Brenkert, 1986.) Whilst I do not draw on this argument here, my position moves closer in Chapter 6.

Economic Zone Law (2012) and the Farmland Law (2012) loosened regulation on the sale and purchase of land, the latter legislation creating a market in tradable Land Use Certificates. National firms, including companies owned by the Tatmadaw, began to partner with foreign investors in land deals. Yet the glut of investment for massive agribusiness projects, mining, special economic zones (SEZs) and port construction which followed has been built on wholesale dispossession of traditional farmers, ecological destruction and displacement of ways of life of traditional peasants and fisherfolk, with evidence of generations of customary land use in most cases rendered meaningless (see Woods 2013; Franco et al. 2015).

Market forces, or projects enacted in the name of economic development, unlike military generals and polluting companies, are an unwieldy object for civil society organisations to tackle and, despite the production of an increasing number of professional reports, such as those referenced above, have tended to be met with the collective responses more associated with social movements than the exercise of the project capabilities of NGOs. Several locations in Myanmar have become well-known sites of unrest around these issues in recent years, such as the Wanbao-UMEHL joint venture at the development of the Letpadaung copper mine (see Amnesty International 2017), the Dawei deep-sea port and SEZ construction project involving Myanmar and Thai governments and companies (Melo 2016), and the industrial zones around Yangon (see Progressive Voice 2016; Theuws et al. 2016). In these and other locations, efforts on behalf of land and workers' rights have rarely centred around formal organisations, but have been led by local farmer groups or labour activists, drawing in support from networks of human rights defenders, students and environmental protesters.

This is not unusual. Historically, as Chapter 3 showed, political agency has been distributed among and exercised by political parties, trades and student unions, human



rights defender networks, communist movements, separatist and paramilitary groups and so on, and by coalitions of these agents. Civil society is not exhausted by entities that have opted for voluntary legal registration; rather this represents merely one of the points along an extensive spectrum of forms and activities. Yet a widespread emphasis of the material importance of legal change, of making the organisation – the “purposeful, role-bound social unit” (Fowler 1997: 20) – the focus of critical attention and the foundation for the enabling environment for civil society, whilst placing these under the paternal management of the state and incorporating the NGO within the state’s support structures (discussed in the next section), means other actors, forces and repertoires are pushed to the periphery, beyond the protective framework established by the law and indeed appear perilously close to becoming “bare life” (Agamben 1998). It is here where strikes, demonstrations and other acts of civil disobedience persist; listening to the voices of those on the margins, a very different assessment of the ‘space for civil society’ in Myanmar can be heard:

*Current government strategy is not very different to how it has always been: stifle independent voices, restrict the right to freedom of expression, and shrink the space for civil society activity and legitimate criticism of power* (Assistance Association for Political Prisoners / Burma Partnership: 2014)<sup>64</sup>.

Celebration of the ‘space for civil society’ based around the liberation of the organisation enabled by the Registration of Organisations Law (2014) therefore sets liberal normative parameters for the trajectory of civil society agency. These provide a new set of standards against which responsible civil society, acceding to the rule of law, can be assessed; indeed, it is against the equality and impartiality of the rule of law that the legitimacy of protests and campaigns at Letpadaung and within the student movement for education

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<sup>64</sup> It is notable that the CIVICUS report celebrating the opening of space for civil society, referenced above, was released only months before the AAPP report that discussed its constriction!

reform were challenged by Aung San Suu Kyi. Her invocations to Letpadaung locals “to respect ‘Rule of Law’ and sacrifice their lands for Burma’s development” (Prasse-Freeman 2016: 88) were some months later supplemented by complaints to international donors regarding resource directed to gatekeeper organisations that have supported grassroots human rights defence work. In other sections of the state, there was a “perception by some senior military officers that [Burma Communist Party] agitators are pulling the strings of... protest movements and conflicts” (Civil society project consultant. Personal communication, June 2015). Both confrontations indicate elite impatience with popular protest.

It would be churlish to hold that agents are expected to be determined, in some sort of legal discursive fashion, into becoming like-minded liberal civil society organisations simply by virtue of a regulatory framework. Not only are protections for NGOs beneficial for those groups, but also its empirical consequences depend greatly on ontic variations in agency and other contingencies – many registered organisations have a radical background and, as mentioned above, are able to support activity they would not be able to undertake themselves. I take up these points in the next chapter. However, two new social forces are emergent from the state’s legal intervention: causally, the legal base and rights assurance offered can be understood as a driver of organisational logics of appropriateness. Secondly, more politically, the exclusion of certain repertoires and modes of organisation from the newly constructed domain of legalised civil society activity relegates such action to the periphery, or even outside, of what is considered *legitimate* civil society activity, thereby distilling organisational norms and conventions that can be catalysed through external funding support.

### **Relation 3: The ethical dimension – civil society actors as advocates**

Fundamentally, the state is able to legislate NGOs because of the institutional division of the public / political realm from the private, of politics from economics, and as non-party political forms, whatever influence civil society comes to have within the state is down to political decision. ‘Normal’ channels of influence between these two constructed zones were more or less absent under SPDC rule, leading to creative alternative repertoires, but as part of democratic reform, more formal, substantive relations with government are developed. Indeed, for many donors and organisations this is what the legal and fiduciary structures developed in recent years *are for*. Integral, then, to the ‘expansion of space’ and a crucial part of democratic reform has been Myanmar civil society’s inclusion in new processes of governance – for both development and politically-oriented organisations, this has taken the form of an *advocacy relation*.

During authoritarian rule, interaction between SLORC or SPDC and those claiming to represent subaltern groups was rare and, usually, antagonistic. Military government anywhere is not given to reaching out to the populace, but the duration and penetration of military rule in Myanmar, the factionalism and clientelism through which senior leaders governed and absence of concern and incentive in addressing social problems generated a “profound distrust within the military of civilian leaders and civilian-controlled institutions at all levels” (Steinberg 2013: 151). The charisma of Aung San Suu Kyi and 88 Generation student leaders in the democracy movement posed a permanent threat of unrest. Tightly controlled channels for public input such as the National Convention<sup>65</sup> and the mass association of the USDA and sector-specific GONGOs were disparaged by opposition groups. Separation of a governing elite from the governed was entrenched by the move of

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<sup>65</sup> The National Convention was a body of over a thousand ‘representatives’ which met regularly to contribute to the SPDC Roadmap for a return to popular rule. It was widely regarded as a sham.

the state capital from Yangon to the purpose-built Nay Pyi Taw in 2005, some 200 miles from the main population centre.

Legacies of opacity, distrust and sheer inexperience<sup>66</sup> and inability in dealing with critical input<sup>67</sup> led to expectations that the reform administration would be cautious and ill-prepared to reach out to civil society. Reform government-NGO communications were officially opened with civil society groups in January 2013, when President Thein Sein made a high-profile appearance at a meeting at which he “[called] on the civil society groups to intensify their participation in nation and state-building activities”. Pre-empting antagonism, the President emphasised he was “not suggesting that civil society organizations must agree with us on everything... just inviting you all to work with the government in different areas that we agree on” (Zaw Win Than 2013). Whilst this was certainly not the first time the government institutions would cooperate with citizens’ groups – innovative programmes like the DFID-funded Pyoe Pin project had since 2008 managed to facilitate small but meaningful changes in certain sectors through *ad-hoc* coalitions of civil society, commercial and state actors – this announcement indicated the possibility of more inclusive and effective cooperation. This contrasted markedly with the previous mediation by personal relationships, constrained by political sensitivities and fear at every turn: in short, this would be a major shift in the practice of governance.

A governing class disconnected from the needs and concerns of ordinary people made bridging the information gap crucial for designing credible reforms. With powers and

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<sup>66</sup> “As donor agencies and international NGOs have been given more scope for operating inside Myanmar, civil society has benefited more from capacity building activities than the government has” (Rieffel 2012: 44).

<sup>67</sup> An unwillingness to deliver information contrary to the ambitions and expectations of anxious leaders already anxious from decades of international pariah status also stems from older cultural traditions in Myanmar, in particular the Mangala Sutta. This part of the Theravada Buddhist canon deals with “adopting correct mental cognition by means of good practice that fosters harmony”. Along with general effort to legitimise military activity through traditional Buddhist teachings and essentially making Buddhism the state religion, the mangala was also had more utilitarian benefits in becoming “a core component in measuring appropriate political behaviour... explaining many a Burmese custom such as cultural responses to embarrassment (anade)” (Houtman 1999: 130-131). Bad news or inconvenient facts were not routinely presented to those who might be considered to require such information.

resource acquired through the programmes and processes described above, many organisations which had previously focused on service delivery and had, as much as possible, avoided politics, argued their case with government: the Eden Centre for Disabled Children, for example, moving from charitable provision of vital care to advocates of inclusive education during formation of the 2014 Education Act, while the Phoenix Association moved from clandestine provision of health services for persons with HIV and AIDS during the latter years of the SPDC regime to providing key input on the National HIV Legal Review in 2014. Promoting the engagement of civil society actors in Union and regional level policy making was a key driver of the European Union's Civil Society Roadmap (2015), for example, and a component of DFID's Burma Civil Society Strengthening Programme (Interview 9). Demonstrations and campaigns continued, however, and politically-oriented civil society actors retained a close connection with their networks and constituency grievances, especially on land and labour issues. After 2013, however, solidarity would involve them also in representation of these interests at the highest levels of government, something mirrored in other parts of the world where "NGOs, as a consequence both of their 'tamed' character and of their experience as service providers, are able to act as interlocutors on issues with which new social movements are concerned" (Kaldor 2003: 17).

Some advocacy channels were formalised by third party governance infrastructure. The government entered into new international agreements that involve formal, time-bound, deliberative processes as part of institutional arrangements. Most surprisingly, this included the Extractives Industry Transparency Initiative (EITI), which involved civil society representatives forming one node of the tripartite Multi-Stakeholder Group (MSG). Less formalised were civil society inputs into domestic legislation, which has seen consultation occurring at various points of the lawmaking process. Ministers, parliamentarians and senior civil servants have met with civil society representatives when draft laws have

already been produced, as in the case of the first version of the Registration of Organisations Law (2014) discussed above.

In both, inexperience and decades of mistrust created early obstacles. What may have been inability within government appeared to civil society participants as reluctance to break with authoritarian practices. Continuing with the example of the Organisations Law (2014), the draft law was released by the Public Affairs Management Committee in July 2013 with an invitation to review and respond, yet within a two-week time period. The US Campaign for Burma reported a Myanmar women's leader as saying that a "two-week review period was a big constraint for activists, who had to scramble to review the law and formulate political strategy" (US Campaign for Burma 2013). A second version followed with a lengthened period of consultation, which saw MPs and the Public Affairs Management Committee (charged with handling the consultations) meet with 275 organisational representatives, before the signing into law of a final, widely deemed acceptable, version in July 2014. A similar extension of consultation periods occurred in the development of other legislation with significant civil society input, most notably the National Land Use Policy consultations. The quality of this engagement changed also, from a small number of strictly managed workshops to a more open, discursive process, leading to the development of six drafts prior to enactment in legislation.

Civil society actors worked on commissions with government representatives in the policy drafting process itself e.g. in the development of education policy in the membership of the Joint Education Sector Working Group, part of the Comprehensive Education Sector Review (CESR) and the Education Promotion Implementation Committee (EPIC). Whereas international involvement in support of the Associations Law was in the background and mainly through provision of international legal perspectives from organisations such as the International Center for Not-for-Profit Law (ICNL), the CESR saw civil society

representatives alongside international experts, often hired on short-term consultancies, and professors from Myanmar universities. Far more sensitive was the convening of a Committee for Scrutinizing the Remaining Political Prisoners (CSRPP) in 2013, to define the term 'political prisoner' in order to assist a government commitment to their full release. Still looser, more ad-hoc activity was involved in the pursuit of a legal aid bill, which since 2010 involved study visits, informal meetings and international expert interaction with local civil society and government representatives over a number of years. Consultations have also involved groups other than established CSOs, with discussions around the Social Security Act, the Health and Safety Act and the Factory Act all involving trades union representatives.

Advocacy, therefore, involved a variety of activities across numerous time horizons at different points of decision-making processes. Such shifts in governance practices were likely to be closely linked to managing perceptions. The passing of a flawed 2008 Constitution by a fixed referendum followed by a rigged election hardly bodes well for democracy, and the Thein Sein government would be saddled with accusations of illegitimacy throughout its period of rule. Not only were there instrumental reasons for a change in governing strategy – recognition of the government by the international community, restoration of diplomatic links and removal of most economic and political sanctions – but in having extended an invitation to civil society to participate in governance (tacitly, by their political emancipation, and also literally) it was simply no longer possible to organise relations with potentially restive groups and subaltern constituencies through coercive measures alone. The opening to advocacy work indicated tentative moves towards a Gramscian “proper relationship”, that “combination of force and consent, which balance each other reciprocally, without force predominating excessively over consent” (Gramsci 1971: 80).

### **The possibility of hegemony**

Quite apart from the novelty of such shifts in Myanmar governance, these processes and outcomes of internationally-supported activities – instruments for which both state officials and civil society actors were being readied for – must be seen in their unique global historical and political context, rather than a simple “efflorescence” of civil society within a space that has allowed it to finally realise its democratic potential (Mercer 2003: 748). Myanmar re-established its international links amidst much-changed conventions around governance, in which economic development and human rights mutually support one another and through various governance apparatus incorporate the voice of citizens into the everyday practice of rule. Participation ‘alongside’ the state and private sector involves a variety of thematic instruments. Civil society actors may encounter enabling environments as part of specialist governance mechanisms: overseeing resource management (such as EITI), government transparency (the Open Government Partnership) and in logging and forest products (the Forest Law Enforcement, Governance and Trade (FLEGT)), to name but a few Myanmar now formally participates in. Inter-party engagement is meant to facilitate co-ordinated, participatory, inclusive and accountable decision making. Less formally but with more immediate results, the reform administration brought non-state actors into legislative development. Together, these instruments appear to channel the results of civil society strengthening initiatives and the legal reforms which have allowed NGOs to flourish above ground. Power appears dissipated and disseminated among a much greater variety of actors, and the involvement of a range of voices seems to negate the idea of a state forged from the vested interests of state officials or the demands of capital.

Despite – or, indeed, because of – this progress and increasingly loud voice under USDP rule, the foundations of elite rule would be only partially challenged. Participatory mechanisms can be understood alongside democratic reform as the cultivation of a



national-popular dimension to augment or solidify continued elite domination under changed conditions. We can make sense of this situation from a Gramscian perspective through a number of analytical components. Advocacy mechanisms are part of the “hegemonic apparatus”<sup>68</sup> through which dominant classes cultivate and maintain leadership. The drive, initiative and knowledge of civil society actors could be fashioned into a key hegemonic instrument, part of the social glue that would hold together the reorganised social and political formation in Myanmar’s constitutional democratic future; in other words, it is “the realization of a hegemonic apparatus, in so far as it creates a new ideological terrain” (Gramsci 2000: 192). We can speak here of ideology because the operation of CSOs here presupposes and reinforces certain fundamental ideas about political and material conditions of civil society required by advocacy channels to function. These include the legitimate form of the state, the role of civil society, the limits of democracy, the ‘correctness’ of relationships between civil society organisations and political parties, and so on. In terms of hegemony, in the course of their correct functioning, social actions performed and mediated by these ideas realise particular forms of political organisation, while possibly demobilising or drawing away from others, and reproduce the social formation. The logic moving and motivating actors here is an NGOism that serves as a connecting membrane to established social and economic structures, enabling actors involved to articulate social, political and economic problems from the perspective necessary for their successful advocacy. This serves to shape the solutions they might come to offer, while others are marginalised or made inconceivable. Insofar as “created spaces” (Jayasuriya and Rodan 2007) are successful, the intellectual leadership of civil society is harnessed within a hegemonic bloc that better manages subaltern demands they claim to represent. The state takes on an increasingly integral form through the unification of civil society and political society.

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<sup>68</sup> ‘Apparatus’, for Gramsci, is meant in a strategic sense, and does not pertain to the policy-making mechanisms discussed in this section.

Of course, the distrust between popular masses and dominant forces in Myanmar is such that the above paragraph may read as utterly divorced from political reality, rather than a description of concepts made true through practice. Yet rather than Myanmar's civil society forces rallying to support the economic leadership of the military, it is the perceived progressive actions and values of international actors such as the World Bank, UN and other bilateral state development actors which legitimised the platforms developed to corral the power and force of civil society, and which have been instrumental in developing and setting to work these institutions and approaches to governance based on partnership and consultation, and the liberal understanding of the state upon which it rests. As the Thein Sein regime so clearly continued to wear the colours of the only site of organised power in Myanmar, one whose historic detachment had precluded the development of any organic bonds with the governed, not only did the economic and geopolitical interests of powerful global actors intersect with those of the 'reformers' in the Tatmadaw elite, but their participation was also vital to secure the support of intellectuals from politically-oriented civil society. The absence of trust so commonly referred to in Myanmar is an absence of leadership in the wider Gramscian sense of hegemony, a disinterest and inability to forge ethical-political alliance or unity through consent that has historically led to government by domination and concession. International bodies emerged as important strategic enablers of this relation in the institution of organisation.

Possessing technical expertise in building state capacity and functionality, UN bodies, the World Bank, the EU and bilateral actors funded or promoted sensible government relations with civil society. Advocacy interaction between civil society and lawmakers was funded through programmes such as DFID's Pyoe Pin and Amatae. The EU's Roadmap for Civil Society in Myanmar, furthermore, sees the "relationship between CSOs and public institutions" evidenced by the "establishment of formal mechanisms for consultation

between civil society/general population and the Government (Union and State/Region and local levels) and the Parliament and frequency of their operation” (European Union 2015). Authorities, to be sure, were encouraged to recognise the benefits to government from such relationship but, in their dependence on donor funding, the impetus to shift position and engage in “policy dialogue, consultation and facilitation” (ibid.) fell most strongly on civil society. The exhortation for “quality partnerships... to promote the networking and alliances” between state authorities and civil society was highlighted in new calls for proposal, such as the Non State Actors and Local Authorities in Development programme (European Union 2014a), buttressed by strong opinions from staff:

*[Civil society] criticising constantly, in playing the role of the watchdog of the government, and criticising the government for not complying with the human rights framework – this has to change. They really need to start working constructively together towards a common goal and common objective... they will need to work with the duty-bearers, with the government (Interview 8).*

Civil society actors were therefore encouraged, through financial mechanisms, to be the standard-bearers for liberalism through development and participation in partnerships, while the state was able to assume its own pace. Yet historical and geographical contingencies also provided fertile ground for liberal hegemony to take root in civil society: the experience of socialism under the BSPP, the centrality of a bourgeois liberal vanguard in the form of the NLD, the influence of the USA and Europe in the democracy movement, antipathy towards cronyism and embrace of moves towards a freer market that would, hopefully, undermine their vested interests, as well as Myanmar’s geographical and political positioning among the tiger economies of ASEAN against which its relative and absolute fall from perceived historic greatness was felt harshly. This explains the ease by which the core political work of civil society came to quickly centre

around formal institutional work required to maintain the Constitutional state apparatus - voter education, election monitoring, engagement with Union election officials, constitution teaching, and so on. This became a major area of support for international donors, channeling millions of dollars towards civil society before the 2015 elections. A number of local organisations, such as Peoples' Alliance for Credible Elections (PACE), were nurtured after the 2012 by-elections through the fostering of new fiduciary, professional and academic connections. Myanmar's politically-oriented civil society became an active, highly-organised force in the 2015 general election: support from USAID, DFID, NED, NDI and the EU went to a plethora of local entities and INGOs partnering with politically-oriented Myanmar NGOs and, crucially, state institutions – especially the Union Election Commission (UEC).

The main focus of attention is the empirical performance of new mechanisms, rather than their unstated assumptions and protection afforded to established structures. All too often the consultative frameworks of good governance instruments leave “unchallenged... the wisdom of the ‘accumulated knowledge’ that market forces provide the best means to satisfy human wants and desires” (Jessop 2001b: 4). At the same time, despite progress, it is undoubtedly the case in Myanmar that the elite profiting from established business practices remains significantly constituted by public officials (Shoon Naing 2017), and whilst mechanisms such as EITI might ultimately leave intact the authority of private economic power they can also challenge networks of established, corrupt interests. Yet it remains the case that “public participation is essential to the success and potential positive spillovers of EITI” (Aaronson 2011: 50) and other such mechanisms, and such a terrain therefore tests the strategic capacity of both corrupt officials and those civil society actors remaining close to subaltern groups and who retain a deep distrust of the dominant class. Whilst the advocacy channels assembled might constrain mobilisation and strategising for counter-hegemonic objectives, they can never preclude the ingenuity of

actors. For example, participation by civil society representatives in the first EITI Multi Sector Group meeting in 2013, “attended by over 150 participants representing a broad range of ethnic groups, environmental and land networks”, was made conditional on the release of 69 land activists from prison, much to the fury of state officials (EITI project officer. Personal communication, March 2017).

Using the relative autonomy of the political realm in such a way therefore becomes all-important, but the tilt of the new strategic terrain towards the maintenance of state power mitigates against autonomous development of civil society, and of human rights and democracy. Furthermore, whether or not actors come to participate in these created spaces, the very existence of advocacy structures between government and civil society changes the strategic context faced by civil society actors by its privileging and legitimising of a particular identity, approach and normative orientation, eroding the legitimacy of logics of opposition. At the same time, it is crucial to note that the instruments and processes which have appeared as a manifestation of the advisory relation developed ‘between’ state and civil society and the themes and issues to which they have been put to use, have yielded important progressive outcomes. My objective in this section, however, is to illuminate the forces which impose transformational limits on these results, a force which pulses through the liberal conceptualisation of the state and civil society more generally. In particular, by placing civil society organisations ‘alongside’ market actors as if its counterweight, the legitimacy of mobilisation and leadership for radical approaches to socioeconomic problems and the development of a political consciousness capable of grasping these, is stymied (Wood 1990).

## **Conclusion**

This chapter has critically explored the changes in social and political structures and their impact on the normative orientation of politically-oriented civil society. Historically, the

appearance of a particular latticework of relations that constrained and enabled Myanmar civil society actors in new ways was a product of a change in state form. Myanmar's development since 1990, through two decades of authoritarian military rule followed by reform under a nominally civilian government, periodises the mediation of state power through different sets of relations. The Tatmadaw's state project, designed by its senior generals and rubber-stamped by the National Convention over nearly two interminable decades from 1990, changed the constituent parts and the relations of Myanmar's political society. As this project slowly materialised and was then implemented, different combinations of coercion and consent, compulsion and compromise, were in evidence.

The result is a set of fiduciary, legal and advisory structures that form a latticework of relations between NGOs, government and international donors (and, to a lesser extent, INGOs). Once in place, emergent powers impact actor behaviour by virtue of structural selectivities that incline actors towards particular strategic orientations. Whilst it is possible to analytically separate these three structures, their emergent mechanisms and their outcomes, the congruence of these structural logics sees them work together to overdetermine an institution of organisation and a logic of appropriateness that gives the space for civil society a distinctive terrain. Whilst no group is forced to form supportive relations with government, to restructure in pursuit of NGO capacities or even to register as a legal entity, the resulting enabling environment is conducive for these solutions to Myanmar's economic, social and political development. Immanent critique of these structures has illuminated the distribution of power inherent in the enabling environment. Just as the structures enable collective agency to intervene in social and political issues through providing material and honing agential power, through equal protective rights and participatory opportunities, they constrain agency to the politically achievable by institutionally underwriting practices that depend on forms of collective agency suited to particular tasks – but not to others. Development of alternative

trajectories of development for Myanmar's politically-oriented civil society is constrained, an argument I develop further in the case studies in Chapter 5.

I have linked the development of these structures and the growth of the institution to a favourable historical and geopolitical setting for the liberal civil society promoted by development agency interventions. This can be contrasted with, for example, the hostility of a dominant leftism in Latin America's non-state actors in the 1980s (Baker 2002); such differences mean that these structures cannot be understood as universal source of NGOisation. Nor do structures reveal the fate of civil society actors – institutionalisation will depend on contingencies at the micro level, and structural orientation can be directed to overcoming or circumventing strategic selectivities. Yet although these structures have differential effects on civil society actors, such is their objectivity that they cannot fail to impact civil society actors *in some way*. They are, after all, 'the space for civil society', and even groups on the periphery may come to be affected: in Gramsci's words, "subaltern classes are subject to the initiatives of the dominant class, even when they rebel" (2011: 21). In Chapter 5, I show how these contingencies matter through three case studies.

# Chapter 5. Interactions: Civil society and the institution of organisation in Myanmar

## Introduction

Despite the charge that Myanmar's constitutional and political developments merely masked military dominance in perpetuity, they yielded important changes at the structural level with significant effects for civil society-led human rights and democracy promotion work (involving actors I have collectively termed 'politically-oriented civil society'). Such shifts in internal relationships – the institutional field – between civil society groups, government and donors give rise to new selective mechanisms. These objective changes mean that antagonistic logics, together with the sets of practices or norms they invoke, developed amidst earlier structural complexities, look awkward in such new conditions. A fresh set of strategic approaches and forms of organisation based around NGO norms of influence and engagement with government are now structurally appropriate.

Questions therefore arise over the continued relevance of different variants of civil society organisation described in Chapter 3 – social welfare networks, political reading groups and underground opposition groups. Old habits die hard, and agents must work to adjust to new selectivities in structures, a process involving the mediation of reflexivity, learning and *habitus* in the service of institutional dissemination. As Archer notes, "actors themselves change in the very process of actively pursuing changes in the social order" (Archer 2010: 274), a double morphogenesis, but what they change into is (partly) out of their hands: structures are more or less conducive or unfavourable towards some agential



forms and projects over others<sup>69</sup>. Whilst such a realist account of social and – *a fortiori* – agential change does not grant a special place for the normative in causality, structural change has normative implications. Chapter 4 showed how the emergent institution has consequences for the scope and direction of civil society-led political transformation, and for the changing form and powers of civil society actors. Norms and values are central to the mission of human rights actors: if the institution of organisation does not offer a praxis conducive to these, then this should catalyse the dialectic towards structural change; however, if the institution appears attractive, useful, or inevitable, then agential constitution and strategic direction may change. The durability of structures, embedded as they are in a new state formation, makes the latter outcome more likely. It is here, therefore, where the structural account given thus far produces tendencies toward the NGO form and the “institutionalization, professionalization, depoliticization, and demobilization of social movements” it implies (Choudry 2010: 17-18).

As Choudry cautions, however, NGOisation studies must pay heed to local variation. In critical realist terms, this means respecting the emergent powers of both actors and structures that constitute social interactions, and the way this dialectic takes place on the back of historical outcomes. Institutionalisation is not homogenisation, and the causal necessity of mechanisms does not entail determinism, with the impact of structural powers across actors mediated by historical and agential contingencies. Following the depiction of historical politically-oriented logics in Chapter 3 and description and analysis of the reform structures constituting the institutional field in Chapter 4, this chapter seeks to assess the variable impact of the institution of the NGO on different variants of politically-oriented civil society in Myanmar by examining strategic changes in political agency as new structural selectivities influence.

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<sup>69</sup> This term is here used to refer to agential intentions, rather than the technical projects of the development industry. Both will appear in this chapter.

Undertaking case studies of politically-oriented networks and groups is important for political, structural and methodological reasons. Respectively, as repositories of intellectual resource directed towards criticism of the apparatus and distribution of *status quo* power (at least, in this case, during Myanmar's periods of authoritarian military rule), civil society actors have been historically significant, expressively and instrumentally (Cohen and Arato 1992). By their history, learning and leadership of subaltern struggle, they are a nexus for the kind of feeling and knowledge – and therefore emancipatory political potential – that characterise Gramsci's organic intellectuals:

*A human mass does not 'distinguish' itself, does not become independent in its own right without, in the widest sense, organizing itself and there is no organization without intellectuals... without organizers and leaders (1971: 334).*

Secondly, such groups are of potential significance to radical political change by virtue of the structures and emergent powers that distinguish their social formations. Chapter 4 showed how the norms and practices that 'empowered' early NGOs were linked to the emergent powers of newly-developed structures, meaning these civil society actors could readily enter into – or be co-opted by – development-based narratives of civil society. The configurations of politically-oriented civil society were developed to avoid or confront state power; becoming similarly receptive or amenable may mean sacrificing unique capacities and historical social identity.

Resistance can be easily romanticised. But, thirdly, it is noticeable that Myanmar's civil society developed and reproduced itself outside the sub-system of the global norms and conventions of the international development industry, or what has been called the "non-profit industrial complex" (INCITE! 2007). Insofar as original, indigenous practices and repertoires are able to contribute to the development of an alternative to elite-driven political society, simple resistance can give way to more constructive political work. This is

not, however, to sanction a crude cultural relativism (Parekh 1992), and Chapter One called into question the liberal idea of institutional autonomy; instead, civil society's social identity, powers and interests was shown to depend on relations with other objects. These structures, and their evolution, mean that neither history nor futures are made in the circumstances of our own choosing, and conditions for Myanmar's politically-oriented civil society groups would change radically after 2010. *My objective in these case studies therefore centres on how unique forms and logics of politically-oriented civil society actors, developed in wholly different circumstances, prospered, failed or evolved as the structures of Myanmar's political and social environment changed.* Their fate is revealing not simply of NGOisation, but more broadly of frictions or harmonies encountered in attempts to reconcile political objectives and strategies to particular circumstances; specifically, of how choices in the normative directions taken by civil society are constrained and enabled by particular features of the institutional terrain.

## ***Case study 1: When volunteers meet projects – the humanitarian group***

### **Introduction**

Chapter 3 showed how, under SLORC and SPDC, politically-oriented civil society actors were repressed, whereas development-oriented actors, social welfare-focused networks and service provision groups enjoyed more freedom. Although useful and to a certain extent unavoidable, such normative categorisations can overlook nuance and difference (hence the critical focus on institutions and logics of appropriateness). It is not impossible, for instance, to use the strategic fit of developmental logics to advance more controversial aims whenever possible. As an organisational development trainer reported of his time working with groups in 2009, “When they talked about their activity, they would say ‘Well, this is what we do on the surface, but this is what we *really* do’” (Personal communication. November 2016).

This first section focuses on one such group, referred to here by the acronym EAW<sup>70</sup>. I begin by describing the political circumstances of the group’s genesis, and its defining welfare-oriented features. I then move on to a more analytical examination, describing how its direction of development were shaped by emergent powers of structures, explore the effects on the group’s appearance, the responses of its members (later, its employees) and the normative implications of these shifts, reflecting on their significance with regards to the approach taken to political and human rights issues.

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<sup>70</sup> As is true globally, the vast majority of local NGOs in Myanmar are known by the acronym form of their multi-word names. I have employed the same convention here in the anonymisation of the case study organisations; as each name is a pseudonym, the abbreviation does not correspond to any long form.

## Origins

Although this research focuses on the political groups which have emerged in the main urban centres of Myanmar, such has been the movement of ethnic peoples around the country that groups supporting minorities whose traditional homelands may be hundreds of miles can be found in Yangon and Mandalay. These may articulate a variety of interests and demands – for peace, expressions of self-determination, complaints against exploitation and militarisation of ethnic lands, or may stage cultural events. Others provide support for ethnic peoples living in the local area. Until reform, ethnic groups espousing political ideals were mainly found beyond Myanmar's borders, leaving those within to alleviate effects of war, displacement and discrimination against ethnic groups.

EAW was launched in 2003 by a small group of friends and relatives voluntarily contributing time and other resource to respond to promote the interests and meet certain needs of ethnic Karen women, later expanded to include all members of vulnerable communities<sup>71</sup>. The group was based in Yangon, and responded initially to instances of the problem of human trafficking among the Karen population living around Yangon, offered training opportunities for disadvantaged women<sup>72</sup>. Their work began as a very limited operation, a “family type of organisation” (Interview 35), and was partly borne out of ideas and information coming out of community development work conducted with populations in Myanmar and refugee groups over the Thai-Myanmar border. Despite the group's independence, it had the backing of the political administration which had formed to manage the social and development affairs in the ethnic group's (shrinking) independent territories, and among refugee populations in Thailand:

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<sup>71</sup> Indeed, the organisation has little interest in the ethnic nationalist cause.

<sup>72</sup> The term ‘Karen’ refers to a number of ethnic groups, mainly residing in Myanmar's southeastern Karen State. Claims for self-determination against the Myanmar state have meant the region has been affected by conflict since Myanmar's independence, a cause led by the Karen National Union (KNU) and its armed wing the Karen National Liberation Army (KNLA).

*4 or 5 friends decided that we need... a Karen woman organisation because there is no woman organisation to develop and make empower our women, so under the [Karen political administration] they encouraged us to form a Karen women's committee* (Interview 34).

EAW exemplified the difficulties of the absence of a sound material base to enable the group to function. With few grants available during this time, the group was entirely volunteer-run, meaning that occasional pay or no pay was standard. The volunteers were themselves their own organisers, implementers and – often – funders. The novel, somewhat piteous solutions employed reflected the broader difficulties in the country:

*We contributed our money and our selves. Sometimes we collect old clothes, materials and some contributions from our friends. We sell them, we make a fundraising, when we got [enough] money we gave capacity building training, leadership for women training* (Interview 37).

Yet the group had a number of factors working in their favour. Some members were in full-time positions in a Yangon-based INGO, and their experience created a “regime of competence” (Wenger 1998: 137) in the group, skills and knowledge in basic organisational management that meant activities and planning could be well organised. Furthermore, they had a well-placed set of contacts to draw from. Such social capital was partly historic - good English language skills were a legacy of Christian missionary activity and political sympathies with persecuted minorities meant that Karen were well-represented in local administrative positions in Yangon's foreign embassies<sup>73</sup>. Personal connections gave EAW access to quality second-hand goods passed on by international staff for income generation activities and, later, to early knowledge of grant

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<sup>73</sup> Again, this disproportionate representation has historical roots. “Claims to protect the rights of ethnic minorities had been one of the bases of the legitimacy of the colonial state”, and leading to “special rights of employment” under British rule and underpinning divide-and-rule tactics (Taylor 2009: 288).

opportunities. Early funding from the US Embassy in Yangon in 2006 for microfinance projects and women's leadership training workshops was an early introduction to grant management. Membership fees of around 3 USD per year and occasional donations from international visitors<sup>74</sup> constituted additional income, as well as the mobilisation of resource-in-kind, such as provision of training venues, through social, religious and ethnic community connections. Funding for activities was, however, generally small, haphazard and generally inadequate, meaning that each member would have to perform a variety of organisational roles – fundraiser, trainer, treasurer and so on.

Although borne of material necessity, this kind of loose configuration, like that of the others in this case study, reduced its exposure to the repressive state apparatus – little was visible or (literally) concretised, although its activities were not those which would usually prompt serious state scrutiny. Training for Karen women centred around innocuous topic areas – 'soft skills' such as business marketing, women's leadership, even livelihoods skills such as handicrafts. Funding would also support the schooling of children displaced through conflict. More uniquely, the group would use its networks to investigate alleged cases of the trafficking of Karen women into marriage or prostitution: with confidence in its connections and a deep distrust of authorities, relatives of alleged victims would prefer to report to EAW rather than to the Myanmar police.

The charisma, skills and social standing of the leader of this group not only meant that she was a key figure among Karen women in Myanmar but was also known internationally, given the diaspora population in Thailand where hundreds of thousands had fled during armed conflict in Myanmar. Many of EAW's early ideas on volunteer management and community development, the creation of self-help groups in Karen communities and so

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<sup>74</sup> The Karen were the first ethnic minority to be converted to Christianity in Burma, by American Baptists. Whilst only 35% of Karen in Myanmar are Christian, this contrasts with over 90% of Karen living in the USA. Christian diaspora are therefore instrumental in making connections between Christian Karen groups in Myanmar and American benefactors.

on came from the larger, well-funded Thai-based Karen Women's Organisation (KWO). Further afield, connections furnished through the refugee diaspora provided a bridge to connections in the USA.

### **The turning point: Cyclone Nargis and professionalisation**

EAW identify three changes in the social and political environment which prompted adaptation in the organisation – Cyclone Nargis in 2008, political reforms and the opportunity to get involved in the peace process after 2010, and the “transition to democracy” after 2015 general election (EAW 2016).

Cyclone Nargis in 2008 is commonly referred to as the initial critical turning point for civil society in Myanmar. The change was not only quantitative, although civil society actors took charge of the bulk of the relief operations, but also qualitative as new ideas on organisational management and civil society activity were widely introduced. EAW demonstrate one way that civil society matured during this time. It shifted from a volunteer-based group working on small-scale, local and often episodic initiatives to an entity that suddenly found itself a leading part of a large-scale relief operation in cyclone-hit villages. A total of ten full-time staff and around 100 volunteers would be involved in this effort, managing a range of operations – rebuilding houses, schools, erecting water tanks and other reconstruction tasks, but also the documentation of human rights violations in Nargis-affected areas, such as forced labour in clean-up operations.

New full-time staff had quit paid positions elsewhere in order to concentrate on EAW work full-time, while more donors were approaching with offers of funding. Once the Nargis relief efforts were completed, funding had enabled them to move from a temporary office in the Ayeyarwady Delta to a permanent office in Yangon. Most full-time staff positions were retained; together with premises and other overhead costs, this



demanded regular organisational income and what had originally been a volunteer group was on course to remain – and expand – as a professional organisation.

The decade between EAW's inception in 2003 and the full onset of the reform era in 2011-12 saw the establishment of key routines and structures that would be familiar to anyone working in local NGOs worldwide, a significant change from earlier when the organisation "didn't have any policies" or systematic procedures to manage work but instead functioned through needs-based voluntary commitment (Interview 35). Changes included the drawing up of financial and human resource guidelines; implementation of strict lines of approval for staff expenditure; the setting up of a governance board with diverse representation from Myanmar's charitable, religious and private sectors; and regular weekly, monthly and quarterly management meetings for progress updates.

Setting up as a full-time professional organisation enabled a more systematic approach to designing and implementing projects but could in no way guarantee funding for those initiatives. However, as Chapter 4 detailed, with the possibility of political change on the horizon a number of donors had positioned themselves accordingly – funding for human rights project work had increased since the 2010 election and, although the semi-civilian government which took office in early 2011 was slow to implement significant reforms, the release of Aung San Suu Kyi and, later, other political prisoners, meetings with CSOs called by the President and statements regarding rule of law indicated a more hospitable climate for civil society. There was thus a steady increase in opportunities for the organisation as donor activity grew within the country and funding for work more in line with EAW's human rights interests increased: for instance, voter education and election monitoring before and during the 2010 election, women's empowerment training and civic education in previously inaccessible project areas, as movement across Karen State

became less problematic, and projects aimed at assuaging religious tensions in the aftermath of inter-communal violence in 2012 and 2013.

Project implementation work, by its nature short-term, was also accompanied by an expanded role in more continuous activity: from 2013, as government ministries became more open to forming relationships with non-state actors, so policy advocacy work expanded, both directly with government ministries and indirectly through INGOs or UN agencies, especially around women's participation in the peace process, on the Associations Law and on the planned National Census. EAW also took a leading role in CEDAW shadow reporting, taking over this task from an organisation based across the border in Thailand.

Like numerous organisations that expanded activity in recent years, EAW began to turn attention to the internal development of the organisation to better secure and manage such contracts. Support came through an internationally funded organisational development programme supporting the building of internal capacity in Myanmar local organisations. By the date of the award of the grant in November 2013, turnover had increased by 240% since 2011; project-focused work only brought marginal benefits to the structure of the organisation itself, and in some ways proved to be a distraction from it. From this project, EAW aimed to look internally and "strengthen the institutional capacity of EAW that capable to empower lives of women and children [sic]" (EAW 2013). A set of specific technical outputs were envisaged through this grant. This would include:

- *an upgrading of "financial management system, policies and procedures" and "human resource management system, policies and procedures";*
- *with an increase in the number of individual projects, the organisational ability to keep overall track of the impact of these projects was becoming important:*

*this meant developing a “monitoring and evaluation system, a guideline, procedure and database to ensure the quality of data and information enabling to feed to decision makers, donors, stakeholders and beneficiaries for informed decision”;*

- *and, with the demand on the organisation and its growth seemingly unstoppable, a “design for future programs/projects including an operational management guideline and a 10 year strategic plan” (ibid.).*

The former EAW leader has become something of a champion for the process of organisational development (OD), which demands that entities reflect on their internal configuration and strengthen according to their findings:

*I always advocate that OD is very important... our organisation has reached to a certain extent to operate. We have financial rules and guidelines, and HR, and also operations, so we have the staff and head of departments. Two weeks a time we have management meetings, we stick to schedule, keep to our donor deadlines (Interview 34).*

The shift from a voluntary, membership-based group to a professional organisation was not made overnight. This was a slow, progressive change with a steady expansion in the number of paid positions determined by the funding available. Certain important aspects of the original organisation were retained: mindful of the contribution which the volunteers brought to the organisation’s work, the professionalisation of the group simply enabled the voluntary support scheme to expand and be better managed. EAW welcomed interns and international volunteers identified through VSO, the latter providing experience and expertise in managing a professional organisation. Facilitated by an in-house training programme, new employees were frequently found from within the ranks

of the volunteers, a further way via which EAW could benefit individuals from the Karen women community (the great majority of employees also being from the ethnic group).

However, not all volunteers were enthusiastic about the apparent shift from a voluntary, member-based group to a professional organisation:

*When we changed to professional org, some staff left. They said we are 24-hour volunteers, we are not followers of someone. They didn't want to arrive at the office and sign in 9-5, but they were happy to do volunteer work (Interview 34).*

The voluntary approach had originally meant many in the group were attached to “working in a flexible way”, which the introduction of a modern organisational methods and procedures disrupted:

*When I joined the organisation [in 2013]... it was already in a transition but it was a family-run organisation. It's quite challenging to introduce policies, rules and regulations in an organisation in which family members, people somehow connected - friends, neighbours, nieces, aunties... when you introduce policies it changes the dynamics in the organisation... I think it has changed something fundamentally in the organisation – we are no longer a group of friends or family members who are working together. No, we are now transforming, or growing, into a medium-sized local NGO, a professional organisation (Interview 51).*

Whilst some responded negatively to these changes, departing for other work, others found the rationalisation of work beneficial and even liberating:

*When I joined, I was the only one manager, taking care of HR, finance and everything! It was very difficult – who was travelling? Other project staff followed them – very difficult! And with no proper policy, how could I take action? (Interview 35).*

These internal changes have been accompanied by other important developments. One notable change in 2012 was the name of the group, from an early version which highlighted the need for action to one which focused on 'empowering' communities. Once reassured about the state regulatory framework for NGOs, the group embarked on a long process to register their organisation with the Myanmar Home Office, a process completed in April 2016. The decision to formally register was reported to be down to a combination of factors – certainly donor expectations played a part, but more importantly was the legitimacy this conferred in the eyes of state officials. An increase in work meant a concomitant growth in movement between regions, a task made bureaucratically easier by registration; legitimacy also facilitates invitations to participate in government forums and meetings.

These are much more than symbolic transformations signifying EAW as a professional organisation in contradistinction from its origins; rather, they play a critical role in instrumentalising the notable internal development, augmenting and enabling greater opportunities to use the formidable repository of internal skills, management and evaluation systems, a redoubtable track record and a clear structure – including an independent board – which have made it one of the most respected small organisations working on human rights issues in Myanmar.

EAW has thus undergone significant structural changes and, allied to this, a considerable expansion in its work. In the next section, I argue that it has also changed the nature of, and set limits on ambitions for, human rights work; for now, the question must be why these changes have been made. In interviews and documentation seen, a number of reasons were offered – the need to implement programmes which were seen to be effective but technically demanding, such as microfinance and livelihood initiatives over the direct teaching of human rights; the need to develop systems that would free up time

for leadership to focus on broader advocacy work; and, more simply, the sustainability of the organisation and its expanding payroll. The standard NGO work of writing successful proposals, managing and administering contracts to the satisfaction of benefactors, measuring and evaluating the impact of organisational work and so on is time-consuming and technically demanding. Such is the responsibility required of these tasks that reliance on voluntary contributions of time and effort would be both foolhardy and self-defeating: any due diligence assessment by donors, appraising financial and management systems, policies and track records, would make it an unlikely funding recipient. An absence of these and the suitably experienced personnel to see their implementation – the capacity to manage funds – would negatively affect prospects of receipt. A combination of professional input and carefully assigned and managed voluntary labour, on the other hand, is one that is likely to appeal.

A symbiotic relationship therefore developed between the growth in EAW's organisational project and advocacy work; its management systems, policies and procedures; and the staff required to put the systems into place. Expert-led input on internal management enabled EAW to recognise these holistic requirements and to ensure that such pieces were fitted together in practice:

*You can write a policy but the policy has so many consequences and you also need systems to make the sure that policy is implemented. To give you an example... [an annual leave policy] needs a system to monitor how many leave days people have taken, and you need to update that (Interview 35).*

It was observed by another member of staff that such a change placed new demands on the organisation that could only be handled by additional staff, who observed that “now, one HR manager is not enough – [we need] an admin assistant to help the HR manager” (Interview 36). Other aspects of work brought similar demands, such as the collection of

data for monitoring and evaluation purposes and financial management. Whilst the spreadsheets and systems developed for these were subject to complaints when introduced, their benefits were reported to have been noted by staff who saw these technologies were “helpful for their implementation, for their activities” (Interview 35).

Yet the observation that technically demanding tasks require professional input only pushes the problem further back – why the need to shift to these kinds of projects in the first place? Who had set these new terms of engagement by which organisations pursue human rights objectives? Looking to the actions of other agents, such as the decisions of management or to ‘donor demands’, again leaves us asking why they have this particular content, a character which is mirrored globally. The shift in approach taken by EAW as it matured is symptomatic of bureaucratic phenomena associated with aspects of NGOisation, and understanding its emergence and impact demands a relational approach.

### **A new normative direction: the institution of the NGO and (imagined) communities of practice**

The metamorphosis of EAW from a voluntary, self-funded, community-oriented group to a respected, professional, internationally-funded organisation makes an impressive narrative. Many of the major developments in the organisation, such as its move to a professional full-time staff, its investment in capacity, official registration and expansion in work appear in retrospect to form an upwards spiral arising from sensible decision-making and assiduous, intelligent grasping of opportunities presented. It has been transformed from its early configuration and orientation, which reflected the limits of organisational and political possibilities and also the self-help ideals which motivated thousands of voluntary networks operating in Myanmar, such as free funeral service

providers and blood donation groups. Yet unlike many of those so-called 'grassroots' groups which organised to provide the most basic of services in villages and townships across Myanmar, its willingness to grapple with the repercussions (not yet the causes) of human and women's rights violations, its articulation of the needs of a repressed minority and links with banned groups inside and outside Myanmar lent its work political resonance.

Serving an imagined community of ethnic Karen motivated hundreds of volunteers into active service with the group, following up on reports of trafficked persons, engaging with security personnel where necessary and gathering information on human rights abuses. Military constraints made for a wholly volunteer owned and led initiative, driven by the volunteer's own sense of what was possible, led, coordinated and managed according to voluntary norms throughout the group. Whilst this made for somewhat episodic and unpredictable social action, it also constituted an extensive resource base *beyond* the kind of professionalised input associated with the NGO. Positioned somewhere between the underground political action undertaken by opposition groups and the highly orthodox livelihoods and community development work of legitimate development NGOs, it was work which demanded the careful construction of relationships with individuals, organisations and communities on varied spatial scales – locally, among representatives based in Yangon; regionally, among the beneficiary ethnic communities; and internationally, among benefactors and members of the ethnic and Christian diaspora. Such resource could potentially be deployed towards a wider political project when circumstances changed. At the very least, no particular organisational or political direction was pre-ordained.

EAW would find directional influences initially through an imagined community. Along the Thai-Myanmar border, organisational models hitherto unsuitable for pre-reform



circumstances had long been institutionalised. These groups served refugee populations and reported on Karen human rights issues at a time when doing so in Myanmar was a perilous activity, and had developed the kind of administrative and managerial systems required for external funder assurance and (upwardly) accountable disbursement. Interviews highlighted the important learning role which KWO, mentioned above, served for EAW. With over 50,000 fee-paying members and multiple international funding partners, KWO influence on EAW went much further than provision of technical knowledge for human rights reporting. Both its size and its command of important organisational development processes such as strategic planning and strategic partner meetings meant it functioned as an important source of inspiration and a technical template for EAW.

Whilst KWO might be a reflexive object for EAW, appropriating its norms and approaches would make no sense while the context in Myanmar remained structurally incompatible. KWO and other organisations offered a viable template only as significant structural changes began to impact on EAW. Organisations like EAW do not simply amend configuration according to “isomorphic drivers” within actual organisational fields – in other words, it is not simply that they are compelled by norms or uncertainty to mimic other organisations that constitute its environment (DiMaggio and Powell 1983). Rather, it is that deeper changes in social structures set loose forces and shake up environments in such a way that strategic guidance is called for. Ethnic and women’s identity group links facilitated the connections and proximity required to access this organisational intelligibility. EAW would later participate in the Myanmar-based Women’s Organisation Network (WON) network, consisting of 37 women’s organisations, while the EAW Director’s service on the governance boards of six other local organisations, mainly focusing on women’s rights, further embedded EAW within the particular set of norms, conventions, problem-solving logics and other components associated with the NGO. These provided solutions to problems set in motion by a series of objective changes.

## **The normative impact of the fiduciary structure**

Embrace of an NGO-based logic of appropriateness appeared in the wake of a glut of relief funds, and with it contracts, in the wake of Cyclone Nargis in 2008. International aid entered a country structurally and institutionally ill-equipped to use monies as donors expected. SPDC-led efforts made use of the military-affiliated USDA and were thus dogged by allegations of corruption and misuse. Tight restrictions were placed on the movement of foreigners, making INGO interventions – through which the bulk of funds flowed – reliant on local intermediaries. EAW's connections and reach into affected communities, located in the Ayeyarwaddy Delta with its large Karen population, their understanding of the attitudes of local officials, and an educated, politically-astute group leader fluent in English made them highly sought-after partners<sup>75</sup>.

Significant in this instance was not the move into humanitarian relief work, something which had motivated EAW volunteers from the outset and informed their approach to the politics of human rights promotion and protection, which eschewed confrontation and antagonistic repertoires. Rather, it was the change in the group itself that the management and deployment of these funds demanded. Funds given were not donations to the ongoing work and the independent programmatic objectives of EAW as a voluntary group but were assigned to the delivery of specific components of work laid out in legal contracts, and needed to be managed and administered as such. This demanded an adaptation of internal structures, systems and procedures so the entity could enter into contracts INGOs and receive funds, with individual contracts ranging between USD 10,000 – 50,000. The fiduciary structure, whilst very much present in Myanmar for well over a decade, was previously peripheral to EAW's volunteer-led work; now, given the nature of

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<sup>75</sup> On the importance of professional capacities such as English language ability in achieving the demands of social movements and rebellion, see Bob (2009).

the financial support arriving in the wake of Nargis and their involvement, it became a principled enabling and constraining element of organisational agency<sup>76</sup>.

EAW required the capacity to enter into contract as an organisation, as “a persistent whole formed from a set of parts that is structured by the relations between these parts” (Elder-Vass 2010: 17). It is the parts and, importantly, the relationships between them which give the entity its causal powers that enable it to meet its contractual agreements. For EAW, this meant developing both the role positions and delimiting the “position practices” which those posts, and the relations between them entailed (Bhaskar 1979: 41). These are “slots” which individual persons may slip into and assume particular powers and responsibilities by virtue of the function ascribed – organisation directors with power of attorney; finance managers with powers to submit, accept or reject budgets and financial reports; project managers with the power of oversight and direction on specific packages of organisational work; and the arrangement of relationships between these parts to form a collective entity which can enter into relationships with other actors.

This aspect of institutionalisation freed the group from its earlier limitations and allowed it to take on more work, whilst at the same time setting in motion path-shaping forces that would largely confine its future human rights work within institutional parameters. Through this professionalising process, EAW would leave behind a quite disparate and haphazard approach and solidify as a wholly new kind of entity. Former volunteers used to dealing with an assortment of tasks on an ad-hoc basis would take charge of specialised areas of responsibility. There was thus a radical change in the group as new sets of norms, gathered in role profiles, for former volunteers were created and loaded into paid positions. The shift may be seen to reflect a similar evolution in organisational life as

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<sup>76</sup> It must be said that the urgent need to get humanitarian assistance into Nargis-affected areas initially overrode many of the typical due diligence and risk-management safeguards that make typical contract management an exacting process for civil society groups.

witnessed in the West, where volunteers came to be “regarded as amateurish “do-gooders,” as relics of the past to be replaced by paid professional staff” (Anheier and Salamon 2001: 43).

Volunteers did not disappear completely however but assumed a new guise, firstly in the form of international volunteers recruited through Voluntary Service Overseas (VSO). Once again, this mirrors phenomena of modern charitable labour in the West, where an increasingly demanding, professional setting demands a particular specific repertoire and deployment of specialist skills and knowledge. “Corporate volunteering” makes use of the skills of expert individuals drawn from the private and public sectors that can disseminate these skills among staff (Hustinx and Lammertyn 2012: 179-80). Volunteers could also be found in the organisation’s ‘extended self’. Beyond the EAW office, local volunteers are integrated into projects through EAW-supported community-based organisations (CBOs) and women’s groups. Instrumentally important for project implementation, these outer satellites were carefully developed along lines that could be clearly traced back to their parent organisation.

## **Politics and power in the project**

The NGOisation thesis concerns politics and power, not organisational development *per se*. What, then, are the political implications of the professionalisation induced by fiduciary selectivities? Particularly notable is how the shift to full-time, professional contracted work also signified an alteration in the way that human rights issues were tackled. Whereas the EAW previously engaged in ongoing efforts with relation to human rights on the basis of direct relations with other members of the Karen community, the growth of contracted work meant human rights objectives came to be mediated through the repertoire of the project. In this way, decisions for the form and substance of action on human rights are decoupled from the community and articulated through the

demands, design and administration of “discrete packages of resources and activities” (Fowler 1991: 145). Whilst limiting, at the same time this greatly increases the actions that organisations like EAW could be involved in.

Projects are, to a great extent, planned, managed and evaluated in much the same way as in any other industry. Its migration from commerce to development work at multiple levels and varied scale is down to its ““distinctive competence””

*[which] lies in its claim to deliver ‘one-off’ assignments ‘on time, to budget, to specification’, relying on careful planning and the firm control of critical variables such as resources, cost, productivity, schedule, risk and quality* (Hodgson 2004: 85).

The project form not only speaks loudly and clearly to results-focused, risk-averse donors, but its conventions and routines are intimately linked with the contract as a method of obtaining, rationally planning and distributing the labour for human rights. Despite being an innovation developed outside the lifeworld, projects, done well, can obviously be conducive to improvements in human rights (at least, one can expect they will ‘do no harm’). Practically, different funding agencies or large international organisations offering partnerships have their own particular priority areas, selected for their own particular internal reasons. The EU’s European Instrument for Democracy and Human Rights, a (2016) call for proposals offered

- *Rural development / Agriculture / Food and nutrition security*
- *Education*
- *Governance / Rule of law / State capacity building*
- *Peace-building support*

as broad categories of actions eligible for support. These were selected through a quite separate, overarching bureaucratic process as “the four focal sectors as identified in the

EU's Multiannual Indicative Programme" running from 2014-2020, an output of "extensive discussions with Myanmar/Burma stakeholders, including at the EU-Myanmar Task Force in November 2013 and during the Asia Programming Seminar... and is in line with the government's own development objectives" (European Union 2014b: 4).

Such a process, delinked from popular constituencies and mediated by sets of high-level concerns, is not unique to the EU. By integrating human rights organisations like EAW into such programming, the ethical substance of civil society imbues political agreements with moral credibility. In the reverse direction however, for the NGO, it radically constrains the parameters of what can be thought to be practically – and politically – possible. This is only partly a case of submitting to a donor agenda – indeed, in practice, many, including the EU, are sympathetic to ideas that might fall outside of thematic guidelines, and an equally restrictive parochialism is in place for the NGO: selections of projects are more likely to be made on the basis of pragmatic factors – networks of contacts, results from earlier projects, experience of the organisation and so on (Interview 8).

More constraining is the inherent project instrumentalist reasoning by which human rights issues are grasped and actions organised. It is clearly not the case that all human rights issues are equally amenable to successful projectisation, and certainly not on the scale possible for individual local NGOs like EAW. While project framing devices – aims, objectives, budgets, and so on – may render a human rights problem epistemically comprehensible and practically manageable by an NGO, a successful project does not necessarily lead to successful resolution of a human rights problem. The empirical appearance of a democratic or human rights issue is deceptive; like the iceberg, there is much going on beneath. Enmeshed in layers of interwoven social, political and cultural complexities on multiple scales, the sources of human rights issues can elide the project intervention without impacting on results, and can often perpetuate the very factors –

often structural – which led to the problem in the first place<sup>77</sup>. Systemic social and political change may be wholly incompatible with the short-term, geographically constrained dictates of the project.

One consequence of fiduciary selectivities, then, is the tendency, then, to select what is manageable, “linear and predictable” for the constraints of the project form and for the demonstration of results rather than to organise and develop activities towards ends which would seek to understand and overcome any structural basis of human rights problems and development issues (Desai and Howes 1996: 101). With project management driving agendas, grassroots organisational development reflects the professional development in EAW itself: CBO volunteers undergo training in the “concept of community development”, the “role of CBOs and CBO development” and “the qualities and characteristics of effective and strong leaders”; for the organisations themselves, “CBO guidelines were developed, covering CBO structures, roles and responsibilities and good governance” (EAW 2016). The improvements in the project management capacities of the organisation and network consolidated the shift towards more projectisable development themes, centred around women’s participation in livelihoods, microfinance and maternal health.

Whilst this fitted well with post-Nargis reconstruction themes, it also introduces strategies for coping with and better managing poverty in the marginalised communities served by EAW, rather than politically organising to transform these conditions. The depoliticisation evident here and remarked on in other studies (see, for example, Neff 1996; Carroll 2012) is redoubled through the modes of professional organising in the EAW’s CBO networks which are an integral part of these projects. Rather than the subject of a new democratic

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<sup>77</sup> The norms of the issue-driven, project-based logics have been challenged in recent years by new approaches to development associated with ‘Thinking and Working Politically’ and ‘Doing Development Differently’ movements among development practitioners (see Green 2017).

flourishing, they become an object developed specifically for better project management, an intermediary between donors, EAW and the much sought after results:

*[The CBOs] suggest us different activities but sometimes we also need to focus, we need to discuss with our donor because they come with different objectives, because the design [for the project] already exists (Interview 42).*

CBOs are on the receiving end of shifting priorities in donor-funded activity – peace-building, interfaith harmony, civic education, the sharing of farming techniques – and the difficulties inherent in addressing deeply-rooted human rights issues in the restrictions imposed by the project form. For example, the nine working groups established in a recent EU-funded activity to address religious tensions, were abandoned immediately after funding ended with “so many things to do” remaining (Interview 42). The groups have had more success in civilian monitoring of ceasefires; funding for this remains quite constant, a consequence of the importance of peace compared to other human rights issues.

By late 2015, almost the entirety of EAW’s available funds was ‘restricted’ i.e. directed towards contractually-delimited, project-based activities<sup>78</sup>, underscoring the need to ensure that systems and roles are in prime condition to enable the continuation of the organisation. There is then an intimate, recursive relationship between the form human rights work takes, the development of systems and routines to undertake, manage and manipulate these activities and the resulting depoliticisation of the subject. For example, whilst voluntary agency for human rights continues to play a key role in EAW, agents do so as a bearer of functional roles and responsibilities within particular projects and contracts, rather than as bearers of their own aspirations for collective action. Driven by

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<sup>78</sup> Most contracts specify that use of funds towards activity not specified in the contract would be deemed ineligible costs, and thus liable to penalty or return of that portion of funding to the original donors.



the force of fiduciary structural selectivities, institutionalised through hired experts and the situated outcomes of the enactment of conventions employed by similar organisations such as KWO, the professionalisation and bureaucratisation of EAW's configurative form and the strategic deployment of its powers sees an accommodation to existing structures. Yet this does not necessarily preclude political action through other means.

### **The consolations of agency and status**

After the radical shake-up of its voluntary network, and the ensuing professionalisation and reorganisation of internal structures toward better administration of contracts and projects, little would be initiated outside the discursive parameters of the project. Yet these activities have their own emergent products, and a significant 'value-added' of project activity is the collection of information – on problems, on communities, on relationships – accrued informally and formally, through the results gathering processes of monitoring and evaluation. Expansion of projects, new activities, greater organisational reach, more direct and indirect project beneficiaries means an increase in information and in demands for that information to be put to good use in advocacy or advisory role – expectations on civil society as embedded in the new state form (see Chapter 4). Well-known for their extensive grassroots connections, EAW's social capital consolidated their status as important and trusted interlocutors with state representatives and legislators during Myanmar's early period of reform, and in consultations with visiting international delegations. A key member of the Myanmar Network for Free Elections (MYANFREL), an active participant in the discussions which framed the Registration of Organizations Law (2014), and on the board of the National Census Committee.

However, it is important to note that individuals in EAW continued to be highly active in oppositional political activity – each admitting of varying degrees of challenge – during the

reform era (and earlier). They collected data for Myanmar's 2016 CEDAW shadow report, and, furthermore, EAW representatives participate in a number of the civil society *networks* which have appeared in Myanmar over the past decade. In addition to the Peoples Network for Constitutional Reform (PNCR), they are most prominently part of the Women's Organisation Network (WON), formed of numerous participating organisations and which has taken a provocative public stance on many issues. Statements issued following the rape and murder of two female teachers in Kachin State in 2015 and against the four so-called Race and Religion Laws, added to the Network's combative reputation in defence of women's rights. With a prominent role in WON, the EAW Director was on the receiving end of threats following these announcements.

Indeed, with a reputation for human rights defence among extensive connections with INGO and diplomatic circles as well as with the Karen groups, the Director's personal reputation for fierce, outspoken loyalty to victims of human rights abuses and vitriolic attacks on the powerful is well-known. At ethnic peace forums in 2014 and 2015, the praise heaped on ethnic leaders was broken by her questions on allegations of widespread corruption and on controversial developments which sought to exploit peace, such as the Norwegian-backed 'Peace Dam' on the Salween River, running through Karen State. "Norway? We used to know them as, like, peace activists. And now they would like to do dam in the Karen State... 'Dam for Peace'. And then I said "Bullshit. 'Dam for Peace' – bullshit!" (Interview 34).

This is beyond the typical rhetorical moderation that one comes to expect from leaders of now-professionalised NGOs. Again, we see the importance of values and agency, able to exercise influence despite the institutionalised forces pushing in a different direction. However, it is crucial to note that such work takes place *beyond the organisation rather than through it*, in spite of its structures and powers rather than because of them. The

technocratic capacities of the NGO itself are inadequate for such campaigning and influencing work. Although research and reports which bolster campaign messages are regularly produced as part of projects, the NGO becomes valuable here as an enabler for other actions which do have efficacy, not least by giving activists the means to a livelihood. One recent study of networks in Myanmar picked up on this point:

*Despite the increased openness, many organizations found that, individually, they still had little influence on power holders at the national policy level as well as on private businesses, many of which had strong links with government authorities or the military. Building on informal networks and linkages with other organizations, they came together to identify innovative ways to overcome these challenges* (Phuah et al. 2016: 4).

The tensions between different ‘locations’ of labour for human rights, within the organisation and beyond it, and inherent difficulties in combining the power of each, were noted in interviews. For example:

*[The organisational work and the advocacy work] is always linked, but sometimes it feels that there are two different things: the external world and managing the organisation. It’s important to keep it together but it’s not always easy* (Interview 36).

This reported detachment of EAW from the wider world, for the logics which organise its work to divert it from the organisation’s original interests and vision, mirrors the depoliticisation of its CBO partners. In its strategic orientation towards new, project-selective structures, EAW’s successful disaggregation of social problems and motivating values into manageable pieces does not guarantee their reassembly in a form which has the desired causal impact (Reed 2000). Real impact, in the critical realist causal sense, demands *repoliticising* the resources garnered through the organisation. Indeed, the challenges involved in the Director’s direct political engagement and activity, the original

inspiration behind the organisation, eventually became a reason for her to relinquish her position and successfully run for a parliamentary seat. The strength of relationships with other entities and communities which first attracted support for the organisation became, under different political circumstances, a reason to depart for formal politics. Dual restrictions are imposed on the empowered organisation: politically, the separate zoning of state and civil society imposes a radical separation from political parties; professionally, project-based activities and specific organisational capacities are incompatible with participation in mass social movements. That such a move from civil society to government was made by other civil society leaders testifies to the limitations of a strengthened civil society, its empowered organisations and the form of the state in which they participate.

## **Conclusion**

EAW's impressive evolution from a self-funded volunteer network to a stable, professional NGO in a mere few years is not merely down to individual or collective decisions but through involves the dissemination and institutionalisation of norms appropriate for changes in the strategic selectivity of structures. EAW's first reported turning point, in the aftermath of Cyclone Nargis, marked the strengthening of institutional structural mechanisms, most notably those emergent especially from fiduciary structures. These would constrain and enable the organisation in its 'choice' of powers and the subsequent development of systems and routines to put these to work, elevating the project as the primary repertoire and set of normative organising principles around which human rights and developmental objectives would be framed.

Whilst the impact of the project, although always constrained by geographical, temporal and thematic boundaries, qualitatively and quantitatively varies, I have here stressed the

way in which the dominance of the project repertoire reflects NGOised logics. The fiduciary mechanisms sustain an institution of organisation which professionalises social agents like EAW – turning its voluntary networks not only into paid positions but ones with discrete roles and functions – and also depoliticises, the organisation shaped both around its own survival and, connected to this, the better enactment of projectised ends rather than political transformation. There was little contestation as these developments unfolded thanks to the broad compatibility between the charitable logics which characterised the group's historical approach to human rights work and the organisational logics through which these were now realised. Both eschewed the directly oppositional or radically transformational: political interventions, such as those led by the Director, would circumvent or springboard from the organisation.

For groups hailing from oppositional backgrounds, institutionalised through oppositional action, coping with institutionally appropriate logics would prove to be more challenging.

## ***Case study 2: Internal democracy and political pedagogy***

### **Introduction**

Whilst political developments and structural change would impact all civil society actors in Myanmar, this does not mean it had the same results. The 'mere' objectivity of structural mechanisms and inducements for strategic reorientation does not necessarily determine the dissolution of values or abandonment of repertoires. Working on the basis of the layered nature of social reality, exploring the evolution of different groups with particular unique histories and qualities offers the possibility of illuminating through case comparison how the same institutional mechanisms can produce wholly different outcomes thanks to the contingencies of subjects and contexts. In addition to varied histories, communities and resources, the value-driven nature of political activism means that different groups are likely to encounter institutions with different normative orientations and expectations. EAW's welfare-focused approach was relatively congruent with the NGOisation tendencies produced by contractual, legal and advisory structures that characterised Myanmar's reform era. The experience of other, more explicitly politically-oriented groups would not be so sanguine.

A frequent observation made by many long-time observers of the country is that Myanmar's civil society, despite being a champion for the democratic cause, often displays precious little interest in democracy within its own ranks. Instead of practicing what they preach, organisations face accusations of autocratic leadership, insufficient internal consultation and a stifling culture of deference to status and age, a problem often blamed on 'cultural deficiencies' in the country wrought by decades of militarism. The decoupling of institutionalised logics from the structural causes of injustice, as noted in the first case study, threatens to deepen this lack of popular control in civil society, although it is paradoxically compatible with democratic change. In this second case study,

for the democracy-focused organisation TYT, embedding democratic and rights-respecting values in the structure, processes and outreach work of their new organisation was to be a key component of their mission. Democratic constitutional reforms might be expected to provide a hospitable environment for these objectives, but such is the nature of open systems that agential / structural interaction outcomes are sometimes at odds with expectations.

## **Origins**

The clique of well-read, politically-aware young people who started TYT might elsewhere be labeled a group of lay intellectuals, but despite earning the intellectual respect of bookish peers this would be a somewhat ill-fitting term in 1990s and 2000s Myanmar. Members of the core group had collectively served around thirty years in prison during the 1990s and 2000s for their political activities, but not all had had such adverse experiences – one had a good career in structural engineering, while others worked in local development NGOs and pursued oppositional interests outside – and, wherever possible, inside – working hours. They had for years been involved in discussion groups and literature distribution in Yangon, a tradition which Chapter 3 showed to stretch back to colonial-era Burma but which had more lately become vital for less political, more prosaic reasons thanks to the lamentable state of education and the SPDC's restrictions on information. They shared a common interest and motivation in political education towards the better realisation of the right to informed political participation, and their decision to launch TYT was a collective one. It appeared as a natural extension of activities which had been under way already for a number of years, as something of a necessity for a group of highly motivated activists:

*We had to establish a new organisation to encourage young people and other minorities, people who live in [remote] areas, so they can engage in the political process. It is their birthright (Interview 31).*

Non-formal political education had previously taken place only in safe spaces such as the British Council and American Centre, led by international teachers according to a curriculum they had developed, in English. Private study groups existed beyond the teashops but this was an activity that both risk and resource served to restrict in scale. They formed part of a broader, informal movement referred to in one early report as “reading groups”, an appropriate term as “many of these groups are based around discussion and education on civil society issues, though the reading aspect is frequently applied in development and education activities” (Buzzi et al. 2011: 21).

Myanmar’s reforms increased both the demand and the acceptability of such work. As military rule was replaced with constitutional government, albeit one with manifest military tones, monitoring of the activity of key individuals, including some members of TYT, was significantly scaled back. With no junta dependent on the familiar formula of limited concessions and maximum coercion to ensure rule, close surveillance and repression of political dissidents was no longer made a police priority. This afforded the group an unprecedented opportunity for new, more public forms of the kind of popular education work and democracy promotion which they had been engaged in for years.

Both the public appetite and the hospitable political climate for politically focused education were demonstrated through the civic and voter education work which had preceded the 2010 general election and, far more widely, the 2012 by-elections (Lidauer 2012; Lall et al. 2013). The founder members of TYT had continued this activity after the 2010 election (some of them having only recently been released from prison), using the 2008 Myanmar Constitution as a starting point for tuition on democracy, human rights,



international relations and other topics deemed relevant or interesting for students in provincial parts of the country. Members would play different roles in these activities – some were in full-time employment in other local organisations and were thus better placed for a role in non-classroom activities such as preparation of workshop curricula and logistics, while others took up tutorial duties.

Although circumstances were still far from ideal – in one member’s words, teaching political activists in 2011 was still “not very safe and not very popular” (Interview 30) – the lifting of close scrutiny of activists and the loosening of restrictions on certain gatherings (which in Yangon had been gradually relaxed since the 2008 Constitution referendum) meant it was now possible to rent premises where such activity could take place, without putting premises owners at risk<sup>79</sup>. Although political reform in Myanmar was at an early, tentative stage, TYT’s reading of positive signs suggested that it had become possible to plan into the future and thus to design and implement a more holistic programme of integrated political activity, again centring around education. Such was their belief that founder members’ used personal savings and sourced donations for early rental, equipment and travel costs, confident of securing donor funding in the future.

Hailing from a variety of backgrounds and working in a generally untested area of formalised civil society activity it was important, first of all, to establish clear objectives as a group. Agreement was reached at an early stage that their work should take a dual approach. A political engagement strand was designed to reach out to “political activists, going to remote area for discussions... and to understand what [are] their everyday political circumstances” (Interview 30). This was seen as critical in a country that was criss-crossed by political and ethnic divisions, making genuine national reconciliation a core opposition ambition and slogan, and which was furthermore bedeviled by poor

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<sup>79</sup> However, the group still had to move locations a number of times during their early years, at least partly due to landlord discomfort with the nature of activities.

communications and restricted opportunities to take such a diversity of views to the power centres of Yangon and, certainly, the new state capital Nay Pyi Taw.

Secondly, a political education strand sought to provide a comprehensive introduction to a range of social and political science topics including political institutions, political philosophy and political processes. TYT would draw on their broader network and tailor academic material to suit it, specifically directing activity towards young activists with the intention of helping them overcome the gaps in their skills and knowledge left by the education system. Participants in programmes would be able to “better comprehend the challenges and opportunities which the country is presented with at this critical historical juncture” and, more fundamentally, programmes would “instill in them a strong democratic ethos grounded in grassroots communities” (TYT 2013a). One former member saw the design as analogous to more established educational institutions, stating that “[TYT] modified a model of other country’s universities: they have an academic section, and at the same time... they engage in policy, advocacy” (Interview 30). The modification in this instance was in the beneficiaries and intended results of this advocacy; state officials were not initially a direct target of advocacy efforts, but rather existing or likely democracy and human rights activists, including many rank-and-file NLD party members. There were clear, unambiguous normative objectives: that participants “become well informed on politics, nature of transition, role of civil society in political process and most importantly federalism” (TYT project report 2013b). Yet ideological differences were also evident – for some, the organisation would orient minds and society in a politically and economically liberal direction (Interviews 26, 33); others would bring leftist influences (Interviews 30, 31).

## **A moral mission**

Whilst activity was successfully ordered into these two separate complementary strands, the management of the activity itself also required close attention. The tradition of political reading groups, the symbolic importance of the training content, the backgrounds of the individuals involved and their messianic zeal for political and human rights education made TYT an unlikely candidate for a standard NGO hierarchical organisational configuration. Besides, whereas EAW could quite unproblematically identify themselves as a token of a various type or category of extant organisation, this was not so straightforward with TYT: was it a school, an NGO, a movement, or something else entirely? Overseas universities and their political science departments provided an ideal of quality and comprehensive coverage for TYT but could hardly offer a formula to answer strategic questions and problems issuing from reform era Myanmar's unique structural circumstances. Students were usually poor and unable to afford prices appropriate for TYT's sustainability, and formalising as a private school or university was legally complex. Furthermore, whereas EAW had a reputable organisation prior to reform, TYT were starting anew. Although it is true they were drawing upon a long-established tradition or repertoire of intellectual political action, it was not necessarily clear how this work and its attendant ambition – improvement in the capacity of the people through political science education so they could fully realise their right to political participation – would crystallise in suitable form.

The absence of any clear, objective guide ropes fed into questions about internal structure and management. Here, however, the absence of an obvious direction would, initially, be offset by values. This was fundamentally a moral mission, with democratic ends *and* means. As a democracy promoting entity, the group looked to express democratic values within the organisational structure itself: rather than creating a

hierarchy for the organisation and its decision-making process, the group opted for a horizontal structure which would involve all the founding members, organised into a Board of Directors (BoD), in decision-making equally.

*All of the board members go down to the management level, we agree we will try to establish the democratic management, democratic administration; we made consensus decisions, nobody above another. That is a very democratic way (Interview 31).*

Meetings were held regularly for collective decision-making – these included setting the strategic goals of the organisation, the formulation of rules and regulations, partnership decisions, curriculum development and so on. The political ferment of the early reform days, along with the group's social standing and political connections, also meant taking decisions with significant political repercussions. The decision to avoid engagement with political parties and state institutions involved in the 2012 by-elections, for example, was laboriously debated between BoD members, eventually coming down against participation on grounds that resource was better expended towards *genuine* nation building efforts. Three functional teams – an executive team, an advisory team and an administration and finance team – implemented and enabled the decisions made and the decision-making processes of the BoD. This collective approach to management extended also to finance and financial accountability; without a separate finance section or finance head, individual persons were assigned to withdraw cash by the approval of the BoD, and all expenditure was overseen and approved by the BoD. TYT was also taking individual donations in its early stages of formation so this level of assurance and oversight on financial matters was critical for early benefactors, given Myanmar's reputation for corruption.

The cooperative approach to managing and directing activities was recorded as an early success for TYT, marking the organisation out as unique in its levels of transparency and

democratic oversight. “There were no suspicions... everybody can easily know [what is going on]” (Interview 30). The work met with critical success: with well-known intellectuals and activists involved in the group, they quickly became a standard-bearer for civic and democracy / rights education among other groups. By the middle of 2013, the organisation had begun to receive core funding from the National Endowment for Democracy (NED) and from DFID. The flat, democratic governance structure was promulgated as a key normative feature:

*The TYT governance structure is inspired by collective leadership and democratic norms: organisational goals and policies are made by its Board of Directors (BOD), comprising eleven members at the moment. Major decisions are made democratically within the Board either by consensus or by vote among the board members (TYT 2013a).*

This approach, the reputation of its founders and early demonstrations of its convening power among wide sections of nation’s youth generated recognition of their potential as an educational institution. Beginning operations at a critical time in Myanmar’s juncture, TYT quickly attracted attention from other donors, academic visitors and foreign institutions eager to connect with a centre of political learning but unable to do so through the usual university channels. Two large grants were covering overheads and recruitment of a small number of full-time staff, an enviable position to be in among Yangon’s civil society community and all despite an absence of the factors usually deemed critical when funders examine proposals - track record, registration, and perhaps a more orthodox decision-making structure.

Taught programmes in Yangon became more comprehensive introductions to political science, democracy and human rights thanks to the involvement of international trainers. The level of interest in these programmes increased, with student numbers drawn from rank and file political party members as Myanmar’s formal political scene took off,

student union leaders (still a significantly politically sensitive institution) and grassroots / community organisations. Political engagement became both more technical and more comprehensive as developing threats to the tentative democratic transition and human rights saw the organisation keen to use its convening power to bring together a new range of actors – engaging with a variety of religious and interfaith associations in response to a rise in Buddhist nationalism, mixing local and international academics to discuss economic and political governance issues (especially the continued involvement of the military in politics), and so on. New premises were found to accommodate the expansion of activities, and salaried staff taken on.

## **Structural tensions**

Yet this internal structure was strained by contradictions at an early stage. Just as socialism for Oscar Wilde took up too many evenings, so the protracted decision-making process made for early difficulties. With nine members on the BoD, many of whom were in full-time employment elsewhere and voluntarily contributing time to TYT, meetings were only rarely attended by all members. Absentee BoD members would send opinions in advance, but as these gatherings and debates were conducted to forge consensus among the group rather than produce a simple majority, attendance was required to better ensure the kind of full and active participation required for consensus decisions. TYT's governance structure, whilst reflecting the values of the democracy and human rights movement it was part of, would become increasingly at odds with the demands and complexities brought by injections of new resource and expansion of activity.

Matters came to a head when an opportunity arose to participate as a local partner on an internationally-led political survey in Myanmar, one of the first of its kind in the country. This presented some obvious attractions: it would enable potentially fruitful new relationships to form with international actors, bring wider international recognition of

the organisation and would leave as a legacy specific skills and competencies in quantitative survey methods – a rare example of more immediately practical abilities on a capacity building environment still overwhelmed by, as Chapter 4 demonstrated, generic programmes in organisational development, project and contract management, rather than such specific technical skills. Yet it was also a decision that was loaded with political significance, since the survey was based on perceptions and institutions formed within a political system and transition that other group members believed to be hollow.

With such limited opportunity to argue the case in BoD meetings and achieve consensus among members, and with the clock ticking on a decision before the opportunity was lost, a small section of the BoD took the initiative to go ahead and made an agreement to participate. Not only did this prompt efforts to reconfigure the organisation's governance structure, but it also precipitated a split within the organisation itself; and only weeks later, a number of founder members would leave TYT. While normative disagreement over the survey itself underpinned division, division was closely bound up with the internal structural problems that had generated the impasse. The decision-making system was proving to be an inflexible hindrance to the operation of the organisation. It had to go, and once jettisoned, there was a considerable qualitative change in decision-making:

*The biggest improvement [in the organisation] is the structure... With so many members of the BoD, we cannot make effective decision-making. Now the decision-making procedure is very efficient and effective, we can decide things very quickly. I became the president, I consult with the BoD [and] decision making is efficient and effective (Interview 24).*

Efficiency and effective decision-making were not primary factors behind the original flat, consensus-driven governance structure: democracy and transparency drove the design. Yet the kinds of opportunities that would be presented to TYT meant that efficiency and effectiveness soon became priorities, values operationalised through the adoption of sets

of new organisational norms and the abandonment of those encoded in earlier repertoires. Not only were there more decisions to make, but also these decisions were increasingly complex and had to be made more rapidly – and, from the perspective of the organisation’s existence and ongoing activity, correctly. The demand for quick, authoritative responses had exposed contradictions within the democratic configuration of the organisation, leading to the wholesale reconfiguration of the Board and restructuring of decision-making processes so they reflected *what was required professionally, rather than democratically*.

### **Preparing for the future**

This marked a key turning point for TYT. With politically-oriented civil society now a legitimate part of ‘above ground’ civil society, its reorganisation was able to benefit from proximity to similar organisations, exchanging ideas in tailored training on organisational development given on specific courses: “mostly we have to learn technical skills from workshops and training provided by [a DFID-funded organisational development programme]” (Interview 25). These would become increasingly important. Following the abandonment of the previous governance structure in mid-2014, TYT would complete work on survey activities, develop deeper partnerships with overseas universities and gain an unrivaled reputation for the provision of education in democracy, political science and human rights. Nearly twelve months after this shift, at a strategic planning meeting in April 2015, a professionally-led reflection and analysis of configurational developments and organisational learning was consolidated in a strategic plan, a set of five themes that would orient the group’s approach to its work from 2015-2017.



<p><i>Recruit and retain quality staff</i></p> <ul style="list-style-type: none"> <li>- Enhance capacity of existing staff</li> <li>- Offer and attractive salary and benefit package</li> </ul> <p><i>Promote networking and partnerships with local and international organisations</i></p> <ul style="list-style-type: none"> <li>- Increase contact base for better political science training</li> <li>- Mobilize human resources, technical skills and knowledge, and financial resource</li> </ul> <p><i>Communicate results and impact</i></p> <ul style="list-style-type: none"> <li>- Research findings, results and impact shared nationally and internationally</li> <li>- Shared academic knowledge</li> <li>- Better monitoring and evaluation</li> </ul> <p><i>Provide political knowledge</i></p> <ul style="list-style-type: none"> <li>- Improve the right to access political knowledge for democratic reform</li> <li>- Spread political knowledge across the entire nation</li> <li>- Disseminate messages by applying various strategies and actions.</li> <li>-</li> </ul> <p><i>Promote as a sustainable professional institution</i></p> <ul style="list-style-type: none"> <li>- Engage diverse donors, local, international and private.</li> <li>- Consider income generation activities and introducing costs for its services</li> <li>- Promote internal policies, systems and structures</li> </ul>
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**Figure 4:** TYT strategic plan (Strategic planning workshop. April 2015).

Whilst these would be derided as a strategic plan by a future consultant – “the objectives weren’t related to where the organisation wanted to go” (Interview 29) – they indicated an attempt to balance political objectives with the instrumental expedencies of the organisation. Despite a continued normative focus on realising the right to informed

political participation, the structure envisioned for the organisation itself was now geared to identifying and managing the partnerships and professional networks that would drive the expansion of such work.

In another consequence of learning from fellow NGOs and international education partners, no restrictions were placed on the sourcing of resource - traditional donors, resource-in-kind and organisation-led income generation strategies all seen as potentially important for funding. The acquisition of financial management skills through specialist training from Mango, whose courses “are designed and run by experienced NGO finance professionals who understand the everyday challenges of programme delivery” (Mango 2016), a heightened awareness of ‘alternative resource mobilisation’ options through workshops and interaction with other organisations, and a more streamlined decision-making process made market-based income generation work viable. Investments in various income-generating initiatives, including a car rental service and a printing press, would be made, with more envisaged for the future.

### **Analysis: democratic difficulties in the space for civil society**

The coupling of normative and configurational dimensions appeared in bold, stark form, reflecting the overwhelmingly democratic, rights-inspired oppositional politics embraced by individuals and groups that emerged in Myanmar’s post-1988 authoritarian stasis. Few, if any, other groups had taken such a deliberate stance to integrate democratic practice in their organisation, exemplifying Joshua Cohen’s description of deliberative democracy as “an association whose affairs are governed by the public deliberation of its members” (Cohen 1989: 17). Such an idea could be readily achieved and incorporated into TYT’s early organisational activity thanks to the retention of characteristics of the old reading groups: an informal, club-like, discussion-based approach to activity and the “self-benefiting” quality of the group. One of the benefits and idiosyncrasies of membership-

based groups is that they are largely free from the demands which issue from external relations. Despite the political subject matter of early reading groups, they were mainly self-benefiting, pooling interests and individual resource for the educative gains of members.

The shift to an 'other-benefiting' or 'programme-based' form suggests both a change in the good produced – from private and exclusive to public and inclusive, indicating a shift in purpose – and a change in the volume and nature of resource needed for reproduction. Dependence moves from beneficiaries to contributors, the need to obtain resource becoming a pressing matter. TYT would of course not be alone in its search for perennially scarce resource: at this point organisations, whatever their *sui generis* qualities, come to focus on the overwhelming need to secure and manage resource. Zald and McCarthy's resource mobilisation approach (1973; 1977) in particular stresses the organisational consequences of competition between social movement organisations (SMOs) and the impossibility of organisational independence from its material base. Given this need for "routinization of resource flow" and the fact that "many movement organizations will fail or shrivel if they cannot define a relationship to a support base" organisations tend to "develop oligarchic and bureaucratic features" and in so doing they "moderate goals and institutionalize careers" (McCarthy and Zald 1973: 24). Organisation may well be "the weapon of the weak in the struggle with the strong" but it is also "the source from which the conservative currents flow over the plain of democracy, occasioning there disastrous floods and rendering the plain unrecognizable" (Michels 1962 [1911]: 61-62).

Whilst certain empirical aspects of the fate of civil society entities are undoubtedly illuminated by the quest for resource, such a reductive empiricism, confined to observables, is of limited causal explanatory value. No fundamental rule about organisations was suddenly revealed once the 'space for civil society' opened up. The

outcome of TYT's democratic experiment is rather a product of the inappropriateness of normative action based on oppositional, democratic values, deeply held by all in TYT, against the structural selectivities emergent and incumbent on organisations now that relations had been radically reordered between government, donors and civil society actors, yielding new structurally-based vested interests for the organisation. Whilst new political circumstances were wholly dissimilar to those under SPDC, they were, for different reasons, equally hostile to radical democratic projects. TYT's gradual realisation of this helps to make sense of the final resolution of the tensions between the different sets of norms, routines and technologies that 'obviously' had to be adopted as structural change took place. Attempts at realising "idealistic and moralistic claims about how human personal or group life ought to be organized" (Lofland 1996: 2-3), even on as small a scale as a local non-formal education provider, would be dismantled – this was an organisation, not a movement, working within structural selectivities, not out to change them.

Yet unlike the more standard, project-mediated, instrumental change process described in the previous case study, TYT's internal democratic cause was, at least partly, the victim of logics inherent in an ambition that was equally value-driven. TYT was not 'chasing projects' to stay afloat like their contemporaries, thanks to early good fortune in the form of NED and DFID core funding grants that covered overheads and salaries. They were instead able to focus attention on forging international academic links in order to attract thematic expertise on political science and democratic transitions into the country. In their early phase TYT had linked up with academics or practitioners entering Myanmar on the invitation of embassies or as short-term experts on donor projects, while political reform meant academics were also beginning to trickle in to pursue independent research projects. Later, longer-staying guests from universities worldwide lectured on longer programmes, while new projects were started through new links with international

organisations – participation in global networks facilitating leadership development; internationally funded projects on hate speech; and organisational capacity development for student unions.

Undoubtedly, these may all ultimately contribute towards the flourishing of the democratic culture desired by the original founders of TYT. But professional facilitation of cultural change i.e. a human rights, democratic culture, plunges the organisation in a wholly different set of institutional logics compared to non-professional facilitation. These concerns were recognised by the group at an early stage in their transformation process:

*As an organisation developing from activism and democratic movements, the biggest challenge is always the lack of fundamental structure such as project management, organisational development and finance policy which are compatible to receive sustainable funding from several international funder directly... There is always a risk when one organisation tries to restructure its indigenous structure to be compatible with the criteria set by international organisation. It means that organisation development takes time and it is the process need to pursue for long term (TYT 2014).*

Whilst TYT did indeed enact a number of short-term projects, its core organisational ambition as a political education centre meant they had a more tightly defined programmatic mission compared to other organisations such as EAW. This would limit the impact of projectisation, the parceling of work into discrete packages of time-bound resources and activities. However, the projectisation phenomena far from exhausts the modalities through which new institutional logics are carried and come to clash with established, “indigenous” procedures. One principal effect of the institution of organisation then has been a strategic orientation towards a set of field structures which privilege configurations that permit the rapid making of decisions – a hierarchical structure. Although sharing the democratic and human rights sentiments and objectives

that TYT held, the academics in charge of the political perceptions survey required a rapid (hopefully positive) decision rather than a consensus one. Recognition of the needs to establish international relationships, firmly on the cards following the abandonment of locally-led initiatives, did not immediately ask for the establishment of new technical roles (although these were created) but instead for a particular shift in what could be considered reasonable and appropriate deliberation. As Jessop makes clear, institutions “have a definite spatiotemporal extension” and “operate on one or more particular scales and with specific temporal horizons of action” (Jessop 2001a: 1227). Whilst Myanmar may arguably have offered the ‘space’ for civil society entities such as TYT, there was *no time* for its democratic processes.

This is not, of course, to say that TYT shifted towards a more authoritarian mode of operation, but rather that they simply became more like other professional organisations emerging around the same time. Furthermore, the liberal and human rights background of the key individuals involved softened the edges of hierarchical structures:

*[TYT] have got a hierarchical structure... [but] in reality the communication is pretty flat. It's good, and there are no egos to be massaged in this place... I suppose that's what I meant when I was saying there was a very supportive environment, that's the impression I'm getting, nothing tells me any different from that (Interview 29).*

The difference was simply that “the structure they've got just now probably works well” (Interview 29). Its success was due to the scale and substance of the change in objective conditions, the technical nature of partnership work and the way asymmetries of power mean that the expectations and evaluative stances of benefactors, rather than TYT, set the direction of normative change. As field structures change and, with them, strategic selectivities, so the kinds of evaluative reasoning germane or appropriate for relationships within new worlds of concern changes too. In this way, and guided by Sayer’s

understanding of values (2011), performance-led values have not simply supplanted democratic ones but have emerged as a consequence of the norms and routines strategically appropriate for objective structural selectivities, learned and acquired through encounters with new actors. It was these routines and attendant technologies, intimately linked to shifts in objective field circumstances, that led to appropriate evaluative stances being adopted.

### **Circuits of oppositional power**

The situational logics which undermined the internal dimension of TYT's early democratic experiment also had a hand in realigning certain external aspects. Indeed, although democratic values and ambitions continued to be deeply held by all in the group, their incorporation into the daily routine of work was always discordant with systemic demands. Reflecting two years later after the abandonment of the deliberative democratic architecture, one commentator noted that although they had tried to implement a system that they thought was democratic, this obfuscated structural sources of power working alongside formal legal and political systems. Rather than focusing on the group's goal of politically emancipatory education and the realisation of human rights, it was the principled but inconvenient introduction of what he termed "Western formal democratic norms" into the group itself that had, ultimately, proved so unhelpful to the more radical edge of TYT strategy (Interview 30). Getting out into remote areas, working with and linking lone activists into a broader democratisation movement not by civic education – teaching the 2008 Constitution, voter education and so on – but by asking political questions, by seeking to understand "what is their understanding of politics, what is their everyday politics" (Interview 30). This was purposeful, inclusive engagement which sought to connect with a network of activists on their own terms, to both inform and

learn from local understandings of politics.<sup>80</sup> Initially running alongside but eventually displacing this approach to political pedagogy was a teacher / expert-centred method, which brought activists in to the classroom to learn the political science of democratisation (Interview 26).

Both may have their merits, but carry different implications for supporters of Myanmar's broader democratic and human rights cause. The country's democracy movement had been of interest to Western powers – and for some in ASEAN too – since the annulled 1990 elections. Typically, for the former, this had focused on using political and economic instruments to force the military from power, and in various ways protecting and promoting the opposition leadership and the democratic vehicles they had established, while echoing their pronouncements on democracy and human rights. The difficulty of doing any major work of political substance in the country had meant that politically-oriented activity was concentrated along the Thai-Myanmar border and in exile populations. Within the country, the democratic credentials of the NLD leadership and better established oppositions among student groups – primarily the 88 Generation – were taken at their word and, to a lesser extent, those also of ethnic armed groups (Interview 45). As described in Chapter 3, whilst alternative centres of political organisation did exist, these were underdeveloped.

The reform era revealed these well-established centres of opposition power, close connections between them and their generational condensations of struggle, together with no little reverence from civil society and the democracy movement. For some in TYT, however, the potential of these forces for establishing democracy was doubted and there was a profound disenchantment with opposition leaders. Statements on democracy, reconciliation and peace were dismissed as generic and bland, their lack of political ideas

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<sup>80</sup> This is clearly reminiscent of Paolo Freire's *Pedagogy of the Oppressed* (1970), although this was never explicitly referenced in interviews.



and absence of strategic agenda beyond gaining power through election deemed to fall short of commitment to 'genuine democracy'. Everything, in the words of one former board member, "was generalised" (Interview 44). They were also uncomfortable with nationalist stances (a sentiment shared throughout the organisation) and had a deep skepticism of old political symbols of pride such as 'Panlong spirit', to the extent of incorporating the puncturing of 'nationalist myths' to some of the talks they gave around the country. Instead, they favoured direct engagement with those participating in various sectoral struggles, such as farmers, factory labourers, young ethnic activists frustrated by war, radical students, and avoided established centres of opposition power:

*Before [the change in structure], we are more independent, we don't work for any particular political association or political party, we are just trying to be as TYT itself... we're just trying to generate ideas... [we thought] we'll be able to do something more of a radical movement, for something like a vision in Myanmar (Interview 30).*

That this was not comprehensively shared across the organisation was, in earlier times, insignificant. But later, historical attachments and individual beliefs which could have been safely brushed aside or treated as matters for political discussion abstracted from the concrete in previous, undemocratic times mediated by the institution of opposition, by shared logics of antagonism, became significant:

*Some board members believed in liberal democracy values, some board members [are suspicious about] liberal democracy values. [The latter] support to the democracy from below, that will sustain the democracy in future. Some people are slightly reluctant to pick up these values, they would like to more encourage with political leaders, to support some political parties and political organisations (Interview 44).*

In fact, all TYT members were equally quite comfortable criticising political leaders, their policies and beliefs. Yet once differences in ideology were seen to matter through their intermeshing with material decisions, which would prevail? Here we have attempts to directly apply political ideas at the socio-cultural level, to consciously guide action through ideological reflection. It is important to remember Archer's point that institutional development leads to the appearance of certain situational logics – namely, “constraining contradictions” or “concomitant complementarities” between different ideas, either disrupting or reinforcing one another (1995: 229-246). Compare, on the one hand, the constraining contradictions which spring from an activist distrust of established power centres and impulse to engage directly with subaltern groups, *but also* a desire to make a successful education centre, with, on the other hand, the “consistency of components” between two hegemonic sets of ideas: a broadly liberal democratic (at least as espoused in generic statements) position embraced by the established opposition, and a professionalised, resource-generating, relations-building approach to the formalisation of organisation.

Professionalising operations and implementing a hierarchical structure removed TYT from grassroots subaltern movements at numerous levels. Firstly, regular organisational strategic planning initiated after 2014 made the organisation the axiom of action, rather than the various political struggles going on in Myanmar. Whilst the latter were certainly recognised, they would be served by effective operation of the organisation. Secondly, once again, the building of staff capacity centred around the depoliticised management of projects, donor compliance and administration rather the honing of political skills and knowledge for fomenting effective political change. Thirdly, the ambition for new projects demanded a reputation for neutrality and professionalism in relationships. Project-oriented goals required conscientious professional management, and reputations for radicalism had taken time to shake off. It had become difficult, for example, for TYT to

cultivate relationships with local government offices that were necessary for research, while relations became similarly strained with interlocutors from the NLD.

This ethos of office that charges agency mediated by the institution of organisation finds a neat fit with an opposition which pulls back from radical politics and is accommodated within, rather than poses a challenge to, existing structures of power. The slowly unfolding, self-generating compatibility between de-radicalised politics and professionalisation, the latent structural orientation of strategic action, may not be easily recognised. “This may seem”, to actors like TYT, to be “nothing more than a felicitous facilitating influence”. But it is precisely in the easy accommodation between the discarding of internal democracy, disengagement from radical constituencies in various subaltern movements and the building of professional, depoliticised capacity within staff that such easy “facilitation [becomes] a directional influence... It guides thought and action along a smooth path, away from stony ground” (Archer 1995: 235).

Although tensions within organisations are rarely this visibly and openly ideological, the processes involved and their implications are no less normative than were seen in other organisations. Decisions (or non-decisions) and action regarding strategic orientation are realised on the uneven ‘space for civil society’, buckled by the social forces unleashed by the state project. The outcome of actions in the face of constraints faced or enablement exploited can yield ethical implications and can impact on the ways through which rights and responsibilities are realised e.g. whether or not political freedom can be exercised through the modality of a democratic organisation. However, the operation of these dialectics within politically-oriented civil society is accompanied by a greater sensitivity to the meaning of change and the recognition of the gains or losses for broader political projects. On this reading, neither camp in TYT’s history deserves to be called idealistic more than the other. Both would encounter antecedent societal structures – in this case,

a variant of fiduciary mechanisms and, more broadly, the overall direction of incline across the NGOised space for civil society. Given the structural selectivities inherent within the institution, discordant norms would be sacrificed.

Pragmatic, evaluative considerations would overdetermine the direction of travel. If “a defining attribute of a social movement is ‘the extent to which actions challenge or break the limits of a system of social relations’” (Carroll and Ratner 1994: 6), then equally one can recognise how participation in hegemonic institutions contributes to the reproduction of existing social relations, to the restraints on political imagination, and the abandonment of radical projects through pacific subsumption into hegemonic social forces. Evaluating this, however, is not straightforward: because newly granted formal rights and freedoms had long been demanded by a weary population, many rights-orientated and democracy groups were wholly inclined towards progressive consolidation of these and further gains through the NLD and fair, transparent electoral processes rather than needlessly rocking the boat and threatening the delicate process of reform. Evaluative stances were well-served by the professionalism of the NGO, not shaken by it. As mentioned in Chapter 4, political liberalism had been the defining ideology of many in the generation of democracy activists, displacing the Marxist orientation of earlier activists, a direction encouraged by Western donors and one which underpinned the institution of the NGO, and which meshed well with reformist caution. Yet at the same time, for leading politically-oriented civil society actors to be so collectively inclined demands explanation, and an assessment of the place and potential of alternative movements.

## **Conclusion**

The example of TYT demonstrates the constraints which can plague attempts to enact challenging democratic projects under conditions of NGOising structures, *despite the*

*existence of apparently more benign political circumstances.* The logics of appropriateness of the institutional circumstances that came to animate and organise the repertoires of TYT as they sought funding, overseas academic relations and research opportunities were oriented around bureaucratic norms that ensured activities were effective and efficient, rather than democratic. The ‘space for civil society’ in which TYT grew and sought to gain a basis for impact was one which rewarded an orientation towards the embrace of norms and conventions of professional management, rather than norms of internal democracy. The latter were seen to be more or less inimical to the former: the temporal basis on which democratic negotiation depends is ill-equipped to respond with systemically-mandated alacrity and efficiency.

Such logics of organisation are also unsuitable for radical democratic ends involving subaltern movements. TYT’s attempts to make direct engagement with new land and labour movements and ethnic constituencies substituted for income-generating projects which depended on relations with, and carried influence within, established centres of power. These are attempts to fit values and ideas with the material world in which they circulate – despite the value motivation of activists, incongruities can go unnoticed. As it was, the professionalised, well-managed organisation served the cause of liberal democracy well. On the other hand, “indigenous practices” and the NGO form were riddled with contingent *incompatibilities*.

None of this should detract from TYT’s significant achievements, and the manner in which their credibility and influence soared with its change in organisation and orientation, but should instead draw attention to the politics inherent in its course of travel, the social forces which have catalysed change and the appropriateness in particular logics mediated by the institution of organisation. The contradictory relations between their own democratic project and the broader, objective processes that were shaping

democratisation in the wider Myanmar context were a rude awakening for TYT's radical faction. The failure of their democratic project meant that an organisation committed to realising the right to informed, democratic participation could not itself benefit from its teachings. Whilst newly-influential structures would not yield to democratic organisation, democratic organisation would certainly fall in line with structural requirements.

### ***Case study 3: Civil disobedience and the underground opposition network***

#### **Introduction**

Despite distinctive journeys, the first two case studies dealt with what might be termed the standard working of the institution of the NGO: nothing could be thought to characterise NGOisation more than the development of the formal organisation itself and the systemic elimination of disruptive characteristics. Despite continued political engagement, this came to be mediated by institutional logics that closed down alternative, counter-hegemonic options despite the wealth of unique non-NGOised resource in the form of a large volunteer corps and an “indigenous”, democratic decision-making processes. Outcomes of NGOising mechanisms – seen in depoliticisation, with hegemonic boundaries of opposition politics becoming increasingly common sense, and professionalisation – might be softened or exacerbated by contingencies, but ultimately configurational peculiarities and value orientations of EAW and TYT were more or less overcome, controlled and leveled out.

Yet rather than simply being restricted to the production of compliant organisations, NGOisation as I understand it is a collection of mechanisms that impacts *across civil society* (and, indeed, given the forces involved, beyond it.) The heterogeneity of its movements makes it an impetuous overgeneralisation to assume that the endpoint will always be a well-run, standard NGO. Repertoires may equally be wholly incompatible for NGOised logics of appropriateness, with actor values vehemently disinclining them towards accommodation and compromise. This final case study deals with such an example, stemming from Myanmar’s oppositional tradition which for decades, mainly in the student movement, actively pursued the overthrow of the military junta and its replacement with a democratically elected government.

## Origins

The détente introduced by Thein Sein's reformist administration in 2011, government willingness to attend to long-standing issues in an inclusive manner and the re-establishment of international relationships focused attentions upwards, on politics at the highest level. Optimism for democracy and human rights was emboldened by indications of reconciliation, with the release of Aung San Suu Kyi, the embodiment of liberal hopes<sup>81</sup>, in 2010, and hundreds of other political prisoners months later; but also because of the nascent free and open political party system, the flexing of independent muscles in the new legislatures – “taking seriously their role as a check-and-balance on the executive” (Kumar 2012: 8) – and the apparent willingness of the executive to grapple with the most difficult questions of peace, economic and governance reform. Such “a remarkable top-down transition” (International Crisis Group 2012: 1) necessarily focused most commentator gazes upwards rather than down toward the response of opposition networks, politically-oriented human rights defender and democracy activist networks.

In Chapter 3 I described the politics and oppositional logics of these networks. Stoicism in the face of politically-motivated harassment, imprisonment, isolation and torture lent symbolic renown to the 88 Generation and also to those arrested in 1996 and 1998, and to Generation Wave after the 2007 protests (Interview 18). The most reputable assumed a degree of moral leadership among activists, tempered by splits and differences in politics. Despite the drift towards cooperation and constructive partnerships between once opposition civil society actors, international development partners and government noted in earlier case studies, the oppositional network tradition continued to flourish alongside this détente. Indeed, this tendency was refreshed with new movement actors

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<sup>81</sup> As noted in Thein Sein's inaugural address : “there are so many individuals and unlawful organisations inside and outside the nation that do not accept the State's Seven Step Road Map and the Constitution... They are all citizens of our country. Therefore, they have to accept our government as their government constituted with national races of their own” (Thein Sein 2011).



exposing the gap between the government's rights rhetoric and reality in particular issue areas: after 2012, land rights, labour rights and education reform brought together activists, some of whom had been involved in student politics in earlier decades. Networks linked human rights campaigners with individuals and groups directly affected by social and political decisions: examples include farmers linked through the network Land In Our Hands, sacked union members through WE Generation (Interview 41) and students and teachers via the National Network for Educational Reform and revitalised student unions.

I will return to these new network groups later, contrasting them with developments in a pre-existing network associated with the broader democracy and human rights movement. The experiences of these activists and the fortunes of their groups in recent years are particularly instructive with regard to the prospects for and continued relevance of oppositional, civil disobedience repertoires under the dominance of the institution of organisation and its formal organisational norms. This case study focuses on NEVC, a group constituted by much older links and networks between 'cells' of human rights and democracy activists in different locations across Myanmar.

To understand the events, figures, groups and so on surrounding 1988 is a separate work beyond the scope of this thesis. It is important, however, to recognise the geographic extension of the democratic opposition movement linked to the student-led demonstrations of 1988, and their fate following SLORC's assumption of power following the May 1990 general election. Whilst the main images and accounts of 1988 focus on the day of the General Strike in Yangon in 8/8/88, the rapid disintegration in totalitarian rule that preceded the downfall of the BSPP was a nationwide phenomenon that had lasted for months. Weeks before the August demonstrations,

*[i]n Yangon, Mandalay, Pyi, Taunggyi and other towns and cities in central and Northern Myanmar, there were increasing signs of the collapse of public order as economic necessity, petty complaints, and religious tensions exploded... into demonstrations and riots (Taylor 2009: 384).*

These involved many different groups and individuals, but university (and even high school) students featured prominently. Assisted by elements of the monastic order, joined by high school students and professional groups – including disgruntled civil servants – the breakdown in state order and shortages of basic needs led to attempts to coordinate day-to-day activities of public management through popular committees. These remained active until the military reinstated control through a September 1988 coup, establishing rule of the State Law and Order Restoration Council (SLORC). The nationwide character of the popular uprisings of 1988 were built on through national party political apparatus developed to campaign for seats in the 1990 general elections, with an overwhelming majority of popular democratic forces siding and working with the National League for Democracy.

Despite annulment of the NLD's electoral victory and waves of imprisonments, repression of NLD and other political party activities, regular closure of universities and the curtailment of other associational liberties by SLORC, and the retreat into jungle or exile by prominent activists, those personal relations between those central to the popular uprising persisted. Some two decades after 1988, NEVC emerged as one associational offshoot of the various groups which formed part of the movement. Describing itself as an "umbrella organisation for all human rights defenders in Burma" (NEVC 2014), it was headed by Kyaw, an individual who had held a prominent position in the student union movement during the 1988 uprising and had subsequently joined the armed struggle of the All Burma Students' Democratic Front (ABSDF): "I didn't believe the non-violence way.

To have human rights and to have a democratic state, that's why I became a member of the ABSDF" (Interview 20). Arrested and sentenced to life imprisonment in 1991, he was released in 1999, but arrested again in 2002. Following release in 2006 he reestablished links with other prominent 1988 student leaders as they resumed their activism, culminating in their involvement in demonstrations that preceded the mass protests of September 2007, for which he was again imprisoned.

His perspective on the place of violence in forcing political transformation changed in the early 2000s through a combination of pragmatism and a growing sense of moral repugnance, but it would only be in 2009 that these shifts in thought were consolidated in a new approach to activism. After release from prison, he joined educational programmes developed by international organisations based in Yangon. These initiatives had become more widespread, open and popular among political actors during his final period of incarceration. In contrast with his past as a political activist, these studies were notable for emphasis not on political strategy or criticism of the government but on the basics of liberal democracy, problems of globalisation, human rights and other topics more familiar to students of international studies in the West than opposition strategists. Although benefiting from professional instruction, this was a similar reading group to those which had inspired the movement behind TYT. A place on a free educational programme run by the British Council had introduced Kyaw to new international contacts and opportunities, including participation in a global programme called Active Citizens (British Council 2017). This capacity building programme was designed in the UK for civic volunteers across the world, though probably with those in less politically charged circumstances in mind than those experienced by Kyaw. With some adaptation to make it relevant for local actors, the Active Citizens curriculum became the template for NEVC's educational work.

This was a significant intellectual influence on Kyaw, filling the vacuum that had followed repudiation of armed struggle:

*My ideas started to change... after the programmes of training, I well know about the parliament and cultural diversity, how to work together for the human beings not for the nationality. At that time I know – if we organise the people well, if we can work together, we can achieve our destination...not the armed struggle way, but the peaceful way – if can organise well all the people, all the nationalities, all the ethnicities, all the classes we can abolish the military regime (Interview 20).*

Students were encouraged to ‘cascade’ what they had learned, which saw Kyaw substantively reconnecting with the networks and constituencies that made up part of his earlier oppositional work. Although finances were restricted, he was able to organise and hold cascading workshops in various parts of the country and reconnect with groups formed from or with historic links to the 1988 uprising. These were attended by a total of around 500 individuals, hailing from a variety of parent groups and associations including student and workers’ unions, political parties – dominated by the NLD and ethnic parties – youth organisations and social welfare groups such as free funeral and blood donation associations. Together with Active Citizens activities, NEVC’s work would be a dizzying admixture of overtly depoliticised training programmes exploring culture, identity, intercultural dialogue and discussions and analysis of topical issues, and protests and human rights defence work for victims of land rights.

Many in the core group of NEVC were therefore seasoned activists. During 2013 and 2014, members of the group made numerous protests at land confiscation sites in different parts of the country on behalf of, and sometimes alongside, the evicted. By this stage of the reform process such public actions could be undertaken if not with the expectation of

success, then at least with more tolerance from the authorities<sup>82</sup>. As the supposed blossoming of rule of law contrasted with continued human rights violations and a predilection for courts to punish the victims, imprisoning farmers and labour activists, participation in protests by NEVC leaders were an important vector of grievance.

## **The elevation of education**

Yet there was a sentiment, certainly held by Kyaw, that despite its visceral and expressive satisfactions, and, more purposefully, its potential to raise awareness of injustice through an increasingly free media, protests were both ineffective in resolving grievances and, more surprisingly, were unnecessary.

*Before 2012, we call the political situation destructive politics. The authorities use their power to oppress the people, so we have to against their power... After 2012, the political situation is a little changed. We call it 'constructive politics'. To pass the transitional period with achievement you have to know some laws, some theories, some techniques. We have to learn. It's not enough just only with the courage [to protest], you must be intelligence, you must know something to pass this period (Interview 20).*

Coupled with this were NEVC's structural and social limitations as a member-based network formed by individuals hailing from a variety of parent organisations and with a leadership scattered across the country. Coordination was haphazard and the thematic patchwork implied by human rights defence work hampered any coherent social or political programme; despite a Steering Committee, central direction was limited.

In light of these dual concerns, Kyaw began to emphasise the urgent need to empower a new generation more directly through education; as seen in the TYT case study, education

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<sup>82</sup> This was true even if actual outcomes differed widely from occasion to occasion, mainly due to 'sensitivity' – this can be broken down into factors like the political economy of the issue (the involvement of military personnel in projects), the physical location of the protest, its timing and so on.

was a potent leitmotif for many activists. There were some key differences rooted in origins and extant relationships between this work and that of TYT which demonstrated the overwhelmingly oppositional rather than intellectual heritage of NEVC. Initially, the shift in focus to educational work in NEVC was closely allied to supporting informed participation in members' parent groups. This furthered the rights-oriented agenda of NEVC and the umbrella status that it claimed for human rights defenders around the country. Political content was focused less around technical knowledge disseminated by TYT, nor the civic education taught by voter education groups, and more toward training in the 'soft skills' thought to be required to bring about a democratic, rights-respecting vision for Myanmar society. One training proposal made explicit reference to activities in the Active Citizens framework which had captured Kyaw's imagination during training seminars in Yangon:

*"Identity and Culture" can explain them why the conflict take place and how to do to overcome it... "Me and You Dialogue" can lead them to peaceful co-existence and "Johari window" can help them to work together with understanding for their communities (NEVC 2013).*

Political engagement would continue to be promoted. In the same NEVC document, the rather lofty objectives of this strand of training was to

*give [students] the awareness about the international and the domestic affairs and to train them to be political-minded, to love truth and beauty of diversities, peace, to respect the values of democracy, freedom and to have willingness to work for the motherland (ibid.).*

The selection criteria was overwhelmingly tilted towards young people interested in and willing to get involved in political activity, although participating parent organisations

were often more social in orientation rather than directly political: blood donation groups, free funeral providers, teachers in monastic education centres and so on sent participants to these trainings. In its deployment of an older generation of seasoned activists and former political prisoners as teachers, NEVC became a network that forged connections across multiple dimensions: across Myanmar's geographical space, its social space – given the types of actors and ethnicities involved – and, crucially, with the involvement of elders from the protest movement as mobilisers and teachers of youth, across time:

*we will invite some leaders from the political fields and let them talk to the participants so that the students and youth can have the willingness to work for our country and they will become brave to talk even with the leaders and later they will love democracy and freedom (ibid.).*

### **Spurred to change – the emergence of LMA**

Events were held when time and resource allowed, meaning Kyaw's involvement with NEVC was, like that of many in Myanmar's political opposition, a part-time activity. Whilst holding a coordinating role in NEVC, he was simultaneously creating his own organisation based in Yangon, LMA. Like NEVC, this initially combined education with non-formal political participation emphasising peace building and student politics. Indeed, any organisational distance between the two entities initially appeared negligible, with LMA merely an appellation for a geographically-restricted (Yangon) subsection of the NEVC activity. Yet its launch proper followed a series of demonstrations and subsequent prison sentences involving NEVC members, incidents which would function as crucial learning encounters for Kyaw.

On 30<sup>th</sup> July, 2013 a demonstration was held which involved an NEVC network leader, alongside three alleged victims of land evictions in Yangon's Hlegu Township, whose concerns some in the network had taken up. Despite a court decision that found the land

had been taken illegally, no subsequent request from the court had been made to return the land back to those claiming it. This was a far from uncommon occurrence in Myanmar at this time, and neither was the protest staged in response. Against the provisions laid down in Myanmar's Peaceful Processions and Peaceful Assembly Act (2011)<sup>83</sup>, no request for permission to demonstrate had been submitted in advance to the authorities. The protest involved holding aloft banners, shouting slogans demanding a return of the land and alleging complicity of state officials in the land seizures; arrested, the protesters, including the NEVC leader, were later sentenced to over 10 years in prison.

A year later, other members of NEVC were arrested after protests distributing which involved the distribution of leaflets in markets and other public places in Yangon in June and July, 2014. These were fiercely critical of the Thein Sein administration, and called on serving MPs to step down and give way to an administration headed by Aung San Suu Kyi. Sentenced on 30 October 2014 to two years and four months imprisonment, the activist had also received a letter from the NEVC member jailed previously, in which the latter communicated the need to replace the USDP-led government with an interim government. Courts used Section 505(b) of the Myanmar Penal Code, frequently used in cases relating to freedom of expression, to prosecute both cases: this litigates against "[w]hoever makes, publishes or circulates any statement, rumour or report... with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility".

These imprisonments significantly affected the management capacity of NEVC, disrupting already muddled coordination efforts. More fundamentally, the cases prompted reflection on the part of Kyaw, instigating transition in the network that culminated in the

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<sup>83</sup> The law was updated in 2014, but was still considered to fall well short of international standards.



emergence proper of LMA. The appearance of LMA was not a simple politically-motivated action in response to potential fallout for Kyaw or for NEVC, an attempt by a core group to distance themselves from these incidents. Rather, it marked a deeper, double split: firstly, disillusionment and departure from civil disobedience, and a concomitant shift in practices toward those requiring longer-term planning embedded in community development; and secondly, a corresponding identification of and break with contrasting sets of objectives: “rights-based objectives” and “development-based objectives” (Interview 21), the values these connote and their relevance to Myanmar’s changed political landscape.

LMA emerged as a very different entity to its NEVC forerunner in two principal ways. Firstly, education became more than a means to enable more active and informed political participation, either through the content of education provided or through the channels created for youth to engage with more experienced political activists. LMA now promoted itself as a *community development organisation*, based around a physical location: a single, somewhat makeshift classroom on the upper floor of a small, two-storey wooden house in one of Yangon’s poorest townships. The location was unlikely to make students feel out of place, fitting perfectly into its environs. Under LMA, education consisted in the main of supplementary classes to those provided at regular state schools, to enable children to successfully complete their matriculation process. English language tuition was also provided. Kyaw’s management alongside other experienced political activists meant that some previously taught material from the Active Citizens modules would still be taught to the students and, as will be noted below, many students were galvanised to get involved in social activities, including demonstrations and commemorations of political events and community work such as litter picking. In this way it was linked to models of citizenship and republican ideals which, rather than

focusing on grievances, seek to impart the knowledge and skills necessary for better informed, historically aware participation in the *polis*:

*Not only do we teach them additional school, we teach them to love the environment, we attend annual ceremony like 8/8/88 and General Aung San's [centennial birth commemoration]* (Interview 20).

Tuition was no longer so directly integrated with participation in political action. Educational activity was designed for students from poor, peripheral urban areas of Yangon who were selected and given places on the programme because of need, rather than a selection made on the basis of political considerations by network leaders. Despite the additional civic component, LMA functioned as a supplement to the woefully under-resourced state education sector in the manner of other non-formal education efforts. Government curricula guided extra tuition in a manner little different to monastic education institutes, community-run schools and other NGO efforts (Lorch 2007).

Secondly, LMA saw themselves as initiators of change through substantially different processes to that of NEVC. Demonstrations and agitation were understood as ultimately inconsequential – to “follow up these activities was very difficult” (Interview 21), while the loss of NEVC capacity following the imprisonment of other board members also meant a serious reconsideration of the costs and benefits associated with this approach. A complete volte-face saw Kyaw employing techniques unfolding over longer time horizons. Beyond the classroom, Kyaw sought to build on the reputation and links which the school had already gained in the community, but retain the focus on personal capacity building. LMA would become an adult education and careers guidance centre. Basic internet and email proficiency had always been among the skills taught alongside some of the Active Citizens-inspired classes run by NEVC; here the ambition was to integrate them not into

an agenda of political opposition and political networking but into vocational training programmes that would bolster individual job opportunities.

Instead of running on an irregular basis, engaging in work whenever funding or opportunities became available, a school committee had been formed to run, manage and – with teachers on the committee – implement activity in the school. Exhibiting, for the first time, a stable set of role positions and functional relationships between them, this lent LMA a geographically restricted, stable structure – a semi-permanent activity fitting in the rhythms of orthodox organisational life both demanded that structure and made it possible. This was also a basis from which to develop and expand its activities; with this basis rooted in a geographically delimited concrete community, a job and skills centre would build on this. The ambition to work for progressive political change had far from disappeared, but its praxis had changed radically. The new incarnation was concerned with achieving a strategic outmaneuvering of the military and its proxy political parties, challenging votes for money. Taking an example beneficiary, Kyaw explained his theory of change thus:

*[If] he gets a good job he can influence family members, but he is also influenced by us. Because of our help and support he got a good job, he admires us so he will accept our advice about voting... USDP party lends money with low rate, so most of the poor people borrow and by this way they become members of the party... if they get good jobs they won't need [USDP] money (Interview 21).*

Although the school was an important community resource, as a logic of political change it nevertheless appeared romantically hopeful. Understanding the direction of change here involves exploring the delegitimisation of direct action under circumstances of NGOisation.

## **Analysis: a freedom, of sorts**

Rather than taking on the vestiges of the military authoritarian state on the grounds of justice, Kyaw now situated political strategy on the basis of a modernist faith in the interplay between development and human rights, seeing a positive, progressive political climate as something more likely to emerge when people can't be bought into supporting causes detrimental to human rights. As Donnelly notes, "those living on the economic edge, or with no realistic prospect of a better life for their children, are less likely to be willing to accommodate the interests of others or respect their rights" (2013: 218). Kyaw counterposed this work to the activities of NEVC, characterising it more as development work rather than human rights work:

*LMA is a little different, it's only interested in development, they develop training, they help the people, they share the knowledge to the young people. NEVC has no ambition for development (Interview 21).*

This is far from an example of a once-politically motivated organisation abandoning principled activity to instead run along more pragmatically-framed ideals. Radical literature on social movement organisations contains many such examples, with changes commonly linked to processes set in motion by co-optation into processes of capitalist development (see Choudry and Kapoor 2010; Petras and Veltmeyer 2005), and the earlier case study on EAW detailed a slide into co-opted service delivery. Yet Kyaw remained a political activist, with no pretense at being a professional development worker with an assured command of technical development techniques. Superficially, the new initiative resembled other community-based projects offering free services to the poor in Myanmar, such as free clinics, funeral services and non-formal supplementary education. Unlike these efforts, however, an anti-militarist political objective remained discursively

active<sup>84</sup>, and Kyaw maintained his links with human rights defender networks across the country and continued to play an educator role at workshops, with LMA forming the basis for (unsuccessful) proposals to fund this work.

### **The changing legitimacy of civil disobedience in changing times**

Whilst the rights and wrongs of violence against Myanmar's government was a topic of hot debate, concerns over the legitimacy of civil disobedience were little issue for politically-oriented civil society, nor for supporters of human rights and democratic cause beyond Myanmar. As Chapter 3 showed, although rarely publicly manifested in main urban areas, oppositional activity involved a range of repertoires of contention – mainly episodic protests and various campaigns – that were often deemed illegal but received normative approbation from politically-oriented civil society as a strategic response to state violence<sup>85</sup>. Yet as state reforms created new structures which *legalised* NGO-based activity, normative presuppositions encoded in logics of organisational appropriateness would crowd out those still wedded to oppositional logics. It was no longer enough to make power visible through tried-and-tested tools and techniques, and then confront it. Alternative, legal and – apparently – effective routes to making rights claims and expressing discontent were now available. Not only could organisations partner with government and INGOs to solve issues, citizens could finally vote in free and open elections. Through the evidence-based work of formal – sometimes registered – entities, it challenges government constructively and according to publicly made laws in its role as a watchdog. It does not 'throw stones'. As Kyaw went on to assert in reference to the

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<sup>84</sup> "Service provision" also fails to capture the radical history of this repertoire in Myanmar, as detailed in the Chapter 3. Again, the political effects of a particular kind of social activity have to be seen in their relational contexts.

<sup>85</sup> As Beetham, in pursuit of a slightly different point, notes, "normative grounds or reasons are not the only reasons people have for obedience [to a moral norm]... power relations are almost always constituted by a framework of incentives and sanctions" (1991: 26-27).

direct action tactics of NEVC, “for the state-building process, it makes political trouble... CSO and CBO activities should support [a] compromising process” (Interview 21).

This case study is the clearest of all three in demonstrating the obduracy of values. Far from an expression of a pathologically irrational oppositional culture developed in the face of glaring evidence of the reasonable and instrumentally useful, values emerge and are retained as a result of interaction *with something*. This was much more than a hard habit to shake; it was a premise of a political movement of dissent that unified and informed organisation. Fractious alliances were well-served and political differences obscured by a common cause, and compromise was difficult when the everyday labour of human rights defenders continued to be informed by oppositional values. Principled rejection of military government, including its vestiges in the reform administration and extensive repressive infrastructure in the police and judicial system, was borne from decades of interaction with military rule, and reinforced through the configuration of organisation.

At the same time, the hopes of government by consent raised after the 2012 by-elections and realisation of other basic democratic principles could be expected to prompt doubts about the continued acceptability of civil disobedience. What was important for elite actors was ensuring that the “democratisation of Myanmar [continued] to remain on track” (The Economist 2013). Actions which could be detrimental to relations with and the flourishing of the new reform administration were poorly thought of among donors and elite actors, hence the shifting of funds away from opposition groups in Thailand and into Myanmar, requirements for grantees to work with local authorities in donor funded work and so on. This spoke not only of trust in government intentions but recognition of *the legitimacy of its rule*. Civil disobedience contradicted claims to legitimacy, as their deployment by principled actors indicated a thread connecting past to present that was

all too often obscured by the euphoria of restored relations. Like many activists and victims of human rights violations in Myanmar, NEVC perceived little change in the nature of the rulers. In continuing to deploy these techniques, it not only threatened to humiliate and delegitimise government efforts – “serv[ing] to weaken or undermine whatever moral authority a government possesses” (Beetham 1991: 211) – but also to unsettle international actors’ claims to stand for human rights while forging links with the new government.

Whilst values and evaluation might be based on reason and linked to perceptions of objective conditions, there is no relation of infallibility between claims or actions informed by them and social reality (Sayer 2011: 39). Such stubborn activist pessimism may be objectively unwarranted. Yet it was widely accepted – even by the government itself – that in reform era Myanmar, actual political change coexisted uneasily with continued human rights violations. Whilst the international community praised the steps taken by the reformist administration<sup>86</sup>, INGOs and NGOs wondered at their ‘space’ and the Committee for Scrutinizing the Remaining Political Prisoners (CSRPP) sought to facilitate Thein Sein’s pledge to clear Myanmar’s jails of all political prisoners before 2014, critical voices maintained that this “represents a smokescreen and political tool to garner international favor without having to change policies within the country” (Assistance Association for Political Prisoners / Burma Partnership 2014: 2). Critics pointed to “the ongoing arrest, detention, charging and imprisoning of [human rights defenders], activists and peaceful protesters” during political reform, a “revolving door” policy of release and imprisonment (ibid.).

Concern for farmers evicted by crony and military affiliated businesses, and an unwavering respect for the historical struggle of the 88 Generation and the sacrifices of

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<sup>86</sup> Highly public visits to Myanmar were made by representatives from Western nations, including David Cameron, Barack Obama and Catherine Ashton.

later political prisoners, were shared among individuals holding more positive views of the Thein Sein administration. Confrontation was challenged, however, on grounds of lack of effectiveness. Whilst such actions might be justifiable, their demonstrable historic inability to lead to redress, coupled with the availability of new methods of making human rights claims meant continued direct action was not only ineffective but potentially damaging to slow, incremental but apparently real progress. Messaging from local and international actors on civil society frequently presented an opportunities / challenges dichotomy, placing the onus on civil society to recognise and respond accordingly to opportunities that had been presented to them:

*Myanmar has undergone tremendous economic and political changes; however, there are key issues such as rule of law and limited exercise of basic rights that still need to be addressed... Myanmar's civil society plays a key role in shaping this transformation by furthering and consolidating democracy... At the same time, it will be an important opportunity for representatives of the opposition and civil society to demonstrate whether they can fulfil the role of political and social partners representing the needs of all Myanmar citizens. This is the context in which civil society will play a significant role in the coming few years and as such, it is important to understand their capacity to respond to the changing needs of society (People in Need 2014: 9).*

More fundamentally, given structural shifts – the legality of associations, the openness of government to discussion and dialogue and the resource made available to support initiatives – the intransigence of NEVC was not just ineffective, nor just potentially destabilising: in its apparent inability to perceive objective changes, its stance was also *emptied of reason*. A relic of outmoded thinking, rooted in an oppositional culture which, given reform and the shift from ‘government as enemy’ to ‘government as potential partner’, must be shaken off in order to build more positive, mutually supportive



relationships. Illegality had begun to connote illegitimacy. An early signal of advancing institutional change was received by NEVC from once-supportive international human rights organisations, coming as a shock and a wake-up call to Kyaw:

*[After the arrests] some international organisations remark that NEVC are radicalists, activists. [They told us that] you have elections, to appoint the government is not the duty of your organisation but of the citizen. [This international organisation standing for human rights defenders] always mention about NEVC, they lobby to get a human rights prize for NEVC... [but because of this] we didn't get a prize (Interview 21).*

Whilst liberal political thought, from Locke through to Rawls and Walzer, countenances civil disobedience (in the abstract) for civil society (in the abstract), in *actuality* it is foreclosed as a legitimate activity when counteracted by logics of organisational appropriateness. Its unacceptability is latent in donor projects which look to build positive relations between civil society and the different formal state institutions – between civil society and local authorities (EU), the police (USAID), the Union Election Commission (USAID, NDI) – and through formal dispute resolution mechanisms. Capacity building aims in advocacy skills, policy dialogue and so forth aims to provide NGOs with the power to influence government decision-making.

Yet whilst responsible civil society was ushered away from involvement in illegal acts, it could of course still represent and support those who had been on the receiving end of state injustice. An embrace of such an instrumental use of the law and other solutions is at the same time expressive and involves a change in values, a shift in norms that places trust in the power of the Myanmar state's (formal) institutions. LMA's decision to move away from activities based on opposition to government and unjust government decisions was made following an act of state coercive power that, not so long ago, might have been claimed as a vindication of the truth and morality of their approach; now the encroaching

institution of the NGO had begun to colonise the peripheral zones of civil society where NEVC were located, such an outcome was something of an embarrassment. Kyaw spoke of a gradual awareness that NEVC was an anachronism:

*NEVC is just a kind of activist [group]... in NEVC there is no capacity building training, it's just an activists' organisation, they always protest for the rights. There [are] two types of work: activities for rights and activities for development; NEVC is only activities for rights, they always promote and protest about the rights, they never try for the development issue (Interview 21).*

## **Out of step with new networks**

With significant international trust invested in Myanmar's democratisation and reform process, and with increased opportunities for civil society actors to engage with or even 'partner' with state entities, NEVC's oppositional stance was an unfashionable one not only among prominent, powerful actors and institutions involved in the reform process but among many local NGOs too. Despite sharing a common oppositional background with TYT and EAW, the latter groups had solidified into single organisational entities at an early stage. This hastened their professionalisation, development of regimes of competence and in a virtuous circle saw them quickly develop close relationships with reformist actors, including donors and other reputable local and international organisations. Political ideals, activist norms and repertoires adapted through interaction with institutionalising forces.

For NEVC, their network form was a geographical and thematic admixture, an articulation of opposition that owed more to memories of strategic responses of the past than selectivities of structural development today. Lacking anything like dominant institutional form, they were also more or less cut off from donors and other major national or international entities, although some support in the form of statements of solidarity were

forthcoming from a handful of international organisations (although see above). Both the political-oppositional stance and the loose network arrangement limited the support required for reproduction, cutting off a lifeline to information: as institutional changes accelerated through the reform period, Kyaw's lack of proximity to the intelligibility of the institution of organisation became telling. Impacted by the institution but out of reach of institutionalising processes, NEVC appeared increasingly anachronistic. Structural change had eroded its capacity for impact, without institutionalisation creating a ready replacement.

Yet it is not the case that rights entities like NEVC had to, as it were, 'NGOise or die'. Indeed, the network form of civil society organising, as the Women's Organisation Network (WON) example in the EAW case study showed, began to flourish during this period of Myanmar's development. Yet there were crucial differences between these and NEVC. Rather than networking as a strategic movement response to repressive conditions (now significantly lessened), evading security services and spreading resource extensively, new networks were instrumental and normative arrangements that responded to the limitations of the NGO and formed around a common agenda. This does not mean that all can be understood as equally counter-hegemonic; indeed, reflecting the impact of structural mechanisms, some (unsurprisingly, the largest and more established) now had infrastructure, resourcing and full-time staffing arrangements that rivaled member NGOs, and as repositories of expert information oriented upwards to government or intergovernmental power.

Whilst there is no hiding place from the force of structures, there is always the (ontological) possibility of reflecting on power and, through deliberate political acts and formations, setting out to overcome structures and their selective tendencies. Some networks had deliberately formed to pursue more radical political agendas. Land In Our

Hands (LIOH), “a multi-ethnic network made up of more than 60 local farmers organisations, supportive civil society organisations, and allied civil society organisations and ethnic rights activists from fourteen states and regions across the country” had formed links to “promote, protect, respect and fulfill human rights and tenure rights of small-scale farmers and fishers” (Lands In Our Hands Network 2015: 8). Bringing together those on the front line of human rights violations with urban-based, politically-inspired (the slogan “Land for people, not for profit!” prominent on the back cover of the (2015) report) and tactically nimble activists, this network – far from the only land rights group to emerge during political reform – adapted to selectivities of the objective terrain while seeking to challenge certain expressions and sources of power.

LIOH are from what might be called a new generation of politically-oriented civil society networks and groups to emerge as a visible force in the reform era. “Informal”, “mostly unregistered” and linked together in networks along particular rights thematic areas and closely wedded to communities, many have benefitted from support from the long-running programme civil society support programme, Paung Ku<sup>87</sup> (Phuah et al. 2016: 13). This eschewed empowerment and capacity building centred on projects and organisational sustainability, and instead looked to support action, linkages and reflection tailored to the needs of small groups that “advocate for grassroots voices” (Interview 39).

Out of touch with new developments, NEVC found their influence on the wane in the latter part of the reform era and, after 2015, into NLD rule. Situated in communities of practice that were committed and emotionally attached to confrontation but, through overwhelming commitment to values and insufficient resource, unable to reflect on the possibility of adjusting those logics and repertoires into strategies that would both challenge state power *and* achieve results, rights-based protest was, for Kyaw, consigned

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<sup>87</sup> Meaning ‘bridge’ in Burmese.

to the past. NEVC's successor organisation, LMA, found a niche in what Kyaw termed the "constructive politics" after 2012, and dismissed the "bravery" associated with "rights-based" protests as thoroughly unwelcome in today's context:

*Before 2012, OK – we protest. When we have to decide we decided to protest... without thinking of the further results, whether they arrest me or not we never consider. But now we have to consider – we can send the application letter to the authorities, they give the permission... the procedure and the situation has changed. We have to follow the situation, because we work for the people, so we should not neglect the current situation so that's why our activities are more on the development issue (Interview 22).*

## **Conclusion**

Co-optation and depoliticisation, usually involving cunning absorption by state or corporate behemoth, only represent the operation of only one set of mechanisms by which shifts in the cultural political economy can serve to alter and constrain grassroots political imaginaries. In this more nuanced and mundane example, against a background of structural change constituted by reformed legal relationships between government and civil society actors, a combination of local events and international opinion together with an *absence* of resource and social connections served as the basis for a reflection on the illegitimacy of the confrontational and oppositional tactics which Kyaw had grown up with. Surveying the new environment of formal rights, Kyaw was anxious to preserve and build on what had been granted: "Now we can set up an organisation. Before 2012 we have no rights" (Interview 22). He was far from alone in this liberal progressivist perspective, seeing the situation as an imperfect but useful basis from which to work.

Whilst the strategic objectives of political opposition might have remained, this account shows an attempt to articulate these with approaches more consonant with altered institutional circumstances. The objective grounding on which oppositional,

confrontational values were based was seen to have collapsed, leading to reflection and a profound change in direction. It is possible to say that Kyaw was wrong in his assessment of Myanmar after 2012, and he well understood that conflict and rights disputes continued. Construction of a public political sphere and its gradual acceptance by institutional stakeholders – government, donors and certain local and international civil society actors alike – had shaken the legitimacy of involvement in protest-related activism. At the same time, new groups were embedded in politically smart, networked forms of collective action and engagement with human rights victims. Under-resourced and on the margins of civil society activity, unable to access intelligibilia to help understand new configurations and opportunities, assessment that oppositional logics were irrelevant and outmoded was late, dramatic and costly.

Whilst NEVC's successor organisation, LMA, is in no way a model NGO, this further illustrates how social structures associated with NGOisation processes can operate at the level of the real whilst producing actual results which vary greatly. In the face of such apparently heterogeneous phenomena and a realist awareness of the importance of concrete circumstances, can any generalisations about NGOisation be made? Is it possible to draw any theoretical or practical conclusions about politically-oriented civil society, NGOisation and human rights from these case studies, and from Myanmar's structural change?

## **Chapter 6. After the institution? Human rights, state power and networks**

### **Impacts of the institution**

The case studies in Chapter 5 show how the powers of the institution of organisation mediate development from an earlier, pre-institutionalised phase of civil society characterised by logics of opposition and accommodation to a new phase dominated by the institution of organisation and a logic of appropriateness orientating civil society actors to action within the strategic selectivities of the institutional field. Appropriate ways of dealing with a structural context in which organisational survival, rule of law and a subordinate relation to government are predominant is through the enactment of projects and contracts, legal actions and political action that avoid structural challenge. These are the visible signs of NGOisation. At the same time, the impact of the institution is greatly affected by countervailing mechanisms and contingencies, including the values held by members of the organisation, the degree to which they were shaped by the earlier logics of opposition or accommodation and the willingness to compromise and find congruence with the terms on which social struggle will now take place.

For EAW, whose politics were premised on humanitarian and community development objectives, institutionalisation proceeded relatively uncontested. Their volunteer corps was accommodated with relative ease into professional or project demands, into the standard CBO development repertoire. While the limitations of restricted funding and project-based development were plain to see, for the organisation this was a practical concern to be managed rather than a cause for deeper political or ideological despair. The topography of the institutional terrain favoured perspectives and approaches that had

shifted from an antagonistic, oppositional stance towards the Myanmar state and moved on to working with it.

Contingent complementarities or necessary incompatibilities between political values and structures became salient for more explicitly politically-oriented civil society. TYT attempted to make full use of the 'expansion in space' through retention and development of "indigenous" repertoires, alongside articulation of grassroots political demands. These attempts hampered the development of the organisation and were displaced by liberal approaches more congruent with institutional presuppositions, a development informed by proximity to a wide set of professional contacts and opportunities. Similar attempts by NEVC to use Myanmar's post-2011 rights-respecting climate for a continuation of the network-based, campaigning approach familiar to activists also ran into problems, its integration into a changing political context this time hindered by a historical lack of proximity to expert information. Here, the objective terrain on which antagonistic values, orientations and imaginations had been long premised was argued by some to have fundamentally altered, to such an extent that old repertoires of direct action had been wholly delegitimised.

Decisions on approach, on configuration, on the political vision to be realised through their actions can be understood as a response to Lenin's basic question "What is to be done?", answered in relation to the convergence of organisational contingencies and the distinct context presented by the institution of organisation. The decision to abandon, adjust or retain earlier normative orientations is informed by the strength of values and information from the wider community, but must always encounter the force of objective structural selectivities – the basic, expedient 'facts of the matter', including the survival of the organisation – in the end. At the same time, Myanmar's rich political, antagonistic history means there is no outward uniformity: the case studies demonstrate how, despite



confronting the same objective constraints, the different qualities, capacities and values of agents make for different outcomes. Far from the straightforward stifling or depoliticisation of politically-oriented civil society, a McNGOisation, the institution of organisation might offer a more assured platform for continued political work of greater quality than previously imaginable. For those with the positioning and strategic acumen to make the most out of these circumstances, to push them to their acceptable limits, such as TYT, this is indeed a promising era for formal, professional civil society outfits.

At the same time, this final chapter argues that while the outcomes of NGOisation, as I have outlined it here in critical realist terms, may not appear especially ruinous for civil society actors, the case studies illuminate a trajectory that is itself political and which makes it valuable to step outside the boundaries of the institution of organisation, and to critique and contrast its core premises against the NGO's non-institutionalised other. Indeed, as the contradictions noted in Chapter 4 showed, what is problematic about the institutionalised space for civil society is that for it to enable, it must at the same time disable. In the remainder of this chapter, I follow the analysis in Chapter 4 and the case studies in Chapter 5 to show that, whilst the hegemony of the NGO and its attendant 'NGOism' can be understood as part of a broader passive revolution in Myanmar, efforts to secure the rights and freedoms for civil society actors in Myanmar remain vital for social transformation. At the same time, for rights to be exercised with maximum emancipatory effect, a human rights praxis should seek to transform the institutions and structures that affect the historical and social value of rights.

## **Rights, the state and emancipation**

The development industry is subject to regular shifts in its rules of engagement. Having played a crucial role in the New Policy Agenda, the golden age of the international NGO may now be coming to an end. Where they were once lauded as key partners for

government and their brethren in local civil society for ending poverty and injustice, “they are now seen as too close to their governments; anti-politics machines; complicit in being part of an aid ‘industry’ that has performed poorly and is unwilling to change; and the vanguards of neo-liberal models of development” (Roche and Hewett 2013). Yet whilst the international NGO might be hitting hard times, the local NGO appears to be alive and well. Indeed, the INGO faces difficult circumstances at least partly because its

*go-between role is under challenge from supporters in rich countries who are looking for more direct engagement, from civil society in the south, which in many cases has developed greater strength and capacity than Northern INGOs, and from official aid donors who are ‘leapfrogging’ INGOs and directly relating to southern civil society (ibid.).*

Given Myanmar’s development challenges and its authoritarian history, it is therefore likely that NGOs are going to be a part of the Myanmar landscape for years to come. Yet concerns remain, with their prospects uncertain because of systemic factors – insufficient funding, staff retention, capacity constraints and an urban-rural skills divide being some of the “major challenges” which beset organisations (Asia Development Bank 2015: 8).

In addition to material worries are continued concerns over protection of rights to freedom of association and assembly and their effect on the ‘space for civil society’. For example, CIVICUS’ contribution to Myanmar’s Universal Periodic Review in 2015 praised the state’s “progressive steps to create an enabling legal environment for non-governmental organizations (NGOs) to operate without undue interference” (2015: 2). Yet this continues to be hampered by obstacles to an ecosystem “in accordance with the rights ensured by the ICCPR and the UN Declaration on Human Rights Defenders” (2015: 6), to be remedied by repeal of offending legislation and the better implementation of international and domestic law that protects the rights of civil society actors.

Two aspects of this approach to civil society development can be noted. Firstly, the focus on legal and constitutional reform is characteristic of the global human rights industry, which after decades of dictatorial tin ear is now able to contribute to the progress in legislation which will yield democracy and human rights. The assumed telos of movements for human rights in Myanmar is its institutionalisation in law, rather than the development, impact and achievement of human rights in non-legal formations, specifically social movements. Pragmatic legal positivism “generates an imperative which requires the acceptance of, or at least engagement with, the “realpolitik” of human rights. That “realpolitik” is one which is... *highly state-centric*” (Stammers 1999: 992), the starting point for international human rights organisations’ interventions on behalf of civil society. On this (dominant) liberal account, the state is understood to be the principal violator or essential protector of human rights. It is in large part because of what the state is, and what it can do, that rights become both necessary and protected: “Negatively, [human rights] prohibit a wide range of state interferences in the personal, social and political lives of citizens” (Donnelly 1999: 86). The state that protects human rights knows its place, understands the boundaries between it and civil society. It is “an instrumental state, one charged with the performance of a set of tasks which, however, do not include responsibility for ultimate human fulfillment” (Gellner 1989: 125). CIVICUS’ perspective therefore rests on the respecting of fixed boundaries between the instruments and institutions of the state and the space of freedom of civil society, for which the law brings human rights into concrete form so they can guide the governance of the polity (Dembour 2010).

Secondly, and connected to this, what is most ambitious about these liberal diagnoses is not simply that action for civil society should seek beneficial change in the way human rights are codified and implemented through the law, but that such development is

assumed<sup>88</sup> as a step towards to the realisation of freedom and democracy. The European Union's Roadmap (2015) for Myanmar's civil society is explicit in the potential impact of the removal of these restrictions:

*Civil society's ability to participate in the different domains of public life still remains restricted in several ways. This is largely due to the political, legal and judicial systems. Further political and legal reforms that meet international human rights and rule of law standards are therefore necessary before Myanmar civil society can enjoy free and unrestricted democratic participation in public life.*

On this liberal account, the resulting rule-bounded space is neutral and free from the distortions of power. Furthermore, a number of scholars have made the basic Marxian point that the subject of human rights often appears as a prefabricated agent, ontologically prior to society rather than shaped through it (see Brown 2000; Gould 2004). Yet the preceding chapters have showed this 'space' to be structured, its impact conditioned by mechanisms and logics that enable and constrain specific types of identity, repertoire and, ultimately, normative orientations that are quintessentially liberal in character. The codification of freedom of association into law does not simply hold back the power of the state but is the premise from which institutions of state power develop to manage collective action and through the development of a terrain for civil society. As Marx (1985) demonstrated, the impact of law is always conditioned by social structures and forces, while rights can only be realised in concrete circumstances when distinctions once abstracted away return "to act after their own fashion" (1978: 33). As vital as continued efforts to secure basic freedoms are, human rights legal positivism draws us away from structural critiques of rights as they operate in concrete social settings. Far from evacuating power, the depoliticisation of the 'realm of freedom' naturalises it.

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<sup>88</sup> CIVICUS, to be fair, do not make this claim directly, but it can be understood as an outcome of the 'civic space' or 'enabling environment'.

On this account, the state maintains its instrumental role but in overseeing these forces acts as “nothing but a committee for managing the common affairs of the whole bourgeoisie” (Marx 1985: 82), accentuating not its role as protector but as an enabler of exploitation. While posing as neutral, the state and the rights it accords underscore the power of the property-owning class. This observation also carries normative implications for those struggling for social justice, as any action not aimed at the economic base or revolutionary action to take over the state would ultimately be futile. This is the basis for Leninist frustrations with NGOs, which “work within the system, encouraging more ‘people’s’ participation and seeking to make minor changes to the existing system, rather than seizing state power and building a new political system” (Ungpakorn 2004). It is certainly possible, however, to agree with this statement of the problem whilst disagreeing with its purported solution.

On the one hand, therefore, we have a wholly *depoliticised*, liberal conception of civil society, around which the primary concern is the intrusion of the state’s coercive machinery. Further legal reform is necessary to reign in its power as principal violator and promote its essential protector function. What actors do with their freedom is then a function of liberal choice. On the other hand, civil society is so thoroughly *politicised* that the primary task of politically emancipated actors operating in it ought to be exposure of the economic base as the primary source of social injustice and mobilisation for their destruction. In Myanmar’s current social order, the value that *continued* emancipation of the subject of human rights offers to collective agency in civil society (as opposed to the abstract individual that is usually the focus of contention in these debates – see (Roth 2004; Brenkert 1986) and the victims of injustice can only be properly realised by jettisoning the instrumental state and confronting its modalities of power.

## **Gramsci, Myanmar civil society and state power**

Between the two poles described above lies the *political* terrain described in the previous chapters, of political agency “which is born on the permanent organic terrain of economic life but which transcends it” (Gramsci 1971: 140). The relationship between realms of freedom and apparatuses of coercion is far more fluid than the “totemic motifs of civil society, state and rights ” (White 1999: 309) suggested either by liberalism or orthodox Marxism. Changes in Myanmar’s political system, restoration of the rule of law and granting of legal rights and access to material support have ameliorated the material and political subjugation of civil society organisations. It is also clear that this emancipation is an unfinished job, in part because of its geographical variation – certainly, ethnic and conflict-affected regions of Myanmar have benefited far less from human rights progress – and, to be sure, continued repressive controls on dissent. Institutionalising mechanisms influencing the form of civil society action and organisation have a less visible disciplinary impact on civil society action than laws, but have been no less causally real. Therefore, on the one hand we can recognise the expansion in the range of rights-promoting and rights-protecting work civil society actors organise or engage in, the ideas disseminated, their mobilising capacity and power to initiate meaningful social, political and economic activities. Yet on the other hand, this is only possible thanks to developments in Myanmar’s political regime and the new causal relations introduced, which have ambivalent effects on political agency and the capacity for certain actors to affect the direction of social, political and economic change in Myanmar.

Democratic reforms saw state doors opened to civil society, a move facilitated by rights, material support and the new regime of constitutional democracy. ‘Outside’ of the state, it operated according to its own logic and values – challenging the state, ready to topple those in charge of its apparatus in a war of movement – but ultimately with little or no

influence. In Bhaskar's terms, this was a move "from an unwanted and unneeded to a wanted and needed source of determination" (2009: 115), through the transformation of relations usually understood as political emancipation. These new sources of determination only partly involve the repressive laws remaining on Myanmar's statute books. More positively, they are an outcome of the ethical and political forms taken up by domestic and international power, real relations intended to knit together the forces of state, civil society and political society. Yet whilst proving to be a boon in one way for Myanmar's civil society, these new relations constrain just as they enable, and have conditioned actions with certain unintended outcomes. In particular, the statist assumptions on which civil society now operates bury any imaginaries that would redefine the constituent relations of the social formation, the state thereafter figuring as a "real abstraction" which "subordinates and organises a civil society that, 'enwrapped' by the existing political society, can only figure as its subaltern 'raw material'" (Thomas 2009: 193).

Whilst Myanmar might be decades away from a liberal democratic constitutional state, institutionalisation has enveloped leading fractions of civil society – I have focused in particular on Yangon-based entities – within structural latticeworks that limit action to the *amelioration* of states of affairs, rather than their *transformation*. Agency proceeds according to logics appropriate for a set of supporting structures for sustaining NGOs, rather than one which can realise alternative values, despite the ambitious and impressive mission statements of actors. Below, I highlight three moments in which this subordination can be seen; again, it is important to emphasise the progress this constitutes, and further caveats are also noted below. Moreover, the NGO is not the terminus for civil society, but a point of departure for its future development.

Firstly, despite civil society unification vital to the achievement of consensus and the necessary stability for democratic rule, the power of NGOised civil society to achieve results is wholly contingent on the predilections and dispositions of political society in its allegiance with broader class forces in the historic bloc (see Fernando 2011: 236). Recent events have made this painfully obvious to many actors, as the new NLD-led government, buoyed by its overwhelming mandate to govern, has redoubled the passivity of the revolution begun under the USDP. Not only has it withdrawn many of the informal policy input channels that became standard under the Thein Sein government and laid down severe restrictions on communication between civil society and its MPs (Interview 43), but officials' disdain towards more outspoken civil society actors have served as a reminder of the latter's subordination. This is compounded by international donors, too, as state agencies respond to their host's communications, passing on pressure to organisations dependent on their support: as one representative of a bilateral donor agency noted, "If civil society decides to take a more oppositional or "political" approach, we and other donors will need to review our core-funding support" (in Desmond 2016: 13). Despite the success of the NLD owing so much to the sacrifices of those in key positions in civil society organisations, *realpolitik* has taken its toll on civil society and revealed the insecure foundations of its power.

Secondly, whilst representation of popular demands has tended to receive short shrift from government and donors, the work of other sections of politically-oriented civil society has accelerated. Especially in Yangon and Mandalay, but also in other provincial cities, the core work for many such actors continues to centre around voter education, election monitoring, work with Union Election Commission officials, constitutional training and engagement with other areas of official politics. This has become a crucial area of support for donors, overdetermining a 'natural' direction of travel for Myanmar's politically motivated, politically informed civil society actors since reform. This sees civil



society activity drawn increasingly towards the minutiae of formal institutional management, the high politics of NayPyiTaw and away from grassroots mobilisation. As the TYT case study demonstrated, bound up in the new configurations of state power, much of politically-oriented civil society in Myanmar has become a functional advocate for the maintenance of the formal structures of the polity, a service sector for new creations of the Constitution and, ultimately, for an alienating politics in which private and public life constitute mutually exclusive, sequestered spheres each with their own specialist repertoires and logics of action.

At the same time, given the reality of this organisation of society and politics, scrutiny of the processes by which executive power is gained is clearly vital. Continued dominance of the Tatmadaw and absence of full democratic control over the entire range of coercive apparatus of the Myanmar state makes it perfectly reasonable that these continue to exercise the concerns and capacities of well-resourced NGOs. The very containment of democracy in public institutions, however, leads to a third observation which highlights the urgency for civil society's recognition of a broader front to its work. As Wood has argued, "purely 'political' battles, over the power to govern and rule remain unfinished until they implicate not only the institutions of the state, but the political powers that have been privatised and transferred to the economic sphere" (2012: 30). In Myanmar, civil society's attention on the injustice of arbitrary force in the 'private' realm has for the most part been limited to the *extra*-economic power of the military and – albeit less so – of crony companies. As earlier chapters have noted, the spoils of market reforms since 2011, in land speculation, agribusiness, infrastructure and property construction, extractives and exports of factory processed goods have fallen largely to the military and crony companies.

Yet despite popular protests over specific instances of contradictions between development, democracy and human rights, such as dam construction, NGOs have hitherto rarely challenged relations of market-mediated exploitation and the threats of permanent insecurity, inequality and environmental degradation associated with capital accumulation. The accumulation regime of the capitalist state is generally off the radar of NGO issues: as Fernando notes, “although NGOs regularly claim to challenge the way in which the state manages capital accumulation... they do not typically require changes that would require a radical transformation in the nature of the capitalist state” (2011: 237). As one NGO’s experience in investigating rights abuses at the Myitsone Dam site and the Letpadaung Copper Mine, the problem is usually limited to government action:

*There were eleven of us... [The Chinese] would let us meet with different companies who have a stake in Letpadaung and Myitsone, they give us their aspect of what’s going on, and their problems. As a result, what we found in these visits – we’ve gone twice already – is that the companies are quite transparent, they’ve shown us all their financial documents, how much they’ve provided the government, what had been signed, what had been agreed, and also the environmental assessments they’ve done – independent research using Australian companies – and the results show Letpadaung is not environmentally damaging. These are information that we never knew. What we realise is that it’s the corrupt government that took all the money from these companies, not giving to the people who were affected. [The people] did not get what they were supposed to get. The mistake the Chinese made is to trust the government (Interview 43).*

Although coalitions of actors may come together and act, sometimes with success – such as the postponement of the construction of the Myitsone Dam – an inability to penetrate beneath the surface appearance of problems means NGOs rarely deal with their real causes, a failure rewarded and compounded by NGOisation. It is never too long until the

next outrage appears. Once again, crucial caveats should be noted here, most notably the desperate problem of the underdevelopment of productive forces in Myanmar. Moreover, an expansion in international contacts in recent years and return of exile actors has broadened the terms of political mobilisation and political education well beyond that offered by liberal institutions in the 2000s. This was exemplified after 2015 by a popular campaign by civil society actors around the European Union negotiations for an Investment Protection Agreement that, like similar agreements worldwide, threatens to reverse democratic gains (Transnational Institute 2016). Successful in at least forcing its delay, the civil society *networks* responsible also hold the potential to challenge the boundaries around institutionalised civil society.

### **Deploying rights effectively: theory for human rights in the service of transformation**

Together with the developments described in the case studies, the power and emancipatory potential of civil society appears ambivalent, yet this does not appear to be a problem based on rights. The actions taken by CIVICUS and others to seek further assurance for the protection of the rights of civil society actors would therefore appear not to touch the efficacy of civil society itself. Like NGOs themselves, rights fall short of being a magic bullet for freedom and democracy. Yet rather than signaling the relative unimportance of rights, this draws attention to the socioeconomic and institutional context in which rights come to be exercised, and to the construction of the subjects of rights. This is usually absent from the legalistic approach of CIVICUS and other human rights groups who have sought the amendment of existing laws or the framing of new legislation in pursuit of human rights aims yet is a crucial determinant of the impact of rights. Wendy Brown, working from Marx's critique of the abstract nature of rights, argues

that the socially-constructed interests which rights come to serve are naturalised or depoliticised, and hence go unnoticed, once attached to rights. In this way, “the liberatory or egalitarian force of rights is always historically and culturally circumscribed... the measure of their political efficacy requires a high degree of historical and social specificity” (Brown 1995: 97). In other words, the interests which rights protect do not precede concrete, social circumstances; rather, their value is a function of broader social relations through which rights come to be effective or ineffective. Attention therefore, should *at least* be as equally given to the circumstances in which rights come to be valued and interests they serve as on the rights themselves.

I have argued that for certain, leading sections of civil society today those interests are bound up in, or endogenous to, a particular institution that scaffolds the space for civil society. Rights function to enable organisations to better adjust to the structural selectivities of a new latticework of relations that has arisen to serve civil society. They empower NGOs to solve their fundamental problems of the material reproduction of the organisation, the design and delivery of effective packages of support to beneficiary groups, and to gather and present information in order to better deliver advice to government. The rights regime supporting Myanmar civil society is now characterised by historically novel forces which have not only created this new institution of organisation upon rights, but also *institutionalised bearers of rights*. The material insecurity that is solved through project funding by international donors, the absence of political power solved by coupling with the state or international actors is integral to the common-sense notion that civil society *ought to look like* a collection of NGOs that are subordinate to the state, decoupled from political power and operating under the universal interest captured in the rule of law.

In this way, to return to Gramsci, rights become harnessed to the hegemonic bloc, with hegemony “concerned not just with the construction of a ruling bloc, but with the reproduction of the social structures that create the material conditions for such a bloc” (Joseph 2003: 125): the hegemonic apparatus developed to serve new freedoms of civil society also sets its legitimate political limits. The normative thought implicit in these institutional components – and sometimes explicit, such as in the apolitical, technical teaching of civil society popular in Myanmar – no longer reflects the emancipatory ambitions of the subaltern but rather the political strategy expedient for the maintenance of established power. Achieving a consensual fit with these forces rather than exacerbating antagonism towards them has involved a complexity of new structures – contractual, legal, advisory – between ‘autonomous’ organisations, government and international actors in a political-ethical project that has reorganised and modernised the relations between state and civil society. As Gramsci puts it, the objective can be understood as

*to construct within the shell of political society a complex and well-articulated civil society in which the individual governs himself, provided that his self-government does not enter into conflict with political society but becomes, rather, its normal continuation, its organic complement* (Gramsci 2007: 310. In Bieler et al. 2015: 143)

Civil society’s organisational leaders, its intellectuals, play a crucial role in a praxis that largely decouples them from articulating subaltern demands. For many decades, the democracy movement discussed in Chapter 3 articulated political interests repressed by the militarised crony state. After 1990, many of these actors performed roles as a transmission belt for a repressed popular political party in the form of the National League for Democracy. The painstaking work of acquiring political knowledge and its dissemination was performed through political and also ostensibly apolitical initiatives, in

everyday organising that meant the needs and perspectives of the subaltern were both known and felt by those in the democracy movement. Such “national popular intellectuals” articulated the indignity of political repression coherently and critically and led the efforts for political emancipation. Knowledge and reason were therefore grounded in a particular kind of “life activity” of the people, an organic body of thought that also served to lay the popular intellectual foundation for political leadership at a higher level (Fontana 2015). It is this grounding with the subaltern that leads Gramsci to predicate these figures as “organic” intellectuals, intellectuals marked by their connectedness or proximity to the experience of dominated groups rather than disconnected gurus (however venerated they would be by their students).

The institution of organisation, however, moves them from intellectual and moral positions alongside the subaltern and into positions of management and responsibility for technical initiatives and interventions remolded by disconnected “traditional” intellectuals, in organisations moved by visions and values divorced from concrete relations. Each instance of NGOisation seen in the case studies shows how the entities which contributed in different ways to the democracy and human rights movement are now disciplined within new systemic constraints: in EAW the projectisation, sidelining of grassroots forces and financialised notions of empowerment demonstrate clear organisational shifts to better accommodate to a market landscape; for TYT, the impracticality of an organisational democracy reflects the institutional absence of democracy in civil society more widely; while the submission of activities and organisation to juridical and political norms in NEVC depicts clearly the difficulties and dilemmas involved in thinking or acting – even peacefully – beyond these boundaries. When driven by institutional logics rather than values, the intellectuals are slowly lifted out of the subaltern fray, and the rights and freedoms associated with civil society activity thereafter take on an overwhelmingly insular task – improving capacity, implementing projects,

establishing new partnerships, a tendency underpinned by an astonishing depoliticisation of civil society in prolific education and training courses. In this way, NGOs can be understood to be alienated in both a vernacular sense in that they are removed from the everyday reality of their lives, but more importantly in a Marxist sense, as the outcome of political emancipation now articulates forces that renew their subjugation.

Production and subservience to this general will is therefore the most fundamental way civil society dissent is managed. Along with the case studies, these points illustrate the deep grounding of the institution of organisation, and its role in a passive revolution that has constrained the development of what were once islands of autonomy. Enabled by structural forces of NGOisation, “subordinate groups willingly adopt the hegemonic world view or parts of it and affirm its ostensible universality through their belief system, language, and actions” (Gordon 2006: 165). Structured for activity within projectised spaces, hegemonic apparatuses and for the management and mollification of subaltern demands rather than their realisation, NGOisation in its most subtle and brutal form renders civil society actors both practically and ideologically incapable of adopting a war of position and making the kind of structural critique which would emphasise this as their predominant political function.

### **Antithetical possibilities beyond the institution: networks and the subaltern**

Yet whilst challenges to the *status quo* are absorbed by hegemony wrapped in passive revolution, this is not the result of any natural equilibrium between societal realms but is rather a political achievement requiring “continual construction, maintenance, and defence of hegemony in the face of constant resistance and pressures” (Morton 2007: 97). Just as there is no iron law of NGOisation, there is no inevitable passive revolution;

indeed, as Peter Thomas points out, the latter only assumes concrete political form by recognition of the threat of de-pacification by counter-hegemonic forces (Thomas 2013), a point that can be developed with reference to Myanmar. For whilst the focus of this research has been to reveal and critique the development and impact of NGOisation, the institution of organisation, on Myanmar's politically-oriented civil society, despite this expansion of the NGO form over the past decade and the inexorable spread of its professional and depoliticised logics, civil society is far from exhausted by the NGO and its modalities of action.

As the final case study in Chapter 5 mentioned, networks have begun to gain critical attention in Myanmar recently (see Rivers et al. 2016; Phuah et al. 2016). It is as difficult (and as methodologically suspect) to generalise networks as much as it is NGOs, yet notable characteristics include their tendency to bring a diversity of groups together around a common issue, membership size ranging from local to national, positioning along a spectrum of professional and formal status, and varying degrees of democratic organisation. Some of these networks have become nationally prominent – the National Network for Education Reform (NNER), Myanmar Alliance for Transparency and Accountability (MATA), Gender Equality Network (GEN), Myanmar Legal Aid Network (MLAW) being some of the best known. Whilst their diversity means they are not straightforwardly the antithesis of the NGO, the political agency of those that seek to directly link and mobilise the subaltern are of particular note. In addition to victims of land and resource confiscations, exemplified by the work of Land In Our Hands (LIOH) in Chapter 5, we might also highlight networks of students and teachers on education reform, networks of workers persecuted for labour union activity and ethnic anti-war movements.



Among these networks, civil and political rights serve subaltern interests directly, coming to life as vitally important instruments to enable new movement logics beyond the institution of organisation. If, as argued above, the actual material importance of human rights is down to socially and historically determined needs and interests, then historical contingencies can create new interests or grievances and new logics of action in which they become vitally important. The destruction caused by accumulation strategies, abetted by militarism, produces precisely such material conditions, and when resistance here is taken up by the subaltern themselves the possibility opens up for counter-hegemonic movements. Below I draw attention to three analytical components which, if present, may constitute an alternative to NGOised action for social change and open up the possibility of radical social transformation.

Firstly, it can be noted that rights to property protected by the rule of law – “central to all that the NLD is about... the 'business end', if you like, of Aung San Suu Kyi's refrain on the importance of the 'rule of law'" (Turnell 2015) – have served to threaten livelihoods and human security among many movement participants. Civil society and political rights, meanwhile, channeled through the institution of organisation, employ these rights in such a way that confrontation with this power is avoided. At other times, in circumstances when the rules of the game are deemed unimportant, rights enable the development of a new movement logic, one *inappropriate* for or *not* complementary to the negotiation of interests within extant structural relations. Rather, like the earlier social movements seen in Chapter 3, it is framed in an antagonistic relation toward established boundaries of legitimate action, a discursive move which makes them less responsive or susceptible to the structural selectivities that has constrained the emancipatory relevance of NGOised actors. This non-alignment may be both accident and design: a non-professional, non-projectised approach more or less eliminates the survival-led submission to fiduciary structures, while unfamiliarity and disinterest with the procedures of political society

challenges the strategic orientation to the strictures imposed by advisory relationships with government (Interview 50).

Between the lines of the above paragraph is the possibility of a counter-hegemonic movement, against the hegemonic bloc of international and domestic class interests. This leads to a second point. This new network movement logic has developed because it is organically linked to subaltern leadership, leadership by those who have been at the margins of the professional resurrection of civil society; who have been, at best, project beneficiaries<sup>89</sup>. When displaced farmers and workers assume leadership or mobilising roles there is a move towards a unity of knowledge of their conditions, needs and interests with the feeling and passion of their group. This sees them adopt the social function of the intellectual, and in so doing restore non-NGOised values or worlds of concern to a place of centrality in social action. These network movements facilitate counter-hegemony precisely because they circumvent the pretence of universal interests and “common sense” vested in the established structures of power, and are instead motivated by subaltern “good sense” (Gramsci 1971: 345-6). In this way the movement is not mediated by hegemonic assumptions, and action more reflective of actual material needs rather than abstract universals.

At the same time, both the above points contain voluntarist temptations. To reiterate, there is no structural sanctuary – for agents to be effective, their projects must be enabled by structures as much as they may be constrained by them. Given its centrality for civil society, we might highlight the material reproduction of the network. Funding networks in Myanmar has come to mean funding a programme or a cause, rather than funding project activities (Interview 50) and “irrespective of whether they are formally registered” (Rivers et al. 2016: 6). However empirically distinct this may appear from

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<sup>89</sup> This is not to deny the importance that modern development narratives place on participation, but to doubt its potential to challenge the structural causes of marginalisation.

project funding in NGOised civil society, limitations to the emancipatory potential of networks begins to loom, as network subjects become objects, ends in themselves, subjugated by refreshed logics of appropriateness within the confines of existing social relations rather than strategies to overcome these. The reproductive requirements of the network are, of course, fundamentally different to those of farmers or workers, and as one comes to displace and dominate the other, the generative mechanism of the logic of movement is countered by logics of appropriateness linked to the selectivities of existing structures. Indeed, NGOist subordination is present in the reports referred to above: networks sought “recognition and space”, while evidence of effectiveness lies in the achievements of their policy advocacy engagements (Phuah et al. 2016: 44-47).

In this way, once again, they influence power holders *without* necessarily challenging the structural sources of this power. Whilst such mediatory gains are of strategic importance, successful counter-hegemony demands structural change. This, then, leads to a third point. As a post-NGO, pro-network sentiment begins to gain traction among both hegemonic and counter-hegemonic civil society advocates in Myanmar, albeit for different reasons, it is important not to lose sight of the structural and material conditions in which these movements arise and against which interests and demands are related. As expressed, these are many and varied - like NGOs, networks or social movements do not obviously have a shared political ambition. Yet far from drawing links through floating signifiers amongst a radical plurality of actors at the level of discourse (Laclau and Mouffe 1985), connections might be sought in the issues they confront and a unified interest in overcoming their structural basis (Carroll and Ratner 1994). Links between those in land, environmental, labour and peace movements are likely to be substantive and objective, and refer specifically to the totalising dynamic of capital and its accommodation with Myanmar’s continued militarism.

Unlike NGOs, there are no structurally-driven interests for accommodation with relations of subordination. Rather, the projects of networks such as LIOH appear to hinge around transforming the structures they confront: “democratic control of land, community of self-determination, self-administration... [the community] fulfils their right to the land” (Interview 50). Given these demands and the nature of the structure confronted, mere amelioration appears a tall order, but attempts have been made. For example, representations and input from a wide variety of civil society actors into Myanmar’s 2016 National Land Use Policy (NLUP), led to recognition of customary rights to land and the inclusion of human rights standards in the text, something absent from the laws developed under the Thein Sein administration. At the same time, the NLUP also made explicit the role of the state, “the ultimate owner of all lands in the Union”, in enabling their market exploitation by “enact[ing] necessary law to supervise extraction and utilisation of State-owned natural resources by economic forces” (2016: 4). Whilst human rights standards and capitalism appear to balance one another in the text, the political economy of the totalising logic of capital, its internal expansionary dynamics, indicates the outcome will be determined by the forces of capital and the expression of private, coercive power without public responsibility, rendering existing moral economies chronically unstable.

The difference between the vague, hopeful rhetoric around sustainable development that make up the vision and mission statements of organisations like EAW, and the demands of networks such as LIOH – “Land for people, not for profit” – is the relation of social ills to their structural origin, and a praxis built around their elimination. In this way, such counter-hegemonic movements have a non-utopian character. Of course, that such a social and political transformation is understood as *desirable* neither makes it *achievable* nor *viable* (Olin Wright 2009). Political agency can be consciously directed towards building an order constituted by particular social structures, with social goods expected to

be generated by the mechanisms so emergent, but these might not yield expected consequences. Such openness is something which can never be wholly avoided; it is not a reason for inaction – certainly, capital does not shy away from creating markets over concerns for their contradictions – but it is a demand for clear-headedness, insight and, above all, strategy.

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# Interviews

1. Local civil society leader, cultural / political publication organisation, 9 February 2016.
2. Local civil society leader, cultural / political publication organisation, 9 February 2016.
3. Land rights defence group leader, 10 February 2016.
4. Land rights defence group leader, 1 March 2016.
5. Land rights defence group leader, 24 January 2017.
6. Parliamentary capacity building trainer, 15 May 2016.
7. UK Embassy local civil society grant fund manager, 4 November 2016.
8. European Union programme manager, 4 September 2016.
9. European Union civil society researcher, 25 April 2016.
10. Former Burma Communist Party official, 5 June 2016.
11. Local Rakhine NGO director, 3 June 2016.
12. Shan cultural leader, 11 June 2015.
13. Independent consultant, contracted by TYT, 11 June 2016.
14. Civil society justice project officer, 16 June 2016.
15. Civil society strengthening project manager, 16 June 2016.
16. Conflict advisor, 29 August 2016.
17. '96 Generation' project officer, 11 August 2016.
18. Generation Wave leader, 1 October 2016.

19. Former Myanmar Egress consultant, 18 October 2016.
20. NEVC leader, 21 February 2016.
21. NEVC leader, 2 May 2016.
22. NEVC leader, 18 October 2016.
23. TYT project officer, 19 December 2016.
24. TYT Director, 24 Jan 2016.
25. TYT Director, 28 March 2016.
26. TYT Sector leader, 14 May 2016.
27. TYT Director, 13 October 2016.
28. TYT HR officer, 13 October 2016.
29. TYT Consultant, 24 October 2016.
30. Former TYT Board Member, 16 October 2016.
31. Former TYT Board Member, 4 July 2016.
32. Former TYT Board Member, 13 October 2016.
33. TYT Sector Leader, 3 April 2016.
34. EAW Director, 21 June 2016.
35. EAW HR Manager, 23 July 2016.
36. EAW Finance Manager, 19 October 2016.
37. Former EAW volunteer, 3 June 2016.



38. Local NGO Director, former CBI tutor 26 November 2016.
39. Paung Ku project manager, 16 January 2017.
40. 88 Generation member, 16 January 2017.
41. WE Generation labour activist, 26 January 2017.
42. EAW Karen State project manager, 19 February 2017.
43. Local NGO director, 27 November 2016.
44. Former TYT board member, 16 February 2017.
45. Thai-Myanmar border civil society trainer, 6 February 2017.
46. Local community based organisation leader, 7 January 2016.
47. 96 Generation political activist, February 2010.
48. UK Embassy official, July 2008.
49. Local justice project project leader, 4 March 2017.
50. Land In Our Hands network member, 22 March 2017.
51. EAW Expert, 23 July 2016.