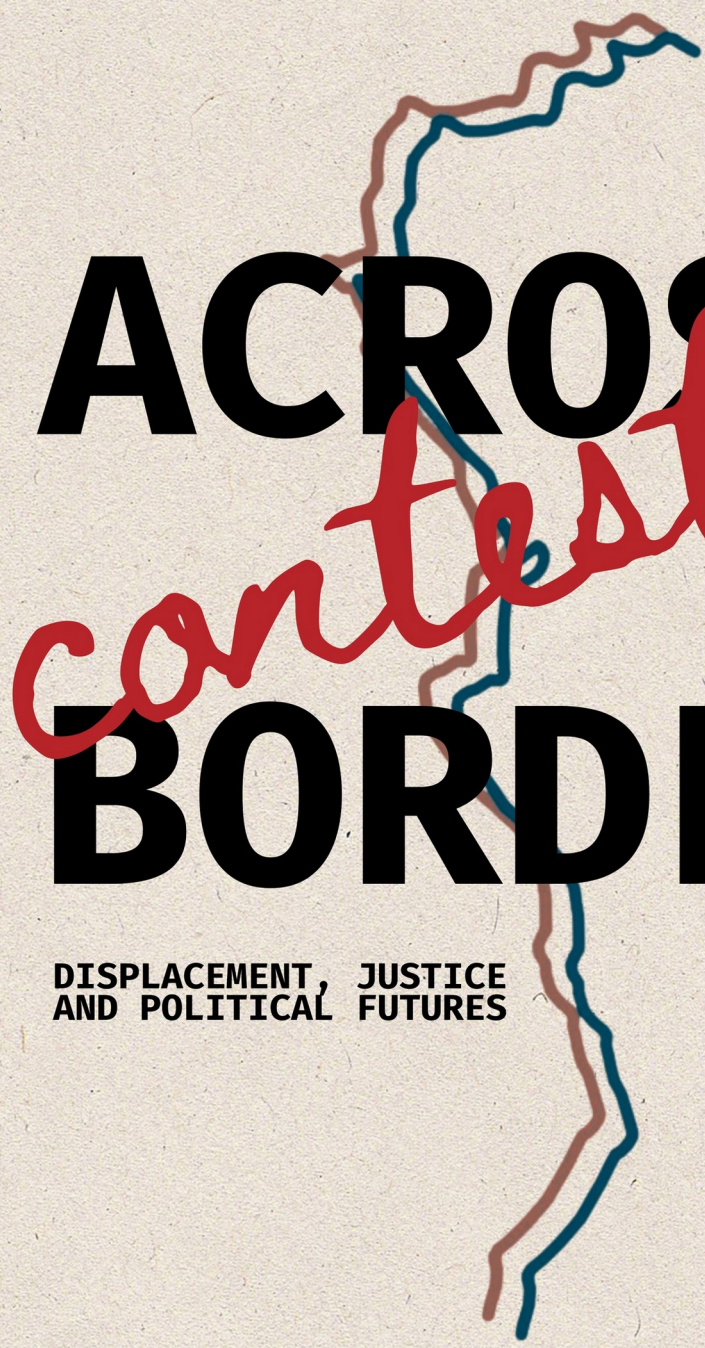


ACROSS contested BORDER

DISPLACEMENT, JUSTICE AND POLITICAL FUTURES

EDITED BY NOEL M. MORADA, NYI NYI KYAW AND SIRADA KHEMANITTHATHAI

Nelson Mandela Center
Conflict Resolution • Atrocity Prevention • Human Security

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Across Contested Borders: Displacement, Justice and Political Futures

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Foreword

Since its founding, I have wanted the Nelson Mandela Center to be a place where scholars can continue their work when conflict makes that difficult or impossible at home. *Across Contested Borders: Displacement, Justice and Political Futures* is one outcome of that effort. This volume emerged from our *Mentored Research Program*, developed with the Hanns Seidel Foundation to support displaced or exiled Myanmar students, researchers, and junior scholars with guidance from senior academics.

I attach particular importance to who produces knowledge about Myanmar. Scholars with close connections to the country should have opportunities to shape research questions and contribute to debates about its future. Their familiarity with communities and institutions can open lines of inquiry that others might miss. Universities have a responsibility to make room for this work, especially when political conditions at home institutions of those scholars restrict independent inquiry.

The papers in this volume connect people's immediate concerns with larger questions about Myanmar's future. Access to work or health care shapes a person's ability to rebuild a life in Thailand. The way a local court operates can build or undermine trust in an emerging authority. These studies give substance to discussions of protection and political change. They also ask us to examine policies and institutions critically, including those we support.

I hope readers will engage seriously with these arguments and consider what they mean for their own work. For those of us in Thailand, the collection invites reflection on our responsibilities toward people seeking refuge and our role in the region. Alongside humanitarian assistance, Thailand can always provide a space where scholars produce knowledge about our neighbors and contribute to debates about the region's future. The value of supporting this work eventually extends well beyond our borders.

I thank our editors, Noel M. Morada, Nyi Nyi Kyaw, and Sirada Khemanitthathai, for bringing this volume together, and the mentors for guiding the research. I am grateful to the Hanns Seidel Foundation for its partnership. Above all, I thank the authors and those who shared their experiences with them. Their work and trust have made this publication possible.

DR. BHANUBHATRA JITTIANG
Founding Director of the Nelson Mandela Center
Faculty of Political Science, Chulalongkorn University

Foreword

Displacement takes more than just people's homes. In our work with young scholars from Myanmar, I have seen it disrupt their studies and careers at a time when their country needs them most. Helping them continue their work is therefore as important as meeting their immediate needs.

This conviction forms the basis of the Hanns Seidel Foundation's project, which is part of the Special Initiative 'Displaced Persons and Host Countries' (SI Flucht) and is funded by the German Federal Ministry for Economic Cooperation and Development (BMZ). I am proud that "Across Contested Borders: Displacement, Justice and Political Futures" is the result of this project, having been published with its support. The book grew out of the Mentored Research Programme, which was supported by the Hanns Seidel Foundation and the Nelson Mandela Centre at Chulalongkorn University.

The authors worked alongside senior academics to refine their questions, examine their evidence and develop their arguments until they were ready for publication. Many of them were living in displacement at the time. Their work is notable for the quality of the research and the determination behind it.

This volume also makes a valuable contribution to academic literature on affairs at the Myanmar–Thailand border. Since the 2021 coup, the crisis in Myanmar has had the most direct impact on Thailand across this border. The authors examine military defectors and exiled activists in Thailand, as well as young people for whom the country serves as both a refuge and a stepping stone. They also consider cyber laws on both sides of the border and the approach of the Karen National Union to federalism in Kawthoolei.

I believe these studies encourage us to critically examine policies and institutions, including those we support. The conclusions are those of the authors and do not necessarily reflect the views of the Hanns Seidel Foundation.

I would like to thank Dr Bhanubhatra and the Nelson Mandela Centre for our partnership, which is based on shared convictions. I would also like to thank the editors and mentors for their time and expertise. My warmest congratulations to the authors: your work shows that displacement need not be the end of a scholarly path. I look forward to the day when you can present your work freely at universities in Myanmar.

ACHIM MUNZ
Country Director for Thailand and Myanmar
Hanns Seidel Foundation



Digital Authoritarianism in Practice: A Comparative Study of Thailand's Computer Crime Act 2017 (CCA) and Myanmar's Cybersecurity Law 2025 (CSL)

MINN MYOH MINN OO

Abstract

The advancement of digital technologies has paved the way for stronger digital authoritarian governance nowadays, which is strengthened and legitimized by legal frameworks to criminalize digital speech, to surveil users' activities and to coerce individuals. This issue is not a stranger to Thailand and Myanmar, because their cybersecurity laws, such as Computer Crime Act 2017 and Cybersecurity Law 2025, both convergently and divergently criminalize online expression, free internet and digital freedom. Through a comparative approach framed by the conceptual framework of digital authoritarianism, this study examines similarities and differences of digital authoritarian features between these two laws. Findings demonstrate that both laws allow the governments to promote digital surveillance and online censorship, and to invade users' digital privacy freely, affecting citizens' digital freedom of speech, expression and safety. Divergent trends indicate that Thailand's approach is more indirect and subtle than Myanmar's technique in terms of digital authoritarian practices. It is concluded that despite two countries' different political systems, these laws serve merely as legal regulations but instead as strategic, systematic legal weapons for digital authoritarian governance, which mirrors the same regional pattern in Southeast Asia.

Keywords: Computer Crime Act, Cybersecurity Law, digital authoritarianism, Myanmar, surveillance, online censorship, privacy invasion, Thailand

1. Introduction

NOWADAYS, the emergence of advanced digital technologies has provided new opportunities for people and the societies in safeguarding their human rights on online spaces. On the other hand, these technologies have been institutionalized by states, especially those with authoritarian motives, to restrict citizens' digital rights for political agendas. Therefore, the internet, despite its advantage as a tool of democratisation and free expression, has simultaneously been used as a weapon for states' digital repression, in both democratic and non-democratic countries, especially in Southeast Asia (Sinpeng, 2019). This transition is often regarded as the emergence of digital authoritarianism as it strategically employs digital technologies and legal frameworks by the states to censor, surveil and suppress digital dissent on cyber platforms (Ambay III et al., 2019).

In the Southeast Asia region, this trend has been evident in countries such as Thailand and Myanmar. Thailand's Computer Crime Act (CCA) 2017 serves as a legal tool for the Thai government to criminalize online speech, suppress dissent and prosecute critics or silence political dissidents (Engage Media & Asia Centre, 2022). Meanwhile, Myanmar's Cybersecurity Law (CSL) 2025, recently adopted by the military regime, also performs as a legislative instrument for the State Administration Council (SAC) to control digital spaces and strengthen online censorship and surveillance in the name of national security (Myanmar Internet Project, 2025; ASEAN Parliamentarians for Human Rights, 2025). These two laws have proved how both digital technologies and legal structures employed by the states have been utilized to control cyberspaces, affecting digital rights and freedom and supporting the rise of digital authoritarianism in Southeast Asia.

In the current digital age, this research is highly significant in uncovering how these laws perform as not just legislative frameworks but also ideological weapons, reinforcing authoritarian rule on digital freedom of citizens. This paper argues that regardless of differences in political systems of Thailand and Myanmar, these two laws – CCA 2017 and CSL 2025, mirror common features

of digital authoritarianism in their formal legalization of digital repression, particularly digital surveillance, online censorship and privacy invasion. Therefore, this research, through a comparative approach, examines specific legal provisions within CCA 2017 and CSL 2025, which encourage digital authoritarian governance, then assess similarities and differences in legal structures, and lastly discuss how these trends reflect and reinforce digital authoritarian features, through the conceptual framework of digital authoritarianism.

The dual approach of comparative legal analysis and digital authoritarianism theory unpacked similar and divergent patterns of legal structures, instituted by both semi-authoritarian and authoritarian governments of Thailand and Myanmar to formalize digital authoritarianism. More importantly, it addressed critical gaps in the present scholarship on how legal frameworks are legitimized for digital authoritarian governance, across the Southeast Asia region, and aims to inform regional and international organizations and scholars of policy debates on protection of digital freedom in authoritarian settings.

2. Literature Review

2.1 Conceptualizing Digital Authoritarianism

THIS RESEARCH IS informed by and analyzed through the conceptual lens of digital authoritarianism to best explain how authoritarian or semi-authoritarian states utilize digital technologies and legal frameworks to legalize their digital authoritarian practices. This theory is highly relevant in understanding evolving digital governance and dictatorship of Thailand and Myanmar under CCA 2017 and CSL 2025, as these laws are deployed not for technical regulation merely but as digital suppression tools for state's political interests.

Digital authoritarianism is generally defined as a system of digital governance of how governments employ digital information technologies to surveil, repress and manipulate their citizens, and legitimize their digital control through legal frameworks in order to maintain their political power. Scholars have identified

multiple pillars of digital authoritarianism such as digital surveillance, online censorship and privacy invasion. Digital surveillance can be understood as a systematic monitoring and tracking of online activities by using digital technologies such as facial recognition, CCTVs, GPS tracking, and algorithmic profiling, as explained by Bradshaw & Howard (2019) and Feldstein (2021). Then, online censorship is conceptualized as the term to describe how states suppress, restrict and manipulate digital information and communication, and how this controls what citizens can view, distribute or publish online, which can be done through removal of digital content, keyword filtering, internet shutdowns and website blockage, as specified by Gunitsky (2015) and Deibert (2020).

Finally, digital privacy invasion means the intrusion to a person's digital privacy to collect their digital activities, through service providers or internet traffic, by the states with or without consent for control or coercion, leading to the loss of freedom of online identities as noted by Garbe, Merz & Freyburg (2025). In addition, digital repression refers to the strategic employment of certain digital tools and tactics, to suppress dissent, restrict freedoms and punish opposition, as a core feature of digital authoritarianism defined by Polyakova & Meserole (2019) and Feldstein (2021). It includes but is not limited to targeted actions such as internet shutdowns, social media bans, punitive measures for digital dissent.

Meanwhile, Bradshaw & Howard (2019) defined the theory in a way that states employ digital repression tools and legal frameworks in consolidating their political power in digital spaces. This is done by promoting surveillance activities and coercing individuals' online actions critical of state actions through information technology strategies, on their claims of maintaining state sovereignty and peace. Beyond this definition, Polyakova & Meserole (2019) conceptualized that governments often take advantage of legal ambiguity or broad terms in laws to criminalize online free speech and expression, deemed threatening to national sovereignty. Besides imprecise legal provisions, data retention mandates for digital surveillance are imposed by governments by monitoring and checking users' meta data, digital history and communication logs, as explained by Greitens (2020) and Garbe, Merz & Freyburg (2025).

Additionally, the blockage of private and safe circumvention tools such as VPNs, is another feature of digital authoritarian governance as users lose their right to digital anonymity and privacy, as in conceptual discussions by Wendzel et al. (2025).

This theoretical framework is highly applicable to this comparative study as the study assesses whether digital authoritarianism features are being practiced in Thailand and Myanmar under two laws - CCA 2017 and CSL 2025. In this study, three main features such as digital surveillance, online censorship, and privacy invasion, discussed by these scholars, will be analyzed to make relevant and credible conclusions at the end. In this research, this framework has not only structured theoretical reasoning effectively but also contributed to nuanced discussion on the topic of digital authoritarianism in two countries, by pointing out key features that are most common in many countries, including Thailand and Myanmar

2.2 How has digital repression risen in Southeast Asia?

THE INTERNET GAINED rapid adoption across the world starting from the 2000s, followed by digital activism led by youths for social and political issues in later years. One of the most significant events was the 2010-2011 Arab Spring period where people, particularly youths, used social media as a platform for mobilization and online activism (Shahin & Smidi, 2017). Therefore, Bunte (2021) argued that this served as a wake-up call for authoritarian governments or governments with authoritarian motives around the globe, including those in Southeast Asia.

Starting from the mid-2010s onwards, governments in Southeast Asia began to realize the power of the internet and the importance of controlling digital spaces. Digital technologies have provided new ways for the region's governments to monitor dissent, manipulate public opinion and prosecute critics in order to maintain political power (Feldstein, 2021). One of the approaches for digital repression has become legislative frameworks for the states, legitimising their digital control strategies (Ong, 2021).

In Vietnam, Freedom House (2021) pointed out that the government conducts strict digital control on citizens, restricting online free speech and expression, and tracing users via a particular software. One key law of digital repression in Vietnam is its Cybersecurity Law 2018, which requires all digital service providers to store users' digital activities, grant the government broader authorities, such as the access to these data upon request, and eradicate any illegal content critical of state actions. Amnesty International (2018), therefore, criticized that there were no more safe spaces on cyber spaces for Vietnamese citizens to speak and express their opinions freely under the law.

Similarly, Cambodia's official formalization on digital repression was most evident on its National Internet Gateway Sub-Decree in 2021 despite earlier discourse on digital rights violations. This sub-decree allows the state to control all internet traffic and information circulation whether incoming or outgoing through its centralized national gateway, on its claims of national security and social order preservation. Many critics, such as Asia Centre (2021) and Human Rights Watch (2022), regarded this law as a tool for the state's digital censorship and surveillance to suppress dissent and activism, copying from China's Great Firewall.

In addition, Indonesia's 2008 Electronic Information and Transactions Law has been infamous for its imprecise legal terms and inconsistent law enforcement by the authorities by prosecuting critics. Therefore, the International Commission of Jurists (2023) criticized that the law is like the rubber for the government to flexibly criminalize citizens' legitimate online expression as it does not make clear definitions regarding the terms such as 'insult', 'defamation' and 'public unrest'. Moreover, scholars like Rahayu (2021) and Irrynta & Prasetyoningsih (2023) censured that Indonesians' online speech is not free anymore under such legal vagueness and severe penalties, often for political expression.

Nonetheless, there are diverse opinions from scholars regarding whether digital repression has risen to complete the notion of digital dictatorship in the region. Scholars like Pillalamarri & Stanley (2021), Sriyai (2024) and Manushya Foundation (2025) contended that governments in Southeast Asia have

employed draconian legal frameworks and authoritarian digital infrastructure, promoting internet suppression, violating digital freedom, and systematically prosecuting activists and journalists for their digital activism. Conversely, scholars such as Putra (2024) argued that the complete picture of digital authoritarianism has not been realized in the region, particularly because of netizens' continuing online activism using VPNs even under states' digital restrictions, referring to the case of the Milk Tea Alliance.

Meanwhile, regional governments, particularly Vietnamese and Indonesian, often justified their digital authoritarian governance such that these digital restrictions were necessary to prevent the spread of hate speech, misinformation and fake news that may harm national security or stability according to Vietnamese Minister Nguyen Manh Hung and Indonesian Minister Johnny G. Plate (2022, as cited in Rana & Azeez, 2025), justifying their cyber repression.

Therefore, this research fills this significant gap of whether digital repression in the Southeast Asia region has risen up to digital authoritarianism, through a comparative analysis of Thailand's CCA 2017 and Myanmar's CSL 2025. It is timely and crucial to monitor the status of digital freedom through this study, especially for human rights organizations and activists to navigate their activism forward.

2.3 Has repressive digital practices existed in Myanmar and Thailand before these two laws?

2.3.1 Thailand

Historically, Thailand has been infamous for criminalization of digital defamation and contents criticizing the government or the royal family even before CCA 2007 and 2017. Sombatpoonsiri (2024) contended that the most significant has been Lese-Majeste Laws, particularly Article 112 of the Criminal Code, often used as a primary digital repression tool. Whether online or offline, strict legal enforcement was performed by the government through monitoring contents or activities on lese-majeste. This law was the earliest law explicitly initiating digital censorship in Thailand; so Freedom House (2016) condemned its prosecutions of online critics such that these prosecutions

reached an extreme stage, repressing digital freedom and rights of free speech and expression of citizens and activists.

Besides this law, CCA was first adopted in 2007 by the military-dominated National Legislative Assembly right after the 2006 coup. This law marked an official beginning point of legalizing online suppression. Charoen (2013), and EngageMedia and Asia Centre (2022) criticized that CCA 2007 abused against political activists and online dissenters under its overbroad provisions, especially under the Article 14 on 'false' content and content 'likely to cause damage to a third party'. CCA 2007 regulated the criminalization of online defamatory actions which were uncovered by the Lese-Majeste law. In fact, Article 19 (2017) and EngageMedia and Asia Centre (2022) shared that CCA is often used in pairing with the Lese-Majeste Law to prosecute any critics against the royal family.

In fact, Thailand's digital landscape has already been tightened by these laws. In 2017, CCA 2007 was further amended to broaden the scope of digital repression and therefore, Article 19 (2017) criticized that the CCA 2017 escalated existing digital constraints on citizens, and disproportionately affected youth activists, human rights advocates and political critics, leading to digital dictatorship. Thus, it is essential to evaluate how CCA 2017 has led to the point of digital authoritarianism in Thailand over these past years.

2.3.2 ***Myanmar***

Prior to CSL 2025 coming into effect in 2025 and since before the 2021 military coup, digital freedom in Myanmar has faced long-term restrictions under successive authoritarian regimes in the past. There were a few significant reforms in the telecommunications sector such as the introduction of new companies such as Telenor and Ooredoo in the market in 2014 as market liberalization. However, several laws, particularly Telecommunications Law 2013 and the Law Protecting the Privacy and Security of Citizens 2017, were at the same time states' legal weapons for digital control, censorship and surveillance since late 2013 according to Human Rights Watch (2017).

Article 19 (2017) and Phyu (2024) argued that the period of 2016-2020 under the government of National League of Democracy (NLD) was controversially marked as an era of rising persecution of online critics, journalists and activists, particularly for digital expression related to Rohingya issues or anti-military criticism. This was because online defamation was frequently criminalized under Article 66(d) of Telecommunications Law and Article 8(f) of Privacy Law. Therefore, the International Commission of Jurists (2019) pointed out that these laws were true dangers to activists and they still are, violating digital rights of free speech, expression and internet. Because of these digital limitations, several human rights advocates and international communities have pushed for a freer internet and digital landscape. Nonetheless, Thant (2021) argued that the 2021 military coup failed these advocacy programs since these laws were consecutively weaponized to target journalists and youth activists for their anti-dictatorship digital activism on the grounds of national sovereignty and stability by the military. Thus, Thang (2022) contended that Myanmar became one of the most digitally repressive countries in Southeast Asia, following the 2021 coup.

Now that CSL 2025 is in full effect, Myanmar Internet Project (2025) and Strangio (2025) asserted that Myanmar's digital atmosphere has returned to a complete danger zone for citizens, because their digital activities, content, website history and online speech are being surveilled, censored and monitored for consequential legal charges or arbitrary arrests. Therefore, it is crucial to examine potential legal barriers present within the CSL 2025 law, and assess how digital authoritarianism has risen in Myanmar.

3. Methodology

THIS STUDY USED a desk-based qualitative methodology through three approaches – legal document analysis, comparative study and theoretical framework of digital authoritarianism. This methodology is most suited for this research as it allows to delve into exploring legal texts systematically and critically analyzing existing scholarship, which is essential for achieving a robust comparative legal study informed by the theoretical insights (Bowen,

2009; Hoecke, 2015). Primary sources of analysis are taken from the assessment of full texts of Thailand's Computer Crime Act 2017 and Myanmar's Cybersecurity Law 2025.

Thailand and Myanmar were chosen for this comparative research as case studies because of their shared regional identity and borders in Southeast Asia despite their disparities in political trajectories regarding digital governance. While Thailand has been ruled under successive military rule and periods of semi-democracy under the constitutional monarchy (Ambay III et al., 2019), Myanmar is momentarily under the authoritarian regime, with historical records of military rule (Phyu, 2024). Despite these political differences, both countries adopted legal frameworks – CCA 2017 and CSL 2025, mirroring key features of digital dictatorship, which has provided a rich foundation for this research's comparative analysis under changing political conditions.

This comparative approach was conducted to examine legal similarities and differences between two laws which reflect digital authoritarianism features. This approach compared both laws' specific legal sections against core indicators of digital authoritarianism by several scholars such as Bradshaw & Howard (2019) and Feldstein (2021), particularly content control, surveillance, censorship, information propaganda and privacy invasion. This analysis was framed to evaluate what specific legal provisions within both laws reflect these indicators, thereby presenting convergent and divergent patterns in state-led digital repression in Thailand and Myanmar. In addition to this, secondary data sources such as reports, academic research and scholarly articles, were critically analyzed to respond to research questions. The theory of digital authoritarianism was further employed to frame this comparative approach to interpret findings and provide critical evaluation on the two laws. This framework has allowed for a precise evaluation of how legal sections legitimize and operationalize states' digital authoritarian governance in the digital sphere.

The scope of the study focuses on the analysis of key legal sections such as 14, 15, 18, 20 and 26 within Thailand's CCA 2017, and 31, 32, 33, 34, 35, 42, 43, and 72 within Myanmar's CSL 2025. These legal sections are selected because they have been constantly criticized as both states' primary legal instruments

for digital repression by local and international human rights activists and organizations, justifying their importance as the central focus of this research.

4. Findings and Discussion

4.1 Findings

THIS SECTION PRESENTS convergent and divergent patterns between CCA 2017 and CSL 2025, reflecting key principles of digital authoritarianism, particularly content control, surveillance, censorship, and privacy invasion.

In addition, due to limited availability to publicly accessible and specific court judgements on the application of certain sections of CCA 2017, and CSL 2025, this research undertakes a contextual analysis of the law's practical application, drawing from reports, legal commentaries and documented instances of law enforcement collected from individual scholars, international organizations and human rights institutions.

4.1.1 Convergent Patterns within CCA 2017 and CSL 2025

Despite different political contexts, both laws apply similar digital repression practices to surveil and suppress digital spheres, reflecting shared features of digital authoritarianism. Similarly, these laws express their similarities on three main patterns such as criminalization of online defamation, privacy invasion and digital surveillance, and control over internet service providers and digital infrastructure.

(1) Criminalization of online defamation

Criminalization of online defamation and free expression is one shared feature discovered in both laws. Thailand CCA 2017's Section 14 is frequently invoked to justify prosecuting any dissenters for freely expressing their opinions on digital spaces under its broad term 'false data or distorted information' if deemed threatening national security or public panic. It is often used in conjunction with Lese-Majeste charges, silencing critics and their comments critical of the government actions. Prominent cases were documented such that

under the Section 14, the Facebook Page named 'KonThaiUK' and its ten administrators were filed a lawsuit for violating the CCA and defaming Prime Minister General Prayut Chan-O-Cha and General Prawit Wongsuwan back in 2019, according to Freedom House (2019) and Matichon Online (2019). Moreover, Future Forward Party's 2019 election winners – Thanathorn Juangroongruangkit, Klaikong Waithayakan, and Jaruwan Saranket, were charged under the same section for their criticisms towards the junta during their Facebook Live, according to Khao Sod English news (2019).

Similarly, in Myanmar's CSL 2025, Section 72 criminalizes electronic distribution, transmission, and sharing 'information not suitable to be viewed by the public'. This term is vague and subjective, granting the authorities the power to criminalize any digital activities they deem inappropriate and then prosecuting any dissent critical of the military government. This is institutionalized through the Cyber Narrator surveillance system provided by Chinese Geedge company and users' digital activities are live monitored and reported to the state if these activities violate the law (INTERSECLAB, 2025). In fact, this law is another extension of the military government's authoritarian governance to limit digital freedom of expression, speech and opinion against its regime.

Therefore, both countries use these vague sections to suppress online dissent, despite different approaches such as 'false information' and 'information not suitable for public view'. However, still these sections allow states to suppress online speech, punish activists and journalists, and legitimize its digital repression, which reflects the authoritarian feature of legalizing online suppression. As noted by Polyakova & Meserole (2019) and Feldstein (2021), such state actions of criminalizing digital speech is a hallmark of digital authoritarianism.

(2) Privacy invasion and digital surveillance

CCA 2017 and CSL 2025 have specific legal provisions where users' digital identity and privacy are accessed by the authorities without either users' notice or judicial oversight, promoting state digital surveillance and censorship. Sections 18 and 26 within CCA 2017 require service providers to restore all

computer traffic data and to deliver these data to the authorities upon their order for the purpose of investigation without judicial oversight. These provisions supply the state with sweeping powers to strengthen its surveillance activities and invade users' online history. This resulted in a chilling effect on digital freedom of users themselves, service providers, and activists and journalists.

In parallel, Myanmar's CSL 2025 allows the state to legally commit to privacy invasion and perform digital surveillance under Sections 33, 34 and 35. Section 33 mandates a compulsory data retention for all service providers to restore users' data up to three years while Section 34 explicitly expresses that these data must be shared with the authorities upon demand without mentioning the need of judicial oversight. Additionally, Section 35 further strengthens Section 34 by asking for their mandatory compliance with the law over data retention. The law itself not only allows the state to access users' digital data indefinitely but also institutionalises the Geedge TSG Galaxy technology to monitor full internet traffic data for retrospective analysis according to INTERSECLAB (2025). Therefore, these provisions further strengthen the state's digital surveillance on a fully-fledged basis, with the officials' access to citizens', activists' and journalists' online data, making them lose their digital anonymity, privacy and safety.

On the whole, the states' access to users' online information led to citizens losing their digital privacy under their surveillance apparatus, with CCA 2017 exercising a more subtle and indirect surveillance system and CSL 2025 being a more formal and direct one.

(3) Control over internet service providers and digital infrastructure

Section 15 under CCA 2017 imposes legal liabilities on ISPs to comply with preventing CCA offences under Section 14, and ISPs are responsible to remove these online contents, especially related to the military or government, immediately to avoid penalties, and if not, they will face legal charges under Section 20. Therefore, this has enabled states' direct surveillance and censorship through ISPs on citizens' digital activities, and ISPs are often charged for this violation under Section 14. One significant case was, Voice TV was forced to suspend all its online platforms for the state claiming that it

violated CCA Section 14 for allegedly sharing false information during protests, damaging national peace and order, according to Prachai (2020). Moreover, in 2021, according to Bangkok Post (2021), Thanathorn Juangroongruangkit, a political activist and a leader of Future Forward Party, had to face a trial for breaking the law under Section 20. He was reported of his criticisms towards the Royal Covid-19 Vaccine program in his 30-minute video. These cases showed the state's substantial control over ISPs and their digital infrastructure as a practice of authoritarian digital governance and surveillance.

Likewise, CSL 2025 has granted comprehensive state control on ISPs through mandatory licensing, forced data retention and takedown powers without any court interference. Sections 33 and 34 require ISPs to store user data for three years and transfer these data to state authorities upon request. And they are liable for removing prohibited contents harming national security or peace and order under Sections 31 and 32. In addition, the Ministry can investigate ISPs anytime, and have the power to suspend or close down them on its vague claim 'in the public interest' under Sections 42 and 43. However, there is no particular definition for the term and this legal vagueness grants the ministry broad powers to manipulate the law. In addition, ISPs are required to install Geedge hardware for the state to be able to access users' data and network-level traffic anytime and monitor ISPs (INTERSECLAB, 2025) These legal sections have placed ISPs under the state's digital surveillance and censorship, and in other words, the lack of judicial approval for these actions promotes the state's authoritarian surveillance, censorship and extensive monitoring over ISPs and their digital services, noting digital tyranny of the Myanmar military government.

By controlling ISPs and digital infrastructure, states do not just monitor citizens but also build a legal and technical framework which makes mass surveillance probable and legally defensible. While the Myanmar government explicitly controls ISPs under these legal sections, Thailand achieves a similar outcome by enforcing ISPs' self-censorship policing without building its own surveillance system. These tactics have marked their authoritarian practices on digital spheres.

4.1.2 ***Divergent Trends within CCA 2017 and CSL 2025***

While the purposes of both laws are convergent in many ways, there are still differences in their operational approach, legal scope and enforcement structure. Restrictions on circumvention tools, strict licensing requirements for internet service providers, and the necessity of judicial oversight for enforcement are three key divergent patterns of these laws.

(1) Restrictions on circumvention tools

The CCA 2017 neither prohibits nor criminalises the use of VPNs or other types of circumvention tools under any legal sections. The law is more focused on suppressing individuals' and groups' digital dissent deemed harming national sovereignty and royal family, but not on banning any digital tools for the citizens not to be able to access the internet. While the state may employ other legal policies to do so, the CCA itself does not explicitly block their use.

On the contrary, CSL 2025 explicitly forbids the use of circumvention tools, particularly VPNs. Section 44 obliges service providers to obtain the government approval to operate a VPN service. This allows the state's extensive control over these providers who can and who cannot provide services so that it can monitor users' online profiles and digital history. In addition, Section 70 further criminalizes the operation or the use of unauthorized VPNs without the approval, targeting both service providers and end-users. This has put a direct chilling threat on them with fines and imprisonment for using any digital tools, including VPNs, in bypassing state censorship and surveillance. These objectives are achieved by institutionalizing Geedge's AppSketch by whitelisting certain organizations and blocking others INTERSECLAB (2025). This feature is indeed a significant illustration of digital authoritarianism as the state actively controls how its citizens access information.

(2) Licensing requirements for service providers

A compulsory licensing requirement is not imposed on service providers under the CCA 2017. Instead, the law enforces legal liability on service providers by holding them criminally liable under Section 15 if they were found

collaborating or consenting to or conniving at crimes using their systems. This legal liability forces them to exercise self-censorship, monitor users' contents and comply with the authorities' requests in order to avoid any prosecutions. In this way, the Thai government keeps a tight rein on them through legal liability threats rather than a formal licensing restriction. One example of this was, according to BBC (2020), the Thai government publicly threatened Facebook, Google and Twitter, and their local representatives for their failures to remove online contents deemed violating Lese-Majeste laws, and insulting the royal family and threatening national security in 2020. Therefore, Sombatpoonsri (2024) condemned the CCA's intertwining feature with Lese-Majeste law for further strengthening digital repression and violation of online freedoms of citizens through service providers under its authoritarian digital governance.

Conversely, CSL 2025 mandates a strict licensing requirement for service providers. Sections 19-28 grant full authority to the ministry in their license registration and renewal procedures and require any service providers with more than 100,000 users to obtain a license of operation. This has allowed the government to permit or deny companies solely based on its own criteria, intensively controlling market access. Besides these, Sections 52-53 criminalize licenseless services, which legally empowers the state to dissolve or break down these providers. This affects any new or independent platforms for accessing the market and reaching out to customers, creating a chilling effect on the providers. These kinds of digital surveillance and control over service providers mirror key features of digital authoritarian governance.

(3) Judicial oversight over investigation

In terms of the necessity of judicial oversight, a limited degree of court approval can be seen within the CCA 2017. Sections 20 and 22 require the authorities to obtain first a court order in order to perform data seizure or ask the providers to disclose the information, resulting in a procedural safeguard. Besides these cases, Sections 15, 26 and 28 grant the government broad powers for data access and content removal through service providers without needing a warrant or judicial oversight in the rest instances. This has not only deterred service providers to strictly adhere to the law but also cracked down on critics

and activists in their free expression and speech on digital spaces. Hence, EngageMedia & Asia Centre (2022) denounced the law's overbroad provisions and its application in prosecuting journalists and citizens for their online defamation.

On the other hand, CSL 2025 does not require the state to gain judicial approval on their enforcement and investigation, granting vast power to the military-dominated ministries. Sections 34, 43, 45 and 46 give them full authority to demand data access from service providers, command them to block or remove any contents and shut down these companies without a court order. This absence of judicial review tells that state actions are rather subject to political scrutiny than legal safeguard, solidifying state powers to act unilaterally in suppressing dissents and prosecuting critics. These conditions echo major principles of authoritarian governance on online platforms such as suppression of online defamation, invasion of privacy and control over users and service providers.

4.2 Discussion

4.2.1 How is digital authoritarianism reflected in CCA 2017 and CSL 2025?

Digital authoritarianism is indeed reinforced in both Thailand's CCA 2017 and Myanmar's CSL 2025, observed through convergent patterns on repressive strategies and divergent trends in law enforcement and operations. Both laws gain digital control and suppress online expression by criminalizing online speech, enforcing digital surveillance and co-opting ISPs.

Convergent trajectories show that both laws uphold authoritarian digital governance characteristics by leveraging the criminalization of online contents in stifling dissent. Overbroad and vague terms such as 'false data' and 'information not suitable for public view' are often employed by the states in prosecuting individual citizens, activists and journalists for their online freedom of speech and expression. In Myanmar's case, it is done by institutionalizing Geedge's TSG Galaxy and Cyber Narrator (INTERSECLAB, 2025) for perpetual surveillance and obedience. This legal ambiguity results in a digital

atmosphere built on fear and uncertainty, strengthening self-censorship, which is a hallmark of digital authoritarianism by theorists such as Bradshaw & Howard (2019), Feldstein (2021) and Polyakova & Meserole (2019). These scholars claim that online defamation is often criminalized and coerced by the states on their claims of maintenance of national sovereignty and peace, that explicitly explain coercive prosecutions of Thai and Myanmar governments in accordance with Freedom House (2019) and Human Rights Myanmar (2025).

One other significant feature of digital authoritarian governance is digital surveillance discovered within convergent trends of CCA 2017 and CSL 2025, whereby both Thai and Myanmar governments monitor computer traffic, access users' data through ISPs and surveil and coerce individuals and activists for their practice of free speech and expression online. Myanmar does not even require judicial approval for shutting down ISPs if deemed guilty of harming national harmony and public order whereas Thailand still demands a limited degree. The lack of court oversight in Myanmar is merely a weak point of the law but a major trait for state' unchecked authoritarian action. These conditions resonate with theoretical explanations of Bradshaw & Howard (2019), Feldstein (2021) and Wendzel et al. (2025), where they argue that states tend to foster their surveillance through digital technologies, invade users' digital profiles and prosecute any dissents in order to consolidate their political powers on online spheres. These discussions are also supported by the arguments from Article 19 (2017) and Engage Media & Asia Centre (2022) regarding the Thai government's surveillance activities where they pointed out that Thai government achieves digital surveillance through service providers' participatory surveillance efforts in monitoring dissent and tracking opposition, as well as by ASEAN Parliamentarians for Human Rights (2025) and Myanmar Internet Project (2025) towards Myanmar's full-scale online surveillance, where they state that CSL 2025 fully legitimizes and operationalizes a full-fledged surveillance system under advanced technologies such as GPS location tracking and algorithmic profiling.

Moreover, convergent data retention mandates of both laws also lead to promotion of digital surveillance. On the one hand, CCA 2017 approaches through indirect surveillance via corporate liability by compelling ISPs to

collect and retain user data for state access on a more subtle and decentralized model (Article 19, 2017). On the other hand, CSL 2025 carries out and institutionalizes surveillance through an overt and centralized framework, by enforcing mandatory registration of ISPs and establishing a national screening committee. This reflects a more direct form of digital authoritarianism in Myanmar's context (Myanmar Internet Project, 2025; Progressive Voice, 2025). This convergence in fact mirrors theoretical discourse of Greitens (2020) and Garbe, Merz & Freyburg (2025) where states access and retain citizens' digital data for their purposes of suppressing critics and surveilling their actions critical of the state.

In addition, a key divergent pattern supporting digital authoritarianism is the criminalization of circumvention tools such as VPNs, found in Myanmar's CSL 2025. The reason is, it not only blocks citizens' digital access to free information but also prohibits their access to VPNs in bypassing state-imposed censorship and surveillance. CSL 2025 takes away citizens' digital rights to gain independent information and secure communication, through its aggressive legal liability. This has proved a more direct and absolute form of state digital repression in Myanmar compared to Thailand's approach (Progressive Voice, 2025; Strangio, 2025), implying that the military regime in Myanmar controls digital pipes. This pattern reflects theoretical evaluations of Wendzel et al. (2025) such that both authoritarian and non-authoritarian states ban secure communications like VPNs to enhance their digital repression and surveillance.

Besides surveillance, state control on ISPs is another core attribute to digital authoritarianism in Thailand and Myanmar. Divergent patterns show that the Thai government employs a more indirect and co-optation-based framework by putting legal liability on ISPs as the gatekeepers of the internet for holding accountable for the contents hosted on their platforms. ISPs are forced to self-censor their users' contents. Instead of direct state censorship, the government forces ISPs to do the job through legal and financial penalties, leading to self-censorship (Asia Centre and EngageMedia, 2022). On the same issue, Myanmar takes a different direct control approach by supplying the government with explicit powers through strict licensing requirements, data retention mandates and invasive investigation without court oversight. This approach has been

criticized by Human Rights Myanmar (2025) and Progressive Voice (2025) for being a more absolute, totalitarian framework to digital governance. This pattern echoes critical discussions of Bradshaw & Howard (2019) and Greitens (2020), where governments use legal frameworks to control ISPs and access to their users' data for their authoritarian digital governance purposes such as suppression of online defamation, prosecution of critics and surveillance.

Therefore, both convergent and divergent patterns state how Thailand and Myanmar take their different approaches towards the same goal of digital authoritarianism, whether indirectly or directly, or whether decentralized or centralized. Both CCA 2017 and CSL 2025 regard digital authoritarianism not as a monolithic concept but as a flexible strategy adapted to their particular political agendas. Both laws, despite structural disparities, achieve a similar authoritarian objective – using the laws as weapons to control information, suppress dissent and surveil users, thereby solidifying and institutionalizing digital authoritarianism within both countries.

4.2.2 ***Has digital authoritarianism already rooted in the Southeast Asia region?***

Based on the comparative analysis presented in this research, digital authoritarianism has already taken root in the Southeast Asia region. As observed in Thailand's CCA 2017 and Myanmar's CSL 2025, legal frameworks are institutionalized and strategically crafted for state digital repression. Findings suggest that these laws do not serve as technical protections for citizens' digital rights but as systemic weapons for state control, portraying a regional trend of employing technology and laws for states' authoritarian digital governance.

One compelling reason for this is that digital repression is legalized within the region. The fact that two countries with two different political systems – Thailand's constitutional monarchy and Myanmar's military dictatorship – both apply legal frameworks in formalizing online suppression, is such a highlight for displaying a regional phenomenon, yet not a practice of a single political system. This is most evident in the CCA's use in prosecuting critics under the conjunction of Lese-Majestie (Article 19, 2017; EngageMedia and Asia Centre,

2022). Moreover, Vietnam's Cybersecurity Law, Cambodia's National Internet Gateway and Indonesia's Electronic Information and Transactions Law are additional evidence for framing states' digital repression as a common tactic of digital authoritarianism to justify political repression (Freedom House, 2021; Human Rights Watch, 2022; International Commission of Jurists, 2023). These laws, under the banner of vague terms and legal ambiguity, help states suppress any forms of digital dissent under the guise of protecting national sovereignty and public order.

Beyond this, convergent repressive strategies between Thailand's CCA 2017 and Myanmar's CSL 2025 infer that states in the region are exercising similar techniques to control cyberspace, criminalize online defamation, invade users' digital profiles, surveil online activities and threaten ISPs. Moreover, the use of ambiguously defined provisions within both laws further strengthen state's powers to be invasive into citizens' online history through data retention and digital surveillance. The finding that two different nations such as Thailand and Myanmar adopt convergent legal strategies in controlling digital spaces implies that digital authoritarianism is a region-wide entrenched dynamic, rather than an isolated, country-specific phenomenon.

Furthermore, findings effectively challenge the criticisms claiming that digital authoritarianism has not reached its full potential in the region because the access to circumvention tools such as VPNs is still available by scholars such as Putra (2024). This is because it cannot be assumed that states' legal frameworks are not draconian enough just as activists and journalists can find ways to mitigate digital restriction challenges. If truth be told, there should not be any digital or legal barriers for citizens in practicing their digital rights and accessing free information and open opportunities independently by all means. Therefore,the evidence from this research indicates that digital dictatorship has not only emerged but been observed as a deeply rooted, legalized reality in the Southeast Asia region.

5. Conclusion and Recommendations

5.1 Conclusion

DRAWING UP ON the comparative analysis of Thailand's CCA 2017 and Myanmar's CSL 2025, this research concludes that digital repression in Southeast Asia has undoubtedly soared to the level of digital authoritarianism. Findings imply that these two laws are not merely technological regulations but rather strategic, institutionalized weapons for states' comprehensive digital authoritarian governance. Through the examination of convergent and divergent patterns from both laws, this study demonstrates that the region's digital repression seems to follow a common playbook, regardless of one nation's particular political system.

Convergent findings affirm that both laws, using vague and imprecise legal provisions, criminalize digital speech, promote digital surveillance and censorship and mandate compliance from ISPs to invade users' digital privacy. This identical approach, as evidenced in coercing online defamation and enforcing data retention, mirrors a regional trend. Moreover, divergent trends further confirm the persistence of digital authoritarianism in these laws as well as in the region because despite political disparities, Thailand and Myanmar converge on the same objective of digital dictatorship through either indirect corporate co-optation model or direct, centralized framework in order to consolidate their political powers.

To sum up, a significant gap is filled in this study by transcending a single-country focus to a comparative regional analysis. It offers concrete evidence that the internet is no longer a space for democratic consolidation but rather has become a tool of systemic authoritarian control for states through legal and technical means, not just in Thailand and Myanmar but also in Southeast Asia.

5.2 Recommendations

FRAMED THROUGH THE findings in this research, the following recommendations are provided to address the rising threat of digital authoritarianism in Southeast Asia:

To international communities and human rights organizations, it is of paramount importance to keep pressuring both Thailand and Myanmar, and regional governments for legal reform, whether to repeal or amend the laws' vague and repressive provisions, such as those criminalizing online speech under overbroad terms such as 'false', 'distorted' or 'unsuitable' content.

Moreover, to technological companies and ISPs, they are strongly suggested to resist the government pressure in complying with data retention and censorship mandates and to enhance privacy protections for users by adhering to international human rights standards.

In addition, civil society organizations and activists are advised to promote civic digital literacy through literacy and digital security campaigns, informing them of the risks of state's digital surveillance, and providing tools to use secure circumvention tools like VPNs.

References

Ambay III, M.A.V, Gauchan, N., Hasanah, M & Jaiwong, N.K. (2019). Dystopia is now: Digital authoritarianism and human rights in Asia. Global Campus Human Rights Journal, 3(2), 269-285. http://dx.doi.org/10.25330/478

Amnesty International. (2018). Viet Nam: New Cybersecurity law a devastating blow for freedom of expression. https://www.amnesty.org/en/latest/news/2018/06/viet-nam-cybersecurity-law-devastating-blow-freedom-of-expression/#:~:text=Viet%20Nam%3A%20New%20Cybersecurity%20law,12%20June%202018

ASEAN Parliamentarians for Human Rights. (2025). Myanmar Junta's Cybersecurity Law is unconstitutional and must be withdrawn immediately, says Southeast Asian MPs. https://aseanmp.org/publications/post/myanmar-juntas-cybersecurity-law-is-unconstitutional-and-must-be-withdrawn-immediately-says-southeast-asian-mps/

Asia Centre. (2021). Internet Freedoms in Cambodia: A Gateway to Control. https://asiacentre.org/wp-content/uploads/Internet-Freedoms-in-Cambodia-A-Gateway-to-Control.pdf

Article 19. (2017). Myanmar: Telecommunications Law, 2013. https://www.article19.org/data/files/medialibrary/38665/Myanmar-analysis--8-March-2017.pdf

Article 19. (2017). Thailand: Computer Crime Act. https://www.article19.org/data/files/medialibrary/38615/Analysis-Thailand-Computer-Crime-Act-31-Jan-17.pdf

BBC. (2020). Thailand prosecutes Facebook, Google and Twitter over posts. https://www.bbc.com/news/technology-54296465

Bowen, G. (2009). Document analysis as a qualitative research method. Qualitative Research Journal, 9(2), 27-40. DOI:10.3316/QRJ0902027

Bradshaw, S & Howard, P.N. (2019). The Global Disinformation Order 2019 Global Inventory of Organised Social Media Manipulation. Oxford Internet Institute. https://demtech.oii.ox.ac.uk/wp-content/uploads/sites/12/2019/09/CyberTroop-Report19.pdf

Bünte, M. (2020). Democratic Backsliding and Authoritarian Resilience in Southeast Asia: The Role of Social Media. In A. Sinpeng & R. Tapsell (Eds.), From Grassroots Activism to Disinformation: A Selection (pp. 192–212). Chapter, ISEAS–Yusof Ishak Institute.

Charoen, D. (2013). Thailand's Computer Crime Act: Security vs. Freedom of Expression. NIDA Case Research Journal, 5(1), 67-100. https://so04.tci-thaijo.org/index.php/NCRJ/article/download/21430/18548/46085

Deibert, R. (2020). RESET: Reclaiming the internet for civil society. Toronto: House of Anansi.

Engage Media & Asia Centre. (2022). Thailand Computer Crime Act: Restricting digital rights, silencing online critics. https://asiacentre.org/wp-content/uploads/Thailand-Computer-Crime-Act_Restricting-Digital-Rights-Silencing-Online-Critics.pdf

Feldstein, S. (2021). The Rise of Digital Repression: How Technology is Reshaping Power, Politics, and Resistance. Oxford University Press.

Freedom House. (2016). Freedom on the net 2016 - Thailand.\ https://freedomhouse.org/country/thailand/freedom-net/2016

Freedom House. (2019). Freedom on the net - Thailand. https://freedomhouse.org/country/thailand/freedom-net/2019#footnote5_kbF73s1TnZa57NuRwtei7N-ymCfkxkCK5CRiZYJGKU_g02ZFFoGKRyL

Freedom House. (2021). Freedom on the net 2021- Vietnam. https://freedomhouse.org/country/vietnam/freedom-net/2021

Garbe, L., Maerz, S.F & Freyburg, T. (2025). Authoritarian collaboration and repression in the digital age: balancing foreign direct investment and control in internet infrastructure. Democratization. DOI: 10.1080/13510347.2024.2442377

Greitens, S.C. (2020). Surveillance, Security, & Democracy in a Post-COVID World [Paper Presentation]. The America in the World Consortium conference "American Internationalism in the New Era", Austin, Texas, United States.

Gunitsky, S. (2015). Corrupting the Cyber-Commons: Social Media as a Tool of Autocratic Stability. Perspectives on Politics, 13(1), 42–54. doi:10.1017/S1537592714003120

Human Rights Myanmar. (2025). Myanmar's cyber law poses a serious threat to privacy, speech, and security. https://humanrightsmyanmar.org/wp-content/uploads/2025/01/HRM-cyber-security-law-analysis.pdf

Human Rights Watch. (2017). Burma: Repeal Section 66(d) of the 2013 Telecommunications Law: Joint Statement by 61 Human Rights Organizations. https://www.hrw.org/news/2017/06/29/burma-repeal-section-66d-2013-telecommunications-law

Human Rights Watch. (2022). Cambodia Should Scrap Rights-Abusing National Internet Gateway. https://www.hrw.org/news/2022/05/16/cambodia-should-scrap-rights-abusing-national-internet-gateway

Hoecke, M.V. (2015). Methodology of comparative legal research. Law and Method, 1-35. Doi: 10.5553/rem/.000010

International Commission of Jurists. (2019). Dictating the Internet: Curtailing Free Expression, Opinion and Information Online in Southeast Asia. https://www.icj.org/wp-content/uploads/2020/03/Myanmar-Dictating-the-Internet-Publication-2019-ENG.pdf

International Commission of Jurists. (2023). Indonesia: Newly revised ITE Law threatens freedom of expression and must be amended. https://www.icj.org/indonesia-newly-revised-ite-law-threatens-freedom-of-expression-and-must-be-amended/

Irrynta, D & Prasetyoningsih, N. (2023). An Analysis of Freedom of Speech: Whether the Indonesian Electronic Information and Transactions Law is Contradictory. SASI, 29(2), 200-213. DOI: 10.47268/sasi.v29i2.1061

Khao Sod English News. (2019). 9 arrested for sharing election hoax news. https://www.khaosodenglish.com/news/crimecourtscalamity/2019/03/28/9-arrested-for-sharing-election-hoax-news/?fbclid=IwAR3NTvq5nvmtU-Gv4DB2ySjRko9VhNTTP90quF0NvR66Yeylq8BBqZ0aoJQ

Manushya Foundation. (2025). #StopDigitalDictatorship in SE Asia. https://www.manushyafoundation.org/stop-digital-dictatorship-campaign

Matichon Online. (2019). Charges filed for sharing Khonthai UK for Computer Crime and defaming Prayut, Prawit. https://www.matichon.co.th/local/crime/news_1385085

Myanmar Internet Project. (2025). The new cybersecurity law and strangling of digital sphere in Myanmar. https://www.myanmarinternet.info/post/the-new-cybersecurity-law-and-strangling-of-digital-sphere-in-myanmar

Ong, E. (2021). Online Repression and Self-Censorship: Evidence from Southeast Asia. *Government and Opposition*, *56*(1), 141–162. doi:10.1017/gov.2019.18

Phyu, Z.P. (2024). Establishing an effective privacy policy in Myanmar: Analysis and review of the current privacy context and approach to amend failed privacy policy. School of Public Policy - Chiang Mai University. https://spp.cmu.ac.th/establishing-an-effective-privacy-policy-in-myanmar-analysis-and-review-of-the-current-privacy-context-and-approach-to-amend-failed-privacy-policy/

Pillalamari, A & Stanley, C. (2021, December 8). Online Content Regulation: An International Comparison. International Law and Policy Brief. https://studentbriefs.law.gwu.edu/ilpb/2021/12/08/online-content-regulation-an-international-comparison/

Polyakova, A & Meserole, C. (2019). Exporting digital authoritarianism: The Russian and Chinese models. Democracy & Disorder Series, Brookings. https://www.brookings.edu/wp-content/uploads/2019/08/FP_20190827_digital_authoritarianism_polyakova_meserole.pdf

Putra, B.A. (2024). Digital activism in Southeast Asia: the #MilkTeaAlliance and prospects for social resistance. Frontiers in Sociology, 9-2024. DOI: 10.3389/fsoc.2024.1478630

Rahayu, T.P. (2021, April 2). The uncertain future of online free speech in Indonesia. East Asia Forum. https://eastasiaforum.org/2021/04/02/the-uncertain-future-of-online-free-speech-in-indonesia/

Rana, V & Azeez, G.K. (2025, March 19). Southeast Asia's quest for digital sovereignty. The Diplomat. https://thediplomat.com/2025/03/southeast-asias-quest-for-digital-sovereignty/

Shahin, S., & Smidi, A. (2017). Social media and social mobilization in the Middle East: A survey of research on the Arab Spring. India Quarterly, 73(2), 196-209. https://research.tilburguniversity.edu/en/publications/social-media-and-social-mobilization-in-the-middle-east-a-survey-

Sinpeng, A. (2019). Digital media, political authoritarianism, and Internet controls in Southeast Asia. Media, Culture & Society, 42(1), 25-39. https://doi.org/10.1177/0163443719884052

Sombatpoonsiri, J. (2024). Intersectional Powers of Digital Repression: How Activists are Digitally Watched, Charged, and Stigmatized in Thailand. International Journal of Communication, 18, 1611-1633. https://nbn-resolving.org/ urn:nbn:de:0168-ssoar-94186-3

Sriyai, S. (2024). How Means for Digital Repression in Southeast Asia Have Unfolded in Recent Times. ISEAS – Yusof Ishak Institute Perspective 2024/65. https://www.iseas.edu.sg/wp-content/uploads/2024/08/ISEAS_Perspective_2024_65.pdf

Strangio, S. (2025). Myanmar military junta enacts repressive New Cybersecurity Bill. The Diplomat. https://thediplomat.com/2025/01/myanmar-military-junta-enacts-repressive-new-cybersecurity-bill/

Thang, M. (2022). Unrest in Myanmar after the coup of 2021. In G. Gabusi & R. Neironi (Eds.), Myanmar after the coup: Resistance, resilience and re-intervention (pp. 40-53). Toronto, Canada: Torino World Affairs Institute.

Thant, S.M. (2021). In the wake of the coup: How Myanmar youth arose to fight for the nation. Heinrich Böll Stiftung. https://www.boell.de/sites/default/files/importedFiles/2023/10/16/Myanmar%2520youth_FINAL.pdf

Wendzel, S., Volpert, S., Zillien, Z., Lenz, J., Runz, P & Caviglione, L. (2025). A Survey of Internet Censorship and its Measurement: Methodology, Trends, and Challenges. Computer Science. Doi: 10.48550/arXiv.2502.14945

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A Comparative Analysis of Right to Work for Myanmar Urban Refugees and Asylum Seekers in Thailand with Lessons from Türkiye's Migration Governance Model

MYAT SU THWE

Abstract

This paper examines the barriers to employment faced by urban refugees and asylum seekers from Myanmar in Thailand, with a particular focus on Mae Sot, a key border city hosting large numbers of post-2021 coup arrivals. Despite the scale of forced displacement from Myanmar, Thailand lacks a formal refugee protection framework and continues to deny refugees and asylum seekers the formal identification, legal right to work, leaving them dependent on informal labour markets and humanitarian assistance. Using a qualitative comparative case study approach, this research combines legal and policy analysis with semi-structured interviews conducted with forcibly displaced people and civil society actors in Mae Sot. The findings demonstrate how the absence of specific policy frameworks for forcibly displaced people compels them to register under the migrant worker "Pink Card" system which is designed for economic migrants rather than forcibly displaced migrants, resulting in misrecognition, legal precarity, and employment-related challenges. These include labour exploitation, wage suppression, police harassment, skills mismatch, and heightened security risks, particularly for politically persecuted individuals. To explore alternative policy pathways, the study compares Thailand's approach with Türkiye's migration governance model, focusing on its "Temporary Protection" regime and evolving work permit frameworks for Syrian refugees. The comparison highlights two inverse arrows of refugee labour governance: Thailand moves from employment toward documentation with minimal legality as a migrant worker, while Türkiye moves from legal recognition toward regulated access to work. While Türkiye's model remains imperfect and marked by implementation gaps, it offers important lessons on documentation, labour market access, and pathways to self-reliance. The paper argues that denying the right to work not only undermines refugees' dignity and economic security but also deprives host communities of meaningful socio-economic contributions. It concludes that Thailand's migration governance requires rights-based reforms that extend legal documents and work access to urban refugees and asylum seekers, drawing on comparative insights from Türkiye to promote sustainable integration and reduce long-term dependency on humanitarian aid.

Keywords: Urban Refugees, Asylum Seekers, Right to Work, Pink Card, Türkiye, Thailand, Myanmar

1. Introduction and Background

SINCE THE 2021 coup in Myanmar, the political crisis has resulted in the country being marked by large-scale emigration, affecting the region. As an immediate neighbour of Myanmar, Thailand has been a major host country for Myanmar migrants who faced forced displacement, among others. Throughout the history of Thai-Myanmar relations, migration is not a separable pillar and has profound impacts on the bilateral relations. Thai-Myanmar relations mean more than Bangkok-Naypyidaw relations since the border relations with the ethnic groups along the 2,401 kilometres long borderline is also important. It is interesting to see that migration has always been a key factor in both categories of relations. Migrant workers have been migrating to Thailand for economic reasons through various arrangements, including formal channels under the Memorandum of Understanding (MoU) between the two governments, as well as through irregular border crossings. Moreover, driven by conflicts and instability, movement of refugees along the border is witnessed, and as a result, about 90,000 refugees are confined to nine temporary shelters along the Thai–Myanmar border (UNHCR Thailand, n.d).

Migration from Myanmar to Thailand is a long-standing phenomenon. It emerged strongly in the 1980s amid political turmoil, conflict, and economic decline, and similar conditions continue to drive people to Thailand in the present day. However, compared to earlier decades, the migration patterns from post-2021 coup Myanmar to Thailand are relatively more complex. In addition to refugees residing in the nine camps, according to Jittiang, Sirijintana and Wangpuchakane (2022), migrants from Myanmar in Thailand after the coup can be categorized into three groups: 1) **Individuals who entered Thailand for a short period**, mostly through informal border crossings before returning home; 2) **Economic Migrants** who entered the kingdom via regular MOU channels or through irregular border crossings and later getting regularized under one of the regularization schemes and 3) **Anti-coup Activists and Prominent Figures**, some of whom are seeking resettlement in a third country. The first and third groups of migrants are present mostly along the border, especially in the border

city of Mae Sot in Tak Province. The third group of migrants are currently in a limbo in Mae Sot because their chances of resettlement are increasingly low.

Despite massive waves of migration from Myanmar, Thailand still lacks any proper migration governance and policies to administer these different categories of migrants. Policies for migrant workers have existed since before the coup; however, as with other categories such as refugees and asylum seekers, third-country resettlements are still marginalized or ignored by the government. While the chances of resettlement are pretty slim, the Myanmar migrants need to have favourable living conditions in Thailand for survival. Currently, newly migrated asylum seekers are not properly documented by the government of Thailand, and hence lack any rights to education, healthcare, freedom of movement or right to work. Hence, these populations are relying heavily on humanitarian assistance from the international community. This is mainly due to their lack of capacity for self-reliance induced by significant employment barriers. It is therefore crucial to examine the employment barriers encountered by urban asylum seekers and refugees in Thailand among the many challenges they face.

In examining the barriers, it is crucial to provide examples of good practices of other refugee-hosting countries related to the right to work of refugees and asylum seekers. A good case study is the migration governance model of Türkiye and its practices related to refugees' right to work. Since 2014, Türkiye has granted Syrian arrivals group a temporary protection (TP) status, which provides some social services but initially did not automatically include full labour rights. In 2016, Türkiye took a further step by introducing a work permit system for Syrians. Under this scheme, registered Syrians under TP could apply for legal employment after a waiting period (Ineli-Ciger, 2017). Once employed legally, Syrians can enjoy the "same rights as Turkish nationals", including minimum wage guarantees (UNHCR Türkiye, n.d). In practice, implementation hurdles have remained; however, the Turkish model still can be a good example despite its weaknesses.

By comparative analysis on the migration governance model of Türkiye, this research can provide implementable policies for Thailand and contribute to the study of migration and forced displacement, especially on the right to work.

2. Research Questions

1. *What barriers to employment do various groups of urban asylum seekers and refugees from Myanmar encounter in Mae Sot?*
2. *How does Türkiye's Temporary Protection system operate in practice to provide refugees with legal status and access to employment? What lessons can Thailand learn from the Turkish model for improving refugee documentation and rights to employment?*

3. Methodology

THIS STUDY WILL use a qualitative comparative case study methodology. The research will conduct legal and policy analysis of relevant frameworks of both Thailand and Türkiye, such as immigration related laws, reports, academic papers, policy papers, news, articles, etc.

As part of answering the first research question, semi-structured interviews will be conducted with three different groups of asylum seekers as follows in the table below.

The research site for this study is chosen as Mae Sot which is the border city in Thai side of the Thai-Myanmar border. The core reason of choosing this study destination is because Mae Sot holds the majority of undocumented displaced individuals from Myanmar. Another reason is that due to mobility restrictions, displaced communities cannot travel to other cities in Thailand and are concentrated in Mae Sot. In other words, it is the city with the most vulnerable groups of urban refugees and asylum seekers that Thailand is hosting. Mae Sot is also a key border trade point due to its geographical proximity to Myanmar's border town, Myawaddy, where the two cities are connected through Thai-Myanmar Friendship Bridge. Moreover, since Mae Sot is home to factories

with high numbers of Myanmar workers, I chose it as a study site since the research scope also examines the blue-collar labourers among the displaced communities.



Map Source: Kida, Tetsuo & Fujikura, Ryo. (2014)

3.1 Interviewee Categories

Targeted Group	Type of Interviewee	Eligibility Criteria	Examples of Occupations	Purpose of Interviewing	Numbers
Asylum seekers or forcibly displaced individuals	Asylum seekers or forcibly displaced individuals working in blue-collar/manual labor Coded as Participants G1A,G1B,G1C in interviews	- Must have lived in Mae Sot for at least 2 years - Prefer to interview individuals with skills-mismatched conditions	Factory workers, construction workers, waste collectors, waiters, etc.	-To explore documentation issues and related limitations for employment (entry) - To identify barriers to practising their original profession (entry) - To examine obstacles to entering Thailand's labor market (both blue- and white-collar sectors) (entry) - To understand inaccessible job opportunities due to legal status (entry) - To assess working conditions: fair wages, safety, promotion opportunities, reasonable hours and rest periods (maybe one questionnaire for this) - To understand their economic contribution to Thai society	3
	Self-employed individuals or refugee entrepreneurs Coded as Participants G2A,G2B,G2C in interviews	Must have lived in Mae Sot for at least 2 years	Small business owners (e.g., shops, restaurants, services, selling home-cooked food,etc.)	- To understand the growth of refugee-led businesses - To explore documentation challenges for employment - To identify barriers to professional practice	3

Targeted Group	Type of Interviewee	Eligibility Criteria	Examples of Occupations	Purpose of Interviewing	Numbers
	Asylum seekers or forcibly displaced individuals employed in civil society organizations, NGOs, or online jobs Coded as Participants G3A,G3B,G3C in interviews	Must have lived in Mae Sot for at least 2 years	CDM teachers, doctors, online professionals	- To explore documentation issues and related limitations - To identify barriers to practicing their profession - To examine obstacles to entering Thailand's labor market (entry) - To assess job security in light of unstable funding	3
	Representatives from CSOs and NGOs working on the well-being of asylum seekers or forcibly displaced individuals Coded as Participants G4A,G4B,G4C in interviews	Must have been working for well-being of asylum seekers for at least 2 years	Program Managers, Officers, etc.	-To understand the importance of self-reliance -To find out the shrinking funding for humanitarian assistance -To explore document related procedures and their limitations	3

4. Literature Review

THE LITERATURE REVIEW of this paper includes three parts: 1) understanding migration and forced displacement and right to work in international law, 2) the right to work of refugees and asylum seekers in Türkiye's migration governance model, 3) urban refugees and asylum seekers' denial of right to work in Thailand, focusing on the context of Myanmar nationals in Mae Sot.

4.1 Understanding migration and forced displacement and the right to work of refugees and asylum seekers according to international refugee and human rights laws

4.1.1 Understanding the Terminologies Under Forced Displacement and Migration in the Thai-Myanmar Context

It is important to have a clear understanding of the definitions of terminologies used to refer to different categories of people who have moved or migrated from Myanmar to Thailand, as discussed below. Some group of migrants do not belong to the category of forcibly displaced people as their intention to enter Thailand may vary on different goals and push factors.

A *displaced person* refers to a person who has been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters. This definition covers both internal and cross-border displacement (UNESCO, n.d).

A migrant worker is defined as *a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national* (*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,* 1990, Art. 2(1)).

A *stateless person* is defined as *a person who is not considered as a national by any State under the operation of its law (United Nations Convention relating to the Status of Stateless Persons ,1954, Art. 1)*.

The term *refugee* has a specific legal definition established under the 1951 Convention Relating to the Status of Refugees. A refugee is defined as *an individual who, owing to a well-founded fear of persecution on grounds such as race, religion, nationality, membership of a particular social group, or political opinion, is outside their country of origin and unable or unwilling to return due to a lack of protection from that state (United Nations, 1951)*. This definition has become the cornerstone of international refugee law and underpins the rights and protections afforded to displaced persons. According to Htun (2024), there are two types of refugees based on the conditions they live: camp-based

refugees and urban refugees. Camp-based refugees live in designated settlements where they are expected to remain until conditions in their country of origin improve sufficiently to allow return. Notable examples include Burmese refugees accommodated in camps along the Thai–Myanmar border, as well as those residing in camps in Bangladesh and India. The author continued to explain about the urban refugees who reside in outside areas and most of them await recognition by UNHCR with the expectation of eventual resettlement in a third country, though this process is often lengthy and can take several years.

By contrast, an *asylum seeker* is a person who has applied for refugee status and is awaiting a decision on their claim. Asylum seekers must demonstrate that they meet the criteria set out in the 1951 Convention before being formally recognised as refugees (UNHCR, 2014). Until this determination is made, they remain in a precarious position without the full legal protections guaranteed to refugees (Kirkwood et.al, 2015). Asylum seekers can also be divided into two groups. Those who applied for refugee status in the host country which is their country of destination and the second group is those who reside in a transit country while awaiting recognition and resettlement through the United Nations High Commissioner for Refugees (UNHCR). In countries such as Thailand and Malaysia which are both non-signatories to the 1951 Refugee Convention, refugees do not have a formal legal status under domestic law. Instead, they depend on UNHCR's refugee status determination (RSD) process to be recognized as refugees and to access the possibility of third-country resettlement (UNHCR, 2022). The waiting period can be lengthy, often extending for years, during which individuals are left in precarious conditions. Without legal recognition from the host state, they are generally denied the right to work, have limited access to healthcare and education, and remain vulnerable to arrest, detention, or deportation under immigration laws (Hoffstaedter, 2017).

For many asylum seekers in transit countries, third-country resettlement is the only viable, durable solution. Yet resettlement opportunities are extremely limited: less than one percent of the global refugee population is resettled each year (UNHCR, 2023). Consequently, large numbers of asylum seekers in Thailand, Malaysia, and similar contexts remain trapped in prolonged

uncertainty. Their experience highlights both the gaps in global refugee protection and the dependency of displaced populations on the political will of resettlement states.

The distinction between the two categories, "refugees" and "asylum seekers" lies in recognition and legal status. Refugees are those whose claims have been assessed and approved, entitling them to specific rights under international law. Asylum seekers, however, are individuals still in the process of seeking protection, whose claims may or may not be accepted. Scholars argue that while this technical boundary is clear in international law, in practice it is often blurred, with states and media using the terms interchangeably or strategically to expand or limit rights (Zetter, 1991; Amnesty International, n.d.). This debate underscores the political and bureaucratic implications of labels, as terminology can shape not only public perception but also the rights, entitlements, and treatment afforded to displaced populations.

4.1.2 ***The Right to Work in International Refugee and Human Rights Law***

The right to work constitutes one of the foundational elements of human rights law, linking livelihood to dignity, autonomy, and broader developmental outcomes. Article 23 of the *Universal Declaration of Human Rights* (UDHR, 1948) enshrines the principle that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment." This articulation reflects an early recognition of the importance of work as a matter not only of survival but also of human dignity and social contribution.

The *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966) developed these principles further. Article 6 affirms the right to "gain a living by work freely chosen or accepted," while Articles 7 and 8 guarantee fair wages, equal remuneration, safe conditions, and collective bargaining rights (UN General Assembly, 1966).

In refugee-specific contexts, the *1951 Convention Relating to the Status of Refugees* is the cornerstone of international protection. Article 17 obliges host

states to grant refugees lawfully present on their territory the most favourable treatment possible regarding wage-earning employment, while Articles 18 and 19 extend this to self-employment and liberal professions (UNHCR, 1951). Together, these provisions reflect the view that access to lawful employment is not only an individual right but also a mechanism to reduce aid dependency, support local integration, and pave the way toward durable solutions.

However, it is seen that realization of these rights is far from uniform. Ginn et al.(2022) find that asylum seekers are routinely excluded from legal work opportunities, often confined to irregular or informal economies. This demonstrates a structural contradiction: while international frameworks emphasize employment as a path to dignity, host states frequently restrict it in the name of migration control or labour market protection.

4.2 The right to work of refugees and asylum seekers in Türkiye's Migration Governance Model

4.2.1 Historical and Policy Background

Türkiye occupies a unique place in global refugee protection. Although a signatory to the 1951 Refugee Convention, Türkiye maintains a *geographical limitation*, recognizing only European nationals as refugees. Syrians fleeing the civil war since 2011 were therefore placed under a *Temporary Protection* (TP) regime (Ineli-Ciger, 2017). Initially, Türkiye did not confer a refugee status on Syrians, nor did its legislation contain provisions for international or temporary protection. This legal gap persisted until the enactment of the Law on Foreigners and International Protection (LFIP) in 2014, which significantly restructured the international protection regime. The LFIP introduced categories such as conditional refugee, subsidiary protection, and temporary protection, in addition to the existing refugee status (İzmirli & İzmirli, 2022). Since then, Syrians in Türkiye have been granted a "temporary protection" status. This temporary protection framework, designed as an emergency measure, provides minimum guarantees for large-scale, sudden arrivals and is intended as an interim arrangement until more durable solutions are identified (Pirjola, 1995). This legal status offered protection against refoulement and access to basic

services such as health and education but did not confer a secure legal pathway to permanent residency or citizenship.

By 2014, the Temporary Protection Regulation provided formal status to reside, but the right to work remained largely in question. Most Syrians depended on humanitarian assistance or informal employment in agriculture, construction, and textile industries (İzmirli & İzmirli, 2022). Alghali and Asarkaya (2023) note that when Syrians first arrived in Türkiye, they were initially accommodated in temporary shelter centers. Twenty-six temporary centers were established by the Turkish government across different provinces, primarily designed to meet basic needs, including shelter, food, healthcare, education, and other essential services for those under temporary protection. Over time, however, the number of Syrians residing in these centers steadily declined as many began relocating to urban areas. This shift led to the gradual closure of most temporary shelters, and today only a very small proportion of Syrians remain in such facilities. The numbers of Syrians under temporary protection increased rapidly over subsequent years, transforming the demographic and social landscape of Türkiye. By August 2025, according to official data, 2,524,250 Syrians were under temporary protection in Türkiye (PMM, 2025).

4.2.2 ***The 2016 Work Permit Regulation: Promise and Limitations***

The adoption of the *Regulation on Work Permits for Foreigners under Temporary Protection* in January 2016 represented a milestone. It allowed Syrians who had been registered under TP for at least six months to apply for work permits. However, even with work permits under TP, Syrians' access to employment is still subject to restrictions based on geography, sector, and workplace quotas. For example, Syrians are generally limited to employment in provinces where they are registered under temporary protection. Additionally, workplace-level quotas stipulate that Syrian employees under temporary protection cannot exceed 10% of a firm's workforce. However, these quotas do not apply to seasonal agricultural work. Next, applications had to be made by employers, where work permit applications must be made by employers via the E-Government Gateway, often discouraging formal recruitment by the employers due to bureaucratic costs. Moreover, as for professional jobs, it is

obligatory to obtain a preliminary permit to evaluate the work permit applications of foreigners, including Syrians, who wish to work in health and education services that require professional competence or as faculty members and R&D personnel. The authorities that will grant preliminary permits are the Ministry of Health for health services, the Ministry of National Education for educational services, and the Council of Higher Education for faculty members (İzmirli & İzmirli, 2022).

Certain professions in Türkiye are legally reserved exclusively for Turkish citizens, and this restriction extends to foreigners under temporary protection. Consequently, holders of temporary protection status are prohibited from working in occupations such as dentistry, nursing, pharmacy, veterinary medicine, notary services, customs brokerage, private security, tourist guiding, and a range of maritime roles, including transportation, fishery, diving, pilotage, captaincy, clerical duties, and crew membership in Turkish territorial waters. These prohibitions are grounded in sector-specific legislation governing the respective industries and services (İzmirli & İzmirli, 2022).

Türkiye's temporary protection and work permit provision policies were widely heralded as progressive. However, a policy needs to be sound not only on paper but also on actual implementation. Türkiye's implementation of the policies was flawed and under criticism. Employers were reluctant to navigate bureaucratic processes or pay associated fees for applying work permit registrations for Syrians. Moreover, some employers also prefer to hire Syrians without work permits as they can be paid less and asked to work for more hours than those with work permits. Next, refugees faced geographical restrictions since permits were tied to the province of registration and thus limiting their ability to pursue better opportunities in cities such as Istanbul. By 2020, only a fraction of Syrians had secured work permits; the overwhelming majority remained in informal markets (Badalič, 2023). Scholars describe this paradox as one of "hyper-precarity" (Sanlier, 2024), where refugees formally possess rights but remain trapped in low-paid, insecure jobs without protections.

Therefore, recognizing persistent obstacles, Türkiye introduced reforms in October 2024. Under these reforms, Syrians under TP could obtain *work permit*

exemption certificates digitally, minimal fees, and without employer sponsorship (Republic of Türkiye, Ministry of Labour and Social Security, 2024). Unlike the earlier work permit regime, the newly introduced exemptions significantly reduced bureaucratic burdens and encouraged formalization of employment. This was an important innovation since it shifted responsibility away from reluctant employers and offered refugees a more autonomous pathway to formal work.

4.2.3 ***Ongoing Barriers***

Despite these reforms, challenges remain for Syrians to be protected from labour exploitation. Many employers continue to prefer informal hiring to avoid paying social security contributions. In some cases, refugees fear that formalization could reduce net income due to wage deductions (Badalič, 2023). Quotas and provincial restrictions persist, disproportionately affecting skilled workers such as teachers, engineers, and doctors, who remain barred from practicing their professions.

Furthermore, geographical immobility still remains especially problematic. Refugees registered in border provinces such as Hatay Province, which borders Syria to the south and east, face limited local labour markets but cannot easily move to industrial centers (İzmirli & İzmirli, 2022). This exacerbates inequality and sustains poverty cycles among the Syrian refugees. Moreover, the exemption system is tethered to the TP status, which in policy remains a temporary political construct. Refugee rights thus remain vulnerable to policy shifts, reinforcing insecurity and liminality (İneli-Ciger, 2017).

4.2.4 ***Effects of Syrians on the Turkish Labor Market***

Alghali and Asarkaya (2023) explain that the literature generally presents two contrasting views regarding the effects of Syrians on the Turkish labor market. The first view highlights the disadvantages of Syrians' participation in the workforce. According to this perspective, the entry of large numbers of Syrians as cheap and often informal labor has increased competition in the labor market, particularly affecting local workers in lower- and middle-income groups. This situation has been associated with rising unemployment among locals, declining

wages, and deteriorating working conditions. In provinces with high concentrations of Syrians, perceptions of job displacement have also given rise to resentment and heightened risks of social tension between the host communities and the refugees.

The second view emphasizes the contributions of Syrians to Türkiye's economy. From this perspective, Syrians have not only filled labor shortages in sectors often avoided by local workers, such as agriculture and low-wage services, but have also stimulated entrepreneurship and economic growth of Türkiye. Many Syrians who arrived with capital established businesses that created new employment opportunities for both Syrians and Turkish citizens. In addition, their presence has helped reduce production costs for employers and supported the overall development of regional economies.

By outlining these two perspectives, Alghali and Asarkaya (2023) illustrate that Syrian labor in Türkiye carries a dual impact: while it has intensified competition and wage pressures for local workers, it has also contributed positively through enterprise creation, economic activity, and filling gaps in the labor market.

4.3 Denial of Right to Work for Urban Refugees and Asylum Seekers in Mae Sot, Thailand

4.3.1. Historical and Legal Background of Thailand's Governance on Forced Migration and the National Screening Mechanism (NSM)

Thailand has not ratified the 1951 Refugee Convention or its 1967 Protocol and therefore does not formally recognize the category of "refugee." Instead, displaced persons who entered the country without proper documents are legally defined as "illegal migrants" under the 1979 Immigration Act (Thiele, 2019). This legislation regulates the entry and stay of foreigners on grounds of public order, morality, and national welfare but provides no asylum procedures or refugee-specific protections. Section 12(1) classifies all undocumented entrants as "illegal migrants," Section 29 mandates their repatriation, and Section 17 grants the Royal Thai Government (RTG) discretionary powers to

allow temporary stay under exceptional circumstances (Immigration Act of Thailand, 1979).

Jittiang (2022) traces the development of Thailand's governance on forced displacement through four distinct phases, each shaped by successive refugee influxes from different regions. The first phase was marked by the arrival of refugees from China and Vietnam fleeing communist regimes when their countries fell early under communism during the Cold War. This was followed by the second phase, during which Thailand managed the presence of approximately 700,000 refugees from Cambodia, Laos, and Vietnam between the mid-1970s and the 1980s. The third phase centered on the arrival of ethnic minorities from Myanmar, who escaped violent repression by the Myanmar military in the mid-1980s. Finally, the fourth phase emerged in the early 21st century, characterized by the arrival of new "urban" refugee groups who increasingly settled in urban areas rather than camps. Moreover, the recent arrival of displaced communities from Myanmar after the 2021 coup becomes another challenge for Thailand to handle under its migration governance policy. Based on Jittiang's characterisation of different phases of Thailand's refugee policy and practices, I will name the era of post-coup arrival waves from Myanmar as "fifth phase". A notable characteristic of this phase is they belong to the characteristics of "urban" refugee and asylum seekers where most of them reside along Thai-Myanmar border cities. As of policies, similar to those in fourth phase, authorities of Thailand turn a blind eye to their presence, and there is no specific migration governance on this group.

Throughout the years, it can be analyzed that Thailand's refugee policies have historically been ad hoc, unstable, and shaped by ideology and norms based on political and national security considerations rather than rights-based commitments. However, Thailand's shift in migration governance emerged following the country's interest in its reputation-based foreign relations that it attempted to portray. Pang and Tling (2024) highlighted that after the 2014 coup d'état, Thailand sought to present itself as a stable and responsible actor in the international arena. At the 2016 United Nations General Assembly, General Prayuth Chan-o-cha, head of the military junta, declared Thailand's commitment to global humanitarian principles and pledged enhanced support

for refugees. This announcement was followed by the introduction of ten pledges and the proposal of a National Screening Mechanism (NSM). The Thai Cabinet approved the proposal and implementation of NSM in January 2017, and it was established following the Prime Minister's Office Regulation on the Screening of Aliens Entering into the Kingdom and Unable to Return to their Country of Origin (B.E. 2562) which was enacted in 2019.

However, the implementation of these mechanisms has been slow, hindered by shifting domestic political dynamics as well as disruptions caused by the COVID-19 pandemic. The NSM framework was legally approved in 2022 and its implementation began in late 2022–2023. Developed with technical support from UNHCR, the NSM was envisioned as the country's first structured process for identifying and protecting individuals unable to safely return to their countries of origin. Internationally, the NSM was presented as a step toward aligning Thai policy with global humanitarian norms. In practice, the NSM represents a compromise: it responds to international pressure to establish a protection framework while simultaneously accommodating Thailand's longstanding reluctance to formally recognize refugees (Pang and Ting, 2024).

Although the NSM has been presented by the Thai government as a landmark reform in refugee management, it has faced substantial criticism in both academic and policy circles. One major concern is the avoidance of the term *refugee*. Instead, the NSM introduces the category of "Protected Person," defined as someone unwilling or unable to return to their country due to risks of persecution (Regulation of the Office of the Prime Minister, 2019). While this definition closely resembles the international refugee framework, the deliberate choice of terminology enables Thailand to sidestep binding legal obligations under international refugee law.

Another significant issue lies in the ambiguity of the eligibility criteria. Article 20 of the NSM Regulation grants the NSM Committee, appointed by the Royal Thai Government, broad discretionary authority to determine protection status. The absence of clearly defined grounds for persecution creates space for subjective and inconsistent interpretation. Compounding this problem is the national security clause, which allows applicants to be excluded on the basis of

vague “security concerns.” Drafting records suggest that certain groups, such as Rohingya, Uyghurs, North Koreans, and displaced persons from Myanmar, are already categorized as populations with “special security issues” that may seriously impact Thailand’s international relations. Border security concerns with neighboring states constitute a central factor shaping the Thai government’s decision-making and policy assessments. This provision risks arbitrary rejection and reflects Thailand’s tendency to prioritize political and diplomatic considerations over rights-based protection. Therefore, for Myanmar nationals displaced by the 2021 coup, the NSM offers little reassurance for protection. Moreover, Myanmar nationals who are under the migrant worker status in Thailand, who may otherwise qualify as refugees under international law due to well-founded fears of persecution, are explicitly excluded from protection due to new regulations of NSM. Finally, the mechanism has been criticized for its lack of procedural safeguards. Rejected applicants are neither provided with the reasoning behind decisions nor granted an avenue for appeal, raising serious concerns about transparency, accountability, and compliance with international protection standards (Pang and Tling, 2024).

In addition to conceptual weaknesses, the NSM presents serious procedural barriers. Ryan (2025) demonstrated that applications must be submitted *in person* at the Immigration Bureau in Bangkok, specifically at Sub-Division 4 of the Bangkhen Immigration Detention Centre. For refugees living in camps along the Thai-Myanmar border, particularly on Thai soil next to Karenni and Karen areas in Myanmar side of the border, this entails a 12–15 hour journey to Bangkok, often without legal permission to travel. Ryan (2025) demonstrated that undocumented applicants risk arrest when attempting to apply, unless they are already out on bail. Moreover, applications cannot be submitted online or via legal representatives, further restricting accessibility.

Ryan (2025) continued to highlight that by September 2024, one year after implementation, fewer than ten people had been granted Protected Person status. This strikingly low figure underscores the restrictive nature and limited reach of the mechanism.

Thus, these criticisms commonly demonstrate that while the NSM is framed as a progressive reform, its design reflects Thailand's longstanding reluctance to fully embrace international refugee law. Rather than guaranteeing robust protection, the mechanism reinforces a protection framework shaped by sovereignty, national security, and political interests which illustrate the tension between international human rights standards and Thailand's domestic policy approach to displacement.

Regarding the rights and limitations under the protected person status, it is varied based on the categories of rights. In some cases, the actual implementation may oppose the conditions written in the law. Under Clause 25 of the NSM Regulation, individuals recognized as "Protected Persons" are granted a limited set of rights. These include protection from refoulement, assistance with voluntary repatriation, temporary stay in Thailand under "special circumstances," and access to both healthcare and education. Article 25(4) specifically guarantees healthcare rights, while Thailand's domestic legal framework provides that all children, regardless of their legal status, are entitled to twelve years of free basic education. Nevertheless, significant barriers remain, such as travel restrictions, language difficulties, financial constraints, and instances of discrimination by school authorities. As a result, many refugee children are excluded from formal schooling, and access to secondary or higher education is even more limited. Furthermore, educational programs offered by NGOs or community-based organizations are not officially recognized by the Ministry of Education (APRRN and CRSP, 2021).

While the NSM framework ensures protection from deportation, except in cases of voluntary return or exclusion on national security grounds, it does not provide the right to work. Refugees under temporary protection remain excluded from formal employment, as the regulation does not confer labor rights and existing labor laws prohibit legal employment without a visa and work permit. Jittiang (2019) argued that a core reason for not mentioning the right to work in NSM was influenced by security sector officials who feared that granting such rights might encourage "Protected Persons" to settle in Thailand on a long-term basis. They are also concerned that it could function as

a “pull factor,” attracting greater numbers of forcibly displaced people into the country.

Consequently, beneficiaries of the NSM are left in a position of partial protection. While they are shielded from deportation and granted basic services, yet denied the ability to achieve self-reliance or access durable solutions (APRRN and CRSP, 2021).

The ambiguities and limitations of the NSM have perpetuated existing patterns of exploitation. Local Thai authorities, often referred to as “street-level bureaucrats,” exercise wide discretion in enforcing refugee policies, frequently soliciting bribes or imposing unofficial fines on those leaving or entering camps. Moreover, certain groups have been subjected to especially exploitative practices. A prominent example is highlighted by Ryan (2025) that the Long-Neck Kayan refugee women, who were displaced from Myanmar to Thailand in Mae Hong Son Province, are confined to encampments that simultaneously function as tourist attractions. Denied opportunities for resettlement, these women have been reduced to cultural spectacles, reinforcing dynamics of exploitation and dependency. This case illustrates how the absence of robust refugee protections creates opportunities for both state and non-state actors to exploit displaced populations.

4.3.2 Post-2021 Arrivals in Mae Sot

The 2021 military coup in Myanmar triggered renewed displacement across the Thai-Myanmar border and created new waves of arrivals to Thailand. Mae Sot, in Tak Province, became a host city for forcibly displaced individuals, including activists, students, and civilians fleeing conflict zones. According to Htun (2024), Mae Sot has become a key settlement area for people from Myanmar, encompassing diverse legal and migration statuses, including undocumented and documented migrants, irregular and seasonal workers, as well as refugees and asylum seekers. Residents of Mae Sot with varying legal and migration statuses continue to face persistent uncertainty in accessing essential rights and services, including education, healthcare, legal protection, stable employment, and adequate living conditions, lack of freedom of movement alongside numerous other challenges. The town also serves as a

focal point for international organizations, hosting offices of both the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), which provide support and coordination for these populations. Despite the escalating humanitarian crisis, Thai policies remain restrictive and refuse to fulfill the fundamental human rights of such communities.

Systemic abuses from Thai authorities are often witnessed in Mae Sot. Human Rights Watch (2025) documents police extortion in Mae Sot, where asylum seekers are forced to pay bribes to avoid arrest. Many are pushed into informal labour in construction, garment workshops, or street vending for survival. On the other hand, many of the refugees and asylum seekers are employed in civil society organizations or some members of the Civil Disobedience Movement (CDM) continue to work online-based jobs which are associated with the democratic movement. However, cases of low wages and labour exploitation are found in various work places, sometimes even at the civil society organizations (CSOs). Htun (2024) noted that refugees in Thailand remain excluded from the legal right to work, unlike migrant workers who are eligible for employment through the pink-card work permit system. Lacking valid documentation and often limited by Thai language barriers, refugees are unable to secure formal employment. As a result, many are pushed into precarious and exploitative forms of labor, characterized by low wages and excessive working hours. Such exploitative practices have been observed even within CSOs in Mae Sot, where workers are subjected to long hours and low wages (Htun, 2024). Thus, asylum seekers face a triple bind: (1) legal exclusion from work, (2) criminalization and extortion by authorities, and (3) labour exploitation, which are all opposed to the concept of the right to work.

Alongside new arrivals, Thailand hosts between 82,000–93,000 long-term refugees in nine camps along the border, primarily Karen and Karenni. These camps have existed for nearly four decades, but encampment policies remain strict. The newly arrived groups are not allowed to enter the camps. Although the camp-based refugees were denied the right to work for many decades, however, in a recent significant policy shift, on August 26, 2025, Thailand's cabinet approved legal employment rights for Myanmar refugees residing in

camps along the Thai–Myanmar border. The decision affects approximately 80,000 registered refugees, with around 42,000 of them of working age, and allows them to apply for one-year work permits and permission to travel outside the camps. This marks a pivotal move, as most have previously been barred from formal economy participation, movement outside the camps, or access to public services, rendering them entirely dependent on dwindling humanitarian aid (Human Rights Watch, 2025).

The policy has been heralded as a critical advancement in Thailand's forced migration governance by providing opportunities for self-reliance and economic integration. It is a "strategic investment" that could empower refugees to contribute to local economies, reduce reliance on aid, and enhance Thailand's economic resilience against labor shortages. However, in the implementation stage, it is important to protect the labour exploitation cases. Moreover, it is also crucial for the urban refugees and asylum seekers including those in Mae Sot to be granted the right to work to integrate their workforce into Thailand's sustainable development while providing better livelihood opportunities for them.

5. Filling the literature gap

THE LITERATURE DEMONSTRATES a persistent rights gap between international commitments and state policies and practices. Türkiye's forced migration governance model illustrates sound policies and persistent reforms towards fulfilling the rights of refugees; however, it also reveals the limitations and weaknesses in implementation and highlights the necessity for policy reflections and necessary reforms. In the case of Thailand, it highlights a complete lack of progressive policies for governing the forced migration, which leads to acute consequences. Refugees and asylum seekers from Myanmar can be divided into two groups: 1) camp-based refugees who have been in Thailand since the 1980s, and 2) post-2021 asylum seekers and urban refugees in Mae Sot. It is seen that Thailand has recently adopted progressive policies for the right to work for the first group of refugees. However, the policy implementation stage is equally important, and the second group of displaced

individuals should be under the same consideration. Hence, for adopting and implementing progressive policies on migration governance, Thailand requires lessons and models from different refugee and asylum seeker hosting countries, among which Türkiye stands as a good case to study. The literature highlights a gap in comparative studies between the two countries. Therefore, this study intends to fill the literature gap by finding out the situation of urban asylum seekers and refugees in Mae Sot with an analysis drawn from the practice and shortcomings of Türkiye's policies related to providing the right to work for refugees. Moreover, this study intends to highlight the socio-economic integration of displaced people into the host state by studying the situation in Türkiye.

6. Findings and Discussion

Part 1: Case Study- Employment Barriers in Thailand (Mae Sot)

As to analyze the barriers to employment faced by the refugees and asylum seekers from Myanmar who are now in Thailand, this paper focuses on barriers faced in different types of job categories for them: 1) blue-collar jobs 2) white-collar jobs 3) civil society and non-governmental organizations (since most of them are employed in this sector given their backgrounds of human rights and political activism), 4) entrepreneurship. I have typologized them in this way because individuals who belong to or enter these sectors have distinct lived experiences and face different challenges. Although this paper discusses the barriers by explicitly referring to the term "refugees and asylum seekers" in Mae Sot, Thailand, the conditions also apply to other forcibly displaced migrants from Myanmar who do not wish to migrate further to third countries and are willing to return back to Myanmar when the political situation becomes stable and favorable again.

1. Entry into Blue-Collar Jobs: The Convergence of Legal Precarity and Economic Exploitation

For the urban displaced population in Mae Sot, the blue-collar labor market, spanning garment manufacturing, construction, and agriculture, serves as a vital gateway to survival. While these jobs are typically occupied by migrant workers with limited education or professional skills and experience, many Myanmar refugees and asylum seekers with higher qualifications are also compelled to enter this labour force and the detailed reasons leading to this situation are discussed below.

It is important to note first that it is not necessarily accurate to assume that blue-collar jobs are readily accessible for the urban refugees and asylum seekers although it may be easier to find them compared to professional or white-collar jobs. Although this sector appears to offer immediate work opportunities, in reality, legal and structural barriers severely restrict refugees' and asylum seekers' participation in Thailand's formal economy. The core of this challenge lies in Thailand's non-signatory status to the 1951 Refugee Convention. This policy gap means that there is no legal recognition and protection on refugees and asylum seekers, rendering any employment illegal and denying them the fundamental "Right to Work".

1.1 Documentation Obstacles: The Trap of the Migrant Worker System

When it comes to forced migration, under the policies of the government of Thailand, there is no legal recognition of refugees and asylum seekers, and the NSM intentionally uses the word "protected person" status. According to UNHCR, Thailand does not have any "national legal framework" to protect refugees and asylum seekers. UNHCR-issued documentation/identification in the form of a Refugee or Asylum-Seeker Card is not officially recognized by the government.

When I asked the interview respondents, none of them responded that they had received any UNHCR card or any kind of documents to display their identity. Hence, there is no legal document issued to register the identity of forcibly displaced individuals although identity cards are the most fundamental

documents for survival such as legal protection, employment, healthcare and education, etc.

As for undocumented migrant workers, the government has set up a system for issuing work permits and identification certificates. According to Laungaramsri (2025), “In the eye of the government, undocumented migrant workers in Thailand has been categorized into two major types: 1) The worker under an MoU (Memorandum of Understanding), who came to Thailand through the border with a passport and with both countries’ agreement, and 2) Undocumented migrant workers who entered into Thailand without any document.” The migrant workers are required to apply for a “Pink Card” which is the temporary work permit (Laungaramsri 2025, Nang Mya Nadi / DVB, 2017). Pink Card serves as a legal identity card intended for economic migrant workers employed in narrowly categorized blue-collar jobs such as agricultural, fisheries, construction, factories, domestic, etc.. After receiving a work permit, workers must complete two additional steps: nationality verification and obtaining a Certificate of Identity (CI) from their respective country’s embassy.

Since no refugee and asylum seeker status or UNHCR applicant status is available, to be able to have a legal document in Thailand, asylum seekers and refugees have no other choices than to pursue the “Pink Card”. However, since the Pink Card (Temporary Work Permit in Thailand) is designed only for the undocumented migrant workers who wish to remain in Thailand temporarily for working, the intention of this system mismatches that of forcibly displaced individuals with political reasons. According to Phyu (2025), after arriving in Thailand, many individuals register under the labor-based Pink Card system even though they are not engaged in formal employment. Some depend on online freelance work, personal savings, or assistance from community networks to sustain themselves, highlighting a clear gap between their legal status and real sources of livelihood. The author highlighted that the Pink Card framework fails to recognize or protect these survival migrants, resulting in their misclassification, marginalization, and vulnerability to exploitation.

1.1.1 Monetization, Commercialization and Debt to Get Legal Documents

To get a Pink Card, the necessity of obtaining the card immediately imposes a catastrophic financial burden on newly arrived families. Participants detailed about paying for a cycle of identification documents that required high cost, including broker fees, that frequently exceeded 30,000 Thai Baht to get both the Pink Card and the CI.

It is not surprising to see skyrocketing broker fees because whenever there is a grey zone in policies, brokers normally jump in to take advantage of the system and offer a costly solution for those who need documents. To apply for a Pink Card, a name of "employer" is needed to be stated. As for those who are in search of jobs after displacement, there is no employer to register at this stage. And for those, who do not wish to work for blue collar jobs but need Pink Cards just for legal identity under the migrant worker status, they do not have any employers to register either. Therefore, the brokers come up with "fake employers" to register for Pink Card applications. The displaced individuals have no capacity to manage this on their own, therefore, there is no alternative way to resist against the brokers' exploitative system.

For individuals who have just fled conflict, this expenditure results in the depletion of life savings or the immediate reliance on debt, as one participant[1] confirmed:

> *To get a job, we must first take a loan to get documents (Pink Card and CI). It becomes an investment to stay and work here. No money means no documents, and no documents mean no job.*

This monetization and commercialization of identity converts the right to work into a purchasable commodity, ensuring that many workers enter the job market already burdened by crippling debt. Furthermore, the participants' observations underscore that this high cost does not come from the official fees set up by the Thai government but rather from a structural component of the migration bureaucracy where brokers play a big role informally with excessive broker fees. Moreover, the fees for obtaining the cards are not just one time payment because these cards have expiration dates. Pink Cards need to be extended

[1] Interview with Participant G1A in Mae Sot on 6th September 2025

every year and extension is also done by hiring brokers with high fees. As another participant[2] noted that

> *I work here in Thailand and all my savings is spent on document extension fees. This means we are trapped in a cycle of savings and re-spending just to live here legally.*

Displaced people must constantly work to save money and then spend it again on renewing their documents. This repeated process only allows them to maintain legal residence in Thailand. It creates a dependency loop that keeps them trapped in poverty.

1.1.2 Political Risk and the CI Nexus

The bureaucratic process introduces a profound political danger through the requirement of the CI. The CI system is designed for migrant workers who have crossed the border without passports and it works as an alternative document to the ordinary Myanmar passport and later have the capacity to apply for the latter. CI enables migrants to move freely for the purpose of securing required documents and eventually applying for a Myanmar passport (FED, 2017). Interview respondents mentioned that having a CI has the advantage of being able to only renew the Pink Card every two years, allows freedom of movement in the whole country and accessing to jobs with more payment such as high paying garment factories which pay 300-350 THB per day.

However, the issuance of CI is handled by the offices controlled by the Myanmar regime. This creates a critical point of exposure for urban refugees and asylum seekers who fled due to fear of persecution, such as activists and others facing warrants under Section 505A of Myanmar's Penal Code and other laws. Their identities, once submitted for CI processing, become exposed and visible to the very authorities they fled from. A participant vividly described this inherent risk:

> *The CI office is under the authority of the Myanmar regime. When those with charges under Section 505 submit applications for the CI, they become visible at the CI office. They are blacklisted and there is no way for them to get the CI.*

[2] Interview with Participant G3A in Mae Sot on 6th September 2025

Failure to secure the CI restricts mobility and relegates such people exclusively to lowest-paying, most exploitative casual labor. As for migrant workers who come to Thailand with no political activities-related criminal records, this CI system helps them to get an identification document and there is no risk for CI application. Again, as for refugees and asylum seekers, this identification system designed for migrant workers mismatches their status and even results in handing over their information to the Myanmar authorities while applying for the CI. It resulted in displaced individuals to avoid registering for the CI and staying in Thailand only with the Pink Card.

1.1.3 Informality, Wage Suppression, and Labor Exploitation

The inability to acquire complete documentation pushes a large segment of the displaced population into the informal economy, resulting in deep-seated labor exploitation. Employers who hire workers with incomplete documentation (such as those holding only Pink Cards), or none at all, do so under conditions that violate basic labor protections.

A core finding of this research is the endemic practice of wage suppression and exploitation. Displaced individuals without documents are routinely paid wages far below the provincial minimum wage applicable in Tak province. The interviews revealed instances where factory workers were forced into long overtime (OT) shifts, sometimes working until 2 AM, while only receiving approximately 200 Thai Baht per day, in a stark contrast to the official minimum wage of 352 THB per day for Tak Province's rate according to Ministry of Labour (2025). As one respondent articulated, this reality forces a clear choice:

> *If you have a complete set of documents (Pink Card plus CI), you can get a good job. If they are incomplete, you have to work in places that suppress wages.*

Furthermore, the documentation system creates a financial penalty for changing jobs. Since the Pink Card is tied to a specific employer, any job change requires a costly renewal and re-stamping process, which new employers routinely deduct this cost from the worker's salary. This dynamic discourages job

mobility, solidifying the power imbalance between the employer and the worker and making workers highly susceptible to unfair labor practices.

1.1.4 Police Harassment and Security Risks in the Workplace

The pervasive insecurity in the workplace is intensified by the constant threat of police action, which targets both undocumented workers and those with valid Pink Cards registered under a "fake" employer name. This occurrence is frequent since a fake employer name is normally registered by brokers during the Pink Card application process, and most migrants do not have the capacity to pay the fees for changing employer names on the Pink Card. According to the interviews, the authorities frequently visit workplaces such as construction and agricultural sites to check and arrest those with document weaknesses and release only when the bribery money is received. This creates an environment of normalized extortion and fear, further discouraging stable employment.

Participants reported frequent, unannounced security inspection by police forces from outside of Mae Sot and the immigration department. During these "inspection projects periods" undocumented individuals cannot risk working and are forced to rely on meager savings while staying hidden at home. For daily wage workers, not being able to work for a day because of police presence affects their well-being since every daily wage matters to pay the bills, and when day-offs become frequent, it affects their survival. In addition, an interview respondent[3] mentioned that when encountered with police at workplace or on their way to workplace, some police asked to check the phone carried by the displaced people and if they find the photos or any evidences related to involvement in pro-democracy movement in Myanmar, the police arrest and threaten to deport back to Myanmar which they later ask for bribery for avoiding deportation. This reflects harassment, privacy violation and forced deportation.

[3] Interview with Participant G2B in Mae Sot on 7th September 2025

1.2 Social Barriers

1.2.1 Networking Barriers and Language Barriers

Beyond the formal legal barriers, immediate access to blue-collar jobs is often obstructed by informal social and linguistic requirements. Newly arrived individuals face difficulty finding work due to their lack of established local networks and their inability to communicate effectively in Thai, which forces them into positions of greater dependence on brokers or agents to get jobs. Factory managers and employers in Mae Sot heavily rely on existing employee recommendations, often preferring candidates within a specific age range (25 to 30) and with existing industrial experience. The only way to secure a job is through shadow recruitment markets by paying the unregulated bribery or agent fees ranging from 2,500 to 4,000 Baht paid to a factory broker or staff member simply to be hired. This fee, which must be paid before the worker receives any income, puts a financial burden on the most vulnerable migrants, creating a continuous cycle of debt and dependency.

2.3. Family Related Burdens on Labor Force Participation

Beyond the systemic legal and economic barriers, a significant portion of the urban asylum-seeking population faces obstacles rooted in familial responsibilities and caregiving burdens. As many individuals were displaced with their immediate families, including young children, elderly members, and those with existing medical conditions, the time and energy to look after such family members directly undercuts their ability to seek and maintain employment. The interviews highlighted that this essential need for care often means one working-age adult is removed from the labor force entirely.

> *Because my child is still young, my husband cannot go to a full-time work to look after the children even if he can get a full-time job. Therefore, he only works as a casual labourer, hired only when construction or cleaning jobs like lawn mowing are available.*[4]

[4] Interview with Participant G1A in Mae Sot on 6th September 2025

This challenge is most acute when children are below school age, or when family members require constant supervision, as confirmed by another participant[5]:

> *My children are still young and need to be looked after constantly. The youngest is only 5 years old, so it is impossible for me to leave home all day and be at a work place.*

The choice between generating income and providing care becomes a daily calculus for survival. This barrier acts as a 'soft' constraint, meaning it is not enforced by law or deterred by structural barriers but by the necessity of care, trapping families in a state of financial insecurity.

2. *Barriers to Professional Employment (White-Collar Jobs)*

The most profound economic implication of the lack of protection status in Mae Sot is the 'forced skills mismatch' experienced by politically displaced professionals. Many individuals who participated in the CDM, including doctors, nurses, and teachers, are highly skilled, yet their entry into formal white-collar jobs is highly restricted or de facto blocked. This barrier is characterized by two distinct challenges: exclusion from the Thai professional system, and professional exposure to legal penalties.

2.1 Exclusion from the Thai Professional System

Since the Pink Card system restricts professional jobs, there is no legal pathway to work as white collar. The essential work visa for professionals named the Non-B visa, requires a passport, which most CDM participants cannot obtain because they refuse to engage with the Myanmar regime's documentation offices. As one interviewee[6] explained:

> *Hospitals cannot issue a Non-B work visa, which requires a passport, which we don't have. Because we participated in the CDM, we cannot even go and apply for a CI (Certificate of Identity).*

Without necessary visas, highly qualified professionals are effectively barred from working in professional jobs. This results in skilled nurses resorting to

[5] Interview with Participant G2A via online on 6th September 2025

[6] Interview with Participant G3B in Mae Sot on 7th September 2025

factory jobs or domestic work for low wages, as exemplified by the experience of teachers who also have to work in factories or cleaners for a daily rate of only 150 Baht, a fraction of their earning potential[7].

Moreover, accreditation and recognition of skills is another barrier. As an example, for healthcare professionals, the journey back into their field is blocked by the rigidity of the Thai system, which denies formal recognition of foreign credentials without the prerequisite legal documentation. Doctors and nurses find it "difficult to enter the Thai system" due to requirements involving qualification certificates and the severe language barrier. However, advocacy efforts directed at the Thai government have led to a notable policy exception in which five Myanmar doctors were permitted to work at Mae Sot General Hospital[8]. This initiative has been widely commended as mutually beneficial for both the host and displaced communities. It allows Myanmar doctors to resume their professional practice while helping Myanmar patients overcome language and cultural barriers in accessing healthcare. At the same time, Thai medical staff benefit from a reduced workload and improved communication with the large Myanmar patient population in the area. Although limited in scope, this development represents a promising localized model for an inclusive policy reform at least in Thailand's border provinces, demonstrating how pragmatic collaboration can enhance both healthcare delivery and refugee integration.

2.2 Professional Risks and Penalties

The inability to legally practice medicine or nursing forces some displaced health professionals to cease practicing altogether or to operate in a high-risk, informal capacity. These professionals cannot even provide services in the community, as the Pink Card does not authorize professional practice.

The penalty for informal practice is severe, enforcing an environment of fear:

> *If you are caught practicing medicine illegally, they demand a fine. If you are stopped while traveling and medical supplies are found, you have to pay a fine of about 30,000 to 100,000 Baht.*[9]

[7] Data obtained from interview with Participant G3A in Mae Sot on 6th September 2025
[8] Data obtained from interview with Participant G3B in Mae Sot on 7th September 2025
[9] Interview with Participant G3B in Mae Sot on 7th September 2025

As a result, the culmination of above mentioned barriers to professional employment is a severe loss of human capital. Skilled professionals are either forced into jobs that do not utilize their training or are rendered completely jobless. This mismatch not only degrades the individual's dignity but also diminishes the quality of life for the entire displaced community. However, the interviews revealed a profound desire to practice their respective professions, which influences their future outlook. For one doctor, the ability to practice was directly tied to their migration intention:

> *If I could continue to work as a doctor and treat patients in Thailand, I don't think I would have any harsh feelings about not being able to migrate to a third country.*[10]

This sentiment highlights that granting the right to practice, even under regulated conditions, could significantly improve the well-being of the displaced community and offer a viable alternative to the costly and uncertain path of third-country resettlement.

3. The Fragile Sector: Challenges in CSOs and NGOs

For many individuals displaced due to their involvement in political and human rights activism in Myanmar, working with CSOs and Non-Governmental Organizations (NGOs) in Mae Sot represents a most direct and meaningful pathway to continue their professional lives. However, this sector, often viewed as a "safe" space for skilled and politically engaged displaced people, is also constrained by intense competition, chronic underfunding, and specific skill requirements.

The number of highly qualified individuals seeking work vastly exceeds the capacity of the CSO/NGO sector, creating overwhelming competition for few vacancies. Many highly educated professionals including doctors, nurses, engineers, and school teachers are working for administrative, project, or volunteer roles that pay subsistence wages.

> 1. ***Limited Vacancies and Downsizing:*** *The stability of these NGO roles is subject to the unpredictable nature of international funding and foreign*

[10] interview with Participant G3B in Mae Sot on 7th September 2025

policy shifts. Participants referenced the "Trump effect" which means policy changes and funding shifts under the new US administration, resulting in significant instability and sudden layoffs. As a result, grants are becoming "even scarcer," limiting organizations to hiring only "one or two people" at a time and the closure of some CSOs.

2. ***Wage Competition and Unsustainability:*** *The scarcity of job opportunities forces competition for roles that are financially unsustainable. Participants noted that some professional or volunteer positions pay only 3,000 to 4,000 Baht a month, which is explicitly deemed "not enough" to cover the cost of living for displaced families. Many experienced CDMers are professionally working in various organizations that can only offer relatively low salaries.*

3. ***Linguistic and Technological Barriers:*** *The organizations that manage larger international grants often require staff proficient in the English language and computer literacy to handle reporting and communication with donors. Newly arrived individuals in older age groups and some civil servants who joined CDM may not have enough English language skills or computer skills may find it challenging to work for such positions and those without these specific skills are sidelined.*

4. ***Exclusion via Networking:*** *Many organizational positions are filled through internal recommendations or existing relationships with donors and partners, making these roles inaccessible to new arrivals who lack the necessary social capital.*

5. ***The Legal Paradox:*** *Even when successful in obtaining an NGO position, the individual remains legally exposed. Because Thai law does not recognize their status, any employment including with CSOs/NGOs must often be conducted under the highly restrictive Pink Card system since it is intended for manual laborers."If they work in NGO/CSO roles with only a Pink Card, they can be arrested because they are not really working in blue-collar jobs that they registered for Pink Card."*[11] *This legal paradox means that the spaces created specifically to support activists are not legally "safe." Refugees and asylum seekers who are working as NGO/CSO workers by holding pink card constantly face the*

[11] interview with Participant G4A in Mae Sot on 8th September 2025

risk of arrest and legal penalty, demonstrating how Thailand's policy void undermines the stability of the entire humanitarian response system along the border.

4. ***Challenges for Refugee Entrepreneurship***

For many asylum seekers and refugees who cannot get a job or do not want to join blue-collar jobs, launching small businesses such as restaurants, retail shops, or service providers like hair salons appears to be a practical alternative to low-wage blue-collar work. However, the empirical data reveals that this refugee entrepreneurship is not one of self-reliance but a perilous high-risk enterprise characterized by systemic exploitation, corruption, and a constant threat of arrest and deportation.

4.1 *The Cost of Business: Nominee Ownership and Embedded Corruption*

The primary structural barrier to refugee entrepreneurship is the prohibition on foreign nationals, especially those without formal residency, from legally registering a business. To bypass this, asylum seekers must engage in a system of nominee ownership, where they "hire" a Thai citizen to legally front the shop license in their name.

The nominal costs for the nominee's service in Mae Sot around at least 8,000 Baht per year (including services for nominee name for Pink Card registration as explained in detailed below) and the official license fee are fixed for 3,500 Baht. Prices can be lower around 2,000 THB when the service is limited to using the nominee's name for the business without including Pink Card registration. This lower price can only happen based on personal understanding or friendship with the nominee, as some Thai nominees extend empathy on displaced individuals. However, these payments do not provide real legal protection. Furthermore, the displaced business owners are subjected to extra-legal payments to local authorities to operate, such as bribery fees of 1,000 Baht paid to the Mae Sot police per month. This fee, however, buys only localized protection by paying and making an informal 'understanding' or 'transaction' with police officers based in Mae Sot to operate business without any inspection. However, this payment does not buy full guaranteed protection

since other authorities also conduct unannounced inspections as one participant[12] noted:

> *Since this is paid to the Mae Sot police, we get no protection whatsoever if other authorities, such as Immigration or Bangkok police, come and inspect.*

This interview respondent continued reporting that during the inspection of immigration police officers, her small restaurant was raided and her whole family including a minor was arrested and deported back to Myanmar. The respondent recounted the severe personal impact of this vulnerability:

> *The immigration police arrested me, and I had to sleep 9 nights in the detention center. I, myself, was deported back to Myanmar once; they sent me to the other side of the river.*[13]

These arrests often occur despite the shop/restaurant holding some form of registration, confirming the transactional nature of their legal status. When an arrest occurs, business owners are sometimes abandoned by their nominee employer, who often refuses to provide legal support:

> *The nominee employer only lent her name for the shop; when I was arrested, they did not come to bail me out.*[14]

In such situations, the refugee entrepreneurs have to pay fines to the authorities to get out of the detention center where the costs associated may reach 20,000 Baht or up to 80,000 Baht per person. This high financial penalty, often extracted under threat of long-term imprisonment or deportation, serves as a powerful deterrent to formalizing and expanding the business.

The entrepreneur is subject to arrest not for the business itself, but for the underlying issue of illegal residency or if he/she is living with a Pink Card, arrest can still happen for minor, technical violations such as registering the Pink Card under the name of a different employer or fake employer. To match the actual employer name and workplace to that of written on the Pink Card, the

[12] Interview with Participant G2B in Mae Sot on 7th September 2025
[13] Interview with Participant G2B in Mae Sot on 7th September 2025
[14] Interview with Participant G2B in Mae Sot on 7th September 2025

refugees must find a nominee employer who is willing to register for both the business license and the refugees' employment under the nominee's name. Again, money remains the sole solution for issues related to lack of legal protection. Some nominees provide such service by demanding the refugees to pay 8,000 Baht or more based on the scale of business refugees are operating. However, even when registered employer name and workplace match the actual practise, the arrests can still happen because holding a Pink Card basically means working low skilled jobs. Even if a Pink Card listed the occupation as "working at the restaurant", the position of the card holder means dishwasher, cleaner or waiter positions. This means the refugee entrepreneur cannot work in cashier positions and they can be arrested when the police find them handling money, engaging in transactions or accounting sales and expenses. According to Thai authorities, reasons of the arrest and deportation are because of displaced people's technical violations of the law.

This constant requirement to pay different types of fees without receiving corresponding protection demonstrates that refugees, despite paying tax through their license fees, are excluded from the basic legal rights afforded to legitimate taxpayers. As for those who lack financial capacity for all the costs for legal operation, they decide to operate the business without any registration because even under legal registration and documents, police harassment and arrests still exist.

4.2 Operational Limitations

The core threat to refugee entrepreneurial stability is the widespread risk of security threat which directly imposes crippling limitations on basic business functions, particularly marketing and growth. The fear of detection and inspection forces business owners to operate with utmost discretion, leading to a complete reliance on closed networks and word-of-mouth marketing and promotion. The interviews confirmed that utilizing essential modern marketing tools is simply too dangerous. This translates into a necessity to remove online location markers and rely solely on acquaintance networks, severely restricting

customer reach and market expansion. An asylum seeker[15] who runs a small restaurant noted that

> *Initially, I posted the shop's location on Google Maps and promoted my business on social media (Facebook) by adding my shop's location. Later, I had to remove it for security reasons. Now I only do internal-marketing to my own acquaintances and migrant networks. And I don't put any boards or vinyls in front of my shop because I am scared the police will notice my little shop.*

This instability is compounded by the financial consequences of police crackdowns, which force temporary closures. For businesses like restaurants that rely on fresh inventory and ingredients, even a single day of closure results in significant financial loss. A restaurant owner[16] detailed the catastrophic impact:

> *If police inspections are frequent, we have to close the shop. Even closing for a single day significantly impacts the shop's sales. Last month, we had to close for about three weeks, which was very difficult.*

As one participant[17] summarized, the primary benefit they gain out of their entrepreneurship is merely "*the ability to live in Thailand, away from security threats in Myanmar. We get nothing else, barely making profits.*"

5. *Economic Contributions to the Host Community: Undercutting the "Burden" Narrative*

Despite being legally marginalized, the Myanmar refugee and asylum seeker community in Mae Sot is a significant contributor to the local economy, both as generating revenues by being consumers and mitigating labor shortages across several key sectors. This reality fundamentally undercuts the narrative that the displaced population is merely an economic burden on the host country.

[15] Interview with Participant G2B in Mae Sot on 7th September 2025
[16] Interview with Participant G2B in Mae Sot on 7th September 2025
[17] Interview with Participant G2A via online on 7th September 2025

5.1 Consumption, Retail Revenue, and the Local Marketplace

The large Myanmar population constitutes a massive consumer base that sustains local Thai retail and service sectors by purchasing daily necessities and essential services. This includes not only personal consumption but also purchasing the raw material and supplies sourcing for refugee-led businesses:

> *Myanmar shops and restaurants here have to buy their raw materials from Thai shops, like wholesale places such as Makro, where they go to buy about 1,000 Baht worth of goods every day. This is a profit that goes to the Thai community on a daily basis.*[18]

This expenditure extends beyond wholesale trade to daily retail consumption, as Myanmar displaced communities frequently patronize Thai establishments, making large stores like Makro and Lotus's both 'indispensable' and 'filled with Myanmar people.' Furthermore, they inject capital into local entertainment and food services, regularly shopping and dining at Thai restaurants.

5.2 Revenue Generation through Housing, Fees, and Services

The significant presence of the displaced Myanmar community generates consistent revenue for the Thai economy, directly benefiting both the government and local Thai citizens. Refugees and asylum seekers are essential consumers of local services, ensuring a steady stream of income for Thai landlords and service providers. This population largely covers residential overhead costs in Mae Sot, ensuring that Thai nationals and the local or provincial government receive regular payments for rent, water, and electricity.

Every single economic transaction, from paying a utility bill to the annual fee required for a Pink Card (work permit), extracts revenue that flows directly to Thai citizens or governmental accounts. Furthermore, the displaced community drives investment in Mae Sot's local property market. Individuals who sold assets in Myanmar to finance their displacement often use that capital to purchase housing properties in Thailand, with some families buying apartments or condominiums. This demand actively contributes to the vibrancy and growth of the local real estate market, demonstrating that far from being an economic

[18] Interview with Participant G2C in Mae Sot on 7th September 2025

burden, this population is a crucial financial engine for the border city's prosperity.

5.3 Contribution to Labour Needs of Thailand's Border Economy

The community provides an essential labor input that is important to Mae Sot's continued economic function. As for Thai nationals, working at the border town like Mae Sot may be an unfavourable destination for working since the daily payment rate is lower than that of other major provinces in Thailand. Therefore, the local construction, factories, agriculture, manufacturing and workshop sectors are heavily reliant on Myanmar displaced migrants with cheap wages, whose labor is instrumental in the operation of the daily Thai economy in Mae Sot.

Moreover, perspectives of Mae Sot's border trade is an important aspect here. Due to its geographic location as an official border town next to Myawaddy of Myanmar, situating on the Asia Highway makes the city to be economically significant. As part of this cross-border trade, a wide range of goods and supplies from Myanmar circulate through Mae Sot. The city functions as a hub for retail shops and wholesale markets that distribute products from Myanmar to Burmese shops and restaurants in different parts of Thailand[19]. It is therefore unsurprising to see a large burmese community operating for different businesses in Mae Sot which generate substantial Burmese labor needs. It is impossible to state only economic migrants engage in the labour force of this sector since the displaced population has already blended in the Burmese community in Mae Sot. As a result, not only Mae Sot based Thai factories and industries rely on refugee labour, but the extensive Burmese trading and retail sector in the city also naturally depends on Burmese workers, including refugees.

6. Differential Vulnerability: Refugees/Asylum Seekers Versus Economic Migrants

While both economic migrants and politically displaced refugees/asylum seekers from Myanmar operate under the constraints of Thailand's restrictive

[19] Based on the author's observation from field trip in Mae Sot in September 2025.

labor laws under the Pink Card system, a crucial difference exists in their level of vulnerability, mobility, and capacity for self-advocacy in the workplace. These differences profoundly impact the ability of refugees/asylum seekers to seek better employment and negotiate fair working conditions.

6.1 Mobility and Familial Constraints

A primary distinction between the two migrant groups lies in familial burden and mobility. Economic migrants often travel to Thailand individually, or they may leave their immediate and vulnerable families behind, which grants them the freedom to continue their migration to major provinces like Bangkok or other industrial centers to pursue higher wages paying 450 to 550 Baht and better employment opportunities there. However, the wage rate in Mae Sot is lower by paying around 300 to 350 THB. This mobility in work in better paying provinces is a privilege denied to the politically displaced population:

> *For migrant workers, since they are often not with their families, they are not reluctant to move up towards Bangkok. But for displaced people with political reasons, most of them displaced together with their families including small children or elderly members. So, it is not easy to move to other cities.*[20]

Refugees/asylum seekers typically flee with their entire immediate family unit due to shared security threats. This necessity creates a compounded caregiving burden (as previously discussed) and anchors them to the border area. Their limited mobility prevents them from accessing higher-paying opportunities elsewhere, forcing them into the local, over-saturated, and highly exploited job market in Mae Sot.

6.2 Fear of Deportation and Security Risk

The second and most significant distinction is the nature of the fear of deportation. Since most of the refugees/asylum seekers displaced to Thailand because of receiving arrest warrants or black-listing by the Myanmar military. They will face the severe, potentially life-threatening risk upon deportation since they will fall into the hands of a regime that views them as political

[20] Interview with Participant G4C in Mae Sot on 8th September 2025

enemies. For economic migrants, the risk of deportation generally carries fewer immediate protection concerns than for forcibly displaced individuals who are already issued arrest warrants. However, it still poses significant dangers, as deported migrants, particularly men, may face the threat of forced conscription or other forms of coercion upon return.

This profound, existential fear critically undermines the capacity of refugees/asylum seekers to advocate for themselves or seek justice in the workplace. This makes them significantly more vulnerable to exploitation than their economic migrant counterparts:

> *For migrants, if a problem occurs, they can negotiate. But for us [displaced people], we are very afraid of problems because we fear being deported back to Myanmar.*[21]

This constraint translates into a near-total inability to report exploitation, demand higher wages, or complain about unsafe working conditions. They are left with no options to resist unethical and exploitative employers.

6.3 Established Network and Integration in Thai Society

Compared to refugees and asylum seekers, many migrant workers in Thailand have already developed extensive community networks that facilitate job searching and employment opportunities. Those who have lived in Thailand for several years often possess stronger Thai language skills, enabling easier integration into Thai society and workplaces. In contrast, refugees and asylum seekers seeking employment face significant disadvantages due to limited social networks and the absence of informal referral systems that are crucial for job entry. Their weaker Thai language proficiency further hinders social integration and restricts their access to employment opportunities.

6.4 Social Tension and Exclusion

According to the responses of several participants[22] in the interview, refugees and asylum seekers in Mae Sot experience a distinct form of social exclusion that extends beyond their marginalization by some local Thai people. Within

[21] Interview with Participant G1A in Mae Sot on 6th September 2025

[22] Interviews with participant G1A, G2B, G1C, G3C

the broader Myanmar migrant community, some tensions can arise due to differences in migration background, legal status, and livelihood conditions. Long-settled economic migrants who have obtained pink cards and achieved a degree of stability and integration may sometimes perceive the newly arrived displaced population as altering existing labour dynamics or attracting unwanted attention from the Thai authorities.

Such interactions reflect the complex social landscape in which displaced persons navigate which is shaped not by hostility, but by shared precarity and limited resources. These dynamics can contribute to feelings of exclusion and weaken the informal support networks that are vital for accessing work and protection. However, it is equally important to acknowledge that solidarity and mutual assistance also exist. Many established migrant workers actively support newly displaced individuals by helping them find jobs, housing, or information about legal processes. Thus, relationships between the two groups are multifaceted which is marked by both tension and cooperation.

7. ***The Documentation Dilemma: UNHCR, Resettlement Hope, and Work Access***

The final, most complex barrier to stable work is a self-imposed one, driven by the profound uncertainty surrounding the UNHCR process and the hope for third-country resettlement. This psychological and legal dilemma forces refugees/asylum seekers to choose between immediate financial survival and the protection of their long-term asylum claims, often leading them to avoid the most accessible form of legal status which is the Pink Card system.

The documentation system in Thailand is designed only for economic migration, not political asylum. The Pink Card system conflicts directly with the primary goal of the politically displaced: not long-term stay and work in Thailand, but rather rapid migration to a safe third country. This creates a critical documentation dilemma for those seeking refuge:

> *I do not want to apply for the Pink Card, that's part of the reason for my financial struggles. I am choosing not to get it because I am afraid it will*

> *negatively affect my UNHCR application case. If I don't get it, however, I cannot earn a living.*[23]

The refugees/asylum seekers fear that by registering for a Pink Card which means a work document with permission to reside in Thailand, this status will be signaling to the UNHCR or potential resettlement countries that they have established a stable, long-term economic life in Thailand, thereby undermining the urgency or legitimacy of their asylum claim. This fear is a major deterrent to obtaining the most accessible, albeit flawed, document for avoiding immediate arrest. Furthermore, they are afraid that if they are seen to simply staying with the Pink Card, they will no longer be considered for UNHCR resettlement and will be dismissed.

This dilemma is exacerbated by the absence of formal protection provided by the UNHCR in Mae Sot. Participants reported that despite submitting applications and even undergoing initial interviews, the UNHCR had not issued any official documents, such as UNHCR cards or asylum application cards. This lack of any legally binding or recognizable documentation to demonstrate their identity or protection-seeking status forces them into a precarious legal limbo.

The willingness of refugees/asylum seekers to sacrifice stability and the right to work is rooted in the desperate hope for resettlement. However, this hope is increasingly fragile. Participants expressed a profound lack of hope and little contact from the UNHCR.

The protracted nature of this resettlement process, which often takes years, forces highly skilled individuals to live in limbo. On the other hand, the impending expiration of passports adds a terrifying dimension to their uncertainty, risking statelessness. The conflict between the need to survive today and the need to preserve the hope for a future elsewhere leaves them trapped in a cycle where both options are fundamentally undermined.

[23] Interview with Participant G2A via online on 6th September 2025

Part 2- Comparative Analysis: The Right to Work for Urban Refugees and Asylum Seekers in Thailand and Türkiye

The right to work constitutes a central dimension of refugee protection and self-reliance. It not only sustains livelihoods but affirms human dignity and participation in host societies. Yet, the realization of this right varies across national contexts according to states' legal frameworks, recognition systems, and migration governance models.

Thailand and Türkiye offer two contrasting examples. A comparative analysis of these two models illustrates how legal recognition and policy architecture determine the degree to which refugees and asylum seekers can exercise the right to work. While Türkiye's model demonstrates partial inclusion through bureaucratic control, Thailand's framework reveals *policy absence and mismatch*.

Legality, Documentation, and the Right to Work

Both Thailand and Türkiye serve as key **t**ransit and host countries for displaced populations, situated at the crossroads of major migration routes. In both contexts, refugees and asylum seekers tend to reside near border regions such as Mae Sot and Tak Province in Thailand, and Gaziantep, and Hatay in Türkiye where they engage primarily in blue-collar, low-wage employment in sectors like agriculture, construction, and manufacturing. Despite being integral to each host country's labour force, refugees and asylum seekers remain on the margins of legality and protection. They contribute economically but are constrained by policy frameworks that prioritize migration management over rights recognition.

The key distinction between the two systems lies in their legal structures and sequencing of rights. Thailand lacks any formal refugee recognition mechanism. As a non-signatory to the 1951 Refugee Convention and its 1967 Protocol, it does not distinguish refugees or asylum seekers from irregular migrants. Consequently, forcibly displaced individuals from Myanmar are forced to integrate into the Pink Card system, a national migrant-worker registration scheme originally designed for voluntary labour migrants from

neighbouring countries. The pink card grants limited legal stay and work authorization only in low-skilled sectors such as construction, agriculture, and domestic work. This arrangement provides a temporary and conditional legality, requiring annual renewals at personal cost and tying employment strictly to one employer and occupation. Refugees/asylum seekers are thus legally present but not legally recognized. Their identity and work authorization derive from a framework that was never intended and designed to provide refugee recognition and protection in the first place. The system begins with work documentation and ends with a fragile form of identity, producing a reversed logic where survival depends on integrating into a structure that inherently misrepresents their status.

In contrast, Türkiye's approach stands in conceptual and structural opposition to Thailand's model. Although Turkey maintains a geographical limitation to the 1951 Refugee Convention which recognizes only Europeans as "refugees", it has developed a comprehensive national framework for forced migration governance. The Law on Foreigners and International Protection (LFIP, 2013) and the Temporary Protection Regulation (2014) together establish a structured and sequential approach for managing the Syrian refugee population.

This regime follows a clear policy logic of three interlinked stages:

1. ***Classification*** *– Syrians are officially recognized as "persons under Temporary Protection."*
2. ***Documentation*** *– They receive Temporary Protection ID cards that include biometric data and legal identification numbers.*
3. ***Rights Recognition*** *– The regulation guarantees access to healthcare, education, and the right to work.*

After six months of registration, Syrians under Temporary Protection may apply for work permits through the Ministry of Labor and Social Security, typically submitted by employers via the national e-Government gateway. Permits are province-specific, and a workplace cannot employ more than 10% of its staff from the refugee population. Refugees seeking self-employment must formally register their businesses and apply for work permits

independently (Refugee Rights Türkiye, 2017). Though bureaucratic challenges remain such as administrative delays, employer reluctance, and informal employment, the system constitutes de jure recognition of the right to work, situating refugees within a legal framework that links identity to protection and regulated employment.

Türkiye has further demonstrated adaptive policymaking by introducing work permit exemptions for specific sectors. In October 2024, the government announced that Syrians engaged in seasonal agriculture and animal husbandry would be exempted from work permit requirements, provided they apply through the governor's office in their registered province. Additionally, refugees who wish to work in health or education sectors must obtain *preliminary permission*, ensuring that these professions adhere to national regulations (Refugee Rights Türkiye, 2017). This multi-layered system reflects an effort to integrate refugees into the national economy while maintaining regulatory oversight which is a balance entirely absent from Thailand's framework.

When compared, the two countries represent two inverse approaches of migration governance. Thailand's model begins with employment documentation as the means to obtain a minimal identity, but the process ends in misrecognition and exclusion, where refugees are categorized as labour migrants and denied protection. Türkiye's system begins with legal recognition and identification, and then extends to employment authorization through work permits or exemptions. These two models form what can be described as parallel reverse arrows; Thailand moves from work to identity, while Türkiye moves from identity to work. This inversion captures their fundamental philosophical difference where Thailand avoids recognizing refugees/asylum seekers, making them seek legality, identity, and/or employment under labour regulation, whereas Türkiye recognizes them as rights-bearing individuals under a structured protection regime.

Despite their contrasting structures, both systems share certain commonalities. Refugees and asylum seekers in both countries remain concentrated near border areas and their mobility is restricted. In both contexts, refugees/asylum seekers

still have no legal documents and engage in the informal economy. Moreover, both Thailand and Türkiye's approaches are shaped less by humanitarian principles and more by pragmatic state interests where Thailand prioritizes migration control and security, while Türkiye manages inclusion to maintain social stability and meet economic demand.

Ultimately, the comparison illustrates two divergent models of refugee labour governance within non-Western contexts. Thailand's system exemplifies non-recognition and exclusion through misclassification, offering mere permission to work under the guise of legality but without recognition of refugee rights. Türkiye's system embodies inclusion through conditionality, providing legal recognition and structured access to employment but within bureaucratic and provincial constraints.

Refugee Entrepreneurship

The contrast extends to refugee entrepreneurship, where both systems again display parallel but opposite forms of regulation. In Thailand, the absence of legal recognition forces refugees into informal entrepreneurship sustained by nominee ownership and informal payments. Without the right to register businesses, refugees rely on Thai intermediaries to obtain licenses, paying unofficial "line fees" or bribes to police to avoid harassment or closure. Business operation depends on invisibility and constant caution. Refugees must keep their ventures small, unadvertised, and disconnected from formal financial systems to avoid scrutiny.

In Türkiye, by contrast, refugee entrepreneurship operates within an institutional and legal framework that allows regulated participation. Under the Temporary Protection Regulation, Syrian refugees can formally register enterprises, obtain tax identification numbers, and operate businesses openly. Though constrained by bureaucratic hurdles such as complex paperwork, annual renewals, and provincial restrictions, this system represents legality managed through bureaucracy rather than corruption. Syrian entrepreneurs can access support programs from NGOs, municipalities, and international donors and gain opportunities for training, finance, and integration into local economies.

In comparative terms, both countries transform the right to work and to enterprise into conditional privileges, but they do so through different mechanisms. Thailand enforces invisibility through informality and corruption, whereas Türkiye enforces compliance through bureaucratic control and documentation. The Thai model produces precarious legality achieved by purchasing and constantly renegotiating it while the Turkish model produces temporary legality, dependent on administrative compliance and renewal. Yet, Türkiye's system, despite its imperfections, offers a foundation for protection and gradual inclusion, allowing refugees to engage in the economy as recognized actors rather than hidden participants.

Lessons for Thailand: Toward a Recognition-Based Governance Model

Türkiye's approach offers practical and conceptual lessons for Thailand. Based on the empirical evidence gathered in Mae Sot, the economic and security challenges faced by Myanmar refugees/asylum seekers in the border town are direct consequences of Thailand's policy gap regarding forced migration. The following recommendations advocate for pragmatic regulatory reforms that would enable self-reliance, unlock significant economic contributions, and simultaneously alleviate the burden on Thailand's public services. For short and medium terms of bringing reforms to existing policy frameworks, Thailand should adopt the following policy changes:

1. Labor Market Liberalization and Expansion of Permitted Occupations

The current employment restrictions inherent in the Pink Card system, designed for low-skilled manual labor, create a chronic skills mismatch observed among displaced professionals. To maximize the economic potential of the displaced population and minimize their reliance on informal economies, Thailand should introduce measures to liberalize the labor market:

- ***Expand the scope of the Pink Card:*** *The Thai government should drastically reduce the restrictions on employment opportunities currently listed on the Pink Card. This expansion should formally include service sector occupations that are commonly undertaken by the displaced Myanmar community, such as selling in the market, driving cars, and*

running motorcycle taxis. As one participant[24] noted, if legal permission were granted for these activities, "both the sellers and the buyers could operate and eat freely," boosting community trade and eliminating bribery fees currently imposed on entrepreneurs. Moreover, reducing restrictions will also allow migrants to work at roles which directly contribute back to their community such as migrant teachers working at schools for migrant children by holding Pink Cards.

- ***Create Skilled Work Pathways:*** *A new, differentiated temporary permit or skilled visa should be established for educated professionals to pursue jobs that match with their skills. Legalizing these occupations would reduce systemic exploitation and allow skilled individuals to move beyond mere subsistence. In addition, the migrant professionals can cover the services needed by the migrant population in border towns which will alleviate extra burdens on the Thai host society (as an example, Myanmar displaced doctors and nurses treating Myanmar patients in border areas, reducing the workload of Thai healthcare workers.)*

2. Tax, Security, and Documentation Reform for Entrepreneurship

To integrate refugee/asylum seeker-led businesses into the formal economy, the Thai government must offer a path to legitimate enterprise that provides security in exchange for fiscal contribution. This requires both legal and financial reform:

- ***Officialize Business and Employment:*** *The government should take concrete steps to formally recognize the right of refugees and asylum seekers to work and run businesses legally. The government should create a special business permit system specifically for refugees and asylum seekers in border areas, allowing them to register their own businesses directly under their names. Simplifying registration procedures and reducing unnecessary bureaucracy is important. In addition, the current practice of making unofficial payments to local authorities for permission to operate should be replaced with a transparent and affordable licensing system, ensuring that all fees go through legal channels. These measures would not only protect refugees*

[24] Interview with Participant G2C in Mae Sot on 8th September 2025

from exploitation but also benefit Thailand's local economy by bringing refugee entrepreneurship into the formal economic system.

- ***Implement a Differentiated Tax System:*** *By formally recognizing this refugee economic activity, the government can transform vulnerability into revenue. The displaced community has expressed a willingness to pay taxes in exchange for security: "If the government taxed Thai citizens 10 percent, it would be fine if they charged Myanmar citizens 15 percent tax. Because we are paying the bribery fees anyway. The government would get more tax revenue, and we would be able to open a business with security."*[25] *This policy would significantly increase state revenue while eliminating the "line fee" and other forms of extortion that currently consume any profit.*
- ***Facilitating partnerships*** *with local chambers of commerce and international organizations to support microfinance and business training.*

As for long-term policy changes, considerations and policy discussions on recognizing and documenting the refugees/asylum seekers should be made. Thailand could adapt a similar sequence as Türkiye through the following stages:

1. ***Classification:*** *Formally distinguish between refugees, asylum seekers, and voluntary migrants.*
2. ***Documentation:*** *Issue identification cards (temporary protection cards during their transit in Thailand) specific to refugees and asylum seekers, not generic migrant worker cards. Like Türkiye's model, registration and ID issuance cards could be based on the border province they register. It is also important to learn the shortcomings of Türkiye's model regarding mobility restriction.*
3. ***Rights Recognition:*** *Develop a legal provision allowing screened refugees and asylum seekers to obtain work permits or self-employment authorization in sectors aligned with their skills. Collecting small fees for work permits application and low taxation rate can bring a balanced approach for the host state as well. The work permit application system*

[25] Interview with Participant G2C in Mae Sot on 8th September 2025

should be a simplified online-based registration system without need to rely on brokers. Encouragements for both skilled and unskilled refugee workers to enter the workplace along the Thai-Myanmar border provinces will boost Thailand's border economy.

7. Conclusion

THE COMPARATIVE ANALYSIS of the right to work for urban refugees and asylum seekers in Thailand and Türkiye reveals that recognition is the cornerstone of rights realization. Türkiye's Temporary Protection framework, despite administrative inefficiencies, affirms refugees' presence within a legal structure and offers regulated access to employment. Thailand's absence of refugee law, by contrast, erases legal identity and forces refugees into a misfitting migrant-labour system that criminalizes their existence. Therefore, Thailand's challenge is not merely restrictive regulation but the absence of classification, documentation, and rights recognition which is an alarming symptom of failure in migration governance.

This research highlights a fundamental divergence in migration governance between Thailand and Türkiye; two systems that move in opposite directions. Thailand's model begins with work documentation and ends with misclassified identification, forcing refugees to seek identity and safety through labour registration schemes designed for migrant workers, which ultimately impacts on their actual status and migration intention. Türkiye's model begins with recognition and identification, then extends to employment authorization through structured work permits and exemptions. These two trajectories; Thailand moving from work to identity, and Türkiye from identity to work symbolize contrasting philosophies of governance. Thailand manages refugees through labour control and informal administrative tolerance through corruption, while Türkiye integrates them through legal recognition and rights-based inclusion despite having weaknesses in policy implementation. This "parallel reverse arrow" relationship captures the core argument of this study that the sequence and purpose of legality determine whether displaced persons are treated as protected individuals or as regulated labourers.

Moreover, since Myanmar refugees and asylum seekers in Thailand have to enter the Pink Card system similar to migrant workers, although both migrant groups are with similar vulnerabilities, forcibly displaced migrants face unseen vulnerabilities such as familial and mobility constraints, lack of established networks, double-marginalization that do not apply to economic migrants to the same extent. Such vulnerabilities are frequently overlooked but are imposing extra obstacles for displaced populations regarding their economic life. Thus, even though both groups operate under the same regulatory framework, the obstacles they face are fundamentally different, and the current Pink Card system provides no mechanisms to address or mitigate the distinct hardships experienced by the displaced population.

Learning from Türkiye's model, Thailand could strengthen its migration governance by establishing a recognition-based system that links identification to rights. Only then can the country move beyond the cycle of tolerance with frequent corruption and transform toward a good migration governance framework that delivers genuine realization of the right to work.

References

Amnesty International (n.d.) Refugees, asylum seekers and migrants. Available at: https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/

Asia Pacific Refugee Rights Network (APRRN) and Coalition for the Rights of Refugees and Stateless Persons (CRSP) (2021) Thailand: National Screening Mechanism Assessment Report: The overview and situation analysis of the NSM's implementation. Bangkok: APRRN & CRSP.

Badalič, V. (2023) 'Trapped in the underground economy: Syrian refugees in the informal labour market in Turkey', Third World Quarterly, 44(5), pp. 967–984. doi:10.1080/01436597.2023.2170224.

Brees, I. (2008) 'Refugee Business: Strategies of Work on the Thai-Burma Border', Journal of Refugee Studies, 21. doi:10.1093/jrs/fen022.

Ginn, T., Resstack, R., Dempster, H., Arnold-Fernandez, E., Miller, S., Guerrero Ble, M. and Kanyamanza, B. (2022) 2022 Global Refugee Work Rights Report. Policy Paper. Center for Global Development, Refugees International, Asylum Access. Washington, DC. Available at: https://www.cgdev.org/publication/2022-global-refugee-work-rights-report

FED. (2017) Myanmar and Thailand implement CI “Certificate of Identity”; another attempt to identify Burmese migrants. Posted 27 January. Available at:https://fedgrassroots.org/myanmar-and-thailand-implement-ci-certificate-of-identity-another-attempt-to-identify-burmese-migrants/

Hoffstaedter, G. (2017) ‘Refugees, Islam, and the state: The role of religion in providing sanctuary in Malaysia’, Journal of Immigrant & Refugee Studies, 15(3), pp. 287–304. doi:10.1080/15562948.2017.1302039.

Htun, S.Y. (2024) ‘Vulnerabilities of Burmese migrants, refugees and stateless people in Mae Sot after the 2021 military coup’, Global Campus Human Rights Journal, 8, pp. 186–202. doi:10.25330/2821.

Human Rights Watch (2025) Thailand Allows Myanmar Refugees in Camps to Work Legally, 27 August. Available at: https://www.hrw.org/news/2025/08/27/thailand-allows-myanmar-refugees-in-camps-to-work-legally

Immigration Act of Thailand, B.E. 2522 (1979), 30 May 1979. https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=37411

İneli-Ciger, M. (2017) ‘Protecting Syrians in Turkey: A legal analysis’, International Journal of Refugee Law, 29(4), pp. 555–579. doi:10.1093/ijrl/eex042.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 18 December 1990, entered into force 1 July 2003) 2220 UNTS 3, Art. 2(1).

İzmirli, L.A. & İzmirli, M.K. (2022) ‘Work of foreigners under temporary protection in Turkey and main problems regarding the work of Syrians under temporary protection’, Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi, 24(1), pp. 123–165. doi:10.33717/deuhfd.1091519.

Jittiang, B. (2019) Balancing security and humanitarianism: The Thai government’s responses to urban forcibly displaced persons. PhD dissertation. University of Wisconsin-Madison. https://asset.library.wisc.edu/1711.dl/OMTDY5GHLX7H482/R/file-02e6b.pdf

Jittiang, B. (2022) ‘Policy entrepreneurship and the drafting of refugee law in a non-signatory country: The case of Thailand’s national screening mechanism’, Journal of Refugee Studies, pp. 1492–1507.

Kirkwood, S., Goodman, S., McVittie, C., McKinlay, A. (2016). Who Counts as an Asylum Seeker or Refugee?. In: The Language of Asylum. Palgrave Macmillan, London. https://doi.org/10.1007/978-1-137-46116-2_6

Laungaramsri, P. (2015) ‘(Re)Crafting Citizenship: Cards, Colors, and the Politic of Identification in Thailand’, HYI Working Paper Series, Harvard-Yenching Institute, 14 May. Available at: https://www.harvard-yenching.org/research/hyi-working-paper-series-pinkaew-laungaramsri/

Ministry of Labour (2025) “Starting July 1: Ministry of Labour Revises Minimum Wage to Align with Economy and Improve Workers’ Quality of Life”, Ministry of Labour. Available at:https://www.mol.go.th/en/news/starting-july-1-ministry-of-labour-revises-minimum-wage-to-align-with-economy-and-improve-workers-quality-of-life

Nang Mya Nadi / DVB (2017) ‘Burmese migrants: From Pink Cards to Green Books’, DVB, 22 February. Available at: https://english.dvb.no/burmese-migrants-from-pink-cards-to-green-books/

Pang, B. and Tling, K.V. (2024) ‘Policy discourse analysis of Thailand’s National Screening Mechanism and shifting refugee policies’, International Journal of Social Science and Humanity, 14(5), pp. 175–182.

Phyu, H.P. (2025) ‘Misclassified and Unprotected: Survival Migration from Myanmar and the Limits of Thailand’s Pink Card System’, School of Public Policy Working Paper, Chiang Mai University, 25 August. Available at: https://spp.cmu.ac.th/misclassified-and-unprotected-survival-migration-from-myanmar-and-the-limits-of-thailands-pink-card-system/

Pirjola, J. (1995) ‘Temporary Protection as a Future Model’, Nordic Journal of International Law, 64(3), p. 426.

PMM (2025) Temporary protection. Presidency of Migration Management. Retrieved on 25 August 2025, from https://en.goc.gov.tr/temporary-protection27

Regulation of the Office of the Prime Minister on the Screening of Alien who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562 (2019). Bangkok: Office of the Prime Minister.

Republic of Turkey, Directorate General of Migration Management & United Nations High Commissioner for Refugees. (2017). Work permits and labour market access under Temporary Protection Regulation. https://atalise43.meb.k12.tr/meb_iys_dosyalar/43/01/178558/dosyalar/2017_12/08134750_tp_work_en.pdf?CHK=e7d70a952fd1e72e86709478f2ffb30c

Republic of Turkey, Ministry of Labour and Social Security (2024) Work Permit and Exemption Documents for Foreigners. Available at: https://www.csgb.gov.tr/uigm/en/general-information/yabancilara-duzenlenen-belgeler

RL Turkey (2024) Work Permit Exemption in Turkey. Available at: https://www.rlturkey.com/work-permit/work-permit-exemption/

Ryan, M. (2025) Beyond Borders: The Multifaceted Struggle of Refugees from Karenni State: How do a plurality of factors interact to exacerbate the unprotected and precarious condition of Karenni Refugees along the Thailand-Burma Border? Facoltà di Lettere e Filosofia Dipartimento Istituto Italiano di Studi Orientali -ISO Corso di laurea in Global Humanities. doi:10.13140/RG.2.2.32418.75204.

Sanlier, I. (2024) ‘Navigating the Shadows: Syrians under Temporary Protection, Employment, and Hyper-Precarity in Türkiye’. In: Book title, pp. ?. doi:10.1007/978-3-031-74866-0_9.

Thiele, L. (2019) ‘The Right-to-Work for Rohingya in Thailand’, Notre Dame Journal of International & Comparative Law, 9(1), Article 7. Available at: https://scholarship.law.nd.edu/ndjicl/vol9/iss1/7

Trustus Consultancy (2025) Exemption from Syrians’ Work Permit. Available at: https://trustusconsultancy.com/en/exemption-syrians-work-permit

UNESCO (2023) Migrants, refugees, or displaced persons?. Available at: https://www.unesco.org/en/articles/migrants-refugees-or-displaced-persons

UN General Assembly (1966) International Covenant on Economic, Social and Cultural Rights. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

UNHCR (1951) Convention Relating to the Status of Refugees. Geneva: United Nations. Available at: https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention

UNHCR (2014) Asylum-seekers. Available at: https://www.unhcr.org/about-unhcr/who-we-protect/asylum-seekers

UNHCR (2022) Refugee status determination. Available at: https://www.unhcr.org/what-we-do/protect-human-rights/protection/refugee-status-determination

UNHCR (2023) Resettlement. Available at: https://www.unhcr.org/what-we-do/build-better-futures/solutions/resettlement

UNHCR. (2024, March 31). Thailand Operational Factsheet [PDF]. United Nations High Commissioner for Refugees. https://www.unhcr.org/sites/default/files/2024-04/UNHCR%20Thailand_Operational%20Factsheet_31%20March%202024.pdf

United Nations Convention relating to the Status of Stateless Persons ((adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117) Art. 1.

Zetter, R. (1991) ‘Labelling refugees: forming and transforming a bureaucratic identity’, Journal of Refugee Studies, 4(1), pp. 39–62.

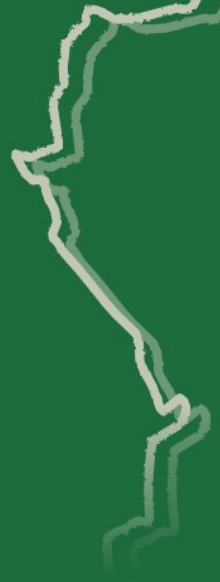
About the Author

Myat Su Thwe is a researcher whose work focuses on forced migration, refugee protection, the right to work, and the relationship between displacement and development. Her research has explored the experiences of refugees and asylum seekers in Thailand, particularly their access to employment and the legal and policy

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Myat has several years of experience working on Myanmar-related human rights, humanitarian, and advocacy initiatives in Thailand, including with communities and organisations along the Thai–Myanmar border. Her professional experience spans research, advocacy, programme coordination, and engagement with civil society organisations, policymakers, and displaced communities. These experiences continue to shape her interest in how refugee-hosting countries can reconcile protection with opportunities for displaced populations to build sustainable livelihoods and contribute to local development.

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Conditional Sympathy: Perpetrator Attribution and Public Reactions to Reported Rohingya Human Rights Violations in the Myanmar Facebook Landscape

THANT ZIN

Abstract

This study examines how Burmese Facebook users react to news reporting harm to Rohingya civilians, and whether those reactions depend on which actor the report holds responsible. 772 Facebook posts (news stories) published between 2023 to 2025 from nine Myanmar media outlets, six with national coverage and three focused on Rakhine State are coded and analyzed based on their welfare depiction towards Rohingya civilians and the Facebook users' reactions to these posts.

For analysis, two log sympathy ratios (sympathetic reactions divided by unsympathetic reactions) are regressed on an eight-category actor attribution, the reported location of the event, and the year, using OLS with heteroskedasticity-robust standard errors across three samples. Three findings emerge. **First, baseline sympathy is large and statistically significant: when no domestic armed actor is named, posts reporting harm to Rohingya civilians draw between 33 and 79 sympathetic reactions for every hostile one**. **Second, this sympathy is strongly conditional on attribution.** Harm attributed to the Arakan Army inverts the baseline into net hostility, and the gap between Arakan-Army-attributed harm and Tatmadaw-attributed harm is large and significant in both media ecosystems. **Third, sympathy declines steeply between 2023 and 2025.**

Together the findings indicate that humanitarian framing elicits measurable sympathy for Rohingya civilians among Myanmar Facebook users, but that this sympathy is contingent on the identity of the attributed perpetrator and has weakened substantially between 2023 and 2025.

1. Introduction

HUMAN RIGHTS VIOLATIONS to the Rohingya population in Myanmar has been a well-documented incident with the United Nations (UN) frequently urging to pay attention to the matter (OHCHR, 2023). However, despite consistent international uproar, Myanmar public perception shifts overtime. Before the military coup of 2021, most people of Myanmar demonstrated disbelief towards the authenticity of the atrocities or outright hostility to the Rohingyas. Then, with the coup of 2021 and the brutality of military on display, people turned sympathetic towards the sufferings faced by Rohingyas (Aljazeera, 2021). Then, as the civil war intensified since coup, another turn emerged as the Myanmar military (Tatmadaw)'s losses gave way to Arakan Army (AA) in majority of Rakhine State, including areas with substantial Rohingya populations. As of August 2026, Arakan Army controls 92.6% of Rakhhine State (ISP Myanmar, 2026)

Arakan Army (AA) is an ethnic Rakhine nationalist armed group with popular support among Rakhine people (East Asia Forum, 2025) and a major patron of a myriad of anti-junta (i.e. anti-Tatmadaw) resistance armed groups (ISP Myanmar, 2025) across the country. However, AA itself has openly demonstrated their hostility towards the Rohingyas, including denial of Rohingya ethnicity and instead labelling them being illegal Bengali immigrants (FORSEA, 2024). As AA controls more territories at the expense of losing Tatmadaw, human rights violations by AA committed towards the Rohingya populace became more widely reported by watch groups, UN and media alike (Crisis Group, 2024) in international stage. However, domestically, there has been reports of AA silencing critics among the resistance and civil society organizations (CSOs) (Frontier, 2024), with well-known resistance CSOs such as the General Strike Committee (GSC), retracting from previous statement alleging AA of committing human rights violations against Rohingya civilians (Mizzima, 2024).

Considering that the Northern Rakhine State, a region regarded as homeland of both the Rohingyas and the Rakhines is under complete control of AA by end of 2024 (BBC, 13 December 2024), the role of AA and its accountability on the civilians living in areas they govern have also increased. Moreover, while AA have already established local governments in the areas it controls, observers remain cautious about its administration's commitment to democratic representation and inclusivity of non-Rakhine ethnic groups (CSIS, 2025).

With huge Rohingya population living under either Tatmadaw or AA's rule presently, combined with both actors' well-documented human rights abuses against the Rohingya population (OHCHR, Oct 2025), it has become important to analyze the public goodwill afforded to these two contesting armed groups who are in a position of power on the Rohingya population residing in the areas under their rule.

Scholars of civil conflict such as Kalyvas (2006) and Stanton (2016) have demonstrated that violence against civilians is neither irrational nor random, but the outcome of strategic calculation by armed actors who weigh the costs and benefits of their conduct. Under rational-choice models such as these two and many more, being perceived differently by the public for being reported as undertaking similar actions could entail different costs for pursuing violence on civilians.

2. Data and Methodology

THIS STUDY MEASURES whether public reaction to reported harm against Rohingya civilians differs according to the actor to whom the harm is attributed. The design treats each Facebook post as an observation, the mix of reactions to that post as a revealed expression of audience sentiment, and the actor named in the post as the attribution of responsibility. This study does not assess whether the reported violations occurred, nor does it claim to identify a causal effect; the estimates only summarize how expressed sympathy varies across attribution, location, and time.

2.1 Research Questions

THE COLLECTED DATA, i.e. Facebook posts showing direct impact on welfare of Rohingya civilians, and coding scheme (Table 2) allow following set of questions:

RQ1. Does measurable baseline sympathy toward Rohingya civilians exist when no domestic armed actor is named as responsible?

RQ2. Does attributing responsibility to a specific actor change expressed sympathy, and does the magnitude of that change differ across actors facing comparable allegations?

RQ3. Does expressed sympathy vary with the reported location of the event?

RQ4. Has expressed sympathy changed over the 2023–2025 period?

RQ5. If sympathy has declined, is the decline driven by a change in the mix of content published (composition) or by audiences responding differently to comparable content (structure), and which reaction types account for it?

RQ2 is the primary contribution of this working paper and carries the substantive weight. The relevant comparison is not simply whether attribution reduces sympathy, but whether the reduction is symmetric across actors accused of similar conduct. An asymmetry would indicate that audiences respond to the identity of the accused rather than to the reported act.

2.2 Data

DATA ARE DRAWN from the public Facebook pages of nine Myanmar media outlets: six with national reach and three focused on Rakhine State (Table 1). All news posts are in Burmese. The two groups are analysed separately as well as pooled, because they serve distinct readerships, i.e. national outlets attract a general Myanmar audience while the Rakhine State outlets attract a Rakhine-interest readership, and because the comparison between them is itself informative.

Table 1: Media outlets used for data collection

Media Name	Followers	Facebook Page
National Media	**National Media**	**National Media**
Mizzima — News in Burmese	21 million	facebook.com/MizzimaDaily
Khit Thit Media	8.6 million	facebook.com/khitthitnews
DVB TV News	21 million	facebook.com/DVBTVNews
Myanmar Now	6.8 million	facebook.com/myanmarnownews
The Irrawaddy — Burmese Edition	18 million	facebook.com/theirrawaddyburmese
BBC Burmese	26 million	facebook.com/BBCnewsBurmese
Rakhine State Media	**Rakhine State Media**	**Rakhine State Media**
Western News	1 million	facebook.com/westernnewsagency
The Arakan Express News	254,000	facebook.com/thearakanexpress
Narinjara	1.2 million	facebook.com/narinjara.info

Note. Follower counts are as recorded at the time of collection.

Posts were identified by monitoring these pages and searching the keywords "Rohingya" and in some cases "Muslim", the latter because some Western News and Narinjara avoid the term "Rohingya" altogether. However, in searching with the keyword "Muslim", special attention is paid to only select the news refer to "Rohingya" only. Originally, over 1500 posts mentioning Rohingya were collected between 2023 to 2025. From there only posts reporting an event with a direct impact on strictly Rohingya civilian welfare were retained. This means topics such as diplomatic rhetorics, events which cause harms to both Rohingya and other ethnic groups, armed conflict among Tatmadaw and AA with no mention of direct Rohingya civilian harm, conflict between Rohingya gangs with no civilian harm reported, etc. all were dropped as it became difficult to accurately capture which victim group the newsreaders' sympathy was responding to. The actor's attribution and type of posts used are elaborated in Table 3.

The final dataset comprises 772 posts published between 2023 and 2025: 375 from State media, 397 from National media. The study measures change in welfare only, not absolute welfare levels, as the latter is both outside the scope

of the research question and impossible to gauge from Facebook reactions alone. It also does not adjudicate the authenticity of reported violations, it records only how the newsreaders reacted.

2.3 Outcome Variables

FACEBOOK OFFERS A fixed menu of reactions. From that menu, Like and WoW are excluded throughout: Like functions as generic acknowledgement of news and WoW carries no clear valence toward the victim. The remaining five, i.e. Love, Care, Sad, Angry, HaHa, are coded as sympathetic or unsympathetic toward Rohingya civilians.

The central coding decision is that valence depends on the welfare direction of the reported event. For instance, anger at a report of harm is moral outrage on the victim's behalf and therefore sympathetic; anger at a report of Rohingya civilians being helped is hostility toward the victim. Love works in the reverse direction. Table 2 sets out the assignment and its rationale.

Table 2: Reaction coding and rationale

Equation and Reaction	Interpretation and Rationale
Welfare-Reducing: Love (Y_1)	Unsympathetic: empathy bias against outgroup, pleasure at others' pain (Cikara et al., 2014).
Welfare-Reducing: Angry (Y_1)	Sympathetic: moral outrage (Batson et al., 2007).
Welfare-Improving: Love (Y_1)	Sympathetic: caring for another person (Darwall, 1998).
Welfare-Improving: Angry (Y_1)	Unsympathetic: empathy bias against outgroup, pain at others' pleasure (Cikara et al., 2014).
All Posts: Sad ($Y_{1,2}$)	Sympathetic: concern for others' welfare-reducing events (Darwall, 1998).
All Posts: Care ($Y_{1,2}$)	Sympathetic: caring for another person (Darwall, 1998).
All Posts: HaHa ($Y_{1,2}$)	Unsympathetic: trolling (Phillips, 2024).

Note. Only Love, Angry, Sad, Care and HaHa reactions are included in the analysis. Like and WoW are excluded due to unclear implications for victim sympathy.

Two outcome variables are calculated from these reactions.

The first, Y_1 (the full-reaction ratio), applies the welfare-conditional assignment above and uses all five reactions.

The second, Y_2 (the core-reaction ratio), discards the welfare-conditional logic and the two contested reactions, counting only Sad and Care against HaHa for every post.

Both are expressed as the natural log of a ratio:

$$Y_1 = ln[(sympathetic + 0.5) / (unsympathetic + 0.5)]$$

$$Y_2 = ln[(Sad + Care + 0.5) / (HaHa + 0.5)]$$

The 0.5 constant is a Laplace smoothing term preventing undefined values when a reaction count is zero. Values above zero indicate net sympathy, values below zero net hostility, and zero indicates indifference. With Pearson r = 0.918 to 0.936, Y_2 shares roughly 90 per cent of its variance with Y_1 (Supplementary S1), so it functions as a sensitivity check rather than as independent evidence. Where the two diverge materially, the contested Angry and Love reactions are contributing meaningfully to Y_1. The assignment of each reaction follows a discrete-choice rationale (de León & Trilling, 2021).

2.4 Actor Categories

EACH POST IS assigned to exactly one of eight actor categories describing the party to which the post attributes responsibility for the reported event (Table 3). Humanitarian Negative (HN), i.e harm with no named domestic armed actor in reference location (Rakhine) at reference year (2023), serves as the reference throughout, because it isolates audience response to Rohingya suffering itself, uncontaminated by attribution.

Table 3: Actor-attribution categories

Label	Definition	Welfare Impact to Rohingya Civilians
Humanitarian Negative (HN) (Ref.)	Harm with no named armed actor of interest (Tatmadaw, AA or Rohingya Militants), this serves as the reference category throughout, because it isolates audience response to Rohingya suffering itself. Combined with the Rakhine and 2023 reference levels, it forms the baseline cell against which all coefficients are read.	Welfare Reducing
Tatmadaw	Harm attributed to the Myanmar military, i.e. Tatmadaw only.	Welfare Reducing
Tatmadaw + AA	Joint attribution to both Tatmadaw and Arakan Army.	Welfare Reducing
AAHarm	Harm attributed to the Arakan Army only. (e.g. UN reports attributes AA as harming to Rohingya)	Welfare Reducing
AAHelp	Arakan Army portrayed as helping or protecting Rohingya civilians.	Welfare Improving
AADeny	Arakan Army denying responsibility for reported Rohingya harm. (e.g. AA denies UN report attributing them of harming to Rohingya)	Welfare Reducing
Humanitarian Positive (HP)	Manmade (caused by other actors than the named actors) welfare-improving events. E.g. humanitarian funding improvement, getting helped by other actors (e.g. foreign governments, PDF).	Welfare Improving
Rohingya Militants (RM)	Harm attributed to Rohingya militants e.g. ARSA (separate from criminal gangs)	Welfare Reducing

Note. I consider the change in welfare only, not absolute welfare levels, which is both irrelevant to the study and impossible to gauge from Facebook reactions alone.

Two features of this scheme matter for interpretation. The varying and at times opposite portrayal of Arakan Army in the news demands more specific classification along its harming, helping or denying narratives of the news, the same differing narratives are not found in Tatmadaw or Rohingya Militant, with both actors being described as only harming the Rohingya civilians. Secondly, the Rohingya Militants category captures intra-ethnic harm and provides a further reference point for whether hostility attaches to perpetrator identity or to the act.

2.5 Specification

EACH OUTCOME IS regressed on actor attribution, the reported location of the event, and the year:

$$Y_i = \beta_0 + \beta_1 Tatmadaw + \beta_2 Tatmadaw\&AA + \beta_3 AAHarm + \beta_4 AAHelp + \beta_5 AADeny + \beta_6 HP + \beta_7 RM + \beta_8 \cdot 2024 + \beta_9 \cdot 2025 + \beta_{10} \cdot Myanmar + \beta_{11} \cdot Bangladesh + \beta_{12} \cdot Others + \varepsilon$$

where β_0 is the predicted log sympathy ratio for an HN post about Rakhine in 2023 (the reference actor, location and year), β_1 to β_7 are actor effects relative to HN, β_8 and β_9 are 2024 and 2025 effects relative to 2023, and β_{10} to β_{12} are location effects relative to Rakhine. Models are estimated by OLS on all three samples with HC3 heteroskedasticity-robust standard errors, since Breusch-Pagan tests reject homoskedasticity in every specification (Supplementary S2). The specification is additive and descriptive rather than causal.

Because log coefficients are difficult to interpret directly, results are also reported as implied sympathy ratios, the ratio of sympathetic to unsympathetic reactions predicted at the 2023 Rakhine baseline, obtained as $\exp(\beta_0 + \beta_a)$. A value of 33:1 means thirty-three sympathetic reactions for every hostile one; a value of 1:2.28 means there are 2.28 hostile reactions for one sympathetic reaction.

2.6 Identification

ACTOR ATTRIBUTION IS not independent of location or year, and the dependence is structural rather than incidental: each armed actor appears only where it is able to act. All four Arakan Army categories, i.e. AA Harm, AA Help, AA Deny and Tatmadaw + AA, are entirely Rakhine-located, with no observations in any other location in any sample, because Rakhine is the extent of Arakan Army territorial control and therefore the extent of its capacity to affect Rohingya residents. Tatmadaw attributions span Rakhine and Myanmar proper; Rohingya militant attributions fall in Rakhine and Bangladesh. Only the two categories naming no armed actor, HN and HP, occur across all four locations. The same categories are concentrated in time as well, though less

completely: Arakan-Army-related coverage is overwhelmingly a 2024 and 2025 phenomenon, and Tatmadaw + AA and AA Deny have no 2023 observations at all, as does AA Help in the National sample. That rise after 2023 is itself the supply-side shift the temporal analysis documents.

This determines what each part of the model can be asked to do. Actor and year effects are read from the full model. Year remains identifiable because the categories carrying most of the corpus, i.e. HN, HP, Tatmadaw and Rohingya militants, appear in all three years, so the year coefficients rest on content that spans the period rather than on the Arakan Army categories alone. Sparse categories are flagged and not interpreted: Tatmadaw + AA, with five observations in the State sample and nine in the National, is retained only to avoid omitted-variable bias.

Location effects cannot be read from the full model, because the Arakan Army categories supply no geographic variation at all. They are estimated instead from a restricted model fitted to the three categories whose distribution is not fixed by territorial control: HN, HP and RM.

One limit is that some actor-location combinations simply do not occur, e.g. there is no AA-attributed harm reported from Bangladesh because AA has no presence there. Thus, the additive form cannot be tested for these actor-location combinations. However, the main comparison, between Tatmadaw and the Arakan Army still holds since they both operate in Rakhine State. Where families of related tests are reported, a Holm correction is applied within each family.

3. Analysis and Findings

3.1 Descriptive Patterns

TABLE 4 REPORTS the composition of valenced reactions by actor category across the three samples, together with the share of valenced reactions that are sympathetic under the Y_1 coding.

Table 4: Reaction composition by actor attribution

Sample	Actor	# Posts	HaHa %	Sad %	Love %	Care %	Angry %	% Fav
State	HN (ref)	122	17.0	76.9	1.9	1.4	2.8	81.1
State	Tatmadaw	85	13.7	60.9	2.3	1.4	21.7	84.0
State	Tatmadaw+ AA	5	88.6	8.5	1.2	0.6	1.1	10.2
State	AAHarm	69	**84.3**	10.8	2.3	0.7	2.0	**13.5**
State	AAHelp	31	9.0	8.7	71.0	8.8	2.5	88.5
State	AADeny	19	16.8	0.8	73.9	7.3	1.2	**9.3**
State	HP	23	40.6	7.9	45.4	5.5	0.6	58.8
State	RM	21	41.2	35.0	7.5	2.6	13.7	51.3
National	HN (ref)	169	8.1	87.0	1.0	2.7	1.2	90.9
National	Tatmadaw	112	11.5	72.2	3.4	2.1	10.8	85.1
National	Tatmadaw+ AA	9	89.3	6.4	2.3	1.2	0.9	8.5
National	AAHarm	13	**94.4**	1.9	1.2	0.8	1.7	**4.4**
National	AAHelp	11	3.7	13.6	77.6	4.5	0.6	95.7
National	AADeny	20	42.6	1.4	49.2	5.6	1.3	**8.2**
National	HP	27	24.7	6.8	53.5	13.1	1.9	73.4
National	RM	36	18.5	61.5	5.7	3.1	11.3	75.9
Combined	HN (ref)	291	10.1	84.7	1.2	2.4	1.6	88.7
Combined	Tatmadaw	197	12.1	69.1	3.1	1.9	13.8	84.8
Combined	Tatmadaw+ AA	14	89.0	7.2	1.9	1.0	0.9	9.1
Combined	AAHarm	82	88.9	6.7	1.8	0.7	1.9	**9.3**
Combined	AAHelp	42	6.3	11.2	74.4	6.5	1.5	92.2
Combined	AADeny	39	27.7	1.1	63.5	6.6	1.2	**8.9**
Combined	HP	50	35.8	7.6	47.8	7.8	1.0	63.2
Combined	RM	57	22.5	56.8	6.0	3.0	11.7	71.5

Note. Reaction shares are pooled across posts and computed over valenced reactions only (HaHa + Sad + Love + Care + Angry). % Fav is the share of valenced reactions that are sympathetic under the Y_1 (full-reaction ratio) coding. Reference category is HN.

The dominant reaction type is broadly consistent across the two ecosystems. Humanitarian Negative posts draw overwhelmingly sympathetic reactions in both, indicating a high baseline. The attribution effects are already visible in the raw shares: on both categories of AA-attributed harm, mockery (HaHa) dominates, reaching 84 to 94 per cent of valenced reactions. Sad dominates for HN and Tatmadaw posts, and Love dominates the AAHelp, AADeny and HP

categories. The favourability column (% of favorable reactions towards Rohingya civilians) also shows the two audiences diverging on Humanitarian Positive and Rohingya Militants posts, with markedly higher mockery in the State sample. Under both state and national media landscapes, the lowest percentage of favorable reactions are reserved for categories which are critical of AA with AA Harm and AA Deny. As mentioned before, I do not interpret Tatmadaw+AA category due to limited observations.

3.2 **Baseline Sympathy**

TABLE 5 REPORTS the full regression results for both outcomes across the three samples. Coefficients of Table 5 are translated into more intuitive sympathy ratios (SR), i.e. sympathetic reactions ÷ hostile reactions, and these sympathy ratios (SR) are used throughout the discussion, in Table 6 and in figures.

Table 5: OLS regression of log sympathy ratio on actor, year and location

Variable	State Y1	State Y2	Natl Y1	Natl Y2	Comb Y1	Comb Y2
Panel A: Actor Attribution (reference = HN)						
Constant (HN, Rakhine, 2023)	3.501*** (0.299)	4.082*** (0.303)	3.533*** (0.206)	4.368*** (0.227)	3.610*** (0.168)	4.340*** (0.181)
Tatmadaw	-1.478*** (0.379)	-1.841*** (0.403)	-2.023*** (0.321)	-2.429*** (0.356)	-1.766*** (0.243)	-2.158*** (0.262)
Tatmadaw + AA	-5.027*** (0.691)	-5.512*** (0.828)	-4.295*** (0.772)	-4.871*** (0.859)	-4.610*** (0.522)	-5.098*** (0.588)
AAHarm	-4.323*** (0.351)	-4.682*** (0.387)	-5.048*** (0.424)	-6.088*** (0.529)	-4.142*** (0.249)	-4.687*** (0.282)
AAHelp	-1.170*** (0.389)	-2.543*** (0.454)	0.059 (0.463)	-2.613*** (0.802)	-0.624** (0.277)	-2.380*** (0.361)
AADeny	-4.577*** (0.398)	-3.756*** (0.411)	-4.100*** (0.362)	-3.883*** (0.432)	-4.298*** (0.258)	-3.793*** (0.291)
Humanitarian Positive	-1.124*** (0.340)	-2.804*** (0.357)	-1.251*** (0.294)	-2.765*** (0.348)	-1.177*** (0.224)	-2.765*** (0.251)
Rohingya Militants	-1.015** (0.495)	-1.347*** (0.499)	-0.832** (0.415)	-0.962** (0.438)	-0.883*** (0.323)	-1.079*** (0.338)
Panel B: Location (reference = Rakhine)						
Myanmar	-1.059* (0.540)	-0.505 (0.534)	0.857** (0.359)	0.889** (0.397)	0.151 (0.291)	0.365 (0.306)

Variable	State Y1	State Y2	Natl Y1	Natl Y2	Comb Y1	Comb Y2
Bangladesh	-2.020*** (0.369)	-2.050*** (0.395)	-0.701** (0.324)	-0.880** (0.344)	-1.243*** (0.242)	-1.350*** (0.257)
Others	-1.621*** (0.398)	-1.590*** (0.410)	-1.250*** (0.294)	-1.228*** (0.318)	-1.457*** (0.230)	-1.408*** (0.247)
Panel C: Year (reference = 2023)						
Year 2024	0.003 (0.280)	-0.261 (0.300)	-0.780*** (0.245)	-0.959*** (0.266)	-0.544*** (0.178)	-0.803*** (0.195)
Year 2025	-1.303*** (0.286)	-1.833*** (0.297)	-2.139*** (0.293)	-2.791*** (0.316)	-1.846*** (0.184)	-2.432*** (0.197)
Model fit						
N	375	375	397	397	772	772
R^2	0.496	0.521	0.468	0.503	0.464	0.504

*Note. HC3 heteroskedasticity-robust standard errors in parentheses. Reference: HN actor, Rakhine location, 2023. Y_1 = welfare-direction-sensitive log sympathy ratio; Y_2 = grief-only log ratio. *** p < 0.01, ** p < 0.05, * p < 0.10.*

Overall sympathy toward Rohingya civilian welfare is large and statistically significant, but conditional on actor, location and time. All but one actor coefficient reaches statistical significance; among the time and location coefficients the non-significant values are confined to the Myanmar location and to 2024.

When no domestic armed actor is named, sympathy is highest in every sample under both outcomes. The model intercepts correspond to implied ratios between 33:1 and 79:1. Because Y_2 is roughly twice Y_1 at the baseline, this sympathy is driven primarily by core grief reactions rather than by the contested Angry and Love reactions. National values exceed State values under both outcomes, indicating a higher baseline among the general Myanmar readership. One-sample tests confirm that the HN baseline is significantly sympathetic in every sample-outcome combination. **This answers RQ1. There is measurable and significant baseline sympathy under all specifications.**

3.3 Actor Attribution

SYMPATHY VARIES SHARPLY with perpetrator attribution. Adding the actor attributions to a model already containing year and location roughly doubles the explained variance in every specification, and these results are highly

significant (Supplementary S3). Table 6 converts the coefficients into implied sympathy ratios, which Figure 1 shows.

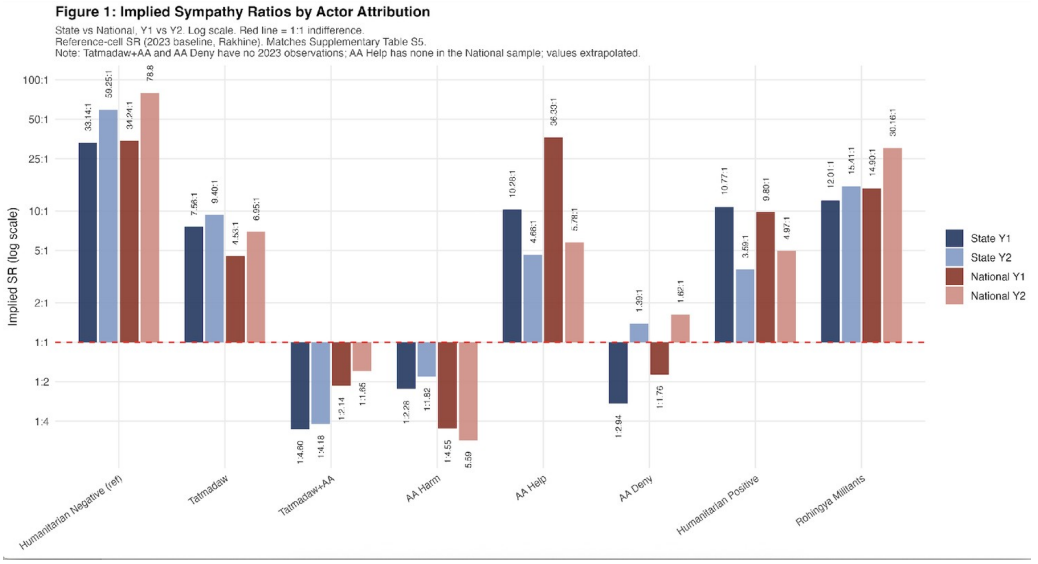


Table 6: Implied sympathy ratios by actor attribution

Actor	State Y_1	State Y_2	National Y_1	National Y_2
Humanitarian Negative (ref)	33.14:1	59.25:1	34.24:1	78.88:1
Tatmadaw	7.56:1	9.40:1	4.53:1	6.95:1
Tatmadaw+AA	1:4.60	1:4.18	1:2.14	1:1.65
AA Harm	1:2.28	1:1.82	1:4.55	1:5.59
AA Help	10.28:1	4.66:1	36.33:1	5.78:1
AA Deny	1:2.94	1.39:1	1:1.76	1.62:1
Humanitarian Positive	10.77:1	3.59:1	9.80:1	4.97:1
Rohingya Militants	12.01:1	15.41:1	14.90:1	30.16:1

Note. Reference-cell implied sympathy ratios (sympathetic reactions : unsympathetic reactions), exp(β_0 + β_a), evaluated at the 2023 baseline and the Rakhine reference location. X:1 indicates net sympathy; 1:X indicates net hostility. Tatmadaw + AA and AA Deny have no 2023 observations and their values extrapolate beyond the observed data.

Tatmadaw attribution reduces sympathy relative to the humanitarian baseline but leaves it net sympathetic, at roughly 4.53 sympathetic: 1 hostile to 9.4 sympathetic : 1 hostile. Among the harm-inducing categories, intra-ethnic **harm attributed to Rohingya Militants draws the highest sympathy.**

The most striking results are the categories that invert the baseline into net hostility, and these are exclusively AA-attributed. Harm attributed to the Arakan Army produces implied ratios of 1 sympathetic : 2.28 hostile in the State sample and 1 sympathetic : 4.55 hostile in the National sample under Y_1. The National audience (despite having higher sympathy for most actor attributions) registers lower sympathy than the State audience when the Arakan Army is named as causing harm. National sample Y_2 falling further than Y_1 also shows that core grief withdraws even more sharply than the full-reaction measure suggests. This ordering reverses in the State sample, although all four measures, State, National, Y_1 ,Y_2 are all net hostile for AA Harm.

AA Deny is the only attribution that reverses sign between the two outcomes: net hostility under Y_1 and net sympathy under Y_2 in both landscapes. **When the Arakan Army denies a harm attributed to it, readers appear to endorse the perpetrators through the Love reactions while still registering grief for the victims.**

For the welfare-improving categories, AA Help and Humanitarian Positive remain net sympathetic but generally sit below the humanitarian reference. The exception is AA Help under National Y_1, which is statistically indistinguishable from the baseline. Under both categories the National sample records higher Y_2 values, consistent with National audience's higher grief-motivated sympathy observed elsewhere.

Table 7 tests the differences between actors directly. The Estimate column is the gap in log sympathy between the two named actors; the F and p columns test whether that gap is statistically distinguishable from zero after correcting for multiple comparisons.

Table 7: Between-actor contrasts (Wald tests, HC3)

Sample	Outcome	Contrast	Estimate	F	p	p(Holm)
State	Y1	AAHarm − Tatmadaw (core asymmetry)	-2.845	78.44	***	3.76e-16
State	Y1	AAHarm − AAHelp	-3.153	134.68	***	1.31e-25
State	Y1	AAHarm − Rohingya Militants	-3.308	31.18	***	1.38e-07
State	Y2	AAHarm − Tatmadaw (core asymmetry)	-2.841	61.99	***	3.65e-13
State	Y2	AAHarm − AAHelp	-2.140	38.02	***	7.5e-09
State	Y2	AAHarm − Rohingya Militants	-3.335	27.91	***	4.4e-07
National	Y1	AAHarm − Tatmadaw (core asymmetry)	-3.025	49.49	***	5.53e-11
National	Y1	AAHarm − AAHelp	-5.107	101.38	***	2.82e-20
National	Y1	AAHarm − Rohingya Militants	-4.216	50.99	***	3.28e-11
National	Y2	AAHarm − Tatmadaw (core asymmetry)	-3.659	45.70	***	2.57e-10
National	Y2	AAHarm − AAHelp	-3.475	15.87	***	8.11e-05
National	Y2	AAHarm − Rohingya Militants	-5.127	56.47	***	3.24e-12

*Note. Linear-hypothesis (Wald) tests on the regression coefficients using HC3 covariance, Holm-corrected across the twelve contrasts. *** $p < .01$.*

Three comparisons carry the argument. **Harm attributed to the Arakan Army draws substantially less sympathy than the same harm attributed to the Tatmadaw**, in both ecosystems and under both outcomes. **Harm attributed to the Arakan Army also draws far less sympathy than help attributed to the same actor**, i.e. a within-actor contrast that isolates the reported conduct. And

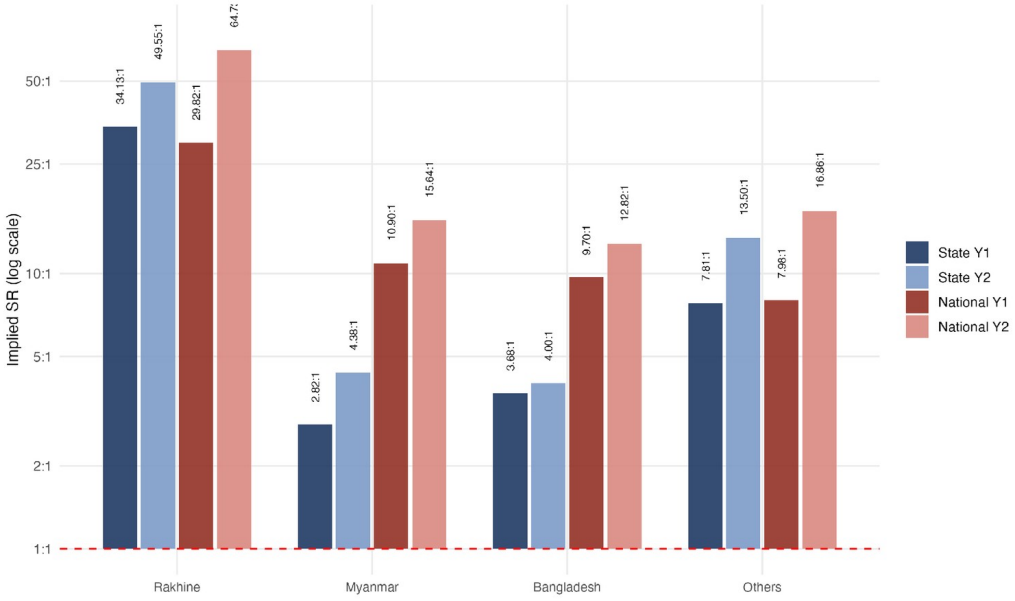
AA-attributed harm draws less sympathy than harm attributed to Rohingya militants. All twelve contrasts are significant at the one per cent level after Holm correction.

Taken together these results answer RQ2. The penalty is not a general consequence of naming a perpetrator: the same allegation produces markedly different responses depending on which actor is named, and the same actor produces markedly different responses depending on the direction of the reported event. **The pattern reflects actor-based sympathy withdrawal rather than action-based consistency.**

3.4 Location

Figure 2: Implied Sympathy Ratios by Location

State vs National, Y1 vs Y2. Log scale. Red line = 1:1 indifference.
Restricted model (HN/HP/RM only) — removes AA-in-Rakhine confound. Cf. Supplementary Table S10.



Sympathy also varies by the reported location of the event. Because all Arakan Army content is confined to Rakhine, the location coefficients in the full model are confounded with attribution; the restricted model fitted to the location-varying actors is used instead. Table 8 shows both: the OLS column reports the confounded location coefficients from the full model, and the “Restricted” column reports the clean estimates from the model that removes the confound;

the Implied SR column converts the latter into the sympathetic-to-hostile ratio for each location.

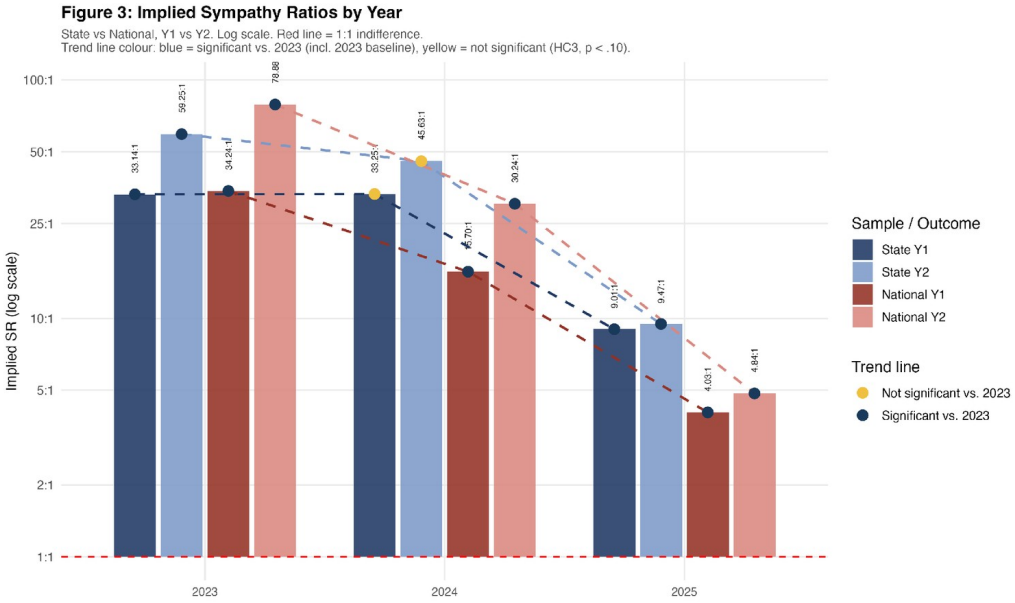
Table 8: Location coefficients, full and restricted models

Sample	Outcome	Location	OLS	Restricted	Restricted p	Implied SR
State	Y_1	Rakhine (ref)	—	—	(ref)	34.13:1
	Y_1	Myanmar	−1.059*	−2.492	.0029	2.82:1
	Y_1	Bangladesh	−2.020***	−2.226	3.21e–08	3.68:1
	Y_1	Others	−1.621***	−1.475	.000344	7.81:1
	Y_2	Rakhine (ref)	—	—	(ref)	49.55:1
	Y_2	Myanmar	−0.505	−2.427	.00683	4.38:1
	Y_2	Bangladesh	−2.050***	−2.516	4.21e–08	4.00:1
	Y_2	Others	−1.590***	−1.301	.0035	13.50:1
National	Y_1	Rakhine (ref)	—	—	(ref)	29.82:1
	Y_1	Myanmar	0.857**	−1.006	.133	10.90:1
	Y_1	Bangladesh	−0.701**	−1.123	.000356	9.70:1
	Y_1	Others	−1.250***	−1.318	8.86e–05	7.98:1
	Y_2	Rakhine (ref)	—	—	(ref)	64.73:1
	Y_2	Myanmar	0.889**	−1.420	.0185	15.64:1
	Y_2	Bangladesh	−0.880**	−1.619	8.64e–06	12.82:1
	Y_2	Others	−1.228***	−1.345	.000314	16.86:1

Note. Location coefficients from the full model (all actors) and from the restricted model estimated on the location-varying actors only (HN, HP, RM), which removes the AA-in-Rakhine confound. Implied SR is from the restricted model.

As shown in Figure 2, **Rakhine location attracts the highest sympathy in every sample and outcome, and Y_2 exceeds Y_1 for all locations** under both media landscapes. Compared to State audience the National audience generally registers higher sympathy under both outcomes for all non-Rakhine locations.

3.5 **Temporal Decline**



Time produces the steepest decline of any dimension covered in this analysis. All 2025 coefficients are negative and significant across every sample and outcome (Table 5). The 2024 coefficients are significant and negative in the National and Combined samples but not in the State sample, meaning that the two ecosystems differ in timing. By 2025, the decline is both statistically significant and substantively large under both samples.

A Kitagawa–Oaxaca–Blinder decomposition separates two mechanisms: a structural component, in which audiences respond more coldly to comparable content, and a compositional component, in which the mix of content shifts toward less sympathetic categories.

Table 9: Kitagawa–Oaxaca–Blinder decomposition of the 2023–2025 decline

Sample	Outcome	Mean Y 2023	Mean Y 2025	Total Decline	Structural Decline	Structural %	Actor-driven Composition	Composition %
State	Y1	1.911	-0.433	2.344	0.860	36.7%	1.485	63.3%
State	Y2	2.315	-0.788	3.102	1.158	37.3%	1.944	62.7%
National	Y1	2.417	-0.691	3.108	1.776	57.2%	1.332	42.8%
National	Y2	2.941	-0.917	3.858	2.229	57.8%	1.629	42.2%

Sample	Outcome	Mean Y 2023	Mean Y 2025	Total Decline	Structural Decline	Structural %	Actor-driven Composition	Composition %
Combined	Y1	2.239	-0.513	2.752	1.333	48.4%	1.419	51.6%
Combined	Y2	2.720	-0.828	3.549	1.725	48.6%	1.824	51.4%

Note. Structural = within-category change in sympathy holding actor composition constant; actor-driven composition = change in actor-category shares holding within-category sympathy constant. Neumark (1988) pooled-coefficient reference.

As shown in Table 9, the balance differs by ecosystem. The State decline is predominantly compositional, at roughly sixty-three per cent, while the National decline leans structural, at roughly fifty-seven per cent. In the State audience the fall in sympathy is largely a consequence of what is being reported; in the National audience it reflects a genuine change in how comparable content is received.

The compositional driver is a documented shift in the attribution mix. AA-attributed harm rose from 1.3 per cent of posts in 2023 to 20.6 per cent in 2025, while Tatmadaw-attributed content fell from 32.9 to 13.4 per cent. Cochran–Armitage trend tests confirm both movements after Holm correction (Supplementary S4). The timing coincides with Arakan Army territorial consolidation at the expense of the Tatmadaw, though current research design cannot separate a change in the underlying distribution of events from a change in editorial selection.

3.6 **Which Reactions Account for the Decline**

Table 10 reports the year-level composition of valenced reactions.

Table 10: Composition of valenced reactions over time

Reaction share / statistic	State 2023	State 2025	Natl 2023	Natl 2025	Comb 2023	Comb 2025
Sad + Care	67.7%	27.4%	75.6%	28.2%	72.9%	27.6%
Angry + Love	23.7%	21.6%	15.9%	20.5%	18.6%	21.2%
HaHa	8.6%	51.1%	8.4%	51.3%	8.5%	51.1%

Note. Shares are the mean of per-post shares (each post weighted equally), over valenced reactions (HaHa + Love + Care + Sad + Angry).

The erosion is overwhelmingly a loss of grief. Sad and Care fall from 67.7 to 27.4 per cent in the State sample and from 75.6 to 28.2 per cent in the National sample, while HaHa rises from roughly 8.5 to roughly 51 per cent in both. The contested Angry and Love share barely moves, declining slightly in the State sample and edging up in the National sample. Thus, this is the signature of grief loss rather than other contested emotion mobilisation. **This answers RQ5: sympathy has not been converted into Angry or Love reactions; it has been replaced by derision (HaHa).**

4. Discussion and Conclusion

IN THIS PAPER, a series of quantitative analyses were conducted to answer five questions:

1. *whether measurable sympathy toward Rohingya civilians exists*
2. *whether that sympathy survives the naming of a perpetrator*
3. *whether that sympathy varies by where the reported event occurs*
4. *whether that sympathy has changed over time*
5. *and if so what is driving the change.*

On the first question, the evidence is unambiguous. **When a news outlet reports harm to Rohingya civilians without naming either Tatmadaw, Arakan Army or Rohingya Militants as responsible, the reading public responds with sympathy**, and it does so overwhelmingly. The baseline ranges from thirty-three to seventy-nine sympathetic reactions for every hostile one, and it holds in both media ecosystems, under both measures, and in every specification. This is not a marginal or contested result. **Regardless of much documented Myanmar public hostility towards the Rohingya before 2021, the readers of these nine outlets between 2023 to 2025 registered grief when they were shown Rohingya suffering.** The composition of that response matters as much as its size: it is driven by Sad and Care reactions rather than by the politically contested Angry and Love reactions, which means the baseline is genuine mourning rather than a proxy for some other political allegiance.

The second question is where the analysis makes its contribution, and the answer is that this **sympathy does not survive attribution**. It survives *some* attribution. Harm attributed to the Tatmadaw reduces sympathy but leaves it plainly net sympathetic, at roughly five to nine sympathetic reactions for every hostile one. Harm attributed to Rohingya militants, i.e. to armed actors from the victims' own community, also leaves sympathy intact, and in fact draws the highest ratios of any harm-attributing category. **Harm attributed to the Arakan Army does not merely reduce sympathy; it turns the readers hostile towards Rohingya.**

Two comparisons establish that this inversion of sympathy is about the actor rather than the act. The first is between perpetrators: an identical allegation of harm produces a large and statistically significant gap depending on whether the Tatmadaw or the Arakan Army is named. The second is within the actor: the Arakan Army reported as helping Rohingya civilians draws strong sympathy, while the same actor reported as harming them draws hostility. Readers are therefore neither indifferent to conduct nor consistent about it. The AA Deny category also makes this visible in a single result: when the Arakan Army denies an allegation, readers endorse the denial through the contested reactions while still registering grief through Sad and Care.

All of these point towards actor-based sympathy withdrawal rather than action-based judgement. Simply put, **Myanmar social media reacts news of Tatmadaw or Rohingya Militants burning a Rohingya village with sympathy for the victims, but the same action when attributed towards the Arakan Army, is reacted with hostility or derision towards the victims.** In both cases, the victims have not changed. The act has not changed. Only the identity of the accused has changed, and with it the audience's willingness to grieve or mock for the victims. This study cannot show that swapping the named actor on a single report would flip the response, that is a causal claim the data cannot support, and no such experiment was possible under this observational design. What this study shows is an association, but a strong and consistent one. **Across hundreds of posts over three years and in both media ecosystems, mockery became the single largest share of reactions wherever**

harm was attributed to the Arakan Army, and such high levels of HaHa reactions is never observed in any other category.

On location, the findings are consistent with this reading. **Events reported in Rakhine attract markedly higher sympathy than events reported elsewhere**, and the gap is widest in the Rakhine-focused outlets, whose readers extend far less sympathy to Rohingya suffering reported outside the state. Proximity appears to raise the salience of Rohingya victimhood rather than to dull it, however the location estimates had to be recovered from a restricted model, because Arakan Army content occurs only in Rakhine and would otherwise contaminate the geographic comparison.

The temporal results are the most consequential for anyone trying to act on this evidence. **Sympathy fell sharply across the period**, and the decomposition shows that the fall has two distinct sources operating in two distinct places. In the Rakhine-focused outlets, roughly two-thirds of the decline is compositional: the sympathy readers extend to any given category of content changed relatively little, but the mix of content shifted toward categories that attract less sympathy. Arakan-Army-attributed harm rose from barely one per cent of posts to more than one-fifth, while Tatmadaw-attributed content fell by more than half. In the national outlets the pattern reverses: roughly three-fifths of the decline is structural, meaning that readers responded more coldly to content they would have received more warmly two years earlier.

Across both ecosystems, grief reactions collapsed from roughly seventy per cent of valenced responses to under thirty, while mockery rose from under nine per cent to more than half. The contested Angry and Love reactions barely moved. Had the decline been a matter of readers taking political sides, those contested reactions would have expanded at the expense of grief. Instead, **between 2023 to 2025, grief was displaced almost exactly by derision, in both ecosystems and by nearly identical magnitudes. Sympathy was replaced by mockery.**

As a general note, Facebook has been widely implicated in the spread of anti-Rohingya hatred and, by the UN's own account, in abetting the 2017 genocide. Yet almost everything known about that role comes from qualitative work:

content analysis, interviews, platform disclosures. To my knowledge this is the first study to use the reaction data, i.e. how Facebook users responded, post by post, at scale, over the period of 2023 to 2025, to measure sentiment toward the Rohingya. That the platform so often described as the instrument of Rohingya persecution has never been read this way is itself part of the finding.

However, some caution is warranted in reading these results. The nine outlets analysed here are among the most widely followed non-Tatmadaw-aligned media in Myanmar. They are not a sample of Myanmar opinion in any statistical sense, and no such sample exists for a country where independent national polling has been impossible since the coup. They are, however, as close to the full observable non-Tatmadaw-aligned media environment as it is available, and the 772 posts represent every Rohingya posts by these outlets between 2023 - 2025 where direct harm or direct benefits towards Rohingya civilians are mentioned.

Yet, in this study, what the reaction data cannot do is establish causality. It shows that expressed sympathy moves systematically with who is named as responsible, where the event occurred, and when it was published; it cannot show that the naming produces the shift, since readers were not assigned at random to one framing rather than another. However, this study shows that the association is strong, consistent, and significant, holding across both media ecosystems and the full three-year period, at a large scale.

Supplementary Table S1: Y_1 / Y_2 Pearson Correlation

Sample	r (Y_1, Y_2)	r^2
State	0.918	0.843
National	0.936	0.875
Combined	0.929	0.862

Pearson correlation between the full-reaction ratio (Y_1) and the core-reaction ratio (Y_2). The high correlation confirms Y_2 is similar with Y_1; the two diverge only where the contested Angry and Love reactions are large enough to move Y_1 materially.

Supplementary Table S2: Breusch–Pagan Heteroskedasticity Tests — by Sample and Outcome

Sample	Outcome	BP statistic	df	p-value	Decision
State	Y_1	37.531	12	0.000183	Reject H_0: use HC3
State	Y_2	28.900	12	0.00408	Reject H_0: use HC3
National	Y_1	41.728	12	3.7e–05	Reject H_0: use HC3
National	Y_2	29.653	12	0.00315	Reject H_0: use HC3
Combined	Y_1	77.066	12	1.49e–11	Reject H_0: use HC3
Combined	Y_2	59.719	12	2.54e–08	Reject H_0: use HC3

Breusch–Pagan test of H_0: homoskedastic errors. All six specifications reject at $p < .01$. Heteroskedasticity is partly structural: the variance of a log-ratio falls mechanically as reaction volume rises. HC3 robust standard errors are used throughout because of this.

Supplementary Table S3: Nested-Model Comparison – Explanatory Contribution of Attribution

Sample	Outcome	N	R^2 (year+loc)	R^2 (full)	R^2 gain	F (actor, OLS)	F (actor, HC3)	p (HC3)
State	Y1	375	0.183	0.496	0.313	32.11	42.68	9.53E-44
State	Y2	375	0.257	0.521	0.264	28.53	28.96	1.19E-31
National	Y1	397	0.250	0.468	0.218	22.49	33.92	1.05E-36
National	Y2	397	0.288	0.503	0.215	23.73	29.40	1.9E-32
Combined	Y1	772	0.226	0.464	0.238	48.25	72.80	1.92E-80
Combined	Y_2	772	0.293	0.504	0.211	46.15	53.73	2.52E-62

R^2 gain is the increase in explained variance from adding actor attribution. F (actor, HC3) is the heteroskedasticity-robust joint test that all seven actor coefficients are zero; significance confirms that attribution carries explanatory content beyond year and location alone.

Supplementary Table S4: Attribution-Mix Trend (Cochran–Armitage)

Attribution-mix shift: omnibus (per sample) and per-actor Cochran–Armitage trend

Actor/Sample	2023	2024	2025	Trend (share)	z	p(Holm)
Omnibus χ^2 (Monte Carlo)						
State	—	—	—	$\chi^2 = 84.76$, $p < .001$	V=.336	

Actor/Sample	2023	2024	2025	Trend (share)	z	p(Holm)
National	—	—	—	$\chi^2 = 77.96$, $p < .001$	V=.313	
Per-actor (Combined)						
Humanitarian Negative	151	65	75	48.7% → 29.0% → 31.5%	-4.33	5.87E-05
Tatmadaw	102	63	32	32.9% → 28.1% → 13.4%	-5.09	2.15E-06
Tatmadaw+AA	0	9	5	0% → 4.0% → 2.1%	2.03	0.0845
AA Harm	4	29	49	1.3% → 12.9% → 20.6%	7.34	1.65E-12
AA Help	1	18	23	0.3% → 8.0% → 9.7%	4.91	4.52E-06
AA Deny	0	15	24	0% → 6.7% → 10.1%	5.42	4.08E-07
Humanitarian Positive	19	10	21	6.1% → 4.5% → 8.8%	1.16	0.245
Rohingya Militants	33	15	9	10.6% → 6.7% → 3.8%	-3.07	0.0064

Cochran–Armitage tests of monotonic trend in each actor's share of posts across 2023–2024– 2025. The omnibus χ^2 confirms the attribution mix shifted significantly in both ecosystems; per-actor trends are shown for the Combined sample. AA-attributed harm rose ($z = +7.34$) as Tatmadaw content fell ($z = -5.09$), tracking Arakan Army territorial control.

References

Al Jazeera. (2021, June 14). Myanmar's pro-Rohingya social media campaign shows mass support. https://www.aljazeera.com/news/2021/6/14/myanmars-pro-rohingya-social-media-campaign-shows-mass-support

Arakan Express News (2025, February 17). https://www.facebook.com/thearakanexpress/posts/pfbid0231QtxpGwA7Umv6VekXbkx7tNP9FjQTnahkqQm3BU3Fp4BxPn95i5vG8YLnqUi6v5l

Arakan Express News (2025, October 11). https://www.facebook.com/thearakanexpress/posts/pfbid02PGEz1oHwZ5gPSZ1xU8g5jsKQKswP1vwKZWXMsPerMvwgdHHmS9VNfAX1265mTZtl

Batson, C. D., Kennedy, C. L., Nord, L. A., Stocks, E. L., Fleming, D. Y. A., Marzette, C. M., … & Zerger, T. (2007). Anger at unfairness: Is it moral outrage? European Journal of Social Psychology, 37(6), 1272–1285.

BBC (2018, March 13). UN: Facebook has turned into a beast in Myanmar. https://www.bbc.com/news/technology-43385677

BBC (2021, February 4). Myanmar coup: How Facebook became 'the digital tea shop'. https://www.bbc.com/news/world-asia-55929654

BBC Burmese (2025, 18 March). https://www.facebook.com/BBCnewsBurmese/posts/pfbid029n8Xnfk6DXsFkGPJdWpftbMZc2sFYwFJVGoaJEPVM6dEMUrdHJexvahPup2qR5mul

BBC. (2024, December 13). Bloody siege ends Myanmar army control of western border. https://www.bbc.com/news/articles/ckg324den6po

Center for Strategic and International Studies. (2025, February 20). Arakan Army Posed to "Liberate" Myanmar's Rakhine State. https://www.csis.org/analysis/arakan-army-posed-liberate-myanmars-rakhine-state

Cikara, M., Bruneau, E., Van Bavel, J. J., & Saxe, R. (2014). Their pain gives us pleasure: How intergroup dynamics shape empathic failures and counter-empathic responses. Journal of Experimental Social Psychology, 55, 110–125.

Darwall, S. (1998). Empathy, sympathy, care. Philosophical Studies, 89(2/3), 261–282.

de León, E., & Trilling, D. (2021). A sadness bias in political news sharing? The role of discrete emotions in the engagement and dissemination of political news on Facebook. Social Media + Society, 7(4).

East Asia Forum (2025, February 6). The Arakan Army Battles for Legitimacy. https://eastasiaforum.org/2025/02/06/the-arakan-army-battles-for-legitimacy/

Forces of Renewal Southeast Asia. (2024, February 5). Arakan Army leadership displays deep-seated genocidal racism towards Rohingya in Western Myanmar. https://forsea.co/arakan-army-leadership-displays-deep-seated-genocidal-racism-towards-rohingya-in-western-myanmar/

Frontier Myanmar. (2024, March 10). Fog of war: The battle for truth and blame in the Rakhine conflict. https://www.frontiermyanmar.net/en/fog-of-war-the-battle-for-truth-and-blame-in-the-rakhine-conflict/

International Crisis Group. (2024, April 30). Breaking away: The battle for Myanmar's Rakhine State (Report No. 339). https://www.crisisgroup.org/asia/south-east-asia/myanmar/339-breaking-away-battle-myanmars-rakhine-state

ISP Myanmar (2025, July 18). The AA's post-coup network of alliance. https://ispmyanmar.com/mp-104/

ISP Myanmar (2026, August 17). Territories Under the Control of ULA/AA https://ispmyanmar.com/2026mp024/

Kalyvas, S. N. (2006). The logic of violence in civil war. Cambridge University Press.

Khit Thit Media (2025, September 16). https://www.facebook.com/khitthitnews/posts/pfbid0fNoCJAAhjoVP3PsmBH2Da65fQ36d9CdKi4sMU79aKcozxkdWg1uLqRBXhmtqGRaRl

Mizzima (2024, May 27) ရခိုင်အရေးအရပ်ဘက်အဖွဲ့ဝင်များကိုတပ်ပြန်ချက်မှ GSC နှုတ်ထွက် (in Burmese) https://bur.mizzima.com/2024/05/27/23159

Neumark, D. (1988). Employers' discriminatory behavior and the estimation of wage discrimination. Journal of Human Resources, 23(3), 279–295.

Office of the United Nations High Commissioner for Human Rights (2025, October 20). Report of the Special Rapporteur on the situation of human rights in Myanmar. https://www.ohchr.org/sites/default/files/documents/countries/myanmar/a-80-490-auv-en.pdf

Office of the United Nations High Commissioner for Human Rights. (2023, August). UN expert demands accountability for Rohingya and end to paralysis of indifference. https://www.ohchr.org/en/press-releases/2023/08/un-expert-demands-accountability-rohingya-and-end-paralysis-indifference

Office of the United Nations High Commissioner for Human Rights. (September 2025). Situation of human rights of Rohingya Muslims and other minorities in Myanmar: Update. https://bangkok.ohchr.org/sites/default/files/documents/2025-09/crp-ny-high-level-conference-myanmar.pdf

Phillips, J. B. (2024). Laughing at death: Facebook, the 'haha' reaction, and death coverage on local US news pages. Popular Communication, 22(1), 17–32.

Schissler, M. (2025). Beyond hate speech and misinformation: Facebook and the Rohingya genocide in Myanmar. Journal of Genocide Research, 27(3), 445-470.

Stanton, J. A. (2016). Violence and restraint in civil war: Civilian targeting in the shadow of international law. Cambridge University Press.

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Evaluating the Awareness, Accessibility, and Effectiveness of Health Insurance Schemes for Myanmar Migrants in Mae Sot, Thailand

KYAW SWAR AUNG

Abstract

This study assesses the awareness, accessibility, and effectiveness of the health insurance framework for Myanmar migrants in Mae Sot, Thailand. This research employs a qualitative, desk-based literature review and analysis of government documents from 2015 to 2025, utilizing the Patient-Centered Access to Health Care Framework to examine the fragmented landscape of the Social Security Scheme, Migrant Health Insurance Scheme (MHIS), and the NGO-led M-Fund. Research reveals that whereas governmental programs face obstacles such as substantial upfront expenses and migrants' fear of detention, the community-oriented M-Fund exhibits enhanced accessibility and confidence within at-risk populations. The analysis rejects the assertion that migrants impose a financial burden, demonstrating that being excluded results in increased expenses due to uncompensated emergency care. Recommendations include the establishment of a health firewall to separate health services from immigration enforcement, the expansion of social contracting to reputable NGOs, and the move to a unified risk pool to guarantee authentic health security.

Keywords: Awareness, Accessibility, Effectiveness, Myanmar, Migrants, Health Insurance, Mae Sot, Social Security Scheme, Migrant Health Insurance Scheme, M-Fund

1. Introduction and Background

HEALTH CONSTITUTES A fundamental human right, and individuals globally should have unrestricted access to health care at any location and at any time, devoid of financial barriers (Ghebreyesus, 2017). Health is also a foundation of global development, included in the United Nations' Sustainable Development Goals (SDGs), particularly SDG 3, which aims to ensure healthy lives and promote well-being for all at all ages (United Nations, n.d.). However, in this era of significant human mobility, migrant health plays a crucial role in achieving this goal. The World Health Organization (WHO) estimates that over one billion people, including 281 million international migrants, are moving globally (World Health Organization, 2022).

Migration is a crucial socioeconomic determinant of health. Migration often subjects individuals to specific stressors and vulnerabilities, despite its potential to alleviate poverty and improve well-being. Refugees and migrants may experience poor health conditions compared to host populations due to the circumstances of their travel, social marginalization, discrimination, and legal barriers to healthcare access. This demographic is predisposed to mental health disorders, including depression, anxiety, and post-traumatic stress disorder (PTSD), as a result of traumatic experiences, instability, and separation (World Health Organization, 2022).

The international community has recognized that Universal Health Coverage (UHC) is unattainable without addressing the distinct needs of refugees and migrants, emphasizing that all individuals and communities should get necessary health care without incurring financial hardship (Araoz et al., 2025). Investing in the health of refugees and migrants is vital not only as a good public health policy but also because it addresses a human rights issue. Whether intentionally or inadvertently, denying refugees and migrants access to medical care results in health disparities and threatens the global health security (World Health Organization, 2023).

The international community is seriously concerned about the Association of Southeast Asian Nations (ASEAN) region, which serves as an important point for intraregional labor movements. Thailand, an upper-middle-income country with a shortage of labor, hosted about 3.6 million foreign laborers from the neighboring countries of Lao PDR, Cambodia, and Myanmar (also referred to as CLM migrants) (König et al., 2022). The Royal Thai Government learned that providing migrants with access to high-quality medical care ensures their health security and lessens health disparities. Racial and territorial boundaries cannot prevent infectious diseases. If one group becomes ill, it is likely that other members of the population will also fall ill. The coronavirus outbreak has taught them that health care cannot be divided between Thais and immigrants. To avoid a health crisis affecting the entire country, the government must address both populations (Thammatacharee, 2020).

For migrants, who frequently pay out-of-pocket for medical care, a lack of insurance might result in high healthcare costs. This makes medical conditions worse that could have been avoided, frequently at a lower cost, if services had been accessible. At every stage of the migration process, it is critical to prevent migrants from having to make costly out-of-pocket expenses in order to receive health care (International Organization for Migration, 2022). In a study by Lee et al. (2022), A significant correlation was discovered between the extent of insurance coverage and access to healthcare, with health insurance showing a marked positive relationship with the availability of essential medical services (preventive, primary, and tertiary). However, the insurance plans' actual accessibility, execution, and structure are complicated. In the border district of Thailand, Mae Sot, this study aims to assess the awareness, accessibility, and effectiveness of the particular, fractured health insurance ecosystem accessible to Myanmar migrants.

1.1 Myanmar Migration to Thailand

FORCED DISPLACEMENT HAS historically been a significant problem in Myanmar. The ethnic diversity of the country has led to tensions among groups over matters of sovereignty, resulting in armed conflicts and significant displacements, especially under the recent military rule (Chen et al., 2024).

Thailand shares more than 1500 miles of border with Myanmar, so it has been a natural destination for many refugees. Before the coup, an estimated 90,000 refugees lived among nine designated camps at the Thailand border. Since Thailand's government severely limited the work opportunities and travel freedoms of refugees in camps, a substantial number of asylum seekers reside outside the camps, resulting in equally large populations inside and out (Chen et al., 2024). However, on August 26, 2025, Thailand's government adopted provisions for Myanmar refugees residing in border camps to obtain legal employment (Bauchner, 2025) even though the impact is not yet known.

Since the coup, the population of the nine camps that already existed on the Thai-Myanmar border has grown by 31%, from 81,305 in January 2020 to 106,454 at the end of December 2024. And it's a fact that is sometimes overlooked: for some, displacement started several decades before the coup in 2021 (Brooks, 2025). The military overthrew the elected government on February 1, 2021, in Myanmar. Healthcare professionals nationwide launched the Civil Disobedience Movement (CDM) campaign in protest, calling on people to engage in "no participation" (in military-related activities) and "no recognition" (of the military rule). Myanmar citizens began continuous statewide general strikes that impacted social sectors, including healthcare, as the military refused to end the coup. Political unrest has become violent and is still getting worse. Due to violence, another wave of forced migration and displacement is occurring (Chen et al., 2024).

The term "survival migration" is frequently used to describe this new wave (Phyu, 2025). Other than economic migrants seeking low-skilled jobs, these groups include students, teachers, medical professionals, political dissidents, and middle-class families avoiding direct persecution and violence (Phyu, 2025). The International Organization for Migration (IOM) data demonstrate this trend, showing that long-term arrivals from Myanmar to Thailand rose by 28% in 2024 over 2023 (International Organization for Migration, 2025). Most significantly, 12% of these new arrivals specifically stated safety as their main motive for entering, and 44% of them acknowledged having no documents at all (International Organization for Migration, 2025). This new generation faces a significant degree of vulnerability. According to the IOM's January 2025

summary, 24% of Myanmar citizens living in Thailand fail to earn enough money to meet their fundamental requirements. Additionally, for those who arrived after 2020, the median household income is declining; this population is further impacted by significant amounts of debt due to migration (International Organization for Migration, 2025).

As most of the new have no document, they need a legal pathway to live without being arrested. That is the pink card system, which is the main component of Thailand's migrant management framework, and it was strictly created for managing low-skilled migrant labor. Institutional limitations prevent it from processing or protecting de facto refugees. A teacher avoiding persecution is forced to enroll as a manual laborer due to this fundamental mismatch, which results in deskilling, insufficient employment, and ongoing legal uncertainty. A sizable undocumented population is locked out of all official legal and social protection systems, and those who do not meet this strict classification or who arrive without documentation are completely barred (Phyu, 2025).

1.2 Vulnerability and Compounding Health Crises of Migrants in Mae Sot

Mae Sot is an essential border town for Thai-Myanmar cross-border connections. Mae Sot serves as a hub for diverse welfare, educational, industrial, and commercial services, attracting not only Burmese and Thai locals but also several foreign nationals engaged in economic, humanitarian, or research activities. What unites all these individuals is their connection to Myanmar (Soukhathammavong & Steinemann, 2012).

The Myanmar migrant population in Mae Sot faces multiple interrelated risks that hinder access to healthcare. The origin of this vulnerability is legal status. Of the approximately four million Myanmar nationals in Thailand, approximately two million are considered undocumented (Hardman, 2025). This legal precarity is not a passive condition; it is actively exploited by both state and non-state entities. A July 2025 Human Rights Watch (HRW) study elucidates the egregious abuse, highlighting that Thai officials are threatening,

extorting, and detaining Myanmar nationals, sometimes termed walking ATMs (Hardman, 2025). This has developed into a semi-formalized extortion system via the sale of unofficial police cards, a type of protection money remitted to brokers or officials to avert arrest (Hardman, 2025). Migrants are thus forced into self-imposed house arrest, afraid to travel for work, let alone visit a hospital (Hardman, 2025).

This widespread, government-sanctioned exploitation establishes a structural hindrance of fear of authorities (Thailand: Authorities Abuse, Exploit Myanmar Nationals, 2025). This fear is frequently identified as the main reason why migrants refrain from utilizing professional healthcare services. Throughout the COVID-19 outbreak, undocumented workers demonstrated concern in reporting to authorities, thus impairing public health tracing measures (Uansri et al., 2023). This fear supersedes health-seeking behavior, since a visit to a public hospital is regarded as a risky interaction with the very government officials that exploit people.

The outcome is a severe access to healthcare issue characterized by discrimination and exclusion at the point of service. A 2025 report from Radio Free Asia (RFA) outlined the “no deposit, no treatment” policy, which denies care to migrants, even in emergencies. A 2024 IOM study indicated that 22% of Myanmar migrants recognized prejudice as a direct barrier to accessing healthcare (Duncan, 2025). Undocumented patients lacking insurance are often refused access or instructed to get care elsewhere, leading to a financial crisis for both the people and the public hospitals burdened with unpaid expenses (Duncan, 2025).

This system establishes a distorted, alternative economy of insurance. A low-income migrant in Mae Sot must continually assess the factual basis of two distinct forms of insurance: disbursing a formal premium for health insurance (such as the MHIS) vs offering an informal bribe for deportation insurance (the police cards) (Hardman, 2025).

1.3 The Thai Healthcare System and Migrant Health Policy Landscape

THAILAND ENDEAVORS TO attain equal and inclusive access to healthcare for all migrants. In 2021, the UN Network on Migration in Thailand formed a Migrant Health Sub-Working Group to guarantee that migrants are not neglected in the pandemic recovery, comprising United Nations, governmental, and non-governmental partners focused on migration kkk\ihealth, with IOM serving as the coordinator. The group originally sought to collaborate and assist the Royal Thai Government's COVID-19 response initiatives, specifically by providing migrant populations with essential vaccines and reliable health information. In its third year of collaboration, the UN Network on Migration is assembling stakeholders to officially introduce the reorganized Working Group as the Migrant Health Sub-Working Group [MHWG], with over 15 members (International Organization for Migration, 2024).

The event will function as a platform to set new objectives for a more migrant-inclusive healthcare system in Thailand, aimed at achieving universal health coverage. In 2023, the Working Group partners assisted over 295,000 migrants with accessing health services and almost 32,500 migrants with acquiring health insurance. The Working Group conducted training for over 7,000 migrant health volunteers, acknowledging their essential function in closing the language and information gap, particularly in community-based disease surveillance, and enhancing migrants' accessibility to health services and information (International Organization for Migration, 2024).

Thailand is globally acknowledged for its exemplary public health system. In 2002, they successfully set up a universal public healthcare system for their citizens. The system, supervised by the Ministry of Public Health (MOPH) and financed by the National Health Security Office (NHSO), comprises three principal schemes for Thai citizens: the Universal Coverage Scheme (UCS), the Social Security Scheme (SSS) for private-sector employees, and the Civil Servant Medical Benefit Scheme (CSMBS) (Buswell, 2025).

The policy framework for foreigners is distinctly separate and characterized by fragmentation. The standard policy of the Thai Ministry of Public Health

stipulates that foreign nationals are generally required to cover their own medical expenses (Khaosod English, 2024). An array of exceptions has developed to address the substantial migrant population, leading to several unconnected initiatives:

1. **Formal Sector Migrants:** Migrants possessing legitimate work permits are required to enlist in the Social Security Scheme (SSS). This program is administered by the Ministry of Labour (MOL), not the Ministry of Public Health (MOPH) (International Organization for Migration, 2021).
2. **Informal Sector Documented Migrants:** Migrants from Cambodia, Laos, and Myanmar not enrolled in the SSS (e.g., engaged in informal employment) and their dependents may voluntarily obtain the Migrant Health Insurance Scheme (MHIS), commonly referred to as Compulsory Migrant Health Insurance (CMHI). This is administered by the MOPH (International Organization for Migration, 2021).
3. **Stateless Persons:** Designated government funding, the T.99 Fund, encompasses individuals with citizenship concerns documented in the Ministry of Interior's database (International Organization for Migration, 2021).
4. **Undocumented or Uninsured Migrants:** These people, comprising a significant number of recent newcomers, lack formal coverage and are required to pay out-of-pocket for all services (Khaosod English, 2024).

This framework demonstrates that Thailand's migrant health policy is devoid of a cohesive and consistent plan. The system is fragmented, with a migrant's access to healthcare determined not by their health need but by their administrative status (formal worker, informal worker, or stateless). The administration is fragmented among various ministries (MOL versus MOPH), each with unique regulations, funding structures, and eligibility criteria. The resulting gaps, overlaps, and administrative inefficiencies are the source of the coverage crisis analyzed in this study.

1.4 Health Insurance for Non-Thai People (HINT) System

In 2024, the Ministry of Public Health (MOPH) implemented the Health Insurance for Non-Thai People (HINT) system as a quick win initiative to

automate and enhance coverage. HINT employs a centralized financial data hub to optimize registration, decreasing processing durations from weeks to minutes. It permits non-Thai individuals, including those lacking identification, to register and acquire insurance (Wipatayotin, 2025). Although digitization theoretically enhances Availability, HINT encounters the acceptability obstacle of data privacy. Undocumented migrants escaping political persecution in Myanmar perceive a centralized government database as a mechanism for surveillance. In the absence of a definitive firewall mechanism ensuring that HINT data remains confidential from law enforcement, the system's efficacy may unintentionally discourage enrollment related to increased scrutiny.

1.5 Statement of the Problem

A SIGNIFICANT GAP exists between the execution of health policies and the actual coverage for Myanmar migrants in Thailand. Notwithstanding the existence of programs like the Social Security Fund (SSS), the Migrant Health Insurance Scheme (MHIS), and the M-Fund, the most at-risk demographics in Mae Sot, including undocumented workers, conflict refugees, women, and children, continue to be predominantly uninsured. This exclusion results from complex structural, financial, and legal obstacles that restrict program accessibility. Furthermore, a significant information gap persists: current research predominantly centers on a single insurance plan, and there is an absence of literature detailing the comprehensive health insurance ecosystem in the Mae Sot region, where the majority of Myanmar's population resides.

This study is crucial for aligning statistical enrollment data with the real conditions of health access. Given the socio-economic instability and public health challenges in Mae Sot, it is essential to understand the user experience of these health programs. This research will clarify the complex policy environment created by the intersection of government and NGO initiatives by providing detailed qualitative insights into migrants' perceptions and understanding, accessibility, and efficacy of the health insurance system in Mae Sot. The results will be vital for governments, healthcare professionals, and international organizations, enabling them to overcome disjointed policies and

formulate effective, equitable measures that ensure authentic health security for the region's most vulnerable populations.

1.6 Research Questions

THIS STUDY IS directed by a primary research question to address the stated issue: 'How aware, accessible, and effective are the health insurance ecosystem formed with the Social Security Fund (SSF), Migrant Health Insurance Scheme (MHIS), and M-Fund, for Myanmar migrants in Mae Sot?'

2. Literature Review and Theoretical Framework

2.1 Theoretical Framework

THIS RESEARCH IS informed by the Patient-Centered Access to Health Care Framework established by Levesque et al. (2013). This methodology is optimally congruent with the study topics as it frames access not as a binary attribute (e.g., "insured" versus "uninsured"), but as a dynamic and intricate process occurring at the interface of health systems and populations. It contends that access arises from the interaction of supply-side elements (the healthcare system) and demand-side elements (the population) (Levesque et al., 2013).

The framework delineates five domains of accessibility related to the supply side (the Scheme Ecosystem):

1. Approachability: The transparency, availability of information, and dissemination of health services and programs.
2. Acceptability: The cultural and social congruence between providers and the migrant community, including issues of discrimination and trust.
3. Availability and Accommodation: The physical availability of services, their location, operating hours, and administrative ease (e.g., single-hospital lock-in).
4. Affordability: The financial cost related to insurance premiums and any out-of-pocket expenses required to obtain services.

5. Appropriateness: The relevance, quality, and suitability of the services rendered in relation to the migrant's healthcare demand (Levesque et al., 2013).

These aspects correlate with five corresponding demand-side abilities of the population (The Migrant):

1. Ability to Perceive: The ability to recognize a health necessity and the significance of a health service or insurance.
2. Ability to Seek: The independence and ability to pursue healthcare are significantly affected by factors such as fear of authorities, legal status, and social standards.
3. Ability to Reach: The physical and logistical capability to surmount geographical and transportation obstacles.
4. Ability to Pay: The financial capability to support the initiatives and any related expenses.
5. Ability to Engage: The ability to engage with clinicians, comprehend treatment options, and partake in care decisions (Levesque et al., 2013).

This framework closely aligns with the study's aims and delineates its analytical structure. Awareness is analyzed as the convergence of accessibility and perceptual capacity. Accessibility is assessed by availability, acceptability, cost, and the capacity to seek, reach, and pay. Effectiveness is evaluated based on suitability and the capacity to interact.

2.2 Awareness of Health Insurance (Approachability & Ability to Perceive)

IN THE DISCIPLINE of health programs, awareness is characterized not simply as passive recognition of a scheme's presence. It includes the simplicity and accuracy of communication (Srisai et al., 2020), the proactive promotion of health via community involvement (Kumar & Preetha, 2012), and the degree of trust migrants possess in the information source, which influences their comprehension and perception of services (Pace, 2011).

The literature repeatedly cites insufficient awareness as an essential obstacle to health insurance enrollment among migrants (Bansal et al., 2025; Jadhav &

Ramakrishna, 2023), indicating a deficiency in the approachability of state-sponsored programs and affecting the ability to perceive their worth.

A mixed-methods research study on healthcare utilization among migrant workers in Singapore indicated that awareness of existing health insurance schemes was low, with roughly 12.5 percent of workers cognizant of the Primary Care Plan (Najjar, 2025). This is corroborated by additional study, which suggests that even legal migrant workers often lack awareness of their healthcare rights, indicating a systematic lack in information (Chen et al., 2022).

Moreover, Okah et al. (2024) executed a qualitative investigation of Nigeria's National Health Insurance Scheme (NHIS) employing thematic analysis of in-depth interviews (IDIs) and focus group discussions (FGDs). Enrolled users expressed satisfaction; yet, a significant difficulty persisted due to a lack of good knowledge, leading to the recommendation for the initiative to enhance awareness. This illustrates that inadequate awareness is a prevalent failure point for extensive, bureaucratic, centralized health initiatives.

In a study done by Mai and Nguyen (2022), the interviewees who had infrequently used healthcare services did not appreciate the need for health insurance. They believed that if they were well, they did not need healthcare services, also for obtaining health insurance. About 20% of people living with HIV/AIDS (PLHIV) found that they did not need health insurance.

2.3 Accessibility of Healthcare and Health Insurance

THIS STUDY UTILIZES the definition provided by the National Academies of Sciences, Engineering, and Medicine, which characterizes access as the timely use of personal health services to attain optimal health outcomes (US Department of Health and Human Services, n.d.). This concept is operationalized using the multi-dimensional framework, which assesses the interface between the health system and the population (Levesque et al., 2013).

Accessibility is a multifaceted notion, and the literature indicates considerable shortcomings in its financial, geographical, and socio-cultural aspects.

2.3.1 *Geographical and Physical Accessibility (Availability & Ability to Reach)*

Geographical and physical accessibility can be significant barriers for the most vulnerable populations in obtaining healthcare and insurance. In a study by Soltani et al. (2019) to investigate the factors contributing to obstacles in accessing health services for people with disabilities (PWD) in Tehran, Iran, with 56 individual interviews (with 20 PWDs, 14 health service providers and 22 policymakers), employing semi-structured in-person interviews, the elevated expenses associated with the transportation system impeded people with disabilities from utilizing public transport, including buses and metro services, which were deemed not readily accessible for those with physical impairments.

2.3.2 *Financial Accessibility (Affordability & Ability to Pay)*

Even though health insurance aimed to protect people financially, it still remained the most challenging parts of accessing it for the vulnerable population. Mai and Nguyen (2022) argued that numerous individuals living with HIV encountered financial hardships, especially those who were unemployed, potentially due to the disclosure of their HIV status, or engaged in low-income and/or precarious employment. The enrollment premium for one year was merely 600,000 VND (approximately 30 USD); however, when juxtaposed with the erratic income of these individuals, it constituted a substantial expenditure, representing 30% of their monthly earnings.

2.3.3 *Socio-cultural Accessibility (Acceptability & Ability to Seek)*

The most formidable, intricate, and comprehensive obstacles are socio-cultural, directly influencing the acceptability of services and a migrant's ability to seek care. The literature delineates three principal, interrelated obstacles:

1. **Fear and Legal Status:** Stigma, self-stigma, and fear regarding stigmatization and discrimination were prevalent among PLHIV who expressed a willingness to enroll in health insurance. In the investigation aimed at identifying obstacles to enrollment and utilization of health insurance for antiretroviral medication (ART) in Vietnam, respondents expressed feelings of stigmatization from their families, healthcare institutions, and employment (Mai & Nguyen, 2022).

2. **Language Barriers:** Language constituted a significant obstacle, succeeded by cognitive limitations and temporal restrictions for migrants seeking health-related information and services. Social media disseminates concise information via their local language or simple Japanese accompanied by illustrations (Matsuoka et al., 2022).
3. **Discrimination:** The acceptability of services is diminished due to both perceived and actual prejudice. The investigation by Mai and Nguyen (2022) also demonstrated that stigma and prejudice impacted households of PLHIV. A household with an HIV-positive person would not receive visitors. Thus, HIV-positive people experienced self-stigma and fear of others' stigma. PLHIV were wary of using health insurance to get ART since they had to provide personal information and worry about confidentiality. PLHIV has trouble enrolling in and using health insurance and getting treatment due to stigma and discrimination.

The dimensions of access are multiplicative rather than additive. A deficiency in one dimension, specifically acceptability, precludes access, regardless of the fulfillment of other dimensions. A migrant may possess comprehensive insurance (affordability = satisfied) and reside in proximity to a hospital (availability = satisfied), yet if they harbor apprehensions of arrest upon presenting their documents at the registration desk (acceptability/ability to seek = failed), they effectively have no practical access.

2.4 Effectiveness of Health Insurance Schemes (Appropriateness & Ability to Engage)

EFFECTIVENESS, as a fundamental aspect of quality of care as defined by the WHO, pertains to the provision of evidence-based healthcare services to those in need (World Health Organization, n.d.). This study evaluates perceived effectiveness from the migrant's perspective, focusing on the quality of care received, the degree of financial protection offered (i.e., reduction of out-of-pocket costs), and overall satisfaction with the health outcome.

Government programs were predominantly formed alongside the health reforms that initiated the health insurance programs they pertain to. While several programs proved helpful, numerous others were compromised by inadequate

community outreach, insufficient resources, conflicts of interest, power disparities, and a failure to adhere to the original purpose (Ismail et al., 2025). According to a study by Suphanchaimat et al. (2019) in Ranong Province, Thailand, Government-funded health insurance cards lowered inpatient and outpatient out-of-pocket costs by 2471 Baht (US$ 75) and 293 Baht (US$ 9). The insurance status, residential proximity to facilities, and history of health facility visits post-2013 (after the expansion of the health insurance card scheme's benefit package) diminished both inpatient and outpatient out-of-pocket expenses. Nonetheless, qualitative research undertaken by Okah et al. (2024) in Nigeria demonstrated that the strategy's efficacy was compromised by a scarcity of essential pharmaceuticals and inadequate staffing, signifying a clear failure in appropriateness and rendering the plan worthless.

Kuwawenaruwa et al. (2019) conducted a mixed methods evaluation to examine the effects of a targeted health insurance scheme on access to cheap, excellent maternal and child care, and to measure implementation fidelity and its impact on program outcomes. The study comprised 90 comprehensive interviews and five focus group discussions carried out across three data gathering phases with participants from management, facilities, and the community. The results demonstrated that the program attained significant reach among the target demographic and reduced expenses for prenatal and delivery services; yet, it failed to improve service coverage and had minimal impact on care quality.

Additionally, Ahmed et al. (2021) executed a household survey with 1,294 participants, complemented by key-informant interviews, focus group discussions, consultative meetings, and document reviews to collect data on healthcare utilization, out-of-pocket (OOP) expenditures, enrolee perspectives, implementer recommendations, and service costs at the point of care. The study revealed that healthcare consumption, particularly for maternity, neonatal, and child health (MNCH) services provided by medically trained professionals, was higher, whereas out-of-pocket expenses were reduced among scheme enrollees in comparison to the general population. The participants expressed satisfaction with their access to healthcare, particularly for MNCH services, and their assessment of care quality was deemed adequate.

3. Methodology

THIS STUDY UTILIZES a qualitative, desk-based evaluation to evaluate health insurance systems for the migrant community in Mae Sot District, Tak Province, Thailand. The geographical focus is exclusively confined to the Mae Sot District, emphasizing the operational baseline established by non-governmental organization (NGO) clinics, notably the Mae Tao Clinic.

To ensure a comprehensive assessment, data was sourced from peer-reviewed academic journals, grey literature, and official governmental documents. Databases, including Google Scholar, were queried with keywords such as awareness, efficacy, accessibility, health insurance, Myanmar migrant, and Mae Sot, Thailand. The evaluation was limited to documents published between 2015 and 2025 to ensure relevance to the current political and economic landscape.

This investigation utilized readily accessible data lacking identification information. Consequently, ethical approval was not necessary.

4. Findings

THE EXISTING LITERATURE confirms that the health insurance landscape for Myanmar migrants in Thailand is fragmented, confusing, and difficult to access. There is clear evidence of failures in the approachability of schemes (poor information) (Srisai et al., 2020), affordability (high lump-sum costs) (König et al., 2024), availability (geographical barriers) (Tschirhart et al., 2016), and acceptability (pervasive fear and discrimination) (Hardman, 2025). No comprehensive investigation has analyzed the complete scheme environment of health insurances from the migrants' perspective. The journey for migrants who may be eligible for various schemes is unclear, particularly regarding how an undocumented migrant evaluates the free care available at Mae Tao Clinic compared to the monthly cost of M-Fund.

4.1 Awareness of Health Insurance (Approachability & Ability to Perceive)

THE DATA INDICATED that information dissemination does not occur through the languages spoken by migrants or the channels in which they are present. The M-Fund insurance plan, implemented by non-profit groups, has been effectively communicated to its target demographic, including undocumented migrants, through direct community participation. Furthermore, the study indicated that good communication from both the supply and demand sides is essential for enhancing awareness among the migratory community.

A qualitative investigation conducted in Thailand about the Health Insurance Card Scheme (HICS), a predecessor to contemporary programs, revealed that the majority of migrants were unaware of the benefit owing to ambiguous communication and insufficient information concerning the policy. Information is often not communicated in migrant languages or via reliable community channels, resulting in substantial informational and cognitive obstacles (Myint, 2022).

A 2019 qualitative review of the M-Fund in Mae Sot revealed that its community-based, non-profit model was exceptionally beneficial in terms of accessibility. By means of direct community engagement, it effectively increased awareness regarding the health protection of migrants within its intended (predominantly undocumented) demographic (Pudpong et al., 2019). The comparison between state-led initiatives and the M-Fund demonstrates that awareness is an active variable. The migrant's capacity to assess the value of a program is affected by the availability of information and their confidence in the information source (Pace, 2011). State-sponsored efforts, marked by restricted accessibility, often face challenges in building trust, whereas community-based alternatives like the M-Fund thrive.

In a separate study conducted by Kunpeuk et al. (2020) to utilize systems thinking in examining contextual factors influencing access to public health insurance for cross-border migrants in Thailand, experts from the Ministry of Labour, the Ministry of Interior, and Non-Governmental Organizations (NGOs) also contributed. The report identifies the leverage points that may influence

enrollment in the HICS as the national verification and the issue of work permits. The voluntary nature of the HICS, administrative delays in the enrollment procedure, and the reluctance of certain firms to hire migrants have resulted in some individuals remaining uninsured. Consequently, the findings indicate that good communication is essential to enhance acceptability of insurance among migrants and their employers.

4.2 Accessibility of Healthcare and Health Insurance

THE STUDY IDENTIFIES several hurdles, including time constraints, long-distance travel for migrants, the single hospital lock-in policy of the MHIS, an annual lump sum payment of 3,200 baht for MHIS, fear of authority, language barriers, and felt stigma and discrimination in the Mae Sot district. Nonetheless, specific effective strategies, such as the economical monthly contribution for M-Fund, could improve accessibility. The inconsistencies in legal regulations for migrant children are apparent. This indicates that the system contains more obstacles than advantageous behaviors.

4.2.1 Geographical and Physical Accessibility (Availability & Ability to Reach)

The qualitative study of tuberculosis patients among migrants and refugees in the Mae Sot border area indicated that obtaining care was both expensive and difficult. The study indicated that the necessity for long-distance travel while harboring an infectious condition signifies a lack of accessible or cost-effective local healthcare (Tschirhart et al., 2016). The migrants' ability to reach care is further limited by time constraints due to their inability to take leave from unstable employment (Chen et al., 2022), as well as by administrative obstacles, such as the inflexible single-hospital lock-in policy of the MHIS, which results in a lack of availability for a mobile workforce.

4.2.2 Financial Accessibility (Affordability & Ability to Pay)

Financial limitations are frequently identified as a significant obstacle to healthcare access for migrants in Thailand. This obstacle manifests at two tiers: the expense of services and the expense of insurance. Qualitative research

recognizes substantial out-of-pocket expenses as a key impediment (Uansri et al., 2023). The affordability of governmental insurance plans represents a significant shortcoming. The MHIS mandates a substantial, one-time annual contribution (e.g., THB 3,200) (International Organization for Migration, 2021), an impractical payment strategy for a group of people with limited, fluctuating wages and substantial debt (International Organization for Migration, 2025). This clearly differentiates it from the M-Fund's affordability approach, which relies on a low-cost, predictable monthly premium, a framework more appropriately aligned with the economic reality of the target group (Pudpong et al., 2019).

4.2.3 Socio-cultural Accessibility (Acceptability & Ability to Seek)

The most formidable, intricate, and comprehensive obstacles are socio-cultural, directly influencing the acceptability of services and a migrant's ability to seek care. The literature delineates three principal, interrelated obstacles:

1. **Fear and Legal Status:** The ability to seek medical assistance is fundamentally compromised by a continuous fear of officials. (*Thailand: Authorities Abuse, Exploit Myanmar Nationals*, 2025). Although few interviewees required immediate medical attention in Thailand, they nonetheless voiced fear regarding visits to clinics or hospitals due to the potential for arrest and detention. Consequently, they favored addressing health concerns by procuring medication from Thai pharmacies or consulting Myanmar healthcare practitioners within the local community (Hardman, 2025).
2. **Language Barriers:** Language constitutes a significant obstacle that interferes with access to healthcare (Matsuoka et al., 2022). Qualitative research in Thailand continually identifies communication hurdles as obstructing all facets of care, from registration to diagnosis (Uansri et al., 2023).
3. **Discrimination:** The acceptability of services is diminished due to both perceived and actual prejudice. Qualitative research indicates negative attitudes among hospital workers and a cognitive barrier associated with varying interpretations of healthcare rights (Uansri et al., 2023). A 2024

> IOM study revealed that 22% of migrants in Thailand identified discrimination as a barrier to accessing care (Duncan, 2025).

Moreover, a qualitative investigation found a gap between Thai law and practice. All migrant children are entitled to birth registration, school enrollment, and health insurance, but several barriers prevent them from exercising these rights. The analysis shows that social integration of migrants and local civil society organizations can protect migrant children's rights and improve the quality of life for cross-border migrants and Thais (Chamchan, 2025).

4.3 Effectiveness of Health Insurance Schemes (Appropriateness & Ability to Engage)

IN TERMS OF the effectiveness of the health insurance, it was discovered that the government health insurance system is less efficient than the M-Fund plan, which is sponsored by a non-governmental organization (NGO).

The social security scheme (SSS) offers a comprehensive benefit package. Nonetheless, in an International Organization for Migration (2021) report, a qualitative investigation from 2019 indicated a potential tiering of care quality. Migrant beneficiaries of the SSS apparently have limited options for artificial/medical equipment and rehabilitation compared to Thai natives registered in the Universal Coverage Scheme (UCS), suggesting a possible disparity in the adequacy of care provided.

The 2019 qualitative analysis of the M-Fund indicated that its members regarded it as extremely effective. It effectively enhanced access to care, provided efficient referral methods for undocumented patients requiring advanced care, and was regarded highly by its clients. The principal concerns pertain to systemic sustainability (e.g., adverse selection) rather than user-perceived efficacy (Pudpong et al., 2019). Morever, the M-Fund health microinsurance exhibited a positive correlation with the utilization of all principal categories of health services among migrant workers and their dependents in Thailand. The M-FUND seems to be an effective strategy for

alleviating healthcare problems for migrants, especially vulnerable migrant workers and their dependents. (König et al., 2024).

Despite having insurance, the healthcare system often obstructs the migrant's capacity to participate. The limited availability of interpreters in public hospitals presents a significant barrier, negatively impacting diagnostic accuracy and the patient's ability to participate in their own care (Sīthamrongsawat et al., 2009). The success of the M-Fund indicates that cultural competence, trust, and a flexible design (i.e., appropriateness) are more critical determinants of perceived effectiveness than the basic scope of the benefit package.

4.4 The Fragmented Scheme Ecosystem Available to Migrants in Mae Sot

A MIGRANT IN Mae Sot must traverse a convoluted and perplexing scheme ecosystem. This environment comprises two formal state schemes (SSS, MHIS), and an NGO-led community initiative (M-Fund), all functioning concurrently alongside the de facto baseline of complimentary NGO services offered by the Mae Tao Clinic. Table 1.1 encapsulates the principal characteristics of these schemes, which we further elaborate upon below.

Table 1: Health Scheme Ecosystem for Myanmar Migrants in Mae Sot

Scheme	Target Population	Legal Basis/Administrator	Cost & Financing	Key Features/Criticisms
Social Security Scheme (SSS)	Formal sector, documented workers (Buswell, 2025)	Social Security Act (1990)/ Ministry of Labour (International Organization for Migration, 2021)	Contributory (Employer 5%, Employee 5%, Govt 2.75%) (International Organization for Migration, 2021)	Comprehensive benefits. Requires work permit. 3-month wait period. Managed by MOL, not MOPH. (International Organization for Migration, 2021)

Scheme	Target Population	Legal Basis/Administrator	Cost & Financing	Key Features/Criticisms
Migrant Health Insurance Scheme (MHIS/ CMHI)	Documented informal workers & dependents (International Organization for Migration, 2021)	Cabinet Resolution/ Ministry of Public Health (MOPH) (International Organization for Migration, 2021)	Voluntary (self-paid). High *lump-sum* annual premium (e.g., THB 3,200/year). (International Organization for Migration, 2021)	Covers those outside SSS. Criticized for high upfront cost, poor awareness (Srisai et al., 2020), and a rigid single-hospital.
M-Fund (NGO Scheme)	Undocumented migrants, left behind populations (Pudpong et al., 2019)	Nonprofit, community-based	Low-cost *monthly* premium (Duncan, 2025)	Fills the gap for the undocumented. High community trust. Faces financial sustainability issues (e.g., adverse selection). (Pudpong et al., 2019)
Mae Tao Clinic (MTC) (NGO Baseline)	All migrants, esp. undocumented & vulnerable (Perera et al., 2022)	NGO/ Humanitarian (Perera et al., 2022)	Free (donation-based) (Tschirhart et al., 2016)	Highly trusted, culturally competent, and accessible. Serves as the *de facto* baseline. Services limited (primarily primary/ maternal care) (Perera et al., 2022).

This ecosystem is characterized by its fragmentation. The SSS is exclusively accessible to a limited group of legally secure, formal-sector employees and is administered by the Ministry of Labour (International Organization for Migration, 2021). The MHIS is a voluntary program administered by the MOPH for registered informal workers; nevertheless, its design has been criticized as impractical due to the requirement of a substantial lump-sum payment and the restriction of migrants to a single hospital, which is inappropriate for a mobile workforce (Srisai et al., 2020).

The M-Fund was established to address the significant void left by these state programs. It is a non-profit, community-oriented initiative primarily aimed at the undocumented population, functioning on a low-cost, accessible monthly premium structure (Pudpong et al., 2019). The HINT/UCS Expansion is a new,

centralized governmental intervention initiated in Mae Sot in late 2025. This signifies a policy transition towards compulsory coverage, fueled by the Ministry of Public Health's intent to alleviate the financial strain of unpaid medical expenses for migrants (Wipatayotin, 2025). Nonetheless, its practical awareness, accessibility, and effectiveness remain completely uncertain.

5. Discussion

THE EVALUATION OF the Mae Sot ecosystem indicates that the principal impediments to health security are fundamentally political and structural, rather than either technical or financial. Three primary themes arise: the misconception of financial load, the expenses associated with fragmentation, and the security-health dichotomy.

5.1 Misconception of Financial Load

A PREVALENT NARRATIVE in Thai popular discourse claims that migrant patients represent an unsustainable financial burden on the public health system. Critics say that an unregulated influx of foreign patients is financially crippling border hospitals and displacing Thai citizens (Wipatayotin, 2025). Nonetheless, scientific facts and statements from senior health professionals in Mae Sot clearly reject this notion.

Dr. Montien Kanasawadse, Deputy Permanent Secretary of the MOPH, and senior doctors at Mae Sot Hospital have gone on record to state that the situation regarding foreign patients is overblown and hasn't caused a strain on our finances (Wipatayotin, 2024). Contrary to the perception that migrants pursue free healthcare, hospital data reveals that most non-Thai patients finance their services either out-of-pocket or via insurance. (Wipatayotin, 2024). They are proactive economic users of healthcare services, rather than passive recipients. Costs for the impoverished unable to pay are frequently covered by international NGOs or designated government appropriations, such as the stateless fund for individuals undergoing nationality verification. (Wipatayotin, 2024).

The genuine financial risk facing Thai hospitals arises not from delivering care, but from the inefficacy of exclusion. Migrants prevented from seeking prompt treatment owing to the "no deposit, no treatment" policy or fear of apprehension experience a deterioration of their conditions into crises. Emergency treatment is far more costly than general care. If a migrant is unable to cover the costs of catastrophic emergency treatment, the hospital incurs this as bad debt. Consequently, measures that prohibit migrants from accessing inexpensive insurance, such as the M-Fund or MHIS, exacerbate the financial risk to the state. Inclusion constitutes cost minimization; exclusion is a liability.

5.2 Expenses Associated with Fragmentation

THE FRACTURED STRUCTURE of the Thai migrant health system, divided between MOL (SSS) and MOPH (MHIS/HINT), reflects the growth trajectory of health systems in countries such as South Korea and Turkey prior to their significant changes.

Research published in the International Journal for Equity in Health indicates that fragmented insurance pools eventually result in inequity in financial access and utilization (Bazyar et al., 2021). The creation of separate ID cards, databases, and benefit packages by various administrative entities leads to elevated transaction costs and allocative inefficiencies (Bazyar et al., 2021). The experiences of South Korea, which consolidated over 300 funds into a single payer, and Turkey illustrate that fund amalgamation is crucial for attaining fairness and universal health coverage (UHC). Nonetheless, these mergers encountered considerable political resistance from elite factions (e.g., government servants) concerned about the erosion of advantages (Bazyar et al., 2021).

Although the complete integration of the Thai Civil Servant Scheme with the Universal Coverage Scheme is politically disputable, consolidating the migrant schemes (SSS and MHIS) into a unified, portable Migrant Health Fund presents a more feasible opportunity that could significantly enhance efficiency and coverage without jeopardizing the entitlements of Thai citizens. The existing division results in coverage gaps, wherein workers transitioning between formal

and informal sectors forfeit protection, a systemic deficiency recognized in the global discourse on health funding transitions (Bazyar et al., 2021).

5.3 The Security-Health Dichotomy

THE PRINCIPAL OBSTACLE recognized in Mae Sot is the tension between National Security (border control and immigration enforcement) and Health Security (disease management).

The existing system functions without a firewall policy, which ensures that health data remains confidential from immigration authorities. The semi-formalized extortion system of police cards indicates that every encounter with a state official, even hospital personnel, is viewed by the migrant as a possible deportation incident. This apprehension compels migrants to operate clandestinely, resulting in blind spots within disease surveillance. An undocumented population reluctant to report signs of tuberculosis, malaria, or COVID-19 serves as a reservoir for infection, jeopardizing the entire host population.

The efficacy of the M-Fund and Mae Tao Clinic is mostly due to their designation as safe zones, where healthcare is independent of legal status. The state's HINT program, although digitally efficient, does not engage the illegal community due to a deficiency in trust capital. Unless the Ministry of Public Health is regarded as a collaborator with the Immigration Bureau, coverage will remain conceptual rather than substantive.

6. Policy Recommendations

TO SHIFT FROM a disjointed, exclusionary approach to a robust, inclusive health security framework, the following proposals are presented for the Royal Thai Government (RTG) and international collaborators.

Immediate Action: Access for undocumented individuals is best achieved by regulatory boldness, not funding. A obligatory health firewall directive is needed from MOPH, Interior, and Royal Thai Police. This policy must prohibit

public hospitals and health officials from sharing patient data with immigration for detention or deportation. OSS HINT registration facilities should be immigration-enforcement-free zones. Delinking health access from legal status is the only way to reduce fear of authorities. This ensures population-wide surveillance and follows global migrant health guidelines.

Medium-term Action: To encourage advancement, MHIS/HINT and SSS benefits and payments should align. No gap in health insurance coverage should exist for migrants moving from agriculture to manufacturing jobs. Non-governmental organizations provide services with government funds through social contracting. The NHSO should increase social contracting to buy services from reliable NGOs like Dreamlopments (M-Fund) and Mae Tao Clinic (Harm Reduction International, 2022). As opposed to forcing refugees into state hospitals they fear, the state should subsidize trusted providers. This integrates the NGO sector into the national UHC policy, boosting quality control and data sharing while protecting clinics' safe zone status.

Long-term Action: The primary objective of health funding reform is the establishment of a consolidated risk pool for everyone. It must transition from citizenship-based entitlement to residency-based universal healthcare. A mandatory, employer-withheld premium for all employees, irrespective of visa status, along with general taxation for refugees and the impoverished, can accomplish this objective. The argument on the exaggerated financial load demonstrates that the majority of migrants are capable of affording expenses. A consolidated pool optimizes the law of large numbers, eliminates administrative redundancy, and ensures that healthy, working-age migrants financially support the system.

7. Conclusion

THE HEALTH INSURANCE landscape for Myanmar migrants in Mae Sot exemplifies the global health governance problem of harmonizing human mobility with state welfare systems. Thailand's ecosystem is fragmented, with administrative classification determining health access rather than medical

necessity. HINT and MHIS show the Royal Thai Government's desire to extend coverage, but structural barriers, high costs, lack of portability, and authorities' fear of migrants due to securitization, limit these efforts. The financial burden of migrant healthcare is a fallacy, according to this analysis. The M-Fund shows that Mae Sot migrants are active economic contributors who will pay for health protection when the methods are accessible and trustworthy. The inefficiency of exclusion turns treatable diseases into costly emergencies and uncompensated debt, threatening the Thai health system's finances.

The way forward is convergence. Thailand can adopt a unified funding model by studying South Korea and Turkey's consolidations. Using a health firewall, the state can turn unauthorized migrants into public health surveillance partners. Ultimately, achieving SDG 3 in the interconnected Thai-Myanmar border requires a paradigm shift: realizing that in a world of shared diseases, migrant health is related to national health. Policy exclusion is a biological hazards; inclusion is the only national health security solution.

References

Ahmed, S., Hasan, M. Z., Ali, N., Ahmed, M. W., Haq, E., Shabnam, S., Chowdhury, M., Gahan, B., Bousquet, C., Khan, J. A. M., & Islam, Z. (2021). Effectiveness of health voucher scheme and micro-health insurance scheme to support the poor and extreme poor in selected urban areas of Bangladesh: An assessment using a mixed-method approach. PLOS ONE, 16(11), e0256067. https://doi.org/10.1371/journal.pone.0256067

Araoz, C., Marotta, C., & Severoni, S. (2025). Advancing Universal Health Coverage for refugees and migrants: highlights from the fifth edition of the Global School. Lancet Reg Health Am, 41, 100983. https://doi.org/10.1016/j.lana.2024.100983

Bansal, P., Girdhar, S., & Chaudhary, A. (2025). Health Insurance: Awareness and Coverage in Urban Slums of Northern India. Indian Journal of Community Medicine. https://doi.org/10.4103/ijcm.ijcm_655_24

Bauchner, S. (2025). Thailand Allows Myanmar Refugees in Camps to Work Legally. https://www.hrw.org/news/2025/08/27/thailand-allows-myanmar-refugees-in-camps-to-work-legally

Bazyar, M., Yazdi-Feyzabadi, V., Rashidian, A., & Behzadi, A. (2021). The experiences of merging health insurance funds in South Korea, Turkey, Thailand, and Indonesia: a

cross-country comparative study. Int J Equity Health, 20(1), 66. https://doi.org/10.1186/s12939-021-01382-w

Brooks, N. (2025). Don't forget refugees as war continues to ravage Myanmar. Retrieved 6 September 2025 from https://devpolicy.org/dont-forget-refugees-as-war-continues-to-ravage-myanmar-20240204/

Buswell, G. (2025). The healthcare system in Thailand. https://www.expatica.com/th/health/healthcare/healthcare-in-thailand-2172864/

Chamchan, C. (2025). Protecting Migrant Children in Thailand: Importance of Social Integration and Roles of Civil Society. Southeast Asian Studies, 14(1), 165-186. https://doi.org/10.20495/seas.14.1_165

Chen, H., Gao, Q., Yeoh, B. S. A., & Liu, Y. (2022). Irregular Migrant Workers and Health: A Qualitative Study of Health Status and Access to Healthcare of the Filipino Domestic Workers in Mainland China. Healthcare (Basel), 10(7). https://doi.org/10.3390/healthcare10071204

Chen, W. T., Shiu, C., Arbing, R. H., Myint, K. M., Oo, K. M., Lai, S. S., Tanoko, D., Oung, S., Yamada, P., Moolphate, S., Aung, T. N. N., & Aung, M. N. (2024). Myanmar migrants living along the Thailand-Myanmar border: Experiences related to pandemic and migration decisions. J Migr Health, 10, 100259. https://doi.org/10.1016/j.jmh.2024.100259

Duncan, K. (2025). No deposit, no treatment: More patients from Myanmar shut out from Thai hospitals. Radio Free Asia. https://www.rfa.org/english/myanmar/2025/04/14/myanmar-thailand-health-care-migrants/

Ghebreyesus, T. A. (2017). Health is a fundamental human right. https://www.who.int/news-room/commentaries/detail/health-is-a-fundamental-human-right

Hardman, N. (2025). "I'll never feel secure". H. R. Watch. https://www.hrw.org/report/2025/07/14/ill-never-feel-secure/undocumented-and-exploited-myanmar-nationals-in-thailand

Harm Reduction International. (2022). Towards Domestic Public Financing and Social Contracting for Harm Reduction. https://hri.global/wp-content/uploads/2023/04/SOCIAL-CONTRACTING_FINAL.pdf

International Organization for Migration. (2021). Social Protection in Action: Building social protection floors for all. https://www.ilo.org/publications/protection-action-building-social-protection-floors-all

International Organization for Migration. (2022). Universal Health Coverage "Leave No Migrant Behind". In.

International Organization for Migration. (2024). United Towards a Migrant-Inclusive Health System in Thailand. https://thailand.iom.int/news/united-towards-migrant-inclusive-health-system-thailand-0

International Organization for Migration. (2025). Overview of Myanmar Nationals in Thailand. https://thailand.iom.int/sites/g/files/tmzbdl1371/files/documents/2025-03/myanmar_migrants_thailand_jan25_final-1.pdf

Ismail, A., Mathauer, I., Akweongo, P., Bolivar Vargas, M. C., Desai, S., Raharja, D. P., Ogundimu, M. A., Stojisavljevic, S., De Allegri, M., & Shroff, Z. C. (2025). Making health insurance responsive to citizens: learning from six low-income and middle-income countries. BMJ Glob Health, 7(Suppl 6). https://doi.org/10.1136/bmjgh-2024-018176

Jadhav, V., & Ramakrishna, S. (2023). Motivations and barriers to purchase health insurance: A qualitative study. Asia Pacific Journal of Health Management, 18(1), 275-282.

Khaosod English. (2024). Thai govt sets terms for foreigners: who gets free medical care and who pays. https://www.khaosodenglish.com/politics/2024/12/23/thai-govt-sets-terms-for-foreigners-who-gets-free-medical-care-and-who-pays/

König, A., Nabieva, J., Manssouri, A., Antia, K., Dambach, P., Deckert, A., Horstick, O., Kohler, S., & Winkler, V. (2022). A Systematic Scoping Review on Migrant Health Coverage in Thailand. Trop Med Infect Dis, 7(8). https://doi.org/10.3390/tropicalmed7080166

König, A., Sappayabanphot, J., Liang, L., Fleßa, S., & Winkler, V. (2024). The impact of the health microinsurance M-FUND on the utilization of health services among migrant workers and their dependents in Thailand: A case-control study. J Migr Health, 9, 100236. https://doi.org/10.1016/j.jmh.2024.100236

Kumar, S., & Preetha, G. (2012). Health promotion: an effective tool for global health. Indian J Community Med, 37(1), 5-12. https://doi.org/10.4103/0970-0218.94009

Kunpeuk, W., Teekasap, P., Kosiyaporn, H., Julchoo, S., Phaiyarom, M., Sinam, P., Pudpong, N., & Suphanchaimat, R. (2020). Understanding the Problem of Access to Public Health Insurance Schemes among Cross-Border Migrants in Thailand through Systems Thinking. International Journal of Environmental Research and Public Health, 17(14), 5113.

Kuwawenaruwa, A., Ramsey, K., Binyaruka, P., Baraka, J., Manzi, F., & Borghi, J. (2019). Implementation and effectiveness of free health insurance for the poor pregnant women in Tanzania: A mixed methods evaluation. Social Science & Medicine, 225, 17-25. https://doi.org/https://doi.org/10.1016/j.socscimed.2019.02.005

Lee, D.-C., Wang, J., Shi, L., Wu, C., & Sun, G. (2022). Health insurance coverage and access to care in China. BMC Health Services Research, 22(1), 140. https://doi.org/10.1186/s12913-022-07498-1

Levesque, J. F., Harris, M. F., & Russell, G. (2013). Patient-centred access to health care: conceptualising access at the interface of health systems and populations. Int J Equity Health, 12, 18. https://doi.org/10.1186/1475-9276-12-18

Mai, P., & Nguyen, P. (2022). Barriers to social health insurance enrollment for accessing antiretroviral therapy among people living with HIV/AIDS at early stages of shifting to insurance-based systems: a narrative literature review. HIV & AIDS Review. International Journal of HIV-Related Problems, 21(4), 261-269.

Matsuoka, S., Kharel, M., Koto-Shimada, K., Hashimoto, M., Kiyohara, H., Iwamoto, A., Nishihara, M., & Fujita, M. (2022). Access to Health-Related Information, Health Services, and Welfare Services among South and Southeast Asian Immigrants in Japan: A Qualitative Study. International Journal of Environmental Research and Public Health, 19(19).

Myint, S. Y. (2022). Fighting barriers limiting access to COVID-19 healthcare for undocumented migrant workers in Thailand. School of Public Policy Chiang Mai University.

Najjar, T. (2025). Exploring Healthcare Access for Migrant Workers in Singapore:"Utilization, Barriers, and Perspectives Duke University].

Okah, P. S., Okoye, U. O., Iyiani, C. C., Ebimgbo, S. O., Onalu, C. E., & Aghedo, G. U. (2024). Knowledge, Accessibility and Utilization of the National Health Insurance Scheme (NHIS) Among Registered Employees of Federal Government Institutions in Ebonyi State: Lessons for Medical Social Workers. Social Work in Public Health, 39(2), 131-140. https://doi.org/10.1080/19371918.2024.2315178

Pace, P. (2011). Migration and the right to health: a review of international law. International Organization for Migration.

Perera, S., Maung, C., Hla, S., Moo Moo, H., Than Lwin, S., Bruck, C., Smith, T., Bakker, M., Akhoon, C., & Sarkar, I. N. (2022). Access to community-based reproductive health services and incidence of low birthweight delivery among refugee and displaced mothers: a retrospective study in the Thailand-Myanmar border region. BMJ Open, 12(1), e052571. https://doi.org/10.1136/bmjopen-2021-052571

Phyu, H. P. (2025). Misclassified and Unprotected: Survival Migration from Myanmar and the Limits of Thailand's Pink Card System. https://spp.cmu.ac.th/misclassified-and-unprotected-survival-migration-from-myanmar-and-the-limits-of-thailands-pink-card-system/

Pudpong, N., Durier, N., Julchoo, S., Sainam, P., Kuttiparambil, B., & Suphanchaimat, R. (2019). Assessment of a Voluntary Non-Profit Health Insurance Scheme for Migrants along the Thai-Myanmar Border: A Case Study of the Migrant Fund in Thailand. Int J Environ Res Public Health, 16(14). https://doi.org/10.3390/ijerph16142581

Sīthamrongsawat, S., Wisessang, R., & Ratjaroenkhajorn, S. (2009). Financing healthcare for migrants: a case study from Thailand. International Organization for Migration.

Soltani, S., Takian, A., Akbari Sari, A., Majdzadeh, R., & Kamali, M. (2019). Financial Barriers to Access to Health Services for Adult People with Disability in Iran: The Challenges for Universal Health Coverage. Iran J Public Health, 48(3), 508-515.

Soukhathammavong, S., & Steinemann, G. (2012). Myanmar nationals seeking medical treatment in Mae Sot area: Reasons for migration and choice of clinic, and general satisfaction of patients.

Srisai, P., Phaiyarom, M., & Suphanchaimat, R. (2020). Perspectives of Migrants and Employers on the National Insurance Policy (Health Insurance Card Scheme) for Migrants: A Case Study in Ranong, Thailand. Risk Management and Healthcare Policy, 13(null), 2227-2238. https://doi.org/10.2147/RMHP.S268006

Suphanchaimat, R., Kunpeuk, W., Phaiyarom, M., & Nipaporn, S. (2019). The Effects of the Health Insurance Card Scheme on Out-of-Pocket Expenditure Among Migrants in Ranong Province, Thailand. Risk Management and Healthcare Policy, 12(null), 317-330. https://doi.org/10.2147/RMHP.S219571

Thailand: Authorities Abuse, Exploit Myanmar Nationals. (2025). https://www.hrw.org/news/2025/07/14/thailand-authorities-abuse-exploit-myanmar-nationals

Thammatacharee, J. (2020). We must include migrants in UHC. https://eng.nhso.go.th/view/1/DescriptionNews/We-must-include-migrants-in-UHC/190/EN-US

Tschirhart, N., Sein, T., Nosten, F., & Foster, A. M. (2016). Migrant and Refugee Patient Perspectives on Travel and Tuberculosis along the Thailand-Myanmar Border: A Qualitative Study. PLOS ONE, 11(8), e0160222. https://doi.org/10.1371/journal.pone.0160222

Uansri, S., Kunpeuk, W., Julchoo, S., Sinam, P., Phaiyarom, M., & Suphanchaimat, R. (2023). Perceived Barriers of Accessing Healthcare among Migrant Workers in Thailand during the Coronavirus Disease 2019 (COVID-19) Pandemic: A Qualitative Study. Int J Environ Res Public Health, 20(10). https://doi.org/10.3390/ijerph20105781

United Nations. (n.d.). Goal 3: Ensure healthy lives and promote well-being for all at all ages. https://www.un.org/sustainabledevelopment/health/

US Department of Health and Human Services. (n.d.). Access to Health Services. https://odphp.health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/access-health-services

Wipatayotin, A. (2024). Foreign patients along Thai border saga ‘overblown’. Bangkok Post. https://www.bangkokpost.com/thailand/special-reports/2925106/foreign-patients-along-thai-border-saga-overblown

Wipatayotin, A. (2025). Migrant worker insurance drive begins. Bangkok Post. https://www.bangkokpost.com/thailand/general/3118720/migrant-worker-insurance-drive-begins

World Health Organization. (2022). Refugee and migrant health. https://www.who.int/news-room/fact-sheets/detail/refugee-and-migrant-health

World Health Organization. (2023). Addressing the needs of refugees and migrants: an inclusive approach to Universal Health Coverage. https://www.who.int/publications/m/item/addressing-the-needs-of-refugees-and-migrants--an-inclusive-approach-to-universal-health-coverage

World Health Organization. (n.d.). Quality of care. https://www.who.int/health-topics/quality-of-care#tab=tab_1

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Understanding the Training and Mindset of Myanmar Military Defectors in Thailand



TUN TUN NAING

Abstract

Myanmar's military has dominantly controlled the country's politics, economy, and society for decades. Its system of training and indoctrination builds strict obedience and loyalty to the Tatmadaw (Myanmar military) rather than to democratic values. Following the coup in February 2021, thousands of soldiers and police defected, revealing cracks in the institution's indoctrination system. This study investigates the training and indoctrination processes of Myanmar military defectors currently residing in Thailand. Using qualitative interviews with 20 participants, including officers, non-commissioned officers, and spouses, the research records their lived experiences of coercion, trauma, and ideological conditioning. Findings show that indoctrination begins before enlistment, through censored education, propaganda films, and slogans that have glorified the military as the nation's guardian for many decades. Inside military compounds, soldiers and families are isolated from civilians, fostering allegiance to commanders rather than to civilian leadership. Commanders and rituals reinforce the idea that the Tatmadaw (Myanmar military) is superior to civilian authority. Defectors' stories reveal both the strength of this system and the ways individuals resisted it. By centering defectors' narratives, this study fills a gap in research that often looks only at military elites. It offers new insight into how obedience is built and how it can be broken. Understanding how indoctrination works and how it can be dismantled is vital for building a democratic military that respects human security and prevents future coups.

1. **Introduction**

MYANMAR, one of the ASEAN countries, has experienced multiple military coups since gaining independence from the British in 1948. The country underwent three major coups—in 1962, 1988, and most recently in 2021—without achieving sustained political or economic stability. As a result of prolonged dictatorship, Myanmar continues to suffer severe consequences, struggling to maintain essential services such as education and health care, and failing to access sustainable national development.

In 2010, Myanmar underwent a significant democratic shift under the banner of a civilian democratic government led by former General Thein Sein. The international community welcomed this change as a milestone in Myanmar's political history, and U.S. President Barack Obama visited the country in 2012 - the first sitting American president to do so. Although 25% of parliamentary seats remained reserved for military representatives, the newly elected government led by the National League for Democracy (NLD) secured a majority in the 2015 elections. Despite various concerns, the transition from the USDP government to the NLD government appeared to be conducted smoothly in 2016.

The political transition of Myanmar was regarded as a significant milestone in the country's history. However, the rule of the civilian democratic government ended with a military coup five years later. On February 1, 2021, the military seized power. Since then, the majority of the population has protested all over the country, demanding the restoration of democratic governance. Many civil servants joined the Civil Disobedience Movement (CDM), and police officers —particularly from Kayah (Karenni) State—publicly protested in uniform during the first quarter of 2021.[1] Subsequently, individual soldiers, including mid-ranking officers, defected from the military whenever opportunities arose to join the CDM.

[1] Interview with Participant G1A in Mae Sot on 6th September 2025

The military has responded to protesters with violent repression, and numerous video recordings have emerged documenting these brutal crackdowns and widespread human rights violations in Myanmar. These materials serve as firm evidence of the Myanmar military's confirmed pattern of inhumane conduct. Historically, the armed forces have prioritized institutional loyalty and control over accountability to the people. This reflects the persistent absence of civilian oversight and highlights the military's enduring capacity to shape the country's future - exercising intangible yet immense power.

Over the past decade, the military has cultivated a strong culture of indoctrination across ranks and positions, reinforcing its dominance. Without internal solidarity, however, the military cannot sustain its grip on national power against domestic, regional, and international pressure.

This study seeks to address these gaps by examining the indoctrination and moral decision-making processes of Myanmar military defectors currently residing in Thailand. By documenting their lived experiences, the research provides an empirical lens into the internal mechanisms of military indoctrination. It places defector narratives and worldviews at the center of analysis, recognizing them as vital sources for understanding not only the failures of authoritarian control but also the potential pathways toward democratic transformation including the critical area of security sector reform.

It is essential to identify the patterns and themes through which the Myanmar military cultivates absolute obedience among its personnel; soldiers. The findings of this study are expected to contribute meaningfully to academic debates on civil-military relations, civilian oversight and to policy discussions on security sector reform in post-junta Myanmar. By addressing the critical gap in understanding military indoctrination, this research aims to support efforts to deter future coups and to safeguard human security - an area long neglected by many stakeholders in Myanmar.

2. **Background of the Study**

2.1 **Historical Role of Myanmar military**

SINCE MYANMAR'S INDEPENDENCE in 1948, the military has occupied a central role in the country's political, economic, and social life beyond the defense sector. Unlike professional armies around the world, which are formed to defend the nation, the Myanmar military has declared itself a patriotic army. After 2010, military leaders began publicly promoting efforts to build a standard army, using the term "ဒေတိုးမတ်မေ" in Burmese and "standard army" in English. It consistently demonstrated itself as the guardian of the state. Beyond the defense sector, the military expanded its influence into civilian governance, forming military-led governments. Military-backed parties drafted the state constitution, which was approved through a referendum in 2008. Based on this constitution, the military initiated a civilian-led democratic government in 2010, although many ex-generals retained significant authority over key ministries. Simultaneously, the military-backed Union Solidarity and Development Party (USDP) secured major parliamentary representation, alongside 25% of seats reserved for military appointees - selected not by the people, but by the Commander-in-Chief. This enduring military dominance has fostered a political culture in which the armed forces continue to play a leading role in shaping national governance.

2.2 **Indoctrination and Training Practices**

THE MYANMAR MILITARY has deeply established a foundational training system aimed at developing the capabilities of its soldiers while instilling strong ideological loyalty. Formal training at military academies for officers and basic training units for non-officers emphasizes discipline, hierarchical obedience, and the perceived moral superiority of the armed forces - for example, portraying the military as the protector of the nation.

From the moment recruits join the military, they are socially isolated from the civilian community and exposed to slogans, rituals, and narratives that glorify

the military's sacrifices - from the pre-independence era to the present. Both military and technical training emphasize blind obedience and absolute loyalty to superiors, extending beyond formal manuals or curricula. Although training materials may appear neutral and logical, instruction is primarily delivered by soldiers—except for a few academic lecturers—who consistently promote the military's role and sacrifices while excluding the contributions of civilian governance and disregarding civilian oversight. Within this institutional culture, dissent or disobedience is met with severe punishment, and the absence of civilian oversight, particularly from the judicial sector, compels soldiers to comply unquestioningly with their superiors.

Within the enclosed and socially isolated environment of military housing, soldiers and their family members are repeatedly exposed to messages crafted to reinforce the narratives favoured by their superiors—delivered through commander meetings, daily verbal reinforcement, and propaganda videos. The slogan like this "The Tatmadaw never betrays the nation," prominently displayed throughout military barracks and public areas, serves as an ideological illusion that reinforces the military's self-proclaimed protective role. Unit commanders enforce not only social isolation but also physical separation from the civilian population, creating an echo chamber saturated with the military's worldview. Over time, soldiers become accustomed to living within this insulated environment, where alternative perspectives are systematically excluded.

2.3 **The Coup of 2021 and the Wave of Defections**

MASS DEFECTION OF over a thousand soldiers from a national military is a rare occurrence in the history of defense studies. In an interview broadcast by RFA Burmese on January 24, 2025, U Mg Mg Swe, Deputy Secretary of the Ministry of Defense of the National Unity Government (NUG), stated that a total of 14,760 police officers and soldiers had defected from the Myanmar military and police forces by the end of 2024.[2] For the first time in Myanmar's history, thousands of uniformed personnel rejected unlawful orders from their superiors, refusing to crack down on peaceful protests and abandoning their

[2] Interview with Participant G3A in Mae Sot on 6th September 2025

posts. During the 8888 Uprising, some soldiers joined the protests in uniform, but the scale of defection was far smaller than what has been witnessed since 2021.[3]

Most defectors now reside in Thailand and India, seeking safety from persecution by the Myanmar military. These neighboring countries offer feasible refuge due to their long shared borders. Through the lived experiences of defectors from diverse corps and ranks, valuable insights emerge into the internal mechanisms of military indoctrination—and, crucially, the pathways through which such indoctrination can be recognized, challenged, and ultimately resisted.

3. **Literature Gaps**

MYANMAR'S MILITARY TRAINING curricula remain opaque, with limited scholarly analysis of their psychological impact. While global research on military indoctrination has demonstrated the critical role of training in shaping obedience, comparable analyses of the Myanmar military are scarce. The Myanmar military is among the most secretive armed forces in the world, with minimal transparency regarding its internal structure and operations. Existing academic literature predominantly focuses on the Myanmar military's political interventions and institutional power, its establishment of economic enterprises (MEHL and MEC), the extensive documentation of human rights violations against civilians (including during the Rohingya crisis), and the military's external organizational structure and training. However, the psychological and cultural dimensions within the military institution are largely underexplored.[4] [5] [6]

Michael W. Charney highlights a critical methodological gap, arguing that research must transition from elite-centered studies to focus on lower-ranking personnel to accurately capture the internal working mechanisms of the Myanmar military.

[3] Interview with Participant G2B in Mae Sot on 7th September 2025
[4] Interview with Participant G1A in Mae Sot on 6th September 2025
[5] Interview with Participant G2A via online on 6th September 2025
[6] Interview with Participant G3B in Mae Sot on 7th September 2025

"One of the remaining obstacles to overcoming the influential, but dated, characterizations of the Tatmadaw is the challenge of doing primary research on the institution.

Existing research is elite-centred, focused on the perspectives and recollections of the higher echelons of the military officer corps, often through conversations after they have left their command" [7]

Furthermore, the phenomenon of large-scale defection in Myanmar has received little systematic academic attention to study the military's internal structures. Helene Maria Kyed, in her article "Soldier Defections Since the 2021 Military Coup" published in the new Independent Journal of Burmese Scholarship (IJBS), notes that this journal explores qualitative questions of how and why soldiers leave the military, what obstacles they face in doing so, and how defection interacts with the wider revolutionary movement, based on the memories of fifteen military personnel and three military spouses.[8]

This study seeks to address these gaps by centering defector narratives and analyzing them within the broader literature on military obedience and indoctrination in Myanmar. Insights from these findings can inform the "do's and don'ts" of security sector reform—particularly in shaping the future formation of a federal army aimed at promoting sustainable peace and deterring future coups. By understanding and avoiding the replication of indoctrination mechanisms, stakeholders can help ensure that future military institutions uphold democratic values and respect for human security.

4. **Research Methods**

THIS RESEARCH DESIGN aims to examine hierarchical relationships and patterns of indoctrination within the Myanmar military. To achieve a deep understanding of these dynamics, the study employs a qualitative research approach, using in-depth, semi-structured interviews to explore the lived experiences of former military personnel. The target population consists of

[7] Data obtained from interview with Participant G3A in Mae Sot on 6th September 2025
[8] Data obtained from interview with Participant G3B in Mae Sot on 7th September 2025

former Myanmar military members (soldiers, mid-ranking officers and their spouses) who defected after the 2021 coup and are currently residing in Thailand.

The sample includes 20 participants: 10 officers (including one female officer), 5 spouses of ex-soldiers, and 5 non-commissioned officers. The researcher prioritizes narrative-based analysis to minimize the gap between lived realities and the representations found in media and public discourse.

Participant selection focused on individuals with long-term service histories across multiple duty posts, ensuring a diverse range of perspectives. Recruitment considered variation in corps, ranks, and service branches—including the air force, navy, and infantry—to capture how institutional structures shape soldiers' worldviews. Eligibility criteria required participants to have defected more than one year prior to the study, with a preference for those who served at least five years; most had over ten years of service, including two with more than thirty years. Ranks ranged from major to corporal, and educational backgrounds spanned from primary school to master's degree. The sample also includes participants with diverse professional roles within the military, such as military doctors, engineers, pilot, nurses, researchers, and infantry commanders, further enriching the range of perspectives captured in this study.

Due to the sensitive security context, the researcher did not use snowball sampling via NGOs or ethnic community leaders near the border. Instead, participants were recruited through trusted peer networks, avoiding open calls to protect both the interviewees and the researcher, who resides near the Thai–Myanmar border.

Interview questions were designed to be open-ended, non-leading, and trauma-informed, allowing participants to share their experiences in their own words. Prior to each interview, the researcher explained the study's purpose and objectives, provided informed consent procedures, and discussed potential risks. The researcher received signed written consent forms from each interviewee participating in this study. Participants were assured of confidentiality, and their right to withdraw at any time was emphasized.

During data collection, two participants—one soldier and the spouse of another soldier—disclosed prior exploitation by media outlets, where their stories were published without consent. One of them, the spouse of a Navy soldier, was detained at the police station in her township—alongside her infant child, who was less than a year old—due to a media breach involving her husband's narrative. This breach of trust led both individuals to refuse further interviews —except for this study, which they accepted due to the researcher's shared military background. Establishing rapport and a shared identity helped mitigate fears of data leakage and fostered trust.

Interviews were conducted in safe, comfortable environments, with more than four locations arranged to ensure participant security. Audio recordings were transcribed and anonymized, and thematic analysis was applied to identify recurring patterns, particularly around training and indoctrination experiences.

Field notes and reflective journaling were used to document non-verbal cues and contextual observations. All procedures adhered to international standards for research with vulnerable populations.

The interviews revealed narratives of trauma, coercion, and ideological conditioning, resurfacing painful memories of military service. These insights form the foundation for understanding the psychological and structural mechanisms of control within the Myanmar military. Through conducting interviews with defectors, the researcher not only documented their narratives but also personally resurfaced trauma rooted in his own military training—particularly the violations and fear-based conditioning he endured.

5. **Indoctrination of military supremacy extending beyond military affairs into civilian life**

THE MYANMAR MILITARY has systematically instilled a hierarchical mindset that elevates military identity above civilian roles. Common military expressions used to reinforce this hierarchy include "soldiers among men" (ယောကျ်ားထဲ မှ စစ်သား), "officers among soldiers" (စစ်သားထဲ မှ အရာရှိ), and

for engineering officers, “engineer officer among the officers” (စစ်တိုလဲမှ မှ အင်ဂျင်နီယာစစ်တိုလ်). These phrases reflect a deeply embedded belief in the superiority of military rank and status. Within institutions like the Defence Services Academy (DSA), cadets are taught to view themselves as the victorious soldiers of the future, reinforcing a sense of exceptionalism from the outset of their training. These cadets are characterized as “The Triumphant Elites of the Future” (နောင်တွေ့ခဲ့ကြုံခဲ့ရမယ့်အောင်စစ်သည်).[9] [10] [11] In the following picture, the motto “The Triumphant Elites of the Future” appears in the background of the parade ground of the 66th Intake of the Defence Services Academy (DSA).[12]



Figure 1: Parade of the 66th Intake of the Defence Services Academy (DSA), with the motto “The Triumphant Elites of the Future” visible in the background.

[9] Interview with Participant G3B in Mae Sot on 7th September 2025
[10] interview with Participant G3B in Mae Sot on 7th September 2025
[11] interview with Participant G4A in Mae Sot on 8th September 2025
[12] Interview with Participant G2B in Mae Sot on 7th September 2025

Loyalty to the military is framed not merely as a professional duty but as a moral obligation. The notion that the military has provided education and livelihood, often beginning from the enlistment, is used to cultivate a sense of indebtedness. Superiors tell soldiers that they can become "good people" only through the support or guidance of the military, and conversely, that those outside the military cannot achieve a good standard of living.

At the graduation ceremony of the 62nd intake of the Defence Services Academy (DSA), the Commander-in-Chief stated: "Officers must not forget the gratitude owed to the Tatmadaw and the Defence Services Academy for training and producing young leaders during the four years of cadetship" (ဗိုလ်လေ ငါးသင်္ကန် လေးနှစ်တာ ကာလအတွင်းတွင် ပို့ချပေးခဲ့သော ကျေးဇူးတရားကို မေ့လျော့ခြင်းမရှိသင့်ကြောင်း ဖြစ်လာအောင် လေ့ကျင့်ပေးခဲ့သော ဆရာသမားများ၏ ကျေးဇူးတရားကို မေ့လျော့ခြင်းမရှိသင့်ကြောင်း အမိန့်စကားကို ဗိုလ်ချုပ်မှူးကြီးလေးက ပြောကြားခဲ့ပါသည်). This speech was delivered on December 4, 2020, during the graduation ceremony of the 62nd DSA intake. [13] The Commander-in-Chief reiterated this theme during the graduation ceremony of the 26th intake of the Defence Services Technological Academy (DSTA) on December 12, 2024, stating: "တပ်မတော်အပေါ် တွင်လည်း ကျေးဇူးသစ္စာစောင့်သိရမည်ဖြစ်ကြောင်း" ("Officers must uphold gratitude and loyalty to the Tatmadaw").[14] He repeated the same message at the graduation ceremony of the 63rd intake of DSA on December 7, 2021: "ဗိုလ်လေ ငါးသင်္ကန် လေးနှစ်တာ ကာလအတွင်းတွင် ပို့ချပေးခဲ့သော ဆရာသမားများ၏ ကျေးဇူးတရားကို မေ့လျော့ခြင်းမရှိသင့်ကြောင်း အမိန့်စကားကို ဗိုလ်ချုပ်မှူးကြီးလေးက ပြောကြားခဲ့ပါသည်" ("Officers should not forget the gratitude owed to the Tatmadaw and the Academy for training them to become young leaders of the military"[15]

[13] Interview with Participant G2B in Mae Sot on 7th September 2025
[14] Interview with Participant G2B in Mae Sot on 7th September 2025
[15] Interview with Participant G2B in Mae Sot on 7th September 2025

Common sayings—such as “the army has fed you, so you must be loyal” (စစ်တပ်ကကျွေးမွေးထားလို့ စစ်တပ်ကိုကျေးဇူးမကန်နဲ့)—are frequently used to justify unwavering allegiance. This ideology extends beyond individual soldiers to their spouses and children, who are socialized within military compounds and subjected to similar pressures. Support for alternative political views—such as voting for the National League for Democracy (NLD)—is often met with harassment, reprimand, or even public shaming within military families. A female officer with seven years of service revealed that any officer who expressed admiration for Aung San Suu Kyi or admitted to voting for the NLD would be socially isolated by their colleagues.[16]

Particularly among officers who have studied abroad, there is a culture of receiving formal addresses from battalion commanders, headquarters commanders, and directors of the Directorate—typically at the Major General or Lieutenant General level—both before departure and upon return. These speeches emphasize that the military has invested significant time and resources in these personnel, and that such investment must be repaid through continued service and loyalty. Two officers among the interviewees who obtained master’s degrees abroad emphatically asserted that they had received this experience. The researcher, who also received overseas education in engineering, shares the same experience. In the researcher’s former service environment, there were hundreds of officers who received overseas education or training, further affirming the prevalence of this military culture.

In Myanmar’s military camps, portraits of commanders, directives from the commander-in-chief, excerpts from speeches, and military mottos are prominently displayed in offices and mess halls. Across the entire military complex, the motto and instructions from the commander-in-chief dominate the symbolic landscape. Notably, there are no images of the civilian president—a detail that carries significant meaning. In the following pictures, only the

[16] Interview with Participant G2B in Mae Sot on 7th September 2025

portrait of the commander-in-chief hangs on the wall of the meeting hall.



Figure 2: Commander-in-Chief meets with the prize-winning cadets of the 62nd Intake of the Defence Services Academy (DSA) (December 4, 2020)[17]



Figure 3: Commander-in-Chief meets with prize-winning female cadets of the 7th Intake of the Officer Training School (OTS), December 21, 2020[18]

[17] Interview with Participant G2A via online on 7th September 2025

[18] Interview with Participant G2C in Mae Sot on 7th September 2025

In countries like the United States, where the president serves as the commander-in-chief, it is customary for military buildings to feature presidential portraits.[19] In contrast, Myanmar's president does not hold the position of commander-in-chief, allowing the military to fully occupy the symbolic and administrative space within its own institution, independent of civilian oversight. As a result, soldiers internalize the notion that their true leader is the commander-in-chief of the military, not the civilian president. This contributes to a diminished respect for civilian leadership and reinforces the military's supremacy over democratic governance.

One officer from the engineering corps with more than 20 years service recalled:

> *Each battalion is required to subscribe to the Myawaddy newspaper and the Tatmadaw Journal, and to present them during inspections by senior commanders.*[20]

The Myawaddy newspaper (မြဝတီသတင်းစာ) is a daily publication issued by the Directorate of Public Relations and Psychological Warfare (ပြည်သူဆက်ဆံရေးနှင့်စိတ်ဓာတ်စစ်ဆင်ရေးညွှန်ကြားရေးမှူး) of the Myanmar army. The Tatmadaw Journal [Tatmadaw Sarsin (တပ်မတော်စာစဉ်)], published monthly by the same directorate, serves a similar purpose. During routine inspections—often conducted by regional commanders, directors of the directorate, or other high-ranking officers—battalions are required to display both the newspaper and the journal. These publications contain content that promotes military supremacy and are specifically targeted at military personnel. Their presence reinforces ideological alignment and loyalty to the military hierarchy, further distancing soldiers from civilian narratives and democratic values.

[19] Based on the author's observation from field trip in Mae Sot in September 2025.
[20] Interview with Participant G4C in Mae Sot on 8th September 2025

6. **Pre-Indoctrination before Joining the Military**

ONE OFFICER WITH 20 years of service, who served as an instructor at the training headquarters for both officers and non-officers, recalled:

> *Even before joining the academy, the literature I read was censored, and I had no social environment that openly revealed how the censorship operated. Since childhood, military-controlled education had subtly indoctrinated me with the idea of military supremacy.*[21]

A former lance corporal with 15 years of service, who requested to conceal his corps due to security concerns shared:

> *Before joining the army, we only read books that had been censored by the military government. We could only secretly listen to the British Broadcasting Corporation (BBC) radio. Everyone who grew up during that time (before 2010) was continuously exposed to military's propaganda. Recruits came from that same population, so they couldn't escape that mindset.*[22]

Their testimony highlights the pervasive, pre-existing indoctrination that shapes new recruits long before they enter formal military training.

A CDM major with 20 years of infantry service, who had served as a temporary battalion commander, shared his aspiration to join the army:

> *I watched the military's propaganda films and thought it was a good place to live. I also joined the military believing it was a necessary institution for the country and would protect the people.*[23]
>
> *I was inspired to join the army after watching war films.*[24]

An infantry sergeant with 32 years of service, who joined the army after the closure of schools and universities during the 1988 uprising (known as the 8888 Uprising), expressed this aspiration—illustrating how media narratives contribute to recruitment. These individual accounts demonstrate how

[21] Interview with Participant G1A in Mae Sot on 6th September 2025
[22] Interviews with participant G1A, G2B, G1C, G3C
[23] Interview with Participant G2A via online on 6th September 2025
[24] Interview with Participant G2C in Mae Sot on 8th September 2025

indoctrination spreads across the general population through various channels over many years. In this context, the war movies referenced are domestically produced films that portray the Myanmar military as the guardian of the nation —protecting its people and upholding national unity—rather than foreign war films.

War movies, for instance, play a significant role in glorifying the Myanmar military. These films—broadcast on state-run channels such as MRTV and MWD, and screened at public events like Armed Forces Day (တပ်မတော်နေ့)—are designed to generate admiration and pride. Ko (Takatho), [Ko (University)], a former member of the Army Day organizing sub-committee with four years of experience, reflects on the preparatory process for literary and art competitions in his article published by the Ministry of Information.[25] They foster a culture of military dominance and encourage enlistment. Their compelling narratives and well-known actors make the messaging palatable, portraying the military as an institution of discipline, camaraderie, and patriotism. Through these powerful stories, audiences develop a positive perception of military service.

Slogans displayed in front of military compounds serve as a subtle yet powerful tool of influence. While they may not directly persuade every passerby to join the military, they are designed to impress upon the public the military's authority and ideological stance. Phrases such as *"The Tatmadaw never betrays the nation,"* (တပ်မတော်သည်အမျိုးသားရေးကိုဘယ်တော်မှသစ္စာမဖေက်), *"The Tatmadaw is the mother, the Tatmadaw is the father,"* (တပ်မတော်သည်အမိဖြစ်တယ်တပ်မတော်သည်အဖ) and *"The country is strong only if the Tatmadaw is strong"* (တပ်မတော်အင်အားရှိမှတိုင်းပြည်အင ်အားရှိမည်) are repeatedly seen in public spaces, embedding themselves into the

[25] Interview with Participant G2C in Mae Sot on 8th September 2025

subconscious of those who encounter them.[26] [27] Over time, this visual repetition contributes to a normalized perception of the military as a protective and central force in national life.



Figure 4: The revolutionary force seized the 148th Infantry Regiment (Battalion) in Mandalay Region, with the slogan “The country will be strong only if the Tatmadaw (military) is strong” (တပ်မတော်အင်အားရှိမှ တိုင်းပြည်အင်အားရှိမည်) visible in the background.

[26] “Anti-junta police force formed in Karenni State by striking police officials.” Myanmar Now, Aug 26, 2021. https://myanmar-now.org/en/news/anti-junta-police-force-formed-in-karenni-state-by-striking-police-officials/

[27] RFA Burmese, January 24, 2025. https://www.facebook.com/watch/?v=1216618133324678



Figure 5: The revolutionary force seized the 41st Infantry Regiment (Battalion) in Shan State, with the slogan “The country will be strong only if the Tatmadaw (military) is strong” (တပ်မတော်အားရှိမှတိုင်းပြည်အင်အားရှိမည်) visible in the background

Furthermore, the disparity between military and civilian institutions reinforces this hierarchy. Military schools are systematically promoted through modern infrastructure and a polished public image, creating an impressive, photogenic façade that attracts public admiration. In stark contrast, civilian schools suffer from comparative degradation in both infrastructure and resources. This deliberate imbalance positions the military as a modern, superior institution while marginalizing civilian alternatives.

Such widespread cultural supremacy and admiration for the military serve as a strong foundation for formal indoctrination within the institution. While scholars often focus on indoctrination within specific military settings—such as academies or barracks—it is crucial to recognize that it begins in childhood. The initial efforts of formal indoctrination may reshape a recruit’s mindset, but

they are essentially refining a foundation laid years earlier. In interviews with cadets from the 64th Intake of the Defence Services Academy (DSA) on December 2, 2022, Cadet Nay Lin Soe shared that he had seen the commissioning parade of the academies on television and in newspapers, which inspired him to become a cadet. “So, I joined the DSA after finishing the matriculation exam,” he said. Cadet Zwe Nyi Min Paing explained that he wanted to become a good soldier after hearing lectures from his teachers, who described soldiers as individuals who sacrifice for the country.[28]

The Best Cadet Award recipient from the 24th DSTA Intake graduation ceremony also expressed a similar motivation, stating: “While I was preparing for the matriculation exam, I watched the graduation ceremony of the 18th DSTA Intake and was impressed by the cadet who received the Best Cadet Award. That moment inspired me to attend DSTA and strive to win the same award. My relatives—especially my mother—encouraged me to pursue this path.”[29]

These are not merely personal stories; they are a display of the indoctrination cycle in action. The state-controlled media, such as the outlets that published these very interviews, celebrates these sentiments, which in turn inspires the next generation. This confirms a critical insight for researchers: parents and teachers, who are themselves products of a militarized culture, become the primary agents who encourage their children to join the military, thus perpetuating the cycle long before a recruit ever sets foot in an academy.

[28] Atrocious Myanmar Military at Risk of Splitting: Army Defectors, The Irrawaddy, August 28, 2021 https://www.irrawaddy.com/news/burma/atrocious-myanmar-military-at-risk-of-splitting-army-defectors.html

[29] Aung Myoe, Maung. Building the Tatmadaw: Myanmar Armed Forces Since 1948. Institute of Southeast Asian Studies, 2009

7. Coercive Governance through Informal Senior–Junior Dynamics

7.1 Hierarchical Governance and Informal Power Structures in Military Training

THE MYANMAR MILITARY operates under a rigid hierarchical system of governance based on rank. However, an informal and often unlawful governance structure is introduced as early as cadet training. Instructors and cadet battalion commanders often ignore or tolerate this informal system, allowing senior cadets to exercise authority over junior cadets—often beyond the boundary of official regulations. The academy typically organizes its cadets into companies and battalions, and the number of these units is determined by the total number of cadets. A battalion is commanded by a lieutenant colonel, while a company is commanded by either a captain or a major.

In practice, governance is vested more in senior cadets than in the formal instructor officers. Junior cadets are under the constant supervision of their seniors, who exploit this proximity to inflict punishment. Seniors often challenge juniors with threats such as, "Where will you run?" or "How much can the officers protect you?"—reinforcing their dominance through intimidation and emotional coercion.

An officer with 10 years of service recalled that during cadet life, one senior told him:

> *You will always be my junior—even after becoming an officer.*[30]

A medical officer with more than 23 years of service said:

> *At DSMA, senior cadets share study advice on the medical curriculum only with those juniors who are obedient; otherwise, they withhold it. Cadets who receive support from seniors tend to score higher on exams.*[31]

[30] Kean, Thomas. "Five Years On, Rohingya Refugees Face Dire Conditions and a Long Road Ahead." International Crisis Group, 22 Aug. 2022, https://www.crisisgroup.org/asia-pacific/myanmar-bangladesh/five-years-rohingya-refugees-face-dire-conditions-and-long-road-ahead

[31] ISP-Myanmar. Prospective 4th Generation Tatmadaw, ISP Onpoint 27, August 2025

This dynamic fosters a culture of fear and submission. Punishments are often delivered with anger and resentment, and over time, cadets learn to bow to senior authority, suppressing any impulse to challenge or question the system. Such practices not only undermine formal governance but also entrench a toxic power structure that persists throughout military life.

7.2 **The Normalization of Unprotected Abuse in Cadet Training**

A navy officer with ten years of service recounted his experience as a cadet:

> *While we were being (illegally) punished by senior cadets, an officer arrived. I hoped he would stop the punishment, but he said, 'carry on.' I understood that I was not protected by the officer in any situation.*[32]

This testimony reveals a deeply embedded norm within Myanmar's military training culture: the expectation that officers will not intervene to protect cadets from abuse. From the earliest stages of training, cadets are taught that they cannot rely on the protection of the officers. This dynamic fosters heightened fear of senior cadets and reinforces a hierarchy in which informal power supersedes formal oversight.

In reality, the absence of protection becomes routine and emotional resilience is built not through support, but through submission. The normalization of this dynamic contributes to a broader indoctrination process in which loyalty, obedience, and fear are cultivated through lived experience rather than formal instruction.

7.3 **Abuse and Informal Authority in Basic Military Training**

SIMILAR PATTERNS OF informal governance and abuse are evident in Myanmar's basic military training for new recruits. Instructors—often sergeants—are granted significant authority over trainees, yet they operate with limited oversight. Officer instructors, who are formally responsible for supervision, are

[32] Charney, Michael W. "The Rise of the Military in Myanmar and What Comes Next: The Decline of a Military Machine?" Independent Journal of Burmese Scholarship, Special Issue: Memories of Leaving the Myanmar Military, Aug. 2022, p. 97.

not consistently present, and often maintain weaker relationships with the trainees than the sergeant instructors do. This imbalance creates an environment where complaints about abuse are rarely acknowledged or acted upon.

One lance corporal with 15 years of service recounted his story in an interview:

> *During my recruitment, I witnessed instructor sergeants—after getting drunk at night—beating new recruits. I recognized the injustice and wanted to report it to the commander. However, I was paralyzed by fear because the sergeant was constantly present with the recruits, unlike the commander. He could retaliate. That moment made me realize there was no legal protection for lower-ranking soldiers like me.*[33]

There are many cases of instructor sergeants physically assaulting trainees, as well as instances where appointed trainees who are assigned to specific duty within the training hierarchy have abused their peers. These acts of violence are not isolated; they reflect a broader culture of impunity and hierarchical dominance embedded in the training system. The lack of accountability and the normalization of physical punishment contribute to a coercive environment that reinforces obedience through fear rather than discipline through respect.

7.4 **Concurrent Use of Judicial and Executive Power**

BEYOND THE FORMAL hierarchy, military commanders in Myanmar are vested with both judicial and executive authority, creating a concentration of power that significantly influences their subordinates. As per Article 82 of the Defence Services Act (1959)[34], a commander has the right to imprison a soldier below the rank of warrant officer in military custody for up to four weeks. The Staff Manual 2014 (ဦ စီ မှ တိ် ကြ ၂ ဝ ၁ ၄) outlines the extensive powers granted to military commanders within the institution, including the authority to

[33] Kyed, Helene Maria. "Introduction to the Special Issue: Soldier Defections Since the 2021 Military Coup." Independent Journal of Burmese Scholarship, Special Issue: Memories of Leaving the Myanmar Military, Aug. 2022, p. 7.

[34] "နေ ဒီ တာ ဆိုး ခေ တ် ၏ အော် ငံ စ စ် သည် , Myawaddy webportal, September 12, 2023 https://myawady.net.mm/node/49402

impose the death penalty.[35]

စစ်တရားရုံး	စစ်ဆေးစီရင်ခြင်းခံထိုက်သူ	စစ်တရားရုံးဖွဲ့စည်းနိုင်သည့် အာဏာပိုင်	ချမှတ်နိုင်သည့်ပြစ်ဒဏ်များ
တပ်တွင်းစစ်တရားရုံး	တပ်ခွဲတပ်ကြပ်ကြီးအထိ	တပ်မှူး	ဗိုလ်မှူးအဆင့်အောက်မနိမ့်သူဖြစ်လျှင် အလုပ်နှင့်ထောင်ဒဏ်(၁)နှစ်၊ ဗိုလ်မှူးအောက်နိမ့်သူဖြစ်ပါက အလုပ်နှင့်ထောင်ဒဏ်(၃)လနှင့်ဥပဒေကခွင့်ပြုထားသောအခြားပြစ်ဒဏ်များ ။
တိုင်းစစ်တရားရုံး	အရာခံဗိုလ်အဆင့်အထိ	ကာကွယ်ရေးဦးစီးချုပ်(ကြည်း)၊ရေလေ)၊တိုင်းမှူး၊ စစ်ဦးစီးအရာရှိချုပ်(ကြည်း)	အလုပ်နှင့် ထောင်ဒဏ်(၂)နှစ်ထိနှင့် ဥပဒေကခွင့်ပြုထား သောအခြားပြစ်ဒဏ်များ၊အရာခံဗိုလ်တစ်ဦးအားထောင်ဒဏ်မချမှတ်ရ ။
အကျဉ်းစစ်တရားရုံးချုပ်နှင့်တိုင်းစစ်တရားရုံးချုပ်	အဆင့်အတန်းအားလုံး	ကာကွယ်ရေးဦးစီးချုပ်(ကြည်း)၊ရေလေ)၊တိုင်းမှူး၊ စစ်ဦးစီးအရာရှိချုပ်(ကြည်း)	သေဒဏ်၊ တစ်သက်တစ်ကျွန်းဒဏ်၊ အလုပ်ကြမ်းနှင့်ထောင်ဒဏ်(၁၄)နှစ် အထိနှင့်ဥပဒေကခွင့်ပြုထားသော အခြားပြစ်ဒဏ်များ ။

Figure 6: Overview of Military Court Jurisdiction and Authority

Under current legal frameworks, military personnel remain exempt from civilian oversight. As a result, they lack protection under civilian law, further entrenching the commander's unchecked power. This legal insulation contributes to a system in which accountability is absent and coercion is normalized.

Additionally, commanders are authorized to issue administrative directives known as "battalion standing orders." (တပ်ရင်းတည်မြဲအမိန့်). While these orders can serve legitimate operational needs, they are often used to impose restrictive measures on subordinates—such as limitations on movement—under the guise of administrative necessity. In the absence of oversight, local orders

[35] "Graduation Address at the 62nd Intake of the Defence Services Academy (DSA)," Senior General Min Aung Hlaing Official Website, December 4, 2020, https://www.seniorgeneralminaunghlaing.com.mm/23455/%E1%80%94%E1%80%B1%E1%80%AC%E1%80%84%E1%80%BA%E1%80%90%E1%80%85%E1%80%BA%E1%80%81%E1%80%B1%E1%80%90%E1%80%BA%E1%81%8F-%E1%80%A1%E1%80%B1%E1%80%AC%E1%80%84%E1%80%BA%E1%80%85%E1%80%85%E1%80%BA/

become tools of control rather than instruments of governance, reinforcing the authoritarian logic embedded within military structures.

7.5 **Military Powers under the Constitution and Military Act**

> *The law is in their hands (of the superiors). It is not for us. They can prosecute me under any article they choose.*[36]

One lance corporal with 15 years of service remarked—capturing the lived experience of legal disempowerment within Myanmar's military hierarchy.

Article 20(b) of the 2008 Myanmar Constitution grants the Commander-in-Chief full autonomy over military affairs, while Article 294 affirms the jurisdiction of military courts, even as the Supreme Court of the Union remains the highest civilian judicial body. Crucially, Article 343(b) declares that the orders of the Commander-in-Chief are final in all military matters, reinforcing a legal structure that places the military beyond civilian oversight. As this legal framework is central to the argument, the key articles of the 2008 Constitution pertaining to the Commander-in-Chief's authority have been included in the appendix.

This concentration of power is further entrenched by the Defence Services Act (1959)[37]. While the original version—enacted shortly after independence—expanded the president's role in military governance, subsequent amendments following the 1962 coup systematically transferred those powers to the army chief, Commander-in-Chief. Over time, the legal framework has evolved to institutionalize military supremacy, sidelining civilian authority and shielding the armed forces from democratic accountability.

The Commander-in-Chief holds significant authority under the Military Act. As described in Article 17, he has the right to dismiss or remove from the service

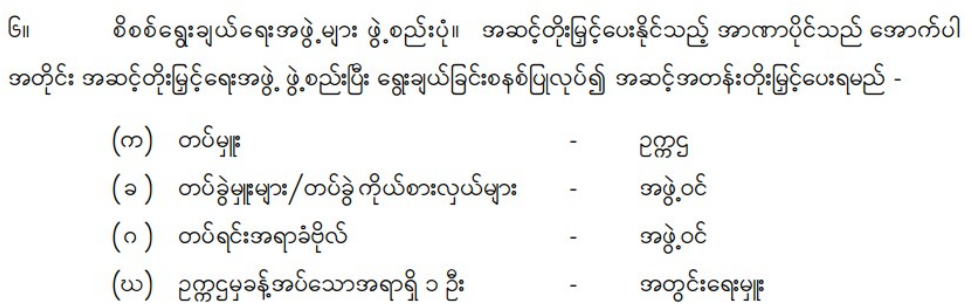
[36] "Graduation Address at the 66th Intake of the Defence Services Academy (DSA)," Senior General Min Aung Hlaing Official Website, December 7, 2024 https://www.seniorgeneralminaunghlaing.com.mm/33379/%e1%80%85%e1%80%85%e1%80%ba%e1%80%90%e1%80%80%e1%80%b9%e1%80%80%e1%80%9e%e1%80%ad%e1%80%af%e1%80%9c%e1%80%ba%e1%80%97%e1%80%ad%e1%80%af%e1%80%9c%e1%80%ba%e1%80%9c%e1%80%b1%e1%80%ac%e1%80%84%e1%80%ba-5/

[37] "Graduation Ceremony Coverage." Myawaddy Webportal, December 4, 2020 https://myawady.net.mm/node/5302

any person subject to this Act. Furthermore, he has the power to convene a general court-martial as per Article 111. The Commander-in-Chief may also annul the proceedings and conviction of any court-martial if they are found to be illegal or unjust, as outlined in Article 169. Additionally, under Article 158, he holds the power to confirm the findings and sentences of general courts-martial. As per Article 180, he is authorized to establish a military prison by setting apart any building or place for this purpose, a definition which is referenced in Article 3(q). The relevant articles of the Military Act are provided in the appendix.

7.6 **Promotion Mechanism and Corruption in Military Appointments**

MILITARY PROMOTIONS IN Myanmar are determined solely by superior commanders, with no independent oversight or accountability mechanisms in place. For officer promotions, battalion commanders are responsible for evaluating the junior officers under their command. According to the General Staff Manual (2014) (ဦ စီ မှ တိ စ္ဆ ၂ ဝ ၁ ၄), the board of examination for non-commissioned officers' promotion consists of the battalion commander, company commanders, the regimental sergeant major, and an appointee selected by the battalion commander. The structure reflects centralized control and lack of independent oversight.



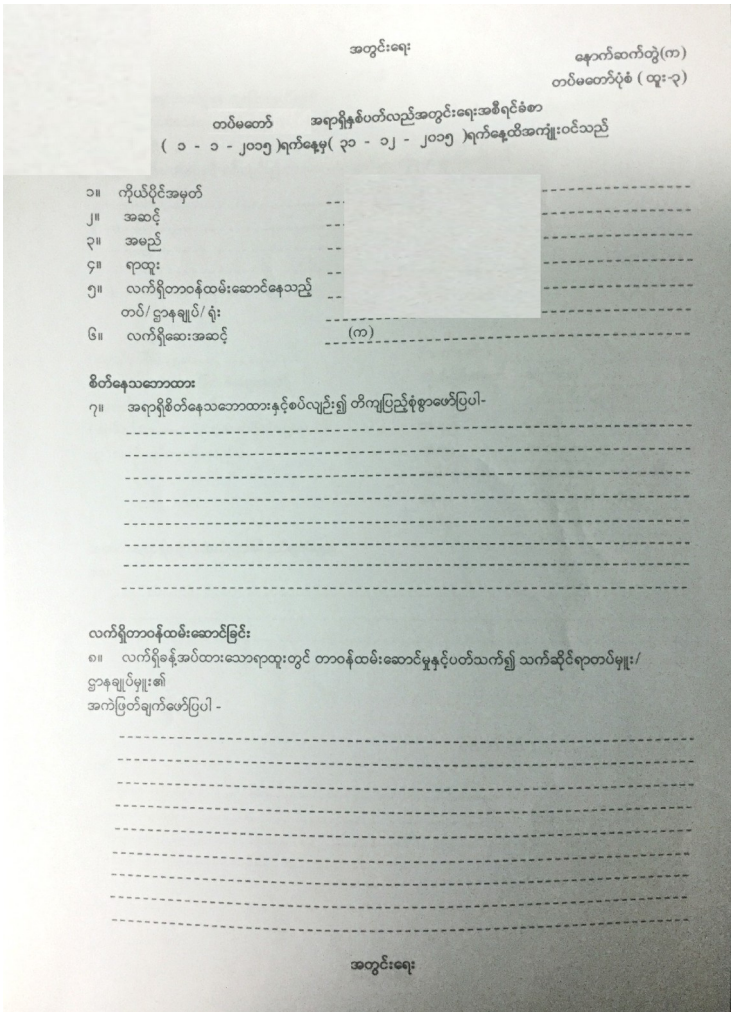
၆။ စိစစ်ရွေးချယ်ရေးအဖွဲ့.များ ဖွဲ့.စည်းပုံ။ အဆင့်တိုးမြှင့်ပေးနိုင်သည့် အာဏာပိုင်သည် အောက်ပါ အတိုင်း အဆင့်တိုးမြှင့်ရေးအဖွဲ့ ဖွဲ့.စည်းပြီး ရွေးချယ်ခြင်းစနစ်ပြုလုပ်၍ အဆင့်အတန်းတိုးမြှင့်ပေးရမည် -

(က) တပ်မှူး - ဥက္ကဋ္ဌ
(ခ) တပ်ခွဲမှူးများ/တပ်ခွဲ ကိုယ်စားလှယ်များ - အဖွဲ့.ဝင်
(ဂ) တပ်ရင်းအရာခံဗိုလ် - အဖွဲ့.ဝင်
(ဃ) ဥက္ကဋ္ဌမှခန့်အပ်သောအရာရှိ ၁ ဦး - အတွင်းရေးမှူး

Figure 7: Composition of the Promotion Board for Non-Commissioned Officers, as outlined in the Staff Manual (2014) (ဦ စီ မှ တိ စ္ဆ ၂ ဝ ၁ ၄).

In the military form Htoo-3,[38] both the battalion commander and the regional commander are required to write assessments on the performance and morale of officers. For officers exempt from infantry duties—such as those in the engineering corps or air defense corps—the corps chief or the respective headquarters commander must provide the assessment. For example, officers from the navy and air force require evaluations from the commanders of the navy or air force headquarters. There is a working principle that senior officers —specifically unit commanders (usually brigadier generals, depending on the branch's structure)—must provide a written assessment of junior officers to support their promotion to the next higher rank, starting from sub-lieutenant. If the commander does not recommend the officer, the promotion process does not proceed. This structure explicitly demonstrates that the promotion system is entirely controlled by superior officers, without any mechanisms for checks and balances. As a result, it reinforces absolute obedience to higher-ranking officials rather than adherence to moral or ethical standards.

[38] "Graduation Ceremony Speech." Myawaddy Webportal, December 4, 2020, https://myawady.net.mm/node/5302



အတွင်းရေး

နောက်ဆက်တွဲ(က)
တပ်မတော်ပုံစံ (ထူး-၃)

တပ်မတော် အရာရှိနှစ်ပတ်လည်အတွင်းရေးအစီရင်ခံစာ
(၁ - ၁ - ၂၀၁၅)ရက်နေ့မှ(၃၁ - ၁၂ - ၂၀၁၅)ရက်နေ့ထိအကျုံးဝင်သည်

၁။ ကိုယ်ပိုင်အမှတ် ---
၂။ အဆင့် ---
၃။ အမည် --
၄။ ရာထူး --
၅။ လက်ရှိတာဝန်ထမ်းဆောင်နေသည့် --
တပ်/ ဌာနချုပ်/ ရုံး
၆။ လက်ရှိဆေးအဆင့် (က)

စိတ်နေသဘောထား

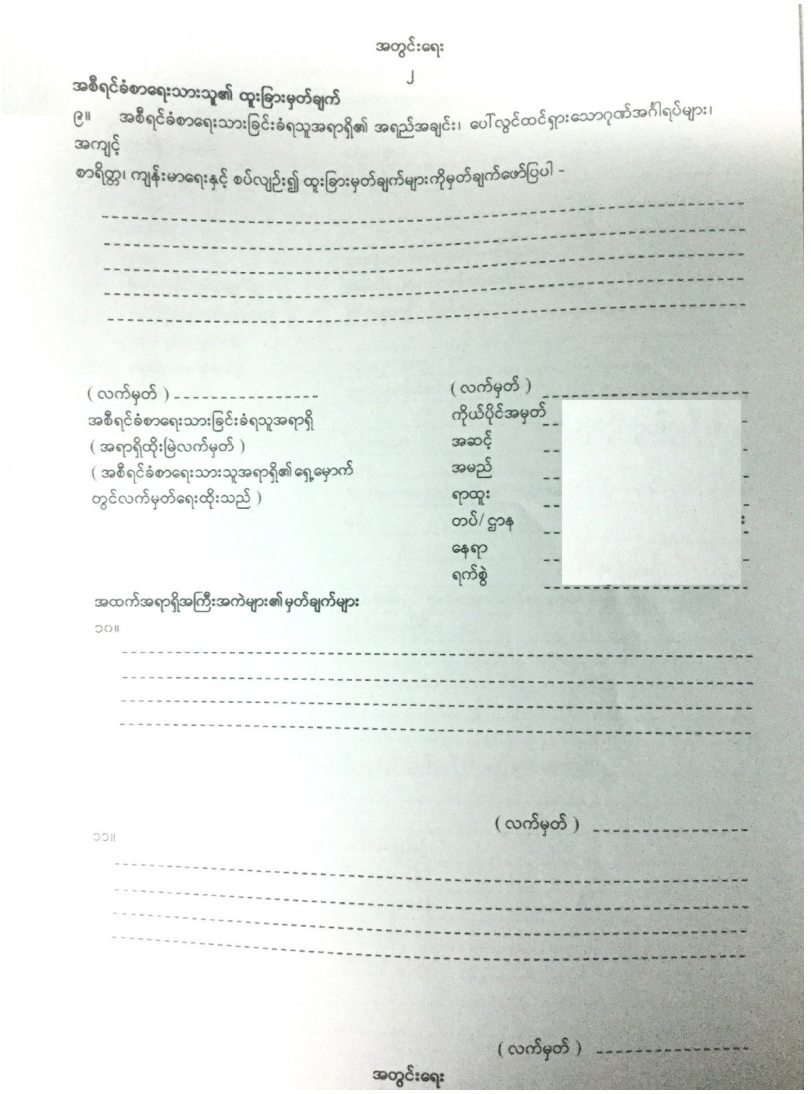
၇။ အရာရှိစိတ်နေသဘောထားနှင့်စပ်လျဉ်း၍ တိကျပြည့်စုံစွာဖော်ပြပါ-

လက်ရှိတာဝန်ထမ်းဆောင်ခြင်း

၈။ လက်ရှိခန့်အပ်ထားသောရာထူးတွင် တာဝန်ထမ်းဆောင်မှုနှင့်ပတ်သက်၍ သက်ဆိုင်ရာတပ်မှူး/
ဌာနချုပ်မှူး၏
အကဲဖြတ်ချက်ဖော်ပြပါ -

အတွင်းရေး

Figure 8: Htoo-3 Form (first page)



အတွင်းရေး

၂

အစီရင်ခံစာရေးသားသူ၏ ထူးခြားမှတ်ချက်

၉။ အစီရင်ခံစာရေးသားခြင်းခံရသူအရာရှိ၏ အရည်အချင်း၊ ပေါ်လွင်ထင်ရှားသောဂုဏ်အင်္ဂါရုပ်များ၊ အကျင့်

စာရိတ္တ၊ ကျန်းမာရေးနှင့် စပ်လျဉ်း၍ ထူးခြားမှတ်ချက်များကိုမှတ်ချက်ဖော်ပြပါ -

(လက်မှတ်)

အစီရင်ခံစာရေးသားခြင်းခံရသူအရာရှိ

(အရာရှိထိုးမြဲလက်မှတ်)

(အစီရင်ခံစာရေးသားသူအရာရှိ၏ ရှေ့မှောက်
တွင်လက်မှတ်ရေးထိုးသည်)

(လက်မှတ်)

ကိုယ်ပိုင်အမှတ်

အဆင့်

အမည်

ရာထူး

တပ်/ ဌာန

နေရာ

ရက်စွဲ

အထက်အရာရှိအကြီးအကဲများ၏မှတ်ချက်များ

၁၀။

(လက်မှတ်)

၁၁။

(လက်မှတ်)

အတွင်းရေး

Figure 9: Htoo-3 Form (second page)

In addition to rank, positional assignments carry significant weight. These positions carry access to illicit privileges and resources. Even among officers of the same rank, disparities in power and opportunity are stark, depending on corps assignments. Corps responsible for financial expenditures, such as the engineering corps, directorate of procurement, and directorate of logistics, are widely known for systemic corruption. Within the infantry, the command structure grants headquarters authority over field battalion units. Regional commanders—typically holding the rank of brigadier general—oversee entire

military zones, wield significant influence. These high-level positions often come with informal benefits and opportunities for personal gain, creating strong incentives for compliance and loyalty.

As a result, many commanders carry out orders without question, motivated not only by institutional discipline but also by the desire to secure promotions and the privileges that accompany them. This dynamic reinforces a culture of patronage and corruption, undermining merit-based advancement and entrenching authoritarian control within the military hierarchy.

7.7 **Social Exclusion as a Tool of Control**

A SENIOR NURSING officer with 20 years of service at military hospitals and a frontline medical facility recalled:

> *Commanders at the military hospitals would send officers or soldiers to frontline posts if they were perceived as not conforming to expected behavioral norms—even when they continued to obey orders.*[39]

Social exclusion is systematically employed within the Myanmar military to punish those who disobey or challenge their superiors' authority. This exclusion extends beyond promotion decisions and is often used to assign dissenting soldiers to remote and underdeveloped areas. While rotational duty is a standard practice, punitive transfers are strategically used to isolate individuals perceived as disobedient or non-conforming. These remote postings frequently lack basic infrastructure, including reliable transportation, healthcare, education, and communication services. In some regions, there are no telephone lines or internet access, making it impossible for soldiers to maintain contact with their families or receive timely information.

Frontline camps, active battlefields, and warships on operational duty are particularly isolating, as family members are not permitted to accompany personnel. Soldiers assigned to these locations often experience a complete absence of family life, compounding the psychological toll of their service.

[39] Commander-in-Chief's address at Defence Services Technological Academy's 26th Intake, Myawaddy webportal, December 12, 2024
https://myawady.net.mm/node/61034

Beyond physical isolation, the military enforces social exclusion through its institutional separation from civilian society. Soldiers are frequently deployed to locations far from civilian communities, limiting their ability to form friendships or social ties outside the military. This isolation is reinforced by the military's internal culture, which discourages civilian engagement and fosters discrimination by surrounding civic populations.

Moreover, the military often prevents personnel from leaving the institution even after their service contracts expire, further entrenching their isolation. In this context, social exclusion becomes a powerful mechanism of control—instilling fear and dependency that compels soldiers to obey orders, even when those orders conflict with moral or legal norms.

7.8 **Granting Privileges and Abuse of Authority in Duty Assignments**

MILITARY COMMANDERS IN Myanmar possess broad discretionary power over duty assignments and positional placements, which they often exploit to reward loyalty or punish dissent. Favorable assignments—such as avoiding frontline deployment or receiving higher pay—are selectively granted to preferred personnel. In infantry units, exemption from dangerous operations is considered a reward, whereas in branches with financial or logistical advantages, transferring into infantry may be used as a form of punishment.

Rather than adhering to a transparent or merit-based system of rotation, commanders frequently monopolize the assignment process, favoring individuals based on personal relationships or compliance. This practice undermines institutional fairness and reinforces a culture of patronage.

In some cases, commanders manipulate access to privileges by first revoking them and later selectively reinstating them. For example, a commander may initially restrict the right of military personnel to leave the battalion (outpass is a military term for leave) and later only approve requests from their favored individuals. Even when valid reasons are presented, the commander retains full authority to refuse such requests—and is not required to justify the decision.

A navy officer with ten years of service onboard a vessel recounted that the commanding officer—holding the rank of commander (equivalent to lieutenant colonel in the Army)—granted liberty (temporary leave to go ashore) based solely on personal preference, favoring certain individuals over others.[40] Similarly, a company quartermaster sergeant with 35 years of infantry service revealed that he was unable to receive leave in accordance with official regulations. To obtain casual leave, he was required to perform additional duties, such as collecting new recruits to the battalion—at his own expense. "Getting leave is not my right; it has become a privilege," he stated.[41] According to the Staff Manual 2014, issued by the Office of the Commander-in-Chief (Army), every soldier is entitled to two periods of ten-day casual leave and one month of ordinary leave per year.[42] This unchecked power further entrenches hierarchical control and limits the autonomy of enlisted personnel.

[40] Commander-in-Chief's address at Defence Services Academy's 63rd Intake, The Ministry of Information, December 7, 2021
https://www.moi.gov.mm/index.php/news/19706

[41] Personal interview on August 17, 2025

[42] Myawaddy Webportal, December 4, 2020
https://myawady.net.mm/node/5302

(ခ) **ရှောင်တခင်ခွင့်** ။ ရှောင်တခင်ခွင့်ဆိုသည်မှာ မလွဲမရှောင်သာသော ကိုယ်ရေးကိုယ်တာ ကိစ္စရပ်များအတွက် စစ်မှုထမ်းတစ်ဦးအား တာဝန်ဝတ္တရားထမ်းရွက်ခြင်းမှ ခွင့်ပေးခြင်းဖြစ်သည်။ ရှောင်တခင်ခွင့်ကို သာမန်အားဖြင့် တစ်ကြိမ်လျှင် ၁၀ ရက်ထက်မပိုဘဲ ပြက္ခဒိန်တစ်နှစ် အတွင်း ရက်ပေါင်း ၂၀ အထိ သက်ဆိုင်ရာအာဏာပိုင်၏ သဘောအရပေးနိုင်သည်။ ရှောင်တခင်ခွင့် ရက်များကို တာဝန်ထမ်းရွက်နေချိန်ဟုသတ်မှတ်သည်။ ထိုခွင့်မျိုးကို အခြားမည်သည့်ခွင့် အမျိုးအစားနှင့်မျှပေါင်းစပ်၍မရယူနိုင်။(၁၉၇၃ တပ်မတော်ခွင့်စည်းမျဉ်းဥပဒေ၊ စာမျက်နှာ-၃၊ စာပိုဒ်-၁၂/၁၃)

(ဂ) **သာမန်ခွင့်** ။ စစ်မှုထမ်းတစ်ဦးသည် တာဝန်ထမ်းဆောင်ချိန်ကာလအပိုင်းအခြား၏ ၃၁ နှုန်း ဖြင့် သာမန်ခွင့်ကိုခံစားခွင့်ရှိသည်။အဆိုပါခွင့်ကို အများဆုံး ၄ လအထိ စုစုပေါင်းထားနိုင်သည်။ သာမန်ခွင့်ရယူနိုင်ရန်လိုအပ်သည့် ကာလအပိုင်းအခြားကိုရေတွက်ရာ၌ အောက်ပါတို့ကို ထည့်သွင်းရေတွက်ခွင့်မပြုရ -(၁၉၇၃ တပ်မတော်ခွင့်စည်းမျဉ်းဥပဒေ၊ စာမျက်နှာ-၄၊ စာပိုဒ်-၁၅၊ ၁၆)

(၁) စွဲချက်တစ်ခုအတွက်ပြစ်မှုထင်ရှားစီရင်ခြင်းခံရလျှင် အချုပ်နှင့်နေရသော ကာလ/ တာဝန်မှ ရပ်စဲထားသောကာလ။

(၂) ပြစ်မှုတစ်ခုခုကျူးလွန်ကြောင်းထင်ရှားသဖြင့် တပ်တွင်းအချုပ်ဒဏ်/ထောင်ဒဏ် ကျခံ ရသောကာလ။

Figure 10: Leave entitlements for soldiers as defined in the Staff Manual 2014, (ဦ စီ မှ တိ စြ ၂ ဝ ၁ ၄) of Myanmar Army

8. **Peer Surveillance and Collective Punishment: Horizontal Indoctrination and Moral Erosion**

8.1 **Horizontal Discipline and Peer Surveillance in Military Indoctrination**

WHILE MYANMAR'S MILITARY is widely recognized for its rigid top-down command structure, an equally powerful but less visible system of horizontal control operates within its training institutions. From the earliest stages of cadet life, a culture of collective punishment is cultivated—known informally as wine-gyi-choke in Burmese. In Myanmar military jargon, this is referred to as the "one for all" system, meaning that punishment is applied to the entire group when one member violates institutional norms. Regardless of whether the act is objectively right or wrong, the group bears the consequences. The fear of

collective punishment—often more powerful than individual discipline—creates a climate of anxiety and reinforces conformity. Ultimately, wine-gyi-choke functions not only as a disciplinary tool but also as a mechanism for internalizing military norms and suppressing dissent.

This system generates intense peer pressure, compelling cadets to conform to institutional expectations. It fosters a peer-to-peer monitoring culture in which cadets vigilantly observe one another to prevent infractions. Even in the absence of senior oversight, cadets refrain from violating norms due to fear of being labeled a "black sheep." In extreme cases, violators are subjected to verbal abuse, emotional isolation, and even physical assault by their peers.

As one officer with 10 year service reflected,

> *The peers say it's not the senior cadets' fault—it's the juniors' fault for not following through (the institutional norms).*[43]

This reflects the verbal and emotional abuse directed at cadets who disobey orders. When a cadet fails to meet expectations or disobeys orders, peer pressure is immediately activated. Intake peers may take direct action against the individual. The continuation of this pressure depends on how the cadet responds. Once the cadet's behavior aligns with institutional norms, the pressure subsides. This process loops repeatedly—like a programmed system—until conformity is achieved.

Cadets who fail to follow rules or institutional norms are forcibly corrected by their group. Peer pressure ensures that no one is left outside the collective. It becomes a pervasive force affecting all cadets. While military exercises aim to build esprit de corps through teamwork and competition, peer pressure operates differently—it is driven by fear rather than unity.

In the context of intense training schedules and limited personal time, maintaining peer acceptance becomes essential for psychological survival. The psychological impact of this system is profound. Cadets are conditioned to prioritize institutional conformity over personal ethics or legal standards. This

[43] Myawaddy Webportal, December 21, 2020
https://shorturl.at/tt05U

horizontal system of control complements the vertical hierarchy, ensuring that obedience is enforced from both above and below.

8.2 **Zero Tolerance for Mutiny and the Culture of Collective Punishment**

WITHIN MYANMAR'S MILITARY training institutions, mutiny —whether justified or not—is met with zero tolerance. In cadet life, any act perceived as defiance is labeled "anti," a military term in Myanmar Army pronounced exactly as in English. The term functions like the prefix "anti-," meaning "against" or "opposed to" superiors. Once such an incident is reported, senior cadets mobilize swiftly to deliver collective punishment, often through brutal physical assaults including punches and kicks.

One infantry major whom I interviewed recalled,

> *When I was in first year as a cadet, there was a case of mutiny. After that, we were forced to jump like frogs from the academic wing to the dining hall instead of marching.*[44]

These responses are not isolated acts of discipline but ritualized enforcement of obedience, designed to suppress dissent and reinforce hierarchical control.

Officers, who are formally responsible for oversight, rarely intervene. In many cases, they actively participate in the punishment, reinforcing the message that mutiny is not only unacceptable but unforgivable. This institutional stance persists beyond cadet life and into officer ranks, where similar consequences are imposed for perceived insubordination.

The normalization of such violence reflects a broader culture of fear and conformity. Mutiny is not treated as a symptom of systemic failure or moral protest, but as a threat to institutional cohesion. This approach silences legitimate grievances and conditions personnel to equate loyalty with submission, regardless of ethical or legal considerations.

[44] U.S. Government Publishing Office. *GPO Produces the Official Photographs of the President and Vice President*. November 28. 2017, https://www.gpo.gov/who-we-are/news-media/news-and-press-releases/gpo-produces-the-official-photographs-of-the-president-and-vice-president

8.3 **Peer Pressure in Officer Life**

PEER PRESSURE ALSO persists among officers, from graduation through retirement. An officer's reputation can significantly influence promotion—serving either as an asset or a liability. This mindset is particularly entrenched among graduates of the military academy.

Superior officers often evaluate intakes based on the obedience and performance of their members. Intakes with a majority of obedient officers are considered reliable and are more likely to receive high-level appointments. In this context, obedience refers to loyalty to the military and superiors, and the ability to perform without causing disruption. Loyalty to the people of Myanmar, however, is not considered part of this obedience.

Intakes with many disobedient officers are often excluded from promotion opportunities. Officers who demonstrate disobedience may face hostility from their superiors or be placed under close scrutiny. This suggests that their superiors do not consider them trustworthy enough for promotion or for the future of the army.

Conversely, when an officer from a particular intake attains a high-ranking position, it often brings positive consequences for their cohort peers. Such connections help maintain the intake's reputation and facilitate career advancement. According to ISP-Myanmar's Flash Updates (September 30, 2025), this pattern is evident in the following data:[45]

Table 1: Distribution of high-ranking officers by intake, based on ISP-Myanmar data (as of August 26, 2025).

Intake	Number of High Ranking Officer	Remark
DSA 29	2	Commander-in-Chief (Navy), Commander-in-Chief (Air Force)
DSA 37	2	
DSA 38	4	
DSA 39	2	
DSA 40	2	

[45] Personal interview, August 27, 2025.

Intake	Number of High Ranking Officer	Remark
DSA 41	4	

This cycle of preferential treatment can even extend to the families of those beneficiaries. As a result, systemic peer networks incentivize officers to prioritize institutional norms and internal loyalties over legal principles or ethical conduct.

9. The Normalization of Illegality: Theft, Corruption, and Institutionalized Impunity

9.1 Normalization of Illegal, Unethical Practices

WITHIN MYANMAR'S MILITARY training institutions, cadets are often coerced into committing unethical and illegal acts under the guise of obedience and survival. A common example involves junior cadets being ordered to "find one item within (x) days"—typically equipment used for manual labor tasks, such as brooms, knives, garden hoes, or backpacks, taken from other cadet companies within the academy. While senior cadets avoid explicitly using the word "steal," the practice is clearly understood as theft. Cadets are deliberately placed in situations where acquiring these items through legitimate means—such as purchasing them from markets outside the academy—is impossible, leaving them with no choice but to violate ethical norms.

If cadets succeed in obtaining the required items within two or three days set by senior cadets, they are exempt from punishment. Failure to do so results in disciplinary action—either individually or collectively. This system instills fear and reinforces a pattern of moral compromise, where cadets learn to prioritize institutional expectations over personal integrity. Over time, repeated exposure to such coercion fosters a habit of ethical violation, especially when punishment is imminent and protection from instructors is absent.

The lack of intervention from instructors further exacerbates this dynamic. Instructors, who are responsible for protecting cadets from abuse and

misconduct, often remain silent—reinforcing the message that cadets must navigate these moral dilemmas alone. As a result, cadets internalize the belief that illegal actions are not only tolerated but expected within the institutional framework.

In essence, cadets are conditioned from an early stage to commit unethical acts —not out of personal inclination, but out of fear and structural coercion. This normalization of illegality contributes to a broader culture of impunity and moral erosion within the military, shaping the behavior and ethical compass of future officers.

9.2 **Ritualized Practices within Military Academies**

A medical officer[46] with more than 23 years of service said:

> *As a junior cadet, I had to respect my seniors and endure punishment from them. Later, when I became a senior, I behaved the same way, thinking, "I had to follow my seniors, so don't complain to me now.*[47]

This behavior and ideology became ritualized within the academy, reinforcing hierarchical control and normalizing mistreatment across generations. Within military institutions, rituals are often performed without reflection on their original purpose. Over time, certain actions become tradition—not because they are meaningful or necessary, but because they have always been done that way. Individuals stop questioning the logic behind these practices. They accept them, perform them, and pass them on to newcomers. This uncritical acceptance contributes to a form of institutional brainwashing, where tradition overrides reason, and obedience replaces inquiry.

An infantry major[48] recalled:

> *In cadet life, the junior has to do the senior's chores. They have to prepare food, clean the dormitory, and the toilets. If the seniors aren't satisfied, they will punish the junior cadets.*[49]

[46] Personal interview, August 17, 2025.
[47] Personal interview, August 23, 2025.
[48] Personal interview, August 18, 2025.
[49] Personal interview, August 20, 2025.

In cadet life, juniors are expected to perform the chores of their seniors. Seniors often justify the practice by saying they too performed these tasks as juniors, and now the cycle continues. New recruits are conditioned to rotate through this tradition—once they become seniors, they will delegate the same duties to the next intake.

This practice is deeply embedded in military culture. Cadets are taught to follow it without questioning its purpose. Over time, the idea is instilled that if you once endured it, you are entitled to impose it on others. The logic of repetition replaces ethical reflection, and the tradition is perpetuated without scrutiny. Importantly, this rotational system sets a firm foundation for officer life. It instills a hierarchical mindset where authority is exercised through inherited privilege rather than earned respect.

9.3 **Corruption as a Normalized Standard**

BRAINWASHED STANDARDS ARE not new. Within Myanmar's military, corruption is not merely tolerated—it is normalized and embedded into the institutional culture.

An officer who served as General Staff Officer Grade 3, (G-3) [စစ်ဦးစီး(တတိယတန်း)] at an engineering corps recalled:

> *I had to take illegal money to ensure smooth office operations, especially when dealing with superior offices. It wasn't for my personal gain. Without it, our work would stall, and my unit would face intense pressure from above.*[50]

When authority is combined with impunity, the potential for abuse can reach into the millions of dollars. This normalization of corruption functions as a false standard, where illegal privileges are perceived as entitlements tied to rank. For example, battalion commanders, division commanders, and other senior officers are widely believed to have the "right" to receive illicit benefits consistent with

[50] ကို(တကုကသိုလ်), [Ko (Takatho)] (တစ်ချိန်က တပ်မတော်အရာရှိများ ပညာရေးတိုးတက်မှု ကျဆင်းခဲ့ခြင်း), Ministry of Information, March 25, 2025 https://www.moi.gov.mm/article/68752

their position. Although the exact amount or form of these benefits may vary, the practice is accepted by both officers and enlisted personnel. The system rarely questions the legality of these actions; instead, it reinforces the belief that corruption is part of the institutional order.

9.4 **Verbal Orders and the Shielding of Command Responsibility**

IN MILITARY PRACTICE, a soldier's task is not always assigned through written orders or official telegrams—it is often delivered verbally by a superior. Once an oral command is given, the soldier is expected to comply without question. This dynamic applies not only between commanders and soldiers, but across all levels of hierarchy between higher officers and junior officers.

When an order—whether legal or illegal—is issued verbally, it leaves no traceable evidence. If a human rights violation (HRV) is committed under such an order, the responsibility becomes difficult to trace. The officer who issued the command disappears from the record, while only the subordinate who carried it out remains visible and accountable.

The General Staff Manual 2013 (ဦး ပိ မှ တိ် ကြ ၂ ဝ ၁ ၃), specifically Article 51, dictates that the commander is permitted to issue verbal military operation orders.

ကန့်သတ်

၉-၃၃

၅၁။ စစ်ဆင်ရေးအမိန့်ကို အောက်ဖော်ပြပါနည်းလမ်းများအတိုင်း ထုတ်ပြန်ရသည်-

(က) **နှုတ်ဖြင့်အမိန့်ပေးခြင်း။** တပ်မှူးတစ်ဦးသည် နှုတ်မိန့်ကို အောက်ဖော်ပြပါနည်းများဖြင့် ထုတ်ပြန်နိုင်သည်-

(၁) ကိုယ်တိုင် နှုတ်ဖြင့်ဖြစ်စေ၊ ရေဒီယိုဖုန်း၊ ဆက်သွယ်ရေးစက်၊ တယ်လီဖုန်းတို့ဖြင့်ဖြစ်စေ ထုတ်ပြန်ခြင်း။

(၂) ဦးစီးအရာရှိ၊ သို့မဟုတ် ဆက်ဆံရေးအရာရှိတို့ကို ကိုယ်စားတာဝန်ပေး၍ နှုတ်ဖြင့်ဖြစ်စေ၊ ဆက်သွယ်ရေးစက်သို့မဟုတ်တယ်လီဖုန်းဖြင့်ဖြစ်စေ ထုတ်ပြန်စေခြင်း။

This reliance on verbal orders serves as a protective mechanism for superiors. In the event of legal investigation, it appears as though the subordinate acted independently, without instruction. The tradition of favoring superiors within military justice systems further reinforces this impunity. Without documented evidence, the system shields those in command, leaving lower-ranking personnel to bear the consequences alone.

9.5 **Unethical but Accepted Master- subordinate Relationships**

A MEDICAL OFFICER with more than 23 years of service recounted his experience while collaborating with an infantry battalion:

> *The culture of physical abuse, such as beating, is widely accepted in the infantry. Even beating with a cane is considered a way of correcting subordinates with good intentions.*[51]

In Myanmar's military—particularly within the infantry—there exists a deeply rooted norm that physical punishment by a superior officer is acceptable. More than in other branches, the infantry cultivates a master-subordinate relationship between officers and enlisted personnel. Within this framework, punishment is often justified as a form of discipline or mentorship, intended to "do good" for the subordinate.

[51] RFA Burmese, August 9, 2024
https://www.rfa.org/burmese/news/thapaikkyin-seized-mandalay-08092024124109.html

When such punishment involves illegal beatings, it is commonly accepted. Some subordinates internalize the belief that their officer's intentions are benevolent—that the violence is meant to improve their performance or maintain order. As a result, many do not perceive any wrongdoing, even in acts that clearly violate legal and ethical standards.

A lance corporal with 30 years of infantry service shared:

> *I fought the company commander (captain) because he physically attacked me. After that, the battalion commander beat me with a cane, but I accepted it. He did it with the intention of doing good.*[52]

Not all officer-inflicted violence is considered acceptable. The critical gray area lies in the intent of the perpetrator. It is not tolerated when an officer is drunk, acts out of personal anger, or deliberately inflicts pain without a disciplinary purpose. In such cases, the violence is viewed as unethical—even by those who otherwise accept physical punishment as part of military life.

10. Cognitive Suppression and Social Isolation: The Making of Robotic Obedience

10.1 Censorship and Indoctrination

ALL SOLDIERS, including officers, are required to submit their email addresses and social media usernames—including those of family members—to their superiors. Surveillance extends beyond the individual, creating a climate of fear and self-censorship. Access to information is tightly controlled and, in some cases, outright prohibited. This requirement to submit email and social media details was consistently confirmed by most research participants, including both officers and non-officers.

A company quartermaster sergeant from the infantry, 35 years of service recalled:

[52] Yangon Khit Thit News Agency, August 3, 2024
https://yktnews.com/2024/08/177079/

> *(After the coup) the superior even checks the phone of a soldier's spouse. Even when I talk to my wife, I can't speak freely.*[53]

A company quartermaster sergeant from the air force, over 32 years of service, said.

> *Soldiers and their families are forced to watch the Myawaddy news broadcast at 8:00 p.m. The superior conducts surprise checks to verify what the news said. This happened around 2010.*

This forced propaganda extended beyond battalions into training schools. The researcher recalls being required to watch the Myawaddy news broadcast and submit a written report on its content while attending the Company Commander Course at the Myanmar Armed Combat Force School (MACFS), during his time as a military officer.

One officer with 20 years of service, who served as an instructor at the training headquarters for both officers and non-officers, also recalled:

> *(Before the coup), there were instructions that all trainees needed to watch Myawaddy news at 8:00 p.m. The next day, they had to submit a written report on what the news said. This was part of their grading.*[54]

This dual strategy—combining censorship (blocking external information) with forced indoctrination (enforcing exposure to military propaganda)—creates a closed information loop. This ensures that soldiers' reality is shaped exclusively by the Directorate of Public Relations and Psychological Warfare (ပြည်ထဲရေးဆိုင်ရာ နှင့် စိတ်ဓာတ်စစ်ဆင်ရေးနှိုးဆွရေးဌာန), using tailored news and state media to reinforce loyalty and suppress dissent.

10.2 **Enforced Social Isolation**

THE MILITARY CONSTRUCTS a private world, separating soldiers from civilian life. Civilians are restricted from accessing military schools (those

[53] Voices of The Triumphant Elites of the Future, Myawaddy webportal on December 3, 2022 https://myawady.net.mm/node/33583

[54] Voices of the engineering cadets, Myawaddy webportal, December 13, 2022 https://myawady.net.mm/node/34015

located within military compounds), as well as military-run clinics, hospitals, and markets. Many civilians fear entering military housing—even in non-restricted areas. Inspections at the entrance and the intimidating presence of armed personnel contribute to this fear.

One air force officer with 18 years of service, who served as an adjutant officer (ဘ ပ်ရေ မှ ဴး), recalled:

> *We discussed where a private would hold his wedding ceremony, and I suggested using the military hall, which was free of charge. But he chose to hold the wedding outside because civilians are afraid to enter the military base.*[55]

Conversely, soldiers and their family members are intentionally restricted from interacting with the civilian population. More than half of the research participants confirmed this experience of social isolation. Soldiers stationed at military bases are permitted to visit city markets only in groups, on designated days, and for limited hours under supervision.

A company master sergeant with 32 years of infantry service shared:

> *Family members who want to go to the market outside the battalion must leave at 6 a.m. and return by 9 a.m. Military police lead the group and monitor them at all times. If a spouse goes shopping alone, she is permitted only a few hours.*[56]

An infantry major with 20 years of service stated:

> *Previously, officers' spouses were allowed to reside outside military compounds. But the current Commander-in-Chief, Min Aung Hlaing, ordered that officers' wives must live inside the military compound. Otherwise, the officer would become ineligible for promotion.*[57]

While some countries offer military personnel privileges such as facilities and discounts, Myanmar's approach is not about privilege—it is about containment.

[55] Personal interview, August 18, 2025
[56] Personal interview, August 18, 2025
[57] Personal interview, August 18, 2025

Soldiers are confined to compounds and systematically distanced from the civilian population.

They often lose contact with civilian friends and communities. Remote postings, poor communication infrastructure, and restricted movement make it difficult to maintain outside relationships. As a result, their social world becomes limited to military circles, reinforcing institutional control and reducing exposure to alternative perspectives.

10.3 **Education and Closed loop Military Culture Shape the Family Members**

A LANCE CORPORAL with nearly 15 years of service who joined the army around 2010 said:

> *Out of 250 people in the new soldier training course, only 3 were university graduates. About 5 had passed the 10th grade (the matriculation exam). The rest had only primary education.*[58]

The basic training course for newly recruited soldiers originally lasted 6 months, but was later shortened to 4 months. Under the mandatory conscription law that came into effect in February 10, 2024, the training now lasts only 3 months for new conscripts.[59] [60]

During his military service, the researcher observed the education levels of officers' and non-officers' family members at a headquarters. Many spouses still possessed only primary or middle-level education. (In the old Myanmar education system before the NLD government's reforms, primary education extended to Grade 5, and middle education to Grade 9.)

Low educational levels and flawed recruitment practices negatively affect soldiers' performance and moral reasoning. In an environment that discourages reading and critical thinking, soldiers lose the ability to assess whether orders

[58] Personal Interview, August 23, 2025

[59] Article 82 of the Defence Services Act (1959) is attached in Appendix.

[60] Article 46, Staff Manual 2014 (ဦ စီ မှ တိ် စ ာ ၁ ၄)

are ethical or legal. Instead, they cling to loyalty—reinforced by propaganda from Myawaddy TV, military newspapers, and official publications.

Family members of soldiers are significantly impacted by military culture, even though indoctrination is not formally imposed on them.

A lance corporal with 30 years of infantry service revealed:

> *Children who grow up in the army usually end up joining it. Officers from military backgrounds are deeply familiar with the daily routines and practices of military life, but they often exert control over the families of enlisted soldiers.*[61]

A company quartermaster sergeant with 35 years of infantry service shared:

> *There is a difference between children who grow up in the army housings and those who grow up in civilian community. A child in the army housings thinks and speaks like a soldier.*[62]

This reflects a generational transmission of military norms. Children raised in military compounds often adopt the speech and mindset of soldiers. They learn by listening to officers and commanders, and gradually lose civilian perspectives. Most of them attend schools within the military compound, and this insular environment functions as an echo chamber that reinforces the internal culture of the military. At university, they often struggle to interact with peers outside the military system.

A major with 20 years of infantry service said:

> *When the spouses of soldiers attend meetings held by battalion commanders, their children are present with them. These children become familiar with the commanders' speech, and their mindset gradually conforms to the mold of military indoctrination.*[63]

[61] Personal interview, August 23, 2025

[62] The 1959 Defence Services Act was enacted under Act No. 43 on September 29, 1959 and it has been in effect since July 1, 1960. This act has been amended 6 times. The latest amendment was made in 2020.

[63] The Htoo-3 form is a standardized military document used exclusively for officers, abbreviated from Yar-Htoo-Khant-Htar-Chin ("Appointment" in English)

Restrictions placed on soldiers extend to their families. When children are banned from leaving the compound, their social development is similarly constrained. Only those who attend university may begin to form friendships beyond the military community.

A company quartermaster sergeant with 35 years of infantry service shared:

> *(Although they are not soldiers,) spouses have been continuously assigned to guard duty at the battalion since 2021–2022 (following the coup). They return home only briefly to cook or collect food, leaving them largely unaware of events outside the military compound.*[64]

There is a noticeable difference between women serving in military units and those living outside the military system. A spouse living inside the compound becomes accustomed only to internal routines—she doesn't speak about or understand what's happening beyond the gates. Over time, her world shrinks, and she becomes disconnected from broader society.

A major with 20 years of infantry service offered this critique:

> *In such an environment and culture, those who genuinely empathized with the people left the military.*[65]

10.4 **Institutionalization Reinforced by Continuous Training and Structured Skill Development by Levels**

THE MYANMAR MILITARY has operated the Directorate of Armed Force Training (တပ်မတော်လက်ဖွဲ့ရေးအရာရှိများ ပို့ချရေး), tasked with overseeing continuous training programs for both commissioned and non-commissioned officers across various corps and ranks, and commanded by Lieutenant General (ဒုတိယဗိုလ်မှူးကြီး). As Maung Aung Myoe notes in Building the Tatmadaw: Myanmar Armed Forces Since 1948, "under the Chief of Armed Force Training, three major generals for joint services training, military training schools, and strategic studies are placed."[66] This office supervises the country's

[64] Personal interview, August 29, 2025
[65] Personal interview, August 18, 2025
[66] Personal interview, August 21, 2025

principal military academies—such as National Defence College (NDC) [နိုင်ငံတော်ကာကွယ်ရေးတက္ကသိုလ် (နတက)], the Command and General Staff College (CGSC [စစ်ဦးစီးတက္ကသိုလ် (ဦစတ)], the Defence Services Medical Academy (DSMA) [တပ်မတော်ဆေးတက္ကသိုလ် တဆတ], Defence Services Technological Academy (DSTA) [တပ်မတော်နည်းပညာတက္ကသိုလ် (တနတ)], and Defence Services Academy (DSA) [စစ်တက္ကသိုလ် (စတသ)]—which serve as the foundational institutions for officer development.

> *Figure 11: Military Schools for Officers* [67]
>
> *Training Schools for Non-Officers*

Figure 12: Training Schools for Non-Officers

There is a program of continuous career training. This includes the Platoon Commander Course for Lieutenants, the Company Commander Course for Captains, and the Battalion Commander Course for Majors. Furthermore, Lieutenant Colonels must attend the General Staff School, and Colonels must attend the National Defense College. The National Defence College stands out as a prestigious institution for training high-ranking officers from multiple corps, providing advanced strategic education and leadership training. All of these courses are conducted at the Myanmar Armed Combat Forces School under the Directorate of Training. They are mandatory, and without completing them, promotion to higher ranks is unattainable.

Rank-Specific Officer Training Programs

Figure 13: Advanced Military Education for Senior Officers

Specialized courses are offered to high-ranking officers, including the senior law course, which is reserved for unit commanders and accessible only to senior personnel. The junior law course, intended for mid-ranking officers to develop legal expertise, along with other training programs—such as general staff courses for office work and administration—is conducted continuously.[68]

[67] Staff Manual 2014

[68] Personal interview, August 18, 2025

In addition to centralized programs, individual corps conduct their own skill-specific training. For example, the Navy and Air Force offer specialized courses such as pilot basic training, navy commanding officer courses, and navy engineering officer development. These programs are tailored to the operational needs of each branch.

Beyond technical and leadership training, all military personnel are required to attend the “Combat Mobilization Course” to qualify for next ranks. Completion of this course is mandatory for promotion. This course is conducted by the Directorate of Public Relations and Psychological Warfare (ပြည်သူ့ဆက်ဆံရေးနှင့် စိတ်ဓာတ်စစ်ဆင်ရေးဌာနကြီးမှူးရုံး), a unit known for its role in producing propaganda and shaping ideological loyalty among the public. Each regional command (တိုင်းစစ်ဌာနချုပ်) maintains a mobilization school that delivers these courses continuously across ranks and corps.

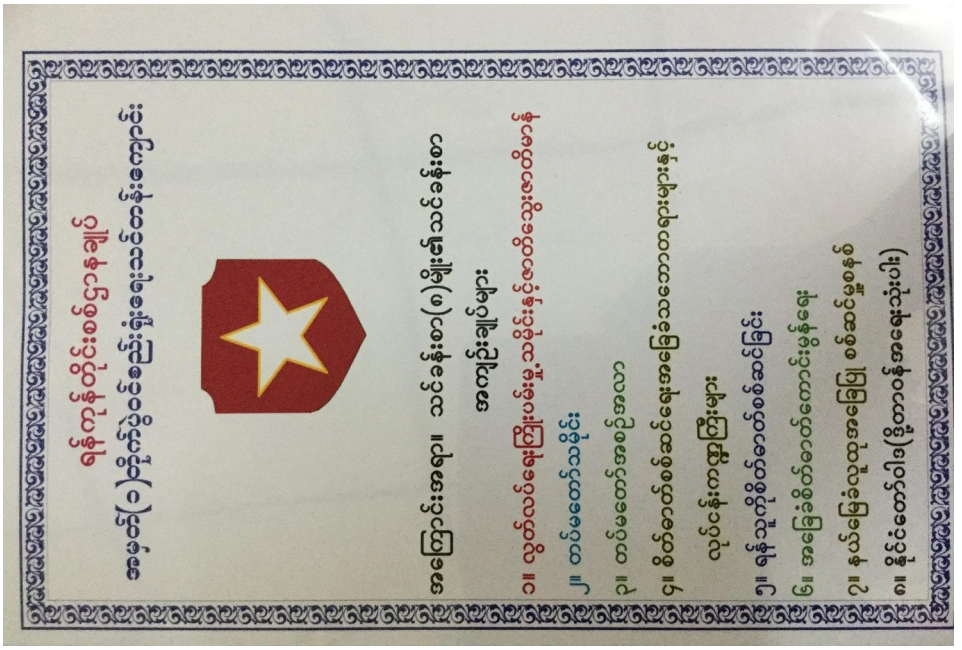


Figure 14: Summary of a Course Conducted by the Directorate of Public Relations and Psychological Warfare

10.5 **Military Academy Instructors: Key to Indoctrination**

THE ROLE OF instructors is a primary factor in the indoctrination process. Instructors at military academies exert a profound influence on the shaping of cadets and new recruits through their close supervision and teaching. However, this critical area has been the subject of little scholarly research.

The selection of instructors for military academies and training schools is directly controlled by the Directorate of Training, led by Lieutenant General. This office manages the entire process, including the selection, assignment, and transfer of instructors. The selection criteria are designed to choose only those who are ideologically compliant and thoroughly trained. Instructors are required to be highly skilled.[69] In practice, this means only individuals who can teach and implement doctrine precisely according to the military norm are assigned to these influential positions.

This system creates a clear career incentive. Those who have served as military academy instructors are often fast-tracked for promotion and have a higher chance of attaining senior positions compared to their peers in other branches, a pattern for which there are clear examples.

The same principle applies to non-commissioned officers, such as instructor sergeants. Only those deemed exceptionally well-trained and disciplined—meaning loyal and adherent to the established ideology—are selected for training schools. Serving in this capacity is also framed as a position of prestige, fostering a sense of pride that further reinforces their commitment to the system they represent.

11. **Conclusion**

11.1 **Lack of Time and Cognitive Suppression**

INDOCTRINATION IS CLOSELY tied to the lack of time afforded to soldiers for critical reflection. When a soldier is overwhelmed by training demands and deprived of time to rationally examine what he is being told or ordered to do, he

[69] Personal interview, August 18, 2025

may unconsciously accept those ideas or practices. If he resists, fear—often reinforced through direct experience—further compels compliance. The surrounding environment and peer group, which discourage independent thinking, deepen this effect. Therefore, the lack of time in military training must be critically examined—not only as a logistical issue, but as a deliberate mechanism of indoctrination.

11.2 **Reviewing Military Curricula and Training**

CURRENT MILITARY CURRICULA are designed solely by military authorities, without input from independent civilian experts. This lack of oversight allows inaccuracies and ideological bias to persist. To prevent the transmission of distorted ideas, curricula should be reviewed for accuracy, fairness, and relevance. Essential subjects—such as the Constitution, federalism, and human rights—must be included. Moreover, the ethics and qualifications of instructors should be evaluated. Even a sound curriculum can be undermined by an instructor's tone, bias, or interpretation.

11.3 **Establishing a Fair Promotion System**

PROMOTION WITHIN THE military should be based on merit, not on the discretion or favoritism of a single superior. A transparent mechanism must be developed to assess qualifications objectively and guard against manipulation or corruption. Without such a system, loyalty to individual commanders will continue to outweigh institutional integrity.

11.4 **Creating Legal Protections for Soldiers**

WHEN THE PERPETRATOR of abuse and the person responsible for protection are the same, unethical loyalty is reinforced. If a superior commits a crime or violation, soldiers must have access to a complaint system free from retaliation. Under current military law, complaints can only be filed with the commander-in-chief. There is no mechanism for redress if the commander-in-chief himself is the perpetrator. This legal vacuum must be addressed to ensure accountability and protect basic rights.

11.5 **Revoking the Absolute Power of the Commander-in-Chief**

MYANMAR'S CONSTITUTION GRANTS the commander-in-chief sweeping authority over military justice. All military personnel, from lieutenant to general, are exempt from civilian jurisdiction and fall entirely under his control. He alone can convene military courts, appoint court members, approve verdicts, and confirm appeals. This concentration of power excludes civilian oversight and undermines the rule of law. Historically, the chief justice held a role in military justice, but military act amendments replaced this with the commander-in-chief. To ensure fair trials and democratic accountability, this absolute power must be dismantled and replaced with a system that includes civilian legal influence.

11.6 **Dismantling Public Propaganda of Military Supremacy**

INDOCTRINATION IS NOT confined to military compounds—it extends into public life through state-run media and symbolic messaging. Soldiers and civilians alike are exposed to narratives that glorify the military as the sole guardian of the nation. This propaganda is not crude or populist; it is often delivered by respected figures—parents, teachers, and religious leaders—making it subtle and deeply persuasive. Studying indoctrination must include an analysis of these public narratives and their role in shaping recruitment and loyalty.

11.7 **Providing Accurate Information to Soldiers**

SOLDIERS AND OFFICERS often operate in isolated environments with poor infrastructure, limited access to communication, and no exposure to alternative viewpoints. As a result, they rely solely on the narratives circulated within their units. This informational vacuum fosters rigid thinking and ideological conformity. When armed individuals share the same distorted worldview, it poses a serious threat to national stability. If accurate information can be conveyed in a language and format they understand, meaningful change is possible.

12. **Recommendations**

BASED ON THE findings of this study, the following recommendations are proposed to guide future reform efforts, support ethical transformation within Myanmar's military institutions, and safeguard human security. These recommendations are organized into five key domains:

1. **Security Sector Reform (SSR)**

- ***Establish Civilian Oversight****: Military training, promotion, and justice systems must be subject to independent civilian review to ensure transparency, legality, and alignment with democratic norms.*
- ***Revise Military Curricula****: Core subjects such as constitutional law, federalism, and human rights should be integrated into all levels of military education. Curricula must be reviewed for ideological bias and factual accuracy.*
- ***Evaluate Instructor Ethics****: The tone, bias, and qualifications of instructors must be assessed regularly. Even a sound curriculum can be undermined by unethical teaching practices.*

2. **Legal and Institutional Accountability**

- ***Create Independent Complaint Mechanisms****: Soldiers must be able to report abuse or misconduct without fear of retaliation. A neutral body—independent from the chain of command—should be established to receive and investigate complaints.*
- ***Reform Military Justice****: The current legal framework grants unchecked authority to the Commander-in-Chief. This concentration of power must be dismantled to allow for fair trials and civilian legal influence.*
- ***Document Verbal Orders****: All operational orders, especially those with legal or ethical implications, must be recorded to prevent impunity and ensure traceability.*

3. **Promotion and Career Integrity**

- ***Implement Merit-Based Promotion****: Advancement should be based on qualifications, performance, and ethical conduct—not personal loyalty or patronage. Transparent criteria must be developed and enforced.*
- ***Decouple Promotion from Ideological Compliance****: Participation in propaganda or indoctrination programs should not be a prerequisite for career advancement.*

4. **Demilitarization of Public Life**

- ***Dismantle Military Propaganda****: State-run media and symbolic messaging that glorify military supremacy must be critically reviewed and replaced with inclusive narratives that reflect democratic values.*
- ***Promote Civic Education****: Military education should be reformed to include civic principles, with input from civilian experts, educators, policymakers, and reform-minded politicians. Separately, civic education initiatives should be designed and led by these same actors, and delivered through schools, religious institutions, and community organizations to promote critical thinking, media literacy, and nonviolent civic engagement.*
- ***Support Ethical Leadership****: Officers who resist indoctrination and uphold moral standards should be identified, supported, and protected from institutional retaliation.*

5. **Information Access and Social Reintegration**

- ***Improve Communication Infrastructure****: Soldiers must have access to diverse sources of information, including independent media and educational resources, in formats they can understand.*
- ***Support Defectors and Families****: Reintegration programs should include trauma-informed care, civic education, and pathways to civilian employment.*

- ***Break Generational Indoctrination****: Children raised in military compounds should be given opportunities to engage with civilian peers, access diverse education, and develop independent worldviews.*

Appendix 1: Substitution of "President" with "Commander-in-Chief" in Military Law

This appendix presents selected provisions from the original Defence Services Act (1959), in which the term **"President"** was originally used to denote the civilian authority overseeing military affairs. In the amended version currently in operation, **"President"** has been systematically replaced with **"Commander-in-Chief"**, reflecting a deliberate shift in power from civilian leadership to military command.

The amended sections illustrate this substitution, revealing how the Commander-in-Chief now holds sweeping authority over military justice, personnel decisions, pardons, and institutional control. This legal transformation consolidates military supremacy, erodes civilian oversight, and enables the armed forces to operate with minimal external accountability—effectively concentrating executive, judicial, and disciplinary powers within a single military office.

3. (q) "military prison" means a military prison established under the provisions of section 180 of this Act and includes a military prison as notified by the President from time to time;

3. (y) "Rules of Courts-Martial Appeal Court" means the Rules of the Courts-Martial Appeal Court made by the Supreme Court with the approval of the President;

Power to declare persons to be on active service.

8. Notwithstanding anything contained in clause (a) of section 3, the President may, by notification, declare that any person or class of persons subject to this Act shall, with reference to any area in which they may be serving or with

reference to any provision of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of this Act.

Termination of service by President.

17. Subject to the provisions of this Act and the rules and regulations made thereunder, the President may dismiss or remove from the service, any person subject to this Act.

Remedy of aggrieved officers.

25. Any officer who deems himself wronged by his commanding officer or any superior officer and who on due application made to his commanding officer does not receive the redress to which he considers himself entitled, may complain to the President in such manner as may from time to time be specified by the proper authority.

82. Subject to the provisions of section 83, a commanding officer or such other officer as is, specified by the commander-in-chief, may, in the prescribed manner, proceed against a person subject to this Act otherwise than as an officer or warrant officer who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,-

(a) imprisonment in military custody up to twenty-eight days;

(b) confinement to the unit lines or ship up to twenty-eight days;

Power to convene a general court-martial.

111. A general court-martial may be convened by the President or the Chief of Staff or by any officer empowered in this behalf by warrant of the President or the Chief of Staff.

Power to convene a summary general court-martial.

114. The following authorities shall have power to convene a summary general court-martial, namely,-

(a) an officer empowered in this behalf by an order of the President or of the Chief of Staff;

158. The findings and sentences of general courts-martial may be confirmed by the President or by the Chief of Staff, or by any officer empowered in this behalf by warrant of the President or of the Chief of Staff.

Annulment of proceedings.

169. The President, the Chief of Staff or any prescribed officer may annul the proceedings conviction of any court-martial on the ground that they are illegal or unjust.

Establishment of military prisons.

180. The President may set apart any building or part of a building or any place in the Union of Burma, as a military prison for the confinement of persons sentenced to imprisonment under this Act.

Pardon and remission.

182. When any person subject to this Act has been convicted by a court-martial of any offence, the President or the Chief of Staff or, in the case of a sentence which he could have confirmed or which did not require confirmation, the officer commanding a formation not less than the brigade in the case of the army, a formation prescribed as equivalent to not less than a brigade (army) in the case of the navy or air force, in which such person at the time of conviction was serving, or the prescribed officer may-

(a) either with or without conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

(b) mitigate the punishment awarded; or

(c) commute such punishment for any less punishment or punishments mentioned in this Act; Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court; or

(d) either with or without conditions which the person sentenced accepts, release the person on parole.

Powers to make rules.

232. (1) The President may make rules for the purposes of carrying into effect the provisions of this Act.

Appendix 2 Constitutional Sections Relating To Lack of Civilian Oversight and Military Supremacy

Article 20 (b)

The Defence Services has the right to independently administer and adjudicate all affairs of the armed forces.

Article 20 (c)

The Commander-in-Chief of the Defence Services is the Supreme Commander of all armed forces.

Article 294

In the Union, there shall be a Supreme Court of the Union. Without affecting the powers of the Constitutional Tribunal and the Courts-Martial, the Supreme Court of the Union is the highest Court of the Union.

Article 343 (b)

In the adjudication of Military justice the decision of the Commander-in-Chief of the Defence Services is final and conclusive.

Appendix 3: Questionnaire

A: Introductory Questions (10 mins.)

What is your name, or what pseudonym would you prefer to use?

Which branch or corps of the military did you serve in?

What rank did you hold during your service?

When did you serve? (Alternatively: “Which years were you in the military?”)

Does your family have a military background? (Or: “Are any of your family members in the military?”)

B: Military Training (10 mins)

1. Could you describe the military training programs you attended? [a. What was the name of the training program? b. Where was it held? c. How long did it last (approximate duration)?]
2. What topics or skills were taught during your formal military training (e.g. combat tactics, ideology, discipline)?
3. Were there any informal training sessions or practices outside of the official curriculum?
4. (*If yes*) What kinds of knowledge or messages did instructors convey during these informal sessions?

C: Building Loyalty for the Military (30 mins)

5. Were you taught about the military’s role in shaping national identity or history?
6. Do you recall hearing the phrase “The Tatmadaw is the savior of the nation”?
7. How was loyalty to your superiors or the institution reinforced during your service? (e.g., “There was constant surveillance—even among comrades. We had to report on each other. Praise and rewards came only when you showed absolute obedience.”)
8. During formal training or military exercises, which group was assigned the role of the enemy in war games or scenario-based drills?
9. Were you taught to see specific groups—such as EAOs (ethnic militias), political activists, party members or protesters—as threats or enemies?
10. Were structured visual materials—such as images of leaders, weaponry, military slogans, or symbolic displays—used by commanders to reinforce military supremacy and loyalty? Can you recall specific examples of this symbolic indoctrination? [Symbolic Indoctrination via Visual Militarism]

D: Physical Isolation (10 mins)

11. Were you prohibited from leaving the military campus in not active duty without permission?
12. Were similar restrictions placed on your family members—such as visitation rules or surveillance?
13. Did you or other soldiers ever feel cut off from the outside world—like limited contact with civilians' community?

E: Military Education (20 mins)

14. During your military training, were your instructors fellow soldiers or civilian educators?
15. During your service, were you given any training or education on the following topics? [a. civilian supremacy over the military b. human right c. the Myanmar constitution d. federalism e. ethnic diversity and inclusion f. the role of parliament g. systems of governance and state institutions h. the military code of conduct i. rules of engagement for armed operations j. war crimes and international humanitarian law k. democracy]
16. (*If yes*) Do you believe these lessons were respected and applied in practice during daily operations or deployments? Can you give examples?

F: Discrimination and Inequality (10 mins)

17. If you were a member of a gender, ethnic, or religious minority, did you personally experience any form of discrimination during your military service? *(If yes)* What specific forms of discrimination did you face?
18. What do you think could be done within the military to ensure equal access to ranks, roles, and opportunities for minority groups?
19. As a female soldier—or if you served alongside female soldiers—did you experience or witness sexual harassment, or a culture that allowed such risks to persist?

Appendix 4: Consent Form for interviewee

Research Title: Understanding the Training and Mindset of Myanmar Military Defectors in Thailand

Approval: This research study has been reviewed and approved by the Department of Political Science, Chulalongkorn University.

Researcher: Tun Tun Naing, Faculty of Political Science, Chulalongkorn University Email: konine797@gmail.com

Mentor: Dr. Nyi Nyi Kyaw, University of Bristol, Email: nnkster@gmail.com

1. Introduction

YOU ARE BEING invited to participate in a research study. The goal of this study is to better understand how military training and ideology have shaped the worldview of Myanmar military personnel and what factors led some to defect. Your personal story and experiences will contribute to future efforts aimed at reforming military institutions and protecting the rights of former soldiers. Through these efforts, we hope to promote and guarantee the human security of the people of Myanmar.

2. What Will Happen

If you choose to participate:

- *You will participate in an interview lasting approximately 1.5 to 2 hours.*
- *You will be asked questions about your training, experiences, loyalty, defection, and life afterward.*
- *The interview will not be filmed or photographed.*
- *With your consent, the interview will be audio-recorded for research and writing purposes*

3. **Confidentiality & Data Use**

- *Your real name and personal details will not appear in any report or publication*
- *A pseudonym (false name) will be used, and any identifying information will be changed*
- *All data will be securely stored and encrypted*
- *Your interview will only be used for academic research and deleted after the project ends (by December 2025)*
- *This research is conducted solely by Chulalongkorn University and is not affiliated with, nor does it represent, any political organization in Myanmar.*

4. **Your Rights**

- *You may withdraw from the study at any time without any consequences.*
- *You may skip any question or pause the interview if you feel uncomfortable.*
- *You may take your time when answering questions and pause as needed.*
- *Your participation in this study is entirely voluntary, and you will not receive any payment or compensation for taking part.*
- *If you wish to add more information after the interview, you may contact the researcher within 5 days.*

5. **Emotional Safety**

- *Some questions may be difficult or emotional. If anything is upsetting, the interview will be paused and will only continue with your consent.*
- *If needed, we can refer you to counseling or support services.*

6. **Researcher Commitment**

- *I, the researcher, promise to protect your identity and treat your story with respect and care*

- *No one outside the research will hear your personal data or know who you are*
- *The information will be used solely for research purposes, and participants' personal details will not be shared with any political or social organization.*

7. **Confirmation**

Please check (✓) each box if you agree:

☐ I am 18 years old or older

☐ I understand the purpose and procedures of this study

☐ I consent to participate in this interview

☐ I agree to the researcher using the information provided in the interview for their research work

☐ I agree to audio recording of the interview

☐ I understand I can withdraw or pause at any time

Participant's Signature: _____

Name: _____

Date: _____

Researcher's Signature: _____

Name: _____

Date: _____

About the Author

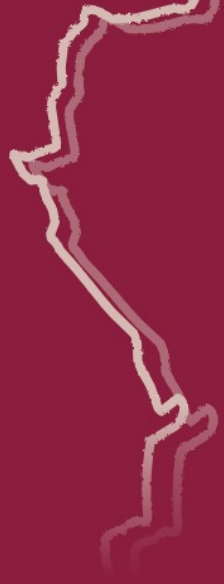
Tun Tun Naing, a CDM Navy officer, previously served as a ship design engineer before joining the Civil Disobedience Movement in 2021. He has since become a human rights defender, independent researcher, and critical columnist, focusing on Myanmar's military institutions, civil–military relations, international humanitarian law

and transitional justice. He holds a Master of Engineering in Shipbuilding and Ocean Engineering from Saint Petersburg State Marine Technical University, Russia, and a Bachelor of Marine Engineering from the Defense Services Technological Academy, Myanmar.

At the Nelson Mandela Center, Faculty of Political Science, Chulalongkorn University, he carried out the research project 'Understanding the Training and Mindset of Myanmar Military Defectors in Thailand.' He is also an Asia Justice and Rights (AJAR) Transitional Justice Fellow, where he conducted a qualitative study on military law, soldier dissent, and institutional reform in post-coup Myanmar. His paper, 'Suppressing Soldier Dissent Through the Defense Services Act 1959: A Transitional Justice Analysis for Institutional Reform in Post-Coup Myanmar,' was presented at the ICBMS 5 extended session in 2026.

As a trainer, he has conducted more than a dozen workshops for defectors and activists on International Humanitarian Law (IHL) and Transitional Justice (TJ) with NGOs in Thailand. As a columnist, he has published over 40 analytical articles with People's Goal, 10 with ISPMyanmar, and several with Mosaic Myanmar, addressing military law, accountability, and democratic transition.

Through his combined academic, research, and advocacy work, Tun Tun Naing contributes to documenting military suppression, advancing transitional justice, and promoting democratic reform in Myanmar.



Examining the Opportunities and Risks of Ethnic Federalism in Post-Coup Myanmar: Lessons from Other Comparative Models

PHOO PYAE SONE

Abstract

Myanmar's protracted ethnic conflicts and political instability stem largely from decades of centralized governance and the failure to fulfill the promises of autonomy and self-determination since the 1947 Panglong Agreement. While Myanmar's recent resistance movement has broadly agreed on establishing a Federal Democratic Union, there remains no consensus on the institutional design that should shape the country's future federal system. On this backdrop, it is worth considering whether ethnic federalism could serve as one possible institutional pathway for Myanmar's future Federal Democratic Union rather than dismissing it outright. This paper, therefore, examines ethnic federalism as a potential political framework for Myanmar's emerging federal future.

Drawing on Myanmar's past and current political dynamics, together with comparative case studies of India and Ethiopia, the research tried to assess both the potential opportunities and the anticipated risks of ethnic federalism. These include its potential to address long-standing ethnic grievances, promote self-rule, and foster national unity, as well as the risks of elite domination, exclusion, institutional fragmentation, and renewed inter-ethnic conflict. Findings from the comparative case studies, supported by the broader literature and key informant interviews with seven individuals affiliated from different major ethnic and political groups, suggest that the effectiveness of ethnic federalism depends largely on how federal institutions are designed and implemented. It also points out that rigid or exclusionary forms of ethnic federalism may increase political fragmentation and undermine long-term stability. Instead, a flexible, bottom-up, and context-sensitive approach to ethnic federalism, that is supported by inclusive political dialogue and credible power-sharing mechanisms, may provide a more appropriate institutional foundation for building a peaceful, equitable and sustainable Federal Democratic Union in Myanmar.

Abbreviation

AA	Arakan Army
ANDM	Amhara National Democratic Movement
AFTA	Articles of Federal Transitional Arrangement
CNF	Chin National Front
CRPH	Committee Representing Pyidaungsu Hluttaw
DMK	Dravida Munnetra Kazhagam
EPLF	Eritrean People's Liberation Front
EPRDF	Ethiopian People's Revolutionary Democratic Front
FDC	Federal Democracy Charter
ICNCC	Interim Chin National Consultative Council
KIA	Kachin Independence Army
KNU	Karen National Union
KNPP	Karenni National Progressive Party
KSCC	Karenni State Consultative Council
KPICT	Kachin Political Interim Coordination Team
NUG	National Unity Government
NCA	Nationwide Ceasefire Agreement
NUCC	National Unity Consultative Council
NMSP-AD	New Mon State Party (Anti-Military Dictatorship)
MSFC	Mon State Federal Council
OPDO	Oromo People Democratic Organization
PNFC	Pa-O National Federal Council
SEPDM	Southern Ethiopian People's Democratic Movement
SAC	State Administrative Council
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
TPLF	Tigray People's Liberation Front
TGE	Transitional Government of Ethiopia
TNLA	Ta'ang National Liberation Army
TCWG	Transitional Constitution Working Group
TPCC	Ta'ang Political Consultative Committee
TPCC	Ta'ang Political Consultative Council
WLB	Women's League of Burma

1. Introduction

ONE OF THE most compelling reasons to regard ethnic federalism as a viable opportunity for Myanmar is its potential to address the deep-rooted historical grievances of the country's ethnic nationalities. Since independence in 1948, Myanmar has been characterized by persistent ethnic tensions and armed conflicts. These conflicts stem largely from the failure of successive central governments whether democratic, socialist or military to fulfill the promises of autonomy and self-determination that were originally envisioned since 1947 Panglong Agreement. Thus, recognizing ethnic groups as constituent units under a federal constitution could serve as a crucial step toward to resolve these long-standing grievances by offering a system in which diverse communities can exercise meaningful self-rule while maintaining unity in diversity. However, ethnic communities are dispersed across multiple regions rather than confined to specific territories of Myanmar. Myanmar officially recognizes 135 ethnic groups under eight major categories, excluding minorities such as the Rohingya (Kipgen, 2018). If constitutional autonomy is granted only to the major groups, smaller or unrecognized minorities may also feel excluded from equal political rights. Therefore, without a clear definition of state requirements and rights under federal agreements, ethnic federalism could pose more risks than opportunities, potentially deepening inequality and mistrust among ethnic communities.

Secondly, Myanmar's historical political structure has long been dominated by the Bamar majority, resulting in decades of centralized government and persistent feelings of marginalization and discrimination among ethnic minorities. This has still continued into the present post-coup political landscape where the Bamar majority maintain significant influence within National Unity Government (NUG) and the Committee Representing Pyidaungsu Hluttaw (CRPH), that claim to represent the national resistance. In response to these concerns, recent federal discussions have incorporated the agreement to establish Bamar State as one of the constituent units in the future federal union. This initiative simply reflects a growing recognition of building federal union along ethnic lines in which the Bamar majority is expected to

exist equally as one federal unit. By institutionalizing equal ethnic representation including for the Bamar population, there is a potential opportunity to create a more balanced, inclusive, and representative political system similar to India's federal model. On the other hand, it may deepen divisions and create competition among groups as in Ethiopia. Without careful power-sharing mechanisms, the dominance of a major ethnic group within the units or its own state could exacerbate inter-ethnic tensions and fuel conflicts. This risk is even more pronounced in Myanmar, where decades of protracted civil war and ethnic marginalization have already created an environment of mutual distrust and fragile inter-group relations. In such context, any imbalance of power could easily renew the grievances and undermine efforts for a peaceful federal union.

Drawing on these ideas, this research is based on the claim that the essence of ethnic federalism should be considered as a potential and necessary political framework for Myanmar's emerging federal future rather than dismissed outright. Rationally, at the same time, it aims to identify the key challenges associated with implementing ethnic federalism in Myanmar's post-coup political landscape by reviewing the past history, relevant case studies and the post-coup dynamics.

2. Methodology

THIS RESEARCH MAINLY uses desk-based qualitative method. It will have comprehensive review to identify challenges, possibilities and lessons through secondary literature, academic papers and journals. Political reports, declarations and public statements of Myanmar's revolutionary resistance groups and key political actors from the past to present are also analyzed under relevant concept.

This study slightly incorporated Key Informant Interview (KII) method with seven individuals affiliated from different major ethnic and political groups, as well as one independent activist engaged in transitional justice and civil disobedience movement. These voices were selected to review how the key

stakeholders reflect Myanmar's federal movements ranging from the past negotiation until the current federal talks. The interviews were organized around ten thematic questions designed to capture both convergences and divergences in federal aspirations. These interviews reveal both common ground and divisions on Myanmar's federal discussions and, the individual perspective tied on ethnic federalism. By capturing those perspectives, the study aimed to explore how the affiliated actors of key stakeholders interpret and contest the idea of federalism in Myanmar context.

All interviews conducted for this research adhered to strict ethical standards to ensure the safety, dignity and autonomy of participants, particularly given Myanmar's ongoing political repression and security risks. Participation in this research was entirely voluntary and informed consent was obtained verbally prior to each interview. Interviewees were clearly briefed on the purpose of the study, the use of the responses and the right to withdraw at any time without consequence.

3. Literature Review

FEDERALISM, in its general theoretical sense, is a normative concept that promotes a balance between unity and diversity through a political system combining self-rule and shared rule (Watts, 1998). Sometimes, constitutions do not explicitly use the term "federalism" while the structure of political representation includes federal norms and values. However, the absence of the word in the constitution does not imply that the state lacks a federal character (Keil, 2012). In an ethnic-based federal system, ethnicity becomes a fundamental principle in defining territorial boundaries, political representation and administrative authority (Anderson, 2014).

Although federalism in ethnic centric form is mostly adopted in situation where the state faces the challenge of reconciling the competing interests of diverse ethnic communities, the ongoing debates reflect that it is still controversy to clearly recognize as a conflict managing tool. While Adeney (2017) sees ethnic federalism as a tool for accommodating diverse groups, Ishiyama (2023) sees it

as a risky political system because it makes people identify more with their ethnic group than with the nation. Ishiyama (2023) proved this idea by taking a quantitative empirical test of the impact of ethnic federalism in Ethiopia. Using Afrobarometer data, it found out that those who grew up after the adoption of ethnic federalism are more likely to prioritize ethnic over national identity. Moreover, the findings also proved that politically large and powerful groups strongly support on ethnic federalism while the other small group favors regional, non-ethnic federalism. From this divide, Ishiyama (2023) clearly states that ethnic federalism itself could be a serious threat to deepen ethnic identities which could lead to the structural disagreement.

On the other hand, Anderson (2014) argues that critics just overstate and misplace the perception of ethnic federalism as a near-certain path to failure. To assess this, Anderson (2014) classifies ethnic federations since 1945 more broadly into three types: full ethnic federations, where all constituent units are organized as ethnic homelands; partial ethnic federations, which combine ethnically defined units with territorially based ones; and ethnic federacies, where a unitary state grants special autonomous status to specific ethnic regions without restructuring the entire system. The survey proved that full ethnic federations have achieved only a 33% success rate, while partial ethnic federations have been 100% successful. Ethnic federacies also recorded an impressive 96% success rate. That quantitative finding shows an overall success rate of ethnic federalism with the result 79%. These findings claimed that ethnic federalism is often the only workable institutional arrangement in deeply divided societies when other alternatives such as simple federalism, non-ethnic federalism or a unitary state prove impossible Anderson (2014).

My interpretation of ethnic federalism in this context is applied flexibly to any political system in which the territorial boundaries of federal units, administrative authority, and political representation are organized primarily along ethnic or linguistic lines, rather than according to geography, mixed communities, or historical regions. While there is considerable research on federalism in Myanmar, much of it focuses on models that are unsuitable for the country and far less attention is given to identifying which federal arrangement might actually work. For instance, Kipgen (2018) recommends that non-

territorial federalism may be a better fit for Myanmar's dispersed ethnic groups but this argument does not clearly identify what model is ultimately most appropriate. Therefore, it is useful to consider ethnic federalism as one possible option. In this paper, by applying a flexible interpretation of ethnic federalism, I explore how that system might contribute to address Myanmar's long-standing historical conflicts by examining the potential risks and opportunities through related case studies.

3.1 Comparative Case Studies

IN ORDER TO understand the opportunities and risks of ethnic federalism in post-coup Myanmar, it is also essential to see the country's struggle within specific comparative cases. Among the most instructive comparative cases, Ethiopia and India have certain structural similarities with Myanmar's situation. Firstly, these countries have carried the legacy of colonial or semi-colonial encounters that influenced their state formation and institutional choices. Secondly, each of these countries shares a profound ethno-cultural diversity that has significantly reflected their political trajectories and challenges. Thirdly, the complexity of governing such plural societies is not only a marker of cultural belonging but also a key factor in political contestation and demands for autonomy. Like Myanmar, these countries used to clash with the question of how to balance central authority with recognition of ethnic diversity often within the context of violent political crisis. Therefore, understanding the experiences of Ethiopia and India can provide both warning story and helpful guidance for Myanmar, a nation struggles with the legacy of centralized authoritarianism, ethnics' demands for self-determination and a fractured national identity.

Ethiopia is a second most populous country located in Africa. For centuries, the country was ruled through a centralized monarchy, dominated mainly by the Amhara group, which covers around 25% of the country's population. The largest population is carried by Oromo, which has around 40% of the country. Under the monarchy, many ethnic groups like the Oromo, Tigrayans, Somalis, and others were marginalized (Habtu, 2003). The country's long monarch system was overthrown in 1974 but it was replaced by military regime. The

military Junta maintained a centralized state through repression and violence for almost two decades. During the period of military rule, ethnonationalist movements grew in strength and posed the greatest threat to the regime and the country's unity (Habtu, 2003). In 1991, the military regime was overthrown by a coalition of four ethnically based organizations known as The Ethiopian People's Revolutionary Democratic Front (EPRDF), that includes the Tigray People's Liberation Front (TPLF); the Oromo People Democratic Organization (OPDO); The Amhara National Democratic Movement (ANDM) and Southern Ethiopian People's Democratic Movement (SEPDM), in alliance with the Eritrean People's Liberation Front (EPLF), which was struggling with prolonged armed conflict for Eritrea's independence since 1961. After the Junta fell, Eritrean became independent following the referendum in 1993 and the EPRDF came to power. The evolution of Ethiopia's ethnic federalism began with the 1991 national conference led by the EPRDF, which established the Transitional Government of Ethiopia (TGE) under a transitional charter. In 1995, the new constitution was announced and the country become the Federal Democratic Republic of Ethiopia, which is composed with nine ethnic states and two chartered cities. Each state has its own constitution, language, flag and the right to secede (Article 39) (Habtu, 2003).

Ethiopia's ethnic federalism is theoretically unique and conceived both as an ideological framework and a political necessity to reduce secessionist pressures by granting full political autonomy to ethnically defined regions, but instead of ensuring stability, it left the state fragile, dependent on the dominance of a single ruling party (Habtu, 2003). From its inception, the EPRDF was dominated by TPLF amid 6% of the country's population. This dominance came from its military role in overthrowing the military regime, later consolidated power by controlling the security apparatus and leveraging vast economic influence through party-owned conglomerates. This arrangement began to unravel when Prime Minister Abiy Ahmed from Oromo group rose to power in 2018. In order to seek to centralize authority and diminish the TPLF's dominance, Prime Minister Abiy launched sweeping reforms that were perceived by the TPLF as efforts to dismantle the ethnic federalist system. In 2019, he dissolved the EPRDF and merged its constituent ethnic parties into a

single national party, the Prosperity Party. The TPLF refused to join, creating a sharp rupture with the federal government. Both sides soon declared each other illegitimate, deepening political polarization. The immediate trigger for armed conflict emerged in 2020, when the federal government postponed national elections citing the COVID-19 pandemic. The TPLF rejected the postponement by denouncing the federal government as unconstitutional and went ahead with its own regional elections. In response, the federal government caught the funding to the Tigray region and the TPLF interpreted as a declaration of war. This constitutional and political standoff ultimately ignited the devastating Tigray conflict in Ethiopia. Based on this study, ethnic federalism in Ethiopia can be considered a failure in achieving two key objectives. First, it sought to prevent one group dominance and political marginalization but instead facilitated elite control and fueled armed conflict between the federal and regional governments. Second, it aimed to recognize and empower ethnic identities but ended up encouraging citizens to identify more strongly with their ethnic group than with the nation as a whole (Ishiyama, 2023).

In contrast, India had been introduced to federal principles even before the adoption of its Constitution, most notably through the Government of India Act of 1935 by the British Parliament. The Act created a federal framework with provincial autonomy, ending the system of diarchy at the provincial level and granting significant self-rule and elected governments (Das, 2024). However, it was never fully implemented because the princely states refused to join and criticized that Act as a “Charter of Slavery” because it still allowed excessive British control. Nevertheless, the Act laid the foundation for India’s federal system, which was formally adopted under the Constitution of 1950 (Das, 2024). Following independence, India faced the immense challenge of unifying a fragmented polity amid strong secessionist movements that threatened the republic’s survival. Scholars even predicted that the country might collapse into anarchy, fascism or fragment into separate nationalities by citing its massive linguistic diversity, asymmetric states, widespread illiteracy and high levels of poverty (Adeney, 2017). Amid these challenges, India established a constitutional federal democracy in 1950 and successfully integrated more than 500 princely states. Interestingly, the Indian Constitution does not explicitly use

the terms federalism. Instead, (Article 1) defines the country as a "Union of States," that is a deliberate choice by the framers to stress national unity (Das, 2024). Additionally, the Constituent Assembly sought to strengthen unity and protect against secessionist movements by promoting a single official language (Mitra, 2001). Hindi was declared the official language of the Union (Article 343), that is not actually a national language. But regional languages were still recognized as state languages. This arrangement quickly stirred resentment in non-Hindi-speaking regions, where many perceived it as "Hindi imperialism" (Mitra, 2001). Strong linguistic movements followed after demanding states appear based on mother tongues such as Telugu, Marathi, Gujarati, Kannada, and Punjabi. Responding to these pressures, in 1953, Andhra Pradesh, a state in the southeastern coastal region of India, was created as the first linguistic state after intense demands from Telugu speakers. That process had taken in the States Reorganization Act of 1956, which redrew India's political map along linguistic lines to ease tensions. Later, (Article 343(3)) and the Official Languages Act of 1963 ensured that English would remain an associate official language, serving as a practical link across diverse linguistic regions (Mitra, 2001).

The 1956 constitutional amendment formally reorganized India into 16 out of 29 states on ethno-federal criteria (Adeney, 2017). Although the Constitution avoids the term "federal," India is widely described as a quasi-federal state because it combines divided powers with strong unitary features. For example, only two states were granted special autonomy with their own constitutions and legal systems (Article 370) (Das, 2024). Following this special arrangement, a major political party named the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu, once openly secessionist, eventually joined to both state politics and national coalition governments. On the other hand, between 1989 and 2014, the inclusion of regional parties in central cabinets through coalition governments further reduced incentives for further rebellion. Overall, India's linguistic reorganization through ethno-federal concept is considered a success because it eased secessionist pressures and fostered dual loyalties to both state and Union within a highly diverse society (Adeney, 2017). Importantly, most violent conflicts in India today are not in states granted linguistic or ethnic federal

recognition, but rather in regions excluded from this ethno-federal framework (Adeney, 2017).

By comparing Ethiopia and India, this chapter highlights both the opportunities and the risks of ethnic federalism as a strategy for managing conflict and building states. Ethiopia illustrates the dangers of rigidly embedding ethnicity into political structures, which can deepen divisions instead of fostering national unity. India, though not without flaws, shows how a more flexible federal system can accommodate diversity while preserving the integrity of the state. For Myanmar, now facing an important stage for a post-coup federal transition, these experiences offer many crucial lessons to learn in considering the structure of future federal democratic union.

4. Myanmar's Federal Inspiration

THIS CHAPTER LOOKS at how Myanmar's federal aspirations began and developed by presenting how long-standing political grievances have shaped current ideas about a federal future. It first explores the historical foundations of federal thought that highlights the ethnic inequalities, broken promises and centralization of power that gave rise to demands for self-determination and autonomy. It then turns to post-coup dynamics in which the 2021 military takeover accelerated federal discussions, prompted new alliances and led to renewed initiatives to envision a Federal Union. Together, these sections illustrate how both historical experiences and recent political transformations continue to influence Myanmar's ongoing quest for an equitable and inclusive federal system.

4.1 Long-term Grievances and Emergence of Federal Thoughts

THE FIRST INFORMAL Panglong talk in 1946 actually was the very first emergence of federal style proposals including a sense of recognition for ethnic diversity though no binding political settlement was achieved (Walton, 2008). The official Panglong agreement signed on February 12, 1947 by Frontier

Areas' leaders (Shan, Kachin, and Chin) and Ministerial Burma led by General Aung San, which became the official attempts to unite Myanmar's diverse ethnic groups and the Burman majority under a shared political vision. These commitments include the representation of Frontier peoples in the central Executive Council (Articles 1 to 4), full internal autonomy for the Frontier Areas (Article 5), the desirability of a separate Kachin state (Article 6), equal rights for all citizens (Article 7) and preserved the financial autonomy of the Shan States while ensuring support for the Kachin and Chin Hills (Articles 8 and 9). It was also a foundation of 1947 constitution, that promised ethnic minorities the theoretical right to secede ten years after the constitution's entry into force (Article 201), (Article 202). However, this agreement did not provide full representation for all ethnic minorities including Karen, Mon, Arakanese, etc. (Walton, 2008). The Panglong Agreement was fully ignored and could not be implemented when General Aung San and several cabinet members were assassinated on 19 July 1947, shortly after the Constituent Assembly.

In fact, the Shan Federal Proposal of 1961 was the first formal call for a genuine federal system in Myanmar, which was intended to guarantee equality between Burma Proper and the other states. It proposed recognizing Burma as one state, granting equal powers to both houses of Parliament, devolving authority to the states, and ensuring that Union revenues were shared fairly among them. At a 1957 Multi-Nationalities Seminar in Rangoon, Shan representatives warned that minority states would remain dominated by the Burman majority without these reforms because Lower House seats were based on population while the Upper House was meant to protect minority states in 1947 constitution. According to this, the way the 1947 constitution in Burma was structured left the minority group with restricted rights and less real power than Panglong promised.

Regardless, the first military coup in Myanmar in 1962 followed the collapse of early federal initiatives and arrangements in hand (Walton, 2008). General Ne Win ended the 1947 Constitution and replaced the 1974 Constitution. Apparently, the newly launched constitution abolished all democratic rights and federal frameworks. In contrast with the initial promises, (Article 11) strongly declared a one-party state and ended electoral competition with multi-party

democracy, (Articles 12 and 14) centralized all legislative and executive power under that single ruling party. (Articles 145 to 165) generally listed certain rights, but (Articles 166 and 167) made them again dependent only on protecting socialism and national unity which allowed the government to heavily limit political freedoms and ethnic autonomy. Ne Win's regime was deposed following the massive 8888 Uprising in 1988. Unfortunately, the country was immediately replaced by another military junta along with the establishment of the State Law and Order Restoration Council (SLORC). In 1990, opposition National League for Democracy (NLD) Party, led by Daw Aung San Suu Kyi, won in the very first multi-party elections since 1960. But the result was ignored and military kept controlling the country.

After nearly fifty years of tight control, State Peace and Development Council (SPDC), supported by General Than Shwe, began to relax its authority under international pressure following the Saffron Revolution. The military government subsequently launched a reform program and introduced a new constitution in 2008. However, it significantly allows the military to take part in national political leadership by reserving 25% of the seats in all parliaments (Article 6 (f)), in which members are directly nominated by the Commander-in-Chief (Article 14). Commander-in-Chief then has the right to appoint ministers of Home Affairs, Defense, and Border Affairs (Article 232 (b, 2)), which critically has the right to control over all security institutions. Therefore, 2008 constitution is just an enforcement to establish a military-dominated civilian government and naturally, former army bureaucrat Thein Sein was appointed president following the first national election in 20 years held in 2010. Throughout the history, Myanmar military has presented itself as the guardian of national unity but the opposition and ethnic minorities view it only as an instrument of repression, atrocities and forced assimilation often using violence to crush down the people against them (Walton, 2008).

In line with this agreement, the 2008 Federal Constitution (Second Draft) marked an important milestone in the growing federal aspirations of Myanmar's democratic and ethnic resistance forces. As the second formal call for federalism, it was jointly proposed by opposition democratic groups and ethnic armed organizations as a direct alternative to the military's 2008 Constitution. It

envisions Myanmar as a Federal Republic with equal and self-determining member states while allowing to draft their own constitutions, which outlined a more structured, inclusive federal system for ethnic equality and self-determination (Tun-Aung-Shwe, 2025). Although it was never officially recognized or put into practice by military government, this proposal represented a significant collective expression of the expanding desire among diverse ethnic groups for a federal union grounded in shared principles.

The Nationwide Ceasefire Agreement (NCA), launched in 2015 under President Thein Sein, was presented as a major step toward peace, but in practice revealed the absence of true political willingness to resolve the country's structural conflicts. Although eight insurgent groups signed it on 15 October 2015, key forces such as the Kachin Independence Army (KIA), the Arakan Army (AA) and the Ta'ang National Liberation Army (TNLA) refused. While the military posed there as a peace mediator, it excluded certain groups and used the NCA as a control mechanism. Unsurprisingly, NCA was never likely to bring real peace because the process was designed and controlled by the military and whatever agreements were made had to fit within the limits of 2008 Constitution, that denied genuine federalism or equal rights (Abrahan & Siriwato 2022). After the NLD's 2015 election victory, peace talks continued through the Union Peace Conference widely known as the 21st Century Panglong. However, the military again positioned itself as a mediator while simultaneously attacking non-signatory ethnic groups and revealing a continued lack of sincerity. Although the conference formally welcomed discussions on federalism and reconciliation, the way it is framed as top-down, exclusionary, and elite-driven negotiation risks still undermining its goals and just repeating the past mistakes (Dolan, 2016).

On February 1, 2021, a day before the newly elected Parliament was scheduled to convene after 2020 general election, General Min Aung Hlaing staged a coup and overthrew the elected NLD party with the accuse of voter fraud. Since then, the State was administered through State Administrative Council (SAC), that repeats the way of past authoritarian regimes. With deepening violence, social collapse, and worsening instability, Thant Myint-U (2021) pointed out that Myanmar has descended into a failed state followed by recent coup. However,

the post-2021 coup resistance has nurtured federal aspirations that arise organically from local and grassroots initiatives rather than being imposed through top-down constitutional reform.

4.2 Federal Union Initiatives in Post-Coup Myanmar

IN RESPONSE TO the February 2021 coup, elected members of parliament from the NLD instantly formed the Committee Representing Pyidaungsu Hluttaw (CRPH), which launched the Federal Democracy Charter (FDC) in March 2021. The National Unity Consultative Council (NUCC), which is founded as an umbrella body of resistance groups against the Junta with 28 representatives from various political and ethnic institutions, has then approved a revised charter in January 2022 through. Two weeks later, the National Unity Government (NUG) was established. The first part of FDC strongly declared as a Federal Democracy Union. Its opening section strongly declares the establishment of a Federal Democratic Union, signaling a commitment to equality, self-determination and inclusive governance. The FDC has been widely welcomed by resistance groups as a concrete initiative to advance federalism According to the part one's guiding principles, (Chapter IV, Part II, Article 1) states that sovereignty and power of the Union are defined in the member states of the Union and their people while (Article 2) mentions equal rights and the full right to self-determination for all members of state. Moreover, each member state also has the right to draft and enact its own constitution (Chapter IV, Part II, Article 3) while it must clearly prescribe the powers of local governance, authority over revenue, and the protection and promotion of the rights of ethnic nationalities within their jurisdictions (Chapter IV, Part III, Article 12-14). While the first part of the charter gained broad support for its promises of ethnic minority rights and self-determination, support for the second part decreased significantly due to the dominance of the Bamar majority and the NLD's control over full legislative authority based on 2020 election result at the CRPH (Part II, Chapter 2) (South, 2021).

Amid the critique, the FDC is generally viewed as a foundational reference framework for all the ongoing federal discussions and arrangements. On 31 January 2024, NUG and the K2C alliance, comprised by the Karen National

Union (KNU), the Karenni National Progressive Party (KNPP) and the Chin National Front (CNF) published a signed pivotal joint declaration. It outlines a shared political goal to end military rule and establish a federal democratic union under a new constitution with six action plans. This includes drafting a transitional federal democratic constitution enabling federal units to form independently. In fact, the Transitional Constitution Working Group (TCWG) was already formed right after the appearance of FDC by NUG and NUCC as part of the roadmap since July 2022. However, the activities remained unpublished along until 12 February 2025. On that date, nine ethnic resistance organizations and state/nationality councils - the Karenni National Progressive Party (KNPP), Karen National Union (KNU), Chin National Front (CNF), New Mon State Party (Anti-Military Dictatorship) (NMSP-AD), Karenni State Consultative Council (KSCC), Pa-O National Federal Council (PNFC), Mon State Federal Council (MSFC), Ta'ang Political Consultative Committee (TPCC) and the Women's League of Burma (WLB) - jointly announced the drafting of the Articles of Federal Transitional Arrangement (AFTA) in a statement rejecting the model of holding together federalism to avoid renewing the centralized system.

Notably, the NLD's involvement in the NUCC has been suspended since 2022, a decision reaffirmed in the NUCC's membership statement released in May 2025. Similarly, the Kachin Political Interim Coordination Team (KPICT) was not also included in the membership list, meaning that they are also not participating in the drafting of the Articles of Federal Transitional Arrangement (AFTA). However, the Karenni State Consultative Council (KSCC), Mon State Federal Council (MSFC), Interim Chin National Consultative Council (ICNCC), Pa-O National Federal Council (PNFC), Ta'ang Political Consultative Council (TPCC) and the Karen National Union (KNU) continue to play an active role as permanent members of the NUCC. On 24 May 2025, the NUCC reconfirmed the drafting of the AFTA, highlighting a shared consensus to build a federal democratic union through a bottom-up approach. Following this vision, several interim state- and region-level representative units, consultative bodies, and ethnic revolutionary groups have actively engaged in political discussions and implementation efforts. These initiatives demonstrate

the emergence of bottom-up federalism on the ground, as local and ethnic actors begin shaping the structures and processes that could form the foundation of a genuinely inclusive federal system.

The Interim Constitution of the Sagaing Federal Unit, enacted on June 25, 2025, showed the broader vision behind the proposed formation of Bamar State. This vision focuses on political equality and the creation of new ethno-federal units. It was the first real step toward forming a federal unit in mainland Burma. At the same time, the Magway, Bago, Mandalay, Ayeyarwady, and Yangon regions are working on their own interim constitutions through the Federal Unit Coordination Groups. Although federalism is becoming an important direction for Myanmar's political future, most discussions only focus on a bottom-up approach—building federalism from the local level upward. However, none of these groups have clearly discussed which type of federal system would best fit Myanmar's needs. In practice, from declaring the formation of Bamar State to preparing regional governance structures that use local ethnic languages, Myanmar's growing bottom-up federalism already shows some features of ethnic federalism.

5. Findings: Insights from Affiliated Actors

REGARDING THE KEY federal agreement in post-coup Myanmar, five participants noted that major stakeholders have been advocating a shared vision of bottom-up federalism within the federal democratic alliance. However, two of them felt that this principle is not yet a common consensus among all key groups. On the other hand, all participants welcome bottom-up federal approach and see federalism as a tool to set constitutional commitment for minority protections, fulfilling the autonomy demand and the acceptance of pluralism. They also collectively supported a claim that federalism remains a broad and contested term even within those diverse actors against military because its meaning, scope and guarantees differ across groups. So, the participants' responses to the question of federalism ranged from general calls for federalism to more pragmatic confederal approaches and justice-focused priorities. This illustrates that while federalism is widely endorsed as a guiding framework, its

meaning and practical application remain contested among Myanmar's key actors.

Moreover, six respondents stated that a real, credible central authority is necessary to openly address sensitive federal issues, such as territorial disputes, in order to advance binding federal agreements. They emphasized that establishing an effective transitional federal arrangement in post-coup Myanmar requires not just dialogue, but also institutional reforms, credible commitments, and transparent negotiation channels. In this context, building trust emerged as a central priority for inclusive federal initiatives, although respondents differed slightly on what the key challenges were. Four respondents, including the Bamar participant, emphasized that the core difficulty lies in differing perspectives and bargaining over federalism: ethnic groups see autonomy and self-determination as inherent rights, while successive central Bamar governments have historically treated these demands as political concessions. The remaining respondents similarly highlighted historical grievances, broken promises, repression, exclusion, lack of fair negotiation, and the dominance of armed actors in Myanmar's political landscape as major obstacles. Together, these perspectives underscore that trust building is widely recognized as an essential foundation for federalism in Myanmar.

Respondents' visions of federal models showed only minor differences. None of the participants supported adopting a single, uniform federal system for post-coup Myanmar. Four respondents argued that a purely territorial or purely ethnic federal model would be too risky under current political and social dynamics, reflecting both ethnic-centered aspirations, as seen in Wa State, and strong territorial representation, as in the Sagaing region. Nonetheless, they emphasized that any federal model should emerge organically from grassroots-level consensus. Importantly, three participants preferred a hybrid federal model, combining ethnic, civic, and regional elements, as the most feasible and practical approach for Myanmar.

All respondents have a shared concern that lack of a genuine federal consensus between the stakeholders can fuel more armed conflict by renewing military legitimacy, secessionist movements and weakened unity and public trust. Amid

shared federal aspiration, they stressed that credible negotiation and genuine consensus building are still urgently needed to avoid political dilemma and backward conflict.

The interviews explored participants' perceptions of ethnic federalism, considering it both an opportunity and a potential risk. Two participants admitted that they did not fully understand the concept. The remaining participants generally agreed that ethnic federalism could help address longstanding demands of ethnic groups. However, they also expressed concerns that, given Myanmar's diversity, a fully ethnic-based federation could be risky. They warned that minorities within states might be marginalized, the Bamar majority could continue to dominate, and ethnic-centric governance could exacerbate exclusion. Overall, many emphasized that a purely ethnic federal system in Myanmar is more likely to deepen fragmentation than to promote unity.

All in all, the finding generally highlights that while there is broad support for federalism as a guiding framework in post-coup Myanmar, its meaning, scope and implementation remain contested among key stakeholders. Respondents consistently emphasized the importance of trust building, credible central authority, and inclusive negotiation mechanisms as foundational to any successful federal arrangement. Although participants favored a bottom-up, grassroots-driven approach and many endorsed a hybrid federal model, they also warned that a purely ethnic federal system is more likely to deepen fragmentation than promote unity. Collectively, these findings underscore that achieving a functional federal system in Myanmar will require not only shared aspirations but also genuine consensus, institutional reforms and mechanisms that balance autonomy with national unity, in order to prevent renewed conflict and ensure durable peace.

6. Analysis: Anticipated Risks and Potential Opportunities of Ethnic Federalism in Myanmar

BUILDING A FUNCTIONAL and inclusive federal system in Myanmar is a complex process that requires patience, trust, and genuine participation from all stakeholders. Although there is a potential to address long-standing ethnic and political grievances, diverging perspectives, historical mistrust, and unclear definitions still challenges for consensus. Bottom-up federalism, emerging from grassroots participation, offers a practical pathway reflecting locally relevant and widely acceptance for legitimacy. Moreover, its success depends on open dialogue, credible reforms and inclusive negotiation that balance autonomy demand and fostering unity among all groups.

The experiences of India and Ethiopia provide contrasting lessons for Myanmar's federal transition. Ethiopia's ethnic federalism failed largely because it rigidly embedded ethnicity into the political and constitutional structure, granting each ethnic state extensive autonomy, including the right to secede. This design, combined with the dominance of the Tigrayan-led EPRDF, enabled elite capture and ultimately fueled armed conflict, deepening fragmentation and weakening national unity. In contrast, India's approach to ethnic and linguistic diversity achieved partial success because it balanced regional autonomy with a strong central authority. Through pragmatic measures such as the States Reorganization Act, coalition politics and flexible recognition of linguistic and ethnic demands, India accommodated diversity while maintaining the integrity of the Union and fostering dual loyalties to both state and nation. For Myanmar, these cases suggest that a successful federal system also requires flexibility, inclusive negotiation, credible central authority and mechanisms to prevent elite domination while avoiding rigid ethnic entrenchment that could exacerbate divisions.

Apparently, adopting ethnic federalism in Myanmar could carry both risks and opportunities. If it is carefully designed to fit the country's unique context, it can help address long-standing ethnic grievances and promote inclusiveness. However, without genuine political will and open dialogue, it could deepen

divisions and instability. Whether based purely on ethnicity or through a mixed approach, its success depends on all political stakeholders prioritizing cooperation over competition and balancing national unity with ethnic identity. When every group feels equal ownership and belonging in a union of equals, ethnic federalism can give a golden chance to build trust and support lasting peace to become a real pathway toward a fair and stable federal union.

7. Recommendation

THE FOREMOST PRIORITY for Myanmar's federal transition is building trust among all stakeholders through inclusive and bottom-up participation. Decades of centralized military rule, repeated broken promises and top-down political processes have created deep mistrust between ethnic organizations, civil society, local communities and state-level actors. Without genuine involvement from these groups, federal reforms will undermine effectiveness. To address this, Myanmar should establish regular intergovernmental dialogues, inclusive consultation platforms and mechanisms for community participation to ensure that federal arrangements reflect the needs and aspirations of all communities. Transparent communication and consistent involvement across all levels of government will help prevent misunderstandings and set the foundation for building trust.

At the same time, Myanmar needs a flexible federal model that balances ethnic autonomy with national unity. Lessons from Ethiopia show that elite dominance federalism can deepen divisions and trigger conflict while India demonstrates that adaptable federal arrangements, which recognize diversity while maintaining strong central coordination, can promote stability and cohesion. For Myanmar, this means avoiding elite-driven or imposed federal structures that ignore local realities. Instead, the country should build a federal system that responds to current political dynamics and supports emerging bottom-up initiatives from grassroot level. Such an approach ensures that federalism is inclusive, locally relevant and adapted to avoid political fragmentation.

Finally, mitigating risks and maximizing the opportunities of ethnic federalism requires a clear, phased roadmap with practical goals. Because Myanmar's political environment is fragile and transitional, sudden or rigid federal restructuring could intensify tensions. So, a safe and effective federal transition in Myanmar requires that the initial steps go beyond symbolic or outward measures. For instance, building institutional capacity should begin internally by managing resources carefully, developing robust organizational structures, upgrading skills and improving procedures to support stakeholder engagement and intergovernmental coordination, that is thoughtfully designed to enable meaningful, two-way dialogue among all key actors. These foundations, in turn, allow to ensure transparency, informed decision-making and trust-building without dominance by any single group. Together, these elements create a federal system that is credible, inclusive and capable of balancing regional autonomy with national unity.

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References

Anderson, L. (2014). Ethnofederalism: The worst form of institutional arrangement…? International Security, 39(1), 165–204.

Adeney, K. (2017). Does ethnofederalism explain the success of Indian federalism? India Review, 16(1), 125–148.

Abrahan, & Siriwato, S. (2022, April 29). Examining the peace process in Myanmar: A case study of Nationwide Ceasefire Agreement (NCA) related to the 2021 military coup. In Proceedings of the RSU International Research Conference 2022. Rangsit University.

Aung Ko Ko, Rhoads, E. L., Nan Tinilarwin, Aung, W. B., & Khaing, Y. T. (2024). Beyond federalism? Inclusion, citizenship, and minorities without territory in Myanmar's Spring Revolution. Journal of Contemporary Asia, 54(5), 938–961.

Aragaw, B. A. (2024). Challenges to national unity in Ethiopia: An in-depth analysis from post-1991 to post-2018. Cogent Social Sciences, 10(1), 2381815.

Brett, P., & Kyaw Yin Hlaing. (2020). Myanmar's 1982 citizenship law in context (Policy Brief Series No. 122). Torkel Opsahl Academic EPublisher (TOAEP).

Committee Representing Pyidaungsu Hluttaw (CRPH). (2021, April 1). Federal Democracy Charter.

Dolan, R. (2016, August 6). The problem with the 21st Century Panglong Conference. Academia.

Habtu, A. (2003). Ethnic federalism in Ethiopia: Background, present conditions and future prospects. International Conference on African Development Archives, 57.

He, B. (2012). The federal solution to ethnic conflicts. Nationalism and Ethnic Politics, 18(1), 1–26. Routledge.

Ishiyama, J. (2023). Does ethnic federalism lead to greater ethnic identity? The case of Ethiopia. Publius: The Journal of Federalism, 53(1), 82–105.

International IDEA. (2022, February). Myanmar's Federal Democracy Charter: Analysis and prospects. International Institute for Democracy and Electoral Assistance.

Keil, S. (2012). Federalism as a tool of conflict-resolution: The case of Bosnia and Herzegovina. L'Europe en Formation, 54(363), 205–218.

Kipgen, N. (2018). The quest for federalism in Myanmar. Strategic Analysis, 42(6), 612–626.

Loong, S. (2022, April 7). The Karen National Union in post-coup Myanmar. Stimson Center.

Mitra, S. K. (2001). Language and federalism: The multi-ethnic challenge. International Social Science Journal, 53(167), 41–52.

Ong, A. (2021). Ethnic Armed Organisations in post-coup Myanmar: New conversations needed (ISEAS Perspective No. 79, 2021). ISEAS – Yusof Ishak Institute.

Sao Singha (Trans.). (1961, February 25). Shan Federal Proposal (Federal Amendment Proposal). Shan State Steering Committee.

South, A. (2021). Towards "emergent federalism" in post-coup Myanmar. Contemporary Southeast Asia, 43(3), 439–460.

Tun-Aung-Shwe. (n.d.). Federalism in Myanmar [PDF]. Melbourne Law School.

Thant Myint-U. (2021, June 11). Myanmar's coming revolution: What will emerge from collapse? Foreign Affairs.

The Panglong Agreement. (2024, February 12). United Nations Peacemaker.

The Constitution of the Union of Burma. (1947). AsianLII. The Constitution of the Socialist Republic of the Union of Burma [The 1974 Constitution] (Burmese). (1974, January 3). Government of the Union of Burma.

Walton, M. J. (2008). Ethnicity, conflict, and history in Burma: The myths of Panglong. Asian Survey, 48(6), 889–910.

Watts, R. L. (1998). Federalism, federal political systems, and federations. Annual Review of Political Science, 1, 117–137.edu. https://www.stimson.org/2022/the-karen-national-union-in-post-coup-myanmar/

Myanmar Peace Monitor. (2025, September 17). Kachin Political Interim Coordination Team (KPICT). https://mmpeacemonitor.org/en/key-actor-to-watch-en/kachin-political-interim-coordination-team-kpict/

Khonumthung. (2024, September 24). 9 state/ethnic representative councils including EROs to work together for stronger federal union. https://khonumthung.org/english/9-state-ethnic-representative-councils-including-eros-to-work-together-for-stronger-federal-union/

National Unity Government (NUG). (2024, January 31). Joint position statement by allied organizations towards annihilation of military dictatorship and establishment of a federal democratic union. https://nugmyanmar.org/announcement/joint-position-statement-by-allied-organisationsengaged-in-revolutionary-struggletowards-annihilation-of-military-dictatorshipand-establishment-of-a-federal-democratic-union/

Shan News. (n.d.). Shan State democratic rights in the Union: lower house and nationalities chamber allocations. https://english.shannews.org/archives/14462

Myanmar Now. (2025, January 12). မြေပုံသွင်းသည့်ဖက်ဒရယ်အာဏာ ပြင်ဆင်ချက် စိစစ်မှု . https://myanmar-now.org/mm/news/64743

Progressive Voice Myanmar. (2025, February). Joint statement. https://wp.progressivevoicemyanmar.org/wp-content/uploads/2025/02/Joint-statement.pdf

Women of Burma. (2021, November). NUCC statement. https://www.womenofburma.org/sites/default/files/2021-11/NUCC-Statement-En.pdf

The Irrawaddy. (n.d.). Timeline: 70 years of ethnic armed resistance movements in Myanmar. https://www.irrawaddy.com/specials/timeline-70-years-ethnic-armed-resistance-movements-myanmar.html

Council on Foreign Relations. (n.d.). History of Myanmar: Coup, military rule, and ethnic conflict. https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya

Radio Free Asia. (2016, July 5). Myanmar's Panglong peace conference to include all armed ethnic groups. https://www.rfa.org/english/news/myanmar/myanmars-

panglong-peace-conference-to-include-all-armed-ethnic-groups-07052016152026.html

Vice. (n.d.). Myanmar's national ceasefire agreement to end 68-year civil war isn't all that national. https://www.vice.com/en/article/myanmars-national-ceasefire-agreement-to-end-68-year-civil-war-isnt-all-that-national

Chiang Mai University, SPP. (n.d.). Unpacking hopes and fears: Understanding narratives after the 2021 coup in Myanmar. https://spp.cmu.ac.th/unpacking-hopes-and-fears-understanding-narratives-after-the-2021-coup-in-myanmar/

Comparative Jurist. (2019, December 12). Amending the 2008 Myanmar constitution. https://comparativejurist.org/2019/12/12/amending-the-2008-myanmar-constitution/

Fletcher Forum of World Affairs. (2022, June 22). Renewed hope for a federal democracy in post-coup Myanmar. https://www.fletcherforum.org/home/2022/6/22/renewed-hope-for-a-federal-democracy-in-post-coup-myanmar

Fulcrum Singapore. (n.d.). Myanmar's National Unity Consultative Council: A vision of Myanmar's federal future. https://fulcrum.sg/myanmars-national-unity-consultative-council-a-vision-of-myanmars-federal-future/

SuperKalam. (n.d.). Government of India Act 1935: Features and its role in federal constitution. https://superkalam.com/upsc-mains/topics/government-of-india-act-1935-features-and-its-role-in-federal-constitution

Testbook. (n.d.). India after independence timeline. https://testbook.com/ias-preparation/india-after-independence-timeline iPleaders. (n.d.). Federalism under the Indian constitution? https://blog.ipleaders.in/what-is-federalism/

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Thailand Between Refuge and Future: Temporary Protection and Stepping-Stone Migration among Young Myanmar Diaspora

MINN MYO SAK

Abstract

This study examines the migration experiences of young Myanmar diaspora in Thailand following the enforcement of the People's Military Service Law on 10 February 2024. Drawing on qualitative interviews with 15 young Myanmar migrants aged 21 to 30 residing in Chiang Mai and Bangkok, the study explores how and why young people leave Myanmar, how they navigate temporary safety and legal insecurity in Thailand, and how they anticipate their future trajectories. The findings reveal that Thailand functions as both a *temporary refuge* and a *stepping-stone* for young Myanmar migrants. The decision to leave was primarily driven by immediate security concerns, particularly the threat of military conscription. For most respondents, migration was not a planned life transition but an urgent response to personal danger, with Thailand chosen for its geographic proximity, accessible entry pathways, and established migrant networks. Upon arrival, respondents experienced a fundamental contradiction: Thailand provided physical safety from the dangers in Myanmar, but their legal status remained temporary and conditional. This legal precarity shaped their everyday lives, limited their employment options, created financial difficulty, and generated constant anxiety about immigration enforcement. All respondents expressed a strong desire to return to Myanmar if political conditions improve, but most acknowledged that return was not possible while political instability continued. Most also considered onward migration to a third country as a more practical long-term option, viewing Thailand as a stepping-stone to more stable destinations elsewhere. Only a minority considered remaining in Thailand long-term if the other options are unavailable. The study can highlight how crisis-induced migration intersects with temporal uncertainty and legal precarity, influencing young migrants' experiences and future aspirations, and how aspirations for safety, opportunities, and stability interact within constrained migration pathways.

Keywords: Myanmar youth diaspora, Thailand, conscription law, temporary protection, legal precarity, stepping-stone migration

1. Introduction

SINCE THE MILITARY took power in Myanmar on February 1, 2021, the country has faced a severe social, political, and economic crisis. The military's seizure of power from the democratically elected government led to widespread civil disobedience, increased armed conflict, and the breakdown of essential services including healthcare, education, and the rule of law (Tun, 2022; Jaehn, 2023). Citizens have experienced profound insecurity, made worse by the military government's poor management, its use of the COVID-19 pandemic to strengthen its control (Passeri, 2022), and its systematic repression of political opponents through arrest, killing, and torture (Htun, 2024). The humanitarian situation has become extremely serious, with almost half the population living below the poverty line (UNDP, 2025b) and more than 3.3 million people displaced within the country as of September 2024 (UNHCR, 2024).

Young people have been particularly affected by this crisis. Individuals aged 15 to 35 make up one-third of Myanmar's population and half of its workforce (UNDP, 2025a). Their education, employment opportunities, and hopes for the future have been disrupted by the collapse of economic and social structures, ongoing armed conflict, and the denial of basic rights (UNDP, 2025b). Since the coup, an estimated 300,000 to 500,000 young people have left the country due to the various challenges they have been facing, ranging from a significant decrease in employment opportunities, violent armed conflicts, deprivation of human rights, limited access to educational opportunities, lack of security and safety, and fear of conscription law, as well as the other personal and family reasons and in search of better living conditions (UNDP, 2025b).

One of the most important recent factors pushing people to leave has been the enforcement of the People's Military Service Law on February 10, 2024. This law requires all male citizens aged 18 to 35 and female citizens aged 18 to 27 to perform compulsory military service (ISP, 2024). The law targets an estimated 14 million young people (ISP, 2024) and has turned general political instability into a direct and personal threat. The State Administration Council (SAC)

announced plans to recruit 60,000 people each year, starting with 5,000 recruits per month from April 2024 (ISP, 2024). This conscription law has significantly changed how young Myanmar citizens think about migration and remaining in Myanmar, pushing many to leave the country to avoid being forced to serve in the military (van Asselt et al., 2025).

Thailand has become the main destination for Myanmar nationals displaced after the coup. Sharing a border of over 2,400 kilometers with Myanmar, Thailand hosts the largest bilateral migration route in Southeast Asia (IOM, 2024; IOM, 2025). As of July 2024, an estimated 4.18 million Myanmar nationals were living in Thailand, with 1.8 million in irregular situations (IOM, 2024; IOM, 2025). After the conscription law was announced, entries to Thailand from Myanmar peaked in March and April 2024, with more than 330,000 people recorded by IOM, compared to 96,000 entries in the same period the previous year (IOM, 2025). While migration from Myanmar to Thailand has existed for a long time, the post-coup period has turned it into a central hub for many displaced young people, including students, activists, civil servants who took part in the Civil Disobedience Movement (CDM) to oppose the military government, and migrant workers. Bangkok and Chiang Mai have become key urban centres for their opportunities.

Because of the complex nature of migration caused by the military coup, young Myanmar diaspora members face complicated realities and multiple forms of vulnerability. They must assess competing political institutions and authorities in Myanmar, manage their legal and employment status in Thailand, and make plans for their future under conditions of great uncertainty. According to UNDP (2025b), 90 percent of young people who intend to migrate strongly want to return home if political and economic conditions in Myanmar improve, and 45 percent are optimistic that conditions will improve in the next five years. Their future aspirations — whether to return to Myanmar, settle in Thailand, move to another country, or engage in political activities from abroad — are apparently shaped by a combination of personal, political, economic, and security considerations.

This research paper examines the migration experiences of young Myanmar diaspora in Thailand through three central research questions: (1) How and why do young Myanmar migrants move to Thailand in response to political insecurity, armed conflict, and the threat of military conscription? (2) How do young Myanmar migrants experience and manage temporary safety and legal insecurity while living in Thailand? (3) How do young Myanmar migrants imagine and negotiate their future paths between returning to Myanmar, staying in Thailand, and moving to a third country? Drawing on a comprehensive review of the literature and empirical research conducted with young Myanmar migrants in Thailand, this paper argues that Thailand serves as both a temporary refuge and a stepping-stone for young Myanmar migrants, providing immediate physical safety while also exposing them to uncertain legal status, limited employment opportunities, and unclear futures.

2. Literature Review

2.1 Changes in Migration Drivers: From Economic to Security Concerns

THE MIGRATION SITUATION in Myanmar has changed dramatically since the military coup of February 2021. While migration has long been part of Myanmar's social fabric, as the saying goes about moving "where there is clear water and fresh green grass". (Tun, 2022, p. 3). However, the period after the coup has introduced different kinds of drivers and patterns that need careful study.

Earlier research on migration from Myanmar mostly focused on economic reasons as the main drivers, with labour migration being the main way to understand movement across borders (Tun, 2022). A 2019 survey across Ayeyarwaddy and Mandalay Regions, and Rakhine and Shan States found that about one-quarter of all households had at least one member who had migrated, showing established patterns of movement within and outside the country driven by economic reasons and, in some cases, natural disasters such as Cyclone Nargis in 2008 (Tun, 2022). The International Food Policy Research

Institute estimates that between December 2021 and June 2024, approximately 17 percent of Myanmar's total population, about 9 million people aged 15 and above, migrated within the country or internationally (van Asselt et al., 2025). This shows a major increase in migration which has significantly changed the country's population patterns.

The 2021 coup fundamentally changed the reasons for migration. According to Tun (2022), security concerns have become more important than economic reasons as the main driver, creating patterns of displacement involving three key groups, namely, people directly involved in anti-coup movements, those who supported the resistance through the Civil Disobedience Movement, and people SAC considered politically suspicious. The UNDP's Myanmar Youth Survey 2024 found that approximately 40 percent of young people surveyed would consider leaving the country if they had the chance (UNDP, 2025b). The main reasons were lack of economic and employment opportunities (75 percent), armed conflict (22 percent), and lack of human rights (12 percent) (UNDP, 2025b). These findings show that migration decisions are now shaped by factors that are connected and often overlap — conflict, insecurity, and conscription can directly cause migration while also disrupting people's ability to earn a living and limiting their opportunities (UNDP, 2025b). New destinations also set post-coup migration apart from what came before. Unlike people who moved to areas where they already had family or community connections, migrants today often seek safety in "liberated areas" controlled by ethnic armed organisations or in neighbouring countries (Tun, 2022). This change in location reflects the worsening conflict across Myanmar's central areas, including the mainland Bamar regions which had previously been somewhat protected or free from civil war.

2.2 The Conscription Law as a Key Factor Pushing People to Leave

THE ENFORCEMENT OF the People's Military Service Law, popularly known as the conscription law, on February 10, 2024, has been a turning point in migration patterns after the coup. This law has become a key factor pushing people to leave, especially young citizens. Under this law, men aged 18-35 and

women aged 18-27 must serve in the military for up to five years. The government plans to recruit 60,000 people each year from an estimated pool of 14 million young people who are eligible (ISP, 2024; UNDP, 2025b). The SAC announced that 14 million Myanmar citizens — 6.3 million males and 7.7 million females — are eligible for military service, which is more than 27 percent of Myanmar's total population (ISP, 2024).

To understand why this conscription law was introduced, it is important to consider the Myanmar military's declining strength and strategic thinking. Institute for Strategy and Policy (ISP) Myanmar's research shows that military leaders have wanted to increase the Myanmar Armed Forces to about one percent of the country's population since the early 1990s, aiming for more than 500,000 troops (ISP, 2024). However, the military only had over 200,000 forces at its peak, and this number fell before the 2021 coup to about 160,000 soldiers. After the coup, the military's strength dropped further to less than 100,000 because of casualties, health problems, desertions, and officers joining the Civil Disobedience Movement (ISP, 2024). To recover from this loss and regain its previous strength, the army needs about 100,000 new soldiers, with another 400,000 needed to reach its original goal (ISP, 2024). The ISP (2024) has identified mass migration as one of five possible negative results of enforcing the conscription law.

The conscription law has turned general political instability into a direct and personal threat, causing many young people to flee the country. The UNDP (2025b) found that nearly 9 percent of their survey respondents mentioned the conscription law as a reason for considering migration, with the figure rising to 13 percent among male respondents. Reports indicate that after the conscription law was enforced, the number of Myanmar nationals entering Thailand increased greatly. The International Organization for Migration estimated that about 1.3 million Myanmar nationals entered Thailand in 2024 alone (UNDP, 2025b). The Royal Thai Embassy in Yangon announced in the immediate aftermath of the activation of the conscription law that they could only process 400 visa applications per day as applications flooded in, with Thailand becoming the immediate and popular destination for people fleeing the conscription law (ISP, 2024). Data from the Myanmar Household Welfare

Survey provides clear evidence of how conscription has affected migration patterns. Between September-November 2023 and April-June 2024, the percentage of households with a female aged 17-35 living in the household fell by 6 percentage points from 56 to 50 percent, while the percentage with a male aged 17-35 fell by 7 percentage points from 48 to 41 percent (van Asselt et al., 2025). This significant drop in the number of households with members in conscription-eligible age groups, while other age groups remained stable, strongly suggests that young people were leaving to avoid military service. Using a special survey method to estimate the percentage of households that had a member move abroad because of conscription, van Asselt et al. (2025) found that six percent of households nationally had a member move abroad because of conscription, with 16 percent of households in Yangon having a member move abroad for this reason.

2.3 Thailand as a Destination: Proximity, Access, and Migrant Networks

THAILAND'S EMERGENCE AS the primary destination for young Myanmar migrants following the 2021 coup can reflect a combination of geographic proximity, established migration infrastructure, and perceived opportunities for safety and survival. The Thailand-Myanmar border, spanning over 2,400 kilometers, represents the largest bilateral migration corridor in Southeast Asia and ranks among the 20 largest migration corridors globally (IOM, 2024; IOM, 2025). For young people fleeing political violence and the threat of conscription, this shared border offers the most immediate and accessible route to physical safety outside Myanmar.

The decision to choose Thailand is not simply a matter of convenience but depends on the existence of well-established migration networks and pathways which has pre-existed before the coup. Prior to 2021, an estimated three million Myanmar migrant workers were already residing in Thailand, creating social networks that facilitate future migration (IOM, 2025; Tun, 2022). These networks provide crucial information about entry routes, employment opportunities, and survival strategies, reducing the uncertainty and risks associated with migration. As research on migration networks demonstrates, the

presence of established communities in destination countries also acts as a pull factor, reducing migration costs and providing support to new arrivals (IOM, 2025). For Myanmar youth making urgent decisions about their safety, these pre-existing networks offer a vital resource.

The nature of migration to Thailand has shifted significantly since the coup. While economic migration has long been the dominant driver, the post-coup period has seen a notable increase in young people fleeing security threats. IOM monitoring data indicates that 44 percent of long-term Myanmar nationals entering Thailand had no documentation, exposing them to higher risks of violence, exploitation, and abuse (IOM, 2025). This high rate of undocumented entry reflects both the urgency of departure and the barriers to accessing regular migration pathways. As one study found, many young people leave without secure employment, long-term legal status, or clear educational plans, often entering situations of uncertainty and precariousness after arrival (IOM, 2025).

The profile of migrants has also diversified. Prior to the coup, most Myanmar migrants to Thailand were from border states such as Karen, Kayin, and Mon states (Tun, 2022). However, the post-coup period has seen increased migration from Yangon, Mandalay, and other major cities, including professionals, students, and civil servants who had previously been less likely to migrate (IOM, 2025). This shift reflects the broad nature of the security threat following the coup and the enforcement of the conscription law, which affects young people across Myanmar, not only those from border regions. The diversification of migrant profiles has implications for destination choices, with cities like Bangkok and Chiang Mai becoming key hubs for educated youth seeking education, employment, or onward migration opportunities.

2.4 The Theoretical Framework

THE MYANMAR CASE after the coup can contribute to broader theoretical discussions about migration caused by crisis, displacement, and refuge. Scholars have distinguished between “conventional migration” driven by economic reasons and “migration caused by crisis” emerging from political violence and instability (Tun, 2022). However, the Myanmar case shows how

these categories often overlap, as migrants seek safety while also looking for education, employment, and personal development opportunities.

In this context, Hein de Haas's (2021) aspirations-capabilities framework can offer a useful way to understand the complex dynamics of migration after the coup. According to this framework, migration can be seen as a result of both people's desire to move and their ability to do so. de Haas, 2021 asserts that migration is not only a response to poverty or conflict but also a reflection of more complex dynamics where people's desire to migrate often increases when their economic and social conditions improve. In the Myanmar context, the UNDP (2025b) found that young people with higher education are significantly more likely to consider migration because they have better job prospects, social networks, financial resources needed for migration, and a stronger sense of control over their lives. This pattern suggests that people's desire to migrate is influenced not just by desperation but by how they see opportunities and resources available to them.

The aspirations-capabilities framework can also help explain the barriers facing people who want to migrate. The UNDP (2025b) found that nearly half of respondents who expressed an interest in migration do not have valid travel documents, and over 90 percent have never had such documents. Administrative barriers introduced by the SAC have further limited people's ability to migrate, including restrictions on passport applications for young men of conscription age, suspension of existing permits, and limits on changing Passports for Job to Passports for Visit (UNDP, 2025b). Those who cannot afford migration costs often rely on small loans or informal borrowing to pay for their journey, with the International Food Policy Research Institute (IFPRI) suggesting that 75 percent of migrants or their families took out loans to pay for migration (UNDP, 2025b).

The concept of "frustrated migration" can highlight the situation where people want to migrate but cannot because they lack the means. This creates vulnerability and desperation that can lead to irregular migration (de Haas, 2021). This is particularly clear in the Myanmar context, where people who want to migrate face financial limits, legal restrictions, and few legal pathways

for migration. As one focus group participant from Yangon noted: “I want to go abroad for educational purpose. However, leaving the country is financially burdensome... Migrating to a foreign country is only feasible when one is financially strong” (UNDP, 2025b, p. 15).

While the aspirations-capabilities framework offers a strong account of why people leave Myanmar, it cannot explain what happens after departure. The framework locates capabilities largely in the conditions of the origin country, such as income, education, documents, and networks, and treats migration as the outcome of these conditions. It fails to pay attention to where migrants actually end up, to the countries they pass through, and to the way migration plans are revised over time. For young Myanmar migrants in Thailand, this gap is important because their capabilities do not remain fixed once or after they cross the border. They experience and are reshaped by the illegal, partially (il)legal, or legal statuses Thailand offers them.

Therefore, two more concepts are brought in. The first concept is liminal legality (Menjívar, 2006). Liminal legality describes the situation of migrants who are neither fully undocumented nor securely regularized. Such migrants occupy a prolonged grey zone of temporary, conditional and revocable status. Liminal legality can, therefore, explain how such a status shapes everyday life, employment, income, and emotional wellbeing of migrants. It can also explain how legal ambiguity is not a phase with a start and an end but an ongoing condition. It explains why Myanmar youth in Thailand still view Thailand as physically safe while still experiencing constant insecurity and liminal legality.

The second concept is stepwise migration (Paul, 2011). It describes how migrants with limited resources move through a hierarchy of destinations rather than travelling directly to a preferred country. Migrants accumulate financial, social, and documentary capital at each stage. An intermediate country becomes a means of eventually reaching a more desired one. This concept can help explain why most respondents view Thailand as a stepping-stone rather than a destination. It also complements the aspirations-capabilities framework by showing that aspirations are not settled at the moment of departure but are

continually reassessed as capabilities are gained or lost along the way. Taken together, these concepts extend rather than replace de Haas's framework.

2.5 Return Intentions and Future Aspirations

ACCORDING TO FINDING from recent research, there is a strong hope among young Myanmar migrants to eventually return to their homeland. The UNDP (2025b) found that nearly 90 percent of those who expressed an intent to migrate also expressed a willingness to return to Myanmar if political and economic conditions improve. This high rate of return intention, which is consistent across different demographic groups, suggests that migration is seen as a temporary strategy for survival rather than a permanent decision to leave the homeland. The question of time is also important in understanding migration aspirations. Despite widespread dissatisfaction with the country's current direction, with over 55 percent of young people believing Myanmar is heading in the wrong direction, 45 percent of young respondents believe their lives will be better or much better within the next five years (UNDP, 2025b). This cautious optimism suggests that young people still hope for political change and improved conditions, which supports their willingness to consider returning. Notably, young people considering migration are more pessimistic about peace, with 23 percent believing peace cannot be achieved compared to 13 percent of those who do not consider migrating (UNDP, 2025b). Those who do not intend to return are significantly more pessimistic, with 38 percent doubting peace compared to 21 percent among those who wish to return (UNDP, 2025b).

Aung Tun (2022) observes that Rakhine migrants who previously left for work have become soldiers fighting against regime forces, showing how migration can serve revolutionary purposes when return is motivated by political commitment rather than economic calculation. The Rakhine case shows how migration can be a temporary stage in a longer path of political involvement, with migrants returning home to pursue "the collective Arakan nationalist dream instead of their personal dreams of a better life outside the state" (Tun, 2022, p. 2). Chambers and Saw Ner Dhu Da (2024) note that despite the frustration, lack of progress, and hardship experienced by some young people,

hope remains a central theme in their stories. As members of the revolutionary vanguard, they share a common experience of continuing resistance to military authoritarianism and hope for a more just and equal future, fundamentally rejecting the military's continued role in politics.

3. Methodology

THIS STUDY EMPLOYED a qualitative research design to explore the migration experiences of young Myanmar diaspora in two big cities in Thailand, Bangkok and Chiang Mai. The research aimed to understand how young migrants experience and make sense of their migration journeys, their legal and employment status in Thailand, and their future aspirations.

Participants were recruited through purposive and snowball sampling methods. The study targeted young Myanmar migrants aged 18-35 who had left Myanmar after 10 February, 2024, when the State Administration Council of Myanmar declared the enforcement of the People's Military Service Law. The respondents had been living in Bangkok and Chiang Mai more than six months at the time of the interviews. The sample consisted of 15 respondents (10 male, 4 female, 1 non-binary) aged 21 to 30 years. Participants resided in Chiang Mai (n=10) and Bangkok (n=5).

Data were collected through semi-structured in-depth interviews conducted online between May and July 2026. Interviews were conducted in Burmese and lasted between 45 and 60 minutes. With participant consent, interviews were audio-recorded and later transcribed, and transcripts were translated into English for analysis. Participants were assigned pseudonyms (P.1 to P.15) to protect their identities.

Table 1. Respondent List

No.	Respondent No.	Age	Gender	Residence	Current Occupation	Visa Status	Interview Date
1	P. 1	30	Male	Chiang Mai	News editor	Non-LA	8 May, 2026

No.	Respondent No.	Age	Gender	Residence	Current Occupation	Visa Status	Interview Date
2	P. 2	23	Male	Chiang Mai	Part-time civic education and human rights instructor (online)	Non-LA	8 May, 2026
3	P. 3	29	Male	Chiang Mai	NGO staff member/Part-time student	Non-ED PLUS	12 May, 2026
4	P. 4	28	Female	Chiang Mai	Full-time student	Non-ED PLUS	20 May, 2026
5	P. 5	24	Male	Chiang Mai	Part-time student	Non-ED (Language Programme)	20 May, 2026
6	P. 6	27	Non-binary	Bangkok	Freelancer (media and entertainment industry)	DTV	10 June, 2026
7	P. 7	28	Male	Bangkok	Bartender	Non-LA	17 June, 2026
8	P. 8	23	Female	Chiang Mai	Full-time student (online)	Non-ED PLUS	18 June, 2026
9	P. 9	23	Male	Bangkok	Full-time student (online)/Sale associate	Non-LA	5 July, 2026
10	P. 10	22	Male	Bangkok	Full-time student (online)	Non-LA	11 July, 2026
11	P. 11	21	Male (LGBTQ+)	Chiang Mai	Full-time student	Non-ED PLUS	12 July, 2026
12	P. 12	23	Female	Chiang Mai	Full-time student	Non-ED PLUS	12 July, 2026
13	P. 13	27	Male	Bangkok	Full-time student	Non-ED PLUS	14 July, 2026
14	P. 14	23	Male	Chiang Mai	Part-time student	Non-ED (Language Programme)	26 July, 2026
15	P. 15	29	Female	Chiang Mai	Full-time student	Non-ED PLUS	26 July, 2026

4. Findings and Analysis

4.1 Thailand as a Temporary Refuge and Stepping-Stone

THE CENTRAL FINDING of this study is that Thailand plays a role as a temporary refuge and a stepping-stone for young Myanmar migrants who left Myanmar because of security concerns, political instability, and the introduction of the military conscription law. For the respondents, Thailand provided a safer environment in which they could continue their education, seek

employment, and rebuild their lives after leaving Myanmar. They saw Thailand as a place where they could escape the immediate dangers they faced in Myanmar. However, most of them generally did not consider Thailand as their final destination or permanent home. The country was viewed by them as a temporary place to stay until conditions in Myanmar became safe enough for them to return. All of the respondents expressed a desire to return to their homes or places of origin, but they said that returning was not possible while arrests, killings, and oppression continued in Myanmar. Most of them also had intentions to move to a third country. Only a smaller number of respondents considered remaining in Thailand if other options were unavailable. Therefore, for young Myanmar migrants, Thailand is a place which can provide considerable physical security and opportunities for education, employment, and personal development to allow young people to move away from the immediate threats in their home country, Myanmar, while keeping their longer-term options open.

When asked about his desire to return to Myanmar rather than stay in Thailand or relocate elsewhere, Respondent P. 1 emphasised the professional necessity of remaining tied to his homeland:

> *My professional work is about living in closest proximity to the Myanmar public. We have to uncover, define, and explain the realities of the Myanmar public. If we go to another country, we will only get further away from the lives of the people. If we are far from the public's lives, we cannot continue this work... To see, understand, and view everything clearly and firsthand, we think about going to the place closest to the Myanmar public.*

He further clarified that his return also depends directly on the broader political trajectory. Under the current political conditions in Myanmar, returning to major urban centres remains impossible:

> *"Under current conditions, we cannot go and live in big cities like Yangon or Mandalay where we used to live. We would only be able to go and live in a liberated zone."*

Respondent P. 2 described his perception of living in Thailand primarily as a transitional sanctuary rather than a true homeland:

> *I don't feel like I have arrived at my own home or village... I regard my current place of residence not as a long-term home, but merely as a place to take temporary shelter.*

He also noted a high intention (90 percent) to return home once he completes his master's degree in Thailand, emphasising that Myanmar remains his true home where his family resides:

> *Thailand feels like a temporary resting place and not 'my home.' Because my family, including my mother, is in Myanmar, I only want to return to Myanmar, which is my true home.*

However, the respondent recognised that ongoing conflict and political instability can interrupt his plans to be realised. When reflecting on the reality of deteriorating conditions inside Myanmar, P. 2 acknowledged the barriers to returning to Myanmar. Even in this case, rather than settling permanently in mainland Thailand, he wanted to choose an alternative way to live along the Thai-Myanmar border areas:

> *At times like this, returning to Myanmar will be quite difficult. In this case, I consider settling along the Thai-Myanmar border, the closest place to Myanmar, to work for the welfare of Myanmar citizens and migrants in the border area, or to engage in political work from the border.*

Similarly, Respondent P. 4 shared the view that Thailand functions as a vital educational refuge while simultaneously serving as a stepping-stone to a third country due to structural limitations on long-term settlement in the kingdom. The respondent thought that while Thailand provides immediate refuge, legal and structural boundaries make long-term settlement nearly impossible for young graduates. Institutional barriers within the Thai education system combine with a highly competitive job market to restrict permanent integration:

> *I cannot settle in Thailand long-term. As an international student, the law prevents me from legally working. The job market in Chiang Mai is extremely competitive. Even to apply for jobs in Myanmar NGOs in Thailand, they are dominated by experienced NGO workers and heavily reliant on personal networks. Fresh graduates face frequent rejections.*

Despite her strong emotional attachment to her homeland and a deep personal goal to contribute to her community, returning to Myanmar remains an impossible option under present conditions. Her hometown remains an active war zone, and her family has urged her to stay abroad to ensure her safety:

> *My home is in a war zone, and my family strongly insists that I do not return, even telling me to focus on surviving on my own rather than trying to come back. My original dream was always to return and work directly for the education of vulnerable children in my community, but under current conditions, that path is blocked.*

Caught between the impossibility of returning to a war zone and the legal constraints of remaining in Thailand, the respondent shared a common view of secondary migration. She saw her time in Thailand as a temporary phase to build resilience, maintain remote volunteer ties with Myanmar education initiatives, and prepare for migration to a third country:

> *Migrating to a third country is the most practical path forward for me. My goal is to secure another international scholarship in a third country that allows students to work legally, so I can continue my education, support myself, and send money back to my family.*

Respondent P. 15 also echoed the sentiment of viewing Thailand as a transitory dwelling, emphasising the practical barriers to making it a permanent home:

> *I do not see Chiang Mai as a place to settle permanently. It is just a stepping-stone and a temporary place for the journey ahead.*

Her inability to consider a long-term future in Thailand stems not only from a preference for secondary migration, but also from severe legal and financial constraints. As an international student, her visa status restricts formal employment, leaving her in a precarious state of financial hardship after her scholarship ended:

> *I have no steady income now and have to rely on temporary loans from friends and family. The recurring visa extension costs are high, and job opportunities for foreign students are heavily restricted. Thailand just isn't viable as a permanent base.*

Despite her deep emotional connection to her hometown in Myanmar, Respondent P. 15 explained that returning to Myanmar is structurally impossible under the military regime, particularly due to the enforcement of the conscription law:

> *I miss home and really want to return because of my family, but under the current conditions, it is just not possible. The military conscription law leaves no security, even for women. I have zero intention of serving in the military, and going back would mean losing my future with no chance of leaving again.*

She further highlighted how the physical collapse of infrastructure in her home region acts as a structural barrier to returning, cutting off any possibility of professional or academic continuity:

> *In Myitkyina, [my home town], even Starlink is uncertain. Without internet, you are completely disconnected from the world, and all information and opportunities to apply for jobs or university programmes will disappear.*

Faced with the impossibility of returning home and the legal limits of remaining in Thailand, the respondent shares the dominant trajectory among young migrants who view Thailand as a temporary refuge, with a plan of secondary migration to a third country:

> *Thailand was actually my last choice after getting visa rejections elsewhere. Now, my main goal is to gain work experience while simultaneously applying for jobs abroad and university opportunities in third countries. I want to move to a more advanced community in Europe for a second Master's degree.*

While Thailand provided the physical security and academic infrastructure unavailable in Myanmar after the 2021 military coup, another respondent, P. 13, also viewed Thailand as a temporary harbour rather than a permanent destination. His long-term aspirations remain deeply tied to the political restoration of his homeland and depend on fundamental political reform:

> *I will only return if the political situation improves significantly. If I go back, I want to contribute directly to Myanmar's education sector. But under current military rule, authoritarian governance has severely*

> *disrupted basic living conditions, forcing citizens into daily survival mode where civic or educational progress is impossible.*

Recognising that structural conditions inside Myanmar may not improve in the near future, the respondent thought of a pragmatic, multi-tiered survival strategy, which is common among young migrants in transit. As returning to Myanmar remains impossible and staying long-term in Thailand proves unviable due to structural and language constraints, moving to a third country could be his pathway for his long-term career development:

> *If the political climate in Myanmar continues to deteriorate, building a career in Thailand is an option, but it comes with challenges. To really settle and work here after graduation, attaining intermediate Thai language proficiency is essential, which creates its own pressure. Moreover, although Thailand provides safety and convenience, it also has its own economic and political fluctuations. If neither returning to Myanmar nor remaining long-term in Thailand is viable, I will look towards Europe or the United States. I prefer Western destinations over other Asian countries like Japan or South Korea because my English language proficiency and academic background align much better there without forcing me to learn a new language from scratch.*

The findings show that Thailand functions primarily as a temporary refuge and stepping-stone for young Myanmar migrants who have left Myanmar because of political instability, armed conflict, insecurity, and the threat of military conscription. While Thailand provides physical safety and opportunities for education and personal development, most respondents do not consider it their permanent home due to legal restrictions, limited employment opportunities, financial difficulties, and language barriers. Many remain emotionally and professionally connected to Myanmar and hope to return when political and security conditions improve, while others see migration to a third country as a more practical long-term option. Therefore, Thailand occupies a transitional position in their migration journeys, providing temporary safety while they navigate uncertain futures between the desire to return home and the search for more sustainable opportunities elsewhere.

4.2 Leaving Myanmar: Thailand as an Immediate Response to Insecurity

THE TEMPORARY CHARACTER of Thailand is closely connected to the circumstances under which respondents left Myanmar. For the respondents, the decision to leave Myanmar was primarily associated with insecurity rather than conventional aspirations for migration. Although education and career development were important, the immediate concern was often the possibility of forced conscription and the deterioration of personal safety. In this case, the conscription law, which was set to take effect on 10 February 2024, was particularly important because it transformed broader political instability into an immediate and personal threat for young people of eligible age.

One respondent, P. 6, explained that the decision to migrate was strongly shaped by the threat of compulsory military service, and safety concerns outweighed long-term life planning:

> *If I look at my decision-making breakdown, about 80% was driven by concerns over personal safety, health, and life threats, especially the conscription law, while only 20% was about personal growth or future career considerations.*

The threat of forced conscription was compounded by multi-layered regional instability. In addition to the military junta's conscription enforcement, ethnic youth in their respective territories faced simultaneous pressure and recruitment demands from non-state armed actors, such as the Ta'ang National Liberation Army (TNLA), particularly in P.6's home town. Faced with the total absence of security guarantees, Thailand emerged as the most immediate and viable sanctuary. Upon entering Thailand initially on a two-month Tourist Visa, the primary objective was securing immediate physical safety rather than long-term integration. The respondent reflected on why Thailand was selected over other potential destinations:

> *I chose Thailand because it offered a higher chance of survival compared to other countries. It was the best fit for my personal budget, immediate needs, and what I could realistically manage at the time.*

A similar pattern can also be observed in the experience of Respondent P. 11. He had recently turned 19 when the People's Military Service Law (2010) was enforced starting from February 2024 and therefore fell directly within the junta's target demographic for compulsory military service. Although conscription had not yet occurred in their immediate neighbourhood, reports of recruitment in nearby areas generated considerable concern to prompt departure. With no security guarantees inside Myanmar, departure became an urgent requirement for survival rather than a deliberate, long-term life transition. Because urgent personal safety was the most important reason, time became the critical constraint. Applying for a conventional degree programme would have taken a student several months, whereas a language-school visa could be processed in approximately one month. Therefore, he selected a pathway that allowed them to leave quickly:

> *Applying for a university degree would have taken three to five months, which was too long given the urgency of the conscription threat. The language visa took only a month to process, allowing me to leave as quickly as possible.*

Moreover, to reduce the risk of interception by authorities on Thailand's side, the respondent deliberately bypassed major transit hubs like Bangkok Airport, which had a reputation for rigid immigration checks, by booking a direct flight from Yangon to Chiang Mai.

A similar pattern of immediate response to crisis can be seen in the narrative of another respondent, P. 12. For P. 12, due to the enactment of the conscription law in Myanmar, her home environment was no longer safe. Her family became concerned about her safety following the enactment of the conscription law, given her conscriptable age. Leaving behind her established community and family network, her decision to move into Thailand was driven entirely by physical safety rather than a pre-arranged academic or professional pathway. Coming from a region where local society historically held conservative, negative attitudes towards those migrating to Thailand, often associating such moves with social marginalisation or broken family units, she had to overcome significant social stigma in order to secure her immediate survival:

> *In my home town, people used to look down on those who went to Thailand, thinking their lives were ruined or that they were just going to get into trouble. But when the situation worsened, I couldn't hold onto those perceptions anymore. I had to leave for Chiang Mai simply because I needed a safe place to survive.*

Like many young migrants fleeing sudden political pressures, the respondent arrived in Chiang Mai on a two-month Tourist Visa without a pre-arranged job, secure legal standing, or formal university admission. Her initial months were characterised by extreme precariousness and informal employment. To sustain herself, she took up low-wage work at a local nail shop, where her lack of formal work authorisation and initial language barriers exposed her to workplace risks.

The experience of another respondent, P. 10, can further illustrate how the choice to migrate to Thailand functioned as a rapid, protective response to physical threat rather than a calculated trajectory for career or educational advancement. For him, migration followed repeated nighttime household checks. His family became concerned that he and his brother could be taken or conscripted, and they temporarily stayed in their relatives' houses and hotels to avoid the checks before eventually leaving for Thailand.

Recognising that such temporary evasion was unsustainable and that their sons faced an ongoing threat of forced recruitment, the respondent's parents intervened and arranged an emergency exit to Thailand. In this context, they chose Thailand as the destination not out of long-term preference, but because its geographic proximity and accessible entry pathways offered the fastest route to physical safety. Reflecting on the nature of his displacement, the respondent described his move to Thailand as immediate refuge rather than voluntary economic migration:

> *I didn't leave Myanmar because I had a dream to make a lot of money or work abroad. I left solely because it was no longer safe for me to stay in my home country. It was about immediate survival.*

These findings demonstrate that migration to Thailand was primarily an immediate response to insecurity and threats to personal safety rather than a

conventional migration decision motivated by educational, economic, or career aspirations. For many respondents, the activation of the conscription law created an urgent and personal threat against the backdrop of the broader political crisis in Myanmar into an urgent and personal threat, making departure urgently necessary for their survival. In this case, Thailand became the most accessible and practical destination because of its geographic proximity, relatively affordable travel costs, and faster entry pathways. The respondents' experiences also show that many left without secure employment, long-term legal status, or clear educational plans, often ending up in situations of uncertainty and precariousness after arrival. Therefore, their migration should be understood primarily as a protective response to immediate insecurity, in which Thailand served as the nearest and most viable place of refuge from the escalating threats in Myanmar.

4.3 Legal Status: Temporary Safety Without Permanent Security

THE INTERVIEWS ALSO reveal an important contradiction in young Myanmar migrants' lives in Thailand. For them, crossing the border provided immediate physical safety, yet it cannot necessarily guarantee permanent legal security. For many respondents, obtaining legal permission to enter and remain in Thailand represented an essential form of protection from the political insecurity they had escaped in Myanmar. However, their legal status was often temporary, conditional and subject to renewal, financial resources, educational enrolment or employment requirements. Consequently, legal residence provided a degree of stability in the present, but the longer-term future is still uncertain. This also made legal status a central factor when it comes to shaping how respondents understood Thailand not as a permanently secure destination, but as a place in which they could temporarily remain while continuously negotiating their future.

Respondents entered Thailand through a variety of legal pathways, including Tourist Visa, Non-Immigrant ED (Non-ED) Visa for foreign students who attend short courses, Non-Immigrant ED Plus (ED PLUS) Visa for international students who study at universities in Thailand, Destination Thailand Visa

(DTV) for remote workers and freelancers, or Non-Immigrant L-A (Non-LA) Visa for legal migrant workers from neighbouring countries under Memorandums of Understanding (MOU) frameworks, such as Cambodia, Laos, and Myanmar. These different forms of documentation were not simply administrative categories. They directly shaped respondents' everyday lives and future opportunities. Visa status influenced whether they could study, work legally, earn an independent income, access formal labour protections and remain in Thailand without fear of immigration-related consequences. The interviews with Myanmar youth in Chiang Mai and Bangkok show that legal status was closely connected to respondents' broader sense of security. Even though escaping Myanmar could address the immediate danger associated with conflict and conscription, obtaining and maintaining legal status became a new and continuing challenge after arrival in Thailand.

For instance, one respondent, P. 1, who fled Myanmar following conscription pressures, initially crossed using a 14-day Tourist Visa:

> *At first, I came in with a Tourist Visa. I got a 14-day stay allowance, and after those 14 days expired, I did a visa extension once.*

While the entry in this way with a Tourist Visa provided immediate physical relief from the military conscription, his temporary status severely constrained his immediate employment options and left him exposed to precarity in the informal labour market. Before securing formal work papers, he was forced to take informal jobs working 12 to 13 hours a day with no rest, resulting in severe workplace exploitation and unpaid wages:

> *When I first arrived and didn't have legal documents yet, I had to do whatever job I could get, like selling at market stalls. Because I didn't have legal status, I faced issues like not getting my salary on time, having pay deducted, and being exploited. When I left my old job, around 6,900 Baht of my salary was kept and never paid to me. At that time, 6,900 Baht was a very large amount for me.*

However, the respondent's situation stabilised only after transitioning to Non-LA Visa status, with a Work Permit and a Foreigner Identification Card (Pink Card). This transition could restore his daily security and workplace protection:

> *Now I have a Non-L-A Visa, a Work Permit, and a Pink Card. I have the full set of legal documents required for a foreigner to reside legally in Thailand. Because I now have legal documents, I don't face that kind of discrimination or exploitation anymore.*

With formal documentation, his daily quality of life improved substantially, allowing him to secure a stable job at a restaurant, use local banking systems, become financially self-sufficient, and send remittances home to his family in Myanmar.

A similar pattern can be observed in Respondent P. 9's experience. For P. 9, Thailand represented the only financially feasible destination which offered immediate physical safety and cultural familiarity. However, his initial entry on a two-month Tourist Visa served merely as a short-term buffer, offering temporary relief from the immediate dangers in Myanmar and immediately raising the challenge of maintaining long-term legal status. To prevent his stay from lapsing into undocumented status, P. 9 enrolled in an online Certificate in Digital Media programme at Chulalongkorn University, allowing him to transition to a one-year Non-ED Visa.

Although the Non-ED Visa gave him legal permission to stay in Thailand at an affordable cost, there were limitations of Thailand's visa system for migrants. To meet basic living expenses in Bangkok, the respondent had to seek employment while holding a Non-ED Visa, which rendered his labour informal and illegal under Thai immigration regulations:

> *During the time I was staying on an ED Visa, I had to work to earn a living to survive, so back then, it was technically illegal.*

Because working without legal permission made him vulnerable, he later went through a complicated process to change his status from a Non-ED Visa to a Non-LA Visa status. For him, it was a crucial strategy to achieve long-term stability, access formal labour protections, and reside in Thailand without constant fear of immigration enforcement:

> *The main reason for converting to a Work Permit was that I wanted to stand as a legal, long-term resident in Thailand, and I wanted to receive*

> *legal labour benefits and protections. That is why I applied step by step to change from a student visa to Non-LA.*

Similarly, Respondent P. 2's experience shows how financial difficulties after arriving in Thailand can affect migrants' ability to maintain their legal status and increase their vulnerability. He fled Myanmar through the Tachileik–Mae Sai border because of his previous arrest record for political reasons in Myanmar and fear of conscription. He initially entered Thailand on a short-term Tourist Visa. However, his partner earned very little from her work, and he was temporarily unemployed. As a result, they did not have enough money to pay for visa extensions. Their legal status therefore expired, and they became overstayers. They then had to wait for the Thai government to open a registration period for migrant workers so that they could apply for a Pink Card, Non-LA Visa, and Work Permit:

> *Because our financial situation wasn't good, neither of us could extend our visas, so we overstayed. We had to wait for the registration period to open for migrant workers to get the Pink Card and Work Permit.*

The limits of his temporary legal status became even clearer when Respondent P. 2 was involved in a road accident in Chiang Mai. Although he had temporary documents, his uncertain legal situation and status as a foreigner made him feel unsafe to seek help from the police or other authorities after a car hit his motorcycle and drove away:

About a month ago, a car hit my motorcycle and drove off. But because I didn't have full official documents and because I am a foreigner, I couldn't report it to the police or request to check the CCTV footage. I just had to suffer and endure it quietly.

To make their status legal again and obtain a Pink Card and Work Permit, they had to pay an administrative fee of around 10,000 THB per person, which was substantial money for them. This forced them to ask their family in Myanmar for financial support, even though they had left the country because of difficult circumstances. Even after receiving temporary legal documents, Respondent P. 2 explained that having official papers did not automatically make him feel safe

or fully protected. He continued to worry about immigration checks and being watched or reported by people in the local community:

> *Even if there are documents like TM30 [Notification of Residence for Foreigners], there is a constant worry of being checked and harassed at any time. Even when speaking inside our own home, there is anxiety that neighbours might report us.*

Another example of this situation can be seen in the experience of Respondent P. 8. Her story shows the continuing financial and administrative difficulties of maintaining legal status in Thailand. She fled Myanmar because of the enforcement of the military conscription law. Even though she had already been studying at a university online, the respondent had to enrol in another university programme in Thailand to obtain an ED PLUS Visa. She also received a scholarship from an organisation to cover part of her education costs. However, the continuing costs of maintaining her legal status created additional financial pressure in her daily life:

> *The main source of money initially came from my family, but now I have to manage on my own. A major part of my income goes toward covering visa costs and maintenance fees. After paying for the visa [including university tuition fees], there is very little left for daily expenses like food or transport.*

To support herself and pay for visa extensions and living expenses, P. 8 had to take informal, part-time jobs, such as babysitting at weekends. Her ability to maintain her legal status depended on earning enough money and continuing her studies. However, much of her income was used to pay for visa-related costs. This created a difficult financial situation in which she had to keep working to afford the costs of staying legally in Thailand.

Moreover, the respondent feels that temporary legal status does not always provide a long-term sense of security. Although she enjoyed the lifestyle, cultural familiarity, and friendly community in Thailand, she continued to worry about visa renewals and her future:

> *I really like the living style here, but because of the visa, it becomes a huge headache. Constant renewals and the uncertainty surrounding the visa process make it very frustrating. If it weren't for the visa constraints, I*

> *would love to stay, but the visa requirements make you feel like you don't truly belong or have a secure future here.*

Respondent P. 8's experience shows that even when young Myanmar migrants receive scholarship support and have student visas, maintaining legal residence can still be difficult and expensive in the long run. They must continue to meet visa requirements and manage the costs of staying legally in Thailand. As a result, physical safety in Thailand does not always lead to long-term security.

The findings suggest that although legal status can provide young Myanmar migrants with temporary protection in Thailand, it does not guarantee long-term security. Different visa pathways can provide access to education, employment, and legal residence, but maintaining these statuses often depends on financial resources, employment, education, and repeated administrative processes. When migrants lack sufficient income or legal work opportunities, they may face overstaying, informal employment, exploitation, and constant fear of immigration enforcement. Thus, while legal documentation can significantly improve migrants' everyday security, the temporary and conditional nature of their legal status continues to create uncertainty and vulnerability. Therefore, legal status becomes an ongoing challenge that shapes how young Myanmar migrants experience Thailand as a place of temporary safety rather than permanent security.

5. Discussion

THE FINDINGS OF this study highlight the complex migration experiences of young Myanmar diaspora in Thailand following the 2021 military coup. Three main themes emerge from the analysis: (1) the transformation of migration drivers from economic to security concerns, with the conscription law as a critical push factor; (2) the experience of Thailand as a temporary refuge characterised by legal precarity and limited opportunities; and (3) the negotiation of future trajectories between return, settlement, and onward migration.

5.1 Crisis-Induced Migration and the Conscription Law

THE FINDINGS ALIGN with existing literature on the transformation of migration drivers in post-coup Myanmar. Aung Tun (2022) argued that security concerns have superseded economic considerations as the primary driver of migration, and this study provides empirical evidence supporting that argument. For the respondents, the decision to leave Myanmar was primarily driven by immediate threats to personal safety, particularly the enforcement of the conscription law. As Respondent P. 6 noted, approximately 80 percent of the decision to migrate was driven by safety concerns, with only 20 percent related to personal growth or career considerations. This finding is consistent with the UNDP (2025b) survey data showing that 40 percent of young people would consider leaving Myanmar if given the opportunity, with lack of economic opportunities cited by 75 percent but security concerns increasingly important.

The enforcement of the People's Military Service Law on 10 February 2024 emerged as a particularly significant factor. The ISP (2024) analysis of the conscription law identified mass migration as one of five potential negative consequences, and this study confirms that prediction. Respondents described leaving Myanmar not as a planned migration but as an urgent response to the threat of forced military service. The speed with which they left can also reflect the immediate and personal nature of the threat. As Respondent P. 11 described, the time pressure was such that he chose a language-school visa over a university degree because it could be processed in one month rather than three to five months.

This finding extends the aspirations-capabilities framework (de Haas, 2021) by showing how crisis can rapidly reshape both aspirations and capabilities. The respondents' aspirations were not to migrate for economic improvement but to escape immediate danger. Their capabilities were constrained by time, financial resources, and access to information, leading many to choose irregular or semi-regular pathways. In this context, the concept of "frustrated migration" (de Haas, 2021) is relevant, as respondents described wanting to leave but lacking the means to do so through regular channels, forcing them to rely on tourist visas, language-school visas, or brokers. The UNDP (2025b) findings support

this, showing that nearly half of those interested in migration held no valid travel documents and that administrative restrictions introduced by the SAC further limited access to regular pathways. Strictly speaking, the respondents were not frustrated migrants in de Haas's sense, since they did manage to leave. Their capabilities were enough to reach Thailand but not enough to do so through secure legal routes, which shaped the precarious status they held on arrival.

5.2 Temporary Refuge and Legal Precarity

THE FINDINGS REVEAL a fundamental contradiction in the experiences of young Myanmar migrants in Thailand: while the country provides physical safety from the dangers in Myanmar, it does not provide permanent legal security. This finding aligns with the Thailand Migration Report 2024 (UNNM, 2024), which noted that Thailand's legal framework for migration governance creates significant barriers to regularisation and protection. Thailand's non-signatory status to the 1951 Refugee Convention and lack of formal asylum procedures means that the only viable legal status for most Myanmar nationals is as migrant workers, not as refugees or asylum seekers (Human Rights Watch, 2025). This situation is best understood through the concept of liminal legality (Menjívar, 2006), which describes migrants who are neither fully undocumented nor securely regularised, but who remain for long periods in a grey area of temporary and conditional status. The respondents in this study were not living outside the law, but the legal status they held could not be converted into anything secure or permanent. They were legally present and legally insecure at the same time.

The diverse visa statuses among respondents can showcase the complexity of Thailand's migration governance system. Each visa type came with different rights and restrictions, shaping respondents' access to education, employment, and services. Those on student visas (Non-ED, ED PLUS) could study but faced restrictions on formal employment, forcing many into informal work. Those on Non-LA visas (work permits) had more employment options but were tied to specific employers. Those on DTV had more flexibility but were limited to remote work. These different visa categories can be seen as different

positions within the same condition of liminal legality. What they share is that none of them offers a pathway to permanent status, and each one can be lost through a change in employment, enrolment, or immigration policy.

This legal precarity has significant consequences for respondents' everyday lives and future planning. As Respondent P. 4 noted, *"I cannot settle in Thailand long-term. As an international student, the law prevents me from legally working"*. Respondent P. 8 described how the cost of maintaining legal status consumed a major part of her income, leaving little for daily expenses. Respondent P. 1 described being unable to report a road accident to police due to his uncertain legal status, fearing arrest or deportation if he sought help. These examples show that liminal legality operates not only through formal restrictions but also through the everyday caution it produces. Respondents limited their own movements and avoided contact with authorities because of what might happen, not only because of what the law directly prohibited. These experiences can illustrate what Htun (2024) documented in Mae Sot: migrants face uncertainty in accessing education, health care, legal protection, regular income, and freedom of movement. This also indicates a limit of the aspirations-capabilities framework as it is usually applied. The capabilities of these respondents were not fixed at the point of departure but were reshaped after arrival by a legal status that the Thai state granted, restricted, and could withdraw.

5.3 Future Trajectories: Return, Settlement, and Onward Migration

ALL RESPONDENTS EXPRESSED a strong desire to return to Myanmar if political conditions improve. This finding is consistent with UNDP (2025b) data showing that 90 percent of young people who intend to migrate want to return home. As Respondent P. 1 explained, his professional work as a news editor required proximity to the Myanmar public, and returning to a liberated zone was the best option under current conditions. Respondent P. 2 described Thailand as a "temporary resting place" and expressed a 90 percent intention to return home after completing his studies.

However, the study also reveals the complexity of these return aspirations. Several respondents acknowledged that return was not possible while arrests, killings, and oppression continued. Respondent P. 4 described her hometown as an active war zone, and her family urged her to stay abroad for safety. Respondent P. 15 described how the conscription law and infrastructure collapse made return structurally impossible. This resonates with what Chambers and Saw Ner Dhu Da (2024) described as living with revolution - a period of 'liminal waiting" where young people's lives are put on hold (p. 793). The idea of liminal waiting connects closely to the concept of liminal legality discussed above. For these respondents, being suspended between legal statuses in Thailand and being suspended between political futures in Myanmar were experienced as the same condition.

The pattern described in this section can be understood through the concept of stepwise migration (Paul, 2011), which describes migrants who cannot enter their preferred destination directly and therefore move first to a country that is easier to reach, where they accumulate money, skills, documents, and contacts that may later allow them to move on. Most respondents also considered onward migration to a third country as a practical long-term option. Respondent P. 4 described it as "the most practical path forward," aiming to secure international scholarships that would allow her to study and work legally. Respondent P. 15 described Thailand as her "last choice after getting visa rejections elsewhere" and was actively applying for opportunities in Europe. This account fits the stepwise pattern particularly clearly. Thailand was not a preferred destination but the option that remained available after other routes were closed, and it was then used as a base from which to continue applying elsewhere.

Respondent P. 13 described preferring Western destinations where his English proficiency and academic background would be better aligned. Only a minority of respondents considered remaining in Thailand long-term. Those who did framed it as a pragmatic choice if other options were unavailable. Respondent P. 13 described the challenges of building a career in Thailand, including the need to attain intermediate Thai language proficiency and navigate economic and political fluctuations. This reluctance to settle permanently in Thailand

reflects the structural barriers identified in the literature: legal restrictions, limited employment opportunities, financial difficulties, and language barriers (IOM, 2025; UNNM, 2024).

Taken together, these accounts suggest that migration aspirations were not settled when the respondents left Myanmar. They were revised over time as the respondents learned what their legal status in Thailand did and did not allow, which supports the argument that aspirations and capabilities need to be examined at each stage of a migration trajectory and not only at the point of departure.

6. Conclusion

THIS RESEARCH PAPER has examined the migration experiences of young Myanmar diaspora in Thailand following the activation of the People's Military Service Law. Drawing on qualitative interviews with 15 young Myanmar migrants in Chiang Mai and Bangkok, the study explored how and why young people leave Myanmar, how they navigate temporary safety and legal insecurity in Thailand, and how they envision their future trajectories.

The findings reveal that Thailand functions as both a temporary refuge and a stepping-stone for young Myanmar migrants. The decision to leave was primarily driven by immediate security concerns, particularly the threat of military conscription following the enforcement of the conscription law. For most respondents, migration was not a planned life transition but an urgent response to personal danger. Thailand was chosen not for its opportunities but because it was the fastest route to physical safety.

Upon arrival, respondents experienced a fundamental contradiction: Thailand provided physical safety from the dangers in Myanmar, but their legal status remained temporary and conditional. This legal precarity shaped their everyday lives in profound ways. It limited their employment options, constrained their access to services, created financial strain, and generated constant anxiety about immigration enforcement. It also reinforced their perception of Thailand as a transitional space rather than a permanent home.

All respondents expressed a strong desire to return to Myanmar if political conditions improve, but most acknowledged that return was not possible if the political instability continued. Most also considered onward migration to a third country as a more practical long-term option, viewing Thailand as a stepping-stone to more stable destinations elsewhere. Only a minority considered remaining in Thailand long-term if other options were unavailable. This shows how young migrants manage the tension between their desire to return, their wish to move onward, and the reality of legal limits and economic pressures.

7. Recommendations

BASED ON THE findings of this study, several recommendations emerge for policymakers, practitioners, and international organisations working with Myanmar migrants in Thailand.

7.1 Recommendations for the Government of Thailand

FIRSTLY, Thailand should expand legal pathways for Myanmar migrants, particularly those fleeing political persecution and military conscription. This could include creating specific visa categories for displaced persons, expanding refugee status determination procedures, or providing temporary protection status for those unable to return to Myanmar. The current reliance on labour migration frameworks (such as the Non-LA Visa and Pink Card system) does not adequately address the needs of those fleeing political violence.

Secondly, Thailand should address barriers to regularisation and legal status for migrants already in the country. The costs and complexity of the visa renewal process create significant hardship, particularly for young migrants with limited financial resources. Simplifying procedures, reducing costs, and providing language assistance would help migrants maintain legal status and reduce their vulnerability to exploitation.

Thirdly, Thailand should improve migrants' access to education, employment, and services regardless of legal status. The current system ties access to rights and services to specific visa categories, creating inequities and limiting

migrants' opportunities. Expanding access to education, healthcare, and legal protection would benefit both migrants and Thai society.

Finally, Thailand should provide protections against exploitation and abuse for migrants, particularly those in informal employment. Strengthening labour inspection, enforcement of labour laws, and access to remedy would help address the vulnerability of migrants to workplace exploitation and wage theft.

7.2 Recommendations for the International Community and UN Agencies

FIRSTLY, international organisations, such as International Organization for Migration (IOM) and United Nations High Commissioner for Refugees (UNHC) should strengthen their presence and services for Myanmar migrants in Thailand. Expanding outreach, information provision, and case management would help migrants navigate complex legal and protection challenges.

Secondly, international donors should support civil society organisations working with Myanmar migrants in Thailand. These organisations play a critical role in providing information, legal assistance, and community support. With the adequate support, these organisations will be able to expand their reach and effectiveness.

Thirdly, international organisations should advocate for Thailand to expand legal pathways and protections for Myanmar migrants. This could include diplomatic engagement, technical assistance, and support for policy reform. The international community should also address the root causes of migration by supporting a peaceful resolution to the conflict in Myanmar and promoting human rights and democracy.

7.3 Recommendations for Civil Society Organisations (CSOs) and Non-governmental Organisations (NGOs)

FIRSTLY, CSOs and NGOs should strengthen their outreach and support services for young Myanmar migrants in Thailand. Many young migrants lack information about their rights, available services, and legal options. Expanding

community-based information, legal assistance, and psychosocial support would help address these gaps.

Secondly, CSOs and NGOs should build networks and coalitions to advocate for policy change. The challenges facing young Myanmar migrants are systemic and require policy-level solutions. Working together, CSOs and NGOs can promote their advocacy and push for more inclusive migration policies.

Thirdly, CSOs and NGOs should support migrants' transnational engagement with Myanmar. Maintaining connections to Myanmar through political work, engagement, and support for the resistance movement is crucial to restore peace and political stability. Supporting these connections while also helping migrants navigate their lives in Thailand would address both their immediate needs and their long-term aspirations.

8. Limitations and Future Research

This study has several limitations that should be acknowledged.

Firstly, the sample size is small (n=15) and focused on young migrants in Chiang Mai and Bangkok, who may have different experiences than migrants in other parts of Thailand. The findings are not statistically generalisable but provide in-depth qualitative insights that may be transferable to similar contexts.

Secondly, although the respondents represented some diversity in terms of age, gender, residence, occupation, and visa status, the sample was still concentrated among relatively educated young migrants. Many respondents were university students and individuals working in professional and service-related sectors. As a result, the experiences of Myanmar migrants from different socioeconomic, educational, and occupational backgrounds, including factory workers, agricultural workers, domestic workers, and other low-wage migrant workers, were not relatively represented. These groups may face different challenges, opportunities, and migration decisions due to their economic circumstances, working conditions, access to education, and ability to obtain legal status.

Thirdly, the sample included migrants with diverse legal statuses, but all had some form of legal status at the time of interview. The experiences of undocumented migrants, who may face even greater vulnerabilities, including insecurity, exploitation, restricted mobility, and limited access to services, were not fully captured in this research.

Therefore, further research could be developed to reflect the experiences of larger and more diverse samples, including migrants from different socioeconomic backgrounds, educational levels, occupations, regions of residence, and legal statuses. Moreover, a comparative studies could be conducted by including both undocumented migrants and those with legal status.

References

van Asselt, J., Synt, N. L. K., & McCord, D. (2025). Monitoring individual migration in Myanmar: December 2021–June 2024 (Working Paper No. 68). International Food Policy Research Institute. https://hdl.handle.net/10568/175805

Chambers, J., & Saw Ner Dhu Da. (2024). Living with revolution: The everyday experiences of Myanmar's Generation Z revolutionaries. Journal of Contemporary Asia, 54(5), 781–800. https://doi.org/10.1080/00472336.2024.2359373

de Haas, H. (2021). A theory of migration: the aspirations-capabilities framework. Comparative Migration Studies, 9(1), 8. https://doi.org/10.1186/s40878-020-00210-4

Htun, S. Y. (2024). Vulnerabilities of Burmese migrants, refugees and stateless people in Mae Sot after the 2021 military coup. Global Campus Human Rights Journal, 8, 186–202. https://doi.org/10.25330/2821

Human Rights Watch. (2025). "I'll never feel secure": Undocumented and exploited Myanmar nationals in Thailand. https://www.hrw.org/report/2025/07/14/ill-never-feel-secure/undocumented-and-exploited-myanmar-nationals-in-thailand

Institute for Strategy and Policy (ISP). (2024). Pandemonium: The conscription law and five negative potential consequences (ISP-OnPoint No. 20). https://ispmyanmar.com/op-20/

International Organization for Migration (IOM). (2024). Methodology for estimating the size of the Myanmar migrant population in an irregular situation in Thailand. https://thailand.iom.int/resources/methodology-estimating-size-migrant-population-irregular-situation-application-thailand

International Organization for Migration. (2025). Overview of Myanmar nationals in Thailand. https://thailand.iom.int/resources/overview-myanmar-nationals-thailand-january-2025

Jaehn, M. (2023). Coup, conflict, and the Covid-19 pandemic: Burmese peoples moving in times of isolation. Forum Qualitative Sozialforschung / Forum: Qualitative Social Research, 16(1), 63-78. https:// doi.org/10.14764/10.ASEAS-0090

Jordt, I., Than, T., & Lin, S. Y. (2021). How Generation Z galvanized a revolutionary movement against Myanmar's 2021 military coup (Trends in Southeast Asia No. 7). ISEAS–Yusof Ishak Institute. https://www.iseas.edu.sg/articles-commentaries/trends-in-southeast-asia/how-generation-z-galvanized-a-revolutionary-movement-against-myanmars-2021-military-coup-by-ingrid-jordt-tharaphi-than-and-sue-ye-lin/

Menjívar, C. (2006). Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States. American Journal of Sociology, 111(4), 999–1037. https://doi.org/10.1086/499509

Passeri, A. (2022). Authoritarian rule and the weaponisation of natural disasters: The case of Myanmar from Cyclone Nargis to the COVID-19 pandemic (2008–2021). Journal of Asian Security and International Affairs, 9(2), 280–300. https://doi.org/10.1177/23477970221098475

Paul, A. M. (2011). Stepwise international migration: a multistage migration pattern for the aspiring migrant. American Journal of Sociology, 116(6), 1842–1886. https://doi.org/10.1086/659641

Tun, A. (2022). Migration in post-coup Myanmar: A critical determinant in shaping the country's future? (ISEAS Perspective No. 37). ISEAS–Yusof Ishak Institute. https://sealionplus.iseas.edu.sg/nodes/view/25371?type=all

United Nations Development Programme (UNDP). (2025a). A generation on hold: Youth employment and education in Myanmar. https://www.undp.org/asia-pacific/publications/generation-hold

United Nations Development Programme (UNDP). (2025b). A generation on the move: Youth migration and perceptions in Myanmar. https://www.undp.org/asia-pacific/publications/generation-move

United Nations High Commissioner for Refugees (UNHCR). (2024). Myanmar emergency update. United Nations Myanmar. https://myanmar.un.org/en/286215-myanmar-emergency-update-end-november-2024

United Nations Network on Migration (UNNM). (2024). Thailand migration report 2024. United Nations Thailand. https://thailand.un.org/en/285915-thailand-migration-report-2024

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Justice amid Conflict: Measuring the Fair Trial Standards of the Interim Judicial Systems in Sagaing Region and Karenni State

MYAT THIN ZAR KYAW

Abstract

Courts of non-state actors have become an attribute of non-international armed conflict as seen in countries such as El Salvador, Nepal, and Sri Lanka. Waging decades-long armed conflict with the Myanmar military, the ethnic resistance organizations and the National Unity Government which emerged from the 2021 coup have established their own governance structures, including the judiciary, in their controlled territory. While these interim judicial systems were established to uphold law and order, combat the culture of impunity, and provide an alternative to summary execution amid anarchic armed conflict, their compliance with fair trial standards remain inadequate. This paper, therefore, seeks to investigate how, and to what extent, these interim judiciaries, particularly in Karenni and Sagaing, are ensuring the fair trial standards amid ongoing armed conflict. It is argued that the urge for increased fair trial compliance requires the consideration of the evolving political, military and institutional contexts as well as addressing the deep-rooted historical and cultural factors. Drawing on lessons from other countries, this investigation will pinpoint urgent fair-trial issues that, if left unaddressed, are likely to impact the legitimacy of these courts and their decisions.

Keywords: Fair Trial; Interim Judiciary; National Unity Government (NUG); Karenni; Armed Conflict

Executive Summary

COURTS OF NON-STATE actors have become an attribute of non-international armed conflict. Waging decades-long armed conflict with the Myanmar military, the ethnic resistance organizations (EROs) and the National Unity Government (NUG) have established their own governance structures, including the judiciary, in their controlled territory. While these interim judicial systems were established to uphold law and order amid anarchic armed conflict, their compliance with fair trial standards remain inadequate. This paper, therefore, seeks to investigate how, and to what extent, these interim judiciaries, particularly in Karenni and Sagaing, are ensuring the fair trial standards amid ongoing armed conflict. It is argued that the urge for increased fair trial compliance requires the consideration of the evolving political, military and institutional contexts as well as addressing the deep-rooted historical and cultural factors. Drawing on lessons from other countries, this investigation pinpoints urgent fair-trial issues that, if left unaddressed, are likely to impact the legitimacy of these courts and their decisions.

Benchmarked against the fair trial standards under Common Article 3 and Additional Protocol II of the Geneva Conventions, the study finds that both interim judiciaries have a legal basis, though Sagaing still lacks a contextually relevant, publicly accessible judiciary law to guide judges on procedure and fair trial standards. On judicial independence, Karenni's system has a dedicated selection committee for Supreme Court judges, though political affiliation of judges of the Karenni National Progressive Party (KNPP) remains unrestricted, while Sagaing suffers from a lack of transparency in judges' qualifications, selection, appointment, tenure, and impeachment. The most critical shared shortcoming is judicial competence: most judges lack sufficient legal training and practice, undermining their ability to apply relevant law and reason soundly, which in turn drives procedural errors and fair trial violations. Judicial impartiality is further compromised in both systems by interference and threats from armed actors, as well as bribery from the public. A substantial gap also exists in the right to defence, with trials in both systems proceeding without

defence lawyers and judges instead taking on an active role in assisting defendants.

Addressing these identified fair trial gaps requires considering underlying political, military, institutional historical and cultural factors. It is recommended that the stakeholders like NUG, Sagaing Federal Unit Interim Government and Karenni Interim Executive Council (KIEC) to -

- *Assert effective control over armed actors through close cooperation with defense, judicial, and executive bodies, coupled with transparent disciplinary action and protection for complainants and witnesses;*
- *Provide judicial capacity-building: regular, scenario-based training, field visits, and vetting for existing judges in the near term, and investment in law schools and judicial training facilities in the long term alongside sustained public awareness efforts;*
- *Addressing the shortage of defence lawyers through legal aid boards and paralegal training, and over the medium term through video conferencing;*
- *Resist over-reliance on armed protection and instead adopt a principled, rules-based approach that reinforces the legitimacy of judges and the justice system.*
- *Recognize the value of civil society, sustained through open, regular dialogue among armed actors, governance bodies, CSOs, and the public.*

1. Introduction

In 2021, the Myanmar military attempted to seize power from the democratically elected government by arbitrarily arresting and detaining President U Win Myint, State Counselor Daw Aung San Suu Kyi, and members of parliament. This unlawful grabbing of power infuriated the Myanmar people, causing thousands, including doctors, nurses, lawyers, teachers, and students, to take part in the nationwide strikes, which were suppressed by the Myanmar military. The use of force by the Myanmar military against its own people triggered youths to flee to areas controlled by the ethnic resistance

organizations (EROs), undergo military training, and take up arms to uproot the Myanmar military dictatorship. At the political level, the Federal Democracy Charter (FDC) was drafted and agreed upon by the elected parliamentarians of the 2020 election, the political parties, members of the Civil Disobedience Movement (CDMers), strike committees, civil society organizations (CSOs), and the EROs. (National Unity Consultative Council [NUCC], 2021, Part I, Chapter II) The FDC serves as an agreement between the Burmese majority and the ethnic minorities to eradicate the military dictatorship and build a Federal Democracy Union that respects self-determination and equality. (NUCC, 2021, Part I) It set out the political roadmap for a Federal Democracy Union and agreed to establish an interim constitutional arrangement to fulfill the political goals and objectives until the adoption of the Transitional Constitution. (NUCC, 2022, Part II, Introduction) The arrangement includes the National Unity Consultative Council, a multi-ethnic, leading political platform mandated to lead the political roadmap; the National Unity Government (NUG), an interim administrative body; the Committee Representing the Pyidaungsuu Hluttaw (CRPH), an interim legislature; and an interim judiciary. (NUCC, 2022, Part II) The NUG consists of elected parliamentarians from the 2020 election and representatives of ethnic groups, while the CRPH was formed solely from elected Union-level parliamentarians. (NUCC, 2022, Part II, Article 29) Although the structure of an interim judiciary was not specifically elaborated, the existing judicial systems of the EROs is recognized as part of it by the FDC, and the NUG and the EROs are authorized to vest the judicial power with the civilian courts that they recognize. (NUCC, 2022, Part II, Article 47)

With increased control of and the ability to sustain the territories, the NUG and the EROs shaped the governance bodies, including the judicial pillar. (Ministry of Justice, n.d.; Karenni State Interim Judiciary Law, 2023) Such interim judicial systems emerged with the aim to restore order, promote the rule of law, and provide access to justice until the military dictatorship is dismantled and the transitional government emerges. (Ministry of Justice, n.d.; Karenni State Interim Judiciary Law, 2023) They are tasked to address crimes and civil matters according to law during the period of armed conflicts, filling the legal vacuum created by armed conflicts, and replacing the extrajudicial practices.

(Ministry of Justice, n.d.; Karenni State Interim Judiciary Law, 2023) While maintaining law and order amid chaotic armed conflict is commendable, it is equally important to ensure that legal proceedings are fair, just, and effective. Otherwise, the interim judicial systems risk becoming instruments of arbitrary punishment rather than institutions of justice, deviating from the values of a future Federal Democracy Union. However, it is important to note that these systems differ from Myanmar's state court system, which has an established legal framework and judicial structures since independence, but has been under the control of the military dictatorship. Emerging from the non-international armed conflict between the military and armed resistance groups, the interim judicial systems are not part of Myanmar's state court system and have been regarded by the UN Special Rapporteur as resistance justice systems. (United Nations Human Rights Council [UNHRC], 2026) But it remains unclear how these systems should be regarded under international law and what fair trial obligations are imposed on them in the administration of justice.

Since the independence, Myanmar possessed ERO-operated formal justice mechanisms across the country such as the judicial systems of the Karen National Union (KNU), the New Mon State Party (NMSP), the Karenni National Progressive Party (KNPP) and the Kachin Independence Organization (KIO). (McCartan & Jolliffe, 2016) While some of these justice systems such as the KNU, the NMSP and the KNPP had combined the formal judicial administration from the colonial period, EROs in Kachin and Shan rooted their judicial mechanisms in customary practices. (McCartan & Jolliffe, 2016) They were established to demonstrate their ability to govern like state-like institutions, and assert stability and order over the people. (McCartan & Jolliffe, 2016) After the coup, these mechanisms continue to exist but with adaptation to the newly-emergence resistance forces as in the case of Karenni State Interim Judiciary which was formed by the coalition of pre and post-coup resistance armed groups, as well as the newly established mechanisms such as the NUG's Interim Judiciary mainly functioning in Sagaing and Magway regions, and the Chin's Local Administrative Bodies (LABs) entrusted with judicial power. (Su Mon Thazin Aung, 2026; Chin Center for Peace and Reconciliation, 2025)

Given the pluralistic nature of Myanmar's interim judicial landscape, two interim judicial systems, the Karenni State Interim Judiciary and the Interim Judiciary of NUG in Sagaing Region, are selected to be studied as the former being regarded as the most successful model of federal democratic governance which incorporated the existing KNPP's judicial mechanism to the new interim judicial structure, while the latter being part of the novel governance structure that existed only after the 2021 coup. This study will focus on examining the compliance of these two justice systems with obligations under international law in applying fair trial standards in adjudicating criminal proceedings in their interim civilian courts as non-State courts globally were assumed not to have such capacity and considered them as illegitimate. Based on the identified international obligations, this study will answer the main research question of how, and to what extent, these two interim judicial systems adhere to fair trial rights. Therefore, this paper will first analyze the relevant international legal frameworks such as the international humanitarian law (IHL), the international human rights law (IHRL), and the international criminal law (ICL) to identify the legal requirements for establishing judicial systems other than the state judicial system during non-international armed conflict.

Based on the legal requirements, the two interim judicial systems will then be examined by studying the domestic legislation on which the systems were built and the reports depicting their operation. This examination will be reinforced by the triangulation of insights from the judges and judicial officials with those of civil society organizations working in either Karenni State or Sagaing Region. This experience of judges, judicial officials, and civil society organizations reveals the institutional, political, and practical factors hindering the fair trial guarantees and the opportunities to strengthen the protection of fair trial rights in interim judicial systems in Myanmar.

2. Literature Review

AS THIS RESEARCH studies how the Non-State Actors (NSA) courts of Myanmar in the post-coup context are complying with the international fair trial standards, the literature review covers the fair trial rights framework under the

international law, how this framework regards the NSA courts, what are the fair trial standards applicable to these courts, and how this study on the NSA courts of Karenni and the NUG will fulfill the gaps in the study of interim justice mechanisms in post-coup Myanmar through the lens of the international law.

2.1 Fair Trial Rights under IHL and IHRL

FAIR TRIAL RIGHTS, or judicial guarantees, are fundamental human rights necessary to ensure the proper administration of justice and safeguard the rule of law. (Human Rights Committee, General Comment No. 32, para.2) Article 14 of the International Covenant on Civil and Political Rights (ICCPR) enshrined the fair trial rights, including the associated rights in Articles 15 and 16. The ICCPR, as an instrument of IHRL, regulates the relationship between States and individuals, and imposes obligations on States, particularly those that ratified it. In other words, it is the obligation of States to ensure fair trial rights even during public emergencies. However, it does not mean that these rights are not subject to derogation in times of public emergency. (ICCPR, Article 4) While fair trial rights generally can be derogated during public emergency such as armed conflict, States obliged not to derogate at all times from the right to life (Article 6), the right to free from torture or cruel, inhuman or degrading treatment or punishment (Article 7), the right to free from all forms of slavery and servitude (Article 8(1),(2)), the right to free from imprisoned merely on the ground of inability to fulfil a contractual obligation (Article 11), the right to protection against retroactive criminal law (Article 15), and the right to recognition everywhere as a person before the law (Article 16). (ICCPR, Article 4(2)) Although Article 14 can be derogated from during armed conflict, the judicial guarantees it affords must be complied with when required to protect the non-derogable rights. (Human Rights Committee, General Comment No. 32, para.6). In addition, non-derogable rights such as the right to life and the right to be free from torture are peremptory norms of international law, meaning a non-State party to the ICCPR is obligated not to derogate during armed conflict. (Human Rights Committee, General Comment No. 29, para.11).

On the other hand, fair trial standards are also reflected in IHL, particularly in Common Article 3 (CA3) of the Geneva Conventions, Article 75 of the

Additional Protocol (API), and Article 6(2) of the Additional Protocol (APII). In the case of non-international armed conflict (NIAC), CA3 and APII apply, and, based on the principle of equality of belligerents, their provisions impose obligations on both States and non-State actors (NSAs). However, a closer look at the provisions of CA3 and APII reveals differences from the ICCPR regarding legal basis requirements and judicial guarantees. While both IHRL and IHL apply in a complementary manner rather than mutually exclusive, "specific rules of international humanitarian law may be specifically relevant for the purposes of the interpretation of Covenant rights". (Human Rights Committee, General Comment No. 31, para.11) This was agreed by Klamberg (2018), arguing that in the situation where IHRL and IHL come into conflict, IHL takes precedence over IHRL as *lex specialis*, and IHRL is still relevant in interpreting the fair trial standards under IHL.

2.2 Legal Basis Requirement for NSA Courts

IN ADDITION, the discrepancies in the fair trial standards required by IHL can be identified between CA3 and APII. CA3 prohibits "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples" (Geneva Convention I, 1949, art. 3(1)(d)) while the "regularly constituted" requirement in CA3 was replaced by "a court offering the essential guarantees of independence and impartiality" in Article 6(2) of APII. This difference was pointed out by Gejji (2013), Sivakumaran (2009), and Somer (2007), who stated that the drafters of APII have relaxed the legal basis requirement set by CA3 by taking into account the NSA's inability to establish courts in accordance with the States' domestic law. This essentially shifted the focus away from the strict legal basis requirement to how the courts should operate, meaning the extent to which the courts of the NSA protect the fair trial standards set by CA3.

Thinking further, even if the legal basis requirement is still needed for a non-State party to APII, Bond (1987) stated that "[t]he regularly constituted court requirement should not be construed too literally. Guerrillas, after all, are not apt to carry black robes and white wigs in their backpacks." He rather suggested

a flexible approach of "whether the appropriate authorities, acting under appropriate powers, created the court according to appropriate standards". It has been argued that, as long as such courts are established in accordance with the laws of the armed groups or operate under the existing legislation of States, the "regularly constituted" requirement is fulfilled for courts of NSA. (Klamberg, 2018, p. 29; ICRC, 2016, Section G, para. 692; Sivakumaran, 2009, p.500) The Frente Farabundo Marti para la Liberacion Nacional (FMLN) in El Salvador applied this approach and set up courts based on FMLN's penal procedural law. (Sivakumaran, 2009, p.491; Somer, 2007, p.679) And this approach, though not explicitly, was recognized by the United Nations Observer Mission in El Salvador (ONUSAL). (Sivakumaran, 2009, p.491; Somer, 2007, p.679) The same went for the "People's Courts" of the Communist Party of Nepal-Maoist (CPN-M) in Nepal and the courts of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. (Sivakumaran, 2009, p. 492; Somer, 2007, p. 681) It is noteworthy that the ability of armed groups to enact laws can only be realized with the control of a certain part of territory, as in the cases of FMLN, CPN-M, and LTTE, and it will be difficult to establish courts and enforce judicial guarantees without territorial control. (Klamberg, 2018, p.23; Sivakumaran, 2009, p.506)

2.3 Fair Trial Rights Applicable to NSA Courts under IHL

RELATING TO THE fair trial standards applicable to the courts of NSA, CA3 requires ensuring "all the judicial guarantees which are recognized as indispensable by civilized peoples". However, no specific list of fair trial standards was provided. For the purpose of unpacking what is contained in CA3's fair trial standards, two key interpretational approaches are required to be taken into consideration. First, the interpretation of fair trial standards in CA3 should not stray far from reality, as standards that cannot be applied by NSA courts would render CA3 meaningless. (Gejji, 2013, p. 1544; Sivakumaran, 2009, p. 501) This is because the existence of NSA courts is accepted based on the reasoning that they will improve compliance with IHL and provide greater humanitarian protection in times of chaos. (Gejji, 2013, p. 1530-1531). Second, the importation of international instruments into CA3

cannot be made, given the specific context in which each instrument applies and the potential destruction of the relationship between the scope and content of CA3. (Gejji, 2013, p. 1544; Sivakumaran, 2009, p. 503) Applying these two approaches, Gejji (2013), Klamberg (2018), and Sivakumaran (2009) asserted that the importation of Article 6(2) of APII is closest in scope and content to CA3 and more realistic for NSA courts to comply with. Since the ICCPR was largely based on when drafting the list of fair trial guarantees in Article 6 of APII, the interpretation of each specific fair trial standard in the provision should be referred to IHRL. (ICRC, 1987, para. 4597; Klamberg, 2018) Though the subject of IHRL remains States and their agents, the international human rights bodies and experts have agreed and proposed that the obligations of IHRL extend to the NSA. (Duffy, 2021; Office of the High Commissioner for Human Rights [OHCHR], 2021; Somer, 2007).

The courts of the NSA, though permissible under IHL and IHRL, are subject to international scrutiny, often due to their failure to meet fair trial standards. The courts of FMLN, CPN-M, and LTTE were criticized for a lack of impartiality, the need for legal training for judges, the failure to afford all necessary rights and means of defense, including the right to appeal, ill-treatment of defendants, and the use of threats. ("Judged by the People," 2006; Sivakumaran, 2009; Somer, 2007) In the most serious scenario, the failure to fulfill fair trial standards can lead to war crimes, as in the case of Haisam Sakhanh during the Arab Spring in Syria. (Klamberg, 2018; Provost, 2021) Therefore, it is of great importance for Myanmar's interim judicial systems to fulfill their international obligations under IHL, IHRL, and ICL in the administration of justice, especially the fair trial standards and judicial guarantees.

3. Research Gaps and Significance of the Study

LOOKING AT THE existing literature, several experts such as Gejji (2013), Klamberg (2018), and Sivakumaran (2009) investigated the courts of NSA in other jurisdictions, positioned their role under IHL, IHRL and ICL, and assessed their ability to fulfil the fair trial standards. However, the examination of post-coup Myanmar NSA courts' ability to comply with fair trial standards

through the lens of international law has not been conducted. McCartan & Jolliffe, 2016 studied the justice systems of eight ethnic armed groups (EAOs) formed before the coup and found that these systems were established as a means to create order and stability within their controlled territory and assert control over the population by providing state-like governance functions such as a dispute resolution mechanism. The existence of a judicial system represents the EAOs' ability to provide sophisticated public services which increases their legitimacy in the eyes of the people. (McCartan & Jolliffe, 2016) Starting as an ad hoc, the justice systems of armed organizations evolve over time through bureaucratization. For EAOs' justice systems in Myanmar, they adapted from that of the State and the existing customary mechanisms, rather than a completely new structure, and the formal courts were built on top of the customary mechanisms, which played a crucial role in strengthening the people's acceptance of the EAOs. (McCartan & Jolliffe, 2016) With the same aspiration, the EROs, which before the coup were named EAOs and had their own judicial structures, and the NUG, which emerged post-coup as a parallel government, consolidated or established their justice systems after the coup.

Although some local scholars have examined several post-coup interim judicial systems such as the Chin's interim judiciary and the NUG's military justice mechanism, and identified some challenges in complying with fair trial standards. (Chin Center for Peace and Reconciliation, 2025; Aung, 2026) Both studies pinpointed armed conflict as the underlying factor contributing to common obstacles including the lack of defense lawyers, limited legal expertise and attacks of the military junta. (Chin Center for Peace and Reconciliation, 2025; Aung, 2026) The study on the Chin's interim judiciary focused on the civilian courts and pinpointed the specific challenges affecting judicial independence and effectiveness including the inconsistent court structures across Chin State, inconsistent application of laws, the interference of armed groups in the administration of justice and threats against judges. However, both studies did not assess against the relevant international legal regimes relating to fair trial standards such as IHL, IHRL and ICL, which have the implication on the legitimacy of these interim courts and their decisions.

Therefore, the investigation into the ability of and the extent to which the Karenni State Interim Judiciary and the Interim Judiciary of NUG in Sagaing Region, to meet the legal requirements and fulfill the fair trial standards according to IHL, IHRL and ICL, despite the armed conflicts, will help the international community to understand the constraints and opportunities for these interim judiciaries to provide justice in the interim. Most importantly, this study aims to identify and inform political and armed stakeholders in Myanmar the urgent fair trial flaws in their interim administration of justice that stem from the political, military, institutional, historical and cultural factors and requires immediate reform, which can otherwise have impact on the legitimacy of the interim courts and their decisions, and the international engagement with them.

4. Methodology and Limitations of the Study

THIS STUDY EMPLOYS a multi-site qualitative research design, using legal doctrinal analysis, document analysis, and semi-structured key informant interviews (KIIs). Empirical data were collected from two field sites, Karenni and Sagaing, not to compare these jurisdictions, but because drawing on multiple sites enriches the overall picture of NSA's judicial practice and strengthens the transferability of findings within the post-coup pluralistic resistance justice context. This study draws on three complementary data sources, combined to enable triangulation. The semi-structured KIIs were conducted with two distinct justice actors: judges and civil society actors working on justice-related issues in the resistance-controlled areas of Karenni and Sagaing. Judges were selected as key informants based on their direct institutional knowledge of court procedures, adjudicative practice, and the procedural standards applied in their respective settings. Civil society actors were included as external observers with experience in monitoring, documentation, or legal aid.

A total of 8 judges, 4 judges from each location of various ranks, and 2 civil society actors from each location were initially planned to be interviewed. However, due to time and communication constraints, only 6 judges, 3 from

Karenni and 3 from Sagaing were interviewed, while 2 CSO actors from Sagaing were interviewed. In terms of the demographic of interviews, all judges were male and all CSO actors were female. While two female judges were identified and contacted, they both declined to participate in the research due to a lack of permission from their judicial department.Given the operational security constraints, geographic inaccessibility, and political sensitivity of the research context, purposive sampling was employed. Informants were selected on the basis of their direct relevance to the research question, their firsthand experience with NSA courts, and their willingness and ability to participate. Interview questions were developed based on the synthesis of literature on NSA courts and their judicial practice in other jurisdictions, and were organized around the core components of fair trial standards enshrined in IHRL and IHL, particularly CA3 and APII. In terms of legal and institutional document review, primary legal documents produced by or governing NSA courts, including the Federal Democracy Charter, organizational laws and directives, codes of procedure, and judicial regulations, were reviewed to assess the normative framework within which these courts were established and operated. Additionally, available court reports were analyzed. This documentary analysis serves both to map the formal standards adopted by these institutions and to identify gaps or consistencies between the written framework and practice as reported by informants.

The data from the above-mentioned data sources are then triangulated to strengthen the reliability and validity of findings. Where accounts across these sources converge, findings are treated as established. Where divergence exists, for example, between formal procedural rules and reported practice, or between judicial self-reporting and CSO observations, such discrepancies are analyzed as substantively significant, potentially indicating implementation gaps caused by institutional, political, or practical challenges, which will contribute to the understanding of how these courts operate on the ground and what more can be done to fulfill fair trial standards. Although only 3 judges were interviewed from each location, they were of various judicial ranks which captured the strengths and drawbacks at both governance and operational levels. On the other hand, the higher number of CSO actors as well as the inclusion of defence

lawyers and the clients in this study could reinforce the findings on the implementation gaps and contribute to the evaluation of broader fair trials standards.

5. Framework of the Study

TO EVALUATE THE compliance of fair trial standards, it is crucial to first identify a legal framework against which practice of the interim judiciaries can be measured. In the context of armed conflict, the IHL is the primary legal regime governing both IAC and NIAC. (Droege, 2007, p. 344) For NIAC, Common Article 3 (CA3) and Additional Protocol II (APII) are specifically applicable and govern the actions of both States and NSA. While the scope of application of APII is limited to the ratified State Parties, the CA3, being a part of the universally ratified conventions, is "binding worldwide and governs all non-international armed conflicts". (International Committee of the Red Cross [ICRC], 2016, Section A, para. 354) It is therefore required to look into the provisions of CA3 to identify the fair trial standards applicable to NSA.

Article 3(1)(d) prohibits both States and NSA to refrain from "the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples." (Geneva Convention I, 1949, art. 3(1)(d)) Two requirements relating to the administration of justice by non-State actors can therefore be identified from CA3 — (1) "regularly constituted court" and (2) "all the judicial guarantees which are recognized as indispensable by civilized peoples". Notably, CA3 does not explain what it meant by the terms "regularly constituted" and "recognized as indispensable by civilized peoples", nor list the judicial guarantees that the courts need to provide. Some useful guidance for interpretation can be observed in Article 6 of the AP II, which was adopted to supplement and develop CA3. (ICRC, 1987, para. 4597)

As stated in the literature review section, APII has shifted the emphasis from the strict legal basis requirement, i.e., "regularly constituted," to compliance

with fair trial standards in the actual operation of NSA courts. This shift can also be observed in the Elements of Crimes for the Rome Statute. The term "regularly constituted" in Article (8)(2)(c)(iv) of the Rome Statute is equated with "essential guarantees of independence and impartiality" and "all other judicial guarantees generally recognized as indispensable under international law". The fair trial standards provided in APII can be found in Article 6(2) of AP II, which states that –

> *2. No sentence shall be passed, and no penalty shall be executed on a person found guilty of an offense except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:*
>
> *(a) the procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;*
>
> *(b) no one shall be convicted of an offence except on the basis of individual penal responsibility;*
>
> *(c) no one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;*
>
> *(d) anyone charged with an offence is presumed innocent until proved guilty according to law;*
>
> *(e) anyone charged with an offence shall have the right to be tried in his presence;*
>
> *(f) no one shall be compelled to testify against himself or to confess guilt.*

Paragraphs (3) and (4) of Article 6 further adopt the right to appeal and the prohibition against the death penalty for children, pregnant women, and women with young children. It is important to note that the list is non-exhaustive,

providing only the minimum and universally recognized standards. (ICRC, 1987, para.4601) According to the ICRC commentary on Article 3, this list of fair trial standards is considered to be customary. (ICRC, 2016, Section G, para. 864)

Since these rights are the bare minimum and apply in public emergencies such as armed conflicts, no derogation is permitted. (Gejji, 2013) However, this does not mean that these rights should be strictly interpreted and applied to NSA courts. Given the first interpretational approach stated in the literature review, these standards should not be interpreted by distancing themselves from the situation of armed conflicts on the ground. A right can be modified by taking into account the particular nature of the armed conflict, such as the establishment of Gacaca Courts in Rwanda. (Sivakumaran, 2009, p. 505) However, such modification should respect the substance of the rights, beyond which is considered a violation. (Sivakumaran, 2009, p. 506). In determining whether a person's right to a fair trial has been violated by NSA courts, the Elements of Crimes of the Rome Statute allow a flexible approach by focusing on "the cumulative effect of factors" rather than on an isolated violation. (International Criminal Court, 2011, Article 8(2)(c)(iv), element 4) This relaxed approach opens the door for NSA courts to be established and enforce fair trial standards in a way that reflects the reality of armed conflicts.

Regardless of this flexible approach, the decision of an NSA court can be regarded as a violation of war crimes depending on various factors. For example, the Swedish court decided the case of Haisam Sakhanh, who carried out an execution order of a NSA's court in Syria, by taking into consideration the gaps in fair trial guarantees as well as the type of the trial such as the lack of trained judges, failure to comply with the principle of legality, the lack of defense counsel and the fact that the execution took place within 41 hours of the arrest and that it was a trial against members of State's armed forces. (Klamberg, 2018) Depending on the types of trials, such as (1) civil and criminal trials involving civilians, (2) trials of IHL violations involving members of armed groups, (3) trials concerning internal matters of armed groups, and (4) trials prosecuting members of State forces, the threshold for fulfilling the "regularly constituted" test differs. For instance, the NSA courts

cannot try the members of the State's armed forces due to the strict "regularly constituted" requirement based on the principle of equality of belligerents (Gejji, 2013), and the decisions of such trials are likely to be regarded as void or, in the case of Sakhanh, led to war crimes. However, given that NSA courts can uphold law and order and address impunity, their decisions, with the effect of greater humanitarian protection, can be regarded as binding. (Sivakumaran, 2009, p. 510) Accordingly, decisions of trials of ordinary crimes involving civilians conducted by NSA courts to promote the rule of law and access to justice in areas where a forum for prosecution would be otherwise non-existent should be deemed to have legal effect so long as they adhere to applicable fair trial standards. Though the legitimacy of NSA courts is still debated, the legality of the decisions in these trials is determined on a case-by-case basis, with the international community taking into account the overarching impact on IHL, IHRL, and ICL principles. Consequently, for the sake of the legality of the decisions of interim judiciaries in Karenni and Sagaing, it is important to examine how these judiciaries have been established and to what extent they can guarantee fair trial standards in trials of ordinary crimes involving civilians.

5.1 Karenni State Interim Judiciary

THE KARENNI STATE Interim Judiciary is the judiciary of Karenni State, established after the 2021 coup by the resistance forces in the state. With control over 90% of Karenni State, the Karenni resistance forces adopted a political arrangement, the Interim Arrangement of Karenni State, on 18th January 2023 to restore the executive, legislative, and judicial functions to fulfill the needs of the community in Karenni State during the interim period. (Kha, 2024; Karenni State Consultative Council, 2024) Chapter 8 of the Arrangement set out the rules and procedures for setting up the Karenni State Interim Judiciary, with Article 65 (a) of the Arrangement imposing the obligation on the interim legislature to enact the Karenni State Judiciary Law to confer the judicial powers on the State Supreme Court, local courts, and township courts. On 5th December 2023, the Karenni State Interim Judiciary Law was enacted prescribing the judicial powers of various levels of courts with the aim to "protect and provide remedies, in accordance with codified

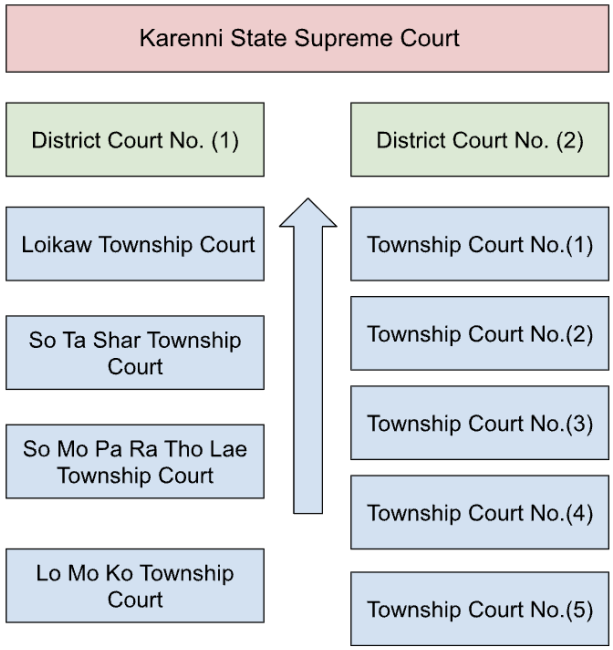
laws, for the lives, property, and rights of the public who have suffered harm, losses, and damages during the interim period, and to ensure the public in obtaining their legally prescribed rights and to foster the emergence of an independent and just judicial system". (Karenni State Interim Judiciary, 2025)

5.1.1. ***Formation and Jurisdiction of Courts***

The Karenni Interim Judiciary is composed of (1) Karenni State Supreme Court, (2) local courts, district courts, the regionally established district courts of EROs, (3) township courts, the regionally established township courts of EROs, and (4) other courts established according to the law. (Karenni State Interim Judiciary Law, 2023, § 5(d)) In fact, even before the 2021 coup, the Karenni State had its own NSA courts operated by the Karenni National Progressive Party (KNPP). These were central, district and township courts operating in the KNPP-controlled areas and were not part of the court structures recognized by the 2008 Constitution. After the 2021 coup, their existence is explicitly recognized in section 5(b) of the Karenni State Interim Judiciary Law, 2023 and allows their operation within the Karenni Interim Judiciary. Similar to the KNPP's courts, the Karenni State Interim Judiciary established after the 2021 coup, exists in parallel with Myanmar's state court structures, and asserts jurisdiction over the controlled territory. These are township-level courts operating in the KNPP-controlled areas. After the adoption of the Karenni State Interim Judiciary Law, their existence is explicitly recognized in section 5(b) and allows their operation within the Karenni State Interim Judiciary. In addition to the conventional court structure, adjudication under customary rules is accepted unless it conflicts with human rights. (Karenni State Interim Judiciary Law, 2023, § 5(c)) The 2024 annual report of the Karenni State Interim Judiciary provides a clear structure for how the courts under the Karenni State Interim Judiciary operate in practice. (See Figure 1) In terms of jurisdiction, the courts have the power to decide civil and criminal cases, and, according to interviews with judges, they can also try cases involving captured soldiers of the military junta and suspected military informants. (J1, personal communication, May 18, 2026; J6, personal communication, May 30, 2026) Besides the township courts, district courts, and the State Supreme Court also

have the power to decide appeals and revisions. (Karenni State Interim Judiciary Law, 2023, §§ 9,10,23(b))

Figure 1. Different Levels of Courts Under the Karenni State Interim Judiciary Law



Apart from the State Supreme Court, local courts, district courts, and township courts are entrusted with criminal and civil judicial power, and their jurisdictions extend to criminal cases involving civilians and members of armed groups. (Karenni State Interim Judiciary Law, 2023, § 4(c)) However, in cases involving violations of military rules, it is the military tribunal that has adjudicatory authority. (Karenni State Interim Judiciary Law, 2023, § 29(a)) Notably, a different procedure applies in war crime cases, in which the State Supreme Court assigns a court or forms a tribunal for adjudication. (Karenni State Interim Judiciary Law, 2023, § 29(b))

5.1.2 Qualification of Judges

In terms of the qualification of State Supreme Court judges, three requirements are prescribed which are - (a) being a Karenni State national or a person

endorsed by the Karenni State Consultative Council (KSCC); (b) having 7-year judicial experience or recognized by the KSCC as a legal expert; (c) being a person who understands the values of justice and executes duties with integrity and impartiality. (Karenni State Interim Judiciary Law, 2023, § 6) The candidates who fulfill these requirements are nominated by each group included in the KSCC and assessed by a selection commission formed by the interim legislature, with the approval of the KSCC. After the assessment, the selection commission reports to the interim legislature with the list of selected judges. With the approval of three-fourths of the members of the interim legislature, the State Supreme Court judges are appointed by the Karenni Interim Executive Council. To safeguard impartiality, State Supreme Court judges are required to resign from their political party upon appointment.

However, section 7(f)(2) exempts the judges or the members of the tribunal of the original group from the requirement not to be involved in a political party. Taking into consideration the recognition of existing ERO courts, the meaning of "judges of the original group" can be construed as the judges nominated by the KNPP. In contrast, section 30(a) describes the individuals who should be prioritized for appointment as judges at different levels of the courts, rather than specific qualifications. Such individuals are - (a) legal practitioners; (b) judges and law officers who have participated in the Civil Disobedience Movement (CDM); (c) individuals appointed and assigned duties by EROs; (d) those who understand the values of justice and act impartially. These judges are selected by the State Supreme Court and appointed by the head of the IEC. All judges, once appointed, have tenure until the end of the interim period and are exempt from prosecution. (Karenni State Interim Judiciary Law, 2023, §§ 38,39) The State Supreme Court judges will be impeached based on the grounds and according to the procedure stated in section 20 of the Karenni State Interim Judiciary Law.

One interviewee noted that challenges exist in recruiting judges with law degrees, even though all the judges currently serving in courts established after the coup have legal backgrounds. (J2, personal communication, May 23, 2026) In the courts of the KNPP, individuals are appointed as judges after a brief legal training. (J1, personal communication, May 18, 2026; J6, personal

communication, May 30, 2026) Consequently, one judge has difficulty applying procedural rules to cases, as he lacks a legal background and must rely on the advice of CDM judges. (J6, personal communication, May 30, 2026) In response, he stated that in-service capacity-building training has been conducted as needed, and, according to the 2025 annual report of the State Supreme Court, five capacity-building training sessions for judges were conducted, in addition to monitoring trips to the district and township courts. (J2, personal communication, May 23, 2026) Since the number of law graduates residing in the Karenni State is scarce, efforts have been made to provide the judges with formal legal training - one of such efforts is the opening of Karenni Law College in 2025 with the aim to cultivate home-grown legal professionals. (J2, personal communication, May 23, 2026)

5.1.3 Judicial Independence

In the administration of justice, judges are guided by clear judicial principles set out in the Karenni State Judiciary Law. Section 3 (c) explicitly states that everyone is entitled to fair trial standards and mandates that the courts in Section 3(b) adjudicate independently in accordance with the law and in open courts, and to ensure the right to defense and the right to appeal. The principles of legality and non-retroactivity are obligated to be complied with, and the prevention of double jeopardy is ensured. (Karenni State Judiciary Law, 2023, §§ 3(d)(e)(f)) Looking at the practice of the courts, all interviewed Karenni judges stated that they can decide the cases independently according to the law and their own discretion. However, they have encountered occasional interference from armed groups in the adjudication process, especially in cases involving armed group members. One judge stated that the armed groups used to pressure the courts into releasing the defendants in the early days of court operations. (J2, personal communication, May 23, 2026) Despite the close coordination between the courts, the joint staff of armed groups, and the KSCC, which gained the recognition of the courts' jurisdiction by armed groups, undue influence is still exerted on the Karenni State Police (KSP) by armed groups to forcibly release their members when detained. (J2, personal communication, May 23, 2026) In addition, there were instances where the armed groups carried

arms to the courtroom, causing fear and psychological pressure on judges and court staff, although this situation had been addressed by the State Supreme Court by the issuance of arms restriction orders. (J2, personal communication, May 23, 2026) Judges were also asked to play favorites, offered bribes, and threatened. (J2, personal communication, May 23, 2026)

The Chief Justice, in the 2025 annual report, openly acknowledged the involvement of armed groups and executive bodies as an obstacle in discharging judicial duties in accordance with the law. (Karenni State Interim Judiciary, 2025) The influence of armed groups also has an impact on the public's access to justice, especially in cases involving the alleged informants of the military junta. Some alleged informants were killed during interrogation and the public did not dare to make complaints to the courts due to fear of retaliation from the armed groups. In such cases, the judges could only recommend that the public document the cases and claim justice during the transitional period. (J2, personal communication, May 23, 2026)

Regarding courtrooms and trials, permanent courtrooms are available at all court levels. They are located close to the public and in convenient places to travel to. (J1, personal communication, May 18, 2026) While most trials are heard in these permanent courtrooms, judges are required to travel to police stations to try cases if the security situation does not allow the defendant to be brought to court. (J2, personal communication, May 23, 2026) Traveling amid armed conflicts compromises the security of judges, not only caused by the military junta's airstrikes but also due to threats from armed groups. (J2, personal communication, May 23, 2026) Despite security guards being provided to judges traveling for trials after reporting to the KSCC, safety concerns still exist. (J2, personal communication, May 23, 2026) In addition to security concerns, harsh weather conditions and long travel times pose obstacles to the public's access to courtrooms. (J1, personal communication, May 18, 2026; J6, personal communication, May 30, 2026)

5.1.4 ***Right to Defence and Judicial Impartiality***

According to the 2024 annual report, the interim Karenni courts apply the laws that precede the coup, such as the Penal Code (1861), the Criminal Procedure

Code (1898) (Cr. PC), the Evidence Act (1872), and the Courts Manual (1970). (Karenni State Interim Judiciary, 2024) When hearing cases, judges are obligated to comply with fair trial standards enshrined in the Criminal Procedure Code and the relevant laws and section 340(1) of the Cr.PC ensures the defendant's right to legal representation, even during the police investigation. However, the reality of armed conflict in Karenni cannot safeguard the right to defense due to a lack of homegrown legal professionals and the unwillingness of defense lawyers to provide representation there because of security risks. (J2, personal communication, May 23, 2026) Given the lack of defense lawyers, one judge expressed:

> *"When an accused person arrives at the court, it's about their rights. To ensure they don't lose those rights and that their rights are protected, we, as judges, do our very best to conduct the hearings and assist them. That is how we, the judges, handle it ourselves. We don't have lawyers in our state yet." — J6, personal communication, May 23, 2026*

Judges commonly stated that they have to take on tasks beyond their judicial duties, including explaining to defendants the court procedures, the right to present defense witnesses, the right to cross-examine, the legal ramifications of a confession, the details of the charges, and the right to remain silent. (J1, personal communication, May 18, 2026; J2, personal communication, May 23, 2026; J6, personal communication, May 30, 2026) To ensure procedural fairness and equity for the accused, judges must also assist them in conducting the chief and cross-examination. (J1, personal communication, May 18, 2026; J2, personal communication, May 23, 2026; J6, personal communication, May 30, 2026) Despite the need for defense lawyers, paralegals with basic legal training from civil society organizations are providing legal assistance to defendants, although they cannot represent them in court (J6, personal communication, May 30, 2026). But their mandates are limited, and they do not provide assistance for counter terrorism cases and narcotic drug cases. (J6, personal communication, May 30, 2026) Often, counter terrorism charges are used to prosecute suspected military informants, and different levels of interim Karenni courts have the jurisdiction to try them. According to the State Supreme Court judge, the defendants are given the opportunity to present

evidence and call defense witnesses, and the court assists in identifying and summoning them. (J2, personal communication, May 23, 2026) As the IDP movement is rapid, witnesses are hard to identify and often leave defendants with no witnesses. (J2, personal communication, May 23, 2026) If the witnesses are from the KSP or the armed groups, trials can be delayed due to various procedural steps required for them to testify in court. (J2, personal communication, May 23, 2026) The State Supreme Court judge, acknowledging challenges in ensuring the defendant's rights in some cases, explained that the establishment of interim courts, though it cannot guarantee all defense rights, has created a regulated system that prevents detainees from being convicted without being brought to the courts.

Overall, the Karenni State Interim Judiciary has been established through a formal institutional document that gives rise to a multi-tiered court structure operating at the township, district, and state levels. In addition to established legal frameworks governing judicial appointments, jurisdictional boundaries, and procedural standards, the results further reveal that while legal principles on fair trial standards, judicial independence, and the right to defence are embedded in the Karenni State Judiciary Law, their practical implementation is constrained by factors including the limited availability of legally trained personnel, the absence of defence lawyers, security risks faced by judges and court users, and the interference of armed groups in judicial proceedings. These findings also reflect the gap between the fair trial principles enshrined in the law and the ability of the courts to fulfill these principles, which are often hindered by operational challenges. A similar pattern of formal institution-building alongside practical implementation challenges is observable in the next interim judiciary under examination.

5.2 Interim Judiciary of the National Unity Government in Sagaing Region

ACCORDING TO THE FDC, which stated the establishment of the interim judiciary institutions as part of the political road map, the NUG's Ministry of Justice (MoJ) was established on 5th June 2021 with the aim to "protect and promote the legal rights for the civilian and public; accelerate the interim rule of

law in accordance with international human rights standards; effectively assist the implementation of a well-regarded and suitable interim judicial system for citizens; monitor each level of the courts during the interim period; and create a federal justice system that aligns with all ethnic cultures and traditions."(National Unity Consultative Council [NUCC], 2021, Part I, Chapter III; Ministry of Justice, n.d.)

5.2.1 Formation and Jurisdiction of Courts

According to Article 47 of the FDC Part II, the judicial power during the interim period is vested in the civilian courts established by the NUG, including those of EROs. With this power, the NUG established interim courts in Sagaing and Magway regions, which are now under the supervision of the MoJ's Interim Judiciary Department. On 19th May 2022, ten townships in Sagaing Region were first vested with judicial power by Order No. 11/2022 of the NUG's State President's Office. Currently, according to one interviewee, a total of 32 township courts have been established, and in townships where courts cannot be established, Criminal Justice Boards, comprising members of People's Administrative Bodies, are formed. (J5, personal communication, May 29, 2026; C1, personal communication, May 27, 2026) These boards are set up by the Interim Judiciary Implementation Committee, a committee mandated to provide policy direction to the MoJ, and supervised by the MoJ. (J5, personal communication, May 29, 2026)

Within the NUG's interim judiciary, there is no uniform legislation governing the formation of different levels of courts, their jurisdiction, the qualifications of judges, the selection and appointment procedures for judges, the tenure and exemptions for judges, and, most importantly, the judicial principles and fair trial standards. Rather, they were regulated by separate internal directives. According to one township judge, the interim judiciary of the NUG is regulated by the Union Judiciary Law (2010), as the NUG has proclaimed it will apply laws enacted before the 2021 coup. (NUCC, 2022, Part II, Article 62; J3, personal communication, May 24, 2026) But in practice, the administration of justice process is different from the process promulgated by the Union Judiciary Law (2010) due to the lack of legal professionals and the attacks against

courtrooms and judges. The interviews with township judges reveal that the courts are operated by a judicial board consisting of 5 individuals, who are nominated by the Township People's Administrative Bodies, assessed by the Director General of the Interim Judiciary Department of MoJ, and appointed by the NUG's Acting President. (J3, personal communication, May 24, 2026; J4, personal communication, May 25, 2026) Due to the need for human resources, in one studied township, there are only 4 members in the judicial board. Instead of a one-judge trial, a three-judge bench decides every criminal and civil case, and judgments are rendered by majority. (J3, personal communication, May 24, 2026; J4, personal communication, May 25, 2026)

In terms of jurisdiction, these township judicial boards are authorized to impose the death penalty in criminal cases, which is equivalent to that of a district court. (J5, personal communication, May 29, 2026) In cases involving members of armed groups, a distinction is made between groups under the chain of command of the NUG's Ministry of Defense (MoD) and those under the supervision of the NUG's Ministry of Home Affairs and Immigration (MoHAI). (Aung, 2026, p.15) While cases involving the latter being the police force and the administration bodies, are decided by these township courts, the former, bearing the defense responsibility, are decided by these township courts, the former are under the jurisdiction of military justice unless the members of the former committed against civilians while they are not on active service, murder, culpable homicide not amounting to murder, and rape. (Section 72 of the Defence Services Act (1959)) However, the provision is overridden by the MoD order, which obligates civilian courts to inform the MoD for referral; depending on the MoD's decision, the cases should be tried by the civilian courts. (Aung, 2026, p. 15) The practice demonstrates compliance with the MoD's order, and, according to one township judge, there were three cases referred back to his judicial board for trial. (J3, personal communication, May 24, 2026 Regarding the cases of captured soldiers of the military, the township judges do not have jurisdiction. (Aung, 2026, p. 15) In terms of appeal, the NUG's interim judiciary has only one appeal court consisting of 3 judges. (J5, personal communication, May 29, 2026)

5.2.2 *Qualification of Judges*

The qualifications of members of these judicial boards were not explicitly prescribed in a publicly accessible legislation or an ordinance, but CDM judges and law officers, lawyers, and individuals with a legal background or a law degree were prioritized. Although most members of judicial boards have law degrees, some had never practiced law before the coup and became part of the judicial boards due to their pro-democracy political activism. (J3, personal communication, May 24, 2026; J4, personal communication, May 25, 2026; C1, personal communication, May 27, 2026) One township judge stated that members of judicial boards were appointed after receiving a brief training that lasted 8 to 10 days. (J4, personal communication, May 25, 2026) The training was short due to limited budget and human resources and it covered court structure and management, criminal and civil procedures, evidentiary rules and judicial ethics. (J3, personal communication, July 23, 2026; J5, personal communication, July 23, 2026) Where there are gaps in legal reasoning, the judges can seek assistance from the MoJ, and in some cases, the MoJ acts as *amicus curiae* in trials. (J5, personal communication, May 29, 2026) To strengthen judges' capacity, the township judges stated that the MoJ conducts weekly training sessions in which judges can ask practice-related legal questions. Though the three-judge bench has been standardized to uphold the fairness and equality of the trials, the limited number of legal professionals poses a challenge to fulfill this standard. Efforts have been made by the NUG to cultivate more legal professionals through online legal training, while township judges are more keen on having in-person training sessions. (J3, personal communication, May 24, 2026; J4, personal communication, May 25, 2026) The tenure of the judges and the conditions under which they can be impeached are unknown, and in the case of the impeachment of judges in Ka Ni township in Sagaing Region, there have been no transparent reasons for their termination. (Aye, 2025)

5.2.3 *Judicial Independence*

Regarding judicial independence, the interviewed township judges have not faced any threats, but in cases involving members of armed groups, one

township judge encountered provocation from armed groups, and another judge recounted incidents in which armed groups pressured judges to release their members or to defy judgments. (J4, personal communication, May 25, 2026; J5, personal communication, May 29, 2026) In some instances, civilians try to influence judgments through personal connections and bribes due to a lack of legal awareness. (J4, personal communication, May 25, 2026) The local CSO actor observed that some judges accepted bribes and released defendants due to their personal connections. (C2, personal communication, June 6, 2026) The same observation was made by another CSO actor and one judge, who noted the difficulty of supervising the interim courts remotely. (J5, personal communication, May 29, 2026; C1, personal communication, May 27, 2026) This practice has impacted the public's trust in the interim courts, and some civilians mediate among themselves or seek assistance from local administrative bodies and armed groups, even in serious cases like murder and rape. (C2, personal communication, June 6, 2026) In addition, the long travel hours and high travel costs are also obstacles for civilians to bring cases to the courts, and the People's Security Bodies (Pa-La-Pha), that is, NUG's police force, had not taken much action even in child rape cases, and when the local CSO actor voiced out, she was threatened. She shared her experience, saying:

> *"I experienced being summoned and questioned by the Pa-Ah-Pha. They interrogated me in a way that suggested I was trying to humiliate them. After that, I received threatening calls from unknown numbers from other townships saying things like, 'What does this have to do with you? Why did you post that video?' They claimed that because the rape case wasn't reported to them, they couldn't take action, and asked what I was trying to achieve. After experiencing these threats from unidentified callers, I realized that in times like these, you could be killed at any moment." - C2, personal communication, June 6, 2026*

While one township operates a permanent courtroom from 9 am to 5 pm, with one or two court clerks accepting cases, the military's airstrikes sometimes necessitate that trials be mobile. (J3, personal communication, May 24, 2026) In another township, the claimants reach out to the local administrative bodies or call the judges, who will then tell them where to file cases. (J4, personal

communication, May 25, 2026) Due to security risks, one township court has to operate mostly on the move, but if the location is safe enough, the court will operate there for a longer period. (J4, personal communication, May 25, 2026) During the monsoon, travel becomes more difficult, especially for the elderly, hindering access to the court. (J3, personal communication, May 24, 2026; J4, personal communication, May 25, 2026) The township judge stated that he traveled 4-5 times a year to remote villages within his township to facilitate civilians' access to the courts. (J3, personal communication, May 24, 2026)

5.2.4 ***Right to Defence and Judicial Impartiality***

When conducting criminal trials, judges of NUG's interim courts apply laws in force before the 2021 coup and are therefore obligated to adhere to the fair trial standards incorporated in those laws. As stated above, section 340(1) of Cr.PC recognizes the defendants' right to defense, but all interviewees stated that no defense lawyers are present at trials in NUG's interim courts. The main reason is the scarcity of defense lawyers in the region, caused by unsafe conflict situations, which contributes to a lack of personal safety and increases the risk of exposing courtroom locations, thereby making them airstrike targets. (J4, personal communication, May 25, 2026; J5, personal communication, May 29, 2026) According to one township judge, there are only 2 licensed lawyers in the whole region practicing in the NUG's interim judiciary and since there is no legal aid body, judges stated that they had to assist the defendants with understanding and making questions as well as the submission of evidence and witnesses, without compromising their impartiality. (J3, personal communication, May 24, 2026; J4, personal communication, May 25, 2026)

The absence of defense lawyers in trials often resulted in convictions, which another township judge stated that he faced pressure from the law officers to reach such decisions. (J4, personal communication, May 25, 2026) All the interviewees acknowledged the need for defense lawyers, and one judge pinpointed insufficient preparation time for defense because of hasty trials caused by airstrikes and offensive attacks. (J5, personal communication, May 29, 2026) He also pointed out the irregularities in arrest and detention, such as arrest without warrant, the absence of informing the suspect of the alleged

crime when arresting, and arrest by armed groups rather than the Pa-La-Pha. (J5, personal communication, May 29, 2026; C1, personal communication, May 27, 2026) In cases involving alleged military informants, torture was used as a tool for arrest, which the judge deemed to be retaliatory conduct. (J5, personal communication, May 29, 2026) After the arrest, according to one township judge, remands were sometimes given merely by looking at photos of arrests, though he insisted on bringing the detainees to court, and bail is not provided by the Pa-La-Pha. (J4, personal communication, May 25, 2026) On the other hand, it was asserted that the accused were informed of the alleged crimes and given bail by the Pa-La-Pha. In light of such violations, the CSO actor noted that the NUG remains unable to take action and suggested greater coordination among relevant ministries. (J3, personal communication, May 24, 2026; C1, personal communication, May 27, 2026) Challenges remain particularly in monitoring the courts from afar, despite regular meetings with and training sessions for the on-ground judges. (J5, personal communication, May 29, 2026)

In essence, the NUG's interim judiciary in Sagaing Region functions as a two-tiered court system, with township courts entrusted with broad criminal jurisdiction. Instead of a single-judge trial, cases are decided by a three-judge bench to reduce potential judicial errors stemming from a lack of trained judicial personnel. Although individuals with legal backgrounds are prioritized in the appointment of judges, most do not have experience in administering the justice process. Most notable challenges in the adjudication process are the military's airstrikes and offensive attacks, the interference of armed groups, the influence of law officers on the judgments, civilians' lack of legal awareness, corruption, decreased public trust, as well as long and costly travel to courts. The guarantee of fair trial standards is significantly undermined by the absence of defense lawyers and the abuse of power by the local police force. These patterns resemble those of Karenni State Interim Judiciary with similar obstacles in ensuring fair trial standards. Given the ability of these two NSA's justice systems to fulfill the fair trial standards to some extent against the backdrop of the reality of armed conflicts, the question of the extent to which these practices are aligned with the fair trial standards enshrined in CA3 and APII.

6. Findings of the Study

BASED ON THE desk research and the key informant interviews with Karenni State Interim Judiciary and the NUG's interim judiciary in Sagaing Region, it is unquestionable that both judiciaries are implementing the fair trial standards applicable to NIAC with limited resources and various constraints posed by the overarching impact of armed conflict. This section will examine each aspect of these judiciaries including the legal basis for their establishment and the fair trial standards, using the requirements adopted in CA3 and APII. Since the parties to cases in these judiciaries could not be interviewed, some components of fair trial standards in APII were not examined.

6.1 Legal Basis Requirement

BASED ON THE study of Karenni State Interim Judiciary and the NUG's interim judiciary in Sagaing Region, it is unquestionable that both judiciaries are implementing the fair trial standards applicable to NIAC with limited resources and constraints posed by armed conflict. The KIEC and the NUG attained territorial control in most of Karenni State and Sagaing Region, respectively, thereby qualifying them to establish courts to administer justice. Assessing whether the courts are regularly constituted is not compulsory, given the relaxed legal basis requirement endorsed by the APII and the Rome Statute. However, since Myanmar is not a signatory to either the APII or the Rome Statute, it is still worthwhile to evaluate if this requirement under CA3 is met, at the very least, by looking flexibly at whose law forms the basis of the courts.

Both Karenni State and NUG's interim judicial systems are based on the FDC, which is a constitution-like legislation for the interim period. While Karenni, based on the power vested by the FDC and its interim arrangement, enacted the interim judiciary law which specifically outlines in details the formation of different levels of courts, the qualification and tenure of judges, the selection and appointment procedure for judges and the fair trial standards, the NUG operates based on separate internal directives although its application of laws that preexisted the coup can infer the use of Union Judiciary Law (2010). As NSA courts may be formed under their own laws, it can be deduced that both

Karenni's and the NUG's interim courts are regularly constituted. However, the absence of a contextually relevant and publicly accessible judiciary law has created ambiguity among judges regarding which specific law serves as the basis for establishing the courts and which fair trial principles should be observed in the adjudication process. Without well-defined judicial guidelines, the risk of fair trial violations and arbitrary decisions increases significantly. Such a risk can be identified in the jurisdiction of township judicial bodies to impose the death penalty.

While Myanmar has retained the death penalty in law, no executions were carried out for 30 years until the military junta executed four political prisoners in July 2022. In conflict-affected areas, the proliferation of child rapes and the lack of action by the police force as discussed by the CSO actor, triggered the people to push for the death penalty. Though APII does not prohibit the death penalty except against children, pregnant women, and women with young children, the case of Haisam Sakhanh serves as an example of how the execution of death penalty rendered by a NSA court can be regarded as a violation of war crime if the trials are not safeguarded with fair trial standards. Under international human rights law, the right to life is a non-derogable right which requires individuals charged with the death penalty shall be provided with strictest observance of all fair trial guarantees and to certain additional safeguards. (Amnesty International, 2014) The absence of fair trial standards violates the right to life. (Amnesty International, 2014) Given the township judges' broad jurisdictional authority to impose the death penalty, the public pressure, the single-tiered appeal structure, and the adjudication by a three-judge bench with limited judicial expertise, establishing a rule-based system with well-trained judges and access to defense lawyers is essential to prevent wrongful judgments.

6.2 Judicial Independence

SINCE THE ASSESSMENT of NSA courts under the IHL focuses on the actual compliance of fair trial standards rather than their legal status, emphasis should be given on how the two interim judiciaries under observation are applying the standards in Article 6(2) of APII. Regarding judicial independence, both court

systems are separate from their respective interim executive and legislative branches. Under the Karenni system, because the assessment of candidates for State Supreme Court judges is conducted by the selection commission, whose members are selected by the legislature, which in turn selects the finalists, the process can be regarded as better serving the will of the Karenni people. Judges of different levels of Karenni courts are then again selected by the Chief Justice of the State Supreme Court. The tenure of judges, as well as when and how they can be impeached, are clearly prescribed. However, allowing KNPP judges to maintain their political affiliations can cast doubt on judicial independence.

On the other hand, the NUG, reflecting the reality of armed conflict, involves the township People's Defense Bodies (Pa-Ka-Pha) in the nomination of judges, who are then assessed and selected by the MoJ. Although the inclusion of armed group members as judges does not necessarily violate the independence of courts, it is likely that their competency and impartiality can be called into question without specific procedures for them to perform their judicial functions independently and impartially, especially in cases of alleged military informants or mere civilians. (ICRC, 2016, Section G, para. 680) Furthermore, the independence of NUG's judges is restricted by the uncertainty of their tenure and the absence of a transparent and accessible impeachment procedure, as shown in the incident of Ka-Ni township judges. With the emergence of the Sagaing Federal Unit, the transfer of judicial power from the NUG to the Unit is underway, and the adoption of an interim judiciary law should be prioritized by the Unit's legislature.

6.3 Competence of Judges

AS THE COMPETENCE of judges has been a main criticism in NSA cases in other countries and has become one of the factors in determining the legality of a judgment, as in the Sakhanh case, the qualifications of Karenni's and NUG's judges need to be evaluated. Both systems focus on appointing legal professionals with judicial experience prior to the coup, i.e., CDM judges. However, this measure appears infeasible in practice due to the scarcity of such individuals. Consequently, the focus shifts to lawyers and individuals with a law degree. Looking at the Karenni courts, while those formed after the

enactment of the Karenni State Interim Judiciary Law consist of judges with legal backgrounds, the judges of the KNPP are mostly non-legal professionals and are appointed only after a short period of training. Similarly, although judges in NUG's courts have a legal background, they lack experience in legal or judicial practice. This practice, as a result of adapting to a lack of human resources, creates a common barrier to applying relevant laws and producing sound legal reasoning, contributing to procedural errors and violations of fair trial standards. The lack of judicial expertise, compounded with insufficient judicial training and the absence of defense lawyers, who are essentially the checks and balances of the courts, increases the likelihood of wrongful judgements and judicial corruption.

As discussed by the CSO actors, biases and corruption are one of the reasons for the people not to recourse to these courts. This issue has been acknowledged by some of the high-ranked officials of both systems and efforts such as occasional field supervision of the State Supreme Court, serving as *amicus curiae* in trials, conducting weekly online legal training sessions, conducting in-service capacity building sessions, and, most importantly, opening a law college for formal legal training. For Karenni judges, more regular capacity-building sessions are needed, while the effort to provide formal legal training to the incumbents without a law degree should be expedited. On the other hand, regular field monitoring trips to the NUG's courts and judicial training should be conducted by the MoJ or the Sagaing State High Court after the interim judiciary law is enacted.

6.4 Judicial Impartiality

THE NUG'S COURTS use a three-judge panel system to ensure judicial impartiality. However, the administration of justice is often interfered with by the armed groups, contributing to tensions, threats, and, in the worst-case scenario, killings. The obstruction of the armed groups has become a pattern in both systems, causing judges to have serious concerns about their safety. Such interference also has a ripple effect on the public's trust in the courts as they no longer dare to file a complaint involving the violations of members of armed groups, especially in the cases of alleged informants. In Karenni, where the

reality of armed conflict requires judges to hear cases at police stations and rely on the KSP to safely discharge their judicial functions, it is open to doubt whether the questioning of police witnesses is impartial. Weak enforcement of judgments, particularly in the NUG's courts, causes civilians to seek recourse from armed actors, such as Pa-La-Pha and Pa-Ka-Pha. Although Pa-La-Pha is a local police force obligated to investigate and file complaints to the court, serious crimes like child rapes are often left uninvestigated and underreported. Even if the armed actors resolve civilian disputes, they do not necessarily have judicial power, and the application of fair trial standards is highly unlikely. Biases and bribery were observed among the CSO actors, who, in turn, are threatened by the armed actors, undermining their ability to keep the courts in check. Since impartiality has both subjective and objective aspects, not only do judges need to adjudicate without influence from the armed group, bias, or bribery, but they must also be regarded by civilians and CSO actors as impartial. Where coordination between political and armed leaderships already exists, a common understanding of the importance of an impartial, independent judiciary must be practiced. This requires guaranteeing the safety and security of judges, while enforcing institutional safeguards that prevent armed actors from overstepping their legal authority. It is also necessary for civilians to have increased awareness of the functions of courts, the judicial process, and the nature of cases, along with support to facilitate their access to the courts.

6.5 Right to Defence

IN CASES WHERE the independence and impartiality of the courts are compromised, defense lawyers have a more important role in safeguarding the rights of defendants. However, both systems face the shortage of defense lawyers, and in most cases, defendants are tried without a lawyer present. All judges acknowledged that this is a serious issue, as the defendants mostly have little or no legal knowledge, and therefore find it difficult to understand the questions. Where the plaintiff is often the State represented by the law officer, the trials often result in a conviction due to procedural inequality, despite the assistance of judges in questioning and submitting evidence. Though the judges assist the defendants out of necessity, this can be seen as partial. The ability to

secure defense witnesses is also affected by the shortage of defense lawyers, who could otherwise identify and summon witnesses to appear before the courts. The situation is exacerbated by hasty trials caused by armed conflicts. Defendants also experience violations of fair trial rights during the police investigation. Particularly in cases against alleged military informants, torture was used as a tool for interrogation and in some cases led to deaths, amounting to the violation of the peremptory norm to prevent torture.

In Sagaing, informing the accused of the reasons for arrest and provision of bail is not practiced as a norm by Pa-La-Pha but rather an exception. Given the failure to provide bail, the extension of remand via a photo without bringing the defendants to court contributes to the defendants' increased vulnerability to the loss of their fair trial rights and hinders courts from upholding these rights. Therefore, there is an urgent need for defense lawyers in both Karenni and Sagaing, but the immense security risks prevent them from traveling to these areas and appearing in court. Alternatively, there is room for online representation under section 60A of the Evidence Act, as practiced during the COVID-19 pandemic. However, both Karenni and Sagaing judicial leaderships show reluctance due to fear that judges' personal information and court locations could be exposed and due to slow internet connectivity. Where the shortage of defense lawyers cannot be resolved in the short- to medium-term, legal and institutional frameworks must allow free legal aid organizations and paralegals to step in, fill gaps, and better uphold fair trial standards.

In light of diverse governance structures as well as political and military dynamics, the interim judiciaries of the Karenni State and of the NUG have different levels of compliance or ability to comply with fair trial standards enshrined in APII and CA3, as described in the following table.

Table 1: An Overview of Fair Trial Standards Compliance
by Interim Judiciaries in the Karenni State and the Sagaing Region

Fair Trial Standards	Karenni State Interim Judiciary	NUG's Interim Judiciary in Sagaing Region
Legal Basis Requirement	Karenni State Interim Judiciary Law (2013)	Order No. 11/2022 of the NUG's President Office and internal directives of the NUG's Ministry of Justice
Judicial Independence	• Supreme Court Judges selected by committee formed by the Karenni State Interim Legislature and the KSCC • Judges of lower courts selected by the State Supreme Court • Jurisdiction of various courts, qualifications, tenure, exemptions, and grounds for impeachment of judges enacted in the interim judiciary law • KNPP judges allowed to have political affiliations • Has codified judicial principles and fair trial standards	• Judges nominated by the Township Administrative Bodies (Pa-Ah-Pha) • Some members of People's Defence Bodies (Pa-Ka-Pha) nominated and appointed as judges • No publicly accessible and transparent law or regulation regarding jurisdiction of courts, qualifications, tenure, exemptions and grounds for impeachment of judges • Township judges may impose death penalty • No codified judicial principles and fair trial standards
Competence of Judges	• Single-judge adjudication • Most judges of KNPP courts lack formal legal education • Appointment after a short period of training • No regular training session	• Three-judge adjudication • Most township judges have legal background but without legal or judicial practice • Appointment after a short period of training • Weekly training session
Threats to Judicial Impartiality	• Armed actors' threats and bribes from the public[1] • Some trials conducted in police stations due to security concerns • Judges have to assist defendants in asking questions and presenting evidence	• Armed actors' threats and bribes from the public[2] • Some judges involved in bribery and corruption practice decreasing public's trust in courts • Judges assist defendants in asking questions and presenting evidence

[1] Interview with Participant G1A in Mae Sot on 6th September 2025

[2] Interview with Participant G3A in Mae Sot on 6th September 2025

Fair Trial Standards	Karenni State Interim Judiciary	NUG's Interim Judiciary in Sagaing Region
Right to Defence	• No defence lawyer present in trials[3] • Paralegals provide legal advice, excluding counter terrorism and narcotic drug cases • Multi-tiered appeal process	• No defence lawyer present in trials[4] • Insufficient time for defence preparation • Irregularities in arrest and detention • Use of torture in cases involving military informants • Single-tiered appeal process

Looking at the overview of the fair trial standards compliance by these judiciaries, the overarching impact of armed conflicts creates some commonalities in barriers faced by the courts such as the lack of defence lawyers, the shortage of qualified judges and the deficiency in capacity building. However, an in-depth examination reveals that some barriers are unique in each judiciary or even in each court due to changing political, military and institutional contexts as well as historical and cultural impacts. Increased compliance with international fair trial standards therefore requires tackling these underlying factors.

7. Conclusion and Recommendations

MYANMAR'S STATE COURT system is no longer a viable pathway to seek justice due to the deteriorating rule of law, as evidenced by the military's continued impunity despite its blatant violations of international crimes. Although the armed conflict that began in 2021 has created a convoluted institutional, political, legal, and judicial landscape, the resistance forces across the country are committed to the common goal of establishing a Federal Democracy Union in which freedom, equality, and justice are guaranteed. With this goal in mind, the interim judiciaries are established to restore law and order, prevent a climate of impunity, and bring justice for the people despite the chaos of armed conflict. Though traditionally the power to adjudicate is

[3] Interview with Participant G2B in Mae Sot on 7th September 2025

[4] Interview with Participant G1A in Mae Sot on 6th September 2025

exercised solely by the State, the establishment of non-State courts has long been a feature of NIAC, leading to a shift from strict "regularly constituted" requirements, as in CA3, to operational compliance with fair trial standards by non-State courts in APII. Based on the FDC and their own laws, the interim judicial systems of Karenni and Sagaing can be regarded as fulfilling the "regularly constituted" requirement under CA3. However, several shortcomings have been identified in their adherence to fair trial standards, sometimes leading to violations.

While the constraints arising from armed conflict are inevitable, some deficiencies need to be addressed urgently - the interference of armed actors in the administration of justice, corruption, the limitations in judicial expertise, the lack of defense lawyers, the unsafe working environment for judges, and threats against civil society actors. In light of pluralistic stakeholders on the ground, the evolving governance structures, the changing political dynamics as well as the existing historical and cultural factors, these pressing issues cannot be resolved by the interim judicial systems alone. Recognizing that the coordination and collaboration among political, governance and military stakeholders as well as identifying the root causes of the issues are crucial, it is worthwhile to consider the following recommendations.

(1) To prevent **the armed actors' interference**, effective control of NUG and KIEC over their armed actors through close and purposeful cooperation with defense, judicial and executive bodies, timely and transparent disciplinary action against members of armed actors for obstruction of justice, and the protection of complainants and witnesses are required. Regardless of how well-structured the interim courts are, the failure to create a safe environment for complainants and witnesses will continue to undermine the people's trust on the justice provision. Compounded with the corrupted practices which are partly caused by the lack of regular ethical training, there is a short and medium term impact on the people's reliance on the interim courts, and in the long run, the mistrust on the justice provision ability of formal courts, which is detrimental to the future transitional government.

(2) **The competence of judges** is a critical factor in determining the legitimacy of NSA courts and their decisions as it affects the interim courts' ability to

uphold procedural fairness, correct application of law and most importantly, mitigating corruption, which has an impact on the people's acceptability of the interim courts. While the merit based appointment of judges is ideal, the interim governance bodies should select and appoint judges in a procedurally transparent, non-biased manner, balancing the limited legal expertise and the imperative of political impartiality. As a short and medium term response, the MoJ or the future High Court of Sagaing Federal Unit, and the Karenni State Supreme Court should provide a more intensive and regular series of judicial, ethical and human rights training for existing judges, especially in-person, scenario-based training, conduct periodic field visits to courts, and executing vetting procedure. For the long term, a structured legal training program such as law schools and judicial training facilities should be established to nurture home-grown qualified legal and judicial officers. At the same time, the deep-rooted and growing lack of people's trust towards judiciary should be addressed through awareness sessions participated by judicial, executive and defense bodies.

(3) **The absence of defence lawyers** substantially heightens the risk that resulting decisions may be rendered null and void under the scrutiny of IHL and IHRL, which in the long range can be considered as violation of war crimes. Given the human resources constraint, difficulties remain for the interim courts to ensure defence representation. However, the MoJ or the future High Court of Sagaing Federal Unit, and the Karenni State High Court can facilitate the establishment of legal aid boards and training of paralegals for the immediate term. For the medium term, it is worthwhile to consider using video conferencing as a tool for facilitating defence lawyers to provide representation. This method has been legally sanctioned and utilized by the NUG's military justice mechanism, and should be further explored taking into account the security risks of the judges, witnesses, defendants and other parties involved.

(4) **Unsafe working environments for judges** is closely intertwined with the interference of the armed actors in the adjudication process. This practice is rooted in the so-called "for the sake of revolution" which prevents the judges from administering justice according to the law. The role of the justice system being relegated among political and military affairs is anchored not only in the historically systematic undermining of legal

professions but also in the need for a common mindset among the resistance forces to dismantle the dictatorship using people's centred approach. The persistence of armed authority over the rule of law will push the existing judges to leave their service which can be detrimental to the interim justice mechanisms given the limited human resources. While the provision of armed protection is an instant cure to the safety issue, it is required for the NUG, the Sagaing Federal Unit and the Karenni leaders to apply principled based approach in dealing with violations of law thereby promoting the cruciality of judges and the justice system as a whole.

(5) **Civil society actors** provide oversight and hold the misconduct of the people in authority accountable. Threats against these actors from pointing out and criticizing erode the democratic culture that the resistance actors set as the ultimate goal for the revolution. The immediate impact of diminishing CSO actors have been observed in the interview where the respondent became reluctant to voice out the violations of the armed actors and the people in authority. The continuation of this situation will facilitate the thrive of rights violations including fair trial rights and support the culture of impunity. It is therefore important for the political and armed actors to understand and accept the value of CSO actors and reach a common purpose to work towards together. This requires open and honest regular dialogue among the armed actors, governance bodies, CSO actors and the public.

While the interim judiciaries of resistance forces have been recognized by the UN Human Rights Special Rapporteur as a platform for accountability and as part of the justice sector in a future democratic Myanmar, the prioritization of addressing the interrelated issues facing by the interim judiciaries will increase the courts' compliance with fair trial standards, which subsequently enhances the legitimacy of these courts and the legality of their decisions under international law.

References

Amnesty International. (2014). Fair trial manual (2nd ed.). Amnesty International Publications. https://www.amnesty.org/fairtrials

Aung, H. W. (2026). An analysis of the military justice mechanism of the National Unity Government: Focus on procedural dynamics, forensic challenges and judicial accountability (Working Paper 1/2026). Australian National University, Myanmar Research Centre. http://myanmar.anu.edu.au

Aye, L. (2025, July 25). NUG terminates four judges from Ka Ni township. People's Spring. https://www.facebook.com/share/p/1EDeXM6Af3/?mibextid=wwXIfr

Droege, C. (2007). The interplay between international humanitarian law and international human rights law in situations of armed conflict. Israel Law Review, 40(2), 310–355. https://doi.org/10.1017/S0021223700013376

Duffy, H. (2023). De facto justice: Non-state armed groups and the administration of criminal justice. In [Volume title] [Unpublished book chapter]. https://ssrn.com/abstract=4326955

Gejji, P. S. (2013). Can insurgent courts be legitimate within international humanitarian law? Texas Law Review, 91(6), 1525–1559.

Haviland, C. (2006, October 14). Parallel justice, Maoist style. BBC News. http://news.bbc.co.uk/2/hi/south_asia/6048272.stm

International Committee of the Red Cross. (1987). Commentary on the Additional Protocols of 12 August 1977 to the Geneva Conventions of 12 August 1949 (Y. Sandoz, C. Swinarski, & B. Zimmermann, Eds.) (Protocol II, Article 6: Penal prosecutions). https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977/article-6/commentary/1987

International Committee of the Red Cross. (2016). Commentary on the First Geneva Convention: Amelioration of the condition of the wounded and sick in armed forces in the field (Article 3: Conflicts not of an international character). https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-3/commentary/2016#c__Toc465169917

International Committee of the Red Cross. (n.d.). Rule 100. Fair trial guarantees. Customary IHL Database. Retrieved June 9, 2026, from https://ihl-databases.icrc.org/en/customary-ihl/v1/rule100

International Criminal Court. (2011). Elements of Crimes. https://www.icc-cpi.int/Publications/Elements-of-Crimes.pdf

Judged by the people. (2006, October 5). The Economist. http://www.economist.com/world/asia/displaystory.cfm?story_id.E1_RDDTGNJ

Karenni State Consultative Council. (2024, October 26). Interim Arrangement of Karenni State.

Karenni State Interim Parliament. (2023). Karenni State Interim Judiciary Law (Karenni State Interim Parliament Law No. 2/2023)

Karenni State Interim Judiciary. 2025 Annual Court Report. [Karenni State Supreme Court].

Kha, K. (2024, April 24). Karenni State Liberated From Myanmar Junta Control by Yearend: IEC. The Irrawaddy. https://www.irrawaddy.com/in-person/interview/karenni-state-liberated-from-myanmar-junta-control-by-yearend-iec.html

Klamberg, M. (2018). The legality of rebel courts during non-international armed conflicts. Journal of International Criminal Justice, 16(2), 235–263. https://doi.org/10.1093/jicj/mqy012

McCartan, B., & Jolliffe, K. (2016, October). Ethnic armed actors and justice provision in Myanmar (Social Services in Contested Areas in Myanmar Series). The Asia Foundation.

Ministry of Justice. (n.d.). Home. https://moj.nugmyanmar.org/en/home_en/

National Unity Consultative Council. (2021). Federal Democracy Charter, Part I: Declaration of Federal Democracy Union. https://crphmyanmar.org/wp-content/uploads/2021/04/Federal-Democracy-Charter-English.pdf

National Unity Government. (2022, May 19). Directive No. 11/2022 [Directive] blob:https://metafind.nugmyanmar.org/48454a7e-7db9-40a9-8bf2-f953bc3592b6

Office of the High Commissioner for Human Rights. (2021, February 25). Joint statement by independent United Nations human rights experts on human rights responsibilities of armed non-State actors [Press release]. https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights?LangID=E&NewsID=26797

Pyidaungsu Hluttaw Law No. 73/2015: Law Amending the Myanmar Evidence Act, 2015 (Myanmar)

Sivakumaran, S. (2009). Courts of armed opposition groups: Fair trials or summary justice? Journal of International Criminal Justice, 7(3), 489–513. https://doi.org/10.1093/jicj/mqp039

Somer, J. (2007). Jungle justice: Passing sentence on the equality of belligerents in non-international armed conflict. International Review of the Red Cross, 89(867), 655–690. https://doi.org/10.1017/S1816383107001221

The Code of Criminal Procedure (India Act V, 1898) (Myanmar)

The Defence Services Act, 1959 (Myanmar)

United Nations Human Rights Council. (2026, April 27). From impunity to justice: Accountability for grave human rights violations in Myanmar (Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, A/HRC/61/CRP.9). https://www.ohchr.org/

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Navigating the Intermediary Node in a Transnational Advocacy Network Using the Boomerang Model: Explaining the Shift Toward Sustaining Exiled Activism in Thai–Myanmar Relations

THI HAN HTUT

Abstract

Although there is an upsurge in scholarly literature covering the various aspects of Thai-Myanmar relations after the 2021 coup, research on the collaborative strategies between Thai and Myanmar human rights advocacy groups is still lacking. This report addresses this gap through a cross-sectional qualitative study utilising in-depth interviews with advocacy groups from both countries based in Thailand and using Keck and Sikkink's boomerang model of Transnational Advocacy Networks (TANs). The central argument of the research is that while initial collaborations focused on high-level political lobbying to delegitimise the military junta, these efforts encountered partial blockages in Thailand, which are in the form of close state-level military relations and the host-state civic restrictions. Consequently, the nature of Thai-Myanmar civil society collaboration has fundamentally shifted. Although it still aims to delegitimise the military rule, current TAN activities prioritise livelihood assistance for exiled activists in the hope that once the political conditions in Myanmar alter, these communities can continue their struggle.

Keywords: Thai-Myanmar, transnational advocacy networks (TANs), civil society organizations (CSOs), Myanmar coup, boomerang model, cross-border advocacy

Executive Summary

Key Findings

AS THE CONFLICT dragged on, the joint advocacy efforts were transformed from the initial emergency response to one focused on sustainable livelihoods. The report argued that this shift could be due to the close military-to-military ties between the Thai government and the Myanmar junta, which in turn serves as a partial blockage, hindering the effectiveness of advocacy efforts. Moreover, rising ultra-nationalism and digital xenophobia in Thailand pose a significant obstacle to advocacy through constraining the civil space in which transnational advocacy can take place safely. Nonetheless, the Thai CSOs still play an important role as creators of political space, facilitating the process for their Myanmar partners in working around the red lines of the host-state. At the same time, operational tensions remain within the network due to the different historical backgrounds, linguistic difficulties and rapid fragmentation of the Myanmar groups, despite the network still sharing initial grievance about the junta's human rights violations and the aim of delegitimising the military rule in Myanmar

Recommendations

THE THAI GOVERNMENT needs to make a formal commitment to a non-refoulement policy and to stop deporting Myanmar nationals back to Myanmar, where they become subject to forced conscription and proxy punishments. Internationally, the donors should invest in joint Thai-Myanmar civic dialogue and language acquisition programmes to counter the anti-immigrant rhetoric and integrate exiled communities. Finally, the funding organizations should prioritize flexible long-term financing for micro-entrepreneurship, learning centres, and livelihood sustainability.

1. Introduction

THE FEBRUARY 2021 military coup in Myanmar marked a distinct break from the political trajectory the country had since its quasi-liberalisation period in the 2010s. During this period of openness, the country was able to shed its mantle as an international aid orphan, and there was a vibrant community of domestic civic groups, human rights defenders, and grassroots organisations. The coup reversed these hard-won gains. Consequently, a massive exodus occurred, pushing activists, scholars, and political oppositions to the country's frontier areas and across the borders for their survival and also to continue their struggle against the military. Among the destinations for these exiled groups, Thailand is a country where they concentrated the most, which is not surprising considering the two countries shared a land border of over 2400 kilometres.

Since the 2021 coup, there has been an upsurge in scholarly investigations on Thai and Myanmar relations. However, there remains a lack of research that explicitly discusses the relational dynamics and collaborative strategies between Thai and Myanmar civil society groups following the 2021 coup. This research addresses this gap by investigating how Thai and Myanmar human rights advocacy organisations have collaborated and adapted their joint advocacy strategies since February 2021. Their transnational advocacy network (TAN) activities were then analysed through the boomerang model of Keck and Sikkink. It was conducted as a cross-sectional qualitative study. Primary data was collected via semi-structured, in-depth interviews online. Secondary sources from public declarations, policy statements, and human rights monitoring to complement the primary sources.

Given the transnational nature of Thai-Myanmar civil society interactions, the report applied Keck's and Sikkink's (1998) foundational conception of the boomerang model (see Figure 1) to describe the Thai-Myanmar civil societies' relations. The boomerang model describes a hypothetical scenario where, when the domestic channel for addressing the grievances is blocked (Node A), the local civil society actors there could voice the grievances from the foreign field instead (Node B, or the intermediary node), and as a result, the international

organisations would exert the pressure back, similar to a thrown boomerang returning to its thrower, on the repressive state in question (Node C). The model illustrates the boomerang effect of transnational advocacy networks (TANs), where the local CSOs send symbolic messages of their governments violating the global norms, and international organisations, in return, pressure the governments in question by the normative mandate they wield; in other words, a politics of normative consensus (documentation, advocacy works, etc.) and normative compliance (blame and shame, economic sanctions, etc.). Specifically, Keck and Sikkink (1999) outline a typology of TAN tactics: 1) information politics, i.e., spreading of politically useful information within the network; 2) symbolic politics, i.e., evoking symbols that help to make sense of the claim in question; 3) leverage politics, i.e., urging the powerful actors to influence the actions of the targeted actors; and 4) accountability politics, i.e., urging the targeted actors to oblige the formal principles they have endorsed. Additionally, they suggested assessing the influence of these advocacy networks based on five dimensions namely: 1) case framing and issue creation; 2) discursive positions of regional and international organisations; 3) institutional procedures; 4) targeted actors' policies; and 5) targeted actors' actions (Keck and Sikkink, 1999).

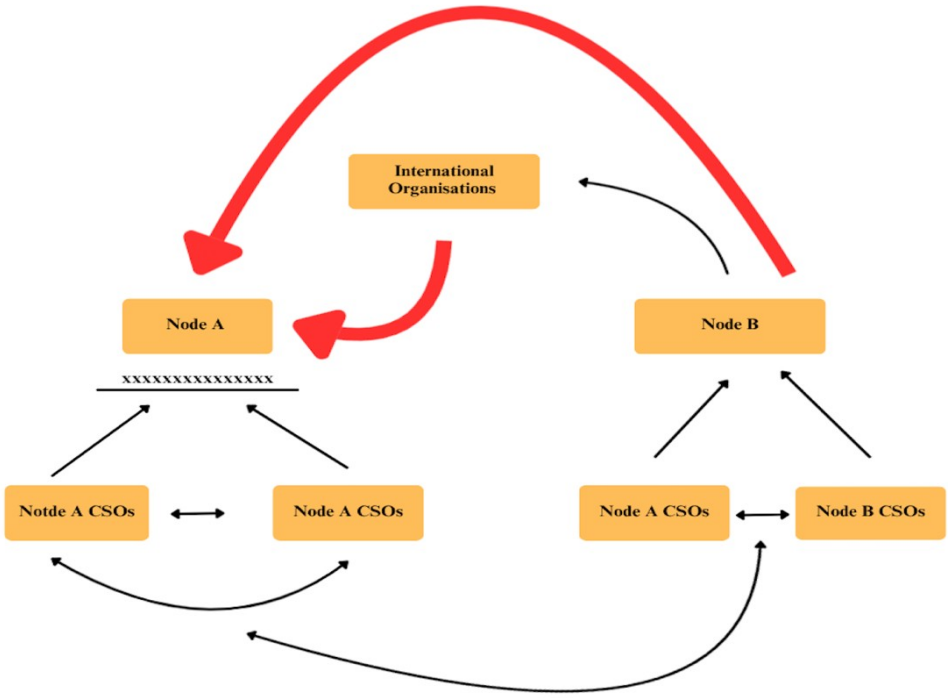


Figure 1: Contextual Framework of The Boomerang Model[1]

Using this framework in the context of Thai-Myanmar collaborative advocacy work, Node A (Myanmar) illustrates that there is strict blockage for the groups to raise their issues. Node B (Thailand) as well shows there is a partial blockage for Thai and Myanmar groups to advocate for their cause. This blockage is usually in the form of close relations between the militaries of Node A and B, even as some host-state civic restrictions are not supposed to be crossed in Node B. This paper argues that the network's initial grievance about the junta's human rights violations and the aim of delegitimising the military rule in Myanmar remains the same. This is shown by the Thai human right groups' stance over Min Aung Hlaing's state visit to Thailand this year, urging their authorities not to legitimise the regime's credibility through diplomatic recognition (The Nation, 2026a). An MP from the opposition People's Party had also chanted demands for 'peace' and 'humanity' towards the regime leader

[1] Interview with Participant G1A in Mae Sot on 6th September 2025

during his visit to Thai Parliament and subsequently caused the security to escort the MP out from the room (Mizzima, 2026). However, this report contends that the TAN collaboration between Thai and Myanmar human rights advocacy groups since the 2021 coup has decreased in recent years. Instead, their joint advocacy activities have shifted toward providing sustainable livelihood for the Myanmar activist communities in the hope that once the political conditions in Myanmar alter to one that is not inhospitable to human rights advocacy as it is now, these communities can continue their struggle for Myanmar.

This report also provides a set of recommendations for further studies. Although participants point to the rising anti-immigrant sentiment as a major challenge for their advocacy work, this study focused only on how relations between Thailand and Myanmar at the state level impact the TAN activities. Future studies should investigate how the proliferation of online hate speech and coordinated disinformation campaigns via right-wing influencer activists (Sungkate et al., 2025) impact the Thai-Myanmar TAN. In addition, several Thai participants noted that their collaborative activities these days lean towards more of an environmental justice angle instead of solely centred on human rights. However, it is also not unusual to see the protests linking their environmental grievances with human rights causes (The Nation, 2026b). It would be useful for studies to examine whether Myanmar and Thai groups can also collaborate on environmental justice-related issues and the implications they have on state policy, since agreement on containing the transboundary haze and water pollution was one of the MOUs signed between Thailand and Myanmar during this year's Bangkok visit by Min Aung Hlaing (Bangprapa, 2026).

2. Contextual Background

HISTORICALLY, Thailand has played a critical role in developing Myanmar's civil society by serving as a host country for the exiled Myanmar activists and organisations and providing space from which they could operate, build capacity, and engage with international networks. The following section

discusses the domestic dynamics each civil society has with their respective state, and then examines Thailand's involvement as a host state in the two important junctures for the development of Myanmar civil society, i.e., the post-1988 exodus of the activists and the 2008 Nargis cyclone.

Concerning the development of Myanmar civil society, it is recognised that there are other events such as the 2007 Saffron Revolution and the 2003 Depayin massacre that shaped it in a significant way. For instance, it was as a response to the 2007 demonstration that politically active organisations such as Generation Wave emerged (Matelski, 2024), initially operating from Thailand and returning to Myanmar during the early days of the 2010s transition. One of the Generation Wave's co-founders was Phyo Zeyar Thaw, a rapper-turned pro-democracy politician who was hanged to death by the junta in 2022 for his political activism (BBC, 2022). In addition, the Depayin Massacre was also one of the events referenced by the advocacy initiative, such as Burma Partnership, in their rally against the 2010 election, with the rationale being how the election held by the very institution (military) that physically assaulted the opposition campaigning convoy in Depayin township can be only a sham one (Matelski, 2024, p. 105). Burma Partnership was succeeded by the Progressive Voice (Burma Partnership, 2016), which, also in 2026, was one of the leading advocacy initiatives that boycotted the military-led election as a sham one (Progressive Voice, 2026). However, these events fall outside the scope of the historical section below since the report cannot identify in literature the relation Thai and Myanmar civil societies had during those events.

2.1 Domestic Dynamics of Thai and Myanmar Civil Societies

THE CIVIC SPACE of Thailand may be described as a "semi-civil society" (Ungsuchaval, 2016) or "consultative authoritarianism" (Teets, 2013), which is characterized by a dynamic, reciprocally dependent relationship where CSOs are neither completely autonomous nor entirely state-dependent. Although the state and CSOs often collaborate and share a symbiotic association, they also frequently confront and remain suspicious of one another (Ungsuchaval, 2016). There are also some accounts which argue that the civic space in Thailand is entirely an authoritarian civil society (ACS) (Sombatpoonsiri, 2020) and co-

opted. For instance, in the aftermath of Thailand's 2020 protests, several pro-royalist civic groups such as 'Thai Bhakdi' and 'We Support Prayuth' were organically involved in filing at least 17 of the lese-majeste lawsuits against the activists and participants. This practice is known as the strategic lawsuit against public participation (Sombatpoonsiri, 2021), which involves a barrage of legal charges, digital surveillance, and harassment. Nonetheless, civil society being co-opted at least signals that there is a functioning civic scene. Such is not the case in Myanmar.

With the quasi-liberalisation in 2010, led by the military, Myanmar shed its status as an 'aid orphan', and its civil society scene flourished. However, the 2021 coup signalled the total evisceration of these civic gains. The operational realities that civil society encountered most visibly after the coup were those of localisation, the process by which donors sought to transfer funding, decision-making authority, and programme implementation from INGOs to local organisations. Unfortunately, localisation is merely equated to carrying out operations by local groups, but no agency or strategic planning role was given to them (Décobert & Wells, 2025), leading to selective localisation by donors, which is detrimental for conflict sensitivity (Nwe Hlaing et al., 2024). Another operational reality was the crumbling aid context. Almost all technicalities involved in delivering aid have been disrupted since the coup. In addition, international humanitarian support has been in decline for Myanmar. According to the UNOCHA (2025), aid for only 4.9 million people has been planned in 2026, whilst 16.2 million people require life-saving assistance and protection services, including 5 million children. Similar to Thailand, Myanmar's military government has also attempted to coopt civil society, though its methods are not very sophisticated. For instance, before the 2010 election, organisations such as Myanmar Egress (ME)—although they contributed much to strengthening large numbers of community-based organisations in the country and were recognised at that time by the international community as leading CSOs of the country—were far from independent in that their founders have close relationships with military elites, express the military's idea of nation-building, and act as an international advocate for the military-sponsored democratic transition (Myat, 2024). Such attempts to co-opt civil society and

veil the regime under a civilian cloak can be observed today, with the coup leader general appointing himself as the president (Thu Thu Aung & Aung, 2026) and the junta convening its so-called peace conference, which bears a harrowing resemblance to the countless peace dialogues held after 2010 (Ministry of Information, 2026).

2.2 Historical Trajectory of Thai-Myanmar Civil Society Engagement

FOLLOWING MATELSKI (2024), the report identifies the 1990s as the first traceable juncture when CSOs began to consolidate within Thailand, although there have been waves of exit in Myanmar since the 1960s (Matelski, 2024, p. 39). The 1990s was preceded by country-wide protests in 1988 in Myanmar. However, this uprising was violently suppressed with a counter-coup from the junta. The junta then held an election in 1990. The opposition National League of Democracy (NLD) won a landslide victory there, the outcome of which the military did not accept and, instead, detained its leader, Aung San Suu Kyi. After concluding the ceasefire agreement with northern ethnic armed groups, the junta concentrated its assaults on the Karen National Union (KNU) at the eastern part of the country through the infamous 'Four Cuts' counterinsurgency doctrine (Fishbein & Lusan, 2021). As early as 1984, there has been a large influx of Karen refugees to the bordering Thai side, and between 1984 and '86, there were around 18,000 displaced persons along the border in Tak and Mae Hong Son provinces (Kyaw, 2026). After 1988, this flow intensified, with the fall of KNU's headquarters, Manerplaw, in 1995 alone pushing around more than 150,000 refugees across the border (Loong, 2022), in addition to about 10,000 political activists from Rangoon fleeing to Thailand (Matelski, 2024, p. 39). In the wake of the 1988 uprising and subsequent election, members of NLD and other political activists and civil society actors fled to the Thai side of the Myanmar-Thailand border (Brenner & Schulman, 2019). At the Manerplaw, Karen revolutionaries, democracy activists and other ethnic resistance leaders convened to challenge the Myanmar military, and they were joined by Western activists sympathetic to the cause. With the fall of Manerplaw in 1995, these resistance groups relocated to Thailand and set up organisations, some of which

are still active today, that channelled aid from Western governments (Loong, 2026). The areas these organisations were active in range from humanitarian assistance to advocacy journalism. The famous 30-year-long Mae Tao clinic in Mae Sot and the Irrawaddy media outlet originated in that period (Brenner & Schulman, 2019).

By 1999, there were over 50 Burmese CSOs that were active in the Thai border areas alone (Matelski, 2024). The CSOs at the Thai-Myanmar border, especially the ethnic ones such as the Karen Environmental and Social Action Network (KESAN), the Karen Human Rights Group (KHRG), and the Kachin Women's Association of Thailand (KWAT) (Brenner & Schulman, 2019), occupy the role of service provision to communities in the armed group-controlled areas (Loong, 2026). That being said, one should not presume that they are pure agents of armed groups but instead are able to provide a public sphere and can be critical of said armed groups (Brenner, 2018). The influential 2002 report 'License to Rape', which documents the junta's weaponisation of rape against ethnic women, was produced by Shan Women's Action Network (SWAN). It is in Thailand where SWAN was based and where they had chances to interact with the international human rights scene (Matelski, 2024), which, in turn, improved their technical capacity. It was also in Thailand where the Vahu Development Institute (VDI) was formed, which has been described as the 'Harvard Mafia' based on the university where the founders had studied or the 'third force' after being disillusioned with transnational activism and diminishing funds and then deciding to initiate the capacity building of social workers inside the country (Matelski, 2024). VDI has an extensive connection with Thailand's civic scene in that since 2006 they have had a Community Development and Civic Empowerment (CDCE) programme with Chiang Mai University (Kluyskens & Desmond, 2015) for social workers and politically upstart youths who later become part of important interest groups in the upcoming 2010s transition period. One of the VDI's original founders is now a director at ISP Myanmar (The Irrawaddy, 2022), arguably the most influential think tank among contemporary exile politics.

The second juncture is the 2008 Cyclone Nargis, a category-four storm that resulted in an estimated 140,000 deaths. The military's reaction was to block all

forms of aid from the international community, and it accused Western powers of trying to undermine the country's sovereignty under the guise of support, especially after the French call for R2P (Bellamy & Drummond, 2011). ASEAN, nonetheless, was able to form the Tripartite Core Group (TC), a kind of humanitarian broker, consisting of Myanmar and the UN, to provide the international relief (both material and technical assistance), and it was then Thai Supreme Commander Boonsrang Niumpradit who managed to get the consent from the junta side for the aid to be delivered by US military aircraft (Bellamy & Drummond, 2011). This period was important because the post-Nargis generation of Myanmar civil society emerged then (Aye Lei Tun, 2025; Matelski, 2024, p. 159). Though there have always been CSOs along the borders, it was only then, by participating in cyclone relief programmes, that a lot of the young generations in the central and southern parts of the country, particularly the urban areas, got a chance to get involved with the civic scene. It was also the first time in years when the Western donors and organisations inside the country got to interact (Matelski, 2024), and a lot of youths were sent to multiple capacity-building programmes abroad, such as the mentioned CDCE programme in Thailand (Kluyskens & Desmond, 2015) and, inside the country, the programmes by Myanmar Egress (Matelski, 2024), which are half empowerment and half political advocacy for the military (Myat, 2024).

3. Research Problem and Objectives

THE OVERARCHING RESEARCH question that this report attempts to address is about how the relations between Thai and Myanmar human rights civil society organisations have evolved since the February 2021 coup, and in what ways have their collaborative advocacy strategies adapted to the prolonged conflict?

Extensive literature on this topic has highlighted Thailand's historical role as host country for Myanmar's civil society development. Following the 1988 uprising, Thailand served as the operational space for exiled activists, the subsequent transnational Burma pro-democracy movement, and the formation of border-based organisations that delivered a mixture of humanitarian support and advocacy work. During the aftermath of the 2008 Nargis cyclone, capacity-

building programmes hosted in Thailand helped shape a new post-Nargis generation of actors. These actors become influential in Myanmar's civic space during the decades of quasi-liberalisation in the 2010s.

After the 2021 coup, it was a coalition of around 40 Thai civil society groups that issued a statement criticising the government action (Keawakho, 2023) to deport Myanmar citizens back to their home country despite the risk of forced conscription, jail time, and worse, torture or death (Fortify Rights, 2025). It was also a coalition of Thai civil society which pressured the Thai gas companies to reconsider their investment in Myanmar (ETOs Watch, 2021).

However, so far, the researcher did not come across any English-language literature that explicitly discusses the relationship and cooperative strategies between Thai and Myanmar CSOs following the February 2021 coup. Whilst there may be existing studies written in other languages, this report argues that there is currently a gap over post-coup transnational advocacy between these two groups. As such, the aim of the report is to fill in those missing pieces of the puzzle by trying to understand the transnational advocacy conditions between them.

4. Research Methods

THIS RESEARCH CONDUCTED a cross-sectional qualitative study using primary data based on semi-structured, in-depth interviews online (see Appendix for sample questionnaire). It also used secondary sources from public declarations, policy statements, and human rights monitoring reports to complement the primary sources. Whilst collecting data, strict data protection and safeguarding protocols were applied. Informed consent was obtained from the interviewees, and data were anonymised to protect their identities.

Collected data, consisting of interview recordings, were first transcribed verbatim and familiarised. These transcripts were then broken down into different thematic clusters that respond to the research objective. The thematic clusters largely mirror the layout of this report's finding section – reactive emergency advocacy, economic targeting, adaptations to conflict, and

operational frictions. Then, under the analysis section, these thematic categories were interpreted through the Keck and Sikkink's Boomerang Model to analyse how host-state political situations alter the transnational advocacy network (TAN) between the two civil societies.

Ten (10) civil society groups in total participated in the data collection process (8 Thai and 2 Myanmar organisations). The sampling criteria for Thai CSOs were that, first, the organisation must have engaged in advocacy work related to the political crises in Myanmar since 2021. Secondly, the organisation had to be actively involved in human rights protection and/or political advocacy. The study did not include Thai CSOs that solely provide health support in collaboration with a Myanmar CSO but with no political messaging. This second filter ensured that the study remained focused on the topic of the primary research question, which is about the human rights advocacy strategies. Finally, the organisation must have an active or recent working experience with Myanmar counterparts. For Myanmar CSOs selected in the study, Thai CSOs referred to them as their usual partners.

The study originally targeted 12 CSOs (6 Thai and 6 Myanmar organisations). However, due to the tight two-month timeframe for data collection, the final compromise consists of only 10 groups. In addition, because participants were contacted through snowballing via Thai advocacy networks, Thai CSOs are over-represented in the data set, and the findings lean toward their perspective as host-state organisations. Therefore, the conclusions regarding sub-network operational frictions remain tentative and do not represent an exhaustive view of Thai-Myanmar TAN activities. This shows a clear need for further research. Specifically, future studies should cover a broader range of Myanmar groups to address the overrepresentation of Thai organizations in the current dataset. Expanding the research scope in this way is essential for gaining a better understanding of the converging and diverging perspectives between Thai and Myanmar actors, which this report could only explore in a limited manner.

4.1 CSO or NGO?

THE WORD 'CSO' has its lineage to the concept of civil society, a concept which originated from Western liberal political philosophy in demarcating the line between the state and that which is not the state. This demarcation remains blurred for a long period of time due to the tight-knit relationship between state and civil society (Götz, 2011). However, only at the end of the 20th century does the term regain its prevalence in the zeitgeist as a Tocquevillian watchdog in opposition to the state (Keane, 2010). An NGO as a concept, however, is a technical creature borne out of a post-war legal arrangement (Götz, 2019). With the backdrop of Cold War rivalry between two superpowers, the word 'NGO' was used by the United States in contrast with intergovernmental organisations (IGOs) such as the International Labour Organisation (ILO) to highlight its non-governmental nature and, hence, to not invite them to the general assembly. The US led this effort because the Soviet Union sought to establish the World Federation of Trade Unions (WFTU) as a specialised agency with observatory status that could rival the ILO. Nonetheless, Article 71 of the UN Charter codified the term NGO, subsequently legitimising and ushering in the technical usage of it (Götz, 2019). Today, it is used synonymously with 'civil society organisations' (CSOs). This change is consistent considering the re-emergence of the word 'civil society' in the 1980s. Even in Latin America (Pousadela, 2019) and Cambodia (Barter, 2024), where NGOs mushroomed owing to third-wave democratisations and post-Khmer Rouge arrangements, practitioners today would rather identify themselves as part of CSOs, albeit working in organisations legally registered as NGOs, criticising the said name as pro-establishment, mainstream, and technocratic. In the case of Myanmar, some scholars argue that the CSO scene should be understood in a non-prescriptive manner in that the line between those who focus on service delivery and political advocacy is extremely blurry (Petrie & South, 2014). In addition, since the early '90s, with the booming of concepts such as 'global civil society', donors from the global north started identifying support organisations in the south that somewhat mirror their normative claims and organisation structure (Matelski, 2024). Hence, the situation becomes more complicated as the word 'CSO' itself—notwithstanding the distinction between political advocacy,

humanitarian assistance, communal support, development assistance, etc.—becomes a currency in Myanmar to legitimise the financial and political support from the global north (Zarni, 2012).

Nonetheless, this study uses the word 'CSOs' as a major analytical category, meaning that under this term the report encompasses registered formal NGOs, informal advocacy collectives, diaspora networks, and solidarity initiatives. If the legal status of a group was relevant to the research question, for example, how their legal status impacts their advocacy work, it was explicitly noted.

5. Findings

IN THIS SECTION, the report presents a discussion of the joint advocacy work between Thai and Myanmar CSOs following the 2021 coup. It begins by outlining the early crisis response, followed by a discussion of the economic angles the groups have taken to lobby from, and finally, the current shift towards long-term capacity building instead of high-level advocacy work. It also examines the operational frictions, i.e., ideological and historical differences that add to the complexity of cross-border solidarity between the two groups. See Table 1 for Summary of Interview Findings.

5.1 Crisis Response & Reactive Advocacy

5.1.1 Emergency Assistance and Support

Right after the coup, a lot of the energy has been spent on reactive emergency measures. This phase, from around 2021 until 2022, could be termed as one of acute crisis response. Thai CSOs recounted how the first two years after the coup, were all about providing rapid and high-risk material assistance to their Myanmar partners in Thailand. These include emergency relief funds, safe houses, and clandestine networks to relocate the high-risk activists, especially when the crisis had morphed into a widespread armed conflict between the junta and opposition forces in the immediate months. One Thai advocacy group, which has been active inside Myanmar for decades through their capacity-building programmes, said that in late January 2021, it had heard

about the possibility of a coup within their closed network. They responded to this information by supplying essential telecommunication tools to partners inside Myanmar, anticipating the communication blackout, which indeed occurred with the junta imposing a midnight digital curfew till the early morning by throttling the internet. When asked how the support is reached and distributed to those who are in need, although the Thai organisations do not share the exact means due to security concerns, most responded that it was all thanks to trust-based, informal and low-profile focal points. These focal points, according to them, are responsible for channelling funds and medical equipment for displaced people who are on their route to relocate to Thailand. Occasionally, the reactive assistances went to the extent of facilitating the exiled activist to receive political asylum and relocate to other countries, since Thailand itself does not have procedures for assisting asylum seekers.

5.1.2 Advocacy Strategies

The organisations interviewed said that the main advocacy strategies back then were those of delegitimising the military rule, with the major objective being the diplomatic recognition of the parallel National Unity Government (NUG), and lobbying not to acknowledge the junta across the global platforms. One organisation, which had decades of lobbying experience on why a junta is economically detrimental for the ASEAN bloc on a regional level, pointed out that the protestors in Myanmar then were co-opting the three-finger salute of Thailand's democratic youth movements, noticing how fluid the symbolic visual language of anti-authoritarian struggle between the two countries is. Some Thai groups who had extensive connections with ethnic armed groups, women's rights groups, and labour unions inside Myanmar were able to facilitate the dialogue before the regional event, such as the ASEAN summit, so that their concerns can be collected in a bottom-up manner and then presented to the stakeholders. The rationale back then was perhaps the moral outrage, together with frameworks such as the ASEAN five-point consensus and worries from groups working inside would be effective to isolate the junta on a regional level.

One of the strategies back then was also to advocate for the removal of the Myanmar National Human Rights Commission (MNHRC) from regional and global forums. The reason was that the expulsion would not allow the junta to maintain the façade of recognising human rights in Myanmar. One Myanmar interviewee said that although the Myanmar National Human Rights Commission (MNHRC) was already expelled on a global level (Forum Asia, 2025), it retains its status as a member in the Southeast Asia National Human Rights Institution Forum (SEANF) at the regional level (Forum Asia, 2026). The participant linked the MNHRC's ability to retain the SEANF membership to the Thai government's support and protection. However, there is no direct evidence of Thailand's role in maintaining the MNHRC membership within the forum, and the delay to expel could as well be due to the rule of procedures (RoP) within SEANF. The regional forum strictly outlines the criteria for admitting new members, for instance, that of complying with the Paris Principles, but there are no agreed procedures for expelling members. Currently, the present chair of SEANF, the Malaysia National Human Rights Commission (SUHAKAM), is leading the efforts to introduce a two-thirds majority decision-making mechanism when absolute consensus cannot be reached. The rights groups urged for this amendment to be a stepping stone to remove the MNHRC from the forum (Forum Asia, 2026).

5.2 Economic Sanctions Targeting and the Limits of High-Level Lobbying

THE REALISATION THAT engaging high-level political channels is a gradual process prompted a shift in tactics among the advocacy groups. A recurring area of collaboration between CSOs from both countries is advocating for economic sanctions against the military.

Several Thai participants noted that because ASEAN tends to portray itself as a bloc that is pragmatic and economically focused, they feel that instead of the human rights angle, the economic-based argument could be more effective. This could be the reason why Myanmar groups that are in agreement with this line of thinking have persistently targeted the junta's fossil fuel industrial complex in collaboration with Thai allies. Because some fossil fuel businesses

investing in Myanmar have Corporate Social Responsibility (CSR) wings, advocacy groups have successfully lobbied them to halt partnerships with the military (The Energy Mix, 2022). An interviewee pointed out that Thailand aims to be a part of the OECD members by 2030 and that every country needs to comply with certain international guidelines to become a member. Her expectation was that by putting in the spotlight the Myanmar-related issues, with whom the country has a lot of business ties, perhaps this could lead to Thai authorities pressuring the junta. However, she also said how advocating from this stance requires extra caution to clearly make a point of how these demands could benefit Thailand and its stability. If not, these messages could inadvertently translate into a tightening crackdown on millions of diaspora migrant workers and activists.

The civil society groups interviewed in the study said that once the regulatory measures over the junta have tightened on its financial operations, the junta has shifted to maintain its access to forex through non-sanctioned bank such as Myanmar Economic Bank (Bissinger, 2024) and transaction through Thailand. One participant said that it is not that Thai advocacy groups are unsuspicious of the collusion between the junta and their local banks concerning the weapons procurement. However, according to her, only when there was a report from the UN Special Rapporteur on the Siam Commercial Bank's (SCB) involvement with junta financial transactions (UNHRC, 2024) was the information de-risked for the advocacy groups. SCB has denied an allegation, claiming that increased transactions stated in the report are performed by corporate customers for payments for customer goods and energy. Concerning the initial hesitancy of Thai advocacy groups, an aspect worth noting here is that the monarchy is the largest shareholder of SCB (Euromoney, 2020) and that there are precedents of rights groups being charged in Thailand with lese-majeste laws or national security statutes (Bangkok Post, 2026). Nonetheless, campaign initiatives by Myanmar claimed that their lobbying would not be possible in Thailand without the help of the local groups since they are the ones who suggested which stakeholder is worth approaching and which strategy they should opt for. For instance, one Myanmar organisation expressed worry over the arrest in Thailand of two politically active migrant workers. The workers are from their

partner Bangkok-based labour rights group, and the arrest occurred during the junta visit to Bangkok for the BIMSTEC summit in 2025. The group said that since then, Thai groups have always informed them of the varying level of security concerns and sometimes offered how they can act as a buffer and take the protests to the streets, carrying the message from the Myanmar side.

5.3 Adapting to Prolonged Conflict

WITH THE PROLONGED crisis in Myanmar, along with the decline in global aid architecture, organisations shifted the direction of their activities. Specifically, they focused more on how the continued survival of exiled communities can be sustained.

5.3.1 Thai Elections 2023

Several groups noted that the most hopeful moment for advocating the Myanmar issue in Thailand was the period surrounding the Thai election in 2023, when bets were placed high on the Move Forward Party, which announced that it would respect the principle of non-refoulement for Myanmar refugees. However, the party failed to form a government, and since then most respondents from organisations interviewed placed little hope on high-level lobbying. One reason why the Thai advocacy groups abandoned this approach is due to the discrepancy between the informal academic and/or diplomatic accessibility they enjoyed and the state action at the formal level. By academic and diplomatic accessibility, according to what the participants answered when asked about what channels are available to convey their messages, this refers to academic conferences, workshops, and government-organised input sessions held before meeting with important stakeholders. One Thai participant shared their experience with a government figure. She said that prior to assuming a high-ranking position within the Thai government, the official was open to meeting with CSOs and listened to their recommendations and was willing to raise certain issues, though he was clear about the limits of what he could advocate for. However, since taking office, while he still speaks to them politely, he effectively does nothing to act on their recommendations and ignores their direct messages. She said that he has also remained completely

unresponsive to their repeated enquiries regarding the appointment of an ASEAN Special Envoy for Myanmar.

5.3.2 ***Rise in Anti-Immigrant Sentiments***

Another reason why the participants feel that the advocacy activities currently were not as effective as they used to be is due to the rapid rise of Thai ultra-nationalism. Ironically, parallel to the way how rights groups have focused on the economic angle rather than the moralistic language, the right-leaning online-based influencer-activists argued that Myanmar refugees are an existential threat to Thai economic stability. One humanitarian group, which is also deeply involved with human rights lobbying, said that since late 2024, across Thai social media xenophobic narratives have been spreading like wildfire. These digital narratives have now seeped tangibly into the real world. During the 100-day Thai special operation which claims to prosecute the mule businesses run by foreigners, police investigators were allegedly collaborating with conservative civic groups in a raid against the petty businesses in the Phuket Morning Wet Market (Suksawat, 2026).

Consequently, current advocacy by Thai and Myanmar CSOs either adopts a "model minority' angle", for instance, highlighting the way in which the exodus of Myanmar nationals since the coup has been benefiting the Thai economy (Janssen, 2026) or supports grassroots initiatives to sustain livelihoods so that the exiled communities could also potentially have political voice in the future. A Thai civil society organisation, which initially focused on policy lobbying towards the Thai government, noted the change in its strategy recent years following the domestic political blockages. It believes that politically active Myanmar communities in Thailand cannot survive alone on short-term humanitarian support, nor can they rely on extremely volatile international funding from donors. Therefore, this organisation is now helping these communities to start their own self-sustaining livelihood initiatives in border sanctuary towns such as Mae Sot and Mae Hong Son. Another instance where this changing nature of support can be observed is from a Thai academic institution. This institution has served as a critical hub for Myanmar scholars seeking international connections since the mid-2000s and established

emergency procedures providing education visas and fellowship support for scholars at risk during the immediate aftermath of the 2021 coup. However, as the conflict has protracted, their strategy has shifted away from immediate crisis response and standard academic capacity-building. Instead, they are now developing pedagogical frameworks aimed at providing emancipatory education—focusing on fostering critical consciousness among Myanmar youth and scholars so they are equipped to navigate the current war economy and ultimately rebuild their society. They noted this change was based on the presumption that while the country is undergoing a fundamental transformation, the crisis laden with armed conflict will continue for the foreseeable future.

5.4 Operational Frictions

BECAUSE THE CSOS involved in advocacy work are not homogenous (Hilhorst, 2003), they may have competing views on humanitarianism, human rights, and armed struggle.. Whilst the Thai and Myanmar civic actors are on the same page regarding their stance against the junta, i.e., their shared objective to delegitimize the military regime and refuse any engagement that normalises its authority, the relationship between them is complex, and one can identify operational friction rising out of different historical and political disparities.

5.4.1 Difference in Values

A Myanmar participant expressed her gratitude for the solidarity Thai allies have for Myanmar's struggle even till now in 2026, when the Thai administration was the leading actor in the bid to bring Myanmar into the ASEAN fold. According to her, even for the matter such as language used in advocacy campaign Thai groups consulted with Myanmar counterparts first, for instance, whilst Thai press might use the word 'President' to refer to military leader, the Thai CSOs used the word 'coup leader' or 'Min Aung Hlaing'.

It should be emphasised that all Thai organisations interviewed in this study respect wherever the direction that the Myanmar groups are taking their advocacy work, and they perceive themselves only as the creators of political space. However, when asked whether they have different opinions politically

when collaborating on advocacy activities, one representative from Thai CSO organisation said that he is not comfortable with the normalisation of human rights abuses done by resistance forces. Some respondents expressed concern over the willingness of few civil society factions within the Myanmar struggle to excuse these transgressions as a necessary evil. Organisations that focus on environmental justice are also troubled when destructive resource mining is justified for funding the armed wings of revolution.

A sentiment shared by Thai groups on the most challenging aspect of collaborating with Myanmar groups is the scale of fragmentation among them. One Thai group that has advocated for the rights of ethnic groups in Myanmar for decades says that the proliferation of Myanmar organisations post-2021 has outpaced the necessary mechanism of inter-trust building the community requires. The result was that, for instance, as a Thai facilitator, it was forced to divert its resources for separate meetings because the involved groups, due to their previous personal grievances, refused to sit at the same table. According to the organisation, such piecemeal attempts could be among many other reasons why the advocacy has wound down in recent years.

Another participant from Thai group that has been deeply involved with the creation of well-known humanitarian groups inside Myanmar since the 2000s pointed out that Myanmar and Thai civil societies have come from different historical trajectories. He described how the latter's origin could be traced back to Thailand's student uprisings of the 1970s and 1980s and how agrarian-based communal ideologies have driven them to rely on Thai baan research methodologies. However, in the case of Myanmar, civil society experienced a massive explosion rather than gradual development, especially during the transitional period from 2010 to 2020 with the flooding of Western INGO funding. As such, Myanmar civil society groups are prone to theory-first orientation: i.e., they fall into the trap of reification and not organically developed as Thailand CSOs are. There are remarkable gains to this development in that they are equipped with the appropriate language, i.e., the log frames and quantitative metrics to normatively voice their struggle at the international level but this is not integrated sufficiently in localised practices. The consequence of such a professionalised industry is that, as described by

another participant, exiled Myanmar civil society groups do not integrate well with the host community. For instance, Myanmar CSOs have poor Thai language proficiency in comparison to their English, and the advocacy support from the Thai side is unidirectional, and Myanmar groups cannot reciprocate the assistance.

Despite these differences in values and historical contexts, when asked whether these factors impacted their collaboration, both the Thai and Myanmar groups responded negatively. The direction of the conversation leads to Thai groups portraying themselves as creators of political space, and Myanmar groups expressing their gratitude as guests in host state. However, the researcher recognises that in TANs research, interviewees tend not to openly share negative experiences or frictions, fearing that doing so could be detrimental to the network's cause and reputation (Hall et al., 2025).

Table 1: Summary of Interview Findings based on Questionnaire Theme

Research Inquiry	Common Ground	Varying Strategies	Notable Findings
Evolution of Collaborative Strategies	Organisations transitioned from immediate crisis response to long-term sustainability as the conflict protracted.	Parallel to the focus on micro-business funding and economic sanctioning, there are also groups that focus on emancipatory education and public awareness.	Shifts are driven by the recognition that the crisis has morphed into a deeply entrenched conflict requiring livelihood resilience for the exiled activism to continue.
Navigating the Host-State Environment	Respondents universally identify the Thai government's close military ties with the junta and rising domestic ultra-nationalism as major blockages to advocacy.	Some CSOs utilise international bodies (UN, OECD) to pressure Thailand indirectly, while others leverage personal connections with sympathetic Thai officials.	Criticising Thai banks facilitating junta transactions is a strict "red line" due to some banks' ties with the Thai monarchy, requiring CSOs to rely on international reports (like the UN) to safely voice concern.
Network Dynamics and Operational Frictions	Thai CSOs uniformly express deep solidarity with Myanmar groups and view their role as a creator of political space rather than agenda-setting stakeholders of the movement.	While Thai CSOs operate in a relatively stable (though restricted) environment, Myanmar CSOs face severe fragmentation, lack of strategic unity, and intense intra-group conflicts.	Thai facilitators report significant operational fatigue, as they are often forced to host separate, piecemeal meetings because rival Myanmar groups refuse to sit at the same table.

Research Inquiry	Common Ground	Varying Strategies	Notable Findings
Diverging Views on Myanmar Political Crisis	There is absolute consensus on delegitimising the junta and rejecting engagement that normalises military authority.	Thai CSOs generally maintain non-violent advocacy stances, and express their concern of some Myanmar partners' stronger appetite for armed struggle.	Thai groups express discomfort regarding human rights abuses committed by resistance forces and the justification of destructive resource extraction to fund the armed revolution.

6. Discussion

THIS SECTION FOCUSES on the application of the boomerang model to the context of the current Thai-Myanmar transnational advocacy network. First, the report examines previous cases of Myanmar's involvement in transnational advocacy networks to illustrate the important role that intermediary host states play in determining advocacy outcomes. Subsequently, it details the application of the boomerang model to the current Thai-Myanmar context (see Figure 2), explaining how state-level dynamics and the host-state environment influence and constrain these collaborative advocacy strategies.

6.1 Myanmar Civil Society and TANs

THERE WERE PREVIOUS cases where Myanmar civil society groups were involved within TAN. One such case was when the Coalition of Indigenous Peoples in Myanmar (CIPM), comprising 24 rights groups, submitted a joint report to the United Nations Human Rights Commission (UNHRC) Universal Periodic Review (UPR) session. Through the human rights framework, the coalition articulated its grievances over state land grabbing and environmental injustice. By working together with other network members such as the International Work Group for Indigenous Affairs and UN agencies, the coalition aimed to project the moral pressure back onto Myanmar. Here, we can observe the two aspects of TANs at work: that of leverage politics through UPR sessions and accountability politics over Myanmar. The outcome of this process was limited to Myanmar's policies on paper only. In addition, despite accepting only 74 out of 190 recommendations during 2011 UPR, even in 2015, the country had not implemented the majority of them. Hence, although CIPM was

successful on issue creation and influencing the position of international organisations over their causes, the advocacy network was not able to influence Myanmar's actions.

Another notable case is the transnational advocacy work surrounding the Thilawa Special Economic Zone in Myanmar. The zone was a collaboration between Myanmar and Japanese governments. Local civil society groups such as Thilawa Social Development Group (TSDG) worked together with international groups such as Human Rights Watch, Earth Rights International, Mekong Watch in Japan, and US Campaign for Burma in the United States. The issue was about the forced eviction under the threat of imprisonment, affecting farmers and community members. Accountability politics was the major tactic the network employed since, when the network was making direct appeals to Japanese authorities, it invoked the memorandum of understanding (MoU) the governments had signed and the guidelines of the Japan International Cooperation Agency (JICA). Although the struggle is continuing, it has led to the creation of the Multi-Stakeholder Advisory Group (MSAG) in 2015, where the civil society groups also become stakeholders, and the Thilawa Complaints Management Mechanism (TCMP) in 2018. Similar to CIPM, through the human rights framework, the campaign was able to draw allies across the region, especially local groups in Japan such as Mekong Watch. The campaign was successful in influencing the targeted actors' actions, if we assume that the goal of it is for the project to be more transparent but not stop altogether.

6.1.1 ***The Role of Intermediary Nodes in Advocacy Collaboration and Outcomes***

The two cases discussed above demonstrate that within the TANs where Myanmar CSOs are part of, the political condition of Node B is important for the nature and direction of advocacy collaboration. In the CIPM case, because Node B, UPR, can entirely accommodate the grievance of the coalition, it was partially successful on issue creation and influencing the position of international organisations. Also, in the case of Thilawa, because Node B,

JICA, itself was a stakeholder and had the mandate to implement the changes, there were even changes in action from Node A.

In the case of Thai and Myanmar civil societies' collaboration as TAN, their activities are occurring within Thailand as Node B, with Node A being Myanmar and Node C being international organisations. Their common grievance was the human rights violations of the junta, and the aim was to delegitimise the military regime and refuse any engagement that normalises its authority. Their collaboration is featured with every well-known TAN tactic, specifically information politics (e.g., academic conferences and input sessions) and leverage politics (e.g., urging Thai government stakeholders to pressure Myanmar). The argument of the report is that unlike CIPM and Thilawa case, because Node B and Node A have "close relations", the collaboration between the two civil societies in recent years as a TAN has decreased, although they are still in partnership for providing livelihood assistance for politically active exile communities.

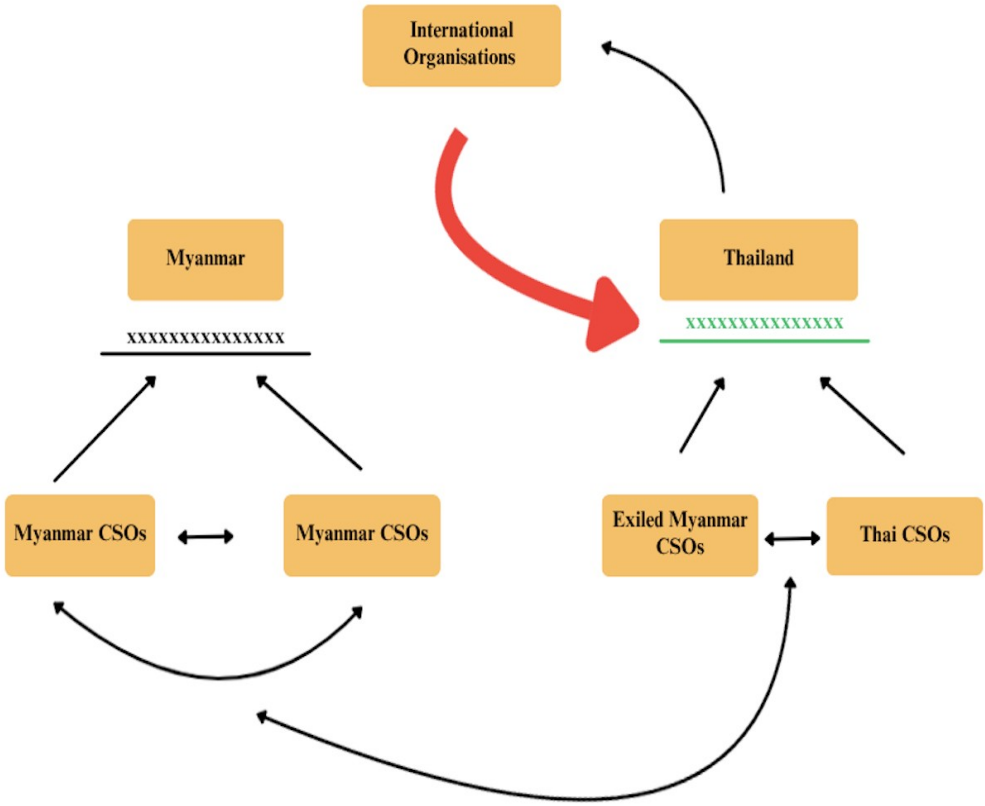


Figure 2: The Boomerang Model contextualised to Thai-Myanmar Civil Society Relations[2]

6.2 Boomerang Model in Thai-Myanmar Context: Navigating the Intermediary Node

THIS SECTION DISCUSSES in detail what the report meant by "close relations" between Myanmar and Thailand and the implication this has for TAN activities between Thai and Myanmar CSOs.

6.2.1 State-Level Dynamics

In the five years since the 2021 Myanmar coup, Thailand has undergone successive government changes – from Prayut to Srettha to Paetongtarn to now

[2] Interview with Participant G3A in Mae Sot on 6th September 2025

the Anutin government. Although Thailand would like to portray itself as being neutral to the crisis (Reuters, 2024), this is far from the truth. Even before the dubious 2026 election, the Thai government was not shunned from referring to Min Aung Hlaing in official foreign ministry communications with the title of 'acting president', thereby implicitly legitimising the junta's authority (MFA, 2025). Furthermore, a few months after the 2021 coup, Thailand was one of the few foreign countries that attended the junta's military parade in Nay Pyi Taw, and the Thai government has also allowed the junta to visit Thailand as the first abroad destination following the coup (The Irrawaddy, 2023). Instead of neutrality, Thailand's response was to practise its tried-and-true constructive engagement policy, a policy that perceives the Myanmar military as the strongest establishment in the country with whom they need to maintain healthy relations through a business-as-usual stance. This stance includes the bilateral practices (i.e., military-to-military, or M2M, and government-to-government, or G2G, partnerships) and reactive, ad hoc policies which would not disrupt the status quo. (Jittiang, 2024).

The relation between the countries on a state level was not always cordial; it used to be confrontational during the Cold War when Burma was under the Burmese Socialist Programme Party (BSPP) and Thailand was taking part as the key ally of the United States in Indochina. Though this changed in the 90s with the end of the Cold War, when the junta, after crushing the popular revolt in 1988, was able to create a warmer atmosphere between the two owing to the personalistic relationships among the countries' generals (Atipatya, 2001, as cited in Jittiang, 2024). After the 2014 Thailand military coup, now veiled as president but then senior general Min Aung Hlaing endorsed Prayut's action as a correct course (Chachavalpongpun, 2026). The junta received its favour back when it was allowed to visit Thailand as the first destination for the abroad trip ensuing the coup (Bangkok Post, 2021). During the Prayut time, advocacy from CSOs for more proactive engagement had minimal effect, alt although the humanitarian initiative was formalised under the Srettha government (Tangsathaporn, 2024). The military-to-military mechanism between the two countries has been uninterrupted, and in fact, the Thai government and businesses such as fossil fuel giant PTT have increased their investment,

respectively, in the Thilawa and Dawei special economic zones (SEZs) and the Yadana gas field (Jittiang, 2024). One positive response by the Thai government was that in early 2026, it permitted the refugees (though the term 'refugee' does not exist in the country's legal structure, as it did not take part in the 1951 Refugees Convention and does not formally recognise refugee status in its domestic laws) inside the border camps to search for employment (Norapoompipat, 2026), a decision which could help the growing number of displaced people from Myanmar to ease hardship.

After the Myanmar election in 2025, Thailand, alongside Russia and China, was among the first countries to congratulate the general on his presidency (Phoe Tar, 2026b). Months after the election, Thai Foreign Minister Sihasak Phuangketkaew informally met with its Myanmar counterpart, Than Swe, in Phuket (Thai PBS, 2026a). The administration now openly expresses its desire to serve as a bridge and normalise the relationship between Myanmar and ASEAN (Thai PBS, 2026b). In fact, in Bangkok in mid-July 2026, an informal meeting between the junta foreign minister and all the other ASEAN members' counterparts was successfully held for the first time in five years (Strangio, 2026a). Such developments are happening in parallel with the countries' agreement to reopen their trade routes (Phoe Tar, 2026a) and the junta's counteroffensives along the border (Network Media Group, 2026).

6.2.2 ***Host State Environment and the Vulnerability of Exiled Dissidents***

Although the junta has refused to follow the ASEAN's Five-Point Consensus by accusing the bloc members of being discriminatory (Strangio, 2026b), historically close relations between the Thai and Myanmar militaries at the state level accounts for Bangkok's policy of engaging with the junta as a legitimate government. On the other hand, it could also well be argued that this is just an ad hoc policy option that Thailand has chosen as the conflict has protracted. Within ASEAN members, Thailand has to bear the brunt of the burden over the Myanmar conflict due to its shared 2400-kilometre-long border. However, it can still be argued that certain actions of Thailand as a host state are responsible for the decrease in TAN activities between Thailand and Myanmar CSOs.

Whilst it is understandable for the two governments with deep economic ties to maintain a stable diplomatic connection, it is hard to understand why it is necessary to arrest and deport anti-junta activists who sought medical care in Thailand (Human Rights Watch, 2023), which resulted in the torture and at least one confirmed death among them. It is also hard to understand the massive waves of deportation comprising hundreds of thousands of Myanmar citizens (Hardman, 2025), although the same population is considered by Thai authorities as 'walking ATMs' in border hub towns. Deportation would also expose these people to forced military conscription (Dawei Watch, 2025), where they would be deployed as human shields in the ongoing conflict. Hence, transnational repression from Myanmar over the dissident population in Thailand tends to manifest as proxy punishment. As of 2025, over 300 members of exiled dissidents' families in Myanmar have been taken hostage, and over 200 families were forced to publicly disown their exiled relatives via state-owned newspapers after they were associated with the anti-coup opposition (Naung, 2025). Thailand's legal framework is ill-equipped to protect against this kind of repression. For instance, because Thailand does not consider the threat against foreign civilians as a national security concern, the victims of transnational repression would never be treated as political persecution (Naung, 2025). This situation breeds further distrust among peoples in ASEAN, of which Thailand and Myanmar are members, given that transnational repression takes place as an informal understanding among members than through formal treaties and security arrangements (Michaelsen & Ruijgrok, 2024).

6.2.3 Network Blockages and Adaptations

The boomerang arrangement that the Thai and Myanmar rights groups collaborate within has its own unique features (as shown in Figure 2). At Node A (Myanmar), there is strict blockage for the groups to raise their issue. In fact, the word "blockage" falls short of the response from the junta, as the regime actively perpetrates the total purge of entire civil society through imprisonment and extrajudicial persecution. At Node B (Thailand), it is argued that there is a partial blockage for Thai and Myanmar groups to advocate for their cause. By "partial blockage", this refers to what the participants described as Thailand

having its own red lines that should not be crossed. In addition, relaying the message to the high-level stakeholders means little when the said messages are not considered important as part of policy implementation. Concerning the red lines, interestingly, despite the waning liberal world order and diminishing effect this had on TAN (Farid & Li, 2026), the international organisations still have limited influence over Node B, as is evident in the way that the SCB's involvement with the financial transactions by the junta for its armament purchase was derisked for Thai CSOs to voice only when the UN special rapporteur's report was released.

Why partial blockage at intermediary node such as Thailand? As argued above, one reason could be due to the longstanding closed ties the two nodes had and the overall nature of the diplomatic approach the ASEAN members have. Another reason could be that Thailand's civic space, where Thai and Myanmar rights groups collaborate, has authoritarian tendencies. Some regard the space as Authoritarian Civil Society (ACS) (Sombatpoonsiri, 2020), with conservative groups organically initiating political actions. This is also reflected in what the participants considered as the most pressing challenge for their future advocacy work. This included the rising anti-immigrant sentiment within Thailand and mobilisation of right-wing groups over the digital space. However, the report recognises that even when direct sanctions are facing limitations in changing the junta's actions over civilian bombing (Ko Ko Lwin & Rajeev Bhattacharyya, 2026), insufficient pressure from Thailand is not the sole reason why the TAN tactics are failing to influence targeted states' actions. Rather, the boomerang model provides an explanation as to why TAN collaboration has shifted into providing livelihood assistance for exiled communities.

The situation Thai and Myanmar advocacy groups find themselves in resonates with the literature on transnational advocacy networks. Under shrinking civic space and difficult political environments, the advocacy groups may benefit less from TANs since they will have less leverage over government at the origin state (Bob, 2005; Cloward, 2016, as cited in Hall et al., 2025). This reduced leverage appears as insufficient pressure from Thailand. Also, whilst migration might provide more venues for advocacy efforts, it could weaken influence over

politics in the origin state (Moss, 2022, as cited in Hall et al., 2025). Here again, host-state politics where migration occurred plays an interesting role. Myanmar participants say that advocacy work in Thailand requires more political tiptoeing than it does with networks in other countries. A tiptoeing which would not be possible without the information shared by Thai groups. This supports Keck and Sikkink's (1999) claim that how information spreads within the network are the key for TAN to operate. Participants also say that rather than lobbying the Thai government to pressure Myanmar, they are now involved in providing the assistance required by the exiled Myanmar activists to continue their livelihood in border hub towns such as Mae Sot and Mae Hong Son. This is in line with how TANs tend to adapt under further repressions from governments. The adaptations' main aim is to defend the human rights defenders – usually in the form of physical security, legal and mental health support, and creating a new knowledge-sharing mechanism (Hall et al., 2025). This could be viewed as the groups' strategy right now is essentially a muddling of service provision and advocacy, as with some NGOs in the Middle East, where they assist clients in both service delivery and asserting their rights (Herrold and Abou Assi, 2023, as cited in Hall et al., 2025).

All of this is to say that the TAN activities between Thailand and Myanmar as a response to the 2021 coup have decreased in recent years, although their initial grievance on human rights violations by the junta and the aim of delegitimising the military rule remain the same. The decrease in activities has little to do with differences in values or operational frictions within the network itself, but an inference could be made it is more related to the political condition of Thailand as a host state. As a result, the advocacy work between the two civil society groups is now geared towards providing a sustained livelihood for the activist communities. Arguably, this adaptation happens at the intersection of human rights advocacy and civic space advocacy (Hall et al., 2025) since they hope that once the political conditions in Myanmar improves, these communities can continue in their democratic struggle for Myanmar.

7. Tentative Conclusion

THIS REPORT EXAMINED the evolving advocacy strategies between Thai and Myanmar CSOs in the aftermath of the February 2021 military coup in Myanmar. While historical linkages between the two civil societies have long existed – such as the role Thailand played in the development of Myanmar civil society after the 1988 uprising and after the 2008 Nargis cyclone – the 2021 post-coup landscape has been marked by adaptations in how transnational advocacy networks (TANs) between the two countries operate.

Initially characterised by acute crisis response and high-level political lobbying aimed at delegitimising the junta, collaborative efforts soon encountered structural roadblocks. The Thai government's adherence to putting the Myanmar military back into the fold of ASEAN, coupled with a surge in Thai domestic ultra-nationalism, severely curtailed the efficacy of traditional diplomatic advocacy channels. Faced with such challenges, the advocacy collaboration between the two countries is now being adapted into providing a sustained livelihood for the activist communities. This adaptation could be argued as an intersection of human rights advocacy and civic space advocacy (Hall et al., 2025) since they hope that once the political conditions in Myanmar alter, these exiled communities can continue their advocacy work for Myanmar. However, the network's initial grievance of human rights violations by the junta and the aim to delegitimise the military rule remain the same. This is evidenced by the Thai rights groups' stance over President Min Aung Hlaing's state visit to Thailand this year, urging their authorities not to legitimise the regime's credibility through diplomatic recognition (The Nation, 2026a). An MP from the opposition People's Party had also chanted demands for 'peace' and 'humanity' towards the regime leader during his visit to Thai Parliament and subsequently caused the security to escort the MP out from the room (Mizzima, 2026).

This study also describes that the transnational advocacy activities are not without their difficulties. Operational frictions such as disparities in historical development, language barriers, the rapid fragmentation of Myanmar groups,

and differing ideological stances on armed struggle are identified. Based on what the participants said, although these frictions have no effect on the TAN activities that the groups do right now, it is estimated that the long-term implications of Myanmar groups failing to socially integrate into Thai society, usually shown through lack of Thai language skill, could isolate them.

The major limitation of this research has been the number of respondents in the interviews and the lack of FGDs (Focus Group Discussions). Initially, the research aimed to interview 12 groups in total (6 from Thailand and 6 from Myanmar). However, only 10 groups (8 from Thailand, and 2 from Myanmar) were able to participate. Even so, all groups fit within the sampling criteria – i.e., they are directly engaged in human rights advocacy work related to the Myanmar political crisis since 2021. In fact, five Thai groups out of eight have been involved with advocacy work for Myanmar not only after 2021 but for decades. The findings and analysis provided in this report are clearly skewed towards Thailand groups' perspective. Therefore, the conclusions regarding sub-network operational frictions remain tentative and do not represent an exhaustive view of Thai-Myanmar TAN activities. This shows a clear need for further research. Specifically, future studies should cover a broader range of Myanmar groups to address the overrepresentation of Thai organizations in the current dataset. Expanding the research scope in this way is essential for gaining a better understanding of the converging and diverging perspectives between Thai and Myanmar actors, which this report could only explore in a limited manner. Despite these limitations, the following recommendations for policy implementation and future research are proposed.

Although participants raised the rising anti-immigrant sentiment as a major challenge for their advocacy work, the analysis provided in this report focused only on how relations between Thai and Myanmar at a state level impact the TAN activities. Further research needs to be done on how the proliferation of online hate speech and coordinated disinformation campaigns via right-wing influencer activists (Sungkate et al., 2025) impact the Thai-Myanmar TAN. In addition, several Thai participants noted that their collaborative activities these days lean towards more of an environmental justice angle than on human rights. However, it is also not unusual to see the protests linking their environmental

grievance with human rights causes (The Nation, 2026b). Specifically, further examination of how Myanmar and Thai groups also collaborate on environmental justice-related issues and the implications they have on state policy, since agreement on containing the transboundary haze and water pollution was one of the MOUs signed between Thailand and Myanmar during this year's Min Aung Hlaing visit (Bangprapa, 2026).

Overall, there are two policy recommendations in this report. For the Thai government, in addition to existing humanitarian corridors for conflict-afflicted populations (Reuters, 2024), it should also commit to a non-refoulement policy. In fact, non-refoulement is already part of Thailand's anti-torture law. However, the deportation of Myanmar nationals in cooperation with the junta for the deportees to be forcibly conscripted is one of the features of shrinking civic space in intermediary nodes such as Thailand. As argued in this report, it was responsible for declining TAN advocacies. For donors and international funding bodies, host state-related hurdles are not only from the government but also from below or grassroots driven by digital scapegoating towards migrant workers. Therefore, more funds should be channelled to joint Thai-Myanmar civic dialogues and Thai language acquisition programmes. These may help contain the anti-immigrant narrative by helping the Myanmar CSOs to integrate with the host country. Moreover, there should be increased flexible funding for micro-entrepreneurship, educational hubs, and livelihood sustainability for the exiled community including activists.

References

Aye Lei Tun. (2025, November 20). How International Funding Shapes Myanmar Pro-Democracy CSOs' Activism in the Post-Coup Era. Stimson Center. https://www.stimson.org/2025/how-international-funding-shapes-myanmar-pro-democracy-csos-activism-in-the-post-coup-era/

Bangkok Post. (2021, February 24). Myanmar foreign minister visits Thailand, first trip since coup. Bangkok Post. https://www.bangkokpost.com/world/2073791/myanmar-foreign-minister-visits-thailand-first-trip-since-coup

Bangkok Post. (2026, February 20). Court extends sentence for lawyer who called for monarchy reform. Bangkok Post.

https://www.bangkokpost.com/thailand/general/3201580/court-extends-sentence-for-lawyer-who-called-for-monarchy-reform

Bangprapa, M. (2026, August 7). MoUs boost Myanmar ties. Bangkok Post. https://www.bangkokpost.com/thailand/politics/3297590/mous-boost-myanmar-ties

Barter, D. (2024). Eviscerated to Revolutionary: Rethinking International Aid and Civil Society in Cambodia and Myanmar. Journal of Contemporary Asia, 1–20. https://doi.org/10.1080/00472336.2024.2387232

BBC. (2022, July 25). Myanmar's executed activists: Phyo Zeya Thaw and Ko Jimmy. BBC. https://www.bbc.com/news/world-asia-62091643

Bellamy, A. J., & Drummond, C. (2011). The responsibility to protect in Southeast Asia: Between non-interference and sovereignty as responsibility. The Pacific Review, 24(2), 179–200. https://doi.org/10.1080/09512748.2011.560958

Bissinger, J. (2024, June 13). Sanctions Will Not Bankrupt Myanmar's Military But New Approaches to Trade and Finance Might. FULCRUM. https://fulcrum.sg/sanctions-will-not-bankrupt-myanmars-military-but-new-approaches-to-trade-and-finance-might/

Brenner, D. (2018). Inside the Karen Insurgency: Explaining Conflict and Conciliation in Myanmar's Changing Borderlands. Asian Security, 14(2), 83–99.

Brenner, D., & Schulman, S. (2019). Myanmar's Top-Down Transition: Challenges for Civil Society. IDS Bulletin, 50(3). https://doi.org/10.19088/1968-2019.128

Burma Partnership. (2016). Final Announcement from Burma Partnership: As Burma Partnership Comes to an End, Progressive Voice Remains to Amplify Voices from the Ground - Burma Partnership. Burma Partnership - Strengthening Cooperation for a Free Burma. https://burmapartnership.net/2016/10/final-announcement-from-burma-partnership-as-burma-partnership-comes-to-an-end-progressive-voice-remains-to-amplify-voices-from-the-ground/

Chachavalpongpun, P. (2026). Thailand's embrace of Myanmar's generals redraws ASEAN's moral map. Nikkei Asia. https://asia.nikkei.com/opinion/thailand-s-embrace-of-myanmar-s-generals-redraws-asean-s-moral-map

Dawei Watch. (2025). Myanmar migrants forced to join junta forces after deportation from Thailand. The New Humanitarian. https://www.thenewhumanitarian.org/news-feature/2025/02/13/myanmar-migrants-forced-join-junta-forces-after-deportation-thailand

Décobert, A., & Wells, T. (2025). Narratives of Localisation in Times of 'Crisis': Local Intermediary Actors and the International Aid Industry in Myanmar. The Journal of Development Studies, 61(4), 518–535. https://doi.org/10.1080/00220388.2024.2445531

ETOs Watch. (2021, May 20). 76 Thai – Foreign Civil Society Organizations ask Thai Gas Companies to Stop Enabling Myanmar Army's Crackdown of People. ETOs Watch. https://etowatchcom.wordpress.com/2021/05/20/76-thai-foreign-civil-societ-organizations-ask-thai-gas-companies-to-stop-enabling-myanmar-armys-crackdown-of-people/

Euromoney. (2020, December 3). Siam Commercial bears brunt of royal Thai protest. Euromoney. https://www.euromoney.com/article/27u0c3aucarnvzgdh5xxc/opinion/siam-commercial-bears-brunt-of-royal-thai-protest/

Farid, M., & Li, H. (2026). Disguised channels: International NGOs and transnational environmental advocacy in a shifting global order. International Affairs, 102(3), 1015–1039. https://doi.org/10.1093/ia/iiag040

Fishbein, E., & Lusan, N. N. (2021). What is the Myanmar military's 'four cuts' strategy? Al Jazeera. https://www.aljazeera.com/news/2021/7/5/what-is-the-myanmar-militarys-four-cuts-strategy

Fortify Rights. (2025, December 12). Thai Authorities, Myanmar Junta Cooperating in Forced Return, Conscription of Myanmar Nationals. Fortify Rights. https://www.fortifyrights.org/tha-inv-2025-12-12/

Forum Asia. (2025, January 17). [Press Release] Civil society welcomes GANHRI's final decision to remove accreditation of junta-controlled Myanmar National Human Rights Commission, urges APF and SEANF to follow suit—FORUM-ASIA. Forum-Asia. https://forum-asia.org/mnhrc25/

Forum Asia. (2026, April 22). [Open Letter] SEANF must remove membership of junta-controlled Myanmar National Human Rights Commission—FORUM-ASIA. Forum-Asia. https://forum-asia.org/open-letter-seanf-must-remove-membership-of-junta-controlled-myanmar-national-human-rights-commission/

Götz, N. (2011). Civil Society and NGO: Far from Unproblematic Concepts. In The Ashgate Research Companion to Non-State Actors. Routledge.

Götz, N. (2019). The emergence of NGOs as actors on the world stage. In Routledge Handbook of NGOs and International Relations. Routledge.

Hall, N., Reiners, N., Basu, S., Chaudhry, S., Henry, L., Medie, P. A., Sundstrom, L. M., Vilán, A., & Zvobgo, K. (2025). Challenges and Opportunities for Transnational Advocacy. International Studies Review, 27(3), viaf015. https://doi.org/10.1093/isr/viaf015

Hardman, N. (2025). "I'll Never Feel Secure". Human Rights Watch. https://www.hrw.org/report/2025/07/14/ill-never-feel-secure/undocumented-and-exploited-myanmar-nationals-in-thailand

Hilhorst, D. (2003). The Real World of NGOs. Zed Books. https://www.bloomsbury.com/us/real-world-of-ngos-9781842771648/

Human Rights Watch. (2023, April 12). Thailand: Myanmar Activists Forcibly Returned | Human Rights Watch. https://www.hrw.org/news/2023/04/12/thailand-myanmar-activists-forcibly-returned

Janssen, P. (2026). Millions-strong Myanmar diaspora fuels Thai market from craft beer to credit. The Business Times. https://www.businesstimes.com.sg/international/asean/millions-strong-myanmar-diaspora-fuels-thai-market-craft-beer-credit

Jittiang, B. (2024). Responses of Thailand to Myanmar Crisis Since the 2021 Coup. Asia-Pacific Centre for the Responsibility to Protect. https://r2pasiapacific.org/files/12174/Responses%20of%20Thialand%20%20Myanmar%202024%20%20FINAL%20X.pdf

Keane, J. (2010). Civil Society, Definitions and Approaches. In International Encyclopedia of Civil Society (pp. 461–464). Springer, New York, NY. https://doi.org/10.1007/978-0-387-93996-4_531

Keawakho, A. (2023, April 13). แถลงการณ์ 46 องค์กรภาคประชาสังคม ต่อกรณีที่รัฐไทยส่ง 3 ผู้ลี้ภัยพม่า กลุ่ม PDF ให้กับเผด็จการทหารเมียนมา. มูลนิธิผสานวัฒนธรรม. https://crcfthailand.org/2023/04/13/46481/

Keck, M. E., & Sikkink, K. (1998). Activists Beyond Borders: Advocacy Networks in International Politics. Cornell University Press.

Keck, M. E., & Sikkink, K. (1999). Transnational advocacy networks in international and regional politics. International Social Science Journal, 51(159), 89–101. https://doi.org/10.1111/1468-2451.00179

Kluyskens, J., & Desmond, M. (2015). The Evaluation of VAHU Foundation on core support for the period 2011-05-30—2015-03-31. Swedish International Development Cooperation Agency (Sida). https://cdn.sida.se/publications/files/sida61906en-the-evaluation-of-vahu-foundation-on-core-support-for-the-period-2011-05-30-2015-03-31-final-report.pdf

Ko Ko Lwin & Rajeev Bhattacharyya. (2026). Despite Sanctions, the Myanmar Government Continues to Procure High Volumes of Jet Fuel. The Diplomat. https://thediplomat.com/2026/07/despite-sanctions-the-myanmar-government-continues-to-procure-high-volumes-of-jet-fuel/

Kyaw, A. W. P. (2026). Ethical Negotiation: Analyzing Thailand's Responses toward Myanmar Displaced Persons in Thailand. Journal of Multidisciplinary in Social Sciences, 22(1). https://so03.tci-thaijo.org/index.php/sduhs/article/view/280538

Loong, S. (2022). Southeast Warscape: A shared struggle for federal democracy. IISS. IISS Myanmar Conflict Map. https://myanmar.iiss.org/analysis/southeast

Loong, S. (2026). Foreign Aid, Civil Society and Post-colonial Statebuilding in the Thai–Myanmar Borderworld. Development and Change.

Matelski, M. (2024). Contested Civil Society in Myanmar: Local Change and Global Recognition. Bristol University Press. https://doi.org/10.46692/9781529230567

MFA. (2025). Minister of Foreign Affairs visits the Republic of the Union of Myanmar. Ministry of Foreign Affairs, Kingdom of Thailand. https://www.mfa.go.th/en/content/mmfm-eng

Michaelsen, M., & Ruijgrok, K. (2024). Autocracy's long reach: Explaining host country influences on transnational repression. Democratization, 31(2), 290–314. https://doi.org/10.1080/13510347.2023.2267448

Ministry of Information. (2026). Youth Peace Forum 2026 kicks off in Nay Pyi Taw. http://www.moi.gov.mm/moi:eng/news/20013

Mizzima. (2026, August 7). Thai MP demanding peace removed during Min Aung Hlaing's visit to Thai Parliament. Mizzima. https://eng.mizzima.com/2026/08/07/37227

Myat, M. M. (2024). The Study of Myanmar Egress: Civil Society in Partnership with the State. Political Science and Public Administration Journal, 15(2), Article 2.

Naung, N. (2025). Extending Authoritarian Reach: The Transnational Repression Strategies of Myanmar's Military (Sit-Tat) Against the Diaspora. In The Long Reach of the Strong Arm: Evolving Forms of Transnational Authoritarianism (pp. 101–125). Springer.

Network Media Group. (2026). Junta forces advance along Yangon–Dawei Highway. Burma News International. https://www.bnionline.net/en/news/junta-forces-advance-along-yangon-dawei-highway

Norapoompipat, A. (2026). As aid declines, legal work offers hope to refugees in Thailand. UNHCR. https://www.unhcr.org/news/stories/aid-declines-legal-work-offers-hope-refugees-thailand

Nwe Hlaing, T. T., Wells, T., & Décobert, A. (2024). Seeing like a donor: The unintended harms of rendering civil society legible. Development in Practice, 0(0), 1–12. https://doi.org/10.1080/09614524.2024.2362783

Petrie, C., & South, A. (2014). Development of civil society in Myanmar. In Burma/Myanmar–where now (pp. 86–94). Nias Press Copenhagen.

Phoe Tar. (2026a, April 2). Myanmar Junta Reopens Key Thai Border Trade Route Amid Security Concerns. The Irrawaddy. https://www.irrawaddy.com/business/myanmar-junta-reopens-key-thai-border-trade-route-amid-security-concerns.html

Phoe Tar. (2026b, April 9). Thailand Congratulates Min Aung Hlaing on Myanmar Presidency. The Irrawaddy. https://www.irrawaddy.com/news/burma/thailand-congratulates-min-aung-hlaing-on-myanmar-presidency.html

Pousadela, I. M. (2019). NGOs, democracy and development in Latin America. In Routledge Handbook of NGOs and International Relations. Routledge.

Progressive Voice. (2026). The Junta's Sham Election: Attempt to Manufacture Legitimacy Through Violence and Fraud - Progressive Voice. https://progressivevoicemyanmar.org/2026/03/10/the-juntas-sham-election-attempt-to-manufacture-legitimacy-through-violence-and-fraud

Reuters. (2024, April 9). Thailand 'neutral' in Myanmar conflict. Bangkok Post. https://www.bangkokpost.com/thailand/general/2773476/thailand-remains-neutral-in-myanmar-conflict-says-foreign-minister

Sombatpoonsiri, D. J. (2020). 'Authoritarian civil society': How anti-democracy activism shapes Thailand's autocracy. Journal of Civil Society, 16(4), 333–350.

Sombatpoonsiri, D. J. (2021). The dark side of civil society? How Thailand's civic networks foster autocracy. Melbourne Asia Review, 2021(6). https://melbourneasiareview.edu.au/the-dark-side-of-civil-society-how-thailands-civic-networks-foster-autocracy/

Strangio, S. (2026a). ASEAN Foreign Ministers to Meet Myanmar Foreign Minister This Weekend. The Diplomat. https://thediplomat.com/2026/07/asean-foreign-ministers-to-meet-myanmar-foreign-minister-this-weekend/

Strangio, S. (2026b). Myanmar Leader Criticizes Five-Point Consensus, Accuses ASEAN of 'Discrimination'. The Diplomat. https://thediplomat.com/2026/08/myanmar-leader-criticizes-five-point-consensus-accuses-asean-of-discrimination/

Suksawat, G. N. (2026, July 20). Crackdown on Illegal Work at Phuket's Downtown Market Leads to One Arrest, Many Evade Sweep. The Phuket Express. https://thephuketexpress.com/2026/07/20/crackdown-on-illegal-work-at-phukets-downtown-market-leads-to-one-arrest-many-evade-sweep/

Sungkate, N., Wachpanich, N., & Weber, K. G. (2025, May 23). How fake news is turning Thais against Myanmar migrants. HaRDstories. https://hardstories.org/stories/rights-suppression/how-fake-news-is-turning-thais-against-myanmar-migrants

Tangsathaporn, P. (2024, January 30). Asean endorses Thai initiative for Myanmar. Bangkok Post. https://www.bangkokpost.com/thailand/general/2732795/asean-endorses-thai-initiative-for-myanmar

Teets, J. C. (2013). Let Many Civil Societies Bloom: The Rise of Consultative Authoritarianism in China. The China Quarterly, 213, 19–38. https://doi.org/10.1017/S0305741012001269

Thai PBS. (2026a). Bangkok offers to facilitate Myanmar ethnic talks without interference. https://world.thaipbs.or.th/detail/bangkok-offers-to-facilitate-myanmar-ethnic-talks-without-interference/60472

Thai PBS. (2026b). Parnpree sees need to re-engage with Myanmar. https://world.thaipbs.or.th/detail/parnpree-sees-need-to-reengage-with-myanmar/61192

The Energy Mix. (2022, January 24). Fossils Withdraw from Myanmar Over Human Rights Abuses Amid Accusations of Complicity. The Energy Mix. https://www.theenergymix.com/fossils-withdraw-from-myanmar-over-human-rights-abuses-amid-accusations-of-complicity/

The Irrawaddy. (2022, September 8). Myanmar Junta Adviser Calls for Better Civil-Military Relations. The Irrawaddy. https://www.irrawaddy.com/news/burma/myanmar-junta-adviser-calls-for-better-civil-military-relations.html

The Irrawaddy. (2023, August 25). Thailand Reaffirms Bonds With Myanmar Junta. The Irrawaddy. https://www.irrawaddy.com/news/burma/thailand-reaffirms-bonds-with-myanmar-junta.html

The Nation. (2026a). Thai civic groups condemn government over Min Aung Hlaing visit. The Nation Thailand. https://www.nationthailand.com/news/world/40069463

The Nation. (2026b). Thai river groups protest, demanding Myanmar halt mines over pollution. The Nation Thailand. https://www.nationthailand.com/news/general/40069352

Thu Thu Aung, & Aung, H. (2026). Reading the tea-leaves: A new order in Nay Pyi Taw? Frontier Myanmar. https://www.frontiermyanmar.net/en/reading-the-tea-leaves-a-new-order-in-nay-pyi-taw/

Ungsuchaval, T. (2016). Civil Society and Nongovernmental Organizations (NGOs) in Thailand. Munich, GRIN Verlag.

UNHRC. (2024, June 26). Banking on the Death Trade: How Banks and Governments Enable the Military Junta in Myanmar - Special Rapporteur on the situation of human rights in Myanmar (A/HRC/56/CRP.7) - Myanmar | ReliefWeb. https://reliefweb.int/report/myanmar/banking-death-trade-how-banks-and-governments-enable-military-junta-myanmar-special-rapporteur-situation-human-rights-myanmar-ahrc56crp7

UNOCHA. (2025). Myanmar Humanitarian Needs and Response Plan 2026. https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-needs-and-response-plan-2026

Zarni, M. (2012). Orientalization and manufacturing of 'Civil Society' in Burma. In Z. Ibrahim (Ed.), Social Science and Knowledge in a Globalising World. https://www.maungzarni.net/en/news/orientalization-and-manufacturing-civil-society-contemporary-burma

Appendix

Sample Questionnaire

THESE QUESTIONS WERE used as a guideline to maintain the general direction of conversation. Impromptu questions based on what the participants responded had also been asked.

Section One: Background

1. Can you tell me about your organisation's core mission and your role within it?
2. How long has your organisation been working on issues related to Myanmar, and may I ask what are the primary areas of focus? (e.g., aid, HR advocacy, capacity building, environmental protection, etc.)
3. Who are your primary partners or counterparts from Myanmar? Do you have any criteria, such as working only with registered organisations or only grassroots ones?

Section Two: Collaborative Strategies & Actions

4. What specific activities do you and your Myanmar partners collaborate on most frequently? (e.g., human rights advocacy, monitoring, dialogue facilitation, or direct service delivery)
5. Thinking back to your organisation's response in 2021 versus your approach today, what are the most significant changes in your strategy regarding Myanmar?
6. What challenges or realities prompted these strategic shifts?
7. How do your joint advocacy efforts target international actors, and how effective do you feel this international messaging has been since 2021?
8. Are there specific advocacy messages you used in 2021/2022 that you find are no longer effective or realistic today? Why?

Section Three: Thai Organisation Opinion on Current Myanmar Political Landscape

9. We are now five years out from the 2021 coup. How would you assess the current political and military situation on the ground in Myanmar?
10. If you have different views with Myanmar colleagues on political aspects, do these differences impact the way you design joint advocacy campaigns?
11. When you are doing advocacy work as a Thai organisation, are there redlines you cannot cross?

Section Four: Negotiating Different Viewpoints & Operational Challenges

12. What is it like to work with Myanmar CSO partners?
13. What are the most common points of friction or disagreement when collaborating with them? (Logistically, operationally, or politically)
14. Does the domestic political environment in Thailand affect your ability to work on the Myanmar issue?
15. What are the main practical constraints and challenges your organisation faces when working on Myanmar-related issues today?
16. Have you ever felt pressure (explicit or implicit) from Thai authorities to alter your approach to the Myanmar crisis? If so, how did you handle it?
17. Is there anything you would like to add about Thai and Myanmar CSOs' relations that you think is important for me to understand, but haven't covered today?

About the Author

Thi Han Htut is an early-career social science researcher and human rights advocate with a keen interest in civil society studies, transitional justice, and unarmed civilian protection in Southeast Asia. He left Myanmar after the coup when he was a sophomore in international relations studies. A recent graduate of Chiang Mai University in early 2026 with a bachelor's degree in Social Science and Sustainable Development, Thi Han is actively building a portfolio in qualitative research and sociopolitical policy analysis. Committed to amplifying community's voices, Thi Han has been with Asia Justice and Rights (AJAR) since late 2025, supporting advocacy and training efforts centered on transitional justice mechanisms and civil society resilience.

Living Under the Digital Panopticon: Survival, Agency, and Everyday Life Under Myanmar's Person Scrutinisation and Monitoring System (PSMS)

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Abstract

Following the military coup of 2021, State Security and Peace Commission (SSPC) has deployed the Person Scrutinisation and Monitoring System (PSMS). PSMS refers to biometric control that combines facial recognition and artificial intelligence data with information from the ID card through the use of over 200 checkpoints throughout the country. While existing literature has addressed technical aspects and oppressive consequences of PSMS, the lived experiences of targeted people remain absent from academic research. This research conducted semi-structured interviews with people from three groups (Civil Disobedience Movement members, activists/human rights defenders and representatives of civil society organisations) which allowed analyzing the impact of PSMS on everyday life and behavior under digital authoritarian repression, and how individuals develop everyday survival tactics and maintain agency within it. As a result, there are four interconnected aspects of PSMS consequences which are pervasive psychological insecurity, also known as hypervigilance and anticipatory fear; severe restrictions on mobility and freedom of movement; fundamental transformation of communication practices; and professional and social exclusion. In response, the interviewees employ various everyday practices such as platform migration to encrypted communications, device and identity compartmentalisation, route-sharing through trusted networks, organisational restructuring, and the use of indirect and coded language. These results prove that people do not passively accept the reality of digital authoritarianism, but become creative and collective agents of coping within it. The study adds both empirical and theoretical value to existing research on digital authoritarianism in Southeast Asia by making use of de Certeau's (1984) theory of everyday practices to illustrate the human nature of life under a digital panopticon.

Keywords: digital surveillance; PSMS; Myanmar; Civil Disobedience Movement; everyday tactics; digital authoritarianism; lived experience; securitisation

1. Introduction

1.1 Background and Significance of the Problem

The development of biometrics and digital surveillance has become fast-tracked across the globe. Biometric and digital surveillance have become crucial elements in political control and have played a key role in authoritarian regimes globally (Freedom House, 2022). The use of facial recognition technologies, AI, and big data in conducting surveillance has been increasing lately in many countries (Center for a New American Security, 2023). In over 70 countries, biometric and digital surveillance systems are executed while internet freedom has declined for the 14th year (Jarrett et al., 2025). Also, despite the resolution of the United Nations Human Rights Council to respect human rights both online and offline (UNHRC, 2016), different forms of surveillance technology are being employed significantly, showing the urgency of addressing biometric and digital surveillance as a serious global concern.

In Southeast Asia, this is noticeable through the states' activities. For instance, Cambodia employs surveillance technologies that are guided by public security concepts from China, and Thailand employs AI-enabled CCTV surveillance technologies in tracking political activities (Freedom House, 2024). Furthermore, nations implement the use of internet blackouts, censorship, and surveillance in controlling the flow of information. For example, Myanmar had 357 internet blackouts within the years 2021 to early 2025 placing it as the top nation worldwide (Myanmar Internet Project, 2025).

After the military coup in 2021, there has been an increase in cases of arrest based on online actions in Myanmar, with the total number being 1,691 arrests following the extra 373 arrests in 2024 (EngageMedia, 2025). In addition to this, the new Cybersecurity Act of 2025 has banned the use of virtual private networks (VPNs) and given the military junta the power to access information about the actions of citizens. Phone checking is also done by security agents at checkpoints who ask people to show what they have done on social media (The

Irrawaddy, 2025). This shows that digital surveillance in Myanmar does not operate separately from physical control, but is enforced directly through face-to-face interaction at checkpoints. This convergence of digital and physical enforcement is what makes Myanmar an urgent case for studying digital authoritarianism in Southeast Asia. Simultaneously to this, the military has been working on a national surveillance program, where people's private data is collected and correlated. In 2023, there had already been 52 million people recorded within a biometric network which would be used for SIM card registrations, money transactions, and communication records (Aung, 2026). This allows for the tracking of people's identification, phone use, and financial activities.

The most important component of this surveillance network is the Person Scrutinisation and Monitoring System (PSMS), introduced in March 2024 and deployed in more than 200 checkpoints (Human Rights Myanmar, 2025). The military uses it in checkpoints, hotels, and transport hubs as it is composed of facial recognition, artificial intelligence, and ID card information (Aung, 2026). If a person presents identification papers or is scanned by security cameras, their information is compared to the watchlists records of PSMS retained by the military junta. As a result, 1,657 people were arrested through PSMS between March and May 2025 alone (EngageMedia, 2025).

In Myanmar, Yangon is most heavily affected by PSMS, given its population of 5.7 million residents (MacroTrends, 2025). The system has been deployed at Yangon International Airport, road checkpoints, hotels, and residential areas. Under its Smart City initiative, the junta has also installed CCTV cameras with facial recognition capabilities across Yangon and other urban centres (Human Rights Myanmar, 2025). The PSMS system reportedly contains data on approximately 80,000 individuals and has been used to track and arrest political activists as well as army and police defectors (Athan, 2025). The airport has been a priority for identity checkups and blacklist screenings, intensifying the effects of PSMS on freedom of movement in Yangon (Human Rights Myanmar, 2025b).

Among them, political activists, human rights defenders and Civil Disobedience Movements (CDM) members who refuse to work under the military junta are the most directly targeted by PSMS. Based on Mint (2025), nearly 300,000 CDM members have been issued arrest warrants against them with their names and information recorded in the junta's biometric database, making their everyday movement extremely dangerous. However, Ryan and Tran (2024) mentioned that even with this severe digital repression, Myanmar pro-democracy activists have developed adaptive strategies to avoid this surveillance system by using VPNs, moving to encrypted platforms, and finding ways to continue under persistent monitoring. Understanding how these individuals experience and navigate life under PSMS, and the everyday tactics they employ to survive, is essential not only for students of digital authoritarianism in Southeast Asia and beyond but for human security practitioners and civil society organisations.

Although there is much evidence that PSMS is utilized as a tool of repression, there is very little attention given on the lived experiences of individuals who suffer from its abuse. Therefore, this research fills this gap by focusing on the survival tactics, daily practices, and personal narratives of CDM activists, to reveal what state-level surveillance reports cannot demonstrate on how people actually live, adapt, and maintain agency under the digital panopticon.

1.2. **Research Objectives**

1. To examine how Myanmar's PSMS surveillance shapes the everyday life and behavior of those living under digital authoritarian repression.
2. *To identify and analyze the everyday survival tactics through which those who lived under Myanmar's PSMS maintained agency within digital authoritarian surveillance.*

1.3. **Research Questions**

RQ1: How does Myanmar's PSMS shape everyday life and behavior under digital authoritarian repression?

RQ2: How do those who have lived under Myanmar's PSMS develop everyday survival tactics and maintain agency within digital authoritarian surveillance?

1.4 Definition of Key Terms

1.4.1 Digital Panopticon

Panopticism refers to Foucault's theorisation of power relations, built on Jeremy Bentham's original architectural design of the Panopticon, a prison structure enabling constant potential observation of inmates by a central, unseen watcher. Foucault reinterpreted this design as a broader model of disciplinary power, arguing that it is the uncertainty of surveillance, rather than actual surveillance, that creates enough pressure for people to regulate themselves. In this study, the application of the digital panopticon expands from Foucault's framework to surveillance in today's world, exploring how PSMS works to restrict the movement and participation of people in society.

1.4.2 Everyday Tactics

Using the framework of The Practice of Everyday Life (de Certeau, 1984), everyday tactics can be understood as the improvisational practices that individuals use to exist in and negotiate dominant systems of power. Distinguishing between strategies that are "the means calculated by institutionalized players" and "tactics [that] … do not have the means at their disposal, do not have rights, and do not possess an I", de Certeau identifies everyday tactics as "the practice of the weak." This research will examine the everyday tactics of survival practiced by CDM members and activists under PSMS.

1.4.3 Securitisation

Based on Buzan, Waever, and de Wilde's (1998) framework for securitisation, securitisation is an attempt by political elites to portray a given problem as a security threat to justify the use of extra-ordinary measures to deal with it. In this research, securitisation involves the way that the SAC and State Security and Peace Commission (SSPC) portrays members of the CDM, activists, and civilians as security threats in order to deploy PSMS.

1.4.4 PSMS

The Person Scrutinisation and Monitoring System (PSMS) refers to the biometric surveillance network that uses artificial intelligence and facial recognition technology in conjunction with digital IDs in more than 200 checkpoints across Myanmar, introduced in March 2024 (Human Rights Myanmar, 2025). In this study, PSMS is examined as a tool that reshapes daily life and mobility for CDM members and activists, whose identities appear on military watchlists.

1.4.5 CDM Members

Civil Disobedience Movement (CDM) members comprise civil servants, health care professionals, teachers, and any other workers within the public service whose participation in work became impossible after the 2021 coup because they have refused to serve under the military rule. In this research, CDM members constitute the first category of participants since they become the major target of PSMS considering their blacklisted position.

1.5 Scope and Limitations

This study focuses on the experiences of CDM members, activists, and human rights defenders who experienced PSMS surveillance or supporting those who experienced PSMS. Participants are either currently residing in Thailand or still inside Myanmar, reached through secure remote channels. The study does not claim to represent the full diversity of experiences across Myanmar's ethnic and geographic landscape; given snowball sampling, findings reflect primarily urban experiences, particularly from Yangon. Additionally, participants still inside Myanmar were interviewed remotely under significant security constraints, which may limit the depth of their accounts.

2. Literature Review

2.1 Theoretical Framework

2.1.1 The Digital Panopticon and Digital Authoritarianism

The Panopticon, originally developed by Jeremy Bentham (1791/1995) as a prison architecture wherein inmates cannot determine whether they are being watched but must assume they are always under surveillance, was later reinterpreted by Michel Foucault (1977) as a model of disciplinary power. This theoretical move provides the basis for comprehension of the mechanisms by which PSMS acts as a method of behavioural control. The effectiveness of Panopticon stems not from the act of surveillance itself but rather from the uncertainty about whether there is surveillance. When it comes to digital technologies, the theory of panopticon can be applied in the analysis of how the use of biometric controls, facial recognition cameras, and AI surveillance mechanisms creates the sense of being watched without coercing people constantly (Rudschies, 2022; Olsson & Öhman, 2025).

Roberts and Oosterom (2024) review the wider structure of digital authoritarianism, explaining how digital technology allows states to exercise control over their populations through normalization, risk management, and internalized surveillance. Su Mon Thazin Aung (2026) illustrates Myanmar in this global trend, showing how Chinese technological transfers have increased the SSPC's ability to surveil its population by using Deep Packet Inspection devices, AI-powered facial recognition cameras, and mass biometric collection. Poetranto (2026) additionally illustrates how the new owners of internet service providers from Myanmar have been forced to become a part of this situation, where extraordinary levels of control are normalized as everyday governance. Moreover, Human Rights Myanmar (2025) raises concerns that the AI model implemented in PSMS, trained predominantly on ethnic Bamar male faces drawn from historical arrest records, would produce disproportionate false-positive rates for women and ethnic minorities, potentially embedding historical patterns of discrimination into automated systems.

2.1.2 ***Securitisation Theory***

According to Buzan, Waever, and de Wilde (1998), security is neither a matter of objective conditions nor a condition of life, but rather a speech act where political elites frame certain issues as existential threats. In the case of Myanmar, the SSPC has managed to securitize civilian populations, especially the ones that belong to CDM or political activists, so that it could use PSMS as an urgent response to the threat of national security. ARTICLE 19 (2024) writes about the SSPC's establishment of round-the-clock committees to monitor the internet. Moreover, Janenova (2019) explains how the process of securitization influences not only state behavior, but also the behaviour of ordinary citizens in an authoritarian regime. They self-censor themselves and stick to an official narrative .Securitisation theory explains not only why PSMS was built, but why compliant institutions, including ISPs, hotels, and transport operators, have accepted it as ordinary governance.

2.1.3 ***De Certeau's Everyday Tactics***

Finally, the last and most critical theoretical perspective used in this study comes from Michel de Certeau's (1984) work on The Practice of Everyday Life. De Certeau differentiates between strategy, defined as the premeditated and extended practices of institutions with established sources of power, and tactics, as improvisational practices utilized by people in order to cope with the oppressive nature of dominant structures and institutions in their everyday life. According to de Certeau, tactics are an art of the weak, practicing within the system, when power is not in control. This perspective is highly relevant for this research since the focus here is not just on the way the PSMS exercises its power but also on the way CDM members and activists managed to survive. Ryan and Tran (2024) prove empirically that Myanmar activists used such tactics in both pre-coup and post-coup periods, using VPNs, encrypted messaging apps, and digital security training to avoid state surveillance.

2.2 Empirical Literature

2.2.1 Surveillance, Chilling Effects, and Civic Behaviour

The first challenge is the chilling effect of surveillance on individual behavior. It refers to individual behavioral changes due to fear of being surveilled. Büchi et al. (2022) described the role of surveillance on the decrease of participation in civic engagement among individuals. Likewise, Stevens et al. (2023) have confirmed that individuals refrain from monitored spaces and checkpoints. According to this, Murray et al. (2024) emphasized that individuals fear expressing their views and forming connections under surveillance systems. However, Penney (2016) argued that measuring the impact of the chilling effect can be complicated. Sklansky (2008) also further mentioned that individuals might put effort to be more careful about themselves instead of withdrawing from participation. This showed that despite the chilling effect reducing participation, its impact may not be clearly observed and requires contextual understanding.

The second challenge is the erosion of collective civic space due to surveillance. This challenge means the limitation in chances to gather, interact, and partake in public life. Gohdes (2024) mentioned that surveillance affected how citizens calculate the risks associated with their civic engagement. Similarly, Jarrett et al. (2025) indicated that biometric surveillance makes civic engagement a dangerous experience. Supporting the above statement, Gabrielli (2025) also illustrated that public meetings have become an observed event as a result of surveillance. Nevertheless, the erosion of the civic space as a consequence of surveillance can be related to the reaction of the person. According to Penney (2022), under surveillance, people do not tend to completely retreat, but rather adapt socially by being more careful and controlling themselves.Volosevici and Isbasoiu (2025) proved that behavioral change is contingent on the psychological pressure felt by the individual based on the awareness of surveillance. Therefore, although surveillance limits civic engagement, its impact on collective civic space may vary depending on how communities respond to monitored environments.

2.2.2 ***Behavioral Governance through Myanmar's PSMS***

Thirdly, it is the effects of PSMS on behavioral governance in Myanmar. This challenge is defined as the impact of surveillance systems on individual behavior through fear and constant monitoring. According to Human Rights Myanmar (2025), PSMS is used mostly against political activists and CDM members. In addition, the Myanmar Internet Project (2025) indicated that PSMS uses different biometric systems along with digital data to trace individuals. This statement has been supported by the EU System for Enabling Environment for Civil Society (2025), which revealed that people could be arrested due to performing their regular activities including travelling and accommodation registration. However, the influence of PSMS on behavioral governance can also be evaluated by means of the individual's awareness and behavior. According to that, Karpa & Rochlitz (2025) claim that awareness can have a negative effect on the perception and acceptance of PSMS among people. Additionally, Jarrett et al. (2025) revealed that people could have certain ways of dealing with the process of surveillance. This means that while it is a type of behavioral governance, the effects of PSMS may vary among individuals based on their awareness and vulnerability.

Beyond the impacts of the surveillance infrastructure, there are also studies on how the resistance towards digital authoritarianism in Myanmar by individuals and social movements is generated. As Ryan & Tran (2024) indicate, the pro-democracy movement already had a well-developed repertoire of resistance against digital authoritarianism of the military regime before the coup took place in February 2021. These resistance strategies include migration of social media platforms, use of encrypted messaging services, and information spread through #WhatsHappeningInMyanmar hashtag. Therefore, the existing literature demonstrates that even in the case of strong digital authoritarianism, people do not act just as passive surveillance objects but active actors who employ strategic responses.

2.2.3 ***Previous Studies on Surveillance Societies***

Rudschies (2022) developed methodological approaches to analyze the power dynamics in surveillance societies by examining the evolution of the panopticon model from Michel Foucault's perspective of discipline to today's surveillance apparatus used by states. The author argued that modern societies under surveillance are dominated by a pervasive power framework that facilitates the constant observation and regulation of people. The study also highlighted that the surveillance operated on asymmetric visibility in which people are subjected to surveillance without being able to observe the state itself. Overall, the study concluded that surveillance functions as a structural mechanism, reinforcing power asymmetries.

Correspondingly, Olsson and Öhman (2025) reimagined Michel Foucault's panopticon within the age of quantum computing. The study highlighted "Harvest Now, Decrypt Later" approaches, where the data harvested now could be decrypted later on. The authors argued that this creates temporal surveillance transcending spatial boundaries and producing uncertainty about past communications. The study further demonstrated that this way could lead to quantum panopticon arises as surveillance takes place both at the temporal and spatial level at once. Ultimately, the study indicated that modern surveillance expands the scope of control beyond traditional limitations.

Moreover, Kuiler and McNeely (2023) examined the use of AI in healthcare systems through the lens of the panopticon and algorithmic fairness It was discovered that the algorithmic surveillance used was discriminatory since it had adverse effects on vulnerable groups. The authors argued that these systems perpetuated structural discrimination, even though their efficiency was considered as justification for implementation. Overall, this study showed that AI surveillance increases inequality and called for stronger regulatory intervention.

In terms of behavioral impact, Stevens et al. (2023) carried out a qualitative study in Zimbabwe that explored the role of surveillance on the behavior of people. The study discovered that people changed their behavior in terms of movement, where they avoided places that were under heavy surveillance. The

research also revealed that chilling effects were evident not only in terms of the targeted persons but also in the ability of the community to organize itself and participate in events. The authors emphasized that surveillance discouraged engagement in public and civic activities. Ultimately, the study indicated that surveillance influenced behavior by creating fear and limiting participation.

Similarly, Murray et al. (2024) conducted qualitative interviews in Uganda and Zimbabwe with the aim of investigating how the knowledge of surveillance impacted behavior. The results of the study indicated that the respondents had undertaken changes in their behavior such as attending meetings without speaking and limiting social contacts only to those who they trusted. In addition, the findings indicated that surveillance had diminished interpersonal trust and had made organization difficult. The authors argued that being aware of the existence of surveillance alone would have been enough to affect decision-making and participation in different activities. Overall, this study showed that surveillance led to changes in behavior that hindered personal expression and civic participation.

2.3 Literature Gap

RUDSCHIES (2022) HIGHLIGHTED that surveillance underscores power asymmetries through different visibility between the state and people. Likewise, Olsson & Öhman (2025) found that the temporal and spatial dimension of surveillance is possible by using a quantum panopticon which creates uncertainty during actions. In addition, Kuiler & McNeely (2023) argued that algorithmic surveillance works to marginalize the vulnerable groups and creates inequality. From the behavioral standpoint, it was noted by Stevens et al. (2023) that surveillance causes people to leave monitored places and engage less in civic activities. Likewise, according to Murray et al. (2024), the constant feeling of being watched leads to silence, inhibits social interaction, and creates mistrust among people, which ends up hindering collective action. However, there is an evident gap in the literature on how a particular biometric surveillance system operates in politically oppressive environments, especially those where people live in urban areas and are actively involved in socio-political activities.

More specifically, the existing literature considers PSMS through the lens of the state and its systems, discussing infrastructure, arrests, and repressive effects. Even though the work of Ryan and Tran (2024) captures some of the activist struggles against digital repression, the authors' analysis concentrates on the macro-dynamics of the resistance online, but fails to discuss micro-level experiences of the person struggling with a biometric checkpoint system on a daily basis. Experiences of CDM members and activists in Myanmar living under PSMS and developing tactics for survival and agency within a digital authoritarian regime is almost totally absent from the literature. In fact, De Certeau (1984) had described this blind spot in the top-down analysis of power. This study addresses that gap directly, contributing both empirically and theoretically to scholarship on digital authoritarianism and everyday life in Myanmar.

3. Methodology

3.1 Research Design

THIS RESEARCH UTILIZED a qualitative approach to investigate the effects of PSMS on behavioral changes among Myanmar CDM members and activists. Semi-structured interviews were used for data collection as they could give respondents freedom to elaborate on their experiences, perceptions, and behavioral changes in relation to the circumstances under which surveillance takes place. This is important because surveillance affects behavior through its psychological impact such as fear and uncertainty which cannot be captured by a standardized set of questions. By using semi-structured interviews, they allow flexibility and new perspectives through follow-up questions. Therefore, this method is suitable to understand how individuals experience and respond to PSMS in daily lives.

3.2 Data Collection

BOTH PRIMARY AND secondary data were used in this research to investigate the impact that PSMS makes on behavioral changes among CDM members and

activists who experienced surveillance in Myanmar. Primary data included the interviews with the participants that have first-hand experiences of being surveilled through PSMS systems. These interviews explored views about the PSMS along with how it affected their behavior.

Interviews were conducted exclusively through encrypted platforms, including Signal and similar applications, with no identifying metadata retained. Secondary data included the literature review of academic articles and publications regarding digital surveillance, biometric technology, and civic space. By combining both primary and secondary data, this research provides a relative understanding of how PSMS influences behavior and everyday tactics of targeted individuals.

3.3 Participants

A TOTAL OF 13 participants were interviewed across three groups, recruited purposely and through snowball sampling from Myanmar diaspora organisations, civil society networks, and human rights monitoring bodies based in Bangkok and Chiang Mai. To protect the identity and security of all participants, pseudonyms and descriptive role labels are used throughout this paper in place of real names.

Group	Profile	Eligibility Criteria	No. Interviewed
Group 1 *CDM Members*	Civil servants, healthcare workers, teachers, and other public sector workers who joined the CDM after the 2021 coup.	Lived in an urban area under PSMS for at least six months post-coup. Based in Thailand or inside Myanmar (interviewed via encrypted channel).	5
Group 2 *Activists and HRDs*	Individuals engaged in political activism, journalism, civil society work, or human rights monitoring inside Myanmar after the coup.	Must have directly experienced PSMS or related surveillance operations. Based in Thailand or inside Myanmar (encrypted channel).	3
Group 3 *CSO Representatives*	Staff or researchers with Myanmar-focused civil society organisations based in Thailand.	Direct professional knowledge of PSMS and its effects. Currently based in Thailand. In-person interviews.	5

Group	Profile	Eligibility Criteria	No. Interviewed
Total			13

Table 1.Participant groups, eligibility criteria, and number interviewed.

Individual interview dates are not shown in Table 1 because participants within the same group were interviewed on different dates. Table 2 provides the participant code, role label as used in the text, and date of interview for each participant.

Code	Group	Role Label Used in Text	Date of Interview
C1	Group 1 – CDM Members	CDM Teacher, Myanmar	06 June 2026
C2	Group 1 – CDM Members	CDM Professor, Myanmar	28 June 2026
C3	Group 1 – CDM Members	CDM University Teacher, Thailand	18 May 2026
C4	Group 1 – CDM Members	CDM University Staff, Thailand	20 May 2026
C5	Group 1 – CDM Members	Rakhine CDM Member, Myanmar	27 June 2026
A1	Group 2 – Activists and HRDs	Media Activist, Thailand	06 June 2026
A2	Group 2 – Activists and HRDs	Human Rights Advocate, Forum Asia	22 May 2026
A3	Group 2 – Activists and HRDs	Digital Rights Activist	16 June 2026
S1	Group 3 – CSO Representatives	Equality Myanmar Representative	13 June 2026
S2	Group 3 – CSO Representatives	Technology Organisation Representative	24 June 2026
S3	Group 3 – CSO Representatives	Digital Rights Researcher	29 June 2026
S4	Group 3 – CSO Representatives	Digital Security Trainer	21 May 2026
S5	Group 3 – CSO Representatives	Digital Rights Researcher (not directly quoted)	08 June 2026

Table 2. Participant codes, role labels, and dates of interview.

3.4 Data Analysis

INTERVIEW DATA WERE analysed using thematic coding to identify patterns in survival strategies, behavioural adaptation, and perceptions of PSMS. The

interview transcripts were first coded inductively, allowing themes to emerge from participants' own experiences rather than using predetermined categories. They were then coded deductively using de Certeau's (1984) framework of tactics and strategies to examine how participants described state control and their own everyday survival strategies. Secondary sources were used to contextualise and triangulate findings, particularly in mapping the operational scope and targeting logic of PSMS.

3.5 Ethical Considerations

GIVEN THE SIGNIFICANT security risks faced by participants, many of whom remain blacklisted by the junta or have family members still inside Myanmar, this research adhered to strict ethical protocols throughout. All participants were fully anonymised and pseudonymised. Data was stored in encrypted and password-protected files. Participation was entirely voluntary, with informed consent obtained prior to each interview and the right to withdraw at any point without consequence.

4. Findings

4.1 How PSMS Shapes Everyday Life and Behavior (RQ1)

THE FINDINGS FOR RQ1 are organised around four interconnected dimensions of how PSMS shapes everyday life and behavior, summarised in Table 3 and discussed in turn below.

Dimension	Description	Section
1. Psychological insecurity	Internalisation of surveillance reconfigures everyday life, domestic space, and interpersonal relationships around the permanent calculation of surveillance risk.	4.1.1
2. Restricted freedom of movement	Checkpoint enforcement becomes a high-risk event with an unpredictable outcome.	4.1.2
3. Transformed communication practices	Shift from open to closed communication, from direct to code-based speech, and from general to restricted trusted networks.	4.1.3

Dimension	Description	Section
4. Denial of professional, financial, and social access	Systematic denial of professional opportunities, banking services, and social contacts, with harms extending beyond the checkpoint encounter into the full structure of economic and civic life.	4.1.4

Table 3. Four dimensions of PSMS's impact on everyday life.

4.1.1 Pervasive Psychological Insecurity and Anticipatory Fear

The effect of PSMS that has been mentioned by the majority of participants is extreme and long-term psychological insecurity that restructures their entire lifestyle beyond actual encounters with the surveillance system. In line with the theory that has been advanced by Foucault (1977), who suggested that the mechanism of panopticism implies the internalization of surveillance by its subjects, the participants have described a state of permanent vigilance rather than temporary fear, in which everyday activities were filtered through constant calculations of risk and exposure.

A civil society representative articulated this dynamic through a metaphor:

> *It is similar to sitting in front of a teacher with a cane who is constantly watching you, waiting for you to make a mistake while you are doing mathematics. You are always in a state of thinking, if I make a mistake at any moment, I might get punished. That kind of mindset is constantly present. What I want to say is: insecurity. They are experiencing insecurity every minute and every second.* ***(Equality Myanmar Representative [S1], 13 June 2026)***

Such an interpretation of surveillance as a constant state of disciplinary power correlates very well with the primary function of the panopticon that Foucault (1977, p. 202) identified in his book: "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power." This does not mean that the panopticon has to operate constantly and all it has to do is convince inmates that surveillance could be happening at any moment. Indeed, for the CDM members and activists targeted by PSMS, the system achieved exactly that: their behavioural change was produced not by actual surveillance, but by the constant possibility of it.

The psychological impact on individuals was far from anxiety alone. The Equality Myanmar representative reported that there were instances where the members of CDM and other activists had undergone what they called "psychological collapse," which involved crying without an apparent cause, believing that they could be arrested anytime, and lacking self-confidence. Moreover, in severe instances, being under constant surveillance led to suicidal tendencies in the case of activists and human rights defenders:

> *When physical escape is impossible, some people may think it would be better if I just died. These thoughts can emerge. Medically, we know that suicide risk increases in such conditions. Behavior changes dramatically under this system, sometimes to the extreme level of suicide.* ***(Equality Myanmar Representative [S1], 13 June 2026)***

A CDM teacher who remains inside Myanmar described how this anticipatory fear had become a structuring feature of daily life, reshaping even the most ordinary moments:

> *Regarding your question about PSMS specifically, even before that, when I started working on human rights awareness projects, I was already taking precautions. When I conducted awareness training through Zoom, I would constantly worry about where to keep my laptop. I worried about where to store my teaching materials and notes. I also thought carefully about where to keep the phone I used for communication. Even now, I keep a separate phone specifically for certain communications, and when I go outside, I often leave it at home instead of carrying it with me.* ***(CDM Teacher [C1], Myanmar, 06 June 2026)***

As can be seen from this example, this is consistent with the findings of Murray et al. (2024), in their comparative study between Uganda and Zimbabwe, that the presence of surveillance consciousness is enough to change people's decision-making and behavior. Therefore, mental stress goes beyond the chilling effect and it represents a restructuring of domestic space, time and routine around the constant management of surveillance risk. Consistent with Büchi et al. (2022), this mental stress has led to a decline in civic activity, with participants describing withdrawal from training activities, community

gatherings, and professional networks as direct consequences of sustained surveillance exposure.

Participants who had subsequently moved to Thailand also reported enduring psychological effects. A CDM university teacher described experiencing hypervigilance for approximately six months after arrival:

> *After fleeing from an active conflict area and arriving here, for about six months I would become startled even by loud noises. There was always a sense of fear and anxiety. The psychological stress was very significant.* ***(CDM University Teacher [C3], Thailand, 18 May 2026)***

This finding is significant because it challenges a common assumption: that crossing the border ends the ordeal. It might seem that leaving PSMS's direct reach would also end its psychological effects. But for this participant, the fear response continued for months after the threat was removed. This is only one account, and it cannot be generalised to all participants who relocated. Still, it points to an important theoretical possibility. The psychological effects of digital authoritarian surveillance may not be tied to the physical reach of the surveillance system itself. The internalisation of surveillance that Foucault (1977) identified as the panopticon's most powerful effect persists beyond the physical reach of the system and across the nation-state's borders. The panopticon does not need the watcher to be physically present. It works by training people to regulate themselves. If surveillance becomes an internal habit rather than a response to a specific place, its effects can outlast the system's jurisdiction. This raises a further question for future research: whether trauma from biometric surveillance behaves like other forms of persecution-related trauma, where the body's threat response continues even after the original threat is gone. The internalisation of surveillance that Foucault (1977) identified as the panopticon's most powerful effect persists beyond the physical reach of the system and across the nation-state's borders.

4.1.2 ***Restriction of Mobility and Freedom of Movement***

In direct response to RQ1, a second major dimension of PSMS's impact on everyday life was the severe restriction of physical mobility. Participants

consistently described how the existence of PSMS, and particularly its integration with checkpoint infrastructure, had transformed travel from a routine activity into a high-stakes calculation.

A digital security trainer and civil society representative offered a precise account of what distinguished PSMS from earlier surveillance systems, explaining its unique enforcement power:

> *What makes PSMS different is that it is directly connected to legal enforcement. If a person's information appears in the system, the authorities have the legal authority to arrest or take action against that person. That legal mandate is explicitly attached to the system. Even if the technology itself is not entirely new, PSMS grants significantly greater power to those who operate it. Compared to previous surveillance systems, its enforcement authority is much stronger.* ***(Digital Security Trainer [S4], 21 May 2026)***

The representative from a digital rights organization illustrated this enforcement power through a documented case from a partner organisation:

> *"We documented the case of a woman working for one of our partner organisations. Her work required frequent travel. She normally crossed the same checkpoint about twice every month. She had travelled regularly throughout 2023, 2024, and into 2025 without experiencing any problems. Yet, when she crossed the checkpoint again last month, the officer operating the PSMS system stopped her and told her: Your information has been in the system since 2021."* ***(Digital Rights Researcher [S3], 29 June 2026)***

The importance of one of the key attributes of PSMS can be seen in this case. According to what the representative said, the data was not gathered instantly but accumulated over several years, which means that people who successfully passed through checkpoints every time may face problems when their data is eventually added to the system. This temporal aspect of PSMS is directly connected to the definition of temporal surveillance proposed by Olsson and Ohman (2025), during which the data from the past becomes instantly available to the authorities for enforcement in the present.

The CDM teacher described the transformation of travel from a normal activity into a source of sustained dread:

> *I have heard of CDM participants from various ministries being arrested during travel inspections, even when they had committed no crime. Some were charged under laws such as Section 505. Because of these stories, I rarely travel anymore. Even now, I avoid long-distance travel by bus. If I absolutely must travel, I usually rely on trusted friends or acquaintances.* ***(CDM Teacher [C1], Myanmar, 06 June 2026)***

A particularly significant finding concerned the intersectional dimension of mobility restriction. A Rakhine CDM member described experiencing a compounded burden of surveillance and ethnic discrimination, facing intensified scrutiny at checkpoints because her Citizenship Scrutiny Card began with the prefix '11/', identifying her ethnic background:

> *In my case, I'm both a CDM participant and a Rakhine with an '11/' CSC code. That makes everything even worse. Traveling has become extremely difficult. My younger brother was taken to the police station, and the only reason was that his CSC begins with '11/.' After questioning him, they eventually found nothing and released him. But experiences like that have happened to our family.* ***(Rakhine CDM Member [C5], Myanmar, 27 June 2026)***

This additional aspect regarding how PSMS affects the people based on ethnicity has been escalated and institutionalised by biometric surveillance technologies which was observed both by the Equality Myanmar representative and the digital rights organization representative. It was found out that those who were structurally marginalized in society were affected the most by the use of PSMS, an observation that aligns with that made by Kuiler and McNeely (2023).

4.1.3 ***Transformation of Communication Practices***

A third dimension of PSMS's reshaping of everyday life, directly relevant to RQ1, was the fundamental transformation of communication practices. Across all participant groups, participants described shifts that extended from platform choice to the content, frequency, and emotional texture of communication.

The representative from a digital rights organization described the scale of this transformation and the particular anxiety it generated:

> *PSMS contains people's personal identifying information, including phone numbers and other personal data. Because of this, many people have become increasingly anxious. They worry: if my phone number is already inside the PSMS database, can the authorities also monitor my online accounts? Or: if I transfer money to someone using KPay or another digital payment service, and that person later turns out to be considered a high-profile individual, could my own phone number and identity automatically become connected to that person through PSMS? People simply do not know how the system actually works. They do not know what information is connected, what is monitored, or what may trigger suspicion. Because of that uncertainty, they become extremely cautious. Every day they are wondering whether something they do online might expose them to surveillance. Living with that continuous uncertainty has become part of their daily lives.* ***(Digital Rights Researcher [S3], 29 June 2026)***

It is important to note that this perfectly demonstrates the process that Michel Foucault (1977) described regarding the use of the panopticon, which is that it is not the act of surveillance itself but the uncertainty around whether and how it happens, creating the greatest influence on the behavior of people. In this case, since people do not know which of their conversations are being monitored, which financial transactions are considered suspicious, and which contacts will cause problems for them, the logical reaction is to behave as if all conversations were under surveillance.

A CDM Professor who continued working inside Myanmar described how this had changed the language used in political discussions and educational activities:

> *Before PSMS, we could still speak relatively freely. But after PSMS emerged, everything changed. It seems as though certain keywords are now being monitored. Whenever we mention particular sensitive political terms during online discussions, the connection suddenly becomes unstable. Sometimes the audio cuts out entirely. As a result, whenever we conduct training or awareness sessions, we have become much more cautious.*

> *Instead of speaking directly, we often have to explain sensitive issues indirectly so that participants can still understand without us explicitly saying certain words.* ***(CDM Professor [C2], Myanmar, 28 June 2026)***

The use of such indirect and coded communication not to attract the attention of the surveillance is an exact case of the tactical operations as suggested by de Certeau (1984) which is about utilizing the tools of the dominant system (online networks, Internet connections), and discovering how to operate within these constraints, which the dominant system cannot fully control. The case study of the CDM professor implies a different kind of self-censorship. Instead of not communicating anymore, people continue to communicate, but modify their communication style through the development of codes and indirect language.

4.1.4 ***Professional Exclusion, Financial Disruption, and Social Marginalisation***

The fourth element of PSMS's influence on daily existence is the exclusion of CDM participants from all forms of professional engagement, finance, and society. This aspect of the findings builds upon existing literature on the civic implications of surveillance by showing that damage inflicted by PSMS was not just monitoring and arrests but restructuring of economic and social existence.

The CDM teacher described the first moment she experienced professional exclusion as a direct consequence of her CDM membership:

> *A retired professor whom I respected encouraged me to apply for a position at a well-known organisation. The salary was good. However, before I was even called for an interview, a friend who had gone there earlier informed me that they had asked why I had left my previous job. Since I had written that I was part of the CDM, I was effectively rejected because of that. That was one of the first times I clearly felt my opportunities being restricted.* ***(CDM Teacher [C1], Myanmar, 06 June 2026)***

The Rakhine CDM member described how this professional exclusion extended across an entire professional sector, with healthcare workers in her city being prohibited from employment in private clinics after junta instructions to those facilities:

> *Employers generally do not accept CDM members. It's not only me. There are many nurses in this city who are in the same situation. Previously, they could work in private clinics. Later, they were no longer allowed to. The authorities ordered those clinics not to hire them. As a result, they also lost the opportunity to work.* ***(Rakhine CDM Member [C5], Myanmar, 27 June 2026)***

Financial exclusion also emerged as a significant theme. Several participants described avoiding digital payment platforms, reducing banking transactions, and routing financial activities through trusted third parties to minimise the risk of financial data appearing in PSMS-linked systems. The CDM teacher described being afraid to make online payments in support of political causes:

> *There have been situations where I wanted to support campaigns related to Daw Aung San Suu Kyi, such as purchasing e-books created as part of fundraising efforts. However, because payment would have to be made through KPay, I was afraid to proceed. There are many similar situations where I wanted to communicate or participate in something but chose not to because of concerns about surveillance and financial monitoring.* ***(CDM Teacher [C1], Myanmar, 06 June 2026)***

The results above indicate that the influence of the PSMS went far beyond the checkpoint, impacting the overall structure of engagement in the professional and economic sectors of life. This correlates with the conclusion by Gohdes (2024), who suggests that surveillance impacts how citizens assess their risks in terms of engagement in political activities. However, the case of the members of CDM in Myanmar is even more general and overwhelming, as the risk assessment concerns engagement in various aspects of life.

4.2 Everyday Survival Tactics and Maintaining Agency (RQ2)

DESPITE THE FAR-REACHING and multi-faceted effects, a clear and recurring theme among all participant groups was that the subjects did not retreat nor became just recipients of the PSMS. This section outlines the survival strategies adopted by the participants, which reflect a type of agency that would be considered as tactical operation by De Certeau (1984).

Tactic	Description	Section
1. Platform migration and digital compartmentalisation	Moving across platforms and separating accounts by purpose and risk level to limit what any single exposure can reveal.	4.2.1
2. Systematic device management	Managing the physical location and use of devices to reduce visibility.	4.2.2
3. Identity management and alternative identification	Managing identity documentation and alternative forms of identification.	4.2.3
4. Route planning through community alarm systems	Planning routes and travel using community-based alert and early-warning networks.	4.2.4
5. Organisational restructuring and institutional camouflage	Restructuring organisations and adopting institutional camouflage to reduce exposure.	4.2.5
6. Trusted human networks	Building and maintaining human networks of trust as core infrastructure for survival.	4.2.6

Table 4. Summary of everyday survival tactics.

4.2.1 Platform Migration and Digital Compartmentalisation

The most commonly used strategy was that of moving systematically away from traditional forms of communication into those that were more encrypted, along with an advanced compartmentalization of their online activity through several different devices and accounts. Consistent with de Certeau's (1984) notion of tactics as "the art of making-do with what is at hand," the participants did not give up their digital technology but only modified how they used it.

Signal was identified by all participant groups as the primary secure communication tool, with ProtonMail and hardened Gmail accounts used for sensitive email correspondence. A media activist based in Thailand described the logic of this migration:

> *For communication, Signal is the main tool we recommend at the moment. And people in the CDM or activist communities already understand these things quite well. If there is sensitive information, we usually recommend using secure channels like Signal. People who are involved in this kind of work already understand basic safety practices. For example, if they are in Myanmar, they delete location data from their computers or devices and try to avoid exposing traces.* ***(Media Activist [A1], Thailand, 06 June 2026)***

The CDM Teacher described a more sophisticated system of account compartmentalisation, maintaining four to five separate Gmail accounts organised by purpose and risk level:

> *I currently have four or five different Gmail accounts. One is for ordinary communication. Another is specifically for awareness-raising activities. The work I do with some organisations is not directly political, so those activities use separate accounts. The accounts I use for political work are completely different. So yes, everything is separated. That is how we have to manage our communications now.* ***(CDM Teacher [C1], Myanmar, 06 June 2026)***

Such compartmentalization through a systematic division is actually an advanced form of tactic. By using various levels of identities in various platforms and accounts, participants minimized the risk of a single exposure becoming the source of compromising the whole range of their actions. This finding extends Ryan and Tran's (2024) documentation of Myanmar activists' digital resistance repertoires by showing that these practices have deepened and diversified under PSMS, moving from basic platform migration to elaborate multi-account system.

4.2.2 ***Device Management and Physical Security Practices***

Together with digital compartmentalisation, the participants also developed methods for securing their physical space through managing their devices. Such practices show how tactics take place both spatially and temporally as observed by de Certeau (1984). In other words, the participants rearranged the physical location of their devices to make themselves less visible.

In the words of the CDM teacher, the practice of device management was something she did habitually:

> *I keep a separate phone specifically for certain communications. When I go outside, I often leave it at home instead of carrying it with me. Even when using Facebook or other social media platforms through a VPN, I still feel cautious. I also have not obtained a Smart Card*[1]*. Whenever I travel and*

[1] Interview with Participant G1A in Mae Sot on 6th September 2025

> *hear about checkpoints using scanning technologies, I try to avoid those places entirely.* ***(CDM Teacher [C1], Myanmar, 06 June 2026)***

The CDM Professor described the most comprehensive device security practice among participants, maintaining strict separation between personal and work devices and encrypting all sensitive data:

> *I rarely go outside unless it is absolutely necessary. Even when I do go out, I always carry a separate phone that is completely unrelated to my work. My personal phone and my work phone are entirely separate. Any device containing sensitive information is secured immediately. No one, not even my own family members, is allowed to access those files. There are certain things that, for security reasons, even my family members cannot be informed about.* ***(CDM Professor [C2], Myanmar, 28 June 2026)***

In other words, PSMS had effects that extended beyond the individual, since the use of the surveillance system necessitated that information security considerations change even close familial relations. The failure of the CDM Professor to discuss with her family members what she was doing at work was not a matter of personal choice but of a tactic that was necessary for her not to be arrested because her family members might accidentally give away something about her work or her family members might also get arrested due to their family relations?.

4.2.3 ***Identity Management and Alternative Documentation***

Several participants described more radical tactics involving the management or modification of their formal identities. These tactics represent the most significant form of everyday agency documented in this study which is the active reconstruction of legal identity as a survival strategy under biometric surveillance.

The CDM university staff member described a three-to-four-year process of obtaining a new national identification card under a different identity, which she described as essential to her physical survival:

> *My identity itself essentially became a new identity. What happened was that I eventually obtained a new national identification card. After*

> *receiving it, I used that card for all my travel and daily activities. My original ID card was never used again. Before that happened, I had already informed trusted people around me that I desperately needed a new ID. I told them that otherwise I would remain trapped where I was and would never be able to travel. Once I received the opportunity, I obtained the new ID card. Soon afterward, armed conflict broke out in the area where I was living. We were forced to flee. Fortunately, I had received the new ID only about a month before the fighting started. Because of that document, I was able to travel and escape. Otherwise, I would likely have been trapped inside the conflict zone.* ***(CDM University Staff [C4], Thailand, 20 May 2026)***

This account is remarkable for what it reveals about the conditions under which identity-based tactics become necessary. The CDM university staff member did not obtain a new identity as a proactive precaution but because her original identity had been rendered functionally unusable by PSMS as she could not travel, could not safely present her CSC at checkpoints, and was effectively immobile within her own country. The new identity was not a tactic of resistance but a tactic of survival in de Certeau's (1984) precise sense which is a way of making do within constraints imposed by an overwhelmingly powerful system.

Other participants described softer forms of identity management, including adopting pseudonyms on social media, maintaining separate public and private online personas, and cultivating a deliberate outward presentation of ordinariness. The CDM Professor described this performance as a daily necessity:

> *When I am outside, I deliberately behave like an ordinary person, someone who is not involved in anything. The work I actually do happens behind the scenes. My ordinary Facebook account and the account I use for sensitive work are completely different. Anything that could potentially be used to trace me later is deleted immediately. Even when talking with people in person, I try to appear like someone who is completely ordinary and uninvolved. That is simply because we can never afford to lower our guard.* ***(CDM Professor [C2], Myanmar, 28 June 2026)***

4.2.4 *Route Planning and Community Alert Networks*

Tactics for physical mobility were based on the prior arrangement of travel routes to circumvent PSMS check points, and most importantly, the tactics were part of collective information sharing within the community. This is an important result since it illustrates that everyday survival tactics under PSMS were not only individually improvised but collectively generated and sustained.

Forum Asia's representative described the emergence of informal collective alert systems:

> *I am aware that in different areas of Myanmar, people have started to cope with the use of PSMS by creating informal street-level alert chains. They create groups, perhaps on Signal, where they share information about checkpoint locations, military inspections, arrests, and where PSMS scanning activity is occurring. People are aware of where these checkpoints are and avoid dangerous routes to reduce the risk of detention.* ***(Human Rights Advocate [A2], Forum Asia, 22 May 2026)***

A digital rights activist documented how this collective information-sharing had become a critical community resource:

> *Instead of asking can I pass through this checkpoint, people now ask if anyone knows another route. Community members begin sharing information. They tell one another which roads are safer, which checkpoints are stricter, and which alternative routes can still be used. This kind of information-sharing has become much more common. Community networks themselves have become an important survival resource. Even people who are not formally part of organisations contribute. Ordinary community members help each other by sharing information, providing temporary assistance, or helping people avoid unnecessary risks.* ***(Digital Rights Activist [A3], 16 June 2026)***

The collective nature of survival strategies is a valuable theoretical insight. De Certeau (1984) viewed tactics as being individual improvisations; however, this study shows that tactics become collective when the situation includes biometric surveillance. In common knowledge, the collective nature of tactics is warning systems and social networks within which individuals make their

decisions. This research expands de Certeau's theory and makes an input into emerging literature on collective resistance strategies in authoritarian regimes.

4.2.5 ***Organisational Restructuring and Institutional Camouflage***

At the organisational level, a digital rights organization has reported that there is a common trend amongst civil society organisations where they have reorganized themselves in order to continue functioning under surveillance. This is a form of institutionally and collectively carried out tactic of everyday life where organisations and individuals find a way to function despite the constraints of PSMS.

> *Many NGOs and civil society organisations have changed their form. They no longer openly say on social media that they are working on human rights or CDM-related activities. They also change how they move and operate. When traveling between places, they carefully plan their routes in advance. The way they talk about their work has changed. They do not openly publish what they are doing anymore. Many organisations have changed their names or transformed into foundations or companies. However, their core activities, such as human rights monitoring, reporting abuses, and supporting affected communities, still continue, but in less visible forms. They avoid openly using sensitive terms like human rights or explicit political language. Instead, they focus on indirect approaches without openly criticising the authorities. This is essentially a form of strategic self-censorship.* ***(Digital Rights Researcher [S3], 29 June 2026)***

This institutional disguise, which involves the use of legally established organizational structures in order to undertake operations that might have been forbidden, can be seen as an advanced group strategy. The reason behind this is that it takes advantage of the distance between what the regime's monitoring system is able to monitor (visible political activism, use of politically charged language, and visible connection with human rights groups) and what it cannot (the same acts done under a neutral institution name, politically toned-down language, and less visibility). This gap between the system's reach and its limits is precisely what de Certeau (1984) identified as the space in which tactics operate.

4.2.6 *Trusted Networks as Primary Survival Infrastructure*

The most important finding that has direct implications for theoretical understanding of everyday tactics under digital authoritarianism was the centrality of trusted human networks as the primary survival resource. Across all participant groups, human relationships of trust were consistently identified as more important than digital tools in enabling continued activity under PSMS.

The representative from a digital rights organization articulated this finding most precisely:

> *When discussing surveillance in Myanmar, people often expect technological solutions. However, when it comes specifically to responding to PSMS, the organisations we studied rarely rely primarily on technology. Instead, they depend much more on traditional social practices. If they believe their chat history may become dangerous, they simply delete it. If someone is arrested, they already know exactly which trusted person should be contacted immediately to provide assistance. Rather than depending on sophisticated technology, they depend on trusted human networks. Their response is based much more on relationships, contingency planning, and social trust than on digital tools. The reason is simple: they cannot change PSMS itself. They cannot remove themselves from the database. So since they cannot fight the technology directly, they instead adapt their own behaviour using practical, traditional methods.* ***(Digital Rights Activist [A3], 16 June 2026)***

The technology organisation representative similarly identified trusted networks as a key determinant of who could maintain agency and who could not under surveillance pressure:

> *If you are connected to the community, and if you have access to digital security literacy and resources and tools, then you and the community that will help you support your safety and your family's safety measures, in that case you feel more resourceful and more competent to continue your work. It boils down to having resource and community support, as well as privilege in terms of educational privilege and literacy.* ***(Technology Organisation Representative [S2], 24 June 2026)***

These observations have important consequences on the theoretical basis of this research. According to De Certeau, "tactics" were viewed as actions performed individually in response to dominant structures. From the findings above, it can be noted that when biometric digital surveillance is performed intensively, tactics are performed both individually and collectively through social relationships of trust. It is not the digital tool but the social relationship that constitutes the fundamental infrastructure of everyday survival.

4.2.7 ***Continued Agency and the Ethics of Persistence***

A final and theoretically significant finding was the variety of ways participants articulated their reasons for continuing their work despite the risks, demonstrating forms of agency that exceeded tactical survival and constituted active moral commitment.

The CDM Professor described her decision to remain in Myanmar and continue her legal and educational work despite having had the opportunity to leave:

> *Because it has to be done. If authoritarianism is not resisted, it will continue to dominate our country forever. If people like us do not take action, then one day everyone will suffer the consequences. As legal professionals, we firmly believe in the rule of law. The reason we joined this movement was to dismantle an unjust system. I also had the opportunity to leave Myanmar. At the beginning of the revolution, I won the US Diversity Visa lottery. However, I chose not to leave. Even today, I have not lost my determination. I will continue working. There are countless difficulties. There are many things that nobody knows about, not even my own parents. In the end, nobody else can protect my security. I have to protect myself.* ***(CDM Professor [C2], Myanmar, 28 June 2026)***

The CDM teacher similarly described the continuation of educational support work as grounded in a sense of responsibility that surveillance had not extinguished:

> *"There are still people who need educational support and assistance. I feel that I have a responsibility to help them. On one hand, I want to be involved and contribute, but on the other hand, I am afraid. What worries me most is my family. I often think, if someone has to bear the consequences, let it be*

> *me. Even so, there are situations where I continue helping with educational activities. We carry on despite our fears because we believe these are things that should be done and must be done."* ***(CDM Teacher [C1], Myanmar, 06 June 2026)***

The technology organisation representative offered an important counterpoint, resisting the romanticisation of heroic persistence and affirming that withdrawal, too, constitutes a legitimate form of agency under surveillance:

> *We cannot dismiss someone's work or moral deed based on whether they are able to continue or have to stop. Because at the end of the day, we want everyone who is involved in this resistance and this movement to be able to survive and live, and not always put themselves in a deadly situation. So for me, the priority is your safety and your wellbeing, both emotional, physical, and mental health.* ***(Technology Organisation Representative [S2], 24 June 2026)***

This recognition that survival itself constitutes a form of agency is consistent with de Certeau's (1984) insistence that tactics do not require heroic resistance but include all the ways people make do within constraining conditions. The choice of withdrawing oneself from an oppressive environment, making oneself less visible, and focusing on security rather than engagement is a tactic in itself.

5. Discussion

THE FINDINGS ARE explained in terms of the three theoretical frameworks guiding this research and placed in the context of existing empirical research. Moreover, implications of the findings for research on digital authoritarianism and practices in support of Myanmar community members under surveillance are discussed.

5.1 PSMS as a Digital Panopticon: Visibility, Fear, and Internalised Control

THE FINDINGS STRONGLY support and enrich the digital panopticon model as an analytical tool to study the influence of PSMS on people's daily activities in

Myanmar. One of the key points of Foucault's theory of power is very clearly revealed throughout the stories of participants. The example of the woman who has been registered in the PSMS database since 2021 but has become subject to the application of PSMS technology in 2025 when passing the checkpoint through which she had previously safely passed many times demonstrates that the power of the system is not in the act of surveillance but in its inevitability.

The psychological insecurity of all participants in the form of hypervigilance, anticipatory fear, loss of sleep, erosion of self-confidence, and suicide tendencies, is an illustration of the automatic exercise of power, as identified by Foucault (1977, p. 200), where behavior is not controlled through coercion but through internalized surveillance, which is a constant state of existence. The metaphor used by the representative of the Equality Myanmar organization, a teacher holding a cane while watching a student solving mathematical problems, perfectly depicts the dynamics of this internalized discipline, as it is not the cane but its constant presence that alters the behavior of the student and replaces the natural course of action with risk calculus.

The claim made by Rudschies (2022) that surveillance acts as a structure of power in which visibility operates asymmetrically is further validated by the results since participants observed the surveillance systems used by the junta extensively through civil society observation and media coverage, but had not been able to see the workings of the system on them. So, targeted people could not have information regarding the data stored in the PSMS files, the locations of PSMS-equipped checkpoints, or the number of offenses required for arrest. This radical asymmetry of knowledge where the state knows everything about individuals and individuals know almost nothing about the state's knowledge of them, is what makes biometric surveillance a qualitatively different form of power from conventional policing.

However, it is important to note that the results also qualify a purely panoptic interpretation. The statement made by the representative of the digital rights organization is corrupted from within because the checkpoint staff can get bribed to check whether the names are found in the database and that no surveillance system will remain perfectly secure forever. It reveals the

impossibility of using the panopticon as a totalizing symbol. Even though PSMS is a strong tool, it is not flawless as it contains gaps and inconsistencies that participants learned to identify and exploit. It is important to pay attention to this particular finding for theoretical implications, since it demonstrates that the digital panopticon is not a closed system of control but an imperfect one, which gives tactics to those who are being targeted.

5.2 Securitisation and the Normalisation of Extraordinary Control

THE RESULTS HIGHLIGHT the significance of the securitization process in the incorporation of PSMS into the governance processes of Myanmar. According to the securitization theory by Buzan, Waever, and de Wilde (1998), securitization causes the creation of a perceived existential threat against which extraordinary actions must be taken even when such actions are normally and not politically possible. In Myanmar, the military regime has securitized CDM members, activists, journalists, and civil society members as threats to national security and stability, justifying the use of a surveillance system through which individuals could be arrested arbitrarily on scanning one ID card.

Third party organisations such as the hotels forced to use scanners during check-in procedures, internet service providers mandated to install surveillance technologies (Poetranto, 2026), as well as bus companies doing checkpoint verifications show how securitisation helps normalise extraordinary levels of surveillance through their integration into the daily functioning of non-state organisations. Personal testimonies of arrest from check-ins at hotels and transport checkpoints further indicate that the normalisation process of PSMS has been successful enough to allow its effective functioning well outside the jurisdiction of official state infrastructure. The junta does not need to operate every checkpoint directly as the securitisation logic has distributed surveillance labour across Myanmar's ordinary commercial and service sectors.

However, the most important insight regarding securitization theory is the process of normalization among the surveilled individuals. The statement by Equality Myanmar's representative says that "people within Myanmar slowly

become used to PSMS" and that only high-risk individuals continue being fearful. This reflects the final goal of securitization as a form of governance to make the use of extraordinary control measures regular, invisible and non-negotiable. Once surveillance is normalized, there will be no need for it to be justified as it just becomes part of the reality that affects individual behavior without needing constant application of coercion. This normalisation is legally consolidated in the Cybersecurity Law, which includes round-the-clock internet monitoring committees and the extension of data retention requirements (ARTICLE 19, 2024). Therefore, extraordinary powers are progressively embedded in ordinary law, making them progressively harder to contest.

5.3 Tactics of the Weak: Agency Under Digital Authoritarianism

THE MAIN THEORETICAL contribution in this research is the use and expansion of de Certeau's (1984) everyday tactics perspective into the new context of biometric digital surveillance (PSMS) in Myanmar. The findings shows that the CDM members and activists are not just passive subjects of PSMS, but they also possess well-developed, creative, and collectively supported tactical agency within conditions of digital authoritarian repression.

De Certeau's terms (1984, p. xix) defined 'tactics defined tactics as ways of 'using the impositions of a particular order.' This is how each type of survival tactic discovered in the analysis can be interpreted. Rather than trying to overthrow PSMS, participants found methods to use the constraints, loopholes and contradictions of PSMS to keep functioning. Migration of the platform to Signal was possible due to the presence of the technology of encrypted communication in the internet infrastructure of Myanmar. Digital compartmentalization was also a tactic of using the system's dependence on identity-based information by creating multiple identity layers. Similarly, route-sharing was the method of using the system's imperfect checkpoint control to discover safer routes while alternative documentation was a method of using contradictions in identity-based verification systems. Lastly, organisational restructuring used the legal availability of foundations and companies as

institutional forms that carry less political risk than open civil society organisations.

The fact that it is the trusted human networks and not digital tools which are the main survival infrastructure is the most important application of de Certeau's theories in this study. De Certeau (1984) understood tactics as individual acts of improvisation with regard to established structures. The results obtained in this study show that in the context of intensive biometric surveillance, tactics are always collective as they emerge, develop and spread through trusting relations that form the social infrastructure of everyday resistance. The community alert networks, the shared knowledge of safer routes, the mutual reminders about secure platforms, and the emergency response protocols described by participants all constitute what might be termed collective tactics that enable individual survival by embedding it in community relationships.

Moreover, the implication of this research extends beyond Myanmar. In an authoritarian setting where digital surveillance is backed up with law enforcement, there is no way that people using PSMS can counteract the technology. It is not possible for the public to get their names off the database, turn off the facial recognition cameras, and override the legal power that the system confers on checkpoint operators. The only thing people can do is to build community connections that provide information, warning, and contingency planning. This highlights that the social connection becomes the primary medium of tactical resistance when the technical medium is too heavily controlled.

5.4 Implications for Scholarship and Policy

THIS RESEARCH CONTRIBUTES to the study on digital authoritarianism in Southeast Asia through an empirical approach to understanding the lived experience of those subjected to biometric surveillance, a dimension consistently absent from technical and policy-level analyses. The use of de Certeau's (1984) theory in Myanmar context can serve as a methodology for studying everyday agency under surveillance that may be adapted to the other

countries of the region such as Cambodia, Thailand, and Vietnam, where similar surveillance infrastructure is being expanded.

For civil society organisations and international bodies supporting Myanmar communities, the findings from this research suggest several priorities. First of all, the importance of trusted human networks as survival tools means that the support systems should focus more on community-building than on individual tools of ensuring digital safety. The description of serious psychological problems experienced by victims of violence, such as hypervigilance, anticipatory fear, and thoughts of suicide, demonstrates that psychosocial support should be the main element of holistic security framework. Also, the digital activist from the interview mentioned the significance of holistic security by integrating physical, digital, and psychological dimensions which reflects the actual structure of harm documented in this study.

The digital rights activist's concern about possible information-sharing between Thai and Myanmar authorities, raised in connection with "scam operations" and the UN Cybercrime Convention, points to a perceived risk of transnational repression rather than a confirmed operational reality. Whether Thai authorities would in practice share such information with the Myanmar side, or vice versa, remains uncertain, and no evidence in this study confirms that PSMS-linked data actually crosses the border. What the findings do show is that several participants believed physical relocation to Thailand offered only partial protection from PSMS-related surveillance, and that this belief shaped their everyday caution even in the absence of confirmed cross-border data-sharing. Given this uncertainty, advocacy and policy work should treat the transnational dimension as a risk participants themselves perceive and plan around, while further research is needed to establish whether such cross-border information-sharing is actually occurring.

6. Conclusion

This research examined the impact of PSMS on everyday life and behavior under digital authoritarian repression, and how those who have lived under

PSMS develop everyday survival tactics and maintain agency within digital authoritarian surveillance. Through the use of semi-structured interviews from 13 participants belonging to three different categories, the study has generated new insights into the digital authoritarianism context in Southeast Asia based on three theoretical perspectives of the digital panopticon, securitisation, and de Certeau's everyday tactics.

The results reveal that PSMS impacts on everyday life through four interconnected dimensions. First, it produces psychological insecurity that acts persistently through the internalization of surveillance, reconfiguring everyday life, domestic space, and interpersonal relationships around the permanent calculation of surveillance risk. Second, it heavily limits the freedom of movement, with checkpoint enforcement becoming a very risky event while the outcome is unpredictable. Third, it drastically changes the way people communicate with each other, creating a transformation from open to closed communication systems, from direct to code-based speech and from general to restricted trusted networks. Fourth, it systematically denies access to professional opportunities, banking services and social contacts for CDM members and activists which produce harms that extend well beyond the checkpoint encounter into the full structure of economic and civic life.

The research further demonstrates that the participants adopted numerous tactics for everyday survival. They include platform migration and digital compartmentalisation, systematic management of devices, identity management and alternative identification, planning of routes through community alarm systems, organisational restructuring and institutional camouflage, and building and maintaining human networks of trust as the infrastructure of survival. These tactics illustrate de Certeau's (1984) point about how people are never simply subjects of power but always find ways to operate. The research also extends his framework by illustrating how tactics are necessarily social and collective rather than just personal under conditions of intensive biometric surveillance.

However, there are also limitations found in this research. While the participants were diverse in terms of their position in the organization and geographical location, the sample mainly consists of experiences of urban

Myanmar and those individuals who are already part of civil society networks. The fast-changing dynamics of PSMS can imply that the situation described during the interviews has already changed at the time of publication. Therefore, future studies could explore the varied experiences of PSMS according to ethnicity, gender, and location. The link between PSMS and transnational repression, especially the way in which security collaboration between Thailand and Myanmar, must be explored. Also, longitudinal research tracking how individuals' tactics evolve as PSMS develops and as normalisation progresses would significantly extend the findings of this study.

To conclude, Myanmar's PSMS is a perfect example of how digital authoritarianism affects not only governance but everyday life. As De Certeau (1984, p. xix) said, the tactics of ordinary people are 'a way of using the impositions of a particular order.' This statement is especially true for Myanmar, where under the digital panopticon, people continue to use and survive in their own unique ways and maintain control through trusted connections, shared information, and creative actions to live with dignity within conditions designed to deny it.

References

Athan. (2025, October 27). Freedom of peaceful assembly (FOPA) 2025, September. Athan Freedom of Expression Myanmar. Retrieved from https://athanmyanmar.org/freedom-of-peaceful-assembly-fopa-2025-september/

ARTICLE 19. (2024, March 31). Myanmar: Crackdown on freedom of expression with 24-hour monitoring. https://www.article19.org/resources/myanmar-crackdown-on-freedom-of-expression-with-24-hour-monitoring-2/

Bentham, J. (1995). The panopticon writings (M. Bozovic, Ed.). Verso. (Original work published 1791)

Buzan, B., Waever, O., and de Wilde, J. (1998). Security: A new framework for analysis. Boulder, CO: Lynne Rienner Publishers.

Büchi, M., Festic, N., & Latzer, M. (2022). The chilling effects of digital dataveillance: A theoretical model and an empirical research agenda. Big Data & Society, 9(1). https://doi.org/10.1177/20539517211065368

Center for a New American Security. (2023). The dangers of the global spread of China's digital authoritarianism. Retrieved from https://www.cnas.org/publications/congressional-testimony/the-dangers-of-the-global-spread-of-chinas-digital-authoritarianism

de Certeau, M. (1984). The practice of everyday life (S. Rendall, Trans.). University of California Press

EngageMedia. (2025, February 20). Myanmar digital coup quarterly: November 2024-January 2025. https://engagemedia.org/2025/myanmar-digital-coup-quarterly-november-2024-january-2025/

EU System for Enabling Environment for Civil Society. (2025, September 23). Myanmar intensifies digital repression infrastructure. https://eusee.hivos.org/alert/myanmar-intensifies-digital-repression-infrastructure/

Foucault, M. (1977). Discipline and punish: The birth of the prison (A. Sheridan, Trans.). Pantheon Books.

Freedom House. (2022). Freedom on the net 2022: Countering an authoritarian overhaul of the internet. https://freedomhouse.org/report/freedom-net/2022/countering-authoritarian-overhaul-internet

Freedom House. (2024). Freedom on the net 2024: The struggle for trust online. https://freedomhouse.org/sites/default/files/2024-10/FREEDOM-ON-THE-NET-2024-DIGITAL-BOOKLET.pdf

Gabrielli, G. (2025). The use of facial recognition technologies in the context of peaceful protest: The risk of mass surveillance practices and the implications for the protection of human rights. European Journal of Risk Regulation, 16(2), 514–541. https://doi.org/10.1017/err.2025.26

Gohdes, A. R. (2020). Repression technology: Internet accessibility and state violence. American Journal of Political Science. https://doi.org/10.1111/ajps.12509

Human Rights Myanmar. (2025, June 7). Privacy violations and discrimination in Myanmar. https://humanrightsmyanmar.org/privacy-violations-and-discrimination-in-myanmar/

Janenova, S. (2019). The boundaries of research in an authoritarian state. International Journal of Qualitative Methods, 18, 1–10. https://doi.org/10.1177/1609406919876469

Jarrett, M., Shahbaz, A., & Funk, A. (2025). Freedom on the net 2025: An uncertain future for the global internet. Freedom House. https://freedomhouse.org/report/freedom-net/2025/uncertain-future-global-internet

Justice for Myanmar. (2025, August 21). Canada, EU, UK and USA must close loophole by sanctioning illegal Myanmar junta's rebrand. https://www.justiceformyanmar.org/press-releases/canada-eu-uk-and-usa-must-close-

loophole-by-sanctioning-illegal-myanmar-juntas-state-security-and-peace-commission-entity

Karpa, D., & Rochlitz, M. (2025). Authoritarian surveillance and public support for digital governance solutions. Comparative Political Studies, 58(10), 2237–2265. https://doi.org/10.1177/00104140241290208

Komil-Burley, D. (2021). Conducting research in authoritarian bureaucracies: Researcher positionality, access, negotiation, cooperation, trepidation, and avoiding the influence of gatekeepers. International Journal of Qualitative Methods, 20, 1–12. https://doi.org/10.1177/1609406921996862

Kuiler, E. W., & McNeely, C. L. (2023). Panopticon implications of ethical AI: Equity, disparity, and inequality in healthcare. In AI assurance: Towards trustworthy, explainable, safe, and ethical AI (pp. 429–451). Elsevier.

Macrotrends. (2025). Yangon, Myanmar metro area population 1950–2025. https://www.macrotrends.net/datasets/global-metrics/cities/20339/yangon/population

Mint, W. P. (2025, March 3). Fourth year under Myanmar military's digital iron curtain: A reflection on digital repression and the path forward. Tech Policy Press.

Murray, D., Fussey, P., Stevens, A., Hove, K., Saki, O., Wakabi, W., & Kimumwe, P. (2024). The chilling effects of surveillance and human rights: Insights from qualitative research in Uganda and Zimbabwe. Journal of Human Rights Practice, 16(1), 397–412. https://doi.org/10.1093/jhuman/huad020

Myanmar Internet Project. (2025, June 25). The situation of digital repression in Myanmar in the year 2024. https://www.myanmarinternet.info/post/yearly_report_2024_part_2-1

Myanmar Internet Project. (2026, January 30). 2025 yearly report on digital repression in Myanmar. https://www.myanmarinternet.info/post/yearly_report_2025-1

Olsson, E., & Öhman, C. (2025). The quantum panopticon: A theory of surveillance for the quantum era. Minds and Machines, 35(1), 17. https://doi.org/10.1007/s11023-025-09723-2

Penney, J. W. (2016). Chilling effects: Online surveillance and Wikipedia use. Berkeley Technology Law Journal, 31(1), 117–182. https://doi.org/10.15779/Z38SS13

Penney, J. W. (2022). Understanding chilling effects. Minnesota Law Review, 106(3), 1451–1529. https://doi.org/10.24926/265535.4359

Roberts, T., & Oosterom, M. (2024). Digital authoritarianism: A systematic literature review. Information Technology for Development, 1–25. https://doi.org/10.1080/02681102.2024.2425352

Rudschies, C. (2022). Power in the modern 'surveillance society': From theory to methodology. Information Polity, 27(2), 275–289. https://doi.org/10.3233/IP-211536

Ryan, M., & Tran, M. V. (2024). Democratic backsliding disrupted: The role of digitalized resistance in Myanmar. Asian Journal of Comparative Politics, 9(1), 133–158. https://doi.org/10.1177/205789112211255

Sklansky, D. A. (2008). One train may hide another: Katz, Stonewall, and the secret subtext of criminal procedure. UC Davis Law Review, 41(3), 875–933.

Stevens, A., Fussey, P., Murray, D., Hove, K., & Saki, O. (2023). "I started seeing shadows everywhere": The diverse chilling effects of surveillance in Zimbabwe. Big Data & Society, 10(1). https://doi.org/10.1177/20539517231158631

Su Mon Thazin Aung. (2026). Myanmar's digital authoritarianism: Building a surveillance state with Chinese technology transfers. Fulcrum. https://fulcrum.sg/myanmars-digital-authoritarianism-building-a-surveillance-state-with-chinese-technology-transfers/

The Irrawaddy. (2025, June 13). Myanmar junta searching phones for VPN use. https://www.irrawaddy.com/news/burma/myanmar-junta-searching-phones-for-vpn-use.html

UN Human Rights Council. (2016, July 18). The promotion, protection and enjoyment of human rights on the Internet(A/HRC/RES/32/13). United Nations.

Volosevici, D., & Isbasoiu, G. D. (2025). Surveillance as a socio-technical system: Behavioral impacts and self-regulation in monitored environments. Systems, 13(7), Article 614. https://doi.org/10.3390/systems13070614

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Her work aims to connect young people's lived experiences in Myanmar with broader questions of governance, political participation, human rights, and social change in Southeast Asia.



Examining Kawthoolei and Bottom-Up Federalism: The Karen National Union's Approach to Self-Governance

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Abstract

After the military coup of 2021, as people support for the revolutionary forces has increased, the KNU also has expanded their administrative areas through the people's support. As their administration expanded, they began to strive to build a Kawthoolei that includes not only Karen but also all peoples including other ethnic groups in that area. In order to build Kawthoolei, a Kawthoolei Consultative Council (KCC) and a Kawthoolei Governing Council (KGC) were formed, and policies for consolidated and effective administration were formulated. However, when the transition from a traditional ethnic revolutionary organization's administration to a more formal form of government's administration began, the openness and generosity of leaders who directly interact with the people on the ground became increasingly important, as other ethnic groups were invited to join. As their territory expanded, the sufficiency of human resources and administrative skills became increasingly limited. In addition, the establishment of their administrative institutions has been challenged by the military threat of the Myanmar military, airstrikes, and the local chaos of other Karen armed groups. Despite such limitations, difficulties, and challenges, the KNU has continued to strive for better governance and the national construction of the Kawthoolei Federal Unit. The main reason for this continued development is the trust and sufficient support of the people in their region.

Keywords: Karen National Union (KNU), Bottom-Up Federalism, Kawthoolei, Self-Governacne, Federal Democratic Union

About the Research

Case Study

AFTER THE 2021 military coup of Myanmar, the people across the country rejected the military rule and launched mass protests and the Spring Revolution began, leading to widespread armed conflict. As the revolution gained strong support from the people, the military lost control of significant territory to revolutionary forces, particularly Ethnic Resistance Organizations (EROs). As these forces expanded their territory control, they established their own administration in the areas they governed. Among these organizations, the Karen National Union (KNU) represents one of the most established ethnic resistance organizations with long-standing experience in autonomous governance. Even before the 2021 coup, the KNU had built administrative structures in the areas under its control, and they have their own legal system, education and healthcare service, taxation, and other public administration structure. Following the Spring Revolution, the KNU continued to grow in strength, and with significant local people support, and systematically strengthen their administrative institution. In this context, the concept of 'Bottom-Up Federalism' has become as a potential pathway to building a future federal union, where autonomous ethnic administrations could form the foundation of a new federal system. In August 2023, KNU declared their intention to building a Kawthoolei federal unit, as the foundational step of bottom-up federalism toward the future federal system of Myanmar. On April 10 2026, KNU announced that Revolutionary Period Kawthoolei Charter was ratified: Kawthoolei Consultative Council (KCC) and Kawthoolei Governing Council (KGC).

Research objective and Significance of this study

THE PURPOSE OF this research is to examine the KNU's concept and interpretation of Bottom-Up Federalism. This research aims to study the preparations and progress towards building Bottom-Up Federalism by

examining the KNU's self-governance capabilities within Kawthoolei. In addition, the challenges and limitations faced in building a Kawthoolei government will be identified, and the possibility of a federal unit will be examined through the Kawthoolei model. Finally, to gather the voices and perspectives of non-Karen ethnic groups living within KNU-administered areas.

This research paper will contribute to the ongoing debates on building federalism, KNU's governance system during conflict, and nation-building in Myanmar. It aims to provide policy recommendations for KNU, civil society actors, and stakeholders involved in federal democracy building of Myanmar.

Problem Statement

ALTHOUGH KNU HAS outlined a political pathway to build bottom-up federalism through Kawthoolei federal unit and strengthened administrative capacity, significant challenges remain in exercising effective administration and building self-governance during the revolutionary period after the 2021 coup. The military continues to undermine the administration of the KNU by attacking territory under their controlled, burning the villages, and repeatedly launching airstrikes on religious buildings and schools and hospitals in these areas. These conditions hinder the stability required for effective administration.

Furthermore, although the KNU can govern the areas and borderline under their control, it faces limitations in legitimacy and international recognition. Additional challenges arise in coordination governance system within KNU's control areas with non-Karen ethnic groups such as Burmese, Mon, Shan, Pa-O, and Tavoyan as well as in managing territorial and political complexities and relation with other Karen armed organizations.

Although KNU announced plan since 2023 to establish Kawthoolei federal unit government, and they announced the establishing of KCC and KGC in April, 2026, implementation has been slow and remains incomplete. Even though they ratified Revolutionary Period Kawthoolei Charter, it has not been officially made public. Similarly, although the KCC and KGC have been formed, the name of KCC members and Kawthoolei Government members have not been announced. Additionally, KNU lacks a clearly articulated vision and public

communication strategy regarding bottom-up federalism. While the concept is widely discussed, there is limited clarity on what the KNU specifically means by bottom-up federalism, how it plans to implement it, how it intends to build the Kawthoolei federal unit government as a part of future federalism.

Therefore, this research will analyze the KNU's ongoing processes and the capacities of building self-governance in Kawthoolei through bottom-up federalism approach and access whether it can serve as a viable foundation for a future federal union.

Conceptual Framework

THIS RESEARCH WILL study the KNU's Kawthoolei self-government system based on the main theory of Bottom-Up Federalism. Bottom-Up Federalism is a system that builds legitimate authority from the bottom up, not a system that flows from top to bottom, by building regional autonomy and legitimacy first, and then building a future federal union based on the resulting federal units.

The KNU's Bottom-Up Federalism is considered as an independent term in this research, and the KNU's governance institutions and qualities will be analysed to study it. In order to do so, I will study the KNU's governance issues, from health and education services to taxation and law and order. As their governance institutions and qualities become stronger, their legitimacy and inclusiveness will also increase. Legitimacy means the recognition and trust of the people in the area under their governance. Furthermore, inclusiveness also means that not only the Karen people in their governed area but also people of all ethnicities, religions and skin colours have come to trust the governance and participate in its administrative mechanisms.

The Kawthoolei self-governance will become stronger with the strengthening of its governance institutions, quality, legitimacy and inclusiveness. From this strengthening of Kawthoolei self-government, a strong and legitimate Kawthoolei federal unit can be built, which will become a good foundation for the future federal state.

Therefore, the theoretical framework of this research will be based on Bottom-Up Federalism, examining the relationship between legitimacy and inclusiveness through the institution and quality of the KNU's self-governance, and its potential as a strong Kawthoolei federal unit and the foundation of a future federal union.

Research Methodology

This research was conducted using a qualitative research method. The research sample was selected using purposive sampling. In total, 25 interviews were conducted, and details of the interviewees and their respective roles and codes are elaborated in Table 1 and Table 2 below. In addition, other sources were consulted, including academic paper reviews, policy papers, the KNU Constitution, the Revolutionary Period Kawthoolei Charter, and other agreements and statements related to the KNU. Thematic analysis was used in the data analysis.

Table 1: Overview of Research Participants

Group	Profile	Eligibility Criteria	No. Interviewed
Group 1 *KNU Leadership*	Central-level, district-level, and township-level leaders within the KNU administrative hierarchy.	Hold or have held formal leadership positions within KNU governance structures at central, district, or township level.	3
Group 2 *Community Leaders*	Local community leaders based in KNU-administered areas.	Recognised community leadership role (e.g., village head, elder, or committee member) within KNU-administered territory.	3
Group 3 *Local Populations under KNU Administration*	Local Burmese and Mon residents living in KNU-administered areas.	Resident of a KNU-administered area; self-identifies as ethnic Burmese or Mon.	4
Group 4 *Karen outside KNU Administration*	Karen individuals residing outside KNU-administered areas of Karen State, and Karen residents of Ayeyarwady and Yangon.	Self-identifies as ethnic Karen; resides outside KNU-administered territory (Karen State, Ayeyarwady, or Yangon).	4

Group	Profile	Eligibility Criteria	No. Interviewed
Group 5 *Karen Social Categories*	Karen youth, Karen women, and Karen scholars.	Self-identifies as ethnic Karen and as belonging to the youth, women's, or academic/scholarly category.	7
Group 6 *City Administration*	Administrators and residents of KNU-administered cities/towns.	Holds an administrative post in, or resides in, a KNU-administered city or town.	4
Total			**25**

Table 2: Interview Codes and Roles

Code	Group	Role Label Used in Text	Date of Interview
CL1	Group 1 – KNU Leadership	KNU Central Leader	25.7.2026
DL1	Group 1 – KNU Leadership	KNU District Leader	23.6.2026
TL1	Group 1 – KNU Leadership	KNU Township Leader	11.7.2026
CM1	Group 2 – Community Leaders	Community Leader, KNU-administered area	4.6.2026
CM2	Group 2 – Community Leaders	Community Leader, KNU-administered area	28.6.2026
CM3	Group 2 – Community Leaders	Community Leader, KNU-administered area	14.7.2026
BM1	Group 3 – Local Populations under KNU Administration	Local Burmese Resident, KNU-administered area	24.6.2026
BM2	Group 3 – Local Populations under KNU Administration	Local Burmese Resident, KNU-administered area	26.6.2026
MN1	Group 3 – Local Populations under KNU Administration	Local Mon Resident, KNU-administered area	26.6.2026
MN2	Group 3 – Local Populations under KNU Administration	Local Mon Resident, KNU-administered area	6.7.2026
KO1	Group 4 – Karen outside KNU Administration	Karen Resident, outside KNU-administered Karen State	13.6.2026
KO2	Group 4 – Karen outside KNU Administration	Karen Resident, outside KNU-administered Karen State	19.7.2026
KA1	Group 4 – Karen outside KNU Administration	Karen Resident, Ayeyarwady/Yangon	12.6.2026
KA2	Group 4 – Karen outside KNU Administration	Karen Resident, Ayeyarwady/Yangon	18.6.2026

Code	Group	Role Label Used in Text	Date of Interview
KY1	Group 5 – Karen Social Categories	Karen Youth	15.6.2026
KY2	Group 5 – Karen Social Categories	Karen Youth	20.6.2026
KY3	Group 5 – Karen Social Categories	Karen Youth	13.7.2026
KW1	Group 5 – Karen Social Categories	Karen Woman	23.6.2026
KW2	Group 5 – Karen Social Categories	Karen Woman	2.7.2026
KS1	Group 5 – Karen Social Categories	Karen Scholar	7.6.2026
KS2	Group 5 – Karen Social Categories	Karen Scholar	8.5.2026
CA1	Group 6 – City Administration	KNU-administered City Administrator	3.7.2026
CA2	Group 6 – City Administration	KNU-administered City Administrator	6.7.2026
CR1	Group 6 – City Administration	City Resident	24.6.2026
CR2	Group 6 – City Administration	City Resident	6.7.2026

Summary of Findings

Currently, KNU is trying to strengthen its self-governance in Kawthoolei as it expands its territory and gains people's support. However, its institutions, human resources, and capacity to implement this as a responsible, accountable and better Kawthoolei government are still limited. The significant procedures and policies such as tax and financial management are also incomplete. There are still existing gaps in accountability, responsibility, and transparency.

Moreover, the daily attacks and threats by the Myanmar military against the KNU's administrative institutions continue to pose a major challenge to their governance. In addition, the involvement and complexity of other Karen armed groups in the region has also disrupted their administration, and the emergence of criminal activities such as online scams, which have been caused by these

other Karen armed groups, has posed a major dilemma to the KNU's governance and legitimacy.

Finally, the leadership, vision and integrity of the KNU's administrative officials who directly interact with the people on the ground are very important for the development of Kawthoolei. However, some leaders lack the ability to study and follow reforms that are essential to progress from a traditional ethnic resistance organization to a better and more effective Kawthoolei government administration system.

Literature Review

Federal System and Bottom-up Federal System

The federal system is a system widely accepted as a solution to the conflict and the current political situation in Myanmar. The federal system is a system in which shared rule and self-rule are firmly and usually guaranteed by the constitution between multiple levels of government. The system is practised in countries with vast geographic areas, large populations, significant diversity and conflicts. Regarding the federal system, Ronal Watt (2008) stated that the federal system is a system in which the constitution guarantees the division of power among different levels of government in order to balance unity and diversity. However, while Ronald Watt (2008) described federalism in terms of its features, institutions, and constitutional framework, other scholars have further described federalism based on historical and political events.

In this regard, Anthony Johnstone (2006) highlighted that while most conventional federal systems focus on the states and the centres, in reality, a federal system is deeply intertwined not only with states and centres but also with local governments and even with community groups. Similarly, Thomus O Hueglin (2006) argued that a federal system is not a system built solely on constitutions and institutions, but rather a bottom-up system that begins with the self-determination of the people on the ground and the collective decision-making rights for the common good. In this regard, based on history, Gordon S.

Wood (1998), in the review of *The Ideological Origins of American Federalism,* argues that the federal system in the United States did not start only after the American Revolution with the enactment of the Constitution, but rather local governments had been working together for their own autonomy and common good long before that.

Therefore, bottom-up federalism or bottom-up federalization is not a federalization from simple decentralization, nor a federalization through institutions and constitutional laws, but rather a development towards a stronger national federalism through self-governance that has already been practised in response to political conditions, local conditions, and public needs.

The Emergence of Self-government Systems and the KNU Administration

Myanmar's political conflict is deeply rooted in ethnic conflict and is highly complex due to the different ethnic groups with their various interests. The sovereignty and legitimacy of Myanmar's ethnic groups and the existence of the Union are conflicts that have deep historical roots. These rooted conflicts predated the colonial era, and the divided administration of the colonial era has made the current complexity of tribal authority more apparent. Matthew J. Walton (2008) examined the Panglong Agreement, which is one of the most important documents on the Union-building process in Myanmar, and the controversial federal issues from a different perspective. He said that the military, democratic forces, and ethnic groups had different perspectives and interests with regards to the Panglong Agreement and the Union, and that the Panglong Agreement itself lacked inclusiveness and the capacity for implementation, and was further characterized by exclusions and violations of the agreement. As a result, the subsequent civil war escalated, and the Shan, Kachin, and Chin ethnic groups who were included in the Panglong Agreement perceived themselves as victims of betrayal and began to consider establishing their own sovereignty, while the Mon, Karen, Rakhine, and Wa ethnic groups who were not included in the agreement also began to establish their own authority (Walton, 2008).

For these reasons, ethnic armed resistance organizations in Myanmar have been building not only their military but also their administrative systems in the territories they control for many years. Ardeth M. Thawnghmung and Ashley South (2025) further stated that after the 2021 coup, politics in Myanmar became more unstable, and revolutionary forces grew stronger, developing not only their armed revolutions but also revolutionary regimes. In addition, some ethnic armed groups, such as the KNU, began to practice more inclusive, democratic, and better governance than traditional ethnic administration system (Thawnghmung & South, 2025). Additionally, Tun Aung Shwe (2025) argued that after the coup, the people, the communities, and the nearby ethnic armed groups began to establish self-governments in the vacant administrative areas, and although these local governments were not recognized by the formal constitution, they have advanced to sub-state legitimacy. Therefore, he argued that these local administrations have become important institutions of federalism, even before the central government implements bottom-up federalism and practices it, as they are firmly rooted in the ground and provide effective administrative services to the public.

Therefore, the administration of Myanmar is not based on a conventional constitution, but rather on a complex history of ethnic conflict and authority situations. In the current situation, many local governments have emerged and established their own administrative institutions in response to the needs on the ground. These administrative institutions remain the essence of bottom-up federalism, and revolutionary groups like the KNU, which are not based on structure but on the needs of the people and the territory, have also established more legitimate and stronger self-governments based on democratic principles based on the Kawthoolei area, and have built basic institutions of bottom-up federalism that can provide administrative services closest to the people.

Building Kawthoolei National Identity

KAWTHOOLEI IS ONE of the most significant terms in the Karen Revolution. Garbagni and Walton (2020) argued that Kawthoolei is not merely a territory, but also a political ideology. According to Saw Alwyn (2020), the earliest use of the term “Kawthoolei” was in Saw Aung Hla’s book “*A History of the*

Pgakanyaw" written in 1939, in the Sgaw Karen language, and through this book, Kawthoolei's terminology influenced many educated Karen Christian leaders form Christian mission schools, and was an influential history book for Karen political ideology.

In fact, in terms of Karen history during the colonial era, there is not only Saw Aung Hla's *A* History of the Pgakanyaw (1939), but also U Pannya's Karen Chronicle (1929) and U Saw's Kuyin Great Chronicle (1931). Kazuto Ikeda (2020) stated that in the Karen history books of the colonial period, U Pannya's Karen Chronicle and U Saw's Kuyin Great Chronicle depicted them as a tribe that had its own rulers and sovereignty, based on the comparison of the history of Buddhism and Mon-Burmese. However, the word Kawthoolei was not found in these books. During the colonial period, although there were 70 to 80 percent Karen Buddhist, most of the Karen intellectual leaders came from Christian mission education, so Saw Aung Hla's Karen History and Kawthoolei ideology had a greater influence on Karen politics (Ikeda, 2020). Therefore, Kazuto Ikeda (2020) further stated that when depicting the Karen, most Western scholars focus on the border-region Sgaw Karen, the rebels, the Christians, the Kawthoolei people and so on, but in fact, Buddhist Karen are still the majority population.

Regarding the diversity of the Karen people, in Ardeth M. Thawnghmung's 2012 book, *The "Other" Karen in Myanmar: Ethnic Minority and the Struggle without Arms*, depending on the community they live in, Karen is divided into four groups: Karen from government-controlled areas, Karen from rebel-controlled areas, Karen from refugee camps, and Karen who have settled in other countries. Most Karen from rebel-controlled areas are optimistic about the Karen Revolution and Kawthoolei ideology due to the KNU's education and health services, low tax rates, and cordial relationship with Karen military leaders and commanders. Among them, Karen from refugee camps and Karen who have settled in other countries also believe in the Karen armed resistance and the Kawthoolei ideology, while Karen in government-controlled areas respect the KNU but are closer to the government and the Burmese people due to the weak influence of the armed resistance and Kawthoolei ideology

(Thawnghmung, 2012). Although they are one of the four groups, it still needs to be considered as the majority of Karen in terms of population.

However, under the leadership of the KNU, Kawthoolei is being established as a federal unit based on the 7 districts under their control, and Kawthoolei nation building is being attempted to include not only the Karen people but also other non-Karen people in the area.

Research Gaps

Although there are many existing research papers on federalism, ethnic conflict in Myanmar, and the KNU and the Karen revolution, there are still many research gaps. First, there are no papers that have studied the current KNU's understanding and perceptions about the Bottom-Up Federalism that they are going to implement. Second, there are extremely few documents that have carefully analysed the current KNU governance situation and the Kawthoolei federal unit that they are trying to build during the revolution period. Third, while most of the discussions about the KNU have focused on the Karen people, there are very few documents that describe the situations of other ethnic groups and other Karen minorities within the KNU's administration areas. Therefore, this paper will explore these gaps, namely the KNU's idea of bottom-up federalism, the construction of the Kawthoolei federalism, its practical implementation, its governance system and inclusiveness, as well as the challenges and limitations to it.

Building of the Kawthoolei Federal Unit

Definition of the term "Kawthoolei"

THE NAME KAWTHOOLEI is a word in the Sgaw Karen language, where "Kaw" means state, "Thoo" darkness or evil and "Lei" purity. Therefore, the term "Kawthoolei" is often used to mean "land without evil." However, in the Sgaw Karen language, the word "Thoo Lei" means a hellenia speciosa plant. In addition, the name Kaw Thoo Lei is called "Khaung Sue Lient" in the Eastern Pwo Karen language and "Khant Thu Lai" in the Western Poe Karen language.

Both “Khaung” and “Khant” in these languages mean the same thing as “Kaw” in the Sgaw Karen language, meaning “state”. Similarly, “Sue Lient” and “Thu Lai” are also “Thoo Lei”, which can be interpreted as “hellenia speciosa”. If “Sue Lient” and “Thu Lai” are translated as “Sue” and “Thu” respectively, they cannot have the same meaning as the Sgaw Karen word “Thoo” which means evil, and “Lient” and “Lai” cannot have the same meaning as “Pure”. Therefore, the word Kawthoolie can be translated as either “land free from evil” or “land where hellenia speciosa plant grows”, but in the Pwo Karen language, both Khaunsuelient and Khanthulai only mean “land where hellenia speciosa plant grows” and cannot be translated as “land free from evil”. Furthermore, even before “Kawthoolei” was interpreted as “land free from evil”, ordinary people tend to understand it as “the land of hellenia speciosa plant”.

Regarding the name Kawthoolei, the earliest historical books about the Karen people published during the colonial era, namely U Pannya’s Karen Chronicle published in Burmese in 1929, U Saw’s Kuyin Great Chronicle published in Burmese in 1931, and Saw Aung Hla’s *A History of the Pgakanyaw* published in Sgaw Karen in 1939, did not contain the term Kawthoolei at all, but only in Saw Aung Hla’s Karen History earliest. In U Saw and U Pannya’s books, the Karen people, although they did not become empires, by comparing the historical evidence from poems, stories, and Mon-Burmese history, also had small feudal states with their own kings and Karen kingdoms like Mon and Burmese, but these Karen kingdoms were not described as Kawthoolei (Kazuto Ikeda, 2020). In Saw Aung Hla’s Karen History book, through Karen folk songs, the Karen people referred to their country as “Tha Ko Kwe” and “Thoo Lei” after the Burmese and Mon peoples invaded their country. “Tha Ko Kwe” is Garcinia gummi-gutta plant and it’s fruit that looks very beautiful and delicious when ripe, but it is very bitter when eaten. If someone who has never eaten it sees someone eating it, they think it must be very tasty, and they want to eat it. For this reason, they called their beautiful land, “Tha Ko Kwe”, which was conquered by the Mon and Burmese (Saw Aung Hla, 1939). According to Saw Aung Hla (1939), “Thoo Lei” is a type of cricket that makes a very pleasant and melodious sound, an the Karen people deeply missed and were

attached to their beautiful country and called it “Thoo Lei”. This is the earliest historical definition of Kawthoolei.

Therefore, the term “Kawthoolei” can be interpreted as “a land free from evil” in essence, and according to common understanding and common meaning with the Karen terms “Khant Thu Lai” and “Khaung Sue Lient”, it can be interpreted as “a country where the hellenia speciosa grows”, and according to Saw Aung Hla’s Karen historical book, it can be interpreted as “a country where is so beloved and cherished that it cries out like a cricket called Thoo Lei”. However, since the current Kawthoolei federal unit is being built from the administration of a traditional ethnic revolutionary organization to the based on territory, inclusion is important, and on the other hand, since they are fighting to eliminate the Myanma terrorist military from their territory, defining Kawthoolei as a “land without evil” could be the most meaningful in essence. As it is also important for the representation and acceptance of other ethnic groups as Kawthoolei people living in that territory, this definition is most appropriate for Kawthoolei Nation Building.

The Evaluation of Understanding Kawthoolei

REGARDING THE ESTABLISHMENT of the Kawthoolei State, at the beginning of the Karen Revolution, the Karen National Union (KNU) controlled almost the entire lower Burma, and at the first KNU conference held in Taungoo on June 14, 1949, the Kawthoolei Governing Body was formed and announced the establishment of the Kawthoolei government. When they declared the founding of the Kawthoolei State, it was broadcast by the BBC, VOA, and the Indian, Pakistani, and Australian news agencies. Although Pakistan and Australia sent observation teams, it did not receive international recognition. During that period, there were ministers in the government, but the Kawthoolei government was changed to a military government after three months due to a revolutionary period, and small warlords emerged in some areas (Skaw Ler Taw, 1992). Due to the military attacks of the enemy, administrative needs, and weaknesses in public mobilisation, the establishment of the first Kawthoolei failed.

Thereafter, in order to consolidate the Karen revolution, Man Ba Zan and Han Thar Tar Hmwe led the Second Policy of the Karen Revolution, which was formulated and tested at the 1953 Waint Htaung Conference, and was approved as the Second Policy of the Karen Revolution at the 1956 Maw Ko Congress. Before the Second Policy, the Karen revolution had no specific policy and was based on democracy, namely the Kawthoolei ideology or Karen Nationalism (IKHRA, n.d.). In the second policy, more practical and concise policies were adopted, and the goals of the Karen revolution were (1) to achieve a sovereign Karen state for the Karen people; (2) to achieve sovereign states for all ethnic groups in Myanmar; (3) to establish a People's Democratic Federal Union with full equality and self-determination based on the will of the ethnic groups; and (4) to advance towards a socialist society as the ultimate goal (IKHRA, n.d.). A significant change in the second path is that they now aim to establish a sovereign Karen State and a federal union from the previous establishment of the Kawthoolei State. Furthermore, it includes issues of all ethnic groups, and the political ideology has been clearly influenced by left-wing political ideology from the previous Karen nationalism.

After that, the KNU revised and supplemented this revolutionary path several times, and finally reaffirmed the objectives of the Karen Revolutionary Path at the 17th KNU Congress held in 2023, as follows: (1) To gain rights of equality and self-determination for the Karen people; (2) To establish a Karen State with a just and fair territory and self-determination; (3) To establish a Federal Union based on democracy and self-determination; (4) To gain basic rights, democracy and equality for the Karen people and all ethnic nationalities of Burma (KNU, 2023). The four objectives currently approved are based on the second policy, and the establishment of a self-determined Karen State or Kawthoolei, the liberation of all ethnic groups, and the establishment of a federal union remain unchanged. However, in terms of political ideology, the previous leftist political ideology has been replaced by Karen nationalism and liberal democratic principles in the current revolutionary purpose.

Based on these objectives, the KNU has currently implemented the establishment of Kawthoolei as a federal unit, and the Kawthoolei Charter has also been approved during the revolutionary period. Based on the four

objectives of the current Karen Revolutionary Movement, the following fundamental principles for the construction of Kawthoolei are set out in the Kawthoolei Charter: "(1) To establish a Kawthoolei called Karen nation (or Karen state) with a fair territorial and the right to self-determination for the Karen people; (2) To establish a federal union of states with national equality and self-determination including Kawthoolei; (3) To ensure that all ethnic groups, including the Karen people, benefit from full democratic right; and (4) To ensure harmony, stability and coexistence among the ethnic groups living in Kawthoothei, including the Karen people" (KNU, 2026, p. 11). Although these objectives are based on the revolutionary aims of the KNU, they have reduced the focus on Karen nationalism and have focused more on the inclusion and harmonious coexistence of all ethnic groups in Kawthoolei. The existence of Kawthoolei has evolved from the previously independent Karen-dominated Kawthoolei State into a Kawthoolei Federal Unit, which includes not only the Karen people living in the region but also other ethnic groups. Although the existence of Kawthoolei has gradually evolved in terms of policy, there are still gaps in practical implementation and public understanding.

Kawthoolei Nation Building

Regarding this, an expert on Karen and Karenni affairs pointed out that Kawthoolei's national building still has many needs to be addressed compared to Karenni nation building (KS1). Although the Karenni State was previously portrayed as Kayah State by the Burmese military governments for generations, not only the people in the state, but also the public, media, other relevant organizations, and all democratic forces have come to recognize and accept the name of Karenni State after the coup. However, she pointed out that although these forces are aware of the name Kawthoolei Federal Unit, they have not yet widely adopted (KS1).

In addition, the views of different ethnic groups and communities on the existence of the Kawthoolei need to be studied. A community leader in Hpa-an Township, where there are a large number of Eastern Pwo Karen, said that although he understands and accepts the name Kawthoolei, most of the Karen in his area feel that the term Kawthoolei is associated with the Sgaw Karen and

does not fully represent them (KO2). However, even if the name Khaunt Sue Lien is used in the Eastern Pwo Karen language, it would still deviate from the original meaning of "land without evil," and the official designation would continue to be the Sgaw Karen term in both the Burmese term "Kawthoolei" and the English term "Kawthoolei." Therefore, he replied that the term "Karen State" represents their participation more than the term "Kawthoolei State" for the Poe Karen people (KO2). A KNU township leader responded that although the term "Kawthoolei" is accepted by most local people in terms of meaning, some still do not accept it in terms of language, and that they could be persuaded to accept it, and at a later stage, the name and terminology of the word can be further revised based on the will of the peoples (TL1).

A Burmese living in Kawthoolei said:

> *Before I knew Kawthoolei, I thought it was only related to Karen, but when I got to know the meaning and how it is being implemented, I realised that Kawthoolei is also related to us. Even the word KNU makes me feel like it is only for the Karens, but the word Kawthoolei gives me the sense of being involved, and similarly I perceive Kayin State only represent the Karens, but Kawthoolei as a state free from evil, and I feel more represented as a people of this state (BM1).*

In contrast, a Mon living in the region said that both Kawthoolei and Karen State are more representative of the Karen, and they feel like they are just another ethnic group living in that state (MN1).

Therefore, Kawthoolei is still a term of Sgaw Karen langue, and its existence has gradually evolved from an independent state to a federal unit based on territory. The territory of Kawthoolei is based on the seven districts currently administered by the KNU, which cover almost the entire southern part of Myanmar, from Mergui-Tavoy to Taw Oo District. However, these administrative areas are mainly based on villages, while most of the towns are still under the control of the Myanmar military government, and the boundaries are not yet clearly defined. In addition, since the Western Pwo Karen, a major Karen ethnic group, live mostly in the Delta region, their representation in the current building of the Kawthoolei is still excluded. Therefore, the Kawthoolei

Federal Unit currently under the KNU is implementing the Kawthoolei administrative system based on the areas where they can establish their administrative institution and areas where they can further expand their administration, and is being implemented as a foundation for a future federal union. If this administrative system can be built systematically, it is seen that the territorial provisions and other controversial issues will be discussed and negotiated in the post-revolutionary transition period.

A KNU's district leader also said that some ethnic groups in his area have not yet accepted the process of building Kawthoolei, and there are still groups that have not joined (DL1). In this regard, he said:

> *This mainly depends on the charter the KNU is implementing. To what extent other ethnic groups can participate in the construction of Kawthoolei and build public trust in it depends on the KNU's practical implementation and mobilisation capacities. However, we will definitely have to talk especially with the Mon people at some point, given the geographical and territorial situation. The Mon people also want to establish a separate unit, and some areas they claim are related to us. This must be carefully discussed and negotiated. If we cannot negotiate, we must find other ways to find a solution. Finally, if necessary we might conduct a referendum and must accept the result (DL1).*

To sum up, in addition to the Karen people, there are many other ethnic groups in Kawthoolei, and they have different opinions on the construction of Kawthoolei based on their respective ethnic interests. Therefore, Kawthoolei's nation-building is not based solely on an ethnic identity, but on the existence of the various ethnic groups living in Kawthoolei region and their common identity as citizens of Kawthoolei state. However, the name Kawthoolei is derived from the Sgaw Karen language, and the term is also strongly associated with the Karen majority in the state. Therefore, although Kawthoolei's nation-building is based on territory, the Karen identity continues to exert as significant influence.

Building A Federal Union through Kawthoolei Model of Bottom-Up Federalism

ADMITTEDLY, bottom-up federalism is one of the terms that has only been widely used after the military coup. In fact, it is a simple form of federalism that especially emphasizes the idea of bottom up. Regarding federal terms, there were previously debates over the use of terminologies such as "Democratic Federal Union" and "Federal Democratic Union". Although federalism is not completely separable from democracy, within Myanmar's political circles have been generally understood a Democratic Federal Union as a model power-sharing system through decentralisation from the central government, where a Federal Democratic Union has been defined as a collective states' power sharing. Nevertheless, after the 2021 military coup, the ethnic revolutionary organizations became influential and many of Myanmar's democratic political forces officially adopted the Federal Democracy Charter WHEN? so this debate came to an end.

However, the National Unity Consultative Council (NUCC) that was formed under the Federal Democracy Charter which prioritizes inclusivity has gradually weakened and lost public trust due to delays in implementation and a failure to demonstrate tangible successes to the public. Consequently, ethnic revolutionary forces such as the KNU have increasingly adopted the concept of "bottom-up federalism" by believing it more practical to strengthen their own regions first before building a future federal union, rather than attempting to construct it from the national level down. Guided by this concept, the KNU began establishing Kawthoolei as a federal unit based on its territories. Regarding the building of a federal union through the "Kawthoolei model" utilizing a bottom-up federalism approach, the definitions concerning both the underlying concept and its practical implementation are outlined below.

Concept of Kawthoolei Model of Bottom-Up federalism

In essence, the very nature of a federal system, much like democracy, is rooted in the principle that power flows from the grassroots level upwards. Regarding "bottom-up" federalism, a young Karen political activist remarked:

> *Federalism and democracy are inseparable; one cannot speak of federalism without democracy. Furthermore, both federalism and democracy entail that power does not belong to a single individual but must originate from the grassroots or public. Therefore, I believe that even without explicitly using terms like 'federal democracy' or 'bottom-up federalism,' the very concept of federalism implies democracy and a bottom-up approach (KY3).*

Thus, bottom-up federalism is indeed a form of federal system, one that places greater emphasis on the flow of power from the grassroots level. However, the flow of power in a federal system does not proceed in a uniform manner as is the case in unitary democracies, but rather flows through a process of power-sharing across the respective constituent units. The most fundamental unit of power is the individual, while the most basic community is the family. That young Karen man said:

> *We need to consider whether a 'bottom-up' approach should start at the village level or the household level. We must avoid a situation where simply because the approach is labeled 'bottom-up' everything, from education to even the act of eating a meal, requires unanimous agreement before any action can be taken. Therefore, it is necessary to clearly coordinate exactly at which level the 'bottom-up' approach should begin (KY3).*

This implies that determining the specific community where the power-division and power-sharing mechanisms of the federal system should be initiated is a crucial matter. Similarly, another Karen youth from Yangon said:

> *Everyone will build what they desire to the best of their ability, but the way of their approaches will be different. That is precisely the essence of bottom-up federalism: striving to unite based on commonalities while acknowledging differences. If total unification isn't possible, it cannot and should not be forced. There is no pre-ordained requirement that Myanmar must take a specific form (KA1).*

Therefore, bottom-up federalism represents a process of integration whereby ethnic groups and territories strengthen the sovereign federal units that best suit their needs and circumstances, subsequently uniting to coexist within a federal union. The current political situation in Myanmar can be described as a holding together federal system by the standard of federalism, since they originally existed as a single country. Given that Myanmar was originally a single, unified state, the current political process when measured against standard federal construction criteria falls under the "holding together" model even though it can be described as a federal system, the "bottom-up federalism" approach emerging from the current state of power devolution in Myanmar and the ongoing establishment of self-determination and administrative structures by ethnic groups and their respective territories reflects characteristics of a "coming together" federal model.

Operation of Kawthoolei Model of Bottom-Up federalism

Although the nature of a federal system is premised on power originating from the grassroots level, in the context of Myanmar politics, bottom-up federalism is interpreted as the process of building a federal system starting from the grassroots (bottom-up federalization). The Kawthoolei model of bottom-up federalism being established by the KNU is a prominent example of bottom-up federalization. A Karen scholar remarked:

> *What our country is currently facing is a nation-building crisis. We are trying to build our nation by starting with the roof, insisting on it at all costs. Furthermore, because we partition the rooms however we please without considering the individual needs of the household members, no one feels happy living there; the whole place is in disarray. That roof has collapsed, and given the situation after the coup, people are now rebuilding their units however they see fit. We are not constructing a massive roof structure; rather, we are building the foundations for a future federal system laying it brick by brick.*

This reflects the bottom-up federalization process currently unfolding in Myanmar. In an interview with Democratic Voice of Burma, Padoh Saw Taw Nee, a member of the KNU's Central Executive Committee, said:

> *We previously negotiated with the governments and the military based on a federal approach, but nothing came of it. Rather than relying on negotiations at the current stage, we realized that building a federal union requires a foundation rooted in the grassroots level; therefore, we are proceeding to implement the "Kawthoolei State" initiative based on a bottom-up federalism approach. We believe that if the states will be strong, and that we can build the Union based on that foundation. (DVB TV News, 2023).*

After concluding that the approach of negotiating federalism at the Union level aimed at the entire Union simultaneously was no longer viable, the KNU shifted its strategy. Instead of focusing on the Union as a whole, it sought to consolidate sovereignty and legitimacy within its own territory, thereby shaping Kawthoolei into a federal unit. Thus, the concept that 'the Union can only be liberated if the states are liberated, and a federal union can only be built if the federal units are strong' emerged alongside the idea of bottom-up federalization.

However, there remain numerous challenges and questions regarding the approach to building a federal system through bottom-up federalism. In particular, among the forces of the Myanmar revolution, there is a strong belief among ethnic groups that the liberation of their own regions alone does not equate to true liberation and that genuine freedom cannot be achieved until the military dictatorship is overthrown. However, following Operation 1027, which began in 2023 and had a massive impact on Myanmar's politics and after the Ta'ang National Liberation Army (TNLA) and Myanmar National Democratic Alliance Army (MNDAA) had achieved partial success in their military objectives and captured certain territories as they return to the path of negotiation with the military regime, among the remaining revolutionary forces, they are also questioning the bottom-up federalism of the fall of the military dictatorship and the establishment of a federal union, if only to build their own territory.

A young Karen political activist said:

> *I think about that every time I encounter it. Even if they have halted the process, it is still necessary to consider what other pathways for collaboration might exist. Since federalism itself is fundamentally about self-governance and the right to self-determination, if they eventually secure full autonomy and the right to self-determination, they could simply choose to reunite later through a 'coming-together' process. I view this also as a form of bottom-up approach (KY3).*

However, another Karen youth leader warned, "To build a federal union, the military dictatorship must be overthrown," adding that if the revolution were halted in favor of prioritizing the strengthening of one's own territory, the ousting of the military dictatorship would be significantly delayed (KY2).

Regarding the building of a federal union through bottom-up federalism, a Karen individual from the Delta region remarked:

> *The KNU is currently attempting to build a bottom-up system, but the country is deeply accustomed to a top-down approach. In most regions, the top-down approach is the norm. Apart from that area and Karenni, there are really no others advocating for a bottom-up federal structure. So, we need to keep looking for a practical way forward. More importantly, when a federal system is eventually established, we will have to wait and see what kind of power-sharing arrangement reflects a bottom-up approach (KA2).*

Furthermore, a Karen expert supports the current attempt to adopt the bottom-up federalism approach, noting that the KNU's various efforts in the past to establish a nationwide federal system have clearly proven ineffective (KS1). Regarding the establishment of a federal system, the KNU not only conducted political dialogues during the Nationwide Ceasefire Agreement (NCA) period aiming at nationwide reform but had also previously striven for nationwide liberation alongside its allies under the slogan, 'Achieving victory through a united allies front.' However, as political dialogues proved ineffective and the alliances the KNU had joined failed to achieve their objectives, the organization revisited the concept of self-determination, and it began implementing a bottom-up approach, aiming to first liberate its own territory and build it into a robust federal unit.

Although the KNU is trying to build Kawthoolei through bottom-up federalism they are not only building their own territory but also working for the liberation of the entire country. A Karen youth leader in the KNU said, "The whole of Burma is our country inhabited by all ethnic groups. The Kawthoolei and Karen people cannot secede from Burma. Only when the entire people are liberated can they truly be liberated. If we look at the KNU's four objectives for the Karen revolution, two are for the Karen and the other two are for the entire country (KY2)."

The geographical dispersion of the Karen people also shows that many Karens are located in the delta region, so the KNU is fully aware that the entire Karen people will not be liberated by liberating the seven districts of Kawthoolei alone that they are currently building and governing. In this regard, a young Karen man from the Delta also pointed out that while the KNU is currently building Kawthoolei, on the other hand, other political groups such as SCEF (Steering Council for the Emergence of Federal Democratic Union) are still carrying out political leadership at the union level. Therefore, the KNU is still participating in and leading the revolutionary political affairs of the entire union, and also through the currently implemented bottom-up federalism, the building of Kawthoolei is not only for liberating their own territory, but also an approach to building a strong federal unit with the aim of building a future federal union.

Examining Kawthoolei Administration

Revolutionary Period Kawthoolei Charter

THE KNU ESTABLISHED the Kawthoolei Federal Unit based on the Revolutionary Period Kawthoolei Charter. The Revolutionary Period Kawthoolei Charter was ratified at the Kawthoolei Development Consultation held from 31 March to 2 April 2026 and simultaneously established the Kawthoolei Consultative Council (KCC) and the Kawthoolei Governing Council (KGC). Therefore, the Kawthoolei Federal Unit is built on the basis of the Kawthoolei charter, with KCC acting as the legislative institution and KGC acting as the executive institution. However, the institution of judiciary has not

been included in the Kawthoolei Charter, and the KNU's judicial system is still used as the Kawthoolei's judicial institution (KNU, 2026).

The Kawthoolei Charter forms and recognizes five representative groups: KNU central and district representatives; representatives of other ethnic groups with ten contiguous villages in Kawthoolei; Kawthoolei women representative; Kawthoolei youth representative; and representatives of the people who were elected to the state and regional parliament in the 2020 election in Kawthoolei region (KNU, 2026). However, according to the statement issued by the KNU about the Kawthoolei Charter on April 10, 2026, only four groups are currently participating in the Kawthoolei Charter, and the 2020 elected representative group has not yet joined but has been announced to join within three months.

According to the Kawthoolei Charter, the KCC is composed of 51 representatives, including 5 KNU central representatives, 3 district representatives from each of the 7 KNU districts (a total of 21), 7 representatives from other ethnic groups in Kawthoolei (up to a maximin of 10), 4 Kawthoolei women, 4 Kawthoolei youth, and 7 elected people representatives in 2020 election (KNU, 2026). Among them, women and youth representatives will initially be represented by the Karen Women's Organization (KWO) and the Karen Youth Organization (KYO), which are currently organizations under the Political and Organizing Committee of the KNU. Therefore, the KCC, apart from 7 representatives of other ethnic groups in Kawthoolei (up to a maximum of 10) and 7 elected parliament representative from the 2020 election, is made up of members under the direct leadership of the KNU. Regarding this, a KNU central leader admitted, "Currently, this is a revolutionary period. The KCC must provide necessary consultations, advice and guidance to the KGC. Therefore, other groups of representatives have also joined to participate. However, since it is currently a revolutionary period, it is true that the KNU is mainly in a leading role (CL1)."

The KGC, which is responsible for the administrative sector, is composed of a chairman and members, and the chairman of the council is elected by the KNU Central Executive Committee. The members of the council are the heads of the departments included in the Kawthoolei Charter. These departments are the

Department of Education and Culture, the Department of Health, the Department of Defense, the Department of Finance, the Department of Transportation and Communications, the Department of Justice, the Department of Women, Youth and Children, and the Department of Agriculture. The heads of these departments, except for the Department of Women, Youth and Children, are the heads of the relevant public service delivery departments in the KNU. Therefore, the KGC is effectively an institution formed by the KNU leaders to provide public services in Kawthoolei.

However, only 7 of the 12 departments in the KNU are included in the KGC, and the Women, Youth and Children Department is a newly formed department. A Karen woman argued, "Inclusive participation and inclusive decision making are not the same. Are they calling 'inclusive participation' just to use people as token place-fillers? What is important is the extent to which other ethnic groups, youth and women actually have the power to participate in decision making (KW2)." A Burmese member of the KCC, explained that since it is still a revolutionary period and Kawthoolei administration has just begun, the KNU will continue to lead as needed for the time being, and that the KNU will gradually reduce its influence as the administrative system gradually becomes stronger (BM2). Additionally, a district KNU leader also said that the current Kawthoolei and its institutions are structured in a *KNU plus* form for more representative and inclusiveness governance (DL1).

Although the KNU itself has built Kawthoolei Federal Unit through a bottom-up federalism approach, there is still limited public awareness of the Kawthoolei building process. A community leader in the Kawthoolei area said about the Kawthoolei building process, "They see news coverage about them ratifying the Kawthoolei Charter and establishing the KCC and KGC, as far as they officially released it. However, we don't know the exact details, such as who is included in KGC, who the ministers are, or what specific provisions are in the Kawthoolei Charter (CM3)." Regarding this, a district KNU leader said, "KCC is not well known among the public; even among our KNU officials, there are those who do not comprehend it until now. The problem is that someone in our organization does not know about it, and that also depend on their own study and level of interest. As for the public, noting has been

presented to them yet (DL1)." The KNU has issued a statement since April 2026 stating that it has ratified the Kawthoolei Charter, but until July, it has not yet made any continuous official statements to the public on the matter.

The Circumstance of Practicing Kawthoolei Administration

ALTHOUGH THE KGC has been formed, it is currently operating on the ground with the KNU's departmental administration and the transition from the traditional KNU administration to a more accountable government through the KGC remains a complex process. In essence, the KNU administration is an ethnic revolutionary organization, but the flow of power is to be as bottom-up as possible, with each administrative levels elected from the bottom. Village headmen or village tract administrators from the villages within the KNU areas are elected by the villagers at the village annual meetings. Thereafter, the KNU Township Congress is held every four years. It is attended by village headmen, village tract administrators, and village representatives from their respective villages, alongside the KNU township officials serving as the KNU township representatives. During the congress, the Township Standing Committees and Township Executive Committees are elected. Then representative form each township and district representatives held the KNU District Congress and elected the District Standing Committee and District Executive Committee. Finally, at the KNU Central Congress, the district representatives and central representatives elected the Central Standing Committee (CSC) and Central Executive Committee (CEC), showing the system of powering coming step by step from the people.

Although the KNU has created power from the bottom up through the process of election, since elections from the township level onward are not directly elected by the people, there are still gaps compared to democratic standards. Regarding this, a local Karen community leader criticized:

> *No matter how much they say the authority is elected step by step by the public, anyone who has ever attended a KNU township congress would know the reality. Representatives from the villages do come, but when the time comes, the same township figures get elected over and over again. Even when newcomers are chosen, only those who align with them and*

> *follow their lead get the vote. Although it is nominally an election, they have already predetermined who will be nominated and who will take which positions at the congress. Nothing really changes or progresses (CM3).*

On the other hand, the KNU is a revolutionary organization, so it is an organization that has maintained democratic centralization. However, within that, the institution has been built to reduce the monopoly of power as much as possible and to ensure that power flows from the people. A young Karen working in KNU noted:

> *After the fall of Manerplaw, the KNU has decentralized a lot when it comes to reorganizing its own regions in each district, and that has been practiced for decades. In some townships and districts, they are doing what their township and districts need on their own, without being directed by the center. Whether it is a democratic essence or not, each township also has a congress, and it is a mechanism that can change the ruler. So, it can be said that the bottom-up approach of the KNU starts from the township.*

Therefore, although the KNU's administrative system has its limitations, during their revolution, there are reasonable and considerable balances between democratic centralism on the one hand and the practice of the power flow and bottom-up federalism on the other.

The Challenges and Limitations of KNU's Administration

HOWEVER, the KNU still has many limitations in implementing administrative services within its territory. In addition, while the KNU has complete control over rule of law, administration, and defense within its territory, it still allows some public services of the military government, such as public schools and rural health clinics. In this regard, a KNU township leader said that while the KNU still has limitations in providing full services to the public, it has allowed the public to access as many services as possible, despite its sovereignty and political implications (TL1). Therefore, while the KNU is still building its administration, the people in their area still rely on some administrative services from the military government, as a local community leader noted:

> *Some people here are just used to going to government or public schools. For example, KNU school's curriculum based on the Sgaw language. There are a lot of people here who don't understand Sgaw. So they often go to government schools. Moreover, for example, after completing high school, there are some colleges of KNU on the Thai Myanmar border, but they are very few. So local students prefers to go to government schools and universities in Hpa-an after completing high school. Another example is, when it comes to civil registration and passports to go to Thailand, KNU can't do it. So, they have to go to the military government.*

The KNU is still in the revolutionary period and faces many challenges in strengthening its governance in its territory. The biggest challenge to building its governance is the military regime's violent interference. In this regard, a Karen community leader outside the KNU controlled area said that in order for the KNU to strengthen its governance, it first needs peace in the area to ensure the livelihood of the people, and that they will not be able to build governance if they cannot protect the lives and properties of the people (KO1). A Karen youth leader said, "The military knows that if we can build our governance properly, the people will support us. That's why they keep interfering so that we can't do anything. They launch air strikes targeting our schools a lot. So, we must work under these difficulties, and there are many limitations and requirements (KY1)."

The KNU's administration challenged externally, not only from the Myanmar military's violent interference, but also from the stance of the other Karen armed groups. While the KNU maintains a non-fighting policy among Karen armed groups, other Karen armed groups are close to the Myanmar military and politically opposed to the KNU, such as supporting the military junta's elections in December 2025 and January 2026. In addition, they threaten the KNU's governance and rule of law by allowing criminal activities such as online scamming in areas under their control in the Karen State. A KNU district leader said, "Everywhere we go, we are asked about the issue of online scamming in Karen State. We do not allow it in our territory. But we cannot control 100 percent of the Karen State, especially their area. Our KNU policy is that we absolutely do not accept criminal activities. However, if we take action

to crack down on it, we will have to fight with other Karen armed groups. So, it is difficult to handle it decisively (DL1)." The KNU believe that if the KNU fight with other Karen armed groups, it will be a domestic dispute that will only benefit the Myanmar military, and a KNU central leader said that the KNU will not fire on other Karen at all (CL1). However, on the one hand, the criminal activities of other armed groups threaten local security and the rule of law, and the KNU face international pressure. And on the other hand, the policy of non-fighting among Karens remains a major crisis for the KNU's governance.

The KNU's administrative shortcoming in Kawthoolei is not only due to external challenges but also because of internal limitation. The biggest limitation is human resources and capacity. The KNU has been engaged in a continuous armed revolution for many years, and its administration has been rooted in the traditional administration that was established out of necessity, so there are many gaps in public administration and its capacity. Although some qualified young human resources were gained after the 2021 coup, the number of human resources available still fall short of the vast administration area, which has expanded beyond their original territories due to military advance. Therefore, although KNU has adopted better administrative policies at the policy level such as KNU central, its ability to implement them on the ground is still weak. In this regard, a Karen youth said, "The KNU has good policies but there are many shortcomings in terms of capacity between the central, district, and townships (KY1)." However, it is evident that the KNU is currently seriously considering this quality issue by continuously conducting administrative quality improvement courses and relevant skill training for those serving in public service departments.

In building the Kawthoolei administration, not only is the capacity of the KNU's administrative officers and leaders are needed, but also the resources of the qualified staff serving in each administration department. The KNU's administrative departments at various levels are not fully structured and there are many departments that are understaffed. There are many young, educated Karen in the region who can perform administrative duties well, but most of them have not joined the KNU and its administration. The KNU has also been unable to motivate and convince them to serve in their administrative

departments, recruit them with specific tasks, and assign specific responsibilities to those working in the departments. Therefore, due to the limitation of obtaining new human resources to implement the new Kawthoolei administration which requires evolving and policy driven reform, KNU continues to rely on existing personnel who are more accustomed to traditional administrative practice.

Moreover, some departmental employees and officers contribute on a volunteer basis and prioritize family livelihood over administrative responsibility. The KNU, since it is a revolutionary period now, does not provide its employees and officers with a specific salary or stipend and does not have specific policies for employee welfare, but only with personal support mostly from the leaders according to their circumstances. Since such support is not provided with rules and regulations, problems such as unfair contribution, personal influence of leaders over rules and regulations, corruption, and insufficient support arise. Therefore, even though some youth still want to join these administrative services, due to issues such as family livelihoods, unfair or insufficient remuneration, and unprofessional working space, they move to organizations such as NGOs, resulting in brain drain and further loss of human resources.

In order to strengthen the governance of the Kawthoolei Federal Unit, not only the human resources and capacities but also the open-mindedness and generosity of some officials who are directly in contact with the peoples are very important for public support. Regarding this, a KNU township leader said, “Do some of the representatives and officials in the KNU really accept the building of the Kawthoolei Federal Unit from the bottom-up? There may be some leaders who still have strong ethnic views. The fact that they do not want to integrate with other ethnic groups may also be a challenge (TL1).” In addition, a young Burmese who has been elected as the village-tract head? of the KNU administration said, “I have also belonged to this administration, but some leaders do not recognize me as their people. Sometimes they fight against chauvinism, but they themselves need to stop being chauvinist first. However, there are some leaders who are very open-minded and generous(BM1).”

Ethnic issues within the Kawthoolei administration have also caused conflict not only between Karen and other ethnic groups, but also between the Pwo Karen and Sgaw Karen, who have different languages. In this regard, a Pwo Karen community leader said, "The villages in this area are mostly inhabited by Pwo Karen, but if you go the KNU's township office, most officials are Sgaw, because they predominantly use Sgaw in their meetings and official documents, we cannot understand anything when we go there. And we speak in Burmese and ask to speak in Burmese; they look at us as if we have been Burmanized (CM1)." Although, there are some ethnic and language frictions within the administration, religious conflicts are rare in the KNU area. This shows that after the Democratic Karen Buddhist Army (DKBA) divided from the KNU and the fall of Manerplaw, the former KNU headquarter, the KNU has been paying special attention to preventing such religious conflicts from happening again.

Although the KNU is a political organization, its politics, administration and military are inseparable because it is also engaged in armed resistance. In fact, the KNU is a political organization, and under it are the Karen National Liberation Army (KNLA) and the Karen National Defense Organization (KNDO). The KNU Central Executive Committee includes the KNLA Commander in Chief as an ex officio member. At the district level, the brigade commander serve as the KNU's district vice-chairman, and at the township level, the battalion commander in the township serves as the KNU's township vice-chairman. Some P'doh (administrative officers) have also been serving as soldiers and have been transferred to civilian administration as needed.

In some areas where the fighting is intense, some commanders and military officers have interfaced in the administrative sector for security reasons, which has created challenges for the establishment of civilian administration. In this regard, a Karen community leader said:

> *People here see the KNU as soldiers. They are rebelling because they don't like the military's rule, so they are also ruling as soldiers. When they come to the community for administrative work, they will be with arms. How will the people view it (CM2)?*

In addition, a KNU civil administration official stated, “We establish rule and regulations, to serve the people best, but sometimes they (military officials) come and revoke or order us to stop through order and authority (KA1).” A KNU’s central leader responded:

> *During the revolutionary period, the military was given such responsibilities so that they would not be separated from the administration, but their main responsibility in the administration was defense and security. But sometimes they went beyond that and interfered in the civilian administration. This can be resolved by strengthening the policies and regulations later(CL1).*

Another major limitation the KNU’s governance facing is financial constraints. In addition to the revolutionary period, the KNU’s financial resources are used for military purposes, which mean that the administrative budget is very small compared to the expenses of the extensive formal administration. In addition, the lack of systematic financial regulations means that there is no scrutiny of the use of funds. On the other hand, the lack of transparency in financial spending poses a challenge to effectively preventing financial abuse and corruption. In this regard, a KNU township leader said, “Transparency and security need to be balanced. If transparency is prioritized too much, such as our financial resources and spending, the Myanmar military will target to them. However, governance without transparency is not good governance (TL1).” In this regard, a KNU’s central leader responded that the policy and regulations on financial management are ongoing in the revised and when they are implemented, it will reduce the financial waste, will even reduce corruption, and also can be paid for the employee and hire professional for effective administration. Therefore, in the building of Kawthoolei administration, the limitations of KNU’s such as insufficient human resources and capacity, weak rules and regulations, weak financial management, and corruption are interconnected with each other and remain a major challenge (CL1).

Although KNU still faces many challenges and limitations in building the Kawthoolei good governance system, their administration has improved significantly compared to the past. Regarding this, a local Burmese person in Kawthoolei said, “Now they are opening up. Before, only Karens ruled in the

Kawthoolei administration and owned this place. Now, we also have been recognized as Kawthoolei people and opened up to participate in the sovereignty of this state, so I am really glad to see that (BM2)." In addition, the KNU itself is trying to build good governance by value of all inclusion, and the peoples are also expecting it. Regarding the public's opinion of the KNU administration, a local community leader said:

> *Most people are struggling for their livelihood, so they are not interested in the administration. However, compared to the Burmese administration, they prefer the KNU administration. Those who are really interested, although there are many shortcomings, have seen that it has improved compared to before. Before, people were afraid to say anything, but now, they are a little more open (CM3).*

A Karen youth serving in the KNU also said, "It is important to measure the KNU administration by what standard. If you measure it by the administration of democratic countries, due to the revolution, you will see many shortcomings of us. But if you measure it by the revolutionary period's administration, you will see that the KNU is doing their best as much as they can with the resources they have (KA1)." In any case, the public seems to support the KNU administration more than the military regime's administration and is looking forward to further development.

Comparative Study of KNU's Urban Governance and Public Administration

The KNU's administration has been rooted as a rural-based administration for many years. After the 2021 coup, the KNU has strengthened its military power and has been able to seize some areas, including some towns in its expanded administrative area. However, the conventional KNU administration has not yet developed a system of administrative rules and regulations that is suitable for urban administration because it was based on rural areas, and has only been in the state of practice, as needed, rather than through a settled system. At present, when the KNU's Kawthoolei Federal Unit has started to implement a new and

better administrative system with a bottom-up approach, the towns in its expanded area are seen as testing areas for this new administrative system. Therefore, this research will compare the administrative situation of two towns in Doopalaya district, Kyaikdon and Phaya Thonezu, which were territorially expanded and brought under their own administration by the KNU after the coup.

The Circumstance of Kyaikdon Town Administration

KYAIKDON WAS A town in the Burmese government's administrative mechanism, before the revolutionary alliance force led by the KNLA attacked and seized it from the Myanmar army in March 2024. Then, when the Burmese government's administration in Kyaikdon stopped and emerged as a power vacuum, the KNU held a meeting with the people and began to establish the administration of Kyaikdon with the KNU's village tract level administrative mechanism. However, since the KNU's village tract level administration is based only on the countryside, it is difficult to operate a town with only 7 executive committee members. An administrative official in Kyaikdon said, "When SAC (State Administration Council) ruled there, there were about 200 to 300 employees, including departmental offices, municipal, and other ward offices. Now, it is very difficult to manage, since a town that was once governed by that many people has to be managed by only 7 people (CA1)." Currently, the Kyaikdon administration is led by the 7-member executive committee, and they continued to form other committees for services such as municipal affairs as needed to provide public services.

However, there were many challenges to rebuild the city administration of Kyaikdon from the ground up because most of the administrative buildings were destroyed after the war. "We had to start governance in a city that was left with only its shell, from health and education to waste management service. But we need a lot of resources," said a Kyaikdon administration official (CA1). In addition, the administrative transformation has faced limited public acceptance and other challenges. Since the public has been under successive government administration for many years, they expect some administrative services to remain the same. However, since the KNU's administration is still at the village

tract level in practice, there are still many limitations in tax collection and provision of the public service. The Kyaikdon township administration official said, “When we planned to collect city entrance fees, the township authority did not allow us due to the same structure as the previous administration of SAC. So we do not have the finances for the administration. The higher authorities did not provide any financial support. The public thought that we would get the budget to repair roads and bridges like the previous administration. But we do not get anything (CA1).” In addition, he said that the city did not receive even 100 lakh kyats in taxes in the entire previous year, and that the funds could only be used to repair one short bridge (CA1).

The district KNU leader said, “There is no urban administrative policy, so we have to establish Kyaidon as the village tract model and which is a small town (DL1).” However, although Kyaikdon is a small town in reality, the surrounding villages depend on it for the flow of goods and many other economic and social benefits. A Kyaikdon resident said, “The surrounding villages observe the situation in Kyaikdon. For example, if the price of pork goes up here, they follow suit. The situation of this town is very serious, since they are always observed (CR1).” In addition, Kyaikdon is often attacked by the military at any time, and its security cannot be guaranteed. Therefore, the KNU leaders are not willing to build a comprehensive administrative infrastructure because they may be handed over at any time due to the military situation. The administrative officer of Kyaikdon said, “Even when we cannot provide public services, we need to reduce public burdens as much as possible,” and that even if the town is possible to handed over, they want to provide the best administrative services to the public during their ruling period (CA1). Nevertheless, even though Kyaikdon still has administrative limitations, the rule of law on the ground is still good, according to a local. Therefore, although the KNU was able to expand its territory and took control over the town, there is a state of unreadiness, and the need for leaders to have opened mindedness and an inclusive attitude towards administration can be clearly seen in Kyaikdon.

The Circumstance of Phaya Thonezu Town Administration

PHAYA THONEZU WAS not captured by a military campaign like Kyaikdon, but the revolutionary forces targeted the military government administrative infrastructures in Phaya Thonezu and then the military government administration was abandoned in 2022. After that, there was a power vacuum in Phaya Thonezu for about a year and lacked the rule of law. According to public demand, the KNU established an administration in Phaya Thonezu as Htaw Mae Par village tract administration to focus on the rule of law. However, there is still a Myanmar military base near Phaya Thonezu but the town was not disturbed due to the mediation of other Karen armed groups. Although the KNU has established an administration in Phaya Thonezu, the DKBA (Democratic Karen Benevolent Army) is responsible for the security of the city. The Administrative services related to municipal services such as electricity and water supply are also managed by the Phaya Thonezu Town Regional Development Committee, which is a joint effort of the DKBA and some KNU representatives. In addition, services such as account taxes and road maintenance are also handled by this committee. Therefore, the KNU's administrative mechanism, the Htaw Mae Pa village tract administration, is mainly responsible for policy and law enforcement, while other administrative services are handled by that committee. Regarding this, a leader of the Htaw Mae Pa village tract administration said, "Normally, the village tract executive committee is the largest and should be the most responsible for city administration. But now, that committee is above us (CA2)."

Therefore, it is difficult to say that Phaya Thonezu is administered by the KNU because there was no KNU's town administration, but only the Htaw Mae Par village tract administration. A leader in Doopalaya district also said that then Phaya Thonezu is not entirely administered by the KNU, but is only jointly administered. On the other hand, the criminal online money scam centres are also growing in and around Phaya Thonezu. In this regard, a KNU township leader said, "Just as the military can overreach in war, the administration also can overreach (TL1)." He continued that if the KNU fully governs Phaya Thonezu, it will become they acceptance of these criminal activities. On one hand, the DKBA mainly accepts these criminals, and if the KNU suppresses

these activities, there may be a conflict with the DKBA. Since the DKBA provides security, the nearby Myanmar military does not conduct artillery fire or airstrikes on Phaya Thonezu, and if the DKBA does not continue guarantee security, Phaya Thonezu itself could be in danger.

Therefore, the KNU faces challenges in establishing a fully functioning administration in Phaya Thonezu, and even the administrative officials of the Htaw Mae Pa village tract are not elected like other KNU's village tract leaders, but are appointed by the KNU's township. Therefore, most of the residents from Phaya Thonezu do not even know the KNU administrative officials. Regarding this, a resident from Phaya Thonezu said, "The current security in the town is provided by the DKBA. You can find the DKBA everywhere. When it comes to an incident, we can go to the KNU. But, since the current administration of this town is appointed by them, I am not sure who it is (CR2)." In addition, as the online scamming centers have grown in Phaya Thonezu, the rule of law remains weak. Therefore, the local resident replied, "As the people in Phaya Thonezu, we want the KNU to fully govern, we want these online scam centers to be dismantled and the rule of law to be strengthened (CR2)." This is demonstrated about the expectation of the residents in Phaya Thonezu under the KNU administration. Therefore, Phaya Thonezu is a town serving as a case study for addressing administrative challenges due to the division of power and the interest complexion as the KNU expands its territory.

Comparing Study

Both Phaya Thonezu and Kyaikdon are towns in the Doopalaya district close to the Thai border. In addition, the towns were previously ruled by the former government, and they became part of the KNU's expanded administrative territory after the coup. However, the two towns differed in how their administrative systems were established. Kyaikdon was a town that was able to establish an administration through military territorial control, while Phaya Thonezu was a town that was in a power vacuum due to the situation and was established by negotiation as needed. When Kyaikdon administration was first established, the town was left in ruins, requiring extensive reconstruction and

its administrative capacity was weak, and the Myanmar military still threatened it. However, it is fully governed by the KNU and has a certain degree of law and order on the ground. Phaya Thonezu is a town that can provide some administrative municipal services and has not yet been threatened by the military. However, the KNU does not have full governance, the rule of law is weak, and criminal activities such as online scam centers are prevalent in that town. Therefore, both of these towns should be carefully studied and learned from in order to expand their territory and build a good Kawthoolei administration system.

Research Findings

The KNU's governance system is a long-established administrative system based on local people. However, the strength of this governance and the institutional change have been limited and largely carried out in accordance with the existing administrative system. After the coup, as the KNU expanded its territory, it has focused more on strengthening its governance. In addition, the political approach has shifted from building a federal union by working collectively at the national level to a bottom-up federal system that first strengthens their own regions. Therefore, after Kawthoolei has been declared a federal unit, administrative restructuring and reforms began.

At the policy level, although the KNU is actively developing more inclusive, transparent, and accountable administrative policies, procedures, and regulation to build a better Kawthoolei administration, significant administrative improvements at the grassroots level, where officials directly interact with the people, remain limited. Especially the capacity gap between administrative officials at the township, district, and central levels, and the shortage of human resources are major constraints for reform. The lack of strict implementation of important regulations such as financial management is also a major challenge to providing effective administrative services and preventing corruption. In addition, since it is a revolutionary period, the overpower interact with the peoples by some military and other officials has distorted public perceptions of the Kawthoolei administration. In addition, external challenges such as the

military government targeting of the local civilians and the internal criminal activities of other Karen armed groups pose a major dilemma for non-fighting policy among Karen arms groups. Although the KNU is aware of these challenges and limitations and is working to improve them in various ways, it will take over a period of time for more significant progress to be made.

Nevertheless, the local people prefer the KNU administration over the military regime. Although there remain many shortcomings in the administration, they have seen some progress. Therefore, most of the people in the Kawthoolei region continue to believe in the KNU for better administration. Thus, despite many challenges and limitations, there remains great potential for building a strong Kawthoolei federal unit through public acceptance of the KNU's governance and gaining public legitimacy. Furthermore, the KNU continues to retain some political influence among the current democratic forces in Myanmar, and it remains capable of mobilising other ethnic revolutionary forces to build a new federal union through bottom-up federalism. Therefore, although there are many challenges in building a self-determining Kawthoolei through the KNU's bottom-up federalism, there is potential to build a federal union through strengthening this federal unit.

Recommendations

Since the current KNU administration has gone beyond Karen based administration and established a territory based administration in Kawthoolei, the construction of the nation building of Kawthoolei is particularly important. Therefore, for the Kawthoolei nation building, the name Kawthoolei should be widely used not only in their announcements but also in the media, such as Kawthoolei Federal Unit, Kawthoolei Region, Kawthoolei State, etc., which can help in the construction of the Kawthoolei nation and the national identity of the Kawthoolei people.

In addition, the KNU's central should more vigorously implement reforms, policies, and regulations, and prioritise improving the quality and human resources of field administrative officers and staff responsible for

implementation. After the central has conducted training, it is necessary to further examine the implementation of the training, encourage continuous learning, and balance technical and practical experience to improve quality. As for human resources, it is necessary to ensure that existing resources are preserved and new resources are acquired. Policies should be implemented that respect and value each individual, assign them specific responsibilities, and support their basic welfare and long term development, rather than treating them as subordinates to avoid wasting existing resources. In addition, it is necessary to invest in young people, hire them with specific responsibilities, professionalise and recruit experts, and strategically implement policies to make the public respect the administrative staff of the KNU, to obtain new resources. To prioritise such activities, human resources, training, and capacity building branches (or) committees (or) bureaus should be established and implemented with special responsibilities in departments at all levels of KNU.

Furthermore, despite the ongoing revolutionary period, we should promote a system of civilian governance that is as citizen based as possible and promote inclusiveness, transparency, and accountability for good governance. In addition, officials who engage in anti-civilian activities, abuse of power, and corruption, which are the opposite of good governance, should be investigated and punished promptly and effectively without favouritism, as those who are disrupting the consolidation of good governance in the Kawthoolei. The KNU should also resolve the problems of other Karen armed groups as quickly and effectively as possible, with a more strategic and tactical approach, carefully understanding the nature of friend-enemy distinctions and a mobilisation-oriented approach. In addition, the KNU has a geographical border with Thailand and should effectively use this geographical advantage to govern these areas well, gain public legitimacy, and through that, gain recognition from Thailand by using not only hard power but also soft power. Through that, it should continue to strive for international recognition through cooperation at both the regional and national levels.

Finally, the KNU's political governance activities should be made to ensure that the public is informed and kept up to date promptly, and the leaders should also make clear and understandable political ideologies and political directions

among themselves. In this way, the KNU will be able to build a Kawthoolei Federal Unit that practices bottom-up federalism with a good governance system, and build a strong foundation for the future federal union.

References

Alwyn, S. (2021). The Historiography of Saw Aung Hla and Its Influence on the Modern Karen History Curriculum. Journal of Burma Studies, 25, 1 - 28. https://www.semanticscholar.org/paper/The-Historiography-of-Saw-Aung-Hla-and-Its-on-the-Alwyn/dddd0078d682bce42639438d8f9ecb27704d25ec

DVB TV News. (2023, September 13). "Kawthoolei pyi ko federal unit takhu htehtaung thwar mal" - DVB Talk Show ["We will establish Kawthoolei state as a federal unit" - DVB Talk Show] [Video]. Youtube. https://www.youtube.com/watch?v=YA7bW5OP1CY

Garbagni, G., & Walton M. J. (2020). Imagining Kawthoolei: Strategies of petitioning for Karen statehood in Burma in the first half of the 20th century. Nations and Nationalism, 26(3), 759–774. https://doi.org/10.1111/nana.12613

Hueglin, T. O. (2001). Bottom-up Federalism: The Early Modern Contribution to Local Governance in a Globalizing World. Globalization and Governacne Project. Hokkaido University. https://lex.juris.hokudai.ac.jp/global-g/paper/4-09.pdf

Ikeda, K. (2012). Two Versions of Buddhist Karen History of the Late British Colonial Period in Burma: Kayin Chronicle (1929) and Kuyin Great Chronicle (1931). Southeast Aisan Studies, 1(3), 431-460. https://englishkyoto-seas.org/wp-content/uploads/010304.pdf

Independent Karen Historical Research Association. (n.d.). Kayin tawlanyay dutiya lamsain [The second policies of the Karen Revolution]. https://ikhra.net/wp-content/uploads/2025/11/e18080e1809be18084e180b7e180bae18090e180b1e180ace180bae1809ce180bee18094e180bae1809be180b1e180b8-e18092e180afe18090e180ade1809ae1809ce18099e180bae180b8e18085e180a5e180ba-e18092e180afe180.pdf

Johnstone, A. (2015). The future of federalism, from the bottom up. Montana Law Review, 76(1). 1-20. https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=2380&context=mlr

Karen Nation Union. (2023). KNU - Karen National Union Constitution (17th Congress ed.). KNU Central Headquarters.

Karen Nation Union. (2023). The Basic Policies of KNU Revolution (17th Congress ed.). KNU Central Headquarters.

Karen Nation Union. (2026). Revolutionary Period Kawthoolei Charter. KNU Central Headquarters.

Karen Nation Union. (2026, April 10). Kawthoolei Charter Ratified: Kawthoolei Consultative Council and Kawthoolei Governing Council Established. https://www.knuhq.org/statements/kawthoolei-charter-ratified-kcc-kgc-established

Pyinnya, U. (1929). Kayin yazawin [Kayin Chronicle]. Yangon: Thuriya Thadizatai.

Saw Aung Hla. (1939). Kayin yazawin thamaing: The Karen history (Saw Ba Than. Trans.). Pyithu Yaung Chi Computer Group. https://drive.google.com/file/d/1JydZIOty4dfpwsYoypF6G-oX7Xmo6hYU/view

Saw, U. (1931). Kuyin maha yazawin doji [Kuyin Great Chronicle]. Yangon: Amyotha Sapounhnei'tai'.

Skaw Ler Taw. (1992). Kayin tawlanya thamaing [Karen revolution history]. KNU Central Committee Editorial Board. https://drive.google.com/file/d/1MgN2JnLi4NrAuucSTG6GfbB2dnW96NAY/view

Thawnghmung, A. M. (2012). The "Other" Karen in Myanmar: Ethnic minority and the struggle without arms. Lexington Books.

Thawnghmung, A. M., South, A., Thawnghmung, A. M., & South, A. (2025). In Revolutionary Regimes: Emerging Forms of Governance in Post-Coup Myanmar (pp. 1–26). Chapter, ISEAS–Yusof Ishak Institute. https://www.iseas.edu.sg/wp-content/uploads/2025/03/TRS4_25.pdf

Tun Aung Shwe. (2025). Bottom-up federalism and sub-state legitimacy in Myanmar's current revolution. Melbourne Law School. The University of Melbourne. https://law.unimelb.edu.au/__data/assets/pdf_file/0009/5273991/Tun-Aung-Shwe.pdf

Walton, M. J. (2008). Ethnicity, Conflict, and History in Burma: The Myths of Panglong. Asian Survey, 48(6), 889–910. https://doi.org/10.1525/as.2008.48.6.889

Watts, R. L. (2008). Comparing federal systems (3rd ed.). School of Policy Studies, Queen's University; McGill-Queen's University Press. https://www.queensu.ca/iigr/sites/iirwww/files/uploaded_files/PDF%20Publications/ComparingFedSys3rd%2008.pdf

Wood, G. S. (2011). Federalism from the Bottom Up [Review of The Ideological Origins of American Federalism, by A. L. LaCroix]. The University of Chicago Law Review, 78(2), 705–732. http://www.jstor.org/stable/41553099

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In 2026, Saw Khant Zaw Win was selected for the Mentored Research Programme at the Nelson Mandela Center, Faculty of Political Science, Chulalongkorn University, in collaboration with the Hanns Seidel Foundation. Under the mentorship of Dr. Nyi Nyi Kyaw, his research examines the Karen National Union's approach to self-governance and bottom-up federalism in Kawthoolei.

He is committed to advancing inclusive governance, youth participation, and community-led approaches to building a peaceful and federal democratic future for Myanmar.



Human Rights Documentation in Post-Coup Myanmar: Incorporating Human Security Dimension in the Monitoring Ecosystem

HAN HTOO AUNG

Abstract

Since Myanmar's military coup of February 2021, the country's civil society organisations have become the primary generators of the evidentiary record that international accountability mechanisms depend on, even though those mechanisms were not designed to accommodate the conditions under which this documentation is produced. Drawing on seven semi-structured interviews with practitioners from the Independent Investigative Mechanism for Myanmar (IIMM), the Office of the UN High Commissioner for Human Rights (OHCHR), the Assistance Association for Political Prisoners (AAPP), Equality Myanmar, the Network for Human Rights Documentation-Burma (ND-Burma), and a human rights journalist, together with a focus group discussion involving four members of the Myanmar exile community in Thailand, this paper identifies three structural tensions in how the documentation system's standards are produced, interpreted, and recognised: a definitional tension, a credibility tension, and an evidentiary tension. It then extends the analysis to the human security dimension, as defined by UNDP (1994), of the population sustaining this documentation ecosystem from Thailand, a state that is not party to the 1951 Refugee Convention. The paper argues that strengthening Myanmar's evidentiary record and protecting the people who produce it are, in practice, the same undertaking, and offers tentative, exploratory findings given the study's small and purposively selected sample.

Keywords: Myanmar; human rights documentation; civil society; accountability; Thailand; human security; IIMM; OHCHR

Executive Summary

Key Findings

- Grassroots documentation practice is more methodologically sophisticated than international recognition of it acknowledges, using iterative definitions, tiered verification, and network-level coordination under severe operational constraint.
- A definitional tension: grassroots categories evolve faster than formal international guidance can reach them.
- A credibility tension: OHCHR's institutional-proximity model privileges organisations it has trained directly, while the IIMM's basis-of-knowledge model does not.
- An evidentiary tension: documentation sufficient for advocacy is not always sufficient for formal accountability, chiefly because of missing command-responsibility linkage.
- Human security: the population sustaining this documentation ecosystem from Thailand faces legal ambiguity, informal checkpoint-level risk, and an interest-driven host-state posture that leaves their own security only partially protected.

Recommendations

- Donors and accountability bodies: fund legal translation, multi-year core support, and shutdown-resilient documentation tools as protective infrastructure, not only evidentiary infrastructure.
- OHCHR and the IIMM: adopt basis-of-knowledge assessment criteria and standardised consent-to-IIMM protocols to reduce institutional gatekeeping and repeat survivor exposure.
- Myanmar civil society organisations: extend deferred-verification practices to non-SAC violations and continue building network-level coordination.

- Thai policymakers: make existing protection pathways genuinely accessible and recognise Myanmar civil society's presence as accountability infrastructure, not only a migration-management concern.

1. Introduction

ON 1 FEBRUARY 2021, Myanmar's military, the Tatmadaw, seized power and arrested the country's elected civilian government. Within weeks, mass arrests, extrajudicial killings, and an escalating armed resistance transformed the country's information environment. Internet shutdowns, telecommunications blackouts, and the physical danger of operating in contested territory rendered conventional human rights monitoring, premised on physical presence inside the country and an open information environment, largely unworkable. International actors who had previously operated inside Myanmar, even if only partially, lost that direct field access almost entirely. Into this vacuum, Myanmar's civil society organisations have stepped in as the primary, and in many areas the only, generators of the evidentiary record on which international accountability mechanisms now depend.

This paper examines the relationship between local documentation actors and international accountability mechanisms in the Myanmar context, with particular attention to the IIMM and OHCHR on the international side, and AAPP, Equality Myanmar, and ND-Burma on the grassroots side. It then extends the inquiry in a direction the existing literature on Myanmar documentation has not yet taken: what this documentation ecosystem, and the credibility dynamics that shape it, mean for the human security of Myanmar nationals living in Thailand, the country from which most of this documentation work is now conducted. This extension matters for two reasons. Theoretically, the documentation-practice literature discussed in Section 3 treats civil society organisations chiefly as sources of evidence, rarely asking what producing that evidence costs the people who produce it. Practically, Thailand's own migration and protection policy choices bear directly on whether this documentation ecosystem can continue to function, since the organisations examined here operate almost entirely from Thai territory. Primary data were collected through

seven semi-structured interviews with practitioners across this spectrum in June and July 2026, and through a focus group discussion with four members of the Myanmar exile community in Thailand.

This research grew out of the author's MA thesis at Mahidol University titled "Understanding Human Rights Documentation Processes in Post-Coup Myanmar: Constraint, Credibility, and the Gap between Local and International Practice" It examined how local and international actors produce, verify, and use human rights documentation in Myanmar, drawing on the same practitioner interviews discussed below. A separate conference paper derived from the thesis titled "Documenting Atrocity under Constraint" offers a narrower comparative analysis of international and grassroots documentation practice for an academic audience; it does not include the human security analysis, the Thailand-based framing, or the focus group findings developed here. The present paper is a distinct undertaking prepared for the Nelson Mandela Center and the Hanns Seidel Foundation: it retains the thesis's documentation-practice foundation by covering an additional focus group with Thailand-based civil society, academics, international NGO staff, and journalists and focusing on the human security implications of hosting this documentation ecosystem in Thailand, which is a question neither the thesis nor the conference paper addresses.

2. Conceptual Framework

THE PAPER IS organised around four interpretive concepts. By interpretive concept, this paper means an analytical lens applied to the interview data, rather than a variable to be measured; each concept directs attention to a different aspect of how documentation is produced, judged, or experienced by the people who carry it out. The first, documentation under constraint, describes the conditions under which post-coup Myanmar organisations collect, verify, and store information about violations: physical displacement, digital surveillance, internet shutdowns, resource scarcity, and the secondary trauma experienced by documenters who are themselves survivors or family members of victims (Matelski, 2016). The second, standards as interpretive practice, treats

documentation standards not as fixed rules but as frameworks that organisations interpret according to their mandate, their relationship to funders, and their practical knowledge of the field (Merry, 2006). In concrete terms, this means that when an organisation decides whether a given incident meets the threshold of "reasonable grounds to believe," it is exercising judgment rather than following a checklist, and that judgment itself becomes part of what this paper analyses. The third, credibility as institutional recognition, treats credibility not as an inherent property of evidence but as something constructed through institutional processes (Goodale, 2013): whether a piece of documentation is treated as verified, attributable, or merely reported depends as much on the relationship between the producing organisation and the assessing institution as on the underlying methodology.

2.1 Human Security as the Primary Framework

IN THIS STUDY, the fourth concept, human security as lived condition, is used as the main conceptual framework. Specifically, it asks what this documentation ecosystem means for the everyday security of the people who sustain it, most of whom live and work in Thailand under conditions of legal ambiguity. This paper adopts the UNDP's (1994) definition of human security, understood as freedom from fear and freedom from want across seven interlocking dimensions of security: economic, food, health, environmental, personal, community, and political. The findings presented in Section 6 draw most heavily on the personal, community, and political dimensions of this framework, since these are the dimensions most directly implicated by Thailand's non-signatory status to the 1951 Refugee Convention, by checkpoint-level enforcement risk, and by the exile community's ambiguous standing within Thai civil society space. Thailand is not a party to the Refugee Convention, and the population producing and relying on Myanmar's evidentiary record, exiled organisers, journalists, researchers, and ordinary Civil Disobedience Movement (CDM) participants and migrants alike, does so without the protection that treaty status would confer. This paper treats that condition as directly relevant to the documentation question rather than as a separate concern: an evidentiary record that depends on people who are

themselves insecure is, in a structural sense, an insecure evidentiary record, since the record's continuity depends on whether the people producing it can remain safely in place to keep producing it.

These four concepts converge on the central argument of this paper. In an environment where direct field access inside Myanmar has been denied to international actors, local civil society documentation is not merely supplementary to international monitoring but constitutive of it. Without organisation-generated, primary-source information, neither OHCHR nor the IIMM can meet their own evidentiary thresholds. Yet the relationship between the two levels remains structurally unequal. The inequality lies specifically in who has the authority to decide which documentation counts as evidence, not in the underlying quality of the documentation itself. As Section 6 shows, OHCHR officials decide, largely on the basis of prior training relationships, whether a given organisation's findings may be cited as "verified" or must be qualified as merely "reported." Local organisations collect the evidence; they have little say over the criteria international bodies use to accept or reject it. This paper argues that this imbalance in decision-making authority can be corrected: not chiefly through further improvements to grassroots methodology, which is often already adequate, but by revising the institutional criteria for recognition, as the IIMM's basis-of-knowledge model already illustrates, and by paying attention to the human security of the people who produce, and are themselves part of, Myanmar's evidentiary record.

3. Literature Review

HUMAN RIGHTS DOCUMENTATION in Myanmar has been one of the few available means of responding to state violence for more than three decades. After the military suppressed the 1988 uprising, local civil society groups, exile organisations, and international actors began systematically recording violations and tracking incidents in the absence of any functioning domestic court or oversight body (Goldston, 1990; Smith, 1999). During this early period, documentation served primarily as a record of events rather than as material destined for formal legal proceedings (Merry, 2006).

Over time, documentation methods diversified according to institutional purpose. International organisations such as Human Rights Watch and Amnesty International apply a "reasonable grounds to believe" evidentiary threshold across their published findings (Human Rights Watch, 2023). The IIMM, created by UN Human Rights Council Resolution 39/2 to collect, preserve, and analyse evidence of serious international crimes, operates under a substantially higher standard aligned with criminal proceedings (United Nations Human Rights Council, 2018). OHCHR occupies a distinctive position between these two approaches: it cannot conduct direct field investigations inside Myanmar, but it actively receives, verifies, and incorporates civil society documentation into its public reporting, making it simultaneously a standard-setter and a collaborator (OHCHR, 2011).

The UN Independent International Fact-Finding Mission on Myanmar illustrates how differences in documentation capacity can shape legal outcomes even under a single evidentiary standard. Established in 2017 to investigate violations in Rakhine, Kachin, and Shan States, the Mission could not enter the country and relied heavily on civil society documentation. For Rakhine State, extensive documentation from Fortify Rights, Human Rights Watch, and Amnesty International, supported by satellite imagery, contributed to a finding of genocidal intent against the Rohingya (United Nations Human Rights Council, 2018). For Kachin and Shan States, documentation existed but was produced mainly by local organisations with fewer resources to cross-check findings, and the Mission's conclusions for those regions described serious violations without reaching the same threshold. The same standard, applied to documentation of different institutional pedigree, produced different findings.

A growing body of scholarship questions the assumption that documentation is a neutral, technical activity. Merry (2006) argues that applying human rights standards always involves interpretation, as documenters judge what is relevant, credible, and safe to record. Goodale (2013) extends this by showing how institutional authority determines which knowledge becomes validated within the human rights field. Andersen (2019), studying documentation practice in Bangladesh, describes a filtering process in which information from less institutionally recognised sources is discounted or subjected to additional

verification before acceptance, regardless of its underlying accuracy; the filtering criteria she identifies are set by the receiving institution itself, typically its own prior familiarity with the source organisation's methodology, rather than by any independent audit of the documentation. Wilkinson (2012) and Wiseberg (1997) similarly note that international mechanisms derive much of their authority from formal mandate and procedure rather than from demonstrable methodological superiority over grassroots documentation. Matelski, Dijkstra, and McGonigle Leyh (2022) apply this lens directly to Myanmar, showing that ethnic and grassroots organisations' choices about language, anonymisation, and timing of publication reflect security concerns and institutional priorities as much as technical considerations.

This literature, however, treats civil society organisations almost exclusively as sources of evidence, not as populations whose own security is at risk in the act of documentation. This is a significant gap for two reasons. Theoretically, it leaves unexamined how the human security literature's own referent-object question, security of whom, applies to documenters themselves rather than only to the populations they document on behalf of. Practically, it is policy-relevant because Thailand, which is not a party to the Refugee Convention, hosts the headquarters or field operations of most of the organisations examined in this paper, alongside a population of several million Myanmar nationals whose legal status ranges from formally documented migrant worker to entirely undocumented. Nor has the literature systematically examined the specific combination of factors that has emerged since 2021: denied international field access, escalating digital surveillance, and the collapse of USAID-funded civil society capacity. This paper addresses these two related gaps together, on the premise that they are, in practice, one gap: the conditions under which Myanmar's evidentiary record is produced are also the conditions under which the people producing it live.

4. Context: Myanmar's Post-2021 Documentation Landscape

THE FEBRUARY 2021 coup, which removed the elected National League for Democracy government and installed Senior General Min Aung Hlaing as head of the State Administration Council (SAC), initiated a campaign of violence against civilian populations that has intensified progressively: airstrikes on civilian settlements, enforced disappearances, conflict-related sexual violence, destruction of villages and food supplies, forced recruitment, and deliberate denial of humanitarian access. OHCHR has characterised this pattern as systematic and widespread (OHCHR, 2022).

Three structural features shape the documentation environment. The first is physical inaccessibility: large parts of active conflict territory, particularly in Sagaing, Chin, Karenni, Karen, Kachin, and northern Shan States, remain unreachable by international observers. The second is deliberate information suppression: the SAC uses internet shutdowns, VPN bans, checkpoint phone inspections, and social media monitoring as tools for managing impunity (Myanmar Internet Project, 2025). The third is the forced displacement of civil society itself into exile, which has, somewhat paradoxically, improved access to digital communication tools that had previously been unevenly distributed.

Myanmar's civil society documentation sector has shown considerable adaptive capacity. Organisations including AAPP, Equality Myanmar, ND-Burma and its thirteen member organisations, and the Karen Human Rights Group have maintained or expanded documentation activities under severe constraint, though geographic specialisation means no single organisation has nationwide primary-source reach. A further constraint is linguistic: the Istanbul Protocol, the internationally recognised standard for documenting torture and ill-treatment, has not been translated into Burmese, a gap that recurs throughout the interview data as a structural, not incidental, barrier to documentation quality. This capacity has been further weakened by the freeze and subsequent cuts to US foreign assistance announced in early 2025, which cancelled tens of millions of dollars in funding for democracy, human rights, and independent

media work in Myanmar (Amnesty International, 2025), leaving many organisations without the resources to continue at pre-2025 levels.

Almost all of this activity now operates from Thailand: Equality Myanmar's main office is there, ND-Burma coordinates its member organisations from there, and AAPP operates from exile there. This is the fact motivating Section 6.5 of this paper: Myanmar's documentation ecosystem is, in a literal sense, a Thailand-based ecosystem, sustained by grassroots documenters and by a wider population of exiled organisers, journalists, researchers, and migrant workers whose own legal status in Thailand ranges from undocumented to only partially protected.

5. Methodology

THE STUDY USED a qualitative, multi-case design examining documentation practices across two tiers of actors in Myanmar's post-coup human rights record, supplemented by a focus group discussion designed to capture the human security implications of this ecosystem for Thailand. At the international level, the IIMM served as the reference point for judicial-standard documentation, and OHCHR served as both standard-setter and active collaborator with Myanmar civil society. At the grassroots level, three organisations were examined as parallel cases representing distinct institutional models: AAPP for its thematic, database-driven model; Equality Myanmar for its national, non-ethnic mandate and cross-border operations; and ND-Burma for its network-coordination model, consolidating documentation submitted by thirteen member organisations. A human rights journalist covering Myanmar was also interviewed, providing an external editorial perspective on how civil society information enters public and advocacy channels.

5.1 Sample and Fieldwork

SEMI-STRUCTURED INTERVIEWS WERE conducted in June 2026 with nine practitioners in total, selected through purposive sampling based on direct, ongoing involvement in Myanmar documentation, verification, or evidence

management. Respondents varied in national and ethnic background: the ND-Burma and journalist respondents identified as Mon, the Equality Myanmar respondent as Danu, the AAPP respondent as Bamar, and the OHCHR and IIMM respondents were international staff. No minimum threshold of years of experience was set; eligibility rested on a respondent's current, direct role in Myanmar documentation, verification, or evidence management. Two interviews were subsequently excluded from the analysis presented here: an interview with a Karen Human Rights Group (KHRG) respondent, and a second Equality Myanmar respondent whose responses substantially duplicated those of the first Equality Myanmar interview already included. The analysis therefore draws on seven interviews: one from the IIMM, two from OHCHR, one from Equality Myanmar, one from AAPP, one from ND-Burma, and one human rights journalist.

The online focus group discussion, conducted in July 2026, was intended to recruit six members of the Myanmar exile community in Thailand. Five agreed to participate; one later declined and one was unable to join within the fieldwork window, leaving four participants: a journalist, a civil society leader, a human rights researcher, and a human rights lawyer. Participants also varied in background: the civil society leader was a Muslim-minority leader, the researcher was a woman from a conflict-affected area of central Myanmar, and the journalist and lawyer were from the Bamar majority. A focus group format, rather than additional individual interviews, was chosen specifically for this dimension of the study because the practitioner interviews above were designed to elicit institutional accounts of documentation practice, whereas the human security dimension called for an open, comparative discussion in which participants could reflect on shared and divergent everyday experience, of a kind a one-on-one interview structured around a single organisation's practice is less suited to draw out. The discussion was conducted in Burmese and translated in full for analysis. To protect participants, no names, organisational affiliations, or other identifying details are used anywhere in this paper; participants are identified only by general professional descriptor.

This is a small, purposively selected sample, and it should be read as such. Purposive sampling here meant identifying individuals and organisations

already central to Myanmar's documentation ecosystem, rather than sampling for statistical representativeness; a sample of this size is consistent with exploratory qualitative research on small, specialised practitioner communities, though it necessarily limits the range of perspectives captured. Seven interviews and a four-person focus group cannot represent the full range of view within Myanmar's documentation sector or its exile community in Thailand; other organisations, such as KHRG, and other individual practitioners were not included in the final analysis, whether by design or by the practical constraints of fieldwork under the conditions described in Section 4. The findings below are therefore treated throughout as indicative and exploratory rather than generalisable, a limitation returned to in Section 7.

5.2 Instrument and Analysis

A SINGLE SEMI-STRUCTURED guide, reproduced in the Appendix, was used across the interviews and the focus group discussion, with wording adapted to each participant's institutional position; practitioners at OHCHR, the IIMM, and the journalist were asked primarily about how they receive, assess, and use civil society documentation, while grassroots respondents and focus group participants were asked to reflect on the same questions from the producing end. Table 1 maps the three themes to the paper's four analytical dimensions.

Table 1. Guiding Themes in Interview and FGDs.

Guiding Themes	Analytical Dimensions	Illustrative Questions
Theme 1: How documentation is received and used	Credibility as institutional recognition	How do you assess whether documentation from a Myanmar civil society organisation is reliable or credible enough to use?
Theme 2: Gaps and weaknesses in the documentation ecosystem	Documentation under constraint; Standards as interpretive practice	What do you see as the biggest gaps or weaknesses in the documentation being produced right now?
Theme 3: Thailand's human security stake	Human security as lived condition	What responsibilities does hosting most of this documentation ecosystem create for Thailand?

Interview and focus group data were analysed using Braun and Clarke's (2006) reflexive thematic analysis approach. Transcripts were coded first according to the four deductive dimensions in Table 1, with sub-themes developed

inductively within each. Coded data were then compared across international, grassroots, and Thailand-based perspectives, with particular attention to instances where institutional descriptions of methodology diverged from practitioners' accounts of actual practice; these divergences were treated as analytically significant rather than as noise.

The researcher's own positionality as a Myanmar national conducting research within his country's human rights context is treated both as an asset for contextual understanding and as a source of interpretive risk requiring sustained reflexive attention, managed through a research journal and ongoing consultation with the researcher's mentor.

6. Findings: Documentation Practice and Human Security

THE FINDINGS BELOW are organised around the four analytical dimensions introduced in Section 2, drawing on both the practitioner interviews and the focus group discussion together, rather than treating them as separate bodies of data. Where the paper claims that Myanmar's grassroots documentation shows "sophistication," it means specifically the practices described in 6.1 and 6.2: iterative, IHL-informed redefinition of violation categories as the conflict changes, tiered verified/unverified record-keeping that preserves rather than discards uncertain material, and network-level coordination that produces a single, cross-checked submission from a heterogeneous membership. These are the practices the sections below examine in turn.

6.1 Documentation under Constraint

ALL GRASSROOTS RESPONDENTS described security as the first constraint on documentation practice, ahead of resourcing or training. At AAPP, the guiding principle is that the safety of the person comes before the safety of the data: encrypted communication is standard, data is stored across multiple locations, and field documenters are instructed to delete sensitive material from their devices before passing through checkpoints, even at the cost of losing material

that cannot be recovered. Equality Myanmar described a parallel practice of deferred verification: when a documenter must delete evidence for personal safety, the organisation retains a partial, unverified record rather than discarding it, on the understanding that verification may become possible later, once contacts can be safely re-established.

ND-Burma's experience adds a further, less obvious constraint: donor-dependent technical infrastructure. The network built its documentation practice for over a decade around Martus, a donor-funded database platform, which was decommissioned about two years before the coup after its original funder restructured. The network had only a few months to export thousands of records; one member organisation lost access to years of earlier data held inside the platform, and a substantial portion of pre-2020 data has still not been fully migrated to its replacement. As the respondent put it, a tool an organisation depends on for long-term justice processes can be discontinued within five or ten years, while no one knows when justice will actually arrive in Myanmar's case. AAPP has adopted a similar precaution, keeping an offline version of retired systems running on disconnected computers to preserve older material.

Post-coup conditions have also slowed documentation tempo directly. The proliferation of armed actors beyond the SAC and established Ethnic Resistance Organisations has fragmented territorial control to the point that access to a community now typically depends on the permission of whichever armed actor controls that area; ND-Burma reported that documenting unlawful conduct by such actors has led some to withhold future information from its researchers, turning what was once daily documentation in some areas into weekly or monthly reporting, a change the respondent described as a deliberate trade-off between information speed and researcher safety rather than a simple decline in capacity.

6.2 The Definitional Tension

GRASSROOTS ORGANISATIONS REVISE their working categories of human rights violation faster than formal international guidance reaches them. AAPP has repeatedly updated its definition of "airstrike" as drone warfare has

expanded to cover water, land, and air use. Equality Myanmar's documentation infrastructure shifted from simple spreadsheets to a structured, tiered database as the volume and complexity of post-coup violations outgrew a flat-file format. ND-Burma's network-level experience adds a coordination dimension to the same tension: categories such as forced marriage, which resurfaced in a new form connected to bride-trafficking, and forced labour, now overlapping with forced conscription and human-shielding, require thirteen member organisations working in different ethnic languages to converge on shared definitions even as those definitions keep changing underneath them.

The interview with a journalist adds a related but narrower point: documentation coverage is heavily affected by interpreter and English-language access, producing blind spots in areas without English-capable local sources. This is a language-access constraint distinct from, but analytically adjacent to, the absence of a Burmese-language Istanbul Protocol noted in Section 4, and it applies to journalistic as much as civil society documentation.

6.3 The Credibility Tension

OHCHR TIES FORMAL verification status to whether an organisation has been trained by OHCHR itself. As one respondent put it directly:

> *Only partners whom we have trained ourselves can be used as credible sources in our public reports. If we use data from AAPP, we can say this is verified... Other organisations do not [meet that threshold], but we can still use their information at a lower standard. (OHCHR Participant 2, personal communication, June 2026)*

AAPP occupies a privileged position under this institutional-proximity model. Equality Myanmar's documentation is used but typically framed as merely "reported" rather than verified, regardless of the rigour of its own internal verification process. Consent also constrains information flow between levels: sharing between OHCHR and the IIMM requires explicit secondary consent from the original source, and without it, OHCHR cannot transfer material to the IIMM regardless of how that material was originally assessed, meaning a

proportion of OHCHR's archive may be permanently unavailable to the IIMM for reasons unrelated to evidentiary quality.

The IIMM applies a framework structurally different from OHCHR's: it assesses documentation by what the documentation itself shows about how it was produced, rather than by whether the producing organisation has a prior relationship with the IIMM. As the IIMM respondent explained, the key question is always how a piece of documentation's author knows what they claim to know. In principle, this allows an organisation the IIMM has never trained to meet the judicial standard, provided the organisation clearly documents how the information was collected and verified, including its sources and methods. ND-Burma's position illustrates a third variant: with OHCHR, its credibility operates issue-by-issue, meaning OHCHR assesses and cites each member organisation's submissions separately rather than treating the network as a single source; with the IIMM, a coordinated, cross-checked submission from several member organisations is treated as carrying more evidentiary weight than any single member's submission alone. This is consistent with, not a departure from, the IIMM's basis-of-knowledge approach: cross-checking across member organisations is itself evidence of how the information was verified, rather than a separate institutional criterion. ND-Burma's experience with the two institutions therefore illustrates the practical difference between the two credibility models described above.

The journalist's account adds a further nuance here, describing a "credibility economy" in which established organisations such as AAPP accumulate evidentiary credit over time: their airstrike data functions as a reliable reference point for reporting precisely because its primary-source methodology and track record allow it to serve as a starting point for further verification rather than requiring re-verification from scratch. This same pattern, of established organisations effectively vouching for the sector as a whole, recurs across the international, grassroots, and press dimensions of the data.

6.4 The Evidentiary Tension

A TENSION EXPRESSED, in different ways, by several respondents concerns a distinction they themselves drew, in their own words, between documentation "sufficient for advocacy" and documentation "sufficient for formal accountability", which refers to evidence strong enough to support public claims, and evidence strong enough to stand up in a criminal or judicial proceeding, respectively. AAPP expressed this through the practical categories of "verified" and "unverified" records, tightened considerably since the early post-coup period when the organisation, managing a daily inflow of mass-arrest reports, was largely dependent on media sources before requiring a father's name, township, and specific charges before a case could move to the verified list. Equality Myanmar expressed the same tension as a two-tier sufficiency threshold: a body of data may be useful for advocacy yet not ready to stand alone as a legal file, not always because more data is needed but because of how the existing data is structured and how clearly evidentiary relationships between individual pieces of information are shown. ND-Burma expressed it through its explicit practice of labelling unverified material with confidence levels, based on factors such as the number of corroborating sources and the directness of witness testimony, rather than omitting it, including in Rohingya-related cases where security constraints have sometimes prevented the network from completing the documentation chain to ICC or IIMM standard; the network submits what it has, clearly labelled, rather than manufacturing findings to serve an advocacy goal.

From the IIMM's side, the same gap appears as the near-total absence of command-responsibility linkage in survivor testimony. Survivors can describe what happened to them and what they personally witnessed but will rarely know who commanded the responsible unit, requiring the IIMM to build the chain of command outward from that testimony as a starting point. This gap is structurally intractable rather than a matter of insufficient training. The evidence most needed for criminal accountability is also the evidence most effectively concealed by perpetrators themselves. Whether ND-Burma's confidence-labeled but unverified material is ultimately treated as sufficient rests with the receiving institution, the IIMM or the ICC, not with ND-Burma

itself; transparent labeling improves the odds of eventual use but does not guarantee it, which is the crux of the evidentiary tension described here. What grassroots organisations can do, and in every case examined here are already doing, is document with future accountability in mind even where immediate legal use is not possible, preserving unverified material, recording the basis of knowledge at the point of collection, and maintaining relationships with witnesses who may participate in formal processes later.

6.5 Human Security

FOCUS GROUP PARTICIPANTS were direct about a category of violation systematically under-documented relative to SAC abuses: violations committed by actors on the revolutionary side itself, including sexual harassment and extortion-related killings attributed to PDF units and allied armed groups. Participants described a structural reason this remains under-recorded: condemnation of SAC abuses is immediate and near-universal, while journalists and civil society reporting abuses by resistance-aligned actors risk being perceived as disloyal, and in areas contested by multiple non-SAC armed actors, information is often produced by one actor's sympathisers about another, making it difficult to treat as reliable without corroboration that is frequently unavailable. Participants also named further categories that remain largely invisible in the current record: religious-freedom violations, forced recruitment and restricted movement in certain camp and border zones, labour exploitation in urban factories, and the deepening deprivation of urban working-class communities that were prominent in the early uprising but have since fallen out of documentation focus, in each case not because no organisation cares but because none currently has the mandate, funding, or safe access to document it systematically.

On Thailand's legal posture, participants converged on a picture of legal ambiguity regarding refugee and asylum protection, alongside substantial practical dependence. Thailand is not a party to the 1951 Refugee Convention and does not, in the human rights lawyer's assessment, assume binding legal obligations to protect refugees and asylum seekers in the way a signatory state would; Thailand's National Screening Mechanism exists as a pathway to

protection status but was described as poorly understood and, for many, too risky to approach given low trust in how disclosed information will be used. Participants noted Thailand has signed the Convention Against Torture and passed domestic anti-torture and anti-disappearance legislation that in principle protects against refoulement, but access to this protection is neither widely understood nor practically accessible: legal aid is expensive, few cases have tested the pathway, and language barriers restrict access further. Both the civil society leader and the journalist characterised Thailand's underlying posture as interest-driven, maintaining simultaneous cooperation with the SAC and tolerance of the exile community depending on which best serves Thai interests at a given moment, with Myanmar labour and, increasingly, Myanmar capital, cited as concrete economic interests shaping that calculation.

This everyday insecurity is not limited to those directly engaged in documentation work; participants described it as affecting Myanmar nationals in Thailand broadly, regardless of their connection to the documentation ecosystem. The human rights lawyer recounted an incident in which two acquaintances were stopped at a routine checkpoint; a phone search uncovered records connected to cross-border support work, and resolving the matter required a substantial informal payment, since taking it to court risked opening up more serious problems. Participants described this kind of informal, transactional risk, more than formal deportation proceedings, as the more common form of insecurity Myanmar nationals in Thailand navigate, and noted that support structures meant to mitigate this risk are themselves limited: organisations connecting people to UNHCR exist but can typically do little once a person has already been detained, and UNHCR's own hotline and registration systems were described as frequently unresponsive, to the point that involving UNHCR can sometimes make a situation more rigid than resolving it informally.

On what would strengthen the link between documentation and protection, participants converged on four points. First, migration into Thailand is now driven overwhelmingly by conscription, and addressing conscription at its source would reduce the human security burden on Thailand more than any downstream protection measure. Second, participants stressed the significance

of “political remittances,” the support, fundraising, and solidarity the Myanmar community in Thailand sends toward the resistance, arguing this contribution is often overlooked relative to economic remittances despite being equally significant. Third, participants argued that engagement with Thailand needs a longer time horizon and a locally grounded understanding of Thai politics on its own terms, rather than templates drawn from Myanmar’s own political experience. Fourth, participants pointed to the practical value of trustworthy intermediary support, legal aid, interpretation, and guidance that does not itself become another site of exploitation, as a more immediately achievable protection gain than a change in Thailand’s treaty status, which participants did not expect in the foreseeable future. Table 2 below summarises the four analytical dimensions, the points of convergence across respondents, and notable nuances or single-source caveats for each.

Table 2. Summary of findings by analytical dimension.

Dimension	Points of convergence across respondents	Notable nuance or single-source caveat
Documentation under Constraint	Security of the person is prioritised over security of the data across every grassroots organisation; donor-dependent infrastructure is a recurring, under-recognised risk.	ND-Burma’s Martus loss is the clearest single-organisation illustration; other organisations may not have faced an equivalent platform loss.
The Definitional Tension	Grassroots categories (e.g., “airstrike,” “forced labour”) are revised faster than formal guidance reaches them.	Journalist’s language-access point is a distinct, narrower constraint affecting press more directly than civil society documentation.
The Credibility Tension	OHCHR’s institutional-proximity model privileges organisations it has directly trained; the IIMM’s basis-of-knowledge model does not.	ND-Burma’s network-level credibility with the IIMM is a single-case pattern not observed for the other two grassroots organisations.
The Evidentiary Tension	All grassroots respondents distinguish advocacy-sufficient from accountability-sufficient documentation; command-responsibility linkage is the most consistently cited gap.	IIMM view represents the receiving end of this gap; grassroots respondents describe the producing end.
Human Security	Legal ambiguity, interest-driven state posture, and informal checkpoint-level risk were raised by all four FGD participants.	Views on non-SAC violations and the framing of Thailand’s posture rest on the accounts of four individuals and are not independently corroborated here.

6.7 Synthesis: One Structural Pattern, Two Levels

TAKEN TOGETHER, the findings in sections 6.1 through 6.6 above point to a single pattern operating on two levels. At the level of documentation practice, Myanmar's grassroots organisations have developed methodologies of genuine sophistication, meaning iterative self-definition, preservation of unverified material, and cross-checked coordination across member organisations (Sections 6.1-6.4), under conditions they were not designed to anticipate. Yet recognition of that sophistication by OHCHR and the IIMM, the two international bodies examined in this paper, remains uneven, shaped as much by institutional proximity, meaning whether an organisation has a prior training relationship with OHCHR, and coordination capacity, meaning its ability to submit cross-checked material jointly with other organisations to the IIMM, as by the quality of evidence produced. At the level of the exiled community's human security, the population sustaining this ecosystem, largely based in Thailand, faces a comparable asymmetry between the host state that depends heavily on their labour, spending, and social presence, on the one hand, and the exiled population with inadequate legal protection, on the other hand. These are not two separate findings that resulted from a common research design but are the same pattern manifesting at different levels. Specifically, civil society organisations and Myanmar nationals are equally indispensable, to international accountability mechanisms and to Thailand's economy and border stability, respectively, yet in both cases the contribution is not matched by a corresponding degree of formal recognition or protection. In both cases, the people most exposed to risk, frontline documenters and undocumented workers, are farthest from the institutions that could recognise their contribution. While this is not a reflection of ill will on the part of international or Thai institutions, it may be an unintended structural consequence of how credibility and protection are built, through institutional proximity, formal training relationships, or treaty ratification, rather than through demonstrated practice and need.

The above findings have direct implications for Thai policymakers and the international organisations. Specifically, strengthening the credibility of Myanmar's evidentiary record cannot be separated from addressing the human

security of the people who produce it since both depend on the same population living under the same conditions of legal and institutional precarity. A donor programme that funds translation of the Istanbul Protocol into Burmese but does nothing to address the everyday checkpoint risk facing the documenter using it addresses only part of the problem this paper has identified, namely the disconnect between the value the documentation ecosystem provides and the protection its members receive in return. ND-Burma's experience with its documentation platform illustrates a related risk: i.e., even well-established, internationally funded local infrastructure remains vulnerable to donor decisions made far from Myanmar and the exiled community who are based in Thailand. Focus group participants described a parallel vulnerability at the level of individual security: Thailand's tolerance of the exile community is real but conditional, shaped by national interest rather than legal commitment, and can shift without warning.

7. In Lieu of a Conclusion: Some Tentative Insights

THESE INSIGHTS SHOULD be read as tentative rather than conclusive, for the reasons already noted regarding sample size in Section 5.1. What this paper offers, therefore, is a set of hypotheses grounded in depth rather than breadth: a plausible account of how credibility and protection are currently constructed in this documentation ecosystem, based on a small number of well-placed practitioners and community members, which future research with a larger and more diverse sample would need to validate and refine.

These insights should be read as tentative rather than conclusive, for a specific reason. The study draws on seven interviews and a four-person focus group, which is a small, purposively selected sample that cannot represent the full range of views within Myanmar's documentation sector or its exile community in Thailand.What this paper offers, therefore, is a set of hypotheses grounded in depth rather than breadth: i.e., a plausible account of how credibility and protection are currently constructed in this documentation ecosystem, based on a small number of well-placed practitioners and community members, which

future research with a larger and more diverse sample would need to validate and refine.

8. Recommendations

THE FOLLOWING RECOMMENDATIONS translate the findings above into concrete steps, each linked explicitly to a specific human security risk facing Myanmar's documentation ecosystem and the people who sustain it; Table 3 summarises these links. They should be read in light of the sample limitations acknowledged in Section 7, which is worth validating further, and not as settled prescriptions.

8.1 For International Donors and Accountability Bodies

PROVIDE FUNDING FOR a systematic legal translation programme for core international instruments, including the Rome Statute, the Geneva Conventions, the Convention Against Torture, and the Istanbul Protocol, into Burmese and major ethnic languages. This directly benefits frontline documenters given that without a Burmese-language Istanbul Protocol, documenters working in their own language cannot be trained to the same evidentiary standard as those with English proficiency, a gap this paper's interviews identified as a structural barrier to both documentation quality and to documenters' own professional standing. Also, provide multi-year core support to established primary-source documentation organisations, treating them as critical accountability infrastructure rather than as project-based partners subject to short funding cycles: the 2025 USAID funding cuts described in Section 4 show how abruptly project-based funding can strip organisations of the resources, including secure communications, that protect both their evidentiary work and their staff's safety. Fund offline-capable, shutdown-resilient documentation tools, drawing directly on ND-Burma's experience with platform migration, so that future transitions do not again place years of evidentiary material, and the safety of the people it documents, at risk.

8.2 For OHCHR and the IIMM

Develop more transparent and consistent criteria for assessing grassroots documentation that reduce dependence on prior training relationships, drawing on the IIMM's basis-of-knowledge model as a starting point. The current OHCHR model, in which only directly trained partners can be cited as verified sources (Section 6.3), makes credibility contingent on a relationship history that many grassroots organisations, especially newer or smaller ones without prior access to international training, do not have; documentation should instead be judged on its methodological merits under a basis-of-knowledge standard. It is also important to systematically incorporate consent-to-IIMM questions, meaning a standard question asked of survivors at the point of first contact about whether their testimony may also be shared with judicial mechanisms, into documentation protocols across organisations working directly with survivor testimony, so that decisions about the full accountability pipeline are made once, at first collection, rather than requiring survivors to be approached again later. This reduces how many times a survivor must revisit traumatic testimony, a direct protection benefit as much as an evidentiary one.

8.3 For Myanmar Civil Society Organisations

Extend the deferred-verification and confidence-labelling practices already developed by Equality Myanmar and ND-Burma, meaning retaining partial or unverified records and clearly marking their confidence level rather than omitting them, to cover violations attributed to non-SAC actors. Section 6.5 found that documentation of abuses by resistance-aligned armed actors is systematically weaker than documentation of SAC abuses, partly because documenters and journalists who raise such cases risk being perceived as disloyal. Treating this gap as a data-collection priority, rather than leaving it unaddressed for reasons of political sensitivity, protects the completeness of the record without requiring documenters to take on additional personal risk before institutional safeguards are in place. It is also important to continue building network-level coordination capacity of the kind ND-Burma has developed, because a coordinated, cross-checked submission carries more evidentiary

weight with the IIMM than any single organisation's submission alone (Section 6.3), and network infrastructure also distributes exposure across member organisations rather than concentrating security risk in any one group.

8.4 For Thai Policymakers

FOR THAI POLICYMAKERS, it is critical to commission a clear, accessible public account of existing protection pathways, including the National Screening Mechanism and Convention Against Torture-based non-refoulement protections. Section 6.5 found that the protection gap for Myanmar nationals in Thailand is as much about awareness and accessibility as about the underlying legal framework: interview respondents and FGD participants described the National Screening Mechanism as poorly understood and too risky for many to approach, so existing protections do little to reduce everyday anxieties unless people know how to use them safely. It is also important to recognise, in any future policy discussion of Myanmar civil society activity on Thai territory, that this activity is not a peripheral humanitarian presence but active accountability infrastructure with direct relevance to Thailand's own regional standing and to the eventual stability of its northern and western border regions. Treating the Myanmar exile community's presence as a policy asset, rather than only a migration-management issue, is itself a form of recognition that reduces the everyday precarity described in Section 6.5. Table 3 below shows how each of these recommendations is linked to the human security issues identified above.

Table 3. Recommendations linked to specific human security issues.

Human security issue	Related recommendation
Documenters cannot be trained to full evidentiary standard in their own language	8.1 — Legal translation programme
Abrupt loss of funding strips organisations of secure communications and protective infrastructure	8.1 — Multi-year core support
Loss of documentation platforms erases years of evidentiary work and undermines long-term justice prospects	8.1 — Offline-capable, shutdown-resilient tools
Credibility depends on prior training relationships smaller or newer organisations may not have	8.2 — Basis-of-knowledge assessment criteria

Human security issue	Related recommendation
Survivors may be asked to revisit traumatic testimony multiple times across the accountability pipeline	8.2 — Consent-to-IIMM questions at first contact
Documentation of non-SAC abuses is weaker because raising it carries personal and reputational risk	8.3 — Deferred verification and confidence-labelling for non-SAC violations
Individual organisations bear concentrated security risk when submitting documentation alone	8.3 — Network-level coordination capacity
Existing legal protections are poorly understood and too risky to approach	8.4 — Public, accessible account of protection pathways
Myanmar civil society's presence in Thailand is treated as a migration issue rather than a contribution to protect	8.4 — Recognition of the documentation ecosystem as accountability infrastructure

AI Use Disclosure

THE AUTHOR USED language models to assist with language editing and paraphrasing. All primary research, fieldwork, interview and focus group design and facilitation, data analysis, conceptual framework, arguments, and findings are the author's own intellectual work.

References

Amnesty International. (2025). Myanmar: US aid cuts deepen human rights and humanitarian crisis.

Andersen, M. (2019). Documentation, filtering, and the politics of credibility in transitional human rights systems. Journal of Human Rights Practice, 11(2), 245-263. https://doi.org/10.1093/jhrp/huz012

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. Qualitative Research in Psychology, 3(2), 77-101. https://doi.org/10.1191/1478088706qp063oa

Goldston, J. A. (1990). Documenting human rights violations in Myanmar. Human Rights Quarterly, 12(4), 512-529. https://doi.org/10.2307/762292

Goodale, M. (Ed.). (2013). Human rights at the crossroads. Oxford University Press.

Human Rights Watch. (2023). Methodology and evidentiary standards.

Independent Investigative Mechanism for Myanmar. (2022). Report of the Independent Investigative Mechanism for Myanmar (A/HRC/51/4). United Nations Human Rights Council.

Matelski, M. (2016). Reporting under restriction: Media and freedom of expression in Myanmar (Publication No. 10118021) [Doctoral dissertation, Vrije Universiteit Amsterdam]. VU Research Portal.

Matelski, M., Dijkstra, H., & McGonigle Leyh, B. (2022). Local human rights documentation under conflict: Ethnic organisations in Myanmar. International Journal of Transitional Justice, 16(1), 88-107. https://doi.org/10.1093/ijtj/iyac001

Merry, S. E. (2006). Human rights and gender violence: Translating international law into local justice. University of Chicago Press.

Myanmar Internet Project. (2025). Internet shutdowns and digital repression in Myanmar: 2025 update.

Office of the United Nations High Commissioner for Human Rights. (2011). Manual on human rights monitoring. United Nations.

Office of the United Nations High Commissioner for Human Rights. (2022). Situation of human rights in Myanmar: Report of the United Nations High Commissioner for Human Rights (A/HRC/49/72). United Nations Human Rights Council.

Smith, M. (1999). Burma: Insurgency and the politics of ethnicity. Zed Books.

United Nations Development Programme. (1994). Human development report 1994: New dimensions of human security. Oxford University Press.

United Nations Human Rights Council. (2018). Report of the independent international fact-finding mission on Myanmar (A/HRC/39/64). United Nations.

Wilkinson, R. (2012). Human rights institutions and the construction of authority. Human Rights Review, 13(3), 289-306. https://doi.org/10.1007/s12142-012-0227-2

Wiseberg, L. S. (1997). Human rights nongovernmental organizations. In A. Pollis & P. Schwab (Eds.), Human rights: New perspectives, new realities (pp. 23-44). Lynne Rienner.

Appendix A: Interview and Focus Group Discussion Guide

The guide below was used across all interviews and the focus group discussion, with wording adapted to each participant's institutional position (see Section 4.2).

Theme 1: How Documentation Is Received and Used (25 minutes)

1. When you need information about human rights violations in Myanmar, where do you typically turn? Which organisations' documentation do you rely on most, and why?

2. How do you assess whether documentation from a Myanmar civil society organisation is reliable or credible enough to use in your own work?

3. Have you ever decided not to use documentation from a local Myanmar organisation, or used it with reservations? What were your reasons?

4. In your experience, is there a difference in how documentation from local organisations like AAPP or Equality Myanmar is treated compared to documentation from international bodies like the IIMM or OHCHR?

Theme 2: Gaps and Weaknesses in the Documentation Ecosystem (25 minutes)

5. From where you sit, what do you see as the biggest gaps or weaknesses in the documentation being produced by Myanmar civil society organisations right now?

6. The organisations producing most of this documentation are operating under severe constraints, surveillance, funding cuts following the 2025 USAID withdrawal, no direct access to Myanmar. Does that affect how you use or trust their work?

7. Are there types of violations, communities, or geographic areas that you feel are underdocumented or missing from the current record? Why do you think that is?

8. How do you see the documentation landscape changing as a result of the collapse of USAID-funded civil society capacity in Myanmar?

Theme 3: Thailand's Human Security Stake (20 minutes)

9. Most of the organisations documenting Myanmar violations are based in Thailand. In your view, what responsibilities does that create for Thailand as a host country?

10. How do you see Myanmar civil society documentation connecting to protection outcomes for Myanmar nationals living in Thailand, refugees, migrants, and asylum seekers?

11. From your perspective, do Thai policymakers or institutions engage meaningfully with Myanmar human rights documentation? Why or why not?

12. What do you think would most strengthen the link between what is being documented now and actual accountability or protection outcomes, whether in Thailand or internationally?

Closing (10 minutes)

All-things-considered question: *"Based on everything we have discussed today, what is the one change that would make the biggest difference to how Myanmar documentation is received and used in Thailand?"*

Final question: *"Is there anything important about Myanmar documentation and Thailand's human security that we have not covered today?"*

About the Author

Han Htoo Aung is a Myanmar researcher, educator, and human rights practitioner based in Thailand. His work focuses on conflict dynamics, human rights documentation, civic space, local governance, and peacebuilding in Myanmar and along the Thai–Myanmar border. He brings experience connecting applied research with civil-society practice, education, and policy engagement.

He is completing an MA in Human Rights and Peace Studies at Mahidol University. He is also a Research Fellow in the Chula–Nelson Mandela Center Mentorship Programme, implemented in collaboration with the Hanns Seidel Foundation, and a Professional Fellow at the Georgetown Asia Pacific Peace Academy. His research examines human rights documentation processes in Myanmar, focusing on how local

organisations collect, verify, preserve, and communicate information amid conflict, surveillance, displacement, legal risk, and limited resources. It also considers how evidence produced by Myanmar-based organisations is assessed and used by international mechanisms, NGOs, and independent media, with implications for future accountability and transitional-justice processes.

Professionally, Han has held coordination roles in human rights organisations, contributing to research, reporting, protection-related work, and advocacy in the post-coup context. He has also worked as a Research Associate for think tanks, supporting conflict monitoring and analysis. His additional experience includes policy and governance support for an ethnic political body, as well as work in migrant education.

Alongside his research and practitioner roles, Han has contributed as a tutor, trainer, translator, and volunteer educator through Myanmar community initiatives. He is committed to producing rigorous, ethically grounded research that recognises local communities and civil-society actors not only as sources of information, but also as knowledge holders and partners in building accountability, peace, and inclusive governance.



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