Analyzing the Diminishing Civil Space in the post-Coup Arakan

- **Center for Arakan Studies**
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Executive Summary

1. Civil space, which includes the freedoms of assembly, association, and expression, is crucial for a democratic soceity and fostering open societies and protecting human rights. It enables individuals and groups to gather, express themselves, and engage in public discourse without fear of retaliation. The significance of the freedoms of expression, peaceful assembly, and association is emphasized by international legislation, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). These rights are foundational for the resilience and development of democratic and just societies.

2. In Myanmar, the legal framework for protecting media and civil society organizations (CSOs) has historically been weak, with media laws and CSO registration laws offering limited protection. Although the "Myanmar Media Law" was enacted in 2014 and other regulations were introduced to support media freedoms, the successive governments have undermined and neglected these efforts. Furthermore, even if the rights to freedom of expression, assembly, and association are enshrined in the 2008 Constitution, inconsistent legislation and by-laws have been greater obstacles particularly after the 2021 coup.

3. The situation of civil space in Myanmar can be described as fragile in 2021, with the Arakan region, known as Rakhine state, being one of the most severely impacted areas. Journalists and civil society actors face threats of arbitrary arrests, forced disappearances, and increased human rights violations under internet restrictions. The introduction of the draft Cyber Security Law further curtailed the freedoms of information and expression within civil space, affecting both media and CSOs.

4. Regarding the conditions of independent media in Rakhine State after the coup, actions by the State Administration Council (SAC), including harassment, arrests, and violence towards journalists, have worsened the situation. These actions have led to significant operational restrictions, forcing many journalists into hiding or exile. Using the Penal Code and the Anti-Terrorism Law, the SAC has unjustly prosecuted media personnel with severe prison sentences. Additionally, financial and human resource limitations, including funding inconsistencies and operational risks due to a lack of staff, have hindered the media's ability to function effectively.

5. In the post-coup, CSOs in Rakhine State have faced similar challenges. The SAC's 2022 Registration of Association Law and other regulations have severely restricted their operations. Financial instability, human resource constraints, and security threats further hampered their ability to function. Despite these challenges, CSOs have continued to adapt through strategic negotiations and cautious coordination with authorities, striving to maintain their commitment to community service amidst adversity.

About Center for Arakan Studies (CAS)

The Center is an independent, non-partisan and research institution established in December 2021 by a group of young professionals including journalists, political analysts, researchers as well as social workers. The Center aims to promote the understanding of the situation of human rights, politics, economics, and social dynamics in Arakan, as well as issues related to Arakan affairs in Myanmar and beyond, through the publication of rigorous research papers.

The Center also intends to address the policy gaps in Arakan and Myanmar in general through analysis and recommendations in favor of democratic policy change and common solutions. The Center publishes a series of monthly reports, along with the policy briefing issues related to Arakan affairs, on its website and through various publications.

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Section-I: Introduction: Addressing the State of Civil Space after the 2021 Military Coup

1.1 Concept of Civil Space and Its Importance

Civil society actors play pivotal roles as catalysts for change. Their contributions are indispensable in fostering open societies, safeguarding human rights, and combating global poverty[1]. Thus, civil space is essential for all countries to achieve resilience and development with democratic societies and human rights priorities. There are international laws and definitions of civil space and its concepts. The UDHR underscores the fundamental importance of freedom of expression, including freedom of the press, as well as the right to peaceful assembly and association. These freedoms are essential components of civil space, providing individuals and groups with the means to participate in public life, express themselves, and advocate for their rights and interests. According to Article 19 of the Universal Declaration of Human Rights (UDHR), everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. Additionally, Article 20 of the UDHR states that everyone has the right to freedom of peaceful assembly and association[2].

On the other hand, the International Covenant on Civil and Political Rights (ICCPR) is a legally binding treaty that obligates states parties to uphold and protect the rights enshrined in the covenant, including those related to civil space. It also mentions the rights to freedom of expression under Article 19 and freedom of peaceful assembly and association under Article 21, affirming the principles established in the UDHR. Article 19 of the ICCPR states: "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice"[3]. Article 22 highlights that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests[4].

In brief, civil space provides individuals and groups with the freedom to organize, express themselves, and engage in public discourse without fear of reprisal or censorship. It fosters pluralism, diversity, and accountability by allowing for the free exchange of ideas, information, and viewpoints. It enables citizens to participate in decision-making processes, hold governments accountable, and advocate for social justice, equality, and democratic governance.

As mentioned above, while civil space plays a key role in national development, civil society members, such as human rights defenders, women's advocates, journalists, and others, should have the freedom to express themselves safely and drive positive change peacefully[5]. Civic space, which is the subset of civil space where these freedoms are protected, is crucial for shaping policies, participating in decision-making, and fostering peace. To ensure this, there must be avenues for accessing information, engaging in dialogue, and expressing dissenting opinions. These rights, including freedom of expression and assembly, apply universally, whether in digital or physical spaces[6]. Therefore, the diminishing civil space also means limitations on the freedoms of association, expression, and the press, undermining democracy, human rights, and the rule of law. Such restrictions can lead to authoritarianism, repression, and the marginalization of dissenting voices.

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[1] Talukdar, T. (2024, April 2). *Civil society and civic space*. Bond. Retrieved May 5, 2024, from https://www.bond.org.uk/what-we-do/civil-society-and-civic-space/

[2] UNDP. (2021). *Legal Framework for Civic Space*. United Nations Development Programme. Retrieved May 5, 2024, from https://www.undp.org/sites/g/files/zskgke326/files/2021-12/UNDP-ICNL-Legal-Framework-for-Civic-Space-A-Primer-EN.pdf

[3] International Covenant on Civil and Political Rights. (2011, September 12). *Human Rights Committee, General Comment no. 34 on*. OHCHR. Retrieved May 5, 2024, from https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

[4] United Nation Human Rights (Office of the Human Rights Commissioner). (1966, December 16). *International Covenant on Civil and Political Rights*. OHCHR. Retrieved May 5, 2024, from https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

[5] UNHCR. (2020). *PROTECTION AND PROMOTION OF CIVIC SPACE*. Regional AAP initiative C4C: Connectivity 4 Communication with Communities, Community engagement & Consultative processes. Retrieved May 6, 2024, from https://www.cwc.westafrica.exposed/ressources/protection-and-promotion-of-civic-space/

[6] United Nation. (2020, September). *Protection and Promotion of Civic Space.* ohchr. Retrieved May 6, 2024, from https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf

1.2 Laws on Protection for Civil Society Organizations (CSOs) and Media

In civil space, both media and Civil Society Organizations fill an important role in the democratization of the state and the protection of human rights. In analyzing the laws regarding CSOs and media in Myanmar, where decades-long conflicts and military rule have prevailed, it is evident that media and civil society organizations have rarely received the full protection or rights they should enjoy. Notably, the "Myanmar Media Law" began to be defined in 2014 during the semi-civilian government. Its objectives include "ensuring that News Media can stand up firmly as the Fourth Estate of our nation, guaranteeing that News Media workers are fully provided with their entitlements and freedom, and making news accessible to every citizen"[7].

Despite the passage of this media protection law, the subsequent government in Myanmar pursued a dual agenda, attacking journalists and obstructing the free exchange of information through the creation of several significant laws and regulations, including the Electronic Transactions Law of 2004 and the Telecommunications Law of 2013, particularly Article 66(D). These laws aimed to leverage information and communication technology for modernization, facilitate private participation in the communication sector, establish a nationwide network to enhance accessibility, and ensure legal protection for both service providers and users[8].

Regarding civil society organizations and their related laws, the 2008 Constitution indirectly addresses these in Chapter (VIII): Citizen under "Fundamental Rights and Duties of the Citizens," at Section 354. Every citizen shall be at liberty to exercise the following rights, provided they are not contrary to laws enacted for Union security, the prevalence of law and order, community peace and tranquility, or public order and morality: (a) to express and publish freely their convictions and opinions; (b) to assemble peacefully without arms and hold a procession; (c) to form associations and organizations; (d) to develop their language, literature, culture they cherish, religion they profess, and customs without prejudice to the relations between one national race and another or among national races and to other faiths[9].

Regarding this declaration, it is clear that the 2008 Constitution guarantees the freedom of association and organization, ensuring that all organizations within the state have these rights. Additionally, in 2014, under the Pyidaungsu Hluttaw Law No. 31/2014, the state enacted the Law on the Registration of Organizations, where all registered organizations are not required to pay a renewal fee after the five-year plan (Pyidaungsu Hluttaw Law No. 31/2014 - Law on the Registration of Organizations[10].

1.3 Situations of Civil Space after the 2021 Coup

As described in the above section, civil spaces, including the media and civil society organizations, which have specific rights under the law, are crucial for national development and democratization. However, as the political situation became increasingly complex and deteriorated after the 2021 military coup, these civil spaces have been significantly impacted, with rights enshrined in the constitution and other international laws being undermined. Notably, the absence of media freedom and the targeting of journalists by the state can be confirmed by remarks from Zaw Min Tun, a spokesperson for the military regime. He stated in an interview with VOA that journalists are assured protection; however, if they breach terrorism laws, action will be taken against them and the media. The concern is strictly with the crimes committed by the news media[11].

Following these events, the military began violating rights and blocking information to eliminate evidence of the true situation. In January 2022, the draft Cyber Security Law, comprising 18 chapters and 115 articles, was introduced. This law, still a draft and not yet enacted, would grant authorities the power

[7] Media Law, Law No.12. (2014). *Media Law, Law No.12*. World Intellectual Property Organization (WIPO). Retrieved May 6, 2024, from https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/mm/mm051en.pdf

[8] Freedom House. (2017, November 1). *Freedom of the Press 2017 - Myanmar*. Retrieved May 6, 2024, from https://www.refworld.org/reference/annualreport/freehou/2017/en/118912

[9]*Constitution of 2008*. (n.d.). Myanmar Law Library. Retrieved May 26, 2024, from https://www.myanmar-law-library.org/law-library/laws-and-regulations/constitutions/2008-constitution.html

[10] *Pyidaungsu Hluttaw Law No. 31/2014 - Law on the Registration of Organizations (Burmese)*. (2014). Myanmar Law Library. Retrieved May 26, 2024, from https://www.myanmar-law-library.org/law-library/laws-and-regulations/laws/myanmar-laws-1988-until-now/union-solidarity-and-development-party-laws-2012-2016/myanmar-laws-2014/pyidaungsu-hluttaw-law-no-31-2014-law-on-the-registration-of-organizations.html (ENG- https://www.slideshare.net/olmas66/myanmar-registration-of-organizations-law)

[11] Kha, M. (2023, January 31). *In Myanmar 'We Have Lost Our Freedom of Expression'*. VOA News. Retrieved May 26, 2024, from https://www.voanews.com/a/in-myanmar-we-have-lost-our-freedom-of-expression-/6942112.html

to access user data, block websites, impose internet restrictions, and criminalize the use of Virtual Private Networks (VPNs). It aims to revise the Electronic Transaction Law (ETL) of 2004, which was last amended on February 25, 2014. This is another violation of the rights to freedom of information and privacy for all citizens, as well as media literacy and journalism, by restricting access to accurate information[12].

Analyzing the media landscape not only in Rakhine State but also in other parts of the country, it is evident that shutting down the internet, blocking websites, and physically and mentally threatening journalists, including arrests, demonstrate the lack of media rights within the state[13]. Emphasizing media freedom in Rakhine State, there has been a longstanding history of media silence, even before the coup. For instance, during the 2017 Rohingya crisis, the clashes between the Arakan Army (AA) and the military from 2018 to 2020, and current issues, media freedom and coverage were tightly controlled by both the military and the government[14]. The three main local media outlets of Rakhine State, Development Media Group (DMG), Narinjara, and Western News, have struggled to obtain media rights and face difficulties operating due to military repression, which aims to repel them from conflict zones to hide the true information. This already dire situation worsened after the coup, with the State Administration Council (SAC) using internet censorship and other repressive measures against independent media groups. Some journalists were arrested, while others fled the country due to threats and insecurity.

An OHCHR report on July 6, 2023, stated that civil society and journalists are being silenced through arbitrary arrests, enforced disappearances, and unchecked torture. The obstruction of life-saving aid is intentional and targeted, representing a calculated denial of fundamental rights and freedoms for significant portions of the population. This occurs in a context where one-third of the population urgently needs assistance, including access to adequate housing, sufficient food and water, and employment[15]. Consequently, besides media and journalists facing military threats for their right to freedom of expression and publication, civil society organizations also face limitations and threats to their right to freedom of association. They have been targeted to prevent them from freely operating humanitarian support in vulnerable areas, particularly conflict and conflict-related zones like Rakhine State.

A report from Pandita Development Institute in August 2021 described that since the military took control in Myanmar, civic space has encountered numerous challenges, including operational difficulties, strategic decision-making issues, failure to protect CSOs, and disruptions in financial flows and donor relationships[16]. As mentioned in the report, the situation for civil space and civil society organizations has worsened after the coup. The SAC's newly enacted Registration of Association Law 2022 (2022 RAL) further limits the abilities of organizations to survive. Enacted on October 28, 2022, this law regulates the registration and related aspects of Local Non-Governmental Organizations (NGOs) and International Non-Governmental Organizations (INGOs). It repeals and replaces the Registration of Associations Law 2014 (2014 RAL)[17].

Although the 2014 Registration law included a non-renewable fee, the new law requires a registration fee, further limiting NGOs, CSOs, and INGOs' access to humanitarian aid. The recent regulations have sparked concern among the UN and aid workers, as they are expected to disrupt humanitarian aid to millions of displaced individuals. The International Commission of Jurists (ICJ) has warned that the law will further restrict the operations of civil society within the country and is not in line with international human

[12] Jeremy. Z.M. (2023, April 20). *How The Myanmar Cybersecurity Bill 2022 Threatens Rights To Privacy, Freedom Of Expression, And Access To Information*. NetMission.Asia. Retrieved May 26, 2024, from https://netmission.asia/2023/04/20/how-the-myanmar-cybersecurity-bill-2022-threatens-rights-to-privacy-freedom-of-expression-and-access-to-information-jeremy-z-m/

[13] Hlaing, Kyaw H., and Emily Fishbein. 2021. "The Military Coup Destroyed Independent Media in Myanmar, but in Rakhine State, It Wasn't There to Begin With." Tea Circle. https://teacircleoxford.com/opinion/the-military-coup-destroyed-independent-media-in-myanmar-but-in-rakhine-state-it-wasnt-there-to-begin-with/.

[14] UNHCR. (2017). *Freedom of the Press 2017 - Myanmar.* Refworld. Retrieved May 27, 2024, from https://www.refworld.org/reference/annualreport/freehou/2017/en/118912.

[15] Türk, V. (2023, July 6). *Myanmar in "deadly freefall" into even deeper violence, says Türk*. ohchr. Retrieved May 26, 2024, from https://www.ohchr.org/en/statements-and-speeches/2023/07/myanmar-deadly-freefall-even-deeper-violence-says-turk

[16] Hein, Z. (2021, August). *PANDITA - RESEARCH REPORT ON CIVIC SPACE IN POST-COUP MYANMAR*. IDRC Digital Library. Retrieved May 27, 2024, from https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/1cefe9d4-6d41-46d7-9ee8-80e0b3a96adf/content

[17] *Newly Enacted Law on Registration of Association - VDB | LOI*. (2022, November 10). VDB Loi. Retrieved May 27, 2024, from https://www.vdb-loi.com/mm_publications/newly-enacted-law-on-registration-of-association/

rights law and standards[18]. In October 2023, DMG reported that organizations from Rakhine State faced delayed approval from the SAC during the registration process[19].

Linking the civil space and civil society freedom in Rakhine State, the case of Cyclone Mocha in mid-May 2023 is a prime example of the lack of rights. Cyclone Mocha caused severe damage in Rakhine, Chin, Magway, and Sagaing. After weeks of appeals by humanitarian organizations for unrestricted access, on June 8, 2023, the junta formalized its obstruction by issuing a blanket suspension of travel authorizations for aid groups in Rakhine State, reversing initial approvals granted earlier in June[20]. A report from BNA on June 29 stated that the announcements require local NGOs and CSOs to obtain permission from SAC administrative bodies to provide emergency aid in cyclone-affected areas, causing delays due to challenges in gaining regional authorization. This obstacle extends to UN agencies and international humanitarian groups, leading to criticism of UNOCHA for waiting for SAC approval before delivering relief aid[21].

The military obstructed independent needs assessments and restricted access to information, suspending travel authorizations in Rakhine State and eventually permitting aid distribution only if it was not related to the cyclone. Humanitarian aid for Cyclone Mocha remains frozen unless distributed by the military, which has threatened legal action against anyone reporting a different death toll than their stated 116 Rohingya deaths, a figure believed to be higher[22]. As a result of the denial of permission to UN agencies for aid delivery to cyclone-affected areas, an estimated 1.6 million people faced homelessness, severe food shortages, lack of clean water, exposure to the elements, and no access to medical support (#IFJBlog: What Remains of Independent Journalism in Myanmar - IFJ, 2023). These instances underscore the escalating challenges faced by civil society, particularly regarding media freedom and the autonomy of independent organizations, in the aftermath of the coup.

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[18] *Myanmar: Attacks on civic space continue unabated in the second year of the illegal coup*. (2023, January 31). Civicus. Retrieved May 27, 2024, from https://www.civicus.org/index.php/media-resources/reports-publications/6246-myanmar-attacks-on-civic-space-continue-unabated-in-the-second-year-of-the-illegal-coup

[19] DMG. (2023, October 17). ရခိုင်က အသင်းအဖွဲ့များ မှတ်ပုံတင်လျှောက်ထားခြင်း ခွင့်ပြုချက်ရရန် ကြန့်ကြာနေ. Retrieved May 27, 2024, from https://www.dmgburmese.com/%E1%80%9E%E1%80%90%E1%80%84%E1%80%BA%E1%80%B8/reg-cht-rk.html?fbclid=IwZXh0bgNhZW0CMTAAAR2YFBzElrp0KAOOMAyp0zHihG8PLqhFEDFeVpRXpyWSF_2pHbMs7E4NoS8_aem_ASRr08PGEwVRcgpGLp0O-6uIRSZUJisu98sCgRBDvvd-PniHa-PQPITUUxIr6Yhp_igN8CnoVitw-x

[20] *Myanmar: Civic space regresses further after three years of sustained junta repression*. (2024, February 1). Civicus. Retrieved May 27, 2024, from https://www.civicus.org/index.php/media-resources/reports-publications/6818-myanmar-civic-space-regresses-further-after-three-years-of-sustained-junta-repression

[21] Lin, N. (2023, June 29). *Assessing What is Happening in Arakan : One month after Cyclone Mocha*. Transnational Institute. Retrieved May 27, 2024, from https://www.tni.org/en/article/assessing-what-is-happening-in-arakan

[22] Türk, V. (2023, July 6). *Myanmar in "deadly freefall" into even deeper violence, says Türk*. ohchr. Retrieved May 26, 2024, from https://www.ohchr.org/en/statements-and-speeches/2023/07/myanmar-deadly-freefall-even-deeper-violence-says-turk

Section II: Analyzing the Situations of Private Media in Arakan after the Coup

The role of the media has been oppressed since the 2021 coup, with journalists facing harassment, arbitrary arrests, and even violence for reporting on sensitive issues such as military atrocities and human rights abuses. The independent media landscape has been severely damaged following the February 2021 military coup. Myanmar ranks as the world's second-worst jailer of journalists, with 43 currently imprisoned. The junta swiftly arrested journalists, shut down news outlets, and forced many journalists into exile. Nearly three years later, journalists are still targeted under broadly interpreted anti-state provisions criminalizing "incitement" and "false news"[23]. The Committee to Protect Journalists (CPJ) has documented multiple cases of journalists being targeted by security forces (Committee to Protect Journalists, 2023). In a report from Athan on January 7, 2022, it was declared that journalists from a Rakhine State-based news outlet are currently seeking refuge in safer locations, while those from news media in the Magway and Bago regions have relocated to border areas. Additionally, two local media outlets, Western News Media faced investigation, and Border News Agency had its license revoked[24].

Following the military coup, the SAC amended 28 laws and used the Penal Code and the Anti-Terrorism Law to prosecute news media and journalists. The SAC disregarded the protections provided by the News Media Law, thereby ignoring journalists' legal rights[25]. In May, photojournalist Sai Zaw Thaike was arrested while covering the aftermath of Cyclone Mocha in Rakhine State and was later sentenced to 20 years in prison for sedition, marking the longest prison sentence given to a reporter since the coup[26]. Additionally, in Rakhine State, five editors and reporters from DMG, Narinjara, Western News, and Border News Agency have been charged by the junta[27].

Besides the situations found in secondary data, for a deeper understanding of the challenges and threats faced by Rakhine-based media organizations, the CAS member contacted three main Rakhine based regional media outlets—DMG, Narinjara, and Western News—and conducted in-depth interviews as detailed case studies. The background information of the media organizations will be disclosed with their consent, and for those who request confidentiality, their profiles will be described as organizations rather than individuals.

Code Name	Name	Profile
Media-1	Western News	Established in 2020, it has been officially running the news-releasing activities. Focus mainly on 1) advocating human rights, and 2) gender equality including gender-based violence, 3) enhancing social cohesion, 4) advocating for environmental awareness.
Media-2	Narinjara	Initiated in 2001 by a number of Arakanese democratic activists in exile, it has focused on developments on the western side of Burma, Arakan, especially covering human rights violations, social justice, and cultural aspects.
Media-3	A Local Media	Founded in 2012 on Thai Myanmar border, its plans of action cover enhancing the national-level news media sector via capacity building, imparting knowledge to people, uncovering, discovering and interpreting cultural and historical ruins, artifacts and icons, and organizing educative programmes, etc.

[23] Getz, A. (2024, January 14). *2023 prison census: Jailed journalist numbers near record high; Israel imprisonments spike.* Committee to Protect Journalists. Retrieved May 27, 2024, from https://cpj.org/reports/2024/01/2023-prison-census-jailed-journalist-numbers-near-record-high-israel-imprisonments-spike/

[24] Athan. (2022, January 7). *Athan - Freedom of Expression Activist Organization.* Athan, Myanmar. Retrieved May 27, 2024, from https://athanmyanmar.org/wp-content/uploads/2023/07/Eng-Repeated-Dark-Age-of-News-Media.pdf

[25] Athan. (2022, January 7). *Athan - Freedom of Expression Activist Organization.* Athan, Myanmar. Retrieved May 27, 2024, from https://athanmyanmar.org/wp-content/uploads/2023/07/Eng-Repeated-Dark-Age-of-News-Media.pdf

[26] Getz, A. (2024, January 14). *2023 prison census: Jailed journalist numbers near record high; Israel imprisonments spike.* Committee to Protect Journalists. Retrieved May 27, 2024, from https://cpj.org/reports/2024/01/2023-prison-census-jailed-journalist-numbers-near-record-high-israel-imprisonments-spike/

[27] Burma News International. (2023, November 8). *Military Council Crackdown on Journalists Continues in Rakhine.* Burma News International. Retrieved May 27, 2024, from https://www.bnionline.net/en/news/military-council-crackdown-journalists-continues-rakhine

2.1 New Laws Bring New Challenges

The military coup of 2021 had a severely detrimental effect on Rakhine State media organizations. Due to new rules and reforms enforced by the government, media organizations in Myanmar have encountered significant obstacles and repercussions since the military coup. All three organizations—Media-1, Media-2, and Media-3—report significant restrictions on their operations. The junta has targeted and prosecuted journalists under several laws, including the Penal Code, the Telecommunications Law, and the Counter-Terrorism Law. This has resulted in arrests, life sentences, and up to 20 years in prison. The junta is monitoring the personal details and activities of journalists, leading to increased surveillance and harassment. As a result, numerous journalists have been compelled to go into hiding or exile. Furthermore, the new organization registration law requires detailed documentation, compromising the security and freedom of media personnel. The focus on reporting human rights violations has made these media organizations targets, and the overall environment for media freedom has deteriorated sharply. The combined effect of these legal and operational restrictions has significantly hindered the ability of media organizations to function independently and safely.

For instance, DMG, a local Rakhine media outlet, was sued under Section 505A. The highest sentence for those sued under these laws is life in prison, with up to 20 years maximum. The filmmaker Shin Daewe has been sentenced to life in prison under the Counter-Terrorism Law. Additionally, Media-1 experienced charges under the Penal Code's Section 124A by the Rakhine State Military Council. However, the group has not received any official notification regarding the withdrawal of their media license.

Media-2 explained the challenges they experience. The junta restricts and surveils Arakan local media based on the operational situation between the Arakan Army and the military rather than the new laws and changes imposed. In 2022, the junta started close surveillance and strict restrictions on the media, making them cautious. In 2023, before the outbreaks of conflict in Rakhine, the military made lists of journalists, their personal information, and their family backgrounds, and surveilled their activities. As the office of Media-3 was raided and its journalist was arrested, they became very cautious. Since some names from Media-3 are on the military's list, they had to flee and hide before the outbreak of conflict.

For Media-3, the organization registration law poses significant challenges. It mandates detailed documentation, including personal information of reporters, staff numbers, salaries, donor information, and funding amounts. Providing this information to the SAC could compromise their security and enable surveillance of the group's activities. Given the media's focus on reporting human rights violations and actions by the SAC post-coup, they have easily become targets for surveillance and restrictions. Consequently, complying with the registration requirements is too risky for individual reporters and the organization.

2.2. Impacts and Operational Risks

After the coup, media outlets in Rakhine State encountered significant hurdles. Initially, they enjoyed more freedom compared to those in central Myanmar, even conducting interviews with former State Hluttaw spokespersons in 2021. However, by 2022, the escalating conflict made locals wary of engaging with the media, fearing reprisals from the military. This fear stopped real actors from sharing their stories and made the news less accurate. Safety concerns and operational delays posed major challenges for organizations like DMG, which faced charges from the SAC and operated without a media license. Reporters faced risks gathering news in conflict zones and navigating alternate routes to avoid hazards like landmines. It is really hard to get on-ground data and contacts, and only Bangladesh or international SIM cards are available in the conflicted areas.

Without a media license, Media-3 cannot operate activities openly and gather news freely. All reporters of the organization stay on the ground to gather accurate news and information, making it unsafe for reporters during conflict periods. Especially when journalists gather news, they must use alternative routes, and the danger of landmines becomes a significant concern. As they work in frontline conflict-affected areas, everything is unpredictable, including the dangers of landmines and airstrikes. Even though they gather updated news through many risks and obstacles, releasing that news on time is challenging due to internet shutdowns and phone line cuts.

Media-2 faced similar challenges.

They said,"But starting in 2022, when the conflict situation in Rakhine was becoming intense, people were hesitant to connect with the media. They were aware of the risk if they answered

interviews by the media, the military might threaten their security, or they might get arrested… especially CSO workers and NGO workers…"

Additionally, the internet and phone line cutoffs impact the release of valid and accurate news since they can only get information through second-hand sources. They could only reach out to people who used Bangladesh SIM cards or international SIM cards. Sometimes, they had to contact those related to the AA to acquire ground information and conflict situations.

Beyond the operational and security challenges, media organizations also face financial challenges. Most funding organizations supporting media oppose the State Administration Council (SAC), allowing media organizations to avoid restrictions aligned with the junta's will. However, applying for grants presents challenges as donor organizations inquire about media licenses and office locations, prompting negotiations due to the transition to remote work under surveillance. The SAC's revocation of media licenses and restrictions on extensions further complicate matters, especially for media outlets producing content opposing the SAC. Budget fluctuations post-coup, influenced by organizational activities and competition from emerging media, create additional constraints, requiring efficient management to achieve objectives. Financial strains worsened matters, with donor organizations pulling out support after legal charges (as stated by Media-1), prompting personal contributions from the CEO to ensure staff salaries were paid on time despite internet shutdowns and communication disruptions. Due to concerns over military surveillance and the organization's legal charges, cash transactions became necessary, while donor organizations hesitated to engage with their organization.

Media-1 stated: "Especially in the last two years, after the organization was charged under Section 124A, we had to evacuate and hide in safe places. Since then, donor organizations have stepped back from communication with us."

2.3. Managing Human Resources

"After the conflict broke out, the places where the reporters had already been hiding were affected by the conflict, and we could not get in contact with each other. I also lost connection with my colleagues due to the internet shutdown. These situations have impacted the quality of work, as we cannot meet our targeted amount of daily news releases, and working progress is delayed due to the communication gap between colleagues." (Media-3)

Managing human resources in media organizations post-coup has been fraught with challenges. Reporters were forced into hiding after the military raided workplaces, causing communication problems and delays in their work. The intensifying violence imprisoned journalists in communities, making it more difficult for them to carry out their reporting. Some employees resigned due to security concerns, and operations were further impacted by forced personnel cutbacks and compensation cuts brought on by budgetary restrictions.

Most journalists and reporters have to hide in villages to avoid the SAC's surveillance. When conflict breaks out, they are unable to return to Sittwe due to roadblocks and become displaced. Thus, some journalists and reporters are unable to proceed with their work. In these situations, news updates have increased significantly, but there is insufficient staff to handle the workload. When an organization has to pay salaries regularly to staff trapped in conflict zones, it becomes more difficult to hire new staff.

Programme cancellations and an increased burden on remaining personnel have resulted from a decrease in both the amount and quality of news releases due to a shortage of human resources. These difficulties have hampered the organization's capacity to accomplish its goals and negatively impacted the physical and emotional well-being of reporters. Overcoming these barriers has been a difficult task that requires perseverance and flexibility in the face of adversity.

2.4. Navigating Security Challenges

Since the coup, media outlets in Rakhine State have faced serious security difficulties. Journalists and their organizations have received threats from armed individuals and other entities, including sexual harassment and personal attacks. They are being threatened and harassed because of their unbiased reporting on human rights issues. Families of journalists frequently worry about their safety, and some are compelled to go into hiding to avoid being watched and possibly arrested. Operations have been disrupted by military raids on workplaces, resulting in closures and a shift to remote work. For instance, Media-1 has

experienced threats from various armed forces, including security threats and sexual harassment via images, in addition to threats from armed actors in the state where the SAC is charging them.

Given that the journalists had multiple contacts in both the AA and the military (Zaw Min Htun), their primary concern was regarding cell phones. They would be at great risk if the military seized their phones. If the military finds phone records of the AA or even just the leader's photo on the phone, the journalists could be charged under the counterterrorism statute. Subsequently, Media-2 brought attention to the fact that fear of retaliation has compelled journalists to obtain news in secret, endangering their own and their families' safety.

They clarified: "The mental toll of navigating these challenges, including guilt over the inability to protect loved ones, adds to the strain on reporters' well-being. Despite these obstacles, the organization remains committed to its mission of reporting for the community, demonstrating resilience in the face of adversity."

2.5. Donor Relations

The impact of post-coup changes on the media organization's external relations with donor actors has been multifaceted. Firstly, it caused challenges due to internet restrictions. The ongoing conflict in Rakhine State has exacerbated difficulties in meeting targeted activities outlined in donor agreements, particularly due to internet shutdowns. This resulted in obstacles arranging online events and communicating with participants. Negotiating with donors and apologizing for delays became necessary, leading to further delays in news releases. While some donors remained supportive and patient during this challenging period, others withdrew their support, exacerbating financial strains on our organization.

Media-3 explained: "The main challenge in relations with the donor actors was the internet shutdown in Rakhine. We lost connection with them and were unable to release news regularly. In the midst of these challenges, some donor actors patiently waited for our progress and supported us mentally and financially, while some donors withdrew their support."

A particularly interesting case is presented by Media-3 regarding donor relations' impact after the coup in 2021. International criticism and bans on news coverage have further strained resources and limited outreach. "As for the organization, we have been watched by INGOs and other international organizations concerning the news released on ground situations about the Muslim community. Although we released accurate and valid news regarding two communities impartially and without bias, we have been criticized by INGOs for releasing biased news. Since we received the notifications on our Facebook page that the news released by Narinjara was banned in Canada."

On the other hand, there have been disparities in donor support for regional ethnic media outlets compared to larger media organizations. Despite our crucial role in providing quick access to updated and accurate news, we face budget constraints due to limited direct support from donors. There are requirements from donor organizations to prioritize local media outlets, providing both financial assistance and technical resources to enhance the capacity for news gathering and dissemination, especially in conflict-affected areas like Rakhine State.

For that matter, Media-1 suggested that there should be more support for local media. Since donor organizations do not directly provide to regional media, they have to split the budget with larger media outlets. Thus, they cannot manage the organization with a full budget. Especially as local media outlets can do more work such as quick access to updated news, accurate news, and investigations rather than international media, it can be said that those international media outlets are relying on our regional ethnic media.

2.6. Coping Mechanisms

Analyzing organizational coping mechanisms for overcoming the above challenges, both positive and negative coping mechanisms have been identified, adopted by the media agencies to navigate the challenges post-coup. As positive coping mechanisms, they utilize the strength of unity and solidarity among the members despite facing security threats and obstacles. Recognizing that many individuals are experiencing similar challenges, they draw strength from each other's resilience and commitment to their journalistic mission.

"Every individual has faced various challenges after the coup, so we encourage ourselves that we are not the only ones facing those obstacles; everyone is suffering at the moment. Thus, we have to keep going and provide accurate and valid news for the people. Whatever challenges we face, we will overcome them and stand against any forms of authoritarian rules, remaining united with the people." (Media-3)

Professional passion becomes another coping mechanism to overcome those challenges and risks. The organization emphasizes the importance of professional passion and resilience in overcoming obstacles. Despite enduring numerous challenges, including health issues resulting from overwork and exposure to distressing incidents, the organization remains steadfast in its dedication to serving the community through accurate and valid news reporting. Moreover, amidst these crises, the relentless workload and exposure to distressing incidents post-coup have taken a toll on the mental and physical health of journalists, yet they remain committed and strive for the news media to provide real data.

While the organization has demonstrated resilience and determination in the face of challenges, there has been a lack of significant policy changes or adaptations to address the specific difficulties encountered post-coup. This may indicate a potential gap in organizational strategies for managing and mitigating risks effectively. Furthermore, as internet blockage is one of the biggest challenges for news media operations in timely disseminating news, they described how they have overcome these challenges. Despite having breaking news, reporters on the ground struggle to access the internet to send their reports abroad. They often have to climb mountains, hang their phones on trees, or use bamboo sticks to get a hotspot connection. Once connected, they read their news aloud over the phone, which is then recorded and transcribed. This process takes at least three hours to release breaking news.

Section III: Analyzing the Situations of CSOs in Arakan after the Coup

Over three years after the military coup, the conflicts between the junta forces and the armed resistance groups have displaced a number of people reaching more than 2.8 million, including more than 2.5 million who fled conflicts and insecurity (Myanmar Humanitarian Update No. 37, 5 April 2024). In Rakhine State and Paletwa in Chin State, an estimated 157,000 people have been fleeing their homes since the ceasefire failed in November 2023[28]. While this has led to an outbreak of humanitarian crisis, the civil space enabled for the CSOs has been restricted over time, with freedom of movement and association forbidden by the junta regime.

In Rakhine State, CSOs are being targeted for arrests allegedly by the junta regime, and the leaders of the CSOs have been forced to stay silent, threatening even the existence of the CSO institutions. To understand the existential threats and operational challenges faced by the CSOs in Rakhine State, five CSOs have conducted in-depth interviews as elaborative case studies. The background information of the CSOs will be disclosed with their consent, and for those who consent to the confidentiality of the name, their profiles will be described as CSO (1), CSO (2), etc.

Code Name	Name	Profile
CSO-1	Confidential	Founded in 2016 in Minbya, its purposes cover enhancing women's empowerment, capacity building, and advocating women's rights and LGBTQ+ rights, with a focused region in Rakhine State with more than ten members of staff.
CSO-2	Confidential	Established with the vision of "A democratic society with social justice and economic development" starting from 2004. Its missions include 1) Building an enabling environment for all in consolidating democratic principles and practices, 2) Creating a progressive learning society to develop human capital, 3) Creating productive and progressive plate form and coordination between public, private and voluntary sectors by ensuring social protection, and 4) Building community resilience for human development through humanitarian assistance in fragile and conflict regions.
CSO-3	Kyauk Taw Youth Association	A community-based youth organization which is based in Kyauk Taw township. The organization is active as an energetic pillar of community development with the delivery of community services including providing training and humanitarian assistance.
CSO-4	Confidential	A youth-led community-based organization of an ethnic group in Rakhine State, representing one of the double minority groups residing in the Arakan. Their activities are according to the emergency response to the community needs.
CSO-5	Confidential	A local CSO based in Arakan, and implements multiple projects such as microfinance, education, social cohesion, etc.

3.1 Operational Challenges

The narrower space for CSOs in the aftermath of the coup has led to intertwined existential threats to local CSOs and operational challenges in implementing their activities. The newly issued law by the SAC, the dynamics of insecurity, and the deteriorating situation of banking have impacted CSOs in a degrading way. Despite the challenges, CSOs are observed to be solving them flexibly and adaptably for the survival of their institutions themselves and the accomplishment of project activities that are critically demanded by vulnerable and conflict-affected communities.

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[28] UN Office for the Coordination of Humanitarian Affairs. (5 April 2024), Myanmar Humanitarian Update, No. 37. Retrieved May 27, 2024, from https://reliefweb.int/organization/ocha

3.2 Registration Status of CSOs

The Registration of Association Law enacted by the SAC in 2022 has negatively implicated CSOs in their freedom of association. According to in-depth interviews conducted, some CSOs have registered their organizations, but some choose to register with the stance of boycotting the military coup. Regardless of the registration status of CSOs, their experiences vary and relate to insecurity among staff and the confidentiality of organizations' information, as well as downsizing effects on the existence of CSOs.

CSO-1, CSO-3, and CSO-4 did not register, but CSO-2 and CSO-5 have registered their organizations. The experiences faced by the unregistered CSOs are very common to each other. CSO-1 mentioned that since they are also opposed to the junta, they did not apply for organization registration. However, the organization registration law has impacted their organization to some extent because they could not directly apply for grants from UN-related organizations and projects from embassies due to lack of organization registration. Only small amounts of grants can be applied for with personal contracts and agreements. CSO-3 mentioned that they were checked by the junta when it was heard that the organization was distributing humanitarian assistance to communities without registration.

A similar experience was expressed by CSO-4.

"We did not register with the government before the coup, and the same after the coup. However, before the coup, we had implemented our activities by cooperating with the government, but we refused to do so with the coup government. As we are a community-based organization of community workers and ethnic youth, the SAC watched us strictly and, in some cases, they warned us."

For the registered CSOs, they face a differently challenging situation. CSO-2 mentioned that their organization registered just after the Covid-19 pandemic, and the license is valid until 2025. Since the organization license was issued by Nay Pyi Taw at the union level, all activities are checked by the central authority. The law has strictly restricted the activities of the organization and threatens the confidentiality of the organizations. After the coup, the registration office in Nay Pyi Taw made phone calls about three times to them to report the organization activities, and they had to reply to them as if they had not been operating any on-ground activities at the certain moment. The registered groups like CSO-5 explain their challenges in another way. They said that they have registered the organization at the national level.

Despite the registered status, the main challenge they faced is regarding the uncertain permission of Travel Authorization (TA). When field staff have to implement activities without TA at the field level, they receive a security threat. However, they mostly implemented the projects successfully by coordinating with village administrators.

3.2 Financial Instability

After the coup, CSOs find financial availability and sustainability under stress due to donors' decisions to terminate projects concerning conflicts and the impaired banking system. This challenge relatively limits the survival of organizations as well as projects. Unregistered CSOs cannot manage large funds and are only allowed to proceed with small-scale projects due to restrictions on opening an organization banking account. Furthermore, they have to spend extra from a certain percentage of funds or their own budget for withdrawing money from local money transferring agents, which heightens their operational expenses.

Unregistered groups like CSO-1, CSO-3, and CSO-4 have faced more difficult situations. The challenges range from not being able to open an official bank account, posing a greater problem in withdrawing, receiving, and transferring money, inability to apply for grants, etc. However, for registered groups such as CSO-2 and CSO-5, even if their experiences with financial issues are different, they still face various obstacles.

CSO-2 explained. "The donors withdrew their funds due to the coup. Thus, we had to decrease the number of employees because of insufficient budget. Another key challenge is the delay in financial flow. When a conflict breaks out, due to internet restrictions, the banking sectors are delayed, thus we have to rely on agents to withdraw cash and pay a percentage for the withdrawal amount. It means we have to spend money to get money and paying a percentage for cash withdrawal is a kind of waste. But that is the only way we can get cash to operate the activities."

3.3 Human Resources at Stake

The scenario after the military coup has posed an insecurity of the staff physically and financially, thus, CSOs have faced a limitation of human resources. Some founders and active members of CSOs have also stayed in low profiles in remote areas, being targeted by the junta for their activism, and thus the productivity and implementation of community-based projects have faced a decline in capacity. Key challenges regarding the management of human resources include not being able to hire technical experts due to financial insufficiency, the unavailability of experts within Myanmar as many have already left the country and facing more challenges to make open announcements for job vacancies.

CSO-3 stated: "Before the coup, we had a lot of members, and we could organize and implement activities. After the coup, we had difficulties recruiting new members, not getting travel authorization, and members were refused to travel because of risks."

3.4 Insecurity as the Core Concern

"Mainly the military raided the office of CSOs and media offices in Rakhine, and I often learned that activists in Rakhine got arrested by the SAC. So, all these factors fueled our sense of safety which brought us to operate activities with a low profile."

CSO-1 expressed the above concerns about their security status. The factors mentioned above are added to the core factor faced by CSOs in the aftermath of the coup, the threat to the organization's existence, and personal security. Arbitrary arrests by junta forces coerce CSOs to stay silent and invisible. The key security challenges faced by CSO groups in Rakhine state can be summarized as 1) insecurity and arrests of their staff due to involvement in pro-democracy movements, pushing them to relocate office locations, 2) not permitting and threatening arrest due to the lack of TA, and 3) facing more security challenges, especially participating in activities in urban areas.

3.5 Donor Relations

Alongside the changing context, the relationship between CSOs and donors also needs to be adjusted to overcome challenges and deliver necessary assistance to communities. However, the adaptive strategies primarily need to be made by CSOs, but donors have not sufficiently adopted them, holding on to bureaucratic mechanisms and, in some cases, terminating projects. For CSOs, to maintain smooth relations with donors, they have to adjust some policies asked by donors with possible outcomes and agreements aligned with the ground situation. Besides, they also encountered some funding being terminated after the end of the first contract. Moreover, some projects were reassigned to other regions and states. Some donors are willing to focus on conflict-affected regions like Rakhine, while others disagree to run projects in Rakhine under the politically unstable situation due to security concerns. Since the internet has been cut off in Rakhine, it is hard to advocate for donors in terms of ground situations.

3.6 Coping Mechanisms

Despite the existential threats and challenges faced by CSOs, the study finds that CSOs are struggling for their survival and continuation of their commitment to communities by using adaptation strategies as either positive or negative coping mechanisms, and they have thrived in informal contexts. The art of negotiation and adaptation has been the source of positive strategy while encountering different political actors and the restrictions that have been posed on their freedom of movement and information. On the other hand, financial stake and insecurity have to be coped with by using negative means such as downsizing projects and staff. The in-depth interviews regarding this important matter elicited the following responses.

Negative coping mechanisms are mainly prevalent. These actions include reducing the number of staff within organizations, lowering salaries of staff, hiring only part-time rather than full-time staff, and relocating offices into rural areas that are cheaper and more secure.

Section IV: Conclusion

Since the 2021 coup in Myanmar, both media and CSO organizations in Rakhine State have faced severe challenges that have significantly hindered their operations and endangered their staff. The military junta's crackdown on the press has led to harassment, arbitrary arrests, and violence against journalists and CSO members, particularly those reporting and observing on sensitive issues like military atrocities and human rights abuses. The junta has shut down news outlets, forced many journalists into exile, and targeted them under broadly interpreted anti-state laws such as "incitement" and "false news." Rakhine's main local media outlets such as the Western News, Narinjara, and Media-3 have faced significant operational restrictions due to new laws imposed by the junta. These laws have resulted in severe consequences, including life sentences and imprisonment for up to 20 years for journalists. The junta's actions have forced many reporters into hiding or exile, severely limiting their ability to work freely and safely. Additionally, the requirement for detailed documentation under new organization registration laws has further compromised the security and freedom of media personnel.

Furthermore, different kinds of operational risks on the ground for the media and CSO groups include landmines and airstrikes when gathering news in conflict zones and implementing the activities on the ground. The internet shutdowns and phone line cuts have made timely news dissemination extremely challenging. Reporters often have to climb mountains or hang their phones on trees to get a hotspot connection, a process that can take hours to release breaking news. The fear of reprisals has forced journalists and CSO workers to gather news covertly and work more in worry risking their safety and that of their families. After that, human resource challenges have compounded these difficulties.

The military's raids on media offices have forced many journalists into hiding, leading to communication breakdowns and delays in news production. The escalation of the conflict has trapped some journalists in villages, preventing them from continuing their work. The mental and physical health of journalists has also suffered due to the relentless workload and exposure to distressing incidents. Financially, these media organizations have struggled to survive post-coup. Initially, they enjoyed more freedom in Rakhine State compared to central Myanmar, but the escalating conflict and increasing restrictions have made operations more difficult. Funding has been inconsistent, with some donors withdrawing support due to legal charges and risks associated with supporting media outlets targeted by the junta. This financial strain has led to staff reductions and salary cuts in Narinjara, also mentioned by the other two media, further impacting the quality and quantity of news reporting. Organizations like Western News have had to rely on personal contributions from their CEOs to continue paying staff salaries.

On the other hand, the contraction of civil space for CSOs following the coup has entangled existential threats with operational challenges, significantly impacting their activities. The SAC's newly issued laws, dynamic insecurity, and deteriorating banking situation have further degraded CSO functioning. The SAC's 2022 Registration of Association Law has negatively impacted CSOs' freedom of association, with varied experiences among registered and unregistered organizations, often leading to threats to staff security and organizational downsizing. Financial instability due to donor project terminations, a compromised banking system, and restrictions on unregistered CSOs have heightened operational costs and constrained organizational survival. Post-coup human resource challenges within the CSOs have emerged due to physical and financial insecurity, causing a decline in productivity and capacity as many senior staff have fled. Insecurity remains a core concern, with arbitrary arrests and travel restrictions further hampering CSO activities. Despite these hurdles, CSOs continue to adapt through strategic negotiations, downsizing, and cautious coordination with authorities, striving to maintain their commitment to community service amidst adversity.

Both media and CSO organizations in Rakhine faced an unprecedented level of difficulties after the coup in early 2021. The situations have been worse during the time of armed conflicts in the areas. Despite these overwhelming challenges, both have demonstrated remarkable resilience and dedication. They have relied on unity and solidarity among their members, professional passion, and innovative communication methods to continue their work. However, there has been a lack of significant policy changes or adaptations to address the specific difficulties encountered post-coup, highlighting gaps in organizational strategies. Media and CSO organizations in Rakhine State continue to play a crucial role in protecting human rights, and providing emergency humanitarian assistance. Therefore, it is critical to help these currently struggling civil society actors so that the real situations are heard and the people in need are not neglected and abandoned in these difficult times.