

## **ACHIEVEMENTS OF INDONESIAN CSOs IN THE DEMOCRATIC TRANSITION: LESSONS FOR MYANMAR\***

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### **Abstract**

Throughout the long process of democratic transition in Indonesia, CSOs played the leading role in various areas, such as improving the public awareness on political rights, civil liberties and serving as a watchdog on government's activities. Mainly, CSOs serving as the main players in creating a vibrant civil society, upgrade themselves first to be active in terms of strategies, for instance; how to deal with the state institutions and to develop effective means for change. Thus, this paper focuses on how to create active and strong CSOs in Myanmar based on the experience of Indonesia. Moreover, it also takes into consideration of external and internal factors for strengthening Myanmar CSOs in transition.

**Keywords:** CSO, democratic transition, strategies, change.

### **Introduction**

After the 2004 presidential elections, Indonesia was mostly recognized as the third largest democratic country in the world and successfully reached the stage of democratic consolidation. President Susilo Bambang Yudhoyono, the winner of the 2004 election, had strongly vindicated that democracy can be entrenched in 'the world's most populous Muslim nation'. Despite facing problems of ethnic groups, religious groups and terrorist attacks during the transitional period, all these issues were effectively handled by the Yudhoyono's government. It was noted that President Yudhoyono had well manipulated his country's political stability and economic growth simultaneously. Although the military seats in parliament had been totally dissolved since 2004, some retired officials continued to play in state affairs by joining the political parties.

Before the stage of democratic consolidation in Indonesia, there had been some developments in internal stability – a decrease in separatist, religious and ethnic violence – and crucial reforms – constitutional amendments, military reform, decentralization and the direct elections for a president and the local government heads. Marcus Mietzner (2010) expressed the possible factors for the successful transition of Indonesia, such as a lessening of religious and ethnic differences, an economic recovery, the modernization of the electoral system, and the gradual marginalization of military in politics.

According to the existing literature, there are parameters to analyze the situation of pre- and post-consolidated democracy. In order to develop a consolidated democracy, Linz and Stepan (1996) suggested the following five conditions to create in advance: (1) 'the development of free and active civil society'; (2) 'a relatively autonomous political society'; (3) safeguarding the individual freedoms and associational life by all state institutions including the government; (4) being harmony with new democratic government by state bureaucracy and (5) 'an institutionalized economic society'. As mentioned by Linz and Stepan (1996), Mietzner (2010) has summarized three characteristics of consolidated democracy as follow:

"Behaviorally, there are no key political groups that attempt to overthrow democratic rule or secede from the nation-state; attitudinally, a strong majority of public opinion believes that any political change should occur within the framework of the existing democracy; and constitutionally, all political conflict will be resolved

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"within the specific laws, procedures and institutions" of the new democratic system."

In addition, Diamond (1994) highlights the important role of a vibrant civil society in democratic consolidation because it takes the role of overseeing the government's activities, preventing the rise of authoritarian system, and leading the transition. Such kind of civil society is vital at all stages of the democratization process. If civil society is not strong enough, where there is a lack of unity, full of socio-economic difficulties, rampant corruption, a lack of effective legal system, and democratic culture, the democratic consolidation is in danger of deteriorating. Especially, ethnic issues and regional differences based on the socio-economic inequalities are the critical challenges for the consolidation of democracy.

To be strong enough for civil society, the pro-democracy CSOs have to play a key role in improving the public awareness on political rights, civil liberties and serving as a watchdog on government's activities. For example, throughout the long democratic transition in Indonesia, CSOs had made long-lasting emphasize on encouraging citizen participation, civic education, advocacy for public goods, and looked into every government's policy and implementation. For those CSOs playing in young democracy, especially for Myanmar CSOs, need to explore good lessons from the experience of Indonesian CSOs. Primarily, CSOs serving as the main players in creating a vibrant civil society, should upgrade themselves first to be active in terms of strategies, for instance; how to deal with the state institutions and to develop effective means for change. Thus, this paper focuses on how to create active and strong CSOs in Myanmar based on the experience of Indonesia.

In fact, Indonesian CSOs were more active and had been effectively participated in and contributed to crucial reforms at all stages of democratization. Actually, the approaches and strategies applied by the Indonesian CSOs might be good lessons and information for Myanmar CSOs. Besides, it should take into consideration about the impact of domestic reforms in the Indonesia's transition, too. Thus, backing the experience of Indonesia, this paper analyzes how to prepare for Myanmar CSOs to be strong and active, and the other prevailing factors to achieve that goal.

For this purpose, it elaborates external and internal factors that affect the role of CSOs to be robust, and also applies to the Myanmar CSOs. While the external factors deal with (1) the inclusion of reform-minded officials in transition, (2) decentralization, and (3) international assistances, the internal factors include (1) flexible strategies or effective engagement with stakeholders – Advocacy, (2) in house democracy and (3) self-governing with code of ethics within the CSO. Before proceeding, this section below first presents the role of CSOs in the consolidation period in Indonesia.

### **The Role of CSOs during Consolidation Period in Indonesia**

While effectively monitoring the internal stability and the economic recovery, there developed a favorable condition for political rights and civil liberties in 2006. Especially, the Freedom House score for political rights reached the level of 'free' with introducing the new electoral system such as the direct presidential election, and elections for local heads and mayors.

Despite having some progresses in the earlier period of his presidency, President Yudhoyono confronted the challenge about limitation of political rights by the former retired officers in the parliament as well as a setback in civil liberties later. For example, the conservative politicians in the parliament urged to dissolve the direct election of local government heads which was introduced in 2004, because this election system had more favor to ordinary people to hold the positions of provincial governors and district heads or mayors. Besides, the adoption of 2013 Civil

Society Law was assumed as the government's attempt to control CSOs by restoring some restricted principles of New Order regime.

Consequently, Freedom House stated the decline of Indonesia's political rights and civil liberties' rate from 'free' to 'partly free' in 2014. Instead of handling the corruption issues effectively, the government also attempted to control the authority of anti-corruption commission (KPK - Komisi Pemberantasan Korupsi) because the commission had revealed numerous corruption cases committed by the high-ranking government officials, politicians and parliamentarians. Thus, all these circumstances can be assumed as the major challenges to weaken an active civil society, and the relationship between the government and CSOs was getting more and more tense. In fact, the civil liberties and the space of CSOs can be limited at any time by state institutions even at the stage of consolidation.

In fact, CSOs had stayed away from the electoral campaigns in 2004 and 2009 as Yudhoyono had never claimed any support from CSOs. But later, CSOs had actively involved in the campaign for Joko Widodo (also called Jokowi) to become a president. As part of changes in strategies and orientation, CSOs supported a certain candidate than the political parties, assuming that such candidate could manage the forthcoming reform agenda and was ideally suited for the whole Indonesian society.

With the support of CSOs, media and individual activists, the Indonesian people had well known about Jokowi's democratic ideas, personality and leadership style. When his party (PDI-P - Partai Demokrasi Indonesia Perjuangan) favored to nominate the party leader Megawati as a presidential candidate for 2014 election, several CSOs pressured the PDI-P to nominate Jokowi for this position. In fact, their vigorous and persistence support for Jokowi was the crucial factor of his victory in the 2014 election. By motivating the whole civil society, CSOs and the other pressure groups became active supporters in the electoral campaign for a new president. Thus, the role of Indonesian CSOs was still brightening even under the rule of democratic governments which were directly representing the people.

On the other hand, in order to maintain the secular state, President Joko Widodo had made restriction upon the religious based organizations through revising and adopting the previous organizational law. In July 2017, the government adopted the Government Regulation in Lieu of Law No. 2/2017 (Perppu 2/2017). After approving this law, the government dissolved the Hizbut-Tahrir Indonesia (HTI) which advocated for emerging 'a caliphate' by introducing Islamic law in a country. While many CSOs assumed that the Perppu 2/2017 would challenge the freedom of association, the other CSOs viewed the government's regulation as an attempt to deter the 'radical ideological movements'. Thus, while implementing to consolidate democracy in a country, it can be seen that the government has tried to prevent the exploitation of civil liberties by the organizations.

### **External and Internal Factors for Strengthening the Role of CSOs**

As mentioned earlier, there are external and internal factors that have great impact on CSOs to be strong and active.



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Firstly, one of the external factors is related to the inclusion or participation of reform-minded officials from various state institutions in the transition. Why are those people vital for strengthening the civil society and its organizations? The reason is that CSOs to be active and to expand their spaces totally depend upon the collaboration of those reform-minded officials from executive, legislative, judiciary and military organs. If this criterion is regarded as a benchmark, Indonesia's CSOs has enjoyed the support of pro-reformed officials throughout the transition.

For example, the reform-minded military officials – the initiators of military reform – had taken into consideration about the academic recommendations for their future plans presented by the CSOs networks including pressure groups and research institutions. This successful advocacy was also headed by some reformist politician figures and Minister of Defence then. Effendi Choirie (PKB Party - Partai Kebangkitan Bangsa) and Djoko Susilo (PAN Party - Partai Amanat Nasional) worked together with the CSO network to draft some security bills. Moreover, Minister of Defence Mahfud MD had positively replied to any CSOs demands, and he tried to negotiate with some hardline military generals who were unwilling to accept some CSOs' suggestions. Due to the collaboration of pro-reformed military men, politicians and CSOs network, Indonesia with strong backing of military supremacy in the past had been transformed into a consolidated democratic country after 2004.

Likewise, the Constitutional Court led by pro-reformed judges took the bold step of improving civil liberties in Indonesia by removing some articles from criminal code. According to the controversial articles – which were firstly introduced by Dutch colony – those who either criticized the president or created misperception towards the government's implementations can be prosecuted in court for insulting the government. During the Megawati and Yudhoyono's administrations, the activists had been trialed for criticizing the government's leaders. At last in 2006, the Constitutional Court decided that those articles hindered the constitutionally granted freedom of expression and also the Indonesian democratization. Again in 2007, the Court removed an article relating to the punishment to those who created hates toward the government. In fact, the reform-minded judges had broken down the outdated system which had blind obedience to the powerful men, neglecting the fundamental rights of citizens. It would be a good example for a newly democratic country to continue the transition with the endeavors of reform-minded person.

Another example was cooperation between the network of CSOs and executive organs, like Ministry of Home Affairs, for drafting a government regulation on regional planning in Indonesia. Initially, CSOs faced a hard challenge for building trust with the government officials because the latter had been viewed them as the troublemakers. At last, their teamwork had overcome the challenges with their expertise as well as collaborated with reformed-minded officials from executive bodies.

Similarly, when the reform-minded mayor and new councilors were elected after 2004 in Madiun city, the local CSOs took this advantage to cooperate with them in policy dialogues and city affairs. In the past, they had no chance to participate in policy dialogues because of a hardline attitude of local government and legislative council. As a result, they were invited to participate in several dialogues concerning a long-term development plan for the city. Sometimes, CSOs pointed out the weaknesses and the requirements of development plan rather than approving a document presented by the government officials. Mostly, their recommendations were appreciated by their counterparts. Thus, the positive attitudes of pro-reformed person and the strategies of CSOs in making the officials to accept their proposal of reforms were vital, especially in the transitional period for strengthening and maintaining the space of CSOs. If it stands as a valuable example for Myanmar's transition, the reform-minded persons in authority from civil and military institutions should initiate something new by themselves or invite those of CSOs to participate in state building.

The second external factor is the 'decentralization' which promote local autonomy and cross-sectorial collaboration. It transforms 'traditional administrative relationships' and encourages to develop a new form of collaboration at the local level. Thus, decentralization reshapes the relationships between national and local entities and between those entities and civil society.

Since the liberalization period under Presidents Habibie and Wahid, decentralization measures had been implemented as a wide range in policy formulation and decision-making power sharing with local governments, media sector, electoral system and self-determination in Aceh and Papua. Direct elections of mayors and governors were introduced in 2005. In addition, several laws, by-laws and regulations that encouraged citizen engagement in public affairs were enacted by the national and local governments. Simultaneously, decentralization has granted new opportunities for CSOs and ordinary people to involve in local affairs. As a consequence of those new laws, the local government agencies needed to hold public hearings on important policies and 'multi-stakeholder consultation forums' on local development plans.

Under this situation, CSOs had more opportunities to involve in public forums and to cooperate with the local legislative council and government. At the same time they could expand their operational space. Indeed, decentralization and changing attitudes of local officials towards CSOs encouraged developing effective collaborations with them. Otherwise, it was unable to expand the space of CSOs under a strong centralized regime because they were either controlled with restricted laws or excluded from policy formulation. The worst of it is that if the elected authorities assume themselves as the direct representatives of people, the space of CSOs will be in danger to disappear.

As the third external factor, international assistances are vital for CSOs to be fully operative. Especially, during the time of political transition the international donors have expected to strengthen civil society by means of capacity building for selected CSOs and funding. CSOs need those financial assistances to operate their programs, at least to hire staffs and open the offices. The Indonesian CSOs were highly dependent upon the financial supports from the external donors. If they involved in an investigation on corruption issue, they needed lot of money to collect information, find evidence of malfunction and conduct legal analyses. Besides, if they did not have

adequate subsidy, they could not afford to introduce new regulations and policies. Therefore, international assistance is one of the important factors to strengthen the CSOs.

In the past there was no strings attached in aid, but later, the members of Indonesian CSOs said that the donors have provided funds based on their performance. In addition, they are more willing to cooperate with those CSOs with legal entity status and the central government approval than the informal CSOs. After achieving well-funded by the international donors, some CSOs became strong; especially they actively involved in the movements of human rights, anti-corruption, women empowerment and the environment.

In Myanmar, the World Bank, the Asia Development Bank, and the other international donors had provided millions of dollars to support reform programs through various means. For instance, the Swedish International Development Cooperation Agency (Sida) provided fund for the period 2018–2022 with the amount of SEK (Swedish Krona) 1250 million for promoting human rights, democracy, the rule of law, gender equality, and peaceful inclusive societies. Likewise, Switzerland contributed CHF (Swiss Franc) 180million for the five year period (2019-2023), of which fifty-two percent (CHF 95.35 million) were spent for strengthening the capacity of civil society and developing decentralized institutions. Then, through the channels of multi-donor trust fund, their contributions were distributed to the local and national NGOs. For example, with the funding from the international donors, the Joint Peace Fund organization has provided all round financial, technical and advisory support to Myanmar's peace process since 2016.

Concurrently, it is noteworthy that CSOs operating with the international assistances need to be transparent in their expenditure because lack of transparency in funding frequently creates suspicions between the authority and CSOs. Sometimes, the CSOs were viewed as the agents for implementing the donor's interest than the state's merits. Thinzar Shunlae Yi, an organizer from Action Committee for Democracy Development has stated in the program of VOA Burmese news that there existed those CSOs which gave priority for their financial interests.

According to the societal organizational law in Indonesia, CSO with the official status are requested to present the amount of expenditure to the respective government's bodies when applying new extension. Therefore, in order to build mutual trust with the government and other stakeholders, CSO will have to prepare a financial report stating sources of funds, and it can be easily accessed by the public.

Now, it turns to look at the internal factors of CSOs that are essential for their strength and long-term survival. As for strategies, the Indonesian CSOs had much relied upon the peaceful advocacy for policy change. Some perform the formal channel of working together with the government, while other advocate through the outside channel, like presenting their own proposals or policy paper to the parliament's meetings. Moreover, Indonesian CSOs used to invite the government's responsible persons to their workshops and seminars. Its initial approach intends to build trust with the government officials and mainly targets to pro-reform officials. Thus, since 2005 instead of approaching with street demonstrations for policy change, the Indonesian CSOs had chosen the effective ways of cooperation with the reform-minded officials from executive, legislative, judiciary and military institutions.

Beside this, the pro-democracy CSOs are required to flourish the democratic principles and practices within their own organizations, such as the collective decision making and the selection of leader based on the majority choice. Thus, the final decision or organizational policy came out through consultation with the members of organization and adopted in line with the majority consensus. In addition, the leader of the organization was selected by the CSO members based on the majority votes. However, it can be seen normally in Indonesia and Myanmar that the founder of the organization took the leadership role for a long time. Indeed, Myanmar's CSOs still required

taking the leading role in creating a robust civil society commensurate with democratic norms and values.

Finally, CSOs could self-govern through Code of Ethics. Many Indonesian professional organizations have their own code of ethics. These regulations or norms formulated by the CSO became the guidelines for good governance in the organization. Furthermore, the code of ethics or code of conducts was also adopted among several NGOs in Indonesia, and they had a binding force upon the NGO signatories. The code of ethics can deter many problems relating to the integrity, accountability, transparency, independence, anti-violence, gender equality and financial management effectively. Thus, the above mentioned external and internal factors based on the experience of Indonesia are valuable lessons for Myanmar's transition and CSOs.

### **Lessons for Myanmar CSOs**

In fact, Myanmar CSOs had high expectation upon the civilian government for expanding their operational space than before by collaborating with the elected persons in the activities of policy dialogues. Unfortunately, their expectation did not come true under restraining again by the civilian government. Under this situation, what are the main barriers for CSOs to expand their space?

One of the reasons is having a strong centralization in decision-making and policy formulation. Chief of this problem is waiting for a permission to initiate a tremendous change even there has been a good idea to perform it. When personal interviewing with a member of CSO, who involved in the program of educational reform, he said that his organization prepared a proposal relating to educational reform and presented to the Rectors' Committee. The committee members warmly welcomed their suggestions, but they were unable to enforce them on their own initiatives without receiving any instruction from above. Therefore, a strong centralization can reduce citizen participation and the involvement of CSOs in policy dialogue. Moreover, it also deters the innovation of new idea for public goods and makes less confidence to initiate on their own.

Regarding the government's control upon the relationship between the legislators and CSOs members after 2016, U Aung Myo Min, executive director of Equality Myanmar, has answered to the RFA (Radio Free Asia) that the government might be worried about the influence of CSOs upon the inexperienced legislators through policy advocacy and personal contacts. In reality, CSOs would try neither influence nor control upon the government. They intended to present the reality on the ground to the government and to be more effective in governance. Thus, he requested the government to look at them as the partners without being afraid of them.

On the other hand, there has been lack of strategy to build trust with those officials from different departments. Indeed, building trust with the bureaucrats was not an easy task for CSO members. This is because those personnel were well trained by the successive non-democratic governments. Not all, but most of them were reluctant to change the existing situation including their ideology, perception and behavior which had been long-entrenched and practiced for years. As an example, the improper actions committed by some of those bureaucrats and the bribe scandals committed by the high ranking officials were appeared in state-owned media and social media. Thus, leaving aside the trust-building, CSOs are in a situation to find out a proper way of dealing with those bureaucrats at national and local levels.

Concerning advocacy for policy change, the strategies applied by CSOs including research institutes, still focus on education than persuasion in Myanmar. Especially, the education strategy was useful for improving the public awareness on civic education in the rural and urban areas. Several CSOs sponsored by international non-governmental organizations and private donors, educated the public by holding workshops, seminars and training programs in different matters, such as human rights, gender equality, women empowerment, electoral system and so on.

However, they are still weak to collaborate with the government's policy makers. Instead of waiting the government's invitation, they should start to pave the way for cooperation with the government officials, usually applied by the Indonesian CSOs. Here, they need to consider how to break the deadlock if their formal approach does not work. According to the interviewee from a research foundation, the correspondent persons of the research team occasionally invited the government's responsible person to their dialogues with the aim of informing their research findings. Thus, their reports had been distributed to those responsible persons in advance. The problem was that those invited people were absent in the occasion (and did not read the reports either, they assumed). Thus, their original idea of contributing research findings for public good was not fully materialized.

But, it does not mean that all channels are shutting down to contact with the government officials, especially legislators. It has a chance to cooperate with them by CSOs based on their previous partnership. According to the interviewee, a former student of 88 generation and now a member of NGO serving as Hlutaw monitoring and doing research on the legislating process, his organization have a personal contact with some of the NLD representatives in parliament and by taking advantage of this friendship they could present and discuss about their policy paper with them. But, such kind of opportunities cannot be enjoyed by all CSOs equally even under the democratically elected government.

These different opportunities are somehow related to the different approaches of CSOs as well as of the public movements. For example, some CSOs members who are the victims of 1988 political uprisings have already given forgiveness to those who committed. They have never claimed the responsible persons to apologize for their losses at all. In fact, they oriented towards collaboration with any institution in the hope of future benefit rather than the confrontation.

On the other side, when the governments – both semi- and civilian government – neglected the public voices, it led to the street demonstrations arranged by groups or individual, and the petitions which were occasionally celebrated as a strategy of persuasion to attain the government's attention. Among them, after 2016 the young organizers of public movements urged the former government members to confess publicly about their faults. It highlighted the different approaches among CSOs, some of which were on a way to trust building but some followed undesirable and risky tactic.

## **Conclusion**

While the external factors created a favorable condition for CSOs to expand their operational space in various sectors, the internal factors relate to self-improvement of CSOs in terms of strategies, in-house democracy, and code of ethics. As the valuable knowledges for Myanmar CSOs, the Indonesian CSOs could fully grab the opportunities arising from the political reforms and decentralization, which had given them a significant space in policy dialogue and formulation at national and local level by collaborating with the pro-reformed policy makers and legislators. At the same time, those CSOs emphasized on citizen participation, civic education, advocacy for public goods, and watchdog on every government's policy and implementation. Based on the circumstances of Indonesia, the lessons for Myanmar were to ease centralization in decision making by taking account the advices of civil society and its organizations, to have a space for CSOs in policy dialogues and to have fully collaboration in various sectors with national and local authorities. If Myanmar CSOs intend to change the current transition to be a consolidated democracy in the near future, they need to take into account those external and internal factors. Moreover, it is necessary to improve public awareness on the development of CSOs and its crucial role in Myanmar's democratic transition.



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