

**ACCOUNTABILITY AMIDST FRAGILITY, CONFLICT,
AND VIOLENCE: LEARNING FROM RECENT CASES**



IDS Bulletin

Transforming Development Knowledge

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Accountability Amidst Fragility, Conflict, and Violence: Learning from Recent Cases

Editor **Anuradha Joshi**

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Introduction: Accountability Amidst Fragility, Conflict, and Violence: Learning from Recent Cases*†

Anuradha Joshi¹

Abstract Conflict, violence, and fragility exacerbate the difficulties faced by poor and marginalised people, particularly in influencing the policy decisions that affect their lives. Comparing five cases in conflict-affected contexts, this introduction highlights a number of approaches. It emphasises the importance of distinguishing processes of accountability from those of empowerment, and recognising the complexities of the relationships between them. It highlights how the dynamic nature of contexts of fragility, violence, and conflict constrain citizen action but simultaneously offer opportunities for civic actors to form coalitions with new actors and movements. It underscores the value in viewing accountability gains within the longer historical trajectory of particular conflicts. Finally, it illustrates the core importance of narratives and framing in driving collective action and embedding the legitimacy of claims. The cases highlight that progress towards accountability is often transitory and partial, but together also foreground key issues that are relevant for understanding empowerment and accountability processes.

Keywords: citizen action, fragility, violence, conflict, post-conflict, accountability, empowerment.

1 Introduction

Fragility, conflict, and violence are increasingly common features of countries suffering from high levels of poverty and under-development (OECD 2018). Estimates by the World Bank suggest that by 2030, about half of the world's poor will live in contexts of fragility and conflict.² Such contexts are often ones where state institutions are weak, fragmented, and lack legitimacy,³ where non-state actors control territory and often provide services, and where civic space is limited and uneven. The big question is: under these circumstances, whether, how, and under what conditions can citizen-led action lead to more accountable and responsive institutions (state or non-state)?

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Historically, in countries with stable/consolidated states, accountability and responsiveness to marginalised groups have often emerged through grass-roots struggles – bear in mind the civil rights movement in the US and the apartheid movement in South Africa. Those struggles are well-studied signposts in the history of progress and have been markers of how we think about transformational change. Drawing from those historical experiences and others, a substantial body of literature on accountability emerged that highlighted the centrality of information to accountability claims (Fox 2007; Fung, Graham and Weil 2007), the importance of facilitation or mediation of citizen claims (Barr *et al.* 2012; von Lieres and Piper 2014; Shankland 2014), vertical integration, coalition building (Fox 2016), multi-pronged approaches (Joshi 2017), and the need to think of accountability as a long-term political process that shifts relationships between citizens and states (Joshi and Houtzager 2012). Yet, these insights have been borne out of the experiences of relatively stable states.

Much has changed in the last 20 years. Two decades ago, there was an air of optimism around the possibilities of gaining accountability through empowerment from below. There was an assumption that it was just a matter of time before countries affected by authoritarianism, conflict, and fragility would move towards democracy and related accountabilities. At present, we observe the opposite: increasingly, relatively robust democracies are becoming less so – nationalism, populism, and religious fundamentalism are on the rise. There has been a seismic shift in the ways in which both citizens and state institutions can connect and mobilise through the internet and related social media (McGee *et al.* 2018; McGee and Edwards 2016).

Consequently, sources of information are multiple and often contradictory, making it difficult to base behaviour on facts. Growing inequality in most regions of the world widens class divides and undermines visions of a common future. Fragility, conflict, and violence seem to be spreading rather than receding. And there has been a growing distrust in state institutions throughout the world, a feature that is heightened in settings of fragility, violence, and conflict. This makes the challenge of understanding and conceptualising the potential for social and political action and its effects on empowerment and accountability in these kinds of contexts even more urgent and daunting. How far do our insights from stable settings hold?

The Action for Empowerment and Accountability (A4EA) research programme under which this research was undertaken makes a small start towards this enormous task of understanding how progress can be made on empowerment and accountability in fragile, conflict-, and violence-affected settings (FCVAS).⁴ What this *IDS Bulletin* hopes to do is to look back at recent history and identify insights from relatively recent experiences of grass-roots struggles and related social and political change that contributed to transitory progress towards greater accountability of public institutions in these contexts. We say 'transitory progress' because examples of unqualified successes are rare, and it

seems too early to tell whether the progress viewed today is likely to continue. In many of the cases presented here, the changes observed have been partial, uneven, and fragile – with setbacks already observed in some cases, and real possibilities of reversals in others. Yet, even these accounts of partial progress can tell us something about the pathways through which accountability might be sought and strengthened, and the conditions that enable fruitful navigation of the uncertain and changing terrain in fragile, conflict-, and violence-affected contexts.

The five cases presented here – transition to democracy in Myanmar, civilian action in pre- and post-conflict Colombia, the anti-corruption protests in Guatemala, the lawyers’ movement for judicial autonomy in Pakistan, and the spread of the ‘Right to Food’ campaign to subnational levels in India – were chosen as they are cases where we can see some progress on pathways towards accountability, however nascent or temporary. We prioritised accountability in the case selection because these cases are rare, and require a shift in citizen–state relations. Each case explores the dynamics of empowerment and accountability, and their interactions.

The cases represent a variety of histories of conflict and potential pathways to accountability through political and institutional change: from the oldest running civil conflict in the world in Myanmar, to the relatively recent post-conflict peace in Colombia, to the geographically localised conflicts witnessed in India’s Naxal-affected states. They range from long-standing authoritarian regimes such as Myanmar, to countries where military rule has alternated with periods of democracy as is the case in Pakistan, to formal democracies such as India. The reasons for the ongoing conflicts also vary in substance – including among the immediate causes: the rise of religious fundamentalism in Pakistan, repressive regimes targeting ethnic groups such as the case of Guatemala, and more extreme left-oriented movements such as the Naxalites in India.

Collectively, the articles in this *IDS Bulletin* highlight four key issues that are central in understanding how accountability pathways unfold in contexts of fragility, violence, and conflict. First, processes of accountability have to be distinguished from processes of empowerment and strengthening agency. Empowerment gains might be achieved without gaining accountability, and, (though less likely) institutional responsiveness might not lead to any empowerment. Understanding the conditions that will foster empowerment and accountability processes independently is important in order to get better analytical purchase on the outcomes we observe. And the outcomes themselves are more likely to be precursors, such as overcoming fear and building trust, to the more conventional empowerment and accountability outcomes that are expected.

Second, the cases show how the particular dynamic nature of these contexts – fragility, violence, and conflict – is constraining; but can simultaneously offer opportunities for civic actors to form coalitions with new actors and movements that enable some traction in the struggle for

public accountability. At critical junctures, the institutional constraints on agency are momentarily relaxed and provide openings for new configurations of power to be sought and in some cases established (Acemoglu and Robinson 2012; Capoccia 2015; Capoccia and Kelemen 2007; Houtzager 2003).

However, such coalitions by their nature are tricky and constantly in flux; and point to the staggered, non-linear nature of progress – where gains can be made as well as lost within a short period of time. Indeed, the cases suggest that any progress in the pathways to accountability inevitably invite backlash: in at least three of the countries – Guatemala, Myanmar, and Colombia – there has been serious backsliding regarding accountability since the cases were selected and written up. In the other two countries – India and Pakistan – there has been a serious shrinkage of civic space for activism of the kind described here.

Third, the cases underscore that although such contexts are characterised by rapidly changing political and policy configurations, episodes of claim-making and resistance have to be viewed within the longer historical trajectory of conflict in order to understand why and how they occur, and the impacts they might have. This includes prior experiences with collective mobilisation, the generational internalisation of fear and trauma, and the constraints those place on people's agency. Simultaneously, those experiences require an examination of the governance structures – the basis on which those holding power have exercised authority over time without constantly resorting to force. The 'stickiness' of institutional and people's responses in the conflict period circumscribe the actions of both public authorities and people in the present. Specifying precisely how one affects the other is a task taken up by several articles.

Fourth and finally, following the broader social movements literature, these analyses of political and institutional change in FCVAS foreground the role of narratives in driving collective action and embedding the legitimacy of claims. Particularly in FCVAS, where the formal and rational might have less traction than in stable political environments, ideas and emotions seem to be particularly important in mobilising people. Obviously, this is not a new strategy, especially for political entrepreneurs, parties, and social movements. Yet, these cases show ways in which new framings can help create new allies, build coalitions, and mobilise the general public.

Before elaborating on these issues, we need to clarify conceptually how accountability processes in FCVAS might be different from more stable settings. Section 2 takes up this task.

2 Rethinking accountability processes in FCVAS

In the past few years, there has been a lot of attention paid to understanding how citizen-led social and political action might lead to accountability. Often under the rubric of 'social accountability', we have

new insights into the value of vertical integration of pro-accountability efforts, the importance of scaling up local successes through various pathways, and the need for alliances with strategic pro-reform actors both within and outside the state at different levels (Aceron 2018; Fox 2007, 2015, 2016; Pande 2008; Pande and Houtzager 2016). Yet, most of these insights emerge from relatively well-functioning settings – with cohesive and effective states, well-established civic and political institutions, open societies, relatively free media, vibrant civil societies, and at least some adherence to formal rules and processes. How well do these insights matter in FCVAS?

Our starting point in this *IDS Bulletin* is that because contexts affected by fragility, violence, and conflict differ significantly from more stable ones, we are likely to observe different processes at work here, particularly in relation to empowerment and accountability, as even the terms ‘empowerment’ and ‘accountability’ need to be understood contextually. Why? Three reasons stand out.

First, the features of context. In the places we are examining, significant parts of the country, often in the borderlands, are affected by fragility, conflict, and violence. These are places where state capacity to deliver public services is low, state institutions are weakly embedded, and parts of the country have little or no state presence; what O’Donnell (1994) terms ‘brown areas’ or others have termed areas of ‘limited statehood’ (Risse and Stollenwerk 2018; Risse, Börzel and Draude 2018). The pockets of fragility, violence, and conflict do not mean that the state itself is weak (where it is weak, however, it is by definition a brown area); often, it is authoritarian, with a strong capacity for repression.

Such states rely on external or point sources of revenue (e.g. aid or extractives). Democracy remains nominal at the level of regular elections, sometimes only a little less than free and fair, but there is little in the form of a deeper democratic culture. In the pockets of FCVAS, alternative sources of authority often coexist or dominate in the form of armed/non-armed groups based on ethnicity/religious or private interests that often overlap. Informal actors, institutions, and processes prevail, and power flows through non-formal, invisible channels that circumscribe action. Ethnic, religious, and other intersecting identities trump over secular, citizenship-based ones.

And social norms and perceptions of particular actors shape attitudes and behaviour in terms of action for accountability. Simultaneously, the internalisation of fear and trauma borne out of long periods of conflict and violence lead people to self-censor – and inaction manifests as a rational strategy for the poor and most marginalised: what Pettit (2016) calls ‘civic habitus’. In such areas, ‘ruling’ or ‘governance’, that is, the process through which social coordination occurs in order to produce and implement collectively binding rules or public goods, depends upon the legitimacy of state (or non-state) actors, as it enables rule without constantly resorting to force.

For nascent democracies such as Myanmar or South Sudan, with limited capacities and untested political settlements, such legitimacy has been posited as critical for stability and preventing deterioration into further conflict; for example, see the recent report of the Commission on State Fragility, Growth and Development (2018). Yet, as many authors have noted, there are diverse sources of legitimacy, beyond the traditional sources of input, process, output, and legal legitimacy – including social trust, traditional or religious, ethnic identity-based, or even charismatic leadership-based legitimacy. In areas of limited statehood, Risse and Stollenwerk (2018) suggest that ‘empirical legitimacy’ – the social acceptance by the population of the state’s right to rule – is critical for understanding governance effectiveness, as the presence of such empirical legitimacy leads to voluntary compliance. In ‘brown areas’ or areas of ‘limited statehood’, the big question then is how to understand the conditions and processes through which low-trust, low-legitimacy environments can be moved to be more accountable and evolve into higher trust, more empirically legitimate, accountability-oriented environments.

Second, given the challenges of the contextual conditions described above, social and political action for accountability cannot be expected to occur in predictable forms. The limited space for civil society means that action is likely to take grass-roots, customary, spontaneous, and cultural forms. Disruption, non-traditional forms of protest and, at least on the face of it, seeming lack of organisation are features that we are likely to observe. The locations of such collective action are also likely to be non-traditional – virtually rather than in face-to-face organisations, anonymously rather than through known opposition groups, or through old repertoires appropriated by unexpected actors.

Such action is more likely to be nebulous and fluid, or even ‘eruptive’, and connections between action in different spaces less obvious. Violence itself might be a form of social and political action, viewed as a last resort for people who are desperate. The targets of action are also diverse – from state institutions to non-state actors, including religious bodies, armed groups, or private sector actors – and might involve seeking to mobilise some of them to influence others.

Finally, the big challenge is defining what is empirically meant by accountability, or even a reasonable expectation of what accountability might look like in such settings – how will we know it when we see it? Accountability might not even have the same meaning given the differences in culture, experience, and expectations. Expecting that public officials will routinely provide justifications for their actions to the populace and accept any judgements and sanctions/rewards rendered (the traditional definition of accountability) in these settings is improbable. So realistically, we are unlikely to observe the clear and big accountability gains that social and political action has led to in stable settings, such as the right to information in India or the institutionalisation of participatory governance councils in Brazil.

In fact, we are unlikely to even get the kinds of smaller gains made by localised social accountability initiatives that have been tried in many countries. Rather, we are more likely to encounter the need for fostering enabling environments – that is, some public transparency, space for civic action, and so forth – that are precursors to empowerment and accountability. And progress on overcoming fear and trauma; incremental trust building; developing citizens’ awareness and expectations of state institutions; catalysing instances of responsiveness; and bolstering social actors’ cohesion, so that if and when the broader context opens up, they will be better positioned to emerge and grow both vertically and horizontally; these are the kinds of outcomes that we can expect and commend.

3 Cases of transitory progress?

The cases presented here represent transitory progress on accountability and unpack the interacting roles different sets of social and political actors have played in their relative success. We briefly review the cases, before drawing out some thematic lessons in Section 4.

One set of cases focuses directly on social actors to understand the conditions that enable them to achieve their objectives. Flores (this *IDS Bulletin*) traces the case of recent anti-corruption protests in Guatemala by examining the strategies employed by the activists. In March 2015, Guatemalan youth, tired of the corruption exposed through a report of the CICIG (the International Commission Against Impunity in Guatemala – a UN-backed autonomous body created to look into breaches of integrity in government) called for a peaceful non-partisan protest in the capital under the banner, ‘*Renuncia Ya*’, demanding the immediate resignation of the president. The response to the call was overwhelming and protests continued every Saturday in cities across Guatemala until the president was forced to resign. Given the long-standing problem of corruption embedded in public services in Guatemala, this was, ten years later, a significant, albeit limited, victory for the anti-corruption movement. Yet because of elite backlash, CICIG is now being closed down.

Joshi and Chowdhury (this *IDS Bulletin*) trace how relatively successful national rights campaigns can reach back to the grass roots and mobilise in conflict-affected locations. Examining the evolution of the Right to Food (RTF) campaign in the Naxalite-affected states in India, they show how social movements fighting for the government to respect socioeconomic rights can emerge and thrive in areas where they might compete with armed groups (termed left-wing extremists (LWEs) by the state), for credibility and support of local populations. Their ability to do so depends, they argue, on the overlap in geographic areas and issues between the RTF campaign and armed groups. In the case of rights campaigns in India, LWEs did not obstruct the work of the RTF campaign, as LWEs were not able to deliver on the basic needs of the people, due to their limited resources. In fact, the tension between the RTF campaign’s goal of making the state ‘work’ for the people, and the

LWEs' struggles that rejected the legitimacy of the state, enabled the RTF campaign to establish roots in these locations.

Similarly, Khan (this *IDS Bulletin*) follows the Lawyers' Movement in Pakistan and its efforts towards re-establishing judicial independence and empowering the judiciary, from the brief period between the dismissal of the Chief Justice in 2007 and the resignation of President Musharraf in 2009. Identifying five distinct phases of the movement, she shows how the alliances forged between lawyers and the judiciary, with the support of opposition political parties led to re-establishing judicial autonomy. And yet, as she shows, the conditions and strategies that led to success also ironically later led to the judiciary gaining too much power, enabling it to resist calls for its own accountability. Further, the alliances forged between sections of the bar, the bench, and opposition parties in the earlier period of seeking judicial independence, were reconfigured in the latter civilian period, and new lines of cleavage opened within the bar and the bench along party political lines.

The remaining articles take a broader look at cases of accountability where there have been transitions to new institutional settings – the transition to democracy in Myanmar (Brenner and Schulman, this *IDS Bulletin*) and the progress towards peace in Colombia (Justino, this *IDS Bulletin*). In both, the role of social actors and their contributions to the shifts are not direct or given; they have to be 'read' through unearthing their contribution over time, from the period of conflict to the post-conflict situation. Both articles argue that how social and political actors make demands in the period immediately following conflict is shaped by their experiences during the conflict.

Brenner and Schulman (this *IDS Bulletin*) argue that the long historical roots of the political transition in Myanmar shape the possibilities and contours of social and political action in the present. The role of the British during colonial rule was to exacerbate fragmentation and social cleavages through preferential treatment of ethnic minorities in the army, enlisted to control the Bamar population. They show how the political transition was orchestrated by the Burmese military skilfully consolidating its political and economic power. The role of social and political action in such a context has been limited, fragmented, sporadic, and has been consistently opposed by the regime. These tensions continue to linger, and greater fragmentation post-transition has led not only to a proliferation of civil actors, but also to a thriving 'uncivil' society which actively fosters social divides and cements narrow notions of identity.

Drawing upon the case of Colombia, Justino (this *IDS Bulletin*) describes how both guerrilla and paramilitary groups took control over territory at different points of time during the conflict over the past several decades. She develops a conceptual typology of social and political action by population, based on whether armed groups are predatory or seek to dominate by establishing rules. She further breaks down social

and political action in each of these contexts based on the institutional and economic capacity of social actors, as well as whether their interests are aligned with those of the armed group or not. Using this typology and evidence of population response to rule in Colombia, she argues that those social groups that were able to resist armed groups during the conflict have been better able to push open space for their participation in the peace process. Yet those same activists committed to building peace in presumably former conflict zones are now at risk from a resurgence of diverse armed actors.

Together these cases offer insights into a range of issues that are central to the empowerment and accountability agenda in contexts of fragility, conflict, and violence. We turn to these in the next four sections.

4 Disentangling empowerment and accountability

Those working on empowerment and accountability tend to assume that they are automatically mutually supportive of one another or that they exist in a virtuous cycle. Our cases show that, particularly in FCVAS, these more often than not follow distinct paths. We trace some of the issues that are raised by the cases next.

A critical point is who is being empowered (and who might be getting disempowered). In FCVAS, as elsewhere, social actors are not homogenous and processes of social and political action that empower one group, often do so at the cost of others. Brenner and Schulman (this *IDS Bulletin*) suggest that in Myanmar, donors who were funding civil society groups active in border regions during the pre-transition period, started channelling funds in the post-transition period to support government programmes, leading to a crisis for organisations who were dependent upon aid for their activities. As they show, this has led to a debate between donors advocating for continued cross-border aid (support to civil society organisations (CSOs) in the borderlands) to avoid disruption of services, and donors propagating aid through Yangon and government channels.

Simultaneously, the experience of resisting during the conflict can empower communities to be more active during the post-conflict period. In Colombia, Justino (this *IDS Bulletin*) drawing on Moser (2005) and others notes how women who have actively participated in the peace process report raised levels of self-esteem, which leads to a virtuous cycle of greater participation. By contrast, the experiences of extreme violence and repression during the conflict in Guatemala led to an atmosphere of fear and disempowerment in the post-conflict period, and it took a new generation of youth to take to the streets to break the cycle of inaction and demand accountability from the government.

Moreover, the empowered actors in our cases are not always in favour of accountability. As Khan (this *IDS Bulletin*) shows in the case of the Lawyers' Movement in Pakistan, the movement was keen to empower the judiciary and ensure its independence as a key institution for

political accountability, and yet the judiciary, once empowered resisted calls for its own accountability. As she summarises pithily, the conditions that make lawyers pro-empowerment actors may not make them pro-accountability agents.

And accountability itself in these cases is difficult to assess. There are the rare instances of responses on the part of the government, but though the claims and responses are linked, they represent instances of accountability rather than ongoing accountability relationships between citizens and the state. In these instances, authorities routinely provide information and justification for their actions, opening themselves up to the judgement of the public through a process of deliberation. In Guatemala and Pakistan, the positive response was followed by a reversal in terms of powerful actors preventing pro-accountability coalitions from gaining ground.

5 Unexpected coalitions and cleavages

The cases of transitional success in establishing precursors for accountability and empowerment highlighted here also show the possibilities for unexpected coalitions for change, as well as the development of new cleavages. In several cases, if analysed through a historical institutionalist lens, there were critical junctures – defined as a ‘relatively short period of time during which there is a substantially heightened probability that agents’ choices will affect the outcome of interest’, that opened up the space for pro-accountability forces to collaborate through new configurations that challenged the existing status quo (Capoccia and Kelemen 2007: 348).

In Guatemala, a reformist public prosecutor backed by the CICIG was able to provide credible information on large-scale political corruption that contributed to the rise of the youth protests. This resulted in what Jonathan Fox has called a ‘sandwich strategy’, which forced a corrupt government out of office by applying pressure through the reformist public prosecutor and the CICIG from above, and through protests in the street from below (Fox 2015). And yet, this did not lead to consolidation of the anti-corruption coalition. After the resignation of the president, the youth movement splintered into two groups: those who supported a neoliberal agenda and those who aligned with the traditional left, indigenous, and peasant movements. Neither did the alliance between the public prosecutor and CICIG last long – the next president ‘directed much of his government’s energies over the past two years to trying to strip CICIG of its authority’ (Malkin 2019).

Similarly, the Lawyers’ Movement in Pakistan started from an unexpected alliance between lawyers and judges reacting to the growing public anti-regime sentiment and an attack on the judiciary by a person in uniform, borne out of institutional motivations of preserving the institutional autonomy of both the bar and the bench against an extraconstitutional regime (Khan, this *IDS Bulletin*). And yet once the battle was won and autonomy was institutionalised, alliances

re-fractured in new ways, creating a situation where only some parts of the bar and bench were fighting for accountability. In India, a strategy of constructive engagement with the state on basic food security and simultaneous advocacy supported by the national campaign, enabled the Right to Food campaign to distinguish itself from LWE groups at the state level, by not taking up the issues of displacement and land rights which were core to the LWEs' agenda. Yet, since the passing of the Right to Food Act in 2014, there has been greater acknowledgement of the need to work on issues of displacement and land rights by the national RTF campaign; at the same time there are new cleavages emerging among LWEs, thus blurring the stark LWE/RTF positions from the earlier period.

6 History shapes possibilities

It is an oft-repeated refrain that history affects the present; yet we need to unpack precisely how it does so. Most obviously, in FCVAS, it is history that produced the conflict, fragility, and fragmentation that actors have to deal with in the present period. What are the factors that linger and cast constraints on actors? Scholarship in the historic institutionalist tradition has stressed the staying power of institutions, through the notion of path dependence – decisions taken at 'critical junctures' then reconfigure institutions and set in motion a new set of constraints within which change once again only happens incrementally.

But in FCVAS settings (and perhaps in others) when viewed from an accountability and empowerment lens, a double whammy effect might result. In what we might call 'institutional overhang', structures developed for repression and control become a drag on the new democratic processes. Constraints such as fear and reticence that made sense and were strategies adapted for a previous political period of conflict, become millstones for accountability action in the post-conflict setting. Further, often the momentary opening of space and responses to claims – what we might see as accountability gains – turn out to foster a new set of constraints that make future accountability struggles even more challenging.

As we see in the cases of Colombia, Guatemala, and Myanmar, identities and fear forged and reinforced during the trauma continue to shape behaviours of the present. In Guatemala, it took a new generation of urban youth to mobilise on social media and challenge state structures; far away geographically and temporally from the violence experienced in rural areas by the older generation. Brenner and Schulman (this *IDS Bulletin*) take the long view of the history of Myanmar to highlight how British colonial rule set ethnic minorities at the border against the heartland Bamar groups. This not only created conditions for the conflict post-independence, but also cast a shadow over the political transition, limiting possibilities for cooperation as advantages and disadvantages have become institutionally embedded for different groups. In India, the long history of the LWE groups and their position *vis-à-vis* working with the state created an opportunity

for RTF activists to work on food security despite working in the same terrain, and yet the same history limits the possibilities of what the RTF activists can do in the area in terms of direct confrontation or challenges to the state which would be seen akin to 'terrorist' activity similar to that of the extremist groups.

7 Framing the narratives

While ideas and narratives about values and imagination have been seen as an important tool for mobilising action, particularly in the social movement literature (Benford and Snow 2000; Snow and Benford 1988; Gamson 1992), they have received less attention in the donor and project-focused accountability work which has tended to be initially more technical, and only recently more political. Unpacking cases of success as being underpinned by the mobilising power of narratives, of framing claims as stories of moral rights and wrongs, bestowing legitimacy on the claimants through socially accepted moral norms – what might be called the contemporary moral economy – is relatively recent (Hossain and Scott-Villiers 2017; Hossain and Kalita 2014; Thompson 1971). And yet, as these cases show, lurking behind the processes driven by institutions and interests are stories of where particular frames appear to be galvanised by social actors to advance their cause. A few illustrations follow.

In Pakistan, what was initially considered by the populace as a single narrow issue, was given different guises at different moments to different audiences. As Khan (this *IDS Bulletin*) writes, the bar leaders played a pivotal role in constructing these multiple yet cohesive narratives to respond to a rapidly evolving political situation. These efforts were supported by a significant moment in the mobilisation when the hearings on the case were allowed on camera, as they further served to mobilise public opinion, which until then had largely regarded these hearings as an issue limited to the courts. Similarly, as we will see, the Indian RTF campaign in the Naxal-affected states used the 'right to food' framing to gather together a range of development issues that different groups were already working on (from subsistence agriculture to children's rights) under a collective umbrella.

This broad church strategy not only gained it a diverse membership, but the rights framing also directed efforts at the accountability of the state (the duty bearer), allowing the campaign to underscore that it was interested in working with the state to make the state work for the poor, rather than posing a threat to its very existence. In Guatemala, the students mobilised under the banner of 'anti-corruption', which they portrayed as apolitical, a matter of good governance; thus constructing a popular common cause that appealed across class, ethnic, and political affiliations. However, as Flores (this *IDS Bulletin*) outlines, the movement later quickly broke up into different ideological streams, diluting the movement as well as its broader appeal.

8 Conclusions

This *IDS Bulletin* set out to look at recent history for lessons on how progress on empowerment and accountability might be made in contexts of fragility, conflict, and violence. The five cases presented here offer rough contours of the issues and their conceptual underpinnings that might be relevant for understanding and conceptualising empowerment and accountability processes in such settings. Taken collectively, the set of cases show that progress is possible in the conflict/post-conflict context despite the unfavourable terrain, but the paths that social action takes is heavily constrained by local understandings of empowerment and accountability, the configuration of pro-accountability stakeholders, the history of the conflict and its effects on various groups, and how narratives are mobilised to serve political change. Moreover, any progress, we note, is transitory: it can and has been reversed. Whether or not social action is durable and has accountability effects, can only be judged over the long term.

As pockets of fragility, conflict, and violence emerge in what have so far been relatively stable places, initial insights from these cases will be increasingly relevant for tackling these issues globally. Foremost, it seems clear that processes of accountability and empowerment each move at a different pace, following their own trajectories and are only loosely linked. And yet, in each of the cases, there are moments of opportunity when things shift and new political configurations enable new coalitions and action to become possible, which may or may not lead to accountability and empowerment gains.

One of the key findings seems to be that processes of empowerment and accountability are more likely to unfold when some precursors are in place that would lay out the foundations of the pathways. A legacy of conflict and repression, it turns out, plays a big part in shaping how actors respond to the opportunities. And the cases show that the battle for accountability is not only fought through formal institutions and against deeply entrenched interests, but also in the battlefield of ideas, where simple strategies of framing or reframing can shift the advantage in favour of accountability in the eyes of the public at large.

Notes

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- 2 See World Bank: www.worldbank.org/en/topic/fragilityconflictviolence/overview.
- 3 State weakness in the sense of the capacity and willingness to organise the provision of public goods; often, they are strong in terms of repression and military power.
- 4 For details of the A4EA programme, see www.ids.ac.uk/programme-and-centre/action-for-empowerment-and-accountability-a4ea/.

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Myanmar's Top-Down Transition: Challenges for Civil Society*

David Brenner¹ and Sarah Schulman²

Abstract This article historicises the nature of political transition in Myanmar to better appreciate the challenges faced by civil society. After Myanmar's political reforms in 2011, Western donors rushed into the country in support of what they misunderstood as a remarkable instance of democratisation. In 2019, escalating civil war, ethnic cleansing, and contracting civil liberties urge a rethink. This article argues that viewing transition in Myanmar through the lens of democratisation has always been misleading and problematic. Partial liberalisation was orchestrated by the military to safeguard its own power. Reforms have not only benefited civil society but also enabled the growth of *uncivil* society, fuelling sectarian violence and bolstering military rule. Operating on the assumption of democratisation, Western donors shifted funds from grass-roots networks to militarised state bureaucracies that seek to co-opt peace-building and development projects for the purposes of ethnocratic state-building and counterinsurgency. Rethinking the nature of transition is pivotal for preventing inadvertently aiding authoritarianism and conflict.

Keywords: civil society, democratisation, civil–military relations, ethnic conflict, aid, Myanmar, transition, development, civil war, peace-building.

1 Introduction

The political landscape of Myanmar has changed significantly since former dictator Than Shwe paved the way for a series of wide-ranging reforms in 2011. A nominally civilian government was sworn in and political prisoners were freed. Most visibly, long-term opposition leader Aung San Suu Kyi has ascended to power after her long-banned opposition party – the National League of Democracy (NLD) – won the historic elections of 2015 by a wide margin. The country's vibrant civil society also benefited from the lifting of restrictive laws on media and public mobilisation. Despite these remarkable transformations, Myanmar's transition has seemingly slowed down and the space for progressive social and political action has contracted once again. Particularly worrying is the situation in the country's borderlands,

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where long-running sectarian conflicts have escalated since 2011. In order to understand the challenges that persisting authoritarianism, state violence, and civil war pose to civil society in Myanmar, this article situates contemporary social and political action within a historical analysis of political transition. It asks about: (a) the nature of political transition in Myanmar, (b) the challenges that the trajectory of political transition poses for civil society actors, and (c) the implications for international development and peace-building initiatives.

This article argues that Myanmar's political transition should not be understood as a process of democratisation that is driven by pro-democratic forces and which might eventually lead to liberal democracy. Viewing the country's transition through the lens of democratisation is not only misleading but deeply problematic. Political reforms were planned and executed by the country's military: the Tatmadaw. The emergent hybrid civil-military order safeguards authoritarian rule and military dominance. This top-down nature of political transition poses significant challenges for civil society. In combination with fragility and conflict, liberalising the public sphere has not only benefited progressive social and political action but has also enabled the growth of *uncivil* society,³ whose pursuit of exclusionary identity politics fuels sectarian violence.

Persisting conflict and instability in turn has benefited the army by playing to its self-portrayal as the guardian of the nation. Rethinking the history and trajectory of top-down transition is important for development and peace-building initiatives in Myanmar. The rush of Western aid donors to support transition without appreciating its intricate nature has in fact created additional challenges, including for civil society. The wholesale shift of funding from border-based civil society organisations (CSOs) to state-led projects has not only left established civil society networks struggling for survival. It has also played into the hands of a militarised state apparatus that seeks to co-opt development and peace-building initiatives for the purposes of counterinsurgency and ethnocentric state-building.

The article is structured in three parts. Section 2 will analyse the historic roots of fragility, conflict, and violence that lie at the heart of persistent authoritarianism in Myanmar by tracing how the country's protracted ethnic conflict emerged from militarised and violent processes of identity formation during the colonial and postcolonial era. Section 3 will explain why and how Myanmar's generals initiated wide-ranging liberalisation in 2011 and what this has meant for an increasingly fragmented landscape of civil society actors. Section 4 will analyse the challenges of top-down transition for civil society in the country's centre and borderlands, including donor engagement with Myanmar.

2 The roots of conflict, fragility, and authoritarianism

Analysing the root causes of conflict and fragility in Myanmar is important to understand the emergence and persistence of

authoritarianism and armed political orders, including the role of the military and the country's rebel groups, also known as ethnic armed organisations (EAOs). Contrary to an oft-heard narrative, Myanmar was not a relatively prosperous and stable nation at the time of independence from British colonial rule in 1948. In fact, the country laid in ruins after the Second World War and experienced significant tensions between its different ethnic groups. At the eve of independence, Myanmar indeed descended into what was to become one of the world's longest-running civil wars between ethnic minorities seeking greater autonomy or outright secession from Myanmar's ethnocratic central state. Contemporary fragility, conflict, and violence are rooted in this incomplete and crisis-ridden process of state formation.

Key to understanding persisting conflict and authoritarianism in Myanmar is the divide between the country's centre and its borderlands, which dates back to precolonial times. Despite complex interdependencies, both regions have developed distinct political orders throughout the country's history. Since the Bamar people established the Bagan Kingdom in 1044, various dynasties have ruled in the valleys of the Irrawaddy River basin, the heartland of what is nowadays known as Myanmar (or Burma). Similar to Southeast Asian kingdoms, the Myanmar polity has never fully extended its territorial reach into the far-flung and inaccessible mountains and forests on its fringes. Its frontiers have instead been home to a dazzling array of ethnic groups, including communities that today identify as Kachin, Shan, Chin, and Karen. Located far from the gravity of power, these communities have long governed themselves with overlapping and fluid systems of local authority (Scott 2009).

British colonial rule cemented the difference between Myanmar's population groups by ruling the Bamar-dominated centre of British Burma as 'Burma Proper' and the ethnic minority-dominated border areas as 'Frontier Burma' (Smith 1999: 40). Differential treatment of differently classified population groups contributed to the emergence of multiple ethno-nationalisms in Myanmar's borderlands that soon stood in direct competition with growing Bamar nationalism in the country's centre (Taylor 1982: 8). Preferential recruitment of ethnic minorities into the colonial armed service was the most important factor driving this development. This pitched the country's population groups directly against each other as ethnic minority soldiers were deployed to suppress the growing dissent among Myanmar's ethnic Bamar majority and its increasing aspiration to independence. The Second World War deepened this divide. While Bamar nationalists allied with Japanese forces invading British Burma in an attempt to rid themselves of colonial rule, many minorities allied with the British and their allies against the Japanese (Brenner 2019: 32–7). Majoritarian nationalism in 'Burma Proper' did, thus, not only develop in opposition to British colonial rule but also in opposition to the country's ethnic minorities (Walton 2013: 8).

This notwithstanding, independence leader General Aung San went to great lengths in his attempts to negotiate a federal settlement that included provisions for autonomy and power sharing with delegates from the Kachin, Chin, and Shan communities: the so-called 'Panglong Agreement' of 1947 (Walton 2008: 889–900). Tragically, Aung San was assassinated by ultranationalist Bamar paramilitaries shortly afterwards and Myanmar's constitution never incorporated any federal provisions (Smith 1999: 79). Civil war broke out shortly after independence in 1948 after Karen in the east and communist forces in the north started to rebel against the state. By the late 1950s, most of Myanmar was embroiled in war, which placed the military firmly in the driver's seat of postcolonial state-building (Callahan 2003). Seeing that the post-independence civilian government of President U Nu proved incapable of pacifying the country, the Tatmadaw developed a self-perception as guardians of the Myanmar state (Maung Aung Myoe 2009; Jones 2014; Egretau 2016). After General Ne Win assumed power in a coup in 1962, all other political parties but the newly founded Burma Socialist Programme Party (BSPP) were banned and decades of authoritarian rule commenced.

3 Transition from above

Myanmar's generals surrounding former dictator Than Shwe initiated wide-ranging political reforms in 2011 under the leadership of President Thein Sein. While this surprised international observers at the time, the initial phase of transition was well planned from above. In fact, the junta's mouthpiece newspaper, *The New Light of Myanmar*, announced a 'roadmap' to 'a discipline-flourishing democracy' as early as 2003, calling for restoring the National Convention, redrafting and holding a constitutional referendum in 2008, and thereafter holding national elections (*The New Light of Myanmar* 2003).

Scholars of Myanmar point to several drivers behind the transition. Many highlight that the country's generals felt secure enough, not least after adopting a new constitution in 2008, in their own positions of power to liberalise parts of the political system (Callahan 2012; Jones 2014; Egretau 2016; Taylor 2015; Ruzza, Gabusi and Pellegrino 2019). By 2011, the Tatmadaw (wrongly) thought that it had neutralised viable threats from ethnic rebels in the borderlands with co-optative mechanisms used since the early 1990s (Jones 2014). In addition, the military rulers defused any sizeable opposition in the country's centre after crushing the so-called 'Saffron Revolution' in 2007 (Pedersen 2014; Jones 2014). Moreover, it seems that Myanmar's military rulers were driven to initiate reforms by a desire to end the country's international isolation and to diversify its international relations, especially its dependence on China (Haacke 2010; Steinberg and Fan 2012).

Importantly then, scholarship suggests that the swift and wide-ranging reform process in 2011 was not the outcome of mounting internal pressure on the streets of Yangon or the trenches of rebel borderlands. Neither was it the result of international pressure, such as Western

sanctions. If at all, Myanmar's generals felt more secure after having successfully fended off interventionist calls in the wake of cyclone Nargis in 2008 (Bünthe 2014; Egretreau 2016: 9). The ruling military elite initiated the political transition in Myanmar and it did so from a position of strength. To understand why and how Myanmar's military leaders would loosen their grip on power voluntarily and what this top-down nature of transition means for social and political action, it is important to analyse the country's long path to transition, which started in the late 1980s. Just before the end of the Cold War, international and domestic forces started to reorder in ways that empowered Myanmar's central state over its restive periphery.

Internationally, China's and Thailand's interests changed. Instead of providing covert support to various non-state armies, Beijing and Bangkok became increasingly interested in profiting from Myanmar's promising economic potentials to develop their own land-locked and marginalised peripheries. Myanmar's vast but largely untapped natural riches – including minerals, natural gas, and hydropower – and its undeveloped export market, presented ideal opportunities for this (Jones 2014: 791; Smith 1999). Conscious that ethnic rebels could not be defeated in light of the thriving smuggling economy, Myanmar's military leaders concomitantly pushed for liberalising foreign trade. This enabled Myanmar's state to erode the revenue base of EAOs, which tipped the power balance between the centre and periphery into the direction of the central state (Jones 2014: 794).

Domestically, Myanmar's generals have managed to marginalise EAOs with bilateral ceasefire agreements since the late 1980s. EAO leaders entered these arrangements out of a variety of reasons, among which war weariness and humanitarian concerns featured prominently. They initially hoped that ceasefire agreements would lead to political dialogue and eventually a negotiated settlement of their demand for greater autonomy. This did not materialise under the previous military-led regimes – the State Law and Order Restoration Council (SLORC) established in 1988 after the student revolution and renamed the State Peace and Development Council (SPDC) in 1997. Yet, the ceasefires allowed rebels to retain their arms and govern pockets of territory in newly established special administrative regions. Moreover, leaders of ceasefire groups were rewarded with opportunities to partake in an unregulated 'ceasefire capitalism': the mutual exploitation of their area's natural resources together with foreign and domestic businessmen as well as Tatmadaw generals (Woods 2011; Brenner 2019: 40–6).

These ceasefire politics enabled the Tatmadaw to establish itself as the most powerful military, political, and economic actor in Myanmar's border areas. Militarily, the Tatmadaw has rapidly expanded its troop size and firepower in the country's rebel borderlands. Overall troop size increased from 200,000 troops in 1988 to 320,000 troops in 1995, most of which were stationed in the country's border areas and outfitted with US\$2bn worth of modern Chinese weaponry (Smith 1999: 426;

Jones 2014: 792). Bureaucratic reforms established the military's regional commands as the *de facto* government in border provinces, implementing the so-called 'Programme for the Progress of the Border Areas and National Races Development' (Smith 1999: 426–27). First introduced in 1989, this top-down development programme was later renamed as the Ministry of Border Affairs and is locally known as Na Ta La. Its stated objective is to develop ethnic minority regions, mainly through the expansion of physical infrastructure and the state bureaucracy itself (Lambrecht 2008). A major part of 'development' funding has been extorted from local communities as so-called 'people's contributions' in forms of forced labour, cash, and material (*ibid.*: 158). Top-down economic development, state territorialisation, and counterinsurgency have since merged into a highly securitised development agenda under direct control of regional Tatmadaw commanders. The latter have used political and economic powers to establish their own fiefdoms (Lambrecht 2008; Meehan 2015).

Importantly, the ceasefire politics of the 1990s and early 2000s weakened EAOs and enabled the Tatmadaw to encroach into previously off-limit territory to an unprecedented extent (Brenner 2019: 40–46). Beginning in 2008, this emboldened the military to attempt to bring ceasefire movements under direct Tatmadaw control as Border Guard Force (BGF) militias. This plan largely failed and instead contributed to a new round of escalation with movements that previously signed ceasefires, including the Kachin Independence Organisation (KIO). Yet, it signified that the power balance between rebel borderlands and the state centre had effectively changed in favour of the latter. The marginalisation of opposition has created a sense of security among Myanmar's military rulers that was crucial for their decision to initiate reforms in 2011 (Jones 2014). Despite its withdrawal from day-to-day politics in central Myanmar, the military has remained the country's most powerful institution.

Per the 2008 constitution, civilian authorities have no oversight or influence over the military. Its statutes cement the role of the military as the guardian of the nation and enable the Tatmadaw to 'participate in the national political leadership of the State' (Constitution of the Republic of the Union of Myanmar 2008: 6f). The constitution also gives the Commander-in-Chief excessive authority to intervene in case of a state of emergency that could 'cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts therefore by wrongful forcible means such as insurgency or violence' (*ibid.*: 40c). Military institutions are granted excessive autonomy both with regard to budget, the appointment of military personnel, and of drafting their own defence and security policy through the powerful National Security and Defense Council (Maung Aung Myoe 2017: 262). Crucial ministerial portfolios of defence, home, and border affairs are delegated to the Tatmadaw and 25 per cent of the seats in both the Union parliament and the state and regional legislative assemblies are reserved for Tatmadaw delegates, thereby preventing constitutional

amendments to pass as such amendments require more than 75 per cent of the votes (Constitution of the Republic of the Union of Myanmar 2008: Art. 60biii, 109b).

The limited powers of Myanmar's civilian authorities have, indeed, been frequently exposed. Civilian authorities, including the NLD have, for instance, struggled to strike a balance between market liberalisation, the interests of the military-industrial complex, and the sanctioning of social and political action. This was illustrated in the case of the Letpadaung copper mine conflict. Since 2010, the project has been operating as a joint venture between the military-owned company Mining Enterprise 1, the military-controlled holding Union of Myanmar Economic Holdings Limited (UMEHL), and the Chinese firm Wanbao Mining. Since the inception, mining operations were accompanied by human rights abuses, including land-grabbing and forced evictions, as well as severe environmental pollution (Amnesty International 2017). Although criticism was raised against Aung San Suu Kyi for not taking a stronger stand against human rights abuses, others pointed out that her hands were tied in light of Tatmadaw interests in continuing the mining operations (Schearf 2013).

Despite the continued military dominance in the political and economic sphere, there is scope for change. This was best illustrated by the NLD's surprising move to bring Myanmar's main public administration body – the General Administration Department (GAD) – under civilian control in January 2019. The GAD has traditionally operated under the military-controlled Ministry of Home Affairs (MoHA). Described as the 'bureaucratic backbone of the country', it directly controls all state bureaucracy on the local level, including in the districts, townships, and village tracts. Its 36,000 staff members, many of which are transferred military personnel, are responsible for issuing licences, handling land management and disputes, and collecting taxes (Kyi Pyar Chit Saw and Arnold 2014: iii). Since April 2011, the GAD has also been tasked to handle the increased engagement from international aid donors.

Development aid and humanitarian relief has since been funnelled through the GAD (Kawasaki *et al.* 2017). Placing the GAD under the civilian Ministry of the Office of the Union Government seems like an important step to break the military domination of bureaucracy. While its new supervising ministry is nominally civilian, the Ministry of the Office of the Union Government is headed by a former air force colonel (*The Irrawaddy* 2018). At the time of writing, it remains to be seen how far the GAD will transform into a genuinely civilian agency. This persisting entanglement of Myanmar's military in the everyday politics of the country poses significant challenges for civil society.

4 Challenges for civil society

Myanmar has a long history of social and political action, both in the centre and the periphery. Up until the military coup in 1962, a vibrant civil society existed, especially in urban areas. Anti-regime

strikes and protests regularly emanated from Yangon University, whose students first protested against British colonial rule in 1920. Despite the suppression of civil society under Ne Win's authoritarian rule, disastrous and erratic economic policies led to further protests throughout the 1960s, 1970s, and 1980s. The most important of these was the 'People Power Uprising' in 1988 when hundreds of thousands of people joined students in Yangon to protest against the unbearable economic conditions and authoritarian military rule.

Initially, the 1988 uprising appeared successful. When the protests began, the Tatmadaw remained in the barracks, while the police cracked down on protesters. By mid-July, dictator Ne Win announced that he would resign from his position as Chairman of the BSPP, a referendum on a multiparty system would be held, and economic reforms would be implemented. However, a month later, the Tatmadaw violently crushed the protests in what has been described as a 'self-coup', establishing a new military regime: the State Law and Order Restoration Council (SLORC) (Farrelly 2013: 2). Thousands of civilians were killed or imprisoned. Martial law was declared, public participation banned, and political opposition suppressed. In 1990, the Tatmadaw surprisingly called for elections, convinced that the result would benefit SLORC, seeing as the opposition movement had been severely repressed. When Aung San Suu Kyi, the daughter of General Aung San and the appointed leader of the democratic movement of 1988, registered her new party, the National League of Democracy (NLD), and won a landslide victory, SLORC refused to acknowledge the result and placed her under house arrest (Maung Aung Myoe 2009: 4).

In the wake of the 1988 uprising and the 1990 election, many members of the NLD, as well as NLD-affiliated political activists and civil society actors, fled to the Thai side of the Myanmar–Thai border. They did so at a time of a deepening humanitarian crisis in eastern Myanmar, where the Tatmadaw concentrated its firepower on its arch enemy, the Karen National Union (KNU), after it had concluded ceasefire agreements with most ethnic armed groups in the country's north. This was particularly so as Myanmar's army has indiscriminately targeted civilians since the 1960s when it came to adopt the so-called 'Four Cuts' counterinsurgency doctrine that aims to 'cut' rebels from their four basic support needs from local communities: recruits, finance, intelligence, and food (Human Rights Watch 2005). In regions such as Karen State, where EAOs have embedded themselves in local communities, this meant that the army was displacing local communities on a large scale.

Violence in eastern Myanmar escalated even more after internal fragmentation within the Karen rebellion pitched several Karen armed groups against each other. Most importantly, the increasing dissatisfaction of Buddhist members of the Christian-dominated KNU led to a major split of the movement in 1994, which contributed to the fall of the Karen headquarters at Mannerplaw. This sparked an exodus of Karen people fleeing to Thailand, where they joined tens

of thousands of other civilians that have fled the war since the 1980s. In 1995, the Thai government merged various dispersed refugee settlements into nine major refugee camps. These have since become increasingly dependent on foreign aid from the United Nations High Commissioner for Refugees (UNHCR) as well as a dazzling array of international non-governmental organisations (NGOs), many of which established their offices in Mae Sot or Chiang Mai.

The influx of Bamar political activists, ethnic minority organisations, and international human rights, relief, and development organisations, quickly established the Thai border as the main hub of CSOs from Myanmar, both from the Bamar-dominated centre and ethnic border areas of the country. With the help of international donor money, diverse projects came into being, from health clinics to anti-trafficking and poverty relief, as well as funding of both ethnic minority organisations and NLD-affiliated networks. Ethnic CSOs, such as the Mae Tao Clinic, have since focused on health and education to refugees as well as communities trapped inside eastern Myanmar's conflict zones. NLD-affiliated democratic activists established independent media outlets such as *The Irrawaddy* and have campaigned extensively for the release of political prisoners.

The Thai–Myanmar border also became the cradle for Myanmar's women's movement through the establishment of the Burmese Women's Union (BWU) in 1995, followed by the umbrella organisation the Women's League of Burma (WLB) in 1999. The shared experience as refugees created an opportunity for the women's movement to overcome state-imposed ethnic divisions between centre and borderland communities (O'Kane 2018). The proximity to international human rights agencies on the Thai border provided funding and support for Burmese women's organisations to conduct research on gender-based violence committed by the Tatmadaw (Hedström 2016). When the Shan Women's Action Network (SWAN) together with the Shan Human Rights Foundation (SHRF) in 2002 published the report *License to Rape* about the military's systematic use of rape in the Shan State, the military regime appointed a committee to look into allegations of gender-based violence (SWAN 2002). This incident elevated the issue of sexual violence onto the overall political agenda for the exiled opposition movement and carved out a platform where women as political agents could be heard with the support of international advocacy. Women's rights groups have since flourished and pushed for stronger protection of women's rights and more political participation of women in a country where women accounted for about only 10 per cent of political representatives between 2011 and 2016 (Shwe Shwe Sein Latt *et al.* 2017).

Despite the successes in civil society mobilisation on the Thai border, this exile civil society emerged as highly dependent on continuous donor funding and interest. Since most international donors started to engage more actively with the Myanmar government in the wake of

President Thein Sein's reform agenda, they have gradually withdrawn funding from social and political action, including humanitarian organisations, on the Thai border. Unsurprisingly, many border-based CSOs have since struggled, relocated to Myanmar, or ceased to exist (Décobert 2016). With the relocation of aid funding and political liberalisation, civil society in central Myanmar has flourished to unprecedented extents. Yet, space for social and political action has contracted severely since Aung San Suu Kyi took over power. Under her NLD government, persecutions of journalists and peaceful protesters have become commonplace again and inhumane treatment of political prisoners, including severe torture, remains to be a sad part of reality in Myanmar (Human Rights Watch 2019).

The top-down nature of transition in a context of protracted conflict and authoritarianism poses severe challenges for civil society in Myanmar. The following section will focus on: (a) the growth of *uncivil* society that pursues exclusionary and violent agendas, and (b) the risk that peace-building and development initiatives are co-opted by securitised state-building and counterinsurgency.

4.1 Centre: civil and *uncivil* society

While political and social action matured on the Thai border during the 1990s and 2000s, the situation for civil society groups in central Myanmar was dire after the 1988 uprising. Throughout the 1990s, SLORC expanded its intelligence apparatus, resulting in pervasive surveillance and mass imprisonment of pro-democracy activists. This resulted in increasing fragmentation of the NLD umbrella between NLD affiliates. In the mid-2000s, a new wave of civil disobedience campaigns challenged the military regime, organised by student leaders of the 1988 uprising that had been released after decade-long political prison sentences. The 88 Generation Students Group was founded in 2005/06 and has since become a civil society group with high moral authority.

In August 2007, the 88 Generation organised peaceful marches against a steep rise in fuel prices. After authorities re-arrested many of the student movement leaders, Buddhist monks joined the protests, which became known as the 'Saffron Revolution', due to the saffron-coloured monks' robes. The violent suppression of protests triggered a group of monks to establish the then-underground organisation All Burma Monk's Alliance (ABMA). The ABMA called for the junta to restore fuel subsidies, release political prisoners, and engage in national reconciliation. After the junta remained unapologetic, the ABMA excommunicated SPDC leaders and called for continued protests (Selth 2008: 283).⁴

The political mobilisation of the pro-democracy monks in 2007 dealt a severe blow to the legitimacy of the military regime, but also helped to create an international narrative referred to by Freeman as the 'good monk myth', i.e. the notion that the Buddhist monkhood in Myanmar is predominantly a grass-roots, human rights movement (Freeman 2017). In contrast to this, the Tatmadaw has co-opted parts of the monkhood,

or the Sangha. In fact, after 2007, the military worked to politicise, control, and undermine the Sangha, appointing pro-military monks to official positions and offering financial contributions to ultranationalist factions, many of which have since been on the forefront of fostering hatred against Myanmar's Muslim communities.⁵

That said, prejudices and structural racism against Muslims are not new phenomena in Myanmar. The school system has, ever since Ne Win's regime, been propagating a nationalist Buddhist curriculum that discriminates against religious minorities. The identity cards used today in Myanmar stem from the colonial era, and clearly state religious affiliations, which results in daily discrimination for Muslims applying for jobs or in any dealings with authorities. The rapid liberalisation of the telecommunication market has, since 2011, allowed millions of Burmese to access mobile phones and social media, primarily through Facebook, but has also opened up new propaganda channels perfectly suited to incite sectarian violence and spread fake news. The outbreak of sectarian violence between Buddhist and Muslim communities in Rakhine State in 2012 catalysed the growth of an ultranationalist Buddhist movement that was very successful in spreading hate messages on Facebook (Lee 2016; International Crisis Group 2017).

The biggest group within the ultranationalist Buddhist movement is known as the Ma Ba Tha, loosely translated as the Committee for the Protection of Race and Religion, although the state Sangha has forced it to change its official name to the Buddha Dhamma Philanthropy Foundation. The movement illustrates how both civil and uncivil society can incorporate social and political action in the context of state fragility and conflict. Ma Ba Tha is a grass-roots movement, which meets social needs that the state has addressed inadequately. Since the legal system is endemically corrupt, Ma Ba Tha has, for instance, offered a parallel legal entity to solve civil cases. Where the educational system is severely neglected, the Ma Ba Tha has offered schooling and vocational training. During natural disasters, the movement has efficiently organised disaster relief support. Although not all Ma Ba Tha members adhere to an anti-Muslim ideology, many have committed hate speech, violent acts, and lawless actions, instigating violence against Muslims on multiple occasions. Members of the movement have also demanded apartheid policies, such as the banning of Muslims from entering shops and restaurants, with little condemnation offered by the leadership (International Crisis Group 2017).

Ma Ba Tha illustrates the intricate relationship between state authorities and strong *uncivil* forces. State authorities have sought to use movements like the Ma Ba Tha. The former military junta and the Union Solidarity and Development Party (USDP), for instance, strengthened these ultranationalist and racist elements amongst the monkhood by utilising the latter's extensive networks in order to mobilise supporters in the election campaign of 2015. In return for support, the then-President Thein Sein announced a plan to forcibly segregate

the Muslim Rohingya community residing in Rakhine State (Human Rights Watch 2014). Seeing the nationalist Buddhist movement as an ally against the NLD, Thein Sein also ratified a controversial marriage bill rendering marriage between Buddhist women and men of other religious faiths unlawful. *Uncivil society*, similar to civil society, can also keep formal authorities on the run. Prominent sources from within the NLD, for instance, acknowledged that the NLD's decision to remove all Muslim candidates from their ballots in the 2015 election was due to growing pressure from Buddhist nationalist groups (Hindstrom 2015). Similarly, Aung San Suu Kyi's silence in the face of atrocities against the Rohingya Muslims is often explained with strong anti-Muslim sentiments on the Myanmar 'street'.

4.2 Borderlands: peace-building as counterinsurgency

The complex of relief, advocacy, and ethnic minority organisations at the Thai border has also shaped social and political action inside conflict-affected border regions. These include CSOs such as the Karen Environmental and Social Action Network (KESAN), which works for safeguarding the natural livelihoods of conflict-affected communities, and the Karen Human Rights Group (KHRG), which documents human rights abuses in eastern Myanmar. Both organisations received training and assistance from international organisations. International assistance and a comparatively liberal political condition on the Thai border have also enabled organisations such as the Kachin Women's Association of Thailand (KWAT) to advocate for the rights of ethnic communities in other conflict-affected border regions of Myanmar.

Many ethnic CSOs have developed within a particularly complicated web of social relations, which impacts on their actions and outlook. In a similar vein that they cannot be understood in separation from international aid on the Thai border, they cannot be dislocated from armed conflict inside Myanmar's border regions, including the politics of EAOs. This is primarily because EAOs such as the KNU have long been embedded within local communities. In fact, Myanmar's EAOs cannot be understood in separation from the wider society. This is not least because many of them have established reciprocal exchange relations through wide-reaching governance and welfare provision among parts of their claimed population in ethnic border areas. These governance arrangements have embedded ethnonational movements into the social lifeworld of ethnic minority communities in Myanmar's conflict areas. This is particularly true in areas where rebels remain in control of territory and operate relatively sophisticated administrative structures, including education provision (Brenner 2017, 2018b).

This historically grown context has two main implications for social and political action in Myanmar's conflict-affected border regions. Firstly, some of the administrative and welfare departments of EAOs are part and parcel of social and political action in Myanmar's borderlands. They cooperate with CSOs in the provision of services and advocacy work, for instance, in the development of curriculum and teacher

training programmes in Karen State or relief action in the internally displaced persons (IDP) camps of Kachin State. Secondly, social and political action in Myanmar's borderlands is often bound up with ethnonational politics (Kiik 2016). This is, for instance, expressed by KWAT stating that besides empowering women in war-torn Kachin State, it also 'seeks to preserve and maintain Kachin culture and history' (Peace Insight 2012). However, CSOs in border regions should not be understood as the agents of EAOs. On the contrary, they act as a form of public sphere and can be highly critical of EAOs (Brenner 2018b). Many CSOs have, for instance, repeatedly criticised ethnic armed groups for their involvement in unsustainable resource exploitation, such as mining and logging (e.g. KHRG 2015).

The pressure that social and political action exerts on EAOs can, for instance, be witnessed by looking at the ceasefire in Karen State (Brenner 2018a). Since the KNU signed a ceasefire in January 2012, an end of fighting has opened the door to improving the insecure livelihood of marginalised and war-torn communities. Nevertheless, the Karen ceasefire delivered neither long-term development nor human security. In fact, it created new insecurities and grievances for local Karen communities similar to the Kachin ceasefire (Brenner 2019: 100–2). Local rights groups document that the everyday lives of civilians in ceasefire areas are still dominated by militarisation, forced displacement, and uncompensated land confiscation, most often at the hands of army and militia soldiers, who forcefully clear the land for mining operations, agri-businesses, infrastructure development, and military facilities (KHRG 2014, 2015). Local communities and civil society complain that they are neither being consulted by the government nor by the KNU's new leadership (Brenner 2017).

In addition to struggling against the government, foreign investors, and armed groups, local CSOs have developed an increasingly critical perspective of international donors, since the latter have shifted large parts of their support from Thai border-based grass-roots organisations to Myanmar state-led development and relief programmes. Most aid in conflict-affected areas has since been delivered in agreement with militarised state authorities. In its first re-engagement with Myanmar, the World Bank, for instance, granted US\$80m directly to the military-controlled Ministry of Border Affairs for so-called 'community driven development' (World Bank 2013). Unsurprisingly, international partners have been at risk of playing into the hands of military authorities to the detriment of local communities, an issue that has been flagged continuously by local CSOs (e.g. KCSN 2012; Karen Peace Support Network 2014).

One stark but telling example was a Finnish-funded project in Karenni State. It operated under the umbrella of the now suspended, Norwegian-led Myanmar Peace Support Initiative (MPSI), which sought to derive quick peace dividends in order to create a buy-in into the peace process among conflict-affected communities. The project

in Karenni State was meant to support returning IDPs after the rebel Karenni National Progressive Party (KNPP) signed a ceasefire with Thein Sein's administration in 2012. Karenni State has witnessed armed conflict since the late 1950s. A large-scale Tatmadaw offensive in the late 1990s led to mass displacement of civilians, many of which fled to the refugee camps on the Thai border or remained internally displaced. The MPSI project intended to resettle these displaced communities back to Karenni State in the wake of the ceasefire. Between September 2013 and June 2014, the MPSI project built ten so-called 'model villages' in the area of Shadaw Township to support 251 returning IDP households (The Myanmar Peace Support Initiative 2014: viii). According to the MPSI, this project was a success (*ibid.*: viii).

In contrast, the Karenni Civil Society Network (KCSN) – an umbrella group of Karenni CSOs – voiced strong concerns about the MPSI project (KCSN 2012). The CSOs argued that the Tatmadaw used the project for its counterinsurgency in ways that resemble the infamous 'strategic hamlet' programmes, in which the United States military tried to separate the Vietcong from its local support base by forcibly relocating local communities into highly securitised villages during the Vietnam War. According to the KCSN, Tatmadaw soldiers confiscated 3,000 acres of land from local villagers near the project site for the construction of training facilities. The military also maintained a heavy presence in the various model villages of Shadaw Township together with pro-government militias and military intelligence units. Along the road to Loikaw, posters propagandised the army with slogans such as 'March bravely, and attack bravely!' or 'Crush the enemy!' (KCSN 2012).

In an attempt to defend the project, the Finnish Ministry for Foreign Affairs stated that military installations in the village appeared unmanned when its diplomatic envoy visited the site. Moreover, it claimed that the CSOs confused the actual localities because its report cited different village names (Martov 2015). Its commentary illustrates the most dangerous shortcoming of international donor projects in Myanmar's conflict zones: limited knowledge of the lived experiences of local communities and the politics of conflict. It is of little surprise that the Tatmadaw welcomes Finnish diplomats differently than local villagers. The villages in the KCSN report are, moreover, the same as in the MPSI project. As common practice in Myanmar's border areas, the denominations differ as the KCSN report uses local Karenni language names when referring to the villages.

While not all international aid in Myanmar's borderlands feed counterinsurgency strategies, the MPSI case highlights significant pitfalls for international engagement in an authoritarian and securitised environment. Most crucially, channelling aid through government structures, in an environment where government and counterinsurgency are intrinsically linked and little knowledge exists on the side of the donors, is likely to exacerbate rather than alleviate problems for local communities and civil society.

5 Conclusion

Understanding Myanmar's political transition primarily through the lens of democratisation is misleading and problematic. The political reforms of 2011 were orchestrated by the country's military in ways that safeguard its own power interests. This explains the persistence of authoritarian rule and military dominance in contemporary Myanmar politics. The country's top-down transition poses severe challenges for civil society. On the one hand, transition has not progressed in a linear fashion towards liberal democracy as demonstrated by recent crackdowns on press freedom and other civil liberty rights. On the other hand, transition itself has created new challenges. While the rapid liberalisation of the public sphere has created space for civil society mobilisation, it has also provided a platform for *uncivil* society: ultranationalist forces promoting sectarian violence on the basis of exclusionary identity politics. While this has erupted most violently against the country's Muslim communities, including the culmination in military-led ethnic cleansing of the Rohingya in Rakhine State, inter-communal conflict between different ethnic groups is simmering across Myanmar. This in turn strengthens authoritarian rule by playing to the self-portrayal of the Tatmadaw as the guardian of the nation.

At the same time, the rapid influx of the international aid community attempting to support what it misconceived as democratisation has created additional challenges for civil society. In fact, Myanmar makes for a rather cautionary tale of an aid industry crash-landing in a country without profound knowledge of its intricate politics. The very assumption that Myanmar's transition is a process of democratisation has not only proven wrong but deeply problematic. It has contributed to a wholesale shift of donor funds from supporting long-standing grass-roots networks based on the Thai–Myanmar border to state bureaucracies. This has not only left existing CSOs struggling to survive. It has also accentuated the danger that international aid ends up being co-opted by militarised power for the purposes of ethnocentric state-building and counterinsurgency. This is particularly so in the securitised space of the country's conflict-ridden borderlands where state apparatus and military authorities remain inextricably linked up until today. Unsurprisingly then, international aid has not always contributed to, but also undermined, progressive social and political action in Myanmar.

To find more constructive ways of supporting civil society in this challenging environment, both in central and borderland Myanmar, international donors and development agencies should focus on: (a) rethinking the nature of Myanmar's transition, including the legacy of protracted authoritarianism and conflict, as well as the ill-founded assumption that it was driven by democratic forces from below and is leading to a Western-style liberal democracy; (b) being more reflexive about the impact of international aid on the fragile politics of transition, conflict, and peace. Understanding the concerns of local civil society, including the inconvenient truths about the nature of transition and the state, in places outside of urban centres is indispensable in this

regard; (c) supporting comprehensive reforms of Myanmar's security and public administration apparatus by identifying and exploiting the limited political openings that top-down transition leaves. For the short-term, the key focus can rest on exploring creative opportunities that allow for change within the confines of the 2008 constitution, as demonstrated by the NLD's recent move to place the GAD under a civilian ministry. Simultaneously, however, international donors need to support alliances between CSOs and democratic politicians that push for constitutional change itself.

Notes

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- 1 David Brenner, Lecturer in International Relations, Goldsmiths, University of London, UK.
 - 2 Sarah Schulman, PhD candidate, Lund University, Sweden.
 - 3 The concept of uncivil society emerges from the analysis of the public sphere in India by Muthiah Alagappa who highlighted the prominence of non-progressive forces that mobilise exclusive and primordial identity categories (Alagappa 2004).
 - 4 Interview with ABMA, Mae Sot, Thailand, 15 December 2010.
 - 5 Interview with ABMA, Mandalay, Myanmar, 6 June 2017.

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Youth-Led Anti-Corruption Movement in Post-Conflict Guatemala: ‘Weaving the Future’?

Walter Flores¹

Abstract This article examines youth-led anti-corruption protests in Guatemala in 2015, which contributed to the resignation of the president and vice-president. It outlines three key factors that were part of the initial success of the *#RenunciaYa* social media campaign, and the subsequent struggle towards political and structural reforms. First, it can be regarded as part of a much longer history of rights-led civic engagement and protest. Second, while social media proved indispensable for mobilising civic action, it was insufficient to reach beyond urban-based youth activists. Third, the removal of the president and vice-president was possible not only because of public pressure generated by anti-corruption youth activists, but also because of the longer-term work of two Attorney Generals and the International Commission Against Impunity in highlighting the fight against corruption within the national political agenda. Finally, the article argues that civic participation after conflict requires at least one generation to spring.

Keywords: anti-corruption, youth movements, post-conflict, Guatemala, social media, indigenous movements, social movements.

1 Introduction

This article examines the recent case of youth-led anti-corruption protests in Guatemala in 2015, which resulted in the resignation of the president and vice-president. Initially under the banner of the hashtag *#RenunciaYa*, this social media campaign first galvanised protests in Guatemala City before spreading to the country’s other major urban centres. It culminated in a national strike on 27 August 2015, and the then president and vice-president of Guatemala resigned in the face of public pressure and calls for their removal. In spite of evolving from a campaign that targeted individual politicians (*#RenunciaYa*) to one that began to grapple with the breadth and depth of corruption within state institutions (*#JusticiaYa*), momentum for systemic change proved difficult to sustain.

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This case study outlines three key factors that contributed both to the initial success of the campaign, and to the subsequent struggle to push for broader political and structural reforms.

First, it is necessary to understand the recent wave of youth-led anti corruption movements in Guatemala as part of a much longer history of rights-led civic engagement and protest. This recent wave of protests was borne out of an initial period of post-conflict political activism that was both distinct from, and nevertheless later connected to, the waves of indigenous and peasant activism that defined Guatemala's civil war period.

The youth leaders responsible for *#RenunciaYa* were born towards the very end of, or just after, the intensely violent civil conflict that embroiled Guatemala for over 30 years. These young leaders did not have direct experience with the types of violent repression, sanction, and reprisal that were common outcomes for civic protest in their parents' and grandparents' generation. As a result of this 'generation gap', as well as their initial failure to take into account long-standing indigenous and rural peasant movements, the youth-led anti-corruption movement was initially short-sighted in its quest for political change. Although indigenous and peasant movements participated in many of the protests initiated by the youth-led anti-corruption movement, their historical demands were not integrated into the *#RenunciaYa* agenda.

Second, while social media proved indispensable as a platform for communication to mobilise civic action, it was not sufficient to reach beyond urban-based youth activists. Ultimately, it was the interplay of social and traditional media that brought other groups – small business, indigenous rights organisations, and older generations – into the fold of the anti-corruption movement.

Third, the removal of the president and vice-president was possible not only because of public pressure generated by anti-corruption youth activists, but also because of the longer-term work of the Attorney General and the support of the International Commission Against Impunity. This set of actors helped to bring the fight against corruption front and centre in the national political agenda, communicating the results of their investigations through frequent press conferences and traditional media outlets.

This case study explores these factors in turn and argues that the post-conflict period extends to a long time after the war ends. For the Guatemalan case, the protests occurred almost 20 years after the end of the war, in which a new post-conflict generation was able to undertake peaceful anti-corruption protests. In such contexts, it is necessary to bridge both generation gaps and civic demand 'gaps' to generate the necessary coalitions for judicial, electoral, and political reforms on the scale that Guatemala now requires.

2 History of the conflict and aftermath in Guatemala

2.1 Period of conflict: 1960–96²

From 1960 to 1996, Guatemala experienced one of the most violent twentieth-century armed conflicts in the Americas. In a report published in 1999, Guatemala's Historical Clarification Commission (Comisión de Esclarecimiento Histórico, or CEH) estimated that some 200,000 people had been either executed or disappeared, while the numbers of orphaned children reached upwards of 150,000 (CEH 1999). The massacres and destruction of rural villages gave rise to massive waves of internal forced displacement and exile (Sanford 2004). During the period of most intense conflict (1981–83) some 1.5 million Guatemalans were displaced. In total, one quarter of all Guatemalans were directly impacted by political violence, whether in the form of state-sanctioned assassinations, kidnappings, forced displacement, or disappearance (CEH 1999).

While the conflict's original combatants were limited to members of the Guatemalan military and several leftist guerrilla groups, under the umbrella of Cold War politics, the conflict soon expanded to include labour unions, 'leftist' intellectuals, human rights defenders, and unarmed indigenous populations accused of supporting or sympathising with guerrilla groups (Grandin 2004). State repression targeted civil society leaders of all stripes that appeared insufficiently 'anti-communist', as well as civic spaces considered rife with leftist thinkers (e.g. the national university). By the early 1980s, as part of the state's counter-insurgency strategy, arbitrary executions of students and professors reached their peak and continued throughout the decade (Kobrak 1999). In the late 1980s, state-sanctioned killings shifted from targeting 'leaders' to targeting membership of grass-roots organisations as the government sought to destroy any perceived resistance from social and political organisations (CEH 2000).

Although the civil conflict impacted all age groups, much of the violence and repression was aimed at those Guatemalans between 16 and 45 years of age (CEH 1999). In this sense, by attacking the nation's youth, the heads of young families, and adults in their prime, the repressive regime struck at the heart of Guatemala's human capital and severely hampered any potential for alternative forms of leadership. The Guatemalan state inflicted violence and repression during this period both through legal channels and institutions, as well as through the use of paramilitary and clandestine groups. Over the course of three decades of conflict, these clandestine groups managed to embed themselves within, and co-opt structures of the state (*Insight Crime* 2017). Ultimately, this co-optation created the grounds on which widespread corruption could take root. As described below, removing and fighting these clandestine structures, understood as organisations or groups who keep their affiliations and activities secret to avoid legal persecution, became part of the peace agreement.

2.2 Peace Accords in the era of neoliberal policies

Following several years of intense negotiation between the guerrilla movements and government, the Peace Accords were signed at the end

of 1996. These accords recognised the historical exclusion of indigenous populations and included specific policies and targets related to public investment, accomplished via taxation reforms and other progressive policies (Cabanas 2008). Somewhat paradoxically, these progressive Peace Accords were secured at the same time that the Guatemalan state was aggressively implementing neoliberal policies, such as the signing of the Central American Free Trade Agreement (CAFTA). Guatemala's president at this time – Alvaro Arzú – who signed the Peace Accords represented the traditional economic elite. Beyond signing CAFTA and agreeing to structural adjustment reforms, Arzú went several steps further in the privatisation of public assets, the enforced reduction of government salaries, and the termination of 15 per cent of public sector contracts. Many public workers were offered yearly contracts without pension benefits. These policies resulted in increased unemployment and the concomitant expansion of the informal economy. Not surprisingly, poverty indices and cost of living increased. By the end of the Arzú presidency in 1999, real-wage value had degraded to the point that it was equivalent to wage values in 1983 (Perla 2004).

However, while these neoliberal policies were put into place, the Peace Accords included specific targets for increased social spending, particularly in the health and education sectors. The Arzú government pursued these aims through social fund structures which rapidly became instruments of political control and sites of corruption. While spending increased via the social funds, the indicators for social development continued to lag far behind neighbouring Central American countries (Perla 2004). In sum, few of the Peace Accords' policies and structural reforms were implemented and indigenous populations continued to face social exclusion (Center for Economic and Social Rights and Instituto Centroamericano de Estudios Fiscales 2009). As corruption within state structures and social funds grew, there was little outcry or civic action by non-indigenous groups. The fear of reprisal engendered by three decades of civil conflict had left its mark (Flores *et al.* 2009). While organised indigenous groups continued to mobilise on the long-standing issues of land rights and war reparations, the majority of the non-indigenous urban middle class did not support these protests (Bastos and Brett 2010).

3 The rise of anti-corruption on the national agenda

Corruption has long been viewed as an intrinsic part of the Guatemalan state (Andrés 2016). Beyond the violence and population displacement that defined the latter half of the twentieth century in Guatemala, there is a much longer history of impunity for the country's political and economic elites. However, this situation began to shift in 2015 when a very capable Attorney General, in collaboration with a UN panel of investigators (the International Commission Against Impunity in Guatemala (CICIG in Spanish)), used a press conference to present evidence that the then vice-president was involved in a sophisticated ring that stole public resources in several custom ports. Everyone knew that corruption existed; however, they had never been presented with

all the details and evidence, leaving no space for doubt. The Attorney General's team used modern investigative forensic techniques that showed the money trail and phone recordings between ring members that included the vice-president as one of the leaders. The phone records and paper trails also involved the then president. The capacity to use such methods (new to the public) was provided by the CICIG.

The CICIG (the Comisión Internacional contra la Impunidad en Guatemala) had been formed in 2006 following the Peace Accords, in which an international independent panel of experts was created to build the technical capacity of the Public Prosecutor's Office for investigation of illegal groups using state institutions to commit crime (Weld 2016). In addition to the transfer of knowledge and skills, the CICIG was also expected to support the public prosecutor in the litigation of cases in the Guatemalan courts, recommend policy reforms that strengthened the judiciary system, and close legal loopholes. Most CICIG members are non-Guatemalan and have diplomatic immunity; the organisation itself is funded by the international community (and not dependent on state funds). By the terms of the Peace Accords and the creation of CICIG, state representatives cannot interfere in these investigations or any other aspects of the CICIG mandate.

The UN panel began its work in 2006. Although the CICIG investigated a range of important cases, it did not initially tackle the mafia structures embedded in the state apparatus. This began to change in 2013, when a newly appointed Attorney General and the new Commissioner of CICIG (a Colombian judge experienced in investigating paramilitary crime) teamed up to bring cases of organised corruption that involved judges, congress members, the traditional economic oligarchy, and the elected president and vice-president. Through its work, the CICIG began to uncover the nested relationships of corruption embedded within the Guatemalan state, which extended to all branches of government and included members of the economic elite that had bribed their way into political power.

The independent role of the Attorney General was crucial for the investigation and uncovering of cases of institutional corruption. Although Thelma Aldana – General Prosecutor 2014–18 – played a key role in exposing corruption and laying the groundwork for the 2015 anti-corruption protests, it was her predecessor – Claudia Paz y Paz (2010–14) who set the precedent for independent action. As Attorney General, Claudia Paz y Paz adopted the strategy of setting performance targets to tackle corruption and inaction inside the Public Ministry. These targets provided the rationale for the removal of those personnel not performing their public duties to a sufficient standard, and the hiring of new, more committed, personnel (Sas 2011). Through the investigation process, the Attorney General kept focus on victim's rights and prosecuted lead perpetrators of the violence and repression that defined the civil conflict period. The most important case came in 2013, when the public prosecutor and the courts successfully convicted former

General and Head of State, Efraín Ríos Montt, of genocide charges (Gagne 2016).

By investigating and bringing to trial high-ranking military personnel for genocide, Claudia Paz y Paz set the precedent that the public prosecutor can be independent (*El Mundo* 2013). Many analysts state that the tenure of Claudia Paz y Paz as the first truly independent public prosecutor, set the conditions for Thelma Aldana to advance in her role (Gagne 2016). In an interview in 2016, Claudia Paz y Paz reflected:

I think that the genocide trial and other important trials that were brought before the courts during my time as attorney general, were cases that have strengthened the Public Ministry as a judicial body. There are courageous officials, judges who have presented cases as important as the genocide case, and this strengthening permitted other cases to be presented that before were unthinkable (*ibid.*).

When these two groups joined forces – CICIG and the Attorney General's office – it became possible to take corruption charges up to the highest level of public office. Using modern investigative forensic techniques to unearth paper trails and phone recordings, and then hosting a press conference to make this evidence public, the Attorney General and CICIG provided proof of the full extent of institutional and political corruption for the first time.

4 Urban youth-led anti-corruption mobilisation

The exposure of the full extent and reach of corruption led by the CICIG and the Attorney General struck a chord with a section of youth. Gabriel Wer, who along with three of his friends initiated the 2015 protests by posting an invitation on Facebook to demonstrate in the Central Plaza, recalls that neither he nor his friends had ever attended a social protest before, but they were outraged at the corruption of the political elite and galvanised into action. In order to get people to attend, they had to explain that it was a peaceful protest, non-partisan and non-ideological, demanding the resignation of the vice-president and then of the president (Wer 2016). Youth indignation and mobilisation ran counter to decades of political apathy on the part of the urban middle classes (Luhnow 2015). Furthermore, these were young people who came from a social milieu where the control of politics, education, the judiciary, and banking had long been in the hands of their elders (Aitkenhead Castillo 2017). For them to erupt in rage and galvanise large numbers of urban youth to protest what was effectively a corrupted 'status quo' was seen as radical by both the national and international press.

The testimonies of young people who mobilised reflect the generational change between their parents who lived through the political violence and repressive years, and themselves, who grew up after the Peace Accords were signed, wanted to become civically active, but have never seen or experienced a civic protest. Donald Urizar, one of the leaders of

the civic movement in Quetzaltenango explains it in this way: ‘For our parents – who lived the armed conflict – we were creating social unrest and were risking being repressed by authorities. For the young people, attending the peaceful protests was a chance to hang out in the park and take selfies’. However, the level of awareness changed little by little with every Saturday, through the publication of open letters and continued communication through social media; the participating youth became more engaged with the mobilisation and the demands (Urizar 2016: 67).

On Saturday 25 April 2015, over 35,000 people attended the first of these anti-corruption protests in Guatemala City’s Central Plaza. Gabriel and his group made no claim of leadership. The crowd whooped and shouted, whistled and drummed. They held up signs denouncing corruption and demanding the resignation of the vice-president. Soon, news of the protests in the capital reached Guatemala’s other cities, resulting in follow-on protests in the central plazas of five other cities. The novelty of youth-led protests, on the heels of several decades of youth apathy, was such that TV channels clamoured to transmit the action live. The extensive coverage no doubt contributed to an ever-growing number of people joining the protests.

The civic protests continued for over 20 Saturdays in Guatemala’s main urban plazas, each time beginning at three in the afternoon. As reported in the press, the protests that followed on from that initial gathering evolved into something multigenerational, and brought to the streets people from a range of class, ethnic, and socioeconomic backgrounds. A young activist from Quetzaltenango – the second largest urban centre in Guatemala – recalls that the civic protest was the next step from cyber-activism:

We forced ourselves to go out to the streets. However, we had never done it before, we had no idea about the logistics involved in having thousands of people walking together on the streets, the permits from authorities we needed to file, the logistics to close the traffic, the sound system, etc. (Urizar 2016: 67).

The 2015 protests became a civic celebration, sparked initially by young people’s anger and indignation over government corruption.

Indigenous and rural peasant movements, that is, those civic groups with roots in the early years of the Guatemalan civil conflict, were absent from the first wave of urban protests. However, by the third Saturday, these groups began to join in. Nora Chamalé, a national indigenous rights leader, explained the early reticence to join the youth-led urban anti-corruption protests: ‘We wanted the youth and the newly mobilised to understand that this corruption isn’t new, and this corruption is the same that led to many of the injustices and abuses that peasants and indigenous people mobilise against’ (Chamalé 2016: 129). It was Daniel Pascual, she recalled, a prominent figure in the indigenous rights movement, who convinced his peers that this outburst of urban,

middle-class protest represented something new and galvanising. The Saturday protests marked the beginning of a shift in awareness among those with positions of greater privilege that the Guatemalan state was corrupt, and that through joining forces with the historic factions of rural indigenous and peasants' movements, they could become a national force for change.

After more than ten Saturdays of civic protests in urban plazas throughout Guatemala, the vice-president resigned but the president remained in power, refusing to step down. There began to be calls for a national strike, a tactic that represented a return to strategies of past indigenous and peasant movements (Gutiérrez 2015). This call for a national strike gathered support among the Facebook and Twitter-following urban youth. Furthermore, the idea spread to small businesses within the food industry, which employs mostly young people, and then beyond. The date, 27 August 2015, was declared.

On that day, over 250,000 people gathered in Guatemala City's Central Plaza, while tens of thousands more mobilised in urban plazas in Guatemala's smaller cities. By the time of the national strike, there were estimates that over 1 million Guatemalans had participated in the anti-corruption protests. The initial wave of activism had grown to include not only the traditional 'protest' sector within the national universities, but also youth from private universities, religious institutions, indigenous and peasant movements, and ordinary citizens who had never once before raised their voice in protest (Ixchú 2016). The strike paralysed the capital and many other cities for at least 12 hours.

Surveys conducted after the fact suggested that the civic mobilisations were not driven by a single political ideology, but that participants ranged from across the political spectrum (Mendoza 2017). These mobilisations marked a tectonic shift in Guatemalan public life, as one young activist explained, given the country's long established 'culture of fear and silence' which – since the days of Spanish colonisation – 'have been part of structural social relations in Guatemala' (Ixchú 2016: 31).

5 The benefits and limitations of social media and cyber-activism

As we saw in the previous section, the anti-corruption mobilisations were first catalysed via social media channels, namely Facebook and Twitter. As with youth-led political mobilisations in other corners of the world, the communication tools offered by social media enabled the viral recruitment of others to their anti-corruption cause. With the help of sharp imagery and a clever hashtag, *#RenunciaYa* captured attention and quickly snowballed so that within a few hours of the initial call for protest, some 10,000 people had confirmed their participation (Wer 2016).

The use of social media continued to be of critical importance in the build-up to the national strike on 27 August. Through social media campaigns, the *#RenunciaYa* group encouraged small businesses to declare allegiance to the anti-corruption cause. Bolstered by

15 additional organisations that took on formal roles as ‘co-organisers’, the campaign grew in strength to the point that it was able to generate a citizen boycott of those food, retail, and service businesses that refused to join the strike. With pressure building, several large international food chains switched allegiance and announced their support of the national strike on 26 August. By the morning of 27 August, the organised private sector was left with no option but to announce its support (Solís 2016).

A few days after the strike, Parliament voted to remove the president’s immunity. This removal and the social pressure resulted in the president announcing his resignation. He was immediately taken into custody to face accusations of leading a corruption ring that operated via the government customs agency. His resignation was widely celebrated and the Saturday mobilisations came to an immediate halt. While social media had enabled the rapid spread of the Saturday protests and engendered citizen outrage, the youth-led anti-corruption movement had no staying power. In the aftermath of the resignations, the protesters celebrated a job well done. However, as analysts have argued since, the newly mobilised urban youth did not have any in-depth knowledge of the historical precedent of state capture by paralegal crime. Given the depoliticisation of the Guatemalan population at large following so many years of political repression and state-sanctioned violence, this new wave of protesters did not have the necessary experience or contextual understanding to identify the corrupt practices of the president and vice-president as part of a larger system, and saw the resignations as ‘mission accomplished’ (Cuevas-Molina 2016; Morales 2016).

6 The beginning of a movement aware of history and continuous civic action

Despite the abrupt conclusion of the Saturday protests, some elements of the urban youth anti-corruption movement remained committed to ongoing civic action. They have since come to understand that real change will require greater participation in political parties, through campaigns for elected representatives that uphold the anti-corruption mission, and through sustained calls for government accountability (DiálogosGT 2017). Subsequently, the group *#RenunciaYa*, who created the original Facebook event transformed themselves into *#JusticiaYa*, now an active organisation of urban youth with affiliates in urban centres beyond the capital.

In light of having learned the limitations of targeting individually corrupt actors, versus seeking change at a systemic level, these organisations have since implemented a dynamic learning exchange with historical indigenous and peasant movements that they call ‘weaving the future’. This ‘weaving the future’ involves pulling together the threads of past civic protest together with contemporary calls for judicial, legislative, and political reforms. Gabriel Wer, now a leader of *#JusticiaYa* explains:

In the year 2015, we concentrated our demands on the resignation of the president and vice-president. When the calls to continue the pressure further to implement structural reform came about, we lost it – we did not have enough information and knowledge to act strategically (Morales 2016).

Through 'weaving the future' they have greater knowledge on the historical roots of the causes of corruption and the structural reforms that will be required to unpick and dismantle the rot within state institutions (Morales 2016). For example, in Quetzaltenango, Guatemala's second city, what began as #*RenunciaYa* has now become a formal civil society organisation that monitors public budgets and holds to account the municipal authorities (Urizar 2016). The organisation continues using social media as a mobilising strategy: 'By using social media in an adequate manner, we have been able to inform and make other young people aware, who are now very active in supporting civil society organisations' (*ibid.*: 73).

One key aspect of 'weaving the future' has been the awareness-raising of urban, middle-class youth to the historic demands of indigenous and peasants' rights movements. During the civic protests, particularly in urban areas beyond the capital, indigenous youth played a crucial role. Whereas the urban, middle-class youth who initiated #*RenunciaYa* constituted a newly politicised population, indigenous youth such as student leader Lucia Ixchú who was 24 during the 2015 protests, represented a multigenerational cohort of social mobilisation and political struggle (Ixchú 2016: 32). Indigenous rights leaders, who within their own communities have passed down knowledge of past repression, violence, and strategic mechanisms for claiming rights, now talk of urban youth as an 'awakened' group who can contribute to their 'historical struggle' (Silva 2016: 48).

7 Reappearance of traditional divides within the youth movement

The anti-corruption crusade led by the public prosecutor together with CICIG had almost complete support from Guatemalan society during 2015 and 2016. However, as the investigation advanced and new cases were brought to courts, the indicted went beyond corrupt politicians to include bankers, private corporations, and family members of the powerful traditional economic elite. One case involved the brother and son of newly elected president Jimmy Morales. These recent cases revealed the extent to which economic and political elites had benefited from their co-optation of the structures of the Guatemalan state. Not surprisingly, these revelations of the systemic and structural nature of corruption in Guatemala created rifts among those who had originally supported the anti-corruption agenda. In response to the spread of allegations, powerful industrial elites initiated a campaign accusing CICIG and the public prosecutor of a leftist political agenda against their affiliates (García and Pellecer 2018).

Among the urban youth that had first mobilised as part of the 2015 wave of protests, new groups and movements emerged that began to use

the judiciary and courts to hold politicians and government authorities to account. At the same time, other factions of politically mobilised young people splintered off from the original cause. For example, the *#GuatemalaInmortal* movement organised to protect ‘life, liberty and private property’, directly challenging what they perceived of as a ‘leftist’ takeover of the 2015 civic protests (Urrutia 2017). Since 2017, *#GuatemalaInmortal* has used social media to protest against the CICIG Commissioner and the constitutional reforms that aimed to strengthen the judiciary, as well as voicing their support of the current president (in spite of emerging evidence of illicit funding of his electoral campaign) (E&N 2017). Other factions of the mobilised youth that first gained ground in the 2015 protests include groups that support conservative and religious agendas (e.g. anti-abortion, anti-LGBT rights, anti-gender rights). On the left, these splits led to the creation of two new political parties: *Movimiento Semilla*, identified as centre-left, and *Movimiento para Liberación de los Pueblos*, with a left-leaning, progressive, and indigenous rights agenda. What began as an urban youth-led anti-corruption movement in 2015 has now since split along divergent ideological lines (conservative, left, right, religious).

8 Conclusions

This case of the 2015 youth-led anti-corruption movement in Guatemala shows what has become possible in terms of peaceful political protests for a generation not directly touched by the violence and repression of the country’s 30-plus years of civil conflict. It is clear that the reformulation of an active citizenry, one with the genuine potential to hold political leaders to account, is a long-term process in a country scarred by war. The urban youth who initiated *#RenunciaYa* had no direct knowledge of civic protest, nor were they connected in any direct way to the rural, indigenous movements that had formed the core of rights-focused political mobilisation in the latter half of the twentieth century. Moreover, although the focus of many reports about the Guatemalan anti-corruption movement has been on the urban youth that mobilised, it is also important to note that those professionals working in the Public Prosecutor’s Office, doing the groundwork of investigation, preparing the cases and defending the cases in court are also young – most of them are less than 35 years old. This young generation of public officials had a different ethos and motivation than the previous generations that grew up during the period of political violence and conflict.

A closer reading of the case shows that the mobilisation which was successful in leading to the resignations of the president and vice-president was due to a fortunate alignment between protesters on the street (the youth) and key reformist institutions within the state (the public prosecutor and the CICIG), leading to pressure on the executive horizontally as well as vertically from below. This appears to be a variation of the ‘sandwich strategy’ in which the building of pro-accountability coalitions is needed to effect change (Fox 2015).

Further, although the collaboration between the new youth movement and the 'older' indigenous movements proved key to bringing about the national strike, as the protests matured the historic demands of indigenous and rural peasant movements (access to land, indigenous rights, and cultural identity) were not incorporated into the anti-corruption demands for government reform. Now, some of the spin-off urban youth movements have learned from the limitations of their original approach and are actively pursuing collaboration, exchanges, and alliances with long-standing indigenous and peasant groups. This suggests that while the social media strategy served to spark and steer the initial wave of outrage, there is a longer process of collective identity building, strategising, and ideological clarification that can only occur through sustained engagement and face-to-face learning exchanges.

The case also offers insights into the strengths and limitations of viral activism. While social media played a crucial role in the rapid mobilisation of urban-based youth and to spread the news of the protests across the country, it was insufficient to galvanise a common group identity or clear agenda for structural reforms. For genuine systemic change to occur, these newly mobilised young people will need to 'weave the future' together with the indigenous and peasant rights movements with longer histories of protest and political action.

Notes

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- 1 Walter Flores, Director, Center for the Study of Equity and Governance in Health Systems (CEGSS), Guatemala.
- 2 The Guatemalan conflict is amply documented in the literature. Some key references related to the arguments in this article are: Flores, Ruano and Funchal (2009), Grandin, Levenson-Estrada and Oglesby (2011), and Comisión para el Esclarecimiento Histórico (CEH) (1999).

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Empowerment without Accountability? The Lawyers' Movement in Pakistan and its Aftershocks¹

Maryam S. Khan¹

Abstract This case study on the Pakistan Lawyers' Movement and its aftermath aims to add to our knowledge of judicial empowerment processes, particularly the role of lawyers in mobilising for an independent judiciary, and the conditions for political lawyering as an effective pathway to judicial empowerment. In exploring these processes and conditions of empowerment, the study also examines their relationship with the longer-term outcomes of empowerment as well as the nexus between judicial empowerment and accountability of legal institutions. The study marshals evidence from multiple sources – including 35 qualitative interviews with movement leaders and participants, and a representative survey of active litigators in the Lahore District judiciary – to show, firstly, that the conditions that create successful mobilisation for judicial empowerment can significantly limit the systemic benefits of such mobilisation and, secondly, that the conditions for and the pathway to empowerment may deeply constrain the accountability of the empowered actors and institutions.

Keywords: Lawyers' Movement, political lawyering, legal mobilisation, judicial empowerment, accountability, Pakistan bar, legal complex, legal professions, sociology of lawyers, social movements.

1 Introduction

The 'Lawyers' Movement' in Pakistan – that began in early 2007 and culminated two years later in the restoration of judges removed by a military regime – prompted worldwide interest in the potential for political lawyering. The movement offers an unparalleled example of professional mobilisation in support of the judiciary. Triggered by the unconstitutional removal of the Supreme Court Chief Justice Iftikhar Chaudhry by then military dictator General Pervez Musharraf, the movement sustained for two years through rapidly evolving political circumstances. It had two palpable outcomes: the downfall of the

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Musharraf regime and a transition to electoral democracy; and the reinstatement of the Chief Justice and other illegally deposed judges from the Supreme Court and the provincial High Courts. Rule of law and independence of the judiciary were hailed as legacies of the movement (Kausar 2012).

This case study aims to address the deficit in our knowledge of judicial empowerment processes, particularly the role of lawyers in mobilising for an independent judiciary, and the conditions for political lawyering as an effective pathway to judicial empowerment. As a singular example of political action by lawyers, the movement eludes existing typologies of legal mobilisation, such as 'cause lawyering' (Sarat and Sheingold 1998), 'political lawyering' (Minow 1996), or 'lawyering for social movements' (McCann 2006; Sarat and Sheingold 2006). Lawyers were the principal movement activists and deployed diverse forms of political action – both within and without the courtroom, involving subversive strategies such as street mobilisation and court boycotts – to restore the judiciary. Much as Pakistan's example demonstrates that 'political lawyering' can be a major determinant of judicial empowerment, it also presents sobering findings about the long-term effects of political lawyering as a pathway to achieving an independent judiciary.

The study offers two such findings, both of which are grounded in the interaction of the larger political context on the one hand with the processes and conditions of mobilisation on behalf of judicial empowerment on the other, the latter including mechanisms and strategies of political lawyering. One fundamental finding is that the movement heavily circumscribed the scope, as well as the impact, of judicial empowerment. It projected judicial power within a very narrow sphere of judicial-executive competition and mega-politics, and limited the benefits of judicial autonomy to an elite and unaccountable group of judges and lawyers.

Another major finding is that just as the movement strengthened judicial autonomy, it created political opportunities for the judiciary to simultaneously enlarge its political power and insulate itself from external checks (Kalhan 2013; Khan 2014; Siddique 2015). In other words, the context and conditions of lawyers' mobilisation set in motion parallel processes of judicial empowerment, and judicial self-preservation. Far from creating an impetus for redistributing power and resources within the judicial system or making the system more responsive to litigants, the movement produced downstream constraints for the political and institutional accountability of both lawyers and judges, the very actors who mobilised against an unaccountable military regime.

Abstracting from Pakistan's experience, the study points to two general observations on empowerment and accountability of broader relevance to political development in transitional contexts. Firstly, the context, conditions, and pathways that create successful mobilisation on behalf

of judicial empowerment have a significant bearing on the outcomes, and may indeed have the effect of inhibiting structural changes in the judicial system despite some immediate gains in autonomy. Secondly, the move towards judicial empowerment may or may not coexist with or stimulate a broad-based mobilisation for more responsive and accountable legal institutions. Paradoxically, the context, conditions, and pathways that produce judicial empowerment may create an impulse in the higher judiciary to insist on self-governance, sealing itself off from external accountability. Anchored in these two findings – the incongruence between empowerment and its outcomes, and the tensions between empowerment and accountability – this Pakistan case study tells a cautionary tale about the complex, contingent, and non-linear trajectory from judicial empowerment to an accountable and responsive judicial system.

The study is structured as follows. The first section provides a brief historical context to the Lawyers' Movement, and underlines the lawyers' political action as the key movement mobiliser. This analysis is based on a combination of qualitative sources, including news reports and legal archive material, as well as 35 stakeholder interviews with a cross-section of lawyers representing both movement leaders and participants. It seeks to explain the conditions in which the 'legal complex' – i.e. legal institutions in the aggregate, particularly the core inter-institutional network between lawyers and judges (Halliday, Karpik and Feeley 2007, 2012) – mobilised and sustained the movement. The second section shifts focus from the movement to post-movement bar politics and examines the nexus between the two, especially in relation to accountability. In addition to other sources, it presents original data from a mixed representative survey of 654 active litigators in the Lahore District courts concerning their perceptions and actions *vis-à-vis* the bar and the judiciary. The article concludes with the main findings of the study and their implications for empowerment and accountability.

2 Revisiting the Lawyers' Movement – what the evidence shows

2.1 Historical and political context

The Pakistani bar inherited its structure from colonial times (Schmittthener 1968). Apart from the Pakistan Bar Council (PBC) and its five provincial off-shoots – the regulatory bodies for lawyers – lawyers are voluntarily organised into bar associations at every tier of legal practice: from *tehsil* bar associations at the sub-district level, to district bar associations, to High Court bar associations at the provincial level, and finally to the Supreme Court Bar Association (SCBA) at the apex. There are an estimated 200 bar associations across the country. These are the loci of associational politics as well as social capital for lawyers, enabling them to engage in annual elections, coordinate activity across and within regions, and lobby for professional issues. The SCBA is a federal body composed exclusively of Supreme Court lawyers and provides the anchor for the bar's collective action at the national level. The decentralised and locally embedded network of bar associations across the country heightens the mobilising potential of lawyers (Munir 2012).

In the post-independence era, the bar retained substantial autonomy over its internal politics. In contrast, the judiciary's alignment with the increasingly militarised state deepened as Constitutional Courts became instrumental in legitimating extra-constitutional regimes (Khan 2016). Lawyers were at the forefront of two major social movements against military dictators – the first, against General Ayub Khan in the 1960s and the second, against General Zia-ul-Haq in the 1980s (known as the Movement for the Restoration of Democracy (MRD)). In both cases, the judiciary played the role of regime legitimisation, only to be heavily restrained through martial law or virtually ousted by military courts.

However, much as it is tempting to view lawyers and judges through a historical binary of pro- and anti-democracy forces, past examples of lawyers' mobilisation (or lack of it) show it is always contingent on political conditions. For instance, lawyers were active in a movement to dislodge the civilian Pakistan People's Party (PPP) government in 1977, resulting in General Zia's military coup. Lawyers have proven similarly inconsistent in mobilising for judicial empowerment. For instance, when General Zia forced then Chief Justice, Yaqub Ali, to vacate his office soon after the coup, Justice Ali's resistance provoked little reaction from the bar.

Similarly, when General Musharraf purged the judiciary after his military coup in October 1999, the refusal of 13 Constitutional Court judges to take a fresh oath barely attracted any notice. The bar's muted reaction was consistent with the general political atmosphere in favour of Musharraf (Khan 2016). Musharraf was able to further fragment political opposition by holding general elections in 2002 and creating a façade of parliamentary politics. Coordinated action within the bar built up only gradually after these elections when, in August 2002, the regime proposed amendments to the Constitution – known as the Legal Framework Order (LFO) – for entrenching the military executive.

The LFO spurred an 'anti-LFO movement' (Malik 2008; Khan 2016). Bar leaders demanded that the Constitution be restored to its pre-LFO status, and that extensions to the retirement age of regime judges – known as 'PCO judges' on account of taking oath under Musharraf's 'Provisional Constitutional Order' (PCO) in 1999 – be revoked. PCO judges, consistently loyal to Musharraf, were a major obstacle to declaring the LFO unconstitutional. In early 2003, bar representatives established a 'National Action Committee' (NAC) – comprising executives of all bar organisations – as a channel for coordinated decision-making and mobilisation across the country. The NAC was instrumental in organising anti-LFO protests over the next two years.

The highlight of the NAC-led movement came in late 2003 when the Musharraf government withdrew the judicial tenure extension. Simultaneously, however, parliament approved Musharraf's controversial Seventeenth Constitutional Amendment ('17th Amendment'), taking the steam out of the bar's advocacy on issues of general importance such as

restoration of the Constitution and regime change. Nonetheless, many anti-regime lawyers continued to agitate on these issues, and prominent players among them later became the vanguard (Halliday *et al.* 2012) of the Lawyers' Movement (Jaffrelet 2015).

Viewed together, the anti-Zia mobilisation in the 1980s and the anti-LFO movement underscore lawyers' capacity to mobilise against extra-constitutional regimes in the absence of political party mobilisation. In both instances, lawyers' action preceded political party involvement. However, there is an important qualifier: while political lawyering may be highly effectual in matters directly affecting the institutional and corporate interests of the legal profession, it is unlikely to be successful on broader political issues without a convergence with constituencies outside the bar. Hence, although anti-LFO lawyers were successful on narrow grounds – halting the proposed extension to judicial tenure – they could not thwart the 17th Amendment without political party cooperation.

2.2 The Lawyers' Movement

When Iftikhar Chaudhry became the Supreme Court Chief Justice in June 2005, the relationship between anti-regime lawyers and judges was largely oppositional. As a Supreme Court judge, Chaudhry had decided in favour of the Musharraf regime in political cases between 2000 and 2005. As Chief Justice he took cognisance of several cases involving government corruption and human rights violations (Khan 2014). Some of his judgments had elements of anti-regime judicial activism, but much as some lawyers may have perceived them as a brewing challenge to the military establishment (PILDAT 2007), influential sections of the bar leadership maintained an oppositional posture towards the Supreme Court, not least because of Chaudhry's reputation as a close aide of Musharraf and what interview respondents describe as his brusque, at times even hostile, courtroom demeanour.

On 9 March 2007, Musharraf summoned the Chief Justice and, in the presence of senior military and intelligence officials, pressured him to resign over multiple allegations of misconduct. The Chief Justice courageously refused. Almost immediately, the media broke news of the incident, repeatedly televising images of Chaudhry flanked by military personnel. The same day, a hastily convened Supreme Judicial Council (SJC) – the body with exclusive powers for removing Constitutional Court judges – suspended the Chief Justice pending adjudication of a Presidential Reference against him (Iqbal 2007). A few days later, lawyers swarmed onto the streets in a show of angry resistance, triggering a larger mobilisation in the ensuing weeks of lawyers, civil society activists, and political party workers.

A large majority of interview respondents suggested that the decay that had set in the Musharraf regime and the larger political context of growing anti-regime sentiment were critical to the mobilisation. Many also viewed this incident as an attack on the legal fraternity as a whole.

These sentiments seem to point less to Chief Justice-centred motivations for the movement and more to institutional ones of preserving bar and bench autonomy against an extra-constitutional regime.

The movement evolved through shifting political conditions over the two years that followed. In the first phase, lawyers mobilised to reinstate the Chief Justice. They used a combination of street mobilisation – involving weekly strikes and protests, and countrywide circuits of bar associations with the Chief Justice himself – and strategic litigation, forcing a transfer of the Presidential Reference from the SJC to the Supreme Court for open proceedings. The media spontaneously allied with the protestors, reporting on the protests around the clock and publicising instances of police force. The factor that imparted a deep sense of cohesion and purpose to what was otherwise spontaneous collective outrage was the strategic action of bar representatives who quickly emerged as movement leaders. In a matter of days, these leaders brought mobilising lawyers under their control and organisation, catapulted the legal fraternity into the media spotlight, and adopted the Chief Justice as a rallying symbol for their anti-Musharraf struggle. A few months later, an emboldened Supreme Court dismissed the Reference and reinstated the Chief Justice.

In the post-reinstatement phase, lawyers once again deployed a combination of tactics both within and without the courtroom to buttress the court's growing anti-regime activism in a bid to block Musharraf's re-election as President and to force a transition to civilian politics. While the first phase was largely about *lawyers empowering judges*, this second phase set in motion a cycle of *mutual empowerment*.

In the third phase, the movement suffered a major setback when Musharraf imposed emergency rule in November 2007 to block the court's ruling against his dual office of President and army chief (Qureshi 2010). The regime backlash against the court's activism resulted in a massive judicial purge – over 60 Constitutional Court judges were dismissed and put under house arrest (Human Rights Watch 2007). A newly installed Supreme Court, with new PCO judges headed by a new Chief Justice, swiftly validated the emergency (Khan 2016). After the emergency was lifted in December 2007, lawyers launched the movement afresh and re-defined their objective in terms of restoring the judiciary to its pre-emergency status, making a conscious choice to eschew court-centred strategies in favour of street mobilisation and subversive activities such as court boycotts.

The movement's fourth phase began with the electoral transition in February 2008. The newly elected coalition government headed by the PPP ordered the release of all detained judges and lawyers, with a commitment to restore the judges in the near future. Movement leaders immediately rallied around the deposed judges and assimilated them into their street mobilisation. This led to a unique legal complex configuration outside the formal institutional space, with lawyers

and judges pursuing a harmonised agenda. For the next few months, movement lawyers and deposed judges were locked in a relationship of mutual support, as the government repeatedly reneged on its commitment to restore the judges. The first ‘long march’ of June 2008 – in which lawyers were joined by civil society actors in an overwhelming show of support and strength – marked the apogee of the movement. However, differences among bar leaders and between them and young lawyers over continuing a sit-in outside the Supreme Court at the conclusion of the long march threatened to disintegrate the internal command of the movement.

This led into the movement’s fifth phase, a period of flux in which the ruling coalition of the PPP and the Pakistan Muslim League-Nawaz (PML-N) sought to regain political control by leveraging international support to impeach President Musharraf. Musharraf pre-empted impeachment by resigning in August 2008, allowing the PPP to consolidate its position by electing its own co-chairperson as President. Movement lawyers attempted to directly lobby the government for restoration of the remaining judges (Haq 2008), thus actively pursuing political party cooperation while continuing with street-based politics. However, with the resurgence of political party control, the legal complex crumbled as a large majority of deposed judges returned to the bench after taking a new oath (Abbas and Jasam 2009). In March 2009, a second ‘long march’, supported by the PML-N and allegedly backed by a negotiated political agreement involving the new army chief, culminated in the restoration of the remaining deposed judges (Khan 2016).

2.3 What made the movement possible? Analysing the enabling conditions

The Lawyers’ Movement, while sharing some commonalities with past examples of lawyers’ political action in Pakistan, is truly unprecedented. One key distinction is its *immediate impact*: the movement restructured the bargaining positions of the regime *vis-à-vis* political parties, fomented the political space for a transition to civilian rule while forcing out the incumbent dictator, and succeeded in restoring illegally deposed judges (Munir 2012). Moreover, the *mechanisms and strategies* deployed by lawyers also stand out in three important ways. Firstly, lawyers were the *principal movement activists*; as such, they eclipsed the role of political parties and other actors at crucial points in the movement, and mobilised more intensely and consistently than any other group. Secondly, the *forms of political action* that the lawyers used were unconventional and highly tactical. Though lawyers in Pakistan have previously relied on street mobilisation, the strategic way in which they switched from one action to another, or adopted parallel methods when the situation necessitated, or made voluntary coalitions for achieving short-term goals, gave the movement a very different character.

Finally, the bar’s *insistence on autonomy* was also something new. Lawyers claimed to represent causes independent of what they viewed as the parochial agendas of political parties. Thus, lawyers did not perceive their role as auxiliaries to political parties as was the case in past social

movements such as the MRD in the 1980s. Instead, they pushed for their own goals as well as their own narrative, even as they sometimes welcomed parallel support from political parties and civil society groups.

What were the broader conditions that made this kind of political action for judicial empowerment possible? The evidence suggests that the movement was predicated on six interlocking conditions: (1) a historically organised bar with high mobilising potential; (2) deepening political consensus within the bar in opposition to the incumbent military regime; (3) broad anti-regime convergence of political constituencies within and without the bar; (4) absence of a united political opposition and/or low potential for a political party-led mobilisation; (5) functional courts with judicial review powers; and (6) a visible cause-generating event linked to the institutional interests of the bar.

The first two conditions – namely, an organised bar with high mobilising potential, and an intra-bar political consensus against unconstitutional regimes – are common to most instances of political mobilisation by lawyers in Pakistan (Rizvi 2015). Parallels between the Lawyers' Movement on the one hand, and the MRD and anti-LFO movements on the other, testify to the institutional capacity of the bar to engage in collective action, and to do so through unconventional techniques, including disruptive and subversive practices such as strikes, boycotts, and mass street mobilisation. The historical parallels also point to a broad oppositional consensus within the bar against military rule. However, this consensus has seldom been immediate and spontaneous. In the 1980s as well as the 2000s, the consensus against military government within the bar deepened only gradually and was contingent on active bar politics. The passage of time helped the cause of politically motivated lawyers as the negative consequences of military rule became more apparent, and as the initial euphoria that characterised the coups turned to ambivalence, if not antagonism.

The third condition – a broad convergence of anti-regime constituencies – is also apparent in all successful mobilisations. In both the MRD and the Lawyers' Movement, at least some if not all mainstream political parties supported the bar's anti-regime political action at crucial moments. When this broad convergence thinned out, the mobilisation too experienced a downturn.

In addition to historical similarities, differences between the Lawyers' Movement and past mobilisations also shed light on other conditions of mobilisation. One major difference lies in the nexus between the political action of lawyers and political party opposition. For instance, in the 1980s, the goal of lawyers' mobilisation was to facilitate a revival of political activity on behalf of political parties that were deeply suppressed under martial law. Lawyers played a central role in unifying anti-regime parties under the common platform of the MRD, with the parties building on the efforts of the lawyers to foment a mass social movement.

In contrast, in the early 2000s, anti-regime lawyers had to contend with a divided political opposition. Unlike Zia, Musharraf made good on his promise of holding elections within three years of his coup, ensuring that there was less incentive for political parties to create a strong opposition coalition. As parties sought opportunities for reconciliation with the military regime, not only did lawyers come to view them with circumspection, they also capitalised on the political space open to them to define and execute their own agendas. This allowed lawyers to maintain institutional autonomy even as they engaged in unprecedented strategies for judicial empowerment. From this, one may surmise that the nature of political party opposition pre-mobilisation significantly determines the degree of autonomous agenda-setting in political lawyering.

Another major difference in the Lawyers' Movement was the status of the judiciary. Unlike General Zia's clampdown on Constitutional Courts and indefinite suspension of their fundamental rights jurisdiction in the 1980s, Musharraf's government initially tolerated the courts as part of its international rhetoric on 'guided democracy' and 'rule of law' (Talbot 2002), and took a calculated risk in permitting them to exercise their inherent judicial review powers. Moreover, while the Constitution remained suspended for seven years under Zia, Musharraf revived it within three years as a prelude to elections. This early revival of the Constitution allowed the courts much greater agency and kept open the possibility of lawyers pushing legitimacy-seeking judges into mounting a more effective challenge to the regime. In other words, it created an arena for judges to cooperate with anti-regime lawyers. In the absence of a united political opposition, a mutually supportive legal complex emerged.

Finally, the extraordinary and mutually empowering alliance between lawyers and judges may not have materialised had it not been for the media-driven spectacle of the Chief Justice's defiance at a time when political opposition to Musharraf was high, and an organisational machinery already in place for coordinated action by anti-regime lawyers. The 'pre' mobilisation greatly enhanced the likelihood that an incident of this nature could be used to coalesce an otherwise politically diverse, and at times divided, bar. So, although the removal and bold insubordination of the Chief Justice were cause-generating factors, the fact they happened within the context of a larger political consensus against the military regime was a necessary condition for successful mobilisation.

3 Post-movement politics – whither accountability?

3.1 From movement to post-movement politics

The larger political context, combined with the mechanisms and strategies of activist lawyers, created downstream constraints in the aftermath of the movement for the accountability of both judges and lawyers. Firstly, the military regime's assault on the judiciary perpetuated a binary in the movement narrative between judicial empowerment and regime accountability. Lawyers viewed empowerment and accountability as inhabiting two different and

competing spheres: the judiciary on the one hand and the executive on the other. Especially from the third phase onwards, when the large-scale dismissal of judges made their restoration synonymous with judicial independence, it was impossible for the movement narrative to simultaneously accommodate the goals of judicial empowerment and accountability. This binary carried over into the post-election period because of the civilian government's reluctance to restore the judges. Thus, there was an inevitable delay in the emergence of constituents within the bar for judicial accountability as well as of a general discourse on accountability in the bar and the bench.

Secondly, lawyers' strategies of popularising the judges, and particularly Chief Justice Chaudhry, created a cult of personality. Chaudhry's self-projection as a populist judge was evident in the zeal with which the post-restoration Supreme Court deployed its *suo motu* powers and mounted challenges to the civilian government (Khan 2014).

Thirdly, the delays in and the modality of the final restoration of the judges in March 2009 – through a long march supported by PML-N against the reluctant PPP-led government – created an environment of distrust between the restored judges and the government. In order to ensure fidelity to their agenda of judicial independence, the restored judges, led by the Chief Justice, embarked on a plan to reorganise Constitutional Court membership. In their view, the courts needed to be purged of 'illegitimate' judges: namely, PCO judges who took oath under Musharraf's emergency law in 2007, as well as those who took oath under Chief Justice Dogar after the emergency and, again, after the ousting of Musharraf in August 2008. The chasm between the core group of judges and the government, and by extension the wider circle of judges legitimised by the ruling government, largely explains the Chief Justice's motivation for the purge (Kalhan 2013). Arguably, this reshuffling was a form of judicial accountability, but only in the very narrow sense of removing judges ostensibly loyal to the Musharraf regime (Gazdar 2009). Indeed, sections of the bar, including many former supporters, accused the Chief Justice of vendetta, and of stacking the courts with his own loyalists (Walsh 2013).

All these factors – the movement's focus on judicial empowerment, the rise of judicial populism, the re-entrenchment of the Chief Justice in the Supreme Court, and the judiciary–government conflict in the post-Musharraf era – collectively contributed to a hyper-activist apex court asserting its newfound normative authority over a fragile civilian government during Chaudhry's tenure from 2009 to 2013 (Kalhan 2013). This post-movement period of judicial assertion opened up rare opportunities for the judiciary to arrogate to itself executive powers, notably the power of judicial appointments in the Constitutional Courts (Ijaz 2014; Oldenburg 2016). The power to select judges was a major arena of contestation between the judiciary and the executive as well as the legislature. Originally, the Constitution authorised the President to appoint and promote judges in consultation with the Chief Justice.

In 2010, the new civilian government introduced a two-tiered participatory process involving the judiciary, bar, and parliament to minimise judicial–executive conflicts and court-packing. However, the Supreme Court overrode this amendment by extinguishing parliamentary oversight from the appointments process (Kalhan 2013). The result was a hegemonic role for the Chief Justice in Constitutional Court composition, as he presided over the selection, promotion, and removal of judges (Rahman 2017). Hence, far from creating conditions for making the judiciary more inclusive and accountable, the political transition to civilian rule in the aftermath of the movement enhanced the power of the Supreme Court while concurrently allowing the judiciary to insulate itself from external accountability (Kalhan 2013; ICJ 2013; Khan 2014; Siddique 2015).

In the five years since Chief Justice Chaudhry’s retirement in 2013, five Supreme Court Chief Justices have peacefully completed their tenure. During this period, the court has decided many major political cases – the most recent being a series of judgments between 2017 and 2018 disqualifying the incumbent Prime Minister, Nawaz Sharif, on corruption charges (Bhatti 2018). Thus, it appears that the Lawyers’ Movement has had enduring judicial empowerment outcomes in the form of security of tenure for judges. At the same time, the litany of criticisms against the judiciary, and especially the Supreme Court, has expanded.

The gravamen of these criticisms is that while the court’s political impact and autonomy have increased, it has not only deliberately eschewed questions of judicial accountability but also failed at deeper institutional reform and a fairer distribution of resources to the district courts, the backbone of the judicial system. Litigants who frequent these lower courts continue to suffer as before from neglect and reform inertia (Siddique 2013). Thus, the gains in judicial independence appear to be limited in two ways. Firstly, they relate to a very narrow sphere of governmental accountability on mostly political and governance-related matters, with the Supreme Court acting as an arbiter of mega-politics and the fate of elected governments (Kalhan 2013; Khan 2014; Siddique 2015). Secondly, empowerment gains have not cascaded down to the district judiciary, notwithstanding the Supreme Court’s posturing on judicial reform through the 2009 National Judicial Policy (Siddique 2013).

3.2 Bar politics and accountability bottlenecks

Many of the Supreme Court’s critics are erstwhile leaders and active movement mobilisers. Why, then, has the bar not engaged in effective collective action for judicial accountability? The following analysis shifts the focus to post-movement bar politics to explore why Pakistan’s lawyers are weak pro-accountability actors and whether there is any scope for their political action on accountability-related issues.

It is important to highlight at the outset that just as the judiciary suffers from an accountability deficit, the bar is riven by its own problems

which appear to be heightened in the aftermath of the movement. One key issue is the rapid decline in lawyers' moral social standing. In just a few years, lawyers' public image has gone from heroes to 'hooligans' (Leiby 2012; Mir 2017). Lawyers are increasingly violent and disruptive both inside and outside the courtroom, against other lawyers, police, litigants, and even judges – a phenomenon described in local parlance as '*wukala gardi*'. It is widely felt that the movement has emboldened lawyers, particularly younger lawyers, to use their 'newly-discovered power of defiance' to undermine the legal system (Rizvi 2015).

Interview respondents speculate that the 'hooliganism' is a result of incompetent lawyers rising to prominence based on their fidelity to the movement, or because generally lawyers have become emboldened about agitating against judges, or both. *Wukala gardi*, although perceived as normalised only among a minority of the legal community, raises serious doubts about lawyers' agency for judicial accountability and also lawyers' own discipline and accountability.

Be that as it may, the bar is not devoid of a constituency for judicial accountability. The first post-restoration bar association elections – held in the SCBA in October 2009 – demonstrated an even split between support for and opposition to veteran lawyer and movement leader Hamid Khan and his 'Professional Group' on the question of judicial accountability. This intra-bar split emerged, partially, in reaction to Chief Justice Chaudhry's decision to purge the judiciary and wrench control of judicial appointments from parliament. The main contention of the Professional Group was that the bar must strive to consolidate movement gains by buttressing the restored judiciary's powers despite the democratic transition. That Khan's presidential candidate for the SCBA secured a marginal victory not only signalled shifting alliances at the bar's highest levels, but also a return to ordinary politics for the bar.

In 2010, Asma Jahangir – a lawyer and social activist who rose to eminence in the 1980s for her anti-Zia resistance and human rights advocacy – defeated Khan's candidate to become the first female SCBA President (Dawn 2010). Since then, elections in the SCBA as well as bar associations across Punjab have been dominated by two factions: Hamid Khan's pro-judiciary Professional Group and Asma Jahangir's pro-accountability 'Independent Group'. The latter has argued against judicial arbitrariness and pushed for greater accountability in the wider context of the struggle for civilian political supremacy (*Express Tribune* 2011).

Despite the existence of a pro-accountability constituency, it appears that lack of cohesion in the bar leadership is an important factor inhibiting effective political action, especially because of the nature of the cleavage. The fact that the split was grounded in the very issue of judicial accountability with an entrenched 'pro-judiciary' group in favour of the *status quo*, impeded political action to address the accountability deficit. In addition, the pro-accountability group

was seen to have its own accountability deficit insofar as it claimed to represent the interests of PCO judges removed by Chief Justice Chaudhry (Sheikh 2012), fuelling the impression that the group's primary agenda was to settle scores with Chaudhry and his allies.

Another factor that has compounded the lack of cohesion in the bar is the nature of coalitions between a cross-section of lawyers and Constitutional Court judges. Of the interview respondents active in bar politics, several criticised what they perceived to be clientelist relationships between judges – ostensibly beneficiaries of the movement – and pro-judiciary lawyers in the movement's immediate aftermath. The judiciary's hegemony over judge selection brought about a wider shift in the way that power and privileges were allocated in the legal complex. Previously, the selection power was shared between the executive and the judiciary, with the former typically trumping the latter. Post-movement, power came to rest firmly with the Supreme Court, incentivising lawyer–judge nepotism (*Express Tribune* 2012) that effectively thwarted political action for judicial accountability, with lawyers vying for leverage in the judiciary and judges maintaining constituencies in the bar for their judicial activism. Equally, the near-unconditional support from strong sections of the bar in the post-restoration period allowed the court to drag its feet on resuscitating the SJC (Niazi 2016).

The accountability bottlenecks in the Constitutional Courts – namely the cleavage in the bar on the question of accountability and the clientelist cooperation between exclusive groups of lawyers and judges – flowed directly from the movement-centred trajectory of judicial empowerment. Almost a decade after the restoration, a majority of survey respondents still echo this view: when asked whether they thought the current dynamic between the bar and the bench was attributable to the movement, 40 per cent said 'highly' or 'very highly' and 34 per cent said 'partially'.

3.3 The 'new' legal complex

The accountability bottlenecks point to an underlying structure within the legal complex that is based on mutuality between segments in the bar and the bench. This structure instantiates a 'cross-cutting' legal complex (Halliday *et al.* 2012) in which, at any given time, a cross-section of lawyers and judges cooperate for mutual entrenchment while the larger bar–bench relationship ranges from unengaged to oppositional. Over time, the divide between the Professional and Independent Groups has become as much about pro-judiciary and pro-accountability as about the politics of entrenchment and elite capture. This is reflected in the near-unanimous opinion of survey respondents (89 per cent) that bar representatives should have a greater role in the judicial appointments process. This configuration is markedly different from the pre-movement legal complex that consisted of a pro-regime and anti-regime cleavage. It is also very distinct from the legal complex underpinning the movement in which, broadly speaking,

the bar cohered around the anti-regime group to build a cooperative legal complex against a third party, the regime. In the present cross-cutting legal complex, cooperative and oppositional segments coexist in tension but are also fluid and contingent on alliances with the evolving locus of power within the higher judiciary.

The mixed survey responses reflect this complexity. When asked to characterise the present bar–bench relationship, 35 per cent said it was ‘highly cooperative’ or ‘cooperative’, while 21 per cent said, ‘highly conflicted’ or ‘conflicted’. A majority (44 per cent) thought that the relationship was ‘neither cooperative nor conflicted’. When asked about the main reasons for the bar–bench conflict, there were varied responses with the most recurrent being, ‘the attitude of lawyers and judges with each other creates conflict’ (25 per cent) and ‘leaders of the bar are to blame for the bar–bench conflict’ (11 per cent). A high 90 per cent of all respondents were in favour of greater bar–bench cooperation.

Nonetheless, this cross-cutting legal complex is not a static configuration and tends to gravitate to oppositional mode under conditions threatening the bar. This typically happens when the judiciary makes a direct attempt at holding lawyers – particularly bar office holders – accountable for misconduct against judges. An example is the recent ‘Multan Bench controversy’, triggered by an altercation between a Lahore High Court (LHC) judge sitting on a bench in Multan and the President of the Multan Bar Association, Sher Zaman Qureshi. Courtroom confrontations between lawyers and judges, often involving threats and violence, are not uncommon and are widely publicised in the media. On this occasion, an allegedly heated exchange between the judge and Qureshi spiralled into a mob-like reaction from Multan district bar lawyers.

In response, the LHC Chief Justice, Mansoor Ali Shah – known for his pro-accountability interventions against both lawyers and judges (Husain 2016) – immediately recalled all judges on the Multan Bench, and constituted a new bench which suspended Qureshi’s licence and issued him a show cause notice for contempt of court. Qureshi refused to appear and lawyers aggressively protested in Justice Shah’s courtroom. Subsequently, when the LHC issued an arrest warrant for Qureshi, lawyers clashed violently with anti-riot police (Malik 2017b).

When asked about their views on these events, survey respondents had remarkably homogeneous reactions against Justice Shah’s interventions: almost 87 per cent disagreed with the recall of Multan Bench judges, and 84 per cent did not support the decision to suspend Qureshi’s licence and issue him a contempt notice. Thus, contrary to the view that bar–bench standoffs are essentially conflicts between pro-accountability judges such as Justice Shah and elite lawyers (Husain 2016), lawyers across the board appear to be strongly opposed to the judiciary taking direct disciplinary action against bar members. Lawyers also believe that the judiciary is sidestepping the rising number of complaints

of judicial misconduct in the SJC. An overwhelming 90 per cent of respondents wished to see the SJC functional again. Taken together, these figures show a strong self-preservation instinct, a clear preference for self-accountability, and a high demand for judicial accountability through the SJC. The politics of self-preservation can be further gauged from the fact that, barring exceptions such as Asma Jahangir, there was little public condemnation by senior bar leaders of the misconduct and violence in the Multan case. This is evidence that lawyers are poor receptors of external accountability interventions, including from the judiciary, and on this axis the legal complex is deeply oppositional.

4 Conclusion

The Pakistan Lawyers' Movement case study and its aftermath presents two salient findings for our understanding of political action and how it relates to judicial empowerment and accountability. Firstly, the conditions, processes, and methods of empowerment may impose significant limits on the outcomes, benefits, and gains that flow from them. In Pakistan, the political context combined with political lawyering as a pathway to judicial empowerment have profoundly shaped both the course and institutional quality of the judiciary's power. In a bid to consolidate its newfound populist authority, the judiciary has expanded its jurisdiction towards routine and arbitrary intervention in political and governance-related questions to the detriment of its ever-spiralling regular caseload (Malik 2017a). The judiciary's hyper-assertion of autonomy in this narrow sphere of judiciary-executive relations has, in turn, led to democracy-weakening outcomes (Siddique, forthcoming). At the same time, the concentration of power within the Supreme Court and its singular focus on political questions has ensured that there is no structural change within the judicial institution itself. If anything, it appears to have become even more hierarchical and stratified than before.

Secondly, the conditions for empowerment and accountability may be altogether different, especially where the processes leading up to them are structured sequentially or are otherwise temporally distinct. Indeed, the conditions for and pathway to empowerment may produce unintended constraints and perverse consequences for the accountability of empowered actors and institutions. In Pakistan's case, judicial empowerment – despite the strong mutuality between lawyers and judges during much of the movement – has led to new accountability bargains such that there is a deep distrust of and resistance to inter-institutional accountability between the judiciary and the bar, and as a result a clear tendency in both institutions towards self-regulation and self-accountability.

On the one hand, Constitutional Court judges exercise exclusive power over judicial appointments and bestow selective privilege on favoured lawyers to sustain their populism. On the other, bar leaders leverage well-entrenched constituencies within the bar to jockey for judicial patronage or to press the court for desired outcomes in important briefs. In this inward-looking and self-preserving environment, there

are impromptu attempts on both sides to discipline and hold the other accountable, often resulting in either an accountability deadlock or indirect accountability through mechanisms such as judicial appointments and judicial transfers.

Quite apart from the accountability deadlock between the judiciary and the bar, there is another important accountability bargain that has emerged in reaction to the movement that wields a covert, but systemic influence, on the Supreme Court – namely, the ‘military–judicial complex’. While judicial empowerment has ensured *de jure* security of tenure for Constitutional Court judges, it cannot be credited with bringing about a structural transformation in the imbalance of power between military and civilian institutions. Even as the legal complex has championed a narrative of embedding an independent judiciary and ousting military rule, the deep state has mobilised its resources to adapt to the political transitions of the past decade and to accumulate executive and judicial powers without any overt or extra-constitutional political interventions. The most dramatic example of this in the movement aftermath was the constitutional consensus on the transfer of judicial power in a number of vaguely defined terrorism-related offences to the military courts without recourse to fundamental rights-based remedies (Newberg 2016). In the more recent imbroglio involving the forced removal of an elected Prime Minister in the run-up to the 2018 general election, the military publicly supported the Supreme Court’s relentless chastening of the PML-N (Gul 2018) – a historically military-friendly political party that has fallen out of favour with the establishment – raising allegations that the court’s ‘celebrity judges’ are aligned with the military’s interests (Hussain 2018; *The Economist* 2018).

The simultaneous emasculation and propping up of the Constitutional Courts by the military reproduces the old dynamic of judicial collaboration for *de facto* control over the political process, albeit through indirect means. The revival of the military–judicial complex means that while the judiciary may freely assert its autonomy over civilian governments, its institutional survival and accountability is still, as in the past, closely tied to the military’s political agenda. Thus, the sources of judicial empowerment and accountability tend to occupy different, even mutually exclusive, spheres, underscoring the fact that the relationship between the two is highly contingent on the historical, political, and institutional context.

Notes

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Localising National Accountability Claims in Fragile Settings: The Right to Food Campaign in India*†

Anuradha Joshi¹ and Aheli Chowdhury²

Abstract How does a national movement go local in places with multiple armed actors, simultaneously retaining credibility at the grass roots, while making claims and negotiating with the state? This article explores how a rights-based movement, the Right to Food (RTF) in India, with a strong national core and some state-level support expanded into areas that were experiencing militant insurgency. We find that the RTF movement was able to coexist with the militant groups because the movement: (a) brought new framings and issues to existing groups that were already working with vulnerable populations; and (b) distinguished itself from the militant groups in terms of substantive issues and approach (avoiding issues of displacement and land rights), as it was willing to work with the state to tackle issues of hunger and food entitlements.

Keywords: India, Right to Food, grass-roots action, fragility, conflict, armed militancy, Naxalite, social movements, socioeconomic rights.

1 Introduction

How does a national movement go local in places with multiple armed actors, while simultaneously retaining credibility at the grass roots and making claims and negotiating with the state? This article explores how a rights-based movement, the Right to Food (RTF) in India, with a strong national core and some state-level support, expanded into areas that were experiencing militant insurgency, which was in part rooted in the lack of rights among those populations. The setting is one of subnational locations in India where the state is repressive and militarised and in which, therefore, civil and political rights are curtailed. How does the RTF movement work in these locations dominated by extremists, while retaining a commitment to achieving rights through the law? To what extent do the claims of the armed militants converge with the broader RTF movement?

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Since the 2000s, India has witnessed a wave of rights-based movements for accountability for socioeconomic rights. Starting with the National Campaign for People's Right to Information (NCPRI), many of these movements have managed to win significant gains through progressive legislation, including the Right to Information Act (RTI) 2005, Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) 2005, the Forest Rights Act 2006, the Right to Education Act 2009, and the National Food Security Act 2013. The trajectory of these struggles often follows a common storyline: a small movement (either grass-roots-based or comprising a small organisation with middle-class activists) escalates from a relatively local struggle to a national movement which then succeeds in shifting national policy. The story of the RTI Act, starting with the efforts of the Mazdoor Kisan Shakti Sangathan (MKSS) to ensure minimum wages for workers on public works programmes in the state of Rajasthan and moving to the national level lobbying for a Right to Information Act with the newly elected Congress-led United Progressive Alliance (UPA) government, exemplifies this narrative (Pande 2014; Baviskar 2010; Singh 2010; Jenkins and Goetz 1999).

Yet, this perspective on scaling up of local struggles, while important, neglects an equally important trajectory: how do such efforts once they reach the national level, reach back to the grass roots, in locations where they have few roots, and succeed in broadening their base? Existing literature offers few clues. It has tended to focus on the operations of movements themselves, including how movements sustain over decades through high and low levels of mobilisation on the ground (Isserman 1987; Morris 1984; Tilly 1978; Whittier 1995); how interactions of organisational structures and political opportunity structures shape the continuity and character of the movement over time (Whittier 1997); and how within social movements, internal heterogeneities and subgroups of interest are suppressed in the interest of broader strategy (Sharp *et al.* 2000; Dwivedi 1997, 1998; Baviskar 1995). While these studies highlight essential aspects of movement dynamics and operations, there is less attention on understanding how movements sustain their presence on the ground, particularly in settings of fragility, conflict, and violence. Baviskar's (1997) work on Narmada Bachao Andolan (NBA) that operated in a similar terrain to the RTF movement reveals the complex relationship of the tribal groups with nature, the state, and the co-habiting middle-class activists, but does not shed much light on how the movement negotiated space within settings of conflict and violence.

This article focuses on this less studied dynamic – of the downward diffusion of social movements – drawing upon the experience of the RTF campaign in India in three states affected by left-wing extremism (LWE).³ The evolution of the well-known RTF campaign in India is a good case to explore these questions. The campaign originated with a Supreme Court Case, in which a human rights group – the People's Union for Civil Liberties (PUCL) – charged the government with

inaction in preventing deaths through starvation while there was surplus food rotting in government storage silos (Birchfield and Corsi 2010). The campaign gathered some credibility and momentum through the interventions of the Supreme Court in the form of orders that mandated the government to take immediate action to prevent any form of starvation and hunger and to consider it as their (central and state) primary responsibility.

The Supreme Court appointed ‘Commissioners’ to monitor implementation of all orders relating to the case. The orders of the court then became a rallying point around which activists and groups in different states came together to form the RTF campaign. The campaign remained a loose network of groups and individuals who provided ground-level information about implementation of the court orders to the Office of the Commissioners. The story of the evolution of the campaign from this small beginning to the passing of the National Food Security Act in 2013 has been already documented to some extent and will only be touched on lightly here (Hertel 2015; Srinivasan and Narayanan 2007).

What is often less stressed is that the RTF campaign, supported by the Supreme Court orders, has been extensively animated by unrelenting national-level advocacy by the Supreme Court Office of the Commissioners in New Delhi. Simultaneously, the same office, in coordination with the RTF campaign, has made a concerted effort to foreground issues of food entitlements to civil society groups at the subnational level.⁴ The Office of the Commissioners at the subnational level worked in tandem with RTF campaign members, in monitoring the implementation of the Supreme Court orders in the states. They played a key role in the investigation of deaths through starvation, mobilising awareness of relevant orders (prior to the act passing), establishing monitoring mechanisms such as public hearings, and linking groups to national-level action. Yet, this subnational story has been less explored, particularly of how the state-level RTF campaign mobilised and linked local groups to the national campaign. Of particular interest, and so far undocumented, is how this process unfolded in states such as Chhattisgarh, Jharkhand, West Bengal, Bihar, and Andhra Pradesh, which are dominated by large tribal populations and are substantially affected by violent conflict due to the presence of Maoist-inspired LWE groups.

It is only recently that the literature has been engaging with issues of how rights-oriented court judgments are complied with (or not) and the role of social movements within them (Langford, Rodríguez-Garavito and Rossi 2017). Assessing a number of cases, they conclude that, ‘particularly important appears to be the degree and extent of *internal mobilisation* amongst litigants, the *strength of leadership* in affected communities and the *types of alliances* in the enforcement phase’ (*ibid.*: 25). Simultaneously, the literature on the role of law in social change acknowledges that favourable judgments might not be enforceable.

Social movements view the courts as only one of the many arenas within which struggles occur (Hunt 1993; Joshi 2010). The hope is that legal judgments shape the way issues are conceived and discussed both by the aggrieved parties as well as the broader public (McCann 1994).

In addition, judgments provide protection for social mobilisation – ‘being on the right side of the law’. As Rohit De (2018) shows in his recent book on the cases brought under the Constitution immediately post-independence, even when the court failed to uphold rights, activism was still important in shaping the law, as well as the range of other actions that organised groups took against the state. Thus, courts in practice offer both: a remedy for the rights violations as well as cover for social mobilisation. Viewed in this manner, the RTF campaign’s spread into conflict-affected states is natural, but also poses an additional challenge for such accountability work in fragile settings: how does a movement navigate the terrain with multiple armed actors, retain credibility at the grass roots, and simultaneously make claims and negotiate with the state without appearing threatening?

Based on interviews with state- and national-level RTF activists in three such states,⁵ this article offers insights into how social movements manage alliances and garner support, in contexts of violent conflict and the presence of alternative groups (sometimes armed), with different ideologies that might equally draw support from, and are embedded in, local communities. Three key features of such downward diffusion stand out. First, not surprisingly, when entering new and particularly fragile, complex terrain, the experience of the RTF shows that they have to focus efforts on reorienting existing groups towards food, rather than attempting to start new groups from scratch. Second, the RTF, like many movements, attempts to balance a confrontational stance towards government, with an engaged, cooperative stance as a strategy for increased effectiveness. The RTF is seen as a group that clearly has state allegiance and works within the framework of the Constitution to hold the state accountable. In the contexts of conflict, however, this becomes imperative for avoiding being targeted as a terror-supporting organisation.

Simultaneously though, such balancing puts credibility with the local populations under constant jeopardy. In the recent past, there has been an increasing incidence of mass-scale displacement and suppression of the dissenting population in these states. This has further intensified the crisis within the local population and how they view the state. Paradoxically though, as we show, it is this ‘working with the state’, which seems to have been the reason why the RTF has managed to work in areas with LWE presence. Finally, the case shows that despite an initial separation of issue areas related to food and livelihoods security, both the RTF campaign and the LWE are evolving towards similar positions on key issues – a fact that is not surprising given that both are seeking legitimacy for their work from local populations whose primary need is material and social wellbeing.

The article is laid out in the following way. Sections 2 and 3 provide some background to the RTF campaign and the Naxalite movement in India. This is followed by two substantive sections that present the interview findings – Section 4 details how the RTF campaign operated within these states and Section 5 shows why they were able to coexist peacefully with the LWE groups. Section 6 concludes.

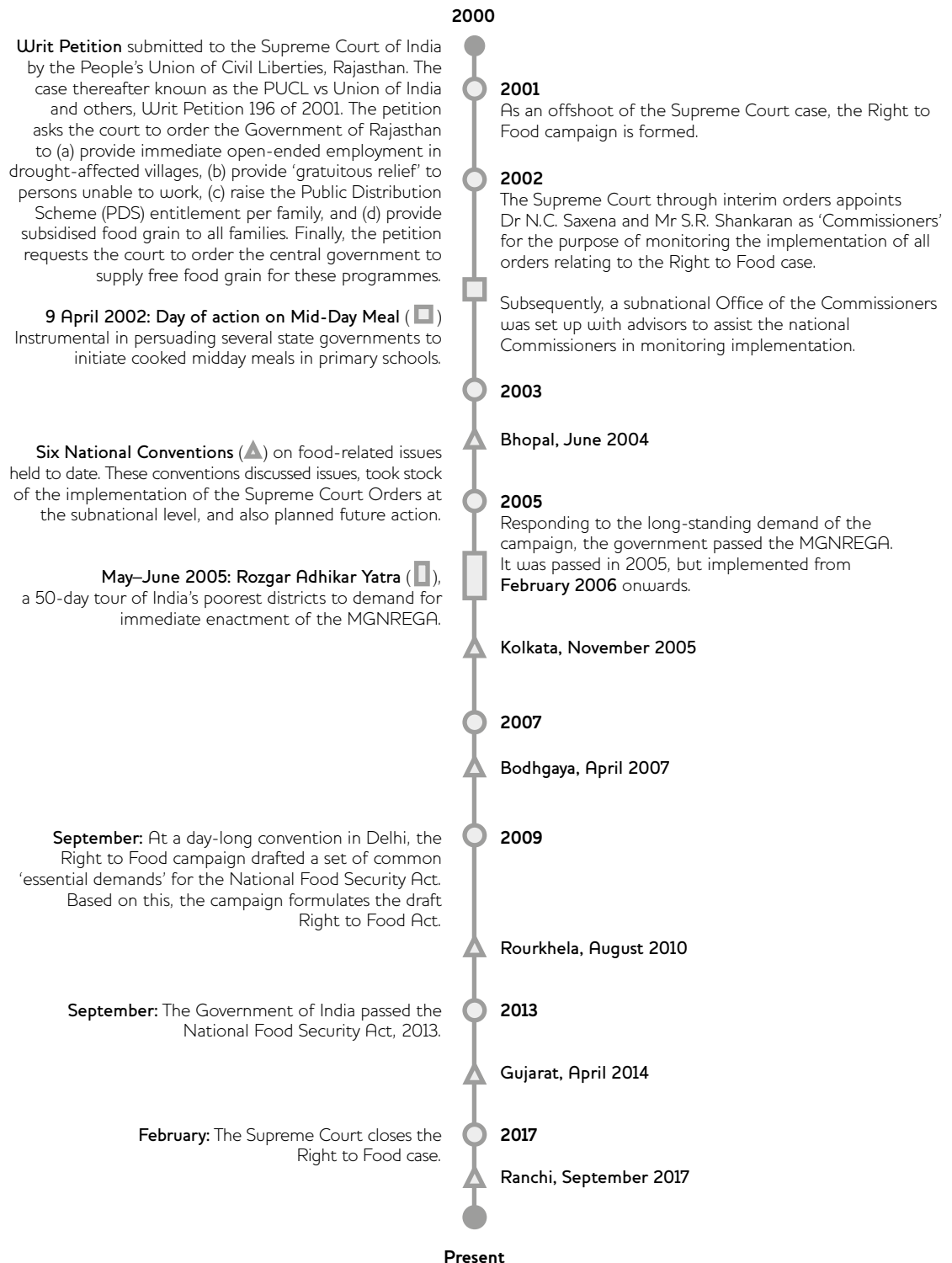
2 The Right to Food campaign

The RTF campaign is usually considered to have started with the Civil Writ Petition 196/2001, filed by the PUCL against the Union of India and others. The core contention was that the government had not acted to prevent deaths through starvation in the country despite holding a large stock of food grains under the Public Distribution Scheme (PDS), which was aimed at food security for the poor through the provision of subsidised food grains. The case, popularly known as the ‘Right to Food’ case, was soon to become the longest running mandamus on the right to food in the world (see Figure 1). The Supreme Court, through two key steps was instrumental in shaping the trajectory of the RTF campaign in the country (Sinha *et al.* 2014).

First, it passed close to 200 interim orders in the case, requiring the government to undertake action on a range of food-related issues, including school midday meals, supplementary nutrition for pregnant and lactating mothers, the food subsidy scheme, pensions, and maternity benefits. These orders converted government programmes into legal entitlements. Second, it created a Supreme Court Office of the Commissioners, and appointed two Commissioners – N.C. Saxena and S.R. Sankaran (who was later replaced by Harsh Mander) – ex-government bureaucrats, to monitor the implementation of the interim orders in the states. The Commissioners were sympathetic to framing food as a right and attracted staff who were either drawn from food-related civil society groups, or sympathetic to them – to the extent that the Office of the Commissioners was deeply allied with the RTF campaign. Many of the state-level advisors of the Commission were simultaneously part of local activism and played the dual role of monitoring as well advocacy.

This consequential RTF case and related campaign had its origins in the prevalence of hunger and starvation deaths in the state of Rajasthan where the PUCL chapter had been the node for a network of civil society organisations (including MKSS, which was the grass-roots organisation at the heart of the RTI movement). The initial shoots of the campaign found support in progressive human rights lawyers including Colin Gonzalves and journalists such as P. Sainath, who highlighted the paradox of ‘hunger amidst plenty’ and reformist bureaucrats such as B.N. Yugandhar, Abhijit Sen, and Syeda Hamid at the Planning Commission. The campaign quickly morphed into a loosely knit, non-funded, decentralised network of grass-roots groups and activists united in their commitment to the ‘realisation of the right to food in India’.⁶ Most of these grass-roots groups in the states were part of other networks such as the

Figure 1 The Right to Food campaign, India



Source Authors' own.

National Alliance for People's Movements and the RTI campaign, and worked on issues of land and displacement, health, education, and others.

Given the salience of the RTF case, the sweeping orders being issued by the Supreme Court, the formation of the Supreme Court Office of the Commissioners, and the significance of the media in placing the issues on the national agenda, the RTF campaign very soon became more active at the national level advocating for a Right to Food Act. Between 2009 and 2013 when the idea of passing a food security act was being drafted, the campaign focused its energies on influencing the contents of the proposed act, consulting heavily with its membership, and was fairly influential in shaping the final draft.⁷ The National Food Security Act was finally passed in 2013 by the Congress-led UPA government. It was one of the last rights-based laws to be passed by the UPA before it fell from power in the 2014 elections.

This is not to say that grass-roots campaign work in the states was not ongoing; just that it was not as much in the limelight at the time. The campaign and affiliated organisations at the state level launched awareness-raising activities, social audits, protest marches, and held at least 16 high-level conventions on the right to food or related issues over a period of 14 years.⁸ What is less appreciated is the issue of how the RTF campaign managed to work in states such as Bihar, West Bengal, Jharkhand, Chhattisgarh, Orissa, Andhra Pradesh, and Maharashtra where it did not have a strong presence on the ground initially and which had several districts with a heavy presence of LWE groups. In these states, high levels of poverty, large tribal and schedule caste populations combine with an inhospitable terrain of forest and hills, making these locations well suited for guerrilla tactics, and particularly inhospitable to mainstream civil society movements. We turn to the origins and ideology of these LWE groups next.

3 The Naxalite movement and marginalised groups

The 'Naxalite' movement has its roots in Naxalbari, in north Bengal, where in 1967 a peasant uprising broke out with the support of the Communist Party of India (Marxist) (CPI-Marxist). Three veteran leaders of the party – Charu Mazumdar, Kanu Sanyal, and Jangal Santhal – had been mobilising the peasants against oppression by the landlords. Peasants forcibly occupied land, burnt land records, and looted property, establishing a stronghold in the region. The government reacted by sending police to crush the movement, with the police opening fire, resulting in the death of nine villagers. These actions by the government were widely criticised and had wide-reaching impacts in terms of triggering similar movements across the tribal-dominated states nearby. Since then, the Naxalite movement, drawing upon Maoist ideology, continues to affect several states in India where the LWE groups have established guerrilla bases. In 2006, more than 60 districts across ten states were affected by LWE. By 2009, the Naxalites were influential across approximately 180 districts in ten states of India (Giri 2009; Planning Commission 2008).

The basic driver of LWE was the failure of the state to implement the Fifth and Ninth Schedules of the Constitution of India which call for autonomous self-governance and land reforms.⁹ No state has so far implemented the Fifth Schedule, and only three states have implemented land reforms – West Bengal, Jammu and Kashmir, and Kerala – and even in these, the reforms have been incomplete. This lack of implementation led to the rise of the Naxalite movement supported by local tribal and marginalised populations. The core challenge is that of feudalism, and the aim of the movement is to overthrow landlords and regain control of natural resources (land, forests), which are the primary source of livelihoods for the tribal populations. In this, the LWEs contrast with more mainstream left parties which view the main challenge to be that of the economy with its colonial roots, and integration into the system of global capitalism. As Prasad notes,

The nature of left politics in India has been structured by this difference in interpretation, while Naxalites and Maoists have preferred to interpret the power structure in rural India as semi-feudal, the nature of capitalist relations in agriculture and allied sectors had remained the focus of other left parties. Therefore it is not surprising that the growth of the Maoist movement has been far greater in places that have not experienced either land reforms or high agricultural growth (Prasad 2010: 7).

These struggles have taken different forms in the different states affected by LWE. In Bihar, there are two streams within the movement: the CPI (Marxist-Leninist) (CPI ML) Liberation which is considered 'revisionist' by the other Naxalites; and the amalgamation of the CPI (ML)-People's War and the Maoist Communist Centre, in 2004 to form a new party, the CPI (Maoist), also known as CPI (M).¹⁰ The core support in Bihar has tended to be from landless agricultural labourers or poor peasants, often from the lowest castes (Bhatia 2005). In Chhattisgarh, the expansion of the Maoists was the result of the formation and influence of the People's War Group in Andhra Pradesh, which started operating in the Dandakaranya region in the district of Bastar that borders Andhra Pradesh. In the 1990s, they formed two organisations, the Dandakaranya Adivasi Kisan Mazdoor Sangathana (DAKMS) and the Krantikari Mahila Adivasi Sangathana (KMAS).

Prasad (2010) notes that although the Maoists gained support by focusing on issues of daily importance, their practices lasted only until they gained control, after which they ruled through coercion and ruthless elimination of opposition. In Jharkhand, the main group, the Maoist Communist Centre (MCC), appears to have mobilised support through running a protection racket for the rural elite, offering protection to the resources of the state, as well as protection from its own excesses, rather than being a poor people's movement (Shah 2006). The presence of the Maoists in Odisha has declined in recent years, with no activity in five districts.¹¹ In other districts, the groups that are active apart from the CPI (M) are the breakaway

Odisha Maobadi Party (OMP), and People's Liberation Front of India (PLFI). In West Bengal, where grass-roots politics has been well embedded in society, LWE groups are many, with the dominant one being CPI (M), and often the boundaries between grass-roots movements and LWE are blurred.

In addition, a generational shift is emerging in tribal areas of all states: increasingly the younger generation of tribals and landless labourers no longer want to continue farming or depending upon forests for livelihoods, and challenge old customs (deference to elders, marriage laws, etc.) (Shah 2011). Such youth are joining LWE groups, where they can get a taste of power gained by direct action of looting from landlords, moneylenders, or state-subsidised fair price shops (Ramana 2008; Thivet 2014). These similarities and variations in the nature of LWE shape the nature of interactions with the RTF and the potential for it to grow deep roots in each state.

The Indian state, for its part, has oscillated between defining the Maoist movement as a 'law and order' problem and as a socioeconomic problem. In its 'law and order' framing, the state uses the repressive weight of the security forces to address Maoist-led insurgency. In its socioeconomic problem framing, Giri (2009: 465) argues that the state has defined the Maoists through three lenses over time – first as the byproduct of the failure of the 'development model' of the state; second as fighting for the rights of the poor and marginalised; and last, recognising them as an alternative political formation inspired by the need to find common ground between LWE groups and the state agencies.¹²

This latter reading of the state's view echoes with the view of the left. The Indian left has argued that the government has long used the 'Maoist threat' to justify the rise of the security-centric state. The Indian left continues to critique the repressive capitalistic neoliberal state, but their position is one of accommodation within a democratic framing. Giri (2009) argues that this understanding of the Maoist movement by the Indian state and the Indian left shifts the discourse, from it being a security problem to it being a socioeconomic issue, which can be resolved by better state intervention. This clearly serves to 'exclude them [the Naxalites] out' as a political alternative (*ibid.*: 463). Thus, as we will see, not only are there differences between the positions of different factions within the Naxalite movement, but there are a multitude of positions towards them from the Indian state and from those on the Indian left, that coexist and shape the contested terrain of Indian politics.

4 Taking the campaign to the states

The RTF campaign faced several challenges in reaching out to states where there was a significant Naxalite presence. First, these were states where a comprehensive platform of food-related issues had not been on the agenda for development practitioners. Existing groups focused often on only part of the problem; for example, groups working on child rights which took on midday meal issues, or groups working on

transparency which looked at corruption within the PDS. Further, in these states, issues of tribal rights to land and forests loomed large and were the issues around which the many groups mobilised. The challenge then, was to bring various activists together under a comprehensive 'right to food' framing.

Second, substantial parts of these states were affected by conflict due to the use of violent tactics by the LWEs, making it more difficult for the work of the RTF oriented to peaceful rights claims. The uneven presence of the state and state programmes, the multiplicity and ambiguity of different groups, and the challenges of establishing credibility with the local populations were hurdles that the RTF campaign had to overcome.

Third, in these settings, the state already had an extremely distrustful view of civil society organisations, viewing them as thinly disguised terrorist organisations. As we shall see, any criticism of the state, or demands for accountability, made the RTF campaign vulnerable to being labelled as LWEs. Finally, these locations were among the poorest states in India, which meant that although they were the ones with the greatest need, they were also those with the most limited capacity and resources for full implementation of the right to food, even if they were politically committed to doing so. Evidence from our interviews, recounted below, presents an account of how the RTF campaign navigated this shifting and uncertain terrain.

4.1 Linking with grass-roots groups

In the early 2000s, bringing the RTF movement to the local level in the conflict-affected areas revolved around forging links with existing groups. In one state, people who had been involved with literacy issues joined the RTF campaign. In another, the focus of one group had been on *dalit* rights. The coalitions at state level thus included a range of issues such as health care, violence against women, forest rights, maternal and childcare, or agricultural workers. These groups came together because the RTF campaign offered something for everyone, an overlap with their issues of concern. In the three states we examined, the RTF campaign usually started with a small set of core organisations that led the work in the state.

Initially, many groups in the state-level campaigns were funded by international non-governmental organisations (INGOs).¹³ Yet, over the years, with shrinking space for social activism, it was precarious to accept INGO funding, and simultaneously INGOs retreated from support of overt challenges to the state. As one activist noted: 'At the time it was fine by these funded organisations to work on rights-based issues, but now they have become scared'.¹⁴ Some even viewed INGOs with suspicion: 'We have had funding agencies wanting to blatantly break the campaign. It was always a non-funded campaign'.¹⁵

From early on, the preference was to work with existing grass-roots groups which were working on some part of the right to food agenda.

As an activist noted,

We focused particularly on organisations that have a mass base. This is because we think that this is not NGO-type work. The moment you involve NGOs then the spirit is gone. The NGOs are always very worried about their future, about projects, FCRA [Foreign Contribution Regulation Act] cancellation. They also tend to do only awareness and mobilisation, and mostly avoid doing active struggle.¹⁶

This sentiment was echoed by another interviewee:

For us, also we feel it is better that we move away from funded organisations to include individuals and people who directly want to work with us... Basically we are now moving from being an NGO-based campaign to become a more people/mass-based campaign.¹⁷

In India, the 1980s saw the advent of NGOs, with the central government recognising their role as a delivery agency for rural development. They mushroomed over the next two decades and have been distinct from large social and peoples' movements. They have been funded and staffed with professionals, in contrast to the social movements, which have remained non-funded and based at the grass roots. NGOs have over time supported and also participated in social movements, but were viewed mostly as outsiders. The general perception has been that NGOs are less radical, less critical of the state, and prone to taking decisions based on funding needs (Raina 2004).

This tension persisted and intensified after the amendments to the FCRA in 2010 which prohibited NGOs receiving foreign donations from undertaking 'anti-state' activities. Reflecting this mix of NGOs and movements and in contrast to popular perception, the RTF campaign's grass-roots origins in these states were uneven and varied from state to state. National activists invested significantly in reaching out to local groups – both social movements and NGOs – to activate them around issues of food. Yet, these efforts were circumscribed by the presence of the LWE groups in the state, an issue we turn to next.

4.2 Presence of left-wing extremism

The scale and extent of left-wing extremist activity varies from state to state, and for the most part LWE groups are present only in some blocks/districts of the state, while RTF campaign work is more widespread. By and large, LWE groups did not counter the growing influence of the RTF campaign as it expanded, as Chandra points out in the case of Jharkhand: 'Non-governmental organizations are rarely, if ever, stopped from working for grass-roots development' (Chandra 2013: 57). Rather, LWE groups often remained unseen and the RTF campaigns coexisted somewhat uneasily, aware of their presence. In one state, an RTF activist noted, 'The presence of these groups (Maoists) is invisible by and large. The main activities of these groups are concerned with the security forces'.¹⁸ Yet the same activist noted that in some

pockets, 'The entire area is under the control of the Maoists. In these areas, there is no presence of [the] RTF campaign, and I don't think that they would be allowed either'.¹⁹ In state Y, a state with tracts of forested areas completely under LWE control, our interviewee stated that,

*The core RTF and the core violence of those two areas are very different. The reason being that initially again, the presence of civil society groups in those [the LWE] areas was very thin. And those that were there, were pushed out by the state. It was not feasible for activist groups to remain active there on any issue.*²⁰

And yet, he noted, 'For the RTF this has been a sore point, that there was never a feasible strategy of how to cover those areas'.²¹ In state X by contrast, the RTF worked 'more or less everywhere or rather anywhere'.²²

Several activists challenge the narrative of widespread LWE-led terror and believe that the state was using the presence of LWE as an excuse to repress populations and censor civil society groups. One interviewee observed that the government was deliberately exaggerating the presence of LWEs for its own ends. 'We are in the block that is considered to be Naxal affected, but we have not seen their presence that much. We feel that it is a myth, a myth that has been created to terrorise the area. It's a myth created by the state'.²³ In state Y, our interviewee noted that, 'On paper a lot of the districts are classified as LWE... But actually, the violence-affected areas are very small'.²⁴ Another pointed out that,

*Certain parts of the state have the presence of Naxalite groups, but these groups too are also forced to take a line supporting the people's demands, apart from their own agenda of armed struggle. Unfortunately, the state has a myopic view that treats every resistance by people and every civil society criticism as 'Maoist' influenced, and tries to tackle these with military repression. This leaves very little space for civil society work.*²⁵

Making the same point, another noted, 'If you do activism, you can be branded a Naxal. It is a convenient excuse for the state to come down on any form of activism'.²⁶ Depending upon who is being pilloried, an activist from state Z noted, 'They [the government] at times call me the NGO-wala, and at other times they call me Maoist'.²⁷ Overall, activists felt that the presence of Naxals was reducing the space for any movement on socioeconomic rights.

The RTF reaction to such labelling by the state was hard-hitting. When an RTF activist was implicated in an incident of violence and branded a Naxal, the campaign took an assertive stand denying any links with the LWE. 'We went aggressive, because we felt that if we didn't put our foot down now, we would be dragged into all kinds of activities that Maoists were involved in'.²⁸ In another state, the RTF was proactive in addressing the challenge of the LWE, which proved to be a successful strategy for carving out an independent space.

The RTF reached out to the Maoist groups. They published pamphlets with clear messages which communicated with the Maoist groups by saying that ‘they’ need to address basic and essential issues of people. They cannot expect the most deprived to be part of a movement to overthrow the state when they are struggling to get one square meal for their families. After the campaign, the Maoist groups also started respecting the work of the RTF and since then they have never interfered.²⁹

Yet others observe that LWE groups also have occasionally taken up issues of raising minimum wages and implementation of the MGNREGA (Chandra 2013).

The challenge, though, for the RTF campaign is that, on the ground, the lines between various factions of the LWE groups, civil society organisations, and grass-roots movements are rather blurred. In an environment where the local state is weak and possibly captured, alliances and adversaries are fluid and changing:

In [X] state, there is a general problem of criminalisation, corruption, and extreme backwardness... Sometimes there is some sort of a nexus between the Maoists, pseudo-Maoists, anti-maoists, police-sponsored gangs, and all kinds of factions. Basically, in these areas, democratic institutions are not functioning, and that makes the situation worse.³⁰

5 Competition or coexistence?

The presence of LWE in areas where the RTF campaign is increasingly active raises the question of whether the groups compete for the support of the local population, and how the LWE groups view the work of the RTF campaign and vice versa. As highlighted earlier, for the most part, they seem to be operating independently, sometimes in the same locations. Two factors seem to maintain this separation: on the one side, the perspective of the LWE groups on working with state institutions and programmes such as the PDS, and on the other side, the relative lower priority for the RTF campaign regarding raising issues of land rights, though in some states they are raising issues of forest rights.

As others have pointed out, in contrast to mainstream communist groups that have focused on rights over natural resources and to minimum wages as a step towards Indian socialism, LWE groups view the primary power structures in rural India as semi-feudal, with the Indian state continuing the feudal traditions of the colonial state (Prasad 2010). Thus, LWE groups are against the state itself, rather than attempting to make the state responsive. Similarly, rather than critique capitalism and neoliberal policies, LWE groups are not ‘against the intrusion of the market’, a point illustrated by their position on the issue of forest produce such as *tendu patta* which was nationalised by the government with set prices (*ibid.*: 13). Their struggle was to denationalise, and force middlemen in the market to pay reasonable prices.

These positions are unsurprisingly instrumental. As Prasad notes, 'The attitude of the "Maoists" towards traders and contractors was guided by meeting the short-term interests of the tribal people in order to organize them in their support' (*ibid.*: 13). The LWE strategy of supporting their own cadres is based on divisions between the *chhapparmar* zone (raiding zone) and the 'liberated' areas where they are in full control. The main source of income is by imposing informal taxation (*rangdari*) on people and natural resources in the raiding zone (Prasad 2010; Chandra 2013). Such organisation of LWE groups goes some way in explaining their attitudes to the RTF campaign.

Thus, for the most part, the RTF campaign has found little interference in their work, as basic needs of the marginalised, such as food, cannot be opposed without invoking the antagonism of local populations. To illustrate, one activist pointed out,

*They don't think much of these schemes [food entitlement programmes]. But they wouldn't undermine it either. They know that food is important for people. So if that's the case, then their presence makes no difference to us. They don't interfere with the RTF campaign either. The RTF campaign works in many areas which has presence of Maoist groups.*³¹

Foremost, the lack of interest also stems from their political position. LWE groups do not want to back or improve any initiatives taken by the government for food security. One RTF activist noted,

*They think of us as reformists who are talking nonsense... they think of the RTF as some NGO initiative that negotiates with the government for things. That is their biggest contention with us, the fact that we are constantly negotiating with the government.*³²

Some view such a position as having lost them some support:

*It is a bit of their lack of thinking. If they would have supported MGNREGA and opposed criminal siphoning of money, they would have gained a lot of ground support. But for them, anything that is within the system is not worth it.*³³

Instead we were told, 'The Maoists, the party, does not interfere with these schemes and programmes. They take money from the contractors and vendors, so far as I know they would not interfere with the PDS or MGNREGA'.³⁴

Yet, on occasion, the two sides have worked on the same issues, albeit not together:

*The left groups are also acknowledging the need to address basic people's issue. Say, when the hunger deaths happened, we responded. These incidents have made them realise that people need food and they can't keep waiting for revolution on empty stomach. They are also engaging on these issues.*³⁵

In another state, ‘The Maoist groups have tacitly supported our work. For instance, during the hunger death incidents, the Maoist groups also worked to supply food grains in the village; before this they would mostly remain ignorant to such incidents’.³⁶

Beyond non-interference with groups working on basic needs such as the RTF, LWE groups also surprisingly found that the RTF movement did not intrude on a core issue that they were advancing, that of land rights. Such a position from the RTF movement, particularly in these states, needs some explanation. Although the issue of land rights (and related forest rights) and reforms underpin food security and have always been on the broader agenda of the RTF movement, with the exception of a few groups they have not been taken up actively.³⁷

One reason for this was that the RTF movement originated from the PUCL case and the orders that flowed from that, and the broadening of the campaign issues only occurred later. A related possibility, one that we could not confirm, was that the RTF movement, through the PUCL case, was engaging with the state around resources it already had, whereas the issue of land rights and natural resources run up against powerful private and political interests, and therefore lack political champions. Yet another reason was that, as discussed earlier, civil society groups in these states are viewed with suspicion, and any group that called for land rights could be dubbed terrorists and their work would be hindered. As an activist noted,

*The RTF has moved from agitation to strategic intervention, where they oppose the government a lot more on paper, but also work with them and make alliances with them strategically to improve the implementation of different schemes... The confrontational mode limits the degree of intervention.*³⁸

Or as another activist from another state put it:

*RTF has maintained a strategic relationship with the government. They work hand in hand with the state and influence policy matters. Therefore, as a strategy they often avoid getting into an overtly conflicting situation with the state... as they have been able to acquire space to work within the system, they would rather not compromise the space.*³⁹

Yet, in state Y, there was some disagreement on this from one of our interviewees. He noted, ‘The areas of land rights and the areas of Naxals, those are also very different’.⁴⁰ The argument was that in that state, the tribals were not being displaced from their lands, there was no mining happening there – it was in other locations that the land issues were salient, yet those were not LWE-dominated.

Although the collective statement of the RTF campaign does state the importance of land, it could have greater emphasis. Some activists saw it as a missed opportunity:

Criticism has always been there from left groups as well as groups working on displacements and land right issues. They always tell us that we revolve around

the government and on schemes and subsidies. We do little to question larger issues of inequality and inequity, issues of land and displacement. But we are also moving towards that. We feel that it is needed to address these issues, but there is need to address basic needs of people like food and ration. We are thus moving from the food security to food sovereignty.⁴¹

I think, we as the campaign have failed to make these connections. The connections between dispossessions and people's claims on local natural resources on the one hand and the demand for entitlement of say, food and employment on the other. I think the main reason is that in the case of displacement movements, the state is seen as the enemy, it is in fact the enemy, but that is not the only role that the state plays. It also plays a constructive role. When we are making claims on the state, the assumption is that the state is in a constructive role. I think there is no tension in seeing that the state has on the one hand a repressive role and on the other hand a constructive role. But for most people, it's one or the other. That is the tension and the gap that we have not been able to address. But it can be done.⁴²

Since the election of 2014, with a massive Bharatiya Janata Party (BJP) victory at the national level, there has been a shift in the political environment, with a government that is friendly to business groups and which views conventional civil society as threatening. The subnational level too has seen changes of government, which combined with the reluctance of the central government to support rights, has meant that RTF campaigns in these states have lost valuable allies. These allies until then had enabled them to collaborate and at the same time advocate and demand accountability. Since 2014, there has been a shift from the previous government's support for rights-based legislations and schemes that they had introduced. Though instances of land acquisition and mass-scale displacement had begun post-1990s, the biggest displacement struggle⁴³ due to the Sardar Saravor Dam has intensified in the last five years. Coupled with threats of targeting and surveillance by the government on members of civil society participating in so-called 'anti-state' activities, this lack of support for rights-based approaches has further led to shrinking democratic space (Chandhoke 2017). As a result, the RTF campaigns in the states are working on smaller issues that can sustain the momentum of the campaign, while not invoking the wrath of the state. Strategies have shifted:

There are softer forms of action, writing to the collector, organising a meeting. We avoid such actions, such as sitting on hunger strike, it gets noticed by media... it is more confrontational... so, do smaller forms that are viewed as less threatening.⁴⁴

In such a context, the presence of LWE has seriously reduced the space for any action, and the outlook for further expansion of rights-based work is poor.

6 Conclusions

This article has traced how a relatively successful national campaign on the Right to Food reached back to mobilise support at the grass roots

in new locations; particularly those affected by fragility, conflict, and violence. The process, as we saw, involved a meeting in the middle, where the RTF brought new framings and issues to existing groups that were already working with vulnerable populations. The ability of the newly formed networks around food at the state level to mobilise support, however, depended upon the reaction of the armed groups to such work. In the case of the LWE-affected states in India, they coexist without infringing on the spaces being occupied by the other.

The perception of the state towards LWE serves to enable their coexistence. LWE groups are seen by the state simultaneously as benevolent actors striving to bring justice to the people most marginalised by the neoliberal state, while at the same time as a security threat due to the ‘means’ that they use. This perception, and the strategy of the RTF campaign to work with the state, provides both RTF and LWE ideological common ground to coexist and cooperate in delivering rights and entitlements to a marginalised population rather than being in conflict with each other.

Moreover, the passage of the National Food Security Act in 2013, and the change of government in 2014 has further complicated the contested political field between the democratic state, the Maoist movements, and the RTF campaign in India. For the RTF movement, it has sharpened the focus of its campaigns at the state level, as there is a greater role for monitoring the implementation of the act and ensuring better access for the people to its entitlements. However, with the overall shift to a hostile political environment for civil society groups carrying out accountability work since the election of the BJP government in 2014, both LWE groups as well as civil society have had to rethink their strategies. How the new dynamics will play out in the long run remains to be seen.

Notes

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3 In this article we use the term left-wing extremism (LWE) or left-wing extremist groups (LWE groups), Maoists, or Naxals interchangeably,

- to indicate a large number of organisations inspired by Maoist ideology, and whose primary aim was to foster revolution against state structures. These groups are colloquially called Naxalites. All forms of Naxalite organisations have been deemed terrorist organisations under Indian law.
- 4 Exceptions include the short section devoted to this by Birchfield and Corsi (2010: 723); Krishnan and Subramaniam (2014); and more recently Pande and Houtzager (2016).
 - 5 We carried out interviews with national- and state-level activists of the RTF campaign between late 2017 and early 2018. The names of the interviewees as well as the names of the states have been anonymised for protection of the interviewees. For obvious reasons, we did not interview people from the LWE groups, and this is one of the limitations of the analysis presented here.
 - 6 RTF foundation statement, see www.righttofoodcampaign.in/about/foundation-statement.
 - 7 See newspaper pieces at www.righttofoodcampaign.in/food-act/articles.
 - 8 See www.righttofoodcampaign.in/events.
 - 9 The Fifth Schedule states that all scheduled areas of the country which are forest reserves and inhabited by scheduled tribes are to be administered by the governors of the states by appointing tribal advisory councils with tribal representatives from the relevant forest reserve or scheduled area. The Ninth Schedule of the Constitution dealt with the fact that cultivable land which over thousands of years had come under the ownership of upper castes should be acquired by the government and redistributed among India's landless peasantry.
 - 10 The latter is banned and operates underground, though it has 'open fronts' which continue to function.
 - 11 <https://odishapolice.gov.in/?q=node/69>.
 - 12 The argument is based on a close reading of a report commissioned by the Planning Commission (2008).
 - 13 The RTF campaign itself is not funded by any national or international organisation. See www.righttofoodcampaign.in/about/finance.
 - 14 Phone interview conducted with interviewee JB, 28 October 2017.
 - 15 Interview conducted with interviewee FJ, 15 September 2017, New Delhi.
 - 16 Interview conducted with interviewee FJ, 15 September 2017, New Delhi.
 - 17 Phone interview conducted with interviewee JB, 28 October 2017.
 - 18 Phone interview conducted with interviewee PK, 12 September 2017.
 - 19 Phone interview conducted with interviewee PK, 12 September 2017.
 - 20 Phone interview conducted with interviewee AJ, 7 January 2018.
 - 21 Phone interview conducted with interviewee AJ, 7 January 2018.
 - 22 Phone interview conducted with interviewee PK, 12 September 2017.
 - 23 Interview conducted with interviewee FJ, 15 September 2017, New Delhi.

- 24 Phone interview conducted with interviewee AJ, 7 January 2018.
- 25 Written interview conducted with interviewee CT, 16 November 2017.
- 26 Phone interview conducted with interviewee AJ, 7 January 2018.
- 27 Interview conducted with interviewee FJ, 15 September 2017, New Delhi.
- 28 Interview conducted with interviewee FJ, 15 September 2017, New Delhi.
- 29 Phone interview conducted with interviewee SD, 2 November 2017.
- 30 Phone interview conducted with interviewee PK, 12 September 2017.
- 31 Phone interview conducted with interviewee PK, 12 September 2017.
- 32 Interview conducted with interviewee FJ, 15 September 2017, New Delhi.
- 33 Phone interview conducted with interviewee PK, 12 September 2017.
- 34 Phone interview conducted with interviewee PK, 12 September 2017.
- 35 Phone interview conducted with interviewee JB, 28 October 2017.
- 36 Phone interview conducted with interviewee SD, 2 November 2017.
- 37 For example, in the 2004 convention in Bhopal, Jean Drèze noted, ‘Land rights is another issue on which a strong need was felt for coordinated action. Various proposals were made at the workshop on “land rights and food sovereignty” and concrete decisions on this are likely to be taken quite soon at follow-up gatherings’. See <https://frontline.thehindu.com/static/html/fl2114/stories/20040716006012500.htm>. Yet these have not featured prominently in RTF campaign demands.
- 38 Phone interview conducted with interviewee JB, 28 October 2017.
- 39 Phone interview conducted with interviewee SD, 2 November 2017.
- 40 Phone interview conducted with interviewee AJ, 7 January 2018.
- 41 Phone interview conducted with interviewee JB, 28 October 2017.
- 42 Phone interview conducted with interviewee PK, 12 September 2017.
- 43 Displacement figures estimate more than 50,000 people across three states of Gujarat, Madhya Pradesh, and Maharashtra, www.narmada.org/sardar-sarovar/sc.ruling/Displacement.rehab.html.
- 44 Phone interview conducted with interviewee AJ, 7 January 2018.

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Civilian Action in Conflict Settings: The Case of Colombia*

Patricia Justino¹

Abstract This article analyses how social and political action among civilians during violent conflict may affect efforts to sustain peace and strengthen peace-building processes in the post-conflict period. The main argument advanced is that forms of social and political action that emerge in conflict settings – and their evolution and effects on societies in the post-conflict period – are shaped by interactions between civilians and armed actors that control territories during the conflict period. These pathways are illustrated through the case of Colombia and used to derive implications for other countries grappling with the fragility of post-conflict processes.

Keywords: social and political action, civilian resistance, armed groups, conflict, violence, Colombia.

1 Introduction

Social cohesion and strong civic engagement have been widely promoted as central to peace-building and state-building efforts in conflict-affected countries. Efforts to support social and political action in such contexts include the financing of civil society organisations, mechanisms to integrate ex-combatants into civilian life, and interventions to strengthen state–citizen accountability. These policies are based on the implicit assumption that violent conflict results in the destruction of civic structures. Consequently, improving the ability of civil society to act and cooperate will sustain peace and stability.

However, recent evidence has shown that the relationship between armed conflict and social and political action among citizens is more complex than this. First, it is not clear that armed conflict will always damage the social and political fabric of communities. In fact, recent empirical research has shown that exposure to violence may result in positive forms of civic engagement and social cooperation (Bellows and Miguel 2009; Blattman 2009; Voors *et al.* 2012). Second, it is also not clear that improving social and political action in conflict contexts will always result in positive outcomes, since social mobilisation at the

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community level may facilitate the outbreak or renewal of violence (Petersen 2001; Pinchotti and Verwimp 2007; Wood 2003).

The main purpose of this article is to advance the conceptual understanding of how social and political action within and between communities during violent conflict may affect efforts to sustain and strengthen peace-building processes in the post-conflict period. The main argument advanced is that forms of social and political action that emerge in conflict settings – and their evolution and effects in the post-conflict period – are shaped by interactions between civilians and armed (state and non-state) actors that control territories during the conflict period.

In contexts of violent conflict, power and authority are fragmented. Different political actors – insurgent groups, but also the state military and other armed actors – contest and sometimes win control of territories and populations, transforming social, economic, and political structures, organisations, institutions, and norms (Justino 2009, 2012, 2013; Kalyvas 2006; North, Wallis and Weingast 2009). These actors can adopt various strategies that range from attacking civilians, displacing them, and looting their assets, to capturing or creating new social, economic, and political institutions that advance war strategies (Arjona 2016; Arjona, Kasfir and Mampilly 2015; Mampilly 2011). At the same time, despite the control exercised by armed groups and the stress of living under the threat of violence, civilians can shape to some extent how these strategies are set in place through either engaging with or resisting armed groups (Arjona 2016; Gáfaró, Ibáñez and Justino 2014; Justino 2013; Kaplan 2017).

To illustrate how some of these mechanisms operate on the ground, this article explores how relations between armed political actors and civilians emerged and evolved in Colombia during the 60-year-long conflict and the implications of these various forms of social and political action for the ongoing (albeit fragile) peace process.

Colombia is a relevant case study for this analysis for several reasons. First, the length of the conflict and the enormous work done by academics and civil society to document conflict dynamics over this period allow us to analyse changes in social and political action, something that is rarely possible. Second, areas of Colombia were ruled by a variety of groups at different times with large variations in how they related to the local populations (Berry, Hellman and Solaún 1980; Mampilly 2011; Gáfaró *et al.* 2014). This enables the study to uncover the different factors that may shape social and political action under different political, economic, and social conditions. Third, Colombia is undergoing a peace process whereby the main guerrilla group (FARC) – which controlled over 40 per cent of Colombia's territory at various stages during the conflict – is negotiating a peace settlement with the government. We are therefore able to examine to some extent how patterns of social and political action play into post-conflict periods, which is of wider relevance.

2 Social and political action in conflict contexts: a conceptual discussion

The complex interactions between armed groups, civilians, and state actors, and the forms of social and political action that result from them and shape them, remain under-researched. This is in part because understanding the social and institutional dynamics and legacies of armed conflicts implies understanding interactions not only between governments and armed groups – the type of inquiry that has so far dominated the study of civil wars and political conflict – but also between these competing warring factions and the civilian population. For a long time, civilians have been largely portrayed in studies of violent conflict as victims and passive agents. Only recently have scholars started to analyse how processes of violent conflict may be shaped by the choices, preferences, and behaviours, not only of elites and states, but also of civilians living in conflict areas (Arjona 2016; Justino 2013, 2016; Kalyvas 2006; Kaplan 2017).

Recent literature on armed conflict has started to analyse in detail how armed groups behave in conflict areas. Such groups control local populations in various ways including violence and predation, but also formal rules of governance (Mampilly 2011). Several factors explain why armed groups behave in either more predatory or conciliatory ways towards local populations in different conflicts, and at different times during the same conflict. These factors include the need to raise revenue, exercise political authority, control territory, win hearts and minds, strengthen organisational structures, and gather information (Kalyvas 2006; Mampilly 2011, 2015; Weinstein 2007). Weinstein (2007) argues that armed group behaviour is shaped by their initial endowments: armed groups with external financing and access to resources may be more likely to behave in predatory ways.

In contrast, armed groups that are dependent on local populations for economic survival and manpower may adopt forms of rule and collaboration and attempt to establish social order. For instance, Sánchez de la Sierra (2015) shows that in the Democratic Republic of Congo armed groups rule, govern, and adopt state-like behaviour when they are able to tax particular commodities, allowing them longer time horizons to plan and rule. Kalyvas (2006) argues that armed groups may attempt to govern and establish order when this offers some advantage over opposing groups (including the state military) by ensuring local population support and territorial control.

How do civilians respond to these strategies? Civilians tend to leave (or are made to leave) their communities when armed groups approach. However, although many civilians are killed or displaced during armed internal conflicts, many stay during the outbreak of conflicts and carry on with their lives (Engel and Ibáñez 2007; Moore and Shellman 2004). Generally, civilians are more likely to stay in areas of conflict and engage with armed groups when they are economically vulnerable (Justino 2006, 2009), and when armed groups offer protection against violence committed by opposing factions (Kalyvas and Kocher 2007).

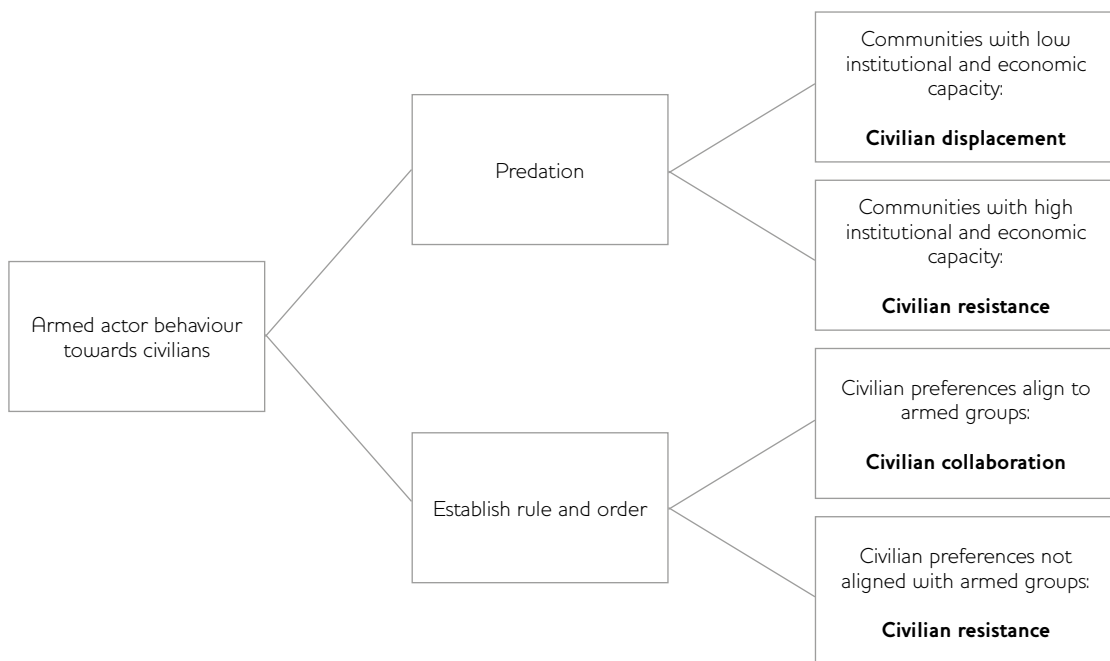
Civilians that are able to fend for themselves economically and in terms of security provision may also stay in conflict areas, when their interests match those of armed groups, or where they have the capacity to resist the arrival and dominance of armed groups over their communities (Justino 2009).

When civilians stay in areas of armed group control, they can adopt various strategies of collaboration with or resistance to those groups. In doing so, civilians engage in social and political actions whereby they exercise their agency in a variety of ways (Bouvier 2006; García Durán 2006; Petersen 2001; Wood 2003). Many endure the presence of armed actors by obeying their rules while carrying on their daily lives. Some may participate voluntarily in armed groups or support them through local forms of clientelism, patronage, kinship, and other informal links, or the formation of new alliances and relations. In particular, local populations may seek physical and economic protection from the controlling armed groups, especially when the state is weak, inadequate, or abusive, or when there is danger of being attacked by opposing factions (Goodwin 2001; Justino 2009; Kalyvas and Kocher 2007). In these cases, civilians may decide to initiate forms of social and political action that facilitate alliances, and political and economic relations with local powerful actors (Sarmiento Anzola 1998). Some may even actively support and participate in the groups and their war activities, particularly when there is a strong alignment of preferences and beliefs between civilians and armed groups, along economic, ethnic, religious, or political lines. In many of these cases, the armed groups may themselves be part of the community or represent them in a particular wider social struggle, as Wood (2003: 18–19) has shown in relation to peasant communities in El Salvador.

Civilians may also choose to resist by refusing to comply with the actions or to accept the presence of armed groups in their midst. Resistance can take several forms, use violent or non-violent means, and be more or less covert (Bouvier 2006; García Durán 2006; Petersen 2001; Wood 2003). Open, violent resistance methods include armed self-defence groups, such as the Kamajor in Sierra Leone or paramilitary groups in El Salvador, Peru, and Colombia (Brockett 1990; Wood 2008). Covert resistance methods include forms of veiled opposition, described by James C. Scott as the 'weapons of the weak' (Scott 1985); for example, acting as informants to opposing factions, undermining the activities of the groups, or forming hidden resistance groups (Arjona 2016; Petersen 2001; Wood 2003; Funes 1998; Fumerton 2001). Resistance can also be limited to certain specific actions taken by armed groups, which Arjona (2015) defines as 'partial resistance'.

Resistance may lead to substantial gains in terms of civilian autonomy and ability to conduct their lives and access livelihoods (Kaplan 2017). However, negotiating with armed groups and resisting some of their advances also has substantial costs including the risk of death, injury, displacement, or ostracism, when armed groups act to repress resistance

Figure 1 Patterns of civilian agency in conflict contexts



Source Author's own.

(Kalyvas and Kocher 2007; Kaplan 2017). In the specific case of Colombia, Arjona (2016: 305) reports how communities with high capacity for collective action were specifically targeted and victimised by armed groups, particularly when the areas were strategically important, but also using 'violence as a measurement tool' to establish the strength of local collective action.

Local communities exhibit very different capacity to resist armed groups or engage in collective forms of social and political action. This capacity has to do largely with the strength of local institutions (Arjona 2016), their economic capacity (Justino 2009), and the ways in which social cooperation emerges in different communities (Justino 2015, 2017a). As argued in Kaplan (2017: 9), 'social cohesion affords civilians greater changes to overcome fear, break the "law of silence" and revive communication, and implement collective strategies for protection'. The capacity of communities to organise can also be supported by external actors such as non-governmental organisations (NGOs) and international donors through technical and financial assistance (Kaplan 2017).

Overall, the exercise of agency by civilians appears to depend on two key factors. The first is the behaviour of local armed groups (including rebel groups and state authorities). The second are local socioeconomic characteristics. Figure 1 illustrates in a static way the choices faced by civilians in conflict-affected areas depending on the strategy of the armed actors in that location at that time, recognising that these

may evolve and change as the conflict progresses, and different social, economic, and political dynamics unfold.² In situations of predatory behaviour, civilians (that have not been killed or displaced) may be more likely to either obey or move given the high threat of violence. In situations where armed groups decide to rule and establish order, civilians will resist if they have the institutional or economic capacity to do so (Arjona 2016; Boix 2008), or they will obey and collaborate if their interests align with the armed groups or they do not have the institutional or economic capacity to resist (Justino 2009; Arjona 2016). This framework predicts that forms of social and political action among civilians to resist armed groups thus occur in two settings: communities with high institutional and economic capacity and communities where civilian interests are at odds with those with armed groups. The next sections explore these two factors in the case of the Colombian conflict.

3 The Colombian case

Colombia has been characterised by profound forms of social and institutional transformation as a result of decades of armed conflict (Gáfaró *et al.* 2014). With origins in fighting that erupted in the 1940s between the two main political parties, the Liberal and Conservative parties (Sánchez and Meertens 2001), the conflict was the result of centuries of disagreements over the organisation of Colombian society and polity, and led to over 200,000 deaths between 1948 and 1958. Violence subsided with the formation of the National Front, a political settlement that ensured power-sharing between the two main parties, but which did not accommodate the demands of peasant organisations and other left-wing political movements.

Peasant organisations that emerged during the period of *La Violencia* (1948–58) turned into left-wing guerrilla groups during the early 1960s. The strongest guerrilla group was the FARC, which grew from 850 combatants in 1978 to more than 16,000 in 2000 across 66 fronts (Kaplan 2017). The second guerrilla group was the National Liberation Army (ELN), formed in 1962. The ELN had about 4,500 combatants in 2000 but undertook almost the same number of kidnappings and attacks as the FARC (*ibid.*). In later years, the emergence of the illegal drug trade intensified the conflict by providing resources to left-wing guerrilla groups, and promoting the creation of private armies led by paramilitary groups for the protection of drug barons and large landowners.

The expansion of paramilitary groups grew after a failed peace process with the guerrilla groups in the 1980s, and led to an intensification of the conflict and to greater violence during the 1990s (Sánchez and Chacón 2006). These groups were united in 1997 under the umbrella of the Autodefensas Unidas de Colombia (AUC) and became heavily involved in the illegal drug trade and in brutal forms of violence against civilians. Levels of violence started to drop in the early 2000s, as a result of Colombian government military intervention under President Uribe and the demobilisation of paramilitary groups in 2003. More recently,

in 2016, the FARC and the Government of Colombia signed a historical peace agreement that is expected to finally herald the end of the conflict.

The Colombian conflict has been characterised by large levels of displacement: more than 7 million people have been displaced, second only to the recent conflict in Syria.³ However, many communities have remained in areas where armed groups have been present and conflict ongoing (Engel and Ibáñez 2007), exercising various forms of agency (Arjona 2016; Kaplan 2017). The presence of different armed groups and their strategic objectives influenced local social relations and organisations due to their imposition of norms of behaviour and economic and political regulations (Gáfaró *et al.* 2014). These strategies debilitated many social networks and community organisations.

Some communities adapted to the presence of either the FARC or the paramilitaries. Others have supported the FARC or paramilitary groups through a variety of ways (Arjona 2016). In some areas, community organisations became a protection against violence, while in others armed groups faced open civilian resistance. Resistance also took non-violent forms with communities creating new, apparently non-political, organisations, such as sports, religious, and cultural organisations, to avoid being targeted (Gáfaró *et al.* 2014). There has been, therefore, a long tradition of social and political action during the conflict in Colombia, with large variation in strength and the nature of actions undertaken by different social groups across the country and across time (Bouvier 2009; Kaplan 2017). The sections below discuss the role of key groups and organisations in these forms of social and political action.

3.1 Labour unions and peasant associations

The important role of labour unions during the Colombian conflict goes back to the period of *La Violencia* when they were associated with the emergence of a left-wing movement to protect workers against industrialists and large landowners. In the subsequent period, labour unions were largely eradicated by a series of regimes and leaders backed by the US, who feared working-class radicalism and a move towards communism (Kofas 2000). This significantly weakened the labour movement, with a lasting impact on the unions' role in combating powerful (and often violent) economic and social interests. However, their legacies remained, leading in some cases to effective resistance against the presence and control of armed groups in more recent decades (Arjona 2016; Kaplan 2017).

A similar process took place among peasant associations (Thomson 2011). In the 1920s, peasants organised and successfully resisted land grabs by powerful political actors, and mobilised to protest against low wages and poor working conditions. Some peasants formed 'self-defence' communities to protect themselves from eviction in the form of 'agrarian unions' or 'peasant leagues'. During the period of *La Violencia* in the 1940s, many peasants fled persecution and

joined existing armed resistance communities. In the 1960s, 'peasant resistance communities' formed during the period of *La Violencia* re-started their actions in attempts to retain control of areas threatened by displacement. These resistance communities were known as 'independent republics' since they were self-governing, and became targets of military attacks. Some of these communities became part of armed groups, such as the FARC, who took advantage of the ready formation of group capital to begin supporting small-scale farmer groups with land claims and to start a campaign to politicise peasant (*campesino*) groups (Vallejo 1986). Other *campesino* groups were given money and training by the government as 'self-defence groups', while others resisted outside interference (Thomson 2011).

Arjona (2016) documents one such example in the municipality of Viotá in the Cundinamarca department, which was the site of one of the strongest revolutionary agrarian movements across Colombia between the 1930s and the 1950s. In response to slavery-like working conditions, peasants working in large *haciendas* in Viotá organised and demanded better conditions and the re-organisation of land tenure systems. Soon the municipality became the centre of communism in Colombia. Arjona (2016) discusses how the success of this movement, the institutions it created (notably, mechanisms to guarantee property rights, forms of dispute adjudication, and self-governing institutions) and the resulting increased institutional capacity for collective action was followed, years later, by effective resistance by self-defence groups against the control of the FARC and paramilitary groups.

3.2 The role of Afro-Colombian and indigenous groups

Afro-Colombian and indigenous groups played important roles in resistance and social and political action against the civil war and armed groups. Colombia's population comprises several ethnic groups, with Afro-Colombians comprising around one quarter. According to the National Indigenous Organization of Colombia (ONIC), there are also over 100 indigenous groups across the country, comprising around 3 per cent of the total population. Both Afro-Colombian and indigenous groups have been heavily affected by the conflict due to their dependency on land, often coveted by armed groups (Arjona 2016; Troyan 2008). Indigenous groups were particularly active during the conflict in rescuing kidnapped victims, resolving local conflicts, and protesting against the presence and actions of armed groups (Kaplan 2017).

Several studies have documented the role of these groups during and in the aftermath of the conflict. For instance, Baumeister (2007) looks at how indigenous groups in Bajo Atrato, Chocó used their sense of identity to build strong social networks and organisational structure, which ultimately they used for resistance against repression and violence. At the national level, this structure comprised the ONIC, a federation of local regional councils. At the regional level, *cabildos mayores* became institutions through which indigenous communities were officially recognised as groups and interacted with each other. At the

community level, *cabildos locales* were formed within communities using traditional structures of authority. Baumeister's (2007) study shows, in line with the predictions in Figure 1, that the creation of a strong organisational structure has been key in enabling resistance to armed groups, especially to forced displacement. This was done through a community-led approach that reports human rights violations at the local level, and exercises pressure on government institutions. The ONIC has also formed links with international organisations. Although they were still heavily targeted and affected by violence throughout the conflict and much remains to be done, some important achievements by these communities have included the reclaiming of indigenous land, the protection of heritage and culture, the creation of local security mechanisms, and the organisation of protests against violations of their human rights (Hernández Delgado 2009; see also Arjona 2015).

Afro-descendent communities have engaged in similar forms of resistance by forming networks of black communities across Colombia (Hernández Delgado 2009). Gains have been less visible than those among indigenous communities but, despite some institutional limitations and sometimes heavy loss of lives, these movements resulted in more formal recognition of their identity, heritage, and historical collective property rights, some gains in electoral representation in local councils, the reduction of the intensity of armed conflict in their communities, the prevention of forced displacement and return of some displaced communities to their land, and the establishment of 'community shops', which guarantee food security when armed conflict escalated and food was restricted (*ibid.*).

3.3 Peace communities

There is a long history of peace communities in Colombia; communities which have managed to organise peaceful resistance to armed groups during the civil war. Some either originated or gave rise to the peasant, indigenous, and Afro-Colombian movements discussed in previous sections. Naucke (2017) describes the well-documented case of San Jose de Apartado, where community members were successful in keeping armed groups at bay (see also Kaplan 2017). Two main historical factors shaped their ability to do this: the selective presence of the state, and the ability of the civilian population to politically and economically self-organise. The community of San Jose was formed by persecuted and displaced people during the period of *La Violencia*, who came to live on unoccupied land after being forced to migrate from other areas. They therefore came with shared experiences of displacement and disruption of social relations, all starting anew. These factors, alongside the physical isolation of the community and detachment from state institutions and social infrastructure, facilitated the development of strong social cohesion, local identity, and solidarity, and the consequent high levels of institutional capacity to resist.

Burnyeat (2013) describes similar community organisation and resistance in Uraba, Colombia through CAVIDA (Comunidad de

Auto-Determinacion, Vida y Dignidad) and its Humanitarian Zones in Cacarica. CAVIDA was formed by people living in refugee camps after being forcibly evicted by the paramilitaries, with the aim of reclaiming their land. The idea was to form a peaceful resistance movement, to 'claim justice, and denounce violations and corruption, aiming to transform the conflict and strengthen the peasant communities' (Burnyeat 2013: 438). Community members achieved their objectives by forming 'Humanitarian Zones', which made use of international humanitarian law to distinguish between combatants and civilians and demarcate safe spaces for civilians. Although peace communities became a target for armed groups, they were deterred from taking over the community in many instances due to support offered by high-profile international organisations. CAVIDA was legitimised by the Inter-American Commission on Human Rights, which backed and used its networks with national and international NGOs to denounce violations and threats against communities by armed groups. Similar peace communities have been documented in the Middle Magdalena Valley, in the Oriente Antioqueno, in Montes de Maria, and in Putumayo (Bouvier 2009).

3.4 The role of women's groups

Women were disproportionately affected by the Colombian conflict, but also played important roles through a variety of social and political actions. McIlwaine and Moser (2001) discuss how the conflict has created extreme levels of fear, especially in communities affected by paramilitary and guerrilla activity, which has led to growing suspicion and a culture of silence, 'individualism', and 'lack of solidarity' which affected women in particular. Despite these adverse effects, similarly to other conflicts (Justino 2017b; Justino, Leone and Salardi 2015), the conflict in Colombia has afforded many women the opportunity to occupy local public and political roles in the absence of their male partners, organise themselves into groups supporting the search for relatives who have been disappeared, captured, or killed by armed actors, and to generally broaden their role in the community (Rojas 2009).

Villareal and Ríos (2006) discuss particular resistance movements to armed groups in Colombia led by women. Their study argues that women-led movements were easier to form in rural areas, due to small social groups and interaction between women, which gave rise to collective bonds and community projects. Most women's groups that emerged in these contexts were formed as channels for peace but had generally other overt purposes such as addressing discrimination, poverty, and exclusion. Examples of such movements include women's groups based around productive work, especially agriculture, which strengthened women's technical knowledge, as well as awareness of democratic rights and leadership skills. Other groups focused on creating employment and income for women. These groups have faced much resistance in patriarchal communities and among those worried about the safety of the community. As many of the women's groups go against dominant economic interests, and therefore receive threats, some have chosen co-optation or alliances with armed groups to be able

to continue their groups in some manner. However, overall, the strength of women's organisations has created a stronger social fabric, becoming a form of defence against violence caused by war and drug trafficking (McIlwaine and Moser 2001; Justino *et al.* 2012).

4 Outcomes and implications

Section 3 described some key forms of social and political action that have been undertaken by social groups and movements during the Colombian conflict. As discussed in Section 2, two key factors shaped variation in social and political action across the Colombian territory and at different periods of the conflict. The first was the behaviour of armed groups: those areas where armed groups tended to act in predatory ways saw more social movement resistance, by peasant and indigenous communities in particular (Arjona 2016). The second, and arguably most important factor, was the organisational capacity of civilians. Full resistance has only taken place in areas with high-quality pre-existing institutions (both legitimate and effective) (Arjona 2015).

The discussion in Section 3 suggested that communities in Colombia are also better placed to resist the influence of armed groups and maintain autonomy and self-rule when they are formed by members sharing common interests and high levels of internal cohesion, when community leadership is inclusive and able to exercise sufficient balance between support and pressure for resistance (even when interests are not homogenous), and when they benefit from high levels of social capital over time (Idler, Garrido and Mouly 2015; Kaplan 2017). In the case of peace communities, it is also important to note the role of external actors: support from national and international agencies allowed the successful community to build up civil society capacity and helped organise groups in support of peace (Idler *et al.* 2015).

After almost six decades of violent conflict, the government of Colombia and the FARC signed a historical peace agreement in 2016. Violence has been much reduced across the country, but pockets of violence remain in some areas due to the actions of neo-paramilitary groups (*bandas criminales*), members of the National Liberation Army (ELN), and small dissident groups within the FARC. There is some evidence of an increase in political and social action and engagement among Colombian citizens during the long peace process, particularly among the groups discussed above. Although early talks between the government and guerrilla groups barely involved civil society actors during the early- to mid-1990s, some civil society groups started to be involved in peace initiatives, with important roles for women's groups (Fernández, García Durán and Sarmiento 2004; Isacson and Rodríguez 2009).

In 1998, a Permanent Assembly of Civil Society for Peace (*Asamblea Permanente de la Sociedad Civil por la Paz*) was initiated that included indigenous and *campesino* leaders. After the collapse of the peace talks with the FARC in 2002, civil society organised the National Congress for Peace and Country (*Congreso Nacional Paz y País*). Civil society

has since had less influence on peace talks nationally, with authorities creating less space for them at the negotiating table (Isacson and Rodríguez 2009). However, civil society organisations now have some influence at the local level through the mobilisation of indigenous groups and women's organisations, discussed in the previous sections, which has contributed to increasing citizen participation in planning, governance, and conflict resolution (Delgado 2004).

What are the implications of these forms of social and political action for peace in Colombia, and more widely in post-conflict contexts? The remainder of this article explores how social and political action by citizens influenced the peace process and three areas of broad importance to future peace in Colombia and potentially in other countries emerging from conflict (peace and security, accountability, and empowerment) and one area where caution must be exercised (the potential rise of parochial politics). The mixed experiences of Colombian communities over the last almost six decades of conflict highlight the importance of security for the exercise of social and political action, but also the trade-offs faced by social and political action in either preventing or attracting further violence.

Security

Violent conflict creates fear and distrust among communities, and may also erode local social relations (Moser 1999). Participation in community action may then be greater in less conflictual areas. However, civilian collective agency during the Colombian conflict protected individuals and communities against exposure to violence in some instances. Communities that were able to ensure autonomy and retain sufficient levels of self-rule in relation to armed groups were able to keep violence away from the community, sometimes for the duration of the conflict (Kaplan 2017).

Social and political action during the conflict may have ensured less exposure to killings and destruction thanks to more effective patterns of negotiation with armed groups. This may, in turn, facilitate recovery in the post-conflict period in terms of better capacity for social organisation, and stronger political capital. It may also mean better access to economic resources where land and livelihoods were less destroyed, although some communities with a high capacity for collective action were also severely targeted by armed groups (Arjona 2016). Such targeting has continued; as the peace agreement with the FARC has progressed, unionists, human rights activists, and other civil society groups critical of the actions of armed actors have been frequently targeted and killed by one or other of these forces, including very recently (Bergquist, Peñaranda and Sánchez 2001; Bouvier 2009; Gutiérrez Sanín, Marín Jaramillo and Carranza 2017).⁴

Accountability

Huang (2016) argues that civil wars can result in democratic systems when they are characterised by substantial forms of civic mobilisation

which post-war powerholders respond to in order to maintain power. In reality, few civil wars result in truly democratic systems of governance. However, in some cases, gains can be made in terms of ensuring more public authority accountability towards civilian populations. This was the case in Colombia, where social and political action by civilians improved the accountability of government institutions towards civil society, which is now more involved in the peace process than ever before. Social and political action was also used to ensure the autonomy of civilian affairs in some communities and the greater accountability of armed actors in control of those communities during wartime through negotiations (Kaplan 2017).

Much remains to be done to ensure that social and political action during the conflict results in more accountable government institutions, and the inclusion of civil society organisations in the peace process remains patchy. Some agreements to improve the inclusion of marginalised groups are also still being ignored in practice,⁵ while clarity with respect to the rights of farmers involved in illegal crop production, and of returning displaced populations remains limited.⁶ It is, therefore, important that social and political action in Colombia continues to strengthen as society moves firmly into the post-conflict period.

Empowerment

Social and political action during the Colombian conflict has arguably contributed towards the empowerment of traditionally socially excluded and economically vulnerable groups such as the Afro-Colombian and indigenous populations, rural communities, ex-combatants, and displaced women (Moser 2005). For instance, women involved in peace-building processes have reported raised self-esteem and reduced levels of fear, which in turn has allowed them to participate more in the peace process and to speak out against injustices, conflict, and violence (*ibid.*). Some of these women have taken up opportunities opened by the armed conflict in Colombia to build ‘strategic action and agency’. This in turn has meant that women’s collective action has helped shape the public agenda relating to the conflict (Domingo, Menocal and Hinestroza 2015; Pearce 2007). At the group level, several civil society organisations involved in social and political action during the conflict to resist armed groups and support peace tended also to strengthen their internal cohesion over time and thus increase their capacity to carry out their aims (Moser 2005). Even though the conflict closed down some spaces for social and political action due to fear and violence, some civil interactions continued to operate informally. Over the years, this process may lay the foundations for social change (Pearce 2007) through an increased ‘sense of citizenship’ among community members.

The pitfalls of ‘parochial’ politics

Despite some of the positive changes outlined above, it is important not to forget that the emergence of both guerrilla and paramilitary groups in Colombia (as in many other conflict-affected countries) had its origin in forms of social and political action in response to political

and economic changes. The FARC effectively emerged from the failure of the political system agreed after the period of *La Violencia* between the Liberal and the Conservative party to accommodate the demands of left-wing groups grounded on peasant associations and fighting for land rights. These peasant self-defence groups formed what was called 'independent republics' that provided important strongholds for the emergence of the FARC as a coherent guerrilla group fighting for the rights of peasants across Colombia (Kaplan 2017; Sánchez and Meertens 2001). The paramilitary groups that grew in strength throughout the 1980s and 1990s originated also from local self-defence groups that formed to protect the interests of large landowners against the attacks of the FARC and the ELN (Kaplan 2017; Sánchez and Meertens 2001). Given this history, it is important that local, national, and international peace efforts mitigate social, political, economic, and cultural differences in ways that prevent the emergence of divides along 'parochial' lines and specific group interests that may end up reigniting – rather than ending – the conflict.

Notes

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- 1 Patricia Justino, Professorial Fellow, Institute of Development Studies, UK.
 - 2 A dynamic version of this framework would take into consideration the fact that civilian responses (displacement, resistance, or collaboration) are likely to generate second order reactions by armed groups in terms of further predation/repression or the establishment of order. This could be formally modelled using a dynamic game theory model.
 - 3 www.internal-displacement.org/countries/colombia.
 - 4 Between 1999 and 2009, more than 1,000 trade union members were killed in Colombia, largely targeted by paramilitaries and right-wing groups (Arjona 2016).
 - 5 See, for instance, www.onic.org.co/comunicados-internacionales/2324-declaracion-politica-del-encuentro-binacional-indigena-y-popular-colombia-venezuela.
 - 6 See, for instance, www.reuters.com/article/us-colombia-drugs/at-least-six-die-during-colombia-protest-over-coca-crop-removal-idUSKBN1CB2I6 and Londoño and Mejía (2016).

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Glossary

- A4EA** Action for Empowerment and Accountability [UK]
- ABMA** All Burma Monk's Alliance
- ACS** Asociación Colombiana de Sociología [Colombian Association of Sociology]
- AUC** Autodefensas Unidas de Colombia [United Self-Defenders of Colombia]
- BGF** Border Guard Force [Myanmar]
- BJP** Bharatiya Janata Party [India]
- BSPP** Burma Socialist Programme Party
- BWU** Burmese Women's Union
- CAFTA** Central American Free Trade Agreement
- CAVIDA** Comunidad de Auto-Determinación, Vida y Dignidad [Community of Self-Determination, Life and Dignity, Colombia]
- CEGSS** Center for the Study of Equity and Governance in Health Systems [Guatemala]
- CEH** Comisión de Esclarecimiento Histórico [Historical Clarification Commission, Guatemala]
- CICIG** Comisión Internacional contra la Impunidad en Guatemala [United Nations International Commission Against Impunity in Guatemala]
- CINEP** Centro de Investigación y Educación Popular [Centre of Research and Popular Education, Colombia]
- CPI (M)** Communist Party of India (Maoist)
- CPI-Marxist** Communist Party of India (Marxist)
- CPI (ML)** Communist Party of India (Marxist–Leninist)
- CPRC** Chronic Poverty Research Centre [UK]
- CSO** civil society organisation
- DAKMS** Dandakaranya Adivasi Kisan Mazdoor Sangathana [India]
- DNP** Departamento Nacional de Planeación [National Planning Department, Colombia]
- EAO** ethnic armed organisation
- ELN** Ejército de Liberación Nacional [National Liberation Army, Colombia]
- ETA** Euskadi Ta Askatasuna [Basque Homeland and Liberty, Spain/France]
- FARC** Fuerzas Armadas Revolucionarias de Colombia [Revolutionary Armed Forces of Colombia]
- FCRA** Foreign Contribution Regulation Act [India]
- GAD** General Administration Department [Myanmar]
- HiCN** Households in Conflict Network [UK]
- ICJ** International Commission of Jurists [Switzerland]
- IDEAS** Institute of Development and Economic Alternatives [Pakistan]
- IDP** internally displaced person
- INGO** international non-governmental organisation

ISEAS Institute of Southeast Asian Studies [Singapore]
KCSN Karenni Civil Society Network [Myanmar]
KESAN Karen Environmental and Social Action Network [Myanmar]
KHRG Karen Human Rights Group [Myanmar]
KIO Kachin Independence Organisation [Myanmar]
KMAS Krantikari Mahila Adivasi Sangathana [India]
KNPP Karenni National Progressive Party [Myanmar]
KNU Karen National Union [Myanmar]
KWAT Kachin Women's Association of Thailand
LFO Legal Framework Order
LGBT lesbian, gay, bisexual, and transgender
LHC Lahore High Court
LUWE left-wing extremist/extremism
MCC Maoist Communist Centre [India]
MGNREGA Mahatma Gandhi National Rural Employment Guarantee Act [India]
MKSS Mazdoor Kisan Shakti Sangathan [India]
MoHA Ministry of Home Affairs [Myanmar]
MPSI Myanmar Peace Support Initiative
MRD Movement for the Restoration of Democracy [Pakistan]
NAC National Action Committee [Pakistan]
NBA Narmada Bachao Andolan [India]
NFSA National Food Security Act [India]
NGO non-governmental organisation
NLD National League of Democracy [Myanmar]
OMP Odisha Maobadi Party [India]
ONIC Organización Nacional Indígena de Colombia [National Indigenous Organization of Colombia]
PBC Pakistan Bar Council
PCO Provisional Constitutional Order
PDS Public Distribution Scheme [India]
PILDAT Pakistan Institute of Legislative Development and Transparency
PLFI People's Liberation Front of India
PML-N Pakistan Muslim League-Nawaz
PPP Pakistan People's Party
PUCL People's Union for Civil Liberties [India]
RTF Right to Food
RTI Right to Information
SCBA Supreme Court Bar Association [Pakistan]
SHRF Shan Human Rights Foundation [Myanmar]
SJC Supreme Judicial Council [Pakistan]
SJD Juridicae Scientiae Doctor [Doctor of Juridical Science]
SLORC State Law and Order Restoration Council [Myanmar]
SPDC State Peace and Development Council [Myanmar]
SWAN Shan Women's Action Network [Myanmar]
UMEHL Union of Myanmar Economic Holdings Limited
UNDP United Nations Development Programme [USA]
UNHCR United Nations High Commissioner for Refugees [Switzerland]

UPA United Progressive Alliance [India]

USDP Union Solidarity and Development Party [Myanmar]

USIP United States Institute of Peace

WLB Women's League of Burma

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