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ORIGINAL ARTICLE

The Emergence of a Hybrid Public Sphere in Myanmar: Implications for Democratisation

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Abstract

Myanmar was under a military government for almost six decades, during which time the state maintained an 'authoritarian public sphere' that limited independent civil society, mass media and the population's access to information. In 2010, Myanmar held flawed elections that installed a semi-civilian government and established a hybrid governance regime, within which civil, political and media freedoms expanded while the military's influence remained significant. In this paper, we examine 'hybrid governance at work' in the 'hybrid public sphere', that holds in tension elements of an authoritarian and democratic public sphere. The boundaries of these spheres are demarcated through legal means, including the 2008 military-created Constitution, associated judicial and administrative state structures and the actions of civil society and community movements toward political, military and bureaucratic elite actors. We develop our analysis first through an assessment of Myanmar's political transition at the national level and, then, in an empirical case of subnational politics in Dawei City regarding the planning of the electricity supply. We suggest that the hybrid public sphere enables discourses—associated with authoritarian popularist politics in Myanmar—that build legitimacy amongst the majority while limiting the circulation of critical discourses of marginalized groups and others challenging government policies. We conclude that for substantive democracy to deepen in Myanmar, civil society and media must actively reinforce the opportunity to produce and circulate critical discourse while also facilitating inclusive debates and consolidating legislated civil, political and media freedoms. On 1 February 2021, shortly after this article was finalized, a military coup d'état detained elected leaders and contracted the post-2010 hybrid public sphere, including constraining access to information via control of the internet and mass media and severely limiting civil and political rights.

Keywords: hybrid governance; accountability; authoritarian public sphere; media freedoms; Dawei

Introduction

In Myanmar, the public sphere is under transformation.[1] For almost six decades, Myanmar was governed by a military junta government that exercised authoritarian control over civil society, the media and the production and circulation of public debate, and thus also the public sphere (Dukalskis 2017). Following deeply flawed elections in November 2010, a semi-civilian administration was elected (Pedersen 2011). While the military maintains considerable influence, a degree of electoral competition and civil, political and media freedoms were introduced; this is best understood as a partial-electoral democracy without substantive democracy (Pedersen 2018; South 2018) or as a hybrid governance regime (Diamond 2002; Stokke and Aung 2019). However, civil society actors could now more openly discuss public concerns and began to expect that the government should respond to them. Accordingly, in Myanmar, a more democratic public sphere emerged.

[1]This paper's text was finalized in August 2020, which was three months before the general election on 8 November 2020 and five months before the military coup d'état of 1 February 2021. We have not updated the paper's analysis to reflect the significant implications of the coup d'état, but we hope that our analysis may contribute towards understanding aspects of it. We have therefore written a post-script suggesting initial analysis.

The majority of public sphere theory is derived from critical theory on the structural transformation of democratic liberal capitalist economies (Koçan 2008). Critical democratic theory holds that the public sphere is essential to democracy (Fraser 1990; Habermas 1989), where the public sphere is the conceptual space between the state and civil society in which citizens can deliberate about societal concerns and where discourses, to which the state is expected to respond, circulate via mass media. Conversely, authoritarian regimes seek to maintain their legitimacy and control dissent by communicating their ideology via a tightly controlled mass media to influence citizens' thinking. Information that is circulated is largely state propaganda, open public debate is constrained, and two-way communication between the state and the public is limited. Dukalskis (2017) has named this form of discourse circulation an authoritarian public sphere (see also, Young 2000; Lewis 2013). However, this is not to suggest that within an authoritarian regime there are no spaces for dissent at all, but these spaces are highly constrained and it is risky for those who raise critical comments publicly (e.g. in Myanmar, see Hlaing 2004; Mullen 2016).

Recent research has detailed the significant changes that have occurred since Myanmar transitioned to a semi-civilian government regarding civil society, media and social media. Although each is relevant to the public sphere, the implications for the public sphere itself are largely unaddressed. Therefore, in this paper, we build on Dukalskis' (2017) analysis of the authoritarian public sphere during Myanmar's junta period and Stokke and Aung's (2019) analysis of Myanmar as a hybrid governance regime to argue that Myanmar's public sphere is a 'hybrid public sphere' that holds in tension elements associated with the authoritarian public sphere and a more democratic public sphere that reflects the recently gained civil, political and media freedoms. This tension reflects the ongoing contestation for political authority and influence in Myanmar, including between the military, political parties, civil society and the media. We situate the concept of the hybrid public sphere within the broader literature on hybrid governance to examine 'hybrid governance at work', namely how discourse circulation is demarcated, bounded and acted upon. Our examination of the transition of Myanmar's public sphere from an authoritarian to a hybrid one shows how the continuities of Myanmar's authoritarian military junta period have integrated with the partial economic and political liberalisation that has taken place since 2010 and how new forms of authoritarian control emerged as political and civil freedoms have simultaneously expanded; this continuity reflects how Myanmar's transition to a 'disciplined democracy' was planned since the 1990s under the military junta government and how the military still influences domestic politics in their role defined within the 2008 Constitution that the military itself drafted (Jones 2014).

Myanmar's politics are increasingly viewed to exhibit traits of authoritarian popularism, which has been defined by Scoones *et al.* (2018: 2) as depicting when politics are "a struggle between 'the people' and some combination of malevolent, racialised and/or unfairly advantaged 'Others', at home or abroad or both". Authoritarian populist politics privilege some and marginalise others (Scoones *et al.* 2018, citing Rancière 2016) and limit the circulation of critical discourse while also claiming popular legitimacy to do so. In Myanmar, the Buddhist Burman majority ethnic group is dominant; yet, as observed by Scoones *et al.* (2018), while this group is advantaged in some ways, Aung San Suu Kyi's populist rhetoric has also not addressed challenges even amongst this group, including on land conflicts and distribution, the accountability of the military and its connected business interests and widening economic inequality. On confronting authoritarian popularism, Scoones *et al.* (2018: 9) state that "[t]he structures of oppression need to be revealed, in order to be resisted and overcome", of which one element that they flag to understand is "how regressive practice so often becomes hegemonic 'common sense'". Our paper responds to this challenge by exploring the shaping and control of the hybrid public sphere, including regarding political rights and civil freedoms as well as the role of civil society, mass media, telecommunications, the internet and social media. Here, we emphasise the ways in which the boundaries of the hybrid public sphere that hold authoritarian and democratic values and practices in tension are demarcated through constitutional and legal means, the associated judicial and administrative state structures, and the actions of civil society and community movements towards elite political, military and bureaucratic actors.

The paper is structured as follows. We begin by introducing the concept of hybrid governance and its utility in analysing Myanmar's political transformation. Then, we extend this approach to propose the concept of the hybrid public sphere to understand Myanmar's contemporary public sphere. The next section analyses Myanmar's evolving public sphere over three periods: (1) the authoritarian public sphere

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under the succession of military governments (1962–2010); (2) the emergence of a hybrid public sphere under the Union Solidarity and Development Party (USDP) (2011–2015); and (3) the hybrid public sphere subsequently under the National League for Democracy (NLD) (2016–Jan 2021). After, we detail a case study of Dawei City in Tanintharyi Region, examining how everyday politics at the subnational level have evolved towards addressing an issue of local concern, namely an affordable and reliable electricity supply. Here, we draw on interviews conducted in Dawei City in April and May 2018 with civil society groups (n = 11), journalists (n = 2), political party members (n = 3), government officials (n = 6) and business (n = 2), together with local media reporting and other secondary materials. Methodologically, the public sphere is analysed from a historical-descriptive perspective, assessing how the public spheres in existence were established (Koçan 2008). The paper's conclusion determines the implications of a hybrid public sphere for Myanmar's democratisation and the accountability of elite actors.

Myanmar's Hybrid Governance Regime

During the global third wave of democratisation in the early 1990s, many nominally electoral democratic regimes emerged (Huntington 1991). Yet, a significant proportion of these were not substantial liberal democracies, in which elections are free, fair and competitive and the freedoms necessary for informed and meaningful citizen engagement are ensured (Diamond 2002). Rather, they were 'hybrid' governance regimes—or pseudo democracies (Diamond 2002: 23)—that combine democratic and authoritarian elements, which can be further differentiated between 'competitive authoritarian democracies' and 'hegemonic electoral authoritarian democracies'. Levitsky and Way (2002: 53) attribute four criteria to competitive authoritarian democracies: (1) executives and legislatures are chosen through elections that are open, free and fair; (2) virtually all adults possess the right to vote; (3) political rights and civil liberties are broadly protected; and (4) elected authorities possess the real authority to govern. Regarding hegemonic electoral authoritarian democracies, Diamond (2002: 24) states that "'democratic institutions' are largely façades, yet may provide some space for political opposition, independent media, and social organisations that do not seriously criticise or challenge the regime".

In Myanmar, establishing institutions to ensure procedural democracy, together with civil and political rights that can enable substantive democracy, is proving challenging. The 2008 Constitution defines how a guided transition to democracy will take place from the perspective of the military who drafted it and politically structures Myanmar as a "diarchic system with power shared between the elected government and the military" (Pedersen 2018: 372). The military maintains a significant tutelary influence through the following actions: (1) naming 25 per cent of the seats in the upper and lower Hluttaw (legislature) that ensures a veto power for key decisions (including changes to the Constitution); and (2) selecting one Vice-President and appointing ministers for three key ministries (defence, border affairs and home affairs) (Badgley and Holliday 2018; Egreteau 2016; Pedersen 2018). As discussed below, the outcome of the 2015 election witnessed a transition, which involved a significant shift in elite power relations, from the military-linked USDP elected in 2010 to the NLD. Yet, Stokke and Aung (2019: 3), in a detailed paper on Myanmar's hybrid regime, argue that "Myanmar's political opening should be understood as an imposed transition, revolving around the aim of securing and legitimising state and military power… the military-led reform process has followed a sequential logic that follows from the military's imperatives, where state security and stability are prerequisites for economic liberalisation, formal electoral democracy and peace negotiations".

According to Freedom House, regarding civil and political freedoms, Myanmar was reclassified from 'not free' to 'partly free' in 2016 following the 2015 national elections. In 2019, political rights and civil liberties were both rated five out of seven (one = most free; seven = least free). Both press freedom and internet freedom were evaluated as 'not free'. During the military junta period, before 2011, both political rights and civil liberties were rated seven out of seven, which improved marginally to six out of seven over the USDP period. Thus, despite being formally an electoral democracy, Myanmar has weak civil and political freedoms; although, they are notably expanded compared to the military junta period (Pedersen 2018).

Myanmar's political geography also holds implications for the country's governance regime and the public sphere. Myanmar is an ethnically diverse country, over which the Union Government does not

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hold full sovereignty (Jones 2014; Walton 2018). Shortly after gaining independence from Britain, numerous ethnic armed organisations (EAOs)—and until the late 1980s the Communist Party of Burma—engaged in a widespread insurgency, seeking either independence or a democratic federal state. Although a growing number of EAOs have signed the National Ceasefire Agreement since 2015 and engaged in peace negotiations, the present level of violence has escalated to its most intense level since the 1980s, and the ongoing peace negotiations appear increasingly uncertain (Jolliffe 2018).

South (2018: 52) differentiates areas where EAOs exist in Myanmar into "relatively small and mostly quite remote areas controlled exclusively by EAOs, and more extensive areas of 'mixed administration', where authority is exercised variously by one or more EAOs and the government, and/or various Myanmar Army-backed militias". The areas exclusively controlled by EAOs, together with areas of mixed administration, where EAOs (uneasily) co-exist with the Union government agencies, are regions of 'limited statehood' (Risse 2013, cited in South 2018; see also Walton 2018). South (2018) refers to these as areas of 'hybrid governance' and adapts Diamond's (2002) concept to also acknowledge the contesting claims for political authority and territorial control between the Union Government and the EAOs. The multiple claims for political authority and legitimacy, as well as latent or actual violent conflict across significant areas of Myanmar, complicate the analysis of the public sphere, given that the state (as a source of political authority) is expected to respond to debates raised within it. Our analysis in this paper of hybrid public spheres applies principally to areas where the Union Government largely maintains uncontested political authority, which includes our case study of present-day Dawei City below. Further research is important to extend how hybrid public spheres are produced in areas of 'limited statehood'.

Authoritarian Populism and a Hybrid Public Sphere

There has been recent extensive commentary and scholarship on the global rise of authoritarian populism (Scoones *et al.* 2018). Whereas the concept itself is still debated from a range of social science perspectives, of relevance to this paper is the concept's attention to the role of various types of authoritarian leadership and a strong state, which closes down critical public discourse. Scholars have linked types of authoritarian popularism to the traits of hybrid democratic governance regimes and forms of 'minimalist democracy' (Tansel 2017: 11). Regarding authoritarianism, Bruff (2014: 115) views it as "[not] merely the exercise of brute coercive force… [but also] the reconfiguring of state and institutional power in an attempt to insulate certain policies and institutional practices from social and political dissent". In authoritarian popularism, dominant groups assert the legitimacy of divisive populist and often nationalist politics because forms of democratic systems are in place. Yet, "[a]uthoritarian populism frequently circumvents, eviscerates or captures democratic institutions, even as it uses them to legitimate its dominance, centralise power and crush or severely limit dissent" (Scoones *et al.* 2018: 3).

Scholars have also connected authoritarian populism to political economies that are extractive of human, financial and natural resources (Scoones *et al.* 2018) and have examined the complex relationship between the authoritarian populist turn and neoliberalism. Fraser (2017) and others have linked wider trends toward authoritarian and populist politics as rooted in the failures of 'progressive neoliberalism' and a turn of the electorate towards charismatic leaders following disillusionment of an earlier alliance between cosmopolitan elites and (selective) capital that claimed a commitment to meritocracy and the politics of recognition. However, for Myanmar, emerging from decades of military rule, the current conjecture is different and rooted in long-standing ethnic divisions, the ongoing influence of the military in politics and the bureaucracy and challenges for the country's leadership as it seeks to navigate the influence of China and the West, which hold economic and political implications domestically and geopolitically. Moreover, the embedding of Myanmar into global circuits of capital and economic liberalization has deepened only since 2010, after decades of military rule following relative economic isolation due to Western international sanctions from 1988 that progressively eased following the election of the USDP. Although not the main focus of our paper, the overarching observation of this literature is relevant to Myanmar and our analysis below—namely that authoritarian populist leaders backed by the strong state have often pursued economic goals that are flexible to the interests of domestic and transnational capital, including through facilitating the commodification of labour, nature and social reproduction

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(Kenney-Lazar 2019; McCarthy 2019; Tansel 2017). In this context, scholars have discussed the concept of 'authoritarian neoliberalism', which explains how a strong state may deploy coercive authoritarian power for the creation, function, maintenance and reform of the economic activity towards neoliberal rationales and objectives (Bruff 2014; Tansel 2017). Kenney-Lazar (2019) emphasizes how neoliberal reforms in Southeast Asia have been selectively adopted and adapted into existing power structures, including those of the political, bureaucratic and military elites, and thus enable their endurance (also Ong 2006; Springer 2017).[2]

In this paper, we consider how authoritarian popularism within hybrid democratic political systems relates conceptually and empirically to the hybrid public sphere. There are numerous definitions and conceptual approaches toward the public sphere (Koçan 2008; Rauchfleisch 2017). As a generally held ideal in critical democratic theory, the public sphere is an arena—formed of physical or social sites—where people, often organised as a civil society, can deliberate their opinions, including on government actions and formal politics. As issues are communicated and debated, they become known to 'the public', and those opinions considered valid gain legitimacy, whereas those that are not are discredited. This process of 'publicity' (i.e. making issues public), and the generation of 'public opinion' in turn, is expected to be acted upon by those in positions of authority. Thus, public opinion becomes a political force via 'communicative action'.[3] Communication within the public sphere is mediated by forms of mass communication, including newspapers and, nowadays, social media, as well as in physical spaces, such as public events and formal or informal meetings. Overall, the conduct of communication is governed by societal rules, social norms and values (Koçan 2008: 16), which take place within multiple, coexisting public spheres (Fraser 1990). Furthermore, civil, political and media freedoms are necessary for an active public sphere. Lewis (2013) draws on Young (2000) to argue that a key function of civil society is maintaining critical discourse through the public sphere. This role, however, is targeted by authoritarian popularism.

In the context of hybrid democratic systems, the public sphere of critical democratic theory appears to be a contradictory notion, or at least a bounded one. Dukalskis (2017: 18) proposes the concept of an 'authoritarian public sphere', writing that "[i]f an ideal democratic public sphere is one in which free political discussion can take place between citizens and critical information can circulate openly, an authoritarian public sphere approximates the opposite. It is a realm of political discussion and information that is dominated and manipulated by the authoritarian regime and/or its allies". Dukalskis (2017: 15–17) suggests that neither the potential deployment of violent force nor the importance of generating and maintaining legitimacy should be underestimated as a means of controlling the population. He proposes that both a 'positive' legitimation effort and a 'negative' repression effort by the authoritarian regime is necessary to dominate and control the public sphere and, in turn, (intends to) shape citizens' conduct and thinking and limit the political imagination. Dukalskis also names positive legitimation efforts, which include crafting and actively disseminating messages legitimating the regime, and negative repression efforts, which include blocking, censoring or undermining viewpoints that might be threatening to the state's narrative. Meanwhile, Lewis (2013) discusses how the curtailing of independent civil societies' roles in producing counter-discourse are a common repressive mechanism in authoritarian regimes.

As discussed above, hybrid regimes have weak democratic institutions and norms, which are circumvented, eviscerated or captured by authoritarian populist governments, and allow for the partial closing down of political space, including media freedoms and opponents' rights of freedom of speech and assembly (Levitsky and Way 2002; McCarthy 2019; Scoones *et al.* 2018). Thus, we see the creation and maintenance of a hybrid public sphere as one means by which populist authoritarian leaders govern, control political space for dissent and maintain legitimacy. This also has implications for the political economy, such as the possible expansion of authoritarian neoliberalism. Here, we draw on Bruff

[2]Demonstrating this argument in Laos, Kenney-Lazar (2019:342) shows how authoritarian power has been deployed to create 'state land' to attract foreign investment, thus revealing the linkages between neoliberal market-reforms of a 'post-socialist' economy through authoritarian political control, which he views as a "hybrid economy… in the political-economic governance of land and natural resources".

[3]Accountability of state and powerful non-state actors is not only achieved through the 'communicative action' of the public sphere. Levitsky and Way (2002) identified four arenas within which the accountability of decisions and actions may take place in a competitive authoritarian regime: (1) the electoral arena; (2) the legislature; (3) the judiciary; and (4) the media.

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(2014: 116), who shows how the rise of authoritarian neoliberalism is partly achieved through "the reconceptualization of the state as increasingly non-democratic through its subordination to constitutional and legal rules that are deemed necessary for prosperity to be achieved", and Tansel (2017: 2) who highlights "the judicial and administrative state apparatuses which limit the avenues in which neoliberal policies can be challenged". They emphasize how the reworking of constitutional and legal rules empower and entrench the dominant group and marginalize subordinate social groups, including through the progressive weakening of (nominally) democratic institutions and the erosion of democratic politics—a process that Bruff (2014: 116) notes is "multilinear, uneven and contradictory".

We see the reworking of the constitution and law as key processes in the production of the hybrid public sphere that controls the space for political dissent through bounding civil, political and media freedoms. However, we also agree with Suhardiman *et al.* (2019: 370) that the analysis should not only focus on "rules-based approaches" and that social and political relations are reworked, including the demarcation of the hybrid public sphere, through the actions of civil society and community movements in relation to various elite actors. Thus, in the following sections, we analyse the production of the hybrid public sphere as a combination of these dynamics and its implications for civil, political and media freedoms, the circulation of critical discourse and the degree of accountability of political, state, economic and military elite actors.

Myanmar's Hybrid Democratic Transition and the Emergence of a Hybrid Public Sphere

Much has been written about authoritarian rule under Myanmar's military junta government and its transition to a semi-civilian government (e.g. Farrelly *et al.* 2018; Hlaing 2004, 2012; Jones 2014; Stokke *et al.* 2018). In this section, we analyse how Myanmar's social and political shifts have transformed the authoritarian public sphere into a hybrid one.[4] We briefly outline the authoritarian public sphere that emerged under the Burma Socialist Programme Party (BSPP; 1964–1988) and that continued under the junta military government of the State Law and Order Restoration Council (SLORC)/State Peace and Development Council (SPDC) (1988–2010). Then, we detail the transition to a semi-civilian government first under the USDP (2010–2015) and, subsequently, the NLD (2016–Jan 2021).

The authoritarian public sphere

Myanmar's independence from the British in January 1948 paved the way to only a brief and fraught period of parliamentary democracy. In March 1962, General Ne Win seized power, which heralded the Revolutionary Council (1962–1974) and, then, the 'Burmese Way to Socialism' under the BSPP (1974–1988) and a military-dominated one-party political system. By the 1980s, economic and social stagnation fermented widespread discontent. In 1988, students, informal groups and political activists organised nationwide social movements to bring down the BSPP and demand democratic reforms (Hlaing 2004). While the BSPP government toppled, a violent military crackdown ensued. The military established the SLORC in 1988, which was renamed in 1997 as the SPDC. Overall, the military controlled, either directly or indirectly, the executive, legislative and judicial arms of the government, dominated the media and supported mass organisations in place of an independent civil society.

Political rights, civil freedoms and civil society organisations

During the military period, civil and political freedoms were broadly suppressed, and the state scarcely tolerated public dissent (Hlaing 2004; Pedersen 2018). Responding to the 1988 military crackdown, Western countries imposed sanctions on Myanmar—leading the SLORC to build closer economic relationships with China and Thailand that welcomed the investment opportunities while holding few serious expectations of the opening of social and political freedoms and the protection of human rights (Pedersen 2018).

In 1964, the BSPP government had passed the National Solidarity Act, which prohibited all political organisations formed without the government's permission (Hlaing 2004). Meanwhile, the Unlawful

[4]Myanmar's economic liberalization has also been significant, but this is beyond the scope of this paper (see, for example, Jones 2014).

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Associations Act (1908) was widely applied to imprison those who were involved in any outlawed organisation (Human Rights Documentation Unit [HRDU] 2008). Only non-politicised religious, cultural and social welfare organisations, operating at the local level, were permitted (Kramer 2011).

Following the 1988 uprising, the SLORC/SPDC government doubled-down its control of the autonomous civil society and political organisations that had emerged (Steinberg 1997) and gave long prison sentences to hundreds of members (Hlaing 2004). The SLORC/SPDC created its own civil society organisations, such as the Women's Affairs Organisation and the Union Solidarity and Development Association (USDA), to influence society and watch for anti-regime activities (Hlaing 2004; Steinberg 1997).

Most civil society organisations, both local and international, had to stop activities judged as political by the government (Dale and Samuel-Nakka 2018).[5] Civil society groups contributed towards some societal issues deemed non-political—for example in education, environmental protection, social welfare and religion—but could not produce critical discourses within a public sphere (c.f. Lewis 2013). However, many of these organisations did support addressing the humanitarian crisis created by Cyclone Nargis in 2008, which became a catalytic moment for civil society (Kramer 2011).

Whereas civil society and the civil and political freedoms necessary for an active public sphere were tightly controlled, transnational advocacy networks produced a transnational public sphere on issues including democratisation, human rights and environmentalism (c.f. Fraser 2007). They operated beyond the Myanmar government's jurisdiction—including in UK- and US-based lobby groups, the Burma Partnership and organisations and media based in Chiang Mai, Thailand—in clandestine cooperation with CSOs in Myanmar (Dale and Samuel-Nakka 2018; Labbé 2016). Their discourse, critical of the military government, was also addressed towards governments, including the US, the UK and the European Union, which had sanctions in place.

Mass media

Since the BSPP, and continuing under the SLORC/SPDC, the government tightly contained the circulation of information through state ownership of newspapers, radio and television stations. Under the Printers and Publishers Registration Law (1962) and via the Press Scrutiny Board (PSB), the government controlled art, music, film, performance and other forms of expression that might include content considered 'anti-government' (HRDU 2008). By 1965, all private media had been shut down, and some prominent journalists were imprisoned (Kean 2018). The Censor Board required all publishing writers to submit their personal biographies, and they were not permitted to publish if they were suspected of writing against the government. Thus, the state controlled the mass media under state ownership to disseminate its own propaganda (Dukalskis 2017).

In 1988, following the violent military crackdown on protestors, the government doubled down on media control, shutting down all newspapers, journals and publications that arose with the social movement, and many journalists were imprisoned (HRDU 2008; Labbé 2016). Throughout the 1990s, some private literary publications once again emerged, and from the end of the 2000s, some weekly, private newspapers were published. However, pre-publication censorship maintained strict control over the articles (Kean 2018).

The constraint of the domestic media served to separate Myanmar's wider population from non-state sources of political information (Dukalskis 2017). In this context, international media and exile media created a transnational counter-public sphere to circulate discourse that challenged the state's authoritarian public sphere (Labbé 2016). It published content that was critical of the state and supported the domestic social movement for Myanmar's democratic reform by serving as a source of information (Hlaing 2004).

Telecommunications

Although the internet technically became available in the late 1990s, during the SLORC/ SPDC period, access through both computers and mobile devices was highly restricted (McCarthy 2018). During the

[5]Between 2000–2004, there was a brief period of growth of funding and international NGO activities - many of which worked with local organizations - for those willing to work with supportive senior members of the military government (Dale and Samuel-Nakka 2018).

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2000s, government regulations maintained the price of a SIM card at around US$2500. In practice, only those trusted by the military could purchase (cheaper) SIM cards. The Television and Video Law (1996) was also applied to license television sets, video players, cassette recorders and satellite televisions. Furthermore, the government could punish those who possessed or used fax machines, mobile phones, photocopiers or computers without holding a permit (HRDU 2008). The Board of Defence Services Intelligence also arbitrarily searched private homes, interrupted mail and monitored telephone conversations (Freedom House 2000).

Counter-narratives under authoritarianism

Although controls over civil society and the mass media were severe, the control was not absolute. Information and rumours circulated widely domestically as the population sought to make sense of the regime and its politics (McCarthy 2018). In domestic media, 'euphemism and allusion' were occasionally used to communicate commentary on political topics (Dukalskis 2017: 164). Moreover, activists in Myanmar covertly listened to international media, which informed them about how the situation in Myanmar was perceived internationally. However, political discussions were risky and often transpired only between trusted friends in private places (Dukalskis 2017).

Emergence of a hybrid public sphere

As the military prepared to lead Myanmar's transition to an electoral democracy, the drafting of the 2008 Constitution was the epitome of the authoritarian public sphere at work, whereby the military government tightly controlled the drafting process and the official narrative towards it through its control of the domestic media, even as ceasefire EAOs joined over 1000 delegates in a series of National Conventions initiated in 1993 and issued statements on the process (see HRW 2008). In 1996, the SLORC passed the 'Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions' to prevent and punish those who sought to incite, demonstrate, deliver speeches or issue statements that could affect the work that promoted national reconciliation, as claimed by the military government.

The 2008 Constitution, which was approved via a referendum in May 2008 and which was widely viewed as a sham, introduced a national-level upper and lower Httulaw (parliament) and separated the executive, judiciary and legislative branches. It also introduced a degree of decentralisation by establishing regional-level parliaments that simultaneously provided opportunities for ethnic minority legislators while maintaining "the continuity of establishment rule" (Farrelly *et al.* 2018: 4). As discussed above, it also maintained a significant role for the military to ensure its fundamental interest in state order and stability over individual freedoms. Although the transition from the authoritarian to the semi-civilian period was a complex process, one factor underlying the transition was the delegitimised role of the military. Of significance to this paper, the transition also demonstrates the limits of the authoritarian public sphere in legitimising the military's long-term open rule (Dukalskis 2017).

The NLD boycotted the November 2010 general election because it objected to the 2008 Constitution and the Election Law, which it argued could not guarantee a free and fair election. With no credible opposition, the military-backed USDP, led by ex-military general President U Thein Sein, gained a landslide victory. Within six months of coming to power, in an event of significant symbolism in the country's reform process, President U Thein Sein met with Aung San Suu Kyi to invite her into the transition process (Badgley and Holliday 2018). In early 2012, the government released 651 political prisoners, and the NLD subsequently competed in the April 2012 by-election, winning 43 out of 48 Union Parliament seats.

In the subsequent general elections in November 2015, 91 political parties competed, and voter turnout was around 80 per cent. The elections were broadly viewed as free but not completely fair (Stokke and Aung 2019), and the NLD won an overwhelming majority. The military did not undermine the transition to an NLD-led government, despite the rebalance of power away from the military. However, it did block revisions to the 2008 Constitution that would allow Aung San Suu Kyi to become President, in response to which she created the position of State Counsellor to be 'above the president' (Badgley and Holliday 2018).

NLD supporters held high expectations of further civil and political freedoms and a more substantial democracy under the NLD government. However, as discussed below, these freedoms remain constrained

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and, in some cases, have even regressed (Crispin 2019; HRW 2021; Mullen 2016). Thus, Myanmar's public sphere has not transformed from authoritarian to democratic, but it is now a hybrid public sphere and tied to Myanmar's hybrid democracy. A number of other well-documented crises have challenged the NLD government, including Aung San Suu Kyi's response to the ongoing Rohingya crisis in Rakhine State and the representation of Myanmar in the International Court of Justice in December 2019 (Khine 2018) as well as the stagnation of peace talks and escalating conflict with EAOs (Jolliffe 2018; Stokke and Aung 2019).

Political rights, civil freedoms and civil society organisations

With the transition to a semi-civilian government, Myanmar's population has had a greater opportunity to engage in the political processes via formal processes, such as elections and public consultations, and in other public sphere arenas, such as mass media and social media (Farrelly *et al.* 2018; Pedersen 2018). Furthermore, a new generation of thinkers, artists, writers and policymakers are emerging (Farrelly *et al.* 2018).

In December 2011, the Peaceful Assembly and Peaceful Procession Law (PAPP Law) was ratified and allowed citizens to express their disagreement towards government policies and decisions and to organise protests; however, the law still included constraints, such as requiring permission in advance. After over 50 years of authoritarian rule, this was a significant new political freedom, even as permission for many demonstrations were declined—especially those on land rights and the environment and by student activists and peace marchers (Fink and Simpson 2018).

Under the NLD, the parliament amended Article 436 in the 2008 Constitution, regarding the PAPP Law, which allowed citizens to notify the authorities about a protest rather than ask permission. Yet, in 2018, the NLD amended the law again, requiring that organisers inform the authority of the estimated cost and the identity of the individual or organisation that provided financial support. In 2019, a total of 43 people were facing trials under the PAPP Law, and more than 250 people, including activists, journalists, students and artists, have faced criminal lawsuits under various other laws that restrict freedom of expression in over 70 cases (Athan 2019a).

Freedom of Expression was also acknowledged in the 2008 Constitution (Article 354), which states that every citizen can express and freely publish their opinion if it is "not contrary to laws for Union security, community peace and tranquillity or public order and morality." Yet, Penal Code 505 (b) criminalises defamation by providing the authority to punish anyone who publishes or circulates any statement, rumour, or report with the intention to cause fear or alarm to the public. A total of 50 people faced penalties under articles 505 (a) and (b) during 2019 in eleven cases (Athan 2019a).

Facilitated by these new civil and political freedoms, a range of public protests have been organised across the country toward proposed megaprojects, ongoing electricity shortages, media restrictions, land grabbing and other issues. In some cases, the government responded favourably; for example, after widespread public protests toward the controversial Myitsone Dam project in Kachin State, the USDP government announced its suspension in 2011. In other major protests, however, such as the Letpadaung copper mine project in 2012 and a student movement for education reform in 2014, the government suppressed protests and charged the leaders under section 18 of the PAPP Law and section 505 (b) of the Penal Code. Yet, SuiSue Mark (2016) also found, in the Letpadaung case, that a district-level court ruling, which was in favour of communities who had been dispossessed of their land, was influenced by pressure through the media.

After the USDP government took office, President U Thein Sein expressed that the government would work with civil society organisations (CSOs) to reduce poverty, though most CSOs were not registered under the Association Act (1988) (Caillaud and Jaquet 2011; Hlaing 2012). Subsequently, in 2014, the USDP government passed a law on the Registration of Organisations. Given CSOs' crucial role in producing critical discourse (Lewis 2013), this was important legislation towards the creation of a more democratic public sphere. However, arguably reflecting the "government's authoritarian lineage" (Fink and Simpson 2018: 257), the USDP government carefully engaged with CSOs, whereas the military itself maintained a distinct non-engagement. Meanwhile, although some CSOs embraced the opportunity to engage the USDP government, others—especially those deeply tied to the pro-democracy movement—were more cautious.

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CSOs in Myanmar are nowadays engaged in a range of activities, including advocating for social and environmental issues, engaging with government officials on policy and providing civic and political education (Badgley and Holliday 2018). CSOs range from loosely structured and community-based ones, to more professionalised organisations (Fink and Simpson 2018). A growing number of exiled civil society groups have relocated to Myanmar as the USDP government removed thousands of names from the blacklist. Yet, Myanmar also has notable elements of illiberal civil society, such as the hard-line Buddhist nationalist group known as the 'Association for the Protection of Race and Religion' (*MaBatha*), that have pursued an agenda against Muslim minorities. Thus, the circulation of discourse in the hybrid public sphere does not always support an inclusive society. Furthermore, as observed by Fink and Simpson (2018: 258), "the boundaries between CSOs, political parties, and armed groups in Myanmar are often fuzzy, as many members of political parties have played active roles in CSOs, and many ethnic CSOs have had close ties to both ethnic political parties and ethnic armed groups".

Under the NLD government, while initial expectations were high that the civil and political space would grow, the NLD did not engage CSOs as they had anticipated. Rather, the NLD has led on decision-taking, reasoning that they had won a strong mandate directly via the election. The NLD even recently issued a statement to its members to inform higher-ranking party officials if they plan to collaborate with CSOs, as noted in a *Radio Free Asia* interview on 3 April 2018. Most CSOs, however, initially restrained criticism, cognisant of the need to consolidate the democratic transition (Mangshang 2018). Furthermore, some of the NLD's agenda was consistent with their own, and CSOs could thus work alongside and seek to influence the NLD (Fink and Simpson 2018). However, as the NLD's term continued, fissures with some CSOs became apparent (Han 2018).

Mass media

President U Thein Sein's inaugural speech identified the need to respect and encourage suggestions from the media (Kean 2018). The end of pre-publication press censorship in August 2012 was a significant step in the opening of media freedoms, shortly followed by permission for private newspapers to publish daily. The rapid spread of the telecommunications sector (see below) also allowed online versions of print media to grow. These reforms provided the means for the wider circulation of deliberative discourse and, therefore, a more democratic public sphere. The initial opening of media freedoms was rapid under the USDP, whereas there has been little further opening under the NLD (Crispin 2019), and probably even a regression (Khine 2020).

Alongside the government-owned (and subsidised) daily newspapers that continue to largely carry government propaganda (namely The Global New Light of Myanmar in English, and the Myanmar Alin Daily and The Mirror Daily in Burmese), daily private newspapers were established with differing political leanings that facilitate a more democratic form of the public sphere, including The Myanmar Times in English, and 7 Day Daily, Daily Eleven and The Voice Daily in Burmese. However, much broadcast media remains largely owned and controlled by the state, although, since 2016, the sector has begun to partially liberalise (Kean 2018). Furthermore, print media faces some challenges, including their financial viability, the capacity of journalists to undertake quality reporting and ongoing limits to media freedoms. Despite this, public discourse in Myanmar is heavily shaped by the print media (Kean 2018).

Media freedom has allowed greater scrutiny of the government's laws, policies and decisions, with a new role for journalists to approach politicians and government officials. However, the right to information from the government is still a challenge. There are relatively few press conferences, under both the USDP and the NLD, whereas the military remains closed to journalists. Some topics remain largely out-of-bounds, such as the accountability for human rights violations under the previous military government and critical commentary on Rohingya. Although media pre-print censorship ended, the government applied existing laws—such as Section 66(d) under the Telecommunication Law as well as Section 500 and Section 505(b) of the Penal Code that criminalises defamation—inducing a measure of media self-censorship. There have been several recent high-profile cases. In December 2017, two Reuters journalists received seven-year imprisonments under the Official Secrets Act because they obtained confidential documents, only to be released by a ruling in May 2019. Meanwhile, in November 2018 three Eleven Media journalists were sued for criticising the Yangon Government's financial management under 505 (b) of the Penal Code, although this case was dropped. More recently, in October 2019, five members

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of the 'Peacock Generation' poetry troupe were jailed by the Yangon court for their satirical performance about Myanmar's military, with three of the performers receiving additional sentences from two township courts in June 2020.

Telecommunications and social media

Economic liberalisation of the telecommunication sector occurred since mid-2014 (McCarthy 2018). Two major foreign networks and the state-owned Myanmar Post and Telecommunications rapidly expanded mobile phone technology with internet access, as did the state-owned Myanmar Post and Telecommunications. With a drop in SIM card prices, the number of mobile users and internet users increased from two million in 2014 to more than 39 million in 2016. For print media outlets, the online environment extended its reach and audience. Perhaps more profoundly, social media—in particular Facebook—became a key arena to circulate information and public opinions. However, the extent to which Facebook constitutes a public sphere—namely an arena within which there is deliberation amongst diverse publics—is debated in Myanmar and globally (Kruse *et al.* 2018).

McCarthy's (2018) research on Myanmar first finds that Facebook can be akin to an echo-chamber, networking pre-existing social ties and focusing on everyday, non-political events. However, McCarthy (2018: 95) also identifies how membership local community and religious social media groups widens social networks and information circulation beyond immediate connections and that, occasionally, these groups "became the focal point for controversies, rumors and campaigns". Here, McCarthy (2018) finds that social media, acting as an echo-chamber, can amplify prejudice, polarisation and othering, including amongst and between Buddhists and Muslims—especially during significant periods of social tension, when stereotypes, hate speech and even incitement to violence could be observed to be circulated. It reveals how the opening of civil and political freedoms can enable the circulation of hate speech and racialised nationalist discourses within a hybrid public sphere, which has contributed to the emergence of authoritarian popularism in Myanmar (McCarthy 2019; Scoones *et al.* 2018).

Yet, McCarthy (2018) also suggests that social media is forging new conceptualisations of citizenship and political community. For example, compared to the sparse availability of information during Cyclone Nargis in 2008, Myanmar's severe flooding in 2015 was widely documented on social media and thus stimulated citizen action. Social media was also a key arena for indicating political preferences in the 2015 general election. Meanwhile, parties, government offices, some politicians, Yangon's traffic police and even the Commander of the Myanmar Armed Forces, Senior General Min Aung Hlaing, opened Facebook pages to which they post and receive comments; thus, the public in principle can directly interact with those in positions of public authority (Kean 2018; McCarthy 2018). However, Facebook subsequently shut down the pages of General Min Aung Hlaing and other military-linked pages.

Compared to the SPDC/SLORC period, the online environment remains largely unregulated. A basic block on banned websites, which included exile media groups, was lifted in September 2011 (Kean 2018); although, in April 2020 the Posts and Telecommunications Department of the Ministry of Communications and Transport ordered internet providers to block several online news sites considered to be 'fake news', amongst 200 websites that included online pornography and hate speech (Htun 2020). Moreover, Section 66(d) of the Telecommunication Law allows the government to charge anyone who disturbs or defames any individual via the internet and Facebook. There have been 210 cases charged under Section 66(d). Of these, eleven cases were under the USDP government and 199 cases were under the NLD government (Athan 2019b). Most cases were brought against journalists, human rights activists and some political party members. Moreover, other laws have also been used to control online commentary. In June 2020, Dr Kyaw Win Thant was sentenced to one year and nine months in prison for criticizing Buddhist monks over their objections to teaching sex education in schools under sections 294(b) and 295(a) of the Myanmar Penal Code that addresses insulting, defaming and hurting another's religion (Mann 2020).

Formation of a hybrid public sphere

The above analysis details how Myanmar's public sphere has shifted from an authoritarian one under the military junta governments to a hybrid public sphere. As outlined in our conceptual approach, we have emphasized the significance of the replacement of the laws between the pre- and post-2010 periods,

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which define the formal civil, political and media freedoms in Myanmar. Overall, in the post-2010–2020 period, greater civil, political and media freedoms as well as roles for civil society were established. However, the 2008 Constitution, which was drafted by the military, ensures continuity from the military junta period to the post-2010 period and worked to ensure the military's continued presence in Myanmar's politics and their lack of accountability as well as ultimately bounding civil, political and media freedoms within its constraints. Moreover, the USDP, as a military-aligned political party, is also a significant continuity into the post-2010 period, even as the USDP oversaw several laws that expanded civil, political and media freedoms that have produced the hybrid public sphere.

The election of the NLD, under the leadership of Aung San Suu Kyi in 2015, raised an expectation of greater civil, political and media freedoms that would further consolidate a democratic public sphere. Yet, this has not materialized, and the control of some critical discourses reflects the politics of authoritarian populism. In summary, in the post-2010 period, the production of critical discourse, and the government's accountability to it, was still held in-check via the 2008 Constitution and various, post-2010 laws. However, there were more civil, political and media freedoms compared to the pre-2010 period, and the work of civil society, community-based organizations and journalists acted to continually (re)produce and (re)define how these freedoms were demarcated within the hybrid public sphere.

Dawei City Electricity Supply and the Hybrid Public Sphere

In this section, we detail how the policy on the electricity supply in Dawei City, which is the capital of Tanintharyi Region, has been (un)accountable to the local population. We selected Dawei City because the electricity supply has been a long-standing issue that we could trace over the military and semi-civilian government periods. Moreover, since the political transition in 2010, both the local media and civil society have become increasingly active in Dawei—over issues ranging from the electricity planning to plans for a massive, nearby special economic zone for petrochemical and industrial investments with government backing from Thailand and, more recently, Japan.

Regarding the electricity supply, unlike many other urban centres across Myanmar, Dawei City is not connected to Myanmar's limited national grid due to its relative remoteness. Hence, electricity is generated locally for distribution in the town. The analysis is presented chronologically from the military junta period to 2020, detailing how the electricity supply has been generated and distributed and how policy and technical decisions were negotiated and contested (or not) as Myanmar transitioned from an authoritarian to a hybrid public sphere.

Military government (1962–2010)

During Myanmar's brief parliamentary democracy period (1948–1962), electricity was supplied to a limited area of downtown Dawei by a local businessperson who operated a diesel-fuelled generator.[6] After the government nationalised private businesses in October 1951, the Electricity Supply Board (ESB) under the Ministry of Industry provided electricity in Dawei.[7] In 1972, with the government now the military-led BSPP, the ESB was transformed into the Electric Power Corporation (EPC), which took over the duty of providing electricity in Dawei by a diesel-fuelled generator. Electricity was only available to some areas of the town, during the evenings. According to our interviews, the provision of electricity was a key public service issue that the government could not meet, but there was no way for the public to openly challenge the government's performance.

In 1989, now under the SLORC/ SPDC, the EPC was reorganised as the Myanmar Electric Power Enterprise (MEPE), whose mandate was for electricity generation, transmission and distribution. However, there was little improvement in the electricity supply. In 2000, the Regional Commander formed an electricity distribution committee made up of ten volunteer senior community members

[6]Interview with a senior representative of electricity providing company (May 2018). Tanintharyi Region Government states that private companies provided electricity until 1951 (http://www.tniregion.gov.mm/content/489).

[7]History of MOEE from Ministry of Electricity and Energy webpage (http://www.moee.gov.mm/en/ignite/page/3). Interviewees could not comment on the exact year of the government's nationalization in Dawei.

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('elders') who were also associated with social welfare organisations.[8] The committee was responsible for determining electricity costs, with reference to the cost of diesel (on which the state had a monopoly provision), and collecting payments; the Government contributed 25 kyat per kilowatt-hour (kyat/kW-h), whereas electricity users paid an additional 500 kyat/kW-h. The committee improved the electricity supply, making it available throughout the night in the town, but was not able to significantly improve communication between the Government and the public.

Under the SLORC/SPDC, the private sector was allowed to invest in Dawei's electricity supply. In 2005, a local private company, Phoe Thee Cho (PTC), established an independent electricity supply, using more efficient diesel engines and its own transmission network. At the same daily cost as the state supply, PTC could provide electricity for 24 hours per day.[9] However, whether purchasing from the state or PTC, people in Dawei had to pay much more than other regional capitals in Myanmar, where grid electricity cost 25 kyat/kW-h. In August 2007, without warning, the SPDC doubled the cost of petrol and diesel nationwide, instigating protests across the country, including in Dawei, which was a visible example of dissent against the authoritarian public sphere. This movement, now known as the Saffron Revolution, was subsequently violently cracked down upon. At this time, the committee for the electricity distribution in Dawei disbanded, unable to compete with PTC.

USDP government (2011–2016)

With the transition to the USDP semi-civilian government, Tanintharyi's Regional Government was dominated by the USDP from 2011 to 2015. Under the Electricity Law (2014) and Article 4 under Schedule Two of the 2008 Constitution, the Regional Government is responsible for ensuring the electricity supply, in coordination with the Ministry of Electricity and Energy (MEE). At first, PTC continued to generate and distribute electricity in Dawei City but could not expand to rural areas. As anxiety subsided over whether Myanmar's new-found civil and political freedoms would be respected, Dawei's CSOs began to publicly express a long-standing grievance—while producing through their agency the democratic dimension of the hybrid public sphere, which was already increasingly legislated in national law. During the 1990s, the SPDC government had begun exporting natural gas to Thailand via two gas pipelines that traversed Tanintharyi Region from Kanbauk in Dawei District. Up to 20 per cent of the extracted gas was allocated to the Myanmar Oil and Gas Enterprise for electricity generation at government-owned cement factories in Karen State and in Yangon (Lwin 2009). Dawei CSOs questioned why, despite the gas coming ashore nearby, Dawei people did not receive gas-fired electricity generation that would be cheaper than diesel.

Beginning in late 2013, local CSOs, political activists and local people organised various events including: workshops and forums; signature, poster and sticker campaigns; and public protests in Dawei—demanding gas-fired electricity generation charged at 35 kyat/kW-h,[10] which generated the more democratic dimension of the hybrid public sphere. As the campaign gained momentum, its leaders met with representatives from the government. National-level NLD political activists came to Dawei City to support local groups. They focused on the issue of electricity because it was important locally, and at the same time endeavoured to create a local movement in support of the NLD and produced a discourse that was critical of the USDP government's performance.

As national media laws liberalised, in 2013, the privately-owned Tanintharyi Weekly Journal was established in Dawei. The Tanintharyi Weekly Journal journalists covered Dawei's social movements and their issues, including writing satire and opinion articles. Sometimes, representatives of the USDP Regional Government Parliament and the executive, including the Chief Minister, responded to the media by accepting requests for interviews, sharing press releases or holding press conferences. The USDP sought to avoid negative press coverage that could affect their image at the next election. However, authoritarian elements of the hybrid public sphere were also present because press conferences were organised by the military-dominated General Administration Department (GAD), and critical journalist and civil society members were only selectively invited. Moreover, there was some self-censorship

[8]Interview with a former committee member, who worked at the committee of electricity distribution in Dawei, in May 2018.
[9]Interview with a senior management–level staff from PTC company in May 2018.
[10]Interview with civil society group (6) in April 2018.

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because local people were uncertain if the government had genuinely reformed, given its close ties to the military. It should be noted, however, that the Regional Government was not always tolerant of critical civil society. The Regional Government worked with the GAD and Regional Police Force to limit and challenge the activities of the civil society and local community movements, which protested land grabbing and the environmental and social impacts of the proposed Dawei Special Economic Zone.

Since 2014, social media grew in importance for discourse production and circulation in Dawei. CSOs established Facebook pages to share their activities and analysis, and people in Dawei would comment, like and share these posts. The CSOs encouraged those beyond their immediate social networks to join their activities, thus linking online and offline activities (c.f. McCarthy 2018). USDP parliament members and the executive of the Regional Government would monitor these groups to understand public concerns.

Two critical civil society discourses emerged toward local electricity reform that shaped the Dawei public opinion, and these were circulated within the hybrid public sphere. The first addressed 'resource rights', namely that local people should benefit from natural resources in their region. The second addressed equality, specifically that electricity as a basic public service should be the same price and quality as other regions and states in Myanmar. Both discourses were critical of the USDP Regional Government's performance, and thus also laid a foundation for the anticipated change to an NLD-led Regional Government with whom many of the activists were more closely aligned.

The USDP Regional Government was relatively silent in terms of propaganda countering these discourses. Rather, they approached the Union-level Ministry of Electrical Power (now MEE) and negotiated a contract with the Bangkok-based Andaman Power and Utility Company in 2014 to install a 20 MW gas-fired electricity generator at Kanbauk. The Electricity Supply Enterprise under the Ministry of Electrical Power took responsibility for the 80-kilometre-long transmission line from Kanbauk to Dawei City. The Dawei Development Public Company Limited (DDPC) was contracted to distribute electricity in Dawei City. Unable to compete, PTC ceased its generation and distribution of diesel-fuelled electricity. The cost of electricity reduced to 300 kyat/kW-h due to the fuel transition but was still higher than other states and regions that could access the national grid. Thus, 'communicative action' had occurred as the USDP government responded to the expectations of civil society.

NLD government (2016–2020)

In the November 2015 elections, the NLD won all the electable seats in the Tanintharyi Regional Parliament. Aware that there was still discontent over the price of electricity, the government retendered the electricity generation and distribution. In early 2017, DDPC was re-awarded the contract for distribution, and a new local company—Global Grand Service (GGS) Company—won the contract to generate electricity. The cost of electricity reduced to 200 kyat/kW-h. However, the tendering process was critiqued by civil society for its lack of transparency, as noted in an *Eleven* article on 8 January 2018. Others commented that the electricity supply was unstable and that over half of the households in Dawei district could not access electricity.

In July 2017, enacting the hybrid public sphere under the new government, around 300 Dawei residents, including several key civil society groups, held a candlelight protest march demanding government accountability for the quality of the electricity and action against the companies (Win 2017). This was the first protest towards the new NLD Regional Government in Dawei, but it was smaller than those held towards the USDP government. Subsequent campaign activities and the network of civil society actors were similar to those before. However, the discourse they produced shifted. They stated that the NLD needed to be accountable to the people for the electricity supply, rather than criticising the performance of the government directly. Social media also grew in significance as an arena of discourse production and circulation; in 2017, a local CSO created the Facebook Page '*Dawei Daytha Hit Tai*' ('A space in Dawei Region where people can say their grievances and criticisms aloud so that the rulers can hear') that attracted over 30,000 members. The NLD Regional Government also posted their information through the Facebook page, including updates and invitations to public meetings and press conferences.

In January 2018, as the criticism gained momentum, the NLD Regional Government ended its contract with DDPC and announced a new call for tenders for electricity distribution, to which six

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companies applied. Controversially, however, the Regional Government awarded the contract to the existing generation company, GGS Company, which had not submitted a tender. A Regional Government Minister we interviewed mentioned that the company was awarded the contract 'temporarily' because it could not profit from electricity generation alone.[11] While the electricity price decreased further, the supply quality did not improve.

As local people began to doubt the integrity of the Regional Government, in January 2019, more than 100 people from Myeik and Dawei City sent a letter calling for an investigation on the Chief Minister. Responding to these public complaints, the Regional Parliament prepared a report sent to President U Win Myint and State Counsellor Aung San Suu Kyi. In February 2019, during the State Counsellor's visit to the Tanintharyi Region demonstrations erupted, demanding the replacement of the Chief Minister and alleging mismanagement and nepotism. On 11 March, the Chief Minister was detained following a month-long investigation by the Anti-Corruption Commission, which concluded that she had misused her position and engaged in corruption in many cases, including awarding the electricity contract to GGS Company for the electricity distribution project in Dawei (Aung 2019). In May 2020, the ex-Chief Minister was sentenced to 30 years of imprisonment (BBC News 2020). Meanwhile, the Regional Government re-tendered the electricity contract again, which was won by Petro and Trans Company, which initiated its operations in January 2020 (Dawei Watch 2019).

Compared to the previous USDP Regional Government, the NLD Regional Government appeared to engage more with the concerns raised by the civil society, including through press conferences and public meetings, which is suggestive of a more democratized public sphere at the local level. However, similar to the USDP, they would often invite their own supporters. NLD ministers also met more regularly with CSO representatives, and the parliament invited them to discuss their concerns. The NLD government was also more active online, sharing news via the Regional Government's webpage and Facebook page. However, there were also actions that reinforced the authoritarian dimension of the hybrid public sphere. In Dawei (and also at the national level), the NLD started pressuring CSOs, suggesting that sometimes CSO groups and activists were troublemakers and that they did not really represent the public interest. CSOs were expected to work with the government, rather than to challenge them, and the government implied that citizens should meet with them directly via their representatives in Regional Parliaments, rather than be mediated by the CSOs. Meanwhile, in a case with implications for media freedoms, the Tanintharyi Regional Government sought to sue the Tanintharyi Weekly Journal under Article 25(b) of the Media Law (2014) about a satirical article on the electricity issue published in November 2017 that the Chief Minister claimed insulted her and her family. Thus, the contours of the hybrid public sphere in Dawei continue to be contested.

Conclusion: Implications of Myanmar's Hybrid Public Sphere for Democratisation

Starting from an analysis of Myanmar's hybrid governance regime, this paper examined 'hybrid governance at work' through the emergence of a hybrid public sphere—first with an analysis at the national level and, then, in Dawei City as a case study in subnational politics. We have detailed how Myanmar's hybrid public sphere is founded in part within legislated civil, political and media freedoms in the post-2010 period—permitting the circulation of some critical discourses produced by civil society and the independent media. These freedoms and discourses, however, are bounded by elements of authoritarian control that are partly a continuation of the military junta period via the 2008 Constitution, the ongoing formal role of the military in Myanmar's politics and, partly, new approaches, such as introducing libel laws and limiting the organization of public protests. This bounding of the hybrid public sphere's democratisation reflects and reinforces the hybrid governance regime in place.

Contrasting the pre-2010 military junta period with the post-2010 semi-civilian government period, in the latter period, those in positions of political authority, including bureaucrats and politicians, have been rendered more accountable to civil society and the wider public, although some elite actors, in particular Myanmar's military, still remained almost wholly unaccountable. Although there was an initial expectation of further civil, political and media freedoms with the election of the NLD in 2015, this did not substantively occurred, and the hybrid governance regime remained entrenched while constraints on the

[11]Interview with Tanintharyi Region Government minister in May 2018.

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circulation of some critical discourses were symptomatic of a politics of authoritarian populism in Myanmar. Thus, more broadly, our paper seeks to contribute towards a recent research agenda that aims to better understand how authoritarian populism is emerging and maintained in the Global South while avoiding its essentialization (Scoones *et al.* 2018; Tansel 2017). Here, we suggest that the hybrid public sphere permits discourses that are supportive of authoritarian populist politics and that build a sense of legitimacy amongst the majority while simultaneously limiting marginalized groups' critical discourses.

Democratisation in Myanmar has not been a smooth process, and its trajectory remains uncertain. We agree with Scoones *et al.*'s (2018: 9) analysis of authoritarian popularism that proposes that "[a]ny alternatives must reclaim the 'public sphere'". Working towards an inclusive and democratic public sphere also means vigilantly reinforcing the opportunity to produce and circulate critical discourse as well as affirming the expectation that the state should respond. In Myanmar, although there are many interconnected issues to be addressed, for a more substantive democracy to become embedded (also Pedersen 2018: 379), independent civil society and media must actively produce the public sphere that enables broad-based representation while also further consolidating legislated civil, political and media freedoms.

Post-script: Coup d'état and the Contested Contraction of the Hybrid Public Sphere (written 16 February 2021)

On 1 February 2021, shortly after the manuscript of this paper was finalized, the military in Myanmar, led by Commander-in-Chief General Min Aung Hlaing, initiated a coup d'état against the NLD-led government. More than one hundred law makers and activists were detained in early morning raids, including State Counsellor Aung San Suu Kyi, President Win Myint, and NLD Ministers and Regional Ministers. The coup d'état's date coincided with the scheduled commencement of the new Parliament session, the first since the NLD won a significant majority in the general election held on 8 November 2020. The coup d'état has been deeply unpopular inside Myanmar, evoking country-wide protests by a broad coalition of activists, various professional groups, and the wider public under the 'civil disobedience movement (CDM)' banner. Myanmar's military sought to justify the coup d'état by claiming that there had been wide-spread electoral fraud, which the Union Election Commission had earlier dismissed on 28 January 2021. It also claimed its seizure of power as legal citing Articles 417 and 418 of the 2008 Constitution. These claims have been strongly rejected by the CDM, which views the military's coup d'état as illegal, a conclusion supported by the International Commission of Jurists. The military has declared the November election invalid, announced a one-year state of emergency, installed a State Administrative Council as the country's executive governing body, and stated that it plans to reorganize the general election although a date has not been disclosed.

Myanmar's post-coup d'état public sphere has been contested between the military junta and the CDM. The CDM have organized nation-wide street protests especially in major urban centers, as well as other forms of action such as blockading the railway track that runs from Yangon to Mawlamyine, and banging pots and pans at night. Some members of professional groups also support the CDM by undertaking general strikes including university lecturers, bank staff, government officers and medical staff. The CDM have shared information via social media such as Facebook, Twitter and Instagram to make visible the situation in the country. Activists, meanwhile, communicate among themselves more securely via online apps such as Signal and Telegram. The CDM movement's activities, and the military and police response, have been widely reported by regional and international media, and discussed in various academic and civil society online forums, as well as within the UN Security Council. Overall, the CDM is calling for the return of democratic institutions and the release of those detained, while some also demand the redrafting of the 2008 Constitution for a federal democracy that removes the military's role in politics.

The Myanmar military, meanwhile, has acted to constrain the public sphere. As of the time of writing, the police have increasingly responded to protests with tear gas and rubber bullets, and on occasion announced curfews in major cities. There has been a growing number of protestors, writers and artists arrested; As of 15 February 2021, according to the Assistance Association for Political Prisoners, at least 452 people had been arrested since the coup d'état. On undertaking the coup d'état, the military

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junta temporarily blocked some broadcast media outlets and interrupted cell phone networks nationwide, as well as phonelines to the capital. Since the coup d'état, the military has regularly constricted internet access, including almost total nighttime shutdowns on 14 and 15 February, while between February 4 and 7 they also ordered telecom operators to block social media sites including Facebook, WhatsApp and Instagram. A draft new Cyber Security Law was circulated one week after the coup d'état that if approved would require internet providers to prevent or remove content deemed to "cause hatred, destroy unity and tranquility", be "untruthful news or rumors" or be inappropriate to Myanmar's culture (Reuters, 2021). Internet companies and civil society groups have critiqued the law as contravening human rights by limiting freedom of speech and enabling digital surveillance of citizens. Regarding independent print media, while it has been permitted to continue to publish, the Ministry of Information has progressively issued instructions limiting its reporting, for example not to use the words "junta" or "regime" (Irrawaddy, 2021a). Broadcast news stations such as Democratic Voice of Burma (DVB) and Mizzima TV, which were registered and contracted with the Ministry of Information, have been shut down since the military coup, while the military-owned Myawaddy TV has continued to broadcast conveying the military's interpretation of events (RFA, 2021). Constraining freedom of speech in general, on 15 February 2021, the State Administrative Council revised the country's Penal Code, including article 124A to increase the prison term to between seven and twenty years for those who "by words, either spoken or written, or by signs, or by visible representation, or otherwise, bring or attempts to bring into hatred or contempt, or excites, or attempts to excite disaffection towards the government…." (Irrawaddy, 2021b). On February 13, the State Administrative Council suspended articles from the Privacy Law that now permits the authorities to enter into private properties to search, seize evidence and arrest without a warrant, to intercept private messages, and to demand personal telephonic and electronic communications data from telecoms providers (Irrawaddy, 2021c).

There is currently much uncertainty about the future of democracy in Myanmar. The hybrid public sphere that emerged since 2010 is currently being reworked towards a more authoritarian one that is progressively limiting the circulation of information and critical debate. The military junta has achieved this through legal measures, such as the announcement on prison terms for its critics and the draft Cyber Security Law, but also through direct restriction of the internet and media, and the deployment of security forces on the streets to control protests. Despite this, at time of writing, the CDM movement has resisted the closing civil, political and media freedoms and maintained spaces for critical voices at considerable personal risk.

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