Journal of Human Rights and Peace Studies

Digital Rights in Post-coup Myanmar: Enabling Factors for Digital Authoritarianism

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ARTICLE INFO	ABSTRACT

This paper examines emerging characteristics of digital authoritarianism in Myanmar that negatively affect citizen's freedom of expression. Analyzing the enabling factors of digital authoritarianism that come together with the digital development agenda of its reform years, this paper argues that the recent digital development has been fostered in three facets: (1) self-initiative of successive Myanmar governments under a new digital policy framework, (2) priorities driven by development projects between Myanmar and its development partners, and (3) rapid expansion of the digital market driven by private-public partnership model. In recent years, multi-dimensional reform has offered the current military regime and previous governments the opportunity to acquire higher digital capability for governing. Parts of the digital technology inherited from the reform period are double-edged swords that now serve the interest of the coup leaders. This paper argues that access to digital technology that came under the gown of advancing democracy and economic liberalization had aided the military's effective control of freedom of expression in offline and online public spheres. The paper concludes that the regime's practice of limited liberalism is a reality to be blamed for as it willingly embraces economic liberalization but still opposes liberal values deemed not fitting the ruling ideologies and interests of the power elites. Friends of Myanmar who encouraged the expansion of e-governance and commerce in the reform era eventually had to deal with the coup maker's drastic authoritarian

curve when Myanmar found itself better equipped with a newly devised sophisticated digital surveillance and censorship system.

Introduction: Myanmar confronting limited liberalism

It has been a common characteristic of the ruling classes in Southeast Asia to reject selective elements of liberal democratic values even though government leaders verbally pledge that their aim is advancing and consolidating democracy (Fossati & Coma, 2023, p. 4). A half-hearted liberal tradition that produces many hybrid democracies in the region, including Myanmar, also serves as a textbook example following the pattern of transition from a dictatorship to a hybrid regime in the years before the coup. Stokke and Soe Myint Aung (2020, p. 274) argue that pre-coup Myanmar can only be referred to as a hybrid regime in which the establishment of formal institutions of democratic representation and the plan for installation of semi-civilian government was visibly realized; yet there have been limitations in citizens' rights to democratic representation. At the same time, the transitional phase did not strengthen public oversight of the military since a lack of participatory decision-making which led to the frequent failure to consolidate democracy. Bünte (2022, p. 336) offered a similar conclusion: even with a functioning electoral regime, Myanmar remained a hybrid regime without total commitment to improving civil liberties, a situation which deterred the country's political, social and cultural transformation towards a functioning democracy. In the works of David and Holliday (2018), such a partial acceptance of democratic values was termed 'limited liberalism,' posited as somewhere between liberalism and illiberalism, but distinguished as a third ideological position. However, David and Holliday (2018) stress that the three positions do not populate a linear spectrum in the manner of liberalism, semi-liberalism, and illiberalism. Instead, their relationship is triangular. "In each of the three corners of any investigation of tenets of liberalism are people who are consistently liberal, people who are consistently illiberal, and people who are inconsistent by being liberal in one aspect and illiberal in an adjacent aspect" (David & Holliday, 2018, p. 189). After the distinct phases of legal and institutional change during the pre-and post-coup years, the ruling class, encompassing both the military and the civilian leadership, proved to be outstanding limited

liberalists. The coup of February 2021 demonstrates a dramatic decline or pause in all attempts at democratic reform and has even brought Myanmar to the brink of collapse as a "state". Striking is the fact that the military regime is enjoying the benefit of the recent liberalization while the people are suffering the loss of liberty and a decline of democratic elements.

In this study, a survey of the contents of the military's informer social media accounts was conducted for over two years, from June 2021 to March 2023, by monitoring Telegram channels, YouTube and Facebook. Further investigations were also conducted on the cases of people arrested or threatened with arrest because of accusations presented on these authoritarian digital platforms. The collected evidence is employed to analyze how digital authoritarianism has shaped Myanmar society in the aftermath of the coup. It was not the author's aim to simply analyze the forms of digital rights violation triggered by the coup but rather to examine the deeper causes that have strengthened the existing digital authoritarianism. Historical analysis that relies on secondary data, including governmental and non-governmental reports, announcements and reports of government regulation, documentation of human rights defenders and the experiences of ordinary online users complements the findings of the previously mentioned methods. Besides the conventional method of in-depth interviews, observation of meetings of activists and human rights defenders is also a key component of this study. This study explores the content generated and supported by the military and its supporters and independent media outlets to provide a comprehensive picture of the implications of digital authoritarianism committed by both state and non-state actors.

Myanmar reforms and the global rise of digital authoritarianism

Without foreseeing the possibility of a dramatic return to a full authoritarian regime, the international community embraced the electoral change in Myanmar as a sign of readiness for greater liberation and enhancement of the people's right to participate in the public sphere. However, both the military proxy government of Thein Sein and the National League

of Democracy government demonstrated their reluctance to accept liberal ideals which activate the democratic public sphere. Digitization is an area that demonstrates an array of limited liberalization.

Digital development was considered a basic ingredient for better e-governance and the development of a democratic public sphere in a newly freed society (Ramamurthy & Serrat, 2014; Scott et al., 2017). The half-hearted compliance of governments to democratic norms was not consistently considered in the context of aid by international development partners, while economic integration could be boosted through digital advancement. Digital technology sped up the efficiency of e-government and the regime's international engagement. Still, at the same time, the rulers increasingly realized that influencing the people's minds involved a more sophisticated version of digital censorship and surveillance. Through the growing international engagement in Myanmar's reform years (2011-2021), not only the people but also the ruling regime enjoyed both the positive and negative consequences of the digital transformation. Digital development saw the fastest growth ever in the last three decades, but it resulted in widespread far-right nationalism on digital platforms that contributed to the popular approval of the military's systematic repression of the Rohingya. Against this backdrop, the rise of digital authoritarianism underpins a global phenomenon.

For dictators, control of the civic space in the virtual world has been a key strategy for constructing favorable views of their autocratic governance (Dragu & Lupu, 2021; Khalil, 2020; Yayboke, 2020; Lamensch, 2021; Azelmat, 2019). In many stable democracies, digital tools are also being used for the political gains of incumbents, while opposition parties are also employing various ways to win a power competition in which the consequences go far beyond the virtual world (Bradshaw & Howard, 2019, p.3; Gunitsky, 2020). In short, the challenges of people within autocracies and democracies have greater similarities these days around digital authoritarianism. China and Russia are known as the exporters of digital authoritarianism, but according to Feldstein (2020), they are not the only ones to blame for exporting advanced capabilities to repressive regimes. A recent trend is clearly defined by a convergence between

the so-called virtuous democratic and autocratic governments' applying censorship and surveillance (Gunitsky, 2020; Yayboke, 2020).

Myanmar's censorship and surveillance system draws strength from the transboundary transfer of technology from other network authoritarian countries, especially from Russia and China. Yet, the army also adopted imported digital strategies to respond to its specific needs, and these were designed to protect both the political and economic agenda of the military oligopoly and its proxies. Access to information is not only limited by the elimination of websites and the blocking of internet access by the authorities (Internet Monitoring Action Project [iMAP], 2022), but also by electricity outages, invasion of privacy by random phone checks on the street, confiscation of phones if suspicious-looking data is found, increased prices for mobile data, and close monitoring of digital wallet transactions, which are frozen if the authorities are suspicious about the motives.[1] Indirect censorship also uses a variety of tactics, from trolling, filtering and strategic distraction to co-opting and flooding, which are the leading patterns in post-coup years.

On the ideological level, the Myanmar generals started the country's transformation in the belief that limited liberalism is the only correct remedy for their path of guided democracy. The old "Guardian of the State" mentality is still alive as a justification for enforcing digital authoritarian tools and laws. As soon as the coup was staged, the State Administrative Council (SAC) immediately reduced access to the internet by increasing the price of mobile data and SIM cards. Across the country, restrictions can vary depending on the perceived intensity of the conflict and the authorities' concern. Many areas are still facing a total or partial shutdown, while from time to time, data transfer also slows. According to the World Bank, in the first year alone, the cost due to internet outages in Myanmar was USD 2.8 billion. This amount will continue to rise as many areas of open conflict face total cuts. Apart from occasional days of test runs, most of the contested areas in Kachin, Karenni, and Chin states and Sagaing, Magway and Mandalay regions faced internet cuts in 2021 and 2022 (Radio Free Asia [RFA], 2022a, 2022b). According to Radio Free Asia [RFA] (2023), 29 townships were affected by internet

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[1] Interview with a digital rights activist, 22 October 2022.

outages by the end of 2022, and in conflict areas like Sagaing Region, 4G connections were replaced by 2G.

By upgrading the censorship mechanism to include online content in 2012, the ruling elites seriously attempted to acquire more advanced digital censorship tools by forging international alliances and expanding digital market development. For people in Myanmar, the reform years brought them more opportunities and their capacity to engage in the public sphere was enhanced along with a multidimensional reform started in 2010, which, to some extent, improved access to information and communication. Even a normal e-government scheme with a mandatory SIM card registration policy, which the government usually favors under the rationale of curbing crime, is counterproductive in reality, according to Privacy International, an NGO working on digital rights and the right to privacy. According to the UN Special Rapporteur on Freedom of Expression, David Kaye, "compulsory SIM card registration may provide Governments with the capacity to monitor individuals and journalists well beyond any legitimate government interest" (Kaye, 2015, p. 18). Consequently, it can satisfy authoritarian rulers' need to find tools for upgrading their coercive apparatus. In general, many countries with dictatorial traditions have more reasons to normalize digital authoritarianism. Despite lacking accountability and protection of subscribers' privacy, many authoritarian governments are implementing mandatory SIM card registration that cancels users' anonymity. Although digital rights advocates criticize this policy (because it will do more harm than good to citizens), it has been on the ruling agenda of the authoritarian state to make sure an intelligence system is in place to track citizens' location, behavior, and communication networks by monitoring data including full name, home address and national identification number or passport number (Access Now, 2022; Mizzima, 2022; Privacy International, 2022)**.** In a country with political conflict like Myanmar, when SIM card users' data are used for building profiles of political opponents, the consequences are even worse as the people involved in resistance against the ruling administration can be charged with crimes and incur physical harm.

New forms of digital dictatorship

The election victory of the National League for Democracy was a sign of the military's decline in power. Its decision to react out of fear of losing control of its game with the coup of 1 February 2021 marked the betrayal of a democratic roadmap the military leaders claimed they had adopted. The army killed many protesters as soon as the uprising erupted, but the people spontaneously decided to revolt against them. After a parallel government called the National Unity Government was formed in April 2021, the coup council declared it a terrorist organization and took all possible measures to eliminate the resistance. Since then, its censorship and surveillance system has targeted anyone who is assumed to be giving support to the new government, the resistance movement, or the emerging resistance forces.

How was the censorship regime updated in the reform era and how does this benefit the coup leaders?

A new regulatory set-up

When repressive censorship prevails, citizens' meaningful participation in decision-making fails; the only opportunity for human beings to be fully informed and educated vanishes. Methods of online and offline censorship employed by authoritarian governments demonstrate the same intended outcome. However, the newly emerging censorship regime in the digital context involved a more sophisticated regulatory framework, as governments were not politically willing to loosen their grip over independent media. Recent studies on press freedom in Myanmar show how the two governments planned to impose limited liberalization, as they assumed that full liberalization would damage their credibility (Brooten et al., 2019; United Nations Educational, Scientific and Cultural Organization [UNESCO], 2019).

Even before the liberalization process started, the military government pre-empted control over the emerging digital media and communication landscape by acquiring internet filtration technology starting in the 2000s. Even before the lifting of print censorship, new types of censorship were already introduced in trial versions, and government agencies made several attempts to seek external know-how to set up a new regulatory framework. The most relevant

laws that are being selectively enforced to contain the resistance are the Telecommunications Law (2013) (amended in 2017), the Electronic Transactions Law (2004) (amended in 2014), and other related laws which are promulgated to regulate the digital world including the Computer Science Development Law (1996) and the Citizens Privacy and Security Protection Law (2017). In this area, the profit and non-profit sectors also lobbied for a better legal framework and pointed out the possible harm of such calculated liberalization motives of the ruling parties. These organizations stressed the existing gaps in data privacy and data protection, cyber security, cybercrime, unlawful intercepts, access to information, and intellectual property. Among the organizations with a focus on business and human rights, the Myanmar Centre for Responsible Business and other NGOs, including Phandeeyar, the Myanmar ICT for Development Organization and Free Expression Myanmar, urged the government to abolish authoritarian laws like the 2013 Telecommunications Law. This law was amended in 2017 as it contained some provisions that gave the government vast powers without the objective of protecting the rights of the people to freedom of expression. The advocates for freedom of expression showed their deep concern even before a full-blown authoritarian government came in after the coup in February 2021 because in four years under an NLD administration, over 539 prosecutions threatened the right of freedom of expression and both the government and military were eager to use Section 66 (d) of the Telecommunications Law, under which 229 cases were recorded (Athan, 2020, p. 4). Section 66 (d) of the Telecommunications Law states that "anyone found guilty of extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person by using any telecommunications network shall be punished with a maximum three years in prison, a fine or both.". It was used to punish mainly journalists and activists. Because of the sensitivity of both military and civil politicians, media outlets were pressured to practice self-censorship due to the frequent use of this legal instrument to silence criticism by both the ruling party

and the military. Criminalization of critics' voices reached a more intense level after the coup, and many have been put behind bars after prosecutions under these provisions.

Another notorious legal instrument that was used to contain online expression of the people's resistance after the coup is Section 505 of the Penal Code that criminalizes 'incitement', defined as the making of a statement 'with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or the public tranquility'. When the people's anti-coup resistance gained momentum through the massive Civil Disobedience Movement, the military amended Section 505 of the Penal Code to insert a new provision, Section 505(a), that could be used to criminalize online and offline comments that "cause fear," spread "false news, [or] agitate directly or indirectly a criminal offense against a Government employee." Again, many were sentenced to up to three years in prison for violations of this law. According to the Freedom of Expression Myanmar ([FEM], 2022), over 3,995 individuals had been identified as being charged with criminal offences under Sections 505 and 505(a) by the end of 2021. Most are still under arrest warrants, in detention or charged and imprisoned. FEM estimates that the actual number of cases under Sections 505 and 505(a) may have been over 10,000 in 2021 alone (FEM, 2022). People are still being arrested for social media posts even though 5,725 political prisoners had been released by 30 October 2023 (Assistance Association for Political Prisoners, 2023). Half of the journalists detained were sentenced under Section 505(a) due to the government's penalizing them as arousing "incitement" or spreading "false news" in their digital news outlets (Crispin, 2022).

The Cybersecurity Bill was one of the most notorious. Although digital rights organizations lobbied for the formulation of cyber security legislation that upholds international norms and standards of human rights (Myanmar Centre for Responsible Business, 2015), years of effort ended in disaster when the coup administration released its 2022 draft. The Myanmar Centre for Responsible Business tried to continue highlighting the possible negative impacts on digital rights and the digital economy if it were to be promulgated soon. Those who advocated for better legal and policy frameworks for digital development have

also been oppressed when the military's tolerance against international criticism is reduced. A few months after the Myanmar Centre for Responsible Business (MCRB) reported digital rights violations and the impacts of updated regulatory changes in the post-coup political arena when giving inputs to the High Commissioner report on the practical application of the United Nations Guiding Principles in the tech sector, the head of the MCRB, the former UK Ambassador to Myanmar Vicky Bowman, was arrested together with her husband on a charge of violating immigration regulations. After the arrest, Amnesty International stated that "Myanmar's military has a notorious track record of arresting and jailing people on politically motivated or trumped-up charges" (Amnesty International, 2022). Myanmar Now reported that Mrs. Bowman was arrested for not residing at her registered address in Yangon during Covid-19 and moving to Shan State temporarily during the lockdown. Her husband was also detained for aiding her to travel to Shan State. Such politically motivated accusations were common as many writers and celebrities were arrested on the very first day of the coup when no one had done anything to oppose the coup or to protest it. For example, Ko Mya Aye, a political activist from the 88 generation, was arrested on the basis of an email he wrote in 2014 about a conversation with ethnic armed organizations and Burman ethno-nationalism. He was charged with incitement under Section 505 (c) of the Penal Code. In the case of Vicky Bowman, it was a coincidence that the arrest happened after some military supporters' social media accounts accused her of defaming the military and reporting the domestic situation to the international community. Following her detention, the MCRB, which is a joint initiative of the Institute for Human Rights and Business (IHRB) and the Danish Institute for Human Rights (DIHR), decided to close down its Myanmar office, saying that after taking into account the current operating environment in Myanmar, the Directors of the Myanmar Centre for Responsible Business had taken the difficult decision to close the MCRB office in Yangon.

The Cybersecurity Bill that was amended in January 2022 has also been contested by many human rights organizations because it contains several provisions that limit citizens' right to freedom of expression by criminalizing "the users of virtual private networks (VPNs), abolish[ing] the need for certain evidentiary proof at trial, and require[ing] online service

providers to block or remove online criticism of SAC leaders". According to the new Bill, digital platform service providers are required to store users' data, including the person's name, internet protocol (IP) address, phone number, ID card number, physical address, "usage record," and "other information as directed" for up to three years. These digital platform service providers are obligated to follow the data classification rules laid down by the authorities, and those who fail to comply will be subject to prison terms for up to three years. These obligations are targeted to control the data of users on online payment platforms that the SAC considers key channels of fund transactions to the People's Defense Forces. The law will grant the authorities the power to demand data from the companies when they want to see it. However, even without the law, several waves of arrests were triggered by KPay and Wave data transfers to the authorities in 2022.

The new Bill also empowers the authorities to block internet access as they see fit. In implementing cybersecurity measures, the Ministry of Transport and Communications will be authorized to stop the operation of digital platform services, control users' devices associated with the designated platform services, and ultimately impose a ban on any platform service provider (Human Rights Watch, 2022).

Censorship with terror

Insisting on a model of limited liberalism, the regime has been able to select those aspects of digital freedom that benefit them and undermine those that loosen their grip on power in making and enforcing the regulations. When Russia's Ministry of Digital Development offered to help Myanmar in drafting its cyber law and improving its e-government platforms and smart cities plan in 2019, U Soe Thein, Permanent Secretary of the Ministry of Transport and Communications, replied that Myanmar would promulgate a cyber law with the help of the World Bank for drafting the legislation (Myanmar Times, 2019). Before the coup, Myanmar also received technical assistance from the World Bank for digital development, but it was ended by the coup (Myanmar Centre for Responsible Business, 2022, p. 7). Realizing that the present regulatory framework does more harm than good to people's lives when the laws become instruments for persecuting people, big donors must be cautious in resuming any

major aid to digital schemes. However, the technological transfer from the past can still have a lasting effect on present-day society. The predominant form of digital censorship applied by the regime after the coup is a textbook example of adopting Russia's model of censorship applied by Myanmar's army of terror.

Russia-Myanmar relations have been closer since the early 2000s as Russia has been the main supplier of military weapons and training to the Myanmar military on subjects prioritized by the army. In the last 20 years, the military has sent trainees to Russia to acquire technology for building a digital arsenal. Russian-trained military personnel are now in charge of a new bilateral cooperation package that includes nuclear technology transfer for nuclear power plants and information technology to shape public opinion. The SAC invited Russia to open the first foreign university in Myanmar to teach subjects, including information technology and medicine. Russia will be collaborating with Myanmar in shaping positive public opinion on applying nuclear energy in Myanmar (The Global New Light of Myanmar, 2023). The nuclear issue might attract the West's attention because of Russia's growing strategic interest in Myanmar when Myanmar has already indicated that it has abandoned its long-standing foreign policy of non-alignment. Myanmar has been in strong support of Russia's aggression towards Ukraine. The history of close collaboration in the digital sector goes back to sending military personnel regularly to Russian universities. In the last ten years, the regime has already seen the benefit of this investment as the army's main information and communication technology department, formerly known as the Tatmadaw Computer Department, has been led and administered by Russia-trained military cohorts. The head of the military's ICT department, Brigadier General Myat Min Oo, served as one of the spokespersons of the military information team. Currently, he is also in charge of Russia-Myanmar cyber cooperation. Many opposition parties and media have accused his branch of being the mastermind behind different social media accounts threatening political dissidents. Although it is difficult to trace all its actions, in many arrests of protestors, their Telegram reports to the police are taken seriously by the authorities and immediate action is taken. Thus, it can initiate a highly effective campaign to silence most social media users, as their

actions can be as decisive as an official police branch. Copy and paste versions of Russia's information war strategies are dominant characteristics of the disinformation and propaganda campaigns since the post-coup civil war reached nationwide intensity in 2021. The adoption of the Russian model of public opinion management is not new. However, history has repeated itself as Ne Win sent delegations to Russia after the coup in 1962 to learn from Russia's Cold War media techniques and introduced a similar pattern of control over public opinion. The present-day propaganda machines remain strong as the military has invested well in human resources.

Postgraduate studies in computer science, engineering, and information technology, which were given in Russian, made the scholarship holders proud. However, they were not popular among civilians even before the coup. Those who graduated are known as "the returnees from Russia", and those who got cybersecurity and cyber warfare training are among some 7,000 trainees. However, when the SAC's digital army could not compete with the digital resistance of the people, the International Crisis Group called it a digital war "defeat". However, it is more challenging to analyze the entire impact of channels designed to confuse and overwhelm the public as the state actors themselves are working in disguise with fake digital identities to crack down on the opposition and even send murderous threats to those who disagree with the military. Besides the blanket internet cuts in several war-torn regions, these groups also engage in active campaigns to silence the people by sending signals like "Big Brother is everywhere and watching you." As Schlumberger et al. (2023, p. 8) argue, digitization has great potential to provide military regimes like that in Myanmar with abundant new opportunities to "pursue their goals of knowing, influencing beliefs, and influencing behavior". This is what the military-sponsored Telegram channels and Facebook-based media outlets, run by hidden identities, have been organizing. Spreading misinformation and disinformation plus the usual function of propagandist machines, they also impose direct violence on any voice of resistance and anti-coup criticism. The fact of more than 1,000 arrests that involve social media accounts collaborating with the coercive state apparatus shows the complexity of contestation and the intertwining of actors at different levels. During the

protests following the coup d'état in February 2021, social media has been instrumental in organizing the protests but was later treated by the SAC as a surveillance area. The military-sponsored accounts followed the opposition media and documented those who commented under the news in favor of resistance and criticized the actions of security forces. They also screenshot the posts and shared the content of citizens; and sometimes they purposefully and randomly reported these in military-sponsored Telegram channels calling for legal and arbitrary punishment. Some leading informer Telegram channels such as K.S@kyawswar99999, ဘညွန့် @bokyaw199, ဟန်ငြိမ်းဦး HNO @Hannyeinoo969, ကိုလှရွှေ @kyawpu123, and LinNay @linn_nay are known as the most dangerous accounts as they are part of SAC surveillance. In fact, they intentionally reveal themselves as informers to the police while playing the mouthpiece of the coup administration, as well as hate speech mongers with content that discriminates based on race and religion.

The coup administration also announced that social media users who supported the exiled government and its political activities would be punished as instigators or unscrupulous persons. Nearly every day in 2022, the state media announced the identity of social media accounts of those who are condemned as associated with unlawful actors. Since 2021, the 'locked profile' function provided by Facebook for users has been in fashion in order to prevent being stalked by state-sponsored stalkers or willing collaborators with the SAC (KrASIA, 2021). Moreover, some were imprisoned based on military proxy Telegrams because of their comments on news stories of anti-coup media outlets such as Khit Thit[2]. Consequently, Khit Thit warned readers to lock their profiles in March 2022 (Khit Thit Media, 2022).

Most of the harassment and accusations instigated by the informer Telegram channels led to action by the authorities to trace the physical localities of many people reported, and their online-offline collaboration often ended up causing suffering to people. Some of those who were accused by these Telegram channels were businesspeople, celebrities, writers, musicians, and ordinary users. A recurring pattern is also shown in monitoring famous brand names who influence social media, and threats to destroy properties and lives were common.

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[2] Personal communication with a former political prisoner, 9 February 2023.

Without mentioning collaboration with these channels, the state-owned media and the proxy military media outlets also mentioned stories of punishment of those accused of supporting the exiled government. The plan to take action against those accused of being "unscrupulous persons who follow and make incitements and propaganda of CRPH of the NUG," was announced in January 2022. Close collaboration between these informers and the police was noted by hate speech monitoring groups that occasionally provide data analysis to the citizens, activists and the independent media. These informers also invited users to send information about any post displaying resistance by taking screenshots or identifying their identity as well as locations of residences. Not only activists but also ordinary citizens who are reported through these channels have to find safe spaces immediately, as arbitrary arrest can happen any time after they are reported.[3] As shown below, even one sentence supporting the role of the exiled government or its policies can end in harsh sentences under existing legal instruments. This kind of censorship effectively silences the critical posts with a "public" status. Except for the people who are already in a safe space or exile, most domestic users avoid posting any signs of support for the exiled government in public privacy settings on social media. Accused of being supporters of terrorist groups, where the political opposition is referred to as terrorists, a total of 1,134 people were arrested over their social media posts, shares and comments between 27 January 2022 and 10 January 2023 (Myawaddy Infosheet, 2023).

While internet censorship has been consistent since the 2000s, the above cases show that newer tools of digital authoritarianism are being added for effective surveillance and manipulation of public information consumption. Unfortunately, tools that were praised as signs of progress in Myanmar's digital development and e-government by international donors and investors in the past ten years have become weapons in the information war waged by the military on its people after the resistance gained momentum.

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[3] Personal communication with a 52-year-old woman who was threatened on Telegram and had to deactivate her Facebook account as a precautionary measure.

How e-government and digital development schemes made the foundation of new censorship and surveillance mechanisms

Since the early 2000s, national policies[4] for digital development were already prioritized by the military government by seeking the assistance of so-called private-public partnerships with several professional computer associations. Later, the democratic reform enabled governments to access a broader external aid package from the West and Asia's emerging economic powers such as China, Japan and South Korea. Escaping from international sanctions and self-imposed isolation, Myanmar government agencies, for the first time in history, received significant levels of assistance for digital development from bilateral and multilateral engagement with the international community. International development organizations such as the Asian Development Bank and the World Bank also prioritized filling the digital gap in the country within the framework of the United Nations Sustainable Development Goals (International Telecommunication Union [ITU], 2020).

The buzzwords in the world of development cooperation were all about speeding up the digitalization of Myanmar's economy as well as enhancing people's access to information. As intended, the Ministry of Planning and Finance was assigned to lead the implementation of the plan by chairing the Digital Economy Development Committee. In parallel, the Myanmar e-Governance Master Plan 2016-2020 was also designed to improve the country's ranking, which was 169th out of 193 countries according to the UN e-Government Status survey in 2016 (Division for Public Institutions and Digital Government, 2022). For digitizing the work of government departments, Myanmar also initiated a plan following a South Korean model of an integrated data center together with an IT industrial complex with a financial loan (USD 160 million) from South Korea's Export-Import Bank (Newsworld Korea, 2019). To be fully integrated with the ASEAN Digital Master Plan 2025, Myanmar also laid down the Myanmar Digital Economy Roadmap 2018-25 in February 2019, with plans to catch up with other regional countries by upgrading the use of digital technology in government, trade and investment,

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[4] The ICT Master Plan Framework for 2001—05 was prepared by the Myanmar Computer Federation and that for 2006—10 was prepared by the e-National Task Force.

developing digital skills and security, and encouraging innovation. In parallel, Myanmar laid down a new digital strategy under the NLD government to improve infrastructure and skills for better connectivity within the ASEAN region. The digital economy was one of the fastest growing areas, the government and international development institutions like the World Bank claimed. The 20016 ICT Policy, directed by the Ministry of Transport and Communications, has aimed to expand telecom services to more than 90 percent of the country's population and to improve internet access with 85 percent coverage. This policy goal was to improve the infrastructure for citizens' communication to enhance citizens' role in democratic reform through participating in discursive forums hosted by digital platforms. However, the key question is, in the first place, who benefited immediately from expanding infrastructure?

In the reform years, when civic liberty was more vibrant, activists in Myanmar expressed concern that the existing laws were either vaguely defined or did not adequately tackle emerging data privacy issues and protect citizens from state oppression. Now, the improved digital infrastructure serves the regime's control of power. Furthermore, ASEAN's digital integration policies still fail to consider the lack of legitimacy of the SAC as a coup maker and naturally expand their engagement. At the same time, ASEAN totally ignores the people's request not to recognize the regime that is relentlessly committing crimes against humanity daily. The ignorance of ASEAN is evident in its increasing collaboration in the digital sector. All ASEAN Digital Ministers met in Nay Pyi Taw in January 2022 amidst the SAC's killing and burning of villages across the country. These atrocities did not affect ASEAN's motivation to collaborate with the regime, and ASEAN even issued the Nay Pyi Taw Declaration for "Digital Transformation: the Engine for ASEAN Economic Recovery from COVID-19". Apart from being unable to be represented in top-level meetings, Myanmar can still be involved in every step of ASEAN's economic planning, including the ASEAN Digital Masterplan 2025. This declaration in January 2022 stated that the member states agreed to: "Enhance ASEAN's cybersecurity and cyber wellness through continued cooperation in cybersecurity, personal data protection, capacity building and digital certification activities." In the land of mass killing, arbitrary detention, and digital abuses by the government, who will gain benefit from talks of cyber

security and cyber wellness? These questions are the most challenging when public scrutiny is no longer possible within the country due to the military's brutality and the fact that anyone can be punished for any criticism under the newly installed surveillance and censorship regime.

It is common in the European Union to allow users to buy a new SIM card only with biometric registration. Myanmar can access biometric scanning technology as the devices are imported from China at a cheap price. From small office use to the national level e-government project, several types of biometric scanning products are available in the market. However, without data protection laws such as GDPR (European Data Protection Supervisor [EDPS], 2020), the risk to users remains unresolved. Section 3 of the Privacy Law, which states, "Every citizen has the right to enjoy the protection of his/her privacy and security in full, as set out in the Constitution," does not adequately cover citizens' digital safety. After the coup, the SAC has paid critical attention to collecting data on citizens in the name of national security. As explained earlier, many donor agencies and bilateral government agreements supported the e-government scheme under different project titles. Initially, these projects were initiated to promote citizen's welfare. Later, in the hands of the coup-makers, these schemes facilitated the military's atrocities. For government ministries, the present priority is to chase down the political opposition by more timely and cost-efficient use of a database on citizens. The current urgent plans of registering SIM cards implemented by the Ministry of Transport and Communications and the national ID card with a biometric system implemented by the Immigration Department have alarmed human rights activists and the media. Only if one ignores the lawlessness and arbitrary persecution by the SAC do these projects seem harmless. Usually, the UN and other development agencies have been emphasizing the importance of digitizing citizens' ID and SIM cards as part of essential infrastructure for advancing e-commerce and obtaining access to the inalienable rights of a human being wherever a person is born.

When data is used for the stability of the military's power by controlling the people's communications, mobility and access to resources, the data-compiling process is as rigorous

as building a fortress for the military. Especially in 2022, the SAC pressured telecommunication companies to speed up SIM card registration by taking users' biometric data. The NLD government initiated SIM card registration in 2016, emphasising combating crime (Chan, 2016). Since the coup, most people have struggled with a sense of fear that they would be arbitrarily charged with unlawful actions if their profiles were tracked through the data attached to their phone numbers. When phone tapping was a common practice in cracking down on the protestors, many had to discard their old registered numbers. Many digital wallet users from KPay and Wave Money who registered with their SIM cards for the service with real identities were arrested because they were accused of donating to CDM and the resistance movement. Only because the SIM card registration scheme with a biometric system was not complete by the time of the coup can many citizens still use the safety of the loophole created by the inefficient registration system, and escape from the hands of the brutal regime is still possible. That is why the SAC wants to implement full coverage as quickly as possible. A working group that includes representatives from mobile operator companies was set up under the NLD government on 3 May 2019 to build a common database of users, and the SAC is now pushing to continue regardless of the political situation (Myanmar Centre for Responsible Business, 2022). Although the MOTC said earlier that the registration scheme is a basic requirement for safe online banking, online money transactions and online shopping, the priority now for the SAC is to build a comprehensive surveillance system that enables them to match citizens' political movements and their data.

Since the coup, the SAC's order to intensify electronic surveillance systems led to the departure of Telenor, a Norwegian multinational telecommunication company, from Myanmar. Telenor was rebranded as Atom, and ownership fell into the hands of a partnership between the M1 Group and the Shwe Byine Phyu Group, again allegedly with links to the military (Justice for Myanmar, 2022). Before it left, Telenor reportedly had been pressured to comply with over 200 requests from the Ministry of Transport and Communications (MOTC) within the first year after the coup. The data collected by the SAC from Telenor included records of calls, call locations, last known locations of a number, and call histories of a few

hundred users from one to six months. Working under the gun, internet service providers, including Telenor and Ooredoo, had no choice but to follow every order imposed by the coup leaders. On its departure, Telenor announced that "Telenor has to leave Myanmar to be able to adhere to our own values on human rights and responsible business, and because local laws in Myanmar conflict with European laws. The security situation is extreme and deteriorating, and we must ensure that our exit does not increase the safety risk for employees. With limited options available, the sale of Telenor Myanmar is deemed to be the most realistic alternative to keep our employees safe." However, it did not state the extent of possible data breaches related to the sale (Khine, 2021; Telenor, 2022). Although Atom guaranteed users' security, it is a collective understanding that trust in them has dramatically declined as it is believed that the military-linked company will have no concerns about users' security.

When combined with this new form of persecution, old racial prejudices targeted at ethnic minority populations are also more validated. In many countries, citizens' national identification through standardized biometric procedures became common, and the media hardly perceived it as a threat to the people or an undesirable development. However, in a place like Myanmar, where the population is categorized by race and classified as (full) "citizens," "guest citizens," "associate citizens," and "naturalized citizens," biometric data is a tool to reinforce a discriminatory system under the 1982 Citizen Law. There have been calls from the UN Security Council, the General Assembly and the Human Rights Council for Myanmar to immediately reform the 1982 Law and abolish racial discrimination. Regardless of international pressure, the Ministry of Home Affairs has been persistently sticking to the military's core value that citizenship can be allowed only under the 1982 Citizen Law, and the emerging ultra-Buddhist nationalist groups picked up this argument for their campaigns against the Rohingya and other non-Buddhist minorities. If the government continues to implement the biometric-based IDs that the NLD government planned, 25 percent of those classified as not holding any documented legal identity according to the 2014 National Census would again be subject to exclusion. Even before the coup, it was a dilemma for international

development actors to give loans to Myanmar as long as there is the risk of exclusion of minorities during the digital ID process. After the coup, the risks posed by the biometric data system became clearer, and the World Bank dropped the project. However, the Immigration Department recently announced that 52 million people have already been registered with e-ID Biographic Registration Software by the end of 2022 (Maung Mudita, 2022). In 2022, the SAC provided in-house training for compiling a database on civil servants while the nationwide "smart ID cards" scheme continued as planned.

For the national ID verification, the SAC gave a series of alerts to citizens that the verification process of matching national ID and SIM card numbers had already started. Both the Immigration Department and Telecommunication Department warned people that those who hold extra or fake IDs will face penalties, and any function associated with unverified cards will be halted. Bank accounts and digital wallets that were opened with cancelled IDs will be frozen, while the cash in pre-paid SIM cards associated with canceled IDs will also be confiscated by the State (Maung Mudita, 2022). As the military posed a serious threat to the underground movement and protestors, holding an extra ID card was a frequent practice as travelers needed to show an ID to the security forces at checkpoints. In many areas, these are not random checks by the security forces but rather a consistent procedure for those who travel by any means of transport. It is often reported that those who cannot show any ID are beaten or harassed by the security forces. No external aid agencies that helped Myanmar in the last ten years could have imagined the e-government system they have been supporting would be an essential part of the war fought by the regime against its own people.

Moreover, digital development to modernize crime control and cost-efficient urban management is now used to crack down on the resistance. In recent years, creating smart cities through digital means has become a priority of regional organizations like ASEAN. The ASEAN Smart Cities Network (ASCN) aims to implement a common goal of innovative and sustainable urban development, with digitalization of commerce and e-government high on the agenda. In conjunction with ASEAN's economic integration plan, through China's Digital Silk Road plan, the Yunnan government, for example, was active in providing technical training

to the Mandalay Police Force. After the police from Mandalay were invited by the Yunnan government, Mandalay City decided to buy CCTV and related surveillance technology from Huawei without calling for an open tender. This monopoly was allowed in the name of China-Myanmar friendship under the NLD government. Although the NLD government was overthrown in the coup, Huawei continued to be friends of the SAC and continued its sale of CCTV to be installed across Myanmar.

Failure of partial liberalization and the regime's readiness for re-instating power

Since reform gained momentum after 2011, the internet has liberated people's minds from the government's propaganda and improved people's well-being in many ways, especially during the Covid-19 pandemic. The mass resistance in the digital public sphere right after the coup indicates that recent digital development adversely affects what Gerschewski (2015, p. 13) calls the three pillars of 'authoritarian stability,' namely legitimation, repression, and co-optation by Myanmar's military regime. Since the beginning of the reform, however, the semi-democratic government was not wholeheartedly willing to loosen its grip. It had gradually established institutions for digital propaganda, censorship and surveillance while conducting a pretense of measured and limited liberalism. Meanwhile, its political opposition, the NLD, did not reject the digital authoritarian plans, and as the successor government, the NLD even cooperated in implementing them. In recent years, the military's unpopularity among the people has prompted a stronger desire among the military leaders to speed up their "perpetual agenda" (Schlumberger et al., 2023, p. 3) to regain power. According to interviews with an internet monitoring group which requested to remain anonymous, the digital authoritarian tactics which the coup administration assembled did produce a massive silent populace as soon as the regime started using doxing and subsequent arrests and legal actions in early 2022. The post-coup changes echoed what Schlumberger et al. (2023, p. 11) contend: digital transformation can even strengthen the core features of an entrenched authoritarian regime by contributing to its authoritarian strategies and capacities. Although the idea of digital development is considered synonymous with more liberal access to information

for Myanmar citizens that would strengthen the foundation of a democratic system, its realization was not democratic but mostly of a top-down nature. Despite data protection and safety for citizens being advocated by many civil society organizations, the reform years did not yield adequate measures to prevent abuses by a dictator. Ruzza, Gabusi & Pellegrino (2019, p. 202) argue that "the very top-down nature of the process of political transformation has been a key element of authoritarian resilience" in Myanmar. An attribute of such a failure of democratization is the military's increased grip on global technological transfer resulting from international collaboration on cyber-security, e-government, and ever-expanding global commerce. As in other Asian countries, Myanmar was enabled by a sophisticated mix of emerging digital tools that often come to the country with good intentions.

Conclusion

Digital development has been intertwined with the Myanmar democratization process in many ways. Some of the initiatives of the Myanmar government received support from the international community as a reward for democratic reform. They came in different forms of aid packages, and some are designed to enhance e-government and communications infrastructure. Despite the past record of the military's human rights violations, they have been entrusted with digital empowerment via the changes initiated. It was hardly expected that the double-edged technology in their hands would reverse the democratic path. Despite digital activists' calls for accountability of the government and advancing security for users' data, multilateral and bilateral collaboration with the military regime has been continuing under the name of regional economic integration, regardless of the escalating level of violence. Moreover, the profit-driven private sector, which hastened to open the newly acclaimed "Myanmar: the last frontier of Southeast Asian market," cannot convince the regime to stop unethical breaches and its coercive use of digital power. The democracy consolidation process in the last decade under the USDP and the NLD governments eventually ended as a system of limited liberalism, and the coup has given birth to a new digital dictatorship. The present censorship and surveillance regime represents a convenient marriage of flourishing technology

and a traditional preference for limited liberalism. When digital development directly and indirectly influences the patterns of authoritarian resilience while backsliding nascent democracy in Myanmar, international actors, including foreign governments, international aid agencies, and commercial technology companies engaging with the country should ensure necessary safeguards and take precautionary steps to do no harm.

Acknowledgement

Biography

Nwet Kay Khine, a former journalist and writer from Myanmar, is now affiliated with the International Research Group on Authoritarianism and Counterstrategies, which is based in Berlin. Nwet joined the master's program for International Development Studies at Chulalongkorn University in 2006 and then continued her learning with the Erasmus Mundus Masters in Journalism, Media, and Globalization at the universities of Aarhus and Hamburg in 2010. She completed her doctoral study at Mahidol University's Institute of Human Rights and Peace Studies in 2019. Nwet conducted this research during her post-doctoral fellowship at the Passau International Centre for Advanced Interdisciplinary Studies (PICAIS), while she was hosted by the Chair of Development Politics of Passau University.

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