

## Podcast Transcript

Version 1.1, 10 November 2017



## Muslims, NGOs and the Future of Democratic Space in Myanmar

Podcast with **Melissa Crouch** (13 November 2017).

Interviewed by **Giuseppe Bolotta** and **Catherine Scheer**.

Transcribed by **Helen Bradstock**.

Audio and transcript available at:

<http://www.religiousstudiesproject.com/podcast/muslims-ngos-and-the-future-of-democratic-space-in-myanmar/>

**Catherine Scheer** (CS): *Welcome to the Religious Studies Project. We are Catherine Scheer*

**Giuseppe Bolotta** (GB): *And Giuseppe Bolotta*

**CS:** *And this is the third instalment of our series on religion and NGOs. Since the turn of the twenty-first century there has been a remarkable surge of interest among both policy makers and academics into the effect that religion has on international aid and development. Within this broad field, the work of religious NGOs or so-called faith-based organisations has garnered considerable attention. This series of podcasts for the Religious Studies Project seeks to explore how the discourses, practices and institutional forms – both of religious actors and purportedly secular NGOs – intersect, and how these engagements result in changes in our understanding of both religion and development. The critical situation of the Rohingyas has cast a shadow over Myanmar's process of democratisation and drawn attention to some aggressively uncivil sectors of the Buddhist majority country's Muslim minority population. In this interview with **Melissa Crouch** we will talk about her research on Myanmar's Muslim population, about the challenges of advocating for legal reform as a means of promoting religious tolerance and the future role of NGOs in Myanmar's democratisation process. Before introducing our guest for today's interview, we would like to thank the **Henry Luce Foundation** for supporting our research on this topic and the production of this series.*

**GB:** *So, speaking with us today is Dr Melissa Crouch. She's senior lecturer at the law faculty at the University of New South Wales, Sydney, Australia. Her research contributes to the field of Asian legal*

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*studies with a concentration on public law, Islamic law and rule of law in fragile states. Melissa is the author of: [Law and Religion in Indonesia: Conflict and the Courts in West Java](#), published by Routledge in 2014; the editor of [Islam and the State in Myanmar: Muslim Buddhist Relations and the Politics of Belonging](#), published by Oxford University Press in 2016; and the editor of [The Business of Transition: Law, Reform, Development and Economics in Myanmar](#), which will be published by Cambridge University Press this autumn. An engaged legal scholar, among others a member of the Australia-Myanmar Constitutional Democracy Project, we are glad to have Dr Crouch with us today to talk more specifically about the influence of legal frameworks on religious organisations in Myanmar – especially Muslim organisations. Thank you very much for being here with us on the Religious Studies Project.*

**MC:** Thank you.

**GB:** So, Catherine, would you like to start our questions for Melissa?

**CS:** Yes. Thanks for that and thank you Melissa. Your research was on religion, law and social conflicts in Muslim majority Indonesia, before you also started looking at comparative development in contemporary Myanmar. Can you tell us more about why you shifted your primary research focus and how, if at all, you see your earlier work in relation to the current events you now study?

**MC:** Thank you. I think, for myself, I see it more as a broadening rather than a shift. So my research, I would say, is inherently comparative. Although I started out focussing specifically on Indonesia, I have since sort-of expanded to look at South East Asia more broadly, but also a specific focus on Myanmar. And I think one of the most exciting things about the area of comparative law, and law and religion studies, is the strength of studying comparatively rather than in isolation. My own work is inspired by scholars such as [Emeritus Professor MB Hooker](#) and his formidable body of work on legal pluralism and Islamic law in South East Asia, scholars like the late [Professor Andrew Huxley](#), who spent a lot of time looking at Burmese Buddhist law. And of course the late [Professor Dan Lev](#) who was the leading scholar on Indonesian Law of his generation. And among his work of course was seminal work such as on the Islamic court in Indonesia. **(5:00)** And so, really, I see my work as building on this kind of history of the field of social legal study in South East Asia. And in doing so, my research tries to focus on a number of core themes around constitutional change, law and development and law and religion. In relation to my research on Islam and Islamic law in Indonesia and Myanmar, I think there are fascinating parallels as well as some striking differences. And in my book on Islam and the State in Myanmar, I try and depict Muslims in Myanmar as at something of a

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crossroads between South East Asia and South Asia. I think there are similarities in the sense that in some of my work in Indonesia I was looking at the position of minorities within a Muslim majority state. Of course, in Myanmar you have a Buddhist majority country and Muslims as a minority, but, actually, some similar kinds of issues being faced by those minority groups. And I've expressed some of these ideas in an article that I wrote in the [Oxford Handbook of Islamic Law](#), which tried to sort of review and summarise some of the key themes in Islamic law in society in South East Asia. And really, I was trying to emphasise the importance of continuing to write against Arabic or Middle Eastern bias in Islamic Studies. Sixty percent of the world's Muslims live in Asia today, so I think that's an exciting place and position from which to write about Islam. In addition, I think, South East Asia is important for the study of legal pluralism, and this is where religion comes in, as a key influence in the history and development of legal systems across South East Asia. And I think, also, South East Asia helps us to re-examine and perhaps challenge some of the assumptions that we have in the study of law and religion and Islam, more broadly.

**GB:** *Thank you so much, Melissa. As a legal scholar, with a particular interest in law and religion, how do you see the role of the researcher – her or his ethical responsibilities – and how would you position the book you recently edited, *Islam and the State in Myanmar* in this context?*

**MC:** Yes, this is a great question and I think this was a really good question to grapple with at the workshop that you both hosted previously at the Asian Research Institute in Singapore. For me, I guess, my own research is influenced by and grounded in a legal ethnography and, I guess, this idea of an ethnographic sensibility. That is, I see in ethnography a great concern for the ethical obligations that we have towards our participants, many of whom become close friends and colleagues. Many of our participants – particularly when we're talking about religion and issues of religious conflict and aid – are vulnerable, a kind of vulnerable community. And this ethnographic sensibility I think also calls for a need for an awareness of our own subjectivity, an awareness of our own strengths and limitations and weaknesses as researchers. And I think that this helps to influence and inform the choice of what we study, when we study, and how we study, as well as the kind of audiences that we're trying to reach. The book *Islam and the State in Myanmar* was really just a first attempt to try to bring together interdisciplinary research. But a lot of it was very much ethnographically based, or based on substantive field research interviews, participant observations, archival and historical research. And really, it was an effort to try and put forward the beginning of an academic enquiry in this area, while recognising that there has been a lot of advocacy reports or policy reports in the past, and there probably will be ongoing, but that academics can play a role in informing some of these debates.

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*CS: Thanks Melissa, I'm glad you underlined this important aspect of your research. In this context I would like to touch upon a sad event. This January the prominent Muslim lawyer, [Ko Ni](#) was assassinated in Myanmar. (10:00) A long-term advocate for the right for peaceful protest and against hate speech, Ko Ni played a key role in recent efforts towards constitutional reform, law reform and legislative reform in religion. In the context of increasing violence against Muslims he joined the Myanmar Muslim Lawyers Association. Can you tell us a bit more about Ko Ni's work and about his support for, and participation in, law and development, and about his contribution to NGOs – particularly religious NGOs? What is the current situation of Muslim associations and NGOs in Myanmar? How might the position for Islamic organisations have been affected by the death of Ko Ni?*

**MC:** Yes. Thank you. I could spend all day talking about the legacy of Ko Ni and I don't think it would quite do him justice. But let me see if I can try and encapsulate what I think is at the core of some of his work and efforts and concerns. And particularly his contribution and collaboration with quite a number of international development organisations as well as local civil society organisations and religious organisations. The assassination of Ko Ni on the 29th of January of this year, 2017, was a significant tragedy and very much a wakeup call for Myanmar, for the National League for Democracy, but also for the Muslim community in Myanmar. Simply because of the fact that he was a Muslim, as well as the fact that he was a very prominent lawyer, his death had a significant impact and was felt very deeply by the Muslim community in Myanmar. You are right to say that Ko Ni was affiliated with and involved with an organisation called the Myanmar Muslim Lawyers Association, although in some of the tributes that I've written about Ko Ni since his death I really tried to emphasise that I think this was, in some sense, a last resort strategy. In many ways, Ko Ni was first and foremost a lawyer: his concern was with legal process, with justice, with the rule of law and the importance of constitutional reform and equal rights for everyone. But at the same time he was someone – in part because of his stature, his physical appearance – who was well known as a Muslim, and he really couldn't escape that fact. And I guess, particularly since 2012, with the outbreak of conflict in Rakhine State and the serious displacement there, and then the subsequent conflicts arising in many major towns across Myanmar that particularly targeted Muslim communities – a wide range of Muslim communities – there was a real sense of urgency that the situation was deteriorating rapidly. And I think this really came to a head in the lead up to the 2015 elections, when it appeared that there were strategies, in particular, to try and undermine the National League for Democracy. And one way of doing that was to try and portray them as somehow pro-Muslim. And using that to try and deter people

from voting for them. And so because Ko Ni was associated with the NLD, and he himself was

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Muslim, he was kind-of caught up in some of this controversy. Ko Ni himself was very vocal against some positions and decisions which the NLD took, which he disagreed with. So, this was things like the fact that the NLD did not field any Muslim candidates in the 2015 elections. He was very adamant that that was not an appropriate way to go about things, and that the NLD shouldn't have caved in, on that issue, under the pressure that had been put on them. So I think, in joining this Myanmar Muslim layers association, this was a last resort for him. But something that he felt was necessary to ensure that they had a voice in many of the kind of legal issues that were coming up, that would have direct impact on his community. And this was particularly acute in relation to what was referred to as the [Race and Religion Wars](#), in 2015. (15:00) This was a package of four laws that was generally known as the Race and Religion Laws, but it was very much championed by Nationalist, radical Buddhist groups who were very overt in their claims that these laws would be targeting the Muslim community in ways that would sort-of contain and control their influence in the country. And so again, Ko Ni was someone who spoke out against the need for these race and religion laws, and very much called them out for the kind of nonsense that they were. And so, in this way, he played a particularly prominent role in many of these debates. On the second part of your question – in terms of his contribution to kind-of law and development initiatives and organisations in Myanmar – I will say that Ko Ni was very much a valued partner for many organisations, including religious organisations, but also the broader international NGO community. He was very much sought-after and was the person to go to, to ask for legal advice on a range of different issues. He was not only someone who was an educator, giving public lectures and speeches to parliament, writing opinion pieces on various legal reforms, as well as providing advice to different non-government organisations about various advocacy campaigns that they were involved with. So his death is very much a loss for the country, and very much a loss for many of these NGOs who did rely on his advice and kind-of the state of gravitas that his presence and influence was able to bring to bear on these issues.

**GB:** *Thanks Melissa. Well the death of Ko Ni was a huge tragedy. Myanmar lost a great protagonist of its contemporary history. So the question now is, what are the future prospects of Muslims in Myanmar – and of course the civil society organisations – to prevent conflict, promote harmony and appreciation of diversity? And what role do scholars have to play in this process?*

**MC:** That's a big question. And it's something that a lot of people and actors are working on in this area. We certainly have seen more recently the emergence of some new organisations. Often ones that, in a sense, slide below the radar. That is, they try to keep a very low profile, they don't engage with the media or have a public profile, but at the same time they are doing research. They are particularly

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doing the monitoring of potential religious conflicts or social conflicts that may occur, as well as monitoring issues such as hate speech – which has become quite a significant and serious issue in Myanmar. But I think it's quite telling that they are quite low profile in their presence at the moment. And there are some very practical reasons, and very practical concerns, that if they were to be more prominent that they may, perhaps, in some way be targeted. I think that it is important for scholars to play a role in this process and really, that was one of the reasons that I tried to bring together scholars for the edited book on *Islam and the State in Myanmar*. As I've mentioned, there have been policy papers and advocacy or human rights reports in the past on the situation, particularly in Northern Rakhine State, for the Rohingya as well as for other Muslim communities that have been displaced by those conflicts that took place in 2013 and 2014. Often these policy papers don't have time for the kind of sustained research that can help provide a more informed analysis. So I think scholars are in a good position to bring a new lens to some of these issues, a fresh analysis, deeper thinking and in particular, comparative thinking and perspectives. Muslims in Myanmar are of course not the first or the only minority in majority Buddhist contexts to face these issues. We only have to look to places like Sri Lanka, or perhaps in Southern Thailand, to see that there are minorities in other majority Buddhist contexts that face quite serious issues. (20:00) But I do think we need to continue to work at pushing the stereotype that presumes that majority Buddhist societies don't have a problem in the way they treat certain minorities, particularly Muslims. And obviously we see that issue quite prominently in Myanmar.

*CS: Thank you, Melissa. This leads to our last question. You have been writing about emergency powers put in place in Rakhine State in Myanmar, in a recent article entitled [The Expansion of Emergency Powers, Social Conflict and the Military in Indonesia](#). You stressed the importance of checking on the exercise of power during times of emergency. In such times humanitarian organisations, including religious NGOs, could tend to play a very important role. What is your perspective on this controversial issue in Indonesia and also in Myanmar?*

**MC:** Yes, you're certainly right that it's precisely in times of emergency when we often need humanitarian organisations, including religious NGOs, the most. But it's somewhat ironic that sometimes the state may block or obstruct the provision of these humanitarian services. I guess my concern with this issue crosses both Indonesia and Myanmar. In the contest of Myanmar, there has been a state of emergency declared in Rakhine State since 2012 and that sort-of continued to be extended on an ongoing basis. And it doesn't look like it will be lifted any time soon. So that includes things like: a curfew, limitations on people's freedom of movement, freedom of assembly and things

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like that. And of course humanitarian organisations in Northern Rakhine State have faced very difficult issues in getting access; at some points being kicked out because of various controversies, or perceptions of controversies. And so I think it's going to remain a very serious issue in Northern Rakhine State for some time. I guess the broader theme, or pattern, that I feel is emerging is the way in which states across South East Asia have abused emergency powers and sought to extend them. So, I guess, the traditional understanding of emergency powers is that they're supposed to be in very exceptional circumstances and that, because of that, there should be very strict time limitations: limitations to ensure that there will be a return to normal rule of law, a constitutional law situation. And I guess, the concern is that, in places like the Northern Rakhine State, it's simply an ongoing emergency – but it's one that is conveniently used to restrict people's freedom of movement. But the people in those situations are very often the ones who have been the victims in these conflict situations. And in Indonesia there's also the role of the military, trying to come back in to gain some ground again in situations of conflict and take on a role that perhaps it's been quietly pushed out of, due to the democratisation process. I think in Indonesia there's still a bit of a wait-and-see as to how the laws there will be used. But I think there is, overall, a broader concern that states, rather than facilitating access for humanitarian organisations and religious organisations are actually using emergency powers to obstruct them.

**GB:** *Thank you very much, Dr Crouch, for joining us at the Religious Studies Project. This was a very inspiring conversation. Thank you.*

**MC:** Thank you.

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