

ANALYSIS

Assessing potential impact of the new association law and FATF blacklisting on Myanmar media

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Introduction

Myanmar's media has historically been overburdened with vague, repetitive, inconsistent, and overlapping laws that make up an oppressive legal framework packed full of risk for outlets and journalists alike. Some of these, such as the News Media Law (2014), Printing and Publishing Law (2014), and Broadcasting Law (2015) are special laws applicable primarily to the media only.¹ Others, including the Penal Code (1860), Telecommunications Law (2013), and Revenue Law (2014), are laws of general application that substantively regulate the media.² A third category consists of special laws and policies that ostensibly regulate other sectors but in practice apply to the media too. Laws regulating civil society, defined as non-State and nonprofit entities that include community-based and national civil society organizations (CSOs) as well as international non-governmental organizations (INGOs), are an example.

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The media and media outlets in particular may have different high-level purposes when compared to CSOs, but they also share many similarities within Myanmar's civic space. Both media outlets and CSOs primarily rely on exercising similar human rights, including the rights to freedom of association and freedom of expression, far more so than

¹ FEM (2017), "[News Media Law](#)", Free Expression Myanmar; FEM (2017), "[Printing and Publishing Law](#)", Free Expression Myanmar; FEM (2017), "[Broadcasting Law](#)", Free Expression Myanmar

² FEM (2017), "[Penal Code](#)", Free Expression Myanmar; FEM (2017), "[Telecommunications Law](#)", Free Expression Myanmar; FEM (2017), "[Electronic Transactions Law](#)", Free Expression Myanmar; FEM (2017), "[Law Protecting the Privacy and Security of Citizens](#)", Free Expression Myanmar

other sectors. The Myanmar State has always regarded them with much the same suspicion; as political opposition and a threat to all levels of government.³ Their employees face similar heightened risks of State-sanctioned violence and prosecution.⁴ As one expert on Myanmar's media sector observed: "The military see us all through the same lens, as enemies that need to be silenced."⁵

The similarities are operational too. Some of Myanmar's media outlets grew out of CSOs, are arms of CSOs, oversee CSOs, or were, prior to the coup, registered legally as CSOs.⁶ Many outlets operate in a similar way to CSOs, particularly small-to-medium-sized media outlets and outlets that serve particular communities. They often recruit from the same pool of people, especially self-styled "citizen journalists" hired since the coup.⁷ They have the same sources of income and are often combined together in donor funds targeting "media and civil society".⁸ Many media outlets have implemented - not just reported on - projects in partnership with CSOs and INGOs.⁹ Some have also designed, fundraised, and implemented their own projects independent from other partners.¹⁰ Many of these projects are communications-focused, but they are also donor-funded, nonprofit, and focused on achieving civic aims, rather than serving a purely media purpose.

The media has its own sector-specific media-related CSOs too. Many media employees are members of labor rights CSOs, including the Myanmar Journalists' Network, Myanmar Journalists' Union, Myanmar Journalists' Association, and Myanmar Women Journalists' Association. Media owners have established CSOs, such as the Myanmar Broadcasters' Association. Several INGOs have operated in Myanmar purely to support media outlets, including Deutsche Welle Akademie, Internews, and BBC Media Action.

Therefore, any vague and overbroad laws or policies that affect the rights of CSOs and INGOs in Myanmar not only undermine the resilience and diversity of a key source of information for the media but are also highly likely to affect the rights of Myanmar's media too. Media rights are affected on paper even if in practice many media outlets, like CSOs, choose not to engage with the military junta, or are already operating underground or in exile. This report assesses two relevant developments since the coup began, the first being the military junta's illegitimate new Association Registration Law, and the second being the blacklisting of Myanmar by an international body, the Financial

³ Civicus (2022), "[Arrests of activists, journalists continue in Myanmar as military tribunals impose harsh sentences](#)", Civicus

⁴ AAPP (2022), "[Daily briefing](#)", AAPP

⁵ Interview with a media editor, 9 December 2022

⁶ MDIF (2018), "[An unfavourable business](#)", Media Development Investment Fund

⁷ Mizzima (2017), "[Media and CSOs provide support for former political prisoners](#)", Reliefweb

⁸ USAID (2017), "[FHI 360 Civil Society and Media Project, Burma](#)", USAID; UNDP (2015), "[Procurement notice](#)".

United Nations Development Programme

⁹ MDIF (2021), "[Covid-19's impact on media operations in Myanmar](#)", Media Development Investment Fund

¹⁰ Mizzima (2022), "[About us](#)", Mizzima

Action Task Force (FATF). Based on research and key informant interviews, the report examines how these two developments have and may yet affect CSOs, media-related CSOs, and media, and suggests recommendations.

Association Registration Law

The Association Registration Law (2022) was enacted by the military junta's leadership body, the State Administration Council (SAC), on 28 October 2022. It repealed the Association Registration Law (2014) which was enacted by a previous quasi-civilian government and created a "relatively enabling CSO regulatory regime including voluntary registration."¹¹ The 2022 law followed the military's suspension of constitutional rights under the guise of their unlawful declaration of a state of emergency.¹² ICNL and other international organizations have published analyses of the new law and its accordance with international human rights standards.¹³

Mandatory registration

The most significant change in the military junta's 2022 law is that it rolls back the quasi-voluntary registration regime established under the 2014 law, returning Myanmar's legal framework to the same authoritarian rulebook of mandatory registration last seen under the previous military junta. The 2022 law does this by prohibiting the establishment and operation of any association that does not have a valid government-issued registration certificate (Art. 33). It also prohibits anybody from operating, participating in, promoting, or passing off as real any association that does not have a valid registration certificate (Arts. 34-35). ICNL's legal analysis highlights that the **mandatory registration system** established in the 2022 law is a violation of international human rights law.¹⁴

The 2022 law did not come as a surprise to many as the military junta had already stopped registration and renewal applications from being submitted under the old 2014 law.¹⁵ Registration under the 2014 law was "voluntary" on paper but in practice, many groups of different types had no choice because without registration they would have been unable to attract funding and been excluded from interacting with the State at any level.¹⁶

¹¹ ICNL (2022), "Myanmar (Burma)", ICNL

¹² FEM (2021), "Statement by Myanmar civil society organisations on the unconstitutionality of new 'laws'", Free Expression Myanmar

¹³ ICNL's analysis of the Association Registration Law (2022) has been circulated to a variety of relevant stakeholders and may be found in future on ICNL's website: <https://www.icnl.org/country/asia-the-pacific/myanmar/>

¹⁴ ICNL's analysis of the Association Registration Law (2022) has been circulated to a variety of relevant stakeholders and may be found in future on ICNL's website: <https://www.icnl.org/country/asia-the-pacific/myanmar/>

¹⁵ ICNL (2022), "Myanmar civic space assessment", ICNL

¹⁶ Interview with CSO leader, 9 December 2022

Applying for registration under the 2014 law was always difficult, expensive, and fraught with arbitrary decision-making from the State.¹⁷ Nonetheless, some CSOs, media-related CSOs, and media outlets chose to register under the law simply to be able to apply for an official bank account and the benefits of apparent legitimacy that came with it.¹⁸ The new mandatory regime under the 2022 law will be a far greater barrier yet, forcing many groups to either take on a formal relationship with the military junta's State, with all the issues that raises, operate in secret or in exile, or close down.¹⁹ Before the 2022 law was enacted, CSOs and INGOs were already reporting being asked by State authorities whether they were registered and if so whether the registration had expired and whether they wished to continue operating.²⁰

A mandatory registration regime may also negatively affect the **fundraising efforts** of CSOs, media-related CSOs, and media outlets. Many donors previously encouraged or required groups to register as a precondition to receiving any funds over and above a few thousand dollars.²¹ Since the coup began, some donors have continued to require registration, this time with the military junta, despite the obvious risks of doing so.²² An ICNL report states that, "the inflexibility of some donors has raised questions about whether certain aid agencies are serious."²³ CSOs and most small-to-medium-sized media outlets also heavily rely on donor intermediaries, such as INGOs or not-for-profit enterprises, as a primary funding stream. Some of these intermediaries continued to operate from within Myanmar after the coup began and may therefore register under the 2022 law, threatening the resilience of support flowing to their recipients.²⁴

Any reduction in the number of CSOs and INGOs operating in Myanmar, or the number of those operating above ground, may also threaten to undermine the media's substantive work too, by **reducing the availability of independent sources** of information upon which journalists rely. Any reduction may seriously undermine the diversity of civil society, leaving journalists with a narrower scope of information, and excluding important issues from the media space and therefore from public discourse. In the words of one editor: "It was already hard enough getting independent and reliable information. If CSOs disappear, reporting will become much harder and the quality of our reporting may decline."²⁵

¹⁷ FEM (2021), "Review of post-coup CSO funding submitted to UN", Free Expression Myanmar

¹⁸ Interview with media editor, 12 December 2022

¹⁹ Liu (2021), "CSOs after the coup: Operations squeezed, funding crunched", Frontier Myanmar

²⁰ ICNL (2022), "Myanmar civic space assessment", ICNL

²¹ FEM (2021), "Review of post-coup CSO funding submitted to UN", Free Expression Myanmar

²² ICNL (2022), "Myanmar civic space assessment", ICNL

²³ ICNL (2022), "Myanmar civic space assessment", ICNL

²⁴ For example, USAID (2017), "FHI 360 Civil Society and Media Project, Burma", USAID

²⁵ Email correspondence with media editor, 13 December 2022

Restricted purpose and activities

The 2022 law establishes new overbroad restrictions on the purposes and activities of registered associations, interfering in their work and undermining any pretense that they are independent of the military junta's State. The 2022 law limits the **permissible purposes** of lawful associations, including both CSOs and INGOs, to only those that are, "social" and "benefit the State and citizens in accordance with constitutional rights" (Arts. 2c-d). The definition of a "social" purpose is vague in meaning and scope but is generally understood in the Myanmar context to cover only the provision of basic needs such as food and education, filling gaps left by the State's absence. ICNL's legal analysis states that this very ambiguous limitation on permissible purposes is not compatible with international human rights law.²⁶

The 2022 law also explicitly excludes any group which has the purpose of "directly or indirectly" working on undefined "political issues" from mandatory registration (Art. 26a). The provision may ostensibly appear to indicate that a broad range of groups, likely including those working on human rights, good governance, minorities, or indeed the media, need not conform to the authoritarian law. However, in the Myanmar context, where the military junta seeks to oppress everything, putting such groups into an unregulated space is better interpreted as an outright prohibition on such groups in practice.²⁷ This effective **prohibition may therefore ban many CSOs and media-related CSOs such as journalist unions**. However, the law also allows for registration under other unlisted laws, which for many media outlets may mean registering under the authoritarian licensing regimes of either the Printing and Publishing Law or the Broadcasting Law (Art. 26c).²⁸

The 2022 law not only defines acceptable purposes but also regulates the activities that groups do to achieve their purposes. Activities must be regularly reported to and approved by the State (Art. 28l, e). Activities must not, "interact" with undefined, "political, economic, religious, or faith" sectors (Art. 2g). They must not "interfere" with the State's "internal affairs" or with the workings of government departments (Art. 28q, f). Activities must not organize on or conduct advocacy for any interest except "social" ones (Art. 36). They must not "directly or indirectly contact or support" any "terrorists" or "unlawful associations", which, according to the military junta's past orders, includes many CSOs, media outlets, and political opposition groups (Art. 38b-c). Activities must also not "harm" sovereignty, law and order, security, or ethnic "unity" (Art. 39).

²⁶ ICNL's analysis of the Association Registration Law (2022) has been circulated to a variety of relevant stakeholders and may be found in future on ICNL's website: <https://www.icnl.org/country/asia-the-pacific/myanmar/>

²⁷ Interview with lawyer, 11 December 2022

²⁸ FEM (2017), "Printing and Publishing Law", Free Expression Myanmar; FEM (2017), "Broadcasting Law", Free Expression Myanmar

These activity restrictions may strongly dissuade applicants and registered associations from taking a rights-based approach to aiding beneficiaries; from having media, communications, and advocacy strategies; or from interacting with the media in any way.²⁹

Intermediary INGOs and CSOs applying to register or renew registration may find it impossible to lawfully sub-grant to media-related CSOs and media outlets. CSOs and INGOs may also find it impossible even to partner with media-related CSOs or media outlets to deliver activities. CSOs and INGOs that trained or in other ways supported media and journalists before the coup may not be able to lawfully implement those same activities now, impacting journalism capacity in the country.³⁰ If media-related CSOs or media outlets did somehow manage to be involved in such activities, the regulatory regime would mean that as a consequence they may not be able to freely operate and report, particularly with respect to current affairs issues.³¹ The restrictions may have internal repercussions for associations too, such as stripping out any media relations or communications departments and project components, further reducing the media's sources of information. Civil society may once again see the reemergence of sham "GONGOs" (Government-organized non-governmental organizations) that were common under the previous military junta.³²

Burdensome administration

The 2022 law not only excludes a broad range of different groups and activities but also establishes an administrative regime that ICNL's legal analysis regards as disproportionately burdensome.³³ The **disproportionately burdensome nature of the regulatory regime** starts right from the registration process which requires various letters of support from the State, as well as demanding vaguely-defined and repetitive documentation, for instance on "intended activities" and "activities to be carried out" (Art. 7). Obtaining such letters of support was difficult for groups to achieve under the 2014 law, particularly for media-related CSOs which were regarded by the government as "too political"; such letters of support may be nearly impossible now.³⁴ Applications to a State-controlled registration board may be denied simply due to a mere, "suspicion" of "any harm" to sovereignty, law and order, security, and ethnic "unity" (Art. 8c). A rejected application may be re-submitted to the registration board only once, and there is no right of appeal to an independent court (Art. 11b).

Once registered, associations must continue to face burdensome requirements made by the State without any defined procedure or safeguards against abuse. An association

²⁹ Interview with CSO leader, 9 December 2022

³⁰ Email correspondence with media editor, 13 December 2022

³¹ Interview with editor, 11 December 2022

³² Online Burma/Myanmar Library (2019), "GONGOs", Online Burma/Myanmar Library

³³ ICNL's analysis of the Association Registration Law (2022) has been circulated to a variety of relevant stakeholders and may be found in future on ICNL's website: <https://www.icnl.org/country/asia-the-pacific/myanmar/>

³⁴ Interview with CSO leader, 10 December 2022

must submit work plans to a registration board every three months for approval of its intended activities (Art. 28l, e). A registration board and other unspecified State departments may choose to “inspect” the association’s money and assets (Art. 6f). They may also “inspect” documents and make “enquiries” (Art. 28h). Associations must not hire senior staff without approval from a registration board (Art. 28j). They must not work in natural disaster zones or restricted areas without prior approval (Art. 28k, m). They must re-apply to renew their registration every five years, and any renewal may be rejected based upon the same vague reasons as the initial application (Art. 47, 14d). All of these requirements are likely to encourage registered associations to either mislead the registration board, with all the risks that entails, or **avoid implementing media, communications, and advocacy activities**, including having any relationship with media-related CSOs and media outlets, either as partners, advocacy targets, or beneficiaries.³⁵

Disproportionate sanctions

The 2022 law includes a range of illegitimate, unnecessary, and disproportionate criminal penalties that may make leading, participating in, or supporting any group, including registered associations, an extremely risky personal endeavor.³⁶ Anyone caught establishing or operating an unregistered group may be imprisoned for up to three years and fined (Art. 40). Anyone caught working for an unregistered group may be fined and, if they do not pay, later imprisoned for up to two years (Art. 41). Anyone caught offering support or encouragement to an unregistered group may similarly be fined and later jailed (Art. 41). Penalties for those working for registered associations are just as severe as for those in unregistered groups. Officers from registered associations may be imprisoned for up to three years for organizing, advocating on, or communicating about anything but “social” activities (Art. 42). They may also be imprisoned for up to five years if they contact or support “unlawful” or “terrorist” associations, or their members, which under past military junta orders would include many CSOs, media outlets, and their employees (Art. 43). ICNL’s legal analysis states that each of these very ambiguous criminal offenses falls far short of international human rights law.³⁷

In addition to criminal penalties, the 2022 law includes administrative sanctions for associations themselves. National and local registration boards have the power to issue warnings to registered associations, temporarily limit their activities, temporarily suspend their registered status, or deregister associations permanently (Art. 29a1-4). Registration boards may carry out any of these sanctions, including disproportionately

³⁵ Interview with CSO leader, 9 December 2022

³⁶ OHCHR (2022), “Myanmar: UN Human Rights Office deeply concerned by new NGO law”, UN Human Rights Office for South-East Asia

³⁷ ICNL’s analysis of the Association Registration Law (2022) has been circulated to a variety of relevant stakeholders and may be found in future on ICNL’s website: <https://www.icnl.org/country/asia-the-pacific/myanmar/>

de-registering an association, without any gradual steps and for a wide range of reasons including failing to submit quarterly work plans (Art. 29a). Any association that, “interferes in internal affairs or politics” must be immediately de-registered (Art. 29b). There is no right of appeal to the courts (Art. 30c).

These harsh and ambiguous criminal penalties and administrative sanctions may mean that all groups, including registered associations, make extra effort to operate in secret or at least with a low public profile, so as not to attract attention from the military junta’s State.³⁸ This would have the effect of encouraging both registered and unregistered associations to take a risk-averse approach internally, by cutting any public-facing activities or departments, and externally, by **cutting any activities with or funding to media outlets**. As one editor stated, “Any registered association that chose to work with us now would either have to hide the project entirely from the military junta or reveal vague parts, with either choice attracting significant risk.”³⁹

Financial Action Task Force (FATF)

The Financial Action Task Force (FATF) was established by the Group of Seven (G7) in 1990 as an intergovernmental watchdog for combatting money laundering, terrorist financing, and financing of weapons of mass destruction (ML/TF).⁴⁰ It is part of the global “good governance” agenda promoted by the UN, IMF, World Bank, and regional political and economic bodies. FATF is underpinned by a non-obligatory “Mandate”, rather than a treaty, which does not refer to other international obligations or standards, including those relating to human rights.⁴¹

The core of FATF is a periodic country “Mutual Evaluation Report” (MER) recommending how each State can become compliant with more than 40 standards. Recommendations are intended to be implemented nationally through legislation and policy reform. States that are only partially compliant with the standards are added to a ‘greylist’ (formally, “Jurisdictions under Increased Monitoring”), and States which show no sign of trying to comply are added to a ‘blacklist’ (“High-Risk Jurisdictions subject to a Call for Action”). FATF has no compliance enforcement mechanisms but relies on “name-and-shame” and its influence on the global financial sector – which is significant as FATF ratings are likely to influence a country’s ability to receive loans and foreign investment.⁴²

³⁸ Interview with CSO leader, 9 December 2022

³⁹ Email correspondence with media editor, 13 December 2022

⁴⁰ ICNL and ECNL (2021), “[Understanding and Responding to Government Over-Regulation based on Money Laundering and Terrorist Financing Restrictions](#)”

⁴¹ FATF (2019), “[Financial Action Task Force Mandate](#)”, FATF

⁴² Balakina (2017), “[Bank Secrecy in Offshore Centres and Capital Flows: Does Blacklisting Matter?](#)”, BAFFI CAREFIN Centre Research Paper No. 2016-20; Brot fur die welt (2017), “[The impact of international counter- terrorism on civil society organisations](#)”

Myanmar is a member of FATF's Asia Pacific Group (FATF-APG).⁴³ It last participated in a MER in 2018 and has since received an annual "Follow-Up Report" (FUR) demanding concrete action, with a final warning in June 2022.⁴⁴ FATF demoted Myanmar from the greylist to the blacklist on 21 October 2021 for failing to act on its FUR and greylist recommendations.⁴⁵ As part of the blacklisting, FATF urged its members and other jurisdictions to "apply enhanced due diligence measures proportionate to the risk arising from Myanmar."⁴⁶

Some international observers welcomed FATF's blacklisting, believing that it would contribute to punishing the military junta and excluding it from the international legitimacy it reportedly craves.⁴⁷ They condemned the military junta for destroying the economy, crippling the currency, purging financial experts, and growing Myanmar's illicit economy, predominantly through the unregulated export of natural resources such as gems and timber, as well as drugs like heroin.⁴⁸ They also believed that blacklisting would compel responses from those States that have so far refused to impose any other form of sanction, particularly Japan, South Korea, Singapore, and Australia.⁴⁹ Other observers believed it would have little effect.⁵⁰ The opposition National Unity Government (NUG) did not call for FATF blacklisting.⁵¹

The three countries currently blacklisted are Iran, North Korea, and Myanmar. Observers note that Myanmar's financial sector is not yet as co-opted by the military junta as the other two.⁵² Furthermore, no other similar failing States or authoritarian regimes are blacklisted, raising questions about the intentions of the FATF-APG decision-makers or other powerful stakeholders.

FATF standards and FATF blacklisting may have an explicit impact on civil society. FATF Recommendation 8 and Immediate Outcome 10, both of which relate to "non-profit organisations" (NPO), were added by FATF due to concerns that such organizations were a route for terrorist funding, although there is no evidence that the non-profit sector is a significant conduit for criminal financial activities, especially in comparison with other sectors where the vast majority of terrorist financing and money laundering activity occurs. (Indeed, in 2016, FATF amended Recommendation 8 to remove language deeming NPOs 'particularly vulnerable' to terrorist financing.)

⁴³ [Asia Pacific Group on Money Laundering](#)

⁴⁴ Asia Pacific Group on Money Laundering (2022), "Myanmar", APG

⁴⁵ FATF (2022), "High-Risk Jurisdictions subject to a Call for Action – 21 October 2022", FATF

⁴⁶ FATF (2022), "High-Risk Jurisdictions subject to a Call for Action – 21 October 2022", FATF

⁴⁷ Abuza (2022), "Myanmar's financial blacklisting is worth the risks it brings", Nikkei

⁴⁸ Solomon (2022), "Myanmar Joins North Korea and Iran on Global Illicit Finance Blacklist", Wall Street Journal

⁴⁹ Abuza (2022), "Myanmar's financial blacklisting is worth the risks it brings", Nikkei

⁵⁰ Kucik (2022), "Myanmar's FATF blacklisting will do little to unseat the generals", Frontier Myanmar; Tilleke & Gibbins (2022), "Myanmar Blacklisted by the FATF", Tilleke & Gibbins

⁵¹ Chau (2022), "Myanmar citizens would bear brunt of potential FATF blacklisting", Nikkei

⁵² Interview with an expert on FATF and Myanmar on 13 December 2022.

Recommendation 8 nonetheless requires States to, “review the adequacy of laws and regulations that relate to non-profit organisations which the country has identified as being vulnerable to terrorist financing abuse.” Outcome 10 requires States to show how they have “implemented a targeted approach, conducted outreach, and exercised oversight in dealing with NPOs that are at risk from the threat of terrorist abuse.” FATF standards on NPOs apply to CSOs and media outlets, both because media outlets are sometimes similar to CSOs, as described previously, but also because FATF itself refers vaguely to “mass media tools” and “media operations”.⁵³ FATF’s complementary “Interpretive Note”, “Best Practices” guide, and “Handbook for countries and assessors” all significantly expand Recommendation 8 to include standards with a potentially wide-ranging impact upon civil society and the media.⁵⁴

Encouraging registration

FATF’s 2021 impact assessment claimed that some States have “incorrectly” implemented FATF standards to “justify restrictive legal measures to NPOs in the name of ‘FATF compliance’.”⁵⁵ However, FATF standards do not recognize or refer to international human rights law even though the standards clearly impact the right to freedom of association in particular.⁵⁶ They also do not include basic human rights-related concepts on legality, the narrowness of application, proportionality, necessity, and non-discrimination. As a result, it is completely foreseeable that the standards risk encouraging - or providing a smokescreen of legitimacy to - authoritarian States, such as the military junta, to oppress civil society.⁵⁷ This risk has likely increased following Myanmar’s blacklisting.

One example of where FATF standards and recommendations may encourage or legitimize over-regulation of CSOs, media-related CSOs, and media outlets is in undermining the right to freedom of association. Regulations on the registration of associations can have “devastating downstream effects” on NPOs.⁵⁸ FATF-APG’s 2008 MER of Myanmar indeed recommended that the then military junta “conduct a review of the adequacy of its existing NPO-related laws with emphasis on [terrorism financing]

⁵³ FATF (2008), “[Terrorist financing](#)”, FATF

⁵⁴ Brot für die Welt (2017), “[The impact of international counter- terrorism on civil society organisations](#)”

⁵⁵ FATF (2021), “[High-Level Synopsis of the Stocktake of the Unintended Consequences of the FATF Standards](#)”, FATF

⁵⁶ FATF has published a Best Practices report which does for the first time state that “as a matter of principle, complying with the FATF recommendations should not contravene a country’s obligations under (...) international human rights law to promote universal respect for, and observance of, fundamental human rights and freedoms, such as freedom of expression, religion, or belief, and freedom of peaceful assembly and of association”. Hayes, B. (2012), “[Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society](#)”, Statewatch

⁵⁷ Hayes, B. (2012), “[Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society](#)”, Statewatch

⁵⁸ Special Rapporteur Aoláin (2022), “[The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures](#)”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

vulnerability of the sector.”⁵⁹ This recommendation was made despite near universal awareness of the military junta’s widespread and systematic human rights violations. The 2018 MER included toned-down language compared to 2008 but still called for regulatory frameworks for registering NPOs.⁶⁰ Neither FATF nor the MER have referred to the military junta’s evident over-regulation of associations.⁶¹

In practice, FATF standards have served to legitimize burdensome association registration requirements, including bans on registration, overly-complicated registration procedures, arbitrary denial of registration, onerous reporting requirements, and cancellation of registration.⁶² They also serve as a convenient justification for authoritarian governments to adopt a high level of suspicion and hostility towards CSOs and media outlets in general, which is reflected in regulation, as well as in smear attacks against the sector.⁶³

New registration rules are rarely confined to a subset of NPOs that are at risk of being misused for ML/TF,⁶⁴ as required by FATF; instead they tend to apply without discrimination to the entire sector.⁶⁵ Although there has been no in-depth investigation into the impact of FATF standards on Myanmar’s association regulatory framework, studies covering neighboring Bangladesh, Cambodia, India, and Indonesia found strong linkages between similar FATF recommendations calling for NPO laws and States developing new laws requiring and regulating the registration of associations that severely limit the right to association.⁶⁶ One study claimed that FATF-APG had been a “significant factor” in the development of legislation.⁶⁷ It may therefore not be coincidence that the junta enacted the new Association Registration Law a mere week after Myanmar was blacklisted by FATF.

Unwarranted interference

FATF’s “Interpretive Note” on Recommendation 8 sets out 15 measures specific to NPOs that expand FATF’s scope of government interference in the affairs of CSOs, media-related CSOs, and media outlets, beyond just registration. These measures include

⁵⁹ Asia Pacific Group on Money Laundering (2008), “[APG Mutual Evaluation Report on Myanmar](#)”

⁶⁰ Asia Pacific Group on Money Laundering (2018), “[APG Mutual Evaluation Report on Myanmar](#)”

⁶¹ Hayes, B. (2012), “[Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society](#)”, Statewatch

⁶² ECNL, European Foundation Centre, Human Security Collective (2015), “[Illustrative list of overregulation of non-profit organizations](#)”

⁶³ Hayes, B. (2012), “[Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society](#)”, Statewatch

⁶⁴ Special Rapporteur Aoláin (2022), “[The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures](#)”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

⁶⁵ Brot fur die welt (2017), “[The impact of international counter- terrorism on civil society organisations](#)”

⁶⁶ Brot fur die welt (2017), “[The impact of international counter- terrorism on civil society organisations](#)”; OMCT (2019), “[FATF’s recommendation 8 on non-profit organizations: A new tool to unfairly and dangerously shrink civil society space](#)”

⁶⁷ Brot fur die welt (2017), “[The impact of international counter- terrorism on civil society organisations](#)”

maintaining information on activities, identities of staff and volunteers, financial income and expenditure, beneficiaries' identities, donors' identities, the purposes of international transactions, and compliance generally.⁶⁸ These measures are specific to NPOs and are measures in addition to a State's general legislative framework concerning the general regulation of businesses and private individuals. At the very least, these measures encourage over-regulation of NPOs in a "one-size-fits-all" approach that likely constitutes an unwarranted interference in civil society.⁶⁹ In many cases they serve to encourage or legitimize authoritarian States' increased and disproportionate control over civil society. Pressure to adopt further restrictive measures on NPOs is therefore likely to increase as a result of blacklisting.⁷⁰

FATF-APG's 2008 MER urged Myanmar's then-military junta to "introduce explicit obligations" for NPOs as well as requirements for State oversight over NPOs, including a demand for menacing "onsite inspections".⁷¹ The MER included no reference to international human rights law or applicable standards. In response, the military junta announced that the police's transnational crime department would increase general scrutiny of NPOs, dissolving any NPOs that would not or could not conform to their demands.⁷²

FATF standards may encourage or legitimize authoritarian States like Myanmar to place unnecessary and disproportionate reporting and administrative requirements on NPOs. This includes heightened due diligence of financial administration, disproportionate staffing requirements, expensive processes, and arbitrary discretionary powers for the State to request documentation.⁷³ Failing to report to the State can also attract disproportionate sanctions.⁷⁴ CSOs, media-related CSOs, and media outlets generally have limited administrative capacity and the additional burden may become expensive to implement and distract those organizations from their primary purpose, with a particularly debilitating effect on smaller and more grassroots organizations.⁷⁵

FATF standards on the monitoring of NPO compliance may encourage or legitimize State surveillance over CSOs and media outlets, including interception of information,

⁶⁸ FATF (2015), "[Combating the abuse of non-profit organisations](#)", FATF

⁶⁹ FATF Platform (2022), "[Issues](#)", Global NPO Platform on FATF

⁷⁰ Hayes, B. (2012), "[Counter-terrorism, 'policy laundering' and the FATF: legalising surveillance, regulating civil society](#)", Statewatch

⁷¹ Asia Pacific Group on Money Laundering (2008), "[APG Mutual Evaluation Report on Myanmar](#)"

⁷² Hayes, B. (2012), "[Counter-terrorism, 'policy laundering' and the FATF: legalising surveillance, regulating civil society](#)", Statewatch

⁷³ Special Rapporteur Aoláin (2022), "[The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures](#)", United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

⁷⁴ Hayes, B. (2012), "[Counter-terrorism, 'policy laundering' and the FATF: legalising surveillance, regulating civil society](#)", Statewatch

⁷⁵ Special Rapporteur Aoláin (2022), "[The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures](#)", United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

data retention without adequate safeguards, and the invasion of privacy.⁷⁶ FATF standards urge States to establish, “Financial Intelligence Units” within the police, and to provide them with powers to access financial and administrative information,⁷⁷ including records dating back five years.⁷⁸

FATF has not however backed this up with requirements for adequate safeguards.⁷⁹ States like Myanmar have very few, if any, data protection, privacy, and non-discrimination safeguards against the misuse of such elaborate reporting and information systems, enabling the State to monitor and illegitimately interfere in NPOs.⁸⁰ FATF also encourages States to use investigative techniques such as undercover operations, interception, and accessing computer systems.⁸¹ UN human rights experts have warned that the application of such techniques to general NPOs is almost entirely disproportionate, and additionally enables authoritarian States to place civil society under the purview not of general administration but of the State security apparatus.⁸²

The impact of FATF standards on CSOs, media-related CSOs, and media outlets may be disproportionately worse in conflict areas. In Myanmar, which has faced decades of domestic conflict and a military junta that labels any opposition as “terrorists”, FATF standards may have promoted an “unproven assumption” among the State that civil society and oppositional movements are all closely interlinked.⁸³ The standards may encourage or legitimize the military’s enhanced oppression of NPOs operating in conflict areas.⁸⁴ They may also indirectly force NPOs to become part of the State’s intelligence-gathering processes,⁸⁵ and increase beneficiaries’ mistrust of NPOs due to their need to collect information.⁸⁶

⁷⁶ Hayes, B. (2012), “Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society”, Statewatch

⁷⁷ Hayes, B. (2012), “Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society”, Statewatch

⁷⁸ Hayes, B. (2012), “Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society”, Statewatch

⁷⁹ Hayes, B. (2012), “Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society”, Statewatch

⁸⁰ Special Rapporteur Emmerson (2015), “Promotion and protection of human rights and fundamental freedoms while countering terrorism” A/70/371, United Nations General Assembly

⁸¹ Special Rapporteur Aoláin (2022), “The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

⁸² Special Rapporteur Aoláin (2022), “The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

⁸³ Brot fur die welt (2017), “The impact of international counter- terrorism on civil society organisations”

⁸⁴ Special Rapporteur Aoláin (2022), “The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

⁸⁵ Brot fur die welt (2017), “The impact of international counter- terrorism on civil society organisations”

⁸⁶ Hayes, B. (2012), “Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society”, Statewatch

Criminalization

The G7 called, in its establishment of FATF, for measures to sanction NPOs.⁸⁷ The misuse of NPOs to finance terrorism was “recognised as a crucial weak point in the global struggle.”⁸⁸ FATF standards provide for the sanctioning, including via specific criminal laws of a comparatively broad range of acts, and these are reflected in recommendations put to States.⁸⁹

FATF and FATF-APG have, “exerted considerable influence, pressuring governments” to adopt or amend criminal laws, “following opaque processes” that avoid “proper consultations” and are “characterized by an almost complete lack of accountability.”⁹⁰ FATF-APG’s 2008 MER urged Myanmar’s then military junta to, “Introduce administrative penalties in respect of non-compliance with reporting obligations or providing misleading information.”⁹¹ The 2018 MER called on Myanmar to address, “very weak sanctions” for those NPOs that contravene regulations.⁹² Blacklisting may increase pressure on the military junta to further respond to the recommendations.

FATF standards may encourage or legitimize overbroad definitions of “terrorism” and an overbroad scope of what can be legitimately criminalized.⁹³ FATF recommendations may “ensure that terrorist financing offences are defined extremely broadly in national law”.⁹⁴ Authoritarian States like Myanmar label legitimate organizations, including non-violent NPOs, as “terrorists”, and regard many legitimate acts, including common NPO acts, as “terrorism”. CSOs, media-related CSOs, and media outlets are often labelled as enablers or supporters of terrorists and terrorism.⁹⁵ UN human rights experts have raised concerns about how a lack of definitional safeguards can “violate the principle of legality by containing overly broad and vague definitions of terrorism” that “carry the potential for deliberate misuse” by States.⁹⁶ The Rapporteur continued, “Unclear, imprecise or overly broad definitions can be used to target civil society”.

FATF standards on sanctioning may also encourage or legitimize the stretching or breaking of normal standards of criminal law, in particular relating to *mens rea* and *actus reus*. FATF urges States to criminalize offences, “even in the absence of a link to a

⁸⁷ G8 (1996) “[Agreement on 25 Measures](#)”, G8 Ministerial Conference on Terrorism, Paris

⁸⁸ FATF (2008), “[Terrorist financing](#)”, FATF

⁸⁹ Hayes, B. (2012), “[Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society](#)”, Statewatch

⁹⁰ OMCT (2019), “[FATF’s recommendation 8 on non-profit organizations: A new tool to unfairly and dangerously shrink civil society space](#)”

⁹¹ Asia Pacific Group on Money Laundering (2008), “[APG Mutual Evaluation Report on Myanmar](#)”

⁹² Asia Pacific Group on Money Laundering (2018), “[APG Mutual Evaluation Report on Myanmar](#)”

⁹³ Special Rapporteur Emmerson (2015), “[Promotion and protection of human rights and fundamental freedoms while countering terrorism](#)” A/70/371, United Nations General Assembly

⁹⁴ Brot fur die welt (2017), “[The impact of international counter- terrorism on civil society organisations](#)”

⁹⁵ Interview with media editor, 13 December 2022.

⁹⁶ Special Rapporteur Emmerson (2015), “[Promotion and protection of human rights and fundamental freedoms while countering terrorism](#)” A/70/371, United Nations General Assembly

specific terrorist act or acts”, and regardless of whether the offence was “actually used to carry out or attempt a terrorist act” or was even “linked to a specific terrorist act”.⁹⁷ FATF also warns States that “criminalizing terrorist financing solely on the basis of aiding and abetting, attempt, or conspiracy is not sufficient” to comply with FATF standards.⁹⁸ The application of FATF standards may undermine due process standards concerning the presumption of innocence, the right to effective protection by the courts, and the right to review and challenge terrorist designations.⁹⁹

Although the military junta criminalizes CSOs, media-related CSOs, and media outlets in a multitude of ways, principally via criminalization of expression and “unlawful” association, the FATF standards may also result in expanding oppression into less visible financial and administrative crimes.¹⁰⁰ Criminalization of administration, which may appear less contentious to the public, specifically threatens the ability of civil society to survive, and to function independently of State interference.¹⁰¹

De-risking

FATF added an unprecedented clause to its Myanmar blacklisting notification, stating: “When applying enhanced due diligence measures, countries should ensure that flows of funds for humanitarian assistance, legitimate NPO activity and remittances are not disrupted.”¹⁰² This clause, which was reportedly added following intense lobbying by international NGOs, recognizes the potentially disastrous impact of “de-risking”, or making decisions primarily to reduce potential risks.¹⁰³

FATF standards place an obligation on financial institutions, including banks, to police their customers.¹⁰⁴ Many institutions choose to de-risk rather than take on the liability of potentially failing in due diligence.¹⁰⁵ NPOs are often a focus of de-risking.¹⁰⁶ FATF blacklisting only increases the liability of failure and therefore the likelihood of institutions de-risking.¹⁰⁷ It also encourages de-risking as an act of risk avoidance rather than

⁹⁷ FATF (2016), “Criminalising terrorist financing”, FATF

⁹⁸ FATF (2016), “Criminalising terrorist financing”, FATF

⁹⁹ FATF (2021), “High-Level Synopsis of the Stocktake of the Unintended Consequences of the FATF Standards”, FATF

¹⁰⁰ Special Rapporteur Aoláin (2022), “The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

¹⁰¹ Special Rapporteur Aoláin (2022), “The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

¹⁰² FATF (2022), “High-Risk Jurisdictions subject to a Call for Action – 21 October 2022”, FATF

¹⁰³ FATF Platform (2022), “Myanmar put on the FATF blacklist”, Global NPO Platform on FATF

¹⁰⁴ Brot fur die welt (2017), “The impact of international counter- terrorism on civil society organisations”

¹⁰⁵ Brot fur die welt (2017), “The impact of international counter- terrorism on civil society organisations”; FATF Platform (2022), “Issues”, Global NPO Platform on FATF

¹⁰⁶ FATF Platform (2022), “Issues”, Global NPO Platform on FATF

¹⁰⁷ Chau (2022), “Myanmar citizens would bear brunt of potential FATF blacklisting”, Nikkei

risk mitigation.¹⁰⁸ De-risking can subsequently become “de-banking” as institutions refuse to take on high-risk clients, and establish risk-averse protocols that go far beyond FATF standards.¹⁰⁹ De-risking may also encourage the use of informal and unregulated means of banking, and stop, delay, or introduce limits on international transactions.¹¹⁰

UN human rights experts have expressed serious concerns about the legality and impact of de-risking upon civil society: “the practice of de-risking necessarily violates the international law requirements of proportionality and necessity because, by its very definition, it is not the most narrowly tailored, risk-based approach”.¹¹¹ In authoritarian States like Myanmar, where risks are both arbitrary and particularly high, de-risking and de-banking of NPOs, including CSOs, media-related CSOs, and media outlets, is extremely common and includes banks refusing to open or operate accounts, closure of accounts, delays to transactions, and onerous administrative obligations.¹¹² **Media outlets in particular are extremely likely to face de-banking in Myanmar.**¹¹³

The effective encouragement of de-risking not only applies to financial institutions but also to donors. In Myanmar, **donor de-risking has already reportedly started following the FATF blacklisting decision.**¹¹⁴ Some donors may de-risk by shifting their support away from high-risk NPOs, particularly those CSOs and media outlets working in conflict areas, towards low-risk UN agencies and international organizations.¹¹⁵ Risk-averse donors may also choose to fund fewer large NPOs rather than many smaller ones - and most media-related CSOs and media outlets are comparatively small.¹¹⁶ Donor de-risking also tends to reduce support to those NPOs working on politically-sensitive issues, such as human rights and current affairs.¹¹⁷

¹⁰⁸ Special Rapporteur Aoláin (2022), “[The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures](#)”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR

¹⁰⁹ Special Rapporteur Emmerson (2015), “[Promotion and protection of human rights and fundamental freedoms while countering terrorism](#)” A/70/371, United Nations General Assembly

¹¹⁰ Metcalfe-Hough (2015), “[UK humanitarian aid in the age of counter-terrorism: perceptions and reality](#)”, Humanitarian Policy Group Working Paper, Overseas Development Institute; OMCT (2019), “[FATF’s recommendation 8 on non-profit organizations: A new tool to unfairly and dangerously shrink civil society space](#)”; FATF (2021), “[High-Level Synopsis of the Stocktake of the Unintended Consequences of the FATF Standards](#)”, FATF

¹¹¹ Special Rapporteur Aoláin (2022), “[The Human Rights and Rule of Law Implications of Countering the Financing of Terrorism Measures](#)”, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN OHCHR; Special Rapporteur Kiai (2013), “[Mission to the United Kingdom of Great Britain and Northern Ireland](#)” A/HRC/23/39/Add.1, United Nations General Assembly

¹¹² Special Rapporteur Emmerson (2015), “[Promotion and protection of human rights and fundamental freedoms while countering terrorism](#)” A/70/371, United Nations General Assembly

¹¹³ Interview with media editor, 13 December 2022.

¹¹⁴ Abuza (2022), “[Myanmar’s financial blacklisting is worth the risks it brings](#)”, Nikkei

¹¹⁵ Mackintosh (2013), “[Study of the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action](#)”, Norwegian Refugee Council and the UN Office for the Coordination of Humanitarian Affairs

¹¹⁶ Boon-Kuo (2015), “[Building Peace in Permanent War: Terrorist Listing & Conflict Transformation](#)”, International State Crime Initiative

¹¹⁷ Brot für die Welt (2017), “[The impact of international counter-terrorism on civil society organisations](#)”

Donor de-risking combined with bank de-risking are a serious threat to NPOs, including media organizations in Myanmar,¹¹⁸ threatening to render them unable to operate.¹¹⁹ As a result, many CSOs, media-related CSOs, and media outlets may themselves de-risk to try to avoid these impacts. Programs on topics that attract increased scrutiny or due diligence – such as human rights or conflict coverage – may be more likely to be cut.¹²⁰ Only “safe” programs may be likely to continue.¹²¹ Risk-averse NPOs may also cut programs in conflict areas fearing that working closer to conflict groups may threaten their funding and entail additional operational risks.¹²² Media outlets may also similarly cut such projects.¹²³ Other programs may continue but in secret.¹²⁴ International NPOs, including those intermediaries that sub-grant to CSOs, media-related CSOs, and media outlets, may “reorient their operations to less risky areas” in easier countries, avoiding authoritarian States like Myanmar entirely.¹²⁵

Conclusion

The extent to which the 2022 Association Registration Law and the FATF blacklisting have and may yet still affect CSOs, media-related CSOs, and media outlets remains to be seen. The operational headquarters of many such organizations have already moved into exile, and those that remain physically operating or partially operating inside Myanmar’s borders have no desire nor intention to register with the military junta’s State, either because they are in hiding from the military, or because they do not want to confer any sense of legitimacy upon the military’s coup.¹²⁶ Individuals, both journalists and CSO employees, working within those organizations not only agree but in many cases are the driving forces behind these decisions.¹²⁷

Nonetheless, legal and policy frameworks usually have long lifespans and hypothetical impacts may become actual impacts in two- or five- or ten-years’ time. The 2022 law violates international human rights law in a number of ways and creates a high-risk environment for civil society. Organizations, including media outlets, may have no current plans to register with the military junta’s State under any law, including the 2022 law, but may change their minds if the military begins to incrementally unclench its

¹¹⁸ Kucik (2022), “Myanmar’s FATF blacklisting will do little to unseat the generals”, Frontier Myanmar

¹¹⁹ Brot fur die welt (2017), “The impact of international counter- terrorism on civil society organisations”

¹²⁰ Special Rapporteur Emmerson (2015), “Promotion and protection of human rights and fundamental freedoms while countering terrorism” A/70/371, United Nations General Assembly

¹²¹ Hayes, B. (2012), “Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society” <https://www.statewatch.org/media/documents/analyses/no-171-faftp-report.pdf>

¹²² Brot fur die welt (2017), “The impact of international counter- terrorism on civil society organisations”

¹²³ Interview with media editor, 13 December 2022.

¹²⁴ Metcalfe-Hough (2015), “UK humanitarian aid in the age of counter-terrorism: perceptions and reality”, Humanitarian Policy Group Working Paper, Overseas Development Institute

¹²⁵ Boon-Kuo (2015), “Building Peace in Permanent War: Terrorist Listing & Conflict Transformation”, International State Crime Initiative

¹²⁶ Hutt (2022), “New law in Myanmar puts Europe’s humanitarian aid at risk”, Deutsche Welle

¹²⁷ Interview with CSO leader, 10 December 2022

grip on power. When the previous military junta handed over power to the quasi-civilian government in 2011, media outlets began registering. Similarly, **if the military junta falls, there is no certainty that the National Unity Government will immediately reform laws.** When Aung San Suu Kyi’s National League for Democracy gained power in 2016 it almost immediately rolled back on its promises for reforming media laws.

The impact of the FATF framework, and blacklisting in particular, is less palpably menacing to Myanmar’s CSOs and media than the 2022 law, but may still have significant downstream effects on the sector.¹²⁸ FATF seems to be designed by and for States that already have a public policy framework with robust safeguards in place for protecting human rights and promoting good governance. In failed, conflict, or authoritarian States like Myanmar, any demands for regulating civil society, combined with a total absence of human rights and due process obligations, is an open invitation for abuse. FATF’s decisions have seemingly encouraged or legitimized successive Myanmar governments in over-regulating the NPO sector, as has been the case with several neighboring States. While FATF’s call for others not to “disrupt” aid flows or civil society is helpful, it is unclear whether this statement alone will prevent de-risking or another negative impacts on CSO and media actors.

CSOs, media-related CSOs, and media outlets face an existential threat in Myanmar, facilitated by the military junta’s new 2022 Association Registration Law and encouraged or at least legitimized by overreaching FATF standards lacking human rights safeguards. The danger is that in the coming period, civil society and the media will be forced by the threat of the regulatory framework and the reaction of donors and other stakeholders to “de-risk” and censor themselves, regressing to a nearly nonexistent civic space last seen under the previous military junta.

¹²⁸ Hayes, B. (2012), “Counter-terrorism, ‘policy laundering’ and the FATF: legalising surveillance, regulating civil society” <https://www.statewatch.org/media/documents/analyses/no-171-fatf-report.pdf>