

Retributive or Restorative Justice toward Education and Health Non-Civil Disobedience Movement (Non-CDM) Participants in Post-Conflict Myanmar

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Abstract

Myanmar's 2021 military coup caused a profound moral and administrative divide within the civil service sector between those who joined the Civil Disobedience Movement (CDM) and those who did not (non-CDM). While transitional justice scholarship extensively responds to high-level perpetrators, it significantly undertheorizes structurally coerced, low-level civil servants whose complicity is administrative rather than violent. This study examines justice perceptions and preferred accountability frameworks of Myanmar diaspora communities in Mae Sot for non-CDM participants in the education and health sectors in the context of Myanmar's post-conflict reconstruction. Employing a qualitative case study design and thematic analysis, semi-structured interviews were undertaken with 15 respondents including displaced civilians, civil society organization (CSO) officials, and subject experts. Findings indicate that diaspora communities reject a monolithic justice approach and instead favor a conditional, graduated, and victim-centered framework that defies retributive-restorative binaries. While respondents demanded a conditional, restorative reintegration subject to confessions, public apologies, and institutional acknowledgement of harm for frontline non-CDM educational and health workers, retributive prosecution is directed towards military-collaborating non-CDM participants, particularly those at higher ranks. Most significantly, the study identifies and conceptualizes the Pha-Yel-Thee workers as an analytically distinct accountability category for their simultaneous outward junta compliance and covert resistance. Their dual-allegiance conduct underscores existing limitations in binary transitional justice theories and therefore calls for a contextualized, dual-conduct-based vetting mechanism. Finally, this research advances transitional justice scholarship by centering accountability debates in diaspora victim-community voices, offering empirically original insights for post-conflict civil service reform in Myanmar and for broader transitional societies.