Appraising Myanmar's Democratic Transition and Evolving Challenges*

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Abstract

Democratic transitions in Asia have received widespread interest in the political science literature since the 1990s. The Thein Sein-led government that came into power in 2010 in Myanmar has undertaken wide ranging reforms that has altered the country's political landscape. They include evolving a working relationship with the political opposition, freeing political prisoners, and the granting of amnesty to political exiles to encourage their return, the negotiation of ceasefire agreements with almost all of the ethnic insurgent armies and the inauguration of the Myanmar Peace Centre. Nonetheless, the county continues to suffer from ongoing developments that retard the process of democratization as well. A confluence of interest between the NLD, ethnic groups, and civil society organizations also prompted attempts to change the 2008 Constitution and its by-laws that prevented Aung San Suu Kyi from running for the country's presidency. That attempt and the potential for reform were scuttled by the August 2015 'coup' against Thura Shwe Mann. The NLD's overwhelming victory in the November elections has significantly strengthened Suu Kyi's position and all major political actors including those from the military have been conciliatory towards the election outcome and there is cause for cautious optimism. After 6 months in power, the policy priorities of the new government are also clearer.

Democratic theorists have keenly watched the collapse of authoritarian regimes in Southeast Asia from the 1980s. Such developments also appeared to correspond with predictions regarding a Third Wave of Democracy that was expected to sweep the world following the end of the Cold War (Huntington, 1991). It began with the collapse of the Marcos government in 1986, the Thai military government of General Suchinda in 1991 and 1992, and finally that of Suharto in Indonesia in 1998. These developments generated a measure of optimism, which was spurred on by the increased interest

^{*} The author would like to thank Dr. Tin Maung Than, the two anonymous referees and the editors for their comments on earlier drafts of this article.

Asian-styled democracies. Such interest was precipitated by claims made by Asian leaders that cultural and particularistic norms that obtained outside the West allowed for the articulation of different variants of democracy that took into account such particularities (Thompson, 2015). The Asian values debate that was celebrated by leaders in China, Malaysia, and Singapore petered out after the onset of the Asian financial crisis in 1997. Arguments used to buttress the claim to uniqueness included questioning the validity of universal norms that derived from the European experience and warnings that the imposition of Western values were part of a larger plot to re-colonize the region. Then there were authors who fleshed out the poor nature of executive accountability and general authoritarian tendencies of elites in Southeast democracies (Case, 2011). Other writers began to examine the importance of structural factors and political parties in particular as necessary prerequisites of a functioning democracy to aggregate and articulate political interests (Hicken, 2009; Inoguchi and Blondel, 2012). Then there were writers such as Robert Putnam who examined the softer aspects of democratic culture such as the civic republican tradition that undergirds democracy in many parts of Europe (Putnam, 1993).

In the midst of all this interest in democratic change and transformation, Myanmar remained a contrarian example to what appeared to be the broader regional and global trends. This development could be partly explained by the country's strong and long period of military rule that began in 1962 after the coup led by Ne Win against the civilian elected government. The government's decision to adopt a foreign policy of isolationism further isolated the country and made it impervious to broader developments. However, the military's poor political record in its treatment of its own citizens and opposition politicians in particular led to the imposition of wide ranging international sanctions against the government. Consequently, it can be argued that the regime in power needed to significantly increase its political legitimacy both internally and externally. As a result, and beginning in 2010, the military began transforming the country along more democratic norms. It held an election that was poorly contested by the opposition and managed to form the government with an overwhelming majority. Key to its retention of political control was a constitution engineered in 2008 giving the military structural control over many aspects of parliament and over the appointment of key executives.

This article examines the changes that have taken place in Myanmar since the November 2010 national election.1 It seeks to identify the major achievements of the

¹ The country was called Burma from the time of British colonial occupation in the nineteenth century and known to the world as such. In 1989, following the collapse of the Burma Socialist Programme Party (BSPP) government, the military junta that called itself the State Law and Order Restoration Council (SLORC), renamed the country Myanmar. A number of Western countries, including the US and the UK refused to recognize the new name since it implied conferring legitimacy on the SLORC. In this article, the name of the country is used without any connotative value. In fact, the majority of the people in the country actually use the new name Myanmar quite readily and following the lifting of Western sanctions since 2012 the name Myanmar has been used universally.

previous Then Sein government as well as the challenges that lie ahead for the country after Aung San Suu Kyi's (ASSK) National League for Democracy's (NLD) landslide victory in the November 2015 elections. The Thein Sein government that served from 2010 to 2015 had earned itself much goodwill both domestically and internationally with its efforts at political reform and reconciliation. Nonetheless, serious challenges that will take time to resolve continue. These problems were inherited by the new NLD-led civilian government that took office in April 2016.

The central argument of this article is that the government that was elected in 2010 has managed to bring about a good measure of internal political reconciliation and has introduced democratic norms to a country that was previously controlled by the military. The Burma Socialist Programme Party (BSPP) government led by General Ne Win collapsed in 1989, which offered the country a window of opportunity to initiate democratic reforms. However, these were stalled by the military that refused to recognize the outcome of the 1990 elections that had previously handed an electoral victory to the NLD. While the NLD and ASSK once again proved their overwhelming popularity at the polls, major challenges to democracy continue to obtain. Such impediments include constitutional provisions that work against the elected government and serious ethnoreligious frictions that inhibit the evolution of a civic culture conducive to democratic state building. Political parties that form the bedrock of functioning democracies are also weak and often cobbled together for political convenience rather than ideological norms or universal appeal.

Organizationally, this article is divided into four major sections. The first section details the political reforms that the Thein Sein government undertook while the second identifies the major political challenges that it faced. The third section identifies the difficulties of the newly elected NLD government and it will be suggested that the landslide victory for the political opposition notwithstanding, may not translate into control over the state and its functions, given the terms of reference outlined in the 2008 Constitution. The task will be complicated by the large number of seconded and retired military officers holding senior bureaucratic appointments in the civilian ministries. Yet, the early signals from the current government, the military, as well as the opposition have all been conciliatory and positive thus far, signaling some cause for optimism. The policy priorities of the new government are then outlined in the fourth section followed by a short conclusion.

The Thein Sein government's political reforms

Accommodation of the political opposition and exiles

The Thein Sein government undertook wide-ranging reforms after it was elected into office in 2010. Most of these efforts were aimed at enhancing the government's political legitimacy internally and externally. Deflecting and co-opting domestic challenges to its political legitimacy earned the government considerable recognition, including from its strongest detractors (Ganesan, 2013). The major political

achievements include its conciliatory efforts towards the political opposition and the signing of peace treaties with most of the ethnic insurgent armies. With regard to its dealings with the political opposition, the earliest indications of a positive relationship between the two parties after the August 2011 meeting between Thein Sein and ASSK was the government's decision to facilitate the NLD to re-register as a political party to compete in the April 2012 by-elections.

ASSK's change of heart to compete in the April 2012 by-elections was significant since it brought the government and the NLD closer together in terms of finding a political solution to the previous impasse. This was no mean feat since it was widely known that Than Shwe deeply disliked ASSK, and many senior members of the SPDC regarded her as a traitor for urging the West to impose and maintain sanctions on Myanmar (Kyaw, 2012). Her marriage to the late British academic Michael Aris and the British citizenship of her two sons also worked in her disfavor. In light of deeply embedded negative sentiments against ASSK that were pervasive in the upper rungs of the military, Thein Sein's accommodative approach towards ASSK and the NLD was truly revolutionary and an important turning point in the evolution of the country's political situation (Kyaw, 2012: 3).

There were a number of other political decisions undertaken by the Thein Sein government that led to a much more open political environment. Prior to the byelections, the government freed a large number of political detainees. Previously, the government did not differentiate between political prisoners and criminals and simply treated all those detained as criminals. This was one of the major demands of the political opposition as well as Western countries for the lifting of sanctions. Such detentions were used, not only against members of political parties, but also against activist groups such as the 88 Generation group that had previously rallied against the government. The freeing of political prisoners was clearly seen as a positive gesture that required recognition, and many Western countries slowly began lifting economic sanctions against Myanmar after this decision.

Correlated to the decision to free political prisoners was the government's decision to discard the black list and allow political exiles living abroad to return. There were a large number of exiles living in India, Thailand, and the West that had previously provided information regarding domestic and human rights issues in Myanmar. Many of them who had fled the violence in 1988 and joined ethnic insurgent armed groups to fight against the government were located in Thailand as was a faction of the influential All Burma Students' Democratic Front (ABSDF). Whereas many from these groups were initially suspicious of the government's intentions, they subsequently relented after positive feedback from early returnees (Kyaw, 2012).

Institutionalizing peace making

The Myanmar Peace Center (MPC) was inaugurated in October 2012 in Yangon and served as the government's vehicle for negotiating meetings with the ethnic armed groups in order to achieve long-term accommodation and to resolve the issue of having private armed groups within the country (Ganesan, 2014). President Thein Sein was one of the early architects and supporters of the process to engage the ethnic insurgent groups in the peace process. Following on from the early ceasefire agreements that had been negotiated by General Khin Nyunt (removed as Prime Minister and head of Military Intelligence in October 2004), two peace committees were formed. The first of these, comprised of seven to eight persons, was the Union Peace-making Central Committee that was located in Naypyitaw and chaired by the President himself. The second and larger Union Peace-making Work Committee, comprised of some 50 persons, was chaired by Vice President 1 Sai Mauk Kham. The MPC served as the central clearing house for peace negotiations. The MPC's Board was chaired by the government's chief ceasefire negotiator, U Aung Min.

The MPC's most significant and important mandate was the conclusion of a nationwide ceasefire deal with all the ethnic insurgent armies. The government had been quite successful in this regard by bringing into the fold three out of the four last such groups to sign ceasefires in 2012. These were the Chin National Front (CNF), Karen National Union (KNU), and the Karenni National Progressive Party (KNPP). On the other hand, however, the Kachin Independence Organization (KIO), and its armed wing the Kachin Independence Army (KIA), never signed a ceasefire agreement with the government after its agreement with the SPDC lapsed. As a result, there has been sporadic fighting between the army and the KIA since June 2011. The most recent major skirmish occurred in September 2015 and threatened the peace talks as well as provision of supplies to internally displaced persons (IDPs) outside the areas controlled by the government. Apart from this major breakdown, there were occasional skirmishes in the Shan states involving the Ta'ang National Liberation Army (TNLA - armed wing of the Palaung State Liberation Front) and the Revolutionary Council of the Shan States (RCSS) that was previously referred to as the Shan State Army – South (SSA-S). The TNLA, together with the Arakan Army (AA) was also involved in supporting the Myanmar National Democratic Alliance Army (MNDAA) of the Kokang ethnic group from March 2015 when it attacked government troops in Laukkaing (to be discussed later).

The MPC and the Thein Sein government's approach to the ceasefire negotiations were to consolidate the ongoing process at three levels. In the first instance, the ceasefire was negotiated at the regional level. Subsequently, the agreement was endorsed at the union level, in accordance with the geographical and administrative division of the country. Finally, all the ceasefire groups would convene a meeting with the government where a nationwide ceasefire agreement was to be signed. The last stage of the agreement was meant to emulate the historical Panglong Agreement that was signed by General Aung San in 1947 with the ethnic groups. This agreement that was meant to be signed by 2014 was postponed several times. Eventually a draft agreement was signed in March 2015 and the final Nationwide Ceasefire Agreement (NCA) in October 2015 just before the elections. However, only eight of the sixteen groups that had negotiated with the government went on to sign the final agreement (Ganesan, 2015).

There are a total of 26 ethnic insurgent armies that had previously fought against the government (Smith, 1990, 1999).2 Many of these groups have been fighting the government for more than five decades, since political independence. As a result of the lengthy conflict and the occupation of large tracts of land, these groups have evolved their own political and economic arrangements and networks. Many of these groups are often involved in cross-border trade in timber and precious stones from the areas under their control. The Myanmar government began to sign ceasefire agreements with these groups from as early as 1988, following the collapse of the Burmese Communist Party (BCP). The earliest of these agreements were signed with the United Wa State Army (UWSA) and the Myanmar National Democratic Alliance Army (MNDAA) that represented the Kokang ethnic group. Both groups were previously the sword arms of the BCP, and the government was anxious to contain the situation following the collapse of Ne Win's BSPP government at around the same time (Steinberg, 2001). Both groups also operated close to the Chinese border and the UWSA has acquired notoriety as a major supplier of natural and synthetic drugs in the region and beyond (Chin, 2009: 222-4, Roberts, 2010: 84-6). The MNDAA was routed by the military following a conflict in 2009 that led to the ouster of the group's leader Peng Jia Sheng from Myanmar.

The Myanmar government's approach in dealing with the ethnic armies was to sign an initial ceasefire agreement. This agreement would respect the groups' rights to control clearly demarcated contiguous areas and continue bearing arms. It was hoped that afterwards, through an admixture of negotiations for political rights and accompanying development in the region, the armies would be disbanded. The government's original plan under the SPDC was to demobilize the soldiers from these groups and have them join a Border Guard Force (BGF), which had elements of both the regular army as well as ethnic insurgents. However, the government had only limited success with the scheme. The larger groups and in particular the Kachin, Karen, Shan, and Wa rejected it outright (South, 2008: 11).

Strengthened civil society

Another major development in Myanmar politics has been the active role of civil society organizations that have undertaken wide-ranging activities, from political education to providing relief for those affected by natural calamities (Kyaw, 2007a: 161, 2007b). For a long time, the previous military government was suspicious of such organizations for fear that they would not only facilitate political dissent but also serve as beach heads for foreign interference in the country's domestic politics and sought to suppress them (South, 2008: 5, Callahan, 2008: 52). The military was

² Most of the groups represent the various ethnic nationalities within the country. Some of the groups draw from more than one ethnic group while the larger ethnic groups often have more than one insurgent organization. Over the years, some of the larger groups like the KNU and the Shan have also seen a splintering in their ranks.

particularly suspicious of civil society organizations that received foreign support and funding (Kyaw, 2008). That view began to change after the devastation wrought by Cyclone Nargis, in May 2008, and the overwhelming task of dealing with the death and destruction. Some of the earliest groups to successfully provide aid were religious organizations, members of religious orders, voluntary groups, and civil society organizations. Since coming into power in 2010, the new government relaxed significantly the registration requirements for NGOs, and this development has in turn led to a proliferation of such organizations. Other major changes under the government were sweeping reforms for the mass media industry (Kyaw, 2012). This new freedom meant that information became widely available and shared, and, as a result, the government was subjected to far greater scrutiny. There were also investigative pieces that sometimes put senior government officials on the defensive such as reports regarding the illegal confiscation of land by senior military officers.³ There was also a surge in the use of popular social media sites like Facebook and blogs that have become increasingly popular sources of 'alternative' information.

The ongoing challenges for the NLD government

There are a large number of problems that require the attention of the newly formed NLD-led government. Some of them are more important than others as they impinge on the core functions of governance, such as the provision of safety and security for the inhabitants of the state. Two issues stand out in this regard. The first of these is the resumption of hostilities between the military and the KIA in Kachin state. This resumption of hostilities has wider implications for the ceasefire process in general and the government's attempts to secure an inclusive nationwide ceasefire deal. In fact, the ethnic groups have consolidated themselves, and now appear to utilize a strategy of collective bargaining. Consequently, many of these groups have welcomed the NLD government and expressed optimism in its capacity to further the peace process and also broaden it to include the non-signatories to the NCA. And ASSK has been conciliatory towards the ethnic groups by nominating minority candidates for executive appointments in the new government. These include Ti Khun Myat, Deputy Speaker of Parliament who is a Kachin and from the military's Union Solidarity and Development Party (USDP). The Upper House Speaker, Mahn Win Khaing Than, is an ethnic Karen and his Deputy, Aye Thar Aung, is a Rakhine Buddhist from the Arakan National Party (ANP). Additionally, she also created a new Ministry of Ethnic Affairs to reflect the importance of the issue for government, and appointed an ethnic Mon for the portfolio.

The second major challenge is the outbreak of violence in Rakhine state, and more recently in the Mandalay and Yangon Divisions. Whereas in the case of the ethnic groups

³ Early investigations were into land grabs in Rakhine state. Since then there has been an attempt to document similar activities in the Ayeryawaddy Division. The most recent corruption probe by the Bureau of Special Investigation (BSI) centred on a telecommunications graft scandal rumoured to involve Thein Tun, the minister who abruptly resigned in late January 2013.

there is actual military conflict the latter can be more correctly described as communal conflict that has pitted two different ethno-religious communities against each other. Nonetheless, both of these developments have tremendous potential to derail the NLD government's legitimacy.

The KIA previously had a ceasefire agreement with the government, but that unfortunately broke down in mid-2011. The insurgent army is believed to have a troop strength of approximately 8,000, and is deployed in Kachin state that shares a long border with China. Both sides have blamed the other for the collapse of the truce. There are now approximately 70,000 internally displaced persons in governmentcontrolled refugee camps and another 55,000 in areas controlled by the KIA. The latter is headquartered in Laiza near the border with China and there have been reports of shells landing on the Chinese side that hosts approximately 5,000 refugees. China is keen to see the situation resolved peacefully, and that it will not be a threat to Chinese security in bordering Yunnan province that typically bears the brunt of spillovers from conflict (Ganesan, 2010: 8-9, 2011: 108-9).4 In a round of negotiations conducted in Ruili in January and March 2013, China sent high-ranking representatives from the Ministry of Foreign Affairs and the military to the meeting to indicate its interest in resolving the situation.

There had been a number of attempts by the previous government to resolve the Kachin situation (Burma Policy Briefing, 2012). President Thein Sein issued two Executive Orders for the military to halt offensive actions, but skirmishes have continued since 2012. Similarly, civil society groups and then in January 2013 the Lower House of parliament called for a halt to the fighting. An earlier truce, called by the military, that same month lasted for only two days before fighting resumed. There then followed the government shelling of a KIA cadet training school in November 2014, which killed 23 trainees and placed the entire peace dialogue in jeopardy and heightened tensions between the government and the KIA (Kachin Net News, 2014 and The Nation, 2014). While the army claimed that the shelling was accidental, the KIA is not convinced and regards the incident as a 'warning shot'

The conflict with ethnic minority groups was significantly notched up in March 2015 when the Myanmar National Democratic Alliance Army (MNDAA) stormed the city of Laukkaing and fought a major battle with government troops. The MNDAA and its leader Peng Jia Sheng, who had been exiled to China in 2009, sought to regain control of the city in the Kokang region. The government was caught off guard and suffered heavy casualties in the initial assault as well as in the subsequent mop up operations that lasted for more than three months. Government troops were assisted by air strikes against the rebels to retake high ground near

⁴ Interestingly, it was reported that ammunition bearing Chinese markings were recovered from the conflict areas by the Myanmar military. A government spokesman however dismissed the notion that the Chinese government supports the KIA. Instead, he alluded to the ammunition coming from Yunnan province.

the Chinese border.⁵ A number of complications have arisen as a result of this skirmish.

The first complication was that this fighting set back the nationwide ceasefire agreement that the Thein Sein government hoped to sign before the November election. The second complication was that the military has refused to include the MNDAA as part of the ceasefire process, and is dedicated to the group's destruction or surrender. The significant loss of life and of face for the military has hardened its position with the MNDAA as well as the Ta'ang National Liberation Front (TNLA) and the Arakan Army (AA) that fought alongside the MNDAA against government forces. Consequently, these three groups face resistance from the military for inclusion in the nationwide ceasefire talks, whereas the ethnic groups, and especially the KIA, are demanding their inclusion (The Irrawaddy, 2015). An additional complication is the ethnic groups' Nationwide Ceasefire Coordination Team (NCCT)'s position that the ceasefire talks and agreements should include all ethnic groups, which makes the situation impossible from the viewpoint of the military. The military has also resisted the inclusion of three more groups that do not have armed forces - Wa National Organization, Lahu Democratic Union, and Arakan National Council.

The United Wa State Army's (UWSA) ethnic groups' Panghsan Summit held in May 2015 complicated the situation even more. During that Summit, the 12 ethnic armies from the NCCT supported the Wa demand for an independent state. Additionally, it called for an end to military offensives in the Kokang, Shan, and Rakhine states, as well as amendments to the 2008 Constitution and the development of a genuine federal union (*Eleven Newsmedia Myanmar*, 2015a). These developments made it extremely difficult for the government negotiating team to conclude the ceasefire arrangement and for the military to support it. The ethnic groups also appeared to have a poor understanding of the evolution and politicization of ethnicity in Myanmar. Equally, they seem to misunderstand how federal governments work in practice, with the tendency to mistakenly think that such an arrangement will allow them to control territories and retain armies (Taylor, 2015). Major groups like the Kachin, Karen, and Wa have articulated such positions recently.

The conflict with the MNDAA has also strained Myanmar's bilateral relationship with China. The Kokang are not only ethnic Chinese like the Wa, but also operate close to the Chinese border. As a result of this situation, at the height of the fighting, some 70,000 refugees streamed across the border into China. Importantly, the Myanmar bombing of a hut inside Chinese territory led to the death of five Chinese citizens

⁵ A well-connected and influential businessman who I met in Yangon in May informed me that that a large number of government soldiers were killed when the MNDAA staged a night ambush from defensive positions using night vision goggles. This large number of casualties was acknowledged by negotiators at the MPC.

across the border. 6 China also reported that stray artillery shells had fallen on its side of the border, and, as a result, significantly reinforced its border and deployed fighter aircraft to the region as a clear signal of its resolve to prevent untoward incidents. The Myanmar government quickly defused the situation by apologizing for the deaths, and offering compensation to the tune of 70,000 Yuans per person. However, it also urged the Chinese government to deal with the MNDAA and not let its territory be used by the ethnic group (Eleven Newsmedia Myanmar, 2015b).

In the meantime, there has been a proliferation of organizations on the ethnic side of the equation that may well make coordinated positions more difficult to achieve. So, for example, in February 2011, a total of 11 ethnic armed ceasefire groups that include the Kachin Independence Organization (KIO), New Mon State Party (NMSP), Shan State Army - North (SSA-N), Karenni National Progressive Party (KNPP), Chin National Front (CNF), Karen National Union (KNU), five smaller groups representing the Lahu, Arakan, Pa-O, Palaung, and a splinter Wa group formed the United Nationalities Federal Council (UNFC) in order to collectively coordinate their position with the government (Tin, 2013: 6). Whereas the general level of trust between the ceasefire groups and the government is quite high, groups such as the All Burma Students Democratic Front (ABSDF), Kachin Independence Organization (KIO), Revolutionary Council of the Shan States (RCSS), and the United Wa State Army (UWSA) have not always been agreeable or cooperative, and sporadic fighting has broken out from time in the Kachin and Shan states. The groups are also attempting to project a united front in order to gain much stronger negotiating terms and positions, albeit that the KNU announced its withdrawal from the UNFC and subsequently became the anchor group for the NCA. (Bangkok Post, 19 August 2015). The latest development in this regard was the formation of the Nationwide Ceasefire Coordination Team (NCCT) that was formed in October 2013 after a meeting in Laiza.

The NCCT draws its membership and office bearers from the larger ceasefire groups and was spearheading meetings with the MPC. Also, in February 2014, the ethnic groups launched the Pyidaungsu Institute (PI) in Chiangmai to coordinate the position of the different ethnic groups. Office bearers of the PI are also drawn from the major ethnic groups and the stated policy position was to provide a common platform for dealings with the MPC (Ganesan, 2014: 134–5). The ethnic groups' situation is also complicated by a proliferation of other organizations, including the Nationalities Brotherhood Federation (NBF) that brings together 20 ethnic groups. This group announced in May 2014 that it had prepared a draft for the establishment of a federal union (Eleven Newsmedia Myanmar, 2014a). Since May 2015, following the Panghsan Summit hosted by the UWSA, another new negotiating team was formed to deal with the government (Eleven Newsmedia Myanmar, 2015c). And this new group insisted on

A ranking member of the MPC informed me in May that the five Chinese who were killed were actually MNDAA fighters who had crossed the border and taken refuge in the hut. There were also allegations of the MNDAA using Chinese mercenaries to fight the Myanmar army.

changes to the March 2015 draft ceasefire agreement that the NCCT had previously agreed to.

The ethnic groups held a coordinated meeting with the NLD, the 88 Generation Peace and Open Society, and the 1990 elected candidates in Mae Sot, Thailand (Eleven Newsmedia Myanmar, 2014d). And the one of the developments in this seeming strategic alliance between the NLD and the ethnic groups was the party's formation of a work cooperation group with the Union Nationalities Alliance (UNA) (Eleven Newsmedia Myanmar, 2014e). While the NLD had made such strategic pacts with other opposition groups, it indicated that it will give priority to its own party members in its contestation against the USDP. It has also held this position for Chief Ministerial appointments in Arakan where the ANP won a majority of the seats and in the Shan states where the USDP won a majority of seats. The constitution privileges the central government to make these appointments, whereas the normal democratic practice would be to allow the parties that won the state legislature to nominate the Chief Minister, as in Malaysia that also has a bicameral legislature. If there are structural challenges to the NLD from the periphery, they are likely to originate from both these states. In fact, the ANP publicly declared that it will play the role of an opposition party in the local legislature if it is not given the Chief Ministerial appointment.

The loosened political control has also led to a surge of civil society organizations, and increasingly many of them are finding common cause to raise important issues. Such common causes and actions include the unabated public and sometimes violent demonstrations by farmers, villagers, townsfolk, and even squatters over land taken over by the military, government agencies, and tycoons for personal, institutional, and industrial use. Land disputes have become a cause célèbre for activists, political parties, CSOs, and even foreign lobbies. Such groups are also especially interested in lobbying the public for amendments to specific provisions in the 2008 Constitution that give the military 25% of all seats in parliament and the need for an overwhelming majority of votes in excess of 75% in parliament to amend the constitution. There are also attempts to remove clauses that disqualify ASSK, such as the ones that prohibit persons with foreign spouses and children from becoming President, and the proviso that the President must be trained in military or strategic affairs. The political opposition and civic groups have found common cause in this lobby. Leading advocates for such changes included the 88 Generation Peace and Open Society that was involved in the 1988 democratic protest movement against the military junta.

However, such efforts by the NLD and CSOs came to nothing, and a new strategy of direct engagement with political elite subsequently evolved. The new strategy began with the opposition, and NLD in particular, calling for four party talks between President Thein Sein, the lower house speaker Thura Shwe Mann, Commander-in-Chief of Defence Services, Senior General Min Aung Hlaing, and the NLD's Suu Kyi. Meanwhile, the President's initiative for a 14-party meeting took place and happened just before the visit of US President Obama to Myanmar in November 2014, though nothing significant emerged out of the meeting. Some observers felt that Thein Sein

had cleverly utilized the opportunity to present a liberal image without undertaking any real changes.

The opposition's united front strategy in dealing with the previous government and attempting to engage ranking political elite eventually backfired. On 13 August, the government announced that Thura Shwe Mann had been removed as the USDP chairman and replaced by Htay Oo, an ally of President Thein Sein. Shwe Mann's friend and Secretary General, Maung Maung Thein, was also removed and replaced (The Nation, 2015). The reason given by the President's spokesperson for the dramatic replacement, which involved a security siege of the USDP headquarters in Naypyitaw, was that Shwe Mann had made questionable decisions that served his own personal interests rather than that of the party or the country. Such decisions involved working to amend the constitution to reduce the military's role in parliament, working with the political opposition, and using his power to bear on other party officials that worked against intra-party democracy (Reuters, 2015). He is also reported to have opposed the inclusion of many retired military officers as candidates for the November election. Consequently, he was unable to influence domestic politics, albeit ASSK has hailed him an ally in the democratization process, and is believed to have engaged him for the peace process.

The second difficult situation confronting the government is the outbreak of violence between the Rohingya and the Rakhine communities in the western Rakhine state. There has always been historic animosity between the two groups, and successive Myanmar governments have refused to recognize the Muslim Rohingyas as native to the country. Instead, they are typically regarded as alien immigrants, mostly illegal, and typically referred to as Bengali Muslims, and have had strict limitations placed on their personal freedoms, association, property ownership, and movement (Callahan, 2008: 30-3). In the past, the government's position has always been that those who can demonstrate their family's domicile status before the outbreak of the First Anglo Burmese War in 1824 will be entitled to citizenship.

There have been a number of outbreaks of violence between the Rakhine Buddhists and the Rohingyas (a self-proclaimed identity) in the past, and the one in June 2012 was one of the more recent. Some 190 people were reported to have died in the resulting violence, and entire villages were razed to the ground. The fighting began with the early report of the rape of a Rakhine girl by three Rohingya men and a revenge attack of the burning of a bus carrying Muslim pilgrims that led to the death of ten victims. Subsequently, the violence flared across the state and the police and military were deployed to keep the peace. The Rohingyas appear to have borne the brunt of the violence, and those who fled their homes and property are currently housed in refugee camps near the port city of Sittwe. Many from the community have also chosen to flee the country and regularly land in Thailand, Malaysia, and Indonesia. The issue has also strained ties between Myanmar and Bangladesh with the latter refusing entry to would-be refugees, arguing that it already hosts 300,000 persons in refugee camps across the border.

The violence in Meiktila in March 2013 was also aimed at Muslims, and appears to have taken its cue from the situation in Rakhine. During this second incident, 43 persons perished and as with the earlier episode, security forces appear to have been rather passive in their response to the violence, at least at the outset. Since then similar episodes of violence have broken out in Lashio in the northern Shan states, Oakkan on the outskirts of Yangon, and Thandwe in Rakhine state. During the most recent outbreak of such violence in Mandalay in June 2014, the government introduced much more robust measures by imposing a dusk-to-dawn curfew and social media sites that were fanning the violence were shut down.

As in the Kachin case, the Myanmar government allowed international relief agencies to become involved in tending to the welfare of the displaced Rohingyas. For its part, it also formed a Commission of Enquiry into the violence, and made public its findings in April 2013. Additionally, the government has decided to build more permanent housing to resettle the Rohingyas, but the plan has met with stiff resistance from the local Rakhine community. The early site of three islands off the coast of Sittwe was rejected by the Rakhine community. Consequently, the government is likely to face some difficulties in dealing with the situation on a more permanent basis within the state, given deep seated hatred between the two communities. It is also actively trying to dissipate tensions between the Buddhist and Muslim communities by hosting inter-faith dialogues. In order to further institutionalize this new process, the previous government had set up a new Center for Diversity and National Harmony in Yangon (Center for Diversity and National Harmony, 2015).

Two developments have significantly complicated this ethno-religious strife. The first of these is the evolution of Buddhist organizations that are specifically devoted towards checking the Muslim religion and its adherents within the country. This Mabatha movement appears to be centered in Mandalay and is led by the firebrand monk U Ashin Wirathu. He has utilized the sangha in order to push for restrictions on religious conversion and inter-faith marriages in particular. It led to the Religion and Nationalities Bill that was passed in parliament for enactment into law, despite opposition from civic and women's rights groups. Separately, the monks have also inspired the formation of a social movement called the 969 group whose avowed intent is to stop patronizing businesses that are owned by Muslims. Such actions that have a tendency to fan hatred and pose a threat to civil harmony have created a major problem for the government that is trying to control outbreaks of hatred and violence. The second development that complicates the situation is the existence of an insurgent group that is responsible for cross-border violence from Bangladesh. This group, the Rohingya Solidarity Association (RSO) is said to be a terrorist organization by the Myanmar government. It has conducted a series of cross-border raids that led to significant casualties among members of the Myanmar border police. In a brazen attack on 17 May 2014, four police officers were killed while another was injured and two more reported missing (Eleven Newsmedia Myanmar, 2014b). Another attack was repulsed when members of the RSO apparently attempted to enter Myanmar (*Eleven* Newsmedia Myanmar, 2014c). Whereas the Myanmar government accuses Bangladesh of illegally harboring members of the RSO, the Bangladesh government and Border Guards have flatly denied the accusation. Both sides have significantly beefed up their security presence at the border and the Myanmar government has bluntly indicated that it will repulse such future actions.

The NLD Government's policy priorities

Despite having been in power for less than six months after its electoral victory, the NLD-led government has clearly articulated a number of domestic policy priorities. These policies may be broadly divided into those concerning political and security issues and those involving socio-economic issues. Additionally, ASSK has also identified important international interlocutors to move the country forward, both in terms of individuals and countries.

The political issue that received most attention under the new government was the resumption of the peace process with the ethnic insurgent groups. ASSK bluntly made it clear that the country could not progress unless a binding and lasting peace deal that was inclusive could be achieved. And in order to move the process forward the MPC was reorganized and renamed the National Reconciliation and Peace Centre (NRPC) and its headquarters were moved from Yangon to Naypyitaw. While ASSK announced that she would lead the NRPC, the members would be drawn from government, the military, and parliament. She also appointed her confidant and personal physician Dr Tin Myo Win as the government's lead negotiator. He in turn held a number of meetings with ethnic groups that had not signed the NCA in October 2015, including the United Wa State Army (UWSA) and the three groups that the army had previously refused to deal with - Arakan Army (AA), Myanmar National Democratic Alliance Army (MNDAA-Kokang) and the Ta'ang National Liberation Front (TNLF) while ASSK herself hosted a meeting with the UNFC in Naypyitaw as a confidence building measure (Bangkok Post, 2016a).

The outcome of all these meetings was the hosting of the twenty-first century Panglong Conference in late August 2016 to serve as a stepping stone to consolidate the peace process. While the AA, MNDAA, and TNLA were not on the invitee list and the UWSA initially stormed out over protocol issues, the remaining groups attended the meeting. This process that was more inclusive than the previous approach also saw the presence of representatives from political parties and civil society groups in order to make the process much more inclusive. Additionally, the United Nations' Secretary General Ban Ki Moon also attended the summit meeting. This process leverages on the existing NCA and hopes to make it broader and start a process that will culminate in a broad-based permanent ceasefire. Future meetings are expected to take place once every six months. The ethnic insurgent groups have welcomed the NLD's initiatives for the most part and the military has also been supportive thus far, although the UNFC maintains that any agreement must include all groups.

The second most important political issue that the government has addressed is the ethno-religious tensions in Rakhine State. First, it used the State Sangha Maha Navaka Committee to isolate and condemn the activities of Mabatha to indicate that violence and hatred were not part of Buddhist teachings and that it does not support the organization (Myanmar Times, 2016a). It then went on to remind monks that they are proscribed from involvement in politics. This move clearly undercuts the base of Mabatha and it has remained quiet since. The Rakhine State Police Chief also warned monks that political discussions held in monasteries would be subjected to legal action (Eleven Newsmedia Myanmar, 2016e). Subsequently, the government announced the formation of a Rakhine Commission of Inquiry to be headed by ex UN Secretary General, Kofi Annan, together with two more foreigners and six locals. However, Rakhine MPs associated with the Arakan National Party called for demonstrations against the Commission, and argued that this was an unnecessary internationalization of a domestic issue. They also attempted to block the Commission through a vote in parliament, although they were defeated. Interestingly, the USDP sought to align itself with the ANP on this issue, but the NLD had the numbers to easily deflect the threat. The new government has also gone ahead with the citizen verification process in Rakhine State in accordance with the 1982 Citizenship Law. Other political initiatives have included the release of political prisoners and students who had been detained for demonstrations. To implement what was described as systematic governance and the rule of law, appointees were also named for the offices of the Attorney General, Auditor General, Constitution Tribunal of the Union, and a Finance Commission.

On the economic front, the government unveiled a '12-point economic policy' aimed, simultaneously, at the systematic development of a market-oriented system and one that privileged national reconciliation simultaneously (*Myanmar Times*, 2016b; *Eleven Newmedia Myanmar* 2016c). The latter rationale is aimed at addressing accusations that minority ethnic communities and peripheral regions have not benefitted from previous state directed development policies. Especially important in this regard is the Extractive Industries Transparent Initiative to include the mining industry, and weigh the benefits of the extractive industry against the social costs. Additionally, the Ministry of Natural Resources and the Environment announced that jade mining concessions that expire will not be renewed (*Eleven Newsmedia Myanmar*, 2016f). In September 2016 alone, 321 such blocks that are typically issued for five years will expire. The non-renewal of jade mining licenses are meant to blunt criticisms against environmental damage and the widespread loss of life in Kachin state from such operations.

Other key aspects of the announced policy include the reduction of red tape, the dissolution of monopolies, and improving access to credit facilities, especially for small and medium enterprises. The government has specifically targeted State Owned Enterprises (SOEs) and their rehabilitation and privatization. The President announced the formation of a Privatization Commission to undertake this task (*Eleven Newsmedia Myanmar*, 2016a). There are also plans to streamline taxation to boost public revenue

and develop the finance and capital markets to cope with recurring fiscal deficit. Infrastructure development in urban areas and increased support to the agriculture and livestock sectors were also announced to boost output and generate more export revenue. And in order to bring transparency to bear on infrastructure projects, the government announced the appointment of a Construction Works Scrutinizing Committee. In the past, there have been widespread allegations of opaque decisionmaking and the award of large projects to regime cronies, without undertaking proper due process. Then there are plans to improve skills training and create jobs especially in the manufacturing and service sectors. The Ministry of Industry also announced its intention to create a specialized textile and garment zone soon (Eleven Newsmedia Myanmar, 2016d). In order to facilitate these developments, the government is also committed to encouraging Foreign Direct Investment (FDI). Finally, the President announced the setting up of a committee for statistical accuracy and quality assurance with regional and ministerial inputs to a Central Statistical Organization (Eleven Newsmedia Myanmar, 5 July 2016b).

In foreign policy, ASSK has privileged overseas visits to important countries that can assist the new government with the peace process and forward the goals of achieving broad-based economic development. Important overseas trips have included that to China in August just before the Panglong Conference, presumably in a bid to influence the Chinese government to pressure the northern groups (Kachin, Kokang, Shan, and Wa) to attend the meeting. She is also believed to have discussed development projects that have been held up, including the Myitsone Dam in Kachin state. In September, while attending the ASEAN Summit Meeting in Vientiane, she meet with Japanese Prime Minister Shinzo Abe and secured assistance to the tune of 125 billion yen to assist in the development of agriculture and poverty elimination programmes (Kyodo News Agency, 2016). This offer is above the already pledged assistance to develop the railway network and assist in the planning and development of the road infrastructure, and to introduce vocational training in Yangon as well. And, finally, in the most recent visits to the United Kingdom and the United States, she persuaded President Obama to remove most remaining sanctions and obtain reinstatement into the Generalized System of Preferences for tariffs to stimulate exports (Bangkok Post, 2016b). The engagement of important and powerful countries other than China also allows the new government greater latitude in the conduct of its foreign and development policies.

Conclusion: Whither from here?

There is little doubt that Myanmar is currently in the middle of an historical conjuncture with path dependent tendencies that will draw it away from its past (Pierson, 2004). President Thein Sein's decision to engage ASSK and other members of the political opposition changed the situation on the ground. The NLD has clearly made significant progress in establishing itself as a political force to reckon with. The clearest evidence of the NLD's popularity was its stunning electoral performance in the November 2015 election when it won an overwhelming victory with a margin that surprised even the most optimistic pundits. It secured a total of 59% of the 433 seats in the lower house (*Pyithu Hluttaw*) and 60% of the 224 seats in the upper house (*Amyotha Hluttaw*) as well as 476 of the 629 seats in the state assemblies (Moe, 2015). This overwhelming majority allowed the NLD in turn to nominate two out of the three Vice-Presidents under the Constitution and guaranteed its nominee the Presidency as well. ASSK then went on to name a close personal friend and confidant, U Tin Kyaw, as the President and passed a bill in parliament that created the new position of State Counsellor for herself, notwithstanding the military's opposition to the action.

The largest and most influential domestic player is currently the military. It is the most organized actor and has disproportionate resources at its disposal in relation to its competitors. In structural terms, the military has a 25% representation in the Union government as well as the regional parliaments. The parliament requires an absolute majority of more than 75% in order to amend the 2008 Constitution, and the military may well cast a block vote to veto any prospects of such a change. The military is also not subjected to parliamentary oversight and controls the Ministries of Home Affairs, Defence, and Border Areas, while maintaining a majority representation of six out of 11 members in the National Defence and Security Council. The Constitution has also created a strong executive in the President who may appoint or remove central and subsidiary governments (Taylor, 2009: 497). The President may also declare a State of Emergency, and assume all powers and empower the military to maintain order. Interestingly, the military may also act independently to protect state sovereignty and ensure compliance with the constitution (Taylor, 2009: 498). Additionally, the military has indicated that it does not favor changing the 2008 Constitution (Eleven Newsmedia *Myanmar*, 2014f).

The NLD's margin of victory in the recent election, General Min Aung Hlaing's commitment to uphold the outcome of the elections, and Than Shwe's much publicized meeting with ASSK all indicate that the NLD will continue to have significant parliamentary representation going forward (*Eleven Newsmedia Myanmar*, 2015d). As to whether that representation translates into political power remains to be seen, although all major actors from the previous government have been congratulatory and conciliatory towards ASSK thus far. The Army Commander's and Than Shwe's meeting with ASSK are especially significant since they represent the corporate interests of the military. Although Than Shwe stood down from power in 2010, both Thein Sein and Min Aung Hlaing were his nominees, and many observers think that he continues to exert influence on the military. Following his meeting with ASSK, he is reported to have said that he will support the next government in its attempts to work in the country's interest. Consequently, there is cause for some cautious optimism.

Given the scenario that has unfolded thus far, Myanmar may very well be on the road to becoming Southeast Asia's next democratic country in the footsteps of Indonesia even as Thailand has regressed following the military coup of May 2014. After all, the NLD appears to have consolidated its position and has widespread domestic and international legitimacy. Additionally, it appears committed to development of the country in a transparent and equitable manner that emphasizes procedural propriety and transparency. Its current term of office and pool of MPs will also allow the party to acquire the much-needed experience in running the government. An additional by product of this development is a strengthening of the party system that is in turn conducive to democracy.

About the author

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