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# Trends in Southeast Asia

THE PEACE PROCESS AND  
CIVIL-MILITARY RELATIONS DURING THE  
NLD ADMINISTRATION'S FIRST YEAR

LIN HTET AUNG

**ISEAS** YUSOF ISHAK  
INSTITUTE

# Trends in Southeast Asia

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# FOREWORD

The economic, political, strategic and cultural dynamism in Southeast Asia has gained added relevance in recent years with the spectacular rise of giant economies in East and South Asia. This has drawn greater attention to the region and to the enhanced role it now plays in international relations and global economics.

The sustained effort made by Southeast Asian nations since 1967 towards a peaceful and gradual integration of their economies has had indubitable success, and perhaps as a consequence of this, most of these countries are undergoing deep political and social changes domestically and are constructing innovative solutions to meet new international challenges. Big Power tensions continue to be played out in the neighbourhood despite the tradition of neutrality exercised by the Association of Southeast Asian Nations (ASEAN).

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# **The Peace Process and Civil–Military Relations During the NLD Administration’s First Year**

By Lin Htet Aung

## **EXECUTIVE SUMMARY**

- Peace and political considerations are priorities in Myanmar as indicated by Daw Aung San Suu Kyi’s frequent pronouncements.
- While 2017 would not easily become the “year of peace”, stakeholders including ethnic armed organizations (EAOs) appear willing to engage further at the negotiating table although the Tatmadaw (military) has stuck to the Nationwide Ceasefire Agreement (NCA) route reiterated by the National League for Democracy (NLD) government at the 21st Century Panglong Conference.
- The Tatmadaw has softened its views on federalism, and although military operations drew criticisms, inter-elite relations especially between the NLD and the Tatmadaw appear to be improving.
- Economic development is not high on the government’s agenda as yet, and civil servant responses to the government-led reforms remain unchanged.





# The Peace Process and Civil–Military Relations During the NLD Administration’s First Year

By Lin Htet Aung<sup>1</sup>

## INTRODUCTION

Daw Suu’s National League for Democracy (NLD) government marked its first anniversary in office on 30 March 2017. There are differing “key performance indicators” set by analysts in assessing the administration’s performance. National reconciliation and the peace process, constitutional reform, and better living standards are the top priorities highlighted in the inaugural address of President U Htin Kyaw. Of these three priorities, the NLD has emphasized the importance of the peace process towards national reconciliation. Many observers have pointed out other deserving issues including the overall performance of both the executive and legislative, and the relations between NLD and the Tatmadaw (military).<sup>2</sup> While the NLD continues to have wide public support, concerns over a possible return to military rule<sup>3</sup> and over ineffective executive and legislative performance have emerged.<sup>4</sup>

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<sup>1</sup> Lin Htet Aung is Visiting Fellow at the ISEAS – Yusof Ishak Institute, Singapore. He would like to thank Ms Moe Thuzar, Dr Tin Maung Maung Than and Dr Michael Montesano for their comments and advice.

<sup>2</sup> When the NLD government (executive) turned one-year-old, its Hluttaw (parliament) turned fourteen months old.

<sup>3</sup> U Ko Ko Gyi’s interview for the first-year-old NLD administration. *7 Day News Journal*, 29 March 2017 (in Myanmar language).

<sup>4</sup> Remarks of U Oo Hla Saw from Arakan National Party (ANP) when the parties welcomed the founding meeting of the political party led by 88 Generation in which U Ko Ko Gyi is a prominent leader. *7 Day Daily*, 1 April 2017 (in Myanmar Language).

Daw Suu has emphasized political considerations as the most important aspect of her agenda. She maintains that the country's development can only be smooth when Myanmar has genuine peace.<sup>5</sup> But this prioritization of the domestic political agenda may come at the cost of economic performance. Additionally, much hinges on Daw Suu's health and ability to manage a punishing schedule as Myanmar's de facto leader; she was already 70 when the NLD won a landslide victory in the 2015 elections,<sup>6</sup> making her as the most senior leader (in age) to take office.

Popular support — from both the Myanmar diaspora and the citizenry — is still high despite the fact that the 2017 by-elections saw lower voter turn-outs and more votes going to locals or ethnic-party candidates.<sup>7</sup> There is a popular desire, despite any setbacks or dilemmas during the NLD's first year of administration, to avoid another military-led government in Myanmar.<sup>8</sup>

Though not a declared campaign promise, the NLD has prioritized peace since taking office. Long-time watchers of Myanmar politics had observed that Daw Suu's intention for peace was not clear<sup>9</sup> but

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<sup>5</sup> (a) An address by Aung San Suu Kyi of Myanmar, *Asia Society*, 21 September 2016. <[https://www.youtube.com/watch?v=m5Wbda6Z\\_jc](https://www.youtube.com/watch?v=m5Wbda6Z_jc)> (accessed 23 September 2016).

(b) Daw Aung San Suu Kyi's Opening Speech at Forum on Myanmar Democratic Transition, *MRTV Channel*, 11 August 2017.

<sup>6</sup> Daw Suu was born on 19 June 1945.

<sup>7</sup> Wa Lone and Simon Lewis, "Su Kyi's party wins nearly half of Myanmar by-elections", *Reuters*, 2 April 2017 <<http://www.reuters.com/article/us-myanmar-politics-idUSKBN17336D>> (accessed 2 April 2017).

<sup>8</sup> News and reports of Forum on Myanmar Democratic Transition, Nay Pyi Taw, 11–13 August 2017, *Myanma Alinn Daily* and *Kyae Mone (The Mirror Daily)* newspapers, 12–15 August 2017 (in Myanmar language).

<sup>9</sup> (a) Robert H. Taylor, *Can Myanmar's NLD Government Undo the Gordian Knot of Federalism and Ethnicity?*, Trends in Southeast Asia, no. 3/16. Singapore: ISEAS – Yusof Ishak Institute, 2016; (b) Daw Aung San Suu Kyi had been accused of not understanding ethnics' side of the story when she met Shan politicians in 1989. See also, U Tun Myint (Taung Gyi), *Shan Naing Ngan-yae Thamar Tha-U Ei Oak Thachat The Ta Pwint* [A Small Part of Shan Politician] (Yangon: Law Ka Thit Sarpe, 2017), appendix II.

she has openly stated that although the NLD did not participate in the NCA process formulated by the Union Solidarity Development Party (USDP) government, it would as an elected ruling party continue with this process,<sup>10</sup> including the Union Peace Conferences that are meant to be held every six months. The NLD-led peace conferences have adopted the additional title of 21st Century Panglong, and the first under this dual title (the second since the first Union Peace Conference in October 2015) was convened on 31 August to 3 September 2016. Thereafter the second session 21st Century Panglong Conference was postponed twice.<sup>11</sup> It took place on 24–29 May 2017.

Commenting on the NLD government’s performance, U Win Htein, Central Executive Committee Member of the NLD, remarked that the government had been more productive than what many critics expected.<sup>12</sup> The NLD’s election platform for “change” essentially indicated that the elected representatives would work “to change” the country including amending or “changing” the 2008 Constitution. In reality, however, changing the Constitution and managing an entrenched bureaucratic system are not always easy for any new government. In a state of the union speech on the NLD government’s first anniversary in office, Daw Suu revamped the “change” commitment to one of being “together with

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<sup>10</sup> Daw Aung San Suu Kyi’s remarks were noted on her visit to Myitkyina in Kachin State on 28 March 2017. *7 Day Daily*, *Kyae Mone (The Mirror Daily)*, and *Democracy Today* newspapers, 29–30 March 2017 (in Myanmar language).

<sup>11</sup> The second session of the 21st Century Panglong Conference was scheduled for 28 February 2017.

It was later scheduled for late March 2017, according to U Zaw Htay, Deputy Director General of President’s Office; Nyan Hlaing Lynn, “Gov’t confirms Panglong conference delay after UWSA schedules talks”, *Frontier Myanmar*, 20 February 2017 <<http://frontiermyanmar.net/en/govt-confirms-panglong-conference-delay-after-uwsa-schedules-talks>> (accessed 15 August 2017).

<sup>12</sup> The Voice Interview with U Win Htein, 11 January 2017 (in Myanmar language) <<http://thevoicemyanmar.com/extra/5241-uw>> (accessed 2 February 2017).

the people”.<sup>13</sup> Collective decision-making in the Cabinet has also come under more scrutiny. As a civilian government, the NLD’s first Cabinet has aimed for a representative mix of ethnic, non-NLD and former military officers. But the final decision-making authority rests with the State Counsellor.<sup>14</sup>

Regarding relations with the Tatmadaw, the NLD has realized that electoral legitimacy from the people (whether Bamar or other ethnic groups) does not necessarily translate into easier relations with the military. The presence of the military in the Hluttaw (Parliament) through its 25 per cent occupancy of parliamentary seats is part of the equation. Experts have observed that the military’s motive for its presence in the Hluttaw is not always designed to intervene in politics, but rather to guard against what it perceives as wrong policy choices.<sup>15</sup> This presence of the military may offer an opportunity for better civil–military relations as it provides space for greater interactions in social and other settings. For example, Daw Suu invited military MPs to dinner after the NLD rejoined the political process and took up Hluttaw seats after the 2012 by-elections.<sup>16</sup> It is widely assumed that the nature of civil–military relations, whether positive or otherwise, affects Myanmar’s democratic transition.

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<sup>13</sup> The speech was broadcast live 30 March 2017, on the eve of the by-elections.

<sup>14</sup> Personal interview with a former cabinet minister, 20 December 2016, Nay Pyi Taw.

<sup>15</sup> Conversation with Renaud Egretteau, Visiting Fellow, ISEAS – Yusof Ishak Institute, 23 March 2017, Singapore.

<sup>16</sup> Aung Hla Tun and Jared Ferrie, “Myanmar’s Suu Kyi woos military lawmakers ahead of talks on constitution”, *Reuters*, 3 December 2014 <<http://www.reuters.com/article/myanmar-constitution-idINKCN0JH0MU20141203>> (accessed 2 February 2016).

# THE PEACE PROCESS

## *Background*

Myanmar politicians have been plagued by mistrust.<sup>17</sup> If current leaders of Myanmar or the ethnic armed groups<sup>18</sup> cannot overcome this, there is little chance for a successful peace process to take place. The country is currently witnessing continued armed clashes in northern Myanmar plus the “Black Friday” incident in Rakhine,<sup>19</sup> and increasing numbers of internally displaced persons in several camps across the country.<sup>20</sup>

The NLD government advocated peace as one of three main objectives when taking office in 2016. Its major peace initiative is in continuing the Union Peace Conference under the title “21st Century Panglong”. As discussed briefly above, the first 21st Century Panglong Conference was successfully convened in August 2016, and a second

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<sup>17</sup> (a) Maung Maung Gyi, *Burmese Political Values: The Socio-Political Roots of Authoritarianism* (New York: Praeger Publisher, 1983); (b) The late U Win Tin, former prominent figure of NLD, never trusted the Tatmadaw. He was opposed to joining any political channel of the military regime. Likewise, there are hardliners even among NCA signatory groups who do not trust the Tatmadaw. Field trip to Hpa-An, Kayin State with Micah Francis Morton, Visiting Fellow, ISEAS – Yusof Ishak Institute, 25 March 2017.

<sup>18</sup> Some armed organizations such as All Burma Student’s Democratic Front (ABSDF) are not an ethnically based armed organization in Myanmar. Naturally, EAOs have no common interests. Personal interview with international peace negotiator, 22 December 2016, Yangon.

<sup>19</sup> At a press conference in Yangon on 29 August 2017, U Thauung Tun, National Security Adviser explained the violence in northern Rakhine. *Kyae Mone (The Mirror Daily)* and *The Global New Light of Myanmar*, 30 August 2017

<sup>20</sup> (a) “UNHCR chief appeals to Myanmar government to help IDPs, refugees”, *Mizzima*, 7 July 2017 <<http://www.mizzima.com/news-domestic/unhcr-chief-appeals-myanmar-government-help-idps-refugees>> (accessed 15 August 2017); (b) Su-Ann Oh, “The Downward Spiral of Violence in Rakhine State, Myanmar”, *ISEAS Commentaries*, 31 August 2017 <<https://www.iseas.edu.sg/medias/commentaries/item/6104-the-downward-spiral-of-violence-in-rakhine-state-myanmar-by-suann-oh>> (accessed 31 August 2017); (c) Reports of violent attacks in northern Rakhine, *The Global New Light of Myanmar*, 26–31 August 2017.

session took place on 24–29 May 2017. These union-level discussions are to be held regularly (ideally at six-month intervals). Daw Suu has also convened peace talks or discussions at various levels and with different communities/groups,<sup>21</sup> but with inconclusive outcomes.

On the bright side, not all the ethnic armed organizations (EAOs) are openly demanding for separate states. But almost all groups still refer to the origins of the “Panglong Spirit”.<sup>22</sup> The second 21st Century Panglong Conference dedicated discussions to reach a common or shared understanding of several important terms in the peace negotiations, including federalism, but there is still disagreement upon the precise wording. Still, many of the EAOs have officially declared their interest to continue discussing, particularly by signing the Nationwide Ceasefire Agreement (NCA) or signalling their intent to sign it (but with conditions). The latter choice may cause some tension, as the NCA was finalized for signature in October 2015 under the process then led by the USDP government. Eight EAOs signed it then.

Minister in the State Counsellor’s Office U Kyaw Tint Swe highlighted that the 21st Century Panglong Conference would be the only channel to a political solution, as well as the importance of reaching an agreed understanding of federalism and the objectives towards this.<sup>23</sup>

The NLD government has also introduced a civil society organizations (CSO) forum into the peace process.<sup>24</sup> This forum is meant to complement

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<sup>21</sup> Peace talks have been held in Nay Pyi Taw and Shan State respectively on 1 January and 12 February 2017. In August 2017, Daw Suu held a peace roundtable with villagers in Central Myanmar. Kyaw Thu, “Aung San Suu Kyi’s Stops in Myanmar’s Mandalay Region to sell Peace Process”, *RFA*, 7 August 2017 <<http://www.rfa.org/english/news/myanmar/aung-san-suu-kyi-stops-in-myanmars-mandalay-region-to-sell-peace-process-08072017162110.html>> (accessed 15 August 2017).

<sup>22</sup> Panglong spirit is defined as a right to secede, especially by ethnics. Thus, the Panglong Spirit has very different definitions for different groups.

<sup>23</sup> Union Minister U Kyaw Tint Swe’s Opening Speech on Peace Process Orientation Course (1/2017), Nay Pyi Taw, Myama Radio and Television (MRTV) website <<http://www.mrtv.gov.mm/?q=content>> (accessed 20 January 2017).

<sup>24</sup> NLD Statement (1/2016) issued on 24 November 2016.

the peace process negotiations although the effectiveness of its role is not clear yet.<sup>25</sup> The new government has declared that it has better management of the process in budget transparency as well as in terms of EAO participation.<sup>26</sup>

### *Expectations and Reality*

Almost all EAOs are long-time enemies (or friends, in some cases) of the Tatmadaw since the time of Burma's independence from British rule on 4 January 1948. This, and close to seven decades of clashes and ceasefires had made both sides very much aware of each other's strengths and weaknesses. Successive military governments, particularly the State Law and Order Restoration Council (SLORC) and State Peace and Development Council (SPDC) initiated several pacts with EAOs since the 1990s.<sup>27</sup> It was not until the USDP administration that a nationwide pact was concluded in the form of the NCA with eight EAOs, including the Tatmadaw's long-time nemesis the Karen National Union (KNU). In fact, the NCA was one of the USDP government's tools for achieving

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<sup>25</sup> Political observers based in Myanmar such as Kyaw Win and Min Zin noted that the motivation for civil society is not highly increased. Moreover, public support for the second session of the 21st Century Panglong Conference seemed to be organized as a showcase by concerned authorities close to NLD. *The Voice Journal*, 2 April 2017 (in Myanmar language).

<sup>26</sup> (a) Even non-NCA-signatories' groups were invited to use peace funds, according to State Counsellor's office annual report. *Kyae Mone (The Mirror Daily)*, 31 March 2017 (in Myanmar language); (b) Budget allocations (spending) were announced often on state-run newspapers. It was also announced at the closing day of the second session of the 21st Century Panglong Conference. *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily* newspapers, 28–30 May 2017 (in Myanmar language).

<sup>27</sup> (a) The Wa group has been arguing that the peace (ceasefire) agreements with SLORC/SPDC are still valid. Thus, it is not necessary to sign another ceasefire agreement like NCA which was stated at the second session of the 21st Century Panglong Conference, 24–29 May 2017; (b) The Federal Political Negotiation and Consultative Committee (FPNCC) Website <<http://fpncc.org>> (accessed 31 August 2017).



nationwide peace in Myanmar.<sup>28</sup> But it did not find traction among other armed groups and failed to reach the “all inclusive” objective, thus frustrating the USDP government’s intended legacy. To date, seven EAOs including significant groups such as Kachin Independence Organization (KIO) and Wa<sup>29</sup> are not part of the NCA.<sup>30</sup> This reluctance to join the USDP-led process also stems from expectations by these groups to gain more advantage from negotiations after the NLD came to power, leveraging on some earlier expressed intentions by the NLD to have a fair and equal policy towards ethnic groups and EAOs. Because of all these different expectations, the EAOs, especially NCA signatories, seemed uncertain over how to engage with the NLD in the peace process. The EAOs and Tatmadaw also had to adapt to the NLD’s bold statement prioritizing peace when it came into office.

### *Whither Panglong and NCA?*

The NLD put its own mark on the peace process by highlighting Panglong and promoting the Union Peace Conference as the 21st Century Panglong Conference. Daw Suu set Panglong as the path, and NCA as the necessary step towards the goal of a democratic federal union. The NLD government also replaced the Myanmar Peace Center (MPC; the operating agency for the peace process under the USDP regime) with a government-controlled National Reconciliation and Peace Center (NRPC) as the secretariat for the peace process.

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<sup>28</sup> Bad news about the peace process was that it became a new market for corrupted people under the previous government. Personal interview with Myanmar exile based in Denmark, 22 January 2017.

<sup>29</sup> Wa means either United State Wa Party (UWSP) or United State Wa Army (UWSA). In fact, the UWSA is the military wing of the UWSP whereas KIA is the military wing of KIO.

<sup>30</sup> Min Zin, Executive Director of Institute of Strategy and Policy said NCA-signed EAOs are weaker than non-signatories in terms of military capability. Thus, it is unlikely to reduce the number of conflicts in Myanmar. DVB Interview with Min Zin, *DVB TV news*, 1 June 2017 <<https://www.youtube.com/watch?v=DMdedbOHAfE&list=PLMOtbzdh7H1OGckHs4yGHYS0KmMh5VHlw&index=71>> (accessed 7 July 2017).

Currently, several ethnic groups, particularly the Kachin Independence Army (KIA) and the EAOs, are struggling to interpret the “true” meaning of Panglong, including whether the future democratic federal union can guarantee equal rights. Some ethnic leaders have interpreted the Panglong spirit as recognizing each other’s differences, and respecting equality.<sup>31</sup> For Daw Suu, Panglong is the spirit of working together among various ethnic groups for Myanmar independence.<sup>32</sup> Although this Panglong spirit can ideally bring positive results for peace in Myanmar, there are not many ethnic groups who agree that this spirit of one union truly exists.<sup>33</sup> Additionally, there can be different interpretations among different ethnic groups as long as the armed conflicts continue.<sup>34</sup> Some (armed) ethnic parties even consider Panglong’s meaning as a right to secession.<sup>35</sup>

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<sup>31</sup> (a) FPNCC issued a bilingual (Chinese and Myanmar) statement on 24 August 2017 which stressed the intermediation role of the Chinese <<http://fpncc.org/category/statements/>> (accessed 31 August 2017); (b) Dr Maran Labaw’s Speech, “The Birthplace of Panglong Spirit”, 4 February 2014, at Chiang Mai, Thailand <<http://www.kachinnews.com/kngtv/2637-the-birthplace-of-panglong-spirit.html>> (accessed 20 January 2017).

<sup>32</sup> As explained at her discussions on the peace process with youth representatives on 11 April 2017 in Nay Pyi Taw.

<sup>33</sup> (a) Starting from 1947 Constitution, Kachin and other ethnic groups did not easily accept the definition of “union”. Than Win Hlaing, *The War We Fought: The Peace We Look For, (History of KIO/KIA)* (Yangon: La Win Yeit, 2017) (in Myanmar language); (b) General Aung San intentionally used Pyi Htaung Su (Union) in order to avoid different interpretation. See also U Tun Myint (Taung Gyi), *A Small Part of Shan Politician* (in Myanmar language).

<sup>34</sup> (a) Richard Dolan, “The Problem With the 21st Century Panglong Conference”, *The Diplomat*, 6 August 2016 <<http://thediplomat.com/2016/08/the-problem-with-the-21st-century-panglong-conference/>>; (b) Matthew J. Walton, “Towards a Better Union in Myanmar”, *Asia Times*, 7 March 2014 <[http://www.atimes.com/atimes/Southeast\\_Asia/SEA-01-070314.html](http://www.atimes.com/atimes/Southeast_Asia/SEA-01-070314.html)> (accessed 13 September 2016).

<sup>35</sup> Myanmar media interviews with the participants of Union Peace Conference-21st Century Panglong, *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily* newspapers, 26 May 2017 (in Myanmar language).

Still, some changes were evident at the first 21st Century Panglong Conference in 2016. There were more diverse participants, including non-NCA-signatory groups. In terms of garnering full participation, the NLD did better than the USDP. But ethnic participants assumed that the 21st Century Panglong Conference would afford them the opportunity to pursue their (political) party's agenda.<sup>36</sup> The armed ethnic groups representing the different Wa factions also boycotted the conference over a technicality, causing the Tatmadaw to denounce parties who left the conference.<sup>37</sup> The Wa walkout happened despite Wa representatives, especially youths, meeting with Daw Suu before the official opening of the conference.<sup>38</sup> Then, the KIA and Shan State Progressive Party/ Shan State Army (SSPP/SSA), the two most powerful militaries, left UNFC for the so-called Northern Alliance. At the second 21st Century Panglong Conference in May 2017, the Wa and KIO, significant members of Northern Alliance, joined the opening ceremony after China's

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<sup>36</sup> (a) Conversation with Mon political observers at the day when Mon people are planning a big protest against the given name by parliament for the new bridge over Than Lwin river at Chaungzon, 19 March 2017, Paung City, Mon State; (b) Almost all EAOs have political units that represent them at the 21st Century Panglong although with limited negotiating power and pre-conditions. For example, Federal Political Negotiation and Consultative Committee (FPNCC) in which Wa representatives attended the opening ceremony of the second session of the 21st Century Panglong Conference. Booklets about their declared pre-conditions were distributed when they met the State Counsellor at a social meeting.

<sup>37</sup> (a) Editor's Perspective, *Myawaddy*, 1 September 2016 <<http://www.myawaddy.net.mm/allnews/editorschoice/item/101739-2016-09-01-08-37-37>> (accessed 28 September 2016); (b) Parties such as Wa leaders actually met Daw Aung San Suu Kyi, State Counsellor Office, 30 August 2016 <<http://www.statecounsellor.gov.mm/zg/node/185>> (accessed 29 September 2016).

<sup>38</sup> State Counsellor Office, 30 August 2016 <<http://www.statecounsellor.gov.mm/zg/node/185>>.

intermediation.<sup>39</sup> Contrary to earlier views, Chinese intermediations are now officially welcomed by government<sup>40</sup> and EAOs, particularly the Wa-led Federal Political Negotiation and Consultative Committee (FPNCC), the official name of the Northern Alliance.<sup>41</sup> The Wa have also requested the central government to define the meaning of Panglong, in the hope of finding an alternative option to the NCA.<sup>42</sup>

### *Breaking the NCA Impasse*

The NLD has made several attempts to overcome the NCA impasse. In fact, Daw Suu has made it something of a personal mission to call on non-signatories of the NCA and other stakeholders to join and contribute to the peace process. For example, during her visit to Myitkyina on

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<sup>39</sup> (a) *Kyae Mone (The Mirror Daily)*, *Myanma Alinn Daily*, and *7 Day Daily* newspapers, 26–28 May 2017 (in Myanmar language); (b) EAOs are not clear on their stand. Interview with international media based in Yangon. 16 December 2016, Yangon; (c) Northern Alliance in which Wa and KIO/KIA are major players now signalled to follow NCA with the special conditions because of the Chinese “intermediate role” when they joined the opening session of the second session of the 21st Century Panglong Conference; (d) There are divided views in Hluttaw whether Northern Alliance should be called “terrorists” or not since it attacked 105-mile checkpoint in 2016 and a number of armed attacks have been reported in 2017 too. The Tatmadaw initially charged activists and journalists who contacted Northern Alliance under the Unlawful Associations Law; (e) Divided views over “terrorism” have also appeared in the case of Rakhine. “Joint Communiqué released by 20 political parties on 14th August 2017”, *Union Daily*, 15 August 2017.

<sup>40</sup> When dealing with EAOs for the peace process, criticisms appeared over disagreements among Hluttaw, NLD and the Tatmadaw since it failed to “speak with one voice”. It is basically necessary to have a common agreement among representatives of these three groups. Union Minister and Vice-Chairman of NRPC U Kyaw Tint Swe’s opening address for Roundtable talks on revision and preparation for Union Peace Conference in Nay Pyi Taw on 28 August 2017. *The Global New Light of Myanmar* and *Kyae Mone (The Mirror Daily)*, 29 August 2017.

<sup>41</sup> FPNCC Statement issued on 24 August 2017.

<sup>42</sup> (a) *RFA/DVB News*, 25–26 February 2017; (b) *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily* newspapers, 26–29 May 2017 (in Myanmar language).

28 March 2017, she asked influential locals to encourage the KIO to sign the NCA.<sup>43</sup> Calling upon non-NCA signatories groups to sign up became a more frequent occurrence after the postponement of the second 21st Century Panglong session. The justifications used by the government for emphasizing the NCA's importance are also similar to those used by the Tatmadaw. For example, during her visit to Internally Displaced Persons' Camps (IDP Camps) in Kachin State in late March 2017, Daw Suu's portrayal of the NCA as the only channel that saves cost and avoids casualties for the grassroots sounded similar to the Tatmadaw's past justifications of the NCA. The NLD government is also taking a similar view of accepting political negotiation only after NCA endorsement.<sup>44</sup>

The NCA impasse has led to much speculation. One of the assumptions is that the non-NCA signatories had already missed opportunities under

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<sup>43</sup> (a) Daw Aung San Suu Kyi's remarks were noted on her visit to Myitkyina and Internally Displaced Persons (IDP) camps in Kachin State on 28 March 2017. During the visit, KIO gave a signal to sign the NCA. But their participation in the NCA or in the peace process will not be based upon the single person, announced by the spokesperson of KIO. This is something similar to Shan leaders' declaration when the original Panglong conferences were convened in 1946 and 1947. U Tun Myint (Thaung Gyi), *A Small Part of Shan Politician*, and see also *7 Day Daily*, *Kyae Mone (The Mirror Daily)*, and *Democracy Today* newspapers, 29–30 March 2017 (in Myanmar language).

(b) "News: Analysis State Counsellor Seeks Support from Kachin Church Leaders", *The Irrawaddy*, 26 July 2017 <<https://www.irrawaddy.com/news/burma/news-analysis-state-counselor-seeks-support-kachin-church-leaders.html>> (accessed 17 August 2017).

<sup>44</sup> (a) Daw Aung San Suu Kyi's speech, Union Day in Panglong, Shan State, 12 February 2017; (b) According to Min Zin, the peace process is likely to become deadlocked when NCA is set as the final goal instead of being a tool assumed by political parties. DVB Interview with Min Zin, *DVB TV news*, 1 June 2017 <<https://www.youtube.com/watch?v=DMdedbOHAfE&list=PLMOtbzdH7HIOGckHs4yGHYS0KmMh5VHlw&index=71>> (accessed 7 July 2017).

previous governments, including the military regime.<sup>45</sup> Another is that the non-NCA signatories may have had some expectations about the new NLD government regarding peace, but at the same time have not viewed the current NCA as adequate in terms of opportunities offered to the NCA signatories.<sup>46</sup> Wa leaders argued that they were not participants in the NCA-drafting, and that they did not view it necessary to sign another agreement when they had already entered into (ceasefire) agreements with the central state over twenty years ago.<sup>47</sup> For the Wa-led non-signatory groups, finding new alternatives to the NCA has become their political approach. But they have also repeatedly mentioned that their assertions are aimed at achieving peace and not to terminate the current negotiations or to open more armed conflict with the Tatmadaw. Their position is instead to call for clearer provisions, including amending the 2008 Constitution, rather than following the current NCA framework.<sup>48</sup>

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<sup>45</sup> As political commentator Kyaw Win noted, the peace pacts under SLORC/SPDC were not designed for lasting peace. It was just a tool when SLORC/SPDC were looking for legitimacy urgently. Thus, giving the permission to local (armed) leaders — to have independent policy for their own development — became SLORC/SPDC undeclared policy. Kyaw Win, *Case Study of Myanmar Politics (1948–1998)* (Yangon; Plastic Rainbow Publication, 2012) (in Myanmar language).

<sup>46</sup> The statement is also repeated in Myanmar media interview on the second session of the 21st Century Panglong Conference. *Kyae Mone (The Mirror Daily)* and *Myanmar Alinn Daily* newspapers, 27–28 May 2017 (in Myanmar language).

<sup>47</sup> (a) They made this assertion at the opening ceremony of the second 21st Panglong, *Myanmar Times*, 29 May 2017; (b) Also see Sai Wansai, “Second 21st Century Panglong: Pangkham, secession and one national army issues dominated the political landscape”, *Shan Herald Agency for News*, 29 May 2017 <<http://english.panglong.org/2017/05/29/second-21st-century-panglong-pangkham-secession-and-one-national-army-issues-dominated-the-political-landscape/>> (accessed 1 June 2017).

<sup>48</sup> (a) *RFA Burmese News*, Morning Report, 25 February 2017 <<https://www.youtube.com/watch?v=OLE6xJkPfM&t=389s>> (accessed 25 February 2017); (b) FPNCC Statement issued on 24 August 2017.

Still, it is abundantly clear that the NLD government will continue with the current NCA as the only given (and official) channel.<sup>49</sup> Some of the NCA signatories are moving towards the implementation phase, as seen, for example, in the initiatives for joint landmine clearing in Kayin state.<sup>50</sup> But the non-signatories seem to have no such option, and this probably is the push factor for groups such as the UWSA/UWSP<sup>51</sup> to seek alternatives. But alternative (or additional) channels are not a viable option for the Tatmadaw.<sup>52</sup>

In NCA-signatory territories, local authorities now seem more vocal and take more responsibility in rebuilding and development in their areas. There are also greater accountability expectations of local leaders, as people in these areas now have freer access to information and can compare with situations in other NCA-signatory localities. The activities in Kayin State are a case in point. Leaders of the Kayin NCA signatories are now more involved in affairs of Kayin State, including resolving land disputes/issues, clearing landmines, infrastructure development for cities and towns, celebrating festivals under its own flag, and cooperating with the central government for education while sourcing income for

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<sup>49</sup> The NLD government (Hluttaw) and the Tatmadaw stick to this dogma in the second session of the 21st Century Panglong Conference. USDP leaders too echoed that the NCA is the single and official channel. *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily* newspapers, 26–29 May 2017 (in Myanmar language).

<sup>50</sup> A couple of days after the second session of the 21st Century Panglong Conference, NLD-controlled government newspapers *Kyae Mone* and *Myanma Alinn* reported serial news of livelihood training jointly held with KNU (publishing the picture of KNU Chairperson) in Kayin State.

<sup>51</sup> The United Wa State Army (UWSA) is the military wing of the United Wa State Party (UWSP)

<sup>52</sup> Senior General Min Aung Hlaing opening speech in the second session of the 21st Century Panglong Conference. *MWD Channel*, *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily* newspapers, 26–27 May 2017 (in Myanmar language).

their units by utilizing new approaches.<sup>53</sup> They are also trying to build good intra-group relations with other ethnic armed groups such as the Kachin Independence Organization, as well as maintaining relations with previous military principals and regional governments.<sup>54</sup> There are thus some differences between NCA signatory and non-signatory areas in Kayin State in terms of local development and central–local coordination. However, some NCA signatories have also been accused of misusing the NCA, by seeking to extend the reach of their power through recruiting more troops and creating strongholds.<sup>55</sup>

### *The Tatmadaw*

In line with the Three Main National Causes and multi-party democracy, the Tatmadaw has its own “Six Peace Principles”: (a) to have a genuine wish for peace; (b) to keep promises they agree to during the peace process; (c) to refrain from reaping benefits from peace agreements; (d) not to become a burden on the people; (e) to follow the country’s existing rules of law; and (f) to respect and march towards a democratic country in accordance with the 2008 Constitution.

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<sup>53</sup> (a) “DVB Interview with Democratic Karen Buddhist Army (DKBA) Commander in Chief General Saw Mo Shay”, 6 May 2017 <<https://www.youtube.com/watch?v=UcuDCcjr-GU&index=109&list=PLMOtbzdh7HIOGckHs4yGHYS0KmMh5VHlw>> (accessed 17 August 2017); (b) “DVB Reports on 7th Annual Festival of Border Guard Force (BGF) in Kayin State” <<https://www.youtube.com/watch?v=NuQdhgloL2w&list=PLMOtbzdh7HIPymNmqw8md9tGCvaocXaex&index=3>> (accessed 31 August 2017).

<sup>54</sup> (a) *Myanma Alinn Daily*, 17 February 2017 (in Myanmar language). Sometimes, Kayin leaders were reported to meet former Senior General Than Shwe and former President U Thein Sein at Nay Pyi Taw; (b) Kayin leaders from NCA signatories appeared to take advantage of the NCA to meet with regional governments whereas non-signatories are not permitted to do so legally, e.g., Mon government received KNU leaders for the first time to discuss the region’s development. *7 Day Daily*, 18/20 August 2017 <<http://www.7daydaily.com/story/104871>> and <<http://www.7daydaily.com/story/105079>> (accessed 21 August 2017).

<sup>55</sup> Personal interview with political observers based in Yangon and Nay Pyi Taw, 10 December 2016.



Additionally, the Tatmadaw has stressed concern over secessions at the second 21st Century Panglong.<sup>56</sup> Commander-in-Chief Senior General Min Aung Hlaing remarked on 27 March 2017 (the seventieth anniversary of Armed Forces Day) the continued importance of the Tatmadaw's role in the peace process over successive governments, and pointed out that all the political deadlocks have to be solved by political means.<sup>57</sup> But his words did not seem to match the Tatmadaw's actions on the ground as clashes started up in northern Myanmar in the months following this statement.<sup>58</sup>

The Tatmadaw is also seriously opposed to external interventions in the name of human rights and in the peace process.<sup>59</sup> The Tatmadaw's position has been to openly reject any foreign involvement, especially from China, in Myanmar's domestic affairs. This has been the usual political line taken by the military since General Ne Win took control of the state in the 1960s. On its part, China has tried to signal its impartiality but there are many who are concerned over China's role in the armed conflicts in Northern Myanmar. Some analysts have observed that

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<sup>56</sup> *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily* newspapers, 26–30 May 2017 (in Myanmar language).

<sup>57</sup> *Kyae Mone (The Mirror Daily)*, 28 March 2017.

<sup>58</sup> (a) Regarding arm conflicts in northern region, state-run media reported that EAOs were the one who opened fire first; (b) Regarding pressure from the Tatmadaw, there was a positive result in terms of NCA in the New Mon State Party case. After Mon celebrated their national day by military marching illegally on 12 February 2017, the Tatmadaw searched and operated in those areas since NMSP was a non-NCA signatory group. Later, NMSP sent out signals that it may consider the NCA and met Daw Suu in Nay Pyi Taw on 1 September 2017. In fact, NMSP does not have strong forces, and most of the leaders are involved in business. NMSP is also the one who favours “all-inclusiveness” in the NCA and the peace process. Field trip to Hpa-An, Kayin State, 25 March 2017; (c) *Myanma Alinn* and *Kyae Mone (The Mirror Daily)*, 2 September 2017.

<sup>59</sup> Major opposition party, USDP together with other political parties have frequently issued statements opposed to external interventions in the name of human rights.

although China has been trying to show support for the peace process, its actions sometimes receive criticism.<sup>60</sup> For example, in March 2017, China's action to freeze bank accounts of several Sino-Myanmar businessmen, ostensibly to reduce illegal money transfer,<sup>61</sup> was viewed as a provocation.

This illustrates the links between Myanmar domestic politics and the international situation.<sup>62</sup> Myanmar's military and political leaders in the past have used international political situations to its advantage. There are several examples. "British difficulty is Burma's opportunity", was a slogan during the Thakhin movement led by Bama Htwet Yat Gaing under British colonial rule.<sup>63</sup> Towards the end of the Cold War when General Ne Win met Deng Xiaoping in China in 1985, Deng promised that China would stop its support for the Communist Party of Burma (CPB) apart from humanitarian assistance such as health care to senior CPB members.<sup>64</sup> Similarly, when the negotiating power of the KNU began to decline around the end of the Cold War, Thai-Myanmar bilateral relations improved. As a result, in 2004, General Khin Nyunt, then the all-powerful Secretary 1 of the SLORC and Prime Minister, was able to

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<sup>60</sup> Government media interview with Aung Naing Oo, Director of the Technical Secretariat Center of Union-level Joint Ceasefire Monitoring Committee (JMC), former member of Myanmar Peace Center under President U Thein Sein, on the second session of the 21st Century Panglong Conference, *Kyae Mone (The Mirror Daily)*, 30 May 2017 (in Myanmar language).

<sup>61</sup> *7 Day Daily* newspaper, 27 March 2017. See also, Than Win Hlaing, *History of KIO/KIA* (in Myanmar language).

<sup>62</sup> Some observers from the Ministry of Foreign Affairs note that Myanmar might be potentially included in the status of "middle power" in the future.

<sup>63</sup> Robert Taylor, *General Ne Win: A Political Biography* (Singapore: Institute of Southeast Asian Studies, 2015), p. 25.

<sup>64</sup> Perhaps, it may be called China's "Dual Track Diplomacy", Kenton Clymer, *A Delicate Relationship: The United States and Burma/Myanmar Since 1945* (London: Cornell Uni Press, 2015), pp. 246-47.

invite the then KNU Chairman Saw Bo Mya, to the negotiating table in Yangon.<sup>65</sup>

All these observations indicate that making peace in Myanmar is still a game for the elite, as mentioned by KNU Chairman Saw Mutu Sae Po.<sup>66</sup>

### *Public Opinion*

There are divided opinions regarding the Tatmadaw offensive in the north and its search and raids in Rakhine.<sup>67</sup> Pro-Tatmadaw civil society groups support the Tatmadaw's offensive, but there are also anti-war movements. But peace cannot be achieved in Myanmar as long as political parties or armed groups are stuck in prejudiced mindsets, setting pre-conditions for peace, or resorting to military means.<sup>68</sup> All parties, including the Tatmadaw, need to find a compromise.

Public opinion towards China's involvement in sponsoring some of the Northern Alliance groups to attend the second 21st Century Panglong

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<sup>65</sup> KNU, in their early days, chose guerrilla warfare instead of building strongholds of permanent military bases. KNU was assumed to have failed in their military activities when it chose the latter options. Personal interview, 25 March 2017, Hpa-An, Kayin State.

<sup>66</sup> Remarks of Saw Mutu Sae Po, the first session of the Union Peace Conference-21st Century Panglong, Nay Pyi Taw, 2 September 2016. *Myanma Alinn Daily*, 3 September 2016 (in Myanmar language).

<sup>67</sup> (a) Sai Wansai, "War in Ethnic State: Is the Tatmadaw Waging a Just War", *Shan Herald Agency for News*, 18 January 2017 <<http://english.panglong.org/2017/01/18/war-in-ethnic-states-is-the-tatmadaw-waging-a-just-war/>> (accessed 19 January 2017); (b) Discussion on Tatmadaw's search and raid operation in Rakhine by military attachés of U.S. and Australia at a press conference held in Nay Pyi Taw on 29 August 2017. *The Global New Light of Myanmar*, 30 August 2017.

<sup>68</sup> (a) Daw Aung San Suu Kyi, however, said at Panglong, Shan State that "ethnic armed groups can leave from the conference any time. The point is that it is better to join the conference as a first step", 12 February 2017; (b) Northern groups have been accused for having pre-conditions before the second session of the 21st Century Panglong Conference. *Kyae Mone (The Mirror Daily)*, 30 May 2017 (in Myanmar language).

session is also mixed. Some Myanmar political analysts however have not made any criticisms.<sup>69</sup>

The former ruling party, the USDP, which has become the opposition party under the NLD administration, regards the new government's efforts for peace as sheer rhetoric.<sup>70</sup> Some ethnic representatives did not join Daw Suu's peace talks with youth leaders in January 2017.<sup>71</sup> Some critics view the live broadcast dialogue between Daw Suu and some ethnic leaders at Panglong in Shan State on Union Day (12 February 2017) as not producing any effective results apart from repeating the call to ethnic armed groups to join the NCA, or as a publicity exercise.<sup>72</sup>

In fact, people are supposed to be the key players in the process.<sup>73</sup> Daw Suu has remarked as much in her televised state of the union address on 30 March 2017, where she also noted that Myanmar lacked the habit of teamwork.<sup>74</sup> The habit of public discussion at different levels in the country is also necessary for more understanding about the peace process. Additionally, the habit of cooperation and working together at various levels is also important in implementing the vision (and directives) of the country's leaders.

However, public participation in Myanmar's democratization remains a big question mark.

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<sup>69</sup> Remarks of Aung Naing Oo on media interview at the second session of the 21st Century Panglong Conference. *Kyae Mone (The Mirror Daily)*, 30 May 2017 (in Myanmar language).

<sup>70</sup> USDP official website <<http://www.usdp.org.mm/>> (accessed 19 January 2017).

<sup>71</sup> "Youth Leaders 'Dissatisfied' with Suu Kyi Meeting", *Shan Herald Agency for News*, 4 January 2017 <<http://english.panglong.org/2017/01/04/youth-leaders-dissatisfied-with-suu-kyi-meeting/>> (accessed 20 January 2017).

<sup>72</sup> Discussion from participants on "Myanmar's Media Landscape: Changes and Challenges", ISEAS – Yusof Ishak Institute, Singapore, 23 March 2017.

<sup>73</sup> Remarks of Daw Aung San Suu Kyi at Peace Talk: State Counsellor and Youths, Nay Pyi Taw, 1 January 2017. Daw Suu also repeated similar remarks on a peace roundtable with villagers in Central Myanmar, 7 August 2017.

<sup>74</sup> Voice of Youth Representative at Peace Talk: State Counsellor and Youths, Nay Pyi Taw, 1 January 2017.

Both the USDP and NLD governments have faced serious obstacles in motivating the bureaucrats for nation-building. President U Htin Kyaw remarked on the occasion of Myanmar New Year in 2016 that, “the citizens are particularly needed to co-operate to ensure success [and the] emergence of a constitution that aims to establish a democratic federal union and the promotion of the social life ... [We] would like to earnestly ask you, the voting public, to actively continue to co-operate in your respective sectors, to criticize and point out our discrepancies and fallacies.”<sup>75</sup>

On the whole, the peace process under the NLD has revolved around justifying the spirit of Panglong under the new and “open” political setting, which witnessed an increase in trust-building activities that have been promoted publicly. The NLD government now highlights the importance of all groups signing the NCA, but there are no indications of how the 21st Century Panglong process can break the current NCA impasse, even with Tatmadaw’s support.<sup>76</sup> Discussions on federalism, a federal army, and non-secession have met a stalemate at the negotiating table.<sup>77</sup> Meanwhile, some NCA signatories have stated that signing the NCA (or the Pyidaungsu (Union) Accord) was a reconfirmation of their stand and an act of participating in the peace process.<sup>78</sup>

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<sup>75</sup> “New Year Message sent by President U Htin Kyaw to the people on the Myanmar New Year day”, The Official Website of Myanmar President Office, 17 April 2016 <<http://www.president-office.gov.mm/en/?q=briefing-room/news/2016/04/17/id-6254>> (accessed 15 August 2017).

<sup>76</sup> Senior General Min Aung Hlaing frequently used the word “21st Century” war when he conducted his speech for 72nd Armed Force Day of Myanmar. He stressed that the Tatmadaw needs to understand and prepare 21st century (modern) wars. Future training in the Tatmadaw should be included such as Information and Communication Technology in order to fight 21st century war which might appear from any corner, he said. *Kyae Mone (The Mirror Daily)*, 28 March 2017 (in Myanmar language).

<sup>77</sup> (a) Sai Wansai, “Second 21st Century Panglong”; (b) Dr Nehginpao Kipgen, “Why are ‘secession’ and ‘federal army’ so crucial to Myanmar’s peace process?”, *The Global New Light of Myanmar*, 2 June 2017, pp. 8–9.

<sup>78</sup> *7 Day Daily newspaper*, 1 June 2017 (in Myanmar language).

Moreover, “all-inclusiveness” continues to be an issue for debate. The United Nationalities Federal Council (UNFC) that attended the first session of the 21st Century Panglong Peace Conference was left out in the second session of the 21st Century Panglong Conference. Later, the KIA and SSPP/SSA left UNFC.<sup>79</sup> The Wa-led FPNCC in which KIA was also represented attended only the opening session of the second session of the 21st Century Panglong Conference. Together, the EAOs in the UNFC and FPNCC represented a larger and more powerful force than the other NCA signatories combined.<sup>80</sup> With all this preoccupation on getting Panglong-related peace matters right, other priorities, such as economic development, have taken the back seat.

## **THE NLD ADMINISTRATION’S FIRST YEAR**

### *Background*

The new and “mainly civilian administration” led by President U Htin Kyaw was sworn in on 30 March 2016. It is actually the second elected administration under the 2008 Constitution. U Htin Kyaw was not a well-known person outside NLD circles, nationally and internationally,<sup>81</sup> although he is the son of national poet laureate Min Thu Win, a prominent Myanmar writer, scholar and poet. He served as deputy director in Ministry of Planning and Finance with seventeen-year civil service experiences. U Htin Kyaw’s wife Daw Su Su Lwin is the founder of a local non-profit organization (NPO) promoting monastic education, and, up to the time of her husband’s election to the presidency, chaired the Pyithu Hluttaw (Lower House) International Relations Committee. She has extensive experience in education and worked for the United Nations Children’s Fund (UNICEF) from 1990 to 2005. She was in fact

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<sup>79</sup> FPNCC Statement issued on 24 August 2017.

<sup>80</sup> (a) Dr Nehginpao Kipgen, op. cit.; (b) Sai Wansai, “Second 21st Century Panglong”; (c) DVB Interview with Min Zin.

<sup>81</sup> The international media published a wrong photo of President U Htin Kyaw, and also confused him with Daw Suu’s chauffeur.

a second-term member of parliament (MP). Her father, U Lwin, was deputy prime minister in General Ne Win's Burma Socialist Programme Party government, who later co-founded the NLD.<sup>82</sup>

But there are some differences between the role of former President U Thein Sein and the new president U Htin Kyaw. Article 16 of the 2008 Constitution says "The Head of the Union and the Head of the Executive of the Union is the President." Article 58 also says, "The President of the Republic of the Union of Myanmar takes precedence over all other persons throughout the Republic of the Union of Myanmar." In this context, President U Thein Sein's role can be said to have been closely in line with the 2008 Constitution whereas President U Htin Kyaw's role, in practice, is not as straightforward. Even before U Htin Kyaw's election, Daw Suu openly talked about the presidential role in the new administration as being just nominal.<sup>83</sup> Both ruling parties have behaved similarly in using their majority vote in the Hluttaw. In the same manner that the USDP used its previous majority in the Hluttaw to push through certain legislations, the NLD's super-majority in the second-term Pyithu Hluttaw passed a law that mandated Daw Suu as State Counsellor on 4 April 2016.<sup>84</sup> The establishment of the State Counsellor position

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<sup>82</sup> <[https://en.wikipedia.org/wiki/Htin\\_Kyaw](https://en.wikipedia.org/wiki/Htin_Kyaw)> and <[https://en.wikipedia.org/wiki/Su\\_Su\\_Lwin](https://en.wikipedia.org/wiki/Su_Su_Lwin)> (accessed 21 April and 4 September 2017).

<sup>83</sup> (a) "Myanmar's Aung San Suu Kyi vows to call shots after election landslide", *Reuters*, 11 November 2015 <<http://www.straitstimes.com/asia/se-asia/myanmars-aung-san-suu-kyi-vows-to-call-shots-after-election-landslide>> (accessed 21 September 2016); (b) "Aung San Suu Kyi set to get PM-type role in Myanmar government", *The Guardian* <<https://www.theguardian.com/world/2016/apr/01/aung-san-suu-kyi-set-to-get-pm-type-role-in-myanmar-government>> (accessed 30 September 2016); (c) Daw Aung San Suu Kyi predicted during media interviews that the future president will sit close to her when the State level meeting is arranged.

<sup>84</sup> (a) *The Global New Light of Myanmar*, 5 April 2016 <<http://www.globalnewlightofmyanmar.com/state-counselor-bill-passes-pyithu-hluttaw-despite-opposition/>> (accessed 15 September 2016); (b) The role of State Counsellor may be different if there are more state counsellors in the cabinet; (c) NLD no longer seeks actively to amend or to change the 2008 Constitution after the State Counsellor and its office have been set up.

has been likened by detractors to “building the new institution for one-sided interests”.<sup>85</sup> Defense Services MPs have warned that Myanmar democracy was becoming “mobocracy”.<sup>86</sup> Still, people at home and abroad recognize Daw Suu as Myanmar’s de facto leadership and many welcomed the move to create the State Counsellor position.

Daw Suu also leads several State-level committees and ministries.<sup>87</sup> She chairs the Central Committee for Implementation of Peace and Development in Rakhine State, the Union Peace Dialogue Joint Committee, the Union Peace Conference-21st Century Panglong, as well as holding duties of Minister for Foreign Affairs, and Minister in the President’s Office.<sup>88</sup>

The NLD government’s Cabinet seemed designed to be representative: with non-NLD, non-Bamar, former military personnel and USDP members, and even the President and one of the Vice-Presidents hailing from non-Bamar ethnic groups. Some have given their views that this formation is just a showcase.<sup>89</sup> The appointment of Chief Ministers in

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<sup>85</sup> Remarks of Min Zin, Executive Director of Institute of Strategy and Policy at *Re-thinking Myanmar Transition*, arranged by Tagaung Institute of Political Studies, Yangon, 15 December 2016.

<sup>86</sup> “Weak side of democracy”, *Democracy*, Yangon, Pho Pyae, 2015, pp. 97–101 (in Myanmar language).

<sup>87</sup> (a) Daw Aung San Suu Kyi has to be present in the various (important) meetings for the sake of efficacy since most staff members merely follow orders instead of taking their own initiative. These situations produce a side effect — people probably view her as a dictator. Lin Htet Aung, “Old mindsets could impede Myanmar’s progress”, *Today* <<http://www.todayonline.com/commentary/old-mindsets-could-impede-myanmars-progress>> (accessed 11 April 2017); (b) Interview with a political economist, 13 December 2016, Yangon; (c) Conversation with an officer from Ministry of Foreign Affairs, 9 August 2017, Yangon.

<sup>88</sup> Daw Aung San Suu Kyi is also assumed to be involved in the Ministry of Education in the earlier days of the NLD administration.

<sup>89</sup> (a) Interview with a former cabinet minister, 20 December 2016, Nay Pyi Taw; (b) Robert Taylor, “Myanmar’s military and dilemma of federalism”, *ISEAS Perspective*, no. 7/2017, ISEAS – Yusof Ishak Institute, Singapore, 2017.



the various states and regions seems to bear this out. Most of the Chief Ministers were appointed in recognition of their “long service” to NLD<sup>90</sup> or “old friends” of Daw Suu, which included having served time as political prisoners. Some believed that Daw Suu also faced difficulties in assigning the right man in the right place.<sup>91</sup>

At this point in time, it is difficult to compare the performance of the USDP administration (2011–16) and the NLD administration (2016–present), mainly because the former has already completed its elected term, while the latter has not yet reached its halfway mark.

Some observers assume that the USDP administration had far more advantages in administrative experiences, due to its origins as the Union Solidarity and Development Association (USDA), which had been established in the early 1990s as the social arm of the State Law and Order Restoration Council (SLORC). Before and after the USDA’s transformation into USDP, ex-military officers dominated the party leadership. In terms of organizational and administrative experience, the USDP seemed to have the edge in managing the bureaucracy, which the military government had dominated in the past.

The NLD government has admitted its lack of administrative experience. Daw Suu herself has admitted that it is difficult to manage Myanmar’s bureaucratic systems.<sup>92</sup> In her address to the Asia Society in 2016, Daw Suu highlighted that the NLD had only six months to

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<sup>90</sup> Kyaw Win, “End of 2016 & Beginning of 2017”, *The Voice*, 9 January 2017 (in Myanmar language).

<sup>91</sup> (a) *7 Day Daily* interview with Sai Khaing Myo Tun, *7 Day Daily*, 4 April 2016 (in Myanmar language); (b) U Ne Win famously said that it is easy to train an honest man to be smart man rather than a smart man to be honest. It is also mentioned in Robert Taylor’s book about General Ne Win; (c) Regarding NLD members’ recruitment policy, it is reported that Daw Aung San Suu Kyi said “when two qualifications are given — character and skill — I recommend that character is the first priority for selecting party member.”

<sup>92</sup> Wa Lone, “NLD Leader’s next challenge: the bureaucracy”, *Myanmar Times*, 3 April 2016 <[www.mmtimes.com](http://www.mmtimes.com)> (accessed 3 April 2016).

understand the Myanmar administrative system.<sup>93</sup> She has undertaken to lead the country through *cetana* and *metta*.<sup>94</sup> The NLD party leadership also believes that Daw Suu and her NLD-government will provide better administration, slowly and cleverly.<sup>95</sup>

### *The NLD Government's Advantages and Disadvantages*

The first administrative measure taken by the new government was aimed at tackling corruption in government. Daw Suu's State Counsellor Office's first statement was about anti-corruption.<sup>96</sup> Though current party regulations do not mention specific penalties for those who offer or accept bribes, NLD leaders are generally sensitive about allegations of corruption and bribery.<sup>97</sup> Office-holders are also trying to show how clean the government is, feeling that they are being watched by people when they spend public money even for government projects. Meanwhile, NLD MPs are also required to contribute part of their salaries to support NLD fund.<sup>98</sup> With the caution taken over corruption, the possibility of "trust in government" has been observed.

Another move was to illustrate the change in mindset via the "Let's clean rubbish" campaign. In fact, this was the first initiative by Daw

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<sup>93</sup> An address conducted by Aung San Suu Kyi of Myanmar, *Asia Society*, 21 September 2016 <[https://www.youtube.com/watch?v=m5Wbda6Z\\_jc](https://www.youtube.com/watch?v=m5Wbda6Z_jc)> (accessed 23 September 2016).

<sup>94</sup> State Counsellor Speech for the first year, 30 March 2017. It is also frequently quoted by NLD staff. *Kyae Mone (The Mirror Daily)*, 31 March 2017.

<sup>95</sup> Media interview with U Win Htein, *Kyae Mone (The Mirror Daily)*, 31 March 2017 (in Myanmar language).

<sup>96</sup> State Counsellor Office website <<http://www.statecounsellor.gov.mm/en/>> (accessed 31 March 2017).

<sup>97</sup> NLD government policy indirectly impacted on the leadership. Particularly, the leaders of states and regions are hesitating to take "risk" and "responsibility" especially for the business initiatives.

<sup>98</sup> (a) Field trip to Hpa-An, Kayin State where interview is conducted with MP. 25 March 2017; (b) Renaud Egreteau, *The Emergence of Pork-Barrel Politics in Parliamentary Myanmar*, Trends in Southeast Asia, no. 4/2017 (Singapore: ISEAS – Yusof Ishak Institute, 2017).

Suu to highlight where the NLD government could make a difference, and was initiated even before the NLD formally took office, perhaps symbolizing the drive for a clean government. But the campaign was not completely successful, even in the commercial hub of Yangon.<sup>99</sup>

Compared to other departments, the most successful performance would be Daw Suu's leadership in the conduct of foreign relations. To some, following in the footsteps of her father General Aung San who reportedly took up the first conduct of external relations in preparing for Burma's independence,<sup>100</sup> would make it easier for Daw Suu to re-engage with the international community.<sup>101</sup> The support staff in the President's and State Counsellor's Offices are seconded from the Ministry of Foreign Affairs (MOFA)<sup>102</sup> and MOFA staffs are among the rare few who have been openly commended by Daw Suu.<sup>103</sup> However, the MOFA is just one of several institutions in the government and military machinery with external relations functions.

It would also seem that Daw Suu is shouldering a large part of the NLD's performance burden. There has been heavy criticism of civil servants who appear reluctant or uncooperative towards the NLD government's policy implementation. On the other hand, Yangon has become the main focus for assessing the NLD's effective performance.<sup>104</sup> Yangon Chief Minister U Phyo Min Thein has imposed several drastic reform measures since taking office, including tackling Yangon's public

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<sup>99</sup> Lin Htet Aung, "Old mindsets could impede Myanmar's progress".

<sup>100</sup> Thant Myint-U however seemed to disagree with the government statement that Aung San is the first foreign minister. Thant Myint-U @Twitter.

<sup>101</sup> Kyaw Win, "End of 2016 & Beginning of 2017", *The Voice*, 9 January 2017 (in Myanmar language).

<sup>102</sup> Field trip, 20 December 2016, Nay Pyi Taw.

<sup>103</sup> After Daw Aung San Suu Kyi's visit to Laos on 6 May 2016, she openly praised MOFA staff.

<sup>104</sup> NLD, the Hluttaw and government met for the first time in Yangon in order to discuss efficient management, and more cooperation. *The Global New Light of Myanmar*, 30 May 2017.

transport woes by launching the Yangon Bus Services (YBS) project. However, despite much fanfare, the YBS experience has earned more brickbats than bouquets.<sup>105</sup>

But U Phyo Min Thein's policies for Yangon do indicate that the process of decentralization has started in Myanmar.<sup>106</sup> The process of devolving power to local administrative authorities is an ongoing concern, as performance also requires accountability<sup>107</sup> as well as necessary human resources and capacity for efficient administration and implementation.

Some political commentators are of the view that Yangon's administration should be managed more by the central government, since Yangon represents the country's economic vitality. Some of the new measures or policies introduced have had unintended consequences.<sup>108</sup> Additionally, some small towns in Yangon Division that are either prone to natural disasters or lack self-sufficiency still need to depend on the central government.

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<sup>105</sup> NLD MPs in Yangon have started criticizing their own party-led government apparently for the failure of YBS on its early days. Similar to this transportation project, the urgent implementation of the Yangon Water Taxi project has also been criticized by MPs from NLD because of low level safety and minimum survey.

<sup>106</sup> Regional governments have the authority to permit up to US\$5 million in investments. *DVB Interview with U Nay Myo Kyaw, Minister of Labor, Magway Region Government* <<https://www.youtube.com/watch?v=3cey5qt27K1&list=PLMOTbzdH7HIOGckHs4yGHYS0KmMh5VHlw&index=7>> (accessed on 21 August 2017).

<sup>107</sup> (a) *7 Day Daily cartoon*, 1 June 2017; (b) When there is no administration body to take proper accountability, Myanmar people normally accept the circumstances by saying the joke — “those who cut the trees and those who plant the trees are from different departments.”

<sup>108</sup> (a) Htun Khaing, “The Big High-rise Freeze”, *Frontier Myanmar*, 17 August 2016 <<http://frontiermyanmar.net/en/the-big-high-rise-freeze>> (accessed 17 August 2017); (b) Zue Zue, “YBS Workers Protest Against the Installation of Fare Boxes”, *The Irrawaddy*, 21 July 2017 <<https://www.irrawaddy.com/news/burma/ybs-workers-protest-installation-fare-boxes.html>> (accessed 16 August 2017).

There are other criticisms. Daw Suu management has been widely described as top-down, with most of her cabinet ministers deferring to her decision rather than present robust discussion.<sup>109</sup> Daw Suu has vowed not to repeat the so-called “phyote-htote-that” (elimination) practices towards government officials.<sup>110</sup> Nor has Daw Suu appointed any of her close personal friends or associates to key government positions despite widespread speculations. At the NLD’s one-year mark in power, she indicated that some government staff would be replaced if necessary.<sup>111</sup>

### *Separation of Party and Government*

It is argued that the functions of government and the elected ruling party should be separated where daily administrative matters are concerned. The 2008 Constitution stipulates that if elected members of parliaments are appointed to the executive branch, he or she should suspend themselves from party affairs or activities. The NLD’s U Win Htein, however, has commented that the government is a body formed by the elected ruling party, and it is thus wrong to expect it to be completely free of the party’s political line.<sup>112</sup> Reports in the state media of the executive and legislative branches of government meeting with NLD party members in Yangon to discuss administration issues of Yangon,<sup>113</sup> and the NLD’s confirmation

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<sup>109</sup> Interview, Former Minister, 20 December 2016, Nay Pyi Taw.

<sup>110</sup> *The Voice’s* Interview with U Win Htein, *The Voice*, 11 January 2017 <<http://thevoicemyanmar.com/extra/5241-uwht>> (accessed 2 February 2017).

<sup>111</sup> State Counsellor Speech for the first-year administration. *Kyae Mone (The Mirror Daily)*, 31 March 2017 (in Myanmar language).

<sup>112</sup> “U Win Htein receives one year accomplishment of government”, *The Global New Light of Myanmar*, 2 April 2017 <<http://www.globalnewlightofmyanmar.com/u-win-htein-reviews-one-year-accomplishment-of-government/>> (accessed 1 June 2017).

<sup>113</sup> *The Global New Light of Myanmar*, 30 May 2017.

of the dismissal of the deputy minister for agriculture seem to indicate a conflation of roles.<sup>114</sup>

The resignation of the Chief Minister of Mon State also caused some public concern over transparency. He is the second NLD minister-level office-holder resigning within the government's first year. There was no official statement regarding his resignation. It was reported only that he failed to satisfy the party's disciplinary inquiry regarding his actions. One of the factors causing his resignation may be related to the public disagreement over naming a newly built bridge over the Thanlwin River in Mon State. The Mon communities in the area did not accept the central government's proposal to call it "Aung San Bridge", instead preferring the bridge to be named after the locality, Chaungzon. But the Union parliament voted in favour of the name "Bogyoke Aung San Bridge (Bilugyun)" and the bridge was inaugurated as such in May 2017.<sup>115</sup>

Some of the administrative and bureaucratic inertia may also be due to the change in policy directives, which are no longer orders coming from military leaders. Policy directives are now being formulated with the people in mind, and, in some cases, have resulted from public pressure. Ministers have been told that they have to serve the people, and initiate new measures to this end. For example, the University Teachers' Association (UTA) was invited by the Minister of Education to Nay Pyi

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<sup>114</sup> While executive members must not represent and be involved in their respective political parties according to the 2008 Constitution, the ruling political party may interfere with the administrative systems. As a first time in media, NLD has officially met the Hluttaw and executive members in Yangon. *The Global New Light of Myanmar*, 30 May 2017.

<sup>115</sup> "Mon State inaugurates Bogyoke Aung San Bridge across Thanlwin River", *Eleven Myanmar*, 10 May 2017 <<http://www.elevenmyanmar.com/local/9328>> (accessed 10 May 2017).

Taw on August to discuss education reform and other issues.<sup>116</sup> When meeting local residents in Pakokku in Upper Myanmar, Daw Suu also encouraged them to raise their concerns with local authorities such as the Chief Ministers, and introduce them to the communities.<sup>117</sup> Although the NLD had employed similar tactics during its democracy campaigns as an opposition party, this was the first time that Daw Suu pushed cabinet ministers into the forefront as public servants responsible to their local constituents. The two Chief Ministers put under the spotlight had taken the NLD guidelines seriously.<sup>118</sup> But there are uncertainties among mid- and lower-level government personnel on what is expected of them, as many of them are still expected to take on additional tasks that are not in their job description.<sup>119</sup> To deal with the additional workload, several new committees have been set up to deliver the necessary service to satisfy

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<sup>116</sup> Government (public) universities across the country are ordered to form UTA officially according to UTA member. Moreover, the members are officially assigned as third-party observers for the faculty recruitment exams on August 2017. Conversations with UTA members. 10/16 August 2017. See also <[https://web.facebook.com/တက္ကသိုလ်များဆရာဆရာမအသင်း-1030269763676707/?hc\\_ref=ARTtDINxM65jpB6OifFklpR71cgSM2jc6k-IJCsf8eETBfaesnAA\\_Px1eOzeBprXKWc&pnref=story](https://web.facebook.com/တက္ကသိုလ်များဆရာဆရာမအသင်း-1030269763676707/?hc_ref=ARTtDINxM65jpB6OifFklpR71cgSM2jc6k-IJCsf8eETBfaesnAA_Px1eOzeBprXKWc&pnref=story)>.

<sup>117</sup> Ei Ei Toe Lwin and Nay Aung, “State Counsellor Urges People to Make Demands of their Chief Ministers”, *Myanmar Times*, 27 January 2017 <<http://www.mmtimes.com/index.php/national-news/mandalay-upper-myanmar/24693-state-counsellor-urges-people-to-make-demands-of-their-chief-ministers.html>> (accessed 27 January 2017).

<sup>118</sup> *SkyNet News Channel* interview with Chief Minister of Mandalay, 14 April 2017.

<sup>119</sup> Staff members are still expected or requested to do unpaid or unusual tasks. MOFA officers are required to serve day/night “gate duties”. But, salaries for all government staff including soldiers are below subsistence level. Thus, there is “no change” for them. Conversation with government staffs from Nay Pyi Taw, 10–12 March, 23–24 May, 9 August 2017, Yangon and Nay Pyi Taw.

public needs.<sup>120</sup> Some committees have also been set up with third-party personnel in order to have “transparency.”<sup>121</sup>

### *Public Opinion*

Another performance-related initiative in the early days of the administration that caught public attention was the “100-day Plan”. As this was a completely new measure to show government performance within the first three months of the administration, many government ministries were unsurprisingly confused by what to do or what was expected of them. In fact, the announcement of the 100-day plan directive was made at a time when the majority of civil servants all over the country were preparing for the ten-day Thingyan break marking the Myanmar New Year.

One year later, the NLD government issued an announcement proposing to cut the ten-day Thingyan holidays in half.<sup>122</sup> Announced close to Thingyan, and after the gazette public holidays for the year had been announced some time earlier, it caused chaos for civil servants who had made plans for the Thingyan holidays. But the business community welcomed the announcement. In fact, its positive response to this announcement was its most widespread support to the NLD government so far.

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<sup>120</sup> The previous administration under President U Thein Sein had initiated “the delivery unit”. But it could not perform well. Interview with the former cabinet minister. 20 December 2016, Nay Pyi Taw.

<sup>121</sup> According to MPs, the old mindset remains unchanged, especially in the case of the National Educational Policy Commission even though third party technicians supported it. *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily*, 28 May 2017.

<sup>122</sup> For 2017 Thingyan Vacation, NLD government issued the government order to cut off five days. *Kyae Mone (The Mirror Daily)*, 11 March 2017.



Unexpected restrictions on the mass media also raise concerns over Myanmar's democratic transition.<sup>123</sup> Section 66(d) of the Telecommunication Law, which has been notoriously used by NLD-led government, caught public attention in the case of Yangon Chief Minister U Phyo Min Thein and CEO of Eleven Media Group, EMG. The Tatmadaw, on the one hand, dropped lawsuits against journalists and activists filed on the ground that they had made unlawful associations, saying that "journalists were serving the interests of the country and people together with the Tatmadaw."<sup>124</sup>

Meanwhile, the USDP is closely watching the civilian government. This opposition role is also very new to the USDP, whose leaders comprise of former senior military leaders. If the USDP can learn from this experience and deliver results in accordance with its stated commitment to respect the local people's desire,<sup>125</sup> the USDP candidates may gain more seats in the Hluttaw. For example, the USDP candidate for Chaungzon in Mon State had been working the ground diligently, and this became one of the deciding factors in his winning the constituency in the 2017 by-elections.

But on the whole, it is becoming clearer that people wish to see more tangible results from elected leaders.

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<sup>123</sup> Thomas Kean, "Myanmar's Telecommunication Laws Threatens Its Democratization Process", *ISEAS Perspective*, no. 50/2017, ISEAS – Yusof Ishak Institute, Singapore, 11 July 2017 <[https://www.iseas.edu.sg/images/pdf/ISEAS\\_Perspective\\_2017\\_50.pdf](https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2017_50.pdf)> (accessed 1 September 2017).

<sup>124</sup> (a) NCA-signed ABSDF member was charged for contacting unlawful associations. Unlawful Associations Law was used originally by British during the colonial period. *Kyae Mone and 7 Day Daily*, 2 August 2017 (in Myanmar language); (b) Jacob Goldberg, "Judge drops unlawful association case against 'Rambo' actor Ko Min Htay", *Coconuts Yangon*, 1 September 2017 <<https://coconuts.co/yangon/news/judge-drops-unlawful-associations-case-rambo-actor/>> (accessed 3 September 2017).

(c) "Military withdraws cases against detained journalists", *The Irrawaddy*, 1 September 2017 <<https://www.irrawaddy.com/news/burma/military-withdraw-cases-detained-journalists.html>> (accessed 4 September 2017).

<sup>125</sup> USDP website <[www.usdp.org.mm](http://www.usdp.org.mm)> (accessed 31 March 2017).

# RELATIONS BETWEEN THE TATMADAW AND NLD

## *Background*

The August 2011 meeting between then President Thein Sein and NLD Leader Daw Suu was a landmark event for the Myanmar people. They were happy to see both leaders standing together under General Aung San's portrait. It was one of the few instances that General Aung San's portrait was displayed in a government setting since 1988. Thus, it can be assumed that one of the top public worries is not only whether the state is going to be democratic, but over inter-elite relations, especially between former Tatmadaw personnel and the civilian politicians largely comprising the NLD and its allies. Civil-military relations have also taken centrestage after the NLD took office on 30 March 2016. President U Htin Kyaw has stressed in his Thingyan speech in April 2016 that fruitful and warming civil-military relations are necessary for building the state.<sup>126</sup>

## *Understanding the Relations between the Tatmadaw and NLD*

The NLD's origins were based on sentiments against the Burma Socialist Program Party (BSPP), and on anti-Ne Win feelings among both intellectual and nationalist groups before and during the 1988 democracy uprising. The Tatmadaw's brutal crackdown of the democracy protests were followed by a statement on the military government's temporary nature, its intent to "restore law and order" to pave the way for nationwide elections after which power would be transferred to the elected government. But NLD co-founder Aung San Suu Kyi was placed under house arrest in July 1989, and remained incarcerated when the military junta held elections in May 1990. Although the NLD secured a landslide victory, winning 392 out of 485 seats in the People's Assembly, the military government refused to transfer power by stating that the

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<sup>126</sup> *RFA Burmese TV*, 12 April 2016 <<https://www.youtube.com/watch?v=X5BrTIPfJoY>> (accessed 16 August 2017)

elected representatives had to draft a Constitution first. NLD leaders were arrested or openly criticized in the state media for nearly three decades thereafter. And Daw Suu went through years of house arrest with short periods of freedom, (but with restrictions on her movements). NLD–Tatmadaw relations thus had antagonistic beginnings.

Daw Suu has consistently stated that the Tatmadaw was founded by her father, and that she has a high personal attachment to and regard for the Tatmadaw. But it was not easy for the NLD to cooperate with the Tatmadaw in domestic politics. For example, the NLD delegates walked out of the constitutional convention in 1995 and were subsequently expelled from it by the SLORC.<sup>127</sup> When the convention resumed in 2004 after a long hiatus, the NLD boycotted it. The NLD also boycotted the 2010 elections, with a “no-vote” campaign in protest against the Tatmadaw-drafted 2008 Constitution. From this consistent and conscious opposing of Tatmadaw-led processes, it was only in 2012 that the NLD made the hard choice to rejoin the political process and compete for seats in a Hluttaw where non-elected Tatmadaw representatives legally held a quarter of the seats. Following its landslide victory in the November 2015 elections, the NLD now has control of both Hluttaws despite the 25 per cent military presence.

In addition to these “Military MPs” in Myanmar’s Hluttaws, a large number of mid-level or senior-level officers have also been “retired” or “exported” from military to civilian posts, in a practice that started from the military-led governments of the past. Similar kinds of transfers from the military to civilian positions are still ongoing under the NLD-led administration.<sup>128</sup> Almost all government institutions have been managed by soldiers-turned-civil servants. There is no legal

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<sup>127</sup> Janelle M. Diller, *The National Convention in Burma (Myanmar): An Impediment to the Restoration of Democracy*, for International Center for Human Rights and Democratic Development, and International League for Human Rights (London: Palgrave Macmillan, 1997) <<http://www.ibiblio.org/obl/docs/LHR-Diller3.html>> (accessed 31 August 2017)

<sup>128</sup> *Myanma Alinn Daily* and *Kyae Mone (The Mirror Daily)* newspapers, 5 April 2017 (in Myanmar language).

means to remove such personnel at the moment. It is thus easy for such officers to run the inter-ministry administrative relations through their network. Moreover, according to U Tin Aye, the former chairman of Union Election Commission (UEC), the time and budget to train new administrative officers is limited.<sup>129</sup> Thus, the Tatmadaw retains a politically and economically important role through the administrative network of former military personnel, and this is another reality that all civilian leaders have to live with.

The NLD has not discounted the reality of the Tatmadaw's presence in the country. One such area is the peace process, in which it reached a common understanding over the NCA.<sup>130</sup>

Since its election, the NLD's approach towards the Tatmadaw seems to have gradually changed. Confrontation is no longer the key technique for the NLD. The NLD principles echoing the Tatmadaw view that the NCA is the official channel for the peace process is a case in point. This has led to views that the NLD administration is very pro-Tatmadaw, especially by those who have not signed the NCA. However, the NLD claims that the government takes a middle-ground approach in relations with the Tatmadaw.<sup>131</sup>

In fact, the NLD government understands that national reconciliation and peace cannot be achieved successfully without the cooperation of the Tatmadaw, particularly its Commander-in-Chief Senior General Min

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<sup>129</sup> (a) UEC Chariman U Tin Aye's interview in *Mizzima Channel*, available at <[www.youtube.com](http://www.youtube.com)>; (b) Khaing Khaing Win, "Welcoming the Civil Service Reform Strategic Action Plan", *The Global New Light of Myanmar*, 9 July 2017 <<http://www.globalnewlightofmyanmar.com/welcoming-the-civil-service-reform-strategic-action-plan/>> (accessed 17 August 2017); (c) Central Institute of Civil Service (CICS) in Phaunggyi has been reformed and upgraded new courses to train government staffs. Conversation with faculty from East Yangon University who graduated a three-month programme in CICS, Phaunggyi in August 2017, Yangon.

<sup>130</sup> Remarks of KIO leaders, *7 Day Daily* and *Democracy Today* newspapers, 29–30 April 2017, (in Myanmar language)

<sup>131</sup> "U Win Htein receives one year accomplishment of government", *The Global New Light of Myanmar*, 2 April 2017.

Aung Hlaing. But it is difficult for both sides to have identical views on the important agenda of national interest such as the peace process. When State Counsellor Daw Suu announced the goal of a democratic federal union, the Commander-in-Chief issued a warning not to skip steps outlined in the NCA that the previous USDP government had negotiated.<sup>132</sup>

Discussions on civil–military relations are also affected by the inflammatory expressions that permeate media space. *The Union Daily*, issued by the USDP, has said that State Counsellor Daw Suu’s continued criticism of the role of the Tatmadaw reflects old thinking, and that she talked about democratization without the cooperation of Tatmadaw.<sup>133</sup> *The Union Daily*’s view is that without the Tatmadaw playing a role, no one can improve the political situation, including the NLD, and important aspirations such as the 21st Century Panglong Conference. It went on to refer to the Myanmar proverb “Kye-ko-Bote-yo-tae, Bote-ko-Kye-ko-yo-tae”, which calls for mutual respect.

Meanwhile, there were multiple organized attacks against Myanmar border police posts on 9 October 2016, and on security forces and

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<sup>132</sup> (a) Joint Implementation Coordination Meeting, JICM, Tatmadaw leaders reconfirm that NCA is the only given channel for the peace process. In JICM, Mutu Say Po, KNU re-elected Chairman, stressed the important role of USDP in initiating the NCA. Article of Aung Naing Oo, *The Voice Journal*, 30 April 2017 (in Myanmar language); (b) Opening speech of Senior General Min Aung Hlaing, *MWD Channel Live Broadcast*, 24 May 2017.

<sup>133</sup> (a) *Union Daily*’s editor views are assumed to be responded to Daw Aung San Suu Kyi’s speech at Asia Society in New York on her visit to the United States in September 2016 <[http://uniondaily.net/News/DetailView\\_EditorView.aspx?id=59312&path=EditorView.aspx](http://uniondaily.net/News/DetailView_EditorView.aspx?id=59312&path=EditorView.aspx)> (accessed 28 September 2016); (b) Moreover, Yangon Chief Minister remarks on Tatmadaw have also shaped negative impacts on civil–military relations. See Tan Hui Yee, “Testy Relations between Myanmar Government and Military”, *Strait Times*, 14 July 2017 <<http://www.straitstimes.com/asia/se-asia/testy-relations-between-myanmar-government-and-military>> (accessed 17 August 2017).

civilians starting from 25 August 2017 in Rakhine.<sup>134</sup> This led to a military response by the Tatmadaw. The Tatmadaw-led operations drew criticism from international human right observers.<sup>135</sup> The NLD's policy regarding Rakhine has caused frustration for some stakeholders including the Tatmadaw. The Tatmadaw and some political parties including USDP have serious reservations over the Annan Commission on Rakhine, although Daw Suu has stressed its purely advisory role.<sup>136</sup> The Tatmadaw holds the view that Myanmar needs to be free from foreign intervention on grounds of human rights, and the NLD government seems to accept this view. The government made similar statements when suggestions were raised for a possible role for China in mediating the situation in Rakhine.<sup>137</sup>

Though not a totally civilian-controlled government, Myanmar's political scene today still constitutes a "new political culture" in the broad sense.<sup>138</sup> But the mindset of "adjunct to civil power" had been embedded

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<sup>134</sup> (a) Order No. 1/2017 of Anti-terrorism Central Committee issued on 25 August 2017, *The Global New Light of Myanmar*, 28 August 2017 (Official Translation); (b) "Myanmar: A New Muslim Insurgency in Rakhine State", *ICG Report*, no. 283, 15 December 2016; (c) In fact, conflicts in Rakhine are not new issues. Recently massive and simulative attacks in Rakhine have increasingly happened since 2012 under President U Thein Sein administration. *Report*, "Rakhine Conflicts Investigation Commission", Republic of the Union of Myanmar, 22 April 2013 (in Myanmar language).

<sup>135</sup> "Myanmar: UN Right Expert urges restraint in security operation in Rakhine", 11 August 2017 <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21968&LangID=E>> (accessed on 17 August 2017).

<sup>136</sup> (a) An address by Aung San Suu Kyi of Myanmar, *Asia Society* <[https://www.youtube.com/watch?v=m5Wbda6Z\\_jc](https://www.youtube.com/watch?v=m5Wbda6Z_jc)> (accessed 17 August 2017); (b) News and reports of Kofi Annan's media conference on 24 August 2017 in Nay Pyi Taw. *The Global New Light of Myanmar*, 25 August 2017.

<sup>137</sup> Remarks of Spoke-person of the President' Office, U Zaw Htay, *7 Day Daily* and *Democracy Today* newspapers, 29–30 April 2017 (in Myanmar language).

<sup>138</sup> Witnessing the peace conferences, such as the two 21st Century Panglong Conferences, some political observers also started arguing that Myanmar has a new political culture that at least has the habit of negotiating.

from the time of the founders of Tatmadaw to the current Commander-in-Chief. Senior General Min Aung Hlaing who frequently states that the Tatmadaw has been helping to reduce commodity prices in order to show that it is also involved in nation building.

There are some positive outcomes from the Tatmadaw's willingness to cooperate (albeit on its own terms) with the NLD and ethnic armed groups.<sup>139</sup> Soft-liners now seem to have the upper hand in the current Tatmadaw leadership, which is appreciated by the public. Now exercising popular public relations and community-based activities such as selling low-cost food in various places, the Tatmadaw's presence has been welcomed in certain areas. Government budget-saving activities led by the Tatmadaw have also been described positively in the state-run media.<sup>140</sup> Even the Tatmadaw's justifications for military offensives in parts of the country are supported by some quarters of the public. The Tatmadaw's efforts come across as an image makeover although Senior-General Min Aung Hlaing denies that the Tatmadaw was ever involved in politics.<sup>141</sup>

On a positive note, the majority of the public no longer worries about a return to military rule. People of Myanmar are now interested in the political pluralism and civil society engagement. It seems that multi-party democracy is now the accepted system on all sides. Senior General Min Aung Hlaing and other civilian leaders recognize that multi-party democracy is the only available system. The Tatmadaw has arguably

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<sup>139</sup> Tatmadaw has been actively participated in the second session of the 21st Century Panglong, and showed its flexibility in negotiating skills. This was recognized by other counterparts, according to Colonel Khun Okka of Pa-Oh National Liberation Organization. *MWD Channel*, 29 May 2017.

<sup>140</sup> *Kyae Mone (The Mirror Daily)* and *Myanma Alinn Daily*, 1 June 2017 (in Myanmar language).

<sup>141</sup> (a) Remarks of Senior General Min Aung Hlaing at meetings with foreign diplomats including the U.S. Ambassador. *7 Day Daily Newspaper*, 4 May 2017 (in Myanmar language); (b) Senior General Min Aung Hlaing reconfirmed that the Tatmadaw is not a political institution, and will never be involved in politics in his opening speech at the second session of the 21st Century Panglong Conference. *MWD Channel Live Broadcast*, 24 May 2017.

relaxed its views on federalism, and has not posed serious objections to the NLD's moves toward a federal state. But the outcomes of the second 21st Century Panglong Conference has shown that it is difficult to reach a common definition on federalism and to agree on the precise wording for non-secession.

## CONCLUSION

On the whole, 2016 and the better part of 2017 have shown some markers of a positive start for civilian rule in establishing a new order as well as rebuilding the nation. Daw Suu's remarks that this is just a beginning give reason for the people of Myanmar to support NLD despite first-year teething problems. Daw Suu's state of the union speech on 30 March 2017 might have also shaped voters views and attitudes in the by-elections.

The peace negotiations continue to pose a challenge to the government. 2017 is unlikely to be a "year of peace" as predicted by U Win Htein, but hope can still be drawn from the commitment shown by all sides to continue negotiating. Some major players among NCA non-signatories such as the Wa and KIA are not present at the discussions, and some EAOs still do not show full trust in the process. While Pyidaungsu (Union) Accord on the final day of the second 21st Century Panglong brought together some agreed points covering issues of politics, economics, society, land and environment,<sup>142</sup> disagreements over defining federal army, non-secession, and federalism remain.

Still, the Tatmadaw's acceptance of federalism discussions, and its indicated willingness to work more with NCA-signatory groups, are good indicators of possible cooperation in the post-conflict areas. Essentially, future directions for the peace process will have to recognize that the Tatmadaw remains the key player for domestic peace.

The NLD government's increasingly middle-ground approach over its first year in administration also shows cognizance of its necessary relations with the Tatmadaw. Maintaining this approach is also a

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<sup>142</sup> Originally, Union Peace Dialogue Joint Committee (UPDJC) have put up five areas that include security. But the security points were left out in the part of the Pyidaungsu Accord.



challenge, as the NLD's positions have mainly been seen as anti-military in the eyes of the general public, and hardliners from the NLD and other political parties and EAOs.

On the executive front, the government's day-to-day management has experienced several interventions by senior NLD party members such as U Win Htein. At the central level, the Cabinet is perceived as having a limited reach, but this has translated into more local initiatives with the states and regions stepping up to meet their responsibilities. This gradual decentralization appeared to have accelerated in Yangon. But transforming Yangon has seen very slow progress, with even NLD MPs joining in the criticisms. The 2017 by-election results have also shown that people from some quarters, especially from non-Bamar ethnic communities, want to see more tangible results from their elected new leaders.

Under the NLD administration, civil servants have also come to expect the unexpected. The NLD administration's best performance has been on the external relations front, with Daw Suu assuming the public face. But even in the diplomacy sphere, the mismatch of international expectations with Myanmar's domestic realities poses a sober reminder of the need to focus on urgent and important matters domestically, which can have regional and international implications.

In all this, the party and the government are working symbiotically. But the party was founded by people who have different political agendas, a fact that most observers still ignore or downplay. Should the party, in its governing, fail to organize itself to work as well as it did while fighting non-violently for democracy, then it is possible that the administration will fare badly. In this context, the elected civilian leaders — for the first time ever over the past five decades — still need to fulfill the Myanmar people's hope for a better economic outcome.

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