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Separating Facts from Assumptions in Myanmar's Democratisation

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EXECUTIVE SUMMARY

- Mistaken assumptions have coloured international understanding of developments in Myanmar, most apparently with regards to the situation in Rakhine state, the protracted peace process, the role of civil society in the transition process, and the performance of the current ruling party, the National League for Democracy (NLD).
- International media reports on Rakhine need to assess the difficult relationship between the central government and the non-NLD locally dominant party. This is an important factor in how events in Rakhine state can be or are being addressed.
- Popular assumptions also tend to differentiate civil society in pre- and post-2011 terms.
- Myanmar's current peace process now has the popular reference of Panglong, evoking General Aung San's efforts in 1947. What General Aung San and other parties to the 1947 Panglong Agreement shared were pragmatism and a commitment to work together for the union. The role of the military is a significant factor in the peace process.
- Some observers have noted that the distribution of work in the NLD administration is not as efficiently done as in the previous Union Solidarity and Development Party administration, without being aware that the NLD was in fact founded as a loose league of different interest groups with different political agendas.

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INTRODUCTION

Myanmar's democratisation, while still hailed widely as a triumph of persistent and principled struggle over decades of authoritarian rule, has become the target for a rising number of critics. Some of their criticisms are based on facts, but many on assumptions and misperceptions.

This is to be expected for a country emerging from a relatively isolated past. Even as recently as 2016, the international media, including those resident in Myanmar, knew very little about U Htin Kyaw when he was elected President in March 2016, and this led to some media outlets publishing the wrong photo and with mistaken references to him as Daw Aung San Suu Kyi's driver.¹

This article examines some of these assumptions juxtaposed against the realities of Myanmar's democratisation in four broad areas: civil society, peace and reconciliation issues, tensions in/with Rakhine, and the National League for Democracy (NLD)'s political role. Much of the insights gained for this assessment comes from focused interviews and consultations with a wide range of experts, resource persons and practitioners involved in or closely monitoring Myanmar's democratisation as it unfolds.²

CIVIL SOCIETY IN MYANMAR

Regarding civil society, the general understanding is that it was destroyed under military governments. In fact, Myanmar's long history of social collective action in times when government action was perceived as weak³ shows that it is very much embedded in the country's social life. Some successful civil society organizations (CSOs) and non-governmental organizations (NGOs) such as the Free Funeral Service Society were founded under military rule.⁴ International non-governmental organizations (INGOs) such as

¹ A CNN report on 10 March 2016 carried the story, with the headline "Aung San Suu Kyi Aide may be Myanmar's next president" and a lead-in sentence stating that "Aung San Suu Kyi's former driver could be Myanmar's next president". See:

<http://edition.cnn.com/videos/world/2016/03/10/u-htin-kyaw-myanmar-president-nominee-dnt-walker.cnn> (accessed February 7, 2017)

² These include persons in INGOs working on issues of peace, parliament, democracy, humanitarian, disaster, land reform, education, major diseases and mental health, as well as persons attached to the Peace Appeal Foundation, Population Services International, United Nations, the World Bank, Ministry of Youth and Sports, Indonesia, Embassies in Yangon, International Media (Resident in Myanmar), Members of Muslim community in Yangon, Ministries of Industry, Foreign Affairs, and the President's Office, Myanmar, Peace Commission and Researchers/faculty at the University of Yangon

³ Kyaw Yin Hlaing, "Associational Life in Myanmar: Past and Present," in N.Ganesan and Kyaw Yin Hlaing, eds., *Myanmar: State, Society and ethnicity*, Singapore, ISEAS, 2007

⁴ The Mandalay Brahmaso Association (မန္တလေးဗြဟ္မစိုရ်အသင်း) originally started with volunteering free funeral services. It become successful in Yangon where celebrities joined.

Population Services International (PSI) were welcomed by the military junta. In addition to informal social networks, many CSOs emerged in times of large-scale natural disasters that required humanitarian assistance, and several have worked with INGOs and UN agencies in disaster response.⁵ Recently, civil society has also taken on a more politically-oriented role. NGOs and CSOs assisting in the 2015 elections in many broad-based areas including voter registration, vote-counting, and public awareness were also noticed and documented by observers.⁶ Faith-based organizations including Islamic and Christian organisations also offered care and support, regardless of race or religion.⁷

However, political openness and the dynamism of civil society are independent variables in Myanmar. People unite when they share a common dislike. But the same level of unanimity may not be present when the situation is the opposite (i.e. when they all like something in common).⁸

Since the 2010 elections, there has been more hope for acceptance of pluralism,⁹ especially with the increased space for expressing and pursuing political inclinations. Books on General Aung San and his daughter Daw Aung San Suu Kyi were banned under military rule, but are now very popular. The media in Myanmar are now free to criticize former regimes including former military supremo Senior-General Than Shwe. There is also a heightened interest in political science, and enrolment has increased for that discipline in universities and related institutes of higher learning. Students, teachers and workers are now able to set up formal associations, a development which would have been impossible in the previous decade.¹⁰ Organized protests on different topics and issues are also increasing.

Myanmar today presents a politically-inclined society that can operate more openly and under more formal procedures of engagement. In this new environment, political actors will receive more “feedback” from a more informed and, indeed, more critical audience.

⁵ (a) Tom Kramer, *Civil Society Gaining Ground: Opportunities for Change and Development in Burma*, The Netherlands, Burma Centre Netherlands, 2011, pp. 9-13

(b) Pichamon Yeophantong, *Understanding Humanitarian Action in East and Southeast Asia: A Historical Perspective*, HPG Working Paper, London, Humanitarian Policy Group, 2014, pp. 13-15 <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8807.pdf>

⁶ (a) Interview with an advisor for international business firms, 15 December 2016, Yangon

(b) VOA Interview with David Steinberg, 5 October 2015,

<https://www.youtube.com/watch?v=dQtEfHWuu2Y> (accessed 18 November 2016)

⁷ Tom Kramer, *Civil Society Gaining Ground: Opportunities for Change and Development in Burma*, pp. 9-13

⁸ Htet Kyaw, “Unity when people dislike together”, *D-Wave Journal* (in Myanmar language), 21 November 2016, p.22.

⁹ VOA Interview with David Steinberg, 5 October 2015,

<https://www.youtube.com/watch?v=dQtEfHWuu2Y> (accessed 18 November 2016)

¹⁰ A total of 5028 small, medium and large associations are registered to help in the education, economics, health and social sectors. U Tin Maung Oo (Shwe Pyi Thar) “The rule of law that I know” in *Myanma Alin* newspapers (in Myanmar language), 14 February 2017 and 15 February 2017

PEACE AND RECONCILIATION

Peace in the country was highlighted as the first agenda of the NLD government.¹¹ The popular reference that resonates most in this context is the historic Panglong Agreement, signed on 12 February 1947 by Myanmar and leaders of the Shan, Kachin and Chin ethnic groups to indicate their united stand for independence.¹² But Panglong evokes more the commitment and the spirit for unity towards a common cause, rather than the actual treaty.¹³ In the discussions at Panglong, General Aung San frankly admitted to ethnic leaders that in order to gain independence from the British, he needed the ethnic states to remain within the central Union for ten years. The ethnic leaders responded positively to this personal and honest request, and the resulting agreement is now referred to as the Panglong spirit.¹⁴

The NLD's efforts for the 21st century Panglong face a different situation, however. Daw Aung San Suu Kyi feels the pressure of extremely high expectations from both local and international audiences. While the international community is more concerned about external (Chinese) involvement in the peace negotiations, internally, the Tatmadaw, Myanmar's armed forces, wishes to work out their own path towards reconciliation.¹⁵

¹¹ Not all the public agree with this agenda. Remarks of Moe Thway, Generation Wave Youth Force and May Sabae Phyu, Kachin Activist, at a panel discussion on *Re-thinking Myanmar Political Transition and the Future*, organised by Tagaung Institute of Political Studies, Yangon, 15 December 2016

¹² (a) The agreement did not represent all ethnic groups at that time. Therefore, it did not reflect an "all inclusive" policy. Kyaw Win, "End of 2016 & Beginning of 2017," *The Voice* (in Myanmar language), 9 January 2017.

(b) Technically, it was the second Panglong Conference. The first Panglong Conference was organized by the Shan Saobwas (princes) on 26-28 March 1946, to discuss local government, economics and culture for Shan State. Participants were requested to bring their own sleeping materials. The title of the booklet issued for the conference was called *Panglong Pwetaw A-si A-sin* (Panglong Festival Programs). Politics was not on the "declared agenda." U Ohn Pe, *Panglong Sit Tam* (Assessment of Panglong), Lin Yone Sarpe, 1984, pp. 308-315 (in Myanmar language)

¹³ Kyaw Lin Oo, "Panglong Spirit," *Myanma Alin* (in Myanmar language), 30 August 2016.

¹⁴ (a) Remarks of family members of ethnic leaders who signed the Panglong Agreement, *Myanma Alin* (in Myanmar language), February 12, 2016

(b) Thant Myint-U mentions that "it was a complete reversal of British policy," Thant Myint-U, "Pink socks and Panglong: a brief account for tomorrow's 70th anniversary", @*Thant Myint-U Twitter* (accessed February 12, 2017)

(b) Although the British held skeptical views on the future implementation of the Panglong Agreement, Bogyoke Aung San was recognized for being behind it. Hugh Tinker, *Burma, The Struggle for Independence, 1944-1948*, London, Her Majesty's Stationary Office, 1984, Vol. II, pp, 411-412

¹⁵ (a) Senior General Min Aung Hlaing receives Chinese delegation led by Vice Minister of Foreign Affairs, Deputy Chief of Joint Staff Department of Central Military Commission, on 25 December 2016, in Naypyitaw <https://www.youtube.com/watch?v=dbvVOTUzf3g> (accessed on 12 December 2017)

(b) Interview with INGO worker, December 13, 2016, Yangon

The Tatmadaw and ethnic leaders had established some level of personal trust in previous negotiations under the USDP.¹⁶ The retired military personnel engaged in the peace negotiations were recognized by the ethnic leaders.¹⁷ But there are differing views about establishing trust for the peace process in Myanmar. Some advocate the achieving of some level of mutual respect among the different groups.¹⁸ Current efforts, started since the USDP government took over, are also focused on institution-based peace, which differs from the Panglong spirit forged by General Aung San. Current Karen National Union (KNU) Chairperson Saw Mutu Sae Po has thus remarked that the peace process is still an “elite-level game”.¹⁹

The current negotiations face many challenges. Resource-sharing discussions, for example, tend to ignore land acquisition issues.²⁰ At the same time, people advocating for peace in Myanmar still tend to ignore the significance of local input and representation. In reality, the people involved in or affected by the armed conflicts should be properly represented; but not all the armed groups negotiating for peace fully represent their designated region.

Thus, rather than stating that Karen people will rule the Karen region when the peace process is concluded, it would be more reflective of reality to say that the future of Karen state will be decided by the people residing in that state.²¹ Gender participation in the peace process is also viewed differently by the international community, the local policy-elite, and the ethnic stakeholders themselves, and there are worries in general that women’s role in the peace process is on the decline.²²

The USDP government’s attempt at an ‘all inclusive’ peace process was not successful. Moving on from that, Daw Aung San Suu Kyi has said that it is not possible to have an ‘all inclusive’ policy since there are many competing claims on who the true representatives of certain ethnic groups or regions are.²³ Nevertheless, the NLD government’s 21st Century Panglong Conference, held from 30 August to 3 September 2016, was taken in good faith

¹⁶ (a) Kyaw Yin Hlaing, Panellist, Myanmar Forum 2016, Singapore, 20 May 2016 - https://www.iseas.edu.sg/images/event_highlights/MyanmarForum2016/MyanmarForum2016-SummaryForWeb-FINAL-9June2016.pdf (accessed 7 February 2017)

(b) KNU leaders meets Tatmadaw leaders, <http://www.knuhq.org/knu-peace-process-activities-government/> (accessed on 10 January 2017)

¹⁷ Interview with international peace negotiator, 10 December 2016, Yangon

¹⁸ Interview with international peace advisor, 22 December 2016, Yangon

¹⁹ Union Peace Conference-21st Century Panglong, Nay Pyi Taw, 2 September 2016. *Myanma Alin*, (in Myanmar language), 3 September 2016.

²⁰ Interview with a political economist and an advisor for international business firms, 13 and 15 December 2016, Yangon

²¹ Personal Interviews, 20 December 2016, Naypyitaw.

²² Remarks of May Sabae Phyu, Kachin activist at a panel discussion on *Re-thinking Myanmar Political Transition and the Future*

²³ Aung Zaw Htun , “Push to have representative for civil society in 21 Century Conference,” *7 Day Journal* , (in Myanmar language) 21 November 2016, <http://www.7daydaily.com/story/81435> (accessed 22 November 2016)

and attended by the ethnic armed groups who had not signed the USDP-led Nationwide Cease-fire Agreement (NCA) in October 2015.²⁴ Although there was much discussion, the 2016 conference did not reach any common decision.²⁵ A follow-up conference has been scheduled for 28 February 2017.

The peace negotiations now include federalism. Federalism in the Tatmadaw's earlier vocabulary used to be synonymous with disintegration. But the Tatmadaw has since changed its perception and federalism seems no longer to carry a negative meaning. When the NLD administration declared its aim to see the country become the new Federal Republic of the Union of Myanmar (Federal Democratic Pyi-Htaungsu, in Burmese), the Tatmadaw supported it.²⁶ However, the process is cautiously watched.²⁷ At the same time, the government is carefully planning to develop a functional interpretation of this term.²⁸

RAKHINE ISSUE

The military's ongoing security operation in response to attacks carried out on 9 October 2016 on border security posts in Rakhine has also given rise to different interpretations and perceptions of the issue. This is compounded by the fact that Rakhine is one of the poorest and inaccessible regions in Myanmar.²⁹

Like other regions, there are different ethnic groups in Rakhine, co-existing and worshipping different religions. Many external observers may not for example be aware of the existence of the Kaman, a sub-group under the Rakhine ethnic group, practising Islam. Rakhine Buddhists are also portrayed as being strongly nationalistic. However, Rakhine monasteries are reported to have been used as shelters for everyone regardless of religion

²⁴ (a) Two Peace Conferences were held in 2016, the first one under President U Thein Sein held in January is called Union Peace Conference, and the second one under the NLD-led administration held in August is called 21st Century Panglong Conference.

(b) The difference between the two conferences is inclusion. Sithu Aung Myint, "Two Peace Conferences, One Crucial Difference", *Frontier Myanmar*, August 27, 2016, <http://frontiermyanmar.net/en/two-peace-conferences-one-crucial-difference> (accessed 23 January 2017)

²⁵ Kyaw Win, "End of 2016 & Beginning of 2017".

²⁶ (a) According to NLD leaders, including President U Htin Kyaw and Daw Aung San Suu Kyi, the wording of the federal goal is confused and lies between "To establish a Democratic Federal Union" and "To establish a Federal Republic of the Union of Myanmar".

(b) Message of President U Htin Kyaw delivered on 96th National Day, *Myanma Alin*, (in Myanmar language), 24 November 2016.

²⁷ *Myawaddy* (a Myanmar language daily), 25 November 2016.

²⁸ Union Minister U Kyaw Tint Swe's Opening Speech on Peace Process Orientation Course (1/2017), Nay Pyi Taw, <http://www.mrtv.gov.mm/?q=content> (accessed 20 January 2017)

²⁹ U Soe Myint, Editor, Mizzima Media Group, *Kyae Mon*, (in Myanmar language) 23 December 2016.

during natural disasters.³⁰ Recent reports have highlighted the limitations of wider international audiences and observers in understanding the complexities of Rakhine's history and its inhabitants.³¹

The use of "Rakhine Muslims" also tends to lead to misunderstandings. There are different types of non-Rohingya Muslims living in Rakhine and all over the country.³² They are not only ethnically but also religiously different. Moreover, there is no open *fatwa* for a Muslim insurgency in Rakhine issued by any Myanmar Muslim group, as has been reported in the international media.³³

Moreover, administrative difficulties between the central NLD government and the locally dominant party in the regional government, the Arakan National Party (ANP), are not discussed much in analyses. Under current constitutional provisions, all administrative regions are headed by a chief minister, who is appointed by the central government. Rakhine is no exception. But the Rakhine parliament is one of the rare regional legislatures where the NLD did not win a majority.³⁴ ANP Members of Parliament occupy 22 seats in the Rakhine Hluttaw (parliament), more than double the nine seats gained by the NLD³⁵.

When the Rakhine Hluttaw first convened on 28 March 2016, the ANP boycotted the session to signal that the Rakhine people's view that state (central) policy did not represent their wishes.³⁶ Currently, influential local figures in Rakhine do not have the opportunity to participate in or provide inputs to formal decision-making (in addition to the NLD-appointed positions).³⁷ Additionally, international organizations operating in Rakhine have raised issues different from what are perceived as important by local populations.³⁸ The gap

³⁰ Interview with INGO worker and, lecturer from Yangon University, 13 and 16 December 2016, Yangon

³¹ (a) Interview with lecturer from Yangon University, 16 December 2016, Yangon.

(b) "Myanmar: A New Muslim Insurgency in Rakhine State," *International Crisis Group Report*, No. 283, 15 December 2016, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/283-myanmar-new-muslim-insurgency-rakhine-state> (accessed on 11 January 2017)

³² Interview with INGO workers, 10 and 13 December 2016, Yangon.

³³ Interview with INGO workers and Myanmar Muslim, 10 and 13 December 2016, Yangon.

³⁴ Nyan Lin Aung, Year Review on Rakhine, *Myanmar Times* Myanmar language edition of 10 January 2017.

³⁵ Myanmar Times, Election Live blog <http://www.mmtimes.com/index.php/election-2015/live-blog.html> (accessed 7 February 2017).

³⁶ *Myanmar Naing-ngan A-thwin Ku Pyaung Hmu Myar Hnit Pyithu Lu Du Ei A-than – Rakhine Pyi-Ne (Myanmar Transitions and Voice of Rakhine)*, Yangon, Myanmar Peace Center, 2015, p. e.

³⁷ Influential local figures were described as *Rakhine Yatmi Yat-pha Myomi Myo-pha* in the author's interview with a Yangon University lecturer, 16 December 2016, Yangon.

³⁸ Myanmar's Permanent Representative to the UN in Geneva U Htin Lin protested the remarks of Mr Voler Turk, Assistant High Commissioner, UNHCR, regarding Rakhine issues. *Global New Light of Myanmar*, 27 November 2016.

in understanding between the international community including INGOs and the Rakhine people has in truth been increasing.³⁹

An important consideration that tends to be overlooked is the limited power of the current civilian administration under the 2008 Constitution⁴⁰, as well as the government's inadequate resources for implementing new policies. One example is the difficulty faced in deciding ownership of paddy fields that have been in disuse due to the violence.⁴¹

THE NLD'S POLITICAL ROLE

Foreign observers usually see the NLD as the main political force⁴² but since the early days of its formation, different political forces have come together to form the NLD⁴³ as a broad-based alliance. The NLD started as a political league founded by those who did not like General Ne Win and socialism⁴⁴, and evolved into a rallying point for the democracy movement.

But there are now several factors at play in the current democratisation process, including the generation and trust gaps. Interestingly, democratic forces outside Hluttaw, or Parliament, who refuse to work with NLD are getting stronger.⁴⁵ And members of the media, CSOs, ethnic and political parties and academicians are now expressing more critical views of the transition process.⁴⁶

The NLD government has also inherited a civil service with a weak capacity to respond to or deal with current and emerging issues. A recent example can be found in the limited capacity by relevant government ministries to effectively counter the international outcry over the Rakhine issue.

A former USDP minister has observed that the NLD administration did not adequately prepare for its 2016 cabinet formation, and that departmental workloads were not distributed properly. The former USDP administration also went through teething problems until its

³⁹ Ko Ko Hlaing, "Myanmar's Reform: Current Situation and Future Prospects," in Li Chenyang, Chaw Chaw Sein and Zhu Xianghui, eds., *Myanmar: Reintegrating into International Community*, Singapore, World Scientific Publishing, 2016, p. 189.

⁴⁰ "Myanmar: A New Muslim Insurgency in Rakhine State," *ICG Report*.

⁴¹ Interview with Rakhine lecturer from Yangon University, 16 December 2016, Yangon

⁴² Interviews, 13 and 15 December 2016, Yangon.

⁴³ Remarks of Kyaw Zwa Moe, Editor (English), *Irrawaddy Magazine*, at the panel discussion on *Re-thinking Myanmar Political Transition and the Future*.

⁴⁴ Resources for the history of NLD: Maung Thaw Ka, U Win Tin, Maung Moe Thu, Maung Win Tha, Aung Shin, Kyaw Win, Pho Sai etc.

⁴⁵ Remarks of Sai Kyaw Nyunt, Joint General Secretary (2), Shan Nationalities Democratic Party, *Re-thinking Myanmar Political Transition and the Future*.

⁴⁶ Seventeen of the eighteen panellists at the panel discussion on *Re-thinking Myanmar's Political Transition and the Future* had critical views.

mid-term, which were eased with the appointment of Ministers in the President's Office tasked to take on coordinating roles.⁴⁷

Some policy advice and input from the ruling party to the executive is to be expected. Some media reports have however suggested that senior NLD members have limited staff and are hindered by piles of files on their tables which need going through.⁴⁸

CONCLUSION

Observers of the current situation in Myanmar need to be aware of the constraints that the NLD administration faces. Myanmar's democratization confronts issues both old and new.

The NLD administration needs to focus on urgent and important matters. But the party was founded by people who followed a range of different political agendas, a fact that most observers ignore. 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 fully possible that the administration will fare badly.

Violence in northern Rakhine state is an issue that Myanmar must address. But it cannot be solved right away, no matter how much attention the international community devotes to it. The government departments concerned are exhausted with the issue, and it is to be hoped that international aid and support for both the communities will promote development in western Myanmar, where not only Rakhine state but also the Chin hills require assistance.

U Win Htein, a member of the central executive committee of the NLD, frankly commented that 2017 will not be the year that sees a peace agreement come into being, even though the NLD administration is strongly committed to achieving it.⁴⁹ Daw Aung San Suu Kyi has said that she cannot see clearly even into the coming five years.⁵⁰

Some observers also ignore the role the former USDP government played in building a foundation for peace in Myanmar.

The realization of federalism will depend on compromise between the agendas of the representatives of ethnic minority groups and the line prepared by Tatmadaw soft-liners. As a former cabinet minister has commented, it will be a long journey.⁵¹

⁴⁷ Files on the table of Former President U Thein Sein were reduced since it was facilitated by his President Office Ministers. Personal Interviews, 20 December 2016, Naypyitaw.

⁴⁸ Moe Hein (The Sun Rays), "Win Tin ko bar htin ta lae", *The Sun Rays*, (in Myanmar language), 31 December 2016.

⁴⁹ *The Voice* interview with U Win Htein, *The Voice* (in Myanmar language), 11 January 2017.

⁵⁰ Daw Aung San Suu Kyi's remark, *D-Wave Journal* (in Myanmar language) on 6 October 2016.

⁵¹ Interview, Former Minister, 20 December 2016, Naypyitaw

Civil society is now more vibrant, and operate more broadly. The country is also seeing more acceptance of cultural and political pluralism. But a majority of the people continue to confuse democracy with development.

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