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MYANMAR: Three years of “Discipline-Flourishing-Democracy”

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In Myanmar’s seven-step road map to democracy announced on 30 August 2003 by General Khin Nyunt, the official English translation for the Burmese term for the type of democracy to be established in that country was Discipline Flourishing Democracy. This term continues to be in use.

Introduction

In March 2014, Myanmar will be completing three years of “discipline-flourishing-democracy” after a five-decade long military rule. Since Thein Sein, a former general and prime minister, took over as the “civil” president in March 2011, the much needed reforms were introduced in three phases - the first focused on political reforms, the second on improving the economy and the third (now in progress) on tackling long standing corruption issues to make way for good governance.

In these three years, the country has undergone a sea change by way of political and economic reforms, freedom of expression, freedom of the press, right to assembly and to protest, formation of labour unions, removal of most of the economic sanctions, a functioning parliament with open debates and marginal improvement in the living standards especially in the urban areas.

However, what has been achieved or accomplished pales in comparison to what is yet to be done--by way of amending the “undemocratic” constitution, finding a political solution to the ethnic strife, undoing the predominance of the military in all fields, action to arrest the rising Buddhist fundamentalism, improvement of infrastructure, capacity building, improvement of health and educational facilities and poverty eradication.

A major effort by the administration is also under way for implementing a nation-wide cease fire to put an end to the civil war between the government troops and the ethnic groups that has ravaged the nation for over six decades.

There is a great deal of engagement by major nations of the world with Myanmar and a gold rush for grabbing the investment opportunities opened up consequent to this transition to democracy and withdrawal of the economic sanctions.

The Positives

Myanmar’s new legislature formed in 2011 is much more effective than expected in many ways with open discussions and acting as a check on the executive. Parliamentary committees have been formed for different subjects.

The Political Parties Registration Law was amended to facilitate the main opposition party, the National League for Democracy (NLD) to register as a political party and enter the main stream politics. Certain provisions such as restrictions on imprisoned persons being members of political parties were removed.

Myanmar hosted the World Economic forum on East Asia in June 2013, at Naypyidaw.

Myanmar took over the rotating chairmanship for ASEAN in 2014 at the 23rd ASEAN Summit held in Brunei in October 2013. The country has taken this as a challenge and has made elaborate plans to host more than 1000 meetings during this year.

Myanmar staged the 27th SEA games at Naypyidaw in December 2013 successfully thanks to technical and financial assistance from China.

A nationwide census is planned to be conducted from March 30 to April 2014. The last census was held in 1983.

Bulk of the political prisoners have been released over these three years.

Legislation according the citizens the right to “assemble peacefully without arms and holding processions” has been passed.

Legislation permitting trade unions and labour organisations to resort to strikes and form trade unions was introduced.

A National Human Rights Commission has been established.

Restrictions on media relaxed. A press council has been formed. Pre-publication censorship has ended. Exiled media has been allowed to operate officially inside the country. The market is flooded with privately owned dailies and weeklies.

The Myanmar currency had a dual exchange rate (one official and the other a black market rate) which was the source for major corruption. The Central Bank has managed to float the currency with effect from 1 April 2012.

In November 2012 Myanmar's new Foreign Investment Law (FIL) was introduced. The new FIL permits foreign investment through 100% foreign owned companies (except in certain restricted areas), with tax exemption for a period of 5 consecutive years.

Myanmar achieved a GDP growth rate of 6.8% in 2013 following better than expected results in gas production, services and construction. FDI has also risen sharply from 3 pc to 5.2 pc in this period.

Civil society organisations are mushrooming by the day. Some of them are well-informed, professional, capable and enthusiastic in facilitating the transition to democracy – the notable ones being the Yangon School of Political Science, Myanmar Egress and the like.

The Negatives

Despite plans for a nationwide ceasefire (earlier postponed many times) in March 2014, clashes between the Government troops and ethnics continue to occur both in Kachin and Shan States. Cessation of hostilities and laying down arms are being emphasised rather than finding a political solution to meet the aspirations of the ethnic groups involved in the civil war since independence (1948).

There is no plan or time frame for army's withdrawal from politics. Hence civilian control over the military seems to be a long way off.

Religious violence especially in the Rakhine State (the second poorest state in the country) is increasing with the target being the Muslims (Rohingyas in particular). Restrictions removed on assembly and protests have in a way helped religious radicals to indulge in violent activities perhaps with tacit support from the local security forces.

There is resistance especially from the army and the USDP (the ruling party) to amend the 2008 constitution with so many controversial provisions giving the army a major role in functioning of the government. Though a parliamentary committee formed for this purpose has submitted its recommendations, the government is adopting a delaying tactics to postpone the process and to perhaps settle for a few

cosmetic changes to enable the military retain its predominance in the affairs of the state.

President Thein Sein

President Thein Sein, since taking over as President in March 2011, has perhaps won more accolades, than even Suu Kyi, as a reformist in the last three years both in the national and international arena. A political analyst had even dubbed him as “The Listener-in-Chief” for visiting troubled areas with his entourage of ministers, without much security protection or fanfare and listening to complaints and charges and replying to them outright or through his regular monthly televised addresses to the nation.

The president, aged 68 with a pacemaker, seems to be working tirelessly. He takes a paltry salary of \$ 1500 a month and has got a well knit team of ministers and advisers with some economists and technocrats. In these three years, he had met Suu Kyi, the 88 generation leaders, and most ethnic group leaders in his efforts to achieve national reconciliation.

His first official visit abroad was to Jakarta (May 2011) to attend the ASEAN Summit, and the first state visit was to China in the same month. Since then he had visited many countries that includes USA, UK, Japan and India.

Though there are indications that he may not seek another term as president, it is yet to be officially announced.

Aung San Suu Kyi

On her release from her last house arrest on 13, November 2010, Aung San Suu Kyi resorted to legal channels for reinstating her party (NLD), earlier disbanded for boycotting the 2010 elections. It eventually materialised more through the efforts of President Thein Sein by amending the concerned laws.

She started forging alliances with all opposition movements to create a people’s network. She had her first meeting with President Thein Sein in August 2011 and since then has been meeting him on and off. She contested the by-elections in April 2012 and was sworn as a parliamentarian of the lower house on 02 May 2012.

In June 2012, she made her first trip to Europe after more than two decades and accepted the Nobel prize awarded to her 21 years before. In September 2012, she was on a 17-day tour to the United States, to receive a number of awards and recognition, to address the UN General Assembly, and to a private meeting with President Obama. Since then she has been travelling widely abroad and within the nation seeking the support from all quarters for amending the 2008 Constitution

Her transition from a political dissident and icon to a parliamentarian and party leader has not been very smooth. She has been criticised, for being too conciliatory, for wooing the military, for praising Thein Sein and his government for the progress the country has made, for not

condemning the violence against the Rohingyas and for not supporting the cause of the ethnics (especially the Kachins).

She has repeatedly conveyed her ambitions to become the president and hence her ongoing vigorous campaign for amending the constitution which disqualifies her for the post is misconstrued by some analysts to portray her as self-centred.

Since early 2013, she is seen to be distancing from President Thein Sein and joining hands with Shwe Mann (the powerful Speaker of the Union Parliament) which some consider as a risky strategy and by some as realpolitik.

To quote an Indian diplomat “*she is wielding immense authority as the nation’s conscience without holding a public office*”.

Union Solidarity Development Party (The Ruling Party)

The military backed ruling party-- Union Solidarity and Development Party (USDP), which won more than 75% of the parliamentary seats in the 2010 elections, held its first Party Conference in October 2012 to transform the party into a people’s party and decide its policies for the 2015 elections. Shwe Mann, the powerful speaker of the Union Parliament has taken over as President of the Party (From President Thein Sein).

Even though President Thein Sein, in his televised address to the nation in January 2014, gave his backing for amending the Constitution to enable Suu Kyi to be eligible to the post of the president, USDP is seen to be averse. It warned the nation of grave danger and bad consequences if the constitution is abolished or redrawn. The USDP which was in the majority in the parliamentary committee set up in July 2013 for amending the constitution had even suggested for Suu Kyi’s sons to become Myanmar citizens to make her eligible. The party has submitted its own proposals for amending the constitution.

Union Parliament Speaker Shwe Mann, who is also President of the USDP, has written a letter to the Constitutional Amendment Implementing Committee to focus on Chapter 12 of the charter (which gives the military an effective veto) and complete its work no later than six months before the 2015 elections (The Irrawaddy 18 February 2014).

USDP, seeing the performance of the NLD in the by-elections held in April 2012, is quite apprehensive, and hence wants to make things difficult for the NLD.

National League for Democracy--NLD (Main Opposition Party)

The National League for Democracy (NLD) which had boycotted the 2010 elections and was officially dissolved in September 2010, was reinstated (registered) in January 2012 to enable the party to participate in the April 2012 by-elections, thanks to amendments to the Political Parties Registration Law by the quasi-civil government.

In the by-elections held in April 2012, the NLD won 43 of the 44 seats it contested, much to the dismay of the ruling party. Surprisingly, the NLD had won even in areas where the military's presence was predominant such as Naypyidaw.

For the first time in 25 years the party held its national congress in March 2013 to revamp the party, to infuse young blood and to work out the strategy for the 2015 General Election. The fact that Aung San Suu Kyi urged the members in the congress to unite and move away from infighting and factionalism proves that both these ills are there in the party.

NLD being a predominantly Buddhist party have made no major efforts to include ethnic members and ethnic people are also suspect about Suu Kyi and the NLD taking care of their interests.

NLD's move to interact with the 88 Generation leaders by a series of meetings since early this year (2014) is a good sign. No political alliance is in the offing though NLD has to reach out to 88 Generation leaders to get the 2008 Constitution amended.

A major criticism against the party is the culture of "Suu Kyi Cult" with over-reliance on her charisma.

Win Tin, a senior of the NLD remarked *"the party's reliance on Suu Kyi and the disarray caused by the detention of the senior leaders in the decades since 1988 have left the NLD without a clear successor"*.

Ethnic Groups

The political and economic reforms introduced by the "Civil" government since March 2011 have not benefitted the ethnic groups as their demands for regional autonomy, equal rights and a federal army remain unfulfilled.

Most of the Ethnic Groups signed a second ceasefire agreement (one to one) with the state/central governments between 2011-12. The first round of ceasefire agreements signed between 1989-97 during the time of General Khin Nyunt had become defunct.

The only major group which did not enter into ceasefire with the civil government is the Kachin Independence Army (earlier ceasefire entered in 1994 broke down in June 2011).

Eleven of the ethnic groups joined and formed an umbrella organisation called the United Nationalities Federal Council in February 2011 for

negotiations with the government.

Consequent to the proposal of a nation-wide ceasefire mooted by President Thein Sein in mid-2013, major ethnic groups had a meeting sponsored by the KIA at Laiza (30 October – 02 November 2013) and formed a Nationwide Ceasefire Coordination Team (NCCT) and arrived at a 11 point framework agreement. This agreement was presented to the Peace Making Committee at a meeting between the government and the ethnic groups (first ever joint peace talks) at Myitkyina in November 2013. The next meeting between the ethnics and the government is scheduled to be held in Karen state in March 2014.

There are many pitfalls in brokering a nationwide ceasefire agreement as the ethnic groups have their own rivalries and divergent demands and the government is cashing on this weakness.

Ethnic reconciliation is a must, but there appears to be no change in the 'mindset' of the Burmans – The main aim appears to be only 'ceasefire' and nothing more.

Armed forces

“The Tatmadaw (Armed Forces) remains a powerful institution free from any civilian control or oversight. Yet, for the time being, the government and the armed forces seem to be in broad agreement about the way ahead”—Andrew Selth in “Burma’s Security Forces, : Performing, Reforming or Transforming?”

The armed forces, which were not involved earlier in the peace talks between the government and the ethnic groups, are seen to be involved in this process with their representatives in such talks since the latter half of 2013 perhaps as observers or advisers to the government.

The Myanmar Armed Forces participated in the Cobra Gold Exercise held in Thailand in early 2013 as observers. US Ambassador Derek Mitchell met with the Myanmar C-in-C Senior General Min Aung Hlaing in August 2013 and had talks for strengthening the defence relations between the two countries. There are indications that Australia, Britain and other Western nations will follow suit.

A statement reportedly made by the president that *“if the political demands made by the public are larger than the current political system can accommodate, we can all end up in a political deadlock.”* (The Economist-08 February, 2014) Does it mean a military coup?

International Engagement

UK Prime Minister David Cameron (April 2012), UN Secretary-General Ban Ki-moon (April 2012), Indian Prime Minister Manmohan Singh (May 2012), US President Obama (November 2012), Japanese Prime Minister Shinzo Abe (May 2013) President Gauck of Germany (February 2014) and a host of other leaders and dignitaries of the major nations and officials of UN agencies had visited Myanmar since

March 2011.

The government of the EU, Norway, Canada, USA and Australia have removed/ suspended most of the economic sanctions imposed on Myanmar.

Full diplomatic relations were restored by the US in January 2012. Derek Mitchell was appointed as Ambassador in July 2012. An USAID mission has started functioning in Yangon. A Trade and Investment Framework Agreement (TIFA) was signed with Myanmar in May 2013. Many American companies have opened their representative offices in Myanmar. The US Ex-Im Bank will open shortly for business in Burma to help finance US export sales.

China signed a “Comprehensive Strategic Economic Cooperative Partnership” with Myanmar in May 2011. China had a set back when the Myitsone dam in Northern Myanmar under construction by China Power Investment Corporation was suspended in September 2011. Because of this suspension and with Myanmar’s opening up to the western nations, China has recalibrated its policy towards Myanmar. However, China has high stakes in Myanmar and hence its predominance in Myanmar’s economy will continue. It continues to have close ties with the Kachin and Wa tribes. Departing from its non interference policy, China has also got involved in peace negotiations between Myanmar and the KIA, by hosting the talks in its territory since October 2012.

Japan has waived Myanmar’s 300 billion (\$ 3.7 billion) debt in 2012 and has resumed its assistance. The Nippon foundation, a Tokyo based organisation, is also involved in assisting Myanmar in its ethnic reconciliation and other philanthropic causes.

India had signed a slew of trade agreements including an MOU on a line of credit of US \$ 500 million to Myanmar during the visit of Prime Minister Manmohan Singh to Myanmar in May 2012. India has opened its Exim Bank in Yangon in September 2013. India has further extended seven lines of credit valued at US \$ 247 million for various development projects. India has also stepped up its defence cooperation with Myanmar.

The World Bank and the Asian Development Bank have opened their offices in Myanmar. The ADB granted \$ 512 million while the World Bank approved \$ 440m credit in 2013. The World Bank during the visit of its President Jim Yong Kim to Myanmar in January 2014 has launched a \$ 2 billion multi year program for health care and access to electricity.

Foreign companies (from Britain, Brunei, Canada, India, Italy, Luxembourg, Malaysia, Pakistan, Russia and Thailand) are vying with each other for oil and gas exploration tenders for the onshore and off shore blocks offered by the Myanmar Government.

Conclusion

Myanmar is in the throes of a conflict between military dominance and an open democracy.

The country has made some headway in its transition to democracy in the last three years but there seems to be many hurdles for the same momentum to be maintained.

The 2015 general elections will prove to be a watershed in the country's history especially if the NLD becomes the major political party. The reaction of the military both within the parliament and outside to such a situation remains unpredictable.

Though a clear picture is still to emerge on the race for the post of the president, the main contenders seem to be the Speaker of the Union Parliament Shwe Mann (if Thein Sein is not seeking a second term), Aung San Suu Kyi (if qualified by then by a constitutional amendment) and the dark horse the Senior General Min Aung Hlaing, the Commander-in-Chief.

The efforts of the government to implement a nation-wide ceasefire by March 2014 are running into difficulties. From the government side emphasis is on laying down arms prior to political dialogue, while the ethnic groups want a commitment on political dialogue before ceasefire. The demands of the ethnic groups for a federal set-up and a federal army are not getting due response from the government as well as the armed forces. There could be no stability unless the periphery is stable and satisfied.

The ethnic groups, despite having formed a National Ceasefire Coordinating Team for discussions with the government, are having divergent views on their demands and the modus operandi for entering into a nation-wide ceasefire and also some major groups such as the United Wa State Army do not want to be involved in the current negotiations. The biggest and heavily armed Wa group with China's backing will always be a thorn in the flesh of Myanmar.

Environmentalists and Human Rights activists are unequivocal in claiming that the natural resources and the people of Myanmar are being robbed in the name of development in this sudden rush of projects under taken by the government with foreign assistance. Most of these activists have targeted the Union of Myanmar Economic Holdings Ltd (UMEHL), a military-run conglomerate in this connection. That both China and to a lesser extent Thailand are the culprits, but no one would dare to say so.

National Reconciliation seems to have taken a back seat in this transition to democracy and the ethnic groups continue to be left in the cold.

As of now, the prospect of the 2015 election being held without any major amendment to the constitution looms large. The international community (particularly US) may have to be prepared for such an eventuality.

Myanmar looks to be moving forward with liberalising the economy while keeping a stranglehold on politics by the Army much the same way as China moves with a stranglehold on politics by the communist party.

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