



DEMOCRATIC REFORMS IN MYANMAR: A ROAD TO DEMOCRACY?

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Abstract

After five decades of self-imposed isolation, Myanmar embarked into reform process after forming a quasi-civilian government in 2011. Since the country's opening in 2011, there has been dramatic change in Myanmar. The main opposition party, National League for Democracy (NLD), which was banned earlier, was allowed to register as an official political party. For the first time in five decades, the opposition with representation was able to enter in the National Parliament. As a part of reform process, the new government released many political prisoners and they are allowed to start their political functions. Myanmar is a multi-ethnic and multi religious country that consists of 135 sub ethnic groups. Since independence, the country has been facing ethnic conflict and resolving the ethnic issue has been the biggest challenge for the Myanmar government. The government announced a comprehensive peace process. Under this peace process, the government has made series of ceasefire agreements with many ethnic arms groups. With this background, this article has critically analysed the various reforms processes that have been taking place in Myanmar.

Keywords: Myanmar, Democratic Reforms, Ethnic group, Military Regime, Peace Process.

Introduction

Myanmar (formerly called Burma till 1989)¹ got independence from British in 1948. Under the 1947 constitution, the country started its journey as a democratic government with a federal structure. In 1962, a military coup had occurred under the leadership of Ne Win, military general, and the 'military Junta'² issued a policy declaration known as "the *Myanma Hsoshelt Lanzin*" or "the Burmese Way to Socialism" (Mehden, 1963:129). Under this policy, he introduced the socialist and isolationist programme and expelled all foreign companies and nationalised all major companies and industries. Myanmar also left Non-Aligned Movement (NAM) in 1978. Under his leadership, Myanmar completely cut off its relation with outside world, except with few countries including China. Myanmar followed policy of total political and economic isolation. At the end of the 1980s, this policy had led to Myanmar becoming one of the poorest countries in the world with a per capita income of \$250 (Maung, 1991). United Nations also classified Myanmar as one of the least developed country in 1987 (Carey 1997: 184).

Democratic reforms in Myanmar

After almost five decades of self-imposed isolation, Myanmar has finally moved to quasi-civilian³ government in 2011 and democratic reforms have been taking place. The concept of democracy is a widely debated subject in the field of social science. Clark and Ross defined "Ideal democracy" that ensures free speech, freedom of press, free and fair elections, minority rights, majority rule, freedom to

¹ the official name of the country was changed from the "Union of Burma" to the "Union of Myanmar" in 1989 after the military junta took control. As ASEAN as well as United Nations recognized the country as Myanmar, this article will use the name "Myanmar", instead of Burma.

² a government, especially a military one, that has taken power by force and not by election.

³ quasi-civilian government is the form of government formed with the combination of elected civilian representatives and army officers appointed by the military chief.



organise and an independent judiciary and also the government recognises citizen's civil and political rights (Clark and Ross, 1995). Democracy, therefore, is considered the best form of government over authoritarianism or Military rule. The path to reform in Myanmar was never been an easy one with the country's history of more than five decades of military rule, and self-imposed isolation, followed by long running ethnic conflict. Since the country's opening in 2011, there has been dramatic change in Myanmar. With the forming of new government by the military controlled, Union Solidarity and Development Party (USDP), General Thein Sein took oath as civilian President in March 2011. Soon after he took charge of the government, he invited Aung San Suu Kyi (ASSK), opposition leader of National League for Democracy (NLD) party for a dialogue and thousands of political prisoners had been released. The Thein Sein government also freed ASSK who has been under house arrest for nearly fifteen years. The new government, under Thein Sein, allowed NLD to register as an official political party and subsequently in the parliamentary by-elections in April 2012, the NLD won 40 seats out of 44 seats, it had contested. For the first time in five decades, the opposition with representation was able to enter in the Pyidaungsu Hluttaw (National Parliament).

From the early 1990s, the Myanmar's military junta have tried desperately to improve their shatter economy and also decrease their dependence on China for various assistances. Myanmar's poor economic status among its regional counterparts had also forced to launch reform process in the country. But the reform progress up to 2011 remained slow. Opposition leader, Aung San Suu Kyi, gave the reason for being slow in reform process till 2011. She argued that the military government had no intention to speed up the reforms and the political, social and economic reform that took place, including the 2010 elections, had been part of the seven-point roadmap, and it was done meticulously only with the intention to attract foreign investments. The military, that is Tatmadaw, still have strong presence in the political set up of the country. Under the 2008 Constitution, 25 percent seats in the parliament and one-third at the local level are reserved for the military. Such charter made almost impossible for the amendment of any law that could change the present power structure.⁴

Since the opening up of the country in 2011, the country under reform process is witnessing the creation of strong parliament, and re-emergence of many oppositions and civil society groups. The establishment of business association, like the "Union of Myanmar Federation of Chambers of Commerce and Industries (UMFCCI)", the first independent non state controlled, independent media and a powerful union movement are the part of the reform process of the post junta government. Given the country's history of self-imposed isolation, the un-uniform up and down of the reform process is understandable. Yet the changes that are taking place have been quite striking.

Information and Media reforms in Myanmar

One of the real gains of the post 2011 reforms has been the opening of media in the country after almost five decades is one of the most real changes of the post 2011 reforms. One of the most visible reforms that took place in the country's media and electronic landscape was in the newspaper industry. Since the reform started in 2011, the new government had abolished censorship of the media in August 2012 and the newspapers, earlier owned by private individuals, were permitted to function for the first time in the country. With the abolition of media censorship law and relaxed the pre-publication censorship and in December 2012, the government announced the registration for the private daily publication (Chalk, 2013, p.6). Just from two state-controlled newspaper in pre reform era, more than

⁴ To amend any law or Constitution, parliament needs 75% and more to start the procedures for amendment, but under the existing condition of 25% reserved for military, the procedures for amendment has become more complicated.



30 newspaper publications, apart from new websites and magazines, had granted licences to publish daily newspaper by early 2014. For the first time, after a gap of five decades, four private newspapers were launched on 1st April 2013, and started distributing newspaper in the streets of Myanmar. In September 2011, the new civilian government lifted the restrictions on more than 30,000 blocked internet sites, including Facebook, YouTube, Twitter, the BBC, the Voice of America, the Democratic voice of Burma, allowing the citizens to access internet freely for the first time (Chalk, 2013, p.6). The quasi-civilian government has authorised for many exiled media channels to operate inside Myanmar. The reform in the country's media fraternity has been commendable. The independent media networks have re-gain their popularity in the country and started reporting of parliamentary deliberations, government plans and sometimes exposed high level corruption and personal scandals.

For the first time since 1988, ASSK published her first article in the local media, Pyithu Khit News Journal, in September 2011. Another local channel, 'Messenger News', also published an article of ASSK's exclusive interview as a main story. For the last 23 years, any publication related to ASSK or any symbol or name referring to her, such as "the mother", "the lady" was banned. The British Broadcasting Cooperation (BBC) had long been under Myanmar's junta censorship and did not allow to functioned, but now is free to work in the country. Many new local radio stations have opened and internet facility has expanded rapidly.

A new law called 'Media and publishing laws' has passed in early 2014. This new law has put restriction on freedom, impose certain conditions on renewing publishing licenses. Journalists still face restrictions and many of them have been persecuted and even sentence to prison term on charges of violating and disturbing national security. In mid-2014, the government arrested and sentenced five journalists for publishing a report of an alleged chemical weapon factory. Another journalist, name Zaw Pe, has also been sentenced for allegedly harassing a government official.⁵ Reporters Without Borders, a non-governmental organisation that promotes freedom of the press, in its report of 2014 Press Freedom Index, Myanmar comes at 145 rank out of 180 countries that are part of the report.

Political Reforms

The International Crisis Group (ICG) acknowledged in a 2014 report that, with the coming of semi-civilian government, the military has given up considerable political authority to civilian government. Unlike earlier, the Tatmadaw no longer has the same freedom over government decision making process. Earlier, the Tatmadaw has the freedom to intervene of most aspects of day-to-day government activity, making on everything from foreign affairs to land policy. But such power and freedom of the Tatmadaw has sharply declined since 2011.

With the post junta reform process, the traditional centres of influence have been gradually shifted from the old crony capitalists and military government monopolies to a new group led by parliament, civil society and new business group. The Union parliament or Pyidaungsu Hluttaw, an institution that was completely dysfunctional till 2011, has emerged as the most powerful institutions in the country. With the introduction of healthy debates and increasing active legislative agenda, parliament has become a main actor on reform. By checking the executives from time to time through the process of check and balance, the legislatures have their responsibility in the parliament. In February 2012, the parliament had rejected a recommendation made by the president over the bill on how to elect the local officials.

⁵ BBC, Myanmar Newspapers go Black to protest over jailed journalists, 11 April, 2014



The President, Thein Sein, wanted the local officials to be selected through an informal negotiated system but in contrary, the legislatures have sought to select the local officials through secret ballot. U Aung Thein, a legislature from Ywarngan, defended the secret ballot system by saying that the people can express their will in selecting a leader of a village or a ward without any fear. He also expressed that the informal negotiated selection system can influence and manipulate the result.⁶

Issue of Political Prisoners

The concern of political prisoners is one of the main concerns for many western countries' policy towards Myanmar.⁷ For example, the complete removal of US sanctions is depending on certain conditions including the release of all political prisoners without any conditions. During the five decades of military rule, an estimated of 7,000-10,000 people were arrested and put in jail and labour camps by the military junta for political reasons (Burma's Political Prisoners and U.S. Sanctions,2016,1). There is difference in the number of estimates on how many political prisoners are there in Myanmar. There are 42 prisons and 109 labour camps in Myanmar. The lack of transparency and inability to access the records and further variant in the definition of political prisoners complicated to determine the number of political prisoners in Myanmar. Though the term 'political prisoner' existed for a quite long time, there is no single and consensus definition of political prisoners. The military, the government, under Thein Sein, and even the Amnesty International (AI) use a narrower definition of political prisoners that only includes "prisoner of Conscience". However, Human Rights Watch (HRW), and the Assistance Association for Political Prisoners, Burma (AAPP, B), an organisation formed by ex-political prisoners define "political prisoners" in broader term. A political prisoner is defined as anyone who is detained or arrested because of his or her perceived or real participation in opposition movements.⁸ They also reject the narrower definition of political prisoners that it would exclude many political prisoners. The persons detained for political reason are entitled to get protection under international law, such as "Universal Declaration of Human Rights" and "the International Covenant on Civil and Political Rights".

After Thein Sein became the president of the civilian government, 200 political prisoners and another 6,000 inmates were released by the new government as a part of its amnesty policy. Further, another 30 political prisoners were released on 4 January 2012, Independence Day of Myanmar. As a deal with the European Union to lift its last sanction, the Myanmar government released another 56 political prisoners (*BBC News*, 22 April, 2013).

The most positive development in relation to the release of political prisoners is that they are not subjected to scrutiny or harassment by the new government. Earlier during the military regime, those released prisoners have been subjected to harassment by the military junta and banned travel out of the country and hardly live a normal life. The political prisoners released under the new government are granted to start their political functions, including the members of the so-called Generation 88, most vocal critics, like Min Ko Naing, Nilar Thein, Ko Ko Gyi, Kyaw Min Yu; leader of the 2007 "Saffron Revolution", Ashin Gambira and comedian Zarnagar (Human Right Watch, 2012).

⁶ U Aung Thein expressed this opinion when interviewed by Jim Della Giacoma

⁷ Burma's Political Prisoners and U.S. Sanctions, July 21, 2016

⁸ Definition given by Amnesty International, for more details see <http://www.amnestyusa.org/our-work/issues/prisoners-and-people-at-risk/prisoners-of-conscience>.



Parliament and Constitutional Reforms

Local government structures and regional parliaments were established under the 2008 constitution. Prior to this, local administrations were administered by the military controlled- home affairs ministry through the General Administration Department (GAD). The local governments are gradually gaining autonomy with the gradual shifting of power from military to civilian representatives. The numbers of organisations, like informal, government back and official advisory bodies, have been increased in the country. The prominent group include the National Economic and Social Advisory Council (NESAC), the National Human Rights Commission (NHRC), Myanmar Development Resource Institute (MDRI). The NESAC, comprises of 20 to 30 individuals, regularly advises the President.

There is a long difficult process to amend the constitution. Under the new 2008 Constitution, 25 percent of seats are reserved for military at all parliaments (National, Regional and State) and still hold power especially on national security. At the time of national emergency, the military can put the country under their direct control. Under article 40 (c) of 2008 constitution, the Commander-in-Chief has the right to take over and exercise state sovereign power in accord with the provisions of the Constitution (Constitution of Myanmar: 2008). The three most crucial departments, that is, home affairs, Defence and Border affairs, are also controlled by the army. In order to start any initiation to amend any law, the proposed amendment must support by at least 20 percent members of the Union Parliament. The next step is more than 75 percent of the members of Parliament must vote in favour of the proposed amendment. In order to approve finally for any changes in the Constitution, more than 50 percent of the eligible voters of the country must vote in favour of the changes. Given the existing system where military hold 25 percent of seats in the Parliament, changes in provisions or amend the Constitution is very difficult without the military support. Under such existing condition, a return to direct military rule cannot be completely ruled out. So, the democratic reforms that are taking place should not be taken for granted.

Issue of Ethnicity and Ethnic Relations in Myanmar

Myanmar is a multi-ethnic and multi religious country that consists of 135 sub ethnic groups which come under eight major ethnicities, namely the Kachin, the Kayah, the Karen, the Chin, the Bamar, the Mon, the Rakhine, and the Shan. Among the nationalities, Bamar formed the majority with 67.9 percent share of population (Hla Min, 2004). Since the independence in 1948, any government that came in power has not able to rule the entire country. After Thein Sein became President, the most difficult task he faced in his reform process has been the problems of ethnic insurgencies that have affected the country since the time of independence. More than 115 insurgent groups, guerrilla, factions and splinters groups have actively functioned in the country since independence (Lintner, 2000). Resolving the ethnic issue is the biggest challenge for the Myanmar government.

The government made an agreement with the various ethnic groups and there are three step processes to enter into a political dialogue (Mizzima, 2012). The first step of the process would be held at the state or regional level and the aim of this stage is to make a ceasefire agreement between the armed group and the respective state or regional government. The second step includes broader discussions including the national government, and in this stage, the discussion addresses the major issue of concern, including political, cultural and socio-economic issues. The third and the last stage is to produce a lasting political solution on ethnic conflict. At this stage, the other stakeholders would also involve in the discussion and negotiation. In order to reach the third stage and successfully entering into a political dialogue between the government and the various ethnic groups, important issues such as constitutional



amendment for autonomy and sharing resource with ethnic nationalities, and the future of members of armed groups should discuss properly among the concerned stakeholders.

The government, under the leadership of Thein Sein, announced a comprehensive peace process. Subsequently, an 11 member “Union Peace Making Central Committee” consisting of President, Vice Presidents, Speakers of the parliament, Chief of Army, and the Attorney General, was formed. Under this peace process, the government has made a number of ceasefire agreements with many rebels ethnic group, including the main rebel of the Shan, Wa, Chin and Karen ethnic group, with the assistance of non-governmental interlocutors. Since the start of the peace process between 2011 and 2014, a total of fourteen bilateral ceasefire agreements have been made.

The major exception that did not join the ceasefire agreement is the Kachin Independence Army, one of the most organised insurgencies in Myanmar, established in 1962 and estimated to have around 8,000 strong cadres. The government’s failure to deal the grievances of the Kachin led to open conflict with the government in June 2011 and did not participate in the ceasefire agreement (The Guardian, 2015). In order to bring a comprehensive peace agreement in the country, devolution of power and significance autonomy to the ethnic nationalities is required. But such consideration is strongly opposed by the military with fear that this will lead to the disintegration of Myanmar (Lintner, 2013).

While the Constitution of 2008 gave power to the regional assemblies, ethnic leaders have opined that the regional bodies are powerless bodies. After the 2010 general elections, these regional bodies are dominated and controlled by the military personals elected on the tickets of USDP (TNI 2011, 3). The ethnic nationalities have expressed their dissatisfaction on the tactics used by the Myanmar forces to tackle the insurgency in the border areas. Their grievances have further aggravated when the government put pressure on the ceasefire groups to join the controversial Border Guard Force (BGF), as acquired by the 2008 constitution.

Resolving the ethnic conflict, which is more than six decades old, will not be an easy one and the government will have to do a great effort to bring a political solution. Ethnic parties want a government who listen and understand their demands and desires. With the NLD came into power in 2015, one can hope for a true reconciliation process between the government and the ethnic parties to bring a lasting sustainable peace in the country. Political parties based on ethnicities can also play a lead role in this regard. The reform process should be inclusive in nature in order to establish of a federal democratic system in Myanmar.

Challenges to democratic reforms

Emerge after decades of military rule, Myanmar faces a plenty of challenges both internally as well as externally. Though Myanmar has made lot of progress with the reform processes, the country’s development is still trails behind as compared to its fellow ASEAN members. The country’s military, that is, Tatmadaw, is still explicitly involved in the political system. The institutional capacity is still remains weak, and the comprehensive peace with the various ethnic insurgents is yet to see in the country. The country needs to give emphasis on building up democratic institutions, multi-party democracy, national reconciliation, and most importantly reforms in the armed forces. The parliamentary procedures have been completely missing since last fifty year and this needs to be restored. Although, under the Constitution of 2008, the power has been decentralised, but in reality, the condition is very far from the federal structure of autonomy or self-governance.



Conclusion

The democratic reforms in Myanmar have been implemented in 2011. Even if many of the institutions in the country are still controlled by army, a new politics has evolved in Myanmar in recent time. The rise of religious nationalist movement poses a serious challenge to the country's emerging from military to democracy. If the government does not check the rise of religious nationalist on time, it will cost to national stability and reform process. Only regime change from military to civilian government is not enough, the country has to show to the world with the social and economic transformation.

The ethnic nationalities is the another issue that pose the biggest challenge for the Myanmar government. The main demand of the ethnic groups is the devolution of power and significance autonomy given to the ethnic minorities. Resolving the ethnic conflict will not be an easy one. Ethnic parties want a government who knows their aspirations and expectation. In such a situation, international community, particularly ASEAN can play the role of mediator between the Myanmar government and the armed ethnic groups in order to bring a long-lasting political solution. One can say the reforms processes that are taking place in Myanmar are in nascent stage. We still need to see the genuine impact of democratic reforms process and all the stakeholders must work sincerely in order to build a strong democracy in Myanmar.

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