

Myanmar's Political Transition:  
Domestic Rivalries and International Quandary

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## Errata

1. Page 71: Wrong country name: ‘This is because North Korea only needed....’ was corrected to ‘This is because Japan only needed....’
2. Page 228: Wrong name: ‘President U Thein Sein met with State Counsellor Aung San Suu Kyi ...’ was corrected to ‘The Vice President Pence met with State Counsellor Aung San Suu Kyi...’
3. Page 271: Wrong Alphabetical order in References: ‘Hkawng, Tu. 2019. 'စိုးရိမ်မှုရဲ့နောက်ကွယ် (၂)' [Behind the Anxiety] Facebook, August 9, 2019. <https://www.facebook.com/monrec21/posts/167611968804614>.’ was relocated to page 269.

## **Abstract**

Although the military is the most influential institution in Myanmar, the country experienced some democratic political reforms in 2011 and 2016. However, the military declared a 'state of emergency' in 2021 and resumed direct control of the country. This thesis focuses on the political transitions that occurred in Myanmar during 2011, 2016 and 2021. The main purpose of this study is to explain the reasons behind the decisions of Myanmar's military to relinquish a certain level of power to other political parties in 2011 and 2016, and to regain control in 2021. It conducts an in-depth case study by using the domestic and international analysis of the Competitive Authoritarian Regime (CAR) Theory (Levitsky and Way 2010) as an analytical tool to examine the political transition process. In contrast to one of the existing bodies of literature which argues that international actors played a significant role in the 2011 and 2016 political transitions, this thesis argues that the military's desire to maintain its leading role in national politics played a more substantial role in Myanmar's political transition process. The case studies reveal that while international actors have urged Myanmar to embark on a full-fledged democratic transition, the military made only superficial concessions. Thus, while international pressure had a partial influence on Myanmar's political reforms, its intended results have never been achieved.

Keywords: Myanmar, Political Transition, Military, Domestic, International

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The analysis and conclusions expressed in this dissertation are those of the author and do not reflect any official policies or position of the Ministry of Foreign Affairs, Myanmar. Conclusions made within this analysis are not representative of the positions of any Myanmar government entity. This disclaimer is meant to inform readers that the views, thoughts and opinions expressed in this text belong to the author. Finally, I wish to acknowledge that I am solely responsible for any inaccuracies, omissions, and misinterpretations in this dissertation.

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## List of Abbreviations

AA	Arakan Army
AHA Centre	ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management
AIPA	ASEAN Inter-Parliamentary Assembly
AIPMC	ASEAN Inter-Parliamentary Myanmar Caucus
ANP	Arakan National Party
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
BSPP	Burmese Socialist Program Party
C-in-C	Commander-in-Chief
CAR	Competitive Authoritarian Regime
CEC	Central Executive Committee
CSOs	Civil Society Organizations
DSA	Defense Services Academy
EAOs	Ethnic Armed Organizations
EAS	East Asia Summit
EU	European Union
GAD	General Administration Department
ICC	International Criminal Court
ICJ	International Court of Justice
KNU	Karen National Union
MPs	Members of Parliament
NC	National Convention
NCA	Nationwide Ceasefire Agreement
NDSC	National Defence and Security Council
NLD	National League for Democracy
ODA	Official Development Assistance
OTS	Officer Training School
R2P	Responsibility to Protect
RLD	Rakhine League for Democracy
SLORC	State Law and Order Restoration Council
SNLD	Shan Nationalities League for Democracy
SPDC	State Peace and Development Council
TCG	Tripartite Core Group
UEC	Union Election Commission
UK	United Kingdom
ULA	United League of Arakan
UMCAJC	Union of Myanmar Constitution Amendment Joint Committee
UN	United Nations
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Commission
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSC	United Nations Security Council
US	United States
USDA	Union Solidarity and Development Association
USDP	Union Solidarity and Development Party
ZOPFAN	Zone of Peace, Freedom, and Neutrality

## Chapter 1 Introduction

### Introduction

This thesis analyzes the political transitions of Myanmar<sup>1</sup> in 2011, 2016 and 2021. The main goal of this research is to examine the reasons behind the decisions of Myanmar's military, which transferred power to other political parties in 2011 and 2016, despite having the highest organizational power and authority in Myanmar politics, and again returned to power in 2021. Using a holistic approach to the analysis of domestic and international actors, this research seeks to answer the question of how international actors facilitated and/or hindered Myanmar's political transition.

### 1.1 Brief Historical Background of Myanmar's political situation

After the pro-democracy demonstration and riots followed by a series of popular protests in August 1988, the Burmese Socialist Program Party (BSPP) collapsed and the military staged a *Coup d'État* in September 1988. The military government, the State Law and Order Restoration Council (SLORC), chaired by Chief of Staff General Saw Maung denounced the outcome of the 1990 general elections which resulted in a landslide victory for the National League for Democracy (NLD) led by Aung San Suu Kyi<sup>2</sup> and continued to maintain its grip on power (Holliday 2008; Myint-U 2019; Than 2005; Tonkin 2007).

Against international pressure such as western sanctions and domestic uprisings calling for democracy, such as the 'Four Eight Uprisings' in 1988 and the 'Saffron Revolution' in 2007, the military redesigned itself and thus reiterated its political dominance

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<sup>1</sup> Both Myanmar and Burma are names to identify the Republic of the Union of Myanmar. In 1989, the State Law and Order Restoration Council (SLORC) changed the country name from 'Burma' to 'Myanmar' and the name of former capital of the country, 'Rangoon', to 'Yangon'. In October 2010, the SPDC government renamed the country from 'Union of Myanmar' to 'the Republic of the Union of Myanmar' and created new state flag. The terminology of the country has political implications. The United States and democracy activists continued to use the old names: 'Burma' and 'Rangoon'. However, ASEAN and other international actors acknowledge the new names: 'Myanmar' and 'Yangon'.

<sup>2</sup> National League for Democracy (NLD) was the main opposition for during the SLORC/SPDC government. Aung San Suu Kyi is the chair of the NLD and daughter of the independence father of Myanmar, General Aung San. She was under house arrest during SLORC and SPDC government. The NLD withdrew from the national politics in 1993 due to the disagreement with the SPDC government in drafting the constitution. The NLD came into the national politics in 2012 when Thein Sein government reconciled with the opposition.

in the country by drafting a constitution through the National Convention and endorsing it through the National Referendum in 2008. Although uprisings and protests were not able to prevent the military government from becoming a powerful institution, the military relinquished its power to an elected government in 2011 and ended decades of military dictatorship since 1962. The semi-civilian government, led by former president Thein Sein, implemented a number of liberalization reforms which created space for the main opposition party, the National League for Democracy (NLD), and other ethnic parties in the nation's politics. Surprisingly, the main opposition party, the National League for Democracy (NLD), won by a landslide during the 2015 general elections.<sup>3</sup> The very first civilian government under President Htin Kyaw took office in March 2016, and passed a law creating the position of State Counsellor for Aung San Suu Kyi, who was under house arrest during the previous military government. While there was no denying that significant issues of ethnic conflict still needed to be addressed, Myanmar was undergoing political reforms that could have proven to be the first step in its democratic transition process (Holliday 2012).

In contrast to these democratic reforms, the military declared a state of emergency<sup>4</sup> on 1 February 2021. The State Administration Council (SAC) claimed that the NLD government failed to fulfill its responsibilities to ensure free, fair and transparent elections during the 2020 general elections period. Consequently, the SAC stated that it will organize free and fair multi-party general elections, in which the winning party will gain authority of the state in accordance with democratic norms and standards (*Global New Light of Myanmar* 2021).

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<sup>3</sup> According to Freedom House democracy rating, Myanmar was classified as 'Partly free' with the score of 5/7 in 2017 comparing to the previous years from 1998 to 2016 which marked as 'Not Free' (Freedom House 2018).

<sup>4</sup> The SAC installed a one-year state of emergency on 1 February 2021, which was extended from 1 August 2021, to August 2023. The SAC officially uses the term State of Emergency, while the local and international media uses the term *Coup d'État*.

## **1.2 Definition of Keywords**

### **1.2.1 Political Transition**

‘Democratization’ is a widely studied theoretical topic. Przeworski (1991) defines ‘democratization’ as ‘an act of subjecting all interests to competition, of institutionalizing uncertainty. The decisive step toward democracy is the devolution of power from a group of people to a set of rules’ (Przeworski 1991, 14). Huntington (1991) analyzes democratization as a ‘transition from non-democratic to democratic regimes’ (Huntington 1991, 45). Dahl uses his own term ‘Polyarchies’ to refer to democracy. According to Dahl (1971), the regimes which are increasingly liberalized and inclusive to public contestation are called ‘Polyarchies’ (Dahl 1971, 7,8). Nehginpao Kipgen (2016), defines ‘democratic transition’ as ‘the nature of the transition from an authoritarian regime (such as one-party rule, communist regime and military regime) which can be preceded by conditions that vary from one country to another’ (Kipgen 2016, 6). The former State Counsellor and democracy icon of Myanmar, Daw Aung San Suu Kyi, said that ‘the [democratic] transition for us is a transition to democracy after half a century or more of authoritarian rule, (we are) and now in the process of nurturing our nascent and yet imperfect democracy’ (Aung San Suu Kyi 2017).

The term ‘political transition’ is used throughout the thesis. Existing literature uses terms such as ‘democratization’ and ‘democratic transition’ to indicate the path from dictatorship to democracy. For the purpose of the thesis, ‘political transition’ refers to the transition from ‘full authoritarian regime’ to ‘competitive authoritarian regime’ (Levitsky and Way 2010); the transition from ‘competitive authoritarian regime’ to ‘democracy’ and the transition from ‘democracy’ to ‘full authoritarian regime’.

### **1.2.2 Liberalization**

According to Huntington, ‘Liberalization, in contrast, is the partial opening of an authoritarian system short of choosing governmental leaders through freely competitive

elections. Liberalizing authoritarian regimes may release political prisoners; open up some issues for public debate; loosen censorship; sponsor elections for offices that have little power; permit some renewal of civil society and take other steps in a democratic direction without submitting top decision-makers to the electoral test. Liberalization may or may not lead to full-scale democratization' (Huntington 1991, 33).

### **1.3 The Puzzle: Dynamics of Myanmar's political transition**

#### **1.3.1 Domestic Puzzle**

The puzzle of the research lies between the domestic and international dimensions of Myanmar's political transition. Myanmar encountered its political transition in 2011 after President Thein Sein was elected in the 2010 general elections. This transition spurred the potential for democratic transition after decades of military rule from 1962 to 2010. In 2011, when the generals were about to relinquish power, external observers were beginning to believe that Myanmar was undergoing a significant political transition from dictatorship to democracy (Myint-Oo 2019).

Former President U Thein Sein embarked on a series of liberalization measures such as releasing political prisoners, loosening media censorship, signing ceasefire agreements with Ethnic Armed Groups (EAOs) and allowing pro-democracy leader Daw Aung San Suu Kyi and the NLD in the by-elections in 2012 (Stokke, Win and Aung 2015; Htut 2019). In addition, the suspension of the controversial Myitsone Dam project was recognized as the remarkable beginning of U Thein Sein's government reform process, which took public opinion into account for making policy decisions. These dramatic political liberalization measures impressed many in the country in 2011 and early 2012. However, the ruling Union Solidarity Development Party (USDP) government, did not win the 2015 general elections,

despite promising political prospects and international recognition. The NLD, a former opposition party, won a landslide victory in the 2015 general election.

Callahan (2012) argues that the USDP government served as the military's proxy party who initiated the elections in 2010 and ushered in a new political system which was favorable for the military (Callahan 2012). The military maintained considerable involvement in national politics by holding twenty-five percent of parliamentary representation, controlling nominations for the three important ministries (Ministry of Home Affairs, Ministry of Defense and Ministry of Border Affairs) and having 6 out of 11 representatives in the National Defence and Security Council (NDSC). The constitution, designed for decades during the authoritarian government, aimed to perpetuate the military's power and maintain military control even during the civilian government (Dukalskis and Raymond 2017).

One of the existing literature groups claims that the political transition in Myanmar occurred due to the acceptance of the military's genuine political transformation (Selth 2013, 2018; Kingsbury 2014), strong institutional capacity of the military in politics (Bunte 2011, 2014; Huang 2013; Bunte and Dosch 2015; Myoe 2009, 2014; Hlaing 2009); authoritarian resilience rather than democratic reform (Ruzza et al. 2019); popular representation through political parties and their strategies (Stokke, Win and Aung 2015; Stokke and Aung 2019) and the military's choice of electoral system (Dukalsi and Raymond 2017).

On the other hand, one body of the existing literature argues that international pressure played an important role in the 2011 and 2016 political transitions (Bunte 2011, 2014; Bunte and Dosch 2015; Hlaing 2012; Huang 2013; Jones 2014; Kingsbury 2014; Myoe 2010, 2014; Gabusi and Pellegrino 2019). However, the events of the 2021 political transition raised questions about the controversy.

The argument of one of the existing literature bodies about the significant role of international pressure in the 2011 and 2016 political transitions does not adequately explain

the recent 2021 political transition. This political transition in 2021 took the country and the international community by surprise. Thus, this research seeks to determine why the military transferred power to other political parties in the 2010 and 2015 general elections but took power again in February 2021 by declaring a state of emergency.

### **1.3.2 International Quandary**

Given the general international intervention and response to the political situation in Myanmar, it can be generally claimed that the United States is pursuing a policy of sanctions and pressing hard on internal problems in Myanmar on the grounds of democracy and human rights. China maintains close ties with governments which are against US pressure on Myanmar. Japan is unpredictable, as it is in favor of a Western-backed sanctions policy or an engagement approach.

In previous research, the author proved that ASEAN, a regional organization, employs a policy of engagement with the military government. However, depending on the condition, it also interferes in domestic politics (Yadanar-aungmin 2021). Although China and the United States consistently acted in Myanmar, the actions of Japan and ASEAN sometimes changed depending on the conditions. Therefore, it is worthwhile to examine in detail the international actors who are constantly approaching Myanmar's domestic politics. In doing so, the research acknowledges the argument of one of the existing bodies of literature which claimed that international pressure played an important role in the political transition in 2011 and 2016. In addition, this research contributes to helping to understand the gap between existing literature which does not adequately explain the 2021 political transition.



## **1.4 Research Questions**

This research pursues the following questions:

- 1) Despite having been the most powerful institution in Myanmar, why did the military government initiate a political transition; transfer power to the semi-civilian government in 2011 and civilian government in 2016?
- 2) Despite having adapted itself to the semi-civilian government from 2011 to 2015 and civilian government from 2016 to 2020, why did the military take power again by declaring a state of emergency on 1 February 2021?
- 3) How did international actors such as China, the U.S, Japan and ASEAN hinder and/or facilitate the political transitions of Myanmar in 2011, 2016 and 2021?

## **1.5 Research Objectives**

This thesis aims to examine three political transitions that took place in Myanmar in 2011, 2016 and 2021. In particular, it analyzes how the interaction between domestic and international actors led to the emergence of political transitions. By doing so, this research provides a deeper understanding of Myanmar's transition process through the comprehensive understanding of domestic politics and combination approach to the involvement of domestic and international stakeholders throughout the transition process.

## **1.6 Limitation of the Research**

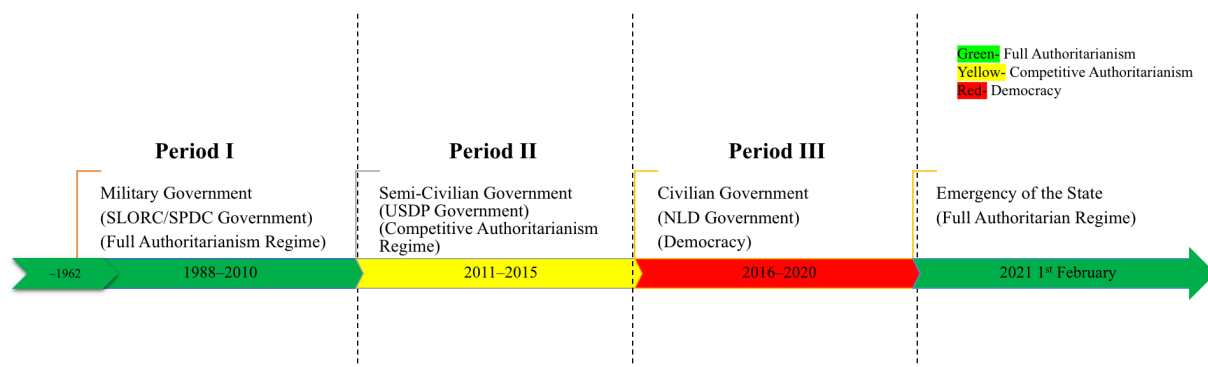
As outlined in the background, Myanmar's domestic affairs are more complex than it seems from the outside. Research conducted on political transition in Myanmar needs to take into account not only the relationship among the military, the incumbent government and the opposition but also the relationship with the international community. In addition, since Myanmar has struggled with one of the longest standing civil wars, 'national unity and reconciliation with the ethnic groups' in the country plays a key role.

While there is no consensus on which conditions are more important than others, there are scholars who emphasize the importance of the preconditions for democracy (Huntington 1991; Sorensen 2008; Rustow 1970) and some factors that generally contribute to democracy. Dankwart A. Rustow (1970) posits four necessary conditions before the democratization process: ‘background condition’, ‘preparatory phase’, ‘decision phase’ and ‘habituation phase’. He argues that achieving national unity is the background condition to initiate the democratization process (Rustow 1970).

The ‘peace process’ issue has become one of the top priorities of every government in Myanmar for ‘restoring eternal peace all over the country in accord with the Nationwide Ceasefire Agreement (NCA)’ (*Global New Light of Myanmar* 2021). Since the ‘domestic peace process’ is one of the main domestic issues of Myanmar, the specific examination which includes the domestic and international implications along with the peace process are unlikely to be easily generalized. Therefore, analyzing the issue of ‘national unity’ is simply beyond the scope of the thesis. Instead, it seeks to answer questions regarding the significant political transitions of Myanmar in 2011, 2016 and 2021. At the same time, this thesis examines how international actors are interfering or assisting throughout Myanmar’s major political transitions.

## **1.7 Scope of the Research**

This thesis analyzes three periods in Myanmar’s political transition process (See Figure 1.1). The first period, from 1988 to 2010, was the SLORC/SPDC government led by General Than Shwe. The second period, from 2010 to 2015, was the semi-civilian government (the USDP Administration). The third period, from 2016 to 2020, corresponds with the democratically elected civilian government (the NLD Administration).



**Figure 1.1 Scope of the Research**

Source: Author

## 1.8 Research Argument

The contemporary domestic situation in Myanmar represents a complex political landscape, the understanding of which creates an academic challenge. In recent years, Myanmar experienced three major political transitions in 2011, 2016 and 2021 that changed the balance of power among domestic political forces. Since the changes happened in a comparatively short period, scholars attempt to explain the reasons behind decisions made by Myanmar's military to hand over a certain level of power to other political parties.

While several researchers argue that international actors played a significant role in the 2011 and 2016 political transitions (Alvin 2008; Aung Din 2017; Bünthe and Dosch 2015; Chow and Easley 2016; Clapp 2015; Fiori and Passeri 2015; Haacke 2006c; Haacke 2010b; Hartley 2018; Hlaing 2008; Holliday 2005a; Jones 2008; Kigpen 2016; Oishi and Furuoka 2003; Schoff 2014 and Selth 2007), the recent political transition in 2021 challenged the credibility of this claim. First, despite international pressure having a certain effect, it did not achieve intended results. While international actors urged for full democratization of Myanmar's society, the military made only small concessions. Second, while the first two transitions might have indicated an effect of international pressure, the 2021 transition almost nullified what was previously achieved. Consequently, the current literature prioritizing

international influence on Myanmar's political transitions is not sufficiently equipped to explain all the implications for the recent change in domestic politics in 2021.

This thesis argues that the military's desire to maintain political power played a key role in Myanmar's political transitions. While international factors might have created a potential for the political transitions, it was not the main driving force nor it was able to swing domestic politics into the expected direction. Starting an argument from utilization of the Competitive Authoritarian Regime (CAR) theory for the transition from a CAR to democracy (Levitsky and Way 2010, 34), the thesis proceeds to expanding it by taking into account two previously unaccounted cases: the transition from full authoritarian regime to CAR in 2011 and the transition from democracy to a full authoritarian regime in 2021.

This thesis examines the three transitions that took place in Myanmar in 2011, 2016 and 2021. In particular, it analyzes how interweaving actions of domestic and international actors contributed to the emergence, development and consequences of the political transitions.

**(i) The transition from full authoritarian to competitive authoritarian regime during the first period from 1988 to 2010 (Period I)**

Internationally, Myanmar experienced little Western linkage due to constant US pressure especially during the Saffron Revolution in 2007 and Cyclone Nargis in 2008. China, acting as a powerful opposition to the US, defended Myanmar against Western pressure. At the same time, ASEAN interfered in Myanmar's domestic politics despite its principle of non-interference. On the other hand, Japan supported the Western pressure to a certain extent while providing bilateral humanitarian assistance to Myanmar. This thesis argues that China's resistance against US pressure; the moderate intervention of Japan and ASEAN in Myanmar's politics undermined attempts by the US to influence a political transition in Myanmar. In that context, the international community despite the continuation of pressure could not bring

about a full-scale democratic transition. Therefore, the military government was able to maintain its power by making superficial concessions designed to appease critics while preventing genuine democratization.

Domestically, the military government have strong organizational power. The CAR theory argues that the low-linkage, low leverage, and high organizational power countries generate stable authoritarianism (Levitsky and Way 2010, 71). However, the first transition period in Myanmar's politics proved the opposite. While the military continued to enjoy stable authoritarianism, Myanmar underwent a political transition in 2011 from full authoritarianism to competitive authoritarianism (See Table 1.1).

In this regard, the focus of this research is on the question why, in contrast to the CAR theory and taking into account the low effectiveness of the international pressure, the first transition took place. The study argues that the decisive factor for the 2011 political transition was the implementation of the military's long-term strategy of power preservation.<sup>5</sup> Despite the protracted internal crises, 2011 saw the military finalizing the constitution at the National Convention in 2007<sup>6</sup> and officially ratifying it in a National Referendum in 2008<sup>7</sup>. The military relinquished direct control but established the constitution as the foundation of their politically 'reserved domain.' 'Reserved domains refer to the exclusive privileges of political actors, such as the military, who are able to hold the vital power of the state without electoral accountability and make credible threat of destabilization' (Valenzuela 1990, 11). According to the 2008 Constitution, the military government plays a leading role in national politics and has so-called veto power<sup>8</sup> to amend the constitution. Therefore, the military *de facto* preserved a large portion of its political power by giving a right for the decisive voting power to the

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<sup>5</sup> See Chapter Four for the detailed analysis of the military's long-term political strategy and its political 'reserved domain' which is the 2008 constitution.

<sup>6</sup> See Chapter Five for the detailed analysis of the domestic crisis named Saffron Revolution in 2007.

<sup>7</sup> See Chapter Six for the detailed analysis of the domestic crisis named Cyclone Nargis in 2008.

<sup>8</sup> Military Members of parliament object to an NLD MP's claim that the military has veto power in parliament. The military opposes the use of the term 'veto power' because it causes divisions between the military and the people in Myanmar (People Media 2020).

twenty-five percent military representation in the parliament.

This thesis argues that as long as the military feels secure about its political survival, a form of integrated or partial democracy (Competitive Authoritarian Regime) will be able to emerge. Thus, Myanmar can experience a certain form of political transition. In 2011, after their political ‘reserved domain’ was legally enshrined in the constitution, the military was able to maintain political power, which made a move on the path to democracy less threatening, and thus, more acceptable. This action of the military demonstrated that the international linkage and leverage influenced but did not initiate the transition process.

## **(ii) The transition from competitive authoritarianism to democracy from 2011-2015**

### **(Period II).**

Myanmar continued to experience international pressure, since the US managed to position the USDP government as a continuation of authoritarian rule. The USDP government faced international and domestic political pressure during the communal violence in the Rakhine State in 2012 (Htut 2019, 181). Myanmar's linkage with the US was low during the 2011-2015 government. China and Japan, as opposed to the United States, maintained close ties with the incumbent government, the USDP. In addition, Myanmar successfully secured the ASEAN Chairmanship in 2014, which was relinquished in 2006 due to the domestic issues. Thus, the US pressure continued to be weakened due to China’s protection and closer ties with Japan and ASEAN.

In the domestic arena, the USDP administration maintained strong organizational power, since it was largely similar to the previous military government. Contrary to CAR theory which argues that strong organizational power governments could maintain a stable authoritarian regime, Myanmar experienced a democratic political transition from a competitive authoritarian regime to democracy in 2016 (See Table 1.1). There were three main factors that led to the second political transition. First, the military and the incumbent

government had close and synergetic relations, which allowed the military to translate its agenda through the nominally independent government. Second, the opposition party, the NLD, was not strong enough to directly threaten the survival of the military or its political power. Third, similarly to the previous period, the international pressure had a limited influence, which once again allowed the military to preserve its domestic influence. The military was able to let the USDP government enjoy a certain level of political power while protecting its 'reserved domain', a guarantee of the military's survival in national politics.

**(iii) The transition from democracy to full authoritarianism from 2016 to 1 February 2021 (Period III)**

Under the civilian government, the international response followed the same trend which is low linkage and low leverage as in the former two periods. Domestically, the NLD government's organizational power is low compared to that of the military. This is because the NLD, which has been suppressed throughout the military government, could not compete with the powerful organizational structure of the military that had been built over the years. The NLD's only advantage over the military and its proxy party, the USPD, was that NLD and its leader Aung San Suu Kyi were gaining more popular support, both domestically and internationally.

Myanmar experienced a political transition from democracy to full authoritarianism in 2021 (See Table 1.1). The crucial factor for the 2021 political transition was the fierce competitions between the NLD government and the military. Especially during the Rakhine conflict, the existence of the NLD government contested for the 'Guardian role' of the military, who regarded themselves as the sole protector of the country. One of the main priorities of the NLD government was to gradually reduce the role of the military in national politics, amend the 2008 constitution and remove the military's twenty-five percent of parliamentary representation to limit its political influence. The NLD government's attempt to

amend the constitution which serves as the military's reserved power domain, posed a direct threat to the military's survival in national politics.

Political rivalries between the military and the ruling NLD government provoked the military to make a non-democratic transition into power on 1 February 2021. This shows that the willingness of the military to grant political freedoms depends on the extent to which the main contender represents a threat. In other words, the military would employ a non-democratic approach to regain its power if its ‘reserved power domain’ enshrined in the 2008 constitution is threatened. Thus, international pressure plays a role only to a certain extent in influencing the political transition. Consequently, a possibility for the political transition is still heavily defined by the military. This dissertation explains why the military, under a limited international pressure, decided to undertake a democratic political transition in 2011 and 2016 but reversed the course in 2021 when the balance of power shifted toward the opposition and created a tangible threat for the military’s survival.

**Table 1.1 Myanmar’s political transitions**

Period I (Full Authoritarianism)		Period II (Competitive Authoritarianism)				Period III (Democracy)		
CAR Theory		Transition	CAR Theory		Transition	CAR Theory		Transition
			(original explanation)					
Low linkage, Low leverage	Weak external pressure	Full Authoritarianism to Competitive Authoritarianism	Low linkage, Low leverage	Weak external pressure	Competitive Authoritarianism to Democracy	Low linkage, Low leverage	Weak external pressure	Democracy to Full Authoritarianism
High Organizational power (state and party)	Stable Authoritarianism (Direct Military rule)		High Organizational power (state and party)	Stable Authoritarianism (Semi-civilian government)		Low Organizational power (state and party)	Unstable Authoritarianism	

Source: Author



## **1.9 Organization of the thesis**

The rest of the dissertation is organized as follows:

Chapter Two discusses Theoretical Framework and Research Methodology. This section discusses the Competitive Authoritarian Regime (CAR) Theory by Levitsky and Way as the foundation of the methods and how the researcher examines the central questions.

Chapter Three delves into the literature review. This chapter covers the existing literature as it relates to two main categories: the domestic and international perspectives of Myanmar's political transition. The main purpose of this chapter is to highlight the literature gap and set up the foundation to fill in the following chapters.

Chapter Four examines the military government's long-term strategy in Myanmar's political transition into three different sections: (1) National Convention, (2) Military-affiliated political party, and (3) the constitution. The main purpose of this chapter is to understand how the military government spent years laying down its long-term political strategy, ultimately endorsing the 2008 constitution as their political cornerstone in order to take the leading role in future national politics.

Chapters Five and Six analyze two important domestic crises during the military government's tenure (SLORC / SPDC administration). The goals of chapter Five and Six are to highlight the continued implementation of the military's long-term political strategy amidst the social movement known as the 'Saffron Revolution', which was prominent in Myanmar's democratic transition process and the devastating natural disaster, Cyclone Nargis.

Chapter Seven examines the USDP Administration. The aim of this chapter is to highlight the significant reforms achieved by USDP government due to the synergistic relationship between the ruling government and the military. This chapter has five sections; (1) Suspension of the controversial Myitsone dam project (2) Return of the NLD in the

Interim Elections in 2012 (3) Myanmar's ASEAN Chairmanship in 2014 and (4) The NLD's Landslide Victory in 2015 General Elections, and (5) Rakhine Conflicts in 2012.

Chapter Eight examines the NLD Administration. This chapter seeks to analyze the political stalemate between the military and the elected ruling government, which led to a conflict. The NLD government's actions without prior negotiations challenged the 'Guardian role' of the military and created a domestic threat toward its political survival.

Chapter Nine is a concluding chapter that summarizes findings and answers research questions. This chapter also provides theoretical implications and limitations as well as future research that could be used as a follow-up study of international actors' reactions to the emerging political situation in Myanmar.

## **Chapter 2 Theoretical Framework and Research Methodology**

### **Introduction**

This chapter aims to conceptualize the research problem by introducing the theoretical framework and discusses the methods to address the research problem. To do so, this chapter examines the Competitive Authoritarian Regime (CAR) Theory by Levitsky and Way (2010) as the foundation of the research. This chapter consists of three sections for the theoretical framework. First, introduction of the original theory of Competitive Authoritarian Regime and defining the type of Myanmar regime according to the CAR theory; second, testing and application of the theory in the research by using the case studies on Myanmar's political transition process; third, contribution to the original theory of Levitsky and Way by conducting a critical analysis of the CAR theory in case of Myanmar's political transition process.

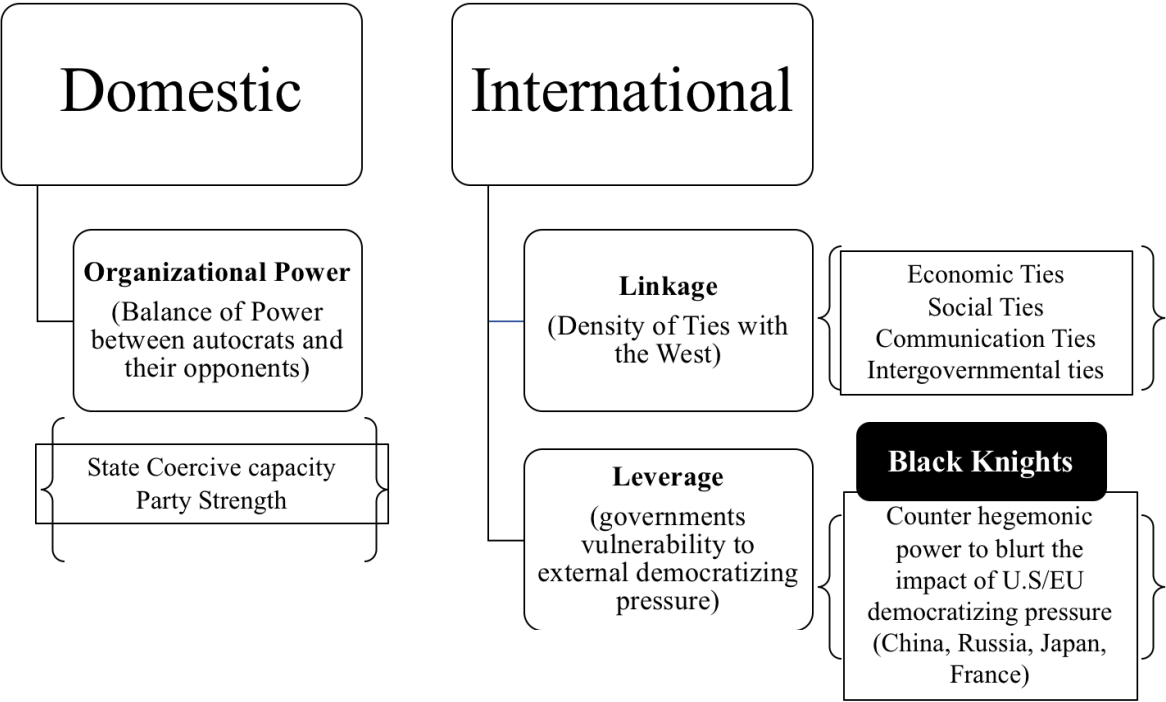
This chapter also discusses the research method. First, it presents data collection and data analysis methods of the research. Second, the two data analysis methods, thematic analysis and case study analysis, are discussed to justify methods of data collection and the selected case studies in this research. Furthermore, methodological limitations are overviewed in the following sections.

### **2.1 Theory of Competitive Authoritarian Regime by Levitsky and Way**

The main research question of Levitsky and Way's analysis is to examine the reason why, among some competitive authoritarian regimes that experienced democratization after 1990, some remained as stable authoritarianism while others experienced one or more democratic transitions (Levitsky and Way 2010, 37).

They have a three-step argument; (1) Western Linkage, (2) incumbent's government organizational power (3) Western Leverage (See Figure 2.1). The domestic-level analysis centers on 'organizational power', which means the balance of power between autocrats and

their opponents (Levitsky and Way 2010, 23, 24, 54, 56). The international-level analysis is based on ‘linkage’ and ‘leverage’. Linkage means ‘the linkage to the West or the density of ties including economic ties, social ties, communication ties and intergovernmental ties’. The Leverage means ‘states’ vulnerability to Western democratization pressure’. ‘Western Leverage might be reduced by the existence of ‘Black knights,’ or ‘counter-hegemonic powers who’s economic, military, and/or diplomatic support helps blunt the impact of U.S. or EU democratizing pressure’ (Levitsky and Way 2010, 61).



**Figure 2.1 Competitive Authoritarian Regime (CAR) Theory by Levitsky and Way**

Source: Compiled by the author based on CAR theory (Levitsky and Way 2010)

Regarding international dimension, Levitsky and Way argue ‘where linkage is high, pressure for full democratization is generated. Where linkage is low, external democratizing pressure such as sanctions are limited, which gives more opportunity for manipulation to the autocrats. Where there is both high linkage and high leverage, external democratizing pressure is consistent and intense. Where linkage is high but leverage is low, external

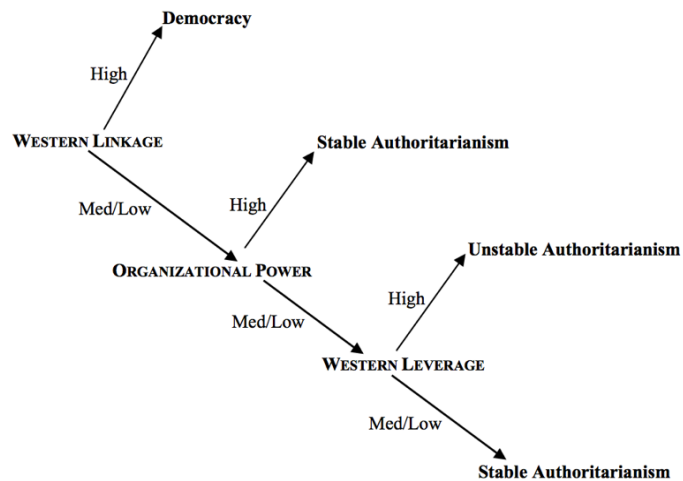
democratizing pressure will be diffused and indirect but nevertheless considerable. Where there is low linkage and high leverage, international pressure may be significant but it tends to be limited and occasional. Where there is low linkage and low leverage, there would be weak external pressure’ (See Table 2.1). Authoritarian governments have more time to control the establishment or maintenance of authoritarian regimes. As international ‘permissiveness’ eases, the regime outcome depends largely on domestic factors. In such a situation, a strong domestic push for democratic transition is needed (Levitsky and Way 2010, 51, 52, 53).

**Table 2.1 How Variation in Linkage and Leverage Shapes External Pressure for Democratization**

	<b>High Linkage</b>	<b>Low Linkage</b>
High Leverage	Consistent and intense democratizing pressure	Often strong, but intermittent and ‘electoralist,’ pressure
Low Leverage	Consistent but diffuse and indirect democratizing pressure	Weak external Pressure

Source: Levitsky and Way 2010, 53

Levitsky and Way combine a domestic structuralist approach to regime change on the analysis of international dimension approach (Levitsky and Way 2010, 38). ‘In countries with high Western linkage, regime change is generated by international influences, and in countries with low Western linkage, the regime change is caused by domestic structural variables which is organizational power of the incumbent’ (Levitsky and Way 2010, 36). ‘Strong organizational power in the incumbent government could effectively control elite defection, co-opt, resistance to the opposition, and steal elections, leading to stable authoritarianism. When the incumbent government’s organizational powers (state and party) are weak, the incumbent is unlikely to withstand the slightest rise of the opposition’ (Levitsky and Way 2010, 56) (See Figure 2.2).



**Figure 2.2 Linkage, organizational power, and regime outcomes**

Source: Levitsky and Way 2010, 72

### 2.1.1 Myanmar Regime type according to CAR Theory

First, this research sets up a typology of the regime type of Myanmar according to CAR Theory (See Table 2.2). Myanmar regime type can be categorized as follows:

1. Period I (1988 to 2010): Full Authoritarianism Regime<sup>1</sup>, which is the military government (SLORC/SPDC Administration),
2. Period II (2011 to 2015): Competitive Authoritarian Regime<sup>2</sup>, which is the semi-civilian government (USDP Administration),
3. Period III (2016 to 2020): Democracy,<sup>3</sup> which is the Civilian Government (NLD Administration).

<sup>1</sup> In this dissertation, the terms such as military government, SLORC Administration, and SPDC Administration are used interchangeably to refer to Period I: Full Authoritarianism Regime.

<sup>2</sup> In this dissertation, the terms semi-civilian government, USDP Administration, and Thein Sei's presidency are used interchangeably to refer to Period II: Competitive Authoritarian Regime.

<sup>3</sup> In this dissertation, terms civilian Government, NLD Administration and Aung San Suu Kyi Administration are used interchangeably to refer to Period III: Democracy.

**Table 2.2 Type of Myanmar Regime according to CAR Theory**

	<b>NLD Administration</b>	<b>USDP Administration</b>	<b>SLORC/SPDC Administration</b>
	<b>Democracy</b>	<b>Competitive Authoritarianism</b>	<b>Full Authoritarianism</b>
<b>Status of Core Democratic Institutions (Elections, Civil Liberties)</b>	Systematically respected. Widely viewed as only route to power.	Exist and are meaningful, but systematically violated in favor of incumbent. Widely viewed as primary route to power.	Nonexistent or reduced to façade status. Not viewed as a viable route to power.
<b>Status of Opposition</b>	Competes on more or less equal footing with incumbent.	Major opposition is legal and can compete openly, but is significantly disadvantaged by incumbent abuse.	Major opposition banned, or largely underground or in exile.
<b>Level of Uncertainty</b>	High	Lower than democracy but higher than full authoritarianism.	Low

Source: Modified by author based on Levitsky and Way 2010, 13

**2.2 Applying, Testing and Analysis of the Theory**

Levitsky and Way attempt to incorporate the international dimension into the explanation of domestic politics, particularly the transition from CAR to democracy. The analysis is bounded by the regime type. Hence, their theory does not offer a general theory of regime change (Levitsky and Way 2010, 34). Although Levitsky and Way express the limitation of their theory, this research attempts to apply as well as test the international dimension of the CAR theory which is the Linkage and Leverage concept in Myanmar’s political transition process as follows:

- a. From Period I to Period II (Transition from Authoritarian Regime to Competitive Authoritarian Regime)

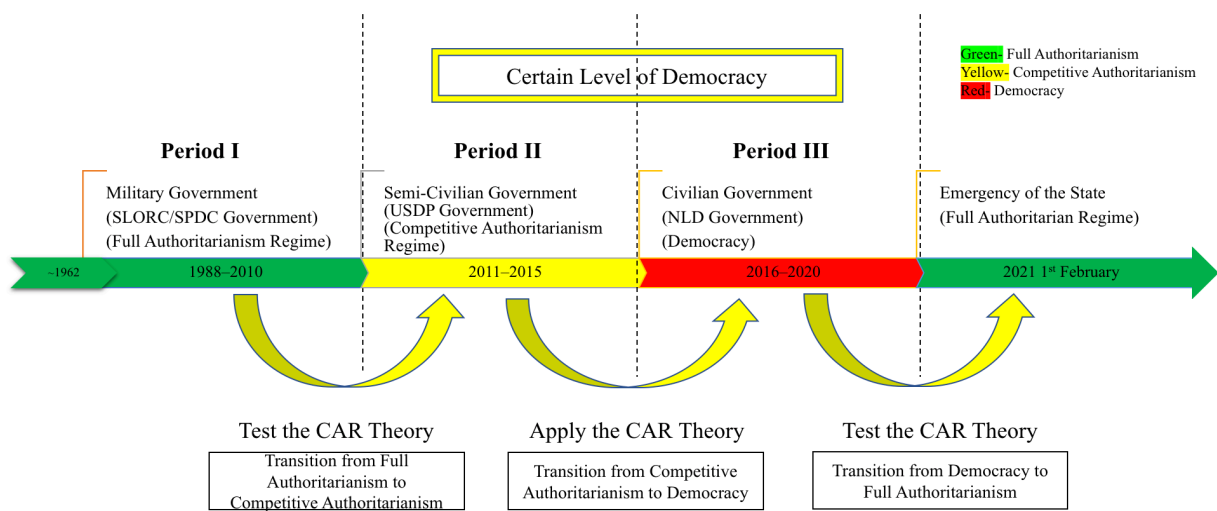
Testing the CAR theory, whether it is applicable in the transition from Authoritarian Regime to Competitive Authoritarian Regime in Myanmar.

- b. From Period II to Period III (Transition from Competitive Authoritarian Regime to Democracy)

Application of the CAR theory in the transition from Competitive Authoritarian Regime to Democracy in Myanmar.

- c. From Period III to 1 February 2021

Testing the CAR theory, whether it is applicable in the transition from Democracy to Authoritarian Regime in Myanmar (See Figure 2.3).



**Figure 2.3 Testing, Applying and Analysis of the Theory**

Source: Author

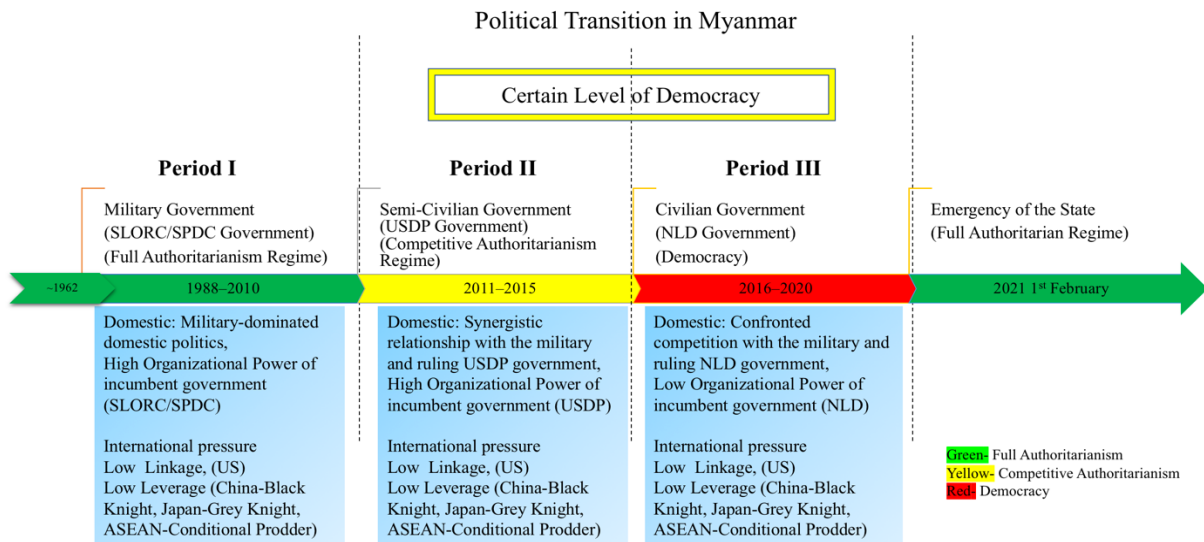
Initially, this research applies CAR theory, particularly emphasizing the international dimension which is the Linkage and Leverage concept. However, the findings of the case studies highlight that the linkage concept has comparatively less variation in Myanmar's political transition process (See 2007 Saffron Revolution in Chapter 5, 2008 Cyclone Nargis in Chapter 6, 2014 Myanmar's ASEAN Chairmanship, 2012 Rakhine Conflicts in Chapter 7, and 2017 Rakhine Conflicts in Chapter 8). The findings of five case studies identify that Myanmar is a 'Low linkage' country due to the weak ties with the US. It is also a 'Low Leverage' country due to China's continued support against Western democratizing pressure, which the theory called 'Black Knight'. According to the theory, 'Low Linkage' countries'



regime outcomes are driven by domestic actors. Where leverage is low, even relatively weak incumbents are likely to survive because they meet limited external pressure for democratization (Levitsky and Way 2010, 71) (See Figure 2.4).

Therefore, this research investigates Myanmar's political transition process through the domestic dimension of CAR theory. Their theory claims that if the incumbent government organizational power is strong, a stable authoritarian regime can survive. However, since the SPDC government is a military government, there is no denying that the incumbent government had strong organizational power. Despite this strength, the SPDC government did not keep its authority after the 2010 general elections and chose to end military rule (full authoritarianism) by transferring power to the elected USPD government. Similarly, the USPD government (CAR) was an incumbent government with strong organizational power as it transitioned from the military. Despite its strong organizational power, the USDP government transferred power to the former opposition party, NLD, and the country transitioned toward a civilian government (Democracy) after the 2015 general elections.

Contrary to CAR theory, the transition from Period I to Period II and the transition from Period II to Period III show that even governments with strong organizational power could experience democratic transition. Since the CAR theory could not explain fully the course of Myanmar's political transition, this research focuses on the role of the military in an attempt to enrich the findings with a comparative analysis.



**Figure 2.4 Analytical Framework**

Source: Author

## 2.3 Contribution to the theory

### 2.3.1 Japan as ‘Grey Knight’

This research covers two theoretical contributions. First, Levitsky and Way's CAR theory examines the transition from competitive authoritarian regime to democracy. Their theory does not offer a general regime change because it is based on a regime type (Levitsky and Way 2010, 34). However, this dissertation contributes to the original theory by analyzing the different governmental changes in Myanmar's political transition that occurred in 2011, 2016 and 2021.

Second, CAR theory describes Japan's role as Black Knight against Western pressure (Levitsky and Way 2010, 41). However, the findings of this research show that Japan, unlike China, is not as resilient to US pressure. Despite occasional pressure, Japan maintains close ties not only with successive Myanmar governments but also with the military. Thus, this thesis contributes to the CAR theory by arguing that Japan plays the role of a what I called ‘Grey Knight’ in Myanmar's political transition (See Table 2.3).

**Table 2.3 Japan as a Grey Knight**

Case	Japan's Reaction	
<p>Security Council Report (1 June 2006) On 31 May 2006, the US proposed a draft resolution. The details are expected to call for Aung San Suu Kyi's release and an inclusive and democratic political process, release of all political prisoners and humanitarian access.</p>	<p>Oppose US's proposal</p>	<p>Japan made it clear that their positions have not changed and that it would be hard for them to accept a resolution. Having action taken on Myanmar under the formal agenda of the Council is still not an option for them. Japan also indicated that it would find it difficult to accept a resolution on Myanmar as it sees the situation as a humanitarian and human rights issue that should not be discussed by the UN Security Council.</p>
<p>5526th UNSC Council Meeting On 15 September 2006 (putting the provisional agenda, that included the situation on Myanmar, to the vote.)</p>	<p>In favor of US's proposal</p>	<p>The United States was concerned about the deteriorating situation in Myanmar and this situation is likely to endanger the maintenance of international peace and security. The US requested the agenda named 'Situation in Myanmar' be placed on the UNSC's agenda. Japan supported the US's proposal.</p>
<p>Saffron Revolution in September 2007</p>	<p>Strong pressure to Myanmar (Bilateral and UN)</p>	<p>(5 October 2007) letter from Japanese permanent representative to the UN conveying Japan's position on developments in Myanmar' (12 October 2007) Statement by Press Secretary on the UNSC Presidential Statement on the Situation in Myanmar Japan will continue to work constructively to improve the situation in Myanmar in coordination with the various efforts of the international community. (12 October 2007) Statement by Press Secretary on the United Nations Security Council Presidential Statement on the Situation in Myanmar (October 24, 2007) Visit Japan by Prof. Ibrahim Gambari, Special Advisor to U.N. Secretary-General</p>
<p>Cyclone Nargis</p>	<p>Emergency Aid</p>	<p>Japan decided to extend emergency humanitarian relief, considering the friendly relationship between Myanmar and Japan, and taking into account the scale of the disaster.</p>
<p>Myanmar ASEAN Chairmanship</p>	<p>Support Myanmar</p>	<p>Japan welcomes and encourage Myanmar's chairmanship</p>
<p>Myanmar at the ICJ for Rakhine Issue</p>	<p>Support Myanmar Abstention vote at the UN</p>	<p>Since August 2017, Japan abstained from all resolutions at the UN relating to the Rohingya crisis (Rakhine conflicts). Japanese government does not hold that genocide occurred in Rakhine state. Japan maintained its bilateral relations with Myanmar.</p>

Source: Author

### 2.3.2 ASEAN as ‘Conditional Prodder’

This thesis contributes not only to theory but also to existing literature. This research examines the role of individual international actors in Myanmar's domestic affairs, as well as ASEAN's role as a regional organization. Although ASEAN has its own ‘principle of non-interference,’ it occasionally violated it by interfering in Myanmar's internal affairs. Some of the interferences were conducted through a negotiated approach rather than a coercive one.

This dissertation argues that ASEAN's intervention was based on pressure or compromise depending on the political situation in Myanmar and the credibility of the Association. Therefore, this research contributes to the existing literature and CAR theory by introducing the concept of referring to ASEAN as what I called a ‘conditional prodder’ in Myanmar's political transition (See Table 2.4).

**Table 2.4 ASEAN as a Conditional Prodder**

Case	Factors affecting ASEAN's credibility	Impact on ASEAN's credibility	ASEAN's Reaction
UNSC resolution to Myanmar by the US (June 2005)	No direct pressure to ASEAN, however, if ASEAN supports Myanmar against US, it is likely to undermine ASEAN's credibility	High stake (If ASEAN support Myanmar)	Ignore Myanmar's request for ASEAN's support at the UNSC
Myanmar relinquishes ASEAN Chairmanship in 2006 (July 2005)	The US's direct pressure to ASEAN for Myanmar's ASEAN Chairmanship responsibility	High stake	Ignore AIPMC's action and member state's formal responsibility to assume chairmanship
Saffron Revolution (September 2007)	Direct pressure to ASEAN at the UNGA meeting Timing of the crisis and Legitimacy of the first ever endorsement of ASEAN Charter	High stake	Issuing standalone ASEAN Joint Declaration for Myanmar with the harsh wording of ‘revulsion’
Cyclone Nargis (May 2008)	No direct international pressure ASEAN's role as facilitator between the SPDC and international community increase its credibility	Increase ASEAN's credibility	Facilitator
Myanmar ASEAN Chairmanship (2014)	Support	Increase ASEAN's credibility	ASEAN Welcome and encourage Myanmar's chairmanship

Source: Author

## 2.4 Research Methodology

Qualitative research and semi-structured in-depth interview methods are used in this research to provide a comprehensive insight into the political transition process. The next section discusses the details about data collection (See Table 2.5).

**Table 2.5 Research Questions, Methods and Analysis**

Research Questions	Methods	Analysis		
1) Despite having been the most powerful institution in Myanmar, why did the military government initiate a political transition; transfer power to the semi-civilian government in 2011 and civilian government in 2016?	Case Study Method, Thematic Analysis of Semi-structured Interview Method	Types of Regimes	Domestic Analysis	International Analysis
		<u>Period I: Military Government</u> Transition in 2011: from Full Authoritarian regime to Competitive Authoritarian Regime	SLORC/SPDC Administration:  Military's long-term political strategy (Military's political reserved-domain in the national politics – 2008 Constitution)	Saffron Revolution in 2007  Cyclone Nargis in 2008
3) How did international actors such as China, the U.S, Japan and ASEAN hinder and/or facilitate the political transitions of Myanmar in 2011, 2016 and 2021?		<u>Period II: Semi-civilian Government</u> Transition in 2016: from Competitive Authoritarian Regime to Democracy	USDP Administration:  Synergetic relations with the military and the USDP government	ASEAN Chairmanship 2006 vs 2014  2012 Rakhine Conflicts
2) Despite having adapted itself to the semi-civilian government from 2011 to 2015 and civilian government from 2016 to 2020, why did the military take power again by declaring a state of emergency on 1 February 2021?	Case Study Method	<u>Period III: Civilian Government</u> Transition in 2021: from Democracy to Full Authoritarian regime	NLD Administration:  Confronted Competitions with the military and NLD government	Rakhine Issue 2017~2019
3) How did international actors such as China, the U.S, Japan and ASEAN hinder and/or facilitate the political transitions of Myanmar in 2011, 2016 and 2021?				

Source: Author

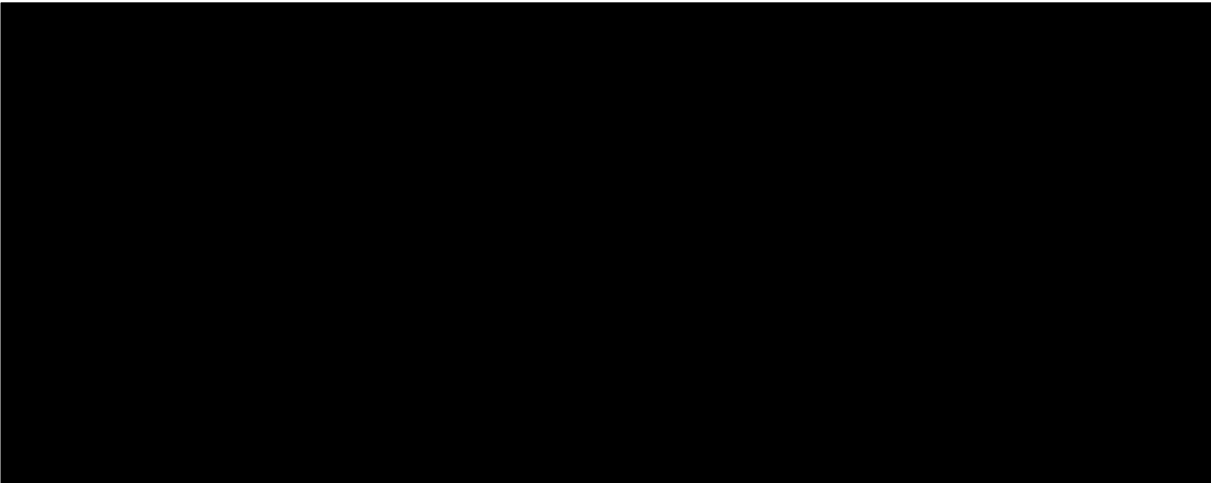
**2.4.1 Data Collection**

The primary data is generated from the semi-structured interviews with participants relevant to my research. The secondary data collection consists of public documents, speeches and press releases published during SLOC/SPDC administration, USDP administration and NLD administration. The official documents published by Ministries of Foreign Affairs of Myanmar, Japan and the US, ASEAN Secretariat, Union Election Commission, Commander-in-Chief Office and other related ministries of Myanmar. The information is accessible from government websites, United Nations and ASEAN official websites. Secondary data was sourced from books, scholarly articles and newspapers (See Table 2.6).

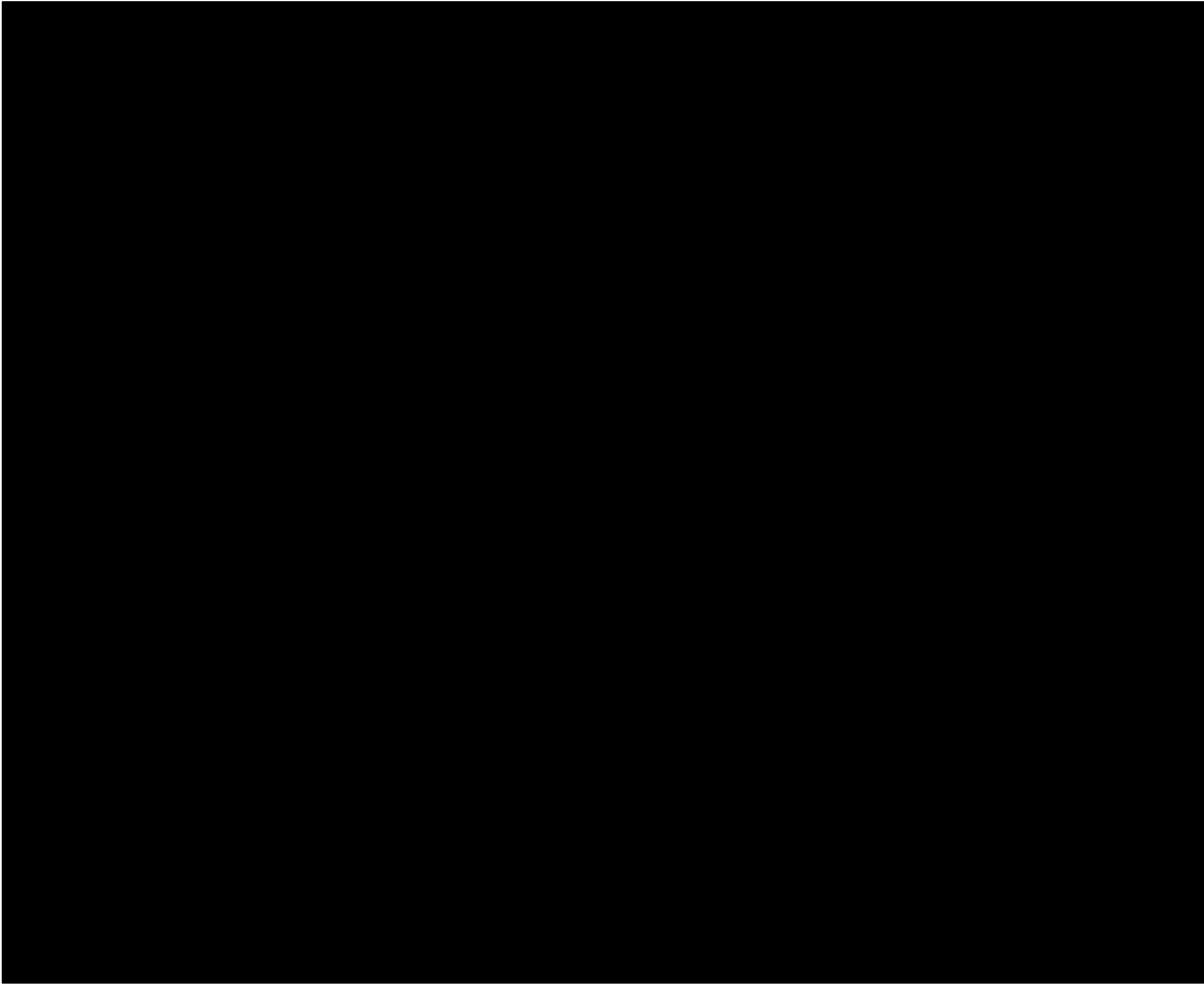
**Table 2.6 Data collection and Data Analysis Methods**

<b>Data</b>	<b>Data Collection Method</b>	<b>Data Analysis method</b>
Primary Data	Semi-structured Interview	Thematic Analysis
Secondary Data	public documents, speeches and press release, books, publications etc.	Case study Analysis

Source: Author



All the interviews in 2018 and 2019 were conducted in Burmese. ‘Semi-structured interview typically refers to a context in which the interviewer has a series of questions that



**2.4.2 Data Analysis**

There are two data analysis methods in the primary data: Thematic Analysis and Case study Analysis.

**Thematic Analysis**

First, the collected interviews were analyzed by thematic analysis method. ‘Thematic analysis is a qualitative research method that can be widely used across a range of epistemologies and research questions. It is a method for identifying, analyzing, organizing, describing, and reporting themes found within a data set’ (Nowell et al. 2017). To do this, I transcribed all of the interviews. Second, I translated the interview transcripts from Burmese to English. Third, I generated an initial code in terms of certain subjects that come up

repeatedly during the interviewees’ conversations. Fourth, I closely examined the interview data to identify the common themes based on the codes that I generated in the earlier stage. For the fifth stage, I tried to make connections and interrelations of the themes. For the final stage, interpretation, I created explanatory accounts for the result of the thesis (See Table 2.7).

**Table 2.7 Data Analysis: Primary Data Analysis**

Semi-structured Interview	
Transcribe	Thematic Analysis
Translate	
Coding and Describing Data	
Conceptualization, Classifying, Categorizing, Identifying Themes	
Connecting and Interrelating results	
Interpretation and Discussion final results	

Source: Author

**Case Study Analysis**

‘The basic case study entails the detailed and intensive analysis of a single case’ (Bryman 2012, 66). Five case studies in the thesis are selected as critical case studies to test the linkage and leverage model in the CAR theory and analyze the domestic social movements and different international actors’ reactions to Myanmar. To enhance the reliability and validity of this research, I selected the case studies based on scientific and empirical relevance.

Bryman categorized the critical case as follows: ‘the researcher has a well-developed theory, and a case is chosen on the grounds that it will allow a better understanding of the circumstances in which the hypothesis will and will not hold’ (Bryman 2012, 70). Case studies during SPDC Administration are ‘critical cases’ as defined by Bryman: ‘the researcher has come up with a well-developed theory that selects issues that will give a better



understanding of theoretical and impermanent situations’ (Bryman 2012, 70). Case studies during the USDP and NLD administrations are selected because these cases are unique and continual under successive governments (defined as ‘longitudinal cases’) (Bryman 2012, 70, 72) (See Table 2.8).

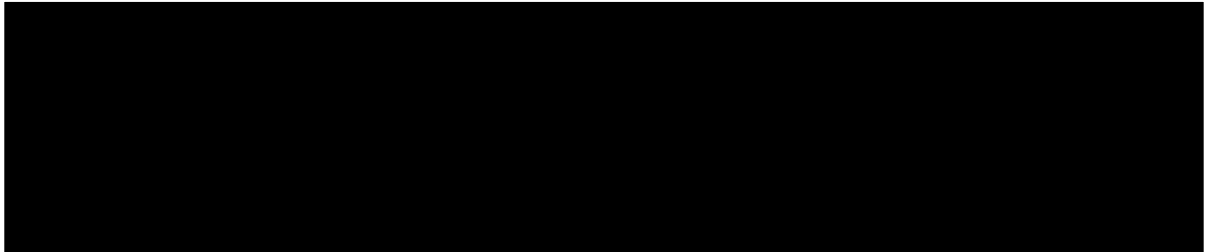
**Table 2.8 Types of Case Studies**

	<b>Case Study One and Two</b>	<b>Case Study Three</b>	<b>Case Study Four</b>
	<b>SPDC Administration</b>	<b>USDP Administration</b>	<b>NLD Administration</b>
<b>Case studies</b>	(Saffron Revolution and Cyclone Nargis)  To test the linkage and leverage model in the CAR theory. In other words, to analyze the domestic social movements and different international actors reactions to Myanmar)	(ASEAN Chairmanship 2006 vs 2014 and 2012 Rakhine Conflicts)  To compare and contrast the international actors reactions in two different government periods: military and semi-civilian governments	(Rakhine Issue at the ICJ, 2019)  To compare and contrast the international actors reactions in two different government periods: semi-civilian and civilian governments.
<b>Empirical reasons</b>	2007: Important for the military because it is the year when the National Convention and constitutional draft concluded.  2008: Important for the military because it is the year when the National Referendum was held to legally adopt the constitution	2014: Myanmar successfully assume ASEAN Chairmanship in 2014. Myanmar had to relinquish chairmanship in 2006 due to domestic issues.  2012: The Rakhine conflicts in 2012 has been proceeding since before 2012 and has come under international pressure not only under the USDP administration but also the NLD administration.	2019: Follow up to the Rakhine Conflicts, Myanmar had been indicted at the International Court of Justice (ICJ) for genocide.
<b>Scientific reasons</b>	Critical case: Here the researcher has a well-developed theory, and a case is chosen on the grounds that it will allow a better understanding of the circumstances in which the hypothesis will and will not hold (Bryman 2012, p70).	The longitudinal case: A case may be chosen because it affords the opportunity to be investigated at two or more junctures. A longitudinal element occurs is when a case that has been studied is returned to at a later stage (Bryman 2012, p70, 72).	

Source: Author

## **Limitations**

The main limitation of this study is the sudden change of political landscape in Myanmar occurred in February 2021 which was the final year for conducting this research. Although acknowledging the ongoing nature of the research topic, the year 2021 marks the return of an authoritarian regime after 10 years of semi-civilian and civilian governments. Moreover, due to Covid-19 pandemic restrictions and the politically sensitive situations in Myanmar, the author could not make a third field trip to conduct interviews with domestic political elites who were actually involved in the recent political transition process (as had



## **Chapter 3 Literature Review**

### **Introduction**

This chapter aims to understand the existing body of knowledge in the domestic and international dimensions of Myanmar's domestic politics. This chapter includes three sections. The first section examines the domestic dimension literature which includes imposed transition led by the military, pacted transition, structure-oriented transition and civilian-led transition (See Table 3.1).

The second section focuses on existing literature that emphasized international dimension explaining Myanmar's political transition. There are three popular explanations for international actors in Myanmar's political transition: (1) the consistent pressure from the US and the impact of Western sanctions on Myanmar; (2) China's engagement and its interest in Myanmar and (3) the role of ASEAN and Japan in Myanmar's political transition (See Table 3.2). The third section highlights the literature gap and lays out the foundation to answer the research questions.

### **3.1 Domestic Perspective**

#### **3.1.1 Military-led Transition**

Much of the analysis of current literature referred to the military as a powerful institution leading the political transitions in Myanmar. The institutionalist scholars argue that despite international sanctions and internal resistance, the resilience and stability of the military regime led to speculation that a political and power transition to a semi-civilian government would occur after the 2010 general elections took place (Bunte 2011, 2014; Hlaing 2012; Myoe 2009, 2014; Huang 2013; Selth 2013, 2018; Jones 2014; Kingsbury 2014; Bunte and Dosch 2015; Ruzza, Gabusi and Pellegrino 2019).

Selth (2013) emphasizes the military's genuine acceptance of political change and its attempt to re-enter politics. The military remains as a powerful organization and free from any

civilian control. The military is taking steps to increase its unity and capacity and it continues to maintain institutional control which can be exercised if there is a threat to the Union or itself (Selth 2013). The senior generals are expected to face the complex political and economic challenges from Daw Aung San Suu Kyi and her government even after transferring power. The military is still burdened with social and foreign policy issues. This is because the paradigm shift in the country's political landscape over the past decade is the result of a long-term plan composed by the military. The plan was to expand the military's own agenda by controlling absolute power in national politics (Selth 2018). Although the military retreated from direct political control, it retains supreme power (Kingsbury 2014).

An analysis of the role of the military in a civilian government examines the military's withdrawal from political power despite maintaining its leading role in politics and the reasons behind the transition from direct military rule to indirect military control. Bunte (2011) argues that the transition to civilian rule without renouncing the military's real authority in March 2011 did not signal a complete withdrawal from national politics. The withdrawal from direct rule allowed the military to protect its interests; design a new electoral dictatorship for its own purposes and institutionalize military rule in politics (Bunte 2011). The military officially legitimized its leadership role by using its capabilities and strong organizational structure to strengthen military rule in Myanmar's politics even after its withdrawal from direct military dictatorship.

With regard to the institutional capacity of the military, scholars argue that the military government established institutions that guaranteed the military's dominance in politics from 1988 to 2010. The military coercion eased restrictions on the opposition and civil society since 2011 (Bunte and Dosch 2015, 4). The military prepared and launched new institutions that would protect its interests in the future such as a new constitution, the parliament, the

cabinet and the ruling party, the Union Solidarity and Development Party (USDP) with the support of the military (Bunte 2014).

Regarding the military's organizational evolution and its strategic position in society, Haung (2013) argues that incremental developments should be seen as a form of declining authoritarianism. Significant reforms, which began in mid-2011, did not represent a strategy for the military to withdraw from national politics (Haung 2013). Reforms increase political competition at the national level as the military is no longer under direct control. Nevertheless, the military developed various mechanisms to protect its interests as 'reserve domains' (Linz and Stepan 1996, 67). The initiation of reforms would be considered a development strategy designed by the military to build influence over the government without taking responsibility for the direct governance of the state (Huang 2013). The contemporary reforms initiated through top-down transition should be seen as an attempt to ensure the military's continued existence by regaining support of the rigorous society which is calling for democracy. Similarly, Maung Aung Myoe (2014) examines the military's stance on the ongoing political liberalization process. He argues that the military would continue to support political liberalization initiated by the president and the National Assembly based on mutual understanding and constant relations with the government. However, the military has not yet prepared to endure constitutional changes that would undermine its role in national politics; its principles of national unity and institutional autonomy (Myoe 2014).

Moreover, with regard to the institutional strength of the military, Kyaw Yin Hlaing (2009) analyzes how the military managed to stay in power for so long despite its damaging reputation. He refers to the way in which unofficial procedures were used by military leaders to resolve conflicts with their associates. He explains two ways to develop the military's constitutional culture. The first is to retain evidence if it is necessary to favor or discipline senior members of the military. The second factor, which became a deeply ingrained aspect of

the culture of the military, is the ‘observance of discrete domains of operation’. This reduces tensions between officers who are at odds with each other and prevents a high-ranking official from gaining enough power to challenge senior officers at all levels. As some rules entrenched as military norms, they influence the actions and strategies of military officers (Hlaing 2009). Therefore, regardless of external and internal pressures, the military endures those pressure and becomes the most influential organization in Myanmar.

Some scholars examine the political actors and their strategies in Myanmar’s political transition. Stokke and Aung (2019) argue that Myanmar’s political transition aimed to legitimize state and military power. Through military-imposed transition, Myanmar became a hybrid regime made up of key democratic institutions such as civilian government and power-sharing. However, on the other hand, there are constitutional provisions which undermine the essence of democracy by guaranteeing the military’s power, restricting civilian control and preserving the continuity of the central government (Stokke and Aung 2019).

While some scholars focus on the fact that the military took the lead in Myanmar’s political transition, some also discuss the reasons why. Jones (2014) argues that the SPDC’s start of negotiations with Ethnic Armed Groups led to a political transition but was halted in 1990 and 1996. The regimes that could not be overthrown by internal factionalism or external crisis allowed liberalization as soon as they adequately addressed the issues that incited them to undermine power. In Myanmar, the military is apprehensive about political unrest and ethnic-minority insurgents who would destroy territorial stability and sovereignty. Therefore, the military’s political interference is due to the inability of civilian administrations to manage the ‘center-periphery conflict and ethnic-minority separatism’ (Jones 2014).

While Jones explains Myanmar’s political transition through ‘regime maintenance’ theory, some analyze Myanmar’s transition as ‘authoritarian resilience’ rather than democratic reform. The three main characteristics of authoritarian resilience in Myanmar are the nature of

the transition from top to bottom; the current government's ability to handle reforms and the ability to weaken and localize competition through 'the divide-and-rule strategy' (Ruzza, Gabusi and Pellegrino 2019).

While some scholars study the role of military in Myanmar's political transition, others focus on the choice of electoral system in the general elections led by the military. Stoke, Win and Aung (2015) emphasize the role of political parties in Myanmar's democratic transition. The main reason for the democratic transition depends on popular representation through political parties. However, the capacities of these parties remain questionable. Most parties had not been able to build an effective organizational structure by assessing the concept of party institutionalization. There are political fractions between supporters of the dictatorship and pro-democracy political parties, on the other hand, between the Burmese majority and the ethnic minority political parties. These political differences led to differences between the central parties affiliated with Myanmar's central authorities and pro-democracy and ethnic parties centered on society (Stoke, Win and Aung 2015).

Most parties have not been able to build an effective organizational structure and popular representation. There is a degree of party formation rooted in society. Political discrepancies among supporters of the dictatorship, pro-democracy parties and ethnic-based political parties created differences between government-sponsored parties, pro-democracy parties, and ethnic-based parties. The differences are incorporated into a society based on the features of parties (Stokke, Win and Aung 2015). Therefore, the further development of political parties and the popular representation would support the relationship between the states and the parties. This is because each party is formed based on government-centered or society-centered attitude.

It is important to understand why dictators are giving up power. In doing so, we can perceive the strategies of dictators and their ruling elite to extend the power and influence.

Analysts foresee the impact and consequences of these strategies. In addition, the leadership's resignation could have a direct bearing on the country's political course. There are three general ways how dictators leave the office: inside-led way, outside-led way and death of leaders. The inside-led way is through the actions and decisions of the people in government, *Coup d'État*, normal leadership failure, elections in which the current president is defeated, term limits and the role of legislature and elections. The outside-led way is through mass organizing including rebellion and civil war. Third, the dictator dies due to natural causes (Kendall-Taylor and Frantz 2014). The debates about political transition in Myanmar emphasize the military's strategy to allow changes while maintaining considerable power. The military will not be blind to any changes that could undermine the principles or institutional principles set for national unity regarding its national political involvement (Myoe 2014; Selth 2018). Based on the level of mutual understanding and reconciliation between the government and the military, the military will take steps towards political transition.

Dukalsi and Raymond (2017) focus on the failure of the military to retain power in the electoral field. In 2010, the military chose 'first past the post', what they argue as an improper electoral system, to maintain its power. The military and its associates did not understand enough to strategically implement electoral systems and the public support for the NLD had been underestimated (Dukalsi and Raymond 2017). The SPDC's failure to understand the electoral system had a profound effect on the democratic transition and the challenges of authoritarian regimes trying to make such a transition.

Explaining Myanmar's political transition through a military-led political transition is acceptable to some extent since the military is the most powerful institution in the country. However, the question arises as to why the military did not make the transition so early if it was such a powerful organization. Although Jones (2014) argues that the reason for military



to withdraw from politics was due to the fear of political unrest and ethnic-minority insurgents who would destroy territorial stability and sovereignty. However, the reason for the timing of the political transition remains elusive.

### **3.1.2 Pacted transition**

Against the above plausible explanation by military-led transition in Myanmar, the other well-known approach to explaining political transition in Myanmar is the ‘pacted-transition’. Although ‘pact’ can be determined as agreement, it is not always possible to express a clear or fair agreement between the selected players. These players seek to establish administrative rules and exercise authority based on mutual guarantees for the pivotal interests of the players (O’Donnell and Schmitter 1985, 37). There is a transition as a result of significant fractions in authoritarianism especially because there are inconsistencies between the hard-liners and the soft-liners (O’Donnell and Schmitter 1985, 19). Even extremely coercive governments will not survive without support, however, there will be no process established for citizens to remove authoritarian leaders. By using game theory, the incentives of military government officials differ from those of those who practice single-party and personalist regimes (Geddes 1999, 125). Moreover, Schmitter (2017) distinguishes the difference between the imposed transition and pacted transition. In the process of imposed transition began with fractions within the ruling class. With the dominance of soft-liners, the political transition began with the liberalization of public policy. In the pacted transition process, the process also depends on the differences between internal elite divisions. The soft-liners within the government and the opposition form an alliance agreed on common principles and aimed at alleviating the difficulties of transition within the military (Schmitter 2017).

Most of the transition literature has political elements as ‘hardliners’ and ‘moderates.’ The ‘four-player game theory’ model argues that the transitions are thought to be coordinated

between the regime moderates and the opposition moderates who are able to ‘contain’ their respective hard-liners (Przeworski 1991, 105–153; Linz and Stepan 1996, 61). There must be two conditions for four real players to play. The moderate players within the pro-military government (the USDP government) would have autonomy so that they could strategically negotiate with the moderate players from the opposition (the NLD). Similarly, the moderate players of the opposition need to be organized with sufficient followers and power in order to participate in negotiations (Linz and Stepan 1996, 61) with the pro-military moderate players. The other game theorists argue that using the tools of game theory, democracy can be defined as ‘institutional equilibrium’. This means stable results from strategic choices that increase the benefit of different individuals or parties (Carles 2003, 8; Przeworski 1991; 26–34; Weingast 1997). Democratic stability depends on a balance of ‘self-enforcing equilibrium’. It is in the interests of the political authorities to respect the limits of democracy in their conduct (Weingast 1997).

Myanmar observers also explain Myanmar’s political transition through game theory with the specific focus on the ‘hard-liners’ and ‘soft-liners’ approach. Hlaing (2012) analyzes how recent political changes in Myanmar took place by examining the government's internal strength structure. He argues that the expansion of political transparency in the country would depend on whether liberals (soft-liners) and pro-democracy movements within the government could work together to bring about political reform. On the other hand, there are still hardliners on both sides of the reform agenda. The hardliners in the government assume that reform is too fast and those involved in the pro-democracy movements might feel that it is too slow. Both groups created instability and could lead to *coup d'état* (Hlaing 2012).

There are also scholars who examine why senior military officials such as U Thein Sein (former president) and U Shwe Mann (lower house speaker) took unexpected risks for reform. Senior General Than Shwe could not control the process and did not know how

capable reformers and organizations could be, nor how promising the new system was. There is also speculation about some of the suppressed pressure for ongoing change among Than Shwe's former deputies. In 2011, key individuals and organizations took advantage of Senior General Than Shwe's retirement and the end of direct military rule (Callahan 2012). Similar to this assumption, Kyaw Yin Hlaing (2012) argues that after Senior General Than Shwe's retirement, some (liberals) officials in the new government called for relief including the country's political economy. The absence of top general Than Shwe, who obstructed peace talks with Aung San Suu Kyi; the challenges posed by the severe economic crisis and the positive response from Western and pro-democracy leaders created opportunities for liberals to work together in government. This gives the country more political freedom (Hlaing 2012). The end of direct military rule and the presence of liberalization paved the way for genuine reconciliation between President Thein Sein and Daw Aung San Suu Kyi. In addition, this foundation can be considered to be related to the policy-making capacity established by the military government.

However, there are scholars who challenge the game theory approach. Huang (2013) acknowledges that a hardliner-moderate argument could justify the idea of a change of power under the dictatorship. However, it was unlikely that the most powerful institution, which was also the ruling government, would choose to reduce its political role. He further highlights to understand how top reformers such as President U Thein Sein and House Speaker U Shwe Mann are involved in pushing for political and economic liberalization in Myanmar. After the SPDC government resigned, there was vague expectation that members of the military would launch for political reform (Huang 2013, 249). Although the military sought to maintain political control, the scale of reform under former President U Thein Sein had not been predicted.

Game theorists argue that the overthrow of the military regimes which generally views as vulnerable dictatorships is often blamed for threats to the unity of armed groups such internal factions which lead to top-down transitions (O'Donnell and Schmitter 1986). In this regard, scholars examine the possibility that potential dictatorial leaders are likely to remain in position at office. By using game theory, Geddes (1999) specifies the incentives of military government officials differ from those who practice single-party and personalist regimes (Geddes 1999, 125).

Against this assumption, Jones (2014) insists that these circumstances do not exist in Myanmar and the unity of the military became stronger over time. The 'reshuffles' in 1997 and a 'major purge' from 2004 to 2005 strengthened the military and its centralization. In addition, the slow progress of the 'road map to democracy' does not affect the existence of the military. He criticizes the political science theories of the 'regime breakdown' and 'game theory' in explaining Myanmar's political transition and argues that the reason for withdrawing from the direct military rule is not about internal divisions or external challenges. The military intended to reduce the threat that sparked external intervention; to implement a constrained electoral regime and protect the 'military's corporate interests' (Jones 2014). Instead of contending for instability between the opposition and the government, the military took the lead in the political transition process.

### **3.1.3 Structure-oriented Transition**

An alternative portion of the existing literature focuses on socio-economic variables which represent economic modernization in explaining the democratization process (Lipset 1959). However, in Myanmar, privatization was limited under the domination of a military regime over decades of economic and political isolation (Ford, Gillan and Thein 2016). The SPDC declared its attempt to improve socio-economic conditions in Myanmar and laid the foundation for a stable multi-party democratic system. Despite continued Western pressure

and sanctions, the military government asserted that the country achieved progress in terms of economic growth and foreign relations. However, structural problems and poor FDI conditions hampered the country's sustainable development (Than 2001, 155). There are scholars who argue that economic modernization theories do not provide solid explanations for the political transition (Kipgen 2016) because the economy was controlled by the military and its cronies under the military government. The country's development is slow and uneven. When the military authorities began their economic liberties in the 1990s, they practiced cronyism and authoritarianism rather than economic and political liberalism (Jones 2014).

Related to criticism of the political change announced by the military government and Daw Aung San Suu Kyi's third government detention, the SPDC's roadmap to democracy did not receive the support from the NLD and the international community. There had been no positive political change in the country because the US sanctions produced a negative impact on the economic development of Myanmar and its people (Hlaing 2004). After the 2010 general elections, President Thein Sein and Speaker of the House of Representatives Shwe Mann appeared as surprising advocates of economic and social reform (Callahan 2012). However, despite the partial change from military rule, emerging businesspeople did not include significant capabilities with notable interest or influence in the democratic transition. The cronies benefited from structural bias and lack of transparency in privatization. Few individuals used the personal connection of powerful rulers to control the privatization process and to purchase warrants and monopolies (Ford, Gillan and Thein 2016, 19).

Myanmar was embroiled in a series of violent collisions between the NLD and government supporters. It suffered political and economic difficulties as a result of US sanctions. As it is pointed out in the existing literature, various factors such as hostile economic situation in Myanmar; strong centralization of the military; mobilization of military cronies in the country's economy and limited foreign direct investment indicate that

it is inadequate to explain the course of Myanmar's political transition process by the theory of economic modernization.

### **3.1.4 Civilian-led Transition**

Another body of literature in explaining the political transition in Myanmar is the political transition led by pro-democracy opposition groups and popular movements. Although the military was the most influential and powerful institution in the country, there had been many popular movements in Myanmar. The popular protests have been instrumental in pushing for a faster-than-expected push for democratic reforms. Although popular movements happened in many countries, they have often been delayed in the process. Some movements took place at a time when the transition to democracy is well initiated and the risk of opposition lessened (Geddes 1999, 120). The social movements did not mark the beginning of a political transition in Myanmar. Conversely, popular protests raised concerns about the legitimacy of the former government and the elite as a reason to start negotiations.

Kyaw Yin Hlaing (2008) examines the internal problems of social movements and the failures of political activists which undermine the speed social movements (Hlaing 2008). Scholars, on the other hand, also discuss the impact of social movements in Myanmar's political transition (McCarthy 2008; Selth 2008). The current democratization was a bottom-up process initiated by the people (Ducci 2017). In August 2007, the military government removed fuel subsidies and increased oil prices, which devastated the people's purchasing power for basic needs. Political activists from the 88 Generation Students' Group<sup>1</sup> began the protest and attracted other social groups into rallies including massive involvement of Buddhist monks. By the mid-September, it became the most momentous political uprisings in Myanmar since the series of pro-democracy movements in 1988. Similar to the previous demonstrations, the regime reacted with violence. However, the increased involvement of

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<sup>1</sup> The 88 Generation Students refer to the students who took part in the 1988 pro-democracy uprisings. In Burmese politics, this generation is called '88 Generation Students'. The protest was called '8888 Uprisings' as it occurred on the 8th August 1988.

monks changed the magnitude of outrage from both domestic and international community. In addition to human rights discussion, the unprecedented use of violence against religious monks became the striking part of the Saffron Revolution<sup>2</sup> in the international image and undermined the military's institutional authority and credibility (McCarthy 2008; Selth 2008).

The uprising undermines the role of the military in national politics. The suppression of non-violent protesters and monks caused dissent within the military and weakened the unity and solidarity of the military to some extent. The Saffron Revolution created a more demanding domestic environment for the SPDC. In addition, the SPDC found it difficult to return to the *status quo* as it was before the protests (Li 2008). The events of the Saffron Revolution exacerbated the problems and hardships of international financial transactions and worsened the effects of international socio-economic impact caused by US financial sanctions. The people of the country were upset by the Saffron Revolution. While they were outraged by the violent response to the protests and the authorities' failure to acknowledge their grievances, the public's anger was directed mostly at violence perpetrated against the monks (Horsey 2008, 22,23).

The unprecedented use of violence against monks had severe domestic repercussions by sparking much resentment toward the leadership and the government itself, thus undermining the military's institutional credibility. The role of monks in mass protests and the prominence of Buddhism for the SPDC's political legitimacy in Myanmar experienced substantial change in 2007. The legitimacy of the government weakened as a consequence of violent suppression against monk-led protests (McCarthy 2008; Horsey 2008). The monks' involvement in the protests caused a mixture of religious and political issues and created many side effects for the SPDC. The demand from international community for holding political dialogue with the NLD including Daw Aung San Suu Kyi indicated an impetus for

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<sup>2</sup> Since a massive number of Buddhist monks participated in peaceful demonstrations, the protest was called the 'Saffron Revolution,' a reference to the color of the Buddhist monks' robes.

the NLD to reconfigure and re-enter the political sphere, as well as a major challenge for the military government (Fuller 2007).

While some scholars discuss the impact of social movements on the SPDC, others argue the failure of social movements, in other words, the ineffectiveness of social movements in demanding democracy in Myanmar. The pro-democracy movements in Myanmar were not able to achieve their intended demands from the military government. It is not because they did not have opportunities but because they could not take advantage of emerging political opportunities and failed to address challenges. The internal conflicts between pro-democracy groups, insecurity, the generation gap between NLD members, deficiency of social capital, lack of contingency plans and cooperation with the SPDC are the other major causes for their failure (Hlaing 2008).

As noted above, some scholars examine impact of mass protests on Myanmar’s political transition; causes of success and failure of social movements and the efforts of pro-democracy parties and their capabilities. (See Table 3.1).

**Table 3.1 Literature Review (Domestic)**

Theme	Argument
Military-led Transition	Political transition process in Myanmar as a military-led transition; it would be acknowledged that the military is the most powerful institution in the country and initiated the transition process of its own accord.
Pacted transition	The process depends on the differences between internal elite divisions. The soft-liners within the government and the opposition form an alliance by agreeing on common principles aimed at alleviating the difficulties of transition within the military (Soft-liner, Hard-liner approach).
Structure-oriented Transition	Relationship between economic development and democracy.
Civilian-led Transition	The political transition led by pro-democracy opposition groups and popular movements.

Source: Author



## **3.2 International Perspective**

This section focuses on existing literature that emphasize the international community's contribution to explaining Myanmar's political transition. There are four popular explanations in this aspect: first, the persistent approach of the United States by isolating the military government and the impact of Western sanctions on Myanmar; second, Myanmar's desire to reduce political and economic dependence on China and the former's predisposition to reintegrate into the international community; third, ASEAN's attempts to affect Myanmar's political transition; and fourth, the impact of Japan's ODA as an effective tool in Myanmar's political transition.

### **3.2.1 Impact of the US's Isolation policy and Dual policy**

There are two bodies of literature in relation to the role of the US in Myanmar's political transition: first, the impact of the US's isolation policy; and second, the US's dual policy towards Myanmar. Despite the devastating effects of infrastructure damage and sanctions and the deteriorating economic situation, the SLORC/SPDC had no reason to fear a change of government. The increasing trade with China, India and neighboring countries made it more resilient to international sanctions (Chow and Easley 2016, 531). Some scholars argue that Myanmar's transition could not be explained by the internal and external pressures from the international community (Hlaing 2009). Some discuss the reasons behind the shift in US policy which focus on the resumption of engagement in East Asia. The shift in US attitudes toward Asia is not because of political transition in Myanmar. However, this policy could change the way international community perceives Myanmar, which indicated how influential the US media is in shaping political issues (Taylor 2013). The focus of US attention in Southeast Asia is due to China's growing influence. China established close friendship among ASEAN countries and the most notable result is a 'charm offensive'. Former US President Barack Obama was driven by a number of emergencies, most notably, a

need to focus on Asia after years of war in Iraq and Afghanistan. This is due to the need to rebalance China's growing power by deepening and building relations with other countries in the region. At the same time, Obama showed more positive enthusiasm for countries that acknowledged the failure of tougher US sanctions and embargoes imposed by George W. Bush. Obama intended to establish normal relations with Myanmar which could have a major impact on the US' strategic position in the region (Fiori and Passeri 2015). The 2000s were marked by growing impediment over the ineffectiveness of international sanctions (Stokke and Aung 2019).

Myanmar observers also discuss the ineffective impact of Western sanctions on the military government and the negative consequences of sanctions. Prolonged isolation from the international community in Myanmar; support for the military government in neighboring China, India and ASEAN and a wealth of natural resources allowed the regime to overcome the pressures and challenges posed by pro-democracy groups (Hlaing 2008, 67). Economic hardships and sanctions imposed by the international community did not have the desired effect on the path to democratic transition (Ducci 2017). Unlike the Philippines, another Southeast Asian country, Myanmar did not rely on any major powers. As a result, no Western countries could apply enough pressure to influence the ideology of Myanmar's military leaders. At the same time, Myanmar was not a member of any political alliance. Therefore, strong criticism from the West had not been able to effectively induce the military government to compromise with pro-democracy groups. Moreover, the disbandment of the Eastern bloc and the end of the Cold War did not help the military government to reconcile with political activists and expedite political reforms. In the case of Myanmar, sanctions weakened the military government, however, civil society still remained weak. In addition, the government had been able to withstand international sanctions by making good use of the country's rich natural resources (Hlaing 2008). In 2003, the military government remained in

power and continued to crack down on opposition. The Western approach towards Myanmar domestic politics had not yielded the expected outcome. International pressure, such as media attention and government sanctions, exposed the SPDC's mismanagement and led the world to reject its dictatorship. As a result, this political isolation led military leaders to refuse to negotiate with the NLD (Hlaing 2008). Alvin (2008) argues that current severance of ties with the military government had been less successful in pursuing a solution to Myanmar's domestic problems by pursuing European policies (Alvin 2008). The United States and some other Western countries adopted a hard-liner policy of sanctions and diplomatic isolation by prioritizing the release of Aung San Suu Kyi from house arrest; pushing for the transition to democratic rule under the NLD as their core policy goals. However, there is little evidence to show that the two-decade-long policy of economic sanctions imposed by the United States and the EU since 1988 played a positive role in the country's democratization. On the contrary, the average citizen suffered to a great extent from the sanctions (Li 2008, 113). However, those actions consequently lost an opportunity that might, otherwise, led the military government to integrate into international society for its self-reconstruction into a non-military government.

Some scholars suggest a review of Western policies and strategies for Myanmar's democratic transition based on developments in Myanmar and recent developments (Alvin 2008). The main criticism of the West is the legitimacy of the roadmap, which limits the number of participants and the opposition in the national convention. Myanmar's democratic transition depends not only on local politicians and procedures but also on the international community. Lack of trust between Myanmar and the West affected the impact of Western sanctions on Myanmar. Sanctions are easy to impose but difficult to lift without a clear reason which left the West facing a 'sanctions dilemma'. The lifting of sanctions means that the West accepted the status quo in Myanmar. On the other hand, relations with the

government could be restrained if they continue to impose sanctions on Myanmar. Although the West limited its role, Myanmar's democratization process largely depends on the internal actors. It is inevitable that establishing regular contact and maintaining a policy of engagement will require working closely with the government. In order to address Myanmar's political deadlock, ASEAN and the EU need to step up cooperation and the US, China and India also need to take a common position on a long-term strategy (Alvin 2008). A comprehensive long-term strategy and review of Western-style sanctions policy are urgently needed to bring about a political transition in Myanmar.

International sanctions intended to meet human rights standards but did not materialize as expected. Therefore, some scholars study new approaches: contribution to political transition by guaranteeing no prosecution of military government leaders and the possibility of the lifting of sanctions. They conclude that a consistent approach is needed in Myanmar which had long been subject to international sanctions and struggled to meet human rights standards. The combination of lifting sanctions and guaranteeing no prosecution of military leaders imply a possible political change (David and Holliday 2012). In contrast, tightening international sanctions and the prosecution of military leaders are generally seen as contributing to political change, however, generate little chance of success.

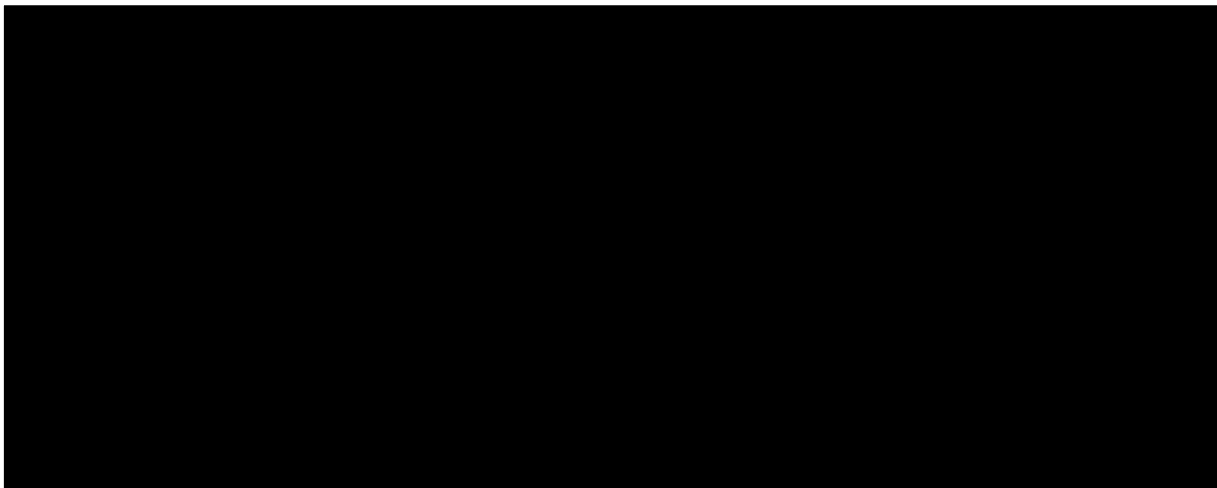
Some scholars analyze the futility of US international sanctions by studying US-Myanmar relations under the administration of two US presidents (Haacke 2012). Relations between the US and the Union of Myanmar had been strained since the 1988 failed pro-democracy uprising. The US systematically implemented a wide range of impartial sanctions. It always called for genuine dialogue between the military government and the political opposition to ultimately lead to a political transition. The US policy calls on Myanmar military leaders to comply with their demands. At the same time, they urged them to give up their own political roadmap which began in 2003. Under US pressure, the military

government relied on China for diplomatic protection at the UN Security Council; financial assistance and expertise with limited economic development (Haacke 2012). President George W. Bush's Republican administration pursued a policy of isolation by imposing sanctions on Myanmar from 2001 to 2009. President Obama came to power in 2009 and his democratic administration adopted a dual policy toward Myanmar. The United States involved in high-level talks as it continues to impose sanctions on the military government. Despite sanctions from both Republicans and Democrats, Myanmar government had been more receptive to the Obama administration's two approaches. Democratic reform in Myanmar played an important role in improving bilateral relations under the Obama administration (Kipgen 2013). Therefore, Andrew Selth (2018) argues that the international community could play a limited role in influencing Myanmar's political transition (Selth 2018).

The second body of literature in relation to the US is about the dual policy towards Myanmar. In 2008, the United States began a return visit to Myanmar amid signs that sanctions on economic reforms were failing and that relations with Myanmar could improve. The policy of 'pragmatic engagement' was established in September 2009, calling for high-level talks which were not held due to sanctions. Despite the Obama administration's recognition, sanctions remain in place due to congressional concerns (Steinberg 2017, 61). This new approach was different from the US policy of isolating the previous military government. This means renewing sanctions and initiating pragmatic engagement. It aims to progressively build trust-building processes that link with senior military leadership and provide greater cooperation and understanding. However, sanctions remained in place until all political prisoners, including Aung San Suu Kyi, are released and genuine tripartite talks are implemented. As stated in President Obama's November 2009 visit to Asia, the United States recommended greater cooperation with key players in the region to enhance its regional and

international strategy (Asia Society Task Force Report 2010). In 2012, the executive, legislative, and civic institutions in Myanmar improved, however, public administration and the judiciary endured consistent. The relations between the government and some ethnic groups improved, and some escalated into serious conflict. Although the country's economic and social development continues to decline, relations with the United States and its allies grew significantly (Holliday 2013, 98-99).

As noted above, most of the current literature acknowledges the effectiveness and ineffectiveness of the US sanctions and reformation for the US's policy review in Myanmar's political transition. On the other hand, under the US's dual policy, some news said that sanctions would not be lifted immediately, however, the actions of the military government would be monitored. Sanctions are an effective tool to begin to demonstrate direct contact with the isolated military generals. Therefore, it could not claim that sanctions do not necessarily work at all (Moe 2009).



the United States) failed to directly interfere in Myanmar domestic politics, this thesis analyzes some case studies in Myanmar's domestic politics and argues that the external pressure created a potential to force the military government to speed up the transition process.

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<sup>3</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.

### **3.2.2 China's influence**

Myanmar shares 2,400-kilometer long border with China and has good relations at the strategic partnership level. As relations between Myanmar and the United States improve, Myanmar wants to see cooperation, not confrontation between the United States and China. In addition, it is vital to maintain a peaceful environment for the benefit of the entire Asia-Pacific region. Myanmar is well aware of China's concerns and doubts as cooperation and coordination between the United States and Japan increase. China should be satisfied with the US-Japan Strategic Alliance and humanitarian assistance and disaster relief efforts. There should be full transparency in humanitarian assistance and disaster relief efforts to alleviate China's concerns (Shein 2014).

Recent literature on Myanmar-China relations since 1988 can be divided into three categories: domination, partnership, and rejection schools (Selth 2007, 283-285). Based on this concept, the current Myanmar-Chinese relations literature is divided into three subjects under this section; the domination (Myanmar's benefit from China); the partnership (mutual benefit from Myanmar-China relations) and the rejectionist schools (Counterbalance to China's growing influence in Myanmar).

First, domination scholars argue that Myanmar will unavoidably 'succumb' to its powerful neighbor China and become an effective tool as part of China's efforts to become a world power (Selth 2007, 283-285). In a post-Cold War globalized world, Myanmar is sandwiched between powerful neighbors, India and China in the region. It is located at the crossroads of South Asia, Southeast Asia and East Asia. Myanmar is the largest country on the mainland of Southeast Asia, making it an important geographical strategic location in ASEAN. It had been under military government since 1962, however, still had abundant and largely untapped natural resources. Myanmar is not directly dominated by any major communications route; however, it is close to the important Indian Ocean shipping route and

passes through east-west commercial air routes. It is also a key point in blocking Chinese entry into the Indian Ocean (Selth 2007, 280). Since 1988, the military gained political support from China to meet the immediate need for military aid and trade but later focused on diplomatic support and assistance for Myanmar's industrial and infrastructure development (Haacke 2006b).

The support of the military regime by China, India and ASEAN nations and the country's rich natural endowment allowed the government to adapt to all the pressures and challenges raised by pro-democracy activities. This created a long-lasting state of isolation from the international community for Myanmar. The powerful neighboring countries such as China, India and some ASEAN countries had been supporting the military government for the sake of their geostrategic and economic reasons (Kipgen 2016). The isolation of Myanmar from the international community confirmed to be a crucial pre-condition for the strengthening of Myanmar-China relations, especially in the economic field. The key geographical strategic location and the country's rich natural resources facilitated a delicate triangular connection between Myanmar, the US and China. Myanmar needs to step up its domestic reform agenda to keep pace with its changing foreign policy. China would continue to play a key role in the country (Fiori and Passeri 2015). On the other hand, India also realized that China's extensive support in Myanmar could affect India's interest in the Southeast Asia region. Therefore, although India initially supported pro-democracy movements in Myanmar, it eventually changed its policy. India supported economic and technical assistance to Myanmar and stopped its criticism of the military government in the early 1990s. In the early 2000s, the two governments cooperated closely to solve the ethnic conflicts that the Indian government was involved with along the India-Myanmar border (Hlaing 2008). Second, partnership scholars accept the major controversy of key experts, however, they argue that China is more cautious in anticipating when and how it will attract



Myanmar to its sphere of influence. They firmly believe in Myanmar's national identity and recognize the difficulties China faced in developing relations with the military government over the past 15 years. Such allies argue that both Myanmar and China are reaping the benefits of bilateral relations (Selth 2007, 283-285).

The second section discusses existing literature about China's benefit from Myanmar. Scholars examine the role that China would play as a major economic and political power in solving regional problems. Myanmar's democratic reforms are due to deep internal and external factors. Since the beginning of the reforms, Myanmar's transformation has been in line with China's current interests in the country (Sun 2012). China had four main interests in Myanmar: border stability; energy security; business investment and geographical applications (ibid., 51).

Although Myanmar military successfully relied on China for diplomatic protection from Western pressure and economic development, its profits from Myanmar far outweigh its expectations. China's involvement in ethnic armed groups on the Myanmar-China border further complicates the military government's efforts to establish perspectives on state and nation-building along the border (Haacke 2010a). As for China, the US strategic move undermines China's influence over its interests in Myanmar. China's deputy foreign minister expressed concern that Chinese strategic interests in Myanmar were deteriorating due to the US move to undermine China's regional influence (Sun 2012, 62). Myanmar reforms during the Thein Sein's presidency also resisted China's influence in ASEAN. Myanmar, which was once trying to reduce its dependence on China, no longer had to struggle to follow China's lead. According to an adviser to President Thein Sein, 'Myanmar is determined by the solidarity of ASEAN in line with its own national interest and regional organization in the issue of the South China Sea (Sun 2012, 63).

The international community perceives the military government as a regional challenge and China should take a lead in promoting Myanmar's political transition. China's role may be based not only on its global responsibilities but also on the foundations of a deeply rooted tradition. It indicates widespread interference in a country under years of military rule (Holliday 2009). Economically, China's investment in strategic projects such as the oil and gas pipeline drew strong criticism and opposition. These protests were fueled not only by the Burmese people but also by the opposition. Politically, it also casts skepticism on the initial success of Myanmar's democratic reforms and China's continued resistance to Chinese reform. Strategically, Myanmar's changes undermine China's strategic original plan in the region. As a result, China changed its policy toward Myanmar. China significantly reduced its economic investment in Myanmar and also cut political ties while establishing relations with the pro-democracy opposition. China had been working to improve public relations in Myanmar. The domestic political changes in Myanmar and the impact of China's national interests sparked widespread debate over how China should respond to the challenges (Sun 2012, 63,64).

China believes that the fall of Myanmar's military government could not bring democracy and not end human rights abuses. On the contrary, the sudden collapse of the current military government could lead to anarchy in the country. There could have been a significant increase in terrorist deaths and human rights abuses (Li 2008, 113). Myanmar is rich in natural resources and strategically important in terms of geography. China's intention to maintain good relations with Myanmar is clear (Li 2008, 116, 117). Geographically central to South and Southeast Asia, Myanmar is a key economic cooperation partner of China's southwestern provinces, especially Yunnan Province. It is a link between Southeast Asia and South Asia. It is also a land bridge connecting southwest China with the Indian Ocean and even African and European markets. Therefore, Myanmar is part and parcel of China's

strategic design to achieve its overall goal of becoming a great power in the 21<sup>st</sup> century (Shee 2002, 51).

Third, rejection scholars argue that Myanmar had been cautious in its relations with China over the years-long history due to Myanmar's struggle for independence and territorial integrity, as well as deep-rooted national pride. Myanmar could handle the complexities of bilateral relations and become a key player in strategic competition between major powers such as India and the United States. China offered military, diplomatic and economic benefits to Myanmar, but pressure could be applied if necessary. China failed to gain Myanmar's trust (Selth 2007, 283-285).

Third, this section discusses the existing literature regarding the SPDC's counterbalance to China's growing political and economic influence. Some scholars examine the substantial dependence on China under the military government but disagree about how its influence shaped Myanmar's political transition. Myanmar begun reforms to lift sanctions and attract new diplomatic partners, fearing over-reliance on China. The initiation of political liberalization in Myanmar is purposeful military maneuvering intended at restoring its economic ambitions and rebalancing foreign relations. Among a variety of reasons, the most important driving force behind Myanmar's political transition was concerns about China's growing influence (Chow and Easley 2016, 523) in the domestic affairs.

Myanmar military leaders underwent domestic political reforms to build closer ties with the European Union, the United States and other sanctions-imposed countries and balance China's growing political and economic influence (Bünthe and Dosch 2015, 4). A major change in Myanmar's new approach to China since 2011 was due to the government's foreign policy aiming to reintegrate into the international community. The success of this approach depends on the resumption of Myanmar's relations with the United States. In addition, domestic political reform and foreign policy reconciliation are needed. Dependence

on China by Myanmar needs to be reduced, especially in the context of US-China strategic competition in the Indo-Pacific region. The anti-Chinese attitude had been on the rise in Myanmar since 2011 and increased China's interference in the domestic affairs of Myanmar. On the other hand, Myanmar engaged closer ties with the United States. Myanmar's policy shift in China is not intended to be independent of China, but to build better interdependence between the two countries (Myoe 2015). For Myanmar, the new US-Myanmar partnership is the beginning of a process that is slowly moving away from China and also shows the new attitude towards China (Fiori and Passeri 2015).

Most scholars debate China's influence in Myanmar but some discuss from the point of Myanmar's negotiating position with China and claim that Myanmar 'rewarded' China for its protection in the international community. For two decades, the military government sought limited coordination with China which focused on diplomatic support and protection with only a moderate record of bilateral defence and security cooperation. After 1988, the relationship between Myanmar and China was based on the core principles of the country's former foreign policy during the colonial era; the deep-rooted nationalist sentiment between the military elite and Myanmar's Cold War-China interaction. The SPDC urged China to reconsider its stance on the ethnic insurgency conflict on the border. When a weak country possesses valuable natural resources and is of significant geopolitical importance to a major power, a weaker state can enjoy the security benefits of a more powerful state without significantly reducing its autonomy (Haacke 2011).

### **Analysis**

Myanmar is considered to be under Chinese orbit and geographically important in the Sino-Indian relationship for regional competition. However, Myanmar authorities consistently denied any Chinese military involvement in the country and China's favorable strategic alliance. Following the quasi-civilian government, Myanmar reconnected with the

international community through ASEAN and the United Nations. While actively engaging in the international community, Myanmar continued to focus on human rights and democracy in domestic affairs and negotiate a reconciliation with the former opposition leader Aung San Suu Kyi. Consequently, after subduing the domestic political crisis, the country restored relations with the West. Such an outcome could have different effects on Myanmar-China relations. In addition, Myanmar sought to reduce its dependence on China and become more self-reliant and independent. Therefore, it is not possible for Myanmar to be considered as a client country of China, as it maintains strong nationalism based on the culture of ethnic pride (Than 2003).

As a matter of fact, Myanmar-China relations had been mutually beneficial under the military government before 2010. Myanmar had been a geopolitically important country for China, as it benefited from protection from Western pressure and sanctions. China, a non-democratic country, does not necessarily have an interest in making Myanmar fully democratic. However, China has an interest in seeing a stable Myanmar for economic and strategic reasons. While playing the role of a Black Knight, blocking the intervention of the West, China ‘unintentionally’ (meaning, partially in service of its own economic and strategic interests,) helped Myanmar to choose a path toward becoming a more open and democratic country. What I mean by this is that China’s position balanced out democratizing pressure from the West and decreased the level of pressure on Myanmar’s military, leaving its power largely unchallenged. This lack of oversight against the military ultimately led the people of Myanmar to realize the need to democratize. In this sense, China’s action had an ‘unintended’ consequence.

### 3.2.3 ASEAN's involvement

Another plausibility behind Myanmar's transition is Asian neighbors' dominance in the pace of transition. There are four popular bodies of ASEAN literature in Myanmar's political transition; first, Myanmar's membership in ASEAN; second, ASEAN's non-interference policy; third, ASEAN's engagement policies with Myanmar and fourth; the impact of ASEAN's engagement policies to Myanmar. The first body of previous studies mainly concentrates on the explanation of Myanmar's accession to ASEAN<sup>4</sup> from two perspectives. The decision to allow Myanmar together with Cambodia as members of ASEAN was not easy for the Association. While some ASEAN members were apprehensive about political vulnerability in Cambodia, they were concerned about how the human rights record of Myanmar would impact the Association's image (Robert 2010, 112).

ASEAN's agreement to accept Myanmar as a member of ASEAN seriously affected its relations with Western partners which urged ASEAN to reject its call for membership. However, as an organization that was originally established to counter Western involvement in Southeast Asia, ASEAN refrained from yielding to external pressure and embraced Myanmar as a full-fledged member. Moreover, ASEAN feared that Myanmar would fall into the hands of China (Cribb 1998; Amer 1999). Protection by fellow ASEAN member countries against Western pressure is likely to be the most significant external influence on Myanmar's political transition (Clapp 2015, 12). Allowing membership to Myanmar, which shares long borders with China and has been relatively covered beneath its political and economic umbrella, made it possible to diminish China's influence in the region (McCarthy 2008). Since ASEAN was interested in Myanmar on the possibility of its membership, the

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<sup>4</sup> ASEAN was established on 8 August 1967 through signing the Bangkok Declaration by the foreign ministers of founding members. The founding members are Indonesia, Malaysia, the Philippines, Singapore and Thailand. Brunei joined in 1984, Vietnam in 1995, Myanmar and Laos in 1997, and finally, in 1999, Cambodia became the 10<sup>th</sup> member. The terms such as 'old ASEAN members' and 'ASEAN-6' indicate Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand. The terms such as 'new ASEAN members' and 'CLMV countries' represent the group of Southeast Asian countries that joined ASEAN after 1995 onwards, namely, Cambodia, the Lao People's Democratic Republic (Lao PDR or Laos), Myanmar and Vietnam in this study.

geographical accessibility, cultural similarities, comparative security situation and abundant natural resources of Myanmar are valuable opportunities in becoming an ASEAN member (Zaw et al. 2001, 38).

Politically, integrating ten Southeast Asian countries into one regional body could strengthen their political presence in international fora and resilience of the region's peace and stability. Economically, the expansion of the ASEAN investment flow to new member states resulted in a comprehensive interconnection in the region. Culturally, ASEAN could gain benefit by fostering Myanmar's rich traditions in the region (Than 2005). The membership helped to deepen the appreciation and acceptance of other cultures in the community through the exchange of cultural and social knowledge. Myanmar's admission contributed to expand the diversity of national identities and the development of Asian values which represent the uniqueness of ASEAN's identity.

As for Myanmar itself, the country had the opportunity to focus more on foreign affairs owing to the profound changes in domestic politics during the time of admission and pursued international recognition in response to the pressure from the West (McCarthy 2008). Some scholars focus on the regime type of Myanmar and its willingness to join into regional integration. Myanmar's admission was largely influenced by strengthening the security of the state, or more specifically, survival of the regime. The choice of the regional body of Myanmar was free from the coercive power of the powerful nations and based on principles that do not interfere in the internal affairs of its member states (Myoe 2006). It is intended to be used as a collective defence mechanism for the domestic situation in Myanmar.

The second body of ASEAN literature in Myanmar's political transition is about ASEAN's principle of non-interference principle in the domestic affairs of individual member states. This principle is promulgated in several ASEAN documents such as the Bangkok Declaration in 1967; the Zone of Peace, Freedom, and Neutrality (ZOPFAN) Declaration in

1971; the Treaty of Amity and Cooperation in Southeast Asia in 1976 and the ASEAN Charter in 2008. Some argue that ASEAN should take place without external interference to ensure the stability and security of its member states. Besides, the notion of ‘mutual respect for the independence, sovereignty, territorial integrity, national identity, consensus decision-making and unity in diversity’ ensured the principle of non-interference in the internal affairs of the member states (Stubbs 2008; Nesadurai 2009; Keling 2011). The ‘ASEAN Way’ can be defined by four elements: the principle of non-interference; quiet diplomacy (Loh 2018; Rosyidin 2020); the non-use of force and decision-making through consensus (Katsumata 2003).

Scholars analyze complexities underpinning the conception of ‘ASEAN Way’ in relations with the member states interactions. In a broader sense, the non-interference principle set out the protocols to preclude member states from denouncing or intervening in domestic affairs of the other member states. It encourages members to refrain from attempting to delegitimize or overthrow member state governments. In addition to that, prohibiting members from delivering external powers with any sort of assistance is considered threatening to other members (Katanyuu 2006). The ASEAN Charter reinforced the ‘ASEAN Way’ with relatively liberal notions such as ‘democracy, good governance, the rule of law and human rights’. However, the effect of such values on ASEAN policies did not fully reveal itself (Ruland 2011). While the ASEAN charter strived to promote institutionalization by transforming ASEAN into a rule-based regional organization, it maintains the concept of non-interference as a central principle of the process.

The third body of Myanmar-ASEAN literature is ASEAN’s policies of engagement with Myanmar despite its non-interference principle. At the 24<sup>th</sup> ASEAN Foreign Ministers’ Meeting in July 1991, foreign ministers introduced policies regarding non-ASEAN Southeast Asian countries’ participation in regional activities and their engagement in ‘regular



constructive consultations' (ASEAN 1991). At that time, Myanmar was not a member of ASEAN. There were variations in ASEAN policy in the 1990s with respect to three initiatives: the debut of the constructive engagement in 1992; flexible engagement in 1998 and the initiation of the retreat of ASEAN foreign ministers in 1999. First of all, the foreign minister of Thailand, Arsa Sarasin, introduced a policy of 'constructive engagement' in 1991. Constructive engagement represents the economic and security interests of influential ASEAN leaders who sought to strengthen regional trade platforms. For Myanmar, ASEAN engagement policy intends to understand the military leaders of Myanmar and Asian-style perception of 'regime transition'. ASEAN tried to implement its policy by engaging with Myanmar leaders as well as the general public. It then convinced Myanmar leaders that gradual change was taking place around the world. ASEAN leaders therefore believe that Myanmar's leaders will be willing to change their social relations and their attitudes (Jones 2008). The aim of this approach is to bring Myanmar re-integrated to the region and bring about political reforms while engaging constructively with the military government both economically and politically. But critics say the benefits of positive engagement have yet to materialize. Instead, the policy helped the SPDC withstand international pressure, especially from the West (Kingston 2008, 31).

At the 24<sup>th</sup> ASEAN Foreign Ministers' Meeting in July 1991, foreign ministers introduced the notion regarding non-ASEAN Southeast Asian countries' participation in regional activities and their engagement in 'regular constructive consultations' (ASEAN 1991). At that time, Myanmar was not a member of ASEAN. Davies (2012) argues that 'constructive engagement' was specifically designed for Myanmar in response to the failure of recognizing the 1990 elections results by the SLORC (Davies 2012). Under this policy, ASEAN would not interfere with Myanmar's domestic affairs. Unlike the West's economic sanctions policy, ASEAN aims to urge the military government by negotiating a compromise

on Myanmar's political transition in a manner that was conducive to the establishment of an ASEAN-based approach. In other words, that means engaging better economic and political cooperation in Southeast Asia in a positive way. In the coming years, ASEAN's official declarations repeated persistently by highlighting the term 'constructive engagement' in addressing domestic issues in Myanmar (Haacke 2008; McCarthy 2008; Roberts 2010). On the other hand, there is also a prevailing opinion among ASEAN scholars about the failure of ASEAN's policies in Myanmar. ASEAN's engagement policy failed to be productive in addressing the deteriorating human rights record in Myanmar (Khoo 2004; Davies 2012; Jones 2009 and Haacke 2008).

Second, Thai Foreign Minister Surin Pitsuwan proposed a reinterpretation of the principle of non-interference in the form of 'flexible engagement' at ASEAN's thirty-first ministerial meeting in Manila in July 1998. This policy encourages discussions of member states' domestic policies that had transboundary effects in an open and frank manner without being perceived as interference. Surin (2008) agreed to support any drastic deviation from principle of non-interference. However more open discussions of these issues would uncover a way to tackle new challenges which could undermine the credibility and international reputation of ASEAN (Katsumata 2004; Than 2005; Jetschke and Rüländ 2009; Bellamy and Drummond 2011).

The goal of flexible engagement is to strengthen cooperation with Myanmar in a more accommodating approach and push for Myanmar's democratization in a flexible way (interview with a senior official from Ministry of Foreign Affairs, 31 August, 2018).<sup>5</sup> Myanmar and other ASEAN members, with the exception of the Philippines, rejected the proposal on the assumptions that allowing interference in domestic affairs of member states would threaten national sovereignty and hence jeopardize regional stability as well (Katanyuu,

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<sup>5</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.

2006; Bellamy and Drummond 2011). After considerable discussion, 'flexible engagement' was displaced by 'enhanced interaction,' which enabled member states to comment on the domestic activities of their member states if they threatened regional interests but reaffirmed the commitment of the Association to the principle of non-interference. Since 'enhanced interaction' evolved from 'flexible engagement', the former would enable ASEAN states to interact constructively with each other while retaining the policy of non-intervention (Narine 2005; Simon 2008; Katanyuu, 2006).

The third initiation is the debut of ASEAN foreign ministers retreat at the 32nd AMM held on 23-24 July 1999 in Sentosa, Singapore. Around the time, the crumpled credibility of ASEAN did not recuperate from the Asian financial crisis in 1997-1998. Cambodia's membership as its tenth member in April 1999 brought additional diversity and complication to ASEAN. The political situation in Myanmar, which was under authoritarian government, became a source of immense stress on ASEAN with its dialogue partners, especially the US and the EU. Against this perspective, Singapore introduced a retreat system to promote coming up with ideas about ASEAN's future directions and its international communication frameworks (Tzuhar and Thi Ha 2018). The retreat granted a venue for all ten ASEAN Foreign Ministers to conduct frank and wide-ranging discussions on the future of ASEAN regarding matters of common concern, regional security, intra- and inter-regional cooperation, the ASEAN Regional Forum (ARF) and dialogue partnerships with ASEAN. The foreign ministers reaffirmed their commitment to formatting ASEAN through the retreat which is a growing mechanism of considerable re-examination of ASEAN's long-term challenges and emerging challenges by playing a major role in the region (ASEAN 2001; 2002). It is reasonable to infer that ASEAN's conventional diplomatic approach was questioned and adjusted by re-interpreting the non-interference principle in a more flexible way. The ASEAN approach is indeed changing but this change is mainly due to the official interference of other

ASEAN governments in internal affairs. However, given ASEAN's integration, security and regional influence, it is not easy to abandon its diplomatic and security culture altogether. The possibility of ASEAN leaders continuing to engage in better relations does not mean that ASEAN does not adhere to principles such as 'quiet diplomacy or non-interference' (Haacke 1999).

The fourth body of Myanmar-ASEAN literature is the impact of ASEAN's engagement policies to Myanmar. Regarding impact of ASEAN's engagement policies, scholars argue that even though ASEAN is not a pure democratic entity itself, the association could sway the member states toward political reforms or liberalization. As demonstrated in historical examples, Myanmar's military regime faced the problem of 'credible commitments'. In that case, military leaders used ASEAN as a mean to obtain 'credibility' concerning its public and opposition forces (Renshaw 2013). At a crucial time of political transition, the military government used ASEAN's support in the reform process to ensure their commitment to democratic transition. In this regard, Myanmar gained legitimacy from the international community by being an ASEAN member. In addition to ASEAN, support from China and India also allowed the military government to resist the political transition (Hlaing 2008). ASEAN had not been able to overcome collective criticism within the organization which motivated the military government to respond positively to the main demands of international critics. The different norms; political characteristics and geopolitical interests of ASEAN countries and the SPDC's uncertainty limit ASEAN's 'consensus' on Myanmar. ASEAN's relationship with the Myanmar military is closer than Myanmar-US relations and signifies a key determinant of further developments in the aftermath of the 2010 elections, a period of internal political change in Myanmar (Haacke 2010b).

Scholars argue that ASEAN's engagement policy failed to be productive in addressing the deteriorated human rights record in Myanmar. The house arrest of Daw Aung San Suu

Kyi provoked international criticism and ASEAN's 'constructive engagement' had no significant impact on the resolution of Myanmar's domestic political chaos (Khoo 2004). At the same time, some argue that ASEAN had been actively involved in attempting to impose pressure on Myanmar despite its commitment to non-interference policy. However, ASEAN's failure to achieve visible results was attributed to the avoidance of a collective approach with other international organizations like the EU (Davies 2012). The inconsistency in ASEAN policy shows that cooperation alone did not work, however, ASEAN leaders should understand that their policy of engagement could be effective. Just as the United States shifted from isolationism to 'dual policy', ASEAN needs to implement some solid measures to make its engagement policy effective. In addition, there have been conflicts of interest between member states over the ASEAN engagement policy. Many ASEAN members benefited from Myanmar military government's economic opportunities. Thailand, Singapore and Malaysia are major trading partners for Myanmar's natural resources. Therefore, sanctions and engagement policies had not been able to pressure or persuade military generals to move Myanmar toward democracy (Moe 2009). Disagreements remain among ASEAN member states over Myanmar issue depending on each country's interests and pressures. Moreover, there is also a discrepancy in ASEAN's policy on how to support Myanmar's democratic transition (Haacke 2008).

Some researchers argue that the inspiration of the 'founding fathers of ASEAN'<sup>6</sup> to preserve and strengthen new independent member states kept them away from both internal and external interventions (Davies 2012; Kipgen 2016). In other words, ASEAN's lack of progress over democracy and its principle of non-interference in domestic affairs allowed the military government to maintain long-term power. Moreover, the existing literature on

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<sup>6</sup> The terms 'founding fathers of ASEAN/ASEAN-6' indicate Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand; and the terms 'new ASEAN members'/'CLMV countries' represents the group of Southeast Asian countries that joined ASEAN after 1995 onwards, namely, Cambodia, the Lao PDR, Myanmar and Vietnam in this study. 'ASEAN-10' indicates the current ten member states.

Myanmar's political transition shares diverse ideas on the contribution of different international actors to the political transition. ASEAN did not have a singular approach to evaluate or support democratic reforms in Myanmar. For example, ASEAN member states with more democratic political systems embrace more 'liberal' approaches to Myanmar's political transition than less-democratic members. Significantly, there are many differences between ASEAN countries' policies on Myanmar and their support for Myanmar's democratic transition in line with different interests and pressures (Haacke 2008). Alternatively, individual members took an opportunities-based approach following their various social-economic interests. ASEAN's failure to take a more substantial involvement in Myanmar's political transition had little to do with regulatory constraints than the group's growing difficulty in reaching consensus and the dominant illiberal elites (Jones 2009). The generals studied systems and political and economic transitions from neighboring authoritarian governments as they devised their plans for transition. The results of their study can be seen in many aspects of the 2008 constitution (Clapp 2015, 12). Although Indonesia is one of the ASEAN member states who conceptualizes the initiative of regional diplomacy, the full implementation and success of Myanmar's political transition are uncertain (Haacke 2008).

Against this background, it is not surprising that there is a widespread opinion among scholars about the long-standing ambiguity of the non-interference approach to interactions between ASEAN member states after the Cold War era. The ASEAN Way no longer provided advantages to economic development and nation-building (Katsumata 2003) with lowering political risks. A changing geopolitical environment in Southeast Asia ultimately hindered ASEAN in successfully dealing with newly emerging threats. Those threats include not only the risks related to China's rise to becoming a global military and economic superpower but also increasing unpredictability of the global economy with close financial, trade, investment ties and several non-traditional security risks such as terrorism (Rüland and Jetschke 2008).

Rationalists, on the one hand, argue that ASEAN countries started frank discussions to address the new economic and environmental challenges adequately. Constructivists, on the other hand, argue that ASEAN's policy was adapting to changes in global norms that emphasize 'human rights and democracy' (Katsumata 2004).

The existing literature is good at identifying the ambiguity of ASEAN's norms and policies of engagement in Myanmar despite its non-interference principle. However, the current literature still fails to thoroughly analyze the inconsistencies of ASEAN's responses to Myanmar's domestic affairs due to two reasons: the complex nature of Myanmar's domestic situation during the 2000s and the ambiguity of ASEAN's non-interference policy in regard to its engagement with Myanmar. The question of why ASEAN interfered with Myanmar's domestic affairs still remained vague.

### **3.2.4 Impact of Japan's engagement**

Recent literature on Japanese involvement in Myanmar since 1988 can be divided into three categories: first, Japan's national interests and its ODA policy; second, Japan-US relations and third, implications for Japan's Myanmar policy and Japan's regional policy and concern about the rise of China in Southeast Asia. One body of literature focuses on Japan's national interests and its ODA policy. Over the past few decades, Japan built on bilateral relations based on a number of factors in shaping Japan's relations with Myanmar. These factors include ultimate national interests; challenges posed by the political and economic situation in East and Southeast Asia (Edström 2009). Japan's policy towards Myanmar is based on the role of national interests and interest groups. It is difficult to adhere to Japan's own policy toward Myanmar without recognizing its visions and principles shared with the United States and the European Union. In addition, the North Korean nuclear and missile threat over the Sea of Japan strengthened Japan-US relations (Pongyelar 2007, 20).

After the military coup in 1988, Japan believed itself to become the only influential country to promote national reconciliation between the opposition party led by Aung San Suu Kyi and the military government. In fact, Japan failed to achieve such influence due to a broken relationship with the military government; lack of influence in the international and regional political arena. To make matters worse, Japan was not able to effectively intervene in Myanmar's affairs because of the inseparable divisions between the United States and the European Union which resorted to sanctions and isolation policy for Myanmar (Kudo 2007). Contrary to this view, scholars discuss that although Japan cut off economic development aid, it quietly refused to adhere to US policy of change; provided humanitarian assistance and resumed aids in February 1989 (Aung Din 2017, 71; Steinberg 017, 61). In 1992, Japan announced a change in ODA policy and ratified the ODA Charter. Some scholar argue that after reviewing the market economy, democracy, human rights issues and military-related expenditure of recipient countries, Japan should decide whether or not to provide ODA (Edström 2009, 6,8).

Japan did not impose severe sanctions on the military government. Instead, it sought to have an influence on the military government by ignoring pressure from the pro-democracy movement in Myanmar; providing financial assistance in the form of humanitarian aid and debt relief (Aung Din 2017, 71). Japan may be more lenient in its dealings with Myanmar than the United States, but it could change its attitude toward Myanmar if its national interests arise.

The United States and Japan took two different approaches to Myanmar. The United States imposed sanctions on Myanmar and occasionally called on the UN Security Council to intervene in the domestic affairs of Myanmar. However, Japan recognizes the military government as the legitimate government of the country and refuses to use sanctions or pressure. However, in September 2006, Japan voted for a US-UK proposal to include



Myanmar in the UNSC agenda. This is because North Korea only needed strong US support and security assurances when North Korea test-fired a large number of missiles (Aung Din 2017, 76).

The differences between the Japanese and Western policies on Myanmar continue to reflect the position of the West and Japan, but the situation in the UNSC is different. The United Kingdom and France, along with European non-permanent members of the UNSC, are likely to support the United States' request for Myanmar to be included in the UNSC agenda, and there are no objections to the US's other demands. Japan's position on the issue seems uncertain. Despite its desire to become a permanent member of the UN Security Council and accommodate differences of opinion, Japan has no definitive record of resisting US pressure. In addition, at the end of 2006, Japan retired as a non-permanent member of the UNSC (Haacke 2006c, 81).

Scholars examine Japan's role in peacebuilding in Southeast Asia through the massive use of aid. Japan's main goal is not to promote values such as human rights, but to focus on mediation between conflicting parties (Oishi and Furuoka 2003). ODA is an essential tool for reviewing and balancing Japanese policies. The Japanese government controlled or suspended ODA to maintain economic and security ties with the United States for many years. Following the 1988 military coup, Japan suspended ODA to Myanmar. New aids were provided only for emergency and humanitarian projects. Japan's ODA is a tool to maintain relations with Myanmar in the midst of Chinese influence in the region and to prevent China's current presence (Edström 2009).

Japan uses foreign aid to Myanmar to support political talks between military government and Aung San Suu Kyi. However, these diplomatic efforts for national reconciliation yielded little fruits. Moreover, military government benefited from Japanese aids without holding genuine political talks. Since late 2000s, the situation became right for

Japan to play a more constructive role in Myanmar as the military government and Aung San Suu Kyi began intense talks under the ASEAN Initiative. Japan's performance can be viewed from the perspective of ripening time in negotiation and conflict resolution (Oishi and Furuoka 2003, 901).

The second body of literature is Japan-US relations and implications for Japan's Myanmar policy. Scholars differ on Japan's position in its dealings with the military government. As stated above, the United States and the European Union used sanctions and isolation policy against the military government, but ASEAN and China resorted to policy of engagement. In the face of two contradictions, Japan had been able to subtly perceive international opinion (Oishi and Furuoka 2003, 904). Some scholars argue that despite US and EU member states continued imposing sanctions and pressure on the military government, Japan went its own way. While some countries pursued a policy of engagement and cooperation with the Myanmar generals including China and India, Japan sought to bridge the gap in its relations with Myanmar; support democratic transition and human rights through dialogue with the government and encourage collaborative action for progression (Aung Din 2017, 76; Haacke 2006c).

Diplomatically, Japan maintains the same views as ASEAN and recognizes that it is important for ASEAN members to work together to reduce the military's repressive policies. Japan perceives Myanmar's membership in ASEAN as a response to China's growing influence and resistance to Western interference in Southeast Asian affairs. Therefore, Japan maintains a friendly attitude in dealing with Myanmar by ascertaining collaboration and providing foreign aid incentives. Taking into account the Chinese factor, Japan expresses a willingness to adapt to a more flexible approach, rather than a separate Western policy of isolation to the military government. Even if US sanctions strategy does not work, Japan still has a long way to go in pursuing a policy of engagement with Myanmar

(Pongyelar 2007, 25). Japan's policy in its relations with Myanmar was clearly stated by the Japanese Ministry of Foreign Affairs. Japan's first priority is to develop relations with the Asia-Pacific region and to enhance regional cooperation which is the cornerstone of foreign policy (Ministry of Foreign Affairs of Japan 1999). Therefore, Japan's actual policy implementation is based on a variety of factors including US policy values and international context (Pongyelar 2007, 26,27).

The effectiveness of Japan's aid depends on the ability of Japan and the West to work together. Japan's actions in pursuit of Western objectives to resolve the conflict generated positive results. However, the effectiveness of Japan's actions has been diminished when going against the intent of the West. Japan found it difficult to deal with conflicts related to key issues such as human rights and democracy. By imposing sanctions by the West, it would be difficult for Japan to deal directly with the country's problems. Japanese companies in Myanmar were facing difficulties due to US sanctions on the military government. This is due in part to significant challenges to Myanmar's opportunities and, in part, to the Myanmar government's investment policy (Pongyelar 2007). Japan's economic interests in Myanmar make Western sanctions negative and inconsistent. Under these circumstances, Japan was able to launch a relatively simple mediation process between the two opposition parties at the height of the conflict (Oishi and Furuoka 2003, 906).

Both the United States and Japan want Myanmar's political reforms to have a positive impact on regional development (Schoff 2014, 23) and committed to national peace and reconciliation in Myanmar. Their policy objectives are similar as they focus on promoting democracy, human rights and a more open market economy that contributes to sustainable development. Steps toward Myanmar's political independence paved the way for US policy change (Schoff 2014, 16). However, the military government has been less responsive than cooperative to the demands of the U.S., and UK. From the military government's point of

view, the desire for Western rewards for political reconciliation is significantly less than the desire for retribution. On the other hand, the implementation of the roadmap by the military government without Aung San Suu Kyi and the NLD became a politically undesirable step for the West and Japan (Haacke 2006c, 81).

Myanmar's historic political and economic transition is a strategic opportunity for the United States and Japan. The allies took advantage of strong bilateral relations to build a strategy for long-term effects and collective benefits beyond policy negotiations. To be successful, both the United States and Japan need to renegotiate domestic policies; make Myanmar a high-level ally and meet different priorities and goals. Japan attaches great importance of trade and economic relations while the United States pursues a pro-democracy approach to Myanmar and particularly concerns about human rights issues (Schoff 2014). The military government believes that it could build on its long-shared history and leverage regional power balances to enhance relations with Japan. At the same time, the military government perceives that Asian and Pacific powers are interested in participating in an active cooperation strategy with Myanmar. However, the military government found that Japan was more critical of Myanmar's internal affairs than China and India, especially over Daw Aung San Suu Kyi (Haacke 2006b, 76).

The strong relationship between Myanmar and Japan is a valuable tool for US policymakers to have an influence on their civil society, communications and planning powers. The US President Barack Obama and Japanese Prime Minister Shinzo Abe pledged in 2014 to support Myanmar's reform and reconciliation efforts. Their agreement leverages the momentum of the allies' cooperation. Given this, the results of Myanmar's current transition are mixed. In the long run, the success of Myanmar's political transition could strengthen the economy and governance of Southeast Asia. On the contrary, political

instability in Myanmar could undermine regional stability and at the same time weaken the US and Japanese influence (Schoff 2014).

Another body of literature is Japan's regional policy and concern about rise of China in Southeast Asia. There are differing views on Japan's influence on the Myanmar issue. The fact that Japan has a strong historical relationship with Myanmar and good internal and external relations with Myanmar places an important role. Japan should take the lead in addressing this regional problem as a force for political change in Myanmar to secure its assurance diplomacy in East Asia (Holliday 2005a). Singapore, the Philippines, Malaysia, Indonesia and Thailand urged Japan to play an active role as a regional leader. Such countries interpret Japan to counterbalance China's growing power in the region (Hagström 2005, 5). At the same time, Japan needs the back door of ASEAN to overcome the rise of China; reduce dependence on the United States and develop its own Asian perspective. In a reversal strategy, Japan was historically chosen to work more closely with its regional rival, China and making efforts to continue to offer ODA support to Myanmar (Pongyelar 2007, 30).

Japan's policy of retaliation in 1992 had no effect on military government. As Myanmar was pushed for democratization and faced international isolation, Myanmar-China exchanges grew significantly. Shortly after the 1988 coup, China became a major supporter of Myanmar. Relations between Japan and Myanmar deteriorated since the military government took power in 1988. Japan's firm policy on dialogue and pressure had no effect, so the Japanese government concluded that it is necessary to take international action if negotiations were to improve (Edström 2009, 6-8). Although Japan did not comply with US pressure to pursue tougher US sanctions, this did not necessarily appeal to the military government. Japan's overall policy and broad-based humanitarian assistance are driven by the desire to retain as much of Myanmar's once-prominent economic role as possible. What sets them

apart from the United States is that Japan focuses partially on geopolitical interests in Myanmar, especially in the face of rising Chinese power in the region (Haacke 2006c, 71-72).

As for China, the improved Myanmar-US relationship is as part of 'a plan of containment'. As in the Cold War, restrictions on Chinese activities in Southeast Asia were limited to areas previously considered areas of influence. There is also a link between Japan's role in the Senkaku dispute and the increase in Japanese aid to Myanmar. Cooperation between Japan and the United States on the Myanmar agenda is assured to exacerbate China's concerns (Steinberg 2017, 64). If Japan and China find themselves in a position to be responsible for peace, stability and development in the Asia-Pacific region, it is difficult to know how to respond to countries with issues which have close ties with them. It is necessary to be more careful, especially if Japan and China want to live up to the goal of bringing their relations in line with the trend of the international community (Edström 2009, p6-8).

On the other hand, as Japan became increasingly concerned about Chinese influence in Myanmar, Japan's relations with the military government sought to keep a close eye on Chinese diplomacy. At the same time, it established close diplomatic coordination with ASEAN. Japan saw Myanmar as an important frontline in diplomatic relations with China and sought greater independence from the US in Asia (Pongyelar 2007, 22). Since 2011, Japan expanded its influence in Myanmar and established these strong historical ties. Mainly, shifts in regional power, such as increased competition with China and various forms of change in East Asia, drove historic friendship to rejuvenate relations. The development of bilateral relations is due to Myanmar's willingness to engage in diplomacy and industrialization and Japan's enthusiastic support in this process (Hartley 2018).

Current literature is good at examining important factors such as Japan's national interests and its ODA policy; Japan-US relations and implications for Japan's Myanmar policy, it still fails to analyze the inconsistencies in Japan's response to Myanmar's domestic

issues, especially in the wake of the Saffron Revolution and Cyclone Nargis which drew international criticism. Japan's inconsistent position on Myanmar's internal affairs need further analysis (See Table 3.2).

**Table 3.2 Literature Review (International)**

International Actors	Argument
US	Ineffective impact of Western sanctions; Comprehensive long-term strategy and review of Western-style sanctions policy; Comparative studies of Bush and Obama Administration; Effectiveness of US policy
China	Myanmar's benefit from China China's benefit from Myanmar Military's efforts to counterbalance China's growing political and economic influence
ASEAN	Myanmar's membership in ASEAN ASEAN's non-interference policy and impact of ASEAN's engagement policies in Myanmar's political transition process.
Japan	Japan's national interests and its ODA policy Japan-US relations and implications for Japan's Myanmar policy

Source: Author

**Summary**

In summary, the military-led political transition would have a significant effect on the transition process. Some scholars argue that the military's genuine acceptance of political change and its attempt to re-enter politics (Selth 2013, 2018; Kingsbury 2014). Some scholars focus on the institutional capacity of the military (Bunte 2011, 2014; Huang 2013; Myoe 2009, 2014; Hlaing 2009). Some question the reasons why the military led the political transition (Jones 2014). Others emphasize popular representation of political parties and their strategies (Stokke and Aung 2019), authoritarian resilience (Ruzza, Gabusi and Pellegrino 2019), the choice of election system by the military government (Stoke, Win and Aung 2015; Dukalsi and Raymond 2017).

One of the existing bodies of literature argues that international actors played an important role in the 2011 and 2016 political transitions (Alvin 2008; Aung Din 2017; Bünthe and Dosch 2015; Chow and Easley 2016; Clapp 2015; Fiori and Passeri 2015; Haacke 2006c; Haacke 2010b; Hartley 2018; Hlaing 2008; Holliday 2005a; Jones 2008; Kigpen 2016; Oishi and Furuoka 2003; Schoff 2014 and Selth 2007), however, the 2021 political transition challenges that debate. If international actors had played an important role in Myanmar's political process in 2011 and 2016, it would have been difficult to understand the return to military rule in 2021. By applying the CAR theory by Levitsky and Way, this research seeks to address the main research questions: despite having been the most powerful institution in Myanmar, why did the military government initiate a political transition; transfer power to the semi-civilian government in 2011 and civilian government in 2016? Despite having adapted itself to the semi-civilian government from 2011 to 2015 and civilian government from 2016 to 2020, why did the military take power again by declaring a state of emergency on 1 February 2021? How did international actors such as China, the US, Japan and ASEAN hinder and/or facilitate the political transitions of Myanmar in 2011, 2016 and 2021?

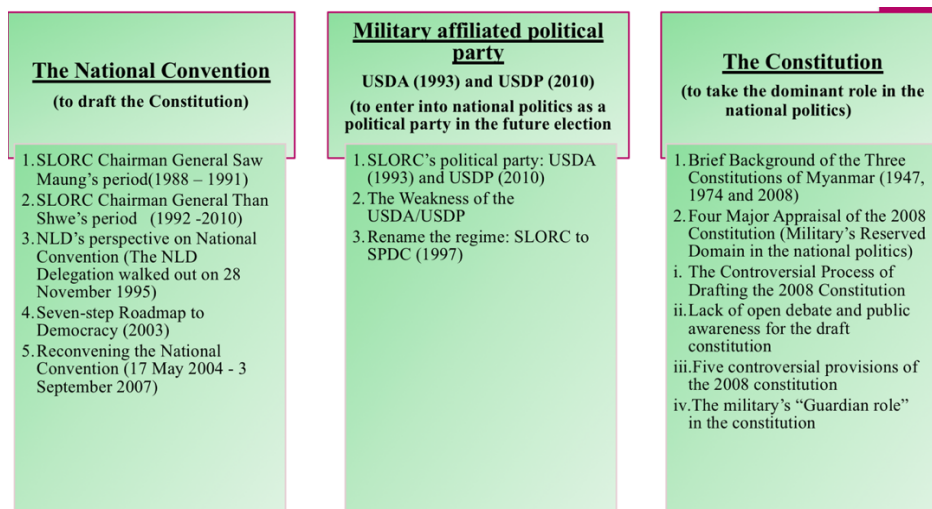
Hence, the international dimension of Myanmar's political transition process will be taken into account by this research. In the domestic dimension, this study investigates the military's long-term political strategy which serves as the 'reserved domain' for its political survival in the national politics. The timing of the occurred political transitions is analyzed based on the empirical data and case studies. Moreover, this research highlights the military's institutionalized 'Guardian role' in national politics to contribute to the existing literature about Myanmar's regime change.



## Chapter 4 Military Government’s Long-term strategy in Myanmar’s political transition (Military’s Political Reserved Domain)

### Introduction

Chapter Four provides a detailed analysis of how the long-term political strategy was adopted and achieved by the military government to initiate Myanmar’s political transitions. The main goal of this chapter is to understand how the military government laid down the long-term political strategy for years to finally endorse the 2008 constitution as their political cornerstone in national politics and take the leading role in future national politics. This chapter discusses the military government’s long-term strategy in Myanmar’s political transition into three different sections: (1) National Convention (2) Military-affiliated political party, and (3) the constitution (See Figure 4.1).



**Figure 4.1 Military Government’s Long-term political strategy in Myanmar’s political transition process**

Source: Author

### 4.1 The National Convention

This section deals with the national convention process which drafted the basic principles contained in the constitution. The representatives of the National Convention included well-experienced stakeholders including representatives from the national ethnic

comes from various fields such as politics, security, administration, economic, social sectors and law (Ministry of Foreign Affairs of Myanmar 2021, 3). It discusses internal and external challenges and the SPDC's relentless implementation to conclude the drafting process (See Table 4.1).

**Table 4.1 Timeline of National Convention**

<b>Date</b>		<b>SLORC's Plan</b>
18 September 1988		The military forms a State Law and Order Restoration Council (SLORC) that promises to conduct multi-party elections under SLORC Declaration No.1/88.
27 May 1990		General Elections 1990
24 April 1992		The SLORC will convene the National Convention within six months in order to lay down the basic principles for the drafting of a firm and stable Constitution
2 October 1992		Formation of the Convening Commission for the National Convention
<b>From</b>	<b>To</b>	<b>National Convention Convenes</b>
9 January 1993	11 January 1993	First Session
1 February 1993	7 April 1993	Second Session
7 June 1993	16 September 1993	Third Session
18 January 1994	9 April 1994	Fourth Session
2 September 1994	7 April 1995	Fifth Session
28 November 1995* <sup>1</sup>	31 March 1996	Sixth Session
1996	2006	<b>National Convention suspends</b>
30 August 2003		Seven-step Roadmap to Democracy <sup>2</sup>
<b>From</b>	<b>To</b>	<b>National Convention Reconvenes</b>
17 May 2004	9 July 2004	Seventh Session
17 February 2005	35 March 2005	Eighth Session
5 December 2005	31 January 2006	Ninth Session
10 October 2006	29 December 2006	Tenth Session
August 2007	3 September 2007	Eleventh Session ( <b>NC Final Session</b> ) <b>(Case Study One: Saffron Revolution)</b>
10 May 2008		National Referendum to endorse the Constitution <b>(Case Study Two: Cyclone Nargis)</b>
7 November 2010		2010 General Elections

Source: Author

<sup>1</sup> The NLD Delegation walked out on 28 November 1995.

<sup>2</sup> First step of the seven-step of the roadmap to democracy is to reconvene the National Convention and adopt the constitution through National Referendum.

#### **4.1.1 SLORC Chairman General Than Shwe's period (1992 – 2010)**

Senior General Than Shwe introduced the process of drafting the new national constitution since taking over the chairmanship of the SLORC in 1992, by commemorating a national convention (Htut 2019, 5; interview with a retired Lieutenant General, September 23, 2019).<sup>3</sup> His plan was to create a political system that would lead to a peaceful transition to a multiparty democracy. The military should have a leading role in this plan as an important partner like in a coalition government (Htut 2019, 9).

On 24 April 1992, the SLORC issued Notification No. 11/92 stating that it would meet with elected representatives from political parties and elected independent representatives within two months. It would call a National Convention within six months to draft the basic principles for a new constitution (SLORC Declaration No. 11/92, 1992). Under Order No. 13/92 issued on 28 May 1992, the SLORC formed a fifteen-member National Convention Convening Committee (SLORC Declaration No. 13/92, 1992).

#### **4.1.2 The perspective of the National League for Democracy (NLD) on National Convention**

On 28 November 1995, the NLD called for a review of the working procedures of the National Convention and demanded to lift instructions that restrict debate and permit the criminal punishment of those who speak out against the military during the convention. The SLORC refused the appeal so that the NLD's 86 members boycotted the convention meetings for two days. Then, members of the NLD were expelled from the convention the next day (Human Rights Watch 2008a).

There were three main reasons that the NLD criticized the National Convention held by the SLORC. The first was that the SLORC took a leading role in the conducting of the National Convention. NLD claimed that this was contradictory to Declaration No. 1/90,

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<sup>3</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.

which stated that the elected representatives were responsible for writing the new constitution (SLORC Declaration No. 1/90, 1990). The second point is the fundamental principles of the National Convention, which highlight that the constitution must allow the *Tatmadaw's* (military) participation in a leading role in national politics. The NLD considered this to be contrary to the principles of democracy. Third, there was a lack of open debate and no specific timeline regarding the convention proceedings. Daw Aung San Suu Kyi requested a dialogue with the SLORC in regard to the National Convention and she added that the NLD was not denying the legitimacy of the National Convention but criticizing the way in which it was carried out (Shin 2016, 87,85,97,131-152,155).

There was a meeting with the SLORC Chairman Senior General Than Shwe, Secretary 1 Major General Khin Nyunt and Daw Aung San Suu Kyi on 20 September 1994, however, the meeting was about other topics such as national development. Whenever political issues were brought up by Aung San Suu Kyi, Than Shwe subtly shifted the conversation. He just met her to relieve international pressure and never intended to engage in serious political dialogue (Interview with Khin Nyunt by Ye Htut).

The NLD sent two letters to the working committee requesting dialogue with the government and mentioning that if there was no response, the NLD would not attend the convention and wait for the agreement for the dialogue. However, the NLD received no reply from the SLORC government. Subsequently on 28 November 1995, the 86 NLD delegates, headed by Aung Shwe, walked out of the convention. The NLD explains that the walkout was not a boycott but simply a pause awaiting a dialogue with the SLORC government (Shin 2016, 154). Again, the SLORC disagreed with the NLD's position. The NCCC issued a press release criticizing the NLD of intending to abolish all core principles agreed upon in the constitution and replacing the convention with one of its own. The statement said the NLD was interested solely in partisan politics and therefore ignored the national interest. The

commission reiterated that the convention would continue without the NLD to accommodate the national interest (*Global New Light of Myanmar* 1995; Htut 2019, 15).

The tensions between the SLORC and the NLD worsened after the NLD walked out of the National Convention. Government security forces prevented Aung San Suu Kyi from leaving Yangon on several occasions between 1996 and 2001. Aung San Suu Kyi called on the international community to exert pressure on the SLORC by endorsing sanctions against Myanmar and rejecting the country's application to join the Association of Southeast Asian Nations (ASEAN) (Mydans 1997; Htut 2019, 16).

The National Convention proceeded until 31 March 1996 when it was recessed. The National Convention met during six sessions between 1993 and 1996 and consented on 104 principles drawn up as the basis for eight chapters of the Constitution (See Table 4.2). On 16 September 1992, the finalization of the National Convention's 104 basic principles and the fundamental principles of the future Constitution had been achieved (Human Rights Watch 2008a). The commission and working committee pursued their work though the National Convention was recessed. They reviewed other national constitutions; drew up guidelines for the remaining chapters; conducted consultations with related ministries; briefed Senior General Than Shwe and other top leaders<sup>4</sup> (Htut 2019, 15; interview with a retired Lieutenant General, September 23, 2019).

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<sup>4</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.

**Table 4.2 National Convention Sessions (1993-996)**

<b>Session</b>	<b>From</b>	<b>To</b>
First	9 January 1993	11 January 1993
Second	1 February 1993	7 April 1993
Third	7 June 1993	16 September 1993
Fourth	18 January 1994	9 April 1994
Fifth	2 September 1994	7 April 1995
Sixth*	28 November 1995	31 March 1996

\*The NLD Delegation walked out on 28 November 1995.

Source: Ye Htut 2019, 15

### **4.1.3 Seven-step Roadmap to Democracy**

On 30 August 2003, Prime Minister General Khin Nyunt announced the ‘Seven-step Roadmap to Discipline Flourishing Democracy’ to state-owned medias as follows: ‘(1) ‘Reconvening of the National Convention that has been adjourned since 1996 (2) After the successful holding of the National Convention, step by step implementation of the process necessary for the emergence of a genuine and disciplined democratic system (3) Drafting of a new constitution in accordance with basic principles and detailed basic principles laid down by the National Convention (4) Adoption of the constitution through national referendum (5) Holding of free and fair elections for *Pyithu Hluttaws* (Legislative bodies) according to the new constitution (6) Convening of *Hluttaws* attended by *Hluttaw* members in accordance with the new constitution, and (7) Building a modern, developed and democratic nation by the state leaders elected by the *Hluttaw*; and the government and other central organs formed by the *Hluttaw*’ (*Global New Light of Myanmar* 2003).

There were two main stimuluses for the Seven-step Roadmap to Democracy endorsement which occurred due to the political condition back then. The first stimulus was the tragic Depeyin incident in which tensions between NLD supporters and protesters led to an attack on Aung San Suu Kyi’s convoy on 30 May 2003. The incident brought mounting international pressure to the country (Htut 2019, 18). The United Nations and other western nations were among the first to respond rigorously to the SPDC's push by strongly

condemning the Depayin repression and the threat to the life of the 1991 Nobel Peace Prize winner, Daw Aung San Suu Kyi (EgretEAU and Jagan 2008). Vice Foreign Minister Tetsuro Yano's visit followed a statement from the Foreign Ministry stating that if no action is taken, Japan may 'reconsider our relations' (Mydans 2003).

The second stimulus was the Special Envoy of the UN Secretary-General's multiple visits to Myanmar during 2000-2002. Razali Ismail, the Special Envoy of the Secretary-General for Myanmar, visited Yangon during 2000 and 2002 to help facilitate the national reconciliation process in Myanmar. He visited Myanmar seven times since he was appointed in April 2000. Razali requested meetings with Senior General Than Shwe, Chairman of the State Peace and Development Council (SPDC), General Maung Aye (Vice Chairman of SPDC), General Khin Nyunt (Secretary-1 of the SPDC) and Daw Aung San Suu Kyi (General Secretary of the NLD). The UN Secretary-General expressed his concern that the forthcoming mission, in particular his discussion with Senior General Than Shwe, would be of importance. The role of Razali would provide a fresh impetus by facilitating both sides for their confidence-building talks in the foreseeable future towards a more constructive dialogue (United Nations 2002b).

While Razail Ismail was negotiating between the military leaders and Aung San Suu Kyi between 2001 and 2002, Khin Nyunt assumed that it was a good time to propose the road map to Than Shwe. Than Shwe accepted the idea but felt it would have been too early to announce it, as there were many different things to consider in order to lay the groundwork for a democratic transition. However, Khin Nyunt mapped out the seven-step roadmap after having consultations with the chief justice and attorney general and decided to keep it to himself. Shortly after the incident at Depayin, Than Shwe ordered Khin Nyunt to endorse the seven-step road map. Senior General Than Shwe then introduced new political reform measures against escalating international pressure by promoting General Khin Nyunt, SLORC

Military Leader and Secretary 1, as Prime Minister. Khin Nyunt informed military and government leaders on 30 August 2003 and declared a roadmap to disciplined democracy in seven steps (Htut 2019, 19).

There were other aspects of international pressure at that time should also be taken into consideration such as Myanmar's ASEAN membership in 1997; sanctions from the West and the Asia Financial Crisis in 1998. There was also an initiative called 'Visit Myanmar Year' in 1996 to promote growth in the hotels and tourism sector, however it failed because of sanctions (Michalon 2017). This had a noticeable impact on Myanmar's economy. As a result of both international situation and domestic situation in Myanmar, a seven-step roadmap to democracy had been endorsed. According to the roadmap, the National Convention reconvened eight years later in 2004 and completed in 2007. After that, the military government prescribed the procedures relating to the drafting of the State Constitution (State Peace and Development Council Order No. 7 / 2007).

The focus on drafting the constitution was the main driving force behind political transition at that time. After it had been redrafted, the state power would be transferred to the elected government as outlined within, so that the constitution could be implemented effectively and successfully. The roadmap was a boost to the emergence of the constitution. It endorsed the idea that, only after the constitution was implemented, an electoral government that represented constitutional ideals would emerge. Prior to this plan, there had been no systemic steps for drafting the constitution, and thus the Roadmap for Democracy met the need for a clear and apparent path toward doing so. It is vague to argue that the political transition emerged solely due to the 2003 roadmap, however, it is undeniable that the roadmap played an important part in bringing about political reform in 2011 (interview with a retired Lieutenant General, September 23, 2019).<sup>5</sup>

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<sup>5</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.



By the end of 2003, Thailand proposed an international conference involving regional and global powers that had key interests in Myanmar. Twelve Asian and European nations, including Myanmar and the Special Envoy of the United Nations, attended the first gathering in Bangkok (*Irrawaddy* 2004). Nevertheless, the second meeting which was planned to be held five months later in April 2004 was postponed when Myanmar refused to attend, claiming that it was too concerned with their domestic goals including, the implementation of the first phase of the Roadmap for the Reconvening of the National Convention. Although the ‘Bangkok Process’ proposed by Thai Foreign Minister Surakiart Sathirithai required international monitoring and support for the evolution of Myanmar’s domestic affairs, the military government withheld its presence and disallowed the attendance of its own Prime Minister and Foreign Minister. Many Asian allies in Myanmar, including Russia and Pakistan, followed an approach of ‘waiting and seeing,’ putting their reserved trust in the effort of the Myanmar government (Egreteau and Jagan 2008).

Alvin’s (2008) analysis says that the Roadmap to Democracy would serve to maintain the political and economic control of military government. The main criticism from the West on the roadmap and the constitution was that the NLD (who won the 1990 General Elections) was granted only a limited role and the military government was intended to act as the main driving actor behind the process. Bunte (2014) also argues that the military government tried to maintain their leading role in the ruling procedure of the country according to the principles during the National Convention (Bunte 2014).

It is arguable that the roadmap was a result of international pressure and domestic conditions at that time. The transition outlined by the military government took place steadily but slowly. International pressure was on the rise, so demands were made to make reforms as soon as possible so that the military government could endorse the Roadmap to buy time. But

without the incumbent government's action at that time, there was no reason for these reforms (interview with a retired Ambassador, September 23, 2019).<sup>6</sup>

The 2003 year demonstrates a steady stream of political activity in the country, including a military government's roadmap to democracy through as a prospect for reform which appeared to be quite limited. The military government is likely to dictate the direction of occurrences due to the lack of leverage from the oppositions and the lack of effectiveness of sanctions. Opposition groups naturally responded in one of two ways to initiatives to democratize the regime; either by finding some space to compromise inside government-controlled discussion forums (such as the current National Convention which is the elite-level transition) or by maintaining the fragmentation of Myanmar's policies that started in the 1960s and represented the consolidated military government better than the gradually weakened powers of opposition. Opposition groups focus on elite-level regime change, and the need to install a more accountable government. Such approaches are based on an assumption which is shared by the military regime. The political transition in Myanmar must come from the top; that is, directed by the central government (South 2004).

At the Ninth ASEAN Summit in Bali in October 2003, Prime Minister General Khin Nyunt obtained his regional colleagues' support for his plan to return Myanmar to democratic governance. Myanmar would have to lead ASEAN as a full member of the regional organisation according to the ASEAN Charter in 2006. In the light of its domestic reform agenda for democratic governance and its broader struggle for stability, Myanmar's new international relations policy paved the way for a new era of mutual cooperation, trade and investment that could provide Myanmar with the resources needed by the international community (Helen 2004).

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<sup>6</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.

However, Myanmar announced its decision to skip the rotational chairmanship of ASEAN in 2006 in the Joint Communique of the 38<sup>th</sup> ASEAN Ministerial Meeting, Vientiane, Laos (ASEAN 2005). But then again in 2014, Myanmar assumed ASEAN chairmanship for the first time, a significant achievement for both ASEAN and Myanmar (See Chapter 7 for the detailed discussion of Myanmar's ASEAN Chairmanship in 2014 and its relinquishment in 2006).

### **The Fall of General Khin Nyunt**

Myanmar's military positioned itself to be the most organized, coherent and resilient institution in the country. Even so, since the dismissal of Prime Minister and Chief of Military Intelligence, General Khin Nyunt, in October 2004; eventual dissolution and removal of his intelligence apparatus, rumors frequently emerged about significant change in the organizational structure of Myanmar's military. Following the collapse of the complex triangular power structure, there was chaos in the relationship between the two top military leaders, which could deteriorate into a hegemonic conflict (Than 2006).

On 19 October 2004, Prime Minister General Khin Nyunt, widely acknowledged to be the mastermind of the 'Roadmap' operation and a significant driving force behind political transition in Myanmar, was captured and nearly 1,000 of his military intelligence officers were dismissed. The purge severely undermined the functionality of the military government but was perceived as necessary to preserve its role as Myanmar's ultimate authority of political influence. As Chief of Intelligence for Myanmar from 1983 to 2004, General Khin Nyunt led the country over the establishment of a strong and powerful intelligence apparatus that encompassed military dictatorship and played a crucial role in foreign relations within the region. However, the key military intelligence organization was becoming important and influential than other segments of the military, even including the governing SPDC, regarded it as a threat (Selth, 2019).

The fall of General Khin Nyunt is also a matter of debate. The NLD Delegation walked out from the National Convention on 28 November 1995. In the official version of the government, the SLORC said that even though NLD group was excluded from the convention in 1997, a letter of invitation had been sent to them for the sake of national reconciliation (Than 2006). On May 14, the NLD issued a statement withdrawing attendance to the National Convention. The NLD once again made its position absolutely clear in its Shwegondine Declaration of 29 April 2009 (Hongsar 2009). According to Khin Nyunt, he assumed that, without the NLD, neither the citizens nor the international community would acknowledge the legitimacy of the National Convention. The idea of engagement with Daw Aung San Suu Kyi would have been rejected by Senior General Than Shwe and Vice Senior General Maung Aye even if he proposed. Hence, he privately started negotiations with Daw Aung San Suu Kyi through his representatives and promised to meet with her in person after she had been freed from house arrest. Once Daw Aung San Suu Kyi consented to his negotiations, he suggested to Than Shwe that the government should release the opposition leaders from house arrest without granting them attendance to the National Convention. Than Shwe shut that proposal down, and the agreement crashed. This is one of the factors that prompted Than Shwe to remove him (Htut 2019, 20).<sup>7</sup>

The collapse of Khin Nyunt from power was attributed to a mix of factors, some short-term and some long-term. There was no single factor responsible for that. Andrew Selth (2019) came up with five hypotheses for the reason behind the collapse of Khin Nyunt and called them the theories of policy, power, personal, pillage and preservation (Selth, 2019). The ‘policy’ theory suggests that the fall of Khin Nyunt was due his proactive nature. He was perhaps more willing and able to foresee a potential leadership role for Aung San Suu Kyi. He was also quite easily accessible to negotiations with the EAOs and he was more amenable to

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<sup>7</sup> Khin Nyunt, 2016. Interview by Ye Htut. 11 November 2016.

foreign countries' interests than the 'hardliners' such as Than Shwe and Maung Aye, whose passionate nationalism contributed to a more authoritarian approach. The detention of Khin Nyunt was a devastating setback to democratization initiatives and national reconciliation. Although there were some justifications for all these arguments, there was little disagreement on fundamental issues, such as the potential future of the country; the persistent domination of political affairs by the military and the need for Myanmar to be cautious about getting too intimate with any specific foreign country.

With regard to the 'power' theory, in 2004 the US Embassy in Yangon stated that a more plausible reason behind the SPDC's anti-Khin Nyunt movement was a long-standing hate and fear aligned with his Military Intelligence apparatus. It supposedly functioned 'like a state within a state' with its own set of priorities, ignoring challenges against the *status quo* and the military itself. It was dissolved after having become a great source of friction within the government.

The 'personal' theory compares and contrasts the personal histories of Maung Aye and Khin Nyunt. The former was a soldier in the military and a veteran of combat. On the other side, Khin Nyunt never performed as a divisional or regional military commander, nor did he have any firsthand combat experience. After 1983, he operated the intelligence apparatus. Maung Aye was a Defense Services Academy (DSA) graduate while Khin Nyunt's background comes from Officer Training School. It was presumed that the two generals clashed on the best course for the military government to pursue, for example regarding the future position of Aung San Suu Kyi and the handling of the EAOs. Khin Nyunt's prominent profile in the international media, where he was honored as a progressive leader with whom foreign leaders and diplomats could cooperate. For example, Singaporean leader Lee Kuan Yew once described Khin Nyunt as 'the most intelligent of the lot'. The fall of Khin Nyunt thus depicted Maung Aye's personal victory over his long-standing opponent.

The ‘pillage’ theory sees the circumstances of late 2004 more for the gains and economic advantages of military regime in terms of competitiveness among other parts of the military. There is another way of looking at the events of late 2004, and that is through Khin Nyunt’s wish to preserve his power through the intelligence apparatus. Than Shwe saw Khin Nyunt’s actions as insubordinate and a threat to the unity of the military. All five theories are likely to be partially representative of the reality of the situation in 2004. How, to what degree and under what variation is still difficult to determine (Selth 2019).

#### **4.1.4 Reconvening the National Convention (17 May 2004 - 3 September 2007)**

There are three significant indications by the military government to consolidate its power in office during this period. The first one is that the military government’s announcement about the reconvening of the National Convention on 17 May 2004 (*Global New Light of Myanmar* 2004) and the second is the expansion of institutional strength by strengthening internal security. Third, it is arguable that the overthrow of General Khin Nyunt brought about the consolidation of the military institution by removing the soft-spoken from the institution.

First, the National Convention on the drawing up a new Constitution is the first step in the seven-step roadmap of democratic reform in Myanmar by Prime Minister Gen Khin Nyunt. The convention was first held in 1993 but suspended in 1996, shortly after the NLD walked out, calling the proceedings undemocratic. Without the NLD, the National Convention thus assembled again, and five sessions were conducted before it concluded on 3 September 2007. The SPDC organized the State Constitution Drafting Committee under Notification No. 2/2007 of 18 October, conducted eleven meetings from 1993 to 2007, and the fundamental principles and comprehensive guidelines for the forthcoming constitution were concluded. (Htut 2019, 22). The roadmap gained international recognition and was endorsed by China, ASEAN and the UN Secretary General's Special Envoy for Myanmar, Razali Ismail, who

mentioned that Khin Nyunt's 'road-map' became the only political game in town, at least at the national/elite level. The UN Secretary-General acknowledged the strong support shared by his Special Envoy, Razali Ismail's attempts to promote the democratic transition in Myanmar. The dedication made by Myanmar's Foreign Minister Win Aung was empowered by the UN about the 'all-inclusive' manner in which Myanmar's military government officials would enforce their seven-step roadmap for the country's democratic transition. He supported the Government's plan of reconvening the National Convention in 2004 and drafting a new constitution (United Nations 2003). However, on the other hand, the US said that it would not acknowledge the legitimacy of the National Convention without the release and full participation of Aung San Suu Kyi and other detained leaders of her party (Moe 2004).

The National Convention's reconvening indicated the willingness of the military government to step forward with its drafting process of a new constitution. The National Convention—attended by 1,073 of its 1,081 invited representatives. The convention stipulated that the military commander-in-chief was equivalent to the vice-presidential post. The commander-in-chief (C-in-C) not only holds 25 percent of seats in Parliament's two chambers, but also the authority to nominate three main ministers — defense, home affairs, and border affairs. It was also determined that the military should maintain institutional autonomy in the decision-making phase and command over all the country's security forces, including police and militia. It would also be delegated to the military to protect the constitution and the country from any domestic and foreign threats. The meeting, which paved the way for the strong executive authority of the central government, was opposed by some ethnic delegates who argue that the governments remained reluctant to participate in dialogue and reconciliation (Thawngmung and Myoe 2008).

The military government touted its National Convention (NC) as an extravaganza for political progress. The NC's legitimacy, constructed by the SLORC and embraced by the

SPDC, was still not acknowledged by political opponent (NLD) nor by the US and other western governments. In addition, the issue of the visible lack of progress in implementing political reforms towards democratic government came under the spotlight of controversy in ASEAN's relationships with its dialogue partners, and even within ASEAN itself. During this year there was a substantial increase in the international community's attempts to push for improvements in the regime's behavior in accordance with Western human rights standards and democracy (Than 2006).

There were also allegations that the National Convention needed a timeline, and a complaint that the government was using delaying tactics (Htut 2019). It has been shown that the military leaders were capable of achieving their strategic political goal of building up a political structure which could bring about a successful transition to democracy. The prospect of increased involvement in the National Convention provided an opportunity to represent the significance of the 'ethnic problem' in Myanmar, and the roles that ethnic nationalities could play in breaking the political stalemate and beginning to tackle the immediate situation. To keep track of these limited options, the various ethnic nationalist coalitions would need to decide on a basic framework; create common solutions on the main issues that should be included in trilateral talks between the military, Ethnic Armed Organizations (EAOs) and the government. The military government was explicitly preparing itself to dominate the transition process, the effectiveness and legitimacy of which depended on who participates in the National Convention. But then again, in the eyes of the community in Myanmar and the international community, the NLD's refusal to join the National Convention made the new constitution and government seem significantly less legitimate. Because the military repeatedly failed to convince the NLD to join in the National Convention, there was relatively weak internal and external strong support for the roadmap. The effect of that vulnerability



became evident in the early phase of Thein Sein Government and therefore the president's first priority was to bring the NLD into the political process (Htut 2019).

The military government's second attempt to consolidate its power focus on the expansion of institutional strength by strengthening internal security. In May 2006, the SPDC declared significant cabinet shuffles and nominations aimed at improving policy implementation performance and incorporating new personnel into governance through significant military promotions. The average age of regional commanders was about 50 and that of divisional commanders 47, indicating an effort by the SPDC to maintain institutional sustainability by employing younger military officers. At the same period, a variety of steps by the government were taken to further suppress opposition leaders and insurgency groups. The opposition movement in Myanmar appeared to have been largely defeated and constantly exposed to a number of provocative acts to defy military dictatorship (Thawngmung and Myoe 2008).

This time was denoted by a more consolidated and entrenched military rule, which became progressively intransigent toward international pressure. The Government of Myanmar demonstrated its aim to remain in power indefinitely, notwithstanding a strong intervention by Western powers to bring the issue of Myanmar on the UN Agenda for the Security Council. It is noticeable that the military government in Myanmar was ascertained to keep moving forward at its own vigor. What is less explicit is how the strategy is planned and this nation-building process would proceed unimpeded in the face of growing international pressure and severe sanctions (Thawngmung and Myoe 2008).

## **4.2. Military affiliated political party: USDA (1993) / USDP (2010)**

### **4.2.1 Brief Background of the USDA/USDP**

The second part of this chapter is about the SLORC government's attempt to establish an organization which shares the military's political ideology so as to preserve its power and ideals, even under future civilian rule. Apart from the National Convention procedures to endorse the constitution, the military government established a regime-affiliated social organization in 1993 and named the Union Solidarity and Development – USDA. This party later transformed into a political party in 2010 and officially registered for the upcoming elections as Union Solidarity and Development Party (USDP) in order to represent as the proxy party which would maintain synergetic relations with the military in future elections.

The USDA was the largest post-independence military-government-led organization, with more than five million members. Its explicit goal is promoting the policies and actions of the military. The organization, founded under the leadership of Than Shwe, was supposed to play a major role in a proposed future democratic government (Seekins 2009).

The fundamental purpose of Senior General Than Shwe was to establish an organisation that could represent the military's agenda even after it withdrew from politics. He created the association to work with hand in hand with the military. Most specifically, the military could avoid confrontations such as the '8888 Uprisings' with all of its associated political party in control (Htut 2019, 34).

The USDA was expressly obligated to endorse the position of the military and could not be regarded as functioning independently despite its registration as a social organization. Chairman of the SLORC, Than Shwe was the Patron of the USDA. Originally, the USDA was managed by a council of key patrons, many of whom came from a military context and Central Executive Committee (CEC) (*Global New Light of Myanmar* 1993). The establishment effectively dissuaded the emergence of significant civil society organizations in

the region (Steinberg 1998). Notwithstanding the USDA's claim as a social organization, the domestic and international community viewed as a political organization led by military commanders and contributing to campaigns against military opponents, especially the NLD, by organizing mass rallies in support of government policies. The USDA was, in essence, an embellishing attempt to transform itself into an important political party when the time was right (Htut 2019, 35).

Ye Htut (2019) argues that formation of a political party played an important role in Myanmar's constitutional process, particularly to maintain the military's remaining power under a quasi-civilian government (Htut 2019). The USDP is one of the cornerstones of the military government's long-term plan. By the time USDP winning the 2015 general elections, Thein Sein's government came to power and formed a legitimated government. The victory of the USDP created the military-led political transition during the semi-civilian government.

The military government-sponsored social organization USDA became political party – Union Solidarity and Development Party (USDP) through official registration with the Union Election Commission (UEC) on 1 June 2010. Later, it was granted official approval on 8 June 2010. The USDP served as an electoral party for Myanmar's generals to intervene in civilian politics. In reality, approximately 10 legitimate parties endured the regime's systematic de-registration operation between 1990 and 2009. With the enactment of the constitution of 2008 and the election reforms in 2010, a new legislative system for registration of parties came into existence (Callahan 2003; Win Min 2010). The military dictatorship started the USDA in order to counteract any popular social movement which may arise in the country.

#### **4.2.2 The Weakness of the USDA/USDP**

There are two main weaknesses of the military government-led organization USDA/USDP according to the existing literature. The first weakness is the weak

organizational structure of the party. Some scholars evaluate the capacity of the party through the concept of institutionalization of the party and argue that the party failed to construct successful organizational structures (Stokke, Win and Aung 2015). Local stakeholders perceive the USDP and the NLD, in particular, as centralized organizations that provide considerable authority to the leadership. In the case of the USDP, this is due to its military and USDA provenance; in the case of the NLD, it is due to the legendary image of Aung San Suu Kyi and the repressive violence endured for more than two decades. This poor organizational structure reflects long-standing biases towards personalism in party politics. The diverse approaches to policy formulation represent different party structures, in which the USDP represents a government-focused group, and the NLD represents a popular party based on the society (Stokke, Win and Aung 2015). However, it is arguable that the organizational structure of the USDP is higher than that of the NLD because the former is supported by the military and the latter is suppressed by the military.

The second weakness of the party is the lack of entrenched political identity. The degree of party institutionalization depends on the entrenchment in culture. There are political divergences among military supporter, pro-democracy supporters and the Burmese national identity over ethnic identity which culminated in differences between state-based parties affiliated with military government and pro-democracy and ethnic parties centered on community. Relations between the parties, the government and society can shape the future development of political parties and public participation—where particular parties are formed due to their tendency towards government-centered cartel parties or society-centered mass parties (Stokke, Win and Aung 2015). Such political divergences remain to equip a basis for the identity and entrenchment in society.

The USDA is explicitly employed by the military government as a strategic tool to sustain its political power base, however it was not formed by people who shared a common

ideological conviction. It was merely a unified organization organized under the leadership of the SLORC military administration. Recruitment usually entails introducing individuals to the party without them being informed of it. Many enter through intimidation or due to incentives regarding career preparation and promotion (Htut 2019). Many party leaders and members used to operate only because they were told to or presented with incentives; none had firm beliefs or true motives. There were often candidates who entered to gain federal contracts or company licenses, as well as individuals who used the organization's power in their daily lives. Due to this, the professional role and reputation of the USDA have been seriously undermined (Htut 2019).

Senior General Than Shwe might have observed these limitations therefore by opening administrative and ideological courses for members and allowed arrangements to create stronger cadres. However, the fact is that the USDA associations at different levels depended on the patronage of the upper level of the party as patrons for their operational function rather than any ideological commitment (Htut 2019, 41).

At any rate, through the USDA, the regime effectively co-opted society, which would help, protect and uphold its policies. For this statement, there are a few observations to make. The SPDC successfully created a mass organization to support its power base, at least on the surface. The difficulty in assessing whether the ideology as such is substantively supported by members is difficult to assess or analyze due to the pervasive climate of fear and distrust in Myanmar. If the grip on power of the SPDC decreases or collapses, and the USDA also declines, then it can be presumed that the ideology was not internalized by its members. If the USDA continues unimpeded, it can be concluded that the SPDC's control of Myanmar is focused on massive support (*Global New Light of Myanmar* 1993). However, by managing the funds used for local welfare and development projects, the USDA already become extremely solid. It is speculated that the USDA would not operate by its own name because it

is notorious for its acts of violence on oppositionists, especially during the Depeyin Incident in 2003 and the Saffron Revolution in 2007 (Seekins 2009). The USDA was viewed to be highly controversial, meaning its importance to USDP exists in the context of its organizational structure rather than its recognition and legitimacy (Steinberg 2007).

In the 16 years since its establishment as social organization, the USDA worked to build human capital and create cadres who would become leading members in order to be ready when it transformed into a political party. But amongst its members it neglected to integrate intra-party democracy. Although there were no elected representatives, the USDA had enough time and money to implement intra-party democracy, at least at the grassroots level (Htut 2019) which was able to establish its organizational power in one way or another.

#### **4.2.3 Rename the regime: SLORC to SPDC (1997)**

Myanmar's military government took a number of initiatives that imply its tendency to reinforce the power and institutionalize the military rule. On 18 November 1997, the SLORC changed its name to the State Peace and Development Council (SPDC), and besides a rearrangement of regional military commanders and cabinet ministers, the changes in military regime in Myanmar were relatively limited (Zaw 1997). To the military government, the year 1997 was probably seen as a year of major achievements, even though some breakdowns occurred. Ethnic insurgencies declined significantly and only the Karen rebellion remained active. In these two areas, SLORC was significantly strengthened its image after Myanmar joined the Association of Southeast Asian Nations (ASEAN). This enhanced the government's legitimacy on regional as well as international level, perhaps to the dissatisfaction of the regime's internal and external opposition (Steinberg 1998; Thawngmung and Myoe 2008).

The military government gradually liberalized and expanded the economy from 1988 to 1995 to enable the small private sectors and attract foreign investment. This led to some

economic growth but there are still key policy and structural barriers to economic reform. The SPDC maintained and ramped up its prohibitions on basic freedom of speech, media, assembly, and association. Activity in the political party continued to remain seriously restricted. Although the government officials recognized the NLD as a legal entity, they did not allow the party to engage in normal political activities. The military government also incrementally tightened the strict controls imposed on the freedom of Aung San Suu Kyi to leave Yangon compound and her right to receive visitors in late 1996 (Bureau of Democracy, Human Rights, and Labor U.S. Department of State 1999). The USDA militia attack on Daw Aung San Suu Kyi's traveling NLD motorcade at Depayin (Farrelly 2016) in Upper Myanmar on 30 May 2003 resulted in the deaths of an unknown number of its supporters and many bystanders were injured. Daw Aung San Suu Kyi and U Tin Oo were detained in Yangon's Insein Prison, and then returned to house arrest.

The concerns of democratic reforms and the ongoing detention of opposition leader Daw Aung San Suu Kyi as well as political prisoners blaming the government since it assumed power were underlined by the regime's critics and adversaries who unleashed condemnations all year round, resulting in calls for a campaign to refer Myanmar to the United Nations Security Council (UNSC) as a threat to peace and stability in the region (Than 2006). With rising international pressure, Senior General Than Shwe introduced new policy reform initiatives. General Khin Nyunt Military Chief and SPDC Secretary 1 was appointed as Prime Minister, the post held by Than Shwe from 1992 onward. Khin Nyunt met government and military officials on 30 August 2003 and proclaimed a seven-step roadmap to disciplined democracy (See in section 4.1.3 Seven-step roadmap to democracy).

#### **4.3 The 2008 Constitution (Military's Political Reserved Domain in the national politics)**

The third part of the chapter is about the current constitution of Myanmar which was legally endorsed through National Referendum in 2008. This is the constitution created by the

military government which would remain untouched and still be endorsed under future political and economic prospect of Myanmar. This section discusses the 2008 constitution into two parts: (1) the brief background of the three constitutions in Myanmar's political history (1947, 1974, 2008) and (2) the three major appraisals of the 2008 constitution: (i) Controversial Process of Drafting the 2008 Constitution; (ii) Lack of open debate and public awareness regarding the draft constitution and (iii) Five controversial provisions of the 2008 constitution.

#### **4.3.1 Brief Background of the three Constitutions of Myanmar (1947, 1974 and 2008)**

Myanmar had three constitutions since the nation gained independence from the British. In May 1947, before the country's independence, the Constitution of the Union of Burma (1947), which is the first Constitution of Myanmar, was adopted. On 4 January 1948, Burma achieved independence from British rule. In 1947, U Nu became an independent Burma's first Prime Minister, who struggled with armed insurgency across the country. Between 1942 to 1963, he was one of the founders of the Anti-Fascist People's Freedom League – AFPFL. In 1956, he formally renounced the status of Prime Minister. The caretaker government in 1958 handed authority to the winning party in the 1960 elections. During that period, the government was able to take far-needed stability; enjoy economic growth within the short time span of its term and gain attention not only from the population but also from the international community (Htut 2019, 8). The implication that Premier Ne Win's (Chief of the military forces) caretaker government came back into existence would make the politics of Burma vary from the period prior to 1958 from 1960 onwards (Butwell 1960).

The military leaders assumed the caretaker government would preserve the position for the politicians who had been their colleagues in the independence war. Nevertheless, Nu's governing Union Party experienced an intra-party conflict between two ethnic groups and confronted their demands for constitutional amendments. Ethnic politicians demanded a new



federal constitution, which was considered by the military as a threat to the Union. This state of affairs sparked the 1962 military coup (Htut, 2019). General Ne Win attempted a coup on 2 March 1962. In the form of a Military Revolutionary Council, he seized the government, detained the former cabinet representatives and denounced the constitution of Burma (Trager 1963). General Ne Win and his supporters claimed before the coup that the Westminster model of parliamentary democracy was not sufficient to fulfil General Aung San's Socialist aspiration (Htut, 2019). Their first move was to establish the Burma Socialist Program Party (BSPP), chaired by General Ne Win.

The Constitution of the Socialist Republic of the Union of Burma (1974), the second constitution of Myanmar, was drafted by the Burma Socialist Program Party and enacted by referendum on 3 January 1974. It was designed to generate a socialist democratic social order and a socialist economic system through the Burmese Way to Socialism (*Irrawaddy* 2018). The Constitution of 1947 (Burma's first constitution) was a Parliamentary system and the Constitution of 1974 (Burma's second constitution) was a one-party system with a parliament that exercised both executive and legislative power. After the 1974 constitution was enacted, General Ne Win became President.

The former military officers dominated almost all of the highest positions in government. The socialist politics of the BSPP ultimately led to the collapse of the economy, and the SLORC seized power in 1988 after massive public outrage (Htut 2019, 8,9). In 1992, Senior General Than Shwe preferred a different attitude to that of his predecessor, Ne Win. Instead, he sought to create a government that would eventually lead to a peaceful transition to multiparty democracy (Htut 2019, 9). In all of this, the military government took leading role in drafting the constitution in the National Convention and finally endorsed the constitution in National Referendum which became the third and current constitution of Myanmar.

### **4.3.2 Appraisals of the 2008 Constitution**

There were three major critics during the process of constitution drafting that the military government missed the chance to gain legitimacy from domestic and international community.

#### **(i) The Controversial Process of Drafting the 2008 Constitution**

The first is that the process of drafting the constitution. The whole process of constitution drafting by the SLORC/SPDC from 1993 to 2007 is a two-pronged tactic for, first, restraining international and domestic demands, and second, engaging with them when the time was considered to be favorable (Hlaing 2019). The domestic and international community viewed the whole procedure as vastly undemocratic and controlled by the military with the intent of escalating military dominance in politics (Htut 2019; Hlaing 2019). It is important to understand the constitutional process before the 2010 general elections (Tonkin 2007) in order to fully comprehend the political transitions in Myanmar and also the recent conflicts between the NLD, other pro-democracy groups and the military.

Kyaw (2019b) argues that the constitution drafting process is the SPDC's twofold strategy which aims to counter global and regional pressures and to re-engage with the region and the international community at a time when it is in their best interests (Kyaw 2019b). The SPDC military government reconvened the National Convention to draft the constitution in 2004 and finally adjourned in 2007. During this period, the anti-government protests known as the Saffron Revolution took place in August, September, and October 2007. The riots formed of a series of small and isolated demonstrations, mainly aided by spurred pro-democracy advocates, against unexpected rises in diesel fuel and compressed natural gas prices controlled by the government. The Saffron Revolution was well-known as Myanmar's most sizeable civil uprising since after the Four-eight Uprising in 1988 (See Chapter 5 for the detail analysis of Saffron Revolution in 2007).

Amidst the Saffron Revolution, the National Convention concluded in September 2007 and the ruling SPDC formed a Drafting Committee. Then, the military government announced that the National Convention unanimously adopted principles for drafting a new Constitution on 3<sup>rd</sup> September 2007 (*Global New Light of Myanmar* 2007a). According to state-sponsored newspaper, 'As certain basic necessity has been ascertained, the transition of the military government into the democratic administration of the people is most pertinent. Thereby, the multi-party democracy general elections will be held in 2010, in compliance with the upcoming state constitution' (*Global New Light of Myanmar* 2008a).

The National Referendum was a key component of the seven-step roadmap to a new constitutional system and the result of a lengthy process that commenced in 1993, with the first session of a National Convention (NC) to start discussing the fundamental principles of a new Constitution (Taylor 2015; Seekins 2009; Than 2006) (See Chapter 6 for the detailed analysis of the National Referendum during Cyclone Nargis in 2008).

Seekins (2009) argues that the National Convention adopted a series of constitution-drafting procedures in early September 2007, and the draft was finalized in February 2008. But perhaps the Senior General declared this his highest priority after the Saffron Revolution as a way of attempting to deflect international condemnation and establishing a shield of legitimacy founded on multi-party democracy and rule of law (Seekins 2009). However, during the Saffron Revolution in 2007, the military finalized the eleventh session of the National Convention to draft the Constitution. During Cyclone Nargis, the military held the National Referendum to legitimately endorse the constitution. In both case studies, Myanmar was in Low Linkage with the West and Low Leverage to the Western democratizing pressure due to Black Knight – China and what I called, Grey Knight – Japan and Conditional Prodder – ASEAN, so that the international pressure could not effectively bar the military government's long-term political strategy. Therefore, it is undeniable that the military had a

long-term strategic plan in order to maintain its power in the national politics by officially endorsing the constitution as a ‘reserved domain’.

The military government asserted ‘the participation of the military in the leading role in national politics’ as a basic principle of the 2008 Constitution. Although the military intended to use the 2008 constitution as a key framework for the democratic transition (Htut 2019, 24), domestic and international criticisms were drawn by not only the drafting process, but also the 2008 referendum on the constitution (Htut 2019, 22 and 26). This section highlights the fact that despite domestic and international criticisms such as the lack of a timeline for the implementation of the roadmap; NLD non-participation in constitution drafting and the questionable legitimacy of the constitution, the military was able to implement its strategic political plan and embark on a political transition under a quasi-civilian government.

**(ii) Lack of open debate and public awareness for the draft constitution**

The second point of criticism is about the lack of open debate and public awareness. Whilst SLORC Law No 5/96 mandated that anyone caught up in an affair that interferes with the proceedings of the National Convention or rejects its values be detained for up to 20 years, there was no scope for open debate (SLORC Law No. 5/96, 1996). The military government printed only few thousand copies of the constitutions and publications in newspapers. The government lost the alternative of reestablishing public trust when they decided that the referendum would be ignored by international observers (Htut 2019).

**(iii) Five controversial provisions of the 2008 constitution**

The third criticism is about certain provisions of the 2008 constitution. There are five controversial provisions in the 2008 Constitution. The first provision (2008 Constitution paragraph 141) is about the proportion of parliamentary representatives directly appointed by

the military commander-in-chief. Out of 224 in the Upper House, 56 representatives are directly appointed by the military. The rest of the 168 representatives are elected in an equal number of 12 representatives from each region or state, including one representative from each Self-Administered Division or Self-Administered Zone (Ministry of Information of Myanmar 2008). Hence, twenty-five percent of the Union Parliament (*Pyidaungsu Hluttaw*) consists of military MPs directly assigned by the Defense Services Commander-in-Chief. This proportion has special significance due to the article about amendment of the constitution. Only with the prior approval of more than seventy-five percent of all the Union Parliament representatives, the Constitution of 2008 can be amended. Additionally, only the votes of more than half of those are eligible to vote in a national referendum (ibid. Section 436). As a consequence, constitutional amendments would never be expected without military authorization.

The second provision is about the qualifications of the President and Vice-Presidents. ‘Neither the incumbent he/she himself, nor any family member shall owe allegiance or be subject to foreign power and may not be a resident of a foreign country. They shall not be individuals entitled to enjoy the rights and privileges of a foreign government’ (ibid. Section 59). This is the most controversial provision for Daw Aung San Suu Kyi to become president of the country, as her late husband, Michael Aris, and two sons, Alexander Aris and Kim Aris hold British nationality. As she is constitutionally barred from being the president of the country, the NLD government created the post of the State Counsellor for Daw Aung San Suu Kyi in the new cabinet by having the State Counsellor Bill signed into law by former President U Htin Kyaw as soon as the NLD took office after the 2015 General Elections (See detailed discussion about the State Counsellor Bill in Chapter 8).

The third provision is about the presidential candidate nomination. The executive pillar is headed by the President, which is chosen by the Presidential Electoral College. The

Presidential Electoral College is formed with three groups of the *Pyidaungsu Hluttaw* representatives elected from Regions and States; elected on the basis of township and population and nominated by the Commander-in-Chief of the Defence Services for the said two Houses. Each group then nominates a vice-presidential candidate from which the president will be selected after a vote by the Presidential Electoral College. It means only one of the three head-of-state vacancies (either as president, or either of two vice presidents) must be taken by an existing military representative. In nominating the president and two vice-presidents, the military commander-in-chief also has a definitive power and the military has sole discretion to nominate ministers over critical ministries such as Home Affairs, Defense and Border Affairs.

The fourth provision is about the formation of a council in the Executive branch called the National Defense and Security Council (NDSC). Allowing to carry out the duties of the Constitution or any law, the NDSC led by the President is formed by eleven members: State President, Vice President-One, Vice President-Two, Speaker of the People's House, Speaker of the House of Nationalities, Commander-in-Chief of the Defense Services, Deputy Commander-in-Chief of the Defense Services, Minister for Defense, Minister for Foreign Affairs, Minister for Home Affairs and Minister for Border Affairs (ibid. Section 201). However, the procedure for nominating NDSC members assures a significant proportion of military officials. The President appoints ministers through the selection of the *Hluttaw* members and military representatives are nominated by the Commander-in-Chief of Defense. Ministers of Defense, Home Affairs and Border Affairs are nominated by C-in-C (ibid. Section 232b ii). As a result, at least six of the eleven seats in the NDSC will always be military officers, which would be the qualified majority mandated for the submission of propositions. In principle, the NDSC has the mandate, the executive power in tandem with the President, including the authority to impose a state of emergency applicable all throughout the

country when loss of sovereignty occurs as a consequence of actions or attempted takeover of the government of the Union through rebellion, violent acts and wrongful means of power (ibid. Section 417). One of the military officials stated that internal and external institutes segregated civil-military relations in order to create conflicts between the military and the civilian government. Therefore, the NDSC is designed to coordinate differences of opinion on the political and military issues that may arise in military-civilian relations (Kyaw 2019). Conversely, the anti-military that military leaders fearing ethnic secession and that that fear led to the ratification of the 2008 constitution (Hkawng 2019). From the military's point of view, there is still a need for control in Myanmar's domestic politics by the military. The NLD's view is that the military adopted a constitution because it does not want to divide its power. These two opposing views exacerbate the existing conflict.

The fifth provision is about the authority of the military commander-in-chief to abolish a civilian government; all executive, legislative, and judicial power transfers to the Commander-in-Chief (C-in-C) of Defense Services and martial law is established. In the circumstance of a declaration of state of emergency, the President shall decree that the Union's legislative, executive and judicial powers have been transferred to the C-in-C of the Defense Services in order to allow him to take all the necessary steps to preserve quickly the original condition in the Union. The constitutional duties of all Houses of Parliament and the governing bodies shall be considered to be discontinued from the day of the declaration. It is also assumed that the related Houses were dissolved immediately at the end of the term of the said *Hluttaws*. Despite anything mentioned in the Constitution, beginning from the day of the sovereign power transition to the C-in-C of the Defence Services, all duties by approval of the relevant *Hluttaws*, with the exception of the President and the Vice-Presidents, are terminated from duty (ibid. Section 418). This authority allows the military the permission of two six-month extensions of the prescribed duration (ibid. Section 421b). If the term of the Parliament

expires in a state of emergency, there will actually be no members in the legislature until another election — as arranged by the NDSC — can take place (ibid. Section 418). The military would therefore run the government through a constitutionally legitimate presumption as it did in February 2021 by declaring a state of emergency.

Though the military generals tried to use the 2008 constitution as a central tool for their democratization process, their constitutional drafting methods were contentious. The rulers of the SPDC claimed that the constitution and the forthcoming elections are the beginnings of the democratization mechanism, and that the constitution should be revised on the account of the capacity of all stakeholders (*Global New Light of Myanmar* 2007b). It apparently indicates positive political substance which ultimately resulted in victory for the NLD party in 2015 general elections.

Former President Thein Sein initiated his reform program under the 2008 constitution so that it is one of the core elements of Myanmar's political transition. The poor administrative framework of the governing party; the constitutional provisions which limit the president authority and regulate the rights of the President generated severe problems that impeded his reform efforts. According to that notion, there had been power rivalries between the Executive (the President) and the Legislative (Speaker of the Lower House) branches during the term of former President U Thein Sein (Htut 2019).

## **Summary**

This chapter highlights the fact that the military government attempted to adopt the constitution to maintain its power in national politics. Alongside with the drafting process for the constitution, this chapter also points out the SLORC government's parallel attempt to establish a proxy party for the military. The military government established the regime-affiliated social organization in 1993 named Union Solidarity and Development Association (USDA). This social organization later transformed into a political party and was renamed as



the Union Solidarity and Development Party (USDP) in 2010. The USDA/USDP had the same political ideology with the SLORC/SPDC government and maintained synergetic relations with the military for years. Later, the party represented the military in the Myanmar's politics when the military withdrew from national politics after the 2010 General Elections.

This chapter also examines the current constitution of Myanmar which was adopted through the National Referendum in 2008. This is the constitution created by the military government which would remain untouched and still be endorsed under any future political and economic prospect of Myanmar. The state power is partially devolved under the 2008 constitution. According to the constitution, the military still holds the unelected twenty-five percent of the parliamentary seats which provides the military with the so-called veto power that can be used to prohibit the amendment of the constitution. The military MPs objected to the NLD MP's claim that the military has veto power in parliament. The term 'veto' has been criticized by the military for causing divisions between the military and the people (People Media 2020). In addition, the military has the privilege of gaining six of the eleven seats on the National Defense and Security Council (NDSC). The C-in-C also holds the right to nominate three key cabinet ministers: Defense, Home Affairs and Border Affairs. According to the discussion in the chapter, it can be argued that whether the military's proxy party, USPD, wins the future election or not, the military retains its power enshrined in the 2008 constitution in order to maintain its influence over national politics.

Chapter 4 highlights the military's preliminary plan to maintain its 'reserve domain' in order to stay in power without accepting any internal or external interferences. This is more evident in the upcoming chapters on the Saffron Revolution in 2007 (See Chapter 5) and Cyclone Nargis in 2008 (See Chapter 6). During the Saffron Revolution in 2007, the military finalized the eleventh session of the National Convention to draft the Constitution. During

Cyclone Nargis, the military held the National Referendum to legitimately endorse the constitution.

## **Chapter 5 Military Government (Case Study One: Saffron Revolution in 2007)**

### **Introduction**

This chapter discusses how the military government was able to implement its long-term political strategy amid domestic crisis and international pressure occurred. It is to examine the social movement known as the ‘Saffron Revolution’, which was prominent during Myanmar’s political transition process. The main goal of this chapter is to highlight the achievement of the SPDC in 2007 as the successful completion of the long-awaited National Convention for drafting a constitution. Domestically, this chapter highlights the SPDC’s successes and failures during the Saffron Revolution. On the other hand, the military government lost public trust and domestic legitimacy due to the SPDC’s repression during the Saffron Revolution. Internationally, this chapter highlights the diversified international pressure that took place during and after the Saffron Revolution. It is arguable that China’s support as a ‘Black Knight’ in defending the SPDC government during Saffron Revolution hampered pressure for democratization from the US and other western countries. During the Saffron Revolution, other international actors, such as ASEAN and Japan, also exerted pressure on Myanmar to some extent.

There are two main sections in this chapter. The first section examines domestic affairs, highlighting the fact that the Saffron Revolution coincides with the completion of the National Convention, which finalizes the constitutional drafting process. A brief history of the revolution, including the official completion of the SPDC-led draft constitution, will be discussed in the context of domestic events. The second section examines the impact of international pressure on the Saffron Revolution and its impact on the SPDC-led constitutional process.

## 5.1 Domestic Implications

On 15 August 2007, the SPDC government cut subsidies on fuel which resulted in disrupting the purchasing power of the people and preventing them from meeting basic needs. Political activists from the 88 Generation Students' Group<sup>1</sup> started protesting the government's removal of fuel subsidies. Protests erupted in mid-September, with Buddhist monks reciting sermons and marching peacefully. The uprising was dubbed as Saffron Revolution in the international media because of the color of the robes of the large number of Buddhist monks participating in the demonstration. It became one of the most prominent political protests in Myanmar since the 1988 pro-democracy movements. Protesters demanded an apology from the SPDC for the crackdown on monks. In addition, the protesters also called to reduce commodity prices, open political dialogue for national reconciliation and release political prisoners (McCarthy 2008; Selth 2008; Thawngmung and Myoe 2008). Protesters set a September 17 deadline for the SPDC to respond to their demands (Burma Campaign UK, n.d.).

This section discusses the domestic situation during the Saffron Revolution. There are two significant indications by the military government to consolidate its power in office in 2007. The fulfilment of the SPDC's National Convention (NC) is crucial to the military-led political reform process. Although the SPDC accepted the legitimacy of the NC formed by the SLORC, the NC was not recognized by political opposition and Western governments (Than 2006).

In addition, the issue of not making significant progress in implementing political reforms has been debated among ASEAN dialogue partners and within ASEAN itself. International efforts to persuade the SPDC to improve its reform process in line with Western human rights standards increased significantly in 2007. There were also allegations that the

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<sup>1</sup> The 88 Generation Students refer to the students who took part in the 1988 pro-democracy uprising, and in Burmese politics this generation is still referred to as the '88 Generation Students'. The protest was called '8888 Uprisings' as it occurred on the 8th August 1988.

National Convention needed a timeline, and a complaint that the government was using delaying tactics (Than 2006). It is arguable that the military leaders were capable of achieving their strategic political goal of building up the political structure which could bring about a successful transition to democracy.

The military government was explicitly preparing to dominate the transition process, the effectiveness and legitimacy of which depended on who participates in the National Convention. Then again, in the eyes of the community in Myanmar and the international community, the NLD's withdrawal from the National Convention made the new constitution and government seem less legitimate. The effect of that vulnerability became evident in the early phase of the U Thein Sein Government and therefore the president's first priority was to bring the NLD into the political process (Htut 2019).

### **5.1.1 The SPDC's failure in the Saffron Revolution**

The Saffron Revolution had a profound effect on Myanmar's political development (Li 2008, 108). This section discusses the failure of the SPDC during Saffron Revolution which can be broadly divided into five main categories.

First, the Saffron Revolution was triggered by economic instability in the country and the people's economy deteriorated. It shows that the SPDC's inability to manage the country's economy, and political change was needed to address these undesirable situations (Guo 2008). Moreover, the deteriorated socio-economic effect triggered growing difficulties in undertaking international financial transactions as a consequence of U.S. financial sanctions and rising popular indignation and distrust against the government (Horsey 2008). The economic downturn and public discontent fueled anti-government protests and generated a potentially more demanding domestic environment for the SPDC. As a result, the Saffron Revolution showed the loss of public trust in the government's seven roadmaps to democracy.

There was a growing doubt that the military and its representatives would implement the proposed constitutional process.

Second, the SPDC's crackdown on peaceful protests by Buddhist monks stimulated divisions within the military. This revolution disrupted the unity and stability of the military to some extent and relegated the military's role to a relatively unpropitious and passive one. The divergent opinions within the military against suppressing the non-violent protests of protesters and Buddhist monks undermined the military's unity and cohesion. There was a reluctance to obey orders within the military to respond violently to protesters and the legitimacy of these orders within the military was being questioned (Alvin 2018, 182; Li 2008, 108). The violent response sparked hatred not only among civilians and monks but also within the military.

Third, the role of monks in mass protests and the prominence of Buddhism in Myanmar because Buddhist monks had a profound religious influence on Myanmar society. Although Buddhist monks were a major force in the Saffron Revolution, they were unlikely to play a major role in political development. However, the SPDC's actions undermined public trust (Li 2008, 115-116). After learning more about the government's cost of supplying fuel, some protesters agreed that it would be difficult for the government to continue supplying gas due to rising global gas prices. However, they were dissatisfied with the government's removal of subsidies without prior notice (Hlaing 2008, 71). The unprecedented use of violence against monks had domestic repercussions by sparking much resentment toward the leadership and the government itself, and thus undermined the military's institutional credibility (McCarthy 2008; Horsey 2008). The violent crackdown on peaceful protests tarnished the image of the military government in the international community and made it very difficult for the SPDC to return to the *status quo* that existed before the massive protests.

Fourth, the revolution provided an opportunity for the weak NLD to be reorganized and to return to national politics. The actions of the SPDC and economic stagnation led to a new generation of opposition (Seekins 2007). In response to the growing domestic and international pressure, the SPDC agreed to hold another round of political talks with Daw Aung San Suu Kyi in October 2007. Kyaw Tint Swe (2007), former Permanent Representative of Myanmar to the United Nations said at the United Nation Security Council that peace and stability had been restored after the revolution. He highlights some of Myanmar development after Mr Gambari's visit including forming a committee of drafting the new constitution and appointing a special minister to liaise with Aung San Suu Kyi (United Nations Security Council 2007a). It is arguable that whether the talks were genuine political talks or not, either way, the Saffron Revolution paved the way for the opposition to improve relations with former opposition leader Aung San Suu Kyi and the SPDC.

The demand from international community for holding political dialogue with the NLD including Daw Aung San Suu Kyi indicated an impetus for the NLD to reconfigure and re-enter the political sphere, on the other hand, a major problem challenging the SPDC (Fuller 2007). However, Myanmar observers doubt that the SPDC would continue to hold only UN-sponsored talks on the surface and that would impede many restrictions on the implementation of genuine democracy (Kingston 2008). In fact, there were several rounds of talks between the military government and Aung San Suu Kyi, and sometimes it seemed that some agreements were reached between the two sides, but the SPDC not really implemented democracy. As a result, the NLD and Aung San Suu Kyi lost their trust in the SPDC (Li 2008, 109). The military unexpectedly shifted from a privileged state to a disadvantaged position in the domestic political agenda.

By drawing international attention to the pro-democracy movement, the revolution undermined the legitimacy of the dictatorship, both domestically and internationally. At the

same time, Western sanctions severely undermined the SPDC's legitimacy (Hlaing 2008, 71). It can be concluded that the SPDC's lack of transparency over the fuel increase without prior notice to the public and its actions against Buddhist monks were the reasons for the strengthening of the Saffron Revolution. The legitimacy of the government weakened as a consequence of violent suppression against monk-led protests.

### **5.1.2 The SPDC's success in the Saffron Revolution**

Despite the failure of the SPDC during the revolution, the SPDC still persevered its power domain to remain active in national politics. This section examines the benefits of the SPDC from the shortcomings of the Saffron Revolution and how the military implemented its long-term political strategy.

First, the lack of strategy to keep the movement vigorous and the short duration of the revolution were the main reasons for the SPDC's success in suppressing the revolution. The Saffron Revolution weakened quickly because of divisions among pro-democracy groups and lack of leadership during the revolution. Pro-democracy groups did not have an effective strategy to respond to the repression of the opposition (Hlaing 2008, 71).

Second, the SPDC's resilience was not depreciated against international pressure during the revolution. Despite international pressure, the SPDC continued arresting and detaining suspected activists, searching for nearby monasteries and tightening control over access to local media and the Internet (Alvin 2018, 182). The government's unwavering unity was a major cause of the collapse of the pro-democracy movement. 'Resilience' is important to mobilize support and build strength for an unarmed uprising, but without 'leverage', it had little chance of success (Pollard 2015). As a result of the protests in September, the SPDC's violence and rapid repression showed that the SPDC could continue to rule the country without exception. This can be seen as a clear 'victory' of the SPDC.



Third, the SPDC was relentlessly pursuing its political strategy amid international pressure. The reshuffle of the ruling government and cabinet in October 2007 indicates that there were no substantial direct consequences in the daily functioning of the SPDC from the Saffron Revolution. On 24 October, SPDC Secretary-General Lt-Gen Thein Sein became Prime Minister, replacing Lt. Gen. Thiha Thura Tin Aung Myint Oo as the first secretary (*Reuters* 2007). The SPDC government continued to implement the ‘third phase’ of the seven-step roadmap to democracy by setting up a 54-member constitution-drafting commission on 18 October. Most importantly, in the middle of this chaos, on 3 September, the SPDC concluded the National Convention, the first and second phase of the seven-step roadmap to democracy (*Global New Light of Myanmar* 2007c). The military government announced that the National Convention unanimously adopted fundamental principles and detailed basic principles for drafting a new Constitution on 3 September 2007 (*Global New Light of Myanmar* 2007a). Since the National Convention set out the basic principles contained in the constitution, it serves as an important millstone for the military's involvement in national politics and/or its survival.

It is arguable that the lack of a comprehensive strategy among pro-democracy groups and the inability to sustain the revolution for a long time appeared to be undermining the revolution. The attempts by the opposition to counter play the SPDC, but the opposition was not strong enough to have a strong organizational capacity. The SPDC’s resilience in the face of domestic and international pressure also impaired the revolution. But on the other hand, the people's trust in the military waned.

## **5.2 International Implications**

In the Saffron Revolution, regional actors like China and ASEAN reacted differently from the West. The United States and the European Union (EU) basically condemned the SPDC’s actions and agreed to renew sanctions. China expressed its opposition to the

sanctions imposed on the SPDC and urged them to seek the so-called right approach (Guo 2008, 15). The international community was questioning ways of addressing the present political deadlock in Myanmar, considering that little progress was achieved on economic sanctions and constructive engagement. Some scholars argue that both sanctions and constructive engagement failed to make any progress in Myanmar's domestic politics (Kingston 2008). One of the main challenges is the transformation of international attention into sustainable support for human rights issues; nation-building, the development of dialogue for national reconciliation and the transition to democracy. Paradoxically, significant international pressure on the problems facing Myanmar in 2007 was expected to make a difference (Kingston 2008; Selth, 2008; Horsey 2008).

The international community called for an end to the military response to violence during the Saffron Revolution in Myanmar (International Crisis Group 2008). International criticism of Myanmar's response to the Saffron Revolution reflects a common view among international actors on the need for political reform. The SPDC government, in response to international pressure, made some significant and small-scale steps such as release of detainees and appointment of a liaison minister who thus far met with Daw Aung San Suu Kyi (Mydans, 2007; Thawngmung and Myoe 2008). It is arguable that the absence of collaborative effort, ongoing tensions within the international community and the limited policy choices probably reinforced the SPDC's confidence that it may withstand external pressure.

### **5.2.1 China**

This section then examines how China responded to international pressure on Myanmar before and after the Saffron Revolution.

#### **Before the Saffron Revolution**

Prior to the Saffron Revolution in January 2007, the US, United Kingdom (UK) and Northern Ireland accused Myanmar of threatening international security and stability. A draft resolution was proposed to the UN Security Council calling for action on Myanmar (United Nations Security Council 2007b). This prompted the UNSC to organize its first meeting on the situation in January 2007, prior to the Saffron Revolution. The draft resolution denounced the SPDC of attacking ethnic minorities and violating human rights issues (United Nations 2007). China and Russia, two permanent members of the United Nations, vetoed the United States and the UK backed the UN resolution on Myanmar. The US government said it hoped China would reform Myanmar. Wang Guanya, China's permanent representative to the United Nations, strongly objected to the draft resolution on Myanmar, stating that the Myanmar issue was comprised of the internal affairs of a sovereign state and the internal problems in Myanmar did not pose a threat to international or regional peace and security. China as Myanmar's neighbors and ASEAN members or Asia-Pacific countries believed that the current situation in Myanmar did not pose a threat to regional peace and security (UNSC 2007b). This was the first time that a simultaneous veto had been exercised in the council since 1989. China called on the international community and the Myanmar government to support the Secretary-General's offices and urge cooperation for Myanmar's long-term stability and development.

The number of vetoes from China between 1999 and 2009 was insignificant compared to the number from the United States (See Figure 5.1). In addition, depending on the context in which China used its veto, Myanmar was one of three cases of a veto from 10 years

between 1999 and 2000 (See Figure 5.2). From this rare perspective, the Myanmar issue is important not only for China's domestic affairs but also for its foreign policy.

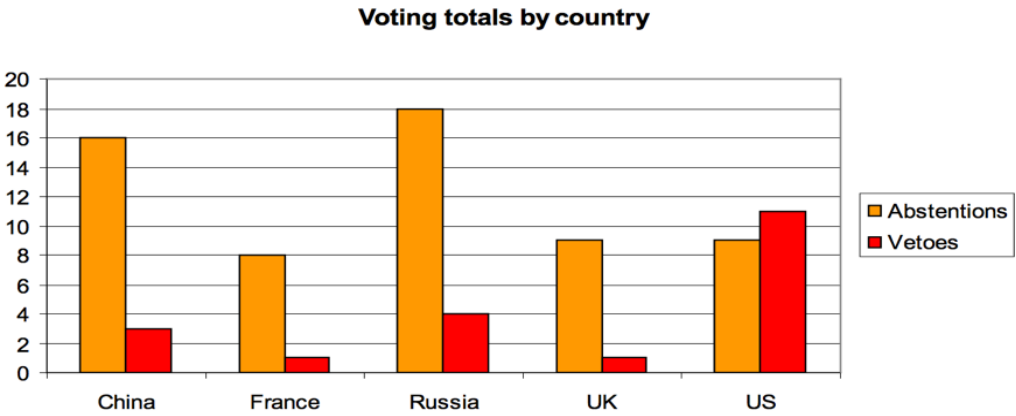


Figure 5.1 Vetoes and abstentions for each permanent member, 1999-2009

Source: Lynch 2009

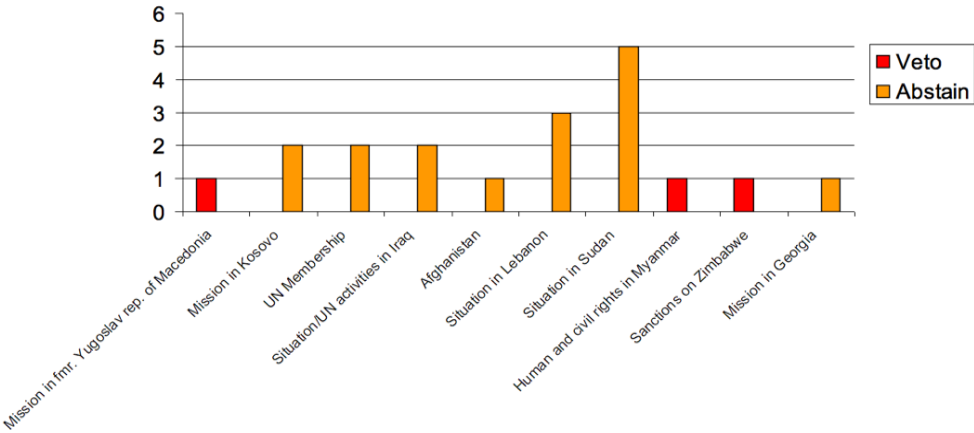


Figure 5.2 Chinese Vetoes and Abstentions by Subject

Source: Lynch 2009

**After the Saffron Revolution**

After the Saffron Revolution, the United Nations Human Rights Council adopted a resolution on the situation of human rights in Myanmar on 2 October 2007 (UN Human Rights Council 2007). The resolution was adopted ‘without a vote’ at the 5th Special Session of the Human Rights Council and was deeply concerned with the situation of human rights in Myanmar. At a special session of the Human Rights Council, China joined with the international community in condemnation of the SPDC’s actions against peaceful protests and

called for the release of political prisoners, including Daw Aung San Suu Kyi. China encouraged ASEAN to play a constructive role in Myanmar internal affairs. As a friendly neighbor, China urged Myanmar to return to stability and peace and hoped for development and political democracy and national unity as soon as possible (UNSC 2007b).

Not only at the UN Human Rights Council, but also at the UN Security Council, an emergency meeting convened on 26 September 2007, in support of the UN Secretary-General's decision to send a special regional adviser (UNSC 2020). In addition, at the 5757<sup>th</sup> session of the Security Council on 11 October 2007, the President of the Security Council issued a statement on the situation in Myanmar. The Security Council firmly denounced the use of violence against peaceful protesters in Myanmar and endorsed the resolution of the Human Rights Council S-5/1, adopted on 2 October 2007. It also stressed the need for the Myanmar government to create conditions for genuine dialogue with ethnic groups, including Aung San Suu Kyi, in order to achieve inclusive national reconciliation with the direct support of the United Nations. It also supported the military government's appointment of a liaison officer for Aung San Suu Kyi. The UNSC president's statement, which was agreed upon by all member states, was a significant development.

## Analysis

**Table 5.1 China's reaction before and after Saffron Revolution**

Pressure Initiative by the US	Adopted/Failed	China's reaction to Myanmar
The draft resolution at the UNSC (12 January 2007)	Failed (vetoed by China and Russia)	Black Knight
5526 <sup>th</sup> UNSC Council Meeting (15 September 2006) (as a result of Letter from the Permanent Representative of the US to the UN on 15 September addressed to the President of the Security Council (putting the provisional agenda, that included the situation on Myanmar, to the vote.)	Failed  (China and Russia rejected; Japan supported) China rejected the US's proposal to include Myanmar to put in the Council's agenda and reaffirmed the situation in Myanmar does not pose a threat to international or regional peace and security.	Black Knight
<b>Saffron Revolution</b>		
(2 October 2007) Human Rights Council resolution strongly deploring repression of peaceful demonstrations.	Adopted with consensus	Join with international Community
5753 <sup>rd</sup> UNSC council meeting (5 October 2007) (as a result of letter from US permanent representative to the UN requesting an urgent meeting of the Council to discuss Myanmar on 3 October 2007)	China reject the US proposal and claim that Myanmar's current situation is not a threat to the international or regional peace and security and encourage 'constructive engagement and cooperation' instead of external intervention. China encourages the SPDC to implement the seven-step road map promptly and to continue to make greater efforts on the democratization process. China shares the same position, perspective and expectations espoused by the rest of the international community.	Black Knight
(11 October 2007) UNSC Presidential Statement was the presidential statement strongly deploring the use of violence against demonstrations and emphasizing the importance of the early release of prisoners.	Adopted with consensus	Join with international Community

Source: Modified by the author

It is important to note that in January 2007, the Security Council was unable to issue a statement on Myanmar due to disagreements between its five permanent members (P5) before the Saffron Revolution (See Table 5.1). After the revolution, Chinese diplomats eased the wording of the UNSC Council presidential statement, but in the end, all UNSC members agreed. For the SPDC, China's actions seem to support all the international community's condemnation of Myanmar (Haacke 2010a, 125). Not only the presidential statement of the UN Security Council, the UN Human Rights Council also adopted a resolution which was unanimous by all members of the Council including China (International Crisis Group 2008, 5). China approved a non-binding and imprecisely formulated presidential statement by the Security Council highlighting the significance of the early release of all political dissidents and remaining detainees and emphasizing the need for the Myanmar government to organize the appropriate arrangements for a legitimate dialogue with Daw Aung San Suu Kyi and all the parties and ethnic groups concerned. The Chinese government proceeded to promote a constructive strategy to help Myanmar attain 'stability, development, and national reconciliation', and appeared reluctant to remove its entrenched economic interests in Myanmar (Thawngmung and Myoe 2008; Shen and Chan 2010). Again, China agreed with the UN Human Rights Council statement on 2 October 2007, which was unanimously approved by all members of the Security Council.

Foreign Ministry spokesman Jiang Yu told that China was deeply concerned about the situation in Myanmar. All actors involved in the Myanmar issue should be prudent to address current issues. China hoped that only then would the internal problems in Myanmar be maintained without compromising regional peace and stability (Tarrant 2007). Beijing underscored the importance of the UN Secretary General's good relationship with Myanmar. In addition, China pressured the SPDC to accept Ibrahim Gambari, the UN Secretary General's special adviser, in September and November 2007 Gambari (Haacke 2010a, 125).

In November 2007, China also helped Paulo S. Pinheiro, the UN special envoy for human rights who was barred from visiting Myanmar in 2003, to be accepted by the military government (Egreteau and Jagan 2008; 66).

According to China's response to Myanmar after the Saffron Revolution, China's 'non-interference' foreign policy could not be considered contrary to the principles of global democracy and freedom. Unlike the Western approach, the Chinese government maintained a non-aligned approach to Myanmar (Li 2008, 124-128). It is arguable that no matter what the West sees in the future political development of Myanmar, the Chinese government would continue to deal with the SPDC with enthusiasm and pragmatism.

Maung Aung Myoe (2016) argues China's intentions in Myanmar from a different perspective. Myanmar's military depended on China for economic development as well as for diplomatic support (Myoe 2016) against the pressure from the West. China's political support to the SPDC was currently more complicated than it initially expected (Haacke 2010a). At the time of the Saffron Revolution in September 2007, China, a powerful neighbor, was under international criticism for Myanmar's internal situation. China was widely criticized in the international media for its support for the SPDC and its trade and investment in Myanmar. Some scholars claim that putting pressure on China, including sanctions, could provide a favorable solution to the long-running Myanmar issue (Li 2008, 116; Kingston 2008, 39). As the 2008 Olympics drew to a close, China's close ties with Myanmar became a public issue, China persuaded the SPDC to allow special envoy Gambari to visit and hold talks. Indeed, China values internal stability in Myanmar more than democracy (Kingston 2008, 39).

China's growing pressure on the SPDC would be exacerbated by resentment against the 2008 Olympic Games in Beijing. The aim of critics was to push the SPDC to reform the country and force it to resign, even in extreme circumstances. Given this, China could be considered a very influential neighbor that directly affected Myanmar's policies and actions.



But on the other hand, this view is controversial. China certainly had great influence over the SPDC, but on the Myanmar side, there is strong interdependence on the issue of reducing Myanmar's direct dependence on China (Alvin 2008, 185-186). Putting more pressure on China to assure reforms in Myanmar than the other countries with good relations with Myanmar like India, Thailand, Singapore and Japan can be seen as an 'ulterior motives' (Guo 2008, 20; *CBS News* 2008). Scholars respond to criticism from China, which was against sanctions and interference in Myanmar's internal affairs: Myanmar was the target of global criticism and under pressure for the SPDC's response to the Saffron Revolution (Li 2008, 108). This is due in part to the international community's lack of understanding of Myanmar's real problems and its misunderstanding of its policy toward Myanmar by the Chinese government.

Barriers to Chinese involvement in Myanmar domestic politics were mainly for a variety of reasons including a long history between the two countries, relying on Myanmar's natural resources to work for China's domestic economic growth, the current state of security on the Myanmar-China border and the impact of Myanmar's democratic transition on China (Clapp 2007). China's stance on Myanmar remained very circumspect. China feared that the sudden fall of the military government of Myanmar could lead to fractional divisions within the military and ethnic unrest. As a result, China had been more motivated by a gradual transition rather than an immediate change in Myanmar. China, therefore, perceived the actions of the UN Security Council and the Human Rights Council as undermining the potential for the SPDC to push for a gradual transition. Apart from China, Russia was still arguing that the council was not the right forum to discuss the situation (United Nations Security Council 2020).

Bilaterally, the Chinese government did not change its position on Myanmar's internal affairs and did not interfere in the country's internal affairs. China believed that Myanmar's

internal problems need to be addressed through dialogue between Myanmar's people and its own government. At the same time, China expected that the international community would play a positive role in reflecting respect for the country's sovereignty. In the aftermath of the September 2007 incidents, China confirmed that the situation in Myanmar was improving and that there were some signs of progress. It then called on the international community to promote peace and development with regard to the democratic process in Myanmar (Guo 2008, 15-18).

Internationally, China supported bilateral cooperation with neighboring ASEAN countries. All of these principles are intertwined with China's domestic development priorities and emphasize the practicality of 'dominant state practice'. At present, Sino-Myanmar relations are mainly related to domestic development and border security needs. This framework for foreign relations did not represent China's reluctance to bring about domestic reforms in Myanmar. The Chinese government urged the generals to adopt Chinese-style economic reforms, and the Myanmar government made some progress on the issue. But political reform was a very different matter (Guo 2008, 15-18). China's true interest in Myanmar is not the democratization process itself, but the way in which Myanmar is practicing democracy and how it could affect regional security and cross-border development.

China fell under intense pressure from the United States, Australia, ASEAN, and several other countries and organizations during the Saffron Revolution to leverage its power to restrain the Myanmar generals and bring an end to the violence. However, the scope of China's influence over the SPDC was almost definitely overstated by the media. Although China is Myanmar's closest ally and supporter, the SPDC restricted China's capacity to influence the decision-making process. The 'Saffron Revolution' proved an unpleasant phenomenon for the Chinese leadership, not just because it came under extreme international pressure to use its influence to resolve the Myanmar's domestic affairs. However, the

revolution damaged China's international reputation before the upcoming 2008 Beijing Olympics.

### **5.2.2 US**

This section discusses how the US reacted to the Saffron Revolution (See Table 5.2). The SPDC's crackdown on protesters in the Saffron Revolution sparked a global clamor (Thawngmung and Myoe 2008; Kingston 2008, 40). The international community took three notable actions in 2007 in response to Myanmar's domestic affairs, the first two of which being the adoption of the UNHRC resolution in October 2007 (adopted with consensus) and the UNSC Presidential Statement in October 2007 (adopted with consensus). These actions demonstrate that US pressure was mounting. Thereafter, the United States and the European Union issued a separate joint statement on 26 September 2007 criticizing Myanmar's domestic affairs. This chapter discusses US involvement in Myanmar's domestic affairs amidst the Saffron Revolution.

First, on 12 January 2007, before the Saffron Revolution, the US and the UK submitted a proposal to the UNSC for a resolution on Myanmar's internal affairs. The US envoy said tackling the flow of refugees from Iraq after the First Persian Gulf War was a threat to international peace and security. In response to the domestic situation in Iraq, the UNSC issued a resolution warning that the internal situation in Iraq poses a threat to international peace and security in the region (UNSC 1991). The situation in Myanmar was similar to that of in Iraq, and all UNSC members were urged to accept the US proposal (UNSC 2006a). However, the UNSC resolution proposed by the US failed due to the vetoes by China and Russia (UNSC 2007b). Moreover, the Non-Aligned Movement (NAM) also sent a letter of complaint to the UN Security Council chairman. The NAM delegated the Security Council the primary responsibility for maintaining international peace and security, emphasizing the need to fully respect the responsibilities and powers of the various bodies

(*Global New Light of Myanmar* 2007d). Therefore, the United States is ‘deeply disappointed’ that the Security Council did not approve of the decision. This would be the Council's strong and urgent statement on the need for change in Myanmar. The United States also believed that the situation posed a threat to peace and security outside its borders so that the domestic problems in Myanmar could not be ignored. The United States sought to continue to work through the United Nations to resolve the ‘deplorable’ internal situation in Myanmar (United Nations 2007).

Second, before the Saffron Revolution, the United States sent three separate letters continuously to the UN Security Council President regarding Myanmar’s internal affairs. The first letter, sent on 1 September 2006, called for Myanmar to be placed on the UNSC council’s agenda and mentioned that ‘the human rights and humanitarian conditions’ in Myanmar could endanger international peace and security and threaten to destabilize the region. The United States called for a senior official in the Secretariat to formally provide a summary of the domestic situation in Myanmar (United Nations Security Council 2007c). On 15 September 2006, the United States sent a second letter to the Security Council requesting a special session on Myanmar. The United States called on the Security Council to convene a Security Council meeting under the agenda entitled ‘the situation in Myanmar’ and requested to receive a briefing from the Under-Secretary-General for Political Affairs, Ibrahim Gambari, on the domestic situation in Myanmar (United Nations Security Council 2006d). On the same day, the United Nations Security Council convened a meeting on Myanmar's internal affairs following a US-sponsored proposal in support of the UN Secretary-General’s decision to send a special regional adviser (United Nations Security Council 2020). That was the US continued pressure on Myanmar before the Saffron Revolution.

After the Saffron Revolution, on 3 October 2007, the third letter from the US to the UN addressed to the President of the Security Council requesting to convene an urgent

meeting of the Security Council on the issue of Myanmar (United Nations Security Council 2007d). As a result of these tough US-led demands and support from the other member states, the UNSC issued its first Presidential Statement on the situation in Myanmar on 11 October 2007. At the 5757<sup>th</sup> session of the Security Council on 11 October 2007, the President of the Security Council issued a Presidential Statement on the situation in Myanmar and firmly denounced the use of violence against peaceful protesters in Myanmar (United Nations Security Council 2007e). The US, UK and France, would continue to put pressure on the Myanmar government and work to bring Myanmar's issues before the Security Council. China continued to assert that the situation in Myanmar was not a threat to international peace and opposed sanctions on Myanmar (United Nations Security Council 2007f). The UNSC president's statement was agreed upon by all member states including China and Russia, who veto in the proposed UNSC resolution in January 2007.

The fourth action by the US on the Saffron Revolution is that the United States and the European Union issued a joint statement on 26 September 2007, regarding the situation in Myanmar. The European Union and the United States denounced the violence against peaceful protesters and called on China, India, ASEAN and other regional countries to work together to address the issue of Myanmar (Council of the European Union 2007). Along with the severe pressure from the US, EU foreign ministers consented to tightening sanctions on Myanmar in response to the crackdown on protesters during the Saffron Revolution (Brunnstrom 2007). The foreign ministers of France and Britain, Bernard Kouchner and David Miliband urged any country with influence over Myanmar to persuade the SPDC. ASEAN members recently voiced their call for an end to violence by security forces by expressing their 'revulsion'. The US Senate approved a decision to suspend ASEAN membership in Myanmar, not just through pressure from the United Nations (Rahim 2008, 68).

## Analysis

**Table 5.2 The US's pressure before and after the Saffron Revolution**

Case	Adopted/Failed	The US's Pressure to Myanmar
(12 January 2007) Draft resolution at the UNSC	Failed (vetoed by China and Russia)	Strong
(1 September 2006) Letter from the US to the President of the Security Council (called for Myanmar to be placed on the UNSC council's agenda and mentioned that 'the human rights and humanitarian conditions' in Myanmar could endanger international peace and security and threaten to destabilize the region.)		Strong
(15 September 2006) Letter from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (putting the provisional agenda, that included the situation on Myanmar, to the vote.)		Strong
(15 September 2006) 5526 <sup>th</sup> UNSC Council Meeting (as a result of US's letter on 15 September 2006) US's proposal to include Myanmar to put in the Council's agenda	Failed (China and Russia rejected; Japan supported) China reaffirmed the situation in Myanmar does not pose a threat to international or regional peace and security.	Strong
(2 October 2007) Human Rights Council resolution strongly deploring repression of peaceful demonstrations.	Adopted with consensus	Strong
(3 October 2007) letter from US permanent representative to the UN requesting an urgent meeting of the Council to discuss Myanmar.		Strong
(5 October 2007) 5753 <sup>rd</sup> UNSC council meeting (as a result of the US's proposal on 3 October 2007)	China reject the US proposal that Myanmar's current situation is a threat to the international or regional peace and security and encourage 'constructive engagement and cooperation' instead of external intervention.	Strong
(11 October 2007) UNSC Presidential Statement was the presidential statement strongly deploring the use of violence against demonstrations and emphasizing the importance of the early release of prisoners.	Adopted with consensus including China and Russia	Strong

Source: Modified by the author

The US had been exerting strenuous pressure on Myanmar before and after the Saffron Revolution in the name of democracy (See Table 5.2). There is a growing dissatisfaction with policies that focuses on political change for the provision of better humanitarian assistance. But political change would not happen unless there is a significant change in Myanmar's domestic policies (Steinberg 2007, 221). The lack of unanimous support from neighboring countries is one of the main reasons why the United States and international efforts through the United Nations to condemn Myanmar became superficial rather than achieving their goals. Most likely, the changes in Myanmar would be gradual due to its internal changes and weak opposition in the country.

### **5.2.3 ASEAN**

This section discusses ASEAN's action during the Saffron Revolution (See Table 5.3). The Saffron Revolution was a crucial moment for ASEAN as well. It occurred two months before the initiation of the ASEAN Summit in November 2007, at which the ASEAN Charter was set to be endorsed. The ASEAN Charter aims to integrate the entirety of ASEAN as a political, social and economic community in the region. It also intends to establish a security community through the strengthening of democracy and the protection of human rights. The timing of the Saffron Revolution profoundly affected the credibility of both ASEAN and its new charter (Roberts 2010, 155). Therefore, in addition to the direct pressure to ASEAN from Western countries, the adoption of the ASEAN Charter by a dictatorial state such as Myanmar deeply impacted the reputation and credibility of the ASEAN Charter.

Singapore, the chair of ASEAN in 2007, intervened to maintain democracy but understood that 'the SPDC cost ASEAN too much credibility' (Kingston 2008, 39). Singapore made its announcement as the Chair of ASEAN by distributing a draft document to the ASEAN Foreign Ministers' Meeting and agreeing to a declaration. In practical terms, this paper represented the ASEAN 'Joint Declaration', which was decided and approved by all

foreign ministers except that of Myanmar (Haacke 2008, 140). Additionally, a consensus was reached at the next United Nations General Assembly meeting on the ‘strongly deplored ... violent suppression of the peaceful demonstration’ (Selth 2008, 285; Thawngmung and Myoe 2008, 19). By emphasizing these public pronouncements, ASEAN appeared to be more concerned with the establishment of a common position towards international pressure at critical moments than the implementation of a consistent approach to Myanmar’s political transition (Davies 2012).

In case of the Saffron Revolution, ASEAN’s ineffective measures in response to the SPDC’s violence against protesters, including Buddhist monks, depreciated the credibility of the Association (McCarthy 2008; Selth 2008). An abusive act by one of the members of ASEAN harmed the reputation of the Association in the international community. Instinctively, the international community assumed that ASEAN had a responsibility to put pressure on the SPDC in response to its violence. Therefore, ASEAN used the severe word ‘revulsion’ when issuing a standalone official statement. This was the harshest word used in ASEAN official statements regarding the situation in Myanmar since 2001 (See Table 5.3). In its official statement, ASEAN noted that Myanmar’s domestic situation had an impact on the ‘reputation and credibility of ASEAN’ (Ministry of Foreign Affairs Singapore 2007).

The presidential statement which was agreed by all members of the council was a significant development in the international community in Myanmar (United Nations Security Council 2007e). ASEAN members were skeptical of sanctions and believed that sanctions would not work in practice and that engagement will continue. Like China and India, ASEAN was worried about the civil war and ethnic conflict if the military government in Myanmar collapsed too quickly (United Nations Security Council 2007f).

An analysis of official statements (See Table 5.3) illustrates some of the language changes in the declarations directed towards Myanmar. For several years, ASEAN expressed



support for an independent domestic solution to the problems associated with the political transition in Myanmar. Moreover, ASEAN issued a credit of trust in its official statements pressuring the regime to change. However, since 2005, the idea was reinforced that Myanmar's internal problems should not affect ASEAN. The Association emphasized the interests of the international community in the political transition. This view was echoed in its official statements. ASEAN advocated for cooperation with UN representatives and the release of political prisoners even before the Saffron Revolution. In 2008 and 2009, content related to Myanmar in the ASEAN Declarations – such as the release of political prisoners and promotion of human rights – was largely related to the UN's demands on domestic situations in Myanmar, not to the direct demands of ASEAN (See Table 5.3).

Despite the recognition of Myanmar's right to independently solve its internal problems, ASEAN increased its emphasis on the need to accelerate political transition when the threat of international condemnation became a matter of concern for the Association's reputation. The Association was also influenced by the issue of Western pressure as well as the legitimacy of the ASEAN Charter. As a result, ASEAN responded strongly to Myanmar's internal affairs. It is noteworthy that ASEAN displayed enough cohesion to issue statements containing the word 'revulsion' when criticizing the SPDC.

By examining ASEAN's actions before and after the Saffron Revolution, the decision whether or not to exert pressure was determined by the extent to which ASEAN's reputation had been damaged due to the domestic crises of Myanmar. ASEAN hopes to ensure that Myanmar's domestic affairs would not damage ASEAN's legitimacy in the eyes of the international community. It can be argued that ASEAN, adhering to the principle of non-intervention, is less interested in pressuring Myanmar to resolve its internal crises than it is in protecting itself.

**Table 5.3 ASEAN’s use of public pronouncements and displeasure by official ASEAN communiqués (2001-2011)**

<b>Name of ASEAN communiqué</b>	<b>Author’s analysis</b>
(23-24 July 2001) Joint Communiqué of the 34 <sup>th</sup> ASEAN Ministerial Meeting, Hanoi, Vietnam	The first mention of Myanmar, encouragement of the ‘on-going process of national reconciliation’.
(29-30 July 2002) Joint Communiqué of the 35 <sup>th</sup> ASEAN Ministerial Meeting, Bandar Seri Begawan, Brunei Darussalam	There was no paragraph about Myanmar.
(16-17 June 2003) Joint Communiqué of the 36 <sup>th</sup> ASEAN Ministerial Meeting, Phnom Penh, Cambodia	ASEAN ‘discussed the recent political developments in Myanmar, particularly the incident of 30 May 2003’ and ‘welcomed the assurances given by Myanmar’. Compared to statements regarding the ‘Saffron Revolution’, critics offered no strong language about the Depayin Incident.
(29-30 June 2004) Joint Communiqué of the 37 <sup>th</sup> ASEAN Ministerial Meeting, Jakarta, Indonesia	ASEAN acknowledged the ‘National Convention Process’ as explicitly internal to Myanmar while highlighting the UN’s role in facilitating Myanmar’s political transition.
(26 July 2005) Joint Communiqué of the 38 <sup>th</sup> ASEAN Ministerial Meeting, Vientiane, Laos	Emphasized that domestic issues should not affect ‘ASEAN’s solidarity’. Myanmar relinquished its responsibility for the ASEAN chairmanship, which it was supposed to assume in 2006.
(12 December 2005) Chairman’s Statement of the 11 <sup>th</sup> ASEAN Summit, Kuala Lumpur, Malaysia	ASEAN ‘noted the increased interest of the international community on developments in Myanmar’.
(25 July 2006) Joint Communiqué of the 39 <sup>th</sup> ASEAN Ministerial Meeting, Kuala Lumpur, Malaysia	ASEAN emphasized that Myanmar’s domestic decision should ‘engage the international community’.
(29-30 March 2007) Joint Communiqué of the 40 <sup>th</sup> ASEAN Ministerial Meeting, Manila, Philippines	ASEAN expressed concerns about the release of political detainees.
(27 September 2007) Statement by ASEAN Chair, Singapore’s Minister for Foreign Affairs, George Yeo in New York	ASEAN ‘expressed revulsion’ regarding the Saffron Revolution in Myanmar and noted that Myanmar’s actions affect the ‘reputation and credibility of ASEAN’.
(21 July 2008) Joint Communiqué of the 41 ASEAN Ministerial Meeting, Singapore	ASEAN encouraged Myanmar to release prisoners as well as to work with the UN and human rights representatives.
(20 July 2009) Joint Communiqué of the 42 <sup>nd</sup> ASEAN Ministerial Meeting, Phuket, Thailand	Repeated the need to release the prisoners and highlighted ‘outside pressure and sanctions’. The ‘good offices’ of the UN Secretary-General have been sustained and welcome Myanmar’s assurances that it will fully cooperate with the United Nations.
(19-20 July 2010) Joint Communiqué of the 43 <sup>rd</sup> ASEAN Ministerial Meeting, Hanoi, Vietnam	Emphasized the successful post-Nargis measures. Acknowledged ‘free, fair, and inclusive’ elections. No criticism of Myanmar’s domestic situation or its national convention.
(19 July 2011) Joint Communiqué of the 44 <sup>th</sup> ASEAN Ministerial Meeting, Bali, Indonesia	ASEAN welcomed ‘enhanced relations with other countries’.

Source: Compiled by the author based on data from official statements issued by ASEAN

#### 5.2.4 Japan

This section examines Japan's reactions of pre- and post-Saffron Revolution including Japan's bilateral pressure on Myanmar and Japan's position on Myanmar in the international community (See Table 5.4). In 2005 and 2006, Japan was a non-permanent member of the UNSC. At the time, Japan's stance on Myanmar in relation to the United States pressure on Myanmar was inconsistent in international arenas such as the UNSC. Until early May 2006, Japan always opposed US pressure on Myanmar at the UNSC Council, however they abruptly endorsed it after September 2006.

On 29 November 2005, the Japanese Ministry of Foreign Affairs officially issued a Statement by the Press Secretary on the Continuation of the Detention under House Arrest of Daw Aung San Suu Kyi in Myanmar (Ministry of Foreign Affairs of Japan 2006). There was considerable pressure from the Japan side on the relationship between the two countries. However, despite direct pressure on bilateral relations, Japan's response at the UNSC, on the international front, had always been mixed. The United States was leading the way in putting pressure on Myanmar's politics at the UNSC, with greater support for European members. On 29 November, the United States wrote to the President of the Council expressing concern that Myanmar's internal affairs threatened international and regional peace and security. The proposal was approved by 10 members of the council, however it was opposed by Japan (United Nations Security Council 2005).

Then again, in May 2006, the UNSC needed to decide whether the SPDC's actions constitute a threat to international and regional peace, security and stability. The United States indicated that this is true, however Japan insisted that Myanmar's internal situation should not be included in the UNSC agenda because it is a human rights issue (United Nations Security Council 2006b). Despite Japan's refusal to agree to US pressure on Myanmar in the international arena (UNSC), Japan issued a Statement by the Press Secretary on the

Continuation of the Detention under House Arrest of Daw Aung San Suu Kyi in Myanmar on 29 May 2006, pressuring Myanmar on bilateral relations. In addition, on 31 May 2006, the United States proposed a draft UNSC resolution on Myanmar that was expected to call for Aung San Suu Kyi's release, inclusive democracy, the release of political prisoners and access to humanitarian aids. Japan opposed the US proposal claiming that it was difficult for Japan to accept the UNSC resolution on Myanmar because Japan viewed the domestic situation of Myanmar as a humanitarian and human rights issue that could not be discussed at the UNSC (United Nations Security Council 2006c). In light of this, although Japan's bilateral pressure on Myanmar was strong, Japan's position in the international community could be considered soft on the situation in Myanmar.

Then suddenly, Japan's actions in response to the situation in Myanmar changed dramatically. Three and a half months later on 15 September 2006, the United States proposed the vote for the UNSC Provisional agenda, which includes the situation in Myanmar. The US proposal was rejected by China and Russia but supported by Japan (United Nations Security Council 2006a). In addition, the Ministry of Foreign Affairs of Japan issued a statement by Press Secretary/Director-General for Press and Public Relations on the Current Situation in Myanmar (Ministry of Foreign Affairs of Japan 2007a). Japan's sudden shift in attitudes toward Myanmar was thought to be due to US pressure (Kudo 2007, 12). Japan did not play a leading role among the western countries, which were pressuring Myanmar, or among the eastern countries, which encouraged cooperation with Myanmar's government.

On 28 May 2007, the Japanese Ministry of Foreign Affairs issued a statement by the Press Secretary/Director-General for Press and Public Relations on the Continuation of the Detention under House Arrest of Daw Aung San Suu Kyi in Myanmar (Ministry of Foreign Affairs of Japan 2007b). On 25 September 2007, Japan again agreed with the US request to include Myanmar at the UNSC meeting, stating that Myanmar was a threat to international

and regional security and stability at the UNSC Council meeting. China and Russia consistently refused to support the US's proposal.

In addition, Japan unanimously supported the United Nations Human Rights Council resolution adopted on 2 October 2007 and the UNSC Presidential Statement issued on 11 October 2007 regarding the Saffron Revolution in Myanmar (UN Human Rights Council 2007). The resolution was adopted ‘without a vote’ at the 5th Special Session of the Human Rights Council, which was deeply concerned with the situation of human rights in Myanmar (See Table 5.4).

**Table 5.4 Japan's reactions before and after the Saffron Revolution**

Japan's bilateral pressure on Myanmar	Japan's response to the US's pressure on Myanmar		Analysis: Japan's Pressure on Myanmar	
	The US's pressure on Myanmar	Japan's response	Bilateral	International
(29 November 2005) Statement by the Press Secretary on the Continuation of the Detention under House Arrest of Daw Aung San Suu Kyi in Myanmar	Security Council Report (15 December 2005) The US: Myanmar's being a threat to international peace and security and requesting a briefing for the Council on Myanmar.	Japan opposed to the US's pressure to Myanmar	Strong	Weak
(29 May 2006) Statement by the Press Secretary on the Continuation of the Detention under House Arrest of Daw Aung San Suu Kyi in Myanmar	Security Council Report (26 May 2006) Japan argued that the Myanmar situation is primarily a human rights issue and should not be on the UNSC agenda.	Japan opposed to the US's pressure to Myanmar	Strong	Weak
	Security Council Report (1 June 2006) 31 May 2006: the US proposed a draft resolution. it is expected to circulate shortly. Call for Aung San Suu Kyi's release and an inclusive political process.	Japan opposed the US's pressure on Myanmar (UNSC 2006c)		Weak
	(15 September 2006) US proposed the vote for the UNSC Provisional agenda, which includes the situation in Myanmar	Japan supported US's proposal		Strong

Japan's bilateral pressure on Myanmar	Japan's response to the US's pressure on Myanmar		Analysis: Japan's Pressure on Myanmar	
	The US's pressure on Myanmar	Japan's response	Bilateral	International
(January 29, 2007) Assistance for UN Trust Fund for Human Security project 'Support to ex-poppy farmers and poor vulnerable families in border areas' Project in Myanmar	(12 January 2007) The draft resolution proposed by the US.	China and Russia vetoed.	Assistance through UN Trust Fund	
(May 28, 2007) Statement by the Press Secretary/Director-General for Press and Public Relations, Ministry of Foreign Affairs, on the Continuation of the Detention under House Arrest of Daw Aung San Suu Kyi in Myanmar			Strong	
	(2 October 2007) Human Rights Council resolution strongly deploring repression of peaceful demonstrations.	Japan supported		Strong
(5 October 2007) letter from Japanese permanent representative to the UN conveying Japan's position on developments in Myanmar	(5 October 2007) 5753 <sup>rd</sup> UNSC council meeting: an urgent meeting of the Council to discuss Myanmar.		Strong	Strong
	(11 October 2007) UNSC Presidential Statement: strongly deploring the use of violence against demonstrations			Strong
(12 October 2007) Statement by Press Secretary on the UNSC Presidential Statement on the Situation in Myanmar.			Strong	
Visit Japan by Prof. Ibrahim Gambari, Special Advisor to U.N. Secretary-General				Strong

Source: Modified by the author

This section discusses Japan's pressure toward Myanmar through politicization of the death of a Japanese Journalist during the Saffron Revolution. This section compares and contrasts the deaths of Japanese Journalists amid two incidents, the 2007 Saffron Revolution in Myanmar and the 2010 Thai political protests. Myanmar-Japan relations strained after the Japanese government supported the US proposal on Myanmar in the Security Council. In particular, Japan, which had been providing humanitarian aid to Myanmar, suspended current aid due to the death of a Japanese journalist during the Saffron Revolution. Japan cut \$4 million, half of the aid package approved in 2007 (Thawngmung and Myoe 2008).

On 5 October 2007, the Japanese Permanent Representative to the UN sent a separate letter outlining Japan's stance on developments in Myanmar (United Nations Security Council 2007g). The letter said that the unrest in Myanmar should be resolved peacefully and the tension should be reconciled. The death of a Japanese journalist during the Saffron Revolution was said to be 'extremely regrettable'. In order to make these points, on 28 September 2007, Japanese Foreign Minister Masahiko Kōmura met directly with Myanmar Foreign Minister Nyan Win. He also sent Japanese Deputy Foreign Minister Mitoji Yabunaka to Myanmar, reaffirming Japan's similar concerns (See Table 5.4).

Japan's response to the death of the Japanese journalist during the 2007 Saffron Revolution will be examined. The analysis compares Japan's response to an incident in which a Japanese journalist was killed during unrest in neighboring Thailand in 2010. First, in the case of Kenji Nagai, who died in the 2007 Saffron Revolution in Myanmar, Japan suddenly sent for the Deputy Minister to Myanmar to deliver the message. Also, Japan's Permanent Representative sent a separate letter to the UNSC regarding the situation. On 28 September 2007, Japanese Prime Minister Yasuo Fukuda bemoaned Nagai's death as 'extremely unfortunate' and Chief Cabinet Secretary Nobutaka Machimura offered his prayers and condolences (*Canadian Press* 2007).

On 28 September 2007, Foreign Minister Masahiko Koumura met with Myanmar Foreign Minister Nyan Win (United Nations Security Council 2007c). On 1 October 2007, Japanese Deputy Foreign Minister Mitoji Yabunaka was sent to Myanmar to send a similar message to Myanmar authorities (Ministry of Foreign Affairs of Japan 2007c; United Nations Security Council 2007c). Japan kept pressuring Myanmar by issuing statements by Press Secretary/Director-General for Press and Public Relations, on the United Nations Security Council Presidential Statement on the Situation in Myanmar (Ministry of Foreign Affairs of Japan 2007d). Again, on 24 October 2007, Japan received Ibrahim Gambari, Special Advisor to U.N. Secretary-General and discussed situations in Myanmar (Ministry of Foreign Affairs of Japan 2007e).

A comparison with Japan's response to the internal affairs of Thailand, a Southeast Asian country, this section examines Japan's response to the turmoil in Thailand in April 2010. Hiroyuki Muramoto, a Japanese journalist, was killed in a clash between protesters and security forces in Bangkok on April 10, 2010. Japan called on Thai government to investigate the situation in Thailand and ensure the safety of Japanese citizens in Thailand. During the unrest in Thailand, Japan did not send a Deputy Foreign Minister nor any separate letter to the President of the UNSC, as Japan did in the Saffron Revolution.

The deaths of the two Japanese nationals were the result of domestic unrest. Myanmar and Thailand are located in Southeast Asia and are not far from each other. In contrast to Japan's response to Thailand's internal crisis, Japan responded to Myanmar's Saffron Revolution by sending a separate letter to the UNSC and arranging for the Deputy Foreign Minister visits to Myanmar. Moreover, Japan expressed unconditional support for the UNSC Presidential Statement and the UNHRC Resolution. The death of a Japanese journalist in the Saffron Revolution became a political issue comparing to the political unrest of Thailand in 2010. This is because Japan is the closest ally and partner of the United States, so it can be



argued that the United States continues to put more pressure on Japan regarding Myanmar's domestic affairs.

Another issue to note regarding the actions taken by Japan in response to Myanmar's domestic issue is the Japanese Official Development Assistance (ODA) to Myanmar (See Table 5.5). The massive use of economic aid is an emerging form of Japanese peacebuilding in Southeast Asia. Japan mediates between conflicting parties and does not place much emphasis on promoting values such as human rights (Oishi and Furuoka 2003). In 1992, Japan ratified the ODA Charter, which supports human rights and democracy (Ministry of Foreign Affairs of Japan 1992). The charter aims to reduce ODA to Myanmar by incorporating democracy and human rights issues. Japan provided limited development assistance to Myanmar and has not issued new loans (Norman 2008).

The emergence of the military government (SLORC/SPDC) in 1988 damaged the relations between Myanmar and Japan. In response to the military coup in 1988, Japan partially suspended ODA due to US pressure and human rights issues in Myanmar (Norman 2008). At the time of the military coup, Japan considered itself the only influential country in Myanmar's political transition. In fact, Japan failed to persuade Myanmar because of its inability to maintain relations with the military government and its lack of influence in the international and regional political arena (Kudo 2007).

**Table 5.5 Japanese Aid to Myanmar**

<b>Date</b>	<b>Japanese Aid to Myanmar</b>
May 2002	Grant Assistance to Myanmar for the Project for Rehabilitation for Baluchaung No. 2 Hydro Power Plant
September 2002	Emergency Assistance for Flood Disaster in the midland of Myanmar
March 2003	Assistance for Opium Poppy Eradication in the Shan State of the Union of Myanmar by the Trust Fund for Human Security
December 2003	Assistance for Seed Multiplication in Myanmar
May 2004	Emergency Aid for Cyclone Disaster in the Western Part of the Union of Myanmar
July 2006	Emergency Grant Aid to Myanmar (Assistance for Vaccination against Polio)
January 2007	Assistance for United Nations Trust Fund for Human Security project 'Support to ex-poppy farmers and poor vulnerable families in border areas' Project in Myanmar
June 2007	Emergency Assistance for the Cyclone Disaster in the Western Part of the Union of Myanmar
September 2007	Emergency Grant Aid to Myanmar (Assistance for Vaccination against Polio)
April 21, 2012	Exchange of Notes for Grant Aid for the Republic of the Union of Myanmar ('Project for Mangrove Rehabilitation Plan for Enhancement of Disaster Prevention in Ayeyawady Delta' and 'Project for Human Resource Development Scholarship')
April 18, 2012	Exchange of Notes for Grant Aid through the World Food Programme (WFP) for the Project of Food Aid for Poverty Areas including Ethnic Minorities in Myanmar
November 21, 2012	Emergency Assistance for the Earthquake Disaster in Myanmar
May 26, 2013	Exchange of Notes concerning Grant Aid to Myanmar
August 6, 2013	Emergency Assistance to the Republic of the Union of Myanmar in Response to the Floods Disaster
March 24, 2014	Signings of Exchange of Notes on Grant Aid for Myanmar
September 17, 2015	Additional Emergency Assistance to Myanmar to the Flood Disaster
October 2, 2015	Emergency Grant Aid to Myanmar for Education in Response to the Flood Disaster
August 14, 2015	Emergency Grant Aid to Myanmar in Response to the Flood Disaster
September 26, 2017	Emergency Grant Aid for the people in Myanmar and Bangladesh in response to the destabilized situation in the northern part of Rakhine State, Myanmar
January 12, 2018	Emergency Grant Aid for the displaced persons returning to Myanmar
August 6, 2018	Emergency Assistance to Myanmar in Response to the Flood Disaster

Source: Japan-Myanmar Relations (Archives), Ministry of Foreign Affairs of Japan 2021, compiled by the author

Japan funded aid projects in Myanmar, including hydropower and Yangon Airport. The Japanese government described its assistance as ‘humanitarian’, however, including the Clinton and Bush administrations, opposed the aid as infrastructure aid (Niksich 2006; CRS Report for Congress, 2006). In May 2002, Daw Aung San Suu Kyi was released from house arrest. In response to this positive political development in Myanmar, Japan decided to provide 628 million yen in emergency funding for the overhaul of the Baluchaung hydropower plant in Myanmar. At that time, Aung San Suu Kyi eased her long-standing opposition to ODA and Japanese investment and began to change her mindset to support Japanese projects under accountability, transparency and scrutiny (Oishi and Furuoka 2003, 901). Under pressure from Western allies against any plan that would benefit the Myanmar military government, the Japanese government had no choice but to suspend ODA to Myanmar. Japan’s actions were strongly criticized by the US government. From this time, the Japanese government was reluctant to send a positive message to the military by partially restarting ODA due to pressure from the United States (Kudo 2007, 7-8).

Japan's peace building in East Asia focuses on conflict resolution and does not focus significantly on human rights and democracy (Oishi and Furuoka 2003; Kudo 2007). This statement could be supported by the pressure that Japan has on Myanmar bilaterally, but not before the UNSC. Sudden changes to Japan’s policy on Myanmar were made under Japanese Prime Minister Junichirō Koizumi, who served from 26 April 2001 to 26 September 2006, was a strong supporter of the United States following the September 11 attacks in 2001. Before Saffron Revolution, Japan continuously opposed the US pressure on the UNSC on Myanmar, however Japan's stance changed dramatically within three and a half months under the Koizumi administration. Ultimately, in the aftermath of the Saffron Revolution in November 2007, the UN Special Adviser briefed about the human rights situation in Myanmar and Japan agreed to take action by working closely with the UN.

Moreover, Japan places more emphasis on calls for ASEAN and Myanmar to work together. Japan urged ASEAN and other countries in the region to work toward improving the situation in Myanmar by addressing the issue through dialogue with stakeholders (United Nations Security Council 2007a). On the other hand, Japan continued to provide ODA to Myanmar's government bilaterally and encouraged cooperation from ASEAN and other countries. The 1992 ODA Charter includes human rights, democracy and limited ODA to Myanmar. However, ODA to Myanmar did not stop completely. Prior to the 2007 Saffron Revolution, ODAs were still flowing into Myanmar (See Table 5.5). This non-committal way of responding allowed Japan to maintain its relationship with the government in Myanmar.

Despite its willingness to compromise between the Western countries who pressured Myanmar and the Eastern countries who encourage allowing Myanmar's government to handle its own domestic affairs, Japan's position on Myanmar has been volatile due to US pressure. Japan does not want the relationship with the United States to be broken, but at the same time, it also does not want to be completely subjugated. As a result, Japan became less effective in Myanmar's political transition process.

### **Summary**

Prior to the Saffron Revolution, China, in particular, rendered no bilateral pressure in response to Myanmar's internal situation and opposed US pressure on Myanmar at the United Nations. On the other hand, the United States exerted consistent pressure toward Myanmar. The US-led UNHCR resolution was passed without any objection, including from China. However, China opposed the US proposal to discuss Myanmar's domestic politics, particular about the Saffron Revolution at the UNSC. China's actions suggest that its position on Myanmar's politics is consistent.

ASEAN also used the strong word 'revulsion' in its official statement regarding the Saffron Revolution in Myanmar. The year 2007 was important for ASEAN. The association

aims to present its first charter to the region and the world. Myanmar's internal affairs have been a stumbling block for ASEAN, as they also emphasize the notion of democracy and human rights in their charter (Roberts 2012, 155). ASEAN concerned that a member state with an internal dispute, such as Myanmar, could jeopardize the legitimacy of the ASEAN Charter. Its response did not change significantly before and after the Saffron Revolution. Japan occupied a middle ground through its responses to Myanmar’s domestic situation, at times both exercising pressure in accordance with actions taken by the US, and providing developmental assistance to Myanmar’s government directly.

The United States and Myanmar had low linkages due to US sanction policy during the Saffron Revolution. According to the Linkage and Leverage Theory, Low Linkage and Low Leverage limits external pressure for democratization, therefore the political situation and transition process became largely dependent upon domestic actors (See Figure 5.3). The US pressure on Myanmar is counter-balanced by Black Knight – China and Grey Knight – Japan and Conditional Prodder – ASEAN. As a result of this consistent support from China and inconsistent pressure from ASEAN and Japan, Myanmar became a low leverage country, as aid from Japan and ASEAN appears to be an outlet for Western pressure. In summary, international pressure on Myanmar during the Saffron Revolution was counter-balanced and did not achieve its intended plan for full democratization of Myanmar.

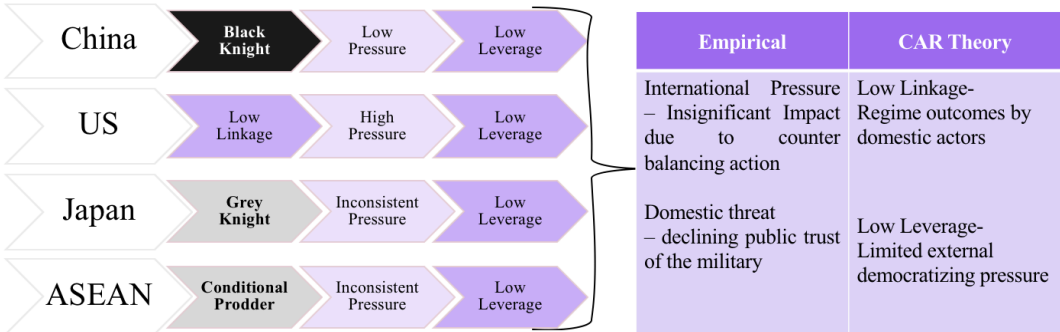


Figure 5.3 Analysis: Case Study One: Saffron Revolution

Source: Author

In terms of its domestic situation, Myanmar's isolation from the international community continued to deepen throughout 2007. At the same time, the level of dissatisfaction among the people of Myanmar had risen. However, in mid-2007, the SPDC showed tolerance to the opposition as it worked to finalize a new constitution to implement the so-called 'disciplined democracy' (Roberts 2010, 152). Moreover, the Saffron Revolution sparked internal unrest. In particular, the participation of religious Buddhist monks and the SPDC's violent response to their peaceful protests undermined the people's trust in the military and became a threat to the regime.

On the other hand, when we look at the continued implementation of the SPDC's long-term political strategy, the National Convention that had been adjourned for nearly seven years was reconvened on 17 May 2004 without the NLD under the terms of the Seven-step Roadmap in 2003. The National Convention was concluded on 3 September 2007. From 1993 to 2007, the principles for the future constitution were adopted. There were accusations about the lack of a timetable for the National Convention and the government was using delaying tactics.

This study argues that despite internal and external pressures, the military government continued and achieved its own domestic political strategy during Saffron Revolution. In assessing the SPDC's actions toward these international responses, the military government successfully concluded the National Convention in 2007 and continued to implement its strategic political agenda of building a political system that could carry out the political transition in 2011. However, the NLD's refusal to participate in the National Convention undermined the new constitution and affected the people of Myanmar and the international community's willingness to trust the upcoming USDP government (Htut 2019, 22). This created a challenge toward the survival of the military in the country's national politics.

## **Chapter 6 Military Government (Case Study Two: Cyclone Nargis in 2008)**

### **Introduction**

The SPDC government determinedly held the national referendum as planned without delay, except in the delta areas affected by Cyclone Nargis. The main goal of this chapter is to highlight the implementation of the military's long-term political strategy amidst the devastating natural disaster, Cyclone Nargis. Domestically, this chapter highlights the success (the adoption of the military-led constitution) and failure (the diminution of public trust in the military due to the delay in providing humanitarian assistance to the cyclone-affected areas) of the SPDC at this time. International implications during and after Cyclone Nargis will also be discussed in this chapter. It is arguable that ASEAN's approach as what I called a Conditional Prodder in engaging between the SPDC government and the international community blocked Western pressure on Myanmar.

This chapter has three main sections. The first section analyzes the domestic implications to highlight the fact that the timing of Cyclone Nargis corresponds with the holding of a National Referendum, marking an important time in explaining Myanmar's political transition process. The brief background of the disaster and the controversial National Referendum including the endorsement of the 2008 constitution will be discussed in the domestic implication of the case study. The second section analyzes the international implication during and after the Cyclone Nargis including the pressure from the US and counter-pressure from China, ASEAN and Japan. Finally, in the conclusion, this chapter argues that ASEAN's decision to facilitate relations between Myanmar and the international community was more effective than the western pressure in persuading the SPDC for the acceptance of humanitarian aid in the cyclone-affected areas.

## **6.1 Domestic Implications**

### **6.1.1 National Referendum and Adopting the 2008 Constitution**

Cyclone Nargis first entered Myanmar on 2 May 2008 and left on 4 May 2008. It hit Ayarwaddy, Yangon and Bago Divisions and Mon and Kayin states of Myanmar. The disaster caused immense damage to the affected areas (*Global New Light of Myanmar* 2008). It is estimated that between 1.2 million and 1.9 million of the 42 million people living in Myanmar were affected by the cyclone (United Nations Security Council 2008a). The timing was crucial because of a constitutional referendum, which was planned to hold on 10 May 2008.

On 6 May, the government announced that the referendum would still take place on 10 May, except for those of badly affected 47 townships by Cyclone Nargis (*Global New Light of Myanmar* 2008b). The government responded that only specific areas of the country had been devastated by Nargis so the referendum should not be delayed. The announcement was widely condemned and led to the massive accusations toward the SPDC government of abusing the electoral process and attempting to force the public to vote favorably. This resulted in the new constitution becoming known as the ‘Nargis Constitution’ (Htut 2019). However, the SPDC reported that 92.48 percent of the voters agreed to the draft constitution in 47 townships in Yangon and Ayeyarwady Divisions (*Global New Light of Myanmar* 2008c).

Amid the catastrophic natural disaster, the SPDC said that it would allocate USD five million for relief activities and the government took care of conducting rescue and assistance to the affected areas (Martin and Margesson 2008). However, the SPDC government faced both domestic and international pressure for its lack of disaster preparedness measures, inadequate warning, slow emergency response and refusal of international humanitarian assistance. The international actors China, the US and Japan exerted pressure on Myanmar in the name of democracy, human rights and humanitarian assistance. Moreover, ASEAN also



played an important role between the military government and the international community. Arguably, despite the urgent need for humanitarian assistance, the government with limited domestic support prioritizes state security over human security.

The National Referendum was a key component of the seven-step roadmap because it is the final approval of the result of a lengthy constitutional drafting process by National Convention (NC) as well as the fourth step of the SPDC's roadmap. The NC commenced in 1993 with the first session for discussing the fundamental principles of a new Constitution (Taylor 2015; Seekins 2009; Than 2006). The NC reconvened and discussed a series of constitution-drafting procedures in early September 2007, and the draft constitution was finalized in February 2008. Former Senior General Than Shwe decided to declare his highest priority as the adoption of constitution after the Saffron Revolution. This might be a way of attempting to deflect international condemnation and establishing a shield of legitimacy founded on multi-party democracy and rule of law (Seekins, 2009). Nonetheless, the 2008 constitution grants for the military to remain in national politics and ultimately serve as a reserved political domain for the military for its survival (See Chapter 8 for detailed discussion about how the military safeguards the constitution and employs as its reserved power domain).

It is arguable that the process of drafting and endorsing the constitution was controversial, both domestically and internationally (*Global New Light of Myanmar* 2007e). Factors such as the NLD's withdrawal from the National Convention in 1995; the timing of National Referendum against the Cyclone Nargis; lack of constructive public discussion and debate of the draft constitution (Human Rights Watch 2008b); authorization for an imprisonment of up to twenty years for anyone involved in an incident that impeded the procedure of the National Convention or condemned its principles (State Law and Order Restoration Council 1996). It also undermines the legitimacy of the constitutional drafting

process. The military's way of utilizing intimidation rather than mediation or compromise severely hampered the ability to come to a national consensus on the upcoming constitution (Htut 2019).

Considering the referendum's political implications, the government gave it priority over post-cyclone disaster relief. Myanmar's political environment in the aftermath of Cyclone Nargis was affected by the SPDC's fear of internal crisis and foreign influence (Seekins, 2009). The SPDC government sought to restrict relief efforts to the affected areas. The ratification of the new constitution implies a form of legal governance through a controversial referendum in May 2008. However, observers have no high expectations that the constitution would signify a genuine power transfer to a government elected by the people (Skidmore and Wilson 2010). Nevertheless, the scheduled general elections in 2010 at both national and regional level would represent a step toward the conclusion of military rule.

Guo (2008) discusses the referendum and the proposed constitution from the opposite perspective. He argues that the referendum was likely to be adopted for a number of factors. The resurgence of conflict in Myanmar and the strong desire of the people for change can lead to the success of the referendum through efforts for national reconciliation and national unity (Guo 2008, 31). It is notable that the situation proved challenging for the opposition, whose capacity to control political decision-making was restricted.

The international pressure was attracted to provide a way of affecting the domestic political transition (Taylor 2015). The opposition claimed that the National Referendum and its planned constitution were given unnecessary priority over emergency assistance by the SPDC (Martin and Margesson 2008). It was thought that Cyclone Nargis could trigger major political change in Myanmar including the destabilization of the military regime. Selth (2008) highlights the SPDC's fear of foreign intervention and military aggression. Cyclone Nargis is a challenge not only for its rehabilitation and economic reconstruction but also for Myanmar's

sovereignty and self-reliance. The immediate response of the international community and the rise of international interest are key factors in the SPDC's growing concerns (Selth 2008). These concerns include internal instability, such as the loss of control in the country and external military intervention by the United States and its allies

The year 2008 is an important year for the military government because the SPDC scheduled to hold a National Referendum to endorse the constitution. Holding a National Referendum is the fourth step of the SPDC's political roadmap that had been adopted in 2003. Coincidentally, at this critical juncture, natural disasters disrupted domestic politics and renewed foreign pressure.

### **6.3 International Implications**

In the case of Cyclone Nargis in Myanmar, the government's response to natural disaster is closely linked to Myanmar's political situation and its relations with the international community. Some scholars argue that the presence of international community in Myanmar might be an opportunity to change the authoritarian rule in Myanmar (Martin and Margesson 2008). The SPDC was concerned, not only about the constitutional referendum but also about the presence of international community in the country during this crucial period.

Robert Taylor (2009) points out that the SPDC's ability to control domestic politics remained strong because the government was able to implement its political long-term strategy (Taylor, 2008). While the domestic opposition continued to be suppressed, the international community also failed to find an effective approach to Myanmar. It is arguable that the international community was not aware of the SPDC's concern on international pressure as an external threat to its sovereignty. The United States' attempt to intervene militarily and the UN resolutions had an intense effect on the SPDC's defence and foreign policy. The failure of the international community to consider the military's views on international intervention in the aftermath of Cyclone Nargis in 2008 made it more difficult to

provide humanitarian assistance and a long-term solution to Myanmar's complex domestic problems.

The international community responded with three significant actions to Myanmar in the wake of Cyclone Nargis. The first response was the issue of a presidential statement by the UN Security Council on 2 May 2008 (United Nations Security Council 2008b). The Myanmar Permanent Representative to the United Nations responded with a letter 'highly objectionable' to the president's statement because the content deals completely with the domestic issue of Myanmar (United Nations Security Council 2008c). Interestingly, this is the first time Myanmar responded to UN pressure by issuing a separate letter in the wake of Cyclone Nargis. In the past, during the Saffron Revolution, there was UN pressure on Myanmar, but there was no response with a separate letter. It is arguable that this could be seen as a separate response from Myanmar, as Cyclone Nargis could cause foreign intervention within the country, such as 'responsibility to protect – R2P'.

Also, in the announcement of a state-owned newspaper issued by the Myanmar government, although the situation in Myanmar poses no threat to regional and international peace and security, the Union Government was surprised by a statement issued by the Chairman Statement of the Security Council on 2 May 2008. Despite the pressure for humanitarian aids in the aftermath of the cyclone, the SPDC announced that the referendum on the draft constitution on May 10, 2008 and multi-party democratic general elections in 2010 under the new constitution would be conducted as planned (*Global New Light of Myanmar* 2008d).

The second response was that France called for a resolution for the delivery of aid on 7 May, using the concept of 'responsibility to protect – R2P' as the basis for the council's action on Myanmar government's poor responses in Cyclone Nargis (United Nations Security Council 2020). French Foreign Minister Bernard Kouchner proposed that the international

community should deliver aid to Myanmar without waiting for approval under the UN Security Council resolution on the 'Responsibility to Protect' (R2P), which referred to the obligations of a state to protect its people and the obligations of the international community to take action if the state cannot perform its functions (Parson 2008). China and Russia judged the R2P proposal by claiming that the R2P should apply to genocide, war crimes, crimes against humanity and ethnic cleansing. At the same time, the French proposal was supported by the US, Canada, Australia, and Germany (Robert 2010, 190).

The third response was the UN Human Rights Council's resolution on the situation in Myanmar (UN Human Rights Council 2008). The UN Secretary-General Ban Ki-moon expressed 'deep concern and immense frustration' about this disaster (United Nations 2008). The international response to the situation following Cyclone Nargis has been mixed. The following section examines the different responses from China, the US, Japan and ASEAN to Myanmar.

### **6.3.1 China**

First, China endorsed the UNSC presidential statement issued on May 2 (United Nations Security Council 2008c). Second, China opposed France's proposal for the use of R2P as a basis for the Council to take action against Myanmar to accept international aids. China's stance on R2P and non-intervention are representative but cautious (Teitt 2008). China says the situation in Myanmar is a natural disaster that can be discussed at other UN forums, but not at the Security Council. China spoke out strongly against politicizing the natural disaster issue in Myanmar (United Nations Security Council 2008a).

China expressed that a Western-style solution would not solve Myanmar's problems completely and disagreed that the situation in Myanmar posed a threat to international or regional peace and security. This implies that China's protection against Western pressure was quite effective for the SPDC. Regarding the third response of the UN, China did not

particularly oppose the UN Human Rights Council's resolution on the situation in Myanmar (UN Human Rights Council 2008). While backing the offices of the UN Secretary-General, China continued to push for a positive sign of the initial transition. However, China is also reluctant to take action for fear of jeopardizing its economic interests in Myanmar. International Crisis Group (2009) argues that Chinese investment and economic aid are largely based on the extraction and export of natural resources, and they do not encourage broader economic development (International Crisis Group Asia Report 2009). As long as China continues to support the military government in times of domestic political crisis, it might face international pressure. It can be argued that China's role as a Black Knight appears to make Myanmar more resilient against Western pressures.

### **6.3.2 US**

For the United States, the situation in Myanmar is an opportunity for promoting Western democracy in Southeast Asia. In return for the SPDC, the United States is a major foreign policy challenge (Haacke 2006a, 61). Some examine that the referendum on a drafted Constitution had some implications on the U.S. and other countries' policies on Myanmar (Martin and Margesson 2008). Ahead of the Cyclone, President Bush extended US sanctions on Myanmar for another year. The US also continued to target supporters of the SPDC in the United States. On 5 May 2008, Laura Bush, the first lady of the United States, strongly condemned the military government. The former US president also called for the US access to the cyclone-hit areas. On 6 May 2008, the US government signed a law awarding the US Congressional Gold Medal to Daw Aung San Suu Kyi (*BBC* 2012).

Statements by British Prime Minister Gordon Brown and US Secretary of Defense Robert Gates indicate that both the UK and the United States are cautious about the need for approval from the authorities, although the United Kingdom demand a better way to deliver aids (United Nations Security Council 2008a). There is growing support for Gambari's role in

good offices, on the other hand, growing resentment among some members who demand a more specific approach needed to the SPDC. The United States said it was 'extremely disappointed' that the SPDC failed to make progress toward democracy and to work with the United Nations (United Nations Security Council 2008d). These actions by the US caused a great deal of political concern to the SPDC (Selth 2008, 392, 393).

Alongside with France's attempt to invoke the R2P concept to put pressure on the SPDC at the UN, the arrival of France, British and US naval vessels attempting to deliver aid intensified the SPDC's xenophobia as they reached the Myanmar coast (Selth 2008, 388). The R2P proposal exacerbated the SPDC's insecurity (Desker and Roberts 2008, 31). Due to the SPDC's political concerns, the SPDC refused American, British and French navies to allow entry into Myanmar even for aid delivery.

In an effort to gain the SPDC's trust, the United States had the need to overcome more than two decades of harsh sanctions and unanimously support the military opposition. It will be difficult to implement in one day (Selth 2008, 393). In addition to concerns about foreign intervention, the SPDC saw the cyclone as a 'security threat' rather than a 'disaster'. This is because large-scale relief permits could allow large numbers of foreign aid workers and media to enter the country (Robert 2010, 191). The influx of foreign aid, with the help of the international media, would weaken the SPDC's efforts to tighten access to outside information for Myanmar citizens. Therefore, the SPDC was primarily concerned with avoiding 'alien cultural influences', which could lead to seizure of power and 'social instability' (Selth 2008, 391-392). From the military's perspective, these factors have the potential to fuel new incidents of political unrest like the Saffron Revolution in 2007.

The SPDC's fears about foreign intervention might have been a 'paranoid delusion', however, this perception caused real implications for the SPDC's leadership (Robert 2010, 191). The Western system of misunderstanding the worldview of the SPDC leadership

hampered the West's capacity to resolve the crisis in Myanmar.

Cyclone Nargis was an impediment for the SPDC, not only for rehabilitation and economy but also for Myanmar's independence and a major challenge to sovereignty and self-reliance. The international community prompted to respond to the situation in Myanmar but led to SPDC's fears of loss of control over civilians and civil unrest, as well as a foreign invasion in Myanmar by the United States and its allies (Selth 2008, 394). Because in the wisdom of Myanmar senior generals, threatening the military government is a threat to the country. The ruling elites of the SPDC still truly believe that the military is the sole guardian of the country, national unity, independence and sovereignty. The fear of foreign intervention continues to shape the government's policy toward democracy. The actions against foreign intervention can be observed in the provisions of the 2008 constitution (Robert 2010, 204). The essential role of the military in defending national unity and sovereignty (the Three Main National Causes) which includes in the 2008 Constitution under Basic Principle of the Union reflect the government's worldview (Seekins 2005, 448).

The United States is powerful and is ready to consider any intervention, but there was no clear motive or strategic interest in Myanmar at this time. China is also powerful, but China ignored Myanmar if it does not directly threaten its core interests (Li and Zheng 2009, 627). It can be assumed that that China would always oppose direct interference in Myanmar domestic affairs as this would undermine China's economic interests.

Western pressure failed to achieve its intended goal and unintentionally encouraged closer ties between Myanmar and China. The US pressure on the SPDC's actions in the wake of Cyclone Nargis exacerbated the SPDC's domestic and international security threat. The fear of foreign pressure and interference poses an international security threat to the SPDC. The military was threatened its domestic legitimacy in safeguarding the country and providing humanitarian assistance to disaster-stricken areas. Seekins (2009) argues that the military



government, with limited civilian support and public trust, prioritized national security even at a time when humanitarian aid was urgently needed (Seekins 2009). For the SPDC, the domestic threat was more challenging than the international threat because Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN intentionally and / or intentionally blocked the western pressure to some extent at the UN. The role of Grey Knight – Japan and Conditional Prodder – ASEAN will be discussed in the next section.

### **6.3.3 ASEAN**

Compared to the ASEAN's role in the previous domestic issue, the Saffron Revolution, this section argues that ASEAN sought to resolve differences and disputes with the regime peacefully in order to cultivate a positive image and credibility in the international community. Interestingly, unlike Saffron Revolution, ASEAN followed its basic principles of 'settlement of differences or disputes by peaceful manner' as well as 'renunciation of the threat or use of force' (ASEAN 2008a) and played a facilitating role during Cyclone Nargis in Myanmar. Compare the role of ASEAN in the Saffron Revolution and Cyclone Nargis, it can be argued that ASEAN appeared to apply pressure to or denounce the SPDC in the interests of regional and international recognition as far as the Association's credibility was concerned.

Like the Saffron Revolution in 2007, ASEAN found itself in an uncomfortable position for shielding Myanmar against international pressure (Weitz 2008). The allegations of critics largely concentrated on ASEAN's insufficient response and humanitarian aid to victims after the Cyclone. Part of this criticism was focused on the principle of non-interference in the internal affairs of member states, which constrains the capacity of ASEAN to respond to a crisis on time (Amador III 2009). Additionally, due to the SPDC's fear of intervention by the international community, accessibility to and distribution of the international aid provided to the affected areas of Cyclone Nargis were delayed (Selth 2008). The international community and the UN limited in their ability to directly influence the

SPDC. In this situation, considering the SPDC's rising fears of foreign interference as well as of long-term solutions to Myanmar's domestic problems, ASEAN was forced to play a mediating role in the dialogue between Myanmar and the international community.

The criticism raised against ASEAN for its inadequate response in providing assistance to the disaster relief efforts after the Cyclone Nargis (Amador III 2009). ASEAN would be cautious about its 'non-interference principle', however, this principle became the solution to persuade Myanmar to accept humanitarian aid through ASEAN rather than through the UN, EU or other external bodies. ASEAN also realized that if it fails to lead the coordinating role between Myanmar government and the international community, the organization would be viewed as an ineffective regional body.

Asia-Pacific Centre for the Responsibility (2008) argues that the international community should focus on finding an effective way of delivering assistance to the victims of Cyclone Nargis and this action would be more efficient only with the consent and cooperation from the government of Myanmar. To do this, a massive cooperation can be achieved only through regional actors such as UN and ASEAN rather than bilateral cooperation. The UN Secretary-General was unable to persuade the military government due to two reasons; first, the SPDC's fear of foreign intervention and the low linkage and trust with the West. Therefore, it is arguable that ASEAN had better access than any other international or regional organizations.

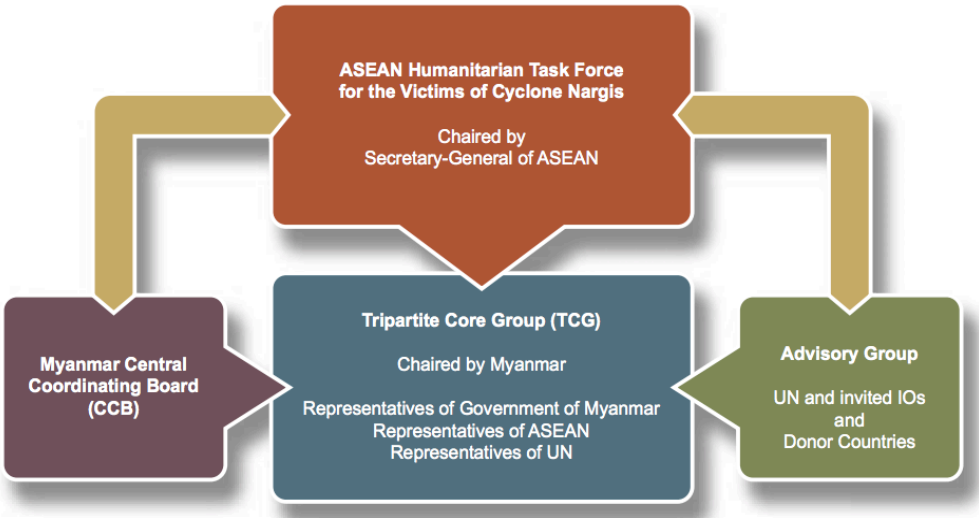
Thus, ASEAN attempted to organize joint activities between the UN and ASEAN to provide humanitarian assistance to Myanmar with consent from the SPDC. ASEAN Secretary-General Surin Pitsuwan delivered the Association's response at a special foreign ministers' meeting convened in Singapore in mid-May 2008. The ministers agreed that the ASEAN-led approach was the best way to address the current difficulties in Myanmar (ASEAN 2008b). Alarmed by the growing demand for humanitarian intervention in Myanmar,

ASEAN also deliberated upon what actions to take and informed the regime that the natural disaster would allow the Association to facilitate cooperation between the military and the international community (Kipgen 2016). This step was intended to help both Myanmar and ASEAN demonstrate a desire to cooperate with the international community on a non-political issue. In other words, ASEAN attempted to compensate for its reputational damage by playing a prominent role in the relief of a natural disaster while relegating the issues of political transition and human rights to issues internal to Myanmar.

On 12 May, the military government granted access to an ASEAN disaster assessment team to investigate the devastated area and make recommendations on how ASEAN could help the affected population by the Cyclone Nargis. On 14 May, Thai Prime Minister, Samak Sundaravej, visited Myanmar. During his visit, a special agreement between Myanmar and ASEAN was attempted to be made (United Nations Security Council 2008a). Although no specific concessions were reached, the SPDC government later accepted foreign aid and 160 disaster relief experts from Bangladesh, China and India and Thailand were granted visas. (Asia Pacific Centre for Responsibility to Protect 2008, 13). The SPDC was accommodating to ASEAN compared to the pressure of Western groups such as the UN and the United States.

The SPDC was persuaded to admit the first stationing of the ASEAN Emergency Rapid Assessment Team (ERAT) in the devastated area, which was organized by the ASEAN Secretariat on 9-18 May 2008 in collaboration with the ASEAN Disaster Management Committee and the Myanmar government (Tripartite Core Group 2008). Because ERAT was the first formal and external assessment of the Cyclone, the team was confronted with tremendous political pressure from the international community (ASEAN 2010). Based on the evaluation of ERAT, ASEAN offered targeted aid to the affected population in support of the distribution of military government assistance. Led by the ASEAN-ERAT, a task force coalition – including representatives from the ASEAN Secretariat, the Government of

Myanmar, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) – was formed called Tripartite Core Group (TCG) on 25 May 2008. The purpose of the TCG is to facilitate trust and co-operation as an ASEAN-led mechanism between Myanmar and the international community in post-Nargis humanitarian relief and rehabilitation efforts. TCG coordinates the flow of international aid to Myanmar (ibid.) (See Figure 6.1).



**Figure 6.1 Structure of ASEAN-led Coordinating Mechanism**

Source: A Humanitarian Call: The ASEAN Response to Cyclone Nargis 2010, 19

ASEAN maintained close cooperation, not only with the Myanmar government but also with the UN and discussed appointing a joint UN/ASEAN humanitarian coordinator, establishing a regional hub for aid supplied outside Myanmar, and hosting a high-level pledging conference. Based on the report of the ASEAN disaster assessment team, ASEAN foreign ministers met in Singapore on 19 May to discuss ways to help Myanmar and ASEAN member states expressed their willingness to make a significant contribution to the emergency relief effort.

ASEAN Secretary-General, Surin Pitsuwan, had been working hard to coordinate the organization’s relief effort and secure funds from multiple sources. ASEAN Secretary-General communicated with the Myanmar Ministers for Foreign Affairs and Social Welfare,

Relief and Resettlement as well as the international community. Through the coordinating channel of ASEAN, the Myanmar government became more receptive to ASEAN's initiatives than that of the West. ASEAN conducted assessments and persuaded the Myanmar government to discuss closer cooperation for assistance so that ASEAN could have more success as a coordinator than other governments or international organizations (Asia-Pacific Centre for the Responsibility to Protect, 2008).

The success of ASEAN's efforts to establish a facilitating channel between the SPDC and the international community, along with ASEAN Secretary-General Surin's leading position in ASEAN's Humanitarian Task Force,<sup>1</sup> demonstrated that the government of Myanmar kept a more open mind to ASEAN than the West and granted ASEAN as a coordinating platform. ASEAN commissioned assessments and encouraged the SPDC to pursue stronger aid coordination. Cyclone Nargis showed that ASEAN could be more effective as a coordinator for the SPDC than other governmental or international organizations (Haacke 2008; Amador III 2009; Asia-Pacific Centre for the Responsibility to Protect 2008). Arguably, despite the principle of non-interference and the international community's pressure on the Association concerning the persisting reluctance of the SPDC, ASEAN paved the way for the accessibility and quick dispatch of humanitarian assistance to the victims of Cyclone Nargis.

Scholars continue to debate the different perspectives regarding ASEAN's political repercussions in Myanmar. The military government overlooked the post-cyclone relief efforts still maintained its control despite the pressure from Western governments and the French proposal of R2P (Taylor 2015; Than 2009). If ASEAN members refused to join the international community in order to deal with the SPDC during Cyclone Nargis, it is arguable that ASEAN was likely to lose its credibility. The narrow focus on ASEAN's humanitarian

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<sup>1</sup> The Task Force, in turn, resulted in the establishment of a tripartite core group to organize the relief operations, comprising ASEAN, the UN and the SPDC government.

assistance convincingly 'depoliticized' its engagements with Myanmar and lessened the SPDC's fears about mass invasion and 'security threats' in the country (Robert 2010, 192). Despite the successful coordination with the ASEAN and the SPDC, the relations between Myanmar and the international community (especially with the West) remained consistently isolated.

Cyclone Nargis, on the other hand, was a critical time for the SPDC to convene a national convention to ratify the country's constitution. As a result, there had been growing concern for the SPDC about potential foreign intervention in the distribution of aid during Cyclone Nargis. ASEAN's readiness to collaborate with the international community through successful negotiations with the SPDC given the Association a positive reputation. However, ASEAN's actions did not have a major impact on the SPDC-led National Referendum and domestic political transition process as a whole. In other words, ASEAN was inadequate in either overpowering or hindering the SPDC's long-term political strategy. It is arguable that ASEAN's depoliticization approach to Cyclone Nargis was the only platform between the SPDC and the international community.

Nonetheless, it is remarkable that ASEAN was signified as a key facilitator in delivering humanitarian assistance between the SPDC government and the international community during Cyclone Nargis, which the West could not resolve. ASEAN reaffirmed the importance of its role as a facilitator in upholding the principle of non-interference. However, ASEAN's non-interference in the controversial SPDC-led referendum on the constitution was a sign of disregarding the political transition in Myanmar. If ASEAN did not intervene in the Nargis issue as it did during the Saffron Revolution, condemning Myanmar concurrently with the West and the US, ASEAN would have had no chance of success. Moreover, the failure might even undermine ASEAN's credibility. As a result, ASEAN changed its approach which

could be seen as depoliticized. It can be argued that ASEAN sought to safeguard its credibility rather than having had significant interest in Myanmar's political transition.

#### **6.3.4 Japan**

Following the massive devastation by Cyclone Nargis, a political deadlock arose between Myanmar and the international community (Martin and Margesson 2008; Selth 2008). Japan sent emergency aid to Myanmar in response to Cyclone Nargis. According to the press release of the Japan Ministry of Foreign Affairs, The Japanese government decided to expand its perspective on emergency humanitarian assistance, taking into account the risk of natural disasters and considering friendly relations between the two countries (Embassy of Japan in Myanmar 2008). Japanese aid eased some concerns about the SPDC's political deadlock to some extent.

Honda (2009) argues Japan took a similar approach with the West and the US and asked the SPDC to accept aid through the United Nations or humanitarian organizations (Honda 2009, 6). In contrast to this argument, it is notable that Japan did not put as much pressure on bilateral relations as in the Saffron Revolution over the SPDC's actions in Cyclone Nargis.

The SPDC viewed the cyclone as a 'security threat' rather than a disaster, due to the potential influx of foreign aid workers and media workers into the country through massive relief efforts (Robert 2011, 191). From the SPDC's perspective, the presence of the international community in Myanmar could potentially end its authoritarian rule. This concern has been exacerbated by the R2P proposal. At the 2005 World Summit, Japan endorsed R2P (See Table 6.1). However, Japan was not a permanent member of the UNSC in 2008 to express its stance when France invoke R2P to Myanmar in the wake of Cyclone Nargis. Although Japan did not put as much pressure on Myanmar as the United States, it did not stand by Myanmar as much as ASEAN in the case of Cyclone Nargis. Arguably, Japan's mild bilateral

pressure and aids eased pressure on Myanmar from the West, including the United States and France, as what I called the Grey Knight.

**Table 6.1 Asia-Pacific on Responsibility to Protect**

Advocates	R2P-Engaged	Fence-Sitters	Opponents
Australia	Singapore	Vietnam (2005–07)**	Democratic People's Republic of
Japan	Indonesia	Brunei	Korea*
New Zealand	Philippines (2006–08)	Cambodia	Myanmar*
Philippines (2004–05)	China	Laos	
Republic of Korea	Vietnam (2008)	Malaysia	
		Thailand	

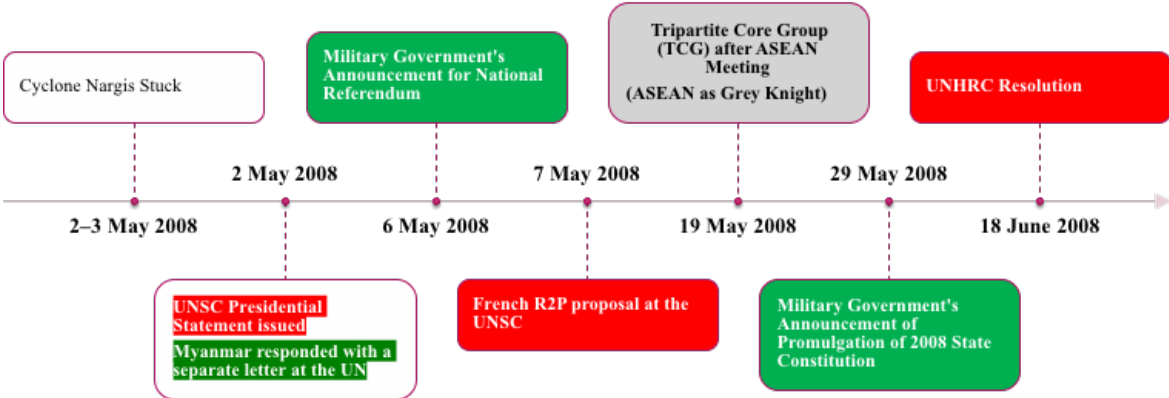
\* The Democratic People's Republic of Korea and the government of Myanmar have not explicitly rejected the idea that states have a responsibility to protect their own populations.

\*\* Vietnam was almost opposed to R2P prior to the 2005 World Summit.

Source: Bellamy and Davies 2009, 551

**Summary**

The year 2008 not only strengthened the military's role in national politics by completing a referendum on a new constitution which is crucial for the SPDC, but also the biggest natural disaster in Myanmar history. This section summarizes the actions of the SPDC government and its international response to Cyclone Nargis (See Figure 6.2).



**Figure 6.2 Domestic and International Responses during Cyclone Nargis**

Source: Author



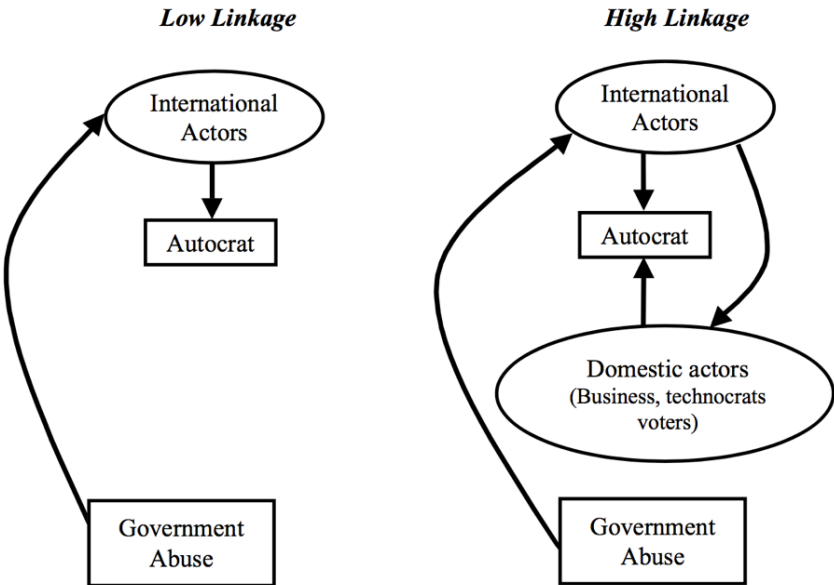
Domestically, the SPDC was unable to focus on relief efforts for Nargis because of the need for a referendum to approve its constitution, which was drafted more than 15 years prior, amid international pressure. As the SPDC sought to ratify the constitution, it was concerned about foreign interference due to the arrival of international aid and warships arriving in the areas affected by Cyclone Nargis. That is the reason why the SPDC did not immediately accept international emergency aid. The differences in the SPDC's response to UN pressure can be observed in the comparison of the SPDC's response to the UNSC President's statement on Cyclone Nargis and the Saffron Revolution. The SPDC did not issue a separate letter during the Saffron Revolution, however, it responded at the UNSC with a separate UNSC presidential statement regarding Cyclone Nargis. In light of this, it is arguable that the SPDC was seriously aware of the feasibility of any disruption that could lead to obstructing its constitutional referendum.

Internationally, similar to the Saffron Revolution, China, a permanent member of the UNSC, opposed Western pressure from the United States and France's R2P proposal on the issue of Cyclone Nargis. It is arguable that China was still acting like a 'Black Knight' as a counter hegemonic power to the US. In addition, under the pressure of regional organizations and countries, ASEAN's provision of international humanitarian assistance between the international community and the SPDC government was able to address the international aid delivery issues and somehow diminish Western pressure on Myanmar. Arguably, ASEAN acted what I called a 'Conditional Prodder', by indirectly reducing Western pressure on Myanmar and successfully addressing the SPDC's problems during Nargis when it comes to deteriorating its credibility.

Unlike at the time of the Saffron Revolution, Japan provided emergency aids to Myanmar in the wake of Cyclone Nargis. At the same time, Japan, along with Western countries, put some pressure on Myanmar to accept humanitarian aids from the international

community. Japan’s bilateral pressure on Myanmar during Cyclone Nargis was not as intense as during the Saffron Revolution. It can be argued that Japan was politically critical of Myanmar during the Saffron Revolution but provided assistance in the wake of Cyclone Nargis. In this situation, Japan acted like what I called ‘Grey Knight’ who provided aids to the SPDC without fully exerting pressure on Myanmar as Western countries did.

Cyclone Nargis in Myanmar can also be explained through a low linkage and the ‘double boomerang’ effect as described by Levitsky and Way (See Figure 6.3). Myanmar had ‘low linkage’ with the United States and the West during the crisis due to US sanctions and isolationist policies. Arguably, High Linkage double boomerang is unlikely in the aftermath of Cyclone Nargis in Myanmar. The domestic actors such as CSOs, businessmen and technicians, did not progress considerably under the military government, so these local actors could not counter the military government.



**Figure 6.3 Linkage and the ‘double boomerang’ effect**

Source: Levitsky and Way 2010, 52

Due to the imbalance of international pressure in the aftermath of Cyclone Nargis, the external threat to the SPDC might not be as disquieting for the SPDC as expected with the help of Black Knight – China, what I called Grey Knight – Japan and Conditional Prodder –

ASEAN. However, it is important to note that, in looking back at the domestic situation, people's trust in the military declined significantly. The SPDC's failure to provide effective assistance to people affected by natural disasters, delays in providing essential care and rehabilitation services for the people, the R2P proposal at the United Nations had a negative impact on public confidence in the military government. Since the role of the military is described as 'the Defence Services which shall render assistance when calamities that affects the Union and its citizens occur in the Union' (Ministry of Information of Myanmar 2008). This later led to domestic threats to the military's survival in national politics.

Despite Western pressure, the military achieved its strategic political goal by ratifying the constitution and holding a national referendum. However, as a result of the questionable constitution-drafting-endorsing process, the legitimacy of the constitution was undermined. The issue surrounding the legitimacy of the constitution challenged the military's survival, as it is an important mechanism that allows the military to remain in national politics. Despite these shortcomings, the military officially asserted its 'reserved domain' in the legitimized constitution and began its political transition in 2011. This will be discussed further in Chapter 7.

## **Chapter 7 Semi-civilian Government (USDP Administration, 2011-2015)**

### **Introduction**

The main goal of this chapter is to highlight the significant reforms achieved by the USDP government due to the synergistic relationship between the ruling government and the military. This chapter has five sections; (1) Suspension of controversial Myitsone dam project (2) Return of the NLD in the Interim Elections in 2012 (3) Myanmar's ASEAN Chairmanship in 2014 and (4) The NLD's Landslide Victory in 2015 General Elections and (5) Rakhine conflicts in 2012.

This chapter argues that despite semi-civilian USDP efforts to regain domestic and international recognition, international pressure was still mounting in Myanmar on the Rakhine issue. The quasi-civilian USDP government reduced its reliance on the Black Knight, China, which always protected Myanmar from Western pressure during the military government. The significant reforms are the suspension of the Myitsone dam project in 2011, the mobilization of the NLD to participate in electoral politics and liberalizing political party registration laws in 2012. In addition, hosting internationally recognized events such as the World Economic Forum and the 27th SEA Games in 2013 earned international recognition to the semi-civilian government. Interestingly, it is noteworthy that the military did not interfere in the NLD's landslide victory in the 2015 election. This compares to a significant increase in military intervention in the 2020 election. The military's non-interference in the election results and the peaceful transfer of power to the civilian government without bloodshed are crucial in the political transition process of Myanmar. Therefore, it can be arguable that Myanmar enjoyed a certain level of democracy thanks to the harmonized relations between the military and the incumbent government.

## **7.1 Domestic Implications: Synergistic relationship with the military and USDP (Engaging political liberalization)**

Scholars assume that the ‘political transition’ in Myanmar might continue, however, the shadow of authoritarianism will not disappear. Nonetheless, President Thein Sein emerged as one of the world’s most watched leaders (Myo Aung 2014, 301). Some of the significant reforms during Thein Sein’s presidency will be discussed in this chapter in order to highlight the fact that the semi-civilian government earned significant amount of domestic and international support.

As soon as Thein Sein’s government came to power, he emphasized the important role of the military in Myanmar politics in his inaugural address to the first regular session of the Assembly of the Union, *Pyidaungsu Hluttaw*.<sup>1</sup> He reiterated the role of the military as the ‘Guardian’ of the country. He highlights that the military repeatedly saved the country every time it was in a state of disintegration and independence and sovereignty were about to be lost. In his speech, the military removed the catastrophe of 1988 and rebuilt the deteriorating state on all sides, leaving a good legacy to continue to build a peaceful and modern nation. While the government should follow the path paved by the military government, the people have been tasked with crossing the ready-made bridge to build a more stable, peaceful and developed nation (Thein Sein 2011). Judging by the former president’s emphasis the national defense and the role of the military from the beginning and the fact that the president’s main party was the USDP which is the military’s proxy political party, this thesis argues that the USDP administration was a as a ‘civilian-led, military-backed government’.

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<sup>1</sup> Speech of the President of the Republic of the Union of Myanmar U Thein Sein addresses the *first Pyidaungsu Hluttaw* First Regular Session on 30 March 2011, [https://www.burmalibrary.org/docs12/2011-03-30-TS\\_inaugural\\_speech\\_to\\_Pyidaungsu\\_Hluttaw.pdf](https://www.burmalibrary.org/docs12/2011-03-30-TS_inaugural_speech_to_Pyidaungsu_Hluttaw.pdf).

### **7.1.1 Suspension of Myitsone Dam Project in 2011**

The Myitsone Hydropower Project is located at the confluence of the Mali Kha and N'Mai Kha rivers in northern Myanmar, an area widely recognized as the origin of Myanmar. The confluence of the two rivers form Ayeyarwady River, which is the longest river in Myanmar, which flows from northern Kachin State, passes through the middle of Myanmar, and then to Ayeyarwady Divisions before entering into the Andaman Sea. The catchment area is as large as 46,000 km<sup>2</sup>. It is said to be the lifeblood of Myanmar in agriculture, transportation and other important areas (Chan 2017). A proposal was made to build seven dams under the Ayeyarwady River Confluence Region Hydropower Project. The Ministry of Electric Power and the Japan Electric Power Corporation surveyed the area in 2002 and the MOEP and China Energy Investment Cooperation signed a memorandum of understanding in 2006 for the Myitsone Dam project (Htut 2019, 155). The Myitsone Dam was expected to cost around 3.6 billion USD (Myoe 2015, 38).

Anti-government protests were limited on the internet due to possible strict censorship and restrictions on anti-government activities on the ground. The government blocked most of these websites and blogs, and few in the country have noticed the growing controversy (Htut 2019, 156). However, the anti-Myitsone dam movement intensified after Aung San Suu Kyi issued the 'Save the Ayeyarwady' statement on 11 August 2011. She said stakeholders should work together to reexamine the project and find a solution to benefit the nation's interest. Such actions can prevent unintended consequences and reduce the fear of all those involved in protecting the Irrawaddy (Aung San Suu Kyi, 2011). Although she did not directly call for the project to be scrapped, she expressed concerns about the environmental and social impact. Her letter to Thein Sein's government had a significant impact on protesters, as she is a charismatic icon for the Myanmar people.

The USDP government began a counter attempt by providing information on the benefits of the project, however, historical and sentimental value of Ayeyarwady for the people of Myanmar, especially the ethnic Kachin and the environmental impact of the project was ignored (Htut 2019, 157). On the other hand, the former President pointed out the need of electricity of the country in his speech in August 2011. For the modern development of the country, efforts are being made to establish an industrial nation while accelerating the development of agriculture. In doing so, the need for electricity is key to building an industrial nation. Among the sources of electricity, nuclear power is not possible in Myanmar. Insufficient coal resources are the main problem for coal production. Although natural gas is extracted from the Myanmar Sea, the projects are a matter of foreign investment. Therefore, Myanmar could not get as much as we need and share by proportions. Some of the projects have been invested in foreign loans, which will benefit in the future while interest rates are currently being paid in instalments. Although onshore gas is being explored and produced, it is not sufficient for domestic consumption (Thein Sein 2011; *Global New Light of Myanmar* 2011).

Other organizations such as Biodiversity and Nature Conservation Association also pointed out the importance of social impact assessment. Both articles from the government newspaper failed to point out that the environmental impact assessment report stated that it was preliminary, and a more detailed assessment and evaluation including social components such as relocation of the local people should follow (Biodiversity and Nature Conservation Association 2009). Moreover, the international river group also pointed out the ecological value of the project side which is one of the world's eight hotspots of biodiversity (International River 2011). Therefore, it can be said that the government side only emphasized the benefits of the project which is a small percentage of electricity while the

anti-project protesters and other organizations emphasized the environmental and social impact of the project.

The project's benefits ratio and ownership issues are also controversial. Myanmar will receive only 10% percent of electricity. The rest is not yet connected to the national grid and 90 percent of Myitsone's electricity will be exported to China (Hadfield 2014). Fifty years of ownership for the Myitsone Dam project instead of thirty years as the standard for other Build-Operate-Transfer agreements in Myanmar. (Htut 2019, 157). Due to the lack of information for environmental and social impact, benefit proportion and ownership issues, the government lost its credibility to the people of Myanmar.

The response of Thein Sein to the people during his presidency changed dramatically. President Thein Sein gave priority to the people in opposition to neighboring China and his hardliners cabinet. The reforms being implemented in Myanmar are, first and foremost, modifying the country's economic and political deterioration. They are not primarily intended to quell international outrage (Hiebert and Poling 2011). In August 2011, President U Thein Sein sent a message to suspend the Myitsone hydropower project. It was sent to both houses of parliament on September 30. The President emphasized the public concern for the construction of the Irrawaddy Myitsone hydropower project.

The USDP government is well aware of concerns about the flooding of ethnic villages on the right bank of the river and the destruction of livelihoods, the deteriorating natural beauty of the Myitsone Dam, a landmark not only in Kachin State but also in Myanmar. The construction of the Myitsone Dam would be halted during the USDP government's tenure, taking into account the concerns of the people. Only other non-hazardous hydropower projects will be systematically monitored for the country's electricity needs (Myo Aung 2014, 298, 297).



The suspension of the hydropower project indicates the significant change in Myanmar-China relations. The suspension of the Myitsone dam project created an international dispute between Myanmar and China as the decision was made by Myanmar alone. The project, on the other hand, was not cancelled by the mutual agreement of the contractors (Chan 2017, 676). The President's decision on the suspension of the controversial dam projects can be interpreted as increasing political accountability in Myanmar. More interestingly, the suspension of the contracted project with China showed that Myanmar could counter-influence China, which had a strong influence over Myanmar (Chan 2017, 674, 675). During the political transition process, Thein Sein's presidency was seeking to gain legitimacy through elections and does not seem to risk any cost for failing domestic support.

The Chinese government shocked when Thein Sein announced that his government decided to suspend construction of the dam. The Myitsone Dam issue is an example of a bilateral agreement that could pose a threat to China without domestic endorsement. The controversy had far-reaching implications for other Chinese projects (Chan 2017). Lu Qizhou, president of China Power Investment Corp and the constructing group for the dam said that the suspension of the project will lead to a series of legal issues (Hiebert and Poling 2011). China has not heeded the Myanmar government's signals to rejoining the United States as the first step in reuniting Myanmar with the international community. The USDP government was keen to end international long-term isolation and over-dependence on China and to reduce Chinese influence and interference in Myanmar. U Thein Sein expected the country to develop and seriously wanted Myanmar to be accepted by the international community. What is clear is that China's new approach to Myanmar was a policy challenge, and it posed a dilemma over how to maintain its influence in Myanmar. The USDP government recognized that the government's political reform process would be difficult to move forward unless it

can reduce its dependence on China and reunite with the United States in order to break the long-term isolation from the international community (Myoe 2015, 50-51).

The quasi-civilian government restored public image in defiance of China, which had been shielding Myanmar from Western pressure during the previous military governments. The President's actions show attempts to gain domestic support in the suspension of the Myitsone project and his decision to choose domestic support over an international dispute with China. More interestingly, the military did not interfere in President Thein Sein's order to suspend the Myitsone project. The military did not criticize the government's actions, even for the breakdown in relations with China, with which maintained strong ties under the previous SLORC and SPDC governments. Given this, it is arguable that Myanmar would gradually witness a political breakthrough if the incumbent government maintains good relations with the military. This thesis argues that the military would coexist with the incumbent government as long as the government does not invade or threaten the military's reserved power domain in national politics.

### **7.1.2 Interim Elections 2012**

Although the opposition groups and the West questioned the legitimacy of the USDP administration, political and economic reforms began rapidly. The new reformist government, which was marked by significant political reconciliation such as the reengagement with the former opposition leader, Aung San Suu Kyi, by appointing a liaison minister from the government, releasing political prisoners and media reforms (Than 2013). President U Thein Sein received former opposition leader Aung San Suu Kyi at the President's Office at the Presidential Palace on 19 August 2011. During the meeting, the President explained the activities of the Union Government for the benefit of the State and the people. The President and Daw Aung San Suu Kyi set aside differences of opinion and cordially discussed the

potential for cooperation in common interests that will hopefully benefit the country and the people as a whole (Myo Aung 2014, 164).

The Election Commission submitted three amendments to the Political Party Registration Law to the National Assembly Bill Committee. These included removing the words 'respect and safeguard' by replacing with the word 'respect and observe' to constitution, removing the clause that prohibited anyone serving a prison sentence from joining a political party, allowing new political parties that registered after the election and ran for three seats in the by-elections to be given equal rights with existing political parties. The Electoral Commission said it wanted to make changes to improve human rights standards and the rights of citizens (*BBC Burmese* 2011). It is arguable that the government significantly eased preferential allowance for the NLD to return to national politics. The government's concessions seemed to have strengthened the NLD to reconsider its decision to return to the electoral process. As a result, Aung San Suu Kyi and NLD members to Nay Pyi Taw and re-registered the party with the UEC on 23 December 2011 (Than 2013, 2). This paved the way for the NLD and Aung San Suu Kyi to run in the 2012 by-elections.

Not only that Aung San Suu Kyi, chair of the NLD, declared that the victory of the NLD in 2012 by-elections was a victory for the people (Wine 2012). The landslide victory of NLD in 2012 by-elections garnered the international and domestic legitimacy. The European Union (EU) study delegation in Myanmar remarks that the by-elections on 1 April are gratifying (Malgorzata Wasilewska 2011). The EU lifted visa bans in January after imposing sanctions on Myanmar government leaders (*Irrawaddy* 2012). Foreign Minister Wunna Maung Lwin told the ASEAN Foreign Ministers' Meeting in Phnom Penh, Cambodia, that the by-elections were free and fair. ASEAN foreign ministers also welcomed the election results. Marty Natalegawa Former Minister for Foreign Affairs of Indonesia proclaimed that the election results reaffirm that Myanmar's political transition will not be reversed. ASEAN

Secretary-General Surin Pitsuwan said Myanmar's political transition is moving in the right direction. There was strong criticism of the by-election in Myanmar. Former United States Secretary of State Hillary Clinton said the United States will continue to support Aung San Suu Kyi, who won the by-elections and was elected to the House of Representatives.

According to the summary results after the 2012 and 2017 by-elections conducted by the Institute for Strategy and Policy – Myanmar, while the USDP and SNDP won 2% each, the NLD won 96% in 2012 by-elections which was a significant victory for the opposition party at that time. However, the ruling party, the NLD won only 47% of the 2017 by-elections while the USDP gained 11%, ANP and ANDP for 5% each (ISP Myanmar 2008). The details about the NLD's different rate of election victories in 2012 and 2017 will be discussed in chapter eight.

### **7.1.3 Myanmar's ASEAN Chairmanship in 2014**

This section discusses Thein Sein's efforts to achieve domestic and international legitimacy. In order to highlight the importance of results for the 2014 ASEAN Chairmanship assumption and international recognition, the 2006 ASEAN chairmanship relinquishment and international condemnations need to be examined first with regard to Myanmar-ASEAN relations.

Myanmar was supposed to take over the rotating ASEAN chairmanship in 2006 but failed to do so due to the country's internal situation and international pressure. When the semi-civilian government led by former President Thein Sein came to power in 2014, Myanmar successfully took over as the rotating chair of ASEAN. As the chair of ASEAN, the country was able to host many ASEAN summit meetings including the East Asia Summit (EAS) and ASEAN Regional Forum (ARF) which included not only ASEAN members, but also other dialogue partners such as Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia and the United States. By hosting

ASEAN Summits and other related international meetings, Myanmar gained a good reputation in the international community. The attendance of prominent leaders from Europe, North America, East Asia, Australia, New Zealand and South Asia brought international recognition to the USDP government.

### **Myanmar's non-assumption of ASEAN chair in 2006**

The Western countries such as the U.S. and EU pressured ASEAN since Myanmar joined ASEAN in 1997. For example, the U.S. and EU claimed that the Myanmar's domestic issues affected the economic and diplomatic relations with ASEAN. The western countries barred Myanmar for attending the Asia-Europe Meeting. ASEAN confronted the external pressures and upheld decisions to engage with Myanmar against western pressure. Again in 2006, when Myanmar was assigned to assume ASEAN chairmanship, the western countries refused to attend ARF and ASEAN Post Ministerial Conference meetings chaired by Myanmar, which led to a serious negative impact on the relationship between ASEAN and the West (Katanyuu 2006). In June 2004, these concerns and calls for the removal of Myanmar from the ASEAN chairmanship began to escalate to the level of the government (Robert 2010, 122). In May 2005, the US repeated its claim that the Myanmar chairmanship would threaten ASEAN-US relations. In 2006, the United States called on Myanmar to resign from its scheduled ASEAN chairmanship, having made it clear that Myanmar was overly chaotic in its relationship with ASEAN (Robert 2010, 120). The pressure from the West mounted and the possibility of the disintegration of ASEAN would become a threat for the regional organization.

The ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) was formed in November 2004 to promote 'human rights and democratic reforms' in Myanmar. AIPMC was a network of parliamentary caucuses in six ASEAN states – Cambodia, Indonesia, Malaysia, the Philippines, Singapore and Thailand – intended to promote 'liberal interventionist

policies' in Myanmar. The AIPMC, a sub-regional alliance of legislators, campaigned for their governments' adoption of liberal-interventionist policies toward Myanmar. The AIPMC was not a formal organization under ASEAN but was comprised of member states. Therefore, it does not mean that AIPMC was able to officially prevent ASEAN from interfering with Myanmar's obligations to chair the Association in 2006. Since its inaugural meeting in Kuala Lumpur, on 26-28 November 2004, AIPMC had been making various calls and conducting activities, not only aimed at pressuring the military government in Myanmar, but also the international community, to bring about changes and democratic reforms in the country (ASEAN Inter-Parliamentary Myanmar Caucus 2008). The efforts of the AIPMC were greater than those of ASEAN's constructive engagement (Jones 2009). The AIPMC underlined the fact that Myanmar's ASEAN chairmanship in 2006 would negatively impact the credibility and external relations of ASEAN. In addition, the members of the AIPMC highlighted their governments' concerns about Myanmar's human rights record and resulting 'security externalities' (Jones 2008, 281).

Although ASEAN could not formally forbid Myanmar from assuming the chairmanship according to the ASEAN Charter, the organization applied enough pressure on the Myanmar government to give up for the chair (McAuliffe 2014). As a result of the economic and financial sanctions and diplomatic isolations by the West, China has a strong influence on Myanmar. Moreover, China's support for Myanmar's national reconciliation and democracy is the key opportunity for China to gain trust from ASEAN. In this case, ASEAN is the best venue to seek support from China for Myanmar's national reconciliation and democratization.

Due to the direct pressure from the West, the indirect pressure from ASEAN as well as the over-dependence on China, Myanmar decided to relinquish the responsibility to assume chairmanship of ASEAN in 2006. Myanmar informed ASEAN that it would resume

chairmanship of ASEAN when the country is ready. Foreign Minister U Nyan Win of Myanmar informed ASEAN that the Government of Myanmar decided to relinquish its turn to be the Chair of ASEAN in 2006, which was an important year for Myanmar's democratic transition and national reconciliation. ASEAN expressed its understanding on Myanmar's decision to relinquish the chairmanship and also appreciation to Myanmar for not allowing its national preoccupation to affect ASEAN's solidarity and cohesiveness. The Government of Myanmar committed to the well-being of ASEAN and its goal of advancing the interest of all Member Countries. ASEAN members agreed that Myanmar could take its responsibility of chairmanship when the country is ready to do so (ASEAN 2005). ASEAN members agreed that Myanmar may take responsibility for the chairmanship when the country is ready to do so. While Myanmar's abdication of the ASEAN chair represented a random breach of the non-interference principle as well as the Association's normative inability to preserve its credibility when responding to international pressure, ASEAN's successful pressuring of Myanmar to relinquish its chairmanship significantly tested the capacity of the Association's principle of non-interference.

The issue of credibility and legitimacy of both ASEAN and Myanmar is clearly seen in the case of Myanmar's ASEAN Chairmanship in 2006 in which Myanmar reluctantly asked ASEAN to reschedule its chairmanship responsibility. The Western dialogue partners as well as some ASEAN member states threatened ASEAN. It is arguable that Myanmar realized that assuming chairmanship in ASEAN as a full member of the regional organization is the best option to gain the legitimacy and recognition from international community. In order to do so, the country needs to take action toward reform and liberalization.

This thesis argues that Myanmar did not receive support from Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN itself in order to prevent western pressure from assuming ASEAN chairmanship in 2006, unlike during the Saffron Revolution

in 2007 and following Cyclone Nargis in 2008. As a result, in this case, since the western leverage, the country's vulnerability to withstand the western pressure, became high (high leverage), Myanmar finally relinquished the chairmanship responsibility due to the loss of its international reputation. Despite the fact that Myanmar had a Low Linkage with the West and the US in 2006, the high leverage due to lack of support from Black Knight, Grey Knight, and Conditional Prodder is one of the significant factors why Myanmar had to relinquish its chairmanship in 2006.

### **Myanmar's assumption of ASEAN chair in 2014**

This section discusses case study of Myanmar's ASEAN chairmanship in 2014 which was a significant year for both ASEAN and Myanmar. Myanmar assumed chairmanship of ASEAN for the first time in history since it became a member of ASEAN. In this case study, the researcher examines the roles played by different actors such as the U.S. / EU, SPDC, NLD, ASEAN and how they interacted with each other during Myanmar's ASEAN Chairmanship in 2014. This thesis argues that Myanmar's assumption for the chairmanship of ASEAN is important not only for promoting Myanmar's legitimacy but also for preserving ASEAN's legitimacy in the international community.

Since Myanmar experienced a political transition in 2011 and its political and economic reforms were an ongoing process under the semi-civilian government, both ASEAN and Myanmar were ready to reintegrate the country into the regional community as a responsible member of ASEAN. In reflecting on Myanmar's domestic progresses, the 2012 free and fair by-elections and reform efforts, and the participation of the former NLD party in the parliamentary politics, ASEAN decided to endorse Myanmar for chairmanship in 2014.

During 2014 Chairmanship of ASEAN, Myanmar set the theme 'Moving forward in Unity for a Peaceful and Prosperous Community' which was closely related to ASEAN's regional schedule to set the ASEAN Community in 2015. Myanmar's ASEAN chairmanship



in 2014 served as a strong foundation for building the ASEAN Community which comprises three pillars; ASEAN Political and Security Community, ASEAN Economic Community and ASEAN Socio-cultural Community. As chair, Myanmar set significant goals for regional peace and security including its commitments in the implementation of ASEAN Community in 2015, review of ASEAN Charter, implementation of the ARF vision statement, transforming ASEAN as a people-centered organization and developing the ASEAN Vision beyond 2015 (Sun 2014).

During the year of 2014, Myanmar faced two major challenges in chairing the organization. The first challenge was the South China Sea dispute. Since several years before Myanmar's chairmanship, the tensions in the South China Sea issue became a point of contention in ASEAN meetings. In 2012, during Cambodia's ASEAN chairmanship, ASEAN could not issue an official joint statement for the first time in its 45-year history as China successfully pressured Cambodia, the chair of ASEAN, to block the joint statement by mentioning the South China Sea. During the following year (2013) under Brunei's ASEAN Chairmanship, ASEAN could manage the issue with China by working toward a Code of Conduct. At the 15<sup>th</sup> ASEAN-China Senior Officials' Meeting, China and ASEAN agreed to adopt the draft Code of Conduct on the South China Sea in 2018. This Code of Conduct served as the foundation of negotiation for the South China Sea disputes. However, the tension remained in the ASEAN meetings.

Therefore, when Myanmar took office for ASEAN chairmanship in 2014, the country faced with controversy on how to handle the South China Sea issue as a regional organization chair. Myanmar's role as the chair of ASEAN played a pivotal role in regaining country's legitimacy in the international community with high expectations. In 2014, Myanmar took responsibility not only for ASEAN chair but also country coordinator for ASEAN-US Dialogue Relations. In ASEAN, there is a position called the country coordinator, which

requires the facilitation of dialogue between ASEAN member states and the external partners. Each member state has the responsibility to assume the country coordinatorship in the reverse alphabetical order (See Table 7.1). Myanmar assumed this role between ASEAN and the US from 2012 to 2015. It is arguable that taking the role of country coordinator during chair year would be beneficial for Myanmar-US relations as well as Myanmar-ASEAN relations.

**Table 7.1 ASEAN Country Coordinators (2012-2021)**

ASEAN Country Coordinator	July 2012 - June 2015	July 2015 - June 2018	July 2018 - June 2021
Brunei	India	Japan	South Korea
Cambodia	Japan	South Korea	New Zealand
Indonesia	South Korea	New Zealand	Russia
Lao PDR	New Zealand	Russia	United States
Malaysia	Russia	United States	Australia
Myanmar	United States	Australia	Canada
Philippines	Australia	Canada	China
Singapore	Canada	China	European Union
Thailand	China	European Union	India
Vietnam	European Union	India	Japan

Source: Pitakdumrongkit 2016, 4

Despite the tensions as the ASEAN chair country and its close relationship with China, Myanmar successfully handled the South China Sea issue and skillfully navigated both ASEAN’s collective goals and China’s demands. At the 24<sup>th</sup> ASEAN Summit in 2014, the official statement expressed the foreign ministers’ serious concerns, urged all parties to exercise self-restraint, avoid actions which could undermine peace and stability and to resolve disputes by peaceful means without resorting to threat or use of force (ASEAN 2014). Myanmar, as the chair of ASEAN, could be able to avoid issuing stand-alone documents and incorporating the significance of the messages in the long summary of the proceedings of the official statement (Sun, 2014).

The second challenge faced by Myanmar as the chair of ASEAN was the logistic arrangements of hosting more than 1,000 meetings in 2014. The chairmanship involves

hosting two major Summits in May and November 2014. Additionally, it involves hosting ASEAN ministerial meetings, the Post Ministerial Conference, meeting with ASEAN dialogue partners, the ASEAN Regional Forum (ARF) and East Asia Summit (EAS). ARF member countries consist of the 10 ASEAN member states plus Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia and the United States, while EAS member countries are 10 ASEAN member states plus Australia, China, India, Japan, New Zealand, the Republic of Korea, the United States and Russia. In order to host such important diplomatic events and summits throughout the year, Myanmar needed infrastructure such as a transportation system, electricity supply, internet connectivity, a meeting venue and so forth. The country learned lessons from hosting the World Economic Forum in 2013 (*Al Jazeera* 2013) and 27<sup>th</sup> Southeast Asian (SEA) Games in 2013 (Creak 2014) as pre-logistic arrangements for 2014 Myanmar's ASEAN chairmanship. Moreover, the technical assistance provided by ASEAN member states, the United States, Japan, the Republic of Korea and other countries aided tremendously in preparing for the chairmanship in terms of both substance and logistic matter.

Myanmar's ASEAN chairmanship is of great symbolic significance for both the country and ASEAN. For Myanmar, it regained international recognition and national pride of the country while attempting its reform agenda. For ASEAN, the re-integration of Myanmar also normalized the regional organization so that all members can now assume the rotating chairmanship (Nakanishi and Osada 2016). In addition, hosting World Economic Forum and 27<sup>th</sup> SEA Games by the government earned international recognition to some extent. Myanmar hosted the SEA Games for the third time in Naypyitaw in 2013. The first and second times were in 1961 and 1969 respectively in Yangon. The 27<sup>th</sup> SEA Games is the rehosting of the games 44 years later. Undoubtedly, the chairmanship allowed U Thein Sein's

government to gain international prestige and legitimacy for hosting such important diplomatic events.

#### **7.1.4 The NLD's Landslide Victory in 2015 General Elections**

This section discusses the key features of the general elections in 2015, including the voter engagement and election campaigning, effectiveness of the electoral process and the election results. Moreover, this section also highlights the challenges that the NLD appeared to face during their tenure from 2016 to 2020.

The 2015 election marked a resurgence of voter-wide participation in Myanmar politics. There were earlier suspicions that electoral fraud or voter registration inaccuracies were widespread. However, the electoral process was generally conducted in a systematic, non-violent manner and in accordance with established rules and laws (ANU Myanmar Research Center 2015). This section examines the key features of the 2015 elections in three ways. The first significant election feature is the voter engagement and election campaigning. Elections were peaceful and competitive, and voters were free to participate. It is significant that public interest in the election rouse across the country and elections were expertly managed. The campaign environment was generally free from violence and intimidation and candidates were able to get the votes of the electorate. Despite some complaints, the results of the election were generally recognized by the people and political parties (Pace Myanmar 2016). It is remarkable that in a country like Myanmar with deep-seated political divisions, there was little to no election-related violence during the campaign period (Transnational Institute 2015). It can be argued that Myanmar went through a stable and peaceful election process.

The 2015 election attracted a lot of attention from voters, and political parties became more active and able to campaign freely. In the last 2010 election, however, the campaign was severely restricted with a number of restrictions (ANU Myanmar Research Center 2015). The

National League for Democracy, led by Aung San Suu Kyi, had been campaigning vigorously (*BBC Burmese* 2015). Not only the opposition party but also other top political leaders such as President Thein Sein and Commander-in-Chief of the Armed Forces Sr. Gen. Min Aung were ready to accept the election results. As all the political forces are urged to negotiate and create a new political environment after the election, the post-election settlement was conducted in the right way (Si Thu Aung Myint 2015).

The second election feature is the effectiveness of the electoral process. An effective media environment in Myanmar contributed to the unprecedented transparency and scrutiny of voter lists. The grouped voter lists were written in series and posted at local ward offices. These ballots are also broadcast on radio and television. The Union Election Commission (UEC) encouraged checking the voter lists through journals, newspapers and social media. Moreover, the UEC also sent more than 18 million telephone messages as a reminder to the people to vote (ANU Myanmar Research Center 2015).

The third election feature is the elections results. The vote count was systematic and often monitored by pollsters inside the polling station, usually by local observers and party officials. In most cases, in accordance with the crucial election rules, the results were posted outside the polling stations as soon as the counting process was completed (*ibid.*). According to the election results, the NLD won a majority of seats in the *Pyithu Hluttaw* (Lower House) and *Amyotha Hluttaw* (Upper House). As a result, the NLD would have the authority to enact laws without the need for support from any other party and appoint two of the three presidential candidates. The President and the Commander-in-Chief of the Armed Forces guaranteed a peaceful transfer of power to the elected party. It is remarkable that the military did not interfere in the 2015 general elections results unlike in the 2020 general elections (See Chapter 8 for the military's interference in the 2020 general elections and other conflicts with

the NLD government). Therefore, at this point there had not been an impediment to the emergence of a civilian government in Myanmar political transformation process.

Aung San Suu Kyi's NLD party won a landslide victory in a widely accepted election that witnessed almost no violence, and then a systematic transfer of power from a military-backed government. The NLD government was formed after the parliament convened in February 2016 with the election of a president and vice president and the formation of a government (Nakanishi and Osada 2016, 7). International Crisis Group (2016) argues that the NLD worked together as required by the 2008 constitution without significant prior negotiations or with the military on key principles on key principles (International Crisis Group 2016). However, it is important to argue that the relations between the incumbent (USDP) government and the military are more important than the relations between the opposition and the military. Finding the right path and moving forward was important for both the government and the military.

Despite these successes, the constitutional amendment process would not be smooth and need to be handled cautiously. According to the 2008 constitution, constitutional amendments could be implemented with the support of 75 per cent of lawmakers and a national referendum. Moreover, 25% of the military MPs in the parliament were out of control of the NLD's authority. The NLD faced two long-standing challenges during its tenure. The first was the mobilization of the military in which the NLD government has no authority in order to avoid conflicts and reduce tensions. The second challenge was the mobilization of the ethnic parties. The NLD's landslide victory in the 2015 general elections could not be granted the full support of all ethnic groups. Much depended on the ability of the NLD to be able to negotiate a political solution to the grievances and conflicts between the ethnic groups when it becomes an elected government. The NLD's campaigns focus on the charismatic power of Aung San Suu Kyi, the abolition of the military regime and the

commitment to reforms in line with all constituencies especially ethnic areas (See Chapter 8 for the competition between the NLD and the military, and the growing conflicts between the NLD and ethnic parties during civilian government).

## **7.2 International Implications: Rakhine Conflicts in 2012**

This section discusses the Rakhine conflicts and international pressure occurred in 2012. The 2012 Rakhine-Bengali riots began on 28 May 2012, when a young Rakhine woman was raped and killed. Then, on 3 June 2012, the news of the killing of 10 Bengali Muslims spread by the local Rakhine people to the Muslim community (Soe 2017a). Extremists from both the Buddhist and Muslim communities published numerous leaflets and spread hate speech online to provoke further unrest. Economic and social relations between the two communities completely collapsed (Htut 2019, 175). The Rakhine state government and local authorities had been able to restore stability in many townships, including by issuing night curfews, but have not been able to prevent further violence (Htut 2019, 174).

It should be noted that the Rakhine conflict did not start suddenly in 2012, but there was a similar uprising in Rakhine in 1988. However, due to the political crisis in the country in 1988, this issue did not receive much attention at home or abroad. Therefore, the unrest in Rakhine State in 2012 was not a sudden problem but a long-term problem. During the Rakhine conflict, Bengali houses and mosques were destroyed and Rakhine houses and Buddhist monasteries were destroyed. As a result, the 2012 Rakhine Bengali Uprising lasted for five months from June to October, with many casualties and many refugee camps (Soe 2017a). Violence between June and October 2012 displaced 110,000 people from 16,980 households in 17 townships in Rakhine State (Htut 2019, 174).

### **International Pressure during 2012 Rakhine Conflicts**

The pressure of international involvement on the Bengali issue was also quite considerable at the time. The international community is taking a stand on human rights.

UNHCR High Commissioner Antonio Guterres arrives in Myanmar in June 2012 to meet with President Thein Sein following violence between Rakhine Buddhists and Rohingya Muslims after the declaration of a state of emergency in Rakhine State (*Global New Light of Myanmar* 2012). The president told Guterres that it was ‘absolutely impossible’ to accept Bengalis who crossed the border illegally as an ethnic group in Myanmar. The president said the Bengalis were a threat to national security and should be resettled in a third country of their choice (*Democratic Voice of Burma* 2012). In August 2012, President Thein Sein established the Rakhine Commission of Inquiry through a Presidential Executive Order (Htut 2019, 174). Moreover, he established a Central Committee for Implementation of Stability and Development in Rakhine State in March 2013 (Htut 2019, 180).

President Thein Sein tried to resolve the conflict in Rakhine State, but the fact that the Rohingya have not been granted citizenship shocked the diplomatic community in Myanmar, posing a challenge to the international community (Aung 2020, 6). Nationalist Buddhist monk Wirathu condemned Yanghee Lee, the Special Rapporteur on the situation of human rights in Myanmar, at a rally in Rangoon in January 2015. The United Nations strongly condemned Wirathu's remarks (*Guardian* 2015). Then, Guterres became Secretary-General of the United Nations in 2017, and some observers suggest that UN officials such as Guterres and Yanghee Lee are hostile to Myanmar and that their positions are aimed at increasing international pressure on Myanmar (Aung 2020, 6).

As mentioned, violence between Buddhists and Muslims in northern Rakhine State has a long history, however, the international community knew little about the depth of the crisis before 2012. In fact, the Bengali issue in Rakhine State is not just a human rights issue. There are two plausible situations that the international community considers to be concerned: The first is the non-resettlement of Bengalis in IDP camps during the 2012 Rakhine-Bengali conflict. For five years after the incident, only the Rakhine refugee camp problem could be



solved, however, the Bengali refugee camp problem could not be resolved (United Nations Refugee Agency 2013). The second issue is the issue of citizenship of these Bengalis. UNHCR urges the Burmese government to take further steps to regulate their legal status to facilitate access to citizenship procedures (United Nations News 2013). The current problem in the citizenship issue is the name issue. Bengali Muslims call themselves Rohingya. The successive Myanmar government including the civilian government – the NLD from 2015 to 2020 does not recognize the name Rohingya, using only the name, Bengali. The Rohingya has been the subject of controversy for more than 60 years (Soe 2007d).

Under these circumstances, the perception that the Bengalis in Rakhine are being subjected to human rights abuses and endangered ethnic groups is gaining international prominence. As a result, more than 100,000 Bengali refugees in 22 IDP camps, as well as all the remaining Bengalis in Rakhine State, have been identified as victims of human rights abuses by the international community, with the support of the United Nations and international organizations (Soe 2007b). However, the Myanmar government did not completely deny that citizenship. Although the government opened the way for citizenship applications since the 2014 census, the Bengalis had been less cooperative and there were few applicants in every township. In this context, however, international organizations, including the UN, did not take sides in recognizing the government's legal application for citizenship (Soe 2007c). In addition, relations between Buddhists and Muslims deteriorated across the country, and the Rakhine conflict is no longer a religious or ethnic issue. Since the Rakhine conflict, human rights and constitutional issues arose for the USDP government, and local issues had become politicized. Due to international and domestic pressure, President Thein Sein dismissed the Border and Immigration Control Center and revoked the temporary registration cards (white cards) from Bengalis on 11 February 2015.

The incident shattered the hopes of most Bengalis who were still hoping to become Burmese citizens (Htut 2019, 181).

Under Thein Sein's government, Myanmar's path to democracy led to unexpected reforms. President Thein Sein's reform lines worked to increase the legitimacy of his government and gain public support. Despite international media coverage of Myanmar's reforms as the Myanmar Spring (Economist 2013), international pressure continues to be exerted on the Rakhine communal violence in the name of human rights (See Chapter 8 for the discussions of the 2017 Rakhine State issue under the NLD government and the ICJ prosecution of Myanmar for genocide and international pressure involved in the case).

### **Summary**

The SPDC implemented the fifth step of the roadmap by successfully holding the 2010 general elections and power transfer to the elected party, USDP. After the 2010 general elections, the USDP government became the first elected government since 1962. During the USDP government, based on a synergistic relationship with the USDP government, the military continued to support political liberalization initiated by the former president, Thein Sein and the parliament. The political transition process showed considerable progress including political liberalization measures that were substantially recognized not only domestically but also internationally. Another important factor to notice is that the president and chair of the parliament had an extensive military background. Because of this, there were no life-threatening clashes between the military and the ruling USDP government. One could argue that the semi-civilian government had no particular objection to the 25% of the military MPs in the parliament.

As such, domestically, this chapter argues that as long as the ruling USDP government could maintain the partnership with the military and avoid threatening the military's survival in the national politics such as by making constitutional amendments, the military would

show its tolerance for the liberalization measures and the country could achieve a certain level of democracy. Interestingly, it is noteworthy that the military did not interfere in the NLD's landslide victory in the 2015 election. This is heavily in contrast to the significant increase in military interference in the 2020 elections, which along with how the intervention took place and role conflicts between the military and the civilian NLD government, will be discussed in chapter eight.

Internationally, despite the semi-civilian USDP government's efforts to regain domestic and international recognition, international pressure is mounting over the Rakhine issue in the name of human rights. During Thein Sein's presidency, efforts were made to gain domestic and international support including the suspension of the Myitsone Dam project in 2011, hosting the World Economic Forum and 27<sup>th</sup> Southeast Asian Games in 2013, the organization of the 2015 general elections, recognition of the result and the peaceful transfer of power to a civilian government without bloodshed. Although the quasi-civilian government gained some domestic and international support, the international community continued to put pressure on Myanmar under the name of democracy and human rights over the Rohingya issue.

Given this, it is safe to argue that Myanmar's political liberalization will gradually become more apparent and the hybrid regime might continue to exist if the incumbent government maintains good relations with the military and avoids confrontations which would threaten the military's core political power. The military would coexist and synchronize with the incumbent government as long as the latter does not trespass on the military's reserved power domain in national politics. The military's political reserved power grip as a guardian of the country and threats against their survival will be discussed in chapter eight.

## **Chapter 8 Civilian Government (NLD Administration, 2015-2020)**

### **Introduction**

The main goal of this chapter is to analyze the political stalemate between the military and the elected ruling government, which led to another political transition in 2021. Even though the Competitive Authoritarian Regime (CAR) theory was originally developed to understand the transition from Competitive Authoritarian Regime to Democracy, this chapter argues that it has the potential to explain the transition from Democracy to Full Authoritarian Regime. In order to achieve this task, this chapter attempts to test the CAR theory in domestic and international dimension during Civilian government – NLD administration from 2015 to 2020. This section analyzes the Rakhine crisis, which attracted international pressure through according to the Linkage and Leverage concept. For the domestic dimension, the author provides the analysis of the organizational power of the incumbent government and its ability to withstand the adversity of the opposition, the military.

Furthermore, to fully understand the transition from Democracy to Full authoritarian regime, it is not enough to explain the domestic dimension of Myanmar's political transition process through the lens of the organizational power of the incumbent only. Therefore, this chapter introduces the role the military and its institutionalized 'Guardian role' as one of the determining factors in the domestic dimension of the Myanmar's political transition process. This chapter analyzes the factors that determine how the military perceives the political stalemate between the military and the ruling elected government and vice versa, and how it shapes the possibility of future democratic consolidation or authoritarianism in Myanmar. This chapter includes three sections to highlight that the military's role in national politics as a 'Guardian' has been threatened by three main factors (1) the NLD's constitutional amendments attempts (2) confronted competitions between the military and the NLD governments and (3) role conflicts between the military and the NLD government.

First, the NLD constitutional amendment attempts causes major conflicts not only to the military but also to the ethnic political parties. Four major conflicts with the NLD and the ethnic political parties include (i) NLD's negligence for federalism in the constitutional amendment process, (ii) the appointment of States and Regions Chief Ministers, (iii) Construction of General Aung San statues and bridges in some ethnic towns, and (iv) Suspension of the election in the selected townships in Rakhine State. This section also discusses the conflicts with the NLD and the military due to the NLD's constitutional amendment attempts.

Second, the confronted competitions between the military and the NLD government from 2015 to 2020 includes: (i) the military's proxy party, Union Solidarity and Development (USDP) party's counterattack on the NLD's demilitarization attempts in the constitution; (ii) the NLD's unexpected move for the creation of a State Counsellor position whose power was above the president and (iii) the relocation of General Administration Department (GAD) from Ministry of Home Affairs (Home Affairs Minister is nominated by the Commander in Chief, C-in-C) to the Ministry of Union Government Office under direct control of the President. The second and third power rivalries are considered to be the threat to the military's politically reserved domain and its survival in national politics.

Third, the two major role conflicts between the military and the NLD government include (i) Aung San Suu Kyi's 'Defender role' in prosecuting Myanmar at the International Court of Justice (ICJ) for genocide charges, and (ii) the Union Election Commission (UEC) and the NLD government's neglect toward the military's calls for investigation over a controversial voter list during 2020 general elections. Regarding international pressure, the Rakhine Crisis will be discussed in this chapter to show that the international pressure is counterbalanced by the Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN. Note only China's persistent support but also Japan and ASEAB inconsistent

stances in Myanmar's domestic crisis provided shield-like protection against Western pressure. Under the protection of the Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN, Myanmar was able to withstand a relative amount of Western pressure. In addition, the fact that Myanmar has a 'low linkage' with the United States is one of the reasons why Western pressure is not significant.

This chapter argues that the National League for Democracy (NLD) government's actions without prior negotiations challenged the military's Guardian role and created a domestic threat for the military's political survival. During the civilian government (2015-2020), the provocative message and non-negotiations of the ruling party against the military's survival activated an alarming sign to the military which led an open confrontation. Allowing extravagant functions to the elected ruling party made the military feel cautious about its ability to maintain its political grip. Moreover, the conflicts between the NLD and ethnic parties fueled the military's skepticism about the NLD's landslide victory in the 2020 general elections. The military might assume that the NLD would not have the same ethnic support as it did during the 2015 general elections. In addition, when the NLD ignored the military's call for a re-investigation of the voter list, the military's dubiousness about the NLD's ability to collect votes turned out to be an incorrigible situation that led to the State of Emergency. This controversy, in addition to the previously mentioned factors created the foundation for the non-democratic actions taken by the military on 1 February 2021.

### **8.1 The NLD's Constitutional Amendment Attempts**

This section discusses the NLD's constitutional amendment attempts which led to major conflicts not only to the military but also to the ethnic political parties.

As soon as the civilian government took office in March 2016, Former President Htin Kyaw made promises that the NLD government would implement the following policies: national reconciliation, ensuring internal peace, a creation of a constitution that will lead to

the effectuation of a democratic, federal union, and raising the quality of life of the majority of the people (*Global New Light of Myanmar* 2016).

However, the NLD government's promise about amending the constitution had not been implemented as soon as they took office in 2016. After four years, on 29 January 2019, the NLD made its first official parliamentary action to revise the constitution by forming the Union of Myanmar Constitution Amendment Joint Committee (UMCAJC) (See Table 8.1). This was the first formal attempt of the NLD to amend the constitution in the parliament except for its effort during the electoral campaigns before the 2015 general elections (*Irrawaddy* 2019).

**Table 8.1 Union of Myanmar Constitution (2008) Amendment Joint Committee**

No.	Political Party/Affiliation	Number of Members	Number of Recommendations Made
1.	NLD	18	114
2.	Military	8	0
3.	USDP	2	10
4.	Shan Nationalities League for Democracy (SNLD)	2	1112
5.	Arakan National Party	2	858
6.	Mon National Party (MNP)	1	641
7.	National United Democratic Party	1	462
8.	Zomi Congress for Democracy	1	53
9.	Ta'arng (Palaung) National Party	1	178
10.	National Unity Party	1	17
11.	Wa Democratic Party	1	0
12.	Kokang Democracy and Unity Party	1	40
13.	Kachin State Democracy Party	1	111
14.	Lisu National Development Party	1	26
15.	Pa-O National Organization	1	140
16.	Independent	1	3
	Total	43	3765

Source: Nyi Nyi Kyaw 2019a

The military members of parliament (MPs) opposed the initial stage of a proposal to form an *ad hoc* committee for constitutional amendments, claiming that the NLD's proposal

was not in line with parliamentary law and procedures (Latt and Arkar 2019). In fact, the NLD's proposal was not only condemned by the military MPs but also by the other parties on the procedural grounds of the constitutional amendment process. However, the Parliament approved the formation of the UMCAJC in 2019, with 414 votes in favor, 191 opposed and 6 abstentions (*Myanmar Now* 2019a). The NLD government clashed not only with the military but also with ethnic political parties in amending the constitution.

### **8.1.1 Four major conflicts between the NLD and the Ethnic Parties: NLD's Negligence about Federalism**

This section discusses four major conflicts with the NLD and the ethnic political parties including (i) NLD's negligence for federalism in the constitutional amendment process, (ii) the appointment of States and Regions Chief Ministers, (iii) Construction of General Aung San statues and bridges in some ethnic towns, and (iv) Suspension of the elections in the selected townships in Rakhine State.

The first rift between the NLD and the ethnic parties happened due to NLD's negligence of federalism in constitutional amendment process. The NLD government, led by Aung San Suu Kyi, won the support of ethnic nationalities unlike any other Myanmar leaders before except her father General Aung San. It was an opportunity for the ruling party to acquire a significant amount of political capital. The agreement was negotiated with Thein Sein's government and Ethnic Armed Organizations (EAOs), and the NLD government inherited that political legacy. In August 2011, former President Thein Sein invited and met with 15 EAOs to sign a ceasefire agreement, a historic step towards trying to end ethnic conflicts in Myanmar. Despite its shortcomings the Nationwide Ceasefire Agreement (NCA) was the first document in Myanmar's history which included a roadmap and commitments for political dialogue. Commander-in-Chief (C-in-C) Min Aung Hlaing supported the president's achievement as head of the armed forces (Fisher 2015). Most importantly, it was a historic



treaty that persuaded the military to accept federalism in principle. Among the signatories, the Karen National Union (KNU) had been fighting the longest-running conflict with the Myanmar military for nearly 70 years (Slodkowski 2015).

The NLD government convened the 21<sup>st</sup> Century Panglong Peace Conference four times. The 71 articles of the Union Agreement agreed during the conference to amend the 2008 Constitution. Scholars point out that the biased division of power between the military and civilians, ethnic minorities and the Burmese majority whose constitutional bodies are one-sidedly enshrined, should not be amended (Min Zin 2020). The peace process became more centralized under the NLD government, with critics by the EAOs regarding the lack of progress on issues such as negotiations with the military, non-secession, security sector reform and self-administration rights (drafting regional constitutions). The more centralized peace process under the NLD government and the lack of attention of Aung San Suu Kyi, chair of the National Reconciliation and Peace Center are some of the factors that could undermine years of trust-building between ethnic groups and Myanmar leaders (Min Zin 2020). Comparatively, the NLD enjoyed all ethnic and domestic support during the 2015 elections due to the NDL's charismatic leader, Aung San Suu Kyi. She was considered as the 'savior' of the oppressed people of Myanmar, including the ethnic minorities who were against military rule.

Indeed, the decision-making rules within the Union of Myanmar Constitution Amendment Joint Committee – UMCAJC (See Table 8.1) were a cause for controversies among members. Between September and December 2019, five members of the JPCCA decided to withdraw from the committee – one from the National Unity Party, and two each from the Arakan National Party and the USDP – partly because they disagreed with the non-inclusive majority voting system (ASEAN Inter-Parliamentary Assembly 2019). The formation of the constitutional amendments *ad hoc* committee caused major conflicts for the

NLD government with the two major blocs: the military and the ethnic nationalities (See Table 8.2).

**Table 8.2 Analysis of Constitutional Amendment Recommendations**

<b>Party/ Institution</b>	<b>Chamber of Nationalities Seat % (2020)</b>	<b>Proposed Constitutional recommendations</b>	<b>Constitutional Amendments Goal</b>	<b>Different Interpretation of democratic system</b>
NLD	61.6%	114	<ol style="list-style-type: none"> <li>1. Gradual reduction of military’s role in legislature and executive pillars (25% to 15% in 2025; 10% to 5% in 2030)</li> <li>2. Restriction of military’s veto over constitutional amendments</li> <li>3. Pre-election campaign</li> </ol>	Genuine multi-party democratic system
Military	25%	0	To maintain Status quo (Using Military’s proxy party)	Genuine, disciplined multi-party democratic system
USDP	3.1%	10	Counteractions to NLD’s attempt	Genuine, disciplined multi-party democratic system
Other ethnic parties, Independent and Vacant	11.2%	3641	<ol style="list-style-type: none"> <li>1. Federalism</li> <li>2. Immediate reduction of the military’s role</li> </ol>	Multi-party democratic system/ federal system and a multi-party democratic system/ multi-party democratic federal system

Source: Author

The ethnic parties had a grudge against NLD in the parliament for the ruling party’s negligence about federalism in the constitutional amendment process. Their expectations declined significantly compared to their hope for the NLD in 2015 elections. If the NLD proposed constitutional amendments for both demilitarization and federalism, it is possible

that the ruling party could have achieved a level of ethnic support like they had during the 2015 general elections. Due to the presence of the unelected 25% military representatives and military's proxy USDP party seats in the parliament, it might be difficult for the ruling party to gain full authority in future elections without ethnic parties' support.

According to Sai Lei (2020), spokesperson of the Shan Nationalities League for Democracy (SNLD), the ethnic parties expected that the first thing the NLD would do in 2020 is to approach a ceasefire agreement and end the civil war with the EAOs. In other words, the ethnic parties wanted the formation of a federal union, equality and self-administration. They felt that decentralization should be given priority and the appointment of State and Regional Chief Ministers should be designated locally and regionally. In order to get their support, those principles need to be guaranteed and enshrined in the constitution (Hnin Pwint 2020). It is obvious that the NLD would not be able to implement those points immediately due to the restrictions of the 2008 constitution. However, there are things the NLD could manage without the 2008 amendments which would cause less confrontation with the military and could be democratically reformative. For example, the NLD achieved reforms over outdated and colonial laws that go against democratic principles such as the abolishment of the 'midnight inspection' clause (Thant 2016).

While ignoring the federalism in practice, the NLD formed an *ad hoc* committee only in 2019 4 years after the beginning of their term. Ethnic parties view that the NLD's attempt to amend the constitution as a pretense that continued despite knowing it was unsuccessful. Because the NLD as a ruling party had a lot of latitudes in parliament and the advantage of working together during their tenure, such as encouraging media reforms and engaging with Civil Society Organizations (CSOs). However, there is evidence that the backsliding media reforms (Macleod 2018) and the NLD's relative disassociation with the CSOs (Toe Lwin 2018) compared to the time of Thein Sein presidency were critical during the NLD

government. These examples led to criticism of the NLD for its unwillingness or incompetence and some critics accused the NLD of using the military as a scapegoat for their failure in the constitutional amendment process (Min Zin 2020).

The second rift between the NLD and the ethnic parties happened due to the appointment of State and Regional Chief Ministers. In areas with a Burmese majority population, the NLD, which won a landslide victory in the election, had no major problems. However, ethnic parties won more seats than the NLD in state and regional elections. For example, the local Rakhine party won 23 seats, while the NLD got only 8 seats in Rakhine State. However, according to the constitution, the president has the absolute power to nominate and appoint State and Regional Chief Ministers. Therefore, an NLD representative was the Rakhine state chief minister instead of the democratically won Rakhine Party representative. Similar disputes arose over the appointment of Kachin State Chief Minister and Shan State Chief Minister (Myoe 2017, 267). This is a constitutionally appropriate action but became a contentious issue for the democratic process (See Appendix A for states and regions of Myanmar).

A third conflict sparked regarding the naming of General Aung San Bridge in one of the states where the local ethnic party won the election. In Mon State, the local people objected to the naming of the General Aung San Bridge in mid-2017 claiming that this was done because General Aung San is the father of Aung San Suu Kyi, the leader of the NLD, which was the ruling party at the time. However, Aung San Suu Kyi did not react on this bridge naming issue (*BBC Burmese* 2017). In the town where the bridge is located, the NLD candidate who ran in the by-elections lost, but the bridge was still named General Aung San. Since then, beyond the naming of the bridge, the public sentiment over the construction of a statue of General Aung San spread throughout the country. Karenni youth protesters say they will discuss finding a solution to get the bronze statue of General Aung San out of the Kayah

state. The Karenni youth movement in the Kayah state seeks to celebrate the history of their ethnic leaders rather than constructing bronze statues of the general Aung San. They say they want more action, such as guaranteeing ethnic equality (*BBC Burmese* 2019a). The voices of young people in Kayah State, which borders Thailand, were the loudest.

The NLD government forcibly arrested several activists in mid-2018 due to growing opposition toward the construction of a statue of General Aung San in Kayah State (Zin 2019). The protests aimed at both the NLD government and the military. These movements gave birth to a new generation of non-Burmese youths who will become actively involved in politics. These movements in Kayah State, Mon State and Kachin State were a major impetus for the unification of ethnic parties in the 2020 general elections. It is noteworthy that there were small political movements in the Burmese-majority regions, but there was significantly more political turmoil in the ethnic states.

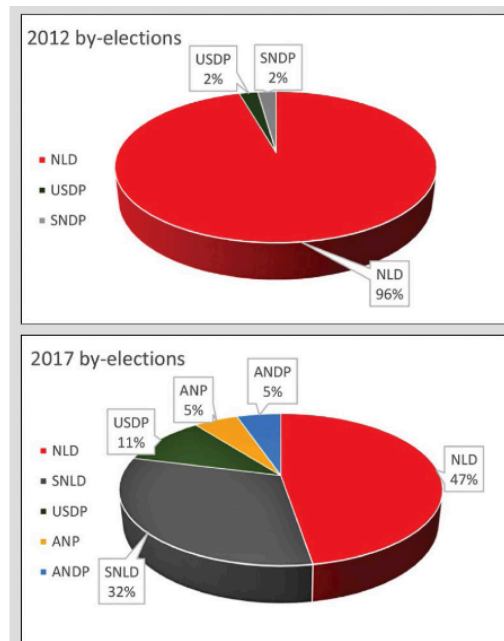
The fourth rift between the NLD government and the ethnic nationalities happened because of the suspension of holding elections in selected townships in Rakhine State. When the Union Election Commission (UEC) announced on October 16 that it would not be able to hold elections in nine townships 15 wards and 137 village tracts in Rakhine State in the next general elections on November 8, 2020, the tensions between the NLD government and the ethnic parties appear to have worsened. Rakhine political parties sent a letter to the UEC requesting a review of the declaration that elections could not be held in some townships in northern Rakhine State (*Myanmar Now* 2020). Moreover, Myanmar officially designated the Arakan Army (AA) from the United League of Arakan (ULA) as a terrorist organization (*Associated Press* 2020). Interestingly, the military made a similar request to the president's office to hold elections in the nine townships of Rakhine State (Suu 2020). However, the President's Office rejected the military's call for holding elections in Rakhine without suspension (Aein 2021). The SAC later claims that the suspension of elections in the nine

townships of Rakhine State and six townships of Shan State is the ‘misuse of power against the Shan and Rakhine ethnic minorities’ (Ministry of Foreign Affairs of Myanmar 2021, 20). It is arguable that the military’s support the ethnic minorities including the AA’s statement while the organization had been declared as a terrorist organization by the NLD government widened the rift between ethnic parties and the NLD government.

As a result, a joint statement by the five ethnic parties<sup>1</sup> stated that the UEC’s announcement for the suspension of elections raised doubts in terms of the transparency, impartiality and integrity of the 2020 elections (Five Ethnic Parties 2021). On the other hand, some EAOs were more interested in getting more votes in the elections than ever before, urging ethnic minorities to vote for ethnic political parties. The amalgamation of parties is an unprecedented political phenomenon in Myanmar party politics, with the transition from authoritarianism to democracy to federalism increasingly reflecting the social divide between the Burmese majority and the ethnic minorities (Thant 2021). The conflicts between the NLD and the ethnic parties can be proven with the by-elections results in 2012 and 2017. According to the Institute for Strategy and Policy (2018), after the 2012 and 2017 by-elections, while the USDP and SNDP won 2% each, the NLD won 96% in 2012 by-elections which was a significant victory for the opposition party at that time (ISP 2018). However, the ruling party, the NLD won only 47% of the 2017 by-elections while the USDP gained 11%, ANP and ANDP for 5% each (See Figure 8.1). It is arguable that, the ethnic parties and the USDP gained more votes during the NLD administration than during the USDP administration.

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<sup>1</sup> Kachin State People’s Party, Kayah State Democratic Party, Karen State Democratic Party, Chin National League for Democracy, and Mon Unity Party (See Appendix A for states and regions of Myanmar).



**Figure 8.1 Comparison of party wins between 2012 and 2017 by-elections**

Source: ISP Myanmar, Myanmar Quarterly 2018

In 2015 general elections, people voted for the NLD with a desire for change. But given the actions of the ruling party (NLD), the non-Burmese people assumed that the NLD was taking for granted that the ethnic minorities have to take as much as the ruling party and the military were considered to give (Hnin Lwin 2019, Koko Lwin 2020). A number of conflicts arose between the NLD and ethnic parties, adding difficulty to the peace process and the ongoing national reconciliation. The ethnic political parties went against the NLD for what they perceived to be incompetence and unfulfilled promises. They canvassed in their election campaigns that the ethnic minorities need to take back what is rightfully theirs, and only by securing power in the hands of the ethnic nationalities can their rights be guaranteed. Such nationalist voices are increasingly being used in pre-election electioneering. Separationist sentiments that led the ethnic people to distrust both the military and the ruling NLD government intensified.

### 8.1.2 Threat to Military's Political Reserve Domain (the 2008 Constitution)

The NLD's attempt to amend the constitution triggered a rift with another major powerful bloc: the military. The NLD's goal was a gradual reduction of the power of the military both in the parliament. Conversely, the primary goal of the military was to survive in the national politics as a 'guardian' or at least to maintain the constitutional *status quo* and to safeguard the constitution (interview with a retired Lieutenant General, September 23, 2019).<sup>2</sup> Therefore, Military MPs opposed the initial stage of a proposal to form an *ad hoc* committee to reform the country's constitution (Latt and Arkar 2019). Other small parties raised controversies claiming that the constitutional amendment could become a party-favorite design due to the procedural disagreements (*Myanmar Now* 2019a). 'The military has the 'constitutional mandate' to safeguard the constitution' (Article 20f of the 2008 Constitution; Ministry of Foreign Affairs of Myanmar 2021, 8). Thus, the NLD's attempts to change the constitution in parliament without pre-negotiation with the veto-wielding military were unsuccessful, fueling the perception that the army is deliberately politically motivated to appeal to the ethnic minorities. The chances of a confrontation with the military increased.

The NLD's efforts and recommendations for the 2008 Constitution amendments focus on reducing the military's role in the executive and judiciary branches. The NLD's proposals for constitutional reform mainly covered the following issues: (1) Article 59, amending for the presidency qualification; (2) gradual reduction of the number of military MPs in the parliament, not exceeding 15%, 10% and 5% of the total number of Representatives in the third, fourth and Fifth Term of the parliament respectively; (3) Article 201, increasing civilian members in the National Defense and Security Council (NDSC); (4) the NLD's attempts to transfer the authorization of declaration of a state of emergency from the C-in-C and the NDSC to the President's jurisdiction and (5) Article 436 stated that more than 75% of all

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<sup>2</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.



Assembly of members must agree to the constitutional amendment bill, then a referendum was held to amend the constitution, with more than half of all eligible voters voting in favor. Ethnic parties are dissatisfied with the NLD party's proposals which lack sentiment toward federalism in constitutional reform. On the other hand, the NLD's attempt at demilitarization has been in direct conflict with the military's interest.

For ethnic parties, autonomy for the appointment of State Chief Ministers is an initial effort for the implementation of a federal system. Every ethnic party's goal according the 3641 constitutional amendment recommendations at the JPCCA is to be able to participate in the formation of the government for the representation of its group and to appoint their own locally elected Chief Ministers. The second rift between the NLD and the ethnic parties happened due to this issue.

The Arakan Army (AA) also opposed to the NLD government's announcement for the suspension of 2020 election in some parts of Rakhine State. The military made an unprecedented step and welcomed the Arakan Army's (AA) statement against the government. It is remarkable that the military supported the action by Arakan Army (AA) which was previously declared a terrorist group by the military, a status which was reaffirmed by the NLD government. Given this situation of the military's support to the AA's statement, the military showed no signs of disagreeing with the election results and the formation of a nationally united government. Thus, the attitude of the military changed (Hnin Lwin 2020). This showed that the military mitigated its stance on coexistence with ethnic parties, including the ruling NLD government, as long as it does not compromise its role as national guardian nor threaten its survival in national politics. On the other side of the coin, examining the military's action in agreeing with the Arakan Army (AA), the military took advantage of the ongoing conflict between the NLD government and ethnic parties to gain ethnic support.

## **8.2 Confronted competitions with the military and the NLD administration (Engaging domestic threat)**

This section discusses the confronted competitions between the military and the NLD government from 2015 to 2020: (i) the military's proxy party, USDP's counterattack on the NLD's demilitarization attempts in the constitution, (ii) creation of a State Counsellor position, (iii) the relocation of General Administration Department (GAD).

### **8.2.1 USDP's counter-attempts to NLD's attempts in the parliament**

The Union Solidarity Development Party (USDP) which is the former ruling party during the semi-civilian government and the military's proxy party, also submitted five bills for constitutional amendments. Their intention was to make amendments to the formation of the region and state governments, the terms of dismissals of chief ministers and ministers of regions and states, the function and authority of the Constitutional Tribunal of the Union and Union Election Commission (UEC). Their efforts were made in parallel with those of the ruling NLD in amending the Constitution. Considering the USPD amendments, it focused on the three key categories of the 2008 constitution: limitation of the president's executive power in states and regions, restrict qualification of the president and vice-president, and to empower the National Defense Security Council (NDSC). One can argue that USDP and the military proposals are a counterattack on the main purpose of the NLD; to reduce the military's role gradually.

The first amendment bill of the USDP was submitted on 19 February 2019. The recommendation is Article 261<sup>3</sup> regarding the Appointment of the Chief Minister of the Region or State. According to Chapter 12 of the Constitution, a bill to amend the charter must be submitted by at least 20 % of lawmakers in Parliament. Since the USDP lacked the necessary numbers, it collaborated with the military and some ethnic minority parties to

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<sup>3</sup> Article 261 is about the Appointment of the Chief Minister of the Region or State and Article 261 (d) It states that the person appointed by the president as the chief minister of a region or state shall not be refused by the region or state parliament unless it can clearly prove that the person does not meet the qualifications for the post.

submit its proposal (Zaw 2019a). Military and USDP MPs made this proposal to elect state and regional chief ministers through local legislatures rather than to allow them to be appointed by the president (Zaw 2019a). However, the joint bill committee recommended for the proposed changes to Article 261 to be discussed by the Constitution (2008) Amendment Joint Committee (UMCAJC) rather than in Parliament. Brigadier General Maung Maung, the leader of the military representative in the parliament, said that it is ‘democratic bullying,’ referring to the fact that the legislature was dominated by the NLD (*Irrawaddy* 2019). However, the Parliament later determined to discuss this case in the constitutional amendment ad hoc committee paved by the NLD (Aung 2019a).

The second amendment bill by the military and the USDP was submitted to the parliament in May 2019, including four constitutional amendments to articles 248(c), 264, 322 and 402. Article 248 (c) of the constitution stated that the president specifies the number of ministries and ministers needed for every state and region and the number may be increased or decreased. The USDP and the military suggested that the president must negotiate with the respective state and regional chief ministers to specify the number of ministries needed. They claimed that the proposed amendments were for the sake of decentralization as then current government also aimed for the establishment of a democratic federal Union. In Article 264 of the Constitution, the military and USDP proposed to consider the dismissal of a chief minister or minister if they fail to uphold the Constitution in carrying out their duties. In Article 322, they suggested changes to allow the Constitutional Tribunal of the Union to determine whether the measures of Union-level agencies and parliaments are in conformity with the Constitution.

The third amendment bill by the USDP and the military was submitted on 17 September 2019. Regarding the qualification of the president and the vice-president, Section

59 (f). Instead, they presented five separate amendment proposals directly to the Union Parliament (Kyaw 2019a).

The fourth proposed provision is Article 402 of the Constitution. Article 402 stipulates that resolutions and functions made by the UEC are final and conclusive in the cases of election functions, electoral disputes and political party matters. The military and the USDP proposed to amend the Union Election Commission's (UEC's) authority so that the Parliament could make a final decision in the case of electoral disputes. The NLD suggested taking out the entire article, suggesting that electoral disputes should be decided by the Supreme Court of the Union (Aung 2019b). The fifth amendment bill by the USDP and the military was submitted on 18 September 2019 targeting to empower the NDSC (Thura 2019).

The NLD's attempt to amend the constitution for and its goal of to the gradual reduction of the military's power both in the parliament and in national politics is completely against the goal of the military which was to survive in national politics as a 'Guardian' of the country and to safeguard the constitution from domestic and external threats. Therefore, the ruling party's constitutional amendment process is the first domestic threat to the military to change their perception about their role in national politics.

### **8.2.2 State Counsellor Bill**

Since Aung San Suu Kyi is constitutionally barred from the presidency, the NLD is trying to secure her authority as the *de facto* leader. Therefore, as soon as the NLD government took office, President Htin Kyaw signed into law the 'State Counsellor' bill on 4 April 2016 (Paing 2016), essentially granting NLD's chair, Aung San Suu Kyi broad powers that could secure her position. This position is equivalent to the post of Prime Minister, who has the authority to control the operationalization of the government, and the most powerful person in the country after the President. On 5 April 2016, the military MPs refused to vote

and protested a bill that created a new key position for the State Counsellor claiming that the bill is unconstitutional (Paing 2016).

As State Counsellor of the country and the leader of the ruling party, Daw Aung San Suu Kyi, received a red-carpet welcome during international state visits and was treated like a prime minister. One of the most interesting reasons for the emergence of this position is Article 217 of the 2008 constitution. Article 217 stated that ‘subject to the provisions of the Constitution, the executive power of the Union shall be vested in the President’. This means that the *Pyidaungsu Hluttaw* (Assembly of the Union) can appoint an individual or an institution with maximum power after the president. The state Counsellor move is an unexpected power competition from the NLD to the military in the framework of the military-led constitution.

Under the NLD government, a presidential office and a State Counsellor office co-existed. The State Counsellor’s Office, which supported Aung San Suu Kyi, was one of the main ministries committed to achieving internal peace and resolving the Rakhine issue. The NLD government was prioritizing such issues for the past five years. As long as Article 59 (f) is not amended, Daw Aung San Suu Kyi will not be able to run for president. Therefore, for Aung San Suu Kyi to remain the most powerful person, she still needs the legal status of State Counsellor. Daw Aung San Suu Kyi’s leading the government openly as State Counsellor and not from behind the curtain is also something that the military didn’t foresee which led to the second domestic threat to their political position.

The appointment of a State Counsellor has been questioned not only by the military but also by ethnic parties. Taking advantage of Article 217, the NLD created the position of State Counsellor for Aung San Suu Kyi. From the beginning of NLD tenure in 2015, if the NLD had not given extensive power to individuals such as the State Counsellor instead of forming an all-inclusive body such as a coalition government, it would have been possible to

amend the 2008 constitution to some extent. The coalition government which includes the military, ethnic representatives and civilian representatives might reduce mutual suspicions to some extent.

In the aftermath of the 2020 elections, a letter was issued by the NLD party entitled ‘Future Union Matters for Myanmar’ and invited 48 ethnic parties. The NLD officially stated that the invitation is for the formation of a National United Government for the sake of the implementation of all-inclusive national reconciliation. Mann Aung Pyi Soe, chairman of the Karen National Democratic Party (KNDP), said that although the NLD could not effectively resolve ethnic issues between 2015 and 2020, it won another victory in the 2020 general elections. Ethnic parties are ready to join if the NLD handles the ethnic issue properly, however it remains to be seen (Tun 2021).

Not only Karen and Shan ethnic parties, the Rakhine ethnic parties had clashes with the NLD government. Aye Nu Sein, a spokeswoman for the ANP, said that under the 2008 constitution, any party could appoint a member of parliament as prime minister. The former Vice-Chairman of NLD, Dr Zaw Myint Maung responded to Rakhine political parties that, according to the constitution, state and divisional chief ministers can only be members of the NLD that won the election (*Myanmar Now* 2021) (See Section 8.1.1 for the discussion regarding the second rift between the NLD and the ethnic parties happened due to the appointment of State and Regional Chief Ministers).

As a result, due to five-years-skepticism about the NLD government, the ethnic parties view that the NLD has also won a landslide victory on a nationwide scale and doubts remain as to whether the NLD will ignore federalism as it did in 2015. Owing to the escalated tension between the State Counsellor, the C-in-C, the ruling party and the ethnic party, this next section examines the growing threat to the military as a result of multi-faceted tensions.

### **8.2.3 Relocation of General Administration Department (GAD)**

#### **Functions of GAD**

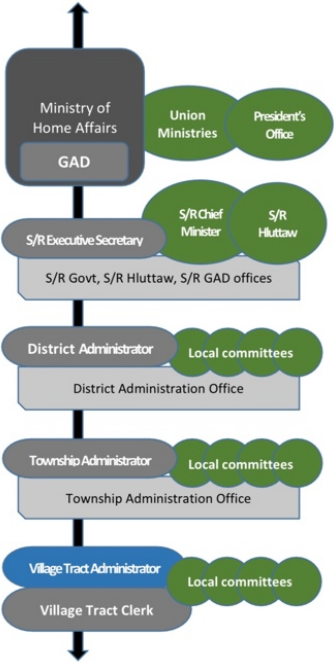
The GAD is one of the key departments in the administrative apparatus of Myanmar. No other department has a broader influence over the country. Even the military could not reach the general public as well as the GAD does. The GAD operates communication and negotiation with ministries. It is the backbone of the administrative apparatus in connecting the capital, Nay Pyi Taw, and 16,700 ward/village tracts across the country (Chit Saw and Arnold 2014). In the Union Government, GAD is a department under the Ministry of Home Affairs. The GAD has a key role to play in governing the country, with hierarchical levels of government public administration matters at all levels of geographical segregation and close coordination with related ministries.

Originally under the direct control of the Ministry of Home Affairs, the GAD is responsible for various administrative functions such as tax collection, land management, registration of the residents and certification processes. The GAD's main task is to manage the public administrative structure of the whole country. In the states and regions, the district administrator is an official from GAD who supervises the district general administration office. The district-level administrator manages the important administrative function in the respective townships. The township administrators are also GAD officers who manage each township and provide guidance to village tract and ward administrators. The village and ward administrators receive legitimate rewards from the GAD; however, they are not GAD staff.

In order to reach the grassroots level, there is another sub-level of administration within the villages called 'household heads' which is the lowest level in the GAD administrative apparatus. One representative in ten households was selected 'according to the people's will' (Action Committee for Democracy Development and Progressive Voice 2018) as a representative to participate in the village tract forums (See Figure 8.2). The role of

ward/village tract administrators is important in the daily lives of people at the local level. It includes land management, tax collection, and microfinance projects. Regarding local governance, the ward/village tract administrators are responsible for dispute resolution and security related matters in the village or in the ward. Other responsibilities include birth/death registration, public health notices, local development projects and other events (ibid.).

The importance of the GAD depends not so much on what it explicitly controls, which is, in fact, a great deal, but rather because of the GAD’s ubiquitous presence, and the authority to coordinate, communicate among, and convene other government actors. While governance reforms to reconstruct and reorient much of Myanmar’s public sector proliferated since the 2008 Constitution, with the exception of accruing new responsibilities at the state and regional level, only limited reforms of the GAD structures and processes were made. The GAD’s headquarters, the Ministry of Home Affairs, is one of three ministries which, according to the 2008 Constitution, must be led by a high-ranking military official on active duty, and nominated by the C-in-C of the Armed Forces.



**Figure 8.2 General Administration Department (GAD) under the USDP Government**

Source: Asia Foundation 2014, 1



## **The important role of GAD**

The importance of the role of the GAD is not its substantial management power, which is in fact, due to its presence among the general public, coordination and cooperation with other government departments. Since the 2008 constitution came into force, public administration reforms have been conducted, but GAD made few reforms. The more important reason apart from its permeability in administration apparatus is that GAD is under the Ministry of Home Affairs together with the Police Department. According to Section 232 of the 2008 Constitution, the President has full authority to appoint Union Ministers. However, the Union Minister of the Ministry of Defense, Ministry of Home Affairs and the Ministry of Border Affairs should be nominated by the C-in-C. Because of that, Ko Ni, the NLD's legal adviser criticized that 'The whole country seems to be ruled by the Commander-in-Chief' (*Myanmar Now* 2018).

Similarly, the NLD government assumed that they are responsible for reform and could form a government after 2015 general elections but the military would be able to influence the entire governing mechanism of the country through the GAD. The cooperation between Thein Sein's (USDP) Government and GAD for its five-year terms (2010-2015) saw no sign of potential conflict. While the National Reconciliation issue became pivotal during the civilian government, relations with all political forces, including the military, were at an important juncture, and the handling of the GAD should be gentle when forming a new government. However, the cooperation between NLD government from 2015 to 2020 and GAD was tense from the beginning. The NLD government which took office in 2016 was likely to take a firm stand if there is a dispute between state / regional government members and GAD officials, said U Koni (*ibid.*). The NLD government believed that GAD reforms are needed. In doing so, the GAD is under the Ministry of Home Affairs and that minister is

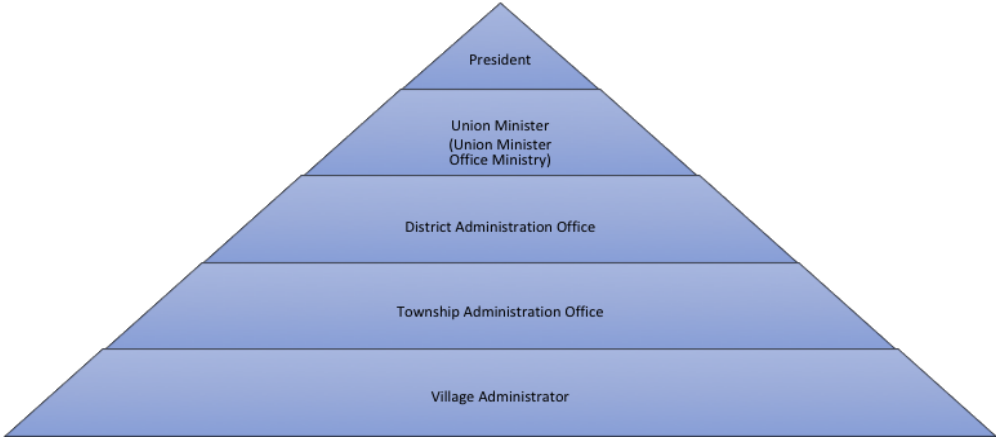
nominated by the C-in-C, so this cannot be done until an agreement is reached with the military and the ruling government.

According to Trevor Wilson, the former Australian ambassador to Myanmar, the GAD is a truly promising and powerful network that could determine the extent to which Myanmar's bureaucracy is 'democratized' or 'reformed' (Cho 2016). The GAD's structure and authority as a department are not necessarily problematic, however. The functions of the GAD should be transparent and closely scrutinized by parliament and should be brought under the control of the president. If the NLD government is going to amend the constitution, the first thing that should be done is to move the GAD from the Ministry of Home Affairs to the direct control of the government (Wilson 2016; *ibid*). The NLD might have a tougher stance on GAD's structure and authority. Ko Ni, the NLD's legal adviser, only needed to disband the General Administration Department as soon as the NLD won the 2015 general elections when the NLD government had not yet taken office. He reiterates that the police force needed to be reformed and abolished the General Administration Department (*Myanmar Now* 2016).

After three years of the NLD government's term, Zaw Htay, a spokesman for the President's Office, told a news conference on 22 December 2018, that the GAD will soon be transferred from the Ministry of Home Affairs to the Union Government. The Union Government Office Ministry was newly formed under the NLD government. According to the constitution, the president has the right to form ministries and transfer departments under the ministry. The administrative apparatus will be directly affected from the President to the regions, states, districts, townships and finally to the villages.

The relocation of the GAD could also be seen as a fulfilment of the president's promises to the people in early 2018. 'The future reform of the Union will start from the bottom up, close to the people, the original owners of sovereignty,' Former President U Win

Myint said in a New Year’s address on 17 April 2018 (Tun 2019). He endorsed the statement at the parliament regarding the changing nomenclature from the GAD Department under Ministry of Home Affairs to the GAD Department under Union Government Office Ministry. With the official proclamation No. (23/2018), the GAD was transferred to the Union Government Office on 28 December 2018 (ibid.) and the President had the full direct control over the GAD (See Figure 8.3).



**Figure 8.3 General Administration Department (GAD) under the NLD Government**

Source: Compiled by the author

The relocation of the GAD by the NLD government is one of the significant reforms during their tenure. At the time, some questioned whether the Union Government Office and the Ministry of International Cooperation, which had been newly formed during the more than two-and-a-half-year term of the NLD government, were ministries that were really necessary or just an extension of NLD’s power (ibid.). This move is a monumental one for the NLD and an abrupt action for the military. The GAD is under the Ministry of Home Affairs. The three Ministers from the Home affairs, Defense affairs and the Border affairs are ‘nominated’ by the C-in-C. However, the NLD took advantage of the authority of the President’s final decision to ‘appoint’ those ministers. Therefore, the NLD’s actions led a considerable threat to the military. Although the Ministry of Home Affairs retained control over the Police Department, the other most important civilian administrative apparatus was transferred under

the direct control of the civilian government. Therefore, it is arguable that if the NLD could handle reforms sharply but yet subtly and had would not touch the core structures that the military could not tolerate, this somewhat hybrid regime could have survived.

### **Threat to the Military's Reserve Domain (Power Rivalry)**

As mentioned in the previous sections, there have been cases where the military sees 'democratic bullying,' such as the creation of State Counsellor positions and the relocation of GAD. This section argues that the military's compliance with the NLD's actions indicates that it can tolerate some reforms that do not threaten their survival. The State Counsellor appointment and the GAD relocation are not the sole reasons which led to the later State of Emergency declaration in February 2021; however, those are the accumulation of small threats which intimidated the military's reserved power domain in the national politics. This section discusses the three reasons why three ministers (Home Affairs, Defense Affairs and Border Affairs) are nominated by the C-in-C before the President's final appointment.

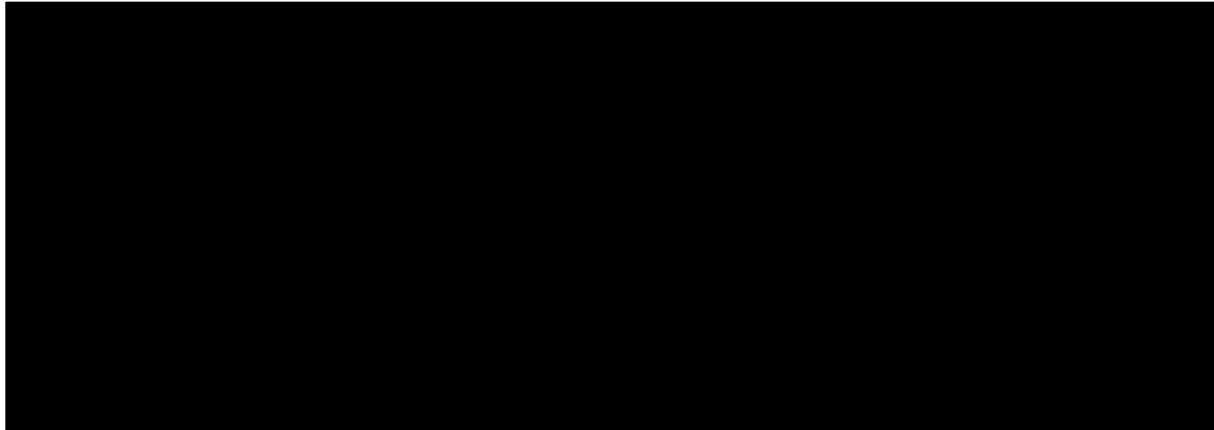
The first reason is the political history of Myanmar. Myanmar experienced police units and even some soldiers joining the protests during the pro-democracy movement called '8888 Uprisings' (NPR 2013). Therefore, the military believes that all the armed forces must be under their control for the sake of the country's peace and stability. Therefore, the C-in-C is the head of all armed groups and this is entrenched in the 2008 constitution.

The second reason is the ongoing ethnic conflicts and prolonged civil war. Since armed organizations are always a sensitive issue in Myanmar, the military institutionalized itself in a framework of the ideology that all armed groups must be under the command of the Commander-in-Chief. This sentiment is idolized in the official slogan 'One Blood, One Voice, One Command' (Selth 1986) of Former President Dr Ba Maw who was trying to build a united military and forge a uniform Myanmar, free of the radical divisions which marked the colonial period. In the case of the three ministers nominated by the C-in-C, the military

uncompromisingly believes that other civilian ideologies would infiltrate and destabilize the country if civilians enter into armed organizations. Therefore, the ministers of the three ministries are barred from civilian access and only appointed from among those with a military background.

The third reason is the military’s leading role in the national political enshrined in the constitution. Former President Thein Sein reiterates two military duties. One is to fight for the country in case of war. If there is no war, the military will serve the interests of the people by participating in national politics. National security and armed conflict in border areas populated by ethnic groups are generally considered outside the authority of the civilian government. These issues are often the sole responsibility of the military (Fisher 2015).

After the military declared a State of Emergency in February 2021, the GAD was immediately relocated from the Union Government to the Ministry of Home Affairs



It is arguable that if the NLD government could be politically savvy and avoid explicit confrontations against the military, the GAD would probably remain under the civilian government. Despite the fact that relocation of the GAD did not directly affect the guardian role of the military’s reserved domain, it resulted in a power gain for the NLD government, which indirectly reduces the military’s influential power. It can be regarded that the military is in a position to make political flexibilities other than those that would affect its

political

<sup>4</sup> All personal communications were confidential; the names of interviewees are withheld by mutual agreement.


reserved domain. The same argument applies to the State Counsellor motion and the Rakhine crisis, which will be discussed in the next section.

### **8.3 Role Conflict One: Military's Guardian Role vs NLD's Governing Role (The accusation of genocide against Myanmar at the ICJ in 2019)**

The first role conflicts between the military and the NLD government erupted when Myanmar was accused of committing genocide in the ICJ in 2019. This section has five subsections. The first section explains the guardian role of that military and how it was enshrined legally in the constitution. The second section introduces accusation of genocide against Myanmar at ICJ. The third section analyzes the domestic aspects of the Rakhine issue, election gain and international loss of reputation over Aung San Suu Kyi's defender role at the ICJ against accusations toward Myanmar of committing genocide in the Rakhine State. The fourth section utilizes Levitsky and Way's concept of Linkage and Leverage to examine the international aspect of the Rohingya crisis and the roles of China, Japan, the United States and ASEAN in the UN, and how they strive to influence or persuade Myanmar. The last section investigates how Aung San Suu Kyi's role at the ICJ collided with the military's guardian role.

#### **8.3.1 Military's 'Guardian Role'**

The previous section explains why and how the ideology of the military as guardians has been ingrained. Moreover, the interpretation of the 'Guardian role' and what extent the military is empowered in the 2008 constitution and its jurisdiction in national politics is discussed in this section. The military's political ideology has been institutionalized in the 2008 constitution legally by highlighting the Three Main National Causes. The military is institutionalized in the genuine belief that they are the sole guardians of national unity, independence, and sovereignty. In a conversation with me on September 13, 2021, the



The military reiterated their role in the ‘Basic Principles’ of the constitution. The Article 6 (f) stated that ‘enabling the Defence Services to be able to participate in the National Political role of the State’. That provision allows the military to take on more than a ‘Defender role’ of the country and even take the ‘Paternalistic role’ as a guardian of the country. The military delegated the political power to a government (civilian or semi-civilian government) to a certain extent as long as it did not harm its interests but reserved the power to intervene if threatened. Article 40 (c) reiterated this concept, saying that ‘If there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts therefore by wrongful forcible means such as insurgency or violence, the Commander-in-Chief of the Defence Services has the right to take over and exercise State sovereign power in accord with the provisions of this Constitution’ (ibid. Article 40 (c)). It could be considered that the national politics is monitored by the military without the detriment to the country’s national interests.

Chapter 4 of the 2008 constitution is about Defence Services and Articles 337, 338, 339, 340 and 341 recapitulate the ‘Guardian Role’ of the military. The main armed force for the Defence of the Union is the Defence Services (ibid. 337) and all armed forces should be under the command of the Defence Service (ibid. 338) which is in charge of safeguarding the Union against internal and external dangers (ibid. 339). The strategy of the people’s militia shall be carried out under the leadership of the Defence Services with the approval of the National Defence and Security Council (ibid. 340). The Defence Services shall render assistance when calamities that affect the people occur in the Union (ibid. 341). Accordingly, during the NLD government, the military is increasingly focusing on its public image by

<sup>5</sup> All personal communications were confidential; the names of interviewees are withheld by mutual agreement.

conducting public relations exercises. According to the military's defence white paper in 2015, the examples include disaster relief and mobile military medical teams for the public. This includes disciplinary action against members of the armed forces for violating the Code of Conduct and Humanitarian Law for local people by mobile medical teams (Myoe 2017). Participation of the military in Humanitarian Assistance and Disaster Relief Activities are stated in the 2015 Military's Defense White Paper, a previously classified document which was released to the general public for the first time in early 2016 (Myanmar Military's Defense White paper 2015, para 100; Myoe 2016). The Asia Barometer Survey (2019) suggested according to their public polls that the military is building a new political foundation in Burmese society that will strengthen its support (Asia Barometer Survey 2019, 71).

Steadily dissolving people's distrust in the military government was reflected in the surveys (Welsh et al. 2020). In order to maintain its power, the military was trying to boost its public image, especially by conducting disasters relief operations during the tenure of the USDP and NLD governments and, in 2016, releasing the Defence White Paper of 2015, which was a strategic document that was released to the outsiders for the first time in history (Myoe 2016). These actions can be considered evidence of confidence-building measures as well as a demonstration of the Myanmar military's commitment to multilateralism and regional cooperative security (Myoe 2016, 143).

The military adopted a political long-term strategy to endorse the 2008 constitution in order to survive as a Guardian in national politics and maintain its power as a 'reserved domain'. Since the 'reserved domain' can also be called the institutional resistance of the military, it retains the Guardian role but showed flexibility for the NLD government to some extent. That is why the military complied with some clashes with the NLD government, such as in situations regarding the state counsellor and the GAD. However, these actions of the



NLD government indirectly threatened the military's survival in national politics. It can be argued that the 'Guardian Role' of the military allows flexibility to some extent as long as their political reserved domain is stable. However, the military does not appear to accept any attack/threat on its 'Guardian role', which has been reserved for their survival in the national politics.

### **8.3.2 Accusation of genocide against Myanmar at the ICJ**

The second section introduces the accusation of genocide against Myanmar at the International Court of Justice (ICJ), mainly focusing on two factors. First, the brief background of the prosecution of Rakhine issue, and second, the difference between ICJ and International Criminal Court (ICC).

The crisis in Rakhine State had been relapsing since 1978 with significant refugee flows to Bangladesh in 1978, 1991-1992, 2016 and it reached the highest point in 2017 (Aung Aung 2020). There was international pressure toward the promotion of democracy in Myanmar during the military government. In the previous chapters, the situations surrounding the Saffron Revolution (See Chapter 5) and Cyclone Nargis (See Chapter 6), and the varying actions taken by the US, China, Japan and ASEAN toward Myanmar's government at these times were examined in detail. A degree of international pressure remained on Myanmar even after the 2010 and 2015 general elections with the emergence of a quasi-civilian government and democratically elected civilian government respectively. But international pressure shifted from democracy and the promotion of human rights. Under the civilian government, Myanmar continued to receive criticism internationally in regard to the Rakhine issue.

This section does not examine the history of the Rohingya crisis or the root cause of the crisis, nor does it seek to judge whether the term 'Rohingya' or 'Bengali' is more valid. The conflict itself surrounds usage of the term 'Rohingya'. The United Nations and international media described Rohingya people as being stateless. However, the Myanmar

government uses the term 'Bengali'. In other words, people, Bengali means people who originally come from Bangladesh. The international community and the Rohingya people themselves are pressuring Myanmar to recognize this group as one of the official ethnic groups of Myanmar. There are 135 official ethnic groups in Myanmar. This section discusses the Rakhine State issue in two parts, domestic impact and international impact. The section mainly focuses on the international politics of China, Japan and the US which were involved in the Rohingya crisis during civilian government (See Chapter 7, Section 7.2 for the discussion of the international pressure on the Rakhine conflicts in 2012 – during semi-civilian government/USDP Administration).

The Republic of the Gambia, on behalf of the Organization of Islamic Cooperation, filed a lawsuit against Myanmar over alleged violations of the UN Convention against Genocide and Punishment in the United Nations International Court of Justice in The Hague, the Netherlands in 2019 (International Court of Justice 2021). As Myanmar remains under obligations as a state party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Gambia filed a lawsuit accusing Myanmar of failing to comply with the terms of the agreement. The agreement stipulates that genocide must be prosecuted if it becomes a crime under international law and there is a national obligation to prevent it. It is alleged that Myanmar committed the crime of genocide against the Rohingya people in Rakhine State by violating the Convention. Article 9 of the treaty allows the International Court of Justice (ICJ) to prosecute disputes between countries.

The International Court of Justice (ICJ) is also referred to as the World Court. It is the main judicial body of the United Nations and has two main functions. The first task is to settle legal disputes submitted by States. The second task is to give advisory opinions on legal questions referred to it by authorized UN organs and specialized agencies. The ICJ only deals with inter-state lawsuits, however, it cannot be sued for a specific individual or institution.

The International Criminal Court (ICC) is a tribunal which deals with Genocide, War crimes and crimes against humanity, and it has the authority to investigate suspected perpetrators. Bangladesh, where the Rohingya are taking refuge, is a member of the ICC, however Myanmar is not. Former United Nations Permanent Representative of Myanmar said that the whole country is being accused because Gambia filed a lawsuit against Myanmar at the ICJ, not at ICC (*BBC Burmese* 2019b). After the Rohingya fled to Bangladesh after 25 August 2017, the current global pressure on the Rohingya crisis increased significantly year by year. Prior to the start of Myanmar's political transition in 2011, international pressure focused on democratization, but increased attention was given to the Rohingya issue after the rise of a quasi-civilian government.

### **8.3.3 Domestic Implications**

The third section analyzes the domestic aspects of the Rakhine issue; domestic election gains and loss of reputation internationally over Aung San Suu Kyi's defender role at the ICJ against accusations of genocide in the Rakhine State.

#### **Domestic Election Gain and International Image Lost**

The fact that State Counsellor Aung San Suu Kyi led Myanmar delegation to The Hague in addressing the ICJ case showed how urgent the NLD government is addressing the northern Rakhine issue. Daw Aung San Suu Kyi's leading role in resolving such a serious accusation is a matter of national dignity, protection of the image of the country, and part of the implementation of the NLD government's policy which prioritizes national reconciliation between various ethnic groups, including the military, according to former United Nations Permanent Representative of Myanmar (*BBC Burmese* 2019c).

Daw Aung San Suu Kyi defended Myanmar at the ICJ based on the three points. First, pressure from the international community is hampering the path to democracy in Myanmar.

Second, in accordance with the 2008 constitution, military tribunals are being implemented for the wars in the Rakhine State. Third, Myanmar did not attempt genocide in the Rakhine State (*Al Jazeera* 2019). At the ICJ, Aung San Suu Kyi distinguishes between the actions of the military and the actions of the government. 'Myanmar's constitution includes the military's judiciary. Under the constitution, crimes committed by the military should be investigated and punished. However, these crimes are not committed by the Myanmar Government. These cases have been investigated by the military tribunal and are still being investigated.', Aung San Suu Kyi defended. The formation of a military tribunal to punish those convicted by the military can be seen as a direct threat to the military. She also refuted criticism from human rights groups against the military's judiciary in the name of the ongoing constitutional amendment process. 'Some UN human rights groups argue that Myanmar's military justice system is irresponsible. This is the underestimation of our hard work under a constitution that needs to be amended. We are still in the process of doing this,' said the State Counsellor (*Myanmar Now* 2019b). It can be presumed that she blamed the military for the delay of the constitutional reform process.

Aung San Suu Kyi's role at the ICJ before the 2020 general elections tarnished her image internationally, but the increase in domestic support had a positive impact on the election. A rally in support of State Counsellor Aung San Suu Kyi, who is due to appear before the International Court of Justice (ICJ), was held in Monywa, Sagaing Region, in cities, states and divisions. In addition, the supporters say 'oppose the Organization of Islamic Cooperation member states that stand for the terrorists called ARSA'; 'Arrest and prosecute the ARSA terrorists who killed the security forces and the local Rakhine people'; 'Opposition to all terrorists - against it'; 'Against the actions of the Organization of Islamic Cooperation that prosecuted Myanmar at the ICJ' (*Myanmar Now* 2019). In addition, a rally in support of Aung San Suu Kyi was held in Monywa, with more than 2,000 people in attendance

(*Myanmar Now* 2019). A statement was issued at a rally in Mandalay stating that people would fully support the efforts of the country's leader Aung San Suu Kyi who is protecting the interests of the country at the ICJ. 'Our people are with Mother Suu Kyi, who is going to the ICJ to protect the interests of the country,' the supporters said and believe that they are encouraging Aung San Suu Kyi for her good leadership, responsibility and accountability. The rally was supported by the divisional government and the willingness of the people. Mandalay Region Interim Chief Minister Zar Ni Aung explain that the event was the representation of solidarity of the people to support people's leader Aung San Suu Kyi. Tens of thousands of people marched in downtown Yangon to show their support for Aung San Suu Kyi and some parliamentary members were also present at the rally (Zue 2019a). Rallies for supporting Aung San Suu Kyi's leadership at the ICJ held not only in the Burmese majority region like Yangon and Mandalay, but also in the ethnic regions such as Shan State, Rakhine State and other states and divisions (Zue 2019b).

Prior to the Rohingya crisis, Aung San Suu Kyi sought to maintain both domestic and foreign support for democratization in Myanmar. However, after her leading role at the ICJ, her image among western countries was tarnished (Libina 2021, 115). Former president during the semi-civilian government, Ye Htut, argues that Aung San Suu Kyi's decision to formally lead The Hague to defend Myanmar on charges of genocide is well-known and could bring voters to her side in the 2020 election (Htut 2020). Arguably, other factors such as Aung San Suu Kyi's speech at the ICJ emphasizing the punishment at the military's tribunal, the distinction between the government and the military's actions in the Rakhine State and her attitude toward the military at the ICJ for delaying the constitutional process also pose a direct threat to the military.

### **8.3.4 International Implications**

The fourth section uses the concept of Linkage and Leverage to examine the Rohingya crisis as it relates to the influence of China, Japan, the United States and ASEAN in the UN. While the Islamic organization and international human rights organizations are striving to bring Myanmar to the ICJ, China, Japan, the US and ASEAN also play important roles in the name of human rights, humanitarian assistance and voluntary repatriation. The Rakhine Crisis will be discussed in this section to show that the international pressure is counterbalanced by Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN as explained in Chapter three. China has counter-hegemonic power to the US and Grey Knight – Japan and Conditional Prodder – ASEAN which have vague and inconsistent stances in Myanmar's domestic crisis, sometimes providing shield-like protection against Western pressure. Under the protection of the Black Knight, Grey Knight and Conditional Prodder, Myanmar was able to withstand a relative amount of Western pressure.

#### **Counter-balanced International Pressure: Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN**

##### **US**

The US always strongly pressured Myanmar on issues related to democracy and human rights. At the 2017 and 2018 UNSC meetings, the US ambassador to the United Nations strongly condemned China and Russia for their counteractions against western pressure on Myanmar. On 20 September 2017, Vice President Mike Pence called on the UNSC to take serious action against Myanmar, calling the Rohingya crisis a global security threat. President Trump called on the UN Security Council and the United Nations to take strong and effective action to resolve the crisis and provide the Rohingya with assistance (U.S. Embassy and Consulate in India 2017). President U Thein Sein met with State Counsellor

Aung San Suu Kyi in Singapore on 14 November 2018 to condemn the actions against the Rohingya Muslims by the Myanmar military (U.S. Embassy in Burma 2018).

According to former US President Donald Trump, the United States also provided assistance to Bangladesh to put more pressure on Myanmar over the Rohingya issue. The United States continues to support Bangladesh and put pressure on Myanmar. According to the former US president, the United States would continue to press for the creation of the necessary conditions for the Rohingya to their safe return. The US pledged to support Bangladesh, along with its international partners, as the world's largest humanitarian donor (*Dhaka Tribune* 2018). Based on Former President Donald Trump's stance on the Rakhine issue, one could argue that the US is increasing support to Bangladesh in order to exert more pressure on Myanmar.

The Security Council adopted a presidential statement on the situation in the Rakhine on 6 November 2017 (UNSC 2017). Since August 2017, the US voted favor of the UNGA's third committee solutions on 16 November 2017 calling for authorities to protect the citizens and take responsibility for human right abuses (United Nations 2017). Again, on November 2018, the US again expressed deep concern about serious human rights violations in Myanmar and Rakhine State and voted favor for the resolution (United Nations 2018a). In November 2019, the US voted in favor of the adoption of the draft resolution on the situation in Myanmar and called for the full protection of the human rights of Rohingya (United Nations 2019).

Amidst the US pressure on Myanmar, it is notable that unlike the United Nations, the United States refrained from using the term 'genocide' when referring to the Rohingya crisis, and in November 2017 the United States used the term 'ethnic cleansing' (U.S. Department of State 2021). It can be argued that the US's response on this issue is somewhat different compared to other domestic conflicts in Myanmar (OHCHR 2019). According to Scot

Marciel, US Ambassador to Myanmar, US policy is committed to democracy, peace and federalism between Myanmar and the US (Soe 2019). However, it is undeniable that the Rakhine crisis created challenges in relations between the Myanmar government and the West. The avoidance of the term ‘genocide’ in the Rohingya crisis and US policy toward Myanmar indicate that the United States is concerned that Myanmar would become closer to China against Western pressure. This corresponds with previous domestic crises, the Saffron Revolution and the Cyclone Nargis, as the US response to Myanmar domestic politics evolved and became more pronounced.

### **China**

Since August 2017, China opposed the UNGA’s third committee solutions on 16 November 2017. China said that human rights issues must be addressed through cooperation between respective governments. The situation in Myanmar is complicated and the government is taking steps to stabilize it. China said it will vote against the draft, praising Bangladesh for helping refugees (United Nations 2017). Again, in November 2018, China voted against UNGA’s third committee solutions argue that complex historical and ethnic issues in Myanmar must be resolved through constructive dialogue (United Nations 2018a). In November 2019, China opposed the politicization of human rights issues, including through country-specific human rights resolutions, and as such voted against the resolution (United Nations 2019). Not only at the United Nations Human Right Council but also at the United Nations Security Council, China supported Myanmar and expressed its concerns about western pressure.

Despite US pressure and Chinese opposition, on 27 September 2018 (UN Human Rights Council 2018) and 26 September 2019 (UN Human Rights Council 2019), United Nations Human Rights Council adopted the statements on ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar. On 9 May 2018, the UN kept pressuring



Myanmar by adopting the Security Council Press Statement on Security Council Visit to Bangladesh (United Nations 2018b). Regarding Rohingya Crisis, despite pressure from the international community on the Rohingya issue in Myanmar, both China and India expressed sympathy and support for the Myanmar government (Gao 2017).

Chinese Foreign Ministry Spokesperson Geng Shuang said that China condemned violent attacks in Rakhine State and supports Myanmar's efforts to safeguard peace and stability. The international community should work to maintain the development and stability of Myanmar and to create an external environment for a proper solution to the Rakhine problem (Ministry of Foreign Affairs of People's Republic of China 2017). Since the Saffron Revolution and Cyclone Nargis, China's stance on Myanmar's domestic affairs did not change. The western pressure, especially at the United Nations, is being diverted by China's support of Myanmar.

## **Japan**

Since August 2017, Japan abstained from all resolutions at the UN relating to the Rohingya crisis. Japan abstained at UNGA's third committee resolutions on 16 November 2017 and condemned violence in the region by calling on Myanmar to restore stability in the region (United Nations 2017). Again, on 16 November 2018, Japan abstained from the vote for the UNGA's third committee resolutions but urged Myanmar to carry out a credible investigation for the human rights situation in Myanmar (United Nations 2018a). On 14 November 2019, Japan again abstained in the vote by commending Bangladesh for receiving the 'displaced persons' and urging Myanmar to address human rights violation in Rakhine (United Nations 2019) It is notable that Japan used the term 'displaced persons' instead of using 'Rohingya'.

Regarding the Rakhine State issue in Myanmar, Minister Motegi in the meeting of the former State Counsellor Aung San Suu Kyi said Japan would do its utmost to support the

Myanmar government's efforts to improve the situation, and called for a step-by-step approach to the provisions at the International Court of Justice (ICJ) based on the recommendations of the Independent Commission of Inquiry (Embassy of Japan in Myanmar 2020). Ichiro Maruyama, Japanese ambassador to Myanmar, praised the decision of State Counsellor Aung San Suu Kyi to address The Gambia's accusation at the International Court of Justice (ICJ) and the military's statement for the Military tribunal (Thien 2019). On the other hand, in the case of the ICJ, the Japanese government's support for the Myanmar government is not a matter of disagreement between Japan and the West. The ambassador, Ichiro Maruyama, also said that Japan shares the same views as the West for better international relations and economic development (Zaw 2019b).

By analyzing Japan's stance on the Rakhine conflict, policies on Myanmar and the abstention votes in the UN, it follows that Japan supports Myanmar's democratization and nation-building. This stance might also be due to concerns about Chinese influence in Myanmar. Like China, Japan did not agree that Myanmar attempted genocide in Rakhine State. Looking at this, one might argue that Japan's stance could bring a closer political relationship with Myanmar. However, legally at the ICJ, Japan could not make third party intervention to help Myanmar. As long as the Rakhine crisis garners the attention of the United Nations and the international community, Japan will find it difficult to maintain good bilateral relations with Myanmar.

It is arguable that economic interest in Myanmar is one of the reasons that contributes to Japan's reluctant stance at the ICJ. Japan made many efforts to maintain Japan-Myanmar military to military relations (Ministry of Defence of Japan 2019). The National Defense Academy under the Ministry of Defense expanded the number of countries that send international students, mainly in the ASEAN region including students from Myanmar Defense Service Academy. Former Prime Minister Shinzo Abe gave a speech at a reception

for international students who graduated from the National Defense Academy (NDA). He reiterated the fact that after graduating from the Japan National Defense Academy, students contributed to the strength of the relationship between Japan and their home countries. (Prime Minister Office of Japan 2019).

Unlike China, it is not easy for Japan to resist international pressure in the long run. Japan's abstention vote at the UN for the Rakhine issue proves that Japan wants to maintain good relations with the Myanmar government and the military but will encourage it to work closely with the United Nations. Japan's response to Myanmar's domestic affairs is not as clear-cut as its actions during the Saffron Revolution and Cyclone Nargis. However, Japan's vague stance, referred to in this thesis as the role of a Grey Knight, somehow alleviates Western pressure and secondarily reinforces China's protection over Myanmar.

## **ASEAN**

The 'ASEAN Way' – the principles of sovereignty, non-interference and consensus decision-making (Haacke 1999) is the decision making procedure of ASEAN including its stance on Myanmar domestic crises. Those sentiments were enshrined in numerous ASEAN agreements and declarations. In a broader sense, the non-interference principle sets out the protocols to preclude member states from denouncing or interfering in domestic affairs of other member states and encourages members to refrain from trying to delegitimize or overthrow member state governments. The ASEAN Charter reinforces the 'ASEAN Way' with relatively liberal norms such as democracy, good governance, the rule of law and human rights. However, the effect of such values on ASEAN policies does not fully reveal itself.

However, the 'ASEAN Way' of non-interference does not apply the same way to every crisis in Myanmar. In the case of the Saffron Revolution, ASEAN utilized the word 'revulsion' within a standalone official statement. This was ASEAN's harshest by language words in its official proclamations on the situation of Myanmar since 2001. In its official

statement, ASEAN noted that Myanmar's domestic situation had an impact on the 'reputation and credibility of ASEAN' (See Chapter 5). The Cyclone Nargis case shows that ASEAN attempted to evolve institutionally in response to the challenge of Myanmar. ASEAN's role as a facilitator also reaffirmed the importance of maintaining ASEAN's credibility in dealing with the military government even in the case of non-political issues in Myanmar's domestic affairs (See Chapter 6).

On 24 June 2005, the United States brought Myanmar to the United Nations Security Council under the 'Other Matters' agenda. When Myanmar called on ASEAN to oppose the UNSC resolution, Singapore's Foreign Minister responded, 'ASEAN lost the credibility and ability to defend Myanmar' (Roberts 2010 145; Renshaw 2019, 160). This indicates ASEAN's detachment from Myanmar's domestic situation. The Security Council called on the Myanmar government to begin a genuine democratic transition and effective dialogue regarding the political situation in Myanmar. However, the resolution could not be made due to the vetoes from China and Russia. Therefore, it is arguable that when ASEAN came up with the question of its reputation and credibility, Myanmar's internal affairs were completely ignored in the association's agenda.

In the case of the Rohingya crisis in Myanmar, ASEAN's stance on Myanmar's Rohingya crisis was at risk due to its non-interference and consensus-decision making principles. A situation-specific breach of the non-interference principle make the ASEAN seem like a lesser evil (Barber and Teitt, 2020). While other members spread criticism from Muslim-majority countries, such as Malaysia and Indonesia, the rest of the ASEAN Member States have been rather flexible in engaging with Myanmar. In addition, the scale and nature of the current conflict in Rakhine State signify that the international community continues to exert pressure on the Myanmar government to take further action. Countries such as the United States and Canada re-imposed sanctions on Myanmar. The UN Human Rights Council

set up an Independent International Fact-Finding Mission and accused Myanmar of genocide before the International Court (Nanthini 2019).

Despite the spate of pressure and influence from the individual ASEAN member states including neighboring countries, the situation in Rakhine State is still considered Myanmar's domestic issue. While the principle of non-interference in the establishment of ASEAN is maintained, ASEAN member states agree to provide regional humanitarian assistance, facilitate the repatriation process and promote sustainable development. The ASEAN Foreign Ministers' Retreat in Chiang Mai on 17-18 January 2019, a Preliminary Needs Assessment Mission of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) was sent to Rakhine State, Myanmar, on 4 March 2019 (ASEAN 2019). As ASEAN plays a Buffer role in the Rohingya crisis, it indicates that ASEAN will be more active in helping to resolve the Rakhine crisis (ASEAN 2019).

There are debating views that the 'ASEAN Way' of humanitarian assistance will further impel the Rakhine crisis. In their view, ASEAN's appeasement undermines Aung San Suu Kyi's leading role at the ICJ in December 2019. As long as the Rakhine crisis is continued, ASEAN must choose carefully when to pressure Myanmar to work with the international community, and when to stick to its principle of non-interference. It is notable that ASEAN does not even use the contradicting term 'Rohingya' in the official ASEAN Chairman's Statement on the Humanitarian Situation in Rakhine State on 25 August 2017 (ASEAN 2017). The balancing act between regional group's norms and the establishment of a global humanitarian partnership by joining hands with the international community is a constant contradiction for ASEAN (Spandler 2020). This implies that ASEAN will be more proactive in assisting to resolve the Rakhine crisis in a more engaging way with Myanmar's government.

In summary, case studies (Saffron Revolution in 2007 in Chapter 5, Cyclone Nargis in 2008 in Chapter 6, 2012 Rakhine Crisis in Chapter 7 and 2017 Rakhine Crisis in Chapter 8) show that ASEAN flexibly applies its principles when its credibility and interests are in question. ASEAN's position was unstable over time, and its inconsistent stance on Myanmar's domestic issues occasionally helped to ease Western pressure to some extent; ASEAN, played the role of a Conditional Prodder. ASEAN's wavering on the application of its principle of non-interference appears to have been due to international pressure as well as to maintain its credibility. It is arguable that the role of 'Conditional Prodder' by ASEAN is one of the available ways to encourage Myanmar for closer cooperation with the international community.

### **8.3.5 Military's Guardian Role vs Aung San Suu Kyi's Defender Role at the ICJ**

This section analyzes how Aung San Suu Kyi's role at the ICJ shielded Myanmar against prosecution for genocide, and how her role collided with the military's Guardian role. Moreover, the accumulation of domestic support for Aung San Suu Kyi's role at the ICJ and the election gain as a result generate two factors that pose a threat to the military. The first is that her role of defence in the ICJ conflicts with that of the military. Second, although her image has been somewhat tarnished internationally, her growing domestic support became a threat to the military's political influence.

Since the colonial period, Myanmar has undergone ethnic and communal tensions (Htut 2019, 173). As the crisis in Rakhine State has been recurring over decades, the military regard itself as a sole defender of the country. Following the declaration of a state of emergency in the Rakhine State in 2012,<sup>6</sup> the military worked closely with the police to provide security in areas prone to violence, as the its main task is to protect the Union (2008 Constitution, Article 413 a).

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<sup>6</sup> Former President Thein Sein lifted a four-year state of emergency in western Rakhine State in 2016.

However, the fact that the military preserves significant power in the country when it comes to issues such as the Rohingya issue or the peace process faded after highlighting Aung San Suu Kyi's leadership role in the ICJ (Parameswaran 2019). The military was slow to take action, which left the charismatic leader Aung San Suu Kyi to address the situation. The Military's attempts to maintain its role as the guardian which is committed to protecting the country from internal and external threats sparked role conflicts with the NLD Government, such as the State-counsellor move, the relocation of GAD and most importantly, the former ruling government attempt to amend the constitution.

On the military side, Brigadier General Zaw Min Tun said the attack in the Rakhine State was triggered by a terrorist group called the Arakan Rohingya Salvation Army (ARSA), which attacked 30 police stations and battalions, and that the incident was not widely reported in international mainstream media (*BBC Burmese* 2019d). The Myanmar military said it would send representatives, if necessary, to address the allegations. However, the Myanmar delegation, which left for the Netherlands on 8 December 2019 did not include any military representatives. Only two members of the military were included in the special group for the International Criminal Tribunal (*BBC Burmese* 2019e). The absence of a military representative in the delegation exacerbated the role conflict between the military and the NLD government.

Arguably, the Rohingya issue is more a national issue for Aung San Suu Kyi rather than just the leading role at the ICJ. The whole country, including Christian pastors and the populace are more or less in support of Aung San Suu Kyi for defending the military's action at the ICJ. It is noticeable that Aung San Suu Kyi and the NLD follow the standard Burmese sentiment instead of a humanitarian or liberal stance. Although Aung San Suu Kyi and NLD's reputation damaged internationally, the political calendar for the 2020 election reflected election gain for Aung San Suu Kyi and NLD for their defensive role at the ICJ. One might

argue that the military might be counting on Aung San Suu Kyi to keep maintaining her international image instead of choosing domestic support. If Aung San Suu Kyi had stood up for the Rohingya only on human rights grounds, the military would have been able to play a defensive role in the ICJ and gain domestic support. Daw Aung San Suu Kyi also defended Myanmar at the ICJ. Thus, the popular domestic support given toward Aung San Suu Kyi infringes upon the military's guardian role. The Rakhine issue was one of the most prominent issues that attracted international pressure during the civilian government. However, the counter-hegemonic power, Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN resisted the US and western pressure on Myanmar. As a result, the leverage, which is Myanmar's vulnerability to Western democratizing pressure, became relatively low. Arguably, as long as the Black Knight – China, Grey Knight – Japan and Conditional Prodder – ASEAN's interactions exist in Myanmar's domestic affairs, the effect of Western democratizing pressure will be diminished.

#### **8.4 Role Conflict Two: Military's Guardian Role vs NLD's Governing Role (General Elections in 2020)**

This section discusses the conflict that arose between the role of incumbent government leadership and the military's right to critique emerging controversial issues. In other words, the military's 'right to judge' with in the election voter list controversy which surrounded the 2020 General Elections is analyzed in this section. For all the three General Elections in 2010, 2015 and 2020, the military streamlined the operations and logistics (Ministry of Foreign Affairs of Myanmar 2021, 4). The election voter list was a point of contention between the ruling party, NLD and the military's proxy party, USDP. The military called for the NLD government and the Union Election Committee (UEC) to reinvestigate the voter list following the election. This section examines potential factors that led to the declaration of a state of emergency by the military in February 2021.



The previous section explains why and how the ideology of the ‘Guardian’ role in the military has been ingrained. From an institutional point of view, it has been entrenched for decades. Before 2021, there had been three occurrences of military took power; in 1958, 1962 and 1988. When the military took power of the country, the military claimed that it did so under the pretense of being the country’s ‘saviors’ in the face of imminent danger and instability. The military is prepared to overcome all internal and external threats as part of its perceived historical and institutional responsibilities.

The tensions between the military and the civilian government before the state of emergency appeared to force the military to forego democratic process in assuming administrative power. In the run-up to the election, the C-in-C of the Armed Forces issued a statement on 2 November 2020 stating it was found that the Union Election Commission faced difficulties in counting the number of eligible voters and made a lot of careless mistakes in issuing the voter registration lists (Office of Commander-in-Chief 2020). The Commander-in-Chief office added that criticisms of electoral freedom and fairness are directed not only at the commission but also at the government. The government had a strong responsibility for all wrongdoings, whether intentional or unintentional. It is the responsibility of both the Union Government and the UEC to ensure that the forthcoming elections of the Republic of the Union of Myanmar are free and fair (Tatmadaw Information Team 2020).

The military issued official several declarations to draw attentions of the NLD government and the UEC to ensure free and fair elections and ‘various irregularities’ during the pre-election period (Ministry of Foreign Affairs of Myanmar 2021, 8). The issue of the eligible voter list for the 2020 election results was controversial. Therefore, the military demanded that the UEC be cleared, but neither the NLD government nor the UEC did (ibid 12). These are clear indications of the tension between the military and the NLD.

A spokesman for the Office of the Commander-in-Chief said the military made the following four demands of the NLD government:

- (1) To transparently investigate more than 10.4 million voter list errors
- (2) To set up a new election commission to coordinate with the government and the military during the investigation.
- (3) To suspend the third session of the Parliament during the trial period under the authority of the President
- (4) To address these issues, otherwise the Tatmadaw will continue to act in accordance with the 2008 constitution (Tatmadaw Information Team 2020).

It is noteworthy that the military is well aware of the various conflicts between ethnic groups and the NLD government, which have been discussed in detail in previous sections, adding to the skepticism of the NLD's 2020 election landslide victory. While there were disputes between the NLD government and ethnic parties, the military's proxy party, the USDP, demanded that the voter list be re-examined. Therefore, it can be assumed that the military could not ignore the controversial voter list issue and acted in a way that pointed out the mistake as a guardian or a parent.

Larry Diamond argues that the challenge could be even greater if a political party wins a landslide victory in an emerging democratic election. This kind of landslide can lead to a new form of dictatorship. The landslide victory means that only the victorious party and its leaders will rule the country as 'the embodiment of the national will'. The winning party is motivated to assume responsibility for being the 'sole ruler' of the country with a transcendent moral authority that does not need to answer to any opposition (Diamond 2016, 15). Diamond's argument reflects the NLD government's view on the military's demand for a review of the controversial voter list.

On the other hand, the UEC and the NLD government's negligence in clearing the voter list challenged the military's Guardian role and the 'Right to judge', which became a 'role conflict' between the NLD and the military. By the time the military asked the government to take action, they want the government to make a serious response and show mutual respect. The NLD government believed that the country's leadership role should be with the ruling government, believing that the military was an armed group with the power to declare a *coup d'état* so that the two sides could not reach an agreement to negotiate. The military confirmed that minor complaints were resolved within the legal framework, but no major disputes during 2010, 2015 and by-elections in 2012 (Ministry of Foreign Affairs of Myanmar 2021, 6). As a result, the NLD government and the UEC's inaction to the military's request challenged the military's guardian role. Role conflicts between the government and the military, and the trust level between the two power sides dropped to zero. With the destabilization of the situation, the military returned to politics by utilizing their veto in their reserve domain.

### **Summary**

During the NLD civilian government, several factors threatened the military's political position. The ruling NLD government's urge to amend the constitution, domestic support to Aung San Suu Kyi at the ICJ, people's distrust/skepticism of the military in the national politics, and people's fear to go back to the military government before 2011. These factors posed direct or indirect threats to the military's survival in the national politics. Most Burmese majority voters still shared the same views that there is no one but Daw Aung San Suu Kyi to prevent the military from returning to power in the national politics. In the face of these concerns, the NLD's simple message to bring about change during pre-election campaigns brought domestic support to some extent.

It is notable that the military was aware of the conflict between the ethnic political parties and the NLD government during its tenure from 2015 to 2020, which became critical due to the NLD's vagueness about federalism. At the same time, the military's awareness of the ongoing clashes between the NLD and ethnic parties and the NLD's unwillingness to review the controversial voter list increased the military's skepticism. This suspicion led the military to question the NLD's landslide victory. As long as the guardian role of the military's reserved domain is not confronted or challenged, the military would show flexibility to some extent. The situation would be much different without the need for military intervention if the election fraud and electoral fraud were not serious (Ministry of Foreign Affairs of Myanmar 2021, 13). This can be deduced from the fact that the military did not interfere in the 2015 general elections.

Currently, the military declared a state of emergency, returning to national politics and bringing the potential for international pressure to be directed at Myanmar once again. The Western pressure toward Myanmar's domestic conflicts such as the Saffron Revolution, Cyclone Nargis and Rakhine issues, was counterbalanced by deflection from China, Japan and ASEAN. As long as there are Black Knight, Grey Knight and Conditional Prodder, western pressure will have only a limited effect on Myanmar's domestic politics. This has been proven by case studies in the previous chapters according to the Linkage and Leverage concept. Moreover, the ongoing ethnic civil war is also one of the valid reasons for the military to stay at the forefront of national politics. Evidence suggests that even the NLD government agrees with the military on the peace process to some extent. The NLD government understands that the political role of the military could not be underestimated, as cooperation is needed to address critical issues such as the peace process (Myoe 2017, 271). However, in reality, the two sides are at odds with each other in most of the cases such as the State Counsellor position, the relocation of GAD, and the Rakhine issue. Finally, the NLD's

claim that it would amend the constitution and cut the 25 percent quota if it came to power, reinforcing the threat to the military's survival in the national politics.

Initially, this research applies the CAR theory particularly emphasizing their international dimension which is the Linkage and Leverage concept. By analyzing the international dimension during Rakhine crisis, it is arguable that Myanmar is a 'Low linkage' country due to its weak ties with the US. It is also a 'Low Leverage' country due to China's support against Western democratizing pressure, which the theory refers to as a 'Black Knight'. According to the theory, 'Low Linkage' countries regime outcomes are driven by domestic actors as they are less subject to international pressure (Levitsky and Way 2010, 71).

The findings of the case study, the Rakhine issue from 2017 to 2019, highlights that the linkage concept has comparatively less variation in Myanmar's political transition process. Therefore, the research looks into the domestic dimension of the transition from the NLD administration to full authoritarianism through the domestic lens as described by Levitsky and Way. They argue that if the organizational structure is weak, incumbent governments will not be able to prevent elite defection, steal elections or crackdown on protests. They argue that such incumbent governments could not withstand even relatively weak oppositional challenges (Levitsky and Way 2010, 23). Under the NLD government, organizational structures of the incumbent such as state and party strength were weak compared to that of the military. This is because the NLD, which was suppressed throughout the SLORC / SPDC governments, could not be analogous to the powerful organizational structure of the military, which has been developed for many years. The NLD's only advantage over the military and its proxy party, the USPD, is that the incumbent had more popular support. One could argue that the organizational structure of the incumbent government, the NLD, was weak compared to that of the military and, the incumbent government had no ability to withstand the military as an adversary.

It is notable that they examine the occurrence of a transition from a competitive authoritarian regime to democracy. While examining the transition from democracy to full-authoritarian regime along with the confrontations between the military and the incumbent government, as well as the Linkage and Leverage concept as it applies to the Rakhine Crisis, this research attempts to contribute to the domestic and international dimension of the original theory of Levitsky and Way. Furthermore, this research introduces the role the military and its institutionalized 'Guardian role' as one of the determining factors in Myanmar's political transition process.

## Chapter 9 Conclusion

### Introduction

This thesis examines Myanmar's domestic politics in order to understand the complex and rapid political transitions that took place in Myanmar in 2011, 2016 and 2021, which generated a challenge for scholars of contemporary politics of Myanmar. Scholars sought to explain the motives behind the Myanmar military's decision to share power with its rival political parties, as the three main political transitions could bring about a significant shift in the balance of power between domestic political powers. The dissertation developed an argument through the analysis of three political transitions, occurring in 2011, 2016 and 2021.

This research focuses on the following research questions: 1) Despite having been the most powerful institution in Myanmar, why did the military government initiate a political transition; transfer power to the semi-civilian government in 2011 and civilian government in 2016? 2) Despite having adapted itself to the semi-civilian government from 2011 to 2015 and civilian government from 2016 to 2020, why did the military take power again by declaring a state of emergency on 1 February 2021? and 3) How did international actors such as China, the U.S, Japan and ASEAN hinder and/or facilitate the political transitions of Myanmar in 2011, 2016 and 2021?

One of the existing bodies of literature argues that international actors played an important role in the 2011 and 2016 political transitions (Alvin 2008; Aung Din 2017; Bunte and Dosch 2015; Chow and Easley 2016; Clapp 2015; Fiori and Passeri 2015; Haacke 2006c; Haacke 2010b; Hartley 2018; Hlaing 2008; Holliday 2005a; Jones 2008; Kigpen 2016; Oishi and Furuoka 2003; Schoff 2014 and Selth 2007), but Myanmar's recent political transition in 2021 challenged their debate. If international actors played an important role in Myanmar's political process in 2011 and 2016, it is difficult to understand why it returned to military rule in 2021 in spite of international attention.

In order to understand the complexity of the issue, this thesis first examines the reasons why the military allowed a significant concession in the political transition that took place in 2011 and 2016 and why it withdrew from direct military rule from domestic politics. The military's readiness to consolidate their political power amid domestic conflicts, encountered international pressure and the military's response to those pressures are the key factors in shaping the 2011 and 2016 political transitions. The first two transitions reflected the effects of international pressure, but the 2021 transition did not. Hence, the current literature, which prioritizes international influence in explaining the political transition in Myanmar, fails to adequately explain the shift in the balance of power in domestic politics.

The thesis argues that the military's desire to preserve political power as a 'reserved domain' played and continue to play a pivotal role in Myanmar's political transition process. However, the international pressure had an initiating effect on the military's decision to change the balance of power inside the country. It needs to be noted that the responses and interferences of international actors in all three stages of Myanmar's political transition are not consistent, but their continued involvements have left Myanmar's military to give at least some consideration to external pressure/support. However, while international influence can create the potential for domestic political transitions, it is not the main driving force and does not lead to predictable domestic political transitions.

In Chapter 2, this study analyzes the Competitive Authoritarian Regime Theory by Levitsky and Way to conceptualize the research problem. With the intention to fill the theoretical gap, Chapter 3 analyzes the existing literature into two main categories, domestic and international perspectives of Myanmar's political transition. In Chapter 4, this study investigated how the military government implemented a long-term political strategy for many years to lay the foundation for the 2008 constitution and to play a leading role in future national politics. To do this, this study examine the military government's long-term strategy



in Myanmar's political transition into three different sections: (1) National Convention; (2) Military-affiliated political party; and (3) the 2008 constitution. Chapter 4 managed to find that the military had a long-term strategic plan in order to maintain its power in national politics by officially endorsing the constitution as a 'reserved domain'. The military government reluctantly took liberalization measures to deal with its 'declining legitimacy'. At the same time, they maintained 'reserved domains', securing ways for the military to hold on to power.

This study analyzes three government periods in chronological order (SLORC/SPDC Administration, USDP Administration and NLD Administration). Chapters 5 and 6 examine the military government tenure (SLORC/SPDC administration) to highlight the strenuous implementation of the military's long-term political strategy amidst the well-known social movements known as the 'Saffron Revolution' and the devastating natural disaster, 'Cyclone Nargis'. Chapters 5 and 6 found out that despite the internal and external pressures in 2007 and 2008, the military government successfully completed its constitution-drafting process and the constitution was officially ratified.

Chapter 7 examines the USDP Administration, which is the quasi-civilian government. This chapter discusses the reforms embarked on by the Thein Sein Presidency as a result of the synergetic relations with the incumbent government and the military. Chapter 7 found out that despite semi-civilian USDP efforts to regain domestic and international recognition, international pressure was still mounting in Myanmar on the Rakhine issue.

Chapter 8 analyzes the National League for Democracy (NLD) Administration. Chapter 8 found out that as a result of the military's desire to remain in national politics and the civilian government's power rivalries over the military and its Guardian role, tensions between both sides escalated and the military leaders lost trust in civilian politics.

## 9.1 Case studies and Findings

The 2007 Saffron Revolution was a domestic issue in Myanmar that received a considerable amount international attention. During the Saffron Revolution, not only the local opposition but also international actors exerted pressure on the military government in their own way. The United States repeatedly put pressure on Myanmar at the UN Security Council, saying that the domestic affairs of Myanmar could jeopardize regional security and stability. Neighboring China defended against US accusations, stating that the Saffron Revolution is a domestic affair which did not threaten regional peace and stability, and its resolution should be left up to Myanmar's leadership. Prior to the Saffron Revolution, Japan opposed US pressure on Myanmar, however, during the Saffron Revolution, it also leveled pressure at Myanmar before the UN, as well as bilaterally. ASEAN, a regional organization, violated its own non-interference principle by using the harsh term 'revulsion' in their official statement to condemn Myanmar. By looking back at domestic politics, in 2007 the military government drafted a constitution, a power 'reserved domain' in its political strategy. As a result of the Saffron Revolution, domestic and foreign pressures intensified, but the military did not hesitate to pursue their political plan.

One year after the Saffron Revolution, there was continued international pressure on Myanmar over the delay in providing humanitarian aid to areas affected by Cyclone Nargis in 2008. France called on the international community to invoke R2P (Responsibility to Protect) to invade Myanmar without government consent. The United States consistently exerted pressure on Myanmar, and China had been defending it. Japan, on the other hand, continued to impose human rights-related accusations and pressure for democratic reform on Myanmar, while simultaneously providing developmental aid through bilateral channels. ASEAN's intervention in the case of Cyclone Nargis was remarkable. Instead of using harsh words and direct criticism as in the case of the Saffron Revolution, ASEAN performed as a 'facilitator'

between the military government and the international community. As a result, ASEAN was able to persuade the SPDC to accept international humanitarian aid.

Domestically, it is necessary to reevaluate why the military government did not immediately accept international humanitarian aids for Nargis-affected areas. This is because 2008 was the time for the military government to ratify the constitution, which was led and drafted by the military since 1993, through a national convention. This was because they were worried that if the international community entered the country at this critical political juncture, it might disrupted their intended plan. In addition, international actors are not the only reason to send humanitarian aids, but efforts to politicize natural disasters in the name of democracy and human rights heightened the military's concerns. In this point, ASEAN's approach of not violating its non-interference principle by focusing entirely on humanitarian aids alleviated the military's concerns and allowed the organization to successfully engage between the military and international community.

As a result of the Saffron Revolution in 2007 and the Cyclone Nargis in 2008, despite growing internal and external pressures, the military did not delay the implementation of its plans. With Chinese protection from US pressure, conditional ASEAN mediation and occasional support from Japan, international pressure had not been able to slow down the military's political agenda, preventing the full democratization of Myanmar. International pressure, on the other hand, is a signal to the military that political change is urgently needed, even if it undermines the military's political strategy. The military might be somewhat concerned about persistent international pressure, albeit inconsistently.

Consequently, international pressure neglected to expedite the implementation of political reforms that guaranteed genuine democracy but did create the potential for the military to be transformed into a new government. In 2011, the military handed over power to a quasi-civilian government as a *de jure* government and resigned from direct involvement in

domestic politics. According to Huntington (1991), the strongest one does not have enough strength to be a permanent master without turning strength into power and obedience into duty (Huntington 1991, 46). Thus, the military government did not play a direct, yet leading role in national politics. The military preserved the *de facto* significance of political power by holding so-called veto power, which allowed for the direct appointment of military members in 25 percent of parliament and giving them the authority to decide on constitutional amendments.

Under the quasi-civilian government led by a former general, President Thein Sein, many measures toward political liberalization occurred, such as amnesty for political prisoners and media freedom. In addition, the suspension of the controversial Myitsone Dam project, which had been agreed on in cooperation with China, gained some recognition from local pro-democracy activists. Myanmar achieved the image of a responsible member of ASEAN in 2014 when it successfully assumed the ASEAN chairmanship, which was relinquished in 2006 due to the domestic political situation. Significant progress in domestic affairs were made by the government inviting the opposition (the NLD) to run in the 2012 by-elections. The opposition is also a party that had been under constant repression during the previous military government. Therefore, the NLD defeated the military proxy party, the USDP and won a landslide victory in the 2015 general elections.

On the other hand, the international pressure continued in response to the communal violence in Rakhine State under the quasi-civilian government. Actions taken by international actors did not differ significantly from the time of the former military governments tenure. Myanmar's first two political transitions reflect the effects of international pressure; however, the 2021 transition did not seem to have been affected by it. Therefore, current literature, which focuses on international pressure and its impact in explaining Myanmar's political transition process, fails to sufficiently explain the shift in the balance of power in domestic

politics and the military's political strategy. Thus, despite the peaceful transfer of power to the victorious opposition without interfering in the 2015 election results, the question remains as to why the military sought to return to power in 2021. Therefore, this thesis examines the third political transition.

Under the civilian government, the NLD, the international pressure remains the same as under previous governments. Myanmar had been indicted at the International Court of Justice on genocide, especially in connection with communal violence in Rakhine State. The United States continued to pressure on human rights and democracy, and China continued to defend US pressure on Myanmar. Japan did not support US accusations, saying Myanmar did not commit genocide. ASEAN was a lesser source of pressure toward Myanmar, in comparison to the United States.

The domestic political dynamics during NLD government differed significantly from those of previous governments. As the USDP government is the *de jure* government of the military, it does not threaten the military's leading role in domestic politics. The NLD believes that despite the political, economic and media reforms under Thein Sein's government, the USDP government failed in administrative reform (Win Htain 2016). Therefore, immediately after coming to power, administrative reforms were introduced such as the submission of the State Consultant Bill, and the relocation of the GAD from the Ministry of Home Affairs to the civilian president. Adding to the tensions is the civilian government's desire to gradually remove the military from politics by amending the constitution. The military sees the NLD's attempt as threatening the survival of its position in national politics.

A critical point for the 2021 political transition is the tension between the NLD government and the military. One of the main priorities of the current NLD government is to gradually reduce the role of the military in national politics. The aim is to amend the 2008 constitution and remove 25% of military representatives from parliament to limit its political

influence. Attempts to amend the constitution, which the military reserves power over, posed a direct threat to the military's survival in national politics. Aung San Suu Kyi's defence of the country at the ICJ in the wake of the Rakhine conflict, which drew international pressure, challenged the military's 'Guardian' role, for which they consider themselves to be the sole protectors of the country.

The power struggle between the military and the ruling NLD government prompted the military to make the transition to full authoritarianism on 1 February 2021. Therefore, the military's desire to grant political freedom depends on the attitude of the current government towards the military. If the current government disrupts the military's political survival, the military will use a non-democratic approach to regain power. In a personal interview with a military general, he said the main task of the military was to uphold and defend the constitution. Therefore, the 2008 constitution proves to be as important to the military as survival.

In addition, international influence in Myanmar's internal affairs is present yet limited due to the fact that some countries, such as China and Japan shielded Myanmar from US pressure. If international actors had a greater influence, we would see Myanmar's continued transition toward democracy in 2021, however this is not the case. It is therefore arguable that the international pressure appears to have only a limited influence on Myanmar's political situation, as it stands in 2021. As a result, the military remains able to take the lead in determining the course of political transition. The international community created the potential to embark on a democratic political transition in 2011 and 2016. However, in 2021, the balance of power shifted to the opposition and constituted a significant threat to the military's survival. Thus, the military-led political transition in Myanmar once again took a non-democratic approach. Therefore, this thesis argues that the military, on the other hand, allowed some concessions to democratization and would likely to allow a civilian government

to remain in power until its political reserved domain is disturbed. However, it is important to note that the military does not hesitate to intervene if the current government threatens its survival.

## **9.2 Implications**

This research has three theoretical implications. First, this dissertation demonstrated the possibilities and limits of the usefulness of variables such as linkage, leverage and organizational power in understanding various types of political transition processes. Levitsky and Way's (2010) CAR theory examines the transition from a competitive authoritarian regime to democracy. Because their theory is specifically about the transition from competitive authoritarian regime to democracy, it does not 'offer a general theory of regime change' (Levitsky and Way 2010, 34). Using the CAR theory general framework, this thesis, however, attempts to expand the scope of the original theory by analyzing two additional cases of Myanmar's political transition: (1) from full authoritarianism to competitive authoritarianism; and (2) from democracy to full authoritarianism.

Second, including a new player (i.e., Grey Knight) in the CAR theory in addition to the West and the Black Knight helps refine the theory and provides a richer explanation of the cases. CAR theory originally portrays Japan as a Black Knight who is the counter-hegemonic actor, consistently blocking Western pressures (Levitsky and Way 2010, 41). However, the findings of this research suggest that Japan does not constantly oppose the US pressure as China did. At times, Japan tried to keep close relationship with Myanmar due to its economic interests. By incorporating a new type of player in the CAR theory by considering Japan as what I called a Grey Knight, this thesis offers a new perspective in understanding the political transition in Myanmar.

Third, this dissertation not only examines the role of individual international actors that demonstrated consistent (China and US) or inconsistent (Japan) pressures towards

Myanmar's domestic affairs, but also the role of a regional organization, ASEAN, of which Myanmar is a member. ASEAN's interventions were based either on pressure or negotiation, depending on the political situation in Myanmar, and on how much the rest of the ASEAN members worried about the association's international reputation and credibility. Therefore, when necessary, ASEAN interfered in Myanmar's domestic affairs even such actions would violate ASEAN's non-interference principle. At other times, ASEAN intervened not by putting pressure, but by acting as a facilitator between the Myanmar military and the international community, for example, during the 2008 Cyclone Nargis crisis. This dissertation portrays ASEAN's role as what I called a Conditional Prodder in Myanmar's political transition process. The involvement of a regional organization such as ASEAN in the development of Myanmar's political transition shows unique dynamics not confirmed in the cases where individual international actors such as the United States and China are involved. Compared to the impact individual international player had on Myanmar's political transition, ASEAN has a relatively more influence in affecting the actions of Myanmar. This implies that a peer pressure maybe more effective in changing its member's behavior.

### **9.3 Limitations**

Although the data collected for this research supports the main argument, this thesis does not necessarily cover all aspects of Myanmar's political transition process due to a number of limitations. First, Myanmar unexpectedly underwent another political transition in February 2021, which is still ongoing. As this political turmoil continues to evolve, it cannot be said that this research provides a comprehensive understanding of Myanmar's political transition.

Second, because of the COVID 19 pandemic and the emergency political situation in Myanmar since 1 February 2021, I was not able to conduct follow-up interviews. As a result,



I was not able to obtain more information that might enhanced better understanding of Myanmar's political transitions.

Third, some of the political episodes under the NLD government such as the introduction of the State Counsellor Bill, the transfer of the GAD and the constitutional reform process in the last year of the NLD government remain under-explored. Gathering necessary information and contacting policymakers to conduct interviews have been extremely difficult, once again, due to the current political situation in Myanmar and the pandemic.

These limitations had to be taken into account while writing the dissertation. However, data triangulation helped to reduce subjectivity. I cross-checked published and non-published documents, and interviews with senior government officials, military general, policymakers and ambassadors during the tenure of the military and quasi-civilian governments. To enhance the reliability and validity of this research, I also conducted case studies.

#### **9.4 Future Research**

There are a couple of possible research that can be conducted in the future. The first is to study more about the political transition under the State Administrative Council (SAC), the Provisional Government of the Republic of the Union of Myanmar, and the Myanmar Defence Services (the *Tatmadaw*). In this dissertation, the information collected for case studies is the most current on Myanmar's transition period. But understanding the ongoing political development in Myanmar obviously requires more information obtained, for instance, from interviews with the NLD government policymakers. Issues may include the State Counsellor Bill and the relocation of GAD.

The second future research ought to concentrate on the international dimension of Myanmar's political transition after the State of Emergency declared on 1 February 2021. The current political transition in Myanmar and the ongoing international responses after the state

of emergency need further examination. The United States continues to put pressure on Myanmar, and China opposes such pressure on Myanmar. Japan condemned Myanmar's '2021 State of Emergency' with the international community but maintained relations with the current SAC government. There was no significant pressure from ASEAN immediately after the declaration of the state of emergency, but nine months later, Myanmar's top leaders were not invited to the ASEAN summit in Brunei. It would be useful to follow the reactions of international actors to see if their roles as Black Knight – China and Grey Knight – Japan and Conditional Prodder – ASEAN continue in Myanmar domestic politics.

### **A Final Word**

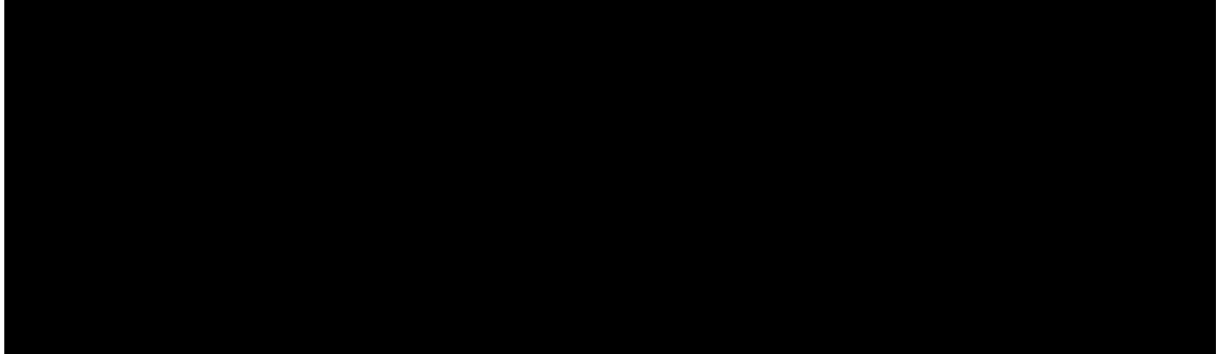
One of the hardships in Myanmar's political transition is the simultaneous implementation of democracy and federalism. Therefore, the civilian government needs to negotiate not only with the military, but also with the EAOs in amending the constitution. In Myanmar, which has a long history of civil war, the military served as a security institution to control violent conflicts such as the Rakhine conflict (Win 2009, 112). Therefore, in the midst of the ongoing civil war, it is unrealistic to immediately discard the military from national politics.

In addition, Myanmar has been politically and economically dependent on China under previous governments. In order to balance against this powerful neighbor, Myanmar needs to build its relations with the West. In order to pave the way, there is a need for significant implementation of the national peace process. In order to do so, the civilian government needs the military's reinforcement in national politics.

But on the other hand, the military needs to change people's, including ethnic groups', perceptions of it. The importance of the military's involvement in national politics could only be recognized if the military is perceived as an institution that protects the security of the people, not as a threat to the civilian government. Democratic consolidation could be

achieved in Myanmar if the incumbent government avoids confrontations with the military and recognizes the military's partial involvement in national politics, at least for a certain period of time.

Although the military is often regarded as a backward factor in Myanmar's political



leaders view that the military is an organization considering carrying out a *coup d'état*. The military leaders view that the military is still responsible for maintaining [not controlling] power because Myanmar's political transition is still in its infancy and its democracy is still young. Such discrepancies of both sides escalated the tensions between the military and the civilian leaders and eroded the trust of military leaders in civilian politics.

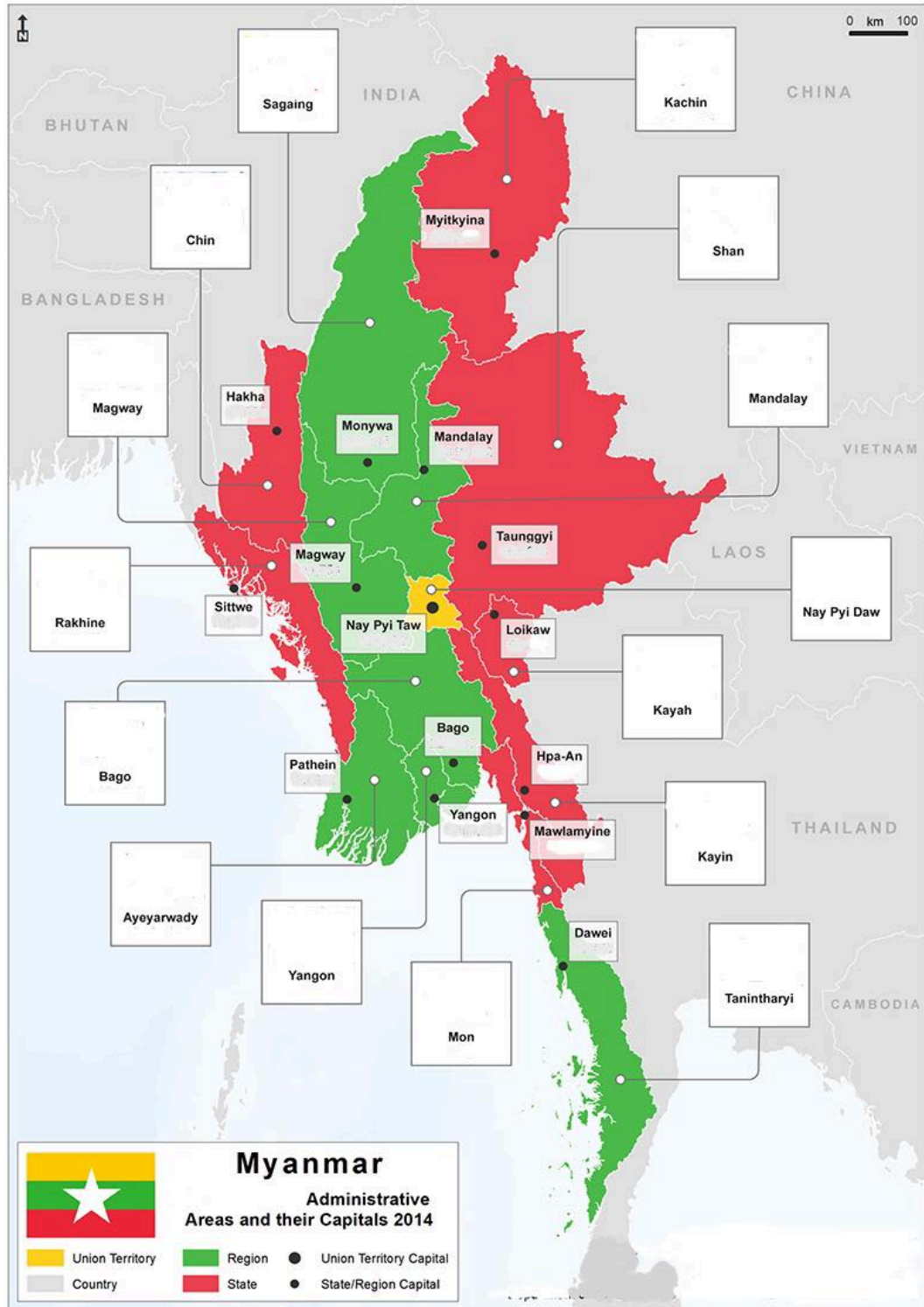
For the time being, the military promised to hold elections in two years and return authority to an elected government. If we look back the situation in Myanmar objectively during the civilian government, the elected ruling government should view the military as a political partner. This is not to say that the military should keep the 25 percent quota in the parliament forever. We must create a situation where the military withdraws from politics voluntarily. This is the most promising path for the elected ruling government to enjoy a certain level of political liberalization before achieving consolidated democracy in Myanmar.

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<sup>1</sup> All interviews were confidential; the names of interviewees are withheld by mutual agreement.

## Appendices

### Appendix A Myanmar States/Regions and Self-Administered Zones/Division



Source: Myanmar Information Management Unit (MIMU) and United Nation

**Appendix B List of Interviewees**

<b>No.</b>	<b>Interviewees</b>	<b>Field of Expert</b>	<b>Time and Place</b>
1			
2			
3			
4			
5			
6			
7			

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