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MASTER THESIS

DEMOCRATIZATION OF MYANMAR

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SUMMARY

Myanmar is a country with long and continued attention to state-building, but the state has been dominated by the military, although some degree of power has been transferred to a civilian government headed by the NLD, and the authority, capacity and legitimacy of the state remain fragile. The primary interest of the military has been to protect national sovereignty, unity and stability, but with the change of government in 2011 came a series of political reforms in support of basic civil rights, electoral democracy and economic growth. The first free general election since 1990 was held in November 2015, which election returned a landslide victory for the National League for Democracy, an equally massive defeat for the USDP, and the general marginalization of most ethnic parties. The NLD formed a new government in 2016 with Htin Kyaw as the first non-military president since 1962, and Aung San Suu Kyi in a newly created position as State Counsellor, which secured her the role of de facto state leader under the 2008 Constitution.However, continued military influence, persistent capacity problems in political parties and parliamentary politics, weak channels of political representation and problems of administrative capacity give rise to critical questions about the substance of democratization in Myanmar. The country's political trajectory remains open-ended, although the most likely scenario remains a continued, if slow, democratization process, with the next general elections scheduled for 2020. This paper puts emphasis on analysis of Myanmar's democratization process, its challenges, political structures and parties in Myanmar, their political institutions as well as political actors and parties, causes of ethnic conflict and peace initiativesand the role of other countries in Myanmar's political development, human rights violation, women's rights and media liberalization.

Key words: democratization in Myanmar, ethnic conflicts, human rights in Myanmar, media liberalization in Myanmar

CONTENT

1. INTRODUCTION

1.1. Subject and problem of the research

Myanmar has been experiencing a democratic opening since the election of Thein Sein as president, which has created optimism about the possibilities for democratization, peace, and development after decades of military rule, protracted intrastate conflicts, and persistent underdevelopment.[1] The Thein Sein government has made a series of concessions, such as releasing political prisoners; relaxing media censorship; widening the space for unions and civil society organisations (CSOs); changing government discourse on peace, democracy, and federalism; holding by-elections, which saw pro-democracy leader Aung San Suu Kyi and the National League for Democracy (NLD) elected to parliament; signing ceasefire agreements with various Karen, Shan, Mon, Naga, and Chin ethnic armed groups; and liberalising the economy. In return, European Union member states, the United States, and other Western states have moved towards normalised diplomatic relations with Myanmar by lifting or suspending sanctions and increasing aid and investments.

After almost 50 years of military dictatorship, and following the 2010 general elections which were rigged in favour of the military Union Solidarity and Development Party (USDP), Myanmar underwent a series of political reforms from 2011 onwards. In November 2015, the first free general elections since the 1990 elections resulted in a victory for the National League for Democracy (NLD), so they formed a new government in 2016 with Htin Kyaw as the first non-military president since 1962, and with Aung San Suu Kyi in the newly-created position of State Counsellor.[2] However, continued military influence, persistent capacity problems in political parties and parliamentary politics, weak channels of political representation and problems of administrative capacity give rise to critical questions about the substance of democratization in Myanmar. The country's political trajectory remains open-ended,

[1] Cheesman, N., Farrelly, N., Wilson, T. (2014), Debating Democratization in Myanmar. Singapore: Institute of Southeast Asian Studies

[2] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 11.

although the most likely scenario remains a continued, if slow, democratization process, with the next general elections scheduled for 2020.

During military rule, Myanmar was seen as one of the worst countries in the world in terms of human rights. Severe and large-scale violations of civil, political and social rights were documented in numerous reports from international and local organizations.[3] However, the 2011–2015 period was also marked by weak enforcement of the rule of law, arrests of political activists for 'unlawful demonstrations', and new restrictions on media freedom, including arrest and imprisonment of activists journalists. When it comes to media liberalization in Myanmar, the debates around media development reveal the different visions of media held by various stakeholders. Journalists are pushing for freedom to report freely in an environment of security and transparency. The government, through the Ministry of Information, envisions itself as a benign paternal figure, enlisting UNESCO and other foreign experts in the process of transforming its state-run media into public-service media, and guiding journalists in a process of disciplined democracy. And the military remains wary of media freedom, working to curtail content as it sees fit to protect national security.[4]

1.2. Aims and objectives of the research

The aim of this paper is to analyse Myanmar's democratic transition, challenges of Democratization in Myanmar, political structures and parties in Myanmar, their political institutions as well as political actors and parties, causes of ethnic conflict and peace initiatives
and the role of other countries in Myanmar's political development. The objective of this research also puts emphasis on analysis of human rights violation in Myanmar, women's rights in Myanmar and media liberalization.

[3] Buzzi, C. (2016). The Human Rights Report as Discursive Genre: Evolving Discourses in Human Rights Activism in Myanmar/Burma, 1988–2011, Alternatives: Global, Local, Political, 41(4), pp. 214–230.
[4] Brooten, L. (2016) Burmese Media in Transition, International Journal of Communication, 10(1), pp. 182–199.

1.3. Structure and content of the master thesis

This master thesis will be composed of five main chapters. Short descriptions of the chapters are as follows.

In the introductory part of the paper, the subject and the purpose of the research will be defined, and the basic aims sought to be achieved, and the applied research methodology and the structure and content of the work will be explained.

The second part of the paper explains theoretical features about Myanmar, history of Myanmar, population, economy and transport network. Myanmar is the largest of the mainland Southeast Asian states, and is bordered by India and Bangladesh to its west, Thailand and Laos to its east and China to its north and northeast. In the far north of Myanmar, in the border area with China, lies the Kumon mountain range (East Side of the Himalayas) with Hkakaba (5881 m), the highest peak in the country. To the south, the terrain is slightly lowered and passes into the spacious central plain along the lower streams of Irrawaddy (Ayeyarwaddy) and Sittang, the economic and population center of the country. Most of the country's population are Burmans, a people of the sino-Tibetan group who inhabit the whole middle part of the country and the coast. Minority people live in peripheral areas: Shan (9%) in the same name at I, Karen (6%) along the Thai border and in the delta, Rahini (5%) and Chini (2-3%) in Arakan mountain, Moni 3%, from monochemical groups, mostly assimilated) in the Andaman Coast, and several smaller ethnic groups, like Indians and Chinese. Historically, Myanmar was an important nexus in the trade network that connected China with the Middle East and Europe, and coastal cities brimmed with religious and ethnic diversity. During the colonial period, the British administration did not interfere in the religious life of its subjects as long as they did not jeopardize British economic and political power, thereby encouraging this diversity. With the opening of the Suez Canal, Europe grew into a major market for Burmese rice and the Irrawaddy Delta region became the "world's rice basket" so by Word War II, Myanmar was the largest global exporter of rice.

The third part of paper is dedicated to political system in Myanmar, Myanmar's democratic transition, challenges of Democratization in Myanmar, political structures and parties in Myanmar, their political institutions as well as political actors and parties, causes of ethnic conflict and peace initiatives and the role of other countries in Myanmar's political development. During the last three quarters of a century, Myanmar has undergone three major transitions: from colonial rule to independence in 1948, from parliamentary democracy to military dictatorship in 1962, and still in progress today since 1988, still incomplete, is the transition from dictatorship to democracy. The first transition was a straight forward culmination of a hard and costly struggle: a clean-cut change from the status of colonial subject country to that of sovereign independent nation, while the second transition too was sharp and clearly placed in time: tanks on the streets of the capital one morning, a crisp declaration on the radio. The present transition is the most complex, the most challenging, of all. Several incidents each seemingly of minor importance, fused together to become the force that launched a nationwide uprising for democracy. The uprising was put down quickly but nevertheless, it opened the gates to the rocky, protean, transit path that Myanmar continues to tread today.

The fourth part of paper puts emphasis on human rights violation in Myanmar, women's rights in Myanmar and media liberalization. During military rule, Myanmar was seen as one of the worst countries in the world in terms of human rights. Severe and large-scale violations of civil, political and social rights were documented in numerous reports from international and local organizations. However, the 2011–2015 period was also marked by weak enforcement of the rule of law, arrests of political activists for 'unlawful demonstrations', and new restrictions on media freedom, including arrest and imprisonment of activists journalists. In 2011 internet controls and censorship were relaxed and certain restrictions on international and independent news websites were lifted. In August 2012 the government proclaimed both an end to prepublication censorship and the dissolution of the Press Scrutiny and Registration Division.

The last part of the paper gives a brief overview of the entire work and conclusion of all the above mentioned in the previous chapters, about process of democratization in Myanmar, political structures and parties in Myanmar, their political institutions as well as political actors and parties, causes of ethnic conflict and peace initiatives and the role

of other countries in Myanmar's political development, violation of human rights and media liberalization.

1.4. Methods of research

To achieve the purpose and set goals in this paper, it is necessary to use certain scientific methods. Research involves systematic methods that include problem solving and hypothesis of retrieval, collection and analysis of data, and the publication of conclusions and recommendations, depending on the research topic. In theoretical part, different research methods will be applied based on secondary sources of information.

Appropriate literature will be used in the form of relevant scientific books and expert newspapers and internet articles, and the intention is to use examples and documentation of other researches and experts of this area.

Question of this paper to answer is: Did democratization process succeeded in Myanmar? While this is a complex issue, I expect to confirm or reject a hypothesis "political involvement of the military has stymied Democratization in Myanmar" and also confirm or reject that "democratic process in Myanmar is irreversible".

2. DEMOCRATIZATION AND DEMOCRATING OPENING

The term democratization describes transition from non-democratic regime to more democratic one. In places from Latin America to Africa, Europe and Asia, numbers of authoritarian regimes have given way to democratic forces, increasingly responsive Governments and increasingly open societies. Many states and their citizens have embarked upon a process of democratization for the first time. Others have moved to restore their democratic roots. The outcome of democratization may be consolidated democracy or frequent reversals. In some quarters, the charge is made that there can be no democracy in times of trouble or war, that democracy itself leads to disorder, that democracy diminishes efficiency, that democracy violates minority and community rights, and that democracy must wait until development is fully achieved. One such example is Myanmar, whose military ruled the country for decades under pretext of war with ethnic minorities and preserving national unity and territorial integrity. However, whatever evidence critics of democracy can find in support of these claims must not be allowed to conceal a deeper truth: democracy contributes to preserving peace and security, securing justice and human rights, and promoting economic and social development.[5]

Modern research on democratization was pushed heavily during the course of the "third wave" of democratization. The term "wave of democratization" was coined by Samuel P. Huntington and depicts a number of transitions "from nondemocratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period". The first wave, initiated by the Independence of the USA and the French Revolution, two incidents which brought democracy to the stage of history, was long and slow, starting in 1828 and lasting until 1926. In the course of this wave, the USA and Canada democratized.

Second wave of democratization began after WWII. During this time Cold War was at ith hight, and soon democracy wave faded. Some of the countries that democratized during second wave are Costa Rica in 1947, and Colombia and Venezuela in 1958.[6] Switzerland is sometime included in second wave, because woman got right to vote

[5] Boutros-Ghali, B. (1996). An agenda for democratization. UN. pp. 6

[6] Muno, Wolfgang. 2012. "Democratization." InterAmerican Wiki: Terms - Concepts - Critical Perspectives, available at: https://www.uni-bielefeld.de/cias/wiki/d_Democratization.html (accessed at: July 1st 2020)

only in 1971. The most important wave was the third one. It is generally accepted that third wave started by Carnation revolution in Portugal in 1974. Soon, Spain and Greece followed. In Latin America, most countries were ruled by military regimes. During the 1980s almost all countries experienced democratic opening and by middle of the 1990s only Cuba was ruled by non-democraticaly elected government. After the revolutions of 1989 and collapse of Communism, almost all Eastern European countries embraced democracy. Many other countries in Africa and central Asia at least formally accepted democratization and elections (which were not always free or fair). In Asia, third wave had a mixed success. While countries such as South Korea, Taiwan, Mongolia, Philippiness and Indonesia succeed in democratic opening, pro-democracy movement was crushed in China and Myanmar. Color Revolutions and Arab Spring are also seen as a continuation of the third wave, which is faced with democratic regression in various countries previously seen as democratic. [7]

3. DESCRIPTIVE FEATURES ABOUT MYANMAR

3.1. General features of Myanmar

Myanmar is the largest of the mainland Southeast Asian states, and is bordered by India and Bangladesh to its west, Thailand and Laos to its east and China to its north and northeast. In the far north of Myanmar, in the border area with China, lies the Kumon mountain range (East Side of the Himalayas) with Hkakaba (5881 m), the highest peak in the country.

The river is a network of Myanmar's dense, southern direction of run-off to the Andaman Sea. The longest is the Salween River (2815 km), which flows east of Shan. The most significant economically are Irrawaddy (2170 km) with the Chindwin and Sittang tributaries (420 km), which run through the central lowlands. For the monsoon rain all the rivers have high water levels. Larger lakes are Inle and Indawgyi. The

[7] Brownlee, J. (2007). Authoritarianism in an Age of Democratization (pp. 124-126). Cambridge: Cambridge University Press., available at: http://la.utexas.edu/users/jmciver/Honors/NonFiction%202013/Brownlee_Authoritarianism%20in%20an%20Age%20of%20Democratization--Introduction_2007.pdf (accessed at: 1 July 2020)

climate is tropical with a strong influence of the monsoon. From October to May, Myanmar is exposed to a northeasterly dry monsoon, and from June to damp southwestern. The forests cover about 50% of the territory. In the most dense areas, tropical rainforests grow. On the eastern slopes of the mountain and on the Shan plain, there are developed a deciduous Monsun forest, and in the coastal belt of mangroves, while savannahs prevail in dry areas.

As of 2017, the population is about 54 million.[8] Myanmar is 676,578 square kilometres (261,228 square miles) in size. Its capital city is Naypyidaw, and its largest city and former capital is Yangon (Rangoon).[9] Myanmar has been a member of the Association of Southeast Asian Nations (ASEAN) since 1997. Picture 1. shows map of Myanmar.

Picture 1. Map of Myanmar

(Source: https://www.lonelyplanet.com/maps/asia/myanmar/)

[8] Worldometers, Myanmar Population, available at: https://www.worldometers.info/world-population/myanmar-population/ (accessed at: July 1st 2020)
[9] Central Intelligence Agency (2019) Burma, available at: https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html (accessed at: July 1st 2020)

Myanmar is divided into seven states and seven regions, formerly called divisions.[10] Regions are predominantly Bamar (that is, mainly inhabited by the dominant ethnic group). States, in essence, are regions that are home to particular ethnic minorities. The administrative divisions are further subdivided into districts, which are further subdivided into townships, wards, and villages. Myanmar, officially the Republic of the Union of Myanmar, adopted a new state flag on 21 October 2010 to replace the former flag in use since 1974. Picture 2. shows flag of Myanmar.

Picture 2. Flag of Myanmar

(Source: https://en.wikipedia.org/wiki/Myanmar)

Myanmar (formerly "Burma") is a majority Buddhist nation in Southeast Asia, and home to more than 135 different ethnic groups, each with its own history, culture and language. The majority Burmese ethnicity is the Burmans, making up approximately

[10]Myanmar, About Myanmar, available at: https://web.archive.org/web/20131104160039/http://www.myanmars.net/myanmar/index.htm (accessed at: July 1st 2020)

two-thirds of the population.[11] So, most (69%) of the country's population are Burmans, a people of the sino- Tibetan group who inhabit the whole middle part of the country and the coast. Minority people live in peripheral areas: Shan (9%) in the same name at I, Karen (6%) along the Thai border and in the delta, Rahini (5%) and Chini (2-3%) in Arakan mountain, Moni 3%, from monochemical groups, mostly assimilated) in the Andaman Coast, and several smaller ethnic groups, like Indians and Chinese.

The official language is Burmese (Burmese), it is written in a special letter, and some Burmans are related to the minorities. Rural population prevails while in cities is living less than 30% of people, because urban system is poorly developed, and migration to cities has not yet reached proportions as in other countries. Population is quite young, younger than 15 years, accounting for 28%, older than 65%, 5% in total. Middle age is 26 years and life expectancy is 57. Religious structure is dominated by Buddhists (theravadas), numerous pagodas are the "trademark" of the land. Among the members of other religions there are mostly Christians (Baptists) and Muslims (mostly Rahini). Education has a long tradition and educational structure is fairly good, illiterates are less than 20% female and 10% male. Obligatory is primary education of 5 years and free as well as lower secondary school.

Historically, Myanmar was an important nexus in the trade network that connected China with the Middle East and Europe, and coastal cities brimmed with religious and ethnic diversity. During the colonial period, the British administration did not interfere in the religious life of its subjects as long as they did not jeopardize British economic and political power, thereby encouraging this diversity.[12] With the opening of the Suez Canal, Europe grew into a major market for Burmese rice and the Irrawaddy Delta region became the “world’s rice basket” so by Word War II, Burma was the largest global exporter of rice.[13]

[11] Taylor, R.H. (2012) Myanmar: From army rule to constitutional rule, Journal of Asian Affairs, 43 (2), pp. 221-236

[12] Coles, R. (2017) Country Profile: Myanmar, available at: https://rlp.hds.harvard.edu/files/hds-rlp/files/country_profile_-_myanmar.pdf (accessed at: July 1st 2020)

[13] Ibidem

Myanmar is one of the poorest developed countries in the region. After internal turmoil after independence, since the 1960s, a state socialism was introduced which, in an effort to achieve the self-sustainability of the country, conducted its isolation policy. In the long run, the economy was lagging behind in the surrounding countries and the world, and the country was impoverished. Beg. In the 1990s there was a mild liberalization and reform (allowed private initiative), but the results are still modest, monetary and fiscal stability has not been achieved, due to politics the situation of the foreign aid is denied, and the investments are modest. Gray economy and smuggling are significant.

Agriculture is the most important economic branch, dominating both income and employment. In the last decade, large investments in grease systems have been made. The most important crop is rice, grown on half of the surface, but because of the growing demand (population growth) exports have decreased. Wheat, sorghum, corn, peanut, sage, tea, and cattle breeding are grown in a somewhat dry area. In hilly areas, there are still semi-autonomous, mobile self-employed agriculture, wherey different cattle and poultry are grown. The most important branch here is forestry.

The most important mineral resources are oil and gas, partly from submarine deposits. Of the other mines there are silver, coal, non-ferrous metals, precious stones (rubies), gold, jade. Many are poorly used (weak infrastructure, lack of investment and sites are in unstable regions). About half of the electricity is generated in hydroelectric power plants. The industry is poorly developed, and despite opportunities, tourism is poorly developed due to poor connections and bad image of the country. The country annualy visits only around 200,000 tourists. Due to long-lasting isolation policy and weak competitiveness, foreign trade is poorly developed, but it is balance.

In the early 2000s, Myanmar was among the poorer Asian countries, although maintaining a substantial GDP growth rate (between 2000 and 2010 - averaging 10.3% annually and 7.7% from 2012 to 2014). The economy has remained dependent on the exploitation of natural resources and agriculture, with poorly developed infrastructure, large regional differences, significantly illegal markets and other problems. The civilian government established in 2011 launched economic reforms to attract foreign investment (at the beginning of 2014, the Law on Creation of Special Economic Zones was adopted).

In terms of GDP, the leading one is service sector (41.6%), followed by agriculture (37.1%) and industry (21.3%). Of natural resources are important natural gas and coal deposits, metals (copper, iron, zinc, antimony, tungsten and tin), forestry and fertile land, and hydropower potentials. The main agricultural products are rice, sesame, peas, sugar cane, walnut, fish and raw wood. The majority of the industrial supply is made up of food, furniture, clothing, copper, iron, building materials and drugs, and petroleum products and gas. In 2014, export value was 10.3 billion USD.

Approximately 70% of exports are related to natural resources - gas (40% of exports), wood, ore and other raw materials (others that are exported are clothing, food, handicrafts etc.). China (63%) and Thailand (15.8%), followed by India (5.7%) are the leading exporters. The value of imports in 2014 was 12.5 billion USD, mainly from petroleum, automotive, IT equipment, consumer goods. According to the share of imports, the leading partners of Myanmar are China (42.4%) and Thailand (19%) followed by Singapore (10.9%) and Japan (5.4%). A significant share of Myanmar is also in the illegal production of opium in the world (leading in Southeast Asia). According to the estimates of UN services in Myanmar, from 1999-2013 average annual production of opium was about 644 t (in 2013 was produced 870 t of opium, which is 12.6% of total production in the world).

However, it is important to say that since 2012, Myanmar has become one of the fastest-growing economies in South-east Asia, with an average economic growth of 7.5% during the period 2012–2016. This growth trajectory is expected to continue for several years. Myanmar's GDP is forecast to grow by USD 200 billion by the year 2030, quadrupling the present level.[14] Regarding gender rights and women's participation in the economy, the period 2006–2016 has seen some improvements in women's social and economic inclusion: the maternal mortality rate has been reduced and literacy has improved, as have labour participation rates. Moreover, women are now increasingly

[14] McKinsey (2013) Myanmar's Moment: Unique Opportunities, Major Challenges. Myanmar Country Report.The McKinsey Global Institute, available at: http://www.mckinsey.com/global-themes/asia-pacific/myanmarsmoment (accessed July 1st 2020)

employed in the non-agriculture sectors.[15] (DFAT 2016: 5). However, many challenges remain, including the 30% wage disparity between men and women, women's low participation rate in national industry working groups (trade, SME development, taxation, etc.) and female underrepresentation in company top management and decision-making processes. Even though Myanmar has gradually improved its place in the Transparency International Corruption Perception Index, moving from 157th place in 2013 to 136th out of 176 countries in 2016[16], corruption remains widespread and pervasive. Informality is generally linked to corruption, drug trafficking, smuggling, illegal migration and cross-border trade, so formalizing informal practices is viewed as a necessary reform step for a developing economy.[17]

In Myanmar, most small and medium-sized enterprises (SMEs) belong to the informal sector, which is a natural consequence of the weak and inefficient regulatory environment for SMEs. However, in a World Bank enterprise study of the informal sector, informal firms in Myanmar were found to perform well in terms of labour productivity and turnover compared to informal firms elsewhere.[18] Formal-sector firms are more profitable, but, given the relatively high productivity and profitability of informal firms in Myanmar, it will be difficult to create incentives for them to shift to the formal sector. In general, the lack of an efficient regulatory system and effective laws explains why the informal system has become so widespread.[19]

3.2. History of Myanmar

The first traces of human activity in the area of today's Myanmar can be traced back to the 12th century BC. As the trade routes crossed over this area between China and India, under their influence in the first century developed several feudal state creations.

[15] DFAT (2016) Women and the Economy in Myanmar: An Assessment of DFAT's Private Sector Development Programs. Sydney: Australian Government - Department of Foreign Afairs and Trade (DFAT), pp.5.
[16] Transparency International (2017) Myanmar, available at: https://www.transparency.org/country/MMR, (accessed July 1st 2020)
[17] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 38.
[18] Amin, M. (2016) Informal Firms in Myanmar. Washington, D.C.: World Bank Group, pp. 33.
[19] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 38.

Thus the people of Py have established their country in the area of the middle part of today's Myanmar, Mon people in the area along the Pegu River, and Burman people on the Irrawaddy River with a center in Pagan. The Pagan dynasty began in year 849 to create a powerful kingdom. Contrary to the strengthening of Pagan in 9th and the 10th century, the state of peoples Py, which was conquered by Moni, was lost. In 1057, the ruler of Pagan Anawrahta (1044-1077) slaughtered them and united the area of the then Myanmar into a unique state. For his rule Theravād Buddhism was introduced as a state religion. Its dynasty ruled most of today's Myanmar until the great Mongol conquest and destruction in 1287. The rule of Pagan was marked by the construction of great Buddhist temples.

After the Mongol conquest, Myanmar was again divided into several states. After the invasion of southern China, the people of Thailand under the leadership of the Shan Dynasty, governed by this area from 1253 to 1531, subdivided into several states, including the strongest Arakan (on the west coast of Myanmar), Ava (Irrawaddy Valley), Pega (Delta Irrawaddy) and Toungoo (Sittang River Valley). The unity of the Myanmar lasted until the sixteenth century, when the Toungoo dynasty (ruled 1531-1752) began with the reunification of the country. This is how a new state of mind, Pega, was created, which spread to virtually all of Myanmar today (1544 Bayinnaung crowned for the king of the entire Myanmar) for the reigns of Tabinshwehti (1531-1550) and Bayinnaunga (1551-1581). Along with the spread of the Toungoo dynasty, the first European merchants and sailors (Portuguese, Dutch, British and French) sailed to the coasts of Myanmar during the 16th, 17th and 18th centuries. They raised trade-military stems (factors) from which they expanded their political influence towards the interior of the country.

For the last rulers of the Toungoo dynasty, Myanmar was in the first half of the 18th century resumed in several states, which united Alaungpaya (reigned 1752-1760). This is how the new state of mind, Ava, created and Alaungpaya founded the last ruling dynasty in the history of Myanmar (1752-1885). His offspring led an aggressive foreign policy that, after the conquest of Arakan and Asama, led to the outbreak of three British-Burmese wars (1824-1826, 1852, 1885-1886). In the first war, the British occupied Arakan and Tenasserim, in the other they occupied the confluence of Irrawaddy, the main traffic lane of Myanmar, and after the third war they conquered the whole country and as British Burma included it in the colonial administration of British

India. Due to frequent rebellions and demands for independence (the rural uprising of Saja Sanoma, 1930-1931), the British introduced a special Colonial Administration for Burma in 1935 and separated it from India in 1937. During Second World War Myanmar was under Japanese occupation.

3.3. Political history of Myanmar 1948-1962

After the Japanese military defeat in 1945, the British government was rebuilt. The Independence Movement was led by General Aung San (he was killed in July 1947). Negotiations on Burma's Independence followed, so on October 24th In 1947 the Constitution of the Burmese Union was adopted. Independence was proclaimed on 4 January 1948, and the prime minister became U Nu (until 1956, again in 1957-1958 and 1960-1962). By the late 1940s and early 1950s, more ethnic communities (Karen, Shan and others) required self-government and initiated armed rebellion while the guerrilla was organized by individual left-wing groups. At the border with China until the mid 1950s, the defeated forces of Chinese Kuomintang were present. By 1958, Burma was begining to recover economically, but political problems started to grow.

The military initially supported the legal regime of U Nua, who wanted to help the country lead a good relationship with both the Russia and the US, but at the same time seeking a "special path" for the Burmese people in the world. His efforts are best seen through his role in the Non-aligned Movement. At that time, to date, besides the mentioned illegal export of opium, Burma legally exports rice, wood (teak) and oil. However, the overwhelming plans for building the state lead to economic difficulties in a country that is increasingly beginning to shake ethnic clashes. That is why, in 1958, he left power to his admiral General Ne Win. After two years in power, Ne Win organizes elections on which U Nu wins again.

3.4. Political history of Myanmar 1962-1988

Nevertheless, in 1962, Ne Win does overturn of the government of his former friend U Nua under the disguise of re-stifling of the state. The Constitution was suspended and the country moved through authoritarian socialism "which will save the state". This

regime lasted for 26 years with the stifling of any opposition leading to the persecution of extreme left and former liberal supporters of U Nua. The activities of rebel groups continued, which in the 1970s controlled about 35% of the state territory. After the student protests in 1974, an emergency was introduced (until 1976). No Win became president of 1974, and his presidential status remained until 1981 (remained leader of ruling Socialist Party until 1988). In 1977, an exclusive economic zone of 200 nautical miles was declared so landing at sea was agreed with Thailand (1982) and India (1987). Members of the Muslim community of Rohingya were massively expelled in Bangladesh in the late 1970s and early 1990s (hundreds of thousands of refugees left and gradually returned to the late 1990s, new persecutions were in the early 2000s). Under the disguise of the Middle Way, also proposed by Buddhism, Ne Win isolated Burma from the West and nationalized the entire economy. However, all this proved to be inadequate, so the external debt of the state increased to $ 3.8 billion in 1988. The standard of living has stagnated all the time, and it eventually became worse because Burma itself could not produce enough food (rice) for its population, which grew to 40 million. That is why in 1988 there were mass demonstrations, most of them students in the capital city Rangoon. And the army became more and more dissatisfied, so Ne Win, who at that time was 77, decided to withdraw with the promise of free elections.

4. DEMOCRATIC OPENING SINCE 1988

4.1. General election 1990

The civilian regime, which began with the great support of the people and the mass liberation of political prisoners, lasted for only a month and already in September 1988 the military hunta returned to power, this time led by General Saw Maung. The "Return of Order and the Law" marked a new wave of repression against political opponents (especially student leaders), about 3,000 brutally killed at the beginning of the new regime. In 1989, the name of the state was changed to the Myanmar Union, which is actually the translation of the English title of the State (Burma) to Burmese. At the beginning, the army also promised free elections to be held in mid 1990's. This

proclamation, however, only served to arrest the leaders of all major political parties who applied for elections. Amongst others, the strongest figure is certainly Aung San Suu Kyi, daughter of Aung Sana, who after graduating in England and came back to the state in 1988 and founded a party called the National League for Democracy. Her calls for democratic freedoms and public condemnation led to her imprisonment. On August 26 1988, Suu Kyi gave a famous speech to an estimated crowd of 500, 000 people. Suu Kyi, who lived abroad for many years, demanded democratic reforms and multiparty system. Although her party won the regime of the National Unity and won a large majority in the 1990 elections, the military refused to admit the election results and let Aung San Suu Kyi out of custody. Although the ruling hunta promised her freedom if she decided to leave Burma, she was still in custody. Due to the conduct of passive resistance to the regime, she had sympathy with many ordinary Burmese citizens and the world community that awarded her the Nobel Peace Prize in 1991.

4.2. Constitutional referendum 2008

There were two stages in the adoption of the new constitution. The process began in January 1993, two and a half years after the 1990velections. Under it the basic principles of a new constitution would be drafted by a National Convention. The National Convention, with members from various political groups and the military, was established at the initiative of the government on 10 July 1992. 702 members had been hand-picked by the military; the National Convention included only 99 of the persons who were successful in the 1990 elections (of which the NLD was given only 88), out of 485 who won seats. The process itself was highly undemocratic and manipulated. There were little transparency with strict restrictions on the freedom of expression backed by severe penalties for breach. When the NLD started its own deliberations on a new constitution, fresh legislation was introduced to impose draconian sanctions for attempts at constitution making outside the framework of the National Convention, and fresh restrictions imposed on its procedure to increase secrecy and manipulation by the junta. The National Convention seldom met after this and lost any momentum it might hav had. The second stage started in 2003 when the then Prime Minister Gen. Khin

Nyunt announced a new time table for 'implementing in a step-by-step and systematic manner the following political program for building the nation'. Under his scheme, the National Convention would be reconvened to complete the 'basic principles and detailed basic principles', on the basis of which a new constitution would be drafted. The constitution would be submitted to a referendum (rather than to the National Assembly elected in 1990, as originally announced). 'Free and fair' elections would then be held in accordance with the new constitution for Pyithu Hluttaws (legislative bodies). With the convening of these bodies the task of building a 'modern, developed and democratic nation' would commence. First the military regime repudiated the results of the 1990 general election which were won by the NLD under the leadership of Aung San Suu Kyi. When the government established the National Convention (NC), it handpicked most of the 707 delegates. With the withdrawal of the NLD in late 1995, and subsequently of some other groups, few delegates were left with any legitimacy or popular mandate. The most important of the principles had been laid down by the government even before the NC met, including "a leading role in politics for the military".[20] Most of the principles adopted by the NC were proposed by the regime, suggesting a high degree of orchestration, and resistance to proposals by other delegates. These principles included that appointees of the military who would constitute 25% of members of representative bodies and a significant portion of the executive. Speeches by delegates were censored; additionally, delegates were forbidden, under threat of punishment, from discussing publicly the proceedings of the NC. It enacted a law (No. 5 of 96) to provide for imprisonment for up to 20 years for any one who undertook constitution drafting activity outside the framework of the NC or expressed any criticisms of the NC or its principles. Attempts to re-start the process, with NLD participation, by the liberalization of the rules and the release of Aung San Suu Kyi from house arrest, were frustrated by the government. Some groups from the ethnic minorities also withdrew and those who joined found that little regard was paid to their demands for a federal system which were not even presented to the NC, being filtered out by a military dominated committee set up for this purpose. The basic 'principles' of the NC were so detailed that there was little scope for the drafting committee, which was composed of nominees of the military instead of elected representatives as was originally promised. The military government, on its part, claims that the process was

[20] https://www.hrw.org/report/2008/04/30/vote-nowhere/may-2008-constitutional-referendum-burma

participatory. It says, 'Representatives of various national races and the people participated in the process of holding the National Convention and drawing the State Constitution, and the entire people will participate in the holding of referendum, approving the draft and implementing the democratic transition processes. So, public participation will make history of the nation'. The Referendum Commission told the UN Envoy Ibrahim Gambari that delegates to the NC were not appointed by the government but chosen by the parties and delegate groups. On 28th February, 20089 legislation for the referendum was published. The referendum was conducted by a 45 person commission ('The Commission for Holding Referendum') appointed by the State Peace and Development Council.[21] It was to decide on the timing of the referendum of which it must give at least 21 days notice. The commission was to work through a number of state and district subcommissions, who would be responsible for preparing the initial list of voters (but no criteria for eligibility to vote were laid down). Those abroad with the permission of the government and specified categories of persons (mostly students and members of the Tatmadaw) who were away from their place of origin would be able to vote. There were also provisions for advance voting by those who will be away from the area of their registration. 'Members of religious orders' are disqualified from voting (as are prisoners and 'undischarged bankrupts'). The law does not specify a minimum percentage of the total electorate who must vote before the vote is valid or what the percentage of affirmative votes is required for the adoption of the constitution. The rule on adoption was prescribed in the Draft Constitution (Article 1 of Chapter XIV) that provided for the adoption by the assenting votes of more than half of all the people who have the right to vote. There was no requirement for specified majorities in a minimum number of states and divisions for adoption. It would therefore seem that a simple majority of those voting would suffice (the Commission is required to add up the yes, no and spoiled votes from all parts of the country before declaring the results. It is odd that the procedure for the adoption of the constitution should be stated in the draft constitution which has no legal force rather than in a prior law such as the referendum act. The government roadmap did not state what would happen in the event the draft was rejected. There were no opportunities for debate. Those opposed to it were persecuted and many key actors and organizations are in exile, unable to return for fear of arrest. The process was designed and managed by the military junta, by a group

[21] https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs09/Myanmar_Constitution-2008%28en%26bu%29-red.pdf

which usurped power from a democratic government in 1962 and denied the right of the winner of the 1990 election to form a government. No independent institution had responsibility for particular parts of it or for managing the process. The process was secret. Only drafts prepared by the military were presented to the NC. The government had no mandate to prepare the draft. It has done nothing to create awareness among the people of constitutional issues and options or given them a sense of involvement. Some key political leaders are in prison. The ban on alternative constitutional ideas and options has further impoverished the debate, so much of the thinking has gone on among groups in exile. The process has not advanced the agenda of nation building or national unity; it has failed to satisfy either those concerned with democratization or protection of minority rights and cultures. Nor has it persuaded the outside world of the seriousness of the regime to reform the political system. Instead of creating trust among antagonistic groups, it has increased suspicions. And now the constitution produced by what is almost universally perceived to be a faulty process has intensified the divisions between the government and political parties and minorities.[22]

4.3. General election 2011

General elections in Myanmar were held on November 7 2010. The main assembly is made up of two chambers: Pyithu (Peoples) Hluttaw (440 deputies) and the Amyotha (National) Hluttaw (224 deputies, each federal state elects 12 deputies). Military (Tatmadaw) delegates have reserved 110 of 440 seats in People's Assembly and and 56 of 224 seats in National Assembly.[23]

The playing field clearly favoured pro-military USDP who were able to field candidates in almost all parliamentary constituencies. Majority of the other parties run in selected areas, where they had advantage, such as ethnic parties, or fielding candidates in a small number of constituencies as this would guarantee that party can organize within limited territory and reduce electoral costs. Nationwide, 37 parties were registered after Union Election Commission (UEC) refused registration of 10 parties. There were also other irregularities, and also no voting in 54 constituencies where only 1 candidate competed, a lack of understanding of the electoral process and NLD's decision to boycott elections.

[22] https://www.amnesty.org/en/press-releases/2008/05/myanmar-constitutional-referendum-flouts-human-rights-20080509/

[23] https://www.hrw.org/news/2010/11/03/qa-elections-burma

The NLD, largest and most influential opposition party, withdrew from the election in protest at the election laws and on the basis of their Schwegondaing declaration, in which they refused to accept military drafted constitution. Given the NLD's decision to boycott elections, many rural constituencies in Bamar majority areas had a choice only between USDP and the NUP (National Unity Party), another proxy military-backed party. The UEC announced all election results by November 18, with the military-backed Union Solidarity and Development Party (USDP) winning a "landslide victory" as predicted.[24] Being angered with the results, pro-democracy parties, ethnic majority parties, and even the NUP tried to object election results, citing allegations of electoral fraud. In subsequent by-elections held in 2012 NLD decided to participate and won a resounding victory, winning 43 of the 45 vacant seats.

4.4. Political structures and decision making

Politics always takes place in three dimensions: polity, policy and politics. Polity marks the established foundations of the political community in the given period with its written and unscripted norms and rules and includes the constitutions and rules for conducting political processes and the political culture of the media that make up a political community. Though these assumptions give the political process meaning and direction, most of the attention goes away and are often not visible. While the policy factors are generally applicable and thus can themselves be a contradictory goal of the process of political decision-making, they are, however, effective in all current political processes as their mandatory ambition and make them the least visible part of a political event.

Every time, it is an attempt to solve politically defined problems by action programs that define and apply the appropriate means. Impressions about appropriate problem solving are, as a rule, based on interests and values, whereby among the many possible alternatives, one chooses what is preferred. It is a question that can often be answered only long after the political decision, whether the programs implemented have really achieved the goals they are right in the political process. The third dimension of politics

[24] https://fas.org/sgp/crs/row/R42438.pdf

is the dimension of the process of implementing selected programs of action, and it is formed as a dynamics of a structure in action in which different actors bring different interests into play. They rely on the foundations of legitimation to make the most likely implementation of their own problem-solving program within the available forces through compromises or consensus, guessing or creating the majority, with the engagement of diverse resources of power. Resources for achieving political goals are primarily social and economic power, publicity, reputation, money, potentials of threats, the effective foundation of legitimacy and the media charisma of the central actors, and which has a prominent place in democracy.

Although the formal political space for participation and representation has been significantly widened after 2011, there are still severe limitations on actual participation, and the spaces and capacities for political participation are also sharply differentiated between different actors, interests and strategies. The 2008 Constitution brought a military-designed and -slanted electoral democracy that included the return of parliamentary politics at union and state/region levels. While there were concerns, given the disenfranchisement of large groups and continued military influence on parliamentary politics, the 2015 general elections were considered free and relatively fair, and the composition of Union and State/Region Parliaments has become more reflective of the population in terms of political interests and identities, although there is persistent underrepresentation of women as well as ethnic and religious minorities.[25] The period since 2011 has also seen a de-concentration of public administration, which has created more contact points between the state and people, especially at the local level, while the democratic opening has created expectations of more responsive public administration.

Also, the peace process has created new spaces for participation of ethnic minorities, although these spaces tend to favour certain actors and strategies. The USDP period saw ceasefire negotiations that were largely limited to commanders within the military and ethnic armed organizations. Parallel peacebuilding initiatives funded by international aid have been criticized for lacking inclusive participatory mechanisms and so concerns remain among ethnic minority actors as to the extent of political influence on the

[25] Egreteau, R. (2017) Parliamentary Development in Myanmar: An Overview of the Union Parliament 2011–2016. Yangon: Asia Foundation

progress and outcome of the peace process. The reform period has produced a broader discursive political space. 'Development', 'peace', 'democracy' and 'federalism' have become nodal points in the political discourse, used freely in various ways by highly diverse actors, and these discursive changes are linked to lessened restrictions on free expression and the mass media.[26] However, recent arrests and detention of journalists as well as sanctions against expressions in social media show that major limitations remain, also in the discursive dimension of political space.[27]

4.5. Political institutions

According to the Constitution from 2008 (supplemented by Amendments in 2011), Myanmar is a federal republic with a presidential system of power. The head of state is the president of the republic, elected by parliament for a time of five years. The executive has a government headed by the president of the republic. Members of the government are confirmed by the parliament. The Legislative Authority has a two-day Union Assembly (Pyidaungsu Hluttaw), which consists of the House of Representatives (Pyithu Hluttaw) and the House of Nationalities (Amyotha Hluttaw). The system for electing representatives to the Hluttaw in Myanmar is the First-Past-The-Post (FPTP) system. Members of the Hluttaw represent a different size of population as the States and Regions differ in area and population.Not more than 330 Pyithu Hluttaw representatives, one each from the 330 townships, are elected on the basis of townships or population. For the Amyotha Hluttaw, representatives are elected in an equal number of 12 each from the 14 States and Regions. The elections for both the Union level Hluttaws and the State and Region Hluttaws are held similtaneously every five years.[28]

The House of Representatives has 440 deputies, of whom 330 are directly elected by citizens, and 110 appoint armed forces. After the 2010 general election, Thura Shwe Mann was elected as the first Speaker of House of Representatives. The last elections to

[26] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 18.
[27] Ibidem
[28] The Republic of the Union of Myanmar (2017) Hluttaw brochure, available at: https://themimu.info/sites/themimu.info/files/documents/Brochure_Hluttaw_Union_of_Myanmar_2017.pdf (accessed at: July 1st 2020)

the Pyithu Hluttaw were held in November 2015. At its first meeting on 1 February 2016, Win Myint and T Khun Myat were elected as Speaker and Deputy Speaker of the Pyithu Hluttaw.[29] As of 8 November 2015, 90% of the members are men (389 members) and 10% women (44 members).[30] Picture 4. shows interior of the House of Representatives.

Picture 3. House of Representatives from inside

(Source:http://www.globalnewlightofmyanmar.com/second-pyithu-hluttaw-abolishes-special-cases-assessment-committee/)

The House of Nationalities has 224 members: 12 out of every region and territory, and 1 in each of the self-governing areas directly elected by the citizens, and 56 members nominating the armed forces. The last elections to the Amyotha Hluttaw were held in November 2015. At its second meeting on 3 February 2016, Mahn Win Khaing Than and Aye Thar Aung were elected Speaker and Deputy Speaker of the Amyotha Hluttaw and Speaker and Deputy Speaker of the Pyidaungsu Hluttaw as a whole. Picture 4. shows House of Nationalities building in Myanmar.

[29] BBC News, Burma's Parliament opens new season, available at: https://www.bbc.com/news/world-asia-pacific-12321085 (accessed at: July 1st 2020)
[30] Inter-Parliamentary Union, Pyithu Hluttaw (House of Representatives), available at: http://archive.ipu.org/parline/reports/2388.htm (accessed at: July 1st 2020)

Picture 4. House of Nationalities building

(Source: https://en.wikipedia.org/wiki/House_of_Nationalities)

The arbitrator's right is general and equitable for all citizens of the age of 18. Judicial power is still in the process of building after the rule of military hunte and multi-year civil war. The administrative state is divided into 7 states and 7 regions, and national holidays are Independence Day on January 4 (1948) and Day of the Union on February 12 (1947).

5. POLITICAL SYSTEM OF MYANMAR - PROCESS OF DEMOCRATIZATION AND MILITARY STATE CAPTURE

During the last three quarters of a century, Myanmar has undergone three major transitions: from colonial rule to independence in 1948, from parliamentary democracy to military dictatorship in 1962, and still in progress today since 1988, still incomplete, is the transition from dictatorship to democracy.[31] The first transition was a straight forward culmination of a hard and costly struggle: a clean-cut change from the status of colonial subject country to that of sovereign independent nation, while the second transition too was sharp and clearly placed in time: tanks on the streets of the capital one morning, a crisp declaration on the radio.[32] The present transition is the most

[31] Suu Kyi, A.S. (2018) Democratic Transition in Myanmar: Challenges and the Way Forward, available at: https://www.statecounsellor.gov.mm/en/node/2111 (accessed at: July 1st 2020)
[32] Ibidem

complex, the most challenging, of all. Several incidents, each in itself seemingly, at the time, of minor importance, fused together to become the force that launched a nationwide uprising for democracy. The uprising was put down quickly but nevertheless, it opened the gates to the rocky, protean, transit path that Myanmar continues to tread today.

Myanmar has seen an unprecedented political opening in recent years, which has clearly transformed the long-term repressive military regime. Since President U Thein Sein took office in March 2011, he has initiated a political liberalisation that has reduced repression and created avenues for participation in the institutions designed by the military the decade before. These reforms have opened new political space for both civil society and the political opposition. As a consenquence the international community has praised U Thein Sein widely for his reformist policies.[33] In November 2015 the National League for Democracy (NLD) won Myanmar's parliamentary elections by a landslide. This rousing triumph for democracy ended more than five decades of perhaps the most destructive military rule in modern history. The National League for Democracy won a large enough majority, over 80 percent of the seats contested, to form a government on its own and thus the chance to begin the processes of economic recovery, democratic transition, and ethno-religious reconciliation.[34]

Namely, developing working relations with the military and its commander-in-chief, Senior General Min Aung Hlaing, the country's most powerful person, was rightly one of Suu Kyi's key priorities. It is easy to forget that prior to the 2015 elections many pundits wondered whether the generals would honour election results or reject them as they did a quarter century earlier. Outgoing President Thein Sein and Min Aung Hlaing insisted that the results would stand, the army would not intervene, and the transition would proceed smoothly. They kept their word and, as a result, have gained some credibility in the eyes of the public and the international community. Still, in contemporary Myanmar the military remains the strongest political institution.[35] The

[33] Bünte, M., Dosch, J. (2015) Myanmar: Political Reforms and the Recalibration of External Relations, Journal of Current Southeast Asian Affairs, 34 (2), pp. 3-19.
[34] Barany, Z. (2017) Myanmar's Rocky Road to Democracy, Instituto Affari Internazionali, 17 (27), pp. 1-16.
[35] Barany, Z. (2017) Myanmar's Rocky Road to Democracy, Instituto Affari Internazionali, 17 (27), pp. 1-16.

constitutional requirement that at least 75 percent plus 1 of parliamentarians approve major amendments, together with the 25 percent reserved seats for Tatmadaw appointees, erects a veritable constitutional bunker for the military. Indirectly, the armed forces also remain enormously influential in the day-to-day running of Myanmar given that for decades the military's approval was needed to obtain a public administration job from national ministries to village councils. Former military personnel fill at least 80 percent of the country's administrative jobs, so the army may be expected to maintain control over administration in the foreseeable future.[36]

5.1. State autonomy: The persistence of military state capture in Myanmar

In Myanmar, the military is the foremost economic and political force in society. In particular, the autonomy of the state is circumscribed by the economic and political influence of the military. Constitutional provisions and other laws ensure that the state still has limited autonomy vis-à-vis the military, so this military 'state capture' is the primary explanation for the character of the state and the persisting challenges of contested state authority, limited state capacity and weak legitimacy.[37]

In Myanmar, there was a paradoxical situation: the foremost constraint on state autonomy is the military (the Tatmadaw), which is also the state's foremost security apparatus. The justification for seeing this as a matter of state autonomy is that the military has used its prolonged control of state power to become the dominant economic and political force in society: it has become both a powerful state apparatus and the major force in society that limits the autonomy of the state.[38] In 2003, the head of military intelligence, General Khin Nyunt, was appointed as prime minister. On this occasion the SPDC announced a seven-step road map towards "disciplined democracy"

[36] Ibidem

[37] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 11.

[38] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 9.

that aimed to create a new constitution and establish a civilian government. The 2003 road map consisted of the following steps[39]:

1) establish a National Convention to draft a new constitution,
2) outline the steps needed to establish democracy after the National Convention is concluded,
3) draft a constitution,
4) hold a national referendum to approve the new charter,
5) elect a democratically representative government,
6) convene the parliament,
7) build a modern, developed and democratic nation.

Purportedly out of fear of a US invasion, in 2005 the military junta relocated the national capital from Yangon (Rangoon) to Naypyidaw[40], and two years later the Armed Forces (Tatmadaw) mercilessly cracked down on the Saffron Revolution, a series of non-violent protests led by Buddhist monks and sparked by the increase in fuel prices. The military leaders have insisted that Myanmar needs a disciplined kind of democracy in order to contain the conflicts that have existed in the past.[41] This is in broad agreement with the sequencing argument that has gained ground in democratization studies and Western democracy assistance.[42] Reforming the 2008 constitution has thus been a priority for the National League of Democracy (NLD), who have held that without constitutional amendments and genuine rule of law, the democratic opening will be mere 'window-dressing'. So, a vital step for the military junta was therefore to force through a military-biased constitution in 2008. In this 213-page document, the ruling junta achieved their fivefold aim of:

1) guaranteeing a central role for the military in the core state structure;
2) entrenching a strong position for the military in the parliament;
3) achieving impunity and escaping future prosecution;

[39] Gaens, B. (2013) Political change in Myanmar. Helsinki: The Finnish institute of international affairs, pp.7.
[40] Rogers, B. (2010) Than Shwe. Unmasking Burma's tyrant. Chiang Mai: Silkworm Books, pp. 172-173.
[41] Huang, R. L. (2016) Myanmar's Way to Democracy and the Limits of the 2015 Elections, Asian Journal of Political Science, 25(1), pp. 25–44
[42] Carothers, T. (2007) How Democracies Emerge: The 'Sequencing' Fallacy, Journal of Democracy, 18(1), pp. 12–27

4) preventing Aung San Suu Kyi from becoming president or vice-president; and
5) guaranteeing military veto power against constitutional amendments.

First, the constitution codifies participation by the Tatmadaw in the national political leadership as one of the state's six "consistent objectives", while making the Defence Services responsible for safeguarding three other core objectives, namely the non-disintegration of the Union, the non-disintegration of national solidarity and the perpetuation of sovereignty. If any of these three elements are under threat, "the Commander-in-Chief of the Defense Services has the right to take over and exercise State sovereign power" after the president has declared a national state of emergency. Second, the constitution requires that 25% of parliamentary seats automatically go to the military, namely 110 out of 440 seats in the House of Representatives (Lower House, Pyithu Hluttaw), and 56 out of 224 seats in the House of Nationalities (Upper House, Amyotha Hluttaw). In addition to the "civilianized" military officers part of the Union Solidarity and Development Party (USDP) who have obtained seats in the parliament, this virtually entrenches the power of the military in the legislative process and provides a "structural guarantee" that military interests remain at the core of government and parliament.50 In other words, for the military this justified playing their envisaged "leadership role in national politics with the mandate given according to the constitution by the people".[43] Third, referring to the junta's former denominations SLORC and SPDC, the constitution furthermore stipulates that no proceedings shall be instituted against any member of the SLORC or the SPDC for "any act done in the execution of their respective duties", the constitution thus guarantees their impunity, even if this may violate international law and international treaty obligations.[44] Also, the constitution also effectively precludes Aung San Suu Kyi from becoming president or vice-president, as the person who holds either of these positions shall "he himself, one of the parents, the spouse, one of the legitimate children or their spouses not owe allegiance to a foreign power, not be subject of a foreign power or citizen of a foreign country", and with one out of four seats in the parliament automatically belonging to the military, it will be very hard to amend the constitution without their support. In order to pass an

[43] Gaens, B. (2013) Political change in Myanmar. Helsinki: The Finnish institute of international affairs, pp.12.
[44] International Center for Transnational Justice (2009) Impunity prolonged: Burma and its 2008 Constitution, New York: ICT, pp. 33.

amendment bill, an approval rate exceeding 75% is needed, which gives the military virtual veto power over any proposed amendments.[45]

Basically, the international security situation has completely changed since the early 1990s, and the military junta has been confronted with a new strategic environment. Most members of the international community have attempted to persuade the military government to change its behaviour vis-à-vis its own citizens, and there are three approaches to achieving this goal[46]:

1) The "hardliners", led by the US, the UK and to a lesser extent the EU, have imposed economic sanctions, including an effective ban on financial assistance, travel restrictions and an arms embargo. In 2005, the US also succeeded in bringing the attention of the UN Security Council to Burma, where the US declared the situation a threat to regional security. When the generals did not allow foreign aid to come into the country in the wake of the cyclone Nargis, some Western politicians also invoked the concept of "responsibility to protect" to further enhance the pressure on the junta.[47] In general, most states attempted to force the generals to accept the 1990s election results and return to the barracks. During the last decade, however, the approaches have softened and focused on the release of political prisoners, national reconciliation and human rights themes.
2) The second approach has been more pragmatic. In line with the charter of the Association of Southeast Asian Nations (ASEAN), of which Burma became a member in 1997, the ASEAN governments have attempted to engage Burma. The Asian way of avoiding direct criticism was believed to be more successful, as it would allow the junta to build up contacts to the outside world and to foster economic development.

[45] Gaens, B. (2013) Political change in Myanmar. Helsinki: The Finnish institute of international affairs, pp.13.

[46] Bunte, M. (2011) Burma's Transition to "Disciplined Democracy": Abdication or Institutionalization of Military Rule. Hamburg: GIGA German Institute of Global and Area Studies, pp. 23.

[47] Bünte, M. (2008), External Intervention in Myanmar: From Responsibility to Protect to Humanitarian Dialogue, Journal of International Peace and Organization, 1 (1), pp. 125–142.

3) The third group, led by China, Russia and India, has developed close ties to the junta, so these countries attempted to promote greater stability in the country in order to further their own strategic interests.[48]

Surely that transforming civil– military relations remains the core challenge for substantial conflict resolution, democratization and development. The core structure of military state power and the centralized nature of the state pose evident obstacles to the peace process. The military's withdrawal from the apex of power in March 2011 does not signal a full retreat from politics. The generals' transition ensured a return to civilian rule without relinquishing *de facto* military control of the government. The military remains the arbiter of power in the country, as it dominates all important state institutions. During its transition to "disciplined democracy", it has succeeded in designing a new political system, in which it controls important state institutions.[49] The military has institutionalized its "leading role" in the new competitive authoritarian system. There is some room for autonomy of civilian forces within the ruling party, which until now has been dominated by former generals, and due to the privatization drive in recent years, the role of the armed forces' conglomerates in the economy has been diminished. [50]

5.2. Myanmar's democratic transition

Democratization is a process in which a country gets into more democratic, takes the path towards becoming democracy. It is a process which leads to a more open, more participatory and less authoritarian society. It is a process of transition from non-democratic form of government to democratic form of government. It has also been defined as a complex, long-term, dynamic and open-ended process. Democratization as a promotion of democracy contains internal conflicts because it involves a combination of fact and value.[51] It is not only a national phenomenon but also influenced by

[48] Selth, A. (2008), Burma's "Saffron Revolution" and the Limits of International Influence, Australian Journal of International Affairs, 62 (3), pp. 281–297.
[49] Bunte, M. (2011) Burma's Transition to "Disciplined Democracy": Abdication or Institutionalization of Military Rule. Hamburg: GIGA German Institute of Global and Area Studies, pp. 24.
[50] Ibidem
[51] Alvandi, R., Hakala, A. (2007) Editorial Introduction: Democratization, Stair, 2 (2), pp. 3-8.

international environment. In most of the developing countries, democracy was imposed and is by and large the legacy of colonialism[52], so it will take time for the country to democratise and to consolidate democracy.

After almost 50 years of military dictatorship, Myanmar saw a series of political reforms from
2011. In 2011 Myanmar's then quasi civilian government embarked on a substantial process of reform by taking the first steps towards democratisation, peace with the country's ethnic armed groups, and socio-economic recovery.[53] The period since 2011 has forced the military to engage in political deliberations, especially in Parliament and in the 21st Century Panglong Conferences. Namely, after 2011 the Tatmadaw displayed some flexibility on issues not deemed to be its primary interests, but little flexibility on questions of the unity, sovereignty and stability of the Union.

The military rulers made a new constitution in 2008, which opened up for political liberalization while institutionalizing positions of power for the military.[54]The 2008 Constitution provided a basis for elections to local and union-level Parliaments in 2010 and 2015, and by-elections in 2012. The 2010 elections were deeply flawed but were used to transfer power to a nominally civilian government led by President Thein Sein and the military's Union Solidarity and Development Party (USDP). The USDP government initiated a series of reforms in favour of formal democracy, open economy and ceasefire agreements[55], while western states that had imposed strict economic and military sanctions on Myanmar in the 1990s and early 2000s moved towards normalized diplomatic and economic relations after 2011. The transition to "disciplined democracy" has been accompanied by a wave of privatization measures. Two hundred and seventy-one state-owned companies have reportedly been sold to Than Shwe's closest cronies,

[52] Yao, Y. (2009) A Chinese Way of Democratization, available at: http://old.ccer.edu.cn/download/10545-1.pdf (accessed at: July 1st 2020)
[53] European union (2018) EU-Myanmar relations, available at: https://eeas.europa.eu/headquarters/headquarters-homepage_en/4004/EU-Myanmar%20relations (accessed July 1st 2020)
[54] Williams, D. C. (2014) What's so Bad about Burma's 2008 Constitution? A Guide for the Perplexed, in: Crouch, M., Lindsey, T. (Eds.), Law, Society and Transition in Myanmar. Oxford: Hart
[55] Lall, M. (2016) Understanding Reform in Myanmar: People and Society in the Wake of Military Rule. London: Hurst

such as Thay Zar, Zaw Zar and Chit Khaing.[56] While the military conglomerates have been weakened in this process, Than Shwe's informal influence has been consolidated, so altogether, the influence of the military conglomerates in the economy remains considerable.

Freedoms of movement and association have also been liberalised, which has allowed civil society more space to become active. As part of this democratic reform agenda, President U Thein Sein signed the new Law on Freedom of Assembly in December 2011. The law, which is still very much contested today, allows for peaceful demonstrations under very tight conditions: Organisers have to ask the authorities for permission five days in advance. The law also imposed a penalty of one year's imprisonment for protests staged without permission. This law has broadened the freedom of movement so greatly over the past year that the country has seen a number of protests – for instance, demonstrations by hundreds of residents of Yangon and Mandalay against energy shortages in May 2012.[57] Following the suspension of two newspapers in July, nearly 100 journalists in Yangon and approximately 60 in Mandalay protested, most wearing black t-shirts reading "Stop killing the press". In September and October 2012 lawyers demonstrated against the privatisation of state property (The Irrawaddy 2012). However, several applications to rally by ethnic groups and the opposition have been rejected, such as the NLD's attempt to commemorate Martyrs' Day in 2012 and the student union's wish to honour the 50th anniversary of the student protests at Yangon University.

The EU is a partner of Myanmar in its transition, having rapidly responded to political changes in the country and provided strong support for democratic and economic reforms and peacebuilding from the outset. Trade preferences under the Everything But Arms (EBA) scheme, which allows duty free and quota free access to the EU market, were restored and a full-fledged EU Delegation was opened in 2013. In the same year, an EU-Myanmar Task Force meeting with the participation of four Commissioners, the European Parliament and the European Investment Bank took place in Yangon and Nay

[56] Bunte, M. (2011) Burma's Transition to "Disciplined Democracy": Abdication or Institutionalization of Military Rule. Hamburg: GIGA German Institute of Global and Area Studies, pp. 17.
[57] The New York Times (2012), Power Shortages Set off Small Protest in Myanmar, available at: www.nytimes.com/2012/05/27/world/asia/power-shortages-set-off-small-protests-in-myanmar.html (accessed at: July 1st 2020)

Pyi Taw, combining all instruments the EU has at its disposal to support democratisation.[58] The European Union has been at the forefront of the international community's re-engagement with Myanmar as the country has advanced in making significant reforms and opened up to the world. The EU is firmly committed to supporting Myanmar and its people on its path to democracy, peace and prosperity, thereby also strengthening the Association of South-East Asian Nations (ASEAN), the EU's natural partner in South-East Asia.[59]

The first free general election since 1990 was held in November 2015, which election returned a landslide victory for the National League for Democracy, an equally massive defeat for the USDP, and the general marginalization of most ethnic parties.[60] The NLD formed a new government in 2016 with Htin Kyaw as the first non-military president since 1962, and Aung San Suu Kyi in a newly created position as State Counsellor, which secured her the role of de facto state leader under the 2008 Constitution. This was a major victory for the pro-democracy forces, given the limited and regime-led opening for democracy. However, continued military infuence, persistent capacity problems in political parties and parliamentary politics, weak channels of political representation, and problems of administrative capacity all give rise to critical questions about the substance of democratization in Myanmar.[61]

The reforms have been followed by considerable scholarly and political debate about whether Myanmar is undergoing a transition to liberal democracy, or if the military is merely institutionalizing a semi-authoritarian form of governance with greater domestic and international legitimacy.[62] It seems most accurate to describe Myanmar as an in-between state that is neither fully authoritarian nor clearly headed towards democracy. While this might represent a relatively stable state of semi-authoritarianism, the country's future political trajectory remains open-ended, as demonstrated by the 2015

[58]European union (2018) EU-Myanmar relations, available at: https://eeas.europa.eu/headquarters/headquarters-homepage_en/4004/EU-Myanmar%20relations (accessed July 1st 2020)
[59] Ibidem
[60] Stokke, K., Win, K. Aung, S. M. (2015) Political Parties and Popular Representation in Myanmar's Democratisation Process. Journal of Current Southeast Asian Affairs, 34(3), pp. 3–35.
[61] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 4.
[62] Cheesman, N., Farrelly, N., Wilson, T. (2014). Debating Democratization in Myanmar. Singapore: Institute of Southeast Asian Studies

elections. This makes it critically important for international democracy assistance to design and implement politically smart strategies in support of substantive democracy and peace.

However, it is important to say that continued military influence, persistent capacity problems in political parties and parliamentary politics, weak channels of political representation and problems of administrative capacity give rise to critical questions about the substance of democratization in Myanmar. The country's political trajectory remains open-ended, although the most likely scenario remains a continued, if slow, democratization process, with the next general elections scheduled for 2020 which makes it important for international assistance to design and implement 'politically smart' strategies in support of substantive democracy and peace.[63]

5.3. Challenges of Democratization in Myanmar

Surely that Myanmar is progressing towards democracy in every way, but the question is whether Myanmar will be able to consolidate democracy or not, as the country is not free from challenges in the path of democratization. The country's unresolved civil war and communal violence act as biggest challenges in democratization process in Myanmar. Clapp and DiMaggio in 2013 pointed out ten critical challenges of political transition in Myanmar[64]:

1) Redefining and professionalizing military's political and economic role,
2) Firmly establishing the rule of law and strengthening the judicial branch,
3) Protecting individual rights,
4) Developing effective formulas for ethnic equality,
5) Instilling social and religious tolerance,
6) Rooting out corruption,
7) Addressing the "missing middle," a capacity void across the spectrum of the government and the economy,
8) Delivering the benefits of reforms to the broader population,

[63] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 11.

[64] Clapp, P., Di Maggio, S. (2013). Sustaining Myanmar's Transition: Ten Critical Challenges. The Asia Society, pp.2.

9) Addressing land and property rights,
10) Developing mechanisms for negotiating trade-offs between economic development on the one hand, and social development and environmental protection on the other.

Ethnic problem remained an obstacle in democratic transition in Myanmar, because since its independence, the country is facing with ethnic conflict from various ethnic groups. Myanmar is a country of diverse ethnic groups consisting of eight ethnic groups and 135 ethnic races. Burmans are the dominant group with 69%, Shan constitute 8.5%, Kayin 6.2%, Kayah 0.4%, Rakhine 4.5%, Chinese 0.7%, Mon 2.41%, Indians 1.3% and other Tribes 6.99%.[65] Burmans in Myanmar inhabiting the central plain, dominated country's military and held the highest posts in government while most of ethnic minorities inhabit mountainous frontiers areas and demanded for autonomy since its independence, and with the increased demand for democratization, demands for autonomy from ethnic minorities also increased.[66]

On the other hand, one of the main challenges when it comes to democratization is definitely military politics, which has placed Myanmar's democratization process at bay. Military in Myanmar showed intention to democratize the country in order to gain people's support and to show themselves as good government, so the democratization is going on in Myanmar but the military on the other hand wants to delay the democratization process because they fear that action might be taken against them by the civilian government in reaction to their brutal action against the people and their property might be ceased. So, even though military wants democracy they want to delay it and played delay tactics. The intention of military to democratize the country may be because of the fear of international reaction. There were influences from international community to democratize the country. The international community including United Nations pressured the military government to take positive approaches towards democratization, but surely the democracy in Myanmar is possible only when military agrees fully to democratize the country.[67]

[65] Devi, K.S. (2015) Democratization in Myanmar: Development and Challenges, The International Journal Of Humanities & Social Studies, 3 (1), pp. 362-366.
[66] Ibidem
[67] Ibidem, pp. 365.

Myanmar faces all the major challenges that can beset a new democratic regime. In each case, it does so in especially acute forms. One bleak scenario sees assertive national groups demanding local control over resource wealth, pushing decentralising reforms further than intended, and since much of the country's mineral wealth is located around its periphery, this could in turn prompt military intervention to forestall perceived threats to Myanmar's territorial integrity.[68] This is a perfect storm, and it illustrates how the challenges facing this new democracy must be considered together. While Myanmar has a difficult hand to play, its policy choices will determine whether it plays this hand well or badly. The scale of these challenges makes it essential that the government invest in the capacity to play its difficult hand as wisely as possible. It is vital too, that the international community maintain its focus, ensure effective co-ordination, and provide high-quality advice and support.[69]

5.4. Political actors and parties

Political actors vary considerably in their strategies and capacities for engaging within these political spaces. Since 2011, a key question for many non-state actors has been the choice of strategy with regards to the USDP government, creating a general divide between engagement and non-engagement among political parties, CSOs and ethnic armed groups.[70] The current political opening in Myanmar challenges existing perspectives on democratisation since it cannot be adequately understood through structural approaches that emphasise economic development or mass mobilisation, nor is it being negotiated and agreed upon by the elite. Instead, it appears to be an imposed transition whereby the ruling elite is defining the pace and agenda of reform. This strategy is facilitated by the regime's position of relative strength in domestic politics combined with changing international relations that provide opportunities for a guided and sequenced transition to a hybrid form of rule.[71]

[68]Open democracy (2017) Myanmar's unique challenges, available at: https://www.opendemocracy.net/en/myanmars-unique-challenges/ (accessed at: July 1st 2020)
[69]Ibidem
[70] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 18.
[71]Stokke, K. Khine, W., Soe, M.A. (2015) Political Parties and Popular Representation in Myanmar's Democratisation Process, Journal of Current Southeast Asian Affairs, 34 (3), pp. 6.

The main driving force has been an alliance between the reformist USDP government under President Thein Sein and a group of engagement-oriented diaspora civil society actors, the 'third force'.[72] These have been supported by international actors searching for alternatives to the ineffective sanctions applied against the military regime. This 'third force' functioned as mediators and advisors between the government, international sponsors, and pragmatic political parties, NGOs and EAOs.. The transition discourse argues that there was a political divide between engagement-oriented 'softliners' and engagement-averse 'hardliners'.[73] The dividing line among political parties was their willingness or unwillingness to participate in elections and parliamentary politics under the 2008 Constitution, while ethnic armed organizations were divided on the question of bilateral and nationwide ceasefire agreements.

Myanmar has a large number of political parties, but most of them are poorly institutionalized and have limited capacity to function as channels of popular representation.[74] Starting with the party system, it can be noted that the parties are not organized around socio-economic interests or religious identities, despite wide social inequalities and strong religious identities. There are two dominant parties: the USDP (Union Solidarity and Development Party) and the NLD (National League for Democracy) are union-wide parties that enjoy broad electoral support, membership, and organizational resources. The National Unity Party (NUP), which originated in the BSPP, used to be another well-organized and military-aligned party, but is now less active.[75] The 2015 elections resulted in an impressive large victory for the National League for Democracy, an equally big defeat for the Union Solidarity and Development Party, and the general marginalization of most ethnic parties in parliamentary politics – with the exception of the Shan Nationalities League for Democracy (SNLD) and the Arakan National Party (ANP).[76]

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[72] Lall, M. (2016) Understanding Reform in Myanmar: People and Society in the Wake of Military Rule. London: Hurst

[73] Pedersen, M. B. (2014). Myanmar's Democratic Opening: The Process and Prospect of Reform, in: Cheesman, N., Farrelly, N., Wilson, T. (Eds.) Debating Democratization in Myanmar. Singapore: Institute of Southeast Asian Studies

[74] Stokke, K. Khine, W., Soe, M.A. (2015) Political Parties and Popular Representation in Myanmar's Democratisation Process, Journal of Current Southeast Asian Affairs, 34 (3), pp. 6.

[75] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 21.

[76] Tun, T. (2016) Etnicity and Buddhist Nationalism in the 2015 Rakhine State Election Results, in: Cheesman, N.,

Surprisingly many members of ethnic minorities voted for the NLD and not for ethnic parties, thereby giving the NLD a strong mandate for democratization – presumably also hoping that this would prove to be pro-federalism. More fundamental are the core questions of the NLD's capacities for confronting the entrenched power of the military in parliament, government and public administration, and the military's spoiler strategies for destabilizing the NLD government prior to the 2020 elections.[77]

It is important to say that the main cooperation between political parties at the national level in Myanmar (outside of parliament) is through the four party alliances: the Nationalities Brotherhood Federation (NBF) composed of 22 ethnic parties, the Federal Democracy Alliance (FDA) composed of 11 smaller Bamar parties including some ethnic parties, the United Nationalities Alliance (UNA) composed of eight ethnic parties that contested the 1990 elections and are aligned with the NLD, and a fourth alliance composed of smaller Bamar parties that was established in 2014 under the name of the Working Group Committee.[78] At the local level engagement between political parties and civil society is much more limited than one would expect, given that both entities are engaged on very similar matters (land grabbing, environmental protection and improving basic services). It can generally be described as a distant relationship – with some notable exceptions. Generally, local civil societies say that the parties are neither interested nor effective in resolving local concerns, have limited influence and resources and are mainly concerned with 'party issues' rather than 'people's issues'. Civil societies see little need for approaching parties for policy changes, for example through MPs, as they don't view MPs as effective agents of change, and they also worry that political parties will use them for political gain.[79] The main engagement between political parties and local government authorities takes place when the parties submit claims, complaints and issues to government offices on behalf of constituencies, and these mostly centre on land confiscation but also provision of water, local roads, health clinics or schools along with forced recruitment (in Kachin State and Ayeyawaddy

Farrelly, N. (Eds.), Conflict in Myanmar: War, Politics, Religion. Singapore: Institute of Southeast Asian Studies

[77] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 21.

[78] Kempel, S., Aung Sun, C.M., Tun, A. (2015) Myanmar Political Parties at a Time of Transition: Political party dynamics at the national and local level, available at: https://themimu.info/sites/themimu.info/files/documents/Report_Myanmar_Political_Parties_at_a_Time_of_Transition_Pyoe_Pin_Susanne_Kempel_April2015.pdf (accessed at: July 1st 2020)

[79] Ibidem

Region) and some criminal cases. This is mainly done in written form to the individual government departments and on a case-by-case basis, and apart from this, contact is generally limited to official ceremonies such as the state/union day celebrations and is rarely for consultations on policy or local development issues.[80]

Myanmar has a large number of ethnic political parties, but only a few of these have won seats in the national parliament or can be considered strong in states or special administrative zones where their ethnic constituencies form a majority.[81] Most of the ethnic parties are organised within two alliances, the UNA and the Nationalities Brotherhood Federation (NBF). The UNA includes parties that contested the 1990 election but not the 2010 election either due to boycott or as a result of being disbanded, while the NBF primarily organises parties that were established and contested the 2010 election and has enjoyed some electoral success, especially in the states of Shan, Rakhine, Chin, and Mon.[82] The Federal Democratic Alliance (FDA) is another, though somewhat smaller, alliance and consists of parties that represent the Bamar ethnic majority group, and in terms of parliamentary seats, the NDF is the largest alliance partner within the FDA. [83]

5.5. Causes of ethnic conflict and peace initiatives

Myanmar's ethnic conflicts have deep historical roots in the strategies of pre-colonial and colonial rulers for exerting authority and governing ethnic minorities in border areas.[84] The root causes of Myanmar's armed conflicts are thus the political grievances of ethnic minorities when confronted with a militarized, unitary and majoritarian state. The core causes of Myanmar's ethnic conflicts are thus of three kinds[85]:

1) political grievances related to ethnic self-determination, representation and equality;

[80] Ibidem
[81] Kramer, T. (2010) Ethnic Conflict in Burma: The Challenge of Unity in a Divided Country, in: Dittmer, L. (ed.), Burma or Myanmar? The Struggle for National Identity. Singapore: World Scientific, pp. 51–81.
[82]Stokke, K. Khine, W., Soe, M.A. (2015) Political Parties and Popular Representation in Myanmar's Democratisation Process, Journal of Current Southeast Asian Affairs, 34 (3), pp. 18.
[83] Stokke, K. Khine, W., Soe, M.A. (2015) Political Parties and Popular Representation in Myanmar's Democratisation Process, Journal of Current Southeast Asian Affairs, 34 (3), pp. 18.
[84] Taylor, R. H. (2009). The State in Myanmar. Honolulu: University of Hawaii Press
[85] Smith, M. (2007) State of Strife: Ethnic Conflict in Burma. Honolulu: East-West Center

2) war-related security and development grievances;
3) mistrust and resentment fuelled by failed peace initiatives.

These grievances have produced a series of interwoven and protracted conflicts. Issues of natural resource extraction and management often feed these ethnic grievances, leading to further escalation of ethnic conflicts around the country.[86] New ethnic conflicts in the west of Myanmar exacerbated the refugee catastrophe in the region. UN Representative in Myanmar Ashok Nigam said that over 22,500 people have left the region in the past few days. Refugees are mostly members of the Rohini Muslim. Myanmar is a country where most people are Buddhists (56 million inhabitants), while Muslims make about 5% of the population (about 2.5 million). According to the United Nations official data and reports, Rohingya Muslims are the most endangered national minority in the world. Rohingya Muslims do not have their own state and their rights are severely limited. The Arakan province has a complex demographic structure and consists of different ethnic and religious groups. About two-thirds of the citizens of the Arakan province are Rakhine Buddhists while Rohingya Muslims are a "non-state" minority community. The biggest problem in Myanmar is the constitutional arrangement according to which government authorities recognize only citizens who fit into the definition of "homelands" while on the other hand ignore members of other linguistic, ethnic and religious minority groups.

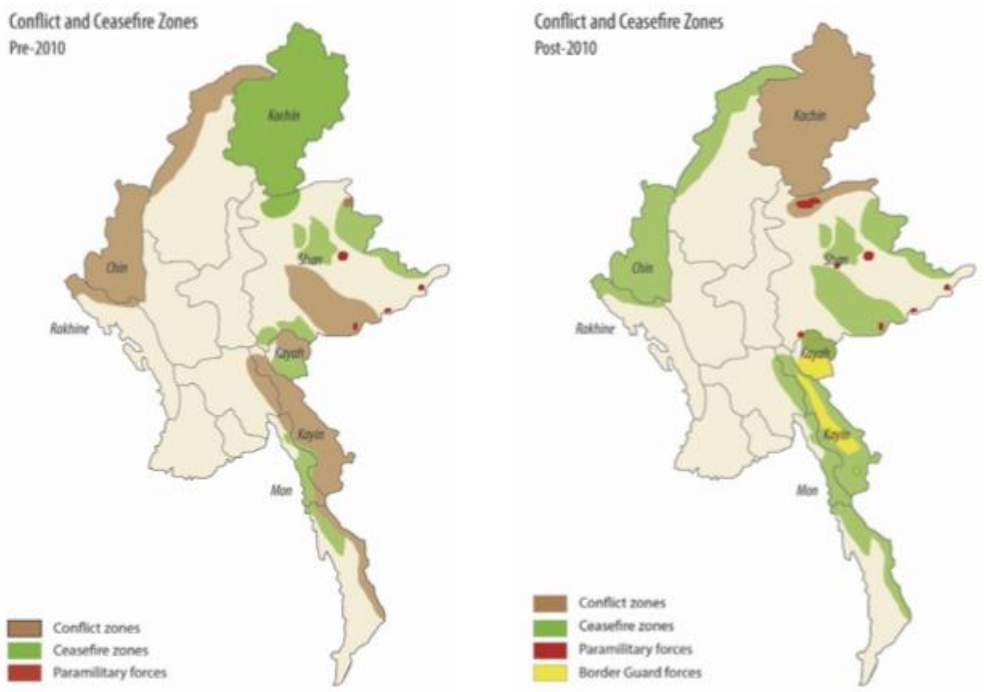
Ethnic armed organizations (EAOs) have insisted on political conflict resolution. Namely, the various ethnic groups and organizations agree that only political negotiations on self-determination, federalism and ethnic equality can resolve the ethnic conflicts in Myanmar. Ceasefire agreements and developmental peacebuilding may be useful tools for mitigating the humanitarian impacts of war and creating economic opportunities for civilians and ethnic armed organizations, but ceasefires and peacebuilding can be no substitute for conflict resolution.[87]

When President Thein Sein pledged to make the ethnic issue a national priority, offering dialogue with all EAOs and dropping the BGF requirement as a precondition for talks,

[86] Asia Foundation (2017) The Contested Areas of Myanmar. Subnational Conflict, Aid, and Development. Yangon: Asia Foundation
[87] Lee, R. (2016) The Dark Side of Liberalization: How Myanmar's Political and Media Freedoms Are Being Used to Limit Muslim Rights, Islam and Christian–Muslim Relations, 27(2), pp. 195–211.

the aggressive stance of the SPDC regime seemingly changed. Also, the the government signed a series of bilateral ceasefire agreements in 2011 and 2012, which meant that there was a shift in the geography of conflict and ceasefire zones from the SPDC period to the USDP government, which is shown in a picture 6. Whereas earlier conflict zones in Chin, Kayin, Kayah and Shan States came under ceasefire agreements, Kachin State and northern Shan State went from a situation of relative pacification to become the most active conflict zone in Myanmar.[88]

Picture 6. The shifting geography of conflict and ceasefire zones



(Source: Burma News International 2017.)

[88] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 48.

5.6. Ethnic armed organizations (EAOs)

Myanmar has a large number of Ethnic armed organizations, highly diverse in ethnic identity, military strength and engagement strategies towards the Myanmar army and government. Early
ethnic armed organizations grew out of political mobilization for ethnic self-determination, political representation and ethnic equality, which have remained the core grievances. In the course of protracted warfare, many of them have also become involved in various kinds of war economies revolving around the extraction and trade of natural resources (timber, minerals, narcotics, etc.), with the profits being invested in legitimate businesses. EAOs have also been shaped by their relations with the state, where territorial and economic claims have been confronted, tolerated or accommodated by the state.[89] Women's organizations across Myanmar demanded that the peace process should involve more women, and in October 2015, when the NCA was signed by the government and 8 EAOs, they agreed that a "reasonable" number of women should be included in all future peace talks. A few months later, parties to the NCA signed a "Framework for Political Dialogue", which included a pledge to make efforts to reach 30% women's participation in future dialogues.[90] However, not a single peace conference or negotiating committee has met this target, and there is no mechanism in place to make sure that 30% of seats at the negotiating table are filled by women.[91]

Nowdays key strategy question among EAOs is concern how to build ethnic alliances and how to engage with the state. The main question regarding engagement concerns participation in the USDP and NLD government's peace processes. EAOs have arrived at different answers here, generally determined by their political, military and economic

[89] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 24.

[90] Ashild, K., Leitanthem, U.M. (2019) Women in Ethnic Armed Organizations in Myanmar, GPS Policy Brief, 1 (1), pp. 1-4.
[91] Ibidem

interests; the opportunities and constraints within available political spaces; and their capacities for making effective use of these spaces.[92]

5.7. Appearance of ARSA - Arakan Rohingya Salvation Army

After 2011, the military hunta introduced democracy and allowed the multiparty party to rise to extremism on both sides. Though the military hunt was dropped by the authorities, it still retained enormous power in its hands. Before leaving power, the Constitution introduced provisions on the minimum number of military representatives in parliament and secured positions for its people in the media, state-owned companies, religious structures, etc. Because of the discrimination of Rohingy (or better known among them), for several decades, terrorist attacked Buddhist officials and civilians. The target were mostly police, army and Buddhist monks. More than 10,000 Buddhist murders have been recorded, and such as many rapes and robberies.All this has led to great animosity between Buddhism and Muslims. The matter further deteriorated in 2012, when the Government restricted their right to move within the state, employment in state-owned companies, and renounced their right to education and health. Culminating in 2016, with the appearance of an unknown ARSA militant group, which has carried out several terrorist attacks on police stations and military counters, where many lives have been lost.

ARSA (Arakan Rohingya Salvation Army) is a militant Islamist group whose goal is the independence of the Rakhine state and the establishment of the Sharia law. Interestingly, the leader of this group is Ata Ullah, originating in Pakistan who was neither born in Myanmar nor ever lived there. The group received public support from Al-Qaeda and ISIS who promised help although it was not clear what kind of help they meant, and called their "brothers" in Thailand and the Philippines to commit terrorist attacks and kill Buddhists in response to the support of these two states Myanmar government. ARSA claimed that it had nothing to do with either of these two groups. ARSA is incredibly well-organized and equipped, so it is very likely that it will get help from

[92] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 24.

outside. There is a possibility to receive assistance in arms and foreign fighters across the border with Bangladesh through which international humanitarian aid arrive. The countries that send most humanitarian assistance through this border are Iran, Pakistan, Saudi Arabia and Turkey.

Early in the morning of 25 August 2017, the Arakan Rohingya Salvation Army attacked around 30 security force outposts in northern Rakhine State. In the days that followed, ARSA fighters, along with some mobilized Rohingya villagers, engaged in scores of clashes with security forces. The Myanmar security forces, and in particular the military, responded with an unlawful and grossly disproportionate campaign of violence marked by killings, rape and other sexual violence, torture, village burning, forced starvation tactics, constituting crimes against humanity under international law, and Amnesty International has documented serious human rights abuses committed by ARSA during and after the attacks in late August 2017. Rohingya Muslims initially viewed ARSA as a savior, but during time, especially in 2018, many refugees started blaming ARSA militants, as well as the Burmese military and irate local Buddhists, for having been driven from their homes.

5.8. The role of other countries in Myanmar's political development

As a medium-sized and relatively underdeveloped country, Myanmar's foreign policy has always been more reactive than proactive.[93] Since its independence, the country has followed a nonaligned foreign policy and there have been a number of intriguing continuities, such as the involvement of the military in foreign policy and their attempt to manage border areas in times of civil war.[94] Being counted as one pole, China has been called upon to play a role in bringing about political change in Myanmar. China, drawing lessons from the past, regards the political standoff in Myanmar as the internal affair of that country and in this the Chinese government has been basically adhering to its non-interference policy. Viewing Myanmar's political stability as a matter of strictly

[93] Ganesan (2005) Myanmar's Foreign Relations, Reaching Out to the World, in: Kyaw Yin Hlaing, Robert Taylor, and Tin Maung Maung Tan (eds), Beyond Politics to Social Imperatives, Singapore: ISEAS, pp. 30–55.

[94] Egreteau, R., Jagan, L. (2013) Soldiers and Diplomacy in Burma: Understanding the Foreign Relations of the Burmese Praetorian State. Singapore: NUS Press

regional interest, China has consistently treated the matter with warranted caution, and in this regard, China's position largely concurs with that of the ASEAN countries, in particular, neighbors of Myanmar, including those outside ASEAN such as India.[95] For decades China was the main sponsor of Myanmar's military junta and the country's top trading partner and biggest investor. Suu Kyi's first major trip abroad as government leader in August 2016 took her to Beijing. Her discussions centred on business and trade issues, in particular large infrastructural projects and alternative ways to restart work on the 3.6 billion dollars Myitsone Dam project, cancelled by Thein Sein in 2011. [96] Chinese leaders promised to support the ethnic peace process and the participation of the thus far recalcitrant ethnic armed organizations in it. Although for many years Beijing has been implicated in the conflict – it has provided shelter, weapons, and training to some of the belligerent groups – it is now said to be interested in peace because violence impedes economic development and cross-border commerce. The Chinese are also keen to be seen in a peace-making role in a region where they have long been regarded as a cause and a beneficiary of on-going hostilities.[97]

Since 1988 the EU has aimed to cooperate with the USA to forge an international front imposing sanctions on the Burmese regime. Unlike the USA however, the EU has tended to focus more on targeted or "smart" sanctions, while rejecting more comprehensive trade and investment bans. On the other hand, USA suspended Myanmar from its generalized system of Preferences (gsP) in 1989, banned imports in 1990, and prohibited new investments by american companies in Myanmar in 1997. The EU's over two-decade-long "targeted sanctions" policy vis-à-vis Myanmar has been widely and often justifiably criticized. This criticism has focussed mainly on European policy inconsistence, and on internal divisions, because EU's pursuit of its core values in external relations in general and its employment of sanctions has been seen as pragmatic and inconsistent, and highly dependent on relative power.[98] The unfolding democratization process in Myanmar was a major foreign policy success of the Obama Administration. The United States was a steadfast supporter of Suu Kyi for

[95] Xiaolin, G. (2009) Democracy in Myanmar and the Paradox of International Politics. Singapore: Institute for Security and Development Policy, pp. 31.
[96] Barany, Z. (2017) Myanmar's Rocky Road to Democracy, Instituto Affari Internazionali, 17 (27), pp. 1-16.
[97] Ibidem
[98] Gaens, B. (2013) Political change in Myanmar. Helsinki: The Finnish institute of international affairs, pp. 16.

years before she took office and both President Barack Obama and Secretary of State Hillary Clinton made historic visits to the country. During the Lady's visit to Washington in September 2016, Obama removed all remaining sanctions the US had put in place following the 1988 uprising (only those against drug kingpins and the embargo on arms remained in place).[99]

One of the most important countries with close relations with Myanmar was ceirtanly Norway. Namely, prior to 1988, there was little diplomatic, commercial or aid engagement in Myanmar, but in the aftermath of the suppression of the 1988 pro-democracy uprising, Norway followed the USA and the EU in imposing military and economic sanctions on the military junta. After the Nobel Peace Prize was awarded to Aung San Suu Kyi in 1991, Norway also became an active supporter of the pro-democracy movement, and channelled aid outside Myanmar to the government in exile, the free media (especially the Democratic Voice of Burma, DVB), international human rights organizations (like the Norwegian Burma Committee, NBC) and humanitarian organizations providing assistance to refugees.[100] Norway engaged diplomatically in what was interpreted as a democratic transition, providing support to the USDP government and functioning as a link to Western actors (especially the USA and the EU), and it unded and organized peacebuilding initiatives, notably the Myanmar Peace Support Initiative (MPSI) and Peace Donor Support Group (PDSG).[101] (Johnson & Lidauer 2014). Also, Norway supported economic development by assisting direct investments from Norwegian companies and engaged in state capacity building to provide assistance at the union level in particular. These are all the reasons why Norway had an active and visible role in Myanmar, both as a supporter of the pro-democracy movement in the 1990s and early 2000s, and as a facilitator for Western engagement and partner to the USDP government since 2011. The latter engagement has had high visibility and has been seen as innovative and flexible. However, it has also received criticism, especially from ethnic minority organizations and pro-democracy activists

[99] Barany, Z. (2017) Myanmar's Rocky Road to Democracy, Instituto Affari Internazionali, 17 (27), pp. 1-16.
[100] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 5.
[101] Johnson, C., Lidauer, M. (2014) Testing Ceasefires, Building Trust. Myanmar Peace Support Initiative Operational Review. Norwegian Ministry of Foreign Affairs

(including Aung San Suu Kyi)[102], who argue that Norway facilitated the military's strategy of institutionalizing semi-authoritarian rule, while marginalizing pro-democracy forces and dynamics.

Most of the twentieth century Japan was Myanmar's most important ally, and their relations remained close, especially during the rule of General Ne Win. From the mid-1950s to the mid-1980s, Japanese aid comprised over half of all foreign assistance to Burma, so imports from Japan compromised about 40% of all imported goods, and during this period Myanmar received only modest imports from China. When the SLORC took over, those percentages largely reversed, with the majority of imports in Myanmar coming from China while Japan's influence waned.[103] However, in the years since the democratic reforms in 2011, Japanese economic ties with Myanmar have begun to increase again as sanctions have been lifted and China's influence has been challenged by the people and government of Myanmar. [104]

It is also importan to mention India'relationship with Myanmar, because Burma was once a part of British India, a colonial possession within a colonial possession. For the Burmese, then, independence meant freedom from both Britain and India. India has recently become concerned with the growing Chinese presence in Myanmar and its nearby bodies of water, the Bay of Bengal and the Indian Ocean. Seeking to stem China's influence, in 2012 the Indian government announced a range of programs to benefit Myanmar, including a $500 million line of credit for the government, fellowships for Myanmar researchers to study in India, and investment in Burmese infrastructure.[105] India's investments in Myanmar serve them financially as well as politically, helping to facilitate trade between the nations as India seeks to access Myanmar's natural resources and stem China's influence in Southeast Asia.[106]

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[102] Olsen, B. M. (2016) Norway's Constructive Engagement in Myanmar. A small state as norm entrepreneur. Oslo: Norwegian University of Life Sciences.
[103] Steinberg, D. (2010) Burma/Myanmar: What Everyone Needs to Know. Oxford: Oxford University Press, pp. 124-125
[104]Coles, R. (2017) Country Profile: Myanmar, available at: https://rlp.hds.harvard.edu/files/hds-rlp/files/country_profile_-_myanmar.pdf (accessed at: July 1st 2020)
[105]Coles, R. (2017) Country Profile: Myanmar, available at: https://rlp.hds.harvard.edu/files/hds-rlp/files/country_profile_-_myanmar.pdf (accessed at: July 1st 2020)
[106]The New York Times Global Edition, India Reaches out to Myanmar, available at: http://india.blogs.nytimes.com/2012/05/29/india-reaches-out-to-myanmar/ (accessed at: July 1st 2020)

6. HUMAN RIGHTS AND FREEDOM OF MEDIA IN MYANMAR

6.1. Human rights violation in Myanmar

In Myanmar, the term Rohingya, which simply means “from Rakhine” (a state in Myanmar), is rejected in preference to the ethno-linguistic appellation “Chittagonian Bengali Muslims” to describe the persons who have lived in Myanmar’s northern state of Rakhine for generations. Neither the government of Myanmar nor most of its citizens recognize the Rohingya as a legitimate ethnic group and instead contend that these hapless people are Bangladeshi.[107]The ethnic group of Rohingya Muslims have been deprived of numerous fundamental human rights. President of Myanmar Thein Sein in June said that the government was responsible only for the third generation of Rohingya, whose families arrived in the country before independence in 1948, and that it was impossible to accept those who "entered the country illegally" in Myanmar. He recommended that the United Nations Refugee Agency (UNHCR) care for them, by accommodating them in refugee camps or in other states. Rohingya Muslim Representative based in Bangladesh Nur Huseyin has called on Muslim countries to help his people against violence in Myanmar. Nur Huseyin says the dictator regime in Myanmar has so far killed about 30,000 Muslims, while most of them have long lived in difficult living conditions. Many Rohingya-Muslim families live without homes, even during heavy rainfall. The origin of Rohingya is subject to controversy. They believe themselves to be the descendants of an indigenous population that has moved to Islam 1,000 years ago. Rohingya Muslims mostly live in Bangladesh. They are pretty pious, so it's customary for men to wear beards, and women are usually wearing hijab. The Rohingya language belongs to the eastern subgroup of Indian languages. Rohingy is an Arabic alphabet, although lately there are attempts to introduce Latin.

Namely, after the military hunt came out of power and the Nobel Peace Prize winner Aung San Suu Kyi came to the forefront of the state of Myanmar, the situation further

[107] Fair, C. (2018) Arakan Rohingya Salvation Army: Not the Jihadis You Might Expect, available at: https://www.lawfareblog.com/arakan-rohingya-salvation-army-not-jihadis-you-might-expect (accessed: July 1st 2020)

aggravated for Rohingya Muslims. The tense situation escalated in september 2017 after attack on Rohingya militants from the police stations and military bases that served as an excuse for the brutal response of the Myanmar army. Systematic persecution of members of this minority, the burning of their villages and the killing of several hundred people made tens of thousands of people escape to neighboring Bangladesh. Picture 7. shows Rohingya Muslim refugees in Bangladesh.

Picture 7. Rohingya Muslim refugees in Bangladesh

(Source:https://www.jutarnji.hr/vijesti/svijet/genocid-u-drzavi-koju-vodi-nobelovka-dogada-nam-se-nova-srebrenica-odrasle-i-tinejdzere-su-ubili-bacili-u-jamu-i-spalili-ih-bebe-su-bacili-u-rijeku/6529828/)

In 2014 the EU and Myanmar started to engage in a regular Human Rights Dialogue, which is co-chaired by the EU Special Representative for Human Rights. Its latest session was held on 5 March 2018. This engagement underscores the particular attention the EU places on democratic transition and human rights in the country, not

least the protection of the rights of persons belonging to ethnic and religious minorities, including the Rohingya.[108] The violence, human rights abuses and displacement of Rohingya civilians has drawn criticism from the UN, from international human rights organizations, Western states, and the governments of Bangladesh, Malaysia and other countries. Also, Aung San Suu Kyi in her position as State Counsellor has been strongly criticized for her silence on the issue and for doing little to prevent human rights abuses and ethnic cleansing against a community that is recognized by neither Myanmar nor Bangladesh.[109]While Western states and INGOs have voiced strong criticism of the NLD government and Aung San Suu Kyi for not upholding the principles and promises of human rights and the rule of law, the governments of Indonesia, Malaysia and other countries with large Muslim populations have called for protection of Rohingya as a Muslim minority. China, in contrast, has stated that it considers the matter a Burmese internal affair, thereby providing a degree of support for the NLD government.[110]

In European Parliament resolution from 7 July 2016 on Myanmar, in particular the position of the ethnic group Rohingya (2016/2809 (RSP)), European Parliament called upon the governments and relevant bodies of all the countries of the region to fully respect the principle of forbiddance of return or return and to protect refugees from members of the Rohingy community in accordance with their international obligations and international human rights standards, reiterated its deep concern over the difficult position of refugees from the Rohingya Group in Southeast Asia and calls for mobilization at the regional and international level to provide emergency assistance in a situation where they are extremely vulnerable, expressed sympathy with the families of victims of trafficking in human beings, violence and lack of protection that should be provided by official bodies in the destination countries, pointed out that the European Union positively assesses the efforts of the Government of Myanmar to address problems in the State of Rakhine, among other things regarding the position of members of the Rohinga community, insisted that the authorities should urgently secure the free and unimpeded access of humanitarian workers, UN, human rights organizations,

[108]European union (2018) EU-Myanmar relations, available at: https://eeas.europa.eu/headquarters/headquarters-homepage_en/4004/EU-Myanmar%20relations (accessed July 1st 2020)
[109] Stokke, K., Vakulchuk, R., Overland, I. (2018) Myanmar: A Political Economy Analysis. Oslo: Norwegian Institute of International Affairs, pp. 54.
[110] Ibidem

journalists and other international observers to the state of Rakhine. The European parliament also called out Myanmar government to strongly condemn any incitement to racial or religious hatred, to take concrete measures to halt this hate and to implement specific measures and policies to prevent the direct and indirect discrimination of Rohingy community members in the future, joined the European Council in the demands for the establishment of effective democratic institutions, including independent and impartial judiciary and strong civil society, and to promote good governance in order for Myanmar to become a democratic society in which the rule of law and fundamental rights are fully respected, called on the elected authorities to develop an open democracy in which human rights are respected and to all people the freedom of expression, assembly and movement, without discrimination, called on the Government of Myanmar to immediately apply the recommendations contained in the resolution on human rights in Miyanmar adopted at the 31st session of the UN Human Rights Council (UNHCR), called on the Government of Myanmar to protect members of the Rohingy community from all forms of discrimination and to start punishing perpetrators of violence against them; recalls the far-delayed statement by the NLD spokesperson, Mrs Suu Kyi's party, of May 18, 2015, that the government of Myanmar should give citizenship to the minority community of Rohingya; calls on Mrs. Suu Kyi, the winner of the Sakharov Prize, to use her key positions in the Myanmar government to improve the status of the Rohingi minority community, and called on the Myanmar government to implement the 1981 nationality reform and to return the citizenship to the minority community of Rohingya and to immediately register all children after birth, and to put all discriminatory rules out of force.

Also, European parliament called out EU to continue supporting UNHCR in its efforts to assist the refugees of the Rohingy Group in South and Southeast Asia, to support the UNHCR Global Action Plan for the Abolition of Apathy for the period 2014-2024, than Myanmar government to release immediately all political prisoners and persons arrested for charges of violation of international law and human rights standards, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to discuss, on the highest possible political level, the position of the Community of Rohingya during their contacts with Myanmar and other ASEAN member states. European parliament called out for caution when concluding a planned investment agreement between the EU and Myanmar, as it could endanger the future

socially balanced development of Myanmar, as long as the legislation on socially and ecologically responsible business, labor rights and land ownership is concerned, and that measures to combat it corruption is largely incomplete and calls on both sides to take these issues into account. European parliament also instructed its President to forward this resolution to the Council, the Commission, the Vice-Presidents of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Myanmar, the Secretary-General of the Southeast Asian Nations, the ASEAN Inter-human rights, UN Special Rapporteur on the Human Rights Situation in Myanmar, UN High Commissioner for Refugees, the UN Human Rights Council, and the governments and parliaments of other countries in the region. Although the recommendations were positively received by Aung San Suu Kyi, this was soon overshadowed by clashes between the military and ARSA, and by military attacks on civilians in northern Rakhine State, so what had seemed to be a positive political opening was overtaken by escalating confrontations between militant actors and strategies on both sides of the conflict.

6.2. Women's rights in Myanmar

Throughout Burma's modern political history the real influence of women has been minimal. While the 2008 constitution does contain a few broad statements about gender equality (stipulating, for example, that women and men should receive equal pay for equal work), it also expresses sentiments that clearly run counter to that principle. Most notably, it specifies that presidential candidates must have "military vision" — a provision that effectively excludes women, since they are non-existent in the senior ranks of the armed forces.[111] Justice for women and girls remains elusive, particularly when it comes to violence related to armed conflict.[112] Sexual violence by the armed forces has been frequent and exacerbated in the context of renewed violent clashes in

[111] Moe, W. (2015) The country's most famous politician may be a woman, but Burma remains firmly in the grip of patriarchy, available at: https://foreignpolicy.com/2015/07/02/burmas-women-are-still-fighting-for-their-rights-myanmar/ (accessed at: July 1st 2020)

[112] Hedström, J. (2016). A Feminist Political Economy Analysis of Insecurity and Violence, in: Cheesman, N., Farrelly, N. (Eds.), Conflict in Myanmar: War, Politics, Religion. Singapore: Institute of Southeast Asian Studies

Kachin and Shan States.[113] Women in conflict zones and displaced or stateless women are especially vulnerable to abduction, sexual violence, and exploitation.

However, regarding gender rights and women's participation in the economy, the period 2006–2016 has seen some improvements. Women and gender rights organizations have been developing rapidly since the end of direct military rule in 2011, when the government loosened restrictions on the establishment of civic organizations. Now there are dozens of women's groups, some of them actively campaigning for legal reforms to ensure gender equality. However, many challenges remain, such as 30% wage disparity between men and women and low rate of female participation in the national economy.[114] Still, the civil rights and liberties of women are largely restricted, their freedom of movement is limited and there are no special legal provisions for female participation in political processes, at the local or national levels.

6.3. Relaxing press censorship in Myanmar

Burma's media were strictly regulated and heavily censored during the military era with the exception of a short period during uprisings in 1988, when the people ruled the streets. The regime controlled all daily newspapers and broadcasting, either directly or indirectly through private concessions. All other publications had to be approved through the Press Scrutiny and Registration Division. The first private weekly and monthly journals on non-political topics were permitted in 1990, and the first news journals in 2000, but this sector strengthened considerably over the years, pushing for greater media freedom from inside the country.[115] Significant influence in the changing media scene are the exile or formerly exile media, mostly founded after the massive uprisings of 1988, in which the army opened fire on hundreds of thousands of unarmed students, civilians, and civil servants protesting military rule and economic

[113] Ying, L. (2016) The Situation of Kachin Women during the Current Political Crisis, Asian Journal of Women's Studies, 19(2), pp. 162–171.
[114] DFAT (2016) Women and the Economy in Myanmar: An Assessment of DFAT's Private Sector Development Programs. Sydney: Australian Government- Department of Foreign Affairs and Trade (DFAT), pp. 5.
[115] Brooten, L. (2016) Burmese Media in Transition, International Journal of Communication, 10(1), pp. 182–199.

mismanagement. Thousands were killed, and many fled to the country's border areas, where they formed new alliances with the ethnic minority groups fighting the regime.[116]

However, very significant move of the opening has been the relaxation of internet and media controls, resulting in a level of press freedom not seen since 1962.[117] In 2011 internet controls and censorship were relaxed and certain restrictions on international and independent news websites were lifted. In August 2012 the government proclaimed both an end to prepublication censorship and the dissolution of the Press Scrutiny and Registration Division, so Reporters without Borders ranked Myanmar 145th of 179 countries in 2014. Previously, the country was ranked 151st (2013), 169th (2012) and 174th (2011).[118]

It is important to say that the government used its powers to suspend press freedom in recent years, whenever it felt the press violated this responsibility, for instance, in July 2012 the magazines The Voice and Envoy were suspended for reporting on a possible cabinet change. In February 2014 the government arrested five journalists and banned the Unity Journal for "disclosing state secrets" – it had published a story on the construction of a chemical weapons factory in central Myanmar. The reporters were sentenced to ten years in jail based on the 1923 State Secrets Act – the sentence was subsequently reduced to seven years. All this indicates that progress still needs to be made before a free press that can act as a fourth estate can be established.[119]

In September 2018 two Reuters journalists who investigated the crimes of the Myanmar army of Rohingya were sentenced to seven years in prison for violating the state secret law. Namely, two local newspaper journalists working for the British agency have been in detention since December 2017. They were accused of obtaining documents related to the operations of the security forces in the state Rohingya. They concentrated on the massacre of members of this Muslim community in Inn Dinn Village in September 2017, and this verdict was made in times of great tensions between Myanmar and the

[116] Ibidem
[117] Bünte, M., Dosch, J. (2015) Myanmar: Political Reforms and the Recalibration of External Relations, Journal of Current Southeast Asian Affairs, 34 (2), pp. 3-19.
[118] Ibidem
[119] Bünte, M., Dosch, J. (2015) Myanmar: Political Reforms and the Recalibration of External Relations, Journal of Current Southeast Asian Affairs, 34 (2), pp. 3-19.

international community. That is why the press liberalisation proved to be a double-edged sword for Myanmar's transition. On the one hand, it enabled a freer discussion about political reforms. On the other hand, however, it allowed for a Buddhist-nationalist discourse and the agitation of an ultra-nationalist movement that preached intolerance and violence against the country's Muslim community.

7. CONCLUSION

Myanmar is the largest of the mainland Southeast Asian states, and is bordered by India and Bangladesh to its west, Thailand and Laos to its east and China to its north and northeast. In the far north of Myanmar, in the border area with China, lies the Kumon mountain range (East Side of the Himalayas) with Hkakaba (5881 m), the highest peak in the country. To the south, the terrain is slightly lowered and passes into the spacious central plain along the lower streams of Irrawaddy (Ayeyarwaddy) and Sittang, the economic and population center of the country. Most of the country's population are Burmans, a people of the sino-Tibetan group who inhabit the whole middle part of the country and the coast. Minority people live in peripheral areas: Shan (9%) in the same name at I, Karen (6%) along the Thai border and in the delta, Rahini (5%) and Chini (2-3%) in Arakan mountain, Moni 3%, from monochemical groups, mostly assimilated) in the Andaman Coast, and several smaller ethnic groups, like Indians and Chinese. Historically, Myanmar was an important nexus in the trade network that connected China with the Middle East and Europe, and coastal cities brimmed with religious and ethnic diversity. During the colonial period, the British administration did not interfere in the religious life of its subjects as long as they did not jeopardize British economic and political power, thereby encouraging this diversity. With the opening of the Suez Canal, Europe grew into a major market for Burmese rice and the Irrawaddy Delta region became the "world's rice basket" so by Word War II, Myanmar was the largest global exporter of rice.

During the last three quarters of a century, Myanmar has undergone three major transitions: from colonial rule to independence in 1948, from parliamentary democracy to military dictatorship in 1962, and still in progress today since 1988, still incomplete, is the transition from dictatorship to democracy. The first transition was a straight

forward culmination of a hard and costly struggle: a clean-cut change from the status of colonial subject country to that of sovereign independent nation, while the second transition too was sharp and clearly placed in time: tanks on the streets of the capital one morning, a crisp declaration on the radio. The present transition is the most complex, the most challenging, of all. Several incidents each seemingly of minor importance, fused together to become the force that launched a nationwide uprising for democracy. The uprising was put down quickly but nevertheless, it opened the gates to the rocky, protean, transit path that Myanmar continues to tread today. After almost 50 years of military dictatorship, Myanmar saw a series of political reforms from 2011. In 2011 Myanmar's then quasi civilian government embarked on a substantial process of reform by taking the first steps towards democratisation, peace with the country's ethnic armed groups, and socio-economic recovery. The period since 2011 has forced the military to engage in political deliberations, especially in Parliament and in the 21st Century Panglong Conferences. Namely, after 2011 the Tatmadaw displayed some flexibility on issues not deemed to be its primary interests, but little flexibility on questions of the unity, sovereignty and stability of the Union. The military rulers made a new constitution in 2008, which was open for political liberalization while institutionalizing positions of power for the military. The first free general election since 1990 was held in November 2015, which election returned a landslide victory for the National League for Democracy, an equally massive defeat for the USDP, and the general marginalization of most ethnic parties. The NLD formed a new government in 2016 with Htin Kyaw as the first non-military president since 1962, and Aung San Suu Kyi in a newly created position as State Counsellor, which secured her the role of de facto state leader under the 2008 Constitution. This was a major victory for the pro-democracy forces, given the limited and regime-led opening for democracy. However, continued military infuence, persistent capacity problems in political parties and parliamentary politics, weak channels of political representation, and problems of administrative capacity all give rise to critical questions about the substance of democratization in Myanmar.

During military rule, Myanmar was seen as one of the worst countries in the world in terms of human rights. Severe and large-scale violations of civil, political and social rights were documented in numerous reports from international and local organizations. Period from 2011 to 2015 was also marked by weak enforcement of the rule of law,

arrests of political activists for ‘unlawful demonstrations’, and new restrictions on media freedom, including arrest and imprisonment of activists journalists. In 2011 internet controls and censorship were relaxed and certain restrictions on international and independent news websites were lifted. In August 2012 the government proclaimed both an end to prepublication censorship and the dissolution of the Press Scrutiny and Registration Division. However, the press liberalisation proved to be a double-edged sword for Myanmar’s transition. On the one hand, it enabled a freer discussion about political reforms, but on the other hand, it allowed for a Buddhist-nationalist discourse and the agitation of an ultra-nationalist movement that preached intolerance and violence against the country’s Muslim community. Women and gender rights organizations have been developing rapidly since the end of direct military rule in 2011, when the government loosened restrictions on the establishment of civic organizations, so now there are dozens of women’s groups, some of them actively campaigning for legal reforms to ensure gender equality, although the civil rights and liberties of women are still largely restricted, their freedom of movement is limited and there are no special legal provisions for female participation in political processes, at the local or national levels. In this situation , with continued abuses of human rights, a legal framework that still facilitates restrictions on civil and political liberties, and inability to prosecute violations of human rights, human rights remain a key concern of Myanmar politics in future, despite the promising democratic opening and political reform initiatives.

In this paper I tried to answer the question weather the democratization proces sin Myanmar succeeded. It is a very complex question, with no simple answer. Without any doubt, there are significant and tangible improvements in electoral participation, media enviroment improved, most economic sanctions are lifted and Myanmar reestablished and strengthened relations with countries previously seen as foes by military rulers. There is also limited success in reaching ceasefires with various rebel ethnic armies fighting central governmentfor decades. In recent years attention was mostly focused on the fighting in Arakan state between military and Rohingya rebels. Many innocent civilians lost their lives and hundreds of thousands of Rohingyas had to flee their homes and take shelter in neighbouring Bangladesh. This crisis greatly damaged the image of Myanmar at the world scene and exposed how military influence over government is still very strong. In my opinion, this situation benefits the Myanmar army, because most of the attention is orientated at the government led by Aung San Suu Kyi. One of the main arguments oft he military influence over government and parliament are ethnic

conflicts. Had government succeeded in resolving this and other ethnic conflicts, military would not have any excuse in continuing their involvement in politics.

All this persistant problems show that full democracy in Mynmar still hasn't taken root. It aplies not only to the constitution, which has many undemocratic articles, but also to democratic culture, which is still very weak. It will probably take many more years, or even decades, before democratic opening will be ireversible. Most probable scenario is a cautios and gradual opening with frequent problems. Neighbouring Thailand, which experienced various periods of formal democratic rule, but also persistent involvement of military in it's political system could be a lesson for Myanmar. This show that free and fair elections doesn't guarantee that democratic transition is ireversible. For a full democratic consolidation it is necessary to establish rule of law, media freedom, civilian control over military and vibrant civil society. This paper confirms that Myanmar is still on the path of the transion, but it's posible results are uncertain.

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