Myanmar in Transition: Missed Chances, Many Challenges

Bertil Lintner
Myanmar’s transition from authoritarian rule to democracy began with optimism but lately has generated its share of disillusionment.

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The causes of violence involving stateless Rohingya have deep roots, and unless the complex tensions are addressed, peace will remain elusive.
Two Cheers for Democracy: Civil-Military Relations in Myanmar

By Bertil Lintner

Transitions from authoritarian rule to democracy often generate great optimism, confirming that brutal and repressive regimes can give way to better forms of governance. They can also be sinkholes of despair and dashed hopes. As longtime Myanmar expert Bertil Lintner writes, that country’s transition to democracy, which is still in its infancy, has generated its share of disillusionment.

THE OUTSIDE WORLD was exhilarated when former general Thein Sein became Myanmar’s new president in March 2011 and began taking a number of steps to ease the military’s decades-long grip over society. Press freedom became a reality for the first time since the military seized power in 1962 and abolished the federal, democratic system that Myanmar had enjoyed since independence from Britain in 1948. Myanmar exiles returned from abroad and were allowed to move their publications from Thailand and India to Yangon. Political parties were permitted to perform their activities openly. Thein Sein even initiated what was called a “peace process” with the country’s many ethnic rebel movements. In an official statement in April 2012, the European Union’s External Action Service counselor, Robert Cooper, went so far as to characterize the developments as Myanmar’s “Berlin Wall moment.” Thein Sein was hailed by some as Myanmar’s Mikhail Gorbachev, the man who knew their military and was far more skeptical, pointing out that the generals had ensured themselves a powerful position in politics and society before the seemingly unprecedented easing was announced. A new constitution, which had been drafted under the military’s auspices, was promulgated following a fraudulent referendum in May 2008. The charter gave the military a 25 percent bloc in parliament and could not be changed or amended without more than 75 percent of lawmakers voting in favor. The military also retained control over the government’s three most powerful ministries: defense, home and border affairs. The General Administration Department (GAD), a body under the Ministry of Home Affairs, staffs all local governments, from state and regional levels down to districts and townships.

The Thein Sein government appointed permanent secretaries to all the ministries, who, officially, were going to “assist” the elected ministers. That step was taken before a general election in November 2015, which the until-then de facto ruling party, the military-backed Union Solidarity and Development Party (USDP), was unlikely to win. It didn’t. The National League for Democracy (NLD), led by Aung San Suu Kyi, swept the polls and, in April 2016, formed a new government, the country’s first non-military cabinet in 54 years. Against that background, it was hardly surprising that the new ministers became little more than nominal heads of their respective government departments; the bureaucracy underneath was still populated by military-appointed officials who had dutifully served previous authoritarian regimes.

In other words, the 2008 constitution and the policies of the Thein Sein government—which came to power after an election in November 2010 that was boycotted by the NLD and regarded as rigged—created a system whereby the military would retain its powers even if a democratically elected government assumed office. The highly unpopular USDP received an absolute majority in 2010. But the 2015 election, won by the NLD, although free and fair, meant little when it came to the transfer of actual power to civilian-controlled institutions.

Suu Kyi could not become the country’s president because the 2008 constitution barred anyone with children who are foreign citizens from assuming that post (one of her two sons is a British and the other an American citizen). But the NLD circumvented that law by appointing her to an entirely new post, that of State Counselor, which made her the de facto head of government. Even so, what Myanmar has experienced since 2011, and even since 2016, is not a transition to democracy because there is no “democratic process” as such. That would imply constitutional changes aimed at reducing the power of the military, and that has not happened. Rather, what has emerged over the past five years is a hybrid system that gives the military control of all important organs of power, including the armed forces, the police, the local administration and all issues relating to border security. The elected government is in charge of little more than health, education, agricultural policies, some internal issues where the GAD is not in charge, and, to some extent, foreign policy.

The inability of many outside observers to understand the nature of civil-military relations in Myanmar and the country’s actual power structure, as enshrined in the 2008 constitution—which cannot be changed without military approval—has become obvious in the international reaction to the current crisis in the country’s western Rakhine State. On August 25, insurgents from a new outfit called the Arakan Rohingya Salvation Army (ARSA)—previously known as the Faith Movement, or Harakah al-Yaqin—launched simultaneous attacks on more than 24 police stations and one army outpost in northwestern Rakhine State (previously known as Arakan State), an area populated by Rohingya Muslims. ARSA, a shadowy outfit based in neighboring Bangladesh and with links to like-minded Islamic groups in Pakistan, claims to be fighting for the Rohingyas, although it is uncertain whether its final goal is autonomy for Rohingya-populated areas or the establishment of an Islamic republic in Rakhine State.

The attacks provoked a massive, and brutal, response from Myanmar’s security forces, known as the tatmadaw. Entire villages have been burnt to the ground and, at the time of writing, nearly 300,000 Rohingyas have fled across the border to Bangladesh. Not surprisingly, the tatmadaw’s offensive in Rakhine State also prompted widespread international condemnation—and Suu Kyi became the target of fierce criticism. Jacob Judah, a Dhaka-based writer, suggested in an op-ed piece in The New York Times on September 7 that Suu Kyi should be stripped of her...
Nobel Peace Prize, which she was awarded in 1991, and stated that “Ms. Aung San Suu Kyi ... in her capacity as state counselor since 2015, plays a role in overseeing the country’s military.” He also wrote that “Ms. Aung San Suu Kyi and her generals have not explained how a single attack by militants justifies the burning of villages or assaults on unarmed civilians.” Even an experienced writer such as Nicholas Kristof wrote an article for *The New York Times* on September 9 that began by saying that “Aung San Suu Kyi, a beloved Nobel Peace Prize winner, is presiding over an ethnic cleansing in which villages are burned, women raped and children butchered.”

While Suu Kyi, who has no say in military and border affairs, has had to take the blame for the tatmadaw’s actions, the man in charge of the Rakhine operation, the Myanmar military’s Commander-in-Chief, Senior General Min Aung Hlaing, has hardly been mentioned in the international media. Even before the most recent events, Suu Kyi had been criticized for the treatment of the Rohingyas — while Min Aung Hlaing visited Austria and Germany in April this year, Russia in June, India in July and Japan in August. Everywhere, he received a red-carpet welcome, and the Rohingyas crisis — or the more serious wars against Kachin, Palaung and Shan ethnic minority rebels in the north of Myanmar — was never brought up.

Suu Kyi may not be guilty of any actions taken by the tatmadaw, but she herself has compounded the problem by her “outsourcing” of the Rohingyas issue to the military. Most of the statements on her and her office’s website and Facebook accounts are not written by her, but by one of her advisors, Zaw Htay, a former army man who also served under President Thein Sein. Suu Kyi’s silence, and inaction, has damaged her international reputation as a human rights advocate and icon of democracy.

The 2008 constitution prevents her from having any say in military affairs and, given her delicate relationship with the ruling generals, it is understandable that she does not want to confront them by challenging their authority. But there are other things she could have done to ease the situation and, more importantly, widen the civilian space in Myanmar’s political scene.

She could have traveled to Rakhine State to meet the democratically elected local government, which she may not like to do because it is dominated by rather radical Rakhine nationalists, but such a visit would show the public that there is also a civilian component to Myanmar’s governmental structure. She could also, without challenging the military’s grip on power, have visited local hospitals to meet victims of the violence from all religious communities in the area, Muslims as well as Buddhists and Hindus.

There are other steps that she could have taken within her authority as State Counselor beyond the Rohingyas issue to widen the civilian space. Esther Husan, a young journalist from the Kachin ethnic minority working for the Associated Press, won the Pulitzer Prize for Public Service based on her and her colleagues’ investigation into the fishing industry in Southeast Asia. Suu Kyi could have invited her to the capital Naypyidaw to meet her, Myanmar’s President Htin Kyaw and other government officials. Husan could have been held up as a role model for other young, aspiring Myanmar journalists. Today, however, it is uncertain whether Husan would accept such an invitation.

Suu Kyi could, and it would have been within her and her party’s authority, have abolished the draconian Article 66(d) under which journalists have been sued and charged with libel and defamation. Suu Kyi could also be on national television every week to talk about social issues, health and education. Instead, she has become a recluse in Naypyidaw and has given interviews only to a few, selected foreign correspondents. As a result, she is being blamed for actions that are far beyond her authority.

So what has happened since she became a public figure, much loved by her own people and supporters all over the world? She is not, as some — such as activists quoted by the Malaysian website *Malaysiakini* on August 29 — have suggested, “showing her true colors.” A person doesn’t spend years under house arrest and write inspiring essays on democracy just as a cover for some kind of hidden agenda dominated by authoritarian thoughts.

Ye Myo Hein, a political analyst at the Taungun Institute of Political Studies in Yangon, explains the “Suu Kyi enigma” in an entirely different context. When finally in a position of some power, it is not uncommon that former oppositionists become more inclined towards normalizing the status quo rather than changing it. Afraid of upsetting the powers that be and jeopardizing the new position in which the oppositionist has found himself or herself, he or she becomes the victim of a kind of political “equilibrium trap.” It could also be argued that Suu Kyi, by contesting a by-election in 2012 and the 2015 general election, has become a hostage of the 2008 constitution, which she originally described as “one of the world’s worst constitutions.” Others have, rather jokingly, likened her to Ma Mya Win, a woman in a famous tale who was kidnapped by a bandit chieftain, and sided with him instead of the police who tried to rescue her; it is the Myanmar version of the so-called Stockholm syndrome.

Suu Kyi seems closer to the military that kept her under house arrest for 15 years than to the people who want an end to military-dominated rule.

Another shortcoming in her leadership style is that she has not prepared a next generation of NLD activists to take over once she is no longer active in politics. She turned 72 in June and is not in the best of health. Without her, the NLD would likely not garner the same, massive popular support the party received in the 2015 election. Because of her failure to come up with a viable solution to the country’s decades-long civil wars — she has only continued the failed policies of her predecessor Thein Sein, which means that every ethnic armed group has to sign an elaborate ceasefire agreement before any political talks can be held — she has already lost the confidence of ethnic minorities such as the Kachin. Former student activists, once her most trusted supporters, are preparing to set up a new political party. Their leader is Ko Ko Gyi, a hero of the 1988 democracy uprising and a former political prisoner who, along with his comrades, was excluded from the NLD’s list of candidates for the 2015 election.

It may be a healthy sign that Myanmar is getting more political parties, national as well as ethnic. But it also means that Suu Kyi is likely to leave behind a power vacuum within the NLD that can easily be exploited by the military. Whoever wins the next general election, which is due in 2020, will inherit the same power structure, with the military as its apex — and which Suu Kyi has done nothing to change, or even modify, during her time as State Counselor. She could have begun a process aimed at widening the civilian space in governance and public life, which, in the long run, could have had an impact on civil-military relations and, therefore, been the beginning of a real transition to democracy. Instead, she is more likely to leave power with a shattered image of herself internationally and domestically and the sad memory of a civilian government that failed to live up to the expectations of the people who voted for the NLD in 2015.

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