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Toward a Reorganization of the Political Landscape in Burma (Myanmar)?

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Abstract

In March 2011, the transfer of power from the junta of general Than Shwe to the quasi-civil regime of Thein Sein was a time of astonishing political liberalization in Burma. This was evidenced specifically in the re-emergence of parliamentary politics, the return to prominence of Aung San Suu Kyi elected deputy in 2012 and by the shaping of new political opportunities for the population and civil society. Yet, the trajectory of the transition has been chiefly framed by the Burmese military's internal dynamics. The army has indeed directed the process from the start and is now seeking to redefine its policy influence. While bestowing upon civilians a larger role in public and state affairs, the army has secured a wide range of constitutional prerogatives. The ethnic issue, however, remains unresolved despite the signature of several ceasefires and the creation of local parliaments. Besides, the flurry of foreign investments and international aid brought in by the political opening and the end of international sanctions appears increasingly problematic given the traditional role played in Burma by political patronage, the personification of power and the oligarchization of the economy.

Vers une recomposition de l'espace politique en Birmanie ?

Résumé

La passation de pouvoir qui a eu lieu en Birmanie (Myanmar) entre la junte du général Than Shwe et le régime quasi civil de Thein Sein en mars 2011 a été l'occasion d'une étonnante libéralisation de la scène politique qui s'est manifestée en particulier par un renouveau parlementaire, par le retour au premier plan d'Aung San Suu Kyi élue députée en 2012 et par la consolidation de nouveaux espaces politiques pour la population et la société civile. Cette trajectoire transitionnelle répond tout d'abord à une logique interne à l'institution militaire qui encadre le processus depuis son origine et cherche désormais à redéfinir son intervention sur le fait politique. Tout en laissant une plus grande place aux civils dans la conduite des affaires de l'Etat, l'armée conserve de nombreuses prérogatives constitutionnelles. La question ethnique demeure toutefois irrésolue, malgré la signature de plusieurs cessez-le-feu et la mise en place de parlements locaux. Quant à l'afflux désordonné des investisseurs étrangers et de l'aide internationale suscité par l'ouverture et la fin des sanctions internationales, il est d'autant plus problématique qu'il se produit dans un pays miné par le clientélisme, la personnification du pouvoir et une oligarchisation croissante de son économie.

Toward a Reorganization of the Political Landscape in Burma (Myanmar)?

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Key figures on the national political scene and foreign specialists and observers alike have been puzzled by the rapid transformations taking place in Myanmar¹ since 2011. What is happening in this country that was isolated for so long and dominated by its armed forces (or *Tatmadaw* in Burmese) totally resistant to change or contact with the outside world? In recent months, diplomats from the UN, Asia and the West have rushed to Naypyitaw² and above all to Yangon to meet with the main opposition leader, Aung San Suu Kyi, who has been free since her (third) release from house arrest in November 2010 and has been a member of the national parliament (hereafter referred to as Parliament) since the by-elections held in April 2012. Strikes and public demonstrations, as well as unions and opposition political parties, are now perfectly legal. The censorship board has been dissolved. The Internet and cell phone industry are booming. The vast majority of the 2,200 political prisoners counted in early 2011 have been released. A human rights commission was even created in September 2011. Foreign journalists and critics have no problem obtaining visas, and tourists are flocking in. Burmese dissidents in exile have begun to return in order to take part in rebuilding an economy still on the sidelines of globalization. Foreign investors and multinational corporations have started to prospect in a “gold rush” atmosphere, as one of Asia’s richest regions in natural resources appears to be opening up.

¹ This article uses the vernacular terms Myanmar and Yangon without any political connotation; Burma will be used for pre-1989 events. The vernacular term Bamar is also used to distinguish the mainly Buddhist ethnic majority (two-thirds of the population) from the numerous ethnic minorities such as the Shan, Karen (Kayin in the vernacular), Arakanese (Rakhine), Karenni (Kayah) and Kachin, who make up the remaining third of the Burmese population. The English adjective Burmese is however used to indicate the nationality of the citizens of Myanmar, as well as the more commonly known Irrawaddy River (and not Ayeyarwaddy).

² Capital of the country since November 2005.

Surprising both in its swiftness and scope, this resolutely reformist liberalization was launched on March 30, 2011 following the official dissolution of the State Peace and Development Council (SPDC), the military junta led by generalissimo Than Shwe. After twenty-three years of military rule, the impetus from the former prime minister of the SPDC, ex-General Thein Sein, proved to be a decisive factor. Indeed, he was chosen to occupy the highest institutional function in the new political system, namely president of the Union of Myanmar. Inducted into his new function on March 30, 2011, Thein Sein was subsequently able to initiate large-scale political, economic and social reforms, while reaching out to the ethnic and democratic opposition, in particular to Aung San Suu Kyi. In this, he had the support of an entourage composed of experts, technicians and academics, and was above all assisted by the former army chief of staff, ex-General Thura Shwe Mann, who had also turned in his uniform in 2010 to enter politics, get elected to the lower house of Parliament, and ultimately be appointed its Speaker.

The political sphere has thus been entirely reconfigured since 2011. While Western governments urgently review their policy of sanctions against the country, the international diplomatic community has reopened its doors to a state long treated as a pariah on the Asian scene. As for the major international financial institutions, they are gradually attempting to reintegrate the Burmese economy – so underdeveloped and with such inadequate structures and institutions – into world trade. In June 2013, Naypyitaw welcomed with great fanfare a thousand international delegates who were there for the World Economic Forum. In 2014, Myanmar will preside over the Association of Southeast Asian Nations (ASEAN), after forgoing its turn in 2006, and in 2015 will join a (still very hypothetical) South East Asian free trade zone. The country seems to be regaining a key position on the regional and world stage. The desire to distance itself from China's strategic influence—omnipresent in the country since the early 1990s – has certainly been a determining factor in this redefinition of Myanmar's relations with the outside world. During the 2000s, a large segment of the Burmese elite, driven by widespread Sinophobia in the society, began to show openly their increasing hostility toward Chinese domination. Nevertheless, a shift in Burmese foreign policy alone cannot explain the success of this attempt at "post-junta" liberalization. It was the internal dynamics within the country's dominant institution, the army, which proved to be truly decisive. How and why was such a transformation triggered in 2011, when a similar attempt at opening up and economic liberalization twenty years earlier, from 1988 to 1990, was clearly a failure? How should this sudden development in the domestic political situation be interpreted? Why has the army begun this transformation now and why is it gradually withdrawing from the forefront? What are its motivations after more than two decades of direct military rule? What are the prospects for evolution for this "transitional" quasi-civilian regime succeeding the SPDC? What kind of civil-military relations does the future hold? Finally, what role and what strategies should the historic democratic opposition adopt in order to adapt to the new institutional order nonetheless shaped by and for the army?

A reinterpretation of the "post-junta" scene, and also of developments in the political role played by the Burmese military, is vital. This paper discusses the new form of rule taking shape in Myanmar for the 2010s, where the military is still influential but is striving to shift its involvement in politics toward a less direct approach, tolerating criticism and opposition and granting civilians a greater role in conducting state business while holding onto numerous "preserves."

Nearly forgotten in the field of political science over the past three decades, and particularly useful for our study, is the typology of military regimes as conceived by, among others, Amos Perlmutter and then Eric Nordlinger in the Cold War years, when the military in several decolonized or developing countries conducted a series of coups d'état. Indeed, this conceptual approach seems more relevant in the case of Myanmar than traditional transitology. Myanmar is at the very beginning of a transition in the making, the regime that has just succeeded the junta remains a hybrid political-military system (the "transitional regime" described by the American academic Samuel Finer), and we still don't know where this "transition" is headed. Transitology, as first construed in the 1970s around numerous studies on democratic transitions in Latin America and Southern and Eastern Europe, endeavored to explain the emergence of new democratic regimes by focusing mainly on the final outcome, namely the creation of a new democratic system of governance from the ashes of authoritarian communist, military or caudillist regimes. The transition in Myanmar being far from over, it seems wiser to focus attention on the process upstream, namely on the way the army may (or may not) gradually move away from the political forefront and rethink its involvement, rather than on the final outcome: a democracy that is still very hypothetical and the object of much speculation in Myanmar.

This paper will attempt to shed light on the transformations observed since the transfer of power in 2011 through the lens of the traditional typology of so-called "praetorian" military interventionism. By assessing their limits and identifying through them elements of continuity and persistence in dirigiste, clientelist and personal practices on the part of the former military regime (as well as by the civilian and ethnic opposition), it should be possible to identify the truly "democratizing" dynamics in the country's recent evolution. Following a historical update on the various transitional experiences in the country since the Tatmadaw's first handover of power to civilians in 1960, the focus will turn to a more in-depth conceptual look at praetorianism and the army's unapologetic political role in the "post-junta" constitutional context. New forms of political participation will then be identified, in particular the resurgence of parliament and the consolidation of new political arenas for civil society and, more broadly, for the Burmese people. Lastly, the major challenges for this incipient transition will be discussed, starting with the bleak prospects for inter-communal reconciliation (beyond the new *entente cordiale* between the Burmese army and the mainly Bamar historical opposition), as well as the economic and geopolitical risks that could result from the sudden opening up of the country. This study is chiefly based on interviews³ and observations assembled through recent field studies in four areas of the country in November 2012, and in February, May and August 2013. This research involved meetings with numerous Bamar and ethnic representatives from various national and local bodies elected in 2010, the Speaker of the upper house of Parliament, as well as leaders from the main political parties, from both the opposition and the governmental majority, and major figures on the Burmese political scene.

³ The interviews were conducted in English and Burmese and then translated with the help of an interpreter, as were the quotes used here.

THE “PRAETORIAN” LOGIC OF THE TRANSITION

On September 26, 1958, U Nu, the prime minister democratically elected two years earlier, invited General Ne Win, army chief of staff since 1949, to form an interim government to “restore order.” Ten years after gaining its independence, Burma had entered a severe political crisis fueled by the emergence of all-out ethnic and communist insurrections, as well as the growing venality of a political class plagued by factionalism. Thenceforth, the army’s intrusion in the political arena became the norm.

A Transition under Military Supervision

However, an analysis of the official army literature and public speeches made by successive military hierarchies reveals a striking paradox. Indeed, the Burmese officer corps never really presented themselves as the ruling class, but rather as an elite “guarding” its institutions and protecting the nation’s integrity. The Tatmadaw long considered its role as an actor in government to be exceptional. Each time it took power – in 1958, 1962 and 1988 – it strived to underline the “transitional” and never definitive nature of its interventions, which it justified by citing the weakness, incompetence and corruption of the civilian government of the moment, as well as the persistence of constantly renewed domestic and external threats. For the military, these repeated intrusions did not reflect a will to seize government institutions or to stand in for the state.

Thus, just eighteen months after officially taking office in October 1958, General Ne Win announced that parliamentary elections would be held. The party led by U Nu, who regained his post as prime minister, won the elections with a large margin. The army then promptly returned to its barracks as of April 1960. At the time, the community of international observers saluted this “model” transition by a politically neutral army, publicly asserting its disinterest in continuing to remain in control of the state. Moreover, the success of this praetorian interlude from 1958-1960 is still frequently advanced by contemporary ideologues from the Burmese army.⁴

Nevertheless, the army was soon back in control after the coup d’état of March 2, 1962. In power once again, General Ne Win formed a revolutionary council composed of high-ranking officers, all loyal to him. Contrary to the caretaker government of 1958, this time the new “junta” endeavored to transform the country’s political and social landscape through a socialist “revolution” for which the army was to be the ideological spearhead. However, in the late 1960s, the Revolutionary Council in turn initiated its own mutation. To prepare the army’s withdrawal once again, Ne Win ordered a debate within the military as well as in the single

⁴ A Tatmadaw Researcher, *A Concise History of Myanmar and the Tatmadaw’s Role, 1948-1988*, Rangoon, Ministry of Information Printing & Publishing Press, 1991, pp. 35-36; Mya Win, *Tatmadaw’s Traditional Role in National Politics*, Rangoon, Ministry of Information, News & Periodicals Enterprise, 1992, pp. 22-33; Min Maung Maung, *The Tatmadaw and its Leadership Role in National Politics*, Rangoon, Ministry of Information, News & Periodicals Enterprise, 1993, pp. 118-123.

party created in 1962, the Burma Socialist Program Party (BSPP). A new constitutional order had to be established in which the army would only be a distant “arbitrator” of the political scene and not the revolutionary mastermind it had become after 1962. The “civilianization” of the second Ne Win military regime was thus codified by the country’s second Constitution, adopted by referendum in December 1973, and came into effect the following month.⁵

An autocrat from the ranks of the army, of which he remained chief of staff until 1972, Ne Win took his distance from his active duty officer corps and its internal rivalries during the 1970s and gradually favored the BSPP’s civilian political structures and personnel in order to govern. After twelve years of direct military administration under his auspices (1962-1974), the regime thus evolved toward an autocratic civilian system (despite the formal presence of a unicameral parliamentary assembly, or *Pyithu Hluttaw*), that was only “moderated” by the military in the background delegating the direct management of public affairs to the BSPP alone, and above all to the figurehead Ne Win. For the second time the army thus handed power back to the civilian sphere in a transition that its high command, at the time unified under the auspices of Ne Win (who gave up his uniform to become president), had designed according to its own terms starting in the early 1970s.

The third “transition” the country is experimenting with today seems to follow the same praetorian logic as those in 1960 and 1974. After taking back the reins of power in 1988, the *Tatmadaw* systematically tried to shape the ideal conditions for its gradual disengagement. After the withdrawal of Ne Win in July 1988, the coup d’état of September 18, 1988 propelled a new junta, the State Law and Order Restoration Council (SLORC), onto center stage. General Saw Maung became its leader after the bloody crackdown on the August 1988 protest movement. Like his predecessors, Saw Maung insisted on the “transitional” nature of the new junta. The SLORC was indeed officially founded with the aim of pacifying the political scene shaken up by the pro-democracy uprising and renewed ethnic rebellions in peripheral areas of the country between 1987 and 1989. The mission it assigned itself, as the perfect interventionist and authoritarian “praetorian” ruler, was to restore order, draft a new constitution – the Constitution of 1974 having been abrogated by the coup d’état – and thereby create the legal and political conditions for the army’s restitution of power, in fine, to civilian authorities.

It nonetheless took the junta twenty-three years to initiate the long-promised transitional process to a quasi-civilian administration. It wasn’t until March 2011 that the last two survivors of the 1988 coup d’état, Generals Than Shwe and Maung Aye,⁶ withdrew from public life; but, as in 1960 and in 1974, it was the army that “granted” the withdrawal when—and only when—it deemed that sociopolitical and legal conditions had been met. For the military hierarchy that had learned from Ne Win, the transition had to be controlled from the outset, through its own supervision of the regime that would succeed the SPDC.

⁵ The first postcolonial constitution, adopted in 1947, was annulled by the coup d’état in 1962.

⁶ General Saw Maung was deposed in April 1992 by General Than Shwe, who remained in charge of the junta until 2011.

A New “Post-Junta” Constitutional Order

As of 1993, the SLORC had presented six objectives and 104 principles that it considered to be non-negotiable in order to launch constitutional reforms and the transition to a so-called civilian regime, along the lines of what the Constitution crafted in 1974 by Ne Win had planned for the Revolutionary Council. A National Convention entrusted with drafting a third Constitution was thus convened by the junta in January 1993, but it was suspended in 1996 when the main opposition party, Aung San Suu Kyi's National League for Democracy (NLD), walked out, judging the discussions held there to be too undemocratic. In August 2003, the recently appointed SPDC⁷ prime minister, General Khin Nyunt, proposed a new attempt. He announced a seven-point “roadmap to discipline-flourishing democracy” that laid the groundwork for the transitional regime and the restoration of a parliamentary, democratic, and above all civilian republic. The second National Convention was convened in May 2004 under the auspices of General Thein Sein, at the time first secretary of the SPDC (step 1 and 2 of the roadmap). After three years of negotiations, Thein Sein presented a constitution cleverly drafted according to the objectives and principles initially formulated by the *Tatmadaw* in the early 1990s (step 3). The text was then adopted in May 2008 through referendum (step 4), despite the heated controversy concerning the regime's strict supervision of the referendum shortly after Cyclone Nargis struck the Irrawaddy delta and Yangon.

To take over from the SPDC, army strategists chose a parliamentary republican system with a president (and no prime minister), which nonetheless left the armed forces with a broad institutional role. Unprecedented political and decisional echelons were instituted by this new constitutional order that was to replace direct military administration by the junta: a president, two vice-presidents, decentralized regional governments run by a chief minister, and above all national and local assemblies elected by universal suffrage. However, the 2008 Constitution also guaranteed the military an essential role in the new legislative and executive structures and a high level of immunity for its members, whether active or not. The “post-junta” system was thus designed to preserve a true praetorian hue. Above all, it was meant to think of itself only as a “transitional” regime within which the army agreed to share in conducting government business with the civilian leaders until such time as it returned full time to its barracks.

The 2008 Constitutional also provided the country with an unprecedented federalist dimension. Independently of the bicameral Parliament, it created fourteen decentralized local assemblies (Region and State Hluttaw) directly elected in the country's seven states (with an ethnic majority) and seven regions (with a Bamar majority), which the two preceding Constitutions had not envisaged. These national and local assemblies were formed after the parliamentary elections held on November 7, 2010 (step 5 of the roadmap) – a first since the 1990 vote, where the results and the NLD's victory were contested by the SLORC. Strongly criticized by Western powers and Myanmar's democratic opposition, who were constantly denouncing abuses, ballot stuffing and pre-electoral restrictions, the 2010 national election

⁷ After an internal purge orchestrated in November 1997, the junta changed its name from SLORC to SPDC.

results were ultimately recognized by a large segment of the international community. Taking advantage of the boycott decided by the NLD and Aung San Suu Kyi's house arrest,⁸ the Union Solidarity and Development Party (USDP) won three-quarters of the seats to be filled in the local assemblies and in the new Parliament.⁹ Formed in 2010 and based on the mass organization created by the junta in the early 1990s in order to have the benefit of support organizations throughout the country, the party included former top brass from the junta, retired officers and local notables, senior civil servants, teachers, bureaucrats and businessmen still more or less close to military circles. Endowed with a very solid financial foundation and offices located throughout the country—only the NLD could compete with it in that area—it prided itself after the elections on being the foremost political force in the “post-junta” landscape.¹⁰

However, it took several weeks after the vote for the new institutional structures to be set up. The new Parliament met for the first time on January 31, 2011 (stage 6 of the 2003 roadmap). The former army chief of staff, Thura Shwe Mann, was immediately elected to the head of the lower house (*Pyithu Hluttaw*) while a former minister in the previous junta, ex 2-star General Khin Aung Myint, became Speaker of the upper house (*Amyotha Hluttaw*).¹¹ On February 4, an electoral college composed of civilian representatives elected to the two houses of the new Parliament, as well as military representatives named directly by the army hierarchy, chose three vice-presidents. Among these, Thein Sein, former general and mastermind of the second National Convention that had prepared the Constitution between 2004 and 2007, was elected president of the Union of Myanmar in the first ballot.¹²

On March 30, 2011, on the very day that Thein Sein was sworn in as president, the SPDC was dissolved (7th and final step of the roadmap), and Generals Than Shwe and Maung Aye abandoned all their official functions. The junta formed in September 1988 was no longer. It had resisted two decades of internal purges, spontaneous rebellions of Buddhist monks and students, Cyclone Nargis in May 2008, political dissidence organized in exile, economic and diplomatic sanctions imposed by Europe and the United States starting in the 1990s... and above all the prestige of Aung San Suu Kyi, daughter of the founder of the Burmese army and a formidable (civilian) rival to the armed forces. With hindsight and a large dose of cynicism, it can be affirmed that the seven points of the roadmap announced in 2003 were applied to the letter by the military and the transition to a quasi-civilian regime was finally granted in 2011, without international pressure having had any real influence.

⁸ She was released a week after the vote, on November 13, 2010.

⁹ Or 388 seats out of 498 to be filled in the two national houses together (129 out of 168 in the upper house and 259 out of 325 in the lower house, five seats being left vacant). In the seven regions with a Bamar majority, the ratios were similar. However, in the elected assemblies in the seven states with an ethnic majority, its superiority was far less obvious.

¹⁰ Interview with two elected USDP representatives (lower house), Naypyitaw, August 15, 2013.

¹¹ Interview with U Khin Aung Myint, Naypyitaw, August 15, 2013.

¹² The other two vice-presidents elected were Sai Mauk Kham, a Shan leader from the USDP, and Tin Aung Myint Oo, a former army commissioner-general, who was replaced in August 2012 by Admiral Nyan Tun.

On the Army's Unapologetic Political Role

Still, the military has remained an essential political actor in the “post-SPDC” landscape. Its historic roots in the country and society are such that it would be hard for the hierarchy to conceive of a political arena in which the military had no acknowledged role. During the postcolonial decades the *Tatmadaw* has become excessively politicized. Reversing that historical trend promises to be particularly arduous, if not quixotic, in the foreseeable future. As long as the country is prey to continual political violence, as long as the ethnic issue persists and social conflicts are not resolved, the depoliticization of this praetorian army and the professionalization of its officer corps that must be a part of that process will remain all the more utopian since the military appears to have assumed its “praetorian” role to perfection. Deeming their sovereign function of restoring order begun in 1988 to have been accomplished and confirmed by the 2011 transition, henceforth the armed forces are striving to defend their function as “guardians” of its institutions and, potentially in the more or less long term, as “arbitrators” or “moderators” of the civilian political scene, but are far from contemplating complete subordination of the military to civilian power.

Abandoned over the past three decades in favor of the more popular idea of “transitology” and comparative studies on the democratization of authoritarian societies around the world, the literature on praetorianism, as pointed out earlier, is particularly well suited to shedding light on the case of Myanmar. Various theoretical tools and analytical frameworks have been proposed since the 1950s to understand the recurring intrusion of the military into a country's political, social and economic spheres, and to describe their behavior once in power (or in a position to greatly influence it). Beginning in the late 1950s, Samuel Huntington was one of the first to propose an interpretative framework of military modes of political intervention. S. Finer, A. Perlmutter and E. Nordlinger, among others, completed his work in the 1970s by drawing up a typology of the army's political role according to its degree of control over the political arena, government bodies and, more generally, of political decision-making. This paper uses their models based on the differentiation between three main types of military intervention in politics: the “arbitrator” or “moderator” army, the “guardian” army and the “praetorian ruler.”

In general, when the army claims to be an “arbitrator” in the political arena, it is not taking part in the government but rather acting as a powerful professional force with a broad network of influence, weighing in on the political scene, acting as a “mediator” within it and impacting the formation of successive civilian governments. Through its often prestigious legacy, the “guardian” army often plays a more leading role because it has established itself as a “protector” of the nation and state institutions. It has proved to be more effective and interventionist, either by regularly taking power but for a limited time (a coup d'état to “restore order”), or by laying claim to the legal instruments of political or legislative intervention, and in a sustainable manner (reserved seats in parliament, legal parachuting of active officers in state governments and local administrations, etc.). Lastly, a “praetorian” army is one that directly assumes all governmental functions and occupies a position of force in prescribing a dictatorial type of political-military order, sometimes accompanied by an ideological revolution

in which civilian institutions are totally subordinate to an independent but clientelist political organization created by a corps of military officers: a junta.

Thus, according to the literature, there is a spectrum of military intervention in politics, or various “levels of intervention” by the armed forces according to S. Finer. There is a “scale of praetorianism,” that an army can go up or down, depending on its political ambitions and degree of involvement in state and civilian affairs. Since the country’s independence in 1948, the Tatmadaw has never stopped going up, down and back up these various echelons of interventionism. After being a “moderator” of the political arena in the 1950s, it became the “guardian” of order from 1958 to 1960, and then a “praetorian,” absolutist ruler after the revolutionary coup d’état in 1962, when it proved capable of imposing a murky xenophobic and socialistic ideology meant to transform society and the people. It then launched into a new process of “civilianization” in the early 1970s, asserting itself as more paternalistic and going back to being the “guardian” of the socialist revolution. Ne Win himself resigned from his position as chief of staff in 1972 and pursued demilitarization of the regime, the leadership of which was entrusted to the single party, the BSPP. Then, suddenly, the army became “praetorian” again, and even dictatorial, after the 1988 coup when it regained power through a junta (SLORC-SPDC), taking control of all the country’s institutions. Today, it has gone back down a notch on the scale of praetorianism and once again sees itself as a “guardian” of the new institutions it has forged since 1993, perfectly consistent (at last) with its rhetoric and the responsible image it wants to project, an image that was damaged by over two decades of violent dictatorship. Nonetheless, it would like to remain relevant in the new political order, and doesn’t seem ready yet to join the other end of the praetorian spectrum to become a mere mediator on the political scene or, even more, an institution entirely subject to civilian control as it is in all firmly consolidated Western democracies.

Indeed, given the persistent ills of multiethnic and multi-denominational Burmese society, as well as the historic volatility of its political landscape, the military elite sees itself today as still “obliged” to participate in governmental affairs, if only to ensure national cohesion, beyond the mere defense of the country against external threats—the traditional role of any military apparatus. President Thein Sein and General Min Aung Hlaing, the new armed forces chief of staff who took over from General Than Shwe in March 2011, have recalled this point regularly in major addresses to the nation: the army’s exclusive function remains that of leading the country on the path of development, reform and democracy while safeguarding the unity and integrity of the nation.¹³

In order to remain relevant, and thus influential, in this “post-junta” context, the *Tatmadaw* needs to preserve the legal instruments that enable it to intervene as a “guardian” in the political arena. The Constitution of 2008 provided it with these. Thus, within the new government formed by the president of the Union, three ministers and their affiliated deputy ministers are appointed directly by the commander-in-chief of the army (articles 232b and 234b): the ministers of Defense, of Home Affairs and of Border Affairs. In March 2011, President Thein Sein was thus able to reappoint respectively to those positions Major-General Hla Min, Lieutenant-General Ko Ko—two former senior officials from the SPDC—and Lieutenant-General Thein

¹³ *The New Light of Myanmar*, January 4, 2012, p. 1; March 28, 2012, p. 1; March 28, 2013, p. 1. March 2011, p. 10.

Htay.¹⁴ They were all assisted by deputy ministers who also remained in uniform and had no constitutional obligation to retire from the army in order to participate in the government.¹⁵ Moreover, the Constitution having envisaged a theoretical form of decentralization, the same reasoning can be found on the local level in each of the fourteen decentralized governments of the country's seven states and seven regions (article 262a). Thus, fourteen ministers of Security and Border Affairs were named directly by the supreme commander of the army, with no prior consultation with the chief ministers of these local governments—nor the central government in Naypyitaw, and even less the local parliamentarians themselves— being required. Since 2011, all the ministers of Security and Border Affairs are colonels in the army.

Finally, the Constitution made a provision to create the National Defense and Security Council (NDSC), six of its eleven members are active military personnel (article 201). It seems that this council, the object of much speculation due to the degree of secrecy surrounding the tenor of its internal debates, met every week in the first months of its existence.¹⁶ It is intended to play a major centralizing role, enabling the hierarchy of the active duty army to maintain a permanent dialogue with the executive and legislative bodies of the “post-junta” transitional regime. In addition to the commander-in-chief of the army and his second in command, the Speakers of the two houses of Parliament, the president of the Union and several of his ministers sit on the council. Although numerous former army officers have been appointed to senior government and administrative positions since 2011, there is no guarantee that they will get along with the younger generation now in control of the active duty army. Recent examples in the Philippines, Indonesia and Pakistan have clearly shown that the subordination of retired generals is often something that cannot be taken for granted.

NEW FORMS OF POLITICAL PARTICIPATION

While the transition was undoubtedly initiated by a military elite finally resolved to prepare the gradual withdrawal of the army, in the past two years new forms of political participation and social mobilization have emerged or been consolidated. Certainly, the old autocratic and clientelist habits have endured, a legacy from the Burmese political scene's aristocratic and praetorian *modus operandi*, but new actors have gradually been mobilized (and with increasing efficiency) and are beginning to act as a political and social counterweight to the army, such as civilian representatives in parliament and civil society whose influence has grown manifestly since the passage of Cyclone Nargis in 2008.

¹⁴ Hla Min was replaced by Lieutenant-General Wai Lwin in August 2012. *The New Light of Myanmar*, March 31, 2011, p. 10.

¹⁵ Horsey R., “Who's Who in the New Myanmar Government,” New York, SSRC Conflict Prevention and Peace Forum Briefing Paper, April 14, 2011.

¹⁶ Kyaw Yin Hlaing, “Understanding Recent Political Changes in Myanmar,” *Contemporary Southeast Asia*, vol. 34, no. 2, 2012, p. 211.

The Resurgence of Parliament

The last parliamentary assembly, elected in October 1985, was officially dissolved by the coup d'état on September 18, 1988. A unicameral legislature established by the Constitution of 1974, this highly inactive house had remained resolutely under the control of the BSPP and its capricious leader Ne Win for fourteen years. In the absence of an elected legislative body, the junta formed in 1988 thus chose to rule thereafter directly by decree, acting in a perfectly "praetorian" manner, and this until 2011. With the exception of the two National Conventions that were convened by the regime in 1993-1996 and 2004-2007,¹⁷ the formation of a bicameral legislature and fourteen local legislative parliaments the day after the elections on November 7, 2010 was therefore a major event for the country.

According to the Constitution of 2008, the National Parliament (or *Pyidaungsu Hluttaw* when the two houses are convened together) headquartered in Naypyitaw is composed of a lower house of representatives (*Pyithu Hluttaw*, 440 seats) and an upper house of nationalities (*Amyotha Hluttaw*, 224 seats). Following the example of the United States Senate and House of Representatives, the two houses seem to have relatively equal powers, even if the lower house tends to be preminent, if only by the number of its members that gives it a clear advantage whenever there is a decisive vote of the full Parliament. As for the assemblies of the seven states and the seven decentralized regions (State and Region *Hluttaws*), also elected—three-quarters of their seats only—by universal suffrage, they have a number of parliamentarians that is proportional to the number of inhabitants in the state or region in question. Thus the assembly for the densely populated Shan State has 143 seats, while the assembly for the small Kayah State (or "Karenni" according to its former denomination) has only 20. Moreover, a quarter of the seats in each of the houses of Parliament—110 seats for the lower house (article 109b) and 56 seats for the upper house (article 141b)—are constitutionally reserved for the army. Similarly, the number of military representatives appointed in each of the fourteen local assemblies must correspond to a third of the total number of elected civilian representatives – or mathematically speaking about a quarter of the seats in each house of local parliament (article 161b). In 2011, 222 military representatives were appointed in these fourteen local parliaments. They were all appointed by General Than Shwe on January 20, 2011, shortly before his retirement.¹⁸

The first session of the new Parliament, organized while the SPDC still held the reins of the state, was highly criticized, particularly by one of the main media of the opposition in exile that called it the "15-minute Parliament," since internal debate had been so brief, the military representatives practically silent and the topics of discussion scarcely developed.¹⁹ Two elements were denounced in particular, both by outside analysts and by the rare members of parliament

¹⁷ The representatives at these two Conventions were not elected, but appointed directly by the regime, while those elected in the parliamentary vote on May 27, 1990 were never able to convene.

¹⁸ *The New Light of Myanmar*, January 21, 2011, p. 9.

¹⁹ *The Irrawaddy*, February 22, 2011. For a more objective assessment of the first session of the National Parliament, see Horsey R., "The Initial Functioning of the Myanmar Legislature," New York, *SSRC Conflict Prevention and Peace Forum Briefing Paper*, May 17, 2011.

(MP) from the democratic or ethnic opposition that managed to get elected in 2010: on the one hand, the brazen domination of the USDP, a true composite of interests reputed to be more or less close to the former regime, but with no established ideology or political program; on the other hand, the conspicuous presence of unelected representatives from the army sitting in uniform in all the assemblies, a perfect testament that the army was still far from willing to fall under the authority of any civilian power.

In August 2011, the second parliamentary session opened in a more optimistic atmosphere. This time, Burmese and also foreign journalists were allowed to follow the debates and interview elected representatives. Public questions to the government were plentiful—over 300 in each of the two houses—and 18 clearly reformist laws were adopted, whereas none of them had been adopted during the first session that closed at the end of March 2011.²⁰ The third session, in early 2012, proved to be equally active, when 16 new pieces of legislation were passed. Many new bills were gradually introduced and discussed publicly by the MPs, including creating unions, relaxing censorship, establishing a minimum wage in certain sectors, allowing public demonstrations, opening the national economy to foreign investors, in particular the automobile, textile and beer industries.²¹ When the seventh session opened on June 25, 2013, perceptions of the role and relevance of legislative power in the context of the “post-junta” had undergone a major change. Why?

First, because in the face of executive power embodied as of March 2011 by President Thein Sein and his entourage of government experts and political advisors—some of whom came from the diaspora that returned from exile after 2011—Parliament itself proved to be particularly active.²² Moreover, this activism prompted many questions concerning possible rivalry between Thein Sein and Thura Shwe Mann (Speaker of the lower house), each of whom quickly proved to be a key actor in the major transformation of the Burmese political scene after the dissolution of the SPDC. The presidential system established by the Constitution of 2008 clearly conferred the lion’s share of political decision-making on the president of the Union as well as his cabinet of ministers, but as Speaker of the lower house and a charismatic former chief of staff, Thura Shwe Mann apparently did not intend to leave the management of the reformist agenda to the presidency of the Union alone.²³ According to a number of elected representatives, Thura Shwe Mann gradually “imposed his style” on the lower house, guiding the debates, deciding on the agendas, and creating new parliamentary committees on sensitive issues,²⁴ but he also summoned members of the lower house prior to votes to discuss their importance, forming coalitions then dissolving them regarding other issues, or offering to mediate between civilian and military representatives. In doing so, he appears to

²⁰ *The Myanmar Times*, “First Parliament Sessions Conclude in Nay Pyi Taw,” March 28–April 3, 2011.

²¹ *The Bangkok Post*, “Burma old guard adapts to new life as lawmakers,” January 18, 2012; Reuters, “In Myanmar, a ‘sham’ parliament stirs to life,” January 26, 2012.

²² Kean T., “Burma’s biggest win: its legislature,” *The Diplomat*, February 1, 2013; *The Myanmar Times*, “The Hluttaws flexes its muscles,” May 21–27, 2012.

²³ *The Myanmar Times*, “Man of the House,” November 21–27, 2011.

²⁴ Interviews with various members of the lower house, Naypyitaw, February and August 2013, and Yangon, May 2013.

have succeeded in dominating the lower house, while Khin Aung Myint, Speaker of the upper house, has proved to be a far more unassuming figure. This did not prevent the said house from also taking part in the resurgence of parliament.²⁵ Receiving far less publicity than the debates in the lower house with its charismatic politicians, those in the house of nationalities have indeed become surprisingly “lively,” according to certain elected representatives.²⁶

In any event, session after session, the Parliament showed that it was not a mere rubber-stamper for the executive, as many observers feared when it was formed.²⁷ Within both houses, the most dynamic representatives emerged as formidable opponents of executive power, discussing the presidency’s decisions and sometimes opposing the government’s proposals head-on.²⁸ Even the sacrosanct budget for the army was openly contested by civilian representatives when the minister of Defense first presented it publicly in February 2012.²⁹ In September 2012, the Constitutional Tribunal affair was a perfect illustration of how Parliament succeeded in reinforcing its footing and credibility as the months progressed. As the first real institutional crisis since the transfer of power in March 2011, the affair was triggered by the members’ refusal to obey a decision by the Constitutional Tribunal, which was however the only court meant to be competent in constitutional affairs. The Tribunal had indeed denied the Parliament’s internal committees the status of Union-level organizations and declared these committees (and thus all other parliamentary entities of an “infra-national” nature) could have no authority over the national executive branch, and thus, among other things, could not question members of a ministerial cabinet. In fact, this meant depriving the legislative body of its power of control over the executive, thus approving a serious obstacle to the separation of powers.³⁰ The nine members of the Tribunal—whose nominations are approved by the president of the Union alone—resigned, while a humiliating procedure for dismissal, or “impeachment,” was set in motion as provided for by the Constitution in article 334.³¹ As head of the lower house, Thura Shwe Mann was particularly involved in this affair, leading the rebellion of members of his house alongside various opposition and even USDP representatives.

In 2012, another event greatly enhanced the prestige of the Parliament, perceived until that time as being dominated only by Thura Shwe Mann and his party, the USDP: the arrival on the scene of the NLD and, above all, its iconic figure, Aung San Suu Kyi. Indeed, owing to the by-elections held on April 1, 2012 with the aim of replacing the forty-odd USDP representatives who had joined a ministerial cabinet in Naypyitaw or in the regions, the NLD, which had become legal again in December 2011, registered with the Electoral Commission and fielded

²⁵ Interview with Khin Aung Myint, president of the upper house, Naypyitaw, August 15, 2013.

²⁶ Interview with various Bamar and ethnic representatives in the upper house, Naypyitaw, February and August 2013, and Yangon, May 2013.

²⁷ *The Economist*, “Myanmar’s sham legislature,” January 27, 2011.

²⁸ *The Myanmar Times*, “Hluttaw refuses human rights body budget,” March 26–April 1, 2012.

²⁹ AFP, “Myanmar MPs tackle first budget in decades,” February 12, 2012; *The Irrawaddy*, “Burma Parliament approves controversial Defense budget,” March 1, 2013.

³⁰ Nardi D.J., “After impeachment, a balancing act,” *The Myanmar Times*, October 1, 2012.

³¹ AFP, “Parliament impeaches constitutional tribunal judges,” September 7, 2012.

45 candidates for election.³² After years of boycotts and head-on opposition to most of the initiatives proposed by the army, the NLD ultimately chose to play the game of electoral participation. This came with strong internal resistance.³³ Several historic party leaders, such as Win Tin, an intellectual in his seventies who was an opponent from the early days and a political prisoner for nineteen years until his release in 2008, fiercely opposed the idea of the NLD breaking with its traditional position.

To everyone's surprise, the new vote bore no resemblance whatsoever to the one in November 2010. The ballot as well as the pre-election campaign, during which Aung San Suu Kyi was given a triumphant welcome throughout the country, was considered the freest since 1960 by the international community. United Nations Secretary General Ban Ki-moon even congratulated Thein Sein's new regime in a historic speech given before both houses of Parliament in session in Naypyitaw on April 30, 2012.³⁴

Thus the historic opposition party won the by-elections hands down, taking 43 out of the 45 seats to be filled.³⁵ Above all, it was its turn to be a force in the transition as proposed by the new "post-junta" leadership embodied by Thura Shwe Mann and Thein Sein; moreover, Aung San Suu Kyi had a one-on-one meeting with the latter in August 2011.³⁶ After that strategic meeting in Naypyitaw, establishing healthy collaboration between the leading figure from the opposition and the presidency was now opportune. Not wishing to be in the government through a mere nomination to a ministerial post, however prestigious, Aung San Suu Kyi had succeeded in compelling her party to take part in a democratic election that would allow the NLD to ensure the legitimacy of its comeback and Aung San Suu Kyi to be truly "chosen by the people."³⁷ For its part, the new regime saw the political consecration of "The Lady" as a chance to restore its image in the eyes of the international community. Indeed, after the vote, western powers began quickly dismantling the various regimes of sanctions imposed on the country since the 1990s.

Aung San Suu Kyi joined the ranks of Parliament for its fourth session, which opened in July 2012,³⁸ and the NLD became the second civilian parliamentary force in the lower house behind the USDP, before the Shan and Arakanese (Rakhine) parties. A multi-party system gradually re-established itself in the country due to the new parliament and an easing of censorship. Today, the increasingly active Parliament acts as a terrific sounding board for the political parties. A politicking atmosphere reigned in both houses that had not been seen since the

³² There are now 37 NLD representatives elected to the lower house (including Aung San Suu Kyi) and 4 to the upper house. Two other NLD representatives were elected to the regional assemblies of Bago and Irrawaddy.

³³ Interview with NLD representatives, Yangon, May 2013, and Naypyitaw, August 2013.

³⁴ Although it was in the absence of the newly elected NLD representatives, who had not as yet agreed to take the oath to the Constitution. Min Zin, "Picking the wrong battle," *Foreign Policy*, April 20, 2012.

³⁵ The vote was cancelled in three districts in Kachin State, still involved in all-out civil war. Aung San Suu Kyi was elected to the lower house in Kawhmu, a district in the Irrawaddy delta a few miles south of Yangon.

³⁶ Jagan L., "What Thein Sein promised Suu Kyi," *Asia Times*, September 30, 2011.

³⁷ Under house arrest in Yangon during the May 27, 1990 vote won by the NLD, she had never been a candidate before and wasn't elected until 2012.

³⁸ *The Bangkok Post*, "Suu Kyi makes parliamentary debut," July 9, 2012.

1950s, including highly publicized debates—the legality of which was no longer in danger—and heated discussions at the highest levels of every party about what strategies to adopt. With it, however, came a return of the historical failings of the Burmese political scene, the same ones that, among others, had led the *Tatmadaw* to seize power in 1958: an increasingly unrestrained, factional, self-absorbed, and intriguing parliamentarianism focused on multiple charismatic figures without any true institutional support. The civilian and politicking sphere has long been despised by the army, which constantly contrasted its factionalism with the discipline and coherence a so-called apolitical military institution intended to propose. The same rhetoric can be seen today in the state media: “the *Tatmadaw*, due to traumatic experiences of the early parliamentary democracy period, worries that the nation would be thrown into turmoil by bigoted egocentric politicians engaged in fierce power struggle.”³⁹

The National Democratic Force (NDF) is a good illustration of such traditional factional infighting.⁴⁰ Formed by NLD dissidents who wanted to take part in the 2010 elections boycotted by the head office, this party in turn bore the consequences of a new split when several of its elected MPs created the New National Democracy Party (NNDP) in August 2011 and two others tried to get in the good graces of Aung San Suu Kyi in order to be reinstated in the NLD in April 2012.⁴¹ Faced with another potential NLD landslide in the next national elections, scheduled for the end of 2015, many elected officials from the opposition wonder: would it not be wiser to (re) join this historic party, especially if no reform of the first-past-the-post system is applied by then?⁴²

Internal divisions affect not only parties with a Bamar majority. The ethnic parties are equally centrifugal. Thus, Shan political leaders have clashed over participation in the electoral process. While the Shan Nationalities Democratic Party (SNDP) has 22 seats in Parliament, the Shan Nationalities League for Democracy (SNLD)—to which the SNDP’s leaders belonged before defecting in 2010—is still wavering about entering the electoral game.⁴³ Its historic leader, Hkun Htun Oo, was released in January 2012, but is loath to disown the years of struggle against the former junta, which spurned his party’s success in the May 27, 1990 elections.⁴⁴ The Karens and Chins are also divided between those who are eager to participate in the new parliamentary sparring and those who doubt the impact of legislative action in the houses created by a Constitution that most of them still deem illegitimate.⁴⁵

The renewal of parliamentary activism observed since 2011 is good news. It is healthy for the Burmese political scene, closed off for so long and above all so polarized between the junta

³⁹ *The New Light of Myanmar*, March 27, 2012, p. 8.

⁴⁰ Interview with Khin Maung Swe, founder of the NDF, Yangon, May 28, 2013.

⁴¹ *Mizzima*, “NDF MPs rejoin NLD,” April 9, 2012.

⁴² Many small political parties have indeed requested that a reform of the voting system be initiated before 2015, to add proportional representation. Interview with an elected representative from the Democratic Party-Myanmar (DP-M), Yangon, May 29, 2013.

⁴³ Interview with an elected SNDP representative, Naypyitaw, August 13, 2013.

⁴⁴ Interview with Hkun Htun Oo, Yangon, June 1, 2013. The SNLD came in second behind the NLD in this vote. Hkun Htun Oo is now fighting for the drafting of a new Constitution.

⁴⁵ Interviews with a member of the Kayin People’s Party (KPP), Yangon, May 30, 2013, and an elected representative from the Chin Progressive Party (CPP), Naypyitaw, August 14, 2013.

and its civilian and ethnic adversaries, to engage in public debate, parliamentary exchanges, legislative dynamics and attempts to control executive power by a legal legislative apparatus that is gradually becoming emancipated. Former political prisoners, retired generals, oligarchs, historic adversaries, ethnic leaders and young active officers in the three forces of the Tatmadaw are now coexisting and interacting within the same arena. Parliamentary dialogue is helping the democratization effort, even if initiatives are still uncertain and appear to involve only the national Parliament, which is far more active than the regional assemblies that remains far more under the control of the USDP and the armed forces.⁴⁶

As in Indonesia at the end of the 1990s, the affirmation and empowerment of the legislative branch is a crucial element in consolidating democracy. As the legislative apparatus gradually comes to act more freely and manifest its demands, it develops the capacity to counter the army's "praetorian" tendencies as well as the authoritarian temptations of former generals who have joined the new executive branch and state bureaucracy. However, the literature on parliamentarianism and democratization has shown that after a noticeable—and even euphoric—emergence during a transition period, newly formed parliaments often tend to return to the failings of paternalist and factional politics, while the executive branch is gradually reinforced. Given the presence of strong personalities within its ranks—Thura Shwe Mann and Aung San Suu Kyi in particular—and as the 2015 elections get closer, the national parliament runs a high risk of seeing a progressive drop in the optimism it has prompted since 2011 among observers of the Burmese scene and within the country's political class. The shortcomings experienced by Burmese parliamentarianism in the 1950s—personal conflicts, ego clashes, corruption and clientelism of elected representatives struggling to gain their autonomy vis-à-vis a few charismatic leaders—could well destabilize the country's political life once again.

A Legislative Function for the Army

Aside from having direct control over certain government bodies, the Tatmadaw has claimed a major legislative role by reserving for itself 25% of the seats in each assembly. This instrument of legislative influence has long been denounced by activist and academic circles outside the country.⁴⁷ It is also strongly criticized by most opposition parties on the domestic front.⁴⁸ The presence of military representatives in all legislative bodies was soon accused of being a formidable force for obstructing the work of parliament, since for any constitutional amendment to be enacted, it must be approved by over 75 percent of all the representatives in an exceptional joint meeting of both houses (chapter XII of the Constitution). The military MPs thus have an

⁴⁶ Interviews with various elected representatives (NDF, DP-M, and KPP) from the Yangon regional assembly, Yangon, May 2013.

⁴⁷ ASEAN Inter-Parliamentary Myanmar Caucus, "Myanmar Military Remains an Obstacle to Progress," December 13, 2012.

⁴⁸ Interviews with various elected opposition members, Naypyitaw, February and August 2013, and Yangon, May 2013.

essential veto function as, according to the terms of the oath taken by all representatives (civil or military), they must ensure that the spirit of the Constitution is not fundamentally or systematically challenged by civilian representatives, whatever their political affiliation.

This long-term vision of the active army can be interpreted as a means to guard against amendments and other undesired interventions not only from the opposition, but also from the current majority party, the USDP, which could ultimately prove far less loyal than the opposition imagines and very distant from the interests of the new generation of leaders that has come out of the armed forces. Thus, after being the “guardian” of institutions in the immediate post-junta period, the army, through its parliamentary representatives and if it does not initiate any constitutional reform of its own accord, may become the “moderator” of parliamentary and political debates in the medium term. And this while defending its corporatist interests within the post-transition legislative bodies: immunity for its past actions, assurance of a substantial military budget and perpetuation of the recognition of its role as the nation’s “protector.” In a recent interview, the Speaker of the upper house, Khin Aung Myint, justified the presence of the military in parliament by the army’s legitimate wish to avoid “the dictatorship of any one single party,” whatever it may be, once the transition is complete.⁴⁹

Among the 388 military representatives appointed by virtue of the Constitution on January 20, 2011 by former junta chief Than Shwe, there were very few high ranking officers: three colonels in the lower house, two in the upper house. Likewise, only one colonel was appointed to the head of the military delegation of each of the fourteen local assemblies except for the Kayah State assembly, in which the highest ranking officer in 2011 was a brigadier general, who then became chief minister of this state, thus going over to the executive branch. All the others were lower ranking officers: army and air force majors and captains and navy commanders. This seems to reflect the old general’s lack of faith in parliamentary and civil affairs, thereby confirming the theory that military representatives should exercise merely a veto function in the various parliaments.

Yet, the role and influence of these military representatives has gradually evolved over the successive parliamentary sessions, at least in the national legislature. While remaining very discreet, they do not seem to be merely bit players. The army’s reevaluation of Parliament’s importance first became clear in April 2012, when Than Shwe’s successor as supreme army commander, General Min Aung Hlaing, replaced 59 military appointees with higher-ranking officers, brigadier generals and lieutenant colonels.⁵⁰ Since then, changes have been regularly made with no civilian oversight, as nominations are the army’s constitutional prerogative.⁵¹ Min Aung Hlaing obviously wished to leave his mark on the transitional process by placing his own men in Parliament. This image of responsible military officers devoted to public affairs, prepared to sacrifice a few years of their soldiering career to occupying a bureaucratic office for the good of the nation, is part of the recurrent rhetoric in upper military circles. Far from

⁴⁹ Interview with U Khin Aung Myint, Naypyitaw, August 15, 2013.

⁵⁰ Reuters, “Myanmar’s military moves amid Suu Kyi no-show,” April 25, 2012.

⁵¹ During the opening of the seventh parliamentary session on June 25, 2013, 33 new military representatives took oath. *The New Light of Myanmar*, June 26, 2013, p. 16.

being monolithic, over the years a number of discordant voices have been heard regarding the way the army had managed the country since 1988, and how it has affected its image. Courses in political science and comparative parliamentarianism have moreover been added to military academy curricula in such institutions as the prestigious Defense Services Academy based in Pyin U-Lwin near Mandalay.⁵²

Furthermore, the broadcasting of parliamentary debates and the frequent use of voting by a show of hands have shown from one session to the next that the military representatives did not systematically vote as would a so-called force of obstruction. On some issues, these military representatives have sometimes voted against proposals put forward by the government and the USDP, which has a majority in both houses, even though both are partly made up of former generals.⁵³ They have also regularly abstained on certain bills drafted by various opposition representatives, including those from the NLD after they entered Parliament in April 2012. They have even sometimes approved these bills. They also publicly discuss in the assemblies subjects that were previously taboo. For instance, in September 2011, the Speaker of the lower house, Thura Shwe Mann, proposed a motion to release political prisoners that were still being held, a motion that was adopted thanks to unanticipated military support.⁵⁴ Dialogue has gradually been established between civil and military representatives in the corridors of the assemblies between sessions, even if several military representatives in office are regularly replaced by their hierarchy.

It is also worth noting that military representatives do not always vote as a bloc. Certainly, when a bill interferes with the army's corporatist interests or the Constitution, they have proved up to now that they could express themselves as one man. However, on a number of occasions, on more "civilian" and non-strategic issues, their hierarchy seems to have granted them greater leeway, thus projecting the image of the responsible and well-trained officer informed about the problems his country faces and able to respond on his own initiative. For instance, during the Yangon regional assembly's first parliamentary session for the year 2013, an elected representative for the opposition tabled a bill to regulate the granting of trishaw (three-wheel bicycle taxis) licenses. The Speaker of the local assembly then requested a public, non-secret vote. Four army majors rose to approve the bill, whereas their officer colleagues abstained.⁵⁵

The army's presence in the legislative bodies still remains highly controversial. The lack of democratic oversight of the very frequent nominations of army MPs, and especially their immunity, poses a major problem. This could potentially hamper the democratization underway, particularly if the military is uncooperative and hostile to any reform. A revision of the Constitution will eventually become indispensable. All the parties are aware of this, but the debate now rather focuses on the appropriate moment to undertake reform pertaining to military presence in these assemblies. Even the Union president, Thein Sein, has acknowledged the transitory

⁵² The equivalent of West Point in the United States. *The Myanmar Times*, "In Hluttaws, more green shoots," January 2-8, 2012.

⁵³ Interview with a former colonel who has become a USDP representative in the lower house, Yangon, August 15, 2013.

⁵⁴ Interview with an NDF representative in the lower house, Yangon, May 28, 2013.

⁵⁵ Interview with a representative in the Yangon regional parliament, Yangon, May 29, 2013.

aspect of this military presence. In an interview granted to the *New York Times* in September 2012, he cited the example of Indonesia where the army gradually reduced the number of reserved seats in Parliament during the late 1990s, finally withdrawing them in 2004.⁵⁶ The NLD has taken a more radical stance and is campaigning for the military's immediate withdrawal from Parliament even before the 2015 elections.⁵⁷ Some of the other parties, particularly the ethnic parties, are more flexible and advocate a gradual "Indonesian-style" withdrawal so as not to clash head-on with a military institution that is still perfectly capable of dashing the hopes raised by this "post-junta" transition.⁵⁸ Nothing indicates, however, that the Parliament's constitutional review committee formed in July 2013 will make this question a priority. Other litigious articles of the 2008 Constitution might hold the attention of the some hundred parliamentary representatives comprising it: the issue of federalism and the clause banning presidential candidates from having a foreign spouse or children are two cases in point.⁵⁹

The Broadening of Political Space for the Burmese People and Civil Society

Only too logically following two decades of broken promises of democracy, the regime change in March 2011 aroused little more than modest enthusiasm in most activist circles. Yet the reforms undertaken by both the government and the Parliament finally wore down what was immediately considered the "old regime," and new forums for public expression managed to emerge for a civil society that has developed rapidly since the mobilization triggered by Cyclone Nargis in 2008 and more generally for the population at large. An emerging private sector, advocacy groups, artistic circles, Burmese abroad and hip urban youth have gradually transformed the political space, influencing it through their increased involvement, thanks to an impetus and tolerance never seen before among the central authorities. Today, the phenomenon is particularly noticeable in Yangon, the former capital that is undergoing wholesale transformation, but it is tending to spread gradually to other urban areas in the country.

Even if many restrictive laws remain in effect and certain legislative texts will take time to be enforced, the population has rediscovered public debate. As soon as Thein Sein and his resolutely progressive advisers came to power, control over the Internet slackened. Countrywide access to the media and activist websites previously denounced as being "destructive elements" (the BBC, Voice of America, *The Irrawaddy*, *Mizzima*...) is now available. Wifi is even developing without any form of prior control in the country's major urban and tourist centers. The only problem today, and it is a major one for both the population and foreign investors and tourists, remains an uninterrupted supply of electric current.

⁵⁶ The New York Times, "A Conversation with President U Thein Sein of Myanmar," September 30, 2012.

⁵⁷ Interviews with NLD representatives, Naypyitaw, February 2013, and Yangon, May 2013.

⁵⁸ Interviews with NDF and DP-M representatives, Yangon, May 28-30, 2013, then the CPP and the Rakhine Nationalities Development Party (RNDP), Naypyitaw, August 14-15, 2013.

⁵⁹ Interviews with two Shan and Shin representatives of this committee, Naypyitaw, August 13 and 14, 2013.

The state censorship board was dissolved in September 2012. The media has since been burgeoning despite the persistence of self-censorship among journalists, particularly local ones, and a serious lack of skills due to inadequate training in the country for many years. Even exiled opposition publications have been authorized in Yangon. For instance, the Mizzima press group founded by Soe Myint, the student activist who hijacked a plane to Calcutta in 1990 to flee Yangon, puts out a daily paper in the city. *The Myanmar Times*, long criticized by activists for being too loyal to General Khin Nyunt's former military intelligence services which owned it, has become a spearhead of this newfound assurance in the local media. Vitriolic editorials (especially in the English version), portraits of historic opposition figures, investigations into cases of corruption and nepotism, and reports on sensitive issues now fill the columns of each edition. Freedom of speech is no longer an empty word, and long-time Burma-watchers have noticed that open political discussions have once again become the norm in urban areas in the center of the country, where there is a Bamar majority, from Yangon to Mandalay and even in Naypyitaw. In October 2011, the Parliament authorized the formation of trade unions, long outlawed, and legalized the right to strike. In December of the same year, a bill was passed establishing the rules for street protests and public rallies.⁶⁰ In fact, civil society and the political class did not delay in testing the tolerance threshold of the Thein Sein government. Throughout 2012 a number of public demonstrations were held, often without prior permission from the authorities, despite this being an essential criterion for legality.⁶¹ At first spontaneous, these demonstrations have gradually become better organized, especially those denouncing the ongoing spoliation of farmland by the army or large conglomerates in its nexus, damages from mineral exploitation in the country's north, unregulated labor in factories or the unreliability of the public electric grid.

A segment of civil society—including in President Thein Sein's entourage—has been considered by some analysts as a "third force," separate at once from the historic opposition embodied by Aung San Suu Kyi and the former military regime bosses.⁶² It has emerged as an incontrovertible actor in the country's reconstruction, even if the initiative still lies with the upper strata of the state and a handful of Bamar intellectuals and foreign-trained experts. Many Burmese NGOs have enough room to maneuver today to be able to pinpoint the failings of the government system, the oligarchic national economy and the methods of political decision-making, including at the local level. As regards foreign investment or social and environmental threats, civil society has proved to be particularly active and all the more effective as it can now take advantage of the development of the Internet and social networks.

The Myitsone hydroelectric dam episode was a foundational moment in this regard. The contract signed in 2006 between the SPDC and the China Power Investment Corporation (CPI), a Chinese state-owned enterprise, to build a dam in a township located in Kachin State in the north of the country near the Chinese border, was one of the pharaonic projects (this one for about 3.6 billion dollars) undertaken by Beijing in Myanmar. As it turned out, in addition

⁶⁰ AFP, "Myanmar workers win rights to vote," October 14, 2011; AFP, "Myanmar president signs protest bill," 3 December 2011.

⁶¹ The Myanmar Times, "Ministry enacts protest by-laws," July 16-22, 2012.

⁶² The Straits Times, "A 'third force' for reform in Myanmar," June 22, 2013.

to the direct environmental threats to a region treasured by Burmese culture—the Myitsone site being located at the start of the Irrawaddy River that nourishes the country—and the many evictions and relocations of Kachin villagers living on the land where the dam was to be built,⁶³ most of the electricity to be generated by the dam power plant was to supply the western Chinese provinces (starting with Yunnan), and not Myanmar, with cheap electricity. Various Kachin organizations mobilized, joined over the years by many other groups from all spheres of civil society and even the country's political elites, in particular Aung San Suu Kyi. In September 2011, to everyone's surprise and despite its Chinese neighbor's ire, President Thein Sein announced that the government "elected by the people" had to "respect people's will,"⁶⁴ and construction was suspended.⁶⁵ It should, however, be pointed out that generally speaking, and in the Myitsone dam case in particular, concerns about overdependence on China that have mobilized many segments of the army since the early 1990s played a crucial role. For some observers, the Chinese factor is moreover one of the reasons for the acceleration of the transition since 2011.

Two years later, it was the copper mines of Letpadaung that focused the attention of the Burmese civil society. The Chinese state company Wanbao Mining Corporation had invested nearly one billion US dollars in this project located northwest of Mandalay. Farmers first staged demonstrations there early in 2012 to denounce the excessive pollution of the site, forced evictions and the inadequate compensation offered by the local authorities and the Chinese firm. Violent clashes took place between farmers and the police in November 2012, and a parliamentary commission symbolically chaired by Aung San Suu Kyi was formed to evaluate the project. In the report it submitted in March 2013, it recommended maintaining the Chinese company, but that it should improve working conditions at the site, better compensate the farmers chased from their land due to environmental damage and ensure compliance with international environmental standards.⁶⁶

While civil society and youth groups seem to have grown bolder since 2011, the political class has not been eclipsed, even if some historic opponents to the military are still having trouble adapting fully to the new rules of the game. Although the new regime has yet to grant a blanket retroactive pardon, most political prisoners have been released in several waves of amnesty. A presidential pardon was granted on October 12, 2011 to more than 6,000 common law prisoners and especially to over 200 political prisoners.⁶⁷ Common practice for the Buddhist Burmese authorities seeking atonement, this release came in addition to the one in May 2011 that had seen the release of nearly 16,000 common law detainees and a few dozen political prisoners.⁶⁸ In January 2012, the most charismatic of the last prisoners were granted amnesty:

⁶³ Interviews with peasants rehoused in a new village built about six miles south of Myitsone, February 12, 2013.

⁶⁴ *The New Light of Myanmar*, "The government is elected by the people and it has to respect people's will," October 1, 2011.

⁶⁵ *The Economist*, "Myanmar's surprising government: damned if they don't," October 4, 2011.

⁶⁶ *The Myanmar Times*, "Fury over Letpadaung copper mine report," March 18-24, 2013.

⁶⁷ Particularly the comedian Zarganar, jailed for his activism after the passage of Cyclone Nargis. AFP, "Myanmar frees scores of political prisoners," October 12, 2011.

⁶⁸ *The Myanmar Times*, "More amnesties planned, says Thura U Shwe Mann," October 18-24, 2011.

the monk U Gambira, one of the leaders of the “saffron revolution” in 2007, former student Min Ko Naing, hero of the 1988 uprisings, and Shan leader Hkun Htun Oo, whose ethnic party was among the winning political forces of the 1990 elections.⁶⁹

Perhaps more importantly, the new regime pardoned its own stray sheep. Indeed, at the same time, General Khin Nyunt, former military intelligence chief, and several of his associates recovered their freedom after spending more than seven years under house arrest.⁷⁰ Then, in July 2012, over 800 prominent political prisoners saw their sentences annulled. One month later, the president’s office published a former blacklist of 2,000 names of Burmese and foreign personalities who were once again permitted to enter Myanmar. This measure enabled a few charismatic Burmese exiles to return, some of whom have since become indispensable advisers to an executive branch eager to enact reform. In May 2013, the Assistance Association from Political Prisoners (AAPP), the main Burmese political prisoner organization, based in Thailand, stated that only 160 prisoners of conscience remained in custody in Myanmar, compared to 2,200 hardly three years before.⁷¹ Not only a key element in the reconciliation among Burmese elites, the release of political prisoners is also essential in the eyes of the international community. Ever since Aung San Suu Kyi was first placed under house arrest in July 1989, it has been one of the principal crusades of opponents to the Burmese junta throughout the world.

CHALLENGES OF THE TRANSITION

Since the historic meeting between Aung San Suu Kyi and President Thein Sein in August 2011, reconciliation between the muse of the democratic opposition and the military elites seems to be underway. This rapprochement, as salutary as it is unanticipated, should not, however, conceal the other major issue in Myanmar’s evolution toward a stable regime tending toward democracy: the ethnic question. Consolidation of the current transition in fact depends on the resumption of dialogue between, on one side, the new “civilianized” leadership gathered around Thein Sein and Thura Shwe Mann, the new parliamentary forces and the armed forces still largely dominated by officers from the Bamar majority ethnic group, and on the other, the many ethno-religious minorities that make up about one-third of the Burmese population, or over 20 million individuals. The matter of sharing political and economic resources – between the Bamar center with its hegemonic temptations and the ethnic peripheries with demands for autonomy – has been the source of disputes unresolved since the country won independence in 1948.

⁶⁹ Personal conversation with Hkun Htun Oo, Yangon, June 1, 2013.

⁷⁰ The Bangkok Post, “In his own words; the rise and fall of Khin Nyunt,” April 8, 2012.

⁷¹ AFP, “Myanmar: Political prisoners freed,” May 17, 2013.

The Ethnic Issue or Constant Destabilization

Yet, the 2008 Constitution established the right to a federal type of elective decentralization with fourteen local assemblies and provincial governments formed after the 2010 election results were confirmed early in the year 2011. Not even the 1947 Constitution had provided for such devolution of power. Nevertheless, the new ruling elites in Naypyitaw, grappling with decentralization since 2011, have yet to define the division of political competences between the dominating center and its peripheries. In the seven states and the seven regions, the separation of powers between the new executive entities (local governments led by a chief minister, appointed by the central authorities but not by the local assemblies) and the legislative bodies is only too rarely guaranteed. The parliamentary assemblies in these states and regions in fact meet with much less regularity than Parliament, and their sessions are shorter. Out of the fourteen local assemblies, only the ones in Yangon, Mandalay, Bago and Irrawaddy (Ayeyarwady) seem to be running effectively.⁷² The others only function erratically depending on the whims of their respective Speakers or the influence he has over the chief minister and local government, especially in the ethnic states.⁷³ Yet, if they functioned more regularly, the legitimacy of these local parliaments would be enhanced and they could thus become one of the pillars of decentralization, a vital condition for greater stability between the Bamar majority and the ethnic minorities, particularly after the 2015 elections and if a constitutional reform broadening progress toward federalism were to be adopted.⁷⁴

Unfortunately, during the 2010 election campaign, armed conflicts resumed between Burmese troops and several ethnic armed groups, even though some of them were signatories to various ceasefires in the late 1980s. The Shan State Army-North (SSA-N), which had signed a ceasefire in 1989 with the junta, and especially the Kachin Independence Organization (KIO) have always refused to see their troops come under the control of the central authorities. The Border Guard Force (BGF) plan announced in April 2009 by Naypyitaw in fact anticipated bringing together all armed forces in the country under the command of the Burmese army and police, which implied demobilizing all the ethnic militias still armed so as to unify all of the country's troops (as stipulated by article 338 of the 2008 Constitution). Only a few small ethnic militias accepted. In that context, the 1993 ceasefire between Naypyitaw and the KIO was officially broken on June 9, 2011, and the armed wing of the KIO (Kachin Independence Army, KIA)—more than 8,000 men strong—once again engaged in a low-intensity insurgency. Today the conflict is at a stalemate despite a vast deployment of military means.⁷⁵ There are about 100,000 refugees and displaced persons along the Chinese border, and deaths in the ranks of the Burmese army and the KIA number in the hundreds, although neither organization has issued any precise information on the matter for the past two years. A real thorn in the side

⁷² Interviews with various party officials who have representatives in these local assemblies, Yangon, May 2013.

⁷³ Interviews with RNDP and CPP party officials who have representatives in the assemblies in Sittwe (Rakhine State) and Hakka (Chin State), Naypyitaw, August 2013.

⁷⁴ Interview with an SNDP elected representative, Naypyitaw, August 13, 2013.

⁷⁵ Davis A., "Pyrrhic victory in Myanmar," *Asia Times*, January 30, 2013.

of the Thein Sein government, the Kachin political (and Christian) elites—whose participation via a newly-formed political party hoping to represent them in the 2010 elections was rejected by the SPDC—recovered a unity they had lost since signing the ceasefire in 1993 with former General Khin Nyunt.⁷⁶ The conflict in particular awakened the Chinese neighbor, who had not forgotten the suspension of the construction of the Myitsone dam, also in Kachin State.⁷⁷ In 2013, Beijing publicly offered to mediate between the KIA and the Burmese government, discarding its usual rhetoric of non-interference in the domestic affairs of its neighbors. The area is too crucial for China's economic and strategic interests, particularly in its province of Yunnan, for Beijing to let political instability spread.⁷⁸

While the Kachins were taking up arms once again, the Karens, the Chins and the main Shan rebel group operating near the Thai border chose the bargaining route with the new government. In November 2011, President Thein Sein charged his adviser and railroad minister, ex-General Aung Min, with conducting negotiations with the ethnic minorities that had never signed a truce with the Burmese central government. As was the case with the policies Khin Nyunt conducted in this regard between 1989 and 1993, these new initiatives met with rapid success. Most of the ceasefire agreements already in effect—with the powerful United Wa State Army (UWSA), among others—were renewed. Aung Min also secured the signature of historic agreements with the Shan State Army-South (SSA-S) in December 2011, and then with the dominant armed faction of the Karen National Union (KNU) and the Chin National Front (CNF) in January 2012. In February 2012, the New Mon State Party (NMSP) also resigned itself to an accord, whereas the Karenni National Progressive Party (KNPP) agreed to a ceasefire in March 2012. Efforts continued in 2013, with for instance the signing of an agreement between the All Burma Students Democratic Front (ABSDF), an armed group formed by primarily Bamar students along the Thai border area just after the 1988 student uprising.⁷⁹

Nevertheless, even if a dedicated organization, the Myanmar Peace Center, was established in Yangon in 2012 with the benefit of European and UN funds to supervise the various processes of inter-communal negotiations, there remains much to accomplish at the local level to pacify areas that have been in conflict for so many decades. The country's recent history shows that ceasefires are too rarely followed by true political negotiations between the center and the ethnic groups. Given the current state of talks, it is highly unlikely that the rebels will agree to totally lay down arms and then officially recognize the 2008 Constitution, which many would like to see abrogated but that the Burmese army means to defend at all costs. Skirmishes between army battalions and various Shan and Karen militias that have still not been disarmed remain frequent in the jungles in the border areas with Thailand and China, although truces have

⁷⁶ Personal discussions with KIA leaders, Laiza, August 2011.

⁷⁷ Min Zin, "One year of the Kachin war," *Foreign Policy*, 8 June 2012.

⁷⁸ Especially due to Burmese jade mined principally in Kachin State, which the Chinese are wild about (Egreteau R., "Jade or JADE? Debating International Sanctions on Burma's Jade Industry?" *Asia-Pacific Bulletin* no. 132, Washington DC, East-West Center, October 13, 2011), or the double pipeline that the China National Petroleum Corporation completed in May 2013 between Yunnan and Burma's Arakan coast (*Xinhua*, "China-Myanmar oil, gas pipeline project benefits both: president," May 27, 2013).

⁷⁹ *The Myanmar Times*, "ABSDF upbeat after Union level talks," August 19-25, 2013.

been signed. Even the Wa and their militia of over 20,000 heavily armed men have recently laid down new conditions for any future political negotiation with Naypyitaw.⁸⁰ Despite Aung Min's repeated offers for new talks, the deadlock continues. It seems difficult to get beyond a mere "peace of the brave." On instigation from Thura Shwe Mann, the Parliament is also beginning to criticize its being sidelined in a negotiation process that so far has been entirely the government's initiative.⁸¹ Elected ethnic representatives in Parliament are making the same complaint.⁸² The lack of transparency is admittedly flagrant, but decades of civil war cannot be erased as swiftly as a regime change can be made.

Aside from these inter-ethnic tensions, the dramatic plight of the Rohingya minority, and more generally Myanmar's Muslim communities, also remains unresolved. Except for a few revolts noted in the 1940s and early 1950s in Rakhine State (Arakan), near Bangladesh, Burmese Muslims have never launched real armed rebellions. Yet, since the colonial period they have been discriminated against in numerous ways by Burmese society, primarily Buddhist, as well as the ruling authorities of all ilks. In June and October 2012, then in March and May 2013, several riots broke out between Buddhists and Muslims. In 2012 they were localized in Rakhine State between the majority Arakanese Buddhist ethnic group and Rohingya Muslims,⁸³ but the violence then spread to the country's interior. Entire Muslim neighborhoods in the town of Meiktila, north of Naypyitaw, and then in Lashio, near the Chinese border, were burned and wiped off the map in March and then in May 2013.⁸⁴

Since the colonial period, sectarian violence in the country has often been cyclical, depending on the degree of involvement or non-intervention on the part of the central and local authorities.⁸⁵ With the relaxing of censorship since 2011 and the development of Internet, social networks and new technologies have been used to propagate a discourse of racial hatred and incitement to violence. The new regime's passivity and the predicament it finds itself in, wishing to break with old despotic habits to make a good impression on the international community, have certainly contributed to the recent conflagration. A commission of experts has nevertheless been appointed to shed light on the reasons for the violence and assign responsibilities for the 2012 riots in Rakhine State. Despite an attempt at objectivity, some of its recommendations have been severely criticized, even by Rohingya representatives in the USDP.⁸⁶

⁸⁰ Boehler P., "Burma's web-savvy rebels," *Foreign Policy*, May 20, 2013; AFP, "Myanmar's powerful Wa rebels seek their own state," May 29, 2013.

⁸¹ *The Myanmar Times*, "Internal pressures take their toll on the peace process," July 28, 2013.

⁸² Interviews with various CPP, SNCP, AMRDP (All Mon Regions Democracy Party) and RNDP representatives in Naypyitaw, February and August 2013.

⁸³ Human Rights Watch, "The Government Could Have Stopped This": Sectarian Violence and Ensuing Abuses in Burma's Arakan State, Washington DC, HRW Publications, August 2012; Human Rights Watch, "All You Can Do Is Pray": Crime against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State, Washington DC, HRW Publications, April 2013.

⁸⁴ *The Myanmar Times*, "Meiktila erupts," March 25-31, 2013; *The Myanmar Times*, "Muslims fear further attacks in riot-hit Lashio," May 29 - June 4, 2013.

⁸⁵ Interview with a Rohingya official in the Union National Development Party (UNDP), Yangon, May 31, 2013.

⁸⁶ Interview with elected USDP representative for the Rohingya-majority Buthidaung constituency, Yangon, May 30, 2013.

Indeed, in Myanmar, citizenship remains a thorny question, as does the issue of human rights for this ethnic and religious minority comprising nearly a million individuals, most of whom live in makeshift villages apart from the rest of the population in Arakan (Rakhine) State. Total segregation and coercive population control policies, like a new form of apartheid, are particularly favored by the Arakanese (Rakhine) ethnic group and more generally the Buddhist communities in the rest of the country. Some charismatic Buddhist monks now openly lead radical public movements denouncing the “invasion” of Myanmar by Rohingyas and Muslims in general.⁸⁷ The “969” movement in particular has drawn attention—and criticism—from the international community, which is very wary of the Islamophobic violence that one of its leaders, the monk Wirathu, publicly advocates.⁸⁸ A highly visible segment of Burmese society is demonstrating that it is not yet prepared to play along with national reconciliation, considering moreover that the Rohingyas are not even part of the core of the Burmese nation. Furthermore, neither the Thein Sein government nor the NLD has shown itself to be in favor of a reasoned assimilation of the Rohingya populations, still officially referred to as “Bengalis,” and therefore foreigners residing in the country illegally.⁸⁹

Pandora in Naypyitaw

After some doubt, the 2011 transition raised considerable hope, even euphoria, among both the Burmese population and the international community, a euphoria to which Aung San Suu Kyi's election to Parliament largely contributed. Too much so, perhaps, as such enthusiasm has overshadowed the ills still plaguing the country, starting with inter-communal tensions and the army's powerful patronage, political and financial networks. While the regime's transformation throughout 2011 has indisputably ushered in a new cycle, it could very well turn out to be a Pandora's box.

First, because this euphoria is palpable mainly in Yangon, the former capital and gateway into the country. Yangon is a bubble. Today it is putting on airs of Phnom Penh in the early 1990s, suddenly hosting a myriad of international, humanitarian and philanthropic organizations as well as hoards of Western and Asian tourists. However, its sudden boom is also reminiscent of Luanda in the aftermath of the Angolan civil war in the 1990s. Thousands of businessmen are flocking in, and multinational oil companies are prospecting. As when peace was restored in Cambodia in the 1990s, the swift and unbridled penetration of the international community might turn out to be a particularly destabilizing factor for a society undergoing such transformation. The bloated Burmese administration—including in the military—might then see its traditional power fritter away in the face of the rising power of local and international NGOs, foreign companies and humanitarian and UN agencies that

⁸⁷ AFP, “Mass Myanmar monks rally backs anti-Rohingya plan,” September 2, 2012.

⁸⁸ *Time Magazine*, “The Face of Buddhist Terror,” July 1, 2013.

⁸⁹ Interview with elected NLD representative for Meiktila constituency, Naypyitaw, August 12, 2013.

will inevitably grab up the rare members of the Burmese workforce who are well-trained, open to the world and especially better paid. This will be to the detriment of ministries and government agencies that are nevertheless essential in implementing transitional, economic and democratic reforms over the long term. Today the young Burmese aspire to work for a development NGO, build a school, open a little T-shirt shop or become a sports reporter more than anything, not to become a civil servant or even join the army. And yet it is bureaucrats who will be called on to implement reforms and economic liberalization in the years to come. These two faces of Myanmar that are taking shape today are probably an incitement to perpetuate a brand of hobbling clientelism based on corruption that is deeply rooted in the country's practices.

Furthermore, as during the early years of independence, the elites are constantly debating and clashing over which model of development the country should adopt in the end. Myanmar is coming out of isolation, and foreign investors are rushing in to better understand this new Asian Eldorado, trying to figure out how to invest in it, in which sectors and with whom. This is becoming a great source of worry for Burmese society and elites, highly xenophobic for many decades. The Burmese have never been great capitalists. Before General Ne Win set up a Marxist-style dictatorship in 1962, intellectuals and political leaders as well as army officials—including Aung San Suu Kyi's father, General Aung San—already vaunted the merits of Fabian or Saint-Simonian, but not liberal, economic policies. For a long time, capitalism, competition and foreign investment were associated with the British colonial enterprise, when Westerners, Indians and Chinese dominated the province's economy to the detriment of the Burmese majority. The same pattern was repeated in the 1950s prior to the big waves of nationalization in 1963 and 1965, which saw thousands of Indians, Chinese and Westerners pack their bags and leave the country. Since the 1990s and the country's closer relations with its Asian neighbors, with China in the lead, the liberal development model has once again become associated in the Burmese collective imaginary with out-and-out plundering of its resources monopolized by a few large foreign state companies, particularly Chinese and Thai.

Myanmar thus risks being gradually torn apart between, on one hand, its emerging private sector that wants to take advantage of the national wealth and deeper integration into the major trade flows of the modern world and, on the other hand, Myanmar's very nationalistic intellectual and bureaucratic circles, trained in the socialist and dirigiste school of the preceding decades and who will resist this unbridled opening up to the outside world. The role of the latter in the long process of Myanmar's development and democratization will thus prove to be very delicate, even if it is actually up to the Burmese themselves to bring their country into a modernity they have chosen. The Speaker of the lower house recently acknowledged that the country's new elites were eager to learn from the outside world, even as he stipulated that it should be a selective learning process: "We will only take the best of what the world has to offer."⁹⁰ This indeed seems finally to be the path the Burmese are taking, if the caution shown by foreign investors in their approach to the country after the euphoria of 2011 and 2012 is any indication.

⁹⁰ Interview with U Khin Aung Myint, Naypyitaw, August 15, 2013.

Too many obstacles remain for Myanmar to suddenly become an Eldorado. The persistence of military power and decision-making processes initiated from on high is one barrier that is underestimated by outside observers. Other, equally obvious stumbling blocks include the virtually total lack of modern infrastructure, the overdevelopment of the Yangon-Naypyitaw corridor to the detriment of rural Bamar areas and the ethnic peripheries, as well as the insufficient capacity of the state and its bureaucracy, and the growing oligarchization of the economy, clientelism and the attendant endemic corruption. As in Pakistan, Burmese military conglomerates remain powerful enterprises with a direct (although obscured) link with the apex of power, even if they are losing ground as the national economy gradually liberalizes. The lack of transparency hampers the sealing of healthy joint ventures with the outside world. Lastly, the dearth of skilled labor and the incompetence of a youth that too long remained remote from the modern world prevents Myanmar from competing with even neighboring Bangladesh or Cambodia. Economic development as well as political and social stability are still far from having a strong foothold in the country.

CONCLUSION

A new era indeed seems to be beginning in Myanmar, and the transition promised for so long since the 1988 military coup has finally started. But so much remains yet to be done.

The depth of social change to be undertaken is staggering. Infrastructure, education, banking, taxation, civil liberties, transportation, demobilization of a bloated army and rebel ethnic groups, and so on. How to get beyond the reformers' mere declarations of good intentions? One thing seems sure: the country must design lasting civil institutions that can offset the influence of the armed forces, which for too long have controlled the exploitation of the state's financial and human resources. Unless new independent institutional options are consolidated (the legislatures, the bureaucracy, the judiciary), the impetus for reform will remain particularly fragile.

Furthermore, the institutionalization of the Burmese state cannot be accomplished if the new civil structures and agencies remain too dependent on a handful of charismatic figures. As in other Asian countries, the personification of power remains a deeply rooted phenomenon in Burmese society. If this trend were to continue, the impetus for reform would be only too reliant on the good will of the powers that be of the moment and especially of a democratic icon who is now 68 years old and whose succession is difficult to imagine. It is still the military sphere—its hierarchy and civilianized ex-generals—who decide on the pace of the transition and the nature of reforms. Aung San Suu Kyi's sympathizers themselves are aware of this,⁹¹ but both civil society and the political class still suffer from their old habits: they need only make the authorities in power at any given time aware of an error or failure of the system and ask them to step in to correct the anomaly. There is thus still no room for any institutionalized mechanisms in a field that

⁹¹ Interview with NLD representatives, Yangon, May 29, 2013.

reproduces paternalism and patrimonial clientelism to such extremes. Bureaucracy, the judiciary, education, business, trade unions, the media, all these institutions essential to a democracy are still too fragile to take control of the reform process. And yet, the international community finally appears to have made up its mind to become involved in a country to which it is now prepared to give assistance, beyond mere emergency aid and purely speculative investment.

Inevitable structural resistance to change will nevertheless emerge in the months and years to come. It will not necessarily come from active military personnel, even though some fear they might organize another coup d'état to better protect their preserves. The deep generational transformation the *Tatmadaw* is currently undergoing seems to be neutralizing this threat in the mean term. The new generation of officers represented by General Min Aung Hlaing, now 65, indeed seems determined to give a free hand to veteran officers who have now become civilian leaders, having decided to maintain their trust in them. Resistance thus threatens to come instead from the huge state bureaucracy and certain intellectual and political elites in a society that has been at war with itself for so many years. The reform of the powerful bureaucracy, infiltrated by the military and plagued by immobilism and burdensome patronage practices, will be crucial. The administration will inevitably be reluctant to break free of the clientelist straightjacket that holds it together.

Far from being egalitarian and meritocratic, Burmese society, like many others, is structured into patronage relations. At all levels, including within local administrations, power is based on strong personification and extensive networks of loyalty and the granting of privileges. This routine clientelism, visible even at the bottom of the social ladder, is reinforced by what the Western world would describe as relations of "corruption," both socially and financially speaking. It will be extremely difficult to break with such a system, which offers privileges as well as political opportunities and prospects for social mobility—both to ordinary civil servants and local political officials – especially if new ideological rifts appear within society once the civilianization of the Burmese state is completed.

There is little likelihood that the clientelist and oligarchic system will evolve significantly between now and 2015. However, the future of the political and constitutional scene after the next national and local elections will very certainly be even more decisive for the country's stability than the period that followed the 2010 election. That is when we will see if the transition begun during the first "post-SPDC" legislature (2010-2015) can seriously be consolidated.

Will the legislature to begin in 2015 have an even stronger Parliament capable of keeping a rein on the executive branch (and even, in the long run, on the military)? Will the army agree to come down yet another echelon on the scale of praetorianism to make a more definite return to the barracks? Lastly, will the Burmese elites be prepared to reconcile and work toward a multiethnic, decentralized and pacified political system, thereby stabilizing the reconfiguration of the country's new political space? Or on the contrary could it possibly become more explosive?⁹²

Translated from the French by Cynthia Schoch and William Snow

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Références

- Egreteau R., *Histoire de la Birmanie contemporaine: le pays des prétoriens*, Paris, Fayard, 2010.
- Egreteau R., Jagan L., *Soldiers and Diplomacy in Burma: Understanding the Foreign Relations of the Burmese Praetorian State*, Singapore, NUS Press, 2013.
- Finer S.E., *The Man on Horseback: The Role of the Military in Politics* (new edition, revised and augmented), Harmondsworth, Penguin Books, 1975.
- Holliday I., *Burma Redux: Global Justice and the Quest for Political Reform in Myanmar*, New York, Columbia University Press, 2012.
- Huntington S.P., *The Soldier and the State: The Theory and Politics of Civil-military Relations*, Harvard, Harvard University Press, 1957.
- Linz J.J., Stepan A., *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore, The Johns Hopkins University Press, 1996.
- Lubeigt G., *Nay Pyi Taw: une résidence royale pour l'armée birmane*, Paris, Les Indes savantes, 2012.
- Nakanishi Y., *Strong Soldiers, Failed Revolution: The State and Military in Burma, 1962-88*, Singapore, NUS Press, 2013.
- Nordlinger E. A., *Soldiers in Politics: Military Coups and Governments*, London, Prentice Hall, 1977.
- Perlmutter A., *Egypt: The Praetorian State*, New Brunswick, Transaction Books, 1974.
- Rüland J., Jurgenmeyer C., Nelson M. H., Ziegenhain P. (eds), *Parliaments and Political Change in Asia*, Singapore, ISEAS Publications, 2005.
- Saxonberg S., *Transitions and Non-Transitions from Communism: Regime Survival in China, Cuba, North Korea and Vietnam*, Cambridge, Cambridge University Press, 2013.
- Thant Myint-U, *Where China Meets India: Burma and the New Crossroads of Asia*, New York, Farrar, Straus and Giroux, 2011.
- Wintle J., *Perfect Hostage: A Life of Aung San Suu Kyi, Burma's Prisoner of Conscience*, New York, Skyhorse Publishing, 2013 (2nd edition).