

# MYANMAR

Politics, Economy and Society

SECOND EDITION



EDITED BY ADAM SIMPSON  
AND NICHOLAS FARRELLY



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# Myanmar

This new edition of *Myanmar: Politics, Economy and Society* provides a sophisticated yet accessible overview of the key political, economic and social challenges facing contemporary Myanmar and explains the complex historical and ethnic dynamics that have shaped the country.

Thoroughly revised, the book analyses the context and tragic consequences of the military coup in February 2021 and the COVID-19 pandemic. With clear and incisive contributions from the world's leading Myanmar scholars, this book assesses the policies and political reforms that have provoked contestation in Myanmar's recent history and driven both economic and social change. In this context, questions of economic ownership and control and the distribution of natural resources are shown to be deeply informed by long-standing fractures among ethnic and civil-military relations. The chapters analyse the key issues that constrain or expedite societal development in Myanmar and place recent events of national and international significance in the context of its complex history and social relations. The book provides detailed analysis of the coup, which overturned a decade of political and economic reforms and threw the country into chaos. It explains the drivers for the coup, how it has impacted on the country and the future prospects for accountability and justice.

Filling a gap in the market, this research textbook and primer will be of interest to upper undergraduates, postgraduates and scholars of Southeast Asian politics, economics and society and to journalists and professionals working within governments, companies and other organisations.

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Nicholas Farrelly**



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**For Lisa & Kyela**





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# 1 **Analysing a Disaster, Wrapped in a Catastrophe, Inside a Tragedy**

*Adam Simpson and Nicholas Farrelly*

The history of independent Myanmar is replete with authoritarian and illiberal political regimes that have repressed the prospects of representative governance and limited the expansion of opportunities for economic development. A period of political and economic reform between 2011 and 2021 – which can now be considered an interregnum – ushered in hope and opportunity across much of Myanmar society for the first time in generations, although for some marginalised groups, such as the Muslim Rohingya, these opportunities never arrived. Any semblance of improved governance and economic opportunities for Myanmar’s general population evaporated, however, on the morning of 1 February 2021, the day the new parliament was to convene following the November 2020 national elections. Those elections saw a landslide victory for the National League for Democracy (NLD), led by Aung San Suu Kyi, and their allies. On that morning Aung San Suu Kyi, President Win Myint and other leading NLD politicians were arrested on trumped-up charges, and the military, led by the military’s commander-in-chief, Senior General Min Aung Hlaing, seized power in a coup d’état (Simpson 2021a). Myanmar society, already struggling under the effects of the global COVID-19 pandemic, has since been ruptured to its core, with what are long-standing ethnic and social divisions across society now completely redefined by the brutal bifurcation between the coup-making military and the rest of society.

The first edition of this volume was published on the eve of the 2020 elections, with the aim to offer an overall assessment of the NLD’s first term in office. While the pogrom against the Rohingya in 2017 and Suu Kyi’s subsequent defence of the military at the International Court of Justice (ICJ) in 2019 had removed the shine from the NLD government within the international community (Simpson 2020), there was nevertheless some optimism that the second term of a more secure and confident NLD administration might have resulted in deeper reforms, including those that would reduce the role of the Myanmar military in everyday life. The military itself may have feared that very conclusion, which might, deep in the shadows of Naypyitaw, have helped precipitate the decision to launch the coup before the new government was sworn in.

While the military may have anticipated that Myanmar society would meekly submit to military rule following the coup – effectively resetting the country back a decade to the previous period of military rule up to 2011 – it was not to be. Although

the isolated Min Aung Hlaing did not realise it, Myanmar's politics, economy and society had been utterly transformed since that time (Simpson 2022a). We argued on the day of the coup, "as Myanmar's people have already enjoyed a decade of increased political freedoms, they are likely to be uncooperative subjects as military rule is re-imposed" (Simpson and Farrelly 2021d). This proved to be an understatement. The coup prompted mass protests and a mass civil disobedience movement from understandably furious people all across the country. Initially there was only a modest response from the military government's security services.

However, as the protests gained in numbers and momentum with no end in sight, the police and military responded with indiscriminate live fire into the crowds. Protesters and NLD politicians were tortured to death (Simpson and Farrelly 2021a). As a parallel National Unity Government (NUG) in exile was established and an armed opposition of People's Defence Forces (PDFs) composed of pro-democracy activists was formed, the country descended into civil war, not only in the remote borderlands where civil war with ethnic armed groups had smouldered for decades but in the main cities and, perhaps most importantly, in the normally docile central dry zone region populated by the Bamar (Burman) ethnic majority, which also dominates the military and politics in the country.

The Myanmar people, their dreams having been so brutally dashed, will now not easily return to the uncomfortable compromises of the 2008 Constitution. The Myanmar military, having so carelessly discarded their cosy and profitable relationship with the NLD, now face a popular and determined opposition which is implacably opposed to the military having any future role in governing the country. It looks likely that this catastrophic error of judgement by Min Aung Hlaing and the military leadership, in addition to devastating much of the country, has destroyed any chance of peaceful co-existence between military and civilian rule for the foreseeable future.

Within this completely updated and revised volume, contributors attempt to divine the driving forces behind this maelstrom but also, more challengingly, provide analysis that points towards some potential solutions. Nevertheless, it should be acknowledged that there are few simple answers to what is, for now, a catastrophic and tragic situation for millions of people across Myanmar. A concerted international effort to support the NUG, materially, diplomatically and militarily, could easily alter the dynamics on the ground in Myanmar, but this is unlikely to happen any time soon, particularly with much of the world focused on the conflict in Ukraine (Farrelly and Simpson 2023b; McIntyre and Simpson 2022).

In this introductory chapter we provide an overview of some key elements of the book, including the historical context and chapter and volume structure, and in the next chapter we analyse in more detail some of the key developments in Myanmar's recent history that have led to this quagmire. But first we discuss some recent sources employed in this volume.

### **A Note on Sources**

Although parts of this volume analyse Myanmar over recent decades, the focus in this second edition is understandably on conditions in Myanmar since the 2021

coup. As a result, while refereed journal articles on post-coup Myanmar are starting to emerge (e.g. Egretau 2022), the inevitable delays in academic publication mean that there are limited refereed academic sources available on post-coup Myanmar. Much of the material within this volume is therefore drawn from publications that are not subject to these delays, such as government or non-governmental organisation (NGO) reports, news articles or online policy analyses published by think-tanks. This last category is increasingly providing prominent outlets for short (usually around 1,000 words) policy pieces by scholars analysing recent events, but also a fertile source for up-to-date, almost instant, research and analysis. For Australian academics working on Myanmar politics, such as ourselves, these have included the Australian Strategic Policy Institute's *The Strategist* (Simpson and Farrelly 2021e), the Lowy Institute's the *Interpreter* (Farrelly 2018; Simpson 2022b), the Australian Institute of International Affairs' *Australian Outlook* (Farrelly 2021; Simpson 2022c) and the Australian National University's refereed *East Asia Forum* (Farrelly 2023; Simpson 2021b).

In addition to these international relations-focused outlets, the *Conversation*, which is open to all academics, provides a space for more general articles to reach a wider audience. Since the November 2020 election (Simpson and Farrelly 2020), and particularly since the February 2021 coup, we have published regular analysis of the unfolding situation in Myanmar (Simpson and Farrelly 2022). Some articles are translated into other languages for international *Conversation* sites, including French (Simpson and Farrelly 2021b), Spanish and Indonesian, while re-publication in Australian and international news sites, such as *Channel News Asia* in Singapore (Farrelly and Simpson 2023a), provides further opportunities for international reach.

The articles in all these outlets have active hyperlinks to relevant news articles, reports or academic publications. Since we have published extensively in these outlets in recent years, we have cited some of these articles in our chapters because they offer a relatively comprehensive demonstration of real-time analysis of the unfolding situation in Myanmar, particularly since the coup and the devastating COVID-19 outbreaks of 2021 (Simpson and Farrelly 2021c), with easily accessible links to original and primary sources. We hope readers will forgive us for indulging in this approach.

Other contributors within this volume also cite these types of policy articles to either a greater or lesser degree, but there is little doubt that they are playing an increasingly important role in the public discourse around domestic and international policy agendas. As should be clear from these articles and the chapters we have written in this volume, we consider ourselves to be critical and socially engaged scholars. We support democracy and human rights everywhere, including Myanmar, and while our analysis strives to uncover political patterns and processes that are theory-building, we also seek to support marginalised and oppressed populations through our scholarship. While we do not speak for the other contributors in this volume, it is fair to note from the chapters they have written that most authors have provided a like-minded analysis. Critical approaches to theory and scholar activism are not lesser forms of academic scholarship – they just openly

acknowledge that the theories we develop are all influenced by our ideologies and social and cultural backgrounds, rather than pretending that the scholarly gaze considers some objective unchanging reality (Waltz 1979); “theory is always for someone and for some purpose” (Cox 1981: 128).

While these short policy articles have their place, there remains a need to engage with the historical literature on Myanmar to fully contextualise current events. The following section provides a brief historical overview of independent Myanmar, while the next chapter delves more fully into the actors and drivers of Myanmar’s recent history.

### **Historical Context**

Over the past few centuries, the peoples of what we now know as Myanmar have faced conflict, conquest, colonisation and decolonisation followed by endemic civil conflict, along with great upheavals in economic structure and technological possibilities. A sad reality for Myanmar is that conflict between various ethnicities has been constant throughout history, with, for instance, the Burman (Bamar) Konbaung Dynasty defeating the Kingdom of Arakan (in contemporary Rakhine State) in 1784–85. Burmese expansion on this western border triggered the first Anglo-Burmese war from 1824 to 1826, after which the British annexed western and southern Burma.<sup>1</sup> By 1886, following two further Anglo-Burmese wars, the British had annexed the rest of the country and fully incorporated it as a province of British India.

During the following decades of colonial rule, the ethnic minorities of Burma’s mountainous border regions, such as the Karen (Kayin), Shan, Kachin and Arakan (Rakhine) communities, were often treated differently by the British administration from the dominant ethnic Burman majority, which resulted in differing perspectives regarding the colonisers. As a result, during World War II there were contrasting attitudes towards the Japanese invasion, with Burman insurgents originally welcoming the Japanese as liberators, while other ethnic groups, such as the Karen, fought with the British against the Japanese. These histories of alliances and resistance still echo today.

After World War II, Britain granted Burma its independence, as it did with India. Burma became an independent state on 4 January 1948, six months after the assassination of General Aung San, the putative leader of the Myanmar independence movement and the founder of its armed forces. Almost seventy years later General Aung San’s daughter, Aung San Suu Kyi, would lead the first democratically elected government in over half a century. Following independence in 1948, Myanmar experienced fourteen years of mostly democratic rule, albeit under increasingly difficult security conditions. It took many years to recover from the devastation of World War II, and a complex array of ongoing conflicts in the border regions made governing the country difficult. Struggles related to ethnic minority demands for independence or autonomy based on the Panglong Agreement of 1947 and other insurgencies based on ideology, such as that by the Communist Party of Burma, gave General Ne Win the pretext for the military coup in 1962 that ended



multiparty government and liberal democratic principles for half a century (Lintner 1999; Smith 1999).

Ne Win used the Burma Socialist Programme Party (BSPP) as the vehicle for his idiosyncratic style of authoritarian rule until 1988 when nation-wide street protests saw the emergence of Aung San Suu Kyi as a national, and international, icon of democracy. The protests that she helped to lead were brutally suppressed with a military 'self-coup' leading to direct military rule by the State Law and Order Restoration Council (SLORC) from 1988 to 2011. While it was renamed the State Peace and Development Council (SPDC) in 1997, this junta offered little space for alternative perspectives. Between 1992 and 2011 Senior General Than Shwe was head of SLORC/SPDC and was the government's undisputed leader.

From 2003, the SPDC offered a seven step 'Roadmap to Discipline-Flourishing Democracy' and used this framework to implement the 2008 Constitution (Holiday 2011: 81–86). While allowing multiparty elections, the military ensured that they maintained a high degree of control over the country through several aspects of the Constitution: 25 percent of the bicameral national parliament were appointed by the military, with a vote of over 75 percent of the parliament required to change the Constitution; the defence minister, border affairs minister, the interior minister and one of the vice-presidents were to be appointed by the military; and those who had a spouse or children who were foreign citizens were unable to be president – a measure aimed squarely at Aung San Suu Kyi who, along with her NLD party, boycotted the first election, in 2010, held under the new constitution.

After the new government under former general President Thein Sein took power in April 2011, it began a sweeping process of political and economic liberalisation that took most Myanmar watchers, activists and researchers by surprise (Farrelly et al. 2018; Simpson and Park 2013). After decades of relative isolation, by the end of 2011 hotel prices in Yangon had at least trebled as the country struggled to cater to the new level of interest, and enthusiasm, generated by the tentative reforms. Those reforms encouraged Aung San Suu Kyi and the NLD to end their boycott of the political process. Aung San Suu Kyi and scores of her colleagues entered the national legislature through by-elections in 2012.

After five years of reform under the Thein Sein government, the NLD won a resounding victory in the 2015 elections and formed a new government itself in April 2016. The NLD created the new powerful position of state counsellor for Aung San Suu Kyi to circumvent the constitutional restriction on her taking the presidency, relegating the previously powerful role of president to a mostly ceremonial position. The NLD government was still restricted by elements of the Constitution, particularly in terms of the absence of civilian oversight of the military, but the new position of state counsellor allowed Aung San Suu Kyi relatively unfettered control over other aspects of the bureaucracy. The coalition of military and democratic interests proved particularly important for presenting a united front in terms of security issues, such as during the Rohingya crisis in Rakhine State from 2017 onwards (see Chapter 19).

This cosy cohabitation came to a shuddering halt after the overwhelming NLD victory in the November 2020 elections when the military arrested Suu Kyi and



the NLD leadership and seized power on 1 February 2021. Much of this volume examines this post-coup environment, but a thorough analysis of contemporary Myanmar still requires some contextual analysis of the country's recent history, which also drives the structure common to all chapters.

## **Chapter Structure**

Due to the major political, social and economic shifts associated with the changes in Myanmar's national governance, we focus on recent political history to define the common structure of each chapter in the volume. While these epochs are politically defined, they have likewise resulted in significant shifts in Myanmar's economy and society as well. We hope that this chapter structure allows for ready comparisons between different themes and for appreciation of the ways that issues have changed over time. As a blunt example, it was almost impossible to undertake wide-ranging political research in the country under the military regime prior to the political reforms that began in 2011. During the Union Solidarity and Development Party (USDP) and NLD governments of the next decade, it became much easier to undertake in-country fieldwork activities, although some border areas remained difficult to access. Now, once again, the entire country is virtually off-limits for politics researchers with scholars again traipsing around the Thai border regions for interviews with Myanmar exiles and refugees.

To account for the changes that have occurred, and to put them in the appropriate historical context, each chapter in this volume is therefore structured around four significant political epochs:

- **Military Rule to 2011:** Each chapter begins with a brief analysis of the period of authoritarian and military rule until political and economic reforms commenced under the new government in 2011.
- **Thein Sein and the USDP:** The chapters then examine the USDP government of 2011–16 led by Thein Sein. This was a military-backed government, full of ex-generals, including Thein Sein himself.
- **Aung San Suu Kyi and the NLD:** The chapters then consider the events that occurred under the reformist government led by the NLD and Aung San Suu Kyi from 2016 to 2021.
- **After the 2021 Coup:** The fourth and final epoch of each chapter is dedicated to analysing Myanmar since the February 2021 military coup.

Different chapters tend, for good analytical reasons, to emphasise different parts of this recent history, but all aspects of Myanmar's politics, economy and society have been entirely upended by the 2021 coup and the subsequent return to military rule. While the pre-2011 era is now becoming a distant memory for many, it is crucial to place the recent coup and military rule in the context of that earlier period to understand the social, political and economic dynamics of contemporary Myanmar.

## **Book Structure**

The volume is divided into three substantive sections: Politics, Economy and Society. However, before the volume delves into these sections, we begin with an overview of how Myanmar arrived at its present situation in Chapter 2. The chapter provides the historical context for the book – and therefore the structure of each chapter – and particularly the events leading up to and following the military coup of February 2021. It offers a brief analysis of the previous period of military rule that ended in 2011, followed by a longer analysis of the two phases of political and economic reform under the 2008 Constitution, first, under Thein Sein and the USDP and second, under Aung San Suu Kyi and the NLD. The NLD-led coalition government, which included influential conservative, ethnic and bureaucratic factions, was re-elected in a landslide in the November 2020 elections. The chapter then turns to the February 2021 coup, which annulled the election and rapidly and radically transformed all aspects of Myanmar's politics, economy and society. As Myanmar adjusted to the imposition of a brutally refashioned military dictatorship under Senior General Min Aung Hlaing, the coup-makers faced relentless opposition from a wide range of political and social forces. There remains no easy path back to any semblance of a genuinely representative electoral framework. The chapter considers the longer-term consequences of a resurgent coup culture and the challenges facing those seeking to build a more resilient electoral system.

### ***Politics***

The Politics section opens with one of the most pressing political issues in Myanmar, which is the nature and contestation of the concepts of ethnicity and 'race' and how these interact with questions of citizenship. Myanmar is an ethnically diverse country, and while much of this diversity is accepted by most of the population, there are exceptions, with the Muslim Rohingya being the most obvious. In Chapter 3, **Matthew J. Walton** focuses on the contested nature of ethnicity. By analysing the shifting dynamics of ethnic politics through different eras in Myanmar's modern history and at sub-national levels, the chapter balances the understanding that ethnic identity is constructed (and thus contingent) with the recognition that ethnicity and its effects are nonetheless real and have political impacts.

While ethnic politics has been a dominant feature of most of the long-term civil conflicts in Myanmar's borderlands, the key player in Myanmar's national politics since independence has been the Tatmadaw or Sit-tat,<sup>2</sup> Myanmar's military, which has ruled the country either directly, through single-party rule or through its management of constitutional constraints. In Chapter 4, **Maung Aung Myoe** studies the pattern of civil-military relations through the various political epochs since direct military rule and particularly since the ascension to power of the NLD in 2016, which eventually led to the military takeover in February 2021.

In Chapter 5, **Dorothy Mason** and **Nick Cheesman** analyse the shifting assemblage of laws, regulations and policies governing land from the military period to the 2021 coup. They interpret successive changes in land law through the twin

lenses of ‘reform’ and ‘revolution’, where reform suggests a circular logic of repairing something that once worked, and revolution connotes rupture with the past and a drive to begin anew. Precisely because it seeks to rebuild and repair, the logic of reform limits possibilities for radical transformation. They outline the structural and ideological constraints on land law reform under the USDP and NLD governments and consider how the reversion to authoritarianism – with its accompanying resistance couched in explicitly revolutionary terms – might affect land claims and patterns of dispossession in the medium to long term. The chapter concludes by speculating on what new regimes of land control could emerge if the military dictatorship were to collapse.

In Chapter 6, **Morten B. Pedersen** argues that Myanmar’s national security state has systematically undermined democracy and human rights throughout its history and that, contrary to the hopes and expectations of many, Myanmar’s deeper political culture proved highly resistant to change even under the NLD and Aung San Suu Kyi. The popular response to the 2021 coup has fundamentally disrupted long-standing power structures, opening the possibility of a different trajectory. He argues, however, that the deeper institutional and structural conditions for the emergence of a strong rights-based regime remain poor.

Myanmar’s approach to democracy and human rights has regularly influenced its international relations as crackdowns on protests in 1988 and the 2021 coup have resulted in sanctions imposed by the European Union, the United States and other Western states. In contrast, the political and economic liberalisation in the 2010s caused a warming of relations that led to visits from prominent politicians that included Barack Obama, Hilary Clinton and David Cameron. As **Renaud Egret** argues in Chapter 7, Myanmar’s foreign policy has fluctuated between phases of positive neutralism, military-inspired isolationism and passive alignment toward a neighbouring power, China. But he also highlights striking elements of continuity, such as the enduring influence of the Burmese military over foreign policy formulation, an uneasy geographical location at one of Asia’s most strategic crossroads and the multifaceted international impacts of the country’s domestic conflicts and search for democracy. All these aspects continue to weigh heavily in Myanmar’s foreign policy decisions after the 2021 coup.

### *Economy*

Closely related to Myanmar’s political shifts have been questions of economic ownership, control and the distribution of natural resources. This section begins, in Chapter 8, with an analysis of the close relationship between the political regimes that have ruled Myanmar and the economic policies pursued. **Michele Ford**, **Michael Gillan** and **Htwe Htwe Thein** argue that since 1988, various economic policies have claimed to support economic reintegration with the global economy and capitalist development, but these formal policies have been less significant in shaping economic development than contextual factors including geopolitical isolation, domestic economic interests and institutional weakness and inconsistency in economic management and policy implementation. Economic development

and integration were stunted and incomplete while military-controlled firms and private-sector conglomerates gained power over key economic sectors under the patronage of a military-led government. Political and economic reforms from 2011 enabled a partial reintegration into global trade, production and investment networks, but these processes were ruptured in 2021 by a military-led coup. Aside from the violence and political destabilisation that accompanied the coup, its impact has been nothing short of devastating for the functioning and sustainability of various economic sectors, the prospects for economic growth and development and, ultimately, the welfare and livelihoods of the people of Myanmar. Indeed, the authors argue that military rule has pushed Myanmar towards renewed international economic and political isolation, military domination over lucrative economic sectors and the general impoverishment of its people.

The importance of rural development is emphasised in fine-grained analysis of rural economic activity and the impacts it has on rural livelihoods. They demonstrate the close interrelationships between political decisions at the highest level and the impacts on poverty, food security and rural life. After half a century of mismanagement, they argue that Myanmar's rural economy is finally transforming, despite ongoing issues related to land tenure and low levels of productivity.

The rural economy of Myanmar, as in many late-developing economies, is agriculture-based. For farmers, agriculture is often a battle fought on three fronts – unpredictable weather, volatile markets and fickle government policies. In Chapter 9, the writing team of **Duncan Boughton, Ardeth Maung Thawngmung, Cho Cho San, Nilar Aung and Ikuko Okamoto** argue that during the half-century of socialist/military rule prior to 2011, Myanmar's agriculture and rural sector was held back by high land inequality and landlessness, poor infrastructure, low productivity and extractive policies. In response, migration out of rural areas became an increasingly popular livelihood strategy. After 2011, both the USDP and the NLD governments sought to improve the welfare of farmers and rural communities. Widespread availability of mobile phones transformed farmer access to information, farm credit at affordable interest rates expanded and the rapid growth of farm machinery service providers reduced drudgery and helped to mitigate weather risks. Farmers, and the food system more broadly, proved resilient to the early phases of the COVID-19 pandemic as the NLD government adapted quickly to support the sector financially. But the 2021 coup turned transient economic shocks into permanent ones. Soaring global fertilizer and fuel prices, amplified by rapid depreciation of the Myanmar currency, drastically eroded farm profitability within a year of the coup. Rural poverty and food insecurity have doubled, wiping away a decade of hard-won gains.

Some rural and remote regions, particularly those inhabited by ethnic minorities, are also afflicted by conflicts focused on a range of natural resources. Myanmar's natural resources include the exploitation of hydropower and gas for electricity, forests for timber and the mining of jade and other minerals. In Chapter 10, **Adam Simpson** argues that since the turn of the century Myanmar's export income has been driven by the exploitation of these natural resources, particularly natural gas and jade. These two resources provide very different models of

economic development: one being relatively transparent and largely governed by international laws and rules, the other being opaque and largely governed by corruption, militarisation and the murky laws of smuggling and black markets. These contrasting modes of natural resource extraction epitomise the complex journey Myanmar's economy and society are taking, with one foot in a liberal international order and one in a mercantilist drive for primitive accumulation. The latter trajectory has been reinforced by the 2021 coup and the reimposition of military rule. With rapidly deteriorating environmental assets and increasing impacts of climate change, this chapter analyses Myanmar's environmental challenges and the poor outlook for natural resource governance as a contributor to an equitable and sustainable development.

In Chapter 11, **Giuseppe Gabusi** and **Michele Boario** build on this economic analysis by examining Myanmar's history of industrial policy and the emergence of Special Economic Zones (SEZs). As SEZs and industrial parks may play a critical role in supporting the industrialisation of the country, this chapter looks at the main projects carried out until the military coup and how disruptive the current political crises have proven to be. Although SEZs represent a way to compensate for an overall poor investment climate, creating attractive conditions in specific locations, they alone cannot be an appropriate substitute for improving infrastructure and the general investment climate. Moreover, as the authors argue, industrial policies cannot be implemented on the verge of civil war and the highly volatile business environment created by the coup. With all institutions bent to the military's will, any attempt to implement an industrial policy will lead to resource misallocation and rent-seeking.

### *Society*

Myanmar's rich historic and contemporary cultural diversity has encouraged artistic innovation and expression. This diversity and innovation were embraced in the post-independence period but became severely curtailed under military rule. As **Charlotte Galloway** argues in Chapter 12, during the recent period of transition, government- and donor-funded initiatives supported development and expansion of Myanmar's cultural sector. This resulted in growing community interest in tangible and intangible cultural heritage and a burgeoning in traditional arts and the broader artistic sphere. It also signalled re-engagement with international arts and heritage communities. In 2020 the global COVID-19 pandemic slowed capacity building in the sector, but since the 2021 coup, activities have all but ceased. Censorship is again curtailing artistic freedoms, and with an unstable political environment, international collaborations are mostly on hold.

In Chapter 13, **Anne Décobert**, **Adam Richards** and **Si Thura** analyse the public health systems in Myanmar, arguing that they have evolved substantially over past decades. Under military rule to 2011 Myanmar's official health system was notoriously underfunded and mismanaged by the junta. With poor health outcomes and many people lacking access to services, different types of para-state and non-governmental systems developed in different areas, showcasing relatively

uncommon responses to health challenges. Under the USDP and NLD governments, health increasingly became a focus in innovative ‘convergence’ and peacebuilding efforts. During the COVID-19 pandemic and since the 2021 coup, however, the military has weaponised public health, and health workers spearheaded opposition movements, placing health at the heart of politics. Throughout these different periods, health has been the focus of debates over competing socio-political actors’ legitimacy, how to deliver international aid and links with human rights and extractive economies.

Education is another area which should be a priority for public investment and which has likewise been sorely lacking. In Chapter 14, **Marie Lall** contends that Myanmar’s education system has been heavily shaped by over half a century of military rule, resulting in a centralised, underfunded and dilapidated system that failed to meet the needs of the Myanmar citizens. Yet during a decade of reforms, first under the USDP and then under the NLD, governments undertook the gigantic task of reshaping education across the country. This chapter analyses the reforms in basic, higher and teacher education and the challenges faced by the Ministry of Education and supporting development partners in delivering the promised transformation. It also investigates changes across monastic and ethnic education that serve the poorest in society, including in remote and conflict-affected areas. The chapter concludes with a review of the effects of COVID-19 and the 2021 coup that stopped the reforms in their tracks and resulted in a large proportion of teachers and academics joining the anti-coup civil disobedience movement.

One of the many social issues facing Myanmar is vast inequality between genders. While Aung San Suu Kyi is a key female role model within the country, this is in the context of otherwise largely male-dominated NLD and military systems and follows on from the virtual exclusion of women from high-profile roles throughout Myanmar’s history. Notably, this reality contrasts sharply with a popular official rhetoric about Burmese women’s ‘inherent equality’ with men – a narrative that has arguably done more to bolster the legitimacy of Myanmar’s governments than to improve women’s lives. As **Jenny Hedstrom, Elisabeth Olivius and Kay Soe** demonstrate in Chapter 15, the decade of reforms after 2011 provided more opportunities for women than were previously on offer, but the 2021 military coup reinstated an almost exclusively male-dominated decision-making structure in the country.

In Chapter 16, **Busarin Lertchavalitsakul** and **Patrick Meehan** examine another form of inequality, between Myanmar’s borderlands and its centre. Myanmar’s borderlands have witnessed increased disorder and violence following the 2021 military coup. The coup brought a definitive end to the country’s peace process and exacerbated long-standing armed conflicts and livelihood insecurities in borderland regions. The military coup and worsening conflict have impacted upon cross-border trade and have also brought new waves of displacement and forced migration into neighbouring countries. This chapter places these recent developments within a broader historical context by exploring the unresolved issues surrounding the distribution of power between the centre and borderlands that have shaped the mentalities of both the central government and border-based opposition



groups since Myanmar's independence and the diverse patterns of cross-border trade and mobility that connect Myanmar's borderlands to the wider region. Moreover, it demonstrates how tensions between state ideology and non-state actors can be found in new digital forms of border making and contestation. This arena of debate has 'virtual' borders determined by factors not necessarily connected to physical boundaries, such as internet access and social media regulation. The desire to control this 'virtual' space is rooted in its ability to shape new forms of identity politics and garner support from neighbouring states.

Many of these tensions between borderlands and the centre are predicated on ethnic and religious difference, with the rights of minorities often conflicting with the state's narrow and restrictive vision of belonging. As **Violet Cho** and **David Gilbert** demonstrate in Chapter 17, while the NLD government implemented some reforms that expanded cultural rights for minorities, serious repression continued and even expanded in some areas. The reformist governments failed to address the threat of extremist Buddhist nationalism, which gained popularity and created the context for the 2017 Rohingya genocide to take place. The dynamics of ethnic and religious exclusion have begun to shift since the coup, with key actors in the opposition movement questioning Burmanisation and challenging exclusionary forms of nationalism and religious extremism. In one of the few bright spots of post-coup Myanmar, there has also been a growing reconciliatory sentiment that has reflected on past anti-Rohingya racism.

In Chapter 18, **Tom Kean** and **Mratt Kyaw Thu** argue that after the transition to a quasi-civilian government in 2011, Myanmar transformed from a country with virtually no freedom of speech to one of the most open media environments in Southeast Asia. The USDP government initiated reforms that unshackled the press and put internet access within reach of ordinary Myanmar, but the rosy picture grew more complicated under the NLD. Progress stagnated, and vaguely worded laws were used to prosecute journalists, activists and internet users, raising questions about the role and importance of free speech in Myanmar's ongoing transition. The media landscape has since been upended by the February 2021 military coup, which has seen media outlets banned, internet restrictions introduced and more than 100 journalists detained. However, ubiquitous internet access via virtual private networks (VPNs) and other technologies ensures that the military has been unable to revert to pre-2011 levels of control over journalism and free speech. Independent outlets continue to report from abroad, using encrypted communications apps and with the help of citizen journalists and information gathered from social media.

In Chapter 19, the last in the volume, we assess Myanmar's complex and intersecting crises that have been exacerbated by the military's disastrous coup. The NLD government never fully addressed the genocide of the Rohingya in 2017 and, as a result, the international response to the coup was more muted than it might have been several years earlier. When Aung San Suu Kyi was imprisoned, there were some in the international community who considered it an appropriate punishment for her complicity in defending the military. However, the important consequences of the coup are not about Suu Kyi, they are about the millions of Myanmar people who

have long struggled under appalling political leadership and now face spiralling levels of poverty and societal dysfunction with few prospects for improvement. In this final chapter we investigate the international justice avenues for addressing some of the human rights abuses in Myanmar, relating both to the Rohingya and the coup, and the possibilities for country-level redemption through the anti-coup forces and the NUG. With international isolation, decimated health and education sectors and a disenchanting and desperate younger generation, the prognosis for Myanmar society is bleak. However, despite the dim prospects for achieving justice, sustainability and equitable development, the international community must not turn away. While the problems within Myanmar will largely be solved by the people within the country, the international community can have an enormous impact on the outcome by providing effective material, diplomatic and military support for anti-coup forces and the NUG.

## Notes

- 1 Myanmar was known as Burma until the military junta changed the country's name in 1989. We use the term Burma for this earlier historical period but Myanmar elsewhere in the volume. We acknowledge that this terminology is contested in some political circles, but within Myanmar, and the wider Asian region, the name Myanmar is overwhelmingly used and we therefore employ it here. For a different approach, and one that we judge also has great merit, see Thant Myint-U (2020: IX–XI).
- 2 The term 'Tatmadaw' has traditionally been applied to the Myanmar military, but since the coup there have been moves to avoid using this term since it contains connotations of 'royalty' or 'glory'. The term 'Sit-tat' has been suggested as an alternative since it refers to a military without those connotations. While the term Tatmadaw is used extensively throughout this volume, it is employed simply as a commonly used term for the military forces of Myanmar, rather than in any sense glorifying those forces (Desmond 2022).

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## 2 **Déjà Vu All Over Again**

### The 2021 Coup in Historical Perspective

*Nicholas Farrelly and Adam Simpson*

In the early hours of 1 February 2021, just as a newly elected parliament was to convene, the military arrested Myanmar's president, other leading members of the ruling National League for Democracy (NLD), including Aung San Suu Kyi, and seized power in a coup d'état (Simpson and Farrelly 2021a). Myanmar's political, economic and social deterioration since that morning is a consequence of a grave miscalculation by the commander-in-chief, Senior General Min Aung Hlaing, and his advisors. Their judgement, now proved incorrect in every part of the country, was that the Myanmar people would accept, however grudgingly, the reintroduction of direct military rule; instead, their 'dangerous game' has had disastrous consequences (Farrelly 2021). The assessment they made illustrates the disconnect between the military elite, fortified behind high walls in Naypyitaw, and wider society (Simpson 2022). This dynamic is aggravated by the distance between the army's version of Myanmar history and the perspectives now accepted by almost everyone else and between their disdain for civilian leadership, which is now contrasted, in stark terms, with the courage and creativity of a new generation of anti-military activists. The fact that coup opponents have organised themselves, quite effectively, to fight back is also a surprise to the top military leaders. Since the coup, years of counter-insurgent and counter-revolution manoeuvres by the military leadership have failed to dampen the resistance or, indeed, to justify the military's takeover. While the country appears likely to face a prolonged and 'grinding stalemate' (Naw Theresa 2023), the situation remains precarious, and it is possible that dramatic changes, including some with further catastrophic implications, will occur in the years ahead. The coup, rather than consolidating the interests of the military elite, has unleashed a nation-wide frenzy of new political and military action.

That the military leadership destroyed a political system that had been so carefully defined and curated to support military priorities is a key element of this tortured story. The elections, legislatures, constitution and, indeed, the broader political culture were only made possible by the military's ongoing endorsement of its own model (see analysis in Croissant and Kamerling 2013). After having invested so much in the creation of a model for civilian-military hybrid governance, with some compromises for all sides, that they were prepared to unleash such an unpredictably destructive coup is the ultimate evidence of their vindictiveness and appetite

for manipulation (for comparative context see Mietzner and Farrelly 2013). It was, at the same time, the civilian-military compact that had generated much greater economic opportunities than the previous stalemates under military rule had ever allowed. Economic dynamism offered benefits for the armed forces and its retired leadership too. Yet those material and symbolic benefits to the armed forces, which included a somewhat rehabilitated image at home and abroad, were insufficient to stop the coup. The risks of further entrenchment of such a hybrid system could not be tolerated by Min Aung Hlaing – who faced mandatory retirement at age 65 in mid-2021 (Simpson and Farrelly 2021a) – and other senior military officers. They decided that Aung San Suu Kyi’s 2020 general election triumph, when combined with the consistent murmurs of NLD-initiated constitutional change, presented a permanent threat to the army’s sense of its own supremacy.

With that supremacy in doubt, perhaps, the decision to launch a coup made sense to generals accustomed to getting their own way. Since the coup there have been muddled efforts by senior regime figures to imply that Aung San Suu Kyi and the NLD had ‘stolen’ the vote. It is an argument that draws strength from some of the more marginal perspectives in other electoral systems, such as arguments against the US presidential victory by Joe Biden over Donald Trump in 2019; arguments that again and again have been proved false (Marley and Barr 2023). In Myanmar, instead of a temporary attack on law-makers, the generals took a more dramatic set of steps to eliminate the possibility of power-sharing. They likely also presumed that an easily distracted international community, still faced with the threats posed by the COVID-19 pandemic and the risks inherent in an unstable and increasingly contested global order, would struggle to offer any effective support to the NLD and other democratically minded political actors. In this respect, the coup-makers showed some clearer judgment by betting, based on experience, that the world pays little attention to Myanmar’s woes apart from the occasional flurry of condemnation and concern after a particularly heinous act (G7 2023). The political calculus in Naypyitaw is that Myanmar is a third-tier priority for most of the world, with only China, of the major powers, having any material interest in political outcomes. While this reading may be self-serving, and potentially incomplete, it does point to a robust understanding of the limitations within the Association of Southeast Asian Nations (ASEAN) and across the broad landscape of the democratic West (Dunst 2021; also Le Thu et al. 2021).

Yet perhaps the most important elements of this recent story relate to Myanmar’s internal dynamics. The coup naturally raises questions about the character of the political and economic changes that came before. We should ask about the range of compromises made by the NLD and by the efforts to generate different cultural norms amongst Myanmar’s establishment and its security forces. There are those who see the coup, ultimately, as the failure of the incrementalism and concession-heavy frameworks that emerged from 2011 onwards and emphasise the revolutionary formations now in progress (Prasse-Freeman and Ko Kabya 2021). From this vantage point, any talk of ‘transition’ was already suspect, and the coup reinforced the view that the military could never be trusted to play a sincere part in any political changes that diminished its own role. From this perspective, active

resistance to the reformist governments between 2011 and 2021, and to the military dictatorships that came before and after, is a deeply moral position – and one that often accepts the damage and the violence that such opposition requires. Since the coup, the strands of non-violent resistance to military power have been replaced, at first slowly, and then quite comprehensively, by new armed formations – focused singularly on ending military rule.

The suggestion that the incrementalist model appears to have failed, at least in the nadir of the post-coup showdown, is obviously only one part of this unfinished story (see the interesting analysis of Campbell 2023). It is also apparent at this stage that the resistance to the coup draws much of its strength from the networks, cultures, technologies, skills and, indeed, political consciousness that the reformist era supported. The relative free flow of information, the creation of vibrant civil society stakeholders and the enlivening of public discourse were all consequences of the transitional years (Simpson 2017). Many Myanmar people, especially those in their teens and twenties, received better education than any of their recent predecessors. Before the coup, the yawning gap between the middle-aged and the young in terms of skills, including in foreign languages, and in their access to a broader world of ideas and experiences was becoming ever more apparent year by year. The military clearly realised that the process made possible, in its limited form, by the 2008 constitution could eliminate the political dominance enjoyed by generations of military men.

Furthermore, there were also questions regarding the ongoing investment and involvement of international actors. Until the COVID-19 pandemic locked down the country's border in early 2020, there was a relentless wave of foreign attention focused on Myanmar. The relative openness attracted businesses, charities, academic institutions, government actors, religious groups and the media from all corners of the world. While the language around Myanmar's reforms became more muted in the wake of the 2017 Rohingya genocide in northern Rakhine State and Aung San Suu Kyi's own defence of government actions in the International Court of Justice in The Hague in December 2019, before the coup, Myanmar enjoyed greater connections globally than ever before. These connections were usually awkward for the Myanmar military because even when it was judged most favourably, during a brief window around 2013–2014, it still carried its old reputation as violent, vindictive and never to be fully trusted. With the coup of 1 February 2021, the country's top military figures, led by Senior General Min Aung Hlaing, reasserted the dominance of the army, catapulting the country back to an earlier era of political unrest and security heavy-handedness.

### **Military Rule to 2011: Past as Future**

Since independence from the United Kingdom in 1948, the military has proved the most powerful of Myanmar's institutions (see Farrelly 2013; Kyaw Yin Hlaing 2004). In fact, for long periods, its pre-eminence and dominance have defined the national trajectory, much of its elite culture and its perception internationally (Taylor 1998). Myanmar has, over these decades, become notorious for an army-led

dictatorship and for cyclical crackdowns on those who seek alternative modes of governance. While there have also been periods of reform and proposed renewal, perhaps the only constant since the military coup of 1962 is the expectation, at least among senior military figures, that the army claims the central position in national life. Historically, there were few indications of any appetite to share that position with others, including the types of civilian leaders favoured by the population at large.

Military rule, in this context, has undeniably shaped the organisation of political, economic and social life across the entire country, although the impacts are far from evenly distributed. For instance, Bamar Buddhist neighbourhoods, towns and villages have tended to be connected to the military through a web of relationships, including family and personal ties. The army's ethnic composition – with a large proportion of soldiers and, more importantly, officers drawn from the Bamar majority – created a complex entanglement of political, ethnic, bureaucratic, religious and geographical ties. In a country of such ethnic and linguistic diversity, the military has been defined by its close connection to the largest and most politically powerful ethnic group and by its use of symbols and cultural connotations that resonant most directly with that majority. At various times, service in the military, while controversial among activists, was considered a relatively mainstream aspiration for upwardly mobile young men. Of course, many joined the army's ranks simply because they had no other good options.

The situation for most ethnic minorities was often different. For them, the Myanmar army, with its self-styled designation as the Tatmadaw, 'Royal Armed Forces', was almost always an unwelcome presence, whether locally or in broader terms. The largest ethnic minorities in Myanmar have also long fielded their own military forces, with these ethnic armed organisations sometimes counting tens of thousands of members. The largest of these – the United Wa State Army, the Kachin Independence Army (KIA) and the Karen National Liberation Army (KNLA) – have fought against military governments while also creating partnerships, usually under ceasefire terms, for economic enrichment and some degree of political space. In their own regions, these armies are significant cultural, financial and organisational players. From time to time they also achieve prominence on the national stage. Yet they have tended to oppose any efforts by the Myanmar military based in Yangon, and more recently in Naypyitaw, to impose its expectations on ethnic minority populations. Uneasy stalemates of the 1990s and 2000s saw some areas controlled by ethnic armed organisations, particularly in the Shan and Kachin States in northern Myanmar, prosper compared with the rest of the country. Proximity to Chinese markets and the mineral and timber wealth of these regions, created a new entrepreneurial class who sought opportunities in the unstable ground between the Myanmar military and those who controlled local fighting forces.

Under authoritarian rule, the NLD was often forced underground, with key activists arrested on a regular basis. Nation-wide pro-democracy protests against the Burma Socialist Programme Party (BSPP) socialist government in 1988 were brutally crushed and followed by a coup and over two decades of direct military rule. The results of military-run national elections in 1990, when the NLD won a

landslide victory, were ignored by the ruling junta (Egreteau 2016; Lintner 1990). Many students and NLD activists sought sanctuary abroad, particularly in Thailand and the United States. Others linked up with ethnic armies along Myanmar's long and lightly governed borders. Myanmar's military authorities could never completely end their resistance to the central government, and yet, in practice, Myanmar's cities and towns were usually safe places for ordinary business and civic activities. Bombings, shootings and assassinations were not common during this period, with uneasy lines of control often limiting the risks of unexpected violence, at least in urban areas.

Under these conditions, Myanmar's military leaders, by this stage under the tutelage of Senior General Than Shwe, sought to dictate the conditions for the gradual (and often secretive) transition of Myanmar society in more open and inclusive directions (Selth 2009). The roadmap to 'discipline-flourishing democracy' which they put in place was, as such, a military-defined process (Thawngmung and Maung Aung Myoe 2008). Under the military's 2008 constitution, a quarter of legislative seats were allocated to its own uniformed personnel, and there were a range of other handbrakes imposed on undue democratic exuberance. Aung San Suu Kyi herself, as the most famous and popular political figure in the country, was also singled out for specific attention. Reluctance to see her take the presidency meant drafting restrictions in the constitution narrowly targeting her personal circumstances. The military had relinquished a measure of control and initiated what it thought could be a tightly managed transition towards a 'discipline-flourishing democracy'.

### **Thein Sein and the USDP: Military Co-Mingling**

In November 2010 national elections were held under the military's 2008 constitution. The NLD boycotted the event, since various restrictions would have required the party to disown Aung San Suu Kyi and other leading members, leaving a group of senior military figures, reincarnated as civilians, to take the first steps towards creating more open political institutions at the regional and national levels (Egreteau 2016). Many of these leaders were defined, understandably, by their career-long dedication to the armed forces and its ideological priorities of national cohesion and what they call 'non-disintegration'. The ethnic centrifugal forces across Myanmar society made keeping the country together a very high priority. It was President Thein Sein, previously the fourth-ranking general of the Myanmar army, who then took the national conversation in more dynamic directions alongside others who were elected under the banner of the Union Solidarity and Development Party (USDP). Thein Sein and his cabinet, along with the two speakers of the national-level legislatures, both of whom were also previously top generals, sought to manage the process of reform in ways that were comfortable for military leaders and more attentive to the ambitions of the Myanmar people. When Thein Sein was president, the military felt secure in its role 'guiding' the manoeuvres that allowed for the NLD to take up a more formal role in national political debate, which included Aung San Suu Kyi and other NLD and



dozens of other candidates entering parliament in 2012 by-elections (Maung Aung Myoe 2014).

At the same time, there were warnings from cautious democratic voices and analysts that were a reminder, even if framed carefully, about the risks of military intervention; a full-blown coup could also never be ruled out completely. As early as 2013, which was a key year for the Thein Sein government, there was some international academic attention to this topic, including an event held at the Australian National University under the title “What is the chance of a coup for Myanmar?” where, among others, John Blaxland, Andrew Selth and Nicholas Farrelly all spoke. The conclusion of that seminar was that the Myanmar army retained the capability to launch a coup. Yet the relatively benign conditions for its core interests would, for a time, discourage such adventurism. How that might change, and whether the fragile electoral system could survive a thumping NLD victory, were all questions left unanswered.

The challenge for the military during this period was that it was also drawn increasingly to the economic opportunities presented by a more open and more vibrant economy. There was also, for a period, an erratic ‘peace dividend’. Democratic leaders and many in the major ethnic armed organisations sought to capitalise on the new space for creativity and cooperation. Violence was never completely eliminated, however, and a 17-year ceasefire with the KIA ended in 2011 when troops under President Thein Sein attacked KIA positions, with conflict continuing ever since. But the general expectation, or hope, during Thein Sein’s five-year term was that the rolling out of more measured political contests would eventually offer adjustments to the rules put in place under the 2008 constitution.

### **Aung San Suu Kyi and the NLD: Risks Remained**

Those rules were tested when the NLD won a landslide victory in the November 2015 national elections, relegating the governing USDP and its ethnic proxy parties to a much diminished status. The NLD governed, mindful of the military’s concerns and motivated to ensure the further consolidation of a flawed but, at this stage, often quite functional set of institutional and interpersonal arrangements. It was far from perfect. In 2017, two years after the NLD-formed government, the military – which had no civilian oversight under the 2008 constitution – unleashed one of its most brutal campaigns of violence and expulsion targeting the Rohingya Muslim minority in Rakhine State along Myanmar’s border with Bangladesh. Swift condemnation followed, with a campaign to see Myanmar face charges of genocide for this pogrom at the International Court of Justice (Simpson and Farrelly 2020b; Simpson and McIntyre 2024). Remarkably, in December 2019, Aung San Suu Kyi herself travelled to The Hague to offer a defence of Myanmar’s actions. It was a striking signal of the type of government that had evolved: a style of coalition, with democrats working alongside military, ethnic and chauvinist political forces. Perhaps the judgment of Suu Kyi was that such concessions would discourage potential coup-makers in addition to fortifying her position domestically with chauvinist and nationalist forces in advance of the 2020 elections.



The army was still concerned enough about Suu Kyi's ambitions, especially with respect to the presidency, that the NLD was forced to create the special position of state counsellor for her. The NLD treated her as the government leader and supreme political authority and relegated the previously potent post of presidency to an almost ceremonial status. There were also two vice-presidents, one of whom was appointed by the military. Tensions between the civilian and military sides of government were publicly apparent from time to time. Yet the system appeared from outside to give both the NLD and the army top brass a chance to get to know each other and, on occasion, find the middle ground. In this context, the management of military power by the NLD was a topic of significant interest. Some of the most important work outside Myanmar was done by Renaud Egreteau (2016, 2022b). Andrew Selth wrote widely and with insight (Selth 2018). Nevertheless, while there was acknowledgement that Myanmar's military had helped to unleash a wave of liberalising reforms, the military's internal workings and preferences remained opaque.

Myanmar, like so many places, faced a particularly difficult period during the COVID-19 global pandemic, with its borders mostly shut and its people cut off from what had become a constant cycle of international engagement. The health and economic consequences of the pandemic also grew over time, and by late 2020 there were significant concerns about the prospects for what was, at that time, an unvaccinated population. It was in this context that the NLD again triumphed, with another landslide victory in the November 2020 general elections (Simpson and Farrelly 2020a).

### **After the 2021 Coup: Spiralling Out of Control**

While the military had been spinning the line of a 'stolen election' throughout January 2021, which parroted the talking points of US Republicans at the time, the likelihood of a military coup seemed remote. The military simply had too much to lose. There was no threat of civilian oversight of the military under the 2008 constitution, and the military retained a lock on constitutional change through its 25 percent of parliamentary appointments. Min Aung Hlaing was feted with guard-of-honour welcomes in some capitals of Europe in the hope of securing military contracts (Parameswaran 2017). Military businesses continued to thrive as the economy opened up to the world and significant future economic growth and prosperity, both for the country as a whole and within military businesses, seemed assured. What would be the point?

However, logic and rationality are not the military's strong point; it risked everything on the morning of 1 February 2021 when it arrested Myanmar's Suu Kyi and many of her key lieutenants, including Sean Turnell, her Australian economics advisor. Protests against the coup grew quickly, with thousands and then millions of people prepared to publicly state their opposition to the further entrenchment of military rule. A nation-wide Civil Disobedience Movement (often known by the shorthand 'CDM') also disrupted the operation of many government services, including schools, universities and medical facilities. While initially, there was little

violence, by mid-2021 Myanmar's anti-coup resistance was gathering its strength, drawing support from sympathetic ethnic armed groups and also from disgruntled citizens all around the country (Egreteau 2022a; Simpson and Farrelly 2021b). Hit-and-run attacks on police outposts and military convoys followed. By the end of 2021 the country was facing an entirely new type of civil war, where almost every town was caught up, at least occasionally, in some dimension of the battles (Farrelly and Simpson 2022). Anti-coup militias, now called People's Defence Forces (PDFs), working increasingly under the umbrella of Myanmar's opposition National Unity Government (NUG), sought to disrupt army resupply in conflict areas and reportedly killed thousands of Myanmar army troops (Thitinan 2023). Retaliation was often swift, leading to tit-for-tat killings, some of which involved relatively senior officials from the civilian bureaucracy operating under the junta. Senior military officers were also killed. The NLD has been central to the anti-coup resistance, and some analysts have pointed to the longer histories now animated by its oppression. For example, in the wake of the coup, Seinenu M. Thein-Lemelson (2021: 3) argued:

[t]he 2021 coup is part of a long-standing pattern of systematic persecution and violence perpetrated against *political* groups, particularly the NLD, 88 Generation, All Burma Federation of Student Unions (ABSFU), and others who participated in the Burmese democracy movement.

She develops these points to suggest we “take stock and reassess how terms such as ‘genocide’ or ‘politicide’ might be relevant to this history and current events”.

From outside the country it has often proved difficult to appreciate the local dynamics. Yet it is apparent that in the first year after the coup it was rare to hear anybody talk openly of the coup failing. The expectation was that eventually, using its usual repertoire of repressive measures, the Myanmar military would exclude and eliminate its opponents. Many fled overseas, and the numbers locked up continued to climb. And yet there was also a stronger resistance than ever before, including by new armed actors. Myanmar's reputation for civil war has, since the collapse of the Communist Party in the late 1980s, tended to play out along ethnic divides. The largest armed groups resisting military rule, such as the KNLA, the KIA and more recently, the Arakan Army (AA), draw their fighting strength and cultural potency from the grievance of ethnic minority groups pushed to the margins by the dominant Bamar Buddhist culture. Since the coup the most striking development has been the creation of new fighting forces, many in the Bamar Buddhist heartlands of Sagaing, Magwe and Bago and also in areas of Mandalay, Yangon and even, remarkably, on the fringes of Naypyitaw.

The picture is now complicated by changes in global geopolitics. In 2022 Russia's invasion of Ukraine catalysed a large-scale international response, spearheaded by Western democracies including the United States, United Kingdom and Germany, to counter the march of authoritarianism in Europe (Farrelly and Simpson 2023; McIntyre and Simpson 2022; Simpson 2023). Russia sought a stronger relationship with China, seeking to bolster an alliance that could help to sustain its

economy under increasingly tough sanctions. Myanmar, after its 2021 coup, fits neatly into the China-Russia nexus. Both countries have offered active support for its military for decades. However, it is not clear that Russia and China are prepared to offer the level of support that might destroy anti-coup opposition on the battlefield. Instead, by 2023 various resistance forces had made significant gains in terms of territory, but also with respect to their combat capabilities. There are now many experienced fighters prepared to continue the war against the generals and their coup.

In terms of regional politics, Myanmar remains a challenge for leaders across ASEAN, who are reluctant to move hastily against Naypyitaw, while also voicing, whether publicly not, significant unease about the direction of post-coup developments (for historical context see Haacke 2008). Indonesia and Malaysia have, at the official level, proved the most outspoken, and we should assume there are other, less vocal, countries deeply concerned about the viability of the military continuing to run Myanmar affairs (see Strangio 2023). Political leaders, such as the top military officers, are not welcome in ASEAN forums and are often represented by an empty chair (Simpson 2021a).

The position of the NUG, led by Acting President Duwa Lashi La, is also complicated, and in diplomatic terms they have remained marginalised in the two years since the coup. Even for governments that condemn the coup and seek to isolate the ruling generals, the NUG presents a challenge around its status and legitimacy (Simpson 2021c). For its part, according to King (2022: 30) the NUG:

insists that the military, with its record of violence, should be totally excluded from any talks about the future of the country. The military government for its part shows no sign of reversing the coup or ending the violence and restoring law and order. Any suggestions of negotiation and mediation are rejected by both sides. Meanwhile, although popular support for the CDM and opposition to the coup remains strong, Myanmar's people are suffering as a result of the economic impacts of COVID-19 and the post-coup turmoil.

It is this widespread suffering and impoverishment which now weighs heavily on Myanmar society. The coup has proved a major setback for many communities, with countless individual lives up-ended by the trauma and disruption. While the military regime insists on its path towards a managed electoral process, almost certainly far short of a democratic one, the resistance to the further consolidation of the coup has only grown.

## **Conclusion**

Since the 2021 coup, people across Myanmar have faced a turbulent and violent political situation, with the emergence of a new set of armed groups prepared to attack military, police and other government targets. Retribution from the Myanmar military regime has come in many forms. Thousands of anti-coup activists are

gaoled, while many others have been killed. In 2022 four anti-coup activists were executed (see analysis in Coppel 2022). Other death sentences are pending. In this context, resistance to military rule remains an attractive option for many young people, dismayed by the prospect of their country losing its hard-won freedoms and economic opportunities. They see no future in a prolonged military dictatorship.

Yet the future for the military leadership is no more straightforward. They are isolated internationally, lacking strong allies within ASEAN, and increasingly reliant on a small number of authoritarian patrons, most notably China and Russia. The Russian invasion of Ukraine in 2022 sits uneasily for Myanmar's coup-makers, who find themselves aligned to a distant power that, whatever military and economic benefits it can offer, presents a reputational problem, even for Southeast Asian dictators. While China may find the lack of commercial competition from Western powers in Myanmar a positive change, developments on the ground since the coup have mostly upset the stability on which it relies for economic and strategic linkages. Anti-China sentiment has only grown among the Myanmar population, who resent the pragmatism and ambiguity of statements from Beijing. While Western powers may not have provided all of the material and symbolic support that has been requested, there is no doubt the anti-coup resistance sees its best chance in fostering deeper ties with distant democracies (Tharaphi 2023).

Under these conditions the politics of Myanmar are likely to remain deeply contested and violent, with a hardening of attitudes and widespread reluctance to negotiate with the other side. Even in a scenario where the military ultimately consolidates its stranglehold, there will still be significant ongoing humanitarian distress (Simpson 2021b). And while it is tempting to imagine a more benign future where the anti-coup forces finally topple the generals in Naypyitaw, the reality is that a 'revolutionary' government would almost certainly face the same ideological, ethnic and regional cleavages that have limited the success of so many Myanmar projects of reform. Building new democratic institutions, especially after such a damaging period of violence and further distrust, would require both a great deal of goodwill across society and the injection of significant external resources. Yet if neither of those scenarios emerge, then the fear is that conditions in Myanmar could deteriorate even more dramatically, including through larger-scale military conflict.

The problem, as the chapters in this book emphasise, is that after the misjudgements of Min Aung Hlaing and his advisors, the sad reality is that Myanmar has only hard roads ahead. The country has been caught in a damaging spiral of coup-making and political confrontation, with events since February 2021 highlighting the devastating impact on the national social, economic and political fabric. While the military leadership still hopes that the world will heed the outcome of a stage-managed election, this political event is unlikely to garner even the modest external endorsement that came with the November 2010 poll. Instead, any future elections held under the supervision of military powerbrokers will only further aggravate opponents of the 2021 coup while reinforcing the tragic futures for the Myanmar people that the coup represents.

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**Part 1**

**Politics**





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# 3 Ethnic Politics

## Diversity and Agency Amidst Persistent Violence

*Matthew J. Walton and Aye Thein*

One of the defining elements of Myanmar is its ethnic diversity. However, decades of repressive military governance premised in part on the perceived centrifugal effects of ethnicity have resulted in national identity being one of the most contested aspects of the modern Burmese polity. At a national level, an ethnic Burman identity dominates in virtually every sphere, but similarly domineering processes of hegemonic identity creation have occurred within many of the country's other ethnic identities. By analysing shifting dynamics of ethnic politics through different eras in Myanmar's modern history and at sub-national levels, this chapter balances an understanding that ethnic identity is constructed (and thus contingent) with recognition that ethnicity and its effects are nonetheless real and politically impactful and thus must be a central consideration of political reform in the country (see Chapter 17).

This chapter also seeks to treat ethnic identity and politics in Myanmar as a field that has been undeniably shaped by violence and repression, yet constituted by much more than that. Ardeth Thawngmung's work on 'the other Karen' has been influential in this respect, focusing on Karen communities without direct involvement in armed conflict, who defined their identities and relationships in diverse ways that belied a singular Karen perspective (Thawngmung 2011). Jenny Hedström has similarly argued that dominant lenses that see particular groups simply as victims of state violence or repression both deny the agency of those groups and prevent a more nuanced and accurate understanding of the conditions of conflict as well as potential strategies for its prevention (Hedström 2016). Attention to this balance is even more important as issues of cross-ethnic solidarity have acquired more urgency in the wake of the February 2021 military coup.

Before considering the dynamics of ethnic politics in recent eras, this introduction briefly explains scholarly views on ethnicity and the lack of correspondence of indigenous categorisation systems in Myanmar with the categories of 'ethnicity' and 'race' and the resulting political effects.

### *Ethnicity as an Identity Category*

The dominant scholarly position takes ethnic identity to be socially constructed, with general agreement that ethnicity consists of cultural differences that come to

be seen as socially and politically salient through repeated interactions between groups over time. The anthropologist Charles Keyes has argued that this political relevance emerges particularly when cultural differences are articulated with reference to a distinct national ideology or aspiration, an observation that is particularly salient to ethnic contestation of a dominant national narrative in Myanmar (Keyes 1997).

However, it is important to remember that, while scholarly consensus might see ethnicity as malleable, to many it is an integral part of their cultural identity and sense of personhood; as Mikael Gravers notes, “ethnic belonging is existentially important” (Gravers 2007: 2). Historians and anthropologists have described the fluidity of ethnicity in the pre-colonial period in Myanmar, even suggesting that individuals could strategically change their ethnicity as a conscious choice (Lieberman 1978: 457; Leach 1970). However, as ethnic categories acquired increasing political, social, and economic significance, they also gained stability as markers of personhood. Additionally, in Myanmar, for many groups, opposition to the central government and violence committed by the national army (Tatmadaw) has been largely expressed in terms of ethnic identity and carried out along ethnic lines. In this way, ethnicity has not only been a source of cultural identity but also a central marker of political resistance.

### *The Conceptual Language of Ethnicity*

One of the challenges in navigating discourses of ethnicity in Myanmar relates to language. That is, the words that people use to describe themselves, their various identities, and their relationships to central political authorities and ‘Myanmar’ culture do not usually correspond directly with commonly used English terms. For example, the Burmese word *lu myo* literally translates as ‘type of person’, but is usually rendered as ‘race’ or ‘ethnicity’ and could also elicit answers related to nationality or religion. What looks like conceptual imprecision is likely simply the legacy of pre-colonial systems of identification that were less fixed and had different points of reference, but the classificatory demands of the British colonial regime, and the Westphalian nation-state norm more generally, have resulted in conflicting cultural and political categories with serious implications for citizenship and national belonging.

Another Burmese term denoting ethnic group is *tain yin tha*, which has connotations of indigeneity and is usually used to refer to a list of 135 officially prescribed national groups. *Tain yin tha* also carries with it several political connotations and is deployed in different ways depending on the identity and intentions of the speaker. A non-Burman would likely include herself in the category of *tain yin tha* (although some might choose other words that do not accept the Myanmar state’s terminology). However, many Burmans unconsciously use the term *tain yin tha* to signify minority (that is, *non-Burman*) ethnic groups, although if they are seeking to reinforce the claim that all ethnic groups are brothers and sisters in the same Myanmar identity, they may insist that Burmans are also included in *tain yin tha*. Nick Cheesman (2017) has demonstrated how successive governments have, in

recent decades, made *tain yin tha* the unavoidable conceptual lens through which claims to citizenship must be made in Myanmar, which, ironically, has increased the sense of threat to recognised populations from claims coming from non-recognised groups such as the Rohingya (see Chapter 19).

While it appears to be scholarly convention today to use Burman, Bama, or Bamar to refer to the majority ethnic group in English and the word ‘Burmese’ to refer to all citizens of the country, many non-Burmans continue to use the term ‘Burmese’ in English interchangeably with ‘Burman’. Similarly, although the word ‘Myanmar’ is officially intended to refer to all citizens of the country, in practice, many people elide its usage to mean, at different times, either the majority ethnic group *or* all citizens of the country (and occasionally, all officially recognised ethnic groups). Far from being a mere semantic detail, we might classify this as an indicator of majority ethnic privilege for Burmans (Walton 2013). That is, Burmans are always unproblematically ‘Myanmar’, citizens and members of the nation, while non-Burman groups can (under the right circumstances) be included in the national identity; their membership in the category is always provisional and contingent on factors such as degree of assimilation to a Myanmar cultural identity and opposition towards the state.

In recent decades, non-Burman ethnic groups have increasingly rejected the use of the term ‘ethnic minorities’, arguing that it reinforces a process of historical marginalisation and diminution and preferring the term ‘ethnic nationalities’. These examples and their multiple usages suggest that there is an indigenous categorisation system (or systems, since members of different ethnic groups might also understand the terms differently) that does not neatly map onto the race/ethnicity distinction and that that system is itself continually being contested and reformulated. In a country with the diversity of Myanmar, none of these axes of identity have ever completely defined the national identity, although a Burman Buddhist core has been dominant and ascendant nationally at least since independence in 1948.

### **Military Rule to 2011: Ethnicity as Oppositional Identity or Existential Threat?**

While the Burmese government had been faced with a number of significant ethnic, ideological, and religious insurgencies from the time of independence, a concerted pacification campaign by the military through the 1950s allowed the government to win back a precarious hold over most of the country. In doing so, as Mary Callahan (2003) has described, the armed forces gradually came to see many of its own citizens, particularly ethnic nationalities, as potential enemies and as threats to the unity and sovereignty of the country. This set the stage for a variety of militarised interventions into non-Burman territories and communities, ranging from assimilation, to co-optation, to attempts at extermination.

Scholarly and popular accounts of the 1962 military coup led by General Ne Win remain divided on its exact causes, but two contributing factors are relevant to considerations of ethnic politics. First, Prime Minister U Nu’s controversial attempt to establish Buddhism as the state religion inflamed opposition largely along ethnic

lines, as the vast majority of the non-Buddhist population of Burma was made up of non-Burman ethnic groups. Second, the Federal Movement, a national political dialogue begun by Shan leaders in 1960, sought to draw attention to the broken promises of the 1947 Panglong Agreement and address questions of devolution of power and the future structure of the Burmese state (Smith 1991: 195–196). Both of these discussions were cut off when Ne Win seized power on 2 March 1962.

The immediate aftermath of the coup saw an attempt at establishing peace through a widely inclusive set of talks through 1963 and 1964, that included ethnic armed organisations (EAOs) and ideological insurgencies such as the Red Flag Communists. Martin Smith notes the divergence of subsequent accounts of this peace parley on the part of the government and the EAOs, despite what was, at the time, a genuine and widespread hope for peace (Smith 1991: 206–218). Once these talks broke down, the country was again plunged into fighting across much of its territory. In many cases, it was not easy to disentangle ethnically oriented insurgencies from ideological ones, although these groups often fought each other (for territory, resources, and control over populations) as well as the central military (Lintner 1999).

One of the most brutal and destructive aspects of the military campaign against EAOs and ethnic communities was the Four Cuts policy, implemented from the mid-1960s. This counter-insurgency strategy was designed to “cut the four main links (food, funds, intelligence and recruits) between insurgents, their families and local villagers” (Smith 1991: 259). In addition to colour-coding areas as white (government-controlled), black (insurgent-controlled), and brown (contested or mixed authority zones), decades of this policy resulted in waves of mostly non-Burman refugees and internally displaced populations, conditions that continue to characterize Myanmar’s ethnic states today (South and Jolliffe 2015).

One of the dynamics that has consistently defined Myanmar’s ethnic politics since independence has been the deployment of policies labelled ‘Burmanization’, a term which has both assimilation and extermination aspects. From an assimilation standpoint, the practice of Burmanisation usually refers to efforts to impose a common national culture on Myanmar’s diverse ethnic communities, such as the limited ways in which non-Burmans are present in Myanmar’s school texts and histories, often appearing as negative figures or with their ethnic identities minimised, so as to be appropriated as national icons (Salem-Gervais and Metro 2012). Another example is the way that contested and sceptical ethnic positions on independence from Britain surrounding the 1947 Panglong Conference have been sanitised into a (historically inaccurate) homogenising national narrative of unified resistance to colonial rule (Walton 2008).

The paradigmatic example of Burmanisation was the military government’s 1989 ‘Adaptation of Expression Law’, which officially changed the name of the country (in English) from Burma to Myanmar. In addition to its anti-colonial motivation (removing a number of British names for places), the government also lauded the change as an expression of national reconciliation, as it would delink the name of the country as a whole from the name of its ethnic majority, the Burmans. However, this claim was disingenuous, not only because both terms were names

for the country *in Burmese* (the language of the Burmans) but also because the law changed a number of names that were rendered in ethnic nationality languages to Burmanised forms. Anthropologist Gustaaf Houtman has described this as a related, but distinct, process of ‘Myanmafication’ (Houtman 1999).

Burmanisation is not just assimilation but also the erasure of particular cultural practices and the elimination of non-Burman ethnic groups as political communities with their own heterogeneous and autonomous histories. While the Burmese military has consistently framed its offensives against EAOs in terms of national pacification and consolidation (at least until the recent campaigns of violence against the Rohingya, where the expulsion and extermination aspects are more blatant), the same activities – whether physical violence from soldiers or cultural violence in the form of disregarding histories and perspectives – have often been viewed from the side of ethnic nationalities as ‘annihilation’ (Lahpai 2014). Burmanisation is also present in the ways in which scholars have written accounts of ethnic politics (including this one) largely with reference to non-Burman ethnic groups’ interactions with Burmese state institutions or using sources that do not foreground ethnic accounts of their own politics and history. To some extent, this is conditioned by the relative lack of sources, although more research and analysis are now being produced by ethnic scholars (see Yawnghwe [1987] on Shan politics and Sakhong [2003] on Chin politics).

It is also important to note that similar processes of hegemonic identity formation have taken place *within* non-Burman ethnic nationalities, reflecting the persistence of essentialised understandings of ethnicity as inherent and naturalised, the internalisation and replication of processes of domination in the construction and assertion of collective ethnic identity, and the perils of a situation in which the prioritisation of internal unity for strategic and defensive purposes can lead to the suppression of alternative identities and narratives of community.

Nick Cheesman has described the challenge faced by Karen leaders, who have had to fashion a common narrative of identity among people as diverse as “a Sgaw Karen highland animist swidden farmer who speaks only her own language and a Western Pwo Karen delta Christian civil servant whose first language is Burmese” (2002: 200). Ashley South (2007) has called this the ‘problem’ of Karen diversity and has highlighted a Christian-dominated paradigm of ‘Karen-ness’. The projection of this unitary Karen identity generated feelings of exclusion among Buddhist Karen that, among other factors, contributed to a major split in the Karen National Union (KNU) in 1994 in which the newly formed Democratic Karen Buddhist Army (DKBA, now known as Democratic Karen *Benevolent* Army) allied with government forces and facilitated the fall of the KNU headquarters at Manerplaw in 1995, a decisive moment in Myanmar’s long-running civil conflict.

Among the Kachin, Mandy Sadan locates the first ‘Kachin’ cultural project with ‘hegemonic overtones’ in a customary law commission established by the Kachin government in 1960 (2013: 335–341). She carefully unpacks tensions in the ways that the boundaries and terms of inclusivity in the Kachin ethno-nationalist movement unfolded over the second half of the twentieth century, noting the strategic and defensive imperatives as well as subsequent efforts to use the Jinghpaw term

*wunpawng* as a way of referring to a collective ‘Kachin’ community defined by shared culture and history, without privileging particular Jinghpaw lineages in that identification. Nonetheless, it is also the case that some members of groups usually classified as Kachin ‘tribes’, such as the Rawang and Lisu, do not necessarily identify with any of these ethnonyms and bemoan a Jinghpaw hegemony (Kiik 2016: 213).

The purpose of these examples is not to delegitimize these groups or the political movements founded around them; rather, it is to reinforce the inherent conundrum of ethnic identity as both a necessary (and often essentialised) cultural and political resource and a contingent and contested label. This highlights how difficult it can be for those within these identity groups to fully engage with the constructed nature and particular genealogies of ethnicity under conditions of repression and violence visited upon them largely due to the status of those ethnic identities in contemporary Myanmar. In an analysis dedicating to ‘decolonizing’ understandings of ethnic categories in Myanmar, Sadan advocates for a broader understanding of research methodologies and data, moving beyond elite-produced texts to incorporate ritual, recitations, and practices that would better reflect the diversity of subjectivities related to existing ethnic categories (Sadan 2007). Similarly, Karin Dean has analysed the disjuncture between geographical boundaries in defining Kachin territory and the ‘social spaces’ that, over time, are marked out by circulations engendered by trade, marriage, or kinship (Dean 2007). This is sound advice for both researchers and members of these communities, yet engagement on terms such as these remains challenging under persistent conditions of political inequality, marginalisation, and ongoing violence.

In the post-1988 era, the military-led government adopted a range of different strategies for engaging with EAOs and their associated political entities. In part, these strategies reflected the outcomes of ceasefire negotiations between 1989 and 1997. During this period, 17 ceasefires were agreed to with different EAOs, largely on the initiative of then-Military Intelligence head General Khin Nyunt. In a comprehensive study of the ceasefires, Burmese scholars Zaw Oo and Win Min (2007) noted their largely military nature and the lack of accompanying comprehensive political settlements; this has been a consistent complaint of EAOs and ethnic nationality communities and has significantly shaped the multipronged process of the current ceasefire period, described in the following sections. Following on from these ceasefires, Mary Callahan (2007) identified three distinct patterns of relational political authority in ethnic states: marked but limited *devolution* characterised those areas that had won nominal self-governance, such as the Kokang and Wa Special Regions; varying degrees of direct military *occupation* were present in Northern Rakhine State and parts of Karen State; and some degree of (usually grudging or pragmatic) *coexistence* typified relationships of authority in Kachin and Chin States.

Kevin Woods coined the term ‘ceasefire capitalism’ to refer to the constellation of relationships in border areas that replaced active fighting with intensified granting of land concessions (and thus land grabbing) and resource extraction that



allowed the military to secure an increased presence in previously contested areas through commercial alliances with ethnic elites and armed groups. Far from diminishing military control, these new economic relationships allowed “Burmese state and military officials [to] direct capital flows into resource-rich, non-state uplands as an act of creating effective national state and military authority, sovereignty and territory in practice” (Woods 2011: 249). The absence of a political settlement as part of the ceasefires of the 1990s meant that expanded economic opportunities for some actually undermined the stability of ceasefires, with local populations increasingly seeing government and military penetration in threatening and assimilating ways.

Myanmar military and government officials have tried to broadly associate ethnic communities and EAOs with drug trafficking as a way to delegitimize their political grievances. Without wishing to reinforce that generalising trope, the drug trade has certainly fuelled conflict in ethnic areas and provided funding for some organisations (Lintner 1999; Smith 1991). Similarly to Woods’ analysis of trade of other licit and illicit commodities, Patrick Meehan has argued that the opium/heroin trade in Shan State since the ceasefires has, perhaps unexpectedly, helped to consolidate state power in the region, albeit in a more managed or negotiated fashion with armed actors (2015).

Despite ongoing tensions within and between ethnic organisations, throughout the 1990s and 2000s there were multiple attempts to build solidarity and a united front among EAOs, non-Burman ethnic communities, and Burman-led political opposition movements. The first of these, the Democratic Alliance of Burma (DAB), was formed at a meeting in KNU territory in 1988 and was the initial basis for an alliance of EAOs, student political groups, and opposition politicians that continued well into the 1990s.

Another central aspect of ethnic politics in contemporary Myanmar has been the dynamics of diaspora, not only the physical presence of forcibly displaced populations along Myanmar’s borders and in countries around the world but the impact of these groups on the country’s politics and standing internationally. For decades, the Thai-Burma border has not only been home to hundreds of thousands of refugees from the country, it has been a base of operations for EAOs and for a diverse spectrum of community groups and research and advocacy organisations, many of which are drawn from ethnic nationality communities and concerned with issues related to recognition and political autonomy (for example, the Women’s League of Burma, the Karen Human Rights Group, and the Mae Tao Clinic). Ethnic governance institutions have also developed in border areas (for example, the Karen Education Department), in many instances providing necessary services that exceed in quality and availability what is offered by the central Myanmar government (Jolliffe 2014). Many accounts of Myanmar’s brief recent period of political reforms have highlighted the efforts of these border and expatriate groups as essential to the process, both in terms of external and global pressure and campaigning, as well as in supporting domestic communities and resistance work within Myanmar (for example, Mullen 2016).



### **Thein Sein and the USDP: Electoral Opportunities and Renewed Ceasefire Efforts**

In 2010, Myanmar held its first national election in over two decades, ushering in an era of semi-civilian governance. With the National League for Democracy (NLD) barred from participating, the military-aligned Union Solidarity and Development Party (USDP) won an overwhelming majority of votes and seats in the country's legislative bodies, and former general Thein Sein became the president. Despite widespread expectations that reform would be gradual and minimal, his government surprised observers by quickly pushing through a number of politically liberalising measures and prioritising ceasefires and a process of national reconciliation.

The 2008 Constitution was the outcome of a prolonged (and delayed) process of constitutional consultation that nominally included input from many of the individuals who won seats in the 1990 election, but overall, was dominated by military interests. Although it broadly retained a unitary state structure, the constitution did provide for a number of particular opportunities related to ethnic representation. One of these is the designation of ministers for '*taing yin tha* affairs', awarded to ethnic groups that constitute a minimum population level and satisfy several other criteria, but with unclear effects due to the ambiguity of ethnic identification as a category (Thawngmung and Yadana 2018).

One of the events that prompted a more cautionary tone in response to the optimism was the resumption of hostilities between the Myanmar military and the Kachin Independence Army (KIA) in June 2011, after a 17-year ceasefire. The reasons for the collapse of the ceasefire are complex and multifaceted. They are considered from different perspectives in Mandy Sadan's (2016) edited volume, but it is probably sufficient to say that a major contributing factor was the government's unwillingness to address political concerns through a formal agreement. The fighting initially displaced over 100,000 people, many of whom are still living in camps or in situations of precarity (Lahpai 2014).

While the Kachin conflict was escalating, the government prioritised peace talks with other groups, signing or renegotiating ceasefires with 10 additional EAOs, including the KNU, which formally ended what had been the longest-running insurgency in the world. The government designated retired military officer and former minister U Aung Min to lead the negotiations, supported by the newly created Myanmar Peace Centre and other actors. EAOs also created several platforms for collective negotiation, including the United Nationalities Federal Council (UNFC) and the Working Group for Ethnic Coordination (WGEC); they also eventually established the National Ceasefire Coordinating Team (NCCT) as the select group to directly engage with the government.

This marked a period of engagement that was unprecedented by comparison with previous ceasefire periods, largely because the government had also committed to linking the peace process to a broader, institutionalised political dialogue. Some scholars have argued that the broader democratic reforms as well as tangible concessions by the government were crucial in creating conditions under which EAOs could confidently join a ceasefire (Bertrand, Pelletier and Thawngmung 2018). Another perspective sees the success of the ceasefire as premised on the

exploitation of divisions between factions within EAOs, implying a fragility to the resulting agreements (Brenner 2018). While a Nationwide Ceasefire Agreement (NCA) was signed in 2015, it did not include all of the EAOs (for an appraisal of the ‘problem’ of ‘all-inclusiveness’ in the process see Lwin Cho Latt et al 2018), and limited progress was made on related political reforms before the USDP lost its majority in the 2015 election.

One issue that has highlighted the general dynamic of disconnect between ethnic conflict and the formal political process has been land reform and land rights. Efforts to reform land laws since 2011 have largely ignored or insufficiently addressed some primary concerns expressed by ethnic nationalities, including the recognition of existing tenure systems (including shifting cultivation practices), the right of return for displaced populations, and redress for land confiscated under previous military governments (Kramer 2015).

Ethnic language education also returned as a subject of public debate after having been largely outlawed during past decades of military governance. Some existing programmes were developed by EAOs and their related political and administrative wings and, unsurprisingly, have tended to teach a more anti-state curriculum that focuses on ethnic heritage and sovereignty. Others – a result, in part, of geographical proximity to the centre as well as relatively lower levels of active conflict – have created systems that prioritize ethnic language education at early levels yet gradually integrate Burmese and English education so as to better prepare students for a national education system (Lall and South 2014). While national and state-level regulations have opened up space for mother tongue-based education, it is unevenly distributed, and variations in linguistic density as well as existing institutions and resources mean that a single policy will likely not suit the country’s ethno-linguistic diversity (McCormick 2020).

Scholars and other observers of Myanmar have had good reason to be sceptical of official government statistics, not only through decades of self-serving military-led governance but into the present as well. The April 2014 census, which took place with technical assistance provided by the United Nations Population Fund (UNFPA), was roundly criticised for methodological and political reasons as well as its potential for causing unrest in periods of ethnic and religious tension (International Crisis Group 2014). A policy briefing in advance of the census from the Transnational Institute (TNI) highlighted the persistence of damaging and inaccurate colonial-era classifications – the progenitors of the country’s current list of 135 recognised ethnic groups – which carried out a modern-day equivalent of ‘divide and rule’ (Transnational Institute 2014). With respondents only allowed to mark one *lu myo* category (see earlier and in the TNI report for a discussion of the problematic nature of translating this as ‘ethnicity’), the existence of subcategories under the eight ‘main national races’ (as many as 33 among the Shan and 53 among the Chin) threatened to undercut ethnic nationality population figures, with real political and representational consequences. Furthermore, many of the available categories conflated linguistic and kinship markers with ethnicity (Callahan 2017).

While general population data was released soon after enumeration, the report detailing religious demographics was not released until 2016, and the report with a breakdown of population according to ethnicity was never released. Anthropologist

Jane Ferguson noted the unavoidably politicised nature of these sorts of classificatory exercises but also highlighted the fact that most groups were critical of the *particular* categories in the census, rather than the *process* of delineation according to ethnicity, revealing the persistent appeal of ethnic identification in Myanmar's politics (Ferguson 2015: 24).

### **Aung San Suu Kyi and the NLD: Stagnation and Alienation**

The 2015 election in Myanmar was largely assessed as free and fair, and it brought about an abrupt change in government through an overwhelming NLD victory. Now generally seen as a national vote of repudiation of military rule (and thus of its proxy party the USDP), one of the striking aspects of the vote was how poorly ethnic political parties performed, in most cases garnering fewer votes and fewer seats than in the 2010 election. The only legislative bodies where the NLD did not win majorities were the Shan, Kachin, and Rakhine State Parliaments. Political scientist Ardeth Thawngmung points out that, since the NLD was barred from participating in the 2010 election, many of the ethnic political parties allied with it also refused to participate, leaving space for other members of these ethnic groups to form new parties. When the NLD re-entered the electoral scene in the 2012 by-election, its previously allied parties also re-emerged, setting up contestation with the newly formed parties and either splitting the 'ethnic vote' or alienating ethnic nationality voters, who saw the proliferation of ethnic parties as evidence of lack of unity (Thawngmung 2016: 136–137). Shifting demographics in some ethnically defined states have also complicated political competition for ethnic-identifying parties.

The 2015 election was also notable in that the NLD refused to enter into formal pacts with any parties, including previous allies. This reluctance to govern cooperatively extended to the selection of chief ministers of states and regions, a power reserved to the central government, but which proved to be particularly contentious in those ethnic states where the NLD had not won a majority in the state parliaments. It also seemed to generate renewed efforts among ethnic parties to negotiate mergers and strategically consolidate ethnic votes in advance of the 2020 election.

Aung San is generally acclaimed as the father of the modern Burmese nation, even by many non-Burmans. His effective role in eliciting agreement from the Shan, Kachin, and Chin leaders who attended the 1947 Panglong Conference is widely cited as evidence that an alternative historical trajectory of a more meaningfully federal Burma could have been possible, if not for his tragic assassination in July 1947. It is ironic, then, that the NLD government's attempts to memorialize him in ethnic states across the country provoked a sustained, critical outcry from non-Burman communities. A proposal in 2017 to name a bridge in Mon State after Aung San provoked popular demonstrations. Similarly, throughout 2018 and 2019, protests of a proposed statue of Aung San in Loikaw, in Karenni (Kayah) State, resulted in dozens of people – mostly students – being arrested and charged with defamation and unlawful assembly. As one Karenni student leader put it, "Our state has its own identity and our own respected leaders. We want to build statues of our (historical) leaders" (Lawi Weng 2018).

Aung San Suu Kyi also sought to capitalize on her father's legacy by rebranding the National Peace Dialogues mandated as part of the NCA as iterations of a '21st Century Panglong' process. Despite this gesture back to a potential (if contested) moment of national ethnic unity, the meetings produced no notable progress, either towards a more inclusive, genuinely 'nationwide' ceasefire agreement or towards political agreements that would implement a more federal system of governance, either through constitutional change or other legal avenues. One recent analysis argues that the framework of the political reform process itself served mostly to cement benefits for the state at the expense of ethnic interests, despite the appearance of ideological divergence between the NLD and the military (Bertrand, Pelletier and Thawngmung 2022).

### **After the 2021 Coup: New Political Possibilities**

Although the NLD was the clear victor in the November 2020 election, Senior General Min Aung Hlaing staged a military coup on 1 February 2021, citing unproven electoral irregularities. Perhaps unwittingly, the coup has engendered widespread popular resistance and a more palpable sense of unity. Politicians, activists, and intellectuals across the wide political and ethnic spectrum seem to agree that this presents an opportunity to negotiate and work out an inclusive vision for the country (Ford and Aung Ko Ko 2022). The political vacuum created by the suspension of the 2011–2021 reforms is seen by some as an opportunity to fundamentally rewrite the nation's terms of cooperation, association, and existence.

In the immediate wake of the coup, a group of lawmakers elected in the 2020 election formed the Committee Representing the Pyidaungsu Hluttaw (CRPH) on February 5. After publishing a Federal Democracy Charter on March 31 (designed as a transitional roadmap to replace the 2008 Constitution), the group appointed members of a new National Unity Government (NUG) on April 16. This body was self-consciously constructed with ethnic diversity in mind and was complemented by the creation of a National Unity Consultative Council (NUCC) in the hope of bringing together a scattered opposition movement, consisting of existing EAOs, newly constituted People's Defence Forces (PDFs), Civil Disobedience Movement (CDM) members, political parties, and civil society groups (Thuzar and Tun 2022). Many groups not based strictly on ethnic identity, such as women's groups, labour unions, and religious associations, are playing visible roles with avowedly non-ethnic agendas. However, while their intersectional political demands caution us against viewing Myanmar's politics solely through an interethnic lens, ethnicity and ethnic identity remain front and centre.

Despite the possibilities for forging a new political consensus, groups like the NUG and NUCC remain works in progress and struggle not to be seen as simply representing the political platform of the NLD and, by extension, a continuation of ethnic Burman dominance. Perhaps the strongest evidence of this was the range of ambivalent responses by EAOs as they sought to position themselves following the coup (Vrieze 2022). While some criticised the coup and the ensuing state violence, they eventually renewed their commitment to the junta-led NCA process.

Others have engaged supportively with the NUG and the NUCC, including working collaboratively with PDFs loyal to the NUG. Still other powerful groups have remained disengaged from both sides, building their capabilities and consolidating control over their territories. Ethnic political parties have also been more non-committal; significant groups such as the Shan Nationalities League for Democracy (SNLD) have refused to be part of the NUG and NUCC after their initial engagement. By contrast, ethnic civil society groups not only organised anti-coup protests and other resistance in their areas, they have been essential in forging and maintaining cross-ethnic alliances with Burman-majority groups.

While the NUG has prioritised *federal* democratic reform over the NLD's *democratic* federalism, significant roadblocks remain for agreement and implementation among opposition actors. For example, many ethnic Rakhines remain opposed to the abolition of the 1982 Citizenship Law, which remains a major legal obstacle to the granting of the Rohingya Muslims citizenship rights and reflects continued Rakhine contestation of Rohingya claims to ethnic recognition. Fragmentation between EAOs in ethnic states also points to an unsettled sense of the various tiers of ethnic identities and sub-groups – with some armed groups asserting their separation from larger ‘umbrella’ categories such as Shan and Kachin – as well as shifting demographics that challenge the existing ethnic labels of these states (Ye Myo Hein 2022). A post-coup split within the KNU, ostensibly over questions of disciplining soldiers for alleged war crimes, points to the challenge of establishing and maintaining civilian authority over armed groups, both during and after the current period (Saw Greh Moo 2022). And the seemingly increasing military strength of groups such as the United Wa State Army (UWSA) that remain almost completely removed from opposition alliances points to near-insurmountable obstacles to translating federal principles into practice.

## **Conclusion**

The advent of a semi-electoral political system in Myanmar between 2011 and 2021 briefly opened up a range of spaces in which ethnic politics could be articulated and contested, allowing debates over ethnic politics to play out in parliament, in the media, online, in contested development projects, and in Myanmar's robust civil society sphere. But the 2021 military coup demonstrated that violence and repression still fundamentally condition the contours of these debates, especially affecting the lives of Myanmar's non-Burman ethnic population (Fink 2008).

Whatever possibilities for new political norms and relationships might have been generated by the coup, ethnic identity seems to be an unavoidable axis of political contention in Myanmar, one that has been reinforced through both violent repression and political policy. The coup marked a splintering of the most recent efforts at national reconciliation, but also created a chance for opposition groups to forge new political institutions that can engage more substantively with ethnic grievances, address the ongoing effects of past violence and exclusion, and lay the ground for a more inclusive political community.

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# 4 The Military

## Institution and Politics

*Maung Aung Myoe*

The political intervention and forceful takeover of the state in February 2021 has once again thrust the Myanmar military into the limelight and a central political role that does no service to its reputation. By overturning the 2020 elections, it has undermined its own commitment to movements towards ‘discipline-flourishing democracy’ under 2008 constitution. It will be difficult for the military in the future to convince the population that, as it was in the years after independence, its role is to safeguard the state.

The conventional wisdom and official historiography in Myanmar accorded the birth of the Japanese-trained Burma Independence Army (BIA) on 27 December 1941 as the origin of the present-day Myanmar Armed Forces (commonly known as the Tatmadaw) in its genealogy. However, despite its origin and growth in the war-time period (1941–1945), undergoing various transformations in the names of Burma Defence Army (BDA), Burma National Army (BNA) and finally Patriotic Burmese Force (PBF), at end of the war, the Japanese-trained army was disbanded and amalgamated into the British-trained Burma Army in accordance with the Kandy Agreement of September 1946. By the time of the country’s independence in 1948, the Tatmadaw was commanded mostly by British-trained officers. Yet communist armed revolution and ethnic secessionist rebellion, and mutiny associated with these insurgencies, after independence favoured the Japanese-trained officers and they became instrumental not only in holding the army together in the chaotic aftermath of independence but also in saving the Union from total disintegration. Japanese-trained officers became central to all aspects of the Tatmadaw’s development. Starting with a modest number of troops and poorly equipped forces, the Tatmadaw has since grown significantly not only in size and capability but also in political influence.

Throughout the 70 years of its post-colonial history, the Tatmadaw emerged as the most durable and powerful political institution in Myanmar, shaping the political contours of the country. Since 1962, it has remained the most important institution in the management of the Myanmar state. Even after its carefully planned political transition in the country in 2011, from direct military authoritarian rule to a more open democratic system, the Tatmadaw continued to play a leading national political role. The coming of the third generation of military leadership during this transitional period has also clearly impacted on the direction the Tatmadaw has chosen to pursue. With both inheritance and legacies from the Aung San/Ne

Win generation of ‘revolutionary soldier’ and Saw Maung/Than Shwe generation of ‘counterinsurgency soldier’, the present Min Aung Hlaing/Soe Win generation of ‘standard-army soldier’ emerged. The Tatmadaw engaged in a process of institutional reform and adjustment to deal with emerging national, regional and international political-security realities while maintaining its ‘leading national political role’. Much of this work was upended by the 2021 coup, which left civil-military relations in tatters.

### **Military Rule to 2011: Expanding Strength and Role**

The decline and fall of constitutional democracy as well as armed challenges against weak nationhood and state in the first decade of post-colonial Myanmar eventually paved a way for the Tatmadaw to play a powerful political role and to establish military rule in the decades that followed. With political-ideological development within the institution and confidence gained from the experience of running the state during the Caretaker Government (1958–1960), among others, the Tatmadaw [leadership] was prepared to take over the Myanmar state when opportunity and disposition coincided in March 1962. Ever since the military coup on 2 March 1962, the Tatmadaw has taken centre stage in Myanmar politics and expanded its political role, precipitating a long period of military dominance in the country’s political process. The first 12 years of direct military rule (1962–1974) was followed by the military-backed single-party authoritarian rule of the Burma Socialist Programme Party (BSPP) (1974–1988). The Tatmadaw as the backbone of the party and the vanguard of the social revolution in Myanmar came to an end when it took over the state amid the widespread protest against the party and the demand for political liberalisation.

The military’s takeover of the state in September 1988, which ended the 26-year rule of the BSPP, generally coincided with the change of military leadership by phasing out those officers who joined the Tatmadaw during the BIA/BDA era. A new generation of officers, who joined the military in the 1950s and advanced their career primarily through decades of counter-insurgency operations, took over the leadership of the Tatmadaw. Force modernisation and role expansion were two defining activities of the Tatmadaw during the military rule.

At the time of the military takeover of the state in September 1988, in the name of the State Law and Restoration Council (SLORC), which was rejuvenated in November 1997 as the State Peace and Development Council (SPDC), the Tatmadaw was essentially a poorly equipped counter-insurgency force with a modest structure of command and control. During 22 years of SLORC/SPDC rule, the Tatmadaw has vastly expanded its force and command structure. It was reported that the Tatmadaw had manpower of 198,681 soldiers, manning 168 infantry battalions organised into nine regional commands and eight light infantry divisions (LIDs) plus various units of corps and services, including navy and air force (Aung Myoe 2009, p. 33). The structure was vastly expanded, not only infantry but also other corps and services, such as artillery, air defence, defence industries, and so on. By the end of the 2000s, the Tatmadaw appeared to have the war establishment (WE)

of 800,000 troops. In actual strength, however, it could be much lower, and some intelligent estimates could be around 400,000 troops. While details are hidden in secrecy, some keen observers estimate that there are more than 1,400 military units of various sizes, including about 700 infantry battalions and 100 air defence battalions. Despite its expansion, the Tatmadaw maintains its territorial force structure. It now operates 14 regional commands, 10 LIDs, 20 military operation commands (MOCs) and 6 regional operations commands (ROCs). The Tatmadaw has significantly strengthened its artillery corps and armour corps – about 15 divisions – and initiated a totally new service of air defence. For navy, from three naval region commands (NRCs) and a flotilla in 1988, it has now grown into five NRCs with five flotillas, a training command, a dockyard command and three fleets. For air force, merely from three air force bases, it has now expanded into a total of twelve.

In terms of the order of battle, all three services absorbed a significant number of military hardware. The force expansion and modernisation have been implemented since the early 1990s with overseas procurement of military hardware, largely from China and Russia, while other sources include South Africa, Brazil, Ukraine and North Korea, and local supply from Defence Industries, in accordance with a policy of local self-sufficiency and production in small arms, artilleries and rockets (Aung Myoe 2009; Selth 2002). The Tatmadaw also devoted resources for local production of warships that enables the navy to build its frigates in its dockyard. Various types of tanks and carriers, rockets, air defence missiles and artilleries are bought for the army. Between 1988 and 2008, the air force took the delivery of 210 aircrafts of various types (Aung Myoe 2009, p. 128). Then, within last 10 years, it further decided to buy 164 aircrafts. The navy also took the delivery of 37 warships of different types, including two corvettes, within two decades after the military takeover in 1988 (Aung Myoe 2009, pp. 120–121). In the wake of Cyclone Nargis and the close encounter with Bangladesh warships in the disputed Exclusive Economic Zone (EEZ) in 2008, the Myanmar Navy (MN) also pursued an aggressive naval expansion programme in last 10 years, and it procured 45 different types of warships.

The force modernisation is also reflected in the development of military doctrine. While the primary threat to security is internal in nature, the Tatmadaw threat perception has paid more attention to either proxy war or outright invasion by an external power, something similar to the West's regime-change operations. In this context, the people's war doctrine is considered as still relevant to overcome the weakness in military capability. Yet it has adjusted to suit the modern conditions.

Essentially, the Tatmadaw's political role has been expanded since 1958 when the military governed the country in the name of the Caretaker Government for two years. Since the military takeover of the state in March 1962, in the name of the Revolutionary Council, the Tatmadaw has become the most dominant institution in Myanmar politics. The political inclination of the Tatmadaw could be traced all the way back to its early existence; it is historical, political and cultural (Aung Myoe 2014). From its inception, the Tatmadaw has been a political force. Moreover, in order to take pride as a national patriotic force, the military leadership promoted the idea of political conviction as an essential component of the Tatmadaw. To be

a patriotic army, the Tatmadaw must embrace political doctrine and play an active national political role. Between 1962 and 1988, during the rule of the BSPP, the Tatmadaw embraced the Burmese Way to Socialism (BWS), and it had served as the backbone of the party and vanguard of the socialist revolution in Myanmar. By 1988, it abandoned the BWS and, instead, has adopted what is known as ‘Our Three Main National Causes’, namely, Non-disintegration of the Union, Non-disintegration of National Solidarity and Perpetuation of Sovereignty (Min Maung Maung 1995, p. 320; Mya Win 1992, p. 4). Considered itself as the guardian of the state and defender of the nation, the Tatmadaw determines to play a leading role in national politics. In its self-image projection, the Tatmadaw is the embodiment of the Myanmar state and the saviour of the Myanmar nation from disintegration; therefore, it is a state-builder and nation-builder. This (national) political role of the Tatmadaw is further enshrined in the 2008 constitution, setting a basic pattern of civil-military relations in the time of political transition in Myanmar. During the SLORC/SPDC era, there was no such thing as civilian control of the military since no other institution or state apparatus was above the Tatmadaw. This ‘military dominance’ in management of state affairs was a defining characteristic of civil-military relations in Myanmar for nearly a quarter of a century, and it was essentially a state within a state or the embodiment of the state. The military’s political role has been thoroughly expanded and entrenched.

The other important aspect of the Tatmadaw’s activities during the military rule is the expansion of business activities (Aung Myoe 2009; Bunte 2017; McCarthy 2019). The origins of the Tatmadaw’s commercial activities in Myanmar can be found in both ideological conviction and practical purpose. Ideologically, it is part of its dual functions; not only external defence but also internal security and nation-building. Since 1990s, after more than 25 years of abstaining from commercial activities, primarily through two business entities, the Tatmadaw has deeply penetrated into Myanmar economy and practically monopolised several lines of profitable businesses. They are the Union of Myanmar Economic Holding Ltd (UMEHL) and the Myanmar Economic Corporation (MEC). In some business areas, these two firms hold a near monopoly (Aung Myoe 2009).

The revival of the Tatmadaw’s commercial interest is closely related to its unstated policy of self-sufficiency. While the UMEHL is mostly for welfare of the troops, military units and veterans, the MEC is little known. The Tatmadaw’s commercial enterprises and interests obviously need good public relations if they want to be meaningful and socially acceptable. It is particularly true in the case of the UMEHL which has been a target of people’s criticism. The UMEHL needs a face-lift and major reorganisation so that it could claim that, in the absence of a ‘General Providence Fund’, it is a pension fund for the benefit and welfare of soldiers and their families while ensuring that proceeds are not used for off-budget military purpose. So far, there is no information whether money generated by the UMEHL and MEC are for off-budget military spending. Not all the commercial enterprises under these entities are profit making. Yet they provide some employment opportunities. They could serve as venues for resettlement of soldiers. When the USDP government introduced economic reforms, the Tatmadaw complied with these

measures. Accordingly, the Tatmadaw decided to transform the UMEHL from a special company into a publicly listed company by paying tax to the government.

### **Thein Sein and the USDP: Engaging Institutional Reform**

In November 2010, in accordance with the 2008 constitution, nationwide general elections were held for the political transition. Despite the National League for Democracy's (NLD's) boycott, nearly 40 political parties contested in the elections. The Union Solidarity and Development Party (USDP) won the absolute majority and formed the government led by Thein Sein as president in March 2011. As key members of the USDP administration were former military personnel and they shared similar political views, there were no major issues of civil-military relations between the government and the military. As for the Tatmadaw, a new generation of officers took over the leadership, and it has had to deal with the legacy of the two decades of military rule.

As far as the military is concerned, this USDP period witnessed institutional reform rather than force modernisation and role expansion. There was no major expansion of force structure, while procurement of more advanced weapons systems and military hardware continued. The most significant aspect in this regard is doctrinal development. Under the banner of 'Building a Standard Army', the Tatmadaw modified its military doctrine, with less emphasis on anti-guerrilla warfare. The doctrine is a shift from passive defence to active defence as far as the external threats are concerned, and it appears to focus on mobility and firepower. At the same time, the Tatmadaw has tried to enhance its joint operational capability, as testified to by combined arms and joint services exercises. Nearly 15 years after the last joint services military exercises, the Tatmadaw has resumed biennial combined arms or joint services exercises since 2012 and annual naval exercises since 2014.

In nearly 15 years, a batch of 21 female medical officers was commissioned on 1 March 2012. This practice continued on annual basis. In addition, the recruitment of female nurses, through the army scholarship programme at the Institute of Nursing, was introduced in December 2012. The Universities Training Corps has also been reactivated after nearly 25 years, with military training programmes for university students, and more importantly, for the first time, female students are also targeted (Aung Myoe 2014, p. 244). Females have been recruited into the three services of the Tatmadaw since October 2013, and the first intake of female officers was commissioned in August 2014 (*Kyemon* 29 August 2014, p. 5). The fifth intake was commissioned in December 2018 (*Myawady* 27 December 2018, p. 15).

In order to make the present Tatmadaw the *Pyidaungsu Tatmadaw* (Union Armed Forces) to be more inclusive in gender and ethnicity, as well as to make a more disciplined force, the present Tatmadaw leadership has initiated a number of measures. Lately, the commander-in-chief (C-in-C) has repeatedly claimed that the Tatmadaw collectively represents "the entire national people of Myanmar and the state" (*Myawady* 12 July 2018, p. 20; *Myawady* 1 November 2018, p. 18). However, for the last couple of decades, due to the lack of career mobilisation, incentive structure and affirmative actions, only a very few non-Bamar nationalities joined

the Tatmadaw. In order to improve the situation, the Tatmadaw has been trying to recruit ethnic minorities for last four to five years. So far, it is essentially the Buddhist Bamar army, yet there are several Rakhine, Mon, Shan (particularly red Shan) and other minor nationalities. Especially for the officer corps, the Tatmadaw has started targeted recruitments for national minorities through the Officer Training School (OTS) track, openly advertising for graduates from the University for National Races and Degree Colleges for National Youth Development in Yangon and Sagaing. The 120th batch of OTS (in early 2016) was the first time such a targeted recruitment was conducted. Only a dozen of graduates from these institutions joined the military. This targeted recruitment continues, and the Tatmadaw has been making more efforts to make it truly a multinational armed force.

One of the measures to improve motivation and career advancement is the introduction of the up-or-out policy. This is done through new regulations by the War Office Council Instruction (WOCI). In 1973, the Tatmadaw regulated WOCI 18/73, which said that the commissioned officer must remain in the service as long as his service is required. (In fact, on this basis, Senior General Than Shwe and Vice Senior General Maung Aye continued their military career well beyond the retirement age.) The WOCI 18/73 could be loosely interpreted and abused so that one can remain in service for an indefinite period. This WOCI 18/73 was revised and modified with another WOCI issued in 2014. According to WOCI 4/2014, the commander-in-chief (senior general) and deputy commander-in-chief (vice-senior general) of Defence Services will remain in service only up to the age of 65; therefore, their service term is now capped. Later, in February 2016, with WOCI 1/2016, service terms of brigadier general and higher ranks were capped. It was further supplemented by another instruction to cap the service term for the rank of colonel. In this way, the upward mobilisation is addressed.

Fair distribution of senior command positions is another measure to improve the institutional cohesiveness and enhance motivation. The Tatmadaw has three main channels of officer recruitment: OTS, Defence Service Academy (DSA) and Officer Training Course (OTC), commonly known as Teza. When Senior General Min Aung Hlaing took over the Tatmadaw in March 2011, out of 14 regional commanders, 10 were from DSA and the remaining 4 were from OTS. In November 2018, the composition was made up of 5 from DSA, 8 from OTS and 1 from OTC. Out of 27 regional commanders newly appointed since March 2011, there are 15 from DSA, 11 from OTS and 1 from OTC. The most significant is the appointment of an officer from OTC-17 to a position of regional commander in May 2017. This really boosts the morale of the officers with this background, as it is the first time in the Tatmadaw history this has happened. In addition, several non-Bamar officers were promoted to higher military positions. Moreover, a new pattern of transfer and promotion was also introduced in order to enhance motivation among officers. Those officers seconded to ministerial and legislative positions are now transferred back to active command positions and promotion (which is rarely the case in the last three decades).

To be a better disciplined force and to improve the public image, the Tatmadaw leadership enforced stricter disciplinary actions. In September 2016, seven



soldiers, including a brigadier general, were imprisoned for the unlawful killing of civilians in Mong Yaw village in Shan State (*Frontier* 2016). Recent disciplinary actions taken against officers included a lieutenant general, a major general and three brigadier generals in connection with military operations in Rakhine State. Disciplinary action against senior officers of this level was very rare in the past. The Tatmadaw leadership takes unusual steps in disciplinary measures. In the past, regional commanders were rarely subjected to disciplinary actions and, in most cases, they were given a ministerial position unless they were politically problematic. However, between 2011 and 2018, three chiefs of bureaus and four regional commanders were dismissed, while three other regional commanders were transferred to the Ministry of Foreign Affairs as ambassadors. Several brigadier generals and colonels were also dismissed with prison terms for breaking rules and regulations.

In recent years, the Tatmadaw has tried to improve its public image. One major issue at hand is the land confiscation. During the SLORC/SPDC period, due mainly to the expansion of military units, the Tatmadaw claimed millions of acres of land for (legitimate) military use. In addition, many local units grabbed lands for the regimental welfare. According to information from the Ministry of Defence, there were 461,323.75 acres of land grabbed by local military units beyond their parameters. In other words, these lands are not for the military purpose but have to do with other activities, such as income generation. Out of 699 cases with 473,979.739 acres complained to the government, 565 cases are related to the Tatmadaw, and the total area is 321,435.280 acres (*Kyemon* 6 February 2014, p. 1; *Kyemon* 3 July 2014, p. 7). It is 80.83% of the cases and 67.82% of the land area. When the Tatmadaw returned the land to the original owners in the first round in November 2013, out of the total of 54,255.003 acres, only 24,854.910 acres were related to the cases under investigation, and the remaining 29,400.093 acres were voluntarily returned. The second round of returns was in February 2014, and the total area was 154,892.102 acres (*Kyemon* 6 February 2014, p. 4). By 15 December 2017, the Tatmadaw announced that it had returned a total of 258,013.559 acres (*Myanmar Alin* 17 December 2017, p. 8). Many more complaints have been filed, and the investigation is an ongoing process and the Tatmadaw still needs to return more land to previous owners or to the state. The issue is not yet settled, and more and more cases are being filed.

Another issue has to do with forced labour and child soldiers. With an improvement in logistics, better troop discipline and a general decline in fighting – particularly a smaller area of battlefield – there is a significant reduction in reported human rights abuses. Moreover, the Tatmadaw has paid closer attention to the issue of child soldiers. It was reported that between September 2012 and December 2014, the Tatmadaw discharged 594 child soldiers in nine batches and took action against 327 soldiers, including 50 officers, for forced recruitment of child soldiers (*Kyemon* 24 January 2015, p. 3). In fact the Tatmadaw has improved its cooperation with international organisations and non-governmental organisations (NGOs) in the area of protecting human rights. There is little reported about forced portage or human rights abuse in the frontline in recent months, if not years, since

2011. While details are not known, it seems that the Tatmadaw leadership has taken measures to improve the relations between the military and the general public, and it tried to address the legacies of the past abuses. More avenues now are available for the general public to report human rights abuses of the Tatmadaw members. However, there are some criticisms of Tatmadaw's military operations in the counterinsurgency. Since the collapse of the ceasefire agreements, fighting resumed in Kachin and Shan states. The story is different in the case of the security operation in Rakhine state in dealing with terrorist attacks. While the so-called international community takes critical views and condemns the Tatmadaw for its conduct, there is growing local support among the Myanmar public. In essence, the Tatmadaw is trying its best to improve its relations with the general public. The Tatmadaw's public relations activities in disaster relief operations, mobile medical teams and media-friendly communications could be considered as playing a national political role while at the same time it improves soldier-society relations.

### **Aung San Suu Kyi and the NLD: Managing Civil-Military Relations**

With the landslide victory in the 2015 general elections, the NLD came to power in March 2016. The NLD administration, led by de facto leader Aung San Suu Kyi as state counsellor, while working on the declared policy of national reconciliation, has increasingly challenged the military dominance in politics. For the Tatmadaw, the most serious issue in this period is the management of civil-military relations, defending its political role and maintaining policy initiatives. One of the key issues that the NLD government promised to review and address is civil-military relations. The pattern of civil-military relations outlined in the 2008 constitution provides the military considerable privileges or prerogatives as well as leverage over civilians. There is also almost no meaningful civilian oversight over the military or in national security issues more broadly. While civil-military relations have been stable, they have not been without occasional tensions (Aung Myoe 2017).

The 2008 constitution sets the parameter and pattern of civil-military relations, and it is essentially a partnership and integration between civil and military sides and to safeguard the military-corporate interests and to prevent civilian meddling in military affairs (Aung Myoe 2018). The pattern of civil-military relations outlined in the 2008 constitution provides the military considerable privileges or prerogatives as well as leverage over civilians. There is also almost no meaningful civilian oversight over the military or in national security issues more broadly. One of the basic principles of the constitution is for the "Defence Services to be able to participate in the National political leadership role of the State". In addition, the Tatmadaw is entrusted with the task of safeguarding the constitution. The C-in-C of Defence Services even has the constitutional right to take over the state power if he deems it necessary. Article 40(C) of the constitution says:

If there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts therefore by wrongful forcible means such as insurgency or



violence, the Commander-in-Chief of the Defence Services has the right to take over and exercise State sovereign power in accord with the provisions of this Constitution.

The constitution essentially gives the Tatmadaw the role of guardian of the state, not simply the guard, and it holds the keys to important aspects of government and legislature. Under the 2008 constitution, the C-in-C is perhaps the single most important power holder in Myanmar politics. It is the C-in-C who has complete control over the most important aspects of national defence and security. The C-in-C, not the president, is the supreme commander of all armed forces, including the police, paramilitary organisations and even the civil defence forces. Since the Tatmadaw “has the right to administer for participation of the entire people in Union security and defence” under the constitution, the C-in-C is the person who in practical terms can mobilize the entire manpower of the nation for national defence.

At the institutional level, the Tatmadaw is an autonomous institution within the state with little or no civilian oversight. According to the constitution, it has the right to administer and adjudicate all affairs of the armed forces independently, and even in matters before military tribunals, the decision of the C-in-C is final and conclusive. Civilian or non-military apparatuses of the state are not in a position to comment on the Tatmadaw’s command structure, its financial allocation and procurements; nor are they at liberty to scrutinize military businesses. Also in the area of national defence policy making and implementation, the Tatmadaw enjoys the exclusive right to set its own agenda. Furthermore, the government is not permitted to interfere in the appointment and promotion of military personnel.

In both houses of the *Pyidaungsu Hluttaw* (Union Assembly), the Tatmadaw occupies 25% of the seats: 110 and 56 for *Pyithu Hluttaw* (House of Representatives – lower house) and *Amyotha Hluttaw* (House of Nationalities – upper house) respectively. Therefore, a total of 166 military officers sit in both houses. Comprising one-third of the total number of region/state Hluttaw representatives elected under the constitution, they are nominated by the C-in-C in each and every state and regional legislature. At present, there are also 222 Tatmadaw representatives in 14 states or regions. What is important is that the Tatmadaw representatives hold the power to veto any structural change in Myanmar politics, as constitutional amendments can be carried out only with “the prior approval of more than 75 per cent of all the representatives of the Pyidaungsu Hluttaw”. The Tatmadaw also exercises influence over three ministerial portfolios – defence, home affairs and border area affairs. The president does not have the authority to appoint his own choices, but needs to obtain a list of suitable Defence Services personnel nominated by the C-in-C for the previously mentioned ministries. While these ministers and their ministries in theory answer to the president, they are supervised by the Tatmadaw leadership. At the state and regional level, the Tatmadaw nominates ministers of state for security and border affairs; there are 14 colonels in state/regional governments in this role.

The other avenue through which the Tatmadaw can exercise its influence is the National Defence and Security Council (NDSC), where the C-in-C controls at least

6 out of 11 members and commands a majority. In the event of any major political and security issue and in any state of emergency, the president needs to consult with and seek approval from the NDSC. Before declaring a state of emergency, if not all the members of the NDSC are able to attend the meeting, the president needs to at least consult with the C-in-C, the deputy C-in-C and the ministers for defence and home affairs before any announcement can be made. If the state of emergency finally leads to a declaration of military administration, then the C-in-C will take over the state and exercise executive and judicial power. The NDSC, however, is the mechanism for civil-military coordination. While the C-in-C is the supreme commander of all the armed forces, the president is the head of state, and he can direct the former through the NDSC, and it is the obligation of the Tatmadaw to follow legitimate and justifiable orders. The constitutional arrangement prohibits the president from issuing orders and commanding the troops, as she or he is not in the chain of command.

Under the 2008 constitution, the Tatmadaw has so far managed its relations with civilian authorities under two administrations: the USDP administration (2011–2015) and the NLD administration (2016–). During the USDP administration, while the relations between the Tatmadaw (leadership) and political leadership holding executive positions were rather smooth and provided full support, relations with the USDP-controlled legislative body were somewhat problematic, and the Tatmadaw encountered three major cases where the civilian legislators and the military clashed (due to factional politics within the party). The situation did not improve under the NLD administration and NLD-controlled legislature. While civil-military relations have been stable, they have not been without occasional tensions. As far as the Tatmadaw (leadership) is concerned, it appears that the state Counsellor position is unconstitutional, as this point was testified to by the opposition by the Tatmadaw legislators, yet once the position was approved, it was accepted as fact. Within the first year of the NLD rule, there were at least five major clashes between NLD legislators and the Tatmadaw representatives (Aung Myoe 2017).

This leading national political role is played out by the Tatmadaw through various policy initiatives and public relations exercises. For instance, the Tatmadaw was heavily involved in shaping Myanmar's foreign policy through defence diplomacy, cultivating close ties with countries like Russia, China, India, Thailand and so on. Arms procurement and also the military leadership's close relations with decision makers and institutions in these countries have placed the Tatmadaw in a key position in shaping Myanmar's foreign relations (Aung Myoe 2018). Moreover, in February 2016, the Tatmadaw published its very first Defence White Paper. The content of this 99-page document provides a general overview of Myanmar's perception of national, regional and international security challenges; a basic outline of national defence policy; the objectives and structure of the armed forces; and the Tatmadaw's "legitimate and firm stance" on safeguarding the "independence, sovereignty and national interests" of Myanmar. Citing its spirit as "guardian of the state", the Tatmadaw laid out key priorities in its missions. However, what is significant is the timing of the release of the paper. The timing appeared to suggest

that amidst the country's unprecedented transition from decades-long, military-backed rule to an administration run by the NLD, the Tatmadaw wanted to signal that it remained the institution controlling security policy. At that time, its release could be a signal to the incoming NLD-led government that the Tatmadaw intended to remain at the heart of the country's political and security life – and that it was willing and capable of playing a leading role in governing the country. In addition, the paper sent a strong message that it was the Tatmadaw that defined the security of the nation and was responsible for its defence.

Another important policy area that the Tatmadaw is heavily involved in is the peace process. Although the process started during the USDP administration, it has become a policy platform where the Tatmadaw has played a key role in shaping the process and setting the agenda. As Aung Myoe (2018) and Maung Maung Soe (2019) have elaborated, there are several key policy positions taken by the Tatmadaw. The NLD administration needs cooperation from the Tatmadaw for the peace process to move forward. Although there are differences in opinion and strategy on how to proceed further, the Tatmadaw has generally maintained initiatives.

### **After the 2021 Military Intervention: Accumulating Challenges**

The Tatmadaw encountered unprecedented challenges to its unity and reputation after its takeover of the state in the name of the State Administration Council (SAC) in February 2021. With the personal ambition of the C-in-C Senior General Min Aung Hlaing to lead the state and prove himself an able statesman, the military leadership considered it necessary to intervene in Myanmar's political process to restore the balance of power in its favour, to protect its institutional interests and prerogatives while claiming to safeguard the constitution and ensure electoral integrity. Since the opportunity for intervention was not visibly justifiable, a justification was manufactured by strong-arm tactics. However, the intervention exposed several institutional weaknesses and triggered a series of challenges and chaos, plunging the country towards almost a failed state. At the institutional level, it exposed shortcomings in doctrine, strategy and training as well as intelligence failure at both strategic and tactical levels.

The military leadership underestimated the degree of public resentment over its takeover. Their justification and propagation of the constitutional move ultimately failed, triggering mass protests and widespread opposition. Due to active and widespread armed resistance, even in the regions where such activities were rare or non-existent in the past, the deployment of security forces has become overstretched and overextended with little chance of replenishment or rotation, resulting in fatigue and poor operational performance. As a result of the 'No Offensive; Only for Self-Defence' policy, many military outposts stationed in the insurgency-active areas, already burdened by logistical issues, suffered from offensives by various armed organisations, including several Ethnic Armed Organisations (EAOs), which mobilised and concentrated their fighting forces. The Tatmadaw lost several dozen military outposts in this way; its casualties mounted, its troops demoralised and absent without leave, particularly when the troops are called upon for

deployment, became a more serious issue. In desperate measures, the military took several steps to forge institutional unity.

Although there are serious challenges to organisational unity, the Tatmadaw has been able to resist various attempts by the opposition to break it up so far, and it remains more or less united, at least, to protect the institution. Overall, despite some desertions, the officer corps remains ideologically committed to defend the institution and the state; to a certain extent, it appears to reinforce their belief and mentality that the Tatmadaw is the defender of the state. Thanks mostly to patron-client relationships between the military and the Sangha, promotion exercises for distributions of positions and active defence diplomacy with neighbouring countries, the military has survived total collapse and an existential threat to its security.

## **Conclusion**

Over the last 30 years, the Tatmadaw has significantly grown in size and military capabilities. The command structure has been vastly expanded. Military doctrine was modified to meet the emerging security challenges and to reflect the shifting threat perception. It has also placed all necessary measures and taken precautions to prevent factional splits and the breakup of the institution. Under the banner of building a ‘standard army’, while carefully avoiding the term ‘professional army’, the Tatmadaw has engaged in institutional reform; the political inclination of the Tatmadaw, however, remains relatively unchanged from the early days of its existence. The military coup of February 2021 reiterated its desire for centrality in the political processes of the country.

The Tatmadaw has been an influential and powerful political institution in setting political agendas and making key policy decisions. It has always been at the forefront of national politics, determined to play a ‘leading national political role’, as enshrined in the basic principles of the 2008 constitution. In fact, from its inception, as far as the Tatmadaw is concerned, it has never meaningfully been in the barracks. It has been out in the public sphere to defend the nation from foreign aggression (such as Kuomintang [KMT]) and to protect the state from ‘destructive elements’. Wai Lwin Maung (2018, pp. 130–132) and Aye Myint Kyu (2018, pp. 253–254), retired senior commanders, have argued that it has always been necessary for the Tatmadaw to go beyond the barracks.

The 2008 constitution, drafted primarily by the military, was essentially designed to provide a limited democratic space with the Tatmadaw remaining very much in control. It has been unwilling to tolerate any structural changes that would undermine its national political role, the basic principles it has laid down for national unity or its institutional autonomy. The pattern of civil-military relations outlined in the 2008 constitution provided the military with considerable leverage over civilian politicians. The classic model of ‘objective civilian control’ of a professional military insulated from politics has never been realistic for the Tatmadaw, which from its very origins has had a tradition of being a national political force and which has been socialised through indoctrination. Yet there was room for cooperation and for making the pattern of civil-military relations work for mutual

benefit. The military's position on civil-military relations reflected an attitude of 'integration and partnership', obviously not 'separation and subordination'.

Until 2011, the Tatmadaw had exercised all three branches of power (executive, legislative and judicial) single-handedly. The 2008 constitution, where the Tatmadaw laid out the rules of the (new) game, allowed new players in the (still limited) political space. As a result of the 2021 coup, the Tatmadaw has increasingly found it difficult to draw support and recruits from the traditional heartlands to maintain its reputation. Military recruitment has become a much more serious challenge, and it puts a further strain on the military manpower. At the same time, the intervention also indicates the Tatmadaw's intentions to remain in power, to protect its institutional interests and to maintain its status as the guardian of the state in Myanmar. Without doubt, the Tatmadaw is an institution of power, yet what is important here is how it actually exercises the power of the institution. While critics will say that the Tatmadaw is now an institution of 'power without glory', it is noteworthy that it has come all the way from being an institution of 'glory without power', and it is quite unreasonable to expect the present-day Tatmadaw to go back to that status; therefore, a potential future for the Tatmadaw could have been an institution of 'power with glory' if it properly exercised its institutional power, more in the form of influence than in authority. However, the forceful takeover of the state has unravelled the 2008 constitution and left the military's reputation and public image in ruin.

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# 5 Land and Law Between Reform and Revolution

*Dorothy Mason and Nick Cheesman*

Our topic is the unstable assemblage of laws and policies to control land in Myanmar. Concentrating on the period of semi-civilian government in the 2010s, and on Myanmar's agricultural lowland, where state law has a presence that it lacks in frontier regions, we ask: What work does law to control land in Myanmar do? How do land law and policy contribute to the making of a 'dirty money state' there (Baker and Milne 2015)? And how might revolution and counterrevolution since the 2021 coup disrupt the political economy of dispossession? Before addressing these questions, we begin with a few general observations on the relation of land to law that set the terms for our inquiry.

All modern states organise space into overlapping political and economic zones in order to govern their occupants. Technologies for land control – that is, for the implementation of “practices that fix or consolidate forms of access, claiming, and exclusion for some time” (Peluso and Lund 2011: 668) – make territory possible (Elden 2010) and occupants' practices legible (Scott 1998). They enable states to extract revenue and monitor and manage subjects (Levi 1988; Li 2010; Vandergeest and Peluso 1995). Productive land use depends on dispossession and exclusion (Hall et al. 2011). Someone has to decide who is dispossessed and excluded and why. Contests over land create opportunities for states to determine who gets what land and under what conditions.

State land control itself can be contested – as it is in Myanmar today. People can inscribe new meanings to land in order to resist state attempts to fix them in certain locations (Kenney-Lazar and Mark 2021). The heterogeneity of bureaucracy contributes to competition among state actors, which complicates state prerogatives to decide. Land is therefore constantly subject to renegotiation, reinterpretation, and resistance from both within and beyond the limits of the state.

In Myanmar we see the renegotiation of, and resistance to, land control laws and policies as having tacked between ideas and practices of reform and revolution, or *pyubyin-byaunglè-hmu* and *tawhlanye*. Whereas *tawhlanye* denotes the butting up against and overturning of an existing political order, *pyubyin* is a matter of fixing up what has fallen into disrepair and changing things around, *-byaunglè*. While *tawhlanye* speaks to the imperative to replace something with something else, *pyubyin-byaunglè-hmu* recalls a prior condition that might be restored and supplemented with modest amendments to accommodate different circumstances.



If the watchword for the 2010s was reform, then the military coup of 2021 has brought with it revolution (Arnold 2022; Cheesman 2021), or what we will refer to here as a revolutionary situation (El-Ghobashy 2021; Lawson 2019). In a revolutionary situation, sovereignty is openly contested on multiple fronts. In Myanmar, today's revolutionary situation evokes historically recurrent questions of the political salience of land control to sovereign power. We begin with a brisk account of that history before turning to the reform agendas of the Union Solidarity and Development Party (USDP), in government from 2011 to 2015, and National League for Democracy (NLD), from 2016 to 2020. We conclude by speculating about the disruptive potential of the post-coup situation for land and law.

### **Military Rule to 2011**

Contests over land and law do not supplant claims and contentions that precede them. Instead, they press new regimes to “articulate with previous claims, authorities, and ruptures” (Rhoads and Wittekind 2018: 186). Consequently, the relationship of land and law in Myanmar since the 2010s is variously articulated with claims, authorities, and ruptures of pre-colonial monarchism (to circa 1890), British colonialism (circa 1826–1942), nascent parliamentarianism (circa 1947–1962), socialist militarism (circa 1962–1972), militarised socialism (circa 1972–1988), and military-mediated capitalism or ‘constrained marketisation’ (Jones 2018: 184) (since circa 1990).

Concentrating on the military-dominated periods after 1962, we adopt three motifs to evoke salient features of land law and policy in Myanmar. These are grabbed land, stacked law, and elasticising paperwork. The first refers to a host of practices for land accumulation by state agents, their proxies, and affiliates: not a single process by which land is taken, but a multitude of actions that enable “the grabbing of *control* over land” (Hall 2013: 1592, emphasis original). The second motif, from Esther Roquas’s (2002) work in Honduras and SiuSue Mark’s (2016) on Myanmar, refers to layered regulations and multitudinous actors and state agencies competing to determine who gets access to land and who is excluded. The third, from Katherine Verdery’s (1994: 1073) insight that “socialism engendered a landscape with elastic qualities” in Romania, refers to how bureaucratic paperwork in Myanmar has not fixed land in place, but has expanded and contracted it in accordance with changing state imperatives.

### ***Grabbed Land***

Myanmar’s militarised state has, over successive decades, sought to control land through a range of legal and administrative arrangements, including agricultural procurement policies, tenancy laws, and forceful land acquisitions and expropriation. Though laws and regulations have changed, the logics of land control have tended to be recursive (Ferguson 2014; Mark 2016; Rhoads and Wittekind 2018; Woods 2022).

The Revolutionary Council that seized state power in 1962, and then its Burma Socialist Programme Party, attacked landlordism and protected smallholders



through laws to safeguard peasants' rights and nationalisation of agricultural land and industrial sites. In doing this it turned the wheel of land dispossession against large landholders, many of them migrants or children of migrants. Through the establishment of administrative agencies to remove questions of land access and use from the purview of the courts, and the subsequent disestablishment of the professional judiciary (Cheesman 2015a), the party state monopolised land and agricultural affairs. Socialist economic policy took precedence over law, and law to effect policy took precedence over other law.

In the 1970s and 1980s agricultural cooperatives and government ministries managed all aspects of crop production (Okamoto 2020). The state introduced fixed-price procurement quotas for rice and other crops. Farmers who did not meet their targets risked losing the land they cultivated. All land had, in effect, been grabbed. Land was held in common by the state. Occupancy and usage were provisional. The right to cultivate was tied to productivity and to each farmer's capacity to contribute to the socialist economy.

When the military socialist state collapsed under the weight of nationwide protests in 1988, a successor military dictatorship moved to regulate rather than prohibit market exchange of agricultural produce and land (Fujita and Okamoto 2006). State-backed land appropriations continued, as did compulsory procurement of farm produce. The resurgent military needed this produce as it expanded rapidly. Battalion commanders freely requisitioned land for their garrisons from farmers or local small businesses (see Chapter 4; Callahan 2007). Landholders lost it due to unsustainable debts (Prasse-Freeman 2021). Government ministries meanwhile licenced an emerging class of connected capitalists to embark on projects in agriculture, mining, industry, and trade. In 1991 the junta sanctioned granting up to 50,000 acres of 'wasteland' – land for which the state had not granted formal use rights – to agribusiness companies (Ferguson 2014; Union of Myanmar 1991).

Among beneficiaries were connected businessmen: cronies and nascent oligarchs who owed their success to concessions from two military-owned conglomerates, the Union of Myanmar Economic Holdings Limited and Myanmar Economic Corporation (Ford et al. 2016; Jones 2014), and, in upland areas, on armed groups in ceasefire arrangements with the state military (Mi Thang Sorn Poine and Nan Tin Nilar Win 2020). Between them, cronies, their companies, and military conglomerates became the unlikely heroes of the development story that the junta tried to sell at home and abroad in the lead-up to the reforms of the 2010s. Through dispossession and exclusion, development connoted the withdrawal of state agencies not from land control, but from responsibility to make it productive. Capital would now take charge of that.

### *Stacked Law*

In the 1990s the status of law, and of the legal profession, had been diminished to such an extent that neither legal institutions nor lawyers had the wherewithal to put up a fight against cronies, let alone the army (Khan and Cheesman 2021). Law itself ceased to denote anything distinctive. Successive military regimes had

ruled through fiat. Bureaucrats filled in details. In this way law was reduced to one type of injunction among various others. Legislative and administrative acts were functionally undifferentiated; flattened out.

But if law was flattened out, then paradoxically it was at the same time stacked: not normatively, but administratively. Rules, executive orders, announcements, proclamations, notifications, and declarations were rarely annulled. Instead, they piled up. Nowhere is this more evident than in matters of land law. As of 2009, between 73 and 96 active, overlapping laws, by-laws, amendments, orders, notifications, and regulations pertained to land control and use in Myanmar, stretching back over a century (McCarthy 2016). In the 2010s land tax alone was based on six different laws and regulations, all colonial (Arnold 2017: 157).

Stacking produces overlaps, gaps, and contradictions that work to the advantage of anyone in the dirty-money state's judicial marketplace with the money and influence to win (Cheesman 2015a, ch. 6). Mark (2016) describes how in the post-2011 reform era farmers used stacked laws to defend themselves against land confiscation. But even then the odds were stacked against them, and all the more in the 2000s: Mark can identify but a single civil case from then in which a judge decided in farmers' favour, against the tea-producing Yuzana Conglomerate. It was not, to be sure, the farmers' sole success back then: there were other cases in the 2000s in which lawyers and farmers through a combination of public and legal action defended farmland against unwanted incursions of capital (Cheesman and Kyaw Min San 2014). Nevertheless, Mark is right to observe that success depended – then as in the 2010s – not on finding one's way through stacks of law, but in finding a way out from underneath them.

### *Elasticising Paperwork*

Where law is stacked, claimants possess proliferating, variegated documents to assert their rights to occupy and use land. In Myanmar, many of these have British colonial antecedents. The colonial state experimented with different land tenure systems in the lowland riverine regions in its efforts to maximise land revenue collection and foster commercial agricultural development. These practices led to more established private property relations in Burma's lowlands and practices of customary tenure in the uplands – many of which, in places like the Naga Hills, persist to the present day (Lue Htar et al. 2020).

In the lowlands, a farming family might today have several different sets of land records issued under different regimes: tax receipts, certified maps, or farmers' booklets issued by the Settlement and Land Records Department, for instance. They might not have authorised documents for land they own, because sales of land were not legally permitted prior to changes in the law in 2012 – even though people among themselves treated contracts drawn up by lawyers as valid (Rhoads 2020). Conversely, they might have documents issued by government officers for land that does not exist or that is publicly owned and not available for sale or private use (Harrison 2020).

The multitudes of paperwork from different land control regimes produce an elastic landscape, in which boundaries stretch and contract unpredictably. Hilary

Faxon (2021: 2) shows in her work on rice frontiers in the Kalay Valley of Chin State how stacked law and layered paperwork together contributed, with an array of other practices, to a regime of ‘cultivated ambiguity’ in which the legal status of land and the delineation of boundaries was, prior to the 2010s, uncertain. In the 1960s and 1970s, provincial officials deliberately ignored administrative boundaries or blurred land categories in order to meet state-mandated quotas for rice production. Authorities overlooked cultivation on lands demarcated as forest estates, sometimes issuing title documents to farmers for non-agricultural land.

In 2011, a nominally civilian government sought to draw a line between practices back then and an era of good governance that the new president – the former prime minister of the outgoing military regime – announced was imminent. The following year it legislated to enable a negotiated transition from the cultivated ambiguity of previous years to arrangements that would be more legible, more consonant with those of other countries in the region, and more amenable to international capital alongside its emancipated domestic and regional variants. The next section is concerned with these changes and their consequences.

### **Thein Sein and the USDP**

After Cyclone Nargis devastated Myanmar’s delta in 2008, local and international donors cautiously funded local civil society groups undertaking relief work, catalysing the growth of more organised and visible social justice movements in the lowlands. For some among these groups, the answer to the question of what it would take for social justice in Myanmar was land reform.

Here we examine this fleeting ‘Burmese moment’ in law reform and development, aided by Aurore Candier’s (2011) work on the late Konbaung period. Candier argues that historically, reform, as a verb, *pyubyin*, denoted a cyclical process of making good again, rather than a progressive logic of improvement. Understood thus, reform delimits what is possible and tempers aspirations. This is a useful heuristic for our inquiry into land law reform in the 2010s, one that helps us to elucidate how the NLD period is marked by continuity with the USDP government. Despite their opposed origins – the former transformed into an electoral party from the army-established Union Solidarity and Development Association; the latter a dissident electoral party contesting military dictatorship from the get-go – their agendas on land and law tended to converge. Both emphasised legal and administrative technical solutions to Myanmar’s myriad land problems: by mapping, boundary fixing, and delivering what were in effect land titles (Faxon et al. 2022; Faxon 2021). Each saw the unimpeded flow of capital from abroad, in particular from European and American firms, as necessary for national development (Ra et al. 2021). Neither addressed the political economic drivers of land alienation.

The USDP government’s strategy to commodify land had two prongs: tenure security for smallholders cultivating land in Myanmar’s lowlands and availability of grazing lands, forest estates, and hill tracts under shifting cultivation for capital (Woods 2022: 235–236). The party also passed a law and pushed for the establishment of ‘special economic zones’: a topic that has been the subject of other

chapters in recent volumes on Myanmar (Farrelly 2018; Nishimura 2017; Pyae Phyo Maung and Wells 2018; Wood 2017), which we omit from our discussion here (see Chapter 11).

Two laws that went through the legislature in 2012 had a large part in the strategy. Neither was preceded by public consultation. The Vacant, Fallow and Wastelands Management Law, hereafter Wastelands Law, and the Farmland Law aimed to give title to farmland and render ‘vacant land’, *mye-lut*, accessible to capital for agriculture, aquaculture, livestock, mining, and other purposes (Pyidaungsu Hluttaw 2012a, 2012b). The Wastelands Law is sometimes translated as the Vacant, Fallow and Virgin Lands Management Law, but we use ‘wastelands’ because it registers the Burmese *mye-yaing* better than ‘virgin lands’ does. Wastelands as *mye-yaing* are not places waiting to be opened and penetrated by the male state; they are crude states of earthly affairs in need of cultivation and improvement of those sorts that the Wastelands Law invites.

Together, the two laws signalled the shift from the deliberate ambiguity in land law of the 2000s to formalised demarcation (Faxon 2021) in the name of good governance. The Farmland Law introduced a centralised arrangement for private land use akin to title. It aimed to convert farmers into legible rights-holders in the marketplace for the buying, selling, leasing, exchanging, and giving away of land designated as farmed. For everyone everywhere else, a central committee headed by the agriculture minister could allocate land among the categories in the Wastelands Law for use by capitalists. The laws’ combined effect, coupled with other measures at the time, was to render land in Myanmar a viable global commodity (Scurrah et al. 2015). As the government hosted international agribusiness summits in 2012, observers talked up Myanmar’s prospects as Asia’s ‘last frontier’ (Kent 2012). The World Economic Forum applauded the country’s ‘courageous transformation’ and reminded its officials that it depended in part on ‘clearly established land rights’ (Bridges et al. 2013: 1, 25). The government’s own Framework for Economic and Social Reforms emphasised the importance of developing the agricultural sector by “promoting demand-oriented market support mechanisms” and managing risks to smallholders “in cooperation with specialized leading companies as well as other investors in the agricultural sector” (Republic of the Union of Myanmar 2013: 4, 24).

At the same time, the government was buffeted by nationwide protests over land grabbing, paperwork, and laws. As the print media enjoyed newfound freedom (see Chapter 18), it reported on sit-ins, demonstrations, and other publicity-seeking actions. Farmer protestors and increasingly well-organised and -backed civil society groups pressured the government to respond to demands for recognition of customary rights to land and the return of confiscated lands to their original owners. Farmers occupied and ploughed land that they considered rightfully theirs and agitated through the language of the rule of law (Cheesman 2014). They litigated and sought customary solutions to conflicts where they could, rather than using newly legislated arrangements to resolve grievances (Simion 2021: 12).

The legislature set up an inquiry commission into land grabbing, which in 2014 issued a report on hundreds of cases, the majority involving the military (see Chapter 9).

The report highlighted the scale of the problem but did not open avenues for redress through enforcement of legal rights. The military claimed in 2017 to have returned a quarter-million acres to aggrieved land holders (see Chapter 4), but no reliable data is available to verify the claim, establish that amount of acreage as a proportion of total land seized by the military, or systematically determine to whom it was returned and how. For their part, new legislators and local officials received complaints but were either unwilling or powerless to do anything about them (Bertrand et al. 2022: 121–126).

The USDP opened discussions on a National Land Use Policy in late 2012. In a break from the past, it consulted with select civil society groups and other interested parties (see Chapter 10). The policy, which the National Land Resource Management Central Committee (2016) issued on the eve of the government changing hands, consequently expressed concern about land grabbing, customary tenure, citizens' rights, and the need for judicial review of administrative actions on land. At the same time it called for 'market-based solutions' or approaches to problems like land speculation [paragraph 8(f)], capturing the tensions midway through the decade between popular demands for inclusive land policies and the market-making imperatives of the state (Suhardiman et al. 2019). These tensions were exacerbated under the NLD.

### **Aung San Suu Kyi and the NLD**

The USDP reforms had brought modest changes and delivered land back into the hands of a few. But law continued to work as an instrument to suppress protest, including through criminal prosecution and imprisonment of farmers and their supporters (Cheesman 2015b; Prasse-Freeman and Phyo Win Latt 2018). Many land disputes went on much as they had before, with people using a variety of methods and resorting to multiple institutions, formal and informal, state and customary, public and private, using variegated paperwork and stacked laws to try to recover land or get compensated for it (Lue Htar 2020). But there were now more avenues for the making of complaints than before, and for those who wanted publicity, legal claims could be performed in view of a politically alert citizenry.

Meanwhile, lawyers had been building new communities of practice. Working collaboratively with regional or international groups like Namati and local ones like Tharthi Myay, they gained expertise in land law matters and built up networks of paralegals to record complaints, assist farmers to negotiate them, or connect them with practising lawyers (Dawkins and Cheesman 2022: 134). Many of the cases these lawyers dealt with were for charges of trespass due to plough protests and other actions by dispossessed farmers. Some lawyers tried out constitutional writs. The 2008 Constitution that the military drafted to make the arrangements of the 2010s possible contains a right to protection of property, though none to compensation for state acquisition of land (Crouch 2019: 186).

Against this backdrop, the NLD period brought with it pent-up expectations, not least of all in matters of land law and policy. Though the party's leader Daw Aung San Suu Kyi had shown her colours while serving as a legislative member

in the USDP period, when she had insisted that villagers displaced by a copper mine accept compensation and stop demanding that they get the land back (Prasse-Freeman and Phyo Win Latt 2018: 409), hopes remained high that the NLD in government would emerge finally to champion the interests of its millions of rural supporters.

It did not. Against the view that the NLD chartered a new course from that of the USDP (see Chapter 9), our position is that what is noteworthy about the NLD period is not in how much it changed course, but how little it did. We concur with Gerard McCarthy (2020) that economic injustice and inequality were strikingly absent from the NLD's political programme and that the party was beholden to the terms set for it. The NLD, absent of a clear policy of supporting class-based interventions and in the thrall of commercial interests, continued to make things in Myanmar more convenient for global capital. Among other things, it did this via a new investment law in 2016, building on laws passed in 2012 and 2013, and another new law to better protect foreign capital in joint ventures (see Chapter 8). Its policies encouraged more competition for access to and control of land (Bertrand et al. 2022: 121–26), putting more pressure on smallholders in parts of the country where capitalists sought to locate or expand their businesses.

Where the NLD in power differed from the USDP was that it declined to engage with protestors and groups using the media to put pressure on government. The USDP, which had no democratic credentials, tried to obtain some by appearing responsive to pressure. The NLD barely bothered. In certain instances it even acted to suppress news coverage of land disputes, with members targeting investigative journalists on Facebook (McCarthy 2020). Consequently, as the tone and tenor of national politics changed, farmer-led demonstrations and ground-level agitation like plough protests gave way to increasingly professionalised meetings between representatives of civil society organisations and government officials.

The Land Core Group (LCG), an umbrella not-for-profit organisation funded by a cohort of international donors offering technocratic and apolitical solutions to Myanmar's land control problems, led many of the discussions with government. The group tended to work by privately lobbying ministers and building connections with senior policymakers. It began using these techniques with the USDP government, which was amenable to them and singled the group out for appreciation (National Land Resource Management Central Committee 2016). It honed them under the NLD, when it encouraged and promoted reform through networking and consultation along institutional channels, such as the National Land Use Council, which the NLD took two years to get around to forming (see Chapter 9), based on the terms of the National Land Use Policy (NLUP).

Other networks whose approaches were informed by direct action and research for public advocacy grew disillusioned with the NLD. They included Land in Our Hands – or more pithily in Burmese, 'Our Land', *Do-mye* – which campaigned vigorously on the principle that land belongs to those who occupy and cultivate it (Land In Our Hands Network 2015). If for the LCG democratisation connoted capacity building for skilful liberal government, for Our Land it meant social equality and actions for resource federalism and multiple sovereignties. The two



organisations' different strategies speak to their differing origins: LCG came out of a professional network of local and international non-governmental organisations (NGOs) working on food security, while Our Land was one of the groups to emerge out of community-organised responses to Cyclone Nargis (Mason 2021: 40). Whereas the LCG was concerned to build a community of fair-minded experts in cooperation with government, Our Land worked for a critical and engaged citizenry that would stand up against the forces of dispossession and resist law if law were against the interests of those living on the land and working it. The LCG sought to gain trust with influential people in government; Our Land, with the people adversely affected by arrangements to demarcate land title to the advantage of capital.

The LCG and Our Land are archetypal of the rift that emerged between groups working on land and law in the NLD period. The two networks barely overlapped and grew further apart with time (Aung 2018; Mason 2021: 44). While Our Land had direct contact with smallholders and farmers affected by changes in law and policy, it had limited opportunities for direct contact with government. The LCG's close relationship with people high in government echelons, conversely, allowed it to claim a role as a representative of civil society. As it filtered and funnelled various positions on land and law, activist demands were compressed and attenuated. The land reform movement became dominated by professionalised urban civil society groups who could communicate and deal with international funders and backers (Aung 2022), intermediaries of the sort that Kristina Simion (2021) has described and analysed at length.

In sum, efforts to introduce pro-poor and pro-farmer policies in the 2010s under the USDP and NLD disguised continued attempts to commodify land and commercialise agriculture in the interests of capital (Woods 2022). For many farmers, the new laws passed in the USDP's time generated landlessness and precarity in the NLD's (Ra et al. 2021). Whether things would have continued this way under the NLD's second term in office is a counterfactual. The coup of 1 February 2021 prevented the party from taking power and precipitated the largest anti-military protests that the country has ever seen.

With Aung San Suu Kyi and NLD leadership back in army custody, along with many technocrats and advisors, any attempts to insist that the military might continue with the reform agenda it began in the 1990s and 2000s hold no water. The political and social conditions of what we have called the reform era are gone, eviscerated by a revolutionary situation entailing multiple contending sovereignties – not only on the country's frontiers but for the first time since the demise of Burma's communist party, power at the centre. We conclude the chapter with provisional thoughts on that situation.

### **After the 2021 Coup**

Following the coup and its aftermath – the state security forces' steadily incremental killing, capture, and torture of anti-coup protestors that precipitated an acephalous armed uprising the likes of which is unprecedented in Myanmar's recent history – civil society groups that were working with the NLD on national policy and the

drafting of a national land law withdrew from land-based policy work. Some shifted to humanitarian relief, others to support the Civil Disobedience Movement that propelled the anti-coup protests in the first half of 2021, while still others disbanded (Mekong Land Research Forum 2022). Existing large-scale multilateral and bilateral projects on land control got put on hold or were deactivated.

Today the threat of a rapacious and uncontrollable military again looms large for Myanmar's smallholders. Farmers in lowland areas who were able to obtain formal land titles are at risk of armed violence. Land Use Certificates will not protect them against soldiers once more grabbing land and destroying crops. Attacks on civilians in Sagaing and Magway Regions, areas without experience of widespread conflict in the last decades, have prompted villagers to flee, leaving their farmlands and houses at risk. Elsewhere, cronies and army officers again stand to benefit from land grabs for mining and plantations (Sarma et al. 2022), like oil palm in the southern Tanintharyi Region (Mekong Land Research Forum 2022), which is being pushed by members of the new junta who championed agribusiness in the past. And even as multinational mining and petroleum companies from Europe, Australia and the Americas withdraw from the country (Reuters Staff 2022), there has been a surge in rare earth mining in Kachin State (Cowan 2021).

What would happen if the counter-revolution were to fail? What might an alternative arrangement for land administration look like? How might it disrupt the reforms of the 2010s? There are no answers to these questions available to us presently; however, we can observe that anti-coup resistance in 2021 and 2022 has broken from other events in Myanmar's recent history in its crossing of many class, racial, cultural, and linguistic lines (Prasse-Freeman and Kabya 2021) and in its enfolding local and national grievances. It is not merely a struggle to release Aung San Suu Kyi and for freely elected government, but is in the service of a range of political objectives, including resource federalism and the protection of land rights.

The National Unity Government (NUG), combating the new military regime through both unarmed and armed means, has taken bold steps to warn companies against dealing with its enemy. It has declared that investment projects the regime approves are null and void and that it will hold those involved criminally liable for the consequences (National Unity Government 2021). It has sold titles to military-owned land at a fraction of the estimated cost and launched new projects of its own making (Irrawaddy 2022). These are good revenue and publicity raisers, but on the surface of it have many of the same characteristics as policies and practices in the reform era – except that they are aimed squarely at the military – troubling the notion that the NUG would be more progressive in matters of land control than the NLD was.

Ashley South (2021: 441) discusses the potential for “flexible and asymmetrical federalism” to emerge out of the coup, with para-state armed groups taking on greater responsibility to administer land and natural resources, while resource taxes are raised nationally and redistributed from the centre. South (2021: 439) points to the “long-established governance regimes” of para-states in Myanmar's



frontier areas as evidence of capacity for alternative forms of political order to address questions of land control and access. Accompanying these are new forms of rudimentary rebel governance in parts of the country that have for decades been under control of the union government but are now contesting sovereignty (Aung 2021; Brenner 2022).

A revolution in land and law may not come to Myanmar, but nor is there going to be any return to the army's smug self-assurance that it could 'win by process' (Bertrand et al. 2022). Counterrevolution will not turn time back to the 2010s; nor the 1990s. Neither is there any self-evident way for the representatives of global capital to declare the country's 'wastelands' open for business again with confidence. And so, against the characteristic inclination of conservatives to sneer at efforts to remake political and social worlds – and remark on their futility – we conclude by observing that revolution has already brought forth new claimants and produced new alliances that might yet realise change in land and law of a sort that their predecessors did not; not because they tried and failed, but because they failed to aspire.

## Conclusion

In this chapter we have discussed land and law in Myanmar in terms of reform and revolution. We have argued that the reforms of the 2010s did not address the political drivers of land alienation and could not deliver on promises for land control that would be more participatory, equitable, or fair. Laws to clarify land ownership and fix plot boundaries served the interests and needs of emancipated capital first and smallholders and farmers second, if at all.

Following the 2021 coup, Myanmar finds itself once more in a revolutionary situation: an unexpected and threatening confluence of events whose outcome we cannot predict but whose twists and turns we can describe and try to interpret. Sovereign claims against the state are coming from upland and lowland areas, and unpredicted forms of state-making against the state are emerging, bringing possibilities for alternative ways of imagining land access and control. These are not supplanting claims that existed before, but are articulating with them, towards, once more, the prospects of a future Myanmar without its army setting terms for who gets access to land and for what reasons.

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# 6 Democracy and Human Rights under Military Rule

## Three Iterations of Myanmar's National Security State

*Morten B. Pedersen*

The landslide victory of the National League for Democracy (NLD) in the 2015 elections and subsequent transfer of power to Myanmar's first freely and fairly elected government in more than half a century punctuated one of the most promising democratic breakthroughs anywhere in the world in recent decades. The long-awaited NLD government, however, struggled to balance the conflicting demands of Myanmar's plural society and, ultimately, alienated many of its erstwhile supporters, as well as its long-standing foe, the military. Although popular support for its leader, Aung San Suu Kyi, remained strong, securing the NLD yet another emphatic victory in the November 2020 elections, by then, the die had been cast. On 1 February 2021, the day the new parliament was set to convene, the military staged another coup and took back the power that it had only ever ceded conditionally. This chapter places recent political developments in a historical context, assesses the state of Myanmar politics two years after the coup, and considers the persistent political, institutional, and structural challenges the country faces in establishing genuinely democratic institutions (procedural democracy) that protect human rights under the rule of law (substantive democracy). The narrative and analysis focus, primarily, on civil-military relations; related issues, such as ethnic politics, the 'Rohingya crisis', and women's rights are treated in more depth elsewhere in this volume.

### **Military Rule to 2011**

The first constitution of independent Myanmar (then Burma) established a parliamentary democracy. The development of the country's embryonic democratic institutions, however, was disrupted by the outbreak of civil war almost immediately upon independence in 1948, which prompted a rapid expansion of the military's role in government and eventual capture of power (Callahan 2003). Like many of their contemporaries in South America and elsewhere, Myanmar's military leaders came to believe that only the military had the discipline and patriotism required to safeguard the Union against the grave internal threats facing it. Thus, they pushed aside the ineffectual parliamentary government and took full control of the country, at first temporarily under a military caretaker government (1958–60) but then more enduringly with the 1962 coup.



Over the next five decades, early hopes for freedom and equality gave way to the harsh realities of a national security state dominated by the military and singularly oriented towards domestic security goals. The military maintained direct or indirect control of all three branches of government, as well as the civil service and key parts of the economy (Taylor 2009). It also monopolised the media and established a host of mass organisations that populated the space normally filled by civil society. Through these institutions, successive military governments were able to mobilise a large proportion of the population and the country's resources in support of their national security objectives while pre-empting the emergence of rival power centres. Any opposition to the centralising – and supposedly unifying – project of the national security state was harshly dealt with by the security forces, which at times seemed to view the entire population as enemies. The violence was particularly appalling in the conflict-affected border areas where the army's infamous 'Four Cuts' counterinsurgency campaigns, which sought to deny insurgents access to funding, food, intelligence, and recruits from the local population, cut a devastating trail of death, destruction, and displacement through many ethnic minority communities (Smith 1999; Fink 2001).

Yet Myanmar's military leaders never saw themselves as natural rulers. Rather, their self-image was that of 'guardians' of the state who step in at times of crisis (Pedersen 2004; see also Selth 2021). The national security state, thus, always had within it two parallel and seemingly contradictory tendencies towards short-term militarisation and long-term civilianisation of government. The two have blended over time in what international relations scholars will recognise as a domestic variant of 'defensive realism', which is concerned, primarily, *not* with maximising power but with optimising security (as perceived and practised by the military).

The military first sought to extricate itself from direct rule in 1974 by transferring power from the Revolutionary Council to the Burma Socialist Programme Party (BSPP) under a new socialist constitution (Nakanishi 2013). This semi-civilian system was abandoned in the face of the 1988 popular uprising, which prompted a second coup and renewed efforts to shore up political stability (Maung Maung 1999). However, the new junta, the State, Law and Order Restoration Council (SLORC), pledged from the outset to hold multiparty elections as soon as the situation allowed and set about establishing the conditions for what they would later come to refer to as 'disciplined democracy'.

This second iteration of the national security state dragged out for more than 20 years, while the SLORC – and later its successor, the State, Peace and Development Council (SPDC) – worked to build a stronger armed forces, consolidate control of the war-ravaged borderlands, and draft a new constitution that would guarantee the military a continuing, 'balancing' role in the future democracy (Maung Aung Myo 2014). A first round of elections in 1990 were effectively annulled after the winning party, the NLD, refused to participate in a military-led process to draft a new constitution before the transfer of power. However, once the constitution was completed in 2008 (without the NLD) and the military leadership felt confident that it could control the transition, it set up a new party, the Union Solidarity and Development Party (USDP), led by retired military officers, and



proceeded to organise another round of elections in 2010 before finally transferring power in 2011. The NLD, whose leader Aung San Suu Kyi had been in house arrest for long periods since 1989 and was released only after the poll, boycotted the elections, thus handing the USDP an easy victory and control of the first post-military government.

### **Thein Sein and the USDP**

Heading into the 2010 elections, most observers dismissed the transition as a purely cosmetic move to shore up the existing regime (for a dissenting view, see Pedersen 2011). Although the new constitution formally established a multiparty democracy with regular elections and associated civil and political rights, key elements of a democratic system were lacking. Unelected, active military officers wielded significant legislative and executive influence; the military itself remained largely outside civilian control; all democratic rights were subject to laws enacted for ‘national security’ and ‘the prevalence of law and order’; and the rules for amending the constitution effectively gave the military veto power over any future changes. In any case, it was hard for many people who had suffered under the military’s repression for so long to believe that it would ever change its spots.

The pessimism at first seemed to be confirmed when the prime minister of the previous military government, former General Thein Sein, was elected as president and subsequently appointed a cabinet made up almost entirely of senior ex-military officers. Yet, true to its promises (and in line with the idea of defensive realism underpinning the national security state), the new USDP government soon launched a suite of major reforms aimed at promoting national reconciliation and socioeconomic development and reintegrating Myanmar into the international community (Egretau 2016; Soe Thane 2017; Thant Myint-U 2020). After 50 years of insular, security-oriented military rule, the military-as-an-institution stepped away from many areas of government, facilitating a broad shift towards more open and people-oriented governance (Pedersen 2014). This was accompanied by an expansion of political freedoms, which prompted a virtual explosion in political debate and contestation, much of it driven by a reinvigorated civil society, including a flourishing private and social media. The new civilian government also launched, arguably, the first sincere effort by any administration since the 1962 coup to negotiate an end to the country’s six-decades-long civil war. Finally, President Thein Sein oversaw the release of almost all of the country’s 1000-plus political prisoners, including Aung San Suu Kyi, and subsequently made a deal with the opposition leader, which allowed her party to return to mainstream politics. After a mini-landslide victory in the 2012 by-elections, Aung San Suu Kyi and 42 of her colleagues in the NLD thus took seats in parliament, where they came to play an active role as a loyal opposition and were given significant influence despite constituting a relatively small minority of ministers of parliament (MPs). Aung San Suu Kyi herself was appointed chair of the Committee of Rule of Law and Tranquillity. The international community responded by lifting most of the sanctions that had been put place after the 1988 coup, thus effectively condoning the reform process.

There were even suggestions that Thein Sein be awarded the Nobel Peace Prize for his efforts to lead Myanmar out of the long, dark years of military rule and civil war.

Over time, Thein Sein and the USDP government became subject to growing criticism, partly over their refusal to support constitutional amendments that would allow further democratisation, partly over their pandering to extremist Buddhist groups, which had emerged as a major electoral force after large-scale communal violence broke out between Buddhists and Muslims in Rakhine State in 2012 and soon spread to several other parts of the country (Wade 2017). Yet the former generals consolidated their legacy as a reformist government by overseeing the country's first free and fair elections in November 2015 and peacefully ceding power to their long-standing nemeses, Aung San Suu Kyi and the NLD, who won an absolute majority in the new parliament. The military proper, too, accepted this turn of events and allowed the democratic transition to proceed, seemingly confident that the 'disciplining' elements of the 2008 Constitution would be sufficient to maintain stability and safeguard national security.

### **Aung San Suu Kyi and the NLD**

The inauguration of a freely elected government led by long-standing opposition leader and international democracy icon Aung San Suu Kyi marked an important waypoint in Myanmar's political development. Although the new government had to share power with the military under the 2008 Constitution, the dominant victory of the NLD in the 2015 elections gave it a resounding mandate for change and effectively brought non-security policymaking under civilian control. While it did not have the power to change the constitution against the will of the military, there was significant room within that basic law to promote democracy and human rights, including minority rights. The vanguard party of the post-1988 democracy movement, however, focused more on consolidating power than bringing the country together behind a truly transformative reform agenda, and its five years in government ultimately ended in disaster.

Things started off well enough. Many Bamar, in particular, were elated to finally see their beloved 'Mother Suu' in government office. There was a palpable reduction in the fear that had pervaded society under military rule, and widespread expectations of major improvements in governance generated a surge of optimism, both domestically and internationally. The job of governing a deeply damaged and highly divided society, however, soon proved to be harder than resisting military repression (Selth 2017). While the NLD government brought a reduction in high-level corruption and took significant steps to restructure the economy and improve public services, this was ultimately overshadowed by its failure to effectively negotiate the deep divisions in Myanmar society, which had long provided the *raison d'être* for the national security state.

Surprisingly, the NLD did little to empower the embryonic democratic institutions sanctioned by the 2008 constitution or cultivate a broader democratic culture. After taking up a newly created position as state counsellor and *de facto* head of

government, Aung San Suu Kyi immediately moved to centralise power in her own hands. The undisputed leader of the NLD not only took personal charge of half a dozen key ministries and policy committees but also actively discouraged debate within the party, as well as in parliament, which during the Thein Sein government had played an often-vigorous role in overseeing and balancing the power of the executive but was now exhorted to follow its lead. Despite early steps to dismantle some of the country's archaic security laws, rights activists soon started complaining that continuing efforts to silence critics of the government and the military were creating a new generation of political prisoners (Human Rights Watch 2019). In fact, senior NLD leaders often appeared outright dismissive of civil society and the media, which they seemingly felt lacked democratic legitimacy (Prasse-Freeman 2016). While some of this may have been motivated by an understandable concern with building a strong government in a country that historically has suffered from highly fractious politics (Walton 2015), it came at the expense of developing and strengthening new democratic institutions and practices.

Disappointment also quickly set in among Myanmar's ethnic minorities who had voted for the NLD less because they supported the party's, mainly, Bamar leadership and worldview than because they believed it was better placed than the smaller, local ethnic parties to help realise their long-standing demands for greater autonomy and ethnic rights. Many had hoped that Aung San Suu Kyi would be able to unite the country, much as her father Aung San had done before he was assassinated on the eve of independence in 1947. Yet despite explicitly calling for a 'new Panglong Conference' to renegotiate the basis for the union of the country's numerous ethnic nationalities, here, too, the centralising inclinations of Aung San Suu Kyi and the new government that she led ran counter to what was needed. Shan and Rakhine political leaders were deeply disappointed when the NLD government ignored their success in the 2015 local state elections and instead used a controversial clause in the 2008 Constitution to appoint NLD members as chief ministers of the two states, thus seemingly exploiting the non-democratic features of that otherwise much-maligned document to its own benefit. The peace process, which had gained significant momentum under the USDP government, also soon faltered, in part at least, because the new leadership failed to convince the country's powerful ethnic armed organisations that it was genuinely committed to addressing decades of discrimination and neglect. They might have excused the NLD government for its inability to rein in the military's abuses in areas of continued conflict, but that Aung San Suu Kyi at times publicly encouraged military offensives against 'hold-out' rebel groups demonstrated to many that she was in fact *not* her father's daughter.

Western governments, which had been staunch supporters of Aung San Suu Kyi and the NLD since the birth of the democracy movement in 1988, initially remained reluctant to criticise the new government, fearing that it might undermine the reform process. Yet the failure of the NLD to condemn the mass atrocities committed by the army against Rohingya Muslims in Northern Rakhine state in 2016–17 attracted much negative attention, especially after Aung San Suu Kyi decided to personally travel to The Hague in December 2019 to defend Myanmar against

charges of genocide at the International Court of Justice. The broader international human rights community was even less forgiving, and several organisations publicly withdrew honours previously bestowed on her for her fight for human rights.

While many political leaders and activists, both inside and outside the country, accused the NLD of being too much like the military, the party's greatest mistake in office was, arguably, its failure to establish a working relationship with that still powerful institution. Although the NLD waited three years before attempting to formally amend the 2008 Constitution (and failed to do so), it sought from the outset – and often in quite petty manners – to marginalise the military in matters of day-to-day governance. The establishment of an extra-constitutional position for Aung San Suu Kyi as *de facto* head of government, above the president, challenged if not strictly the letter, then certainly the spirit, of the 2008 Constitution, which otherwise formed the basis for the military's acceptance of the broader reform process. While the generals initially seemed to accept this, they grew increasingly incensed as Aung San Suu Kyi first refused to convene the National Defence and Security Council, which was intended as the main mechanism for coordinating national security policy between the civilian and military sides of the government, and later appointed a civilian national security adviser to help her manage the mounting international pressure over the army's mass atrocities against the Rohingya. This was a national security issue of the highest order and therefore, in the military's view, fell strictly under its purview. Many lower-level military officers and even police also came to resent what they saw as growing civilian disrespect of their authority.

Through the first four years of the NLD government, the military's dissatisfaction was mainly expressed through formal channels in parliament, where military MPs effectively constituted the only real opposition. However, as the 2020 elections campaign got underway in earnest, Senior General Min Aung Hlaing became increasingly vocal about his displeasure with the NLD's management of the country, and after the party secured another landslide victory in the polls on 7 November 2020, the military cried 'foul', alleging massive election irregularities. Intense negotiations between the NLD and the military ensued to try to resolve the brewing constitutional crisis. Officially, the military simply wanted a proper investigation of the election results, which at least some NLD leaders reportedly were willing to consider. However, according to some sources, Min Aung Hlaing was basically insisting that the NLD accept a new power-sharing agreement where he would become president and thus have direct control of the cabinet, as well as the National Defence and Security Council. Either way, the negotiations failed, and in the early morning of Monday, 1 February, the military once again took control of the capital, arrested the country's elected leaders, and declared a state of emergency.

The causes of the 2021 coup undoubtedly included a mix of personal and institutional factors, including complex issues of power, policy, and not least pride (Pedersen 2023). Indeed, the military may well have believed its own allegations of electoral fraud (after all, criticism of the NLD had been widespread among many of the country's elites and even Western governments, and the size of its election victory came as a surprise to most observers). However, that the military saw the need to overturn a system that it had itself established and risk both domestic unrest

and renewed international opprobrium was fundamentally a result of the NLD's refusal to play by the rules of the national security state as spelled out in the 2008 Constitution.

### **After the 2021 Coup**

The coup ended a decade of political liberalisation and triggered a near-countrywide popular uprising, which soon turned into armed resistance and ultimately all-out civil war (Pedersen 2022).

The coup leaders insisted from the outset that the coup was in fact not a coup, but a legitimate and temporary take-over necessitated by the attempt by the NLD to take power by 'fraudulent' means. To lead the country until new elections could be held, the military established a new ruling council, the State Administration Council (SAC), headed by Senior General Min Aung Hlaing, and replaced most politically appointed leaders and bodies, including the entire cabinet, the governor of the Central Bank, and the Union Election Commission. Lower-level administration councils were established at each administrative level – regional, district, township – led by military officers, and many of the country's nearly 17,000 elected ward/village administrators were replaced with people considered loyal to the new administration, typically military veterans or members of its proxy party, the USDP. The entire administrative system was thus subjected to the military hierarchy and its security priorities, much as it had been after the 1962 and 1988 coups. According to the initial statements of the SAC, the state of emergency would be for one year, but this was later extended to two years plus a six-month preparation period for new elections (i.e., the maximum time allowed under the 2008 Constitution), thus putting the date for new elections to August 2023.

While the military thus seemed intent on effectuating a third iteration of the national security state, it quickly became clear that it would face much harder resistance this time. Mass protests started within 48 hours in Yangon and other major cities, mostly led by human rights activists, trade unionists, and other grassroots organisers, and soon spread to almost every corner of the country. The street rallies were bolstered by an unparalleled civil disobedience movement, which saw hundreds of thousands of public servants walk out of their jobs, refusing to work for an illegitimate government. The initial protests were largely peaceful. However, after the state security forces unleashed a campaign of terror on the protesters, thousands of, mainly young, men and women concluded that the only way to win would be to fight violence with violence and went underground to launch an armed struggle. Many made their way to areas controlled by ethnic armed organisations where they received military training before returning to central Myanmar to wage guerrilla warfare. The goals of the resistance also shifted over time from restoration of the *status quo ante* to radical demands for abolishment of the 2008 Constitution, banishment of the military from politics, and establishment of a genuine federal democracy. In the words of many resistance fighters themselves, this is not just an uprising but a 'revolution', and they are willing to sacrifice their lives for the cause.

The decision to take on one of Southeast Asia's largest armies on the battlefield seemed desperate at first – and has come at a very high price to local communities – but two years in, the resistance forces have grown to hundreds of local groups with tens of thousands of fighters. In the main cities and towns where state security forces are heavily present, the new resistance fighters have formed loose underground networks and are engaging mainly in hit-and-run attacks on soft targets, using improvised explosive devices. In more remote, rural areas, larger, more formally organised 'people's militias' have been taking on the army in pitched battles, often in joint operations with existing ethnic armed organisations, several of which have openly aligned themselves with the revolution. Although explicitly framed as a defensive war, the armed resistance has gradually taken on more offensive forms as resistance forces have started attacking police stations, ambushing military columns, and assassinating local government administrators, alleged informers, and other non-combatants perceived to be aiding and abetting the SAC. While it is still hard to envision a military victory for the armed resistance, it has built up significant momentum and turned large, previously peaceful areas of Magwe and Sagaing divisions, as well as Chin and Kayah states, into regular war zones.

The army has responded the only way it knows how to – with massive, indiscriminate violence. Arbitrary arrests, torture, and extra-judicial killings by security forces have become commonplace across the country. In resistance strongholds in the countryside, military raids on villages suspected of harbouring resistance fighters have frequently involved indiscriminate artillery or air attacks, as well as the deliberate destruction of houses and food stores, aimed at making the areas uninhabitable. Yet the violence seems to have had little impact on the resistance, which has only continued to grow. According to one estimate, by September 2022 the SAC was in control of less than half of Myanmar's total land area (Special Advisory Council for Myanmar 2022). The rest was either ungovernable or under the control of various non-state armed actors.

The popular resistance developed organically through the initiative of literally hundreds of local leaders. However, over time, a more formal leadership has emerged, centred around three related bodies: the Committee Representing People's Parliament (CRPH), the National Unity Government (NUG), and the National Unity Consultative Council (NUCC). The NUG, in particular, has taken on a prominent role as the face of the resistance and speaks and acts as a parallel government. Aside from seeking formal international recognition as the legitimate government of Myanmar, it has established its own army, the People's Self-Defence Force, as well as a fairly comprehensive, though embryonic, set of parallel state institutions that seek to deliver an array of public services, including health, education, and justice, in areas under its control. These arrangements complement similar ones already established by major ethnic armed organisation during their decades-long resistance to the Bamar state, which in some cases amount essentially to de facto independent mini-states. In anticipation of a future victory, the NUG is also working jointly with several ethnic armed organisations and other resistance forces within the NUCC on a new constitution that would establish a genuine federal democracy with a comprehensive set of human and minority rights.



The fundamental aim of these new political structures is to overthrow the military-led state, by force if necessary, and build a ‘genuine federal democratic union’. This is a major change from the past policies of the NLD, which put democracy before federalism and sought to negotiate a gradual transition of power to elected leaders first. It reflects, however, the new revolutionary mood in the country, as well as the practical need to unify the many disparate groups to fight their common enemy, the military. While Aung San Suu Kyi remains hugely popular among the general population, many of the new grassroots leaders see neither her, nor the traditional non-violent strategy of the NLD, as relevant to the revolutionary struggle they are now waging. Highly critical of the centralised leadership style of Aung San Suu Kyi, which has left little space for other voices, they now see an opportunity to throw off the yoke not only of the military but also the older generation of pro-democracy politicians. These mostly young leaders of the grassroots resistance are seeking a transformation not only of civil-military relations but also centre-periphery relations, and they themselves want to be an integral part of any new power configuration, thus adding a generational dimension to the struggle as well.

## **Conclusion**

Almost three years after the coup, Myanmar’s military and the resistance forces remain locked in an existential battle for the soul of the country, while the state and economy are collapsing and millions of people face a deepening humanitarian emergency. The growth of the revolutionary movement has raised hopes among many people that Myanmar may finally rid itself of the national security state. Yet even a brief analysis of the political, institutional, and structural conditions for democratisation reveals the daunting challenges facing the country’s democrats, and in particular those committed to a substantive, liberal democracy that respects fundamental human rights, including minority rights. Indeed, some of these challenges have only deepened as a result of the revolution, which has further enhanced the role of violence in Myanmar politics and threatens to leave behind an institutional and economic wasteland.

## ***Political Conditions***

Political developments in Myanmar from 2011 to 2020 resembled the type of ‘pacted’ transitions from military to civilian democratic rule that have proven successful in several other countries around the world. However, the current, all-out struggle for primacy between the SAC and the NUG has returned the country to its more traditional, zero-sum form of politics.

While the military is seemingly committed to holding new elections at some point under the existing constitution, they are evidently taking steps to eliminate the main competition. The re-constituted Union Election Commission has officially annulled the 2020 election result, claiming that more than 11 million ballots had to be discounted due to fraud or other irregularities during the vote.



In a series of meetings with political parties, state election officials have mooted plans for changing the electoral system from the existing first-past-the-post system, which has greatly favoured the NLD, to proportional representation, which would spread the vote and likely give the military, with its 25% of reserved seats in parliament, the role as kingmakers. In a final coup de grace, the new administration has given Aung San Suu Kyi and other senior NLD leaders lengthy jail sentences, thus making them ineligible for standing in future elections, and disbanded the party. Although some of these processes are still underway at the time of writing, it seems clear that the military is working to ensure that the new elections will produce a result more amenable to military interests.

The SAC has also wasted no time in passing a raft of new repressive security laws, which greatly restrict civil liberties and have fundamentally eviscerated the hard-won political space of the past decade. The Orwellian household registration system, which requires people to report any overnight guests, has been reintroduced; the police have been given wide-ranging new powers to search and detain suspects; and the penalties for any act of political resistance have been dramatically increased. Moreover, the new junta has formally brought the police under military command and moved the General Affairs Department back under the control of the Ministry of Home Affairs, thus ensuring that the commander-in-chief has direct and full control of all the country's security agencies. While the veneer of democratic government will be retained, the intention is clearly for the next version of Myanmar's so-called 'discipline-flourishing democracy' to have more discipline and less democracy than the 2011–20 version.

Whether the SAC will in fact be able to organise elections without simply further exacerbating existing conflicts is doubtful. Popular anger at the military is such that hardly anyone would see a new government made up of recently retired generals in civilian garb as any kind of step forward. Indeed, it seems unlikely that most people would even deign to participate in such a farce. It is thus more likely that any future polls under the SAC would become a flashpoint for dissent and unrest than a step towards stability. Recent ruminations by senior SAC officials about the need for a new constitution may indicate that the military leadership itself is coming to recognise this point. However, if so, the alternative could well be yet another decade-long constitution-making process under continued military rule.

The resistance forces are hoping that a military victory will rid the country of the 'old' military and pave the way for a genuine process of federal democracy building. However, democracy requires stability, moderation, and a firm commitment to working together with people you disagree with, and none of these qualities are common outcomes of revolutionary ferment. While the resistance forces are currently united by a common hatred of the military, they have very different visions of what a new federal democracy would look like, and deep distrust between key groups persists. Moreover, post-coup developments have underscored the primacy of armed actors in a country awash with weapons, while political parties and civil society groups have been marginalised.

The most likely scenario for the foreseeable future is protracted armed conflict with parallel ‘state’ systems developing under the control of the SAC, the NUG, and various ethnic armed organisations. In fact, the only factor preventing Myanmar from a total state collapse on the scale seen, for example, in Syria and Libya in the aftermath of the Arab Spring may be the absence of direct military intervention by neighbouring countries or more distant great powers. This increases the chances that the conflict parties may eventually exhaust themselves sufficiently to facilitate negotiations about an end to the violence.

### *Institutional Conditions*

While committed leaders may be able to establish basic democratic institutions, the failure of many recent democratic transitions to significantly improve human rights demonstrates the importance of the broader institutional context as well. This dimension has tended to be overshadowed in Myanmar politics and scholarship alike by a long-standing focus on ending military rule and an often rather naïve belief in the purifying power of elections. However, as the five years of NLD government clearly demonstrated, institutional deficiencies present another fundamental obstacle to improving governance and human rights outcomes.

Most of Myanmar’s political parties, including the NLD, have a strongly hierarchical structure with decision-making centralised at the top level and communicated downwards (Kempel et al. 2015). There is little role for local party chapters beyond helping identify local candidates for elections, and links with local constituencies are weak. The parties’ ability to aggregate and articulate citizens’ interests before the state is therefore very limited (Stokke et al. 2015). They have also generally been weak in engaging and involving citizens – including their own members – in democratic participation.

Myanmar’s civil society organisations, similarly, are dominated by members of a narrow, but growing, educated middle class. This is especially the case for the more politically oriented organisations, including the media, which constitute a counter-elite – and often politicians-in-waiting – rather than a genuine grassroots response (although this has not precluded them from genuinely working to promote the interests of local communities). The Sangha and the churches are more genuinely mass-based organisations, but the former has played a distinctly ambiguous role in the reform process due to its role in the rise of extremist Buddhist nationalism, and the latter lacks national political influence. Most religious leaders are active mainly in humanitarian work.

The weakness of these political institutions is compounded by the weakness of the state itself. Five decades of top-down military rule, low prioritisation of education, and international isolation has dramatically reduced the capacity of Myanmar’s once proud civil service to devise and implement good policy (Su Mon Thazin Aung and Arnold 2018). Although there are many individual exceptions – and indeed some exceptional individuals – the majority of civil servants lack appropriate education, training, and experience and are often fearful of taking initiative. There are also major problems with corruption, which is pervasive at all levels of

the state, reflecting widespread disillusionment with public service jobs and low wages. The NLD administration took some steps to strengthen leadership, streamline procedures, and cajole civil servants to recommit to public service. However, changing the underlying institutional culture and behaviour patterns is a long-term challenge. Thus, the civilian, elected government – like its military predecessors – struggled to ensure that new policies were properly implemented and results were felt on the ground.

The weakness of the judicial system is of particular concern. The judiciary remains the weakest link in the democratic separation of powers, reflecting its long-standing politicisation under military rule, as well as the lack of any serious effort by either the USDP or NLD government to reform it. Although judicial independence is formally provided for in the 2008 Constitution, it has been undermined in practice by executive control of the appointments of higher-level judges, as well as insufficient security of tenure (International Commission of Jurists 2014). Political interference in court cases declined under the NLD government but remained common, in particular, in cases involving state interests. Coupled with widespread corruption that allows court rulings to be bought, this means that citizens are mostly denied the possibility of seeking protection and redress from violations of their human rights or other entitlements (Cheesman 2015; Mark 2016).

### *Structural Conditions*

Underlying the institutional deficiencies of the Myanmar state and society are a number of deeper structural factors, which are even less amenable to negotiation and reform, including the country's seemingly illiberal political culture, deep ethnic divisions, economic underdevelopment, and its location in a region where democracy has always struggled to gain a strong foothold.

While the main political actors in Myanmar are all formally committed to the ideology of democracy, the deeper political culture has proven highly resistant to change (David and Holiday 2018). The USDP and NLD governments both evinced deep-seated tensions between their formal commitment to openness and persistent authoritarian mindsets, notably, in their relations with the media and civil society. While this was perhaps to be expected from an administration led by ex-generals, many were dismayed to witness very similar – or even stronger – centralising behaviour under the leadership of Aung San Suu Kyi and a party, which counted scores of ex-political prisoners among its MPs. As recent scholarship shows, understandings of democracy and the rule of law among members of Myanmar's democratic elite may not be all that different from their military nemeses. In investigating different perceptions of democracy in Myanmar, for example, Wells (2016) found that many democracy activists shared with the military an emphasis on strong leadership, unity, and fulfilment of obligations (as opposed to democratic institutions, pluralism, and rights), only they wanted to “replace the self-interested dictators of the military era with the self-sacrificing and committed leadership of the opposition” (see also Wells 2021). Similarly, Cheesman (2014) has observed that Aung San Suu Kyi, in dealing with key human rights issues, tended to echo

the military's understanding that "the rule of law is achieved through obedience, rather than through substantive practices associated with democratic values". Such illiberal sentiments, as much as military obstruction, may explain why the NLD government failed to undertake deeper democratic reform. Although many of the new and younger leaders of the revolutionary movement appear to be more genuinely committed to liberal values, it remains to be seen what impact this will have on Myanmar's political future.

The challenges arising from the absence of a democratic 'culture' are compounded by the difficulty of instituting a system of majority rule in a plural society, which has multiple major ethnic minority groups with long-standing aspirations for self-determination and self-expression. While comparative scholars disagree whether ethnic diversity is inherently detrimental to the success of democratic government, Myanmar faces a steep challenge in overcoming the deep-rooted divisions of the past. The incessant wars since independence have caused a hardening of ethnic identities, which today permeate all areas of politics. Most political parties have ethnic designations, and civil society groups, too, mostly form along ethnic lines. This is problematic because – even more so than other sociopolitical cleavages – ethnoreligious identity tends to divide groups deeply, making moderation and compromise difficult. Even if the country's different political elites could find a way to work together, the brutality of the military's decades-long counter-insurgency operations, as well as the failure of the NLD to effect any real change during its time in government, has left deep scars of enmity and distrust of state institutions among minority communities. Many people in Myanmar's borderlands simply do not feel part of the Union of Myanmar. This greatly complicates efforts to strengthen state institutions and deliver any substantive benefits of democratic government to these communities. The worsening of religious conflict between Buddhist and Muslim communities since the outbreak of communal violence in Rakhine State in 2012 has added a further, even harsher, dimension to this problem since it overlaps with a deep-rooted xenophobic element of Burman culture. Thus, while most Bamar do see, for example, the Shan, Karen, and Rakhine as legitimate members of the Myanmar polity, many consider the majority of Muslims to be foreigners and a potential threat to both race and religion (Ware and Laoutides 2018). Similar attitudes apply to other citizens of Chinese or South Asian origin, although the main concern here is less about race and religion than perceived economic exploitation.

Economically, too, Myanmar would appear a poor candidate for democracy. Despite significant economic growth in the decade preceding the 2021 coup, it remains one of the poorest countries in Asia. This may not be an obstacle to democratisation per se, but it does make it much harder for democracy to thrive, mostly due to its negative implications for political participation. Faced with grinding poverty, people naturally withdraw into the household to address pressing needs. They have neither the time nor resources to take an active interest in public affairs. This is confirmed by a number of national surveys, which show that traditional, 'survival' values are far more prevalent in Myanmar than the modern, 'self-expression' values normally associated with democratic progress (Asia Foundation 2014;

Welsh and Huang 2016). Although the growth in communications, media, and civil society activity during the democratic period was positive, it remained primarily an urban, middle-class phenomenon. The large majority of Myanmar people remained isolated from the country's new democratic politics; they participated, at most, through their vote on elections day and had little knowledge about the basic structure and functions of government beyond the local level. Even if fully implemented, a system of one citizen/one vote would effectively leave large segments of the population unable to make meaningful demands on the government because they lack the political resources to do so. The dangers in this are all too evident in the repeated failures of elites on all sides to protect the interests of the most vulnerable groups in the country, including farmers, ethno-religious minorities, and women.

Finally, it is important to consider the regional context. While much attention has been paid to the democratising impact of Myanmar's cooperation with Western countries and international organisations, the more diffuse effects of regional contagion are likely to matter more in the long run, especially now that the initial international excitement about the country's democratic potential has evaporated. Myanmar's neighbours are not only *not* committed to exporting political freedom, rule of law, and human rights; the majority are in fact models of something far less appealing. As such, they provide rich examples of alternatives to liberal democracy.

These obstacles to substantive democracy do not mean that Myanmar is doomed to forever repeat the cycle of repression, war, and underdevelopment. Each country needs to find its own way to modernity and perhaps the standards of Western-style democracy and human rights are simply not relevant to Myanmar. Certainly, less-than-perfect Freedom House scores might be sufficient to help facilitate political, economic, and social progress. However, as much as developments since the 2021 coup have brought hope that Myanmar may yet get a second chance to escape the claws of the national security state, they have also deepened the long-standing fragmentation and militarisation of society that for more than half a century has underpinned that system. The challenges facing the country's emerging pro-democratic leaders are therefore perhaps as steep as they ever were.

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# 7 Foreign and Diplomatic (Dis)Engagement

## Military Priorities, Strategic Realities, and Contested Legitimacies

*Renaud Egreteau*

Myanmar's foreign policy has undergone striking transformations since independence was won in 1948. In both contexts of the Cold War and post-Cold War international politics, the country has fluctuated between phases of positive neutrality, self-imposed isolationism, and passive alignment toward a powerful neighbouring power, China. Yet, as this chapter shows, there have also been remarkable elements of continuity in the shaping of Myanmar's postcolonial relations and engagement with Asia and the world. Regardless of the nature of its political regime, independent Myanmar has long had to – and continues to – cope with a series of commanding geostrategic challenges. Sandwiched between two giant powers, India and China, the country offers a geographical gateway to, and from, continental Southeast Asia (Thant Myint-U 2012; Steinberg 2018). It also boasts a 2,000-km-long coastline along the Indian Ocean, through which a large part of the world's seaborne commerce has long transited. Whilst this geopolitical situation has presented considerable opportunities for trade and development, it has also contributed to persistent concerns among Myanmar's elites over the potential sway neighbouring states and global powers may seek to gain in a country known for its abundance of underexploited natural resources, such as gems, hydrocarbons, and timber (Haacke 2006; Lintner 2015). A second aspect of continuity relates to Myanmar's postcolonial politics, epitomised by a failed process of nation building, a protracted civil war, and, above all, continuing military intervention (Egreteau and Jagan 2013). The persistent dominance of the armed forces over policymaking has had a defining impact on the changing levels of Myanmar's engagement with the world over the decades (Passeri 2020; Shang 2022; Paribatra 2022). Yet this ability of the armed forces to impose their strategic and diplomatic views has increasingly been challenged by Myanmar's civilian leaderships, and society in general, as the battles for international diplomatic recognition that have followed the February 2021 coup clearly suggest.

### **Military Rule to 2011: From Hermit to Pariah**

The first post-independence decade brought prestige and international recognition to Myanmar. Neutrality, non-alignment in the emerging context of the Cold War, and a proactive international solidarity among recently decolonised nations of Asia

and Africa were the cornerstones of the country's early foreign policy (Johnstone 1963; Liang 1990). In particular, as Myanmar's first prime minister, U Nu (1907–1995) guided the country on a socialist-inspired development path and 'middle-way' diplomacy (Maung Maung 1956). The following three decades, however, plunged the country into gradual diplomatic seclusion and economic autarchy. Not long after independence, the gap had widened between civilian politicians – partisans of active neutralism – and the army hierarchy, who were rather willing to strengthen state defence capacity through increased security cooperation and weapon deals negotiated with global military powers. Increasingly sophisticated and better-equipped ethnic and communist insurgencies had indeed found growing sympathies across the borders in Yunnan, India, Thailand, and even East Pakistan (Lintner 1999). This made Myanmar more vulnerable to regional strategic tensions and Cold War bipolarisation, while shaping the military's early threat perceptions and views of the world.

From 1962, Myanmar gradually disengaged from the world. Still, Ne Win's regime did not much depart from the official foreign policy orientation of its predecessors. Throughout the 1960s and 1970s, the diplomatic language used by Ne Win and his representatives abroad – many retired army officers were appointed ambassadors in Myanmar's thirty-odd embassies across the globe – continued to be grounded on a policy of neutralism and non-alignment. However, as his socialist-inspired revolution progressively failed to bring about massive developmental change in the 1970s, Ne Win opted for a steady withdrawal of Myanmar from regional and world politics. This strategy was deemed the most appropriate to respond to rising domestic and external threats to the socialist revolution and its xenophobic undercurrents. Already, foreign businesses and educational institutions had been nationalised in the early 1960s. This led to the disruptive departure of Indian, Chinese, and Anglo-Burmese communities of merchants, bankers, lawyers, and civil servants. Teaching of English and foreign languages came to be restricted. The country even exited the Non-Aligned movement in 1979. As coined by some observers of the time, a 'bamboo curtain' gradually shut the 'hermit nation' off from the global stage (Steinberg 1981). The military leadership pursued the cultivation of only a handful of key strategic concerns: deflecting immediate threats posed by an assertive Chinese neighbour, keeping a few channels open for military equipment acquisition (with Israel and a few East European states in particular), and maintaining the vital postwar economic assistance provided by Japan.

State-sponsored isolationism was nonetheless construed as a flexible ideological tool by Ne Win, who himself travelled relentlessly to satisfy his personal appetites for foreign hobbies and medical check-ups in Europe, while maintaining a tight grip on the freedom of movement of ordinary Myanmar citizens. More than two decades of chauvinistic policies under the socialist rule also led to the fusion of foreign, security, and state policymaking into military hands, a pattern that would not evolve after the demise of Ne Win in 1988. Likewise, these years under Ne Win's inward-looking regime shaped the security perceptions and views of the world of the next generation of military leaders that would succeed the socialist administration.

The crisis of 1988 proved a watershed in Myanmar's interactions with the outside world. The new junta dropped Ne Win's insular type of collectivist socialism. Opting for an economic model of state-led capitalism, Myanmar under the State Law and Order Restoration Council (SLORC) opened up to its neighbours and sought to liberalise its domestic market and attract foreign investments. China and several roaring economies of Southeast Asia such as Singapore, Malaysia, and Thailand, were prompt to secure trade and investment opportunities in the early 1990s (Maung Aung Myoe 2011; Egretreau and Li 2018). After a brief suspension of aid following the repression of the popular revolt of 1988, Japan resumed its development cooperation with Myanmar through lavish investments into domestic infrastructures and capacity-building programs. Relations with India also improved soon after New Delhi ditched its pro-democracy stance in 1993 (Egretreau 2011; Bhatia 2015). After years of negotiations, Myanmar eventually joined the Association of Southeast Asian Nations (ASEAN) in 1997. Diplomatic self-confidence in the region amidst an era of shared 'Asian Values' had encouraged the organisation to overlook criticism from its Western partners, increasingly uneasy with the ASEAN's acceptance of a military-led regime lambasted on the global stage for its poor human rights records (Roberts 2010). New narratives on emerging strategic and commercial rivalries between India, China, and other regional or even global powers in and around Myanmar thrived (Thant Myint-U 2012; Lintner 2015; Chanda 2021).

While Myanmar's neighbours and regional powers proved willing to engage with the post-Ne Win military regime, the rest of the international community cast a very different eye on the country after the crackdown of the 1988 uprising and the refusal of the SLORC to honour the results of the elections held in May 1990. A new charismatic figure had emerged in the midst of the popular revolt, an iconic personality that, for the following three decades, would prove a formidable challenger to military rule: Aung San Suu Kyi. Soon portrayed as a world icon of democracy, she was awarded the Nobel Peace Prize in 1991. She captured the fascination of world leaders and public opinion alike and had an enormous impact on the way the international society viewed Myanmar under the junta in the 1990s and 2000s. From a deliberately isolationist hermit nation under General Ne Win, post-1988 Myanmar became a pariah state.

The ostracisation that Western powers and major international organisations imposed on Myanmar was a direct response to the ruthless repression of dissent and the treatment by the military of Aung San Suu Kyi herself (Aung-Thwin 2001). It was a popular foreign policy tool for European and American governments and global institutions, which deployed a wide range of complex political and trade sanctions against the military regime from the late 1990s (Horsey 2011; Clymer 2015). Schematically, these sanction policies aimed to cut the junta off from international trade and financial networks in order to implicitly force it to relinquish its authoritarian grip, engage in democratic reforms, and eventually hand over power to a democratically elected government – ideally led by Aung San Suu Kyi.

In response, while continuing to engage its neighbours and like-minded states, Myanmar's military elites modelled the country's foreign policy on a siege

mentality already well entrenched among the officer corps (Callahan 2003). The transfer of the national capital from Yangon to Naypyitaw in 2005, the repression of the revolt led by Buddhist monks in September 2007, and the rejection of international assistance after the passage of Cyclone Nargis in May 2008 further illustrated the ‘us-versus-them’ siege mindset developed by the military top brass (Egreteau and Jagan 2013). This strategy of isolationist retreat, reimagined in the course of the 2000s, exacerbated the national security dimension in Myanmar’s relations to the world. This allowed the ruling elite to diffuse the effects of international sanctions and opprobrium, but it could not effectively leverage the ever-waxing influence of China (Maung Aung Myoe 2011; Steinberg and Fan 2012). It nevertheless helped the military leadership prepare, in a secluded Naypyitaw immune to external interference, the long-awaited transition from military rule outlined in 2003 in a roadmap to a ‘disciplined-flourishing democracy’ and the new Constitution ratified in 2008.

### **Thein Sein and the USDP: A ‘New Frontier’**

The disbanding of the State Peace and Development Council (SPDC) in March 2011 rekindled hopes for a prompt and durable reintegration of Myanmar into world affairs and the lifting of the two-decades-long international opprobrium the country had been subjected to. Startlingly, a cohort of retired army officers and former members of the SPDC engaged the new Union Solidarity and Development Party (USDP) administration into an across-the-board liberalisation. In particular, they pledged a new phase of opening up diplomacy for the early 2010s. A global euphoria emerged, not only among Yangon’s elites but also among diplomats and potential foreign investors. Puzzled and intrigued, the world rediscovered Myanmar on the map.

The government headed by Thein Sein (2011–2016) abolished state censorship; liberalised the banking, telecom, and petrol retail markets; and reached out to remaining ethnic armed oppositions. It also allowed Aung San Suu Kyi to return to the forefront of politics, and in doing so sparked a fundamental change in the international community’s approach towards the country. Western governments, starting with the United States under the Obama administration, Canada, Australia, and the European Union, began to review – and suspend – their punitive policy of sanctions and ostracisation (Steinberg 2015; Dosch and Sidhu 2015). Major international financial institutions, including the Asian Development Bank, the International Monetary Fund, and the World Bank, re-entered Myanmar in an attempt to reintegrate its economy into global trade and financial circuits. In December 2013, Myanmar took the annual rotating chair of the ASEAN – almost a decade after having been denied that privilege by its peers.

The foreign policy objectives of the USDP in the early 2010s were threefold (Haacke 2016; Maung Aung Myoe 2016). First, the new regime hoped to recover a long-lost legitimacy and restore Myanmar’s international standing after decades of diplomatic marginalisation. Second, it aimed to rebalance Myanmar’s strategic partnerships with regional and global powers to fend off a Chinese influence that

had grown staggering from the early 1990s, while repairing its ties with the West and all international institutions willing to assist the country in its renewed developmental efforts. Third, it desired to show that Myanmar was open to meaningful business and ready to devise and implement the necessary reforms to attract foreign investments and move on the path towards accelerated economic growth.

Early in his presidency, Thein Sein multiplied public speeches urging for a swift reintegration of Myanmar into world politics. In his inaugural address pronounced in front of the new parliament on 30 March 2011, he assured that Myanmar yearned to recover its lost status of ‘respected member of the global community’ (New Light of Myanmar 2011: 6). Many a policymaker and renowned foreign policy expert inside the country have since shared this candid perspective (Chaw Chaw Sein 2016). The rapid normalisation of foreign relations in the early 2010s also purported to increase the new government’s legitimacy, which had originally been undermined by the debatable organisation – and controversial outcomes – of the constitutional referendum in May 2008 and the 2010 elections. Under President Thein Sein, Myanmar increased the number of its bilateral relations and expanded its own diplomatic network abroad as new foreign embassies opened in Yangon. By the end of the USDP tenure, Myanmar had thirty-six ambassadors, three consul-generals, and a permanent representative at the United Nations (UN) in New York; it had established official relations with 114 independent states.

Observers have argued that the swift political mutations at work during Thein Sein’s presidency were chiefly driven by strategic calculations. In particular, the first generation of post-SPDC leaders proved eager to back away from China’s commercial and political sway – shaped in the heyday of the previous junta in the 1990s and 2000s – and rebalance Myanmar’s position vis-à-vis major powers in the region (Pedersen 2014; Bünthe and Dosch 2015). One of the earliest decisions marking a fundamental foreign policy rethinking in Naypyitaw indeed related to the asymmetrical Sino-Myanmar relationship. In September 2011, Thein Sein announced the suspension of a major hydropower project funded in Myanmar’s northern Kachin state by a Chinese state-owned company, the China Power Investment Corporation (CPIC). The multibillion-dollar Myitsone project had been inked a decade earlier between the former military regime and the CPIC (Maung Aung Myoe 2015). Located at the start of the Irrawaddy River that both economically and symbolically nourishes Myanmar’s heartland, Myitsone has generated a strong local resistance ever since construction was planned, and the surprising move by Thein Sein was heartily welcomed by local and international activists (Chan 2017).

The Chinese reaction to the suspension was originally muted, and bilateral relations did not sour. Beijing even continued to offer its mediation in the ambitious interethnic parleys that Thein Sein and his team of peace negotiators initiated in 2011. Under Chinese patronage, several rounds of peace talks were held in Yunnan, particularly with Kachin, Ta’ang, and Shan rebels still operating in the Sino-Myanmar borderlands. Tensions resurfaced, however, in the bilateral relationship towards the end of the USDP term. The formulation of more aggressive foreign policy and infrastructure ambitions under Xi Jinping – who became China’s president in March 2013 – exacerbated recurrent conflicts between the army and rebel

organisations covertly supported by China (U Myint 2019). This was particularly evident in the Kokang Special Region with the Myanmar National Democratic Alliance Army (MNDAA) – a militia composed of ethnic Kokang, who are long-term, Chinese-speaking residents of northern Shan State – which launched new attacks against government troops in the run-up to Myanmar’s 2015 elections (Han 2017).

The West and Japan were therefore certainly both construed as much sought-after partners by the USDP leadership in its efforts to recalibrate Myanmar’s relations to the world. Patching up with the United States proved a decisive catalyst in the lifting of diplomatic sanctions blocking Myanmar from international and regional development-focused organisations. This also helped Thein Sein’s peace initiatives, which received from 2012 key financial support from Japan, the UN, and the European Union (EU). But if the historical visit to Yangon of US Secretary of State Hillary Clinton in December 2011 and then that of President Obama a year later opened a new chapter in the US-Myanmar relationship, Washington managed to secure little, if any, effective and readily available levers of pressure on Myanmar under the USDP. In the eyes of the latter, the rebalancing of Myanmar’s relations in the early 2010s indeed did not purport to insert Myanmar into the rising Sino-American rivalry in the region (Steinberg 2015). Instead, it was to – once again, and as stated by Article 41 of the 2008 Constitution – reassert an “independent, active and non-aligned foreign policy”.

Lastly, Thein Sein and his entourage of voluble retired generals turned civilian ministers kept on flagging Myanmar’s readiness to reform its economy and adopt international standards, ranging from environmental protection to anti-corruption laws and labour rights. Among key transformations brought by the USDP administration, the central bank was provided with greater autonomy, the national currency (*kyat*) was nominally floated, foreign telecom operators and banks were allowed, and a new investment law was adopted in 2012. Prominent tycoons who made fortunes under the era of junta-led capitalism turned to philanthropy while retooling their commercial empires into conglomerates in position to compete, or partner, with international (potentially non-Asian) firms eager to invest in an unfamiliar terrain. In the last stretch of the USDP government, Myanmar received US\$9.4 billion in Foreign Direct Investments (2015–2016 fiscal year) compared with US\$4.1 billion in 2013–2014 and only US\$329 million in 2009–2010 (Aung Hla Tun 2015, 2016).

### **Aung San Suu Kyi and the NLD: Illusions and Delusions**

Five years after the start of the post-SPDC transition, the government formed by the National League for Democracy (NLD) could count on a tremendous reservoir of international goodwill. Expectations that Aung San Suu Kyi would open a new phase in the country’s hesitant democratic reforms and transformations, rein in the military, and take a leadership role on the global stage ran high (Moe Thuzar and Chachavalpongpun 2020). Constitutionally barred from the presidency, Aung San Suu Kyi became foreign minister in March 2016, gaining a permanent seat



at the powerful National Security and Defence Council (NSDC). To allow her to further influence policy, the newly formed NLD legislature adopted a law designing for her an overarching cabinet post – that of state counsellor. However, Aung San Suu Kyi soon delegated most of her diplomatic duties to trusted allies. Kyaw Tint Swe, a former Myanmar representative at the UN during the junta heydays (2001–2010), was appointed Union Minister in charge of foreign and political affairs at the State Counsellor Office. In January 2017, the NLD also created the position of national security advisor (NSA), modelled on NSA offices operating in South Asian states. Thaug Tun, another career diplomat and ex-ambassador to the EU, took the post. A year later, Thaug Tun was promoted to Union Minister for Investment and Foreign Economic Relations. Lastly, in November 2017, another Union ministry was formed and tasked with international cooperation. Kyaw Tin was appointed as its head.

More than Aung San Suu Kyi herself, these three veteran diplomats took charge of the foreign policy process under the NLD. The pyramidal and loyalty structure of the ruling party meant that little foreign policy inputs could originate outside Aung San Suu Kyi's circle of trust (Maung Aung Myoe 2017). In any case, given the amount of foreign goodwill the NLD enjoyed right after the 2015 polls, foreign policy was not a priority for the new government. The latter only slightly expanded the country's diplomatic relations. As of late 2020, Myanmar had established official relations with 125 independent states, only up from 114 at the end of the USDP term. A landmark addition was the Holy See in May 2017. The NLD administration also cautiously pursued the ratification process of international treaties its predecessors had initiated. In October 2017, the Union parliament ratified the International Covenant on Economic, Social and Cultural Rights (ICESR), while the government signed the UN Treaty on the Prohibition of Nuclear Weapons (TPNW) a year later. The NLD administration, however, postponed in 2019 the signature of the International Covenant on Civil and Political Rights (ICCPR).

Three core elements have dominated the foreign policy agenda of the second post-SPDC administration. First, the NLD acknowledged the need to work on restoring ties with neighbouring China, wary at seeing its massive investment projects and strategic positioning in the country being challenged during Thein Sein's presidency. Second, the new government – and its advisors in charge of foreign policymaking – had to negotiate backdoor power-sharing arrangements with a fully autonomous military institution with its own strategic, security, and diplomatic goals. Third, soon after the NLD took power, fresh outbreaks of violence in Rakhine State and the brutal crackdown led by Myanmar's security forces on the Rohingya minority triggered a global outcry whose impact was largely underestimated, if not dismissed, by the NLD.

First, after five years of tense relations under the USDP presidency, the NLD administration sought to establish a more balanced relationship with China. The Chinese leadership had already initiated a rapprochement with Aung San Suu Kyi while she was an opposition parliamentarian. In June 2015, the top brass of the communist party rolled out the red carpet for her first official trip to Beijing (Aung Zaw 2015). After she took the foreign affairs portfolio in 2016, her first major



diplomatic trip abroad was to China. Only a month later, in September 2016, would she travel to the United States. Despite Beijing's accommodating approach toward the NLD leader, several bilateral issues have remained unresolved. If Aung San Suu Kyi made in August 2016 a conciliatory gesture, offering to form an investigative commission on a China-funded project, progress on the Myitsone project stalled. After 2016, China also increased its backdoor interactions with the Kachin, Shan, and Ta'ang rebellions operating in the Sino-Myanmar borderlands. The powerful ethnic Wa militia renewed its armed activism and anti-religious campaigns targeting Christian minorities. An offshoot of the erstwhile Burmese Communist Party (BCP) long supported by Beijing, the United Wa State Army (UWSA) still counts powerful networks of sympathy and political backing in Yunnan. Protracted armed conflict and trafficking in the borderlands continue to weigh heavily in the ambitious peace process and interethnic dialogue initiated during the Thein Sein presidency but faltering under its NLD successors.

Furthermore, China under President Xi Jinping has been pressing ahead with a massive infrastructure programme – the Belt and Road Initiative. Aimed at enhancing China's participation in regional and global economic and trade relations, the initiative has included Myanmar as a key partner. The NLD government has been sympathetic to the Chinese-funded proposal and agreed to pursue the development of a China-Myanmar Economic Corridor (CMEC). The latter comprises twenty-odd infrastructure projects on Myanmar soil – including a special economic zone and the expansion of a deep-sea port in Kyaukphyu, a city along the Rakhine coast at the termination of an already operating Chinese oil and gas pipeline. The CMEC has an estimated total budget of US\$2 billion (Amara Thiha 2018). But fears of a potential debt trap have encouraged the NLD administration to keep on negotiating with Beijing the scaling down of its ambitions in Myanmar (U Myint 2019). The NLD knew it had to walk on a tightrope. Social activism in the country has often targeted Chinese projects for their lack of transparency, weak accountability mechanisms, and disregard for local conflicts – particularly on land – thus highlighting a whiff of neo-colonialism (Tang-Lee 2017). Public opinion in Myanmar has long tended to hold negative attitudes towards an overreliance on Chinese political and economic support. At the same time, international pressure has mounted again on Myanmar following the resurgence of violence in the country in late 2016. The renewed pressure from the West and the international society have responded to the lack of empathy showed by the NLD for the plight of ethnic and religious minorities that have been victims of the brutality – and impunity – of Myanmar's security forces. That context has encouraged the new government to avoid alienating such a powerful diplomatic and commercial partner as China.

A second key challenge the NLD had to cope with during the early days of its mandate was the persistent influence of the military over foreign, regional, and border policymaking. The 2008 Constitution bestowed upon the armed forces crucial foreign policy prerogatives, through in particular the military-run Ministry of Defence and Ministry of Border Affairs (Egreteau 2018). The number of foreign trips made by the commander-in-chief of the Tatmadaw has surged since 2011. Under both the USDP and NLD governments, Senior-General Min Aung

Hlaing travelled to attend high-ranking diplomatic meetings in such capitals as Vienna, Singapore, Tel Aviv, Tokyo, and Moscow, among others. A study commissioned by the Yangon-based Tagaung Institute of Political Science recorded forty-six trips between April 2011 and July 2018 (The Irrawaddy 2018). These visits aimed not only at restoring an image of respectability for the chief of an institution long despised for its poor accountability records. It also opened new doors for the acquisition of military equipment and the establishment of military-to-military exchange programmes in Central Europe, Russia, Israel, and Japan (Maung Aung Myoe 2017). National security concerns still linger high among Myanmar's military elites. The release by the Ministry of Defence of a white paper in early 2016 – the first in twenty years – attested to an obvious continuity in the wary perceptions that the army leadership had developed of the outside world, despite the post-2011 opening up. The army top brass still insist on the multifaceted threats to the 'state security' and 'national security' of the country, a stance that often comes in contrast with the views of civilian policymakers, including with the NLD (Callahan 2015: 47–48).

Lastly, the resurgence of violence in the Rakhine State in 2016 not only threatened the transition at work by taking the NLD focus away from socioeconomic and democratic reforms. It also severely undermined international confidence about Myanmar's future and its handling of enduring ethnic and sectarian conflicts. The (mis)management by the NLD administration of the Rakhine crisis and the tragedy of the latest Rohingya exodus have, for many international observers, dashed hopes that Aung San Suu Kyi could live up to the sky-high expectations her electoral victory in 2015 had generated (Robinson 2016). Already disenfranchised by the USDP government in 2015, the million-strong community of Rohingya residing in the northern parts of Rakhine State have faced increased persecution since an armed group pretending to represent its cause started off a rebellion in 2016. The army-led repression turned even more brutal after renewed attacks by the Arakan Rohingya Solidarity Association (ARSA) in August 2017. Much to the chagrin of her admirers, Aung San Suu Kyi refused to condemn the military's brutality and widespread human rights violations the Muslim minority has been subjected to (Barany 2018). Her decision to appoint an advisory commission headed by the late Kofi Annan – a former UN secretary-general – and thereafter start implementing the eighty-odd recommendations made by this commission did not thwart international criticism (Jolliffe 2017). Neither did her decision to counter in person allegations of genocide to the UN International Court of Justice (ICJ) in The Hague, where Myanmar faced a genocide case in December 2019.

Global pressure has mounted on the NLD government to rein in the security forces and address grievances and aspirations of the country's ethnic and religious minorities. In August 2018, a UN fact-finding mission produced a damning report highlighting massive violations of human rights by the armed forces not only in Rakhine State against the Rohingyas but also in war-torn northern Myanmar. It urged for the prosecution of army leaders for war crimes, crimes against humanity, and genocide. In a highly commented decision, the online social networking company Facebook deleted the personal account of Senior-General Min Aung Hlaing,

the army chief, for spreading hatred and relying on unverified, if not forged, pieces of news. The United States terminated the military-to-military cooperation they had reactivated under the USDP and imposed in July 2019 new sanctions on Min Aung Hlaing. Departing from its traditional non-interference stance, the ASEAN has similarly proved to be at odds with the NLD government on the Rakhine issue, particularly Indonesia and Malaysia (Moe Thuzar and Rieffel 2018). Lastly, as she defended Myanmar (and its security forces) against genocide charges at the ICJ in December 2019, Aung San Suu Kyi seemed to respond to the global outcry over genocide denial with a lack of concern, if not a lack of empathy (Passeri 2021a; Shang 2022). Combined with the failures of the NLD to uphold long-promised economic and bureaucratic reforms necessary to attract foreign investors – most wary at the image of volatility Myanmar has projected since Aung San Suu Kyi took power – the NLD government may have squandered the enthusiastic opportunities the outside world offered to provide after the euphoria of the 2015 polls. In that context, the unwavering diplomatic and commercial support provided by China – and to a lesser extent that of Russia and India – proved at the turn of the 2020s a quite-needed patronage for the NLD government.

### **After the 2021 Coup: Battles for Diplomatic Recognition**

The coup of 1 February 2021, had destabilising effects on Myanmar's foreign politics and relations with the world. It generated a profound disorganisation of the state, its political institutions, and the everyday functioning of the bureaucracy – including the diplomatic corps. The takeover also had two major foreign policy implications for the country. First, the State Administrative Council (SAC) soon confronted a large-scale civil disobedience movement, backed by strong, nationwide popular support and a well-organised opposition of ousted legislators and political dissidents that forced the military establishment to engage in an unexpected battle for international diplomatic recognition. Second, the coup ushered in a new era of international sanctions against Myanmar. As a result, the generals fell back on their old strategic playbook to weather punitive measures and diplomatic ostracism. They indeed reverted to a foreign policy approach grounded on a limited number of bilateral relations with like-minded regimes, shunning multilateralism and increasingly rejecting regional cooperation.

The military takeover first triggered a major legalistic – and practical – dispute about which political authority should legitimately represent Myanmar at the international level (Renshaw 2021). To justify and explain its latest seizure of power, the army leadership relied on the country's existing networks of embassies, consulates-general, and permanent representations to international organisations. However, divisions within its diplomatic corps soon surfaced. Two of its highest-ranking diplomats in London and New York at the UN even defected. In April 2021, Ambassador Kyaw Moe Tun and Ambassador Kyaw Zwar Minn, both appointed by Aung San Suu Kyi's ousted administration, pledged their support to the emerging, and increasingly popular, National Unity Government (NUG). Since then, the NUG and the SAC have been at loggerheads; each has claimed that they

were the rightful representative of Myanmar internationally. The question has been of particular significance, especially at the UN. Indeed, Ambassador Kyaw Moe Tun's public stances and votes as incumbent representative of Myanmar have routinely run counter to the SAC's own interests, for instance, when he condemned the junta's staunch Russian ally for its invasion of Ukraine in 2022.

The SAC and the NUG have also engaged in a struggle to garner diplomatic recognition beyond the UN. Despite its lack of control over Myanmar's foreign policy administration, the NUG has stepped up its own lobbying efforts with the outside world, focusing in particular on the ASEAN, South Korea, and the West. On its side, the SAC sought support from Russia, China, and India and accepted credentials from the newly appointed Saudi Arabian ambassador. In November 2021, Min Aung Hlaing's envoys attended the 89th Interpol Meeting in Istanbul. They also represented Myanmar at the ICJ in The Hague, where the country still stands accused of genocide against its minority Rohingya population. At the same time, some Western and Southeast Asian governments have withheld ambassadorial appointments to Myanmar, downgrading embassy representatives in Yangon to the rank of *chargé d'affaires*, while openly meeting with members of the opposition to the SAC, such as Dr Sa Sa (international envoy for the Committee Representing the Pyidaungsu Hluttaw [CRPH]) and Daw Zin Mar Aung, a twice-elected NLD legislator appointed NUG foreign minister. In October 2021, the Czech Republic allowed the NUG to open its first liaison office in Europe. The French Senate and the EU Parliament also passed motions supporting the NUG. Yet only a handful of foreign governments and institutions have formally recognised either source of legitimate authority. Often, the Myanmar seat is left vacant during international meetings, as observed in conferences held by the UN Human Rights Council or the World Health Organization. In November 2021, the UN-backed COP26 climate conference held in Glasgow disinvited the SAC representatives. Such a conundrum has generated similar regional divisions, particularly with the ASEAN (Moe Thuzar 2021). At a summit held in April 2021 at the ASEAN Secretariat in Jakarta, regional leaders agreed to a five-point consensus on how to tackle Myanmar's political stalemate. However, no concrete outcomes were seen more than two years into the agreement. Worse, the mediation assistance offered by Hun Sen, Cambodia's verbose prime minister who visited Naypyitaw in January 2022, did not yield any political or diplomatic results.

Increasingly sceptical of multilateral engagement, and targeted by a new round of extremely damaging sanctions, the SAC has thus reverted to a well-worn path of selective isolationism. The military's unrelenting hostility and suspicion towards the outside world, fuelled by a siege mentality historically developed by its higher-ranking officers, have driven the SAC towards the development of a limited number of bilateral interactions with like-minded states ready to cooperate (Passeri 2021b). Russia has stood out for its ability to expand its strategic foothold in Myanmar since the coup. A crucial supplier of military hardware for a decade, Russia has offered its staunch support to the junta chief, Min Aung Hlaing. It rolled out the red carpet when he visited Moscow in June 2021. China remains another essential diplomatic and economic patron for the new junta, despite

decades of distrust between the two neighbours. Even if Beijing has maintained some contacts with NLD officials after the coup, the Chinese government has not recognised the NUG. Instead, it has continued its engagement with the military establishment, welcoming the SAC foreign minister, Munna Maung Lwin, in March 2022. In 2021, the sole major foreign investment secured by the SAC was a Chinese one, for a liquified natural gas power plant in the Irrawaddy delta. However, China has also showed its willingness to continue its direct dialogue with some ethnic organisations operating in areas where Chinese investors and traders have long been actively involved. Beijing has voiced its concern regarding the capacity of both the SAC and various ethnic organisations and emerging People's Defence Forces (PDFs) to protect factories, pipelines, and other infrastructure projects it has developed over the past decade (Myers 2021). The coup may have indeed thrown into jeopardy a range of Chinese strategic interests and economic projects.

### **Conclusion**

Three aspects of Myanmar's foreign relations and engagement with the world have remained quite unchanged since independence and continued to significantly determine the formulation and implementation of the country's foreign policy even after the coup of 1 February 2021. First is the peculiar geography with which an independent Myanmar must cope with. While offering outstanding opportunities for growth and commerce, the country's geostrategic situation at the crossroads of competing Asian giants and a still volatile Southeast Asian region is a commanding obstacle to more openness and proactive diplomacy. Second, the unrelenting dominance of the armed forces over Myanmar's state apparatus has translated into a pervasive military control over foreign policymaking. Whether under civilian, semi-civilian, or direct military rule, Myanmar's foreign policy has been decisively influenced by the vision the officer corps has developed of the world. The general mistrust of foreign powers and its xenophobic undercurrents shared by many among Myanmar's contemporary military establishment endure. Global outcry and persistent international criticism over the recurrent brutality with which Myanmar's security forces tend to conduct their counterinsurgency and cleansing operations, but also crackdown of dissent, will continue to hinder any tentative process of reconciliation between the armed forces and the world. Lastly indeed, Myanmar's long-standing domestic problems, from ethnic and sectarian conflicts to forced migration and unhealthy civil-military relations, continue to affect its relations with its immediate neighbours and the global powers and international society alike. Worse, from the 2021 military takeover emerged an ever more polarised landscape, reminiscent of the deep divisions that run through Myanmar's society and politics (at home *and* abroad) after the 1988 coup but also more recently following the 2017 Rohingya crisis. The question of who will ultimately prevail in this renewed struggle for political legitimacy and international recognition will have an enormous impact on how Myanmar situates itself in the world of nations in the coming decade.

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# 8 Political Regimes and Economic Policy

## Isolation, Consolidation, Reintegration and Rupture

*Michele Ford, Michael Gillan and Htwe Htwe Thein*

### Introduction

Since 1988, Myanmar has had several different forms of political regimes, all of which have claimed to support market-based economic development and transitioning from economic isolation to reintegration with the global economy. Under successive military-dominated governments, these formal commitments to market reform were shaped by Myanmar's geopolitical isolation and associated trade sanctions, the interests of domestic and especially military-associated elites, profound institutional weaknesses and inconsistencies in economic management and policy implementation. Under these conditions, economic development was stunted and incomplete as military-controlled firms and private-sector conglomerates emerged under the patronage of the military-controlled government.

Political and economic reforms – and, in particular, the formation of a quasi-civilian reformist government (2011–16) and the National League for Democracy (NLD) government that replaced it – enabled greater economic dynamism and a partial re-integration into global trade, production and investment networks. The Thein Sein government presided over a series of in many respects remarkable economic and political reforms, including economic policy measures designed to facilitate foreign and domestic investment, financial-sector development, trade growth and labour market institutions. The NLD government emphasised responsible business investment and sustainable development policies, although it had difficulty in translating these policy settings into action and was unable to address long-term problems: an extractive resource-reliant and unevenly developed economy; weaknesses in social, physical and institutional infrastructure; and limited formal-sector employment. The prospects for further reforms, and deepened international economic integration, were derailed in early 2021 by a military-led coup. Aside from the violence and political destabilisation in its aftermath, the reversion to military rule has been devastating for the functioning and sustainability of various economic sectors, the prospects for economic growth and development, for continued foreign direct investment and, ultimately, the welfare and livelihoods of the people of Myanmar.<sup>1</sup>

**Military Rule to 2011: From Isolationism to Tentative Engagement**

Burma's one-party militarised government, led by General Ne Win from 1962, adopted an ideology premised on a centrally planned and isolationist economic model called the 'Burmese Way to Socialism'. During this period, the economy remained predominantly agricultural with underdeveloped residual sectors dominated by state-owned corporations and enterprises (Maung 1998). This approach was abandoned after the State Law and Order Restoration Council (SLORC) took control of the nation in 1988. Later known as the State Peace and Development Council (SPDC), the new regime implemented a transition to a market economy. This policy of marketisation was both a practical strategy designed to rebuild a failing economy and a symbolic attempt to shore up state legitimacy (Ford et al. 2016).

Marketisation did allow for the emergence of private-sector enterprises. But despite greater focus on international trade and investment and some (uneven) economic growth in the 1990s, the country's underlying structural economic problems remained unresolved. Unsurprisingly, many remained sceptical about the extent to which the new framework was genuinely open and market-based given the limited extent of reform, the continued dominance of elite interests and the fact that larger enterprises remained, for the most part, state-owned. Meanwhile, claims to greater economic openness were undermined by the nationalistic attitude of government officials and their inherent suspicion of foreigners. Economic engagement abroad was further complicated by external constraints, most notably trade sanctions imposed by the United States and several European and other countries in response to human rights violations in the country (Meyer and Thein 2014). The geopolitical isolation of Myanmar also reduced contributions from international development assistance programmes, although some Asian countries remained engaged (Steinberg 1992). As a consequence, the state became over-reliant on resource revenues, while the country's physical, economic and social infrastructure remained underdeveloped (Pick and Thein 2010).

The main reform initiatives associated with the beginnings of marketisation focused on foreign investment and trade, banking, agriculture and industrial policy. The Union of Myanmar Foreign Investment Law of 1988 allowed for tax relief and exemptions and start-up tax holidays for manufacturing industries and provided guarantees that enterprises would not be nationalised, as had occurred in the 1960s (McCarthy 2000). It also allowed for wholly foreign-owned enterprises outside strategic economic sectors and industries and for joint ventures with locally owned entities – a category that included military-owned or -controlled firms such as the Union of Myanmar Economic Holdings Limited (UMEHL) (Maung 1998). Foreign investors were assured of long-term renewable leases, but import restrictions meant that consumer-oriented multinational firms were either discouraged from market entry or given incentives to withdraw. These restrictions worked in tandem with a difficult operational environment and weakly developed market, but also trade sanctions, international consumer-based activism and boycotts, to discourage international investment and engagement in the sector (Thein 2003). Another major area of policy reform was the banking system. Reforms began in 1990 with

the passage of three laws designed to support the formation of the Central Bank of Myanmar, the establishment of private-sector banks and enhanced availability of credit to rural areas and the agricultural sector (Turnell 2009). However, these reforms did not bring the desired results. The Central Bank failed as an effective system regulator or initiator of monetary policy, and the Myanmar Agricultural and Rural Development Bank did not resolve the problem of insufficient provision of credit in rural areas.

In terms of the economic base, the regime maintained a focus on a model driven by agricultural exploitation and the extractive industries. As one of its four major economic objectives, the regime committed to developing the agricultural sector as the foundation of development in other sectors (Maung 1998). As previously, food security was maintained through compulsory procurement of rice crops at below-market prices, rationing of supply to consumers and control over rice exports – a system that was not fully abolished until 2003 (Fujita and Okamoto 2009). There was also a significant expansion in the resource sector, and in particular mining, precious stones and energy – with investment in the gas industry leading to increased exports from the late 1990s (Thein and Pick 2009). These developments were driven by the entry of resource-seeking foreign firms with the technical and financial capacity to support an exploration and extraction infrastructure (Thein 2011). Some other industries grew more haphazardly, although the growth of private businesses was allowed insofar that they did not interfere with the business activities of state- or military-owned firms (Kudo 2009). The government also took steps to support the development of the tourism sector, inviting foreign investors to partner with state-owned enterprises to develop a tourism infrastructure (Maung 1998). With changes to visa regulations, these measures increased tourist arrivals, but the industry remained underdeveloped.

The move from an isolated and state-dominated economic model to one characterised by capitalist development and international engagement was frustrated not only by external factors such as trade sanctions but internally by poor economic governance, leading to recurrent problems with inflation, budget deficits and foreign debt. These problems notwithstanding, policies initiated during this period did produce economic growth and some private-sector capital accumulation. However, these developments were partial, uneven and distorted by weaknesses in policy design and implementation. The seeds of a domestic private sector were planted, but from its inception it was structured to enlarge the military's economic base with the objective of maintaining its political power (Maung 1998). Private-sector development was dominated by emerging crony firms and conglomerates, including military-controlled groups, which were granted concessions, licences and contracts (Jones 2014; Bello 2018). Military-linked interests also benefited from a programme of privatisation of state assets and state-owned enterprises, a process that began in the mid-1990s and that accelerated in the final years of the regime (Ford et al. 2016). Overall, then, this period saw a consolidation of the economic power of regime elites, which grew alongside larger private-sector firms that were nonetheless aligned with the interests of the former through patron–client relations.



**Thein Sein and the USDP: Reform and Reintegration into the Global Economy**

Myanmar was suffering from deep economic malaise when President Thein Sein's military-backed civilian government came to power in March 2011. The new government tried to improve the country's economic situation by placing greater emphasis on foreign investment, trade liberalisation and industrial development in labour-intensive industries like garment manufacturing (Tsui 2016). In the year that it took office, it introduced a 20-year National Comprehensive Development Plan, which aimed to build a diversified and sustainable economy and to promote inclusive growth (UNIDO 2017). In order to achieve this aim, it promised to strengthen public institutions and governance, create an enabling environment and a strong enterprise base, expand domestic and global connectivity and economic integration, foster internationally competitive sectors and industries, develop local economic potential and reduce regional disparities, promote human development and safeguard the environment and Myanmar's resource base through sustainable management (UNIDO 2017).

A key focus of the National Comprehensive Development Plan was on the physical and social infrastructure required to support integration into global value chains. This emphasis on export-oriented industries was continued in the Framework for Economic and Social Reform, which outlined the government's policy priorities (Government of Myanmar 2013), and in the 2015 National Export Strategy, which targeted the development of export infrastructure, production locations, internationally compliant quality standards and regulatory and legal frameworks to better protect the rights of both producers and workers (Tsui 2016). Export-oriented production was further promoted with the passing of the Special Economic Zone Law of 2014, which allowed for the establishment of specifically designated economic zones to support supply chain industries (Asian Development Bank 2016). Changes were also made to the industrial relations framework in an attempt to bring Myanmar more in line with international labour standards by, for example, permitting the establishment of trade unions (Gillan and Thein 2016). These attempts to reform industrial relations practice were concentrated on the garment industry, a key focus of Myanmar's attempts to internationalise its economy. These measures bore fruit, and by 2015 garment exports had risen to US\$1.46 billion, or 10% of the country's export revenues (Tsui 2016).

Adjustments in the regulation of foreign investment were accompanied by a series of policy measures designed to improve domestic infrastructure. The passing of the revised Foreign Investment Law was followed by the Myanmar Citizens Investment Law of 2013, which provided a framework for the regulation of domestic investment. Additional changes were introduced through the Farmland Law of 2012, which allowed long-term use of land by private investors for agricultural and industrial purposes while protecting the land rights of small holders and poor farmers (MNPED 2014). In 2015, a Competition Law was passed, which provided a framework for regulating anti-competitive conduct, monopolistic behaviour and unfair market practices (Asian Development Bank 2016). In practice, however,

insufficient enforcement limited the impact of these laws. For example, little was done to operationalise the safeguards incorporated in the Farmland Law of 2012 as the growth of foreign-funded plantation projects fuelled land grabs by local powerbrokers and a preference for more commercially oriented crops led to a shortage of other important crops. Their introduction nevertheless vastly improved the enabling environment.

Changes were also made to improve Myanmar's financial and telecommunications infrastructure. The Ministry of Finance and Revenue began developing a medium-term public expenditure framework to streamline revenue flows and better target expenditure (MNPED 2014). Other measures included a managed float of the *kyat* in April 2012 and the removal of withholding taxes on imports. The Central Bank was granted formal independence from the Ministry of Finance, private banks were given permission to conduct foreign exchange operations (Kubo 2013) and the Myanmar Industrial Development Bank was transformed into a specialised bank for small- and medium-scale enterprises. The Telecommunications Law of 2013 saw the introduction of a regulatory framework that abolished the monopoly of Myanmar Post and Telecommunication. Licenses were subsequently awarded to two international mobile network operators, and although open competition was restricted, dramatic improvements in the enabling environment not only reduced costs but also led to improvements in access to the telecommunications infrastructure, including the internet (Thein and Nyo 2017). Although Myanmar continued to lag behind other Association of Southeast Asian Nations (ASEAN) countries in terms of internet and telecommunications connectivity, this policy bore immediate results, with mobile phone ownership increasing from an estimated 2.3% to 35.7% of Myanmar's population between 2011 and 2015 (Asian Development Bank 2016). Steps were also taken to reform state-owned enterprises, including the introduction of an open tender system (MNPED 2014).

The policy reforms during this period led to an increase in the rate of economic growth from 5.6% in 2011 to 7.0% in 2015 (World Bank 2018). There was a notable increase in trade, with total merchandise trade expanding from US\$18.3 billion in 2011 to US\$28.3 billion in 2015, although imports increased at a greater rate than exports (WTO 2018). Foreign direct investment (FDI) approvals surged from US\$4.64 billion in 2011–12 to US\$9.48 billion in 2015–16 (DICA 2017). However, Myanmar's productive base remained underdeveloped, relying primarily on a narrow range of agricultural products and limited manufacturing and few value-added activities (MNPED 2014), and the country's capacity to break free of this reliance remained constrained by poor infrastructure in the areas of transport, communications and utilities; a weak private sector; and government institutions with little capacity to oversee more deep-reaching change. Moreover, established domestic conglomerates remained the key beneficiaries of these advances. It is true that the reforms undertaken in this period challenged their dominance, removing some key sources of revenue (International Crisis Group 2012) and that crony firms themselves worked 'to distance themselves from their murky past' (Aung and Kudo 2013: 165). But at the time reforms were initiated, the economic power of the military-owned and large domestic conglomerates was such that they were

well-placed to dominate the economy regardless of political regime types or policy settings (Ford, Gillan and Thein 2016).

### **Aung San Suu Kyi and the NLD: The Challenge of Policy Implementation**

The NLD government came bearing great hopes for a new democratic era, on the back of a surge of popular support for Aung San Suu Kyi. But the NLD had devoted little attention to economic policy before assuming power in February 2016. In the years that followed, there was significant continuity insofar that their economic policies were premised on facilitating market-based growth and development across the economy. One area of difference was the new government's formal commitment to responsible business investment and conduct and to sustainable development goals. However, translating these framing commitments to concrete policies and actions capable of effecting real change proved to be a challenge for the new civilian-led government, which lacked experience in economic governance, as indeed in other policy domains.

In early statements, the NLD signalled that its economic policies would focus on five domains, namely fiscal prudence (reducing wasteful spending, reviewing the tax system and further privatisation of under-performing state-owned enterprises); lean and efficient government (creating institutions to support the rule of law, property rights, transparency and accountability); revitalising agriculture (improving access to finance, security of property and tenure, rural productivity and upstream linkages); monetary and fiscal stability (further reforms to the financial and banking sectors to bring them in line with international standards); and a functioning infrastructure. The new government released a 12-Point Economic Policy on 29 July 2016 fleshing out these domains. This policy had a strong market orientation, including a commitment to further privatisation, achieving a balance between agriculture and industry and improvements in human capital and the enabling environment (Government of Myanmar 2016a: 13–14).

Like its predecessor, the NLD government was strongly focused on improving the business climate for foreign investors. An investment policy released in the same year also emphasised the government's commitment to foreign investment and its facilitation through the development of a stable macroeconomic and legal environment, good economic infrastructure, efficient and transparent procedures and non-discriminatory treatment of foreign and local businesses except in the areas of national security, culture and social affairs (Government of Myanmar 2016b). Priority areas identified included agroindustry, infrastructure, manufacturing and tourism, as well as the promotion of technology transfer, human resource development and small and medium enterprises. Special mention was made also of the need for investments that would bring benefit to less developed regions and the need for both local and foreign investors to engage in responsible investment and business conduct. These policies were further elaborated in the 2018 Myanmar Sustainable Development Plan, which emphasised the need for economic stability, private-sector growth and job creation, as well as responsible management of

resources, environmental protection and national reconciliation, peace and security (Government of Myanmar 2018).

Another key plank in this effort was yet another reworking of the regulatory framework for investment. The Myanmar Investment Law of 2016, which consolidated and replaced the Foreign Investment Law of 2012 and the Myanmar Citizens Investment Law of 2013, further relaxed protocols around foreign transfers, introduced additional tax incentives targeted at particular industries and reduced the proportion of investment proposals needing to be screened or approved (Directorate of Investment and Company Administration 2018). The Companies Law of 2017 then provided improved protections for foreign interests involved in joint ventures as well as changes more generally designed to improve corporate governance. This law introduced corporate constitutions to replace inflexible articles/memoranda of association, provided new protections for minority shareholders and relaxed the citizenship requirements for resident directors. It also allowed foreign investors to own up to 35% of a company before it was considered foreign-owned. Despite these changes, however, Myanmar continued to perform poorly on the World Bank's 2020 Doing Business Report, which ranked it at 165 out of 190 countries for ease of doing business (World Bank 2020a). It also continued to score lower in terms of its openness to foreign investment than most countries in Southeast Asia (Asian Development Bank 2018).

A key challenge in this regard was the quality of Myanmar's own institutions and the consistency of governance processes. While NLD policies emphasised the need for accountability and transparency in economic governance and institutions (Government of Myanmar 2018), senior leaders lacked experience in governance and public administration and presided over a state bureaucracy that remained linked to former military governments in both personnel and administrative functioning. Moreover, there were concerns about the top-down character of decision-making within the NLD government (Thawngmung and Robinson 2017) and the effect of delayed policy announcements or ineffective implementation on business confidence (Chau 2018) – but also the unresolved question of the influence and governance of military-owned conglomerates in the economy.

Under the NLD government, military and crony-capitalist firms remained the prime beneficiaries of economic liberalisation (Jones 2018). There were attempts to mitigate some of the worst consequences of their privileged position, for example, in relation to land grabs that had taken place over several decades, where some government officers, military personnel and crony business associates took millions of acres of land from farmers. The Thein Sein government had set up structures to investigate these cases. However, less than 6% of the 17,000 cases those bodies reviewed were resolved (Belford et al. 2016). Upon gaining power, the NLD government formed a national 'Reinvestigation Committee' to re-examine and redress land confiscation. It also undertook to resolve all remaining cases in its first year in office (Human Rights Watch 2018). However, it failed to meet this ambitious target. In a further attempt to deal with the issue, the government amended the Vacant, Fallow and Virgin Lands Management Law in 2018 with the aim of clarifying land claims and tackling land rights abuses (Liu 2019). However, its

efforts were diminished by senior politicians' decision to keep the cronies onside. In October 2016, Aung San Suu Kyi reassured some of the most prominent tycoons that their place in Myanmar's economy and society was secure so long as they complied with government policy (Htoon 2017; Zaw 2016). According to some observers, the NLD period saw improvements in some military-owned conglomerates, including Myanmar Economic Holdings Ltd, which began transitioning to a public company structure in 2016 (Myint 2017). Others, however, have pointed out that the NLD government imposed no penalties or sanctions for the past or future behaviour of the cronies (Bello 2018). It is apparent also that the NLD was prepared to openly accept their donations and other forms of support (Huang 2017).

Also like its predecessor, the NLD government struggled with the task of improving the country's physical and social infrastructure. In terms of physical infrastructure, Myanmar continued to face serious problems, including insufficient capacity for power generation and poor distribution networks, ports, rail, road and other transport infrastructure. In terms of social infrastructure, the country has a young population and low labour costs when compared to other countries in the region, but decades of neglect of investment in education and vocational training resulted in an undersupply of skills and technical capacity in the labour market. Without further development in its taxation system, the country was simply not in a position to be able to amass the funds required to address these problems (OECD 2014). An additional layer of complexity comes from the government's approach to the Rohingya in Rakhine State and simmering ethnic conflicts in other regions. The Rohingya issue continued to dog the NLD government, with economic as well as political consequences. As the humanitarian crisis worsened, Myanmar was faced with the possibility of the removal of its preferences under the European Union's Generalized System of Trade Preferences. As the European Commissioner for Trade noted, authorities were "putting their country's tariff-free access to the European Union in danger – a scheme that proved to be vital for the economic and social development of the country" if they did not act (European Commission 2018). This threat was indeed significant, as the European Union quickly became a major destination for Myanmar products, increasing its share of non-oil and exports from 4.2% in 2013 to 13.3% in 2016. It was particularly serious for the textile and garment industry, which by 2017 accounted for as much as 72.2% of Myanmar's exports to the European Union (European Commission 2018).

The final challenge for the NLD government came in the form of the COVID-19 pandemic. The NLD government developed a COVID-19 Economic Relief Plan (CERP) to provide support, albeit limited due to resource constraints, to businesses and citizens to manage the pandemic's economic and social impacts (Government of Myanmar 2020). The plan was supported by emergency assistance funds from the International Monetary Fund and included, among other measures, delays or exemptions in scheduled business tax payments; soft loans with reduced interest rates for impacted businesses; and a basic social net for workers based in temporarily shut-down factories or who had fallen ill with the virus (IMF 2021). The virus hit Myanmar in March 2020, but its greatest impacts were felt in a second wave of infection in September of that year. In economic terms, the 2020 financial year

saw a decline in international trade. As a result, Myanmar's gross domestic product (GDP) grew by only 1.7%, a sharp fall from the 6.8% achieved in 2019 (World Bank 2021). Manufacturing, construction, retail, transport and tourism were strongly impacted by the disruptions associated with the pandemic. By contrast, agricultural production and demand remained strong throughout 2020 (World Bank 2020b). While the impacts of the pandemic were significant, Myanmar's economy was expected to enter a phase of recovery and growth during 2021 – a promise that remained unfulfilled due to the coup that took place on 1 February in that year.

### **After the 2021 Coup**

The 2021 coup was, at its heart, a crisis of politics and governance. It also had a profound and destabilising impact on the economy, which compounded the damage done by the COVID-19 pandemic. The coup had a direct and disastrous impact on employment and food security. In the year that followed, there was a significant decline in total working hours and an estimated 1.6 million jobs were lost, with women workers especially affected (ILO 2022). As the cost of food and essential goods spiralled, citizens in almost all states and regions faced an increased risk of malnutrition, and more than 14 million were thought to be in need of humanitarian assistance (United Nations Office for the Coordination of Humanitarian Affairs 2021).

The emergence of a civil disobedience movement and a wave of street protests in the months following the coup caused severe economic disruption, with a particularly strong impact on government, health, education, transport and banking services. Despite the State Administration Council (SAC)'s use of coercive measures to quell public protests and compel businesses and industries to reopen, there was a notable deterioration in the security environment, which had grave consequences for business activity (World Bank 2022). Although some up-market cafes, restaurants and shopping centres reopened in 2022, these are concentrated in big cities, whereas business activity and mobility were still quiet in non-metropolitan areas (Nikkei Asia 2022a).

The economic impact of the disruption was immediate. In the 2021 financial year, real GDP growth was estimated to be an astonishing negative 18%, as the country grappled with rising inflation and a sharp depreciation in the value of the *kyat* (World Bank 2022). Tourism, manufacturing and agriculture were all adversely impacted by the coup, albeit to varying degrees. The outlook for the tourism sector was especially grim, with one survey of businesses reporting that 39% had paused or discontinued their operation (World Bank 2021). The manufacturing sector was also substantially smaller in aggregate terms in 2021 when compared to the previous year, although high-profile industries such as garment manufacturing bounced back after an initial sharp decline in exported goods in the months following the coup (World Bank 2022). In the agricultural sector, the higher cost of inputs such as fertilizers, pesticides, seeds, fuel and production equipment, in addition to limited access to credit, led to concerns over a decline in production output and the livelihood of farmers (Tun 2022).



The banking and financial system was especially disrupted as banks dealt with a run of consumer withdrawals, limited opening hours and staff shortages. This meant that businesses faced problems in accessing credit and in paying employee wages. The junta intervened to stabilise the sector, but confidence in the integrity of the banking system remained weak, as rising inflation and the declining value of the kyat eroded savings and led consumers and businesses to hoard gold and foreign currency (Win 2021). In early 2022, it issued an order requiring foreign currency holdings to be exchanged for *kyats*. However, this drastic intervention simply further weakened consumer confidence and exacerbated the operational difficulties faced by local and international businesses (Strangio 2022a). After significant pushback and threats of market exit, the junta exempted foreign businesses from this requirement (Nikkei Asia 2022b), but the currency rules created ongoing problems for businesses and consumers (Frontier Myanmar 2022a). However, access to foreign currency for business operators (both domestic and foreign) is a persistent problem. While businesses located in special economic zones are exempted from the requirements to use the local currency, they still face problems with currency conversions when importing raw materials for manufacturing (Nikkei Asia 2022c). Restrictions, controls and general interference from the junta in banking matters prompted a boom in illegal cross-border trade, most notably across Myanmar's border with Thailand (Frontier Myanmar 2022b).

The coup also affected Myanmar's integration into the international economic system. The Paris-based Financial Action Task Force (FATF) recommended that the country be blacklisted for failing to take steps to address money laundering and counter terrorist financing, problems that have deteriorated since the military coup. This does not mean a complete ban on financial transactions with Myanmar but requires enhanced due diligence by FATF member countries. Additional due diligence required by banks will make it harder for investors to do business with a blacklisted Myanmar and may also create difficulties for Myanmar citizens and humanitarian agencies to connect with the international financial system (Chau and Oo 2022). In addition, many firms based in Europe or North America exited the market in response to the weakened economy, investment risks, severe operational difficulties and heightened policy uncertainty, but also the reputational damage associated with doing business in a country again under military rule. In 2021–22, a series of market exits were announced by high-profile international firms in sectors including oil and gas (Woodside, Chevron, Total), infrastructure (Adani Ports), consumer goods (Kirin, British American Tobacco, among others), retail (Metro), banking (ANZ) and telecommunications (Telenor, Ooredoo) (World Bank 2022; Strangio 2022b; Irrawaddy 2022).

While economic sanctions introduced by the European Union, the United States, the United Kingdom and other countries after the coup targeted military-owned or -controlled companies, military personnel and civilian members of the SAC administration, the prospect of ongoing rounds of sanctions provided another incentive for Western firms to end or limit their investments in Myanmar (Thein and Gillan 2021). The junta secured close to US\$4 billion in newly approved FDI in the year following the coup from China and other neighbouring Asian countries (Reuters 2022), but there is little doubt that – if it is able to consolidate and



perpetuate its rule – that the internationalisation of the Myanmar economy will be further disrupted, with serious consequences for Myanmar and its people.

## **Conclusion**

Myanmar's economic challenges are numerous and formidable. The agricultural sector remains a key plank in the economy but to flourish requires the extension of rural credit, modernisation of practices and the implementation of measures to enhance the security of tenure or land ownership. The inability of farmers to grow crops and distribute their crops heightens the risk of a humanitarian crisis in the country. Meanwhile, although resource-based and extractive industries have contributed most to aggregate economic growth, the benefits of this growth have not been distributed and have not supported a significant expansion in employment.

In a resource-rich but underdeveloped economy, managing the environmental and social impact of development projects also requires the effective design and implementation of economic policy. Growth of small to medium enterprises and in the services and manufacturing sectors is essential for employment generation, as indeed has been evident (Mishra et al. 2018). Improving the quality of employment has been a related challenge that requires effective policies and institutions to support skill development, extend various forms of social protection and safeguard workplace rights. The country also faces a significant challenge in mobilising sufficient resources and investment to address poverty, economic inequality, inadequate infrastructure and uneven development in a geographically and ethnically diverse nation.

Historically, the quality of economic management in Myanmar has remained weak, and associated institutions are underdeveloped. Even in the period of quasi-democratic governance (2011–21) – characterised by a series of policy reforms that generated increased aggregate economic growth and investment – there was a chasm between the diagnosis of these fundamental problems and their effective treatment. After the 2021 coup, the gains that were made over this decade were clearly threatened as the health of the economy and general welfare of citizens regressed. The SAC claimed to support a degree of policy continuity on economic matters, but proved to be reactive, arbitrary and inconsistent in policymaking and reliant on military-controlled businesses and trusted crony firms in its effort to capture state power. Its public claims to stabilising governance and the economy after the coup are belied by the evident and ongoing economic impacts of the breadth and intensity of the resistance to its rule (World Bank 2022). It presides over an economy wracked by declining incomes, a depreciating currency, inflationary pressures and weakened capacity across multiple sectors and industries. If it consolidates its capture of state power, Myanmar is destined for another extended phase of international economic and political isolation, military domination over lucrative economic sectors and the impoverishment of its people.

## **Note**

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# 9 Agriculture and Rural Livelihoods

## Incipient Progress Aborted

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Agriculture and rural life are always inseparable. Furthermore, agriculture plays a central role in Myanmar's economy and society, accounting for 26% of gross domestic product (GDP) and 50% of employment in 2017 (World Bank, 2018). Patterns of agricultural production in Myanmar reflect the country's wide diversity of ecologies. These can be broadly grouped into lowland and hilly zones, with the former divided into coastal, inland delta, and the dry zone. In 2015, despite a reduction in poverty rates from 48.2% to 32.1% during the previous decade, an estimated 13.8 million poor people (87% of the total poor population) lived in rural areas compared to 2 million poor people in urban areas (MOPF, 2017).<sup>1</sup> Since agriculture is the backbone of any rural economy, diagnosing the causes of low performance in agriculture will go a long way to understanding the drivers of rural poverty. Key features underlying Myanmar's relatively high rural poverty rate are small average farm size, skewed distribution of land access and high rates of landlessness, low levels of production per unit of land and labour, very high interest rates for informal credit sources, and limited diversification away from low-value staple crops to higher-value enterprises like fruits, vegetables, aquaculture, and livestock production (Haggblade et al., 2014).

The co-evolution of agriculture and rural life depends very much on political economy factors. Most governments prioritize food security, although they often define it differently at different stages of economic development. In Myanmar, food security was implicitly defined as an abundant supply of affordable rice for the population for decades. Besides food security, governments in developing countries typically look to agriculture and the rural economy as a source of foreign exchange earnings (for the development of other sectors of the economy) and tax revenue. These two objectives, abundant rice supply and resource extraction, dominated Myanmar's agricultural policy for 50 years during the post-independence military government period (Brown, 2012). The means by which these objectives were pursued, and the degree of success achieved, varied over time as successive governments sought to navigate the competing and unpredictable currents of central planning and market economy approaches.

With the advent of the Thein Sein government in 2011 and the realisation that rural voters were now a key political constituency, a policy shift to promote rural economic growth and welfare was initiated. The subsequent National League for



Democracy (NLD)–led government recognised agriculture as a key economic sector and explicitly aimed to improve farm profitability as well as competitiveness of the agricultural sector. The military coup of February 2021 resulted in a reversion to the former policies of rice self-sufficiency and foreign exchange generation against a backdrop of domestic economic collapse, depreciation of the currency, and massive inflation in the prices of agricultural inputs (especially fertilizer), fuel, and food prices.

The following sections examine how the interaction of government policies, agricultural technology, trade, and migration have shaped agriculture and rural livelihoods in Myanmar over the past 60 years. After a long struggle with isolation and economic repression, rural populations were just beginning to see a transformation in their economic circumstances and opportunities when the military coup threw a decade of progress into reverse. Even so, the lessons learned during rural Myanmar’s brief experience of relatively supportive policies provides guidance for post-regime reconstruction. Myanmar’s abundant water<sup>2</sup> and land resources provide enormous potential to respond to the growing demand for more diverse food from regional neighbours with a combined population of 2.5 billion. But to be competitive in these markets, Myanmar’s agricultural production and marketing systems will need to look very different from those of the past. Decades of neglect in building agricultural research and farmer education systems, as well as logistics and infrastructure, must be overcome if the opportunities are to be realised. Reforms of land legislation and land administration services will also be necessary to provide security of tenure and inclusive rural prosperity.

### **Military Rule to 2011: Resource Extraction from Agriculture and the Rural Economy**

The half-century of military rule can be divided roughly into two periods. During the first period from 1962 to 1988, often referred to as the Burmese Way to Socialism, the government sought to directly manage economic development with a focus on industrialisation and food security. The government emphasised self-sufficiency in food supply to conserve foreign exchange, while the promotion of industrialisation required low wages, which in turn required low food prices, especially for rice (since food accounts for a high proportion of worker expenditures and rice is the major source of calories in the food basket). During the second period, from 1988, referred to as the Transition to Market Economy, the government sought to overcome the economic stagnation brought about by state management of the economy through engagement with international markets, a hybrid strategy made even more challenging by international sanctions (Fujita and Okamoto, 2009).

To achieve low food prices, the government imposed tight controls on the agricultural sector with profound implications for agriculture and rural livelihoods. The government focused heavily on rice as both the major food staple and the largest source of export earnings (Okamoto, 2009). Farmers were obliged to grow paddy on all land that had been classified and mapped as suitable for rice production, and they were obliged to sell a quota at below-market prices to the government (which



then rationed sales of subsidised rice to consumers). A similar policy was used for other food staples, like oilseeds.

In the second half of the post-independence period of military rule, the government sought to harness the wind of international markets to fill the country's slack economic sails. Imports of edible oils and exports of pulses were liberalised. This resulted in considerable changes in relative crop prices and cropping patterns, leading to a boom in the pulse sector, which grew from a negligible quantity to a billion-dollars-a-year export sector in just ten years (Okamoto, 2008; Boughton et al., 2018b). Rice was the exception, with tight controls remaining in place and farmer profits eroded still further by rising input costs as subsidies were curtailed (Okamoto, 2009). Rather than allow rice prices to rise to international levels, thereby encouraging farmers to increase yields, the government expanded the area that could be irrigated in the post-monsoon season and hence produce two crops of rice per year. As an incentive to work even harder, farmers were exempted from selling a portion of their second paddy crop to the government at below-market prices. The procurement system was finally abolished in 2003–2004 (Okamoto, 2009; Theingi Myint et al., 2017).

Pro-market reforms after 1988 have been characterised as state-mediated capitalism: “a state-linked business class and crony capitalism, and the emergent symbiosis between big business and the state” (Jones, 2014: 145). This convergence of interests between the regime's belief in modernising the country and the state-capital symbiosis was apparent in the way the regime promoted industrial agriculture, including rubber, palm oil, and aquaculture products. Instead of a more inclusive smallholder model of plantation agriculture, the government opted for a strategy of land concessions for large companies, often owned by the military (Byerlee et al., 2014). Under the 1991 ‘Wasteland Instructions’ (Notification No. 44/91), which permitted leases of up to 50,000 acres for agri-business, and the 1989 Aquaculture Law, which regulated aquaculture farms, the regime reclaimed and reallocated to investors what it deemed to be ‘wasteland’, or land for which it deemed no use rights had been granted by the state. At the same time, the government initiated ceasefire agreements in 1989 with ethnic armed organisations to promote the expansion of the market economy to border areas (Zaw Oo and Win Min, 2007; Woods, 2011). The promotion of agri-business, coupled with the military's takeover of community land for defence purposes and income-generation activities, led to extensive land confiscation (KESAN, 2012; HURFOM, 2013).

A study from the Mekong Region Land Governance (MRLG) project, an unofficial but credible source, estimates that the amount of land granted to individual investors, companies, associations, and military individuals or units from 1991 to 2016 totalled 2,091,543 ha (San Thein et al., 2018). Of that total, 70% was allocated before 2012, with three-quarters of the area classified as vacant, fallow, and virgin (VFV) land and the remainder reserve forest. This is much higher than the highest amount reported by the government in recent years (1,383,120 ha reported in 2012). The MRLG found that only 14.9% of the VFV land granted to investors was actually cultivated.

### **Thein Sein and the USDP: Toward Investment in Agriculture and the Rural Economy**

Despite limited optimism about prospects for change at the time of inauguration, the Thein Sein mandate saw key drivers of change in agriculture and rural life reach critical inflexion points. In 2012, the government at last completely liberalised the international rice trade, arguably the most politically sensitive of agricultural commodities in Myanmar and the region. In 2013, President Thein Sein described Myanmar's transition to open markets as "moving from a state-centered and isolated economy to one that is based on free-market principles and is integrated into world markets".<sup>3</sup> The liberalisation of mobile phone services led to an explosion in smartphone access that in turn unblocked the rural population's access to information and markets (including financial services) in ways that were inconceivable only a few years before. Migration from rural areas to cities, as well as to foreign destinations, accelerated dramatically. Labour scarcity and increases in rural wages led to a revolution in the mechanisation of farm operations, especially for land preparation and rice harvesting. Farmers began to sell their draft animals and invest the proceeds in higher education for their children to equip them for urban salaried employment. In selected areas, such as the dry zone, the government significantly increased investment in rural infrastructure and access to secondary education in rural areas (Belton et al., 2017).

The Thein Sein government came into power under the shadow of Cyclone Nargis. The massive destruction of lives, property, and production capacity in the delta area, the country's rice basket, revealed just how vulnerable rural populations were. Even farmers who were not directly affected by Cyclone Nargis or other natural calamities found themselves mired in a cycle of debt due to low yields and low prices for paddy, with a large share of any profit going to pay interest to local moneylenders (Dapice et al., 2011). With the expansion of the political franchise came an increasing realisation on the part of the Union Solidarity and Development Party (USDP) government that farmers were not just labour supply for paddy production but a political constituency whose aspirations for material improvement should be a policy objective. For the first time, the existence of rural poverty and the need to do something about it were publicly acknowledged.

The approach of the Ministry of Agriculture and Irrigation (MOAI), under the direction of a former senior general, U Myint Hlaing, was to modernize the country's rice production. The minister, who had previously overseen a hilly region close to the border with China where hybrid rice gave high yields and enjoyed a ready market across the border, mandated the diffusion of hybrid rice in every rice-growing area of the country. The strategy was neither popular nor successful with farmers, as hybrid rice varieties did not perform well in the predominantly lowland ecologies. The eating quality was poor and prices on the domestic market lower compared to existing varieties in use.

A second approach to modernisation was to improve the effectiveness of irrigation and introduce farm mechanisation, especially combine harvesters. Irrigation schemes close to Nay Pyi Taw were consolidated and levelled, and access

to farm roads was improved. Farmers were provided with land preparation and combine harvester services by the MOAI's agricultural mechanisation division. But the approach did not extend far beyond a few model schemes in the capital city. Furthermore, the minister refused to support smallholder diversification into more profitable crops besides rice. A poster in the entrance hall to MOAI proudly announced that "Rice is our economy; Rice is our policy; Rice is our life". The minister went so far as to allow overseas graduate training for ministry staff, but only if they conducted research on rice, while students already overseas were told to come home if they would not comply.

Unable to convince the politically powerful Minister for Agriculture and Irrigation to support smallholder farmers in the development of alternative and more profitable agricultural enterprises, President Thein Sein established a new Ministry of Livestock, Fisheries and Rural Development (MLFRD) to help smallholders diversify and increase their farm incomes. The new ministry's staff were nearly all engineers whose expertise lay in road building, dam construction, and off-grid energy. The livestock and fisheries departments had very limited capacity to provide extension services to farmers beyond health and disease management. And the Farm Land law did not allow for paddy land to be used for any other crops or for aquaculture or livestock. Well intentioned as the motives were for establishing a new ministry to focus on smallholder profitability, successes on the ground were modest given its staffing and the restrictions on freedom of choice in farming activities.

The Thein Sein government also sought to increase export earnings through a National Export Strategy (NES) led by the Ministry of Commerce (MOC) in collaboration with the relevant private-sector associations of the Union of Myanmar Federation of Chambers of Commerce and Industry. Commodity-specific strategies were developed for rice, rubber, and pulses. These strategies tended to focus on quality improvement and market diversification. Heavy dependence on a few low-quality markets (e.g., China for rice and rubber, India for pulses) left the country exposed to low margins and high levels of price volatility. The lack of collaboration between MOAI and MOC meant that there was no coordination between efforts to modernize farm-level production and efforts to modernize downstream value-added processing. The lack of coordination between traders and producers meant that farmers received no price incentives for increasing the quality of their production.

The most effective changes introduced by the government, in terms of quick wins for farmer welfare, were in the area of finance. Microfinance schemes were first introduced in 1997 under a United Nations Development Programme project (Turnell, 2009). The Microfinance Law enacted in November 2011 formally recognised micro-finance schemes as legitimate financial institutions. This resulted in a major increase in the number of micro-finance institutions providing loans to rural areas. The government also expanded its own credit activities through the Myanmar Agricultural Development Bank (MADB) and through the Ministry of Cooperatives. The MADB focused on expanding the supply of seasonal credit for paddy production at much lower rates than moneylenders (8% per annum compared to 8% per month), while the Ministry of Cooperatives used a loan from

China's EXIM bank to provide medium-term credit for investment by farmer associations. Together these interventions led to a reduction of approximately 3% in monthly interest rates (Belton et al., 2017).

The USDP government prioritised the passage of the Farmland Law and the Vacant, Fallow, Virgin Lands Management Law (the VFV Law) in 2012 to promote higher financing flows into the agriculture sector. To free up 'unproductive land' for investment, the VFV Land Law, an extension of the 1991 Wastelands Instructions, leased plots up to a maximum of 50,000 acres to domestic and foreign investments for agribusiness. The Farmland Law broke from its socialist past by cancelling laws such as the 1953 Land Nationalization Act and commodified land use rights. The International Monetary Fund stated in its Country Report No. 12/104 issued in 2012 that "the planned land reform provides a unique opportunity to grant land titles that can be used as collateral for borrowing, a key impediment for private bank lending to agriculture". Implementation of the new Farmland Law turned out to be much messier than anticipated, however, as land titles were issued in the sole name of household heads (predominantly male) and without investigating or resolving contested claims (Lambrecht et al., 2022).

During this time, the government also carried out a donor-supported process to develop the National Land Use Policy (NLUP), which lasted from 2013 until its adoption in January 2016. In sharp contrast to decades of authoritarian rule, this process was generally recognised as one of the most inclusive policymaking processes ever used in Myanmar. Although it did not meet all the demands of land rights activists, the final version of the policy contains specific provisions to address some of the long-standing concerns about land in the country. These include redress for land confiscations, recognition of customary land, participatory land use planning, gender equity, and the need for effective dispute resolution.

Furthermore, in an effort to strengthen legitimacy, the government formed the Parliament Land Confiscation Inquiry Commission in 2012 to undo some of the land confiscations that had occurred under the military regime. The commission received roughly 35,000 complaints and reviewed 6445 of them (Eleven Media, 7 October 2014). In February 2014, the commission issued a report recommending the return of 512,204 acres of land in 745 cases deemed to be improperly seized by the military, the government, and individuals (Eleven Media, 11 April 2014). The parliament had to rely on the military-controlled General Administrative Department (GAD), which controls all levels of government, to implement these recommendations. A lack of checks to its power enabled elites to retain or appropriate returned land for themselves (Namati, 2015). Therefore, despite high expectations from rural communities, the Thein Sein government saw little progress in this area.

### **Aung San Suu Kyi and the NLD: Charting a New Course**

When the NLD came into power in April 2016, many of the reforms initiated by the previous government had yet to bear fruit in terms of tangible improvements in rural livelihoods. Many of the NLD's policy team had only a basic understanding of the role of agricultural and rural development in the broader economic development

process, or the policies and public investments necessary to enable it, having spent much of Asia's 'green revolution' in prison. In anticipation of the new government taking office, a handful of national and international technical staff prepared a strategy paper under the leadership of Tin Htut Oo, an agricultural economist and presidential adviser to Thein Sein serving as chair of the National Economic and Social Advisory Council (NESAC). The paper, published in Myanmar and English languages, set out a new vision for agriculture and the rural economy that focused on diversification (NESAC 2016). The paper explained, first, how changes in urban consumption patterns in Myanmar and Asia were transforming market opportunities for Myanmar farmers and agribusinesses and, second, identified some of the changes in policies and public investments needed to seize those opportunities. The NLD government warmly received the white paper, and a series of seminars was arranged for new union and regional officials.

A key innovation of the NLD was to form a new Ministry of Agriculture, Livestock and Irrigation (MOALI) from three former ministries of the Thein Sein government: the MOAI, the MLFRD, and the Ministry of Cooperatives. Intended to simplify and reduce the costs of government, the combination made the task of the incoming minister, Dr. Aung Thu, a mathematician and former university rector, even more challenging. Among a chorus of competing offers of assistance, he accepted the Asian Development Bank's (ADB) offer of help to develop an Agricultural Development Strategy (ADS), a requirement to apply for a grant from the Global Agricultural Food Security Program (GAFSP), an international trust fund managed by the World Bank. Wary of any increase in government indebtedness, the idea of competing for a grant rather than a loan was very attractive to the NLD. Consultants were duly hired by the ADB, and an ambitious, comprehensive, and polished strategy was delivered in record time to meet the 9 January, 2017, deadline for the GAFSP proposal submission. The new strategy effectively provided MOALI with a more detailed roadmap of the NESAC white paper. Unfortunately, given the time constraints, there was very little participation from government staff in the preparation process, and hence very little awareness of what the new strategy entailed.

It was not only ministry officials who had been left out of the process in the rush to meet the GAFSP proposal deadline. Civil society representatives prevailed upon the minister the importance of conducting regional consultations with farmers and rural stakeholders before finalising the strategy. The completion of regional consultations and incorporation into the final version of the strategy took a further 18 months (MOALI, 2018). By the time the strategy was finally launched in mid-2018, Myanmar and the NLD government were dealing with a very different set of challenges following atrocities perpetrated by the military against the Rohingya. MOALI was also preoccupied with the implications of collapsing prices for one of Myanmar's major agricultural exports due to the imposition by India of import restrictions on pulses.<sup>4</sup>

At the same time as the ADS was under preparation, the new minister for MOALI developed a new vision and policy statement with his senior managers. The vision is to achieve "an inclusive, competitive, food and nutrition secure and sustainable agricultural system contributing to the socio-economic wellbeing of farmers and

rural people and further development of the national economy” (MOALI, 2017). This vision now puts farmer and consumer welfare at the centre of its programming, along with internationally competitive value chains. In a major shift from the policies of the previous 60 years, agriculture and the rural economy were now seen as intrinsically valuable in their own right rather than just a sector to be exploited in the pursuit of other economic development or political goals.

Another challenge for MOALI was that the sectoral ADS and the Multi-Sectoral National Plan of Action for Nutrition (MS-NPAN) developed along parallel tracks. This was in part a question of timing (the ADS process was initiated earlier than MS-NPAN) and in part due to interministerial coordination (the MS-NPAN process was led by the Ministry of Health and Sports). As a result, the final version of the ADS did not adequately incorporate the contribution expected from MOALI to the goals of the MS-NPAN (MOHS et al., 2018). This contribution gap was addressed by a 90-million-euro budget support contribution for MOALI to implement MS-NPAN regional strategies in Ayeyarwady and Shan, two regions with high levels of malnutrition, with technical expertise from the Food and Agriculture Organization (FAO). Development of the ADS and MS-NPAN processes placed enormous administrative burdens on the Department of Planning of MOALI. A new Agricultural Policy Unit, for example, ended up devoting almost all its limited human resources on administrative support for development partner engagement rather than for policy analysis.

With a new policy and strategy in place, and the ADS and MS-NPAN on track to being harmonised, emphasis finally turned from planning to implementation only toward the end of the NLD’s mandate. MOALI still faced major challenges to implement a new, forward-looking strategy with an organisational structure and staffing designed to perform the functions of the previous centrally planned approach. And not all line department managers were excited to embrace the new strategy due to implications for their budgets. The task of retooling professionals and reshaping the ministry’s internal organisation and coordination to successfully implement the ADS would require nothing short of a complete renovation. It would also require considerable decentralisation to allow each region the opportunity to exploit its comparative advantage in different types of agricultural production and markets. Realistically, these challenges would have required another five-year political mandate to get to grips with.

Even as the new agricultural strategy underwent a two-year gestation period, the drivers of change at the farm level and in rural areas that had already begun to pick up speed during the Thein Sein administration now accelerated further. Migration from the key agricultural regions of the delta and the dry zone accelerated sharply from around 2010 onwards, particularly to cities within Myanmar, with approximately 80% of migration in both zones taking place since this date. Real daily wages jumped by more than one-third from 2012 and 2016 (Win and Thinzar, 2016). Spurred by labour scarcity, agricultural mechanisation services took off during this period. For example, levels of combine harvester use in dry season paddy cultivation in the delta and the dry zone climbed from almost nothing in 2011/12 to 70% and 41%, respectively, in 2016/17 (Boughton et al., 2018a; Belton et al., 2021).



Surprisingly, there appears to have been little, if any, improvement in farm yields or profitability. The lack of progress in this regard is due in part to the very small size of the Myanmar research system coupled with the ineffectiveness of agricultural extension services. Furthermore, many improved varieties released by the research system have achieved very limited penetration among the farming community due to a lack of promotion by extension and an underdeveloped seed multiplication and marketing system (Boughton et al., 2020).

Reflecting the prioritisation of smallholders, the NLD's, 2015 Election Manifesto stated "We will strive, in accordance with the law, to ensure the return to farmers of illegally lost land, and payment of compensation and restitution" (NLD, 2015). After taking office in April 2016, the NLD set up an executive committee to continue the efforts initiated under the USDP government and issued a new set of guidelines in June 2016 to speed up the resolution of the confiscation cases. Due to the persistence of structural issues similar to those encountered by the USDP government, only 10% of the over 5700 complaints received by the committee were resolved by November 2017.

At the same time, demonstrating a concern with the productivity of agricultural land, the NLD government started to reclaim unused land from concessionaires in 2016 and 2017. As of early 2018, a source advising the NLD estimated that 1.4 million acres (GAD township sources put the figure at 1.6 million acres) had been identified for return to farming communities.<sup>5</sup> As this program is still in the early days, it is not known how this program has impacted on rural communities.

The NLUP remained dormant for the first two years of the NLD government until the National Land Use Council (NLUC) was formed in January 2018. Chaired by Vice President Number 2, the council has 27 members, which includes 10 ministers, 14 chief ministers, and the head of the Myanmar Investment Commission. The minister of Ministry of Natural Resources and Environmental Conservation (MONREC) serves as the secretary. At the Union level, it formed an advisory group and three working committees to manage 1) the formulation of the national land law formulation, 2) land use planning and coordination, and 3) the development of a single land information management system. The council's mandate is to strengthen its various land institutions and to draft the National Land Law, which is meant to reduce the conflicts and contradictions within its legal framework by harmonising the dozens of land laws that were developed under different regimes of rule (Mark, 2016).

### **After the 2021 Coup: Triple Jeopardy – COVID-19, Coup, and Commodity Prices**

Beginning in early 2020, three successive crises devastated the Myanmar economy. Any of the three would have been serious enough by itself, but potentially manageable with effective governance combined with international cooperation and support. The February 2021 coup ensured that the other two crises – COVID-19 and global commodity price shocks – were left effectively unmanaged. The cumulative effect of all three was disastrous in terms of poverty and food insecurity in rural and



urban areas. Sixty-two percent of rural households were poor by the third calendar quarter of 2022 (MAPSA, 2022a), more than double the rate of 24.8% observed by the Myanmar Living Conditions Survey of 2017 (CSO et al., 2019).<sup>6</sup>

### ***COVID-19***

Myanmar agriculture and the rural economy were able to ride out the early waves of COVID-19 in the first half of 2020 because business shutdowns and disruptions to transport and movement were temporary. The NLD government quickly put in place an economic response plan, the COVID Economic Recovery Plan (CERP). Specific measures were included to protect agriculture, including a special COVID recovery loan at subsidised interest rates to enable smallholders to plant monsoon crops on time, and to businesses to preserve their financial liquidity to maintain service provision. As a consequence of these proactive measures, and mercifully favourable weather, Myanmar's monsoon rice harvest in late 2020 was no lower than the previous year (USDA, 2021).

### ***COVID-19 and the Coup***

After the military coup of February 2021, economic disruptions became more systemic (as opposed to specific sectors like tourism or manufacturing dependent on imported raw materials) and more persistent. Immediately following the coup, a high proportion of public-sector health service personnel and teachers, as well as banking staff in the private sector, went on strike as part of a nationwide Civil Disobedience Movement (CDM). The downturn in the real economy was accelerated by a prolonged crisis in the financial sector, as most bank branches were closed, cash withdrawals from automatic teller machines (ATMs) were very limited, and mobile phone transfers were impossible due to regime restrictions on service provision.

The growing economic crisis was conflated by a health crisis when the third wave of COVID-19, the more deadly delta variant, struck. Not only was this variant a highly transmissible form of the virus but public health services and messaging were much less effective due to the high proportion of health service workers participating in CDM. Mortality rates soared not only because of high infection rates but also due to a lack of oxygen supplies. During the last quarter of 2021, 39% of households reported one or more members with symptoms consistent with COVID-19 and 57% reported illness or death in the family (MAPSA, 2022b). Many households faced high medical expenses even as household income faltered, depleting savings and increasing indebtedness.

### ***Global Commodity Price Shocks***

The global commodity price crisis of 2022, aggravated by dramatic increases in container shipping costs due to COVID-19-related disruptions, was much more serious for Myanmar than other countries due to the depreciation of the Myanmar currency (Diao et al., 2022). Farmers were especially affected by retail fertilizer prices,

essential for rice production, which increased by 91% for urea fertilizer and 75% for compound fertilizer compared to the previous monsoon season (MAPSA, 2022c). Prices for land preparation and combine harvesting increased by 66% and 44%, respectively, over the same period, due to higher fuel and spare part costs (MAPSA, 2022d). Higher production costs at the farm level were only partially offset by higher farm gate prices due to higher transport and processing costs and exporter uncertainty about foreign exchange policies. By mid-2022 more than half of farm households reported lower farm income, and a further 30% reported no change (MAPSA, 2022a).

Myanmar consumers were not spared either, as the country is highly dependent on imports of vegetable oil. Myanmar imports about 50,000 tons of vegetable oil, especially palm oil, from Indonesia, which is used for cooking. Prices for vegetable oil tripled after Indonesia imposed an export ban, falling only gradually even after export restrictions were relaxed because the military regime in Myanmar did not allocate sufficient foreign exchange to meet import requirements. Even prices for locally produced food such as rice increased due to higher processing and distribution costs. By the end of March 2022, food price inflation reached 40% per annum (MAPSA, 2022e). Barely one in four Myanmar citizens could afford an adequate diet by mid-2022, and families with young children were especially compromised in nutritional terms.

## **Conclusion**

Prior to the setbacks of the latest military coup, agriculture and rural life in Myanmar already looked radically different than it did at the time of Cyclone Nargis. Centuries of reliance on draft animals for land preparation, threshing, and transport are becoming a distant memory as tractors, combine harvesters, and other mechanised equipment replace oxen. Gone too are many young people who equate agriculture with drudgery, poverty, and backwardness. But if the recent impoverishment of Myanmar's urban centres due to military rule can be overcome, then new market opportunities will again open up due to growing urban consumer demand for higher-value fish, meat, poultry, dairy, fruits and vegetables, as well as regional demand for high-value products like beef. As in all countries, agriculture will increasingly be a business rather than a way of life. The ability to engage a new generation of commercially oriented farmers will be critical to taking advantage of these opportunities.

Success in adaptation to new opportunities is never guaranteed. Other countries have allowed agriculture to decline, leaving rural hinterlands that are hollowed out of youth, entrepreneurship, and economic vitality. What will it take for Myanmar's agricultural sector to become more productive, profitable, and attractive to a new generation of farmers? We identify six overarching requirements, predicated on a return to civilian governance, each of which will require region-specific targeting and delivery approaches according to agro-ecological and market opportunities:

- 1) During the immediate economic recovery phase, cash transfers will be needed to provide farm and non-farm wage employment for casual labourers from

- landless and near-landless households, the most seriously affected by the economic crisis, to reduce food and nutrition insecurity;
- 2) Continued expansion and improvement of rural infrastructure, health services, and secondary and tertiary education, especially in hilly and coastal zones where poverty and malnutrition are highest, will drive down costs of market access to urban demand centres, improve incentives for young people to stay in rural areas, and equip those who want to leave with more remunerative and safer employment options;
  - 3) Expansion of agricultural research to address integrated farming (crop, livestock, aquaculture) and modernisation of extension services through expanded use of Information and Communication Technology delivery methods, while harnessing the complementary roles of the private, civil society, and public sectors in expanding access to improved and more sustainable farm production technologies;
  - 4) Expanded access to financial services for farmers, machinery service providers, agro-processors, and cold storage and packaging facilities, with expanded engagement of private-sector banks using loan guarantees and insurance products;
  - 5) Land tenure reform and investment to expand opportunities for farmers to increase their value of output through conversion of paddy land to higher-value agricultural enterprises ('freedom to farm'), improved surface and groundwater management, strengthened land tenure security, and financing to allow for voluntary consolidation of land holdings as retiring smallholders exit farming;
  - 6) Strengthened quality and food safety in domestic and export-oriented value chains and engagement with supermarkets and wholesalers to expand locally sourced supplies of quality food products for urban populations.

Myanmar may still have time to close the productivity and value-added gaps in its agricultural sector and thereby maintain economically vibrant rural areas. But the scale and scope of investment, as well as the speed of implementation needed, are much greater due to the economic ravages wrought on rural households by multiple crises. This can only be accomplished by a return to legitimate and trusted governance, combined with renewed foreign direct investment and international development support.

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### **Notes**

- 1 Rural poverty rates vary considerably by region, with higher rates in coastal and hilly areas (44% and 40%, respectively) and lower rates in the dry zone and delta areas (32% and 26%, respectively).

- 2 Myanmar has 1082 km<sup>3</sup> of surface water inflows and 495 km<sup>3</sup> of groundwater inflow ([www.wepa-db.net/policies/state/myanmar/myanmar.htm](http://www.wepa-db.net/policies/state/myanmar/myanmar.htm), consulted 8 February 2020). Yet lack of water management infrastructure means that many households struggle to access water despite “abundance”.
- 3 Chatham House, “Myanmar’s Complex Transformation: Prospects and Challenges,” 15 July 2013. Available at: [www.chathamhouse.org/sites/files/chathamhouse/public/Meetings/Meeting%20Transcripts/150713Sein.pdf](http://www.chathamhouse.org/sites/files/chathamhouse/public/Meetings/Meeting%20Transcripts/150713Sein.pdf) (accessed 8 April 2018)
- 4 To show the dependence of Myanmar on the India market for pulse exports, India purchased 92% of pigeonpea exports and 80% of black gram exports in 2016–17.
- 5 Email communication with a non-governmental organisation (NGO) advising the NLD government on this program in January 2018.
- 6 The household samples and survey methods used to measure poverty in 2022 are different from those used by the Myanmar Living Conditions Survey in 2017 when in-person interviews could be safely conducted. While both use nationally representative samples, the former uses an income measure of poverty at the household level whereas the latter is based on a detailed inventory of household expenditures. While the two measures are not strictly comparable they are highly correlated and hence provide an indication of the magnitude of change in poverty rates over the intervening 5 years. Using the same method over time, the 2022 survey found that almost half of households (46%) were poorer than they were a year earlier (i.e., during the Delta variant wave of COVID-19).

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# 10 Natural Resource Governance and the Environment

## Unconstrained Exploitation Under Authoritarianism

*Adam Simpson*

As with so many aspects of Myanmar, the 2021 military coup sounded the death knell for any serious attempts at transparency and governance in the management of the country's natural resources and environment (Simpson et al. 2023). The decade of reforms between 2011 and 2021 introduced, for the first time, an element of democratic accountability in natural resources policy, including embryonic attempts to protect Myanmar's natural heritage. But the coup has returned Myanmar to its authoritarian past, resuming its spot as a poor laggard in environmental protection within Southeast Asia (Simpson 2018b).

The half-century of military rule that ended in 2011 was notable for its general absence of effective natural resource governance. In the inaugural Resource Governance Index (RGI) Myanmar ranked last out of 58 resource-rich countries in terms of governance in the extractive sector, with a derisory score of 4 out of 100 (Natural Resource Governance Institute 2013). The country registered improvements in the second RGI, as the reformist era resulted in new governance mechanisms such as the Extractive Industries Transparency Initiative (EITI), but extractive-sector governance was still considered 'Poor' or 'Failing', with mining still poorly ranked at 83 out of 89 countries and sectors (Natural Resource Governance Institute 2017). In the third RGI, Myanmar's sector scores increased again, but oil and gas, mining and gemstones all remained in the 'Poor' band (Natural Resource Governance Institute 2021). More problematically, however, these scores reflected the high point of enhanced governance processes during the reform era; the coup will likely send all its extractive sectors tumbling back deep into 'Failing' territory.

Agriculture and natural resources are the most significant components of Myanmar's economy. Natural resources dominate exports and provide the vast majority of its foreign exchange, whether official or unofficial. However, its diverse cultures, religions and ethnicities; a lack of governance capacity; and competing political economy imperatives have provided significant challenges to effective and, more importantly, equitable natural resource governance throughout the country. These challenges are exacerbated by endemic corruption throughout the economy and particularly in the natural resources sector. According to Transparency International's Corruption Perceptions Index, Myanmar ranked 176 out of 178 countries towards the end of its earlier period of military rule (Transparency International



2011), but improved its ranking to a high point of 130 out of 180 in 2017 (Transparency International 2018). In 2022, however, its score dropped precipitously following the coup, leaving it ranked 157 of 180 (Transparency International 2023). It is likely to fall further in the future as the country continues its descent into chaos.

Corruption at various levels, mismanagement and civil conflict have resulted in much of Myanmar's natural resource extraction occurring within a black economy, resulting in ineffective environmental governance and accompanying widespread environmental degradation. Corruption has had a highly debilitating effect on environmental protection, equitable development and sustainability (Simpson 2018a). These issues are interrelated and partly result from the central role the military has played in the country's political economy. Regardless of who prevails in the current conflicts, the role of the military in politics and the economy will continue to be a long-term problem for society to address.

For all these reasons, natural resource governance in Myanmar has been limited, opaque and corrupt. Some industries are better governed than others – natural gas has been marginally better governed than mining and gemstones due to the involvement of international corporations. Nevertheless, remnants of deep military-state involvement in the drug trade (Meehan 2011), forestry (McCarthy 2014), rubber (Woods 2011, 2019b) and particularly jade (Global Witness 2015) has ensured that well-connected vested interests continue to accumulate vast wealth and oppose any corruption-reducing governance reforms. Like many other sectors of the economy, the jade industry in Myanmar is run by an oligopoly of military-owned corporations and associated cronies (Ford et al. 2016; Jones 2014). This dominance creates impediments to removing corruption within the natural resources sector, which is particularly problematic given Myanmar's structural position as a producer and exporter of raw commodities.

Although complemented by a surge in destructive development activities linked to Myanmar's political and economic transition, the Union Solidarity and Development Party (USDP) government, led by President Thein Sein, introduced a range of new governance tools for natural resources, which provided more access for civil society (Fink and Simpson 2018). The key reform in this area was the implementation of the EITI, part of a global movement towards transparency and civil society engagement in natural resource governance. While the global movement has taken decades to evolve, Myanmar undertook a fast-track transition from residual direct military rule in early 2011 to a nominally civil society-centred governance process for the extractive industries within a few years. Minor reforms continued under Aung San Suu Kyi and the National League for Democracy (NLD), but the coup undid much of this regulatory oversight, resulting in a return to the inept natural resource governance of the earlier military era.

### **Military Rule before 2011: What Governance?**

There was little attempt to regulate and govern Myanmar's natural resources during the extended period of military rule to 2011, with largely unfettered resource extraction available to those companies with the right contacts in the governing

military regime. There existed a patchwork of isolated and limited ad hoc laws on natural resources and environmental protection that, due to a lack of both government commitment and bureaucratic capacity, were inconsistently enforced. While there existed forestry laws, including those that recognised community forests, and a Land Acquisition Act, which was meant to regulate compensation for farmers, these were fragmented. A National Environmental Policy had existed since 1940, but it was largely ignored by military governments and had not been updated since 1994. While most countries by 2011 had well-entrenched laws ensuring that public participation, environmental impact assessment (EIA) and social impact assessment were key components of major development activities, these requirements were still absent from Myanmar.

Natural resources were extracted without environmental constraint by military-owned companies or associated cronies in government-controlled areas, while ethnic armed groups survived on the revenues from unregulated extractive industries in the regions they controlled. While significant wealth was derived from this primitive accumulation, it also resulted in competition and conflict for access to the resources. For instance, a comparative study undertaken on natural resources and conflict more generally was unable to find a demonstrable statistical link between conflicts and exploitable forest resources across all cases, but Myanmar was the clearest case study where it did exist (Rustad and Binningsbø 2012: 531).

During military rule, “many grievances with the extractive industries sector were resolved by fiat or use of force, rather than through policy-making, mediation or dialogue” (Adam Smith International 2015: 9). All levels of government and bureaucracy had extremely limited capacity and resources: government data, such as it was, existed on paper rather than computers. Due to conflict and corruption, there was a significant black economy that meant many environmental and natural resource indicators were not accurately captured in official statistics.

Myanmar’s domestic economy and society were dominated by agriculture, but the historical lack of an overarching land use policy, together with the existence of a range of outdated, ad hoc and incoherent rules and regulations related to land management, resulted in the abuse of land use rights and widespread land degradation (Tin Htut Oo 2012). Government regulation, when it occurred, was often misguided, with a top-down counterproductive focus. Agricultural production was largely controlled through directives specifying the commodities that individual farmers were to produce. These directives were based on whims of the generals rather than effective environmental governance, and the results were often inappropriate for a particular climate or region, resulting in poor yields and environmental degradation.

Likewise, large-scale, artisanal and small-scale mining together had an enormous environmental impact due to the lack of environmental regulations, resulting in deforestation and the pollution of rivers from mine tailings. Mines throughout Myanmar produce zinc, lead, silver, tin, gold, iron, coal and gemstones, particularly jade. The largest copper mine in the country, the Letpadaung (Monywa) Copper Mine in Sagaing Region, was a site of regular community opposition due to land grabs and environmental destruction. These unregulated exploitative activities

had dire impacts for the environmental security of many communities in Myanmar, particularly ethnic minorities. In the early decades of military rule, during the period of ‘the Burmese road to socialism’, state authoritarianism and incompetence depleted ecosystems while running down the economy. Although much environmental degradation occurred, the civil conflicts and lack of economic dynamism limited the level of destruction compared with neighbouring Thailand. According to the World Bank, by 1990 forests still covered 60 percent of Myanmar, while in Thailand the coverage was less than half this level (World Bank 2016).

After the national democracy protests of 1988, the subsequent military junta created a quasi-market economy by opening the door to joint ventures between state or military-backed domestic enterprises and foreign companies that were interested in exploiting Myanmar’s natural resources through the Union of Myanmar Foreign Investment Law. The shift towards a market economy in agriculture brought in international investors and a rapid expansion of large-scale commercial agriculture, with export-oriented plantations established on land designated as ‘wasteland’, resulting in increased use of chemical fertilisers and the removal of small-scale farmers from their customary land. This practice resulted in widespread land appropriation and conflict across the country.

The limited contact with international organisations, such as the World Bank and Asian Development Bank (ADB), during this period meant that the government was somewhat insulated from global governance developments, including those associated with climate change (Simpson and Park 2013). Nevertheless, the government’s attempts to normalise its international relations in the early 1990s led it to sign the UN Framework Convention on Climate Change (UNFCCC) in 1992. Despite the potentially devastating impacts of climate change, however, the government demonstrated little commitment in terms of mitigation or adaptation. In May 2008, Cyclone Nargis killed more than 140,000 people, destroyed 800,000 houses and left millions of Irrawaddy Delta residents, mostly ethnic Kayin (Karen), homeless and facing disease and malnutrition. The cyclone path along the delta meant that it caused maximum destruction, but it was clear that the widespread destruction of forests and mangrove ecosystems exacerbated the impacts of the cyclone. Mangroves provide a natural barrier against storm surges. The growth of military-run shrimp and fish farms along the coast had weakened these natural barriers, while deforestation had intensified river flooding.

Many of the global issues related to natural resource exploitation and climate change are driven by energy policy. Unlike many countries, Myanmar does not rely primarily on coal for producing electricity, since its own reserves are limited and of poor quality. Most electricity capacity in the country, around 75 percent, is derived from large-scale hydropower, most of which was constructed in ethnic-minority areas without community participation or consent during military rule (Simpson and Smits 2018). As with other forms of governance, energy policies during this period contributed little towards national development or sustainability. Electricity access and usage throughout the country were extremely low, with the electrification rate estimated at 26 percent at the end of military rule in 2011 (Asian Development Bank 2012: 23). This ADB figure included an average of 16 percent across rural areas, while Yangon, the commercial capital, recorded the highest rate

of 67 percent. Even these electrification rates provided an overly optimistic picture because rationing and unscheduled blackouts were ubiquitous, even in Yangon. Outside of the major centres electrification was limited and in some ethnic minority regions, virtually non-existent. Total installed capacity of the grid in 2011 was 3,361 megawatts (MW), with the energy sources being hydropower (75 percent), gas (21 percent) and coal (4 percent). However, due to poor maintenance of the gas and coal power plants and a lack of water during the dry season, the peak load during the driest months was only 1,533 MW. As with many other developing countries, simple biomass technologies such as fuelwood, charcoal, agricultural residue and animal waste have historically provided the dominant fuel source, supplying almost 70 percent of the country's primary energy (Asian Development Bank 2012: 3).

These extreme energy shortages existed in the context of the development, throughout the 1990s and 2000s, of the country's energy sector for exports in return for foreign exchange, initially to Thailand but eventually to China too (Haacke 2010; Simpson 2007). Natural gas was the most successful of Myanmar's forays into this area, with several projects being instigated and developed during military rule, although some were completed during the Thein Sein government: the Yadana and Yetagun Natural Gas Pipelines exported gas from Myanmar to Thailand from the turn of the century and earned approximately \$3 billion gross and \$1.5 billion net by 2010–11 (Turnell 2012: 146) constituting about 45 percent of the country's total exports; the Zawtika Gas Pipeline sent gas in the same direction from 2014; and the Shwe Gas Pipeline exported gas from Rakhine State to Yunnan Province in China from 2013. Less successful was the hydropower dam building programme: the China Power Investment Corporation and its partners started building the \$3.6 billion Myitsone Dam on the Irrawaddy River in Kachin State, which was expected to provide up to 6,000 MW of electricity, primarily for export to China, while a cascade of dams was planned for the Salween River in Shan, Kayah (Karenni) and Kayin (Karen) States to export electricity to both Thailand and China (Simpson 2013a).

All these major development projects were undertaken in the absence of any significant or rigorous governance processes and without any significant local consultation or participation. EIAs were either not undertaken at all or lacked any formal processes for public or civil society input. Nevertheless, while the gas pipelines all reached completion, progress on the dams was often slow due to civil conflict and opposition from local communities, however limited the formal modes of participation (Kirchherr et al. 2016). The projects tended to cause a variety of social and environmental problems, mainly in the ethnic minority areas of Myanmar's mountainous border regions. Hydropower and natural gas are less harmful in relation to climate change and local pollution than coal, but large-scale hydropower projects have dire ramifications for fisheries, downstream water security and displaced local communities. The exploitation of natural gas rather than coal or oil had less to do with conscious government policy and more to do with the geological serendipity of plentiful reserves. For the many destitute and energy-poor communities of Myanmar, the exporting of most of these energy resources to fund ongoing authoritarian rule provided little hope for improved energy and environmental

security (Simpson 2013c): the two ethnic minority areas that hosted the gas pipelines, Tanintharyi (Tenasserim) Region and Rakhine (Arakan) State, had the two lowest per capita levels of electricity usage in the country (Simpson 2014a: 84).

During military rule there was little opportunity for local dissent, and domestic environmental activists, particularly those based in ethnic-minority areas, who questioned the necessity or rationale behind these resource projects were harassed by the military and its intelligence service, including with arrests and torture (Doyle and Simpson 2006). As a result of this repression, and particularly the crackdown of 1988, many activists removed themselves from Myanmar proper to the 'liberated' border regions controlled by ethnic minorities or neighbouring countries such as Thailand. In the absence of effective state-led environmental governance, this 'activist diaspora', which included numerous ethnically based environmental non-governmental organisations (NGOs), provided the most fertile and important 'activist environmental governance' of energy projects in Myanmar during this period (Simpson 2013b, 2014a). These activists undertook dangerous covert research in Myanmar proper and the liberated areas to produce environmental reports and assessments, with a strong justice focus on security and human rights, which were then used to pressure corporations and Western governments to divest from these resource projects. They did not lobby Myanmar's government itself, since it had generally ignored such petitions, but from 2011 the new Thein Sein government offered new opportunities for civil society engagement, together with a more effective natural resource governance regime.

### **Thein Sein and the USDP: Reform and Engagement**

The broader governance improvements instigated by the Thein Sein government from 2011 were accompanied by the establishment of more cohesive policies on the environment and natural resources and, gradually, by improved processes of consultation with the public, international agencies and civil society. The most significant indicator of change was Thein Sein's announcement on 30 September 2011 that in response to community environmental concerns over the project, the Myit-sone Dam would be suspended for the remainder of his five-year term. This was a stunning diplomatic rebuke to China, which supported the project, but was also the first significant project cancellation any Myanmar government had made on the basis of community opposition. It appeared to be an unprecedented announcement by the Myanmar government that it would no longer force through large-scale environmentally destructive natural resource projects that were strongly opposed by the community. The decision gave more confidence to local activists that they could challenge existing developments. In January 2012 the Dawei Development Association, a newly formed NGO promoting 'green development', held a protest on the beach near the proposed site of the Dawei Development Project: later that month the government announced the cancellation of the Dawei 4,000 MW coal-fired power station. This announcement further reinforced the view that local communities and domestic environmental groups would now be able to influence some development decisions, particularly those related to the export of energy.

The new relative openness to public consultation was accompanied by the development of a more comprehensive suite of laws and policies to regulate natural resources and the environment. In 2012 the Ministry of Environmental Conservation and Forestry (MOECAFF) was formed, giving environmental conservation a ministerial prominence it had never previously enjoyed. An Environmental Law, which had been drafted and redrafted over 15 years, was also passed in March 2012 (Government of Myanmar 2012), although it had little overt impact on development decisions throughout the Thein Sein era because the rules and procedures associated with the law took several years to be finalised. Due to the government's lack of experience and expertise in this area, the ADB assisted with the drafting of the EIA Procedures, Rules and National Environmental Quality Standards through a Technical Assistance Grant under the Greater Mekong Subregion Core Environment Program (Asian Development Bank 2014). While the ADB's participation and environmental safeguards are not always adequate, Myanmar's historical lack of safeguards made the ADB's look relatively comprehensive (Simpson 2014b). Although there was limited consultation with civil society prior to passing the law in 2012, the development of the rules and procedures was undertaken via workshops with public and private stakeholders throughout 2012–15 in a consultation process that, until the political reform process, was entirely foreign to Myanmar. Both the EIA Procedures and National Environmental Quality (Emission) Guidelines were finally launched in January 2016 in the last days of the Thein Sein government (Asian Development Bank 2016).

The evolution of engagement practices throughout the Thein Sein government was also evident in the development of land use policy. In 2012 the parliament passed, with no consultation, the Farmland Law and Vacant, Fallow and Virgin Lands Management (VFV) Law, which were criticised by groups such as the Food Security Working Group's Land Core Group as providing "weak protection of the rights of smallholder farmers in upland areas [and] remain[ing] designed primarily to foster promotion of large-scale agricultural investment" (Oberndorf 2012: iii). They argued that the laws were likely to perpetuate widespread land appropriation and conflict across the country.

By 2014 the government had become much more open to civil society engagement and the process of consultation per se. A draft National Land Use Policy (NLUP) was released for feedback in October 2014. According to Oberndorf (2014) the draft NLUP emphasised strengthening the land tenure security of smallholder farmers, ethnic communities, women and other vulnerable groups and also included important provisions on ensuring the use of effective environmental and social safeguard mechanisms; improving public participation in decision-making processes related to land use planning; improving public access to accurate information related to land use management; and developing independent dispute resolution mechanisms. The Transnational Institute was more critical of the draft NLUP, arguing that it fell far short of international standards, but saw it as an important improvement on the previous approach to land use policy. Its response to the draft NLUP (Franco et al. 2015) made much of the Myanmar government being a signatory to the Food and Agriculture Organization's (FAO's) Voluntary



Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Food and Agriculture Organization 2012). These guidelines provide the highest international standard on tenure of land, fisheries and forests, and the government's draft NLUP could therefore be judged against these standards.

The government released the sixth draft of the NLUP in May 2015, and the final version was released in the last days of the outgoing parliament in January 2016. As with the Environmental Conservation Law, the full impact of the NLUP could only be determined by the composition and actions of the various councils and committees mandated within the policy, in addition to the laws, rules and regulations that underpinned it. However, it was clear that the policy provided a new best practice approach to land use policy. For instance, it consistently referred to a need for participatory, transparent and accountable processes and sought the recognition of customary land tenure and dispute resolution (Aguirre 2016). The crucial element of the policy development process, however, was the extensive consultation with, and participation of, civil society in the development of the policy, which stood in stark contrast to the opaque development and delivery of the lands laws of 2012.

In relation to formal climate change negotiations, the Myanmar government submitted its Nationally Determined Contribution (NDC) to the UNFCCC in September 2015 as its commitment to the Paris Agreement (Ministry of Environmental Conservation and Forestry 2015). The government committed to reduce the country's per capita emissions of 2 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>eq) in 2010 by 6 percent by 2030. This emissions level ranked Myanmar around the 46th lowest out of 198 countries (Australian-German Climate and Energy College 2015). Given the existing low level of per capita emissions – compared with, for example, Australia at 25.3 tCO<sub>2</sub>eq – any commitment not to increase per capita emissions was quite significant. Nevertheless, the 6 percent reduction, although politically beneficial, was also relatively insignificant in terms of contributions to climate change – on a per capita basis it represented a 0.5 percent reduction in Australia's per capita emissions. Myanmar is one of those countries in Southeast Asia that will feel the extreme impacts of climate change while having made minimal contribution to it (Simpson and South 2022).

While these improvements in governance occurred throughout the Thein Sein government, there continued to be significant unregulated natural resource exploitation, particularly linked to military or crony-operated companies, which called into question some of the Intended Nationally Determined Contributions commitments. According to the Global Forest Resources Assessment 2015, Myanmar had the third largest area of annual deforestation – after Brazil and Indonesia – between 2010 and 2015, losing 546,000 hectares, or 1.7 percent of the country, of forest per annum (Food and Agriculture Organization 2015: 15). By 2015 the forested area had decreased to approximately 44.5 percent (World Bank 2016). Despite an export ban on timber from 1 April 2014, discrepancies in figures between the Myanmar government and its trading partners indicated that the corrupt and illegal exporting of logs continued. This result was consistent with research demonstrating that military-connected companies in the border regions often received



agricultural concessions as a cover for logging operations that appeared to be the primary objective (Woods 2015).

In the mining sector, the environmental destruction and poor working conditions, particularly in jade mines, were highlighted with major landslides in Hpakant, Kachin State, that killed at least 116 men in 2015 and 55 in 2019 (Shoon Naing et al. 2019). Conflict and community protests over mines were widespread throughout the country during the government's term and particularly around the Letpadaung (Monywa) Copper Mine in Sagaing Region, where protests over land grabs and environmental degradation were common. Despite the government renegotiating the contract to provide more favourable terms for the government and local communities at the expense of China's Wanbao Mining Ltd in 2013, activists maintained that local communities had still not been consulted. Protesters were regularly arrested and jailed at the site, and in December 2014 an activist was shot and killed, provoking greater unrest. The government had passed legislation that permitted public protest for the first time in Myanmar, but it required the assent of the local authorities, which was not always forthcoming. Conflict at the Letpadaung Mine, and particularly the death of the protester, were issues that were taken up by activists within the EITI, a process which became emblematic of the reforms under the Thein Sein government, but also of the limitations that remained in environmental and natural resource governance in a country still dominated by the military.

The EITI is a "global Standard to promote open and accountable management of natural resources" (EITI International Secretariat 2016). Once a country joins the initiative, it becomes mandatory for all extractive industry operators operating within that country to cooperate in the requirements of the EITI. Annual EITI reports for the country that disclose information on tax payments, licences, contracts and production from natural resource extraction are compiled by an independent administrator, allowing civil society and community groups to track the revenue from natural resources from production to the government accounts. Thein Sein announced Myanmar's intention to join the EITI in December 2012, and it submitted its first report in January 2016, just prior to the NLD government taking power. In addition to reconciling company payments with government revenues, the key component of the EITI process is the tripartite Multi-Stakeholder Group (MSG), which manages the EITI in each country, with equal votes between civil society, industry and government. Civil society therefore played a key decision-making role throughout Myanmar's EITI accession process, creating a corporatist body that was hitherto entirely unknown to governance in Myanmar.

In support of Myanmar joining the EITI, AusAID (now Australian Aid) sponsored a delegation of civil society activists and government officials to visit Sydney in May 2013 for the Global EITI Conference. This was the first time that government ministers and senior civil servants had spent time in such close quarters with activists, and it was a watershed moment in breaking down the barriers between government and civil society. The EITI legitimated civil society participation in governance processes and provided some much-needed transparency in the extractive industries, particularly gemstones and jade, which constitute an enormous black market in Myanmar (Global Witness 2015). The overall uncertainty and

unreliability of most gemstone data suggested that the figures used in the first EITI Report for gemstones was a small fraction of what the industry actually produced and highlighted a severe limitation of the EITI process that the new NLD government inherited (Simpson 2017).

### **Aung San Suu Kyi and the NLD: Slow Progress**

The new NLD government came to power in early 2016, accompanied by unparalleled optimism from most of Myanmar's population and the international community. While there was undoubtedly progress in most areas of Myanmar's governance, including natural resources, the NLD's term in office was characterised, more often than not, by disappointment. The initial focus by Aung San Suu Kyi was on the national peace process, to the exclusion of political economy and natural resource concerns, when clearly these concerns were central to the many grievances of ethnic minorities related to their long-standing marginalisation and exploitation by the Bamar majority (Woods 2019a).

Despite five years of reforms by the Thein Sein government, the NLD inherited a long list of governance issues that had built up during decades of mismanagement and neglect. One of the first decisions of the NLD government was to halve the number of government ministries, with MOECAAF rebranded as the Ministry of Natural Resources and Environmental Conservation (MoNREC). The most significant change to the ministry was the addition of mining to the forestry and environmental conservation portfolios. The new minister, U Ohn Win, had a strong background in forestry and was one of the few ministers appointed from outside the NLD. While the minister was conservation-oriented, the sprawling and largely unregulated mining sector represented an enormous challenge. The main task facing the government was to find a balance between exploiting natural resources for sustainable and equitable development and repairing some of the past environmental damage caused by unfettered deforestation, mining and previous destructive development projects. Reorganisation of Myanmar's state-owned enterprises, particularly in the natural resources sector, was a key goal of broader governance reforms (Heller and Delesgues 2016).

One of the minister's first announcements, to the upper house of parliament in June 2016, was that logging would be suspended nationwide by the end of that fiscal year in April 2017. Building on the export ban in April 2014, the policy assisted in stemming the haemorrhaging of Myanmar's forest cover that had occurred over the previous decades. This forestry policy had numerous potential beneficial flow-on effects, including reduced flooding, of the sort that devastated large swathes of the country in mid-2015, reduced erosion of arable land and soils and more amenable microclimates. As with most countries, climate change will be the most significant environmental issue for Myanmar's future because it is likely to exacerbate most existing environmental problems and also create new ones. Storms and cyclones such as Nargis are likely to become more frequent and more intense, together with a more unpredictable monsoon, higher sea levels and longer and more severe droughts (Simpson and South 2022). Crucial strategies to deal with these

global environmental changes include increasing the amount of forested areas in fragile watersheds and repairing mangrove ecosystems that provide natural buffer zones. In addition, energy policies that minimise carbon emissions while protecting local ecosystems and cultural practices are needed to promote sustainable local practices while assisting global efforts to reduce climate change. These policies can be drawn from a critical approach to energy security (Simpson 2014a: 191–196), which would prohibit the use of mega-dams across large free-flowing rivers such as the Irrawaddy and Salween.

A revised National Environmental Policy, which was funded by the UNDP and underwent several drafts and national consultation rounds, was finally released in 2019 (Government of Myanmar 2019b). It provided 23 National Environmental Policy Principles including that “the rights of indigenous people and ethnic nationalities to their lands, territories, resources and cultural heritage, and their roles in environmental conservation and natural resources management, are recognized and protected” [7 (a)(6)]. This principle provided a resource-focused basis for ethnic minority autonomy and federalism, a key goal of many ethnic minorities (BEWG 2017). The Myanmar Climate Change Master Plan, initiated under Thein Sein, was also released in 2019 and provided a cross-sectoral framework for achieving Myanmar’s NDC under the Paris Agreement (Government of Myanmar 2019a). In 2018 the International Finance Corporation, in collaboration with Australian Aid, released its Strategic Environmental Assessment of the Myanmar Hydropower Sector, which provided a comprehensive overview of the difficulties faced by the government in pursuing hydropower projects in Myanmar (International Finance Corporation 2018).

In their first year of office, the NLD focused almost exclusively on the peace process, leaving economic policy, including the EITI, languishing. The government finally appointed a new EITI Leading Committee in December 2016, and in April 2017 they were granted 12-month extensions by the EITI International Board, resulting in the second (2014–15) and third (2015–16) EITI Reports being submitted together in March 2018. The fourth EITI Report for 2016–17 was published in March 2019, with the process starting to expose the vast extent of the military’s economic assets and activities, which were previously hidden (Vijge and Simpson 2020).

The validation process commenced on 1 July 2018, and the first validation report from the process in November of that year indicated that Myanmar had “exceeded stakeholder expectations in its implementation of the EITI” (EITI International Secretariat 2018: 6). The EITI board concluded that Myanmar had made ‘meaningful progress’ – effectively a pass grade – in implementing the EITI 2016 Standard at its board meeting of October 2019 in Addis Ababa (EITI International Secretariat 2019).

The fifth EITI Report for 2017–18 was published soon afterwards and struck an optimistic note. “Taking into account the complexity of the extractive sector in the country and the good faith efforts undertaken by Myanmar to meet requirements of the EITI Standard” (BDO LLP 2020: 12), the EITI board determined that Myanmar would have 18 months before requiring a second validation to carry out corrective actions; the next validation was therefore due April 2021.

### **After the 2021 Coup: Governance Abandoned**

Myanmar was suspended from the EITI following the February 2021 coup due to the lack of ‘essential freedoms’ of civil society engagement (EITI International Secretariat 2021), but this was just one of many elements contributing to a downward spiral in the country, with the abandonment of any semblance of transparency and accountability in its governance. Myanmar’s natural environment has deteriorated as the embryonic legal and regulatory regime that was emerging during the decade of political and economic reforms has unravelled. Natural resources are being plundered at greater rates, and there is now little domestic governance of natural resource extraction or international monitoring of related civil society engagement.

Gold mining has significantly increased, particularly in Kachin (Fishbein et al. 2022) and Shan States (Kantar 2022), causing extensive social and environmental problems. The military has issued new mining permits, largely to entities close to the military, while informal or illegal mining has also proliferated (Poe Phyu Zin 2023). This mining has caused deforestation, erosion and waterways being polluted with toxic sediment and flooding, particularly during the monsoon. Fishing is no longer possible in some rivers due to contamination from the cyanide and mercury used in the gold mining and extraction process, with the water often too toxic for bathing.

Kachin State is also emerging as a key site of highly polluting rare earths mining (Global Witness 2022). While illicit export of rare earths across the border to China has been occurring for years, the activity has boomed since the coup. Attempts by previous governments to regulate these polluted areas have faltered; the local militia that controls the area has links to the Myanmar military, preventing effective oversight. Some of the revenue may be helping the military crush dissent.

Illegal logging has also surged since the coup in areas such as Sagaing and Bago Regions, with vast quantities of teak and tamalan (rosewood) trees being sent to China and, since the coup, India (Frontier Myanmar 2023). Illegal logging has become much simpler with smugglers finding it easy to negotiate transit for timber-laden trucks, paying off local military groups as well as People’s Defence Forces (PDFs) and some ethnic armed groups. European Union sanctions were imposed on the state-owned Myanma Timber Enterprise in June 2021 to starve the military of funds, but the trade has continued, and in some areas flourished, as illegal timber passes through India and also some European ports with less stringent checks (Alecci 2023).

As these environmental pressures continue to build, environmental activists are also facing a plethora of new difficulties and security concerns. Although activists faced issues of prosecution and harassment in the reform era, the situation has become much more complex since the coup due to the intense disruptions to all aspects of society. The safety of activists has become more perilous with a new and highly restrictive Organization Registration Law enacted in October 2022 (Frontier Myanmar 2022).

As with other civil society actors, environmental movements have therefore been severely impacted by the coup and its aftermath, resulting in major shifts for environmental activists (Simpson et al. 2023). Many environmental NGOs, civil society organisations and community-based organisations have collapsed as a

result of the coup and the subsequent societal conflict. Some activists have simply abandoned activism due to security concerns, cutting all communications with networks of former colleagues and instead tending their own gardens to avoid scrutiny from the security services. This impact is not dissimilar to that of the 2014 Thai coup, which resulted in a dramatic reduction in environmental activism in Thailand (Simpson and Smits 2022). However, the impacts in Myanmar have been much more severe in proportion to the level of extreme disruption and repression across the entire society.

Many activists have been forced to relocate – for their safety or security – from their homes or areas dominated by their own ethnic groups to diverse regions of the country controlled or populated by other ethnic groups. Activists have gravitated towards more liberal spaces beyond the reach of the military regime, by fleeing to ‘liberated areas’ or border regions from where they can continue environmental activities through other means (Fung and Lamb 2023; Simpson 2013b).

The coup has resulted in additional difficulties in communication and transport. Internet shutdowns in various areas have made it difficult for networks to remain in contact, and many activists changed their phone numbers for security reasons, making it hard to reconnect. Even where the internet and mobile connections operate, new restrictions on Facebook, WhatsApp and other social media have disrupted networks, even though virtual private networks (VPNs) can be used to skirt restrictions (Simpson 2022). Travel across Myanmar is also much more difficult due to the higher costs, limited connections and regular checkpoints. Environmental activists and groups now often work on their own or network in very limited ways.

Activists have adopted new strategies to continue their work inside nominally state-controlled areas of Myanmar. In states or regions where the military remains largely in control, activists have tended to shift their work to rural areas where the military’s reach is weaker, rather than urban areas which have more substantive military surveillance. Some environmental activists have changed their role completely by shifting to the provision of humanitarian aid. Other activists have transitioned from working non-violently with environmental organisations to join the military struggle for democracy under new PDFs or existing ethnic armed groups throughout the country.

Along with these serious impacts on environment movements, the ability of activists to openly challenge environmentally destructive activities has virtually evaporated. Activists can appeal to international actors for support, but the influence of international organisations is much reduced. During the decade of reform, civil society organisations could complain to the international secretariat of the EITI that the government wasn’t listening to their concerns. Following Myanmar’s suspension from the EITI, activists could no longer access this avenue for redress. The EITI, and many other international actors, simply no longer have any leverage over Myanmar. More than two years after the military coup, Myanmar’s environment is experiencing serious degradation. The communities that rely on it for their existence are facing threats to their safety and livelihoods. Meanwhile, Myanmar’s environmental activists and other civil society actors who could shine a light on these issues face constant repression and threats to their own security.

## Conclusion

The prospects for effective natural resource governance and environmental protection in Myanmar following the 2021 coup are dire. These are areas bedevilled by the shortcomings and challenges that face Myanmar's political economy as a whole: decades of neglect and mismanagement accompanied by authoritarianism and civil conflict. Progress was made in terms of governance and accountability during the reform era, but, since the coup, that progress has been undone. Environmental movements, and civil society more broadly, have been repressed, sidelined and generally distracted by the return of military rule. There are occasional wins by communities and activists, such as a rare earths project being cancelled by the Kachin Independence Organization in the face of community opposition (Fishbein et al. 2023), but, in general, social and environmental outcomes have severely deteriorated. While activists and the state should be focused on the long-term health of the environment and its occupants, including the pressing issue of climate change (Simpson and South 2022), the entire country is instead convulsed by the coup and its repercussions, leaving little time or energy to address issues of long-term sustainability. It is difficult to be optimistic in the face of such societal rupture, but the intense engagement of Myanmar's youth in social and environmental activism, including reconciliation with Myanmar's Rohingya (Simpson and Farrelly 2021), provides some hope that when the present conflict abates, there will be a generation less blinded by the conservative and nationalist rhetoric of the past.

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# 11 Industrial Policy and Special Economic Zones

## Engaging Transformation in a Globalised World

*Giuseppe Gabusi and Michele Boario*

Since the 1960s, some countries in East Asia have implemented an export-led industrialisation strategy that resulted in sustained growth over the decades, following a developmentalist institutional framework. In a nutshell, states like Japan (Johnson 1982), South Korea (Amsden 1989), Taiwan (Wade 1990), and even China (Gabusi 2017) intervened in their national markets with all sorts of industrial policies characterised by support to domestic companies combined to selected exposure to the international markets. In other words, the state acted as a filter between the national economy and the global market – allowing some market incentives to percolate from the outside but avoiding the disruption of the weak domestic industry. This mix of protection and encouragement of exports allowed these countries to enter a modernisation phase and become an industrialised economy. Why did not Myanmar – still a predominantly agrarian economy – follow the same path? Why were industrial policies clearly ineffective, if the final aim were to create a sustainable manufacturing industry, leading the country to poverty-reducing growth patterns? What are the available options for the future creation of a modern industrial sector? How will the 2021 coup impact on such options? This chapter interrogates industrial policy in Myanmar to provide answers to these questions.

### **Military Rule to 2011: From Autarchy to Cautious Liberalisation**

Myanmar's military government approach to economic and industrial policies can be divided into two phases. In the first one – which ran from 1962 to 1988 – the state adopted a socialist and autarchic vision best summarised by three concepts: Burmanisation (following the expulsion of the relatively large Indian community and the ban on foreign investments), nationalisation (with large opposition to private property), and state-led industrialisation. The second one (1988–2011) saw the military junta cautiously liberalising and opening up the economy to the private sector and to foreign capital. However, also due to sanctions imposed by the United States and Europe, Myanmar's engagement with global economy was rather limited – with one exception, China.

**The Burmese Way to Socialism and Import-Substitution Strategies (1962–1988)**

When General Ne Win seized power in March 1962, ending the brief period of civilian government, one of the first documents issued by the Revolutionary Council was *The Burmese Way to Socialism*. Clearly inspired by then-fashionable Marxist approaches, it laid out the economic strategy for Burma's development (Brown 2013: 133–135). Building on the three pillars of Burmanisation, nationalisation, and state-led industrialisation advocated by Aung San since independence (Brown 2013: 170), in 1963 the policy justified the state's seizure of Burmese branches of British companies and the wiping out of the private economy: by early 1964, the whole production, distribution, and trade became a state monopoly (Brown 2013: 135–138; Steinberg 1982: 77). The Indian community of merchants and traders was particularly hit, and nationalisation forced them to leave the country: the dismantling of the colonial economy was then complete. The Revolutionary Council pursued a strategy of state-led industrialisation, aimed at obtaining self-sufficiency in manufacturing: by the mid-1970s, a quarter of state investment was directed to this sector (Myat Thein 2004: 61). The efforts did not pay though: Brown (2013: 144) calculates<sup>1</sup> that in ten years (up to 1971–1972) 'the real value of processing and manufacturing output' had grown only by 7%, indicating a clear waste of public money. In general, industrial plants were obsolete and – with restricted access to imports of spare parts and new machinery – highly inefficient (Brown 2013: 144–145). Finally, with the ban of foreign private investment, Burma embraced autarky.

The failures of the modernisation push did not go unnoticed, and in September 1972 the ruling Burma Socialist Programme Party (BSPP) adopted a new policy. The import substitution strategy did not change, but the attention shifted to the need to give industrialisation a new start by processing Burma's abundant natural resources, also for exports. The policy advocated the introduction of material incentives, the admission of local (but no foreign) private capital, and the return of the country to foreign aid and borrowing (Brown 2013: 149–150). The state continued to invest in the sector, but the latter grew at a lower rate than the planned target, and actually shrank between 1986 and 1988 (Tin Maung Maung Than 2007: 258). Moreover, between 1974–1975 and 1987–1988 the private sector thrived only in the smallest segment of companies – those employing fewer than ten people, while the number of private medium- and large-scale companies diminished considerably, as at the same time the group of state-owned enterprises (SOEs) enlarged from 411 to 489 (Brown 2013: 153, drawing on Tin Maung Maung Than 2007: 260–261).<sup>2</sup> With no change or improvement in the administrative structure of the state, no further opening to imports, no financial discipline, and no motivation in the workforce, the structural problems of the industry remained in place and the final outcome was then consequential: "from the mid-1980s, Burma's economy fell apart" (Brown 2013: 154), and in 1987 the United Nations downgraded Burma to the status of 'least developed country'.

The opposition to any kind of involvement of foreign capital implied that Burma could not follow the same path of export-driven growth fuelled by foreign direct investment pursued by other East and Southeast Asian nations. As the government

took to the extreme the anti-colonial, xenophobic policy of liberating the economy from British and Indian interests, no effort was put in place to nurture a nascent indigenous business class that could thrive outside the state sector of the economy. Although in the 1970s the BSPP realised that something had gone terribly wrong in the management of the economy, the three pillars of Burmanisation, nationalisation, and (state) industrialisation were never really put in question. Until a new phase was set in motion.

***The SLORC/SPDC Years and Benign Neglect of Private Industry (1988–2011)***

After the brutal suppression of protests in August 1988, the military formed a new government under the name of the State Law and Order Restoration Council (SLORC) (rebranded in 1997 with a much more friendly label of State and Peace Development Council – SDPC). As far as economic policies are concerned, one of its first initiatives was the promulgation of a new law, the November 1988 Foreign Investment Law, which reversed the long-time opposition to foreign capital, allowing foreign ownership of businesses operating in Myanmar, subject to approval by a Foreign Investments Commission (Kudo and Mieno 2009: 117). In March 1989, the SLORC embarked on a further series of market reforms, such as privatisation of some SOEs, the establishment of private commercial banks, the reopening of the Myanmar Chamber of Commerce and Industry, and the creation of the first industrial parks (for an exhaustive list of major economic reforms between 1987 and 1996 see Fujita et al. 2009: 5). Once again, though, while the number of registered private industrial enterprises skyrocketed,<sup>3</sup> the reform of SOEs was limited (Brown 2013: 180). Indeed, as in the early 2000s economic ministries created new industrial enterprises, the privatisation drive lost steam (Brown 2013: 187). Although gross domestic product (GDP) apparently – considering the low reliability of Myanmar’s statistics – grew fast in this period, the industrial sector actually contracted: in 2000 it represented 9.1% of GDP, while in 1990 it accounted for 10.5% (Myat Thein 2004: 182–183). An exception was the explosion of the garment sector.

In the early 1990s, the obsolescence of the textile sector in their national economies brought many Hong Kong and Korean textile companies to establish joint ventures with military-related textile and garment factories. Domestic firms entered the business in the mid-1990s, but it was only at the end of the decade that local private interests were behind the industry boom in Yangon, when garments accounted for almost 40% of Myanmar’s total exports, with a peak of USD 868 million in 2001 (Kudo 2009: 79). The garment sector operated under the rather basic ‘Cutting, Making, and Packing’ (CMP) system, whereby foreign firms would supply all raw materials and domestic factories would do the processing and be paid a fee when the product is finished and exported to the international market: for this very reason – the absence of meaningful links with the rest of the economy – CMP created industrial ‘enclaves’ (Kudo 2009: 81–83). The sector was indeed driven by export incentives, building on Myanmar’s comparative advantage of a



vast pool of low-cost labour, and it grew out of a benign neglect of the state, as “the success of this sector was neither intended nor promoted by the government” (Kudo 2009: 85).

However, rather than considering the private sector as a possible ally for the country’s development and co-opt it – as was the case in developmental states in East Asia, including China (Gabusi 2017) – the government showed the willingness to kill it before it could seriously threaten the economic foundations of the military regime.<sup>4</sup> Just to make it clear who was to benefit from market reforms, the junta set up two huge military conglomerates, the Union of Myanmar Economic Holdings (UMEH) in 1990 and the Myanmar Economic Corporation (MEC) in 1997. Even the last round of privatisation before the 2010 elections benefited in the end a group of 12 to 15 cronies, individuals who maintained powerful connections with the military and owned the biggest conglomerates in banking, infrastructure, transport, tourism, and real estate (Lall 2016: 135–136).

The development of the rest of the industrial sector was hindered by serious shortcomings. For a start, the share of public investment devoted to industry decreased from 36% in 1980 to 18% in 1985 to 6% in 1999, with a record low investment in the 1990s. Secondly, even though a large share of investment went into infrastructure, the government invested less in the 1990s than in the second part of the 1980s. Thirdly, inefficient and resource-wasting SOEs monopolised the infrastructure sector (Kudo 2009: 87–91). The lack of deregulation in the SLORC/SPDC years has possible economic and political explanations. In fact, the system was so dysfunctional that any major reform would immediately send the economy into chaos, and powerful private interests were seen as a possible threat not only to the military’s wealth but also to their political dominance (Brown 2013: 192). It did not help either that the West refused to collaborate with the military regime: even before the approval of American sanctions in 1997 and in 2003, all major US and European multinationals had abandoned their projects, even though investments from Malaysia, Singapore, Thailand, Indonesia, Japan, and China (especially in the 2000s) kept flowing to the country (Brown 2013: 195–196). However, the bulk of investment was in the oil and gas sector, another enclave with few connections to the rest of the economy. The physical and institutional infrastructure needed *for* the benefit (also) of investors was poor: electricity cuts and shortages were the norm, telecommunication services were expensive, regulations were unclear and unstable, and corruption was widespread. In conclusion, if, on the one hand, the introduction of outside market incentives allowed the setup of a private and export-oriented garment sector, on the other hand – due to the military’s reluctance to discuss the privileges of the state sector – it failed to generate spillover effects that could benefit the rest of the economy and ignite a take-off of the whole industrial sector.

The creation of industrial zones (IZs) in the mid-1990s also failed to reach this goal. The idea for creating the zones was to generate employment, expedite the process of industrialisation, and increase the efficiency and competitiveness with which the industrial sector operates (Lubeigt 2007). Unfortunately, inadequate government investment and the inward-looking, isolationist policies of the Ne Win



era greatly impeded the development of businesses in the IZs as well as the private sector in general. Moreover, the zones were created with a top-down approach. The army decided the location and forced the entrepreneurs to run their business inside the IZs, exactly the opposite of what is considered critical for a zone success – a leading role and early involvement of future users of the park (Saleman and Jordan 2014) – so as to avoid knowledge and incentive problems (Moberg 2017).

The majority of IZs in Myanmar failed to provide an optimal business operating environment. This is reflected in the decreasing percentage of active businesses operating within these zones. Even in the promising days of Thein Sein's and NLD's administrations, the IZs high rates of inactivity showed few, if any, signs of new investment, since new businesses did not find it advantageous to initially locate and operate within these zones (Robertson and Taung 2015). Infrastructure was still poor, both skilled labour and credit were scarce, and new technologies proved difficult to import. Corruption continued to keep the cost of operations high, and the dearth of skilled labour also limited the use of more sophisticated industrial processes. Anecdotal evidence collected by United Nations Industrial Development Organization (UNIDO) in 2015 showed that many businesses owners in the IZs did believe that they would be more competitive if they operated outside due to more lax regulation, closer proximity to consumers, and a cheaper supply of electricity.

In theory, the IZs have the potential to contribute to the industrialisation of the country (World Bank 2018), but if the challenges mentioned earlier are not dealt with in the future, domestic firms cannot hope to evolve and be competitive against foreign competitors. A new Industrial Zone Law – approved in May 2020 – promised to address some of the most critical issues, while providing a clearer governance structure for the development of the industrial sector, as well as further encouragement to local and foreign investments. It should be stressed that IZs were not able to attract significant foreign investments when they were created in the mid-1990s. It was only when Aung San Suu Kyi was released from house arrest and a semi-civilian government took up the reins of the country that the Western world embraced Myanmar as the new 'El Dorado' (Gabusi 2015: 53) or 'the newest Asian mecca' (Steinberg 2013: 205) for global capital.

### **Thein Sein and the USDP: Engaging Foreign Capital**

When President Thein Sein started his mandate in 2011, it became clear that the country was embarking on a transformative project that would create a more democratic and transparent political system and a more open and efficient economy. The interaction between the United States and China is arguably the most important external factor in explaining the inception of Myanmar reforms. The decision of the Obama administration to re-engage with Southeast Asia and Myanmar – if the generals were showing progress in the democratic transformation – provided the political space to President Thein Sein to unlock the country from the exclusive Chinese influence and start the reform process (Dossi and Gabusi 2022). Internally, democratisation and human rights improvement were also the result of a strong request from the civil society organisations and the Myanmar people (Boario 2017).

The Framework for Economic and Social Reforms (FESR) – adopted in 2012 – set out the goal of becoming a modern, developed, and globally integrated country in the medium term (MNPED 2012), outlining four policy priorities for the new government: “sustained industrial development to catch up with global economies . . . equitable shares of resources . . . effective implementation of people-centered development . . . and reliable and accurate gathering of statistical data” (MNPED 2012: 23). The idea of catching up industrialisation was in line with the developmental experience of other East Asian nations, and its implementation needed the help of foreign capital. Therefore, in November 2012, the government enacted the new Foreign Investment Law and the Foreign Exchange and Management Law.

In January 2014 an SEZ Law was promulgated, with relevant regulations published in 2015. Companies operating in the Special Economic Zones (SEZs) were allocated up to 75 years’ land-use rights, they were exempted from income tax for the first seven years, and they were also granted tax relief for a few more years. As free zones are treated as areas ‘outside the country’, companies are exempted from commercial or value-added tax and from customs duties on imports of raw and construction materials and machinery (DICA 2019). Following the enactment of the law, planning started for the development of two SEZs: Thilawa, some 20 km from Yangon, and Kyaukpyu (on Ramree Island in Rakhine State). A third one, Dawei, in Tanintharyi Region, had actually been already established in 2008 (Lall 2016: 141). Matching the characteristics of these SEZs with the World Bank Classification, they can be classified as Export-Trading Zones (ETZs) (FIAS 2008) with a clear division of labour: light manufacturing activities in Thilawa, heavy industries and manufacturing in Dawei, and petrochemical industry and manufacturing in Kyaukpyu. It is also interesting to note that the three SEZs are effectively a joint venture with a foreign country: Japan for Thilawa, Thailand for Dawei, and China for Kyaukpyu. Since 2015, Japan has also shown interest in Dawei, committing US\$ 800 million through the Japan International Cooperation Agency (JICA).

In all cases, the establishment of the SEZs required extensive land-grabbing, causing local (Pyae Phyo Maung and Wells 2018) and international (ICJ 2017) concerns. Moreover, in the case of Daiwei, local protests against an industrial site that would spoil the coastal natural landscape, infrastructural problems, and the lack of financial support convinced the Italian Thai Development Company working on the development of the zone to abandon the project in 2012. A new bid on a scaled-down project was made in 2013, and the same company (though deprived of the Italian partner) won it. The plan was now to create a 27-square-km zone, to be developed in four phases (three phases of 7 sq km each and one of 6) (personal communication). Another issue was also the proximity to Thailand, where local workers could find a job at a much higher wage (Lall 2016: 141). The Kyaukpyu SEZ includes a deep-sea port, a power plant, and petrochemical factories. In this case, the main concern is the lack of spillover effects for the rest of the economy, as the SEZ seems to be serving the interest of China only – in fact, the port is connected to pipelines transferring oil and gas eastwards to China’s Yunnan province (Lall 2016: 142). Thilawa is a 2,400-hectare SEZ developed by a consortium among Japanese companies (including Mitsubishi, Sumitomo, and Marubeni) and

JICA. Japanese companies and aid agencies have invested a lot in the country, in continuity with the 1977 Fukuda doctrine aimed at projecting Japan as a civilian power and economic partner in Southeast Asia (Lall 2016: 156). The SEZ of Thilawa includes a port and a power plant, and for its proximity to the commercial hub of Yangon, the relatively good quality of infrastructures around the area, and the undoubtedly great interest of Japanese multinationals, is the most advanced and promising of the three.

### **Aung San Suu Kyi and the NLD: Implementing the ‘Right’ Industrial Policy? Special Economic Zones as a Tool for Industrialisation**

Under the NLD government, economic and industrial policy goals did not change significantly. While emphasising more responsible business and economic sustainability, the new government remained committed to the process of economic liberalisation, private-sector development, social inclusion, and sustainable industrialisation. The approval of new investment, corporate, and financial laws by NLD in the period 2016–2018 was clearly in the path of the reform process triggered by Thein Sein’s government. Economic reform continuity could be seen in terms of contents but also policy makers. The Myanmar Sustainable Development Plan (MSDP) approved in 2018 had been formulated under the supervision of the deputy minister of Planning and Finance, Set Aung, who served in the same role also under the previous government led by the Union Solidarity and Development Party (USDP).

While the economic goals and strategies did not change, the reform pace suffered a significant slowdown and loss of impetus and sharpness under the National League for Democracy (NLD) government. Before the approval of the MSDP, NLD economic policies were criticised for the lack of detailed targets, clear priorities, and action plans. The government weaknesses in implementing the new policies undermined the reform process. The business community both at local and international levels turned increasingly critical towards the NLD leadership in policy implementation (Vakulchuk et al. 2017), and approved foreign direct investment (FDI) declined from US\$9.48 billion in 2015–2016 to US\$4.4 billion in 2018–2019 (DICA 2019).

The continuity between Thein Sein’s economic policies and the approach to the economy adopted by the NLD government was evident also in the case of SEZs. However, the picture was mixed.<sup>5</sup> As far as Dawei SEZ is concerned, in August 2015 the consortium led by the Italian Thai Development Company was joined by other companies, but progress was very slow on the ground, even though the project was upgraded to a long-term objective to expand the area to 196.5 sq km. Due to environmental concerns, and the absence of clear environmental plans, any plan to construct a small port stopped, and all the other components (liquid gas terminal, industrial zone, power plant,<sup>6</sup> residential area, telecommunication system, water reservoir<sup>7</sup>) were stalled. The management singled out the port, the power, and the Kachanbur road upgrade as priorities. On the financial side, the SEZ got a USD130 million loan from the National Science and Technology Development

Agency (NSTD), the Thai national development agency, with the idea of devoting the initial phase to light manufacturing.

After the deadly crackdown by Myanmar's army on the Rohingya Muslim ethnic minority group in August 2017 and the consequent cooling of relations with the West, the pendulum of Myanmar international affairs swung once again towards China. Relevant consequences on Myanmar industrial strategies did not wait long to materialize. State Counsellor Aung San Suu Kyi announced the proposal to build a China-Myanmar Economic Corridor (CMEC), as part of Beijing's Belt and Road Initiative (BRI), in November 2017 (Nan Lwin 2018). A memorandum of understanding between the two countries was signed in September 2018, and the Kachin state authorities agreed to implement a new industrial zone in partnership with the Yunnan Tengchong Heng Yong Investment Company. A new Economic Development Zone was created in Myitkyina, in the Kachin State, after the signature of an agreement with China in early 2020. The project was worth US\$400 million and would host more than 500 enterprises, active in agro-processing, manufacturing, and logistics, over an area of approximately 4,700 acres in Namjim village (Nan Lwin 2019).

The visit of President Xi Jinping to Myanmar in January 2020 and the signature of a deal for the deep port of Kyaukpyu, worth US\$1.3 billion, was another important step in the creation of the CMEC (Reed 2020). The large injection of capital envisaged represented a strong push to the SEZs strategy. Nonetheless, the real benefit for the country of these Chinese investments remained to be proved, considering existing issues of land grabbing and of social and environmental sustainability.

On the basis of Thilawa success in attracting foreign companies (113 companies as of January 2020), SEZs might be an effective tool to facilitate industrialisation in Myanmar. The country badly needs infrastructure and capital. Integration in global value chains is another critical need for the Myanmar economy. Supported by a strong incentive package, one-stop shops, and dedicated services, SEZs have the potential to meet critical industrial needs of the country. However, the three aforementioned SEZs can host only a limited number of companies and should be considered a pilot to drive lessons for the creation of several others around the country. In this respect the top-down approach that has characterised their creation should be reconsidered. Unfortunately, there has been little debate about a new model to be followed in Myanmar. Evidence from the literature (Saleman and Jordan, 2014) clearly shows that a majority of successful SEZs around the world were created with a strong involvement of the private sector and early involvement of final users. Also, the most successful SEZs are more spaces of experimental reform rather than simple ETZs (Moberg 2017). The role of the government should be limited to provide a robust implementation and funding framework, while delegating the actual implementation to the private sector. The government should play a pivotal role only in monitoring the implementation and measuring the expected impact.

### **After the 2021 Coup: Rewind Ten Years**

With the military coup in February 2021, the hands of Myanmar's economy and socio-political life went back to the time of the Than Swe dictatorship. The country

has been projected into a future that we thought dystopian enough when the political elections of November 2020 had confirmed the great popular support for the NLD and its leader. The economy praised once by the International Monetary Fund (IMF) as one of the world's fastest, with an average annual growth of 7% in the decade 2010–2020, under the pressure of the coup, COVID-19, and higher international prices has collapsed to –18% in the fiscal year ended on the 31 March 2022. Horrible violence and violation of basic human rights perpetrated by the Tatmadaw compounded with the spread of communal riots, ethnic clashes, and unclear bomb attacks, in addition to throwing the population into a state of despair and disillusionment, have created a volatile and difficult business environment. Indeed, one fifth of all firms surveyed by the World Bank in May 2022 have declared domestic conflicts to be their 'most important challenge to their operations' (World Bank 2022: 7). Key international businesses have already left the country, and many others will reconsider their investments. Investors have been invited 'to take a stand against human rights violations', as the reputational risk of doing business with Myanmar increases (United Nations Human Rights 2021). The disobedience movement with the legitimate goal to put pressure on the generals has inevitably weakened the economy. Development and infrastructure project funding from donor partners have been frozen or cancelled. The European Union, the United Kingdom, and the United States have reestablished economic sanctions to target the military conglomerates. The unwritten pact of no return to a military dictatorship between the Tatmadaw's elites and the people, as well as Western international actors, has been broken. Myanmar is back to its status of international pariah.

In such a grim context, State Administration Council (SAC) economic interventions are all in the wrong direction and further deteriorate the economic prospects of the country. The World Bank has entitled its last Myanmar Economic Monitor 'reforms reversed' (World Bank 2022). Indeed, the SAC has embraced an import substitution and self-sufficiency policy, abandoned the managed floating exchange rate regime fixing the official exchange rate at an overvalued level, adopted foreign exchange restrictions leading to shortages of US dollars and a growing spread between official and parallel market rates, and imposed onerous import and export license requirements, thereby discouraging trade. These measures are all oriented to gain control over the allocation of resources in the economy in favour of the armed forces and its cronies. The consequence is a resources diversion from their most efficient use, further weakening the investment climate, and ultimately constraining Myanmar's growth potential.

In fact, FDI has been contracting by about two thirds between 2021 and 2022, and substantial outflows of foreign currency deposits have combined to put pressure on the financial account (World Bank 2022: 7). Kyat depreciation has increased import prices, disrupting global value chains: for instance, Japanese and Korean automotive companies Suzuki and Hyundai have suspended their operation due to higher import costs and shortage of spare parts (World Bank 2022: 20). However, GDP growth is projected to be 3% in 2022, driven overall by manufacturing and construction. In particular, manufacturing exports have increased by 54% between the first half of 2021 and the first half of 2022, with garment exports significantly

improving, as workers are going back to their job places after the large strikes that took place across the country in 2022 (World Bank 2022: 28). It does help that the sector has been exempted by trade license restrictions, which are not applied to CMP imported inputs (World Bank 2022: 21). Large garment multinational companies – grouped under the umbrella ‘Action Collaboration Transformation’ – have left the country, though, as the human rights situation worsened (The Irrawaddy 2021a).

Even though the NLD-enforced laws and incentives governing FDI in Myanmar – the 2016 Myanmar Investment Law and the 2018 Companies Law – are still in force, their administrative implementation depends on bureaucratic agencies, which are now headed by loyal cronies of the regime and lack capacity, as their staff has been boycotting activities or has been fired. Institutions like the Directorate for Investment and Company Administration (DICA) of the Ministry of Investment and Foreign Economic Relations and the Myanmar Investment Commission have always had some discretion, but now it seems that they are often bypassed by the military regime. All legislative and regulatory powers are in the hand of the SAC, and they are exercised without any transparent oversight or consultation whatsoever. The SAC also controls the judiciary, and it has threatened private companies with nationalisation. Finally, if in theory, foreign companies still have the right to remit foreign exchange, in practice, remittance has become increasingly challenging, due to the difficulties encountered by the banking sector (U.S. Department of State 2022).

As far as SEZ development is concerned, the number of operational companies in Thilawa did not change significantly after the coup (85). However, all construction sites of new companies have been stopped, and no new investment requests have been addressed to the consortium (personal information). The investors in operational companies did not withdraw, betting on a possible normalisation of the country context. In the case of Japanese companies in Thilawa, this attitude seems confirmed by a Japan External Trade Organization (JETRO) survey showing that about 70% of Japanese companies investing in Myanmar will either maintain or expand their operations in the short term (JETRO 2021). Nevertheless, such an attitude may change quickly. The Mitsubishi Corporation, one of the Japanese investors in Thilawa, has stated that they will decide whether to keep on supporting the project on the basis of future development of the context in the country. They already have suspended two other projects that, according to them, differently from Thilawa, are considered at risk of supporting the military regime, i.e. the Yetagun Gas Field Project and the Landmark Project (Mitsubishi Corporation 2022).

Dawei SEZ was already in trouble before the coup, and now, under the SAC, it is completely stuck. The contract with the developer Italian Thai Development was already cancelled in 2020 (ASEAN Today 2021). In the new IZ outside Myitkyina, existing projects have been paused and there are no new investments (personal information). It is totally a different story in Kyaukpyu, where the SEZ development has been slowed down after the coup but has not been halted. As previously mentioned, in this case, the country of reference is China, one of the few friends the SAC can still count on, and the project is part of China’s BRI plans in Myanmar. Indeed, maybe in an attempt to lessen Myanmar’s perception of a ‘dependent



asymmetry' (Dossi and Gabusi 2022), China is trying to involve Thailand, Vietnam, Cambodia, and Laos in a "China-Myanmar Economic Corridor 'Plus' Initiative" (Vaghji 2022). Therefore, it is not surprising that an agreement to conduct preliminary field investigation work for the Deep-Sea Port Project was signed in September 2021 in Beijing (The Irrawaddy 2021).

## **Conclusion**

A mix of protection and encouragement of exports in the second half of the 20th century allowed a number of Asian countries to enter a modernisation phase and become industrialised economies. Myanmar did not follow this path. The military regime of General Ne Win tried to reach manufacturing self-sufficiency and after banning all foreign investments embraced autarky, leading the country to an economic catastrophe and widespread poverty. Despite a number of timid attempts to change such ill-conceived policies in the 1980s and 1990s, it was only after the political election in 2011 that the country seriously embarked a reform process to open up the economy and build on market forces. In a country with an overall weak investment climate, the creation of IZs and SEZs could have proved to be a successful strategy to support the industrial development. Unfortunately, the approach followed for the creation of Myanmar IZs was excessively top-down and, in most cases, failed to support the expansion of the industrial production. Particularly in the IZs outside the two main economic poles, Yangon and Mandalay, no specific infrastructure was provided to the tenant companies. A zone-internal road grid often only consisted of dirty roads in order to receive access to electricity, and many companies needed to install substations or transformers of their own or to rely on generators. The size and location of IZs were not based on profound feasibility studies. An active process of attracting specific investments or sectors (clustering) was not included in the process of developing an IZ – industrial entrepreneurs rather randomly decided to establish factories. Land speculation was and still is a frequent issue, leaving plots for industrial investors blocked and vacant (UNIDO 2017).

Nevertheless, there were also successful industrial parks in the country. Thilawa SEZ, based on a public-private partnership sponsored by Myanmar and Japan, was attracting a growing number of foreign companies. But to use effectively IZs and SEZs as a policy tool to support industrialisation, the country should have addressed a number of issues and revised its policies. The starting point for a new, more successful policy direction for both IZs and SEZs should have been a revision of the respective role of the public and private sector in the creation and management of the parks. As in other areas of economic reform, the Myanmar government should have encouraged the private sector taking the lead in identifying the location, the size, the management model, funding, and other features of industrial parks that ultimately determine the investment choices of the potential users. This approach minimizes the risk that IZs and SEZs become 'white elephants' without operational enterprises inside. In terms of the overall model, Myanmar should also have encouraged two other critical features – clustering and process



integration. Myanmar high transaction costs necessitate the development of a large number of firms in industries where economies of scale, intraindustry knowledge spillovers, forward and backward linkages, good supply chain and logistics, and other agglomeration effects can be achieved. By clustering together, similar firms reduce each other's costs, improve productivity, and reach new markets. IZs and SEZs should provide specialised facilities and services customised to the unique needs of the target enterprises, including access to finance and non-financial services. The development of cluster-based industrial parks, combining the positive agglomeration effects produced by the cluster development, from one side, with the infrastructure and the opportunities for economic diversification associated to the industrial zones, from the other, can yield significant economic and social payoffs to the country (Monga 2011).

Unfortunately, with the return to autarchic policies pursued by a fully fledged military regime, the NLD's age in power looks like a political economy missed opportunity, as IZs and SEZs alone could not be appropriate substitutes for improving infrastructure and the general investment climate. When the Tatmadaw staged a coup in February 2021, a number of challenges were still affecting the investment climate in Myanmar. Access to finance, weak infrastructure (including power shortage), and lack of skilled labour were the more relevant (UNIDO 2017). The legal/institutional framework and policy mechanisms needed to accelerate industrial development were still lacking or badly implemented. Industrial policies neither met the demands from the industry nor regional or global standards and best practices. The governance structure within the government was complex and highly fragmented, showing a lack of efficient and effective inter-ministerial coordination. If there has ever been a momentum for reforms, that chance is now gone.

The SAC is planning to hold new elections in 2023. If ever the armed forces succeed in their plan, it might be the case then that the intensity of domestic conflicts will decrease and global investors will look again at Myanmar as a profitable destination, but the lesson from the NLD's 'lost years' is that future Myanmar governments will still have to revise and improve dramatically the policy making cycle. First, in a complex country like Myanmar, policy formulation and policy implementation cannot be left only to ministers and a few international consultants: they have to involve all stakeholders (Andrews et al. 2015). Second, governments should acknowledge that a top-down approach in creating IZs and SEZs was not successful and try a different model. Third, while it is easy to find best practices that worked well in other countries, a copy/paste process would inevitably fail in addressing the specific problems of the highly fragmented Myanmar context. Similarly, it is important to avoid the temptation to create institutions that just mimic the form of performing ones without developing the actual operational functions (Pritchett 2013). This is often the case in Myanmar and other developing countries. No matter if and when the political system becomes more democratic, Myanmar might one day look at neighbouring Vietnam and Malaysia – not for coping – but to be inspired and kick-start a serious discussion on policy reforms based on the principles herein proposed.

## Notes

- 1 Calculations are actually made from Tin Maung Maung Than (2007: 127, Table 5.3).
- 2 Specifically, Brown draws on Tables 7.4, 7.5, and 7.6.
- 3 Drawing on data from Ministry of Industry (1), Kudo (2009: 70) finds that this number went from 27 in 1990 to 41,875 in 2005.
- 4 For a brief summary of the military's involvement in the economy see Bunte (2017).
- 5 This information on the zones was acquired through interviews with SEZ officials (Yangon and Thilawa, October 2018).
- 6 In the project, Western companies (Total, Siemens, and ADB) were involved.
- 7 The dam is finished, but the reservoir is not enough for industrial use.

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**Part 3**

**Society**



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## 12 Art and Heritage

### Creating and Preserving Cultural Histories

*Charlotte Galloway*

Myanmar's rich visual culture is consistent with the country's ethnic diversity and disparate physical environments. Artistic forms have undergone continual evolution since earliest times, and Myanmar's inhabitants have integrated a complex visual culture within their daily lives. Over the last 100 years Myanmar's arts and heritage have been profoundly affected by socio-political events. Myanmar's historic artistic skills have been threatened by cultural change and industrial progress. Modern art practices have been stifled by government rules and regulations. Since independence Myanmar's creative citizens have lived through periods of artistic freedom and oppression. Art and heritage have been used as tools by various state entities to further political ambitions, though throughout, artists and craftspeople have adapted and endured.

While historic traditions associated with Myanmar's artistic practices are readily evident through Myanmar's innumerable temples and Buddhist monuments, the conceptual framework of addressing art and heritage within internationally accepted practices is still in its infancy. What exactly is art and heritage in the Myanmar context? In general terms, art can be taken to mean the traditional arts and crafts of Myanmar, performing arts and music, and western-style art practice. Heritage can be divided loosely into the categories of Buddhist monuments and sites, ancient artefacts such as Buddha images, and other archaeological material, and in more recent times colonial architecture has become a heritage focus. Intangible cultural heritage is a recently introduced concept, and documentation of Myanmar's living cultural traditions is now occurring.

Western concepts of heritage were only formally introduced to Myanmar after the country was integrated into the British Empire in 1886 as a province of India, quite late in the overall context of colonialism. The Archaeological Survey of India [ASI], through their Department of Archaeology in Myanmar, assumed responsibility for all excavations and restoration of ancient sites in Myanmar. The ASI established site museums at Bagan (c. 1904) and Sri Ksetra, near Pyay (c. 1926). These modest storehouses are still in use today (Nu Mra Zan 2016). Britain established major museums in many of its colonies, yet no government-funded museum was built in Myanmar during colonial rule. The first museum opened in Yangon in 1867. The Phayre Provincial Museum, named after Sir Arthur Phayre, British Chief Commissioner from 1862 to 1867, housed Phayre's own collection (Nu Mra

Zan 2016). Similarly, the first public library was established by a private citizen, Bernard Free, Commissioner of Lower Burma, when he opened a library in his name in Yangon in 1883. In the absence of a major collection repository, monasteries across the country became safe storehouses for heritage objects found in more remote areas (Fabri 1936: 47).

Colonisation had a significant impact on Myanmar's arts and crafts traditions. Since at least the eleventh century, the ten pan (flowers) have been fundamental to Myanmar's visual culture. These crafts, which included wood and stone carving and masonry work, were integral in producing the monuments and objects of donation associated with Buddhism. The system of donation, which saw the kings and royal families lead by example, was severely disrupted by colonial rule. Regular maintenance of temples previously paid for through the court no longer took place; renewal of temples such as the replacement of new htis, the umbrella that sits atop stupas, was only possible if local communities could fund it.

With a disrupted social and economic framework, the amount of work available for artisans shrank considerably and inevitably skills were lost. British rule introduced western drawing and painting techniques. Again, Myanmar did not enjoy the same benefits afforded to India where the British ran several art schools (Mitter 1994: 30–34). It was not until 1930 that the government opened an art and music school which later became the University of Fine Arts with branches in Yangon and Mandalay. Western art practices were embraced by a new generation of Myanmar artists, but in the destabilising environment leading to World War II there was little opportunity to gain international recognition. During Japanese occupation (1942–44) an Institute of Art was established and artists produced scenes of military battles and propaganda art for public consumption (Ranard 2009: 141). This gave some artists the opportunity to continue their practice, but training programmes were severely interrupted.

Following independence in 1948, under U Nu's leadership the Ministry of Culture was formed on 22 March 1952 with a foundation brief to "to centralize, co-ordinate and devote itself entirely to various works of culture in different aspects" (DIUB 1953: 33). In 1952 the State School of Fine Arts, Music and Drama was founded in Yangon, later expanding to Mandalay, and the National Library, Museum and Art Gallery was opened on 1 June 1952 under the name of The Cultural Institute and aimed

to strengthen the national unity of Burma by raising the cultural level of the people. . . . To bring history to life and to create an awareness of the cultural heritage of the past were motives which encouraged the moulding of the Institute.

(DIUB [April] 1953: 33)

The Department of Archaeology became responsible for all excavations and preservation of monuments and sites, later becoming part of the Ministry of Culture.

Buddhism provided cultural links to assist nation building during Myanmar's fragmented post-independence period. The building of Kaba Aye Pagoda and

Myanmar's hosting of the Sixth World Buddhist Council (17 May 1954–May 1956) positioned Myanmar as a leader in contemporary Buddhist teaching. In 1955, coinciding with the council, the Ministry of Union Culture hosted an exhibition of Buddhist art and antiquities on loan from the Government of India, the first known major loan exhibition to Myanmar (Ministry of Union Culture 1955). A museum division was established within the International Institute for Advanced Buddhistic Studies when it was founded in 1955 to showcase local and international Buddhist artifacts (Ministry of Information 1961: 64–65). Like Kaba Aye, the institute and associated religious buildings were built under U Nu's direction.

A 1958 paper by then director of the Archaeological Survey of Burma, U Lu Pe Win, listed aspects of Burmese culture which endured throughout the period of colonial rule. These included religious architecture, civil architecture, painting, lacquerware, silver and gold work, weaving, language and literature, drama, astrology, weights and measures, coinage, and festivals (U Lu Pe Win 1958). Many of these arts and crafts were taught at the fine arts universities. With an aim to 'make the National Museum come up to international standards' the government recognised the need to ensure "careful preservation, upkeep and maintenance of these cultural heritage [sic] of mankind . . . according to modern methods to prevent any possible decay" (DIUB 1958: 37). The UNESCO Protocol for the Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague 1954) and the Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention (The Hague 1954) were ratified in 1956. The United Nations Educational, Scientific and Cultural Organization (UNESCO 1956) supported Myanmar's museum development, providing training for staff and equipment (DIUB 1957: 83, 1958: 37).

A 'Museum Week' was held 25 March–1 April 1961 to mark the ninth anniversary of the National Museum and National Art Gallery (Ministry of Information 1961: 189). Regional cultural museums were established in major centres such as Hpa-an and Taungyi. However, increasing political tensions saw arts and heritage become tools for promoting government policy. In the 1961 government report, for example, the importance of film as a means of mass communication is noted, as film "is by itself a potent means of moulding the social and cultural life of a nation" (Minister of Information 1961: 284). The Board of Film Censors functioned under the provisions of the Cinematograph (Amendment) Act, 1957, and its role was to ensure that the policies of the government were upheld "with respect to sovereign rights of the Republic, rights relating to religion, raising of cultural and educational levels of the people, racial harmony and international relations" (Minister of Information 1961: 285). In practice the board's role was to ensure a consistent message was portrayed through film and recently introduced television.

### **Military Rule to 2011**

The 1962 coup and Ne Win's Burma Socialist Programme Party (BSPP) rule saw Buddhism and Bamar culture overtly harnessed to promote national unity. In a translation of Ne Win's rallying speech entitled Preserving and Enriching National

Culture, Ne Win remarks “As I have said earlier, the Revolutionary Government considers that dramatists and artistes constitute a potential force for promoting national progress” (Ne Win 1963: 7). The 1964 Library, Museum and Exhibitions Monitoring Act put in place a framework of arts censorship that would be used to impose restrictions on creative arts through to the post-2011 period. The principles include vague ideals such as whether or not the works presented would disrupt security, law, discipline, and peace; or disrupt a religion; or slander national benefit or oppose Myanmar traditions. With no guidelines against which to make any assessments, the principles could be interpreted as generously or rigidly as the committee determined (Carlson 2016: 170).

By the late 1960s to early 1970s culture was used as a rallying point for creating tensions between Myanmar and the international community, and among Burmese citizens themselves. Criticism was made of “undesirable elements of foreign cultures being imported and spread by the stupid sophistication of the so-called educated and elite” (Guardian 1970: 5). Management of regional cultural museums was transferred to the Ministry of Culture in 1972, and the collections also were nationalised.

Art and heritage pretensions were used to assert legitimacy in this predominantly Buddhist nation. Just as U Nu oversaw renovations to key Buddhist sites such as Botataung Pagoda in Yangon and the Shwemawdaw in Bago, Ne Win sponsored pagoda restoration and building programmes. Nationalisation of many private enterprises during the 1960s, along with the ‘stay Order’ effective from 1963 to 1973, had an unforeseen impact on Yangon’s older buildings. The law forbade the eviction of tenants even if they did not pay rent, resulting in many buildings becoming run down (Seekins 2011: 98). One conundrum was how to manage the Secretariat building, which dominates downtown Yangon. Completed in 1905, in 1947 Deputy Chairman of the Executive Council Aung San and six colleagues were assassinated in a room in the complex’s southwest corner. On 4 January 1948 Myanmar’s independence was proclaimed at the Secretariat, and it remained the legislative seat until 1962, the year General Ne Win took power (Rooney 2012: 24–25). As Ne Win’s government steadily lost popularity, it was feared the site could become a rallying ground for activism. In 2006 when the capital moved to Nay Pyi Taw the Secretariat was locked, only opening on Martyrs Day each year. A similar story played out at other landmarks with particularly strong associations with past history such as the Pegu Club. Built as a gentleman’s club in the British tradition in 1882, in 1962 it was nationalised, used as an officers’ mess, and later left to fall into disrepair (Rooney 2012: 142–144; Guyitt 2013).

During the 1970s dire economic conditions and disengagement with the international community saw the BSPP’s public support for the arts languish. Myanmar’s first, and still running, private gallery, Lokanat, opened in Pansodan Street in 1971 and was set up as an artists collective. With growing civilian unrest, artists and performers expressed popular dissent in their works, putting these artists at risk of imprisonment. For artists engaging in non-political art practice, their isolation from international developments saw art practice stagnate. The BSPP’s isolationist

policies are evident in the news reporting of the 1975 earthquake that severely damaged many temples at Bagan. The *New York Times* noted:

Because of the isolationism of Burma, amounting to virtual withdrawal from the world, the vast complex of pagodas and monasteries is hardly known except by historians and art scholars, and the disaster that struck on July 8 received little attention outside Burma.

(Kamm 1975)

In the 1981/82 and 1984/85 Report to the Pyithu Hluttaw on the Financial, Economic and Social conditions of The Socialist Republic of the Union of Burma no mention is made of cultural activities (Ministry of Planning and Finance 1985).

In the early 1980s there was a brief flurry of international engagement as foreign restrictions were eased. For example, experts were brought in to map Bagan's monuments, and the work was later published with UNESCO support (Pichard 1992–2001). However, the 1988 Uprising which led to Ne Win's resignation and power being seized by General Saw Maung under the State Law and Order Restoration Council (SLORC), marked the beginning of extreme suppression of the arts and heritage sectors. SLORC, reconstituted in 1997 as the State Peace and Development Council (SPDC), also used the arts to promote national solidarity, but through cultural uniformity rather than diversity – and specifically – it was a Bamar Buddhist uniformity (Houtman 1999: 91). Spreading this centralist approach was the role of the newly established Public Relations sub-committee. Film stars and musicians were recruited to visit remote regions. Their visits were filmed and shown throughout Myanmar, reinforcing the reach of the SLORC/SPDC (Public Relations Sub-Committee 1990: 87–90).

The SLORC/SPDC asserted their Buddhist credentials and at the same time offered some support to local craftspeople through their role in the “promotion, propagation and perpetuity of the Sasana” by commissioning many Buddha images and texts for donation to temples across the country (Ministry of Border Areas and NRD 1993: 73). The reports frequently show General San Shwe (chairman of SLORC and chairman of the Central Committee for the Development of Border Areas and National Races) and Maj-Gen Khin Nyunt (secretary SLORC and chairman of the Work Committee for the Development of Border Areas and National Races) showing their Buddhist patronage through donations and paying obeisance to monks (Ministry of Border Areas and NRD 1990: 17–35).

In spite of world condemnation following the 1988 uprising and subsequent house arrest of Aung San Suu Kyi, SLORC attempted to reinvigorate Myanmar's international heritage credentials. Bagan was nominated for UNESCO World Heritage listing in 1995. The submission was lacking in detail, and requests to provide further information were treated as a rebuff by the government. SLORC's intent to meaningfully engage in world heritage practices was questionable, as evidenced by the construction of a new museum at Bagan which opened in 1996. Located within the most significant part of the Bagan archaeological zone, it is overwhelmingly intrusive.

SLORC built other grand cultural edifices, including a new National Museum in Yangon which opened in 1996. All created a superficial vision of a prosperous and culturally sophisticated nation. Government publications such as *Myanmar Today* presented a picture of positive support for the cultural sector through its building programmes. Yet once completed, the buildings were left to stagnate. Local visitation was minimal, as many Myanmar citizens avoided any involvement with SLORC-generated projects. In 1992 national competitions for performing arts were introduced “to maintain[s] the national traditions and cultures but [is] also able to identify and nurture [sic] new breed of artists for the country” (Myanmar Today 1998: 20). There is clear intent that this ‘new breed of artists’ would be highly conventional in their practice – freedom of expression in the creative arts was not supported.

In 1997, when SLORC was reconstituted as the SPDC, hard-line censorship and disengagement with international communities softened marginally. Myanmar joined the Association of Southeast Asian Nations (ASEAN) the same year, opening up a network of cultural activities. In 2000 the Southeast Asian Ministries of Education Organisation (SEAMEO) was founded, and the SEAMEO Regional Centre for History and Tradition (SEAMEOCHAT) subcommittee was based in Yangon. International interest in Myanmar’s cultural heritage was keen, but navigating official approvals for research and conferences was challenging. With many sanctions still in place, limited funding was available to experts, restraining international expert engagement in arts and heritage.

Many artists/activists were jailed in the early years of SLORC rule, and public display of contemporary art was heavily scrutinised. The 1964 Exhibitions Monitoring Act was used to refuse all manner of paintings and art practices. Nudes were excluded from public exhibition, perhaps for opposing Myanmar culture or ruining the moral behaviour of youths and children, both principles of the Act. Paintings of women with flowers in their hair could be construed as support for Aung San Suu Kyi; too much red might represent blood and reference uprising, thereby disrupting peace and security (Galloway 2018: 143–144). Few tourists visited, and the local market for contemporary art was almost non-existent. Writing about art also required careful thought. An important 2006 book on Myanmar art offers veiled comments about the government. In discussing art in the 1960s, “it was a time of searching, of learning, of new thoughts and trends in the works of foreign artists they could only see in magazines” (Khin Maung Nyunt et al. 2006: 66). “When the Ne Win system was abandoned and the economy opened up for private enterprise in the early 1990s . . . exciting repercussions shook the art community through more exposure to the world” (Khin Maung Nyunt et al. 2006: 71). Authored by well-known Burmese historians and writers, this publication is indicative of the self-censorship that occurred as people balanced the need to make information public, but also avoid government scrutiny and potential imprisonment.

In the heritage sector, SLORC interest in international engagement was superficial. Even as late as the mid-2000s a large walled compound containing an imagined version of the palace of Myanmar’s first great historical king, Anawrahta (r. 1044–84), was built within Bagan’s old city walls. Anecdotally its construction



is seen widely as a merit-making activity for the government who were perpetuating the Bamar Buddhist history of Myanmar. Such actions are almost deliberately provocative in a world heritage context and highlight the SLORC tensions between engaging with international best practice and maintaining ultimate sovereignty over their own country.

### **Thein Sein and the USDP**

Following the 2010 elections, the newly elected Union Solidarity and Development Party (USDP) embarked on a programme of reforms that saw significant advancement in arts and heritage. In 2013 the Censorship Board's Rules for Art Exhibitions were amended. Still vague – 'exhibiting inappropriate artwork is not allowed' being one rule – it is less heavy-handed (Carlson 2016). Anything that creates conflict between ethnicities and religion is a specific principle and is representative of a marked shift away from SLORC/SPDC policies that promoted a unifying Bamar culture. The 2014 Hong Kong exhibition curated by Melissa Carlson, 'Banned in Burma: Painting under Censorship', included 50 paintings censored from 1962 to 2011. Carlson remarked in an interview that many of the censors were completely out of their depth when trying to assess works through themes such as colour, subject, and abstraction (Sokol 2014). With growing confidence, from 2014 to 2015 at least 12 new art galleries opened in Yangon. Pansodan Gallery, one of Yangon's best-known art spaces, opened Pansodan Scene, a venue for artist talks and discussion. In 2013 Pansodan Gallery owners Aung Soe Min and Nance Cunningham published an arts journal, *Pansodan Art & Culture* (Cunningham 2013–15). With articles in Burmese and English, this was among the earliest publicly accessible independent art news journals in the post-military rule era. Yet when reading the English-language articles restraint is clearly felt. There are no comments that could be adversely construed as being critical of the government. Being able to publish the journal was a big enough step. San Zaw Htway's September 2013 article 'The Art of Surviving in Prison 3' makes no reference as to why he was detained, nor is there any mention of government. The only comment that could be construed as critical of government occurs when he remarks how prison workers were told by authorities that any engagement with political prisoners would result in "many different kinds of punishments for disobeying rules, including conversing with us" (San Zaw Htway 2013: 22).

Perhaps the single most influential factor for artists and their practice was access to the internet. Social media became powerful tools for artists, who could now access contemporary discourses on international art practices. Performance and installation art, almost unknown previously, became part of Myanmar's contemporary art scene. The influx of foreign visitors boosted the market for both tourist-related traditional arts and crafts and contemporary art. The rise of Myanmar's middle class saw money become available to perform acts of *dana*, donation, on a large scale. The demand for high-level artisanal skills has increased substantially, from creating temples, stupas, and monasteries through to wooden carvings for grand hotels or private residences. International aid agencies became involved in



major heritage restoration projects. The World Monuments Fund has been overseeing the restoration of the Shwe-nandaw Kyaung in Mandalay. As noted on their website “A cadre of skilled craftsmen are being trained in the forgotten Konbaung Dynasty on timber framing and carpentry techniques”, a reminder of skills lost since the colonial period (World Monuments Fund n.d.).

The Ministry of Culture’s role expanded significantly. When the USDP formed the government, Myanmar was the only ASEAN country without a world heritage site. The move towards democratic elections, and the end of Aung San Suu Kyi’s house arrest, prompted international encouragement to submit a site for world heritage nomination. It was not Bagan but the little-known Pyu Cities, a series of three first-millennium Buddhist sites, that were nominated, and in June 2014 the Pyu Ancient Cities was inscribed on the world heritage register. International experts were engaged to assist with the nomination project, and sector capacity building was embraced by the government. Three items were inscribed on UNESCO’s Memory of the World list – the Kuthodaw Inscription Shrines in Mandalay, the Golden Letter of the Burmese King Alaungphaya to King George III of Great Britain, and the Myazedi Quadrilingual Stone Inscription (UNESCO Memory of the World n.d.). The Department of Archaeology became the coordinating entity for all UNESCO engagement and is now known as the Department of Archaeology and Museums (DOAM).

The USDP initiated a new museum and national library in Nay Pyi Taw on a grand scale. In a marked shift from the SLORC/SPDC focus on a Bamar-unifying culture, the USDP has supported redevelopment of the regional cultural museums which languished under SLORC/SPDC rule. Local cultural and heritage groups were established, for example, the Sri Ksetra Heritage Trust which educates locals and nationals about the history and significance of the Pyu Ancient Cities. These organisations are playing an important role in reasserting Myanmar’s diverse ethnic histories. Again, social media sites such as Facebook facilitate community engagement.

In 2012 the Yangon Heritage Trust (YHT) was founded by Dr Thant Myint-U. Grandson of former UN Secretary-General U Thant, Thant Myint-U’s international influence has greatly assisted raising awareness of Yangon’s unique cityscape and colonial-era heritage. YHT has been playing a crucial role in protecting Yangon’s heritage buildings by providing strategic advice on planning and building redevelopment to government and private developers. In the absence of comprehensive heritage and planning laws and little expertise in heritage management, YHT’s Yangon Heritage Strategy has been informing development (Thant Myint-U et al. 2016).

In the four short years of the USDP government, the arts and heritage sectors were transformed. Public engagement with museums increased. Money was invested in training museum staff. The flow-on effect of international engagement has offered many opportunities for reinvigorating traditional arts and crafts as well as contemporary art practice. Thein Sein’s reformist platform established a strong foundation of support for Myanmar’s arts and heritage.

## **Aung San Suu Kyi and the NLD**

After the National League for Democracy's (NLD's) 2015 election success, censorship enforcement relaxed further. With many international sanctions, lifted Myanmar's art scene expanded exponentially. An influx of tourists and expatriate workers fuelled demand for contemporary art. International recognition of Myanmar's artists increased. For example, Aung Myint (b. 1946) is represented in the Guggenheim Collection New York; Zwe Yan Naing (b. 1984) won the 2017 International Art Revolution Taiwan prize; in 2018 a work by former political prisoner Htein Lin (b. 1966) was included in the prestigious Asia-Pacific Triennale in Brisbane, Australia. Local art events became well publicised, and international artists visited Yangon, including a high-profile exhibition by Wolfgang Laib, "Where Land & Water End", which was staged at the Secretariat in 2017 (Kalish 2017). Approving the Secretariat as a venue was highly symbolic and perhaps a public display of the NLD's democratic intent.

In 2016 Myanmar became a member of the International Council of Museums (ICOM). Expertise in all areas of museum management was advanced by international training programmes, and Myanmar staff were participating in workshops globally. Yet significant weaknesses in the sector remained. With no coordinated collection management system, heritage objects are vulnerable to theft and simple loss. Museums ran on limited resources with minimal funds to care for displays once the initial, often foreign, funds are spent.

Foreign confidence in the first years of the NLD government saw heritage objects repatriated to Myanmar. In 2017 a New Zealand family returned Buddhist objects their ancestor had taken from the Shwemawdaw, Bago. Largely driven by a moral imperative to return objects they considered had been taken illegally, it was also due to a perceived change in Myanmar's governance that this was seen as an appropriate course of action. In 2017 Norway repatriated a nineteenth-century Buddha image that had been illegally imported in 2011, a strong indication of the advances in international cultural cooperation that had occurred (Galloway 2021: 273–274). Under the SLORC/SPDC many treasures simply disappeared.

The value of colonial heritage was reassessed. In 2019 the Ministry of Religious Affairs and Culture (MORAC) announced restoration plans for the State School of Fine Arts, housed in the former Chin Tsong Palace, Yangon. Built in a hybrid British colonial and Chinese style, this was yet another sign of a shift towards engagement with Myanmar's diversity and history rather than promoting unity through a Bamar perspective (Aung Zaw 2015). Other colonial-era buildings have been the focus of restoration, including the Secretariat. Confidence in the future perhaps helped shrug off the negative colonial connotations that many of these buildings came to represent. The Pegu Club, for example, has now been restored and is promoted as a function venue resplendent for its architectural heritage (The Pegu Club 2020).

Arts and crafts workshops in major cities and tourist centres such as Mandalay, Bagan, and Yangon regenerated. Walking through the marble carving quarter of

Mandalay in late 2019 the area was bustling with activity. New temples and monasteries, supported by a growing middle class and elite, were generating work for those skilled in making Buddhist accoutrements. Buddha images and architectural elements were being shipped worldwide as well as being made to fill orders for new residences and commercial premises.

In 2016 a Myanmar Memory of the World Committee was established and the King Bayinnaung Bell Inscription added to the Memory of the World register. Supported by UNESCO, intangible cultural heritage guidelines were translated into the Myanmar language to assist local communities in preparing submissions. In 2017 the International Council on Monuments and Sites (ICOMOS) approved the formation of a Myanmar National Committee. In 2018 the Union Government submitted the nomination dossier for Bagan's world heritage listing, and in July 2019 Bagan was inscribed on UNESCO's world heritage register. During preparation of the dossier, in 2016 a major earthquake again hit Bagan. This time, international engagement was welcomed, and experts have since been involved in capacity building for local staff in conservation and preservation techniques, and numerous ongoing internationally funded projects were established. A nomination dossier was submitted for another significant Buddhist site, Mrauk-U in Rakhine state.

International borders shut in early 2020 during the global COVID-19 pandemic. Inevitable was the closure of many galleries as patronage decreased. Others shifted to online sales with some success. Artists and performers were unable to capitalise on recent international recognition, and exhibition plans were put on hold. International initiatives aimed to commercialise and support traditional arts and crafts, such as Turquoise Mountain's textile programme and Pomelo for Myanmar fairtrade stores, were affected as supply chains were disrupted and shopfront sales decreased. International teams working at heritage sites such as Bagan and Sri Ksetra continued to engage remotely with their Myanmar counterparts. But without on-site specialist expertise, many projects were suspended, particularly those relating to archaeological excavation and Bagan's monument reconstruction.

However, open internet communications allowed for many arts and heritage activities to rapidly evolve. As online participation in conferences and discussion forums became normalised, activities within the sector were restabilising and Myanmar's participation within a new international sphere was in many ways being fast-tracked. Yet as the pandemic progressed it was evident that the sector's rapid expansion was unsustainable. The decimation of tourism saw artists without income, tourist operators without work, and the availability of workers for heritage projects decline as many people returned to their home villages during the pandemic.

Overall, until COVID-19, the arts and heritage sectors developed strongly under the NLD. Yet some puzzling moves were taken. The Ministry of Culture merged with Religious Affairs to form MORAC. Connecting religion and culture officially is a curious move with no immediately apparent rationale. Decisions of the DOAM became reactive and were often retracted. Announcements were made on banning

balloon flights and temple climbing at Bagan, only to be overturned, presumably after pressure from competing tourist interests. In 2018 a decision was made that visitors can spend only three days in Bagan to protect the sites from excessive tourism (Maung Zaw 2018). This was never enforced. The ineffectiveness of heritage laws was becoming evident in the ongoing hotel building within Bagan's heritage zone (Ei Ei Thu 2018). Yet international engagement remained strong, and the commitment of international partners to further collaboration into the future was without question.

### **After the 2021 Coup**

Following the 1 February 2021 coup international collaborations across the cultural sector were suspended. As the coup progressed and widespread public protests were violently quashed by the military, most international organisations formally ceased activities connected with the State Administrative Council (SAC). Artists from all sectors – visual artists, musicians, performers, writers – were vigorous in their condemnation of the coup. Protesting through their visual imagery, their powerful artworks, songs, and performances were widely circulated on social media platforms (Cascone 2021).

The international art community was quick to support Myanmar's artists, and exhibitions of protest art were organised. *Fighting Fear* opened in Sydney, Australia, in May 2021 and included compelling images of the immediate post-coup response. The exhibition was also shown in Paris (Albermarle Project Space and Myanmar/art 2021) *Fighting Fear* acts as a case study highlighting the adaptability of artists and the difficulties of suppressing activist art. The exhibition featured photographic works, videos, and prints, all of which can be sent digitally and printed on demand. It also offered an essential degree of anonymity as pseudonyms could be used.

As the months passed new Facebook accounts appeared focusing on protest art. Street art, slogans, and images painted in public spaces would appear overnight and images circulated on social media platforms. These passive forms of protest can appear faster than they can be removed. Secure email systems such as Signal enable artists to circulate images of their work, but not without risk. But the risk is worth it for many who see a future under military rule as no future at all. Hip-hop artist Aye Win describes protest art as “a kind of revolutionary work, . . . We have a lot of very raw protest art here, but we have to maintain our course . . . without letting up” (Fishbein 2022).

As 2021 progressed the SAC enacted harsh penalties for anyone possessing or distributing material deemed critical of the regime, and numerous artists have been arrested. The mental anguish felt by those across the artistic sector is profound (The Irrawaddy 2021). Fundraising initiatives were set up to support artists and their families as the COVID-19 pandemic continued. Sadly, as health systems deteriorated further, a number of Myanmar's well-known artists and performers succumbed to COVID-19 (Radio Free Asia 2021; Movius 2021). Public protest art is less common as the risks increase. Some galleries have reopened and update

their social media platforms regularly. The artworks presented for sale are non-controversial, and there is a very genuine attempt to provide avenues for artwork sales to help support those in Myanmar.

It is impossible for the junta to completely halt distribution of protest art through the internet. The diaspora of Myanmar artists has increased in recent years and since the coup others have fled the country. The junta cannot control their art, though threats to artists' families in Myanmar is a concern. Organisations such as Visual Rebellion are displaying Myanmar's post-coup art publicly, an extremely important record-keeping process (Visual Rebellion 2022). With the junta continuing its aggressive suppression of dissent, artistic freedoms do not exist. Artists live in fear. The junta's restrictive monetary rules and internet blocks make it increasingly difficult for foreigners to support this sector through buying non-controversial artworks and products remotely.

For a new generation of artists, this is their first direct involvement in revolutionary art; for others, it is a repeated cycle. Their responses are similar, and different. The internet allows artists to continue disrupting the junta's public messaging and is particularly useful for performance artists whose videos can also be circulated. For the older generations working secretly and quietly, it is a tool they are familiar with. Both continue to play their role – art does not stop being produced.

Artists outside of Myanmar have the opportunity to keep Myanmar's plight in public view. 'Please Enjoy Our Tragedies' opened in March 2022 at Goldsmiths, University of London. It was a powerful exhibition of photographic and installation art by Sai, a pseudonym. Sai, a former student at Goldsmiths, displayed images taken hours before fleeing Myanmar in May 2021. Sai openly acknowledges the personal risks of showing the works, with some depicting his father who is now a political prisoner in Myanmar (Chow 2022). For those inside Myanmar, public art exhibitions have effectively ceased. International interest continues to support artists in the diaspora and, where possible, those inside the country who can share their work virtually. *Fighting Fear II* is scheduled for 2023. Some artists from the original exhibition remain in Myanmar; others are in the diaspora and trying to survive. Their work will always stand as a significant record of this period in Myanmar's history.

Indications suggest that the SAC is reactivating the previous regime's restrictive cultural policies. After a five-year break the SAC held the 23rd Myanmar Traditional Performing Arts Competition in Nay Pyi Taw in October 2022. "New generation artistes [sic] need to conserve national characteristics and strengthen friendly relations among ethnic and national people. They have to pass their culture and customs on to prosperity so as to cement a nationalistic spirit and Union spirit" (GNLM 2022b). The Ministry of Information hosted a documentary and news writing course saying that "the people are unable to identify the disinformation and misinformation on Facebook. The ministry is making efforts for the people to get the correct information" (GNLM 2022c). These actions are reminiscent of the former junta's methods of promoting cultural unity through suppression and conformity. Early in the coup there were reports of shots fired at Bagan – a clear breach of international UNESCO conventions for heritage sites – and more

recently uncontrolled looting at Halin, one of the Pyu Ancient Cities. A breakdown in site management is a consequence of the coup, though the situation appears to have stabilised. Local conservation and archaeology workshops are being run by the DOAM for remaining MORAC staff. The world heritage nomination listing for Mrauk-U in Rakhine State has been deferred by UNESCO due to ongoing fighting in the region, though most recently the SAC has blamed the Russia-Ukraine conflict for the delay as the UNESCO meeting to hear the nomination was scheduled to be held in Russia in 2022 and has been cancelled (DMG Newsroom 2022). Visitation to heritage zones is very difficult due to dangerous conditions and the rising costs associated with travel. The SAC is encouraging foreign tourists to return in spite of obvious instability. In recent months Min Aung Laing has been shown visiting museums and heritage zones, promoting Myanmar's historic credentials (GNLM 2022a).

## **Conclusion**

Until the COVID-19 pandemic, the arts and heritage sector enjoyed a decade of rapid growth with concomitant international support and encouragement. Artists were gaining acceptance internationally and exhibitions by Myanmar artists were held worldwide. Relaxation of censorship laws enabled artists to pursue their visions with less fear for their safety, as the NLD was not overt in seeking to prosecute those who were critical of government policy. COVID-19 significantly affected this sector, as foreign income sources dramatically reduced and international collaborations stalled.

Since the coup conditions have regressed markedly. Censorship has completely stifled artistic freedom and international networks have been heavily restricted or severed. In a return to the era of the first military regime, political and social criticism is not allowed. As the rule of law has broken down, there will be little protection for heritage sites and buildings outside of the SAC's own decisions. Their attitudes regarding historic buildings in Yangon is unclear; however, ongoing illegal building at Bagan suggests that vested interests will override international best practice.

Museums and cultural sites are likely to return to their pre-democratic moribund state. Capacity building prior to the coup has given local staff skills in museum management and collection care, but without ongoing support the sector will remain isolated from any further developments. Only time will tell if the UNESCO-listed world heritage sites will continue to meet reporting requirements. At present, listing does afford sites some security, and the junta will have to make them available for scrutiny.

One area that may potentially benefit from the SAC administration is traditional arts and crafts. This appears a favourite of the regime as it was with the previous junta. Promotion of Myanmar's historic arts and crafts is again being viewed as a vehicle for promoting unity and upholding Myanmar's ancient traditions. It is also tied closely with reminiscence of the past eras of Myanmar's greatness. A trend in recent reporting suggests the junta is planning on using research indicating



Myanmar was a very early habitation site in Southeast Asia as a way of asserting their importance and superiority across the region. If this path is followed, it will only serve to isolate them further from the international community.

In a country where extant residents have witnessed colonial rule, Japanese occupation, independence, a military dictatorship, transition, a democratically elected government, and another coup, the only certainty is change. Myanmar's artistic traditions and heritage will likely adapt, but at what cost. Another generation of innovation is at risk of being lost to Myanmar and its people.

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# 13 Public Health

## State and Non-State Systems in a Changing Society

*Anne Décobert, Adam Richards, and Si Thura*

Public health systems in Myanmar have evolved substantially over past decades, highlighting connections with political, economic, and social dynamics. Health outcomes in Myanmar were historically ranked among the worst in the world, with factors like widespread poverty, low education levels, precarious working conditions, and conflict all impacting the health of local populations. With one of the lowest levels of per capita public investment in healthcare worldwide, Myanmar's local populations have continually faced high out-of-pocket health costs, and the country became reliant on international funding to support even basic services. This contributed to health being at the heart of shifting international aid politics and programs over time.

While Myanmar saw some progress in health systems, access, and outcomes over the past decade, progress was uneven and has now been thwarted by the 2021 military coup. The COVID-19 pandemic, an escalating complex emergency, and collapse of official health systems since the coup have drawn attention to immediate and longer-term health needs. The public health crisis since the attempted coup highlights the necessity to understand how national and international actors can support health systems development – with health remaining central to achieving equitable development and inclusive socio-economic systems.

Based on our review of health systems and programs over different periods, we argue that important lessons can be learnt from the past. Firstly, health offers a template to forge constructive politics and to advance a more equitable, inclusive, and peaceful society in Myanmar. National and international actors should seize these opportunities and avoid reinforcing divisions and exclusion. Secondly, the history of health systems in Myanmar highlights the importance of localised, participatory, flexible, and multi-pronged approaches – and, conversely, the pitfalls of using international aid to promote top-down, simplistic, and linear models of socio-political change.

### **Life and Death in Myanmar: An Overview**

A brief history of health in Myanmar should account for the measurable progress in health and longevity, while explaining why the population's health has lagged behind that of its neighbours and why inequities persist within the country. Life

expectancy has more than doubled since 1950, from 33.6 to 67 years in 2020, yet lives are substantially shorter in Myanmar than in its Southeast Asian neighbours, like Cambodia and Thailand (70 and 77 years, respectively). Trends in child survival have driven much of the gain in life expectancy and the gap with other countries. The under-five mortality rate has decreased by over two-thirds since 1968, from 182 to 50 deaths per 1,000 live births, but the risk that a child in Myanmar dies before their fifth birthday is twice as high as in Cambodia and over five times higher than Thailand (26 and 9 deaths per 1,000 live births, respectively – World Bank n.d.).

National statistics mask stark inequities. According to the 2015–16 Demographic and Health Survey (DHS), risk of death among children under five from households in the poorest wealth quintile was nearly four times higher than children from the highest wealth quintile (99 and 26 deaths per 1,000 live births, respectively – MoHS and ICF 2017). Children in Chin State (104 deaths per 1,000 live births) and in rural areas (80) faced twice the risk of dying before their fifth birthday as their peers in Yangon Region (46) and urban areas (42). Armed conflict areas experienced the worst health outcomes: although under-five mortality declined dramatically over 2003 to 2013 – from 276 to 142 deaths per 1,000 live births – children in remote conflict-affected regions faced nearly twice the risk of death as children in more stable rural areas (Lee et al. 2006; Parmar et al. 2015).

Today, Myanmar is in the middle of demographic, epidemiological, and nutrition transitions, as ‘double burdens’ of infectious and chronic diseases, hunger and obesity, and under- and over-nutrition exist simultaneously not only in urban and rural areas of the same state or region but often within the same household. This shifting landscape of health and disease has created complex challenges that the health sector has to date been ill-equipped to overcome. Yet a brighter future may be possible if the country can leverage strengths and address weaknesses of approaches to public health since 1962.

### **Military Rule to 2011**

The initial period of military rule from 1962 to 2011 proves a rather simple yet profound point: it is possible to improve health outcomes despite near-absent public investment in the health sector. Most gains in life expectancy noted earlier were realised pre-2010, when Myanmar’s public expenditures on health rivalled the lowest in the world. As a proportion of gross domestic product (GDP), public funding for health ranged from 0.3% to 0.8%; as a proportion of total government spending, military governments rarely allocated more than 3% to health (Ergo et al. 2019). Chronic underinvestment eroded health system building blocks of information, essential medicines and equipment, and human resources, resulting in a decline in coverage, equity, and quality of services (Sein et al. 2014). By 2000, the World Health Organization ranked Myanmar’s health system 190th among 191 countries.

The main reason longer lives were possible despite public under-investment in health is because the health sector is not the major determinant of health outcomes. An often-cited figure attributes approximately 10% of premature mortality

to healthcare, about 30% of deaths before age 75 to genetic causes, and the remainder to 'social determinants of health' like environmental exposures, employment and living standards, and education, and the behaviours they capacitate (Schroeder 2007). To understand patterns of health and disease in Myanmar, it is therefore less important to document the financing and delivery of healthcare per se, than to appreciate the complex trajectories of politics, economics, and society outlined in other chapters.

As Amartya Sen famously found, a functional democracy responsive to its people provides the most effective prophylaxis against famine (Sen 1981). Although official data suggest national undernutrition and mortality have not exceeded technical famine thresholds since independence, Myanmar's nutrition indicators were historically poor for a country once known as the 'rice bowl of Asia'. In 2009–2010 one in three children nationally suffered from chronic malnutrition (stunting) and one in four from acute malnutrition (wasting – FAO 2012). Malnutrition patterns aligned with patterns of poverty and socio-political exclusion; in rural ethnic areas, hunger was also directly impacted by harmful military policies. For example, in relatively peaceful Chin State, nine in ten households reported being forced to work without pay, and forced labour demonstrated a strong association with household hunger (Sollom et al. 2011).

In conflict-affected areas, the most important driver of undernutrition and death was the conflict itself. Large surveys conducted in remote conflict-affected populations of Eastern Myanmar repeatedly documented not only that mortality rates were higher than in populations free from conflict but that risk of child wasting and death was strongly associated with forced displacement, destruction of food and livestock, forced labour, and other human rights violations (Mullany et al. 2007, 2010; Parmar et al. 2014).

The military period showcases the capacity of local actors to overcome implementation challenges and fill service gaps resulting from the near-absence of public and international health programs in remote border areas. The woefully underfinanced Ministry of Health and Sports (MoHS) had little presence in remote areas, and the military placed severe constraints on international agencies. In 2005, the Global Fund for AIDS, Tuberculosis and Malaria (Global Fund) terminated grants to Myanmar due to State Peace and Development Council (SPDC) restrictions on access to project areas, and Médecins Sans Frontières (MSF) France also withdrew, denouncing similar barriers and the appearance that the SPDC "[did] not want anyone to witness the abuses they are committing against their own population" (MSF 2006).

In the absence of government services and international agencies, Ethnic Resistance Organisations (EROs) and other local groups developed health systems for ethnic communities in contested border areas. The Ethnic and Community-Based Health Organisations (ECBHOs) include Ethnic Health Organisations (EHOs – health departments of EROs) and Community-Based Health Organisations (CBHOs). EHOs were originally established under ERO governance systems, but as EROs lost territorial control in the 1990s–2000s, EHOs like the Karen Department of Health and Welfare (Karen National Union Health Department) established management bases in neighbouring countries, where they could access

international funding and advocacy networks. Over the years, EHOs in different areas developed strong community-level public health systems by working closely with a network of CBHOs, including Back Pack Health Worker Team, Burma Medical Association, Mae Tao Clinic, and others.

Despite the lack of official recognition for ECBHOs in Myanmar, flexible international funding supported ECBHOs to reach remote ethnic areas by delivering health services across international borders. The largest cross-border initiative of the period was supported by the Global Fund, which after it left Myanmar approved a multi-million-dollar grant to China for malaria control in Yunnan and adjacent areas of Kachin and Shan States. China's cross-border approach to malaria was exceptional for multiple reasons, not least its implications for state sovereignty, which in other contexts China tenaciously defends (Richards 2008).

While China responded pragmatically to a regional disease threat through an internationally sanctioned cross-border health program, multiple ECBHOs were simultaneously scaling up cross-border activities. Innovative pilot programs begun during this period provided evidence-based models for priority interventions. For example, when MSF ceased its malaria program in Kayin State, the Karen Department of Health and Welfare (KDHW) expanded its own malaria control program from 1,868 villagers in 2003 to 40,000 in 2008 (Lee et al. 2009). This set the stage for subsequent Global Fund and other support for the Malaria Elimination Task Force, which supported malaria posts in over 1,400 predominantly ethnic villages from 2014. Ethnic populations and their leaders took pride in ECBHO program successes: not only could they fill a vacuum in services, they also perceived health and other social services as foundational to realising their vision for a decentralised, federal governance system, articulated since the 1947 Panglong Agreement.

As ECBHOs responded to the politically driven 'chronic emergency' in hilly borderlands, the Irrawaddy delta experienced the largest humanitarian crisis of the late military period, when in 2008 Cyclone Nargis transformed the health landscape and ushered in a new era for humanitarian assistance and civil society. Official reports suggest the cyclone displaced several million and killed over 140,000. Government obstruction was sufficiently outrageous that the French Foreign Minister and MSF founder Bernard Kouchner – along with other critics – called on the international community to invoke the Responsibility to Protect. Independent assessments documented discrimination in aid delivery; land confiscation; restrictions on service delivery and data collection; and intimidation, abuse, and arrest of aid workers. For many communities, basic humanitarian health needs were not being met one year after the cyclone (Suwanvanichkij et al. 2010). Yet despite myriad challenges, civil society actors from across the country, including ethnic border regions, mobilised to assist cyclone survivors. Health professionals were galvanised to deliver clinical care and emergency supplies, providing formative experiences for a new generation of health leaders – including a co-author of this chapter – to commit to a lifetime of humanitarian service.

Nargis is widely regarded as a watershed moment for humanitarianism and health in Myanmar. Despite its egregious inactions leading up to and immediately



after the cyclone, the junta in its final years slowly relaxed restrictions on international aid agencies, particularly those that had delivered aid quietly, with limited public criticism. This evolution of humanitarian space was linked with political shifts: the constitutional referendum was conducted several weeks – in some areas, several days – after the cyclone. Nargis strengthened the standing of civil society and international agencies and highlighted the unique position of ECBHOs to support programs beyond their historical target areas in the borderlands. By the time the Union Solidarity and Development Party (USDP) came to power in 2011, multiple non-state and private actors had experience delivering evidence-based interventions from both ‘inside’ and ‘outside’ the country. These diverse stakeholders were poised to take advantage of the surprising, though uneven and incomplete, opportunities to promote health over the forthcoming decade.

### **Thein Sein and the USDP**

Under the USDP, Myanmar benefited from increased government attention to health and social welfare systems, with focus on universal healthcare (UHC) gaining traction among policymakers and health practitioners (Ergo et al. 2019). This opened up opportunities for health systems strengthening and progress towards health equity. Additionally, the ‘normalisation’ of international relations with Myanmar’s government created space for donors and international agencies to work in government-controlled areas and with the MoHS. Official development assistance to Myanmar increased 60-fold from 2005, reaching USD 6 billion in 2013 (Carr 2018), and funding increasingly supported programs implemented by or in partnership with the MoHS. The number of international agencies working in Myanmar also ballooned, especially after the 2012 bi-elections, with donors like the US and UK shifting offices to Yangon, and the return of the World Bank.

These evolutions had some positive impacts for health systems and programs, particularly in central, government-controlled areas (MoHS 2020). Yet populations in many parts of the country continued to face barriers in accessing services. Government financing for health increased as a percentage of gross domestic product (GDP) but remained far below international averages; official health systems remained understaffed and under-resourced; much of the population still relied on costly and unregulated private healthcare providers; and out-of-pocket payments remained the dominant source of health financing (Ergo et al. 2019; MoHS and ICF 2017). In 2015, nearly 1 in 50 non-poor households became poor because of out-of-pocket payments for health (Han et al. 2018).

Evolutions in conflict dynamics over this period had some positive impacts for populations in border areas. As a result of ceasefire agreements in 2011–2012 and 2015, local populations were less exposed to direct violence and displacement, and could travel more freely to access healthcare; ECBHOs gained more space to serve their communities; and remote health facilities could be supplied more regularly (Davis and Jolliffe 2016). Space also opened up for international agencies to work in some conflict-affected areas and to support ECBHOs from Yangon. However, improvements in historically contested areas were uneven, and widespread poverty



and lack of opportunities continued to impact health outcomes. For example, in eastern Myanmar, direct exposure to violence decreased and local populations benefited from overall reductions in human rights abuses, but ongoing forced labour continued to be associated with negative health outcomes, and lack of education and employment opportunities drove migration patterns that were correlated with higher rates of malnutrition, unmet contraceptive needs, and mental illness (Parmar et al. 2019). Meanwhile, the resumption of conflict between the Kachin Independence Army and Myanmar Army in June 2011 exacerbated physical and mental health issues in populations exposed to violence and displacement in Kachin and Shan States (Lee et al. 2018; TNH 2012).

The evolution of health systems, access, and outcomes under the USDP government therefore reflected the uneven and exclusionary nature of Myanmar's broader socio-political 'transition'. The 2015–2016 DHS – the first nationally representative survey of health and financial risk protection in Myanmar – highlighted large inequities in health access and outcomes across multiple axes of political power and advantage, including household wealth, educational attainment, rural residence, and geography (Han et al. 2018; MoHS and ICF 2017). In Rakhine State, for example, only 30% of births were assisted by a skilled provider compared with 83% in Yangon Region; skilled attendance at birth ranged from 36% among households in the poorest wealth quintile to 97% among households in the wealthiest quintile. Excluded from such surveys, Rohingya populations in Rakhine State lack representative data on health access and outcomes, though contemporary testimonies suggest access to services was severely constrained, particularly during disruptions of and threats to humanitarian organisations (HRW 2013).

The USDP period also saw the proliferation of 'mega-development projects', land confiscation, and drug trafficking (Davis and Jolliffe 2016) that adversely impacted health. With the liberalisation of government policies and increased stability generated by ceasefires, special economic zones (SEZs), hydroelectric dams, mining operations, and gas pipelines proliferated. Land-grabbing, forced displacement, and income and livelihoods losses were common. For example, displacement driven by the Thilawa SEZ, 25 kilometres south of Yangon, resulted in reduced healthcare access; increased exposure to communicable diseases and other health risks; and heightened poverty, food insecurity, and malnutrition (PHR 2014).

Ceasefires allowed greater space for MoHS and international actors to reach remote ethnic areas. Although this held the potential to improve health systems and access, it also provoked fears amongst EROs and ECBHOs that health and other development programs would become a 'cover' to extend state control over ethnic areas (Davis and Jolliffe 2016). Evolving international aid approaches further fuelled tensions, as funding shifted away from the borders and towards centralised mechanisms and state-sanctioned systems inside Myanmar (Décobert and Wells 2020). ECBHOs working from the Thailand–Myanmar border were forced to compete with agencies operating from within the country, which were better positioned to tap into centralised funding streams; and diminished international support forced many to cut programs in their areas. Together with the encroachment of

state systems, internationally funded health programs administered from Yangon were perceived by many community members and service providers as a way for the government to increase control over ERO-controlled and mixed administration areas (Décobert 2020).

Nevertheless, reforms and ceasefires initiated under the USDP government enabled increased communication and cooperation between state and non-state health systems. In eastern Myanmar, the Health Convergence Core Group (HCCG) was established in May 2012, comprising nine ECBHOs. ‘Convergence’ was defined as “the systematic, long-term alignment of government, ethnic, and community-based health services” (Davis and Jolliffe 2016: 25). The HCCG’s vision was linked with its members’ aspirations for a federal government system and called for recognition and strengthening of ethnic health systems, devolution of healthcare responsibilities to state and regional governance levels, and significant local participation and autonomy. The HCCG entreated international actors to support ECBHOs and work towards a federal, decentralised system, instead of strengthening only the central government health system. By the end of the USDP’s government, ‘convergence’ had become a key focus for international donors and aid agencies, and multiple local and international initiatives were focused on building peaceful relationships between former ‘enemies’ through joint health projects and activities. With the 2015 Nationwide Ceasefire Agreement (NCA) unlocking ways for international agencies and the MoHS to work more openly and directly with ECBHOs, this led to even more focus on ‘convergence’ and ‘health as a bridge to peace’ under the NLD government.

The USDP government period therefore generated momentum for UHC, yet public investments in health remained inadequate and inequities persisted. While international aid could fill gaps, one-sided approaches and shifts in international support – and associated legitimisation – from non-state to state systems reinforced divisions. Top-down, state-centric approaches in this context of disputed governance fuelled tensions and exacerbated fragmentation in health systems and actors. Yet while health was far from ‘above politics’, emerging convergence programs began to demonstrate how health could forge social cohesion from the ground up – particularly with support from a more sympathetic NLD government in the following years.

### **Aung San Suu Kyi and the NLD**

Under the NLD government, the stark contrasts of the USDP period were further crystallised, policy reforms and international aid programs created increasing opportunities for UHC, yet patterns of inequity and exclusion deepened. Ceasefires negotiated in previous years continued to generate improvements in eastern Myanmar, and ‘convergence’ activities built trust and collaboration across state and non-state systems. But parts of northern and western Myanmar saw increased violence and worsening health conditions, ongoing resourcing and political challenges limited UHC progress throughout the country, and the COVID-19 pandemic created new challenges.

After coming to power in March 2016, the NLD government initiated a wide-ranging program of health reforms. The 2016 National Health Plan (NHP), pledging to achieve UHC by 2030, was developed through a singularly inclusive process bringing together government officials and representatives from civil society and EHOs (Thura and Schroeder 2018). The NHP acknowledged EHOs as service providers in ethnic areas and whilst decision-making power remained concentrated at the Union level, their inclusion still marked progress in recognition.

The commitment to UHC in this period is evidenced by the resources allocated to strengthening health systems and programs. In 2016, the government spent 5.1% of GDP on health – still low by international standards, but a substantial increase compared with past decades (WHO n.d.). International support for health also grew, particularly through pooled funding mechanisms like Access to Health; and other mechanisms like the Livelihoods and Food Security Fund contributed to building social welfare systems, with indirect positive effects on health.

As a result of evolving political and conflict dynamics, combined with increased government and international support for health and social welfare, health conditions for populations in central and more stable border areas improved (MoHS 2020). Populations in some areas also benefited from improvements to private (for-profit and not-for-profit) health systems, which were supported by international pooled funding mechanisms. Moreover, ceasefires continued to foster greater stability, with positive impacts on health access and outcomes. ECBHOs were able to provide services more freely and to access increased funding through aid programs implemented officially inside Myanmar, and some like KDHW established offices inside Myanmar.

However, major challenges remained that limited UHC progress, and some pre-existing geographic and socio-political disparities were exacerbated. While much of eastern Myanmar benefited from greater stability, ongoing conflict in Kachin State and Northern Shan State continued to have direct and indirect negative health impacts. In 2017, surging violence and crimes against humanity targeting Rohingya communities in Rakhine State drove mass displacement and high levels of mortality (Parmar et al. 2017). Meanwhile, understaffing and under-resourcing continued to plague government health facilities across Myanmar. Out-of-pocket payments remained the main source of health financing, contributing to ongoing difficulties for people across the country in accessing health services. An absence of strong political leadership, fragmented vertical programs within the MoHS, and lack of incentives for more radical health systems reform also further impeded progress in achieving UHC (CPI 2021).

Nevertheless, the NLD government period was one of enhanced collaboration across state and non-state health systems. Even before coming to power, the NLD sent representatives in late 2015 to meet with ECBHOs in Mae Sot (Thailand) and in 2016 hosted ECBHOs in an information-sharing meeting in Yangon. The NLD's apparent willingness to engage ECBHOs generated unprecedented opportunities for 'convergence'. International donors and aid agencies threw their support behind joint trainings, immunisation programs, study tours, health information sharing, and other activities bringing together state and non-state actors. Overall,

such activities strengthened communication and cooperation across state and non-state systems, generating improvements in health programs and outcomes. Through ‘politically savvy’ programs that recognised all involved, state and non-state actors built relationships and trust, contributing to bottom-up processes of peace formation (Décobert et al. 2022).

However, ongoing barriers continued to limit ‘convergence’ and the potential for health to be a ‘bridge to peace’. Like its government systems, official health systems in Myanmar remained highly centralised, with decision-making power concentrated at the Union level – and international support for health programs in Myanmar were seen by ECBHOs as often bolstering this model. In contrast, ECBHOs advocated for a devolution of powers and recognition of non-state systems as legitimate health and governance systems. Meanwhile, the lack of formal recognition for ECBHOs continued to create challenges for health service delivery and wider collaboration with state actors. And while joint health activities built trust and cooperation at local levels, health programs in and of themselves could not resolve decades of conflict and systemic exclusion (Décobert et al. 2022).

By the last year of the NLD government, when the World Health Organization declared a global pandemic, Myanmar had therefore seen significant developments and ongoing challenges in achieving UHC. With the first COVID-19 cases in Myanmar detected late March 2020, the pandemic increased demands on already stretched and under-resourced health systems, and in April the NLD government appealed for international support for medical equipment and supplies. In January 2021, after the NLD’s 2020 electoral victory, Myanmar became one of the first Southeast Asian countries to roll out a COVID-19 vaccination program – but this was soon thwarted by the coup.

Before the coup, COVID-19 put to the test the state–non-state collaboration in health that had been fostered under the NLD. Early in the pandemic, territorial disputes between the Myanmar military and Karen National Union/Karen National Liberation Army (KNU/KNLA) in Kayin State arose when both sides established COVID-19 screening checkpoints. Resulting tensions negatively impacted MoHS–ECBHO coordination, but after the NLD government formed a committee to coordinate with ECBHOs for the COVID-19 response, communication and collaboration resumed. At local levels, moreover, health workers from non-state and state systems who had built connections over previous years continued to share information and resources through interpersonal networks that became increasingly important after the coup.

The NLD period was therefore one of major contrasts. It highlighted the need to focus on health equity in order to ‘leave no one behind’ and redress systemic inequalities and exclusion. It demonstrated the need for strong political leadership and incentives for reform. And it showed that ‘politically savvy’ health programs could build social cohesion at local levels. However, such programs cannot be expected to resolve decades of injustice and conflict, and there remained a need for political change and formal recognition of ethnic health and governance systems – not only to promote UHC but also to foster more equitable development, inclusive systems, and peace.

### **After the 2021 Coup**

Since the 2021 coup, much of the progress achieved in health systems and outcomes over the previous decade has been undermined. Members of the medical profession have been at the forefront of anti-military protests. The escalating humanitarian crisis throughout the country has ballooned health needs, and debates around how to channel international aid to and support health systems in Myanmar have re-emerged.

After the military seized power in February 2021, thousands of medical professionals participating in the Civil Disobedience Movement (CDM) stopped working in public facilities and began offering free services at private and clandestine facilities. In retaliation, the military occupied medical buildings and arrested and imprisoned health workers. The State Administration Council (SAC) announced that CDM doctors would have their licenses and passports revoked, and private facilities were warned not to employ CDM health workers. In many parts of the country, security forces raided temporary charity clinics treating injured protesters. So far, at least 286 health workers have been detained or arrested, 128 health facilities damaged, and 30 health workers killed – Myanmar being among the most dangerous places in the world to be a health worker (PHR 2022). The public health system has almost completely collapsed, and most government hospitals and clinics are barely operational.

Myanmar's health crisis has been compounded by the ongoing pandemic, and the junta has weaponised COVID-19 in attempts to repress anti-coup movements and control the country. COVID-19 cases started to increase rapidly in early June 2021 with the new delta variant, when only 5.8% of the country's population was fully vaccinated. The junta ordered medical professionals to return to work, while also halting the provision of lifesaving services to COVID-19 patients (Vahpual 2021). Meanwhile, people throughout the country refused to go to junta-run vaccination sites, many out of fear of arrest. And Myanmar experienced the highest per capita COVID-19 death rate in Southeast Asia, even with under-reported official case records (Rising 2021).

With official health information and delivery systems decimated, local populations are now once again forced to rely on private, non-state, and civil society actors. Similar to the previous military period, non-state actors are finding ways to navigate operational challenges and provide lifesaving care to people in need. For example, a tele-health platform initiated by CDM doctors partnered with local organisations and private clinics to identify and support people in need of oxygen concentrators in Yangon, and a faith-based organisation opened oxygen therapy centres through its local associations and churches in different parts of the country. In border areas, groups like KDHW adapted health facilities for COVID-19 prevention and treatment, while sustaining lifesaving services for local residents and newly displaced populations.

As in other periods in Myanmar's history, the dual crisis generated by COVID-19 and the coup underscores the unique and critical roles of local health organisations. Since the coup, the SAC has imposed debilitating restrictions on international

agencies' operations, reminiscent of the previous military period. International agencies again must seek permission for outreach activities and again face restricted access to conflict-affected areas. They face lengthy bureaucratic processes and limitations on funds transfers and imports of medicines and supplies. In contrast, local organisations have devised alternative ways to mobilise funding and procure medical supplies. For example, in mid-2021, while UN-imported supplies were stuck in customs offices and international actors awaited official approval processes, local organisations were able to procure oxygen concentrators and medicines locally from private companies to serve their communities.

Meanwhile, health and humanitarian needs continue to grow. An estimated 1.5 million people have been newly displaced since February 2021 (OCHA 2023). The national vaccination program has failed to reach children across Myanmar, and overall vaccine coverage fell below 50% in 2021, leaving children vulnerable to measles and other diseases (Frontier Myanmar 2022). The malaria positivity rate doubled from 2020 to 2022, most cases being in conflict-affected areas along international borders; an estimated 150,000 tuberculosis cases went undetected, with each likely to infect another five to seven people; at least half the population is expected to fall below the poverty line by end 2022; and malnutrition rates are anticipated to explode as the country faces a food security crisis. This gathering 'perfect storm' has major implications for global health security.

Myanmar's current escalating emergency has forced international donors to revisit decades-old questions about how best to provide international aid. Most international donors have ceased direct engagement with the SAC's ministries, and some have repurposed their funding to emergency work. However, there are ongoing debates about whether to channel assistance for health and humanitarian programs through 'inside' or 'cross-border' mechanisms. Current debates are reminiscent of those during the 1990s–2000s, which saw increased polarisation between supporters of different mechanisms. But the current situation warrants a multi-pronged rather than one-sided approach to reach populations in different areas.

Some international actors argue that channelling aid through 'inside' agencies and mechanisms is vital, since the health and humanitarian emergency affects populations throughout Myanmar, including in more central areas, and actors inside must continue to serve local populations. However, there are risks that 'inside' assistance may legitimise the junta or otherwise do harm, and that international agencies will further fuel fragmentation by not engaging with local authorities in different areas (Slim 2022). In May 2022, the National Unity Government (NUG) and several EROs issued a public statement criticising the Association of Southeast Asian Nation's (ASEAN's) Coordinating Centre for Humanitarian Assistance and the United Nations Office for the Coordination of Humanitarian Affairs for not engaging with local administrative entities in their humanitarian assessment and planning, for failing to work with and through impartial humanitarian agencies, and for bolstering the regime (The Irrawaddy 2022).

While some high-profile international humanitarian responses have attracted criticism for top-down and politically insensitive approaches, other international actors have quietly started to explore non-conventional ways of working with



local systems. These approaches enable support for communities in central areas through highly localised mechanisms, while reducing risks that international assistance legitimises the junta or otherwise does harm. One major pooled funding mechanism in Myanmar, which had in previous years worked on strengthening private health systems, is contracting private/for-profit health providers and purchasing health services for people in need. Several non-governmental organisations (NGOs) have also started to incubate private social enterprise clinics offering subsidised services. These examples take advantage of the fact that, in the current political climate, the private/for-profit sector faces fewer restrictions compared with the non-profit sector. Such private (for-profit)-private (not-for-profit) partnerships can also generate benefits for the local economy, while ensuring that people in targeted areas have access to essential health services without financial burden.

Meanwhile, cross-border mechanisms continue to provide access to the most vulnerable populations in border areas who cannot be reached by agencies based in central Myanmar. ECBHOs operating through cross-border mechanisms have ramped up services to local and newly displaced people, drawing on their decades of experience working in contested border areas. Support for these agencies is vital to respond to the immediate humanitarian emergency and build sustainable health systems in ethnic areas. However, cross-border systems cannot reach large parts of the population in more central areas and are impacted by the uncertain regulations of neighbouring countries – again highlighting the need for multi-pronged approaches.

Although current health and humanitarian needs require urgent action, it is also important to nurture future health systems development in Myanmar. Since the coup, the momentum of public health reforms achieved under USDP and NLD governments has been lost. Coordination between the junta's ministries and ECBHOs has stopped, and fighting between the Myanmar military and EROs make the resumption of communication unlikely in the near future. In contrast, a sense of solidarity against the military has encouraged collaboration between CDM health staff and ECBHOs. Many former government health staff have relocated to ERO-controlled areas, and some are working with ECBHOs. Prior 'convergence' efforts had built connections, which have been strengthened in the post-coup period as CDM health staff and ECBHOs together respond to the country's health crisis.

Meanwhile, at the policy level, alongside political discussions led by the NUG and EROs, EHOs are calling for the establishment of federal health systems. Some EHOs are engaging closely with the NUG's Ministry of Health, collaborating in multiple areas including COVID-19 response and human resource development. One particularly progressive development to date can be seen in Kayah State, where the Karenni State Consultative Council (KSCC) proposed a blueprint federal health administrative structure. In 2023, the Karenni Health Task Force was established to coordinate with diverse health actors in Kayah State, including the NUG's Ministry of Health – an example of how power sharing could be realised in a future federal administration and of the types of endeavours that international agencies can support going forwards.



## Conclusion

Health in Myanmar acts as both a mirror and a prism to analyse the country's broader political, economic, and social challenges. The complex and inequitable landscape of health indicators reflects the country's socio-political history and deeply ingrained patterns of exclusion, inscribed in the bodies of its residents. The health sector's history highlights major changes within and between regions, and the need for a recognition of ethnic health and governance systems. Myanmar now faces multiple immediate and longer-term health challenges as it grapples with ongoing COVID-19 impacts, an escalating complex emergency, the near collapse of official health systems, resurgent threats posed by infectious diseases, and a concurrent rise in cardiovascular and other non-communicable diseases. In responding to these challenges, it is essential that equity be at the heart of short- and longer-term interventions.

In the short term, international actors should support access to essential health services across Myanmar, through both 'cross-border' and 'inside' mechanisms. In the current situation, one-sided approaches will not suffice and can exacerbate polarisation. Donors should recall past successes of cross-border approaches that again deserve funding, and neighbouring countries should remember that cross-border disease control offers a bulwark against drug-resistant malaria and other global health security threats. Innovative approaches are also needed to strengthen locally led initiatives inside Myanmar in ways that do not bolster the military regime. Additionally, the international community must ensure their aid strategies are sensitive to conflict dynamics, that they engage with local authorities in different areas, and that they listen to and work with civil society and governance systems deemed legitimate by the Myanmar people – including the NUG and EROs.

In the longer term, national and international actors should support the development of a decentralised, federal health system, which would entail official recognition for ethnic health and governance systems. In some respects, the coup may have created the greatest degree of unity in Myanmar's recent history. Myanmar is witnessing promising discussions between NUG and ethnic actors, with the potential for increased collaboration and recognition of ethnic health and governance systems, in line with the development of a common federal vision. Whether this growing sense of solidarity and common vision will persevere is yet to be seen, but international donors and aid agencies can play a positive role in supporting such processes.

Finally, the history of health in Myanmar shows the importance of bottom-up, participatory, and localised approaches. Past top-down, simplistic, and linear approaches to supporting health through overly siloed 'humanitarian' or 'development' paradigms highlighted the need for international donors and aid agencies to be more flexible and responsive to shifting political realities. Instead of focusing *only* on immediate emergency responses to the detriment of longer-term development and peacebuilding, there is presently a need for integrated approaches, with support for local systems and agencies that operate in the 'humanitarian-development-peace nexus'. Adaptive approaches are essential in contexts like Myanmar, which are likely to continue to cycle through periods of acute violence and emergency until they find a lasting political resolution.

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# 14 Education

## Reforms Undone

*Marie Lall*

In the 70 years since independence from Britain in 1948, Myanmar has experienced three military coups: 1962, 1988 and 2021 and long periods of military regimes. Consequently, the country's education system has been heavily shaped by over 60 years of military rule, resulting in a centralised, underfunded and dilapidated system that failed to meet the needs of the Myanmar citizens. Yet between 2012 and 2020, the elected government, first under President Thein Sein and then under the National League for Democracy (NLD) started the gigantic task of education reform. These reforms, though unfinished and contested dramatically, not only changed the Myanmar education system but also made a big impact on Myanmar society.

After some brief background information covering the 1948–2010 era, this chapter gives an overview of the reforms in basic, higher and teacher education and the challenges faced by the Ministry of Education and the supporting development partners in delivering the promised transformation. The chapter will also briefly engage with the changes across monastic and ethnic education that serve the poorest in society including in remote and conflict-affected areas. The chapter concludes with a review of the effects of COVID-19 and the 2021 coup that stopped the reforms in their tracks and resulted in a large proportion of teachers and academics joining the Civil Disobedience Movement.

### **Military Rule to 2011**

Just prior to independence, in 1947, the Education Reconstruction Committee reviewed the education system of Burma and proposed the concept of a homogenous system of schools provided and controlled by the state (Thein Lwin, 2000). On 1 June 1950 a new policy promising free education for all pupils in state schools from primary to university level came into force. Private schools were allowed in their own school buildings under the registration of the Private Schools Act, 1951. Shortly thereafter, in 1952, a modern school curriculum was introduced nationwide, followed by textbooks in Burmese in all subjects. The curriculum for the state schools introduced vocational subjects according to local needs rather than a unified qualification system, resulting in an academic-vocational divide, an urban-rural divide and inequality of opportunity between girls and boys (Thein Lwin,

2000). Aside from government provision, Myanmar also has an important monastic schooling system that has historically played a role in educating the poorest in society. Although schooling was meant to be free in principle, parental contributions and other costs mean that those who could not afford to go to state school generally access monastic education provision. As a result, literacy rates in Myanmar have been high throughout its history, despite the often poor quality of government education.

The first coup, led by General Ne Win in April 1962, led to a left-wing political programme under the banner *The Burmese Way to Socialism*. The Tatmadaw replaced the civilian and democratic government led by Prime Minister U Nu with the Union Revolutionary Council. Students were among the most active to protest against the General Ne Win-led military coup. The demonstrations at Rangoon University (now called Yangon University) were against stricter campus regulations, the ending of the system of university self-administration and the new military regime of General Ne Win. The main protests took place on 7 and 8 July 1962, resulting in a crackdown and the demolition of the Rangoon University Student Union building.

The *Burmese Way to Socialism* affected education in a number of ways – in the first instance, socialist moral values meant the nationalisation of all school, including mission schools and schools operated for the Chinese and Indian communities (Zobrist & McCormick, 2017). Monastic schools were outlawed and only allowed to return in 1993. Burmese was made the language of instruction for all ethnic groups, regardless of their own mother tongue, resulting in rising resentment in ethnic-populated border areas. Buddhism was made the state religion, and textbooks glorified a Bamar, Buddhist national identity (Cheesman, 2002; Houtman, 1999). Burmanisation became the hallmark of post-1962 education. This was based in a belief that the country needed a unifying national identity based on one culture, one language and one religion. Although originally Burmanisation was primarily an attempt to combat the dominance of ‘foreign’ English and Hindi languages (Khin Yi, 1988), it also served to exclude non-Burmese-speaking ethnic groups from nationalists’ conception of *báma/myanma* (Metro, 2011). Consequently ethnic armed groups in ethnic border areas developed alternative and parallel schooling systems in their own mother tongue. Some of these grew large numbers of schools that function entirely outside the government system, certain with completely different curricula and teacher training systems. The most developed ones include that of the Mon (Mon National Education Committee, affiliated with the New Mon State Party), the Karen (Karen Education Department, affiliated with the Karen National Union) and the Kachin Independence Organisation Education Department (See Lall, 2021; Lall and South, 2018). The schools, their curriculum, their language of instruction and their teachers differ from ethnic community to ethnic community. These ethnic education systems became part of the ongoing ethnic conflict between the ethnic armed groups and the Tatmadaw.

Under the Burma Socialist Programme Party (BSPP), higher education was changed dramatically. Monodisciplinary institutions were created by splitting off specialist subject areas such as technology and medicine and decreasing the size

of Rangoon and Mandalay universities. This resulted in the devaluation of the arts and humanities. As of this point children with high matriculation results tended to study medicine, regardless of whether they wished to become a medical doctor or not. In 1974, military rule was converted into a constitutional dictatorship (Silverstein, 1977). According to Article 152 of the 1974 Constitution, “every citizen shall have the right to education” and basic education was made compulsory. However, provision of education across all states and divisions was thin at best, and inequalities between urban and rural areas remained stark, despite the socialist promises.

In 1988, nationwide protests erupted. The spark of the protests was initiated at Yangon Technological University, resulting in the unseating of Ne Win. The protests against the BSPP were initially due to 25 years of economic mismanagement but morphed into demands for democracy and greater freedom. The Tatmadaw cracked down brutally on the protesters, many of whom were students (Metro, 2016). The regime punished the students and academics by closing universities for extended periods. In Yangon, universities were closed for 10 of the 12 years from 1988 to 2000. Undergraduate teaching was moved outside of the urban centres, making it harder for students to engage in politics. A number of these new higher education institutions were registered with other ministries rather than the Ministry of Education and subject to different forms of control. Rangoon and Mandalay universities lost their undergraduate programmes (CESR, 2013). Universities and academics had already been isolated internationally due to the *Burmese Way to Socialism*, and this became worse after 1990. The 1974 Constitution was abolished and replaced by absolute military rule under the State Law and Order Council (SLORC).

While SLORC (later renamed the State Peace and Development Council – SPDC) tried to control higher education, the core aims of basic education remained unchanged from the preceding socialist period. The quality of schooling continued to deteriorate. The small but rising urban middle classes, especially in Yangon and Mandalay, were desperate for private alternatives, but these remained outlawed until 2011, when the government enacted the Private School Law. However, as of 2005 there were unacknowledged forms of private schooling, many offering western-style education in after-school classes (Lall, 2021). Between 2006 and 2008 the government cracked down a number of times on these parallel institutions, only allowing English and computer classes to go ahead. The private institutions, however, managed to offer a range of subjects under both headings, and the system faced minimal disruption (Lall, 2021).

For the poorest sections of society, little changed apart from a formal recognition of monastic education. In the early 2000s, monastic schools were encouraged to open and were allowed to register so as to gain a certain legal status. Since Myanmar had signed the international Education For All (EFA) declaration, monastic schools were seen as part of the solution to provide education across all sections of society and parts of the country (Lall, 2016). The sector grew quickly, and it is estimated that around 300,000 children accessed monastic schools by 2016. Monastic schools, managed by the Ministry for Religious Affairs, started to operate as networks, and some became ‘affiliated’ with government schools for their students to



be able to access higher classes and the matriculation exam. Aid agencies that were unable to engage with the government education system focused their efforts on helping monastic provision. In the decade before the reforms, monastic teachers received training in child-centred teaching and learning methods, and key monastic schools such as Phaung Daw Oo became nodal points to expand the training. Arguably, as of that point, children in monastic schools would have had access to higher-quality teaching than many in government schools (Lall, 2021).

In the early 2000s, a seven-step road map was devised by General Khin Nyunt, number three in the SPDC hierarchy and head of military intelligence, to move the country from an absolute military dictatorship to a more participatory system, which would, however, still be controlled by the Tatmadaw (Lall, 2016). His fall from grace in 2004 allowed for a limited opening of political space, in particular in Yangon. Civil society organisations were able to develop limited education programmes for adults – many of whom had missed out on higher education due to the universities remaining closed for so many years. Organisations like Myanmar Egress that secured some funding from German political foundations offered courses ranging from social entrepreneurship to basic economics, with some faculty coming from abroad to deliver courses at the undergraduate level (Lall, 2016). This in turn allowed for a limited debate on the future of the country, something which had been impossible for the previous 55 years. These education programmes became an important part of the changes that were to follow, with ‘graduates’ of these civil society organisations networking across the country and supporting broader reforms and change (Lall, 2021).

### **Thein Sein and the USDP: The Start of Reforms**

The 2008 Constitution – step four on the roadmap – paved the way for the 2010 elections, the first in 20 years, making sure that the Tatmadaw retained 25% of seats in all legislative assemblies (Union as well as State and Region) as well as control over three key ministries (Home, Border and Military affairs). The new government in 2011 was led by former General Thein Sein, who like Ne Win before him, took off his uniform to become a civilian leader. President U Thein Sein did offer a pathway to change and reforms across all sectors, with priorities on national reconciliation with the NLD, ethnic peace with the ethnic armed organisations, economic reforms and education reforms. However, democracy, as expected by some foreign governments watching Myanmar’s transformation, was never on offer (Lall, 2016).

President U Thein Sein’s government developed a ten-point education policy and a 20-year plan called the Basic Education Sector National Education Promotion 20-year Long-term Plan 2011–2031. This would form the basis of what was to come over the following four years of Union Solidarity and Development Party (USDP) rule. The basis for change was a gradual opening up both internally and internationally. Myanmar civil society organisations were invited to actively support the reforms. Students who had left after the 1988/90 protests were invited back and asked to bring with them what they had learnt abroad to help develop the country. International aid in education was welcomed for the first time (Lall, 2016).

In February 2012 a conference on Development Policy Options with Special Reference to the Health and Education Sectors was organised by the government and aid agencies such as the World Bank, Department for International Development, Japan International Cooperation Agency (JICA), Australian Aid and others. The conference resulted in the Comprehensive Education Sector Review (CESR) that was launched in July 2012. The aim was to review the whole formal state education sector, from early childhood education to higher education, to understand the gaps in the system. It involved a wide range of ministries and departments that had a stake in education (CESR, 2013). The CESR encompassed four stages. After the ‘Rapid Assessment’ completed in early 2013, proposals under consideration for basic education included increasing basic education from 11 to 12 years and changing the teacher career structure – two major structural changes that would mean all other areas within education would have to adapt. The CESR ‘In-Depth Analysis’ encompassed more detailed work and resulted in reports for each of the education sub-sectors (CESR, 2014). CESR phases 1 and 2 provided a much clearer understanding of the issues and priorities for reforms regarding learning and teaching issues and investments for programmes and infrastructure. Phase 3 saw the costings of the proposed changes covering fiscal years 2016 through 2020 followed by phase 4, the writing of the National Education Sector Plan (NESP).

The CESR was welcomed by the international community, who – apart from JICA and United Nations Children’s Fund (UNICEF) – had until then only been able to engage with the education sector through UNICEF’s Multi Donor Education Fund or by supporting civil society organisations and monastic schools. Different development partners took on lead roles to support particular government education sub-sectors, with Australia Aid taking a coordinating lead (Lall, 2021). As international aid organisations became involved in educational reform processes, engagement from the UK, Australia and Japan brought in policies around equity and inclusion but also neoliberal discourses around competition, funding and autonomy, following repeated patterns seen across the developing world of policy borrowing (Khaing Phyu Htut et al., 2022; Steiner-Khamsi, 2014).

In 2013 the Thein Sein government set up the Education Promotion Implementation Committee (EPIC) that focused on drafting the National Education Bill that was then submitted to Parliament in July 2014. After the new education law was made public, the students organised themselves under the banner of the ‘Action Committee for Democratic Education’ (ACDE) and went onto the streets to protest. Civil society organisations and student and teacher unions accused the government of excluding them and not taking into account the advice from the relevant stakeholders. Some of the 11 demands focused on issues of governance and autonomy, in particular the freedom to establish student and teacher unions, as well as the inclusion of teachers and students in higher education policy making. Metro (2016) argues that the National Education Law makes it clear that the three governments – the SPDC (1988–2010), the U Thein Sein USDP-led government (2011–2015) and the NLD-led government (2015-onwards) – have had very similar conceptions of ‘democratic education’ and wanted to centralise control of higher education and institutions, the autonomy promised being largely symbolic. In the end the National

Education Law (Government of Myanmar, 2014) was amended in June 2015, yet not taking all of the student demands into account. Chapter 3 lists principles of the education system, which include the following notable points:

- (a) Every citizen shall join in the effort to develop and improve education.
- (b) Private-sector cooperation in every level of education will be encouraged, and private schools will be permitted to be established in accordance with relevant laws.
- (c) Special education programmes and services shall be established so that every school-aged child and youth, including those citizens who are disabled or who for whatever reason have not had a chance to study, can access their right to education in line with Education for All.
- (d) Every citizen shall have the right to education, and opportunities for lifelong learning shall be created.

The law emphasised the priorities of inclusion and equality – which were also reflected in the NESP of 2016. This certainly set quite a different tone from the education priorities that had been held by the military regime and, consequently, required major reforms that would be taken on by the next government. It is important to remember that despite increasing privatisation of education in urban centres and choice on offer for the middle classes, most of Myanmar’s education was at the time (and still is) provided by the government.

Overall the sector in 2015 started to look very different from when the U Thein Sein government had taken over in 2011. Myanmar was receiving significant aid for its reforms, and this was reflected in greater openness across the sector. The government had made major advances as the number of schools and students had increased dramatically: rising from 39,398 basic education schools and 7,776,148 students in 2007–2008 to 43,181 basic education schools and 8,597,348 students in 2013–2014 (Government of Myanmar, 2014). As more schools opened around the country, more teachers were appointed to improve the teacher-to-pupil ratio. In rural and remote areas, university graduates who were residents of these regions were appointed primary school teachers. Some teachers for public schools were also recruited from the monastic schools, as they had classroom experience (Government of Myanmar, 2014). This was facilitated by a drive that allowed monastic teachers to access government in-service teacher training along with government school teachers. However, issues of access and finance remained. According to a UNICEF study conducted in 2013–2014, community funding of education accounted for about 70% of total education expenditure, despite there being no official fees (Mehta et al., 2014). The government budget’s largest expenditure remained salary payments, estimated at around 90%, leaving little for maintenance and the everyday expenses needed by schools to function. Construction expenditure accounted for 90% of the total of the separate capital expenditure budget, leaving little available for expenditure on equipment. Despite the reforms, parents still bore a large part of the burden to make the sector financially viable.

### **Aung San Suu Kyi and the NLD: Building on Foundations**

In the 2015 election, the USDP lost to the NLD. Unlike the first time when the NLD competed for power in 1990, President U Thein Sein transferred power to the NLD led by Aung San Suu Kyi. Education policy under the NLD government did not change much from that of the previous government. The NESP of 2016, launched by the NLD government in February 2017, was based on the previous government's draft NESP that had come out of the CESR, and very little of the text was revised in any way. This promised some continuity both for the Ministry of Education and the development partners. The main focus of the NESP remained on access, completion, quality and transparency, and the main aim was "equity, quality and relevance" (Government of Myanmar, 2016). To achieve this, the plan proposed nine transformational shifts to be driven by the Ministry of Education (Government of Myanmar, 2016). As part of the reforms, the Ministry of Education created new structures and institutions, as had been laid out in the National Education Law 2014 and the 2015 Amendment. The National Education Policy Commission (NEPC) was established first in September 2016 as a statutory body to provide education policies for "the promotion of national development" and to oversee the National Curriculum Committee (NCC – formed in 2016), the National Accreditation and Quality Assurance Committee (NAQAC – formed in 2017) and the Rectors' Committee (RC – formed in 2018). These four institutions were meant to support the Ministry of Education in delivering the required reforms by bringing in non-ministerial yet experienced staff, but the Ministry of Education remained the main public body responsible for delivering the nine transformational shifts on which the NESP was based (Lall, 2021). Development partners remained engaged, but the Ministry of Education struggled to take advantage of all the support on offer, in part because of the hierarchical nature of Myanmar ministries, the lack of donor coordination and a shortage of staff that were tasked to change everything at once (Lall, 2021).

The reforms driven by the NESP affected early childhood education, basic education, vocational education, teacher education and higher education as well as management and evaluation issues within the Ministry of Education. In basic education – that runs from kindergarten to grade 11, they addressed issues of access (including specialised provision for out-of-school children) as well as quality in terms of revising the curriculum and textbook content. This was led by the JICA under a project called Curriculum Reform at Primary Level of Basic Education (CREATE). This was the first major curriculum revision in 20 years and involved 40 Japanese and overseas curriculum experts as well as over 60 Myanmar academics. The textbooks were reviewed and approved by the NCC. The new primary education curriculum added new subjects such as morality and civics, life skills and arts (performing arts and visual arts) to Myanmar, English, mathematics, science, social studies and physical education. Another key change was lengthening the curriculum to a 12-year school programme and formalising a KG+12-year structure starting 2016–2017 with a gradual shift across the grades.

Teacher education was also changed in line with a new career structure that allows teachers to choose between training to be a teacher at the kindergarten, primary, lower or upper secondary level plus a subject specialisation of their choice. The teacher education structure prepared to shift from the two-year diploma to a four-year degree structure to meet Association of Southeast Asian Nations (ASEAN) standards. A key part of this was the development of a Teacher Competency Standards Framework (TCSF) between 2017 and 2019 as a set of written standards underpinning ambitions for the creation of a teaching workforce with the “professional knowledge, understanding and skills associated with the role and duties expected of Myanmar’s teachers and the process of teaching” (Government of Myanmar, 2020). This underpinned the wider systemic view of teacher professionalism, including the role and responsibility of the teacher as an individual, within the school, the local community and as a participant in professional networks. Much of this was coordinated through UNESCO’s Strengthening Pre-Service Teacher Education in Myanmar (STEM) project. The project struggled to link with the new basic education curriculum referred to earlier because of communication issues between development partners, one of many similar issues faced by the various stakeholders during the reforms (Lall, 2021).

The reforms of the higher education sector were equally wide ranging. All Myanmar higher education institutions are state-financed and accept students after matriculation, depending on their grades. Those who cannot afford to live away from home enrol in a national distance education programme that is one of the world’s largest but is of inferior quality. Private higher education institutions in Myanmar are not permitted to identify themselves as universities, even if they are degree-awarding (Heslop, 2019). In this sector, the NESP emphasised quality, aiming to meet ASEAN standards (including a gradual integration into the ASEAN University Network [AUN]-QA framework) and a focus on giving students skills for the job market with recognised qualifications that would allow for greater mobility. Myanmar started taking part in the European Union–funded SHARE programme that focuses on quality assurance and transferability of degrees to strengthen regional cooperation across ASEAN. The traditional issues faced by the higher education sector were linked to the centralised model of governance, the inadequate infrastructure and the lack of staff training in research and teaching methodologies. At the start of the reforms the main barriers for academics included class sizes, access to the internet, up-to-date materials and the assessment system. Senior university staff from 11 universities took part in a British Council–funded programme to learn how to link what was being taught to both research and student assessment; how to support increased academic research, including international collaborations; and how to manage autonomous institutions. Part of the problem in improving teaching and learning is linked to the language of instruction being English, which neither the students nor the staff speak fluently. Yangon University was singled out as Myanmar’s flagship university by the NLD, particularly by Daw Aung San Suu Kyi, who wanted to restore its former ‘glory’ (Esson and Wang,

2018). Sixteen universities were chosen to gradually become autonomous as of late 2020; new freedoms included designing their own curriculum and hiring their own staff.

Not only institutions were facing major changes. The Ministry of Education itself also underwent reforms. Traditionally the Ministry of Education had been focused on numbers rather than outcomes or standards, and monitoring and evaluation were relatively new concepts. Monitoring and evaluation were formalised through a dedicated department, which has, however struggled with its mandate. Australia's Department for Foreign Affairs and Trade-funded My-Equip Quality Improvement Programme aimed to support the Ministry of Education in developing systems to measure education quality and evidence-based planning by improving systems that assess performance of education services against indicators and quality standards, produced outputs to inform decision-making and enabled learning and continuous improvement in the sector (Lall, 2021).

The NESP had been the guiding policy document for the education reform process since 2016. Reaching its halfway point in the summer of 2019, a mid-term review (MTR) was undertaken to allow for a reprioritisation and some streamlining of programmes within the Ministry of Education. In January 2020, the reports of the MTR were published (Government of Myanmar, 2020). The MTR concluded that the reform programmes were well under way but that there was still a lot of work that needed to be done to achieve the transformational shifts as envisioned by the NESP.

Towards the end of the NLD term much had changed across the sector, yet the Ministry of Education remained the largest education provider. In 2020 it was responsible for educating 9 million children in 45,600 schools, involving 320,000 teachers. There were 174 higher education institutions across the country under the jurisdiction of eight different ministries, falling into two broad categories: arts and sciences universities and the technical and professional universities. Early childhood education and the vocational sector started to become formalised, and in urban areas private schools flourished.

All education sectors were in the midst of major reforms when the COVID pandemic struck. A COVID-19 Response and Recovery plan was developed (Government of Myanmar, 2020) but the plan did not expect a long pandemic, and there were hopes that all education institutions, including higher education institutions, would resume as usual in June 2020. The Ministry of Education did not take much action between March and April 2020. Reflecting old practice, most of the discussions were quite centralised within the ministry, without taking stakeholder views into account. The key body responsible for the reopening of education institutions was the Central COVID Committee led by the Ministry of Health and Sports that produced a 90-point checklist, which was used by the Ministry of Education to check education institutions for reopening. When the pandemic seemed to lapse in July 2020, the Ministry of Education attempted first to open some high schools, but many schools found it challenging to meet the criteria on the checklist. The attempt to open schools failed with an increase in



the number of local transmissions of COVID-19, and all schools were closed again from early August. In areas where the spread of COVID was low such as Kayah, Chin and Kachin states, the nationwide closures applied without considering contextual differences. While the Ministry of Education made some effort for primary- and secondary-level students by setting up an Education TV channel airing school lessons and distribution of recorded teacher training video lessons for teachers to attempt some learning continuity during the pandemic, nothing much was offered for university students and staff. The ministry established the Myanmar Digital Education Platform (MDEP) where the public could access textbooks and supplementary materials. Teacher training videos were also uploaded onto MDEP with the intention of helping with the curriculum reform. Interestingly many of the Ethnic Armed Organisations-run schools were able to remain open, due to lower rates of infection in the border areas. The COVID crisis was worsened by the coup, as explained in the next section.

### **After the 2021 Coup: Reforms Undone**

On 1 February 2021, Myanmar experienced its third coup d'état. When the Tatmadaw seized power on 1 February, the NLD party had just won the November 2020 elections by a landslide. The coup surprised most, as it was widely believed that even amid reforms, the Tatmadaw had retained its key role at the heart of government. The coup leaders' vision for the country seems to be epitomised in a militarised view of Burmanisation that had been taught for decades through the government schooling system, with the Tatmadaw as the country's largely Bamar elite controlling the rest of society. This view is in direct contrast to the reforms that had been undertaken in the decade prior to the coup. The opening of the country through the reforms had brought to the fore critical voices of this vision, not least across the education sector, and this challenge had to be put down with force. The international community condemned the coup, stopping the support for the reforms in order not to support the government now controlled by the Tatmadaw and renamed the State Administration Council (SAC). As a result, the decade of as-yet-incomplete economic and social reforms was put to an end.

After a few days of quiet shock across the country, anti-coup protests started, led initially by doctors, nurses and students from government hospitals that also include Myanmar's medical schools. University staff and students soon followed. The protests and resistance coalesced around different groups, including Generation Z (those under 24 years old), the 88 generation, the NLD (and the National Unity Government they have created) and the Civil Disobedience Movement (CDM) (The Lancet, 2021). As the army cracked down, initially on urban centres such as Yangon and Mandalay, vacant university buildings and hospitals were turned into army barracks to house the army units that are usually stationed in the ethnic border areas.

The CDM took hold of the entire education sector and later across other government institutions. Staff walked off their jobs, and institutions and government



offices closed. The SAC retaliated by suspending and dismissing protesting staff. Because higher education staff are government employees, protesting academics and their families lost their campus housing that was linked to their jobs. It is estimated that at first around 13,000 academic staff were suspended – around half the university workforce (Khaing Phyu Htut et al., 2022). Nightly news bulletins named academic staff that the SAC wanted to arrest in order to quell the protests. Students who had initially taken to the streets fled to border areas to receive resistance training from ethnic armed organisations, mainly the Karen National Union (KNU) but also the Kachin Independence Organisation (KIO). Large numbers regrouped as People's Defence Force units and continue to resist the SAC around the country. Other students have fled across the border to Thailand, looking to leave the region and requesting refugee status abroad.

Initially teaching was suspended, mirroring the 1980s and 1990s when universities were closed for over a decade and a half and a whole generation of young people missed out on higher education. Later some classes and exams were held for final-year students, though there was no new intake in 2021 and 2022. In due course senior academics were replaced by junior staff, with lecturers who had stayed on promoted to professor level, and 3,000 new tutors or scientific demonstrators were hired. In a confidential interview (2022) Ministry of Education staff complained that the main issue they faced was the training of the new university staff. The newly created education bodies were also disbanded, including NEPC, NAQAQ and RC; only NCC remained.

Basic education was badly affected. Before the coup, 9.8 million children were in school; according to a confidential interview in 2022, after the coup, enrolment officially fell to 5.2 million with actual attendance at 4.2 million. The high school level leaving exam (matriculation) that was usually taken by around 900,000 students every year was affected, as the total attendance in all three grades of high school in 2022 was estimated at an extremely low 362,000, indicating very few youths finished high school. Before the coup, Myanmar had 47,460 schools and 450,000 teachers; in 2022 39,242 schools were in operation, and with CDM and dismissals, only 290,208 teachers are estimated to be in service. Parents have also voted with their feet, with many refusing to send their children to government institutions.

The ministry itself also lost staff to CDM, although a number of senior staff stayed in place, implicitly accepting the new order. The Ministry of Education issued a circular stating that promotions would be denied to those who have taken part in CDM. Staff were asked to declare whether they support the protests and to identify those who did (Waa, 2021). Despite the reopening of certain schools and universities, it is clear that the reforms have been halted with the Ministry of Education struggling to perform even the most basic functions.

The coup brought out Myanmar's principal faultline between the military and wider society. As education had propagated an increasing openness, civilians, especially students, wanted their country to progress towards a more democratic, developed future. The education reforms that started gingerly in 2006 with a civil society lead, followed by big changes at the government level, changed the expectations

across society. Students and other young people felt that the military coup has robbed them of their future. At the time of writing, both sides are entrenched in their position, and there does not seem to be much scope for finding a way out of the impasse.

## Conclusion

The presence of widespread poverty and a stagnant economy over decades have been key factors affecting education services, including the experience of children and teachers within schools and students and academics in universities. Myanmar is deeply unequal along ethnic and religious faultlines with the most disadvantaged living in remote and conflict-affected areas. Education reforms – though imperfect – were a key part of Myanmar’s transformation, bringing hope to millions of families, teachers, students and academics. The NESP addressed all the right headings – aiming for inclusive and equitable quality education accessible to all. One can deduce from the official texts that there was a general understanding across both government and the civil service of the issues the country faced with regard to poverty, ethnic and religious discrimination and other widening gaps between the most disadvantaged sections of society – both urban and rural – and those who held power politically and economically. Although in practice not enough of this was being implemented on the ground even after a decade of reforms and there was a clear policy-practice gap, the country was moving in the right direction. Whilst citizens and foreigners who supported Myanmar’s transformation might have complained that impediments to change were due to local barriers such as ingrained hierarchies, reporting pathways, lack of infrastructure, a lack of learning from past mistakes and many other issues, the decade of reforms now looks like a time when there was hope that real progress would be achieved for Myanmar society as a whole.

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# 15 Women in Myanmar

## Change and Continuity

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Throughout dramatic political shifts in Myanmar's recent history, from absolute exclusion of women from positions of power during military rule, to a semi-civilian government with a female de facto head of state, and back to military rule yet again, many patterns of gender inequality in Myanmar have persisted (Women's League of Burma, 2008; Women's Organization Network, 2016). While Myanmar is home to numerous ethnic groups with diverse cultures, norms and traditions, the work of women activists and scholars has nonetheless revealed widespread patterns of discrimination against women (Ikeya, 2011; Harriden, 2012). At the same time, the decade of political transition between 2011 and 2021 brought about significant changes in legislation as well as public perceptions relating to women's rights and in the conditions for women's civil society activism and political participation and influence (Hedström and Olivius, 2023; Khin Khin Mra and Livingstone, 2020).

This chapter provides an analysis of change and continuity in terms of both opportunities and challenges for realising women's equality in Myanmar. Taking the situation of women during military rule before 2011 as a starting point, the analysis next moves on to exploring women's experiences of the transition and their attempts at leveraging political openings for gender equality up until 2021. Finally, the effects of the 2021 military coup on women's mobilisation, security and access to rights is discussed, before concluding with a discussion of future challenges and opportunities for women's rights in Myanmar.

### **Military Rule to 2011: Repression and Resistance**

From the coup in 1962 until the ushering in of a new quasi-democratic government in 2011, Myanmar was under military rule. In the aftermath of the 1962 coup, the most immediate effect on gender equality related to the enactment of strict pronatalist policies (including severely restricting access to family planning methods) and changes to military recruitment policies, under which female candidates could no longer join active army service (Spiro, 1977). The new administration became staffed by personnel drawn from the military, and this largely remained true across time and administrations (Fenichel and Khan, 1981). This means that women's opportunities to influence public policy were, at best, very limited. The official view espoused by the new regime was one of male dominance in the public sphere

and of women's duty to reproduce the population within the private sphere (Burma Socialist Programme Party, 1966).

Notably, a rhetoric about Burmese women's 'inherent equality' with men – first used during the independence struggle to delegitimise colonialism – resurfaced (Ikeya, 2011; Tharaphi Than, 2014) and became a means through which the military regimes attempted to achieve legitimacy in both the international and the national arena. As an illustration of this, the official statement from the Myanmar delegation at the United Nations Fourth World Congress for Women in 1995 not only espoused the official view that women in Myanmar enjoyed equality with men but suggested that other countries could in fact learn from Myanmar's experience (Soe Myint, 1995). Burmese women's reputed equality became a means for demonstrating the nation's progress, while discounting any need for international intervention (Ikeya, 2011).

Disastrous economic policies led Myanmar into being designated as a 'least developed country' in 1987 (Maureen Aung-thwin and Thant Myint-u, 1992). Economic mismanagement resulted in chronic underdevelopment, high levels of food insecurity and widespread poverty (Belak, 2002). Although there is a lack of reliable data relating to how poverty affected women in Myanmar, the 1973 and 1983 censuses provide important snapshots of how gender and poverty are interrelated. Strikingly, both the 1973 and the 1983 censuses reveal a significant gender gap in both illiteracy rates and labour force participation, with most women reportedly engaged in unpaid household duties (Maung, 1986, 1997). This demonstrates that women in Myanmar had less access to the labour market, spent more time on unpaid household duties and most likely had less socio-economic wealth than their male peers.

Unequal access to and influence over legislative matters was reflected in the near-total absence of legislation focused on addressing and rectifying violence against and discrimination of women, creating a climate and a practice of impunity for gender-based violations (Thin Thin Aung and Williams, 2009).<sup>1</sup> Women's groups and international human rights organisations documented how during the period, women in Myanmar were subjected to grave forms of gender-based violence.<sup>2</sup> This was particularly the case in rural parts of the country, where armed conflict severely impacted on women's access to human rights and gender equality.

Although women were, by and large, absent from formal positions of power, women were active across oppositional movements (Harriden, 2012). As political activists, women organised student-led demonstrations protesting the military regime, and as members of non-state armed groups, women joined military ranks to fight the dictatorship. These movements afforded women more opportunities than formal politics. While women were mostly found in supporting roles, making up the base as opposed to the leadership, it is important to recognise that women's involvement, whether as supporters or leaders, was indispensable to oppositional campaigns (Hedström, 2022).

Many women rose to prominence during the 1988 uprising. In the aftermath of the crackdown on the demonstrations, previously urban-based women activists fled to rural conflict-affected areas, where they were exposed to the impact of armed

conflict on women's human rights. This ultimately resulted in women leaders setting up the Women's League of Burma (WLB), a multi-ethnic women's movement which mobilised women along the country's borders and in ethnic areas to assert their rights collectively. Despite their critical role in both armed and non-armed oppositional movements, women were excluded from participating in negotiating the ceasefires agreed to between the military regime and the leadership of ethnic armed groups (Hedström, 2013; Lahtaw et al., 2014).

International advocacy around abuses of women's human rights in ethnic minority areas became an important platform for action at this time, as opportunities to push for change inside the country were very limited. By documenting gender-specific impacts of armed conflict on women, such as trafficking and sexual violence, women's groups were able to challenge and contest the government from the relative safety of neighbouring countries. Through participation in the reporting process for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and in particular advocacy around sexual violence committed by government soldiers against ethnic minority women, women's groups created a narrative about women's human rights abuses that countered the government's official rhetoric and that led to international pressure, including sanctions, being leveraged against the Burmese regime (Hedström and Olivius, 2021; Cardenas and Olivius, 2021).<sup>3</sup>

The government's concerted efforts to maintain the chimera of women's 'inherent equality' despite evidence to the contrary appeared in the formation of a number of different government-controlled organisations (so-called GONGOs) in the early 2000s. The previously existing Myanmar Maternal and Child Welfare Association (MCWA) was re-established, and following participation at the Fourth World Conference on Women, the government founded the Myanmar National Committee for Women's Affairs (MNCWA), and a few years later, the Myanmar Women's Affairs Federation (MWAFF). At the same time, the Unlawful Associations Act prevented independent women's organisations from operating openly in the country. Data from the Assistance Association of Political Prisoners (Burma) (AAPPB) shows that between 1993 and late 2010, 174 women were imprisoned for their independent political activities. The leadership of the GONGOs were, moreover, mainly made up of the wives of senior military commanders, while lower-based membership were, at times, forcibly recruited (Women's League of Burma, 2008). As a result, official activities seemed to be more committed to the creation of an impression of the government's purported dedication to women's equality, rather than to the creation of actual equality.<sup>4</sup>

In May 2008, Cyclone Nargis struck Myanmar. The devastating consequences of this disaster were compounded by existing gendered discrepancies. According to the United Nations, around 140,000 people died. The majority of those killed were women and girls. In the aftermath of the cyclone, civil society organisations reported an upsurge in domestic and sexual violence, women's malnutrition and critical reproductive health issues. It also led to an increase in household poverty, which pushed vulnerable women into unsafe migration and work patterns, including forced labour, trafficking and sex work (Women's Protection Technical

Working Group, 2010). In this way, women's restricted access to economic, social and political resources and opportunities prior to the cyclone aggravated their experiences of the disaster. However, the cyclone also gave rise to significant civil society mobilisation that would later flourish under less repressive conditions after 2011 and was the impetus for the formation of what would become an important women's rights movement active in urban Myanmar (Human Rights Watch, 2010).

That very same year, 2008, the country's third constitution came into effect. The drafting process had been a drawn-out affair from which women were, by and large, excluded. Most delegates were handpicked, and the process was guided by an overarching mandate to produce a "'constitutional' template for military involvement in all aspects of the body politic" (Human Rights Watch, 2008; Global Justice Centre and Leitner Center for International Law and Justice, 2015). Only 35 women out of a total of 702 delegates contributed to the process (Thin Thin Aung and Williams, 2009). In response, women in oppositional movements actively took part in an alternative constitutional drafting process, where they advocated for quotas and a gender-inclusive language to ensure women's participation across all aspects of governance (Women's League of Burma, 2006). The shortage of women's voices in the formal drafting processes is felt in the 2008 Constitution, which included several problematic provisions, including section 352 which notes that "nothing in this section shall prevent appointment of men to the positions that are suitable for men only"; sections 109, 141 and 161 enshrining (male) military power across critical areas of decision-making; and section 381 providing soldiers with impunity for crimes, such as sexual violence, committed in conflict areas (Ministry of Information, 2008).

The effects of this gender order carried over to the new regime. As Myanmar entered a new phase with the elections in 2010, the previous regime's complete lack of institutional support for women's equality meant that women in Myanmar experienced widespread economic and political marginalisation and exclusion. Nonetheless, both inside the country and on the borders, women were mobilising for change.

### **Thein Sein and the USDP: A Transition for Women?**

The 2010 elections ushered in a new government, yet one in which women were – again – largely absent. Among elected representatives to parliament, only 6 per cent were women. At the state/regional-level parliaments, the numbers were even lower: women won 3.8 per cent of seats. The military quota, functioning in effect as a quota for men, skewed the numbers further (Shwe Shwe Sein Latt et al., 2017). Yet a rhetoric about Burmese women's inherent equality continued to be promoted throughout U Thein Sein's rule and remained the official position taken by the government in its engagement with and participation in international fora related to women's advancement.

However, civil society activists took advantage of government promises for democratic reforms in the country. The years immediately following the 2010 elections saw a number of high-profile returns of previously exiled political activists.



Laws pertaining to freedom of expression and peaceful protest and assembly led to an increase in political space. The number of independent organisations operating inside the country grew substantially, including women's organisations (Zin Mar Aung, 2015; Olivius and Hedström, 2020). The opening of the country after the reforms facilitated a series of critical 'bridging activities' between exiled and inside women activists, which culminated in 2013 in the national Women's Peace Forum, the first such event to be held inside the country. The forum became a milestone in the building of a more united, yet diverse, national women's movement, at which women across the country agreed on a set of common recommendations for advancing women's equality in Myanmar (Women's League of Burma and Women's Organizations Network of Myanmar, 2013).

Importantly, policy advocacy targeting the government directly opened up as a new avenue for women's groups to push for change. Whereas women in oppositional movements had previously been critiquing the government from afar, they now found themselves invited to high-level meetings with government officials in the country's capital. The focus of much of this advocacy was clustered around the need for new legislation advancing the rights of women. In particular, the Protection and Prevention of Violence against Women (PoVAW) bill and the National Strategic Plan for the Advancement of Women (NSPAW) emerged as two areas of focus, and initially optimism was high around the ability of the women's groups to effect change in these two areas. However, it soon became clear that the government had little interest in advancing women's rights. The PoVAW bill was never passed, and while NSPAW was launched, the government did not dedicate a budget for implementation (Aye Thiri Kyaw, 2023).

An ambitious peace plan announced by the U Thein Sein government in 2011 and initially focused on bilateral agreements morphed into a nationwide ceasefire process in 2013. Women's participation in the peace process became an increasingly salient theme for women's organisations, with international funding directed towards increasing the number of women in this process. Despite much international focus and the efforts of women's groups, actual participation and influence of women's activists in the peace process, whether these women were representing the government, civil society or ethnic armed groups, remained low during U Thein Sein's hold. The institutions guiding both the bilateral agreements and, later, the nationwide process were 'almost exclusively male dominated', with an extremely low percentage of women participating officially (Hedström, 2013; Alliance for Gender Inclusion in the Peace Process, 2015). When invited, women were mostly asked to comment on social issues, reaffirming essentialist notions of women's roles and responsibilities. The determination to keep women out led men to perform some remarkable theatrics. At the first Panglong Conference, women participants reported that their input from discussions was deleted from the proceedings or their microphones were cut off when speaking. At other meetings, older men would simply remove their hearing aids when it was women's time to speak.

At the same time, fighting resumed in many ethnic minority regions, with devastating consequences for women and girls living in these areas. In 2014, women's groups released a report detailing over a hundred incidences of rape, including

gang rapes, committed by government soldiers in conflict-affected areas (Women's League of Burma, 2014). In northern Myanmar, where some of the most persistent fighting took place, over 100,000 people were displaced, the majority women and their children. Displaced women and girls were exposed to a multitude of insecurities, such as domestic and sexual violence, severe malnutrition and reproductive health issues (Gender Equality Network, 2013b). In former conflict areas enjoying relative stability, commercial expansion as well as development interventions often created new insecurities, as large swathes of farmland were appropriated for purposes such as commercial plantations or the construction of dams and roads. As women were rarely formally the owners of the land they lived on, land grabbing affected women disproportionately (Faxon, 2015; Hedström and Olivius, 2020).

Moreover, state repression and communal violence against Rohingya Muslims in western Myanmar, spurred by an increasingly belligerent Buddhist nationalism, worsened severely. In 2012, anti-Muslim riots in Rakhine State forced 150,000 to flee their homes amid horrific human rights abuses. Most of those who fled became internally displaced, confined to squalid camps in Rakhine State, while some managed to cross the border into Bangladesh, seeking shelter in already cramped existing refugee camps. In addition to violence and abuses targeting Rohingyas indiscriminately, Rohingya women were also subjected to gender-specific abuses such as rape, sexual exploitation and trafficking (Abdelkader, 2014; Olivius, 2017).

The rise of radical Buddhist nationalism as an increasingly salient political force in Myanmar also came to pose a new form of challenge to the advancement of women's rights and gender equality more broadly. In 2014, allegedly in order to protect race and religion, the government drafted four bills that had been proposed by the Organization for the Protection of Nationality and Religion, also known as MaBaTha, and the 969 Movement. One year later, the Parliament passed the four Race and Religious Protection laws: the Religious Conversion Law, the Myanmar Buddhist Women's Special Marriage Law, the Population Control Healthcare Law and the Monogamy Law. These laws limit women's freedom to make decisions relating to marriage and reproduction, and particularly target Muslims and Muslim-dominated regions (Amnesty International and the International Commission of Jurists, 2015). In response, women's groups joined forces to collectively oppose the legislation on the grounds that it violated women's human rights and did not comply with the CEDAW principles that Myanmar has committed itself to realising. Further, women's groups warned against the potential of these laws to be used against religious minorities (Walton et al., 2015). Despite new challenges such as these laws, as the 2015 elections came near, optimism for women's activism remained high, as the new elections offered women a platform for contesting the abuse of women's rights in Myanmar.

### **Aung San Suu Kyi and the NLD: Two Steps Forward, One Step Back**

In 2015, Aung San Suu Kyi and her party, the National League for Democracy (NLD), won the national elections. The number of female parliamentarians doubled, and Myanmar got its first (de facto) female head of state (Minoletti, 2016).

However, in the run-up to the elections, female candidates confronted a confluence of gender-specific challenges restricting their abilities to stand for elections on an equal footing to men. Women's relative poverty in comparison to men, the lack of institutional training or guidelines advancing female political candidates and societal norms framing men as natural leaders while positioning women as uniquely responsible for family welfare were just some of the obstacles female candidates faced (Gender Equality Network, 2015, 2017; Shwe Shwe Sein Latt et al., 2017). Only about 40 per cent of female candidates received any kind of funding to assist with their campaigning, and many women found it hard to undertake campaign travelling. Female voters in particular distrusted other women who engaged in what they deemed inappropriate political behaviour (Shwe Shwe Sein Latt et al., 2017), echoing findings from a 2014 survey in which just over 70 per cent of (both male and female) respondents believed that men made better political leaders than women (The Asia Foundation, 2014). Women's responsibilities for household duties, evident in the country's substantial labour force gap (Ministry of Planning and Finance and the World Bank, 2017), impacted women's experiences of the campaign trail, with female candidates, and later elected members of Parliament, attempting to balance their domestic duties with political duties. In short, whether in political office or not, women were still primarily positioned as uniquely responsible for caring for their families, and new openings for participation in politics did not change this gendered division of labour.

However, outside of formal politics, national women's activism expanded significantly as state institutions became more welcoming towards women's groups. This signified a considerable departure from the focus on international advocacy that had dominated their approach during the years of the military rule when it was not possible to advocate for women's rights independently and openly inside the country. Border-based and exiled organisations kept gradually returning, although some retained 'one foot in exile', with disagreement and conflicting positions on the feasibility and timing of return (Olivius, 2019). Yet as donor funding shifted towards supporting organisations based in urban and central Myanmar, ambivalent women's groups were in effect increasingly pushed to move inside the country (Olivius and Hedström, 2020). The presence of international peacebuilding actors seeking to support women's rights and participation in the peace process reinforced the shift towards collaboration with the state, as they often prioritised the strengthening of state institutions and adhered to government regulations imposed upon civil society organisations, which rendered many small, oppositional or ethnic minority-dominated organisations invisible or ineligible for funding (Olivius et al., 2022a).

Women living in conflict areas continued to suffer military abuses, including sexual violence perpetrated by armed actors, yet international audiences were becoming less receptive to these gender-based concerns. As noted with some despair by a women's activist, 'there is less and less interest in the lives of the people who are in the conflict areas'.<sup>5</sup> In this context, women's activists from ethnic minority organisations maintained the need to openly call out state-sponsored sexual violence against women in conflict areas. However, for reasons of personal security as

well as political strategy, being outspoken on these issues within Myanmar was not yet possible. Thus, while a growing presence of women's activism in Yangon enabled women's organisations to engage with processes of policy change and work with state structures in new ways, for ethnic minority women, their 'return' and rapprochement with the state came at a price. While there were a few years of relative freedom for civil society under U Thein Sein, leading to optimism regarding increased political space for women's activism in Myanmar, activists experienced a narrowing of this space under the NLD government.<sup>6</sup>

Moreover, despite the presence of a democratically elected government with a leader widely regarded as a human rights advocate, state-sponsored violence against ethnic minority civilians, including horrific sexual violence against women, reached new levels during this period. The already difficult situation for the Rohingya population in Rakhine State deteriorated dramatically after Rohingya militants attacked a border guard post on 9 October 2016. In response, the Burmese military initiated a 'security operation' allegedly aimed at catching Rohingya militants, but resulting in widespread violence against Rohingya men, women and children as well as massive destruction of property (Human Rights Watch, 2017). A 2017 report by the United Nations Human Rights Office of the High Commissioner, based on interviews with Rohingya who had fled Rakhine State after the beginning of the crackdown in October 2016, details dreadful accounts of summary killings, arson, sexual violence and torture (OHRCH, 2017).

Although the scale and intensity of abuses against ethnic minority civilians were specific to the Rohingya genocide, the patterns of the abuses were similar to those carried out by security forces associated with the Burmese government in other areas of the country throughout the country's civil war. Despite generally low public sympathy to the plight of the Rohingya community in the country and among government officials, this period saw interesting examples of women's solidarity. For example, the Karen Women's Organisation (KWO) issued several statements condemning sexual violence against Rohingya women. Citing the frequency of rape and other abuses committed against women and girls in Rakhine State, KWO stated that "[w]e are deeply pained by these reports, which revive memories of similar horrors endured for decades by women in our communities at the hands of the Burma Army. [ . . . ] Our hearts go out to the Rohingya women and their families at this time" (Karen Women's Organisation, 2016). In a context of widespread dehumanisation of the Rohingya community, this expression of cross-ethnic identification and solidarity was significant and testified to the potential of women's activism to bridge conflict lines.

The peace process initiated by U Thein Sein and institutionalised in the National Ceasefire Agreement (NCA) continued under the auspices of the new NLD government. A first meeting of the Union Peace Conference, named the 21st Century Panglong, was held in Naypidaw during the fall of 2016. The representation of women was low, less than 7 per cent, and women's organisations criticised the process for its failure to include civil society generally and for its exclusion of some ethnic armed organisations that had not signed the NCA.<sup>7</sup> A second Union Peace Conference was held in May 2017. Again, the participation of women was

low, despite the nominal acceptance of the principle that at least 30 per cent of participants should be women. Women's participation, as well as discussions relating to gender equality or to women, was also confined to the social sector theme. Very few women were involved in discussions relating to the political, economic, security or land and environment sector, and policy proposals in these sectors rarely included a gender perspective (Alliance for Gender Inclusion in the Peace Process, 2017). Thus, within the framework of the official peace process, women and gender issues remained marginalised, with many key aspects of the peace-building process treated separately from women's rights.

However, while women's efforts to gain formal representation met with numerous challenges, women's activists and organisations utilised back-channels to informally influence the process, for example, as technical advisers to ethnic armed organisations (EAOs) and through "tea break advocacy" (Pepper, 2018). In addition, women's peace-building practices at the community level extended far beyond formal negotiations, as women's groups organised a wide range of community peace-building trainings that were essential to local conflict resolution and relationship building, contributed to greater local political awareness and built capacity for political activism and representation in peace negotiations and policymaking. Further, the women's movement itself embodied and exemplified a political order characterised by ethnic equality, dialogue and peaceful coexistence through alliances such as the WLB, Women's Organizations Network of Myanmar and Gender Equality Network. In addition, skilful use of international frameworks and norms, such as CEDAW and the UN Women, Peace and Security agenda, has long provided women activists with key resources and arenas for influence (Cardenas and Olivius, 2021). In this way, women's activist networks across the country contributed in critical ways to community-level dialogue and political mobilisation, preparing the next generation of women human rights defenders to advocate for their rights.

### **After the 2021 Coup: Resistance, Backlash and Multiple Crises**

In the November 2020 elections, an unprecedented number of women competed for parliamentary seats: one in every six candidates was a woman. In Shan State, where the Shan Nationalities League for Democracy introduced a gender quota – the first political party in Myanmar to do so – women accounted for 19 per cent of all candidates (Raynor and Clark, 2020). The NLD similarly put forward a record number of female candidates. As the party increased its share of votes, winning 396 seats in the upper and lower legislature, the percentage of elected women in the National Parliament grew from 6 per cent 2015 to 13 per cent in 2020. However, the military-aligned main opposition party, the Union Solidarity and Development Party (USDP), alleged electoral malpractice, and in the wee hours of 1 February 2021, the Myanmar military assumed power via a coup in order to, in their words, ensure a "genuine discipline flourishing multiparty democratic system" (Kipgen, 2021), arresting the country's first female head of state, Aung San Suu Kyi, and reinstating a fully androcentric leadership.

Within days, the streets of Yangon and other major cities swelled with protest. Women in the garment industry organised many of the early demonstrations, arriving by bus from their factories located in city outskirts to lead protests. Female teachers and students, health care providers, human rights activists and labour union leaders emerged as a powerful force of protest, with reports estimating that as many as 60 per cent of participants in the Civil Disobedience Movement were women and girls. The Women's Alliance Burma (WAB) was formed as a protest coordination group joining together a diversity of women's organisations and forms for activism. Although the resistance movement was in many respect leaderless, ethnic minority women came to the fore as figureheads, rallying protestors in Yangon and other major cities, infusing the anti-coup movement with demands for a future federal Myanmar inclusive of ethnic and sexual minorities and women's rights (Loong, 2021).

The initial stages of the anti-coup movement were characterised by its creativity, as young protestors dressed in drag and cosplay; choreographed dances; and displayed LGBTI flags and creative cartoons insulting the military, and in particular, Min Aung Hlaing, the head of the military junta, who responded by chastising female protestors for wearing "indecent clothes" or for being "emotional and loose" (Global New Light of Myanmar, 2021). Notably, many of these protests deployed gendered superstitions to resist military rule, including using women's *htameins* "as a first line of defence" because in Myanmar, women's skirts and undergarments are believed to deprive men of their prowess (AAPPB, 2022). Drawing on the experiences of earlier protest, including the 'Panties for Peace' campaign that the exiled women's movement created in 2007, demonstrators erected make-shift barricades made out of women's underwear and menstrual pads as a way to mock the military and prevent its movement, resulting in the junta passing an emergency law criminalising public display of women's underwear and sanitary products on roads (Khin Khin Mra and Hedström, forthcoming).

Within a month, the military scaled up their responses and began a violent crackdown on the anti-coup protests. A young woman, Mya Thwe Thwe Khaing, was the first protester to die after being shot in the head by military snipers in Mandalay, and in the first year alone, over 100 female protestors were killed by military forces (AAPPB, 2022). Imprisoned protestors, both male and female, faced gender-based violence, including sexual abuse, with female detainees reportedly denied access to maternal health care, sanitary products and water to take care of their hygiene (WAC-M & WLB, 2022).

The prominent role of women in the resistance to military rule is the result of women's mobilisation over several decades, in particular as the decade of political reforms enabled women's groups and networks inside the country to expand their activities, focus and reach. The military coup abruptly put a stop to any activities seeking to engage with policymaking and governance or to openly campaign for women's rights. Along with other activists and oppositional politicians, women human rights defenders were especially targeted by post-coup arrests and crackdowns. As a result, thousands of people, including many prominent women



activists, fled the cities, sheltering in rural areas or crossing the border into Thailand. (Progressive Voice, 2021; Olivius et al., 2022b; WAC-M & WLB, 2022).

Alongside increasing violence and mass displacement, the coup has also led to a large-scale failure of local governance and service delivery. Many civil servants, including health care staff, have joined the Civil Disobedience Movement (CDM), and many military-appointed local officials have resigned in response to hostility and protests from the public. Moreover, in many conflict-affected areas, welfare services were very limited already before the coup because of decades of war and government neglect. The compounded effects of the COVID-19 pandemic and the military coup have created a vast gap between needs and available services, resulting in an escalating public health crisis alongside the political and economic crises unleashed by the military takeover. This has accentuated an uneven gendered division of labour, as women's care burden has increased steeply, constraining their access to employment opportunities and health services. As in the past, when households face a lack of income and food, women are more likely to be the ones eating less and last, often compelled to sell personal assets to help their families survive (Agatha Ma and Kusakabe, 2015; UN Women and UNDP, 2022). Reports note an escalation of domestic violence as a result of COVID-19 lockdowns and in the post-coup crisis (Miedema and Aye Thiri Kyaw, 2022), and women fleeing either poverty or military attacks are facing sexual harassment by border guards.

In these difficult conditions, women's organisations have been key to humanitarian assistance and local service delivery. In particular, ethnic minority women were able to draw on previous experiences of providing both leadership and lifesaving aid in rural areas affected by conflict, where women's networks could reach remote and dangerous parts of the country to deliver materials, urgently needed as displaced communities are lacking access to shelter, clean water, food and health services (Progressive Voice, 2021). Women face gender-specific challenges while in displacement, with reports noting an increase in premature and underweight births and infant mortality (WAC-M & WLB, 2022). However, the women's groups that have stepped in to fill these gaps in essential services have not had their funding needs met by the international community (Olivius et al., 2022b) and face a variety of difficulties in organising, including direct threats and attacks, and the absence of functioning and stable communication channels, infrastructure and safe houses.

Women have also featured in the defector movement, with wives to men serving in the state military publicly encouraging their husbands to defect from the armed forces (Kyed and Ah Lynn, 2022). While the military junta initially claimed to want to continue working with the nationwide peace process, the aftermath of the coup has seen an increase in armed clashes and the emergence of new armed organisations called People's Defence Forces (PDFs) and Local Defence Forces (LDFs). Most of the PDFs/LDFs are anti-military and typically include both men and women. Notably, one group, the Myaung Women Guerrilla Group, formed in late 2021, is solely made up of women and girls.

Thus, the coup has compounded gendered insecurity and inequality across the country. At the same time, the widespread public involvement of women in the leadership of non-violent protest movements and the relatively large number of



women included in the National Unity Government (NUG) and its parallel governance structure set these protests apart from previous popular uprisings. About a third of appointees to the NUG are women, and women's networks are acting as advisers to the interim National Unity Consultative Council (NUCC), where they have advocated for and advise on how to design, implement and fund policies and procedures engendering gender equality and human rights values in a future federal democratic Myanmar. As a result, the Federal Democracy Charter, unlike Myanmar's current Constitution, commits to "ensure fundamental rights, gender equality and the rights of ethnic minorities" (Alliance for Gender Inclusion in the Peace Process forthcoming). While it remains to be seen how these promises would translate into policies if the NUG actually had the power to implement them, these political commitments point to the growing acceptance of a more inclusive political vision for Myanmar. Thus, in the midst of multiple crises, spaces and opportunities for the advancement of women's rights have been seized by women's groups and networks. In addition, women's rights organisations continue to provide services which are essential to the welfare and survival of marginalised communities.

## **Conclusion**

The 2021 military coup threw into sharp relief the stubborn persistence of militarised and male-dominated politics in Myanmar. Throughout a decade of partial democratisation, the 2008 Constitution ensured that the military retained a powerful role in governing Myanmar and, as argued by many feminist scholars and activists, a culture privileging a masculinised conception of leadership has remained strong. Despite political shifts over time, the exclusion of women from political power has largely endured, and women's lives have continued to be shaped by gendered insecurities ranging from intimate partner violence and lack of legal protection to conflict-related gender-based abuses and disproportionate poverty along with overwhelming care labour.

However, the way in which resistance to the coup has unfolded also testifies to the significant gendered transformations that have taken place in Myanmar over the decade of political transition leading up to the coup. Women's visibility and leadership in the resistance against military rule are the result of the growth and increased diversity of women's activism over the past decade, and the way protest tactics have explicitly challenged gender norms reflects widespread changes in public attitudes and perceptions regarding gender. In contrast to previous public protests against military rule, resistance movements are not only rejecting direct military rule but also a culture where power is concentrated with older, ethnic Bamar men. Reflecting more egalitarian political ideals, anti-coup resistance has included previously marginalised groups such as women, youth, ethnic minorities and queer people. To an extent, this is also reflected by the parallel government structures and policies of the NUG, where women's organisations work towards the abolishment of authoritarianism. Arguably, the need to unite against the military has pushed ethnic majority politicians and democracy activists to be more inclusive, leading both women and ethnic minorities to be comparably well represented in the NUG.

Thus, while the coup has closed down many avenues for women's activism and for formal political efforts to realise women's equality and rights, the diverse and inclusive nature of the anti-coup movement has created hopes for the emergence of a more egalitarian democracy movement and political culture. This demonstrates that the fundamental cultural and political changes of the past decade cannot easily be rolled back and will continue to shape Myanmar irrespective of political leadership.

## Notes

- 1 In Burma, formal equality provisions found in the 1974 Constitution were undermined by the lack of attention to women's substantial equality, as well as by practices that discriminate against women. Moreover, legislation identifying, addressing and rectifying gender inequality are absent. There are, for example, no laws or legislation against domestic violence or rape in marriage if the wife is under 14 years of age. Under customary law, discriminatory practice pertaining to marriage, inheritance and gender-based violence weakens women's claim to gender equality (Gender Equality Network, 2013a). In areas under the control of non-state armed groups, legal authority is further fragmented by the existence of parallel legal systems (UN Women and Justice Base, 2016).
- 2 See [www.womenofburma.org/reports](http://www.womenofburma.org/reports)
- 3 In 2002, the Shan Women Action Network (SWAN) published a report detailing human rights abuses perpetrated by the Tatmadaw against ethnic Shan women, called License to Rape. This was the first report released by a women's group under the WLB umbrella specifically focusing on sexual violence committed by government soldiers and framing that violence as a weapon of war. The impact was huge: the report was used as the basis for a position paper submitted to the UN, after which the regime felt compelled to respond and ended up sending their own investigative team to Shan State. After the publication of the report, other WLB women's groups began documenting and releasing reports on women's human rights violations in ethnic minority areas. See <http://womenofburma.org/publication> for more information about the reports.
- 4 This led the CEDAW committee to remark on the near-total absence of government-allocated funding going to these organisations and its practice of employing well-connected women rather than experts (CEDAW, 2000).
- 5 Interview with women's rights activist, Chiang Mai, 7 November 2017.
- 6 Interview with women's rights activist, Loikaw, Myanmar, December 2018.
- 7 Interviews with women's activists, Chiang Mai and Yangon, December 2016 and January 2017.

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# 16 Myanmar's Contested Borderlands

## Centre-Periphery Power Relations and Fragmented Sovereignty

*Busarin Lertchavalitsakul and Patrick Meehan*

Stretching from the high mountains of the Himalayan massif in the north of the country to a long narrow strip of land in the south between the Andaman Sea and the Titwangsa mountains, Myanmar shares mainland borders with five countries. To the west and northwest Myanmar shares a short border with the Chittagong Division of Bangladesh and extensive borders with the states of Mizoram, Manipur, Nagaland and Arunachal Pradesh in northeast India. To the north and northeast, Myanmar's border with China runs for more than 2,000 kilometres with the Tibet Autonomous Region and Yunnan Province. In the south and southeast, the country shares a short border with Laos and a border of almost 2,500 kilometres with Thailand. The country also has an extensive, contiguous maritime border stretching for almost 2,000 kilometres along the Andaman Sea and the Bay of Bengal.

Within these international borders, the country comprises the lowland Irrawaddy River Valley surrounded by a vast horseshoe arc of hills that encompasses the Naga and Chin Hill Tracts and the Arakan Mountains in the west, the Hengduan Mountains to the north, the Shan Plateau to the east and the Tenasserim Hills in the southeast. The country's distinct physical geography has shaped the relationship of the country's borderlands with Myanmar's putative centre and its neighbours. For centuries prior to British colonial rule, Burma's kingdoms were centred on the Burman plains of the Irrawaddy Valley, with contested and fluctuating claims over much of the ethnically and linguistically diverse upland areas that now comprise much of the country's borderlands. Across the country's porous maritime and land borders – some of which have never been fully demarcated – trade, migration and kinship networks and flows of commodities, labour and capital have long connected Myanmar's borderlands into regional and global circulations and have had a profound influence on the country's social, political and economic history (Sadan 2013; Chang 2014).

It is impossible to understand the nature of centre-borderland relations in post-colonial Myanmar without briefly addressing the legacy of colonialism. Under British rule, most of the country's international borders were officially demarcated. This led the colonial state to lay claim to territory and populations over which Burmese kings had historically exerted fluctuating sovereign claims. However, within these colonial borders, British rule divided the country between 'Burma Proper' – an area centred on the lowland plains that came under direct British rule – and the so-called 'Frontier



Areas', encompassing most of the country's uplands where the British sought to govern through a system of indirect rule. This bounded but separately administered system of government entrenched the central state's claims to govern the country's frontier areas, but provided few foundations in terms of administrative structures or an inclusive national project upon which to do so. This colonial geography also helps to explain why in a Myanmar context, reference to the country's 'borderlands' often refers to the extensive upland regions encircling the centre of the country.

The British were aware of the anomalous status of the Frontier Areas and their relationship with 'Burma Proper'. However, the impact of the Second World War and the rapid dismantling of the British Empire truncated the time and motivation to address this issue. The priority for Britain's colonial rulers was to establish "a united Burma in the shortest possible time" to pave the way for a quick and orderly handover of power (Major-General Rance, cited in Smith 1991, 77). The 1947 Panglong Agreement, agreed between the Burmese government under Aung San and Chin, Kachin and Shan representatives, paved the way for the administrative unification of the Frontier Areas and Burma Proper to form an independent Burma, in which the Frontier Areas comprised 40% of the country's territory (Walton 2008).

### **Military Rule to 2011**

Attempts to assert control over the country's borderlands have been a central dynamic of the state-building agendas of successive post-colonial governments, albeit a deeply conflictual one in light of the fact that the power and legitimacy of the state have been historically weak and contested throughout much of the country (Smith 1991). The incursion of Kuomintang (KMT) troops across the China border in 1949 following the end of the Chinese Civil War created a crisis for the newly independent state. The Burma Army's inability to repel these troops revealed the weaknesses of state authority in borderland regions (McCoy 1991; Tun 2009). The KMT invasion also impacted upon power relations at the centre of the Burmese state, most importantly by providing the impetus for military reform through the 1950s, which in turn enabled the Burma Army (known as the Tatmadaw) to wrestle control over state institutions (Callahan 2003).

Tensions continued to grow throughout the 1950s regarding the relationship between the central government and the country's ethnic states. Efforts to address these tensions through political negotiation were curtailed by the 1962 military coup led by General Ne Win. Ne Win justified the military takeover of power through claims that the country's constitutional democracy was incapable of protecting the country from external threats and internal fragmentation. The emphasis upon controlling 'unruly' borderlands and the threat posed by disloyal ethnic minority populations became deeply embedded in the psyche of military elites and the discourses used to justify military rule and the use of extreme violence against ethnic minority populations.

However, as Ne Win's government sought to establish greater authority throughout the country, borderland areas became a "privileged site of rebellion" against the state (van Schendel 2005, 356). In part, this was linked to the country's distinct

physical geography: the mountain ranges and dense forests that encompass much of the country's border regions, coupled with limited road networks, provided a powerful physical buffer to encroaching military activities. Long-standing cross-border trade routes sustained armed groups by enabling them to access weapons and basic goods and to generate revenue through trade China provided through extensive support for the Communist Party of Burma (CPB) – headquartered along the China border, some of which the CPB funnelled to ethnic armed groups throughout the country's borderlands (Lintner 1990). Meanwhile, various armed groups along the Thai border received US and Thai support to act as anti-communist forces against the CPB and, at times, also the Communist Party of Thailand in northern Thailand. In the west, Burma's fragmented insurgency was mirrored by the equally complex armed movements in northeast India with armed groups regularly moving across this international border to evade their respective state armed forces.

Borderland dynamics were also shaped by the economic mismanagement of Ne Win's government. Burma's population was required to navigate three economic systems: the official state-controlled economy, the black market in domestic goods supplied by illegal traders that enabled people to circumvent government procurement and rationing (especially for rice, fuel and cooking oil) and the cross-border black market in goods – ranging from foodstuffs and clothing to motorbikes and household appliances – imported illegally through the country's porous borders and which became a key mechanism financing border-based armed groups. This situation invoked paradoxical responses from the state. For much of the Ne Win period, the role of the black market in satisfying domestic demand for goods the economy could not produce discouraged state efforts to tackle it (Hlaing 2003). However, the near bankruptcy of the state by the mid-1980s in contrast to the wealth circulating in the black market ultimately inspired the government's decision to demonetise the kyat in 1985 and 1987. This move wiped out many people's savings and contributed to rising dissent that culminated in the 1988 nationwide anti-government protests.

The country's long-standing armed conflict has created a tendency to view the country's borderlands as shaped predominantly by the forces of state versus non-state ethnic armed groups. However, the country's borderlands contain minorities within minorities, and political authority has remained highly fragmented, comprising diverse interests, fluid alliances and informal structures of authority that do not fit easily into a simple state/anti-state dynamic. There have been multiple long-lasting local conflict fault-lines between different armed groups and amongst borderland populations (at times stoked by the military as part of enduring divide-and-rule strategies), creating mosaics of fragmented sovereignty and overlapping territorial control. This posed huge challenges for populations living in these regions and those who sought to flee armed conflicts by moving across the border (Lertchavalitsakul 2017).

### *Myanmar's Post-1988 Borderlands*

By the late 1980s, the state was close to bankruptcy, and in 1987 the country was forced to apply for UN Least Development Country status in order to access debt relief. Insurgency remained widespread throughout much of the country's ethnic

states, and the emergence of the National League for Democracy (NLD) led by Aung San Suu Kyi, following the 1988 nationwide protests, embodied a powerful political opposition movement that was able to win support across ethnic groups throughout the country. However, several developments began to fundamentally change the dynamics of the country's borderlands. For a number of economic and geopolitical reasons, securing control over the country's borderlands became central to the state-building efforts of the State Law and Order Restoration Council (SLORC) – the new military administration established to replace Ne Win's government in 1988 and which ruled the country after annulling the 1990 election result in which the NLD had won a landslide victory. As the new military government looked for opportunities to improve government revenue and stabilise the economy, the country's borderlands – especially with China and Thailand – became highly coveted in terms of the potential they offered for generating revenue from cross-border trade and resource extraction.

This vision of the country's borderlands as sites of economic opportunity and resource frontiers was mirrored by the country's neighbours. Within China, these interests operated at multiple levels. Myanmar offered China access to the Bay of Bengal, providing an alternative route to the Malacca Straits for its energy supplies. Cross-border trade and investment were also viewed as providing a way for China to stimulate economic development in the country's internal landlocked provinces, which lagged behind the rapid growth of China's east coast. Within Yunnan, political and business elites sought to capitalise on cross-border trade and investment to rebrand the province as a 'bridgehead' at the centre of the China–Southeast Asia region, rather than the periphery of coastal-dominated China (Summers 2013, 59–69). In Thailand, business elites advocated for improved political and economic relations with Myanmar as part of Thailand's efforts to convert mainland Southeast Asia "from battlefields to marketplaces" – a strategy Thai elites believed would make it the predominant merchant state in the region (Renard 1996, 108). Indeed, large-scale cross-border logging, fishery and gemstone concessions granted by the SLORC to Thai businesses in 1989 played a pivotal role in staving off the immediate financial crisis facing Myanmar's new military government (Bryant 1997; Zaw 2008). In the west, India initially denounced the SLORC government but gradually looked to border trade and improved ties with the Myanmar government as a mechanism through which to promote economic development in the country's northeast and to overcome the region's insurgency (Egreteau 2003). This was reflected most clearly in the Indian government's 'Look East' policy, initiated in 1991, which sought to strengthen the country's economic and strategic relations with countries throughout Southeast Asia.

Alongside these geopolitical shifts, dynamics within the country's borders underwent several decisive shifts. In the mid-1980s the Myanmar Army won several victories, notably around the key China-Burma border towns of Panghsang – the headquarters of the CPB – and Muse. In 1988 the government legalised cross-border trade through a number of government-controlled trade gates, the most important being Muse in northern Shan State on the China border and Tachilek on the Thai border in Eastern Shan State.

Most dramatically, the new military government offered ceasefires to ethnic armed organisations (EAOs), beginning with the four main splinter groups of the CPB, which had collapsed in 1988. These unofficial agreements did not address political grievances but did offer EAOs varying degrees of local autonomy, economic opportunities, promises of economic development assistance and invitation to the National Convention to devise the country's new constitution, in return for ceasing attacks against the government and severing ties with non-ceasefire groups (Oo and Min 2007). The ceasefires brought stability to some of the worst-affected conflict areas in Myanmar, notably northern Shan State and Kachin State, although this enabled the Myanmar Army to concentrate devastating attacks on non-ceasefire groups throughout the 1990s, notably against the Karen National Union (KNU) in Kayin State and throughout southern Shan State. Amidst this continuing violence, the country's borders continued to provide an important lifeline to populations who often congregated in camps close to international borders or in large refugee camps across the border, especially in northern Thailand and in Cox's Bazaar in Bangladesh, or who made the decision to migrate – temporarily or permanently – in search of jobs and safety. Along the China border, the ceasefires granted to former CPB groups (most notably the United Wa State Army) resulted in greater levels of stability and the emergence of several highly autonomous 'special regions' (Kramer 2007). These regions have become increasingly integrated with China, as shown by their use of Chinese currency, language, time and mobile phone and internet networks. They have capitalised on their ambiguous status to generate vast revenue, much of it through casinos (officially outlawed in the rest of Myanmar, Thailand and China) and illicit cross-border trade.

The culmination of shifting geopolitical interests since the late 1980s, the military government's efforts to wrestle greater control over the country's borders and the fragile stability generated by the ceasefires had a profound impact on the political economy of the country's borderlands. Since the late 1980s, Myanmar's borderlands have been shaped by a series of inter-connected dynamics: a prolonged process of militarised state building, the emergence of an economic frontier in which borderland areas became key sites of resource extraction and a stalled peace process that provided few foundations through which to address the country's long-standing centre-borderland tensions.

Extensive Myanmar Army militarisation enabled the government to continue to combat insurgency, to manage the ceasefire agreements brokered with armed groups and to secure control over natural resources, trade and development sites located in contested border regions. Despite the vast increase in the national military budget, army units continued to be required to 'live off the land', with regional commanders expected "to meet their basic logistical needs locally, rather than rely on the central supply system" (Selth 2002, 136; Callahan 2007, 46). The army also sought to establish a more comprehensive infrastructure of military control through backing a large number of local militias throughout the country, with heavy concentrations in contested borderlands (Buchanan 2016; Meehan and Dan 2023). Thus, although the ceasefires reduced levels of outright armed conflict, ethnic minority borderland populations continued to be exposed to coercive structures of military

authority and military abuses and violence – notably forced portering for the army, sexual violence, expropriation of goods (or forced purchase of goods below market prices) and arbitrary systems of local ‘taxation’ (KDNG 2007; KHRG 2016).

Extensive militarisation went hand in hand with a vast expansion in resource extraction. Since the 1990s, the country’s border regions, especially those bordering China and Thailand, have become central to the country’s crony-controlled economy (Woods 2018). Vast revenues have been generated from logging, mining (jade mining in Kachin State was valued at more than \$30 billion in 2014, equivalent to 48% of Myanmar’s annual gross domestic product [GDP] [Global Witness 2015]), energy (primarily from hydropower dams), large-scale land concessions, expanding cross-border trade and various illicit economies, especially drugs (heroin and methamphetamines). Borderland economic transformation has been underpinned by establishing and enforcing, often through violence, highly unequal control over land and resources. These dynamics have exacerbated the insecurities facing populations after decades of conflict and underinvestment in rural development.

These forms of borderland accumulation have played a central role in the changing political economy of the country, creating new sets of elites and generating the capital that has underpinned investments in infrastructure – roads, ports and airports – and real estate throughout the country (Meehan 2011; Woods 2011). In some cases, large-scale development projects have created new economic and strategic connections between the country’s borders, as evidenced by the oil and gas pipelines that now connect the deep-sea port of Kyaukpyu on the Bay of Bengal in Rakhine State with Kunming, China, transecting borderland conflict zones.

### **Thein Sein and the USDP**

Military elites have long justified their control over the country as a necessary bulwark against internal fragmentation, domination by the country’s powerful neighbours and – following the country’s parlous economic situation in the late 1980s – to strengthen the foundations of the national economy. Myanmar’s post-2010 transition and the launching of an official peace process are rooted in the fact that military elites believed they were in a strong enough position to manage this transition on their own terms. Extensive militarisation and weakening insurgency enabled the central government to assert greater control over long-contested borderlands. State coffers, almost bankrupt in 1988, had been replenished in large part through the extraction of resources from the country’s borderlands, increased cross-border trade and the movement of commodities – especially offshore gas and oil – through former conflict-affected areas. Rapprochement with the west also offered a means to counterbalance the country’s reliance upon China as a protector and investor.

The Thein Sein government brokered ceasefire agreements for the first time with several EAOs, notably the KNU and the Restoration Council of Shan State (RCSS). However, the post-2010 political transition also coincided with the breakdown of ceasefires and renewed violence and armed conflict in other parts of the

country. This has included the mass atrocities and renewed insurgency in Rakhine State and worsening armed conflict in Kachin State, where the 17-year Kachin Independence Army (KIA) ceasefire broke down in 2011; in the Kokang region on the China border; and across much of northern Shan State. Since 2010, these areas have experienced some of the worst violence and human rights abuses in decades, leading to hundreds of thousands of internally displaced persons (IDPs).

To understand why parts of the country's borderlands suffered renewed armed violence at the same time as the country's national political transition, it is important to analyse how the same culmination of political, social and economic processes that encouraged military elites to believe they were in a strong enough position to manage the country's transition simultaneously triggered renewed armed conflict. In Kachin State and northern Shan State, nearly two decades of ceasefire experiences created a deep distrust in promises of political dialogue, peace and development. Myanmar's 'transition' in 2010–11 came at a time of crisis – from the perspective of many EAOs and borderland populations – in the ceasefire system of the previous two decades (Brenner 2015; Sadan 2016). This included a *legitimacy* crisis, in which the leadership of various EAOs became tarnished by claims that they were profiting from the exploitation of the people and environments they claimed to be protecting; a crisis of *strategy*, as the hope that ceasefires would pave the way for more meaningful political dialogue faded away; and a *military* crisis, as EAOs faced increasing pressure from the Myanmar army.

Under the formal peace process launched by the Thein Sein government, the prospects for peace in Myanmar's borderlands continued to be shaped by three competing pressures: the interests of powerful military elites who viewed the peace process as a mechanism through which to enforce compliance of EAOs, rather than enter into genuine political dialogue; scepticism among EAOs towards the rhetoric of ceasefires, political dialogue and inclusive development; and complex and at times conflicting cross-border pressures and alliances surrounding security and business interests.

The influence of China on the dynamics of war and peace in Myanmar's borderlands has been particularly pronounced and epitomises the importance of understanding the transnational dimensions of Myanmar's post-2010 peace process. China's decision in the 1980s to draw down its support for the CPB and strengthen relations with the Myanmar government played an important role in underpinning the initial ceasefire agreements along much of China's borders. Weapons sales, protection in the UN Security Council and increased investment and border trade from China were all important in strengthening military rule during the SLORC/SPDC (State Peace and Development Council) era. Furthermore, in 2013, China announced its Belt and Road Initiative, aimed at improving China's connectivity with Europe, Central Asia and South Asia. The China-Myanmar Economic Corridor (CMEC) that will link Kunming to the Kyaukpyu deep-sea port in Rakhine State is an integral part of this initiative and represents one of the largest injections of foreign direct investment in Myanmar in recent times.

Yet the perceived benefits of stabilising Myanmar government control in borderland areas to provide a more secure environment for Chinese trade and



investment have been counter-balanced by the continued willingness of Chinese businesses to operate informally with an array of non-government actors. The Chinese government remains wary of western influence in Myanmar's borderlands, which grew under the Thein Sein government following the country's formal transition and the easing of western sanctions and continues to see the benefits of maintaining a buffer zone that limits Myanmar's military presence along its border. The influx of refugees has also increased concerns in China about ongoing counter-insurgency offensives along its borders, especially following renewed armed conflict in the Kokang region in 2015, which saw an estimated 40,000–50,000 refugees enter China (DVB 2015). The reliance of border-based EAOs on maintaining support from China, and the fact that some border areas are much more closely integrated culturally, politically and economically with China, arguably makes them more pliant to Chinese interests than Myanmar military elites, which remain wary of China's influence in Myanmar. Chinese security forces and business elites have thus maintained enduring formal and informal relationships with various ethnic armed groups and elites across its borders.

In borderland areas that came under ceasefire agreements signed during the Thein Sein period, populations benefited from the de-escalation of outright armed conflict. However, ceasefire experiences in many ways replicated the dynamics of previous ceasefires under the previous military government. 'Peace through development' remained the dominant mantra towards the country's borderlands with few opportunities emerging for meaningful political dialogue, while the opportunities for development and the subsequent benefits of peace continue to be captured by elites. For example, increased stability was accompanied by predatory land grabs from the military, army-backed militias, EAOs and national and transnational businesses (often allied with these various armed groups) and profound land insecurity for the majority. Borderland populations remained extremely poor, vulnerable and marginalised, with the threats to their livelihoods previously posed by armed conflict being replaced by new forms of highly unequal and exploitative ceasefire development (TNI 2013).

Throughout the period of Thein Sein's Union Solidarity and Development Party (USDP) government, heavy pressure was placed on EAOs to sign the Nationwide Ceasefire Agreement (NCA), while many international actors expressed frustration at their reluctance to embrace the peace process and to capitalise upon the 'window of opportunity' for peace. However, the rush to engage in Myanmar was based on a problematic framing of the country's transition and the opportunities this offered for addressing the underlying drivers of violent conflict throughout the country's borderlands. A deeper engagement with the systems of power and fragmented political structures throughout the country's borderlands, previous ceasefire experiences, the entrenchment of military authority and the continued approach to borderland regions as sites of extraction and accumulation all provide important starting points for understanding why there was such scepticism amongst EAO leaders and civil society towards the rhetoric of transition, a scepticism that has been borne out by the February 2021 military coup.



### **Aung San Suu Kyi and the NLD**

Aung San Suu Kyi's landslide victory in the 2015 general election inspired renewed hopes of finding a durable political solution to the long-standing tensions between the central state and the country's ethnically diverse borderlands that would provide the foundations for sustainable peace. Aung San Suu Kyi's broad appeal and a widespread sense that a powerful national movement was needed to address deeply entrenched military authority and initiate deep-seated reforms enabled the NLD to win support throughout the country. The NLD's pledge to reform the country's military-drafted constitution, Aung San Suu Kyi's emphasis upon making peace and reconciliation her government's top priority and her decision to launch a series of Union Peace Conferences to provide a forum for more substantial political dialogue regarding issues of federalism, revenue-sharing and the future status of EAOs, all appeared to rejuvenate the peace process and provide a platform for addressing deep-seated grievances experienced by the country's borderland populations.

However, the shocking violence mobilised by the Myanmar army and police against the Rohingya population in Rakhine State in 2016–17 (see Chapter 19) and intensified counter-insurgency campaigns in Kachin State and northern Shan State resulted in some of the worst instances of bloodshed in borderland regions in decades. Powerful new insurgencies also emerged, most strikingly the Arakan Army (AA). Beginning as a small organisation based in KIA territory close to the China border in 2009, the AA grew rapidly over the following decade, recruiting from Rakhine populations that had migrated to find work in the Kachin jade mines and gaining fighting experience alongside the KIA. The AA proved adept at using social media to spread its political message – the so-called 'Way of Rakhita' that called for self-government in the interests of the Arakan people to overcome the decades-long neglect of the region in the hands of the Myanmar government (Smith, 2019). By 2015, it had established a strong presence in the tri-border region where northern Rakhine State meets India and Bangladesh. Four years of heavy fighting ensued – during which the NLD government declared the AA a terrorist organisation, called for the Myanmar Army to crush the movement and imposed an internet shutdown in the region – before a fragile ceasefire was agreed in 2020.

Several factors are important in explaining why the peace process stalled under the NLD government. Firstly, even under the NLD government, the military remained the *de facto* authority throughout the country's borderlands. The 2008 Constitution – which the NLD proved unable to change – enshrined military control over the key ministries of Defence, Home Affairs and Border Affairs. The military continued to view the peace process as secondary to its priorities of securing, pacifying and controlling contested territories as part of long-standing efforts to consolidate state authority.

Secondly, the NLD government continued to advocate many of the same approaches towards borderland regions as its predecessors, repeating calls for peace through development, with limited acknowledgement of the highly unequal power structures that underpin resource extraction and development and the

grievances of local populations. The NLD continued to pressure armed groups to sign the NCA amidst a peace process underpinned by continued efforts at assimilation on the government's terms, rather than creating meaningful opportunities for political dialogue.

Thirdly, the NLD proved powerless to address many of the grievances facing borderland populations, notably land insecurity, drugs, violence and the destruction created by various forms of extraction and development (such as deforestation, mining and dam-building). The difficulties in addressing these grievances are not only rooted in the lack of technical or bureaucratic capacity and resources; they are also a result of the fact that attempting to address these issues threatened to undermine existing borderland power structures and destabilise the fragile governance structures that have emerged between different borderland actors in regions of highly fragmented sovereignty. For example, in the Myanmar-China border town of Muse, through which approximately 70% of border trade with China passes, drug use is prevalent, army-backed militias operate freely and an array of illicit activities – including casinos, brothels and contraband – thrive (Htoon 2018). These activities have become deeply embedded in the mechanisms through which the Myanmar Army has sought to stabilise and extend control over contested borderland regions over the previous decades. Army-backed militias, for example, have played important roles as counter-insurgency forces, as well as providing local security around major development sites. In return, many have gained lucrative business opportunities – including in the drug economy – as a way to maintain their loyalty and enable them to be self-financing (Meehan et al. 2021). Many militias have also established business ties with investors across the border in China, creating powerful cross-border incentives to uphold rather than challenge the status quo in places such as Muse. These kinds of pragmatic localised deals between different borderland groups have had a huge adverse impact on local populations – experienced through high levels of drug addiction, gambling-related debt and continued insecurity – but have generated significant wealth and power for a narrow clique of political, business and military elites. Gains have been privatised and the risks socialised, creating a system in which the challenges facing borderland populations in places such as Muse are deeply rooted in the very foundations of borderland governance structures that emerged during the ceasefire period.

### **After the 2021 Coup**

The February 2021 military coup has had far-reaching impacts throughout the country's borderlands. For many EAOs and borderland populations, the military's seizure of power reinforced long-standing grievances and justified the scepticism felt towards the peace process and the country's so-called transition over the previous decade. History has repeated itself along the borders connecting Myanmar and Thailand, which has again become the destination for opponents fleeing the military junta to join opposition forces, as well as those seeking refuge and aid from humanitarian agents across the border.

With the military junta (known as the State Administration Council, or SAC) facing armed resistance on multiple fronts, including from People's Defence Forces (PDFs) throughout the centre of the country, its ability to exert control over contested borderland territories has weakened considerably. EAOs have capitalised on this situation to extend their areas of control. However, in some borderlands, this has generated new conflict fault-lines and has exacerbated interethnic tensions as armed organisations compete to administer, tax and recruit territories vacated by the Myanmar Army.

In the decade prior to the coup, significant investment had been channelled into Myanmar's borderlands. This was primarily in the form of large-scale resource extraction and key infrastructure projects aimed at promoting regional economic integration. For example, both the Kaladan Multi-Modal Transit Transport Project – central to India's efforts to promote development in the country's landlocked northeast – and the CMEC, which is an integral part of China's Belt and Road Initiative, transect Myanmar's borderlands. The strategic importance of these investments has influenced the responses of Myanmar's powerful neighbours to the military coup. Both China and India have sought to protect these investments by reinforcing ties with the SAC, while simultaneously maintaining channels of communication with opposition forces.

This reveals a complex situation across Myanmar's borderland, where armed organisations are seeking to expand their areas of territorial control and challenge long-standing pre-coup arrangements, while at the same time trying to ensure that economic activities – from which they extract revenue and which are important for their own bilateral relations with powerful neighbours – can continue to operate. Indeed, despite worsening levels of violence, some forms of resource extraction have intensified since the coup. In 2022, Myanmar became the world's largest source of rare earths, with extraction concentrated in areas of Kachin State close to the China border (Global Witness 2022). These metallic elements are essential components in mobile phones, clean energy technologies such as electric cars and wind turbines and defence systems. China has been the world's major source of rare earth elements for many decades. However, efforts within China to restrict unregulated mining and minimise environmental damage have led mining companies to relocate across the border into unregulated regions of northern Myanmar. In other borderlands, logging and mining have also expanded since the coup. In many cases, systems for registering and regulating these economic activities – already weak before the coup – have broken down entirely. Other mechanisms of oversight and accountability, such as civil society organisation monitoring, have also been severely weakened. Companies that continue to operate in the country's borderlands mitigate risk by providing payments to all local armed organisations rather than seeking formal permissions. This is playing an important role in financing the war economy. However, it has exacerbated the risks that populations and environments face from unregulated extractive activities.

The coup has also resulted in significant spill-over effects across the country's borders and has further complicated the relationships and flows connecting

Myanmar and its neighbours. Along the Thai border thousands of people have been aggressively displaced, yet the Thai state has demonstrated support for the Myanmar government by inhibiting the delivery of humanitarian assistance to people. Prior to the coup, successive ceasefire agreements and trade and business negotiations had sought to turn the war-torn Myanmar-Thailand frontiers into economically prosperous zones, especially in Kayin State, where Border Guard Forces had been deployed to consolidate the Myanmar military's power and had forged close links with Chinese investors. For example, since the early 2010s extensive road construction was targeted toward cities and towns in the border regions. Since the coup, these infrastructure projects have become strategic targets in the conflict and construction has been largely halted. This is because the aforementioned Kayin and Kayah States are home to several armed organisations, including the KNU, and different factions like the Karenni National Progressive Party (KNPP) and the Kayan New Land Party (KNLP), who have long opposed the Myanmar government. After the coup, the KNU immediately announced its rebellion against the regime, while groups in Kayah States have also been challenging the regime and subsequently became regular targets of military land forces and airstrikes. This situation has inevitably impacted Thailand's border control and security. Like Myanmar's other neighbours, Thailand has adopted a dual response to the worsening armed conflict on its borders. Officially, it has continued to voice support for the SAC; notably in April 2022, the head of the Thai government announced acceptance of Myanmar army airstrikes on targets in Kayin State only 20 kilometres from the Thai border that forced Thai residents to evacuate to safe zones. However, at the same time, Thai border forces have sought to maintain control of its borders through deals with EAOs. Despite this approach, Thailand's screening of refugees crossing the border has hardly succeeded; flows of people still cross between border towns, either to reside permanently or to travel farther by the help of their own networks or by the support of international organisations.

The brutality of the SAC's efforts to quell dissent across the country has inspired hopes within the country and abroad of a greater unity between opposition forces to create a common front against the junta. However, the complexity of conflict dynamics and the myriad political, strategic and economic interests of domestic and foreign actors shaping Myanmar's borderlands suggest a future of greater fragmentation and instability and worsening hardship for populations who continue to bear the brunt of violence, insecurity and destructive economic activities.

## **Conclusion**

The state's efforts to assert authority across the country's borderlands and the multiple forms of resistance these strategies have elicited from an array of armed organisations, pursuing their own forms of sovereignty, are central to Myanmar's post-colonial history. Although remote from the centres of formal political power in Yangon and Naypyitaw, the dynamics of Myanmar's contested borderlands have played an integral role in shaping the formation of the

Myanmar state and economy. Borderland armed conflicts paved the way for the expansion of the country's military and the justification by military elites of the institutionalisation of military authority. Resource extraction, cross-border trade (both legal and illegal) and large-scale development initiatives centred in the country's borderlands have been fundamental to the country's national economy, especially over the past three decades. These activities have generated vast revenues for the central government, creating new sets of elites and providing much of the capital that has been invested in the country's infrastructure and real estate. Indeed, since the late 1980s, it has been in the country's borderlands that the Myanmar government proved most willing to first experiment with abandoning the strict state regulation of the economy practised under General Ne Win and to embrace private investment. Indeed, far from being marginal, the country's borderlands have been important laboratories of political and economic change.

However, the political and economic transformation of the country's borderlands since the late 1980s has been underpinned by continued violence and local bargains struck between government, EAOs, local militias and business elites, rather than durable political solutions to the country's long-standing issues surrounding the distribution of power between the centre and borderlands. The Thein Sein and NLD governments demonstrated limited motivation and capacity to understand and address these challenges. This contrasted with the pace of efforts to expand resource extraction and regional economic cooperation, which have invariably exacerbated centre-periphery tensions.

Since the February 2021 military coup, there has been a clear intensification of conflict and violence throughout the country's borderlands, further demonstrating how these spaces remain key sites of political dissent, as well as refuges for opposition from other parts of the country that continue to reimagine border areas as places of autonomy and resistance. Meanwhile, the coup has destabilised the military state's own claims to sovereignty by destabilising systems of rule that had consolidated state control over contested areas in recent decades, fracturing local power networks, inciting violent resistance and wreaking devastation in the country's borderlands. The implications are far-reaching and have regional spill-over effects: Myanmar's borderlands are the source of increasing flows of refugees, vast illicit economies, diseases, unregulated resource extraction and environmental destruction, all of which are impacting neighbouring states.

The country's borderlands demonstrate unequivocally the long-standing core ideology of Myanmar's ruling military elites to secure unitary control over the country and to view any form of power-sharing with deep distrust. The military coup has inspired widespread resistance throughout the country, significantly weakening the central government's control over contested borderlands and empowering armed resistance movements that have long sought to govern these regions on their own terms. This new reality is unlikely to erode Myanmar military ideology, but instead points towards further decades of instability and violence.

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# 17 Ethnicity, Culture and Religion

## Centralisation, Burmanisation and Social Transformation

*Violet Cho and David F. Gilbert*

Myanmar society is characterised by ethnic and religious diversity and fragmentation. A state view is that the country is composed of 135 ‘races’, or *taingyintha*, literally ‘sons of the nation’, with taxonomies from 8 to 135 ‘races’ highlighted by the state (Cheesman 2017). This taxonomy serves multiple purposes. One is an attempt by the state to unite diverse groups into a single, unified nation to the exclusion of so-called ‘alien races’, such as Rohingya, Hokkien and Haka Chinese, Tamil and Punjabi. Another purpose is to justify the role of the military in national politics, which they attempt to justify in part through the slogan ‘non-disintegration of the union’. ‘Bamar’ as the majority ethnic category makes up around 60–70 percent of the population. However, mainstream usage inside the country does not ordinarily classify Bamar as a *taingyintha*, as ethnicity is a minoritising discourse in Myanmar. This is unsurprising, as majority identities are often taken for granted. The erasure of Bamar ethnic status and the presentation of Bamar-ness ‘as the norm’ reflects Bamar privilege, a privilege that is ‘invisible to itself’ (Walton 2013, 5–6). Bamar identity and its privileged position in Myanmar society are now being contested in an unprecedented way within the Spring Revolution.

In Myanmar, ethnic and religious identities are strongly inter-related.<sup>1</sup> Religious practices and texts are often localised, made and remade in minority languages. Religious institutions play an important cultural role in promoting literacy and fostering ethnic identity. As an example, for many Chin, Naga and Kachin, ethnic identity involves being Christian, while for Mon, Shan and Arakan, ethnicity is often equated with being Buddhist. The ethnicisation of religion has also been strategic, since limitations on civil society have meant that religion is one of the few spheres where there is some, albeit limited, autonomy from state control.

Since 1962, culture, religion and ethnicity has been a key area for the contestation of power, conflict and resistance. There have been numerous attempts by the state to control and construct cultural identity in particular and attempts by ethnic and religious actors to practise alternatives. The transition to ‘disciplined democracy’ from 2011 to 2021 meant some changes, as the state had increasingly moved to support and safeguard officially sanctioned cultural diversity; however, this has taken place alongside new forms of bureaucratisation and continuing mistrust that have ensured further tension. Those who fell outside of state normative categories of identity bore the brunt of violent exclusion. The genocide against the Rohingya is the most egregious example.

Following the military's coup, the State Administration Council (SAC) has heavily leaned on a narrow form of Buddhism in its quest for legitimacy, while attempting to enforce a puritanical form of Bamar culture through force and violently repressing cultural, religious and ethnic forms of expression that they view as a threat. Religious buildings have been destroyed; pastors tortured and murdered; and musicians, models, filmmakers, writers and artists have been arbitrarily detained, tortured and, in some cases, killed. The coup has been met with nationwide and creative forms of resistance, which has further reified minority ethnic identities and has led to major cultural shifts in the Bamar heartland and beyond that will have an enduring impact on the future of religion, culture and ethnicity in Myanmar.

### **Military Rule to 2011: Burmanisation and its Discontents**

Ethnic unity has been a key goal for successive military regimes, exemplified in slogans such as 'union spirit'. The model of the union was such that Bamar could maintain cultural superiority, and Buddhism was structured as religiously superior. This model therefore deepened and further institutionalised Burmanisation. 'Burmanisation' is used to describe the process in which ethnic and religious minorities "are forced to adopt various aspects of Burman culture, speeding their assimilation into the Myanmar 'cultural nation', while at the same time ridding them of those cultural elements that are deemed dangerous to national stability or contrary to the spirit of national unity" (Walton 2013, 11). Burmanisation has been a central force in the cultural politics of Myanmar since independence in 1948. While part of the impetus for the military takeover culminating in the 1962 coup was the perceived threat to stability of U Nu's attempts at casting Buddhism as a state religion, the Socialist Party created a highly centralised system that continued to favour the dominant culture, that of Bamar, and the dominant religion, Buddhism. This involved a number of policies that heavily restricted cultural and religious practices in an attempt to create a nation with a particular type of citizen.

Demographically, Burmanisation involved a programme of forced migration. Soon after gaining power, the Ne Win regime undertook a campaign to cleanse the nation of 'alien races'. The state began seizing the property of Indian residents and throughout the 1960s, estimates of 200,000–300,000 individuals of Indian descent were repatriated, with the majority going to India (Egreteau 2014). Many had never been to India and ended up settling in 'Burma colonies' (Egreteau 2013). In the reverse direction, delegations were sent to the Andaman and Nicobar Islands to incentivise islanders of Burmese descent to return, with offers of cash, land and jobs. The majority of Bamar on the islands took up the offer, along with a small number of Karen, some of whom moved into the seized property of expelled Indians.

In the first years of military rule, the regime pursued their own programmes to promote ethnic and religious minority cultures, which had a mixed reception. From the mid-1960s, the socialist government oversaw the production of knowledge on ethnicity, including the identification and categorisation of races, languages and

descriptions of cultural forms. While this was methodologically similar to colonial knowledge production, following Western scientific disciplines, the underlying rationality was a narrow and restrictive construction of ethnic diversity that could fit within state ideals of Burma as a unity of indigenous ‘races’. One key ethnological project was through a consortium of the universities of Yangon and Mandalay and Moulmein College, called ‘ethnic culture and traditions’. The stated aim, outlined in the preface of the first published book, was to produce knowledge about ethnic minorities for the purpose of unity: ‘By knowing each other’s cultures, we can foster good will and unity. In order to have a good relationship, it is important to understand each other’s nature. This book will support the goodwill of ethnic nationality and the endurance of the Union’ (Burma Socialist Programme Party 1967, vii–viii). Only five ethnic groups were to be included: Kayin, Kayah, Kachin, Chin and Shan, although it was later expanded. By 1966, documentation was complete, and books representing each of the main ethnic minority regions was published by the Burma Socialist Programme Party (BSPP) (Burma Socialist Programme Party 1967, vi). The project stated that ethnic minorities should produce knowledge about themselves and their histories (Burma Socialist Programme Party 1967, iv). However, this knowledge production was only about Others – Bamar were not included. The exclusion of Bamar, the ethnicity associated with state power, demonstrates the privilege of the ethnic majority being able to control who is an object of anthropology.

Education in ethnic languages that is grounded in ethnic cultural and religious practice has been a key domain of struggle since the beginning of the military dictatorship, between the centralising state with a narrow view of how to manage diversity and ethnic and religious minorities that sought autonomy. Schools that taught in ethnic minority languages operated during British colonial times and the parliamentary period. In some cases, these were linked to religious institutions, including Karen schools linked to the Karen Baptist Convention (KBC). Mon schools were established by the Office of Mon Affairs under Prime Minister U Nu’s office. Ethnic minority schools were staffed by teachers and elders from their communities, and curriculum used in these minority schools were developed autonomously. For instance, in the 1950s, the KBC published a series of textbooks for schools that included a Karen literature and culture curriculum with both oral (traditionally based) and contemporary stories and poetry. By 1965, all schools were nationalised, with education brought under centralised control with Burmese as the medium of instruction. Property was seized, with some being converted to state schools and some being confiscated. For instance, the Hinthada Karen High School, in the compound of the Karen Baptist Seminary, was seized by the BSPP regime in 1963. The land was confiscated and fenced off from the rest of the seminary grounds. It is now being used as a state-run computer training centre, to the dismay of the local Karen community, who have been trying to reclaim the grounds without success. The Mon language programme at Moulmein College was shut down and replaced by a Burmese language and literature major. Even though Mon schools were previously run by the state, Mon teaching was stopped as schools were brought under a central Burmese-language curriculum. Teachers were also

centrally controlled and rotated, so in ethnic minority areas, teachers who spoke the local language of their students were rarely employed in their local schools. Some schools also compelled students to participate in daily Buddhist rituals, penalising students who refused. A Kachin student described regular punishment for refusing to participate in Buddhist rituals and for taking leave on Christian holidays. Children were also held back for a lack of competence in Burmese language, and those who wanted mother-tongue education for their children were forced to flee to areas under ethnic revolutionary organisation control, where ethnic minority schools were established, although these were largely limited to the major minority languages, such as S'gaw in the Karen context and Jingphaw in the Kachin context. The education system was a key part of Burmanisation and systematised inequality between Burmese and non-Burmese speakers.

In state-controlled areas, limited space for language and cultural education was available, increasing in the 1970s. For instance, churches typically included language training as part of Sunday School and would promote language through the Bible and hymns. Ethnic minority languages and religions were also taught to novices and monks in monasteries. Some monasteries kept important historical literature and cultural artefacts, acting as museum, archive and library. In 1974, the Mon Literature and Cultural Committee was established in Yangon and could successfully register with the government, under the condition that they stay away from anything that could be seen as 'political'. In the following decades, many other ethnic minority groups established their own culture and literacy organisations and could gain some space to operate, as long as they closely restricted themselves to the narrow, state-sanctioned idea of unity. The state was particularly wary of links to ethnic revolutionary organisations. Ethnic-language publications had to be translated into Burmese in order to pass the censorship board, and permission was needed for public cultural events. Often, military officials would be guests of honour during cultural days, a form of mutual co-optation, where state representatives could demonstrate recognition of a tightly restricted form of ethnic diversity, and ethnic minority cultural leaders could demonstrate their subservience to the state. Often the promotion of ethnic minority language and culture was carried out in a decentralised way, through civil society rather than the state. This meant that some townships with competent and courageous cultural leaders could promote cultural and linguistic skills effectively, whereas in other townships it could be non-existent. As policies of Burmanisation continued, cultural programmes also diminished in some areas and in others, leaders went into exile, where they could more openly develop minority literatures and cultures. Ethnic minority university students played a leading role in the promotion of language and cultural practice. Since the 1970s, groups of students began publishing magazines and going into villages to teach during the summer break through ethnic literature and cultural organisations; however, they had to contend with a strict regime of censorship and heavy surveillance.

The narrow space for literary culture hindered the development of ethnic languages and identities. While Burmese literature involved vigorous debate and movements, including social realism, postmodernism and literary criticism, ethnic

minority literatures, partly because of their reliance on tightly controlled cultural and religious organisations, were largely limited to texts promoting culture and religion, as well as the exploration of historical sources such as stone inscriptions. This then also served to perpetuate stereotypes of ethnic minorities as conservative or ‘uncultured’ (Cho and Gilbert 2014). Language constantly evolves, but the political dynamics during the earlier military periods meant less dynamic space for ethnic minority languages to evolve and for experimentation through the production of new forms of literature and popular culture. Cultural space was similarly hindered, as tolerated cultural practices were restricted to traditional rituals such as Rakhine Buddhist New Year and Chin Khuado and pro-regime ethnonationalist performances, such as Union Day, which commemorates the signing of the Panglong Agreement to create the Union of Burma in 1947. However, tightly controlled cultural festivals were so frequent and encouraged by the state that some ethnic minority cultural leaders sarcastically talk about the Socialist period as an ‘era of festivals’. Festivals could showcase state-sponsored diversity and keep attention away from forms of ethnic culture and religion that the state views as a threat. The abundance of large-scale cultural festivals ended in 1988, when a student-led nationwide uprising led to an increased bureaucratisation of public spaces and tight restrictions on public gatherings.

After the 1988 uprising, universities were closed down and student-led cultural activities were suppressed. Many ethnic minority students were further politicised and went to border areas and exile to work with ethnic revolutionary organisations, where cultural production was an overt part of resistance. Within state-controlled areas, minority language and cultural work became more reliant on religious institutions, which could still operate after 1988. In Mon, Karen and Pa’o areas, for instance, monks increasingly taught language over the summer instead of university students, which the regime was more likely to tolerate as a religious activity. Monks continue to play a key role in language and cultural promotion and maintenance for Buddhist ethnic minorities.

The majority population of Myanmar is Buddhist, and Buddhism is a central part of national culture, identity and politics. After destruction of traditional monarchical forms of authority in the colonial period, Buddhist practice was largely decentralised. As Ingrid Jordt (2007) has argued, an absence of central religious authority gave greater power to the laity. As a consequence, a mass meditation movement flourished during the early period of military rule, which cultivated a particular Buddhist understanding of morality, legitimacy and citizenship. In other words, meditation could be seen as a form of resistance to military domination but in a way that did not involve overt forms of protest and that operated within a cosmological system that military generals also had to participate in and seek authority from. In contrast, *nat* spirits also provided mass access to a morally ambiguous form of power. Subservient to Buddhism, the *nat* cult involves the worship of spirits of local and mythical figures who died a violent death and whose spirits live on in particular locales across Myanmar. There is an annual calendar of festivals to pay homage to each spirit and a profession of mediums who facilitate relations between worshippers and the spirits. Whereas vipassana meditation involves the cultivation

of critical self-insight as a form of power, spirit mediumship works according to a logic of gift-giving and reciprocity. If obligations are not met, a spirit can become angry, which can be dangerous. During the early military period, religious practices came under the many regulations imposed on gatherings, speech, culture and information; however, local religious movements continued, sometimes underground. While for many, life under the military involved suffering, economic hardship and despair, these lay forms of religious practice involved an alternative powerful space for citizens to come together and engage in communal action.

From the late 1970s, the state began work to centralise and regulate the *Sangha* community of monks from a largely decentralised network of a number of Theravada orders that lacked a regulatory power. In 1980, the state convened the first Congregation of the Sangha of All Orders for Purification, Perpetuation and Propagation of the Sasana. The nine Theravada Buddhist orders that were recognised by the Department of Religious Affairs at the time were unified and brought under state regulation through the ruling Sangha Council, which was organised at each level of administration, from national to village tract. A ban was put in place on the creation of new orders and splits. To purify the *Sangha*, a registration system with identity cards was established and the Buddhist examination system was standardised (Tin Maung Maung Than 1988). A concerted effort was put in place to disrobe monks who were seen as contravening Buddhist orthodoxy, whether as a result of moral digressions or alternative religious practices. Monks with alternative interpretations of Buddhist scripture were outlawed and sometimes imprisoned.

Purification and centralisation of the *Sangha* was a state attempt to gain a new form of religious legitimacy that it did not have previously, analogous to the role of the monarchy in pre-colonial times, which was also the protector of Buddhism. In the periphery, it involved a politics of Burmanisation. In the new exam system, monks had to provide explanations in Burmese. A movement of Mon monks resisted this and boycotted the registration process, which later led to the toleration of Mon language in the *Sangha* accreditation system. In the Pwo Karen communities of eastern Myanmar, syncretic and esoteric forms of Buddhism were popular, and there have been a number of new religious movements linked to Buddhism since colonial times. Buddhist practices have included rival movements to build pagodas and create sacred space within the sphere of influence of the Sangha Council, outside of it and in the case of Thamanya Sayadaw, in a neutral position between the state and oppositional forms of Buddhism. After 1980, the state exerted greater power over local forms of Karen Buddhism, even appointing a Bamar abbot to the most symbolically important monastery on Mount Zwegabin, near Pa'an. However, as Yoko Hayami (2011, 1103) argues, in many instances, Karen "devotees are self-claimed Buddhist, yet outside the center's delineation of Buddhism, so that even as they align themselves with Buddhism, they are by no means aligned with the central power". U Thuzana, a S'gaw Karen nationalist monk, launched a large-scale pagoda building project and created a new script that he used for stone inscriptions as a source of self-proclaimed legitimacy in his attempts to form a sectarian 'moral community', which excluded Muslims and Christians (Gravers 2018).



### **Thein Sein and the USDP: Cultural Resurgence in Transition**

Soon after coming to power, the Thein Sein government liberalised telecommunications, opening the country up to foreign operators, which led to a rapid roll-out of phone coverage across the country. Mobile phone and internet access spread exponentially. In 2005, only 0.1 percent of the rural population and 0.4 percent of the urban population owned a phone. By 2017, 76.7 percent of the rural population and 93.4 percent of the urban population had a phone, and many were on social media. The internet created a fundamental change in information and communication and has had a profound effect on culture and religion. A key exception to the prevalence of mobile phone access was a ban on ownership for the Rohingya population of Rakhine State. According to Human Rights Watch (2013), “Rohingya who are found by the authorities to own mobile phones have been fined large sums by *Nasaka* or in some cases charged with a crime under the Telecommunications Act or the Electronic Transactions Act and imprisoned”. This created a significant digital divide, where the majority of the population could begin to access information freely, while Rohingya communities were cut off from the flows of information.

Through Facebook and YouTube, content creation was democratised so information and cultural creation could take place at local levels, outside of the purview of the state. The network effect meant internet users could now actively engage and distribute content.<sup>2</sup> It also brought users in Myanmar in touch with the large diaspora populations of refugees and migrants spread throughout East, South and Southeast Asia, Australia, New Zealand, Europe and North America. While diasporic populations had experimented with multiple forms of media in significant ways since the 1988 uprising, they soon had access to a large population of web users around Myanmar, and populations inside and outside of the country could interact.

However, for the Rohingya and Muslim communities throughout Myanmar, internet growth led to genocide, widening discrimination and communal violence. Facebook in particular became a platform for the Myanmar Armed Forces and extremist Buddhist nationalists, through which hate speech and fake news circulated and could reach a mass audience (Nyi Nyi Kyaw 2019). The role of Facebook in proliferating hate speech against the Rohingya contributed to genocide, and as a result, Rohingya are seeking legal remedy against the company (*Jane Doe v. Meta Platforms, Inc.* [2021]).

After coming to power in 2012, Thein Sein introduced a local curriculum programme in state primary schools, which involved the translation of the Myanmar language into ethnic minority languages in partnership with some ethnic literature and cultural groups. At the local level, there was resistance against the teaching of ethnic minority languages through translation, rather than looking at each language autonomously to develop the most appropriate textbooks based on a language’s unique linguistic features. Ethnic language teaching in this way was therefore part of the project of Burmanisation. Ethnic minority cultural leaders made demands for the development of an original curriculum, which was rejected at the Union level



because of fear it would create disunity. In many areas, the local curriculum was introduced outside of school hours, adding extra time to the school day. It was also not included as a school subject and was unaccredited. In some areas, there was disagreement on the categorisation of language and scripts. For instance, in Kayah State, the government intended for the Kayah language to be taught with a script based on Burmese. The more popular and older Kyae Poe Gyi alphabet, developed and used in territory controlled by the Karenni National Progressive Party (KNPP), was dominant in border areas and exile, but it had been restricted by the state as an attempt to deny cultural legitimacy to the KNPP. A Roman-based script was also in use, developed by the Catholic Church. However, in 2014, Kayah culture and literature leaders conducted a statewide consultation, finding that the majority wanted to use the Kyaw Poe Gyi script, eventually leading to state recognition.

In 2012, Thein Sein introduced significant reforms to the state censorship regime, no longer requiring print media to be submitted to the Press Scrutiny and Registration Department before publication. For ethnic minorities, this meant freedom to publish in minority languages. Some published commercially with a publishing licence, while other organisations could legally publish limited-circulation books unlicensed. Content no longer needed to be submitted to the state, although a copy of each publication needed to be submitted to the state after printing. Because of the ceasefire process with ethnic armed groups, there was also greater freedom for the publishing and dissemination of political forms of ethnic cultural identity, so this period saw a flourishing of expression related to ethnicity. However, the regulation of religious expression remained tightly controlled. The rise of extremist Buddhist forms of nationalism has resulted in a number of prominent prosecutions since the political transition, under Section 295(a) of the Penal Code, which outlaws the “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs” (Hayward and Walton 2016, 71). The law has been primarily directed at ‘insults’ to Buddhism, while Islamophobic hate speech continues unregulated.

The Thein Sein period saw the rapid emergence of new Christian movements, which spread during the transition because of the deep penetration of the internet and social media and greater mobility between diaspora communities. These charismatic forms of Christianity are characterised by a lack of institutionalisation, often led by a figure who travels around the world holding services, which are also filmed for YouTube and Facebook. While many of the leaders are ethnic minorities, the medium is Burmese, and they are open to all. David Lah, one of the most prominent new Christian leaders, also directly criticises ethnic forms of the church in his teaching, arguing that minority language is a false priority and that language itself is a material division that distracts from the divine. He also challenges the power of pastors and the church, telling his followers that their personal relationship with God is paramount and that the church and pastors are socially constructed. Christianity had also fragmented as a result of armed conflict. Many churches had lost their members, who became refugees and formed a large diaspora across South and Southeast Asia and the West.

### **Aung San Suu Kyi and NLD: Globalisation and Cultural Resurgence**

In 2015, the government enacted the Ethnic Rights Protection Law, officially recognising the role of literature and cultural promotion movements and providing safeguards for ethnic minorities recognised by the state. The law enshrined linguistic, cultural, religious and heritage rights, as well as equal opportunity, overseen by a Union Minister for Ethnic Affairs, first appointed after the National League for Democracy (NLD) came to power. The NLD period included some progress on protections and state support for ethnic, cultural and religious practice, although there were also regressions. The NLD expanded programmes for the teaching of minority languages and local content into the school curriculum, including during school hours, from 2019. The curriculum was supposed to be specific to the cultures and languages of each region. However, enactment has been challenging because of inconsistent implementation and limited democratisation at local levels. Because of a lack of awareness of the law, it has also been difficult for ethnic minority groups to advocate for better implementation, although areas with stronger cultural advocates have made greater progress.

The NLD period saw an increase of bureaucratisation compared to the Thein Sein period. This attempt by the state to change the nature of relations with citizens, to one where the state attempts to provide care and wellbeing, has had an adverse effect on ethnic and religious minority cultural practice. Some ethnic minority leaders complain of the difficulty of organising cultural events when approval is needed from the Ministry of Health for the serving of food; local government and security forces for public safety; and, if the event is outdoors, approval is sometimes needed from departments of irrigation or environment. There have also been new restrictions on ethno-nationalism. In Rakhine State, an annual event to commemorate the Konbaung Kingdom's invasion of the Mrauk-U Kingdom was banned in 2017, leading to a riot and the shooting of eight Rakhine civilians by security forces (Mratt Kyaw Thu 2018). This led to a perception of Rakhine identity being under attack, which has also increasingly redirected attention against the Bamar 'Other'.

In solidifying state bureaucracy, the NLD government continued to practise rules that barred ethnic communities from accessing basic rights, such as a rule that children need a birth certificate to enrol in school. In remote parts of Shan State, for instance, there are populations that lack identity documents and have thereby been excluded from state education. In response, there is a movement of Shan national schools that teach in the mother tongue with their own curriculum. While they lack accreditation in Myanmar, agreements with educational authorities in Thailand have resulted in some graduates pursuing higher education there, as they have no pathways to enter Myanmar universities.

Islamophobic forms of nationalism have been a key feature of Burmese society under the Thein Sein and NLD governments, giving popular support to the repression of Islam through bureaucratic controls. Bureaucratic controls have included the use of building regulations to ban repairs of mosques and the rebuilding of new mosques without a permit from authorities, which authorities can then prevent Muslims from obtaining. Inspections of mosques have also been carried out, and if

found to have been built or renovated without approval, have in some cases been destroyed and Muslim leaders have been fined or imprisoned (Amnesty International 2017, 84). This contrasts with a loosening of state control of Christian communities over the NLD period.

While the Thein Sein period saw some liberalisation of broadcast media, this was greatly increased under the NLD with the approval of five new digital free-to-air channels, called ‘content providers’, as a workaround because of restrictions in the broadcast law. This resulted in the introduction of international TV franchises and the localisation of cultural trends elsewhere. An example is the popularity of reality television in Myanmar, particularly after 2016, with the launch of *X Factor* and followed by *Myanmar Idol* and *The Voice*. The shows have featured a number of successful ethnic minority performers, although there is still a dichotomy between modern popular music in Burmese and with a Burmese accent, in contrast to the popular Tedim singer Thang Pii, who sings in Burmese, with a pronounced Zomi (Chin) accent. There is growing space within talent programmes to show the multiple identities of a singer, such as Sai Yan Naung on *X Factor* in 2018, who performs contemporary pop songs in Burmese, as well as a Shan-language performance in traditional dress and choreography. Significantly, the 2018 season of *Myanmar Idol* opened up auditions to Burmese abroad, broadening a popular construction of ‘Myanmar’ to include the large Myanmar diaspora. Diaspora identity has been a feature of ethnic minority cultural production since the late military regime. For instance, a growing number of Kachin, Chin and Karen cultural figures could gain a global following through Facebook and YouTube and could later gain an audience through mass media. A prominent example is arguably Aung La N Sang, a Kachin mixed martial arts fighter living in the United States, who has a national following in Myanmar and across the diaspora, which he has used to promote Kachin culture and draw attention to the civil war in Kachin State.

However, broadcasting rights have meant continued restrictions on the representation of identities that are not recognised by the government. This has especially been the case regarding the use of the word ‘Rohingya’, whose right to self-identity is denied by the state, which is part of the state’s culpability of genocide. ‘Denial of ethnic identity’ has been raised by the UN International Fact-Finding Mission on Myanmar as part of the state’s ‘hostile policies towards the Rohingya’ (Human Rights Council 2019, 6). MRTV, the state broadcaster under the Ministry of Information, continued to refuse to use the word ‘Rohingya’ in their media coverage and exercises restrictions over other broadcasters holding licences through MRTV. For instance, soon after its launch on free-to-air television, the Democratic Voice of Burma (DVB) was warned to cease using the term Rohingya, leading to a dispute with Radio Free Asia, one of DVB’s content providers, who severed their relationship. DVB has complied and does not use the word in any content, despite the fact that Rohingya is self-ascriptive term used by Rohingya themselves. The Deputy Minister for Information explained that when DVB “wants to use our TV, they have to accept our [house style]” (AFP 2018).

Ethnic conflict and the promotion of Christianity have led to a rapid decline in diverse localised religious practices and widespread cultural loss in communities in the periphery, particularly amongst Karen, Karenni, Chin and Kachin communities. In Karen areas, local religious practices are closely tied to land, involving continuing rituals that are specific to particular spaces and link communities with their ancestral land and history. Within a family, rituals involve particular roles of each family member. Widespread displacement as a result of Myanmar military offensives disturbed these localised practices, sparking a movement for cultural revival in Karen areas of eastern Myanmar that began in 2017. It is centred on the Salween Peace Park, a territory in KNU's Mutraw District, where the population has organised their communities according to animist Karen concepts of *kaw*, which are customary land practices that involve a particular way of living that involves managing the land, environment and human relations in a way that maintains a spiritual and ecological balance. As a peace park, the area is intended as an indigenous model for peaceful coexistence with diverse communities and the environment. Reviving cultural practices tied to land has been a key element.

### **After the 2021 Coup: Resistance and Renewal**

The military's retreat back into dictatorship and the Spring Revolution that emerged to oppose it have had profound cultural effects. Cultural structures of power have been challenged. Ethnic identities have been re-examined, and there has been a growing reckoning of everyday racism towards Rohingya in particular, as well as other ethnic minorities who have long borne the brunt of military atrocities.

Like all revolutions, the Spring Revolution has involved profound cultural shifts and opened up space to question entrenched assumptions and beliefs on ethnicity, culture, religion, gender and sexuality. Myanmar's Generation Z played a leading role in opposing the military coup and has remained at the forefront of resistance, deploying varied strategies from armed struggle to creative tactics that make use of fashion, social media, music, art and digital technologies. In mass street protests that emerged in the aftermath of the coup, young people used popular culture in their defiance. The three-fingered salute, which emerged in Thai anti-junta protests, is a reference to the Hunger Games franchise, an intercultural symbol of democracy and solidarity. Protesters used playful slogans and placards, memes and art in new ways to defy the junta (Yeluri 2022). The LGBT community emerged as a key organised bloc in protests and has gained visibility, simultaneously opposing the coup and challenging socially embedded forms of homophobia and transphobia (Progressive Voice 2022). Protesters developed practices of care and protection while confronting violent junta forces, such as sharing safety equipment, and strangers opened their homes to protesters fleeing junta oppression. Burmese developers have created apps to encourage boycotts of military products (Way Way Nay) or to raise funds for the People's Defence Force through a war game (PDF Hero). Click to donate has been a popular grassroots fundraising strategy, harnessing online advertising for the revolution, while also disseminating messages about the revolution through film, music and other digital cultural products.

From the beginning of the uprising against the coup, many celebrities have played a prominent role in opposing the junta. Those who are seen as part of the Spring Revolution have gained public status and popularity, sometimes at great personal risk. Many celebrities joined street protests, and others used their social media profiles to speak out and encourage resistance. Some prominent musicians, actors, models and social influencers were arrested and have been imprisoned. Others have joined armed struggle. Some have gone into exile. Celebrities resisting were key targets of the junta, who saw them as a challenge to the junta's attempt to cast themselves as guardians of Myanmar culture and religion. In another case, the model Nang Mwe San was arrested and has been jailed for six years for posting pictures on the OnlyFans platform in an apparent attempt of the junta to claim moral power (Mao 2022). She thereby unintentionally became a popular symbol of resistance to military patriarchy. Popular cultural figures have been subject to public pressure to speak up and have been shamed for collaboration. The mixed martial artist Aung La N'sang initially did not speak out against the coup and was attacked on social media for his silence. Others have performed on junta-controlled TV networks and been targeted in 'social punishment' campaigns as popular culture has been inevitably politicised and polarised.

As the military directed their violence against those resisting the coup in the main urban centres and Bamar heartland, for the first time, many ethnic majority Bamar saw an existential threat from the Myanmar military, which those in the periphery had long experienced. Armed struggle against the junta spread, and the military launched clearance operations against Buddhist Bamar villages in Magwe and Sagaing, following similar patterns to the military's attacks against ethnic minorities, whether Rohingya, Karenni, Shan or Kachin.

Firsthand experience of the military's violence and the culture of the Spring Revolution created space to challenge and rethink political and social structures. There was a popular reckoning with ethnic privilege and racism, especially regarding Rohingya and the genocide committed against them. Some expressed this cultural awakening through individual or small-group protests expressing shame and regret for not speaking up for Rohingya (Hözl 2021). In June 2021, there was a move to wear black and post images on social media to express solidarity with Rohingya (Al Jazeera 2021). Student unions issued apologies to Rohingya and Arakan people, pledging to stand by them to oppose any future injustice (University of Medicine (1) Student Union n.d.). Other student unions released messages forbidding the word "*kalar*", a racist term used against Rohingya, Muslims and those of South Asian descent (Mayangone High School No. 2 2022). In the jungles of eastern Burma, Bamar poet Maung Saungkha formed the first Bamar ethnic army. The Bamar People's Liberation Army saw their struggle as both defeating the Myanmar military and ending Bamar Buddhist chauvinism. They envisaged a federal democracy in which the Bamar ethnic group is decentred in a society where cultural structures of power have been transformed (Maung Saungkha 2022).

Since the coup, the military has sought to co-opt Buddhism as a source of legitimacy. The SAC undertook an ambitious construction programme which includes what they claim will be the biggest marble Buddhist statue in the world being built

in Naypyitaw (Nikkei staff writers 2021). Min Aung Hlaing was present when the first stone was transported to the site in January 2021, immediately before the coup. Pagoda building projects have also taken place in Russia, with a replica of Shwezigon Pagoda consecrated by an entourage that included Min Aung Hlaing and the prominent pro-military nationalist monk Sitagu Sayadaw in July (CINCDS 2022). Plans are also underway for the construction of a replica Shwezigon Pagoda in Spain, involving the junta and Sitagu Sayadaw (Saavedra and Becares 2022). Analysts have argued that the junta have attempted to cast themselves as a moral authority and protector of Buddhism, in contrast to a supposed decline of Buddhism under the NLD, and Min Aung Hlaing has even attempted to represent himself as a Buddhist warrior king.

However, the SAC's use of Buddhism has been challenged. In March 2021, the Sangha Nayaka suspended annual exams for monks, releasing a statement that they will resume when the situation in Myanmar is stable. The suspension of exams did not last long, and the Sangha Nayaka resumed activities under junta control. Within the Spring Revolution, monks have played an active role, albeit far less prominent than during the 2007 Saffron Revolution. For instance, the Peace Sangha Union, an anti-junta group of monks, issued a statement in February 2021 declaring that they do not recognise junta members and those who support them as Buddhist (Peace Sangha Union 2021). Monks launched a boycott to refuse to accept alms from junta members (Irrawaddy 2022). While state Buddhist institutions are under junta control and they have supporters in the Sangha, monks and Buddhist organisations have also directly challenged the junta's claims to Buddhism, disrupting the junta's attempts to co-opt the religion.

Since the coup, the military has widened attacks on religious institutions and practices that the junta sees as a threat. Buddhist institutions outside of junta control have been targeted. For instance, in Sagaing, which has been a centre of resistance against the coup, many Buddhist monasteries have been destroyed in 'clearance operations'. In military offensives in Chin and Kayah states, which have high populations of Christians, junta forces have destroyed churches and arrested religious leaders. At least 20 Chin pastors have been arrested and 4 killed by the junta. Radio Free Asia documented 132 religious buildings that were destroyed by the junta between February 2021 and the end of June 2022 (RFA Burmese 2022). Diminishing religious freedom under the junta led the US government USCIRF (2022) to call for Myanmar to be designated a 'country of particular concern'.

## **Conclusion**

Successive Myanmar governments and the military junta have attempted to project a stereotypical image of Burma/Myanmar as a union of races. While on the surface, this appears to show a limited toleration for diversity, cultural forms are tightly controlled, as seen by the key national objective of unity, stability and non-disintegration under military rule. It was therefore a closed and highly restrictive form of pluralism that did not challenge the dominant place of Bamar, Buddhism and Burmese language, but rather normalised it. The military's ideal union is a



top-down project imposed on Myanmar's culturally diverse population and not the outcome of a democratic process that reflects the aspirations of the public.

Myanmar's limited democratic transition involved some loosening of cultural controls and economic liberalisation, which has meant greater access to information, communication and a broadening of space for cultural production, especially felt in central Myanmar and areas under ceasefire. Liberalisations in the centre were accompanied by continued military atrocities in western, northern and eastern Myanmar, which had significant cultural effects from displacement and militarisation.

The military's February 2021 coup has rapidly unwound reforms that had opened new space for ethnocultural and religious practice. The junta has heavily leaned on Buddhism and fortified the dominant position of Bamar and Buddhism in an attempt to gain legitimacy and cement their authority. But this has been challenged by monks and laypeople across the country. Ethnic and religious minorities continue to push for increased autonomy, and both collaborate and resist the state as a necessary part of religious and ethnocultural practice in Myanmar, joined by growing numbers from the ethnic and religious majority. The mass defiance in the form of the Spring Revolution has sparked an unprecedented challenge not only to military rule but also cultural structures that oppress ethnic, religious, gender and sexual minorities. As the revolution continues, this new and radical awareness and solidarity will remain a threat for the military, the institutions aligned with them and the wider structure of Bamar Buddhist domination.

## Notes

- 1 For instance, see Sakhong 2003 on the centrality of Christianity to Chin identity. For an examination of how Christianity became intertwined with Kachin ethno-nationalism and identity, see Sadan 2013.
- 2 New communication technologies were central in spread of hate speech against Muslim and Rohingya (Schissler 2016).

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# 18 Journalism and Free Speech

## Freedom *and* Fear

*Thomas Kean and Mratt Kyaw Thu*

Of all the change and upheaval wrought by Myanmar's democratic transition, few aspects have been so dramatic – and with such implications for the new military regime – as the shift in freedom of speech. Myanmar's previously muzzled domestic media was notably at the forefront of the reform process initiated in 2011, both benefiting from and encouraging the reforms initiated by President Thein Sein. By the end of his tenure, the outlook for media freedom – particularly independent print publications – appeared bright. International watchdog groups were consistently ranking Myanmar one of the freest media environments in Southeast Asia, behind only the Philippines and Indonesia. Tens of millions now had access to the internet and social media for the first time.

Further reforms to enshrine freedom of speech failed to materialise under the National League for Democracy (NLD) government that took office in March 2016. The NLD administration placed political imperatives above support for freedom of speech and building the institutional strength of the media. In concert with the military, it also ramped up monitoring and surveillance of phone and internet users and ordered internet shutdowns in Rakhine and Chin states that left more than a million people without access for over a year. Yet, at the same time, millions of people across Myanmar were logging on to Facebook each day to express themselves and to write about their views on politics, society, life and culture – something that would have been impossible five years earlier. The overwhelming majority did so largely without fear of recrimination – even when the views they expressed were extreme or arguably dangerous. Journalists, in contrast, grappled not only with threats of legal action and even violence but also challenges to their credibility and role within democracy. Where the media was previously considered an important part of the pro-democracy movement and a watchdog working for the public, journalists were increasingly viewed with suspicion and expected to prioritise national security and stability over neutrality.

The February 2021 coup d'état transformed the media industry almost overnight. Many journalists and media organisations have been forced to flee the country and once again operate from exile, while the regime has prosecuted thousands of people for opposing the coup on social media. Verifying reports from the ground, particularly in conflict zones, has become extremely difficult, and the concept of

neutrality has been shaken. At the same time, however, the internet has also been absolutely vital to building, coordinating and sustaining resistance to military rule, and is a major factor in the regime's inability to consolidate control over the country. It has tried a wide range of strategies to restrict what people can read, watch and write, but these have failed to stop information flowing both into and out of Myanmar.

### **Military Rule to 2011: State Control**

It took General Ne Win barely two years to silence Rangoon's vibrant media industry. In the 1950s the city had been home to dozens of daily newspapers in a range of languages and a sizeable reading public. The 1962 coup, though, ushered in a series of restrictions, culminating in pre-publication censorship and mass nationalisations of private papers in 1964. Other political rights were also soon curtailed.

Throughout the socialist era, the state maintained a stranglehold on most print and broadcast media. In 1975, the socialist regime issued guidelines for authors and publishers forbidding "incorrect ideas and opinions", "anything detrimental to the ideology of the state" and "criticism of a nonconstructive type" (Allot 1993, p. 6). Although journalists tried to keep the tradition of independent reporting alive, they were conscious that their newspapers served mostly as propaganda outlets for the socialist regime.

The collapse of state control during the 1988 uprising enabled a brief blossoming of censorship-free publishing, but this was soon snuffed out by the September 18 military coup. The junta began to relax its grip ever so slightly in the 1990s, allowing a handful of private publications, and the launch of *The Myanmar Times* in 2000 paved the way for private weekly newspapers, referred to as 'journals'. By 2010, a reader in Yangon visiting a newsstand or buying from a street vendor was spoiled for choice, but private print media was largely for urban audiences, their reach limited by both poor infrastructure and low rural spending power.

Diversity of print ownership belied the state's tight grip on content. Prior to publication, editors would send a draft of the entire issue, including advertisements and classifieds, to the Ministry of Information's Press Scrutiny and Registration Division, where civil servants would scrutinise each line. Broadcast media remained under even stricter state control. For almost the duration of military rule viewers and listeners had few alternatives to government-run Myanmar radio and television or military-owned Myawady. This policy began to change in 2010 – but only cautiously – when a few select private companies were given permission to run FM stations and satellite and terrestrial television services.

A web of public security laws – some recent and some dating to the colonial period – and state-authorised violence were employed to limit freedom of expression and create a climate of fear. While bloody crackdowns on student-led demonstrations in 1962, 1974 and 1988 were the most visible examples of violent suppression of free speech, the state also infiltrated everyday life through its extensive security apparatus, which included a wide network of informants. Journalists,

cartoonists and poets – not to mention pro-democracy activists – were often targeted by the state, but “tens of thousands of ordinary people [were also] punished simply for peacefully expressing their views” (Iyer 1999).

Despite these attempts at control, the public was not totally starved of access to uncensored information. Short-wave broadcasts from the British Broadcasting Corporation (BBC), Radio Free Asia and Voice of America enjoyed a strong following, particularly in rural areas. Exiled media organisations focused on Myanmar had also been established in the 1990s to provide uncensored news, including to ethnic minority groups in their native languages. While the larger of these donor-funded outlets, such as Irrawaddy, Mizzima and Democratic Voice of Burma, quickly built up credibility with some hard-hitting reporting of Myanmar’s internal intrigues, they faced challenges in gathering information: journalists caught working for exile media outlets could face decades in prison.

The introduction of the internet in 2000 offered a new means for exile and foreign media to reach the public in Myanmar. Its potential significance for freedom of speech was highlighted by the role that bloggers played in sharing information and videos about the 2007 protests. But access to the internet outside Yangon was rare, and the high cost meant few could afford a home connection. Overwhelmingly, most people still relied on broadcast media – both state-controlled and foreign or exile – for information about current events. Word of mouth also continued to play an important role in information-sharing. A long tradition of storytelling, combined with a paucity of information and a climate in which open discussion was dangerous, helped to feed a strong rumour culture, often centred around the teashop and other public spaces (Selth 2016).

The lead-up to the 2010 general election brought the first indications that the military was loosening censorship controls. Although often imperceptible to readers, for a press corps used to strict censorship, this was a significant shift (Kean 2015). These private publications became a forum for public debate and discussion around political issues, albeit within the confines of censorship. For many journalists, it was the first time they had covered domestic politics or met members of the opposition movement. Journalists used this opening to “reclaim the area they had relinquished . . . in order to appease or to avoid problems with the censor” (Pe Myint 2012), but few anticipated the dramatic changes still to come.

### **Thein Sein and the USDP: A Wave of Change**

“We also need to respect the role of the media, the fourth estate . . . and appreciate positive suggestions from the media.”

In many countries, a head of state would attract little attention for a statement such as this. Myanmar in 2011, though, was one of the world’s most repressive media environments. The person speaking was a former general, Thein Sein, who had just been sworn in as the country’s first post-military rule president.

Thein Sein's decision to highlight the importance of the media in his inaugural address on 30 March 2011, was a milestone. It marked an important break with the past – the first time in decades the role of the media had been acknowledged in this way by the government (Nwe Aye 2012) – and signalled his intention to include media organisations as stakeholders in the transition.

Thein Sein would largely make good on the sentiment expressed in his inaugural speech; within two years the media landscape shifted unrecognisably. The system of pre-publication censorship was dismantled in August 2012. Private daily newspapers were allowed for the first time in nearly five decades. Many of those imprisoned for speaking out against the previous military regime were released. Journalists had much better access to governance institutions, while foreign and exile media were welcomed into the country. Internet censorship was lifted in September 2011, and internet use grew rapidly in urban areas as the government introduced cheaper subscriber identity module (SIM) cards. Publishing licences were liberalised and a semi-independent press council established in September 2012. Perhaps the biggest change was simply that the fear had dissipated; people felt increasingly empowered and no longer afraid to express themselves.

Legal reform was an important focus for the Thein Sein administration. The government sought to enact five new laws related to the media sector: the printers and publishers registration law, concerning publishing licences; the news media law, governing the media industry; the public service media law, to reform state media; the broadcasting law; and the right to information law. Effectively, only the first two came into force; the broadcast law was passed in August 2015, but the necessary rules were never enacted. Nevertheless, access to information expanded dramatically thanks to the decision in 2012 to liberalise the telecommunications sector. The launch in 2014 of two foreign mobile operators, Telenor and Ooredoo, enabled access to SIM cards and fast and cheap mobile data. While telecoms liberalisation was seen as one of the most important and successful reforms undertaken by the Thein Sein government (Dasandi and Hudson 2017, p. 1), some more problematic aspects, such as hate speech and legal restrictions on free speech, also quickly became apparent.

The rapid pace of reforms to the media sector inevitably brought about conflict and contention, particularly with government and military officials. Both colonial-era and more recent statutes were used to prosecute journalists for offences such as defamation, revealing state secrets and trespassing. Threats, legal action and intimidation increased significantly during 2015 as that year's general election approached (Brooten 2016, p. 185). For the most part, though, the Thein Sein government was restrained in managing the media; relations between journalists and the Tatmadaw tended to be more fractious. Several of the legal cases brought against journalists were initiated by the armed forces, either as an institution or individual officers.

While unshackled journalists could – and would – embarrass the Thein Sein administration, the decision to prioritise media reforms brought a political windfall. The reforms built legitimacy for the transition by demonstrating in a tangible

way – one that could be seen each morning at the newsstand – that the transition was real. It also affected how journalists reported on other important issues, such as the peace process and economic reform. Rarely did they question the legitimacy of the transition, and this undoubtedly influenced the way that their readers viewed the transition too. Beyond that, the media would play a supporting role in helping Thein Sein and his allies wage internal battles against those opposed to particular reforms, including within his government (Dasandi and Hudson 2017, p. 13).

But the legal reforms were limited to legislation specific to the media industry. The Thein Sein administration largely balked at undertaking the comprehensive legal reform needed to enshrine free speech and enacted new legislation that would be used to curtail these freedoms, such as the Telecommunications Law.

As a result, freedom of speech remained largely subject to the sentiments and priorities of the administration in power, reflecting the wording of section 354 of the 2008 constitution, which grants citizens the right to “express and publish freely their convictions and opinions . . . if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquillity or public order and morality”. Arguably the greatest lesson from the Thein Sein period was that without constitutional or comprehensive legal reform, freedom of speech would never be assured.

### **Aung San Suu Kyi and the NLD: Troubling Times**

Journalists, editors and publishers anticipated that the election of the NLD would add further momentum to the media reforms initiated by the Thein Sein administration. This expectation was predicated on the party’s long-stated support for democratic values and fundamental human rights, including freedom of speech. Many journalists viewed themselves as partners with the NLD in the fight for democracy. In its election manifesto, the NLD had also described the news media as “the eyes and ears of the people” and said the party would “ensure that the media has the right to stand independently” and “compete openly on the free market” (National League for Democracy 2015, p. 24).

They soon discovered they had misread the NLD. The party, and in particular Aung San Suu Kyi, did not share the Thein Sein government’s need to establish its legitimacy or convince a sceptical public of its credentials, while the rise of social media meant it also had an alternative means of reaching the public. The NLD had less to gain from engaging journalists, so it kept them at arm’s length and on the fringes of political power.

This does not fully explain, however, the depths to which freedom of speech plummeted under the NLD. Not only did reforms stall, but the government arguably did much to undermine the advances under Thein Sein. Scores were imprisoned for messages posted to Facebook, while journalists were targeted under colonial-era statutes like the Official Secrets Act. Through its actions, the NLD and its leaders demonstrated that they neither viewed freedom of speech as a core issue nor saw the media as a partner in the democratisation process. This decline was reflected on international press freedom indices, with Myanmar beginning to slide back down the rankings from 2017.



Media diversity also suffered under the NLD. The early decision to continue subsidising the three major state-run daily newspapers undercut the financial viability of private publications (Hein Ko Soe 2018). The continued prominence of state media, combined with slower economic growth under the NLD and the rise of Facebook, forced many publications to close down. From a peak of around a dozen daily papers five years earlier, just a handful remained at the end of the NLD's first term.

Legal reforms also stalled. Both the draft public service media and right to information law dropped off the agenda, despite promises that the latter would be a priority for the Ministry of Information (Coonan 2016). The NLD government dragged its feet on enacting the necessary regulations to bring into effect the Broadcasting Law. Calls from activist groups focused on freedom of speech to overhaul existing laws, including the 2014 News Media Law and 2015 Broadcasting Law, were also ignored.

But the major black mark against the NLD government was the heavy-handed prosecution of journalists and ordinary citizens for expressing themselves either in print or online. While the arrest and conviction of two Reuters journalists under the Official Secrets Act gained significant international attention, their prosecution was only the continuation of a pattern: during the first 18 months of the NLD's term, scores were prosecuted under section 66(d) of the Telecommunications Law for defamation using a communications network, which carried a maximum three-year prison term. This trend continued throughout the NLD's term: of the 539 reported cases brought under a range of laws that criminalise freedom of expression to April 2020, almost half had arisen due to complaints filed by government officials, not including military personnel. The total included 67 cases against journalists, 31 of which were brought by the government and 11 by the military (Athan 2020).

In its actions, the NLD seemed to view the media as a threat to be neutralised. This attitude apparently came right from the top. In the eyes of Aung San Suu Kyi, journalists were a necessary evil; rather than engage with the media, she preferred to let her actions do the talking. Other senior NLD officials expressed similar ambivalence about the importance of independent media, including during the debate around amending section 66(d). In December 2016, President Win Myint – then the speaker of the lower house of the national legislature – said the clause was needed to maintain stability and give those who had been defamed a chance to seek justice. “Society will not be stable when people and groups start defaming each other. There will be lawless anarchy”, he said (Kean 2017). Eventually, public outcry forced the government to amend the law in August 2017, but the changes were relatively cosmetic (Free Expression Myanmar 2017). The NLD also passed the Law Protecting the Privacy and Security of Citizens in 2017, which would also be used to prosecute people for their online comments.

The NLD was also complicit in growing restrictions on internet freedom beyond prosecution for defamation. In June 2019, about six months after a new war erupted in Rakhine State with the Arakan Army, the civilian-led Ministry of Transport and Communications acceded to a request from the military to shut down internet access in eight townships in Rakhine and one in southern Chin State. The restrictions, which affected an estimated 1.4 million people, were not lifted until after

the February 2021 coup. The ministry, which was led mainly by former military personnel, was also moving to introduce lawful intercept technology at the mobile phone companies without any apparent protections for users (Telenor Myanmar 2020).

The military too sought to restrict freedom of speech. Criticism and negative media coverage of the military and its leader, Senior General Min Aung Hlaing, noticeably declined as a result of successive online defamation cases, as well as the arrest of three journalists in northern Shan State for alleged contact with an ethnic armed group that had been declared an unlawful association. But primarily it let the NLD government take the lead – and wear the criticism.

But threats to freedom of speech, while undoubtedly real, were somewhat removed from the experience of most people. The liberalisation of the telecommunications sector brought the internet to nearly all corners of the country, and Facebook quickly established itself as the social media platform of choice. As of August 2018, Facebook reportedly had 22 million active users in Myanmar – around 40 percent of the population. In a country where ordinary people had for decades had limited access to information and few opportunities to express themselves, the arrival of Facebook brought dramatic and rapid social change.

Facebook quickly became the predominant forum for political debate, activism and accessing information, challenging the relevancy of the traditional media. It became a place to discuss previously taboo topics and for government ministries and agencies to share information about their activities. It also created a new means of accountability, particularly in interactions with the government and public officials; for example, those subject to poor treatment or abuse at the hands of law enforcement were able to seek redress (Nay Paing 2018).

The dark side of Facebook had long been apparent, however. As early as 2013 researchers had warned the company that hate speech, particularly against Muslims, was a problem and urged it to take action. These warnings were repeated constantly over the next five years, particularly after Facebook use fuelled communal violence in Mandalay in 2014 (McLaughlin 2018). The company was thus unprepared when hate speech against the Rohingya ‘exploded’ after Arakan Rohingya Salvation Army militants attacked police and military bases in October 2016 and August 2017 in Rakhine State and the Myanmar military responded with a brutal campaign that forced more than 700,000 Rohingya to flee to Bangladesh (Hogan and Safi 2018).

Under pressure from Congress, Facebook later admitted that it had been ‘too slow’ to recognise the issue. It only seriously began taking steps to address the problematic use of its service towards the end of 2017; at the time, the company was largely relying on users to report inappropriate content. It beefed up its moderation team and removed many military-linked accounts (Facebook 2018), so that by the 2020 general election, its strict controls had forced many pro-military disinformation networks on to other platforms, such as Telegram.

The nationalist sentiment whipped up by the Rohingya crisis, and Myanmar’s increasingly strained relations with much of the world, had a profound effect on journalists and the media industry. The media became a weapon for the state’s use, rather than an independent check and balance. Any residual ambitions of turning

state outlets into credible, unbiased sources of information serving the public interest were abandoned; state broadcasters and print organs were essential to the government's efforts to paint foreign governments and media as biased and gullible.

The crisis divided the industry between those who saw their role as reporting in a neutral manner regardless of the context and those who believed their reporting should serve the 'national interest'. Media monitoring conducted immediately after the August attacks found that most Myanmar-based outlets relied uncritically on information from the government and military, portraying these actors in a neutral or positive light. Few gave any space to Rohingya voices at all. The Rakhine conflict also altered the way in which some sections of Myanmar society viewed journalists and the media. Independent media was no longer fundamental to democracy; it was a foreign concept that could create instability and threaten the democratic transition.

The public response to the arrest and trial of the Reuters journalists was illustrative. Feted internationally as heroes, they were more likely to be viewed as traitors within Myanmar – including by some in the media community. That their reporting forced the military to admit its soldiers were involved in the massacre of 10 Rohingya men was only seen as further justification for their arrest and imprisonment, for journalists in Myanmar should not undermine the state's narrative by investigating the deaths of Rohingya Muslim men. Other journalists, including one of the co-authors, were also targeted by the public for their reporting of the crisis (Mratt Kyaw Thu 2017).

Realising that political leaders and many members of the public no longer shared their values, Myanmar's journalists endured a crisis of confidence in the latter years of the NLD. Once proud of their professional standards and role in the democratic transition, some began to leave the industry for other professions. A telling indication of the industry's travails was that when the NLD government introduced COVID-19 lockdowns in 2020 and made no exception for the media, journalists expressed little surprise – and barely pushed back. Although the NLD won a second term convincingly, there was little expectation that media freedom would improve – but nor was there any sense of the calamity that was to come.

### **After the 2021 Coup: Life and Death on the Virtual Battlefield**

The February 2021 coup d'état has had predictable consequences for the media and free speech: news outlets and journalists have been forced either underground or into exile, ordinary citizens face arrest for expressing opposition to the regime and the regime has tried to control access to information and spread its own propaganda. But as with the country more broadly, there has been no return to the pre-2011 status quo ante for the media industry and freedom of speech. The reforms and liberalisations of a decade of semi-civilian rule have made it all but impossible for the junta to control the flow of information to both its own people and the world, complicating efforts to consolidate its grip on power. Min Aung Hlaing's junta has not underestimated the importance of communications for ensuring political control, but it has faced constraints and limitations that its predecessors did not

have to grapple with. The central problem has been the ubiquity of the internet and its importance to political, economic and cultural life; the regime has been unable to restrict access to information without causing a level of disruption that would undermine its own interests (International Crisis Group 2021).

The regime had initially hoped, however, to co-opt the media to its agenda by capitalising on dissatisfaction with the NLD. When outlets began giving blanket coverage to the anti-coup protests, it realised that this optimism had been misplaced. In March 2021 it banned six major media groups and began arresting journalists for their coverage of street demonstrations. Since then, its crackdown on the media has been unrelenting, and as of October 2022 the regime had detained more than 140 journalists – many of whom have been prosecuted and sentenced to prison terms – and shut down at least a further five outlets. Many others have pre-emptively closed their operations to ensure the safety of their staff and owners (European Parliament 2022).

The media landscape is thus today unrecognisable from the NLD period. Many familiar names have disappeared entirely, either through diktat – the country’s largest outlet, 7Day News, disappeared overnight when it was banned in March 2021 – or economic collapse, which sealed the fate of the *Myanmar Times* and others. The once-thriving print media industry is all but dead, with just a handful of dailies remaining in much-diminished form. Some private broadcasters have also been shut down, while those that remain shy away from reporting on the country’s political crisis.

Yet journalism is far from dead; if anything, the coup has reinvigorated media outlets from their listlessness of the latter NLD years, when many found themselves pressured or co-opted into toeing Nay Pyi Taw’s line. With the military back in power, journalists’ reporting of the regime’s abuses and the activities of the various strands of the post-coup resistance has put them squarely on the same side as the public once again.

When regime crackdowns began shortly after the coup, many media organisations managed to spirit their journalists over the border to Thailand, from where they have been able to continue operating in relative safety. Irrawaddy, Mizzima and DVB have once again found themselves in exile and have been joined by newer outlets like *Khit Thit*, *Myanmar Now* and *Frontier*. But these operations are far more influential within the country than in the pre-2011 era, when exiled media outlets struggled to both access information about what was happening in Myanmar and then publish or broadcast to audiences inside the country (Crispin 2022).

Journalists also continue to operate from inside the country, often undercover. A new constellation of small media organisations – many of them covering particular geographic areas – and ‘CJs’ (citizen journalists) have emerged to fill the gaps on the ground when more established outlets shut down or move abroad (Walker 2022). These outlets and individuals operate in precarious circumstances and are often more partisan in their reporting – sometimes working directly with resistance groups – yet are an invaluable source of information. A closely related typology are the volunteers who collect information from the ground and share it with the media; although they play an important news-gathering role, they typically see

themselves as volunteers in the resistance, rather than journalists, and maintain no pretence of neutrality (Frontier Myanmar 2022). Resistance groups themselves often post footage of their attacks and the aftermath that is then amplified by established media outlets.

Yet journalists covering Myanmar face a range of challenges, some of which are reminiscent of the pre-2011 period. Limited access to the country makes it almost impossible to verify much of the information that is provided by sources. Securing interviews and information from certain types of sources – officials working under the SAC or businesspeople, for example – has become much more difficult, because they either perceive independent media to be biased or are afraid of retribution. For similar reasons, anonymous sources have become the norm in much of the reporting on Myanmar.

The difficult conditions under which media operate have likely caused a decline in reporting standards. The reporting of rumours and unverified information has become more common, and many articles are based entirely on information provided by resistance groups that is difficult to verify. Facebook data suggests this is of little concern to most readers: unverified reports of resistance attacks inflicting heavy casualties are often among the most popular Myanmar-language articles on the social media platform. But it risks skewing both domestic and international audiences' understanding of the country's political crisis.

Relatedly, independent media outlets – those operating underground or from outside the country – face new issues of self-censorship. With anger at the regime still running high, they are under pressure to report the political crisis in a certain way; that is, to portray the military negatively, while being generally positive about the resistance. Although there is some space for criticism of opposition forces, it is usually framed constructively, to avoid the journalist and their outlet being labelled pro-military. The concept of neutrality has largely disappeared, seen as a luxury that Myanmar cannot afford in the midst of an existential crisis. This mentality, while understandable, is similar to that which fuelled anti-Rohingya coverage from 2017, when nationalism and public pressure seemed to blind many outlets to the reality of what had taken place in Rakhine State.

Although far safer than Myanmar, Thailand is also not quite the haven that it was for media outlets under the previous military regime. The military-backed Thai government is closer to the Myanmar junta than its predecessors in the 1990s and 2000s, when the two countries fought brief border wars and Thailand offered refuge to activists and other political exiles (Thitinan 2022). As a result, Myanmar media outlets and their journalists have to maintain a low profile in Thailand and are careful not to be too critical of the Thai government. Journalists are in a particularly precarious position; many have struggled to access long-term visas in Thailand and are at risk of arrest and torture if they are deported back to Myanmar. In May 2021, three Myanmar journalists who had fled Myanmar were arrested in Thailand; later that month they were fined and resettled in a third country (Associated Press 2021). Nevertheless, while a few outlets have opted to operate from other countries, Thailand is often the most practical option.

Journalists both inside and outside the country have little recourse if they are mistreated by their employers. In late 2022, the International Federation of Journalists and Myanmar Journalists Network launched an ‘anti-wage theft campaign’, drawing attention to the ‘underpayment’ of media workers both in Myanmar and abroad (International Federation of Journalists 2022). Many journalists have also experienced significant trauma as a result of covering protests, crackdowns and conflict, and as a result are suffering from mental health issues. Although mental health services such as counselling are available to some extent, these ongoing issues can affect their ability to work.

For its part, the regime has adopted a range of strategies in an effort to control the narrative, or at least negate the efforts of independent media. Initially it focused on restricting access to and preventing the sharing of information: on the morning of the coup, the regime shut down phone and internet services first in Nay Pyi Taw and then in other parts of the country, including Yangon, for several hours. Such internet shutdowns, both deliberate and accidental, were a common strategy under the previous junta, but after a decade of political and economic liberalisation, caused huge disruption; the February 1 shutdown took all banking services offline and in turn brought a halt to most economic activity. The regime realised that switching off the internet on weekdays was no longer feasible, so instead restricted access to Facebook; as protests began to swell in the days after the power grab, it switched off internet access on the weekend of February 6–7, blocked access to other social media platforms, including Twitter, and introduced nightly shutdowns of fixed-line connections. When these measures failed to have the desired effect, the regime in mid-March took the more drastic step of shutting down mobile data services, which was how the vast majority of people accessed the internet. This also crippled many small businesses, and so the following month the regime launched a ‘whitelist’ of around 1,200 approved websites and apps that mobile data customers could access.

Predictably, internet users quickly found ways around the regime restrictions. Virtual private network (VPN) use skyrocketed overnight when Facebook was blocked, while the launch of the whitelist created technical loopholes that enabled mobile users to access the wider internet, not just the regime’s approved sites, through VPNs and Domain Name Service (DNS) applications available for free on the Play Store and App Store. The junta, like many authoritarian regimes around the world, found its ambition to control internet use thwarted by a lack of financial, technical and human resources.

It has since settled on a combination of strategies that aim to undermine its opponents and cow ordinary users while avoiding the economic fallout of a national internet shutdown. One example is localised shutdowns: at the time of writing, the regime had cut the internet or throttled it to 2G speeds in 54 townships across the country, effectively depriving around 6.6 million people of access (Athan 2022). The regime has also ramped up surveillance of phone and internet users, a move that prompted Norwegian telco Telenor to sell its Myanmar business (Chandran 2022). Yet the effects of this surveillance have been undermined by its earlier decision to block Facebook, as this encouraged widespread VPN use and a switch away



from Messenger to encrypted applications like Signal, which in turn has made it more difficult to identify what users are browsing or who they are talking to. The security forces have had more success with digital forensics, using software and hardware purchased from abroad to browse the contents of locked devices seized from suspected opponents.

The regime has also sought to reassert control over what remains of the media industry and refashion it to support its political goals. After a lengthy search for candidates, the regime managed to appoint new members to the Myanmar Media Council in November 2021; it has also invested significantly in production facilities for its own media company, Myawady, and state media remains a reliable mouthpiece. The junta has not reinstated formal censorship and seemingly has no intention of following Ne Win's socialist regime in closing all private media outlets; rather, it recognises that the media is an important marker of democracy and wants to cultivate media organisations that "serve the national and State interests" and impart "correct attitudes and ideologies" to the public (Myanmar News Agency 2021).

More significantly, a new army of pro-regime outlets has emerged from the shadows, and they have become visible at regime spokesman Major General Zaw Min Tun's weekly press conferences in Nay Pyi Taw (Hpone Myat and David Aung 2022). Their aggressively pro-military 'reporting' – often laced with outright disinformation and distributed mainly to subscribers through Telegram – contrasts with the relatively staid approach of state media and gives succour to the military's base amid difficult times. The owners and editors of these outlets – people like Thuriya Nay Won owner Moe Hein – have become the Myanmar equivalent of 'shock jocks', helping to liven Myawady broadcasts with regular appearances on talk shows in which they push conspiracy theories and anti-resistance propaganda. But the extent of military control over these outlets is unclear; in November 2022, reports emerged that two of their journalists had been arrested, apparently for asking questions of Zaw Min Tun that the regime did not like (Voice of America 2022).

The regime has also fallen back on a strategy from its old playbook: scaring people into submission. Within weeks of the coup, it enacted changes to the Penal Code that introduced a new incitement offence carrying a possible three-year prison term; it has been used so frequently that the section number of the new charge, '505A', has become common parlance in Myanmar. It has also drafted a new Cyber Law that would require mobile operators and internet service providers (ISPs) to hand over user data upon request and criminalised the use of VPNs. At checkpoints around the country, police and soldiers search devices for banned applications and evidence of pro-resistance photos and social media posts.

Nevertheless, these efforts have largely failed due to a combination of users identifying workarounds and the overwhelming weight of anti-regime sentiment. This failure was evident at the end of September 2022, when regime spokesman Zaw Min Tun warned that anyone who liked or shared a post on Facebook from the National Unity Government would face prosecution under the Counter-Terrorism Law. The warning was an acknowledgement that its internet controls had failed – after all, Facebook should be inaccessible in Myanmar. Unable to stop people from



going on to Facebook to express support for the resistance, and having failed to intimidate them with the prospect of a three-year prison term, it simply upped the ante by instead threatening a seven-year prison term instead.

The regime's frustration is in part fuelled by its own inability to make use of popular platforms such as Facebook and YouTube. Immediately after the coup, Facebook removed all military pages, as well as some government institutions now under military control, such as the Ministry of Information, from its platform; many of the regime's proxies were similarly removed (Facebook 2021). The regime has not only been deprived of an important means of communication, particularly with its own supporters, but has also had to watch on helplessly as its opponents use Facebook to organise campaigns, rally support, share information and raise funds (International Crisis Group 2022). Senior military officials see this as a Western conspiracy intended to undermine them and have railed against Facebook's 'Myanmar team' – something that exists only inside their heads. Military supporters have largely migrated to less popular platforms, notably Telegram, which has shown little interest in policing content, even when it results in real-world harm (Nachemson 2022).

Yet Facebook has become a platform for extreme views of an altogether different kind. The anti-Rohingya rhetoric that once proliferated has been replaced with vitriol towards the regime and its supporters that often veers into similarly disturbing territory. Fuelled by anger at the regime's extreme violence and brutality, users celebrate videos and photos of resistance attacks and assassinations of soldiers, police, members of militias, low-level officials and alleged informants (known as 'dalan'). A new form of slang has developed to refer to these incidents – dead soldiers are mocked as 'fertiliser', for example – and those perceived as supportive of the regime are harassed, threatened or subjected to 'social punishment'. With the regime meting out violence in the real world and most people having no means to fight back, Facebook promises a dose of catharsis for a brutalised population (Kean 2021).

## **Conclusion**

The transition to democracy initiated by the military government had massive implications for the country's media environment, how the people of Myanmar accessed news and information and the ways in which they could express themselves. Cheap internet access and widespread use of social media created huge social change, not least the democratisation of publishing and speech. Much of this change was for the better; after decades of being kept silent, the people of Myanmar had found a voice, even if the legal framework, the education system and the mind-set of public officials struggled to keep pace.

The military junta that seized power in February 2021 has been unable to put the genie back in the bottle. Despite the regime's best efforts – which have seen Myanmar plummet down indices for media and internet freedom – the majority of people still have access to the internet and can express themselves relatively openly. The possibility remains, though, that the military will develop or acquire better strategies and technologies for controlling internet access and gradually quieten a still-seething public. This would have implications for Myanmar's media

industry and its journalists in terms of both their ability to source information and then reach Myanmar audiences. However, it also seems unlikely, given the technical challenge and the ability of Myanmar users to circumvent restrictions.

After their marginalisation under the NLD, Myanmar media organisations have returned to centre stage as a result of the coup. They have renewed purpose and public support – but their future is also far from assured. They remain almost totally reliant on foreign donors for funding and the tolerance of Thailand as a safe operating base. Inside the country, meanwhile, journalists are also working under difficult and dangerous conditions for minimal pay. Given the strength of anti-military sentiment, there is unlikely to be any shortage of citizen journalists willing to gather information and post it online. But the polarisation of the coup has narrowed the space for ‘neutral’ or ‘objective’ reporting, something that is likely to reverberate through the industry for years to come.

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# 19 Myanmar's Complex and Intersecting Crises

## Pathways to Accountability and International Justice

*Adam Simpson and Nicholas Farrelly*

### Introduction

Over the last few years Myanmar has faced problems that would test even the most resilient society (Simpson 2021b). The country was in the midst of the COVID-19 pandemic when the military saw fit to upend the tenuous democratic order with its February 2021 coup. The coup has destroyed any semblance of optimism and hope for the future throughout the entire country. By mid-2021 a devastating COVID-19 outbreak of the delta variant was also creating a perfect storm of events fuelling a deepening health catastrophe (Simpson and Farrelly 2021b). Medical staff were on strike from public hospitals as part of the civil disobedience movement (CDM) against the coup. Oxygen and other medical equipment became increasingly expensive and in short supply, leaving many in the country literally gasping for breath. Over 150 medics, including the former head of Myanmar's COVID-19 vaccination program, were arrested and charged with high treason. In Yangon, military personnel pretended to be COVID-19 patients in need of emergency treatment and then arrested the CDM doctors who came to help. Civil society groups that assisted with cremations and funeral services in Yangon saw up to 1,000 uncounted COVID-19 deaths a day in that city alone. And the outbreak exacerbated existing societal inequalities, with the poor less able to take time off – if they worked, they were often less able to socially distance and less able to access testing and treatment. While countries all around the world suffered deaths from COVID-19, many of the deaths in Myanmar can be laid at the feet of the military, where they were directly related to the coup and the social chaos that followed.

But this was far from the only mode of death and destruction unleashed by the military coup. In response to the popular nonviolent protests in the immediate aftermath of the coup, the military returned to its vicious historical preference for unprovoked and brutal crackdowns on the opposition movement, with live fire mowing down unarmed protesters (Simpson and Farrelly 2021a). The military has continued along this ruthless path ever since. In addition to burning entire villages, the military has resorted to indiscriminate airstrikes in its attempt to impose its will on a desperate and furious population. The National Unity Government (NUG) has recorded more than 600 airstrikes between October 2021 and March 2023. Most of these attacked defenceless populations. On 11 April 2023 one of the most heinous

attacks took place in the village of Pa Zi Gyi in Sagaing Region during an event to celebrate the opening of a new village hall (Min Ye Kyaw and Ratcliffe 2023b). There were undoubtedly members of the opposition People's Defence Force (PDF) in attendance, but hundreds of local people from neighbouring villages had also been invited to the festivities, with schoolchildren performing dances. The attack began in the morning as a military jet fighter bombed the area. A helicopter gunship then opened fire. Later in the day the air force returned and attacked rescuers as they tried to search for survivors and recover the dead. According to the NUG, at least 168 people, including 40 children, were killed.

In March 2023, the UN Special Rapporteur on the Situation of Human Rights in Myanmar, Thomas Andrews, reported to the Human Rights Council that approximately 58,000 homes and civilian structures had been burned since the coup, with more than 1.3 million people displaced and more than 3,000 civilians killed (OHCHR 2023b). At the same time the UN High Commissioner for Human Rights, Volker Türk, noted that across the country 17.6 million people – one third of Myanmar's entire population – needed humanitarian assistance, with over 15.2 million facing acute food insecurity (OHCHR 2023a). Cyber restrictions since the coup have reduced the ability of activists and researchers to communicate human rights abuses to the outside world, although virtual private networks (VPNs) have been used to sidestep some restrictions. The military's proposed new Cyber Security Law would criminalise the use of VPNs, a measure that even businesses in Myanmar have strongly opposed (Simpson 2022a).

However, as this volume has demonstrated, widespread suffering in Myanmar did not entirely begin with the coup. The coup has exacerbated all aspects of suffering and spread that suffering more widely throughout society, but Myanmar before the coup was far from perfect. Civil conflicts between various ethnic armed groups and the military have been a constant feature of Myanmar since independence. The promise of greater autonomy for ethnic minorities in the Panglong Agreement of 1947 has largely come to naught. Notable for their acute suffering throughout Myanmar's history, however, are the Muslim Rohingya minority in Rakhine State in western Myanmar.

In 2012, just as a wave of optimism spread throughout the country during the political and economic reforms under the Thein Sein government, pogroms against the Rohingya predominantly committed by adjacent Rakhine Buddhist communities left a trail of death and destruction. In violence that broke out first in June and then again in October, Rohingya men, women and children were killed, with some buried in mass graves, and their villages and neighbourhoods razed (Human Rights Watch 2013). In one incident, on 23 October that year, at least 70 Rohingya, including 28 children, were hacked to death with machetes or otherwise killed in a massacre in Yan Thei village in Mrauk-U Township. Over 125,000 Rohingya were displaced and interned in camps, where some remain to this day. However, this was just a precursor to the most acute phase of violence against the Rohingya from August 2017 in which the military engaged in brutal 'clearance operations' resulting in thousands of Rohingya slaughtered and 740,000 fleeing to Bangladesh in a matter of months (UNHCR 2020).

As a result of these egregious breaches of human rights, several international court cases were brought against Myanmar and its military, most notably cases at the International Criminal Court (ICC) and through a genocide case at the International Court of Justice (ICJ) brought by the Gambia (Simpson and Farrelly 2020b). It was this case that led to the sad spectacle of Aung San Suu Kyi travelling to The Hague in the Netherlands in December 2019 to personally defend the actions of Myanmar's military (Simpson 2020).

If there is any silver lining to the coup that has otherwise destroyed the fabric of Myanmar society, it is that there has been a reconciliation of sorts between the various ethnicities in the anti-coup resistance and the Rohingya. In June 2021, several months after the coup, the NUG released a three-page document on a "Policy position on the Rohingya in Rakhine State" (Simpson and Farrelly 2021c). The NUG, which is in some ways a successor or sister organisation to the National League for Democracy (NLD), broke with decades of exclusionary consensus about the Muslim ethnic minority among Buddhist 'democrats' and dictators alike. The policy position from the NUG committed to repealing the basis of the military-authored 1982 citizenship law, which established indigenous 'national races' in Myanmar that excluded the Rohingya, and pledged to replace it with a new citizenship act that "base[s] citizenship on birth in Myanmar or birth anywhere as a child of Myanmar citizens".

Furthermore, in August 2021 the NUG announced that it had lodged a declaration with the ICC accepting the court's jurisdiction with respect to all international crimes in Myanmar since 2002 (Simpson 2021d). This would allow investigations of the pogroms against the Rohingya in 2012 and 2017, war crimes committed by and against both the military and ethnic armed groups and any crimes committed since the coup. This was a major shift in policy regarding the ICC since the former NLD government led by Aung San Suu Kyi had been openly hostile to any prosecutions under the auspices of either the ICC or the ICJ and banned prosecutors from undertaking investigations on Myanmar soil.

While these actions can clearly be seen as self-interested – the NUG needs all the international support it can muster and it knows the NLD's treatment of the Rohingya has been a sore point – it may also signal a broader change for ethnic relations in the country. The NLD itself was haughty and aloof in its dealings with all ethnic minorities when in government, and this attitude, too, has changed as the NUG realises it needs to maximise domestic support against the military across all groups and ethnicities. As a result, if the NUG ever comes to power in Myanmar, a new generation of younger and more diverse activists and politicians are likely to achieve positions of influence. It would be a stark contrast to the NLD gerontocracy of the past. The momentum for a genuinely diverse federal system of government will be difficult to avoid, particularly with a Federal Democracy Charter drafted in March 2021 and ratified in January 2022 (NUG 2022).

With the pursuit for justice in Myanmar intertwined with the historic marginalisation of the Rohingya, this chapter therefore explores the various eras of repression that the Rohingya have faced. It analyses the attempts to achieve justice and accountability through a range of international court cases and how some of these



cases are being repurposed to also address crimes committed since the coup. While it is difficult to be overly optimistic about contemporary Myanmar in the context of a brutal military dictatorship and civil war, it is important to examine the potential for redress in international courts. The international community has a responsibility to support the NUG and anti-junta forces, both materially and diplomatically, and international law is one avenue for applying pressure on Myanmar's military for the many crimes it has committed, both before the coup and since.

### **Military Rule to 2011: Rohingya and Myanmar's 'National Races'**

From 1962 to 2011 Myanmar's various authoritarian political regimes – whether the one party socialist state of the Burma Socialist Programme Party (BSPP) or the military junta of the State Law and Restoration Order Council/State Peace and Development Council (SLORC/SPDC) – all attempted to centralise control and society around a Bamar and Buddhist vision of national belonging. Under these regimes the Rohingya population faced periods of violent population control measures, resulting in mass refugee flows of 200,000 or more to Bangladesh in 1978 and again in 1991–92 (Lintner 1999; Ware and Laoutides 2018: 16–17). Since those waves of displacement, regionally focused policy practitioners, advocates and analysts have repeatedly drawn attention to both the pitiable conditions of the Rohingya in Bangladesh and the dark problems faced by Muslims in Myanmar. During Myanmar's former military dictatorship, the Rohingya tended to receive less attention from the international community, simply because of the emphasis on democratisation and on destructive civil wars in the country's eastern borderlands. Much of the world's information about Myanmar was also refracted through the border with Thailand, a situation which tended to encourage greater focus on the Karen, Mon, Karen and Shan and also the Kachin, who were more accessible for journalists, academics, activists and humanitarians based in places like Chiang Mai, Mae Sot, Bangkok and Mae Sai. The Rohingya, by comparison, were stuck, in every sense, in a corner of the country that proved easier to overlook, especially when Aung San Suu Kyi's predicament in Yangon was a lightning rod for international concern.

As a further inheritance from the decades of dictatorial control, there remain significant institutional and legal barriers to the fuller inclusion of the Rohingya in Myanmar society. Crucially, Rohingya are not recognised by the 1982 Citizenship Law, which designated 135 'national races', nor historically by the vast majority of the country's population, resulting in them being refused citizenship and labelled 'Bengalis' – interlopers from Bangladesh – despite their ancestors having been in Myanmar for centuries (South 2009: 43; Wade 2019; Yegar 1972). They therefore formed the centrepiece of Myanmar's broader citizenship crisis over recent decades (Holliday 2014).

### **Thein Sein and the USDP: Neglect and Exclusion**

As a strategic manoeuvre, the military provided space for Rohingya political leaders within the new electoral framework for the 2010 general election. It saw the cultivation of Rohingya support as a way of splitting the popular vote in Rakhine

State to undermine the various ethnic Rakhine parties. This strategy was largely successful, with the military-backed Union and Solidarity and Development Party (USDP) winning government and five Rohingya USDP representatives entering the national and regional parliaments. However, increased nationalist social activism within the Rakhine Buddhist community against the Rohingya and other Muslims espoused by both lay and monk Buddhist communities resulted in religious communal violence in Rakhine State from June 2012 that left hundreds of Rohingya killed and more than 125,000 people, mostly Rohingya, displaced into camps. The ability of Rohingya in much of the state to earn a living and find food and shelter became severely curtailed. Rakhine State became the crucible for more widespread communal violence throughout the country, with Muslims targeted by radical Buddhists, including many from the *sangha* (monkhood). While Buddhist monks were at the forefront of democratic protests against the authoritarian regime in 2007 (McCarthy 2008), some Buddhist monks now formed the centre of a chauvinist movement against Muslims, and against the Rohingya in particular. Aid from international non-governmental organisations (INGOs) and the United Nations (UN), the providers of sustenance to the displaced Rohingya, was halted in early 2014 due to harassment and attacks from Rakhine groups as a result of perceived bias.

Rather than offering a chance to defend the rights of the Rohingya, the opening of political space, together with new social media, resulted in widespread hostility. As a peace negotiator from the formerly government-backed Myanmar Peace Centre argued, a key concern of Rakhine Buddhists was that official recognition of the Rohingya would lead to a flow of resources, including land ownership and government assistance, at the expense of Rakhine communities (Interview, Associate Program Director, Myanmar Peace Centre, 2 May 2013). A common argument from the Rakhine Buddhist elite was that the Rohingya were infringing on the access of Rakhine communities to their traditional land, water and natural resources. In a poverty-stricken agrarian community, this was seen as tantamount to war. Indeed, in July 2012 the Buddhist Rakhine monks association of Mrauk-U in Rakhine State issued a statement, which was typical, that read:

The Arakanese people must understand that Bengalis [Rohingya] want to destroy the land of Arakan, are eating Arakan rice and plan to exterminate Arakanese people and use their money to buy weapons to kill Arakanese people.

(Human Rights Watch 2013: 26)

This persistent chauvinism resulted in attacks on Rohingya communities by predominantly Rakhine perpetrators in 2012 and 2013, leading to up to 500 deaths and the internal displacement of up to 250,000, with attacks on Muslims spreading throughout the country (Cheesman 2017a, 2017b: 3; van Klinken and Su Mon Thazin Aung 2017).

In April 2014 the enumerators for the UN Population Fund (UNFPA)–sponsored national census, the first in over 30 years, asked Rohingyas in the Te Chaung internally displaced people (IDP) camp ‘what is your ethnicity?’ as the first question. If

they answered 'Rohingya' rather than 'Bengali', the enumerators refused to write it down and left the other 41 answers blank. Soon they stopped visiting residences altogether.<sup>1</sup> Of the official 2,649 households in the camp, only 30 families of ethnic Kaman Muslims were recorded (MacGregor 2014). As the leader of what was then the main opposition party, the NLD, Aung San Suu Kyi failed to adequately address the violence, but in the lead-up to the 2015 general election, there was a reluctance among most foreign observers to introduce more problems for the democracy icon. The first priority among many people, both inside and outside Myanmar, was to see the military's role in government diminished with the replacement of the USDP by the NLD, irrespective of whether there would be further consequences from, for instance, its exclusion of Muslim candidates. Organisations like Ma Ba Tha sought to shrink the space for inclusive politics, demanding that the NLD account for any perceived cosiness with Islamic interests at home or abroad. The bind faced by Aung San Suu Kyi was acknowledged by international analysts, but it was hoped, in vain as it turned out, that once the electoral dust settled, she could find more room for plural sentiments.

### **Aung San Suu Kyi and the NLD: Genocide**

When Aung San Suu Kyi and the NLD came to power in early 2016, they attempted to placate international criticism on the treatment of the Rohingya by the appointment of the Advisory Commission on Rakhine State in August 2016, led by former UN Secretary-General Kofi Annan, and by October the situation in northern Rakhine State was relatively stable, despite the ongoing incarceration of over 100,000 Rohingya in IDP camps. On 9 October 2016, however, coordinated armed attacks by Harakah al-Yaqin, or the Arakan Rohingya Salvation Army (ARSA), on three border posts near Maungdaw township in northern Rakhine State killed nine Myanmar police officers and eight assailants. These attacks were qualitatively different from anything in Rakhine State in recent decades, being the first organised military response to five years of repression experienced by the Rohingya. As a result, the region again became heavily militarised, with widespread allegations of Tatmadaw abuse of the Muslim community (OHCHR 2016, 2017).

On 25 August 2017, the day after the Advisory Commission delivered their final report to the Myanmar government, ARSA mounted coordinated overnight attacks on 30 police posts and an army base in the towns of Maungdaw, Buthidaung and Rathedaung in northern Rakhine State (Simpson 2017). They also attacked predominantly Hindu villages, slaughtering or abducting the inhabitants, and were brutal in their killing of suspected Rohingya informers (Amnesty International 2018).

Clearly a military response was required by the state, but a just response would have been targeted at the terrorists of ARSA, rather than driven by a philosophy of collective punishment for the entire Rohingya community. As the military build-up in the region since October 2016 suggested, the military were prepared to respond with overwhelming force, although few anticipated the scale of the slaughter to come. Following the attacks, the Myanmar military engaged in what the UN High

Commissioner for Human Rights labelled a ‘brutal security operation’, which he said constituted “a textbook example of ethnic cleansing” and resulted in 270,000 predominantly Rohingya fleeing to Bangladesh in the first three-week period (Al Hussein 2017). He later named northern Rakhine State one “of the most prolific slaughterhouses of humans in recent times” (Al Hussein 2018). The seriousness of the situation resulted in the UN Security Council displaying a rare unity on Myanmar to call for ‘immediate steps’ to end the violence (Landry 2017).

Reports of the Myanmar military burning villages, conducting extrajudicial killings and laying landmines in the path of fleeing refugees were widespread. Satellite imagery of more than 80 burned sites demonstrates what appears to have been an orchestrated and systematic scorched earth policy by the military (Amnesty International 2017). The government, on the other hand, blamed the Rohingya for setting fire to their own homes, when the evidence was clearly manufactured (Head 2017). Support for the government on Rakhine by civil society groups such as the allegedly pro-democracy 88 Generation Peace and Open Society – even in the face of these inflammatory claims – demonstrated the pervasive racism throughout Myanmar society when it comes to the Rohingya.

In response to the attacks, the government’s Anti-Terrorism Committee labelled ARSA a ‘terrorist organisation’ – the first time the label had been deployed under the country’s new Anti-Terror Law, despite ARSA’s tactics not being significantly different from many other armed groups in Myanmar. This action is consistent with the unique treatment meted out to the Rohingya. The clearance operations in northern Rakhine State resulted in thousands of Rohingya killed and hundreds of thousands of mostly Rohingya refugees crossing the border to Bangladesh, seeking safe haven in hastily erected refugee camps. Rohingya village names such as Tula Toli and Inn Dinn are now widely identified internationally as linked to brutal massacres by the Myanmar military (Galache 2020; Human Rights Watch 2017; Wa Lone et al. 2018). By the beginning of 2020, 740,000 Rohingya had arrived in Cox’s Bazaar since the 2017 attacks, with most arriving in the first six weeks, resulting in almost a million exiled Rohingya living in border refugee camps (UNHCR 2020). The 2017 Rohingya crisis may prove to be one of this century’s most egregious episodes of state-sanctioned murder, rape and pillage (Farrelly and Simpson 2018).

With the pogroms against the Rohingya and reports of other human rights abuses, the UN Human Rights Council (UNHRC) established various independent fact-finding investigations into the situation in Myanmar (Simpson and McIntyre 2024). The Independent International Fact-Finding Mission on Myanmar (FFM) was established in April 2017. It concluded that the actions of Myanmar’s military forces in Kachin, Rakhine and Shan states since 2011 constituted consistent patterns of serious human rights violations, crimes against humanity and war crimes (UNHRC 2018a). The FFM proposed that the UN Security Council should refer the situation to the ICC or create an ad hoc international criminal tribunal, neither of which has occurred due to obstruction by Russia and China.

Following the release of the FFM final report, the Independent Investigative Mechanism for Myanmar (IIMM) was established by the UNHRC in September 2018 (UNHRC 2018b).

The FFM transferred almost all the material it gathered to the IIMM. The role of the IIMM was to collect and preserve evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011. However, the IIMM itself cannot prosecute or adjudicate cases since it is not a court. But it can provide evidence and support for proceedings in other courts such as the ICC or the ICJ.

While there was debate about prosecuting Senior General Min Aung Hlaing or other military leaders at the ICC, there were a number of difficulties associated with this route, including that Myanmar was not a party to the Rome Statute and that any attempt to force the ICC to take a case through the UN Security Council would be blocked by China and perhaps by Russia as well. Nevertheless, since Bangladesh was party to the statute and the Rohingya crossed into that country in response to their repression, the ICC ruled in 2018 that it had jurisdiction over the case. As a result, in November 2019 the ICC approved a full investigation into the allegations of 'systematic acts of violence', deportation as a crime against humanity and persecution on the grounds of ethnicity or religion against the Rohingya (AFP 2019). By February 2020 a team of investigators from the ICC Office of the Prosecutor was visiting the Rohingya refugee camps to collect evidence for the case (Alam 2020).

The case may well be helped by the preliminary rulings of the ICJ in January 2020. In what was a much more surprising legal manoeuvre than the ICC developments, on 11 November 2019, the Republic of The Gambia filed an ICJ application instituting proceedings against Myanmar concerning alleged violations of the Genocide Convention (International Court of Justice 2020). This case was more unexpected since the ICJ requires one country to lodge proceedings against another country. Until The Gambia lodged its application, it was generally considered unlikely that any country would take Myanmar to court in this way.

It was this case that led Aung San Suu Kyi to travel to The Hague in December 2019 and personally defend the military's indefensible actions. She could easily have sent a more junior member of the government – potentially the military-appointed defence minister, border affairs minister or the home affairs minister, or even the military-nominated Vice President Myint Swe. This route would have at least indicated some reticence on the civilian side of the government regarding the military's actions. Instead, in perhaps the most baffling volte-face performed by a former international democracy icon, she personally travelled to The Hague to lead a full-throated defence of the military's clearly disproportionate clearance operations as necessary to preserve Myanmar's security and the rule of law.

There is little doubt that Aung San Suu Kyi pursued this strategy with an eye on the looming November 2020 national elections. Before the coup, there was little sympathy for the plight of the Rohingya throughout the country, and ever since the 2012 pogroms, when the UN and aid agencies were seen inside the country as being overly sympathetic to Muslims and the Rohingya, there had been a general nationalist antipathy to what was perceived as international meddling in Myanmar's domestic affairs. As Aung San Suu Kyi clearly calculated, her ICJ defence was interpreted as defending the nation and the national interest and was supported

by large rallies throughout the country, with only a few brave protesters indicating an interest in opposing genocide (Bowcott 2019; Naw Betty Han 2019).

While giving evidence Aung San Suu Kyi admitted that “[i]t cannot be ruled out that disproportionate force was used by members of the defence services in some cases, in disregard of international law” and that “they did not distinguish clearly enough between ARSA fighters and civilians” but insisted that any breaches would be investigated internally. This defence, essentially arguing that crimes were committed by ‘bad apples’ in the military (Simpson 2020) rather than systematically by design, has been clearly debunked by the accumulated evidence, including satellite imagery, that shows the erasure of the Rohingya community was clearly systematic. In addition, internal judicial redress within Myanmar has been shown to be almost ineffectual; there were several compliant internal inquiries, all of which cleared the military of any systematic crimes in the face of overwhelming evidence to the contrary. The government-appointed Independent Commission of Enquiry (ICOE) did break the taboo on criticism of the Tatmadaw by finding that security forces and civilians committed war crimes and violated human rights in Rakhine State, but continued the fiction that these were rogue elements rather than a systematic policy (Sithu Aung Myint 2020). Several years of watching Aung San Suu Kyi’s government placating the military did not prepare seasoned analysts for the spectacle at The Hague; one of the most venerable and forensic Myanmar-watchers, Andrew Selth, argued that, considered overall, “it was an astonishing performance, which left many observers wondering at times whether Aung San Suu Kyi actually believed the nonsense she was peddling” (Selth 2019).

The Court surprised no one in the international community when, in late January 2020, it unanimously declared that The Gambia had established *prima facie* a breach of the Genocide Convention. It issued several urgent measures to Myanmar to prevent both further acts related to breaches of the Convention and the destruction of evidence regarding breaches and regular reporting to the Court on the measures undertaken to underpin these activities (International Court of Justice 2020).

The ICJ has no power to enforce its judgements and compel a state to take action. It therefore relies on the UN Security Council to support its judgements. Unfortunately, China has veto power at the Security Council and as a key Myanmar ally it, along with Vietnam, refused to agree to a statement compelling Myanmar to comply with the measures, leaving European representatives to make a joint statement alone (Al Jazeera 2020). Although the decision was celebrated by Rohingya refugees in the Bangladeshi camps and is a landmark case in their fight for justice, the limited powers of the ICJ mean that little may change on the ground (Wade 2020).

It is, of course, well understood that the government led by the NLD and its *de facto* leader, Aung San Suu Kyi, had no oversight over the Myanmar military, and clearly Min Aung Hlaing and other generals, rather than Aung San Suu Kyi, bear most of the responsibility for the ruthless military operation (Farrelly and Simpson 2018). Nevertheless, she was the undisputed moral and political leader of the country and was perhaps the only person who could have successfully communicated to its citizenry the suffering and abuse experienced by the Rohingya and provided



an empathetic response. In contrast, her silence on the military's brutality and her attempts to exculpate it from wrongdoing furthered the normalisation in Myanmar of what, under any reasonable assessment, constituted ethnic cleansing, crimes against humanity and perhaps even genocide.

When Aung San Suu Kyi came to power in April 2016, she faced an enormous range of political and economic issues, a legacy from a half-century of military rule. These problems cannot be underestimated, but her efforts to placate the hardline elements in the armed forces and among Buddhist nationalist cohorts destroyed much of her former global standing. The government's willingness to turn a blind eye to extreme and widespread violence against a minority in the country diminished its legitimacy internationally, although it bolstered her support domestically.

The difficulties faced by the NLD government in Rakhine State, and elsewhere, were exacerbated by the emerging civil war with the Arakan Army, an ethnic Rakhine armed group also active in Kachin and Shan States in coalition with other ethnic armed groups. The group was formed in 2009 but throughout 2019 it became one of the most prominent ethnic armed groups in Myanmar and a serious insurgent challenge for the Myanmar military, with dozens of deaths on both sides and 50–100,000 new IDPs created in Rakhine State, affecting both Rakhine and Rohingya civilians (Davis 2020; International Crisis Group 2019). To deal with the insurgency, internet blackouts were imposed from June 2019 in nine townships across Rakhine and Chin States, impacting on the ability of civilians from various communities in these areas to communicate with each other but also to report human rights abuses or communicate with journalists (Simpson 2019). Compounding earlier restrictions on aid groups and journalists imposed due to the Rohingya conflict, by February 2020, 8 of Rakhine's 17 townships had either severely restricted access or were completely off-limits, resulting in both aid and information blockages to and from the region (Htusan 2020). The internet blackouts were removed in some townships in September 2019 but were reimposed unexpectedly on 3 February 2020, the same day that the Arakan Army (AA) published a statement online declaring that it would release evidence of mass graves of Muslims killed and buried by the Myanmar military in Rakhine State (Fortify Rights 2020).

Similar internet and mobile restrictions were imposed on the Rohingya refugee camps on the Bangladesh side of the border in September 2019 (Simpson 2019). During the evolving COVID-19 coronavirus pandemic in early 2020, these restrictions exacerbated misinformation regarding the situation within the camps, where social distancing was almost impossible. This was further aggravated by a 'complete lockdown' of the camps by the Bangladesh government on 8 April, which restricted aid deliveries and the flow of information in and out of the camps (AFP 2020).

While the AA conflict in Rakhine State created new suffering, there was a tangible difference between its impact on ethnic Rakhine and Rohingya communities. Around 600,000 Rohingya remained in Rakhine State but they were effectively stateless, with no citizenship, no political representation and very little freedom of movement. There were still over 100,000 behind the barbed wire of internment camps, but even those not in the camps were restricted in their movement, unable to travel for work or medical care and living under the threat of genocide (Human



Rights Watch 2020). The ethnic Rakhine of the AA, on the other hand, had citizenship, voting rights and control over the Rakhine parliament. They used this power by voting unanimously to press the government to block the resettlement of the Rohingya should they ever want to return (Wade 2019: 402).

### **After the 2021 Coup: Chaos, Crisis and a Narrow Path to International Justice**

After winning a landslide in the 2020 elections, the NLD government looked set to consolidate its position as the dominant party of government. There were worrying signs, however, that the military was preparing the ground to challenge the results. Prior to the election Senior General Min Aung Hlaing released a statement, claiming “weakness and deficiencies which were never seen in the previous elections are appearing”. As we argued at the time,

if the military were to step in and take back control from the civilian-led government, this would, in every sense, be a significant backward step for democracy in Myanmar [but] recent events have demonstrated the military can always find an excuse to reassert itself at the centre of Myanmar politics.  
(Simpson and Farrelly 2020a)

The military coup less than two months later in February 2021 destroyed the fragile progress that Myanmar had been making. As the contributions in this volume have demonstrated, Myanmar’s politics, economy and society have all been shattered by the coup and its aftermath.

While there are diplomatic and material actions that states can take to support the pro-democracy movement in Myanmar, various international justice mechanisms also require greater levels of international support. While the ICJ genocide proceedings are unlikely to address issues in Myanmar resulting from the coup, further progress on the case could put additional international pressure on Min Aung Hlaing and the military leadership. The most effective direct action for the international community in this case would be to formally intervene under Article 63 of the ICJ Statute. Such intervention brings moral and legal reinforcement to one side of the case. While many regions, such as the UK, Canada, the Netherlands and the Maldives, have made statements that they intend to intervene, by May 2023 none had filed a formal declaration of intervention. This is in stark contrast to the other genocide case underway at the ICJ, in which at least 33 countries have formally intervened to support Ukraine against Russia (Farrelly and Simpson 2023; McIntyre and Simpson 2022b).

In October 2020 The Gambia filed its Memorial – over 500 pages of evidence of genocide against the Rohingya – with the ICJ. After the court rejected objections from the junta against the case continuing in July 2022 (McIntyre and Simpson 2022a), it also rejected an attempt to postpone the junta’s required official response to 2024 and instead set 24 May 2023 as the deadline for Myanmar to file its ‘Counter-Memorial’ (Fortify Rights 2023b). The issue of who represents Myanmar

is international for a, since the coup is representative of the broader attempts by both the military junta and the NUG to project themselves as Myanmar's legitimate government. Given the NUG is supported by the majority of politicians elected at the 2020 election while the military has attempted to take power in an illegal coup (Simpson 2021c), the NUG has a greater claim to represent Myanmar, both legally and morally. However, in February 2022 the ICJ allowed the junta to appoint its own representatives to replace Aung San Suu Kyi and the NLD team who had represented Myanmar at the court in 2019. This was a valuable diplomatic win for the military junta and a bad mistake by the court (Simpson and McIntyre 2022).

With the ICJ waiting for Myanmar's response, the UNHRC's IIMM continues its work of gathering evidence. The IIMM, unlike the earlier FFM, is not limited in geographical scope, nor to any particular group of victims or perpetrators. It may investigate any international crime occurring in the territory of Myanmar. It is also mandated to investigate both past and future situations. As such, it has continued to closely monitor events in Myanmar since the coup (Simpson and McIntyre 2023). Indeed, the IIMM has experienced an exponential increase in communications since the military seized power, and by July 2022 its repository consisted of nearly 3 million information items, including "interview statements, documentation, videos, photographs, geospatial imagery and social media material" (IIMM 2022). Thanks to the work of the IIMM, evidence of the atrocities committed by the junta is being collected and collated, although this record-keeping function is insufficient in and of itself to deliver justice.

Other cases in national courts, such as those of Argentina and Germany, have also sought to address the accountability gaps in Myanmar (Crouch 2022; Simpson 2022c) for atrocities against the Rohingya and the rest of the population since the coup. In November 2021 the Federal Criminal Court of Argentina confirmed that it would pursue an action against senior Myanmar military officials under the principle of universal jurisdiction, which allows particularly horrific crimes to be prosecuted anywhere in the world, regardless of where the crimes were committed. This allows the court in Argentina to investigate all crimes committed against the Rohingya in Myanmar, giving it a wider remit than the ICC prosecution (Reed 2021). Similarly, in January 2023 the non-governmental organisation (NGO) Fortify Rights announced in Bangkok that it had filed a criminal complaint with the Federal Public Prosecutor General of Germany under the principle of universal jurisdiction against senior Myanmar military generals and others for genocide, war crimes and crimes against humanity covering atrocities related to both the Rohingya pogroms and the military coup (Fortify Rights 2023a).

As these cases wind their way slowly through international courts, the international community has a range of levers at its disposal to influence events in Myanmar. The ICC cannot act in relation to activities within Myanmar unless there is a UN Security Council resolution or Myanmar itself becomes a party to the Rome Statute. Since the NUG has committed to joining the Rome Statute if it takes power, it is in the international community's interest for this to happen. The main avenue for international pressure at present is therefore to recognise the NUG as Myanmar's legitimate government and accredit Myanmar's various rebellious

ambassadors, including the current UN representative, Kyaw Moe Tun, who have denounced the military coup and been sacked by the military as a result. This would send a potent message to the junta and allow the NUG to fill Myanmar's currently empty seat on the UNHRC (Simpson 2022b).

Likewise, Association of Southeast Asian Nations (ASEAN) should isolate the military and recognise the NUG. Some ASEAN members, particularly Indonesia, Malaysia and Singapore, have been more critical of the Myanmar military than they have in the past, and leadership meetings are now conducted with Myanmar's seat embarrassingly empty, but the next step of recognising the NUG as Myanmar's legitimate government seems a long way off (Simpson 2021a).

In December 2022 the UN Security Council adopted a resolution denouncing the Myanmar military's human rights violations since the 2021 coup. In a measure of the junta's increasing international isolation, even Russia and China, normally firm allies of Myanmar's military, abstained rather than vetoing the resolution (HRW 2022). In the UN General Assembly, the NUG continued to experience another minor diplomatic victory after Myanmar's UN Ambassador, Kyaw Moe Tun, who was appointed by the NLD, was able to retain his seat against the wishes of the junta; the UN credentialing panel, which included the United States, China and Russia, was unwilling to acquiesce to the junta's replacement, resulting in the status quo (Lederer 2022; Simpson 2021e). This has resulted in the usual spectacle of Myanmar voting in a UN General Assembly resolution condemning the Myanmar military junta, which in the ICJ, another organ of the UN, is representing Myanmar (Taylor and Westfall 2021).

## **Conclusion**

The immediate prospects for Myanmar are rather dim. In 2022 the military junta committed to holding an election before August 2023, but on the second anniversary of the coup, on 1 February 2023, they announced an unconstitutional six-month extension to the state of emergency (Reuters 2023). Since an election cannot be held during a state of emergency, it appeared that the election was to be postponed by at least six months. However, whether the junta holds an election or not is now largely irrelevant to the resolution of the crises afflicting Myanmar. Any election held by this junta will be illegitimate. In every election in which the NLD has participated since its founding in 1988–90, 2012, 2015, 2017 and 2020 – it has trounced the military-backed parties. The people of Myanmar have made it clear again and again that they do not want the military running the country. For the military junta and any of its international supporters to pretend otherwise defies logic and the available evidence.

In advance of the election, a strict new Political Party Registration Law promulgated in January 2023 added a range of restrictions designed to crush any genuine electoral opposition to the military (HRW 2023). The law prohibits anyone previously convicted of a crime or serving a prison term from joining a political party, which means that most of the NLD leadership, including around 80 members of parliament (MPs); Aung San Suu Kyi, who has been sentenced to at least 33 years

in jail under bogus charges; and President Win Myint, would be excluded (Simpson 2022c). All existing political parties were required to reregister within 60 days of the law's enactment. National parties were required to open party offices in at least half of all 330 townships within 180 days of registration and contest at least half of all constituencies nationwide (previously three) (International Crisis Group 2023). There were a range of other new restrictions designed to impede the participation of opposition parties, both national and regional or ethnic.

With civil war raging around the country and regular military attacks on NLD members and those of other opposition parties, any attempt to satisfy these registration requirements was doomed to fail. Quite reasonably, however, the NLD and other opposition parties refused to participate in the registering process, and the election in general. The 2020 election accurately demonstrated the will of the people in Myanmar (Simpson and Farrelly 2020a), and there was no plausible rationale for participating in a rigged process, the only purpose of which is to legitimise and further entrench military rule. As a result, after the deadline in March 2023 the military-appointed Union Election Commission duly dissolved 40 political parties, including the NLD (Min Ye Kyaw and Ratcliffe 2023a).

Even if the military genuinely wanted to hold a national election, it would be unable to, since it retains effective control of so little of the country (Jolliffe 2023). An election held by the military junta will not provide any solution to the current crises in Myanmar. It is only likely to increase violence and conflict as the stakes are raised (Callahan 2023). There are no easy routes out of the morass in which the country finds itself, but there are concrete measures the international community could take to point it in the right direction.

The NUG has committed to sign up to the ICC for all crimes on Myanmar soil dating back to 2002; it has committed to replace the current citizenship law, based on a restricted set of 'national races', with one that is not grounded in narrow perspectives on ethnicity; and it has committed to building a genuine federal system of government that provides ethnic minorities with representation and autonomy, for which they have been fighting for over 75 years (NUG 2022). It is clear that the only path to a more democratic Myanmar that respects human rights is to support the NUG in their fight against the military in any way possible.

The United States took a step in this direction with the incorporation of a revised BURMA Act in the National Defense Authorization Act (NDAA) passed in December 2022. It commits the US government to providing 'technical support and non-lethal assistance' to ethnic armed organisations, PDFs and other 'pro-democracy' movement organisations who oppose the junta. The promised assistance could include intelligence sharing, battlefield medicine and funds for organisations facilitating military defections (Myanmar Now 2022). However, it falls short of supplying 'lethal assistance', including weapons that would assist the NUG. Given the asymmetrical nature of the fight, with the military's helicopter gunships strafing civilians while many of the PDFs make do with homemade weapons (VOA News 2022), it is counter-productive to tie the hands of the anti-junta forces in this way, particularly when compared with the tens of billions of dollars of military aid sent to Ukraine.

Assistance provided to Ukraine to defend itself against Russia's invasion has clearly demonstrated, for the first time in many years, that Western military force can be successfully used to support democratic forces under siege. If only a small fraction of the support to Ukraine was provided to Myanmar's resistance fighters, they could be given the chance to build a thriving democratic state in the heart of Asia (Farrelly and Simpson 2023).

Myanmar's politics, economy and society will not easily recover from this era of unnecessary conflict. The military's reckless and brutal attempt to grasp power from the civilian leadership, having been comprehensively rejected at the ballot box once again, has destroyed any residual legitimacy or credibility that they may have had as a governing partner. While in the elections of 2015 and 2020 the population may have reluctantly accepted the military's privileged position under the 2008 Constitution as a compromise necessary for a gradual transition towards more democratic rule, that is no longer the case. The population will never again accept a return to the 2008 Constitution. In this, the military have shot themselves in the foot. Their previous cosy, comfortable cohabitation with civilian rulers will not be repeated. Myanmar's furious population, having had their dreams dashed by the military once again, will not rest until the military is banished, finally, from positions of influence within the country.

## Note

- 1 Census results in 2014 indicated that the population of Myanmar was almost 51.5 million, which included an estimated 1.2 million in northern Rakhine State, Kachin State and Kayin State who were not enumerated, partially due to civil conflict. It was estimated that, of these, 1.09 million were Muslims in Rakhine State who were not counted due to their insistence on being identified as Rohingya. The remaining population of Rakhine State was 2.1 million, meaning the Rohingya comprise an estimated one third of the total population at this time (Government of Myanmar 2017: 10).

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