

A Wolf in Sheep's Clothing: Making Sense of Myanmar's Political Reforms

By Bertil Lintner

Myanmar, once an international pariah but now hailed by many for its reform efforts, is currently chair of the Association of Southeast Asian Nations (ASEAN). In November, it will host a number of heads of state including US President Barack Obama at the ASEAN Regional Forum.

Myanmar expert Bertil Lintner, a longtime critic of the country's previous military junta, takes a look at the state of the country's democratic reforms and the geopolitics that are guiding US engagement.

IN NOVEMBER, it will be four years since Myanmar held a landmark election that led to the formation of the quasi-civilian government of President Thein Sein, and one year before the next election will be held. It is also the month that Myanmar will host a meeting of heads of state of the ASEAN Regional Forum. In other words, it is time to assess the progress that Myanmar has made during the past few years, and also look at what the future may hold for what has long been perhaps Southeast Asia's most troubled nation.

First of all, it is becoming increasingly clear that the hype that followed the introduction of a "reform process" in 2011 is giving way to more sober assessments. When the smoke cleared, it turned out to be much less of a genuine transformation from military rule to democracy than many foreign observers, especially Western ones,

had expected. The military remains very much in charge, and new freedoms that were granted shortly after Thein Sein assumed the presidency are gradually but steadily being curtailed as the government attempts to rein in the opposition and, if possible, keep critical voices from threatening the established order. *The Washington Post* succinctly summed up the situation in a report from Yangon on July 6: "The US wanted Burma to model democratic change, but it's not turning out that way."

A RIGGED GAME

It is too often forgotten that the November 2010 election was far from free and fair, and that it followed on from a fraudulent referendum on a new constitution in May 2008. Government officials supervising the 2008 referendum were

told to discard any “no” votes and replace them with fake “yes” votes. In many parts of the country voting could not have taken place because almost the entire Irrawaddy Delta region was under water following Cyclone Nargis, which hit only weeks before the referendum.

Even the government's own announcements inadvertently showed that the 2010 election was rigged. On November 16, state-run media corrected a previous report that stated that 102.9 percent of a constituency in Bago Region north of Yangon had turned out to vote. The correct figure, the announcement said, should have been 99.57 percent. In Ann Township in the western Rakhine State, 104.28 percent of the electorate were said to have voted. That was later adjusted to 71.74 percent. The military's Union Solidarity and Development Party (USDP) was even declared the winner in constituencies where elections were not held. In constituencies where opposition parties appeared to be winning, so-called “advanced votes” were dumped into the counting, reversing the initial result. Such obvious fraud was reported all over Myanmar.

Then there is the 2008 constitution itself. It states that the “Defense Services” shall “be able to participate in the National political leadership role of the State” — and they do, by holding 25 percent of all seats in the bicameral National Assembly. The charter's Chapter 12 lays out the complicated rules for constitutional amendments, which effectively give the military veto power over changes to the present power structure. Minor constitutional changes may be considered by the parliament if 20 percent of the members submit a bill. However, a tangle of 104 clauses states that major charter changes cannot be made without the prior approval of more than 75 percent of all MPs, after which a nationwide referendum must be held where more than half of all eligible voters cast ballots.

This complicated procedure, coupled with Myanmar's record of holding bogus referendums — the first, in 1973 for the 1974 constitution, was as lacking in credibility as the 2008 exercise — makes it virtually impossible to change clauses that in various ways legally perpetuate the military's indirect hold on power. And, if the situation gets out of hand, Article 413 gives the president the right to hand executive and judicial powers to the commander-in-chief of the armed forces.

IGNORING REALITY

All these hurdles and idiosyncrasies were overlooked by foreign pundits and think tanks when opposition leader Aung San Suu Kyi walked free from house arrest shortly after the November 2010 election and Thein Sein began releasing hundreds of political prisoners, made promises of press freedom and said he wanted a peaceful solution to the country's decades-long civil war between government forces and a host of ethnic rebel armies. It was also forgotten that Thein Sein was not a new face. A former army general, he had been a prominent member of the junta that ruled the country before the 2010 election, and served as the military government's prime minister from 2007 until the new National Assembly's Electoral College appointed him president in early 2011.

Within months of Thein Sein's initiatives, Myanmar had turned from being a pariah state subject to sanctions imposed by mostly Western governments and boycotts by civil society organizations all over the world to the darling of the international community. The European Union (EU) lifted all its sanctions, the US lifted some of its, and then sent US Secretary of State Hillary Clinton to Myanmar in November 2011, to be followed by President Barack Obama a year later. In May 2013, Thein Sein was welcomed in the White House, the first such visit by a Myan-

mar head of state since the former dictator Gen. Ne Win met President Lyndon Johnson in 1966. Think tanks inside the Washington Beltway went into overdrive, and instant experts began praising the “reform process” in Myanmar, and downplaying the more sordid side of military politics in a country that had been under brutal army rule since 1962.

After the military's central command launched a major offensive against the rebel Kachin Independence Army (KIA) in the far north in late 2012, the Washington-based Center for Strategic and International Studies (CSIS) suggested in a report published on Jan. 10, 2013, that “regional commands in Myanmar have long acted with an unusual degree of autonomy; many commanders treated their areas of responsibility as personal fiefdoms. In a junta-run country usually facing at least a dozen active insurgencies, this is understandable. But in an emerging democracy seeking national reconciliation, it undermines fragile trust in the government and allows a minority of the military to act as a spoiler.” During the offensive against the KIA, the military used Russian-supplied Hind helicopter gunships, Chinese-made ground-attack aircraft, heavy artillery and even tanks — hardware and equipment that could not have been moved by “local commanders” acting as “spoilers.” The order to attack the KIA came from the Supreme Command in the new capital Naypyidaw, and there is no way that Thein Sein would have been able to prevent it from happening even if he had wanted to, which is doubtful.

In an exceptionally poorly researched article on Jan. 8, 2013, for *38 North* — an online publication of the Korea Institute at the Johns Hopkins School of Advanced International Studies — Melissa Henham questioned well-documented reports on military co-operation between Myanmar and North Korea by stating that “dissidents working to discredit the ruling military junta

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leaked a trip report and photos of a high-level Burmese visit to North Korea in 2008, with stops at various military facilities including a SCUD missile production factory linked to exports to Egypt, Syria, and Iran.” The report in question was, in fact, “leaked” by Myanmar government civil servants who were appalled at their military leaders’ dealings with North Korea. Henham, presumably eager to appease Myanmar’s ruling circles, conveniently overlooked the fact that Myanmar’s military relationship with North Korea was a major reason why the US government decided to change its policy from one of isolation and sanctions to engagement, in order to persuade Naypyidaw to sever its links with Pyongyang.

Non-American pundits soon followed the lead of America’s think tanks in the wake of the apparent reform initiatives of 2011. Nicholas Farrelly, an editor of *New Mandala*, a pseudo-academic website based in Canberra, Australia, wrote in May 2012 that Thein Sein deserved the Nobel Peace Prize for initiating talks with ethnic rebels. Gwen Robinson, a former correspondent with the *Financial Times*, dubbed “Myanmar’s reformist president” Thein Sein as “the Listener-in-Chief” in an article in *Foreign Policy* in November 2013. She did not mention that she is one of the few foreign correspondents who have mysteriously had almost unlimited access to Thein Sein, travelling with him on upcountry trips.

Some academics in Germany, meanwhile, have been busy rewriting history as far back as the bloody events of 1988, when there was a nationwide pro-democracy uprising. Myanmar scholar Hans-Bernd Zöllner has questioned whether then dictator Ne Win actually said what everyone in Myanmar heard him say over the radio on July 23, 1988 — that the army would not shoot in the air but “straight to hit” if there were more demonstrations. In August, that’s exactly what happened, and thousands of people were gunned down by

the military when they took to the streets to vent pent-up frustrations with the country’s rulers. It was that massacre that led to the imposition of international sanctions and boycotts.

In a recently published book on Myanmar by the Nordic Institute of Asian Studies, Michael Lidaer of the Goethe University in Frankfurt writes about the previous election, held on May 27, 1990: “Immediately prior to the polls, SLORC [the junta, which called itself the State Law and Order Restoration Council] announced that it would only hand over power to a civilian government after a new constitution had been written. This process lasted for two decades.” That announcement actually came on July 27, two months *after* the election, when it was clear that the “wrong” party, Aung San Suu Kyi’s National League for Democracy (NLD), had won. On May 10 — that is *before* the election — SLORC chairman Gen. Saw Maung had said: “Our current aim is to hold the election as scheduled. We cannot as yet concern ourselves with [any] Constitution ... it is not our concern. A new Constitution can be drafted. An old Constitution can also be used after some amendments.” A few months earlier, on January 9, 1990, Saw Maung had even said, “we have spoken about the matter of state power. As soon as the election is held, form a government according to law and then take power. An election has to be held to bring forth a government. That is our responsibility. But the actual work of forming a legal government after the election is not the duty of the *Tatmadaw* [military]. We are saying it very clearly and candidly right now.”

GEOPOLITICAL REALITY

So what can one conclude from a sober analysis of the past four years? First of all, one can rule out the possibility that Myanmar’s generals have gone through a democratic awakening and decided to hand power to civilians. It is equally

far-fetched to assume, as several Bangkok- and Yangon-based Western diplomats have done, that high-ranking military officers have travelled in the region and seen how countries such as Thailand, Malaysia, Singapore and Indonesia have developed under freer economic and political systems, and, therefore, decided to introduce new policies at home. This argument fails to take into account that Myanmar’s generals and their families are the only ones who have always been able to travel abroad since the 1962 coup. So why should they now, suddenly, decide that they had to learn from countries they have visited regularly over the past half a century?

The answer is much more down to earth: geopolitics, and a realization among the ruling military that they will not be able to suppress and control the population by conventional methods forever. They want to maintain their grip on the nation, albeit in a shape and form that is palatable to the international community and more profitable for themselves. With sanctions having mostly been lifted, Myanmar has access to international lending institutions such as the International Monetary Fund and the World Bank. Foreign investment is also trickling in, if not at the level many observers had expected, as rampant corruption and bureaucratic hurdles have muted excitement. According to official statistics, trade with neighboring countries may be flourishing, but actual foreign direct investment (FDI) in Myanmar remains low and stood at \$259.6 million in April 2014, well below the average of a mere \$296.7 million per month since the start of 2012.

But Myanmar has managed to reduce its previously heavy dependence on China, and that was the main motivation behind the so-called reform program. Geopolitical concerns were also important for the West, especially the US. While paying lip service to democracy and human rights, Wash-

ington changed its policies because years of condemnation and sanctions had pushed Myanmar into the arms of the Chinese. US strategic concerns were outlined as early as June 1997 in a *Los Angeles Times* article by Marvin Ott, an American security expert and former CIA analyst. “Washington can and should remain outspokenly critical of abuses in Myanmar. But there are security and other national interests to be served ... it is time to think seriously about alternatives,” Ott concluded.

But the turn took some doing. The revelation in the early 2000s that Myanmar and North Korea had established a strategic partnership eventually tipped the balance in Washington. North Korea was providing Myanmar with tunneling expertise, heavy weapons, radar and air defense systems, and — it is alleged by Western and Asian intelligence agencies — even missile-related technology. It was high time to shift tactics and “engage” the Myanmar leadership, which at the time seemed bent on holding power at any cost, no matter the consequences.

At the same time, the Myanmar military was also worried about becoming too dependent on China. As early as August 2004, a classified, 346-page document entitled “A Study of Myanmar-US Relations” was compiled at Myanmar’s prestigious Defense Services Academy in Pyin Oo Lwin. It stated that Myanmar’s reliance on China as a diplomatic ally and economic patron had created a “national emergency” that threatened the country’s independence. Therefore, the report concluded, Myanmar must normalize relations with the West after electing a government, so that the regime can deal with the outside world on more acceptable terms.

The master plan suggested policy-makers were acutely aware of the problems that must be addressed before Myanmar can lessen its reliance on China and become a trusted partner with the West. The main issue in 2004 was the deten-

tion of Aung San Suu Kyi: “Whenever she is under detention pressure increases, but when she is not, there is less pressure.” While the report implies Suu Kyi’s release would improve ties with the West, the plan’s ultimate aim — which it spells out clearly — was to “crush” the opposition.

The dossier also concluded that the regime could not compete with the media and non-governmental organizations run by Myanmar exiles, but if US politicians and lawmakers were invited to visit the country, they could help to sway international opinion in the regime’s favor. During the years leading up to the recent policy shifts, many Americans, including some members of congress, visited Myanmar and often left less critical of the regime than they were previously. Those attitudes have more recently turned into euphoria. In May this year, Obama stated that “if Myanmar succeeds, we will have gained a new partner without having fired a shot.” By success, he was referring to “national reconciliation” and the country’s reform process, but with his “Asian pivot” in mind, it is not farfetched to assume that Myanmar’s drift away from China’s embrace was an equally if not more important factor.

MAJOR DISAPPOINTMENTS

But even if China is a major concern, it should be impossible for the US, the West and other democratic nations to turn a blind eye to recent reversals in what many had hoped would be a process leading to popular rule in Myanmar. The first disappointment was the refusal to amend the constitution to allow Suu Kyi to run for president. The 2008 constitution effectively bars her from assuming the presidency because her two sons are not Myanmar citizens. Then came a crack-down on the media. The editor and four journalists from a Myanmar weekly were given long jail sentences for reporting on what they thought was a chemical weapons factory. And while old-style

censorship has not been re-introduced, Myanmar seems to be following the “Singapore model,” slapping journalists with libel and defamation suits in order to silence them. Special Branch officers have visited several publications in Yangon, among them the well-respected *Irrawaddy*.

The Washington Post wrote in its July 6 report: “Burmese and foreign human rights activists worry that the government has slowed or even reversed its progress toward democracy. In his 2012 meeting with Obama, Thein Sein made 11 commitments to implement additional democratic reforms and human rights protections. But activists and US congressional leaders say his government has delivered on few of them.”

The *Post* mentioned as examples the pledge to reach a ceasefire in Kachin State, a predominantly Christian part of the country. “Since a ceasefire in the state fell apart three years ago, the Burmese military has burned churches and destroyed villages, activists say,” while villagers are reported to have been tortured. Then there is the question of the Muslims in western Rakhine State, who are known as Rohingyas and are not considered citizens of Myanmar. In 2012, tens of thousands of Muslims in that area were displaced after their villages were burned down by Rakhine Buddhists who thought Muslim men had raped a Buddhist woman. Muslims in other parts of Myanmar have also been attacked by mobs of machete-wielding radicals, while local authorities have done little or nothing to curtail the violence.

What can be done? While the outside world has criticized the unwillingness to change the constitution to make it possible for Suu Kyi to run for the presidency, she has herself been a disappointment to many. Her party, the NLD, captured 43 of the 44 seats they contested (out of 46) in an April 2012 by election, and she was among those elected. But since then, she and her NLD colleagues have done little to challenge, or even

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influence, official policies. She has refused to say anything about the war in Kachin State or the plight of the Rohingya, while people around her have begun jockeying for positions in what they believe will be an NLD-dominated cabinet following next year's election.

But even if the NLD gets the most seats in 2015, the 2008 constitution stipulates that MPs who become ministers or deputy ministers must give up their seats in the National Assembly, hence the need for the 2012 by-election to fill those vacancies. These officials also must "not take part in its party activities during the term of office." So, if Suu Kyi became, for instance, education minister after the 2015 election, she would no longer be a member of the National Assembly, and would not be allowed to work with or for the NLD. And that may be exactly what the military wants. She will be sidelined, and her role in modern Myanmar's political history would be over, at least for a time.

It is highly unlikely that the 2015 election will lead to a new era in Myanmar politics. The 2008 constitution ensures that there will be no drastic changes. The parliament and the government will take care of day-to-day dealings while the military can concentrate on its own affairs, above and beyond civilian control or scrutiny, at the same time retaining what amounts to veto-power over any constitutional changes that the civilians may desire. And now that Myanmar's government has gained international recognition and sanctions have been mostly lifted, it is re-asserting its grip after a few years of relative openness.

But one should not underestimate what is usually called "people power." Once the genie is out of the bottle, it is always very hard to put it back. The people of Myanmar have tasted freedom, and they will most likely resist any attempt to make the system even more authoritarian. Ongoing battles in the countryside led by people whose land has been taken away from them by the gov-

ernment and big corporations are a clear sign of this. Journalists are also becoming better organized and more vocal in their struggle for freedom of expression. Suu Kyi may have played out her role as leader of the country's pro-democracy movement, but there are others who are more willing to speak out against repression.

In addition, the rise of domestic businessmen and the influx of money from abroad have resulted in increased corruption — but that has also meant that the military is no longer the monolith it once was because most high-ranking officers have their "sugar daddies" in the new business community. And once that monolith has withered even further, it is not impossible that Myanmar could be facing an Indonesia-style scenario where the military eventually decides to distance itself from matters of governing.

All that takes time, however, and not even in the most optimistic scenario would Myanmar become a functioning democracy in the foreseeable future. But, at the very least, it is now possible to view the situation more realistically than was the case a few years ago. It is high time for the think tanks and other Western observers to take off their rose-tinted glasses and take a hard look at the realities of today's Myanmar. It is not a pretty sight, but then it never was.

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