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Civil Society in Burma: From Military Rule to "Disciplined Democracy"

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Executive Summary

1. Introduction

The research on civil society under authoritarian rule is limited which may in part be due to the assumption by many scholars that it does not exist. Yet this would be a mistake since history shows us that at times of crisis there is often a source of local aid or a resurgence of critical voices that have hitherto been forced underground. This paper will assess the nature of civil society in Burma, a regime emerging from authoritarian rule with lasting militaristic legacies and a real potential for future military influence and domination of political society (the institutions of government, elections, political parties, etc.). The behaviour and motivations of the Burmese military vis-à-vis civil and political society is useful for drawing observations relevant to the study of authoritarianism in Southeast Asia, especially where the military's influence is strong. The paper will examine how the military in Burma co-opted civil society, particularly important elements of traditional civil society that may threaten their own position in political society. In the Asia-Pacific region, these tend to be associated with traditional, religious, customary, and indigenous sources of power and legitimacy that may lie outside of the normal democratic institutional framework. While civil society is not always directed towards

2. Civil Society Under Military Rule

The concept of civil society is contested and its application to authoritarian regimes has been limited. Most definitions of civil society consider it to be the space between the private and the public, the state and the individual, where public organizations or associations independent of the state and the market voluntarily conduct their activities towards public ends. Diamond believes that one of these ends is to improve the political system and make it more democratic, and that civil society is different to political society in that it does not seek control over the state as would a political party.[1] This Tocquevillean or liberal-democratic (neo-Tocquevillean) view of civil society assumes that the state has a high degree of legitimacy and capacity for governance, and that civil society promotes democracy and builds trust.[2] The major alternative Gramscian view sees civil society as a contested space where deeply divided factions dispute the legitimacy of the state and compete not only to overturn state policy but also for state power.[3] According to Alagappa, although conceptually distinctive, in practise there is normally much overlap between civil and political societies, the boundary separating them is porous, and in these (authoritarian) situations civil and political societies tend to fuse.[4]

Civil society therefore is not always liberal-democratic, or even 'civil', and its composition will reflect the nature of the political regime.[5] Moreover as Lorch notes, vertically structured relationships or religious and ethnic cleavages in society as a whole are usually repeated in civil society.[6] In his study of civil society in Asia, Alagappa distinguishes three kinds of civil society—legitimate, controlled and communalized, and repressed—and situates countries like Burma in the 'repressed' category where the authoritarian state attempts to penetrate, co-opt, control and manipulate civil society thus forcing independent voices underground. Political and civil societies merge when dissidents take refuge in civil society to survive and to construct counter-narratives and networks that can be deployed when the opportunity arises.[7] One such example could be Aung San Suu Kyi's alliance with the *Sangha* (Buddhist monks) in Burma upon her various releases from house arrest prior to 2010.

The reasons for why some scholars claim that Burma was devoid of a civil society under military rule are obvious. Following their coup in 1962, the *Tatmadaw* (Burmese armed forces) clamped down on all social movements and introduced the National Solidarity Act prohibiting any political organizations apart from their own Burma Socialist Program Party (BSPP). This was reiterated in their 1974 constitution which created the grounds for indirect military rule under the auspices of the BSPP. Under the BSPP, Steinberg believes t ivi T ociet } , 8 Ő ŵ ʎ

seek to establish and expand the political space available for non-state actors.[13] Their study of civil society in Burma thus becomes a narrative of political opposition in Burma since colonial times which, while not unimportant, also conflates the efforts of apolitical independent organizations into a political struggle against the state. There is no question that in certain militarized regimes political society is dominated by the military to the point that the state and political society become one. However, that some important sections of civil society are co-opted by the state and that others choose to oppose the state to avoid co-optation and thereby become political does not mean that *all* sections of civil society in authoritarian regimes are politically organized.

It would be easy to conclude from these observations that civil society in Burma was murdered or that it has been "strangled"[14], particularly if one focuses on the restricted space for political opposition in Burma under military rule and the contrived success of the USDA-USDP. A more useful conception of civil society that would allow further exploration is based on Lorch's[15] adaptation of Ottaway[16] to contextualize civil society in terms of state weakness (i.e., where states fail to deliver positive political goods like education, health, infrastructure, etc).[17] Ottaway notes that in weak states *modern civil society*—comprised of secularised and formally organized groups such as non-government organizations (NGOs)—tends to be relatively weak; while *traditional civil society*—comprising mostly informal groups such as religious and ethnic organizations—can be relatively strong and provides a coping mechanism for state failure such as community-based schooling.[18] Thus by separating modern civil society from traditional we can see how civil society has operated in a militarized regime and how militaries have particularly tried to co-opt the traditional elements of civil society.

Modern Civil Society

The state's neglect of social welfare services in Burma, particularly under the rule of the SLORC-SPDC, created a space for local civil society organizations to operate in this area. While relatively few of these organizations were formally registered as NGOs, many were informal (unregistered) community-based initiatives.[19] Of these, we may distinguish modern civil society associations from traditional civil society, and they may be both formally and informally organized. Among the *modern civil society* associations we find community-based organizations (CBOs) and NGOs which have blossomed since the 1990s. The size and scope of civil society space, or the freedom with which these organizations were permitted to operate, varied in accordance with the state's ability to extend its power over their territory. Thus the space available for these groups to operate is far less in government-controlled areas than it is in the ceasefire areas, the latter having been dominated by ethnic civil wars since independence and quelled only through ceasefires negotiated by the SLORC-SPDC since 1989.

In government-controlled areas, CBOs provide humanitarian relief (food and health care), small infrastructure projects, community-based schools and teachers, and funeral help associations at the local or village level funded through local community donations. Above the village level, organizations performing similar functions in towns and cities may be required to register as an NGO—an act which may attract foreign donations but also risks the possibility of being co-opted by the state. CBOs and NGOs operating in government controlled areas focus on local welfare issues and remain apolitical partly to ensure their own survival. In the ceasefire areas, CBOs and NGOs focus on basic developmental needs and reconstruction of war-torn local ethnic minority communities. Some examples include the Development Support Programme in Mon State, and the Metta Development Foundation and Shalom Foundation that grew out of the Kachin ceasefire but have extended their operations elsewhere. Their development programs include disaster relief and food assistance, health care, community hospitals and nursing schools, sustainable agriculture, and farmer education for increasing rice production.[20] A survey in 2003-2004 found that some 214,000 CBOs were spread throughout Burma and that there were 270 local NGOs—almost half of these were located in Rangoon.

Almost half the CBOs and over 60

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Monasteries are also well-integrated with the local community and the *Sangha* have traditionally been involved with local development projects. In the ceasefire areas, Christian churches provide the welfare services, development projects and education, that the state neglects to provide. Community based schools and Christian colleges, often with linkages to international sources of funding, provide schooling in theology and some secular studies as well as English language. The state grants the churches a comparatively large degree of autonomy to operate in the ceasefire areas—possibly because church leaders have also acted as mediators in ceasefire negotiations—but the state limits any missionary efforts in Buddhist areas and in any case the churches are marginalised being a minority amongst the Burmese population and this limits their political potential as well.[24] From the above discussion it is evident that while civil society space in Burma was shrinking, civil society organisations were not dead or strangled. Moreover, the overwhelming majority of the civil

and support of *sayadaws* with a carrot and stick—those who resisted cooperating had their monasteries placed under surveillance and were often arrested, while those who were compliant received donations, gifts, and elaborate ceremonies granting honours and titles.

In 2007, the All Burma Monks Alliance (ABMA—an organization formed by a group of senior monks in response to the severe economic and social problems existing at the time) threatened the military with another religious boycott and called for peaceful marches in Rangoon, Mandalay and elsewhere. As in 1990, this threat was taken very seriously by the military since it had the potential to demoralize the Tatmadaw and questioned the loyalty of its rank and file soldiers and security forces, now almost entirely composed of Burman Buddhists. On the final days before the crackdown, an estimated 30,000 to 50,000 monks and nuns carrying overturned alms bowls were joined by the same number of civilians, many holding flags including the NLD and the banned All Burma Buddhist Monks Union. The monks that took part in the so-called 'Saffron Revolution' came predominantly from private monk schools and monasteries whose sayadaws had not been co-opted by the government. Their schools were abandoned following the crackdown and the monks fled to villages or across the border to avoid persecution. Although severely weakened since 2007, the Sangha's potential as a force for po3noknti(po)4(3n4 a70.5 535.nu>t2F(0003>-10<Eo)4()-70(for)-73(po)70(for)-73(pol)5(l)4( )-17

3. 'Disciplined Democracy' and the Military's Role in Political Society

It is evident that the military have taken steps to secure their reserve domains in, or at least their influence over, political society in the future. Burma is making the transition to 'disciplined democracy' or indirect military rule for the first time since 1974.[27] Prompted along by external influences and internal uprisings, the military followed its 'roadmap to democracy' and held its 13-year National Convention on a new constitution with hand picked representatives from the ethnic minorities. It created its own social organization along the lines of Indonesia's Golkar, and also converted the USDA into a political party (the USDP). In 2008 it held a referendum on their constitution which secures a permanent role for the military in the national and regional legislatures—one-quarter of the seats in both the lower house Pyithu Hluttaw or People's Assembly and the upper house Amyotha Hluttaw or House of Nationalities are reserved for the military, as well as one-quarter of the seats in the 14 state and division assemblies. And in November 2010, it held its first election in 20 years, securing a victory across the board and indirect rule for the next five years. The generals took no chances this time and kept Aung San Suu Kyi under house arrest (barring her from running as a candidate) until after the election was held. Her National League for Democracy chose to boycott the election on the grounds that the rules were too unfair—hundreds of its members and potential candidates were disqualified from running as they had served or were still serving prison sentences at the time of registration.

The first session of the new parliament (Pyidaungsu Hluttaw) concluded on 30 March 2011. On the same day the SPDC was formally dissolved and Thein Sein was sworn in, together with his two Vice-Presidents and 30 new cabinet ministers, 26 of whom were either retired military officers or former SPDC cabinet ministers. Gen. Min Aung Hlaing was appointed as the new Commander-in-Chief of the armed forces, a position that was believed to have been downgraded to a ceremonial role owing to the creation in the same month of an eight-member State Supreme Council (SSC), together with an 11-member National Defence and Security Council (NDSC). Although the creation of the latter was provided for by the 2008 Constitution, the SSC was a new, extra-constitutional body designed to guide the incoming Government and was to be headed by Field Marshal (Senior Gen.) Than Shwe, who would thus effectively remain the most powerful figure in the country. Other members of the SSC included President Thein Sein, Vice-President Tin Aung Myint Oo, former Vice-Chairman of the SPDC Senior Gen. Maung Aye and Speaker of the Pyithu Hluttaw Thura Shwe Man. The NDSC was to be headed by the President, and also to comprise the two Vice-Presidents, the Commander-in-Chief and Vice-Commander-in-Chief of the armed forces, and the Ministers of Defence, of Foreign Affairs and of Border Affairs.

The second sitting of the Pyidaungsu Hluttaw took place in August 2011 amid a more conciliatory tone towards the opposition. Meetings occurred between the new President, government ministers and Aung San Suu Kyi, including at a National Workshop on Reforms for Economic Development. This workshop, led by the President's economic advisor U Myint, raised a number of policy reform proposals including an easing of the laws on foreign investment and allowing private banks to deal in foreign exchange. In September 2011, the government invited the IMF to send advisors to discuss foreign exchange reforms. New laws were also suggested, including changes to the electoral laws allowing the registration of the NLD, laws allowing the formation of labour unions, and the overturning of bans on certain media and news websites. In October 2011, the government also declared an amnesty for and released thousands of prisoners; among these only 200 were believed to be prisoners of conscience.

Aung San Suu Kyi, who had been travelling outside of Yangon since her release, became eligible again to contest future elections in November 2011 when President Thein Sein signed the amendments to the Political Party Registration Law. The Electoral Commission accepted the NLD's application for re-registration as a political party in December 2011 and by-elections were announced for 1 April 2012 (these were to fill

4. Civil Society Under 'Disciplined Democracy'

There is precedent in Southeast Asia for what Khin Nyunt first called 'disciplined democracy' when the Burmese generals announced their roadmap in 2003. It was no secret that the generals admired the concept of *dwifungsi* in New Order Indonesia—which in practice assigned one-quarter of the seats in parliament to the military. If the Burmese military were to step down from directly ruling the country, any new constitution would likely contain the same guarantee for the Tatmadaw. Indonesia under Suharto provided an attractive alternative to direct military rule—a 'pseudo-democratic' regime.[28] Elections were held but they were uncompetitive, and the institutional mechanisms and the reserve domains would always produce a favourable result for the Golkar, Suharto, and the military. Civil liberties and civil society under Suharto were tightly controlled and repressed—similar to that under military rule in Burma. On the other hand, civil liberties under his predecessor, Sukarno, were still tolerated though elections were terminated in 1957 through the imposing of martial law. The 'guided democracy' that soon followed became inherently unstable as it did not allow for any electoral release—competitive or uncompetitive. Suharto thus lasted twice as long as Sukarno in power and it was during his last decade of rule that the Burmese generals

opposition will be an officially recognized one. Yet she also must work within the boundaries of the new constitution and many of the restrictive laws and regulations that remain in place. Added to these internal dynamics in the new Naypyidaw government is the near overwhelming problem of dealing with the ethnic minorities and their resistance to the government's plans of centralization. Since these groups should also be included in civil society under Burma's new constitution and 'disciplined democracy', some examination of their predicament may be helpful.

Civil Society in Ethnic Minority Areas

As noted above, the size and scope of civil society space, or the freedom with which CBOs and NGOs are permitted to operate, will vary in accordance with the state's ability to extend its power over their territory. The space available for these groups to operate is far less in government-controlled areas than it is in the ceasefire areas that have been dominated by ethnic civil wars. To date, however, the new government's plans for the ethnic minority areas, and the reactions that their plans have generated, are not encouraging for the prospects of an independent civil society in these areas. For several years the SPDC had reiterated its commitment to holding multi-party national, regional and local elections, and to changes in the ethno-political and military situation in accordance with the new constitution which were to take effect following the elections. Leaders of the ethnic political parties and ceasefire groups, already wary of the new constitution's provision to reserve 25% of the seats in the national and regional legislatures for the military, were also opposed to the 'unitary' rather than 'union' nature of government that would eventuate.

Moreover, in April 2009 the SPDC declared that all ethnic cease-fire groups would have to transform into new 'Border Guard Force' (BGF) battalions of 326 troops, including a component of 30 Tatmadaw soldiers and one Tatmadaw officer among its commanders. Many of the ceasefire groups resisted the order, including the Myanmar National Democratic Alliance Army (MNDAA) based in the Kokang region of Shan State. Tatmadaw troops were sent to the region to suppress resistance there and support a breakaway faction that had co-operated with its BGF order. Opinion among the ceasefire ethnic groups over the value of the 2010 elections was divided, as was their willingness to participate. Although some maintained their opposition to the elections, many argued that refusing to participate would result in their silencing at all levels, while others contended that participation, especially at the regional level, should be pursued but under new party constructs.

By the end of 2010, only five armed ethnic groups had agreed to join the government's Border Guard Force and to place their armed forces under Tatmadaw control. Subsequently, fighting broke out between government troops and many of the remaining ethnic militia groups. These groups included the Democratic Karen Buddhist

coalition member; and that no member would hold separate ceasefire talks with the Government.

In March 2012, President Thein Sein outlined the basics of the government's new three-stage 'roadmap to eternal peace'. The stages were first, to sign a ceasefire that brings an end to hostilities; second, engage in political dialogue and economic development, and work to eradicate drugs and to assimilate these groups into the state military and political framework; and third to work through the parliament to "amend the Constitution by common consent so as to address [the government, national races and all citizens'] needs".[29] The third stage would involve a meeting of all minority groups along the lines of the 1947 Panglong agreement. The government planned to complete the process by 2015, within the tenure of the parliament.

By mid-2012, it was difficult to see progress being made on stage one of the

Myitsone Dam was to be suspended. The suspension of the Myitsone Dam project supposedly followed criticism from civil society voices inside the country (including the ethnic groups most affected) and from environmental activists abroad. Its construction would have involved the displacement of thousands of Kachin and the flooding of their land. The 152-metre high dam in Kachin state was to be the first in a series of seven dams on the upper Irrawaddy which according to Chinese state media would produce a combined output of electricity that rivals the Three Gorges dam; most of this electricity would return to China. The Myitsone Dam project was a joint venture involving the China Power Investment Corporation (CPIC), the state-owned Myanma Electric Power Enterprise (MEPE), and Asia World. While relations with China appeared strained following the announcement, internally the decision was met with relief by those concerned about China's growing dominance in the Burmese economy. By April 2012, however, none of the more than 2,000 residents that were forcibly relocated to make way for the dam had received permission to return, and 200 Chinese workers remained at the dam site. Moreover, the CPIC president Lu Qizhou announced in the state-run *China Daily* newspaper that discussions with Burmese government leaders over the future of the project remained ongoing.[31]

5. Conclusion

Civil society in Burma may have been suppressed under military rule but it was not dead, 'murdered' or 'strangled'. This paper has shown that in order to examine how and where civil society operates under authoritarian conditions it is useful to distinguish modern from traditional civil society and, if possible, also distinguish areas that are beyond the

Notes

22 Myanmar Ministry of National Planning and Economic Development, *Guidelines for UN Agencies, International Organizations and NGO / INGOs on Cooperation Programme in Myanmar*, 7 February, 2006, online at <http://www.burmalibrary.org>.
23 "Prevented From Working, the French Section of MSF Leaves Myanmar (Burma)," *Press Release*, *Voices from the Field*, MSF, 30 March, 2006. Online at < http://www.doctorswithoutborders.org>.
24 Lorch, Jasmin (2008), "Stopgap or Change Agent? The Role of Burma's Civil Society after the Crackdown," pp. 45-46.
25 Lorch, Jasmin (2008), Ibid., p. 48.
26 See Matthews, Bruce (1993), "Buddhism Under a Military Regime: The Iron Heel in Burma," *Asian Survey*, vol. 33, no. 4. pp. 408-423.
27 Bünte prefers to label this a 'competitive authoritarian' regime. See Bünte, Marco (2011), *Burma's Transition to 'Disciplined Democracy: Abdication or Institutionalization of Military Rule?* GIGA Working Paper No 177, Hamburg: German Institute of Global and Area Studies.
28 See Case, William (2002), *Politics in Southeast Asia: Democracy or Less*, London: Curzon Press.
29 Jolliffe, Kim (2012), "Constitution Remains Key to Solving Ethnic Quagmire," *The Irrawaddy*, 21 March, 2012.
30 United Nations Office of the High Commissioner for Human Rights, "Statement on the Situation of Human Rights in Myanmar," 25 August 2011, Yangon.
31 "Restart for Myanmar plant" *China Daily*, 13 March, 2012. Online at: <www.chinadaily.com.cn>.
32 Chambers, Paul (2010), "Thailand on the Brink: Resurgent Military, Eroded Democracy," *Asian Survey*, vol. 50, no. 5, pp. 850, 857.
33 Steinberg, David (2012), "The Significance of Burma/Myanmar's By-Elections," *Asia Pacific Bulletin*, Honolulu: East-West Center, No. 156, 2 April, 2012.
34 Carothers, Thomas (2012), "Is Burma Democratizing?" Carnegie Endowment for International Peace, Q&A, 2 April, 2012. Online available at: <www.carnegieendowment.org>.