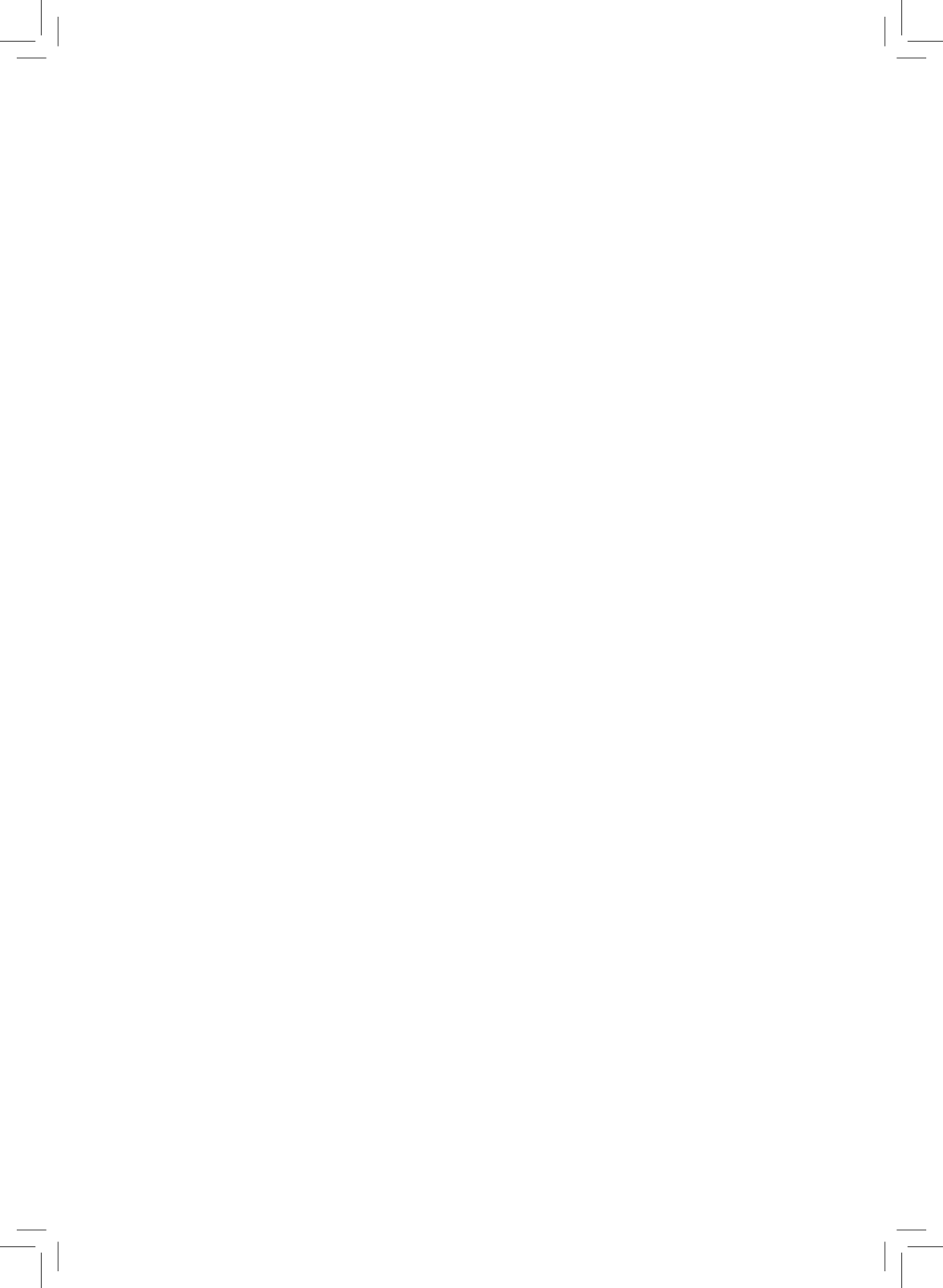




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and the Architecture of Civil
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Abstract

Myanmar has embarked on a political transition in 2011, a transition better described here as a transition to a hybrid system, with elements of democracy and elements of a military rule. Building on the existing literature on transitions, political crises, civil society, and political influence, the present article attempts to define what the role of civil society has been in this process. Using the author's concepts of a social stupa, in Myanmar, and of the "architecture of civil society-state relations", observed through various "points

of contacts" between the two, the author sets an argument that political influence is stronger in the points of contact at the top of the social stupa where the civil society elite meets political elite. In that sense, civil society leaders can be seen as groups that organically channel the voice of civil society to those in power. This perspective explains the strategy behind the Third Force, a group of civil society leaders that gained influence in the wake of cyclone Nargis in 2008 and had a significant impact on the political process, and officially or semi-officially became advisors to President U Thein Sein from 2011 to 2016. The article then argues that the NLD government has cut much of these ties, but that civil society-state relations have nevertheless been profoundly re-shaped in the last decade.

Keywords: Myanmar, transitions, civil society–state, social circles, political influence.

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“Nigeria became independent in 1960. In many ways I think it was auspicious, people were really hopeful, and for good reason. Things went down, mostly with the military governments. Things are coming up now, and it’s not just because we have a democracy. I think it’s also that we have a populace that’s more confident, more knowledgeable.”

Chimamanda Ngozi Adichie

Political Transitions, and the Transition in Myanmar

A rich literature has started to emerge on the political transition in Myanmar (Bünthe, 2016; Egretéau, 2016; Egretéau & Robinne, 2015; Lall, 2016; Mullen, 2016; Raynaud, 2016; Steinberg, 2014). While all

of these authors agree on talking of a transition, they immediately qualify it, explaining that what Myanmar has been experiencing in recent years may not be, as commonly understood, a transition "to democracy." All of these authors refer to civil society as being a key agent of change in this "transition" and to some of its leaders as being the influential figures in the ongoing process, at least directly before, and during, the years from 2011 to 2016 under the Thein Sein administration.

Bünthe (2016, p. 370) writes that "Myanmar's current liberalization represents the early stage of a protracted transition, in which oppositional forces, ethnic groups, and the military have started to renegotiate political power. ... Myanmar's liberalization, though begun as a top-down, elite-managed affair initiated by former generals, has incorporated a significant amount of discussion with members of parliament and nascent civil society.

This "discussion" between the state and civil society will be at the heart of the present article. As Bernhard and Karakoç (2007, p. 539) have noted: "successful democracies need to embed themselves effectively in their societies. This process has been referred to as the "deepening of democracy" or its "habituation."

For Mullen (2016, p. 20), "the road to the 2012 opening and ultimately the 2015 National League for Democracy general election victory likely pre-dates the Myanmar state itself". Furthermore, Mullen also tells us that "one can only guess at who or what ultimately brought Myanmar into a transition" (Mullen, 2016, p.3). In fact, "change in Myanmar came from above and below, through protests and engagement, from local and global forces,

from those who spoke out and those who worked in silence”, while “struggles for change were endlessly diverse as were the interests of those struggling” (Mullen, 2016, p. 5). Egreteau (2014) reminds us how the transition was planned, executed, and controlled by the military, from its inception to the present day, and that in fact it merely amounts to the military's "transferring" some its pre-2011 power to civilian, elected representatives, while retaining much of its policy influence (Egreteau, 2014, p. 260). Taylor had warned us that "The army will not only hold the ring; it will provide the referees, dictate the rules, and become a significant independent economic and political actor in its own right" (2009, p. 506).

Building on the existing literature on transitions, civil society, and political influence (as well as the author's research since 2002), the present article reveals the Burmese transition through the lens of civil society leaders' influence on the transition: the nature and depth of civil society leaders' political influence, in the last decade, since cyclone Nargis hit Myanmar on 2 May 2008. The questions involve how it has been exercised, how it fits in the work of civil society at large (what the author calls the "architecture" of the relations between civil society and the State), and how it has evolved between Nargis and August 2017 when the present article was written¹.

It is interesting to note, from the get-go, that the concepts of "transitions" and “civil society” have both been the

¹ The author wishes to thank, among others, Renaud Egreteau, Kim Jolliffe, Matthew Mullen, Dr Khin Zaw Win, all my former colleagues at Myanmar Egress, and the memory of Nay Win Maung and his continued legacy.

subjects of a surge in interest and academic production in the early 1990s, when the former communist states in Eastern Europe and Central Asia experienced “transitions to democracy”, with more or less comparable processes taking places in South-East Asia (the Philippines and Thailand first, and later Malaysia and Indonesia) and in Latin America. Almost immediately, these two concepts and the literature that had developed around them were then questioned by many scholars.

For all the criticism the fields of “transitology”, or “democratization”, have received (Bunce, 1995; Carothers, 2002; Dobry, 2000; Galbreath, 2012; Petsinis, 2010; Przeworski & Limongi, 1997)², the work of two of the authors who had made them so popular, O’Donnell and Schmitter (2013), remained humble in the face of a daunting task. As O’Donnell and Schmitter (2013, p.1) put it, their research was concerned with “transitions from certain authoritarian regimes toward an uncertain ‘something else’...” before defining transitions as “the interval between one political regime and another”.

If limited to this definition—limited to the understanding that “transitions” are not necessarily transitions to democracy—then certainly the process witnessed in Myanmar in the last decade can indeed be described as a “transition”. But a transition to what?

² Renaud Egretteau has provided much of the literature on “transitions” and “civil society” in this article.

A “Pacted” Transition?

The 2008 Constitution, while supposedly making Myanmar a "discipline-flourishing democracy," has indeed allowed for democratically elected representatives to lead the country in many areas. Nevertheless, the Constitution enshrines significant powers for the military in all branches of government. In this context, this author (Raynaud, 2016, p. 48) has talked of a “hybrid system,” “with elements of democracy and elements of dictatorship, with a strong role played by civil society and its leaders in particular.” Egreteau (2016, p. 4) tells of “a multiplicity of labels qualifying this post-SPDC political and constitutional system: ‘semi-civilian’ or ‘quasi-civilian,’ ‘hybrid’ and ‘transitional’ and so on.” (SPDC refers to the State Peace and Development Council, the name of the military junta that ruled Myanmar from 1997 to 2011, and that followed the SLORC, or State Law and Order Restoration Council, which ruled from 1988 to 1997—both councils led by Senior General Than Shwe from 1992 to 2011.)

Egreteau, who has qualified the political system prior to the 2010 elections as “praetorian” (Egreteau & Jagan, 2013), has referred to the current process as a “pacted” transition (2016, p.19). This concept has first been theorized in O’Donnell & Schmitter (2013) and also used in Bünthe (2016, p. 389) to describe the transition in Myanmar. As this article will try to demonstrate, a “pacted” transition does allow some influence from civil society leaders, as members of the broader ruling elite (Bernhard & Karakoç, 2007, p. 542). Egreteau (2016, p. 6) writes that “this process has ... largely been influenced by a revitalized Burmese civil society”. Lall (2016, p.6) argues that “civil society was and is key to the transformation and reform process since the start.” Callahan and Steinberg (2012, p. 4) conclude: “In

2011, a handful of key individuals and organizations used the fluidity surrounding the ostensible retreat of Than Shwe, the dissolution of military rule, and the emergence of new institutions to facilitate the "elite pact" between the former general, now president, U Thein Sein, and the military's long-running political nemesis, Aung San Suu Kyi".

Bunte (1995, p. 113) has showed the limits to the concept of "pacted" transitions as opposed to "mass mobilization" transitions. "If the communists—now ex-communists—continue to occupy important posts in Eastern Europe and if the media in most of these countries are still subject to undue control by the government in office, then is it accurate to argue that these regimes have moved on from the transition period to a period of democratic consolidation?" During the rainy season of 2017, as this article was written, two of the main topics in media headlines in Myanmar were section 66(d) of the Telecommunications Law (Nyein, 2017), which criminalized online libel, and the government's Civil Service Reform, which condemned corruption among civil servants in no uncertain terms. These two issues have showed how the old order had, as was noted in Eastern Europe by Bunce two decades earlier, not completely disappeared. President U Thein Sein himself, one year ahead of the 2015 elections, had said: "I would like to suggest that all political forces work in concert to ensure that the political transition will be smooth, that the 2015 elections will be free and fair, and that there will be a peaceful transfer of power" (Raynaud, 2014), hinting to a transition that would more easily classified as a pacted transition than a mass mobilization transition. However, in an interview he gave to this author in July 2017 (Raynaud, 2017b), 88 Generation Students leader Min Ko Naing said how he believed

the transition found its roots in the “Saffron Revolution” of 2007, indicating that he thought mass mobilization had indeed played a role in the Burmese transition. Myanmar scholar David Steinberg has underlined in 2012 (Steinberg, 2012) how all actors, including western nations, unduly “claimed success” in the face of a transition they had largely not anticipated. In other words, and while this author finds value in the distinction between “pacted” and “mass mobilization” transitions, he can only agree with Bunce in describing the processes of transitions as inherently more complex, with elements of both a pact and mass mobilization, and supports the view expressed by Mullen (2016) that a combination of such processes has caused the Burmese transition, the weight of each of those being impossible to determinate with any degree of certainty.

Lall (2016, p. 6) stated that: “It was the space created inadvertently by the military junta that first allowed civil society to occupy and define that space”. In that, Lall is supported by Matelski (2016, p. 173), who notes that "civil society actors in Myanmar are on the one hand bound by the restrictions they encounter from the government side, but on the other hand play an active role in shaping the structure in which they operate, influencing the social and political environment with their action". This author agrees (See Civil Society and the 2010 Elections, June 2009, available on my page on www.academia.edu) and also believes the role of mass mobilization, in the form of the self-styled “democracy movement”, should not be underestimated: “Many observers have tried to minimize the role played by this movement in bringing about change. I strongly believe that this shows a great misunderstanding of the social and political dynamics of Myanmar, just like the opposite view, that it is

sanctions and international pressures that have precipitated change does (Raynaud, 2017c).

The Sociology of Political Crises

Reading of Dobry's work (1986) helps to avoid three major risks he has identified in studying such political crises (and indeed among them "transitions") which he defines as "social processes which lead, or have the potential to lead, to a drastic modification in the functioning of political institutions, in the normal flux of political exchanges".

The first risk, not surprisingly, is to try and understand any given crisis without looking first at its historical roots, as if the past, whether the recent past or the distant past, had not directly led to the crisis studied. We have seen how Mullen (2016) had underlined the importance of a long-term vision, finding the origins of the transition in a very distant past, pre-dating the transition to the Myanmar State itself. Egretteau (2016), and before him Taylor (2009)—using transition meaning from that of 1987—has emphasized how the political process in Myanmar should at the very least be understood as having started with the writing of the 2008 Constitution when the National Convention first started its work in 1993.

Journalist Nirmal Gosh, has noted: "In a sense, the media may have missed the story, the real story, the big story, for many years because the regime was following its roadmap to democracy, and of course everybody was busy trashing the roadmap, and for good reasons: the military regime was incompetent, the cronyism and corruption, and the poverty of the country, the isolation of

the country. There was a never-ending list of these issues (Strait Times of Singapore, April 18, 2016). Nevertheless, they still followed the roadmap along the referendum and the Constitution they had. They even built this parliament. While everybody was laughing at Naypyidaw, I mean all of us were, we were all laughing at the folly of it all, building this capital in a country like this, these huge, posh buildings. But they were actually following this roadmap. They actually built a parliament. So I think we sort of missed it."

This is not to say that some specific events such as the Saffron Revolution, Cyclone Nargis, or even the Western sanctions, as well as the specific actors such as civil society, and in particular its better "connected"—in effective networks of military leaders—played no role in precipitating the transition. Nor that these had no impact. Indeed, the second risk identified by Dobry is to forget to account for the "tactical activity" of the various actors of a crisis. One, according to Dobry, must work towards understanding the role played by all actors as they confront and compete against one another. In doing so, Dobry insists on a shift in the theoretical interest towards what is happening inside these processes, in the "exchanges of political moves" from a more traditional historical and linear perspectives.

In other words, it would be as wrong to ignore the long-term process that led to the transition in Myanmar, as it would be to underestimate how much the process has evolved every time any actor has participated to it, in any way they may have done so. As Wilson (2014, p. 11) notes: "the reform process is neither smooth nor certain, and much uncertainty remains about the prospects for

implementation of policies, even where the will for genuine change exists on the part of at least some in the national leadership."

The third risk identified by Dobry is to mistake the historical importance of the point of view of the various actors on the crisis for elements of an analysis of the. The way the Burmese military, the democratic opposition, civil society, or western diplomats or activists see the Burmese transition is interesting not only in understanding them through their vision of specific events but also in understanding the competing readings of the transition. They disallow us though to understand the transition itself because such visions and readings are by nature subjective, biased and centered on each of these actors' very position from where they look at the process. As shown later in the present article, the questions of "What will new history books say? Who will get credit for the change in Myanmar?" (Mullen, 2016, p. 25) are critical. Moreover, the competition at this level itself helps to explain the political behavior of all competing actors, and in particular, the relationship between the NLD government and civil society leaders.

The Third Force in Myanmar

At this point, it is important to discuss what has been christened as the "Third Force" (Egreteau, 2016; Lall, 2016; Matelski, 2016; Mullen, 2016; Prasse-Freeman, 2012). For Mullen (2016, p. 48), the Third Force was "an informal group of local NGOs, CBOs, and political parties, as well as international academics, activists, and practitioners". In a conversation with the author, Mullen—the only

scholar to include western academics, activists and practitioners in the Third Force—added:

“Third Force means two things to me. First, it refers to the most prevalent network of political power in the country, in addition to the NLD's network and the military's network ... Second, Third Force, to me, implies a strategy of engagement. This may be changing, but for some time the Third Force network has had a pro-engagement, consequentialist identity ... This mix of positive and negative influence is not necessarily the fault of the Third Force. Rather it is a reality of engaging. Some of the projects/efforts will succeed, others will fail, and others will be manipulated. My feeling is that the Third Force's net contribution has been positive relative to the political process. I assess this by asking whether things would be going better if we were to take away Third Force initiatives. My answer is a resounding no" (Field Note October 2014).

Not all analyses of the role of the Third Force are as positive. Prasse-Freeman (2012, p. 393) writes:

"There are risks in the Third Force though. Promulgating a different mechanism for change, the Third Force subtly asserts that the entire oppositional political project should be abandoned and that a broad civil society sector (comprised of grass-roots and elite groups) should fill the void, collaborating with the state. This is short-sighted."

Chief among the reasons behind criticism of the Third Force, Robinson (2014, p. 6) notes that a number of analysts developed theories of a transition best explained by “a strategy based on a secret, second “roadmap” to lure foreign investment, gain international acceptance, build a thriving economy, and then rein in more liberal forces while reaffirming military supremacy.”

At any rate, as Mullen concludes while referring to Myanmar Egress, the leading organization behind the Third Force (Egreteau, 2016, p. 33; Lall, 2016, p. 22; Matelski, 2016, p. 134; Mullen, 2016, p. 50; Raynaud, 2016, p. 43): “Egress and others in civil society sought to bring reform-oriented individuals to the forefront and by all indications they did” (Mullen, private email 18 November 2014).

Egreteau (2016, p. 5) shows how throughout his presidency, “Thein Sein had the support of an entourage of Burmese experts, technicians, and academics—including dissidents returning from exile.” Egreteau (2016, p. 63) describes the role of civil society: “Its most prominent representatives have become powerful actors in a position to influence policy discourse around major issues and provide alternatives, although might be contested, solutions to the major challenges facing Myanmar.”

The present article tries to demonstrate how such an entourage came to be, how it changed the depth and the very nature of the transition, how civil society leaders were some of the most influential figures of the transition, alongside President U Thein Sein, House Speaker U Shwe Mann, and ministers U Soe Thane and U Aung Min (Field Note 2009-2014). Indeed, as Robinson (2014, p. 6) puts it:

“Despite challenges from various quarters including parliament, domestic business and opposition groups, Thein Sein managed to maintain his role as the central reformer, reaching out across the bureaucracy and civil society while overseeing numerous initiatives with the help of carefully selected advisers and ministers.”

Finally, this article explains why civil society, as a whole, has lost much of its access to the government since the NLD came into power in 2016 (Field Note 2017), having been seen, in the entire period from Nargis in 2008 to 2017, as a political opponent by the NLD and its allies, far beyond the individual leaders who worked closely with President U Thein Sein. In doing this, it will empathize the consequences of the NLD's choosing with whom it works, and whom it chooses to receive advice from, based on “loyalty”, and not on technical expertise. (While, as the many interviews I have done in Yangon in the first half of 2017 show, many activists who complained of this diminished access to Naypyidaw have actually voted for the NLD in the 2015 elections and would be more than interested in working with the NLD government.)

Civil Society, and Its Relations with the State

Writing on the role of civil society in a political transition presents two major obstacles. One is that if few concepts are as disputed as that of “transitions,” in a modern academic discussion, then certainly “civil society” is chief among them. Labie (2007, p. 7) describes civil society as an “operational non-concept” that is both possible to use practically and impossible to define theoretically. For

Chandhoke (2007, p. 607), "the idea of civil society has proved elusive, escaping conceptual grasp and evading sure-footed negotiation of the concept itself."

The other obstacle is that by nature, while the results of most decisions taken and actions performed by the State are highly visible, the political influence of civil society is impossible to scientifically measure.

In this context, this article will first define civil society, in general, and in contemporary Myanmar in particular, and the specific players in civil society who are studied, as well as their position in the "architecture" of State-Civil Society relations. This article will then evaluate the political significance of the actions of civil society leaders, seen, as will be demonstrated, as a "filter" and a primary communication channel between civil society at large and the government.

In doing so, this article will rely not only on the established and measurable results (the work of a civil society leader being used in a speech by the President or in the drafting of a given law, meetings between civil society leaders and ministers leading to observable actions, or their physical participation to meetings of the peace process) but also on perceptions from other political players, western diplomats, scholars, journalists and analysts. It is important to notice, as a first step, that the existing literature, as cited earlier in this article, clearly supports the general concept of an influential set of civil society actors in the transition in Myanmar.

However, this approach contains the risk to make the third mistake identified by Dobry, which is to mistake the perceptions

of various actors for elements of analysis. This point is where an important distinction is necessary to make: it is one thing to understand the role of some certain actors in certain social circles (Kadushin, 1968, p. 690). It is another to forget that these actors do not necessarily have a holistic view of the process. This is the mistake made, typically, by those discussing the role of the Third Force to underestimate the role of the democracy movement, human rights activists or western sanctions in bringing about change. Another mistake is made by those in the democratic movement and among those advocating for economic sanctions, who, seeing only their own contribution to the process, forget that other actors such as the Third Force with different, and sometimes opposite, strategies also played an important part in the transition.

Last but not least, this article builds on 15 years of field research by the author, including a number of years, from 2008 to 2012, at the very heart of the issue being studied as an analyst working for several of the civil society organizations and leaders identified in the literature on the transition in Myanmar.

Thus appears an important question: is there a clear line between academia and political advocacy, through the building of a political discourse, in the academic study of political processes, especially when academics directly engage in civil society work and base their articles and books on the work they have done in the field, as actors-cum- observers? This author does not think so. Taylor has noted (2009) how he has been blamed not just for a support to the military regime (prior to 2011) but also for having a direct responsibility in its survival. In that sense, political science is indeed science as understood in modern physics: an object is being modified

by virtue of being observed, an issue also addressed, while discussing her research on Myanmar, by Metro (2011, p. 126).

Certainly, when de Tocqueville observed and described "civil society" in "Democracy in America" in 1835, what he had in mind was not just to understand the United States.

De Tocqueville (1835) put it,

"One government would no more suffice to nurture and rejuvenate the circulation of sentiments and ideas in a great people than to lead all industrial enterprises. ... It is, therefore, necessary that it would not act alone. It is the associations which, among democratic peoples, ought to play the role of powerful individuals, which equality in conditions has made disappear."

It is noteworthy that the West, when the concept of "civil society" first appeared, was in a state to some extent comparable to Myanmar today. After centuries of domination by an undemocratic State (a feudal State in the West, and a feudal State followed by a colonial State, followed by a weak democratic State under heavy military influence, followed by a military dictatorship, in the case of Myanmar) (Raynaud, 2017d), democracy was either becoming an openly discussed political objective or in its infancy. Society and its intellectuals, in particular, were trying to find a balance between the political roles of the State and its citizens. This is a balance that, it would be easy to argue, has not been, and cannot, be found with any degree of perfection. In that sense, the questions arising around the definition and the role of civil society in Myanmar, in the last decade, are the questions de Tocqueville, Hegel, Marx, and others

were also asking. This article will argue that local actors, consciously or not, are largely coming to the same conclusions presented by these classical authors.

According to Boyte (2004, p. 59):

The concept of civil society first appeared in the eighteenth century. Scottish intellectuals such as Adam Ferguson, David Hume, and Adam Smith used civil society to describe the broad social and economic changes they witnessed around themselves. For Hegel, Boyte then goes on to write, "civil society was a kind of social space, the stage of difference which intervenes between the family and the state.

For Diamond (1994, p. 5),

Civil society is conceived here as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by legal order or set of shared rules. It is distinct from "society" in general in that it involves citizens acting collectively in a public sphere to express their interests (passions and ideas), exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. Civil society is an intermediary entity, standing between the private sphere and the state. Thus, it excludes individual's and family's life, inward-

looking group activity (e.g., for recreation, entertainment, or spirituality), the profit-making enterprise of individual business firms, and political efforts to take control of the state.

I disagree with excluding non-political mobilization from civil society. The leadership of a football club often needs to receive funds from local political institutions, as well as various authorizations, and develops specific needs it negotiates with elected and non-elected officials. Furthermore, non-political mobilization is, in most countries, legally conferred with authority, notably over minors, and in all these ways do participate in local democratic life. In that sense, mobilization is both involved in “recreation” or “entertainment” and in politics. Lastly, this is where the reference to football is relevant as such activities can, and are indeed often, be invested with political meaning in term of identity. This is true, for instance, with regards to nationalism, as anyone who has experienced a victory of the Myanmar national team can attest. The line between “spirituality” and politics is not always obvious either, as every observer of Myanmar has noted in recent years ... But I strongly agree with the idea that civil society is defined by a conscious will and by its actions, that the emphasis on “acting” and the conscious will that leads to the “acting” is vital in defining civil society.

I would rather, however, define civil society by what it is not. Building on the logic behind Diamond's definition above, it is not the State, nor the private sector, nor the media (a specific set of institutions at the crossroads of the political, the economic and efforts to be one voice for civil society), nor the citizenry (that does not always “act”), nor the population. It is any action or initiative

taken by one or several citizens outside the personal sphere, the State, the private sector, or the media.

To this article's author, the same individual can, in a single day, be a representative of the State, a member of civil society (if that representative of the State is the treasurer of a local football team, for instance), and perform various duties as a citizen and as a family member. Whether or not this is the topic of an academic debate, it is indeed the reality of millions of people every day around the world.

In Myanmar, this role of civil society, and other non-state actors, to counter-balance and complete the work and the actions of the government, and the importance for the State to recognize these actors as partners, has been best described by Jolliffe and Mears (2016, p. 2; Davis & Jolliffe, 2016, p. 2). For Jolliffe, the State is not, and “need not be,” the only provider of services such as education or health-care.

We will see later in this article how this need for civil society to fill in for the failures of the State has been a defining factor in the rise of civil society and its growing importance as a political actor.

This fact is in keeping with Diamond's words (1994, p. 7) that “a vibrant civil society is probably more essential for consolidating and maintaining democracy than for initiating it.” Indeed, Diamond adds that “Civil society can also be a crucial arena for the development of other democratic attributes, such as tolerance, moderation, willingness to compromise, and respect for opposing viewpoints.” Diamond then concludes by reminding us how

"freedom of association" may after having agitated society for some time strengthen the state in the end."

Civil Society Leaders as Counterparts to State Leaders

This article, however, will not describe the relations between civil society as a whole and the State as a whole. I have talked about the "architecture" of Civil Society-State relations. By this, I mean that as complex bodies, civil society and the State interact in a multiplicity of ways, at a multiplicity of "points of contact." When an NGO worker negotiates the organization of a training course with a local representative of the General Administration Department in a remote village, this constitutes one such "point of contact." When the leader of the same NGO discusses policies around the topics of her or his expertise with the relevant Minister in Naypyidaw, then this is not only another such "point of contact" between civil society and the state. I will argue that it is the other end on the same scale, with regards to the levels of political power at which each "point of contact" is situated, within the more complex architecture described above, and which is obviously not linear (since there is a multiplicity of ways civil society and the state interact).

Civil society leaders and political leaders, as well as the leaders of the private sector and those of the media, share a social space usually described as "the elite, the power elite, opinion leaders and ruling classes" (Kadushin, 1968, p. 688). As Kadushin notes that to understand what the elite is and, more importantly, who the elites are, one needs to question two concepts: power and group.

As an analyst with Myanmar Egress, I noticed an article entitled "Too Fast to Live, Too Young to Die" of 31 October 2011 and others including six circles of influence in Myanmar. (This Too Fast Too Live was originally a confidential paper circulated among politicians, diplomats, scholars, activists, and journalists—now available on a page on www.academia.edu). Having identified the first of these circles as being the government itself, I then stated that:

“The second circle is, I would argue, made of the presidential advisors, and what people used to call the Third Force, plus probably Aung San Suu Kyi. These are the people influencing and advising those in the first circle who are able to decide and enforce reforms. These about two dozens of civil society activists and scholars have gained tremendous influence in the last few months, most often unseen and unrecognized internationally, and even inside Myanmar.”

These about two dozen civil society activists and scholars are members of the elite, but they are also the most powerful and influential leaders of civil society. I have described "the Burmese social structure of Burmese society" as "a Social Stupa because of its pyramidal shape" (Raynaud, 2016, p. 37). This is in keeping with the observations made about the pre-colonial Burma by Koenig, who discusses that "the political role of elite groups in society prior to 1819" and describes "the structure of Burmese social thought" as "hierarchical" (1990, p. 45). Similarly, the sociology of Burmese society in the colonial era as observed by Taylor (1981) and Thann (2007, p. 28) confirms this analysis. One key specificity of the Burmese Social

Stupa, when compared to the structure of other societies, being what Egreteau (2016, p. 116, p. 121) refers to as "resilient clientelism and the personification of power."

This second circle of influence could, therefore, be defined as being made of a cross-section of the highest layers of the general social stupa in Myanmar society. This layer is also the highest layer in the specific social stupa of Myanmar's civil society, more specifically understood here as its broader "development" community. Matelski (2016, p. 393) has underlined these elites' "unique credibility to advocate the government." Prasse-Freeman (2012, p. 383), discussing the evolution of the political role of civil society, observes a "three-part political cycle, each part respectively led by what we can refer to as 'political opposition,' grassroots civil society,' and 'elite civil society.' Indirectly, Prasse-Freeman (2012) has explained, here, why this elite civil society has been, and is seen, as a political rival by the NLD.

This analysis has been pushed further by Mullen (2016, pp. 7-8) who has defined three "pathways that changed Myanmar": "contentious politics," "everyday resistance," and "reconstructive politics." We will get in more detail into this third category later in this article. For Mullen (2016, p. 54), "the aim of reconstructive politics is to create change by literally creating new space, relationships, and opportunities."

Nevertheless, I believe that from the perspective of President U Thein Sein and other "reformists" directly before and after the 2010 elections, these individuals met four distinct criteria: (1) Burmese, (2) experts in one or several of the issues considered for

political and economic reforms, (3) ready to help the government), and (4) not political threats since they were not and still are not involved in party politics (Field Note 2011).

If such civil society leaders are indeed members of the elite, they do represent, and especially in the context of these points of contact with the State, the voice of civil society at large, or the entire social stupa of civil society under them. It is essential to understand, here, that if this vision would not be accepted by the majority of actors in civil society, it is indeed the vision shared by those in power. By talking to civil society leaders, they do feel like they are indeed communicating with, and listening to, civil society (Field Notes 2011-2012).

In this perspective, it is enlightening to read Jaquet's (2016) or Matelski's (2016) description of the relations between civil society and the State. By looking "under" this layer "civil society elite," they do not observe a similar political influence of civil society.

The conclusion should not be that only the upper layer of civil society's social stupa carries the political influence. As my own observation, in the last few years, and indeed mostly in the last twelve months, the number of people whose opinion matters to the government, and who conversely feel they have some sorts of leverage over what the government does, has jumped from probably only a few hundred, if that many, to several hundreds of thousands.

In that sense, civil society leaders are the key communication channel between civil society and the state; they often serve as the de facto representatives of civil society with the government, but they do represent a more significant movement,

where people have a growing influence as one looks higher in civil society's social stupa.

Civil Society in Myanmar

Steinberg (1999, p.5) was the first scholar to argue that civil society, in Myanmar, could be traced back to the pre-colonial period. Authors such as Matelski (2016) or Jaquet (2016), as well as TNI & BCN (2011), have since made this argument as well. Matelski (2016) and Jaquet (2011) both have noted how the reality of what would today be defined as civil society, even in the narrower understanding of organized not for profit development work, has predated, by centuries, the concept itself.

Some scholars (Desaine, 2011; Fink, 2001; Jaquet, 2016; Matelski, 2016; Steinberg, 1999) have showed how civil society developed in colonial Burma in the first half of the twentieth century, and during the democratic period between 1948 and 1962.

Then, as Steinberg (1999, p. 8) famously wrote that “civil society died under the Burma Socialist Program Party (BSPP); perhaps, more accurately, it was murdered”.

In an interview, Dr Khin Zaw Win, a member of the Third Force and Myanmar's civil society, tried to balance this statement. To him, it is “too extreme” to say that civil society completely disappeared. Dr. Khin Zaw Win confirmed that between 1962 and what he frames as a “revival” of civil society in the 1990s, “the spirit was there ... in “many township associations, at the village level, informal social associations.”

In any case, and after 26 years of military domination, civil society made a spectacular come-back in 1988 (Fink 2001, Lintner 1990, Taylor 2009), during a popular uprising that lasted several weeks and that has largely defined intellectual and political life in Myanmar ever since.

A number of scholars and researchers (Desaine, 2011; Lall, 2016; Lorch, 2008; Matelski, 2016; TNI & BCN, 2011), like Dr Khin Zaw Win, date the “revival” of civil society, in Myanmar, to the middle of the 1990s. At any rate, when Cyclone Nargis struck on 2 May 2008, civil society was alive and well in Myanmar. As I wrote in an article in 2009 (Civil Society and the 2010 Elections available on my page on www.academia.edu): “All LNGOs and CBOs insist on this point: this movement has grown and spread and become more visible since Nargis, but it already existed before the cyclone.” As an interviewee puts in, the report “Listening to Voices from Inside” (Center for Peace and Conflict Studies (CPCS), 2009):

“Many people complain that there is no civil society in Myanmar. When Nargis happened, however, we could prove that there has been, and there still is, a civil society here. We have been saying exactly that for the last ten years. There is a space for civil society to occupy but we could not prove it. What we had been saying before Nargis about the space for civil society and the social capital has been proven.”

This claim shows two fundamental elements in the understanding of the political role of civil society in Myanmar in the last decade. The first is that an already existing, and vibrant, society

was present in Myanmar before 2008 that then grew significantly in its wake, in the context of an unprecedented, and spontaneous, response by the people of Myanmar, in the face of government incompetence. Desaine (2011, p. 50) as talked of an “opportunity for Myanmar NGOs”, before adding: “It is now a cliché in Yangon to state that the Cyclone Nargis tragedy also enabled the emergence of Myanmar civil society.”

The second is that the notion of an existing, and vibrant, civil society, was largely contested. TNI & BCN (2011, p. 2) have written, with regards to its 1997 conference on the topic of civil society in Myanmar:

The conference was controversial at the time, as most Burmese political groups in exile and some international organizations believed that an independent civil society did not exist in Burma, and that all actors in the country were under strict control of the government. For international Non- Governmental Organisations (NGOs) to work inside Burma in cooperation with local organizations was considered to legitimize the regime. Furthermore, organizations that claimed to be independent local organizations in the country were seen as pro-government.

Desaine (2011, p. 8), writes that

At first, exiled Myanmar communities and internationals (including Human Right lobby groups and governments) were suspicious of Myanmar NGOs, perceiving them as vassals of the state." "Only recently, the existence of

vibrant civil society has started to be acknowledged by some international analysts. This blossoming of NGOs is the result of a long process of maturation.

The sentiments between dissidents and civil society activists were mutual. I wrote in the same article in 2009:

Many, among the intellectual elite, and far beyond a small group of NGO leaders, are very frustrated by what they perceive as the NLD's lack of realism and its uncompromising attitude. To radicalism, they prefer pragmatism, and participation to change in society, even slow, mostly through work with NGOs.

The Rise of the Third Force

A few days after cyclone Nargis devastated the Irrawaddy delta, the (now known as) 2008 Constitution was “approved” in a rigged referendum (Egretteau, 2016, p. 25; Lall, 2016, p. 37; Taylor, 2009, p. 487).

The opening of “the space for civil society to operate”, in the post-Nargis context, the frustration, among civil society activists, with both the military regime and the opposition, and the upcoming 2010 elections, seen as “the only game in town”, were the basis on which a vision, a strategy, a movement, an organization, and ultimately a leader crystallized (Field Note 2008-2010).

As I wrote in 2009: “For (civil society leaders), these elections are “the only game in town”. If one considers, and civil

society members certainly do, that there will be no collapse of the regime in the foreseeable future, let's say the next 20 years, and that the only evolution will be the evolution of the regime and the evolution of civil society and its projects, then next year's elections are a very important event indeed. They feel like it is possible for them to identify potential candidates with ideas close to theirs, spread messages relating to the new political reality, help people understand the new constitution, and therefore constitutions in general, nurture links with elected politicians after 2010, prepare the next elections planned for 2015 even better and most importantly, offer positive perspectives to the most moderates inside the regime."

I have described (Raynaud, 2016, p. 47) how such civil society leaders started to regularly provide "white papers", or policy papers, to the government. Lall (2016, p. 28) mentions of 800 such papers sent to the government by Myanmar Egress alone.

This choice, to help the government rather than oppose it, has been described by Matthew Mullen as "reconstructive politics" (Mullen, 2016, p. 8), who notes that a "consequentialist stance" (Mullen, 2016, p. 48), defined "the pathway of the Third Force" (Mullen, 2016, p. 9).

Mutebi (2005, p. 141) has noted the great weakness and lack of capacity of the State and its agents, in the years leading to the transition. Thant Myint-U, a Burmese historian who would later become one of the presidential advisors discussed in the present article, wrote in his book "the river of lost footsteps" (2008, p. 208), while discussing the Independence movement of the early 1930s. "Burmese politicians were deeply divided, and for years, like today,

differences over tactics pre-empted or postponed any real debate on the substantive and often pressing issues of public policy” (Thant Myint-U 2008).

Between November 2008 and July 2010 (Field Note 2008-2010), a group of about two dozen civil society leaders and scholars, half of whom would then become presidential advisors in 2011 and 2012, and collectively seen as the leaders of the Third Force (in interviews), began to regularly meet in Bangkok, in a series of meetings described as the “Bangkok Process” (Lall, 2016, p. 24)

In these meetings were discussed a strategy and actions aiming at transforming the opportunities offered by the 2010 elections into a genuine transition to a more democratic system. Comparing the minutes to these meetings (the author has a copy of these minutes in August 2010) to the first year of reforms, in 2011, is to see how influential this group actually has been.

In the year leading to the 2010 elections, civil society leaders had hundreds of meetings with a number of powerful figures in the State apparatus, and those around them. They also worked closely with politicians to compete in the 2010 elections (Field Note 2009-2011). Khin Zaw Win insists on how civil society was “ahead” of political parties in this process, which explains the role of its leaders in building the capacity, the platforms and the strategies of these parties (interview with the author, July 2017).

They also began organizing training courses, most notably at Myanmar Egress (in which the author also taught). Mullen (2016, p. 73) quotes Nay Win Maung as having told him:

the idea is to plant as many seeds as possible. We want to flood the government, the UN, all the INGOs, all the local NGOs with promising young people who believe they can change the system. We want to find all the people who think that policies are worth the time and get them into the system.

But by openly supporting elections boycotted by the NLD, the Third Force and—to a large extent—civil society saw a gap widening between them and the opposition (Matelski, 2016, p. 212).

Civil Society Leaders as Presidential Advisors

In February 2011, after the names of the President (U Thein Sein) and Speaker of the House (Thura U Shwe Mann) had been announced, the leaders of Myanmar Egress had multiple conversations with them and their entourage to convince them a success (Field Note 2011). This was a key turning point in building a relationship in opening 2011 as Myanmar's political opening.

A journalist Shawn Crispin noted (seen at http://www.atimes.com/atimes/Southeast_Asia/MH26Ae01.html) the followings.

When Myanmar President Thein Sein made his ground-breaking March 30 inaugural address, where the former military general made an unprecedented call for good governance and counter-corruption reforms, the text of the speech was lifted from an op-ed published a month before in the local The Voice weekly newspaper. The author of the piece, Nay Win Maung, a policy wonk,

journalist and outspoken advocate for reform, is in many ways at the forefront of Myanmar's still uncertain transition from military to democratic rule.”

During the water festival, mid-April 2011, President U Thein Sein and his team spent two days working out a transition plan with two of the leaders of Myanmar Egress, Nay Win Maung and Tin Maung Thann (interview with Nay Win Maung in May 2011). Another meeting between Egress leaders and the President (also with Hla Maung Shwe and Kyaw Ying Hlaing) took place in Naypyidaw on 14 August 2011 before the historic meeting between President U Thein Sein and Daw Aung San Suu Kyi. On 19 November 2011, Egress coordinated the first meeting of what would become the peace process, with leaders of the KNU, the SSA/S and other groups.

In 2012 and 2013, a number of new institutions were created where Third Force leaders became, officially or semi-officially, advisors to President U Thein Sein. The National Economic and Social Advisory Council was made of 18 civil society leaders, scholars and business leaders, and included leaders from Egress, the Union of Myanmar Federation of Chambers of Commerce and Industry, and the Yangon Heritage Trust. The Yangon Heritage Trust itself, under the leadership of Thant Myint-U, had several members of NESAC, also members of Egress, on its board. The Myanmar Peace Center was created, and was ran, by the leaders of Myanmar Egress and other participants to the Bangkok Process, some of whom were members either of Myanmar Egress, NESAC, the UMFCCI or the Yangon Heritage Trust, or in the case of Tin Maung Thann, each and all of these institutions. The Myanmar Development Research Institute, that advised the government on economic matters, was

ran by Zaw Oo, a former exile who had participated to the Bangkok Process and was also a member of NESAC (Field Notes 2012-2013 when I worked for one of the members of NESAC, U Moe Kyaw, of MMRD, who was also on the board of the Yangon Heritage Turst, the UMFCCI).

When I interviewed dozens of experts, journalists, western diplomats, UN officials, and scholars as the most knowledgeable about the transition in late 2014, all of them answered, to two separate questions, and with no exception, that these institutions, and these individuals were “very influential” in the transition (interviews, 2013-2014). Robinson (2014, p. 18) writes of “informal and official advisory bodies and government-backed organizations: these include presidential advisory bodies and committees. Their influence stems from their sometimes substantial input into policies, draft legislation and the general reform process.”

The NLD Government and Civil Society

In November 2015, when the NLD government was elected, the hopes of the people of Myanmar, as well as the international community, were high.

But it became immediately clear that Daw Aung San Suu Kyi had no intention to keep on working with President U Thein Sein’s advisors (interviews with civil society activists, journalists, diplomats and scholars – 2017). As I have discussed in the present article, she, and the NLD, have long seen the Third Force as a political opponent.

I noted in a 2017 article (Raynaud, 2017e):

the NLD is now seen as having cozied up to the military and accepted its continued dominance, more than many of its supporters would have wished. At the same time, in an apparent paradox, the party has refused to “forgive” those who chose to participate in 2010 (especially those who left the NLD after it refused to compete), or those who were seen as too close to the Thein Sein administration. This, unfortunately, sometimes seems to extend to the entire civil society. The channels of communication, which were one of the key phenomena that defined the Thein Sein era, have largely closed down.

This view contradicts the vision of these civil society leaders, who saw themselves as helping the State, not those who controlled the State. Many of these activists in fact voted for the NLD in the 2015 elections, and hoped to be able to continue working with the State under the NLD leadership (interview in 2017).

However, Dr. Khin Zaw Win offers an alternative view (interview in 2017):

Many Third Force members became too close to the Thein Sein establishment. It should be pointed out that a number of them are businessmen (nothing wrong with that). They entertained grandiose plans which depended on the longevity of the semi-military regime. The USDP’s resounding defeat in 2015 was a verdict on both the

semi-military establishment and the Third Force advisers. In their close relationship in the halls of NPT they had lost touch with the populace. This was a grievous mistake and the same thing is happening now with the NLD.

Politics, however, are not the only reason behind what an activist called a “shut down” for civil society in its relation to the State. Prevented from participating to any collective action by the authorities and opposing the choices leading to civil society work, members of the opposition have very little understanding of the role, and the potential, of civil society (interview in 2017). A leading member of the NLD told in interview (early 2017): “I’m not sure what civil society stands for, but if they want to help us clean the streets, that would be useful”. In February 2017, when the Democratic Voice of Burma organized a debate on education reform, the NLD was unable to produce an expert able to discuss the National Education Strategic Plan officially launched by Daw Aung San Suu Kyi. Instead, a former advisor to President U Thein Sein, and member of the Myanmar Peace Center, Daw Yin Yin Nwe, who had directly participated to writing the NESP, represented the voice of the government (Raynaud, 2017a).

The de facto dissolution of the Third Force was built-in from its very inception. “Dissolution was seen by many in the Third Force as the goal. If this network of practitioners could effectively infiltrate the system and formalize around it, there would be no need for a “third” force; the Third Force would simply dissolve into the system” (Mullen, 2016, p. 73). I have made the same argument (Raynaud, 2017b): “Contrary to a widely shared opinion, the Third

Force did not disappear. The Third Force became the transition itself, and Daw Aung San Suu Kyi became its leader.”

In that sense, while the opposition tried, and succeeded, in taking control of the State, the Third Force, and indeed civil society, tried, and succeeded, in “re-shaping” the State (Khin Zaw Win, interview with the author, August 2017).

From a philosophical perspective, though, it could have been said that Civil Society, in Myanmar, has indeed reinvented the State.

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