

Myanmar Democratization Path: Role of Government, Reform Strategies and Arising Challenges*



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Abstract

This article mainly critiques whether Myanmar civilian government can bring the real changes as the people expected. As the more unstable conditions are frequently occurred, Myanmar democratization path led by Aung San Suu Kyi seems as complex and fraught. In addition, there are a variety of inevitable challenges — the potentially volatile Rakhine State, the ambitious untimely launch of 21st Century Panglong Conference, and the inherited unsolved problems such as land disputes and Myitsone hydro-power project. In the public sector agenda, the government's reform strategies seem like the stroke-of-the-pen ones which could not add any additional contents in the scheme of the former quasi-civilian government. This is because most of the executive authority concentrates on the shoulders of State Counselor and it unlikely seems towards the more fragile state without any efficient legitimacy, and check and balance of power. The government should adept the national strategies with clear indications of policy positions, and find the relevant solution through accommodating the cooperation and consultation for entire ethnicity agreement and long-lasting peace building. For establishing national prosperity, the government needs to undertake the soft launch of the constitutional reform through negotiating with the military.

Keywords: Myanmar; Constitution; government; democracy; election; change; military; NLD; USDP

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Introduction

Due to its landslide victory in the 2015 November election, National League for Democracy (NLD) party took the office on 30th March 2016. It is the great event in Myanmar political history because it is the first time of transition from military dictatorship to the civilian government for more than 50 years. People hope that NLD government could reveal changes for the nation and people. This huge expectation with the full weight of demands turns to the severed pressure for the newly young government, however (International Crisis Group, 2015). Surprisingly, power transfer process smoothly accomplished without any violent evidences (Weng, 2016) that need appreciation to the former President U Thein Sein. This is because he set up the committee to facilitate power transfer and instructed each Ministry to prepare a detailed document including main priorities and achievements during his tenure. It seems the horizon of Myanmar politics bringing the positive effects without violence in using weapons to fight but the negotiation, mediation and compromise (Barahona, 2016; Pansang, 2017).

Now term of the NLD government is over one year old, however, people do not see any distinctive improvements both in service delivery part and in creation of policy improvements. This article seeks therefore to contribute a better understanding to the NLD assessed from the source of its landslide victory.

Why NLD government won in 2015 Election

The NLD won 77.9 percent of the 327 seats in the Lower House (*Pyithu Hluttaw*) and 80 percent of the 168 seats in Upper House (*Amyotha Hluttaw*) whereas USDP won 9 percent in the *Pyithu Hluttaw* and 7 percent seats in *Amyotha Hluttaw* respectively (Thawngmung, 2016). Most of the people had already predicted that the NLD party could win, however, the huge gap of poll percentage between two major parties makes surprising for everyone. Why and how does it become?

First, the military took control with the authorized power and threatened to the people so that most of the people endured severe suppression for over fifty years. In the 1990s and 2000s, the Union Solidarity and Development Party (USDP) usually took the upper hand at all levels not only in economic sector but also in political and social matters. During that period, the military has constructed self-defense policy strongly rooted to the civil service

world and administers with bureaucratic model. In this regard, most of the people including civil servants have no longer trust to the military (Huang, 2013).

Although President U Thein Sein could show some significant advancements such as release of many politicians including Daw Aung San Suu Kyi and suspension of Myitsone hydro-electric dam project (The International Institute for Strategic Studies, 2011); mindset of the people do not change to vote his incumbent party - USDP. In addition, they have known about the strong and close relationship between USDP and the military (International Crisis Group, 2015). On the other hand, some candidates from the NLD party do not have enough qualifications and experiences; however Myanmar people vote them regardless of any religion, age and diversity (Thawngmung, 2016). Most of the electoral candidates cannot compete to the highly influenced power of NLD party because Daw Aung San Suu Kyi herself sacrificed over 20 years standing at the opposing side along through the military regime. Therefore, even the high-profile individual candidate Dr. Nyo Nyo Thin lost in 2015 election (Coconuts Yangon, 2015).

During the election period, civil servants were strictly banned not to wear shirts, caps or anything else stamped with both parties. By Election Day, civil servants did not wear any green or red colors as the representative colors of these two parties because they must be neutral and free from party politics according to Article 10(g) of Civil Services Personnel Law. For time being, the government of Myanmar has demonstrated sustained commitment to initiating the process of modernizing and enhancing the productivity of its public sector.

The First Civilian Government-NLD and its set-up policies

At the outset, the government cut the numbers of Ministries from thirty six to twenty one. It now comprises of twenty two Ministries because Ministry of the State Counsellor Office has been formed based on the new position of the State Counsellor. NLD government did not appoint Deputy Ministers for all Ministries (Lwin and Thant, 2016), thus most of the people highly appreciated it as a reasonable and timely manner of government. They uttered that they could choose the right government for the State. In addition, this undertaking has revealed the betterment and prosperity by reducing the public expenditures that can be used for such important sectors as education and health care.

After taking the government seat by the NLD party, the first proposal in Parliament is the bill to appoint Daw Aung San Suu Kyi as the powerful post of State Counsellor that allows her the great role like de facto leader of the State (Thant, 2016). Due to most of the seats in both Parliaments dominated by the NLD party, that bill can easily be passed ahead in spite of being boycotted of the military (McLaughlin, 2016). On 6 May 2016, President submitted to the proposal that establishes Ministry of State Counsellor Office to the Upper Parliament with the reason for gaining momentum to implement such processes as State's peace building, national development and other emergent domestic affairs (Ministry of Information, 2016). In reality, the State Counselor position has authority to control the legislative and executive powers likened as Prime Minister (Holmes, 2016), thus, some people worry her to become over-power use due to her autocratic tendencies (Thant, 2016). This is because she had already committed that she would be "above the President" since the prior to 2015 election (Beech, 2015). Upon her utterances and creation of her power attributions, some pointed out that she is against the constitutional provision (The Straits Times, 2015) and prioritizes her personal authority rather than the national strategies (International Crisis Group, 2016). Indeed she has committed multiple roles both by creating new position of State Counsellor and by undertaking key positions and chairs of a variety of high-level committees (Gowen, 2016). Subsequently, some policies and decision making processes have slow progress. Some critics argued accordingly Myanmar has slightly changed system from "illiberal pluralism" to "liberal authoritarianism" (Sein and Farrelly, 2016).

In reality, cooperation could support to become the rightness of decisions in decision-making process. Looking at the former President U Thein Sein's political tendency, he cooperated with eminent Myanmar citizens who are the previously-exiled pro-democratic activists and former employees of international organizations (Hook, Than, and Ninch, 2015). The NLD itself pledged to implement "real changes" including the infrastructure building and reinvigorating the farming sector in its proposed policy platform (NLD election manifesto, 2015). Hence, some Myanmar affair watchers encourage the NLD government to address the past and ongoing land seizures by passing new law or amending previous law which set priorities for the protection of human rights.

On the other hand, most of the Myanmar people expect to improve foreign investment because it leads to rise of job creation. However, the pragmatic problems are

still prevalent because of the inefficient infrastructure and power supply. Myanmar is now too much dependent on foreign assistance due to the incapability of technocrats and human resources (Lennard, 2013). This is because job opportunities cannot create and salary is still low meanwhile the government hesitates to contribute economic development. Indeed, the government less emphasizes on the economic policy landscape that needs to base on two fundamental threats of peace process and state capacity (Jolliffe, 2015). Without meeting to these threats, degree of government's success will be almost uncertain to achieve (International Crisis Group, 2016). Nevertheless, the role of Myanmar civil service takes the important role because they are implementing the government's policies and effective service delivery. In this regards, the government should emphasize on civil service reform to implement its guidelines efficiently.

Civil Service Reform

The civil servants are the driving force behind the transformation of the public service institutions enabling to shape the government's administration. To meet the needs of a complex transformation, the new government should systematically manage to all layers of civil servants. It needs to adjust for short and long term goals; however, it may face side effects of the policy changes due to the entrenchment of the civil servants as the deep role in implementing the government's guidelines (Maung, 2016). Furthermore, most senior levels in Myanmar civil service are ex-military officials deeply rooted in each and every ministry; meanwhile, the NLD government has limited experience in administration. Accordingly the NLD government should consider how to undertake the reforms and how to set up policy closely with the grounded situation through consulting and listening to the people's voices.

As the quick win activities of new government, all ministries excluding Ministry of Defence show their plans entitled "100 days agenda" which started on 1st May 2016. Yet, most of these plans hand over the previous government without any additional contents of policies (Sein and Farrelly, 2016). On the other hand, people do not receive good service delivered by the government because most of the people residing the States and Regions. Thus, the central government needs to consider how to delegate the power to local levels (Hook, Than and Ninh, 2015). These policies and implementing projects are actually critical to be beneficial. As such, government's plans should tend to the insights of changes

to be recovered partially or wholly for the effectiveness of the country and how to implement by cooperating of the legislative and executive branches (Lee and Whitford, 2009).

To create the meritocratic practices and equal opportunities within the civil service, policies and systems should drive with the client-orientated culture. More specifically; laws, rules, directives and procedures should be reviewed. The government should pay more attention to ensure the necessary support and further restructuring, as well as oversight and accountability mechanisms to take hold and succeed in long term. The NLD government stated that establishment of the State and Region governments is an important contribution for strengthening federalism towards the effective and responsive governance and sustainable peace settlement (NLD election manifesto, 2015). However, it remains how to tackle the service delivery in States and Regions. In addition, three key ministries — Ministry of Home Affairs, Ministry of Defence and Ministry of Border Affairs still remain under the direct control of military. In this context, the civilian government is difficult to overcome the military's influencing power in executive branch (International Crisis Group, 2015).

Another problem within Myanmar civil service is the domination of bribery and corruptive actions at individual and/or organizational levels (Myint, 2016) due to low salary and weak compensation system. At the beginning of its term, the NLD government took efforts to combat corruption issued the “President's Office Guidelines on Accepting Gifts' Guidelines” including 9 points (Tha, 2016). Later on, the government less emphasized on this issue so that it becomes widely prevalent again. Therefore, the government needs to consider how to perform for the long-term effectiveness with timely manner. This is because sometimes the government's activities can be seen as an untimely manner, for instance, holding the 21st century Panglong Conference.

The 21st Century Panglong Conference

The NLD government has started the reconciliation process earlier in its tenure. Reconciliation indeed needs for the sustainable democracy and protection of human rights (Sripokangkul, 2015), however it is now untimely because most of the ethnics are not agreeable to participate in that political peace dialogue (International Crisis Group, 2016).

The distinctive feature of this conference is more inclusive associated with non-signatories. Yet, Myanmar reconciliation process faces many challenges because there are a lot of different fragmentations of armed groups with different aims and diverse interests, and having no unitary among these groups (Blažević, 2016). Although the government stated that the 21st century Panglong Conference has been positively received, there is no outcome (Dolan, 2016).

As such, the NLD government should reevaluate its priorities, streamline decision-making, build the trust with and between ethnics, and develop a visionary strategy for dealing with Rakhine state that ensures security and equal rights. In addition, the government requires solving such inherited unresolved problems from the former government as Buddhism-Muslim conflicts in Rakhine state and other ethnic armed conflicts (Pierce, 2015). If not, Myanmar cannot walk on its democratization path and the role of government will be drained with the loss of people's support, and both of the inherited and newly unseen challenges become arising in future.

Unstable Rakhine State and Myitsone Dam Project

The Myanmar public continues to hold a profound grudge about Rakhine state affairs and Myitsone dam project as the alert vigilant oppositions associated with the emotional and political factors involved, as well as the sensible conversations about the pros and cons of these two issues can be safely ruled out. Both issues touch upon some of the most sensitive nerves in Myanmar's domestic politics and have major implications for the country's delicate relations with international community and its neighbor to China (Sun, 2016).

In fact, Rakhine state has been split on religious grounds since bouts of communal violence tore by killing scores and forcing tens of thousands to flee in 2012 (Holliday, 2014). These violations are spreading to the central part of Myanmar in 2013. Anti-Muslim sentiment associated with nine-six-nine movement is strong among Myanmar people (Reuters, 2013). Most of Myanmar people totally deny Muslim people to become Myanmar citizens referring to the 1983 consensus despite international pressures to grant citizenship for those people (Carroll, 2015 and Lee, 2014).

The 9 October attacks on the security forces have rendered an already volatile situation in Maungdaw district bordering on Bangladesh that much more fraught (Quinley, 2016). Following an attack, the Myanmar army closed off the region and declared it under military operation. The attacks and violent response generated reports of widespread abuses of civilians (Aung, 2016). The State Counsellor's Office formed an advisory commission on Rakhine state led by former UN secretary-general Kofi Annan to resolve healing religious divisions in it (International Crisis Group, 2016). Concerned to this matter, people criticized that it is hard to believe in a foreigner to lead the domestic affairs (Naing, 2016), meanwhile, the international community pointed out the unchanged hardline attitudes of military and ethnic Rakhine leaders toward the Muslim community in Rakhine State (International Crisis Group, 2017). Therefore, it seems a bit defames of NLD government among the people and damages Daw Aung San Suu Kyi's international standing position (Galache, 2016). Another problem for NLD government is Myitsone (*Confluence*) hydro-electric power project left behind by the military government.

In 2011, President U Thein Sein as his government's quick win activity suspended the Myitsone dam construction (Beech, 2011). The dam project is a joint venture between the China Power Investment (*now renamed State Power Investment*), Ministry of Electric Power, and the Asia World Company. However, this project causes controversy in country owing to its large flooding area, environmental impacts and so forth. On the other hand, Myanmar people regards Irrawaddy River as the origin of Myanmar civilization and Myitsone project represents growing Chinese influence in Myanmar (Wikipedia, 2017). In reality, China had already extended its economy to Myanmar government during last two decades.

No matter how Myitsone dam construction is as suspending situation. So, this issue remains a sore subject for Myanmar society and Sino-Myanmar relations (Sun, 2016). During its term from 2016-2021, the NLD government must respond with specific decisions concerned to this project. When Daw Aung San Suu Kyi's first official engagement hosted Chinese Foreign Minister at her office, China had pushed hard to ensure Myitsone dam construction. She replied that she had not yet studied in details (Dinmore, 2016) because this matter is the agreement between China and military government. Indeed the military's influence is still very huge in all pillars of the State administration, thus, Myanmar democratization path mainly depends on how the government negotiates with the military.

Government-Military Relationship

The military parliamentarians strongly opposed the bill of State Counselor as the personal intention. As most of the Parliamentarians are from NLD, they could largely influence on legislature. In addition, the NLD government appointed all members of Constitutional Tribunal without any consultations so that the military felt unlikely to build the formal legislature. Therefore, the military accused the NLD party as “democratic bullying” by the majority and without consideration proposed by the minority (Lwin, 2016).

The relationship between Daw Aung San Suu Kyi and Commander-in-chief Min Aung Hlaing is difficult to be seen clearly. In spite of being made the first-ever one-on-one meetings between them, there had not been any announcement of contents under these discussions (International Crisis Group, 2016). Actually, for the achievement of her government, military is very reliant because the military initiated self-reform in line with transition particularly to participate in peace process and other domestic affairs. The military still directly or indirectly influences on Myanmar political stage (Croissant and Kamerling, 2013) because Myanmar still faces the long lasting ethnic crisis and the civil war. Whenever Myanmar people heard the unstable conditions within the country, they worry to happen again like the 1962 military seizure and the 2014 coup d'état in Thailand. In fact, success in everything from peace process to police reform and further political liberalization depend on the cooperation with the military (International Crisis Group, 2015) because military retains not only in executive power with the control of defence, home affairs and border affairs but also in legislature with the twenty five percent seat according to the Constitutional legitimacy.

Constitutional Reform

Myanmar Constitution has been enacted for 3 times in the years of 1947, 1974 and 2008 respectively. The existing 2008 Constitution was drafted by the military and approved under the military regime (Jones, 2014). All people have perceived the Constitution as the concrete survival of military for extension of its power. In order to amend the Constitution, the Parliamentary members' voting needs at least 70 percent, however, twenty five percent unelected military parliamentarians hold veto power (The International Institute for Strategic Studies, 2015). In addition, the military has grand power that nominates one candidate for Presidency.

The Constitution's clause 79 (f) cannot admit Daw Aung San Suu Kyi to be President because her late husband, two sons, daughter-in-law and grandsons are the British citizens (Din, 2015). No matter how the constitutional reform should bring through consulting with the military for the fundamental foundations of nation's prosperity such as rule of law, equity, inclusiveness, human rights and a handling instrument to all branches of administration.

Conclusion

The NLD government could not launch constructively at their initial steps — from national reconciliation to spurring economic development; from Rakhine State affairs to civilian-government-military relations. This is because all of these fronts concentrate on the State Counsellor's shoulders that cause slow decision making stemmed with a failure to appreciate complexity in detail processes. The government should take no longer silence in Rakhine State Affairs and Myitsone dam project because they lead to create other problems and strike to the on-going peace process. Therefore, how to tackle the domestic affairs for concrete foundation of the national reconciliation determines ensuring some certain results for both sides. For the success of national peace, the NLD government should try to accommodate all-inclusive decision making through consultation. Although over one-year is early to criticize the government process, it can be seen more clearly when its term comes to reach two years or more. Hence, this current situation is the test for NLD government that should enable the review and lessons learned from its path.

From this time on, the NLD government should launch its every activity carefully for future. If the government could not show betterment of its administration process, there will be lost public credibility and admiration. Harmonizing with what is the appropriate political situation in practices, the government should launch with its privilege rooted to democratic values that aspire the protection rule of laws, human rights, stability of political peace and flourishing country. More importantly, the government should notice that same desire of every citizen does not turn back from democratization path. To build the positively constructive changes met with people's desires, the consultative approaches and ability to delegate as the most appropriate ways of reform strategies could lessen arising of unseen challenges, and shape the Myanmar democratization path.

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