

# Griffith Asia Institute

---

## Regional Outlook

CIVIL SOCIETY IN BURMA: FROM MILITARY  
RULE TO "DISCIPLINED DEMOCRACY"

Stephen McCarthy

# Griffith Asia Institute

---

---

## Regional Outlook

Civil Society in Burma: From Military Rule to  
“Disciplined Democracy”

Stephen McCarthy

## About the Griffith Asia Institute

The Griffith Asia Institute produces innovative, interdisciplinary research on key developments in the politics, economics, societies and cultures of Asia and the South Pacific.

By promoting knowledge of Australia's changing region and its importance to our future, the Griffith Asia Institute seeks to inform and foster academic scholarship, public awareness and considered and responsive policy making.

The Institute's work builds on a 41 year Griffith University tradition of providing cutting-edge research on issues of contemporary significance in the region.

Griffith was the first University in the country to offer Asian Studies to undergraduate students and remains a pioneer in this field. This strong history means that today's Institute can draw on the expertise of some 50 Asia-Pacific focused academics from many disciplines across the university.

The Griffith Asia Institute's 'Regional Outlook' papers publish the institute's cutting edge, policy-relevant research on Australia and its regional environment. They are intended as working papers only. The texts of published papers and the titles of upcoming publications can be found on the Institute's website:  
[www.griffith.edu.au/business-government/griffith-asia-institute/](http://www.griffith.edu.au/business-government/griffith-asia-institute/)

'Civil Society in Burma: From Military Rule to "Disciplined Democracy"', Regional Outlook Paper No. 37, 2012

## About the Author

### **Stephen McCarthy**

Stephen McCarthy is a member of the Griffith Asia Institute and senior lecturer in the Department of International Business and Asian Studies at Griffith University. His research interests include political theory and the comparative politics and international relations of Southeast Asia, and more generally the Asia Pacific region. He is the author of a book and numerous articles and chapters on Burmese politics. He is currently researching on political stability and modes of governance in Asia.

# Contents

Executive Summary.....	1
1. Introduction .....	2
2. Civil Society Under Military Rule .....	3
Modern Civil Society .....	4
Traditional Civil Society .....	5
Co-optation of Traditional Civil Society .....	6
3. 'Disciplined Democracy' and the Military's Role in Political Society .....	8
4. Civil Society Under 'Disciplined Democracy' .....	10
Civil Society in Ethnic Minority Areas .....	11
Rhetoric vs Reality .....	12
5. Conclusion .....	14
Notes .....	15

# Executive Summary

---

---

The research on civil society under authoritarian rule in Burma is limited partly due to the assumption by many that it does not exist. Yet history shows 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. The nature of civil society in Burma has been influenced by a legacy of military rule which transformed political society. By distinguishing modern civil society from traditional allows one to examine how the *Tatmadaw* co-opted civil society under direct military rule. This became particularly important when elements of traditional civil society threatened their own position in political society. Whereas modern civil society is comprised of secularised and formally organized groups such as non-government and community-based organizations (NGOs, CBOs and INGOs), traditional civil society comprises mostly informal groups such as religious and ethnic organizations. Further, the size and scope of civil society space, or the freedom with which these organizations are permitted to operate, varies in accordance with the state’s ability to extend its power over their territory. Thus the space available for these groups to operate was far less in government-controlled areas than it was in the ceasefire areas, the latter having been dominated by ethnic civil wars since independence.

The military have taken steps to secure their reserve domains in, or at least their influence over, political society in the foreseeable future. Burma is making the transition to ‘disciplined democracy’ or indirect military rule. Prompted by external influences and internal uprisings, the military followed its ‘roadmap to democracy’ and held its National Convention on a new constitution. It created its own social organization (USDA) along the lines of Indonesia’s Golkar, and also converted it into a political party (the USDP). In 2008 it held a referendum on the new constitution which secures a permanent role for the military in the national and regional legislatures, and in 2010 it held its first election in 20 years (sans the NLD), securing a victory across the board and indirect rule for the next five years.

For obvious reasons the precedent in Southeast Asia for what Khin Nyunt first called ‘disciplined democracy’ was New Order Indonesia under Suharto. Yet by 2008 this was an outdated model and the root causes of the uprisings that the generals have faced in recent years have mirrored those faced by Suharto before he left office ten years earlier. Unlike Indonesia, the recent transition in Burma has been measured, controlled from the top-down, and led by the elites rather than driven from below by social forces. As a consequence, there has been no real consolidation of the social forces that would lead to an immediate blossoming of civil society – if indeed the conditions were right for this to happen. The space for civil society in Burma is still limited and largely controlled by the government or intended by the reforming elite. Unintended openings that are a by-product of reforms may come under scrutiny and cannot be guaranteed. It is also possible that the implementation of positive changes may meet incompetent administration or even positive resistance.

The legacies of nearly 50 years of military rule in Burma are strong and the obstacles facing reformers are enormous. Yet this does not mean that improvements cannot be made in the lives of the people. The pace of reform in Burma will depend upon several key factors including the resolution of tensions between reformers and hardliners in the government and the military. All players must work within the boundaries of the new constitution and many of the restrictive laws and regulations that remain in place. This includes the opposition now in parliament and the numerous ethnic groups resisting the government’s plans for centralization. In many respects, reforming the constitution itself holds the key to changing the military’s role in political society and widening the space for an independent civil society. Until this happens, the pace of reform in Burma will be set by those in power and the outcome protective of their interests.

# 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 democratic ends, these elements may adopt a democratic posture in opposition to military rule. The paper will show why it is important for militaries to co-opt or silence these elements and how this was attempted in Burma.

Burma has progressed through its seven-step roadmap to “disciplined democracy” in recent years by drafting a new constitution, holding elections, convening a new parliament, and even holding by-elections. While some observers seem keen to label these events and others as Burma’s “democratization”, it has by and large been carefully managed by the military throughout, being sure to safeguard their future role in political society under civilian rule. This paper will also briefly discuss the steps taken by the military to shore up their position in political society and what “disciplined democracy” might mean for civil society in Burma. Because the military ruled Burma—both directly and indirectly—for nearly 50 years, it is important to consider the strong legacies that this brings to the table as the country moves forward. While openings and improvements are already appearing, the “democratization process” will not be fast, or smooth, nor may it lead to a liberal democracy. The problems facing political reformers in Burma are enormous, and the independent space for civil society in the foreseeable future will most likely be limited. It is hoped that by understanding how militaries or military dominated regimes try to preserve their rule, we may get a better understanding of authoritarian resilience in the Asia-Pacific region—what tactics are used to resist democratic forces and how these regimes *may* decline.

## 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> According to Alagappa, although conceptually distinctive, in practice 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.<sup>4</sup>

Civil society therefore is not always liberal-democratic, or even ‘civil’, and its composition will reflect the nature of the political regime.<sup>5</sup> Moreover as Lorch notes, vertically structured relationships or religious and ethnic cleavages in society as a whole are usually repeated in civil society.<sup>6</sup> 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.<sup>7</sup> 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 that civil society was “murdered”.<sup>8</sup> The government created its own social organizations or Government Organized NGOs (GONGOs) to counter the independent formation of social movements for workers, peasants, youth, veterans, literary workers, and artistic performers.<sup>9</sup> In 1993, following their electoral loss in 1990, the *Tatmadaw* ruling directly as the State Law and Order Restoration Council (SLORC)<sup>10</sup> created the Union Solidarity and Development Association (USDA)—a mass civil movement designed to foster patriotism and loyalty to the government. Steinberg believes that the USDA was the regime’s attempt to recreate civil society in its own manner while suppressing alternative possibilities.<sup>11</sup> Similar to Golkar in Indonesia, for the next 17 years the USDA would play a pivotal role in securing the regime and harassing its opponents. Before the 2010 election, the USDA transformed into a political party (the Union Solidarity and Development Party – USDP) and went on to win 76.5 percent of the contested parliamentary seats nationwide.<sup>12</sup>

Also examining civil society under military rule, Hewison and Prager suggested that it was no longer possible to think of civil society in Burma as anything other than being politically organized, i.e., that a “political civil society” is composed of organizations that

seek to establish and expand the political space available for non-state actors.<sup>13</sup> 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”<sup>14</sup>, 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<sup>15</sup> adaptation of Ottaway<sup>16</sup> to contextualize civil society in terms of state weakness (i.e., where states fail to deliver positive political goods like education, health, infrastructure, etc).<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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 percent of local NGOs were affiliated with religious groups, mostly Buddhist or Christian.<sup>21</sup>

The SPDC’s attitude towards NGOs and international non-government organizations (INGOs) changed dramatically following the purge of former Prime Minister Gen. Khin Nyunt and his military intelligence apparatus in 2004. While Khin Nyunt had been more willing to work with international bodies—either by permitting NGOs access to remote parts of the country or by at least not rejecting attempts at dialogues with UN special envoys—following his sacking and arrest, the generals’ xenophobia reemerged when they discovered how many foreigners and international agencies were operating inside Burma. The SPDC moved to introduce a new set of strict guidelines for UN agencies, international organizations and NGOs—local and international. The guidelines called for the registration of all NGOs; the submission of proposals, basic agreements and Memorandums of Understanding for approval by the Ministry of National Planning and Economic Development (MNPED—the coordinating body) and the restriction of activities to the scope of the proposal; the consent of the MNPED on all international staff to be appointed; the coordination and approval of all internal travel by the MNPED as well as the accompaniment of government officials with UN/NGO/INGO personnel on internal travel; the setting up of Central, State/Division and Township level Coordination Committees; and the monthly and quarterly reporting of activities by UN/NGO/INGO agencies to the MNPED.<sup>22</sup> The purpose of the new guidelines appeared to be the near total control of all UN/NGO/INGO activities inside the country—particularly in politically sensitive border regions—by the SPDC.

Many NGOs found that they were unable to continue operating as before and cancelled projects. Some that were also critical of the regime, such as the International Labor Organization (ILO), were subject to threats. And although it was the wish of the generals that USDA officials accompany personnel of the International Crescent Red Cross (ICRC) on their prison visit programs, the ICRC objected and cancelled such visits. In March 2006, the French section of Doctors Without Borders (Médecins Sans Frontières—MSF) ended its medical programs and withdrew from Burma, citing unacceptable conditions imposed by the authorities on how to provide relief to people living in war-affected areas. The SPDC had imposed so many travel restrictions on MSF, and applied such pressure on local health authorities not to cooperate with MSF teams, that it became impossible for MSF to work in an acceptable manner—i.e. without becoming nothing more than a technical service provider subject to the political priorities of the junta.<sup>23</sup>

It is important to note that these guidelines were already in place before Cyclone Nargis struck the Irrawaddy Delta region in May 2008. The SPDC would initially refuse to accept humanitarian aid from the US, UK and France, or to grant foreign aid agencies and workers entrance to the country and allow them unfettered access to the Delta region. Indeed, it took three weeks of negotiation by ASEAN and the UN, as well as a personal visit from the UN Secretary General Ban Ki-moon to Naypyidaw, before the generals would grant unfettered access to foreign aid workers as well as agree to join ASEAN and the UN in a Tripartite Core Group (TCG) to coordinate the international assistance.

### Traditional Civil Society

By adopting the same typology for *traditional civil society*, we find that in government-controlled areas it is the *Sangha* that has traditionally provided much of the welfare that the state neglects to provide. The *Sangha* operate Buddhist monastic schools and private education centres, providing free education for the poor, basic literacy skills, and some that teach the government curriculum are registered with the Ministry of Education. Monastic education centres also serve as orphanages which are run by the *Sangha* and which played a major relief role following Cyclone Nargis in 2008.

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.<sup>24</sup> 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 society groups active in Burma’s welfare sector remained apolitical in nature (their survival required this) although some local NGOs were being co-opted by the regime.<sup>25</sup>

### Co-optation of Traditional Civil Society

That militaries should pay particular attention to traditional civil society and attempt to either form alliances with or co-opt and suppress these organizations requires further investigation. As has been suggested above, traditional civil society is the space occupied predominantly by religious or ethnic organizations and it is much stronger in weak states. Moreover, elements of traditional civil society may threaten the military’s own position in political society. These groups tend to be associated with traditional, religious, customary, and indigenous sources of power and legitimacy that under normal circumstances may lie outside the reach of the military. Furthermore, while not inherently democratic by nature, they may for various reasons adopt a ‘democratic’ political posture in opposition to oppressive military rule. Their position in society is generally respected by the people and by the rank and file of the military itself. In Burma, the major group comprising this part of civil society is the *Sangha* whose influence extends predominantly over government-controlled areas. As noted above, Christian groups are too marginalized amongst the Buddhist population to pose a serious political threat. This section will now briefly show how the military leaders in Burma attempted to co-opt and suppress these groups.

After the coup in 1962, Ne Win strongly believed that monks should avoid politics and several attempts were made to impose a registration of the *Sangha* and their associations. While these were largely resisted, Ne Win would arrest large numbers of monks several times, especially in 1965 and 1974. The registration of monks was imposed in 1980, along with the creation of a Supreme Sangha Council, or *Sangha Maha Nayaka*, whose hierarchical structure aimed to tighten the state’s control over the *Sangha*.<sup>26</sup> *Sangha* councils were also created at the village, township, city and district levels, with members appointed by the government and retired military officers overtook the handling of finances and public donations for monasteries and pagodas. The institutionalization of the *Sangha* in such a way would make senior abbots (*sayadaws*) responsible for any political activities of their monks. Yet in 1988, thousands of monks came out in support of the democratic movement and took part in mass demonstrations in Rangoon and Mandalay.

In 1990, the SLORC’s refusal to hand over power to the NLD after the elections, as well as the *Tatmadaw*’s shooting of a monk and several students during a pro-democracy demonstration, triggered a rebellion in Mandalay, and the subsequent decision of *sayadaws* to invoke a religious boycott in monasteries across Burma—i.e., the *Sangha* refused to accept alms from the *Tatmadaw* or perform religious services for their families. Over 400 monks were arrested and monastery property destroyed. The SLORC soon after issued the *Sangha Organization Act* stipulating the proper conduct for a Buddhist monk (including the avoidance of politics) and penalties for their violation by monks or monk organizations. Since then, the *Tatmadaw* have sought after the blessing

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 political opposition in Burma will remain and the government must continue to monitor their activities.

### 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.<sup>27</sup> 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 45 seats that would become vacant following the appointment of ministers and government officials). Facing intense international and domestic pressure to allow international observers to oversee the by-elections, the government and the Electoral Commission invited over 150 election observers, including a delegation from ASEAN, parliamentarians from ASEAN member countries, foreign diplomats and UN officials based in Myanmar, and representatives from ASEAN's dialogue partners including Australia, India, China, Japan, Russia, and the United States. When the elections were held, the NLD won 43 of the 44 seats it contested (37 seats in the 440-seat lower house, as well as four in the upper house and two in the regional chambers). The USDP, on the other hand, won only one seat in northwest Sagaing where the NLD candidate had been disqualified from standing. For several weeks following the election many of the newly elected NLD members declared that they would refuse to take the oath required to join the parliament because it included a duty to "safeguard the Constitution." After considerable debate and consultation, all elected NLD members took the oath and were sworn into the parliament and regional chambers in May 2012. Aung San Suu Kyi appeared in parliament as a member for the first time in July 2012.

## 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.<sup>28</sup> 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 began admiring the attributes, and the longevity, of New Order Indonesia.

The problem for the generals, however, was that the world soon moved on, and Indonesia moved with it—holding democratic elections, removing *dwifungsi*, and developing a vibrant civil society. Indeed, the root causes of the uprisings that the generals have faced in recent years have mirrored those faced by Suharto before he left office ten years earlier. By 2008 their constitutional plans were already outdated and the possibilities for creating a New Order Myanmar had become unrealistic. Yet they persisted mostly at their own pace to produce new institutions, processes, and an election that safeguarded their position in political society at least until 2015. And it is within this context that we should view the prospects for civil society in Burma in the foreseeable future. Unlike Indonesia, the transition in Burma has been measured, controlled from the top-down, and led by the elites rather than driven from below by social forces. As a consequence, any new space opening to civil society is largely intended by the elite reformers. Unintended openings that are a by-product of reforms may come under scrutiny and cannot be guaranteed.

Recent openings appear to have emerged in the space for *modern* civil society, however, and there are some proposals for more reforms (see above). But they have yet to be implemented and many of the basic laws and the institutions that were set up under military rule have yet to be repealed. Reformers must work within the guidelines set down by the new constitution—which cannot be amended without a 75% majority of parliament. In addition, there have been no recognized changes in the government’s policy towards *traditional* civil society under the new ‘disciplined democracy’, and in particular no changes in the regime’s policy towards the *Sangha*. In turn, the *Sangha*’s boycott against the military leaders involved in the 2007 uprising has not been overturned and a similar boycott against the new government’s leaders was under consideration at the time of writing since many of these were retired army officers.

The pace of reform will also depend upon the degree to which rivalries and misgivings can be put to rest. Tensions exist between the reformers and hardliners in the regime, between the older and younger military officers, between the officers who have become parliamentarians and those they have left behind, and between regional military commanders and the President of their new ‘civilian’ government. The appearance of Aung San Suu Kyi in parliament will only add to this tension but at least her role in

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 Army (DKBA) and Karen National Liberation Army (KNLA) in Karen State; the MNDAA, the Shan State Army—North (SSA—N) and the Shan State Army—South (SSA—S) in Shan State; the Kachin Independence Organization (KIO) and Kachin Independence Army (KIA) in Kachin State; and the Arakan Liberation Army and the Chin National Army in Chin State. These areas, including most of the Wa area on the Burma–Chinese border, were excluded from the election in November. Clashes also occurred with the United Wa State Army (UWSA), and members of the New Mon State Party (NMSP) were described as ‘insurgents’ by state media for the first time since the SLORC-brokered ceasefires of the late 1980s and 1990s.

In March 2011, in response to escalating violence, a meeting of 12 armed ethnic groups, cease-fire groups and ethnic political groups took place in Chiang Mai, Thailand, where those present agreed to form a coalition, the Union Nationalities Federal Council (UNFC). The alliance included representatives from the Rakhine, Chin, Karen, Karenni, Kachin, Lahu, Mon, Pa-O, Palaung, Shan and Wa groups. The UNFC agreed to establish four military regions in Myanmar; to share their resources if the Tatmadaw attacked any

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”.<sup>29</sup> 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 government’s plans. Clashes between government troops and KIA militia continued to occur in the Kachin state, and KNLA militia clashed with troops in Karen National Union (KNU) areas, undermining attempts to reach ceasefire agreements. Tens of thousands of Kachin were displaced by the conflict and fled across the border into China. Notably, this occurred despite government attempts to forge ceasefire agreements and a presidential order calling for restraint. Moreover, most ethnic militia forces continued to stress the need for the government to commit to political dialogue in return for ceasefires. Stage three of the government’s plan, to change the constitution, was deemed by many ethnic political groups to be a necessary prerequisite for their militias to give up their arms (as required in stage two by assimilation into the state military). Despite numerous attempts to forge ceasefire agreements, therefore, there remained a fundamental difference in the desires of ethnic groups to achieve autonomy while the government was committed to imposing its centralized system.

### Rhetoric vs Reality

As the regime moves down the path of ‘disciplined democracy’, its leaders must be aware that the international community has certain expectations about how the government should respond to the voices of stakeholders both inside and outside its borders. ASEAN, for example, has made certain pronouncements in recent years about the inclusiveness of civil society actors within the various member countries and their future role in ASEAN deliberations. In Burma’s case, the regime must also be aware that the process of removing sanctions is tied to an ongoing scorecard maintained by observers and policymakers particularly in the UN, US, and EU. The new government in turn must be able to answer critical voices from stakeholders or at least appear open to them. At the same time, they must be attune to safeguarding their own interests inside the country and to the geostrategic practicalities involved in maintaining good relations, and trade and investment ties, with its neighbours. Under ‘disciplined democracy’, therefore, there may continue to be a disjoint between the political rhetoric of the new government and the reality or evidence provided in certain cases on the ground.

This has already been shown by the clashes between government troops and ethnic minorities since the 2010 elections. In addition, in 2011 the UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, reported that the grave developments in Myanmar were creating a burden for other countries in the region, owing to the increasing numbers of refugees fleeing to neighbouring countries. Following his visit in 2011, where he was denied access to the Kachin state, Quintana reported that the renewed ethnic conflict continued to engender serious human rights violations, internal displacement, attacks on civilian populations, land confiscations, recruitment of child soldiers, and continued forced labour—this despite the government’s suggestions in parliament to form labour unions.<sup>30</sup>

Another example of the rhetoric not matching the reality was the announcement made in parliament by President Thein Sein in September 2011 that construction work on 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 Myanmar 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.<sup>31</sup>

## 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 reach of the state from those that are within the state’s control. Moreover, it has shown how groups in traditional civil society may threaten the monopoly held by militaries over political society and how military’s have responded to this threat in Burma. Although the current focus is Burma, tentative explorations may be made elsewhere including Thailand, for example, which some observers claim is heading rapidly towards military domination of political society. The enhancement of the military’s prerogatives since 2006 has given it more power than it has had at any time since 1992 and allows greater incursions into Thailand’s electoral regime, political rights, civil liberties, horizontal accountability, and the effective power to govern by elected civilians.<sup>32</sup> In addition, there may be historical cases which could be investigated—synergies have already been shown to exist between Burma and Indonesia under Suharto and the space left for civil society in these regimes.

Unlike Indonesia, however, Burma’s transition to ‘disciplined democracy’ has thus far been a measured and controlled one, led by the elites from the top-down and not driven from below by social forces. As a consequence, there has been no real consolidation of the social forces that would lead to an immediate blossoming of civil society if indeed the conditions were right for this to happen. The space for civil society in Burma is still limited and largely controlled by the government. If unintended openings appear as a by-product of some reforms, they may come under scrutiny and cannot be guaranteed. In addition, the implementation of positive changes may meet incompetent administration or even positive resistance.<sup>33</sup> Indeed, the pace of reform in Burma will depend upon several key factors including the resolution of tensions between reformers and hardliners in the government and the military. All players must work within the boundaries of the new constitution and many of the restrictive laws and regulations that remain in place. This includes the opposition now in parliament and the numerous ethnic groups resisting the government’s plans for centralization. In many respects, reforming the constitution itself holds the key to changing the military’s role in political society and widening the space for an independent civil society in Burma. In the foreseeable future there will likely be a continuance of the disjoint between the new government’s democratic rhetoric and the evidence that it is safeguarding the interests of the military and protecting its geostrategic alliances.

Democratization in Burma is not inevitable. As Carothers notes, the developments we have seen in Burma represent only a doorway to a possible democratic transition.<sup>34</sup> Although South America provides some of the closest examples of top-down transitions from military rule, in most of these cases, including Brazil, the militaries had only been in power for one or two decades. In Burma the legacies of nearly 50 years of military rule are strong and the obstacles facing reformers are enormous. Yet this does not mean that improvements cannot be made in the lives of the people. The by-elections in 2012 also indicate that the new government has had little experience in manipulating the outcome of competitive elections—producing a result that would raise the hopes of democratic forces should the constitution come under serious re-examination in the future. Until this happens, the pace of reform in Burma will be set by those in power and the outcome protective of their interests.

# Notes

- 1 Diamond, Larry (1999), *Developing Democracy: Toward Consolidation*, Baltimore: Johns Hopkins University Press, pp. 222-223. See also Edwards, Michael (2004), *Civil Society*, Cambridge: Polity Press.
- 2 De Tocqueville, Alexis (1966), *Democracy in America*, (George Lawrence ed.), New York: Harper and Row.
- 3 Gramsci, Antonio (1971), *Selections from the Prison Notebooks*, New York: International Publishers
- 4 Alagappa, Muthiah (ed.) (2004), *Civil Society and Political Change in Asia: Expanding and Contracting Democratic Space*, Stanford, CA: Stanford University Press, pp. 11, 469.
- 5 Henry argues that even armed ethnic organisations in Burma should be considered part of civil society. See Henry, Nicholas (2011), “Civil Society amid Civil War: Political Violence and Non-violence in the Burmese Democracy Movement,” *Global Society*, vol. 25, no. 1, pp. 97-111.
- 6 Lorch, Jasmin (2008), “The (re-) emergence of civil society in areas of state weakness: the case of education in Burma/Myanmar,” in M. Skidmore and T. Wilson (eds.), *Dictatorship, Disorder and Decline in Myanmar*, Canberra: ANU Press, p. 153.
- 7 Alagappa, Muthiah (ed.) (2004), p. 32.
- 8 Steinberg, David (1997), “A Void in Myanmar: Civil Society in Burma,” The Burma Library, Online at: <[www.burmalibrary.org](http://www.burmalibrary.org)>.
- 9 Alagappa, Muthiah (ed.) (2004), p. 475.
- 10 The SLORC changed its name to the State Peace and Development Council (SPDC) in 1997.
- 11 Steinberg, David (2001), *Burma: The State of Myanmar*, Washington D.C.: Georgetown University Press, p. 110.
- 12 Thar Gyi (2010), “USDP Wins 76.5 Percent of Vote,” *The Irrawaddy*, 18 November 2010, Online at: <[www.irrawaddy.org](http://www.irrawaddy.org)>.
- 13 Hewison, Kevin and Prager Nyein, Susanne (2010), “Civil Society and Political Oppositions in Burma,” in Li Chenyang and Wilhelm Hofmeister (eds.), *Myanmar: Prospect for Change*, Singapore: select publishing, p. 15-16.
- 14 Hewison and Prager (2010), p. 32.
- 15 Lorch, Jasmin (2008), “The (re-) emergence of civil society in areas of state weakness”, op cit.
- 16 Ottaway, Marina (2004), “Civil Society,” in Peter J. Burnell and Vicky Randall, *Politics in the Developing World*, Oxford: Oxford University Press.
- 17 Burma has been called a ‘failed state’. This is problematic as the failed state indicators are too broad to allow a meaningful and objective assessment of political development, and ‘state-building’ proposals generally ignore cultural and traditional factors. These include arbitrary measures of demographic pressures, refugees and displaced persons, group grievances, human flight, uneven development, economic decline, delegitimisation of the state, public services, human rights, security apparatus, factionalism and external intervention (See Rotberg, Robert (ed.), (2004), *When States Fail: Causes and Consequences*, Princeton, NJ: Princeton University Press; and Rotberg, Robert (2005) “The Failed States Index”, *Foreign Policy*, vol. 149 (July/August), pp. 56-65). For the purposes of this study, the concept is used only to distinguish modern and traditional civil society.
- 18 Lorch, Jasmin (2008), “The (re-) emergence of civil society in areas of state weakness”, p. 154.
- 19 Heidel, Brian (2006), *The Growth of Civil Society in Myanmar*, Bangalore: Books for Change.
- 20 Lorch, Jasmin (2008), “Stopgap or Change Agent? The Role of Burma’s Civil Society after the Crackdown,” *Internationales Asienforum*, vol. 39, no. 1-2, pp. 40-41.
- 21 See South, Ashley (2008), *Civil Society in Burma: The Development of Democracy amidst Conflict*, Policy Studies 51 (Southeast Asia), Washington D.C.: East-West Center; and Heidel, Brian (2006), op.cit.

- 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 Bunte prefers to label this a 'competitive authoritarian' regime. See Bunte, 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](http://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](http://www.carnegieendowment.org)>.