



Burma/Myanmar Spring: Surreal or so real?

Timeline

1988: Gen. Ne Win was ousted in a coup and military junta promised to hold general elections

1989: Military junta changed name of the country from Burma to Myanmar; Aung San Suu Kyi placed under house arrest in July (released and again put under house arrest about 15 times since)

1990: National League for Democracy (NLD) wins elections in Burma/Myanmar but military refused to hand over power

1991: Aung San Suu Kyi wins Nobel Peace Prize

1997: Burma/Myanmar admitted as member of the Association of Southeast Asian Nations (ASEAN)

2005: Burma/Myanmar decides to skip its turn for chairmanship of ASEAN after pressures from the organization and threats of boycott by Western dialogue partners

2007: Buddhist monk-led protests started in Yangon but was violently suppressed by the military junta; international community condemns violent crackdown against civilian protesters

2008: Cyclone Nargis devastated Irrawady region of Burma/Myanmar; military junta initially refused Western humanitarian assistance to victims; France invoked R2P to intervene but did not get international support; ASEAN's backdoor diplomacy persuaded military junta to allow international humanitarian assistance to the country but only through ASEAN-UN framework; despite Cyclone Nargis crisis, military junta pushed through with national referendum on the 2008 Constitution and military claimed constitution was overwhelmingly ratified

Political developments in Burma/Myanmar have captured the headlines in the region for several weeks now. Most commentaries indicated a more positive—but still cautious—assessment of political reforms in that country since the first elections under the 2008 Constitution took place in November 2010. No less than democracy icon and Nobel laureate Aung San Suu Kyi has confirmed that political reforms in the country have indeed made progress and moving in the right direction. In fact, her National League for Democracy (NLD) has decided to register as a party and participate in forthcoming by-elections. The NLD did not participate in last year's elections and was outlawed under the present constitution.

The most notable progress in political reforms in Burma/Myanmar widely reported in the media were the following:

- Creation of a national human rights commission in October this year
- Granting amnesty to some 120 political prisoners in October, which may be increased further in the coming weeks based on recommendations of the national human rights commission and appeal from Suu Kyi
- Easing of media censorship and increasing access to the internet
- Passing a law that allowed for creation of trade unions
- Allowing Suu Kyi to meet with representatives from the UN, EU, ASEAN, including US special envoy Derek Mitchell in September and Australian Foreign Minister Kevin Rudd in July this year
- Suspending an unpopular dam project supported by China, much to the dismay of Beijing, given the environmental risks it posed on ethnic communities affected by the project

R2P IDEAS in brief

Asia Pacific Centre for the
Responsibility to Protect

Much of the progress in the country's political reforms may be attributed to a number of converging factors, to wit:

- The shift in the US' approach under the Obama administration since 2009 towards the nominally civilian government in Naypyidaw that focused more on sustained engagement while keeping sanctions in place, which culminated in the visit for the first time by Myanmar's foreign minister to the State Department in later September 2011
- The priority given by President Thein Sein to social and economic development of the country and the need to end its diplomatic isolation, as indicated in his inaugural speech in March this year
- The significant change in the attitude of Suu Kyi to work with the national government and her desire to ease Western-imposed sanctions against the country. Her most recent pronouncements about President Thein Sein indicate that she has more confidence in him than the previous military leadership because he is perceived to be "sincere in wanting a departure from the past" and "a good listener"¹

Notwithstanding these developments, there are still serious concerns expressed by the United States, Australia, and some civil society groups in the region about the continuing human rights violations in the country. President Obama, speaking before the Australian Parliament this month, asserted that human rights violations persist despite the release of political prisoners and the government's efforts in engaging in a dialogue with democratic forces. He also pointed out that the US would continue to use both engagement and sanctions in dealing with the government in Naypyidaw.² He also announced that Secretary of State Hillary Clinton will visit Burma/Myanmar before end of the year.³ Earlier, Clinton acknowledged that some progress have been made in political reforms in the country.

Myanmar's Chairmanship of ASEAN in 2014

In the 19th ASEAN Summit in Bali this month, it was announced that Burma/Myanmar would assume for the first time the chairmanship of the regional organization in 2014. Indonesian Foreign Minister Marty Nalategawa acknowledged that "significant developments have taken place in Myanmar" and the decision to support its bid for chairmanship of the organization is seen by other members as an incentive "to ensure that the process of change would continue, the momentum is maintained."⁴

Timeline

2009: Aung San Suu Kyi's house arrest extended for another 18 months after an American trespassed into her house; flurry of US officials' visits to Burma/Myanmar begins led by Assistant Secretary Kurt Campbell

2010: National elections held and Aung San Suu Kyi released from house arrest in November six days after elections

2011: President Thein Sein formally takes over as head of government in March and announces bid for chairmanship of ASEAN

In August, President Thein Sein meets for the first time with Aung San Suu Kyi

In October, the government announces release of more than a hundred political prisoners even as national human rights commission recommended further releases in the weeks ahead

On the eve of the 19th Summit, ASEAN decides in favor of Burma/Myanmar's request to be chair of the organization in 2014, Aung San Suu Kyi's NLD decides to participate in by-elections; President Obama announces visit of Hillary Clinton to the country in December

R2P IDEAS in brief

Asia Pacific Centre for the
Responsibility to Protect

In response to ASEAN's decision, a political adviser to the Myanmar president assured the regional bloc that the country is "now growing into a democratic society," while other government officials promised that more reforms were in store, including the release of more political prisoners.⁵

This author anticipated that following the elections in November 2010, the government in Burma/Myanmar would assert its right to the chairmanship of ASEAN sooner rather than later.⁶ Indeed, its chairmanship of ASEAN in 2014 is a major diplomatic coup for Burma/Myanmar, for a number of reasons. First, this signifies that it could begin to exercise its leadership rights as a bona fide member of ASEAN and will be able to shape the bloc's agenda beginning in 2014. Second, it would henceforth be more difficult for other ASEAN members and the rest of the international community to oppose Myanmar's chairmanship in the future as a means to exert pressure on the government. (Of course, the possibility remains for some Western dialogue partners to boycott ASEAN meetings under the watch of Burma/Myanmar especially if it fails to live up to its commitments under the ASEAN charter.) Third, the prestige of ASEAN chairmanship could only serve to enhance further the legitimacy of the government both from within and without, especially if mutual respect between President Thein Sein and Suu Kyi continues to grow in the long run.

Myanmar and the Responsibility to Protect

The government's heavy handed policy towards armed ethnic groups in the country remains a major concern. Military operations against the Karens, Shans, and Kachins for example have reportedly been sustained, which also targeted civilians.⁷ It is in this particular area where the government and the military have shown minimal progress to date, which is a condition for the United States to lift sanctions.⁸ Peace talks with several ethnic rebel groups have been going on for several weeks, which are all preliminary. Some ethnic leaders remain wary of the central government's sincerity about the peace talks. Even so, the government has reportedly dropped an unpopular precondition for ethnic forces to join the "border guard" units of the military.⁹

Indeed, the government should seriously consider initiating a ceasefire agreement with armed ethnic groups in order to create an atmosphere that is conducive for meaningful peace negotiations.

Burma/Myanmar and Responsibility to Protect

"The concept of the responsibility to protect originates from tragedies occurred throughout the world after the 2nd World War. These tragedies occurred in states where national governments failed to fulfill obligations to protect its own people. Therefore, the world leaders in 2005 at Millennium Summit agreed that when a state is manifestly failing to protect its own citizen, the international community must act to halt or prevent such atrocities. They also agreed that it is a collective obligation and not an individual right to act.

And that obligation is not to intervene but rather to take timely and decisive steps to save human lives when such atrocities have occurred. It was envisaged that international community is obligated to act on four specified crimes and violations. They are genocide, war crimes, ethnic cleansing and crimes against humanity. In accordance with the leaders' decision in 2005, their obligation does not apply to other calamities such as HIV/AIDS, climate change or the response to natural disasters."

- U Kyaw Zwar Minn, Deputy Permanent Representative of the Union of Myanmar to the United Nations, 63rd UNGA Debate, New York, 23 July 2009

R2P IDEAS in brief

Asia Pacific Centre for the
Responsibility to Protect

ASEAN and the rest of the international community should help facilitate peace efforts in the country and provide assistance in peace building between the government and ethnic groups in the country. The wealth of experience from the Cyclone Nargis disaster in 2008 could be an important springboard for ASEAN and the UN to assist the central government in this regard. It should be recalled that it was ASEAN through its backdoor diplomacy that persuaded the military junta to allow international humanitarian assistance into the country. Initially, the junta refused said assistance from Western countries like the US and France, especially after the latter wrongly invoked R2P to intervene in the in Burma/Myanmar after the humanitarian crisis brought about by Cyclone Nargis.

Initially, the junta refused said assistance from Western countries like the US and France, especially after the latter wrongly invoked R2P to intervene in the in Burma/Myanmar after the humanitarian crisis brought about by Cyclone Nargis.

For further reading:

Nick Cheesman, Monique Skidmore, and Trevor Wilson (eds.), *Ruling Myanmar: From Cyclone Nargis to National Elections*. Singapore: Institute of Southeast Asian Studies 2010.

David I. Steinberg, *Burma/Myanmar: What Everyone Needs to Know*. Oxford and New York: Oxford University Press 2010.

Robert H. Taylor, *The State in Myanmar*. Singapore: National University of Singapore Press, 2009.

Challenges to Democratic Transition

Post-2010 Burma/Myanmar raises some important questions about the process of democratization in a country that has long been isolated from the international community and ruled by the military for decades. To what extent could a military-initiated reform and democratic transition succeed? How would former generals like Thein Sein manage the delicate balance between the interests of the conservatives and the reformists within the government? Would the precarious “alliance” between Thein Sein and Aung San Suu Kyi continue to hold and gain wider acceptance within Burma/Myanmar? Giuseppe di Palma, citing Juan Linz and Alfred Stepan’s observation that democratization is “ultimately a matter of political crafting”, argued that there are four aspects of democratic transition that influence its success.¹⁰ These are: 1) the quality of the end product (i.e., the particular democratic rules and institutions chosen); 2) mode of decision making that leads to selection of rules and institutions; 3) who are the “craftsmen” involved (i.e., the alliances and coalitions forged in the transition; and 4) the timing of several tasks and stages of the transition.¹¹ Indeed, Burma/Myanmar is at a critical stage where the third and fourth aspects of the transition are quite important.

Over the medium-term, a number of challenges to political and socio-economic reforms in Burma/Myanmar could be identified, to wit:

- Conservative elements in the military that are still loyal to Than Shwe could undermine the ongoing political reforms of Thein Sein, especially if they feel that their interests and security are threatened.
- The country still lacks the basic infrastructure for a market system to begin operating, which could thus limit its ability to attract foreign investments. International development assistance also faces serious constraints given the virtual absence of institutions and state capacity to address basic human development issues.
- Armed rebellion from various ethnic groups and political movements could also hamper progress in national reconciliation unless dialogues could begin and lead to a peaceful settlement of internal conflicts.

R2P IDEAS in brief



Asia Pacific Centre for the
Responsibility to Protect

Opportunities for Deepening Reforms

Continuing engagement with the government in Naypyidaw by ASEAN members and its dialogue partners—including Australia and the United States—could help deepen political and socio-economic reforms being pursued in the country.

Some opportunities for further engagement with Burma/Myanmar include the following:

- Enhancing the capacity of the state to promote and protect human rights through education, training, and institution building. This could be pursued through bilateral and regional/multilateral cooperation under the auspices of the ASEAN Intergovernmental Commission on Human Rights (AICHR).
- In the 2009 interactive dialogue in the UN General Assembly, the government of Myanmar explicitly reiterated its support to the 2005 UN consensus on the R2P. Promoting awareness and building a domestic constituency around this principle may also be pursued, especially in the context of protecting civilians and ethnic minorities in conflict areas around the country.
- Pursuing socio-economic development through good governance, particularly in the areas of rule of law, control of corruption, and regulatory quality with the help of ASEAN, Australia and other Western developed countries through bilateral and multilateral assistance and capacity building projects.
- ASEAN and the rest of the international community should begin substantive dialogue with the military establishment in Burma/Myanmar to encourage its positive role in the democratic transition. Specifically, the US and other Western countries could provide the appropriate incentives and wherewithal to engage with younger, reform-minded military officials through bilateral and multilateral assistance in areas such as capability building and security sector reform.¹²

Conclusion: Towards a Post-Thaw Shwe Era?

A steady, though incremental, progress in political reforms could very well be ushering in a post-Thaw Shwe era in Burma/Myanmar. Indeed, President Thein Sein and Aung San Suu Kyi need all the support they could get from within and, more importantly, from the international community to deepen the process of democratization in the country. The risks are indeed quite high for ongoing reforms to falter given the major challenges facing the country. However, there are also important opportunities that must not be missed and Burma/Myanmar clearly deserves another “second chance.” At the same time, Naypyidaw should not squander the goodwill shown by the international community by demonstrating more substantive progress in political and socio-economic reforms in the country.

Noel M. Morada
Executive Director
Asia Pacific Centre for the Responsibility to Protect

R2P IDEAS in brief

Asia Pacific Centre for the
Responsibility to Protect

References

- ¹ Damien McElroy, "Aung San Suu Kyi says change is on its way," The Telegraph Online, 18 November 2011, <http://www.telegraph.co.uk/news/worldnews/asia/burmamyanmar/8897298/Aung-San-Suu-Kyi-says-change-is-on-the-way.html>, accessed on 18 November 2011.
- ² Jake Tapper, "A Wary President Heralds Progress in Burma," ABC News.com, 17 November 2011, <http://abcnews.go.com/blogs/politics/2011/11/a-wary-president-obama-heralds-progress-in-burma/>, accessed on 18 November 2011.
- ³ "Clinton to visit Burma next month," Democratic Voice of Burma online, 18 November 2011, <http://www.dvb.no/news/clinton-to-visit-burma-next-month/18790>, accessed on 18 November 2011.
- ⁴ Eric Bellman and Patrick Barta, "Neighbors Give Myanmar a Boost," WSJ.com, 18 November 2011, http://online.wsj.com/article/SB10001424052970203611404577043581915792356.html?mod=WSJAsia_hpp_MIDDLETopStories, and Daniel Ten Kate, "ASEAN Leaders Agree Myanmar Will Chair Grouping in 2014," Bloomberg Businessweek Online, 17 November 2011, <http://www.businessweek.com/news/2011-11-17/asean-leaders-agree-myanmar-will-chair-grouping-in-2014.html>, accessed on 18 November 2011.
- ⁵ "Burma to chair ASEAN in 2014," France 24 Online, 17 November 2011, <http://www.france24.com/en/20111117-burma-chair-asean-myanmar-2014-military-junta-obama-human-rights-political-prisoner>, accessed on 18 November 2011.
- ⁶ See Noel M. Morada, "ASEAN-US Strategic Partnership and East Asia Community Building: Opportunities, Risks, and Constraints," in Mark Borthwick and Tadashi Yamamoto (eds.), *A Pacific Nation: Perspectives on the US Role in an East Asia Community*. Tokyo and New York: Japan Centre for International Exchange (2011), pp. 118-119.
- ⁷ See for example "Upholding the Responsibility to Protect in Burma/Myanmar", Policy Brief, Global Center for the Responsibility to Protect, 10 August 2010
- ⁸ Patrick Barta, "Myanmar Tackles Ethnic Conflicts: Ethnic Violence Is a U.S. Condition for Lifting Sanctions," WSJ.com, 22 November 2011, from http://online.wsj.com/article/SB10001424052970204531404577051223236537072.html?mod=SEA_LeadStory, accessed on 23 November 2011.
- ⁹ Ibid.
- ¹⁰ Giuseppe di Palma, *To Craft Democracies: An Essay on Democratic Transitions*. Berkeley, Los Angeles, and Oxford: University of California Press, 1990, pp. 8-9/
- ¹¹ Ibid.
- ¹² See Noel M. Morada, *ibid.*

The Asia Pacific Centre for the Responsibility to Protect

Building 91, 54 Walcott Street, School of Political Science & International Studies, University of Queensland, St Lucia, Brisbane 4072

Tel: + 61 7 3346 6443 Fax: + 61 7 3346 6445 Email: info@r2pasiapacific.org

Web: <http://www.r2pasiapacific.org/index.html>