

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. **PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**

1. REPORT DATE (DD-MM-YYYY) 30-10-2014		2. REPORT TYPE FINAL		3. DATES COVERED (From - To)	
4. TITLE AND SUBTITLE Burma in Transition: On the Path to Democracy				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) David Faehnle Paper Advisor (if Any): N/A				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Joint Military Operations Department Naval War College 686 Cushing Road Newport, RI 02841-1207				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT <i>For Example:</i> Distribution Statement A: Approved for public release; Distribution is unlimited. <i>Reference:</i> DOD Directive 5230.24					
13. SUPPLEMENTARY NOTES A paper submitted to the Naval War College faculty in partial satisfaction of the requirements of the Joint Military Operations Department. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.					
14. ABSTRACT The world has recently witnessed a radical transformation in the government of Burma. Sweeping reforms have led the change from a military junta to a more democratic form of government. The reforms initiated by Thein Sein and the parliament are embedded enough that a rapid reversion is unlikely, and the trend of democratization in Burma will continue at a slow pace through the 2015 elections. The transformation began in the 1990s and represents a long-form process of democratization. President Thein Sein continued those reforms at a rapid pace after adoption of the constitution and general elections. The Parliament has assumed responsibility as a legislative body, passing more liberal laws and acting as a check on the executive branch. Aung San Suu Kyi and the NLD established legal legitimacy and their continued focus on democracy guarantees the process, while the military has backed away from political influence. Meanwhile, the U.S. should encourage the transformation using all instruments of national power.					
15. SUBJECT TERMS Burma, Myanmar, democratization, government					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT UNCLASSIFIED	b. ABSTRACT UNCLASSIFIED	c. THIS PAGE UNCLASSIFIED			Chairman, JMO Dept
				24	19b. TELEPHONE NUMBER (include area code) 401-841-3556

**NAVAL WAR COLLEGE
Newport, R.I.**

Burma in Transition: On the Path to Democracy

by

David Faehnle

Commander, United States Navy

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature: _____

30 October 2014

Abstract	III
Introduction	1
Background	2
The President	4
The Parliament	7
Aung San Suu Kyi	11
The Military	13
Recommendations	15
Conclusion	17
Bibliography	19

Abstract

The world has recently witnessed a radical transformation in the government of Burma. Sweeping reforms have led the change from a military junta to a more democratic form of government. The reforms initiated by Thein Sein and the parliament are embedded enough that a rapid reversion is unlikely, and the trend of democratization in Burma will continue at a slow pace through the 2015 elections. The transformation began in the 1990s and represents a long-form process of democratization. President Thein Sein continued those reforms at a rapid pace after adoption of the constitution and general elections. The Parliament has assumed responsibility as a legislative body, passing more liberal laws and acting as a check on the executive branch. Aung San Suu Kyi and the NLD established legal legitimacy and their continued focus on democracy guarantees the process, while the military has backed away from political influence. Meanwhile, the U.S. should encourage the transformation using all instruments of national power.

Introduction

The world has recently witnessed a radical transformation in the government of Burma¹. Sweeping reforms have led the change from a military junta to a more democratic form of government. The regime ratified a new constitution in 2008, held national elections in 2010, and transitioned power to new President Thein Sein and the Hluttaw (parliament) in 2011. Since that time, evidence of a more liberal and democratic state has emerged, with transformations in censorship, economic policies, official recognition of opposition parties, and foreign recognition.

The question remains, given Burma's history and wording of its constitution, whether the recent trend of democratization will continue. While there has been rapid and real progress towards a more open democracy, there is the possibility that the Tatmadaw (Burmese military forces) could assume control of the government and revert to a junta or even a dictatorship. The reforms initiated by Thein Sein and the parliament, however, are embedded enough that a rapid reversion is unlikely, and the trend of democratization in Burma will continue at a slow pace through the 2015 elections. The transformation instituted by Thein Sein, the commitment that the Hluttaw has shown to parliamentary leadership, the legitimacy gained by pro-democracy forces, and the retreat from outright political involvement of Tatmadaw have established a baseline of democracy that will be hard to undo, although the influence of hard-liner conservatives and the power of the military in government will slow the pace of changes.

¹ The government officially changed the name of the country to the "Republic of the Union of Myanmar" in 1989, but the United States continues to use the term "Burma," so that name will be used here. Quotes from some publications will occasionally use "Myanmar," but the two terms are interchangeable.

Background

The reforms that the government recently introduced are not the result of a rapid swing toward liberalization in the past few years, but instead are the product of a decades-long methodical process initiated from the top down. Rather than considering progression of Burmese governance as changes made since the parliamentary elections of 2010 or even the adoption of the constitution in 2008, the reforms must be taken in historical context of a long process. Burmese military leaders have been part of the process since the beginning and have recognized and publicly noted the need for change for several decades. As early as 1987, General Ne Win, then head of state and military leader, recognized in 1987 that the socialist-based singly party dominance of state was a failure, and introduced the idea of restoring the multi-party political system in his July 1988 resignation speech as Chairman of the Burma Socialist Programme Party, acknowledging that a transition to a market-based economy was essential for success.²

This realization led to political transformation in the 1990s, when General Than Shwe, who had taken power in 1993, laid the foundations for constitutional reform. The document “Roadmap to Disciplined-Flourishing Democracy” expressed the idea to reconfigure the state and expand the economy, included plans for governmental reforms, and initiated the process that led to change.³ From 1993 to 1996, a constituent assembly called the National Convention (NC) convened to draw up a new constitution, but talks stalled. Eventually, Than Shwe revived the process: announcing a seven-stage “road map to democracy,” he reconvened the NC and held a constitutional referendum in 2008.⁴

² Taylor, “Myanmar's ‘Pivot,’” 394.

³ Aung-Thwin, “Myanmar in 2013,” 218.

⁴ Jones, “Explaining Myanmar’s Regimes Transition,” 782.

The NC finally concluded its deliberations in 2007, and in May 2008 a referendum was held for the draft constitution with 15 chapters and 457 articles. The referendum was largely criticized, with reports of massive abuse and blatant cheating including ballot stuffing, corruption of no-votes, and disenfranchisement of large sections of the population.⁵ Nonetheless, the ratification of the constitution led to the 2010 general elections for parliament. Because of their objection to voter registration laws and the military's nullification of 1990 election results, members of the pro-democracy National League for Democracy (NLD), and its dynamic leader and Nobel laureate Aung San Suu Kyi then under house arrest, boycotted the elections⁶. The result was that the Union Solidarity and Development Party (USDP), which was backed by the Tatmadaw and dominated by ex-military personnel, won the majority of the parliament seats. Combined with the 25 percent of the parliamentary seats assigned to serving military personnel of the Tatmadaw by the 2008 constitution, the military maintained an overwhelming representation in parliament.

While some observers would call the elections an attempt to maintain military dictatorship disguised as a move toward democratization,⁷ the moves are in effect just a few steps in the process from junta to democracy as part of a measured process. The political reforms, delineated in the "roadmap to disciplined democracy," was a recognition by the leading generals that they could not rule the country indefinitely in the status quo, and was a combined result of sanctions from the West, the rise of pro-democracy groups, and criticism from the international community.⁸ The extended reform process and the extent of the involvement of multiple military leaders shows that

⁵ Rogers, *Burma: A Nation at the Crossroads*, 208-209.

⁶ Holliday, *Burma Redux*, 83.

⁷ Jones, "Explaining Myanmar's Regimes Transition," 781.

⁸ Hlaing, "Understanding Recent Political Changes in Myanmar," 203.

the Tatmadaw has been invested and involved in the process from the beginning, so that the risks of the hardliners reversing the process are small.⁹

Furthermore, despite the apparent control that the military still exercises, there are several key points in the government that indicate a continuance of democratization. These include a generational transition in leadership to younger, more technocratic figures; diffusion of state power amongst the presidency, parliament, and military; decentralization of some power to provincial assemblies; curbing of military power to some degree; and a waning of Than Shwe's power.¹⁰ Although critics cite lack of constitutional democratic principles and election fraud in denouncing the liberalization of the governments, a decades-long, methodically slow paced transition from the top down is apparent.

The President

The first president elected by the Hluttaw was Thein Sein, the former premier under General Than Shwe. The president has shown, through his words and actions, an enduring commitment to reform and democratization of the Burmese government. The previous military regime clearly does not persist in the new administration, and the speed and depth of the reforms articulated by the President have surprised many.¹¹ Contrasting Sein's reforms with the military junta, the President's administration has acted as a government rather than the "high command" of a military leader, thus shedding the label of a dictatorship.¹² Specific reforms initiated by the President include ending censorship before publication,¹³ release of prisoners and amnesty for over

⁹ Aung-Thwin, "Myanmar in 2013," 218.

¹⁰ Holliday, *Burma Redux*, 86.

¹¹ U.S. Congress, *U.S. Policy on Burma*, 26.

¹² Callahan, "The Generals Loosen Their Grip," 122.

¹³ "Myanmar - A Burmese Spring."

200 political detainees,¹⁴ and action on minority relations including cease-fires with armed economic rebellions.¹⁵ The scope of these changes displays a dedication to reform not easily retracted.

Notably, President Sein has vocalized his commitment to reforms in open addresses to the population and his office releases statements and actions on the President's website, available for review and analysis.¹⁶ In three different speeches over the span over 18 months, the President discussed advancing reforms through political debate while maintaining peace and national sovereignty. He committed to narrowing the gap between the desire for change and the capability of the government to affect changes rapidly by linking social and economic reforms to political reform.¹⁷ The President also acknowledged the debate on constitutional reform and pronounced his commitment to resolving the deliberation through political debate and inclusionary negotiation while maintaining democratic standards.¹⁸ He again reiterated his dedication to a peaceful transition to democracy, while acknowledging differing opinions on the method of implementing those reforms and continuing to focus on initiating negotiations for peace with armed ethnic groups.¹⁹ Although the content of the speeches can be considered mere rhetoric, the fact that the President publicly and consistently announces his commitment to reforms leaves little opportunity for him, or the administration in general, to backtrack.

Another example of President Sein's commitment to political reform is his shuffling of his cabinet to align the ministers with his views. In his first year of presidency Sein had the limited support of only four to six ministers out of 29.²⁰ In late August and early September 2012, President

¹⁴ Thuzar, "Myanmar: No Turning Back," 207.

¹⁵ U.S. Congress, "U.S. Policy on Burma," 26.

¹⁶ Taylor, "Myanmar in 2012."

¹⁷ Sein, "President U Thein Sein's New Year radio message."

¹⁸ Sein, "President U Thein Sein met leaders."

¹⁹ Sein, "President U Thein Sein delivered speech."

²⁰ Callahan, "The Generals Loosen Their Grip," 125.

Sein reorganized his cabinet to include ministers that matched his reformist agenda, and forced hard line conservative former generals to retire or be demoted.²¹ In addition, Sein promoted four like-minded cabinet members to “super-minister” posts, elevating their status and providing more credence to the liberalization process. The motivation for the reorganization, intended to promote competent and trusted agents that are invested in the reform process, was both to advise him in decision-making and to ensure reformation policies are implemented, sending a strong signal that the entire administration is engaged in the reform process.²² By solidifying his support at the cabinet level, President Sein buoys his capability to push the reform process from the top down and increases the likelihood that the process will continue.

The President is not only discussing reform, he is also enacting it, as evidenced by the government’s rejection of the Myitsone hydroelectric dam project. Initially a \$3.6 billion project financed by China, the dam was widely criticized for its concessions to China and the failure to use local workers. President Sein acceded to popular demands by suspending the project, indicating that both professional recommendations and public petitions swayed his decision. This open admission of succumbing to popular will is without precedent in Burma, and is a clear signal that Burma is actively pursuing an independent foreign policy and that Thein Sein is open to recommendations from both professional advisors and public opinion.²³

The sum of these actions is undeniable evidence of an enduring commitment to continued democratization of the Burmese government. Thein Sein has set an example of open government with like-minded cabinet ministers, creating a reformist environment with dedication to establishing peaceful negotiation of conflict that accepts public opinion. In initiating this process,

²¹ Randolph, “Bumps in the Road.”

²² International Crisis Group, “Myanmar: Storm Clouds on the Horizon,” 12.

²³ Thuzar, “Myanmar: No Turning Back,” 208.

Sein can be compared to other transformative leaders such as F.W. de Klerk, Mikhail Gorbachev, and B.J. Habibie, providing a historical analogy of the changes taking place now in Burma. While the other leaders were reform-minded, they were not originally committed to full democratic upheaval. In each case, however, the process gained momentum and became unstoppable once those leaders cracked open the door to reform.²⁴ Thein Sein has nudged that door open, which will lead to a similar unstoppable change in Burma.

The Parliament

The President is not the only government branch embracing democratic principles. The Hluttaw has shown an increased involvement in government processes that are inarguably democratic in nature, contrary to the fears of many observers that it would be an ineffective body, able to exercise few powers, and merely act as puppets of the military regime. The 2008 constitution dictates that active military officers appointed by the Defense Services comprise 25 percent of the Parliament.²⁵ Combined with the USDP – holding a large majority of the seats and comprised of ex-military members – the military bloc influences a considerable portion of the Parliament, and many expected it to be an unproductive body limited to agreeing to policy set by military leaders behind the scenes. Those fears have largely been set aside, as the legislature’s propensity to cross-examine ministers and bureaucrats, discuss substantial legislation at length, and criticize some executive decisions has drawn respect.²⁶

The first example of parliament engaging in the democratization of the Burmese government is the number of reform-based bills it has passed. The Hluttaw has considered and

²⁴ Rogers, *Burma: A Nation at the Crossroads*, 222.

²⁵ Republic of the Union of Myanmar, *Constitution*, 39, 51.

²⁶ Robinson, “The Contenders.”

passed several key pieces of legislature during its nascent existence. Numerous examples of legislative initiatives in support of political reform include an International Labor Organization-endorsed labor law allowing workers to form labor unions and protecting freedom of association; other legislation to define, prohibit, and criminalize forced labor in Burma; and a new law in December 2011 to protect the rights of citizens to peacefully assemble.²⁷ Parliament passed the Peaceful Assembly and Peaceful Procession Law that defined procedures for applying for a permit to hold a demonstration, leading to 200 farmers staging a demonstration, the first such legal protest to be held in the country since 1962.²⁸ Other topics addressed in legislation during 2013 include the national budget, customer protection, the media, farmers' rights, and rules of assembly.²⁹ These bills represent substantial topics of good governance, and their passing by a majority of the parliament shows the solidification of the democratic process.

Contrary to the concerns of ineptitude expressed by some, the Hluttaw has also acted as a check on the other branches of government. Though inexperienced, the members of parliament appear to be taking their role seriously, and the national legislature has shown that it is not a rubber-stamping authority.³⁰ Parliament is not acting as a subordinate to the government, with the speakers of both houses indicating that there is a desire for the Hluttaw to increase its role in the balance of government as a check on the executive branch.³¹ One example of the parliament's efforts to inject itself into the political process is, in an unprecedented attack, Shwe Mann – a former general and speaker of the lower house – demanded more input into the government's peace initiative with armed ethnic minorities. Claiming that the process was failing, Shwe Mann implied

²⁷ U.S. Congress, *U.S. Policy on Burma*, 8.

²⁸ International Crisis Group, "Myanmar: Storm Clouds on the Horizon," 8.

²⁹ Aung-Thwin, "Myanmar in 2013," 207.

³⁰ Thuzar, "Myanmar: No Turning Back," 213.

³¹ U.S. Congress, *U.S. Policy on Burma*, 23.

that the former general running the process had worked outside the legal authority. It was the first time that the house speaker, who had recently assumed chairmanship of the USDP from Thein Sein, had openly criticized the administration – and a former army colleague.³²

Though frictions in the operations of government may seem concerning, these tensions should be taken in context. Clearly the balance of power has shifted from a one-ruler regime of military generals to a more a participatory form of government. One of the roles of the legislative branch in a democracy is to provide a check and balance for the executive, and the recent conflict in the government suggests that democracy is beginning to manifest itself.³³ The very existence of competition indicates a dramatic transition from the autocratic rule of Than Shwe and helps guarantee pluralism.³⁴ Shifting and balancing of power amongst government branches and voting blocs helps inhibit the syndication of power in one individual, thus preventing a return to an authoritarian regime.

Another example of democracy taking root in the Parliament is the shifting alliances amongst its members. Given the close relationship between the USDP and military appointee MPs, there could be the expectation of that bloc voting in concert, although there is evidence to the contrary. In one case, the legislature voted to impeach the judiciary in a fight over constitutional authority of committees; lower house representatives of both the USDP and the NLD supported the impeachment, while the unelected military members voted against the proceedings.³⁵ Although many observing the government transition expected the military bloc to vote against pro-democracy motions in alliance with the USDP, Tatmadaw delegates supported a motion that the

³² Robinson, “The Contenders.”

³³ Ibid.

³⁴ Randolph, “Bumps in the Road.”

³⁵ International Crisis Group, “Myanmar: Storm Clouds on the Horizon,” 10.

president grant amnesty to prisoners.³⁶ In fact, after some initial mistrust, relationships between the elected representatives and military appointees are improving.³⁷ The willingness of the political parties and appointees to vote across party lines show democracy in process.

One of the challenges facing the Hluttaw is constitutional reform. Article 436 requires 75 percent of the legislature to approve an amendment to the constitution.³⁸ In conjunction with Articles 109 and 141, which stipulate that both the lower and upper houses of the Hluttaw be composed of 25 percent of appointed military members of the Defense Services,³⁹ there is the potential for the military to continue to dominate the legislative process by effectively vetoing constitutional amendments. Aung Sun Suu Kyi and the NLD are in the process of lobbying for reform of Article 436, and have gathered 5 million signatures in a petition to press the legislature to amend that requirement.⁴⁰ While a limiting factor on the continuance of reformation, the constitution is still a relatively young document, and both the executive and legislative branches maintain the public position of working towards a political resolution. Given the history of the legislature to shift allegiances, there is reason for confidence that the Hluttaw will negotiate a compromise acceptable to both the pro-democracy NLD and the military members.

Perhaps the development most significant to the pro-democracy movement was the decision by the Hluttaw to amend the political party registration and election laws. These amendments made it possible for the NLD to register the party with the election commission while running Suu Kyi in the by-elections,⁴¹ and legally legitimized the most popular – and pro-democracy – political party in the country. The opportunity for the NLD to compete in general

³⁶ Hlaing, “Understanding Recent Political Changes in Myanmar,” 207.

³⁷ Thuzar, “Myanmar: No Turning Back,” 213.

³⁸ Republic of the Union of Myanmar, *Constitution*, 173.

³⁹ *Ibid.*, 39, 51.

⁴⁰ Mooney, “Burma: With Suu Kyi Blocked.”

⁴¹ Hlaing, “Understanding Recent Political Changes in Myanmar,” 207.

elections may perhaps lead to the most sweeping changes in Burmese government since independence, and the decision of parliament to allow that indicates how far Burma has come in its move towards democracy. The NLD swept elections when it last participated in 1990, and the Tatmadaw subsequently invalidated the results and tightened its grip on the regime. Yet in 2012 the government permitted the party to run again, assuring a move towards democratization that is unlikely to be reversed.

Aung San Suu Kyi

Aung San Suu Kyi – daughter of Aung San, the founder of the modern Burmese army and liberator of Burma from the British Empire – is the leader of the pro-democracy movement NLD. Winner of the Nobel Peace prize and also known as “The Lady”, she represents the forces in the vanguard for a democratic Burma. She was released from house arrest by Thein Sein in 2010 after fifteen years of confinement. The 2012 decision by the Hluttaw to allow the NLD to register as a political party paved the way for legitimate participation of a well-supported opposition in the governance of the country.

By gaining legitimacy in the Burmese political process, Suu Kyi and the NLD have ensured that the democratic process will continue. Evidence of this continuation rests in the 2012 by-elections, the first in which the NLD was allowed to participate since 1990. Although some irregularities were reported with the election process,⁴² the success of the electoral process was an important step in the democratization and reconciliation process, and has been called one of the most dramatic examples of the reform process underway in Burma.⁴³ In the elections, the NLD

⁴² U.S. Congress, *U.S. Policy on Burma*, 8.

⁴³ *Ibid.*, 7.

won 43 of the 44 seats it contested, enabling Aung San Suu Kyi to enter parliament and assume a leading role in legislative committees.⁴⁴ Not only did the NLD win almost all of its contests, losing only to the Shan Nationalities Democratic Party, the USDP won only one seat of 45 contested. In addition, as an indication of more democratic involvement in the process, the participation rate was higher than in the past with 16 other parties participating.⁴⁵ The overwhelming support of the NLD – and rejection of the USDP – indicates the transparency of the process and impedes any attempts to reverse electoral reforms in the future.

The election of Suu Kyi has provided her the platform to perform as a politician and not just the leader of a movement. The Parliament elected her as chair of the newly-formed lower house Committee for Rule of Law and Peace and Stability,⁴⁶ and has cultivated good working relationships with Shwe Mann. Meeting regularly to discuss legislative issues has led to President Thein Sein and his cabinet reaching out to her, providing her an audience with the executive branch. Her connections with the President and the Speaker (also the leader of the USDP) has provided more influence to the pro-democracy movement, and Suu Kyi has used that voice to call for the rule of law and the emergence of a free and fair judiciary.⁴⁷ In addition, her relationship with both the Thein Sein and the Shwe Mann has suppressed a rigid vocal leader opposed to reconciliation, allowing liberals in the government to work together to advance the democratic agenda.⁴⁸ This lack of an ardent opponent has provided space for the pro-democracy movement to expand and flourish. As Aung San Suu Kyi and the NLD continue to participate in the

⁴⁴ Jones, “Explaining Myanmar’s Regimes Transition,” 781.

⁴⁵ U.S. Congress, *U.S. Policy on Burma*, 7-8.

⁴⁶ International Crisis Group, “Myanmar: Storm Clouds on the Horizon,” 8.

⁴⁷ Thuzar, “Myanmar: No Turning Back,” 210.

⁴⁸ Hlaing, “Understanding Recent Political Changes in Myanmar,” 214.

government as legitimate and legal forces, the capability of hard-liner opposition to renounce democracy reform fades.

The Military

Prior to 2011, Burma was run by the senior general of the military. As a top-down transformation, a successful and peaceful democratic transition requires the cooperation of the Tatmadaw. On March 30, 2011, General Than Shwe formally turned over power – the political power to President Thein Sein and the military power to Min Aung Hlaing, Commander-in-Chief of the Tatmadaw.⁴⁹ Shwe's abdication of power was yet another step in Burma's long process toward democracy and the separation of political and military power increase the likelihood that the process will continue. There are several examples that indicate the military, rather than impeding the transformation, is actually participating in the process.

In 2008, there was a widely held belief that the junta was rigging the constitution to maintain its power by designing portions free from civilian oversight. In fact, the military's power has faded: because the government has created a separate political realm not under the authority of the government, the military has lost the monopoly on all public authority. Furthermore, since 2011 the armed forces have receded from daily involvement in governance.⁵⁰ Beyond a simple reduction in power, current and former members of the military institutions are actually liberalizing. Elements of the armed forces and the USDP in Parliament have taken liberal positions on some political and social issues, such as pro-worker labor laws and the release of political

⁴⁹ Holliday, *Burma Redux*, 86.

⁵⁰ Callahan, "The Generals Loosen Their Grip," 127.

prisoners, displaying populist lines and motions that are contrary to the positions of the former regime.⁵¹

One reason for the reduction in the military's visibility in governing is the leader's continued low profile. Senior General Min Aung Hlaing has limited his public appearances to military functions, and has told the few diplomats that he has met that he wants to narrow the duties of the military to a more professional set including defending the national constitution and territory, and step away from the former roles of administration and governance.⁵² Without a military leader clearly engaged in politics and governance, the opportunities for democracy to flourish increase because of the lack of pressure for the former junta to maintain its power base.

While the military has stepped back, it still maintains a significant amount of constitutional control. Article 40(c) of the 2008 constitution provides the Commander-in-Chief of the Defense Services, in a state of emergency, the right to assume state sovereign power.⁵³ This provision gives the Tatmadaw unlimited power in any event that could result in the disintegration of the state. The ambiguity of this provision and the sweeping powers it provides could lend to a military takeover of the government while claiming a "legitimate" right, regardless of outside interpretation of the situation. Clearly this article represents a potential risk to increasing democratic reforms, for if the military perceives a threat to its power base and all the economic trappings accompanying that, it can suspend the government and assume control. However, the military – which views itself as the only organization capable of maintaining security in the country – has a large interest in the reformation of the government. While it is willing to consult with opposition forces on reforms and continue to participate in an inclusive constitutional process, the military will ensure it

⁵¹ Robinson, "The Contenders."

⁵² Callahan, "The Generals Loosen Their Grip," 128.

⁵³ Republic of the Union of Myanmar, *Constitution*, 10.

maintains an important factor in the transition.⁵⁴ Indeed, the transition to democracy could not have proceeded so far, so fast, without tacit approval, if not outright participation of, the military. Its continued participation in the process shows that retrenchment is unlikely.

Recommendations

Despite showing astonishing reforms across the political spectrum and throughout many parts of the government, several challenges lay ahead for Burma on the path to continued democratization. Burma is a fragile state, transforming from an authoritarian regime, and faced with key transitional tasks such as resolution of ethnic conflict and holding elections.⁵⁵ It is, however, showing clear willingness to change, improve its economic outlook, resolve internal differences, and join the international community, while lacking some capacity to make that transition on its own. It is this type of problem in which United States assistance, through capacity-building measures designed to strengthen the police, civil service, rule of law, and institutions of government, is both appropriate and likely to be successful.⁵⁶

The U.S. should apply assistance across the spectrum of its instruments of national power. While diplomacy should be the focus of most support, military and economic influence can be applied as well. The U.S. has already suspended many economic sanctions as a good-faith measure for the efforts of the Burmese government to implement reforms, with promising results in continued release of political prisoners and more open elections. Continued support for direct foreign investment will help Burma build its physical infrastructure while opening markets to U.S. companies and investors.

⁵⁴ Clapp, "Burma's Long Road to Democracy," 5.

⁵⁵ Menkhaus, "State Fragility," 92.

⁵⁶ *Ibid.*, 96.

The U.S. should foster military-to-military relationships as well. The Burmese military has already taken steps in this direction, as Burma was invited to observe the 2013 Cobra Gold exercise. A joint exercise with multiple nations in the region and led by Thailand, Burma's limited participation represents a significant step for the military,⁵⁷ and will provide benefits across the ranks as well as increase exposure to regional powers. One of the significant challenges facing the military is continued ethnic instability. While President Sein has promised national reconciliation, signed cease-fire agreements with most major ethnic groups, and begun political dialogues with those groups,⁵⁸ the U.S. military has significant experience in dealing with counterinsurgency and can provide training and advice on how to engage the rebels without alienating the local populations.

Finally, the U.S. can apply diplomacy to support the political infrastructure of the Burmese fledgling democracy. The bellwether for continued entrenchment of democracy in the governance of Burma will be the national elections scheduled for 2015. They will be the first since the transition from the military regime in 2011, and the first opportunity for the NLD to participate in national parliamentary elections. This is an excellent opportunity for the U.S. to promote free and fair elections in order to keep the transformation on track, while engaging with the NLD on the fundamentals of campaigning and inclusive politics, should it win a majority of seats. At the same time, the U.S. must be aware of the risks of high-paced transition. Moving too fast without acceptance of the military elite could provoke an attempted reversion to authoritarianism, and given the advancements made so far, any reversal may result in violent opposition. Similarly, there is risk if the NLD wins overwhelmingly in the 2015 elections, propelling it to power that either it is not ready to handle or that the military elite is unwilling to accept. The best pace will

⁵⁷ Scharf, "Burma Observers Participate."

⁵⁸ Hlaing, "Understanding Recent Political Changes in Myanmar," 207-208.

be one which results in progress that satisfies the moderates from both the military regime and the pro-democracy movement, yet does not threaten the hard-liners from either side. In any case, Burma remains a strategic opportunity that should be engaged by the U.S.

Conclusion

Burma has made a remarkable transition in the recent past towards democracy, but that transition did not start at the adoption of a new constitution in 2008. The roots of that change began decades ago with the recognition that the transformation was necessary in order to improve the population's quality of life and to compete in the global market. Since the handover of power to President Thein Sein and the establishment of the Hluttaw, the government has implemented multiple concrete reforms. Freedom of speech, economic reform, and the release of prisoners are just a few examples. The president has consistently voiced his goal to continue the transformation to democracy through negotiation and peace, and the legislature has engaged in productive governance. The military regime's choice to refrain from politics and focus on security solidifies its acceptance of the establishment of democracy. The legal inclusion of the pro-democracy NLD and its dynamic leader, Aung San Suu Kyi, in the political process is a major advancement. The road is long, however, and Burma still has many steps to complete. Ethnic instability remains a hurdle, as democracy cannot take root without representation of all citizens. The country requires further economic reform, constitutional amendments, and capacity-building in political institutions.

The 2015 elections will be a telling guidepost for Burma's journey. The ability to conduct free and open elections, with a peaceful transition of power to the winning party, will be the clearest sign yet that democracy has taken root in Burma. Karl Jackson, Ph.D. and C.V. Starr

Distinguished Professor of Southeast Asia Studies at the Johns Hopkins University School of Advanced International Studies, unequivocally stated that Burma will not revert: “There is a uniformity of opinion within the country, regardless of whether you’re talking to released political prisoners, members of the government, or people in the lobby of the hotel, there’s a unanimity of opinion that things have changed, there is no going back, and that the military regime is over.”⁵⁹ Given the reforms already implemented and the continued unambiguous efforts of the President, the Parliament, and the pro-democracy movement toward transformation, there is little doubt that the democratization trend in Burma will continue.

⁵⁹ U.S. Congress, *U.S. Policy on Burma*, 35.

Bibliography

- Aung-Thwin, Maitrii. "Myanmar in 2013." *Southeast Asian Affairs* (2014): 203-223, EBSCOHost (96548023).
- Callahan, Mary. "The Generals Loosen Their Grip." *Journal of Democracy* 23, no. 4 (2012): 120-131.
- Clapp, Priscilla. "Burma's Long Road to Democracy." Washington, D.C.: United States Institute of Peace (2007). <http://www.usip.org/sites/default/files/sr193.pdf>.
- Hlaing, Kyaw Yin. "Understanding Recent Political Changes in Myanmar." *Contemporary Southeast Asia* 34, no. 2 (2012): 197-216.
- Holland, Steve. "Obama extends some sanctions against Myanmar despite reforms." Accessed 19 October 2014. <http://www.reuters.com/article/2014/05/15/us-myanmar-usa-obama-idUSBREA4E0W820140515>.
- Holliday, Ian. *Burma Redux : Global Justice and the Quest for Political Reform in Myanmar*. New York: Columbia University Press, 2011.
- Huntington, Samuel. "How Countries Democratize." *Political Science Quarterly* 124, no. 1 (2009): 31-69.
- International Crisis Group. "Myanmar: Storm Clouds on the Horizon." *International Crisis Group*, Asia Report no. 238 (2012): 1-27. [http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/238-myanmar-stormclouds-](http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/burma-myanmar/238-myanmar-stormclouds-)
- Jones, Lee. "Explaining Myanmar's Regimes Transition: The Periphery is Central." *Democratization* (2014): 780-802. doi:10.1080/13510347.2013.863878.
- Menkhaus, Kenneth J. "State Fragility as a Wicked Problem." *PRISM* (Center for Complex Operations) 1, no. 2 (2010): 85-100.
- Mooney, Paul. "Burma: With Suu Kyi Blocked, Myanmar's NLD Eyes Former General for President" Accessed 24 September 2014. <http://www.reuters.com/article/2014/09/23/us-myanmar-politics-idUSKCN0HI2HI20140923>.
- "Myanmar - A Burmese Spring." *The Economist*. 25 May 2013.: S.3 - S.4. Accessed 26 September 2014. <http://www.economist.com/news/special-report/21578168-after-50-years-brutal-military-rule-myanmars-democratic-opening-has-been-swift-and>.
- Randolph, Eric. "Bumps in the Road - Political Reform in Myanmar." *Jane's Intelligence Review* 25, no. 7 (2013).

- “Report Myanmar Opposition May Support Ruling Party Chief For President 'Incorrect'.” Accessed 18 October 2014. <http://www.rfa.org/english/news/myanmar/report-09242014180945.html>.
- Republic of the Union of Myanmar. *Constitution of the Republic of the Union of Myanmar*. 2008. Accessed 2 September 2014. http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf
- Robinson, Gwen. "The Contenders." *Foreign Policy*. Accessed 5 October 2014. http://www.foreignpolicy.com/articles/2013/07/12/the_contenders?page=full#sthash.43Na71c7.dpbs.
- Rogers, Benedict. *Burma: A Nation at the Crossroads*. London: Rider, 2012.
- Schearf, Daniel. “Burma Observers Participate in US-Led Military Exercises in Thailand.” Accessed 19 October 2014. <http://www.voanews.com/content/burma-observers-participate-in-us-led-military-exercises-in-thailand/1601193.html>.
- Sein, Thein. “President U Thein Sein delivered speech through radio programmes to the entire people(August).” Accessed 15 October 2014. <http://www.president-office.gov.mm/en/?q=briefing-room/2014/09/01/id-4099>.
- . “President U Thein Sein met leaders and representatives of political parties at Mingala Hall of Yangon Region Government.” Accessed 5 October 2014. <http://www.president-office.gov.mm/en/?q=briefing-room/2014/03/31/id-3511>.
- . “President U Thein Sein’s New Year radio message to the entire people far and wide the nation.” Accessed 5 October 2014. <http://www.president-office.gov.mm/en/?q=briefing-room/speeches-and-remarks/2013/01/01/id-1344>.
- Taylor, Robert H. "Myanmar in 2012: Mhyaw Ta Lin Lin Or Great Expectations." *Southeast Asian Affairs* 189 (2013): 191-203.
- . "Myanmar's "Pivot" Toward the Shibboleth of "Democracy"." *Asian Affairs* 44, no. 3 (2013): 392-400. doi:10.1080/03068374.2013.826014.
- Thuzar, Moe. "Myanmar: No Turning Back." *Southeast Asian Affairs* (2012): 203-219.
- U.S. Congress. Senate. *U.S. Policy on Burma: Hearings before the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations*. 112th Cong., 2nd sess, 2012.