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ALEXANDER DUKALSKIS

Myanmar's Double Transition

Political Liberalization and the Peace Process

ABSTRACT

Myanmar has experienced significant political liberalization since 2011. Alongside the political reforms, a peace process to end the country's several insurgencies has continued. This article analyzes this "double transition" by asking how political liberalization has shaped the peace process. It elaborates six ways that liberalization has influenced the quest for peace.

KEYWORDS: Myanmar, Burma, authoritarianism, democracy, peace

INTRODUCTION

Myanmar, also called Burma,[1] is in the midst of a potential "double transition." First, Myanmar is in the process of emerging decisively from decades of military rule. From 1962 until 2011 the country was ruled by authoritarian regimes. Starting with a modest but significant liberalization in 2011 the military opened its rule to limited electoral competition and loosened restrictions on civil liberties. The election of November 8, 2015 handed the National League for Democracy (NLD) a landslide victory at the expense of pro-military parties and smaller ethnically based parties, making the NLD the country's dominant political party. It is unclear what effect the election will have on the long-term future of military rule in Myanmar, but it was doubtless a crucial moment in Burma's political history.

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1. On the name of the country, see Lowell Dittmer, "Burma vs. Myanmar: What's in a Name?" *Asian Survey* 48:6 (2008): 885–88. This article will use the names interchangeably to avoid repetition for the reader.

Asian Survey, Vol. 57, Number 4, pp. 716–737. ISSN 0004-4687, electronic ISSN 1533-838X. © 2017 by The Regents of the University of California. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Reprints and Permissions web page, http://www.ucpress.edu/journals.php?p=reprints. DOI: https://doi.org/10.1525/AS.2017.57.4.716.

Second, Myanmar is attempting to transition away from armed conflict. There have been dozens of armed conflicts involving different groups on Myanmar's territory since national independence in 1948. Indeed, there has been no single year since its independence that Burma has been entirely free from armed conflict. As of this writing, negotiations continue for a comprehensive nationwide ceasefire, as well as political dialogue between the Burmese government and all remaining armed groups. Again, the outcomes of peace processes in Myanmar remain uncertain, and will likely take years or decades to unfold, but some progress has been made in moving many areas of the country from war to something more akin to peace.

While ending armed conflicts is difficult, and democratizing a polity perhaps even more so, Myanmar is attempting both simultaneously. The nascent contours of this potential double transition provide a useful context in which to study the more general relationship between democratization and armed conflict. There is a reasonable degree of consensus among researchers of armed conflict that consolidated democracies are less prone to civil war.[2] Yet there are dangers lurking in the democratization process itself, because state institutions are often too weak to contain violence and leaders have incentives to use nationalist rhetoric that stokes conflict.[3] On the other hand, democratization may open new political horizons and possibilities that make conflicts "ripe" for resolution.[4]

Myanmar's political context has in a short space of time changed from staunch military authoritarianism (pre-2010) to a period of elite-led and military-dominated liberalization (2011–2015), to a system with nationwide multiparty elections and an NLD-led government—but with the military still retaining significant domains of control since 2015. Meanwhile, Myanmar's various armed groups range from still actively fighting the government to existing in a tenuous ceasefire with ongoing political dialogue. A heterogeneous array of ostensible community-protection militias aligned with the government or with ethnic armed organizations also complicates any taxonomy of armed

2. Havard Hegre, "Democracy and Armed Conflict," *Journal of Peace Research* 51:2 (2014): 159–72.

3. Edward D. Mansfield and Jack Snyder, "Democratic Transitions, Institutional Strength, and War," *International Organization* 56:2 (2002) 297–337; Edward D. Mansfield and Jack L. Snyder, "The Sequencing 'Fallacy'," *Journal of Democracy* 18:3 (2007): 5–10; Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004).

4. On the concept of "ripeness" in conflict resolution, see I. William Zartman, "Ripeness: The Hurting Stalemate and Beyond," in Daniel Druckman and Paul C. Stern, eds., *International Conflict Resolution after the Cold War* (Washington, DC: National Research Council, 2000): 225–50.

groups.[5] This complex and diverse context provides fruitful variation to explore the relationships between political transition and conflict termination.[6] Ultimately, the article finds that political liberalization has shaped Myanmar's peace process in at least six ways. It has (1) introduced more actors, (2) with more overlap among them, but (3) with NLD representatives in government newly dominant and (4) the military cast in a potential spoiler role. Liberalization has also introduced (5) a new level of popular scrutiny of the peace process, which has resulted in newly salient issues, although (6) transitional justice, or coming to terms with legacies of violence or repression, is not one of them.

This article is based on secondary sources as well as fieldwork conducted in Myanmar in May 2016, which included semi-structured interviews and one focus group with political actors involved in either the liberalization process or the peace process (or both). Names are withheld to protect confidentiality. The author conducted interviews with senior figures in the NLD, the Shan Nationalities League for Democracy, the Chin Progressive Party, the Democratic Party for a New Society, and the Union Solidarity and Development Party (USDP), as well as the Myanmar Peace Center (MPC) and members of two major committees of the peace process: the Joint Monitoring Committee and the Union Peace Dialogue Joint Committee. The number and overlapping nature of the various groups involved in both the liberalization and peace processes is bewildering, and so for reference the Appendix gives details about the interviews conducted. Further informal conversations were held with journalists, academics, and other contacts in Myanmar. Previous fieldwork by the author in Myanmar in 2012 and several visits in the years before that also inform this study.

MYANMAR'S DOUBLE TRANSITION: A BRIEF CONTEXT

Burma was ruled by an authoritarian regime under General Ne Win from 1962 to 1988.[7] After nationwide protests throughout 1988 ousted the government, elections in 1990 saw the NLD, led by Aung San Suu Kyi, win in a landslide.

5. Jon Buchanan, *Militias in Myanmar* (Yangon: Asia Foundation, 2016).

6. Marte Nilsen, "Will Democracy Bring Peace to Myanmar?" *International Area Studies Review* 16:2 (2013) 115–41.

7. For a recent comprehensive study of the politics of the Ne Win period, see Yoshihiro Nakanishi, *Strong Soldiers, Failed Revolution: The State and Military in Burma, 1962–88* (Singapore: NUS Press, 2014).

The military, however, argued that the elections were meant to form a constitutional convention, not a government as such.[8] The State Law and Order Restoration Council (SLORC), which was later reshuffled and renamed the State Peace and Development Council (SPDC), maintained power until it organized elections in 2010. SLORC/SPDC rule was characterized by extreme repression of civil society, economic mismanagement, and international isolation.[9]

In 2003 the military initiated what it called the Seven-Step Roadmap to Democracy. A 2008 referendum of questionable integrity approved a new constitution in a 93% landslide.[10] It was widely assumed, including by the NLD, that the first elections held under the new constitution in 2010 were cynical attempts to entrench military rule. With the NLD and several other parties boycotting the election, the pro-military USDP won nearly 80% of the open seats in the legislature. Combined with the 25% of seats reserved for military appointees, the military and its allies retained monopoly political power after 2010.[11] To the surprise of many, the administration of President Thein Sein, himself a former general, initiated many liberalizing reforms despite the political dominance of the military and its allies.[12] The government substantially lifted restrictions on the media, released many political prisoners, and allowed the NLD to win 43 of the 45 available seats in the national legislature in April 2012 by-elections. Elections in 2015 saw the NLD win in a landslide, and as of this writing the NLD and its representatives are the most powerful

8. Derek Tonkin, "The 1990 Elections in Myanmar: Broken Promises or a Failure of Communication?" *Contemporary Southeast Asia* 29:1 (2007): 33–54.

9. Alexander Dukalskis, "Stateness Problems or Regime Unification? Explaining Obstacles to Democratization in Burma/Myanmar," *Democratization* 16:5 (2009): 945–68; Kyaw Yin Hlaing, "Setting the Rules for Survival: Why the Burmese Military Regime Survives in an Age of Democratization," *Pacific Review* 22:3 (2009): 271–91; Vincent Boudreau, *Resisting Dictatorship: Repression and Protest in Southeast Asia* (Cambridge: Cambridge University Press, 2004).

10. Human Rights Watch, *Vote to Nowhere: The May 2008 Constitution Referendum in Burma* (New York: Human Rights Watch, 2008).

11. On the 2010 elections and their consequences, see Neil A. Englehart, "Two Cheers for Burma's Rigged Election," *Asian Survey* 52:4 (2012): 666–86; Morten B. Pedersen, "The Politics of Burma's 'Democratic' Transition: Prospects for Change and Options for Democrats," *Critical Asian Studies* 43:1 (2011): 49–68; Roger Lee Huang, "Re-thinking Myanmar's Political Regime: Military Rule and Implications for Current Reforms," *Contemporary Politics* 19:3 (2013): 247–61.

12. Tin Muang Muang Than, "Myanmar in 2013: At the Halfway Mark," *Asian Survey* 54:1 (2014): 22–29; Ian Holliday, "Myanmar in 2012: Toward a Normal State," *Asian Survey* 53:1 (2013): 93–100.

grouping in the government.[13] Aung San Suu Kyi has the role of State Counselor, which effectively makes her the most influential politician in Burma, a prospect that was almost unimaginable in the days of the SLORC/SPDC, when her name was rarely uttered in public for fear of punishment.[14]

There are several perspectives on why the military liberalized when and how it did.[15] Perhaps the most common view is that the military crafted the constitution to perpetuate its own rule in electoral guise.[16] But this leaves unexplained why the military did not do more to stifle the electoral success of the NLD in 2012 and 2015, or to tilt the electoral playing field to its advantage even before then. Others argue that the military was in effect trapped by its own efforts to legitimate its rule with popular consent; it had few other choices but to facilitate clean elections if it wished to gain international support and avoid a domestic backlash.[17] Still another perspective posits that the military was satisfied that it had sufficiently squelched the armed opposition and was content to liberalize.[18] Consistent with this interpretation, to prepare for the transition the military secured its business interests by privatizing state assets and seeing that they went to military allies.[19] Finally, it may be the case that a mixture of motives explains the outcome and that observers overstate the strategic foresight of the actors involved, as even elites who have helped

13. Ardeth Thawnghmung, "The Myanmar Elections 2015: Why the National League for Democracy Won a Landslide Victory," *Critical Asian Studies* 48:1 (2015): 132–42.

14. For executive positions in the government, the Myanmar constitution stipulates that individuals who are members of political parties cannot take part in party activities while in government. The typical formulation for each position is: "He [*sic*] shall not take part in its party activities during the term of office from the day he [*sic*] is appointed." For this reason, this article will use formulations like "NLD representatives" or "NLD members in government" when discussing the dominance of the NLD in the post-2015 government. This formulation denotes that while the NLD as an organization may not be driving policy, its leaders (most prominently Aung San Suu Kyi) are.

15. Mary Callahan, "The Generals Loosen Their Grip," *Journal of Democracy* 23:4 (2012): 120–31.

16. Aurel Croissant and Jil Kamerling, "Why Do Military Regimes Institutionalize? Constitution-Making and Elections as Political Survival Strategy in Myanmar," *Asian Journal of Political Science* 21:2 (2013) 105–25.

17. Lee Morgenbesser, "In Search of Stability: Electoral Legitimation under Authoritarianism in Myanmar," *European Journal of East Asian Studies* 14:2 (2015): 163–88.

18. Lee Jones, "Explaining Myanmar's Regime Transition: The Periphery Is Central," *Democratization* 21:5 (2014) 780–802.

19. Michelle Ford, Michael Gillan, and Htwe Htwe Thein, "From Cronyism to Oligarchy? Privatisation and Business Elites in Myanmar," *Journal of Contemporary Asia* 46:1 (2016): 18–41.

shape the transition are not always "confident in their own understandings of what has occurred."[20]

Regardless of the military's motives, however, it ultimately did cede significant power to the NLD in 2015, and now among the many challenges facing NLD members in government is Myanmar's long-simmering set of armed conflicts. Immediately upon Burma's independence, armed insurgencies either challenged state power or fought to secede.[21] The state has fought multiple armed groups every year since independence, and this has kept many areas of the country tense, militarized, and underdeveloped.[22] In addition to major armed groups like the Kachin Independence Army (KIA), the Karen National Union, and before 1989 the Communist Party of Burma, dozens of other groups have rebelled against the state since 1948. The SLORC/SPDC sought ceasefires with 21 armed groups during its tenure and was successful with 17 of them, although the agreements were merely ceasefires that did not settle underlying political disputes.[23]

In the final days of the Thein Sein administration, the government and eight ethnic armed organizations signed the Nationwide Ceasefire Agreement (NCA). Negotiations proceeded for four years and culminated in an October 2015 accord that included eight groups, most notably the Karen National Union, but did not include seven other groups, most significantly the KIA and United Wa State Army (UWSA).[24] The agreement text stipulates that an inclusive political dialogue will result from the accord and that various monitoring and trust-building measures will be undertaken. Difficulties confront

20. Nicholas Farrelly and Chit Win, "Inside Myanmar's Turbulent Transition," *Asia & The Pacific Policy Studies* 3:1 (2016): 42.

21. For comprehensive histories of armed conflict in Burma from independence to the 1990s, see Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1999); Bertil Lintner, *Burma in Revolt: Opium and Insurgency Since 1948* (San Francisco: Silkworm Books, 1999).

22. Mary P. Callahan, *Political Autonomy in Burma's Ethnic Minority States: Devolution, Occupation, and Coexistence* (Washington, DC: East-West Center, 2007).

23. Alexander Dukalskis, "Why Do Some Insurgent Groups Agree to Cease-Fires while Others Do Not? A Within-Case Analysis of Burma/Myanmar, 1948–2011," *Studies in Conflict and Terrorism* 38:10 (2015): 841–63.

24. For analysis of the NCA's strengths and weaknesses, see Jack Myint, "The Truth about Myanmar's New Ceasefire Agreement," *The Diplomat*, October 30, 2015, <http://thediplomat.com/2015/10/the-truth-about-myanmars-new-ceasefire-agreement/>; Trevor Wilson, "Is Myanmar's Nationwide Ceasefire Agreement Good Enough?" *East Asia Forum*, October 21, 2015, <http://www.eastasiaforum.org/2015/10/21/is-myanmars-nationwide-ceasefire-agreement-good-enough/>; both accessed August 4, 2016.

the NCA. For example, as the agreement was being signed, fresh fighting broke out in Kachin State. The larger issue of how to handle the non-signatories remains problematic, and there is a lack of clarity about how to manage military and rebel-affiliated militias.[25]

Along with transferring official control of the machinery of civilian government to the NLD members, the transition meant that NLD representatives, and specifically Aung San Suu Kyi, were now the leading actors in the peace process. NLD representatives embraced their newfound influence over the peace process by disbanding the MPC and establishing the National Reconciliation and Peace Center and the Preparation Committee for the Union Peace Conference—21st Century Panglong (see discussion below).[26] As of this writing, developments are still unfolding, as they are likely to do for at least several years, but even so, some patterns are clear enough to analyze. As will be explained further below, the new political context has substantially altered the contours of the peace process.

DEMOCRATIZATION AND PEACE PROCESSES

Consolidated democracies are less prone to civil war than other types of polities.[27] Well-established democratic regimes provide mechanisms other than violence to settle conflicts, and citizens who have grievances with the state can vote, lobby, protest, or engage in other activism to pursue their goals. Yet, regime change generally is a predictor of civil war outbreak.[28] Significant moves toward democracy or toward autocracy are associated with greater risk of armed conflict outbreaks.[29] Times of political transition see institutions and expectations unsettled. The state may react harshly to protect its integrity, and armed challengers may sense opportunity. Good governance may help avoid some of the pitfalls associated with turbulent

25. Buchanan, *Militias in Myanmar*.

26. The Panglong Conference of 1947, held in the town of Panglong in Shan State, brought together leaders of various ethnic groups, including the Burmese, Chin, Kachin, and Shan. The aim was to discuss independence and post-independence political arrangements, and the end result was the Panglong Agreement, signed February 12, 1947.

27. Hegre, "Democracy and Armed Conflict."

28. Havard Hegre, Tanja Ellingsen, Scott Gates, and Nils Petter Gleditsch, "Toward a Democratic Civil Peace? Democracy, Political Change, and Civil War, 1816–1992," *American Political Science Review* 95:1 (2001): 33–48.

29. Lars-Erik Cederman, Simon Hug, and Lutz F. Krebs, "Democratization and Civil War: Empirical Evidence," *Journal of Peace Research* 47:4 (2010): 377–94.

periods of flux.[30] However, elections in ethnically diverse states may provoke losing groups to resort to violence on the grounds that the poll was rigged or unfair.[31] Nationalist groups often discover newfound incentives and opportunities to engage in inflammatory rhetoric during times of transition.[32]

Most studies analyzing the relationship between democratization and armed conflict, however, focus on the outbreak of civil war and do not consider contexts in which peace negotiations are occurring alongside political transition. In other words, if the dependent variable in most such studies is conflict outbreak, a context like Myanmar, in which conflict is ongoing, requires a dependent variable of conflict termination or resolution.

Disaggregating the characteristics of regime transitions is one way to generate expectations about the relationship between democratization and a peace process. If a transition is peaceful as opposed to violent, then some evidence suggests that the prospects for avoiding armed conflict are improved.[33] More specifically, one would expect a different configuration of power if a transition is elite-led or driven by a popularly backed opposition that forced a transition.[34] In an elite-led process, the outgoing elites are likely to retain more power and should therefore be better able to protect their interests and steer the transition toward their preferred outcome. In a popularly led regime ouster, outgoing elites' control over levers of power is diminished and they retain less ability to protect their interests and enact their priorities.

In Myanmar, the liberalization process was elite-led. Indeed, some members of the military-allied political party, the USDP, feel aggrieved that they have not received sufficient credit for ushering Myanmar through a democratic transition.[35] Popular pressure for economic and political reforms resulted in nationwide protests in 1988 and 2007, but the military repressed both

30. Havard Hegre and Havard Mokleiv Nygard, "Governance and Conflict Relapse," *Journal of Conflict Resolution* 59:6 (2015): 984–1016.

31. Lars-Erik Cederman, Kristian Skrede Gleditsch, and Simon Hug, "Elections and Ethnic Civil War," *Comparative Political Studies* 46:3 (2012): 387–417.

32. Mansfield and Snyder, "Sequencing 'Fallacy'."

33. Matteo Cervellati, Piergiuseppe Fortunato, and Uwe Sunde, "Violence during Democratization and the Quality of Democratic Institutions," *European Economic Review* 66 (2014): 226–247.

34. For a classic statement on these dynamics, see Guillermo O'Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, MD: Johns Hopkins Press, 1986).

35. Focus group interview, central executive committee members of USDP, Yangon, May 18, 2016.

movements, and when it set the transition in motion it did so on its own terms. After 2015, however, a new popular element was introduced to the transition when the NLD won in a landslide election.[36] Thus while the transition itself was led by the military elite until 2015, the post-2015 context resembles something closer to a popularly led phase of transition, though still with the specter of the military ever-present in the minds of all political actors.

The relationship between resolving armed conflict and transitioning away from authoritarian rule is complicated because each process can generate pressure on the other. Jarstad identifies four tensions in building democracy after ending armed conflict that may be useful when applied to a context like Myanmar that is trying to do both at once.[37] First is the issue of who should be included in the peace and democratization processes. Broad inclusion of armed groups in the democratization process can facilitate a settlement, but it can also be seen as a reward for violence and can generate problems of accountability, particularly if the group(s) committed human rights abuses during the conflict. Second, there is a potential tension between the efficacy of elite-negotiated agreements and their democratic legitimacy. Third, there are often disagreements between the demands of international actors and the preferences of domestic elites and mass populations. Fourth, there can be tensions between short-term and long-term goals. All of these considerations have relevance for Myanmar, but of particular note at this stage of political transition and peace negotiation are the first two tensions, namely what groups are included and how the negotiations on armed conflict relate to the state's nascent democratic institutions.

POLITICAL LIBERALIZATION AND THE PEACE PROCESS IN BURMA/MYANMAR

With this theoretical and comparative background in mind, the liberalization process in Myanmar has shaped the peace process in at least six key ways. First, it has meant that there are more actors involved than there were under the military government or during the transition years from 2011 to 2015. Second, there is more overlap between those actors, as avenues for representation and

36. Thawnghmung, "Myanmar Elections 2015."

37. Anna K. Jarstad, "Dilemmas of War-to-Democracy Transitions: Theories and Concepts," in Anna K. Jarstad and Timothy D. Sisk, eds., *From War to Democracy: Dilemmas of Peacebuilding* (Cambridge: Cambridge University Press, 2008): 17–36.

communication have increased. Third, there is a new heavyweight actor in the peace process, namely the NLD members in government. NLD representatives, as will become clear, inherited a framework established by the previous military-dominated civilian government but have changed some of its fundamentals. Fourth, the military has transitioned from being the dominant actor to a powerful potential spoiler that can reverse progress if it thinks its interests are being threatened. The specter of military rule is a recurring theme in Myanmar's politics, and the mistrust of the armed forces that accumulated over the past several decades means that ethnic groups remain wary of the military's intentions. Fifth, the liberalized nature of the political sphere means that actors in the peace process are scrutinized more and that issues can become salient in the media that previously would have been censored. Sixth, movement toward democratization has kept issues of transitional justice off the agenda, as actors are hesitant to upset political progress by calling for mechanisms of accountability.

In sum, the liberalization process has complicated and changed the peace process in numerous ways, and most centrally, in Jarstad's framework, around issues of inclusion and how elite agreements relate to democratic processes. Each of these six dimensions of the relationship between the liberalization process and the peace process will now be considered in turn.

More Actors

Before 2010, ceasefire negotiations typically involved members of the Burmese military and ethnic armed organizations. The military's power relative to the armed groups, furthermore, was tipping in its favor as the military purchased arms and technology and increased its enlistment throughout the 1990s.[38] Since most independent political parties were banned or severely restricted, their participation in peace talks was negligible. Civil society groups were sidelined in Burma during this time as the military repressed groups it thought to be threatening.

Between 2011 and 2015, as the Thein Sein administration pursued a nationwide ceasefire accord, the number of actors involved in the peace process expanded. Aung Min, a former general and USDP member, led the effort from the government side under the umbrella of the MPC. The Framework

38. Andrew Selth, "Known Knowns and Known Unknowns: Measuring Myanmar's Military Capabilities," *Contemporary Southeast Asia* 31:2 (2009): 272–95.

for Political Dialogue—essentially a venue to discuss the format for substantive talks—included other government members, negotiators for ethnic armed organizations, and representatives from ethnic political parties. International actors, most notably the Nippon Foundation of Japan, provided material and financial support for the talks.[39]

The emerging constellation of actors involved in the peace process has expanded further as political liberalization has accelerated. While the structure of the talks retains some similarities with the previous period, the involvement of NLD elites as well as other ethnic parties that boycotted elections in 2010 means that the number of groups has increased. Within each ethnic group multiple parties vie to represent the group. Ethnic political parties have also allied with one another across ethnic lines. The Nationalities Brotherhood Federation is an alliance mainly of ethnic parties that contested the 2010 elections, while the United Nationalities Alliance mostly consists of parties that contested the 1990 elections but not the 2010 vote.[40] In Shan State, for example, the Shan State Army-South and the Shan State Progressive Party are the major armed groups participating in negotiations, while the Shan Nationalities League for Democracy (SNLD) and the Shan Nationalities Democratic Party (SNDP) are involved as political parties. The SNLD, a member of the United Nationalities Alliance, boycotted the 2010 elections but contested in 2015 and became one of the biggest ethnically based parties in Myanmar. The SNDP had an abysmal election in 2015 but is still a group that must be taken into account as talks proceed.[41] To coordinate among themselves, the various Shan actors have created umbrella organizations such as the Committee for Shan State Unity and the Shan State Joint Action Committee, but even so, getting all of the groups to cooperate tactically can be challenging.[42]

On the state side, the fact that NLD members now lead the government means that the military and government are less unitary than they were previously. While there were fractures between the civilian administration

39. Myanmar Peace Monitor, "Nippon Foundation," <http://www.mmpeacemonitor.org/stakeholders/nippon-foundation>, accessed August 4, 2016.

40. Kristian Stokke, Khine Win, and Soe Myint Aung, "Political Parties and Popular Representation in Myanmar's Democratization Process," *Journal of Current Southeast Asian Affairs* 34:3 (2015): 3–35.

41. Interview, SNLD executive member, Yangon, May 14, 2016.

42. Interview, SNLD executive member, Yangon, May 14, 2016.

of Thein Sein and the military between 2011 and 2015, the current structure of the government means that gaps between civilian officials and the military can widen further. The military and NLD now must arrive at a degree of consensus, because many of the military's negotiating objectives cannot be advanced without NLD support, while the NLD's political goals in the process can be undermined if the military chooses not to cooperate. Thus, to advance the peace process the NLD and the military must negotiate with each other on their side of the table while also negotiating with the ethnic armed organizations and political parties across the table. Indeed, this configuration complicates the substance of any peace process, given that different actors within the state may hold different visions of the "peace" they would like to achieve. Echoing the tensions identified by Jarstad, when the NLD and other parties were sidelined the process was simpler, because the state was closer to unitary and could negotiate with the ethnic armed organizations bilaterally. However, the process was also less democratic, because the military had little popular legitimacy and major political forces in the country were not represented at the talks.[43]

More Overlap among Actors

In addition to the greater number of actors, they overlap with one another more. Ceasefire negotiations before 2010 resembled something closer to a hub-and-spoke system in which the military negotiated bilaterally with each group. This limited the leverage of each ethnic armed organization and increased the military's negotiating power. The military also encouraged breakaway groups and attempted to co-opt some ethnic power brokers in order to divide-and-rule.[44]

If the pre-2010 negotiations can be characterized as a hub-and-spoke system, in the process between 2011 and 2015 some of the spokes were more connected with one another. The so-called Nationwide Ceasefire Agreement concluded in 2015 was negotiated between government representatives (including the military) and 15 ethnic armed organizations. Their series of talks featured more-open cooperation among ethnic organizations and more recognition of their common status by the government. As noted previously,

43. Jarstad, "Dilemmas of War-to-Democracy Transitions."

44. David Brenner, "Ashes of Co-optation: From Armed Group Fragmentation to the Rebuilding of Popular Insurgency in Myanmar," *Conflict, Security & Development* 15:4 (2015): 337–58.

only eight of the participating groups, plus the government, ultimately signed the NCA.

In the post-Thein Sein period the peace process looks more like a web than a system of hub and spokes. The government now includes representatives of ethnic political parties that also participate on the non-government side of the peace process, such as the SNLD. Ethnic political parties involved in the process, like the SNLD and the Chin Progressive Party, represent their own interests but also cooperate or informally liaise with armed groups of their co-ethnics.[45] The NLD itself has legislators from ethnic minority areas, which means that at least in theory it must be responsive to those constituents while also guarding the interests of the state, which of course includes the military.

These overlapping tensions will be inherent in the peace process as it unfolds. More groups and arguably more varied interests are better represented in this web of actors than was the case in the hub-and-spoke talks. This ought to increase the democratic legitimacy of the peace process, as a more diverse array of constituencies can assert their interests and viewpoints. However, it may also make achieving consensus more challenging, precisely because there are more perspectives and preferences to consider.

NLD Representatives as Newly Dominant Actors

Before 2010, the NLD was heavily repressed and its leader, Aung San Suu Kyi, remained under house arrest. Its members' contributions to ceasefire negotiations were effectively nil, because the military did not allow them to participate. The NLD boycotted the 2010 elections and therefore had no representation in the Thein Sen government until it secured 43 seats in the 2012 by-election. Even so, the role of its members in the peace process was marginal between 2012 and 2015 since the NLD remained a relatively small party in the legislature with no members in executive positions.

With its November 2015 landslide electoral victory, NLD leaders, most prominently Suu Kyi, became the main government actors responsible for driving the peace process. At the highest echelons of the party there is recognition that a just and equitable solution to the country's armed conflicts is an urgent priority for the country,[46] but the difficulty is in how to achieve such an outcome. NLD members in government have sought to alter the

45. Interviews in the Yangon area: senior CPP official, May 11, 2016; SNLD executive member, May 16, 2016; member of CPP, May 10, 2016.

46. Interview, NLD executive committee member, Yangon, May 16, 2016.

structure for peacemaking that they inherited from the Thein Sein administration. As noted above, the government shut down the MPC and established the National Reconciliation and Peace Center in May 2016 in order to have more control over the peace process.[47] The MPC was a quasi-governmental organization funded mostly by foreign donors. This allowed MPC staff the flexibility to speak with armed groups and carry out sensitive tasks at some remove from the government.[48] The National Reconciliation and Peace Center, on the other hand, is a government-run organization that is under the control of the Ministry of the Office of the State Counselor, with a budget allocated by the government. The State Counselor is of course Aung San Suu Kyi, which means that she and her NLD colleagues have direct control over the government side of the peace process.

As of this writing, the plan is to continue a process known as the Union Peace Conference—21st Century Panglong, which evokes the 1947 Panglong Conference between Burman leaders, including Suu Kyi's father Aung San, and leaders of the Chin, Kachin, and Shan ethnic groups. The original Panglong Conference has a complicated legacy, despite the often-praised "Panglong Spirit" meant to celebrate inter-ethnic cooperation.[49] The Panglong process itself was not as inclusive or unified as national memory often recalls, and the decades after the agreement saw persistent armed conflict between the Burman central government and groups in the non-Burman ethnic periphery. In the NLD's calls for a new Panglong, Walton argues, the party's retrospective view of the event tends to ignore the diversity of opinion among ethnic groups and the complexity of the negotiations. Instead, it "assumes that as long as government policies can be changed, a spirit of Burmese unity will be attained."[50]

Regardless, the first meeting of the 21st Century Panglong took place in Naypyidaw from August 31 to September 3, 2016. The meeting itself yielded no significant agreement, but the fact that representatives of armed groups—even some who had not signed the NCA—were able to directly address state leaders at the highest levels was seen as significant. Who should be included in the

47. Nyein Nyein, "With New Center's Launch, Suu Kyi Spurs Action on Peace," *The Irrawaddy*, May 16, 2016, <http://www.irrawaddy.com/burma/with-new-centers-launch-suu-kyi-spurs-action-on-peace.html>, accessed March 17, 2017.

48. Interview, senior member of MPC, Yangon, May 20, 2016.

49. Matthew J. Walton, "Ethnicity, Conflict, and History in Burma: The Myths of Panglong," *Asian Survey* 48:6 (2008): 889–910.

50. Ibid., p. 905.

conference continued to be a point of contention. For example, the powerful UWSA, a non-signatory of the NCA, was a reluctant participant but sent delegates at the urging of China (which shares a border with UWSA territory). In the meeting's most dramatic development, UWSA delegates walked out of the conference after apparently being given "observer" instead of "participant" passes, which they took as a deliberate slight.[51] Between the first meeting and the next in May 2017, fresh fighting broke out in Shan State in November 2016 between the military and four armed groups that have not signed the NCA, and which the military wants to exclude from the process.[52] Several armed groups boycotted the May 2017 meeting, but talks continued, and the commander-in-chief of the armed forces, Min Aung Hlaing, addressed the delegates.[53]

The Military as Potential Spoiler

As has often been noted, the military in Myanmar retains enormous power despite the country's liberalization process.[54] Besides 25% of the seats in the legislature being reserved for military appointees, the armed forces have extensive legal immunity, a constitutional prerogative to participate in the politics of the country, and control over important ministries and the Myanmar Police Force. The military also made considerable investments to upgrade its capacity in terms of weaponry, logistics, training, and supplies between 2011 and 2015.[55] It retains a large budget and has a sizable political party—the USDP—as a political ally. Thus while the liberalization process has pushed NLD members to the forefront of the peace process, the military and its allies have significant potential to enhance or undermine both the peace process and the liberalization process.[56]

51. Sithu Aung Myint, "Panglong and the Wa Walkout," *Frontier Myanmar*, September 25, 2016, <http://frontiermyanmar.net/en/panglong-and-the-wa-walkout>, accessed December 13, 2016.

52. Khin Zaw Win, "Is Fighting with the NA-B the Beginning of a Full-Fledged Crisis?" *Myanmar Times*, December 9, 2016, <http://www.mmtimes.com/index.php/opinion/24146-is-fighting-with-the-na-b-the-beginning-of-a-full-fledged-crisis.html>, accessed December 13, 2016.

53. Oliver Snow, "Peace Conference Opens amid UNFC Boycott," Frontier Myanmar, May 24, 2017, <http://frontiermyanmar.net/en/peace-conference-opens-amid-unfc-boycott>, accessed May 27, 2017.

54. Renaud Egreteau, "The Continuing Political Salience of the Military in Post-SPDC Myanmar," in Nick Cheesman, Nicholas Farrelly, and Trevor Wilson, eds., *Debating Democratization in Myanmar* (Singapore: Institute of Southeast Asian Studies, 2014): 259–84.

55. Andrew Selth, "Strong, Fully Efficient and Modern: Myanmar's New Look Armed Forces," *Griffith Asia Institute Regional Outlook Paper* 49 (2015).

56. Min Zin, "The New Configuration of Power," *Journal of Democracy* 27:2 (2016): 116–31.

The military and the NLD diverge on some important issues. Most obvious, and most difficult to prove, is the suspicion that ongoing tensions justify the military's continued institutional role in politics. In theory, at least, the military has incentives to undermine moves toward peace. Given its history of attempting to splinter armed groups and co-opt factions or individuals associated with insurgent groups, the military has demonstrated the capacity to manufacture justifications for enhancing its own power.[57] Ultimately the military has interests to protect—both institutionally and individually, in the form of economic interests of generals—and the means to derail the peace process if those concerns are threatened.

Procedurally, the military has taken a firm stance on which groups to include in the peace process. The Arakan Army (AA), Ta'ang National Liberation Army (TNLA), and Myanmar National Democratic Alliance Army (MNDAA) have all been excluded by the military on the grounds that they are either new groups or spin-offs of organizations that have already agreed to a ceasefire. The NLD leader, Aung San Suu Kyi, has made comments in meetings suggesting that these groups should be included, but as of this writing the situation remains in flux.[58] As mentioned above, new fighting in 2016 featured the AA, the TNLA, the MNDAA, and the powerful KIA.[59] The KIA has not signed a ceasefire with the government, and the military has continued to insist that it and other groups be excluded from the peace process until they relinquish their arms.[60]

57. On fragmentation and cooptation, see Brenner, "Ashes of Co-optation"; on the involvement of some military commanders in the drug trade, see Patrick Meehan, "Drugs, Insurgency and State-Building in Burma: Why the Drugs Trade is Central to Burma's Changing Political Order," *Journal of Southeast Asian Studies* 42:3 (2011): 376–404; Michael Jonsson, Elliot Brennan, and Christopher O'Hara, "Financing War or Facilitating Peace? The Impact of Rebel Drug Trafficking on Peace Negotiations in Colombia and Myanmar," *Studies in Conflict & Terrorism* 39:6 (2016): 542–59.

58. Interview with technical expert in peace process, Yangon, May 17, 2016; see also Lun Min Mang, "Post-Summit, Panglong's Fate Still Clouded," *Myanmar Times*, August 1, 2016, <http://www.mmtimes.com/index.php/national-news/21666-post-summit-panglong-s-fate-still-clouded.html>, accessed August 1, 2016.

59. Radio Free Asia, "Talks Break Down between Myanmar Government and Ethnic Militias in Shan State," December 12, 2016, <http://www.rfa.org/english/news/myanmar/talks-break-down-between-myanmar-government-and-ethnic-militias-in-shan-state-12022016151508.html>, accessed December 13, 2016.

60. Radio Free Asia, "Organizing Committee Reviews Final Preparations for Myanmar's Panglong Conference," August 29, 2016, <http://www.rfa.org/english/news/myanmar/organizing-committee-reviews-final-preparations-for-myanmars-panglong-conference-08292016152608.html>, accessed December, 13 2016.

Finally, the military and the USDP have made it clear that ethnic armed organizations must work within the strictures of the 2008 constitution. The NLD has been less steadfast in this regard, and the 21st Century Panglong process seems to assume the possibility of constitutional change. The military effectively has a veto over constitutional amendments, given that changes require 75% legislative approval and the military retains 25% of the seats. As a result, the military will have to be satisfied that its interests are secured for it to assent to any constitutional changes resulting from the peace process. It therefore retains sufficient power to act as a spoiler, though it no longer plays the leading role in shaping the process.

More Popular Scrutiny and Newly Salient Issues

Before 2010 the contours of the ceasefire negotiation process could not be debated publicly in significant depth. Non-state newspapers, often called journals, could only publish once per week, and even then they had to undergo prepublication censorship. Articles or photos that were not consistent with the military's perspective were censored, and editors faced punishment if they did not comply. This meant that news about ceasefire negotiations spread through the skewed state media, word of mouth, exile media, or underground publications. The Internet was a non-factor for the vast majority of citizens under the military government, as usage rates never cracked 2% before 2011. The access that was available was slow and censored.

The administration of Thein Sein liberalized the media by gradually abolishing prepublication censorship, passing a new and more liberal publications law, and relaxing prohibitions on non-Burman-language publications. Interviews with Yangon-based journalists in 2012, amid the reforms, suggest that they were cautiously pushing the boundaries of what was permissible.[61] Reporting on accountability for the military's human rights violations, as well as divisive ethnic issues like persecution of the Rohingya ethnic group based primarily in the country's west, was still censored, but otherwise journalists were far less restricted than before 2010. Unlike the SLORC/SPDC era, agreements between the government and armed groups under the Thein Sein administration were written and publicly available, which further facilitated public scrutiny of the negotiations.[62]

61. Interviews with journalists conducted by author in Yangon, June 2012.

62. Tom Kramer, "Ethnic Conflict and Land Rights in Myanmar," *Social Research* 82:2 (2015): 355–74.

The post-2015 media context has been further liberalized, and mobile phones and Internet communication technologies are now much more widely available. According to the World Bank, almost 22 of every 100 Myanmar citizens are now Internet users. This is a remarkable rise from fewer than 1 in 100 as recently as 2010.[63] Facebook alone has over 10 million active users in Myanmar, 90% of which are in the Yangon or Mandalay urban agglomerations.[64] This means that news can spread more quickly from previously inaccessible ethnic areas back to urban areas, where it can reach a national audience, union-level policymakers, and opinion influencers.

The combination of technological availability and media liberalization has meant that newly salient issues can influence the peace process. For example, non-Burmese languages were restricted under previous regimes, but the right to be educated in one's own language has remained a persistent demand from ethnic activists since independence. Language and education are therefore bound up with the peace process.[65] The newly liberalized political landscape of Myanmar means that there is more space for issues like education reform to make their way into the public discourse, as a protest cycle in 2014 and 2015 about proposed education reforms demonstrates.[66]

Perhaps more importantly, however, two major issues that were previously tamped down by authoritarian censorship are now discussed publicly. First, extreme nationalist and anti-Muslim rhetoric has become newly prominent public discourse. In particular, incendiary rhetoric and rumors spread on Facebook.[67] Stoking of nationalist voices is common amid political transitions,[68] and in this case makes it more difficult for the government to balance dimensions of the peace agreement with satisfying nationalist public opinion.

63. Data available at <http://databank.worldbank.org/data/Views/Reports/ReportWidgetCustom.aspx?Report_Name=CountryProfile&Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=MMR>, accessed May 27, 2017.

64. Catherine Trautwein, "Facebook Racks Up 10 m Myanmar Users", *Myanmar Times*, June 13, 2016, <http://www.mmtimes.com/index.php/business/technology/20816-facebook-racks-up-10m-myanmar-users.html>, accessed December 13, 2016.

65. Ashley South and Marie Lall, "Language, Education and the Peace Process in Myanmar," *Contemporary Southeast Asia* 38:1 (2016): 128–53.

66. BBC News, "Myanmar Students and Activists Charged over Protest Clashes," March 25, 2015, <http://www.bbc.co.uk/news/world-asia-32046136>, accessed August 1, 2016.

67. Christian Caryl, "Burma Gives a Big Thumbs-Up to Facebook", *Foreign Policy*, November 13, 2016, <http://foreignpolicy.com/2015/11/13/burma-gives-a-big-thumbs-up-to-facebook/>, accessed December 13, 2016.

68. Mansfield and Snyder, "Sequencing 'Fallacy'."

Second, the issue of federalism is on the agenda in ways that it was not under the military government. While there is much academic analysis of federalism in Myanmar,[69] under the SLORC/SPDC it was virtually absent from public discourse due to censorship and constraints on the citizenry's ability to debate constitutional arrangements.[70] Indeed, the military in independent Burma has consistently disapproved of federalism and seen it as a threat to the integrity of the state.[71] Since 2015, however, the issue can be discussed publicly.[72] During the lead-up to the 21st Century Panglong, representatives of ethnic armed organizations openly advocated for various forms of federalism.[73] Indeed, Aung San Suu Kyi's opening speech used the formulation "democratic federal Union" to refer to the end goal of the conference,[74] a decision that upset some military elites because it implied a departure from Myanmar as a unitary state.[75] Time will tell what political arrangement comes out of the peace process, but it is clear that federalism is openly on the public agenda in ways that it has not been for decades.

No Transitional Justice

One of the most deafening silences in Myanmar's ongoing double transition has been the issue of transitional justice.[76] Despite some efforts by transnational advocacy organizations such as the International Center for Transitional

69. See e.g. Walton, "Ethnicity, Conflict, and History"; Andrew Reynolds, Alfred C. Stepan, Zaw Oo, and Stephen I. Levine, "How Burma Could Democratize," *Journal of Democracy* 12:4 (2001): 95–108; David C. Williams and Lian H. Sakhong (eds.), *Designing Federalism in Burma* (Chiang Mai, Thailand: UNLD Press, 2005).

70. Alexander Dukalskis, *The Authoritarian Public Sphere: Legitimation and Autocratic Power in North Korea, Burma, and China* (New York: Routledge, 2017), 44–52.

71. David Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 2nd ed. (London: Oxford University Press, 2013).

72. Khin Zaw Win, "Is Fighting with the NA-B the Beginning of a Full-Fledged Crisis?"

73. Sithu Aung Myint, "Panglong and the Wa Walkout."

74. Official Translation of the Speech Delivered by State Counsellor Daw Aung San Suu Kyi on the Opening Day of the Union Peace Conference—21st Century Panglong, <http://www.statecounsellor.gov.mm/en/node/247>, accessed May 27, 2017.

75. Khin Su Wai and Swan Ye Htut, "Protests and Fresh Clashes Loom over Panglong Conference," *Myanmar Times*, August 31, 2016, <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/22226-protests-and-fresh-clashes-loom-over-panglong-conference.html>, accessed December 13, 2016.

76. For academic analysis of transitional justice in Myanmar, see Alexander Dukalskis, "Transitional Justice in Burma/Myanmar: Cross-National Patterns and Domestic Context," *Irish Studies in International Affairs* 26 (2015): 83–97; Ian Holliday, "Thinking about Transitional Justice in Myanmar," *South East Asia Research* 22:2 (2014): 183–200.

Justice, and by international organizations such as human rights offices in the United Nations, domestically transitional justice does not feature prominently in the peace process. Notwithstanding the rhetoric of "reconciliation" associated with the newly founded National Reconciliation and Peace Center, concerted pushes for trials, vetting of human rights abusers from the previous government, or truth-telling mechanisms are difficult to find. Accountability is rarely discussed in the peace process, and despite the new freedoms in media and public discourse, issues of transitional justice do not figure prominently.

Two factors explain the lack of a transitional justice debate. First, the military still enjoys a constitutional amnesty for acts committed in the name of the state.[77] Judicial accountability for previous military repression or war crimes is therefore unlikely to be forthcoming and thus is not viewed as a productive goal of advocacy. Second, some fear that pushing for transitional justice would upset not only the peace process but also the democratization process. It is perceived that the military might use its institutional position to involve itself in politics to squelch democratization, should the latter effort impose transitional justice measures. Most people are not yet willing to take that risk, although less threatening alternatives like security-sector reform are being discussed.[78]

CONCLUSION

This article has attempted to explain the influence of Burma's continuing political reform process on the contours of its ongoing nationwide peace process. It first presented a brief context of Myanmar's double transition before situating the case in the wider theoretical literatures on democratization and conflict termination. It then argued that liberalization has shaped the peace process in Myanmar in six main ways: it ushered in more actors, nurtured more overlap between them, elevated a new dominant group of NLD representatives, changed the role of the military in the peace process, introduced new popular pressures, and helped relegate transitional justice to a continuing marginal status.

Will the liberalization process ultimately help or hinder Myanmar's peace process? Optimists should not underestimate the challenges ahead. Ending

77. Constitution of the Republic of the Union of Myanmar (2008), Article 445, <http://www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf>, accessed May 17, 2016.

78. Selth, "Strong, Fully Efficient, and Modern."

a single long-running conflict is difficult in the best of circumstances; ending dozens while also attempting a political transition is a task of daunting complexity and long odds. Achieving a quality peace that substantially improves the lives of ordinary people in the conflict zones (as opposed to just ending the overt violence) seems like an even more remote possibility.[79]

Yet pessimists should not overlook the possibility that this may be the best chance for a comprehensive peace in Myanmar since independence. The central government is viewed as more legitimate than its predecessors and has made a peace agreement one of its top priorities. Echoing the trade-offs identified by Jarstad, the process is now more complex and scrutinized than before, but there is also a strong case to be made that it is more legitimate.[80] Much will depend on the tactics of Aung San Suu Kyi herself. By most accounts she runs a hierarchical and disciplined political party, and so if she is able to strike a bargain with the military on one hand and the ethnic armed organizations on the other, then the NLD will likely comply. She has cultivated relationships with key figures in the military, and her preferred venue of the 21st Century Panglong gathering means that she will have an opportunity to pursue a genuine peace deal. The political liberalization process ensures that we will be able to watch it unfold through freer media and public discourse than ever before in Burma. However, if the deal relies too much on personal connections and relationships, then it will be difficult to arrive at a durable, institutionalized peace able to survive when Aung San Suu Kyi is no longer in office.

Of course one can also reverse the analytical arrow of this article and consider the impact of the peace process on prospects for democratization. Striking a durable peace deal would help democratization because it would demonstrate the wherewithal of a democratic government to decisively solve Myanmar's persistent armed conflicts. This is something that democratic governments in Burma were unable to do between 1948 and 1958 (and 1960–1962), so it would be an important precedent that would vest democracy with more legitimacy domestically. Should the peace process disintegrate and lead to even more fighting, it is possible that this would seriously wound the democratization process. It would reinforce the military's argument that

79. On the concept of "quality peace" see Peter Wallensteen, *Quality Peace: Peacebuilding, Victory and World Order* (London: Oxford University Press, 2015).

80. Jarstad, "Dilemmas of War-to-Democracy Transitions."

it needs to play a political role in the country to ensure stability, and would therefore hamper any transition away from military rule. It would also mean that large areas of the country would remain either zones of armed conflict or militarized zones in which tenuous ceasefires are in place. This would continue to impede development, and in addition to stifling the capabilities of those who live there, would act as a drag on a democratic system working to entrench itself. Much is at stake, but the interrelationships between the democratization process and the peace process will help determine the trajectory of Burma's politics for some time to come.

APPENDIX: INTERVIEWS AND FOCUS GROUP

(all in Yangon, Myanmar; listed in date order)

Cabinet-level minister in Thein Sein government, Union Solidary and Development Party member, May 9, 2016

Candidate for 2015 elections, Chin Progressive Party, May 10, 2016

Student activist for education reform based in Mandalay, May 11, 2016

Senior Chin Progressive Party official, founding member of the armed group Chin National Front, May 11, 2016

Executive committee member, New Society Party, May 12, 2016

Member, technical team of Joint Monitoring Committee of the peace process, May 12, 2016

Foreign diplomat, May 13, 2016

Senior official in Shan Nationalities League for Democracy, executive member of Union Peace Dialogue Joint Committee, May 14, 2016

Senior official and executive committee member, National League for Democracy, May 16, 2016

Expert on civil–military relations and adviser to actors in the peace process, Taugang Institute for Political Studies, May 17, 2016

Focus group: members of central executive committee, Union Solidarity and Development Party, May 18, 2016

Senior official, Myanmar Peace Center, May 20, 2016