Myanmar:
A Political Economy Analysis

Kristian Stokke, Roman Vakulchuk, Indra Øverland

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Dawei

CAMBODIA

	National capital
	Division or state capital
	Town, village
	Major airport
	International boundary
	Division or state boundary
	Main road
	Secondary road
	Railroad

TANINTHARYI DIVISION

Mergui

12°

Mergui Archipelago

Gulf of Thailand

12°

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Chumphon

100

200

300 km

Kawthuang

100

200 mi

10°

94°

96°

98°

100°

102°

About the report

In June 2016, the Norwegian Ministry of Foreign Affairs (MFA) commissioned NUPI to provide political economy analyses of eleven countries (Afghanistan, Ethiopia, Haiti, Malawi, Mali, Mozambique, Myanmar, Nepal, Somalia, South Sudan and Tanzania) deemed important to Norwegian development cooperation. The intention was to consolidate and enhance expertise on these countries, so as to improve the quality of the MFA's future country-specific involvement and strategy development. Such political economy analyses focus on how political and economic power is constituted, exercised and contested.

Comprehensive Terms of Reference (ToR) were developed to serve as a general template for all eleven country analyses. The country-specific ToR and scope of these analyses were further determined in meetings between the MFA, the Norwegian embassies, NUPI and the individual researchers responsible for the country studies. NUPI has also provided administrative support and quality assurance of the overall process. In some cases, NUPI has commissioned partner institutions to write the political economy analyses.

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Kristian Stokke is Professor of Human Geography at the University of Oslo, specializing in studies of democratization, peace and civil society politics in South and Southeast Asia. His current research focuses on politics of peace and democracy in Myanmar and citizenship politics in Indonesia. Stokke has published articles, edited books and written chapters on these subjects. His edited works include *Politicising Democracy: The New Local Politics of Democratisation* (with John Harriss and Olle Törnquist, 2004), *Rethinking Popular Representation* (with Olle Törnquist and Neil Webster, 2009), *Liberal Peace in Question: The Politics of State and Market Reforms in Sri Lanka* (with Jayadeva Uyangoda, 2011), *Democratization in the Global South: The Importance of Transformative Politics* (with Olle Törnquist 2013) and *Politics of Citizenship in Indonesia* (with Eric Hiariej, 2017). See also: http://www.sv.uio.no/iss/english/people/aca/stokke/index.html

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List of acronyms

AA	Arakan Army
ADB	Asian Development Bank
AFPFL	Anti-Fascist People's Freedom League
AFTA	ASEAN Free Trade Area
ALA	Arakan Liberation Army
ALP	Arakan Liberation Party
ANP	Arakan National Party
ARSA	Arakan Rohingya Salvation Army
BGF	Border guard forces
BSPP	Burma Socialist Programme Party
CEPT	Common Effective Preferential Tariff
CNF	Chin National Front
CPB	Communist Party of Burma
CSO	Civil society organization
DACU	Development Assistance Coordination Unit
DICA	Directorate of Investment and Company Administration
DKBA	Democratic Karen Benevolent Army
DVB	Democratic Voice of Burma
EAO	Ethnic armed organizations
EBO	Euro-Burma Office
EITI	Extractive Industries Transparency Initiative
EU	European Union
FDI	Foreign direct investment
FPNCC	Federal Political Negotiation and Consultative Committee
GAD	General Administration Department
GEN	Gender Equality Network
GONGO	Government organized non-governmental organization
KA	Karenni Army
KIA	Kachin Independence Army
KIO	Kachin Independence Organization
KNPP	Karenni National Progress Party
KNLA	Karen National Liberation Army
KNU	Karen National Union
KSPP	Kachin State Progressive Party
LRC	Local Resource Centre
Ma Ba Tha	Organization for the Protection of Race, Religion and Belief
MATA	Myanmar Alliance for Transparency and Accountability

MIC	Myanmar Investment Commission
MLAW	Myanmar Legal Aid Network
MOGE	Myanmar Oil and Gas Enterprise
MoHA	Ministry of Home Affairs
MPC	Myanmar Peace Centre
MPSI	Myanmar Peace Support Initiative
MTA	Mong Tai Army
MNDAA	Myanmar National Democracy Alliance
NBC	Norwegian Burma Committee
NBF	Nationalities Brotherhood Federation
NCA	Nationwide Ceasefire Agreement 2015
NDAA-ESS	National Democratic Alliance Army – Eastern Shan State
NGO	non-governmental organization
NLD	National League for Democracy
NMSP	New Mon State Party
NSCN-K	National Socialist Council of Nagaland-Khaplang
NUP	National Unity Party
OECD	Organisation for Economic Co-operation and Development
PDSG	Peace Donor Support Group
PMF	People's militia forces
PNLO	Pa-O National Liberation Organization
PSLF	Palaung State Liberation Front
RCSS/SSA	Restoration Council of Shan State /Shan State Army
SAD	self-administered division
SAZ	self-administered zone
SLORC	State Law and Order Restoration Council
SMEs	small and medium-sized enterprises
SNLD	Shan Nationalities League for Democracy
SPDC	State Peace and Development Council
SSPP/SSA	Shan State Progress Party/Shan State Army-North
TNDP	Tai-Leng (Shanni) Nationalities Development Party
TNLA	Ta'ang National Liberation Army
UNA	United Nationalities Alliance
UNFC	United Nationalities Federal Council
UNPD	United Nations Population Division
UNPF	United Nations Population Fund
UPDJC	Union Peace Dialogue Joint Committee
USDA	Union Solidarity and Development Association
USDP	Union Solidarity and Development Party
UWSA	United Wa State Army
WGEC	Working Group on Ethnic Coordination
WLB	Women's League of Burma

Executive summary

After almost 50 years of military dictatorship, and following the 2010 general elections which were rigged in favour of the military Union Solidarity and Development Party (USDP), Myanmar underwent a series of political reforms from 2011 onwards. In November 2015, the first free general elections since the 1990 elections resulted in a victory for the National League for Democracy (NLD). The NLD formed a new government in 2016 with Htin Kyaw as the first non-military president since 1962, and with Aung San Suu Kyi in the newly-created position of State Counsellor.

However, continued military influence, persistent capacity problems in political parties and parliamentary politics, weak channels of political representation and problems of administrative capacity give rise to critical questions about the substance of democratization in Myanmar. The country's political trajectory remains open-ended, although the most likely scenario remains a continued, if slow, democratization process, with the next general elections scheduled for 2020. This makes it important for international assistance to design and implement 'politically smart' strategies in support of substantive democracy and peace.

Politics

Myanmar's current political situation must be understood with reference to the country's long history of military statebuilding. The primary interest of the military has been to protect national sovereignty, unity and stability. With the change of government in 2011 came a series of political reforms in support of basic civil rights, electoral democracy and economic growth. From 2011 onwards, these reforms also created an opening for Western states to suspend or lift sanctions and engage in state capacity building, and for UN agencies and international NGOs to strengthen their engagement with Myanmar. Myanmar is thus a country with long and continued attention to statebuilding – but the state has been dominated by the military, although some degree of power has been transferred to a civilian government headed by the NLD, and the authority, capacity and legitimacy of the state remain fragile.

State autonomy: The persistence of military state capture. In Myanmar, the military is the foremost economic and political force in society. In particular, the autonomy of the state is circumscribed by the economic and political influence of the military. Constitutional provisions and other laws ensure that the state still has limited autonomy vis-à-vis the military. This military 'state capture' is the primary explanation for the character of the state and the persisting challenges of contested state authority, limited state capacity and weak legitimacy. Transforming civil–military relations remains the core challenge for substantial conflict resolution, democratization and development. The core structure of military state power and the centralized nature of the state pose evident obstacles to the peace process. As civil–military relations are institutionalized through the 2008 Constitution, changing the constitution has become a requirement for substantive democratization.

State authority: The contested authority of the unitary state. Myanmar is formally designed as a unitary state, with modest decentralization to regions/states and self-administered zones and divisions. However, the sovereign authority of the state is contested by multiple ethnic armed organizations, resulting in a complex mosaic of

territorial control and administration by state and non-state actors. Some non-state actors have de facto territorial control and provide public services, displaying a state-like character. This has an impact on state capacity in policy-making and public administration, and poses challenges for external engagement. Lack of authority or access may limit the effectiveness of political reforms and aid programmes. Building state authority has centred on the question of incorporation of ethnic minorities in the periphery: for Myanmar, resolving intrastate conflicts remains a pressing challenge.

State capacity: The challenges of policy-making and public administration. The shift to a democratically elected government has widened the space for more inclusive policy-making, but this appears to be hampered by an organizational culture of hierarchical decision-making within the ruling NLD, the government and the civil service. Moreover, there exists considerable mistrust between the NLD government and the civil service, due to the military background and loyalties of many bureaucrats. In addition, administrative departments are staffed by poorly-paid civil servants who must still rely on outdated technology and systems. All this means that the transformation towards democratic policymaking and bureaucratic professionalism may well seem slow. The 2008 Constitution and subsequent political reforms brought a degree of decentralization from the union level to the state/regional level. However, the devolved powers and responsibilities, as specified in the Region and State Hluttaw Legislative List, remain limited in scope. State/regional governments also have a constrained revenue base and continue to rely on transfers from the union level, even though many ethnic states are rich in valuable natural resources. While the Constitution grants state/region governments some authority concerning tax resource extraction, this is limited to less valuable resources.

State fragility and legitimacy. In the 2017 Fragile States Index compiled by the Fund for Peace, Myanmar is persistently placed in the red

category of high-risk countries. Most Myanmar citizens support democracy, although their knowledge and conception of the idea may vary. Many acknowledge that Myanmar's democracy is flawed, and the level of trust in political institutions is low. The opportunities for popular participation are limited – a major challenge for the legitimacy of the state, despite the successful introduction of electoral democracy, with the 2015 electoral victory for NLD representing a strong show of support for democratization. People mainly engage in civil society organizations, and popular support is increasingly contingent on positive outcomes of democracy. When asked about what is most important now – democracy or economy – most Myanmar citizens opt for economy (Welsh & Huang 2016a).

The military (Tatmadaw). The Tatmadaw has long been the most influential political actor. While its self-perception is that of a professional army that protects the sovereignty and unity of the Union of Myanmar, it is not under democratic political control. Rather, the Tatmadaw in its own right has become the basis for the formation of an economic elite, and has hence developed an economic self-interest in the continuation of military rule. Changing civil–military relations, i.e. strengthening the autonomy of the state vis-à-vis military economic and political movements, is a key challenge for political reform in Myanmar. After 2011 the Tatmadaw displayed some flexibility on issues not deemed to be its primary interests, but little flexibility on questions of the unity, sovereignty and stability of the Union. Matters of economic development seem to fall somewhere between these two poles.

Ethnic armed organizations (EAOs). Myanmar has many different types of EAOs, highly diverse in ethnic identity, military strength and engagement strategies towards the Myanmar army and the government. The key questions among EAOs, in the past and today, are how to build ethnic alliances and engage with the state in order to achieve self-determination and equality within a federal state.

Civil society organization (CSOs). Myanmar has a multi-layered civil society with a great many types of CSOs, ranging from grassroots movements to more organized and professionalized NGOs. These engage in various roles in the context of limited state presence and capacity and armed conflict (mutual self-help, humanitarian relief, public service delivery and political advocacy), and with complex relations between CSOs and the state. There has been considerable growth in CSOs, especially after Cyclone Nargis in 2008 and the expansion of political space since 2011, but most CSOs still have limited political access and influence.

Religious actors. Religious institutions have long traditions of providing important services in Myanmar society, especially in education, health services and welfare support, including humanitarian assistance to displaced persons. The strong and complex links between Buddhism and politics in Myanmar have underpinned the recent re-emergence of Buddhist nationalism. The period since 2011 has seen a wave of anti-Muslim rhetoric and violence, especially in northern Rakhine state.

External actors. Myanmar is heavily influenced by external actors, where ASEAN, Australia, China, the EU, India, Japan, Norway, Singapore, South Korea, Vietnam, Thailand and the USA are especially important. With the 2017–2018 Rohingya crisis in Rakhine State, Muslim countries such as Indonesia, Malaysia, Pakistan and neighbouring Bangladesh have also contributed to shaping Myanmar's international relations. The democratic opening has been driven largely by the military rulers' interest in changing Myanmar's relations with Western states (primarily the USA) and thereby gaining leverage vis-à-vis China. After the 2015 elections, China regained greater influence, not least through its active role in the Myanmar peace negotiations, accompanied by efforts at improving its image through corporate social responsibility programmes and engagement with a broad range of stakeholders. Large dams and infrastructure projects under China's Belt and Road Initiative have served to strengthen Myanmar's economic links with and dependence on China. Meanwhile, ASEAN has incrementally developed a policy of constructive engagement with Myanmar. The other ASEAN member countries are more developed than Myanmar, providing an impetus for the country's reform-oriented path as it seeks to catch up.

Economic and social situation

Economy and society. Myanmar has one of the fastest-growing economies in Southeast Asia, with average economic growth of 7.5% during the period 2012–2016, and this is expected to continue for several years. One explanation of the rapid economic growth is the country's young population, which helps ensure high growth in consumption and incomes during the period 2015–2025. Members of the urban middle class in areas dominated by the majority Bamar ethnic group have been the major beneficiaries of the new reforms, whereas the economic benefits for rural constituencies have been less noticeable, especially in conflict-affected ethnic states where land-grabbing has been widespread.

FDI and sources of growth. Myanmar has a pressing need for foreign direct investment (FDI). Among other things, Myanmar has the greatest power-sector investment needs among the countries of Southeast Asia. In 2016–2017, investors became increasingly cautious and worried about the slow pace of economic reform (Vakulchuk et al. 2017). Limited infrastructure remains a major hurdle to economic growth – for instance, only 37% of the population have access to electricity (World Bank 2017a). Agriculture is the biggest contributor to GDP (more than 35% in 2014) and employs more than 65% of the population, but the petroleum sector is likely to play a leading role in generating economic growth.

Informal economy and corruption. Myanmar's informal economy is one of the largest in the world. This economy is upheld by informal elite pacts that were solidified under the military era, involving many who are members of

the military and crony companies. For example, half of the multi-billion USD jade trade is illegal. The informal sector is linked to corruption, drug trafficking, smuggling, illegal migration and cross-border trade. Although Myanmar has gradually improved its ranking in the Transparency International Corruption Perception Index, moving from 157th place in 2013 to 136th out of 176 countries in 2016 (Transparency International 2017), corruption remains widespread and pervasive. The lack of an efficient regulatory system and effective laws explains why the informal system has become so widespread. In addition, political instability and the Rakhine crisis create serious concerns for foreign investors.

Hydropower. Hydropower generation is controversial in Myanmar. It feeds ethnic tensions in various parts of the country, and is likely to remain a major source of domestic social and political tension in the near future. Large-scale dam construction projects often cause discontent among the local population due to lack of proper stakeholder consultation and coordination, often leading to displacement and environmental degradation. With the NLD government in place, Chinese and other foreign companies are increasingly attempting to involve civil society in consultations, but with limited success thus far.

Petroleum sector. Myanmar is rich in onshore and offshore hydrocarbon resources. The upstream petroleum business is open to foreign investors, whereas downstream is restricted. Due to limited local processing capacity, Myanmar continues to import a substantial share of its petrol and diesel, mainly from Singapore and Thailand. Gas reserves are more plentiful, with 283 billion cubic meters of proven natural gas, similar to the reserves of Thailand.

Fisheries. Fish farming plays an important role in ensuring food security, employment and SME growth. But the fisheries remain underprioritized by the government and suffer from poor management as well as the lack of infrastructure, modern technology and impact assessments. The potential of coastal and ocean fisheries remain largely unrealized. Poor coastal aquaculture management leads to overexploitation and illegal fishing in Myanmar's territorial waters.

Forestry. Myanmar suffers from large-scale deforestation that has accelerated in recent decades. The forest industry has been grossly mismanaged: at the present rate of deforestation, the forests will disappear by 2035. On 25 May 2017, the Forest Department (FD) announced that whereas there had been 39.2 million hectares of forests in 1990, the figure had dropped to 29 million hectares by 2015. There are two main drivers: unsustainable logging and extensive agricultural development. Land rights and land disputes also complicate forest management. The incentives behind deforestation are rooted in the opportunity costs related to different land uses and land tenure rights. A peace agreement could put additional pressure on forests and accelerate deforestation: when the armed groups that previously controlled various forest areas lay down arms, these areas will be available for companies involved in illegal logging.

Mining. Control over natural resources has been a major driver of conflicts in ethnic areas. The government has shown a commitment to adopt international standards in governing the mining sector, for instance by joining the Extractive Industries Transparency Initiative in 2014. However, there is a long way to go before real progress in governing the mining sector is achieved. Military-owned companies and their cronies are heavily involved in resource extraction, often in conflict-affected areas. This strengthens the military's interest in maintaining control, thereby increasing the risks of corruption, human rights violations and continued conflict. Some areas that are contested or controlled by ethnic armed groups have parallel systems of resource governance. Wealth sharing in natural resources is thus a key concern for democratic decentralization and conflict resolution.

Development cooperation. After opening up in 2012, Myanmar attracted numerous international organizations and donors. Aid soared by

788% within just a year, from USD 504 million in 2012 to USD 4.5 billion in 2013. However, Myanmar is still in a highly critical phase, and external support can be decisive for the NLD-government's ability to carry out planned reforms. The increasing involvement of foreign donors also involves risks, as the state has limited capacity to absorb assistance. Also, some local actors feel that not all international consultants who work in Myanmar have sufficient country expertise. Myanmar needs smart development aid that can take the many local factors into account. Despite attempts to improve donor coordination after the NLD government came to power, much still remains to be done.

Conflict and stabilization

Causes of ethnic conflicts. Myanmar's ethnic conflicts have deep historical roots and revolve around political grievances about state form, power-sharing and ethnic equality. According to the major EAOs, there can be no real peace without political negotiations on the questions of ethnic self-determination and federalism. Core causes of ethnic conflict are political grievances related to ethnic self-determination, representation and equality, war-related security and development grievances, and the mistrust and resentment fuelled by failed peace initiatives.

Peace initiatives. The various ethnic groups agree that only *political* negotiations on self-determination, federalism and ethnic equality can resolve the ethnic conflicts in Myanmar. The NLD government's peace process revolves around 'The Union Peace Conference' (21st Century Panglong Conference). The key question on process design concerns sequencing: which should come first, political negotiations on arrangements for a federal union, or arms surrender in a nationwide ceasefire as a precondition for political talks? Inclusivity in the process is essential. Without the participation and influence of the major EAOs, the political process is unlikely to yield substantive and lasting peace. Moreover, women have played only a limited role in the peace process, and there has been little progress in imple-

menting UN Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security.

Migration, climate change and humanitarian needs

Migration. In Myanmar, there are three main general drivers of migration: poverty, violent ethnic conflict and natural disasters. The political transition has been accompanied by an increase in labour migration and Myanmar was also estimated to be the world's eighth largest source country for refugees in 2016 (UNHCR 2016: 17). As regards forced migration, the situation between 2007 and 2017 was actually worse than before the political thaw (UNHCR 2017). For labour migrants, there could be some scope for return, and Myanmar needs people to fulfil the many new roles in its transitioning economy. However, net outbound labour migration from Myanmar seems likely to increase and diversify in the coming years, as neighbouring economies and Myanmar's linkages with them continue to grow.

Climate change. Myanmar is one of the world's countries most vulnerable to climate change (Kreft et al. 2017: 6). Government institutions need a better understanding of climate change and its effects – both direct impacts on Myanmar and indirect impacts via neighbouring countries such as Bangladesh (Overland et al. 2017). Myanmar state officials have limited technical capacity to participate in and handle international negotiations on climate change, or to implement environmental agreements. Myanmar therefore greatly needs support in strengthening its technical capacities. Climate change may appear to be an abstract and remote problem for a country with many more pressing concerns, but the impacts of climate change on Myanmar are proving more immediate than expected, and are likely to be even greater in the future.

Human rights challenges and women's rights

During military rule, Myanmar was regarded as one of the most oppressive countries in the

world. International human rights organizations confirm improvements since 2011, but also find that there has been little change in some important areas. The 2016/2017 annual reports from Human Rights Watch and Amnesty International highlight human rights abuses in the context of ethnic armed conflicts; discrimination and violence against the Rohingya minority; restrictions on freedom of expression; abuses of women's rights and reduced international scrutiny. Aung San Suu Kyi has been criticized by the international community for inaction and silence on the Rohingya crisis and for doing little to prevent grave human rights abuses by the military, against a stateless community that is recognized by neither Myanmar nor Bangladesh. Defenders of the NLD government point to the real power of the military and the risk of a return to military rule, either through a

coup or by electoral means. The local conflict in Rakhine has become politicized, both within Myanmar and internationally. It has the potential to destabilize the NLD government and further securitize politics in Myanmar. The conflict may also be used strategically for the dual purpose of destabilization and securitization, especially by actors within the military.

Regarding gender rights and women's participation in the economy, the period 2006–2016 has seen some improvements. However, many challenges remain, such as 30% wage disparity between men and women and low rate of female participation in the national economy (DFAT 2016: 5). The civil rights and liberties of women are largely restricted; their freedom of movement is limited and there are no special legal provisions for female participation in political processes, at the local or national levels.
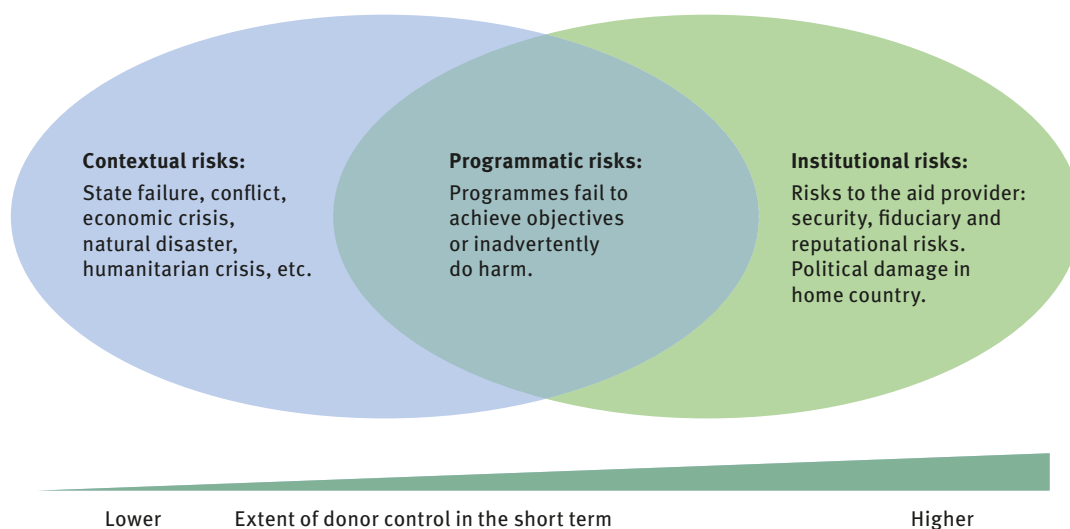
Risk analysis: Country risks and their implications for engagement in Myanmar

Here we identify risk factors that may hinder international engagement and aid from achieving their objectives, have unintended consequences or cause harm. The main risks concern political destabilization, authoritarianism and conflict; resource exploitation and elite enrichment without poverty reduction. The risks presented here are formulated with Norwegian engagement in Myanmar in mind, but are relevant for other international actors as well. Note that these are only *risks* – not summaries of the overall situation or deterministic predictions of where Myanmar is headed. We classify the risks according to the Copenhagen Circles for risk management with three dimensions of risk: contextual, programmatic and institutional (see Figure I). Each risk is ascribed to one dimension only. However, dif-

ferent risks can be ascribed to several dimensions: for instance, they may do harm and also entail reputational losses at the same time.

Contextual risks

1. **Continued and potentially increased military dominance**. Myanmar's transition from authoritarianism is incomplete and fragile. The military remain in key positions of power, and democratic control of the military is weak, entailing a risk of institutionalized semi-authoritarian rule. There is also a possibility that political destabilization due to unresolved, intensified or new conflicts may be followed by greater restrictions on civil and political rights and weakened democratic governance. Such a development

Contextual risks:
State failure, conflict, economic crisis, natural disaster, humanitarian crisis, etc.

Programmatic risks:
Programmes fail to achieve objectives or inadvertently do harm.

Institutional risks:
Risks to the aid provider: security, fiduciary and reputational risks. Political damage in home country.

Lower   Extent of donor control in the short term   Higher

Source: OECD 2011

Figure I. Classification of risks for external engagement in Myanmar

might bring the return of *de facto* military rule through elections, or a military coup in connection with a crisis situation.

2. **Unresolved and potentially intensified conflicts**. Myanmar is marked by protracted intrastate conflicts with continuing fighting in Shan and Kachin States and anti-Rohingya violence in Rakhine State. Substantive conflict resolution is likely to prove difficult and time-consuming – thereby entailing the risk of continued and possibly intensified violence, with human rights abuses, underdevelopment and authoritarian governance in conflict-affected areas. In addition there is a danger of political destabilization at the union level and a possible backsliding towards autocratic rule.

3. **Stalled democratization and limited political/technical capacity for democratic transformation**. Recent reforms have brought formal electoral democracy, but the democratic chain from the citizenry to governance of public affairs remains weak. Major institutional barriers impede further democratization, and the political forces for transformative democratic politics are fragmented and under-capacitated. The NLD government is overburdened with urgent issues: the peace process, the Rohingya crisis, civil–military relations, poverty reduction, economic reform, expanding the electricity supply and managing relations with China and other major countries active in Myanmar. Each of these areas requires immediate attention. This puts pressure on the government and complicates strategy elaboration and policy-making, making it difficult to deal with matters in an optimal order. It may also weaken the legitimacy of the government and democracy, providing a pretext for the return of autocratic rulers.

4. **Human rights abuses and lack of accountability**. Human rights abuses in Myanmar are a function of lack of accountability and institutionalized complaint mechanisms. The legislative and institutional framework is insufficient for holding human rights violators to account and ensuring justice for victims. Human rights remain a key concern despite the promising democratic opening and political reform initiatives. Given the strong military influence and continued conflicts, there is a continuing risk of grave abuses of human rights.

5. **Economic growth – but not inclusive and sustainable development**. Myanmar has seen an economic liberalization and opening that has been followed by increased investment in key sectors, above all in natural resource extraction. The lack of redistributive mechanisms and the continuing cronyism hinder inclusive growth and sustainable development. If these economic structures persist, domestic investments and external economic engagement (development assistance, grants, FDI inflow) may fail to boost inclusive and sustainable development.

6. **Vulnerability and unpreparedness for climate change**. Myanmar is one of the world's most vulnerable and fragile countries in terms of climate change (Kreft et al. 2017: 6). The ongoing rapid deforestation may exacerbate the impacts of climate change. Neither the authorities nor companies in Myanmar are aware of the possible consequences. Government institutions need a better understanding of climate change and its impacts, both the direct impacts on Myanmar and indirect impacts via neighbouring countries such as Bangladesh. Unpreparedness for climate change might also affect international development actors and hinder project implementation, for instance by threatening the security of aid providers in case of natural catastrophes.

7. **Unpredictability**. The political, social and economic situation and the level of conflict in Myanmar are subject to constant change, and there is limited information and analytical capacity available (this risk also relates closely to risk 12, below). Unexpected events

may have destabilizing effects due to weak preparedness among central actors. The combination of numerous risk factors rooted in the complex local context increases the unpredictability of the consequences of the engagement of international actors in Myanmar.

Programmatic risks

8. **Over-reliance on developmental engagement strategies**. The current engagement of Western aid donors revolves around a combination of developmental investments and administrative state capacity building, in contrast to more direct political engagement strategies. This developmental approach entails the risk of misunderstanding, downplaying and even undermining the key political actors and the dynamics behind institutional changes for peace, democracy and development. Well-intended developmental engagement may inadvertently cause harm in conflict areas; and state capacity building may consolidate rather than transform centralized and semi-authoritarian governance structures. Moreover, political engagement strategies may fail to address pressing developmental concerns adequately. This situation calls for well-designed combinations of developmental and political engagement strategies in support of overarching goals of democracy, peace and development.

9. **Reliance on state actors**. As state authority is questioned in Myanmar, engagement that relies solely on official state structures and backing from the government may serve to shift the balance of power among state and non-state actors and thus intensify conflicts. According to the OECD (2014a, 45), donors working in Myanmar should have 'strong localised knowledge of contexts and institutions, as well as recognition that minority leaders and the wider population in many conflict-affected areas do not regard the government as legitimate'. However, relying on non-state actors that are in tense and difficult relations with the government may also result in negative reactions from the state (see risk 11, below). Moreover, providing assistance in conflict-prone minority areas may lead to further tensions between the parties, escalating conflicts.

10. **Limited territorial access and engagement in ethnic minority areas**. Access to ethnic conflict-prone areas in Myanmar is limited, and that may hamper the effectiveness of aid. International donors operate only in those areas where access is allowed. This carries the potential risk that external engagement will be unevenly spread, leaving some parts of the country underdeveloped and deepening existing social and economic inequalities. These inequalities may in turn feed grievances among the various ethnic groups. Management of natural resources is a case in point where international engagement has contributed to rising tensions among local groups.

11. **A complex environment for engaging with civil society**. Myanmar civil society is not a monolithic entity. Engagement with and through civil society requires close attention to this complexity, if goals for service delivery or political advocacy and transformation are to be achieved. And what of the humanitarian and development NGOs that are the main channels of aid: have they the capacity and competence to foster the political forces and dynamics critical for substantive peace and democracy? A narrow focus on humanitarian and developmental NGOs poses the risk of deepening the state–society divide rather than building broad alliances for political representation and transformative democratic politics.

12. **Limited contextual knowledge and weak knowledge strategies**. The increased engagement of Western aid donors in Myanmar has not been followed by strategies for knowledge production. Not only are there severe limitations on available data and research capacity: information about the situation in

Myanmar rapidly becomes outdated, making it critical to minimize the time lapse between project feasibility assessment and project implementation. Information and data should be gathered and analysed continuously. At the implementation stage, projects might not be implemented according to plan and/or achieve the intended results because of insufficient knowledge and attention to problems such as corruption, lack of local capacity, political obstacles or escalation of conflicts. Although not unique to Myanmar, such risks are of particular concern there.

13. **Insufficient donor coordination and limited country knowledge**. Given the limited state capacity to absorb and coordinate international assistance, it is essential to assist the government in the effective and transparent coordination of the activities of international development actors operating in Myanmar. Existing formal mechanisms of state–donor coordination should be supported and further strengthened. Also, Myanmar is a new place for many donors that have entered the country since 2011. Many of them have little experience and poor understanding of how to address the opportunities and challenges that have emerged from Myanmar's democratic opening. Insufficient country knowledge on the part of development actors is a risk that can potentially do harm. New actors should partner with those organizations that have a long track record of engaging with Myanmar, including both political support and developmental assistance.

14. **Donor fatigue**. Myanmar's opening drew the attention of many international donors, and the NLD has accumulated a large store of credit over the years. The current period is, however, marked by continuing conflict within Myanmar and stalled reforms rather than rapid progress towards democracy, real peace and inclusive development. Donors may become increasingly frustrated, their frustrations further exacerbated by the many

bottlenecks, such as limited local competence. This may lead some donors to reduce their efforts, whereas foreign direct investments in resource extraction and other sectors are likely to continue. This raises the risk that Myanmar will for a long time remain in a transitional situation with an uncertain future. External support may therefore have greater impact on the long-term developments in Myanmar than in other recipient countries where the situation is less volatile.

Institutional risks

15. **Unfavourable investment climate**. Investments in Myanmar involve considerable risk. First, there is a high risk of economic mismanagement and corruption. The economy is growing, while it remains dominated by oligarchic structures often connected with the military. Mechanisms for transparency and accountability in the governance of public affairs are weak, and corruption is widespread. This poses a high risk of mismanagement and corruption impacting aid and direct investments. Second, the rule of law is weak and the capacity of the state to coordinate and absorb aid and investments is limited and uneven. This creates challenges for the rapid and successful implementation of aid projects and direct investments. Third, large parts of the country are affected by unresolved intrastate conflicts. This poses risks of economic loss, especially in ethnic minority states.

16. **Geopolitical complexity**. The international relations in the broader region are changing. Recent years have seen attempted Western re-engagement and a shifting balance between US/Western influence and Chinese influence in Southeast Asia. This represents both opportunities and risks for external engagement in Myanmar. For example, Norway's increased engagement in Myanmar is seen as being facilitated by the desire of the former military rulers to re-engage with Western states. However, the delicate balance

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of power between China and the USA, and Norway's location within a US-led Western bloc, may make it difficult for Norway to engage in areas, sectors and processes where China has strong interests or Western actors are unwanted. There is also a risk that the geopolitical balance of power may be altered, influencing the prospects and constraints for engagement in peacebuilding or investments in the strategically important energy sector.

17. **Legitimacy concerns**. External aid and investment may inadvertently contribute to the continuation of semi-authoritarian rule, centralized state power, external resource extraction, intrastate conflicts and economic inequalities. To the extent that external actors are seen as being associated with such tendencies, this carries a high risk of reputational losses. Norway's engagement with the USDP government's agenda for democracy, peace and development is a prime example of a high risk/high gain-strategy. Reputational losses that have followed from this strategy may pose challenges for future engagement in Myanmar, as well as constituting a potential legitimacy problem in international relations and in domestic Norwegian politics. This demonstrates the importance of understanding the contextual political complexity of contemporary Myanmar in order to minimize risk and increase the prospects of positive outcomes.

1. Introduction

Purpose, structure and methods of the study

This study is part of a series of studies on Norway's main development cooperation partner countries, requested by the Norwegian Ministry of Foreign Affairs in order to have a better basis for assistance to these countries. The purpose of this study is therefore to provide systematic and synthesized information on the political, economic and social power structures and actors in Myanmar, so as to strengthen the understanding of Myanmar among relevant Norwegian actors and increase the quality and effectiveness of Norwegian development cooperation. We hope that the study will prove useful also for other international actors engaged in Myanmar as well as for the Myanmar authorities.

We would like to thank Stein Sundstøl Eriksen, Sue Mark, Joachim Nahem and Mael Raynaud for peer reviews of the report. While receiving extensive and very helpful input from the reviewers, we the authors have retained the prerogative to make final decisions on the report's content, and we alone remain responsible for it. We would also like to thank Annabelle Heugas for her help in data collection.

The study has seven sections. The *introduction* provides a brief political-historical background on key developments and challenges in Myanmar since independence in 1948. It also includes a review of Norway's development engagement in Myanmar.

This is followed by two main sections that examine Myanmar's political, economic and social situation. The *politics* (section 2) combines a structural focus on the Myanmar state with an examination of the interests and strategies of the main domestic and external actors. The *economics and social issues* (section 3) first examines the overall structure and growth of the economy, and then provides more in-depth information on natural resource management, and on trade, foreign direct investment and development cooperation.

The next three sections provide specific analyses of key challenges for Norwegian–Myanmar cooperation. Myanmar's *conflicts and stabilization* (section 4) are examined, with emphasis on the causes of conflicts and recent peace initiatives. This is followed by an analysis of challenges in the areas of *migration, climate change and humanitarian needs* (section 5). In section 6, the *main human rights challenges* are identified and briefly discussed. Finally, a brief *risk analysis* of Norwegian and international cooperation with Myanmar has been presented above.

The study builds on the authors' prior research-based knowledge on the subject matter and country context, supplemented with a comprehensive review of the growing body of academic literature on Myanmar. Additional information has been gathered from applied research and media reports. New information was collected through interviews with state and government actors, political parties and CSOs, development scholars, practitioners and observers in Keng Tung, Lashio, Myitkyina, Nay Pyi Taw and Yangon. The political analysis also draws on recent interviews with ethnic organizations in Chiang Mai. Statistical information has been included depending on the availability of reliable data.

Political-historical background
Military rule

The Republic of the Union of Myanmar, also known as Burma,[1] is a state shaped largely by war. Its present territory came under British control through three Anglo-Burmese Wars in the 19th century, with Burma being integrated into the British Raj of India in 1886. It regained independence in 1948 as a result of anti-colonial struggles, Japanese occupation and armed resistance during the Second World War and the dismantling of the British Empire (Charney 2009).

Independent Burma had democratic governments from 1948 to 1962. Parliamentary politics and government were dominated by the Anti-Fascist People's Freedom League (AFPFL) – a national front formed by political parties and mass organizations. However, this period was marked by growing political instability due to ideological divides within the AFPFL and between the AFPFL and the Communist Party of Burma (CPB), and antagonisms between the central government and ethnic minorities over state power sharing (Taylor 2009).

This growing political instability created the pretext for a military caretaker government (1958–1960) followed by a military coup d'état in 1962. Burma remained under military dictatorship until 2011 (Callahan 2003; Nakanishi 2013), ruled by the Socialist Revolutionary Council from 1962 to 1974, and by the Burma Socialist Programme Party (BSPP) from 1974 to 1988. Both regimes were headed by General Ne Win and pursued Soviet-style nationalization of private enterprises, strict government control, central planning, and economic iso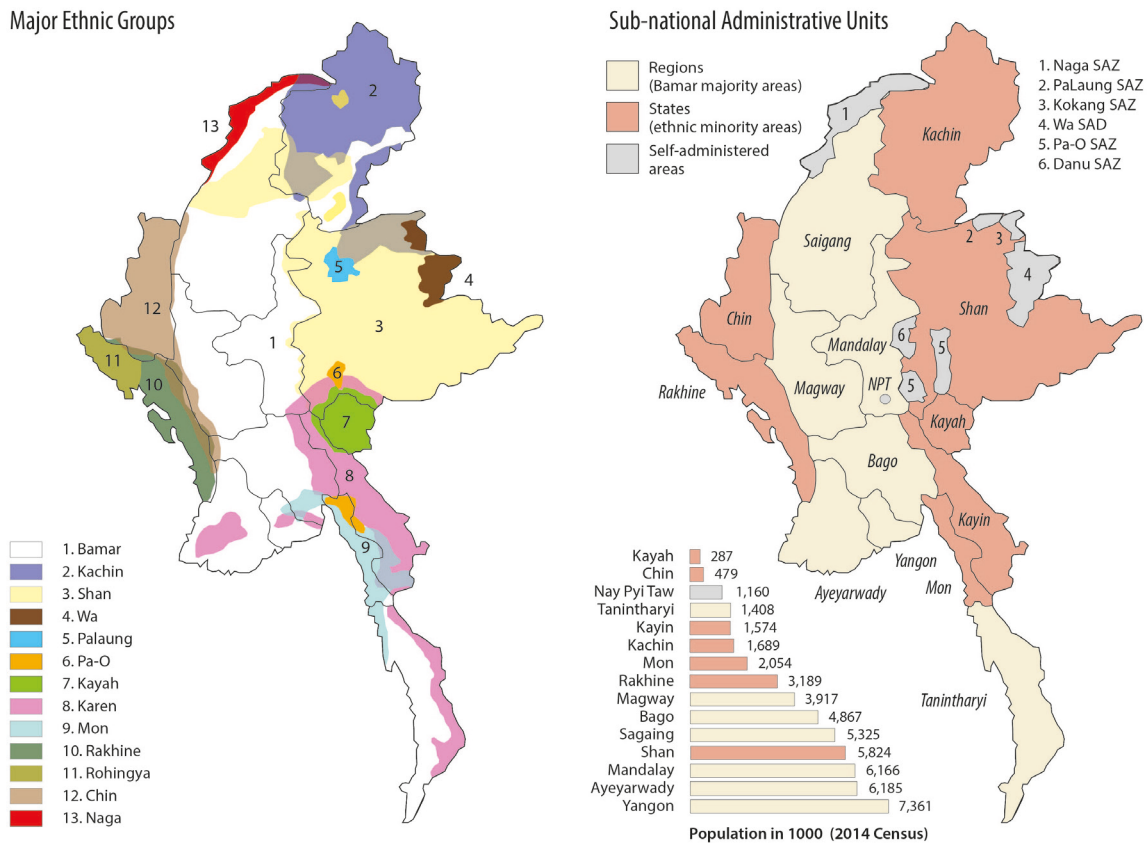lation under the slogan of 'the Burmese Way to Socialism' (Selth 2001). Under socialist military dictatorship, Burma became one of the world's most impoverished countries. This was also a period of sporadic protests against military rule, typically spearheaded by students and violently suppressed by the military (Fink 2009).

In 1988, political oppression, combined with economic mismanagement, led to widespread pro-democracy demonstrations (the 8888 Uprising), which were violently crushed by the security forces (Lintner 1990a).[2] After a second military coup d'état, the BSPP regime collapsed and was replaced by the State Law and Order Restoration Council (SLORC) in 1989. The SLORC held free elections in 1990 as an attempt at political stabilization. The National League for Democracy (NLD) and allied ethnic parties won a clear majority of the seats, but the military refused to cede power, incarcerated the NLD leader Aung San Suu Kyi and numerous democracy activists, and continued to rule – as the SLORC till 1997, and as the State Peace and Development Council (SPDC) from 1997 to 2011 (Hlaing 2010; Lintner 2011).

The period under SLORC/SPDC rule saw a reversal of the socialist economic program of the BSPP, while the involvement of the military in the economy was strengthened through military-owned enterprises and cronies that controlled strategic industries, construction, natural resource extraction and tourism (Jones 2013; Selth 2001). Since then, the militarized and crony economy has undergone some changes due to partial privatization and political reforms, creating powerful oligarchs that display a certain degree of autonomy while retaining strong links to the military (Ford, Gillan, & Thein 2015).

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1 The country name was changed from Burma to Myanmar by the military rulers in 1989. This renaming has been a contentious issue because it was done in an authoritarian manner by a government not recognized as legitimate (Dittmer 2008). It is also a name that, like Burma, refers to the Bamar ethnic majority group. Many political and ethnic opposition groups, as well as international organizations and states, have thus continued to use 'Burma'. Others have accepted Myanmar as the official name, especially after the democratic opening in 2011. In April 2016, democratically elected State Counsellor Aung San Suu Kyi told foreign diplomats that they should feel free to use either name.

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2 A second major mobilization around demands for democracy and improved livelihoods came in 2007, with Buddhist monks playing an active role. This 'Saffron Revolution', like the 8888 Uprising, was violently suppressed by the military (Rogers 2008; Selth 2008a).

Major Ethnic Groups

Sub-national Administrative Units

1. Bamar
2. Kachin
3. Shan
4. Wa
5. Palaung
6. Pa-O
7. Kayah
8. Karen
9. Mon
10. Rakhine
11. Rohingya
12. Chin
13. Naga

Regions (Bamar majority areas)
States (ethnic minority areas)
Self-administered areas

1. Naga SAZ
2. PaLaung SAZ
3. Kokang SAZ
4. Wa SAD
5. Pa-O SAZ
6. Danu SAZ

	Population in 1000 (2014 Census)
Kayah	287
Chin	479
Nay Pyi Taw	1,160
Tanintharyi	1,408
Kayin	1,574
Kachin	1,689
Mon	2,054
Rakhine	3,189
Magway	3,917
Bago	4,867
Sagaing	5,325
Shan	5,824
Mandalay	6,166
Ayeyarwady	6,185
Yangon	7,361

Data source: Burma News International 2017a; Ministry of Planning and Finance 2016

Figure 1. Major ethnic groups and administrative units in Myanmar

Intrastate conflicts

Myanmar is a multi-ethnic,[3] multilingual and multi-religious society, where the ethnic Bamar majority is largely concentrated on the plains in the centre of the country and the non-Bamar minorities live primarily in the upland border areas (Figure 1). Throughout its independent years, Myanmar/Burma has been marked by armed conflicts between the military and the Communist Party of Burma (from 1948 to the 1980s) and ethnic armed organizations (since 1948) (Lint-

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3   Myanmar officially recognizes 135 ethnic groups, grouped into 8 'major national ethnic races': Bamar, Shan, Mon, Kayin (Karen), Kayah (Karenni), Kachin, Rakhine (Arakanese) and Chin. This classification is problematic and controversial (Ferguson 2015) and ethnic population figures from the 2014 census have not been released. A common estimate is that the Bamar make up 68% and the non-Bamar 32% of the total population, but the government has been accused of overestimating the Bamar population.

ner 1990b; Smith 1991, 2007; South 2008). The closely linked challenges of nation-building and state-building have been the pivot of Myanmar's political history (Dittmer 2010). In 1947, the 'Father of the Nation' and founder of the Burmese Army, General Aung San, in his position as Deputy Chairman of the transitional Executive Council, reached an agreement with Chin, Kachin and Shan ethnic leaders – the Panglong Agreement. This established the core principles of self-determination, political representation and economic equality for ethnic groups within an independent Union of Burma (Sakhong 2014). The agreement paved the way for transfer of power from the colonial administration to one unified Burma, despite demands for a separate Karen state, but the government failed to implement these principles in the 1947 Constitution or by other means (Smith 1991; Steinberg 2001).

The period since 1948 has seen several protracted civil wars between ethnic armed organizations demanding self-determination, and military rulers seeking uncontested authority within a unitary and *de facto* majoritarian state (Callahan 2003; Cheesman & Farrelly 2016). In the process, ethnic political grievances have been joined by security and socio-economic grievances, as the conflicts have produced large-scale violations of human rights, civilian deaths, the destruction of livelihoods and displacement (Kosem 2016; Sadan 2016). At the same time, the development of war economies has created profit opportunities for the military, the military-supported border guard forces and militias, and for ethnic armed organizations, thus contributing to the perpetuation of armed conflict (Jelsma, Kramer, & Vervest 2005; Lintner 1999; Woods 2011).

Attempts at creating peace have focused on ending hostilities through ceasefires and by granting economic concessions to ethnic armed organizations – however, without addressing the core political grievances (Lee 2016). This strategy was pursued by the SLORC/SPDC in the 1990s and by the USDP government after 2011 (Petrie & South 2014; Sadan 2016; South 2008, 2014, 2015). Although it managed to pacify some armed organizations, it has failed to resolve the conflicts. Ceasefires have been followed by resumed warfare, as in the case of the on-going conflicts in the Shan and Kachin states (Brenner 2015; Sadan 2016).

A different kind of conflict is the communal and state violence against groups seen as 'foreigners'. Historical examples include anti-Indian violence in the 1930s and anti-Chinese riots in 1967. The most notorious example has involved the violence and human rights abuses against the Rohingya group in the north (Ibrahim 2016). While the violence has been largely confined to Rakhine state, the issue has been increasingly politicized – at the Union level, as a question of religious identities; internationally, as a human rights issue (Cheesman 2017; Crouch 2016; G. McCarthy & Menager 2017; Schissler, Walton, & Thi 2017; Walton 2017).

Political reforms

After almost 50 years of military dictatorship, Myanmar saw a series of political reforms from 2011. Whether this should be understood as a transition to democracy or a military strategy for institutionalizing semi-authoritarian rule is a matter of debate (Egreteau 2016). The process started after the NLD's election victory in 1990. The military rejected the results, but set up a Constitutional Convention. This was later used as a basis for unilateral constitution-making by the military, within their overarching roadmap for 'discipline-flourishing democracy' (Huang 2016). The military rulers made a new constitution in 2008, which opened up for political liberalization while institutionalizing positions of power for the military (Williams 2014). The 2008 Constitution provided a basis for elections to local and union-level Parliaments in 2010 and 2015, and by-elections in 2012. The 2010 elections were deeply flawed, but were used to transfer power to a nominally civilian government led by President Thein Sein and the military's Union Solidarity and Development Party (USDP).

The USDP government initiated a series of reforms in favour of formal democracy, open economy and ceasefire agreements (Lall 2016). Western states that had imposed strict economic and military sanctions on Myanmar in the 1990s and early 2000s moved towards normalized diplomatic and economic relations after 2011. Thus, the government and Western states have found pragmatic ways of 'constructive engagement', against the regional backdrop of changing USA–China relations in Southeast Asia (Clymer 2015; Lintner 2015; Steinberg & Fan 2012).

The first free general election since 1990 was held in November 2015 (Thawnghmung 2016a). The election returned a landslide victory for the National League for Democracy, an equally massive defeat for the USDP, and the general marginalization of most ethnic parties (Stokke, Win, & Aung 2015). The NLD formed a new government in 2016 with Htin Kyaw as the first non-military president since 1962, and Aung San Suu Kyi in a newly created position as State Counsellor, which secured her the role of *de facto* state leader under

the 2008 Constitution. This was a major victory for the pro-democracy forces, given the limited and regime-led opening for democracy. However, continued military influence, persistent capacity problems in political parties and parliamentary politics, weak channels of political representation, and problems of administrative capacity all give rise to critical questions about the substance of democratization in Myanmar.

The reforms have been followed by considerable scholarly and political debate about whether Myanmar is undergoing a transition to liberal democracy, or if the military is merely institutionalizing a semi-authoritarian form of governance with greater domestic and international legitimacy (Cheesman, Farrelly & Wilson 2014; Cheesman, Skidmore & Wilson 2012; Egreteau 2016; Lall 2016). At the time of writing, it seems most accurate to describe Myanmar as an in-between state that is neither fully authoritarian nor clearly headed towards democracy. While this might represent a relatively stable state of semi-authoritarianism, the country's future political trajectory remains open-ended, as demonstrated by the 2015 elections. This makes it critically important for international democracy assistance to design and implement politically smart strategies in support of substantive democracy and peace.

Recent interaction between Norway and Myanmar

The years 1988 and 2009–2011 mark two important turning points in Norway's relations with Myanmar. Prior to 1988, there was little diplomatic, commercial or aid engagement in Myanmar. In the aftermath of the suppression of the 1988 pro-democracy uprising, Norway followed the USA and the EU in imposing military and economic sanctions on the military junta. After the Nobel Peace Prize was awarded to Aung San Suu Kyi in 1991, Norway also became an active supporter of the pro-democracy movement, and channelled aid outside Myanmar to the government in exile, the free media (especially the Democratic Voice of Burma, DVB), international human rights organizations (like the Norwegian

Burma Committee, NBC) and humanitarian organizations providing assistance to refugees.

After Cyclone Nargis in 2008 Norway gained more access and was able to provide humanitarian assistance to local CSOs that was later used as a springboard for engaging directly with the military rulers, in the context of relatively ineffective sanctions and changing US foreign policy towards Myanmar (Holliday 2011; Lall 2016). Norway thus became a mediator for Western engagement with the military-backed USDP government from 2011. Since then, Norway has both increased and diversified its engagement within Myanmar.

First, Norway engaged diplomatically in what was interpreted as a democratic transition, providing support to the USDP government and functioning as a link to Western actors (especially the USA and the EU). Norway thus became a facilitator and advocate for greater Western engagement in Myanmar. It also provided funding for CSOs that worked closely with the USDP government and advocated engagement with the military. This group came to be known as the 'third force' and included Myanmar Egress, Euro-Burma Office and Vahu Development Institute (Lall 2016).

Second, Norway funded and organized peacebuilding initiatives, notably the Myanmar Peace Support Initiative (MPSI) and Peace Donor Support Group (PDSG) (Johnson & Lidauer 2014). These projects were aimed at ethnic groups that had signed ceasefire agreements with the government. Funding was increasingly channelled within Myanmar, while there was a reduction in aid to exile organizations and refugee communities on the Thai border.

Third, Norway has supported economic development by assisting direct investments from Norwegian companies. This includes the engagement of three Norwegian state-owned companies in Myanmar: Telenor in telecommunications, Statoil in the offshore oil and gas sector, and SN Power in hydropower development. Other Norwegian companies include Yara (fertilizer) and Jotun (paint).

Fourth, Norway is engaged in state capacity building, providing assistance at the union level
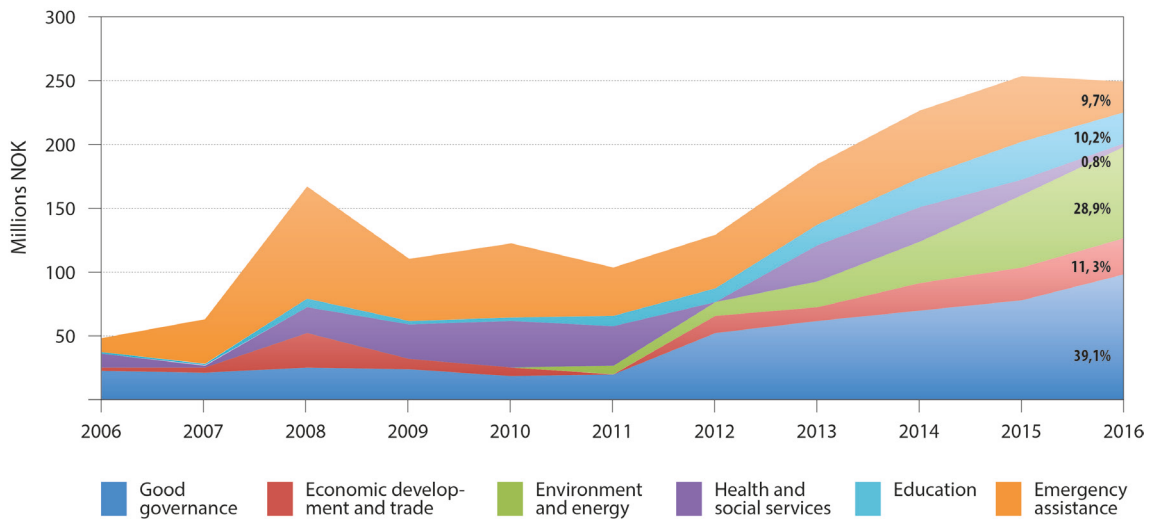
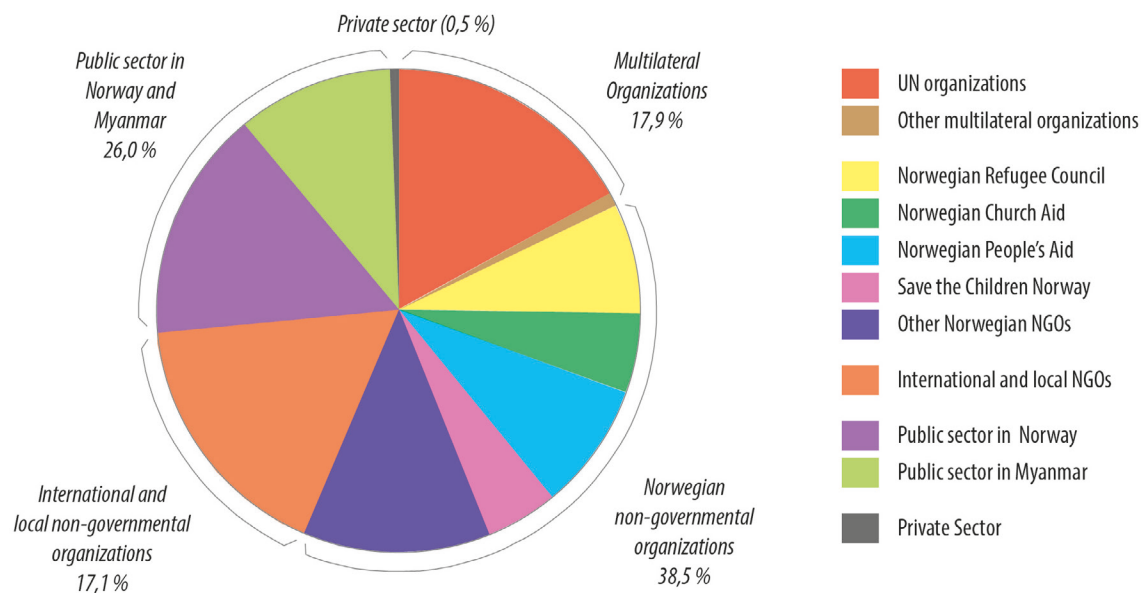Figure 2. Norwegian aid to Myanmar by sector, 2006–2016

Data source: NORAD 2017

Figure 3. Channels for Norwegian aid in 2016

Data source: NORAD 2017

in particular. Natural resource management is a focal point for such capacity building (involving, for instance, the Ministry of Environmental Conservation and Forestry, the Ministry of Electric Power, and the Ministry of Energy). Myanmar joined the Oslo-based Extractive Industries Transparency Initiative (EITI) in 2014. This support for capacity building runs parallel to engagement by Norwegian companies like SN

Power and Statoil in exploration and development of energy resources in Myanmar (FAFO 2015). Similarly, Norway has provided capacity building support to the Ministry of Communications, Posts and Telegraphs in tandem with engagement by Telenor in telecommunications development in Myanmar.

Aid statistics from Norad show that Norwegian aid to Myanmar peaked after Cyclone Nar-

gis in 2008, and has again grown steadily since 2011 (Figure 2). There have been important changes in the composition of aid. Support for health and social services, education and emergency assistance has played a less prominent role since 2011, while there is a stronger focus on governance, economic development and trade, and the environment and energy.

Figure 3 shows the main channels for Norwegian aid in 2016, making clear the prominent role of Norwegian NGOs, and especially a core group of NGOs used for delivering humanitarian and development aid. A significant proportion of aid goes through the public sector in Norway and in Myanmar: this is a new channel that has been used since 2011.

Norway thus has an active and visible role in Myanmar, both as a supporter of the pro-democracy movement in the 1990s and early 2000s, and as a facilitator for Western engagement and partner to the USDP government since 2011. The latter engagement has had high visibility and has been seen as innovative and flexible. However, it has also received criticism, especially from ethnic minority organizations and pro-democracy activists (including Aung San Suu Kyi) (Olsen 2016), who argue that Norway facilitated the military's strategy of institutionalizing semi-authoritarian rule, while marginalizing pro-democracy forces and dynamics. Norway has also been criticized for strengthening the authority and

capacity of the central state, thereby weakening ethnic demands for conflict resolution through federal state reforms. Finally, it has been accused of being overly focused on economic growth, not least as regards Norwegian business interests (*Irrawaddy* 2014).

Norway has relied on a developmental approach to democracy promotion, in contrast to the more political approach in the 1990s and early 2000s (Carothers 2009). This strategy converged with the USDP government's approach to reforms and may have contributed to the democratic opening, but there are critical questions about how and to what extent it has contributed to substantial democratization and conflict resolution. Currently there are signs of adjustments in Norway's engagement with Myanmar, including greater emphasis on peace and democracy promotion (Norad consultation meeting on Myanmar 25.8.2017). Norway seems to be rethinking its approach to peace and democracy assistance, combining developmental capacity building with political support for peace and democracy. This can give rise to prospects for productive engagement, but also critical questions about engagement strategies. For instance, there are concerns about capacity and competence among the humanitarian and development NGOs that are used for channelling, and whether they can shift their focus to political capacity building in support of political forces and processes vital for peace and democracy.

2. Politics

The state in Myanmar

Myanmar's political development, especially in the period under direct military rule (1958–1960 and 1962–2011) and the USDP government (2011–2016), has been characterized by a strong focus on *state building*.[4] Attention has been devoted to safeguarding national sovereignty and political stability through military means, and the military has dominated public administration (Taylor 2009).

Following the 2010 elections and the change of government in 2011, Myanmar experienced various political reforms in support of basic civil rights, electoral democracy and economic growth (Lall 2016). These reforms followed a sequential state-building approach in the sense that building strong state authority by military, constitutional and institutional means was seen as a precursor to political and economic liberalization (Egreteau 2016). What was new after 2011 was the greater emphasis on state legitimacy, and that it was sought through democratization and economic development, in addition to earlier demands based on the role of the military as guardians of national sovereignty and political order. This state-building approach to political reforms was most explicitly formulated in the military's

roadmap for 'discipline-flourishing democracy', originally presented in 2003 (Huang 2016).

State building in Myanmar also became a priority on the international agenda. The political reforms from 2011 onwards created an opening for Western states (the USA, EU member-states, Norway and others) to suspend or lift sanctions and engage in building state capacity. This engagement was made possible by the growing recognition of the need for robust state institutions to mitigate state fragility, and with institution building as a precondition for political liberalization (Carothers & De Gramont 2013; Mansfield & Snyder 2007a; Paris 2004). Thus, there was a certain policy convergence between the USDP government and the Western international community, also compatible with the pragmatic strategy of 'constructive engagement' that had been pursued by China, Japan and ASEAN.

Myanmar is a country with a long history of state building dominated by military rulers and their focus on political stability. But it is also a country where the *authority* of the state has been heavily contested, especially by ethnic armed organizations. Further, the Myanmar state has experienced persistent problems of limited administrative *capacity* and political *legitimacy*. Behind these challenges is the core problem of limited state *autonomy* vis-à-vis the military. In the following sections we identify the principal issues for each of these dimensions of state building in today's Myanmar, starting with the fundamental question of state autonomy.

State autonomy: The persistence of military state capture

State autonomy concerns the state's ability to act independently of and even against dominant

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4   Sisk defines *state building* as 'the creation or recovery of the authoritative, legitimate, and capable governance institutions that can provide for security and the necessary rule-of-law conditions for economic and social development' (Sisk 2013: 1). He identifies four core elements within the state-building agenda: to strengthen (1) the *autonomy* of the state in regard to foreign and domestic interests, (2) the *authority* of the state as the sole legitimate source of coercion, (3) the *capacity* of the state to design and deliver governance service, and (4) the *legitimacy* of the state in domestic and international politics. While these four core elements are interwoven, the state-building agenda gives priority to strengthening state authority because that can reduce the fragility of the state, help to secure human life and well-being, and because it is seen as an instrumental prerequisite for development.

groups and interests in society. In Myanmar, there is a paradoxical situation: the foremost constraint on state autonomy is the military (the Tatmadaw) – which is also the state's foremost security apparatus. The justification for seeing this as a matter of state autonomy is that the military has used its prolonged control of state power to become the dominant economic and political force in society: it has become both a powerful state apparatus and the major force in society that limits the autonomy of the state. 'State capture' by the military is the primary explanation for the character of the state and the persistent challenges of contested state authority, limited state capacity and weak state legitimacy today. Transforming civil–military relations remains the core challenge for achieving substantial conflict resolution, democratization and development in Myanmar.

The main characteristic of the state in Myanmar is the heavy dominance of the military throughout the postcolonial period (Egreteau & Jagan 2013). The Burma Army led Myanmar's independence struggle and formed the basis for APFRL governments in the early democratic period. The military was strengthened from the late 1950s, in the context of the perceived threat from China and the emergence of Communist and ethnic insurgencies. Ne Win's military coup in 1962 made the military a political force in a totalitarian state. Military strength was again greatly expanded in the 1990s, following the 1988 uprising. From 1962 to 2011, the Myanmar state remained under direct control of a military that gradually expanded its war capability and gained a chokehold on state power (Callahan 2003; Nakanishi 2013; Selth 2001; Steinberg 2001). The reforms since 2011 have changed the modality of military influence, but the Tatmadaw continues to hold key positions of power under the 2008 Constitution (Nyein 2009).

Constitutional provisions combined with additional laws and institutional arrangements mean that the state has limited autonomy vis-à-vis the military, even today (Egreteau 2014; Huang 2013). Myanmar's third constitution, following those of 1947 and 1974, was drafted by the military-appointed National Convention and approved after a deeply flawed referendum in 2008. It contains several provisions that safeguard continued power for the military (Egreteau 2014; Williams 2014). Among the most controversial provisions are the following:

- **Non-civilian control of the armed forces**: Section 20(b) gives the Defence Services the right to independently administer all affairs of the armed forces.
- **Military control of three key ministries**. According to Section 232(b) and 234(b), the Commander-in-Chief is to nominate military personnel for Ministers and Deputy Ministers for Defence, Home Affairs and Border Affairs.
- **Military representation in the legislative bodies**. Sections 74, 109(b) and 141(b) ensure a large military presence in Myanmar's Parliaments (Hluttaws) at the union and division/state levels. Army representatives make up 25% of the representatives in each legislative body.
- **Military control of the National Defence and Security Council (NDSC)**. Section 201 creates the NDSC as a powerful non-elected body, consisting of eleven officials. Five of these are required to be active-duty military personnel, while the others may be ex-army personnel.
- **The President lacks the power of Commander-in-Chief**. Section 342 states that the President is not the Commander-in-Chief: instead a person is to be appointed who has been proposed and approved by the NDSC.
- **Commander-in-Chief as the highest arbiter of military justice**. Section 343(b) gives extensive power over military justice to the Commander-in-Chief.
- **Loyalty requirement for political parties**. Section 404 requires that political parties have the objectives of 'non- disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty'. Sections 407 and 408 grant further government discretion for dissolving political parties.
- **Immunity for government officials**. Section 445 (the 'immunity clause') grants amnesty to any SLORC/SPDC officials who have committed any crime, if that crime was committed as a result of their official duties.

- **State of emergency and fundamental freedoms**. Sections 40 and 419 give the President and the army extensive power during times of emergency. Under Section 40(c), the Commander-in-Chief can take full control of the state (legislature, executive and judiciary). Section 420 further states that the Commander-in-Chief may restrict or suspend fundamental rights.

The military leaders have insisted that Myanmar needs a disciplined kind of democracy in order to contain the conflicts that have existed in the past (Huang 2016). This is in broad agreement with the sequencing argument that has gained ground in democratization studies and Western democracy assistance (Carothers 2007; Mansfield & Snyder 2007b). However, David Williams argues that 'disciplined democracy is especially ill-suited to Burma because of its dispositions to over-concentrate power' (2014: 118). Reforming the 2008 constitution has thus been a priority for the National League of Democracy (NLD) (Zin 2016), who have held that without constitutional amendments and genuine rule of law, the democratic opening will be mere 'window-dressing'. In 2014, the NLD and the civil society organization 88 Generation collected more than 5 million signatures in support of constitutional change. In 2015, the NLD proposed a constitutional amendment committee, but the bills were blocked by the military in Parliament. Since then, NLD government has changed its priorities, arguing that constitutional amendment is possible only *after* national peace and reconciliation are achieved. That has made their peace process (the 21st Century Panglong Conference) a main priority, both as a goal in itself and as a tool for constitutional reform.

State authority: The contested territorial authority of the unitary state

Myanmar is formally designed as a unitary state with modest decentralization to regions/states and self-administered zones and divisions. However, the authority of the state is contested, resulting in a complex mosaic of *de facto* territorial control and administration by state and non-state actors. This has a decisive impact on state capacity in policy-making and public administration, and poses challenges for external engagement. Lack of authority or access may limit the effectiveness of political reforms and aid programmes. Engagement that relies solely on official state structures and government backing may also shift the balance of power among state and non-state actors, intensifying conflicts. Conflict sensitivity is a critical concern in state capacity building, especially if what is built is the capacity of some actors at the expense of others in a situation where territorial authority is contested.

Building state authority in Myanmar has revolved around the question of incorporation of ethnic minorities at the periphery. There is a long history of pre-colonial, colonial and post-colonial rulers seeking to extend the authority of the central state from Bamar majority areas ('Burma proper') to ethnic minority ('frontier') areas, through combined strategies of military conquest and pacifying concessions (Taylor 2009). Ethnic minorities have at times engaged in transactional relations with the rulers, but have also evaded or resisted centralized, militarized and majoritarian authority (Scott 2009; Smith 1991). Throughout its seven decades of independence, Burma/Myanmar has been marked by multiple armed conflicts between the army and EAOs, producing some of the longest-lasting insurgencies in the modern world (Keenan 2014; Smith 1991, 2007; South 2008). Although Myanmar cannot be said to be on the verge of dissolution, resolving its intrastate conflicts remains a pressing challenge.

The period under military rule saw a combination of escalating military confrontations and attempts at pacifying ethnic insurgencies through ceasefires and economic concessions. Intensive counterinsurgency operations during the BSPP period pushed armed opposition groups into the borderlands, where they managed to maintain control over autonomous enclaves. Many EAOs built up their own state structures within 'liberated zones'. Unable to defeat these groups, the government gradually came to tolerate some of

their territorial claims, and even accommodated armed groups that were willing to become subordinated militias.

In the 1990s, the SLORC/SPDC regime increased the military capacity for counterinsurgency warfare, shifting the military balance of power in favour of the central government, despite Western sanctions. They also forged ceasefires with many EAOs. New infrastructure and economic projects were started in ceasefire areas, extending central government authority and creating economic opportunities for military and crony enterprises as well as ethnic organizations (Woods 2011, 2016).

This carrot-and-stick strategy was continued by the USDP government from 2011. Several ceasefire agreements were signed with individual EAOs, followed by economic concessions and aid-funded peacebuilding in ceasefire areas. A National Ceasefire Agreement was signed in 2015, although with the noticeable absence of the most powerful EAOs. Since 2011 there has been renewed warfare in Kachin, followed by major clashes in northern Shan State, in contrast to the relative pacification of EAOs in Kayin and Kayah states (Brenner 2015).

This history of military confrontations and pacifying accommodation has created a highly complex geography of state authority, where official government structures is but one of several forms of governance. Starting with the official system, Myanmar is organized in seven Bamar regions and seven ethnic states under the 2008 Constitution. These have their own parliaments and governments led by centrally appointed chief ministers. The Constitution also creates six self-administered zones and divisions (SAZ/SAD) for specific ethnic groups that are minorities within their state/region but a majority within specific townships: Naga SAZ in Sagaing Region and Danu SAZ, Pa-O SAZ, Palaung SAZ, Kokang SAZ and Wa SAD within Shan State (Figure 1). These self-administered zones and divisions are under the authority of 'Leading Bodies' made up of elected MPs, military appointees, and representatives of other minorities within the area.

Beyond these formal arrangements, there are systems of *de facto* territorial control (Jolliffe 2015). First, there are ethnic territorial claims that have been met with military hostility, but where EAOs have nevertheless managed to seize and maintain control through guerrilla tactics. This is the case especially in remote and mountainous border areas where the military may be confined to roads, towns and economic sites. Second, some ethnic claims to territory have been tolerated by the military, and EAOs have been allowed to carry weapons. Some of these arrangements were written into ceasefire agreements in the 1990s or new ceasefire agreements from the USDP government period. Third, there are areas where ethnic armed actors have achieved territorial control with the backing of the military, on condition that they function as state-backed militias and cooperate with the state administration. The most common forms are 'Border Guard Forces' or smaller 'People's Militias' that have been formed at the village level by the Tatmadaw, but there are also militias that operate in understanding with EAOs. Finally, this informal system of territorial control lacks clear boundaries, in how it maps onto official state boundaries and how EAOs may influence the governing of people even in areas they do not control militarily.

State capacity: The challenges of policy-making and public administration

Policy-making: The legacy of military control over the state constrains policy-making and public administration in multiple ways – including strong Tatmadaw influence in the Parliament, control of key ministries and departments, and military organizational culture and loyalty in the bureaucracy (especially within the General Administration Department). On the other hand, the political reforms during the USDP government have also widened the space for more democratic, decentralized and de-concentrated policy-making and public administration, especially after the shift of government in 2016. There is, however, still a long way to go to build a state with strong capacity for democratic policy-making and public administration (Blažević 2016).

For a long time, policy processes in Myanmar were under the direct control of a small group of senior generals, and based on their personal and political interests. State ministries implemented policies but had little involvement in policy-making or review. There was virtually no input from the public, and also a general lack of reliable data for policymaking. The capacity and professionalism of the ministries deteriorated. In Myanmar's ethnic states, public administration was dominated by military commanders or ethnic armed organizations.

The USDP government introduced parliamentary processes and led an active period of hasty law-making, but policy-making remained top-heavy, dominated by the president and a limited number of trusted ministers and advisors, some from government-affiliated CSOs (Egreteau 2017). This meant that decisions could be implemented swiftly in fields deemed important – like security, foreign policy, foreign investments and natural resource extraction. Sectors where policy attention depends on popular pressure and administrative capacity received less attention (as is the case of education and public health). The civil service has played a limited role in advising ministers on policy-making. Ministries implement instructions from higher levels, but have little devolved authority except concerning some technical issues. Decades of top–down governance have led to a hierarchical and passive organizational culture within the bureaucracy where officials are often unable to make decisions without instructions from above. In addition, administrative departments are staffed by poorly-paid civil servants who must still rely on rudimentary technology and systems.

The shift to a democratically elected and pro-democracy government has expanded the space for more transparent and inclusive policymaking, but this appears hampered by an organizational culture within the NLD, the government and the civil service of hierarchical decision-making. Moreover, there is considerable mistrust between the NLD government and the civil service, due to the military background and loyalties of many bureaucrats. All this means that the transformation towards democratic policy-making and bureaucratic professionalism seems to be progressing very slowly.

Parliamentarism: The main source of transformation in policy-making and public administration is the re-introduction of electoral democracy and parliamentary politics (Kean 2014). The 2008 Constitution established the Pyidaungsu Hluttaw (Union Parliament) as a bicameral legislative body consisting of the 'lower' House of Representatives (Pyithu Hluttaw) and the 'upper' House of Nationalities (Amyotha Hluttaw). The Union Parliament is the basis for the election of the President, who in turn appoints government ministers and deputy ministers. The Parliament is assigned the tasks of law-making, oversight of the government, and public representation. Policy-making remains dominated by the government, but the Hluttaw has proven itself more active than many observers had expected (Egreteau 2017). For instance, many laws were passed under the USDP government. The shift to NLD majority has been followed by a slowdown in law-making, but a process has been started to review, revise and replace 'bad laws'. The extra-Parliamentary Legal Affairs and Special Cases Assessment Commission led by former Pyithu Hluttaw Speaker Thura Shwe Mann is instrumental in this process, but without always leading to progressive results, as shown by the proposed changes to the National Land Use Policy (Oberndorf, Thein, & Oo 2017). The standing parliamentary committees of the two houses also play key roles in reviewing government policies and proposing bills.

The 2008 Constitution created state/region parliaments and governments (Nixon et al. 2015). Importantly, state/division governments are not formed by the local parliaments, but are headed by powerful chief ministers appointed by the president. Each chief minister then nominates cabinet ministers and assigns ministries, in consultation with the president. Local state/region ministries serve primarily as coordinating and advisory union ministries with offices at the local level. The six self-administered areas have 'leading bodies', headed by an appointed chair-

person. Below the state/region level are townships consisting of urban wards, towns and village tracts. Districts form a middle tier of administration between state/region governments and townships. The administration of townships and districts is led by senior officials of the General Administration Department (GAD), under the military-controlled Ministry of Home Affairs (Kyi Pyar Chit Saw & Arnold 2014).

Decentralization: The 2008 Constitution and subsequent political reforms brought a certain degree of decentralization from the union to the state/region level. These reforms contained some elements of devolution of power, in particular through the formation of state and region parliaments and governments. State/region Hluttaws were assigned roles and duties to enact laws, submit budget bills and collect taxes and revenues. However, the devolved powers and responsibilities as specified in the Region and State Hluttaw Legislative List have remained limited in scope (Holliday, Aung, & Joelene 2015).

Moreover, state/region governments have a very limited revenue base and must rely on transfers from the union level (Nixon et al. 2015), even though many ethnic states are rich in valuable natural resources. While the Constitution grants state/region governments some authority to legislate on resource extraction and collect taxes, this is limited to less valuable resources. Major natural resources are predominately managed and taxed by the central government through line ministries and state-owned enterprises. Military-owned companies and their cronies are heavily involved in resource extraction, often in conflict-affected areas. This strengthens the military's interest in maintaining control, thus increasing the risk for corruption, human rights violations and continued conflict. Ethnic armed organizations, border guard forces and pro-government militias are also involved in extractive industries and related trade. Some areas that are contested or controlled by such armed groups have parallel systems of resource governance. These may conflict, overlap, or coexist with those of the union government ministries and military.

Wealth sharing related to natural resources is a key concern for democratic decentralization and conflict resolution in Myanmar (Kramer 2015; Thet Aung Lynn & Oye 2014). This concerns both how to manage natural resources and revenues effectively (good governance), and how to share responsibilities and revenues between the various levels of governments (devolution of power) (Kramer 2010). The latter point is closely linked to the on-going peace process, and involves debates over whether decentralized resource management within the unitary state will be sufficient to address ethnic grievances, or if more substantive 'resource federalism' is required.

The decentralization created by the former military/USDP regimes is primarily in the form of de-concentration to the state and region departments of central ministries. The devolved powers and responsibilities are limited, and the executives responsible for implementing them are appointed by the chief minister and township/district heads under the president's authority. While some argue that the Myanmar state already has elements of federalism, ethnic organizations maintain that it is only superficially federal-like: a case of de-concentration within a unitary state (Holliday et al. 2015). Such de-concentration may improve the efficiency of public services at the local level, but is deemed inadequate for promoting democratic accountability and peace.

Institutional de-concentration: The reform period has seen some de-concentration among state institutions, as in the fiscal system, where important aspects of planning and budgeting have been moved from the military and the Office of the President to the Ministry of Finance and Revenue and the Ministry of Planning and Economic Development. National representative institutions and sub-national governments are now involved in the preparation of the budget, and line ministries and their sub-national offices play a greater role in spending it (Engvall & Linn 2014). This pluralization of influence has been accompanied by a re-orientation of public expenditure away from the military towards social spending, and at the local level. However, there

remain major challenges in planning and budgeting frameworks as well as financial accountability (Nixon & Joelene 2014; Nixon et al. 2015).

Conversely, persistent and even increased concentration of power is also found in the public administration. The most obvious example is the General Administration Department (GAD), which is under the military-controlled Ministry of Home Affairs (MoHA) (Kyi Pyar Chit Saw & Arnold 2014). GAD is the primary institution for public administration in Myanmar. It has a coordinating role among government ministries at the union level and functions as the civil service at the sub-national level. GAD is thus omnipresent and has a powerful mandate. As it is placed within MoHA, together with non-military security apparatuses, GAD also plays a role in security and places heavy emphasis on political stability. At the sub-national level, state legislators have been seeking more political power vis-à-vis the administrative apparatus of the state, but remain fully dependent on GAD (Kyi Pyar Chit Saw & Arnold 2014).

State fragility and legitimacy

State fragility: How do these key features of the state in Myanmar affect state fragility, and how has this changed over time? One indication may be found in the Fragile States Index from the Fund for Peace (2017), which measures a state's vulnerability to collapse or conflict.[5] As Figure 4 shows, Myanmar constantly features in the 'red' category of high-risk countries, although the degree of severity has dropped from 'high alert' in 2008/2009 to 'alert' from 2010 onwards.

The same pattern is found in the social, economic, political and cohesion indicators that make up the Index. Figure 4 shows Myanmar's score on the three indicators that make up the political component of the overall index. We can

note the gradual improvement in the representativeness and openness of government and the relationship with its citizenry ('state legitimacy'). However, as to the presence of basic state functions to serve the people ('public services') and especially protection of fundamental human rights and rule of law, the Figure shows that positive improvements associated with the democratic opening have been followed by worsening conditions after 2013, especially for human rights. This reflects the stalled reform process, continued warfare and restrictions on media and other freedoms.

The Fragile States Index thus indicates that the state in Myanmar remains fragile amidst positive changes. The political and economic reforms since 2011 have not been sufficient to move Myanmar out of the 'red alert' category. By 2013, the reform progress seemed to have stalled and was followed by signs of increased fragility, before showing some improvements again from 2016.

State legitimacy concerns the relations between state and society. Bellina and colleagues (2009) identify four general sources of legitimacy for the state: (1) *input legitimacy* (rules and procedures for participation and accountability in public governance); (2) *output legitimacy* (state performance in delivery of public goods and services); (3) *shared beliefs* (collective identities and moral beliefs legitimizing the state), and; (4) *international legitimacy* (international recognition for the authority of the state and government). Attempts at systematic analysis of these four dimensions in Myanmar will be hampered by the limited data available. Very few public opinions polls have been conducted, and comparisons are made difficult by differences in survey design. That being said, the opinion polls conducted by Asia Barometer, Asia Foundation and International Republican Institute provide key insights that can be checked against more qualitative information (Asia Foundation 2015; International Republican Institute 2014, 2017; Welsh & Huang 2016a).

First, on the input side, the opinion polls show that most Myanmar citizens surveyed support democracy, although their knowledge and

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5   The index is based on twelve indicators of state vulnerability that are grouped together as cohesion, social, economic and political indicators. Scores obtained on the basis of content analysis, quantitative data, and qualitative review are used to assess a state's vulnerability to collapse or conflict, ranking states on a spectrum of categories from 'sustainable,' 'stable,' 'warning,' to 'alert.'
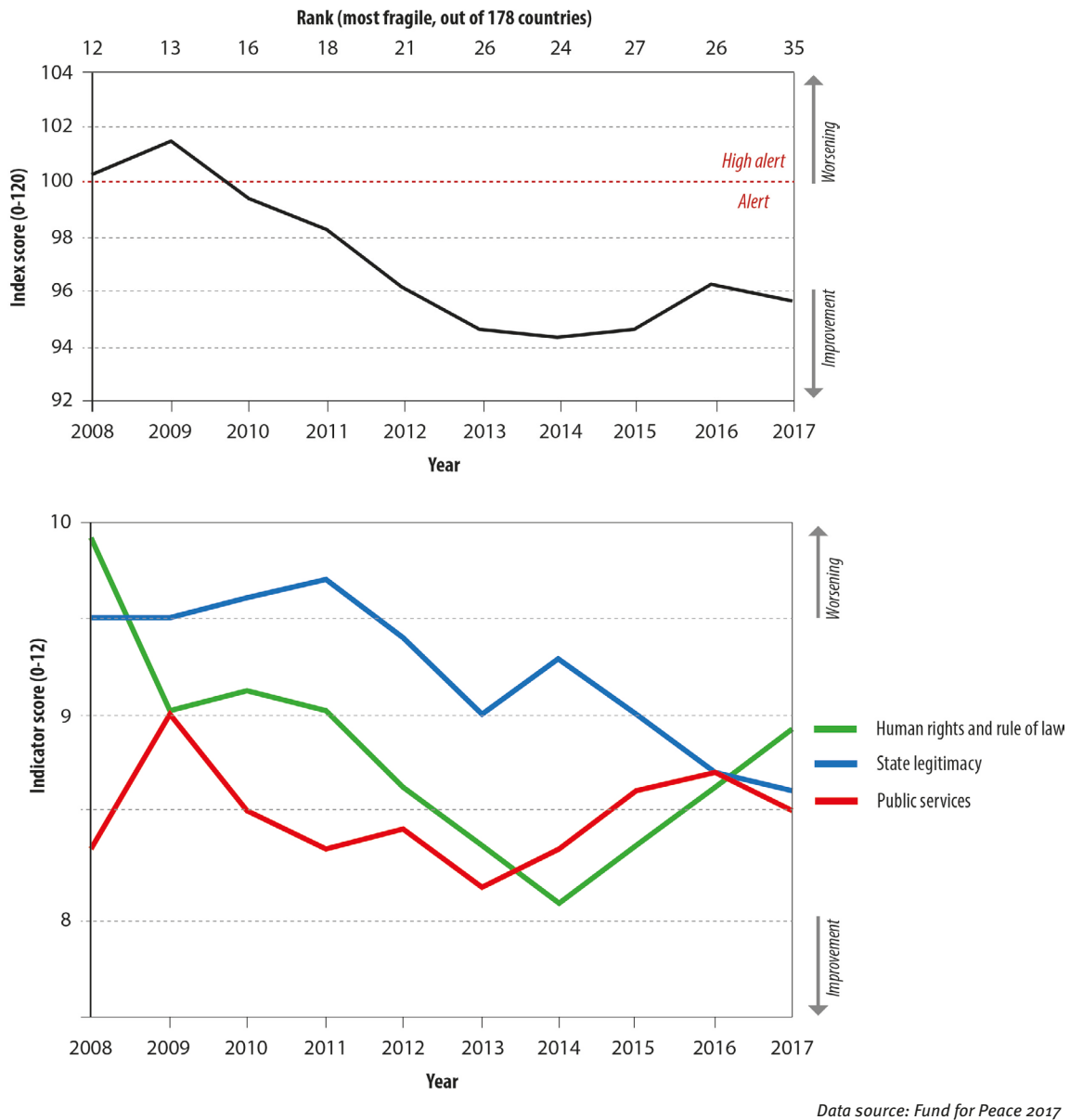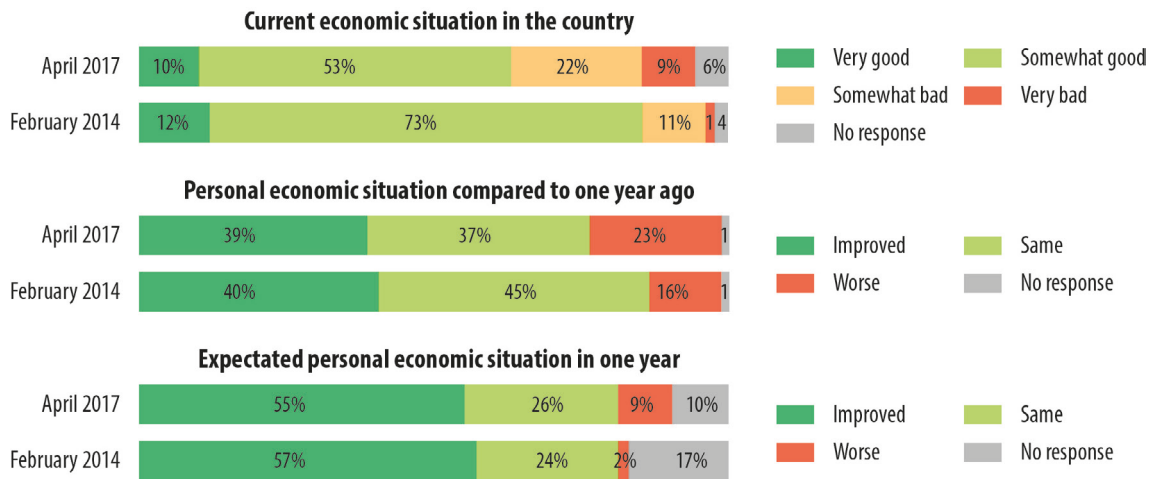
Rank (most fragile, out of 178 countries)

Data source: Fund for Peace 2017

Figure 4. Myanmar's score on the Fragile State Index (top) and its political indicators (bottom), 2008–2017

conception of democracy vary. Many acknowledge that Myanmar's democracy is flawed and the level of trust in political institutions is generally low.[6] With the free elections in 2015 and the change to a democratically elected government in 2016, the input legitimacy of the state has been strengthened. However, the channels of representation remain weak and only a limited proportion of the population are involved in party politics. Instead, people engage in CSOs – especially religious, charitable and local community organizations. The International Republican Institute (2017) finds that relatively few join a political party or have direct contact with one. Also the links between CSOs and political parties remain weak. This limits the possibilities for

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6   Welsh and Huang (2016a) find an especially low level of trust in the police and the courts, which are often perceived to be corrupt (see also Cheesman 2014).

Current economic situation in the country

April 2017	10%	53%	22%	9%	6%
February 2014	12%	73%	11%		1 4

- ■ Very good
- ■ Somewhat good
- ■ Somewhat bad
- ■ Very bad
- ■ No response

Personal economic situation compared to one year ago

April 2017	39%	37%	23%	1
February 2014	40%	45%	16%	1

- ■ Improved
- ■ Same
- ■ Worse
- ■ No response

Expected personal economic situation in one year

April 2017	55%	26%	9%	10%
February 2014	57%	24%	2%	17%

- ■ Improved
- ■ Same
- ■ Worse
- ■ No response

Source: International Republican Institute 2017

Figure 5. Perceptions on present and future economic conditions

participation and political influence – a major challenge for the input legitimacy of the state, despite the successful introduction of electoral democracy.

Second, in terms of output legitimacy, all three opinion polls show that livelihoods preoccupy the majority of those surveyed. The Asia Barometer reports that Myanmar citizens have not experienced major livelihood improvements despite considerable changes in the economy. Many report that economic conditions are more difficult than in the past, but are still optimistic about the future (Figure 5). This indicates that poor economic performance has not translated into a legitimacy crisis for the government, although it may do so in the future. When asked about what is most important – democracy or economy – more respondents opted for economic development than for democracy (Welsh & Huang 2016a). Similarly, the International Republican Institute (2017) finds that economic concerns have moved to the forefront while the state's economic performance is perceived as weak. Government performance on inclusive development is thus a primary concern for the output legitimacy of the state today This should be understood in the context of greater achievements regarding democracy than inclusive development, instead of indicating that people value development more than democracy per se.

Third, as to the identity dimension of state legitimacy, Dittmer (2010) has argued that nation-building remains an unfinished task in Myanmar. The Asia Barometer Survey finds that, when asked about their self-identity, the majority opted for their religion (53%), followed by a third who chose the national community (32%), while the remaining minority opted for ethnicity (15%) (Welsh & Huang 2016b). It is notable that Buddhists and Bamar respondents were more inclined to self-define by religion than were the ethnic and religious minorities (Figure 6). Only 25% of respondents from ethnic minorities saw ethnicity as their self-identity. This indicates that feelings of belonging to Myanmar are quite strong among ethnic minorities, and similar to other categories of respondents.

In opinion polls, Myanmar citizens express strong preferences for democracy and expect that democracy will bring about positive changes in terms of livelihoods and public services (Asia Foundation 2015). People are generally hopeful about the future, although their optimism is tempered by the various problems related to political representation, economic performance and national inclusion: the input, output and identity dimensions of state legitimacy.

These three sources of state legitimacy are also at the core of the legitimacy claims made by political parties, although with differing weight
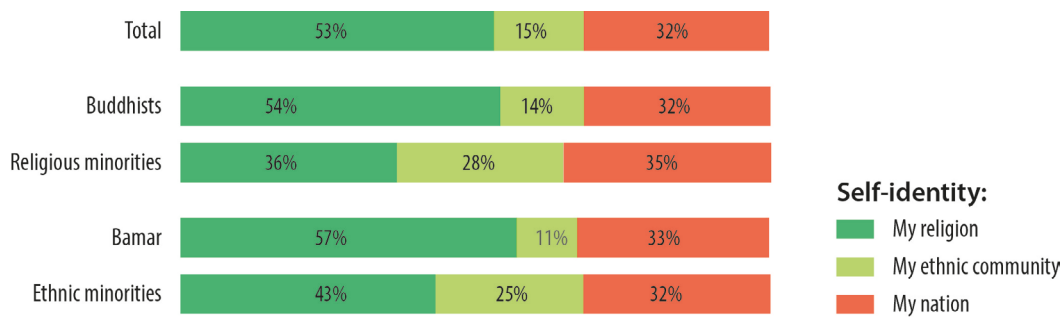
Source: Welsh & Huang 2016a

Figure 6. Self-identity, by religion and ethnicity

ascribed to each. During the 2015 election campaign, the USDP relied on its claimed ability to secure stability and deliver economic improvements (Zin 2016) – in contrast to the NLD's primary focus on democracy, human rights and constitutional reform. Bamar and Buddhist identities were implied, but neither the NLD nor the USDP explicitly emphasized Bamar/Buddhist nationalism (Thawnghmung 2016a). However, the NLD and Aung San Suu Kyi were strongly challenged on identity credentials, as Daw Suu was portrayed as being pro-Muslim and hence less credible as a defender of Buddhism. The ethnic parties, in contrast, relied primarily on ethnic affiliation and contestation of the centralized and Bamar-dominated state. Election results showed the high priority voters placed on democracy and removing the military-aligned USDP government; economic performance and state services have become more important after the election (International Republican Institute 2017).

Fourth, the international legitimacy of the Myanmar state has improved considerably, especially among Western actors, due to the political and economic opening from 2011 onwards and the change of government in 2016. This is manifested in the normalization of diplomatic and economic relations. With electoral democracy in place, international actors started to challenge the NLD government on its development performance, which also corresponds to the economic and development interests of the international actors. The international legitimacy of the state has also been increasingly challenged over human rights abuses against the Rohingya community and the slow progress towards a political solution of this crisis.

Political structures and actors
Political spaces for participation and representation

The formal political space for participation and representation has been significantly widened after 2011, but there remain severe limitations on actual participation. The spaces and capacities for political participation are also sharply differentiated between different actors, interests and strategies.

First, the 2008 Constitution brought a military-designed and -slanted *electoral democracy* that included the return of parliamentary politics at union and state/region levels. While there were concerns, given the disenfranchisement of large groups and continued military influence on parliamentary politics, the 2015 general elections were considered free and relatively fair. The composition of Union and State/Region Parliaments has become more reflective of the population in terms of political interests and identities, although there is persistent under-representation of women as well as ethnic and religious minorities (Egreteau 2017; Minoletti 2014, 2016). Beyond electoral formalities, there are major weaknesses at all levels of the democratic chain: 1) the public affairs that come under democratic governance are limited and policy-making remain top–down and unaccountable, although there are some openings for public consultation on certain laws and policies; 2) political parties and CSOs function poorly as

channels of political representation; and 3) the rights and capacities of people to gain access and influence governance processes are limited and uneven, and often based on personal networks.

Second, the period since 2011 has also seen a de-concentration of *public administration*. This has created more contact points between the state and people, especially at the local level, while the democratic opening has created expectations of more responsive public administration. However, the continued dominance of a hierarchical organizational culture, as seen in GAD, means that the actual openings for making claims and asserting influence on public administration remain limited (Kyi Pyar Chit Saw & Arnold 2014).

Third, the *peace process* has created new spaces for participation of ethnic minorities, although these spaces tend to favour certain actors and strategies. The USDP period saw ceasefire negotiations that were largely limited to commanders within the military and ethnic armed organizations. Parallel peacebuilding initiatives funded by international aid have been criticized for lacking inclusive participatory mechanisms. The NLD government's 21st Century Panglong Conference is designed to address core grievances in a more political and inclusive manner, by including ethnic armed organizations, political parties and CSOs in plenary deliberations and sector specific committees. This process has triggered dialogue on policy among ethnic organizations, thereby creating new spaces for CSOs with contextual knowledge of sector-specific issues. However, concerns remain among ethnic minority actors as to the extent of political influence on the progress and outcome of the peace process.

Fourth, the reform period has produced a broader *discursive political space*. 'Development', 'peace', 'democracy' and 'federalism' have become nodal points in the political discourse, used freely in various ways by highly diverse actors. These discursive changes are linked to lessened restrictions on free expression and the mass media. However, recent arrests and detention of journalists as well as sanctions against expressions in social media show that major limitations remain, also in the discursive dimension of political space.

With these and other changes Myanmar has seen a general widening of political space, but critical concerns remain about the possibilities for substantive political influence on issues that matter to the people. Importantly, the political space is differentiated according to the actors in question. While members of the urban middle classes in Bamar-dominated areas have been the primary beneficiaries of new economic and political freedoms, the political and economic opportunities of rural constituencies have been less noticeable, especially in conflict-affected ethnic states.

Actor strategies

Actors vary considerably in their strategies and capacities for engaging within these political spaces. Since 2011, a key question for many non-state actors has been the choice of strategy with regard to the USDP government, creating a general divide between engagement and non-engagement among political parties, CSOs and ethnic armed groups. This strategic bifurcation reflects the actors' differing interpretations of the reform process as regards the intentions of the military and USDP government, the extent of change and the expected future outcomes. Basically, the debate has revolved around two main discourses: a 'democratic transition' discourse dominant among those who advocate engagement with the USDP reform agenda, and an 'autocratic reform' discourse prominent among those generally averse to engagement with the USDP government.

The transition discourse argues that Myanmar is undergoing a transition to democracy, in line with the transition perspective in democratization studies (Cheesman et al. 2012). The main driving force has been an alliance between the reformist USDP government under President Thein Sein and a group of engagement-oriented diaspora civil society actors, the 'third force' (Figure 7) (Duell 2014; Lall 2016). These have been supported by international actors searching for alternatives to the ineffective sanctions applied against the military regime (Camroux & Egreteau 2010; Hlaing 2014; Holliday 2011). This 'third force' functioned as mediators and advisors between the gov-

		Authoritarian regime		Pro-democracy/ethnic minority opposition	
		"Hardliners" →	"Softliners"	"Softliners"	← "Hardliners"
Internal actors	Bamar majority actors	Reform-averse military actors	Reform-oriented military actors	Engagement-oriented Bamar parties and NGOs	Engagement-averse Bamar parties and CSOs
	Ethnic minority actors			Engagement-oriented ethnic armed organisations, parties and NGOs	Engagement-averse ethnic armed organisations, parties and CSOs
External actors	Burman diaspora actors			Engagement-oriented diaspora actors	Engagement-averse diaspora actors
	International actors		Reform-oriented international partners of military rulers	Engagement-oriented international actors	Engagement-averse international actors

Figure 7. The transition discourse on reforms in Myanmar

ernment, international sponsors, and pragmatic political parties, NGOs and EAOs. The alliance sought to identify and promote actors who were willing to engage with the government's reform agenda. In the process, they bypassed Aung San Suu Kyi, despite her role as the foremost leader of opposition political forces, and deepened divisions and suspicions among opposition parties and civil society organizations. The transition discourse argues that there was a political divide between engagement-oriented 'softliners' and engagement-averse 'hardliners' (Pedersen 2014). The dividing line among political parties was their willingness or unwillingness to participate in elections and parliamentary politics under the 2008 Constitution, while ethnic armed organizations were divided on the question of bilateral and nationwide ceasefire agreements. The transition discourse thus makes a categorical distinction between 'engagement-oriented' parties within the Nationalities Brotherhood Federation (NBF) and 'engagement-averse' parties in the United Nationalities Alliance (UNA). Likewise, EAOs are divided between 'ceasefire groups' within the Working Group on Ethnic Coordination (WGEC) and 'non-ceasefire groups' organized in the United Nationalities Federal Council (UNFC).

The core position within this transition discourse is that 'constructive engagement' centred on development serves to strengthen reformist softliners within the authoritarian regime, making possible further expansion of democratic political space (Cheesman et al. 2012). This interpretation is primarily the narrative of the key actors within the approach, including international sponsors. Critical opponents are seen as hardliners seen as having outdated perspectives from the period of international sanctions against the SLORC/SPDC military regimes.

The second discourse argues, in contrast, that Myanmar has seen an autocratic reform process whereby the military seeks to maintain its economic and political power with greater domestic and international legitimacy (Bünte 2013; Egreteau & Jagan 2013; Huang 2013; Jones 2014; Slater 2014). The military is said to act largely as a coherent force, showing few signs of internal divisions between hardliners and softliners. It is emphasized that there is little evidence of the kind of negotiations and pacts that characterize the transition approach. The ceasefire agreements with EAOs are portrayed as a repetition of the SLORC/SPDC strategy of pacification in the 1990s, falling short of negotiated peace pacts

(Lee 2016). Proponents of this interpretation also point to the importance of geopolitics in Southeast Asia, holding that the military regime and Western states sought and found new ways for mutual engagement in the context of a 'rising China', and that this facilitated the military's strategy of top–down and limited reforms. Myanmar's reform is thus seen as an autocratic and controlled democratic opening that is more likely to yield a relatively stable semi-authoritarian regime than a transition to democracy (Egreteau 2016). Engaging with this process on the terms set by the authoritarian regime thus runs the risk of contributing to the consolidation of semi-authoritarianism rather than democratic deepening.

These two discourses present opposed interpretations of the reform process, the key actors and strategies, and the likely political outcomes. As such, they lend support to polarized political polemics and opposed strategies of political engagement and disengagement. To some extent, the electoral victory of the NLD in 2015 and the change of government in 2016 have ameliorated this political polarization, as political engagement has become a viable option for those previously labelled 'hardline opposition' actors. But there is still a deep scepticism towards the central government and state, especially among ethnic minority actors.

The military (Tatmadaw)

The military has long been the most influential political actor in Myanmar. This gives rise to questions about how to understand the military and its interests and strategies. In her classic study of military history in Myanmar, Mary Callahan makes the important observation that the Tatmadaw is not a 'political movement in military garb' (Callahan 2003: 2). By this she means that the military is not the armed expression of a political movement or the reflection of an authoritarian culture in society. The army is first and foremost an army of fighters who have been guided by the logic of combating threats to the unity and sovereignty of the state. The list of real or constructed enemies has included British colonialism, Japanese wartime occupation, the

threat of Chinese occupation due to Kuomintang bases in Myanmar, communist and ethnic insurgencies, pro-democracy mobilization and the threat of US occupation. Over time, this fear of actual and perceived enemies has been supplemented with fear for the future of the military and the threat of revenge following a regime shift, as reflected in the 'immunity clause' in the 2008 Constitution (Gravers & Ytzen 2014).

The Tatmadaw's self-perception and rationale is that of a professional army that plays the patriotic role of protecting the sovereignty and unity of the Union of Myanmar (Haacke 2006; Min 2010). It is not a military organization being used by a political force to capture the state in order to protect the interests of a dominant economic class or ethnic majority in society. However, over time, it has become a political force that promotes its own core interests. The military has also become the basis for the formation of an economic elite, and has developed an economic self-interest in the continuation of military rule – as seen in the strong political and economic role and interests of regional commanders within the military.

As to ruling, the military has not been adept at politics, but has used state power and coercion to construct a society and citizenry conducive to political stability. Development has become an additional priority, where the choice of development strategy has been a matter of technocratic pragmatism rather than ideological conviction. The military is an actor obsessed with order and stability created through the use of law, but not the rule of law (Cheesman 2015). After the 1988 crisis, the SLORC focused on rebuilding what they saw as a collapsed state, and did so through sole reliance on the military and its personnel. In the 1990s, the military expanded massively, also into the economy. This was accompanied by the establishment of an array of military welfare, health, and educational facilities that insulated members of the Tatmadaw, creating an exclusive social order of privilege for active-duty and retired soldiers. Modern hospitals and clinics were built to serve military families. The military's industrial base expanded as well, and the regime

Table 1. The general party system in Myanmar

	Burman nationalism	Ethnic nationalism
Authoritarian rule	Union-wide democracy-oriented parties that are associated with the authoritarian legacy (e.g. USDP, NUP)	
Democratic rule	Union-wide, democracy-oriented parties that are associated with the pro-democracy movement (e.g. NLD)	Democracy-oriented ethnic parties (e.g. Parties within UNA and NBF)

Source: Stokke et al. 2015

launched an import substitution programme in the critical area of arms manufacturing.

The military's propaganda revolves around the threats from divisive domestic politics and the dangerous geopolitical position of Burma. Throughout its history runs a narrative that emphasizes the stabilizing role of the military in times of crisis. The Tatmadaw is self-portrayed as a 'people's army' that has kept the nation alive and intact in the most dangerous of environs – a history of progress against great odds. The period since 2011 has forced the military to engage in political deliberations, especially in Parliament and in the 21st Century Panglong Conferences. In both situations, the military has displayed a degree of flexibility on issues not deemed to be primary interests, but with very little flexibility on questions of the three national causes: non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty. Questions of economic development seem to fall somewhere between these two poles.

Political parties

Myanmar has a large number of political parties, but most of them are poorly institutionalized and have limited capacity to function as channels of popular representation (Stokke et al. 2015). Starting with the party system, it can be noted that the parties are not organized around socio-economic interests or religious identities, despite wide social inequalities and strong religious identities. Rather, they revolve around two main cleavages: an opposition between the legacy of authoritarian rule and demands for democracy, and a divide between Burman (union-wide) nationalism and

ethnic minority nationalism (Table 1). The many parties can be grouped into three categories: parties that originate from military regimes but are now reformist democrats; parties rooted in the pro-democracy movement since the 1980s, and ethnic minority parties (Kempel, Sun, & Tun 2015; Stokke et al. 2015). There are two dominant parties: the USDP and the NLD are union-wide parties that enjoy broad electoral support, membership, and organizational resources. The National Unity Party (NUP), which originated in the BSPP, used to be another well-organized and military-aligned party, but is now less active.

Among the many ethnic parties, only a few have won seats in national or state/region parliaments (Kramer 2010). Most ethnic parties have been organized within one of two alliances, the United Nationalities Alliance (UNA) and the Nationalities Brotherhood Federation (NBF). UNA includes parties that contested the 1990 elections but not the 2010 elections because they were prohibited or refused to participate under the 2008 Constitution. This non-participation policy was aligned with the NLD. The NBF primarily organizes parties established for the purpose of engaging in the 2010 election. These parties tend to perform poorly in the 2015 elections, when the UNA parties also contested.

Most parties in Myanmar are weak in the sense of being poorly institutionalized. There has been a general absence of clear ideological positions, comprehensive political programmes, or specific policies, beyond general references to democracy and the rule of law by the NLD; self-determination and federalism among ethnic parties; and unity and development by the USDP

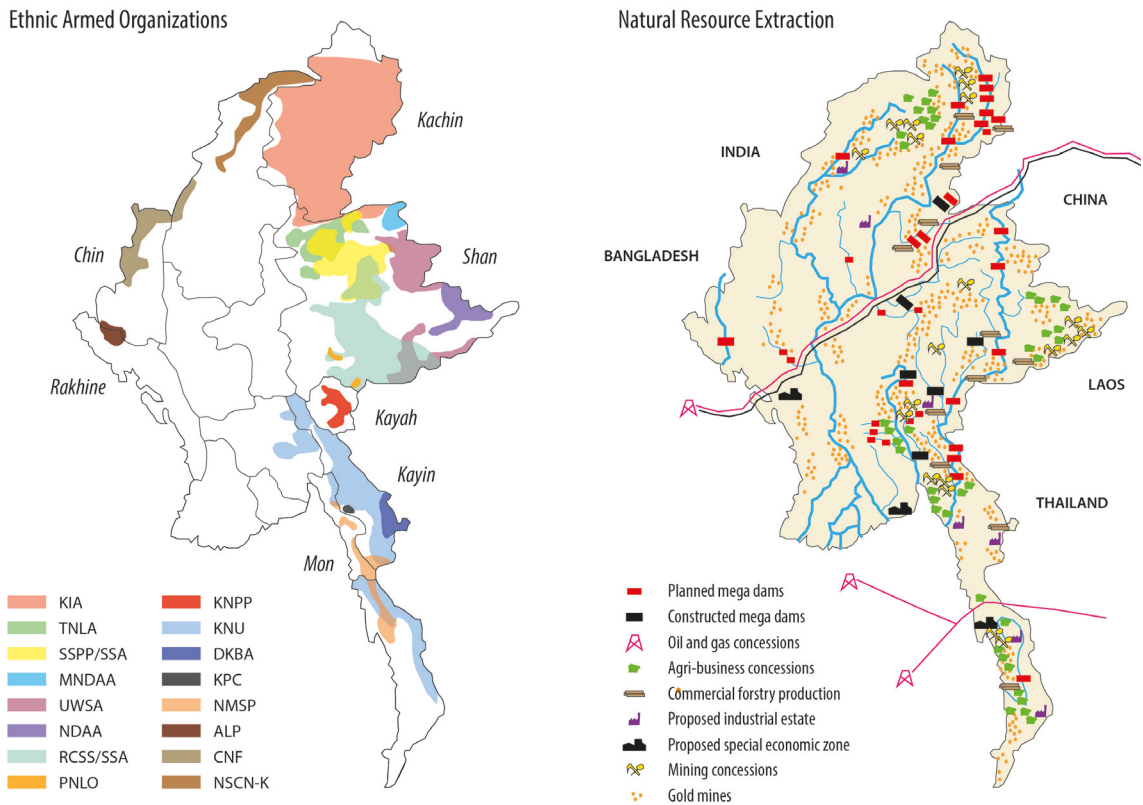Table 2. Distribution of seats in the Union Parliament after the 2015 elections

	House of Representatives Pyithu Hluttaw	House of Nationalities Amyotha Hluttaw
National League for Democracy (NLD)	255	135
Union Solidarity and Development Party (USDP)	30	11
Shan Nationalities League for Democracy (SNLD)	12	3
Arakan National Party (ANP)	12	10
Ta'Arng (Palaung) National Party (TNP)	3	2
PaO National Organization (PNO)	3	1
Zomi Congress for Democracy (ZCO)	2	2
Wa Democratic Party (WDP)	1	0
Kachin State Democracy and Unity Party (KSDP)	1	0
Kokang Democracy and Unity Party (KDUP)	1	0
Lisu National Development Party (LNDP)	2	0
Mon National Party (MNP)	0	1
National Unity Party (NUP)	0	1
Independent	*1*	*2*
Vacant/Election not held	*7*	*0*
Military	*110*	*56*
Sum	440	224

Source: Stokke et al. 2015

(Stokke et al. 2015). However, the USDP and the NLD have union-wide organizational structures and branch offices in most townships, although there remain major concerns about the lack of coherent policies and internal democracy. The NLD, with its roots in a mass movement, can rely on the energy and loyalty of a large number of activists across social, ethnic, and territorial divides. With the USDP, state resources and the military apparatus have been decisive factors behind the construction and capacity of the party. In contrast, most ethnic parties are hard-pressed to organize party activities, provide effective representation, and deliver on ethnic aspirations, despite strong support from their ethnic constituencies.

These problems of party building mean that the parties existing in Myanmar today have only limited capacity to ensure popular representation (Blaževič 2016; Egreteau 2017; Stokke et al. 2015). Few, if any, have developed strong relations with local communities. The USDP and the NLD are union-wide parties, but have centralized organizations that grant excessive power to the leadership, in broad alignment with a hierarchical culture in society. In the case of the USDP this is attributed to its military and USDA origins; with the NLD, the main explanatory factors are the iconic status of Aung San Suu Kyi and the authoritarian repression of the NLD. Local NLD members often lament that the party has not done enough to build its local capacity and internal democracy. It suffers from weak communication/ coordination between the leader, members of the Central Executive Committee, the Central Committee, and local branches and activists. Likewise, in the USDP there are reported disconnects between the executive, elected representatives, senior party leaders, and party members. Despite the common ground for collaboration between the NLD and civil society organizations (CSOs), the NLD has generally failed to overcome political and other obstacles to developing effective broad alliances.

Ethnic Armed Organizations

Natural Resource Extraction

Planned mega dams
Constructed mega dams
Oil and gas concessions
Agri-business concessions
Commercial forstry production
Proposed industrial estate
Proposed special economic zone
Mining concessions
Gold mines

Data source: Burma News International 2017a

Figure 8. Location of active ethnic armed organizations and major development projects

Building such broad forces for transformative politics and substantive popular representation represents a major challenge, including for international democracy assistance. This goes beyond the focus on capacity building in individual parties and CSOs, which has become a key activity among many INGOs in recent years.

The 2015 elections resulted in an impressive large victory for the National League for Democracy (Table 2), an equally big defeat for the Union Solidarity and Development Party, and the general marginalization of most ethnic parties in parliamentary politics – with the exception of the Shan Nationalities League for Democracy (SNLD) and the Arakan National Party (ANP) (Than Tun 2016). Voters seemed to reject the USDP on the basis of its association with the authoritarian legacy, rather than rewarding the party for the democratic opening. Surprisingly many members of ethnic minorities voted for the NLD and not for ethnic parties, thereby giving

the NLD a strong mandate for democratization – presumably also hoping that this would prove to be pro-federalism. After the elections, the foremost question among ethnic minorities and CSOs has been whether the NLD will show the will and capacity to deliver on its promises. One concern is that the NLD has become a relatively closed party and not a focal point for popular representation and substantive political transformation. More fundamental are the core questions of the NLD's capacities for confronting the entrenched power of the military in parliament, government and public administration, and the military's spoiler strategies for destabilizing the NLD government prior to the 2020 elections.

Ethnic armed organizations (EAOs)

Myanmar has a large number of EAOs, highly diverse in ethnic identity, military strength and engagement strategies towards the Myanmar army and government (Figure 8). While there is

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a group of major EAOs that have a long history of fighting for ethnic interests, there are also several organizations that have emerged through the break-up of established organizations. The early EAOs grew out of political mobilization for ethnic self-determination, political representation and ethnic equality, which have remained the core grievances. In the course of protracted warfare, many EAOs have also become involved in various kinds of war economies revolving around the extraction and trade of natural resources (timber, minerals, narcotics, etc.), with the profits being invested in legitimate businesses. EAOs have also been shaped by their relations with the state, where territorial and economic claims have been confronted, tolerated or accommodated by the state. Ceasefire agreements have been the medium through which these relations have been managed.

This has created a situation where Myanmar has several kinds of armed non-state ethnic actors: combatant or ceasefire EAOs, EAOs that have been converted into border guard forces (BGFs) under military command, and people's militia forces (PMFs) that have been set up and supported by the army (Buchanan 2016). BGFs and PMFs are often splinter groups from larger EAOs, or are built around ethnic minorities in areas dominated by a larger ethnic group. They are often seen as being driven by economic opportunism, engaging in illegal business and taxation activities, and being allies of military commanders.

Key strategy questions among EAOs, also today, concern how to build ethnic alliances and how to engage with the state (Table 3). By the 1970s, two main opposition alliances had emerged. Along the Thai border, EAOs set up the National Democratic Front (NDF), which maintained a pro-Western, anti-Communist stance. Many of these EAOs administered their own areas, and received tacit support from Thailand. The other major alliance centred on the Communist Party of Burma (CPB), and received support from China. It was especially influential in Shan State, where the CPB allied with local Kokang, Wa and Shan leaders. In the 1960s they controlled a large liberated zone along the

China border. The NDF and the CPB were generally rivals, and never created a formal alliance (Keenan 2014). These alliances have now disappeared, but the historical constellations continue to influence ethnic alliance formation today.

At present, the main question regarding engagement concerns participation in the USDP and NLD government's peace processes. EAOs have arrived at different answers here, generally determined by their political, military and economic interests; the opportunities and constraints within available political spaces; and their capacities for making effective use of these spaces. The diversity of ethnic armed organizations can, at the risk of oversimplification, be summarized in the following state-wise way:

Kachin State: The major EAO is the *Kachin Independence Organization* (KIO) and its armed wing, the Kachin Independence Army (KIA). Founded in 1961, KIO had a ceasefire agreement from 1994 to 2011 (Sadan 2016). During this period, it administered a large area, with departments of health, education, agriculture, development etc., funded by revenues from timber, jade and border trade. It was a lead organization within the United Nationalities Federal Council (UNFC), but resigned in 2017 after the formation of the Northern Alliance.

The Arakan Army (AA) was founded in 2008, when a group left Rakhine to receive training by KIO. AA remained in Kachin when war broke out in 2011 and is a member of the Northern Alliance. AA is a small army in Kachin, separate from the Arakan Liberation Party/Army (ALP/ALA) and Arakan Army (AA) in Rakhine.

Shan State: Shan State has the largest and most ethnically diverse population of the ethnic states. There are many EAOs, highly diverse relations between EAOs and the army, complex local war economies, and active links between some EAOs and China.

The Restoration Council of Shan State/Shan State Army (RCSS/SSA) originated in the Shan State Army (SSA), formed in 1964. The SSA was allied with the Communist Party of Burma

Table 3. Alliances among EAOs and participation in ceasefire agreements

	Earlier alliances		Participation in current ceasefires			Current alliances			Military strength
	National Democratic Front (NDF)	Communist Party of Burma (CPB)	Bilateral ceasefire agreement (CFA)	Nationwide Ceasefire Coordination Team (NCCT)	Signatory to National Ceasefire Agreement (NCA)	United Nationalities Federal Council (UNFC)	Northern Alliance	Federal Political Negotiation and Consultative Committee (FPNCC)	Current military strength (estimated number of troops)
Arakan Liberation Party (ALP)/Arakan Liberation Army (ALA)	Member		2012	Member	2015				100
Chin National Front (CNF)	Member		2012	Member	2015	Suspended			200+
Democratic Karen Benevolent Army (DKBA)			2011	Member	2015				1500+
Karen National Union (KNU)/Karen National Liberation Army (KNLA)			2012	Member	2015				200+
Karenni National Progressive Party (KNPP)/Karenni Army (KA)	Member		2012	Member		Member			600+
Karen National Union (KNU)	Member		2012	Member	2015	Suspended			5000+
New Mon State Party (NMSP)	Member		2012	Member		Member			800+
Pa-O National Liberation Organization (PNLO)	Member		2012	Member	2015	Suspended			400+
Shan State Progress Party (SSPP)/Shan State Army (SSA)	Member		2012	Member		Resigned		Member	8000+
Kachin Independence Organization (KIO)/Kachin Independence Army (KIA)	Member			Member		Resigned	Member	Member	10-12000
Arakan Army (AA)				Member		Resigned	Member	Member	3000
Myanmar National Democratic Alliance Army (MNDAA)		Associated		Member		Resigned	Member	Member	2000+
Ta'ang National Liberation Army (TNLA)		Associated		Member		Resigned	Member	Member	6000+
Lahu Democratic Union (LDU)	Member			Member		Member			
Wa National Organization (WNO)	Member			Member		Resigned			
All Burma Students' Democratic Front (ABSDF)			2013	Member	2015				400
National Democratic Alliance Army (NDAA-ESS)		Associated	2011					Member	4000+
Nationalist Socialist Council of Nagaland-Khapland (NSCN-K)			2012						<500
Restoration Council of Shan State (RCSS)/Shan State Army (SSA)		Associated	2011		2015				8000+
United Wa State Army/Party (UWSA/P)		Associated	2011					Member	30000

Data source: Burma News International 2016, 2017a; Keenan 2014; Smith 1991

(CPB), and was severely weakened after its collapse (Keenan 2014). Some cadres joined the drugs-related Mong Tai Army (MTA) and formed the new Shan State Army–South when the MTA was disbanded. The Restoration Council of Shan State (RCSS) was established as its political wing in 2000. The RCSS/SSA signed a ceasefire agreement in 2011, but has remained militarily strong and has clashed sporadically with the military and other EAOs (especially the TNLA and the UWSA).

The Shan State Progress Party/Shan State Army-North (SSPP/SSA). The SSPP was formed as the political wing of the original SSA. After the collapse of the SSA, the SSPP negotiated a ceasefire in 1989 and again in 2011. It has, however, come under attack from the army since 2011. This has brought the SSPP/SSA closer to the UWSA and the FPNCC.

Myanmar National Democracy Alliance (MNDAA) is a Kokang Chinese group founded in 1989, by former CPB commanders (Hu & Konrad 2017; Keenan 2014). It was the first EAO to sign a ceasefire agreement (in 1989), which enabled it to engage in the opium trade, and thereafter a broader range of businesses. It was attacked by the army in 2009 after refusing to become a BGF. The MNDAA was a member of the UNFC, but has resigned and is now part of the Northern Alliance, with links to the UWSA.

The Ta'ang National Liberation Army (TNLA) originated from the Palaung State Liberation Front (PSLF), which signed a ceasefire in 1991 and disarmed in 2005. The TNLA operates in northern Shan State. It is a non-ceasefire group that resigned from the UNFC in 2017 after joining the Northern Alliance.

The United Wa State Army (UWSA), the military wing of the United Wa State Party (UWSP), is the largest EAO in terms of troops (Ferguson 2010; Keenan 2014). It was formed after the collapse of the CPB and has had a ceasefire since 1989. In return, the UWSA received territorial and economic autonomy, and is *de facto* ruling 'Wa State' (Wa Self-Administered Division). The UWSA has built up major businesses, based on narcotics and the investment of profits in other

ventures (hotels, gambling, banking etc.). The UWSA/P has close links to China, and has been accused of channelling support to the Northern Alliance. It is, together with KIO/KIA, a leading member of the new Federal Political Negotiation and Consultative Committee (FPNCC).

The National Democratic Alliance Army–Eastern Shan State (NDAA-ESS), also known as the Mongla Army, originated from the CPB; it signed a ceasefire agreement in 1989 and again in 2011 (Keenan 2014). Together with allies in Kokang (MNDAA) and Wa (UWSA), it refused to become a BGF in 2009. The army attacked the MNDAA in 2010; it also put pressure on the NDAA and the USWA, but did not attack these two.

The Pa-O National Liberation Organization (PNLO), the main EAO among the Pa-O ethnic group, administers the Pa-O Self-Administered Zone in southern Shan State (Yue 2016). It signed a ceasefire agreement in 2012 and the NCA in 2015, followed by suspension from the UNFC.

Kayah (Karenni) State: The most important EAO is the *Karenni National Progress Party (KNPP)* and its political wing (Karenni Army, KA) (Keenan 2014). The KNPP is an old EAO that has experienced various splits. Splinter groups have been transformed into militias or BGFs. The KNPP signed a (failed) ceasefire in 1995 and a new one in 2012. It refused to sign the NCA in 2015, as did other UNFC members.

Kayin (Karen) State: *Karen National Union (KNU)* is the major EAO in Kayin State (Keenan 2014). Founded in 1949, the KNU engaged in warfare from the beginning. It was a key member of the UNFC until 2015, when it was suspended after signing the NCA. The KNU has controlled large territories and run a *de facto* one-party state. However, it has been weakened through break-ups, especially due to Buddhist discontent with the Christian leadership (Jolliffe 2016; South 2008). This produced the *Democratic Karen Benevolent Army (DKBA)*, which was used by the army to fight the KNU (South 2010). For financing, the KNU and its splinter groups rely on black market trade and other economic activities on

the Thai border. After the signing of bilateral and national ceasefire agreements, this economic basis has been expanded to include development partnerships with the government of Myanmar. The issue of engagement with the government created deep divisions within the KNU, leading both to the formation of a KNU/KNLA Peace Council (KPC) in 2007 and to a divide within the KNU leadership. The KNU signed a bilateral ceasefire agreement in 2012 and the NCA in 2015, after which it was suspended from the UNFC.

Mon State: The primary actor is the *New Mon State Party (NMSP)*, founded in 1958. Mon State experienced an increase in army activities in the 1990 related to the construction of the railway link and gas pipelines. In 1995, the NMSP agreed to a ceasefire, and gained control over large areas where it has engaged in economic activities (logging, fishing, transportation, mining and trade), while maintaining a reputation as being democratic and politically adept (Keenan 2014). There has been continued friction between the NMSP and the army. The NMSP signed a new ceasefire agreement in 2012, but not the NCA, and has remained within the UNFC.

Rakhine (Arakan) State: *The Arakan Liberation Party (ALP)*, formed in 1968, soon faced suppression by the army (Keenan 2014). The armed wing, the Arakan Liberation Army (ALA) has operated as a small mobile force in the Arakan and Chin Hills, and also has some troops with the KNU/KNLA on the Thai border. The ALP signed a ceasefire in 2012 and the NCA in 2015. It has remained sceptical about the government's willingness to address core ALP concerns regarding Arakan identity politics and revenue sharing from offshore oil and gas extraction.

The reform period has also seen the emergence of new Rohingya organizations in Arakan, notably the *Arakan Rohingya Salvation Army (ARSA)*.

Chin State: *The Chin National Front (CNF)* and its armed wing, Chin National Army (CNA) was founded in 1988 as a continuation of earlier Chin mobilization. The CNF rejected ceasefire offers

in the 1990s due to the army's unwillingness to discuss political issues (Keenan 2014). However, the CNF signed a ceasefire in 2012 and the NCA in 2015, after which it was suspended from the UNFC.

Sagaing Region: The National Socialist Council of Nagaland-Khaplang (NSCN-K) seeks a union of the Naga populations in Myanmar and India. It signed a ceasefire agreement in 2012.

Civil society organizations

Civil society organizations (CSOs) have a long history in Myanmar, starting from pre-colonial village-level religious associations involved in social activities and mutual self-help (Hlaing 2007; Kramer 2010). There is also a strong legacy of CSOs providing public services in the context of limited state presence and capacity, particularly in areas with weak central government control and armed conflict. Moreover, since the late colonial period, there has been a vibrant tradition of collective movement politics, as illustrated by waves of student mobilization for independence, democratization, human rights, education and welfare.

Civil society in Myanmar has long had a complex and contentious relationship with the state. The period of military rule was characterized by state suppression of oppositional political movements, but also saw the emergence of government-organized non-governmental organizations (GONGOs) (Burma Center Netherlands & Transnational Institute 1999; Hlaing 2007). During the BSSP period, such organizations were created to give the military rule a mass base, exert political control over specific groups – farmers, workers, youth and monks – and to prepare for civilian takeover (Charney 2009). Movements that existed outside these structures were generally banned or placed under strict government control. Similar mass organizations were also organized by the SPDC regime, under the umbrella of the Union Solidarity and Development Association (USDA). Most of these organizations have been converted to or replaced by professional NGOs in recent years.

There has been noteworthy growth in the number of CSOs, especially after the 2008 Cyclone Nargis and the expansion of political space since 2011. Service delivery organizations have proliferated due to the deteriorating socioeconomic conditions and the lack of basic state services. Cyclone Nargis was followed by large-scale mobilization of humanitarian assistance, which then served as the basis for further growth in the number and reach of service-delivery CSOs. There has also been a general professionalization of civil society, with urban NGOs with salaried staff and international funding becoming the most visible and recognized type of CSOs in Myanmar. While these were better resourced, many also faced more restrictions from the demands attached to donor funding. Some of these also served as coordinators within various sectors. Prominent examples of such networks include the Land Core Group (LCG), Land in our Hands (LIOH), the Local Resource Center (LRC), the Myanmar Alliance for Transparency and Accountability (MATA), the Gender Equality Network (GEN), the Women's League of Burma (WLB) and the Myanmar Legal Aid Network (MLAW).

The reform period has seen a clear NGO-ization of civil society, concerning both organizational professionalization and weakened, top–down relations to local communities. An important contributing factor has been the increased presence of INGOs in Myanmar. In the 1990s and early 2000s, many Western INGOs advocated sanctions against the military rulers, and focused on assisting humanitarian and advocacy organizations in the Burmese diaspora, especially in Thailand (Burma Center Netherlands & Transnational Institute 1999). Other INGOs emphasized the humanitarian costs of denying aid and sought less confrontational strategies for engagement inside Myanmar. However, political reforms in Myanmar and changing policies among Western aid donors have led INGOs to adapt their strategies: today they work mainly inside Myanmar and prioritize the delivery of developmental services rather than political advocacy. The influx of INGOs

looking for local partners has furthered the growth and professionalization of local NGOs, but has also brought new challenges as regards staffing, absorptive capacity and programming priorities. In particular, it has challenged ethnic CSOs that continue to work among displaced ethnic groups in Thailand, where the INGOs' strategy shift has been experienced as pressure to return to war-affected areas in order to gain access to livelihood support.

The reform period has also expanded the space for political advocacy (Wells & Aung 2014). This change is reflected in increased numbers and activities of politically oriented CSOs (Lidauer 2012; Maber 2016). These typically look for engagement with the state and government at the local level, where they work with and seek to influence township, village tract, and ward officials. USDP government initiatives to create township committees created a formal framework for such interactions, but actual implementation has been limited, and with less participation of civil society than envisaged.

National advocacy NGOs seek to influence sector policy-making at the union level. In some cases at the state/region and union levels, the government has invited inputs from civil society into policy-making processes – as with collaboration in public education in Mon State and the drafting of the Union Association Registration Law in 2014 (Jolliffe & Mears 2016). The drafting of the National Land Use Policy is another example of a policymaking process with consultations with CSOs (Oberndorf et al. 2017). However, these instances have been few and far between: in general, CSO competence on specific sectors and issues (like natural resource governance, health and education, labour and land rights, peace building and human rights) remains underutilized in public policy-making. This also holds true for the current government, and many CSOs have been disappointed by the NLD's tendency to treat them with suspicion and neglect. These constraints on available political spaces, combined with the fragmented character of civil society, make it necessary – but challenging – to build broad alliances of commu-
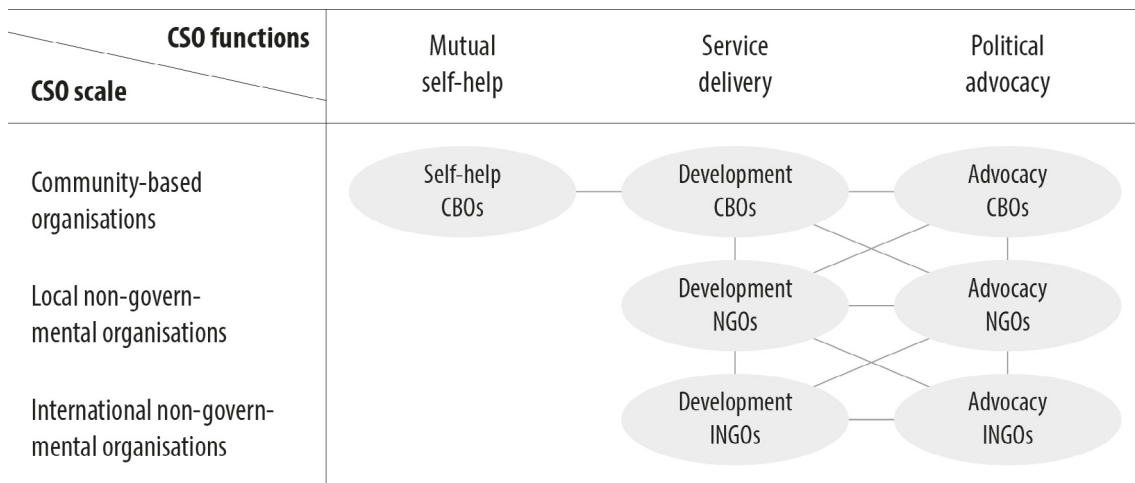
CSO functions / CSO scale	Mutual self-help	Service delivery	Political advocacy
Community-based organisations	Self-help CBOs	Development CBOs	Advocacy CBOs
Local non-governmental organisations		Development NGOs	Advocacy NGOs
International non-governmental organisations		Development INGOs	Advocacy INGOs

Figure 9. Types and functions of civil society organizations

nity-based movements and political parties with access to key policy arenas.

In ethnic minority areas, many local CBOs/ NGOs have links to the various ethnic armed organizations (EAOs). As EAOs have attempted to consolidate their territorial control and meet the needs of their ethnic communities, they have been involved in a range of governance functions (Lall & South 2013), sometimes placing EAOs and CSOs in close contact and collaboration with each other. The signing of ceasefire agreements in the 1990s and 2010s further allowed CSOs to grow and become key providers of social and health services. Examples include the Metta Development Foundation, which has informal relations with the Kachin Independence Organization. There are also various ethnic environmental organizations, including those that formed the Burma Environmental Working Group and Burma Rivers' Watch, increasingly active in issues of resource extraction in ceasefire areas (Kissinger 2017). Here they experience potential tensions but also possibilities for collaboration with EAOs, as the latter have focused increasingly on the sharing of revenues from resource extraction. A prominent example is the collaboration between Karen communities, CSOs and the Karen National Union in creating an indigenous-managed reserve, Salween Peace Park, aimed at preserving the Karen cultural heritage as well as local wildlife (*Mongabay* 2016; *Karen News* 2017).

Thus we see that Myanmar today has a multi-layered civil society with many different types of CSOs, engaged in a range of roles (mutual self-help, humanitarian relief, public service delivery and political advocacy), and with complex relations among the various CSOs and between CSOs and the state (schematically represented in Figure 9). Further engagement with and through civil society will require close attention to this complexity, in order to reach the goals set regarding service delivery or political advocacy and transformation.

Religious actors

Myanmar is a multi-confessional society, but the vast majority of the population is Buddhist: according to the 2014 census, 87.9% of the population is Buddhist, 6.2% Christian and 4.3% Muslim (Figure 10). Christians, mainly Baptists and Roman Catholics, have a strong presence in Chin (85%), Kayah (46%) and Kachin (34%), and to lesser extent in Shan and Kayin States. The Muslim share of the population is high in Rakhine (35%, if the non-enumerated population in the census is assumed to be Rohingya Muslims). There are also sizeable Muslim communities in Yangon and Mandalay (Ministry of Planning and Finance 2016). The 2008 Constitution includes provisions for religious freedom (section 34), but
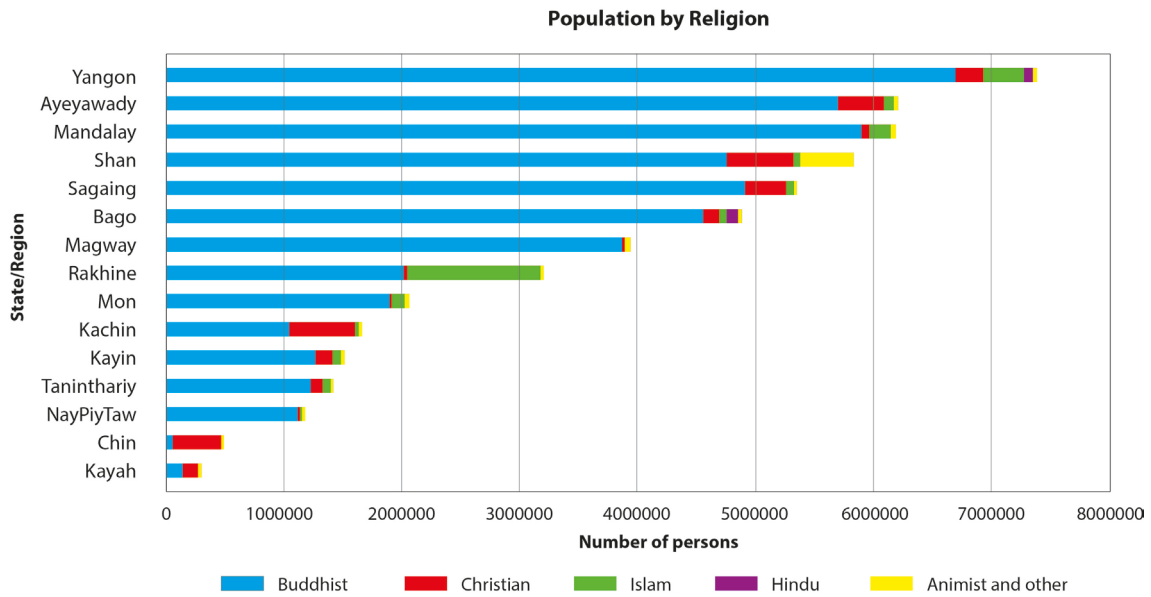
Population by Religion

Figure 10. Population by religion, 2014[*]

Data source: Ministry of Planning and Finance 2016

* The population figure for Rakhine State includes 1 090 000 persons who were not enumerated in the 2014 census. These have been added as Muslims under the assumption that most of them are likely to be Rohingya.

also 'recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union' (section 361).

Religious institutions have a long history of providing important services in society, especially education, health services and welfare support, including humanitarian assistance to displaced persons (Gravers & Ditlevsen 2014). In addition, religious actors and ideas are influential in politics (Crouch 2016; Walton 2017), as shown by the political activism found within sections of the Buddhist Sangha (community of monks), but also the political role of Baptist and Catholic organizations in Kachin, Kayah and Chin communities, including support for socio-political awareness and CSO formation. Although it is widely held that Buddhist monks should refrain from political engagement and the Constitution explicitly states that 'the abuse of religion for political purposes is forbidden' (section 364), there are strong and complex links between Buddhism and politics in Myanmar.

More generally, Buddhism has a Janus-faced political role in Myanmar, as it has been used to promote and legitimize democracy but has also posed challenges for democratization (Gravers

2014; Walton 2015). Throughout its history in Burma/Myanmar, Buddhism has had close ties to the rulers, with monks serving as advisors and mediating links to the people. In return, Buddhism has been promoted and protected, as demonstrated by the U Nu government in the 1950s (Charney 2009). More recently, Buddhist ideas and the teachings of the Buddha have been used both to advocate democratic reforms and as justifications for nationalist identity politics targeting Muslims. As Matthew Walton observes, 'Burmese Buddhists have developed a wide range of interpretation of the repertoire of "raw materials" that Buddhism provides' (Walton 2015: 116).

The use of Buddhism in struggles for democracy is illustrated by Aung San Suu Kyi's writings and by Buddhist monks who argue that the emphasis on personal freedom and political morality in Buddhism make it compatible with and relevant to democracy (Kyi 1995; McCarthy 2007). Liberation from political oppression and liberation of one's own mind are seen as interrelated struggles for freedom. This line of reasoning has been important for grounding struggles for political freedom in the religious identity of the majority population in Myanmar.

Buddhist monks have been at the forefront of prodemocracy movements, especially the 8888 Uprising and the Saffron Revolution (Gravers 2012; Rogers 2008). However, this grounding of democracy in the religious worldview of the majority also gives rise to concerns that the political system may privilege Buddhists while alienating non-Buddhists from participation in society and the polity.

The strong links between Buddhism and national identity have been the basis for the re-emergence of Buddhist nationalism, based on the core argument of the importance of protecting both the state and the religion (Gravers 2015). While the focus on freedom has provided an ideational common ground between pro-democrats and Buddhist monks, this emphasis on defending the state and Buddhism has become a point of convergence between the military and the Sangha.

The rise of Buddhist nationalism is seen most clearly in the '969 movement' for protection of Buddhist interests and values and its successor, the Organization for the Protection of Race, Religion and Belief (Ma Ba Tha), led by Ashin Wirathu (Wade 2017). Ma Ba Tha has sought political and legal ways of promoting Buddhism and institutionalizing anti-Muslim policies. The foremost example is the organization's influence on law-making under the USDP government (R. Lee 2016). In 2013, the Ministry of Religious Affairs drafted four controversial laws designed to regulate religious conversion and interfaith marriage, and enforce monogamy and population-control measures (Frydenlund 2017). The period since 2011 has also seen a wave of anti-Muslim rhetoric and violence, especially in northern Rakhine state but also in towns across the country (Crouch 2016; McCarthy & Menager 2017).

These opposing links between religion and politics highlight how the political use of Buddhism is situational and strategic. Buddhist doctrine provides resources that can be used by different actors for different purposes in a changing political field. Buddhist identity has strong mobilizing capacity, not least in a period

marked by major political, economic and social changes. Moreover, Buddhist organizations provide a social infrastructure for mobilization and leadership. Thus, Buddhism in Myanmar should be seen not as a fixed feature of politics, but as a rich source of ideational frames and mobilization structures that can be used by diverse political actors and agendas.

External actors

Political and economic development in Myanmar is heavily influenced by external actors, where ASEAN, Australia, China, the EU, India, Japan, Norway, Singapore, South Korea, Vietnam, Thailand and the USA are especially important. The recent democratic and economic opening cannot be explained solely with reference to domestic actors and dynamics, but requires attention to the interplay between domestic dynamics and external forces. For example, it has been argued that the democratic opening has been largely driven by the military rulers' interest and opportunities for changing Myanmar's relations with Western states (primarily the USA) and thereby their leverage vis-à-vis China. This strategy has been made possible by the Westerns actors' own interests in finding alternatives to ineffective sanctions and in responding to the challenge of China's growing economic and military influence. This strategy is also in line with how the military has earlier sought to balance the influence of India and China (Haacke 2006; Lintner 2014).

The past decade has seen some important changes in Myanmar's international relations. Western actors moved from economic and political sanctions in the 1990s and early 2000s, to pragmatic diplomatic and economic engagement during the USDP government period. This pragmatic engagement granted a degree of legitimacy to the military/USDP government's security and stability-centred approach to political reforms. It also altered, to some extent, the balance of power between China and USA, and gave the government of Myanmar increased leverage vis-à-vis China. But this should not be taken to mean that core Chinese interests were threatened to such an extent that a destabilizing intervention became

an option. On the contrary, China seems to have had a primary interest in ensuring political stability and predictability in Myanmar. After the 2015 election there have been indications that China may be gaining influence again, not least through a more active role in regulating armed conflicts and peace negotiations in northern Myanmar. This contrasts with the USDP government period, when the question of peace in Myanmar was internationalized primarily through European aid-funded peacebuilding.

China has been the most influential external actor in Myanmar since independence. Formal diplomatic relations between the two countries are based on principles of non-aggression and peaceful co-existence that have been in place since the 1950s (Li & Zheng 2009; Zin 2010). Within this overall framework, relations have been complex and changing, at times with contentious interactions (Steinberg & Fan 2012). During the Ne Win period, tensions arose concerning China's support for the CPB and Myanmar's expulsion of Chinese residents in 1967. China–Myanmar relations improved again during the 1980s, when China opened and reformed its economy, and cut its support to the CPB.

In 1988, the two countries signed a trade agreement that opened up for cross-border trade and gave China greater access to markets and resources in Myanmar. China also became the main supplier for the military build-up under the SLORC/SPDC. After the 8888 Uprising, in the context of Western sanctions, Chinese economic engagement in Myanmar (trade, investments, development assistance and technical cooperation) grew rapidly (Renwick 2014). As China experienced rapid industrialization and economic growth, Myanmar became a source of electric energy and a supply route for oil and gas through pipelines from the Rakhine coast to Yunnan in China (Liu, Yamaguchi, & Yoshikawa 2017; Su 2016). Several new hydroelectric power schemes intended in part to supply China have been planned on Myanmar's main rivers (Haacke 2006; Kraas, Spohner, & Myint 2017). Some of these projects are politically

contentious because of the social and environmental impacts or the lack of conflict sensitivity. The best-known project is the Myitsone Dam in Kachin State, which was suspended in 2011 by President Thein Sein in an act of public defiance to China. Large dams and other investments, like infrastructure projects (highways, railways and ports) within China's Belt and Road Initiative (BRI), have strengthened Myanmar's economic links and dependence on China (Cook 2012). On the other hand, rich natural resources, geostrategic location and improved relations with Western states have given Myanmar new leverage in regard to China.

While this close economic cooperation has had a stabilizing effect on Myanmar–China relations, the military has deep-seated concerns about over-reliance on China and the danger of military intervention (Zin 2010). The desire to balance Chinese influence has been an important driver for the Tatmadaw's normalization of relations with the West. China has pursued its own economic and geopolitical interests in Myanmar (Renwick 2014), but it should also be recognized that Beijing is more interested in promoting stability than division and destabilization in Myanmar (Steinberg & Fan 2012). This can be seen in China's growing interest and engagement in the current peace process, where China seems to be both pressuring and facilitating the northern ethnic armed organizations to engage in the 21st Century Panglong Conference. This is also the likely driver for China's adoption of public relations strategies, the language of corporate social responsibility, and engagement with a greater range of stakeholders. That being said, however, Chinese local authorities in the regions bordering Myanmar often have their own interests and pursue an agenda different from the one promoted by Beijing. This complicates the analysis of bilateral relations and has also led to widely differing perceptions of China among Myanmar's population.

India is also a major actor in the region, with a long, multifaceted and changing history of engagement with Myanmar. India's foreign pol-

icy towards Myanmar has generally been marked both by concerns about democratization in Myanmar and by geostrategic interests centred on the Indian Ocean. India has provided active support for the pro-democracy forces that emerged in 1988, while also developing ties to the military rulers. The period since 1988 has seen a shifting balance between these primary interests, from the primacy of pro-democracy support to growing economic and diplomatic engagement with the SLORC/SPDC (Egreteau 2011).

This shift from idealism to realism has been driven by a complex set of concerns. On the one hand, India is concerned about China's growing influence in South and Southeast Asia (Chenyang 2010; Egreteau & Jagan 2013). It also has security concerns related to potential spill-over effects from Buddhist nationalism in Myanmar and cross-border Naga mobilization in Sagaing Region and northeast India. On the other hand, India also has economic interests in Myanmar, including in oil and gas exploration. The lifting of Western sanctions and the economic opening in Myanmar has created a space for commercial engagement (Gottschlich 2015). India and Myanmar have now agreed to strengthen their relations in both trade and security, but poor infrastructure development poses a challenge for the goal of making Myanmar a connector between India and Southeast Asia. India's 'Look East' foreign policy aims to address this challenge and may further the integration of India and Myanmar (Egreteau 2010). However, as yet the scope of India's engagement with Myanmar is far from comparable with China's political power and economic influence in the country.

Japan's relations with Myanmar have been primarily economic. While showing sympathy for the 1988 pro-democracy movement, Japan recognized the SLORC and normalized relations with Myanmar soon after the 8888 uprising (Nemoto 2007). Thereafter, Japan engaged in Myanmar through investments, trade and development aid (primarily through Japan International Cooperation Agency – JICA) during the SLORC/SPDC period, most notably the Thilawa SEZ in Yan-

gon. However, this was criticized in Japan and abroad, and the USA put pressure on Japan to withhold aid. Japan, in turn, claimed to be using soft diplomacy to push for a democratic transition and human rights. In the post-2011 period, the Japanese government and commercial companies have been able to expand investments as well as aid, including debt cancellation (Peng Er 2016; Reilly 2013; Seekins 2015). This has been motivated by both the desire to secure new markets for Japanese companies and by geopolitical concerns about growing Chinese influence in Myanmar and Asia in general.

Thailand, too, has a complex and changing relationship with Myanmar. Thailand has received large refugee influxes, especially from the Karen and Shan ethnic minorities, and many are still living in refugee camps along the border. Ethno-linguistically, the Shan are closely related to the Thai, which deepens their linkages to Thailand. Myanmar and Thailand have a strong tradition of cross-border trade, and Thai governments and businesses have long been financially involved in Myanmar. Thailand relies on Myanmar as a major supplier of energy (natural gas and electricity) and labour power, while Myanmar receives remittances, investments, loans and aid in return. Several infrastructure projects serve to integrate Myanmar and Thailand economically, strengthening it as a central region within Southeast Asia. Thailand's primary interests in Myanmar revolve around these economic dynamics, but security and regulation of the drug trade are also important.

ASEAN granted Myanmar observer status in 1995 and full membership in 1997, after decades of isolation. This has meant an active role for ASEAN in influencing reforms in Myanmar, in contrast to the previous non-intervention approach (Chalermpalanupap 2010). ASEAN has incrementally developed a policy of constructive engagement, entailing a pragmatic combination of economic collaboration and demands for political reforms (McCarthy 2010). ASEAN has thereby become a frontrunner in develop-

ing a more accommodating approach, which can explain why ASEAN was able to lead the humanitarian response to Cyclone Nargis when the international community was initially not permitted to enter. At the time, this approach was highly contentious, but gained broad international acceptance after the shift to a nominally civilian government in 2011 (Renshaw 2013).

The USA has been the main actor behind the sanctions policies of Western actors in the 1990s and early 2000s, but also in the relaxation of relations before and after the change of government in 2011 (Clymer 2015). Following the pro-democracy uprising in 1988 and the subsequent military suppression, the USA reduced its diplomatic and military relations and gradually escalated sanctions on Myanmar (Kipgen 2013). In 2003, the Burma Freedom and Democracy Act (BFDA) imposed strict trade sanctions, banned all support to the military and froze assets in the USA belonging to the junta. The intention was 'To sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people' (U.S. Congress 2003).

Gradually it was realized that the sanctions, although strict and comprehensive, were an ineffective means for reaching these goals. At the same time, China and Asia's rising importance in the global economy made it increasingly important for the US to engage actively in the region (Haacke 2015). This was reflected in President Obama's 2008 'Pivot to Asia' policy, where rapprochement with Myanmar was a key diplomatic initiative. However, the 'Pivot to Asia' primarily meant reassigning military resources, which China perceived as a containment strategy. This fuelled tensions in the Asia-Pacific region, even as there was simultaneous policy convergence between the Myanmar government, China, and the USA/EU on the importance of stability and security in Myanmar.

After the election of the USDP government, the USA gradually normalized diplomatic relations with Myanmar, including official visits by Secretary of State Hillary Clinton in 2011 and President Barack Obama in 2012 (Clymer 2015). Sanctions were eased in 2012, but companies still had to postpone investments until the sanctions were formally suspended. This was hampered by the BFDA requirement that termination of sanctions could be decided only by the President upon an expressed wish from a democratically elected government in Myanmar. That happened in 2016, when President Obama lifted sanctions after consultations with State Counsellor Aung San Suu Kyi. Thus we see that the USA has been at the forefront of redefining the relationship between Myanmar and Western states, but has also adopted a more political approach to democracy promotion than the developmental approach favoured by European and Asian actors.

The EU and other European actors (including Norway) followed the USA in emplacing heavy restrictions on Myanmar's military regime and the businesses supporting it, while also providing recognition and support for the pro-democracy movement, the NLD and Aung San Suu Kyi (Camroux & Egreteau 2010; Thaung Tun 2012). The EU adopted a Common Position on Burma/Myanmar in 1996, confirming and expanding previous sanctions (arms embargo, suspension of defence co-operation, suspension of non-humanitarian aid, etc.). Thereafter the Common Policy was renewed and strengthened repeatedly. Following the change of government in Myanmar in 2011, the EU passed several resolutions that gradually suspended sanctions. All sanctions except the arms embargo were lifted in 2013. Following the anti-Rohingya violence in 2017, Western states and INGOs have voiced strong criticism of the NLD government, and there have been calls for renewed sanctions.

After the 2015 elections, the EU agreed on ambitious engagement with Myanmar in 1) democracy, rule of law and good governance; 2) the peace process; 3) human rights; 4) poverty reduction and sustainable development; 5) economic engagement; and 6) regional partnership with ASEAN. Within this comprehensive list of sectors, the EU is particularly involved in help-

ing the civilian government to promote social and economic development (EU External Action 2017). The EU has thus become a key actor, with a developmental engagement with Myanmar that also aims at building democracy, peace, human rights and good governance through inclusive social and economic development.

The UN has subjected Myanmar to critical scrutiny over several decades, especially after the 8888 Uprising. The UN General Assembly has passed several resolutions against the military rulers, although attempts at introducing tougher measures through the Security Council have normally been vetoed by China or Russia. Myanmar has also been regularly criticized by the UNHCR and the ILO (Haacke 2006). There have been UN Special Rapporteurs on the situation of human rights in Myanmar since 1992, but their impact on the military rulers was mixed at best. Most UN special envoys to Myanmar ended their missions in failure and were later denied visas to the country. In 2017, according to UN internal documents prepared for the UN Secretary-General, the UN's Myanmar office is described as 'glaringly dysfunctional' (*Irrawaddy* 2017). We must conclude that the UN has a relatively limited and uneven presence in Myanmar today. Additionally, there is uncertainty about the NDL government's position towards the UN. Morten Pedersen (2014) notes that the best results have been achieved by UNICEF and the WHO in the health sector, where they have worked together with government organizations and NGOs. Recently, however, the UN Secretary-General has become more politically visible, and has voiced concerns about ethnic cleansing of the Rohingya in Rakhine State.

Challenges for transformative democratic politics

Any political analysis of Myanmar politics must begin by acknowledging the strong military influence on the state and in society. The continued power of the military has a decisive influence on the autonomy, authority, capacity and legitimacy of the state, and defines the parame-

ters of democratic politics. The core structure of military state power is institutionalized through the 2008 Constitution, making constitutional change a primary concern for substantive democratization. Today the challenge in Myanmar is not state building, but building democratic politics that can substantially transform civil–military relations, central–local (majority–minority) relations, and state–society relations (Blažević 2016; Zin 2016).

Against the background of a military-led transition to semi-authoritarian rule, the electoral victory of the NLD in 2015 and the peaceful transfer of power to the NLD were important turning points. The new government was given a strong mandate for 'change': to replace the military's agenda for 'disciplined democracy' with a new agenda for a genuinely democratic and peaceful Myanmar. However, this will require participation from a broad range of stakeholders. The government must secure support or acquiescence from the military, as well as support from ethnic minorities and popular forces throughout the country. To succeed, the NLD will need to create and uphold an inclusive and competent government, and deliver trust-building changes in the field of security, peace and development, as a basis for subsequent constitutional change towards federal democracy.

The NLD's governmental power and mandate are based on a broad 'people power' movement. Given the semi-authoritarian character of the state and the limitations of formal democracy, further progress towards substantive democracy and peace will also depend on popular transformative politics (Stokke & Törnquist 2013). There are, however, serious concerns about the NLD government's interest and capacity as regards building and sustaining broad popular alliances, not least its deep scepticism towards CSOs. While there is now more democratic influence on policy-making than in the past, most policy processes have remained centralized, top–down and non-inclusive. Civil society organizations with substantive expertise and community support find that they have few entry points into policy processes. Ethnic organizations likewise

experience that substantive inclusion in democratic politics and peace negotiations remains a major challenge. While there are converging interests and opportunities for collaboration among democratic parties, CSOs and ethnic minorities, there is a general lack of functional links between these actors and the NLD government. These concerns about the NLD's weak links to civil society and weak performance in government give rise to questions about how to ensure substantive popular representation and transformative democratic politics. There is an initiative underway to form a new political party by some 88 Generation leaders, and some ethnic political parties are also discussing how to develop effective parties. Both sets of actors are preparing for a situation where the NLD might lose its electoral base in 2020, because Aung San Suu Kyi is unlikely to contest the elections and the NLD government is unlikely to meet the public's high expectations for change, and also because the military is seen as undermining the capacity and legitimacy of the NLD government.

Historical and contemporary examples of successful transformations demonstrate the importance of broad-based political forces. It is through continuous transformative politics – where pro-democracy parties, popular mass movements, interest organizations, and local issue-mobilizations use and transform political spaces – that minimalist democratic institutions are gradually moulded into substantive democracy (Carothers

2007; Stokke & Törnquist 2013). This makes it crucial for democracy promoters to develop strategies for political democracy assistance, in addition to more conventional developmental assistance, to further transformative political forces and alliances for substantive peace and democracy.

On the input side, political democracy assistance may be deployed to 1) strengthen popular political capacity, to empower citizens to engage politically and exert influence on policy-making processes beyond formal elections; 2) strengthen popular political organizations as mediating links for participation and representation, by building the capacity of politically oriented CSOs, political parties and broad alliances; and 3) promote governance committed to popular participation and representation by strengthening institutional spaces and policy processes as nodes for political inclusion (Webster, Stokke & Törnquist 2009). Developmental democracy assistance may be used in combination with political assistance, to strengthen the output side of democracy – for example, through capacity building in public administration in support of democratic and legitimate governance. In the case of Myanmar, where the authority of the state is contested, it is especially important to ensure that both political and developmental assistance is not limited to the unitary state at the union level, but also serves to support democratic politics and developmental outcomes at the sub-national levels.

3. Economics and social issues

Economic structure and growth

Since opening up in 2012, Myanmar has become one of the fastest-growing economies in Southeast Asia, with an average economic growth of 7.5% during the period 2012–2016. This growth trajectory is expected to continue for several years (ADB 2017). Myanmar's GDP is forecast to grow by USD 200 billion by the year 2030, quadrupling the present level (McKinsey 2013: 5). Myanmar will need to attract a total FDI of USD 650 billion by 2030 to meet its growth in demand: USD 170 billion to be attracted from foreign investors and the remainder from domestic sources (McKinsey 2013: 9). Nearly half of 650 billion is required to cover infrastructure development. The country will have considerable growth potential, if a suitable legal and regulatory framework for the private sector can be adopted and enforced (ADB 2017). One reason for the high level of economic growth is the country's young population, which will help to ensure high growth in consumption and incomes during the period 2015–2025. However, achieving sustained economic growth will require social reforms, particularly in education.

Limited infrastructure remains a major hurdle to economic growth (Verbiest and Naing 2017: 204). Only 37% of the population has access to electricity; moreover, there are only 220 kilometres of road per 1000 square kilometres of surface area. Myanmar is one of the most underdeveloped countries in Asia in terms of infrastructure (World Bank 2017a). It has also the greatest power-sector investment needs of the countries of Southeast Asia (Vakulchuk et al. 2017: 9).

Moreover, the massive role that military plays in economic governance should be recognized as an obstacle to further economic reform and growth. Not only does the military have administrative control of the economy – but senior military officers also own shares in the most profitable extractive businesses, and have formed two business conglomerations (still active): The Union of Myanmar Economic Holdings Ltd (UMEHL) in 1990 and the Myanmar Economic Corporation (MEC) in 1997.

The petroleum sector is likely to play a leading role by generating FDI, taxes and economic growth. On the other hand, agriculture (crop production, hunting, fishing, and forestry) is the biggest single contributor to GDP (more than 35% in 2014) and employs over 65% of the population. Since 2011, the government has accorded priority to the agricultural sector, along with education and health. Although significant in economic and employment terms, agriculture is severely affected by the problems of resource grabbing and lack of secure land rights. For the next few decades at least, agriculture is set to remain the main economic sector in terms of employment and human livelihoods.

Regarding gender rights and women's participation in the economy, the period 2006–2016 has seen some improvements in women's social and economic inclusion: the maternal mortality rate has been reduced and literacy has improved, as have labour participation rates. Moreover, women are now increasingly employed in the non-agriculture sectors (DFAT 2016: 5). However, many challenges remain, including the 30% wage disparity between men and women, women's low participation rate in national industry working groups (trade, SME development, taxation, etc.) and female underrepresentation in company top management and decision-making processes (ibid.).

Informal economy and corruption

Myanmar's informal economy is one of the largest in the world, far exceeding the average for other developing economies. The average share of Myanmar's informal economy between 1999 and 2006 was 50.7%, and Myanmar was ranked by Schneider (2010: 20) as 82 out of 88 countries in formalization of the economy. Amin (2016) notes that the situation had not improved significantly by 2016 and is likely to continue in the near future.

Even though Myanmar has gradually improved its place in the Transparency International Corruption Perception Index, moving from 157th place in 2013 to 136th out of 176 countries in 2016 (Transparency International 2017), corruption remains widespread and pervasive. Informality is generally linked to corruption, drug trafficking, smuggling, illegal migration and cross-border trade, so formalizing informal practices is viewed as a necessary reform step for a developing economy. In the case of Myanmar, however, where complex relations involving various stakeholders, and the many conflict-prone areas and ongoing ethnic tensions, attempts to formalize informal practices may have detrimental effects and should not always be seen as the best available solution (see Case in Point, 1).

Most small and medium-sized enterprises (SMEs) belong to the informal sector. This is a natural consequence of the weak and inefficient regulatory environment for SMEs. However, in a World Bank enterprise study of the informal sector, informal firms in Myanmar were found to perform well in terms of labour productivity and turnover compared to informal firms elsewhere (Amin 2016). Formal-sector firms are more profitable, but, given the relatively high productivity and profitability of informal firms in Myanmar, it will be difficult to create incentives for them to shift to the formal sector. In general, the lack of an efficient regulatory system and effective laws explains why the informal system has become so widespread.

Natural resource management
Hydropower

Myanmar is one of the most water-abundant countries in Asia, the three major rivers being the Irrawaddy, Salween and Sittoung. However, due to weak resource management, there is no

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Case in Point, 1

Cross-border trade is a main component of the informal economy in Myanmar (Aung 2011). There are 15 border trade zones in Myanmar, connecting it with Bangladesh, China, India and Thailand. The Myanmar–China border areas are home to various ethnic minorities who engage in small-scale informal cross-border trade – a vital source of income for many local communities. In 2014–2015, the central government requested international donor organizations to provide assistance and formalize cross-border trade with China and Thailand. This elicited negative reactions from the local communities, as formalized trade would benefit only big state-controlled firms and deprive local traders of any opportunities to participate in trade. This trade formalization process is also seen as an instrument for the central government to gain leverage over various ethnic groups by cutting their sources of income. Thus, formalizing cross-border trade in conflict zones where ethnic tensions remain unresolved can be risky and premature, perhaps even leading to conflict escalation.

On the other hand, ethnic armed groups in such areas control the illegal trade in prohibited goods and smuggling, and use the income to fuel their military spending. For instance, this is the case in Myawaddy (in Kayin State), the second-largest trading zone on the Myanmar–Thailand border. Accord to the *Myanmar Times* (2014), 'continued conflict with ethnic groups in the area has resulted in much of the cross-border commerce being done over 17 illegal border crossings along the Moei River to Mae Sot, Thailand...Such activities are being helped by some of the 33 ethnic armed groups in the area, which include the Karen National Union (KNU) and its armed wing, the Karen National Liberation Army (KNLA).' Thus, in order to deal with informality, the government must first gain control over the territory, and ethnic conflicts need to be resolved (see also subsection on *state authority*).

Table 4. Electric power generation mix
(installed capacity, 2014)

Source	Total MW
Hydro	3005
Gas	1236
Coal	120
Oil	56
Minihydro and solar	5
Total capacity	**4422**

Data source: Nam et al. 2015: 9, in: Vakulchuk et al. 2017

reliable supply of clean water in many parts of the country (Kattelus et al. 2015: 45). There are almost 200 dams, and most electricity is generated from hydropower (see Table 4). Myanmar's total installed power generation capacity of 4422 MW is lower compared to that of other ASEAN member states: for instance, Thailand has 32,600 MW (Oxford Business Group 2015: 89).

Hydropower generation has been controversial in Myanmar, feeding ethnic tensions in various parts of the country. China has been a major investor in dam construction, often causing discontent among local populations due to lack of feasibility/impact assessments, proper stakeholder consultation and coordination, which often lead to displacement and environmental degradation (Kirchherr et al. 2017; Kattelus et al. 2015; Middleton 2008). Dam construction has also fuelled activism: several activist groups from civil society have been formed to oppose the construction of dams by Chinese and other foreign companies.

In 2013, China signed contracts with the previous political regime to build five mega-dams in Shan and Karen states on terms unfavourable to Myanmar, and has continued lobbying their construction, causing further discontent among various ethnic groups (Fawthrop 2017). Part of the problem is that 90% of the electricity will be channelled to China and Thailand. However, given the overwhelming Chinese presence and economic influence in Myanmar, Aung San Suu Kyi and the Myanmar government have limited options for renegotiating the terms with Beijing.

On the other hand, one trend is clear – with a new government in place in Myanmar, Chinese companies are finding it difficult to disregard civil society, and are increasingly attempting to involve it in consultations, albeit with limited success thus far (Kirchherr et al. 2017). Hydropower generation is likely to remain a major source of domestic social and political tension. It will also be an important factor shaping Myanmar–China relations in the next few years.

Petroleum sector

The country's oilfields may have reserves on a level with those of the British sector of the North Sea (currently estimated at 50 billion barrels), perhaps even greater (*The Economist* 2014; US Department of Commerce 2016). The upstream business is open to foreign investors, whereas downstream is restricted (Vakulchuk et al. 2017). Due to limited local processing capacity, Myanmar continues to import much of its petrol and diesel, mainly from Singapore and Thailand (UKTI 2015: 5).

Mainly because of the US-imposed sanctions, only a few international oil firms were operating in Myanmar before 2012 (Vakulchuk et al. 2017: 11). After the sanctions were eased in 2012, many European and Asian investors entered the market. These companies include British Gas, Chevron, ConocoPhillips, ENI, Oil India, Ophir, PetroVietnam, Shell, Statoil, Total and Woodside. Onshore petroleum companies are active in almost every part of Myanmar, in Bago and Magway in particular (NRGI 2016).

The structure of government bodies responsible for management of the petroleum sector is similar to that in many other countries. Myanma [sic] Oil and Gas Enterprise (MOGE) is a state monopoly in the petroleum management sector and has a distinct role that should be noted. MOGE suffers from numerous weaknesses and combines several conflicting roles: onshore operator, partner in offshore production-sharing contracts, regulator and human resource supplier; this "excessive concentration and monopolization of functions in MOGE leads to conflicts of interest and biased decision-making" (Vakulchuk

et al. 2017: 28). This in turn poses certain risks and has negative implications for the industry as well as for foreign investors.

Myanmar has vast potentials in natural gas. Gas reserves include 283 billion cubic meters of proven natural gas, similar to the gas reserves of Thailand (Vakulchuk et al. 2017: 8). Currently, more than 70% of its offshore gas is exported to China and Thailand. If new gas reserves are discovered in Myanmar, there will be a significant market for gas, not only in China and Thailand but also in India; taken together these countries represent the market of more than 550 million people (McKinsey 2013: vii; Vakulchuk et al. 2017: 23).

Fisheries

Fish farming plays an important role in ensuring food security, employment and SME growth in Myanmar (Belton et al. 2015). Fisheries have been the fourth largest contributor to GDP, and the fourth largest source of foreign exchange revenues between 2012 and 2016 (*Open Development* 2016). More than half of the population live close to the four main rivers and delta regions, so fish products are their daily staple as well as forming the basis of small-scale trade. Myanmar's fisheries are booming. Belton et al. (2015: 4) found that fish production in the Delta grew 250% between 2005 and 2015. Since 2012 fish production has expanded significantly year by year, a trend expected to continue (Ministry of Agriculture, Livestock and Irrigation 2017). Aquaculture now accounts for 22% of annual fish production (*Open Development* 2016). Many European investors and fish producers are currently exploring the market in search of potential investment projects.

However, the industry suffers from poor management and lack of infrastructure, modern technology and impact assessments (Thein 2015). Moreover, production technologies and farmed species have not been diversified, with indigenous carp species accounting for nearly 70% of all fish produced (Belton et al. 2015: 4). Still, Myanmar has considerable underutilized potential as a seafood exporter not only regionally but also internationally (CBI 2014). Poor coastal

aquaculture management and lack of regulations trigger overexploitation and illegal fishing in Myanmar's territorial waters. For instance, Thai fishing vessels in Kawthaung waters are regularly seized and arrested by the Myanmar authorities.

The fish sector remains underprioritized by the government. The sector also suffers from limited state capacity to govern it, as the government deploys some of its best and skilled cadres to more strategic sectors like energy, FDI and others. The Department of Fisheries under the Ministry of Livestock, Fisheries and Rural Development of Myanmar is the major public decision-making body in the fisheries sector. Bissinger (2016: 7) notes that, in regions where fish production is important, the Department of Fisheries plays a visible township-level role: this holds true in the Ayeyarwaddy Region, for instance; by contrast, in Shan State, with insignificant fish production, the Department of Fisheries plays a less important role.

Forestry

The Greater Mekong Sub-region (Cambodia, Myanmar, Laos, Vietnam, Thailand and Southern China) has some of the world's largest forests, and has become an international focal area for environmental conservation (EIA 2015: 4). However, the entire region is experiencing environmental crisis. Myanmar is no exception: it suffers from large-scale deforestation that has accelerated since the turn of the millennium (Wang and Myint 2016). On 25 May 2017, the Forest Department (FD) announced that, whereas there were 39.2 million hectares of forests in 1990, that figure had dropped to 29 million hectares by 2015 (*Eleven* 2017). The forest industry has been severely mismanaged (Khaine et al. 2014); Myanmar's annual deforestation rate has been among the highest in the world, reaching 0.9% during the decade 2000–2010 (Kyaw et al. 2014). According to Wang and Myint (2016: 1), at the current rate, Myanmar's forests will disappear by 2035.

The two main drivers behind this deforestation are unsustainable logging and extensive agricultural development. In addition, the lack of sustainable energy sources means that most

households use firewood (69%) or charcoal (12%) for cooking and lighting (Ministry of Immigration and Population 2014). The illegal timber trade has surged since 2014, affecting both forestry and wildlife (EIA 2015). Many actors are involved and benefit economically from illegal logging activities. A major challenge is that illegal logging is classified as an environmental issue, not as a criminal offence or organized crime: thus, it is the Forestry Department (FD) that conducts investigations instead of the criminal justice system (*Mongabay* 2017). The FD lacks capacity and capability to formulate legal cases against illegal traders. Although 99% of those apprehended for illegal logging are nationals (UNODC 2015: 18), these are mainly low-profile players (e.g. truck drivers, loaders) among the local people: the foreign and local companies behind the illegal trade often remain off the radar.

China is deeply involved in the informal timber trade, which has been facilitated by the political disorder in Kachin since 2011; Chinese illegal workers cross Kachin state and 'go so far as to build their own roads to access valuable forests' (*TakePart* 2015). In 2014, nearly 1 600 Chinese workers entered Myanmar illegally in connection with the timber trade, causing a diplomatic scandal between the two countries. Around 150 workers were arrested and sentenced to life in jail, but were later released as part of a diplomatic settlement between the two countries.

Land tenure rights and land disputes are serious problems that complicate agricultural and forest management (Mark 2016; FAO 2015). Various categories of land tenure rights are officially recognized by law, posing a challenge for national- and district-level governance. Stephen McCarthy (2016: 3) holds that, under the previous government, it was easy to reclassify land as 'fallow or waste land, to be appropriated and redistributed, usually for the benefit of government-linked corporations and cronies'. Such land reclassification has been used since the colonial period and still takes place today. Myanmar will have to solve land-rights issues while dealing with deforestation. The Environmental Investigation Agency (EIA 2015) recommends that the

country reduce or ban its logging activities and conduct a proper environmental impact assessment of its forests, as Malaysia did with its log export ban.

The Ministry of Natural Resources and Environmental Conservation, which succeeded the Ministry of Environmental Conservation and Forestry in 2016, is the main regulatory and decision-making body in forestry in Myanmar. As with hydropower generation, community activism has been widespread in forestry, and civil society actors have been vocal in reacting to deforestation.

Mining

Myanmar has vast geological resources, including copper, gold, jade, marble, nickel, tin, tungsten and zinc. Control over natural resources is a major driver of conflict in ethnic areas, where most of the country's natural resources are concentrated (BEWG 2011). The NLD government has shown a commitment to adopt international standards in governing the mining sector. Myanmar joined the Extractive Industries Transparency Initiative (EITI) as a candidate country in 2014 (EITI 2014).[7] However, it still has a long way to go before real progress in governing the mining sector is achieved. Moreover, the mining industry causes enormous environmental damage that poses numerous long-term risks (Aung 2017; Aung et al. 2017; *Mining* 2016).

Mining is the third largest sector for FDI in Myanmar, but access to jade and ruby mining is permitted only for domestic investors. The mining sector operates under a complex regulatory regime with three dominant entities: the state-owned No. 1 Mining Enterprise, and the military-affiliated quasi-state-owned companies MEC and UMEHL. In addition, there are many others still in the hands of military cronies (NRGI 2016). Since 2016, the sector has been governed by the Ministry of Natural Resources and Environmental Conservation.

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7   The government collected USD 460 million in mineral revenues in 2013–2014; gemstones and jade accounted for nearly 88% of this (EITI 2015).

Mining-sector governance is further complicated by the fact that the Myanmar government is not the only tax collector in the country: several ethnic armed groups collect taxes from mining firms in areas not under full government control. For example, the Kachin Independence Army (KIA) has established a formalized tax-collection system in the Hpakant jade mines (NRGI 2016: 19). According to Major Teng Seng of the KIA, 'There are about 40 to 50 joint venture companies from China and Myanmar. We regularly take tax from them. We have a good relationship.' (BEWG 2011)

During the sanctions period, China was the main source of FDI for the Myanmar mining sector (Tang-Lee 2016). Such dependence on one investor limits the government's ability to promote its own terms and interests, so the government is currently courting other international investors to invest in various mining sub-sectors.

Trade and FDI
Trade
Due to its limited infrastructure and closed economy, Myanmar traded mainly with its neighbours before 2012. After the country opened up, its trade geography has expanded. Oil, natural gas and other natural resources are the main exports; other important export items include vegetables, wood, fish, garments, rubber and fruits (Trading Economics 2017). In turn, Myanmar imports fuel products, vegetable oil, vehicles, pharmaceutical products, construction equipment, tyres and machinery. The country is likely to remain a raw commodity exporter for the next decade.

Myanmar's main trading partners are China, India, Japan, Indonesia, Germany and Hong Kong, with China as the largest single trade partner (Gelb et al. 2017). Officially, ASEAN countries are priority countries for Myanmar, and it follows ASEAN standards in terms of trade promotion. These standards are part of the established ASEAN Free Trade Area (AFTA) framework aimed at reducing intra-regional tariffs by means of the Common Effective Preferential Tariff (CEPT) Scheme. In 2016, 80% of Myanmar's products were included in the CEPT

Inclusion List, meaning that the tariff range for these products is not to exceed 0–5% in trade between ASEAN members. In 2016, the Ministry of Commerce of Myanmar also proceeded with the adoption of ASEAN standards when it comes to installing trade facilities on the borders (*Mizzima* 2016a).

In 1997 Myanmar joined ASEAN, which consists of 10 member-states. After opening up, Myanmar has become increasingly interested in learning from experiences of other ASEAN members. The fact that many of them are more developed provides an impetus for the country's reform-oriented path as it seeks to catch up with them in order not to be seen as a laggard.

Foreign Direct Investment (FDI)
FDI policy is coordinated by the Directorate of Investment and Company Administration (DICA), which serves as a one-stop shop for foreign investors in Myanmar (Vakulchuk et al. 2017: 27). Following the adoption of the Foreign Investment Law in 2012, the Myanmar government has shown its commitment to attracting FDI and has prioritized its investment policy, resulting in growing interest among foreign investors. However, that interest may prove counterproductive for the country's business climate, if it induces the government to slow down in its reform efforts: 'when the novelty of Myanmar wears off, that may become a problem' (Vakulchuk et al. 2017: 3). Since 2016, investors have become increasingly cautious, concerned about the slow pace of economic reforms compared to their high expectations in 2012–2014 (*DVB* 2016). This highlights the potential risks and shows the importance of working constantly to improve the business climate and remain in close contact with investors.

Myanmar requires significant FDI for its development (Vakulchuk et al. 2017: 9). According to the OECD FDI Regulatory Restrictiveness Index, Myanmar was the second most restrictive economy for foreign direct investment in 2012 (OECD 2014b: 97–98). However, between 2012 and 2016, Myanmar attracted USD 28.33 billion of FDI – as against only 40 billion USD of FDI
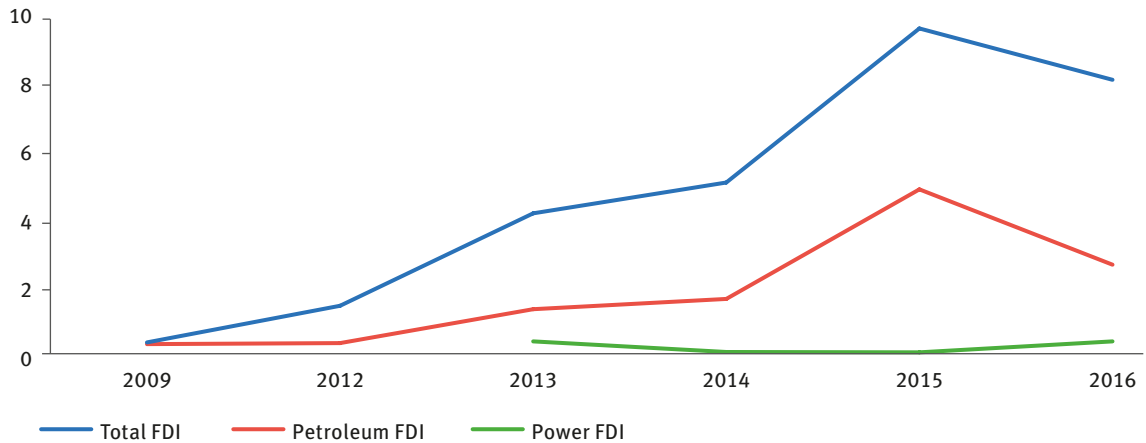
Figure 11. Myanmar total FDI vs. petroleum and power FDI (billion USD)
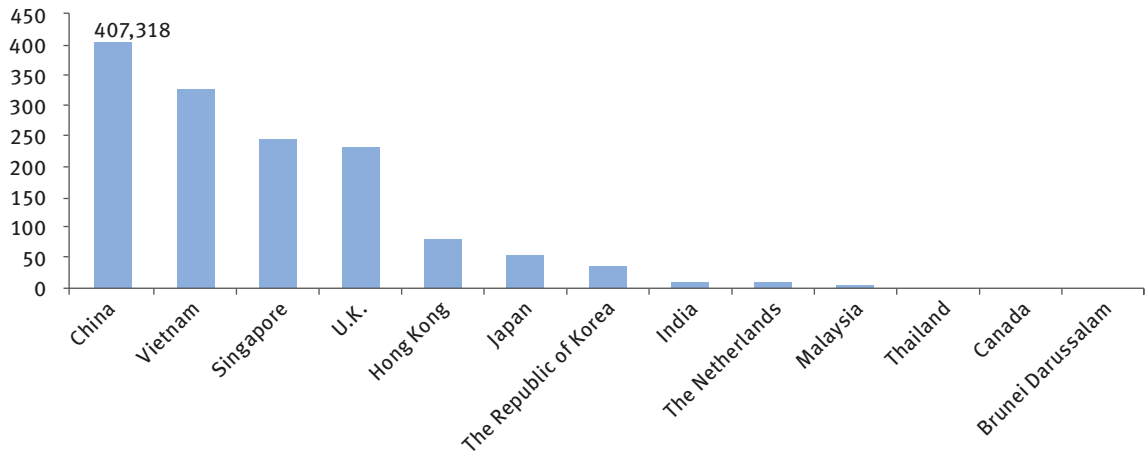
Figure 12. FDI in Myanmar by country of origin (million USD)

for the entire period 1989–2012 (with China as the biggest contributor) (Vakulchuk et al. 2017: 9). Incoming FDI to Myanmar reached 9.5 billion USD in the fiscal year 2014/2015, compared to only USD 4.1 billion in 2013/2014. This "increase is due largely to the greater involvement of foreign oil and gas companies that were awarded concessions in 2013 and have invested in the country since then" (Vakulchuk et al. 2017: 9).

Petroleum FDI has grown since 2012, after the new Foreign Petroleum Law was adopted (see Figure 11). This law was further revised and improved in 2017. In 2014/2015, the share of oil and gas in total FDI was 35% (Vakulchuk et

al. 2017: 9). FDI in renewables has remained negligible. Tourism, real estate and mining are seen as the most promising sectors in terms of future FDI; each of these sectors attracted more than USD 1 billion between 2010 and 2017 (De 2017: 186).

China, Vietnam, Singapore, the UK, Hong Kong and Japan (in that order) are the biggest investors in Myanmar (see Figure 12). The US companies often invest in Myanmar through branch offices established in Singapore or South Korea, so FDI from these two countries may include investments originating in the USA (Vakulchuk et al. 2017: 10).

Demography

Myanmar's youthful population (see below) creates opportunities for a long period of savings, investment and economic growth. Statistical data on demography are only partially accurate, however, with considerable gaps regarding ethnic groups in conflict areas. The Myanmar Department of Labour announced that the population reached 60 million in 2010, but the United Nations Population Division (UNPD) has estimated it as closer to 52 million (May and Brooke 2014; Ministry of Immigration and Population 2014). The largest ethnic group are the Bamar, accounting for 68% of the total population. The disclosure of ethnic results of the Population and Housing Census in 2014 was perceived as having a destabilizing effect on the peace process, and the issue has remained sensitive (Callahan 2017).

Myanmar has the lowest life expectancy and the second-highest rate of infant and child mortality of the ASEAN countries (World Bank 2017a). The country has a substantial share of youth among the population: average age is 27 and around 55% are under the age of 30, according to the Population and Housing Census (Ministry of Immigration and Population 2014). However, a United Nations Population Fund assessment (UNPF 2017) finds that reproductive and sexual health are taboo topics, which restricts young people's access to information that could help them in planning and building their future.

Composition of aid and main donors

After opening up in 2012, Myanmar has attracted numerous international organizations and donors: aid saw a 788% increase in the course of one year, from USD 504 million in 2012 to USD 4.5 billion in 2013 (Devex 2015). As of 2015, 20 international donors, 59 international NGOs and more than 600 domestic CSOs were operating in the country. Since 2012, the aid agenda in Myanmar has been dominated by the 'big five' group of donors: the EU, Germany, Japan, Norway and the UK. Japan is the biggest single donor country and seems set to play a leading role in the future as well. Among the major multilateral organizations, the ADB, Global Affairs Canada, JICA, the Swiss Agency for Development and Cooperation and USAID have been the biggest and most active donors. Most aid actors have offices in Yangon.

Myanmar is now in a critical period where development aid can make a difference, for two reasons. First, Myanmar is heavily influenced by one actor: China. Continued presence and assistance from Western and other Asian countries can help to balance this dominance. Second, Aung San Suu Kyi and the NLD government have an important and challenging mission to complete – the transition from a military-dominated political system to a more democratic one, through difficult political and economic reform measures. This becomes even more challenging in light of continued strong influence of the military, with its guaranteed political representation and wide-ranging vested economic interests. This emplaces significant limitations on the scope of government action and complicates implementation of the reform process. External support and development aid can be crucial in enabling the NLD government to carry out the planned reforms.

However, increasing donor involvement also involves risks, as the capacity of the Myanmar government to absorb this assistance is limited. Lex Rieffel and James Fox (2013a) argue that the 'stream of visitors is diverting key officials in Myanmar from crucial work on policy formulation and implementation.' For instance, according to a UNDP (2016) study, the Environmental Conservation Department, which is Myanmar's main environmental agency, is under significant pressure to manage incoming support projects from development partners.

In addition, donor competition may result in limited transparency, which local government agencies may use to their advantage. Further, local actors hold that some international consultants who work in Myanmar have limited country knowledge and expertise, often bringing in pre-conceived ideas and patterns in their work (*Global New Light of Myanmar* 2016). In turn, when dealing with international consultants, public officials may feel constrained in their ability to emphasize on their own local perspectives.

Therefore, while Myanmar needs more development assistance, this must be 'smart' development aid that takes into account the extremely complex local context and the country's weaknesses and vulnerabilities.

The military government of Thein Sein created an institutional framework for collaboration with international donors including the Myanmar Development Cooperation Forum, Development Partners Working Committee Meetings and 16 Sector Working Groups (SWGs) – for which, according to Rieffel and Fox (2013b), the military deserves credit. After the NLD government came to power, some attempts have been made at streamlining donor coordination. In January 2013, there was a meeting where all major donors discussed the coordination plan and the parties recognized the need to adhere to the 2005 Paris Declaration on Aid Effectiveness. Further, in 2016 the Development Assistance Coordination Unit (DACU) was created. Its first meeting, chaired by State Counsellor Daw Aung San Suu Kyi, was attended by more than 100 government officials and more than 100 representatives of international actors. DACU aims to improve the coordination and effectiveness of development assistance to Myanmar and consists of high-level representatives of various ministries and government agencies (*Global New Light of Myanmar* 2016). However, even with this formal institutional framework in place, the Myanmar aid environment remains complex and challenging, and much remains to be done to improve development assistance and donor coordination.

4. Conflict and stabilization

Myanmar is a multi-ethnic, multi-lingual and multi-religious society that officially recognizes 135 distinct ethnic groups. These are aggregated into eight major ethnic groups, with the non-Bamar population making up approximately 32% of the total population. Ever since 1948, Myanmar has experienced many intrastate conflicts, especially between ethnic armed organizations (EAOs) and the military.

Causes of ethnic conflict

Myanmar's ethnic conflicts have deep historical roots in the strategies of pre-colonial and colonial rulers for exerting authority and governing ethnic minorities in border areas (Charney 2009; Taylor 2009). There are historical parallels between earlier strategies of top–down state building through armed coercion and indirect rule, and the way the post-colonial military rulers combined forceful and divisive military campaigns with clientelist ceasefire concessions to pacify EAOs. Likewise, there is strong historical continuity in the ethnic minorities' core demands for self-determination, political representation and ethnic equality, as stated in the 1947 Panglong Agreement. According to the major EAOs, there can be no real peace without substantive political negotiations on these core issues of ethnic self-determination and federalism (Smith 1991, 2007).

The root causes of Myanmar's armed conflicts are thus the political grievances of ethnic minorities when confronted with a militarized, unitary and majoritarian state. New grievances have been added through decades of warfare (Laoutides & Ware 2016). Especially important is the military's 'four cuts policy', first used in the early 1960s and again in the late 1990s. This strategy aimed at suppressing popular support for EAOs by cutting

the four main links between ethnic communities and armies: food, funds, intelligence and recruits. In practice this meant that the army was waging war on ethnic minority populations as well as their EAOs.

Protracted warfare with military targeting of civilians has had severe impacts, both within and outside conflict zones. Myanmar's ethnic states are underdeveloped – as shown in the lack of infrastructure like roads and electricity; the high incidence of poverty; low education/literacy levels; high drug abuse among youth; land confiscation; the severe environmental and social impacts of development projects; unfair distribution of revenues from natural resources; injustices in regard to political rights; the high incidence of violations of basic human rights; and cultural discrimination and lack of minority protection (Kraas, Spohner & Myint 2017).

On top of these political and war-related grievances are new grievances in the wake of ill-conceived and failed peace initiatives. The seven decades of conflict have seen a whole range of initiatives to terminate warfare through coordinated or individual ceasefire agreements (especially in the 1990s and after 2010). While these ceasefire agreements have reduced the frequency and intensity of armed hostilities, none of them have addressed the core conflict issues properly (J. Lee 2016). In the absence of political conflict resolution, periods of ceasefire agreements have often been followed by ceasefire violations and the resumption of military campaigns.

Moreover, ceasefire agreements have been accompanied by intensified natural resource extraction and large industrial projects. This has created economic opportunities, but has also strengthened local demands for fair distribu-

tion of revenues from natural resources in ethnic states (Bauer, Shortell, & Delesgues 2016; Woods 2011). This pattern is clearly illustrated by the ceasefire with KIO/KIA in 1994, which was followed by large-scale resource grabbing by the military and their cronies, as well as major economic benefits for KIO from resource extraction, trade and taxation (Sadan 2016).

The core causes of Myanmar's ethnic conflicts are thus of three kinds: 1) political grievances related to ethnic self-determination, representation and equality; 2) war-related security and development grievances; and 3) mistrust and resentment fuelled by failed peace initiatives. These grievances have produced a series of interwoven and protracted conflicts (Smith 1991, 2007). Issues of natural resource extraction and management often feed these ethnic grievances, leading to further escalation of ethnic conflicts around the country (Asia Foundation 2017).

Peace initiatives

The long period of intrastate warfare has been interspersed with attempts at ending hostilities. Throughout the period of military rule, there was a persistent pattern in the approaches followed. The military rulers pursued a *security-first* strategy, with military campaigns followed by ceasefires and clientelist concessions to ethnic organizations, commanders and groups. Political conflict resolution was conceived as the final step in the sequence, but there were no cases of substantive political negotiations between the 1947 Panglong Conference and the NLD government's 21st Century Panglong Conference in 2016.

By contrast, the EAOs have insisted on *political conflict resolution*. The various ethnic groups and organizations agree that only political negotiations on self-determination, federalism and ethnic equality can resolve the ethnic conflicts in Myanmar. Ceasefire agreements and developmental peacebuilding may be useful tools for mitigating the humanitarian impacts of war and creating economic opportunities for civilians and EAOs, but ceasefires and peacebuilding can be no substitute for conflict resolution (J. Lee 2016).

Ceasefire initiatives prior to 2010

The SPDC regime negotiated several ceasefire agreements in the early 1990s, most notably with KIO in 1994 and with Shan, Mon and Karenni EAOs. These ceasefires involved two types of EAOs: those with previous links to the CPB, and those associated with the NDF. Whereas the former bloc focused on achieving autonomous zones modelled after China, the latter group advocated the formation of a federal Union of Burma (Smith 1999). The ceasefire agreements were followed by what has been described as 'ceasefire capitalism', where military commanders, business tycoons and armed organizations engage in extraction, trade and taxation of natural resources (Sadan 2016; Woods 2011). However, there were no political negotiations on the core grievances. Instead, this prolonged ceasefire period culminated in the military demand that all ceasefire groups be transformed to Border Guard Forces (BGFs) before the 2010 elections, in practice becoming small ethnic units under regional military commanders. This demand was in agreement with Section 338 of the Constitution: 'all the armed forces in the Union shall be under the command of the Defence Services' (Union of Myanmar 2008). However, it meant that the EAOs would have to give up their autonomy and leverage as armed organizations, without the promised political discussions being held.

None of the major ceasefire groups agreed to become BGFs, except the Democratic Karen Benevolent Army (DKBA). The deadline was postponed repeatedly until September 2010, after which the government cancelled all post-1990 ceasefire agreements. Thereafter, it took comprehensive hostile measures against the KIO (Lahpai 2014). Economically, the military blocked Chinese border trade through KIO's Laiza headquarter. Politically, the military closed KIO liaison offices and barred the Kachin State Progressive Party (KSPP) from registering and participating in the 2010 elections. And militarily, the small Myanmar National Democratic Alliance Army (MNDAA) in the Kokang region was attacked, presumably as a warning to other EAOs also facing military build-up in their areas (Hu & Konrad 2017).

Conflict and Ceasefire Zones
Pre-2010

Conflict and Ceasefire Zones
Post-2010

Conflict zones
Ceasefire zones
Paramilitary forces

Conflict zones
Ceasefire zones
Paramilitary forces
Border Guard forces
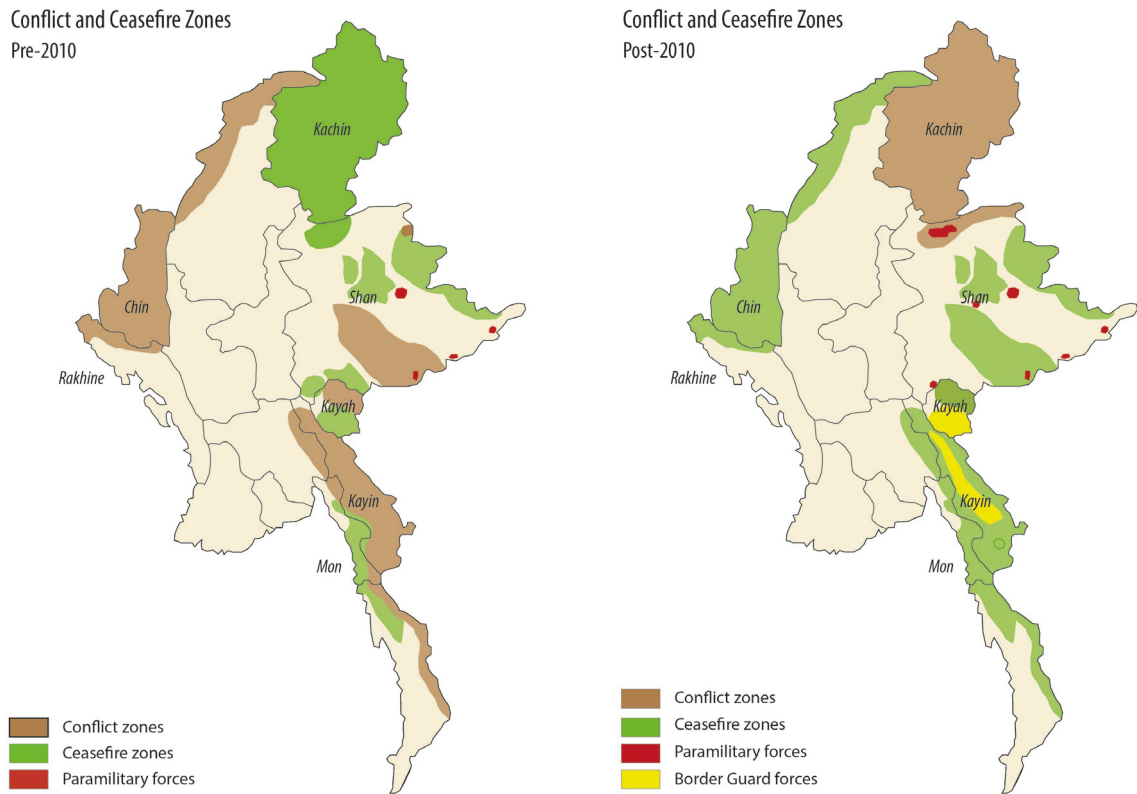
Source: Burma News International 2017b

Figure 13. The shifting geography of conflict and ceasefire zones

The USDP government's peace process

The aggressive stance of the SPDC regime was seemingly changed when President Thein Sein pledged to make the ethnic issue a national priority, offering dialogue with all EAOs and dropping the BGF requirement as a precondition for talks (although it remained part of the government peace plan). Thereafter, the government signed a series of bilateral ceasefire agreements in 2011 and 2012. This meant that there was a shift in the geography of conflict and ceasefire zones from the SPDC period to the USDP government (Figure 13). Whereas earlier conflict zones in Chin, Kayin, Kayah and Shan States came under ceasefire agreements, Kachin State and northern Shan State went from a situation of relative pacification to become the most active conflict zone in Myanmar. The war zone thus shifted from the south-eastern to the northern part of the country.

The USDP approach to peace was similar to that of SPDC, as it emphasized ceasefires and developmental concessions, without any clear and joint framework for political negotiations. There were, however, two major additions to the SPDC approach, both associated with the democratic opening.

Political mainstreaming: The 2008 Constitution and the introduction of elections offered a framework for political transformation and inclusion of those EAOs who were willing to become political parties and enter the political mainstream (Farrelly 2014). The Constitution includes provisions for ethnic nationality rights, decentralization and democratization (including the House of Nationalities in Parliament) that were presented as a political space for negotiating ethnic demands through parliamentary politics. The government's Union Level Peace Team advo-

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cated a step-wise transformation of armed groups (Aung 2016). EAOs were asked to 1) lay down arms and transform into BGFs; 2) set up political parties; and 3) contest in elections.

However, the EAOs found this approach unacceptable. The Constitution provides limited space for addressing their core grievances regarding devolution of power, revenue sharing and the continued power of the military, so most active EAOs demanded that there should be political peace talks outside the sphere of the Parliament. The dominant ethnic alliance, the United Nationalities Federal Council (UNFC), insisted on the following sequence: 1) political talks on the basis of the 2008 Constitution; 2) union accord on power and resource sharing (amending the Constitution); and finally, 3) approval from the Parliament.

Ceasefire agreement groups outside the UNFC were organized in the Working Group on Ethnic Coordination (WGEC), which was administered and financed by the Euro-Burma Office (EBO). The UNFC and the WGEC disagreed on the question of engagement in the USDP peace process: the WGEC promoted engagement with the USDP peace agenda, including signing ceasefire agreements and the NCA, and participating in aid-funded peacebuilding. In contrast, the UNFC held that political negotiations should be the foremost priority, and a precursor to disarmament, political transformation and peacebuilding.

The USDP government did not accommodate the UNFC's demand, but insisted instead on the completion of a national ceasefire agreement as a precondition for political talks. The NCA was negotiated with the ceasefire agreement groups in 2015, but was signed by only eight EAOs (see Table 3). Most of the major EAOs, except the Karen National Union (KNU) and the Restoration Council of Shan State/Shan State Army (RCSS/SSA), refused to sign. The USDP peace process thus ended in a complex mosaic of bilateral ceasefire agreements, a 'National' Ceasefire Agreement that did not include most major EAOs, a range of BGFs and army-related militias, and renewed military campaigns against four EAOs in Kachin State (KIA and AA) and north-

ern Shan State (MNDAA and TNLA). These four have now joined in a Northern Alliance, postponing political negotiations while facing military aggression.

Internationalized peacebuilding: The USDP continued the practice of offering economic incentives to armed groups to persuade them to sign ceasefire agreements, transform into political parties and enter parliamentary politics. This practice was scaled up through partnerships with international aid donors, who seemed to understand EAOs as being driven by economic opportunism rather than political grievances. The peace process thus became internationalized through aid-funded peacebuilding in war-affected areas, foreign investments in resource extraction in ethnic states, and associated state capacity-building in resource governance at the union level.

Norway has played an active role as a funder and coordinator of peacebuilding, in close dialogue with the government of Myanmar and its Myanmar Peace Centre (MPC). In 2012, Norway launched the Myanmar Peace Support Initiative (MPSI) as a pilot project for providing humanitarian and development assistance to war-affected communities in ceasefire areas (Lall 2016). The Norwegian government has also led consultations with international stakeholders to mobilize support for further delivery of aid, especially through the Peace Support Donor Group (PSDG). The MPSI was later terminated, but has been followed by similar initiatives, including a Joint Peace Fund intended to serve as a platform for coordinated international financial, technical and advisory assistance for peace in Myanmar. Thus, international actors have been involved in Myanmar's peace process mainly as peacebuilders, rather than facilitators or mediators for political negotiation. Aid donors have provided material rewards for EAOs willing to sign bilateral ceasefire agreements, and support for the Working Group for Ethnic Coordination (WGEC). The Euro-Burma Office (EBO), with financial support from Norway and other donors, has played a central mediating role between the government, the army, EAOs and international donors.

However, the role of Norway and other aid donors has also been controversial and contested (Olsen 2016). The MPSI, EBO and the donors have been criticized for lack of transparency and for being biased in favour of the government and its approach to peace, while undermining the EAOs' demands for negotiations and state reforms. They have also been said to contribute to a divide between armed groups seen as 'constructive' (often associated with the WGEC) and those deemed uncompromising or 'hardline insurgents' (typically associated with the UNFC). Some interview respondents held that donor support for the government peace agenda may actually have hampered conflict resolution, by allowing the USDP government to pursue peace through pacification rather than by political negotiations.

Another controversial form of international engagement in ethnic states is the increased inflow of direct investments in resource extraction (Kramer 2015). Many ethnic states are rich in natural resources – and, in the context of ceasefires and national economic reforms, these have been opened up for investments. While most bilateral ceasefire agreements have included sections that allow resource-based development, many ethnic CSOs have argued that making investment agreements prior to a peace settlement is problematic because that consolidates the power imbalance and wealth-sharing structure favouring the central government. International support for state capacity building at the union level is seen as contributing to this consolidation of the unitary state structure at the expense of the federal state agenda concerning ethnic minorities. International peacebuilding and direct investments have become politicized because of their links to centralized and unitary state building.

The NLD government's peace process
The NLD government's peace process revolves around 'The Union Peace Conference', also known as the '21st Century Panglong Conference'. Initiated soon after the shift of government, this process reflects the importance of peace and national reconciliation for the NLD and the State Counsellor, both as a goal in itself and as

an instrument for constitutional change and federal democracy. The Panglong Conference might become a pivot for substantive conflict resolution, democratic deepening and sustained development, but there remain numerous constitutional, institutional and political obstacles.

The Panglong Conference is scheduled to meet every six months until a full agreement is reached (*Mizzima* 2016b). Its sessions include deliberations in plenary meetings and sector-specific committees on politics, security, economics, social issues, land rights and natural resource management, and 'general issues' (Burma News International 2017a). Between conferences, the stakeholders review the negotiations, hold consultations and develop policies for further negotiations.

The first Panglong Conference, held in August 2016, was attended by some 1800 invitees from government, political parties, EAOs, civil society organizations and international observers (including UN Secretary-General Ban Ki-moon). In October 2016, the NLD government announced its Seven Steps Roadmap for national reconciliation and union peace – however, without prior consultations with ethnic organizations. The roadmap defines the following sequence of activities:

1. reviewing the political dialogue framework
2. amending the political dialogue framework
3. convening the Union Peace Conference – the 21st Century Panglong – in accordance with the amended and approved political dialogue framework
4. signing a union agreement— the 21st Century Panglong Conference Agreement based on the results of the 21st Century Panglong Conference
5. amending the Constitution in accordance with the union agreement, and approving this amended Constitution
6. holding multi-party democracy general elections in accordance with the amended and approved Constitution
7. building a democratic federal union in accordance with the results of the multi-party democracy general elections.

The NLD roadmap prioritizes political negotiations as a basis for constitutional amendment, in distinct contrast to the military/USDP approach. The key difference concerns sequencing: Which should come first – political negotiations on the arrangements for a federal union, or arms surrendering through a nationwide ceasefire as a precondition for political talks within the framework of the Constitution? Whereas the USDP government peace process opted for the second approach, the NLD government has foregrounded political negotiations, while upholding the Nationwide Ceasefire Agreement (NCA) as a precondition for including EAOs in peace negotiations. Although the military has seemingly come to accept the notion of federalism and has shown some willingness to compromise on issues not directly related to security, it remains adamant about defending the Constitution and about the NCA as a precondition for political negotiations (Wilson 2017; Zin 2016). Similarly, the major EAOs generally see no prospects for peace without constitutional change. It also seems unlikely that active non-ceasefire groups will sign the NCA as long as they still face military aggression.

The NLD, while taking quick action to initiate political negotiations, has not removed the precondition that EAOs must sign the NCA before being included in political negotiations (Wilson 2017; Zin 2016). This has made inclusivity a major bone of contention between the EAOs, the government and the army. It has also deepened the divide between NCA signatory and non-signatory groups, and between EAOs that have bilateral ceasefire agreements and non-ceasefire agreement groups still facing military aggression. The latter divide has led to a split within the UNFC and the formation of a new Federal Political Negotiation and Consultative Committee (FPNCC), consisting of AA, KIA, MNDAA, TNLA, NDAA, SSPP and UWSA. Ethnic stakeholders thus face mutually reinforcing challenges of constrained spaces for participation at the Panglong Conference, and weak and fragmented capacities for effective representation in negotiations. This fuelled frustrations at the May 2016 conference, where many ethnic actors denounced the content and outcome of the deliberations, which they held had been defined top–down by the government and the military while ethnic minority representatives had limited ability to make substantive changes.

The Panglong Conference re-convened in May 2017. EAOs within the FPNCC were invited as 'special guests' at the last minute, probably due to diplomatic intervention by China. Equally significant: the UNFC did not attend because they had not been accorded full rights to participate. The Conference reached agreement on 37 out of the 41 points proposed by the Union Peace Dialogue Joint Committee (UPDJC). The list of issues agreed on includes the establishment of a Union of Myanmar based on democracy and federalism, one which grants ethnic minorities the right to self-determination and allows states and divisions to write their own constitutions and laws within the 2008 Constitution. Interestingly, the army representatives thus agreed in principle to issues that would require changes to the 2008 Constitution.

However, there were principles proposed where consensus could not be achieved, as well as major remaining issues to be taken up in future discussions – including such overarching principles of federalism as equality and self-determination. Furthermore, agreement could not be reached on the questions of a federal army and the right to secession, both of which were also contentious issues in the negotiations on the Nationwide Ceasefire Agreement (NCA) (*DVB* 2017).

A first critical issue is the ethnic demand for a *federal army*. A federal army would allow EAOs to retain forces to protect themselves against military aggression. The military, however, insists that there should only be one army. In their view, separate ethnic armed units would pose a constant threat to the territorial integrity of the union, and the central government's control of state and region government.

A second key issue concerns *secession*. According to the text of the NCA, all signatories have agreed to uphold the principles of non-disintegration of the union, non-disintegration of

national solidarity, and perpetuation of national sovereignty – the core concerns of the military. Nevertheless, the concept of secession remains important for the ethnic actors, due to its place in the 1947 Panglong Agreement and because secession remains a last resort if ethnic self-determination is not granted.

Women have played only a limited role in the peace process, and there has been hardly any progress with implementation of UN Security Council Resolution 1325 on Women, Peace and Security. As noted by May Sabe Phyu, women's rights and peace activist, 'there is no mechanism to monitor or follow up on the implementation of those resolutions by the UN. It very much depends on member states' own commitment. In Myanmar's case, even though they have signed and ratified some of the UN conventions, they never follow [these] conventions' (quoted in *The Guardian* 2016). Women's participation in the peace process has remained limited, with only few female representatives involved in organizations participating in the process (NORAD 2015: 86). The UN considers that there has been only little progress with the implementation of the UNSCR 1325 Resolution, because women remain underrepresented in the peace process and the country lacks a national action plan for proper realization of the Resolution (UN 2016).

These and other core issues will be decisive for the success or failure of the NLD government's peace process. Resolving these contentious questions in a situation with deep and mutual suspicions between EAOs and the army will require trust and dialogue between the protagonists, making inclusivity in the process a critical factor. It is especially important to ensure the participation of the major EAOs that have not signed the NCA and are organized within the UNFC and FPNCC. Otherwise, the political process is unlikely to result in a substantive, lasting peace.

The Rohingya crisis

Rakhine State has experienced escalating violence against the Rohingya minority since 2012, including communal and military violence targeting civilians, military campaigns against the Arakan Rohingya Salvation Army (ARSA), large-scale abuses of human rights, and internal and international displacement of large numbers of civilians (Ibrahim 2016). For heuristic purposes, this violence can be seen as two different kinds: communal violence between Rakhine Buddhist and Rohingya groups, and armed clashes between the military and armed Rohingya groups that also involve military violence against civilians.[8] These two forms of violence are closely related, and some observers argue that 'communal violence' is only a cover-up for military violence (Zarni & Cowley 2014).

The long history of contentious interaction between the Buddhist majority and the Rohingya Muslim minority in Rakhine State is often traced back to the late colonial period when the Rohingya population expanded due to immigration. During the Second World War, the Rakhine Buddhists and Rohingya were on opposing sides and formed armed units that attacked each other. These and later clashes deepened the cultural and political cleavages as well as the spatial segregation within the state. The Rohingya are now found largely in the north, while the Buddhist majority is concentrated in the central and southern parts of the state.

In 2012 a series of communal clashes erupted in northern Rakhine State, as did several anti-Muslim incidents across the country (Crouch 2016). These were followed by a state of emergency that placed the region under military administration and brought mass arrests and arbitrary violence. Both communities are generally impoverished, as Rakhine State is marked by chronic poverty and relative underdevelopment compared to the national average. Communal antagonisms and violence are thus rooted both in the local political economy of underdevelopment and in the antagonistic politicization of ethnic and religious identities at the local and national levels (Advisory Commission on Rakhine State 2017).

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8   There is also a history of armed clashes between Rakhine organizations and the military. Two Rakhine EAOs are currently active: the Arakan Liberation Party (ALP) and the Arakan Army (AA). ALP is considered to be weak. The AA is inactive in Rakhine State, but is involved in the Kachin conflict as an ally of KIA and the Northern Alliance.
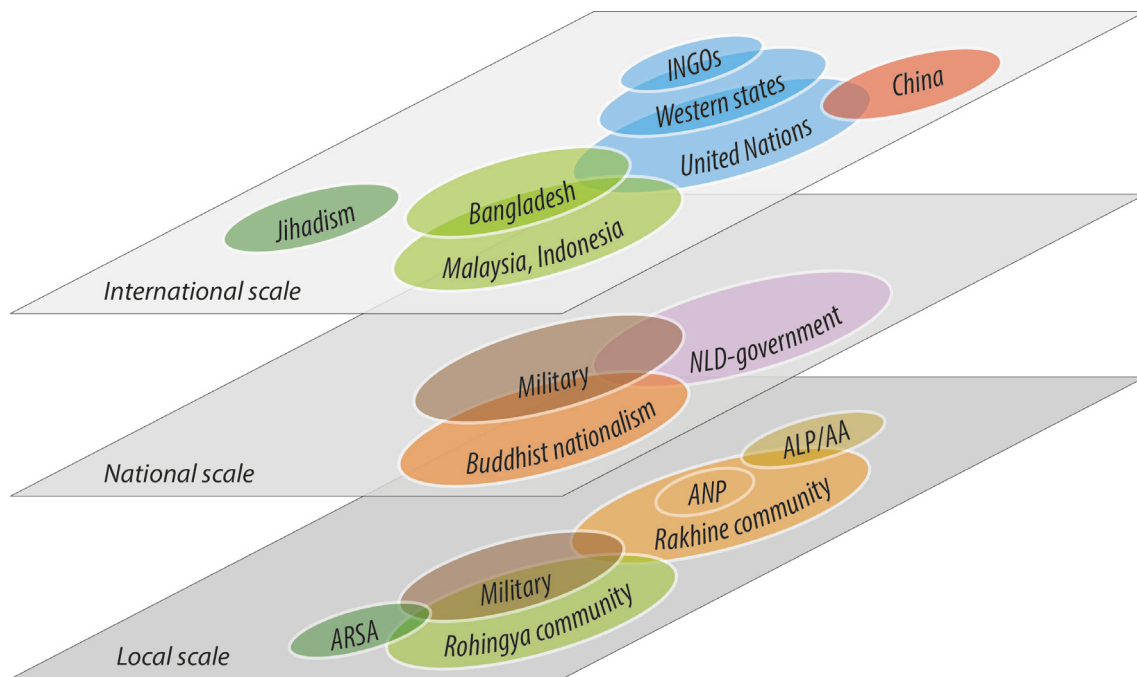
Figure 14. Key actors in the Rohingya crisis

There is also a history of armed clashes between Rohingya armed organizations and the military. After independence, the northern parts of the state experienced a Mujahedeen rebellion, as well as both White Flag and Red Flag Communist insurgencies (International Crisis Group 2009). In the 1970s and '80s there were various attempts to organize armed groups, such as the Rohingya Solidarity Organization (RSO), but these were fragmented and suppressed, and had largely become defunct by the early 2000s. The most active armed organization at present is the Arakan Rohingya Salvation Army (ARSA), also known by its former name Harakah al-Yaqin (the Faith Movement). ARSA is a poorly equipped militant group that became known after attacks on border guard posts in October 2016 (International Crisis Group 2009). It claims to represent the Rohingya community, but respondents from the Rohingya diaspora deny this, seeing ARSA as more influenced by its links to international Jihadist groups than to the local Rohingya community (personal communication, September 2017).

Perceived threats from militant organizations and actual clashes have been used as pretexts for large military campaigns in northern Rakhine state, especially in 1978, 1991–92, 2001 and from 2012 (Zarni & Cowley 2014). The army has launched clearance operations against armed groups that have also victimized the Rohingya civilian population, thus resembling the 'four cuts' strategy employed against EAOs elsewhere in the country from the 1960s onwards. Such military offensives have brought large-scale human rights abuses against Rohingya civilians: arbitrary killings; internal displacement to refugee camps with strict restrictions on movement; deprival of livelihood, healthcare and other services; and international displacement overland to Bangladesh or by boat to Indonesia, Malaysia and Thailand (Ibrahim 2016; Parnini 2013).

The Rohingya crisis can be understood as a conflict over citizenship – both as a question of formal juridical status for the Rohingya, and in a broader sense as an issue of cultural inclusion, civil, political and social rights and political participation and representation (Holliday 2014). Myanmar Rohingya are denied formal citizenship due to their exclusion from the national community. They are seen as 'foreigners' from

Bangladesh ('Bengalis'), despite the complex history of long-term residence as well as more recent immigration (Thawnghmung 2016b; Ullah 2016). The Rohingya are not among the 135 ethnic groups that are recognized by the state and granted formal citizenship under Myanmar's 1982 citizenship law (Schissler et al. 2017; Ullah 2016; Walton 2015). This cultural and judicial exclusion means that they are also excluded from the social and political rights that would follow from citizenship. An example here is the disenfranchisement of Rohingya prior to the 2015 elections, in sharp contrast to the strong representation of ethnic Rakhine through the Arakan National Party (ANP) (Than Tun 2016). The militarization of the conflict also means that basic civil freedoms are poorly protected and often severely violated.

The localized and multifaceted Rohingya crisis is being politicized by different domestic and international actors with diverse interests, strategies and constraints (Figure 14). A foundational premise for domestic politics on the status of the Rohingya is the hegemonic idea that they constitute a 'foreign Other', in terms of both their geographic origin and their Muslim identity. This position is most strongly advocated by Buddhist nationalist actors, but nationalism also defines the boundaries of political discourse and practices for other actors, including the NLD government and the military. Buddhist nationalists, such as members of the Ma Ba Tha movement, with possible links to the military, have forcefully emphasized the cultural Otherness of the Rohingya and the duty to protect the Buddhist faith and the state against invading foreigners (Gravers 2015; Schissler et al. 2017; van Klinken & Aung 2017). This duty is congruent with the military's concern with the non-disintegration of the union and national solidarity. But the hegemony of nationalist discourse is also demonstrated by the position of the NLD leadership and government. While Aung San Suu Kyi had previously argued that the Rohingya crisis should be addressed through the rule of law, her recent statements have come close to Buddhist nationalist representations of the Rohingya as foreigners and the military lead-

ers' insistence on the primacy of security in the face of militant insurgency. Whether these are expressions of the State Counsellor's own political sentiments or if she is held political hostage by the military and Buddhist nationalists remains a matter of debate (Lee 2014).

The violence, human rights abuses and displacement of Rohingya civilians has drawn criticism from the UN, from international human rights organizations, Western states, and the governments of Bangladesh, Malaysia and other countries. Aung San Suu Kyi in her position as State Counsellor has been strongly criticized for her silence on the issue and for doing little to prevent human rights abuses and ethnic cleansing against a community that is recognized by neither Myanmar nor Bangladesh. This strong criticism of the State Counsellor and the NLD government has to some extent been nuanced by an increased emphasis on the lack of democratic political control over the military, especially in situations that can be defined as matters of national security. This has allowed the military to conduct operations with almost full autonomy. It is also increasingly recognized that the Rohingya crisis has the effect of destabilizing the NLD government while legitimizing the military. This means that the Rohingya crisis may be used strategically to increase the chances of a new military-affiliated government with the current Commander-in-chief as a strong Presidential candidate (*South Asian Monitor* 2017).

This humanitarian and political crisis has been politicized in various ways at the international level as well. While Western states and INGOs have voiced strong criticism of the NLD government and Aung San Suu Kyi for not upholding the principles and promises of human rights and the rule of law, the governments of Indonesia, Malaysia and other countries with large Muslim populations have called for protection of Rohingya as a Muslim minority. China, in contrast, has stated that it considers the matter a Burmese internal affair, thereby providing a degree of support for the NLD government.

The local conflict in Rakhine is a very sensitive issue that has become politicized at the

national level in Myanmar and internationally. It has the potential to destabilize the NLD government and further securitize politics in Myanmar. The conflict could also be used strategically for this dual purpose of destabilization and securitization, especially by actors within the military. In this situation, the Advisory Commission on Rakhine State was appointed as a political countermeasure to escalating militancy. As stated in their final report, *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine* (2017), the current situation must be understood and addressed as a combined crisis of development, human rights and security. The Advisory Commission calls for a prompt and calibrated political approach that addresses all three crises in order to avoid further militancy

and conflict escalation. A political process to promote self-determination, development and citizenship is required to avoid further militarization on both sides. This report was issued in August 2017. The recommendations were positively received by Aung San Suu Kyi, but this was soon overshadowed by clashes between the military and ARSA, and by military attacks on civilians in northern Rakhine State. What had seemed to be a positive political opening was overtaken by escalating confrontations between militant actors and strategies on both sides of the conflict. The initiative must be shifted back towards political conflict resolution, where the triple challenge noted by the Advisory Commission – security, citizenship and development – remain the core of the Rohingya crisis.

5. Migration, climate change and humanitarian needs

There are three main general drivers of migration in Myanmar: poverty, violent ethnic conflict and natural disasters. This section examines all three. Figure 15 shows that the great majority of Myanmar emigrants are in Thailand, Saudi Arabia and Bangladesh, in that order, and that most of them are classified as labour migrants.

Labour migration from Myanmar

Unsurprisingly, Myanmar's political transition has been associated with an increase in labour migration (Wagle 2016: 536). As a result, remittances play a growing role in Myanmar's economy. In 2016, the share of remittances in Myanmar's GDP was 4.9% (World Bank 2017b). Many labour migrants to Thailand are Shan or Shan-speaking: the Shan language(s) are related to Thai, so it is easy for the Shan to learn the Thai language. Although they are mostly employed in low-paid jobs, some Shan feel as much at home in Thailand as in Myanmar: the result is a trans-

national ethnic community with considerable cross-border contact (Jirattikorn 2017: 75; Wittekind 2016: 180). This situation is not related solely to the history of conflict in Shan State, and may persist or expand in the future.

The second-largest recipient country is Saudi Arabia. Saudi Arabia's approach to people from Myanmar has oscillated between treating them as labour migrants, as refugees, or simply throwing them out (Wagner and Schatz 2017). If the oil price remains low over a protracted period, Saudi Arabia might be forced to send more people back to Myanmar. Saudi Arabia's relations with migrants from Myanmar are complicated by the fact that most of them are Rohingya (and Muslim). Saudi Arabia and its Gulf neighbours are involved in the petroleum sector in Rakhine State, and Rohingya groups that have attacked Myanmar border forces are alleged to have linkages to Saudi Arabia and Pakistan (*Hindustan Times* 2016).
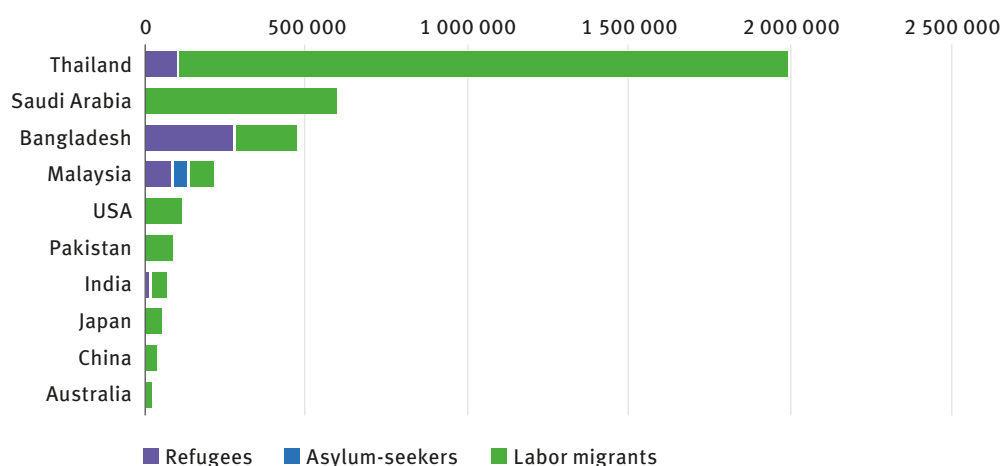
Data source: UNHCR 2016: 19; World Bank 2015

Figure 15. Number of migrants by type and host country
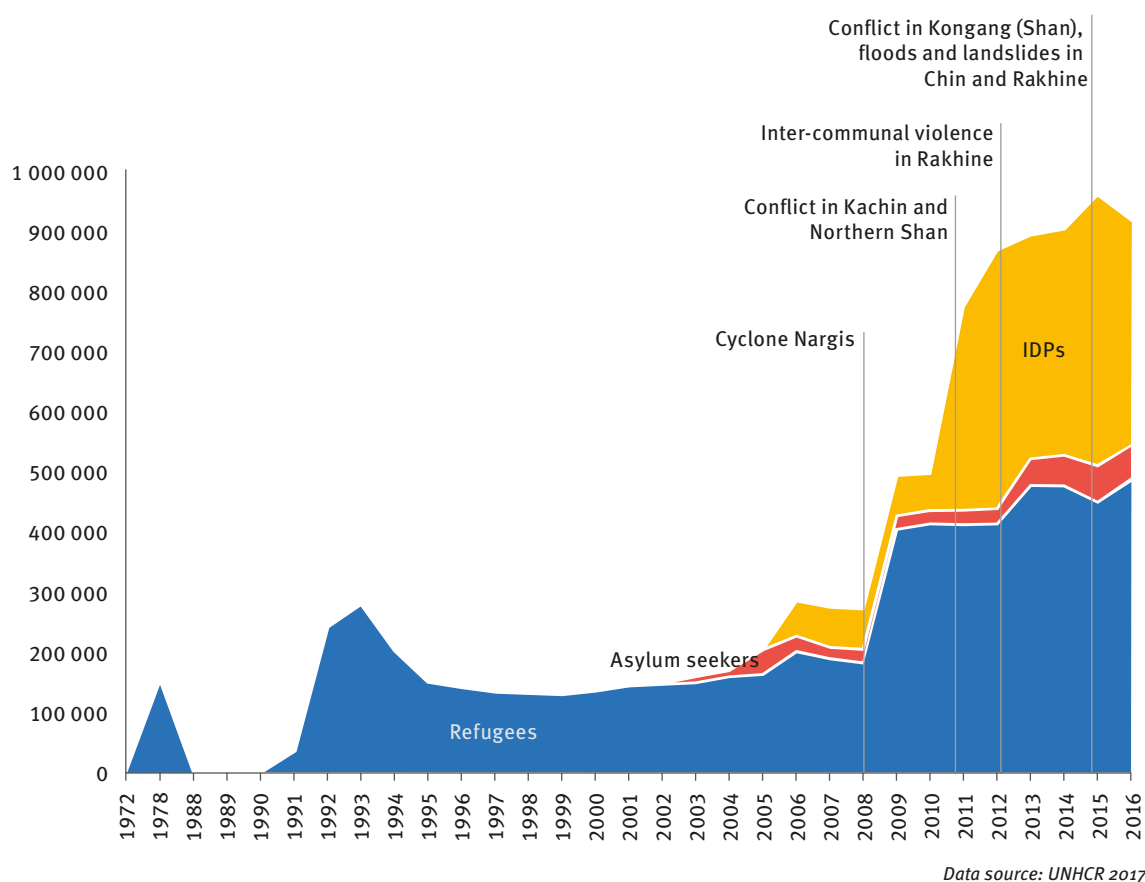
56

Data source: UNHCR 2017

Figure 16. Displacement of Myanmar population over time

Refugees and IDPs

Estimates from the United Nations High Commissioner for Refugee place Myanmar as the world's eighth largest source country of refugees in 2016, behind DRC Congo and the Central African Republic, and ahead of Eritrea and Burundi (UNHCR 2016: 17). Myanmar has been in a state of conflict since independence in 1948, with armed conflict flaring at regular intervals. However, as shown in Figure 16, displacement has increased significantly in recent years. Data on internal displacement from before the political thaw are less reliable than those from recent years, and the figures may be too low. However, refugee data gathered in other countries than Myanmar are likely to be accurate further back in time.

Armed conflict may drive displacement through the following mechanisms (after McAvoy and Bloomfield 2017: 2):

- physical assaults by police, border guards and military forces
- people-smuggling and -trafficking across international borders
- displacement due to hostilities between military forces and non-state armed groups
- appropriation of land by the military for commercial use
- repeated displacement due to fighting around IDP sites
- protracted displacement, with few prospects for return or durable solutions, because of ongoing hostilities, landmines, land grabs and the risk of inter-communal violence
- destruction of civilian property, including sources of livelihood, land and property take over by military forces
- loss of access to farmland and property, as well as death and maiming, due to landmines and other explosive remnants of war

- restrictions on movement, compounded by lack of personal documents, affecting access to resources and services, including emergency medical care
- bureaucratic restrictions on humanitarian local and national NGOs, complicating transport of goods, movement of personnel, etc.
- restrictions on the activities of humanitarian personnel, international staff in particular.

Despite the election of Aung Sang Suu Kyi and the ongoing peace process, these mechanisms persist.

The only countries near Myanmar that are party to the 1951 Refugee Convention are Cambodia, China and the Philippines; and of these, only China is a direct neighbour sharing a border with Myanmar. All other countries in the area – Bangladesh, India, Indonesia, Laos, Malaysia, Nepal and Thailand – are non-signatories. This increases the vulnerability of refugees and may also complicate relations among the states in the region, as it did in the case of Rohingya boat-people in 2015, whom none of the states were interested in accepting (Ullah 2016: 285).

Groups of migrants

Conflicts in five parts of Myanmar contribute to forced displacement: Chin, Kachin, Kayine, Rakhine and Shan states. This is reflected in the various groups of displaced persons, discussed briefly here.

Camps on the Thai side of the Myanmar–Thailand border house some 104 000 people from Myanmar (as of September 2016: MPM 2016). Almost all refugees in these camps belong to the Karen and Karenni ethnic groups, with a few of the Burman, Mon and other ethnicities. While many Myanmar IDPs and refugees have been displaced in recent years, the Thai camps have existed since 1984, first as loosely organized village-type settlements and from 1995 as controlled, large-scale camps. Support from international organizations has waned over the years, for several reasons: the long duration of the problem, the political transition and peace process in Myanmar, dwindling aid budgets – and dramatic new crises of forced displacement elsewhere in the world, related to the

conflict in Syria in particular. Aid organizations have been accused of reducing rations and other benefits to camp dwellers in order to pressure them to return to Myanmar (Phan 2014). At the same time, there is a high level of aid dependence in the camps (Tschirhart et al. 2017).

The Myanmar government sees the Rohingya as Bengali Muslim immigrants and does not recognize them as citizens of Myanmar. They are thus *de facto* stateless, which puts them in an even more problematic situation than other Myanmar forced migrants. Many Rohingya refugees living in refugee camps in Bangladesh suffer from stress, depression and trauma, due both to experiences in Myanmar and to conditions in the camps (Riley et al. 2017: 304).

Given the depth of ethno-religious animosity and the prevalence of the idea of national races (*taingyintha*) in Myanmar society today, the Rohingya forced displacement issue is unlikely to find an easy solution in the near future. Prospects for solutions are further weakened by the entanglement of the interethnic relationship with the ongoing complex political processes involving the military, other political forces, and civil society more broadly (van Klinken and Aung 2017: 353; Cheesman 2017). Ethnic tensions with the Rohingya are a card that the military can play against the NLD and other actors, who cannot do much about the problem at the moment. Aung San Suu Kyi remains ambivalent about the Rohingya. Probably the first step towards changing this situation is to limit the activity of religious and civil society organizations that contribute to interethnic animosity.

Turning now to the ethnic Chin, the majority today are Christian, not Buddhist or Muslim. Sexual- and gender-based violence (SGBV) is widespread in the various conflicts in Myanmar, but especially many Chin women and children have experienced sexual abuse and exploitation in India (Zahau and Flemming 2014).

Climate change and natural disasters

Myanmar has been ranked as the world's second-most sensitive country to climate change (Kreft et al. 2017: 6). It is also one of the 15
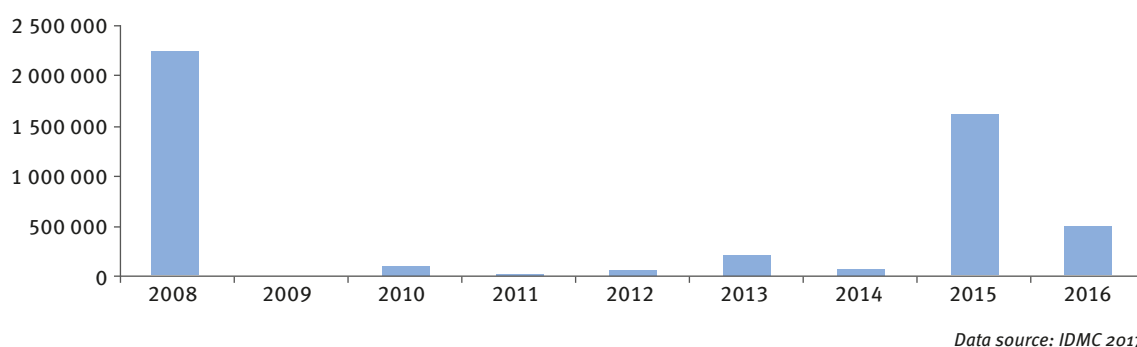
Figure 17. New internal displacement due to natural disasters

countries where 80% of the world's population exposed to severe flooding is located (Brakenridge et al. 2017: 81). The monsoon brings heavy rains to mountainous and river delta areas from May to October, displacing many people every year. In cities, the situation is exacerbated by under-dimensioned and badly maintained drainage systems; in the countryside, river and dam erosion are the main problems.

The worst natural catastrophe to have struck Myanmar was Cyclone Nargis in 2008 (Figure 17). In addition to widespread material damage, it left over 380,000 people dead and even more injured, traumatized, homeless and without access to food (Brackenridge 2017: 81). Poor governance was a key reason for the impact of Cyclone Nargis (Howe and Bang 2017: 58; Seekins 2009: 717), exacerbated by the refusal of the military government to allow foreign aid organizations access to affected areas (Junk 2016: 78; Barber 2009; Selth 2008b).

Was Cyclone Nargis caused by climate change? If so, more devastating cyclones may be expected in the future as the climate continues changing. On the other hand, it is important to avoid drawing broad inferences about climate change on the basis of one or a few weather events; moreover, what research does exist on this topic is largely based on theory and models (Knutson et al. 2010: 157). There is a long history of tropical cyclones in the Bay of Bengal (Espejo et al. 2016: 379). Other than Cyclone Nargis, recent tropical cyclones in the area include Cyclone Laila in the Bay of Bengal and East India in 2010, and Cyclone Gonu which started West of India in

2007. Historically, it is often Bangladesh that has been hardest hit, for example by Cyclone Bhola in 1970, Cyclone Gorky in 1991 and Cyclone Sidr in 2007 (Mallick et al. 2017). However, as Bangladesh and Myanmar are neighbouring countries, the experiences of Bangladesh are also relevant for Myanmar (Tasnim et al. 2015: 1619).

Climate change is expected to *reduce the frequency* but *increase the intensity* of tropical cyclones (Walsh et al. 2015; Climate Council 2017: 1). This is because cyclones are caused by differences in temperature between warm sea and cold air. With the earth's atmosphere heating up more than tropical seas, this difference is expected to become less (DeMaria et al. 2001; IPCC 2012). However, the peak wind speeds and precipitation of cyclones are driven by the heat of the ocean (Emanuel 2000; Wing et al. 2007). As oceans also become warmer, cyclones may become more intense. A scenario of fewer but harsher cyclones is not positive for Myanmar: it would probably be better to have the impact spread across many smaller storms instead of gathered in a few massive ones that cause devastation on the scale of Cyclone Nargis.

Sea level is an important factor in the damage caused by cyclones in Myanmar and neighbouring countries. Much of the damage done by Cyclone Nargis was related to a tidal storm surge of 3 to 4 meters, which extended 50 km upstream on the Yangon River (Tasnim 2015: 1619). As the world becomes warmer, the ice in Antarctica and Greenland is expected to melt, leading to rising sea levels. Regardless of the frequency and intensity of tropical cyclones, rising sea levels are likely to exacerbate their impact.

It should also be noted that Bangladesh is characterized by a combination of large population, small surface area, low elevation above the sea and even greater frequency of extreme weather than Myanmar (Stojanov et al. 2016; Saha 2017; Islam and Shamsuddoha 2017; Roy 2017; Bose 2016). Independently of shrinking surface area due to rising sea levels, should the population of Bangladesh continue to grow at the current rate, it will have another 40 million people to house and feed in twenty years. Also Bangladesh's other neighbour, India, is heavily populated, and its entire eastern seaboard is low-lying and prone to flooding. India is thus not likely to welcome large numbers of Bangladeshis. Should sea levels rise significantly, Myanmar will be affected some way or another. Moreover, Myanmar's exposure to climate change poses significant risks in terms of rising tensions with the neighbouring countries and within the ASEAN region (Overland et al. 2017).

The humanitarian effort

From 2016 to 2017, OCHA (the UN Office for Coordination of Humanitarian Affairs) reduced the estimated size of the Myanmar population in need of humanitarian aid from over 1 million to 525,000 (OCHA 2017: 3). Local and national NGOs play an important role in providing humanitarian relief in Myanmar: they are familiar with local conditions, are sometimes well coordinated among themselves, and cooperate well with international organizations. OCHA (2017: 3) recommends giving them increasing responsibility.

Both the displaced Muslim population in Rakhine and the people living in refugee camps in Thailand have become highly dependent on humanitarian aid (McAvoy and Bloomfield 2017: 3). Some actors argue that humanitarian action must give way to long-term development aid in Myanmar in order to support the peace process and normalization, as well as to encourage greater responsibility on the part of the Myanmar government. This is a type of discussion that takes place in many countries in transition. Should views among aid actors become overly divergent, it may pose a challenge for coordination.

Here it may be helpful to note experiences from other countries, such as Afghanistan after 2002 and South Sudan after 2011 (McAvoy and Bloomfield 2017: 3). In both places, the diplomatic push for a transition from humanitarian relief to development aid led to lack of attention to the continuing conflict, with failure to recognize escalation and limited response to the humanitarian effects of conflict. Certainly, there has been significant progress in Myanmar; however, it is essential to find a balance between recognizing and supporting change, and avoiding premature disengagement from humanitarian issues.

Conclusions

As regards forced migration, the situation between ca. 2007 and 2017 become even worse than before the political thaw. Myanmar still ranks among the 36 countries in the world with the highest levels of chronic malnutrition, with much of the problem concentrated in Rakhine State (OCHA 2017: 8). In the context of Myanmar's opening to the outside world, and the election of Aung Sang Suu Kyi as State Counsellor and the peace process, it is easy to overlook this disturbing fact (OCHA 2017: 3).

There should be considerable scope for the return of migrants, especially from the refugee camps in Thailand. However, such return must be based on pull and not push measures (Thet 2016: 995; see also Moretti 2015). Also for labour migrants, there could be some scope for return, as Myanmar desperately needs people to fill many new roles in its transitioning economy. In practice, however, it seems more likely that net outbound labour migration from Myanmar will grow and diversify, with the growth of neighbouring economies and the wages paid to their local workforces.

Cyclone Nargis was a uniquely severe event. However, in a country and a region where harsh weather is frequent, the government should be better prepared than it is. Lack of openness is much less of a problem now than it was in 2008, and should make a great difference. However, the authorities still have a way to go as regards

proactive management. New forecasting methods enable better warning of imminent cyclones and their geographical impact, thereby also making it possible to mitigate damage (Ozcelik et al. 2012). However, utilizing such capacities will require good governance on the part of the Myanmar state.

Myanmar government institutions need a better understanding of climate change and its impacts – both the direct impacts on Myanmar, and indirect impacts via neighbouring countries such as Bangladesh. Moreover, Myanmar state officials have limited technical capacity to participate actively in and handle international climate change negotiations;[9] likewise with implementation of environmental agreements in the country (UNDP 2016: 64). Climate change may seem to be an abstract and remote problem for a country with many more immediate concerns – like the peace process, poverty and the Rohingya issue – but that impression may be misleading. Moreover, the problems of climate change, migration and the Rakhine crisis are all deeply interconnected.

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9   According to UNDP (2016: 64), 'This applies both to negotiation capacity regarding implementation of existing agreements as well as design of new agreements and amendments to existing agreements. Capacity needs include language skills, negotiation skills and technical skills concerning the topic areas concerned by the agreements.'

6. Main human rights challenges

During military rule, Myanmar was seen as one of the worst countries in the world in terms of human rights. Severe and large-scale violations of civil, political and social rights were documented in numerous reports from international and local organizations (Buzzi 2016). Throughout the period 1998 to 2011, Freedom House gave Myanmar the worst score (7 out of 7) on civil liberties and political rights, persistently labelling the country as 'not free' (Figure 18). Their key indicators showed some improvements under the USDP government, when the restrictions on public debate, media and public assembly were relaxed while the possibilities for political participation improved, especially after the 2012 by-elections. The USDP government also made progress in ending hostilities through ceasefire agreements, thus reducing war-related human rights abuses in ceasefire areas.

However, the 2011–2015 period was also marked by weak enforcement of the rule of law, arrests of political activists for 'unlawful demonstrations', and new restrictions on media freedom, including arrest and imprisonment of activists

and journalists. Additionally, the country was shaken by resumed and intense warfare in the Shan and Kachin States, as well as discrimination and violence against Rohingyas and Muslims (Kyaw 2015). The government failed to protect victims and punish perpetrators. Freedom House thus notes a worsening of civil liberties in its 2015 report. Lastly, the USDP government period was marked by widespread land-grabbing and socially irresponsible business projects.

Freedom House further notes that Myanmar has seen new improvements associated with the successful conduct of the 2015 elections, notwithstanding the disenfranchisement of the Rohingya minority (Lidauer 2016). The change of government has been followed by promising policy initiatives – but also the persistence of deep-rooted impediments, including constitutional empowerment of the military, repressive legislations and weak rule of law. In 2017, the status for civil liberties and political rights has improved to 5 out of 7 on the Freedom House scale: Myanmar's freedom status was 'partly free', for the first time.
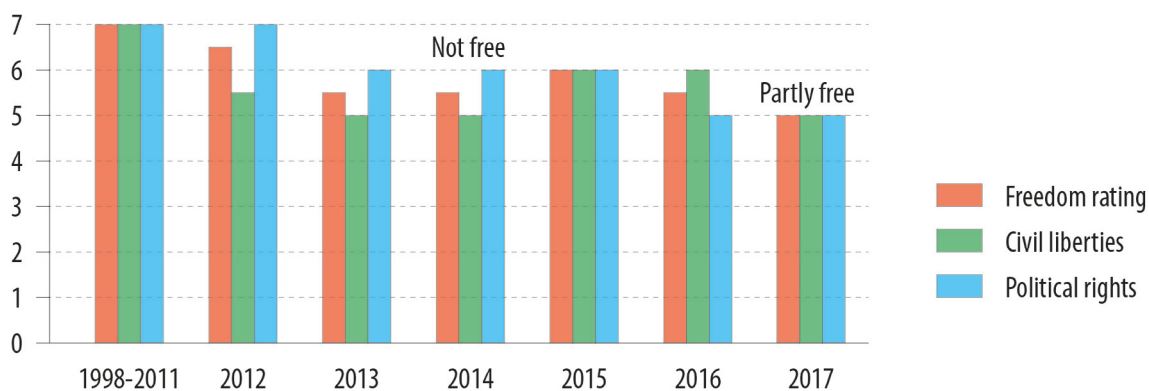

Data source: Freedom House 2017

Figure 18. Myanmar's freedom status, 1998–2017

International human rights organizations like Human Rights Watch (2017) and Amnesty International (2017) confirm these improvements since 2011, but also find that there has been little or slower progress in key areas, and that there are many persistent and serious human rights concerns. In particular, the 2016/2017 annual reports from both organizations point to human rights abuses in the context of ethnic armed conflicts; discrimination and violence against the Rohingya minority; restrictions on freedom of expression; abuses of women's rights; and lessened international scrutiny of human rights.

Ethnic conflicts and army abuses: Continued warfare between the army and EAOs in northern Myanmar has resulted in human rights violations against civilians and large-scale displacement. Government forces have been responsible for serious abuses, including extrajudicial killings, torture, sexual violence, and destruction of property (Lahpai 2014). There is also fighting in Northern Shan State between the Ta'ang National Liberation Army (TNLA) and the Restoration Council of Shan State/Shan State Army (RCSS/SSA), at times supported by the army. Armed clashes in Kayin State, between a splinter group of the DKBA and the army/BGFs, have also resulted in displacement of civilians. The NLD government has engaged armed groups and other ethnic stakeholders in the Panglong peace process, but the war on the ground has continued unabated. Human Rights Watch (2017) thus concludes: 'violence over the past five years has left 220,000 people displaced nationwide – 120,000 in Rakhine State and 100,000 in Shan and Kachin States'.

Abuses against the Rohingya: The Muslim minority, the Rohingya in particular, continue to face discrimination and violations of human rights (Kyaw 2015). The denial of citizenship for the Rohingya is a core concern behind the continuing abuses of rights, including restrictions on movement; limitations on access to healthcare, livelihood, shelter, and education; arbitrary arrests and detention; and forced labour (Mahmood, Wroe, Fuller, & Leaning 2017). The situation deteriorated after attacks by the Rohingya Salvation Army (ARSA) on border police posts in northern Rakhine State in October 2016. This was followed by 'clearance operations' in which the armed forces collectively punished the Rohingya population through random shooting, unlawful killings, arbitrary arrests and sexual violence. The area was sealed off, denying access for humanitarian aid groups, independent media, and rights monitors. In August 2017 there were new clashes between the army and ARSA, after the report from the Advisory Commission on Rakhine State (2017) had been issued. This was followed by large-scale human rights abuses and forced displacement of Rohingya. While the NLD government has announced a repatriation process based on a 1992 agreement between Myanmar and Bangladesh, there are serious concerns about how the verification process can be conducted when most Rohingya lack the required documentation for citizens or residents of Myanmar. And even if displaced Rohingya are allowed to return, they are likely to face continued discrimination and abuses, despite promises from the government that the recommendations in the report of the Advisory Commission on Rakhine State regarding security, development and human rights will be implemented. The 2017 crisis in northern Rakhine is thus a grave human rights crisis that also might deepen anti-Muslim sentiments and violence, destabilize the government and remilitarize government and public administration.

Freedom of expression and assembly: After the 2015 elections, the new NLD government released political prisoners and detainees in a series of amnesties. The new government also initiated a review of repressive laws, including those that had been used to imprison peaceful critics of former governments. However, other repressive laws have remained in force: for instance, restrictions on the rights to freedom of expression and assembly. Human rights defenders, lawyers and journalists continue to face intimidation, harassment and surveillance by the authorities.

While relaxation of press censorship has been a key hallmark of the democratic transition, laws

remain that can be employed to restrict media freedom. Several activists have been arrested under section 66(d) of the Telecommunications Act for defamation of the army or the government in social media. Arrests and prosecutions for participation in peaceful assemblies have also continued, although on a smaller scale, and have included arrests of student leaders, environmental demonstrators and labour rights activists.

Women's rights: Justice for women and girls remains elusive, particularly with regard to violence related to armed conflict (Hedström 2016). Sexual violence by the armed forces has been frequent and exacerbated in the context of renewed violent clashes in Kachin and Shan States (Ying 2016). Women in conflict zones and displaced or stateless women are especially vulnerable to abduction, sexual violence, and exploitation. Despite their central role in human rights and democracy activism, women and their concerns have also been marginalized in the various peace process initiatives. Moreover, the civil rights and liberties of women are restricted; their freedom of movement is limited, and there are no legal provi-

sions for female participation in political processes at the local or national levels (NORAD 2015: 96).

Lack of accountability: Dealing with human rights abuses is hampered by the near-total lack of accountability, and there is no institutionalized complaint mechanism. The institutional and legislative framework is insufficient for holding human rights violators to account and delivering justice to victims, so most perpetrators continue to evade punishment. International scrutiny of human rights in Myanmar has become weaker, as the political opening has been met by wide and enthusiastic support and a reluctance to voice criticism. For the first time in 25 years, the UN General Assembly refrained from adopting a resolution on Myanmar, after the EU decided not to submit a proposal.

In this situation – with continued abuses of human rights, a legal framework that still facilitates restrictions on civil and political liberties, and inability to prosecute violations of human rights – human rights remain a key concern, despite the promising democratic opening and political reform initiatives.

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