

Myanmar's Democratic Backsliding in the Struggle for National Identity and Independence

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When Myanmar's ruling military junta transitioned to a nominally civilian government in 2011, observers around the world asked whether one of Asia's most repressive regimes was finally breaking with its authoritarian past. In 2015, the opposition National League for Democracy (NLD) swept the general elections, winning the majority in the national assembly (Pyidaungsu Hluttaw) from the pro-military Union Solidarity and Development Party (USDP). Democracy icon and former political prisoner Aung San Suu Kyi and the NLD formed a government in a power-sharing arrangement with the military (Tatmadaw), raising domestic and international expectations about Myanmar's democratization process. However, that optimism was short-lived. Myanmar has exhibited troubling signs of democratic backsliding and egregious rights violations. Democratization has increased political space for aggressive ethno-nationalists who spread hate speech via Myanmar's new social media communities. Since 2016, sectarian violence in Myanmar's Rakhine State has driven hundreds of thousands of Rohingya people into neighboring Bangladesh. Refugees have related horrifying accounts of rape, mass killing, and the razing of entire villages by Rakhine Buddhists and Tatmadaw soldiers. Such accounts have been supported by independent international investigations, resulting in accusations of crimes against humanity.¹

To the dismay and growing outrage of Myanmar's international supporters, the NLD-led government and Aung San Suu Kyi have largely rejected these accusations and stymied more transparent inquiries. Myanmar's government has also fallen short of expectations that it would dissolve longstanding limits on civil liberties; instead, it has employed some of those junta-era regulations and expanded anti-defamation laws, restrictions on interreligious marriage and religious conversion, and discriminatory birth control laws.² In response, various civil society organizations and governments have rescinded honors that they conferred upon Aung San Suu Kyi for her human rights advocacy, and there have been calls to revoke her Nobel Peace Prize. Democratic backsliding has also prompted some foreign governments to renew economic and political sanctions.³ As a result, Myanmar's leaders are turning to China for support.

What accounts for the regression of Myanmar's politics and what are its implications? We argue that Myanmar's democratic backsliding stems from its unfinished nation-building. Aurel Croissant divides democratic transitions into two stages: 1) the transition from authoritarianism to electoral democracy, and 2) the transition from electoral democracy to liberal and fully consolidated democracies.⁴ In Myanmar's case, the absence of agreement over national identity has thwarted the transition from a new electoral democracy to a consolidated liberal democracy. Specifically, tension exists between a vision of Myanmar as a functioning civic polity inclusive of Myanmar's great diversity versus a cultural-ethnic polity centered on Buddhist and Bamar identity. This acrimonious and sometimes violent contestation involves different groups seeking to capture institutions to further their own identity goals. Without agreement on the fundamental nature of the state, minority and civil rights, as well as civil-military relations, remain mired in identity-based conflict. This matters because failed democratization promises more bloodshed, greater repression, diminished international stature, and increased economic reliance on foreign partners that do not lecture on human rights but may exact a high strategic price for supporting Myanmar. This essay takes stock of Myanmar's democratic backsliding, unfinished nation-building, and challenges to national autonomy, and concludes with prospects for further democratization.

Assessing Myanmar's stalled democratization

The history of Myanmar's democracy has been one of fits, starts, and long delays. Since its independence from Britain in 1948, Myanmar's politics has struggled with colonial legacies, economic disparities, failed socialism, ethnic conflict, and prolonged periods of military rule. Myanmar's contemporary history suggests that the military knows how to maintain internal discipline and contain (if not totally defeat) its enemies, but not how to make peace or grow the economy. Yet, the seven-step roadmap to democracy announced by the military government in 2003 turned out to be much more than a piece of paper.⁵ Although the 2008 constitution enshrined the political power of the military and emerged from a less than democratic process, the junta led by Than Shwe dissolved itself in March 2011. Former general Thein Sein became president and presided over meaningful reforms and opening despite numerous setbacks, especially in the peace process with ethnic minority groups. The 2015 general election was freer and fairer than most critics expected. As in 1990, the NLD won a resounding victory; this time, however,

it was allowed to claim its seats in the national assembly and form a government. For many international observers, the 2012 by-elections were a turning point because Aung San Suu Kyi entered parliament and the Tatmadaw demonstrated willingness to coordinate policy. For others, the watershed came in 2016 when the NLD-led government took over from the military-backed USDP and entered into a difficult but unprecedented power-sharing arrangement with the military, which continues to strongly influence state bureaucracies. Regardless, both the military and the NLD bear responsibility for Myanmar's policies and political future.

Where does Myanmar's democracy stand today? Wolfgang Merkel proposes a set of political characteristics that combine to constitute stable, embedded, liberal democracies: a democratic electoral system, political rights of participation, civil rights, horizontal accountability—the extent to which different parts of the government can scrutinize or limit each other's power—and the governing effectiveness of elected representatives.⁶ In all of these dimensions, Myanmar exhibits notable deficiencies and some evidence of backsliding after initial gains since 2011. Three issues contribute significantly to Myanmar's democratic deficit: 1) defining citizenship in ethnic terms; 2) the use of restrictive laws to suppress political dissent and control ethnic minorities, and 3) governing structures that allow certain political actors to override or circumvent the constitution.

Problematic terms of citizenship

The question of citizenship cuts across multiple dimensions of democracy. Citizenship determines who is able to stand for election (passive suffrage) and who is able to vote (active suffrage). Criteria for citizenship also determine who is eligible to enjoy the full rights and privileges of participation in public life. When the Union of Burma was established in 1948, it was a multiethnic polity. The 1948 Union Citizenship Act defined citizenship in primarily civic terms. One did not need to belong to a particular ethnic group to become a citizen. In general, a person could become a citizen of the Union of Burma if their ancestors had lived in any its territories for at least two generations and if they and their parents had also been born there. Those born after the Union's establishment could become citizens if they had been born to at least one citizen parent or if they applied for and fulfilled the conditions for naturalization—being at least eighteen years of age, maintaining continuous residency for at least five years, possessing good character and the ability to speak any indigenous language, and intending to remain in Burma permanently or else to work in the service of the Union government or in a religious, charitable, or commercial undertaking established within Burma.⁷

This civic conceptualization of citizenship has given way over time to an increasingly ethnocentric one.⁸ In 1982, Burma passed a new Citizenship Law that limited full citizenship to members of ethnic groups that the government had designated as present in Burma prior to 1823, the year before it became a British colony.⁹ Reasons cited for the law include the perception within Burma that Indians and Chinese had disproportionately benefited from British colonization, as well as the belief that migrants from neighboring countries would overwhelm the indigenous population.¹⁰ Those who qualified for

citizenship under the 1948 law but not the 1982 law could be granted associate citizenship, but only if they had already applied for citizenship under the 1948 law.¹¹ An additional category—naturalized citizenship—was created for those who had resided in Burma prior to 1948, whose children were born in Burma, who had not applied for citizenship by the time the 1982 law was promulgated, and who could provide “conclusive evidence” of the foregoing.¹² The law grants the government broad discretion to restrict the rights of associate and naturalized citizens as it sees fit, without any explanation, as well as to revoke such status altogether.¹³ As a result of the 1982 law, significant numbers of ethnic Chinese, Indians, Rohingya, and others are required to produce documentation demonstrating that their families had indeed resided in Burma before 1823 in order to claim citizenship—a barrier that many find insurmountable. Consequently, they are forced to accept abbreviated citizenship rights or in many cases are rendered stateless altogether, even if their families have lived in Myanmar for generations.¹⁴ In practical terms, associate and naturalized citizens may be prevented from obtaining certain professional qualifications (e.g. law or medicine) and accessing higher education.¹⁵ While current election law allows associate and naturalized citizens to vote for members of the national assembly, only full citizens may stand for election.¹⁶ Even where formal rights to stand for office exist, de facto abridgment of those rights remains. For example, during the 2015 general election, no major political party (including the NLD) nominated Muslim candidates. This was partly due to the exclusion of Muslim candidates by election commissions that questioned their citizenship, but also due to fears among political parties that widespread anti-Muslim sentiment would harm their electoral prospects.¹⁷

Like the right to run for office, the right to vote is not universal, either, as illustrated by the mass disenfranchisement of ethnic Rohingya in the lead-up to the 2015 general election. Though excluded from citizenship under the 1982 Citizenship Law, many Rohingya obtained temporary registration certificates (“white cards”) that allowed them to remain in Myanmar. The military junta allowed “white card” holders to vote in the 2008 constitutional referendum and the 2010 election, allegedly in the hopes that it would boost the USDP’s votes.¹⁸ In February 2015, the Thein Sein administration briefly granted “white card” holders the right to vote in a proposed constitutional referendum. However, facing popular outrage led by Buddhist nationalists, it quickly backtracked and declared that the “white cards” would instead be invalidated and collected. This move effectively disenfranchised hundreds of thousands of ethnic minorities, primarily Rohingya but also including large numbers of Chinese and Indians not eligible for automatic citizenship.¹⁹

Laws on anti-defamation, race, and religion

Myanmar has also retained a number of laws that severely limit civil rights. The Laws for the Protection of Race and Religion, which were passed in 2015 under the Thein Sein government and championed by Buddhist nationalists, required government permission to change one’s religion, restricted intermarriage between Buddhist women and non-Buddhist men, and allowed local governments to limit the number and rate of births in designated regions under poorly defined conditions.²⁰ Such legislation has largely targeted Muslims.

Also troubling has been the government's use of broad-ranging legislation to arrest and prosecute journalists, activists, social media users, and others for criticizing the government or discussing sensitive topics.²¹ In December 2017, Reuters journalists Wa Lone and Kyaw Soe Oo were arrested in Yangon when they arrived at a meeting with purported police informants who claimed to give them documents relating to a mass killing of Rohingya in Rakhine State by Tatmadaw forces. Both reporters were charged with violating the 1923 Official Secrets Act and faced up to 14 years in prison. After more than eight months in pretrial detention, during which they were awarded the Pulitzer Prize for their reporting, they were each sentenced to seven years despite testimony from a police captain that they had been entrapped. Although both were released in May 2019, the episode is a high-profile example of how political and civil rights are not secure under the NLD-led government.

Institutional loopholes and the risk of constitutional override

Myanmar's democracy still struggles to specify and implement the rule of law. Transparency International rated Myanmar 29 out of 100 (where closer to zero is more corrupt) in its 2018 Corruption Perceptions Index, placing it in the bottom 30% of countries worldwide.²² Corruption remains endemic, especially in extractive industries and other areas that are poorly regulated or that were captured by cronies of the military junta. To consolidate democracy, Myanmar requires further institutional development. Notably absent are horizontal accountability and the effective power to govern being in the hands of democratically elected representatives.

Although Myanmar's constitution theoretically separates legislative, executive, and judiciary powers, reciprocal checks are weak in practice. The national assembly (Pyidaungsu Hluttaw), which comprises a 440-seat lower house (Pyithu Hluttaw) and a 224-seat upper house (Amyotha Hluttaw), has the power to make laws. However, one-fourth of the seats in each house is reserved for unelected representatives of the Tatmadaw.²³ This effectively grants the military veto power over any constitutional amendment (which requires assent from more than 75% of the Pyidaungsu Hluttaw) and enables it to preserve its constitutionally mandated privileges.²⁴

The president and first and second vice-presidents are not elected directly by the people but instead by an electoral college comprising Pyidaungsu Hluttaw members.²⁵ On paper, the president is answerable to the Pyidaungsu Hluttaw.²⁶ However, the Tatmadaw wields influence over the executive through the National Defense and Security Council, which comprises the president, both vice-presidents, the speakers of both Hluttaws, the commander-in-chief and deputy commander-in-chief of the Tatmadaw, and the ministers for Foreign Affairs, Defense, Home Affairs, and Border Affairs.²⁷ The latter three ministers are nominated by the Tatmadaw commander-in-chief.²⁸ Additionally, because of how the president and vice-presidents are elected, one of the three is nominated by the military.²⁹ Thus, at least six of the Council's eleven members are closely aligned with the military at any given time, and the constitution allows the president to appoint Tatmadaw personnel to other ministerial posts, potentially allowing the military even greater influence on the Council.³⁰

The constitution also stipulates contingencies of national emergency when the military is empowered to take over various governmental functions. These include threats to disintegrate the union or “national solidarity,” or the loss of sovereignty owing to insurgency, violence, or “wrongful forcible means.” In such cases, the constitution allows the Tatmadaw commander-in-chief to assume full legislative, executive, and judiciary functions for the entire country.³¹ While the constitution establishes a legal process for the president to transfer such functions to the military, it is ambiguous as to whether the military must follow that process or if it can simply assert emergency control on its own initiative.³²

The precedent set by Aung San Suu Kyi as the first state counselor also raises concerns about the concentration of power in the executive and the ability of political actors to override the constitution. Pyidaungsu Hluttaw Law 26/2016, which took effect in April 2016, established the position of state counselor and appointed Aung San Suu Kyi to a term equal to that of the president (5 years).³³ The position was explicitly intended to circumvent constitutional restrictions that barred her from serving as president.³⁴ The law, which is only two pages long, tasks the state counselor with providing advice in the interests of the state and citizens without contradiction to the constitution.³⁵ It also allows her to “contact with the Government, Departments, Organizations, Associations and persons to accomplish the objectives of this Law.”³⁶ More important than the text is the manner in which Aung San Suu Kyi has functioned as state counselor. Because of her concurrent posts as minister of foreign affairs and minister of the president’s office, she has been able to wield significant power and assume a higher profile than President Htin Kyaw or his successor, Win Myint, serving as *de facto* head of state and head of government. The primary compromise mechanism between the civilian government and the military appears reliant on the personal relationship between Aung San Suu Kyi and Tatmadaw commander-in-chief, General Min Aung Hlaing, rather than transparent checks and balances.

In sum, Myanmar’s post-junta government is consistent with what Merkel calls a “defective democracy.”³⁷ Although elections are increasingly regular, power is not equitably shared. Civil rights are tenuous and restricted. Government bodies have limited ability to check one another, and unelected officials can potentially wield vast political powers over the population.

Unfinished nation-building and democratic consolidation

Myanmar’s defective democracy can be attributed in large part to its unfinished nation-building. As a multiethnic polity transitioning from authoritarianism toward democracy, it is facing the challenge of binding together by mutual consent what had previously been bound by force under the military junta. Central questions regarding membership in the body politic, the rights of members and non-members, and the relationship between the Union government in Nay Pyi Taw and local governments remain unresolved, helping to fuel Myanmar’s numerous ongoing ethnic conflicts. The February 1947 Panglong Agreement, signed by representatives of the Kachin, Chin, and Shan ethnic groups as well as by General Aung San, the leader of the Burmese government, had promised “full

autonomy in internal administration for the Frontier Areas...in principle” and that “[c]itizens of the Frontier Areas shall enjoy rights and privileges which are regarded as fundamental in democratic countries.”³⁸ The Panglong Agreement was a statement of principle, but agreement on implementation was never reached. Aung San was assassinated the following July. Armed conflict between the Burmese government and ethnic armed organizations (EAOs) seeking self-rule continued. In 1962, a coup d’etat led by General Ne Win initiated a half-century of military rule and prolonged conflict with EAOs. This troubled history has made the “spirit of Panglong” a meaningful but contested symbol for national unity.

Efforts at consolidating Myanmar’s governing authority have varied considerably across different regions. In the northern highlands, beginning in 2009, the Union government employed a combination of bilateral negotiations and force to elicit compliance from EAOs and incorporate them into “border guard forces” under the authority of the Tatmadaw.³⁹ In 2015, the Union government promulgated a Nationwide Ceasefire Agreement (NCA), which controversially purported to supersede existing bilateral agreements. As of May 2019, ten EAOs had signed on to the NCA, but many others have refused to sign, whether because they have existing bilateral agreements or because they seek to renegotiate the terms of the agreement.

The Union government hosted three meetings with NCA signatories—dubbed the “21st Century Panglong Conferences”—in 2016, 2017, and 2018. A fourth conference was originally floated for December 2018 or early 2019 but as of early June 2019 has not yet been scheduled. At the first conference, the Union government excluded NCA non-signatories from full participation. Prior to the second meeting in 2017, several of the non-signatory groups, led by the largest EAO, the United Wa State Party, banded together under the auspices of the Federal Political Negotiation and Consultative Committee (FPNCC) in an effort to renegotiate the terms of the NCA. The FPNCC participated in both the second and third conferences as an observer.

A main point of contention is that the NCA goes beyond merely establishing a ceasefire; it also purports to establish a framework for a permanent political settlement.⁴⁰ Members of the FPNCC insist that principles of a political settlement be negotiated first, before they sign a document agreeing to lay down their arms.⁴¹ In particular, the United Wa State Party controls what is effectively an autonomous statelet supported by revenues from narcotics production, friendly relations with China, and the largest and most powerful military force among the EAOs.⁴² It also deeply mistrusts the Union government; hence, it is unwilling to give up a major bargaining chip by signing the NCA until its concerns about rights are discussed first.⁴³

A look at the FPNCC’s General Principles reveals the chasm between the Union government and the non-NCA signatories’ respective visions of Myanmar’s democratic future. They call for, among other matters: 1) reallocating the 25% of seats in the Pyidaungsu Hluttaw reserved for the military to “disadvantaged groups and ethnic minorities”;⁴⁴ 2) eliminating the Tatmadaw commander-in-chief’s ability to appoint Union-level ministers;⁴⁵ 3) allowing individual “national states” within Myanmar to sign and implement agreements with neighboring countries, to implement their own immigration

control regimes in the name of the Union, and to establish their own economic and trade institutions in neighboring countries, reporting to the Union government;⁴⁶ 4) allowing ethnic armed organizations to maintain independent command structures and personnel arrangements from the Tatmadaw;⁴⁷ 5) allowing ethnic states to autonomously formulate and implement their own industrial policies;⁴⁸ and 6) strengthening Union government investment in medical care, education, transportation, and communication infrastructure.⁴⁹ Many of these demands, if implemented, would require substantial amendments to the constitution. Until Myanmar's central government and EAOs resolve this impasse, democratic consolidation will be difficult.

The situation with the Rohingya in Rakhine State contrasts starkly with that in the northern highlands. Sectarian violence in Rakhine has prompted hundreds of thousands of Rohingya to flee into neighboring Bangladesh, especially since 2016. The Rohingya have long faced resentment and accusations of being illegal migrants, leading to their political disenfranchisement.⁵⁰ The Union government regards the Rohingya as illegitimate political actors. Even the term "Rohingya" is anathema to the Tatmadaw, Rakhine Buddhists, and their sympathizers, who insist that they should be called "Bengali" to emphasize their foreignness. International leaders and media organizations who employ the term "Rohingya" have faced protests or chosen to self-censor.⁵¹

Political change in Myanmar has brought to the surface long-simmering ethnic resentments in Rakhine State. Between September 2012 and April 2013, a Myanmar government commission of inquiry conducted interviews with 1,200 Rakhine Buddhists and 800 "Bengali" individuals following the outbreak of intercommunal violence. The commission reported that Rakhine Buddhists universally responded that they had been warned since youth by their elders about the ill intent of Muslims.⁵² The report attributed such sentiments to the collective memory of intercommunal violence following the Japanese invasion of British Burma in World War II and the resulting power vacuum, including an armed rebellion against the government by Muslim separatists in an unsuccessful bid to establish an autonomous Muslim territory in Rakhine State.⁵³ Although the commission concluded that "there is no hard evidence to show that Bengalis are attempting to control Rakhine State," it reported that 84.7 percent of Rakhine respondents believed that the 2012 violence was attributable to "alleged Bengali efforts to take over Rakhine State."⁵⁴

Complicating the already volatile situation is suspicion by both Rakhine Buddhists and Rohingya toward the Myanmar government, which they blame for failure to protect their respective interests. This has propelled a changing landscape of local ethnocentric political parties. In November 2018, the Arakan National Party (ANP) won a plurality of seats in the Rakhine State Hluttaw following a merger with the Rakhine Nationalities Development Party and the Arakan League for Democracy.⁵⁵ The ANP insists on referring to the Rohingya as "Bengali" and stridently opposes granting them citizenship. The electoral victory emboldened Rakhine Buddhist ethno-nationalists such that moderate voices are finding it increasingly difficult to receive a hearing, even though the moderate position on the Rohingya only favors granting them associate citizenship on a case-by-case basis.⁵⁶ Attacks by the Arakan Rohingya Salvation Army (ARSA) on Rakhine Buddhists, border posts, and police stations since 2016 have bolstered public

support for the Tatmadaw and fed the narrative that the Rohingya are supported by Islamist jihadists.⁵⁷ Cycles of violence will likely worsen ethnic polarization and further complicate democratic progress.

As of March 2019, more than 909,000 Rohingya refugees were estimated to be living in camps around the town of Cox's Bazar.⁵⁸ Amidst mounting international outrage, an independent UN fact-finding commission concluded in 2018 that the Tatmadaw likely committed crimes against humanity and war crimes and acted with "genocidal intent." It recommended that the Tatmadaw commander-in-chief, General Min Aung Hlaing, and five other generals be tried for crimes against humanity.⁵⁹ Hundreds of thousands of Rohingya remain in refugee camps in Bangladesh, unable or unwilling to return to Myanmar for fear of further violence.

For the NLD-led government, while turning a blind eye to the ethnic cleansing and other atrocities in Rakhine harms its international reputation, adopting a more principled stance would likely undermine the government's legitimacy with Rakhine Buddhists and the national Bamar majority, weakening the party's position versus the Tatmadaw, whose cooperation it needs to achieve peace settlements in other ethnic minority areas. The guarantee of 25% of legislative seats for the military means that the NLD will need to win more than two-thirds of contestable seats in the upcoming 2020 election to retain its majority in the Pyidaungsu Hluttaw. If ethnic parties form coalitions with the Union Solidarity and Development Party, they may be able to outflank the NLD.⁶⁰ Hence, Aung San Suu Kyi's government appears to prioritize electoral politics, despite the costs in terms of human rights, nation-building, and international cooperation.

Dilemmas of national autonomy

Myanmar's struggles over national identity strongly relate to its foreign policy, which prioritizes sovereignty and neutrality.⁶¹ The country's autonomy vis-à-vis its neighbors is critical for the prospects of the military stepping back from politics. The Tatmadaw's main principle is nationalism; the military considers itself the primary custodian of national unity and security.⁶² "Discipline-flourishing democracy" is not just a framework for the military to maintain influence or control the speed of reforms; it also reflects the legacies of a monarchical political identity with an almost religiously ordained concept of authority.⁶³ A strong sense of national security and self-determination is thus needed for the Tatmadaw to yield space for democratic institutions and identities to develop.

Myanmar's democratization has a complex interaction with national autonomy and international alignment. Democratic reforms in the 2010s were largely motivated by the country's overreliance on China. The junta's crackdown against pro-democracy actors since 1988 and its human rights abuses—over decades prior and since, especially in ongoing civil wars with ethnic minority groups—resulted in Myanmar's status as a pariah state and isolation under economic sanctions. For trade, investment, weapons, and diplomatic support, the junta and its patronage class became increasingly reliant on China. By 2010, this reliance had reached a level where Myanmar's leaders perceived that sovereignty and non-alignment were being significantly compromised.⁶⁴ Democratic

reforms and diplomatic opening were deemed urgent for economic diversification. But as international criticism ramps up, especially over the persecution of Rohingya people, Myanmar is once again turning to China as the partner of last resort.

Myanmar and China's strategic interests in the bilateral relationship are well documented, largely stemming from a significant shared border, China's energy and maritime access considerations, ethnic Chinese Burmese residents, and Myanmar's need for a capable economic partner.⁶⁵ Given Beijing's strategic and economic priorities and long-standing relations with Myanmar's military leaders, China's foreign policy has been cautious about Myanmar's democratic transition. On the one hand, insofar as a democratic transition protects stability, rule of law, and business contracts, it could create a more favorable environment for Chinese investments. With a political structure conducive to economic development, there would be even more need for upgrading infrastructure, stronger demand for Chinese goods and services, and greater returns for Chinese investors who entered the market early. On the other hand, democratization can increase uncertainty for Chinese interests. Many analysts saw Beijing as caught off guard by the scale and speed of political change in Myanmar.⁶⁶ The indefinite suspension of the Myitsone mega-dam project is a case in point.

Democratization increases the number of stakeholders and can open markets to greater international competition. Chinese efforts at building infrastructure and boosting trade have often elicited domestic backlash because of local displacement, environmental degradation, and alleged corruption.⁶⁷ With greater media and official scrutiny, growing political space for public demonstrations, and more local and national veto players, Chinese investments have met with increasing political friction. Yet, China continues to benefit from its size, proximity and sustained attention to Myanmar in comparison with the country's alternative partners.

ASEAN lacks diplomatic unity and geopolitical levers of enforcement, especially toward China, while Beijing is able to exploit divisions using economic incentives and diplomatic pressure. ASEAN is also divided by anti-democratic trends in other member states. India is rising in the region, but its domestic agenda is long, its Hindu nationalism does not make Myanmar a natural partner, and Pakistan and China are its foreign policy priorities. Japan and South Korea quietly but consistently engage with Myanmar, providing grants, investment, high-quality infrastructure and planning. Investment and technology transfer are growing with new manufacturing plants, but Myanmar's trade with these countries remains at a much lower level than with China. For the United States, Myanmar is primarily a human rights interest and can thus be easily eclipsed by other foreign policy challenges. The Trump administration has shown little interest in human rights and although it has expressed some concern about China's growing influence in Myanmar, it has been less engaged than the Obama administration.

Meanwhile, China has sought to strengthen relations with Myanmar in light of the latter's political developments and renewed isolation on human rights. Beijing continues to support Myanmar at the UN against resolutions critical of its human rights record. China's Belt and Road Initiative can offer Myanmar much-needed economic cooperation

at unmatched speed and scale. Chinese authorities also serve as mediators (though not disinterested ones) with the Northern Alliance and FPNCC.

However, China's support may come at a price to Myanmar's autonomy. Chinese actors seek unrivaled access to Myanmar's market. China may help to shield Myanmar from external pressures for reform and accountability in the name of respecting sovereignty. But the China option may not be helpful for the development of democratic institutions because Beijing does not demand good governance standards of transparency and human rights. Moreover, Myanmar remains dependent on China in its dealings and maintenance of stability with ethnic minority groups near their shared border. For now, Myanmar and China both see a peace process as in their interests. But Chinese actors seem to play both sides in the various conflicts to preserve influence, ensure border security, and protect Yunnan-based businesses.⁶⁸ Myanmar's leaders recognize these trade-offs and worry that increasing reliance on China will make Myanmar more indebted to Beijing, beholden to support Chinese "core interests" such as the South China Sea, and eventually destined to follow a China-led regional order.

Conclusion: envisioning a democratic Myanmar

The trajectory of Myanmar's fledgling democracy is neither linear nor unidirectional. In many respects, individual opportunity, national governance, and foreign policy have improved in the last decade. However, identities are in flux and under stress, not just between ethnic and religious groups, but also between generations. Myanmar's culture of daily life is changing quickly, especially among the youth, with evolving pop culture, expanded information flows through social media and smartphones, and commercialization from increasing international contact and globalization. In this context, the challenge of managing public expectations about economic development and political reform is formidable. Social inequalities are severe, both within cities as well as between cities and the rural areas where a majority of Myanmar's population still resides.

A democratization of Myanmar's international relations is gradually underway as citizens do more abroad. In interaction with international NGOs, there is growing domestic focus on gender and environmental issues and the role civil society can play in building social tolerance and economic capacity. But the government's peace process with ethnic minority groups requires mutual respect of identities and sequencing of reforms in ways that do not damage fragile trust among parties. International assistance and mediation can help if well informed by conditions on the ground. Myanmar needs more international investment, trade opportunities, and technology transfer. Attracting greater engagement by Western countries and support from international financial institutions calls for Myanmar to improve human rights. For major ASEAN partners like Thailand and Singapore, and neighbors like India with interests in expanding economic relations, Myanmar's business environment needs improvement, particularly concerning the rule of law. Regarding China, Myanmar's main challenge may be to ensure that democratic progress and good relations with Beijing are not inversely related.

Myanmar's political institutions lack features that make for stable democracies. Political participation and civil rights are protected on paper but are frequently violated in practice. The 1982 Citizenship Law, with its emphasis on ethnic rather than birthright citizenship, requires large populations to live for generations without the ability to vote or hold public office. Not only does this breed resentment of the government by such populations, but it also strengthens the political forces that advocate for greater independence. The repression of journalists, activists, and other civil society actors stifles public engagement and discourse that can inform the policymaking process.

A hallmark of democracy is the government's accountability to the electorate. However, Myanmar's governing structures provide numerous ways for political leaders to circumvent institutional constraints and public accountability. The constitutional criteria for declaring a national emergency are worryingly vague and the military's powers in such cases are vast and open to abuse. Indeed, the military operates as a virtually independent institution alongside rather than under the government, especially in the ethnic areas where it can create "facts on the ground" by employing force. The NLD-led government's decision to vest Aung San Suu Kyi with broad governing powers not enumerated in the constitution opens a potentially dangerous path by which future governments can circumvent the constitution for their own ends. Both the emergency provisions and the decision to establish such a powerful state counselor position fit Myanmar's historical pattern of attempting to manage political crises by overriding institutions.

Strengthening democratic institutions calls for a more unified vision of national identity. But Myanmar still lacks a coherent national identity entailing an inclusive structure for political participation, a common culture of values, history, and norms that the nation is willing to defend, and an international status that defines a role in the world that is recognized by other countries.⁶⁹ Questions as basic as who can become a citizen, what rights citizens and non-citizens should enjoy, and what powers should be allocated to the central and provincial governments remain subjects of contention and even violence.

Myanmar faces two very different political futures. In the less tolerant future, citizenship is defined as a function of one's ethnic identity. Ethnocentric expressions vary from Bamar chauvinism, to the principles of the FPNCC that maximize autonomy from the Union and minimize Nay Pyi Taw's influence, to the xenophobic narratives of Buddhist nationalist groups like Ma Ba Tha. Such identities drive the proliferation of ethnic political parties and even intercommunal violence, threatening to use democratic space to roll back democratization.

In a more tolerant Myanmar, citizenship would largely be a matter of commitment to common political values. One's identification as a member of an ethnic group would be subordinate to, or at least not take precedence over, identification as a Myanmar citizen. Building this kind of cross-cultural solidarity requires a collective commitment to the idea that all citizens are equal under the law, that the law exists to safeguard fundamental rights, and that no one is above the law. It also requires robust institutions and a professional and politically independent legal system. The regular recitation of common narratives, symbols and goals can remind the Myanmar people of core values and

aspirations that transcend narrow ethnic and sectarian identities and help sustain the “imagined community” of a civic nation.

For Myanmar, more democracy can yield greater security, prosperity, and autonomy. But internal changes, such as those likely to transpire around the 2020 elections, present dangers of foreign policy volatility.⁷⁰ Looking further ahead, where will Myanmar’s democracy be post-Aung San Suu Kyi? There is still much she can accomplish for her country as the most popular politician domestically and the most recognized Burmese internationally. But democracy is about the people, not a person. Democracy requires functioning institutions: political parties that develop policy solutions and the next generation of leadership, and state agencies that uphold rules and norms while accommodating diverse identities under a unifying national identity.

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29. The presidential electoral college is split into three bodies: 1) a group of Hluttaw representatives elected from Regions and States; 2) a group of Hluttaw representatives elected on the basis of township and population; 3) a group of military Hluttaw representatives nominated by the Tatmadaw commander-in-chief. Each body nominates a presidential candidate and the full

electoral college votes. The winner becomes president and the first and second runners-up become first and second vice-president, respectively. *Ibid.*, §60.

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