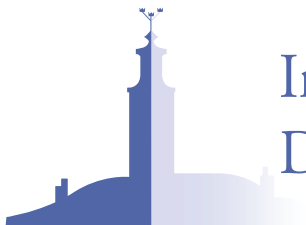


Myanmar's Evolving Relations: The NLD in Government

Kyaw Sein and Nicholas Farrelly



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Cover photo: Aung Khant, *Myanmar Times*. This photo was taken on Day 1 of the Panglong Conference on August 31, 2016, at the conference center in Nay Pyi Taw. The photo features from right to left: President Htin Kyaw; State Counsellor Aung San Suu Kyi; Vice President Henry Van Thio; Speaker of the Amyotha Huttaw/House of Nationalities Mahn Win Khaing Than; Commander-in-Chief of the Defence Services, Senior General Min Aung Hlaing.

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Acronyms

ASEAN	Association of South East Asian Nations
BGF	Border Guard Force
EAO	Ethnic Armed Organisation
JICM	Joint Implementation Coordination Meeting
JMC	Joint Monitoring Committee
MPC	Myanmar Peace Centre
MPF	Myanmar Police Force
NCA	Nationwide Ceasefire Agreement
NDSC	National Defence and Security Council
NGO	Non-Governmental Organisation
NLD	National League for Democracy
NRPC	National Reconciliation and Peace Centre
SPDC	State Peace and Development Council
UPC-21 CP	Union Peace Conference – 21st Century Panglong
UPDJC	Union Peace Dialogue Joint Committee
USDP	Union Solidarity and Development Party

Armed Groups in Myanmar

AA	Arakan Army
ABSDF	All Burma Students' Democratic Front
ALP	Arakan Liberation Party
ANC	Arakan National Council

ANP	Arakan National Party
CNF	Chin National Front
DKBA	Democratic Karen Benevolent Army
KIO	Kachin Independence Organisation
KNPP	Karenni National People's Party
KNU	Karen National Union
KNU-PC	Karen National Union – Peace Council
MNDAA	Myanmar National Democratic Alliance Army
LDU	Lahu Democratic Union
NDAA	National Democratic Alliance Army
NDA-K	New Democratic Army – Kachin
NMSP	New Mon State Party
NSCN-K	National Socialist Council of Nagaland - Khaplang
PNLO	Pa'o National Liberation Organisation
RCSS/SSA-S	Restoration Council of Shan State – Shan State Army South
SSPP / SSA-N	Shan State Progressive Party / Shan State Army - North
TNLA	Ta'ang National Liberation Army
UWSA	United Wa State Army
WNO	Wa National Organisation

Executive Summary

After a long and difficult struggle for more participatory and open politics, the National League for Democracy's (NLD) landslide victory in Myanmar's November 2015 general election prompted celebrations around the world. Following a nervous, but successful, transition to ensure the transfer of power, the first five months in office of the NLD government were an opportunity for Myanmar's democratically elected administration to reinforce its legitimacy and set a foundation for long-term policy success.

This paper charts developments from the transfer of power up until the eve of the Union Peace Conference - 21st Century Panglong—a significant step in the peace process—on August 30, 2016. It describes the formation of the NLD government, the changing role of the legislature, the institutionalizing of Aung San Suu Kyi's position "above the president," as well as accords specific attention to the peace process (including Rakhine state affairs) as a top policy priority for the NLD as it sought to revitalize efforts initiated under the previous administration.

In doing so, analysis focuses primarily on the changing relations between key stakeholders as they adapted to Myanmar's historic new situation. Indeed establishing constructive relations between the NLD, USDP, the Defense Services, and ethnic armed actors, among others, is instrumental not only to internal peace and national reconciliation, but is also key to the country's democratic consolidation. During its first five months in government, there were useful initial indications of how the NLD will seek to manage this complex process in the years ahead. This paper finds that there have been four key areas of relationship change under the new government.

First, relations between the NLD government and the military have been established and improved. The Defence Services and other security sector actors are a significant part of the political landscape in Myanmar, enjoying privileges from

their long-term dominance of Myanmar politics. The NLD has so far experienced a helpful level of cooperation from the military, even though there are still key points of friction, especially around proposed amendment of the 2008 constitution. Nonetheless, the level of understanding between military and democratic forces is arguably at an all-time high, with the prospect of further positive interaction in the legislature where the Defence Services continues to hold 25 percent of seats. The military has to date been willing to play by the established, constitutional rules, for now, and to work with the new government in its implementation of its legislative and executive mandates.

Second, the NLD government has prioritized achieving internal peace and national reconciliation through a reinvigorated peace process and adherence to the Nationwide Ceasefire Agreement (NCA). During its first five months in power, it has significantly shifted the day-to-day administration and composition of the peace process to an increasingly joint structure including parties to the conflict in various configurations—the government, the armed forces, ethnic armed organisations and political parties, representatives of the legislatures and civil society. The new peace bodies have been established or restructured, and those mandated by the NCA to be convened have assembled already. The new government has also spent significant effort trying to overcome challenges of inclusivity and divisions between signatories and non-signatories to the NCA. The record of the first five months make it clear that addressing Myanmar's decades-long conflicts will remain a long-term test of the management style of Aung San Suu Kyi as well as the capacity of the government and their continued political will to address the underlying causes.

As it sought to create a functional administration, the NLD, which has needed to quickly adjust from its previous role as a defiant opposition movement, also faced inevitable capacity constraints. In the third key area of relationship change, it now works closely with the bureaucracy it inherited from the previous semi-civilian government, which also retains many of the features of official culture prevalent under the pre-2010 military regime. Our research indicates that there is goodwill and a willingness to cooperate on all sides. This in and of itself is a significant change and an accomplishment that deserves recognition.

Fourth, the new government has successfully taken control of large sections of the prevailing power structures and built working relations with other key stakeholders to enable further reform. Understandably, consolidating control of the state apparatus remains a work in progress, especially with key security ministries still under the control of serving military officers. The NLD government was able, however, to consolidate power around Aung San Suu Kyi. In her roles as state counsellor, foreign minister, and minister in the president's office, she can effectively control most of the government. Furthermore, the four sub-cabinet committees responsible for the day-to-day administration of the government have been strengthened and have become more active. Additionally, the Rakhine Commission has been restructured, and another domestic-international advisory body established.

In sum, the NLD carries a resounding popular mandate that provides it with the legitimacy to further change the power and political structures in Myanmar. To be successful in achieving this, the government will need to maintain functioning relationships and continue to build trust with all key stakeholders, consolidating its early accomplishments but also learning from inevitable missteps as it took over the difficult responsibilities of office.

Introduction

The National League for Democracy's (NLD) triumphant victory in the November 2015 general election prompted celebrations in Myanmar and around the world. After a long and difficult struggle for more participatory and open politics, the hope was that an elected government could work to right the wrongs of recent political history. With the NLD's resounding mandate for change, taking almost 80 percent of elected seats, the Union Solidarity and Development Party (USDP) government conceded defeat, and the military cooperated in the transfer of power. The NLD subsequently selected Htin Kyaw—a close aide of Aung San Suu Kyi and veteran of the pro-democracy struggle—as “proxy” president. Barred by the 2008 constitution from becoming president, Aung San Suu Kyi was nevertheless adamant that she would remain “above the president.”¹ Following his nomination, Htin Kyaw endorsed her for the positions of foreign minister, minister in the president's office, and later as state counsellor following the creation of this position and its passing into law. In his inaugural speech on March 30, 2016, President Htin Kyaw further took pains to highlight the central role of Aung San Suu Kyi in the new administration: “the government [was] ... formed to be in accordance with the policies of the NLD, and its leader.”² Htin Kyaw then identified four policy priorities for the government's current five-year term: national reconciliation,³ internal peace, constitutional amend-

¹ May Wong, “Appointed president will take instructions from me if NLD wins: Suu Kyi,” *Channel News Asia* 10 November 2015.

² Thin Lei Win and Htet Khaung Linn, “Myanmar's first elected civilian president sworn in,” *Myanmar Now* 30 March 2016.

³ According to the NLD's 2015 election manifesto, national reconciliation is a requirement of ethnic affairs. There are six relevant objectives under the ethnic affairs policy: (i) A Union through solidarity with all ethnic groups; (ii) Political dialogue based on the “Panglong spirit”; (iii) A federal democratic union; (iv) Balanced development between States and Regions; (v) Fair distribution of natural resources; and (vi) Peaceful resolution of differences between ethnic groups. See: The National League for Democracy NLD, “2015 Election Manifesto,” (2015), 5.

ment and socio-economic development.⁴ The achievement of each of these priorities requires significant political, economic, and strategic imagination.

The country's difficult history of conflict and socio-economic underdevelopment ensures that governing Myanmar is an onerous task. The new NLD government faces challenges in all sectors and has sought a cautious and sequenced approach to further reform. There is no escaping the fact, however, that it is faced with exceedingly high expectations, both among the population of Myanmar and the international community. As such, the NLD's first few months in government have been crucial for announcing priority areas, being seen to begin addressing them, and finding areas for quick wins; but perhaps most importantly for building new relationships with the military,⁵ ethnic actors, civil servants, and other key stakeholders to be able to deliver on long-term reform. The NLD government's capacity to reconcile with the military, and others, will directly determine the chances of success for its four stated policy priorities.

At this early stage, the government's assertiveness on corruption, the release of political prisoners and its enthusiastic revival of the peace process, as well as increasing the value of agricultural loans and returning confiscated land to farmers, are all policies that have received widespread popular support. However, domestic media outlets have also criticised the NLD leadership and its approaches to governance. The discovery that two proposed cabinet ministers in key economic portfolios held fake university degrees provoked public discontent,⁶ while particular attention has been accorded to the party's initially erratic approach to policy implementation. A case-in-point was restrictions announced—and then withdrawn—on the sale and consumption of betel nut, a popular stimulant in Myanmar. Further, the government has been slow to announce its full economic package, raising questions among investors anxious to understand the new business climate. At the same time, there were misgivings

⁴ President's Office, "The constitution to be in accord with democratic norms: President U Htin Kyaw" (Nay Pyi Taw: President's Office, 30 March 2016).

⁵ Please note that this paper uses the terms military, Defense Services, and Tatmadaw interchangeably to refer to the same actors.

⁶ See: Ye Mon, "NLD looks into two ministers' qualifications," *Myanmar Times* 24 March 2016.

when Aung San Suu Kyi took multiple roles in the new administration.⁷ Concerns have also continued to be raised about the inadequate government response to human rights violations against Muslim minorities, especially those who self-identify as Rohingya in Rakhine state.⁸ Despite these criticisms, Aung San Suu Kyi's legitimacy and personal popularity remains high in the country and her government faces no immediate prospect of a voter backlash.

How the NLD government confronts its challenges is of significant analytical concern. At the first international Myanmar academic conference since the election, held in Singapore in May 2016, analysts identified four key challenges for the country: "democratization, ethnic peace, civil-military relations, and development (poverty reduction)."⁹ The scholars convened at the conference also expressed concern that Myanmar could slide from "illiberal pluralism" to "liberal authoritarianism" due to the consolidation and centralization of power around Aung San Suu Kyi. It was stressed how all key challenges and concerns rely on a fundamental shift in relations and the ability of the new government to unite disparate groups for common purposes. They also highlighted the importance of the first few months for making progress in this regard and which could pave the way to a more liberal democratic path.¹⁰

Former Minister of Information Ye Htut, who was interviewed for this paper, noted that the "initial success of the NLD government was based on the way that it continued the peace process with renewed vigour."¹¹ However, he identifies a primary weakness to be the overdependence on Aung San Suu Kyi for leadership, with little systemic role for state institutions.¹² In response to these criticisms, senior NLD strategist Win Htein explained to us that the "government is clean and committed and therefore can overcome any inexperience

⁷ "Myanmar's New Government: Finding Its Feet," in *Asia Report No. 282* (Yangon/Brussels: International Crisis Group, 29 July 2016), 5. Henceforth referred to as ICG.

⁸ It should be noted that these complaints had been raised for years against the former USDP government. For example see: The Editorial Board, "Aung San Suu Kyi's Cowardly Stance on the Rohingya," *The New York Times* 9 May 2016.

⁹ "Summary Report of Myanmar Forum 2016" (Singapore: ISEAS-Yusof Ishak Institute, 20 May 2016), 2.

¹⁰ *Ibid.*, 4.

¹¹ Interview in Yangon with Ye Htut, former Minister of Information, on 21 June 2016.

¹² Win Nanda, "The new government first 100-day report card," *Seven Day Daily* 13 July 2016.

and weaknesses.” According to him, “fear and mistrust of the government apparatus have reduced significantly among the general public since the NLD took power.”¹³ This is a point echoed by a senior government officer in Nay Pyi Taw, who interpreted the NLD’s performance from the perspective of what has *not* occurred.¹⁴ Therefore, the lack of a civil uprising, constitutional deadlock, or confrontation between the NLD and the military, are all important signals of co-operation, changing relations between key stakeholders, and progress. According to this senior official, people tend to overlook the government’s success in avoiding confrontation with other powerful institutions and individuals simply because of the lofty expectations placed on the NLD’s performance.

Appraising the first five months of the NLD government, this paper accordingly illustrates its adeptness in reshaping primary relations between key players to achieve its stated policy goals. Notably, too, the military has demonstrated its willingness to play by the established, constitutional rules, for now, and to work with the NLD in its implementation of its legislative and executive mandates. This is not to say the process of establishing trust and constructive relations has been entirely smooth: indeed, it has been a steep learning curve for the NLD and other actors. Nevertheless, it would appear that an early foundation of accommodation and cooperation has been achieved that bodes well for Myanmar’s still-difficult path ahead.

Outline of Paper

This paper analyzes developments in Myanmar up until August 30, 2016, the eve of the convening of the Union Peace Conference – 21st Century Panglong. Events after this date have not been considered. Furthermore, while the economy and foreign relations have also been important dimensions of the NLD’s policy agenda, these fall largely outside the scope of this study, except where noted in the NLD’s 100-day plans. Rather the focus lies primarily on the formation of the new government, the institutionalization of Aung San Suu Kyi’s

¹³ Interview in Yangon with member of the NLD Central Executive Committee, Win Htein, on 23 June 2016.

¹⁴ Discussion with a senior official from the Myanmar legislature on 6 July 2016. The individual preferred to remain anonymous due to their official role.

role, and the NLD's handling of the peace process as well as management of communal tensions in Rakhine State. Running through all these is an emphasis on the changing relations between domestic stakeholders.

Prior to discussing the NLD's arrival to government, however, this paper proceeds by first providing needed context with a brief recent history of Myanmar politics. In doing so, it gives an overview of Myanmar's reform process since the 2010 elections and subsequent formal transition from military rule, through President Thein Sein's administration, up to the 2015 general election.

The next section focuses on the NLD in government. It starts by illustrating the tense five-month transition period between the election result and the transfer of executive power from the USDP to the NLD at the end of March 2016. We examine the NLD's efforts to establish a new administration, analyse the logic of the cabinet formation, as well as examine the changing role of the legislature. We argue that institutionalizing the role of Aung San Suu Kyi was a central focus and concern of the NLD in this early period. Additionally, acknowledging the high public expectations placed on the NLD government's initial policy performance, we consider the 100-day plans the government initiated as what it hoped would be "quick wins."

We then focus specifically on the peace process as a central priority for the new government. First tracing a brief history of the peace process, we then proceed to show how the initial months proved a steep learning curve for the NLD as it sought to reinvigorate the process inherited from former President Thein Sein's USDP-led government. Notable developments include the transformation of the Myanmar Peace Centre (MPC) into a new body called the National Reconciliation and Peace Centre (NRPC) as well as the series of negotiations with Ethnic Armed Organisations (EAOs) leading up towards the Union Peace Conference - 21st Century Panglong Conference held at the end of August. We emphasize the centrality of civil-military relations in the peace process as well as consider some of the key challenges faced. Furthermore, against a backdrop of intercommunal violence between Buddhist and Muslim communities, armed conflict between the Arakan Army and the Tatmadaw, and relative socio-economic underdevel-

opment, the NLD government's approach to Rakhine State affairs is also examined.

Finally, the conclusion provides a summary analysis of the key developments of the first five months of the NLD government and its relations with other key actors.

Methodology

The paper draws on a broad range of primary and secondary sources. In addition to analysis of legislative records and media reports, interviews were conducted by the authors in Myanmar in June and July 2016. These interviews helped to ensure that the analysis benefits from the research team's extensive contacts among Myanmar political, economic, and social actors. In particular, the interviews targeted specific individuals and institutions crucial to the success of the NLD government's unfolding reform agenda.

The research involved the following elements: (i) examination of the major activities of the government in its first five months, drawing on written sources including legislative records and media reports; (ii) interviews with senior and mid-ranking government officials (comprising ethnic minority group administrators) to understand their responses to the NLD government's key initiatives, especially related to the peace process and national reconciliation; (iii) meetings with lawmakers from a range of political parties (including ethnic parties) to clarify their legislative agendas and to understand how they are engaging with the bureaucracy, military, and other stakeholders; (iv) discussions with military officers in order to understand their position on engaging with the NLD-led government, as well as ethnic political parties and EAOs; (v) interaction with other stakeholders such as diplomats, development partners, and community-based organisations to understand their positions on the government's early performance; and (vi) triangulation with media sources where necessary. In so doing, we hope the paper presents unique insights for specialist audiences and offers accessible context for non-Myanmar specialists.

The Path to Change

Transition from Military Rule

For much of Myanmar's recent history, military influence in politics was officially justified by the need for national cohesion in the face of long-running armed conflicts.¹⁵ The most recent period of direct military rule was sustained from 1988 to 2011—decades in which Myanmar struggled with its status as an international pariah amid economic sanctions imposed by the international community led by the United States and European Union (EU).

The seeds for a democratic transition were laid in 2003, however, when the State Peace and Development Council (SPDC), as the then military government was known, announced a seven-stage roadmap to democracy. This stipulated steps for a top-down managed political transition. As part of the roadmap, the SPDC conceived of the 2008 constitution to institutionalize, and thereby safeguard, the role of the military (see Table 1).

With the constitution in place, the SPDC created the USDP as a political party to contest the elections and to govern the country at the behest of the military leadership. The SPDC then held a general election in November 2010. The NLD boycotted the process.¹⁶ With no serious competition, the USDP became the ruling party taking over 80 percent of the vote, and Thein Sein, who had previously served as prime minister and as a senior army general, became president of Myanmar's government.

¹⁵ Ashley South, *Ethnic politics in Burma: states of conflict*, Routledge contemporary Southeast Asia series (London; New York: Routledge, 2008), 13; Nicholas Farrelly, "Discipline without democracy: military dominance in post-colonial Burma," *Australian Journal of International Affairs* 67, no. 3 (2013): 313.

¹⁶ ICG, "The Myanmar Elections," *Asia Briefing No. 105*, 27 May 2010; Neil A. Englehart, "Two Cheers for Burma's Rigged Election," *Asian Survey* 52, no. 4 (2012): 667-72.

Table 1. Institutionalization of the Military's Role under the 2008 Constitution

Defense Services:	2008 Constitution (key provisions)
is autonomous in managing its own affairs.	Section 20 (b) and 291
can play a leadership role in politics.	Section 6 (f)
is the guardian of the Constitution.	Section 20 (f)
can influence the executive.	Section 60 (b) (iii), 201, 232 (b) (ii) ¹⁷
can influence the legislature.	Section 109 (b), 141 (b) and 161 (d) ¹⁸
has its own judicial system.	Section 319 ¹⁹
can take executive and judicial powers in case of a state emergency by presidential decree.	Section 419
has a veto on constitutional amendments.	Section 436 ²⁰

While the Defence Services linked their surrender of absolute political control to the pursuit of “disciplined democracy,” scholars offered different views, such as a failing economy, Western sanctions, Chinese influence, and fear of social unrest as witnessed during the so-called Arab Spring.²¹ One of the more convincing arguments is that the military moved from its “position of strength” when it had sufficiently contained “ethnic-minority insurgencies and pro-democracy

¹⁷ 2008 Constitution, Section 60 (b) (iii) enables the military to appoint one of three vice presidents, one of whom becomes the president; Section 201 forms the powerful 11-member National Defence and Security Council (NDSC) which consists of five active duty military personnel; Section 232 (b) (ii) requires the president to appoint active military service personnel as Union Ministers for Defence, Home Affairs and Border Affairs at the advice of the commander-in-chief.

¹⁸ These sections enable the commander-in-chief to nominate military representation taking 25 percent of seats in all legislatures.

¹⁹ This section reinforces the status of court-martial provisions for military personnel.

²⁰ Constitutional amendment requires more than 75 percent approval in the legislature, which, under current arrangements, grants the military veto power.

²¹ See: Min Zin and Brian Joseph, “The Democrats’ Opportunity,” *Journal of Democracy* 23, no. 4 (2012); Ko Ko Gyi, “Making Sense of ‘Change’ in Myanmar,” in *Belarus-Burma round table* (Prague 2012).

forces and found trustworthy civilian organisations to take over, in the form of [the] USDP.”²²

The USDP Government

When Thein Sein assumed the presidency on March 30, 2011, there were concerns that Myanmar would lurch towards an electoral authoritarian style of government where the pro-military party would control the administration and present no opportunities for opposition voices.²³ Observers regarded the USDP government as quasi-civilian because the majority of its executive leadership were drawn from the ranks of former senior military officers. It was largely male dominated and accustomed to the hierarchical culture of SPDC military rule. To the surprise of some critics, however, the president initiated a far-reaching, top-down executive transition. A hallmark of the new dispensation was the USDP speaker Thura Shwe Mann’s management of the new legislative machinery. Under his stewardship, the legislature functioned as a genuine institution, and despite public suspicion that it was established to rubber stamp legislation, it became increasingly robust as a check on executive power.²⁴

President Thein Sein also implemented a wide-ranging reform agenda focused on political and economic liberalization. Human Rights Watch reported the release of key political prisoners on January 13, 2012, as a crucial development for human rights.²⁵ The press censorship board was abolished and press and internet freedoms were expanded. A modicum of decentralization was also introduced in sub-national administration. Moreover, a by-election was held in April 2012, which saw members of the NLD elected to the legislatures, illustrating further integration of opposition voices, including that of Aung San Suu

²² See, for example, Dan Slater and Joseph Wong, "The Strength to Concede: Ruling Parties and Democratization in Developmental Asia," *Perspectives on Politics* 11, no. 3 (2013): 722. Lee Jones, "Explaining Myanmar's regime transition: the periphery is central," *Democratization* 21, no. 5 (2014): 16.

²³ Adam P. Macdonald, "From Military Rule to Electoral Authoritarianism: The Reconfiguration of Power in Myanmar and its Future," *Asian Affairs: An American Review* 40, no. 1 (2013): 21.

²⁴ Thomas Kean, "Myanmar's Parliament: From Scorn to Significance," in *Debating Democratization in Myanmar*, ed. Nick Cheesman, Nicholas Farrelly, and Trevor Wilson (Singapore: ISEAS Publishing, 2014).

²⁵ See: "Burma: Political Prisoners Released" 13 January 2012.

Kyi.²⁶ On the economic front, the currency was moved from an official exchange rate to a managed float, and foreign telecommunication operators were given licenses after a relatively transparent bid process. Investor-friendly laws were also introduced. Signalling greater responsiveness to public concern, the controversial Chinese-backed Myitsone dam project in Kachin State was suspended in September 2011.²⁷ Arguably the most significant development, however, was the initiation of a nationwide peace process seeking to address more than six decades of conflict. This came to involve numerous stakeholders previously excluded from high-level discussions, such as civil society organizations, ethnic political parties, and EAOs.

To support its work and provide policy guidance, the government approved a number of agencies and think tanks such as the Myanmar Development Resource Institute (MDRI) and the quasi-governmental Myanmar Peace Centre (MPC), both made up of internationally educated academics and former exiled activists. In so doing, the government could circumvent its own ossified bureaucracy and seek advice from specialists from outside the system, notably on issues of economy and peace. These organisations worked closely with reform-minded government ministers, bringing contemporary international policy ideas and advice on addressing differences in opinion between opposition groups and the government. Furthermore, a number of power centres evolved such as the legislature, independent media, formal and informal advisory bodies, religious groups, and local governments.²⁸

After decades of limited diplomatic engagement, Myanmar also proudly started to regain its standing in the international community.²⁹ In 2014, Myanmar for

²⁶ See: ICG, "Reform in Myanmar: One Year On," *Report No. 136*, 11 April 2012.

²⁷ Thomas Fuller, "Myanmar Backs Down, Suspending Dam Project," *The New York Times*, 30 September 2011.

²⁸ Gwen Robinson, "Myanmar's Transition: Economics or Politics? Which came first and why it matters," in *Transitions Forum* (London: Legatum Institute, 2014), 16-20.

²⁹ Prior to economic sanctions, Myanmar was a respected member of the international community. It was well-known at the United Nations for its active contribution in the Trusteeship Council. Moreover, it was a founding member of the Non Aligned Movement and also produced one of the most important twenty-first century statesmen: U Thant, the third Secretary-General of the UN. Former Australian Prime Minister Julia Gillard referred to this reputation during a joint press conference with President Thein Sein in 2013, that President Thein Sein had played an important role in reform-

the first time assumed the rotating chairmanship of the Association of South East Asian Nations (ASEAN), with the ASEAN Summit being held in Nay Pyi Taw in August of the same year. Many of the residual international economic and travel sanctions imposed by Western countries were gradually lifted or suspended.³⁰ Additionally, an increasing number of international dignitaries came to meet the new administration, establishing strengthened diplomatic relations as well as economic and strategic agreements.

Despite such achievements, infighting among USDP powerbrokers undermined the Thein Sein administration. Major difficulties emerged with persistent tensions between the executive and the legislature, a destabilizing situation that was amplified by mistrust between President Thein Sein and Speaker of the Union Assembly Thura Shwe Mann.³¹ His own ambition to take the presidency after the 2015 election antagonized his rivals in the USDP, including those in the president's camp. At the same time, communal violence in Rakhine, Kachin and Shan States dented the government's claims to be bringing about social inclusion and political harmony. Elsewhere, contentious politics erupted on a daily basis in the form of labor disputes, land grabbing, the rise of Buddhist nationalism, student demonstrations, and resource-based and ethnic armed conflicts. Often stoked by the relatively free press and the new dynamics of social media, such tensions and challenges put serious pressure on Thein Sein's quasi-civilian administration.

2015 General Election

During the campaign for the November 2015 general election, the USDP portrayed itself as the vehicle for further national reform and as the guardian of *amyo barthar tharthanar* (race and religion), which appealed to the nationalist sen-

ing the country and "[i]n doing so ... Myanmar takes its rightful place in our region." Department of the Prime Minister and Cabinet of the Australian Government PM&C, "Transcript of Joint Press Conference," news release, 18 March 2013.

³⁰ Due to Myanmar's failure to address human rights issues, economic sanctions were imposed by the US and EU in 1996 and 1997, respectively. After 2012, sanctions were largely dismantled with some residual sanctions from the US remaining in place. See James Hookway and Myo Myo, "Myanmar set to reap benefits from lifted sanctions," *The Wall Street Journal*, 15 September 2016.

³¹ For executive and legislative relations, see: Gwen Robinson, "The contenders: In Burma, the struggle for power is entering a risky new phase," *Foreign Policy*, 13 July 2013.

timement of the Burman majority.³² Its electioneering was buttressed by local development funding and upgrades and donations to Buddhist religious projects in constituencies around the country. For its part the NLD, participating in a general election for the first time since 1990, sought to mobilize the population with a simple slogan: “it’s time to change.” Drawing on her unrivalled domestic popularity, Aung San Suu Kyi urged the people not to look at the individual party candidates but to regard a vote for an NLD candidate as a vote for her.³³ Ethnic parties presented themselves as chiefly preoccupied with the concerns of their respective constituents in the various ethnic areas of the country; this proved to be an ineffective strategy considering most later failed to win seats.³⁴ Other minor parties proclaimed the need for a “third force” to manage interactions between the NLD and the former military regime.³⁵

For the first time, Myanmar invited more than 12,000 domestic and 1,000 international observers to monitor the election.³⁶ It also welcomed modest external financial and technical assistance (which was limited by Western donors, however, due to concern about supporting a potentially rigged election). Even with this extra support and the legitimacy gained by it, the months prior to the election were marred by technical constraints and inefficiencies, for example technical difficulties in revising electoral rolls, and, during the election, by missing ballot papers for overseas voting and public concerns about fraudulent advanced voting.³⁷

In spite of concerns about irregularities, it was widely anticipated—including by key USDP, ethnic and minor party strategists—that the NLD would gain the most seats. A key question, however, was whether the NLD would be able to gain a legislative majority in the upper and lower houses. Given the 25 percent

³² The slogan “*amyo barthar tharthanar*” implies the Burman “race” or ethnicity, and the Theravada Buddhist religion practiced by the majority of Burmans.

³³ Ardeth Thawngmung, “The Myanmar Elections 2015: Why the National League for Democracy Won a Landslide Victory,” *Critical Asian Studies* 48, no. 1 (2016): 135.

³⁴ *Ibid.*, 136.

³⁵ ICG, “The Myanmar Elections: Results and Implications,” *Asia Briefing No. 147*, 9 December 2015, 9.

³⁶ Richard Horsey, “Myanmar’s Election Success,” *In Pursuit of Peace* [ICG Blog], 10 November 2015.

³⁷ Advice and support is currently being given to the new elections commission to remedy these issues for future elections.

block of unelected seats reserved for military appointees under the constitution, all the USDP needed was 25 percent of seats in the legislature (or 33 percent of elected seats). The NLD, on the other hand, needed to win 66 percent of elected seats (translating to 50 percent of total seats in the legislature) in order to win a majority.

In the end, in what was deemed to be a largely free and fair election,³⁸ the NLD secured a landslide victory, thus representing a watershed moment in Myanmar's electoral history. Winning 887 seats or 77.1 percent of the 1150 seats contested nationwide, the scale of its victory took many by surprise.³⁹ The result ushered in a large batch of new lawmakers, over one hundred of whom were former political prisoners, most having no legislative experience.⁴⁰ Meanwhile, arguments broke out and splits occurred among USDP powerbrokers as its elected seats in the bicameral legislature were reduced from almost 70 percent to a mere 8 percent, in what constituted a humiliating defeat.⁴¹ Conceding that the USDP had decisively lost, President Thein Sein established a transition team. As specified by the constitution, a five-month transition period followed for the transfer of executive power.

³⁸ See: Carter Center, "Carter Center Election Observation Mission Preliminary Statement," Yangon, 10 November 2015; EU, "European Union Election Observation Mission Preliminary Statement," Yangon, 10 November 2015; and People's Alliance for Credible Elections, "Preliminary Report on Election Day," Yangon, 9 November 2015.

³⁹ As 25 percent of seats are allocated to the Defence Services, and given that there are seven vacant seats in the lower house, the NLD holds 390 seats, or 58.7 percent, of all seats in the combined houses of the national legislature, known locally as the Pyidaungsu Hluttaw. ICG, "The Myanmar Elections: Results and Implications."

⁴⁰ The 43 NLD MPs who won seats in the by-elections in 2012 had by 2015 around three years of parliamentary experience.

⁴¹ In terms of the total number of seats, the USDP majority went from 52 percent to a 6 percent minority.

The NLD Takes Office

Transfer of Power and Testing Boundaries

After the November 2015 election, the NLD had almost five months to prepare to take office. While the NLD-controlled legislature convened for the first time on February 1, 2016, it was not until March 30 that the new executive administration took power. Prior to this, the NLD had to assemble its executive team, declare political and economic policies, and discuss transitional arrangements. Its immediate priorities, however, appear to have been ensuring the actual transfer of power and testing the viability of Aung San Suu Kyi becoming president.

On November 10, two days after the election, Aung San Suu Kyi wrote letters to the president, the Union Assembly speaker, and the commander-in-chief calling for meetings in the spirit of national reconciliation.⁴² Thura Shwe Mann promptly responded in the affirmative while President Thein Sein and Senior General Min Aung Hlaing waited until the formal election result was announced on November 22 before stating their willingness to meet. The president then formed a transition team to support the transfer of power, while the military “agreed to cooperate for stability, the rule of law, unity and the development of the state.”⁴³ Haunted by the military’s refusal to hand over power after the 1990 general election, however, mistrust defined high-level interactions between Aung San Suu Kyi, Min Aung Hlaing, and Thein Sein.⁴⁴ Nevertheless, these meetings represented a significant step forward for national reconciliation in Myanmar, particularly as prior to the formal election results being announced Min Aung Hlaing had never met Aung San Suu Kyi in person.

⁴² Lun Min Maung, “Daw Aung San Suu Kyi invites military, president to ‘national reconciliation’ talks,” *Myanmar Times* 11 November 2015.

⁴³ Swan Ye Htut and Ei Ei Toe Lwin, “We can work together,” *ibid.* 3 December 2015.

⁴⁴ “Myanmar: the challenge of power,” *Strategic Comments*, International Institute for Strategic Studies (IISS), Volume 2015, Edition 38, 11 December 2015.

Even though Aung San Suu Kyi indicated, prior to the election, that she would occupy a position "above the president,"⁴⁵ it seems that the NLD still tried to test the potential for her to assume the presidency by attempting to overcome constitutional barriers.⁴⁶ In the three meetings held between Aung San Suu Kyi and Min Aung Hlaing between December 2015 and February 2016, it was widely speculated that the presidency issue was on the agenda, although the contents of the discussion were kept secret.⁴⁷ There was also conjecture that she would not take the presidency immediately,⁴⁸ while other alternative ideas emerged about circumventing constitutional provisions by suspending them. This occurred after a surprise meeting between former military leader Senior General Than Shwe and Aung San Suu Kyi on December 4, 2015.⁴⁹ Despite the importance of these meetings and negotiations, by late February there appeared to be signals from the military that constitutional suspension would not be possible,⁵⁰ as well as signs of increasing military resistance to various NLD maneuvers inside the legislature. These included responses to NLD motions criticizing the USDP government.⁵¹ Less than two weeks after the third meeting between Aung San Suu Kyi and the Min Aung Hlaing, the Presidential Electoral College⁵² put forward its presidential nominations on March 1, 2016. With the legis-

⁴⁵ Andrew C. Marshall and Timothy McLaughlin, "Myanmar's Suu Kyi says will be above president in new government," *Reuters* 5 November 2015.

⁴⁶ The NLD would need the consent of the military to amend the constitution to enable Aung San Suu Kyi to become president. Article 59(f) of the 2008 constitution prohibits anyone whose children are foreign subjects from becoming president. Since the two sons of Aung San Suu Kyi are foreign citizens, she remains disqualified from this top executive position.

⁴⁷ Citing the delay of the presidential nomination, political analysts speculated that the NLD was seeking a type of power sharing arrangement or constitutional amendment with the military. See: Ei Ei Toe Lwin, "Union parliament sets March 17 as deadline for presidential nominations," *Myanmar Times* 8 February 2016.

⁴⁸ Ei Ei Toe Lwin, "General and NLD leader talk transition," *Myanmar Times* 26 January 2016.

⁴⁹ Htoo Thant, "New idea floated to allow NLD leader to assume presidency," *ibid.* 10 December 2015.

⁵⁰ Ei Ei Toe Lwin, "Military MP rules out deal on constitution change, suspension," *ibid.* 9 February 2016.

⁵¹ Htoo Thant, "Govt and military clash with NLD over 'fire-sale' motion," *ibid.* 29 February 2016.

⁵² The College is comprised of a body of members of parliament who formally cast votes for the election of the president. The representatives to the legislatures are drawn from three separate committees: representatives the proportions of representatives from each state and region from the upper house/Amyotha Hluttaw; representatives of each township from the lower house/Pyithu Hluttaw; and representatives appointed by the military and nominated by the commander-in-chief from the

lature realizing the Defence Services would not consent to a constitutional change at this point, Aung San Suu Kyi's presidential ambition was put on hold.

In examining the transition period, it would seem that establishing relationships between the leadership of the NLD, USDP, and the military were put at the top of a shared agenda to ensure the transfer of power in a relatively smooth and cooperative manner. As such, issues such as cabinet formation and policy formulation were deprioritized by the NLD relatively speaking. According to Win Htein, who is one of the key leaders of the NLD, it was important for the party not to focus on the minutiae of the transition but to ensure the actual transfer of power since it could better compose itself after taking power.⁵³ Ye Htut, a member of the USDP transition team and former Minister of Information, explained how discussions within the NLD at the time focused rather on the ceremonial aspects of the power transfer and not the substantive matters of the transition.⁵⁴

The importance of changing relations notwithstanding, the fact that there was no major electoral fraud and no major obstacles prior to the handover in March 2016 also suggests that the military was confident it had sufficient power and constitutional prerogatives to ensure stability and to protect its essential interests: a "legitimate and firm stance" on safeguarding the "independence, sovereignty and national interests" of the country.⁵⁵

The NLD Government

It was not until March 10, a full four months after the election, that the NLD finally decided to nominate Htin Kyaw, a long-time aide of Aung San Suu Kyi, and Henry Van Thio, a Chin lawmaker and former army officer, to be president

military representatives in both parliament houses. Each of the three committees nominate a presidential candidate. Then, all the representatives from the combined houses of parliament (the Pyidaungsu Hluttaw) vote for one of three candidates. The candidate with the highest number of votes is elected president, while the other two are elected as vice-presidents.

⁵³ Interview in Yangon with Win Htein on 23 June 2016.

⁵⁴ Interview in Yangon with Ye Htut on 21 June 2016.

⁵⁵ Maung Aung Myoe, "Myanmar Military's White Paper Highlights Growing Openness," Commentary, *Nikkei Asian Review*, March 28, 2016.

and vice-president, respectively.⁵⁶ This furthermore left only a matter of weeks until the formal transition date to make more than a hundred nominations for appointments, including cabinet ministers, chief ministers, regional and state ministers, and a raft of other union-level appointees such as election commissioners and constitutional tribunal members. Acting in haste to make such appointments meant that the NLD was poorly prepared for taking over the reins of government. As argued above, it had hitherto been squarely focused on ensuring that the transition would take place as well as testing the waters for Aung San Suu Kyi assuming the presidency.

Two major setbacks soon appeared in choosing appropriate personnel. First, the NLD wanted to appoint ethnic party leaders as a mechanism for national reconciliation. However, ethnic parties resisted such appointments, unhappy that the NLD did not seek their consent first.⁵⁷ The NLD asserted that nominees for government positions themselves needed to seek permission from their own political parties.⁵⁸ Furthermore, Shan and Rakhine ethnic parties were displeased with the appointment of NLD chief ministers in Shan and Rakhine States, where the NLD did not hold a majority in the state legislature.⁵⁹ Second, some of the NLD's cabinet nominees were immediately problematic. Two of them were exposed for having falsified educational qualifications; that they were nonetheless retained after having admitted their mistakes indicates how few high-level candidates the NLD had at its disposal for ministerial positions.⁶⁰ Appointments were of mixed capacity, with some proving to be technically weak or inexperi-

⁵⁶ On 10 March, 2016, Htin Kyaw was nominated as a vice president by MPs from the NLD-dominated Lower House/Pyithu Hluttaw. The following day, he was elected as one of the two vice presidents together with Myint Swe who had been nominated by the Defense Services. On 15 March, Htin Kyaw was elected as president by representatives from the combined houses of parliament or Pyidaungsu Hluttaw, and the Chin NLD representative, Henry Van Thio, who received the second highest number of votes, was elected as one of the vice presidents.

⁵⁷ Aye Thar Aung from Arakan National Party and Naing Thet Lwin from Mon National Party were appointed as Deputy Speaker of the Amyotha Hluttaw and Union Minister for National Races Affairs respectively. See: Lun Min Maung, "Choice of deputy Speaker stokes ANP dispute," *Myanmar Times* 1 February 2016.

⁵⁸ Interview with Win Htein on 23 June 2016.

⁵⁹ Ei Ei Toe Lwin and Wa Lone, "NLD control over chief ministers riles ethnic parties," *Myanmar Times* 29 March 2016.

⁶⁰ Ye Mon, "NLD looks into two ministers' qualifications," *ibid.* 24 March 2016.

enced in governance.⁶¹ Meanwhile, the cabinet was criticized for its lack of women and preponderance of old men; this disappointed some observers who had expected the new government to be more gender inclusive.⁶²

However, the most important question of all concerned Aung San Suu Kyi's exact role in the new NLD administration that assumed power on March 30. The NLD moved quickly to institutionalize her role once the executive transition had been completed. She was tasked with four ministerial positions: foreign affairs, minister of the president's office,⁶³ electricity and energy, and education. She subsequently relinquished the latter two posts.⁶⁴ On April 5, moreover, the *State Counsellor Bill* was approved, which created a preeminent post for Aung San Suu Kyi. This occurred despite objections and a "protest" of sorts when the military bloc stood up to indicate their disagreement when the bill had been debated in the legislature three days prior.⁶⁵ The position of state counsellor gives Aung San Suu Kyi an advisory role in both the executive and legislature in wide-ranging matters including democracy, the economy, federalism, and the peace and development of Myanmar. As such, the new position supports her stated intention to be "above the president." A month later, a new ministry was also created to support the state counsellor. With her new super-portfolio, the whole administration is effectively under her control (aside from the three ministries—defence, home affairs and border affairs—which remain under the control of serving military officers nominated by the commander-in-chief, and answer

⁶¹ Few of the new government appointees had experience in public administration. Although Aung San Suu Kyi arranged training workshops on the constitution and parliamentary practice for lawmakers, and enforced strict party discipline, there existed a steep learning curve for the legislature and executive.

⁶² Fiona Macgregor, "Myanmar's new cabinet: national reconciliation without equality," *ibid.* 25 March 2016.

⁶³ Under former President Thein Sein there were six ministerial positions in his office assigned to manage presidential affairs, to communicate with the legislature, to coordinate economic development matters, to look after ethnic affairs, to formulate policies for national projects, and to coordinate with sub-national governments. Under the NLD-led government, there are no longer several ministers in the president's office, only the president and Aung San Suu Kyi as minister of the president's office. See: Pyidaungsu Hluttaw, "Report of the 12th Day of the Fourth Plenary Session of the First Pyidaungsu Hluttaw" (Nay Pyi Taw, 4 September 2012).

⁶⁴ See: "Suu Kyi Gives Up Two of Four Ministerial Posts," *The Irrawaddy* 4 April 2016.

⁶⁵ Timothy McLaughlin, "Suu Kyi's state counsellor bill passes vote despite military protest," *Reuters*, 5 April 2016.

questions from the legislature).⁶⁶ A longtime analyst, Andrew Selth drew attention to this centralization of power around Aung San Suu Kyi when he wrote, "some foreign commentators have even labelled her a 'democratic dictator' in the making, who may precipitate the very crises she is trying to avoid."⁶⁷

Four sub-cabinet committees meanwhile are responsible for the day-to-day administration of the government. While these committees existed under the previous government, they were relatively inactive and have been strengthened to be increasingly accountable across government ministries and active in enacting government policy. Aung San Suu Kyi chairs the first two committees below, while the two vice-presidents chair the other two. The sub-cabinet committees are:

- (i) Security, Tranquility and Rule of Law Committee⁶⁸
- (ii) Economic Affairs Committee⁶⁹
- (iii) Education, Health and Human Resources Development Committee⁷⁰
- (iv) National Races, Public Administration and Services Committee⁷¹ (see Appendix 2 for more details).

The Security, Tranquility and Rule of Law Committee in particular started to gain prominence covering a range of security issues, thus becoming an important venue for civil-military relations as discussed further below.

Even during this early period, the NLD administration evolved significantly. Calling for a "lean and efficient government,"⁷² it re-organized the government apparatus, reducing the number of ministries from 36 to 23. For example, the Ministry of Mines was joined with the Ministry of Forestry and Environmental

⁶⁶ Note that the presidency is the highest position according to the constitution; however, Aung San Suu Kyi in her control of the two ministry posts and as state counsellor gives her de facto most of the powers of the president.

⁶⁷ Andrew Selth, "Andrew Selth: The Lady and authoritarianism in Myanmar," *Nikkei Asian Review* 29 March 2016.

⁶⁸ Formed under government executive order no. 2/2016 on 8 April 2016 See: Myanmar Gazette, "Gazette of the Republic of the Union of Myanmar" (Nay Pyi Taw 20 May 2016), 977.

⁶⁹ Formed under government executive order no. 3/2016 on 8 April 2016 See: *ibid.*, 978.

⁷⁰ Formed under government executive order no. 4/2016 on 8 April 2016 See: *ibid.*, 979.

⁷¹ Formed under government executive order no. 5/2016 on 8 April 2016 See: *ibid.*, 980-81.

⁷² Clare Hammond, "Revealed: NLD's economic plan," *Myanmar Times* 18 August 2015.

Conservation to form the Ministry of Natural Resources and Environmental Conservation (see Appendix 3 for a list of government ministries). It also reduced lavish spending on entertainment by government officials,⁷³ and announced a policy to restrict opportunities for corruption by limiting the value of gifts and hospitality civil servants could accept.⁷⁴

Significantly, the NLD government received cooperation from civil servants including from the Myanmar Police Force. After the election, Andrew Selth had speculated that “[e]ven under an NLD government, many positions of authority will be under the influence of former military officers with a strong institutional loyalty to their old employer.”⁷⁵ He was particularly skeptical of the 33 permanent secretaries recruited under the Thein Sein administration, of whom 22 had military backgrounds.⁷⁶ However, according to a source inside the NLD, these civil servants “quickly became the backbone of the bureaucracy, and there was no visible resistance or sabotage against the government.”⁷⁷ Instead, some of them were even promoted to ministerial positions.⁷⁸ A senior officer from the old president’s office who oversaw public relations during the previous government became spokesperson of the new president’s office.⁷⁹ Furthermore, in a reconciliatory move, Police Brigadier-General Win Naing Tun, who had earlier been tasked with monitoring the movements of Aung San Suu Kyi, was even appointed as her chief security officer.⁸⁰

There were other important changes that tended to be overlooked, such as alleviating stress and strain on coordination between government agencies that remained from the former administration.⁸¹ According to a mid-career civil serv-

⁷³ The government issued an instruction in April 2016 to spend “entertainment funds” only when necessary, and to organize modest state functions and receptions when possible.

⁷⁴ Lun Min Maung, “Daw Suu lowers limit on civil servant ‘gifts,’” *Myanmar Times* 5 April 2016.

⁷⁵ Andrew Selth, “The realities of power in Myanmar,” *New Mandala* 16 November 2015.

⁷⁶ *Ibid.*

⁷⁷ Personal communication with an NLD lawmaker in Nay Pyi Taw on 22 June 2016.

⁷⁸ Permanent secretaries from the Ministry of Electricity and Energy and the Ministry of Planning and Finance were promoted to Union Minister and Deputy Minister respectively.

⁷⁹ “Meet Myanmar’s New Presidential Spokesman, Same as the Old Presidential Spokesman,” *Coconuts Yangon* 7 April 2016.

⁸⁰ “Police Brigadier Win Naing Tun appointed as Chief Security Officer of the President’s Office,” *Danya Wadi* 22 April 2016.

⁸¹ Personal communication with an official from the Ministry of Home Affairs on 19 June 2016.

ant who refused public attribution, “horizontal bureaucratic coordination has been encouraged while the vertical relationships have been streamlined.”⁸² A university academic with whom we discussed the issue was of the view that the NLD administration is more assertive when dealing with foreign partners compared to the USDP-led government. We were told that, “memoranda of understanding with foreign organisations now undergo more rigorous scrutiny.” It was also noted that the “bureaucracy between Nay Pyi Taw and other centres is more efficient requiring fewer formalities.”⁸³ One mid-career civil servant expressed the view that the greatest change between the new and old administration is that, “most current cabinet ministers take more serious note of policy implementation recommendations from bureaucrats.”⁸⁴ At the sub-national level, coordination between government agencies appeared to have become more transparent. In discussions and interviews with local-level civil servants it appears that they have started to speak up more, verbalise their constraints, and that they have expressed a willingness to coordinate more between departments.⁸⁵

In spite of this, there were nonetheless frustrations among bureaucrats interviewed for this research about the administration’s lack of clear vision and policy formulation. During one meeting with a senior lawmaker from the USDP, he complained to the authors that he saw no significant progress in the way the new administration worked. To him, it was more like “business as usual.”⁸⁶ Win Htein from the NLD acknowledged capacity constraints in the administration, but explained how its intolerance of corruption and the motivation of the cabinet ministers and chief ministers could fix any perceived failings. He gave an

⁸² Ibid. Yet, at the same time, written request and permission from managers is required for civil servants to meet with their counterparts from other ministries, and even inter-departmental meetings within the same ministry require verbal approval in advance.

⁸³ Personal communication with an academic staff member from one of the universities in Yangon on 28 June 2016.

⁸⁴ Personal communication with a mid-career official from the Ministry of Planning and Finance on 11 July 2016.

⁸⁵ Personal observation during a town hall meeting at Maubin township and personal communication with the local government officials from Maubin and Pathein township on 2 July 2016.

⁸⁶ Interview on 23 June 2016.

example of a house: “only when the rooftop ridges are strong; the house will be rainproof.”⁸⁷

The lack of military interference in the NLD government has been significant, and yet it has received little attention from the media and other observers. It is noteworthy that from April to August 2016, not a single meeting of the National Defence and Security Council (NDSC) was held despite the fact that the 2008 constitution invested extraordinary power in the body, which represents the highest-level forum where the executive interacts with the military in security-related matters.⁸⁸ In the absence of its convening, which appears to have been an explicit policy decision of Aung San Suu Kyi,⁸⁹ it could be argued that the Security, Tranquility and Rule of Law Committee indirectly (and perhaps temporarily) replaces the role of the NDSC as a venue for civilian-military discussion of security issues at the Committee’s weekly meetings. While current arrangements deliberately exclude direct engagement of the military in the meetings of the Committee, the Defense Services are *de facto* represented by the ministries under its control: that is, the defence minister is the vice-chair and the home affairs and border affairs ministers are members.⁹⁰

The use of the Committee as a security forum rather than the NDSC can be interpreted as a way for the NLD to avoid confrontation with the military, as well as a way of disassociating the military as an institution from direct involvement in policy-level discussion in the security sector. In theory, the goal is to encourage the military to engage more with civilian institutions and improve relations between the sectors, as well as signal its retreat from governance responsibilities. Indeed, a source from the military regional command explained that rela-

⁸⁷ Interview on 23 June 2016.

⁸⁸ According to section 201 of the 2008 constitution, this eleven-member body is empowered by the constitution to devise policy on certain military and security issues, including the right to petition the president to declare a nationwide state of emergency. During President Thein Sein’s tenure, NDSC meetings were held fairly regularly on a weekly basis. Currently, the NLD has five members (the president, a vice president, foreign minister, and the two Hluttaw speakers) on the NSDC, and the military has six (the commander-in-chief, his deputy, the vice president, and three from the military-controlled ministries of defence, home and border affairs).

⁸⁹ Note that it is the president who chairs and convenes the NDSC.

⁹⁰ The Ministry of Defence serves as an avenue for Tatmadaw to indirectly engage in civil-military relations.

tions between the government and the military have been defined by the need to “play by the rules and not cross each other’s red lines.”⁹¹ It is plausible that, for now, the military is willing to engage the NLD without pushing for the NDSC to take on its full constitutional role. It should be noted that the military still has authority over its own affairs but no constitutional options for political intervention (see Table 1).

The NLD government seems to be well aware of the balancing act that is required to maintain improved relations with the Tatmadaw while moving forward with its agenda. In fact, the NLD only made one “serious” move that could be seen as threatening to the military by appointing Aung San Suu Kyi as state counsellor. As previously mentioned, this was the only time during the first five months of the new government that the bloc of uniformed military lawmakers stood up in silent protest as this bill was passed. This aside, the NLD has made efforts not to do anything that would (or would be perceived to) pose threats to the military or the constitution that it has sworn to defend. If thus their relationship was not defined by genuine co-operation, but rather by more hesitant arrangements of cohabitation and segregation, this was still a significant step forward given the politics of the last decade.

The Changing Role of the Legislature

Since the NLD took power, it has de-emphasized the previously important role of the Union Assembly or Pyidaungsu Hluttaw. Under the USDP, conflicts between the executive and legislature widened partly because of the personal rift between President Thein Sein and Speaker Thura Shwe Mann. Nonetheless, the legislature remained an active political presence offering assertive oversight of the executive. The new legislature began on February 1, 2016, with the NLD controlling a majority in both the House of Representatives or Pyithu Hluttaw (59 percent) and House of Nationalities or Amyotha Hluttaw (60 percent).⁹² The

⁹¹ Personal communication with a senior military officer on 27 June 2016.

⁹² Myanmar’s legislature consists of the 440-seat Pyithu Hluttaw (House of Representatives), with constituencies based on townships irrespective of population size, and the 224-seat Amyotha Hluttaw (House of Nationalities), which has equal representation of States and Regions. A combined session of the legislature is called the Pyidaungsu Hluttaw (Union Assembly). This joint house has

military holds the de facto second largest bloc of seats with its constitutionally defined allocation of 25 percent of seats in both houses. The USDP has 7 and 5 percent of seats in the two legislatures. Ethnic and other minor parties make up 9 and 10 percent respectively.

Under the USDP speakership of Thura Shwe Mann (from 2011-2016), non-partisanship was the hallmark of the legislature paving the way for the active participation of both USDP and non-USDP parties.⁹³ However, witnessing the internal party squabbling from the USDP that characterized the first legislature resulting in a factional infight within the USDP, the NLD imposed strict party discipline and non-partisanship quickly disappeared. As such, the NLD formed a leading committee on legislative affairs which serves as a “whip’s office” in order to control its lawmakers and maintain party discipline.⁹⁴ This committee scrutinizes questions and motions from lawmakers before they are formally submitted to the legislature. By seeking to dampen the potential for conflict between the executive and the legislature, some of the more active NLD lawmakers expressed frustration that they did not have the kind of freedom enjoyed by former USDP lawmakers.⁹⁵ In sub-national legislatures, at the state and region level, there is hardly any viable opposition to the NLD apart from the military representatives.⁹⁶ The exceptions are Shan and Rakhine States where in the state legislatures, or Pyineh Hluttaw, the NLD does not control a majority and ethnic parties challenge the NLD on local issues.⁹⁷

Even with its weight of numbers, during its first five months in power the NLD-led legislature did not address any of the pressing reform legislation inherited

authority for important legislation such as taxation and the budget, and resolving differences of opinion between the two houses on draft legislation.

⁹³ Thomas Kean, "Myanmar's Parliament: From Scorn to Significance," in Nick Cheeseman, Nicholas Farrelly and Trevor Wilson, "Debating Democratization in Myanmar" (Institute for South East Asian Studies, Yusof Ishak Institute, Singapore, October 2015), 54-55.

⁹⁴ Ei Ei Toe Lwin, "NLD sets up committee for Hluttaw," *Myanmar Times* 28 January 2016.

⁹⁵ Personal communication with a senior lawmaker from the USDP on 23 June 2016.

⁹⁶ In the seven Bamar-dominated regions, the NLD has overwhelming control of the legislatures with only a small number of USDP representatives. In the seven ethnic states, the NLD has a majority in five states.

⁹⁷ Hein Ko Soe and Thomas Kean, "Regional parliaments rising to the challenge," *Frontier Myanmar* 22 July 2016.

from the previous government.⁹⁸ This was partly because the legislature had to take some time forming its committees and building the capacity of its new members who were mostly from the NLD. At the same time, the USDP had neither the experience nor a clear plan on how to perform in opposition.⁹⁹ It appears that the USDP membership has lost motivation after the humiliating defeat in the 2015 general election. Many of those inside the legislature are no longer interested in active engagement because most were not given leadership positions in the committees, and some were pressured by the USDP to contest the election against their wishes.¹⁰⁰

There are also some noticeable changes in the institutional structure. Previously, the legislature appointed standing and *ad hoc* committees based on equal (roughly proportional) representation from across the political spectrum.¹⁰¹ Senior ethnic lawmakers were also appointed as committee chairs. In the second legislature, these practices were abandoned and such appointments have become highly partisan.¹⁰²

To support the inexperienced and new lawmakers in the second legislature, the Legal Affairs and Special Cases Assessment Commission, which used to be a think tank-type arm of the first Pyithu Hluttaw, was given new status and authority. The legislature appointed former Speaker Thura Shwe Mann as the commission chair and upgraded the commission to the Pyidaungsu Hluttaw level. This means it can provide advice and make recommendations on all legislative matters. Serving as commission chair can be perceived as a consolation prize for Thura Shwe Mann and those of his loyalists who mostly lost in the 2015 elec-

⁹⁸ According to the Legal Affairs and Special Cases Assessment Commission, there were 142 pieces of legislation that needed to be annulled, modified or redrafted because they were out of date. See: Pyidaungsu Hluttaw, "Assessment and recommendations," ed. Legal Affairs and Special Cases Assessment Commission (Nay Pyi Taw, 31 March 2016), 2.

⁹⁹ Personal communication with a senior lawmaker from the USDP on 23 June 2016.

¹⁰⁰ *Ibid.*

¹⁰¹ This was an institutional inheritance following the practice of the predecessor legislature during the socialist regime (1974-1988), although such inclusion was not required by law.

¹⁰² Apart from the two non-NLD deputy speakers who are the *ex officio* chairs of the Rights Committee, and the one ethnic lawmaker who chairs the Peace Committee in the Pyithu Hluttaw, all the committee chairs are from the NLD. Moreover, legislative committees are no longer inclusive in terms of States and Regions.

tion, but who are considered to be seasoned lawmakers offering value to the new government.¹⁰³ This appointment also appears to be part of the NLD strategy to reward Thura Shwe Mann's loyalty to the NLD in his role as speaker in the former assembly, and to co-opt him so he does not pose an immediate threat to their new supremacy.¹⁰⁴ Having supporters in a wide range of sectors, his family has amassed large amounts of wealth. This is a risky alliance, however, as the relationship with Thura Shwe Mann risks upsetting his former subordinates in the Defense Services, with whom relations have soured.

Another important development is that the legislature has become a crucial mechanism for managing civil-military relations. Prior to the formation of the NLD government, the military had occasionally flexed its muscles, for example when the NLD experienced resistance from the military representatives over its picks for vice-president and constitutional tribunal members. A military representative questioned two of the NLD nominee's eligibility and credentials as Tribunal representatives, but the objection was rejected.¹⁰⁵ In another case, when NLD contender Henry Van Thio was proposed as vice president, a military lawmaker queried the fact that he had spent years living out of the country, claiming it was in contravention of an electoral law. This complaint was also discarded. Furthermore and as previously stated, in an unprecedented move the military demonstrated its dissatisfaction by standing up during the legislative session during the debate on the *State Counsellor Bill*. In both cases, the military could have taken these issues to the constitutional tribunal to attempt to undermine the new government. However, as the NLD effectively controls the tribunal, a decision would most likely have been taken against the Defence Services and this is presumably a major reason why they did not take this approach.¹⁰⁶ In a sense, the military has shown restraint, a level of cooperation, and an aware-

¹⁰³ Most of the members of the commission used to be members of the four permanent legislative committees such as the Bills Committee, the Public Accounts Committee, the Rights Committee, and the Government Pledges, Undertaking and Vetting Committee.

¹⁰⁴ Personal communication with a senior USDP lawmaker on 23 June 2016.

¹⁰⁵ Swan Ye Htut, "NLD silences military concerns on tribunal," *Myanmar Times* 29 March 2016.

¹⁰⁶ The tribunal consists of nine members where the president and the two speakers pick their own three candidates. While its members have to be non-partisan, it is difficult to be impartial in sensitive cases.

ness of the NLD's resounding mandate to govern. The NLD and ethnic parties have raised a number of motions and questions targeting the military; and yet, they appear to have backed away from direct confrontation if it appeared they had crossed a military red line pushing for constitutional change.¹⁰⁷ All parties seem to recognize the importance of managing relations in the legislature, or at least not allowing it to deteriorate.

100-day Action Plans for Reform

To manage high public expectations as it took power, the NLD government initiated what it hoped would be a series of "quick win" projects. Consequently, on March 26, soon after announcing the cabinet, Aung San Suu Kyi told her new ministers to come up with 100-day policy implementation plans (see Appendix 3 for summary of plans) for their ministries, which had been pared down from 36 to 23.¹⁰⁸ Despite indicating it would, the government did not formally announce its overall 100-day plan objectives. Instead, various ministries, except the Ministry of Defence, had TV pieces on their plans and actions broadcast through state-owned media during the 100-day period.¹⁰⁹ Although less well publicized, state and regional governments also implemented their own plans.

Rather than setting out clear medium-term or long-term policies or strategies, the NLD generally sought more easily achievable goals and sped up on-going projects started by the former USDP government. As a result, there was little new content in these schemes. For example, as part of the 100-day plans, the government sought to address issues facing farmers by increasing existing state-sponsored agricultural loans to farmers. The government also sped up the re-

¹⁰⁷ For example, A Rakhine lawmaker proposed the Tatmadaw for a ceasefire with the Arakan Army in May 2016. It was a predicament for both the Hluttaw and the Tatmadaw—a confrontation with the Tatmadaw if the proposal was approved or an undermining of the Hluttaw if it was rejected. Instead, the Hluttaw decided to put the proposal on record avoiding tensions. See: Sithu Aung Myint, "A lesson in defusing tensions," *Frontier Myanmar* 22 May 2016.

¹⁰⁸ "Suu Kyi tells ministers to draw 100-day plans," *The Daily Eleven Newspaper* 26 March 2016.

¹⁰⁹ The starting date of the 100 days was contentious as there were different ideas about the commencement of the plans. Although not made public, the government started its countdown from May 1, 2016, a month after it took office. Major media outlets, however, had already reported summary assessments of their major findings on the 100-day plans after July 8, instead of the official end date of August 9. Amid confusion over the start date, the program received more publicity when state-owned newspapers published the 100-day plans of 23 government ministries in mid-May 2016.

turn of confiscated land to farmers in some states and regions.¹¹⁰ In a project started under the former government, the Yangon-Mandalay highway—a major national thoroughfare in need of maintenance and prone to fatal road accidents—was upgraded.¹¹¹ In Yangon, the installation of new electricity cables and transformers was made possible because the previous administration had already allocated funding and had completed procurement for the project.

Notably, the economic sector arguably received the least attention from the government. While prior to the election the NLD had announced five pillars—fiscal prudence, lean and efficient government, revitalizing agriculture, monetary and fiscal stability, and better functioning infrastructure—economic targets in the 100-day plans of various government ministries were vague with no concrete policy announcements. According to the NLD's economic advisory team, getting reliable data on the state of the economy was a challenge.¹¹² Only at the end of July was the government able to announce the skeleton of its economic policy outlining a 12-point policy. While media outlets criticized it for its lack of details, it was nonetheless an overarching statement exhibiting the government's main focus on business transparency, sustainability of natural resources, and infrastructure development.¹¹³

A main challenge with the 100-day plans more generally lay in the translation of policy into implementation. Several instances of policy implementation by different administrative levels went beyond the national government's mandate or intention. For example, the government issued an executive order to reduce the consumption of betel nut.¹¹⁴ In response, the Yangon region government started

¹¹⁰ Su Phyo Win, "Struggling agriculture sector looks to government to solve land-use woes," *Myanmar Times* 3 May 2016.

¹¹¹ Swan Ye Tut, "Ministry of Construction rehashes plan to widen 'death highway'," *Myanmar Times* 8 June 2016.

¹¹² See: Kyaw Phone Kyaw and Thomas Kean, "NLD set to reveal economic policy details," *Frontier Myanmar*, 25 July 2016.

¹¹³ Aye Thida Kyaw and Clare Hammond, "Government reveals 12-point economic policy," *Myanmar Times*, 29 July 2016

¹¹⁴ Chewing betel nut, a stimulant, is a common tradition in Myanmar. The usual package consists of small pieces of betel nut wrapped in a betel leaf along with lime and mint paste. Many people add tobacco leaf. Once chewed, it needs to be spat out and it creates red stains in the street. Moreover, depending on the ingredients added, its usage has been attributed to cancers and other health issues.

cracking down on betel nut shops creating a situation where betel-nut growers, traders, sellers, and consumers were immediately affected financially and were at risk of prosecution.¹¹⁵ It proved embarrassing for the NLD, which then had to instruct the region government to refrain from overzealously implementing the order. At the same time, at the local administrative level, the Myanmar Police Force (MPF) organized its own 100-day plan including the enforcement of an 11pm closing time on Yangon nightlife without proper coordination with other authorities, causing confusion between the region government and the MPF.¹¹⁶

The business community in Myanmar was especially critical of the new government. For instance, in Yangon, the region government asked construction companies to reduce the height of their high-rise buildings almost by half because they were not in accordance with the law, even though they had already received permission to build according to their plans. After some pressure from the local legislature and lobbying from the business community, the order was again revoked.¹¹⁷ The initial move to suspend the projects for a limited period seemed to make sense to the public; however, the revoking of the order several times created confusion. Moreover, long-established "beer stations" were told not to serve draught beer without proper licenses, yet new ways to obtain renewals and licenses were unclear, even for government staff.¹¹⁸ Therefore, many had to choose to either forego business revenues and in many cases livelihoods, or act illegally. These were examples of how the NLD inherited other economic and bureaucratic problems from the previous administration resulting in confusion and misunderstanding. It also demonstrated the new government's emphasis on betel nut and beer, rather than a focus on areas where there is identified revenue leakage.

¹¹⁵ Nick Baker, "Govt takes aim at betel chewing," *Myanmar Times* 7 June 2016.

¹¹⁶ Mratt Kyaw Thu and Gleeson Sean, "Confusion reigns over Yangon curfew crackdown," *Frontier Myanmar* 13 May 2016.

¹¹⁷ Myat Nyein Aye, "Yangon backtracks on high-rise adjustments," *Myanmar Times* 22 August 2016.

¹¹⁸ Mrat Kyaw Thu and Sean Gleeson, "Confusion reigns over Yangon curfew crackdown," *Frontier News* 13 May 2016

This is not to say that there were no successes in the 100-day policy plans. The release of remaining political prisoners¹¹⁹ as well as the enhanced focus on the rights of migrant workers abroad were popularly received.¹²⁰ Notwithstanding, unrealistically high expectations, tempered by confusion, marred the 100-day plans as they quickly became a yardstick for measuring the NLD government's performance. The media made use of the government's 100th day in power in July by offering their assessments. Local media tended to look more closely at each of the 100-day plans. While their assessments reflected positively on the progress of political liberalization, they were rather negative about everyday problems faced by the urban population, such as the 11pm curfew on night time entertainment and the initial crackdowns on betel-nut shops, as well as electricity disruptions and clogged drains in Yangon.¹²¹ International media put emphasis on the 100-day performance rather than fulfilment of the plans. For instance, the BBC reported the government's approach to the peace process and slow pace on the treatment of Muslims in Rakhine State as the defining features of the first "Hundred days of Myanmar's democracy."¹²² Veteran Myanmar scholar Robert Taylor surmised that, "in terms of policy, not much has happened ... all are works in progress."¹²³ Myanmar analyst Khin Maung Zaw argued that the administration could have made better use of its first months in office to articulate a clear direction for the country. He explained how during the 100-day period it was important for a new government to give people an impression of confidence and reliability in terms of leading and governing the country—and how the NLD missed this opportunity.¹²⁴

¹¹⁹ Aung Hla Tun, "New Myanmar government frees scores of jailed activists," *Reuters* 8 April 2016.

¹²⁰ A key goal in the foreign ministry's 100-day plan was the better protection of these workers (many of whom reside in Thailand), with Aung San Suu Kyi instructing embassy staff abroad that the protection of their fellow citizens was now to be one of their main priorities. See: "Serve the interests of your country: Foreign Minister Daw Aung San Suu Kyi to Ambassadors," *The Global New Light of Myanmar* 15 June 2016.

¹²¹ See: Nanda, "The new government first 100-day report card"; Vogt, "100 days later: What has changed?" *Myanmar Times*, 15 July 2016.

¹²² Fisher, "Hundred days of Myanmar's democracy," *BBC News*, 8 July 2006.

¹²³ Ebbighausen, "100 days of Myanmar's new government - What has changed?" *Deutsche Welle* 8 July 2016.

¹²⁴ Wong, "Mixed reviews on Myanmar government's first 100 days," *Channel NewsAsia*, 8 July 2016.

Ye Htut, a former cabinet minister from the USDP government, acknowledged that it was natural for a new government to take some time to comprehend the true situation of the country and how bureaucracy works. He pointed out that even President Thein Sein had had to spend a lot of time reorganizing government agencies in accordance with his policies. Only after about six months was he able to introduce his bold ideas on reforms.¹²⁵ Ye Htut offered sympathy for the NLD's lack of clear policy objectives but stated that the NLD transition team could have done more homework prior to taking office. From his perspective, it did not help that they announced ambitious 100-day initiatives without making proper preparations.¹²⁶

¹²⁵ The Irrawaddy to Dateline Irrawaddy: Interview with U Ye Htut, Former Minister of Information, 2016, <https://www.youtube.com/watch?v=KqtxloSzPJ0&feature=youtu.be>.

¹²⁶ Interview with Ye Htut, former Minister of Information, on 21 June 2016.

Achieving Peace: A Primary Goal

As it took power, there were high hopes as well as fears from EAOs about the NLD-led government's implementation plan for the peace process inherited from the previous Thein Sein administration. The peace process matters not only for ending ethnic conflict, but is also a pre-requisite for constitutional reform, socio-economic development, and national reconciliation.¹²⁷ Moreover, the peace process has quickly become the main domain in which the NLD and the military cooperate and is thus also somewhat of a bellwether for civil-military relations. This section first provides a brief history of Myanmar's peace processes before going on to examine the progress made and challenges faced in the first five months of the new government. Finally, consideration is also given to Rakhine State and the NLD's efforts to address the situation there.

A Brief History of Myanmar's Peace Processes

Since independence in 1948, Myanmar has been home to some of the most sustained and diverse insurgencies in the world.¹²⁸ Successive governments have publicly stated the need for peace even though it has remained an elusive goal. During the Revolutionary Council (1962-1974) and Socialist (1974-1988) periods there were several rounds of peace talks with ethnic and ideologically-based armed groups that did not produce successful results, mainly due to the central government's condition that the groups surrender arms, as well as its refusal to grant further autonomy to them.¹²⁹ Under the period of military rule (1988-2011), the government was able to sign bilateral ceasefire agreements with 17

¹²⁷ The NLD interprets "national reconciliation" as a political process involving a dialogue between all the armed ethnic groups, political parties, the government and the Tatmadaw. The objective is to resolve the nation's internal conflicts. For some in the NLD leadership, the party's concept assumes the building of a federal democratic union. See: Lun Min Maung, "National reconciliation top priority and toughest challenge" *Myanmar Times* 16 November 2015. See also: footnote 3.

¹²⁸ Martin Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, Policy Studies (Washington D.C.: East-West Center Washington, 2007), 1-2.

¹²⁹ Zaw Oo and Win Min, "Assessing Burma's Ceasefire Accords," in *Policy Studies 39 (Southeast Asia)* (Singapore: East-West Center Washington, 2007), 7-10.

armed groups.¹³⁰ The strategy of the military government appeared to be to neutralize certain ethnic resistance groups and to weaken their armed movements over time to gain further control over the border areas occupied by these groups.¹³¹ A political settlement was not prioritized or offered by the military. The suspension of hostilities did, however, bring peace to areas that had barely experienced it. On the other hand, the ceasefires gave many ceasefire groups the opportunity to maintain or even increase their strength in terms of troop recruitment and weapons procurement. Corruption also surrounded some ethnic leaders with elites amassing profits from natural resource extraction.¹³² Some of the ceasefires were unstable, especially those with groups that refused to join the former military government's Border Guard Force (BGF) configurations.¹³³ The most notable of these conflicts erupted in June 2011 when the 17-year-old ceasefire with the Kachin Independence Organization (KIO) broke down.¹³⁴

The Thein Sein administration subsequently sought to reinvigorate the peace process. In a marked and crucial difference to previous negotiations, EAOs were allowed to keep their arms while negotiating for political dialogue. Formal bilateral ceasefires were separately agreed with 14 armed groups within the space of three years while a "cessation of hostilities" agreement was signed with the KIO. After this initial success as a result of over a thousand informal "talks about talks," the Thein Sein government decided to begin negotiations for an ambitious multilateral Nationwide Ceasefire Agreement (NCA) in 2014. This

¹³⁰ Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma*, 90.

¹³¹ The ceasefires of the 1990s were mostly verbal "gentlemen's agreements" and did not feature comprehensive political dialogue, an omission that is often blamed for their breakdown. They also did not involve disarmament, demobilisation and reintegration of EAOs. From one perspective, the agreements placed a greater emphasis on state building than on peacebuilding; see Zaw Oo and Win Min, "Assessing Burma's Ceasefire Accords," 32-41.

¹³² David Brenner, "Ashes of co-optation: from armed group fragmentation to the rebuilding of popular insurgency in Myanmar," *Conflict, Security and Development* 15, no. 4 (2015).

¹³³ The Border Guard Force (BGF) scheme was commenced in 2009 and BGFs were formed following ceasefires with some EAOs. These were to function as regular military forces and were designed to align with government military forces. In theory, a BGF battalion has a total of 326 personnel. Among them, 30 soldiers from the Tatmadaw including officers work together with former EAO soldiers in the battalion and take important administrative positions in the BGF.

¹³⁴ This occurred after the Tatmadaw applied pressure on the KIO to convert to a BGF, which the KIO disagreed with leading to the resumption of armed conflict. Other EAOs such as the New Democratic Army-Kachin (NDA-K) agreed to the plan and were transformed into BGFs.

was the first time that a government in Myanmar had negotiated simultaneously with a collective of EAOs.

In 2014 and 2015, nine formal rounds of negotiations for the NCA were held. A draft text of the NCA was agreed by 16 armed groups on March 31, 2015. Consisting of seven chapters, the NCA stipulates the terms of the ceasefires, their implementation and monitoring, and the roadmap for political dialogue and peace ahead.¹³⁵ Despite this achievement, its formal signing encountered a number of obstacles, not least the government's rushed schedule¹³⁶ and the perception that this was so as to burnish President Thein Sein's credentials as a peace-maker and support his re-election bid in the forthcoming general election.

On October 15, 2015, just three weeks before the elections, only 8 of the groups invited by the government agreed to sign the NCA at a ceremony held in the capital, Nay Pyi Taw. The NCA was ratified by the legislature on December 8, 2015.¹³⁷ Excluded from signing the NCA were also those groups that the government refused to allow to sign, including three smaller parties with few combatants, and three others to which the Tatmadaw applied a condition that they disarm, which they continuously refused.¹³⁸ Furthermore, the "Northern Alli-

¹³⁵ See ISDP Backgrounder, "Myanmar's Nationwide Ceasefire Agreement" (Stockholm: Institute for Security and Development Policy, October 2015).

¹³⁶ The government had encouraged political parties and EAOs to sign a "deed of commitment" to the NCA on Union Day, February 12, 2015 (the anniversary of the first Panglong Agreement in 1947) at a time when all the EAOs had not yet committed to the government's rushed schedule. Moreover, the negotiation team signed the draft text of the NCA on March 31, 2015, on the fourth anniversary of the Thein Sein administration, without getting the final green light from some ethnic leaders. Finally, the government desperately pushed for the signing of the NCA before the general election.

¹³⁷ There are altogether 21 armed groups recognised by the government for engagement in the NCA negotiations. The eight signatories to the NCA include: All-Burma Students' Democratic Front (AB-SDF), Arakan Liberation Party (ALP), Chin National Front (CNF), Democratic Karen Benevolent Army (DKBA), Karen National Union (KNU), Karen National Liberation Army-Peace Council (KNU-PC), Pa-O National Liberation Organization (PNLO), and the Restoration Council of Shan State/Shan State Army – South (RCSS/SSA-S). The seven non-signatories include: Kachin Independent Organisation (KIO), Karenni National People's Party (KNPP), National Democratic Alliance Army (NDAA), New Mon State Party (NMSP), National Socialist Council of Nagaland – Khaplang (NSCN-K), Shan State Progressive Party / Shan State Army – North (SSPP/SSA-N) and United Wa State Army (UWSA).

¹³⁸ Three of them are larger groups: Arakan Army (AA), Myanmar National Democratic Alliance Army (MNDAA) and Ta'ang National Liberation Army (TNLA). Three smaller groups are the: Arakan National Council (ANC), the Lahu Democratic Union (LDU), and Wa National Organisation (WNO).

ance,” including the UWSA and NDAA, continued to negotiate directly with the government and not as part of the NCA process. This resulted in divisions between signatories and non-signatories to the NCA, making it only a partial success.

Peace Process under the NLD

On Myanmar’s Independence Day on January 4, 2016, Aung San Suu Kyi announced that the peace process would be the first priority of the new government and that they would work to achieve an all-inclusive ceasefire agreement. She argued that “we can do nothing without peace in our country,” highlighting its interconnectedness to all key goals of the new government.¹³⁹ It was also reiterated in the inaugural address of President Htin Kyaw on March 30, 2016, when he outlined that internal peace was one of the government’s main priorities.

With a resounding electoral mandate, the NLD enjoys an unprecedented level of legitimacy, which is crucial as it seeks to negotiate such an ambitious national peace agreement.¹⁴⁰ At the same time, the NLD’s precise position on the peace process was initially unclear, causing frustrations to be expressed by EAOs.¹⁴¹ Thus, despite being a key priority of the NLD-led government, its relative inexperience with the process and lack of a clear policy, as well as divisions between signatories and non-signatories to the Thein Sein government’s NCA, saw the peace process get off to a shaky start.

¹³⁹ Hnin Yadana Zaw, “Myanmar’s Suu Kyi says peace process will be government’s priority,” 4 January 2016.

¹⁴⁰ Interview with a Myanmar scholar on 27 June 2016.

¹⁴¹ Tim McLaughlin, “Myanmar ethnic leader calls on Suu Kyi to clarify stance on peace process,” *Reuters* 15 January 2016.

Table 2. Peace process under the NLD government (March – August 2016)

27 April	- Aung San Suu Kyi met with the Union Joint Monitoring Committee (JMC-U), meets EAOs for first time, and called for 21 st Century Panglong Conference.
16 May	- Announcement that the MPC would be transformed into a new body to be called the National Reconciliation and Peace Centre (NRPC)
27 May	- Union Peace Dialogue Joint Committee (UPDJC) established under the Joint Implementation Coordination Meeting (JICM) for political dialogue to be conducted in line with the NCA.
31 May	- Two preparatory teams formed to organise the UPC-21CP, and to communicate with non-signatory EAOs to the NCA.
28 June	- Aung San Suu Kyi met with leaders of Ethnic Armed Organisation Peace Process Steering Team (EAOs PPST) and called for 21 st Century Panglong Peace Conference to be held before the end of August.
6 July	- Aung San Suu Kyi called for inclusion of all groups in Peace Conference at the 21 st Century Panglong Preparatory Committee meeting.
11 July	- National Reconciliation and Peace Centre (NRPC) and Peace Commission established.
17 July	- Aung San Suu Kyi met with the non-signatory alliance, the United Nationalities Federal Council (UNFC), and peace process gained momentum with non-signatories involvement in the process.
26 – 30 July	- Ethnic armed groups summit in Mai Ja Yang, Kachin State, for EAOs to prepare positions for the UPC-21CP.
29 July	- Aung San Suu Kyi met with NDAA and UWSA ethnic leaders for their participation in the 21 st Century Panglong Conference in Nay Pyi Taw.
8 August	- Announcement of the 21 st Century Panglong Conference to be held on 31 August.
15 August	- Aung San Suu Kyi chaired the UPDJC meeting in Nay Pyi Taw.
31 August	- Union Peace Conference – 21 st Century Panglong held in Nay Pyi Taw.

It took time for the new NLD peace team, several of whom are administrative staff transferred from the Ministry of Foreign Affairs, to familiarize themselves with the details of the peace process.¹⁴² Some NLD members assigned to the process such as Dr. Tin Myo Win had participated in some meetings at the MPC around the peace process under the previous administration, but mostly they had no prior experience of peacemaking and this made the learning curve even steeper.

This period of learning in April and May 2016 led to frustration among ethnic representatives who were worried about increasing divisions between signatories and non-signatories to the NCA and the lack of progression in the peace process since the start of 2016.¹⁴³ Furthermore, these ethnic representatives were concerned about an increase in the armed conflict in Kachin and Shan States between non-signatory EAOs and the Defence Services; armed conflict for the first time in decades in Rakhine State with the Arakan Army; and, the breakout of fighting between signatories and non-signatory ethnic groups to the NCA (the RCSS-SSA and the TNLA).

There were also tensions between the NLD and elected ethnic political parties when negotiating for the inclusion of ethnic party candidates in the cabinet as well as the allocation of chief ministerial positions in ethnic states.¹⁴⁴ The combination of these factors created tensions between the government and EAOs, but interestingly helped create a stronger united front on decisions around peace matters between the NLD-led government and the Defence Services. However, the situation did seem to be putting the peace process itself at risk.

Thus, a lengthy period of time had passed between the first Union Peace Conference in January 2016 under the Thein Sein administration,¹⁴⁵ and the new government beginning to directly address the peace process at the end of April 2016. It was notably not until April 27 that Aung San Suu Kyi attended the Joint

¹⁴² Interview with international organization staff in Yangon on 20 June 2016.

¹⁴³ Stephen Gray, "Myanmar's new government: Intentions still unclear," *The Interpreter* 26 April 2016.

¹⁴⁴ Ei Ei Toe Lwin and Wa Lone, "NLD control over chief ministers riles ethnic parties."

¹⁴⁵ The Union Peace Conference held in January 2016 was conducted in a hasty manner because it was mandated by the NCA to be held within 90 days of signature of the Agreement.

Monitoring Committee Union-Level (JMC-U) meeting,¹⁴⁶ the first time that she officially met the EAOs and military involved in the peace process together. Despite this positive development, this was seen as an inappropriate venue for her announcement that she would host a “21st Century Panglong Conference.” Rather it was believed by many that the NLD should have first convened the Joint Implementation Coordination Meeting (JICM), which is the body responsible for the implementation of the NCA and was regarded as a more fitting venue.¹⁴⁷ Not only this, but the publicizing of the Conference had not been previously communicated to or discussed with EAO representatives and was thus not seen as a joint decision. Furthermore, the NCA stipulates that political dialogue through Union Peace Conferences must take place, so there were tensions between the military (that preferred the UPC title according to the NCA) and Aung San Suu Kyi (who preferred the “21st Century Panglong” title so as to draw on the legacy of her father who had hosted the original Conference in 1947).¹⁴⁸ It illustrates that enthusiastic first steps to work for “internal peace” by the new government were viewed as not adhering closely enough to the NCA text, which is the premise for and cornerstone of negotiations and relations between the EAOs and Defence Services as well as with the government on peace process-related topics.

This premature call aside, the peace process started to gain momentum after the JMC-U meeting. However, there remained great uncertainty about how it would be implemented and which institution would be the secretariat for the peace process under the NLD government.¹⁴⁹ The MPC, which had acted as a secretariat for the USDP government, had been dissolved in March 2016 as a

¹⁴⁶ The JMC-U consists of the government and eight EAOs that signed the NCA and it was formed a month after the signing of the NCA in October 2015. It is led by Lt-General Yar Pyae from the Tatmadaw that is tasked with monitoring and implementing the military aspects of the NCA.

¹⁴⁷ “The first meeting should be JICM: Hkun Okker,” *Shan Herald Agency for News* 28 April 2016

¹⁴⁸ The Panglong Agreement of 1947 was between the government and three key ethnic groups. It specified a level of autonomy for regions where ethnic groups were based and is one of the lasting legacies of independence hero General Aung San.

¹⁴⁹ Burma Partnership, “MPC Future Unknown, Peace Continues to Be Taken Hostage,” *Burma Partnership* 6 April 2016.

result of one of President Thein Sein's final presidential decrees.¹⁵⁰ The NLD government moved quickly and announced on May 16 that the MPC would be transformed into a new body to be called the National Reconciliation and Peace Centre (NRPC),¹⁵¹ and on July 11, 2016, the formation of an 11-member NRPC and Peace Commission was officially announced ushering new leadership to navigate the peace process on behalf of the government.¹⁵²

On May 27, 2016, the Union Peace Dialogue Joint Committee (UPDJC), also established under the JICM to implement the political dialogue components of the NCA, was convened. In what was seen as a progressive move by many, Aung San Suu Kyi reconstituted the UPDJC as a tripartite body and was appointed Chair. After some quick consultations in the weeks prior, and after gaining a better understanding of what was stipulated in the NCA, she once again called for what she then described as a 21st Century Panglong or the Union Peace Conference, in accordance with the NCA, and the compromise name Union Peace Conference – 21st Century Panglong was given.¹⁵³ Thus, on May 31, 2016, the president's office announced the establishment of two preparatory teams to organize the upcoming Conference and negotiate with NCA non-signatory EAOs.¹⁵⁴

It was not until August 24, just days before the Union Peace Conference – 21st Century Panglong (UPC-21CP), that the JICM was finally convened, almost five months after the NLD government had assumed power.¹⁵⁵ This was a significant step because the JICM is the key body mandated under the NCA to serve as a deadlock-breaking mechanism for issues that cannot be resolved by either the UPDJC or JMC. The JICM makes final decisions on cases in dispute and is sup-

¹⁵⁰ Myanmar Gazette, "Gazette of the Republic of the Union of Myanmar," (Nay Pyi Taw, 11 March 2016), 482; Guy Dinmore, "Govt dissolves MPC, transfers assets," *Myanmar Times* 25 March 2016.

¹⁵¹ Lun Min Maung, "Peace conference organisers told to hurry up," *Myanmar Times* 17 May 2016.

¹⁵² The NRPC became a full-fledged government body under the office of the state counselor. The lower level Peace Commission, under the NRPC, was also formed with high-profile figures from the government to set policy and facilitate the peace process.

¹⁵³ "Limited inclusion: NCA to guide 21st Century Panglong Conference," *The Global New Light of Myanmar* 28 May 2016.

¹⁵⁴ BNI, "UNFC representatives to meet with UPDJC leaders," *Mizzima* 9 June 2016.

¹⁵⁵ "Joint Implementation Coordination Meeting on NCA held in Nay Pyi Taw," *The Global New Light of Myanmar* 24 August 2016.

posed to meet every 90 days. Its belated convening reveals that the establishment of the new peace architecture and institutions had been the government's initial priority.

These bureaucratic complexities are emblematic of the learning process that the new government went through. Yet it also adapted relatively quickly to being sensitive to the need to follow the protocols established under the NCA, such as the convening of the JIMC meetings, and the adoption of a name for the conference that included the name stated in the NCA—the Union Peace Conference—as well as the new 21st Century Panglong title. Thus, from May onward, the NLD scheduled the Conference and its key preparatory meetings to be in line with the political roadmap stated in the NCA, and the process is underway to review the framework for political dialogue.

Hard Negotiations

Although the peace architecture outlined above is important, the peace process is fundamentally about resolving decades of armed conflict and uniting all key stakeholders. The EAOs have long called for the peace process to be inclusive and to include all armed groups, including non-signatories to the NCA. Throughout the first months of the NLD-led government, there were significant negotiations undertaken with these parties to try to bring them into the peace process and to find solutions for their attendance at the Conference. In this regard, the peace process gained momentum with ethnic representatives when Aung San Suu Kyi met with the non-signatory alliance, the United Nationalities Federal Council (UNFC), on July 17, in order to try to bring these groups into the process. The authors were informed that prior to this date, the NLD had struggled during informal encounters with the non-signatory EAOs.¹⁵⁶ Yet despite remaining sensitivities, negotiations with EAOs fared better after the formal establishment of the NRPC and the appointment of peace negotiators.

As a confidence-building measure and as a clear symbol of the NLD's preference for inclusivity, the government supported the holding of a plenary meeting

¹⁵⁶ Interview in Yangon on 22 June with a member of the Peace Commission before its establishment.

involving both signatory and non-signatory EAOs in a town called Mai Ja Yang, located in KIO controlled territory, on July 26-30, 2016. The meeting was called to prepare EAOs for the Union Peace Conference and to coordinate and harmonize key decisions and messages. Notably, the military allowed delegates and the media to travel from government-controlled areas into this EAO-controlled zone, in spite of the 1908 Unlawful Associations Act, which prohibits contact with illegal organisations.¹⁵⁷ Therefore, non-signatory groups were able to join the meeting and have their views and positions tabled. This was seen as a further positive sign in terms of cooperation between the government and the military, and with EAOs around the peace process, as these stakeholders had to coordinate to enable participation in the meeting, and for the meeting to take place at relatively short notice.

Separate negotiations also made significant progress with the TNLA, MNDAA, and AA, involving compromise over the wording required by the military that they “show their political willingness to abandon their weapons” at a time to be defined through negotiation and dialogue (i.e. not immediately).¹⁵⁸ However, these groups ultimately disagreed with the proposed wording and did not issue such a statement. They therefore were not invited to participate in the Union Peace Conference scheduled for August 31. Nevertheless, the other non-signatories agreed to attend the Conference and were invited to present their views and demands in a series of ten-minute speeches.

Cooperation between the Military and NLD

The peace process has required the cooperation of the military and NLD-led government. Significantly, the reconfiguration of the UPDJC on May 27–28, 2016, placed the NLD-led government and military in a position where they

¹⁵⁷ Most EAOs are designated as illegal organizations under the “Unlawful Associations Act” (1908), criminalizing contact with EAOs, unless suspended by special agreement of the government (for example, when these organizations attend peace talks in government-controlled areas). EAOs that signed the NCA were removed from the list of illegal organizations.

¹⁵⁸ Previously the military had demanded that these groups disarm before being allowed to enter into peace negotiations or sign a ceasefire. However, in early August 2016, the military relaxed its demand and subsequently requested that the three groups release the above statement before being allowed to join peace negotiations. See: Wa Lone, “Myanmar military relaxes stance on rebels barred from peace talks,” *Reuters* 4 August 2016.

were jointly represented as “the government.” Indeed, as demonstrated, there have been positive signs that the government and military have increasingly aligned policies and actions.¹⁵⁹ The NLD’s willingness to listen to advice from the military, and to cooperate during its initial months in government, has served to build a level of trust between them. Retired Lieutenant General Khin Zaw Oo, Secretary of the Peace Commission, explained to us that, from his perspective, the NLD is willing to listen to the military’s position and senior officers have provided inputs that have led to progression in the peace process.¹⁶⁰

Also significant in the context of the peace process, and civil-military relations more generally, was the commander-in-chief’s attendance of Martyrs’ Day on July 19, 2016, the 69th anniversary of the assassination of the independence hero and founder of the Defence Services, General Aung San, and his colleagues, for the first time in almost three decades.¹⁶¹ The visit to the memorial was followed by General Min Aung Hlaing’s attendance at the religious ceremony held at Aung San Suu Kyi’s residence, where she was kept under house arrest by the military for more than 15 years. The commander-in-chief’s participation was symbolically important as it indicated that the military could potentially work with the NLD on the peace process with the daughter of Aung San, convener of the first Panglong conference, and on political transition. It was thus interpreted as a demonstration of improved relations between the NLD administration and the military.¹⁶²

It is hoped that further momentum in the peace process will enhance civil-military relations. In fact, the fundamental importance of the successful implementation of the peace process to Myanmar’s transition to democracy was reiterated in a press conference of the Commander-in-Chief Senior General Min

¹⁵⁹ Motokazu Matsui, “Suu Kyi, Myanmar army learn to live with each other,” *Nikkei Asian Review* 27 July 2016.

¹⁶⁰ Interview with Lt. General (retired) Khin Zaw Oo in Yangon on 20 June 2016.

¹⁶¹ The Tatmadaw had stopped sending representatives to the event after North Korean agents planted bombs that killed South Korean politicians. After Aung San Suu Kyi’s NLD won the 1990 election, General Aung San’s role in the history of the country was greatly reduced: for example school textbooks omitted his role in Myanmar’s independence and his image was replaced on bank notes.

¹⁶² Aung Zaw, “The Lady and the Generals,” *The Irrawaddy* 25 July 2016.

Aung Hlaing on May 13, 2016, when he said that the military would give up its 25 percent seat allocation in the legislature if Myanmar achieves internal peace.¹⁶³ Effectively this means that if the peace process is successful, the military plans to relinquish its veto power over changes to the constitution. He also stated that this may take up to a decade or more. It seems therefore that if the NLD wants to change the constitution, or take the military out of politics, the only way to bypass the formal constitutional amendment process is to achieve peace and to negotiate for a new political arrangement. This depends on functioning civil-military coordination in the peace process and the sustainability of improved civilian-military relations more generally.

One question that remains, however, is whether the military will back all the decisions made by Aung San Suu Kyi and the government in regards to the peace process. Under retired general and former minister in the president's office Aung Min, the MPC had the backing of the president who coordinated with the military on its activities. The Defence Services obviously had more trust in the USDP-led executive and in a president who was a former general chosen by the former commander-in-chief. Thein Sein, it appears, trusted Aung Min and his MPC to negotiate with the EAOs, a job in which he took considerable initiative.¹⁶⁴ It will inevitably take time for the military to establish the same level of trust in the government and new peace architecture in the handling of the peace process.

Challenges Faced

In spite of achievements made in the first five months, there inevitably exist a number of other challenges with regard to the peace process, some larger than others.

First, by the time the NRPC was formed and became a government body, most of the former MPC staff had left the organisation after its dissolution and had

¹⁶³ "Myanmar military chief voices support for constitution amendment if stable," *Shanghai Daily* 13 May 2016.

¹⁶⁴ Aung Min also relied on information and contacts with the EAOs through a handful of Western-educated former EAO members and political activists who came back to Myanmar to participate in the transition after 2011, and who were recruited by the MPC.

found other jobs, meaning that competences that had been built up have been lost. Furthermore, as a government body, NRPC staff will have to be recruited through civil service procedures and paid on the same salary scale as other civil servants, making it less attractive to some staff who had previously enjoyed higher wages as staff of the MPC.¹⁶⁵ Furthermore, the new NRPC leadership did not seem to undertake any major moves to show they were pro-active and did not appear to take action unless an instruction came from the state counsellor. This was partly due to the lack of experience in the peace process, as well as the elite level of relationship-building during this period (i.e. between Aung San Su Kyi and Min Aung Hlaing). Yet it also appeared to be due to concerns among the decision-making and working level staff of the Ministry of the State Counsellor and the NRPC that they might potentially face being reprimanded: this in case they made unintended mistakes as a result of not having clear direction from Aung San Suu Kyi or other NLD leaders. Another issue is that the signatories to the NCA have taken on a role in facilitating communications and ensuring that informal discussions between the government and non-signatory EAOs took place. During the period under study, the NRPC had not yet taken on a pro-active role in hosting informal discussions with EAOs nor scheduled a series of talks with EAOs. Rather all focus was on preparing for the UPC-21CP at the end of August.

A further major challenge is that now that the peace architecture and meeting timeframes are largely established, e.g. that the Union Peace Conference is to be held bi-annually, there is naturally less flexibility to respond to changes and hurdles within the peace process. At the same time, it also gives greater assurances to EAOs that political dialogue will continue. Tractability is also required to engage responsively in informal talks with the EAOs to deal with issues arising between the parties to the conflict, as well as talks on positions and points relevant to the overall political dialogue. It will take tough negotiations on the part of the government and military to persuade the other 10 non-signatory EAOs to sign the NCA, which is mandatory for participation in future Union

¹⁶⁵ Interview in Yangon with a former senior MPC staff member on 20 June 2016.

Peace Conferences and the political dialogue process.¹⁶⁶ Currently, only 8 EAOs have signed the NCA.

Moreover, the process itself is complex, time consuming, and fragile. As mentioned earlier, Aung San Suu Kyi's initial call for a 21st Century Panglong Conference was a sensitive move given that there were differing interpretations of the term "Panglong." For the military, it may mean "unity in diversity," ethnic political parties may equate it with "equality and self-determination," while for EAOs it can mean "the right to secession is guaranteed." Indeed, there is very little concerning Panglong on which all sides agree, but for many the "*spirit of Panglong*" remains important.¹⁶⁷ In fact, such divergent interpretations are common in Myanmar, which is indicative of the importance of political dialogue. As a further example of how much division still exists, despite positive steps forwards, at the EAO plenary meeting in Mai Ja Yang there were calls for a diverse range of types of federalism by the various EAOs. This was in spite of widespread expectations among Myanmar analysts that a common position would be presented by the EAOs on federalism.¹⁶⁸

Aside from EAOs and the military, the peace process also depends on the performance of ethnic political parties. In the 2010 election, they were able to secure dissenting votes from their constituents against the USDP and formed a sizeable force inside the national and sub-national legislatures. However, they were largely eclipsed by the NLD through the latter's landslide win in the 2015 election, not least due to the unforgiving first-past-the-post electoral system.¹⁶⁹ This

¹⁶⁶ Richard Horsey, "Reality bites for Aung San Suu Kyi amid surging violence," *Nikkei Asian Review*, Commentary, 14 October 2016.

¹⁶⁷ The "*Spirit of Panglong*" is used to invoke the 1947 Panglong conference and is regularly used by Aung San Suu Kyi. Her father was assassinated on July 19, 1947, only months after the conference and some use the term to describe his intentions in the design of the agreement about the division of power between the ethnic majority and the country's ethnic minorities. For further context see: Amrita Dey, "Will Panglong II end the ethnic conflict?," *Myanmar Times* 30 August 2016.

¹⁶⁸ During the EAO plenary meeting in Mai Ja Yang, EAOs drafted a new form of federal union creating a Bamar state by merging several regions and a state of nationalities for regions with mixed ethnic residency. See: Lunn Min Maung, "Structure of federal Union debated on second day of Mai Ja Yang summit," *ibid.* 28 July 2016.

¹⁶⁹ These parties could have achieved better results if proportional representation had been implemented, something they did not support, however, and which may have required constitutional change in any case. It seems they rejected such change based on a calculation by the major parties in

has a number of consequences. For instance, until ethnic parties show strong performances at the ballot box, well-armed EAOs are reluctant to transform themselves into political entities. Therefore, in order to encourage EAOs to participate in future elections, it may be necessary to consider a change or changes in the electoral system in order to boost the perceived political dividend.

The five-year term of the NLD-led government may also pose a potential challenge for implementation of the peace process. According to retired Lieutenant General Khin Zaw Oo, "the peace process gained strategic momentum during the first three years of Thein Sein's presidency but the last two years were disrupted by tactical preparations for the election."¹⁷⁰ He thus also predicted that it is equally important for the NLD to actively engage the peace process during its first three years and achieve concrete results before election fever will distract its focus. The government also faces the problem of financially supporting the peace process. This, for the time being at least, would appear to have been offset by international donors, who have maintained interest in continuing to support the nationally-led peace process, and commitments of funding have already been made by the EU and other countries.¹⁷¹ A new multi-donor trust fund, the Joint Peace Fund, has also been created to support the process and to enhance coordination between donors.¹⁷² In the coming months, following the

the states that they would have gained a little more in terms of votes at the national level, but would have had to share more power with sub-minorities at the state level. Furthermore, the NLD firmly opposed the adoption of a new system of plurality voting as the current "first-past-the-post" system benefitted them in their sweep of the 2015 elections. See: Hunter Marston, "A Make or Break Year for Myanmar," *The Diplomat* 8 December 2014. Ardeth Thawngmung, "The Myanmar Elections 2015: Why the National League for Democracy Won a Landslide Victory," *Critical Asian Studies*, Volume 48/Issue 1, February 2016: 132-142.

¹⁷⁰ Interview on 20 June 2016.

¹⁷¹ European Union, "Elements for an EU strategy vis-à-vis Myanmar/Burma: a special partnership for democracy, peace and prosperity," Brussels, Belgium, 20 June 2016. The document lays out a plan for a coherent, ambitious and forward-looking EU engagement and intensified cooperation with the country in its transition process. It includes six key areas: (1) Democracy, Rule of Law, and Good Governance; (2) Peace Process; (3) Protection and Promotion of Human Rights; (4) Poverty Reduction and Sustainable Development; (5) Economic Engagement and Trade; and (6) Myanmar in the Region. New proposals to Myanmar include military-military cooperation, except for arms sales which remain on the EU's sanctions list, and budgetary support to the Myanmar government.

¹⁷² The Joint Peace Fund, formed in 2015, is a platform for coordinated international financial, technical and advisory assistance. It seeks to support a peace process that ends ethnic armed conflict in Myanmar and results in a sustainable peace from which all the people of the country benefit. With

government's re-structuring of the peace architecture, proposals for support of peace-making activities will be funded and donor coordination structures are being developed by the donors and government.

Across this complex terrain, the NLD-led implementation of the peace process has made concrete steps forward in the first five months of the new government, with reform of the peace architecture, negotiation and cooperation with the military, and through initial negotiations with EAOs, both signatories and non-signatories. It also showed adaptability in being sensitive to the protocols of the NCA, which was important for both EAOs and the military. However, the lack of capacity of the NRPC has created a situation where valuable momentum has been lost and the process has been affected by a lack of decision-making in some cases and micromanagement in others. Furthermore, the relationships between signatories and non-signatories remain tentative and the NLD-led government will need to keep attention and focus on the peace process by negotiating a shared vision for further technical implementation of the ceasefire, and for hosting an inclusive political dialogue with the EAOs. This will undoubtedly require the NRPC (and Peace Commission) to continue to build trust with the military, EAOs and civil society to consolidate its legitimacy and capacity, which in turn demands improvements in technically capable human resources.

Rakhine State Situation

While not technically part of the peace process, the tense situation in Rakhine state¹⁷³ is also an urgent priority for the NLD to address. Despite its rich natural resources, the state is the poorest in Myanmar with an estimated poverty rate of 78 percent, according to the World Bank.¹⁷⁴ Inter-communal tensions between Rakhine Buddhist and Muslim communities, in addition to perceived central

many donors pooling their funding, the JPF hopes to offer a coherent and efficient approach to providing financial, technical and advisory assistance to the parties in the peace process, as well as other Myanmar organisations. See: <http://www.jointpeacefund.org/>.

¹⁷³ Rakhine State or Rakhine people were formerly known as Arakan State or Arakanese during the colonial period. The official term is "Rakhine," and political activists have used the term Arakan to eschew name changes made by the military government in 1989, but both usages are common.

¹⁷⁴ World Bank Report, "Myanmar: Ending poverty and boosting shared prosperity in a time of transition," November 2014.

government discrimination and neglect of the state, have long undermined the development of this area.¹⁷⁵ For many years, the Myanmar government has come under scrutiny from human rights bodies for the situation in the state. Underlying tensions erupted in June and October 2012 when two waves of violence resulted in scores of deaths, many injuries, destroyed property and housing, and the displacement of almost 150,000 people.¹⁷⁶

The treatment of minority Muslim communities is a particularly important, and sensitive, issue. There are deep divisions between Rakhine Buddhists and self-identified Rohingya Muslims. Local Rakhine Buddhists and the government tend to regard the latter as illegal immigrants from neighbouring Bangladesh and refer to them as Bengalis.¹⁷⁷ On the other hand, these people claim that their ancestors have lived in Rakhine state for centuries, or at least were “descended from persons who had made Myanmar their permanent home for two generations” prior to 1982, which enables people to qualify as full citizens under the 1982 citizenship law.¹⁷⁸ International human rights bodies regard them as one of the world’s most persecuted people, due to human rights abuses including restrictions applied to them such as on their freedom of movement, as well as the state’s refusal to recognise the citizenship of much of the population and the onerous restrictions on obtaining citizenship.¹⁷⁹

¹⁷⁵ It is commonly stated that Myanmar officially defines 135 “national race” categories. These are grouped together into eight macro-categories: Bamar, Mon, Kayin, Kayah, Shan, Kachin, Chin and Rakhine. Divisions within each of these categories can be significant, especially along linguistic, ethnic, and class fault lines. “Rohingya” are not recognised as one of the official national races of Myanmar.

¹⁷⁶ The violence was initially sparked by the rape and murder of a Buddhist woman by three Muslim men in Ramree Township, Rakhine State in late May 2012, and the retaliation killing of 10 Muslim men by a mob in Toungup in early June 2012. The Thein Sein administration established an Inquiry Commission into the violence in August 2012 to look into the root causes and provide recommendations for preventing future violence.

¹⁷⁷ Rakhine Inquiry Commission, “Final Report of Inquiry Commission on Sectarian Violence in Rakhine State” (Nay Pyi Taw: Inquiry Commission on Sectarian Violence in Rakhine State, 2012), 92–96.

¹⁷⁸ 1982 Myanmar Citizenship Law, section 6 read together with 1948 Union Citizenship Act, section 4(2).

¹⁷⁹ Amie Hamling, “Rohingya people: the most persecuted refugees in the world,” *Amnesty International* 7 October 2015.

Consequently, improving the situation in Rakhine State is a stated priority of the NLD government and prioritizing stability and development there formed part of the 100-day plan of the state counsellor's office (see Appendix 3). The post-election political context has not necessarily been conducive. In an early step, the NLD decided not to appoint an MP from Arakan National Party (ANP)—which represents the Rakhine Buddhist majority—as the chief minister of the state, despite the ANP winning the most seats in the State legislature in the 2015 election. This decision was strenuously protested against by the ANP, and it has adopted a more hardline oppositional stance as a result.

Signaling the new government's high level of attention to the issue, on May 31, 2016, it formed a "Central Committee on Implementation of Peace, Stability and Development of Rakhine state," chaired by Aung San Suu Kyi and including all cabinet members plus the Rakhine chief minister and the state secretary. Subcommittees were also formed on security, citizenship, development and relations with aid agencies. Given its broad membership and the many demands on ministers' time, the committee has met infrequently, although it has identified 142 priority action points.¹⁸⁰

In terms of practical actions, the Immigration and National Registration Department under the Ministry of Labour, Immigration and Population reactivated efforts to assess the citizenship status of undocumented Muslims. The previous government had launched a pilot project to issue citizenship cards to those Muslims who qualify under the 1982 law, but with no real efforts to obtain buy-in from Rakhine and Muslim communities—and in particular a requirement for Muslims to identify as "Bengali"—it failed to gain much traction and there were demonstrations by Rakhine nationalists against the process. In May, the immigration department recognized the challenges by reverting to a more modest process of replacing the Temporary Registration Certificates ("white cards") that many Muslims had held until their cancellation in March 2015 with National Verification Cards (NVCs or "green cards") that will be the basis for future citi-

¹⁸⁰ "Rakhine committee establishes 142-point agenda," *Myanmar Times*, 15 July 2016.

zenship scrutiny.¹⁸¹ However, with limited outreach efforts, only around 2000 new NCVs have been issued under the new government, compared with some 500,000 white cards that were held prior to their cancellation.¹⁸² In the future, it will be important for the government to conduct more detailed consultations with local communities to ensure that government initiatives to address the situation have more acceptance.

A polarized political context continues to hamper progress. Even terminology remains a sensitive issue. There were protests when the US ambassador continued to use the term Rohingya despite the foreign ministry's request to refrain from doing so. Aung San Suu Kyi tried to solve the nomenclature dilemma by introducing a supposedly neutral term, "Muslim communities in Rakhine State," which again faced resistance from both sides. She finally requested the public – and instructed government staff – to refrain from using either "Rohingya" or "Bengali."¹⁸³

Managing the situation in Rakhine State is important more broadly, as fear-mongering around the numbers of Muslims in Rakhine State and the alleged threat that they pose is used as justification for the existence and action of nationalist movements, including "*Ma Ba Tha*."¹⁸⁴ The NLD had in the past been reluctant to directly challenge Ma Ba Tha because of its perceived public support among the Buddhist majority. However, on several occasions since coming to power, the NLD has now tested Ma Ba Tha's resilience by questioning its legitimacy as an organization.¹⁸⁵ In the meantime, there were several incidents

¹⁸¹ Nyan Hlaing Lynn and Thomas Kean, "Untangling the Rakhine citizenship mess," *Frontier Myanmar* 3 June 2016.

¹⁸² ISDP interview with individual working closely on the issue, August 2016.

¹⁸³ Peter Lloyd, "Burma leader Aung San Suu Kyi bans use of Rohingya name for oppressed Muslims," *ABC News*, 22 June 2016.

¹⁸⁴ *Ma Ba Tha* is the Myanmar-language acronym for *Amyo-Batha-Thathana* (Race, Language, Religion) and is sometimes referred to in English as the Committee/Association for the Protection of Nationality and Religion. See: Thusitha Perera, "Ma Ba Tha and the vote," *New Mandala*, 4 November 2015.

¹⁸⁵ There were two major encounters. First, a nationalist was arrested for making provocative posts about Htin Kyaw, Aung San Suu Kyi and the commander-in-chief. In that case, Ma Ba Tha did not directly challenge the government. Second, when Ma Ba Tha did challenge the Chief Minister of Yangon for his remarks, the government was able to sideline it with the support of the chief monks.

outside of Rakhine State where mobs attacked Muslim properties in Bago Region, and Kachin and Shan States.¹⁸⁶ While the violence in these cases remained contained, there is a risk that these types of incidents can escalate and spread to other places, including Rakhine State, especially given the recently expanded usage of social media in Myanmar.

These challenges, together with considerable international criticism¹⁸⁷ of the situation in Rakhine State and the dire human rights situation of the Muslim population there, led to further the NLD's efforts to address the situation. On August 23, Aung San Suu Kyi announced the establishment of a hybrid national-international Advisory Commission on Rakhine State, chaired by former UN Secretary-General Kofi Annan.¹⁸⁸ The mandate of the Advisory Commission is to "undertake meetings with all relevant stakeholders" and "analyze relevant issues with a view to finding the best possible solutions to prevailing problems." The Commission will consider humanitarian and development issues, access to basic services, the assurance of basic rights, and the security of the people of Rakhine.¹⁸⁹

While the timing of the Commission's establishment may have been useful in deflecting criticism ahead of Aung San Suu Kyi's September meetings with Prime Minister May in London, President Obama in Washington DC and her speech to the UN General Assembly in New York, the appointment of someone with the stature of Kofi Annan as its head suggests the government has the political will to take concrete action on the issue and once again reiterates the im-

See: Aung Kyaw Min, "Could this be the end of Ma Ba Tha," *Myanmar Times* 12 July 2016; Myanmar Now, "Ma Ba Tha reluctant to pressure govt over defamation case," *Frontier Myanmar* 10 May 2016.

¹⁸⁶ Ye Mon, "No arrests to be made after Bago mob violence, chief minister says," *Myanmar Times* 30 June 2016; "Mob burns down Muslim prayer hall in Hpakant," *Myanmar Times* 4 July 2016.

¹⁸⁷ The UN Special Rapporteur, Yanghee Lee, in her June 2016 visit to Myanmar pressured the government on the need to ease restrictions on the population of Muslims in northern Rakhine State. International media and human rights organisations have also criticized Aung San Suu Kyi for not doing enough to resolve this situation. See: Fisher, "Hundred days of Myanmar's democracy," *BBC News* 8 July 2006.

¹⁸⁸ Ministry of the Office of the State Counsellor, Press Release, 23 August 2016. Reproduced in *Global New Light of Myanmar*, 24 August 2016, pp. 1, 3.

¹⁸⁹ *Ibid.*

portance of relationships across divergent groups for solving such longstanding and complicated matters of conflict.

Conclusion

With its impressive electoral victory in November 2015, the NLD government has the legitimacy that only a resounding nation-wide, popular mandate can offer. Aung San Suu Kyi's stature—at home and abroad—has helped to ensure a profound change in the tone of discussions about Myanmar politics.

However, Aung San Suu Kyi and the NLD can only deliver on their four stated aims—national reconciliation, internal peace, constitutional amendment and socio-economic development—if she finds a balance in relations between her democratically endorsed government, the Defence Services, and the elected and non-elected leaders of the country's many different ethnic political groups, including those who maintain militias and armies. So far, she has been able to balance them relatively successfully through the peace process. At this early stage, therefore, the NLD has avoided unduly antagonizing its former foe. The military still enjoys its powerful institutional role under the 2008 constitution, which preserves many of its privileges as an incumbent political player.

The NLD has also been successful in institutionalizing its role, controlling large sections of the governance structure for the first time. But, at the same time, its first five months in office also demonstrated the NLD's relative lack of preparation to govern. Prior to assuming office, it appeared to spend a significant amount of time ensuring the transfer of power and working out the potential role of Aung San Suu Kyi. For the NLD's top leaders this was the overwhelming priority; she is, after all, unmatched as a political figure. By the time it became apparent that she would not become president, there was less time to prepare for the actual transition of power. This situation affected the 100-day plans, for instance, and helps to explain why parts of the government's early activities could not be carefully planned. To compensate, the NLD sped up existing projects to claim quick-wins as their own, instead of announcing longer term major

political and socio-economic reforms. Furthermore, her team generally lacked day-to-day administrative experience; several skilled and experienced candidates deemed disloyal to the NLD were even excluded. In assembling the new government line-up, she also relied on incumbent bureaucrats.

After decades of direct military rule, its first few months, or even the next few years of its mandate, do not provide enough time to “fix” all of Myanmar’s multifaceted problems. Nevertheless, the NLD government now has an historic opportunity to shape Myanmar’s political, economic and cultural trajectory for the next generation. Looking closely at what has already happened, it is clear that there were several important opportunities for democratic consolidation during the NLD’s first few months in government. In seeking to summarize changing relations and events over the first five months of NLD government, these are briefly explained in four parts:

(i) *Improved relations between the NLD-led government and the Myanmar Defence Services*

During this early phase of learning to work together, there has been no major rift between the government and the military. Both sides are exercising restraint. The military’s willingness to abide by the existing rules shows that it can accept the current arrangements as specified by the 2008 constitution. The military is recovering from its own tarnished image and it can benefit from improved civil-military relations. Some of that benefit will flow directly to military personnel who can now enjoy much greater interaction with foreign counterparts, and with civilians at home and abroad. With this foundation, there is a rare opportunity to build broad-based trust in civil-military relations. The legislature, with its mandated military representation, is currently one of the most appropriate forums to foster such engagement, alongside the peace process.

(ii) *Structured dialogue and negotiation with EAOs and the military through a reinvigorated peace process and adherence to the NCA*

The government has put significant effort into the peace process and, building on past achievements, there is a genuine opportunity for a start to a national reconciliation process. The undertakings of the NLD-led government and constituent bodies such as the NRPC, bringing all the NCA signatory and non-signatory EAOs to one table at the Panglong Conference, was a significant achievement for the new government. The next few years will be crucial and will shape the course of the peace process as well as the future of Myanmar's fragile union.

(iii) *Cooperation with existing bureaucratic apparatus*

The NLD was quick to cooperate with the existing bureaucratic apparatus. No senior government officials were dismissed. Instead, some of them were even co-opted to the inner circle of the NLD government. Both the NLD and civil servants, including those from the MPF, were able to accommodate each other. Apart from military matters, the NLD government, both at the national and sub-national levels, took full control of the day-to-day administration of the country.

(iv) *Consolidation of administrative power and strengthened committees*

The NLD government was able to consolidate power around Aung San Suu Kyi. In her roles as state counsellor, foreign minister, and minister in the president's office, she effectively controls the entire government. As time has passed, the government has become more assertive dealing with contentious topics, especially related to the peace process. Furthermore, the four sub-cabinet committees have been bolstered, and a cabinet-level committee created to deal with Rakhine state issues.

To conclude, the first five months of the NLD government has shown just how much has already been achieved during Myanmar's recent years of political and economic reform. The evolving culture of cooperation between pro-democratic, ethnic, and military forces will require time and patience before it is properly

consolidated. Much could still go wrong. Yet the NLD has shown that it is prepared to learn along the way, taking heed of its own constraints, with a view towards the long-term transformation of Myanmar society.

Appendices

Appendix-1: The NLD government on 30 August 2016

1. Htin Kyaw President
2. Aung San Suu Kyi State Counsellor, Union Minister for Foreign Affairs and Union Minister at the Office of the President
3. Myint Swe Vice-President (1)
4. Henry Van Thio Vice-President (2)
5. Lt-Gen. Kyaw Swe Union Minister for Home Affairs
6. Lt-Gen. Sein Win Union Minister for Defence
7. Lt-Gen. Ye Aung Union Minister for Border Affairs
8. Kyaw Tint Swe Union Minister at the Office of the State Counsellor
9. Dr Pe Myint Union Minister for Information
10. Thura Aung Ko Union Minister for Religious Affairs and Culture
11. Dr Aung Thu Union Minister for Agriculture, Livestock and Irrigation
12. Thant Sin Maung Union Minister for Transport and Communications
13. Ohn Win Union Minister for Natural Resources and Environmental Conservation
14. Pe Zin Tun Union Minister for Electricity and Energy
15. Thein Swe Union Minister for Labor, Immigration and Population
16. Khin Maung Cho Union Minister for Industry
17. Than Myint Union Minister for Commerce
18. Dr Myo Thein Gyi Union Minister for Education
19. Dr Myint Htwe Union Minister for Health and Sports
20. Kyaw Win Union Minister for Planning and Finance

21. Win Khaing Union Minister for Construction
22. Dr Win Myat Aye Union Minister for Social Welfare, Relief and Resettlement
23. Ohn Maung Union Minister for Hotels and Tourism
24. Naing Thet Lwin Union Minister for National Races Affairs
25. Tun Tun Oo Union Attorney-General

Appendix-2: Sub-Cabinet Committees

Security, Tranquility and Rule of Law Committee

1. Union Minister at the Office of the President	Chair
2. Union Minister for Home Affairs	Vice Chairman
3. Union Minister for Defence	Member
4. Union Minister for Border Affairs	Member
5. Union Minister for Social Welfare, Relief and Resettlement	Member
6. Union Attorney-General	Member
7. Permanent-Secretary of the Ministry of Information	Member
8. Permanent-Secretary of the Ministry of Labor, Immigration and Population	Member
9. Chief of Myanmar Police Force	Secretary

Economic Affairs Committee

1. Union Minister at the Office of the President	Chair
2. Union Minister for Agriculture, Livestock and Irrigation	Member
3. Union Minister for Transport and Communication	Member
4. Union Minister for Natural Resources and Environmental Conservation	Member
5. Union Minister for Electricity and Energy	Member
6. Union Minister for Industry	Member
7. Union Minister for Commerce	Member
8. Union Minister for Construction	Member
9. Union Minister for Hotels and Tourism	Member

10. Union Auditor-General	Member
11. Union Minister for Planning and Finance	Secretary

Education, Health and Human Resources Development Committee

1. Vice President (1)	Chairman
2. Union Minister for Information	Member
3. Permanent-Secretary of the Ministry of Religious and Cultural Affairs	Member
4. Permanent-Secretary of the Ministry of Transport and Communications	Member
5. Permanent Secretary of the Ministry of Natural Resources and Environmental Conservation	Member
6. Permanent-Secretary of the Ministry of Electricity and Energy	Member
7. Permanent-Secretary of the Ministry of Labor, Immigration and Population	Member
8. Permanent-Secretary of the Ministry of Industry	Member
9. Permanent-Secretary of the Ministry of Commerce	Member
10. Permanent-Secretary of the Ministry of Planning and Finance	Member
11. Permanent-Secretary of the Ministry of Social Welfare, Relief and Resettlement	Member
12. Permanent-Secretary of the Ministry of Education	Secretary
13. Permanent-Secretary of the Ministry of Health	Joint-Secretary

National Races, Public Administration and Services Committee

- | | |
|--|-----------------|
| 1. Vice President (2) | Chairman |
| 2. Union Minister for Religious and Culture Affairs | Member |
| 3. Union Minister for National Races Affairs | Member |
| 4. Permanent-Secretary of the Ministry of Home Affairs | Member |
| 5. Permanent-Secretary of the Ministry of Information | Member |
| 6. Permanent Secretary of the Ministry of Agriculture, Livestock and Irrigation | Member |
| 7. Permanent-Secretary of the Ministry of Transport and Communications | Member |
| 8. Permanent-Secretary of the Ministry of Education | Member |
| 9. Permanent-Secretary of the Ministry of Health | Member |
| 10. Permanent-Secretary of the Ministry of Construction | Member |
| 11. Permanent-Secretary of the Ministry of Social Welfare, Relief and Resettlement | Member |
| 12. Director-General, Ministry of Labor, Immigration and Population | Member |
| 13. Permanent-Secretary, Ministry of Hotels and Tourism | Secretary |
| 14. Permanent-Secretary, Ministry of Border Affairs | Joint Secretary |

Appendix-3: Summaries of Government Agencies' 100-day Plans¹⁹⁰

*Ministry of Foreign Affairs*¹⁹¹

- a. Assigning labour attachés to Myanmar embassies and instructing them to provide assistance and protection for Myanmar migrant workers overseas in accordance with the host country's laws;
- b. Removing Myanmar citizens who were members of outlawed political organisations (with no criminal records) from a blacklist in place since before the 2010 elections;
- c. Streamlining entry visa formalities, standardising of visa costs and ensuring alignment with international standards, including relaxing visa rules for former citizens who left the country for political reasons.
- d. Establish more cooperative approach on human rights issues with the international community;
- e. Prepare to sign the Comprehensive Nuclear-Test-Ban Treaty and to ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
- f. Establishing a Diplomatic Academy to train Myanmar diplomats and better prepare them for foreign postings and work with the ministry.

*Ministry of Home Affairs*¹⁹²

- a. Crime reduction in major cities such as Yangon and Mandalay;
- b. Elimination of the illicit drug trade and usage through conducting special operations;
- c. Release of political activists currently facing charges;
- d. Issuing land lease grants in 283 villages;
- e. Reduction of national NGO registration fees;

¹⁹⁰ The summaries are a selection based on what was available on the website of the state-owned media outlet, *The Mirror*.

¹⁹¹ Han Ni Win, "Protecting overseas Myanmar and inviting ex-Myanmar during 100 days," *The Mirror* 28 May 2016.

¹⁹² Min Min Zaw, "100-day plan of the Ministry of Home Affairs to mainly target crime reduction, illicit drug elimination," *ibid.* 29 May 2016.

- f. Increasing visitors' time with inmates in prisons from 20 to 25 minutes per visit.

*Ministry of Border Affairs*¹⁹³

- a. Drilling artesian wells to serve remote villages;
- b. Restoration of roads, bridges and buildings destroyed by natural disasters;
- c. Assistance to internally displaced persons (IDPs) in Rakhine State;
- d. Study tours for ethnic minorities to Nay Pyi Taw, Yangon and Mandalay;
- e. Opening sewing courses for women from ethnic minority areas.

*Office of the State Counsellor*¹⁹⁴

- a. Release of remaining political prisoners;
- b. Stability and development in Rakhine State;
- c. National reconciliation and peace;
- d. Convening of the Union Peace Conference (21st Century Panglong Conference);
- e. Balancing people's democratic rights and the rule of law.

*Ministry of Information*¹⁹⁵

- a. Changes to the state-owned newspapers and television to ensure a new approach to the state media is publicised;
- b. Appointment of 67 spokespersons in 21 government ministries;
- c. Development of television broadcasting services;
- d. Informing the public about the government's 100-day plans.

¹⁹³ "Ministry of Border Affairs and 9 activities in the 100-Day Plan," *The Mirror* 21 May 2016.

¹⁹⁴ U Nyi Nyi Tun and Han Ni Win, "Interview with the Union Minister U Kyaw Tint Swe on the new State Counsellor Office and its 100-day plans," *ibid.* 27 June 2016.

¹⁹⁵ Maw Si, "Ministry of Information to bridge the government and the people," *ibid.* 2 June 2016.

*Ministry of Religious Affairs and Culture*¹⁹⁶

- a. Organising systems of funding support to give assistance to teachers of monastic education which provide education for children from poorer backgrounds;
- b. Enhanced supervision of pagoda trustees who manage the running and maintenance of Buddhist pagodas around the country. Corrupt and incompetent officials to be removed from trustee committees;
- c. The Fine Arts Department to host an academic paper presentation, followed by the production and publishing and sales of a book on Myanmar stringed instruments;
- d. The Department to nominate the ancient King Bayintnaung bell at the Shwezigon Pagoda in Bagan for World Heritage listing;
- e. Renovation of Independence Hero General Aung San's residence.

*Ministry of Agriculture, Livestock and Irrigation*¹⁹⁷

- a. 28 agricultural and irrigation sector, livestock and fisheries sector, and rural development projects with 70 percent of each focusing on rural-centered services;
- b. Agriculture loans of about 3.5 billion Kyat to be given to 489 farmers for the purchase of farming and fishing equipment, and about 18.2 billion Kyat to members of agriculture and livestock cooperative societies for the purchasing of agricultural products;
- c. Planned mechanisation of agriculture for over 193,490 acres of farmland in 140 townships;
- d. Drilling 602 artesian wells in 584 villages to provide water in remote areas;
- e. A small loans scheme amounting to 18.2 billion Kyat for 150,304 farmers in 99 townships;

¹⁹⁶ Ahlin Thit, "100-day plan of the Ministry of Religious Affairs and Culture to include Bayintnaung Bell as the world's heritage," *ibid.* 26 May 2016.

¹⁹⁷ Shin Min, "Ministry of Agriculture, Livestock and Irrigation to prioritise rural centered services," *ibid.* 20 May 2016.

*Ministry of Transport and Communications*¹⁹⁸

a. Transport

- i. Improved maintenance plans for Myanmar engineers in charge of airplanes operating domestically for safety reasons;
- ii. Restoration of 38 waterways and river embankments;
- iii. Education sessions produced and disseminated to reduce road accidents;
- iv. Issuance of micro-chip embedded driving licenses;
- v. Reduction of Myanmar Railways services that are not economically feasible.

b. Communications

- i. Hosting public auctions for bandwidth from the 2600 MHz broadband network;
- ii. Preparation of a plan to lease the use of Intelsat Satellite;
- iii. Construction of approximately 500 mobile telephone towers to widen telephone connectivity in-country.

*Ministry of Natural Resources and Forestry*¹⁹⁹

a. Mining

- i. Introduction of a mining cadastre to enable better management and sharing of mining information;
- ii. Research to be conducted on the viability of extracting chromite minerals in Chin State;
- iii. Managing the collapse of tailings or mine dumps in Kachin State.

b. Forestry

- i. Reduction of forest wood extraction;
- ii. Support for the production of finished forest products;

¹⁹⁸ Theint Theint Moe, "Ministry of Transport and Communications and 100-Day Plans," *ibid.* 22 May 2016.

¹⁹⁹ Han Ni Win, "100 day plan to bring sustainable mining, forestry and environment," *ibid.* 19 May 2016.

- iii. Plans to reduce illegal logging and smuggling of wildlife products.
- c. Environmental conservation
 - i. Support for the planting of trees under a green environment campaign;
 - ii. Measurement of air and water quality in populated areas to inform planning on these issues.

*Ministry of Electricity and Energy*²⁰⁰

- a. Electricity
 - i. Support planning for the reduction of electricity power transmission and distribution losses; installation of 150 electrical transformers in four districts of Yangon region in a move aimed to satisfy an increase in demand.
- b. Energy
 - i. Increase use of liquefied petroleum gas (LPG) to reduce dependency on firewood;
 - ii. Increasing the supply of compressed natural gas (CNG) to city buses in Yangon region;
 - iii. Introducing formal regulations for the management of private gas stations.

*Ministry of Labour, Immigration and Population*²⁰¹

- a. Labor
 - i. The opening of two Migrant Workers' Resources Centres in Ayeyarwaddy region and Rakhine State to encourage responsible and informed labor migration;
 - ii. Drafting legislation to support the safety of migrant workers' occupational health and safety;

²⁰⁰ Khin Yadanar, "Increasing electricity supply and gasoline distribution: What will the new government do?," *ibid.* 16 May 2016.

²⁰¹ Thi Thi Min, "13 services of the Ministry of Labour, Immigration and Population during its 100-day plan," *ibid.* 1 June 2016.

- iii. Sign a bilateral agreement with the Thai government on the protection and standards for migrant workers in Thailand.
- b. Immigration
 - i. Ensure that migrant workers have completed household registration and have citizenship scrutiny cards, to ensure their protection in the host country.
- c. Population
 - i. Prepare for the release of national census data on religion.

*Ministry of Industry*²⁰²

- a. Review on the profitability of state-owned enterprises and explore ways of privatising those posing a financial burden to the government;
- b. Create a coordination plan to distribute emergency supplies produced by factories operated by the Ministry of Industry, in case of natural disasters;
- c. Install large cement factories (5,000 Tonnage each) in cooperation with the private sector, under a build-operate-transfer (BOT) system, to enable further construction in-country.²⁰³

*Ministry of Commerce*²⁰⁴

- a. Increasing imports of machinery from a total of ten items per year per company, to ten types of machinery on a single import permit;
- b. Removing selected agricultural products from the export-restricted list, enabling the export of a wider range of items.

*Ministry of Education*²⁰⁵

- a. Providing free education for primary school students;

²⁰² Nay Lin, "100-day industrial development plan to directly benefit the people," *ibid.* 25 May 2016.

²⁰³ "Build-operate-transfer" (BOT) is a form of project financing, wherein a private entity receives a concession from the private or public sector to finance, design, construct, and operate a facility stated in the concession contract.

²⁰⁴ Khin Zar Li, "More import for machineries and liberalising restricted goods during the 100-day plan of the Ministry of Commerce," *ibid.* 24 May 2016.

²⁰⁵ Khin Yadanar, "100-day plan of the Ministry of Education begins with education for all children," *ibid.* 30 May 2016.

- b. Providing refresher courses for basic education teachers;
- c. Enable teachers to withdraw their salary from private banks;
- d. Implementing alternative education plans for those whose education has been interrupted.

*Ministry of Health and Sports*²⁰⁶

- a. Compiling and utilizing inputs for health policy and implementation plans from chief medical officers across 14 regions and states;
- b. Drafting necessary legislation and promulgating rules to support health policy;
- c. Appointment of more medical doctors to better meet public demand;
- d. Appointing a further 1,000 general practitioners and 42 dentists countrywide to better meet the needs of the population;
- e. Plan for the reduction of fatal road accidents;
- f. Establishment of eleven 24-hour emergency service stations along the Yangon – Mandalay highway.

*Ministry of Planning and Finance*²⁰⁷

- a. Planning
 - i. Reduce company registration fees by half, to 500,000 Kyat (approximately USD 420);
 - ii. Switching planning practices from a top-down to a bottom-up approach.
- b. Finance
 - i. Switching from a manual to an automatic customs clearance system at Yangon international airport and main seaports;
 - ii. Improve and establish systematic management of air cargo storage;

²⁰⁶ Maw Si, "Ministry of Health to prioritise emergency service at the expressway and appointment of new doctors," *ibid.* 18 May 2016.

²⁰⁷ Su Hnin Lei, "100-day plan of the Ministry of Planning and Finance to include changes to the company registration fee and extending the Aung Bar Lay lottery system up to a prize of 100 million Kyat," *ibid.* 23 May 2016.

- iii. Use of commercial tax collected from mobile telephone credit top-up card sales for education and health projects.

*Ministry of Construction*²⁰⁸

- a. Upgrading six percent of the Yangon – Mandalay highway in need of urgent repairs.²⁰⁹
- b. Closure of 161 out of 302 toll gates for smoother transportation;
- c. Building 2,200 low-cost housing at a price of 10 million Kyat per room in Yangon and Mandalay.

*Ministry of Social Welfare, Relief and Resettlement*²¹⁰

- a. Implementation of landslide and dams management in Chin State;²¹¹
- b. Assisting unemployed and homeless youth with access to service delivery, as well as education and employment.

*Ministry of Hotels and Tourism*²¹²

- a. Creating more travel routes and events to develop community-based tourism in selected areas of ethnic states such as Kayah, Kayin, Shan States, and Magwe and Mandalay Regions.

*Ministry of National Races Affairs*²¹³

- a. Establishment of and staffing of the Ministry;
- b. Safeguarding the privileges of the national races;
- c. Promoting literature, culture and customs of the national races.

²⁰⁸ Naing Lin Kyi and Phyo Sandar Myint, "100-day plan to upgrade Yangon-Mandalay expressway and to build low cost housing," *ibid.* 17 May 2016.

²⁰⁹ The highway, built in 2009, is missing many of the safety features found on international-standard highways, such as roadside reflectors, warning signs and rumble strips to alert drivers when their vehicles are leaving the road.

²¹⁰ Shin Min, "100-day plan of the Ministry of Social Welfare, Relief and Resettlement," *ibid.* 15 May 2016.

²¹¹ Chin State is prone to landslides and floods, and has an under-developed transport system and a challenging mountainous topography with remote villages spread over a relatively large area.

²¹² Theint Theint Moe, "When tourism reaches rural under 100-day plan," *ibid.* 27 May 2016.

²¹³ Phyo Sandar Myint, "100-day plan of the Ministry of National Races Affairs to safeguard national races affairs," *ibid.* 31 May 2016.

*Union Attorney-General Office*²¹⁴

- a. Expediting court cases by avoiding unnecessary delays caused by scheduling of cases by public prosecutors.

*Union Civil Service Board*²¹⁵

- a. Changing the nature of examinations for new civil servants;
- b. Opening two Civil Services Academies (currently there is one main training institution – the Union Civil Service Board);
- c. Arrange exemptions for academic staff from universities from attending several civil service courses, so that they can work for government and their university education is considered as a qualification for civil servant work.

*Union Auditor-General's Office*²¹⁶

- a. Focus auditing efforts on government agencies that are more vulnerable to malpractice.

²¹⁴ Min Min Zaw, "100-days of the Union Attorney-General Office," *ibid.* 3 June 2016.

²¹⁵ Ye Khaung Nyunt, "100-day plan of the Union Civil Service Board to upgrade public servants through fundamental changes," *ibid.* 4 June 2016.

²¹⁶ Thuya Zaw, "100-day plan of the Union Auditor-General Office to audit for the interest of the people," *ibid.* 5 June 2016.

Appendix-4: Timeline of Events (30 March – 30 August 2016)

- 30 March - President Htin Kyaw sworn in as the President of the Republic of the Union of Myanmar at the National Legislature or Pyidaungsu Hluttaw.
- 1 April - In an act viewed as targeting corruption, an executive order, was issued by Aung San Suu Kyi in her capacity as minister of the president's office forbidding civil servants accepting gifts worth over approximately USD20.
- 1 April - Closure of 161 highway tollgates operated by the Ministry of Construction, making travel on long highways less interrupted and cheaper.
- 3 April - Yangon region Chief Minister Phyo Min Thein called for a modest Myanmar New Year Water Festival or Thingyan but received a mixed response from the public.
- 5-6 April - The Chinese Foreign Minister Wang Yi met with President Htin Kyaw and Aung San Suu Kyi.
- 6 April - The State Counsellor Act was promulgated, giving Aung San Suu Kyi an advisory role in both the executive and legislatures in wide-ranging matters including democracy, the economy, federalism, and the peace and development of Myanmar.
- 6 April - Aung San Suu Kyi met with Italian Foreign Minister Paolo Gentiloni.
- 9 April - 199 political prisoners were released under a program initiated by Aung San Suu Kyi.
- 11-20 April - Myanmar New Year Thingyan public holiday.
- 16 April - President Htin Kyaw pardoned 83 political prisoners.

- 27 April - Aung San Suu Kyi met with the Union Joint Monitoring Committee (JMC-U) and called for the 21st Century Panglong Conference.
- 1 May - The government's first 100-day plan begins.
- 11 May - Yangon region government holds a press conference to suppress rumours and confusion after the police enforced 11pm shutdowns for restaurants, karaoke bars and nightclubs as part of the 100-day plan, without authorisation from the regional government.
- 14 May The Yangon chief minister issued an executive order to halt high-rise construction and review all projects of nine floors or higher to determine if they will go ahead, even those under construction.
- 22 May - US Secretary of State John Kerry visited Myanmar.
- 24 May - The legislature approved a proposal for a 500 billion Kyat loan from the Central Bank to provide agricultural loans to farmers.
- 27 May - The government issued a ban on chewing, spitting or selling betel nut near government offices, schools and hospitals.
- 30 May - The Rakhine State Peace, Stability and Development Committee established and led by Aung San Suu Kyi to tackle communal violence and improve development in the state.
- 6 June - Aung San Suu Kyi received General Mikhail Kostarakos, Chairman of the EU Military Committee.
- 7 June - The Prime Minister of Singapore, Lee Hsien Loong, visited Myanmar.
- 8 June - The Myanmar Investment Commission was re-constituted under the new government.
- 14 June - Aung San Suu Kyi ordered chief ministers to avoid misusing power following a crackdown on betel nut vendors.

- 16 June - During a visit by UN Special Rapporteur on Myanmar Yanghee Lee, the government instructed the state-run media not to use the disputed term “Rohingya” for the Muslim minority group in Rakhine State and instead to refer to them as the “Muslim community in Rakhine state.”
- 17 June - Aung San Suu Kyi met with French Foreign Minister Jean-Marc Ayrault. She also met with German Federal Minister for Economic Co-operation and Development Dr. Gerd Muller.
- 23 June - Aung San Suu Kyi visited Thailand and met with Myanmar migrant workers as part of the foreign policy focus on the issue.
- 23 June - Buddhist mob destroyed a mosque in Waw township in Bago region.
- 25 June - Vice President Henry Van Thio returned over 6,000 acres of seized land to farmers in Ayeyarwaddy region.
- 28 June - Aung San Suu Kyi met with leaders of ethnic armed organisation Peace Process Steering Team (EAOs PPST) and called for 21st Century Panglong Peace Conference or Union Peace Conference to be held before the end of August.
- 30 June - The US State Department’s Office to Combat the Trafficking of Persons downgraded Myanmar to Tier 3 status, with potential to trigger US trade and economic sanctions.
- 1 July - Mob burned down Muslim prayer hall in Hpakant, Kachin state.
- 6 July - Aung San Suu Kyi called for inclusion of all ethnic armed organisations in Peace Conference at the 21st Century Panglong Preparatory Committee meeting.
- 7 July - The Central Committee to Protect Race and Religion also known as *Ma Ba Tha* demanded an explanation from the government after the Yangon chief minister criticised Ma Ba Tha’s role.
- 11 July - National Reconciliation and Peace Centre (NRPC) and Peace Commission established.

- 13 July - The State Sangha Maha Nayaka Committee (the government-appointed body of the leadership of Buddhist monks that oversees and regulates them) discredited Ma Ba Tha and distanced itself from the group.
- 19 July - The commander-in-chief attended the Martyrs' Day for the first time in almost three decades.
- 23 – 26 July - Aung San Suu Kyi attended 49th ASEAN Foreign Ministers Meeting in Vientiane, Laos.
- 26 – 29 July - Ethnic armed groups summit in Mai Ja Yang, Kachin State
- 29 July - Twelve-point economic policy of the government to support national reconciliation announced.
- 29 July - Aung San Suu Kyi met with NDAA and UWSA ethnic leaders to invite their participation in the 21st Century Panglong Conference in Nay Pyi Taw.
- 8 August - Announcement of the 21st Century Panglong Conference to be held on 31 August.
- 15 August - Aung San Suu Kyi chaired the UPDJC meeting in Nay Pyi Taw.
- 17 August - Aung San Suu Kyi made a state visit to China.
- 23 August - Establishment of the nine-member Advisory Commission on Rakhine State led by former UN Secretary General Dr. Kofi Annan.
- 24 August - A magnitude 6.8 earthquake hit Bagan damaging 187 pagodas.
- 27 August - President Htin Kyaw made a state visit to India.
- 30 August - Aung San Suu Kyi met with UN Secretary General Ban Ki-Moon in Nay Pyi Taw.
- 31 August - Union Peace Conference – 21st Century Panglong held in Nay Pyi Taw.

Author Bios

Kyaw Sein is a home-grown Myanmar research scholar affiliated to the ANU Myanmar Research Centre. He is currently based in Australia and working as a researcher with interests in democratic transitions, ethnic conflicts and economic governance in Myanmar. Kyaw Sein has contributed to a number of recent research projects on Myanmar's political and social changes.

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