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International Academic Symposium: Myanmar in Reform 2012
In 2007, The University of Hong Kong joined forces with Konrad-Adenauer-Stiftung to launch an annual symposium on government, politics and society in Myanmar. The first symposium was held in Bangkok. In 2008 and 2009, the inaugural partners worked with local collaborators at Xiamen University and Yunnan University to hold the symposia in Mainland China. In 2010, 2011 and 2012, the symposia were all hosted on campus at The University of Hong Kong. Along the way, Yunnan University became a regular collaborating partner, and Oxfam Hong Kong became an additional sponsor. Increasingly over the years, scholars and activists from inside Myanmar were able to attend the symposia and enrich the proceedings.

At the end of the 2012 annual meeting, a collective decision was taken to invite presenters to write brief summaries of their papers in English. The organisers committed to having them translated into the Myanmar language. Kerstin Duell, who kept a full record of the sessions, also agreed to write an introduction. The papers collected here are the result of that process. They cover some of the discussions that took place at the June 2012 symposium.

Ian Holliday
The University of Hong Kong
October 2012
Konrad-Adenauer-Stiftung

Kerstin Duell

2012

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Myanmar in Reform 2012

From 18-20 June, the University of Hong Kong convened an international academic symposium on Myanmar with additional sponsorship from the Konrad-Adenauer-Stiftung and Oxfam. The symposium brought together some of the most eminent scholars in the field as well as seasoned practitioners, politicians and diplomats. Changing trends in Myanmar scholarship were reflected both in the increasing number of Burmese participants, including from the ethnic minorities, as well as in novel approaches to studying the country. In particular the speed of politico-economic changes spearheaded by President Thein Sein and his government compel experts to move from pure analysis to more action-centred approaches and policy recommendations.

At the same time, prognoses are dangerous where uncertainty continues. Political transitions of any kind are by nature dynamic, fragile and to a certain extent reversible. The question of the hour is how to foster irreversible progress towards good governance, rule of law, democratisation, de-centralisation, conflict resolution, peace-building and poverty eradication.

Symposium speakers analysed dynamics related to the reform process, the vast challenges posed by the country’s multi-layered crises built up over decades, and the roles of international governments and transnational actors in assisting Myanmar to master these challenges. The immense potential gains and opportunities for all stakeholders were examined and corresponding development agendas and policies identified.

Assessment of ongoing Reforms
There was a general consensus that the reforms started in 2011 present the best opportunity for conflict resolution and peace in Myanmar since the 1962 military coup brought an end to the democratic, federal and civilian aspirations of post-colonial leaders. Opinions diverged, however, on the reasons for change as well as the speed, irreversibility, priorities and transactional costs of reform.

Another point of contention concerned approaches to the current government. Khin Zaw Win asked whether domestic and external actors should engage now or wait for a fully-fledged democratic government to be elected in 2015 when Aung San Suu Kyi, the NLD and other democratic forces are expected to contest all seats. In other words, should the international community focus on supporting the current government or rather on preparing the opposition for its future role? Are these two approaches mutually exclusive?

A number of factors seem to have triggered political change. Primarily, the unexplained decision of supreme leader Than Shwe for his own and his Deputy Maung Aye’s retirement removed two of the three leaders from the apex of the SPDC military junta. Mary Callahan showed how reform-minded individuals among his handpicked successors then used the new system’s ambiguities to implement change. The emerging political fluidity also amplified ongoing efforts...
by Aung San Suu Kyi and the NLD. In addition, the Arab Spring in 2010 and the swift end of dictators in Egypt and elsewhere served as a warning to the military, while emboldening the opposition.

It is important to note, Callahan argued, that the reforms were not triggered by intra-military factionalism, popular mobilisations or a defeat in a war, and that therefore current leadership has been acting from a position of strength without having its hands forced. President Thein Sein, Lower House Speaker Thura Shwe Mann and General Min Aung Hlaing emerged as key personalities in the new leadership that is (still) composed of male, ethnic Burman, retired or active-duty military officers. The Thein Sein administration managed to successfully separate non-military government affairs from the military high command, a historic achievement. This opened new channels and political spaces for non-state actors to engage with the state.

Equally dramatic was the shift away from focussing on personal political careers towards investing in the system by strengthening institutions, bolstering their legitimacy and applying the however flawed 2008 constitution.

The establishment of 14 state and region Hluttaw parliaments constituted progress towards local governance. Nonetheless, firmly concentrating the state budget in Naypyidaw has prevented true de-centralisation. Providing only six percent of the national budget to all 14 parliaments combined underpins the lack of political will or the sheer inability to re-think the foundations of the Union. The country’s political liberalisation cannot be achieved without true representation of the many ethnic groups in their local and indeed in national affairs. Democracy and federalism thus remain inextricably intertwined and at the heart of Burmese political contention. Yet, ethnic nationality identities, territories and rights have been securitised as the dominant threat to the state since independence, and consequently ‘federalism’ continues as a political taboo.

**Potential detractors of Reform**

In Myanmar’s transition, ‘winners’ and ‘losers’ present a rather thorny issue whereby the latter’s potential to stall changes remains speculation. Some presenters felt that the reforms were ultimately in everyone’s best interests. Yet, other experts stressed that all those who profited under the previous system(s) would necessarily oppose reforms unless the new system offered benefits as well.

Among those disadvantaged by reforms 1) the military and its cronies stand out, but also 2) Burmese and foreign non-state actors benefiting from economic opportunities, the lack of workers’ rights and environmental protection as well as from illegal trades, 3) foreign states allied with the previous regime(s) and threatened by an emphasis on democratisation and civil liberties, and 4) activists in exile whose funding and political dominance over agendas are diminishing unless they return to Burmese mainstream politics and contribute to re-building the country.

The future of the military institution will be pivotal to political stability but continues to be very sensitive. Especially the regional military commanders have been losing power and income. The military has become ‘a state within the state’, and Renaud Egreteau pointed out that the obsession with national security imperatives goes hand-in-hand with low levels of socio-economic development
that favour the military’s intrusion in the economy, fostering an oligarchy of cronies. If not back to the barracks, the military needs to be retrenched and socialised into new roles. Certainly, plenty of tasks await both high commanders and common soldiers should the current government be able to convince or coax the armed forces to fully cooperate in national development. As is often the case in Southeast Asia though, a fully-fledged demilitarisation and democratic civilian control of the military is unlikely to happen. What is more, the military’s participation in the state’s political leadership has been enshrined in Article 6(f) of the 2008 constitution.

One of the few international ‘losers’ of Myanmar’s reforms is China which no longer holds the key to the country’s economic development. Chinese displeasure with the reforms rose when the Burmese leadership suspended the Myitsone Dam project in 2011 due to public pressure. Yun Sun stressed that Beijing tremendously downgraded relations with Naypyidaw. No more senior-level visits took place and China, previously Myanmar’s largest investor, decreased investment significantly. Despite this, Liu Xuecheng, argued that the China-Myanmar strategic partnership still held importance for both sides.

In order to prevent jeopardising its crucial pipeline projects, Beijing employed public diplomacy to pacify local anti-Chinese sentiments. In fact, Li Chenyang and Zhu Xianghui maintain that deteriorating people-to-people relations and xenophobia are the most difficult challenges China currently faces in Myanmar.

Within ASEAN, different degrees of enthusiasm greet the Burmese reforms since few countries have achieved the rights, freedoms and democracy Myanmar aspires for. It would be ironic if the former international pariah soon outshined its neighbours on these accounts. In the meantime, Pavin Chachavalpongpun reasoned, the ASEAN community somewhat resolved the legitimacy crisis for both Myanmar and ASEAN by granting Myanmar the chairmanship for 2014.

**Development and Economy**

Myanmar’s manifold needs for development in virtually all sectors produce an immense workload for the Thein Sein administration. Moreover, numerous areas are equally important such as the decrepit public education and health systems, overarching economic reforms - not least to facilitate foreign investment, laws to protect land rights, laws to enable local and international NGOs to carry out aid work on a larger scale and more effectively and so on. (In light of millions of assistance pledged to the country this year, it is prudent to remember that the country has no financial infrastructure or capacity to absorb large sums.) The urgency to resolve all problems at once makes it difficult for the government to prioritise, while the population’s high expectations and impatience exert additional pressure on the new leadership to deliver. Unfortunately, even the fast pace of reforms will not engender immediate improvements in people’s livelihoods, particularly in rural and remote areas.

All experts agree that this climate of high local and international expectations combined with a ‘gold rush’ for both development assistance and foreign investment increases the danger of hasty decisions in lieu of substantive, sustained, long-term policies. Especially in such a complex environment, oversimplified or overambitious development agendas designed to produce fast results will do more harm than
good. Myanmar thus poses significant challenges not only its own leaders but also to the international community. The international community should therefore focus on a few, selected areas in order to provide diverse benefits to the public, particularly the rural and urban poor, and to the state, while balancing context-driven strategies with international agendas. According to David Allan, four key themes dominate the current agenda:

- Political transformation: Governance & institution-building
- Economic transformation: Inclusiveness, innovation & sustainability
- Improvement of livelihoods: Access to basic services & social protection
- National reconciliation, peace-building & transition stability

Safeguarding rights, promoting green economy and growth as well as natural resource management should be mainstreamed within all areas.

Important structural changes such as industry policy, beneficial investment schemes and green economy will benefit the local private sector. Even former military business cronies, David Steinberg proposed, may thrive in a new system where fairness and competition compels them to perform rather than call in favours.

Rapid economic progress embedded in a viable economic structure will hinge on successfully resolving a large number of difficult policy issues detailed by Lex Rieffel and Khin Maung Nyo. These include the local banking system, permission to foreign banks, a sovereign wealth fund, an autonomous central bank, taxes, revenue transparency, state-owned enterprises, private sector, international trade, foreign investment, aid and foreign debt. The authors cautioned that much depends on the government’s political will, mindset and capacity and on developing strategies to achieve long-term results rather than taking ad hoc measures, especially when tempted by quick wins. A key question is whether late development will enable Myanmar to benefit from the latest insights and technologies or whether the usual mistakes of developmental states will be repeated.

Jared Bissinger showed that one of the largest impediments to foreign investment is Myanmar’s insufficient power supply (an irony in a country deriving most revenues from the sale of energy resources). Since economic growth depends to a significant extent on energy, Myanmar needs to invest in power supply and infrastructure to keep up with growing demands. This would not least reroute the private sector’s current investment in their power supply backups towards productive capital. At the same time, energy prices cannot be significantly increased as the mass mobilisations of 2007 and most recently 2012 have vividly demonstrated. One solution proposed by Bissinger would be the introduction of progressive residential pricing practiced in other Southeast Asian countries, where rates increase as consumption increases (thus benefiting small consumers). This would cut budget deficits, eliminate inefficient subsidies to wealthier consumers, promote more investment in electricity infrastructure and score a political victory with the public.

In tandem with the government’s formulation of economic polices, the private sector – both domestic and international – has an essential role to play in
providing the economic foundations for a successful democratic transition. John Bray documented the previous pitfalls of foreign investment under the authoritarian regime and stressed the harm caused by companies that fail to meet international standards on corporate responsibility. He encouraged companies to now take an active role in combating bribery and promoting human rights.

Private sector engagement in humanitarian relief presents an equally positive trend. Romain Caillaud traced cross-sector cooperation between the private sector and traditional welfare actors such as faith-based organizations, informal aid groups, NGOs and professional associations. Based on established trust, long-term relations and social networks, such cooperation emerged primarily to fill a gap left by insufficient public services and disaster responses (especially during Cyclone Nargis). Local and international companies may continue such practices of philanthropy, regular donations and, more importantly, initiate public-private partnerships at the national level.

**Justice and Peace**

Despite the broad and important development agenda, a number of pivotal issues (for which the Burmese have been fighting for decades) have not been explicitly included yet - human, political, ethnic and religious rights. Equally critical are transparency, anti-corruption, and justice and security reform. Burmese have only experienced corruption, arbitrariness and abuse of power. As Aye Thanda pointed out, such practices are still firmly in place in court. Establishing the foundations for rule of law requires a complete transformation of the judicial system, of personnel and of education.

Yet, the country needs much more than just an ‘overhaul’ of its judicial system. People will start to seek justice after decades of lawless authoritarian rule and will aspire for a complete renewal of Burmese society. Transitional justice, however, hinges on the most sensitive issues that are likely to be suppressed by ongoing military control, a focus on economic growth and possibly by wider dynamics in the region.

When comparing various models of transitional justice, Ian Holliday found that Myanmar mostly resembles the Latin American cases where informal pacts emerged, especially between strategic interest groups. Such an informal pact seems to exist between Thein Sein and Aung San Suu Kyi. Options for national reconciliation include a South Africa-style truth and reconciliation commission, notably in war zones or a Communist Europe-style lustration system, notably in the state security apparatus. In any case, the push for national reconciliation will have to address justice issues.

Violent conflicts pose the greatest threat to the reform process. The new government faces a resurgence of armed conflict between the military and ethnic armies in the Kachin and northern Shan States as well as the eruption of inter-communal violence between the Buddhist Rakhine and the Muslim Rohingya in Rakhine State. Mediation efforts are all home-grown and international involvement remains marginal. Bawk Ja addressed some of the problems here.
Distrust persists despite a series of historic talks between the government and individual ethnic armies, while weak governance capacities and lack of technical expertise on all sides slow down progress. Ashley South argued that the government's ability to deliver reforms is largely hampered by resilience at the national-elite level and deep-rooted conservative-authoritarian political cultures. He further pointed out that the long-suffering civilian communities would be the winners of the peace process, but the armed groups will lose control over territorial enclaves, their de facto local administrations, arms and income from natural resources and other trades. To turn into ‘winners’, ethnic armies need to reinvent themselves as political parties or other organisations to re-engage with communities in government-controlled areas.

Ethnic conflict in Myanmar is underpinned by the country’s geostrategic importance as well as wealth in natural resources located in the borderlands. Illegal trades and in particular drug production in Shan and Kachin States further complicate conflict dynamics. Tom Kramer identified three main, interconnected developments – the simultaneous increase in opium cultivation, in Chinese agricultural investments under China’s opium substitution programme and in the resulting dispossession of local communities’ land and livelihoods. Since the mid-2000s, there is a correlation between drug production patterns and (mainly Chinese) land investment in northern Burma. Zhu Xianghui refuted this correlation.

In light of strong economic interests in Myanmar, the dramatic increase of local and foreign industrial agricultural land concessions all over the country needs to be monitored. This applies all the more to extractive and other industries poised to enter resource-rich and conflict-affected borderlands. South nevertheless maintained that the burgeoning civil society networks which exist within and between different ethnic communities will exert some oversight in the future.

*Kerstin Duell, Singapore, September 2012*
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Papers
Post-SPDC “Politics” in Myanmar: No Longer Necessarily “National Security”

By Mary Callahan

Myanmar is in the midst of a political transition, the parameters or boundaries of which are uncertain, or at least are more so than they have been for over half a century. Direct rule by the military – as an institution – is over, for now. Although there has been no major shift in the characteristics of personnel in elite level positions of government authority (male, Burman retired or active-duty military officers), there exists a new political fluidity that potentially may change how they rule. Quite unexpectedly, the last 18 months have seen the retrenchment of the military’s prerogatives – usually moral claims to make unchallenged decisions – under decades-old draconian “national security” mandates, as well as an emergence of a realm of public, political life that is no longer necessarily considered nation-threatening.

The process has been defined and controlled by leaders of the tatmadaw from a position of strength, not in reaction to destabilizing popular mobilizations, a defeat in a war, or crippling intra-military factionalism. The institutional nexus for major policymaking may no longer be the high command of the tatmadaw, but the new constitution and the domination of the government by retired senior officers serve to protect the interests of military officers and their families as well as the military as an institution. As in every other country of Southeast Asia, demilitarization and democratic civilian control of the military will likely remain elusive.

Military politics before 2011

In 2003, the SPDC laid out its mostly post-hoc “seven-step road map” to a “modern, developed and discipline-flourishing democracy.” The road map included the already-underway National Convention, which eventually produced the 2008 constitution. Than Shwe and most of the ruling junta must have been confident that the tightly controlled constitutional drafting process guaranteed a new version of military-dominated rule, if perhaps cloaked in pseudo-democratic window dressing.

The eventual constitution, ratified in a fraudulent referendum in May 2008, vests much of the power of the government in the office of the presidency; requires 25 percent of all legislative bodies to be active-duty military (appointed by the Commander-in-Chief (CinC)); gives the CinC control over the appointments of the ministries of Home Affairs, Border Affairs and Defence; and offers at least three different kinds of emergency provisions that allow an unchecked president and CinC to set aside the constitution and reassert direct military rule. Article 445 grants immunity to SLORC/SPDC officials and Chapter 12 lays out a constitutional amendment process that effectively gives military MPs – if they vote as a bloc – a veto. Elections in November 2010 that favored the Union Solidarity and Development Party did little to dispel the probability that the convening in 2011 of
the first government formed out of that constitution would produce anything but more of the same.

However, against widespread predictions, the constitution as implemented by Thein Sein's government divided formal, legal political power between the post-junta, constitutional government and the post-junta military institution. This division appears to matter. It has introduced far greater fluidity to the situation than outgoing junta chair and armed forces CinC, Sr. Gen. Than Shwe, likely anticipated. Although history will probably never produce fully conclusive evidence one way or another, Than Shwe is believed to have handpicked his successors in both the government and the military in a way to ensure their inability to threaten his personal, familial, or commercial interests. As the exiled leader, Harn Yawnghwe, noted in October 2011, after a visit to Myanmar, Than Shwe “handed over power to a weak party, a weak president, a weak vice-president, a weak Parliament and a weak Tatmadaw.” No one knows why the 78-year-old Than Shwe removed himself and his deputy, Vice Sr. Gen. Maung Aye, from consideration for the presidency. Once he did, he lost the ability to control the process from behind the scenes. There were whispers in early 2011 of his attempt to form a shadow “State Supreme Council,” to control the government from behind the scenes; while this may have been his intent, it has not materialized.

Most importantly, Than Shwe appears not to have recognized the potential for well-situated pro-reform individuals and organizations to exploit the new system's ambiguities. In 2011, a handful of key individuals and organizations used the fluidity surrounding the ostensible retreat of Than Shwe, the dissolution of direct military rule and the emergence of new institutions to facilitate not only the high-profile reconciliation between the former general, now president, U Thein Sein, and the military's long-running political nemesis, Aung San Suu Kyi, but also to lay the groundwork for retrenching the previously unrestricted policy-making prerogatives of the military-as-institution.

Post-junta “politics” and “national security”

Since their inauguration on March 30, 2011, Thein Sein and his administration have acted like a government, not a high command; in the “previous government,” as many Myanmar people now call the SPDC, there was no such distinction. With this shift, the military-as-an-institution has seen a diminution in the scope of its prerogatives. In 2011-2012, the post-junta, constitutional government has fenced out a non-military terrain of non-threatening, business-as-usual “politics” in both formal legal fora and informal iterative decision-making processes.

The result is that multiple channels inside and outside the government have opened for some degree of citizen, media, opposition, and NGO access to policy and governance processes on policy issues previously considered “national security” – including macroeconomic reforms (exchange rate, banking, capital, and land policies), education, press freedom, labor organizing, and access to the internet. For
the first time since 1988 (and arguably since 1962), a succession of executive decisions, new laws, official speeches, media interviews, and formal and informal negotiations have created a realm of public life and “the political” that is not entirely subsumed by the category of “national security.” In other words, over the last year and a half, “politics” stopped being seen as an automatic “threat to the Union.” If this lasts, it will turn out to be the most significant structural change of the last few decades.

Although constitutionally grounded, however, this scaling back on the prerogatives of the military-as-institution is very much dependent on the personal and political risks taken by a small number of retired military officers, most notably the president, the speaker of the Pyidaungsu Hluttaw, and some cabinet ministers. Their moves appear somewhat ad hoc in nature and were not planned before March 2011, but instead were likely facilitated by the already-existing Burmese-language media, civil society organizations, political parties (including those associated with ethnic groups), private sector leaders and others, all of whom have marched into this new realm of “the public” and pushed a variety of reform-oriented agendas considerably farther than seemed possible even just a year and a half ago. For reasons that are still unknown, reformists in the government viewed the costs of political concessions as lower than the risks of further rigidity and isolation.

It is important to not overstate the nature or durability of this foundational shift. Neither the president’s compromise with Aung San Suu Kyi nor the emergence of a multi-centered, more open political realm returned the military as an institution to the barracks. The military is still central to politics. The government remains in the hands of active-duty and retired officers who will protect the interests of their former colleagues and soldiers in the tatmadaw, as well as the institution’s integrity, reputation, status, and economic interests. The army retains significant influence if not autonomy over many issues – such as the resurgence of conflict in Northern Shan State and Kachin State, the bloody Rakhine-Rohingya violence and maybe the releases of political prisoners – even if these are vetted by executive and legislative branch members of the military-dominated National Defence and Security Council.
POLICYMAKING IN A PRAETORIAN STATE. WHAT DOES THE LITERATURE TELL US, AND WHAT DOES IT MEAN FOR A POST-JUNTA MYANMAR?

Dr. Renaud Egreteau, Research Assistant Professor, The University of Hong Kong

This conference paper moves beyond the popular transition and democratization studies, which have dominated the recent scholarship on Myanmar politics, and rediscovers old social science theories of the “praetorian state” to apply them to the country’s post-2011 polity. For long, “junta”, “garrison state”, or the blunt “military dictatorship” have been the terms most used to label the army-dominated type of government Myanmar has experienced since General Ne Win first seized power in October 1958, and more particularly the SLORC-SPDC rule (1988-2011). But these qualifiers are not sufficient to grasp the evolving realities of the political intervention of the Myanmar armed forces, this paper argues. Rather, theoretical models on the “praetorian state” first articulated by political scientists in the 1950s and 1960s can help us better construe the patterns and drivers behind the enduring Myanmar military intrusion into state policymaking since the 1950s, and understand its wider implications in a post-junta context today.

Armed forces, the literature on “praetorianism” informs us, even if kept away from day-to-day politics, still aim to keep an eye on the global policymaking process of their country. Whether directly or through more subtle types of intervention praetorian armies under civilian administrations continue to seek influence on – if not control over – the political decision. Harvard Professor Samuel Huntington (1927-2008) was a pioneer in the study of modern praetorianism. His aristocratic interpretation of the politicized role of armed forces drew from the political history of Ancient Rome. The term “praetorianism” indeed coins the decisive political action of a “Praetorian Guard”, a small military contingent which was directly assigned to the protection of the Roman Emperor, or, during the Republican era, of the “Praetor” (an elected magistrate). An elitist military unit, the praetorians became potent political forces, as they directly intervened in Rome’s public and civil affairs. Their intrusions into the political field used to convey an implicit message: that an army officer corps is to be considered as a major political actor in non-military affairs by virtue of its military might and expertise in violence.

Myanmar has therefore long been a “praetorian state”, with various degrees of policy control enjoyed by its armed forces. It remains so, this paper demonstrates, in light of the 2008 Constitution and the military/civil transition the latter has envisioned. Praetorian practices have been observed in Myanmar since the 1950s under different forms, following different rationales, and according to the personality of the highest ranking leader of the Tatmadaw. They are bound to prevail in a post-junta context in the 2010s. Indeed, since the dissolution of the SPDC-led junta in March 2011, a new form of praetorianism has appeared. The scholarship on the “praetorian state” would claim that the post-2011 governance now sits somewhere between the traditional command-and-control junta rule defined by Pr. Eric Nordlinger and Pr. Amos Perlmutter in their model of the absolute “praetorian ruler” (the SLORC-SPDC era offers the best illustrative case of this model) and a more sophisticated and indirect influence of a praetorian “guardian” or “moderator” Army (as during Ne Win’s caretaker administration of 1958-1960). The provisions of the 2008 Constitution are essentially extending – and legalizing – the praetorianist prerogatives, political interventionism, and legal immunity of the Myanmar armed forces. But they allow civilians to take an active part in the policymaking process. Article 6(f) further confirms that one of the consistent objectives of the Union of Myanmar is to enable the Defence Services “to be able to participate in the National political leadership role of the State”; but not fully control the State.
In the current post-SPDC context, the Myanmar armed forces are now pressed to re-imagine their policy role and reframe their political relationship to the Myanmar state. Under the triumvirate of President U Thein Sein, Lower House Speaker U Thura Shwe Mann and General Min Aung Hlaing, the wider military elites seems to have agreed to relax the army’s administrative dominance and control on certain non-military matters, welcome pluralism as well as a greater policy role for the civilian sphere (even acknowledging its own incompetence in some sectors). In that respect, the Myanmar Army still seeks to influence the state decision-making process as a “praetorian” force, but tolerates the civilianization of the highest structures of the State, accepts a plurality of voices and opinions, and welcomes – to a certain extent – the return of Aung San Suu Kyi to the forefront of Myanmar politics since 2011.

Yet, the Myanmar army leadership still portrays itself as the historical “savior” and “guardian” of the Myanmar nation, and it might now be willing to take up not only the challenges of driving Myanmar toward development and modernization (at last – as it has been promised since Ne Win grabbed power in 1958), but also guard the country from the appetites of the outside world. The Myanmar armed forces will therefore continue to shape Myanmar’s policies – and current reforms – according to their own wider interests, which remain based on national security imperatives, a self-protective nationalist agenda, and a willingness to strengthen its narcissus-like image of sole savior of the Myanmar nation and guardian of its welfare and development. Whilst not being an obstacle in itself to a successful democratic transition in the long-run, this praetorian proclivity has strong implications in terms of reform implementation, the definition of a widely accepted ideological agenda for a pacified Myanmar, and the formulation of international policies towards the post-SPDC regime, this paper continues.

It is thus critical to examine how a state dominated (but not fully controlled) by praetorians defines, formulates and conducts its policies, in order to capture how the post-2011 Myanmar State will function politically and intend to articulate its relations with the rest of the world. There is a need to better understand how a praetorian state evolves and reacts to social change, international pressure (or assistance), and how it maps out the relationship between civilians and military men. Above all, this paper states, the international community should neither solely focus on a deified Aung San Suu Kyi, nor only on the Myanmar society and population – even if assisting the latter is critical for the country’s development, pacification, and long-term stability. The outside world has also to remain focused on a Myanmar military institution that has all the chances to further seek to dominate the country’s policymaking during the 2010s through the praetorian instruments and networks it has at its disposal, so as to be able to further the dialogue; to integrate the Tatmadaw leadership and the wider Myanmar military sphere into regional and international networks; to expose its members to the outside world after decades of (after all, quite comfortable) isolation; and eventually to train them so as they can face the challenges of transforming the Tatmadaw into a modern and professional force, cognizant of the imperatives and duties of a non-praetorian army fully committed to return to its barracks.

Hong Kong, July 2012.
អាណាទីប្រជាធិបត័យ អន្តរជាតិអាមេរិក (1958-1960) គឺជាប្រជាជាតិអាមេរិកដែលបានបង្កើតឡើងដោយការសម្រាប់ប្រជារៈនៃវេសនា និងការអនុវត្តន៍របស់វាដ៏ល្អបំផុត។ វាជាប្រជាជាតិអាមេរិកដែលបានបង្កើតឡើងដោយការប្រឆាំងនឹងប្រជាជាតិណ្តាល់ស្រី និងប្រជាជាតិអាមេរិកដែលបានបង្កើតឡើងដោយការប្រឆាំងនឹងប្រជាជាតិអាមេរិកដែលបានបង្កើតឡើងដោយការប្រឆាំងនឹងប្រជាជាសាលាណាទី។ វាជាប្រជាជាតិអាមេរិកដែលបានបង្កើតឡើងដោយការប្រឆាំងនឹងប្រជាជាតិអាមេរិកដែលបានបង្កើតឡើងដោយការប្រឆាំងនឹងប្រជាជាសាលាណាទី។
Change is currently occurring at such a blistering pace in Myanmar that it is hard to keep up. The opening space and breadth of opportunity now present quite different dilemmas to workers involved in policy, development and humanitarian issues.

Currie\(^1\) expressed some aspects particularly well: “There seems to be an open door for advice and technical assistance. Unfortunately, everyone is trying to jam through it at once right now.”

This paper seeks to offer one form of mind map or model for a synthesized development agenda as a further step in supporting broader consultation on the dialogue theme, “What can we do?” The hope is that this work and further consultation associated with it will provide helpful guidance and broaden the agenda for the “Just do it” phase. Change momentum can ideally continue, while supporting compliance with “Do No Harm” principles in the broadest possible sense, and considering the functional aspects of structures, relationships, interests and incentives.

An objective was to develop a more holistic agenda, expanding on the dominant health, education, livelihoods focus in Myanmar at present. The agenda presented here as a part of the consultation process aims to identify high impact target areas across multiple groups and work fields. Associated with this are various agenda extension tools that help map paths forward.

Model elements that assist in providing both positive public benefits and benefits to the State, as well as allowing more focussed targeting and stimulation of small, medium and large domestic business sectors as part of the broader economic base transformation (that does not mean only domestic markets), would seem to be those suitable for priority work. There are many in this category!

Before some of the true benefits can be felt, national peace and reconciliation work needs to progress further, along with parallel progress on a number of key reform items, such as law reform.

**Keywords**
Myanmar, Development Agenda, Reform, Investment, CSR, Stakeholder Engagement, Dialogue.
Introduction
ICG has captured the mood well with comments like those from a senior government adviser, “You name it, we have to reform it”. They describe further issues like a small number of individuals being faced with an enormous workload, ad hoc and rushed decision-making, without having reference to any master plan – as policymakers have not had time to prepare such a blueprint.

In the IDS publication “An Upside-down View of Governance” a conclusion urged development practitioners to “close off their mental models about governance and development that are rooted in OECD experience. Instead of prioritising reform of formal institutions, they should look at the structures, relationships, interests and incentives that underpin them.”

“Why is it necessary?”
The current rate of contextual change brings many challenges. Aspects of previous models for the development context have become rapidly outdated. Others continue to follow generic international strategies of operating agencies, rather than being crafted specifically to fit the local context.

Other factors that complicate past strategy now are the number of un-discussable items. These “elephant in the room” issues have caused many difficulties between agencies operating inside Myanmar and those operating in cross border modalities. Human rights and political, ethnic and religious issues have been key examples of these. Agencies inside Myanmar have been required to declare in their MOUs that they would not work on some of these issues, or would risk their right to operate. The full implications of this on change agendas have often not been understood by all.

“Decentralisation, privatisation, democratisation, citizen participation, the increasing involvement of non-state actors in service provision, public-private partnerships – all these have created new challenges.”

Governance improvements are needed, however fit into the “necessary but not sufficient category”.

In such a complex environment as Myanmar, a simple development agenda can only assist with a fraction of the issues. An oversimplified agenda can in fact create harm, by preventing emergence of a more appropriately balanced agenda. Mechanisms are needed that are able to deal with complexity, crosscutting issues and appropriate allocation of resources.

What extra principles are needed? Why take the risk of simplifying a complex agenda?
The IDS research highlighted that “Western policymakers too often view governance and development challenges in terms of their model of a developed state, and rush to find solutions without stopping to ask themselves what they can actually see.” Work on the model being proposed here specifically relies on development challenges experienced and observed, rather than from the starting point of developed state model, to try and escape the limitations of existing frameworks.

Some principles that form the basis of model developments:
- An expanded agenda in Myanmar is needed – without becoming too complex.
- If it is possible to develop largely orthogonal elements (each independent, non-overlapping and with no redundancy as much as possible), then progression of those themes can proceed both discretely and coherently in an overall plan, with minimal overlap.
- If at least some features can be simplified, it allows more to be achieved with fewer resources – important in a situation of great need and resource scarcity.
- Work efficiency can be improved, if areas can be described clearly, and segregated well, so that areas of specialization can attract focus and attention where appropriate.

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Simplicity of element allocation ("giving it a handle") and task makes people feel more comfortable - especially when the fields or context are inherently complex or sensitive.

**Model Development and Use Overview**

To develop a more holistic agenda the process started with needs of the poor, and national development needs. This gained depth from insights and experience gathered from community and sectoral involvement. Needs were transformed into a range of objectives, sorted and then these were aggregated into themes. These objectives are shown in the right hand side of the overview table.

To that list was added a range of factors considered beneficial for structural change (e.g. industry policy, beneficial investment themes, green economy and green growth principles). Also added was a range of initiatives considered of critical importance in the national context, but not necessarily featuring in current development strategies (e.g. particularly those with transparency focus, building integrity, countering corruption and other reform agenda items such as justice and security reform).

Some tools described in other papers written have been included in the framework.²

An aim guiding this was to try and come up with a simple set of largely orthogonal themes³. Three characteristics desired were elimination of redundancy, independence in effect and minimised overlap.

While it is still far from perfect, the flavour of a guiding principle of orthogonality is there, and it seems to have provided reasonable results. It was possible to prioritise some of the vast array of element areas possible during the process, and have elements and themes focussed.

All elements were then grouped. Some elements could fit into multiple themes. Four main themes groupings emerged. Please see the overview of the framework overleaf.

Those consulted at this stage have said things like:

- “It is useful as a mind-map, as much for what-are-we-missing as for what-are-we-doing.”
- “It will never be complete, it should always be considered a mind-map in progress.”
- “This really offers a roadmap forward.”
- “It is too early for this in Myanmar – wait a while.”
- “Address the need for operating space for civil society, which could include political parties, groups such as 88 Generation Students, labor unions, etc.”
- “Need to include the development of a functioning legislative branch of government as part of government strengthening.”
- “Police reform is different from the security sector, and could include counter-narcotics and anti-trafficking issues as well as community policing.”
- Regarding element 25 – “rephrase this theme to more broadly address the underlying political concerns of ethnic groups, which may or may not include federalism or constitutional reform.”

These comments and feedback being received are adding a lot to the further development and thinking. It seems clear now that most consider it is adding positively to the vexing specific planning question “What should we do?”

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³ Simply, interpret this as trying to have the simplest and minimum set of factors possible, as per mathematics and computer architecture design. Some themes are rolled up summaries, or others could be aggregated to make a new theme. [For example a “new” aggregate theme – REDD+ (Reduction of Emissions from Deforestation and forest Degradation + conservation) is a critical development mechanism in the carbon area, and needs to be a combination of the themes of land reform, natural resource management best practice, indigenous rights, livelihoods, ethnic autonomy and opportunity development, green economy green growth, gender /women’s empowerment and transparency mechanisms.]
<table>
<thead>
<tr>
<th>Theme</th>
<th>No.</th>
<th>Focal Area / Tool Deployment / Intervention</th>
<th>Main Objectives</th>
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| Governance, Transformation & Institution Building (GTIB) | 1 | Building Integrity | - Trust & confidence in Gov.  
- Risk reduction in all investments |
| | 2 | Revenue Transparency and Long Term Natural Resource Wealth Preservation | - Trust in Gov. & extractives sector  
- Long term national wealth built |
| | 3 | Budget Transparency | - Trust increase & Risk decrease  
- Improve Peace and stability |
| | 4 | Taxation System Reform | - Trust increase & Risk decrease  
- Reduce resource curse risk |
| | 5 | Natural Resource Management Best Practice, with Functional Environmental Protection | - Responsible mgmt for current needs and wealth for the future |
| | 6 | Land Reform (Could also be in BSSP) | - Removal of a key obstacle for poor farmers, and rights enabler. |
| | 7 | Justice Reform | - Independence, appropriateness and fairness in the legal system |
| Basic Services, Access, & Social Protection (BSSP) | 8 | Education Sector Development | - Basic Services access  
- Long term development goals |
| | 9 | Health Sector Development | - Basic Services access  
- Social Protection |
| | 10 | Livelihoods Development | - Basic Services access  
- Social Protection |
| | 11 | Gender / Women’s Empowerment | - Basic Rights access  
- Social Protection & Rights |
| | 12 | Pro Poor Cash Economic Stimulus & Basic Social Protection | - More generalised, inclusive, pro-poor economic growth as needed |
| | 13 | Credit Availability (could be in ET-EEIIS) | - Stimulus for inclusive growth  
- Efficiency & competitiveness |
| | 14 | Decentralised Rural Energy Access, and Sufficient Domestic Energy Supply (could be EEIIS) | - Basic Services access  
- Efficiency & competitiveness |
| Economic Transformation - Enabling Environment, Inclusiveness, Innovation & Sustainability (ET-EEIIS) | 15 | Financial Sector Reform (could be in GTIB) | - Need basic financial services  
- Efficiency & competitiveness |
| | 16 | CSR Promotion (Global Compact & other tools) | - Ensure best practices (rights & env.) are used in all businesses |
| | 17 | "Green Economy Green Growth" Principles | - Ensure late growth uses most of Sustainable development models. |
| | 18 | Beneficial Investment Focal Themes | - Responsible mgmt for current needs and wealth for the future |
| | 19 | Industry Policy appropriate to stimulate Domestic Manufacturing and Service Industry Growth | - Ensure local business grows, for long term tax base & growth |
| | 20 | Removal of Export Trade Obstacles | - Stimulus for inclusive growth  
- Efficiency & competitiveness |
| | 21 | Infrastructure, Communications, Technology | - Basic Services for business  
- Efficiency & competitiveness |
| National Reconciliation, Peace Building & Transition Stabilisation (NPBTS) | 22 | Safeguards for Development | - Ensure best practices (rights & env.) are used in all dev. projects |
| | 23 | Peace, Trust Building & National Reconciliation | - Peace & Stability  
- Social Protection |
| | 24 | IDP & Refugee Returns, Repatriation Safety, Standards, Modes of Operation, Livelihoods & Land | - Basic Rights access  
- Safety, Social Protection |
| | 25 | Constitutional Reform, to allow Ethnic Groups autonomy via consensus in a Federalised System | - National Political Stability  
- Functional Federalism model |
| | 26 | Beneficial Development & Opportunity in Ethnic Areas (Self defined Good Jobs & Economic Stimulus) | - Stimulate economy in those regions which have stagnated |
| | 27 | Security & Defence Sector Reform (could be GTIB) | - Professional army, end human rights abuse & rent seeking |
| | 28 | Rights - Human, Women, Children, Indigenous, etc | - Basic Rights access  
- Social Protection |
Framework extensions
Many extensions of the framework seem possible. Some that have been experimented with are:

- Citizen Stakeholder and Business Interest Assessment
- Progress / Gap Analysis
- Who / What / Where Analysis
- A Communication Comfort Tool, using media’s view of element value and comfort to discuss
- An Analysis Lens for specific issues or focus areas.

Some of these things are relatively straightforward. Others need more detailed survey and consultation work. The last one has enormous flexibility in assisting the consideration of various issues.

Citizen Stakeholder and Business Interest Assessment
Actors and beneficiaries were grouped based on three rough class groupings, as economic status and income level is a key indicator of vulnerability. These groupings are rural and urban poor, emerging middle class and the elite.

As the business sector has such important influence on national development routes, based on its proportion of the economy, and particularly the foreign direct investment portion, business stakeholder groups were chosen as groups for consideration along with government. Groups were split into four comprising three business size groupings and one state actor– small business, medium to large business, FDI Sector and State Actors / Government Sector.

These groupings have also been used to help thinking on a Myanmar-centric picture of the agenda needed, rather than a diplomatic, bilateral donor, INGO/NGO, IFI or investor centric approach. Despite the limitations in the qualitative and subjective nature of the analysis and mapping, it is considered to have provided a useful thinking framework for further progress.

Actors / Instruments in the Strategy
In the overview few actors are named. This includes “ethnic groups”, “civil society”, “religious organisations”, development actors comprising donors, INGOs, NGOs and special interest CBO groups, and the International Financial Institutions (IFIs) such as the World Bank, IMF and ADB, although these could be partly considered in the FDI category.

These groups are important actors / instruments in the process. Their roles feature more in extension pieces of work rather than the overview.

Limitations, Omissions and Future Steps
Many omissions have been made to try to achieve more simplicity. Political considerations have been deliberately avoided where possible, on the basis that a model needs to be robust enough to cover whoever is in majority in a democracy, and to try to maintain a “neutral political focus”.

Specific sub-issues which are inherently crosscutting (Examples might be REDD+, Climate Change and HIV) are not specifically listed as they can be the focus of separate compiled strategies based on combination of themes identified quite easily.

Some groups may feel this model has not engaged with their specific area of focus. Examples of this could be Aged Care, Disability, REDD+, Climate Change and HIV, Freedom of Information, Media Freedom, civil society development, and so on. It is hoped that this is not the result, and that groups will find that most issues can be well covered by a combination of themes.
How can this be used?
If a clear, pro-active and agreed work-plan exists, work could proceed in a more orderly and calm manner. The inundation and lack of time to “work” issues currently felt should subside.

A model like this could also assist with: -
- raising attention to a broader agenda for development planners
- designing a “harmonized” development agenda
- expanding and legitimizing a broader agenda more widely
- augmenting well the current health, education and livelihood agenda,
- including more crosscutting themes of value
- assessing overall development transition gaps more easily
- determining how assistance can be best targeted
- assessing work / activity / progress on particular elements and themes
- allowing more open discussion on topics that clearly need more work, but may have been excluded as they may be considered too sensitive at present.

Overall Summary
This agenda aims to help define a more expansive development agenda in a very complex environment. Definition of a set of elements helps identify high impact areas for multiple groups and work fields.

The framework seems useful as a model. Simple progress assessment, gap analysis, and perceptions checking of relative importance of elements can easily be done. Comfort level in discussing areas gives an important picture of societal freedom and exercise of democratic principles and process.

Using the overall categories as an interpretive lens also seems particularly useful. This has been done for a range of issues to date, with good results useful to those interested in the fields concerned.

Themes that assist in providing positive public benefits, along with benefits to the State, would seem to be ones suitable for priority work. Similarly for those that allow more successful targeting of small, medium and large domestic business sectors as part of the broader economic base transformation (that does not mean only domestic markets). Overall there are many useful themes.

Before some of the true benefits can be felt, some of the national peace and reconciliation work needs to progress, along with parallel progress on certain reform items.

Consultation on this has just started, and as others have commented, perhaps the revisions will never be concluded. Enough enthusiasm exists for it to play a part in Myanmar’s development.
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1 Simply, interpret this as trying to have the simplest and minimum set of factors possible, as per mathematics and computer architecture design. Some themes are rolled up summaries, or others could be aggregated to make a new theme. [For example a “new” aggregate theme – REDD+ (Reduction of Emissions from Deforestation and forest Degradation + conservation) is a critical development mechanism in the carbon area, and needs to be a combination of the themes of land reform, natural resource management best practice, indigenous rights, livelihoods, ethnic autonomy and opportunity development, green economy green growth, gender/women’s empowerment and transparency mechanisms.]

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Thinking about Transitional Justice in Myanmar

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For some 30 years since the third wave of democracy began to break across Latin America in the early 1980s, societies undergoing radical political reform have used both judicial and non-judicial means to address legacies of severe human rights abuse bequeathed by defunct authoritarian regimes. Argentina’s truth commission on disappeared persons, formed in 1983, was a key pioneer, issuing the best-selling Nunca Más (Never Again) report in 1984, and rapidly becoming a source of inspiration for other democratizing states. When the immediate post-Cold War era then saw a broad humanitarian turn sweep global politics, a new notion of transitional justice emerged as a significant feature of democratization discourse and practice. In those years South Africa’s reform process was not ably important, and the Truth and Reconciliation Commission chaired by Archbishop Desmond Tutu from 1996 quickly gained iconic status. Indeed, in the wake of this and other 1990s transitions, the period since the turn of the millennium has seen possibilities for transitional justice debated not merely on the margins of political change, but rather at the very center. Today, almost every transitional society takes a close interest in transitional justice.

In Myanmar, where a degree of political transition is now in progress, justice has for decades been a potent demand of many strands of opposition to entrenched military rule. Individuals caught up in low-grade civil war between the national army and a series of ethnic militias have long been particularly vocal, for while atrocities have been committed on all sides most blame clearly attaches to army personnel. Equally, though, calls for justice emerged from democratic groups after state repression of 8-8-88 protests, installation of a formal military junta, and arrogant disregard of the popular will during the 1990 general election, the 2007 saffron uprising, and so on. Against this vibrant backdrop, however, the elite-led transition implemented after the 2011 switch to quasi-civilian rule apparently has little concern for justice. Focused on an informal accord reached in August 2011 by President Thein Sein and opposition
leader Aung San Suu Kyi, the reform agenda prioritizes inclusion, consensus and stability. What then is the place of justice in Myanmar’s transition?

This complex question cannot be fully answered by an outsider, and even among insiders the response will develop only gradually through a long period of analysis and debate engaging stakeholders at all levels of the state, civil society and grassroots communities. Nevertheless, it is possible at this still early stage of political reform to examine global experience and think through some of the options thereby presented to the Myanmar people. While key transitional justice work is already being done by the Network for Human Rights Documentation – Burma, and opposition figures from Aung San Suu Kyi down continue to speak of the need for justice in any future political settlement, there remains a great deal more to be said about ways forward in tackling severe human rights violations registered during nearly 50 years of military supremacy.

Even a brief survey will reveal that global experience is diverse. Although recent years have witnessed the emergence of a substantial transitional justice industry, led by Amnesty International, Human Rights Watch and a number of UN agencies but also spreading far beyond them, there are no widely accepted means of delivering on its central aims. Rather, the field is contested, with core data, best practice, observable impacts and next steps all subject to divergent interpretation. Even the range of available measures is not wholly clear. Nevertheless, a set of reasonably standard components can be identified.

First, criminal prosecutions may be mounted, either through the International Criminal Court, launched in 2004 following a decade of experience with ad hoc tribunals, or through national or even local courts. This is the most legalistic approach, focused on securing individual accountability for severe human rights violations. Second, truth commissions may be formed to enable victims’ voices to be heard and some degree of agreed truth about an abusive past to be recorded. In recent decades state-level truth commissions have been created in more than 40 jurisdictions, sometimes linked to amnesty programs on a model developed in South Africa. Equally, however, truth commissions can be formed at the regional or local level. Third, state employees may be vetted to determine whether they were complicit in abuse, and whether they merit an ongoing career in public service. Such a program can also be tied to amnesty provisions. Fourth, reparations may be paid to victims of major
human rights violations, either on a case-by-case basis or through a class action. Fifth, memory projects may be launched to document a history of abuse, shape local and national history, and honor victims and their families.

Many tensions exist between these distinct elements, and differences in post-authoritarian context mean that no two national experiences are ever alike. Nevertheless, each component of the broad transitional justice agenda has been tried out in multiple settings, generating much real-world practice for Myanmar people to draw on. It is worth stating clearly that by no means all experience is positive, and a marked scepticism has for years characterized much of the literature. Prosecutions are expensive, at the extreme running to hundreds of millions of dollars, and some naturally question whether the money could be better spent on, say, pro-poor development policies. Truth commissions have a checkered history, raising all sorts of difficult technical questions and, at a deeper level, often charged by critics with delivering neither truth nor justice. When provisions are made for amnesty, they become especially controversial. Vetting programs trigger concern about state capacity, which can be gravely damaged if entire cohorts of key officials are dismissed from repressive public agencies. Reparations are rarely paid in amounts and ways that seem fair to all. Memory projects run up against the problem that there are so many different pasts, and so many conflicting histories waiting to be written.

Looking inside this packed and contested realm, the hardest task may well be weighing competing imperatives. When both global and local actors are interested in issues of human rights abuse, who should be the key players? Most will rightly feel that local voices should generally prevail. However, the reality is that much of the push for transitional justice, as well as much of the funding, typically comes from global agencies. From a different angle, a choice needs to be made between a chiefly legalist approach stressing judicial accountability through retributive justice, and a more pragmatic approach focused on boosting ongoing political reform through restorative justice. Then questions also need to be faced about the timing of distinct aspects of a transitional justice agenda. Should trials or a truth commission be an early priority, or is it better to leave them for a later day, as has happened in many societies? Hanging over all other matters is the issue of exactly how much a society wishes to remember of its dark past, and how much it prefers to forget. Again, tricky timing issues arise.
Complicating matters yet further is the relationship between transitional justice and everything else taking place in a society in reform. Implicit in some of the issues already raised, this linkage requires explicit attention. Above all in Myanmar, where ethnic relations have long been problematic and national reconciliation is a top priority for all major political figures, the link to a peace-building and nation-building agenda needs to be thought through very carefully. In South Africa, transitional justice mechanisms were used for nation building, prompting critics to argue that justice had not been well served. However, a society can always opt to value national unity over justice, and provided it does so through proper procedures the choice can only be respected. Were Myanmar to go down this path, disarmament, demobilization and reintegration policies would have to be aligned with wider transitional agenda initiatives. Secondly, the interface with socioeconomic development needs to be deliberated. Again the South African case has drawn criticism for looking solely at personal accountability, and not at the structural inequalities generated by apartheid. Similar issues could well arise in Myanmar, where crony capitalism in the junta years underpinned not only individual violations, but also systemic abuse. Were this challenge taken seriously, transitional justice would expand to encompass a large program of development-sensitive social justice.

In these domains, global practice indicates that tying transitional justice to both nation building and socioeconomic development is widely endorsed by victims of the most severe abuse. Broadly, such individuals tend to favor peace over livelihood issues, and both over justice. They still value justice, however, seeking genuine truth about the past, and meaningful financial support.

How, then, is the question about the place of justice in Myanmar’s transition to be answered? To repeat, a full response can be generated only by the Myanmar people. Nevertheless, pointers can be drawn from the abundant global experience amassed in recent decades. One is that no transitional justice template exists to be downloaded and applied in Myanmar. Moreover, while something of a toolkit has been developed, it requires extremely careful usage in a specific institutional setting. A second is that transitional justice does not have to be done in a hurry, or all at once. Distinct measures can be developed at different times and speeds, depending on the dynamics of the wider transition. A third is that the deliberative process needed to underpin transitional justice
initiatives must engage fully with local people. While national leadership will be critically important, it is also essential to reach right down to the grassroots community level. A fourth is that, at that level, the voices of victims need to be properly heard. Perhaps one of the clearest lessons emerging from many case studies is that a victim-centered approach is key. A fifth is that gender issues are significant and require detailed attention. Women are often leading victims of severe human rights abuse, and men with experience of a lifetime of warfare are only with great difficulty made part of a transitional justice program. A sixth is that while transitional justice certainly cannot be disregarded, it is not in any sense a panacea. Indeed, in no case has it ever come close to delivering a full settling of accounts, or to building a foundation for an entirely just society.

The place of justice in Myanmar’s transition is thus likely to be sporadic, fragile and contested. However, the amorphous nature of transitional justice does open up opportunities for action at many levels. Given that the opposition is not yet fully involved in government, and perhaps still more that both judicial and non-judicial institutions remain deeply deficient, it may take a long time to develop national programs. In a shorter period, however, it may be possible to launch a series of local, victim-focused initiatives. These could include listening projects designed to gauge what people seek at the grassroots level, memory projects built around community testimony, memorials and museums, small-scale truth commissions aimed at developing at least a partial record of the past, and education reforms focused on reshaping history teaching in primary and secondary schools. While it is important not to romanticize the local, for that too can be distorting, such measures could help build momentum for what many hope can one day become a larger transitional justice program.

The contemporary transitional justice agenda is diverse, complex and contentious. In a wealth of diverse settings around the world, it has only rarely met the great expectations frequently laid out for it. Nevertheless, there is a broad consensus both globally and across much of the opposition movement that issues of justice cannot simply be ignored as Myanmar moves away from some 50 years of abusive military rule. Sooner or later, they must be confronted. It is thus necessary to explore within this specific institutional context core elements of the broad agenda generated by extensive global experience, so that justice can take its rightful place as a key pillar of the country’s emergent polity.
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Amnesty International

Amnesty International Burma (Network for Human Rights Documentation-Burma) to Nunca Mas (Never Again) tpD&ifcHpmudk 1984 ckESpfwGif
Overview
The peace process currently underway in Myanmar (Burma) represents the best opportunity in half a century to resolve ethnic conflicts in this troubled country.

After decades of armed conflict, trust in the government is very limited, particularly on the part of ethnic communities. In order to build confidence, the government should begin a process of substantive political dialogue in relation to the concerns of ethnic communities. A good start can be made by setting an agenda and timeframe for political talks. It is also necessary to resolve the on-going conflict in Kachin areas. Beginning political dialogue with opposition groups, and stopping the fighting in Kachin, will demonstrate the government's seriousness in bringing peace to all parts of the country.

Despite some understandable misgivings, non-state armed groups should seize the opportunity to engage with the government on a range of issues which affect the communities they seek to represent. Through participation in the peace process, armed groups can re-engage with communities they have lost touch with, and reinvent themselves as mainstream political actors in Myanmar. Failure to exploit this opportunity will result in the continued marginalisation of non-state armed groups. Furthermore, failure to support the peace risks undermining the government's larger reform agenda.

In order to build a sustainable and deep-rooted peace process, it is necessary to involve conflict-affected communities and civil society organisations. One way of doing so is through community monitoring of peace agreements made between the government and armed groups. Above-ground ethnic political parties should also be given a greater role in the peace process.

Background
Ethnic nationality-populated, rural areas of Myanmar have long been affected by conflicts between the militarised state and dozens of non-state armed groups, representing minority communities which make up about 30% of the population. For several decades following independence in 1948, communist and ethnic insurgents controlled large parts of the country. Since the 1980s however, the Myanmar Army's often brutal counter-insurgency campaigns have seen armed opposition groups lose control of their once extensive 'liberated zones', precipitating humanitarian crises in the borderlands.

A previous round of ceasefires in the 1990s brought some respite to conflict-affected civilian populations. The truces of the 1990s also provided the space within which civil society networks (re-)emerged within and between ethnic nationality communities. However, the previous military government proved unwilling to engage with ethnic nationality representatives’ political demands. Therefore, despite some positive developments, the ceasefires of the 1990s did little to dispel distrust between ethnic nationalists and the government.

1 This paper is based on a presentation to the 'Myanmar in Reform 2012, International Academic Symposium' at the University of Hong Kong (June 18-20 2012), and was updated on 15 September 2012.
The election of a military-backed, semi-civilian government in November 2010 represented a clear break with the past. The new political dispensation offers great opportunities for peace in Myanmar - but there are many challenges to overcome.

2012: Prospects for Peace

Myanmar is undergoing the most significant political changes since the 1962 military coup. President Thein Sein is leading a reform process which has seen ceasefires agreed with most (but not all) non-state armed groups, and the beginnings of a nationwide peace process.

The peace process in Myanmar is epitomised by the President’s speech to a joint session of Parliament on 1 May 2011, in which he outlined an “all-inclusive political process for all stakeholders”. For the first time in the country's history, its head of state has agreed in principle to ethnic opposition groups' principal demand: revision of the constitution, including the possibility of a federal political settlement - or at least significant decentralisation. Most observers accept that the President and his team are sincere and serious about the reform process - although questions remain regarding their ability to deliver. Such frustrations are especially acute in ethnic nationality-populated areas of the country, which are characterised by often extreme levels of poverty and under-development, and widespread human rights abuses in the context of armed conflict.

The peace process in Myanmar is largely dependent on the resilience of the reforms at the national-elite level. The government's ability to deliver reforms is hampered by deep-rooted conservative-authoritarian political cultures, and limited technical capacities. The President having promised so much, the country may experience a ‘revolution of rising expectations’: prospects of change have been talked up, and people may become frustrated if the government and its partners are unable to deliver. The reform process in Myanmar may be likened to taking the lid off a pressure cooker. In a society where tensions have been building for more than half-a-century, ethnic and other grievances can easily spill over, with disturbing consequences. One example is the recent violence and ethnic hatred in parts of Rhakine State. These events remind us that there are spoilers on the side-lines, waiting to provoke violence in order to undermine the reforms. These include elements of the old regime who are unhappy with the scope and pace of reform - although most of these actors have so far been marginalised, and/or co-opted with economic incentives. There also elements within Myanmar's diverse opposition communities who feel threatened by the peace process (see below).

The Myanmar Government and Army

Observers have questioned whether the Myanmar Army is prepared to follow the agenda laid down by the government's peace negotiators. For example, clashes have continued to occur, even after three rounds of ceasefire talks with the Shan State Army-South. The inclusion of the Myanmar Army Deputy Commander-in-Chief and other senior officers (including powerful Regional Commanders) in the government's new Committee for Union Peacemaking (chaired by the Vice-President and ethnic Shan, Dr Sai Mauk Kham) was intended to demonstrate the Tatmadaw’s commitment to the peace process. However, at the time of writing, clashes continue in a number of areas where truces have been agreed, putting the peace process under great strain. In some cases, local non-state armed group commanders have provoked the Tatmadaw - but in general, the onus is on the Myanmar Army to demonstrate its commitment to peace.

Even more troubling is the on-going conflict in Kachin State, where fighting broke out in June 2011, after a 17 year ceasefire between the government and the Kachin Independence Organisation (KIO). As a result of this resumption of armed conflict,
thousands of people have died, with over 80,000 people internally displaced along the border with China, and tens of thousands of more IDPs in the conflict zones and government-controlled areas. Unless this conflict is resolved, the whole peace process - and the larger reform programme - could be jeopardised.

Another caveat: although the President and his peace envoys are demonstrably sincere and serious in wishing to find a solution to Myanmar's ethnic conflicts, they lack in-depth understanding of the issues. This is hardly surprising, given their status as retired Myanmar Army officers, and members of the ethnic Burman elite. In order to move the peace process on to a more substantial footing, it will be necessary for Myanmar's political leaders to gain more in-depth understandings of ethnic aspirations and grievances.

In particular, Myanmar government representatives have alienated some ethnic nationality leaders by suggesting that the root cause of ethnic conflict is economic underdevelopment. While appropriate development is certainly needed in many remote, conflict-affected areas, this is not the heart of the ethnic issue in Myanmar. For many ethnic communities, questions of self-determination and respect for international human rights and humanitarian law are at least as more important as access to development funds and economic opportunities.

This observation raises a broader concern regarding national reconciliation: while ceasefires and peace agreements between the government and non-state armed groups are necessary, they will not be sufficient to achieve lasting ethnic peace. What is required is a deep and wide-ranging national conversation, involving members of the Burman majority in a reassessment of relationships with their ethnic minority brethren. Recent violent events in Rakhine State show how difficult such a process will be, in a country with limited traditions of civic engagement.

These caveats notwithstanding, the current period represents the best opportunity in many years to resolve ethnic conflicts in Myanmar. As with the reform process more broadly however, the new opening is largely dependent on the person of the President, and his close advisers. On the side of ethnic nationality communities also, personalised politics and patron-client relations tends predominate.

Ethnic Stakeholders

Myanmar’s ethnic communities are highly diverse. Among the main stakeholders are non-state armed groups. These include local militias with little or no political agenda (prevalent across much of Shan State, for example), as well as more politically mature organisations. Some of these, such as the ex-communist United Wa State Army (Myanmar's largest non-state militia), are striving for local autonomy, with their leaders having major economic interests. Others are more committed to a federalist agenda. These include groups such as the Karen National Union (KNU), historically the country’s most important non-state armed group. The KNU illustrates tendencies which characterise many insurgent organisations in Myanmar: while dominated by a particular sub-group (Sgaw-speaking Christians), it nevertheless seeks to represent a diverse pan-Karen community (consisting of Christians, Buddhists and animists, speaking a dozen different dialects). While the KNU has strong popular appeal in many (particularly Christian) Karen communities, its ability to represent non-Christian, non-Sgaw sub-groups is problematic.

Furthermore, like their counterparts in armed conflicts across the world, personnel within Myanmar’s non-state armed groups are often motivated by a mixture of genuine social-political grievances and aspirations, in combination with deep-rooted economic agendas (‘greed’ and ‘grievance’ motivations). It is not surprising that some pro-ceasefire actors have economic incentives. Those working to support the peace process should be aware of
these issues, and the related concerns of vulnerable communities and other stakeholders (see below).

Other key stakeholders among ethnic communities include above-ground ethnic political parties, many of which did well in the 2010 elections, but have been largely excluded from the peace process. Another key sector is civil society, including national NGOs and CBOs, as well as less formally organised associations and grassroots networks operating within and between ethnic communities. Civil society actors can be broadly divided between two groups: those working ‘inside the country’, and those based among opposition networks in the border areas and neighbouring countries. Last - but definitely not least - are ‘ordinary’ citizens and civilians: ethnic communities (including IDPs and refugees, and other exiles), who have suffered from decades of armed conflict.

This brief review of stakeholders introduces an important aspect of the peace process: so far, discussions have largely been confined to two sets of armed actors - the Myanmar government (and Army) and non-state armed groups. It is important broaden the process, to include political and civil society actors, and communities affected by conflict.

Some non-state armed groups have engaged in consultations with ethnic civil society and political stakeholders. In order to further promote local participation, communities can be mobilised to monitor ceasefires under agreements made between the government and non-state armed groups. For example, the May 7 agreement between the Chin National Front and government mandates a network of Chin churchmen and women to monitor the peace agreement; similar arrangements are under discussion in the Shan, Kayah and Karen peace talks. Meanwhile, the New Mon State Party has implemented a series of consultations with Mon communities in southeast Myanmar, in order to explain the peace process, and gain a better understanding of community concerns.

Bringing communities into the peace process will go some way towards addressing the underlying grievances and aspirations of ethnic groups. However, resolving Myanmar's ethnic conflicts will require more than just an end to armed confrontations, but will also require changes in values and identities, particularly (as noted above) on the part of the Burman majority. Also fundamental to any resolution of ethnic conflict in Myanmar will be a political settlement acceptable to key elements among different stakeholders - in particular to leaders of the Myanmar government and Army, and non-state armed groups. This is the issue at the heart of the peace process.

The government and most of its erstwhile battlefield foes have undertaken initial peace talks.\(^2\) With the important exception of Kachin State, fighting has decreased significantly and in many areas come to a halt, while ceasefire groups are in the process of establishing liaison offices. The international community has responded, by supporting locally-led and owned initiatives, to test the peace process, build trust and confidence on the ground, and support the recovery of conflict-affected communities.\(^3\) Without a broad political settlement however, these positive developments will be insufficient to maintain the momentum of peace.

\(^2\) The peace process in Myanmar is unique in its lack of international - or in most cases, significant local - mediation. Contacts have been initiated, and agreements negotiated, by the government, with the international community's role limited to occasional observer status at peace talks, plus technical and financial support to the peace process.

\(^3\) The international response is premised in part on a desire to avoid the mistakes of the 1990s, when foreign donors failed to support the previous round of ceasefires, missing opportunities to move from peace-making towards an environment of genuine peace-building.
The President has indicated his willingness to address some of the issues of concern to ethnic communities. The question now is when the political process will start, and how. If the government can demonstrate a willingness to engage on key political questions, it will generate much goodwill among the country’s diverse ethnic stakeholders, ensuring that the peace process continues. The time has come at least to set the agenda and timeframe for substantive political discussions. Government representatives have talked about the possibility of political talks starting late this year, or early 2013. The mechanics and substance of such negotiations are likely to be complicated and contentious. Nevertheless, by moving towards an inclusive political dialogue with representatives of ethnic communities, the government can demonstrate its commitment to a peaceful resolution of issues which have structured state-society and ethnic conflict in Myanmar for more than half-a-century.

At present meanwhile, among ethnic nationality politicians, two broad sets of opinion (or ‘ideal type positions’) can be discerned. One set of actors believes it is first necessary to agree a comprehensive political settlement, before conflict can come to an end. This is the position of the United Nationalities Federal Council (an alliance of armed ethnic groups). It is also the KIO’s position.

This ‘all-or-nothing’ stance is held by elements within most armed ethnic groups. Some hard-line demands are rather unrealistic, with politicians sometimes adopting positions calculated to be unacceptable to the other side, and thus intended to stall the peace process.

Many groups are riven by conflict between ‘hardliners’, and more pragmatic leaders. The latter seeks to engage in peace talks in order to achieve a lasting political settlement. Advocates of this approach consider peace to be something achieved by doing, with both sides moving forward step-by-step, as trust is built. According to this approach, peace and political settlement are not things which can be agreed in abstract, before violence ends.

As noted above, actors on all sides of Myanmar’s armed conflicts are motivated by a combination of political, humanitarian and economic factors. Among non-state armed groups, some additional observations can be made. Some armed ethnic groups have become used to controlling populations (including IDPs and refugees) in the border areas. Many among these ethnic communities display strong (but not unconditional) support for the armed groups in question. Nevertheless, there is a fear among the leaderships of armed groups that by engaging in the peace process they will lose control of client populations, as civilians resettle in areas under greater government influence.

Historically, the military government has been widely regarded as illegitimate, and non-state armed groups have generally not been called upon to demonstrate their own political credibility. However, as the government gains more domestic and international legitimacy, it will become increasingly difficult for opposition groups to justify holding arms. This provides another clue to the reluctance of some armed groups to engage in the peace process. Nevertheless, the tendency in Myanmar (and Southeast Asia) over the past two decades has been for non-state armed groups to become increasingly marginalised. Therefore, the current opening may represent the last best chance for such organisations to negotiate a settlement.

The armed groups must decide whether they will get a better deal from a future (presumably, NLD-dominated) government, with greater democratic credentials than the present regime. Alternatively, a future government may have high levels of international and domestic legitimacy, putting it in a stronger negotiating position vis-à-vis armed groups. According to such calculations, armed opposition groups may have more leverage.
over the current government than they will in relation to its successors. Likewise, most of the country's current government leaders are unlikely to be in office after 2015. They therefore have another two years or so to construct their political legacy, in order to ensure a place in the country's history. This gives the present government a strong incentive to agree a workable settlement with non-state armed groups.

Another constraint on both government and non-state armed groups is their weak governance capacities and lack of technical expertise. Key actors lack the personnel or political will to regulate extractive and other industries which are likely to make inroads into conflict-affected areas post-ceasefire. Fortunately, such concerns are at least partly offset by the burgeoning civil society networks which exist within and between different ethnic communities. Local CBOs and NGOs will need to play leading roles in the future, in order to exert a degree of oversight in the resource-rich borderlands.

During the last round of ceasefires in Myanmar (in the 1990s), most of the larger non-state armed groups retained their arms and control of sometimes extensive areas of territory, where they functioned as de facto local administrations. It remains to be seen whether the current peace process will see armed groups maintain their jungle enclaves - or whether ex-insurgents will be able to reinvent themselves, and re-engage with communities in government-controlled areas with whom they have lost touch. Likewise, it is not yet clear whether some non-state armed groups will eventually disarm, and re-form themselves as political parties. Only in this latter scenario can Myanmar's ex-insurgents test their popular support among the communities they seek to represent.

Such observations remind us that there are potential losers, as well as winners in the peace process. Those who stand most to gain from the end of armed conflict are civilian communities, who have suffered greatly under decades of civil war in Myanmar. However, many ethnic communities have serious concerns regarding the environmental and social consequences of post-ceasefire economic activities.

Among those who perceive the peace process as threatening are exiled activist groups, who are used to dominating the political agenda, and receiving the bulk of international funding. For many years, given the lack of options for political change inside Myanmar, donors saw few alternatives to supporting border-based opposition groups. During these decades, conflict and opposition to the government became a way of life for many actors. The challenge facing border-based activist groups today is to re-invent themselves, and re-enter the mainstream of Myanmar society and politics. The alternative is to become increasingly marginalised, and angry.

Opposition actors and vulnerable communities have legitimate concerns regarding the peace process. The government should demonstrate its seriousness by initiating political dialogue as soon as possible, and helping to bring the Kachin conflict to a speedy end. If the Myanmar army could re-position some frontline Myanmar Army troops in Kachin State and other areas, this would demonstrate its commitment to the peace process. Some such breakthrough is needed, in order to keep the peace process on track.

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Summary of Rethinking China’s Role in Myanmar

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Vicissitudes of western views on China’s role

With the ramification of China’s intensified political and investmental presence in Myanmar, international communities have forged a few standpoints on China’s role in Myanmar over the past two decades.

The first view is that China behaved negatively in responding to Myanmar issue. Human Right Watch argues that China stymied UN Security Council’s effort to hammer out a resolution criticizing Junta’s quashing democratic demonstrations, and closed eyes to its detention of dissents, endorsed the fake multi-party election and quasi “civilian” government.

The second view is that China has ambition of expansion in Southeast Asia and Myanmar serves as China’s pawn. Since long Myanmar activists have foul-mouthed Myanmar-China relations, and doubted China’s all-front investment in Myanmar is merely making Myanmar a colony of China.

The third is that China exerts positive impact on Myanmar. China discreetly persuaded top leaders in the junta to promote democracy process, and it was under China’s supportive consent that the junta consummated the transition toward a civilian government in 2011. Especially on October 11, 2007 the UN Security Council 5757th meeting, China abandoned its “non-interference internal affairs” policy, in a rare occasion, endorsed a presidential statement deploring the use of violence against demonstrations in Myanmar, stressing importance of early release for all political prisoners. China has also facilitated multiple times UN under-secretary general Gambari to visit Myanmar and dialogue with the junta on democratization.

The fourth is that China only exerts limited impact. Australian scholar Andrew Selth believes that China’s impact on Myanmar is ostentatiously exaggerated. The chance
is rare for Chinese military men stationed in Myanmar in a long-standing term to utilize intelligence facilities in order to gather military information. China might have helped Myanmar build or upgrade navy harbors, but it is impossible that those harbors be lent to China as concessions.

Some scholars believe that China is not as in an absolutely dominant position in the bilateral relation as western countries claim. Professor John H. Badgley of Cornell University, who has studied Myanmar for over half a century, pointed out that it’d better look at Myanmar rulers as a nationalist faction immune to outside sway or buying off: It is incorrect to suppose that external organizations might coerce them to change their intransigent behavior.

China’s Self-Identity

As its strength accumulates steadfastly, China’s development has drawn pervasive attention from international communities by mid-1990s. Western countries perceive China’s actions with more stringent and critical standards, and it is in this context that the call for China to be a responsible member in international communities has emerged.

In response to so-called “stakeholder”, China has tacitly consented to undertake certain responsibility in international communities. However as far as the problem how to be responsible is concerned, China is substantially different from the west. As a developing power, China has manipulated and is manipulating reasonably globalization to boom its economy, therefore it actively advance “going out” strategy to use external market, resource and capital.

As China grows in strength, misgivings may be incurred amidst the peripheral neighbors, which will hinder the process of China’s rise up. China uses all kinds of measures to comfort its neighbors and alleviate their anxiety and suspect, for instance, demarcating Demilitarized Zones (DMZ), facilitating border trade back and forth, and providing development opportunity to neighborhood.
A Myanmar-China relation based on common interest is of strategic significance for China’s peripheral stability and peaceful development. Meanwhile, as to Myanmar’s various voices and opinions, China has to employ a rational attitude and adapt to a world with naysayers to China.

Myanmar’s Nationalism: China’s Impending Nemesis

During the military regime era, Myanmar embraced China’s political, economic and military endorsement and viewed China as “the most important ally”. Meanwhile military junta harbored a strong sense of independence, sensitive to any challenges to its sovereignty. Myanmar has formed subtle relations with India, Singapore and Japan.

Many elites harbor nationalist emotion and view China as a neo-colonialism country depredating Myanmar’s resource through investment, and bringing about unemployment in rural areas and accelerated dissolution of Myanmar traditional values. They are discontent with government’s policy towards China and Chinese investments.

There exist ethnic groups with strong nationalism and resistance against central government. Their views of China are complex. Ethnic groups are alarmed of the fact that mega-projects could be manipulated by Myanmar government as an excuse to deprive them of the relatively independent stature by deploying troops to nibble the territory under their control in the name of security. In addition, many business and projects, with uneven interest distribution and damage to local tradition and life style, have aroused a flurry of hostile sentiment towards China’s investments.

Competition and Balance: China is being challenged by big powers

In Thant Myint-U’s *where China meets India*, Myanmar is poised between two of the most dynamic powers in the world. According to Samuel P. Huntington’s theory of *Clash of Civilizations*, Myanmar is situated at the overlapping of Hinduism, Buddhism and Confucius civilizations. Taiwan scholar Yuh-Ming Tsai concluded in his essay *Breakout: China Foreign Policy toward Myanmar* that China’s Myanmar policy
encompasses three objectives: to safeguard the security of the 2200 km long Myanmar-China border; to look at Myanmar as the transfer station for exportation of western China’s commodities and importation of resources; to make Myanmar a new oil transportation lifeline.

On a landmark three-day visit to Myanmar on November 30, 2011, US secretary of state Hillary Clinton met with president U Thein Sein for historic talks, representing a dramatic shift towards Myanmar. The substantial improvement of bilateral relation also poses a challenge to China’s role in Myanmar.

India eyes China as a contender in Myanmar. During the 1990s India proposed a “look east” policy to develop its ties with Southeast Asian countries. Myanmar, as the gateway from India to Southeast Asia which can provide shield for eastern Indian Ocean, becomes priority of Indian diplomacy. India hopes to counterbalance China’s growing influence in Myanmar and enhance energy and economic ties with Myanmar.

Conclusion

Compared to the historical Paukphaw relationship, the Myanmar-China relation has evolved into an interest-community based one. China has realized whatever type of reform may occur in Myanmar, a Myanmar politically stable and economically prosperous is most to China’s long-term interest.

Given the enormity of the investment and two-way political exchanges between Myanmar and China, Myanmar has not nudged China’s impact. However it is certain that Myanmar resorts to a traditional neutral posture as it gains a more favored international environment. This doesn’t mean China lose Myanmar, for no single country can occupy Myanmar market in this modern age.

The greatest challenge China currently faces in Myanmar is not regional countries or other powers, but people to people relations and its nationalism deep-rooted in history and tradition. It reflects in the opportunism and grassroots nationalism redux.
China is confronted with an evitable tendency after the inauguration of the new civilian government: a Myanmar government supervised by the parliament with accountability will not only create a more stable environment for business, but also lead to multiple voices targeted at China, spelling uncertainty to the bilateral relation.
«თუ წინაპირთა ადგილით კიდევ თამაშობის თავში ჩავნით, როცა გამოიყო მოქალაქე, შეიძლო იყო, რომ თამაში ჩამოტხოვდა თუ არ ჩაიტხოვდა ამ. როცა გამოიყო, არა მხოლოდ თამაში ცდილობა მოქალაქე არ შეეძლო, არამედ იმამ, რომ პროფესიულ კონტენტში არ შეიძლო. თუმცა გამოიყო მოქალაქე, როცა გამოიყო, არ შეიძლო იყო თამაში ჩამოტხოვდა ადგილით, როცა გამოიყო მოქალაქე. როცა გამოიყო, შეიძლო, რომ პროფესიულ კონტენტში არ შეიძლო, არამედ იმამ, რომ პროფესიულ კონტენტში არ შეიძლო. როცა გამოიყო, არ შეიძლო, რომ პროფესიულ კონტენტში არ შეიძლო, არამედ იმამ, რომ პროფესიულ კონტენტში არ შეიძლო.”
Northern Burma’s borderlands have undergone dramatic changes in the last two decades. Following decades of war, a series of cease-fire agreements concluded between the military government and different armed political opposition groups in the end of the 1980s and early 1990s brought some relief to the local population. However, the end of open warfare also brought new unsustainable economic development that has had a detrimental impact on people’s lives and livelihoods. While the international community has mostly focused on recent political developments in central Burma, this report highlights the significance of the rapid socio-economic changes taking place in the resource-rich ethnic northern borderlands.

Three main and interconnected developments are simultaneously taking place in Shan State and Kachin State in northern Burma. These are (1) the increase in opium cultivation in Burma since 2006 after a decade of steady decline; (2) the increase at about the same time in Chinese agricultural investments in northern Burma under China’s opium substitution programme, especially in rubber; and (3) the related increase in dispossession of local communities’ land and livelihoods in Burma’s northern borderlands. These overlapping land investment and drugs production patterns in northern Burma since the mid-2000s are set to a backdrop of a dramatic rise in Burmese and foreign industrial agricultural land concessions throughout the country.

Opium cultivation in Burma, once the world’s largest opium producer, steadily declined from 1997 to 2006. The most important reason for this was a number of opium bans in key opium-cultivating areas declared by cease-fire groups in northern Shan State. After decades of war and isolation, they hoped to gain international political recognition and support for the development of their impoverished regions. Another important factor, which has received less

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1 In 1989 the military government changed the official name of the country from ‘Burma’ to ‘Myanmar’. Using either ‘Burma’ or ‘Myanmar’ has since become a highly politicised issue. The UN uses ‘Myanmar’, but it is not commonly used elsewhere in material written in English about the country. Therefore ‘Burma’ will be used throughout this presentation. This is not meant to be a political statement.
attention, was the trend in the global market. Heroin of Burmese origin was almost completely pushed off the American and European markets by heroin from Colombia and Afghanistan, respectively, in the course of the 1990s. Furthermore, production of amphetamine-type stimulants (ATS) increased significantly in the last decade.

However, since 2006, opium cultivation in the Golden Triangle - Burma, Laos and Thailand - has doubled. The main increase has been in Burma, especially in Shan State. Poverty clearly is the key factor determining opium cultivation in Burma (as it is in other countries, such as Laos and Afghanistan). Poverty is not just simply a function of income, but includes a whole range of socio-economic and security-related factors that define the ability of people to live with dignity.

Drug production and consumption, and related infectious diseases such as HIV/AIDS, are important security and health concerns for China. The vast majority of the opium and heroin on the Chinese market originates from northern Burma. Drug use – and especially injecting heroin use – has increased dramatically in the last two decades in China. On the one hand, the Chinese government has dealt with this through accepting previously controversial harm reduction programmes for drug users, such as methadone treatment and needle exchange. On the other, however, China maintains a harsh punishment regime, executing drugs traffickers and forcing recidivist drug users into compulsory treatment camps.

China's drug use problem at home cannot be solved by reducing opium cultivation abroad in neighbouring countries. Instead, the Chinese government should increase the quality and quantity of services to drug users based on harm reduction principles, and refrain from repressive policies towards drug users, such as arresting them and forcing them into treatment camps. High relapse rates raise serious doubts about the efficacy of such coercive policy responses. Furthermore, the changing patterns of drug use and the rise of ATS make opium and heroin less relevant.

Apart from attempting to address domestic consumption problems, the Chinese government also has tried to reduce opium cultivation in the region. In 2006, Yunnan province approved a poppy substitution development programme for Burma and Laos, and created a special Opium Replacement Fund. Since then the Chinese government has been actively promoting the scheme and mobilising Chinese companies to take part. The huge increase in Chinese agricultural concessions in northern Burma is directly driven by China’s opium substitution programme, offering subsidies, tax waivers, and import quotas for Chinese companies.
The opium bans by the cease-fire groups are strictly implemented. In finding replacements to opium cultivation, cease-fire groups have focussed on introducing mono plantations supported by China’s opium substitution programme. The main benefits of these programmes do not go to (ex-)poppy growing communities, but to Chinese businessmen and local authorities. These programmes have therefore further marginalised these communities. Current interventions by international NGOs and UN agencies to provide farmers with sustainable alternative livelihood options to offset the impact of the opium bans have been insufficient, and are merely emergency responses to prevent a humanitarian crisis.

Economic development along China’s border with Southeast Asia is strongly promoted by different levels of Chinese governments in order to overcome socio-economic disparity between the centre and periphery, which is viewed as a potential source of instability. Different levels of government in Yunnan and Beijing have engaged in resource and trade diplomacy with Burma. Chinese companies logged Kachin State forests after the cease-fire agreement with KIO in the mid-1990s until a bilateral clampdown on cross-border timber trade in 2006. At this point agricultural land became a key resource of interest to Chinese companies, backed by central and provincial Chinese governments. Paramount among agricultural crops cultivated in northern Burma is rubber, which is in great demand in China where there are limited suitable areas remaining for rubber cultivation.

For landlocked Yunnan Province, promoting ‘harmonious’ regional cooperation is an important political-economic objective. However, China’s resource and trade diplomacy of the last decade has essentially promoted short-term economic gains for Chinese companies. Their resource extraction activities are threatening local communities’ livelihoods and land tenure security, and have caused great damage to the environment. Many Chinese companies undermine China’s official policy of promoting ‘harmonious’ cooperation with neighbouring countries by the way in which they implement their cross-border projects. The investment projects carried out in politically-sensitive areas located in the world’s longest running civil war in cooperation with local military authorities have the propensity to increase rather than mitigate future conflicts.

The Chinese approach in addressing opium cultivation in northern Burma focuses on dealing with local authorities instead of directly with affected communities, with the result of strengthening the former at the expense of the latter. This has had dire consequences for communities already living on the margins who largely distrust and fear local authorities because of the history of conflict.
The Chinese model of development and aid in northern Burma is to promote top-down regional economic development by giving incentives to Chinese companies to invest in large-scale commercial agricultural projects without any rural livelihoods component. In contrast, efforts by UN agencies, international and local NGOs financed by Western countries focus on directly targeting (ex)opium farmers with community-based development programmes, aimed at providing alternative livelihoods. Some of these agencies are involved in a debate on best principles and lessons learned on doing development in a drug producing environment – referred to as ‘Alternative Development’. However, in other regions of the world, agribusiness models have also been promoted as substitution crops for opium and coca cultivation.

Serious concerns arise regarding the long-term economic benefits and costs of industrial agricultural concessions—mostly rubber—for poor upland villagers. Economic benefits derived from rubber development are very limited as smallholder schemes are not being explored in northern Burma. Concessions in government-controlled areas are mostly absorbing migrant labourers (mostly Burman) from other parts of the country. When local labour is absorbed, which is especially the case in areas controlled by ceasefire groups, in particular Wa areas, it competes with local labour and land for swidden farming. Finally, a very low wage is offered, providing no possibility for savings to invest in smallholder farmers themselves.

The huge increase in large-scale commercial agricultural plantations in northern Burma is taking place in an environment of unregulated frontier capitalism. Land encroachment and clearing are creating new environmental stresses, such as further loss of forest biodiversity, increased soil erosion, and depleting water sources. The concessions also provide a cover for illegal logging, oftentimes encompassing villagers’ traditional forestlands and newly demarcated community forests.

Without access to capital and land to invest in rubber concessions, upland farmers practicing swidden cultivation (many of whom are themselves (ex-)poppy growers) are left with few alternatives. Apart from the Wa region, few farmers who lost their land get jobs as usually outside migrant workers, predominately from Central Burma and the Delta region, are hired, further inciting ethnic hostilities. The dispossessed farmers are occasionally relocated, sometimes forced, to nearby rubber plantations to provide very cheap plantation labour. Others must find other forested hills further away to cultivate, migrate to work on road-side concessions as on-farm wage labourers, to urban centres as off-farm labourers, or to participate in high-risk, small-scale resource extraction, namely mining and logging. This pattern of development in the uplands is an attempt to modernize the landscape and subsistence farmers in such a way to be
more conducive to profit for governments and private investors. This is not in any way a positive
development for communities living in northern Burma. The only people benefiting are the local
authorities and Chinese businessmen. Local villagers are stripped of their customary land and
livelihoods with little recourse to compensation or alternative employment options.

The cultivation of opium poppy and coca often takes places in areas plagued by conflict,
insecurity and vulnerability. Interventions should be embedded within human rights protection,
conflict resolution, poverty alleviation and human security. Projects should also be done in a
participatory way and respect traditional culture and values. Interventions should also be
properly sequenced. In particular, there should be no eradication or strict implementation of
opium or coca bans unless viable and sustainable livelihoods are in place. Aid should not be
made conditional on reductions in opium or coca cultivation. Instead, indicators for a successful
policy should be based on progress towards sustainable human development.

Furthermore, land tenure security and rights and other related resource management issues are
vital ingredients for local communities to build licit and sustainable livelihoods. Monoculture
generates a number of risks for the local communities including environmental degradation,
dependence on market demands and prices, and reduction in agricultural areas affecting food
security and other livelihoods.

Investments related to opium substitution should be carried out in a more sustainable,
transparent, accountable and equitable fashion. A community-based approach should be used
following long-established norms within the international development field rather than privilege
only external profits. Customary land rights and institutions should also be respected as these
areas are often not governed by statutory land laws. Projects could then act as a catalyst to
enhance land tenure security rather than erode it. Local communities in the vicinity of the project
should be consulted from the beginning. If the community desires the project, then they should
be consulted at every stage. Working together with local communities will better assure that
they will benefit.

Chinese investors should use a smallholder plantation model instead of confiscating farmers
land as a large-scale private concession. This could include rubber agroforestry to minimize
environmental costs. Labourers from the local population should be hired rather than outside
migrants in order to funnel economic benefits into nearby communities. Transparency in
contract negotiations, including of financing, would help build trust with local communities and
researchers. Finally a more robust regulatory environment and legal process from China,
matched by Burma’s developing rule of law, would also facilitate a better working environment that could enhance local benefits while mitigating potential conflicts.

Investment-induced land dispossession has wide implications for drug production and trade, as well as border stability — precisely what Beijing authorities most fear along their shared borders. China’s opium crop substitution programme has very little to do with providing mechanisms to decrease reliance on poppy cultivation or provide alternative livelihoods for ex-poppy growers. Chinese authorities need to seriously reconsider their regional development strategies and methods of implementation in order to avoid further border conflict and growing antagonism from Burmese society. Financing dispossession is not development.
Transnational Institute (TNI)
RISK ASSESSMENT AND RESPONSIBLE BUSINESS PRACTICE IN MYANMAR: WHAT CAN WE LEARN FROM EXPERIENCE?

John Bray (Control Risks)

The European Union (EU) statement announcing the partial suspension of sanctions on Myanmar in April 2012 included a paragraph recognising the “vital contribution” that the private sector could make in Myanmar. The statement said that the EU would encourage European companies to explore trade and investment opportunities in the country. At the same time, it emphasised the need for the “highest standards of integrity and corporate responsibility”. US Secretary of State Hillary Clinton made a similar call to US business in May: “Today we say to American business: invest in Burma and do it responsibly.”

Almost everyone agrees on the need for responsible international investment in Myanmar. However, standards of governance in Myanmar leave considerable room for improvement, and companies that wish to operate according to international standards will therefore face significant practical challenges.

The premise of this paper is that the private sector – both domestic and international – has an essential role to play in providing the economic foundations for a successful democratic transition in Myanmar. Equally, companies that fail to meet international standards on corporate responsibility can do significant harm.

The paper draws on lessons learnt since the 1990s to discuss how best to achieve a positive outcome both for the companies themselves and for the citizens of Myanmar. It underlines the need for the Myanmar state to create an ‘enabling environment’ for responsible business by building up effective institutions, including a more effective legal system. At the same time companies must ensure that they follow high standards including, for example, ‘due diligence’ (risk assessments) to ensure that they are not involved directly or indirectly in corruption or human rights abuses.

1. Experiences of the 1990s and early 2000s

In early 2012 there was widespread excitement in international business circles about the prospect that Myanmar was at last ‘opening up’ to foreign investment. However, this is not the first time that this has happened. In the late 1980s and early 1990s there were similar predictions that Myanmar would soon emerge as one of South-east Asia’s new ‘tiger’ economies.

To varying degrees, the Western companies that did invest faced campaigns from non-government organisations (NGOs) arguing that their presence in Myanmar served to support a regime that was notorious for human rights abuses. They responded in different ways.

Three drinks companies – Pepsi, Heineken and Carlsberg – made short-lived investments in the mid-1990s but then withdrew. Similarly, several well-known international garments companies such as Levi Strauss briefly sourced their products in Myanmar but then pulled out. These companies could not afford to take the risk of a consumer boycott of their products in their home markets.
Petroleum companies made different choices. The most significant international investments were in offshore gas, notably the Yadana field which was a joint venture between Total (France), Unocal (US – later taken over by Chevron), PTT Exploration and Production (Thailand) and Myanma Oil and Gas Enterprise. The petroleum companies stayed, in part because they could not afford to walk away from investments worth billions of dollars. However, they faced considerable reputational damage. In the US a group of NGOs took Unocal to court accusing it of complicity (indirect involvement) in human rights abuses. The two sides reached a negotiated settlement in 2004.

From the mid- to late 1990s a range of sanctions by the US and other countries further discouraged Western investment in Myanmar. Even before this happened many Western companies were deterred from investing by the risk of NGO campaigns and consumer boycotts.

2. Emerging international standards on corporate responsibility in the late 1990s and early 2000s

The experiences of international companies in countries such as Myanmar, Sudan and Nigeria contributed to an international debate on the standards of corporate behaviour expected of international companies in countries with weak governance.

Anti-bribery

In 1997 the member states of the Organisation for Economic Cooperation and Development (OECD) signed the Anti-bribery Convention or – to give it its full name – the Convention on Combating Bribery of Foreign Public Officials in International Business. The text of the convention can be found on the OECD’s website, www.oecd.org.

The convention focuses specifically on the bribery of foreign officials to secure a business advantage such as the award of a contract. Previously, the governments of – for example – France, Germany or the UK – had no authority to prosecute companies or individuals for paying bribes in foreign countries. Under the terms of the convention, governments undertook to make bribery of officials an extra-territorial criminal offence. This means that a French, German or British company that bribes a government official in Asia can be prosecuted in its home country.

A total of 39 countries have signed the Anti-bribery Convention. These include all 34 OECD member states and five others. The US, Germany and – in recent years – the UK have enforced their laws against foreign bribery particularly strictly. Other countries have not enforced their foreign bribery laws so strictly. For example, in Japan only there have been only two foreign bribery cases, and one was very minor.

So far there have been cases where international companies have been prosecuted for paying bribes in Myanmar, in part because so few Western companies operated there in the 1990s and early 2000s. However, in early 2009 the UK Financial Services Authority (FSA) fined the insurance company Aon for its failure to impose effective internal management systems to counter the risk of bribery. In particular, Aon had failed to impose effective anti-bribery controls on commercial agents who introduced
it to new business. Myanmar was one of the countries mentioned in the FSA’s ‘final notice’.

**Human rights**

In the late 1990s and early 2000s there was a vigorous international debate on the human rights responsibilities of international companies. Everyone agrees that companies should follow the laws of the countries where they should operate and, in well-governed countries, the law will ensure that they fulfil their human rights obligations. The questions that arise are: what happens when international companies operate in poorly governed countries that do not respect human rights? In what circumstances might companies share responsibility for human rights abuses? What should they do to make sure that they do not contribute to human rights abuses?

The most authoritative guidance document on these questions is the *UN Guiding Principles on Business and Human Rights*. This was drafted by John Ruggie, a professor from Harvard University in the US who served as the UN Secretary-general’s Special Representative on Business and Human Rights from 2005 to 2011. The text of the *Guiding Principles* can be found on the website of the UN’s Office of the High Commissioner for Human Rights (www.ohchr.org).

The *Guiding Principles* can be summarised in the three words ‘protect’, ‘respect’ and ‘remedy’:

- States have a responsibility to protect human rights.
- Companies must respect human rights.
- When something goes wrong, states must ensure that people whose rights are abused have access to remedy.

The *Guiding Principles* recommend that companies conduct a risk assessment (the technical term is ‘due diligence’) to ensure that their activities do not contribute to human rights abuses either directly or indirectly. An example of an indirect contribution might be a case where a company purchases goods from a supplier company that treats its workers badly.

**3. Challenges for responsible investors in contemporary Myanmar**

It is now accepted that responsible international companies must operate by international standards on – for example – anti-bribery wherever they operate. However, they cannot be certain that their local or international competitors are following the same standards, particularly if the host country’s laws are inadequate or poorly enforced.

So what can the Myanmar government do to ensure that the best companies with the highest standards invest in their country? And how should international companies think about the risks and opportunities in contemporary Myanmar?

*Developing an enabling environment*

If the Myanmar government is to attract the highest-quality international investors it need to establish what the World Bank calls an ‘enabling environment’ for the private sector. An enabling environment includes well-drafted laws and a system making it
possible to resolve commercial disputes fairly. These are important for both domestic and international businesses.

This will take time. By mid-2012 the Myanmar government had embarked on a programme to reform a number of important laws including, for example, a draft law on foreign investment and a draft anti-corruption law. These are welcome developments but passing these new measures into law will be no more than the first step. The Myanmar judiciary has reputation for technical incompetence, and it is often said that it is subject to political interference. The most important question is therefore not so much whether Myanmar has good laws but rather whether it has effective institutions that can apply these laws fairly.

**Risks and opportunities for international companies**

In early 2012 there was again widespread excitement in international business circles about the prospect that Myanmar was ‘opening up’ to foreign investment. At least initially, expectations on both sides were high. However, by mid-2012 senior Myanmar government leaders were already expressing disappointment that the flow of investment was proving slower than expected or hoped.

Clearly, there is a need for realism both within Myanmar and internationally. There is no doubt about the country’s long-term potential, but the short-term challenges are immense. These include deficiencies in the country’s transport and energy infrastructure and – even more significantly – a shortage of technical and administrative expertise within key government institutions. Would-be investors therefore need to consider the following:

- The questions they need to address are not so much what they have to sell, as what does the country really need, and what can it afford?
- They need to find the right local business partners. This includes a requirement to consider would-be partners’ reputations for business integrity as well as their commercial competence.
- Rather than expecting short-term profits, they need to be able to afford a long-term view. It will take many years – perhaps decades – before Myanmar reaches its full potential.

The most successful business deals will be those that serve the interests of international investors, their local business partners within Myanmar, and Myanmar citizens.
Electricity and the Quick Win of Progressive Power Pricing

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Changing the way that Myanmar prices electricity, by instituting a progressive pricing system, will increase incentives to invest in electricity generation and distribution, eliminate wasteful government subsidies, and improve the access of small consumers to power.

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Electricity supplies are one of the greatest challenges to doing business in Myanmar. In a recent survey of businesses, interviewees said that electricity was a bigger challenge to doing business than any other obstacle in the business environment. Poor electricity supplies cost firms in numerous ways. They must invest in backup systems, including generators, diesel, and batteries, in the case of an outage. Poor quality of electricity, such as voltage spikes and drops, requires them to spend further, on equipment to protect against these inconsistencies. Electricity problems reduce the number of hours that firms can manufacture, sell, or deliver services and raise the cost of doing so when backup equipment is used.

Reducing problems with the public supply of electricity would allow firms to cut investment in power supply backups and invest in productive capital. It would cut costs of outages and increase the number of hours available to manufacture, sell, or deliver services, both of which improve profits. This gives firms further money to spend or invest.

Improved electricity supplies would be especially beneficial for Myanmar’s small and medium enterprises (SMEs). Electricity problems put SME’s at a comparative disadvantage to larger firms, because they tend to rely far more on the public supply of electricity (and many other public goods). It is more difficult, and costs a greater percentage of firm income, for them to invest in generators and other electricity generation and storage devices. They suffer disproportionately in the case of power failures. Improving power supplies should significantly improve SME competitiveness.

Improving the supply of electricity should reap political benefits as well. Poor electricity supplies are a major source of discontent for the public at large. The two largest protests in the last five years – the 2007 monk protests and the protests in May 2012 – were both sparked by energy issues. Improved electricity would serve not only as a significant economic stimulus but meet one of the most resonant public demands. In both political and economic terms, it represents one of the easiest quick wins for the government, a point also made by Oxford’s Paul Collier on a recent visit to Myanmar.
Increasing Supply is Important, but Not Enough

In the wake of recent protests, Myanmar’s government took a number of stop-gap measures to alleviate shortages in the electricity supply. They imported six 2MW generators from Singapore in late May. They also negotiated with General Electric to import two 25MW turbines and with Japan for three 120MW generators. In order to address the larger long-term shortcomings, the government has plans to build two new power plants near Yangon with foreign partners. One is a 600MW coal plant built with J Power Company from Japan and the other a 500MW plant built with DKB Company from South Korea. The government also plans to construct over 5,000 miles of transmission lines by 2016. China offered to help improve Myanmar’s inefficient electric grid, a move that came shortly after protests in May and one likely designed to protect exports.

In the long run, Myanmar will need significantly more investment to keep up with growing demand. Much of this could come from the private sector. On June 1st, Myanmar’s government announced an end to the state monopoly on power generation and distribution, and invited private businesses to invest. However, electricity prices in Myanmar are both low and fixed. Rates are 35 kyats per kW (US$.04) for residential customers and 75 kyats (US$.09) for commercial users. The cost of generating electricity is around 60 kyats per unit, significantly higher than the sale price. This requires the government to subsidize the deficit. According to U Myint Aung from the Ministry of Electric Power, few foreign companies wanted to invest in power generation with the fixed residential price of 35 kyat/kW.

The way forward?

Myanmar presently has three options available to expand its electricity supply:

1. Funding new power projects with government money while maintaining or marginally increasing current prices, leading to further budget losses due to electricity generation
2. Attracting foreign capital by allowing a portion of production to be exported to markets with higher (and commercially viable) electricity prices.
3. Revise the domestic electricity pricing structure to raise the average price of electricity to a commercially viable level while maintaining or improving access for small consumers.

The first option is a significant drain on the government’s resources. In FY2011-12, the ministries in charge of generating and distributing power in Myanmar lost about $300 million. In Myanmar’s current fiscal state, such losses amount to a significant portion of government spending and could be better spent in other areas. The second option is already being employed for a number of projects in Myanmar. All of Myanmar’s current natural gas projects allow the country to take between 15% and 20% of the output. Some of the country’s largest dams, such as the Shweli project, also have an arrangement where some of the output is exported to China while some goes to the domestic electricity grid. Output sharing arrangement will continue to be used in Myanmar. However they are politically unpopular and add an element of political risk for investors – the Myitsone Dam is an example. The
third option presents the most viable way to attract private investment in electricity
generation and distribution and avoids costs of the first and political risk of the second.

Institute a progressive pricing system for residential electricity
Myanmar’s government has previously tried to change residential electricity prices but been
met with fierce resistance. For example, Naypyidaw tried but eventually failed to double
prices at the beginning of 2012. Price increases are especially unpopular with lower and
middle income residents. Instituting a progressive residential electricity pricing system avoids
the political problems associated with raising prices on lower and middle income residents,
while raising the average price of electricity to a commercially viable level (or at the least, a
higher level that is less loss making).

A progressive residential pricing system is designed so that the more you use, the higher
average rate you pay. It is structured so that the first fixed amount of electricity units are
charged at a low rate, often below cost. The next fixed amount of electricity units are charged
at a higher rate. After a consumer uses all the units at the low price and the units at the next
lowest price, they can continue to consume while paying at a third, higher tiered price.
Different systems have different numbers of tiers, but follow the same principle: prices per
unit increase in a tiered fashion as consumption increases.

Progressive pricing in Mainland Southeast Asia
Most other developing countries in Southeast Asia (Cambodia, Indonesia, Laos, Thailand and
Vietnam) and many countries around the world, including China have progressive residential
pricing. All of these countries, with the exception of Cambodia, have low prices of electricity
for small residential consumers. Vietnam is the lowest, at US$.029 while Cambodia is the
highest, at $.095. At US$.042, Myanmar’s electricity prices for small users rank third out of
the five mainland Southeast Asian countries. For small electricity consumers in Myanmar,
electricity prices are comparable to other countries in the region.

All other countries in mainland Southeast Asia have progressive pricing that increases rates
as consumption increases. By the time consumption reaches 300 kW per month, prices are
almost three times higher in every other country in Southeast Asia than they are in Myanmar.
In Cambodia, they are over six times higher than Myanmar. For large residential electricity
consumers in Myanmar, electricity prices are far lower than anywhere else in Southeast Asia.
These large residential consumers tend to be the wealthiest members of society, and most
able to pay higher prices. By selling electricity to these consumers below the cost of
production, the government is providing large subsidies to its most wealthy residents.
Because the subsidy is linked to consumption, the largest consumers enjoy the highest per
capita subsidies.

| Residential Electricity Pricing Structures of Countries in Mainland
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*Exchange rates as of June 8, 2012*

Progressive residential pricing achieves a number of important goals including:

1. **Cutting budget deficits.** According to Deputy Minister for Electric Power 2 U Aung Than Oo, the ministry lost approximately 30 kyats for every kW of electricity sold under the former pricing structure (of 25 kyats per unit for residential and 50 kyats per unit for commercial). He expected that the ministry would lose around 250 million kyats (or about US$300 million) in FY2011-12. Based on an estimated budget for FY2011-12 of approximately 8 trillion kyats, losses from producing electricity consumed over 3% of the total government budget. Eliminating some or all of these losses through progressive pricing would reduce the budget deficit and could reduce inflation (if the cuts reduce the amount of the country’s deficit that is paid for by printing money). Alternatively, the government could use the funds that previously went to subsidize electricity production on other uses, such as investments in new electricity infrastructure, or social services such as health or education.

2. **Eliminating inefficient subsidies to wealthier consumers.** Currently, the more electricity a particular consumer uses, the higher the total amount of the subsidy he or
she receives. The current power pricing scheme results in a significant amount of the government’s budget being used to subsidize the power consumption of the country’s most affluent citizens. Revising this structure by introducing progressive pricing would eliminate those subsidies.

3. **Scoring a political victory with the public.** Electricity supplies in Myanmar are a politically sensitive issue, which has made it very difficult for the government to raise the price of power. However, moving to progressive pricing could allow the government to lower the price on the first small number of electricity units consumed. This benefits small consumers, while increasing the average price paid for a kW of electricity.

4. **Promoting more investment** in electricity infrastructure. The move to progressive pricing will raise the average price paid for electricity, while maintaining or even lowering the prices paid by those who consume the least electricity — often the poorest consumers. Raising the average price through a progressive system could bring in significantly more investment. Having more foreign operators in the sector could also improve efficiency significantly, reducing the average costs of electricity generation.

While it is impossible to determine the exact quantities and price levels that a progressive residential pricing system should have without further data on electricity consumption in Myanmar, there are two key principles that should be met. First, **the lowest tier of the pricing structure should be no higher than 35 kyats.** This will ensure that small consumers are not disadvantaged and allow the government to present the adjustments as rate changes, not rate increases. Such a move should be well received by the public. Second, **the highest pricing level should be at least 60 kyats,** which is the approximate current price of production for the Ministry of Electric Power. However the top pricing tier should not exceed the cost of electricity production through generators, or else it provides a disincentive for large consumers (who would pay the highest average rate) to disconnect from the grid.

Progressive residential pricing would help provide additional funding for investment in the power sector, it is not by any means a cure-all. The government still faces massive losses in the electricity grid, partly due to a large number of illegal connections that siphon off power without paying. The distribution system is also highly inefficient. The government’s cost of producing power is high by international standards, and should be brought down. In the near term, however, the government must continue to increase supply, improve the efficiency of the electric grid, and promote conservation.
မြန်မာစာမျက်နှာကို အသက်ရှေ့ပြုပြင်ပေးသော စာလုံးနာမ်အရည်အချင်းများကို ပြင်ဆင်ချက်ပါသည်။ စာလုံးများကို ခြင်းသုံးခြင်းနှင့် အသုံးပြုခြင်းများကို အရေးကြီးပေးသည်။
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Private Sector & Humanitarian Relief in Myanmar

Romain CAILLAUD, Chief Representative, Vriens & Partners – Myanmar

A number of global trends indicate that the private sector is increasingly engaging into humanitarian relief. Such business engagement was particularly important after the 2004 Asian tsunami. Partnerships between humanitarian actors such as United Nations (UN) agencies and Non Governmental Organizations (NGOs) and companies and “meta-initiatives” aimed at promoting and coordinating these partnerships increasingly focus on the core competences of businesses rather than on traditional philanthropy.

Lately, Myanmar has been struck by a number of natural disasters, including cyclone Nargis in May 2008 whose impact on the Ayeyarwady Delta and surrounding regions was unprecedented in recent history. In October 2010, cyclone Giriaffected Rakhine State in the Northwestern part of the country and in March 2011 an earthquake hit Eastern Shan State. Myanmar civil society organizations responded swiftly and substantially to these disasters, demonstrating their dynamism. Moreover, anecdotal evidence indicated that the private sector, which has grown tremendously since the introduction of market-oriented economic reforms after 1988, had also supported the relief operations.

A qualitative approach was adopted to explore a topic with little existing literature. A team of six researchers, using interview guidelines, conducted a total of 60 Key Informant Interviews (KIIs) from the humanitarian and private sectors. Two high ranked officials from the Ministry of Social Welfare, Relief and Resettlement (MSWRR), members of the Republic of the Union of Myanmar Federation of the Chamber of Commerce and Industry (RUMFCCI) and related business associations, staff of international and local humanitarian organizations and managers of local and international companies that contributed to humanitarian relief in the wake of recent disasters were interviewed. The focus of the research was on non profit engagement of businesses in relief, but commercial engagement was also explored marginally. There were limitations in terms of access to certain key respondents and to the depth of some data, yet the data collection and analysis was completed in about three months.

The research found that compassion towards fellow human beings as well as religious principles and attachment to one’s ethnic or geographic community ranked high in the motivations of business respondents to engage in relief. A number of companies, especially large scale domestic conglomerates, participated at the request of the State or the desire to please its civil servants. A few business respondents also displayed an understanding of and interest in CSR principles.

Implementation of assistance had been undertaken by businesses by themselves in many cases. However, cooperation with faith-based organizations, informal aid groups, NGOs, professional associations and authorities were also frequent. Sectors of intervention were limited by the fact that most private companies provided in cash and in kind donations, rather than participated on the basis of

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1 This research was funded by Irish aid agency Trocaire and carried out in late 2011 by Myanmar Marketing Research & Development (MMRD) where the author used to be employed.
their core competences. A few competence-based interventions in food, health and Water, Sanitation and Hygiene (WASH), logistics, education, shelter and agriculture were identified.

The outcomes of recent business engagement in relief are substantial yet difficult to quantify due to the absence of monitoring of inputs and outputs of such assistance, as well as to the limited accountability and transparency that can be found in Myanmar society in relation to donations. Still, it can be asserted that along civil society organizations and traditional humanitarian actors, the private sector contributed greatly to helping victims of recent natural disasters. After cyclone Nargis, it assisted with access to the Delta, an issue of particular importance in a context where humanitarian work was constrained for a few weeks by the reluctance of the government to grant access to the area to foreign relief workers. Moreover, cyclone Nargis especially incited some private sector actors to scale up their philanthropy and/or to professionalize their involvement in social work.

Beyond donations, few examples of cross-sector cooperation were identified. They took place mainly between the private sector and traditional welfare actors such as faith-based organizations and informal aid groups, in an organic manner due to well established trust, long term relations and social networks. Cross-sector partnerships are far from obvious by definition, and this is especially the case in a country like Myanmar were doubts about the agendas of the government, private sector and NGOs are numerous.

Based on the findings of this study, it is recommended that a national level public private partnership in disaster response be initiated, by promoting dialogue between the RUMFCCI and the Myanmar NGO Contingency Planning Working Group (CPWG). Though challenging, such an initiative offers great and sustainable potential rewards. Creating bridges between umbrella organizations is also a means to create partnerships between specific entities within them. It is also recommended that cooperation with faith-based organizations be explored to increase their capacities at tapping in the core competencies of the private sector, and to improve their operating standards as well as those of their private partners.
Chief Representative
Vriens & Parters - Myanmar

[Content of the document is not legible due to the quality of the image provided.]

This document appears to contain a letter or report, possibly related to Myanmar, given the names and references to the company Vriens & Parters. However, the text is not readable due to the quality of the image. A clearer version of the document would be necessary to provide a meaningful transcription.
The Role of Sino-Burmese Entrepreneurs in a Reforming Myanmar – a hypothesis

Jayde Lin ROBERTS
University of Tasmania

Since 2011, the easing of sanctions and surging interest of foreign investors seem to promise a dramatically globalized market in Myanmar. How the new foreign investment law and other reform measures will alter the country’s economic and social landscape remain to be seen. Some Burmese in the blogosphere have raised warnings against the neoliberal invasion of Myanmar while others have predicted progress and improved livelihood for all.

I would like to suggest that the way the Sino-Burmese in Yangon have conducted business might serve as a useful guide for local Myanmar businesses in navigating a more balanced path forward as international corporations roll into the country. The history of the Sino-Burmese is complex and seldom examined in popular and scholarly literature. Therefore, we need to review their experiences during the colonial and independent periods before we investigate how Sino-Burmese might contribute to contemporary Myanmar economy and society.

The English term Sino-Burmese is a fairly accurate translation for the Mandarin Chinese and Burmese terms that the Sino-Burmese in Yangon use to define themselves: Myanmar-Tayouq and mian-hua. They are careful to distinguish themselves as Myanmar-Tayouq, different from other Tayouq in China or other countries. They also call themselves mian-hua, which can be glossed as people of Chinese heritage in Burma. The second character hua is an old word that represents Chinese culture. In contemporary usage, hua has been adopted by the governments in China and Taiwan, Chinese diaspora scholars, and communities of Chinese overseas as the standard term for designating ethnic Chinese who reside outside of China, Taiwan, Hong Kong and Macau (known together as Greater China) and who are not citizens of China.

In everyday conversations, the news, and social media, Chinese in Myanmar are called Tayouq and/or Chinese. However, when I engaged Yangon-tha and thu in conversations about Tayouq, many responded with questions such as: “Do you mean the Tayouq who have lived here a long time and speak Burmese or the more recent arrivals, the Yunnanese?” The umbrella term of Tayouq can be misleading and the received knowledge based on the shorthand Tayouq can often elide the various groups of Chinese into one monolithic Tayouq, confusing official PRC actions or the questionable trade undertaken by the Yunnanese with the everyday maneuvers of the Sino-Burmese.
Through my research, it became clear that distinct and sometimes antagonistic groups of Chinese have co-existed in Burma such as the Hokkien, Cantonese, Hakka, and Yunnanese. Indeed, contemporary Sino-Burmese Yangonites are still aware of intra-Chinese linguistic and cultural differences and are considering how they want to interact with Yunnanese – the more recent, often unwelcomed, but wealthy immigrants to Lower Myanmar.

Most of the ancestors of contemporary Sino-Burmese Yangonites arrived in Rangoon during the colonial era when poverty and internecine warfare drove them out of Guangdong and Fujian. They landed in Rangoon as a port of last resort and as the story goes, worked their way up from nothing to build a stable and sometimes successful life for themselves. This communal story of overcoming adversity to succeed in a foreign land still inspires contemporary Sino-Burmese to do whatever it takes to succeed.

During the colonial and parliamentary periods, it would seem that most Hokkien and Cantonese Tayouq were still living as Chinese people outside of China, strictly adhering to Chinese customs in their daily lives and limited their associations to Chinese people. At that time, there were few incentives to integrate into the local Burmese society because Burmese people were the alienated and disenfranchised population under the British, outnumbered in Rangoon by the Indian and other foreign populations.

Similarly, in newly independent Burma, the rising but still disenfranchised Burmese population could hardly compete with the Chinese who had built up transnational business connections and skills during the colonial era. On the whole, the Hokkien and Cantonese of these two periods cannot be called Sino-Burmese because they did not try to become a part of the local society and saw themselves as distinct. I contend that they remained Chinese and do not become Sino-Burmese until the shock of the 1967 anti-Chinese riot convinced them they could no longer live as privileged guests in Burma.

After the coup in 1962, signs indicated that things were changing but the Chinese in Yangon did not believe their lives would be dramatically altered under the BSPP and certainly did not expect to be the target of racial violence. Intra-Chinese animosity, particularly between the pro-communist and pro-KMT factions, still raged and PRC-trained teachers were still instilling their students with Maoist doctrine up into the 1960s. When the actions of over-zealous pro-PRC teenagers sparked a clampdown in a nationalized Chinese school on June 26, 1967, violence spread quickly in Yangon and other cities. Some say hundreds were wounded and killed while others say over a thousand. Whatever the actual number, the Chinese in Yangon realized that
they had been living complacently, paying too little attention to their political and social environment.

After the anti-Chinese riot, some Chinese, particularly the Cantonese, left Burma while others remained. Those who remained consciously adopted Burmese names and dress and used Buddhism as a nominally common faith to integrate themselves into Burmese society. Many had family members who re-emigrated to Greater China and gradually learned that their brothers and sisters were not welcomed into those places but treated as lower class migrants, relegated to the urban periphery or sent down to the countryside. This return to their so-called ancestral homeland or to their ancestral family proved to be a myth. They were not accepted as fellow Chinese in Greater China and came to realize that Burma was their only home.

From the late 60s through today, the Chinese in Yangon transformed themselves into Sino-Burmese by consciously learning and practicing Burmese customs and folding in Theravadin Buddhist practices into their syncretic Mahayana-Daoist faith. Many Chinese traditions were still maintained but were maintained behind closed doors until recently.

In contemporary Yangon, the people who identify themselves as Sino-Burmese, not simply Chinese or Burmese, are the people of Fujian or Guangdong heritage whose families have lived in Burma for three or more generations and identify Myanmar as their chosen home. They come from families who have married other Chinese or intermarried with Burman, Mon, and Pashu, despite traditional resistance to marriage outside one’s own ancestral community.

Therefore, the Sino-Burmese as a relatively more cohesive community is still in the making. Their experience during the Socialist Period followed by 8-8-88 and the opening of the Myanmar economy, along with the rise of China have all contributed to the forming of a more unified Sino-Burmese community.

If the military junta had not brutally crushed the 88 uprising and sabotaged the university and educational system, Sino-Burmese under the age of 35 might not have been reintroduced to Chinese language or Chinese culture. When universities were closed after 1988, Sino-Burmese youth who were poised to begin university could not continue their education so some decided to study Chinese. In the words of a second generation Sino-Burmese woman now in her late 30s, “What else was I going to do, I couldn’t go to university and I had all this time on my hands so why not study Chinese.” Therefore, the actions of the junta not only increased the
interactions between Myanmar and China in terms of the economy, it also inadvertently encouraged Sino-Burmese to reconnect with their cultural heritage and language.

This community that is taking shape is both Chinese and Burmese and the leaders within this community are consciously promoting bi-cultural and bi-lingual Myanmar-Chinese fluency to ensure their own survival and success in Myanmar. They say things such as “Our future is here, we must invest in Myanmar” while simultaneously recognizing the influence of the PRC on their lives, “The actions of the Chinese government affect us just because we are Tayouq. I wish western scholars and media would stop saying the Chinese do this and the Chinese do that. They have to be clear about who they are talking about, the Chinese government or the miang-hua (the Sino-Burmese).”

The story is obviously complex because the Sino-Burmese do not want to be blamed for the callous actions of the PRC government or PRC-backed businesses but they also want to tap into the money-making opportunities made available through the PRC and Chinese overseas. But as a community of Chinese overseas who were basically abandoned by the PRC in the 1960s and were later brushed aside by the government in Taiwan, Sino-Burmese continue to feel that they have no one to count on but themselves. They identify with all of the people living in Myanmar because they, like everyone else, have been marginalized by the world and must build their own connections in order to move away from the periphery. However, while disadvantaged, the Sino-Burmese still enjoy more access than many Burmese people and their connections to the overseas Chinese network has enabled them to do well in small and medium enterprises.

It is well known that private trade continued during the Socialist Period despite nationalization. For the Sino-Burmese in Yangon, an essential part of their livelihood was the “Irrawaddy Bank”, an informal network along the river that delivered grains and other goods down to Yangon on a daily basis. According to now successful Sino-Burmese merchants, they cultivated those informal relationships and have traded fairly with everyone to sustain and grow their businesses. I heard many stories of Sino-Burmese becoming rich through trading beans and pulses and met two families that became wealthy enough to purchase many properties in greater Yangon and even build a hotel near Sule Pagoda.

The patriarchs of these families have dabbled in various businesses and have not succeeded in all endeavors, but have made a profit overall. While risk-taking is essential for success, Sino-Burmese businessmen also point out the critical factors of local knowledge and luck. They say
things like, “The military government made it so difficult for foreign companies that almost all of
them lost money and left. If the government had not driven them out, we local businessmen
could not have competed…They had to come and then leave before we could succeed” and
follow this kind of statement with, “But we also have a better understanding of what Myanmar
people want. The Singaporean supermarket sold things that nobody could afford so they lost
money. We know what to sell.”

Sino-Burmese merchants, as people who lived through the struggles of the Socialist and junta
periods have integrated themselves into Yangon society and therefore know the market better
than foreign business operators. From about 1967 onward, Sino-Burmese have consciously
endeavored to adopt Burmese culture and to understand their neighbors. In that process, they
have developed a sense of fellowship with other Burmese because everyone suffered together.

The husband and wife owners of the largest supermarket chain in Myanmar said off-handedly, “I
think we are so successful because we are doing ku-tho, performing good deeds. We sell
products like Ensure that help people take care of their aging parents.” They have clearly
internalized some Burmese Buddhist beliefs and understand their success in Burmese terms.
They like other Burmese feel protective of their place in Yangon and criticize the more recent
arrivals, the Yunnanese, for being cavalier and sullying the Sino-Burmese reputation. The
owner of a pharmaceutical factory said, “We (the Sino-Burmese) are careful not to break the law.
We work within the law to make money, unlike the Yunnanese. They dare to do anything.”

This kind of self-monitoring and embeddedness in Myanmar makes Sino-Burmese companies
potential examples for how to do business in the new, more open market. And their ability to
see themselves as a part of – not apart from – Myanmar society can be further encouraged as
Myanmar’s economy continues to grow. The success of numerous Sino-Businesses at the
small and medium scales prove that one does not need to be tied to the generals or do big
business in order to make money.

But more importantly, I am wondering if perhaps Sino-Burmese businesses that flourished
during the junta period could show other Burmese businesses how to succeed despite difficult
circumstances and to serve as middlemen to channel the incoming foreign capital. Their
knowledge of the local culture coupled with years of international business experience could
help them create different consortia that could fulfill the demands of the local market and
compete against the greater capital and power of international corporations. Sino-Burmese
businessmen have established long-standing transnational connections to companies in
Singapore, China, Japan, and other places. Their knowledge of international and local Myanmar business networks could be tapped to establish partnerships that are more advantageous to themselves and to other Myanmar merchants.

Recently, Peter Chou, the Sino-Burmese CEO of HTC, the world’s second largest Android phone producer, returned to Myanmar and announced that he would establish a foundation to provide technology training to young people. There have been some discussions on the blogosphere regarding his motives. Is he just trying to capture a virgin market or does he actually want to help train Myanmar youth? If there is any truth to his statement, there is an opportunity to capitalize on his considerable resources and IT knowledge to improve the skills of the Myanmar labor pool, and the Sino-Burmese merchants in Yangon might just be the liaison to make things happen.
မိန်းမိန်းလက်ရှိ နေရာသို့ ဆိုရာမှာ HTC နိုင်ငံရေးဦးစီးချုပ်မှ မိမိတို့အား ဖေါ်ထားသော ကြည့်ရှုချက်များကို အခွင့်အလောက် ဖော်ပြချက်များကို အကြံပြုပြုသည်။ ပထမဆုံး စီးပွားရေးနှင့် လူ့သူ့အကျိုးအဆိုး ဒေတာအားဖော်ဆောင်ရွက်မှုများကို အခြေခံပြုသည်။

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Myanmar’s ASEAN Chairmanship in 2014: Legitimacy, Salvation and Interests

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Associate Professor
Centre for Southeast Asian Studies
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Myanmar has been granted the chairmanship of ASEAN for 2014, 8 years after it voluntarily gave up its turn to chair the group. Despite the latest political developments in Myanmar, critics continue to doubt if its reforms are real. Such doubts are also cast upon Myanmar’s role as ASEAN chair. In 2006, Myanmar had to give up its rotational chairmanship of ASEAN (the decision came in 2004, the year Myanmar began its roadmap to democracy). Eight years later, Myanmar wanted to try again. It was supposed to host ASEAN in 2006, but requested to host it two years earlier. 2014 will be a crucial year for both Myanmar and ASEAN. For Myanmar, the second general election since 1990 will be just a year away (in 2015). Serving as ASEAN chair will render much needed political legitimacy to the regime in Naypyidaw. The government will be responsible for organising hundred of ASEAN meetings during the period of its chairmanship. This will further expose Myanmar to the regional community, bring in more investments from ASEAN countries and their dialogue partners, and at the same time, allow the government to exercise its leadership by working closely with ASEAN members to reaffirm their obligations toward the community building in 2015. Therefore, an ASEAN chairmanship could become a fundamental factor in shaping Myanmar’s internal politics in favour of the ruling elite and to a certain extent influencing the election results. As for ASEAN, offering Myanmar the chairmanship seems inevitable. This seemed very much a vindication for ASEAN. And factually, Myanmar has to date remained the only member which has never served as a chair of ASEAN.

A variety of Responses

So far, Western governments have adopted an ambivalent attitude toward Myanmar’s ASEAN chairmanship. Positively, a number of Western governments have already welcomed Myanmar’s in-progress political reforms and its civilianisation process. For example, the E.U. Foreign Ministers met in April to review its sanctions policy towards Myanmar. Similarly, the US Congressional Research Service released a report that was fairly bullish in stating that the government would lift some sanctions after the 1 April by-elections in Myanmar. In Asia, Japan has approached a watershed in its economic policy toward Myanmar. Recently, the Japan Bank for International Cooperation sent a delegation to Myanmar to see if there would be any other potential financial schemes they could work closely together on. But on the negative side, the continued human rights abuses in Myanmar, and the fact that a large number of political prisoners have not been released even when the political situation has improved, are responsible for the ambivalent attitude of some Western governments. Moreover, drug trafficking and refugees emanating out of Myanmar still pose as an imminent threat to its neighbours. This attitude is the main reason why international sanctions have not been totally abolished. Some Western nations expressed their disappointment with the hasty decision of ASEAN in granting Myanmar the chairmanship for 2014. It would have been more appropriate and less risky for ASEAN to grant Myanmar this request as a conditional offer and postpone its final decision to 2013.
Meanwhile, reactions from some ethnic groups have been largely disapproving. Myanmar Partnership, a network of organisations throughout the Asia-Pacific region supporting democracy, peace, and human rights in Myanmar, came out to criticise the award of ASEAN chairmanship to Myanmar. There was a call for Myanmar’s government to meet three important benchmarks before an ASEAN chairmanship was to be granted: (1) immediate and unconditional release of all political prisoners; (2) a declaration of a nationwide ceasefire with ethnic armed groups and cessation of attacks on ethnic communities; and (3) inclusive political dialogue with ethnic nationality representatives, including armed groups, and the pro-democracy movement.

**Legitimacy for Naypyidaw**

Legitimacy has become immensely fundamental for the lifting of sanctions. And the quickest route to earn that legitimacy from the international community is to exploit ASEAN platform to recreate Myanmar’s new persona which deserves to be legitimised. Myanmar has invested so much in its political reforms, even to the point of old generals deciding to step down. To ensure that they would not be losers in the new game of politics, they sought to have the new regime legitimised by the international community. To fulfil this, serving as ASEAN chair will be useful. The position as a chair of ASEAN will provide Myanmar an excellent opportunity to cooperate with non-ASEAN partners, with whom Myanmar has been yearning for rapprochement in exchange for gaining their support and recognition. A sanctions-free Myanmar would benefit old generals who may have left the political scene but are still in control of big businesses in Myanmar.

**Salvation for ASEAN**

All along, ASEAN has lacked an effective, workable Myanmar policy. The interaction has been mostly responsive rather than proactive. In granting Myanmar the chair of ASEAN, the message was clear—it was capable of managing its own internal affairs and of maintaining at the centre of regional politics. ASEAN has always been very protective about its regional turf. Now that Myanmar has flirted with democratisation with tangible outcomes being seen since the election in 2010, ASEAN immediately saw the changes as part of its own success of “acclimatising” Myanmar to fit in with developments in the region. ASEAN was quick to celebrate the ongoing political reforms in Myanmar. From this perspective, rewarding Myanmar for its effort to democratise was legitimate.

**For Whose Interests?**

At first glance, the ASEAN chairmanship for Myanmar in 2014 appears to have been for the benefits of the region. On Myanmar’s part, the chairmanship a year before the materialisation of the community building was important both in tangible and symbolic terms. Tangibly, since Myanmar might gradually become the “new economic tiger” of the region, assigning a chairmanship for Myanmar seems rational. With all the available business opportunities and the political opening up, Myanmar could represent hope and possibility for ASEAN in an era of community-ness. But it will be illusive to examine Myanmar’s chairmanship of ASEAN only within the above context. As this essay argues, the real missions of both Myanmar and ASEAN behind the chairmanship issue were indeed more about a self-fulfilment rather that anything meaningful to the development of regionalism. In reality, having Myanmar as a chair could challenge ASEAN’s effort to recreate its image as a serious organisation. At the end, the ASEAN chairmanship of Myanmar was perceived as some kind of a solution to the legitimacy
crisis for both Myanmar and ASEAN. But since Myanmar will host the summit anyway, it could use this opportunity to further boost the reconciliation process in the country and improve the livelihood of different ethnic minorities while showing them the possibility to integrate with the region. And finally, for ASEAN, its obligation to strengthen regionalism will not end in the year 2015 when the community will be properly formed. ASEAN will need to look beyond 2015 and continue to demand from its members their commitment toward making a strong and relevant organisation, especially from Myanmar.
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Appendix
THE UNIVERSITY OF HONG KONG
International Academic Symposium
18-20 June 2012

Myanmar in Reform 2012

Sponsors
Konrad-Adenauer-Stiftung
Oxfam Hong Kong
Faculty of Social Sciences, HKU

Organizers
Faculty of Social Sciences, HKU
Center for Myanmar Studies,
Yunnan University

Schedule

Monday 18 June
08:30 – 09:00  Registration   11/F, Faculty of Social Sciences, HKU
09:00 – 09:30  Welcome   11/F, Faculty of Social Sciences, HKU
09:30 – 11:15  Session I    11/F, Faculty of Social Sciences, HKU
11:15 – 11:45  Coffee Break   11/F, Faculty of Social Sciences, HKU
11:45 – 13:00  Session II   11/F, Faculty of Social Sciences, HKU
13:00 – 14:30  Welcome Lunch  Joseph’s, Graduate House, HKU
14:30 – 15:45  Session III   11/F, Faculty of Social Sciences, HKU
15:45 – 16:15  Tea Break   11/F, Faculty of Social Sciences, HKU
16:15 – 18:00  Session IV   11/F, Faculty of Social Sciences, HKU
18:30 – 21:00  Symposium Dinner Chiu Chow Garden, HK

Tuesday 19 June
09:00 – 10:15  Session V   11/F, Faculty of Social Sciences, HKU
10:15 – 10:45  Coffee Break 11/F, Faculty of Social Sciences, HKU
10:45 – 12:30  Session VI   11/F, Faculty of Social Sciences, HKU
12:30 – 14:00  Lunch    Sandwich lunch
14:00 – 16:15  Session VII   11/F, Faculty of Social Sciences, HKU
16:15 – 16:45  Tea Break   11/F, Faculty of Social Sciences, HKU
16:45 – 18:00  Session VIII   11/F, Faculty of Social Sciences, HKU
18:30 – 20:30  Informal Dinner Senior Common Room, HKU

Wednesday 20 June
09:00 – 10:15  Session IX   11/F, Faculty of Social Sciences, HKU
10:15 – 10:45  Coffee Break 11/F, Faculty of Social Sciences, HKU
10:45 – 11:30  Farewell   11/F, Faculty of Social Sciences, HKU
[12:30 – 14:15  Asia Society Lunch Off campus in Admiralty]

Note: The Faculty of Social Sciences is located on the Centennial Campus at the western end of the main campus. While construction work continues, access is quite difficult. It is probably easiest to pick up direction markers from Haking Wong Building.
Participants

David AKAST     reallyenglish, Hong Kong
David ALLAN     Spectrum, Yangon
AYE THANDA     Tampadipa Institute, Yangon
BAWK JA LUMNYOI   Vision for Peace, Yangon
Jared BISSINGER    Macquarie University
Patrick BOEHLER    University of Hong Kong
John BRAY      Control Risks, Tokyo
Romain CAILLAUD  Vriens & Partners, Yangon
Mary CALLAHAN    University of Washington, Seattle
Pavin CHACHAVALPONGPUN Kyoto University
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TIN HTOO NAING Yangon Institute of Economics
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WIN MYO THU    EcoDev, Yangon
ZHANG Huagang    Yunnan University
ZHU Xianghui    Yunnan University
MONDAY 18 JUNE

08:30 – 09:00  Registration

09:00 – 09:30  Welcome
09:00  Group Photo
09:10  Ian HOLLIDAY, University of Hong Kong
09:15  Professor Lap-Chee TSUI, Vice-Chancellor and President, University of Hong Kong
09:20  Wilhelm HOFMEISTER, Konrad-Adenauer-Stiftung, Ian HOLLIDAY, University of Hong Kong, Tobias JACKSON, Oxfam Hong Kong, and LI Chenyang, Yunnan University

09:30 – 11:15  Session I  (Chair: Ian HOLLIDAY)
KHIN ZAW WIN, Tampadipa Institute, Yangon
Myanmar’s Unexpected Wave of Reforms
Mary CALLAHAN, University of Washington, Seattle
Political Change in Post-Junta, Constitutional Myanmar
Renaud EGRETEAU, University of Hong Kong
Policymaking in a Praetorian State: What Does the Literature Tell Us, and What Does It Mean for a Post-Junta Myanmar?

11:45 – 13:00  Session II  (Chair: LI Chenyang)
David ALLAN, Spectrum, Yangon
A Development Agenda for Myanmar: What Might Some of the Elements Be?
Ian HOLLIDAY, University of Hong Kong
Thinking about Transitional Justice in Myanmar

14:30 – 15:45  Session III  (Chair: David ALLAN)
LI Chenyang and YU Qiang, Yunnan University
The Political Transformation in Myanmar: From General Election in 2010 to the By-election in 2012
ZHANG Huagang, Yunnan University
Reform in Myanmar: A Perspective from the World of Chinese Business Engagement

16:15 – 18:00  Session IV  (Chair: Mary CALLAHAN)
Ashley SOUTH, Australian National University
Ethnic Politics in a Time of Change: From Ceasefires to Lasting Peace?
ZHU Xianghui, Yunnan University
China’s Role in the Opium Substitution Program in Northern Myanmar
Tom KRAMER, Transnational Institute
Chinese Agribusiness in Northern Myanmar: Ethnic Conflict, Drugs, and Land Dispossession
TUESDAY 19 JUNE

09:00 – 10:15  Session V  (Chair: Romain CAILLUAD)
KHIN MAUNG NYO, Myanmar Development Resource Institute
The Myanmar Economy: Tough Choices
John BRAY, Control Risks, Tokyo
Risk Assessment and Responsible Business Practice in Burma: What Can We Learn from Experience?

10:45 – 12:30  Session VI  (Chair: David I STEINBERG)
Jared BISSINGER, Macquarie University
Firm Perceptions of Myanmar’s Business Climate
Romain CAILLAUD, Vriens & Partners, Yangon
Private Sector and Humanitarian Relief in Myanmar
Jayde Lin ROBERTS, University of Tasmania
The Role of Sino-Burmese Entrepreneurs in a Reforming Myanmar: A Hypothesis

14:00 – 16:15  Session VII  (Chair: KHIN ZAW WIN)
[This session will be in the Myanmar language, with simultaneous interpretation into English]
BAWK JA LUMNYOI, Vision for Peace, Yangon
The Current Situation in Kachin State and Human Rights
AYE THANDA, Tampadipa Institute, Yangon
The Need for Reform in the Judicial System in Myanmar

16:45 – 18:00  Session VIII (Chair: Renaud EGRETEAU)
David I STEINBERG, Georgetown University
The Making of Policy: The United States and Burma/Myanmar
Pavin CHACHAVALPONGPUN, Kyoto University
Myanmar’s ASEAN Chairmanship in 2014: Salvation, Legitimacy and Interest

WEDNESDAY 20 JUNE

09:00 – 10:15  Session IX  (Chair: LIU Xuecheng)
Yun SUN, Arlington, VA
China’s Policy Adjustments for a Changing Myanmar
LIU Xuecheng, China Institute of International Studies
Interpreting the China-Myanmar Strategic Partnership

10:45 – 11:30  Farewell/Looking to the Future
Wilhelm HOFMEISTER, Konrad-Adenauer-Stiftung, Ian HOLLIDAY, University of Hong Kong, Tobias JACKSON, Oxfam Hong Kong, and LI Chenyang, Yunnan University

Special thanks to colleagues in the symposium secretariat, Faculty of Social Sciences, HKU, and to Khine Lynn Thu and Tun Lin Aung for simultaneous interpretation throughout.