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Developing relations: political parties and civil society in Myanmar

By Kristin Jesnes

Executive summary

In late 2011 President Thein Sein of Myanmar initiated democratic reforms that marked the end of the military regime. Since then, space has opened up for civil society to engage with political parties, and vice versa. Drawing on interviews with politicians and civil society activists, local and international experts on Myanmar, and lectures and conference debates, this report discusses the nature of the relationships that are emerging between political parties and civil society in the early stages of the transitional period. It would appear that relations between political parties and civil society are currently limited, informal and based on personal connections. The emerging political and civil society actors are in the process of identifying their roles in society and their relations to one another. Lack of experience with democratic governance after decades of civil war and military rule makes the process of building relationships tenuous. Continued legal constraints, the imprisonment of activists and weak regional government bodies further thwart interaction between political and civil society actors.

Introduction

In late 2011 the newly elected president of Myanmar, Thein Sein, initiated democratic reforms that marked the end of the military regime. The reforms opened up space for civil society[1] to work openly on human rights and democratic issues, and the relatively more inclusive 2012 by-elections allowed civil society organisations (CSOs) to engage with political parties, and vice versa. However, after decades of military rule and civil war there is little experience among CSOs, political parties and other political actors, including the government, ethnic armed groups or the military (known as the Tatmadaw), of either how to organise their own work or relate to one another. Local and international actors are trying to find their way through the new landscape of emerging political parties and CSOs where everyone seems to have different agendas, with some aiming to promote change, while others are attempting to preserve their power. Myanmar is still in its early stages of transition, but there are expectations, both from within the country and among international actors, of a quick shift to democracy. Two critical processes – the negotiations for a national ceasefire and the 2015 general elections – present opportunities for and challenges to the democratic process in Myanmar. One of the roles of civil society is to support political parties in democratic development, and hence it is relevant to explore how political parties and CSOs in Myanmar interact and what constraints, if any, hinder future engagement.

This report is an attempt to (i) give an overview of political parties and local CSOs in Myanmar today; (ii) explore the emerging relations between political parties and civil society; and (iii) outline the legal and social constraints on CSO-political party engagement. The report draws on interviews with politicians and civil society activists, local and international experts on Myanmar, and lectures and debates held during a conference on Political Parties and Citizens in Yangon in November 2013.[2]

Mapping political parties and civil society in Myanmar

New political landscape

The seven-step road map to democracy announced by the military junta – the State Peace and Development Council

1 Steinberg (1997) defines civil society as "those institutions and groupings that are outside of government. … It is also obvious that such independence is relative, and as no individual can be isolated, so no institution within a societal framework stands completely alone" (in Kramer, 2011: 14). In other words, a CSO might be defined as independent of the state with regard to purpose and daily activities, but interaction with the state is to a certain extent expected. Complementing Steinberg's definition are the characteristics of having a purpose, being not for profit and using peaceful means (Kramer, 2011: 5).

2 The conference was organised by the International Institute for Democracy and Electoral Assistance, the Asia-Europe Foundation, the Hanns Seidel Foundation and the Sun Institute.

(SPDC) – in 2003 could in retrospect be considered as the actual beginning of a step-by-step transition to democracy in Myanmar. Power was transferred to the quasi-civilian bicameral parliament, the Pyidaungsu Hluttaw,[3] in the 2008 constitution. The 2010 elections opened up space for registered political parties to contest seats in parliament. However, most political parties either boycotted or were prevented from taking part in these elections. The reforms initiated by the new government of President Thein Sein in 2011 are considered to mark the start of a genuine transitional process (Nilsen & Tønnessen, 2013: 2). The reforms involved amnesties for and the release of hundreds of political prisoners, including Aung San Suu Kyi, the chairperson of the National League of Democracy (NLD) (Martin, 2013). The desire of the regime to democratise was further demonstrated by the relatively inclusive 2012 by-elections, where the NLD won 43 out of the 44 seats it contested. Since then, a new political landscape has been evolving, both within and outside parliament.

Despite democratic reforms, the military and the Union Solidarity and Development Party (USDP) retain control of parliament. The previous regime transformed itself into a political party by way of forming the USDP in 2010, led by President Thein Sein. The constitution states that 25% of the seats in parliament are reserved for the military. Currently, ethnic political parties together hold 11% of the seats in parliament and the NLD holds 6%, while the USDP and the military together hold about 77% (ALTSEAN-Burma, 2013). A 75% majority is required in order to pass laws or change the constitution, and hence those who constituted the former regime still retain considerable legislative power. Outside parliament, political parties flourish. At the beginning of March 2014 there were 62 registered political parties in Myanmar; about half of these are ethnic parties (ALTSEAN-Burma, 2013). In comparison, 37 political parties were allowed to run in the 2010 elections (Nilsen & Tønnessen, 2013: 2).

Three tendencies can be observed among the opposition: new political parties are emerging; ethnic political parties are discussing the possibility of merging; and the latter are creating alliances across states. One example of a newly formed political party is the Dawei Nationalities Party in Mon state. This party was formed as the result of a united civil society opposing the Dawei deep-sea port that led to forced relocations of many local villagers (*Myanma Freedom Daily*, 2014). The most prominent civil society activists, including former members of political parties, eventually formed the Dawei Nationalities Party. All in all, seven new political parties were registered with the Union Election Commission in 2013, and this trend seems to be continuing in 2014 (ALTSEAN-Burma, 2013). Oppositional parties are also merging and creating alliances to stand a better chance of winning seats in the 2015 general elections. The four registered Karen political parties[4] have openly discussed their intent to merge (Noreen, 2013). Discussions on joining forces are also taking place among political parties in Rakhine, Shan, Mon and Chin states (Nilsen & Tønnessen, 2013: 3). In addition, ethnic political parties across the various states are attempting to form alliances to stand a better chance against the Bamar-dominated parties – the USDP and NLD – in the elections. The newly formed Federal Union Party Alliance, consisting of 16 ethnic political groups, is an example of such an alliance (Latt, 2013). Through these efforts ethnic parties are demonstrating their willingness to move their focus beyond the communal interests of their ethnic groups.

Civil society

Civil society activities are not new to Myanmar. Religious and community-based organisations were active under military rule, providing services to people living in areas affected by conflicts (Kramer 2011: 3). The newly acquired freedoms in recent years have led to a considerable expansion of civil society activities, which might give the impression that civil society has emerged out of nowhere. According to one informant, however, "it is a myth that there was no civil society inside Myanmar before the reforms were initiated". This informant further stressed that it was impossible to engage in political work under military rule, but livelihood projects had democratic components built into their project proposals. This was a discreet way of challenging existing power structures without openly promoting democratic rights. Civil society activities and initiatives in Myanmar have therefore expanded considerably since 2011, but many of the foundations of civil society were established during pre-2011 military rule.

Some CSOs engage in activities that are traditionally considered the responsibility of the state. Local organisations, especially in ethnic areas, have considerable experience in working with education, health services and relief efforts. Following Cyclone Nargis in 2008, the activities of service providers developed considerably. The inability of the state to address the humanitarian crisis was exposed and local initiatives carried out most of the relief work. This changed the way in which the military junta and civil society related to each other, because the latter provided humanitarian assistance and services, i.e. activities that were not directly opposed to the state (Kramer, 2011: 36). With the government's promise of providing universal health coverage by 2030, it is important to integrate the current initiatives into the greater health-care system in order not to erode the existing knowledge embedded in civil society.

Civil society activities have expanded considerably since 2011, partly due to the newly acquired freedoms and partly due to financial support from international donors. Such activities are diverse, but service provision and activities

3 "Council or assembly. Historically a council of ministers, now denotes legislative bodies at national and state/region level" (Nixon et al., 2013: ii).
4 Phalon-Sawaa Democratic Party, Kayin People's Party, Kayin State Democracy and Development Party, and Kayin Democratic Party.

that aim for social change are two noticeable features. Socially progressive organisations raise awareness on human rights, inter-religious understanding, land rights, health and environmental issues. They also lobby members of parliament (MPs) to propose new laws through personal contacts, by writing letters, and through media campaigns and briefings in or outside parliament. Traditional service providers and newly established organisations specialise in capacity-building in terms of – among other human rights – gender issues and democratic governance. Knowledge about democratic governance among political parties and other political actors, including the government, the Tatmadaw and ethnic armed groups, is limited in Myanmar. This opens an opportunity for CSOs to engage with political actors through capacity-building work.

Weak relations and undefined roles

Finding a route through the new political terrain

In these early stages of the transitional process, relations between civil society and political parties in Myanmar can be characterised as limited, informal and based on personal relations. Myanmar has experienced the second-longest conflict in the world after the Israeli-Palestinian conflict, and the country lacks institutionalised relationships among actors in society. The newly acquired political and civil liberties allow political parties to evolve and civil society activists to work on a wider range of issues. All actors are currently in the process of identifying their roles in society and clarifying how to relate to one another. The political landscape is changing daily as new political parties develop and alliances are formed. With many new actors emerging at the same time, all with somewhat different agendas, there seem to be confusion and suspicion as to whether services and relationships come with strings attached. CSOs give lectures on the role of a political party in society and work to build trust among various organisations. In this multitude of new organisations and initiatives, informal dialogue seems to be more common than official relationships, and relations between political parties and civil society are often based on personal connections where trust has been built up over a long period of time. Ultimately, politics in Myanmar can be characterised as elitist and personality driven. This is exemplified by the symbol of the democratic movement, Aung San Suu Kyi, often referred to as "the Lady". When political parties are top-down organisations that rely on strong personalities, the development of formal relationships among organisations depends on the willingness of the individuals at the top to facilitate such relationships.

In general, civil society in Myanmar reaches out to political parties, not the other way around, according to one informant. It does so mainly through campaigns, letter writing, protests, by organising meetings with political parties, by giving briefings to MPs and so on. Still, interaction between political parties and civil society also seems to be based on the willingness of individuals in political parties to engage – some party members are more willing to engage with civil society than others. Reformists are particularly willing to maintain contact and seem to acknowledge civil society's expertise and express an interest in learning from CSOs. Others are concerned about the growing influence of civil society in Myanmar and only seem to tolerate its increasing role because of international pressure. According to one informant, individuals in the USDP have actively engaged with civil society capacity-builders as a response to the poor results the party achieved in the 2012 by-elections. Engaging with civil society might therefore be understood as an attempt to ensure the revitalisation of and new recruitment to the party, which is a positive sign of a potential future partnership between civil society and political parties.

Some more formal relationships between political parties and civil society are being developed. According to one informant, various political parties are in dialogue with trade unions informally and are working towards formalising their relationship. Several informants mention that the NLD started building formal alliances with civil society towards the end of 2013 in order to create a more unified opposition, with the goal of amending the constitution. Aung San Suu Kyi has prioritised building alliances with the military regime and the USDP since 2012 in order to be able to influence the transition from within. When she was engaging with the military regime and the USDP, she was less inclined to talk to civil society, but this trend seems to be changing. The NLD recently issued a statement with the 88 Generation Peace and Open Society declaring that the two organisations would work together to achieve constitutional amendments (Lwin, 2014). This newly established agreement is a first step to a formalisation of their relationship. The agreement can also be interpreted as a decision by the 88 Generation Peace and Open Society to support the NLD in the electoral process instead of transforming itself into a political party.

Relationships of varied character

In Myanmar, as in other countries, there seems to be a range of civil society relations with political actors, from the totally independent to coopted organisations.

On the one hand, there are signs of a growing independent civil society in the country that is taking on the role of watchdog by advocating for policy change, putting issues on the agenda and promoting democratic participation. One example where civil society has succeeded in this role is the suspension of the Myitsone Dam project in 2011. The protesters, civil society activists, and members of political parties across ethnic and political lines pointed to the lack of transparency and perceived corruption in the project's acquisition processes and the potential environmental damage that might be caused by the Chinese company involved. The president eventually announced that the project went "against the will of the people". Considering the possible negative effects on Myanmar's economic relations with China, the project's suspension illustrates the growing influence of civil society (Sun, 2014).

On the other hand, close relationships between CSOs and political parties seem to be prevalent in Myanmar, but the nature of such relationships is often kept secret. This is a source of suspicion and mistrust among various organisations. Some informants considered organisations closely linked with the government, ethnic armed groups or the main Bamar-dominated parties as not being part of "real civil society". These CSOs are described as "not true CSOs", or "sewing circles". They do not set the agenda for socially progressive change, but rather promote the interests of political actors. Such links are not formal or openly displayed, but can easily be deduced by talking to people familiar with the local environment. The government seems to have reached out to some organisations in order to use them as advisors on a wide range of issues, including issues that are not easily accessible to other CSOs, such as the peace process. These organisations are frequently considered to be government institutions rather than part of civil society. Organisations with close connections to armed groups are accused of promoting their interests and of being created with the goal of "facilitating international funding", according to one informant. In order to avoid this increasing mistrust and suspicion, greater transparency around the connections between social actors and political parties is needed in areas under the control of both the government and ethnic armed groups.

Civil society influencing lawmaking

While still limited, relations between civil society and political parties in Myanmar are increasingly formalised through the lobbying of MPs and the joint development of legislation. In parliament a range of laws are currently under debate and civil society is increasingly being included on issues where its opinions are considered relevant. For instance, trade union representatives are informally included in discussions on the Factory Act, the Social Security Act and the Health and Safety Act. "The government tries to find ways to establish a dialogue with the trade unions", according to one informant. Indeed, trade union representatives were elected to the parliamentary committee working to establish a minimum wage, which was a first attempt to formalise the relationships between political parties and trade unions. This illustrates that MPs are to a certain extent interested in learning from civil society.

Despite the fact that land ownership is a sensitive issue in Myanmar, civil society ensured the establishment of a parliamentary commission to handle complaints related to the confiscation of land for commercial or other purposes. In the constitution of 2008 it is stated that "the territory of the State shall be the land, sea, and airspace", which gives the impression that the appropriation of land by the state might be acceptable. In July 2012 mass discontent eventually led to the establishment of the Farmlands and Other Land Acquisition Inquiry Commission, a parliamentary commission to handle complaints of "land grabbing". The commission produced a report in March 2013 based on 565 complaints received between July 2011 and January 2013, in which it recommended the return of land to the former owners or that appropriate compensation for the land should be given by the state (Myanmar Peace Monitor, 2013: 39). This can be considered a victory for civil society in its attempts to lobby MPs. However, informants expressed concern that the establishment of commissions and participatory bodies in parliament is a way of dealing with civil society without actually changing anything. It is too early to say whether these committees will be efficient in facilitating/improving CSO-political party relations or not.

The amendment of the Associations Law, in which many civil society suggestions were integrated, illustrates how civil society might influence lawmaking through massive protests. The July version of the draft law made the registration of non-governmental organisations mandatory, and leaders of unregistered organisations risked imprisonment (ICG, 2013: 1). As a result of pressure from civil society through campaigns, large-scale protests, letter writing and the organisation of briefings, the law was revised in parliament and a less restrictive draft law containing many of the suggestions of civil society was published in November 2013. In the new draft, registration is voluntary and no sanctions are placed on those that fail to register. However, the registration fee is still high and the procedure requires considerable documentation. Organisations that do not register can neither bear a logo nor hold a bank account, which makes it more complicated to receive international funding (ICG, 2013: 9-10). The law is still pending in parliament.

Continued constraints on political party-CSO relationships

Continued legal constraints

The legislature has on occasion consulted with civil society, but several controversial laws restricting human rights were published in 2013. According to the Media Law, the authorities have the power to censor content and revoke publishing licences. Freedom of expression is thus limited in Myanmar. The draft Associations Law published in November 2013 was debated in a parliamentary committee containing no CSO member (ICG, 2013:1). As we have seen, this law is crucial to civil society and political parties because it constitutes the legal framework that governs their existence and facilitates international funding (Kramer, 2011). One informant described the slow process of registration under the former and current regime:

> During the last decade the process of registration was very difficult … the new registration law is more transparent, but still the process of registration is very long. One organisation that has tried to register since 2011 received approval at the end of 2013.

The new laws are less restrictive than under military rule, but they illustrate that the government seeks to control the development of civil society and political parties.

The Law on Peaceful Assembly imposes criminal sanctions on people demonstrating without a permit and has recently been used to target activists and human rights defenders, according to several informants. The recent imprisonment of individuals for alleged illegal activities further thwarts the development of political and civil society actors. According to one respondent, both the Associations Law and Peaceful Assembly Law are used strategically to repress individuals that the government wants to exclude from the public debate. Political prisoners of recent times are accused of being associated with ethnic armed groups, organising protests in support of the Muslim Rohingya people, or being involved in protests against foreign investment projects or land confiscation. Political and civil society actors engaging with these issues risk imprisonment. The exact number of political prisoners, old and new, is currently unknown, but the estimates are between 100 and 300 (Martin, 2013: 12-14).

Ethnic areas and tensions among actors

In Myanmar, the space that has opened up for CSOs and political parties in urban areas has not emerged in ethnic areas. This is partly due to weak and ineffective regional *hluttaws*.[5] According to Nixon et al. (2013: v), these partially elected regional bodies face capacity constraints and have to answer to the central government, which limits the development of political and civil society actors in ethnic areas. For instance, the registration process for CSOs is more time-consuming in ethnic areas because of lack of resources. This has led to a situation where some CSOs in these areas "feel they lag behind", according to one informant. The context of Myanmar, in which minority groups have been marginalised for decades, most likely reinforces this impression among ethnic minorities.

Urban-based CSOs are more exposed to requests for capacity-building activities from political parties than those in ethnic areas. Numerous technical workshops take place each week in the cities of Yangon and Naypyidaw. According to one informant, "the organisations in Yangon are overstretched, a situation not seen elsewhere". This means that the emerging market for capacity-building activities in the cities have given urban-based CSOs considerably more leeway than those based in ethnic areas. In addition, international organisations are willing to fund fewer but larger projects (Kramer, 2011: 38), and as CSOs in the two main cities grow, this dynamic seems to be reinforced.

There is also the issue of suspicion of the agendas of certain CSOs, especially in ethnic areas. This could hinder the further development of relationships between civil society and political parties, according to several respondents. Organisations operating inside Myanmar have different skills and assets that complement those of organisations that still are or have been in exile. External organisations have language and technical skills in the areas of, for example, fundraising or managing bureaucracy, while the internal ones have local networks and knowledge of the dynamics inside Myanmar. According to several informants, international actors should seek to promote interaction between political and civil society actors where there is a possibility of tension between them. According to one informant, the Myanmar Women's Forum conducted in September 2013 is an example of an activity that created unity between internal and external organisations. At this meeting external and internal women's organisations came together through the Women's League of Burma to foster cooperation and solidarity. International actors should seek to build bridges across issues where different actors are willing to unite.

Critical processes off limits

The democratic process ultimately hinges on the success of the peace process, according to several informants. The government is in dialogue with ethnic armed groups about a national ceasefire, but it is still unclear whether and when such a ceasefire will be signed. The peace process has so far not been inclusive, and remains an issue for the Tatmadaw, the government and ethnic armed groups (Petrie & South, 2013: 2). Even in ethnic areas discussions on the peace process have to a large extent been reserved for ethnic armed groups and do not involve local political parties or civil society, according to several informants. There are exceptions, such as in Kachin state, where ethnic armed groups seem to be more open to inputs from civil society than in other areas, according to one informant.

The capacity of ethnic armed groups to negotiate varies, and these groups are currently in a weaker position than the government and the military. In February 2014 the Pyidaungsu Institute was opened in Chiang Mai, Thailand, with the aim of advising the United Nationalities Federation Council, a coalition of ethnic armed organisations, ethnic civil society and political parties in the peace process. The institute hopes that the ethnic opposition will develop a shared political vision and outline a strategy for negotiating with the government. The institute could be a parallel institution to the Myanmar Peace Centre, the organisation that is most influential in advising the government on the peace process (Nyein, 2014). The institute could create a greater balance between the government and the ethnic groups and be a means through which a wider segment of society is included.

One critical issue of the peace talks is that of a federal state. The ethnic armed groups have proposed to amend the constitution outside parliament as part of a national political dialogue instead of taking it to parliament, which is controlled by the former regime. If the ceasefire is signed and the process of a national peace dialogue is pursued, it is crucial that the views of stakeholders from

5 State and regional ***hluttaws*** are partially elected unicameral bodies that include two elected members from each township, representatives from "national races" and appointed military representatives (Nixon et al., 2013: 12).

a wide range of organisations are taken into account. If civil society and political parties are also excluded from the next phase of the national peace process, the outlook for democratic governance in Myanmar seems more distant.

Another critical process that has been off limits to civil society in Myanmar is the Housing and Population Survey, conducted in April 2014. The census was organised by the United Nations Population Fund at the request of the government. Prior to the census, widespread concerns were raised by civil society in Myanmar and international actors that collecting sensitive information on ethnicity and religion might reinforce tensions, particularly in Rakhine and Kachin states (ICG, 2014; Nilsen & Tønnessen, 2014; TNI, 2014). Ethnic armed groups, political parties and civil society protested against the timing of the census and its design through letters, campaigns and press coverage, but without much success. The implementation of the census did indeed spark conflict in both states, indicating that the results of the census might put the peace negotiations under further pressure. This process indicates how important it is for the future of Myanmar that the views of civil society, ethnic armed groups, and political parties are taken into account in critical processes by both domestic and international actors.

Conclusion

The increased political and civil liberties in Myanmar since 2011 present opportunities and challenges to the interaction between political parties and civil society. Relationships between political and civil society actors in Myanmar are limited, often informal, and based on personal connections. After decades of civil law and military rule, the various actors are trying to identify their roles in the new political landscape and their relationships with one another. The legislature has proved to be an institution where civil society can exert some influence through informal and formal relations with MPs. The continued imprisonment of political and civil society actors and the ineffective regional *hluttaws* undermine interaction between political parties and civil society.

The transition in Myanmar is still in its early stages. The country currently faces several critical processes such as the national ceasefire negotiations and the upcoming 2015 elections. The challenges associated with these processes have led to questions as to whether the transition's initial momentum can be sustained. The next phase of the transition depends on the inclusion of alternative voices and increased general knowledge of democratic governance. International actors should support interaction between political parties and civil society by:

- promoting efforts to further identify and clarify political parties' and civil society actors' understanding of their roles in society;
- demanding transparency around the nature of civil society-political party relationships;
- continuing to exert pressure on the government to ease legal restrictions on civil society and to release political prisoners;
- encouraging the central government to strengthen the capacity of regional governments;
- encouraging more inclusive decision-making processes in parliament; and
- encouraging political actors such as the government, the military and ethnic armed groups to include a wider segment of society in discussions of processes that are critical to democratic development, such as the national peace process.

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THE AUTHOR

Kristin Jesnes is a researcher at Fafo Institute for Applied International Studies, where her main areas of focus are business and human rights, the provision of decent work, and countries in transition. During the past year she has been part of a team that has given methodological assistance to local and international organisations in Myanmar. She holds a master's in international security from Sciences Po Paris and a bachelor's degree in comparative politics from the University of Bergen.

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