

## **Briefing Paper - The Myths of Myanmar**

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Two months have passed since Commander-in-Chief Senior General Min Aung Hlaing and the security forces detained President Win Myint, State Counsellor Aung San Suu Kyi and most of the newly-elected members of the Pyidaungsu Hluttaw, or Union Parliament. This seizure of complete control over the Union Government constituted a type of palace coup, in which the military side of Myanmar's hybrid civilian-military government deposed the civilian side.

General Min Aung Hlaing made significant efforts to camouflage the palace coup by seemingly complying with the emergency powers provisions of the 2008 constitution. An interim President was quickly appointed, who declared a national emergency, and then transferred all legislative, executive and judicial power to General Min Aung Hlaing, as provide by Chapter XI of the 2008 constitution.

The people of Myanmar, however, readily saw through this charade, and rapidly rose up in protest against the restoration of a military junta in the country. Since February 1, 2021, tens of thousands of peaceful protesters have rallied in defiance, with reports of demonstrations occurring in virtually every one of Myanmar's 330 townships. Informally led by a coalition known as the Civil Disobedience Movement (CDM), the public uprising has thwarted General Min Aung Hlaing's attempts to consolidate power.

Myanmar's security forces, including its regular military, or Tatmadaw, and the Myanmar Police Force (MPF) has responded to the popular resistance with brutality and indifference, killing more than 500 civilians and detaining more than 2,600 people. The military's use of violence has had little impact on the continuing protests, and appears to spurring greater support for the CDM. A few MPF officers have reportedly renounced the coup and are now helping the protesters organize more effective defensive measures against the assaults of the Myanmar's security forces.

The palace coup has also revealed some common myths about the country that bear some examination if Myanmar is ever to become a truly democratic nation in which the rights of all of its citizens are respected and protected. These myths have disguised the reality that, since its establishment in 1948, Myanmar has been a deeply-divided, war-torn nation in which the Tatmadaw is waging a civil war against nearly two dozen ethnic armed organizations (EAOs) which seek equal rights and representation for their people.

### **Myth #1: Myanmar's Transition to Democracy**

The first myth is that Myanmar has been undergoing a gradual, uneven transition to democracy ever since the previous military junta, the State Peace and Development Council (SPDC) voluntarily transferred power to the Union Government in 2011. In reality, the establishment of the Union Government was the final step of the Tatmadaw's self-proclaimed seven-step "Roadmap to a Disciplined and Flourishing Democracy," announced by SPDC Prime Minister General Khin Nyunt on August 30, 2003. That roadmap called for the creation of a new constitution, its adoption by a national referendum, the election of a national parliament, and the transfer of power to the national parliament under the new constitution.

In February 2008, the SPDC announced that it had completed the drafting of a new constitution for Myanmar that would create a hybrid civilian-military government. In May 2008, the SPDC held a nationwide referendum on that constitution, despite much of the nation being devastated by Cyclone Nargis. After the referendum was over, the SPDC fraudulently announced that over 90% of the eligible voters had approved the adoption of the new constitution. Parliamentary elections were held in November 2010, but Aung San Suu Kyi's National League for Democracy (NLD) and many of the ethnic minority political parties boycotted the elections. As a result, the pro-military Union Solidarity and Development Party

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(USDP), largely consisting of recently-retired military officers, won most of the contested seats in the Union Parliament. In April 2011, the Union Parliament met, and selected SPDC Prime Minister General Thein Sein as President.

For the Tatmadaw, Myanmar's transition to a disciplined and flourishing democracy was finished as of April 2011. While President Thein Sein surprised many observers by permitting some modest political reforms, the charges undertaken during his administration were comparatively modest and did little to alter the basic nature of the Union Government—a hybrid government in which power was shared between the Tatmadaw and the Union Parliament, but in which the 2008 constitution made sure that Tatmadaw was the dominant power. The ease with which General Min Aung Hlaing and his security forces conducted the palace coup demonstrated that the military was the more powerful force in the Union Government.

Since 2011, the Tatmadaw has consistently blocked any attempts to make Myanmar a real democracy. Using their effective veto power, Tatmadaw officers in the Union Parliament, all appointed by General Min Aung Hlaing, voted against the more substantial constitutional amendments proposed by the NLD in March 2020. In the multiple peace talks held with the since 2011, the Tatmadaw has repeatedly insisted on terms unacceptable to the EAOs, including acceptance of the 2008 constitution. Following the coup, General Min Aung Hlaing stated that he was considering making changes to the 2008 constitution that more than likely will tighten the Tatmadaw's grip on power.

## **Myth #2: The People of Myanmar Love Aung San Suu Kyi**

The second myth is that the people of Myanmar love Aung San Suu Kyi and support the NLD. While it is true that support of Aung San Suu Kyi and the NLD is very strong among the Bamar, Myanmar's largest ethnic group, she and her party are not well liked by many of the nation's ethnic minorities.

Following the NLD's landslide victory in the 2015 parliamentary elections, helped by widespread support among ethnic minority voters, Myanmar's ethnic minorities had hopes that Aung San Suu Kyi would implement political reforms that would finally grant the ethnic minorities the rights promised to them in the 1947 Panglong Agreement, an agreement between Aung San Suu Kyi's father, General Aung San, and several of Myanmar's larger ethnic groups.

However, during her five years as State Counsellor, Aung San Suu Kyi did little to address the concerns of Myanmar's ethnic minorities. In addition, while her spirited defense of the Tatmadaw in the International Court of Justice against allegations of genocide was popular among the Bamar, many of Myanmar's ethnic minorities were appalled by her actions, as they had experienced the same forms of vicious human rights abuse by the Tatmadaw for decades.

As the 2020 parliamentary elections approached, Myanmar's ethnic minority political parties began forging alliances and merging parties in the hope that they could win the majority of the seats in the nation's seven ethnic states—Chin, Kachin, Kayah, Kayin, Mon, Rakhine, and Shan—thereby denying the NLD a majority in the Union Parliament and forcing Aung San Suu Kyi and her party to take seriously the issues of the ethnic minorities. While their strategy failed, the attempt of the ethnic minority political parties to defeat the NLD was another indication that Aung San Suu Kyi is not as popular as it is generally thought.

## **Myth #3: The Union Government is a Legitimate Government**

The third myth is that the people of Myanmar accept the legitimacy of the Union Government. Like the previous myth, the view of the Union Government created by the 2008 constitution varies among Myanmar's ethnic minorities. By and large, the Bamar accept the 2008 constitution and the Union Government, but some of the ethnic minorities do not. In addition,

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most of the larger and stronger EAOs do not recognize the legitimacy of the 2008 constitution; they have stated that the creation of a new constitution that is consistent with the 1947 Panglong Agreement is a condition for the end of Myanmar's civil war. One of the demands of the CDM is the replacement of the 2008 constitution with a new constitution that provides for a genuine democracy that respects the rights of all of Myanmar's ethnic communities.

While the demonstrations continue, representatives of the CDM, the EAOs, and some of the members of the newly-elected Union Parliament under the name, "Committee Representing the Pyidaungsu Hluttaw," (CRPH) have met to discuss the possible formation of an interim government and the adoption of a new constitution for Myanmar. At this stage, it would appear that a return to the status quo ante is not an option for the popular uprising against the palace coup.

#### **Myth #4: Myanmar is a Unified Nation**

The fourth myth is that Myanmar is a unified nation, governed by the Union Government in Naypyitaw—at least, until the General Min Aung Hlaing seized power. In reality, Myanmar is a fragmented country in which extensive portions of several of Myanmar's seven ethnic states are controlled and governed by EAOs. The Kachin Independence Army governs portions of eastern Kachin State. The Karen National Union controls much of Kayin State. The United Wa State Army (UWSA) operates as if it were an independent nation in parts of Shan State including using China's renminbi, rather than Myanmar's kyat as its currency. Over the last five years, the Arakan Army has been trying to establish an autonomous region similar to that of the UWSA in northern Rakhine State and parts of Chin State.

The fragmentation of Myanmar is a result of the Tatmadaw's strategy for fighting the civil war over the last 70 years. Faced with several active fronts, the Tatmadaw used a "divide and conquer" approach in fighting the EAOs. In order to focus its resources against one particular EAO or along a single front, the Tatmadaw would sign bilateral ceasefire agreements with other EAOs, in which the Tatmadaw conceded control over portions of the ethnic states to the EAOs. While the Tatmadaw consistently broke the ceasefire agreements, the EAOs often were able to maintain control over territory despite the resumption of fighting.

The result is the Union Government's authority was limited to the seven Regions in the center of the nation which constitute the traditional territory of the Bamar, as well as portions of the seven ethnic States. When traveling in the seven ethnic States, one frequently would see signs at the airports advising people not to travel to certain townships—the townships under EAO control or in which the civil war was being waged.

#### **Implications of the Myths for Democracy in Myanmar**

Awareness of these four myths is important when considering the possibility of establishing a genuine democracy in Myanmar. The first myth indicates that restoring Aung San Suu Kyi and the Union Parliament to power under the 2008 constitution is unlikely to result in democratic reforms, and is unacceptable to many of the protesters and the EAOs. Myanmar's path to democracy will likely involve the formation of an interim government, the writing of a new constitution and a major restructuring of Myanmar's security forces.

The second myth demonstrates that the creation of a democratic Myanmar must involve other important political forces beyond Aung San Suu Kyi and the NLD. At this point, the CDM is possibly the most representative voice of the protest movement with the broadest popular support. In addition, for a stable democratic government to be created, the EAOs must be involved, or chances are the civil war will continue. The CRPH may also plan a significant role in the formation of a new democratic government, as it currently is the only available entity to express the views of Aung San Suu Kyi and the NLD.

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The third myth shows the necessity for the adoption of a new constitution that addresses the issues that have driven Myanmar's civil war for the last 70 years. Drafting such a constitution will be difficult, as the nation is no longer like it was when the Panglong Agreement was signed in 1947. The model at that time was a decentralized federal government in which the ethnic states would have a high degree of autonomy. While such an arrangement may still be possible, the seven ethnic states are ethnically more heterogeneous than they were in 1947. Two of the more problematic states will be Rakhine and Shan State. Rakhine State is home to two major ethnic groups—the Rakhine (or Arakan) and the Rohingya. Most of the Rohingya population of Rakhine State were driven into Bangladesh by the Tatmadaw in 2017, but many hope to return to their homes. Arranging for the safe, sustainable, and voluntary return could be a major issue for creating a democracy in Myanmar.

Shan State is also difficult because of its ethnic diversity. In addition to the Shan, it is home to several other ethnic communities, including the Pa-O, Lahu, Ta'ang and the Wa. Several of Shan's ethnic minorities have EAOs that control territory, so the new constitution will have to contain provisions to protect the ethnic minorities within the ethnic minority states.

The fourth myth may prove to be the most difficult one for the prospects of democracy in Myanmar. After more than 70 years as an independent nation, one finds very little sense of nationality in Myanmar. Most people in Myanmar identify most strongly with their ethnicity rather than as a citizen of a country.

Although General Aung San's vision of a unified nation may have been shared by some of the country's ethnic communities, some did not want to be part of the newly-created Union of Burma. The Karen, for example, thought they had been promised independence by the United Kingdom, and announced the establishment of the nation of Kawthoolei in 1949. At various times, the Kachin, Karenni and the Shan have also expressed a desire to form separate nations. Some of the Rohingya sought to be part of Pakistan rather than Burma.

The notion of Burma, or Myanmar, was largely an artefact of British colony rule, which brought together several previously separate autonomous ethnic states under one administrative entity. The efforts of General Aung San and others to maintain that unified entity after independence proved to be difficult. The Tatmadaw's rationale for seizing power in 1962 and establishing the first military junta was the risk of the Union of Burma fragmenting into several separate nations. Instead, the 1962 coup intensified an already brewing civil war.

Ironically, by staging the palace coup on February 1, 2021, General Min Aung Hlaing and the Tatmadaw may have created the conditions for the unification of Myanmar. Amongst everyone, except the members of Myanmar's security forces, oppose the coup and are calling for the creation of a democratic civilian government. With luck, and perhaps a bit of international support, the combined efforts of the CDM, the EAOs, and the CRPH may finally bring about the dream of the original signors of the Panglong Agreement.

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