

MYANMAR'S SLOW BUT POSITIVE TRANSITION

By Daniel Patton and Shujing Zhang

Ever since Myanmar's civilian government assumed power from the country's military regime in 2011, a series of events have suggested that things are, indeed, looking up in Myanmar. The opposition leader and chairperson of the National League for Democracy, Aung San Suu Kyi, won a seat in parliament; Barack Obama became the first sitting U.S. president to visit the country; and despotic laws have been lifted to create a freer, more transparent society.

But the transition has not been entirely smooth, as should be expected for any country attempting to rebuild its political, economic, and judicial institutions. "Is everything hunky-dory?" asked Secretary of State John Kerry on a visit to Myanmar in August. "No, not yet. Not by a long shot."

Kerry's remarks, part of a grander appeal to Myanmar's leaders to stay the course with fundamental reforms as the country stumbles toward democracy, were well-received overall. But they also fed a cynical view that despite certain strides in the right direction, the country may be backsliding into its previous, less-democratic state. Indeed, numerous false starts, contradictory messages, and a slow pace of reform have caused some to question just how dedicated to building a true democracy Myanmar's leaders really are.

These problems are significant, but to say that they are preventing Myanmar's progress, or worse, causing the country to backslide, is both alarmist and incorrect. Rather, they are hindrances to be identified, addressed, and overcome.

Context Matters

Understanding the origins of Myanmar's reform process is essential to gauging its trajectory. The country's transition to democracy was not an overnight revolution that removed the military junta from power, but rather was sanctioned and managed by the highest levels of that very regime. These leaders had a strong interest in pursuing reform, and they still do.

After years of isolation from Western countries, the regime had become wary of Myanmar's dependence on Chinese investment and increased Chinese influence. The country's dire economic situation weighed heavily on the regime's leaders, who worried that a stagnating economy would not be able to sustain the system of patronage running the country, particularly once a new generation of leaders began to emerge.

For these leaders, the transition to democracy was a way to guard against persecutions by whoever might succeed them—a common occurrence in Myanmar's often violent political history. And because they had already amassed significant wealth, preserving their interests and those of their families were key concerns.

Moreover, after having been an economic and cultural powerhouse in Southeast Asia during the first half of the 20th century, Myanmar saw a growing development gap between it and its neighbors. And with more and more Myanmar citizens living outside of Myanmar, the country's relative backwardness could no longer be contained as a secret within its borders, creating additional pressure for reforms.

Lastly, there was a widespread view that the policies of the military—which viewed itself as the guardian of Myanmar—were failing the country's people. Reforms would not only bolster the military's reputation in the short term, but also help restore its position among Myanmar society's elite.

Mixed Messages and Ongoing Problems

Although embarking on the reform was largely the idea of Myanmar's military regime, its former leaders continue to exert some conservative ideologies that contradict their rhetoric of progress.

Most of the ruling party is comprised of former military officials, and Myanmar's constitution, drafted in 2008 as part of its "roadmap to democracy," grants them veto power over any proposed revisions to that constitution, effectively allowing them to advance their own agendas while thwarting any progressive efforts with which they disagree. In June, for instance, a parliamentary committee voted against a proposed change to the constitution that would have allowed Aung San Suu Kyi to run for president in 2015.

Another area of concern is the government's actions toward the media. Despite taking steps to encourage a free press starting in 2011, five journalists were sentenced to 10 years in prison for exposing state secrets after they reported that the government had seized land to construct a chemical weapons factory. Other journalists have faced charges of trespassing, defamation, and disturbing civil servants.

Ethnic and religious strife also continues to plague the country. Violence targeting the minority Rohingya ethnic group in western Myanmar and clashes between Buddhists and Muslims in larger, more central cities such as Mandalay, have left more than 230 people dead and displaced over 140,000 others since 2012.

Still, significant as these problems are, they should not overshadow the remarkable achievements in Myanmar over the past three years or the predominantly well-intentioned reasons that fueled the country's reform process in the first place.

Sure Signs of Progress

The government has removed high-ranking members who failed to meet governance standards, and President Thein Sein has personally reshuffled key ministerial posts to bring in more reform-minded officials to help accelerate the country's transition to democracy. In August 2013, for example, the minister of energy, U Than Htay, was transferred to the ministry of rail transportation after making several controversial decisions in the awarding of exploration licenses and production concessions. Also

in 2013, the president appointed several technocrats to high-level positions previously held by military officials as part of an effort to make government policies more effective.

And, while its decision to jail five journalists for exposing state secrets is troubling, the government exerts far less control on the media than it did prior to 2011. In 2012, it abolished its pre-publication censorship laws and released nine jailed journalists as part of a mass amnesty of 600 political prisoners, eliciting praise from even the government's staunchest critics and improving the country's ranking in several global assessments, including the 2014 World Press Freedom's Reporters Without Borders index.

The reformist government has also increased freedom of speech for citizens, particularly as it relates to protest rights. It abolished a ban on protests in December 2011 to allow peaceful, government-approved demonstrations, and civilians have since demonstrated on issues ranging from land confiscation to environmentally harmful development projects. Such protests have led to several large-scale developments being either halted, pending investigation or reform, or cancelled altogether.

The reforms have created a more ethical business environment in Myanmar as well. In 2013, the government's efforts to ensure a transparent telecommunications tender won wide international praise, and in July 2014, Myanmar was accepted as a candidate country to the Extractive Industries Transparency Initiative. Also in 2013, Myanmar saw significant improvement in its ranking on Transparency International's Corruption Perception Index, rising from 172nd to 157th out of 177 countries, with 177th being "most corrupt."

Finally, the government is beginning to take sectarian violence more seriously. On several occasions, President Thein Sein has called for Buddhists and Muslims to set aside their differences and warned that the government will take legal action to stop "political opportunists and religious extremists." During the July 2014 Mandalay riots, a curfew was imposed and more than 360 rioters were arrested.

Looking Ahead

The new government is facing significant challenges, and some elements will continue to criticize it over the pace of reform while others will resist it altogether. In particular, the government's reluctance to allow Aung San Suu Kyi to run for president in 2015 and simmering ethnic tensions will continue to be lightning rods for its critics, and its struggle to deal with these and other challenges should be scrutinized closely. Setbacks should not necessarily be interpreted as a "backslide" in the reform process, however, but as adjustments during a predominantly positive period of transition for the country. As this transition brings additional developments in Myanmar over the coming months and years, it is important to recognize those developments as proof of the government's continued commitment to reform.

ABOUT THE AUTHORS

Daniel Patton leads Veracity's Asia practice and manages the firm's Singapore office. He advises clients on tender processes, political developments, and due-diligence programs, and has extensive in-country experience in Myanmar and Indonesia. He focuses on the energy, mining, and telecommunications sectors. Daniel previously worked for a leading business-intelligence firm based in New York and London, and served as an economic analyst focused on the valuation of business risk. Daniel holds a BA in politics with a minor in economics from New York University and speaks French and Bahasa Indonesia.

Shujing Zhang assesses corruption and reputation risks related to business transactions in China and Southeast Asia. At Veracity she has conducted in-depth research in China, Myanmar, and Malaysia, among other countries. Prior to joining Veracity's Singapore office, she worked for a London-based market intelligence firm. Shujing holds a BBM in finance from Singapore Management University. She is a native of Sichuan Province, China, and speaks Mandarin.