The impact of military rule on civil society

For the past two decades, much of the scholarship and commentary on Southeast Asia’s former hard authoritarian state, Burma (Myanmar), has been directed toward analyzing the prospects for the country’s democratic transition. The role that civil society can play in that transition, however, requires further analysis. Theoretical generalizations regarding military rule have often been inappropriate and the nature of civil society varies considerably across Southeast Asia (Hughes 2009). Whether authoritarian or democratic, domestic variables such as traditional sources of power, political culture, and the strength of civil society are likely to remain critical to regime outcomes in the Asia-Pacific. This chapter examines the nature of civil society in Burma, a region where military rule had been entrenched, either directly or indirectly, for almost fifty years and where there exists a real potential for future military influence or domination of political society (the institutions of government, political parties, and political processes).

Research on civil society under military rule is limited, partly due to the assumption by many scholars that it does not exist. Yet history shows us that at times of crisis there is often a source of non-government local aid or a resurgence of critical voices that have hitherto been forced underground. The chapter will examine how the military in Burma co-opted civil society—in particular, important elements of traditional civil society that threatened its own position in political society. In the Asia-Pacific region, these elements tend to be associated with traditional, religious, customary, and indigenous sources of power and legitimacy that may lie outside of the normal democratic institutional framework. While civil society is not always directed toward democratic ends, these elements may adopt a democratic posture in opposition to military rule. The chapter will also discuss the steps that the military has taken to safeguard its role in political society during the transition away from direct military rule, and how transitional civil society in Burma today is influenced by the legacies of such rule.

Civil society under military rule

In most definitions, civil society is considered to be the space between the private and the public, the state and the individual, where public organizations or associations, independent of
the state and the market, voluntarily conduct their activities toward public ends. Larry Diamond (1999: 222–223) believes that one of these ends is to improve the political system and make it more democratic, and that civil society is different from political society in that it does not seek control over the state as a political party would (Edwards 2004). This Tocquevillean or liberal-democratic (neo–Tocquevillean) view of civil society assumes that the state has a high degree of legitimacy and capacity for governance, and that civil society promotes democracy and builds trust (Tocqueville 1966). The major alternative Gramscian view sees civil society as a contested space where deeply divided factions dispute the legitimacy of the state and compete not only to overturn state policy but also for state power (Gramsci 1971). According to Muthiah Alagappa, although conceptually distinctive, in practice, there is normally much overlap between civil and political societies—the boundary separating them is porous, and in these (authoritarian) situations civil and political societies tend to fuse (2004: 11, 469).

Civil society therefore is not always liberal-democratic, or even civil, and its composition will reflect the nature of the political regime. Moreover, as Jasmin Lorch notes that vertically structured relationships or religious and ethnic cleavages in society as a whole are usually repeated in civil society (2008a: 153). In his study of civil society in Asia, Alagappa distinguished three kinds—legitimate, controlled and communalized, and repressed—and placed countries like Burma in the “repressed” category where the authoritarian state attempts to penetrate, co-opt, control, and manipulate civil society thus forcing independent voices underground (2004: 32). Political and civil societies merge when dissidents take refuge in civil society to survive and to construct counter-narratives and networks that can be deployed when the opportunity arises. One such example would be Aung San Suu Kyi’s alliance with the sangha (Buddhist monks) in Burma upon her various releases from house arrest in the 1990s and 2000s.

The reasons some scholars claim that Burma was devoid of a civil society under military rule are obvious. Following their coup in 1962, the Tatmadaw (Burmese armed forces) clamped down on all social movements and introduced the National Solidarity Act prohibiting any political organizations apart from their own Burma Socialist Program Party (BSPP). This was reiterated in their 1974 constitution, which created the grounds for indirect military rule under the auspices of the BSPP. Under the BSPP, in David Steinberg’s (1997) opinion, civil society was “murdered.” The government created its own social organizations or government-organized non-governmental organizations (GONGOs) to counter the independent formation of social movements for workers, peasants, youth, veterans, literary workers, and artistic performers (Alagappa 2004: 475). In 1993, following their electoral loss in 1990, the Tatmadaw ruling directly as the State Law and Order Restoration Council (SLORC) created the Union Solidarity and Development Association (USDA), a mass civil movement designed to foster patriotism and loyalty to the government. The USDA was the regime’s attempt to recreate civil society in its own manner while suppressing alternative possibilities (Steinberg 2001: 110). Similar to the Golkar party in Indonesia, for the next seventeen years the USDA would play a pivotal role in securing the regime and harassing its opponents. Before the 2010 election, the USDA transformed into a political party (the Union Solidarity and Development Party—USDP) and went on to win 76.5 percent of the contested parliamentary seats nationwide (Thar Gyi 2010).

In their exploratory account of civil society, Kevin Hewison and Susanne Prager Nyein (2010: 13–16) further suggest that under military rule it was no longer possible to think of civil society in Burma as anything other than being politically organized, and that a “politicized” civil society is composed of organizations that seek to establish and expand the political space available for non-state actors. Because the state wields a powerful influence over the available political space for autonomous, but not necessarily independent, organizations, their narrower definition of civil society focuses on political oppositions. Hewison and Prager Nyein specifically note that
many civil society organizations may exist that are not necessarily political in their orientation. However, under military rule and the restrictions imposed on political space, their analytical attention moves toward “non-violent political, advocacy, labor, and religious organizations and movements that seek to promote human rights and democratization in authoritarian states” (Hewison and Prager Nyein 2010: 16). They assert that their narrowed focus and attention is not natural in the sense that it is not predetermined by history or colonial legacy, nor is it culturally embedded. Rather, restricted political space and a “politicized” civil society only occur under these conditions. Moreover, like Lorch (2008a), they also reiterate that civil society is not necessarily liberal or democratic. Rather, it naturally reflects the variety of divisions in society (Hewison and Prager Nyein 2010: 15; see also Rodan 1996).

An alternative conception of civil society allows for further exploration. Based on Lorch’s (2008a) adaptation of Marina Ottaway (2004), it involves the contextualization of civil society in terms of state weakness—that is, cases where states fail to deliver positive political goods like education, health, infrastructure, and the like. Ottaway (2004) notes that in weak states modern civil society—comprised secularized and formally organized groups such as non-government organizations (NGOs)—tends to be relatively weak; while traditional civil society—comprising mostly informal groups such as religious and ethnic organizations—can be relatively strong and provides a coping mechanism for state failure such as community-based schooling (Lorch 2008a: 154). Thus by separating modern civil society from traditional, we can see how civil society operates under military rule and subsequently how militaries have particularly tried to co-opt the traditional elements of civil society.

To be sure, the state’s neglect of social welfare services in Burma, particularly under the rule of the SLORC-SPDC, created a space for local civil society organizations to operate. While relatively few of these organizations were formally registered as NGOs (Heidel 2006), many were informal (unregistered) community-based initiatives. Of these, we can distinguish modern civil society associations from traditional, and they may be both formally and informally organized. Amongst the modern civil society associations, we find community-based organizations (CBOs) and NGOs that blossomed in the 1990s. The size and scope of civil society space, or the freedom with which these organizations were permitted to operate, varied in accordance with the state’s ability to extend its power over their territory. Thus the space available for these groups to operate was far less in government-controlled areas than it was in the ceasefire areas, the latter having been dominated by ethnic civil wars since independence, quelled only through ceasefires negotiated by the military government after 1989.

In government-controlled areas, CBOs provided humanitarian relief (food and health care), small infrastructure projects, community-based schools and teachers, and funeral help associations at the local or village level funded through local community donations. Above the village level, organizations performing similar functions in towns and cities could be required to register as an NGO—an act that could attract foreign donations but also risked the possibility of being co-opted by the state. CBOs and NGOs operating in government-controlled areas focused on local welfare issues and remained apolitical partly to ensure their own survival. In the ceasefire areas, CBOs and NGOs focused on basic developmental needs and reconstruction of war-torn local ethnic minority communities. Some examples include the Development Support Programme in Mon State, and the Metta Development Foundation and Shalom Foundation that grew out of the Kachin ceasefire but extended their operations elsewhere. Their development programs included disaster relief and food assistance, health care, community hospitals and nursing schools, sustainable agriculture, and farmer education for increasing rice production (Lorch 2008b: 40–41). Almost half of the CBOs and over 60 percent of local NGOs were affiliated with religious groups, mostly Buddhist or Christian (South 2008; Heidel 2006).
By adopting the same typology for traditional civil society, we find that in government-controlled areas, it was the sangha that traditionally provided much of the welfare that the state neglected. The sangha operate Buddhist monastic schools and private education centers, providing free education for the poor, as well as basic literacy skills; some that teach the government curriculum were registered with the Ministry of Education. Monastic education centers also serve as orphanages, which are run by the sangha; these centers played a major relief role during the aftermath of Cyclone Nargis in 2008. Monasteries are also well integrated with the local community and the sangha have traditionally been involved with local development projects. In the ceasefire areas, Christian churches provided welfare services and education, and initiated development projects—responsibilities that the state neglected. Community-based schools and Christian colleges, often with linkages to international sources of funding, provide schooling in theology and some secular studies as well as English language. The state granted the churches a comparatively large degree of autonomy to operate in the ceasefire areas—possibly because church leaders also acted as mediators in ceasefire negotiations—but it limited any missionary efforts in Buddhist areas and, in any case, the churches were marginalized, being a minority amongst the Burmese population, and this limited their political potential as well (Lorch 2008b: 45–46). Moreover, the overwhelming majority of the civil society groups active in Burma’s welfare sector were apolitical in nature (their survival required this), though some local NGOs had been co-opted by the regime (Lorch 2008b: 48).

Co-optation of traditional civil society

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That militaries should pay particular attention to traditional civil society and attempt to either form alliances with or co-opt and suppress these organizations requires further investigation. Traditional civil society is the space occupied predominantly by religious or ethnic organizations and it is much stronger in weak states. Moreover, elements of traditional civil society may threaten the military’s own position in political society. These groups manifest indigenous sources of power and legitimacy that under normal circumstances may lie outside the reach of the military. Furthermore, while not inherently democratic by nature, they may for various reasons adopt a “democratic” political posture in opposition to oppressive military rule. Their position in society is generally respected by the people and by the rank and file of the military itself. In Burma, the major group comprising this part of civil society is the sangha, whose influence extends predominantly over government-controlled areas. As noted above, Christian groups were too marginalized amongst the Buddhist population to pose a serious political threat.

In 1990, the SLORC’s refusal to hand over power to the National League for Democracy (NLD) after the elections, as well as the Tatmadaw’s shooting of a monk and several students during a pro-democracy demonstration, triggered a rebellion in Mandalay, and the subsequent decision of sayadaws to invoke a religious boycott in monasteries across Burma—that is, the sangha refused to accept alms from the Tatmadaw or perform religious services for their families. Over 400 monks were arrested and monastery property was destroyed. The SLORC soon after issued the Sangha Organization Act stipulating the proper conduct for a Buddhist monk (including the avoidance of politics) and penalties for their violation by monks or monk organizations. The Tatmadaw then sought after the blessing and support of sayadaws with a carrot and stick—those who resisted cooperating had their monasteries placed under surveillance and were often arrested, while those who were compliant received donations, gifts, and elaborate ceremonies granting honors and titles.

In 2007, the All Burma Monks Alliance (ABMA—an organization formed by a group of senior monks in response to the severe economic and social problems existing at the time)
threatened the military with another religious boycott and called for peaceful marches in Rangoon, Mandalay, and elsewhere. As in 1990, this threat was taken very seriously by the military since it had the potential to demoralize the Tatmadaw and questioned the loyalty of its rank and file soldiers and security forces, now almost entirely composed of Burman Buddhists. On the final days before the crackdown, an estimated 30,000 to 50,000 monks and nuns carrying overturned alms bowls were joined by the same number of civilians, many holding flags, including the NLD and the banned All Burma Buddhist Monks Union. The monks who took part in the so-called “Saffron Revolution” came predominantly from private monk schools and monasteries whose sayadaws had not been co-opted by the military. Their schools were abandoned following the crackdown and the monks fled to villages or across the border to avoid persecution. Although severely weakened since 2007, the sangha’s potential as a force for political opposition in Burma would remain and the military would continue to monitor their activities.

Safeguarding a role in political society

Militaries in the Asia-Pacific undertake the political steps needed to secure their reserve domains or at least their influence over political society. In Burma, a long drawn out and controlled process of constitutional drafting produced a document containing striking similarities to Indonesia’s constitution under Suharto’s New Order. The military’s role in politics would be ensured through stronger amendment provisions, the military’s control or support throughout the process, and success at subsequent elections. The military followed its own “roadmap to democracy” and, for over thirteen years, held a National Convention on a new constitution with hand-picked representatives from the ethnic minorities. It created its own social organization along the lines of Indonesia’s Golkar, and also converted the USDA into a political party (the USDP). It held a referendum of sorts on their constitution, which secured a permanent role for the military in the national and regional legislatures—one-quarter of the seats in both the lower house (Pyithu Hluttaw, or the People’s Assembly) and the upper house (Amyotha Hluttaw, or the House of Nationalities) were reserved for the military, in addition to one-quarter of the seats in the fourteen state and division assemblies. In November 2010, the military held its first general election in twenty years, securing a victory across the board and indirect rule until 2015. The election in 2010 was widely disputed on numerous grounds. The generals held Aung San Suu Kyi under house arrest (barring her from running as a candidate) until after the election. Her National League for Democracy boycotted the election on the grounds that the rules were too unfair—hundreds of its members and potential candidates were disqualified from running as they had served or were still serving prison sentences at the time of registration.

A Joint Parliamentary Committee for Reviewing the 2008 Constitution was created in July 2013 to conduct a nationwide consultation exercise on amending the Constitution. The Committee’s findings were tabled in January 2014—Article 59(f) would remain, along with Articles 109 and 436, which together effectively barred Aung San Suu Kyi from becoming president, guaranteed the military one-quarter of the seats in parliament, and required three-quarters of the parliament (which includes the military) to approve amendments to the Constitution. A smaller Parliamentary Constitutional Amendment Implementation Committee and a joint sitting of parliament reaffirmed this in 2015 by rejecting any proposed changes to these articles. Later that year, Suu Kyi would claim to rule “above the president,” if her party won the looming election. The NLD went on to win the general election in late 2015 in a landslide victory and, while not assuming the presidency in 2016, Suu Kyi claimed four cabinet positions in the new government as well as a newly created prime-minister-like role called “state counselor.”
Civil society in transition

Civil society under military rule may be suppressed but it is never dead or “murdered.” In order to examine how and where civil society operates under authoritarian conditions, it is useful to distinguish modern from traditional civil society and, if possible, also distinguish areas that are beyond the reach of the state from those that are within the state’s control. When groups in traditional civil society threaten the monopoly held by militaries over political society, they are effectively silenced, as occurred in Burma. The militaries then move to secure their roles in political society in preparation for their transitions to post–military rule. While the nature of civil society in the post-military rule environment may appear diverse, there are also lasting legacies in terms of the military’s influence over civil and political society.

The reforms introduced by Burmese President Thein Sein in 2011 created the impression amongst many observers that civil society was liberated, that civil liberties had returned, and that the country was well en route to a full democratic transition. To be sure, there had been substantial changes to everyday life compared to the days of direct military rule. Many political prisoners were released, the numbers of newspapers and magazines flourished, access to printing facilities and the Internet was no longer tightly controlled, and a tsunami of CBOs and international NGOs re-entered and explored in country possibilities. Even public demonstrations against electricity blackouts and media restrictions were tolerated in 2012. Moreover, new laws were enacted to provide easier access to registration and association for unions, employers, and NGOs/CBOs, including the Labor Organization Law (2012) and the Association Registration Law (2014). Some environmental NGOs also had some success in influencing the government to halt construction at controversial sites such as the Chinese-funded Myitsone dam project.

However, while media restrictions were eased somewhat with the removal of pre-publishing censorship by the government, this merely placed the onus of self-censorship on editors and publishers, who were still required to conform to the Printers and Publishers Registration Law of 1962. The Ministry of Information’s censorship board, the Press Scrutiny and Registration Division (PSRD), continued to issue guidelines to journalists and monitor publications critical of the state. The PSRD retained substantial powers under the media laws, including the right to suspend publications or to revoke publishing licenses. A new Printers and Publishers Registration Law was passed in 2014, including a range of vague definitions, bureaucratic procedures, and registration requirements. Although there was a substantial increase in the number of publications covering political and social issues (including the NLD’s own newspapers), various news journals were suspended in 2012, and there was a rise in criminal defamation actions launched against editors and journalists by members of the government. By 2014, scores of journalists and editors had been arrested and imprisoned under the criminal code or the 1950 Emergency Provisions Act for publishing defamatory, erroneous, or alarming stories, and one freelance journalist had died in custody. The number of political detainees and human rights activists held in custody also increased.

A series of major student protests against a new education law also ended with a violent police crackdown and subsequent arrests in Letpadan and Rangoon in 2015. Students and activists protested in early 2015 over the National Education Law passed in September 2014. Their demands for academic freedom included reversing the centralization of authority over universities, the prohibition of student unions, and the banning of teaching in ethnic minority languages. The protesters began marching from Mandalay and provincial towns to Yangon in January 2015—over 100 were dispersed outside the Yangon City Hall in March and eight were arrested. Another 200 protesters were dispersed when they attempted to break through a police blockade in the town of Letpadan, 145 km north of Yangon. Following negotiations with the
police, the protesters continued to push back the blockade and were violently resisted, leading to the arrest and detention of over 100 people, including student leaders.

In the post-military-rule period, there has also been a rise in Buddhist nationalism and anti-Muslim violence spurred on by a small clique of the *sangha* led by the Mandalay-based monk U Wirathu and the 969 Movement—a religious-nationalist group encouraging Buddhists to boycott Muslim businesses and prohibit interfaith marriages. Throughout 2012 and 2013, violence occurred in Rakhine State and in pockets across the country where Muslim communities were targeted by Buddhists. The rape and killing of a Rakhine Buddhist woman by Muslim men in May 2012 was followed by the killing of ten Rakhine Muslim passengers on a bus. The subsequent rioting by thousands of Rohingya Muslims and communal violence led to the government imposing a curfew in May that same year, and the following month President Thein Sein declared a state of emergency. Approximately 140,000 Rohingya Muslims were displaced, fleeing to communities and camps across Myanmar, as well as to Bangladesh and Malaysia. The rioting and communal violence led to numerous presidential declarations of states of emergency. In most instances, the local police did not interfere and the military remained silent—their inaction fuelled speculation that hardliners used these incidents to showcase the need for a strong military presence.

Following violence in Meikhtila in March 2013, which was directed at local Muslims rather than the displaced Rohingyas, the president issued a statement emphasizing government support for the freedom of religion and the protection of citizens’ rights. However, in May 2014, the parliament introduced four “Race and Religion Protection” bills for debate, drafted by the Ministry of Religious Affairs—including a bill on religious conversion, which would require local government approval and registration of people seeking to convert to another religion. Other proposed legislation involved restrictions on interfaith marriage (the Buddhist Women’s Special Marriage Bill) and polygamy, as well as the Population Control Healthcare Bill (aimed at limiting the population growth of Rohingyas). The proposed legislation drew criticism from local religious organizations and the UN Special Rapporteur on Freedom of Religion who condemned it as an organized attack on religious freedom. The four bills were promoted by Buddhist nationalist movements and in particular by the Organisation for the Protection of Race and Religion (also known as Ma Ba Tha), which collected over a million signatures supporting the draft legislation. These groups considered the laws necessary to protect Buddhism against a perceived Islamic threat.

By August 2015, the parliament had approved all four bills, and the Ma Ba Tha group held celebrations across the country and warned against voting for those who did not support the legislation. At the same time, the country suffered heavy monsoon rains, widespread flooding, and landslides following the development and passing of Cyclone Komen off the Arakan (Rakhine) coast in late July. The government declared Chin State, Rakhine State, Magwe Division, and Sagaing Division as disaster areas. Unlike the isolationist reaction of military authorities to Cyclone Nargis in 2008, President Thein Sein appealed directly for international assistance and called for residents in low-lying areas along the Irrawaddy River and the delta region to move to safer ground. In the wake of the flooding, many affected people again turned to local monasteries and community groups for assistance rather than relying on the limited government help.

The slow government response to the anti-Muslim violence across the country from 2012 to 2015 prompts us to question the extent such regimes become indebted to (or even captured by) the civil society organizations with which they look to develop relationships. Given the power and influence of the *sangha* in Burma, it is questionable as to whether the president or the armed forces could have confronted Buddhist extremists and challenged anti-Muslim sentiment without considerable cost to the country’s stability and possibly even themselves. The political
sensitivity of the anti-Muslim riots before the November 2015 election also placed the democratic opposition in an awkward position with their electorates—in the 2015 election, the NLD leadership chose not to pre-select any Muslim candidates. However, following their landslide election victory, the NLD would be in a better position to undermine the legitimacy of the Ma Ba Tha. The state Buddhist authority, the State Sangha Maha Nayaka Committee (Ma Ha Na), in July 2016 disowned the Ma Ba Tha, claiming that the latter was not a Buddhist organization formed in accordance with the basic sangha rules, regulations, and directives of the State Sangha. The action followed comments made by the NLD’s chief minister of Yangon, U Phyo Min Thein, that Ma Ba Tha was not needed because the state already had a committee to oversee Buddhist religious life. The Ma Ha Na further stated that none of the Sangha conventions of all Buddhist orders from 1980 to 2014 had endorsed Ma Ba Tha’s legitimacy; that such organizations may never deal in political affairs; and that the formation of a new Buddhist order was prohibited. Under the previous (Thein Sein) government, the Ma Ba Tha had been responsible for organizing anti-Muslim protests, instigating violent reprisals against Muslims across the country, and pushing controversial race and religion laws through parliament.

There are limits to the degree that civil society can develop and mature when there is a strong military presence or influence over political society following periods of direct military rule. In post-military rule environments, when civil society is still in its early stages of transformation and development, many freedoms remain undefined as groups explore and challenge the limits of boundaries set up by their former military rulers and their quasi-military contemporaries. These conditions existed under the Thein Sein government in Burma between 2011 and 2015, and they will continue to be challenged under the NLD-led government while the military maintains its reserve domains and position in parliament. While new freedoms created a sense of openness in society, unrestrained freedom also challenged conservative military thinking. However, practicing self-censorship and self-restraint is difficult in this context given the changes to public and social media and the arrival of new CSOs, NGOs, and international NGOs—many of whom are unaware of the deep-rooted interests and unstated limits that they may challenge. An independent civil society takes time to mature and levels of independence depend to a very large degree on the military’s continued involvement in political society and the likelihood of any future intervention. Indeed, in any study of civil society in the Asia-Pacific region, it would be a mistake not to keep the interests of the military in mind. Understanding how militaries aim to preserve their rule provides a better understanding of authoritarian resilience—what tactics are used to resist democratic forces, how civil and political society are influenced by military rule, and how their legacies persist in transitional settings.

Notes
1 The SLORC changed its name to the State Peace and Development Council (SPDC) in 1997.
2 For a similar account of the limitations of state control and degrees of independence of upland peoples in Southeast Asia, see Scott (2009).

Suggested readings
Burma (Myanmar)


Website


References


