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Burma Votes for Change

THE CHALLENGES AHEAD

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The democratization process unfolding in Burma after more than a half-century of military dictatorship seems like a fairy tale beyond the wildest dreams of democracy advocates. It began with the surprise launch in August 2011 of political and economic reforms by the government of President Thein Sein (a former general and junta member) and his ruling Union Solidarity and Development Party (USDP). It reached a milestone with the November 2015 general elections, which most observers deemed free, relatively fair, and peaceful. Aung San Suu Kyi's National League for Democracy (NLD) swept the polls, winning 79.4 percent of the elected seats and strong majorities in both houses of parliament (255 of 323 elected seats in the lower house and 135 of 168 in the upper house), as well as in most of the state and regional parliaments.¹ This huge victory positions the NLD singlehandedly to choose the speakers of both the upper and lower houses of parliament, to nominate two of three vice-presidents, and to choose one of them (via parliamentary vote) as the new president.

The opposition's landslide victory was followed by the surprising willingness of the military (the Tatmadaw) to transfer power. Than Shwe, supremo of the former military junta, even endorsed Suu Kyi as the country's "future leader," despite his notorious antipathy for the Nobel Peace Prize winner. Thus a negotiated transition pact, which many observers believe to be Burma's best option but which did not materialize during Thein Sein's presidency, once again seems possible.²

The USDP and the NLD ran on opposite platforms, with the USDP promising continuity and the NLD promising change. The ruling party campaigned as the party for stability and gradual, controlled development, and portrayed itself as protector of “the nation and religion.” The NLD, meanwhile, simply promised “change,” without any additional descriptors or policy specifics—but that was enough. Voters overwhelmingly chose change, despite all the uncertainties and risks that go with it. These developments—the NLD’s victory and the military’s acquiescence in allowing the NLD to take the reins of power—have justly been described as remarkable and historic milestones. Yet even as the smooth course of the elections and their immediate aftermath are cause for optimism, a number of unresolved critical issues still loom, leaving Burma’s democratic future uncertain.

Given the Tatmadaw’s long-term interests and the measures for protecting itself that it had put in place before initiating the 2011 transfer of power from the junta to a pseudocivilian government of former generals, the smoothness of the 2015 general elections and postelection period should come as no surprise. The generals themselves realized that Burma’s dictatorial system—which lacked domestic and international legitimacy, was heavily dependent on China, and was badly governed—not only was unsustainable but had kept the resource-rich country poor, underdeveloped, and backward. The generals also wanted to modernize the military by acquiring better arms, equipment, and training. Western sanctions plus the burden of governing made this impossible.

In the last two decades, moreover, there has been a significant transformation among the upper echelons of the Tatmadaw. The previous generation of top generals had been shaped by the mythology of the independence struggle and the belief in a “Burmese way” to socialism, as well as by firsthand experience fighting the ethnic armed organizations (EAOs). Today, however, many high-ranking officers or their family members own business conglomerates. The country’s two biggest conglomerates—the Union of Myanmar Economic Holdings Limited and the Myanmar Economic Corporation—are owned by the military and control much of Burma’s land, factories, and import licenses, as well as other enterprises. The military and its partners also own or control nearly all the country’s jade mines as well as other natural resources such as gas, timber, and minerals. Banks, mines, construction, hotels and resorts, tourism, and trade also are all in the hands of economic elites created under the military junta. Opening Burma to foreign investment, loans, and technology is therefore no longer just in the country’s interest but also in the interest of the top brass and their private business ventures.

Thus the prevailing narrative that Thein Sein’s ambitious reform program was a top-down process of incremental change from military dictatorship to democracy and from civil war to peace is misleading. Democracy was not the intended outcome. Rather, the junta strategists

were aiming for a transition to a praetorian hybrid regime in which the military would supervise from behind the scenes, and the ruling party of retired military officers would always win elections. The main winners of such a transition would be the political and economic elites that arose under the military junta, as well as future generations of military officers. The latter, after retiring from successful military careers, could seamlessly move into government jobs and parliamentary seats with their numerous possibilities to cash in on political influence.

The Master Plan

In 2003, the junta laid out a “seven-step roadmap” that eventually produced the drafting of a new constitution by the military in 2008; the lopsided USDP “victory” in fraudulent November 2010 parliamentary elections, which gave 259 of 330 elected seats in the House of Representatives (the lower house) and 129 of 168 elected seats in the House of Nationalities (the upper house) to the USDP; and Thein Sein’s subsequent election by parliament as the country’s new president. The new pseudocivilian government had before it a number of daunting tasks: building domestic and international legitimacy; spurring economic growth, modernization, and development (in part by getting Western sanctions lifted and attracting foreign capital); repositioning Burma geopolitically and reducing its dependence on China; and concluding ceasefire and disarmament agreements with the EAOs. The new government lacked a mandate, however, to abrogate military prerogatives, to change the unitary centralized state, to undermine the dominance of the majority Burman ethnic group, or to restrain elite economic interests.

In short, Thein Sein was a handpicked president presiding over a weak government with a limited mandate. Nonetheless, he did manage to make considerable headway in liberalizing and opening the country, for which he has received well-deserved praise. But he was never a devoted democrat. Rather, he was a disciplined executor of the former junta’s strategic master plan, who was fully aware that his real mandate was to protect the interests of the military, Burman nationalism, and the country’s oligarchs.

Because the Tatmadaw remains deeply suspicious of the popular will, the military drafters of the 2008 Constitution built into Burma’s political system certain checks and balances meant to control the democratic game. To begin with, a quarter of the seats in both houses of parliament are reserved for appointed active-duty officers. In the event that a military MP loses the trust of the Tatmadaw leadership, the commander-in-chief (currently Min Aung Hlaing) can replace him at will. The unelected military MPs also pick one of three presidential candidates (the other two are chosen by the upper and lower houses of parliament, respectively). Should parliament elect one of the other candidates, the military’s nominee becomes one of Burma’s two vice-presidents.

The military MPs also have the power to determine whether the constitution can be changed, as the support of more than three-quarters of parliament is needed for constitutional amendments. Thus the Tatmadaw can block any amendment to which it objects. As constitutional expert David Williams put it, “The whole constitution is based on a ‘wait and see’ strategy: if the civilian government does what the Tatmadaw wants, then it will be allowed to rule; if not, then not.”³

Unsurprisingly, the military has a great deal of autonomy under the new constitution. It is subordinate neither to the defense minister nor the president. Rather, the commander-in-chief of the Tatmadaw has authority over them. In fact, the 2008 Constitution grants certain key powers that would normally be held by the president to the military instead. The commander-in-chief appoints the ministers of defense, home affairs, and border affairs, giving the military an additional layer of control over elected civilian politicians. Through the National Defense and Security Council, the commander-in-chief also has *de facto* power over the president, since the military has a majority of six members in the eleven-member body.

Around this constitutional fortress, the military has laid yet more lines of defense. The USDP’s poor performance in the 2012 by-elections showed that the party needed to adopt new strategies in order to perform better in future contests. To that end, the government deliberately fomented ultranationalism and religious radicalism so that the USDP could position itself as protector of “race and religion.” The government allowed the rise of the Buddhist-nationalist Organization for the Protection of Race and Religion, known by its acronym MaBaTha, and the government helped radical ultranationalist monk Ashin Wirathu—who was released from prison in 2010 after serving seven years of a 25-year sentence—to move from the political fringe to mainstream prominence. In addition, the USDP established several proxy parties and intensified its efforts to coopt ethnic parties, hoping that they could win some parliamentary seats and side with the USDP and military MPs in the presidential vote.

As a final layer of defense, the military has thoroughly penetrated state institutions and the economy. Wherever one looks—the ministry of home affairs, the police, the general administration, the judiciary, the electoral commission, the human-rights commission—ex-military men are in high-ranking jobs. Military-backed conglomerates and cronies belonging to a clique of fewer than twenty families with deep ties to the military control the largest and most lucrative segments of the economy. Once it became clear that the USDP might lose the 2015 general elections, the military placed even more former officers in state institutions in order to strengthen its position in the bureaucracy.

With these well-planned lines of defense in place—constitutional constraints, proxy parties, and captured state and economic institutions—the military felt fairly secure ahead of the elections. Although the Tatmadaw

and the USDP work closely together, they are not one and the same. The USDP was created to protect the interests of the military and former-military elites. But the military is not dependent on the USDP. Even with the party's defeat, the Tatmadaw has no need to stage a coup, as it did in 1990 after the NLD's general-election romp that year. While the NLD's massive 2015 victory over the USDP may have stymied the Tatmadaw's plan to consolidate a new hybrid political system, it has deprived the military of none of its powers, because these are enshrined in the constitution.

Negotiating the Transition

The new democratically elected parliament, which held its first session on 1 February 2016, must choose a new president before the end of March, when Thein Sein is scheduled to step down. Once the NLD-led government is formed, it will face several important and difficult choices. To begin with, it will have to negotiate a transition pact with the military regime that will result in a "system of mutual security."⁴ Doing so will be tricky, as the people have strongly voiced their desire for fundamental change. They cast their votes not merely *for* the NLD but *against* the status quo. In essence, every segment of society rejected both the Tatmadaw and the gradualism of Thein Sein's reform program, and demanded an end to the military's repressive, predatory, inept, and deeply corrupt rule. The citizens of Burma have placed their faith in Aung San Suu Kyi. For now, this gives her broad latitude in governing. If she fails to win significant concessions from the military, however, that faith might evaporate.

The government will also have to restart the peace process, which will require navigating between the military, the self-proclaimed guardians of the unitary state and of Burman nationalism, and the minority nationalities, with their demands for ethnic federalism. This political dilemma reflects a real divide among the population: Burma may be the "sacred land of Buddhism," as many deeply believe, but it is also home to multiple ethnic and religious groups, including significant Muslim and Christian populations.

If the military is to accept gradually relinquishing its political dominance, it will likely first demand assurance of impunity for past crimes. During the decades of military dictatorship and civil war, Burma's armed forces committed serious human-rights violations, some of them on a mass scale. Communities and families have been ruined, and many lives have been lost. With a new government, victims and survivors—among whom are many NLD members and voters—are hoping to see justice meted out for these crimes. Suu Kyi and her government will have to find a way to satisfy the military's demand for impunity while also meeting the victims' demands for justice.

After five decades of deprivation, the people of Burma want clean water, electricity, better roads, land, jobs, education, health care, secu-

riety, rights, and justice, and they want them *now*. Thus the NLD government will be under enormous pressure to quickly deliver effective governance. Suu Kyi's immense popularity only raises these expectations. But will the new government be able to succeed while relying on a bureaucracy that until now has excelled only at corruption, passivity, and underperformance? Decades of the junta's exploitative and exclusivist policies have created an oligarchic system that favors regime elites to the disadvantage of almost everyone else. This cannot change overnight, which means that well-placed elites will profit from the economic opening and the influx of investment and loan money that it will bring. The vast majority of citizens will find this profoundly unjust.

The military now has two options: One is to acknowledge the people's desire for real change, engage constructively with Suu Kyi, and begin retiring from politics, with the aim of a complete exit within ten years. Suu Kyi is ready to compromise and, for the time being, holds enough sway to persuade the majority of Burmese to accept the results of her negotiations with the military. The Tatmadaw's second option is to grant only limited powers to the NLD government and to reject any compromise on the constitution. The military can simply wait for the new government to fail and become unpopular, or it can actively obstruct the NLD government by stirring ethnic conflict and ultranationalist sentiments, manufacturing security threats, and refusing to cooperate on such issues as land rights, internally displaced people, political prisoners, and punishment for human-rights violations committed by the military.

Right now, the lack of a basic consensus among Burma's ethnic groups about the type of state that the country should have presents the greatest impediment to moving the transition forward and risks undermining it altogether. As both a state and a nation, Burma so far has been a failed project. For decades, the country had a highly oppressive, predatory state at the center and a largely failed state on the periphery, where the minority ethnic groups live. The majority Burman population and the many and various other ethnicities in Burma, meanwhile, never consolidated as one "Burmese" nation after the country gained independence from Britain in 1948, and they remain divided today. It is hard to democratize deeply divided societies. Without political consensus about the nature of the state among key stakeholders, including all significant ethnic and religious groups, the military will not withdraw from politics, the transition to civilian rule will not happen, peace will remain elusive, and Burma's democratization will stagnate.

Federal or Unitary?

So will Burma be the nation-state of its Burman Buddhist majority, with a genuinely democratic and decentralized system that will tolerate and respect the country's minorities? Or will Burma be the common



state of multiple ethnic nationalities “coming together” while keeping their individual sovereignty? Burma’s military and the majority Burman population desire the former, and Burma’s minority ethnic groups desire the latter. Democracy and electoral competition will not be able to solve the problem. A parallel and broadly inclusive process of consensus-seeking about the fundamental questions of the nature of the state and the relationship among the various identity groups is essential. To be successful, such a process must be driven by far-sighted moderates. Burma needs a courageous, open, critical, and visionary discussion about the broader spectrum of institutional choices available for divided societies, so that it can avoid the “either-or” trap of having to choose between a highly centralized unitary state and a decentralized ethnofederal state.

Burma is a “robustly” plural society, with some 135 officially recognized ethnic groups (though many believe this number to be inflated as part of a divide-and-rule strategy). Yet roughly two-thirds of the country’s fifty-million people are Burman.⁵ Among the other ethnic groups, seven—the Arakan, Chin, Kachin, Karen, Karenni, Mon, and Shan—have states named for them along the country’s borders. Six others have small territories with nominally “self-administered” status, while many other smaller ethnic groups are also demanding autonomy over their tiny territorial pockets. In reality, no minority ethnic group has anything close to autonomy, though each claims it. Almost all have their own armed groups and a history of rebellion against the center. Further complicating matters, some ancestral land claims are contested, some areas are home to an ethnically diverse population, some ethnic groups are widely dispersed, and almost everywhere there are significant and concentrated subminority groups, some of which have their own armed militias too.

Language, culture, and religion vary both among and within Burma's ethnic groups. Most—the Burman, Arakan, Mon, and Shan—are Buddhist. But some—the Chin, Kachin, and Karen—are mainly Christian. There are, however, Buddhist Karen, and within the Kachin Christian community there are both Protestants and Catholics. Moreover, not all Chin or Kachin share the same language.

In addition to the “indigenous” Burmese groups, there are significant numbers of Muslims (including the Rohingya, who are not among the officially recognized ethnicities), Indians, and Chinese—up to roughly 7 percent of the population. Both the Burman majority and the minority nationalities see these groups as nonindigenous newcomers, if not outright intruders or “illegal immigrants.” Although large concentrations of Muslims live in western Burma near the border with Bangladesh, many others are dispersed around the country, mainly in cities.

The different ethnic groups enjoy varying levels of socioeconomic development. Thus identity differences overlap with a highly uneven distribution of capital, growth, and development and of access to education, job opportunities, and state institutions. Civil servants, police officers, and military members are overwhelmingly Burman. The economy is controlled by privileged Burman families, along with some Chinese and Muslims. Political discrimination and decades of civil war have resulted in the exclusion of most “indigenous” ethnic groups from economic opportunities and the benefits that should accrue from their territories' vast natural resources (gas, oil, minerals, jade, and timber).

Most of Burma's key ethnic groups—the Burman, Chin, Karen, Kachin, and Shan—had no shared history before British colonial rule began in 1824. Though all the disparate groups in Burma wished to break free from the colonial yoke, they never managed to unite after gaining independence. In 1947, Burman independence leader General Aung San, the father of Aung San Suu Kyi and founder of the Tatmadaw, signed with representatives of the Chin, Kachin, and Shan the Panglong Agreement, which promised to give the minority ethnic groups autonomy as well as the same rights and status as the ethnic Burman. Aung San was assassinated before Burma gained independence, however, and the governments that took power never honored the Panglong Agreement and never found a way to manage the country's ethnic and religious cleavages.

The resulting decades of dictatorship, militarization, and civil war have left all sides tired of conflict and desirous of peace. Yet negotiations have not been easy. The peace process was on fragile ground from the start. Their Sein's government lacked authority over the military, and the military supported the peace process only reluctantly. The Tatmadaw hoped that Their Sein's negotiating team could use a soft approach to coopt and disarm the ethnic armed organizations without the military having to make any immediate political concessions on decentralization and federalism. The EAOs, of course, had a different outcome in mind.

In the end, the government's efforts to achieve a National Ceasefire Agreement (NCA) failed, regardless of the regime's attempt to spin them as a (partial) success.⁶ Of the fifteen ethnic armed organizations invited to the negotiating table (not every EAO was invited), only eight signed the agreement. Those that refused included the strongest armed groups. Their Sein's team had the authority to offer a ceasefire, economic and development opportunities, and even bribes in order to secure an agreement, but it was not permitted to negotiate matters of political autonomy and federalism.⁷ The EAOs would like to agree to a ceasefire. They are eager to bring development and economic opportunities to their states (and in some cases might even accept bribes), but most are not willing to abandon their demands for federalism.

Will the NLD Fare Better?

The NLD government is expected to resume the peace process right away. Suu Kyi has repeatedly said that peace and national reconciliation will be her first priorities, and she is committed to finding a federal solution based on the Panglong principles, something that the EAOs have demanded for decades. Although this sounds promising, the NLD-led government may be in a worse negotiating position than was Sein's government, given that the new leaders will lack not only authority over the military but also the trust of the military. The main EAOs have officially stated that they are hopeful of reaching an agreement with Aung San Suu Kyi. Yet their mistrust runs deep, and many among the ethnic political elites see the NLD as a Burman-dominated party that has little understanding of ethnic grievances and demands.

For decades, the Tatmadaw has insisted on maintaining a highly centralized, unitary nation-state that protects and promotes "Union Spirit" (patriotism) and Buddhism.⁸ And for decades, the EAOs have fought to achieve some sort of ethnic-based federalism. It is hard to see how a compromise can be reached between two such opposite positions, regardless of how much goodwill and donor money are invested in negotiations. Only if the Tatmadaw abandons its insistence on a unitary state can the peace process move forward.

Given Burma's ugly history of authoritarianism and civil war and the fact that its identity groups are territorially concentrated, decentralization and some form of federalism offer the only way to peace. Yet it is highly questionable whether decentralization and federalism in the form that the main EAOs currently envision can lead to a sustainable and stable institutional arrangement. Their vision for a future Burma includes a highly autonomous Kachin state for the Kachin people, a highly autonomous Shan state for the Shan people, a highly autonomous Burman state for the Burman people, and so on. All these states would be equal within the framework of a federal Burma, and all would retain a considerable

degree of sovereignty. They all would share weak powers at the center, where each would have *de facto* veto power.

But such an arrangement ignores a key challenge: Within each ethnic state today, there are members of nondominant ethnic groups who might also demand self-rule. An ethnically based federal arrangement will not resolve the overlapping territorial demands of the Kachin and Red Shan ethnic groups within Kachin State, between the Shan and all the other groups living in Shan State, between the Karen and the Burman living in the Irrawaddy Delta, or between the Mon and Burman in Mon State, to name only a few of many such disputes. These groups base their competing claims on their respective ethnonational historical myths, and an ethnofederal scheme cannot settle them.

There are a host of other problems that afflict ethnic-based federations.⁹ Often there is no real political opposition. Hard-liners and exclusivists tend to win elections because they need only the votes of their own group. Incentives for moderation and compromise among competing political parties disappear. At the national level, when ethnic-based federal states experience deadlocks (as they often do), bad blood between the groups can become even worse as they blame each other and use their respective media outlets to escalate tensions. Finally, if each state were to have its own security unit for “self-defense,” the likelihood of compromise would diminish even further.

Favoritism, protectionism, monopolies, and corruption are likely to flourish in an ethnofederal state. Because there will be a push within each state to favor in-group interests, collusion between local politicians and local businesses will intensify. Separation of state and religion will be weak. In Burma’s deeply religious society, the dominant religious group within each state could end up discriminating against other groups or, worse still, promoting a “one nation, one religion, one strong leader” ideology.

Burma’s ethnic makeup is complex and disproportionate: There are fewer than half a million Chin and Karenni, and fewer than 2 million Kachin and Mon; there are about 2 million Arakan, 4 million Karen, and 4.5 million Shan; and there are between 32 and 34 million Burman. Therefore, in an ethnofederal arrangement with mutual veto rights, about 5 percent of the population—the Chin, Karenni, Mon, and Kachin, each with its own state—will be able to block the majority. If the will of the majority is repeatedly vetoed by smaller ethnic groups, sooner or later populists and extreme nationalists will gain traction among the majority. The demographic situation is further complicated by the unequal territorial distribution of natural resources and by regional variations in socioeconomic development.

A future federal system will need to strike the right balance, addressing the legitimate demand for self-rule by sizeable minority groups, while not overly constraining the democratic will of the majority. At the same time, any arrangement granting autonomy to a state dominated

by an ethnic group must also protect the rights of subminorities within that state. Finally, the collective rights of identity groups will have to be reconciled with guaranteed individual human rights nationwide. This will require a functional and highly inclusive political system, which in turn will require extraordinary maturity, far-sightedness, and moderation by all stakeholders.

Ultrationalism and Religious Radicalism

In mid-2012, soon after the by-elections in which the ruling USDP suffered a huge loss to the NLD, a young Buddhist woman was raped and murdered in Arakan State under highly dubious circumstances. Immediately, social-media posts and leaflets were spread throughout the state calling for retribution against Muslims for the crime, and a few days later an organized mob on motorcycles attacked a bus carrying Muslim passengers, killing ten. In June 2012 alone, violent clashes between Buddhists and Muslims (largely Rohingya) left two-hundred dead and scores more displaced. Sectarian riots continued and spread over the next several years. The campaign of hate and violence against Muslims and the rise of MaBaTha were not spontaneous developments, nor were they primarily about religion. Rather, they were elements of the USDP's 2015 campaign strategy. Although this was not clear when the fires of communal violence first began burning across Burma, it became obvious during the election campaign.¹⁰

The rise of religious radicalism and ultrationalism can be attributed to several key actors. They did not share the same agenda or the same aims. They had different leaderships and driving forces, but were connected and coordinated with each other. Who were they? Most obvious among them were hardcore ultrationalists, radical Buddhist monks such as Wirathu, as well as seemingly more moderate, senior, and highly regarded monks who believe in the unity of nation, religion, and state (in other words, the traditional Buddhist alliance between the king and religion). Also among the main actors were nationalist political groups such as the Arakan National Party, eager to seize an electoral opportunity, and intellectual nationalists including writers, historians, journalists, and opinion makers, who spread distorted “historic truths” and “patriotic” arguments. Joining them were USDP pragmatists, who saw the opportunity to boost their own popularity and undermine the democratic opposition by claiming to protect “race and religion.”

The ruling political establishment let anti-Muslim discourse spread, and the authorities allowed controlled “fires”—that is, anti-Muslim riots—to break out in various places. Fanning the flames were ultrationalist religious leaders, who were endorsed publicly by top state officials, including President Thein Sein, and backed privately by the state apparatus and some business elites.¹¹ Without the support of decision makers within the secu-

rity apparatus, the displacement of blame and impunity for the organizers and perpetrators of the violence could never have happened.

The aims of the ugly campaign were clear: to instigate conflict with the “minority nobody likes” (the Muslim Rohingya); to create the impression that the nation and its religion were “under threat”; and to use the resulting confusion, fear, and anger to stir demands for a strong state and a strong president. The post-junta political elites’ original plan had been to win the 2015 elections through the positive image of Thein Sein as a “caring reformer who listens,” as the “development president,” and as the “peacemaking president.” But the party’s losses in the 2012 by-elections sent a shockwave through the corridors of power, and the regime’s strategists realized that the “development” and “reform” agenda might not be enough to win the hearts and minds of the people. In a desperate move, they decided instead to activate ultranationalism as a last line of defense.

In the meantime, MaBaTha has grown in strength and number. It has also become more organizationally sophisticated and more ambitious in its goals. A new “beast” has been introduced into Burma’s political scene—an increasingly strong fundamentalist movement dressed in Buddhist monks’ robes. For now, however, the people of Burma have resisted the influence of the radical monks, at least at the ballot box. In rejecting the USDP and Thein Sein in the 2015 elections, voters were also rejecting the political manipulation of religion.

But the underlying problem of radical religion and ultranationalism remains. Burma is a deeply traditional, conservative, and religious society that abounds with underlying anxieties and frustrations. In this setting, fundamentalist ideologies such as the “purity of the sacred Buddhist land” preached by highly revered and well-organized monks can be powerful and dangerous. It will be hard for the NLD-led government to put the “beast” back in its cage.

A Roadmap to Real Democracy

With their strong mandate, Aung San Su Kyi and the NLD must replace the junta’s roadmap to “disciplined democracy” with a new roadmap to a genuinely democratic and decentralized Burma—and they need to gather support from other important stakeholders, many of them with conflicting demands. Because the military, which has retained *de facto* autonomy, has the final say over the constitution, the new government will have to secure the Tatmadaw’s buy-in. Likewise, the government will need the military’s acquiescence in order to restart the peace process.

If the NLD is to have any hope of fostering national reconciliation, it will need to form an inclusive and competent government at both the national and regional level. This means including not only some ex-military political players but also some ethnic-minority political stake-

holders, even if they were not successful in the elections. This type of generosity can yield important dividends in the future.

The ethnic political parties, both in and outside the parliament, must avoid unnecessary antagonism toward the NLD. They will have to exhibit political maturity and overcome their frustration at their poor performance at the polls. They should be open to constructive engagement with the NLD-led government. After all, the NLD not only overwhelmingly won the elections, it also overwhelmingly won the ethnic vote.

Burma's transition can succeed and serve as an example of a "hard-case" country that successfully democratizes despite lacking favorable structural conditions.

For the time being, Aung San Suu Kyi has a clear democratic mandate not only from the people of the Burman regions but also from the people of the ethnic-minority states. The NLD has repeatedly pledged to bring federalism to Burma and has promised to support equality for all the ethnic nationalities and to promote individual and minority rights. If Burma's fragile democratic progress is secured, there will be time later for competition between civilian political parties. For now, it would be wise to put competitive politics aside and to focus instead on strengthening the elected parliament, the elected government, and civilian politics in general.

The new government should not relegate all ethnic-minority issues to a national dialogue. Suu Kyi and her NLD-led government must forge a common understanding with those stakeholders who are open to constructive cooperation and begin soon to introduce inclusive, decentralizing policies that can be achieved with a simple majority in parliament. The government should move quickly to secure the educational, linguistic, and cultural rights of Burma's various ethnic groups, and it should adopt a consultative and inclusive approach to choosing regional and state governors. This can be done even if, as the constitution provides, it is the president, and not the state and regional parliaments, who selects the governors. Finally, the government should seek a better balance of resources between the center and the states and regions. This can be done without a broad political agreement about federalism.

A major task for the new government will be to "reoccupy" the institutions of the state by bringing more genuine civilians—not ex-military pseudocivilians—into as many state agencies as possible. These new civilian cadres should be chosen in a way that systematically includes ethnic minorities. The government could consider, for example, a six-year plan to make 30 percent of all professionals in the state bureaucracy people of ethnic origin (that is, a 10 percent increase every two years).

First and foremost, however, the new government must once and for all release all political prisoners and provide long-overdue humanitar-

ian assistance to people internally displaced by war in the various ethnic states and to Rohingya refugees in Arakan State. But these are only beginning steps. The government must also make carefully balanced symbolic gestures of reconciliation and memorialization of past suffering—for example, by establishing a Foundation for the Rehabilitation of Victims. If just 1 percent of all future investments (or 1 percent of all oil and gas revenues) were channeled into such a foundation, there would be enough money to provide assistance to many victims. Punishing perpetrators may be neither possible nor wise, but there is nothing standing in the way of rehabilitating victims, which is even more important.

A final priority for a government and parliament of national reconciliation should be to pass as many reform laws as possible—new legislation on freedom of assembly and freedom of information, new media and public-broadcasting laws, and the like. Many important reform laws could be passed with a simple parliamentary majority. Any such reform package should include signing and ratifying the International Covenant on Civil and Political Rights and ratifying the International Covenant on Economic, Social and Cultural Rights. It is also important for the government to use its first several years in office to introduce and strengthen as much as possible institutions of horizontal accountability.

If the next government does all this, it will enjoy significantly higher levels of trust, and the chances for a constructive national dialogue will be much greater. Civil society can play a big role in facilitating the national reconciliation process. Both liberal and ethnic civil society groups should take the initiative and launch a systematic, collaborative effort to build mutual understanding and trust across ethnic and religious lines. Reconciliation of deep divisions in Burma cannot be only a top-down process driven by politicians and men with guns. The efforts at the top should be complemented by efforts from below.

Burma's transition can succeed and serve as an example of a "hard-case" country that successfully democratizes despite lacking favorable structural conditions. The Arab Spring raised the frightening specter of popular democratic uprisings bringing either state failure or renewed authoritarianism. Democratization in Burma can offer a positive alternative paradigm, one in which elites successfully navigate rough waters to achieve a democratic transition that benefits all. Yet it is important to understand just how fragile and unsettled the whole process still is. The aspirations of the people of Burma and of the newly elected democratic forces are still seriously constrained by the military, by Burman Buddhist nationalism, by entrenched oligarchic interests, and by tough structural conditions. So friends of Burma would be well-advised to keep their expectations modest and to support its transition with patient long-term commitment.

NOTES

1. Of the 330 elected seats in the lower house, 7 were cancelled, leaving 323 contested seats in the 2015 elections. States and regions share the same constitutional status; states refer to areas along the border with large concentrations of certain ethnic minorities, while regions refer to areas where the majority Burman group lives.

2. Larry Diamond, "The Opening in Burma: The Need for a Political Pact," *Journal of Democracy* 23 (October 2012): 138–49.

3. David C. Williams, "Analysis of the 2008 SPDC Constitution for Burma: The Power of the Burmese Military Under the 2008 SPDC Constitution," 21 April 2010, www.burmapartnership.org/wp-content/uploads/2010/04/David-Williams-Briefer-on-power-of-Burmes-military-under-the-2008-constitution1.pdf.

4. The quote is from Robert Dahl's *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971) in Diamond, "The Need for a Political Pact," 139.

5. "Robustly multinational" comes from Alfred Stepan, Juan J. Linz, and Yogendra Yadav, "The Rise of 'State-Nations,'" *Journal of Democracy* 21 (July 2010): 50–68. The figure of two-thirds is an estimate; the first nationwide census in more than thirty years took place in April 2014. The provisional results were released in August 2014, except for the ethnic composition of the population, whose release was postponed until after the elections because it was deemed too sensitive.

6. Among nonsignatories are the Kachin Independent Organization (KIO/KIA), the United Wa State Army (UWSA), the Shan State Progress Party (SSPP/SSA), the Ta'ang National Liberation Army (TNLA), the National Democratic Alliance Army (NDAA, Kō-kang), the Myanmar National Democratic Alliance Army (MNDA), the Karenni National Progressive Party (KNPP), and the New Mon State Party (NMSP). See Bertil Lintner, "New Approach Needed for Genuine Peace in Burma," *Irrawaddy*, 11 January 2016, www.irrawaddy.com/commentary/new-approach-needed-for-genuine-peace-in-burma.html.

7. The Union Peace Conference, organized in a rush by the outgoing government after its humiliating electoral defeat, reflects the profound difference in positions held by the military and ethnic representatives. No nonsignatory group took part.

8. See the "Preamble" and "Chapter I, Basic Principles of the Union," of the Constitution of the Republic of the Union of Myanmar (2008), 1–4, www.burmalibrary.org/docs5/Myanmar_Constitution-2008-en.pdf.

9. In speculating about the potential problems arising from an ethnofederal arrangement in Burma, I drew largely from my own experience with the dysfunctionality of the former Yugoslav ethnofederation established after Communist one-party rule ended, and of post-Dayton Accords Bosnia-Herzegovina. I also owe a lot to analyses by Donald L. Horowitz and Lise Morjé Howard. See Donald L. Horowitz, "Ethnic Power Sharing: Three Big Problems," *Journal of Democracy* 25 (April 2014): 5–20; and Horowitz, "Comparing Democratic Systems," *Journal of Democracy* 1 (Fall 1990): 73–79; and Lise Morjé Howard, "The Ethnocracy Trap," *Journal of Democracy* 23 (October 2012): 155–69.

10. There is a growing body of research about the recent rise of religious radicalism and ultranationalism. See, for example, Min Zin, "Anti-Muslim Violence in Burma: Why Now?" *Social Research: An International Quarterly* 82 (Summer 2015): 375–97; Matthew J. Walton, "The Post-Election Future of Buddhist Nationalism in Myanmar," *East Asia Forum*, 19 November 2015; and Tharaphi Than, "Nationalism, Religion, and Violence: Old and New *Wunthanu* Movements in Myanmar," *Review of Faith and International Affairs* 13 (Winter 2015): 12–24.

11. Paul R. Brass, *The Production of Hindu-Muslim Violence in Contemporary India* (Seattle: University of Washington Press, 2003).