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NATIONAL SECURITY, STATE-CENTRICITY, AND GOVERNANCE IN EAST ASIA

Brendan Howe

Security, Development and Human Rights in East Asia

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CHAPTER 1

State-Centric Challenges to Human-Centered Governance

Brendan Howe

Abstract This chapter introduces the key organizing theme of the volume as being structural impediments to the transition from prioritizing the security, development, and rights of the state to prioritizing those of the citizen in East Asian states. It notes that East Asian polities continue to give undue primacy to the state in their governance. Furthermore, there are embedded structural obstacles to achieving human-centered governance objectives in the region. These relate to the role of the military in countries in East Asia, historical authoritarian legacies, and new authoritarian trends. A brief overview of the theoretical framework and East Asian operating environment is followed by a chapter overview of the six paradigmatic case studies of National Security, Statecentricy and Governance in East Asia: North Korea, Thailand, Myanmar, Cambodia, Timor-Leste, and Lao PDR.

Keywords State-centricity · Authoritarianism · Governance · Human security · Military · East Asia

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Introduction

This volume assesses structural impediments to the transition from prioritizing the security, development, and rights of the state, to prioritizing those of the citizen in East Asian states. In talking about the "Future of Power," Joseph Nye identifies two salient features of transition: a shift of power among states, which is largely from West to East, and a shift of power from states, West or East, to non-state actors (2011a, b, p. 2). The book examines both these phenomena as they relate to governance in East Asia (broadly defined to include the subregions of Northeast Asia and Southeast Asia). The increased importance of Asian countries and models of governance in this, the "Asian Century," and the extent to which non-state actors can pursue an agenda independent of, or even in opposition to those championed by the state and the elites who govern them. The rise of Asia (or perhaps more accurately the resurgence of Asia given its historic importance) has been extensively documented. Nevertheless, despite pressures from above (the international community) and below (internal constituencies), the findings are that in many cases, of which the ones represented in this volume are perhaps the paradigmatic examples, East Asian polities continue to give undue primacy to the state in their governance. Furthermore, there are embedded structural obstacles to achieving human-centered governance objectives in the region. These relate to the role of the military in countries in East Asia, historical authoritarian legacies, and new authoritarian trends.

Historically, in many of the countries in the region, national security projects (including but not limited to the role of the military), as well as national economic development projects have been championed by authoritarian forces as being in the interest of the whole of society. There are several implications of this prioritization. First, the interests of minorities may be sacrificed on the altar of conformity or in the interests of the supposed collective good. Second, the national projects may themselves provide reservoirs of power and patronage for authoritarian elites. Third, national projects may serve as diversionary activities and rallying points to divert publics from questioning elite domination. Finally, and perhaps most devastatingly, security and development interests at the human level (particularly those of the most vulnerable sections of society) may be undermined through the pursuit of the national variants.

Meanwhile, new and growing authoritarian challenges to governance are reflected first, in the impact of inherited reservoirs of power and authority which distort democratic governance structures, and facilitate elite capture of the commanding heights of government, the economy, and society; and second, the further concentration of power in the hands of central political figures. No matter how enlightened an elite is placed over the common people, it is unlikely that they will give equal consideration to interests that they do not share and which are not represented by their number. This may not necessarily be because of any callous disregard, but merely due to the pressure of time and the complexities of government. Thus, for the wishes of all to be represented, the people must rule and exercise power. The more power is concentrated in the hands of the elite, and the smaller the number of the enabled elite, the greater the authoritarian challenge.

The case studies examined in this volume highlight how, despite some grounds for optimism, the ongoing primacy of the state, as manifested in security, development, and governance policy-making, limits the extent to which non-state actors, civil societies, and global humanitarian and democratic norms can transform East Asian polities. Indeed, there is evidence that at least some of the cases are experiencing an authoritarian backlash, resurgence, or consolidation.

Theoretical Framework

East Asia is a region deeply affected by conflict. Colonial, ideological, and national wars have left their scars and legacies, including disputed borders and divided loyalties. Perhaps not surprisingly, therefore, states in the region have looked to minimize the worst manifestations of interstate conflict through emphasizing nonintervention, and domestic governance has emphasized national interest and strength in terms of security and economic growth. Indeed, they remain among the most ardent champions of Westphalian sovereignty (Acharya 2003, p. 9). As a result of colonial experience and postcolonial state-building, security threats have generally been identified from the perspective of the state (Nishikawa 2009, p. 217). Several of the cases examined in this volume stand out as what Martin Smith has described as preeminent examples of postcolonial states subsumed in what development analysis describes as a "conflict trap" (Smith 2007, p. 3). Facing diverse challenges, including

ethnic insurgencies, disputed borders, and the remnants of colonial and/or Cold War experiences, successive governments in the region have adopted state-centric national security policies with an emphasis on national sovereignty, territorial integrity and national unity (Tin 1998, p. 392).

The region is not immune to the impact of important international and transnational physical and normative developments. The Communication and Information Technology (CIT) and humanitarian revolutions have had important consequences for governments and their leaders. The end of the Cold War, combined with increased media penetration and dissemination capabilities, did much to render "amoral" policy-making increasingly subject to scrutiny and potentially untenable. Therefore, the governing dictates of that time may be seen as no longer suitable for the regulation of national and international politics, national interest as no longer a sufficient normative guide for action, and even the normative value long attached to the sovereign state open to question.

The new millennium has seen a proliferation of international commitments to normative, or ethical, diplomacy. These include the Millennium Development Goals (MDGs), which were developed out of the eight chapters of the United Nations Millennium Declaration, signed in September 2000; the successor Sustainable Development Goals (SDGs) adopted at the UN Sustainable Development Summit September 25–27, 2015; and the Responsibility to Protect (R2P) which grew out of the December 2001 International Commission on Intervention and State Sovereignty (ICISS) report, but has since been reinforced by repeated United Nations (UN) General Assembly (GA) and Security Council (SC) resolutions, each of which has received almost universal backing, including from all East Asian states present at the summits involved.

In the security field, there has been a similar shift from state-centric to non-state-centric perspectives. Hence the human security paradigm suggests that international security, traditionally defined with its territorial emphasis, does not necessarily correlate with the concept of security for the individuals who comprise the state, and that an overemphasis upon state security can be to the detriment of human welfare needs (Howe 2013, p. 18). Ultimately, this shift recognizes that traditional conceptions of state security may constitute a necessary but not sufficient condition of human welfare (Newman 2010, p. 79). The complexity of threats in people's daily lives now involve transnational dimensions and have moved beyond national security, which focused solely on the threat of

external military aggressions. Such threats range from poverty, unemployment, drugs, terrorism, environmental degradation and social disintegration (UNDP 1994, p. 11). The international community has also begun to see security threats not only between, but also within states, and focus on people in addition to states (WHO 2002, p. 218).

The commitments made under this evolving international humanitarian regime have been significantly policed, and operationalized, through the democratization of information brought about by the CIT revolution. International organizations, nongovernmental organizations (NGOs), domestic and international media organizations, and even the citizens of almost all countries now have access to information concerning the domestic and international policies of governments, the commitments they have made, and whether they are following through with their obligations. It is increasingly difficult for regimes to govern in manners unacceptable to their people. But it is now also more difficult to carry out unethical policies without being exposed and subject to both domestic and international condemnation.

In an interconnected world, with heavy penetration of states by new media, and high levels of personal contact between the peoples of different states, ideas and norms are now able to diffuse much more rapidly, and state monopoly control of knowledge and opinion-forming is increasingly undermined. The contributions of the CIT revolution can be seen in pressure for humanitarian interventions, the WikiLeaks controversy, and the rise and coordination of non-state actors committed to humanitarian causes and issues, and to impacting governments and corporations. Through the new media, these activists have linked with international bodies and fellow activists in other countries for coordination and support, so that governance is increasingly a two-level game (Putnam 1988).

East Asian countries feature prominently in lists of the most interconnected societies on the planet, and this democratization of information also has important implications for governance in the region. Civil society groups in many Asian countries are increasingly vociferous in condemning unjust privilege and prioritization, whether regarding caste, ethnicity, religion, age/generation, or gender. Furthermore, with democratization of the media, it has become harder for governments to perpetrate, cover up, or turn a blind eye to inhumane practices within their jurisdictions or within those of fellow Asian states. Hence David Shambaugh (2008) has noted that the unprecedented interconnectivity

of societies in East Asia has reached the level of a manifestation of Putnam's two-level game model. "New Preachers," NGOs and civil society community activists, have sprouted in many countries in the region to uphold humanitarian causes, and to pressure governments and corporations (Chanda 2008, p. 307). These activists have also linked with international bodies and fellow activists in other countries for coordination and support. Thus, the authoritarian state's efforts to maintain its power are challenged by the mutually reinforcing trends of the constant diffusion of information and the rise of civil society activism (Chanda 2008, pp. 308–309).

According to Freedom House, source of one of the most recognized datasets concerning freedom under different manifestations of governance, the Asia-Pacific region (of which East Asia forms a dynamic core) has been the only one, in recent years, to record steady gains in political rights and civil liberties: "Although it is home to China, where over half the world's Not Free population lives, and North Korea, the least free country in the world, a number of Asia-Pacific countries have made impressive gains in the institutions of electoral democracy—elections, political parties, pluralism—and in freedom of association" (Freedom House). At the turn of the millennium, a CIA publication analyzing global trends, noted that the "networked global economy will be driven by rapid and largely unrestricted flows of information, ideas, cultural values, capital, goods and services, and people" and that "this globalized economy will be a net contributor to increased stability in the world". "Emerging Asia" was highlighted as the fastest growing region, led by breakout candidates China and India, whose economies (at that time) already comprised roughly one-sixth of global GDP (CIA 2000, pp. 5–25).

Economic freedom is on the rise in the region, combined with high levels of modernization being achieved throughout East Asia. First Japan, then the Asian Tigers, (South Korea, Hong Kong, Taiwan and Singapore) and finally China itself and the Asian Tiger Cubs (Thailand, Malaysia, Indonesia, the Philippines, and more recently Vietnam) have become increasingly developed and integrated into the international economy. Even some of the more economically challenged countries in the region, such as Laos, Cambodia, Timor-Leste, and Myanmar are aspiring to middle-income status. A 2011 study by the Asian

Development Bank (ADB) on realizing the Asian Century found that if Asia continues to follow its recent trajectory, by 2050 its per capita income could rise six fold in purchasing power parity (PPP) terms to reach contemporary European levels, making some 3 billion additional Asians affluent by current standards. "By nearly doubling its share of global gross domestic product (GDP) to 52% by 2050, Asia would regain the dominant economic position it held some 300 years ago, before the industrial revolution." [Asian Development Bank (ADB) 2011, p. 3].

Economic freedoms are seen by many as precursors to additional political freedoms. Whitehead has identified "how an almost universal wish to imitate a way of life associated with the liberal capitalist democracies of the core regions (the wish for modernity) may undermine the social and institutional foundations of any regime perceived as incompatible with these aspirations" (Whitehead 1996, p. 21). The great liberal hope for the region is that as China continues its phenomenal economic progress, a natural and inevitable by-product will be the emergence of a true Chinese civil society that in turn will press for political liberalization. Lowell Dittmer predicts "under such circumstances, previous experience suggests that a full-blown civil society—albeit still with distinctive Chinese cultural characteristics—is apt to emerge as quickly as bamboo shoots after a spring rain" (quoted in Nau 2002, p. 165). Zbigniew Brzezinski agrees, noting that: "It is impossible to envision a long-term process of increasing economic pluralism without the appearance of civil society in China that eventually begins to assert its political aspiration" (ibid).

East Asian governments have also, however, focused on national economic development for its own sake; for the potential benefit it can bring to national security, and for the well-being of the citizens of a country. The underlying assumptions are that improvements in the general economy will benefit all participants in that economy, and that economic policy, particularly government economic policy, should therefore focus on the general macroeconomic environment first and foremost. It is also associated with economic models which give tax breaks and other incentives to high-earning individuals and corporations in the hope that they will generate wealth for all either directly, or through a "trickle-down" effect. The concept of a "rising tide lifting all boats" can also be used however, about the supposedly "win-win" economic policies associated

with neoliberalism including liberalization of financial markets, privatization, fiscal austerity, deregulation, the enhancement of the role of the private sector, export-driven economic development measures, and the promotion of free trade (Howe 2016, p. 107). At various times, all governments in the region have pursued one or both policy agendas. Barry Buzan and Gerald Segal have coined the term "econophoria" in reference to economic governance prioritization in East Asia whereby the solution for all society's ills is sought through economic development and growth (1998, p. 103). Kenneth Christie and Denny Roy have also highlighted the prioritization of macroeconomic development in the region, noting that it "has assumed cult-like status" in East Asia (2001, p. 5).

Thus at first sight it would appear that East Asian "good governance" is on an upward trajectory. Yet good governance means different things to different people depending on their disciplinary, cultural, and organizational background. Indeed, it is an essentially contested concept with no single and exhaustive definition, nor a delimitation of its scope, that commands universal acceptance. From a neoliberal institutional perspective, good governance refers to efficiency in the provision of services and economic competitiveness, comparing ineffective economies or political bodies with viable economies and political bodies (Agere 2000, p. 1). For instance, historically, "the IMF's main focus has been on encouraging countries to correct macroeconomic imbalances, reduce inflation, and undertake key trade, exchange, and other market reforms needed to improve efficiency and support sustained economic growth" (IMF 1997). Likewise, the World Bank has emphasized that overall economic growth is crucial for generating opportunity, and that market reforms can be central in expanding opportunities for poor people assuming adequate mechanisms are in place to create new opportunities and compensate the potential losers in transitions (World Bank 2000, p. 7).

The World Bank further stresses, however, that "[a]ccess to market opportunities and to public sector services is often strongly influenced by state and social institutions, which must be responsive and accountable to poor people" (World Bank 2000, p. 7). Contemporary interpretations of good governance, as opposed to merely efficient governance, refer to that set of policy prescriptions and practices which prioritizes the interests of the most vulnerable sections of society, and to the belief that the most foundational interests of these individuals can be found in entitlement rights covered by the newly emerging human-centric

discourse in the fields of both security and development (Howe 2012, p. 347). These are the areas of governance where polities in East Asia experience the gravest challenges. In fact, all is not well in the region. Freedom House lists Indonesia, Japan, South Korea, and Taiwan as the only "Free" states in East Asia. The Economist Intelligence Unit finds only Japan to be a "Full Democracy" in the East Asian region, but adds Indonesia, the Philippines, South Korea, Taiwan, and Timor-Leste as Flawed Democracies. Polity IV considers Japan, and Taiwan to be "Full Democracies" with a score of 10, whereas East Timor (7), Indonesia (8), the Philippines (8), and South Korea (8) are considered "Democracies." The CIA World Factbook refers to Indonesia, Japan, the Philippines, South Korea, Taiwan, and Timor-Leste as democracies. Furthermore, as will be developed in this volume, there remain many governance challenges in all East Asian countries, including those perceived as democracies.

Perhaps more alarming are the apparent new trends and pressures contributing to authoritarian challenges to good governance in Asia. Buzan and Segal note, for instance, that while East Asian econophoria has contributed to remarkable patterns of economic growth, it has also seen the rise in importance of challenges to human well-being in both absolute and relative terms (Buzan and Segal 1998, p. 107). The generation of wealth can be used by elites to prop up their positions through patronage, as a form of palliative reform involving various economic freedoms, to divert the attention of society from political aspirations, and as an excuse for further violations of individual human rights. The state-building project has often been used to explain the need for democratic and humanitarian reforms to be delayed. The new angle on this perspective, however, identifies how liberal, humanitarian, democratic, self-determining and/or reformist forces, pose a threat to the state-building project, and therefore suppression of such forces can be justified.

The volume will be unique, therefore, in examining not only the most obvious instances of military domination of governance in the region (North Korea with its "Military First" philosophy, Thailand since the 2014 coup, and Myanmar with its long history of military rule), but also less well known examples of the influence of conflict legacies upon governance in Cambodia, East Timor, and Laos. It will evaluate the ongoing impact of structural impediments to democratic and human-centered governance in the region, but also the emergence of new reservoirs of power and resources for the forces of authoritarianism.

Chapter Outline

The first half of the book focuses on those case studies where the ongoing prioritization of the supremacy of the state is most apparent, where the central role of the military remains overt, and where the challenges of authoritarian structures and reservoirs of power to human-centered governance and well-being are primarily traditional in nature. It includes the paradigmatic case study of North Korea, the renewed military authoritarianism of Thailand, and the militarized and authoritarian legacies of post-transition Myanmar (Burma). The second half of the book examines the new authoritarian imperatives and disappointments of the supposed success stories of Cambodia, East Timor (Timor-Leste) and Laos (Lao PDR). Between them these six cases highlight not only the dangers of painting the whole region with the "East Asian Miracle" brush, but also the dangers of complacency regarding the inevitability of progress, or the "end of history" in the region.

In Chap. 2 Daniel A. Pinkston explores the complexities of governance in the Democratic People's Republic of Korea, which is of course neither democratic, nor governed in the interest of the people. Policies in North Korea such as *juche* (self-reliance) and *songun* (military-first), make this case study perhaps the most obvious example of the dangers of continued state-centric policy-making in East Asia. Furthermore, the acknowledged failure of these ideological foundations to produce what they promised for the citizens of North Korea itself could contribute to internal paranoia and insecurity as well as making North Korea a greater threat to its neighbors. Indeed, according to Brian Reynolds Myers, while North Korea's outward projection is "like a fascist's guess of what communist propaganda should look like," the inward self-perception is that "virtue has rendered them as vulnerable as children to an evil world" (2010). Paradoxically, in some ways it is the country's weakness rather than growing military that threatens the security of the neighborhood. Furthermore, the development of nuclear weapons and missile delivery systems, while posing a state security threat to the neighbors, also impose tremendous human security costs on the citizens of North Korea

Paul Chambers continues the military primacy theme in Chap. 3. This chapter examines authoritarianism in Thailand since the 2014 putsch as a challenge to good governance. It argues that any trends in Thai democratization have always been absorbed by the interests of Thailand's "parallel state," as led by the monarchy and military. This parallel state has

distorted democratic governance structures and ensured that monarchical elites (and those entwined with them) capture the commanding heights of the Thai polity, economy and society. Where elected politicians have governed, the monarchy and military have succeeded in remaining insulated from democratic control. When elected governments have challenged aristocratic interests, military rollback of democracy has occurred. The regularity of military coups, combined with severe political divisions in Thai society, has contributed to a political culture of acquiescence to military interference in Thai politics—when the king endorses it. This study explores Thailand as a country where neo-monarchism, persistent democratic rollback, the authoritarian usage of mega-projects for material gain, and acquiescent political culture have all helped elites to persevere in dominating the country at the expense of the collective needs of the people.

Myanmar (also known as Burma), is the third extensively militarized case study of this volume, and it is explored in detail by Alistair Cook in Chap. 4. Despite an apparent ongoing transition from military to civilian and democratic rule, culminating in the victory of the National League for Democracy (NLD) in 2015 elections generally regarded as free and fair, it remains, currently, a mixed system of civilian and military government. While the 2015 elections illustrated a commitment to the inclusion of political opposition in taking the reins of government, with the international election monitors' stamp of approval, the formal role of the military remains intact. Cook identifies three significant challenges to achieving human-centered governance in Myanmar: (1) trust-building with the military to cede power and oversight to those democratically elected to implement the platform of change upon which they were elected; (2) building bureaucratic capacity to fulfill election promises and establish the rule of law at the national and local levels; and (3) developing an effective and united National League for Democracy party to effectively oversee parliamentarians under the NLD banner to implement its election promises. He concludes that the military's enduring political and economic dominance, and the structural weakness of political parties, mean that there are few reasons to suspect the transition to democracy will be complete in the near future, and that any transition to a more human-centered form of government will be incremental in nature.

In Chap. 5, Sorpong Peou examines the case of illiberal coalitions versus liberal aspirations in Cambodia. He notes that despite substantial international investment in the process of governance in Cambodia,

initial grounds for optimism, and a number of elections, it is fair to say that the political opposition has been kept at bay and may even grow weaker in the face of political repression. Civil rights in Cambodia remain limited, some civil liberties have also been suppressed, crackdowns often turn violent, and the elites look to assert control over civil society actors by seeking to keep them either weak or subordinate to elite interests. Alternative avenues of power, authority, and influence, such as Buddhist organizations, the judiciary, the military, economic interests, and international actors, have effectively been co-opted by the leadership. Peou acknowledges that Cambodia is not in fact a one-party state, but is effectively under the control of a single, unified, elite grouping.

Chapter 6 assesses the other case of apparently successful United Nations intervention and state-building in the region, East Timor (also known as Timor-Leste). Yuji Uesugi examines the inherent dilemma, that the UN executive authority was not at all "democratic" or "liberal," because there was little room for the voices of the local inhabitants. The UN remained involved as an advocate and a guarantor of liberal democracy in Timor-Leste, by identifying the country as a fragile state, but often at the expense of undermining the local ownership and encroaching national sovereignty. At the same time, Timorese leaders shared "indigenous" authoritarian traits and in some cases a militarized mind-set from the independence struggle. In other words, the autocratic methodology of post-conflict international peacebuilding contributed the emergence of a neo-authoritarian regime in Timor-Leste.

Lao People's Democratic Republic (Lao PDR), constitutes the final case study in this volume. In 2013 Laos joined the World Trade Organization, is now ranked a lower-middle income economy by the World Bank, with a GNI per capita of $1730 in 2015, and is one of the fastest growing economies in the East Asia and Pacific region, averaging over 7% GDP growth per annum over the last decade (World Bank 2016). Kearrin Sims notes in Chap. 7, however, that also in 2015, it was ranked 141 of 185 countries in the United Nations Development Programme (UNDP) Human Development Index, with an average life expectancy at birth of only 66.2 years. He seeks in this chapter therefore, to contribute to the problematizing of "smooth transition" narratives by bringing attention to the relationship between persistent socioeconomic challenges and Lao PDR's poor track record on human rights and democratic reform. Specifically, he challenges the "economism" or "econophoria" perspectives by arguing that (1) privileging

economic growth over political freedom is a threat to sustainable poverty-alleviation, (2) the common myth that economic liberalization will lead to democratic reform is unlikely to materialize in Lao PDR and (3) attempts by foreign donors to "render technical" or "depoliticize" complex, politically-informed, socioeconomic inequalities have served to bolster a regime that is responsible for intolerable human rights abuses. In other words, new developments have bolstered rather than undermined authoritarianism.

The concluding discussion will seek to bind together the analysis of these case studies, highlighting the extent to which, despite all the progress and talk of an Asian Century, human-centered governance in East Asia remains profoundly challenged by the state-centric role of the military, historical authoritarian legacies, and new authoritarian trends.

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CHAPTER 2

Kimism in Sŏn'gun Korea: The Third Generation of the Kim Dynasty

Daniel A. Pinkston

Abstract North Korea is considered the world's most autocratic country. Established in 1948, the DPRK is now governed by the third generation of the Kim family regime. Kim Il-sung, Kim Jong-il, and Kim Jong-un have utilized institutions and ideology to consolidate power. Each period of power consolidation has been marked by extensive purges and the reduction of the winning coalition. Repression is exercised through the ruling party, the military, the state, and mass organizations, which have prevented the development of civil society. State projects, particularly the nuclear program, reward the winning coalition but result in poor governance and opportunity costs borne by the North Korean people.

Keywords North korea · Chuch'e (ideology) · *Sŏn'gun* · Military first

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Introduction

The Democratic People's Republic of Korea (DPRK or North Korea) is considered one of the most autocratic countries, if not the most autocratic country, in the world (Economist Intelligence Unit 2017; Puddington and Roylance 2017). When Korea was liberated from Japanese colonial rule in 1945, Kim Il-sung, the young leader of a small band of anti-Japanese guerillas, parlayed Soviet support and personal skills into what later would become an "almost perfect dictatorship" that has effected two dynastic leadership successions. Kim Jong-un, representing the third generation of the Kim family cult, now has consolidated his power and appears to have eliminated any potential challengers to his rule.

Some authoritarian regimes have introduced liberal economic reforms or have relaxed political control without giving up power, but in the North Korean case there is no sign of political liberalization. The political science literature has explored a "new type of authoritarianism" whereby autocratic leaders grant opposition parties and societal groups limited space to operate, but the Kim family regime has not compromised on its political and social control. On the other hand, "hybrid systems" representing the "new authoritarianism" hold elections and permit limited deliberation in legislative bodies, while also permitting some media presence and social media activities. This limited competition can be viewed as a mechanism for distributing rents (Wintrobe 1998), an effort to broaden mass support for the government (Gandhi and Przeworski 2007; Myerson 2008), or a channel for the regime to elicit information (Magaloni 2008). Myanmar is a recent example of partial liberalization (Cook Chap. 4), and even nominally communist China and Vietnam have elements of semi-competitive hybrid systems (Shirk 1993).

All political leaders—both democrats and autocrats—need a minimal base of support to seize and maintain political power. However, their methods for building their coalitions are different; democrats stand for free and fair elections, and they tolerate an opposition. On the other hand, autocrats do not tolerate an opposition; they use force or the threat of the use of force to construct a winning coalition. Members of the autocrat's coalition have an incentive to delegate authority to a single individual to surmount collection action problems. However, the bargaining process is beset with credible commitment problems as well as the control of coercive instruments and assets that are needed

to buy loyalty. Finally, autocratic regimes are often roiled by the dictator's incentive to reduce the size of its coalition to increase the share of rents for each member (Wintrobe 1998; Bueno de Mesquita et al. 2003; Bueno de Mesquita and Smith 2011).

The Kim dynasty offers a case study in the establishment of an anachronistic neo-monarchy with showcase state projects that not only result in poor governance and the misallocation of scarce resources, but also threaten international peace and security. This chapter examines how the Kims rose to power and consolidated their rule to establish a personalistic family dictatorship along with its project to construct a Korean "nuclear state." In the process of seizing and consolidating power, Kim Il-sung, Kim Jong-il, and Kim Jong-un all began with a relatively broad coalition of support, but over time each Kim reduced the size of his winning coalition through purges that were effected by manipulating ideology, and by creating and transforming institutions.

Background and the Rise of Kim Il-Sung

The DPRK was established in 1948 as a social reconstruction project to replace Japanese colonialism (1910–1945) and the Chosŏn dynasty (1392–1897). The result is a regime that exhibits all the characteristics of a totalitarian system: a charismatic leader, a single party, myths surrounding the nation and the leadership, an official ideology or belief system, and well-developed institutions to reward regime loyalists, and to deter and punish regime enemies—real or perceived (Friedrich and Brzezinski 1965). Kim Il-sung, an anti-Japanese guerrilla fighter, was instrumental in transforming a Soviet proto-satellite state into the world's most authoritarian system.

During the 1930s, Kim Il-sung led a group of guerrilla fighters in Manchuria, commanding about 200–300 men against the Japanese (Kim 1932; Minnich 2005; Buzo 1999; Cumings 2004, pp. 103–127). However, by the winter of 1940–1941, Japanese counter-insurgency operations pushed Kim and his cohorts into the Soviet Far East where Kim was integrated into the Soviet Army's 88th Special Brigade. While Kim was in exile, he was unable to participate in the Korean domestic communist movement, which had moved underground due to Japanese surveillance and repression. During the colonial period, Korea had a provisional government located in Shanghai and later in Chongqing, but upon liberation in August 1945, Korean nationalists in Korea formed

the Committee for the Preparation of Korean Independence. At the same time, numerous political groups sprung up around the country as Soviet and American occupation forces were deploying to the peninsula (Cumings 1981, pp. 68–100).

Four days after the atomic bombing of Nagasaki, Soviet troops crossed into northeastern Korea to occupy the area around the port of Rajin. When Japan surrendered on August 15, Douglas MacArthur, Supreme Commander of Allied Forces of the Pacific, issued General Order No. 1, which addressed the surrender of the Japanese military in Korea. The order provided for a temporary Soviet occupation of the area north of the 38th parallel, while the US military occupied the area south of the 38th parallel.

Kim Il-sung did not arrive in Korea until September 19, 1945, aboard a ship in Wŏnsan harbor on the east coast. The following day, Stalin issued an order to establish a central administrative authority and to support the establishment of party organizations. That work began in October, but the Korean Communist Party (朝鮮共産黨) already had been established in Seoul on September 11, 1945, by domestic communists in the South under the leadership of Pak Hŏn-yŏng. Therefore, the Soviet military authorities convened a meeting in October with communist figures in the North and established the "Northern Branch of the Korean Communist Party." In December, the name was changed to "North Korean Communist Party (NKCP)" with Kim Il-sung as a secretary; however, the first secretary position went to Kim Yong-bŏm (Chŏng 2011, p. 75; KINU 2016, pp. 27–28).

For Kim Il-sung, Soviet support was important for obtaining an appointment as a secretary of the NKCP. Kim was only 33 years old and the leader of what appeared to be the weakest faction, the Ppalch'i-san group of guerrilla fighters. Kim's faction had to compete against four main domestic factions as well as the Soviet faction and the Chinese-supported Yŏnan faction. In August 1946, the NKCP merged with the New Democratic Party (新民黨) to form the North Korean Workers Party (北朝鮮動黨) (Han 2011, p. 56)[1] as part of a "united front" to co-opt noncommunist nationalists. Stalin felt that a strong party would be necessary to guide the establishment of a new state, so he decided that Kim Tu-bong, a senior member of the Yŏnan faction, should lead the party (KINU 2016, p. 28). In the South, the Korean Communist Party merged with the Korean People's Party and the South Korean new Democratic Party to form the South Korean Workers Party in November

1946. The two parties then merged to create the Korean Workers Party in June 1949 (Chŏng 2011, p. 75; KINU 2016, pp. 76–78).

As the various political factions were jockeying for position in Pyongyang, Kim sent guerrilla loyalists into the provinces to support networks with workers, farmers, and intellectuals, and to build capacity in what later would become the mass organizations, which still play an important role in the regime's control of society (Han 2011, pp. 56–57). Membership in the four main mass organizations is mandatory for essentially all North Korean citizens. The four main mass organizations are the Kimilsungist-Kimjongilist Youth League, the General Federation of Trade Unions of Korea, the Union of Agricultural Workers of Korea, and the Socialist Women's Union of Korea (Song 2004; KCNA 2016a, b). These organizations serve as a "non-state and nonparty transmission belt" for indoctrination and to provide party discipline for nonparty members in society. North Korea's mass organizations have prevented the emergence of any civil society that could aggregate and channel the interests of North Korean citizens.

In the realm of interim proto-state institutions, the North Korean Provisional People's Committee (北朝鮮時人民委員會) was established in February 1946 with Kim as chairman (KINU 2016, p. 28).[2] From this position, Kim maneuvered into the position of cabinet premier when the DPRK was established in September 1948 (Han 2011, pp. 57–59). Using the Soviet Union as a model, the North adopted many populist reforms that were broadly embraced by the public including a land reform that broke up large land holdings, as well as laws for labor standards and gender equality. In June 1946, the North Korean Provisional People's Committee also adopted an election law that would determine the way elections were held in August 1948, just before the official establishment of the DPRK (Chŏng 2011, p. 75; KINU 2016, p. 83). The rigged elections that followed surpassed Lenin's innovative method of expanding the nominal selectorate as much as possible by holding elections for Supreme People's Assembly (SPA) seats to represent the South even though Koreans south of the 38th parallel could not cast ballots. On August 24, 1948, a meeting was held in the North to elect 360 SPA members for the South. The following day, elections were held in the North for 212 SPA members. The reported voter turnout in the North was 99.97%, and the candidates were approved by 98.49% (Chŏng 2011, p. 84).

According to selectorate theory, the likelihood of political survival in autocracies is enhanced if the nominal selectorate is large and the winning coalition is small, subject to the constraint of the leadership's available assets to pay off its winning coalition of supporters in exchange for loyalty. Politicians have designed ingenious methods to artificially expand and shrink the size of the selectorate and the potential winning coalition. Historically, these constructs have been based on attributes such as birthplace or lineage; special skills, beliefs, or knowledge; wealth; and gender or age (Bueno de Mesquita et al. 2003, pp. 43–49). With democratization, the trend has been to expand both the selectorate and the potential members who could be part of a winning coalition. If the winning coalition is large, as in a democracy, the leadership generally is unable to deliver private goods to so many coalition members. Therefore, democrats are forced to compete in the realm of public policy and the delivery of public goods. Autocracies, on the other hand, have devised methods to shrink the winning coalition while erecting difficult entry barriers for anyone wishing to join it. Therefore, autocratic dictators can remain in power with a winning coalition that represents a very small portion of the population or nominal selectorate (Bueno de Mesquita et al. 2003; Bueno de Mesquita and Smith 2011).

In the North Korean case, the nominal selectorate is all voters, or practically all adult citizens, but those with a realistic chance of being part of the winning coalition is very small. Since the leadership only needs to reward the winning coalition to remain in power, it can provide private goods to the members of the winning coalition. When the DPRK was founded, the winning coalition included the Kim Il-sung's Ppalch'i-san faction along with the other factional groups that had formed a united front under Soviet tutelage. Over the next 20 years, Kim continuously purged his rivals to consolidate his personalistic dictatorship.

In 1948, members of Kim's rival domestic and Yŏn'an factions held most of the positions in the cabinet and the Supreme People's Assembly (SPA). However, Kim's faction was predominant in the security services, including the Ministry of People's Security and the KPA. The Soviet faction also held a significant number of positions in the KPA as it was being built up into a modern military force (Han 2011, pp. 57–59). Kim's partisans along with Soviet advisers made up the core of the military training schools and facilities that were created prior to the KPA's official establishment in February 1948 (KINU 2016, p. 29; Chŏng 2011, pp. 78–80).

Early on, Kim and his loyalists took aim at rivals, accusing them of "regionalism" and "factionalism." However, the setbacks in the Korean War gave Kim the pretext to launch methodical purges to eliminate potential challengers. In December 1950, at the Third Plenum of the KWP Central Committee, only weeks after the Chinese People's Volunteers entered the war to save the KPA from certain defeat, Mu Jŏng, a KPA commander and senior Yŏnan faction leader, was purged for the North's collapse and retreat. During the Fourth Party Central Committee Plenum in November 1951, Kim purged Hŏ Ga-ŭi of the Soviet faction. With the Yŏnan and Soviet factions neutralized, Kim turned his attention to his domestic rivals, purging Pak Hŏn-yŏng at the Fifth Plenum in December 1952 for being an "American spy" among other charges (Chŏng 2011, pp. 86–87). Pak had been the leader of the South Korean Workers Party prior to the merger, and he served as Vice-Premier and Foreign Minister. Pak's fate was sealed when he had promised that a people's insurgency in the South would bring certain victory in the war, but it failed to materialize.

The Kim regime also developed an ideology on its path to power consolidation. Over time, state ideology has been modified, particularly by Kim Jong-il to ensure dynastic succession. In December 1955, Kim Il-sung introduced the term *chuch'e* for the first time in a speech before KWP agitation and propaganda workers (Kim Il Sung 1955). The term did not become common until about a decade later when Kim needed an ideology as an instrument in support of his final mass purges for the establishment of an extraordinary personality cult (Myers 2015). But first, Nikita Khrushchev's "secret speech" in February 1956 sent shockwaves throughout the communist world, including Pyongyang. Khrushchev's criticism of Stalin's excesses emboldened some within the KWP to criticize Kim and to suggest reforms for collective leadership. While Kim was visiting Eastern Europe from June 1 to July 19, 1956, a group of pro-Soviets North Koreans took action to criticize Kim for his personality cult and leadership style. They confronted Kim when he delivered his trip report during a KWP Central Committee meeting on August 30. The anti-Kim group had even garnered support from the Soviet ambassador to Pyongyang while Kim was away, but their anti-Kim movement failed and they were purged (Chŏng 2011, pp. 88–89).

The second half of the 1950s resembled Stalin's purges in the 1930s. Terror gripped society as all KWP identification cards were replaced between late 1956 and early 1957. On May 30, 1957, the Standing

Committee of the KWP Central Committee issued a directive to "reinforce the struggle against counter-revolutionary elements" (Chŏng 2011, p. 89). This directive also marked the beginning of the *sŏngbun* social stratification system that classifies citizens into three main groups: Kim loyalists, wavering, and hostile (Collins 2012, p. 14; Han 2011, pp. 92–96).

The 1950s purges also extended to the KPA. After MacArthur's Inch'ŏn landing and the swift KPA retreat during the war, the KWP established the KPA General Political Bureau (GPB) to monitor KPA units to ensure compliance with party policy directives (Chŏng 2011, p. 86). But in March 1958, the KWP Central Committee held a full meeting and purged GPB Director Ch'oe Jong-kak and hundreds of his subordinates. By the end of the decade, Kim had eliminated all challengers in the party, the military, and state institutions. Purges also occurred in the mass organizations to ensure that Kim's directives were implemented throughout society (Song 2004). Kim effectively had established a personalistic dictatorship with a winning coalition restricted to his small group of Ppalchi'i-san guerrilla comrades (Collins 2012, p. 14; Chŏng 2011, p. 89). This period was also marked by the rapid collectivization of agriculture and the nationalization of industries. Given the migration of many landlords and business owners to the South in the wake of the war, the regime did not face the kind of resistance that most other socialist regimes encountered. In August 1958, the DPRK announced that "socialist reconstruction" had been completed, and that the regime would promote the "Three Great Revolutions in Ideology, Technology, and Culture" in the struggle to build socialism in every aspect (Chŏng 2011, p. 97).

Once Kim had liquidated the Yŏnan and Soviet factions, he sought greater autonomy from Soviet and Chinese influence over North Korea's foreign policy. Subsequently, various terms synonymous with independence and self-reliance began to emerge in state policy guidelines. In December 1956, "self-reliance in the economy (經濟에서의 自立)" appeared during a Central Committee meeting to approve the 5-year economic plan as war reconstruction aid from the Eastern Bloc was in decline. In December the following year, "independence in domestic politics (政治(內政)에서의 自主)" emerged during the Central Committee meeting in the wake of purges against the Yŏnan and Soviet factions. In 1962, following the Cuban Missile Crisis, Pyongyang felt the Soviets had abandoned Cuba, which gave rise to "self-preservation

in national defense (國防에서의 自衛)." And in 1966, the term "independence in foreign policy (政治(外交)에서의 自主)" emerged in North Korea's political discourse (KINU 2016, pp. 35–36). This discourse reflects the DPRK leadership's consistent view that regime survival can only be guaranteed through self-help, which is the justification for the DPRK nuclear and missile programs.

In the second half of the 1960s, Kim Il-sung's rivals and potential challengers had been eliminated, but the regime had to consider the problem of succession. Kim was only in his 50s and appeared to be in good health; he lived until 1994 and reached the age of 82, so this was the early stage of succession politics. Kim Yŏng-ju, Kim Il-sung's younger brother, initially was considered a potential heir. Kim Yŏng-ju was born in 1920 and held several senior positions commensurate with those of a successor. In 1960, he was appointed director of the KWP Organization and Guidance Department (OGD), and in 1966 he became an alternate member of the Politburo and a secretary in the secretariat. He became a full member of the Politburo in December 1969 (MOU 2015, p. 121).

In 1967, Kim Yŏng-ju drafted the "Ten Great Principles of the Establishment of the Unitary Ideology System" (당의 유일사상체계 확립의10대 원칙 or "Ten Great Principles") that were later used by Kim Jong-il as a critical instrument for dynastic succession (Chŏng 2011, pp. 90–91). The 10 Great Principles are more important in the daily lives of North Korean citizens than the KWP Bylaws, Constitution, or any statues. Citizens must memorize them and regurgitate them at their workplace and during weekly indoctrination sessions with party cells or with mass organization meetings. Life in North Korea is said to be impossible without knowing and reciting the principles (Chŏng 2011, pp. 90–91, 102–105). The 10 Great Principles extol Kim Il-sung as a near deity and provide guidelines for the values and behavior of North Koreans. When they were publicized at the behest of Kim Jong-il in 1974, the principles also included 65 directives. The 10 Great Principles are as follows:

1. Struggle with all your life to paint the entire society the single color of the Great Leader Comrade Kim Il-sung's revolutionary thought. It is considered the highest doctrine of our party to paint the entire society the single color of the Great Leader's revolutionary thought, and a higher level of task is to construct our party's unitary ideology system.

2. Respect and revere highly and with loyalty the Great Leader Comrade Kim Il-sung. Highly revering the Great Leader Comrade Kim Il-sung is the noblest duty of the revolutionary warriors who are endlessly loyal to the great leader. Within this lies the glory of our nation and the eternal happiness of our people.
3. Make absolute the authority of the Great Leader Comrade Kim Il-sung. Affirming the absolute nature of the Great Leader Comrade Kim Il-sung's authority is the supreme demand of our revolutionary task and the revolutionary volition of our party and people.
4. Accept the Great Leader Comrade Kim Il-sung's revolutionary thought as your belief and take the Great Leader's instructions as your creed. Accepting the Great Leader Comrade Kim Il-sung's thought as one's own belief and taking his instructions as one's creed is the most crucial element requested for one to become an endlessly loyal *chuch'e* communist warrior. It is also a precondition for the victory of our revolutionary struggle and its construction.
5. Observe absolutely the principle of unconditional execution in carrying out the instructions of the Great Leader Comrade Kim Il-sung. Unconditionally executing the Great Leader Comrade Kim Il-sung's instructions is the basic requisite for proving loyalty towards the Great Leader, and the ultimate condition for the victory of our revolutionary struggle and its establishment.
6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Comrade Kim Il-sung. The steel-like unity of the party is the source of the party's invincible power, and a firm assurance of the victory of our revolution.
7. Learn from the Great Leader Comrade Kim Il-sung and master communist dignity, the methods of achieving revolutionary tasks, and the people's work styles. Learning the Great Leader Comrade Kim Il-sung's communist dignity, the methods of achieving revolutionary tasks, and the people's work styles are the divine duties of all members of the party and workers, and the prerequisite for fulfilling the honorary fate of revolutionary warriors.
8. Preserve dearly the political life the Great Leader Comrade Kim Il-sung has bestowed upon you, and repay loyally with high political awareness and skill for the Great Leader's boundless political

trust and considerations. It is our highest honor to have bestowed upon us political life by the Great Leader Comrade Kim Il-sung and repaying his trust loyally can lead to a bright future for our political life.

9. Establish a strong organizational discipline so that the entire Party, the entire people, and the entire military will operate uniformly under the sole leadership of the Great Leader Comrade Kim Il-sung. Establishing a strong organizational discipline is the essential requirement to strengthen the party's collective ideology, leadership, and its combat power. It is also a firm assurance for the victory of our revolutionary struggle and its establishment.
10. *The great revolutionary accomplishments pioneered by the Great Leader Comrade Kim Il-sung must be succeeded and perfected by hereditary succession until the end* (italics added). The firm establishment of the sole leadership system is the crucial assurance for the preservation and development of the Great Leader's revolutionary accomplishments, while achieving the final victory of the revolution.

In the late 1960s, Kim Jong-il became active in the establishment of a personality cult surrounding his father. On the surface, those activities are consistent with Korea's long-standing neo-Confucian traditions of the Chosŏn dynasty, so it would have been difficult to criticize Kim Jong-il's demonstration of filial piety towards his father. However, the activities also were self-serving in support of Kim Jong-il's ambition to become the country's second Great Leader.

Dynastic succession, while common in monarchies, was antithetical to the principles of orthodox Marxism-Leninism. To execute a dynastic succession, the Kim family had to distance itself from the foreign ideology of Marxism-Leninism, but it could not return to the Chosŏn dynasty's flunkeyism of "serving the great (事大主義)" that structured Korean international relations during the East Asian world order (Kang 2010; Kim 1980). This problem was resolved by creating a new ideology to replace Marxism-Leninism to apply socialism "creatively for the unique Korean revolution."

Kim Il–sung is credited with the creation of *chuch'e* thought or ideology, but party secretary Hwang Jang-hyŏp was responsible for the term's selection and insertion into Kim's December 1955 speech (Kim Il Sung 1955), but Vice-Premier Kim Ch'ang-man referenced the term in the

early 1960s more than Kim Il-sung did. However, Kim Ch'ang-man was purged in early 1966 along with the remainder of the Kapsan faction (Myers 2015, pp. 87–95). However, from around 1970, Kim Jong-il began to build up *chuch'e* as an ideology worthy of extreme praise in honor of his father.

Kim Jong-il generally is chided in the West as a stuttering misfit, a drunkard who wore lifts in his shoes to boost his short stature. He was well known for his movie collection, and foreign media often described him as someone who would rather have been a movie director if his father had not forced him to take over the family business. This depiction is far from the truth. Of course, he needed his father's approval to be chosen a successor, but Kim Jong-il's activities and the pursuit of power were most critical.

Kim Jong-il's career path was well planned; he did not stumble into leadership after failing to become a movie director. After graduating from Kim Il-Sung University in 1964, Kim was given a position in the OGD where he learned the backgrounds of senior cadres and how to monitor their "party life" activities. In 1966, Kim was assigned to the General Guard Department (護衛總局), which is now the Guard Command (護衛司令部), and the equivalent of the US Secret Service but with an estimated 100,000 personnel serving as the regime's bodyguards (Ko 2008). In 1967, Kim was appointed the head of a department in the party's Propaganda and Agitation Department, and he was Vice-Director of the whole department (MOU 2017). By this time, Kim Jong-il was actively engaged in the regime's internal security affairs as he began to exert control over the arts, film, literature, and propaganda so that they all would reflect the unitary ideology and ultimately the dynastic succession.

At the Fifth Party Congress in November 1970, the party bylaws were revised to declare that the KWP would be guided by Marxism-Leninism and Kim Il-sung's *chuch'e*, "the creative application of Marxism-Leninism to the reality of Korea" (Myers 2015, p. 111; KINU 2016, p. 36). In 1972, the DPRK Constitution was revised for the first time to mark Kim Il-sung's 60th birthday, or "hwan'gap," which is the fifth cycle of the 12-year Chinese zodiac and traditionally considered an important milestone. Children express filial piety for this occasion, and Kim Jong-il used the propaganda resources at his disposal to build monuments and elevate his father to the status of a near-deity. The Constitution created a new position of President for Kim Il-sung, a title he still holds posthumously.

Kim Jong-il's work to glorify his father was rewarded with more promotions and responsibilities. In October 1972, Kim became a member of the KWP Central Committee. And the following year, he was assigned concurrent positions as director of the Propaganda and Agitation Department, head of the Three Revolutions Movement, and director of the ODG (MOU 2017). After passing the test in those positions, Kim formally was designated as Kim Il-sung's successor in February 1974. To dissuade or crush any challengers, the Politburo met on August 8, 1977, and issued a directive giving the OGD broad powers to investigate and exert control over General Political Bureau officers in the KPA. And in February 1979, the KWP CC Military Committee delegated broad authority to Kim Jong-il over working-level military decisions or affairs (Chŏng 2011, p. 106).

At the Sixth Party Congress in October 1980, Kim Jong-il was officially unveiled as his father's successor. After having cleared of all domestic obstacles, it was finally time to obtain foreign recognition of the dynastic succession, especially from the communist world. Beijing and Moscow did not welcome the news of succession plan, but relations with North Korea changed considerably when the Cold War ended. In May 1990, the SPA elected Kim Il-sung Chairman of the National Defense Commission (NDC) and Kim Jong-il as First Vice Chairman. And in December 1991, the KWP Central committee elected Kim Jong-il as KPA Supreme Commander, separating the function of DPRK President and Commander of the armed forces. The Constitution was revised in April 1992 to reflect this change by naming the NDC Chairman as the Commander of the nation's armed forces (Chŏng 2011, pp. 115–116). The 1992 Constitution also removed all references to Marxism-Leninism and inserted "*chuch'e*" as the guiding principle of the state.

Following Kim Il-sung's death in July 1994, the country entered a 3-year period of mourning, which had been customary for family members during the neo-Confucian Chosŏn period. However, this period was also marked by a famine and breakdown in state control (Haggard and Noland 2009). Many analysts predicted regime collapse given the extreme food insecurity and the delay in Kim's official anointment as the new leader. Kim ruled through his position on the Politburo Standing Committee and as the party's organization secretary (head of the OGD), in addition to his position as NDC Chairman, before he was elected as KWP General Secretary in October 1997 (Chŏng 2011, pp. 122–123).

The transition period marked the introduction and evolution of the concept "military first (先軍)," which first was referenced as "military first politics (先軍政治)." Military first politics refers to a type of governance or public administration that emphasizes military security. The North Korean literature extols the contributions of Kim Jong-il and his realization that military capabilities are necessary to complete the socialist revolution. The literature asserts that Kim and the DPRK had to turn to military first politics because of the deteriorating international environment after the collapse of socialism in the Soviet Union and Eastern Europe (Kim In-ok 2003; Kim Bong-ho 2004; Chŏn 2004). In recent years, "military first" has been elevated to the status of a new ideology (Pak et al. 2009).

In 1998, the DPRK Constitution was revised to reflect the state institutional changes commensurate with Kim Jong-il's status as an official leader. Kim Il-sung was declared "eternal President of the DPRK" and the NDC was elevated to be the highest state institution for managing state affairs. Therefore, the NDC Chairman nominally was the head of state. In contrast to his father, Kim Jong-il did not begin to consider succession plans well in advance. However, Kim could no longer avoid the issue after he suffered a stroke in August 2008. Kim decided to select his third son shortly thereafter, and the decision was relayed through the internal KWP bureaucracy on January 8, 2009, which is believed to be Kim Jong-un's 26th birthday (International Crisis Group 2012).

Preparations for succession accelerated in the spring with a constitutional revision to give the NDC broader powers in case Kim Jong-il could no longer rule. In April 2009, North Korea attempted to launch a satellite into orbit and failed, but conducted its second nuclear test the following month. Also in April, North Korea embarked upon a 150-day "speed battle" to increase labor inputs with the intention of generating more economic output at the behest and command of Kim Jong-un. By the end of 2009, internal security institutions and the KPA General Political Bureau were reporting to Kim Jong-un (International Crisis Group 2012).

On September 27, 2010, Kim Jong-il promoted his son to four-star general, and the following day the KWP convened its Third Party Conference, the first since October 1966. The last Party Congress was held in October 1980, so the party conference was the first full meeting of the party in 30 years. Many party positions had become vacant through attrition, which naturally enabled Kim Jong-il to shrink his

winning coalition. Now Kim needed a broader base of support to ease the second dynastic succession. The Third Party Conference elected Kim Jong-un to the Central Committee and Vice Chairman of the Central Military Commission (International Crisis Group 2012).

The year following Kim Jong-un's selection as successor at the Third Party Conference, Kim began to accompany his father more frequently during on-site inspections (Kim Kwang-tae 2011), just as Kim Jong-il had done while Kim Il-sung was still in power. Purges were rumored to occur during the summer of 2011 to put Kim Jong-un loyalists into important government positions down to the provincial level (Jeong Jae Sung 2011). On October 8, 2011, Kim Jong-il reportedly left a last will and testament that declared Kim Jong-un should assume supreme command of the KPA (KCNA 2011). Kim Jong-un's first leadership position was KPA supreme commander, but he was elected "first secretary of the KWP" at the Fourth Party Conference in April 2012 (KCNA April 11, 2012a). The conference also declared that Kim Jong-il would be "held in high esteem as eternal general secretary of the KWP" (KCNA April 11, 2012b).

On April 13, 2012, the Supreme People's Assembly convened to elect Kim Jong-un as the "first chairman" of the NDC (KCNA April 13, 2012a), and to declare Kim Jong-il as the "eternal NDC chairman" (KCNA April 13, 2012b). While prominent Kim family loyalists were appointed to high-level KWP and state positions according to Kim Jong-il's wishes, Kim Jong-un wasted no time in using his powers of appointment and promotion. For example, on February 15, 2012, one day before his father's birthday, Kim Jong-un issued an order for the promotion of 23 general officers (KCNA February, 2012e).

While Kim was promoting some generals, he was purging others. Mimicking Stalin's great purges of the Soviet military in the 1930s, Kim called a Politburo meeting on a Sunday in July 2012 to suddenly dismiss Vice Marshal Ri Yong-ho, the chief of the general staff, and one of the eight escorts in Kim Jong-il's funeral procession (Herman 2012). Ri was never heard from again, but Kim also began frequent purges or rotations of senior military leaders, including the dismissal and execution of General Hyŏn Yŏng-ch'ŏl, Minister of the People's Armed Forces (Pinkston 2015). In sum, Kim Jong-un quickly seized control of the military and security apparatus, and has relied upon the institutions of the party, military state, and mass organizations bequeathed by his father and grandfather. Kim also has demonstrated his ruthlessness on several occasions when wielding the powers of repression.

Kim's reign of terror was in full force in November 2013 when Chang Sŏng-t'aek, Kim's uncle by marriage, was arrested and executed after a public show trial reminiscent of Kim Il-sung's purges in the 1950s (Lankov 2013). Chang was married to Kim Kyŏng-hŭi, the younger sister of Kim Jong-il. Chang's sudden execution took many analysts by surprise because of his marriage to Kim Kyŏng-hŭi, even though he had been purged and subsequently rehabilitated during the reign of Kim Jong-il. Chang was known as an economic pragmatist or technocrat who had been responsible for much of North Korea's trade with China. It's uncertain whether Chang was too greedy and miscalculated, or whether Kim Jong-un sought to wrest the assets under Chang's control. Nevertheless, Kim did seize those assets to support control of his dictatorship, while at the same time sending a clear signal that no one in North Korea is safe from Kim Jong-un's wrath. Foreign analysts debated whether Chang's purge was a sign of instability, or a sign of Kim Jong-un's firm control. There has been no resistance since Chang's execution, and Kim Kyŏng-hŭi has disappeared so it appears Kim Jong-un has eliminated potential challengers.

The adept utilization of punishments and rewards are the direct tools for Kim Jong-un as he has constructed and maintained his winning coalition. However, Kim Jong-un also employs state projects to cultivate a sense of national pride, and to employ some of the critical actors—such as those responsible for the missile and nuclear programs—in Kim's winning coalition. The Kim Jong-un regime has promoted projects such as amusement parks and a new ski resort, but the nuclear and missile programs are very costly for the North Korean people. The opportunity costs of these programs are greater than the expenditures diverted to the programs because these activities have brought North Korea under economic sanctions and international isolation.

Since coming to power, Kim Jong-un has accelerated the pace of missile and nuclear development, having presided over three nuclear tests and a greater number of missile flight-tests compared to his father's regime. As of this writing, North Korea appeared to be preparing for a sixth nuclear test at the Punggye-ri nuclear test site (Bermudez and Liu 2017). North Korea also has accelerated its activities to develop new missile systems, including a road-mobile ICBM and a submarine-launched ballistic missile (SLBM) system. The Kim regime also has tested a new

solid-fueled mobile missile based on the SLBM design. These activities are consistent with the regime's *chuch'e* and *sŏn'gun* (military first) ideologies, as well as Kim Jong-un's *pyŏngjin* line, which calls for the simultaneous development of nuclear technologies (both military and civilian) and the national economy.

The Kim Jong-un regime remains committed to "completing the revolution in the South" and sustaining the nuclear and missile programs despite the opportunities costs borne by the North Korean people. The regime narrative is that nuclear weapons are necessary for three important state objectives: national defense, economic development, and respect from the international community. While North Korea has shown some interest in marginal changes in economic policies, such as the reduction in the size of work teams or the establishment of special economic zones that permit more international transactions, the regime remains committed to an inward-looking system that remains relatively closed except for a small number of regime elites. Nuclear weapons and their delivery systems have become so embedded in the regime's ideology and state identity that it is difficult to imagine the regime abandoning these programs without a revolutionary change in thinking, identity, and policy. Until then, the North Korean people will pay a high price for the Kim regime's autocratic governance.

The thorough penetration of North Korea's mass organizations in addition to the state's monitoring and surveillance capabilities have made it impossible for civil society to develop. State control of media and information technologies is an insurmountable obstacle for citizens who wish to express any views that diverge from the ruling party's official line. Party and state intuitions have been designed to ensure the "dictatorship of the proletariat" and "democratic centralism" with North Korean characteristics, which means "our style socialism" guided by a one-man dictatorship under the Kims. The third generation of Kim leadership has continued the program of state projects centered on rent-seeking in support of the regime's winning coalition of supporters, and accelerated its program to become a full-fledged nuclear state. Under the Kim family regime, North Korea almost certainly will continue with its poor governance and lack of accountability for the North Korean people while posing greater hard security challenges for the international community.

Notes

1. When the party was established, the central committee was made up of 14 domestic faction members, 12 Yŏn'an faction members, 8 from the Soviet faction, and only 4 from Kim's Ppalch'i-san faction.
2. The committee functioned as a de facto centralized government under Soviet control to implement policy directives from the center throughout the country.

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CHAPTER 3

In the Land of Democratic Rollback: Military Authoritarianism and Monarchical Primacy in Thailand

Paul Chambers

Abstract This study examines authoritarianism in Thailand since the 2014 putsch as a challenge to good governance. It argues that any trends in Thai democratization have always been absorbed by the interests of Thailand's "parallel state," as led by the monarchy and military. When elected governments have challenged aristocratic interests, military rollback of democracy has occurred. The regularity of military coups amidst severe political divisions in Thai society has contributed to a political culture of acquiescence to monarchy-endorsed military interference in Thai politics. This study explores Thailand as a country where neomonarchism, persistent democratic rollback, the authoritarian usage of mega-projects for material gain, and acquiescent political culture have all helped elites to persevere in dominating the country at the expense of the needs of the people.

Keywords Thailand · Military · Monarchy · Democracy

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Introduction

In 2014, Thailand's weakly-institutionalized democracy was swept aside as the country experienced its 13th military coup since 1932. This chapter examines authoritarian statecentricity in Thailand since the 2014 putsch as a challenge to good governance. It argues that any trends in Thai democratization have always been absorbed by the interests of entrenched authoritarian institutions: the monarchy and military. Though Thailand's absolute monarchy ended in 1932, the palace has acted as a parallel state in conjunction with the military, politically dominating Thailand's political system. This authoritarian partnership has distorted democratic governance structures, ensuring that monarchical elites, senior military officials and high-standing aristocrats capture the commanding heights of the Thai polity, economy and society. When elected politicians have governed, the monarchy and military have succeeded in remaining insulated from democratic control. When elected governments have appeared to challenge aristocratic interests, military rollback of democracy has occurred shortly thereafter. The regularity of military coups, combined with severe political divisions in Thai society, has contributed to a political culture of acquiescence to military interference in Thai politics—when the King endorses it. Since the latest coup, the military has prioritized writing a new constitution and pursuing national security and economic projects. But the proposed constitution weakens democracy while empowering the military. Meanwhile, the mega-projects are useful for the junta's public image and provide military elites with opportunities for corruption.

This chapter explores Thailand as a country where neo-monarchism, persistent democratic rollback, authoritarian usage of national projects and acquiescent political culture has helped elites to persist in dominating the country at the expense of the collective needs of the people. This chapter asks the following questions. First, how has Thailand's parallel state helped to sustain a form of neo-monarchist control over the Thai polity? Second, what has accounted for the consistently interrupted, military-led democratic rollback in Thailand? Third, to what extent has the current military junta championed King, nation and mega-projects to divert public opinion from elite domination but also to provide it with patronage and legitimacy in support of monarchy? Finally, to what extent has a Thai political culture traditionally supporting an authoritarian guardianship role for the military in support of monarchy persevered until today?

A History of Monarchism and Democratic Rollback in Thailand

Prior to its 1932 overthrow, monarchical despotism flourished in Siam. Under such a system, the King exercised absolute political power over the country. The regal elite consisted of the royal family, their kin relations and senior bureaucrats serving them. A permanent standing army, created by the King in 1852, served to protect monarchy, defend borders and centralize regal-led internal security over people and territory (Isarapakdi 1989, p. 67; Battye 1974, p. 113). From 1870 until 1932, Siam's monarchy used the military again and again as the ultimate reserve of power to quell ethnic, messianic or regional-nobility based uprisings throughout the kingdom. By the late 1920s, an asymmetrical power-sharing relationship had evolved between the monarchy and military, with the latter as junior partner (Pongpaichit and Baker 1995, p. 230).

In 1932, the armed forces overthrew the absolute monarchy, facilitating the enactment of the country's first constitution and the holding of its first (limited) election. The new regime, however, increasingly monopolized power and, by 1938 had established martial law throughout the country (Wilson 1962, p. 171). This was particularly clear during the first government of Phibun Songkram (1938–1944), who personalized power, established himself as a "father figure," and issued numerous repressive "modernizing" decrees, using Japan's then-fascist regime as a model (See Suwannathat-Pian 1995). Like Napoleon Bonaparte, Phibun resuscitated a form of Siamese monarchism to establish a Caesarist regime, ruling via a charismatic cult of personality and military force, changing the name of the country to the ethnically "pure Thailand." The country's actual monarchy during this period, however, was extremely weak. From 1944–1947 civilian control was strong while the authoritarian military and monarchy were weak. But in 1947, a palace-supported military coup voided the 1946 Constitution and rolled back Thailand's brief episode with democracy (Handley 2006, p. 88).

From 1947 until 1973, the military-dominated Thai politics, sometimes in partnership with a weaker monarchy over a superficial democracy (1947–1951, 1957–1958, 1969–1971); sometimes alone over a superficial democracy (1951–1958), and sometimes with a weaker monarchy in a dictatorship (1958–1969, 1971–1973). The military rollback of democratic regimes during this period was rife, as it occurred five

times: 1947, 1948, 1957, 1958, and 1971. Most power was held by unelected state officials (especially military civil servants), in what Riggs (1966) has termed a "bureaucratic polity" where bureaucrats are the ruling class and all key political decisions take place within the bureaucracy (Riggs 1966, p. 396). Such a structure generally reflected the country's persistent pattern of authoritarian neo-monarchism. By 1968, neo-monarchism in Thailand could be understood in two ways. First, the state, with its monopoly over military power, exercised absolute control over Thailand. Second, kingship regained more power than it had previously exercised since the 1932 fall of absolute monarchy. Thai neo-monarchism—bolstered by the alliance of military and monarchy—would last until today.

A brief, 1973–1976 resuscitation of democracy was felled by a palace-endorsed military coup which again rolled back democracy (Wright 1991, pp. 250–252). 1976 thus witnessed the reestablishment of direct control over Thailand by monarch and military. In 1980, the King supported the appointment of arch-royalist General Prem Tinsulanond as Thailand's new unelected Prime Minister. From 1980 to 1988 Prem dominated the state via support from the King and armed forces while a weakly-institutionalized, civilian Lower House was permitted to exist (Neher 1992, p. 594). Following yet another short-lived elected civilian government, a 1991 palace-supported military coup again rolled back Thai democracy (Pongpaichit and Baker 1995, p. 354). Nevertheless, the junta established a superficial democratic government. When, in 1992, military forces massacred numerous protesters, the King intervened to roll back the (military-dominant) elected government from power (Maisrikrod 1992, pp. 32–33). The monarch's ability to achieve this outcome indicated how entrenched neo-monarchism had become by the 1990s. Between 1992 and 2001 the bureaucratic polity of Thailand's military-dominated statecentricity was replaced by elected civilian rule under a powerful monarchy. Prem's powerful standing as chief monarchical advisor (and continuing influence over the military) led him to be dubbed the "surrogate strongman" of Thai politics after 1992 (Samudavanija 1997, p. 56). He became Chair of the Privy Council in 1998.

In 2001, telecommunications tycoon and ex-police colonel Thaksin Shinawatra, leader of his Thai Rak Thai party, won the general election by a landslide and he came to lead a highly-personalized form of

democratic rule. But by 2006 Thai society had become polarized between Thaksin loyalists and opponents (the latter included royalist elites, businesspeople, civil libertarians, the parliamentary opposition (Democrats) and disaffected soldiers). Citing disorder and lack of unity, Army Commander General Sonthi Boonyaratklin, led a coup against Thaksin, voiding the 1997 Constitution, and rolled back Thai democracy—for the first time in 14 years. The 2006 coup was directed by arch-royalist Prem supporters in the armed forces (Pathmanand 2008, p. 129). Sonthi appointed as interim Prime Minister the anti-Thaksin Prem stalwart General Surayudh Chulanond. Under the Surayud regime, a new constitution was enacted. It weakened political parties, gerrymandered the electoral system and created a half-elected, half-appointed Senate, which allowed for a domain of seats for the military. At the same time, a new Defence Act was enacted which gave the military near total control over armed forces reshuffles.

Thaksin's People's Power Party (PPP) won the election of late 2007, as officially led by Thaksin ally Samak Sundaravej. Yet upon the inauguration of the Samak government in February 2008, the palace, Privy Council and military leadership became increasingly determined to oust him. Meanwhile, in 2008, Thailand's judiciary convicted Thaksin of conflict of interest and sentenced him to prison, but he fled abroad as a political exile. By October, Thailand's judiciary had dismissed Samak from office, and his successor as Prime Minister, Somchai Wongsawat, found it difficult to even be invested by Parliament as Prime Minister. Eventually, in December the arch-royalist Constitutional Court ruled to dissolve the PPP party, causing the Somchai administration to collapse, and allowing parties in Parliament to establish an anti-Thaksin coalition, cobbled together through the influence of the palace, Privy Council and arch-Royalist military officers (Rojanaphruk 2008). The event represented a silent coup and the rollback of a democratically elected government.

From late 2008 until mid-2011, the appointed anti-Thaksin government Abhisit Vechachiwa held office. Abhisit tended to give full rein to the armed forces in terms of their preferences regarding security policy. Given the post-2007 enhanced legal powers of security forces, he had little choice. In 2009 and 2010, the military violently repressed anti-government demonstrations. The second military operation left over 90 dead and at least 2000 injured (*Associated Press* 2012). In the July 2011 general election, the pro-Thaksin Puea Thai Party won a landslide

victory and Abhisit's government was nudged from office. With a popular mandate, Thaksin's younger sister Yingluck now became Prime Minister.

Once in office, Yingluck's 2011–2014 administration attempted to ensure control over the armed forces. But unlike under Thaksin, the government now could not control the military as it was insulated from most civilian directives. Thus, Yingluck reluctantly agreed to most policy initiatives and preferred appointments of military senior brass (Nanuam 2011). Nevertheless, in attempting to centralize power, her government unsuccessfully tried to use its majority of parliamentary seats to modify both the constitution and the Defence Act (*Komchadluek* 2012). By 2013, Yingluck came to rely on police to provide security for her government against anti-Shinawatra demonstrators. Moreover, police were given an enhanced role in Yingluck's southern counter-insurgency policy (*The Nation* 2011). To manage security affairs, Yingluck relied on pro-Thaksin security officials—while distancing herself from Army Commander General Prayuth Chanocha. At the same time, her party (Puea Thai) sought to legislate a blanket amnesty covering Thaksin who remained a fugitive from Thai law.

In October 2013, however, antigovernment protests, led by right-wing politicians opposed to Yingluck, began to swell in Bangkok. By December Yingluck had, under pressure, dissolved her government and called new elections. Then, in March 2014, the Army Commander proclaimed: "I can't promise if there will be another coup or not…but every coup is meant to end a crisis" (*Bangkok Post* 2014a).

In early May, Yingluck was forced from office by Thailand's Constitutional Court and a Deputy Prime Minister officially replaced her. Yet on May 20, with violent demonstrations having persisted for half a year, Army Commander Prayuth declared martial law under the authority of the 1914 Martial Law Act. The application of this law was tantamount to a legal coup, as it gave the Army Commander total control over Thailand. According to Prayuth, martial law was necessary to end violence and allow the army to bring peace back to Thailand (Phoonphongphiphat 2014). Two days later, on May 22, Prayuth led a military coup, the ninth rollback of democracy in Thailand. The stated reasons for the putsch put forward by the junta were to safeguard monarchy, help "the country…return to normality quickly,…for society to love and be at peace again;" to "push through political reform," "stop violence," and seek "a way out of [the country's] crisis" (Yuthakorn 2014).

The "Parallel State" in Thailand

The period from 1947 until 2014 represented a chronology of reiterated democratic rollback. Though there have been other putsches, eight overt military coups in 1947, 1957, 1958, 1971, 1976, 1991, 2006, and 2014 overthrew elected civilian governments. In power, Thai military dictators tended to emulate the style of Siamese absolute monarchy, becoming in this sense Caesarist or neo-monarchical rulers. But as an alliance of convenience between monarchy and military blossomed beginning in the 1960s, a new form of neo-monarchism took hold. This structure represented a political relationship centered upon the ritualized personality of the King, yet undergirded by a privileged yet powerful military. Since 1975, the palace has at times reluctantly tolerated elected civilian leaders, but has readily endorsed military coups to preserve or enhance its interests (Handley 2006, pp. 8–9).

In fact, the inability of Thai elected civilian governments to establish civilian control over security forces and the royal institution has owed to the idiosyncratic nature of Thailand's informal political structure. The monarchy and its Privy Council are completely insulated from any attempts to control them by domestic authorities. These institutions, stand as patrons of the military, in a form of "parallel state." A parallel state is organically linked to a formal state and can act with formal political authority, but also informally possesses its own institutional interests outside those of civilian leaders (Briscoe 2008). In fact, the elected state leadership can only solidify its position by acquiescing to the autonomy of the informal power structure. Parallel states, exemplified by the Italian mafia, powerful tribes or religious orders, tend to sway courts, armies, sitting politicians, political parties, and societal groups. A parallel state is also often quite influential where it possesses a close identity with state formation and national identity—thus boosting its legitimacy across a state (e.g. the Indonesian military's role in national independence). But the essence of a parallel state is the informal structure's influence over experts in violence such as the military (Briscoe 2008, pp. 6–8; 12–16). Ultimately, parallel statism can inhibit stability, democracy and civilian control over the armed forces.

Thai parallel statism has thrived for at least three decades. By law, the monarch acts as Chief of State while the Prime Minister, assisted by a cabinet, is Chief of Government. When Thailand has had a democracy, the elected legislature has made law, the elected legislature has

implemented it and courts have interpreted law. Formally, the king is supposed to be either above politics or in a position of revered worship. Indeed, all constitutions since the 1932 demise of absolute monarchy have reflected this notion.[1]

Regardless, a palace-driven informal structure of power has evolved which has successfully offset the authority of elected civilians when the interests of the palace and Prime Minister diverge. McCargo (2005) first addressed this issue through his concept of "network monarchy." Defined as "active interventions in the political process by the Thai king and his proxies, the "network" included members of the Privy Council as well as "trusted military figures" (McCargo 2005, pp. 499–501). "Network monarchy" intervened in Parliament on various occasions between 1992 and 2001, with Privy Councilor Prem Tinsulanonda, for example, pressuring a change in ruling coalition in 1997. But since the 2006 coup, parallel statism has experienced a shift away from being spearheaded by Privy Council pressure to first, legal mechanisms, and finally, the military. Overall, the monarchical parallel state in Thailand beginning in 2006 stands in a hierarchy with king at top, followed by Privy Council, then the judiciary and undergirded by the military.

The monarch stands at the apex of Thai political power—unofficially above the law. Although Thailand's absolute monarchy was abolished in 1932, since the two coups of 1957–1958, the palace has succeeded in reestablishing much of its sway. Its "network" influence has become politically, economically, and culturally pervasive in Thailand (McCargo 2005). Constitutionally, the monarch is above politics but he has nevertheless engaged in it both publicly and privately, perhaps most famously in 1973 and 1992. In both instances, the King intervened to end violent clashes between security forces and demonstrators. The ambiguous legal foundations of monarchical power in Thailand, combined with the elaborate, informal network of kingly political influence and the current monarch's extreme national popularity have helped to facilitate the arch-royalist parallel state. Meanwhile, the King is the nominal head of Thailand's armed forces. At the same time, he must endorse the formation of all laws (including military reshuffles) and all governments (including those derived from military takeover). Lèse majesté regulations have long been in place that can land a person in jail for years for perceived insults to the monarchy (FIDH 2015). The armed forces have quite often used perceived slights to the palace as a reason for launching a coup.

Under the palace are three institutions which assist the King in promoting his clout. First, there is the Privy Council (PC), which is the most intimate with the palace. Although the political distance between the palace and council is rather narrow (the King appoints its members), the two are not a single institution. The PC advises the King; reviews laws and appointments that he is to sign; and manages royal finances, with councilors occasionally standing in for royal family members and serving on boards of charities/businesses connected to the royal family (Handley 2008, p. 8). The 2007 Constitution gave a predominant role to the PC during transitions from one monarch to the next. Since the 1990s under Prem, the PC has increasingly influenced the military. This especially stems from Prem's network of military ties and the fact that he has been patron to various senior officers in the armed forces. Today, the council increasingly connects monarchy and the armed forces (Chambers 2010).

A second—yet more auxiliary—institution guaranteeing informal monarchical control is the judiciary (Mérieau 2016, pp. 445–466). The appointment and removal from office of judges sitting on the Constitutional Court, Supreme Court of Justice, and the Administrative Court are made by judicial commissions composed of other judges. Their decision must be endorsed by the Senate which is then approved by the King. This process "ensures that judges whose views align with the conservative judicial elite are more likely to receive appointments and promotions" (Nardi 2010). Through the judiciary, monarchy has been able to informally influence court cases involving political issues, thus adding legal legitimacy to those outcomes it has preferred (Dressel 2010, p. 685). The power of courts is reflected in their ability to compel the resignation of elected Prime Ministers Samak, Somchai and Yingluck. The judiciary's trend to regularly issue harsh sentences to anyone accused of insulting monarchy has demonstrated its arch-royalist character. Finally, the judiciary's alignment with the post-2014 military junta provides the latter with domestic legal legitimacy.

Thailand's arch-royalist security forces (and its allies in other security sector services) stand as the third mechanism of de facto regal power. The armed forces are particularly important, given their monopoly on force in the country. Their mission prioritizes loyalty to the throne over any notions of democracy (Ministry of Defence 2008, pp. 27–28). The association between Thailand's monarchy and military has been termed "monarchised military," defined in terms of a relationship of "ideological

dynamics, symbols, rituals and processes," and "historical-cultural legacies," which legitimize the military to the nation while providing security for the monarchy (Chambers and Waitoolkiat 2016, p. 428). Ultimately, while an elected civilian government can officially issue orders to the military, the armed forces have demonstrated that it selectively responds to such orders as it sees fit. On the other hand, the military has shown unswerving loyalty to the palace.

Thailand's 2014 coup and establishment of military control over the country under a National Council for Peace and Order (NCPO) illustrated the merging of all actors within the parallel state to overthrow perceived enemies and preserve monarchical power. Leaving formal reasons aside, the actual reasons for the putsch appear to have been to (1) ensure arch-royalist order amidst an impending royal succession; (2) reassert monarchical-military domination over Thailand amidst perceived threats from civilians; (3) consolidate the domination over the armed forces and police by the leading military faction; and (4) enhance military corporate interests, particularly those of the senior brass.

Since the coup, the NCPO has so far been successful in maintaining control over the nation through various tools. These include the use of the creation of a peace maintaining force, military courts, the junta's promotion of "happiness" and "national reconciliation" across the country; the harsher application of lèse majesté laws; the legal enshrinement of enhanced authoritarianism; and the setting up of new, military-dominated political structures.

A Peace Maintaining Force (PMF) has been the principle mechanism of control. This body of soldiers was responsible for stifling any dissent as quickly as possible so that the junta could easily rule the country. Specifically, the force would arrest and detain any person who defied the junta's orders to turn themselves into the military. It would physically target anti-coup protest leaders perceived by the junta as insurgents, repress armed groups, and search out potential caches of war weapons. The force would also attempt to connect with rural people to convey to them the junta's policies and ideas. In sum, the PMF is the enforcer of junta decrees and decisions of military courts. The PMF itself is composed of soldiers from across Thailand (the 1st, 2nd, 3rd and 4th Region Armies) as well as the Special Warfare Command and the Army Air Defence Command. Its commander could also mobilize troops from the air force, navy and police (Nanuam 2014). Though the PMF commander was originally the head of the First Army, in October 2015, new

army commander General Theerachai Nakwanich decided to take direct charge of the PMF for himself, expanding the power of the army commander in the process (*Bangkok Post* 2015a).

A second tool has been to place military courts at the top of Thailand's judiciary. This occurred because the putsch positioned the country under the 1914 Martial Law Act, beneath which military law came to dominate Thailand. Post-coup Military Decree 37/2557 requires that any criminal cases connected to national security must be tried in military courts. Procedures in these courts tend to be longer, mostly lack transparency, and the judges are all military officers. Since the May 22 coup (until September 2015), over 700 civilians were tried in military courts (including 144 political cases). Political cases included lèse majesté (insults to monarchy), sedition, violations of the junta's ban on speech and public assembly (*Bangkok Post* 2015b). Moreover, unlike civilian courts, defendants are presumed guilty at the outset of trials and there is no appeal from military courts. Also, as opposed to civilian courts, Thailand's military court system is not formally independent of the executive branch and top military brass. This owes to the fact that military courts must answer to the Ministry of Defence, with military court judges subject to the orders of senior military commanders. Furthermore, a 2015 amendment to the Military Court Act of 1955 allows military commanders to detain persons for up to 84 days without any charge even before the military trial begins. This bypasses judicial oversight guarantees provided under Thailand's Criminal Procedure Code. There have been numerous allegations of torture by the Thai military of persons held incommunicado during detention. Finally, only in May 2015 did military courts begin to offer a right to counsel for civilian defendants (Lawyers Rights Watch Canada 2015). As military governance becomes more sustained in Thailand, there is a danger that the military court system could embed itself above other courts for the long run—a trend which might entrench the military above civilians in judicial matters.

A third tool has been the use of the National Reconciliation Center for Reforms (NRCR) and the junta's attempt to enforce an ideology of "Returning Happiness to the People." Under this tactic, junta leader Prayuth, shortly after the 2014 coup, initiated a weekly Friday evening address on television and radio which was itself called "Returning Happiness to the People." The idea was to bring Prayuth closer to Thai people, criticize the previous regime and laud the expected accomplishments of the new dictatorship itself. A favorite topic of discussion was

Prayuth's expression of loyalty to the King and reconciliation under monarchy (Associated Press 2014). In addition, as part of a broader, psychological "Returning Happiness" drive, the junta commenced a general campaign to build national cohesion under the themes of monarchy and nationalism. This was then attached to the image of the military. This tactic included a combination of shows, songs, discounts, movies, nationalistic rhetoric, and twelve, pseudo-fascist, educational reforms which were required to be taught in schools (Thongnoi 2014).

A fourth mechanism was the regime's harsher enforcement of the lèse majesté (insults against monarchy) law. This perhaps owed to the regime's usage of protection of monarchy as a partial reason for legitimizing its existence. Under Section 112 of Thailand's Criminal Code, anyone found guilty of defaming, insulting or threatening the King, Queen, heir-apparent or regent can be imprisoned for up to 15 years. Though the law treads across free speech, the junta and its allies appear to have used Section 112 to imprison progressive Thais which it perceives as opposing the continuity of the monarchy-military old order. Since the 2014 coup, the military has investigated at least 53 individuals for insulting royalty with the far majority of cases ending in conviction (*Reuters* 2015a). Lèse majesté trials are handled by military courts and the sentences meted out by them have been harsher and disproportionate than sentences of civilian courts. For example, in 2015, sentences of 25, 28 and 30 years were served to three Thais, each of which had been convicted for posting comments about the royal family on social media (Facebook). Ultimately, since the coup, lèse majesté cases have been fast-tracked by the junta, which has also zealously sought to have foreign countries extradite those suspected of violating Article 112 back to Thailand to face trial and imprisonment.

A fifth tool has been through its legal enshrinement of enhanced authoritarianism. Initially, following the May putsch itself, Thailand was administered under the Martial Law Act of 1914. That law was clear. Section 6 mandated that "civilian authority shall act in compliance with the requirements of the military authority." The Act placed Thailand under the direct control of the Army Commander and gave military courts veto power over civilian ones. On July 22, 2014, an interim constitution was enacted. It enshrined the junta's executive powers on a massive scale. Section 44 stated that whenever the junta leader believed it was necessary to deal with "any act," he could issue "any order…regardless of the legislative, executive or judicial force of that

order" (Kingdom of Thailand, 2014). The said order would be considered "legal, constitutional and inclusive" (ibid.). On March 20, 2015, the junta ended the application of the Martial Law Act, instead using the new Section 44. Also, according to Section 47, all acts issued by the junta were and would be "deemed to be legal, constitutional and conclusive." Moreover, Article 48 exempted all junta members or all persons ordered by junta members or connected to junta members from any legal punishments or liabilities, representing a complete amnesty for the coup-makers. Finally, Sections 6, 10, 28, 30 and 32 allowed the junta to basically choose most of the appointed members of new political institutions which would oversee the writing of a new constitution and prepare Thailand for a new democracy.

These junta-created institutions were the National Legislative Assembly (NLA), a National Reform Council (NRC) and a Constitutional Drafting Committee (CDC). The first body contained 220 members, including 9 police, 80 active-duty military officers and 32 retired soldiers.[2] The NLA acted as an apparent legislature for the junta, though it rubber-stamped junta decisions. Indeed, the NLA selected Prayuth as Prime Minister in August 2014. The 250-member NRC, meanwhile, was responsible for putting forward general recommendations for a new constitution. NRC membership consisted of security officials, ex-politicians, bureaucrats, businesspeople and academics (National Reform Council). Finally, a 36-member Constitutional Drafting Committee was charged with putting together a draft constitution. Members of CDC included conservative academics, civilian bureaucrats and five military officers. In September 2015, the junta replaced the NRC with a newly appointed National Reform Steering Assembly, which was half-filled with military appointees. A new CDC was appointed as well (Lefevre and Thepgumpanat 2015).

In March 2016, the CDC proposed a draft for a new Constitution which was further tweaked by the ruling junta. A popular referendum on this draft was passed in August. The draft included certain sections which increased the power of unelected bureaucrats over elected politicians in a manner which would enhance the centralized, neo-monarchical aspect of the state. The specific alterations are summarized below:

1. Following proposed elections in 2018, the draft permits the military junta five years of a "transitional period" of enshrined influence before fuller elected civilian rule.

2. The Senate, previously fully elected (1997 Constitution) and then roughly half-elected (2007 constitution) becomes an entirely appointed body. Of the Senate's 250 members, 244 are selected by a junta-appointed committee. The remaining six Senators include the military supreme commander and the army, navy, air force, police chiefs, and the Permanent Secretary of Defence. This Upper House is empowered to veto laws from the elected Lower House and could initiate censure debates against a Prime Minister.
3. Prior to election, each political party nominates three names, which can include unelected persons. This potentially allows junta leaders or military personnel to become Prime Minister.
4. The 500-member Lower House is chosen through a mixed-member apportionment (MMA) electoral system designed to weaken large political parties and produce a larger number of smaller parties (*Deutsche Welle* 2016).
5. Thailand's judiciary possesses expanded powers to dismiss elected politicians, or dissolve political parties. Courts could also impose their decisions during ambiguously defined times of "crisis." Meanwhile, military courts continue to enjoy many of the powers they gained since the 2014 coup.
6. Security forces are insulated from attempts by an elected civilian Prime Minister to influence military or police appointments.
7. The military's Internal Security Operations Command (ISOC) is autonomous of elected civilian authority in conflict zones (e.g. insurgency in Southern Thailand).

Post-2014 Military Projects

Since the 2014 military coup, the junta has initiated several projects designed to enhance national security and national economic development ostensibly for the collective good of Thailand. These projects have functioned as reservoirs of power, patronage and potential corruption for the junta leadership while simultaneously serving to divert the Thai public from questioning military control.

National Security: Counter-Insurgency in the Deep South

Since 1902, the Thai state has been engaged in a sometimes violent conflict against Malay-Muslim insurgents in the far southern region of

the country. The insurrection spiked in 2004 amidst harsher repression and more determined resistance. From 2004 until 2016, the insurgency had resulted in 6400 killings and 11,500 injuries (Deep South Watch 2016). At the same time, across this same twelve-year period, counter-insurgency costs have totaled approximately 264,953,000,000 baht (US$7,517,789,670). Since the 2014 coup, despite the continuation of negotiations, the junta has increased the number of soldiers stationed in the Deep South from approximately 60,000 troops in 2014 to over 70,000 in 2015 (ISOC 2015). Meanwhile, the annual budget allocated to counter-insurgency has continued to increase. For example, the country's budget across all ministries "to douse the southern fire," which included enhanced security infrastructure, grew from 24.15 billion baht (US$685 million) in 2014, to 25.68 billion baht (US$750 million) in 2015, to 30.51 billion baht (US$865,323,400) in 2016 (ICG 2015, p. 15). Finally, following the 2014 coup, the military's ISOC usurped control over the civilian-dominated Southern Border Province Administrative Center (SBPAC), effectively ending any civilian control over the Deep South policy, and ensuring that resolution of the regional insurrection would entirely be a junta national security project.

Achieving a potential Deep South victory would produce national security successes for the junta. It would also give the military a major public relations victory. As such, the junta's counter-insurgency campaign can be seen as a ploy to divert public attention from the perseverance of military rule and the growing weakness of the Thai economy. Reflecting the junta's attempt to use the Deep South as a means of deflecting public attention, shortly after the coup, junta leader Prayuth publicly promised to put all southern violence to an end by 2015 (Bangkok Post 2014b). It is a promise he has continued to make each year. At the same time, the Deep South insurgency has rationalized a larger budget for the armed forces, given the needs of fighting insurgency. In a related development, the large budget for more soldiers in the Deep South has led to opportunities for corruption. For example, a paramilitary official revealed that there are occasions where the size of a Ranger paramilitary company of troops is less than the number "on paper." This has allowed certain Ranger Company Commanders to create the remaining "ghost soldiers" and collect their salaries. Ultimately, the Deep South counter-insurgency represents an important national security project for the junta and opportunities to collect rent for soldiers participating in it.[3]

National Economic Development: Junta Mega-Projects

In 2015, the military junta announced 20 mega-projects (worth over 1.7 trillion baht) designed to stimulate economic growth for Thailand. The projects chiefly involve infrastructure development such as improvements to the main international airport and massive rail lines. Other projects involve energy such as the construction of 20 more gas power stations (17,728 MW each), nine more "clean coal" power stations (7390 MW each), and two nuclear power plants. Though such highly-expensive projects are being prioritized by the junta to resuscitate the Thai economy, they could easily draw interest from corrupt officials. According to the Thai Chamber of Commerce, the public-sector corruption rate is 25% (Draper and Kamnuansilp 2015).

To fast-track its mega-projects, Thailand's military junta has shortened EIA [Environmental Impact Assessment] procedure from the normal 22 months to only 9 months (*Prachatai* 2015). Moreover, evidence shows that the regime has expropriated land from and evicted poor Thai farmers to make space for private sector agro-industrialists in new special economic zones (SEZs) along the border in ten provinces. (*Prachatai* 2016a). Finally, in at least one case, the junta deployed security officials to prevent villagers in Loei province from entering a meeting at a state office to vote down the renewal of a mining concession (which the villagers alleged was contaminating their water) to the Tungkum company, a mining operator (*Prachatai* 2016b). A brother of Thailand's deputy junta leader until mid-2014 sat on Tungkum's Board of Directors. In sum, though at a macro-level the junta's economic mega-projects are meant to improve the economy or boost energy production, the projects have worsened the economic livelihood of farmers in border areas, potentially destabilized the environment, and increased opportunities for corruption.

Reactions of Thai People to Authoritarianism

Given the leading role of the military in Thai politics since the establishment of the Thai state and its pattern of continuously ousting elected civilian leaders, a Thai political culture has developed which tends to—at least in the short term—acquiesce to military coups and the establishment of military juntas. Likewise, Thai soldiers have tended to perceive themselves as having the right to oust sitting governments. In fact,

Thailand's heavily coup-prone political culture has led to the social construction of societal knowledge and relationships whereby national perceptions and a collective identity have tended to anticipate military intervention, shaping a political culture which permits a military putsch as a method to resolve political crisis. Connected to the social construction of Thailand's coup-prone society is the fact that the country's armed forces are a "monarchised military," whereby the military's predominant duty is to protect monarchy while the palace gives legitimacy to the military (Chambers and Waitoolkiat 2016). In fact, most coups in Thailand since 1947 have been endorsed by the palace. The popular adulation of Thailand's monarch helps to explain why the Thai collective identity tends to accept military interventions—when such intrusions are supported by the King. Such acquiescence resembles what others have referred to as "Thailand's elite coup culture" (Farrelly 2014).

Domestic reactions to Thailand's 2014 coup have been mixed. Results from the principal survey sources (ABAC, NIDA, Suan Dusit) have pointed to extremely positive popular reactions to the putsch and junta policies. Suan Dusit poll even gave the junta a survey score of 8.82 out of 10. Yet major difficulties with these opinion polls includes the specific wording of questions (to elicit certain answers); a quite small sample size of interviewees (almost all from Bangkok and the central plains, where the coup was most popular); and the fact that when the junta can identify dissenters, they are vulnerable to arrest and imprisonment in the name of "attitude adjustment" (Saksith 2014). Moreover, the results of all three of these surveys might be dubious given their questionable political neutrality—many individuals associated with these polls (especially NIDA) have been affiliated with anti-Thaksin demonstrations (Treesuwan 2013).

Not all surveys, however, have reflected popular support for the junta. For example, in April 2016, a poll concluded that over 79% of respondents believed that the Thai military should diminish in size while 87.2% felt that the role of the armed forces should only be external security. While 98% believed that reforms were necessary, 46% thought that these should occur before the next election while 49% thought that security sector reforms should occur after the next polls. This survey was conducted jointly by four Thai universities and People's Poll Thailand (People's Poll Thailand 2016).

Yet there are indications that popular perceptions toward military rule have been changing. For pro-Thaksin elements, including Puea Thai

Party (PTP) and the United front for Democracy against Dictatorship (UDD) or "Red Shirts," anti-junta feelings have always been strong. These groups did not attempt to rise up during the coup itself, partly because of the military's own strong-arm tactics, and partly because Thaksin Shinawatra advised his supporters to "lay low for now, don't panic, play dead" (*Reuters* 2015b). Since the coup, such negative sentiment has predictably hardened given the widespread view that the new constitutional draft is unfairly targeting PTP and the Shinawatras. The fact is that Yingluck Shinawatra seems to be the unjust target of malfeasance charges; and most people arrested for "attitude adjustment" seem to be from among pro-Thaksin groups. Meanwhile, the clearest indicator of dwindling support for the junta from previous coup backers can be found in the Democrat Party, which before the coup was the largest parliamentary party opposing the elected Yingluck government. Many Democrats, including former Prime Ministers Chuan Leekpai and Abhisit Vechachiwa are disappointed with the junta-favored constitutional draft and are urging a rapid exit for the junta from power (*Bangkok Post* 2016a, b). Meanwhile, leaders of several NGO groups which opposed Yingluck and even backed the 2014 coup have discovered that military rule is even worse, especially with the junta persisting in power and soldiers sometimes shadowing NGO leaders or even cracking down on NGO events. Indeed, the Thai Labor Solidarity Committee, a labor rights group which supported the coup back in 2014, has 2 years later found itself increasingly harassed by soldiers (Rojanaphruk 2016).

Ultimately, two aspects of Thai popular perceptions have allowed the military to persevere in power. First, the country has possessed a political culture which has acquiesced to strong involvement by the armed forces in political affairs, especially when such intrusions are endorsed by the King. Second, since 2006, popular perceptions have been divided over the issue of Thaksin Shinawatra. Such a schism has allowed the monarch-supported military to forcefully rule through a dictatorship. While the military remains more united than civilians and the aristocracy continues backing the junta leaders, the junta will likely persevere in power. The easy passage of the August 7, 2016 popular referendum on the 2016 military-concocted constitutional draft was interpreted by the junta and its allies as evidence that Thai people do support military rule. However, the fact that (a) the military forcefully banned public protests against the draft prior to the referendum, and (b) many Thais reluctantly acquiesced

to it—not showing up to vote against the draft—can also explain why it passed. However, for the future, the longer the military attempts to maintain control over the country—parallel to growing popular dissatisfaction about a worsening economy and a lack of pluralism, the sooner a majority of Thais will grow weary of military rule. In 2017, this collective change in perceptions is already occurring.

Conclusion

This chapter has argued that Thailand in 2017 represents a country where neo-monarchism, persistent democratic rollback, authoritarian usage of national projects and acquiescent political culture have all helped to entrench an alliance of monarchical and military elites which have persisted in dominating the country at the expense of the collective needs of the people. The result has been the rapid weakening of pluralistic good governance for the benefit of the dominant authoritarian institutions.

At the beginning of the chapter, five questions were asked. First, how has Thailand's parallel state helped to sustain a form of neo-monarchistic control over the Thai polity? Second, what has accounted for the consistently interrupted, military-led democratic rollback in Thailand? Third, to what extent has the current military junta championed King, nation and mega-projects to divert public opinion from elite domination but also to provide it with patronage and legitimacy in support of monarchy? Finally, to what extent has a Thai political culture traditionally supporting an authoritarian guardianship role for the military in support of monarchy persevered until today? In answer to the first question, a parallel state composed of monarch, military, and their allied institutions of Privy Council and judiciary has succeeded in maintaining informal control over the Thai state given that elected civilians tend to possess a weak hold over government administration and have regularly been ousted from office by the military. In answer to the second question, the needs of the alliance between monarchy and military (with latter as junior partner) to protect and sustain their neo-monarchical state account for why these two institutions have so consistently spearheaded democratic rollback in Thailand. In answer to the third question, the current post-2014 military junta has championed mega-projects precisely for reasons of attempting to legitimize their continued hold on power as guardians of the monarchy but also to divert public opinion and obtain greater patronage

and material gains. Finally, though at the time of the 2014 coup, Thai political culture was simultaneously influenced by long acquiescence to authoritarianism but also deep political divisions, by 2017, growing anti-junta demonstrations and more repression by junta forces were portending that there would be growing collective pressure from the people for a return to democracy.

In October 2016, King Rama IX (Bhumipol Adulyadej) died and Thailand's throne passed to his son King Rama X (Maha Vajiralongkorn). The military junta could now argue that continued military rule was necessary to guarantee the statecentricity of Thailand's new monarch, as undergirded by the military. Though Thailand's next elections are set for late 2018 (at the earliest), the political framework being ushered in under the country's latest (20th) constitution maintains a highly-centralized polity where most formal power accrues to military and civilian (judicial) bureaucrats under a monarchy, as advised by Privy Council. Following elections, Thai democracy looks set to remain quite frail as the next junta-appointed Senate will, for example, be able to vote to oust Prime Ministers from office and the judiciary will likewise find it easier than under previous constitutions to remove elected governments from power. Unless there is soon some form of political change, Thailand, for the future will remain a country under authoritarian rule whose people generally crave for a democracy which is lost in transition.

Notes

1. The Constitution of the Kingdom of Siam, B.E. 2475 (1932) stated in section 11 that "members of the Royal Household who were ranked *Mom Chao* or higher by birth or by appointment shall be above politics." According to the Constitutional Court (2000), "Every subsequent Constitution of Thailand contained a specific chapter on the King. Such provisions recognized the special nature of the Institution of Kingship under the democratic regime with the King as Head of State. The King was above politics. The King was enthroned in a position of revered worship and should not be violated. No person should expose the King to any sort of accusation or action." See Constitution Court (2000).
2. Authors calculations, based upon Parliament of Thailand (Senate), (2014).
3. Personal Interview with Anonymous Volunteer who used to be a Ranger, Pattani, Thailand, October 10, 2015.

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CHAPTER 4

Governance and Human Insecurity in Myanmar

Alistair D.B. Cook

Abstract Over the past decade, Myanmar has undergone several changes in the way it is governed from a formalized military junta to a mixed civilian and military system. There remain, however, multiple challenges to the well-being of people in Myanmar, and human insecurity disproportionately affects ethnic nationalities and minority groups. This chapter identifies three significant challenges to achieving human-centered governance in Myanmar: (1) trust-building with the military to cede power; (2) building bureaucratic capacity to fulfill election promises and establish the rule of law at the national and local levels; and (3) developing an effective political party system. As a result of these challenges, the prospects of a democratic system of government remain dim in the near term and addressing human insecurity will be incremental in nature.

Keywords Myanmar · Governance · Human security · Military Democracy

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Introduction

Since 2008, Myanmar's third Constitution has guaranteed the military 25% of parliamentary seats, the control of significant ministries and positions in the executive making it a mixed system of civilian and military government. Most recently in 2015, national elections took place, which were regarded internationally as free-and-fair. Elections were not held in 7 townships due to internal conflict in border areas. The election saw the National League for Democracy (NLD) led by Aung San Suu Kyi win an overwhelming majority of the democratically-elected seats, which make up the remaining three-quarters of Parliament. The reserved military seats are appointed by the Commander-in-Chief, Senior General Min Aung Hlaing. However, there was much controversy after the landslide election as Aung San Suu Kyi is formally disbarred from holding the position of President under Chap. 3, No 59(F) of the 2008 Myanmar Constitution because her children hold foreign passports. The democratically-elected NLD-led government subsequently created the post of State Counselor which is a role that formally allows the office-bearer to work across government and form a bridge between the executive and legislative branches of government; similar to the post of Prime Minister elsewhere. Aung San Suu Kyi concurrently holds this post along with the posts of Minister of Foreign Affairs and Minister for Office of the President.

However, the National Defence and Security Council (NDSC) has not met in the current term but is an all-important eleven-member national security council that serves as the highest authority in the government. Members include the President, the two Vice-Presidents, the two parliamentary speakers, the military Commander-in-Chief and his deputy, and the ministers of defense, foreign affairs, home affairs and border affairs. Six of the eleven members are military-appointed—the Commander-in-Chief, his deputy, one Vice-President, and the ministers of defence, home affairs and border affairs—so the membership structure ensures that the military can dominate in the areas of national security and defense matters. The remaining five members are President, one Vice-President, the two parliamentary speakers, and minister of foreign affairs and are comprised of civilian appointments by the President. The NDSC has the constitutional right to grant amnesty, cut diplomatic ties with foreign countries, draft civilians into the Myanmar Armed Forces; and in the case of a state of emergency, it can approve a request from the President to hand over power to the military.

Under the 2008 Constitution, the military-appointed ministries of border affairs, defense and home affairs ensure that the military maintains control over key aspects of traditional security concerns. The mandates of these ministries are broad and include leadership over the internal conflicts in the ethnic nationality states, the military budget, prisons, Myanmar Police Force, Bureau of Special Investigation, and the General Administration Department that staffs all regional and state-level governments and provides administration for the district and township levels. The latter function ensures military involvement across all areas of government bureaucracy. These three ministries are key players in government policymaking, and cover strategically important areas with big budget mandates. While the formal division of decision-making power is between the civilian administration and the military, people in Myanmar face myriad human security challenges which broach the spectrum of government. After the 2010 elections the then President Thein Sein took office, which saw the military formally relinquish control over a range of social and economic areas but maintain control over conflict management, internal security, border affairs, internal military affairs, and the overarching NDSC (Nehru 2015). This effectively divvied up government ministries along the artificial divide of development and security affairs. Since the 1994 Human Development Report on Human Security, the issues of development and security have been widely recognized as mutually reinforcing. The concept of Human Security seeks to reframe security matters around the individual rather than the state to overcome this divide. Some 21 years after the 1994 report, the United Nations Development Program's 2015 Human Development Report ranked Myanmar 148th out of 188 countries in their assessment exercise, classifying Myanmar in the lowest category of human development (UNDP 2015). This illustrates the low level of human security faced by the people in Myanmar.

The enactment of the 2008 Constitution saw the formal end of direct military rule and many hoped that the increased political space would go some way towards addressing the concerns of the people and improve human security in Myanmar. The 2008 Constitution is likened to the predominantly military but civilianized system established under the 1974 Constitution by General Ne Win. This system ensured that the military was positioned as the savior of the nation and the only institution capable of safeguarding, building and forming state and nation (Nyein 2009a). The 2008 Constitution in effect positions the military

as the economic driver, societal peace-keeper and political umpire, and ensures a central role in the running of the state through a civilian-military system. Indeed, some argue that the 2015 election marked the beginning of a truly civilian-military government (MacDonald 2015, p. 715). However, it is important to remember that this is not a dichotomy given the broad coalition that makes up the National League for Democracy and includes former military personnel, notably the new Second Vice-President Henry Van Thio who previously served as a Major in the Tatmadaw as well as members of the central executive committee. Vice-President Henry Van Thio won his election to the Amyotha Hluttaw (House of Nationalities) in 2015 and was subsequently elected by Parliament as Second Vice-President in March 2016.

A Political System in Transition?

While the 2015 election of the National League for Democracy illustrated a commitment to the inclusion of political opposition to take the limited reins to lead the government, with the international election monitor's stamp of approval, the formal role of the military remains intact. There remain former military officers involved across the political spectrum. Some scholars argue that nevertheless there has been an opening of the political space and offered an opportunity to build trust between those in the military and the pro-democracy camps (Hlaing 2012, p. 198). This poses a conundrum for the new NLD-led government and the military which face a series of tests. These are already in process and can be categorized into incremental policy shifts versus more fundamental challenges to human security in Myanmar, essentially the dichotomized division of development and security. The election of the NLD has overwhelming public legitimacy but it will be constrained by the limits of an historically weak state apparatus. The transition from weak to functional state institutions will depend upon the ability of the new government to build institutional capacity at the national and local levels. Further, the NLD party structure will also pose a challenge to the government as local elites elected under the NLD banner to Parliament assert their interests, which may not always align with policy decisions made by the NLD party leadership. The NLD-led government will therefore face three significant challenges to improving human security in Myanmar: (1) trust-building with the military to cede power and

oversight to those democratically-elected to implement the platform of change upon which they were elected. Renauld Egrateau refers to this as a "first-generation" challenge; (2) building bureaucratic capacity to fulfill election promises and establish the rule of law at the national and local levels. Renauld Egreteau refers to this as a "second-generation" challenge; and (3) develop an effective and united National League for Democracy party, and a broader consolidated political party system to effectively oversee parliamentarians at present under the NLD banner to implement its election promises, which can be referred to as an "inter-generational" challenge.

It is the combination of these that forms the basis of this chapter to better understand the challenges that a transitional state and society in Myanmar faces in addressing human insecurity. Through the identification of these mutually reinforcing challenges, it will become clearer that a comprehensive transition to a democratic Myanmar is far from over but essential to address human insecurity. It is evident that the current NLD leadership do not wish to alienate the military given the nearly 20 of direct military rule that Myanmar endured since the democratic uprising in 1988. It remains clear that the prospect for a successful transition to a democratic system in Myanmar is contingent upon a transformation of the role of the military and the significant progress or even resolution of the various internal conflicts facing Myanmar. This chapter will investigate the emerging political structure and the constraints faced by an NLD-led administration. It argues that a multifocal lens is important to understand the nuances across and between different levels of governance affecting human security. It will then assess the acute human insecurities and their connection to broader development and security issues, including the internal conflicts which capture well the civil-military governance dynamics in Myanmar. In conclusion, this chapter argues that the transition period may last much longer or stagnate, and the civil–military relations will continue to define the political landscape and human security challenges in Myanmar for the foreseeable future.

Local elites form an important component in the assessment of how effectively the NLD can deliver its mandate over this parliamentary period. In transitioning democracies, local elites often command significant means to shape policy on the ground in the forms of local gangs, paramilitaries, militias, corrupt or locally loyal police forces (Englehart 2005, p. 629). In these cases, local elites and supporting local structures

can pose a significant challenge to the implementation of the mandate awarded to the NLD in the 2015 general election. Whilst on the face of it, NLD members were elected at the national and local levels, offering images of a landslide change in government, institutions may be devoid of substance if the central government does not have effective control over these areas. Rather, local elites can neutralize or co-opt the state agencies to serve their own interests. This situation can paralyze the capacity of the government to implement its agenda (Englehart 2005, p. 630). Indeed, foreign interests have often penetrated the border areas with neighboring countries dealing directly with local elites in addition to the central government (Li and Zheng 2009). For those Kachin Independence Army (KIA)-controlled areas along the Chinese border, they have had temporary recognition from China as local authorities. China has worked with them in a limited way illustrating multiple levels of engagement between China, and local and national levels of government (Cook 2012, p. 278). More recently, these relationships moved away from the local elites to regional and national Myanmar military officials and Chinese businesses in the new agricultural investments in contested border areas under the new land laws in place since 2012 (Kattelus et al. 2014, p. 91). This cross-border interaction is not limited to formal channels either. Since the controversial Myitsone dam project, the Kachin have interacted with their ethnic group on the Chinese side of the border, the Jingpo. Initially, the Jingpo in Yunnan could not understand why there was fighting between the Myanmar Army and the Kachin. However, the Kachin explained the inadequate relocation compensation they received from the dam developers, and their counterparts sympathized with their plight. This was illustrated in the protests against the conflict held in January 2013 by the Jingpo in Yunnan province and were covered in the Chinese language press (Cook 2014; Boehler 2013). The Kachin conflict illustrates well the importance of local elites and institutions in representing people's and personal interests in implementing policy, and as a site for contestation and human security challenges.

Challenges to Change

Under military rule, Myanmar did not develop its institutions through creating a civil service that provides public goods, an honest or reliable police force or a judiciary that can deliver fair trials without political interference. Rather under military rule, the civil service was repeatedly

purged and replaced with military officers to oversee operations. Achieving these core institutional capacities are essential components for a successful transition to a sustainable democracy (Englehart 2005, pp. 631–632). However, it is not to suggest that the military offered an efficient alternative but rather it is difficult to estimate the capacity of the military in general. The prevailing human security challenges on the ground highlight the absence of interest in improving the lives of many in Myanmar. The difficulty in establishing a baseline has been accentuated by corruption, bureaucratic inefficiency and poor record-keeping. These difficulties can be observed with the motivation of poorly paid military personnel falsifying records to keep their bonuses or evade reprimand (Selth 2009, p. 283). The current composition of the bureaucracy in Myanmar is further severely constrained by the appointment of high-level public servants based on their military affiliation and to some extent patron–client bonds. At lower levels, career progression is based more on seniority than through a competitive process (Kingsbury 2014, p. 365). Even since the 2008 Constitution, there has been a continuation of mid-level to senior-level military officers that have been "retired" or "exported" from military to civilian posts. This, in essence, means almost all government institutions have been run by soldier-cum-civil servants. At present, there remains no legal means to remove them and it is therefore easy for them to run inter-ministry administration through their own personal and military networks. This is coupled with limited financial resources to train non-military civil servant replacements (Aung 2016, p. 7). If the NLD-led government retains some reliance on the military to fill gaps in institutional capacity to ensure state unity, it could relegitimize the military without fundamentally transforming its internal security role (Kingsbury 2014, p. 367).

A second difficulty that faces Myanmar in transition is the high-level of expectations of the people in Myanmar to affect change and improve the lives of people (Turnell 2016; Kingsbury 2014, p. 368). Further if Aung San Suu Kyi continues to support a hardline law and order agenda as was seen in the aftermath of the Lepadaung copper mine in August 2013, it may encourage the military to continue to respond strongly to enforcing their understanding of law and order (Kingsbury 2014, p. 368). What can be observed is that there is a period of trust-building underway between the NLD leadership and the military. However, the media has reported this period to be one characterized by inter-elite relations between the NLD and military, both of whom retain fixed

ideologies or their own logic (Aung 2016, p. 7). Likewise, the trust deficit is also evident between the ethnic nationality armed groups and the former central government and military. In 2013, a KIA spokesman reported to the Associated Press that the seven-point agreement reached with the Myanmar government in Myitkyina in which both sides pledged to ease military tensions and work towards a future agreement was fragile because the KIA saw Myanmar troop redeployments, reinforcements and the replenishing of ammunition on the front-lines, which undermined the ceasefire. Since the signing of a ceasefire agreement by both sides in June 2013, it has not prevented multiple clashes between the two sides, which illustrate the widespread distrust and instability between the two parties. While the then President Thein Sein issued a ceasefire, it is unclear what, if any, control he had over the Tatmadaw incursions in Kachin state. Either way, what was clear was that the presidential word was not reflective of practices on the ground. For example, after the announcement of a ceasefire between the KIA and Myanmar government to start on Saturday January 19, 2013, the following Wednesday, January 23, 2013, helicopters were seen flying over Myitkyina headed to the frontline. Local Kachin were in communication by mobile phone with the frontline and later received word that air attacks had taken place illustrating a governance gap between rhetoric and reality (Cook 2014).

The NLD also faces a struggle to win the trust of the ethnic nationalities who see the NLD as an ethnic Burman political entity that ultimately will prioritize the Burman majority over, and at the expense of ethnic nationalities. While the NLD won an overwhelming victory in ethnic nationality areas, this win did not indicate trust in the NLD representing their interests. Rather, that it was a least worst option in the election that ushered in the pro-democracy opposition, when local ethnic-based political party alternatives were fractured. However, the continuation of dialogue and meetings has provided an avenue of engagement that was previously absent in the pursuit of national reconciliation. These however remain fragile and trust-building remains a work-in-progress. One of the most contentious issues is the integration of ethnic nationalities armies into a Myanmar Army, which remains firmly in the purview of the military with little scope for significant change in the foreseeable future.

Throughout the 1990s, many ethnic nationality armed groups signed ceasefire agreements with the Myanmar Army as a precursor to national reconciliation through political settlement. However, the function and form of integration remains contested. The Myanmar Army so far have

refused reorganization beyond the ethnic nationality armies becoming border guard forces (Taylor 2015, p. 25). The idea of integrating as border guard forces are met with suspicion as the units come directly under the control of the Myanmar Army leadership. The ethnic nationality armies see this as such an issue of fundamental importance that most have refused to integrate until a political settlement is achieved. The estimated 30,000-strong United Wa State Army and the 20,000-strong Kachin Independence Army have resisted the recent efforts to place them under the Myanmar Army and recent federalism talks have not yet borne fruit (Selth 2015, p. 5). Furthermore, there is limited policy development to offer alternatives. However, the development of defense white papers is under consideration by some ethnic nationalities which consider the role for their armed groups in the future as a form of National Guard based on the experience in the USA, where the National Guard has a joint state and national role.

Since the post-1990 military coup and the formation of the State Law and Order Restoration Council, the economic transition saw the end of the Burmese Way to Socialism and the emergence of a capitalist system characterized by a close network of business interests aligned with the military regime and benefited from access and space to develop their businesses through trade licenses, construction contracts, joint ventures deals and other opportunities. This saw the state-led development of "national entrepreneurs" capable of taking on major industries. These "national entrepreneurs" worked alongside government initiatives, notably the Myanmar Economic Holdings Limited with interests in banking, trade, tourism, and precious stones and the Myanmar Economic Corporation with interests in heavy industries and commodities (Jones 2014, p. 150). The other main beneficiary of the shift towards such a capitalist system was the Union Solidarity and Development Association, a mass organization formed by the State Law and Order Restoration Council in 1993 to promote local development, support local governance and generate grassroots support. This association became an important site for co-opting local businesses. It was subsequently transformed into the Union State and Development Party that formed the first civilian-led government under President Thein Sein after the discredited 2010 elections. The relationship between the emergent business class and the military was mutually reinforcing, with the businesses reliant on favorable market access and the military reliant on them to exchange payment for development projects with market access (Jones 2014, p. 151; de Mersan 2016, p. 60).

This military-business complex will significantly influence the trajectory and speed of transition as the military seeks to ensure its economic spoils are retained and its members are insured against prosecution from future governments (2014). The military–business complex will continue to pose a major challenge to the economic security of people in Myanmar as understood in the UN Human Development Report of 1994, the foundational document of Human Security.

The 1994 Human Development Report defined economic security as an assurance of a basic income usually from productive and remunerative work, or as a last resort, a publicly-funded safety net (UNDP 1994, p. 22). When considering the flip-side of the coin with a focus on the workers, there remain multiple threats to economic security like forced labor, land and natural resource confiscation. This increased under the post-1988 military junta as greater power was concentrated into the hands of Regional Commanders mandated to generate their own finances, and their interactions with the national entrepreneurs. The 14 Regional Commanders previously held both military and administrative powers, tended to exercise their authority only on military matters, and defer other issues to the local civil authorities (Selth 2015, p. 3). It is therefore important to understand the military mind-set in Myanmar and what issues it constitutes as matters for the military given that the military continues to wield significant influence in Myanmar. Since the political crisis in 1988, the military regime identified three national causes—no disintegration of the union; no disintegration of national solidarity; and consolidation of national sovereignty. Myanmar also witnessed rising inequality between rich and poor. The increasing wealth gap impacts on the value of a basic salary to constitute a living wage and increases economic insecurity. However, there were also notable commitments made such as the Tatmadaw's commitment to end the use of child soldiers—a human security threat where underage children were forcibly drafted into the army. While these shifts are important, they remain piecemeal, and do not yet broach near a tipping point in the improvement of human security in Myanmar.

Global, State and Local Influences

Indeed, the international community responded to the transition towards democracy with hesitation after the 2010 elections. However, through a strategy of greater inclusiveness and openness, the Thein Sein

presidency was able to build confidence with the international community (Wilson 2016, pp. 62–63). The international community saw such commitments like those to end forced recruitment of children into the army as significant enough to warrant policy changes towards Myanmar. This broadly fell within the President Barack Obama Administration's policy of engagement and its pivot to Asia. President Obama memorably said during his visit to Myanmar in November 2012 that the USA would extend a hand if they are willing to unclench their fist. A series of reforms by President Thein Sein saw this realized. The European Union suspended almost all its sanctions against Myanmar on April 23, 2012 in recognition of the continuation of political reforms by the Thein Sein presidency, particularly the promise of free-and-fair bye-elections. They excluded the arms embargo reflecting the EU armaments supply policy, and the withdrawal of trade preferences, which require a separate, lengthier legal process. However, they countenanced this with development aid (Bunte and Portela 2012, pp. 1–2). This was a positive move after it had long been argued that sanctions did not induce change in the ruling military regime but rather increased human insecurity for many ordinary people in Myanmar (Seekins 2005). As a result of the removal of sanctions, there has been a concerted effort in the international community to drive forward national reconciliation in Myanmar. Most notably, the international community invested in the Myanmar Peace Support Initiative (MPSI), which supported peace negotiations and offered development assistance to conflict-affected communities (Wilson 2016, p. 67). Because of the lifting of sanctions to varying degrees by many countries, there were grounds for optimism that the human security situation in Myanmar would improve.

The European Union was by no means alone in reinstating development aid as there are several capacity-building programs initiated by foreign governments and international agencies, which have sought to build the professionalism of ministries. However, these have generated mixed results given their impact is intended for the long-term development of institutions but constrained by the political realities on the ground. While many programs are initiated as part of broader commitments to governance, the strategic realities of foreign countries interests can shape these programs. These strategies can include interest in investment in particular sectors of the economy like building capacity in city planning with an interest in securing contracts for infrastructure projects (Currie 2012). It would therefore be folly to overlook foreign assistance

as immune from advancing national self-interest and the interests of a country's business community even with its contribution to social and economic development (Lam 2006, p. 149). With a more comprehensive approach then the shortfalls in such efforts can be identified. While some may argue that capacity-building programs offer a realistic opportunity to assist in the democratic transition, it is an effort that needs rigorous oversight to ensure that capacity is built across the board inclusive of areas which oftentimes fall further down the policy agenda like social welfare—a key ministry to improve broader human security challenges.

It is important in political transitions that constructive criticism is considered and shortfalls identified as areas for improvement, rather than seeing capacity-building programs as innocuous strategies to further democratic transition. This was notable in the first post-2008 government under President Thein Sein which can be identified as a "workshop presidency." As the 2010 elections in Myanmar were controversial, there were strategies of inclusiveness and openness employed by the President's office to gain trust in its reformist credentials from the international community to reduce the risks of surprises and unforeseen resistance (Wilson 2016, pp. 62–63). These workshops were also sites of trust-building within Myanmar amongst different sections of society. Notably, after a meeting with President Thein Sein, Aung San Suu Kyi attended a workshop on macroeconomic reforms in late 2011.

At the workshop, she was invited to a tea reception during a break and was seated at a table reserved for senior officials. This was previously unthinkable, and was arguably an example of the improving relationship between the then government and Aung San Suu Kyi (Hlaing 2012, p. 206). Indeed, it has long been argued that workshops such as these provide a necessary platform for interaction between track one (official government) and track two (informal or unofficial contacts) level diplomacy, more commonly known now as track 1.5 meetings. Through this combination of official and unofficial meetings, trust can be built between political actors whether within or between countries. This has been an important dynamic of elite policymaking and unofficial diplomacy across Southeast Asia and as such falls in line with the regional norm of informal dialogue. However, what is also common across the region is the outsider status of civil society in such forums except for those well-connected, which maintains the elite nature and top-down decision-making processes that have long characterized governance in Southeast Asia, oftentimes at the expense of the needs of the general population.

However, foreign assistance in government institutions has played a backstory to the overwhelming focus of foreign assistance focused on the development of civil society capacity. The underpinnings of such investment in societal groups outside of government institutions are aimed to nurture democratic practices of good governance to build a democracy from the ground up. This often neglects the undemocratic practices found in some parts of civil society or the progressive elements within government bureaucracies (Spurk 2010, pp. 3–27; Matelski 2013, p. 153). Further, those civil society organizations that attract funding from abroad offer relatively good salaries, tend to be based in Yangon or have an office there, and are staffed by urban, educated and literate elites. This raises questions over whether they represent the communities that the international funds are intended to target (Matelski 2013, p. 157). This is particularly the case in Myanmar which has a largely hierarchical society where men are more visible than women and individuals are expected to defer to their elders. However, recent efforts in Myanmar have begun to challenge these structures through empowering women initiatives for example. However, these civil society organizations can undermine efforts to build capacity in government bureaucracies as they offer career aspects within the aid industry which can cause a brain-drain initially into the civil society sector with the potential for these individuals to further their studies or careers overseas (Matelski 2013, p. 157). As is common across the Global South, much of the civil society organizing has centered on service delivery and to a lesser extent on community development and rights-based activities and conflict resolution (Simpson 2013, p. 135). This has been most prevalent in the borderlands particularly along the Thai border, where ethnic nationalities have had space in which to organize and develop grassroots capacity.

The involvement of foreign assistance is not limited to formal government mechanisms but also play an intrinsic part in the internal conflicts that have saddled Myanmar since the early years of independence. As Susanne Prager Nyein argued before the 2010 elections, the fault lines of internal conflicts are between a military ruling class and benefiting clients, cronies and elites, on the one hand, and a disempowered and impoverished populace on the other, regardless of ethnic derivation (Nyein 2009b, p. 134). While this is broadly the case, it undoubtedly disproportionately affects ethnic nationalities and minority populations. This transnational space of civil society has stimulated an "activist diaspora" notably around environmental issues such as the hydropower dam

projects along the Salween, which have threatened environmental and human security. Much of the power generated through hydropower dams along the Salween River lies in Kayin and Kayah states and is driven by foreign corporations and designed to export electricity to Thailand and China. These projects have routinely seen foreign corporations exploit the natural resources in Myanmar with little benefit to local communities posing threats to human security (Simpson 2013, pp. 132–133). The myriad individual security challenges mean it is difficult to differentiate between those that are linked only to the environment and those that are not. The rampant logging and environmental destruction together with a lack of legislated Environmental Impact Assessments (EIA) in Myanmar have been linked to non-democratic governance and authoritarian military rule both of which are antithetical to human security (Simpson 2013, p. 134). In ethnic nationality areas, local organizations like the Kachin Baptist Convention (KBC) have transformed themselves into mass emergency relief providers in response to the escalation of conflict because of the breakdown in relations between the central government and the KIA, particularly after the announcement of the Myitsone dam project which sidelined the KIA and alongside renewed troop redeployments into areas near KIA-controlled areas (Pattison 2012, p. 66). Community groups like the KBC continue to provide relief within their means while other NGOs and UN agencies struggle to gain access or provide relief to the community (Cook 2014, p. 327). In a joint statement, local community organizations confirmed that they were the only ones to access all IDPs save for infrequent INGO high profile convoys assisting the displaced, particularly in KIA-controlled and conflict-intense areas. The local community groups gain access through the development of strong relationships and processes that are task- and project- oriented (BRIDGE et al. 2013). However, the development of strong connections between international and local organizations has not necessarily translated into improvement in the structure of governance but rather filled a governance gap in providing for those affected by conflict.

The controversial Myitsone Dam Project in Kachin state was suspended on September 30, 2011 by then President Thein Sein due to local opposition and environmental concerns. The hydropower project is a joint venture called the Upstream Ayeyawady Confluence Basin Hydropower led by China Power Investment Corporation [CPI] and includes Myanmar's Asia World Company, Suntac Technologies, the Myanmar Electrical Power Enterprise, and Kansai Electric Power Company. The CPI initiative

identified five villages with 2146 people of 410 households which would be most affected by the hydropower project. They provided alternative housing, compensation for lost land, a living subsidy of 100,000 Kyats (approximately S$140), a 21-inch color TV and other living essentials as well as compensation for private orchards and economic forests. CPI reclaimed 440 acres of land, provided money for land leveling, rice for a year, 30 kg of rice seeds and 50 kg of fertilizer. Alongside they built schools, hospitals and auxiliary facilities including religious venues, police stations, fire stations, and administrative buildings, post offices and markets, a 20 km concrete road and a steady water and electricity supply for communities (Bacchin 2012 in Cook 2013, pp. 102–103).

The project became controversial because of the sheer size of the flooding area, its environmental impact, the livelihood costs to local community, the historical significance of its position, and as a symbol of China's growing influence on Myanmar. The suspension of the dam project also became symbolic of the changing nature of relations between China and Myanmar, and saw a transition to a post-Myitsone relationship. To assuage local discontent, the joint venture reengaged the local community to address their concerns. However, this was largely rejected by the local community as simply a promotional activity rather than opening a two-way process of engagement to address human security concerns of access to safe water, access to arable land, and other social and environmental concerns (Cook 2013, p. 103). It once again highlights the intimate relations of the military-business complex that proves to be a barrier of resistance to improving human security.

Conclusion

In Myanmar, the role of the state has been central to ethnic nationalities' insecurity, both through physical violence and on their environment through the "four cuts" campaign. Ethnic communities have been forced from their homes by the military and their lands burned or expropriated for unsustainable resource exploitation such as logging and harvesting non-timber products alike (Simpson 2013, p. 134). Currently, Myanmar remains preoccupied with "first generation" challenges for a transition from military to civilian rule like the depoliticization of the military, consolidation of the transition process and the "hybrid" government and potential shift to civilian control of the armed forces. These challenges will arguably be followed by "second generation" challenges

like the disengagement of the military from policymaking (Egreteau 2016, p. 40). The establishment of the legislatures at national and state/region level have opened a forum for increased interaction and trust-building between the military MPs and the democratically—elected MPs. This will be an important avenue which will assist in shaping a post-military regime military consciousness and its role within Myanmar. As Renaud Egrateau remarks the interaction between NLD MPs and military MPs in the Parliament has begun but remains limited to time at the Parliament due to the military MPs and NLD MPs residing in different locations. Further, the military and President Thein Sein in 2012 recognized the withdrawal of the military from legislative politics "as things change." However, given the decades-long development of the military as guardian, this gradual disengagement is "remote, if not bleak" (Egreteau 2016, pp. 38–42). With the articulation of a transition to a "disciplined" democracy by the military, it seemingly includes the development of consolidated and effective political parties, an "inter-generational" challenge.

As a democratically-elected political party, the NLD will undoubtedly need to prove itself consolidated and effective as a political party. However, this is harder than it appears. The NLD as a political party endured a two-decade long period during which its Chair Tin Oo and General-Secretary Aung San Suu Kyi were respectively imprisoned or detained under house arrest for significant periods. Without the ability to meet with its membership or supporters it rendered the party largely dysfunctional or ineffective. This subsequently led to an internal party split which saw some members participate in the 2010 elections as the National Democratic Force (Kipgen 2016, p. 89). The NLD as a political party has much to do to transition from an opposition political movement into an effective political party, which is constrained by the 2008 Constitution. It therefore remains to be seen how long or in what form this transition will take place.

According to Zoltan Barany, generals tend to relinquish power in one of two broad scenarios. The first is when they are incompetent and unpopular rulers, and are replaced by a unified opposition. The second is when military elites transfer power to civilians for at least one of the following four reasons: (1) the military leaders felt they achieved their objectives in running the country; (2) they believe their participation would endanger themselves; (3) they experience "government fatigue" when they have grown out of their leadership role and want to return

to the barracks; or (4) hold free-and-fair elections and stand by the outcome (Barany 2015, p. 87). If we consider the military's dominance in the postindependence period in Myanmar, the Tatmadaw's enduring political and economic dominance, and the weakness of the pro-democracy camp, there are few reasons to suspect the transition to democracy will be complete soon (Barany 2015, pp. 99–100). However, there is a notable generational shift in the military hierarchy which saw the retirement of Senior General Than Shwe and Vice-Senior General Maung Aye who were the last two who reigned Myanmar over the twenty years prior to the 2010 general election.

The subsequent generation of military leaders are 15–20 years younger, are better educated, did not experience the postindependence parliamentary period and have experienced more development than conflict (Pedersen 2011, p. 58). The establishment of a constitutional government including the office of the President and the national legislature also offer sites for progress but are undoubtedly constrained by the military and influenced by business elites who established their power base under the military regime. However, the transition to a constitutional government has not thus far generated much cooperation between the different ministries to address human security concerns.

These institutional disconnections and power imbalances ensure that human insecurity particularly around natural resource exploitation remains, whether it be in terms of inequitable sharing of benefits or the responsibilities, mitigating trade-offs, weak institutions and enforcement mechanisms, or ineffective promotion of good practices in investments and development schemes (Kattelus et al. 2014, p. 94). While the 2015 general election saw the ushering in of a largely new set of parliamentarians under the NLD banner, many constraints remain. The strength of the NLD as a political party will be challenged by the sum of its parts, and so the prospects for a strong countervailing united democratic force remain unrealized. While the NLD has undoubtedly got a mandate to govern by those that voted in the 2015 general election, whether this will materialize into further democratization and an improvement in human security faces an uphill battle against vested interests. This chapter has highlighted the need to understand human security challenges as part of a complex web of interactions at and between communities, regional and state Parliaments, the national government, Myanmar Army, businesses, and the international community. What is less clear is who in Myanmar will reap the benefits of the political transformation from amongst the cacophony of

new, old and reinvented interests. While the hope would be for the people in Myanmar to reap the greatest rewards, recent public protests signal the monumental challenges they face to achieve this (Cook 2013, p. 106). During the political transition in Myanmar there will be incremental improvements to human security in the near term. However, the prospects for more significant improvements in human security will be dependent upon the positive trajectory of civil-military relations in moving to civilian oversight of the armed forces and ultimately a democratic Myanmar.

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CHAPTER 5

The Politics of Survival in Cambodia: National Security for Undemocratic Control

Sorpong Peou

Abstract Liberal democracy was introduced to Cambodia in the early 1990s, but has failed to consolidate. Over the past two decades, the Cambodian People's Party has dominated the political system, and yet its leaders remain insecure as they continue to consolidate power. The ruling party's political successes can be explained in terms of its leadership's ability to coopt and conspire with members of the economic and security elites, increasingly relying on the idea of national security as a strategy to justify its power consolidation. Global security politics also contributed to the development of Cambodia's hegemonic-party system.

Keywords Cambodia · Democracy · Dictatorship · Elites
Hegemonic party system

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Introduction

According to *The Economist* (2014) democracy appears to have "run into trouble," despite the fact that it "was the most successful political idea of the 20th century." More recently, *Foreign Policy* published an article with this remark: "[l]iberal democracy and market capitalism are taken for granted as the best form of government. That bubble may be about to burst" (Karabell 2017). This unfortunate global trend also appears to be taking place in East Asia (Nakano 2014; Sang-Hun 2016; Peou 2015). Why is it that the promising trend of "third-wave democratization" (Huntington 1993) now appears to be experiencing a serious setback? This chapter makes several arguments.

First, it advances an argument that democracy has not consolidated in non-Western regions, not only because of cultural, historical, ideological and economic impediments, but also because the politics of survival grows intense. When state leaders' political legitimacy declines, they are under pressure to consolidate personal power and even manipulate the concept of national security at the expense of democracy. The second argument relies on Cambodia as a good case to show how democracy was introduced but has failed to consolidate. A multiparty system was introduced in the early 1990s, but has been transformed into a hegemonic-party system. The third argument is advanced to show that the ruling party's political successes can be explained in terms of its leadership's ability to co-opt or conspire with members of the economic and security elites. The political elite's successful control over the state and society resulted from its ability to work with international and domestic economic interests and control the armed forces. Global and regional security politics also played a major role in keeping Cambodia from going back to single-party dictatorship, while preventing democratic consolidation.

Democratization in Reverse Gear

The Politics of Survival and Illiberal Forces

Although democracy remains a highly-contested concept because its proponents have different understandings and visions due to their cultural traditions or ideological bents, this chapter refers to the concept of liberal democracy primarily for analytical purposes. Democracy that is

liberal is the system of government that has two basic forms: parliamentary and presidential. What the two systems share in common is the fact that elections are, firstly, expected to take place on a regular basis, usually every 4 or 5 years.

Secondly, elections are assumed to be competitive, free and fair. Multiparty systems exist when political parties compete freely and fairly. Voters and party members, especially those who belong to opposition parties, are not subject to political intimidation. Although certain political parties may continue to win elections and form governments over a long period of time (as evident in parliamentary systems in which certain political parties can be voted into office for as long as they are able to defeat their political opponents by winning enough votes or seats), one of the assumptions about liberal democracy is that there is a level-playing field for all parties. The concept of fairness in the electoral process further means that no party enjoys more political advantages than other parties, such as more access to the media. Party leaders cannot use state resources for campaigning purposes and manipulate state institutions, such as the armed forces and the judiciary, for political or personal gains. Free and fair elections mean a high degree of uncertainty, if not unpredictability, about election outcomes.

Furthermore, liberal democracy is the system of government that defends or protects political and civil rights, as well as civil liberties. Citizens have the right to vote, run for public office, and form political parties. Civil rights form an important part of liberal democracy because they protect citizens against unequal treatment based on race, gender and disability. Their rights are also protected regardless of political affiliations, racial/ethnic backgrounds, sexual orientations, and degrees/forms of disability. Civil liberties include the following freedoms: free speech, religious belief, movement, peaceful assembly, and strike and demonstration without unwarranted or arbitrary interference by people in positions of power.

In the study of liberal democracy, there are two basic distinct phases: democratic transition (from authoritarianism) and democratic consolidation, which together are part of democratization as a political process. Democracy is consolidated when the above characteristics are evident: regular electoral competition remains free and fair and the electorate's political and civil rights and civil liberties are well protected. The armed forces are subject to civilian control. The judiciary is impartial and enjoys its independence.

Based on the definition of liberal democracy, an observation can be made: democratization in Southeast Asia is now at a crossroads. On the one hand, democracy and human rights gained momentum after the end of the Cold War. Armed with a human rights declaration adopted unanimously in 2012, for instance, the Association of Southeast Asian Nations (ASEAN) as a "community" recognizes the importance of democracy and human rights. In principle, ASEAN leaders commit to the promotion of human rights and democracy. On the other hand, most ASEAN state leaders believe that democracy and human rights should not be pushed too fast—and too far. There have been serious setbacks for democracy in the region over the past several years, as evidenced by the 2014 military coup in Thailand and the election of Rodrigo Duterte as president of the Philippines in 2016 who has been accused of extrajudicial executions.

Perhaps only time will tell whether any countries in Southeast Asia will become truly democratic, but one harsh reality that persists is that democracy has been built on quicksand. Democracy has a long history of making a transition in the region, but has hardly made it to the next phase: consolidation. Elections have been held; some have been freer and fairer than others; however, elections have not helped consolidate democracy in this region.

What explains this overall negative and worrisome trend? Experts on the region have offered various explanations, including those based on historical, cultural, ideological and economic reasons. For some, history and culture are what impede each country's March to democracy. Western-style political liberal ideas made inroads into the region after colonial rule ended, but continue to struggle in finding their way across a region where traditional authoritarianism has left a deep legacy. Western-style liberal democracy has made no serious inroads into East Asia, because of antiliberal Asian cultural values (Kausikan 1998). Some (Roy 1994; Woo-Cumings 1994) use such terms as "soft authoritarianism" and "neo-authoritarianism." The term "Asian-style democracy" has also been coined to make the point that this system is antiliberal. Asian scholars and Western academics alike have contended that democracy in East Asia can be characterized as "illiberal" (Bell et al. 1995). Proponents of political culture who have studied comparative politics of East Asia also are pessimistic about the future of liberal democracy in East Asia. Unlike Francis Fukuyama, they did not expect any real "triumph" of Western liberalism in this region (Case 1996).

In fact, Asian-style democracy is as illiberal as African-style democracy in terms of political leaders' determination to cling on to power by using repressive means to keep the opposition at bay (Nossel 2015). But it is unclear whether political culture alone is what determines authoritarianism or different styles of democracy. Ideology also plays a powerful role in shaping political regimes. Illiberal ideologies still stand in the way of democratic reform in several regions of the world, including Asia. Democratic centralism in the ideological context of Marxism-Leninism also gave rise to dictatorship or authoritarianism in some Asian countries. North Korea can be cited as the best example of how its repressive regime still hangs on to power. Although they have embraced capitalism, Laos and Vietnam are still run by the communist parties whose leaders have no desire to end their monopoly of power.

Modernization theory also does not explain why industrializing states in Asia have not become more democratic. In fact, economic development offers authoritarian regimes additional ammunition to disarm dissent by relying on newly accumulated wealth to legitimize their tight grip on power. In spite of impressive economic growth in recent decades, most countries in East Asia still resist democratic ideas. Prosperous China and Vietnam remain deeply authoritarian. Wealthy Singapore offers the best example of how prosperity has not helped democracy thrive. The economic elites have shown no genuine commitment to democracy. This is a powerful challenge to modernization theory (Ichimura and Morley 1999).

Research on East Asian countries shows that the national bourgeoisie's role in politics sheds light on the fact that the capitalist classes in authoritarian states like China are not independent of the state. Some scholars place emphasis on the lack of autonomy enjoyed by the Asian bourgeoisies or business elites and their political inactivity (Pearson 1997). Sidel (2008) similarly argues that countries in Southeast Asia with no vigorous and independent bourgeoisie do not experience democratic development. Myanmar, Cambodia, Laos and Vietnam have not become democratic because none of these countries has developed a domestic business class that enjoys independence from the ruling party-state.

What makes the illiberal politico-economic elites work against liberal democracy also has something to do with their reliance on the armed forces for support or protection. Armed forces (which include the military, police, bodyguards and militia) play an influential role in determining the direction of politics in Southeast Asia. As state institutions,

the military and police have never been fully subject to civilian control. In spite of the fact that they saw their influence on the state and society wane in the late 1990s and early 2000s, the militaries in Southeast Asia have since resurged (Mietzner 2011). Thailand is the best example of how the military has never completely bowed to civilian rule. Between 1932 and 2014, the country had at least 25 general elections, but this period also saw at least 19 coups d'état of which 12 were successful. More can be said about the enduring role of the armed forces in Myanmar, despite democratization beginning with the national election in 2016. Even in more democratic states like Indonesia and the Philippines, the armed forces remain politically influential actors in national politics. This does not mean that they rule unrestrained, but their institutional powerbase has never been sufficiently weakened to the point where civilian leaders are powerful enough to sustain or consolidate the process of democratization.

When insecure or under threat, civilian leaders are likely to rely on the economic and security elites for political gain, survival, and protection. Political leaders in recent decades have faced what Mary Kaldor (2012) refers to as declining legitimacy and state authority crisis due to globalization and neoliberalism. The modern state appears to have exhausted itself and state leaders have become less and less able to respond to public concerns. State leaders have found themselves increasingly unable to create enough jobs for their populations and collect enough tax revenues to meet human needs, thus resulting in "new wars" described as "massive violations of human rights" and "organized crimes" committed for personal gain.

In the 1990s, neoliberalism gave rise to marketization, democratization, and criminalization of political violence (Peou 2017a). On one hand, these liberal processes have offered benefits, such as prosperity and better human rights guarantees. Marketization has lifted hundreds of millions of people out of poverty; democratization has turned battlefields into ballot boxes; criminalization of violence promises to help end human rights violations and deter them. On the other hand, these liberal processes have not helped institution building, because they produce winners and losers who then engage in the politics of survival. Winners are under pressure to keep winning by relying on violent means for power consolidation, knowing that losing may subject them to insecurity and the politics of retribution.

Therefore, the political elite's strategy may include efforts to form coalitions with economic and security elite members who are politically illiberal in character. These illiberal forces work together to protect their interests at the expense of economic, democratic, judicial, and legal institution building. Several possible tactics state leaders use to justify power consolidation include steps taken to weaken the opposition by both tightening control over the court system and disguising personal insecurity behind the veil of national security.

Thus, a hypothesis can be formulated for further empirical testing: Illiberal forces (made up of economic, political and security elites) are unlikely to give way to liberal democracy until or unless they break down after serious infighting or inter-elite fragmentation.

Cambodia's Hegemonic-Party System

Much has been written about the political developments in Cambodia after the United Nations intervened in 1992 (Peou 1997, 2000), when the world organization sent in a large mission, known as the United Nations Transitional Authority in Cambodia (UNTAC), to organize national elections. After having suffered much at the hands of their successive repressive governments, particularly the Khmer Rouge government (1975–1978), Cambodians were given an opportunity to make their voices heard when they cast their ballots in 1992 under the authority of UNTAC. The elections were judged as a "qualified success," despite being marred by violence and intimidation. The main opposition party, FUNCINPEC, won but was forced to share power with the Cambodian People's Party or CPP (whose leadership had run the government throughout the 1980s) (Peou 1997). Prince Norodom Ranariddh of FUNCINPEC assumed the post of First Prime Minister and Hun Sen of the CPP became Second Prime Minister.

The 1998 elections restored the CPP to its dominant position and the political system has been viewed as hegemonic, after Second Prime Minister Hun Sen removed First Prime Minister Norodom Ranariddh from power by force in July 1997 (Peou 2011, 2014). A degree of electoral competition has been permitted by the hegemonic-party, but none of the opposition parties has since been allowed to win enough seats to form a new government. Even if one of the opposition parties had won enough seats to form a new government, the CPP would not be

willing to transfer power peacefully. The CPP has tightened control over state institutions, particularly the executive branch, the judiciary, and the armed forces.

The 2013 election was most competitive (when compared to the 1998, 2003, 2008 elections), but the results caught the CPP off guard when it saw the number of its seats reduced to only 68 of the 123 seats—from 90 after the 2008 elections. The remaining seats went to the Cambodian National Rescue Party (CNRP). But mass protests against the results of the elections in July 2013 were suppressed. The CNRP was forced to accept the election results it considered to be deeply flawed. One year after the elections, the CNRP ended its boycott of the National Assembly, but the CPP did not put a stop to its repression against members of the opposition. This wave of repressive violence against members of the main opposition party marked the end of what the CPP and CNRP leaders had agreed to: namely, a "culture of dialogue."

The National Assembly has not been the only political site where the CPP has gained political dominance. The 61-seat Senate also remains packed with CPP members, a number of whom are powerful business tycoons operating in a country where there is no legislation on conflict of interest. The first Senate election took place on January 22, 2006. In the second Senate elections in 2012, the CPP won 46 seats (77.81%), leaving only 11 seats (22.19%) for the Sam Rainsy Party. This was the by-product of commune elections, in which political parties competed to have their members elected as local representatives. In the Senate, 57 of the 61 seats are elected by parliamentarians and commune councils. This may have been one reason why the CPP has sought to control the communes and has done so successfully.

Although local elections have been held on a regular basis with few technical irregularities reported, they were far from free and fair. The local elections in 2002 were hampered by CPP attempts to limit opposition parties' media access and restrict voters knowledge about their political rights and election procedures (COMFREL 2002), followed by the lowest voter turnout since 1993 (COMFREL 2007). The COMFREL 2012 local election made further progress because of less political violence, as the number of killed political activists declined to 3 in 2012, from 9 in COMFREL 2007 and 18 in COMFREL 2002. However, the CPP secured a greater number of seats than in the previous local elections, with 8283 of the 11,459 seats, while the number of seats won by the Sam Rainsy Party declined to 2155. FUNCINPEC

and the Norodom Ranariddh Party also received fewer seats than in the 2007 elections, with only 160 and 53, respectively, while the Human Rights Party won 800 seats. Without an effective campaign finance law, "the CPP could spend an unlimited amount" and it spent $9000 per commune in COMFREL 2012, compared to $1500 by the Sam Rainsy Party, $300 by the Human Rights Party, $200 by the Norodom Ranariddh Party, and less than $200 by FUNCINPEC (COMFREL 2012).

The year 2015 saw a new wave of political repression. A number of CNRP members of parliament were also arrested on trumped-up charges. In July, for instance, 11 CNRP activists were put in jail on charges of "insurrection." In August, an opposition senator was charged with treason for posting online a diplomatic document related to the Vietnamese-Cambodian border. On July, 11 CNRP members were jailed. On October 26, two other CNRP parliamentarians were assaulted at a pro-government protest outside the National Assembly. Other top CNRP leaders were also subject to threat, and criminal charges were laid against them. CNRP President Sam Rainsy and his Vice-President Kem Sokha were among the primary targets. On October 30, Kem's position as First Vice-President of the National Assembly was removed. A string of events worked against Sam, including the issuance of a warrant for his arrest on November 13, the National Assembly's removal of his parliamentary immunity on November 16, and a court's summons issued on November 20 for him to appear in court.

The political situation in 2016 was still fraught with uncertainty. While still in exile, Sam Rainsy faced four new cases against him, three of which were related to criminal defamation of Hun Sen. In December, he was sentenced to 5 years in prison. Kem Sokha also faced more challenges: he was more or less under house arrest, as he was hiding in CNRP headquarters. Hun Sen called for his arrest and then, in September, displayed a show of force to intimidate the CNRP leader by sending troops to areas near the CNRP headquarters. Although he received a pardon from the king on December 2 at Hun Sen's request, Kem still led a party weakened by internal frictions between Sam Rasiny Party and Human Rights Party members. Although Kem became president of the CNRP after Sam stepped down as CNRP president in February 2017, there is no guarantee that the CNRP will grow strong enough to challenge the CPP. Hardliners within the party were critical of their leaders for engaging in a culture of dialogue with the CPP

(COMFREL 2016, p. 35) and some of Sam's supporters may not give Kem the level of support he would need to keep the party united and going strong.

As the 2017 commune election and the 2018 national elections were drawing near, the CPP leadership sought to further weaken the opposition. On February 20, the National Assembly (dominated by CPP lawmakers and in the absence of CNRP lawmakers) voted unanimously to amend the Law on Political Parties. The legal amendments were aimed at empowering the Supreme Court and the Ministry of Interior—two major CPP-controlled state institutions—to take action against political parties whose leaders have criminal records. But as noted earlier, the judicial system has become increasingly politicized in that judges and prosecutors have successfully worked to prosecute opposition members. As will be discussed later, the Ministry of Interior has also become increasingly politicized.

Civil rights in Cambodia have also been restricted. Discrimination against people on the basis of age, race, gender and disability remains. Youth and women are among the social groups that still lack the means of political participation. Although some improvement is evident in recent years, they remain unrepresented in national and local elected bodies. The accomplishments still fall short of the Millennium Development Goal 3 to achieve 25% of female representation in the commune councils and 30% in the National Assembly. Only four youth candidates are represented in the National Assembly (COMFREL 2016, pp. 40–41).

Some civil liberties have also been suppressed. Freedom of expression remains under threat. The July 2016 killing of Kem Ley, a prominent pro-democracy critic of the government, added to the growing suspicion that freedom of speech was being increasingly restricted. Government forces sought to control tens of thousands of Cambodians who joined the funeral procession of Kem Ley. Stricter controls of the internet have been imposed and citizens who express antigovernment opinions online have been harassed and charged with imprisonment. The same can be said about freedom of assembly. Although crackdowns on this freedom have become less violent, opposition members and supporters have been charged with "insurrection," when involved in protests, and even imprisoned (COMFREL 2016, pp. 21–19).

Crackdowns on land and labor activists continued unabated. Some of these activists who engaged in protesting against illegal land grabbing

practices were harassed, arrested, detained, subject to prosecution, and even imprisoned. Factory workers and union members faced similar threats. In early January 2014, for instance, the government deployed gendarme, police and para-police personnel to enforce the ban on peaceful protests by textile workers who demanded a higher minimum wage of about $160 per month. In April 2016, the National Assembly approved a new trade union law, despite repeated objections from trade unions, the International Labour Organization, and several global government brands. According to the International Trade Union Confederations (2016), the new law "would among other things impose new limits on the right to strike, facilitate government intervention in internal union affairs and permits third parties to seek the dissolution of trade unions."

The CPP has also sought to control civil society actors by seeking to keep them either weak or subordinate to its interests, or unable to challenge its reign of power. The role of NGOs in particular has been increasingly constrained, and this development has also negatively affected the freedom of association. During the summer of 2015, for instance, the government passed a new law on associations and non-profit organizations (LANGO), requiring both international and national NGOs to register with the government. Observers were concerned that the law can be used as a political tool to restrict freedom of association of NGOs and any associations critical of government decisions and actions (COMFREL 2016, pp. 29–30).

Throughout Cambodian history, Buddhism has been manipulated as a tool to help advance elite interests and little has changed in contemporary politics. Although the degree of religious freedom has been generally high, Buddhism remains the state religion and the CPP has sought to maintain control over the institution. The CPP has employed various tactics to keep the institution deeply politicized and pro-government. Hun Sen has reached out to the 53,257 monks in the country and encouraged CPP party members to make donations to pagoda construction projects. He made sure that any monks critical of the government would be silenced. The pro-CPP Great Supreme Patriarch Tep Vong, also the chief of Phnom Penh's Wat Ounalom, even took steps to ban "monks from voting in the national [1998] election," warned them to "stay away from political demonstrations and protests" before the 2008 elections, and even urged them to thank the CPP for saving Cambodia from the Khmer Rouge regime. CPP attempts to control the institution is further evidenced by the fact that Tep Vong was a high-ranking

political figure, both elected as Vice-President of the National Assembly in 1981 after the current top CPP leaders had come to power in 1979 and appointed Supreme Patriarch of the dominant Mohanikay sect of Buddhism in the same year, apparently without having been ordained or served as a monk. In 2006, he was elevated to the position of Great Supreme Patriarch, the first such appointment in 150 years (Boyle and Titthara 2013).

The limits of democratization are further evidenced by the fact that the judicial system remains extremely weak, highly politicized and, thus, unable to effectively protect opposition parties against political violence, political rights, as well as civil liberties. In spite of the assumption about the positive impact of the Extraordinary Chambers in the Court of Cambodia (ECCC) on the rule of law, to be discussed later, no evidence suggests that this has happened. The Committee for Free and Fair Elections points to the following: "the judiciary remains firmly under the control of the executive" and that "the judiciary is used as an instrument by the CPP to weaken the opposition has been strengthened in 2015" (COMFREL 2016, p. 14).

Judges and court officials have been appointed members of the CPP's Central Committee. Government control over the judiciary's budgetary and administrative matters was tightened; the rights of judges and prosecutors to freedom of expression was restricted; safeguards for judicial independence in selection, promotion, removal and disciplinary procedures for judges were reduced. With the opposition out of its way in Parliament during the post-election boycott that lasted until July 2014, the CPP took additional steps to tighten its control over the judiciary. On July 13, for instance, the opposition-boycotted National Assembly promulgated three laws: the Law on Organization and Functioning of the Supreme Council of the Magistracy, the Law on the Organization of the Courts, the Statute of Judges and Prosecutors, and the Law on the Organization of the Courts. Critics charged that the new laws further undermined the idea of judicial independence by giving the Minister of Justice excessive power to control both judges and prosecutors (Radio Free Asia 2014).

Evidence clearly suggests that Cambodia is not heading for a one-party state as suggested by some observers (Radio Free Asia 2013). Thus far, the CPP has dominated the political-party system. The electoral process became freer and fairer but was not free and fair enough to give the opposition a good chance to win. Civil liberties and rights were

still restricted. The system of checks and balances has weakened. The CPP has gained control over the judiciary and the armed forces. This hegemonic-party system is likely to remain for years to come, and this prediction is based on the fact that the illiberal coalition in Cambodia is well-entrenched. An explanation can be advanced in the paragraphs that follow.

Why Illiberal Forces Became Dominant

What explains the democratic rollback in Cambodia? This chapter contends that democracy in this country has failed to consolidate for a number of reasons, the most important of which is a combination of factors related to the limits of institutionalization or institutional weaknesses.

There is no doubt that political culture plays a role in impeding the process of democratization. Traditional authoritarianism runs deep in a country where it was once an empire run by monarchs known as semi-gods who enjoyed absolute power. Today, Cambodia remains a kingdom, despite the fact that the monarchy has lost much of its traditional legitimacy. Top CPP leaders have done much to weaken the monarch, especially after 1997 when they toppled their coalition partner who agreed to share power with the CPP after the 1993 elections. Thus far, five top CPP leaders have been given the royal title of "samdech": Chea Sim, Heng Samrin, Hun Sen, Say Chhum, and Sar Kheng. Paul Chambers correctly (Chambers 2015) describes the ruling elite as one with a "neo-Sultanistic" tendency in terms of civil–military relations in which the CPP dominates the armed forces to be discussed later. But political culture should not be treated as the key variable explaining the continuity or persistence of political authoritarianism. After all, political culture is dynamic and changes do take place.

A more powerful explanatory variable explaining why the current regime remains authoritarian is the legacy of socialist dictatorship (Peou 2013). When the Khmer Rouge came to power in 1975, the revolutionary regime began to implement a national policy based on Marxism-Leninism-Maoism with the Communist Party monopolizing power from top down. This does not mean the Party enjoyed absolute power. The state was structurally fragmented and this helps explain why the revolutionary regime engaged in political violence not only against its own people but also its own party members. Political purges conducted by top leaders, mainly Prime Minister Pol Pot and his loyalists, against

other party leaders and members contributed to the downfall of the regime, especially a number of Khmer Rouge officials fled for their lives to Vietnam and invited the latter to intervene militarily in Cambodia. Hanoi responded by sending in almost 200,000 troops and toppled the Pol Pot regime in 1979. The new socialist regime cooperated with Vietnam and continued to embrace some form of socialism.

While cultural and ideological impediments offer some explanatory power, they still do not tell us why other authoritarian states have become more democratic than Cambodia. Cultural and ideological legacies shed some light on the CPP leadership's tendency to use intimidation and lethal force against those who have challenged their power, but it would be simplistic to suggest that no other factors help explain the ruling party's behavior.

Marketization has made it possible for the economic elite to emerge and become supportive of the political elite. Hun Sen has effectively adopted a strategy to co-opt the national economic elite with transnational actors. He has sought to transform his country into the economic heartland of the Greater Mekong Sub-region by deepening economic integration with neighboring countries, especially Vietnam, and East-Asian countries, especially China (Heder 2012, pp. 105–106). Members of the national economic elite have benefited from foreign investments, corruption and economic growth and have used their newfound wealth to help the political elite consolidate power. As noted, frequent strikes and demonstrations led by union leaders are symptomatic of the hardships that factory workers have endured over the years. Instead of working to ensure livable or decent working conditions for the poor working class, the political elite has taken action to either ban peaceful protests or use force to crack down on protestors. Top government officials have conspired with tycoons in their joint effort to pursue their shared interest in working with foreign investors seeking to make profits through bribery and exploitation of workers who work in back-breaking conditions with low wages and hardly any benefits. Members of the economic and political elites have benefited from the pro-market policies implemented by the post-Cold War governments.

Growing investment in various areas of the economy, such as mining, forestry, agriculture, textile manufacturing and real estate, has raised property values and allowed some powerful government officials to engage in illegal land grabbing. Global Witness (2007) has implicated Hun Sen and members of the political and economic elites in

various illegal economic activities, including illegal logging. Allegations about this type of relationship have also been made known to the public (Cambodian Information Center 2011).

The CPP government's strategy to ensure economic growth as a form of legitimacy has been a key factor in explaining ongoing political intimidation and violence against the opposition parties much of whose support also comes from union members. In the name of political stability for economic development, the government has shown little reluctance to crack down on peaceful protesters. Although economic liberalization that began early in the 1990s has spurred economic growth, the process has also unleashed negative effects on ordinary people thousands of whom have been forced out of their homes and land.

Members of the armed forces and the economic elite also shared an interest in working together to protect and promote their interests. The military, for instance, collected personal donations from business tycoons (each of whom also gave to the government $100,000 for the title of Oknha) and their number is almost 700 (Hunt 2015). Meanwhile, members of the economic elite have been able to gain influence over security officials by co-opting them and, thus, enjoy the latter's support in pursuit of personal gain (Sok 2014). Much of this has been documented by Global Witness (2007), but it is worth citing some of what Josie Cohen of Global Witness said. According to her, "[w]e have repeatedly seen how companies belonging to powerful tycoons use state security forces as private armies to guard their land concessions." She added that, "[t]he corporate-military sponsorship program formalizes this arrangement and threatens to turn the battle for land even more violent and deadly" (cited in Hunt 2015).

Members of the armed forces have also been co-opted. In February 2015, for instance, the CPP added 306 new members to its Central Committee, almost 100 of whom were senior military and police officers (Vong and Meas 2015). The Central Committee has become less subject to party control, when CPP President Chea Sim (Hun Sen's archrival) died in June 2015 and Hun Sen was elected president of the CPP. The party quickly reaffirmed Hun Sen as its prime ministerial candidate for the national election scheduled for 2018.

Members of the armed forces, especially the military, police and security guards, remain the government's principal collective instrument of political repression and have thus been allowed to commit violence with impunity. According to Human Rights Watch (2015), "[s]ince the CPP

has been in power, members and commanders of government security forces have enjoyed impunity from investigation, let alone prosecution, for serious human rights abuses, including political assassinations, other extrajudicial killings, and torture."

Over the past decade, Hun Sen has also successfully tightened control over the armed forces to the extent that the latter might quickly splinter, if and when he dies. Paul Chambers (2015) makes a persuasive argument about civil–military relations in terms of Hun Sen's ability to subject the armed forces to his personal control. In 2009, Hun Sen took additional steps to consolidate his control over the military and police. Not only did he succeed in removing General Ke Kimya (who belonged to an anti-Hun Sen CPP faction) from the position of Commander-in-Chief of the Armed Forces, but he also succeeded in getting more of his loyal friends appointed to top positions in the armed forces. Hun Sen appointed one of his most trusted generals, Pol Saroeun, as the new military chief and appointed seven others as new deputy commanders-in-chief, all of whom were his close loyal allies.

In addition, Hun Sen elevated his family members to senior positions. His eldest son Hun Manet, who graduated from the US Military Academy at West Point but had no military experience, was appointed to three top positions within the armed forces: Vice-Chairman of the RCAF Joint General Staff, Deputy Commander of the Army, Commander of the 911 Airborne Brigade's Counter-Terrorism Unit and Deputy Commander of Hun Sen's Bodyguard Unit. Hun Manith, Hun Sen's second son, was also appointed Deputy Head of the Military Intelligence Unit. His third son, Hun Many, is a CPP lawmaker and leader of the CPP-Aligned Union of Youth Federations of Cambodia. His role "signaled the possibility that he could be a potential future candidate for the prime minister post, by shaping the CPP profile to appeal to young voters" (COMFREL 2016, p. 34). When National Police Chief General Hok Lundy (one of Hun Sen's in-laws) died in 2008, Hun Sen quickly appointed his nephew-in-law, the deputy police chief, to the top post. Together they maintained their loyalty to Hun Sen and helped him consolidate power.

Top-ranking members of the military elite remain loyal to the CPP leadership and are committed to the defense and protection of the latter. Before Kem Sokha was removed from his position as Vice-President of the National Assembly, for instance, a group of soldiers held a rally and raised banners emblazoned with slogans like "Kem Sokha is a bad person

who creates never-ending problems" and "Please remove him from the assembly" (*Cambodia Daily* 2015). Deputy Commander Kun Kim of the RCAF also demanded that Kem Sokha be removed from his position as First Vice-President of the National Assembly (COMFREL 2016, p. 18). According to Voice of America (2015), "Senior government officials have backed the soldiers" actions on the grounds of freedom of expression… The events follow numerous warnings by Hun Sen in recent months of civil war should the opposition win the next general election."

Much of what has been written about Cambodian politics tends to focus on the culture of impunity and the need to end it with the threat of judicial punishment, without appreciating the fact that the pervasive culture of retribution, either political or legal, is one of the major factors hindering the process of democratic and judicial institution building. When the Lon Nol forces surrendered themselves in 1975, the Khmer Rouge regime slaughtered them. When the Khmer Rouge leadership was driven out of power in 1979, the new regime sentenced top leaders to death and sought to exclude them from the peace process. This further helps explain why the disarmament process failed under UNTAC. And when the Khmer Rouge movement disintegrated in 1998, its top leaders were subsequently brought to justice.

The establishment of the hybrid tribunal, known as the Extraordinary Chambers in the Court of Cambodia (ECCC) reinforced the CPP leadership's sense of insecurity. On the one hand, the ECCC succeeded in putting away a few top Khmer Rouge leaders, who committed mass atrocities during their reign of terror and led an armed rebellion against the Hun Sen regime from 1979 to 1998. On the other hand, some top members of the CPP government are former Khmer Rouge officials. The fact that the Hun Sen regime resisted the ECCC's pressure and the UN's to bring more Khmer Rouge leaders to justice shows that the CPP leadership was not about to loosen its grip on power. Hun Sen said that bringing more former Khmer Rouge leaders to justice would cause political instability and even bring the country back to civil war (Peou 2014). Opposition leaders also threatened to bring to justice unnamed CPP government officials (Peou 2017b), but the history of Cambodian politics shows that the politics of survival and retribution remains a source of insecurity and authoritarianism. Hun Sen is unlikely to loosen his grip on political power, now that a group of lawyers have lodged a formal complaint at the International Criminal Court (ICC), alleging that members of the political, security and economic elites committed crimes

against humanity associated with illegal land grabbing and environmental destruction (Hunter 2015; Hunt 2016). Any threat to prosecute top members of the illiberal coalition, as advocated by critics of the government, such as Global Witness (2007, p. 89), is the moral thing to do and may be the way to go, if possible. Evidently, the threat of judicial punishment has done little to break the entrenched illiberal elite coalition. Instead of mending their ways, the alleged "criminals" within the coalition appear to have cemented their ties and evidently worked their way toward securitizing threats to their interests.

The optimistic assumption that democracy thrives when criminal leaders in institutionally weak states face the threat of judicial punishment overlooks the fact that they may not want to give up power when they are in the position of power. Instead, they chose to securitize threats to them. The CPP leadership looks unprepared to give up power and has taken steps to consolidate power, making a false case for enhancing national security. In fact, the CPP government has sought to buy the armed forces' loyalty by taking new steps, one of which involved increasing defense spending. In November 2016, for instance, General Hun Manet (one of Hun Sen's sons) made remarks in support of the 20% increase in defense spending to $455 million in 2017. In his own words, "[a] huge part of increasing the national defense budget is increasing salaries for our brothers and sisters in the army, because it is our brothers and sisters who protect territorial integrity" (cited in Mech 2016).

Some observers are only partly correct when they argue that the promised increases in defense spending would help silence critics who had spread "propaganda" and "exaggerations" about soldiers being poorly paid (Mech 2016). The bottom line is that the CPP government defines national security to include just about every source of threat to the CPP government and to Hun Sen in particular. Saying something on social media critical of government officials, for instance, has been treated as a threat to national security. In June 2016, for instance, a 36-year old woman was charged with "insulting a public official" when she posted a message on Facebook that "Hun Sen has died in a plane crash and congratulations on his death." Council of Ministers spokesman Phay Siphan did not see this as "a case [for] freedom of expression," but instead pointed out that "[i]t is a national security issue" (cited in Mech and Baliga 2016).

Hun Sen himself has also attempted to maintain his grip on power through the language of "national security." In September 2016, he

deployed members of the armed forces to intimidate the CNRP leadership, accusing the latter of seeking to "destroy social order." He made it clear that "it is an order to ensure all government forces are ready to get rid of all forces that are acting to destroy national security" (cited in Ben 2016).

The successful effort to amend the Law on Political Parties, as mentioned earlier, marks the most recent step to discredit or weaken opposition parties in the name of national security. Government officials define a growing threat to national security in terms of allowing the opposition to grow stronger because, in their view, a stronger opposition would lead to anarchy. They falsely equate anarchy with national disintegration caused by the opposition, not with the absence of law that protects political and civil rights, as well as civil liberties. Thus, the pursuit of national security simply means the pursuit of personal and party security.

It came as no surprise that the CPP government increasingly also took the view that any political interference in the domestic affairs of Cambodia could no longer be tolerated, apparently regarding this type of action as a threat to state sovereignty. One of the targets for attack has been the UN Office of the High Commissioner for Human Rights in Cambodia, which has come under the government's threat of expulsion on the grounds that the office threatened the country's sovereignty by interfering in its domestic affairs. This type of attack on international interference is not simply about countering a threat posed by the international human rights regime but mostly about minimizing global support for human rights advocated by domestic activists and opposition party members. The CPP government's most recent threat was made in November 2016, after the UN office's remark that the plan to prevent self-exiled CNRP leader Sam Rainsy from returning to Cambodia could be a rights violation.

The resurgence of geopolitics (Kagan 2017; Mead 2014) has not yet undermined the neoliberal world order (Ikenberry 2014), but this worrisome development continues to pose a growing threat to democracy in institutionally weak states like Cambodia whose authoritarian leaders can find comfort in security through protection from powerful undemocratic states like China and Russia. Global and regional rivalry between undemocratic states like China and Russia and democracies like Japan and the United States has allowed the CPP government to have a freer hand consolidating political power at the expense of democracy. Since the late 1990s, Cambodia under Hun Sen's rule has moved closer to China,

now the largest military donor in this Southeast Asian state. Cambodia has shown interest in acquiring Chinese warships. On February 26, 2016, the two countries conducted joint military exercises for the first time ever, involving three Chinese warships, 737 Chinese sailors and 70 Cambodian sailors (Parameswaran 2016). Soon after violent border clashes between Cambodia and Vietnam in June 2015, Phnom Penh sent to Beijing a 26-member delegation whose members included the commanders of the three branches of the armed forces, and the national military police commander (Parameswaran 2015). Cambodia has become China's most reliable ally in Southeast Asia and is likely to stay close to China, Vietnam's archrival.

China has become the CPP government's best life insurance and this helps explain why Washington has been reluctant to put pressure on the CPP government to promote democracy and protect human rights. When US military aid (including the planned delivery of 200 military vehicles) was suspended in 2010 (after Phnom Penh had sent a group of Urghur asylum seekers back to China in 2009), Cambodia quickly signed agreements with China and received $850 million from the latter. Evidently US military aid to Cambodia has since been minimal (Belford and Prak 2015). There were other signs that pro-China Cambodia was prepared to distance itself away from the United States, despite the fact the latter has been one of the few largest destinations for Cambodian exports. Hun Sen remains highly suspicious of Washington working with the Cambodian opposition to overthrow his government. He blamed the United States and European states for supporting "Color Revolution" and the problems it brought to the Middle East, as well as for the ongoing wars in the region (Hun 2016). For the CPP leadership, its own security appears to be more important than trade benefits for the country.

Conclusion

Cambodia is far from achieving liberal democracy. The process of democratization has not developed far beyond the regular holding of elections, which became freer and fairer but not free and fair enough to make democratic politics liberal. The multiparty system has become more like a hegemonic-party system: the CPP has succeeded in consolidating political power. The fact that Hun Sen has been in power for more than 30 years proves he is the master of a strategy that succeeds

in preventing his opponents from winning enough seats to form a new government. His strategy has also been the by-product of economic liberalization, which gave rise to the new economic elite, dominated mostly by a group of tycoons who have sought protection and favor from powerful members of the political elite, who have in turn benefited from the loyalty and support of the armed forces. Together they joined forces to defend their shared interest in reversing or limiting democratic progress. This illiberal coalition operates on the basis of shared interest driven by the political elite's sense of insecurity shaped and exacerbated by the politics of survival and the culture of retribution. The changing dynamics of security politics in Cambodia is alive and well but still least understood by most liberal pundits and politicians, ideologues and activists, as well as members of the Western media and critics of the CPP government, who all have played a positive role as guardian of democracy but often see things through black and white—and through the single lens of retributive justice.

The greatest challenge to the idea of peace through democracy and justice in postwar countries like Cambodia is not that marketization, democratization and criminalization of political violence are bad processes, but that these neoliberal measures have been pursued often without carefully taking into account the politics of survival and the (actual or perceived) fear of retribution. While it is true that there is no peace if justice is denied, it is also true that justice can be a double-edged sword: it can either heal or kill, to put it bluntly. The establishment of *ad hoc*, hybrid and permanent international tribunals/courts since the 1990s have not prevented worldwide democratization from backsliding. Neither have these judicial institutions made the world less prone to war. Proponents of justice tend to forget that the liberal processes are politically competitive, producing winners and losers, and potentially threatening and punitive. Justice in postwar states with extremely institutional weaknesses may be best pursued when it is first allowed to follow security. Moreover, justice may not be denied only when states first become institutionally democratic. Although more research is needed, preliminary evidence shows that the pursuit of retributive justice in institutionally weak and undemocratic states does not necessarily make such states more democratic than those that do not relentlessly pursue this form of justice (Peou 2015, 2017a, b). Neoliberalism needs a dose of realism to avoid seeing one crisis after another. Based on this insight, the CPP is not expected to give democracy more space to breathe until its leaders

can at least rest assured that the end of political or legal retribution is in sight. Only then will the judiciary be allowed to become more independent and the armed forces more professional. Only then is the illiberal elite coalition likely to disintegrate or collapse and allow democracy to grow and consolidate.

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CHAPTER 6

Neo-authoritarian Peace in Timor-Leste

Yuji Uesugi

Abstract The birth of Timor-Leste as a country was midwifed by the 'executive' mandate of the UN Transitional Administration in East Timor (UNTAET). This was a 'hybrid' form of governance. On the one hand, 'western' or 'liberal' ideas such as democracy and civil society were brought into the system, on the other, 'indigenous' or 'authoritarian' forms of governance were kept intact. The UN executive authority allowed little room for local voices. At the same time, Timorese leaders shared 'indigenous' authoritarian traits and some maintained a 'resistance' mentality. In fact, such traits and mentality were upheld by the very approach used by the neo-trusteeship missions of the UN, as Timorese leaders continued to resist the usurpation of their sovereignty by the UN. In other words, the autocratic methodology of post-conflict international peacebuilding contributed the emergence of a neo-authoritarian regime in Timor-Leste.

Keywords Timor-Leste · Local ownership · Neo-authoritarianism
Neo-trusteeship · Transitional administration · United Nations

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Introduction

International Crisis Group's report reminded the fact that Timor-Leste is not only a post-conflict state, but also a post-authoritarian state, which emerged from the administration of the Portuguese dictatorship as well as the administration of the Indonesian "New Order" state of Suharto (2013, p. 38). Furthermore, 24 years of struggle for independence against Indonesian occupation forced most Timorese leaders who used to be guerrillas, clandestine agents or diasporas to be bigoted to "resistance mentality" and be steeped in the antidemocratic political culture.

Lise Morje Howard argued that neo-trusteeship would be an effective strategy of post-conflict state-building for external interveners such as the UN (2014, p. 116). She maintained that the UN-led model of neo-trusteeship—a centralized, non-self-interested, short-term, well-funded mission experimented in Timor-Leste would hold promise for future international peacebuilding assistance in fragile states (2014, pp. 117, 132). Hideaki Asahi described the state-building endeavor in Timor-Leste as a top-down, state-centric process with a structural focus on putting in place the central- and national-level institutions of the state (2012, pp. 3–4). One of the key characteristics of neo-trusteeship is its authoritarian methodology of governance with a goal of establishing state-centric liberal democracy in a post-conflict society. In short, the essence of neo-trusteeship is "benevolent autocracy" (Chesterman 2004, p. 8).

Discussing the resilience and rise (revival) of authoritarian regimes in the era of democratization, Ivan Krastev identified new features of authoritarian states under the rubric of "new authoritarianism" (2011, p. 7). In this chapter, the term "neo-authoritarianism" is used to capture the dynamisms of the two trends: neo-trusteeship in the state-building literature and new authoritarianism in the democratization literature. This chapter focuses on a critical question regarding the theme of neo-authoritarianism. That is, will neo-trusteeship plant a seed of neo-authoritarianism in a newly born state? This chapter will examine this question by investigating interactions between the external authority—UN neo-trusteeship missions—and the local authority using the case of Timor-Leste.

The trajectory of the state-building endeavor in Timor-Leste revealed the inherent dilemmas of nurturing liberal democracy through a non-democratic way, and promoting local ownership with externally imposed

intervention (Paris and Sisk 2009). This is a serious set of discrepancies between the ends of liberal democracy and the means of benevolent autocracy (Chesterman 2004, p. 257). Furthermore, the state-building process in Timor-Leste represented "neo-trusteeship tensions" between an externally introduced system of liberal democracy (i.e. rule of law) and an indigenous autocratic governance system which is dominated by local political elite (i.e. rule of man).

In this chapter, the negative inheritance of neo-trusteeship is defined as side effects. One of the added values of this chapter to the existing discussion on international peacebuilding is to highlight the relationship between the neo-trusteeship contradiction between its ends and means, and the genesis of a new authoritarian regime in the aftermath of post-conflict neo-trusteeship. In fact, a series of UN neo-trusteeship missions with "neo-authoritarian" traits aimed to install a foundation of liberal democracy in Timor-Leste. Hence, the main argument of this chapter is that traits of neo-authoritarianism in a newborn state is an inevitable side effect of neo-trusteeship (benevolent methodological autocracy). In addition to the negative inheritance from neo-trusteeship, unwanted carry-overs from the era of resistance affected the resilience of authoritarian attributes in the new state of Timor-Leste. The mind-set of local leaders was still occupied with the "resistance mentality"—i.e., denying the foreign occupation and fighting for their self-determination (Belo 2014, p. 152), and they were very sensitive to the usurpation of sovereignty and imposition of foreign governance structures (Howe and Uesugi 2015, p. 85).

This chapter starts with a brief description of a series of neo-trusteeship intervention by the UN in Timor-Leste, followed by the case study of neo-authoritarianism in Timor-Leste. The subsequent section includes a main discussion regarding the relationship between the side effects of the UN neo-trusteeship and the resilience of authoritarian traits in the Timorese governance structures.

Neo-trusteeship Missions in Timor-Leste

The state-building process was undertaken by four UN missions, costing in the end over $5 billion (Howard 2014, p. 126). In addition, two military operations of a coalition of willing states with either authorization or endorsement by the UN intervened in two critical moments, one in 1999 and the other in 2006.

UNAMET and INTERFET

The United Nations Mission in East Timor (UNAMET; June–October 1999) supervised the 1999 popular consultation (de facto referendum asking the population of Timor-Leste for their judgement on independence) which determined the fate of an independent state. In the direct aftermath of the 1999 post-referendum crisis, an UN-mandated multinational military operation called the International Force East Timor (INTERFET) was deployed to restore security and order there.

UNTAET

The United Nations Transitional Administration in East Timor (UNTAET; October 1999–May 2002) was established by the UN Security Council, and given an overall responsibility for the administration of Timor-Leste and was empowered to exercise legislative and executive authority, including the administration of justice (UNSCR 1272, 1999). In short, UNTAET was given an executive mandate during the transition period until independence.

According to Markus Benzing, UNTAET was the most radical state-building exercise the UN has so far engaged in, and the UN acted as a "midwife" for a new state (2005, p. 297). Among the four UN missions deployed in Timor-Leste, UNTAET was given the most robust mandate, under Chap. 7 of the UN Charter, in terms of the centralization and monopoly of power by the Transitional Administrator. While UNTAET enjoyed the international legitimacy, the legitimacy of such a massive neo-trusteeship mission in the eyes of local population was not taken into consideration. When a governing authority is not selected directly or indirectly by those who are governed, it is not considered to be democratic. The point is that state-building in Timor-Leste was led by a benevolent foreign autocratic authority that was installed by outsiders without direct consent of the local inhabitants. Indeed, UNTAET represented a sovereign authority in Timor-Leste, and locals were not initially permitted to take part in the governing structures (Howard 2014, p. 128).

As one of the primary ends of UNTAET was to prepare a democratic system of governance in Timor-Leste, the center of gravity of governance has shifted gradually from UNTAET to local political elite. This shift is known as "Timorization"—i.e., including Timorese in the governing structures (Howard 2014, p. 129).

On March 29, 2001, after almost 17 months since the launch of UNTAET, Sérgio Vieira de Mello, the head of UNTAET and the Transitional Administrator, stressed the need to speed up the political and administrative handover of power in the territory, to ensure the viability and strength of the country once full independence is reached (UN 2001). Xanana Gusmão, then the President of the National Council of Timorese Resistance (CNRT), stated that "[i]t is my sincere belief that the support of the international community must, above all, focus on the needs of the people and taking into account the acute necessity to safeguard an environment of political tolerance in an atmosphere of tranquility" (UN 2001). These statements are illustrative of the relationship between UNTAET (who governs) and the Timorese (who are governed), i.e., the latter was at the mercy of the former.

UNMISET

The formal (restoration of) independence of Timor-Leste was granted on May 20, 2002, and on that day UNTAET was replaced by the United Nations Mission of Support in Timor-Leste (UNMISET; May 2002–May 2005). Power was handed over from the UN to Timorese authority which was established originally by the Constituent Assembly election conducted in August 2001. This transition made Timorese leaders to sit in the driver's seat, while UNMISET was given the navigator's seat. However, due to the lack of human resources in the modern form of judiciary and public administration, the international community sent, through UNMISET, the World Bank, and bilateral arrangements, many "advisors" to the key positions in the state intuitions. Furthermore, Timorese government was not able to enjoy the monopoly of control over their finance as a major source of the revenue for the newly born state came from international aid. In this sense, the international community kept its grip on the governance of Timor-Leste, and the UN remained as a de facto authority in charge of the state-building process in Timor-Leste.

UNMISET continued to support Timorese authority in the areas of stability, democracy and justice, internal security and law enforcement, and external security and border control until its withdrawal. Its mandate was to help core administrative structures critical to the viability and political stability; to provide interim law enforcement and public security; and to assist in developing the East Timor Police Service (ETPS);

and contribute to the maintenance of the new country's external and internal security (UNSCR 1410, 2002). UNMISET was essentially an institution-building mission and its role was to focus explicitly on the development of administrative and governance structures in the area of politico-security order, and the task of socioeconomic development was given to the World Bank, the United Nations Development Programme (UNDP), bilateral aid agencies, and international NGOs.

UNOTIL and ISF

Upon the departure of UNMISET, a new political mission called the United Nations Office in Timor-Leste (UNOTIL; May 2005–August 2006) supported the development of critical state institutions including the police, and provided training in observance of democratic governance and human rights (UN n.d.). During the UNOTIL era, the authoritative power of the UN was decaying on the ground, and UNOTIL served as an advisory board for Timorese authority, which seemed to have reclaimed the political domain of its sovereignty power back from the UN, even though Timorese authority was still very much dependent on the assistance from the international community in the economic domain.

In April–June 2006, a crisis emerged out of a complex and dynamic local sociopolitical structure. An underlying cause of the crisis stemmed from a stark division that existed in 2006 between the two key political figures in Timor-Leste, i.e., Xanana Gusmão (President) and Mari Alkatiri (Prime Minister). This crisis gave the basis and room for the second wave of massive military intervention by the international community. To restore and maintain security in Timor-Leste, the International Stabilization Force (ISF; May 2006–May 2013) was deployed by Portugal, Australia, New Zealand and Malaysia upon the request from the Government of Timor-Leste (UNSCR 1690, 2006).

UNMIT

In response to the 2006 crisis, the UN Security Council established another peacekeeping mission called the United Nations Integrated Mission in Timor-Leste (UNMIT; August 2006–December 2012). The primary mandate of UNMIT was to ensure the restoration and maintenance of public security in Timor-Leste. UNMIT was a

quasi-neo-trusteeship mission and such a status was granted by the UN Security Council Resolution 1704 (2006) and the agreement made between the UN and the Government of Timor-Leste, known as the *Supplemental Arrangement*.[1] Under this arrangement, the Police Commissioner of UNMIT was given a role as the interim General Commander of Timorese National Police (PNTL), and vested with all powers and authority which are conferred on and enjoyed by the General Commander of PNTL.

After effects of the 2006 crisis such as the problem of the rebel groups continued to dominate the security discourse in Timor-Leste. Even though the UN suspended the policing responsibility of Timorese government and authorized UNMIT to undertake interim executive policing, UNMIT was ineffective in addressing internal security challenges. Particularly, its failure to prevent alleged attacks of the President and the Prime Minister in February 2008 gave a convenient excuse for Timorese authority to circumvent UNMIT and override the *Supplemental Arrangement*.

The problem of the rebel group was resolved with the death of the rebel leader, Alfred Reinado, in February 2008. After witnessing the two key elections in 2012—Presidential election (March–April) and Parliamentary election (June)—were conducted peacefully, UNMIT terminated its mission in December 2012.

Having outlined the series of neo-trusteeship missions deployed to Timor-Leste, the next step is to illustrate the relationship between the basic traits of neo-authoritarianism in the local authority and the nature of UN neo-trusteeship in Timor-Leste (Table 6.1).

Table 6.1 List of neo-trusteeship missions in Timor-Leste

Duration	*Name*	*Type of Intervention*
June–October 1999	UNAMET	UN electoral supervision
September 1999–February 2000	INTERFET	UN-mandated multinational military intervention
October 1999–May 2002	UNTAET	UN peacekeeping operation
October 1999–May 2002	UNMISET	UN peacekeeping operation
May 2005–August 2006	UNOTIL	UN special political mission
May 2006–May 2013	ISF	UN-endorsed multinational security intervention
August 2006–December 2012	UNMIT	UN peacekeeping operation

Source created by the author

Neo-authoritarianism in Timor-Leste

Neo-authoritarianism

Traditional authoritarian regimes such as South Korea and Taiwan have transformed themselves to liberal democracies. However, countries such as Singapore, Russia and China remain in a stage of authoritarian regime, and they do not seem to be in the transition from authoritarianism to democracy. This phenomenon could be understood as an emergence of new types of authoritarian regimes. On this point, Ivan Krastev raises a good question: Why it is so difficult to resist contemporary authoritarianism in the age of democratization (2011, p. 7)? His argument can be summarized that contemporary authoritarian regimes are stabilized by their policy of opening borders. Allowing their people to live and work abroad has led to the decline of political reformism because leaving the country in which they live is easier than reforming it (Krastev 2011, p. 15).

Krastev also points out that if authoritarian regimes "do not perform, they lose legitimacy since performance is their only justification for holding power. But … if they do perform socioeconomically, they tend to refocus popular aspirations around political goals for voice and participation that they cannot satisfy without terminating their existence" (2011, p. 7). Hence, these authoritarian regimes are, in a way and to a certain extent, "accountable" to the socioeconomic needs of the governed, and these regimes are legitimate and sustainable as long as they can deliver. Isn't this an essential logic, if not an end, of democratic governance that the UN has been trying to install in a post-conflict state? Paris and Sisk argue that "legitimacy derives from a belief among a state's people that public institutions possess a rightful authority to govern" (2009, p. 15). Socioeconomic delivery by the government will surely have a positive impact on such a perception of the governed.

Indeed, this could be a description of the strategy of UN neo-trusteeship, i.e., severe restriction of local political liberty is legitimized in exchange for providing socioeconomic gains to the local population on behalf or in support of the local authority. UNTAET was given an executive authority by the UN Security Council to govern the people of Timor-Leste, and was seen legitimate and thus sustainable so long as it could deliver socioeconomic development, while undermining popular aspirations around political goals for voice and participation. When

the UN fails to deliver socioeconomic gains to the local population, it would lose legitimacy in the eyes of the local people. Hence, UNTAET is understood here as a socioeconomic performance-based benevolent autocracy.

Three Neo-authoritarian Traits

In the case of Timor-Leste, there were three traits of neo-authoritarianism. First, a new governing structure established in Timor-Leste had some authoritarian traits in common with neo-trusteeship missions. In fact, the very presence of UNTAET (and its subsequent missions) represented some features of neo-authoritarianism. During the initial transitional administration period, all the sovereign right was vested in UNTAET. UNTAET was a benevolent autocratic organization, and such a legal status was based on the *Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor* of May 5, 1999 and the UN Security Council Resolution 1272 (1999).

The Special Representative of the Secretary-General (SRSG) of the UN, Sérgio Vieira de Mello, was given legislative, administrative and executive powers as the Transitional Administrator by UNTAET's Regulation No.1 of November 27, 1999 (Government of Timor-Leste n.d.). The power to undertake transitional administration in Timor-Leste was concentrated on this single individual by the "constituent" legal documents of UNTAET. When the governing authority is dominated by one person, such a system of government is called an autocracy. Hence, UNTEAT's neo-trusteeship of Timor-Leste resembled the historical forms of autocracy as the Transition Administrator held supreme power, which was, of course, subject to the mandate of UNTAET and other legal restraints.

Neo-authoritarianism continued even after the formal restoration of independence of Timor-Leste. Kamalesh Sharma, the SRSG of UNMISET, identified the need to "[s]tart from [s]cratch," (Asahi 2012, p. 4) overlooking the vital need to build on indigenous foundations. Throughout the UN neo-trusteeship, the external interveners were blind to existing local structures and mechanisms, which were alien to the typical western model of state-building (Howe and Uesugi 2015, p. 84).

The second trait of neo-authoritarianism can be identified in a constitutional framework of the new governing structure inherited from the era of UNTAET. Having been one of the most prominent resistance

groups during the liberation struggle, the Revolutionary Front for an Independent East Timor (Fretilin) won the Constituent Assembly election of 2001, and occupied 55 of the 88 seats (62.5%), while the second party, the Democratic Party, only won 7 seats and the other political parties won less. The mandate of the Constituent Assembly was to prepare a constitution for an independent state, but it was not dissolved when the new Constitution was promulgated in March 2002. It continued to act as the first Parliament, and the parliamentary election was not held until 2007. The members of the Council of Ministers were nominated by the Parliament (the Constituent Assembly), which allowed the birth of a quasi-single-party dominated system in Timor-Leste. Exercising its influence on drafting the Constitution, and thus limiting the power of the President (it was anticipated that a charismatic leader, Xanana Gusmão, who was the most influential political rival for Fretilin, would take up this position) and allowing the Constituent Assembly to transform itself to the first Parliament without election, Fretilin was able to consolidate its political power.

After independence in May 2002, the handover of formal power from UNTAET was completed legally to the new government, which was dominated by a handful of political elite who were affiliated with Fretilin. In particular, the political power was monopolized by Prime Minister Mari Alkatiri who was the most powerful leader in Fretilin. Such a concentration of power into a single political figure was portrayed as "dictatorship" by some commentators (Richmond and Franks 2008, p. 192). This indicates that the feature of neo-authoritarianism of the new Timorese government was prepared during the institution-building mandate of UNTAET. Unexpectedly, this laid a foundation for the rise of a "neo-authoritarian" post-neo-trusteeship regime in Timor-Leste. Such authoritarian traits were inherited not only by the first Fretilin government led by Mari Arkatili but also the subsequent government led by Xanana Gusmão.

The third trait of neo-authoritarianism was created as the resistance to the external intrusion on Timorese sovereignty. The most significant example was the creation of the Defense Force (F-FDTL). F-FDTL was established on February 1, 2001 before the enactment of the Constitution on March 22, 2002 (which became effective upon independence on May 20, 2002). This decision was made by UNTAET in response to the growing frustration of former combatants of the Armed Forces of National Liberation of East Timor (Falintil) who stayed voluntarily in cantonment at Aileu for more than 17 months.

Another major example was the establishment of joint command for F-FDTL and PNTL on February 17, 2008 following the alleged attacks on the President and the Prime Minister on February 11, 2008. Even though UNMIT suspended the policing responsibility of the Government of Timor-Leste based on *the Supplemental Arrangement*, the government placed police (PNTL) under the command of military (F-FDTL). It also created a new Ministry of Defense and Security, by combining the Ministry of Defense and the Ministry of Interior, and Prime Minister Xanana Gusmão also assumed the position of the Minister of Defense and Security. The Gusmão government and the F-FDTL command were using the state of siege to establish F-FDTL's institutional primacy over PNTL, which was created under the neo-trusteeship of the UN (Arnold 2009, p. 443). Hence, the third trait of neo-authoritarianism is a repercussion of neo-trusteeship and the local elite's efforts to reclaim their sovereignty. There is a tendency for local political elite to overturn uncomfortable foreign governing structures and other inconvenient legacy of neo-trusteeship.

Political Culture

The emergence of three authoritarian traits mentioned in the previous part will be examined in the following from a perspective of political culture, which is defined here as carry-overs from the era of the resistance struggle and beyond. Throughout the UN neo-trusteeship, Timorese leadership consistently resisted the usurpation of sovereignty by the UN. This resulted in "neo-trusteeship tensions" between the UN and Timorese political elite.

The legacy of colonization and military occupation serves as a basis of contemporary "neo-trusteeship tensions" between external intervening forces and the indigenous community in Timor-Leste. During the colonial era including Japanese and Indonesian military occupation, an internal struggle arose between collaborators (and advocates) of external predators and the local inhabitants who were the target of exploitation (Kammen 2016). During the neo-trusteeship period, the international community represented by the UN acted as the external intervention force while emerging groups of "enlightened" local leader in Timorese society such as NGOs, CSOs, youth groups, and women's associations acted as collaborators and advocates of the international community. By working for the external actors that propagate a new idea and system

called liberal democracy, these local elements (emerging generation of local elite) sought to change the discourse of state-building which was dominated by leaders in the resistance movement.

Nevertheless, the manifestation of "neo-trusteeship tensions" gave "resistance" leaders an advantage over the emerging generation of "enlightened" local elite because they were able to manipulate the political discourse and win the support of local populations by mobilizing the persistent political culture which was fostered during the era of the resistance struggle. This side effect of the UN trusteeship helped authoritarian political elite to dominate the discourse of state-building in Timor-Leste.

The legacy of 24 years of the resistance movement was translated into the act of sabotage and resistance against neo-trusteeship. Legitimacy of Timorese leadership comes from the resistance struggle against Indonesian occupation, and most of the leading figures played a central role in this movement. Hence, "resistance mentality" has been deeply ingrained in the minds of Timorese political elite, particularly among those who are among the 1975 generation represented by Xanana Gusmão, Mari Alkatiri, José Ramos-Horta, Taur Matan Ruak, Cornelio da Conceição Gama and Lere Anan Timor. Those figures are known as *Maun boot* (i.e. big brother) in Timorese society. Xanana Gusmão, a former commander of Falintil who also assumed the role of both President and Prime Minister consecutively after independence, reigns as *Maun boot* number one (first commander) for *Ema kiik* (i.e. ordinary people). This political culture of "resistance mentality" facilitated the rise of neo-authoritarianism. In this realm, the challenge of democratic governance revolves around its transition from "resistance" leadership to "enlightened" leadership and finally to "democratic" leadership.

Two significant events in the security sector, which were presented in the previous section as examples of the third authoritarian trait, are related closely to the political culture of Timorese society. Those who are frustrated would organize a pressure group and threaten the authority to cause public disturbance if their voice is not heard and their wish not met. Blackmailing was the rule of the game for both the Indonesian authority (and its local collaborators) and the clandestine movement during the Indonesian occupation. When a credible threat is ignored by the authority, these frustrated mobs can cause serious security problems as we have witnessed a peaceful demonstration of "petitioners" turned into bloodshed in

the crisis of April–June 2006. This political culture of "blackmailing mentality" facilitated the rise of neo-authoritarianism in Timor-Leste.

Against a backdrop of persistent resistance mentality existed in the minds of Timorese, blackmailing behavior continued to play a role in Timorese politics. Under such circumstances, national priority projects were misused to maintain or cultivate patrimonial patronage between certain political elite and their followers. Particularly, in the aftermath of the 2006 crisis, national priority projects were used to address the problems of internally displaced persons (IDPs), petitioners, and security sector reform.

The 2006 crisis at its height produced about 150,000 IDPs, according to the UN Report of the Secretary-General (S/2007/50). The government was mostly able to complete the relocation of IDPs and close their camps, by presenting a significant incentive to most IDPs. For instance, the government paid families in the camps up to $4,000 to return to their place of origin, which was equivalent to about 8 years average income (Howe and Uesugi 2015, p. 97). Also, the government resolved the problem of "petitioners" whose protest triggered the 2006 crisis, by offering each petitioner $8,000 to rebuild their lives (Kingsbury 2009, pp. 361–362). Moreover, in the aftermath of the 2006 crisis, the primary focus of international peacebuilding was placed on security sector reform, and a large amount of money was invested in the security forces: PNTL and F-FDTL. In short, national priority projects were dictated by the security situation in the political center and resources were allocated to meet these challenges.

Taking advantage of such a focus of the international community, local political elite could reinforce its ties with the security forces. Moreover, abusing existing indigenous patrimonial patronage from the era of the resistance struggle, former Falintil veterans organized various clandestine groups such as Sagrada Familia and Colimau 2000, and some of them were alleged to have been involved in antidemocratic activities and violence, which reinforced the validity of resistance mentality and the efficacy of blackmailing.

When the Timorese authority resolved the problems of IDPs, petitioners, gangs, and martial arts groups and became confident in the monopolization of its power, it consolidated its legitimacy further in the eyes of the local population. It even sharpened its critique against the UN and those emerging "enlightened" leaders who aligned with the UN and the idea of liberal democracy.

The Side Effect of Neo-trusteeship

The hypothesis of this study is that post-conflict state-building undertaken by a neo-trusteeship mission is more likely to give birth to an authoritarian regime because of resistance of the local political leaders to the usurpation of sovereignty by external actors. Timor-Leste, a new state midwifed by a series of neo-trusteeship missions of the UN, is a good example of such a side effect of fostering democratic governance with an autocratic means. This chapter points out that "neo-trusteeship tensions" allow authoritarian political cultures to remain relevant in the post-resistance period, and facilitated the development of neo-authoritarian traits in the new governance structures in Timor-Leste.

The post-conflict peacebuilding thesis that Roland Paris advocates is labeled as "[i]nstitutionalization [b]efore [l]iberalization: IBL" (2004, p. 7). The strategy of peacebuilding has shifted since the late 1990s and early 2000s to accommodate the IBL thesis, and now major peacebuilding agencies such as the UN began emphasizing the construction or strengthening of legitimate governmental institutions in countries emerging from civil war (Richmond 2009, p. 560).

In Timor-Leste, initial activities of UNTAET revolved around the task of providing security and maintaining law and order. The main state-building strategy of UNTAET seems to have adapted this IBL model and focused on establishing institutional foundations for security and political order. For example, the establishment of F-FDTL in February 2001, ETPS (later renamed as PNTL) in August 2001, the holding of the Constituent Assembly election in August 2001 and the Presidential election in April 2002 were the national priorities prior to independence. Because the transfer of power to a legitimate and sustainable local authority is the central purpose of any neo-trusteeship, this transfer is typically mediated through an election, and such a priority was set by UNTAET (Chesterman 2004, p. 9).

From a view point of long-term and sustainable peacebuilding, the IBL model offers a sensible strategy of state-building. However, if this strategy is adopted to meet the demand of outsiders such as urges for efficiency (quicker fix with lower cost) at the expense of perceived needs of the people on the ground, such a strategy can be seen by the local population as a cancer of the neo-trusteeship. This leads to a question of whether to follow the IBL model under the throne of the Transitional

Administrator of a benevolent autocracy, or to emphasize emancipatory, everyday peace (Richmond 2009).

Since independence, the point of contention has often been around the issue of resource allocation to various national projects, and national projects have served as reservoirs of power and patronage for authoritarian elite in Timor-Leste. The UN neo-trusteeship in Timor-Leste, even during the UNMISET and UNOTIL eras, has prioritized the support for legitimate government institution-building over the delivery of socioeconomic development. This priority setting was championed by the UN. While UNTAET and UNMIT both contributed to the return of refugees and IDPs generated as a result of crises in 1999 and in 2006 respectively, the pressing problems of daily life of the local population such as poverty, has been made secondary to institution building and institutional reform, meaning that the local people have little to gain from the new state (Richmond and Franks 2008, p. 197).

Howard argued the goal of short-term efficacy of creating democratic institutions can be achieved more effectively by a neo-trusteeship mission led by the UN (2014). Nevertheless, the 2006 crisis in Timor-Leste revealed clearly that a mere presence of the nominal institutional framework of democratic governance which was imposed by outsiders did not automatically guarantee the emergence of democratic leadership. The new "empty" democratic institutions faced serious challenges of reactions against them by the new local owner (Richmond 2009, p. 576). There is a saying in Japan that "it is as if making a Buddha statue without putting in the soul" (a similar expression in English is plowing the field and forgetting the seeds). The soul or seeds in this context is understood in the language of international peacebuilding as "local ownership."

It is true at least in theory that "neo-trusteeship tensions" will be reduced or even avoided if local ownership is respected and promoted fully by the external interveners. Inclusion of local stakeholders in the planning of state-building as well as in the decision-making within the democratic governance structure will surely increase the sense of local ownership, and thus result in the high commitment of local stakeholders to democratic governance.

It is also true, however, that challenges associated with this "local turn" have been identified and examined elsewhere (Mac Ginty and Richmond 2013). From a point of view of an advocate for liberal

democracy, inclusive, participatory and decentralized governance structures are the preferred choice. At the same time, strict observance of the local ownership principle by the external interveners may jeopardize such liberal structures to be introduced in a post-conflict state because of the manifestation of "neo-trusteeship tensions." This question of local ownership is at the heart of the hypocrite contradiction, in which the UN is trying to nurture liberal democracy through non-democratic means. The UN neo-trusteeship missions were advocating for liberal democracy while the local political elite were reclaiming local ownership of their state-building process in Timor-Leste. In other words, there is an inherent dilemma in neo-trusteeship and in a manner through which local ownership is sought to be promoted by an externally imposed intervention. There is no easy way out of this dilemma.

Chesterman argued that "[l]ocal control of political power is appropriately seen as the end of a transitional administration, but if an international actor has assumed some or all governmental power then local ownership is surely not the means" (2004, p. 5). He concluded that one can resolve this inconsistency by redefining local ownership as an end but not the means to state-building (2004, p. 242). This solution, however, still leaves a set of critical questions unanswered. If the end of state-building is to promote local ownership, should we dismiss the original end of establishing liberal democracy? If we should aim for both ends, how to design a state-building process that could meet the two potentially contradicting ends/priorities of liberal democracy and local ownership in a situation where the local elite (and people) prefer a seemingly more stable authoritarian system to a turbulent process of democratization? If local ownership is not the means to make an externally driven state-building process to nurture necessary conditions for local ownership to be promoted, what can be attained by involving the locals in the designing and decision-making of state-building of their own?

Furthermore, from an angle of neo-trusteeship, local ownership can be the end of state-building, while it remains as the means from a viewpoint of the neo-authoritarian local regime. Empirical evidence of colonialization/decolonization and trusteeship by major powers shows that two seemingly contradicting ends can be achieved simultaneously. Externally imposed liberal democracy can be owned by the local population when they are enlightened through acts of socialization, capacity building and education. Alternatively, a "hybrid" form of governance can be realized when the local elite are convinced that embracing such

a system would advance their position vis-à-vis their opponent (Zürcher et al. 2013).

The presence of severe "neo-trusteeship tension" has resonated with the challenges of nurturing democratic governance in Timor-Leste. Introduction of liberal democracy via neo-trusteeship has worked against facilitating local power transition from authoritarian "resistance" leadership to "enlightened" leadership (e.g. Rui Maria de Araújo, Adérito de Jesus Soares, etc.). The younger generation of Timorese leaders had a strong tradition of activism both during the struggle with Indonesia and after independence, and their taste in liberal democracy has been strengthened by an active engagement of civil society in the UN-led state-building projects. One significantly positive development during the UN neo-trusteeship is the strengthening of civil society, which affected the political culture of Timorese society. Nevertheless, the side effect of the UN neo-trusteeship was used by the "resistance" leadership to cling to power as discussed above, and it undermined the rise of "enlightened" leadership in the political sphere.

Conclusion

The birth of Timor-Leste as a new democratic state was midwifed by a series of UN neo-trusteeship missions. This new system had a "hybrid" form of governance. On the one hand, the idea of liberal democracy was introduced to the governance structures by the international community. On the other, authoritarian forms of governance were kept intact.

This neo-trusteeship process faced an inherent dilemma, that is, the UN executive authority was not at all "democratic" or "liberal," because there was little room for the voices of the local inhabitants. Even after the official birth of the country, the UN remained involved as an advocate and a guarantor of liberal democracy in Timor-Leste, by identifying it as a fragile state, but often at the expense of undermining the local ownership and encroaching national sovereignty. In other words, the essence of the hypocrite contradiction is that liberal democracy was trying to be propagated in a non-democratic manner by the external authority.

At the same time, Timorese leaders shared authoritarian traits and some of them were even haunted by un-democratic mentality which persisted from the era of the resistance struggle. In fact, such traits and mentality were upheld by the very approach used by the UN

neo-trusteeship missions, as Timorese leaders continued to resist the usurpation of their sovereignty by the UN. Authoritarian carry-overs from the past were maintained by "neo-trusteeship tensions" because such tensions caused "resistance mentality" to prevail in the minds of the local elite. In other words, the autocratic methodology of post-conflict international peacebuilding contributed to the rise of a neo-authoritarian regime in Timor-Leste. This is a side effect of the hypocrite contradiction of the UN neo-trusteeship.

A finding of this chapter on neo-authoritarianism illuminates a possible way to circumvent the state-building dilemmas and to make external efforts to promote liberal democracy to be aligned with efforts to guarantee local ownership. That is, one of the critical sources of legitimacy for the neo-trusteeship mission lies in its ability to deliver socioeconomic gains to the local population. Hence, the efforts of the neo-trusteeship mission should be focused on the socioeconomic delivery, while allowing local elite to enjoy their local ownership in politico-security affairs. This not only allows "neo-trusteeship tensions" to be relaxed, but also it should prevent local elite from manipulating the perception of the local population towards the legitimacy of the neo-trusteeship mission so long as it can deliver and satisfy their socioeconomic needs. By weakening the urge for reclaiming its sovereignty by the local elite, the side effect of neo-trusteeship will be reduced, which will generate a circumstance conducive to the rise of "enlightened" leaders who can embrace a more inclusive, participatory, and democratic system. The double-edged risk is that when authoritarian leaders assume local control of political power, they may face the temptation to utilize national priority projects to advance their position vis-à-vis their opponent such as emerging "enlightened" leaders, as we have witnessed so in this case study.

The potential of neo-authoritarian peace was examined in this chapter. Transformation of the resistance mind-set may happen through generational change of the leadership. A change of generations is taking place in both armed forces and political leadership. Furthermore, Xanana Gusmão resigned from the prime-ministership in February 2015, and appointed Rui Maria de Araújo as his successor. At the same time, the "resistance" leaders have formed a political body called the *Conselho dos Katuas* (Council of Elders) to exercise "supervision and monitoring of the behavior of the new generation of leaders in order to safeguard the national interest" (Bexley and Nygaard-Christensen 2014). With an

unexpected death of Fernando "Lasama" de Araújo in June 2015, who was an ace of the new generation of Timorese leaders, real transition of power is now in jeopardy.

Note

1. Arrangement on the restoration and maintenance of public security in Timor-Leste and on assistance to the reform, restructuring and rebuilding of the Timorese National Police (PNTL) and the Ministry of Interior, Supplemental to the Agreement between the United Nations and the Democratic Republic of Timor-Leste on the Status of the United Nations Integrated Mission in Timor-Leste (UNMIT), no date, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/TL%20Police%20Agreement.pdf.

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CHAPTER 7

More Growth, Less Freedom? Charting Development Pathways in Lao PDR

Kearrin Sims

Abstract According to macro-scale measures and indicators the principal development narrative for Lao PDR is one of strong economic growth and continued socio-economic progress. However, the true complexity of socio-economic transformations to have occurred in the country are not easily captured by reductive macro-scale indices. In this chapter I problematize development success narratives surrounding Lao PDR by bringing attention to the relationship between persistent socio-economic challenges and the state's poor track record on human rights and political freedoms. Here, I argue: (1) that privileging economic growth over political freedom is a threat to sustained poverty-alleviation; (2) the common myth that economic liberalization naturally leads to democratic reform is unlikely to materialize in Lao PDR, and; (3) attempts by foreign donors to depoliticize socio-economic inequalities have bolstered a regime that is responsible for intolerable human rights abuses.

Keywords Laos PDR · Human rights · Authoritarianism · Sombath somphone

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Introduction

The Lao People's Democratic Republic (Lao PDR) is one of only four least developed countries (LDCs) in Southeast Asia. In 2015, it was ranked 141 of 185 countries in the United Nations Development Programme (UNDP) Human Development Index, with an average life expectancy at birth of 66.2 years and a Gross National Income per capita of US$4680 (CIA 2016; UNDP 2015). As in many LDCs, food security, communicable diseases, vulnerability to natural disasters, weak public infrastructures, limited employment opportunities and a scarcity of health and education facilities represent persistent nationwide challenges. Consequently, much foreign aid and technical assistance have been devoted to the country's development. From 2010–2014, for example, total net official development assistance from Organisation for Economic Co-operation and Development (OECD) countries alone amounted to more than US$1.4 billion (OECD 2016).

According to the macro-scale measures and indicators of many leading international development institutions, the principal development narrative for Lao PDR is one of strong economic growth and continued socioeconomic progress. Since 2006, the country's average economic growth rate of 7.9% has made it one of the ten fastest growing economies in the world, and seen its income categorization rise from a low-income to a lower-middle income economy (CIA 2016). In the past decade, foreign direct investment has grown dramatically, gross national income has doubled and the official poverty rate has declined from 33.5% to around 23%. Economic growth has also been accompanied by progress on many of the country's Millennium Development Goal (MDG) targets, and in 2010 the UNDP (2010) labeled Lao PDR as the 6th most successful country for improved human development in the past 40 years.

However, as has been widely argued by critical development scholars, the true complexity of socioeconomic transformations wrought by such rapid growth is not easily captured by reductive macro-scale indices (Cooke and Kothari 2001; De Sardan 2005; Escobar 2011; Ferguson 1990; Li 2007; Melber 2014; Rodan 2012). Indeed, alongside the above narrative of successful development, a growing body of academic research has pointed to the emergence of many new forms of poverty and disadvantage (Hatcher 2015; Howe 2014; Lagerqvist et al. 2014; Rigg 2005; Sims 2015).

This chapter further contributes to the problematizing of "smooth transition" narratives by bringing attention to the relationship between Lao PDR's persistent socioeconomic challenges and its poor track record on human rights and political freedoms. More specifically, it challenges the economism put forward by many international development organizations by arguing: (1) that privileging economic growth over political freedom is a threat to sustained poverty-alleviation; (2) the common myth that economic liberalization naturally leads to democratic reform is unlikely to materialize in Lao PDR, and; (3) attempts by foreign donors to depoliticize and render technical complex socioeconomic inequalities have bolstered a regime that is responsible for intolerable human rights abuses.

To make this argument, the chapter begins with a concise history of Lao PDR's political-economic transition to a market economy, and an examination of mechanisms used by the Government of Laos (GoL) to stymie political debate and democratic reform. Here, attention is given to state media controls, violence against regime dissidents, and legislative restrictions imposed on civil society—"the arena in which people and associations mobilize around common concerns to challenge and uphold ideological hegemony and the existing social order" (Banks and Hulme 2014, p. 189). To provide detail on one of the means by which political oppression has produced new forms of poverty and disadvantage in Lao PDR, the chapter will also briefly consider the relationship between "development," land acquisitions and forced resettlement. Methodologically, the arguments made here are informed by 11 months of in-country ethnographic fieldwork conducted between 2011–2015, interviews with members of Lao PDR's civil society, desk-based analysis of policy sector and academic literature, and the examination of cultural artifacts. To date, there has been little written on political oppression and human rights abuses in Lao PDR. It is hoped that this chapter will represent a starting point from which further analyses can proceed.

From Communist Insurgency to ASEAN Chair: A Brief History of Political-Economic Transition in Laos

The independent nation-state of the Lao PDR was established in December 1975, following more than half a century of French colonial rule and more than two decades of violent conflict during the Second Indochina War. Under the leadership of Kaysone Phomvihane and his

Lao People's Revolutionary Party (LPRP), a Marxist-Leninist state was formed and orthodox socialist policies (including agricultural cooperatives and a nationalized industrial sector) were pursued (Stuart-Fox 1996). However, collectivist economics quickly proved unsuccessful, and following the recommendations of both the Soviet Union and neighboring Vietnam, in the 1980s the government began transitioning towards a state-led market economy (Stuart-Fox 1997; St John 2006). From 1978 to 1980 more than 2700 agricultural collectives were cancelled and in 1986 the Government of Laos formalized the shift to a capitalist system with the announcement of a "New Economic Mechanism" (NEM) policy of economic liberalization, decentralized political control and reduced trade barriers (Bruce St John 2006, p. 37; Rigg 2009).

From the 1990s onwards the gradual weakening of Cold War tensions and the efforts of several multilateral development institutions, bilateral donors and private investors has seen economic liberalization continue to increase. Measures implemented to promote a market economy include, but are not limited to, the removal of microeconomic constraints on private production, legislation to facilitate foreign direct investment and macroeconomic stability (including a legal framework of commercial, trade and labor laws and new budgetary policies), reduced state subsidies, a new tax framework, the establishment of a Lao securities exchange and new spatial technologies including the formation of ten Special Economic Zones (SEZs) (Bertelsmann Stiftung 2014, p. 4). In recent years, foreign investment has increased dramatically, almost doubling between 2010 and 2012, while much foreign aid has been targeted towards large-scale infrastructures designed to facilitate transnational trade (Bertelsmann Stiftung 2014, p. 17). The GoL has also made significant efforts to increase transnational connectivity through new diplomatic and economic partnerships. In 1992 Lao PDR became a member of the Asian Development Bank formulated Greater Mekong Subregion; in 1997 it joined ASEAN; in February 2013 it became a member of the WTO; and in 2015 it became a part of the China-ASEAN Free Trade Area (CAFTA)—the world's demographically largest free trade agreement of more than 1.7 billion consumers.

Yet, despite more than 30 years of economic reform, Lao PDR remains a single-party state governed by an authoritarian regime that has ruled for more than 40 years without opposition. According to Freedom House (2016), one of the highest regarded research organizations on

civil liberties and political freedom, Lao PDR is one of the most politically repressive societies in the world. On Transparency International's (2015) corruption perception index, the country ranked 139 of 168 countries, while the media-monitoring organization Reporters Without Borders (2016) lists it as the 173rd worst country worldwide for freedom of the press. No rival political parties exist, even provincial and municipal administrations are not democratically elected and, except for a few independents, all political candidates are LPRP members (Bertelsmann Stiftung 2014, p. 7).

In such a context, one would expect strong international pressure for democratic reform. This has certainly been the case in neighboring Myanmar, which has faced numerous economic sanctions due to human rights abuses enacted by its former junta leadership. However, in Lao PDR, the international development sector has privileged the pursuit of economic growth over human rights, political freedom, environmental sustainability and a host of other social justice issues. At every party congress, the LPRP has reiterated its determination to ensure that economic growth does not facilitate reform of its one-party system and as foreign investment has increased over the past three decades, resource grabbing and corruption have become endemic (Bertelsmann Stiftung 2014, p. 20; High and Petit 2013; Stuart-Fox 2006). Indeed, from the early 1980s onwards the LPRP has been perceived as "the principal avenue of social mobility" in Lao PDR, where personal contacts are far more important for achieving government positions, contracts, education scholarships, or support in legal matters than talent or qualifications. All economic elites have sought to build relationships with powerful Party members and as political support has been repaid through "gift-giving" and other forms of cronyism, party officials have become new patrons of old wealth (Stuart-Fox 2006). This in turn has resulted in growing political oppression and human rights abuses which led Phil Robertson, deputy director of Human Rights Watch Asia division, to describe the GoL's approach to democracy as "aggressively regressive" (P. Robertson, personal communication, December 17, 2015).

This is not to suggest that the LPRP is unaware of the importance of offering conciliatory gestures of democratic reform to aid donors. On the contrary, such gestures have been commonplace, ranging from public statements on the need to promote transparency and support citizen rights to the signing and ratification of hundreds of bilateral and multilateral treaty regimes—including the United Nations Convention

Against Corruption and the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (UNDP 2011, p. 80). In the Lao Constitution, a number of fundamental rights of citizens are protected, and the 1991 formation of a "National Assembly" to exercise representative, legislative, and oversight functions on behalf of the people, has created the potential for public participation in political debate.

However, while such actions may appear progressive, the signing of treaties and the formulation of procedures for citizen redress has been accompanied by tightening media controls, increased restrictions on civil society, and a number of state-sanctioned human rights abuses. Elections for the National Assembly are heavily regulated and, like all levels of government, its membership is "entirely dominated" by the LPRP. Indeed, while a National Assembly "hotline" has been established for citizens to anonymously report state and private-sector abuse, there have been numerous cases of state persecution against citizens attempting to use such services—including arrests of those who have raised concerns regarding land disputes and the May 2012 dismissal of then director of the Academy of Social Sciences, Khampheuy Phanmalaythong, for criticizing the Lao education system in a National Assembly session (Bertelsmann Stiftung 2014, pp. 3, 9). Two outcomes of the serious gap that exists between GoL rhetoric, legislation and practices have been the United Nations 2015 refusal to grant Lao PDR a seat on its Human Rights Council, and the GoL's following rejection of 80 of 196 Universal Periodic Review recommendations by the United Nations Human Rights Council. Such recommendations included "calls for the greater protection of human rights defenders, removal of obstacles to the work of civil society organizations (CSOs) and nongovernmental organizations, and new safeguards against forced disappearances" (RFA 2015a; Human Rights Watch 2015a).

To clarify, the LPRP is not the same bureaucratic structure as the GoL. Rather, as Hodgdon explains, in Lao PDR there are two political structures—the GoL "civilian government" which handles administrative processes, and the LPRP which "make all the decisions" (2008, p. 61). Yet while the two may be separate administratively, Lao PDR "is remarkable for the degree of overlap" between the government and the Party, where ministerial appointments and all policy is decided by the LPRP

(Stuart-Fox 2006, p. 65). As such, while the Lao constitution outlines a formal separation of powers between its legislative body (the National Assembly), executive body (the GoL) and the judiciary, in practice all follow the dictates of the LPRP. No checks and balances exist between institutions of government and the LPRP maintains control over judges, Justice Ministry officials, the military and the police (Bertelsmann Stiftung, 2014, p. 8; Stuart-Fox 2006, p. 66). In other words, the GoL merely acts as the LPRPs "executive arm" (Stuart-Fox 2006, p. 65).

Here, it is important to stress that Lao PDR is not alone in attempting to maintain such tight political control alongside economic growth and infrastructural modernization. The country's two largest providers of foreign direct investment, China and Vietnam, have both pursued economic liberalization alongside political authoritarianism and have offered training and technological support to assist the GoL in maintaining its one-party system. Lao PDR's largest trade partner, Thailand, has also recently retreated into a military dictatorship and, according to Southeast Asian expert Joshua Kurlantzick (2014), few other ASEAN states are presently adopting a progressive stance on human rights or political freedom. The ASEAN human rights commission has neither investigative power nor the authority to prosecute or protect, and the ASEAN human rights charter contains no provisions for members to intervene in other member-states (Kurlantzick 2014, p. 5). Yet, even within Southeast Asia, such one-sided politics is unparalleled. Thailand, Cambodia, Vietnam and even Myanmar have all long permitted the formation of opposition parties, and have arguably allowed more public debate and freedom of press than in Lao PDR. In the following sections, I consider some of the chief means through which the LPRP has maintained such a tight grip on political freedom.

Media Monitoring

State regulation of the media in Lao PDR begins with the country's constitution; which guarantees freedom of the press, speech, assembly and association, yet prohibits "propagating information or opinions that weaken the state" and mass media activities that run contrary to "national interests" or "traditional culture and dignity" (HRW 2015a). On the basis of such contradictory legislative language, the GoL has constructed a heavily regulated media environment in which all print and broadcast news must meet the approval of its censors. All Lao-language

newspapers, and the sole English-language newspaper (the Vientiane Times), are produced by the state and replete with propaganda. Any independent media reporting is undertaken with notable risks and, until November 2015, foreign journalists were unable to report or establish offices in the country. While a new government decree now allows for foreign media reporting, all content must be approved by the Lao Foreign Affairs Ministry before publication or broadcast (Times Reporters 2016).

To provide just one example of the state's draconian approach to media regulation, in January 2012 a highly popular call-in radio program that facilitated discussion on a range of topics including land grabbing and state corruption was cancelled by the Ministry of Information, Culture and Tourism without explanation (HRW 2015a). Following the program's sudden cancellation its host and creator, Ounkeo Souksavanh, was also informed that his life may be in danger and, shortly thereafter, regretfully fled to the United States (O. Souksavanh, personal communication, February 7, 2012). 02/07/2012. At least one scholar of Lao PDR has had their visa terminated for publishing material deemed inappropriate by the GoL, and in 2003 two tour guides (Thao Moua and Pa Phue Khang) were sentenced to 12 and 20 years' imprisonment, respectively, for escorting foreign journalists researching military abuses against Hmong communities in the former Xaysomboun special region (HRW 2015a).

One form of media that the GoL has been less successful in censoring is the Internet. As low-cost smartphones and tablets have become more commonplace the number of people using social media platforms and discussion boards to share information in Lao PDR has grown significantly. This has transformed the Internet into one of the country's most important forums for political debate. Indeed, according to Radio Free Asia, in just two years from 2012 to 2014 the number of Lao Facebook accounts more than doubled, rising from 200,000 to 530,000 (RFA 2015b). However, this increased opportunity for freedom of expression has not gone unnoticed by the GoL, who has received Chinese technical support to censor online communications (Bertelsmann Stiftung 2014, 8). Indeed, in September 2014 the GoL implemented a new decree (no. 327) to limit online chatter through vaguely worded restrictions against spreading "false information," sharing information that could divide the solidarity of ethnic groups or prompt social disorder, and the publication of information that "distorts truth or tarnishes the dignity and rights

of individuals, sectors, institutions, and organizations" (HRW 2015a). Perhaps most concerning of all, decree 327 prohibits the creation of online pseudonyms—thereby denying citizens' rights to anonymity. Prosecutions related to the use of social media have already occurred—including one arrest for using Facebook to display pictures of police officers allegedly engaged in an act of extortion and another for sharing online a government document relating to a controversial land concession in Luang Prabang province (RFA 2015b).

Civil Society

From the 1990s onwards strengthening civil society has been repeatedly put forward as a leading policy objective of the international development sector (Banks and Hulme 2014). Yet, while the Lao PDR is one of the most aid-dependent countries in Asia, its non-state sector has seen little advancement beyond the proliferation of politically passive international non-government organizations (INGOs) and a small number of national non-profit associations that are mostly limited to the capital of Vientiane (Delnoye 2010, p. 11). Rights and advocacy-based organizations cannot operate in Lao PDR and there are few linkages between community groups and such international organizations. Religious and academic institutions are also severely limited in their capacities for public engagement and critical debate, while independent media is almost non-existent. Such limitations are compounded by Lao PDR's weak education system, which is structured around rote teaching methodologies of memorization that do not promote the development of analytical skills and has led to educational levels below ASEAN averages (Delnoye 2010, p. 55). Indeed, although a detailed analysis of the country's education system is beyond the scope of this chapter, it must be stressed that Lao PDR has just one university, almost no student movements and only a small number of academics that have completed a PhD—most of whom are LPRP members (Bertelsmann Stiftung 2014, p. 19).

To reiterate, my argument here is not that Lao PDR has no civil society sector. Many of the diverse range of actors that constitute "civil society" —from community and grassroots associations to volunteer movements, religious groups, labor unions, professional groups, development organizations and social enterprises do exist (Banks and Hulme 2014). Rather, I assert that strong state regulation has severely hampered such actors' ability to encourage political freedom or offer protections

against human rights abuses. In respect to international organizations, for example, the GoL has used its legislative powers over operational permits, memorandums of understanding, and staff visas to suppress any open engagement with politically "sensitive" issues. While international organizations should be accountable to host governments, it is clear the GoL has placed unwarranted restrictions on the ability of these organizations to engage in many meaningful forms of development. This is nowhere more evident than in the 2012 expulsion of former *Helvetas* director Anne-Sophie Gindroz for sending a "Personal Letter to Development Partners in Lao PDR" that called for international organizations to adopt a firmer stance on human rights.

This is not to suggest that INGOs would otherwise serve as pillars of democratic freedom. As has been widely discussed within critical development literature, many INGOs pursue top-down targets and objectives that demonstrate little local engagement or concern for democratic process (Africa 2013; Banks and Hulme 2015; Bebbington 2004; Hearn 2007; Rahman 2006). Writing on the highly controversial issue of forced resettlement, for example, Baird and Shoemaker have argued that "overall the international development community has little to be proud of concerning its response to internal resettlement in Laos" and that, "given the political and cultural context in the country," international aid agencies are also guilty of operating "with little accountability" to impoverished communities (Baird and Shoemaker 2005, p. 38). Similarly, while Lao PDR has faced widespread criticism and some diplomatic tension in recent years because of human rights abuses, most INGOs have remained alarmingly silent on such issues. Put simply, for the most part the international development community's effort to appease Laos' oppressive party regime by depoliticizing its work has done little to promote democratic reform, protect human rights or encourage public debate.

Turning to national organizations, the LPRP supports the work of three mass social organizations (Lao Women's Union; Lao Youth Union; Lao Labour Union), a national trade union (Lao Federation of Trade Unions) and, since 2009, has also permitted the formation of domestic non-profit associations (NPAs). However, all mass organizations have been established under LPRP auspices and all NPAs require government approval of their formal titles, objectives and board members. The national trade union is directly controlled by the state (which even pays its members' salaries), and GoL legislation states that trade unions

are required to "organize and conduct activities in line with the unified leadership under the Lao Revolution Party"—a law that prevents workers from establishing or joining a union of their own choosing, which are in direct violation of the country's ratified obligations to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (HRW 2015a). Consequently, these organizations have served as mechanisms of state control rather than drivers of independent social movements (Beeson and Pham 2012, p. 543).

As the GoL seeks to strengthen its diplomatic and economic partnerships with aid and investment partners, it has also experimented with new tools for the maintenance of its political dominance. One of the boldest recent examples of its oppressive tactics occurred in October 2012 at the 9th Asia-Europe Meeting People's Forum (AEPF)—the largest civil society meeting ever held in Lao PDR. Attended by delegates from more than 40 countries, the AEPF is a biennial event aimed at promoting dialogue between Asian and European CSOs. However, according to a confidential report documented by attending organizations, Lao participants at the 9th AEPF were photographed and threatened by members of the LPRP, who accused presenters of being liars and traitors to their country. In particular, one attendee who was invited to speak on issues relating to land concessions received threatening text messages and intimidating visits from the police following her presentation. Members of attending CSOs have anonymously suggested the LPRP placed people in the audience to denounce claims of insufficient land compensation payments and offer pro-government narratives of growth and prosperity, while in the state-run Vientiane Times newspaper, an article summarizing the event commended land concessions and directly contradicted ASEM participant accounts of disadvantage. Lastly, in an article for a LPRP magazine published shortly after the event (in January 2013), then Prime Minister Thongsing Thammavong explicitly requested government ministries to increase their monitoring and regulation of non-government organizations, social organizations and charitable foundations.

Following the AEPF, the LPRP has sought to further expand its suppression of CSOs to international events such as the 2015 ASEAN people's forum (APF) in Malaysia, where it intimidated Lao organizations into withdrawing from the event and (unsuccessfully) pressured for the omission of a list of regional human rights issues, including any

discussion of abducted Lao community development worker Sombath Somphone (see below) (RFA 2015c). In 2016, when Lao PDR served as the chair of ASEAN, the GoL refused to host the APF, which instead took place in East Timor. This marks the first time in history that the APF was not held in the same country as the ASEAN Summit and signifies a direct attempt to censor social justice groups across the region. In such a context, it is not surprising that Delnoye (2010, p. 51) and Kunze (2012, p. 154) have respectively described civil society in Lao PDR as "a decade behind neighboring authoritarian states" and "amongst the most limited in the world."

Enforced Disappearances and Arbitrary Detention

Perhaps the most violent mechanism through which the LPRP has suppressed political debate has been through the harassment, imprisonment, eviction and enforced disappearance of those deemed threatening to regime power. Beginning with imprisonment, the LPRP has used arbitrary detention as a means to squash political opposition since it first gained leadership in 1975 (Kremmer 2003). As with most forms of state violence, it is possible that media and research constraints have resulted in many instances of arbitrary detention going unreported. However, some notable cases have managed to reach an international audience. One concerning example is the arrest of fourteen Lao students for attempting to organize a protest to promote human rights and democratic reform—five of them were arrested in October 1999 and the remaining nine were not arrested until 2009. Since then few details have been provided on their whereabouts, although Radio Free Asia has reported that at least one of the detained, Khamphouvieng Sisa-At, died in 2001 following torture in prison, while three others—Thongpaseuth Keuakoun, Sengaloun Phengphanh and Bouvanh Chanmanivong—are still believed to be incarcerated (HRW 2015a; RFA 2014). More recently, in June 2015, 52-year-old Polish-Lao citizen and prominent democracy activist Bounthanh Thammavong was sentenced to nearly five years' imprisonment for "disseminating propaganda against the government with the intention of undermining the state" on the social media platform Facebook (RFA 2015a).

The use of arbitrary detention as a mechanism for social control has not been limited to political dissidents. Rather, as Human Rights Watch has stressed on multiple occasions, the GoL has also detained a range of socio-economically disadvantaged groups (including beggars and the mentally ill) in compulsory drug detention centers without any judicial due process or mechanisms for appeal (HRW 2015b). Both the International Federation for Human Rights (FIDH) and Radio Free Asia lists multiple cases of state abuse against Lao Christians, including arbitrary detention and expulsion from their homes, while Médecins Sans Frontières and Amnesty International have reported on Lao military persecution (including imprisonment, rape and murder) of ethnic Hmong communities believed to have fought against the LPRP during the Second Indochina War (Amnesty International 2007; FIDH 2012; MSF 2009; RFA 2015d). Finally, the GoL has also demonstrated a lack of transparency regarding the death and disappearance of foreign tourists and, in a concerning act of solidarity with East Asia's most authoritarian state, repatriated nine North Korean refugees that likely faced death or imprisonment on their return (Howe 2014, p. 82; Kurlantzick 2016).

Turning to enforced disappearances—defined here as the detention of persons by the state, usually the military or police, followed by a refusal to reveal their fate or whereabouts—the United Nations Working Group on Enforced or Involuntary Disappearances has recorded seven cases of unacknowledged detention in Laos. Again, media constraints have made it difficult to obtain information on these disappearances, although one prominent case is that of Somphone Khantisouk, the co-owner of an ecotourism guesthouse and an outspoken critic of environmentally deleterious Chinese-sponsored agricultural projects in the northern province of Luang Namtha. According to statements released by Human Rights Watch, Somphone was abducted on January 23, 2007 when an SUV containing four men wearing police uniforms forced him from his motorbike into their vehicle (HRW 2015a). He has not been seen since.

In somewhat similar circumstances to Somphone Khantisouk's abduction, at around 6 p.m. on December 15, 2012, the Ramon Magsaysay award-winning community development worker Sombath Somphone was also abducted by police—or at least stopped at a police post in Vientiane and escorted from his vehicle into a small truck from which he has not been seen since. Unsurprisingly, the GoL has denied any involvement in Sombath's abduction. However, given the circumstances that surround his disappearance (recorded on CCTV video and in police

presence), as well as the failure by relevant authorities to offer public information on the progress of investigations, a complete lack of media reporting on the abduction within Lao PDR, and the refusal of offers of technical investigative assistance by the United States—many find such denials unconvincing. Indeed, while the motives behind Sombath's abduction are impossible to confirm, there has been wide speculation that his disappearance is linked to his involvement in the AEPF, which took place two months prior.

Enforced disappearances have been common to many ASEAN nations and are, in every instance, one of the most serious human rights abuses. Yet, there are two facets of Sombath's disappearance that make his case particularly concerning. First, Sombath was not a political dissident. On the contrary, he always sought state approval for any work conducted by the community development organization that he founded—the Participatory Development Training Center. Even in neighboring Vietnam, where Kervliet finds "a degree of toleration" for regime dissidents, or in junta-ruled Myanmar where fierce regime critics as Maung Thura have been freed from political detention, the enforced disappearance of such an internationally respected and politically prudent development worker would be unlikely (Kerkvliet 2012, p. 2). Second, Sombath's abduction highlights the extent to which the LPRP's support for "development" is limited only to processes and practices deemed non-threatening to state power. In other words, while development has become "the government's national obsession" and the catch-cry for its legitimacy, the LPRP's interpretation of development remains targeted towards nation building, security and economic growth—not participatory processes, democratic reform or human rights (Pholsena 2006, p. 65).

The Consequences of Growth Without Democratization: Forced Resettlement and Accumulation by Dispossession

It is now widely accepted that patterns of inequality are inherent to capitalist development. As David Harvey notes, capitalist transformations are characterized by "unstable evolutionary process[es]… uneven geographical developments and strong competitive pressures" (Harvey 2006, p. 41). However, it is also evident that in authoritarian states such as Lao

PDR, the inherent "anti-democratic tendencies" of capitalism are further enhanced through the censorship of free speech, the suppression of civil society and acts of state violence against those who contest the illegitimate acquisition of public assets by political and economic elites (Harvey 2006, p. 41). Even where economic growth is strong, the result of the coming together of marketization and political authoritarianism is often severe socioeconomic dislocations, rising inequality and new forms of marginalization and disadvantage for already impoverished communities. This is nowhere more apparent than in respect to land access.

Since the early 2000s the GoL and many of its development partners have "championed foreign direct investment (FDI) into land" as a mechanism for transforming "untapped natural resources" into productive assets (Schonweger and Messerli 2015, p. 97). Unsurprisingly, this policy of "turning land into capital" has seen land access become increasingly competitive (Dwyer 2007). By 2010 around 3,500,000 ha, or more than 20% of the country's total land area, had already been allocated to foreign investors in the form of concessions (Dwyer 2013, p. 311). Hydropower and mining projects, legal and illegal logging, agribusiness plantations, and new built environments have all seen the appropriation of communal land and, according to the National Land Management Authority of Laos, more than 50% of the 2000+ land concessions in the country have resulted in "detrimental effects" to the environment and local residents (Baird 2010, 2014; Baird and Shoemaker 2008; Haglund 2011; Kyophilvong 2009; Lawrence 2008; Luangaramsi 2012; Molle et al. 2009; Shi 2008; Sims 2015; Times Reporters 2011). As Baird (2010, p. 3) succinctly states, "foreign investors have been acquiring land with rich soils for low state rents, often without having to appropriately compensate local people, let alone ensure that they significantly benefit from the investments."

Forced resettlement, land concessions and accumulation by dispossession have become nationwide issues in Lao PDR and, consequently, are also some of the most widely discussed concerns of economic liberalization (Baird and Shoemaker 2008; Baird 2010, 2014; Dywer et al. 2015; Schoenweger et al. 2012; Haglund 2011; Hall et al. 2011; Kenney-Lazar 2012; Lawrence 2008; Luangaramsi 2012; Molle et al. 2009; Sims 2015). As foreign capital has poured in, financial and political elites have increasingly encroached on land and other resources previously owned and cultivated by subsistence communities and other vulnerable groups. To provide just a few examples, Hodgdon (2008, p. 58) describes "the

political culture of logging and development in Laos," as a process through which "the Lao political elite and their Vietnamese private sector partners" have pillaged forests and communal lands; Dwyer et al. (2015) demonstrate how economic liberalization in Lao PDR has contributed to the empowerment and wealth of undemocratic military elites; while Cohen (2009, p. 116) and Barney (2009, p. 146) respectively discuss how Lao PDR's "frontier capitalism," and "frontier neoliberalism" have produced new livelihood insecurities for an already vulnerable rural population.

Such concerns over land access are more than mere economic debates. Rather, as Schonweger and Messerli note, following the International Land Coalition's May 2011 Tirana Declaration, "land grabs" and their associated forced displacements are now widely considered as human rights violations (Schonweger and Messerli 2015, p. 94). In agrarian country's such as Lao PDR, where around two-third of the population remains dependent on farming, access to land is widely recognized as crucial to both livelihoods and food security. Consequently, the granting of large-scale land concessions may represent a direct violation of people's most basic rights to "life, liberty and security of person" (Chamberlain and Phomsombath 2002; Delnoye 2010; UN General Assembly 1948). While it is important to acknowledge that the GoL has made some attempts to reduce the socially destabilizing role of forced displacements—most notably in May 2007 and June 2009 through moratoriums on land concessions—it is also crucial to stress that these ineffective bans have been accompanied by continued (state-sanctioned) land acquisitions and the silencing of public opposition to forced resettlement. Significantly, there have also been few, if any, donor efforts to address the issue of land grabbing. As Kenney-Lazar notes, while international development organizations "have recognized the potentially negative impacts of large-scale land acquisitions upon poor, marginalized and land insecure peoples," the majority have underestimated "the negative social and environmental impacts" of concessions and "mainly focused on the[ir] positive potential" (2012, p. 1018).

Conclusion

Lao PDR has made considerable and commendable progress on many development indicators. Economic growth and poverty alleviation are genuine objectives of the GoL and central determinants of the LPRP's

ability to maintain single-party rule. However, the common, progressive, narrative that the GoL and many of its aid donors have constructed around Lao PDR offers an incomplete story of the country's socioeconomic transformations which downplays the structural inequalities that accompany authoritarian rule, the inherently political nature of all development assistance and the severe price that is often paid by those who seek a more democratic or free society. Most significantly, economistic readings of development fail to adequately acknowledge that decades of strong economic growth and interventions by international development organizations have seen little political reform—or the extent to which state-enforced structural impediments to a transition to democracy are entrenched in Lao PDR.

It is widely held that economic growth and the expansion of the middle class will naturally lead to democratic reform. However, while recent socioeconomic transitions in some East Asian countries (Taiwan, South Korea, Malaysia) offer credibility to this viewpoint, many other countries—China, Singapore, Vietnam, Cambodia and Lao PDR—bring into question the universality of this claim. The pursuit of economic liberalization alongside political authoritarianism has been a common development pathway within Southeast Asia and there is little evidence to suggest competitive economic interests will naturally produce democratic processes. Indeed, as Ferguson argued more than two decades ago, rather than automatically creating more open and free societies, the "principle effect" of development is often "the expansion and entrenchment of state power" (Ferguson 1990, p. 255).

The LPRP is one of the most corrupt and authoritarian regimes in the world and, like many authoritarian states, its leadership is enacted through a pervasive culture of fear that is reinforced through unlawful arrest, enforced disappearances and the privileging of elite interests over the rights and needs of vulnerable impoverished residents. As is powerfully evidenced through the disappearance of Sombath Somphone and the various tools of media controls detailed in this chapter, the LPRP has no intention of economic liberalization leading to increased political freedoms. Its "development" agenda is genuine—but is limited to a focus on nation building, security and economic growth. As such, while strong economic growth has been maintained for more than two decades, the majority of profits remain in the hands of a few, politically-connected, elites. Indeed, in many respects it appears that international aid to Laos has assisted elite resource capture and political-economic

control. Development has become a "tool of pacification" that has often created new patterns of disadvantage, new tensions and new vulnerabilities (Burke 2013: 12; Dwyer 2014; Frewer 2013; Jones 2014; Le Billon 2002). In short, Lao PDR yet again demonstrates that enhanced economic freedoms do not necessarily promote political freedom.

While the state is the principal duty-bearer for the protection of rights, it is important to emphasise that international organizations also bear a responsibility to ensure that universal human rights are upheld (Cornwall and Nyamu-Musembi 2004). How the international development sector may better encourage political reform in Lao PDR is a difficult challenge that requires further debate, analysis and experimentation. Continued efforts should be made to encourage the expansion of civil society, promote educational reform, strengthen the rule of law and encourage freedom of press. Common approaches such as those applied to Myanmar including trade sanctions and aid restrictions may, or may not, be useful, while the impact of a new goal to "promote just, peaceful and inclusive societies" within the Sustainable Development Goals remains to be seen (UN 2016).

What can be said with certainty, however, is that international organizations which offer assistance to Lao PDR must be conscious of the potential for aid contributions to support a regime that has one of the poorest human rights track records in Asia. Recognizing that "equitable and sustainable growth can only be attained if the rights of ordinary citizens and poor and disadvantaged groups in particular, are actively ensured and protected," development organizations must reflexively engage with the power dynamics that are inherent to the practice of international development (UNDP 2011, p. 67). Of value here would be a shift in assistance logics from a "needs based" approach of resource provision to a "rights-based" approach that is cognizant of resource contestations and prioritizes the importance of severe rights violations even when they do not affect the majority population (Cornwall and Nyamu-Musembi 2004, p. 1417). What is essential here, is that human rights and political reform become more central to development debates, and that reports on Lao PDR's development give greater acknowledgement to the constrained political environment in which aid provision takes place. Too often international development organizations have invoked the discursive power of participatory processes and human rights without the intention to fully accept the political commitments that such terminology demands. Unless donor agencies begin to rethink "the way aid

funding and partnerships are understood, negotiated, structured, timed and assessed," a democratic transition is unlikely to occur (Delnoye 2010, p. 34).

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CHAPTER 8

Conclusion

Brendan Howe

Abstract The summary of findings concludes that the case studies in this volume have demonstrated dramatically the central contestations laid out in the introductory chapter. Despite significant progress in the region, national security concerns predominate, with the state being given undue prominence in economic and political governance models, and ongoing illiberal structural constraints. External influences have had, at best, a mixed impact on governance in East Asian polities, and collusion between elites has facilitated the maintenance, or even expansion, of their power reserves at the expense of ordinary citizens. Thus, in terms of policy prescription, the conclusion recommends a Rawlsian interpretation and measurement of good governance focusing on the needs of the most vulnerable.

Keywords Summary · Findings · Illiberal structures · Policy prescription

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Summary of Findings

The case studies in this volume have demonstrated dramatically the central contestations laid out in the introductory chapter. Despite significant economic growth in the East Asian region, and the rise of both international liberal solidarist normative pressures, and domestic and regional sub-state humanitarian considerations, national security concerns predominate. Furthermore, the state is given undue prominence in economic and political governance models. The structural impediments to transformation from statecentricity to human-centered governance include the role of the military, the functioning of constitutions, the collusion of political and economic elites, the diversion of resources to macro-economic or mega-projects, the negative impact of international forces (even the well-intentioned ones of the United Nations), diversionary policy-making, and the institutionalized sacrifice of vulnerable individuals and groups.

The role of the military can be overt dominance as is the case in North Korea, contemporary Thailand and, until recently, Myanmar. Even if the state is not, however, an overtly militarized one, state-centric security concerns and conflictual legacies can still leave a constitutional legacy, as is the case in contemporary Myanmar, Cambodia, and Laos, and to a lesser extent in Timor-Leste. Military elites continue to wield undue influence in all the case studies, sometimes in collaboration with other political and/or economic elites. The authors of this volume, and in particular, Sorpong Peou in his discussion of illiberal elites in Cambodia, have identified elite coalitions as posing a threat to human-centered governance across East Asia, both North and South, in these paradigmatic case studies, but also in countries widely regarded as more democratic, developed, and peaceful.

The authors of the case studies on North Korea, Thailand, Myanmar, Cambodia, and Timor-Leste, all point to the role played by illiberal democratic structures and governance institutions. In the first three, these structures and institutions have a lengthy domestic historical pedigree. Daniel A. Pinkston notes that in North Korea, each period of power consolidation has been marked by extensive purges and the reduction of the winning coalition, and that repressive structures are implanted through the ruling party, the military, the state, and mass organizations, which have prevented the development of civil society. For Paul Chambers, in Thailand, the repressive structures and institutions are so entrenched as to amount to a parallel state. Alistair Cook identifies the pervasive nature

of military influence at all levels of society, and throughout all governance structures as posing a complex threat to human security and democratic consolidation in Myanmar.

In the cases of Cambodia and Timor-Leste, however, the illiberal structures can, at least in part, be laid at the feet of external intervention, as in both cases the United Nations was responsible for mid-wifing the current constitutional structure and dispersal of power. Peou has identified how, despite the qualified success of 1992 elections under the authority of UNTAC being won by the main opposition party, FUNCINPEC, the victors were forced to share power with the party of the previous authoritarian government. After Second Prime Minister Hun Sen of the CCP removed First Prime Minister Norodom Ranariddh from power by force in July 1997 the political system has been essentially hegemonic. Likewise, while acknowledging the role of traditional culture and conflictual legacies in Timor-Leste, Yuji Uesugi points to the UNTAET state-building endeavor as a top-down, state-centric process with a structural focus on putting in place the central- and national-level institutions of the state. For him, this external involvement amounted to neotrusteeship, and resulted in a hybrid form of governance combining elements of liberal democracy with authoritarian structures and traditions. In other words, the autocratic methodology of post-conflict international peacebuilding contributed the emergence of a neo-authoritarian regime in Timor-Leste.

If "benevolent" external involvement has had such a mixed outcome, it is not surprising that the forces of international commerce may have had an even more controversial impact on governance in these East Asian countries. Any form of trade with North Korea is of course extremely controversial as it is seen as helping prop up an authoritarian regime. Hence the country has long been the target of extensive international sanctions. Elsewhere, however, international involvement in the economies of Southeast Asia has helped sustain authoritarian structures and elites, and led to new challenges to the human security of the most vulnerable populations. Cook notes that macroeconomic projects have routinely seen foreign corporations exploit the natural resources in Myanmar with little benefit to local communities, while also posing threats to human security. This was also a concern expressed by Aung San Suu Kyi when interviewed by the editor of this volume when she was still in opposition (Howe 2013, p. 238). Meanwhile, in Lao PDR, Kearrin Sims points to the foreign exploitation of land and other resources by predatory elites in collusion with external interests.

Sims also notes how the inherent "anti-democratic tendencies" of capitalism are further enhanced through the censorship of free speech, the suppression of civil society and acts of state violence against those who contest the illegitimate acquisition of public assets by political and economic elites. This is the final unifying theme of the volume, the extent to which authoritarian forces, colluding elites, and democratic rollback through judicial and extra-judicial means pose a threat to human rights and human security. Of course, as has already been noted, Pinkston has identified an ever-shrinking space for civil society in North Korea. Chambers identifies neo-monarchism in Cambodia, persistent democratic rollback, authoritarian usage of national projects and acquiescent political culture as entrenching elites which dominate the country at the expense of the collective needs of the people. Cook points out that comprehensive transition to a democratic Myanmar is far from over, but remains essential to address human insecurity. While Peou talks of a new economic elite, who have sought protection and favor from powerful members of the political elite, who have in turn benefited from the loyalty and support of the armed forces, together reversing or limiting democratic progress.

Policy Prescription

Peou identifies "Asian democracy" as essentially being illiberal, thus if we want better to protect the human security, rights, needs, and interests of the citizens of Asian countries, we need a governance paradigm shift within the polities. Cook is correct to warn us that a multifocal lens is important to understand the nuances across and between different levels of governance. Perhaps most importantly, however, we need to reconstitute our conceptualization of good governance away from an emphasis on national security and wellbeing, on economic efficiency and aggregate measurements of the common good, towards an understanding of good governance being that form of collective social interaction which gives the greatest benefit to the most vulnerable, rather than necessarily the greatest number.

This is essentially a Rawlsian understanding of distributive justice and the social contract. In terms of policy output, therefore, good governance, at qualitative level, rejects paternalism and guardianship (no matter how benign), limited procedural democratic participation, as well as all aggregate or collective measurements of "the good". This is a "thick" and human interpretation of democratic rights—not just the equal right

to vote or stand for office, but the equal protection of rights, and the provision of equal opportunity. Not just economic development and growth for society, but also an equitable distribution of the collective good, and also the collective bad. No individual or group may be sacrificed for the collective good. Inequalities are only justifiable if there is fair competition for each to achieve a greater share, and an unequal distribution of any or all of the basic social primary goods is to the advantage of the least favored (Rawls 1999).

As noted by the Office of the UN High Commissioner for Human Rights (OHCHR), good governance and human rights can be mutually reinforcing: human rights principles provide a set of values to guide the work of governments and other actors, and a set of performance standards against which these actors can be held accountable; whereas without good governance, human rights cannot be respected and protected in a sustainable manner (2007, p. 1). It is this benchmarking function for which a human-centered perspective on good governance is best suited. In addressing policy recommendations, structural reforms, or governance guidelines, whether for the international community, national governments, nongovernmental actors, or multinational corporations, to what extent will the impact positively on the human security, human development, and/or human rights of the most vulnerable?

In identifying the obstacles to human-centered governance, it is to be hoped that this volume represents the first step in identifying at least the direction needed for policy reforms at all levels of governance and administration. In the words of former Secretary-General of the United Nations, Kofi Annan (2005), "we will not enjoy security without development, development without security, and neither without respect for human rights. Unless all these causes are advanced, none will succeed." The need for holistic rather than state-centered approaches to security and governance is the main lesson to be learned from study of the case studies in this volume.

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