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MYANMAR ON TRACK TO DEMOCRACY?

DESPITE THE DEMOCRACY MOVEMENT'S ELECTORAL SUCCESS QUESTIONS ABOUT THE COUNTRY'S DEVELOPMENT REMAIN

The people of Myanmar have voted on 8th November. The National League for Democracy (NLD) and its party leader, Aung San Suu Kyi were able to win an overwhelming majority in the freest elections in the country since 1990. The currently governing Union Solidarity and Development Party (USDP) that is backed by the military had to concede substantial losses in electoral support. According to the first unofficial results the NLD won 82% of all votes. The general election was certainly a progress for the country's democratic development since it was largely free and fair, but even more importantly, it was held peacefully. Nevertheless, the NLD was not able to present itself as promising alternative to solve the country's most pressing problems and thus, its development remains unclear.

In the past four weeks Myanmar has seen an interesting and turbulent election campaign. This is however, largely due to the fact that this was the first electoral competition between the two main parties, NLD and USDP, apart from the by-elections in 2012. The simultaneously high amount of ethnic parties that were competing for seats in the parliament made the 2015 elections the most broad-encompassing of all times in Myanmar's history.

The election was the first one on a nation-wide scale that the NLD took part in since its electoral victory in 1990 that was rejected by the military. The party's success was widely expected in this year's elections as well, however, a landslide victory comparable to that in 1990 seemed rather unlikely since the governing USDP has initiated a respectable reform process in recent years. In addition to the two political heavy weights the National Democratic Force (NDF) was the only party that campaigned nation-wide, whereas in total 88 ethnic parties were competing for seats in their particular ethnic areas. This signifies a huge progress compared to the 2010 election in which significantly less parties were taking part in. Improvements in citizens' political participation and regarding the freedom of press can be seen as reasons for this development just as the reduced fees for participating in the elections. Arguably though, none of the participating parties was able to conduct a politically sophisticated election campaign. Whereas the NLD was relying on its leader's popularity, the ethnic parties are increasingly functioning as mouthpiece for minorities' nationalistic tendencies. The high level of fragmentation in Myanmar's party system also contributed to the fact that coalitions have either not been agreed upon or explicitly rejected prior to the elections. Following the projections though, the NLD will have no problem of forming a parliamentary majority by itself. Therefore the party will be able to pursue its own agenda however, it cannot amend the constitution. The military is guaranteed 25% of the parliamentary mandates and thus, effectively it retains the veto over constitutional changes since 75% plus 1 vote are required for putting them into effect. In other words, the decision whether Myanmar will be ruled by a fully civilian government still lies in the hands of the military.

NOVEMBER 8 AS „CRUCIAL TURNING POINT“

Aung San Suu Kyi, the great hope for the democracy movement in Myanmar has repeatedly called November 8 a „crucial turning point“¹ in the country's history. Whether the election actually leads to a change in politics is not only dependent on her but first of all also on the military's willingness to amend the constitution. Since the NLD's demands for constitutional reforms were overheard so far, many international observers have understandably questioned the election's fairness weeks ago already. With retaining the 2008 constitution that was decided upon in a rather questionable referendum, Aung San Suu Kyi was barred from presidency. In the constitution the military has not only guaranteed itself blocking

¹ http://www.chinadaily.com.cn/world/2015-09/08/content_21820847.htm 08.September2015

minority rights but also included a paragraph specifically tailored to Aung San Suu Kyi. The clause denies the position to anyone having a foreign spouse or children. Generally well known, Suu Kyi's deceased husband was British. Also her two sons possess the British citizenship. Even more importantly, the military is also holding up to its major role in Myanmar politics. So far the military has refused to negotiate any compromises regarding its key interests. Thus it is still retaining its representation in parliament and government, the control over the security resorts as well as its veto right over constitutional amendments.

In recent years President Thein Sein has initiated a remarkable political reform process in Myanmar. During his presidency a high number of political prisoners were amnestied, including Aung San Suu Kyi. Furthermore, the country was able to improve considerably in terms of the freedom of press. Internationally, Myanmar could position itself in a positive light when it successfully chaired the ASEAN summit in 2014. It was also able to convince the Western countries to end the economic sanctions against the country.

No improvements however, were being made regarding the situation of ethnic minorities, including the Rohingya. On the contrary, during Thein Sein's presidency the Muslim minority was deprived of its citizens' rights. Due to the ongoing persecution of the Rohingya the situation reached a new level this year when thousands of them fled to other Southeast Asian states in deadly adventures. Especially President Thein Sein was criticized for his idea to relocate the Rohingya outside of Myanmar.² Surprisingly also Aung San Suu Kyi remained silent about this matter. Her silence was often seen as part of a campaigning strategy to get more votes from the Bamar. The Bamar are the largely Buddhist, ethnic majority in the country that is making up around 70% of the population. They could have seen the NLD as being too Islam-friendly, if Aung San Suu Kyi would have shown more solidarity with the Rohingya.³ This problem however is recurring on a nation-wide scale since no Muslim candidate was able to secure a parliamentary mandate. The Rohingya problem is however, only one aspect of a failed ethnicity policy that led many ethnic parties to turn away from the NLD. Despite the promised democratization they do not feel respected and understood by Aung San Suu Kyi. Thus, the NLD's successful election results in the ethnic states come as a surprise. However, they should rather be traced back to the distribution of ethnic voters on different parties and the high degree of fragmentation in the party system than to trust into the NLD's future policies.

On October 15 this year Thein Sein was finally able to sign his long-pursued aim of a national ceasefire agreement with several armed groups operating in the ethnic states. The title "National Ceasefire Agreement" is however, somewhat misleading since only eight and thus only half of the aspired regional groups agreed to sign. The mainly small organizations that have signed are no longer considered terrorist groups and thus, hope to see more investments in their regions. In contrast, fighting continues undauntedly in other parts of the country. The biggest rebel groups, including the Kachin Independence Organisation (KIO) and the United Wa State Army (UWSA) that are both operating in the areas bordering China, refused to sign the agreement since the government rejected to include other fighting groups. Therefore it can be assumed that this agreement is a rather overhasty treaty that has just been signed in time for the election to present it as government's success. This nevertheless seemed necessary from the USDP's point of view since their term in government is also characterized by its inability to respond to the common citizens' problems. Despite the massive economic growth in recent years, a high proportion of the population in Myanmar has not experienced improvements of their own living standard and still suffers from wide-spread poverty. Especially the rural population is still looking for solutions for the growing number of land and expropriation conflicts that are increasingly threatening the livelihood of all people employed in the agricultural sector. Myanmar's exports almost exclusively include raw materials that are to a large extent extracted in ethnic areas and cause big economic as well as ecological damages. The sale of raw materials went out of control so that for instance even building contractors nowadays have to import cement.

THE ELECTION RESULTS

The NLD won the elections surprisingly clearly. Official results are yet to be announced but already now it

² <http://www.huffingtonpost.com/huff-wires/20120712/as-myanmar-sectarian-unrest/>

³ <http://www.bbc.co.uk/news/world-asia-32974061>

seems apparent that the NLD could win the overwhelming majority of all constituencies. Current projections expect the Nobel Peace Prize winner's party to gain around 82% of the votes.⁴ These would translate into 406 mandates that would be enough to form a simple majority. Apart from the political parties, the military has 166 parliamentary seats reserved for it, independent from the final election results. The USDP however, has to concede severe losses in electoral support and will find itself in the opposition in the new parliament. Surprisingly, the NLD also achieved quite good results in the ethnic states of Myanmar and can send quite a lot of representatives from these as well. So for instance in the Shan State that is bordering China. The competing Shan parties could not compromise on a common agenda and thus preferred to compete with each other rather than cooperate. Consequently this led to a distribution of all ethnic votes and ultimately weakened the parties.

PROGRESS IN ELECTION ORGANISATION

After the highly criticized 2010 general election in which the USDP secured 60% of all parliamentary seats, the Union Election Commission (UEC) has attached more importance to complying with international standards of free and fair elections. Since Myanmar has proven itself capable of conducting well-organized elections in the by-elections in 2012 the international community has expected a higher standard for the 2015 elections. Despite still being far from international guidelines the organization and procedure have improved remarkably compared to 2010. It was seen as a promising sign that the country has invited many international observers, for instance from the European Union, to accompany the election process and examine it in terms of freedom and fairness. All election registration lists were publicly available and all necessary information were sent to citizens via text messages in order to generate the best possible degree of transparency. Nevertheless, election observers assume that in total 4 million people were unable to register to vote.⁵ This number includes domestic migrants as well as temporary residents whose registration was not envisaged. Other groups were explicitly denied the right to vote, so for instance the Rohingya on the basis of their status as non-citizens and a lot of members of the ethnic Karen on security grounds. Such actions can certainly be seen as attempts to influence the election's results. Another aspect that has been criticized is the official scrutiny of candidates. The US-based Carter Centre has described the process as being "biased".⁶ Even though only a small amount of candidates were refused to stand in the election, those that were, were almost exclusively Muslims or members of ethnic parties. On the contrary, USDP candidates were admittedly not checked thoroughly.⁷ This fact "questions the credibility of the process significantly" according to the Carter Centre.⁸ The Election Day remained largely quiet and peaceful. Queues in front of the polling stations built up in the early morning already and did not disappear during the day. Due to the high amount of people turning up and the relatively short opening times a lot of them were unable to cast their votes. The counting of the advance votes was often criticized since some irregularities are assumed to have occurred. Ultimately they could however, not prevent the NLD from winning the polls. The election was widely appraised as being transparent, so for instance by the European Union.⁹

UNINSPIRED INTO DEMOCRACY?

The past election campaign can be described as callow. Even though the contrary positions were quite fundamental both main parties also hid behind their key themes of "stability" and "change of politics" as a detailed description of what both concepts refer to specifically was never clarified. Thus, the election campaign was by no means defined by a clear idea of who is going to change policies in Myanmar in what

⁴ <http://www.mmtimes.com/index.php/election-2015/live-blog.html#nov-10>

⁵ <http://www.reuters.com/article/2015/10/20/us-myanmar-election-voters-insight-idUSKCN0SE2GN20151020>

⁶ http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/myanmar-pre-election-102715.pdf

⁷ <http://www.mmtimes.com/index.php/national-news/16362-electoral-officials-ignore-citizenship-complaint-against-union-minister.html>

⁸ http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/myanmar-pre-election-102715.pdf

⁹ <http://www.channelnewsasia.com/news/asiapacific/vote-counting-is/2250190.html>

way.

This is especially disappointing for the NLD and their figurehead Aung San Suu Kyi who could not deliver any specific ideas on the future of the country. Instead, the party was only emphasizing aspects that seem rather abstract for the ordinary people, such as the constitutional reform, future improvements in terms of the rule of law and the establishment of a federal system. Surely, these are the aspects that the international community is paying a lot of attention to in regards to the country's modernization and democratization. However, firstly it is questionable whether the NLD is able to put these aspects on the agenda. Political decisions are still very much dependent on other actors, namely the military. In addition, a majority of the MPs has no experience on these matters, especially since a lot of them are being elected into parliament for the first time and have to work themselves into parliamentary procedures first of all. Secondly, this agenda setting misses the ordinary people's most pressing problems since their lives are still defined by a daily struggle to survive. Aung San Suu Kyi was not able to address the country's most urgent problems satisfactorily. She has surely put forward some respectable ideas for the development of the country, such as a more systematic tax collection and a more equal distribution of the tax burden as well as an expansion of education and health sectors. On the contrary though, she remained very vague on how to convince the military to negotiate a transformation into a fully civilian government that so far, it has always rejected.

Aung San Suu Kyi's election campaign disappointed a lot of domestic but also international observers. She did not formulate any measures that would lead to a truly nationwide ceasefire agreement, let alone a binding peace arrangement that would include all ethnic minorities. Disappointingly she also remained silent about the situation of the Rohingya who have been subject to pogroms initiated by fanatic Buddhists on a regular basis. Critics state that she followed the trend of Buddhist nationalism in order to be electorally attractive to a broader population basis.¹⁰ Her decision to rule out any possibility of a cooperation with the ethnic parties points into the same direction of her being more concerned about the votes from the ethnic majority, the Bamar. Buddhists. Furthermore she has disillusioned a lot of potential voters in rural areas as the chair of an investigation committee looking at the land dispute between the Letpadaung copper mine and the local population. Instead of supporting the population in its demands for fair compensation the committee considered the economic consequences of shutting down the mine as too grave and thus favored its preservation. If this is what the NLD's strategy for development looks like severe doubts can be raised whether this will be the appropriate plan for the agriculturally defined country. Consequently it is also debatable whether economic growth will be distributed equally among all sectors of the population instead of being generated at the expense of the general population. With the emphasis on financial liberalization and trade facilitation one receives the impression that the NLD will adopt a neoliberal line that has proven to be the wrong track for so many other so-called developing countries in the past. Overall one has to admit that the NLD from today is only a pale copy of the party that once inspired the country in its struggle for democracy. Without creativity and a clear vision of how to move the country forward, the party is only led and defined by Aung San Suu Kyi's popularity and charisma. This also expresses itself in her address to voters not to consider the local candidates but only the parties when they cast their votes. The basis of this announcement is formed by the fact that the NLD lacks party internal democracy. Therefore it is almost impossible to enforce initiatives without or even against the Nobel Peace Prize Winner who is pulling all the strings in the party. Although her long undisputed status as Myanmar's savior as the head of the democracy movement also begins to crumble internationally, it has long helped her to postpone important policy developments.

The USDP as a conservative alternative has similarly refrained from discussing concrete plans for the next legislative period. Since the party could hardly advocate any long-term strategies for the country it has gained more media attention due to internal conflicts. Short-term investments into local infrastructure emerged as a popular campaigning method among USDP candidates. The party was for instance criticized in the Mon State in Southwest Myanmar for using its governing power to donate huge amounts of money for the construction of bridges and roads.¹¹ Besides that the USDP often attempted to restrict its opponents' election activities. This was easy to accomplish for the party since it is the only one that possesses a true party structure and it could easily take advantage of its contacts to the authorities. Furthermore, the USDP's cooperation with the Buddhist Patriotic Association Ma Ba Tha, that is increasingly becoming politically active, should be seen critically. The association's racist emphasis on

¹⁰ <http://www.bbc.co.uk/news/world-asia-32974061>

¹¹ <http://www.mmmtimes.com/index.php/national-news/4865-voters-facing-information-hurdles.html>

questions of race and religion as well as the newly-implemented "Laws to Protect Religion and Race" further institutionalized the growing Buddhist nationalist sentiment. These circumstances probably already affected the NLD. The party did not nominate a single Muslim candidate in order to provide less ground for attacks on its assumed Islam-friendliness and thus, the accusation of betraying the country.

NEW GOVERNMENT, REMAINING PROBLEMS

One can only hope that Myanmar will not be defined by conflicts along ethnic and religious lines. The recent "Laws to Protect Race and Religion" which can be classified as racist and are specifically aiming at the religious minority however, point exactly into that direction. The new generation of democrats also have to be measured against its replies to the growing anti-Islam sentiment and if it will be able to arrange a pluralistic Myanmar. In addition, the rising nationalism among all ethnic minorities that are simultaneously demanding more autonomy is making the situation even more complicated. The new government will have to find an all-encompassing solution for the ethnicity issue, otherwise the Myanmar society will further fragment and thus provide fertile ground for more conflicts within the country.

Decisively for the direction of the country will also be the position the military takes on. Despite the NLD's victory, the military is guaranteed not only one quarter of the parliament's seats but also important positions in the government. The peculiarity in the Myanmar constitution is that a parliamentary majority does not necessarily translate into the same power relations in government. In order to secure a democratic future of the country a stable government is now a key priority. From this point of view it can be seen positively that the NLD does not have to negotiate coalitions. These could have turned out to be too difficult and thus a beginning of a political crisis. On the other hand, a more profound political participation of the ethnic minorities could be an enriching experience for the political climate. The ethnic parties will however, not play a more weighing role in national politics. The parliament will continue to be dominated by Bamar Buddhists since no single Muslim candidate was able to secure a mandate. Doubts can be raised whether this will turn out beneficial for the interreligious and interethnic relationships within the country.

It appears apparent though that the country will more than ever develop in one woman's shadow. Myanmar's future is to a large extent dependent on the future of Aung San Suu Kyi. The Nobel Prize winner has already announced that the new president would be subordinate to her, and that she will make the decisions. This announcement reminds observers of the party internal understanding of democracy. If this understanding will now be transferred onto a national scale, it would mean a setback in terms of democracy. The hope remains that also other political actors will show initiative so that the country's destiny is not only linked to one lady's personal ambitions.