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Burma Before the Elections

by Zoltan Barany

ABSTRACT

Burma's upcoming elections will be a test of how much the country's political scene has changed since the generals' tentative liberalisation programme began five years ago. The National League for Democracy, led by democracy icon Aung San Suu Kyi, is likely to win big. Still, it may not get the two-thirds of the parliamentary seats open for competition that it needs to form a government. If it does not, it ought to blame itself, for the NLD has been unwilling to enter into coalitions either with much-respected civic organisations or with the increasingly vocal and well-organised ethnic parties. At the same time, the military-backed Union Solidarity and Development Party has led a smart campaign just short of breaking the electoral laws. Both the USDP and ethnic parties might do better than expected and cost the NLD – dominated and controlled by Suu Kyi – a crucial opportunity to advance democracy.

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Introduction

On November 8 2015, Burma will hold general parliamentary elections for the first time since its ruling junta began a cautious, in many ways disappointing, but ultimately promising transition away from a nearly five-decade old military dictatorship four years ago. The elections will be a critical moment in Burma's modern history, a test of the military government's readiness to continue down the road toward genuine democracy and at what speed. They will also gauge the opposition's capacity to unite toward a goal they all embrace: to limit the political power of the generals who still rule the country.

This will be the first chance for meaningful elections since 1990, when the generals held reasonably free and fair elections. Then the junta disregarded the outcome (the opposition National League for Democracy (NLD) garnered a majority of votes and 392 of the 492 seats contested), put democracy activists in prisons or under house arrest, and continued its dictatorial rule as if nothing had happened.¹ The 2010 parliamentary vote, a heavily rigged affair, ended, unsurprisingly, in the massive victory of the regime's Union Solidarity and Development Party (USDP). Although some forty parties competed at the polls, the NLD boycotted the sham elections from which the junta barred international observers.²

In late 2010 the top brass transferred power to a government of its own choosing – virtually all ministers and top officials have been former generals – and released Aung San Suu Kyi, the leader of the democratic opposition, from house arrest (she spent 15 of the previous 21 years confined to her estate). In the 2012 by-elections

¹ See, for instance, Derek Tonkin, "The 1990 Elections in Myanmar: Broken Promises or a Failure of Communication?", in *Contemporary Southeast Asia*, Vol. 29, No. 1 (April 2007), p. 33-54.

² See Tin Maung Maung Than, "Myanmar's 2010 Elections: Continuity and Change", in *Southeast Asian Affairs 2011*, p. 190-207.

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the NLD won 43 of the 44 seats it contested. How has the country changed five years after the transition process began? What does Burma's political landscape look like today? What should we expect in November? These are the questions I tried to find the answers to on a recent visit to Rangoon (the commercial capital), Naypyidaw (the political capital), and Mandalay (the last royal capital and Burma's second largest city).

Even Burmese pessimists concede that their country has changed for the better since political and economic liberalisation began. The major cities are full of construction sites where smart condominium high-rises and shopping malls are taking shape. Traffic is notoriously congested, they say the number of cars has more than doubled since 2010. There are a plethora of new businesses, from fancy shops selling laptops and smartphones to humble street-side noodle stalls. Tourism, though still modest, has expanded greatly and is growing quickly with three million people visiting in 2014 and five million projected this year. The economy is projected to grow by 8.7 percent this year after last year's less auspicious but still respectable 6.5 percent increase, although economists complain that too much of this growth comes from the extraction of natural resources.³

Still, Burma remains Southeast Asia's poorest country: 2.5 million children (from a 51.4 million overall population) are malnourished.⁴ According to the United Nations Development Programme, 26 percent of Burmese – 70 percent of whom are rural residents – live in crushing destitution.⁵ Educational and public health standards – they receive a regional low of 4 percent and 2 percent of the budget – are miserable. Many factory owners responded to the recent law that introduced a 3 dollars per-day minimum wage by laying off workers. At the same time, approximately ten to fifteen thousand high-ranking military officers, their retired colleagues, and their cronies own the vast majority of the country's hotels, enterprises, and factories. When I asked a former minister responsible for economic affairs whether my information that these people controlled 80 percent of the economy and commerce was accurate, his reply was, "Only 80?"⁶ Lifting international sanctions and opening the country to the outside world benefited no one more than them.

One of the more promising signs of the changes is the thousands of new local organisations that engage in a wide array of extremely diverse cultural, educational, political, and social activities. In addition, hundreds of NGOs from the United States, Europe, and Japan now work in Burma for causes ranging from democracy promotion to disaster relief. The media, too, have become much freer with many

³ See <http://ieconomics.com/myanmar-gdp-annual-growth-rate>; and William Boot, "Prospects and Problems for Burma's Economic Growth", in *The Irrawaddy*, 5 January 2015, <http://www.irrawaddy.org/business/prospects-problems-burmas-economic-growth.html>.

⁴ Erika Wright, "Malnutrition in Myanmar", in *The Borgen Project Blog*, 2 May 2015, <http://borgenproject.org/?p=126358>.

⁵ UNDP, *About Myanmar*, 2015, <http://www.mm.undp.org/content/myanmar/en/home/countryinfo.html>.

⁶ Author's interview, Rangoon, 28 August 2015.

new newspapers and magazines vying for people's attention, although prudent journalists still practice self-censorship in order to avoid stepping on the army's toes. Those who do not, can pay a steep price: in September 2014, the military admitted to killing a reporter who was covering the renewed fighting between ethnic Karen rebels and the *Tatmadaw*, the Burmese army. The number of political prisoners – many of them student activists – has increased from 78 incarcerated and 203 awaiting trial at the end of 2014 to 108 incarcerated and 459 awaiting trial in August 2015.⁷ Rights abuses and daily humiliations by soldiers are still the fact of life in many out-of-the-way rural areas. Corruption remains rampant; Transparency International rated Burma 156th out of 175 countries in its latest annual report.⁸

1. "The Lady" and the opposition

Aung San Suu Kyi or "the Lady", as she is widely referred to, remains the most famous living Burmese. Her personal courage and fiery speeches during the 1988 student-led uprising and her dignified stance during many years of house arrest earned her worldwide admiration and a Nobel Peace Prize in 1991. She was a founder of the NLD in 1988 and has been its undisputed and unchallenged leader ever since. She is an icon of democracy. That said, icons of democracy – think of Lech Wałęsa or Nelson Mandela – are not always astute politicians. Neither do they necessarily subscribe to democratic principles in their own political organisations. In Burma's political class, a general consensus has emerged – including segments within the NLD – that the Lady is neither a good politician nor a democrat when it comes to running her party.

The NLD is an intensely personalised party resting heavily on Suu Kyi's appeal and charisma. The party is excessively centralised and personnel who dare disagree with the top leadership are soon marginalised. The Lady is said to trust few people beyond her inner circle. The party has been criticised for being closed to outside influences and advice. Although the constitution prevents her from becoming president, Suu Kyi – 70 years old and not of robust health – has failed to groom let alone name a successor.

The NLD's biggest shortcoming has been its refusal to enter into electoral alliances and its reluctance to unite a deeply fragmented opposition. In the late summer, the Lady surprised political analysts and disappointed democracy activists by ruling out an alliance with "The 88 Generation Peace and Open Society", perhaps the country's most respected civil society group. In late summer, the NLD rejected the

⁷ See Assistance Association for Political Prisoners (Burma), *Monthly Chronology: August 2015*, <http://aappb.org/category/chronology>.

⁸ See Transparency International, *Corruption Perceptions Index 2014*, <http://www.transparency.org/cpi2014/results>; and Kyaw Kha, "Thein Sein Admits Corruption, Bribery Are 'Chronic'", in *The Irrawaddy*, 22 August 2014, <http://www.irrawaddy.org/burma/thein-sein-admits-corruption-bribery-chronic-burma.html>.

bids of seventeen top “88 Generation” activists – including Ko Ko Gyi, a venerated rising political star⁹ – to join their ranks and contest the elections. By then it was too late for the “88 Generation” to compete in the elections on its own. The absence of the “88 Generation” activists from the electoral ballots – smart, capable, and many with long stretches of jail-time as political prisoners on their résumés – is a sad commentary on the state of the country’s democratic opposition.

Burma’s population is a complex ethnic mosaic, only 68 percent of which is comprised of the majority Bamar.¹⁰ The government classifies the rest of the distinct ethnic groups, some 125 of them, into seven “major national ethnic races”. Several of these communities have been at war with the government for long periods, some since independence was promulgated in 1948. A National Ceasefire Agreement has long been in the works and the government, to boost its chances at the polls, has attempted to get it signed by ethnic armies prior to the elections. At the moment it appears unlikely that this will happen because several belligerents are holding out for better deals, want to receive preferential treatment, or are unwilling to unconditionally lay down their arms. Post-agreement negotiations promise to be difficult and time consuming. Ethnic groups have been demanding a federal arrangement and a federal army though they seem to have major misconceptions regarding the meaning of those terms. They tend to conceive of federal units based on ethnicity rather than territory and a federal army as comprised of separate armies. In any event, establishing ethnic peace might well take as long as a decade.

Given their anti-regime stance, the numerous ethnic groups and their even more numerous political parties would seem to be another natural ally of the NLD. Yet, under Suu Kyi’s leadership, they, too, have been antagonised. Not that the ethnic parties had much reason for hope. Already in the 1990 elections, the NLD turned on them, first promising not to run candidates in constituencies contested by minority candidates and then renegeing on that promise. This time around, the NLD leadership has urged ethnic communities to vote for NLD candidates – a few of them members of ethnic minorities – rather than the candidates of their own parties, in order not to “fragment the democratic vote”. It is one of the big questions of the upcoming elections whether they will heed the NLD’s call.

Not one of the NLD’s 1,000-plus candidates across the country is a Muslim, even though one of the party’s founders and members of its Central Executive Committee, the charismatic and popular Maung Thaw Ka, was one. Suu Kyi has been roundly criticised by international human rights organisations for not raising her voice against the appalling state-sanctioned discrimination of the Rohingya people, a 1.3 million strong Muslim minority.¹¹ It is hard to argue with the righteousness of the

⁹ See Hans Hulst, “Ko Ko Gyi, 88 Generation Leader”, in *Frontier Myanmar*, 12 October 2015, <http://wp.me/p6sahf-kU>.

¹⁰ See Ashley South, *Ethnic Politics in Burma. States of Conflict*, New York, Routledge, 2008.

¹¹ See Azzem Ibrahim’s forthcoming *The Rohingyas: Inside Myanmar’s Hidden Genocide*, London, Hurst, 2016.

human rights groups' cause, but virtually every expert on Burmese politics agrees that publicly defending them would be tantamount to electoral suicide owing to the near-universal popular opposition to granting them citizenship. Speaking up for the Rohingyas would also risk alienating the approximately 500,000 Buddhist monks – by far the largest religious community in the region – who remain influential in Burma's mostly rural and deeply devout society. In recent years, Buddhist nationalists have been quite effective in extracting concessions from the government, which has spared no effort to appease them.

2. The regime

The opposition's inability to establish a broad electoral alliance is lamentable because the military remains a formidable adversary. The 2008 Constitution, written by generals, reserves 25 percent of parliamentary seats for *Tatmadaw* appointees. Given that 75 percent of parliament is needed to approve constitutional amendments, this creates a veritable "constitutional bunker" for the military. This past summer, the NLD campaigned unsuccessfully to lower that threshold to 70 percent. Furthermore, the Constitution also gives control of the Home Affairs Ministry as well as the position of Commander-in-Chief to active-duty generals, thereby confirming the armed forces' supremacy in the state. The military is adamant to maintain the level of its political participation. The two most powerful people in Burma, Commander-in-Chief Senior General Min Aung Hlaing and President Thein Sein continue to believe – or at least publicly declare – that the army's guidance is critical, both to preserve the country's stability and because the population is politically "immature".

The USDP is officially a "military-backed" party. Forty-five of its 56-member ruling body, the Central Executive Committee, are former generals. The party has no financial worries given that its supporters include Burma's richest people: the generals and their cronies. Still, it is not a monolithic body. Under the chairmanship of Shwe Mann, another retired general, the USDP, or at least some of its parliamentary deputies, occasionally cooperated with the NLD. Regime stalwarts – a considerable part of the old guard military leadership is opposed to further political liberalisation – had watched the putative emerging political alliance between Shwe Mann and Aung San Suu Kyi with suspicion.

Late in the evening on August 12 2015, in an operation reminiscent of the worst days of the junta, security forces surrounded the USDP's headquarters while Shwe Mann and USDP General Secretary Maung Maung Thein were unceremoniously removed from their posts. Although Shwe Mann retained his position as speaker of the legislature's lower house, his well-known presidential aspirations are basically over.¹² His replacement as party chairman is none other than President Thein Sein,

¹² See Lynn Kuok, "Purge of Shwe Mann Not Death Knell for Democracy in Myanmar", in *Brookings Southeast Asia View*, August 2015, <http://brook.gs/1NJhUSw>.

who now jointly chairs the party with Htay Oo, a former USDP vice chairman. Many believe that the occasional cooperation between Shwe Mann and the Lady pushed the relatively moderate president closer to Min Aung Hlaing, who is probably the most hard-core and uncompromising member of the top leadership. Both of them are thought to have presidential ambitions.

3. What to expect

Senior regime officials, along with the Union Election Commission's chairman, another retired general, have repeatedly declared that they want free and fair elections and have invited non-governmental organisations from abroad to observe proceedings. The sources of potential problems are primarily in remote rural areas that might not be reached by foreign observers and in local administrations that have been notoriously incompetent generally, and may well make errors with voter rolls. Another issue has been the voting in military compounds that are inaccessible to observers.¹³ Still, while one should never underestimate the possibility of electoral foul-ups in Burma, it appears that the upcoming elections are on course to be reasonably transparent and to yield credible results.

Ninety-two parties have registered to stand candidates in the upcoming elections, though only a handful of these have any chance of gaining parliamentary seats. Fundamentally, the choice is between the NLD and the USDP, the democratic opposition and the authoritarian regime. There is little doubt that the NLD will win and win big, though the key question is whether it will garner two-thirds of the seats up for election in the legislature. If it can – a tall order given the military's automatic hold on one quarter of the seats – it will undoubtedly continue its drive for constitutional reform which, among other things, would allow Aung San Suu Kyi to become president. In her campaign speeches she urges voters not to “care about who the party's candidate is in your constituency – just watch out for the party's logo”. They might do just that. Voting for the NLD is voting against the military, which is still a strong public sentiment. The Lady remains immensely popular and if her party will have real competition from within the opposition, it will likely come from small and localised ethnic minority parties. Even those who note her shortcomings recognise that for the pro-democracy electorate there is no alternative to the NLD in contemporary Burma.

Five years after the junta introduced tentative reforms, Burma remains an authoritarian state where the military still controls both politics and the national economy. Given the amount of leverage the generals possessed and, not incidentally, the divisions within the democratic opposition, it was delusional to think that the country would become a functional democracy within a few years. Nevertheless, Burma has been moving in the right direction, even if slowly and with occasional

¹³ Author's interview with Union Election Commission Representative and Carine Jaquet of IDEA International, Naypyidaw, September 2015.

setbacks. The interim period between the legislative and the presidential elections – the latter will be chosen by the new parliamentary deputies in February or March – will be crucial as the parties will need to engage in dialogue, deal-making, and policy clarification.

Burma's democratisation has been an evolutionary process. The time for euphoric moments, like the moving embrace between Aung San Suu Kyi and Hillary Clinton in Rangoon in December 2011, is likely to be gone. It is hard to shake the thought that real democracy will not arrive for at least another decade, that is, a couple more electoral cycles. In the meantime, the country's democratic forces must continue to work for incremental changes and obtain further concessions from the military. The transition in Burma has been one of the few successes of the Obama administration's foreign policy and Washington will surely continue its support of the democratic opposition under his predecessor. In this regard, a potential Hillary Clinton presidency would undoubtedly be a favorable outcome for the Burma's democrats in general and the NLD in particular.

4. Implications for the European Union

The European Union also embraced Burma's tentative democratisation process with open arms. In April 2012, the EU suspended its restrictive measures on trade with Burma with the exception of the arms embargo. Catherine Ashton, the EU's foreign affairs and security policy chief and vice president of the European Commission at the time, visited in the same month and opened a new EU Office in Rangoon. In the last three-and-a-half years, the EU has become an important presence in Myanmar. It has supported a number of developmental projects, has backed the peace process between the government and the armed groups of the ethnic minorities, has wholly or partially financed a number of pro-democracy non-governmental organisations, and has been a key sponsor of the Myanmar Peace Center (MPC).¹⁴ The MPC has rapidly become one of the most prominent NGOs dealing with peace and security issues in Southeast Asia. In March 2013, President Thein Sein traveled to Brussels, repaying European Commission President José Manuel Barroso's visit to Rangoon four months earlier.

The main objective of the EU's policy in Burma is to assist in the evolution of a legitimate civilian democratic government, to promote social and economic development, and to protect and advance human rights. Similarly to the US, in the last couple of years the EU has failed to voice more than perfunctory criticisms of the Burmese regime's backtracking on some reform initiatives and the erosion of political and media freedoms.¹⁵ EU representatives have claimed that they

¹⁴ See EEAS, *EU's Growing Relationship with Burma/Myanmar*, 6 March 2013, http://eeas.europa.eu/top_stories/2013/060313_burma_myanmar_en.htm.

¹⁵ See Mark Landler and Thomas Fuller, "Obama Prods Myanmar Back toward Democracy", in *The New York Times*, 13 November 2014, <http://nyti.ms/1121uOR>; Min Zin, "Burma Takes a Big Step

did not want to jeopardise the generals' willingness to hold the first competitive parliamentary elections in a quarter century by harshly and publicly criticising them. To be sure, that may have been a prudent policy posture.

The results of the November poll will be a litmus test not only for Burma's government and the opposition, but also for the Burma policies of the EU and the United States adopted after 2011. Whatever the outcome next month, both Brussels and Washington should continue their support of Burma's democratic forces and combine that policy with a modified approach toward the generals and the political forces they back, an approach that is more likely to hold them accountable for their actions and does not paper over let alone reward non-compliant behavior. On balance, the EU's Burma policy has been effective and one hopes that the politicians and experts in Brussels will find the right mix of incentives and deterrents that will propel the country toward genuine democracy, even if that goal might not be fully attained for a while yet.

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