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Historic Elections

Long-awaited general elections were held in Myanmar on November 8, 2015. Army generals have ruled the country since the coup led by General Ne Win in 1962. The last general elections where Aung San Suu Kyi's opposition party – the National League for Democracy (NLD) – participated were in 1990. Students in Yangon started a series of protests against the military rule and that demanded democracy from early 1988. During the incessant civil unrest, the long-time leader Ne Win stepped down on July 23, 1987, and nationwide protests took place on August 8, 1988 (8888 uprising). Aung San Suu Kyi, the daughter of the revered Aung San (1915-47), emerged as the leader of the pro-democracy movement during the uprising, and founded the NLD on September 27, 1988. Although a brutal army crackdown following a coup ended the uprising, the incoming military government conceded and arranged multi-party elections in 1990. In the 1990 elections, while Aung San Suu Kyi had been placed under house arrest since the previous year, the NLD won 392 of the 492 seats in the parliament; the ruling National Unity Party backed by the military won only 10 seats. The military government rejected the results and jailed thousands of NLD supporters, however. The next general elections were held in 2010; Suu Kyi was still under house arrest, and the NLD boycotted the elections. The military released Suu Kyi just after the 2010 elections, and allowed her to run for

a parliamentary seat in by-elections in 2012. She entered the parliament after the elections and became the Leader of the Opposition.

The NLD achieved an overwhelming victory in the 2015 general elections. In the upper house (Amyetha Hluttaw: House of Nationalities) 168 of the 224 seats (75%) were up for election and the remaining seats were reserved for military appointees, and the NLD won 135 seats, or about 80% of the contested seats. In the lower house (Pyithu Hluttaw: House of Representatives) 330 of the 440 seats (75%) were to be elected with the rest reserved for the military. Elections for seven out of the 330 seats were cancelled, however, owing to the ongoing violent unrest in Shan State. The NLD won 255 seats, or about 79% of the contested seats. Thus, the opposition party will become the parliamentary majority controlling 60.3% of the seats in the upper house and 58.9% of the seats in the lower house. In contrast, the military-backed

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ruling party – Union Solidarity and Development Party (USDP) – won only 11 seats in the upper house and 30 seats in the lower house. Including the reserved seats for military appointees (25%), the military will be in the parliamentary minority controlling about 30% of the upper house seats and 32% of the lower house seats. Several ethnic minority parties and independents will hold the remaining seats in both houses.

Lack of Civilian Control over the Military

Apparently the incumbent president Thein Sein and military leaders affirm that they will accept the results of the 2015 elections and concede power to the opposition. For instance, Min Aung Hlaing, military commander-in-chief, said that there was no reason not to accept the election results. It is puzzling, however, why they held the general elections and allowed Suu Kyi and her party NLD to take part in the elections? The NLD was dominant in the 2012 by-elections winning 4 of the 6 contested seats in the upper house and sweeping all 37 contested seats in the lower house. Thus, the ruling USDP was predicted to lose power if the general elections were held. When the opposition takes power, the army generals who ruled the country for the last 50 years could lose all the privileges that they have accumulated and may even face punishment for crimes during their rule such as human rights violation. Why would they let this happen?

One of the reasons why the military leaders seem to have conceded to democracy is because they have a haven that can protect them from any attempts of the incoming democratic government to harm them— army barracks. According to Geddes, military dictators are more likely to concede when they face popular demands for democracy, compared to the civilian dictators who rely mainly on a political party or personal support networks to survive.¹ Her logic is as follows. Civilian dictators often lose everything when they concede defeat, because once they are out of power,

they usually have no apparatuses to keep them safe. Unlike their civilian counterparts, military leaders can go back to the barracks when they concede. Their essential source of power lies there, and when the incoming democratic government attempts to accuse them of their past wrongdoings, for instance, the military leaders can come back with the help of their troops.

In addition to the reliable haven that all military leaders in the world usually have, the ruling military junta of Myanmar devised the constitution to guarantee their safety. At the turn of the twenty-first century, in order to boost the ability of country's devastated economy to attract foreign capital, the military rulers decided to abandon their long-time isolation policy (Burmese Way to Socialism), and started the political and economic liberalization process. As part of the process, the government announced a roadmap to democracy in 2003, and drafted a new constitution in 2008 in accordance with the roadmap.

According to the constitution, the president does not control the military as the commander-in-chief. Instead, an army general becomes the Commander-in-Chief of the Defence Services. The head of the army shall be appointed by the president “with the proposal and approval of the National Defence and Security Council (Article 342).”

The National Defence and Security Council (NDSC) consists of the president, two vice-presidents, speakers of the upper and lower houses, commander-in-chief, deputy commander-in-chief, and ministers for defence, foreign affairs, home affairs, and border affairs (Article 201); the commander-in-chief controls the nomination of ministers for defence, home affairs, and border affairs (Article 232(b)). Given that military appointees are entitled to choose one of the vice-presidents (Article 60), the military can control at least six of the eleven seats in the NDSC.

Furthermore, in a state of emergency, legislative, executive and judicial powers of the country can be transferred to the NDSC (Article 427) or to the head



of the army (Article 418(a), 421(a)). Thus, the military will not be under the control of the elected civilian officials; the army generals can still intervene in the political process by appointing high-profile government officials such as commander-in-chief, vice-president, and ministers, and by declaring a state of emergency. It can even manage the economy directly, if it deems it necessary.²

New President and Aung San Suu Kyi

Aung San Suu Kyi, the leader of the new parliamentary majority, is barred from becoming the president or vice-president because her husband and children have foreign citizenship. The constitution stipulates that any person whose parents, spouse, or one of the legitimate children or their spouses is a citizen of a foreign country is disqualified for president and vice-president (Article 59(f)).

It frustrates the NLD supporters that their popular political leader who led such a landslide victory cannot be the chief executive. Suu Kyi thus makes it clear that she will control the new government being “above the president.” It is likely that she will choose someone loyal to her; hence, the new president will be a puppet leader. It can never be certain, however, that the puppet president will always obey Suu Kyi’s instructions.

It is certain that Suu Kyi will control the parliamentary majority. If there are disagreements over some important policies between the president and the leader of the majority in the parliament, the new government would run into a serious deadlock. In typical parliamentarism, the majority in the parliament can easily remove the chief executive passing a motion of no confidence; in Myanmar, however, the parliamentary majority can remove the president only through an impeachment, which should meet strict requirements.

Aung San Suu Kyi declares that she will amend the constitution. Nonetheless, it cannot be done without the support of the military appointees. According to the constitution, more than 75% of all members of the parliament must consent to an amendment. Although the military leaders devised the constitution as a safeguard against any punishment by the NLD-led government, they are afraid of popular resentment at their human rights abuses, such as killings, kidnappings, and tortures, especially following the 8888 uprising and the 1990 elections. The military would not want Suu Kyi to be the president.

Ongoing Armed Insurgencies

Since the birth of the republic in 1948, Myanmar has suffered from relentless ethnic insurgencies. According to the Panglong Agreement between Aung San and minority ethnic leaders of Kachin, Chin, and Shan in February 1947, those minority ethnic groups were promised to be granted autonomy in management of their own provinces. Five months after the agreement Aung San was assassinated, and the subsequent national governments have never honored the agreement. Instead, the political and economic power has been highly concentrated in the hands of the majority Burman ethnic group who controls the central government. Hence ethnic minorities such as the Karen, Kachin, and Shan people have fought for the decentralization of power. Some aim for independence from Myanmar; others aim for federalism that would grant them some degree of autonomy. Because the central government has been reluctant to disperse power, it has been difficult to put an end to the insurgencies of those minorities who are excluded from the center.

Noting that 28,000 Myanmar soldiers had died fighting the insurgents between 1953 and 1989, and more than 40,000 were receiving disability pensions, he [Senior General Saw Maung] esti-



mated the total lives lost, including civilians and insurgents, to be over a million.³

Since 2012, a series of conflicts mainly between Rakhine Buddhists and Rohingya Muslims have marred Rakhine State, situated on the western coast facing the Bay of Bengal. The central government does not recognize the Rohingya as citizens of Myanmar claiming that they are illegal immigrants from Bangladesh. Moreover, rising Buddhist nationalism encourages anti-Muslim attacks on the Rohingya people. As a consequence, about 140,000 Rohingya have been displaced, most of whom either have left via the Bay of Bengal on boats or have been forced into displacement camps.

Aung San Suu Kyi has been criticized for her silence over the plight of minority ethnic groups including the Rohingya. It is one of the most serious dilemmas that Suu Kyi and the NLD are about to face. In order to consolidate their support base, they would have to respond to the demands of the majority ethnic group, the Buddhist Burman, downplaying the demands of the ethnic minorities. If the armed insurgencies by the excluded minorities continue, however, the new NLD administration will have great difficulty in eliminating poverty and violence from which Myanmar people have long suffered, which will, in turn, lower the popularity of the government and thus destabilize the new regime. Furthermore, incessant armed conflicts would lead the military to take direct control of the government.

In contrast, if Suu Kyi and her party accept the demands of the minority ethnic groups in order to end the insurgencies, most of the majority Burman people who are displeased with secessionism or federalism will turn their back on the new government. Moreover, as nationalistic sentiments among the Buddhist Burman intensify and concerns for territorial integrity and national integration increase, tolerance of ethnic differences fades.

Prospects for Myanmar's Democracy

Aung San Suu Kyi, the incoming majority leader in the parliament if the military concedes as promised, is likely to face daunting challenges from within the country. She is barred from controlling the executive by the constitution. She will thus have to choose a puppet leader who will always obey her; such loyalty cannot be guaranteed, however. It seems almost impossible to amend the constitution because the military has to consent to it. Moreover, army generals can still supervise the new government. In particular, if there is an attempt to harm their interests, they can intervene in the political process anytime they want. The ongoing armed insurgencies by minority ethnic groups threaten territorial integrity and spur chauvinism among the majority Burman people who constitute Suu Kyi's core support base. The economy is growing but extreme poverty still hurts the majority of citizens. The International Monetary Fund estimates that the country's per capita gross domestic product (GDP) based on purchasing-power-parity (PPP) is 4,752 USD in 2014, which is lower than that of Laos, another long-time isolated neighbor.

The dilemma is that all those challenges are interconnected, and a failure in addressing one of them can escalate into an end of the rule of Suu Kyi and her party. If the army remains powerful, which is likely to be the case, Suu Kyi will never be able to take full control of the government. The military then can continue violent attacks on ethnic minorities. If the ethnic conflict intensifies, the army will be further empowered and economic growth will be hindered. That will increase the majority citizens' dissatisfaction with the government, which will, in turn, destabilize the new regime paving the road to another military intervention.

A country can be considered democratic if (1) its effective executive is directly elected or selected by an elected assembly, (2) a legislature with multiple parties is elected, and (3) opposition parties or challengers to incumbents are allowed and have realistic chances of



taking power.⁴ Myanmar has met the first and second conditions, but not the third. Although the opposition is allowed and likely to control the parliament and the presidency, it does not mean that the opposition takes power, because army generals still have tight control over the military, and reserve the right to supervise the government when necessary. A transition to democracy has been prolonged once again in Myanmar.

Recommendations

Based on the survey of the situation in Myanmar I suggest three recommendations to the incoming leaders of the new majority in the parliament.

1. The NLD leaders should adopt a gradual approach for democratizing the country. They should prioritize the survival of the fragile new regime and avoid a military intervention. Thus they should not harm the core interests of the military, such as the prosecution of those responsible for human rights abuses.
 2. The leaders should focus on economic growth. More investment and aid to the country will help reduce poverty by creating jobs, which will consolidate their support base. Army generals will benefit from growth because they control many companies including major conglomerates.
 3. In the same vein, the ethnic conflict should be addressed from the economic perspective. Violence harms growth. The new leaders should encourage investment and domestic trade to the provinces where minority people are concentrated. Shared interests tend to suppress one's passion to conquer the other.
- In addition, I suggest two recommendations to the international community, particularly to donor agencies and human rights activists.
1. Governmental or non-governmental donor agencies, which includes development aid agencies, should give financial support to the country on condition that the military does not intervene in the political process. The army generals decided to embrace liberalization chiefly because they wanted to attract foreign capital. Because they are the main beneficiaries of the increasing financial aid to the country, a threat to stop funding will help reduce their temptation to step in.
 2. Human rights activists should focus more on abuses of ethnic minorities during the ongoing ethnic armed insurgencies than on those of the pro-democracy activists during the past military rule. Requests to punish the army officials who are responsible for the latter will increase the likelihood of another military intervention. Human rights activists should thus bring attention to the ongoing abuses instead. They should also induce the international donors to discontinue their support if the military continues brutal attacks on minority groups. ■



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Notes

¹ Geddes, Barbara. 1999. "What Do We Know about Democratization after Twenty Years?" *Annual Review of Political Science* 2:115-44.

² The Guardian, "Myanmar's decision is clear. But will the military let Aung San Suu Kyi govern?" (November 9, 2015).

³ Owen, Norman G. 2005. *The Emergence of Modern Southeast Asia: A New History*. Honolulu: University of Hawaii Press.

⁴ Cheibub, José Antonio, Jennifer Gandhi, and James Raymond Vreeland. 2010. "Democracy and Dictatorship Revisited." *Public Choice* 143 (1-2):67-101.

