IPCS Special Report 130

August 2012

Myanmar

Pangs of Democratic Transition

Sampa Kundu

SOUTHEAST ASIA RESEARCH PROGRAMME (SEARP)

Institute of Peace and Conflict Studies

B-7/3, Safdarjung Enclave
New Delhi 110029
91-11-4100 1900
www.ipcs.org

The Institute of Peace and Conflict Studies (IPCS), established in August 1996, is an independent think tank devoted to research on peace and security from a South Asian perspective.

Its aim is to develop a comprehensive and alternative framework for peace and security in the region catering to the changing demands of national, regional and global security.

Address:
B 7/3 Lower Ground Floor
Safdarjung Enclave
New Delhi 110029
INDIA

Tel: 91-11-4100 1900, 4165 2556,
4165 2557,
4165 2558, 4165 2559

Fax: (91-11) 4165 2560
Email: officemail@ipcs.org
Web: www.ipcs.org

About the Author

Sampa Kundu

Ms Sampa Kundu is a Research Scholar at the School of International Studies, JNU, New Delhi and is working on India and Myanmar in BIMSTEC: Implications for North-east India.

About "Inside Southeast Asia" Series

The Southeast Asia Research Program (SEARP) within the Institute, as a part of its activities, undertake research and organise events under "Inside Southeast Asia," aimed at exploring issues and challenges in contemporary Southeast Asia covering economic issues, inter-State relations, political developments and emerging social tensions and fault lines. This essay was a part of the first annual conference held in December 2011.

Myanmar
Pangs of Democratic Transition

Sampa Kundu

I
INTRODUCTION

Burma or Myanmar, as it was renamed in 1989, is undergoing a transition. In 2003, the then Prime Minister of Myanmar, Khin Nyunt designed a seven point road map for Myanmar, which included a referendum, a new constitution and elections for the country (Holliday, 2008). Though Khin Nyunt was ousted from the government soon, his thoughts gave a new vista to the government of Myanmar to build a support base in the country and abroad. This proposal was adopted to create a flourishing and democratic Myanmar so that both international and domestic pro-democracy supporters could be pacified. The 2010 November elections were sixth on the list of the seven points projected by the government of Myanmar for the transition to democracy.

The purpose of this paper is to study and find out what is happening behind the curtains, and to investigate how far or near Myanmar is towards democracy. For that, the essay broadly deals with the 2010 election process and its immediate implications for the country so far. For understanding Myanmar's politics in a broader international context, a brief attempt has also been made to analyse the neighbours' responses towards Myanmar's recent developments. At the end, the essay draws attention towards the post-2010 election trends in Myanmar and the future possibilities.

The Economist Intelligence Unit (EIU), an independent research agency conducted a survey among 167 countries, and according to them only 26 countries enjoy full democracy and no country in South and Southeast Asia falls in this category. Some of the questions that were asked during the survey included whether national elections are free and fair, how secure are the voters, to what extent the national government is influenced by foreign powers, is there freedom of expression, what is the state of human rights and so on (EIU, 2010). These questions should be kept in mind while dealing with the issue of democracy.

Before going into the details of the 2010 elections in Myanmar, one should have a look at Myanmar's recent history, especially with reference to its fight for and against democracy.

Democratic ideas are not new to Burma. Voting was introduced for the local government of Burma as early as 1882. By 1923, household suffrage for formation of legislature was introduced in Burma with no gender discrimination. But things underwent a change with the subsequent military rule in the country. Ne Win's one party rule came to an end in 1988 in the wake of the famous 8-8-88 incident.

This uprising was mainly led by the students but they were soon suppressed. Another military government came to the fore in the name of State Law and Order Restoration Council (SLORC). SLORC organized a national level election in 1990. In this election, the world saw the rise of another charismatic leader in the history of Myanmar - the daughter of Aung San, hero of Burmese freedom movement, Daw Aung San Suu Kyi. In the meanwhile, she had formed her party, National League for Democracy (NLD), and decided to fight for democracy in her country.

The NLD contested the 1990 election and secured more than 80 per cent of the votes. The SLORC needed to convene the parliament within 60 days in July 1990. But SLORC ignored the existing laws and ignored NLD's repeated call for a meeting to solve the issue.

The NLD leaders decided to form a legitimate government in the country. This move of the NLD was brutally suppressed by the SLORC; the offices of the NLD were raided, supporters and leaders were arrested and several other punitive measures were taken to destroy the democratic movement.

In 1993, the Junta established a government funded organization called Union Solidarity and Development Organization (USDA). Than Shwe and his supporters used this organization to raise support for the government to the maximum possible ext.

Apart from regular arrests and detentions of the pro-democracy leaders and their supporters, the Junta has also tried to capture the social and economic life of the people. In 1993, the Junta established a government funded organization called Union Solidarity and Development Organization (USDA). Than Shwe and his supporters used this organization to raise support for the government. In fact, Kudo (2011) said, all senior students of the country were required to accept its membership and encouraged to spy on fellow students.

In 2010, the USDA was renamed as Union Solidarity and Development Party (USDP) and participated in the national elections. The military used to control the entire economy of the country through three organizations: Union of Myanmar Economic Holdings (UMEH), Myanmar Economic Cooperation (MEC) and Myanmar Investment Commission (MIC). One of the principle objectives of UMEH is to meet the basic needs of the military

personnel and their families. On the other hand, MEC works to transfer all public sector funds to the private sector, and MIC handles all foreign investments in Myanmar. (Salah, Yusuf 2009)

In between these political, social and economic developments, SLORC was dissolved and renamed as State Peace and Development Council (SPDC) in 1997 with leadership under Senior General Than Shwe. On its part, the Junta also took some initiatives in order to influence the people about its good spirit for reinstallation of democracy. In 1993, the government had announced the formation of a national convention for a new constitution for the country. In 2003, the idea of the seven-point road map was got put forth, as mentioned earlier. However, all these efforts were very sporadic and insignificant in nature, and the slow pace on the part of the government only proved their reluctance for the restoration of democracy.

In 2007, the third biggest movement was undertaken by the pro-democratic youth and volunteers since the 8-8-88 uprising, popularly known as the Saffron Revolution of 2007. Soon the monks took over the leadership of this movement until the SPDC destroyed it completely.

The 2002 'declaration' on the code of conduct of parties in the SCS dispute, hopes to fructify a more binding code of conduct, while managing tensions through a support of the tenets of 1982 UNCLOS such as freedom of navigation, over-flight and MSR.

The Myanmar government faced intense international criticism for the brutal suppression of the Saffron Revolution. In order to divert the international attention, the SPDC decided to hold the National Convention on 3 September, 2007, which was according to them the first and second step towards democracy. The Junta declared that Myanmar should have a disciplined democracy under the leadership of the military, and should not encourage any rapid changes. It was reported that on 18 September 2007 the SPDC formed a 54-member drafting committee for the constitution- the third step towards democracy (Maung, Myoe 2009).

In mid-2008, when a large number of the population was actually struggling for survival in the aftermath of Cyclone Nargis, the SPDC decided to hold the referendum for the new constitution. Meanwhile, in April 2008, the constitution drafting committee had released a 194 page draft constitution to the public, and in May, 2008 the constitutional referendum was finally held. It implies that people got only one month time to study the draft constitution before the referendum. Though the number of participating voters were significantly low in the Cyclone affected areas, the SPDC announced at the end of May that almost 98 per cent people took part in the referendum, and out of that 92.48 per cent voted in favour of the

draft constitution. The adoption of the new constitution through a national referendum was the fourth step towards democracy. The fifth step was to conduct a national level election for the legislative bodies (national, regional and local) and the sixth was to convene the Hluttaws or the Parliaments.

II
THE 2010 ELECTION

The 2010 election was based on the new constitution that was accepted in 2008. Pro-democracy and human rights activists have raised questions over the transparency of this election and refused to accept the election, blaming it as neither free nor fair. Suu Kyi and her party did not participate in the election as many of the NLD leaders were barred from participating in the election for several reasons.

According to the new constitution and the electoral principles, anyone who is or was married to any foreign nationals could not participate in the elections; anyone who had faced imprisonment could not participate in the election, and the religious and rebel groups also could not take part in the elections (Hariharan 2011).

37 parties including the government funded, Union Solidarity and Development Party (USDP), National Unity Party (formed during Ne Win's era), National Democratic Force (fraction of NLD), Shan Nationalities Democratic Party participated in the election. Actually 47 parties wanted to register for the election, but only 37 could fulfill the criterion fixed by the UEC. One criteria for registering for the election as a political party was that the party needed to nominate candidates in at least three constituencies. Such criteria could not be fulfilled by some political parties (Kudo 2011). There were a total of 1,171 constituencies in the country, but as the UEC decided not to hold elections in some regions due to security reasons, the number of constituencies was reduced to 1,154 where election was held. Approximately 29 million voters voted for 3069 candidates.

When the result was announced, the world saw the USDP winning the election with 883 of the total 1154 parliamentary seats, that is, 76.5 per cent. On the other hand, the NUP won only 63 seats and NDF won only in 16 constituencies.

The USDP could manage to file 1,112 candidates in the election, which was the highest among all parties. Some of the important members of USDP were Prime Minister Thein Sein as Chairman, General (retired) Shwe Mann, former Chief of General Staff (Army, Navy, Air) as member, and General (retired) Thiha Thura Tin Aung Myint Oo, the serving Secretary of the State Peace and Development Council (SPDC) as member.

The second largest candidates were from NUP, which nominated 995 candidates. In contrast, the NDF, which split from the NLD, could nominate only 162 candidates. The other parties' candidate numbers were even lower than NDF. The Myanmar government did not accept any international observers during the elections, media coverage was insignificant, and certain restrictions were imposed on movement of the candidates and party members except the USDP members (Kudo 2011). The election commission did not allow any party to lodge any complain against illegal advance voting. The charge for filing complains was as high as US$ 1000 or one million Kyat which was very high and unaffordable for many political parties.

When the result was announced, the world saw the USDP winning the election with 883 of the total 1154 parliamentary seats, which amounted to 76.5 per cent of the seats. The USDP, led by Prime Minister Thein Sein, won 259 out of 325 (79.6 per cent) seats in the House of Representatives; 129 out of 168 seats (76.7 per cent) in the House of Nationalities; and 495 of 661 seats (74.8 per cent) in regional and state parliaments. On the other hand, the NUP won only 63 seats and NDF won only in 16 constituencies (Thar 2010).

Some developments have taken place towards decentralization. The fourteen regions or states have gained their own legislatures with a local government headed by chief ministers. On 13 November 2010 Aung San Suu Kyi was released from house arrest. In all, she has spent 15 of last 21 years in detention.

On 4 February 2011, the Presidential Electoral College, made up of all members of the combined national legislatures, selected Thein Sein, the former Prime Minister as the President of the Republic of Union of Myanmar. All the speaker and deputy speaker positions in all legislatures were filled by the USDP members. The most important ministries such as the border, home, defense and external affairs were in the hands of the military personnel. About one-third of the ministers gained the same folios as they had been controlling before the election (International Crisis Group 2011).

Some encouraging changes took place amidst these predictable developments. The new education minister is a former university rector, the health minister is a former medical university rector, the hotel and tourism minister is a businessman and the minister for industrial development is the former head of the Myanmar chambers of commerce. Some developments have taken place towards decentralization. Fourteen regions or states have gained their own legislatures with a local government headed by chief ministers. On 13 November 2010, Aung San Suu Kyi was released from house arrest. In all, she has spent 15 of last the 21 years in detention. After her last release, she started reviving the NLD and involved herself in a lot of

social welfare activities like digging wells, opening clinics and schools and so on.

The last and seventh point in the road map to democracy is to build a modern, developed and democratic nation by the state leaders elected by the Hluttaw, and the government and other central organs formed by the Hluttaw (Online Burma/ Myanmar library). Myanmar is functioning in accordance to Than Shwe's dream of a military dominated step-by-step approach towards democracy (Song, 2011). This step-by-step transition towards democracy is considered as best for Myanmar by its government.

III
NEIGHBORS ON MYANMAR'S ELECTION

Myanmar is bordered on the north and northeast by China, on the east and southeast by Laos and Thailand, on the south by the Andaman Sea and the Bay of Bengal, and on the west by Bangladesh and India. Myanmar's strategic location and its reserves of natural resources have given it an important position in the region. Most of its neighbors such as China, India, Thailand and Singapore have their own trading, commercial and security interests in Myanmar. That is why both India and China along with ASEAN, unlike the western countries, have adopted the policy of constructive engagement with the Generals in Myanmar, rather than to charge them for being undemocratic. China, in particular, has been on good terms with the Myanmar government since 1988.

The soothing attitude of the two giant economies in the region has undoubtedly empowered the military in Myanmar to not to care for the western imposed sanctions as it is gaining business from all its neighbors. ASEAN as a collective also welcomed the election of 2010 by issuing a statement.

On 4 November 2011, the People's Daily reported that China wants Myanmar to have a smooth election. It reported Chinese Foreign Ministry Spokesperson Hong Lei as saying, "We hope the election runs smoothly and that Myanmar will constantly promote democracy and development" (People's Daily Online 2010). Two months before the election, Senior General Than Shwe visited China and during his visit the then Foreign Ministry Spokesperson Jiang Yu told the media that "We hope that the international community will provide constructive help for Myanmar's [Burma's] upcoming election and avoid bringing negative effect to bear on Myanmar's political course and regional peace and stability" (BBC 2010 a).

BBC quoting the Deccan Herald of India commented, "Several Western countries have rejected the election outright. Their approach is wrong. They must use the opportunity the election has thrown up to engage with Myanmar's new government. They must leverage to push it to release

Aung San Suu Kyi and other political prisoners. Isolating the generals has not worked in bringing change in Myanmar; perhaps engaging them positively will rid the generals of their deep suspicion of the world" (BBC 2010 b).

On 6 September 2011, one hundred and four Indian Parliamentarians sent a letter to the ruling government of Myanmar urging release of almost 2000 political prisoners there. The statement said, "We, members of the Indian Parliamentarians' Forum for Democracy in Burma (IPFDB), would like to remind you that even after the General Elections in November 2010 and despite hopes that the newly-formed government could tackle the issue of political prisoners, there is no amnesty for them as many as 2000 are still detained in jails.

The release of opposition leader Aung San Suu Kyi in last November has been a welcome move. However, her release alone does not signify Burma's transition to democracy. The release of the remaining 2000 political prisoners is important and necessary for democracy and political freedom in Burma" (E Pao 2011). It is thus clear that both India and China consider the 2010 election as an important step towards democracy; while China does not hesitate to cheer Myanmar for holding its first election in last 20 years, India is a bit more concerned with the domestic human rights situation there and wants to develop an understanding between the government and the pro-democratic supporters in Myanmar through negotiations. In all, India does not want to 'hurt' the Myanmar government. This soothing attitude of the two giant economies in the region has undoubtedly empowered the military in Myanmar to be able to withstand the western imposed sanctions as it is gaining business from all its neighbors. ASEAN also welcomed the election of 2010 by issuing a statement. It expressed the hope that Myanmar would continue to accelerate the process of national reconciliation and democratization, for the sake of country's stability and development (ASEAN, 2010).

Though the country gets lots of foreign investors in its oil and natural gas fields, it ensures little benefit for the common people. Myanmar is rich in resources, but it has been suffering from 'resource curse'.

IV

Concluding Remarks: Recent Trends in Myanmar : The Positive Moves

Since taking office in march 2011, the new President, U Thein Sein has taken several steps towards democratization. His government has freed a number of political prisoners and taken several steps to liberalize the state-controlled economy. Aung Saan Suu Kyi and her party could return to the politics of the country and participated in a Parliamentary election.

Suu Kyi won a seat in the parliament with her party having secured majority almost everywhere they participated. After her party won the election, Suu Kyi made international tours covering neighbouring countries like Thailand as well as far away countries like UK and France. This has been her first foreign tour in last two decades. Myanmar, after a long period of time played host to international leaders like Hillary Clinton on her soil. In consequence of the transition towards democracy, Myanmar experienced some relaxations over the sanctions previously imposed by the US and other western countries.

Since 1962, Myanmar has been undergoing several changes. The nationalization efforts of Ne Win were an unsuccessful move which could not help the country in its development. Contrarily, it took the common people towards more deprivation. The successive eras of SLORC and SPDC too could do little for the country's development. In 2005, the ruling SPDC moved the country's capital from Yangon to Naypyitaw, a well-decorated and beautiful place. But unfortunately this is not the real picture everywhere in Myanmar. Though the country gets lots of foreign investors for its oil and natural gas resources, it ensures little benefit for the common people. Myanmar is rich in resources, but it has been suffering from the 'resource curse'. The concept of resource curse suggests that countries with large storages of natural resources often perform worse in terms of economic growth, social development and good governance than other countries with fewer resources (Humphreys et. El. 2007). Any improvement from the current situation would require involvement and participation of everybody concerned in a comprehensive and logical way. The government in Myanmar needs to understand that democratization and decentralization would perhaps be helpful in exploring the resources in a rightful way. Here we may recall what Suu Kyi said after her release, "What we want is value change…Regime change can be temporary, but value change is a long-term business. We want the values in our country to be changed. We want a sound foundation for change. Even if there's regime change, if these basic values have not changed, then one regime change can lead to another regime change and so on and so on" (New York Times 2010).

At the end, the question still remains unsolved- at what speed should democracy be restored in the country? The military claims that swift and sudden changes in the political structure of the country may fragment the nation, so what it needs is military supported democracy in a step-by-step manner. On the other hand, the pro-democratic supporters urge that it's already too late for restoration of democracy for the country that has been facing authoritarian rule since last 48 years. Their expectations from the present 'civilian' government are much higher. It is true that restoration of democracy in Myanmar has been more compounded by the very fact of its neighbours's appeasing attitude towards the government of Myanmar. Often enough the global political leaders from other countries, especially

the West have repeatedly urged India and China to react firmly against the previous military government of Myanmar and described the November 2010 election as a hoax one. To quote Barack Obama, the election "failed to meet any of the internationally accepted standards associated with legitimate elections" (Wilson 2010). But the fact is that whatever the US and her allies from the western world have expressed as their concern for the democratic rights of the people of Myanmar is another example of diplomatic hypocrisy and nothing else. If their concerns were genuine, then how have they been allowing investments in the country? Companies like the US-based Chevron and the French Total SA have invested huge amounts of money in the oil and natural gas exploration in Myanmar and of course, their Governments are not unaware of their operations. Such games played by the international leaders were actually making profits for the government of Myanmar and lessening the chance of restitution of democracy in the country.

In the conclusion we may now remember what Suu Kyi had said in 1999, "… I am not very happy with the word hope. I don't believe in people just hoping. We work for what we want. … one has no right to hope without endeavor, so we wok to try and bring about the situation that is necessary for the country, and we are confident that we will get to the negotiation table at one time or another" (Time World, 1999). This implies her beliefs very clearly. She believes in peoples' involvement in the movement, she believes in negotiation and she believes that in one day or another the democratic movement will win. Perhaps, peoples' participation, negotiation and patience are the three keywords of Myanmar's democratic movement which can secure a better world for tomorrow. Finally, it should be noted that the transition to democracy, though being late, is a welcome move and perhaps, Myanmar should be given some more time for its complete transformation. Chances are there that Myanmar will represent a unique model of political system where authoritarian rulers and democratic leaders will be able to work jointly to resolve the current socio-economic problems. The recently changed behavior of the government towards Daw Aung San Suu Kyi should not be overlooked and definitely grows some optimism.

REFERENCES

Abu Salah, Md. Yusuf. 2009. "Political developments in Myanmar: New Constitution, International Concerns and Strategies of the Military." BIISS Journal. 30 (3): 314-334.

ASEAN. 2010. "ASEAN Chair Issues Statement on Myanmar Elections", 11 November, 2010.

BBC (2010 a) "China urges support for Burma's general election."BBC, News Asia-Pacific. 7 September, 2010.

BBC (2010 b) "Regional Press Encouraged by Burma Election." 9 November 2010.

E Pao (2011) "Calling for the release of All Political Prisoners towards National Reconciliation in Burma. Statement by the Indian Parliamentarians' Forum for

Democracy in Burma" 6 September 2011. at Press Club of India, New Delhi, quoted in E Pao.

Economist Intelligent Unit. 2010. "Democracy Index 2010 Democracy in Retreat."

Gyi, Thar. 2010. "USDP Wins 76.5 percent Vote", The Irrawaddy, 18 November 2010.

Hariharan, Col R. 2011. "Myanmar's Quest for Democracy." World Focus,. XXXII(6): 358-363.

Holliday, Ian. 2008. "Voting and Violence in Myanmar: Nation Building for a Transition to Democracy." Asian Survey. 48(6): 1038-1058.

Humphreys et. El. 2007. "What is the problem with natural resources wealth." In M. Humpheys, J.D.Sachs and J.E Stiglitz (eds.) Escaping the Resource Curse. New York: Columbia University Press. pp-1-21 .Quoted in Sovacool, Benjamin K. 2010. The Political economy of Oil and Gas in Southeast Asia: Heading towards the Natural Resource Curse?" The Pacific Review. 23(2):225-259.

International Crisis Group. 2011. "Myanmar's Post Election Landscape." Update Briefing, Asia Briefing, Jakarta, Brussels

Kudo, Toshihiro (2011) "Results of the 2010 Elections in Myanmar: An Analysis." Institute of Developing Economics Japan External Trade Organization.

New York Times (2010) "Daw Aung San Suu Kyi.". 24 November 2010.

Online Burma/Myanmar Library.

People's Daily Online (2010) "China hopes Myanmar election runs smoothly".. 4 November 2010.

Qingrum, Song. 2011. "Myanmar's National Elections." Contemporary International Relations. 21(1):86-92.

Singh, Kharaijam Herojit. 2011."The Role of Ethnicity in the Process of Democratization in Myanmar." World Focus. XXXII(5):314-318.

Thawnhmung, Ardeth Maung, Maung Aung Myoe. 2008. "Myanmar in 2007: A Turning Point in the "Roadmap"?." Asian Survey 48(1):13-19.

Time World (1999) "Aung San Suu Kyi: "This government is not capable of running the economy."

Wilson, Scott. (2010) "Obama condemns Burma Election as "neither free nor fair." The Washington Post.

Southeast Asia Research Programme (SEARP_

Institute of Peace and Conflict Studies

B-7/3, Safdarjung Enclave, New Delhi 110029

91-11-4100 1900

www.ipcs.org

SEARP is supported by SAEA, Singapore