

# On the Road to Democracy? Political Liberalization in Myanmar

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Myanmar's liberalizing reforms initiated by President Thein Sein after taking office in March 2011 are raising high hopes of peace and democracy in the country. Progress, after nearly three years, has however been uneven: there have been positive developments in the area of press freedom, with regard to political prisoners and in dealing with the political opposition. At the same time the dialogue with ethnic groups has stagnated and ethnic and religious violence has escalated. This Asia Policy Brief critically assesses the reform policy and weighs up the chances of democratization of the long-time military regime.

## Introduction

The “Burmese Spring” came as a surprise to many observers. After nearly two decades in power, Senior General Than Shwe (1992 – 2011), chairman of the ruling State Peace and Development Council (1992 – 2011) resigned and handed over power to a civilian government under the leadership of the newly elected President Thein Sein. When the latter promised far-reaching political reforms nobody believed the President who had himself been a member of the ruling military council. However, Thein Sein did introduce many political reforms in the first two and half years, such as the reconciliation with the

political opposition under the leadership of Nobel Peace Prize winner Aung San Suu Kyi, the release of many political prisoners and the expansion of civil rights and liberties. Thein Sein also launched a new peace initiative and promised a political dialogue to the ethnic groups of the multi-ethnic state. The reforms are not the result of a weak or factionalized military but are the product of a policy of strength. In the last decade the military has set up new institutions that will safeguard the interests of the military in the future, such as a new constitution which provides for military representation in Parliament, the cabinet and the dominant party, the

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"Union Solidarity and Development Party" which is very close to the military. The policy has two main objectives:

- 1) The purpose of the new institutions is to provide checks and balances and guarantee stability in order to facilitate a leadership change within the military. The old guard went into (safe) retirement and was replaced by a second, younger cohort with Thein Sein as head of government, Lower House Speaker Shwe Mann and Senior General Min Aung Hlaing as Armed Forces Commander at the top of the new, mutually-controlling institutions. A younger cohort of soldiers could also rise within the ranks without generating the danger of a military coup.
- 2) The dependence on China which was considered a threat by the nationalist leadership was to be reduced by a reorientation of foreign policy and by allowing an opening to the West to bring about economic modernization and to close the gap to the other countries in the region. The reform policy therefore can be seen as a recalibration of domestic and external relations.

### Truce with the opposition

The first step in Thein Sein's reform strategy was to start a dialogue with opposition leader Aung San Suu Kyi. Without collaborating with the democracy leader an opening to the outside world would not have been possible. A period of confidence-building measures started which encouraged Aung San Suu Kyi to rethink her principal hardline opposition against the regime. At the beginning of January 2012 the Political Party Law and the Election Law was changed to allow the "National League for Democracy" (NLD) to participate in future elections. The NLD was re-registered and in April 2012, won 43 out of the 44 possible seats in the relatively free and fair by-elections. Although the NLD was unable to initiate a far-reaching democratization of the political system, it acts, nonetheless as a government-in-waiting and seeks to bring about peace and reconciliation, deepen the rule of law and initiate constitutional reforms.

Whether the truce between the government and the opposition survives mainly depends on the outcome of the constitutional revisions and the elections at the end of 2015. The NLD is currently the most important political force in the country and has good chances of winning in free and fair elections at the end of 2015. However, two decades of military rule and harsh repression will have made an impact on the opposition.

The party is facing criticism due to the old age of the party leadership, the lack of knowledge of the young party cadres and the undemocratic party structures. It thrives, however, on the charisma of its leader. For Aung San Suu Kyi to become President, a constitutional amendment would be required. The opposition leader has therefore increasingly sought to close ranks with the military. She attended last year's military parade on the day of the armed forces and has stressed the importance of the military to the public.

This shows that Aung San Suu Kyi has abandoned her hardline stance towards the quasi-military system and has adopted a more moderate tone in order to find a compromise with the military for further democratization. This pact, which could provide the military with a political role for the next few years and could allow Aung San Suu Kyi to be elected President, would be a major breakthrough in the democratization process. The truce between the regime and the opposition, however, would be jeopardized if there were no further reforms.

### New liberties

The former military regimes ruled with an iron fist and a high degree of repression for decades. The media and the press were heavily censored and gatherings of more than five people were banned. Protests were not tolerated and were forcibly dissolved as witnessed during the student demonstrations in 1996 or the peaceful monks' demonstrations in 2007. The liberalization has, however, created an entirely new and more open climate and enlarged political spaces for civil society considerably.



### Freedom of the media and assembly

The media is freer today than ever before. In the last three years, Internet and press controls were relaxed. In August 2012, the government abolished pre-publication censorship and thereby lost an important tool of controlling the press. The abolition of censorship, the release of imprisoned reporters and the opening of press offices of the exile media in the capital have created a completely new environment for the media. This can be seen in the international rankings for press freedom. Myanmar has now moved up from 174th place (2011) to 151th place (2013) in the Reporters Without Borders report.

Despite this opening, restrictions still apply. According to government guidelines the press cannot report on security related issues, corruption, ethnic issues and cannot criticize the government. In the past these guidelines were sometimes used to restrict press freedom. In July 2012, for example, two magazines were banned after they had speculated on possible cabinet changes. The American TIME Magazine was taken out of circulation twice after it had reported critically about radical monks in the country. In addition, older laws are still in effect that carry prison terms for the dissemination of certain information. Journalists are worried that these laws may be applied again if there were a change in the political climate. On the whole, the press is much freer than before despite the given constraints.

The right of assembly was also expanded. President Thein Sein introduced a new law in December 2011 that permitted demonstrations under restricted conditions. Organizers must inform the authorities five days in advance and the authorities have the right to prohibit the demonstrations. The law provides for a prison sentence of one year for unauthorized demonstrations. In recent years, Myanmar has seen numerous small scale demonstrations such as the protests in May 2012 against energy shortages in Yangon and Mandalay. At the same time the authorities forbade many demonstrations such as the at-

tempt by students to commemorate the 50th anniversary of the protests at the University of Yangon (during the demonstrations in 1962, a dozen students were killed).

On the whole it is apparent that especially those protests are prohibited that harm the government's reputation at the international level or which are against the military's economic interests. In November 2012, security forces suppressed a protest by villagers against the expansion of a copper mine in Letpadaung/Monywa. More than 70 demonstrators were injured in the protests against the Chinese-Burmese joint venture. In addition, several civil society activists were arrested. The government issued a public apology and set up a commission of inquiry chaired by Aung San Suu Kyi, whose task it was to decide the future of the mine. The commission recommended the expansion of the mine, but the protests continue. The example shows two trends: 1) NGOs and civil society groups have much more freedom nowadays compared to the past, which they use to organize protests and voice criticism. 2) If the protest actions are not in the interests of powerful (military) conglomerates or state interests, they are suppressed.

### Political prisoners

According to estimates by human rights organizations, the number of political prisoners remained around 1,100. These prisoners were mainly members of the NLD, students or members of the ethnic groups. A prime example was opposition leader Aung San Suu Kyi, who spent 16 of the last 23 years under house arrest. Since 2011 President Thein Sein has issued 15 amnesties and has released a total of 29,601 prisoners which include, according to information provided by the Assistance Association for Political Prisoners Burma (AAPPB), 1,071 political prisoners.

In February 2013, the President set up a committee of members of the opposition and former political prisoners (such as the 1988 student generation) to discuss the release of the remaining political prisoners. The commit-



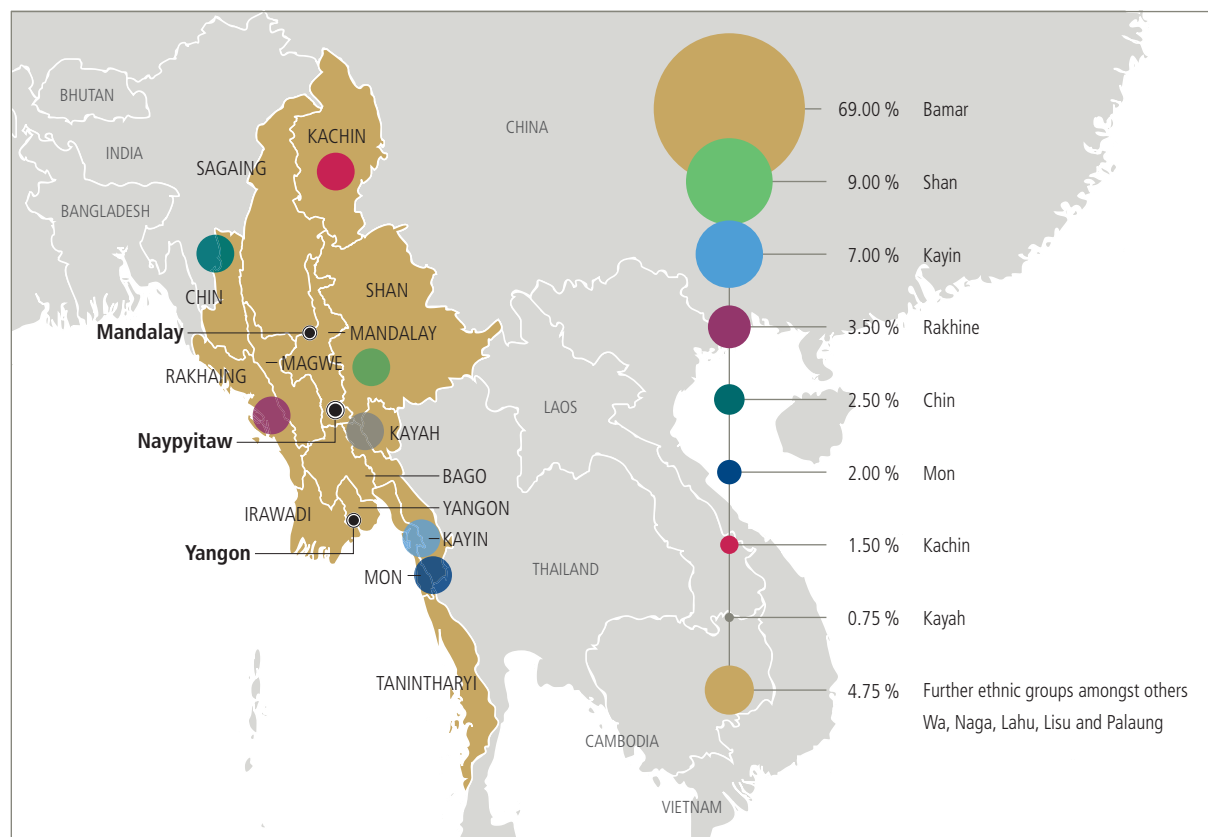
tee has so far failed to agree on a definition of the term "political prisoner" and on the number of detained prisoners. During his visit to the United Kingdom in July 2013, Thein Sein reiterated his promise to release all political prisoners that are still being detained. At the end of the year 2013 the President's office proclaimed that there are no political prisoners anymore. Critics, however, claim that the number of political prisoners is rising again as the government is imprisoning all those that violate the new assembly law. According to the Assistance Associa-

tion for Political Prisoners Burma (AAPPB) more than 57 people have been arrested for violating the assembly law since December 2011.

#### Reconciliation with the ethnic groups

President Thein Sein also launched a new peace initiative that would reduce the distrust of the country's ethnic groups. Myanmar is one of the most ethnically and religiously diverse countries in the world. There are a total of over 130 ethno-linguistic groups. The mostly Buddhist

Figure 1: Ethnic Composition in Myanmar (Rough Estimate)



Source: Own compilation based on the data of the latest census of 1983 according to IRIN News by OCHA (UN Office for the Coordination of Humanitarian Affairs); <http://www.irinnews.org/report/95195/briefing-myanmar-s-ethnic-problems>.



Burmese make up about two-thirds of the population, while the various ethnic groups make up about a third of the 55 million total population. The largest minority groups are the Shan (9%), the Kayin (7%), followed by the Rakhine (3.5%), Chin (2.5%), Mon (2%) and Kachin (1.5%). In the wake of independence, various minority groups agreed to the establishment of the Union of Burma at the Panglong Conference in 1947 on the condition that they would receive a high degree of autonomy.

However, in the early years of independence there was an increasing centralization of political power in the capital. When President U Nu decided to make Buddhism the state religion, most of the country's ethnic groups took up arms to fight for independence. Consequently, in the late 1950s most of the ethnic groups were already fighting the central government. In the 1990s the government was able to sign a number of ceasefires with some of the ethnic groups, which resulted in less fighting and a cold peace. Cursory fighting between the ethnic militias and the Burmese army led to massive human rights violations and a large number of refugees. Inside Myanmar and the neighboring countries there were sometimes up to 600,000 Internally Displaced Persons (IDPs).

Thein Sein started a new initiative to solve the problem, too. He promised a political dialogue without any preconditions and concluded a peace agreement with 17 of the 18 fighting ethnic groups. On the one hand, Thein Sein's peace initiative is a reason for optimism as the release of political prisoners, the growing space for ethnic political parties and media as well as the decentralization of political power provides more opportunities for ethnic minorities. Moreover, this is a drastic departure from the assimilation policies of earlier governments. But on the other hand, the continuing human rights violations by the army in the ethnic minority areas and the escalation of hostilities beg the question whether the army really supports the reform initiatives of the President. From June 2011 until February 2013, the military embarked on sev-

eral military offensives against one of the strongest rebel armies in Kachin State, the Kachin Independence Organization. Only in October 2013, a new peace agreement between the government and the rebel organizations was signed. There were also skirmishes in Shan State and the Kayin area.

Decades of fighting on both sides have created a climate of distrust. The ethnic groups continue to harbor great reservations about the government. The latter demands that the ethnic groups abandon their secessionist struggle, recognize the constitution, give up fighting and integrate into the national army. The ethnic groups, however, have not found a common voice with most of them demanding a rewriting or serious revision of the constitution, the establishment of a truly federal state with a federally structured army. So far both sides have not been able to reconcile. Political talks have however begun, which bring together the government with the parties in conflict. A debate on federalism has been ongoing for many years in Myanmar without it being clear, so far, what type of federal arrangement is preferred. The Joint Committee for Reviewing the Constitution that was set up in July 2013 will also discuss these issues.

### **Liberalization, nationalist mobilization and violence: The dark side of the transition**

Myanmar's political liberalization caused an escalation of the long-simmering conflict between Buddhists and the Muslim Rohingya in the Rakhine state on the border with Bangladesh. The fighting between Buddhists and Muslims so far has led to 2,000 dead and 140,000 IDPs. In June 2012, the President declared a state of emergency and ordered the army to the crisis zone. In 2013, the violence spread to Central Myanmar.

There are many reasons for this surge in violence. The Muslim Rohingya are not treated as part of the nation state as they only entered the country in several



immigration waves after the country gained independence in 1948. Already in the 1970s and 1990s there were pogroms against the Muslim minority. The region is among the poorest in Myanmar and the Rohingya have been discriminated against for decades and the government denies them full citizenship. Even the Commission appointed by President Thein Sein in August 2012 failed to systematically investigate the violence. Instead it recommended to better equip the security forces in order to respond more effectively to future crises. It also recommended limiting the births among Muslims to two children to stop population growth in the region. The UN Human Rights Commission has issued a recommendation to grant the Rohingya, Burmese citizenship. This proposal, however, is not supported by the Burmese majority.

The violence against Muslims in Central Myanmar should also be understood in the context of a growing nationalism and the influence of radical monks. Hate speech is a concern with the so-called 969 movement calling for intolerance and the boycott of Muslim business. Although Muslims constitute only four percent of the total population, the fear of being overrun with immigrant Muslims is widespread. Social networks are used to propagate nationalist slogans and hate speeches. Radical monks distribute nationalist propaganda DVDs. After the July 2013 issue of TIME portrayed the radical Buddhist monk Wirathu as the “Face of Terror” and as a Buddhist “Bin Laden” in their cover story, dozens of monks took to the streets in Yangon. The government took the issue of the magazine off the market but did nothing to seriously counter the nationalist propaganda. Buddhist monks also protested against the visit of the Organization of Islamic Cooperation (OIC) in Yangon.

Liberalization is generally promoting mobilization along ethnic and religious lines. The ethnic and religious unrest is the biggest obstacle on the road to democracy. Conspiracy theorists refer in this context to the involvement of the armed forces who were late to intervene and

did so only hesitantly during the peak of violence. According to rumors, hard-liners in the military are trying to block the process of political reform in the country. So far there has been no evidence for these claims.

### The role of the military in times of change

The military no longer rules directly, but still has an immense indirect influence. According to the constitution, the military has a leading role in politics together with the political parties in Parliament and the President. This leadership role can be seen in its representation in the national parliament where 25 of the seats are reserved for the military. In addition, numerous cabinet posts are reserved for the military, especially all ministries for security-related affairs such as the Ministry of Home Affairs, the Ministry of Border Affairs and the Ministry of Defense. The military’s influence on day-to-day policies has declined significantly since civilian institutions have gained in power. This is also the case with the political parties in Parliament and the President. They have shaped the reform policies of recent years. In the last three years, NGOs, trade and farmer associations had a far bigger influence on the debates than the military and its parliamentary representatives.

The military budget was significantly reduced in recent years (although it still makes up the biggest portion of the budget) while spending on welfare and health has risen. The military, however, can still rely on an emergency law, it regulates its own affairs autonomously without the influence of civilian politicians. Furthermore, there is no accountability for past human rights violations. All in all, the military still is the dominant actor which operates as a guardian behind the scenes. The recent reforms, however, have also resulted in an open debate about the political role of the armed forces.



## Constitutional reforms: Standstill or pactuated democratization?

Myanmar is currently at a critical juncture. Whether the country will embark on the road to democracy largely depends on whether the Joint Committee for Reviewing the Constitution finds a political compromise. The 109-member committee which represents all political parties was set up in late July 2013. The ruling party and the military have a majority: the USDP has 52 members, the armed forces 25, whereas the NLD only has seven. The most important reform issues for a further democratization are:

- 1) The question whether Aung San Suu Kyi can become President: the constitution currently states that candidates whose spouses or children are citizens of a foreign country are denied the right to run for the presidency or vice-presidency (Article 59f). This clause is particularly relevant in the case of Aung San Suu Sky, as she was married to a British man and they have two sons. If this particular clause in the constitution is not revised, the chances of the NLD in the 2015 elections would be reduced. The NLD recently stated that it will field candidates in the elections even if reforms do not materialize.
- 2) The introduction of a truly federal system. Nearly all ethnic groups are calling for the introduction of a federal system. The constitution in its present form only provides for a decentralization of power in a unitarian context. The idea of power sharing in the context of a federal state is a concept which is alien to the military.
- 3) The role of the military: Negotiations about the role of the military, its representation in Parliament and the Cabinet are also currently under way.

The Joint Committee for Reviewing the Constitution will submit a report at the end of January 2014. Parliament then needs to agree on a constitutional amendment with a majority of 75 percent of the votes before the docu-

ment can be approved in a referendum. It is a very tight time frame until the elections take place at the end of 2015 and the outlook for a thorough overhaul of the constitution are dim. The current constellations of actors and their interests do not bode well for a thorough revision of the constitution. The ruling USDP party has announced that it does not intend to make any radical reforms - party leader (and Lower House speaker) Thura Shwe Mann has also voiced the support of opening up the presidency for Aung San Suu Kyi. President Thein Sein has announced his support for an amendment of the constitution. It remains to be seen whether their input will allow for more than cosmetic reforms. The military is a veto actor and can block the constitutional amendments. As guardian of the nation state it will wait for the outcome of the political negotiations between the government and the ethnic groups (scheduled for February) before agreeing to any constitutional amendments. The prospects for a fast democratization are thus rather bleak. If there is no agreement between the military, the opposition and the ethnic groups, a far-reaching democratization would only be possible after the elections in 2015 and a new distribution of power in Parliament. The international community should therefore focus on supporting the state-building process and to guarantee the fairness of the 2015 elections.



## Further reading:

BTI Country-Report Myanmar, Gütersloh, Bertelsmann-Stiftung: [www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Myanmar.pdf](http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20Myanmar.pdf).

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Steinberg, David: *Burma/Myanmar: What everyone needs to know*, Oxford 2010.

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