

## **Recent Burmese Progress Towards Democracy: How Permanent?**

*An Appraisal by the National Democratic Institute's Senior Asia Expert*

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**May 23, 2012**

### **Introduction**

Since late 2011, Burma has embarked on a rapid and wide-ranging program of political and economic reforms. These have encompassed electoral reforms, the release of hundreds of political prisoners, increased labor and media freedoms, inclusive peace-talks with diverse ethnic groups, and changes to currency and foreign investment rules. The holding of by-elections recently in April 2012 further indicated solemn commitment from Burmese government to embrace its transition towards democracy.

Despite these highly positive developments, there seems to be little agreement on where Burma is ultimately headed.

On May 23, 2012, USINDO hosted an Open Forum with Peter Manikas, Senior Asia Expert from National Democratic Institute (NDI). Based on his recent trips to Burma in January and April this year, Mr. Manikas presented his assessment of the ongoing reform process as Burma moves forward to the national elections of 2015 and the role of the international community, including the United States and Indonesia, to help sustain the democratization.

This brief is USINDO's summary of his talk.

## **Recent Development and Remaining Challenges in Burma**

After decades of military rule and economic stagnation, Burma is beginning to institutionalize political and economic reforms. In recent months, the country has seen in rapid succession: ceasefire agreements between multi-ethnic groups with the central government; the release of a large number of political prisoners; the easing of restrictions on the media and civil society; the amendments to the electoral laws that paved the way for the *National League for Democracy (NLD)* to participate in the political process; and the holding of by-elections.

It is important at first to note the wide-ranging views of the Burmese to explain why this reform is happening at this particular moment. For some, international sanctions on the government have created overwhelming pressure that finally encourages reform. For others, the modernizer within the government is the main force that drives the nation to be responsive to the outside pressure and the need to work on the development and political reform. There is yet another view that identifies the reform with a desire to open up as a way of balancing China's growing influence in Southeast Asia Region.

There is no denying that substantial changes are already taking place. It is equally important, however, to recognize that Burma is still at the beginning – not the end – of a reform process and the outcome is not yet assured. The nation is still grappling with the challenge of transitioning from military rule to a more open political and economic system. The political situation is fragile and much more needs to be done to ensure that the democratization process continues.

Apart from those substantial changes and good intention to modernize and achieve a more open political system, Burma's ongoing reform is greatly undermined by the overlapping role of its military, structural weakness of its political parties, and the lack of practical experiences and knowledge to hold a procedurally successful election.

As the nation moves towards the national election in 2015, there is still no clear provision on the distinction between the authority of civilian and military element. Case in point, the 2008 constitution stipulates that 25 percent of the seats in the national and regional legislatures are reserved for the military. This automatically creates an extremely disproportionate playing field where political forces aligned with the military need to secure only one-third of the contested seats to attain a majority in each chamber. Opposition parties, on the other hand, would need to win twice as many elective seats – two thirds – in order to garner a majority.

In addition to the reserved seats for the military, the 2008 constitution does not clearly define the scope of the civilian government's authority over the military. In the broad term of the constitution, the defense services are to participate in the national political leadership of the state.

The other problem also remains whether the military would be willing to accept the new victor of the 2015 election to take over the power of ruling Burma. The constitutional reform, as an essential instrument to objectify the distinction between the role of military and civilians, thus also significantly depends on the willingness of the military to let go of its overwhelming power. Without full support from the military to undertake constitutional reform, the democratization can never be fully institutionalized in Burma.

The result of the April 1 by-elections also suggests a severely flawed political system due to the structural weakness of its political parties and the lack of strong leadership.

NLD, for example, is a very highly centralized party of which its overwhelming victory mostly depends on the popularity of Auung San Suu Kyi, rather than institutional strength.

*National Democratic Force (NDF)*, a splinter party of NLD, is confronted by the lack of public support due to its unpleasant history of splitting with NLD. This is considerably perceived as a major loss considering that NDF is regarded to have more experienced and senior members.

*Union Solidarity Development Party (USDP)*, that occupied the majority of the seats from 2010 election, recently suffered a major defeat in the 2012 by-elections. This clearly signifies the pressing need of party reform in order to compete in a more competitive election in 2015.

At the end, the biggest challenge for Burma in the short run is to prepare for a successful democratic election in 2015. Reflecting on the recent by-elections, regardless the present solemn commitment, the government unfortunately did not establish a sufficient framework to properly implement the legal aspect of the election according to international standard. While political party representatives could observe the polling, non-partisan observers did not have the legal authority to enter the polling stations. Some technical constraints also suggest the lack of procedure pertinent to logistical preparations, like some irregularities with the voter list and problems with ballot security.

These challenges might not affect the outcome of the by-elections. However, if they persist they could pose more substantial issues in the 2015 electoral contests when much more is at stake and tensions among the political rivals are heightened.

### **The Way Forward and Significant Roles of International Community:**

While the April 1 by-elections and the reforms that preceded them were significant and important steps, it is also clear that further reforms are urgently needed to ensure the democratization in Burma.

Judging by the aforementioned challenges, the government of Burma and international community then need to holistically work on constitutional development, electoral reform, political party development, civil society strengthening and human rights monitoring.

Constitutional development is by far the most urgent and essential step to achieve national reconciliation, particularly on the specific concern of overwhelming military power and the urge to gradually attempt decentralization. This is where Indonesian past experience in developing a constitution post-Suharto era will serve as valuable lesson for Burma to embark on a more successful reform.

The success story of Indonesia in its transition towards a democracy even bears more significance considering its similar situations with what Burma is currently facing. Similar to Burma, Indonesia also faced military domination in politics. Indonesia and Myanmar also share rich ethnic diversity that were at times involved in disharmonious relations with the central government over active protests to demand more representative and decentralized government. It is then interesting to learn that how Indonesia succeeded to gradually reduce military involvements in politics and accomplish decentralization while also preserving its national integrity. The first significant step taken by Indonesia was to apply several changes in its constitutions to better accommodate those challenges.

This constitutional development needs to be further strengthened by electoral reform. There is a growing recognition that steps must be taken to remedy shortcomings in election administration, both technical and substantial such as the accuracy of logistics and the independence of the *Union Election Commission*. This will become increasingly important for enhancing public confidence in the electoral process as the 2015 election approaches.

The urge for political party development significantly reflects on the recently observed disproportion in the result of the April 1 by-elections. NLD needs to improve its institutional strength while USDP should also adjust and modernize to meet the demands of a more competitive political system.

Eventually, the ongoing reforms in Burma also need to incorporate civil society strengthening and human rights monitoring. There has been little experience in Burma with an active civil society. The activists are pressing for reforms so that they can operate within the framework of the law. Monitoring and reporting on the human rights situation can also certainly raise public awareness of this issue.

Responding to all these needs, the international community then plays significant role to support Burma to further expedite its ongoing reforms. United States, in particular, has the capacity to provide Burma with resources needed and constructive insights to successfully carry the electoral reform, political party development and human rights monitoring.

In the end, an honest observation on the current situation in Burma suggests that fully integrated reforms are rather difficult to achieve in the near future. But the irrefutable desire of its people and solemn commitment from the president of Burma certainly inspire an utmost confidence and hope for a more integrated democracy in the long run.

This reasonably good chance towards success certainly also comes with the realization on the importance of international engagement and support to help ensure that the democratization proceeds.

## Questions and Answers

***Q: Considering all the positive changes that are now taking place in Burma, how well can the economy, particularly business and investments, can be improved?***

There are hopes that economic activities in Burma will be greatly developed in the long run. We can all observe that the recent lifting of economic sanctions from some countries like the United States and European Union has sparked some interests from foreign corporations to invest and reinvest in Burma. However we also have to acknowledge the need for the government of Burma to internally improve the economic structure and increase transparency to make its market more sound and attractive.

***Q: How do you gauge the ability of the Burmese civil services to implement economic and political reforms? Is there enough technocratic background to carry out the reforms? Does Burma have the educated civil servants to effectively perform capacity building? I am especially worried about the companies rushing the investments into Burma while the government may not have the ability to protect legal rights, environment and some other significant concerns.***

I couldn't offer the exact answer for this question. But I guess we need tremendous amount of pressing groups for the government to keep on addressing these significant concerns. I believe that there are a lot of capable technocrats and civil servants in Burma, who are just not given the exposure.

***Q: My question is about the situation of justice system. In particular, what efforts have been made to address those human right abuses in past years in Burma?***

There is no sufficient development on it yet. But please bear in mind that Burma is still in the transitioning period. They still have civilian government with very close ties with the military. I am sure that there will be more discussion on this once Burma can manage to fully remove military involvement in its politics. Hopefully it can start just after the 2015 election.

***Q: You mentioned that the United States and European Union will try to support the reforms in Burma by assisting civil society and strengthening officials and local institutions. We also know that the previous approach of imposing sanctions did not engage very well with Burma. Now that there are some tangible progresses with by-elections and the ongoing reforms, what kind of new approach should the United States and European Union take to engage better?***

I think Burma is challenged to carry forward its reform. But my experiences of talking to some local people there suggest that Burma is very much interested with the experiences

of some countries in democracy, particularly Indonesia. So at the time being, I think Burma is going to learn from these experiences first. In the end, the model of its reform and approach towards democracy will be the result of the combining voices of its society.

***Q: My visit to Burma in 2010 suggested that the reforms are indeed coming from the top. The implication that the people do not have control over what kind of changes happen and how they can happen is rather worrying. I also observed that the NGOs in Burma worked for survival, so the movement was rather limited. Based on your recent visit in Burma, what is your impression on the situation in Burma now? Is it free for the people and NGOs in Burma to voice their concerns? This is especially important to find out because NGO is certainly an important channel to further strengthen reform and democracy.***

The easing of restriction on local media is clearly a good indication. But nobody knows for sure the red line of how far it can grow. For example, people in Rangoon are relatively free to openly speak their opinion, while it is more restrictive in Mandalay. Part of the problem is the absence of sufficient infrastructure for humanitarian assistances, while another reason may have something to do with the society itself who does not feel comfortable to register their voice.