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# Democratic Dawn? Civil Society and Elections in Myanmar 2010–2012

Michael Lidauer

**Abstract:** While the general elections in Myanmar in November 2010 were widely condemned, both national and international actors approached the by-elections of April 2012 as a political *rite-de-passage* to improve relations between the government and the opposition inside, and between the former pariah state and the international community outside the country. An under-current of the government-led transition process from an authoritarian to a formally more democratic regime was the development of a politically oriented civil society that found ways to engage in the electoral process. This article describes the emerging spaces of election-related civil society activism in the forms of civic and voter education, national election observation, and election-related agency in the media. Noting that, in particular, election observation helps connect civil society to regional and international debates, the paper draws preliminary conclusions about further developments ahead of the general elections in Myanmar expected to take place in 2015.

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**Keywords:** Myanmar, Burma, democratisation, election observation, media

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## Introduction

The general elections of 7 November 2010 were widely condemned as a sham and not in line with international standards, but during the first year after the polls, political observers inside and outside the country started to comment cautiously that change was coming to Myanmar.<sup>1</sup> To the surprise of many, the new government under President Thein Sein launched an unprecedented reform process. Among its most visible measures, it started to distance itself economically from China, acknowledged and subsequently released hundreds of political prisoners, established a human rights commission, renewed ceasefire negotiations with paramilitary ethnic groups, and took the first steps toward a reconciliation with opposition leader Aung San Suu Kyi and her political party, the National League for Democracy (NLD). A few legal changes created conditions under which “the Lady” and the NLD decided to take part in the by-elections on 1 April 2012, which they won by a landslide.

In contrast to the general elections of 2010, the by-elections were applauded for their fairness and increased transparency, although the legal framework and the administrative procedures for polling had largely remained the same. They mark another step in a government-led transition from an authoritarian regime<sup>2</sup> toward a formally more democratic political system, albeit with a powerful military component, and an uncertain outcome. Despite only a small number of legislative seats having been contested, they had great symbolic and widely visible value in paving the way for Aung San Suu Kyi’s return to politics. The by-elections can therefore be seen as a political *rite-de-passage*, in terms of both national reconciliation and the country’s international relations, opening up Myanmar to new political and economic exchanges after military hegemony, self-isolation and sanctions (compare Bünthe and Portela 2012).

While the elections and the government’s reform intentions have received much international attention, another development is taking place, one going largely unnoticed outside non-governmental organisations (NGOs) and donor communities: the development of a politically engaged civil society, including an active role of Myanmar’s press. The relationship between civil society and democracy is not inherent, but complex (Mercer

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- 1 In this article, “Burma” refers to times before 1989, and “Myanmar” for the period after; however, the original term is respected in quotations. The adjective “Burmese” is used to designate speakers of the Burmese language.
  - 2 For transitions to democracy, compare e.g. Merkel and Puhle (1999). For the conceptualisation of Myanmar as an authoritarian regime, this article follows Lorch’s (2006) application of Linz’s (2000) typology.

2002). Neither transparent elections nor the existence of a vibrant civil society can make “democracy” on its own, but both are considered conditions of democratic consolidation (Linz and Stepan 1996; Merkel and Puhle 2000), which the government of Myanmar has sought to achieve since it announced its Roadmap to Democracy.<sup>3</sup>

Civil society activities developed in Myanmar despite years of military rule, partly in response to the transition process led by the military elite, although this was a consequence probably unintended by the latter. In legal grey areas and often under the government’s radar screen, civil society activists have opened spaces of discourse and action that have the potential to support and influence, but also oppose, political reforms. This article describes the emerging politically engaged civil society in the context of the electoral process. First, it briefly reviews Myanmar’s Roadmap to Democracy; second, it takes into account the development of an active civil society organisation (CSO) scene under the authoritarian regime. At its core, the article looks at election-related civil society engagement in three interlinked domains – the media, civic and voter education, and national election observation. Presented first is the media section, which delves into the conditions of freedom of expression and shows the dynamics of change between 2010 and 2012. Before summarising its findings, the article draws preliminary conclusions, including on international linkages in the field of democracy promotion, with a view to the general elections expected for 2015.

This research paper<sup>4</sup> is based on 80 interviews conducted in Myanmar in November/December 2010, July/August 2011 and March/April 2012,<sup>5</sup> along with online research of election-related reports. Research conditions in Myanmar changed significantly during this period. In 2010, many potential interview partners felt it was too risky to talk about their activities; in 2012, it was easier to enjoy mutual exchanges in an atmosphere of trust. Given the sensitivity of the matter, most names of organisations and interview partners are kept anonymous, unless they explicitly consented to have their names published. The author does not claim to paint a fully comprehensive picture of all election-related civil society activities in Myanmar and

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3 Online: <[www.ibiblio.org/obl/docs/KMWroadmap104.htm](http://www.ibiblio.org/obl/docs/KMWroadmap104.htm)> (19 October 2011).

4 The article has benefitted from the valuable comments of two anonymous reviewers as well as remarks and notes by Rainer Einzenberger, Rhea Tamara Hoffmann, Emma Larkin, Sofia Massoud, Leandro Nagore, Gilles Saphy, colleagues at the Peace Research Institute Frankfurt (PRIF), and friends in Myanmar. However, all misrepresentations and shortcomings in the presentation of empirical data and their analysis lie with the author.

5 All interviews in Myanmar were conducted in English. Hence, quotations in English are direct quotations from the interview partners and not subsequent translations.

acknowledges shortcomings, especially concerning the representation of the country's ethnic heterogeneity and cross-border activities, as the research was mainly, but not exclusively, conducted in Yangon.<sup>6</sup>

## The Way toward a “Discipline-flourishing, Genuine Multiparty Democracy”

Discussions about democracy<sup>7</sup> in Burma date back to the late colonial period (compare Blum et al. 2010), but much of the rhetoric around the recent electoral process stems from events in 1988 and 1990: In July 1988, after student uprisings and countrywide demonstrations, President Ne Win, who had been in power since the 1962 military coup, resigned. This was followed by a call for a national referendum on forming a multiparty system. Shortly after, the Tatmadaw (Myanmar's armed forces) resumed power in the form of the State Law and Order Restoration Council (SLORC) and promised multiparty elections as soon as stability would be restored. The biggest emerging political party was the National League for Democracy (NLD), led by former military officers and politicians, and Aung San Suu Kyi, the daughter of national hero General Aung San, the architect of the country's independence. Elections were not held until May 1990, when they culminated in an NLD victory. As announced shortly before the polls, the army decided not to hand over power until a new constitution was drawn up and a government formed (Tonkin 2007).

The SLORC, later transformed into the State Peace and Development Council (SPDC), assigned a National Convention to draft the new constitution, which was soon dissolved and suspended for nearly a decade. The military regime used this time to consolidate its power (Bünte 2008). Political dissidents were often arrested and an open opposition to military leadership was not able to form. Voices from inside the country testify to an atmosphere of fear (e.g. Fink 2009; Skidmore 2004) during the SLORC/SPDC regimes, while Western witnesses described an Orwellian control state (Larkin 2005). Political refugees established vocal diaspora networks to

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6 Myanmar is administratively divided into seven “divisions”, whose inhabitants largely speak Burmese, seven “ethnic states”, which each carry the name of a bigger ethnic minority (Chin, Kachin, Kayah, Kayin, Mon, Rakhine, Shan), and six self-administered zones, plus the newly built capital of Nay Pyi Taw. The 1982 Citizenship Law lists 135 ethnic groups. In this article, the term “ethnic states” reflects the *lingua franca* used in Yangon to speak of regions populated mainly by ethnic minorities.

7 For the citation in the headline, see Constitution of the Union of Myanmar 2008: Chapter 1/6 (d).

support the NLD and lobby for change from outside the country. Journalists who had fled Myanmar founded exile media outlets that became instrumental in providing news and creating public opinion about the state.<sup>8</sup> The international community wove a web of economic and political sanctions against the military regime that affected the civilian population.

In 2004, the SLORC launched its so-called Roadmap to Democracy to reconvene the National Convention, draft a new constitution, hold a referendum and general elections, and form a civilian government. The new draft foresaw the establishment of a bicameral legislative body, the Pyidaungsu Hluttaw, and 14 regional assemblies, ideally allowing for more direct ethnic representation in local politics. 25 per cent of each house was comprised of non-elected, directly appointed military members. The constitution appeared to establish a new governmental order by allowing military officers to become civilian leaders and providing the old elite with a safe retreat from the political scene (Taylor 2009: 487–506). Despite another wave of public protests and arrests in 2007 (named the Saffron Revolution due to the presence of monks in marches) and the havoc caused by Cyclone Nargis, the referendum took place in May 2008. The constitution was overwhelmingly accepted, while numerous reports spoke of governmental manipulation of the vote.

Members of the political opposition – most of whom had not actively engaged in politics for 20 years – and civil society were split on whether to participate in or boycott the multiparty elections that were foreseen as the next step on the roadmap. Under the leadership of Aung San Suu Kyi, the NLD took a “no vote” position, while a splinter party, the National Democratic Force (NDF), stood for election along with several other parties, including some based on ethnic identity. Moreover, certain CSOs accepted the new constitutional framework as a window of opportunity and decided to work with it (CS Monitor 2010). The groups opting for an engagement in the government-led transition, informally bringing together smaller opposition parties, CSOs, reform-minded members of the military elite, and a few individuals in the diaspora, formed a “third force”, which marked a departure from the long-standing polarisation between Aung San Suu Kyi and the NLD, perceived as pro-democracy, and the Tatmadaw, associated with dictatorship (compare Zöllner 2012).

The elections of 7 November 2010 and their legal framework,<sup>9</sup> in particular the Political Parties Registration Law, were widely condemned inter-

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8 *Mizzima News* in New Delhi and Chiang Mai, *Irrawaddy* in Chiang Mai, and the *Democratic Voice of Burma* (DVB) in Oslo.

9 The Amyotha Hluttaw Election Law (SLORC Law No. 4/2010), the Pyithu Hluttaw Election Law (SLORC Law No. 3/2010), the Region and State Hluttaw Election Law (SLORC Law No. 5/2010), the Union Election Commission Law

nationally because they did not allow a level playing field for political contestants. The common narrative among members of the political opposition today is that their votes were stolen by the fraudulent use of advanced ballots<sup>10</sup> and outright rigging. The governmental-proxy Union Solidarity and Development Party (USDP) won the majority of seats countrywide (883 of 1,154), leaving only little parliamentary space for the other parties who decided to compete. Ethnic-minority-based parties were able to gain more representation in the regional assemblies than on the national level.<sup>11</sup>

Regardless of international condemnation and initial lack of trust in the transition process inside Myanmar, President Thein Sein started on a course of political and economic reforms (ICG 2011a, 2011b, 2012a, 2012b) that led to the participation of Aung San Suu Kyi and the NLD in the by-elections on 1 April 2012. The by-elections were necessary to fill a small number of vacant seats in the legislature, following governmental appointments. They were held in 45 constituencies, but were cancelled in three constituencies in Kachin State where fights between the Tatmadaw and paramilitary forces are ongoing.

The electoral management body appeared keen to administer a more open process in 2012 than in 2010, including a transparent consolidation of results. A regulated number of foreign journalists were accredited to cover election day. With regards to international election observers – their presence having been a demand of Aung San Suu Kyi in 2010 – the government followed a controversial policy by inviting some and expelling others.<sup>12</sup> Myanmar's existing electoral system, first-past-the-post (FPTP),<sup>13</sup> helped to bring about an NLD landslide as much as it contributed to the overwhelming success of the USDP in 2010. Despite the NLD's victory in all but one constituency it contested – the party also won all seats in the country's capital, where the majority of voters are employed by the state – the entire opposition is still only marginally represented in the Pyidaungsu Hluttaw. If it

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(SLORC Law No. 1/2010), and the Political Parties Registration Law (SLORC Law No. 2/2010), all adopted on 8 March 2010. The Political Parties Registration Law was amended on 4 November 2011.

- 10 Electoral rules in Myanmar enable voters who cannot take part in the polls on election day to cast their ballots in advance.
- 11 For detailed election results, see e.g. TNI/BCN 2010.
- 12 ASEAN, the EU, the UN, the US, the resident diplomatic community, and countries from the region were invited to nominate observers. The Asian Network for Free Elections (ANFREL) was expelled for allegedly violating visa regulations (ANFREL 2012).
- 13 Candidates run in single-member constituencies; the candidate elected is the one who obtains the largest number of votes. Therefore, the votes for defeated candidates are not translated into seats.

is supported by the 25 per cent of the Pyidaungsu Hluttaw comprised of members who were appointed from the armed forces, the USDP is in a position to reach the qualified majority required to change the constitution.

## The Emergence of Civil Society in Myanmar

The “disciplined way” to political change orchestrated by the government was accompanied by an emerging civil society that found ways to engage in the electoral process. Before outlining these election-related activities, civil society in Myanmar has to be briefly conceptualised. In the following, civil society is referred to as different forms of civil activism between the family and the state (Hann 2011; compare Glasius, Lewis, and Seckinelgin 2004), including faith-based groups, but not private economy and political parties, although the line between opposition groups and civil society activism is often blurred. For the periods leading up to the general elections of 2010 and the by-elections of 2012, this article speaks of formalised and emerging NGOs, journalists, and engaged individuals.

British colonial rule allowed for the creation of independent Burmese organisations. Furthermore, an urban civil society, including a lively media scene, started to develop after national independence in 1948 (ICG 2001: 3f.). However, it has long been the scholarly opinion that “civil society died under the Burma Socialist Programme Party (BSPP); perhaps, more accurately, it was murdered” after General Ne Win seized power in 1962 (Steinberg 1999: 8). The constitution of 1974 effectively outlawed all political activity beyond the state’s strict control. Trade unions and most professional associations – for example, journalists’ groups – were forbidden. However, recent reports take a more differentiated look at civil society formation in Myanmar and argue for its historical depth, continuity, and social and organisational variety (e.g. Desaine 2011; Kramer 2011).

During the few months between Ne Win’s resignation and the installation of the SLORC in 1988, the country saw an unprecedented mushrooming of civil society activities. Student-led pro-democracy protests were joined by people from all walks of life, and numerous independent newspapers, journals and magazines started to spring up (Kyaw Yin Hlaing 2004). On 18 September 1988, the military culled these movements; several thousand people were killed before the end of the year. Political parties were allowed to endure in the run-up to the elections of 1990, but they were placed under severe restrictions in terms of disseminating information and assembling supporters (ICG 2001: 5). The SLORC developed a comprehensive set of laws that limited the freedoms of movement, association and expression (Liddell 1999).

Formalised civil society groups were for a long time practically non-existent, with the exception of the Union Solidarity and Development Association (USDA) and other co-opted mass organisations founded and steered by the state. Steinberg (1999: 12) interpreted the USDA as the SLORC's "own civil society" that was meant to carry the National Convention toward the new constitution. In March 2010, the USDA was transformed into the USDP – the main political party contesting the 2010 elections. Beyond state-organised mass associations, civil society continued to exist in the form of faith-based groups (Steinberg 1999). During the BSPP, SLORC and SPDC regimes, religious bodies, with only few exceptions, were among the only permitted non-governmentally controlled social institutions. These encompassed Buddhist and Christian communities, as well as Muslim and Hindu groups (Kramer 2011: 30; compare Heidel 2006; Desaine 2011: 28–41).

Examples of organisations that are not primarily faith-based are the Metta Development Foundation (since 1997) and the Shalom/Nyein Foundation (since 2000), which were able to start localised development and peace-building activities. Their foundation is implicitly reflected in the works of South (2004, 2008) and Lorch (2006, 2007), both of whom noted – only a few years after Steinberg's and Liddell's observations – re-emerging forms of civil society activism in areas of limited statehood. South has drawn attention mainly to remote ethnic areas, ceasefire areas and war zones, and has emphasised the importance of civil society at the local level for democratisation from below ("bottom-up"). Opposing the dominant idea of change in Myanmar (that political reform ought to be elite-driven, hence "top-down" – either from the military regime or the opposition), he argues for the need for "two-way traffic", whereby change must come from both the "top" and the "bottom". He further emphasises that the Burmese government and the opposition, when cooperating toward political change and national reconciliation, must not overlook the many ethnic conflicts and the issue of ethnic self-determination.

Lorch, based on the observation that the authoritarian government "permits limited diversity regarding social practices" (Lorch 2006: 16), has shown that civil society under authoritarian rule developed in areas of state weakness to fill existing gaps in the welfare system. Like South, she observed these developments at the local level, at the "grassroots" of society such as local self-help groups, informal development projects, culture and literature committees, in the *sangha*, and around Christian churches. However, Lorch concluded:

The observation that social spaces exist should therefore not be misconstrued as ascribing any political negotiating power to the emerging CSOs which they do not have. Instead, they are issue-oriented and

mostly very localised. In order to tackle the welfare needs of their respective communities, CSOs in Myanmar are obliged to stay away from politics and are consequently far from performing an advocacy role, a task which is normally attributed to civil society in democratic contexts (Lorch 2006: 30f).

Civil society's ability to communicate was transformed by changes in the surveillance of public spaces and increased access to technology: The dismantling of the military intelligence in 2004 "left some space for NGOs to carry out their activities with looser monitoring" (Desaine 2011: 49); individuals felt safer discussing a wider range of topics in tea shops. Transferring the capital to Nay Pyi Taw in November 2005 reduced the military presence in the streets of Yangon. Tremendous developments in access to communication technologies such as mobile phones and the spread of the Internet increased information-sharing and networking (Desaine 2011: 49).

The strongest impetus behind the development of civil society activism was the devastating effect of Cyclone Nargis in the lower parts of the country in May 2008. While the SPDC blocked access to international relief organisations for several weeks and censored news about the magnitude of the catastrophe, the immediate aftermath of the disaster saw the deployment of various ethnic- and faith-based NGOs from across the country to the affected regions and the emergence of hundreds of new humanitarian NGOs supported by increased flows of foreign aid. For several activists, their responses had severe consequences. The comedian Zarganar, who headed a group of aid workers, was arrested along with several journalists who supported foreign media agencies, and there were many others (HRW 2010: 51–56).

The restrictions notwithstanding, many of the newly founded organisations stayed on the scene to develop new activities. Desaine's (2011) observations show that younger NGOs are not necessarily based on religious foundations and develop at a distance from ceasefire groups. A report by Mahidol University (2012) emphasises the importance of "reading groups" for capacity-building initiatives. These groups, although widespread, do not attract much attention because of their small size. For those who do participate, these groups provide spaces for discussion and can initiate participants into civil society work, which leads to dissemination and recruitment. Even before the electoral periods of 2010 and 2012, members of reading groups read political theory and discussed approaches to the political stalemates.<sup>14</sup>

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14 Personal communication with a former member of reading groups on 15 August 2012.

The research presented in this article does not generate from ceasefire areas and war zones and goes beyond the scope of reading groups. It also goes beyond previous assessments by bringing civil society activities that explore political spaces, as such, to the fore. These activities are not exclusive to areas of state weakness, although they inherently originate from such frailties (for instance, education) and respond to the actual needs of the state. I argue that while the government of Myanmar started a transition from authoritarian rule in a very controlled manner, the emergence of a politically active civil society was triggered by active engagement in the electoral process and the constitutional debates preceding it. Civil society, in the form of NGOs, media initiatives and engaged individuals – apart from their capacity as voters – found two channels for this engagement: first, civic and voter education ahead of the elections, carried out partly with governmental consent (compare Matelski 2012); second, election observation, initially conducted secretly under the government’s radar screen, later becoming a half-tolerated, to some extent publicly visible activity, allowing especially younger people to develop a sense of ownership and participation in the political process. Both activities increased the space for political discourse.

## Changing Spaces in the Media

Before describing the emergence of election-related civil society activities *per se*, a closer look at the working conditions for journalists – who are here considered part of civil society – will allow for a better understanding of the restrictions to the freedom of expression during the late military regime, and the dynamics of the ongoing reforms. Apart from international media broadcasting in Burmese<sup>15</sup> and exile media outlets operating underground, several journalists inside the country set out to report on the electoral process under precarious conditions. In the words of a senior journalist and writer who spent several years as a political prisoner,

Censorship has been a hallmark of Burma’s military dictatorship since 1962. [...] The job of a journalist in Burma is akin to shadowboxing, a constant effort to dodge the Censor Board without compromising one’s independence or the integrity of one’s message.

In an essay entitled “Writing between the Lines: Practicing Journalism under Censorship in Burma”,<sup>16</sup> he sought to explain the dynamics of the triad of

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15 The *British Broadcasting Corporation* (BBC), *Voice of America* (VOA), *Radio Free Asia* (RFA) and the *Democratic Voice of Burma* (DVB).

16 The essay was not published, but shared with the author; it is quoted as “Anonymous” in the bibliography.

the Press Scrutiny and Registration Division (PSRD), Burmese readers, and writers:

All publications in Burma are required to submit their contents to the PSRD for approval before printing and distribution. [...] Blacklisted authors are banned outright from publishing. They should consider themselves lucky not to be in prison (Anonymous 2010: 5).

The majority of Myanmar's approximately 400 licensed regular publications are journals (weekly) and magazines (monthly), of which about 50 are dedicated to news. The only daily newspaper is the *New Light of Myanmar* (in English)/ the *Mirror* (in Burmese), the governmental mouthpiece that is also used to report on election results. By not granting licences to other daily newspapers during the SLORC/SPDC regimes, the government maintained a monopoly on the daily news. During the 2010 campaign period, political parties had access to the media, but the freedom of the press was heavily restricted. No criticism of the USDP was allowed, and many articles were rejected.<sup>17</sup> Reporting about the NLD and their "no vote" campaign was literally not possible. Journalists were allowed to meet the Union Election Commission (UEC) only once. On election day, the government arranged tours for the media, but they could not cover the elections freely. Journalists tried to speak to voters, but were not authorised to do so around polling stations.<sup>18</sup> Despite the censorship regime, several private weeklies engaged in election reporting, published interviews with opposition candidates, and printed special editions. Unfortunately, some of these journals provided incorrect information as it was difficult for them to get direct access to the UEC, which used only the state media for dissemination (CPCS 2011: 57ff.).

The media conditions began to change for the better in the immediate aftermath of the 2010 elections. Results per constituency started to be published in the *New Light of Myanmar*, but any reporting on the elections other than in the governmental mouthpiece was soon overtaken by the news of the release of Aung San Suu Kyi from her third house arrest. One local reporter was convinced that "journalists were allowed to see the Lady to distract from candidates and the elections".<sup>19</sup> To their surprise, journals were allowed to publish articles about the release, although the contents and size of the reports were strictly regulated. Heavy punishments followed for those who did not follow the rules – all in all, nine papers were shut down within a week, something that had not occurred since 1990.<sup>20</sup>

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17 Interview on 20 November 2010.

18 Interview on 20 November 2010.

19 Interview on 23 November 2010.

20 Interview on 23 November 2010.

By the time the by-elections occurred in April 2012, the media sector had moved to the forefront of reforms. On the first anniversary of his inauguration into office, President Thein Sein emphasised the “critical role to be played by the print media in the democratisation process” (Htun 2012: 2). The government started to relax submission to censorship scrutiny for a number of magazines in June 2011. In October, the head of the PSRD publicly announced that press censorship “is not in harmony with democratic practices [and] should be abolished in the near future” (Larkin 2012). Internet censorship was eased in March 2011, opening over 3,000 websites, and had been ceased entirely (with the exception of pages with pornographic content) by the end of 2011.<sup>21</sup> Limited use of Facebook, blogs and other social media were already important in 2010, but these sites were used extensively in 2012.<sup>22</sup> Portraits of the Lady started to appear regularly in the local press. Political articles still had to be submitted to the PSRD, but journalists did not feel any constraints in their coverage of the electoral process and could usually access polling sites. The UEC issued a timely invitation to a press conference, and reporters could address UEC staff at the state/regional and township levels.

In another unprecedented move, the government accredited foreign journalists in order that they could cover the elections, an encouraging move for the local press. There was still suspicion of the authorities, but less fear: “Our daily work has not changed, but we can write much more,” said one editor.<sup>23</sup> However, the opening of the media scene also had unintended consequences: Based on the excitement around Aung San Suu Kyi’s candidature, there was hardly any reporting on political parties other than the NLD. Smaller opposition parties, which had helped to open a multiparty discourse with their candidature in 2010, disappeared from the public view. This apparent NLD bias in the private print media anticipated the results of the by-elections.

With regard to future developments, the regulatory framework for the media is in a dynamic process of change: Three journalistic associations were founded in March 2012 and new media laws are currently being drafted. Private daily newspapers will be allowed to publish. After 50 years of pre-publishing censorship by the PSRD, this practice was abolished in August 2012, and a Myanmar Core Press Council (MCPC) was founded. However, the restrictive Printers and Publishers Registration Act of 1962 is still in place. The current setup places more responsibility on the shoulders of editors and writers and evokes increased self-censorship. Sceptics see this

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21 Interview on 28 March 2012.

22 Interview on 7 April 2012.

23 Interview on 9 April 2012.

development with cautious realism and assume that many of the smaller papers, including weeklies, will not survive the pressure of the free market (e.g. Parker 2011; Htun 2012).

## Talking about the Constitution, Not a Revolution

Editors and journalists, formal and informal NGOs, and engaged individuals started to conduct civic and voter education activities ahead of the 2010 elections. Discussions about the new constitution served as a starting point for these activities, based on the assumption that not only was it better to know about the new framework rather than to condemn it without having read it, but also that an engagement in the government-led reform process was more beneficial for political change than were boycotts and sanctions. This approach stood in contrast to earlier attempts in Myanmar to achieve political change through revolutions in the form of public protests, like those in 1988 or in 2007. While in prison after his engagement for victims of Cyclone Nargis, Zarganar designed an “I vote” campaign, whose logo circulated among civil society activists on stickers and T-shirts. He said, “I like to support the vote [...] if our people at least understand how to vote, this is a contribution to democracy.”<sup>24</sup>

The *New Light of Myanmar* and to some extent Myanmar TV were important channels to educate citizens about the polls. It was acknowledged that the state newspaper called for participation in the elections, but did not publish USDP campaign material, nor did it show a political bias toward any particular party. However, the government’s voter education programme started only a few weeks before election day on 7 November 2010 and was insufficient, as many voters had no access to TV or to those newspapers that featured it. Independent and opposition-minded journalists also felt that they had to contribute to civic and voter education and provide information about the right to vote, although many did not expect that they would be able to publish anything along these lines.

Even if they did not welcome the new constitution, a journalist explained that “inevitably we have to face the election [and have to] educate people to vote bravely and without fear”. He encouraged people: “Don’t fear to vote rightly [freely]!”<sup>25</sup> A group of journalists thus decided to apply to start up a new journal that would address political issues. In May 2010, the censorship board allowed the foundation of a new journal entitled the

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24 Interview on 19 December 2011.

25 Interview on 5 August 2011.

*People's Age*.<sup>26</sup> Aung Myint, one of its journalists, launched a project to cover the electoral process intensively even though he knew that not all the information he obtained could be published. He liaised with other media outlets, deploying observers around the country to report on the election commission, the short campaign period, and other parts of the process. He admitted that observing the elections was hardly possible, and still suspects that the gravest undue influence happened in the counting centres at the district level.<sup>27</sup>

Not only did the state's voter education programme start late, it was also provided only in Burmese and not in any other of the languages spoken in the country. Hence, the information offered by NGOs through informal channels in both urban centres and remote areas was very welcome.<sup>28</sup> According to one NGO leader, up to 15 different CSOs in the country offered civic and voter education programmes. These activities rested on earlier capacity-building efforts (compare Lorch 2007: 71). Two international institutions in Yangon, the American Center and the British Council, have for several years been providing training courses for participants who are fluent in English (compare Mahidol University 2012). Their alumni often set up their own organisations, through reading groups, but there is also a growing number of local examples of training initiatives.

"You need capacity-building before you can have democracy," said Nay Win Maung, the secretary general of Myanmar Egress (quoted in Crispin 2011), the most prominent organisation offering capacity-building and educational activities in Myanmar ahead of the 2010 elections. Myanmar Egress started to "explore the social space"<sup>29</sup> in 2006, targeting freshly graduated students by offering curricula that national universities do not provide, such as "project cycle management", "effective communication in business", "strategic management", and "social entrepreneurship and leadership".<sup>30</sup> Myanmar Egress was the first such training institution in the country, opening up terrain that was previously socially and educationally unknown. Its leadership, as well as some of the younger managerial staff, were educated overseas and decided to bring their expertise back home. International academics support the course curricula. When Cyclone Nargis hit the country, Myanmar Egress already had more than one thousand alumni, and half of them worked as volunteers with national and international humanitarian aid

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26 Interview on 5 August 2011.

27 Interview on 30 July 2011.

28 Interview on 29 July 2011.

29 Interview on 22 July 2011.

30 Online: <[www.myanmarregress.org/training.html](http://www.myanmarregress.org/training.html)> (20 December 2011).

organisations.<sup>31</sup> In late 2009, a Myanmar Egress research team conducted opinion polls to understand the level of voter education and participation in the electoral process. That year, 11 workshops were held on different topics such as political parties, the legal framework, and polling procedures. Of the approximately 2,000 participants in these workshops, many shared the acquired knowledge in their own networks, and some became political party advisors or offered campaign support.<sup>32</sup>

Myanmar Egress is strongly supported by international donors; however, the organisation is the subject of controversy inside the country. Prior to its foundation, it was unprecedented that a CSO would actively collaborate with the military regime. The leaders of Myanmar Egress did, pragmatically, exactly that, and were thus shunned by those opposition political forces and CSOs that were strictly against any such collaboration. Myanmar Egress was proud of the fact that members of the USDP participated in their classes alongside other party representatives.<sup>33</sup> Nonetheless, the organisation was accused of supporting, or actively engaging with, an opposition party, the NDF, during the period leading up to the elections of 2010. Accused of political bias and opportunism by different sides, Myanmar Egress had to perform a delicate balancing act between the government and the opposition, while staying on top of its day-to-day work.

A familiarisation with the new constitutional framework was felt to be essential not only in Yangon, but also in the country's "ethnic states". An NGO dedicated to local development and peace-building started to "read the constitution from ethnic eyes" in 2009. One of the NGO's leaders was convinced that "nobody is satisfied with the constitution, but we need to know it so we can amend it".<sup>34</sup> The new constitution was read and discussed throughout the organisation's local network. After the laws regulating the elections entered into force in March 2010, the NGO organised a training of trainers to move their programme from civic to voter education – from a more general discussion of citizens' rights and responsibilities, from voting rights to the technicalities of the ballot. The trained facilitators held "multiplication meetings" in their communities to familiarise voters with polling procedures, and with their right to choose, or to not choose, a candidate freely.

Civic and voter education for the 2010 elections was limited to some governmental initiatives through state media, several private media outlets, and the aforementioned CSOs. Not all of them continued to conduct such

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31 Interview on 22 November 2010.

32 Interview on 22 November 2010.

33 Interview on 22 November 2010.

34 Interview on 29 July 2011.

activities with the same vigour in 2012. A notable exception was the initiative of lawyer Ko Ni, who wrote a civic education booklet based on his own analysis of the legal/electoral framework, published in the *People's Age* under the title "How to avoid irregularities in voting". Younger NGOs such as the Yangon School of Political Science (YSPS) and the Pandita Development Institute (PDI) joined the group of informal organisations offering civic education. However, the bulk of voter education and mobilisation for the 2012 by-elections was carried out by a re-emerging political party, the NLD. The party appears to have mobilised a vast network of supporters in nearly all contested constituencies, informing their electorate about the polls. They also invited Ko Ni to tour the constituencies where by-elections were taking place. Despite all the public debates about the by-elections, a representative of another NGO active in civic and voter education explained that although the caution and discretion of earlier years was no longer necessary, they still focused on person-to-person contacts rather than dissemination by phone or mail "because many people were still not used to the changes in politics".<sup>35</sup>

## Observing Elections in Transition from Authoritarian Rule

After civic and voter education, election observation became the major vehicle for civil society involvement in the electoral process. Recognising the existing risks and challenges, election observers in 2010 operated entirely under cover. Party representatives were allowed in polling stations and tabulation centres, and, according to rule 66a of a UEC bylaw, ten witnesses from the group of voters (not further specified) were allowed to follow the count. There was, however, no legal provision for the accreditation of observers. Nevertheless, several attempts to witness the elections and to provide testimony were made, both in carefully planned and ad hoc manners.

Despite some foreign influences, the impetus to monitor these elections and the perseverance demonstrated in performing this task resulted from the courage and vision of a few individuals. When asked about the beginnings of their activities, a young woman who had been involved since the early planning phase commented that it was "not a home-grown idea, but a home-grown commitment".<sup>36</sup> For many of the younger generation, this was their first exposure to political activism. Although examples from other countries were available, censorship rules and existing technology

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35 Interview on 6 April 2012.

36 Interview on 30 August 2012.

made it difficult to access the relevant sources. At the same time, in their attempts to observe the electoral process of 2010, engaged organisations and individuals were implicitly building on many earlier examples from other “transitional democracies”, including in Southeast Asia – for example, the Philippines, Cambodia and Indonesia.

A large Yangon-based NGO brought together approximately one thousand observers, approximately half of whom became focal points for their own peer groups. As an organisation, they observed from the moment the election laws were published through the campaign period to the end of election day. To facilitate reporting, the organisation set up hotlines and asked for different kinds of “incident reports”. They operated an operation centre on election day, receiving reports by phone, or online via social media, and attempted to use Facebook to conduct a parallel vote tabulation. Regarding their relationship with authorities, the group noted that their work was usually possible in urban areas, but not in rural parts of the country.<sup>37</sup>

The aforementioned organisation, which carried out civic and voter education in remote areas, also decided to observe the elections “to show how ethnic groups see this process”.<sup>38</sup> Their report, later published by an international NGO, lists a total of 803 observers who covered 758 polling stations in the seven “ethnic states” of Myanmar and in the region of Yangon (CPCS 2011: 15).<sup>39</sup> For those participating, election observation provided a neutral opportunity to become politically active without supporting the USDP and the new constitution, or the NLD and their boycott of the elections. The responsible decision-makers took a “calculated risk”, and chose the observers very carefully from within their own networks.<sup>40</sup> In some instances, selected observers were later recruited as lower-level election commission members or polling staff, providing additional insight into the process (CPCS 2011: 14). Most observers were very young, and undertook personal challenges to be engaged in this manner, such as not telling their families about their political interest and involvement.<sup>41</sup> Due to the high level of secrecy that the organisers thought necessary, “it felt like a Cold War cell operation”.<sup>42</sup> On election day, when two observers went together to a polling station, they had to hide their observation forms and take notes in secluded places. Their consolidated findings were not shared with the wider

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37 Interview on 21 November 2010.

38 Interview on 28 March 2012.

39 This report is a valuable document for the period of the 2010 elections and is also used as a reference for this article.

40 Interview on 29 July 2011.

41 Interview on 29 July 2011.

42 Interview on 28 March 2012.

public in the country, but were made available to a select group of foreign donors and embassies.<sup>43</sup> Their preliminary assessment reached UN headquarters in New York the morning after election day.<sup>44</sup>

Another attempt at national election observation in 2010 was initiated by a small group of young people around a former student leader who had been a political prisoner. After his second release from jail, he decided to get involved in the electoral process. He read the constitution, had the chance to participate in both a civic education training organised by a foreign cultural institute in Yangon and further training in Thailand, and developed a voter education course book. Together with fellow teachers, he founded a group called the Citizenship Education Development Foundation (CEDF) “in order that all Burmese citizens know their rights and responsibilities”.<sup>45</sup> For the purpose of observing the elections in 2010, the CEDF was transformed into MYNFREL, the Myanmar Network for Free Elections. This acronym follows the model of ANFREL, the Asian Network for Free Elections, and other domestic observer organisations in the region.<sup>46</sup> MYNFREL did not reach the status of a formalised organisation, and no organisation carrying this name became a member of the regional network. The group merely used this name/acronym to create proximity and understanding for what they were trying to do.

The members of this group did not have any formal training in election observation, but managed to obtain observation forms from outside the country, which they used to assess possible irregularities on election day. According to the team leader, they distributed up to three hundred forms per region, but many fewer were returned than expected. The network coordinators had difficulties compiling the filled-in sheets; they were sketchy and provided no statistical evidence. At the same time, some members of this group followed up on electoral complaints with great commitment and perseverance. They acknowledged the enormous difficulties of operating in

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43 Interview on 29 July 2011.

44 Interview on 28 March 2012.

45 Online: <<http://baydaburma.wordpress.com/2011/06/11/bayda-institute/>> (25 October 2011).

46 NAMFREL (the National Citizens’ Movement for Free Elections), founded in the Philippines in 1983, was the first national election observer movement worldwide; it contributed to the fall of President Marcos in 1986 and later became a model for election observers around the world. COMFREL (the Committee for Free and Fair Elections in Cambodia) is another such organisation. Together with PAFFREL (People’s Action for Free and Fair Elections) in Sri Lanka and around 20 other South and Southeast Asian CSOs, they are brought under one umbrella in ANFREL (compare Bjornlund 2004: 209–234).

hiding, knew that they were “at the beginning” and needed more training, and could only practice through “learning by doing”.<sup>47</sup>

Interestingly, the major organisations that had thoroughly prepared for election observation in 2010 did not intend to do so in 2012 (or decided late to run a limited exercise in particular “hot spots”). Less than a year before the by-elections, they did not consider these polls significant. However, new actors emerged who engaged in election observation without much preparation. Most of these initiatives were led by CSOs founded during the last few years of the authoritarian regime or since the inauguration of the new government. Their decision to try out election observation was borne out of their motivation to contribute to the ongoing political changes. They wanted to “do something” without always being clear about exactly what that something should be. Election observation provided an opportunity for event-based political engagement upon which further activism could possibly develop. For the new actors, the stimulus to observe was the participation of Aung San Suu Kyi and the NLD in the elections. At the same time, they acknowledged that – while non-partisanship was an important value in 2010 – it was difficult to identify observers who did not admire the NLD. One of the leaders of the 88 Generation Students Group testifies to this widely shared sentiment: “Aung San Suu Kyi is not an ordinary person. Her voice is louder than that of other people.”<sup>48</sup>

All in all, several reports were published – for example, by the Yangon School of Political Science (YSPS), the Pandita Development Institute (PDI), and the Myanmar Elections Network. The Myanmar Elections Network, which brought together the 88 Generation Students Group with two younger NGOs, Generation Wave and the New Burma Network, comprised the largest group of election observers in 2012. The initiative for this collaboration came from a young woman who had already worked as an observer in 2010, but most other volunteers had no experience. The young activist approached the leaders of the 88 Generation Students Group after their release from prison in January 2012, which gave the movement a broader standing. The network established contact with a foreign observer organisation that offered to share some of its training materials with the group. Voter education events and preparations for potential observers were held in many of the constituencies where by-elections were scheduled.<sup>49</sup>

As opposed to 2010, the network also reached out to the media (e.g. *Irrawaddy*, 23 March 2012), and their trainings became testing grounds for the new political space. One activist gave the example of a week-long training in

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47 Interview on 20 July 2011.

48 Interview on 2 April 2012.

49 Interview on 2 April 2012.

a rural constituency. Participants in the event included the local board of the UEC, who appreciated the input because they had hardly any formal training from within their hierarchy. The police arrived to question the convenors, but stayed outside the premises and did not intervene. As a safeguard, the organisers had informed the media about their plans beforehand.<sup>50</sup> A member of another new observer organisation told the story of an individual who tried to witness voting and counting in a military camp. He arrived there with the constitution and the electoral law under his arm, stating that ten voters from the public are allowed to witness the count – and was permitted to stay.<sup>51</sup> The opportunity to conduct such activities quite openly, together with the unexpected freedom of movement for the press and the presence of some international observers on election day, contributed to a change in the atmosphere that was generally perceived as more open and transparent than one-and-a-half years earlier. Although monitoring in or around polling stations was still not formally permitted, the individuals involved felt less fear than before and felt that the space for civic action had widened. They wanted, in the words of an observer from YSPS, “[to] take their right as citizens”.<sup>52</sup>

## International Linkages and the Outlook for 2015

An in-depth study of international support and exchange with CSOs on matters pertaining to the elections lies beyond the scope of this article, but initial insights have to be included in the analysis. Although the initiatives for election-related civil society activities were largely “home-grown”, international linkages do exist. Proponents of the “third force” were to some extent supported by international donors through discrete channels. As mentioned above, the British Council and the American Center are both active in Yangon and have allowed hundreds of civil society representatives an exposure to political thought and civic education. Based on reading groups, several alumni of these institutes founded their own organisations during the last few years of the SPDC regime or have done so since the inauguration of the new government. At the same time, local capacity-building initiatives have emerged – most notably, but not exclusively, Myanmar Egress – that provide a young generation of students with teachings in civic education and technical skills to organise their own activities. Their curricula are informed by the socialisation and educational experience of

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50 Interview on 2 April 2012.

51 Interview on 9 April 2012.

52 Interview on 28 March 2012.

course leaders during study periods overseas, or a myriad of informal exchanges with donors, international academics, and civil society proponents. As confirmed by the arrival of the Open Society Institute at the beginning of 2012, it can be assumed that the capacity-building scene in Myanmar will expand, some existing organisations will further consolidate, and new organisations will be founded. All these efforts combined are likely to enlarge civil society-driven civic and voter education initiatives before the general elections of 2015.

Similarly, those agencies involved in election observation received informal advice on how to approach their activities from “friends overseas”<sup>53</sup> in 2010 and 2012. Despite long-standing difficulties with computer accessibility and Internet censorship, reports and guidelines from different international observer organisations were circulating among election observers in Yangon. Although maintaining great levels of secrecy, members of CSOs participated in workshops organised in Bangkok,<sup>54</sup> and several journalists enjoyed training opportunities abroad. Informal delegations from Myanmar have also observed elections in other Southeast Asian countries over the last few years.<sup>55</sup> Some activists participated in ANFREL observation missions, and a few national election observation organisers were trained by ANFREL, COMFREL, and the EU’s Network for Enhanced Electoral and Democratic Support (NEEDS) (CPCS 2011: 12). One particular thread of international exchange leads to Phnom Penh:

The Preparing Myanmar Civil Society for Elections project aimed to raise the commitment and capacity of Myanmar civil society to engage [in] the electoral and democratic process. It brought a total of 51 key members of civil society [, including] potential candidates in the planned election, to Cambodia to learn about Cambodia’s experience with elections. Eight different NGOs sent staff to attend the training, which took place in four phases over a three-month period in early 2010 (CPCS 2010: 7).

In exchange, Cambodian experts in election observation came to visit CSOs in Yangon.

In 2010, “most international donors refused to fund projects that they saw as supporting the elections, as they deemed the process illegitimate or questionable once the election laws had been released” (CPCS 2011: 47). After the by-elections in 2012 and the changes in the sanctions regime, donors and intermediary agencies plan to gain local partners, fund support

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53 Interview on 23 November 2010.

54 Interview on 30 August 2012.

55 Interview on 3 November 2010.

mechanisms for elected parliamentarians, offer help to review the electoral framework and provide other technical assistance.<sup>56</sup> They are also expected to support civil society at large. Most of the actors involved in 2010 and 2012 were committed to conducting election observation again in the future. International organisations active in democracy promotion will seek to support them as one of several programmatic tracks.

It has been argued that by promoting and safeguarding international commitments, international election observation has become a norm itself (e.g. Carothers 2010; Hyde 2011; Kelley 2008). National election observation could see similar developments. The ASEAN community, of which Myanmar will serve as chair in 2014, sees increased discussions about election observation (Alpern 2012), something that could be connected to developments in Myanmar. In the global arena, the recent Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organisations (GNDEM 2012) provides a new framework upon which local organisations will be able to call. Based on their own initiatives, and with the expected support of international donors, observer organisations in Myanmar thus have the opportunity to link to normative discourses about electoral standards and good practices of election observation, not only in Southeast Asia but also internationally.

These regional and international points of reference might assist CSOs in Myanmar not only in broadening the discursive space on elections and democracy, but also in further institutionalising national election observation with the goal of creating legal provisions for observers to get formally accredited by the UEC, to deploy in larger numbers, and to provide more consolidated non-partisan public opinion about the next electoral process. If the government of Myanmar were to create provisions for the accreditation of observers in the electoral law, this would not only be another step toward international standards, but it would also underline the country's intentions to further democratise. This enlarged space for election observers might have repercussions for other fields of CSO activism in the political realm and increase the potential of civil society to host broader and more publicly visible educational activities and discussions. Holding that not all, but many electoral reforms require changes to the constitution for which a qualified majority of 75 per cent of Pyidaungsu Hluttaw members – possibly to be followed by another referendum – is needed,<sup>57</sup> informed CSOs could contribute to public debates about these reforms, including on the electoral

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56 For example, the European Union, the International Foundation for Electoral Systems (IFES), the National Democratic Institute (NDI), The Asia Foundation, International IDEA, and the Inter-Parliamentary Union (IPU).

57 Constitution of the Union of Myanmar 2008: Chapter 7/436.

system. Such debates have already started; some political forces have argued for a change to the existing first-past-the-post system toward a sort of proportional representation (PR) or mixed system.<sup>58</sup> This debate is politically highly sensitive; its outcome has the potential to shape the formation of the next government after the incumbent. It will not be decided by CSOs, but CSOs might have the strength to disseminate the discussion.

These developments provide vast opportunities for the many emerging politically engaged civil society initiatives in Myanmar. At the same time, many of them have not had much international exposure to date, and the NGOs with the experience and capacity to administer foreign funds, which are expected to increase tremendously, are but a few. Civil society is in itself fragmented, and, like political parties and religious organisations in Myanmar, often quite hierarchically organised. Many of the younger generation are looking for opportunities, but are still not sure in which direction to go – civil society work or political party activism? – because the boundaries between them are essentially blurred. In a very dynamic environment, some will seek to enhance their capacities in formal or informal NGOs, some will be recruited by arriving international agencies, while others will join the NLD or other political parties.<sup>59</sup> Donor organisations have to be reminded to act with great care and to “do no harm”: to not overwhelm local CSOs, to avoid monopolisation, and to give a chance to younger organisations.

## Conclusion

During the last few years of the authoritarian regime in Myanmar, civil society actors, be they journalists or members of formal or informal organisations, have found new ways to get politically engaged. The indirect, although probably unintended, impulse for these changes came from the authoritarian government itself, which declared a Roadmap to Democracy and called for public support for a constitutional referendum and for voters to participate in the general elections and by-elections. The electoral process and constitutional debates preceding it helped trigger civil society activism. By fulfilling a governmental need in educating voters about the new constitution and the technicalities of the ballot, CSOs increased their room to manoeuvre. Building upon these experiences, several organisations started to observe the elections of 2010, undercover, providing an opportunity for a younger generation to become politically engaged. In 2012, the government’s interest in a more transparent process changed the conditions for national election

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58 See e.g. the *Myanmar Times*, 32, 633, 1–3.

59 Interview on 9 April 2012.

observation – while the latter was not formally allowed, it was tolerated. The legal framework for elections remained largely the same, but was altered to allow Aung San Suu Kyi and the NLD to take part. Support for the NLD and its leaders, although still marginally represented in the legislature, became patent not only in election results, but also in the one-sided press coverage in a newly opening media environment. It was also manifested in the biases of some election observers who came from a CSO background in which activists had hitherto little opportunity to distinguish between democracy activism and activism for the NLD. The latter might change now that the NLD has re-entered the political arena and will have to prove itself as a political party among peers.

During the by-elections of 2012, the government permitted national and international media to cover the process and gave journalists access to the state/regional election commission boards. Furthermore, the government did not act against emerging national election observers and invited, although too late to witness the entire process, a few international election observers. All these factors combined, together with voters approaching the polls with less fear and more hope – instilled by the ongoing reforms and increasing trust in the new government under President Thein Sein – showed the by-elections in a new light of openness and transparency. Despite only a small number of seats in the legislature having been at stake, the symbolic power of allowing the major opposition party and its iconic leader to stand (and win) transformed the by-elections into a political *rite-de-passage* that, as a turning point in an ongoing reform and transition process, convinced the international community to suspend or significantly ease their sanctions regime.

After the by-elections, all eyes are now turned toward 2015, when political parties in Myanmar will again compete for seats in the Hluttaws. It can be anticipated that CSOs will multiply their efforts in civic and voter education and will observe the next general elections based on their previous experiences, but on a much broader and more visible scale, supported by international organisations and with references to emerging regional and international norms. The political space gained through election-related activities might further increase CSO activism in other fields pertaining to the ongoing reforms – for example, in relation to new peace-building processes including interreligious dialogue, of which the country is in dire need. Civil society engagement alone does not make elections more democratic, nor can it bring about democratisation by itself, but it is a crucial piece of the puzzle that allows for the socialisation of a younger generation in political awareness and can support a future democratisation process with enlarged public debates and participation if the political arena permits it. It is

safe to argue that civil society's engagement in the process, rather than its boycott, has gained it a growing space in the political discourse. This space will continue to be negotiated over the coming years.

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