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MYANMAR BEFORE THE ELECTIONS: TRANSFORMING TOWARDS DEMOCRACY?

15. Oktober 2015 · von Felix Anderl · in *Debatte* · [Hinterlasse einen Kommentar](#)

In the last few years, Myanmar has undergone a severe and unexpected change. The military-led country has been starting to open up its borders and economy, enhance citizens' rights and, allegedly, democratize. While the EU and US were quick to celebrate the changes and lift sanctions in return, a number of questions remain: Will the changes be sustainable? Does the opening-up indicate a movement towards democracy? What were the reasons for the military to relinquish some of its power – and has it actually done so in the first place?



Tradition and conversion. Golden wrapped tower at Shwedagon Pagode in Yangon | Author's picture

*This is a guest post by Felix Anderl, Goethe University Frankfurt**

The difficulties in assessing the changes of statehood that *the Republic of the Union of Myanmar* is undergoing are illustrated in the hunt for names and categorizations of the phenomenon. While many commentators make clear that they have a purely economic understanding of what is happening with **Southeast Asia's rising tiger**, most authors agree that there is more to these developments. The *Wall Street Journal* therefore tellingly asks: **"Myanmar's Transformation: A Revolution With No Name?"** This question is crucial, but it goes without saying that two names have already been given in the articles' title: "revolution" and "transformation." We can, so far, clearly rule out the former term, as Myanmar is undergoing a potentially radical but managed change, which is happening from the top-down. But are we observing a transformation to democracy from above in Myanmar? Probably, these questions will be easier to answer after the potentially first free elections that will be held on November 8. Until now, it is still unclear how the incumbent party and the military might react to a victory of Aung San Suu Kyi's National League for Democracy (NDL). Before, this article shall give a quick overview of what has been changing since the sudden modification in governmental behavior in 2011.

A real election despite the old constitution?

Myanmar has been regarded as the **most persistent military regime in the world**. After decolonization from Great Britain, the military took over and stood in power facing comparatively little resistance, while the branding of the regime changed from direct to indirect military rule. After 2011, this changed decisively when the military handed power over to a civilian government. Elections (partly free) were held and completely free elections are scheduled to be held in November 2015, when the holder of the Nobel Peace Prize, Aung Sun Su Kyi, hopes for a possible victory. Her party decided to run, but according to the constitution which also guarantees a majority of seats to the military until this day, Su Kyi will not be eligible for a presidency. There is a clause that specifically withdraws this right for people with relatives from foreign countries (her sons hold a British passport). We currently see a situation in which democracy is at stake: A new constitution is still being

discussed, and it doesn't look like the decision-makers are hurrying to finish that process. Still, some major reforms have already been implemented. These include an increase in the freedom of press and migration; the establishment of a National Human Rights Commission; amnesties of several hundred political prisoners; and new labor laws that allow trade unions and strikes. In the following, I illustrate the recent changes from a state transformation perspective with respect to media and citizenship.

Media Reforms

Before the political liberalization, Myanmar had strict media regulations. It was forbidden to report about opposition activities in a favorable manner and Aung Sun Su Kyi's image was not to be printed on the cover page. These restrictions have now been relaxed. Furthermore, exiled media stations such as *Democratic Voice of Burma* **have been unblocked domestically**. In December 2012, the government announced that privately owned newspapers were to be allowed in Burma from April 2013 for the **first time in almost 50 years**. The press in Myanmar reacted quickly to these new realities. From the day of the reform, it has been covering the activities of the main opposition party – something that was unthinkable before the reform. The relaxation of censorship went along with the unblocking of international websites such as *Facebook*. Meanwhile, **Mark Farmener**, Director of the Burma Campaign UK, comments that “censorship laws have not been repealed, though how they have been applied has been changed.” In his opinion, there are some subjects that now can be addressed more easily, but others that remain banned. He suggests that the “[m]edia are still not allowed to criticize the government.”

After the new press law passed one month after this statement, though, the exiled news outlets in particular are full of critique of the government and they do not get blocked domestically. Nevertheless, criticism is not common in domestic news outlets, which is partly due to **self-censorship by the journalists**, who are insecure about what they are allowed to write. Additionally, there is still control or at least the threat of the government taking control, which makes the newly established papers cautious about their publicized opinion. Without being too optimistic, one could still argue that this is a normal sign of transition and that we can speak of a transformation towards freedom of press.

Citizenship

One of the biggest unresolved challenges for the reformist government of Myanmar is constituted by the country's diverse ethnic conflicts. So far, especially **concerning the Rohingya**, the task has been approached very reluctantly. I cannot give an account of these conflicts (**see here**) but will introduce one aspect that feeds into them, namely the Burmese citizenship law.

Myanmar's current citizenship law is kept as a positive list of 135 ethnic groups eligible for citizenship. Chapter II, Article 3, of the Citizenship Law states that only these groups and others that settled in Burma before 1823 are entitled to Burmese citizenship. A new citizenship law was introduced in 1948, when Myanmar became independent. Under Article 4 (II),

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[a]ny person descended from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and themselves were born in any of such territories shall be deemed to be a citizen of the Union.

This exclusive stance on citizenship is frequently used by the government, most prominently to deny Rohingya and Karen access to ID-cards, which makes them internally displaced persons. Few of the displaced Karen have official proof of land ownership. They traditionally farmed without legal land registration. This is also due to the ethnic conflict in Karen State, which prevented the formal government **registration of land ownership**. Many international organizations have protested against this practice. For instance, the **Asian Human Rights Commission** stated that the act allows for accusing people of being “politically dangerous to the state by virtue of their identities.” Despite international criticism, the Burmese government has not reacted to these accusations and therefore has not made any steps in the direction of transforming

towards open statehood in this respect, as citizenship is determined by ethnic background or blood. The government, furthermore, is not ready to share any responsibility with non-state actors and neglects calls for talks by national and international NGOs and the UN.

A Top-Down Transformation?

The two examples show mixed results with respect to liberalization efforts. In the case of the media, the government has shown some flexibility with regard to the provision of information. Concerning citizenship, the government does not share any responsibility with other players and refuses to change course in this topic, even in the face of thousands displaced and suffering from strong discrimination and even pogroms.

In other fields, however, it has given in to further change. For instance, Thein Sein's pledge to the international community to release political prisoners was kept – to the surprise of many national observers. Nevertheless, enthusiastic praise of an anticipated democratization might be yet be too early. As **Maung Zarni**, founder of the Free Burma Coalition, has highlighted, Thein Sein's reforms

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are largely geared towards creating a 'late developmental state' along the lines of Vietnam and China ... Sadly, the West and the rest alike are choosing to overlook the apparent pitfalls of Myanmar's reforms, ignoring the cries of the wretched of a new Myanmar.

The recent changes in this perspective might thus be empty mimicry. **Huang** argues that the current reforms were introduced as a strategy for the military to ensure its continued survival as the primary political actor in Myanmar. Recent **interventions** into high-level politics show that the military does not want to loosen its grip on power. As with other transition countries, however, it can be assumed that newly-gained access to information and the potential for greater citizen-participation will result in further ambition by the people. It is necessary to maintain a tight observation of the weeks to come. As Aung San Suu Kyi reminded the international community, this election will be **of tremendous importance** for Myanmar's future development. Will the military allow for a real change in government? International actors should watch closely at this significant moment.

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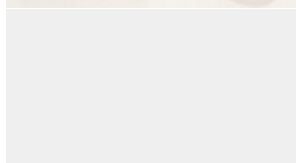
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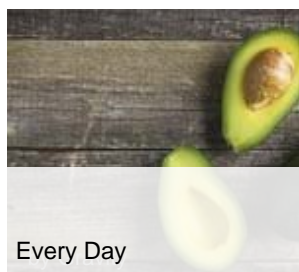
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