

STEPHEN McCARTHY

Myanmar in 2015

An Election Year

ABSTRACT

The general election dominated events in Myanmar, while the government pushed for a Nationwide Ceasefire Agreement before the polls. Attention was drawn to student protests and the plight of the Rohingya boat people. Major flooding caused havoc throughout the country and moderated expectations for economic growth. Throughout the year, the government and opposition parties dealt with internal management issues, voter and candidate lists, and partisan electoral politics.

KEYWORDS: Myanmar, constitution, Nationwide Ceasefire Agreement, floods, election

AS 2015 PROGRESSED, TWO RELATED EVENTS dominated domestic and international attention, namely the Myanmar government's ongoing peace process and the general election scheduled for November. Constitutional issues and internal government management were sorted out, before electoral politics got into full swing. Meanwhile, protests over reforms and electoral issues continued, while the plight of the Rohingya boat people drew international condemnation. Myanmar's worst flooding event since Cyclone Nargis in 2008 would test the government's response and dim the country's short-term economic forecasts. Despite sporadic fighting with some armed ethnic groups throughout the year, the government managed to conclude a Nationwide Ceasefire Agreement with many others. Buddhist nationalists continued to influence government reforms and smear opposition parties, while partisan politics intensified as the election drew near.

STEPHEN McCARTHY is a Senior Lecturer in Southeast Asian Politics at Griffith University in Brisbane, Australia.

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CONSTITUTIONAL POLITICS, PROTESTS, AND PURGES

The constitutional amendments that Daw Aung San Suu Kyi and the National League for Democracy (NLD) had pushed for in 2014 were quashed in June 2015 when the parliament voted against changing sections 59(f), 436(a), 436(b), 60(c), and 418(b) of the constitution. The combined votes of both chambers of parliament (through a secret ballot of 583 members attending out of a possible 633) fell short of the 75% needed to pass five out of the six provisions in the constitutional amendment bill. Among the provisions not amended, Article 59(f) disqualifies a candidate with a foreign spouse or children from contesting the presidency, effectively preventing Aung San Suu Kyi from assuming that role; Article 109 guarantees the military one-quarter of the seats in parliament; and Article 436 requires three-quarters of the parliament (including the 166 members of the military) to approve amendments to the constitution. The only amendment successfully passed was to section 59(d), which now requires a presidential candidate to be well acquainted with the political, administrative, economic, and “defense” (rather than “military”) affairs of the union. These events drew renewed criticism of the government’s, and the military’s, backsliding on democratic reforms.

However, under lower house Speaker U Shwe Mann’s influence, the ruling Union Solidarity and Development Party (USDP) had been repositioning itself in parliament with an eye on the outcome of the future election and the possibility of major gains by the NLD and ethnic parties. So long as the core interests of the military were preserved, USDP members might act as reformists and play a buffer role between the NLD and the military, and Shwe Mann could be put forward as an acceptable presidential candidate. In August 2015, the USDP party headquarters was surrounded by security forces and Shwe Mann was removed as joint USDP party chairman, along with USDP General Secretary Maung Maung Thein. Although Shwe Mann would be replaced by his deputy, U Htay Oo, he would remain a member of the party and speaker of the house until the end of the government’s term. Speculation over the reasons for his removal included a possible split between himself and President Thein Sein; that Thein Sein was considering a second term as president; and that the more conservative elements within the USDP and the military were concerned over perceptions of Shwe Mann’s closer working relationship with Suu Kyi. A statement released by the party

announced that the decision was made because he was “very busy” with his dual roles of parliamentary speaker and party chair and that he was removed in order that the party’s tasks might be executed more effectively. Shwe Mann had also been reluctant to support election candidates loyal to the president and had accepted only 57 out of the 140 recently retired military officers who had applied for USDP candidacy.¹

The results of the 2014 Population and Housing Census were released in May 2015, with an estimated 1.2 million heads remaining uncounted in Rakhine, Kachin, and Karen States. Conflict between the government and ethnic armed groups prevented enumerators from entering rebel-controlled areas in Kachin and Karen States, while in Rakhine State over 1 million Rohingya Muslims were not recognized as citizens. The estimated population was 51,486,253, with about half being under 27 years of age. Life expectancy at birth was 66.8 years, and around 90% of adults were literate nationwide, with less literacy in some states.²

Students and activists protested in early 2015 over the National Education Law passed in September 2014. Their demands for academic freedom included reversing the centralization of authority over universities, the prohibition of student unions, and the ban on teaching in ethnic-minority languages. The protesters began marching from Mandalay and provincial towns to Yangon in January—over 100 were dispersed outside the Yangon City Hall in March and eight were arrested. Another 200 protesters were dispersed when they attempted to push through a police blockade in the town of Letpadan, 90 miles north of Yangon. Following negotiations with the police, the protesters continued to overcome the blockade and were violently resisted, leading to the arrest and detention of over 100 protesters, including student leaders.³ State authorities also arrested a group of illegal Chinese loggers in January 2015 during a raid in Kachin State sanctioned by the Kachin Independence Army (KIA). Over 400 vehicles and 1,600 logs were seized by the military, the police, and the forestry department. In July 2015, a district court in Myitkyina sentenced 153 Chinese nationals to life

1. “Security Forces Enter USDP HQ at Pre-election Meet,” *Myanmar Times*, August 13, 2015; “Officers Resign to Contest Elections,” *Myanmar Times*, August 12, 2015.

2. Department of Population, Ministry of Immigration and Population, *The 2014 Myanmar Population and Housing Census*, Union Report, Census Report Volume 2, NayPyiTaw, May 2015.

3. BBC, “Myanmar Student Activists Charged over Protest Clashes,” March 25, 2015; Andrew Selth, “Second Thoughts on the Civil Unrest in Burma,” *Lowy Interpreter*, April 14, 2015.

imprisonment for illegal logging.⁴ Following appeals from the Chinese Foreign Ministry, the group were included in a presidential pardon of almost 7,000 prisoners granted by President Thein Sein later that month and were released.

CONFLICTS, REFUGEES, AND CEASEFIRE AGREEMENTS

Fighting broke out again in the Kokang border region of Shan State in February 2015. Led by the ethnic-Chinese commander, Peng Jiasheng, the (Shan) Myanmar National Democratic Alliance Army (MNDAA) clashed with government troops and was accused of recruiting ethnic Chinese and former People's Liberation Army officers. The People's Liberation Army responded to the renewed fighting and influx of ethnic-Chinese refugees by conducting large-scale military exercises near the China–Myanmar border in Yunnan Province. A Myanmar military plane mistakenly dropped a bomb in Yunnan, killing five Chinese nationals, while Chinese fighter jets chased away Myanmar planes flying close to the border. A group of 20 Chinese nationals who had crossed the border and planted a Chinese flag on Shan territory were turned back by 500 villagers.⁵ Renewed fighting was also reported to have taken place in March 2015 between the KIA (which is allied to the MNDAA) and government troops searching for rebels in Kachin State.

The exodus of Rohingya refugees continued in 2015, with almost 100,000 people taking to boats destined for Thailand, Malaysia, or Indonesia. The UNHCR noted that the quarterly estimates had doubled by early 2015 to 25,000 boat people, many of whom had become entrapped by people smugglers. The plight of the Rohingya boat people (and people smugglers preying on the Rohingya) received international attention in March and April 2015, including revelations of the discovery of mass graves in the Malaysian jungle. These events led to a Special Meeting on Irregular Migration in the Indian Ocean, held in Bangkok in May. Seventeen regional countries attended

4. Sneha Shankar, "China Protests Myanmar's Life Sentence to 153 Illegal Chinese Loggers," *IBTIMES*, July 23, 2015.

5. Radio Free Asia, "Myanmar Villagers Turn Back Chinese Nationals after Border Encroachment," April 3, 2015; "China asks Burma to 'Lower Temperature' on Border," *Irrawaddy*, March 5, 2015; Radio Free Asia, "Kokang Rebels Recruiting Chinese Nationals as Mercenaries in Yunnan," March 24, 2015.

(including Myanmar, Bangladesh, Thailand, Malaysia, and Indonesia), as well as several international organizations, including the International Organization for Migration and the UNHCR.

By August 2015 the parliament had passed the four controversial Race and Religion Protection bills, on Population Control, Interfaith Marriage, Monogamy, and Religious Conversion. These laws had been promoted by Buddhist nationalist movements, in particular the Organization for the Protection of Race and Religion (also known as Ma Ba Tha), which collected over 1 million signatures supporting its view of the laws as being necessary to protect Buddhism against a perceived Islamic threat. Ma Ba Tha held celebrations across the country following the signing into law of the last of the four bills, the Monogamy law, and warned against voting for those who did not support the legislation.⁶ The following month, nine embassies in Myanmar issued a statement of concern about the prospect of religion being used as a tool of division and conflict during the campaign season.⁷

The government continued its efforts to reach a peace agreement with the ethnic armed organizations (EAOs) to boost its legitimacy in the lead-up to the election. In March 2015, a draft Nationwide Ceasefire Agreement (NCA) was signed in Yangon after 17 months of negotiations and seven rounds of talks between EAOs and the government's leading negotiating body, the Union Peacemaking Working Committee. The parties agreed to a halt in recruitment by EAOs and the confirmation of their status and territory. However, major problem issues remained, including that the government would only consider an agreement with 15 of the EAOs. Moreover, all groups would need to adhere to the guiding principles, which included abiding by the country's existing laws, including the 2008 constitution that effectively places their forces under government control. Negotiations continued in Naypyidaw in September, when nine leaders of EAOs and three negotiators from the United Nationalities Federal Council met with President Thein Sein. The EAOs restated their request to include the MNDAA, the Ta'ang National Liberation Army (TNLA), and the Arakan Army (AA) in the NCA, whereas the government wished to place individual conditions on these

6. On September 18 a Muslim man was the first to be charged under the Monogamy Law after a complaint against him was filed by members of Ma Ba Tha. "Ma Ba Tha: NLD is the Party of Islamists," *Irrawaddy*, September 21, 2015; "First Monogamy Law Charge Hits Muslim Masonry Worker," *Myanmar Times*, September 18, 2015; *Burma Bulletin*, September 2015, p. 12.

7. "Nine Embassies Press for Tolerance in Myanmar," *The Nation*, September 15, 2015.

groups before their inclusion.⁸ The final version of the historic NCA was signed by 8 of the 15 eligible EAOs at a ceremony at the Myanmar National Convention Center in Naypyidaw on October 15 before 6 international and 20 domestic witnesses. The signatories included representatives from the Karen National Union, whose involvement marked the first such agreement between the Karen and the government since Burma's independence. Notable absences from the agreement included not only some of Myanmar's largest EAOs—including the United Wa State Army, the KIA, and the Shan State Army-North—but also the MNDAA, TNLA, and AA. The chairman of the Karen National Union, General Mutu Say Poe, noted that the signatories would encourage those ethnic armed groups abstaining for the moment from the signing to be a part of the peace process and that “the Tatmadaw [Burma Army] should not use force in bringing them into the process.”⁹ Despite the ongoing peace negotiations, sporadic fighting had continued in Kachin and Shan States in the second half of the year between the Tatmadaw and the TNLA, KIA, MNDAA, AA, and the Shan State Army-South.

FLOODS

The country suffered heavy monsoon rains, widespread flooding, and landslides in August 2015, following the development and passing of Cyclone Komen off the Arakan (Rakhine) coast in late July. The government declared Chin State, Rakhine State, Magwe Division, and Sagaing Division disaster areas. In contrast to the reaction of military authorities to Cyclone Nargis in 2008, Thein Sein appealed for international assistance and called for residents in low-lying areas along the Irrawaddy River and the delta region to move to safer ground. Many affected people again turned to local monasteries and community groups for assistance rather than rely on the limited government help. On August 20, the National Disaster Management Committee reported that over 1,615,000 people had been severely affected by floods and landslides, including 384,905 displaced households, and that over 972,000 acres of farmland had been damaged nationwide.¹⁰ The death toll from

8. “President Rejects KNU Pleas for Inclusive Deal,” *Myanmar Times*, August 4, 2015; *Burma Bulletin*, September 2015, p. 9.

9. “Long-Sought Ceasefire Signed in Naypyidaw,” *Irrawaddy*, October 15, 2015.

10. United Nations Office for the Coordination of Humanitarian Affairs, *Myanmar: Floods Emergency Situation Report No. 5*, August 21, 2015.

landslides and floods reached 121 by late August, and most of these occurred in Rakhine State (56), followed by Sagaing (23) and Mandalay Region (12), according to the Ministry of Social Welfare, Relief and Resettlement.¹¹

THE ECONOMY AND FOREIGN RELATIONS

According to the World Bank Group, Myanmar's economy grew at 8.5% in fiscal year 2014/15, although it was expected to moderate to 6.5% in 2015/16 due to the impact of the 2015 floods on agricultural output and associated supply problems. The inflation rate was around 10% by mid-2015 and was expected to rise to 11.3% in 2015/16 due to rising food prices and the depreciation of the kyat over the past year by nearly 12% caused by a rising US dollar. Meanwhile, Myanmar's current account deficit widened (from 5.6% of GDP in 2013/14 to 6.3% of GDP in 2014/15), mainly due to the rapidly growing amount of capital imports (machinery) related to FDI projects. Myanmar's trade deficit with China also widened due to capital imports exceeding the increased gas sales from Rakhine State to China. FDI commitments rose sharply, from US\$ 3.2 billion in 2013/14 to around US\$ 8 billion in 2014/15—mainly in the gas sector, following agreements on 20 production sharing contracts—but also in the telecommunication and manufacturing sectors. China remained the largest foreign investor in Myanmar; Chinese firms committed to 35 new FDI projects in 2014/15. Nine new banking licenses were issued in 2015, mainly to pan-Asian banks focusing on wholesale lending to foreign firms. In August 2015, after meeting with employers and labor representatives in Naypyidaw, the National Minimum Wage Committee set the daily minimum wage at 3,600 kyat (US\$ 2.80) for all sectors and industries (excluding small businesses, with less than 15 employees).¹²

Aung San Suu Kyi visited China in June 2015 at the invitation of the Chinese Communist Party (CCP). During her historic first visit to Beijing she met with President Xi Jinping and Prime Minister Li Keqiang. The five-day visit was a timely reassurance to Beijing that the CCP could work with a possible future NLD-led government in Myanmar, or at least a parliament strongly influenced by her party, after the 2015 election. On the CCP's part, it

11. "Search For New Homes: Land Survey Seeks Relocation Sites for Landslide-Hit Households," *Global New Light of Myanmar*, August 24, 2015.

12. World Bank Group, *Myanmar Economic Monitor*, Yangon, October 2015; "Minimum Wage Set at K3600," *Myanmar Times*, 19 August 2015.

was also recognition that Suu Kyi would likely play a major role in Myanmar's politics in the future. Her visit followed a similar visit, in April 2015, by the lower house speaker, Shwe Mann, at the invitation of the CCP.

THE ELECTION

In July 2015, two weeks after the parliament voted down the proposed constitutional amendments, the Union Electoral Commission (UEC) announced that the next general election would be held on November 8. In June the NLD had submitted an open letter to the UEC claiming that the official voter lists for townships in Yangon and Naypyidaw contained extensive inaccuracies, including duplication, erroneous inclusions, and omissions.¹³ Moreover, almost 400,000 Rohingya people, whose temporary ID cards had been collected by immigration officials for a new green card, were not included on the voter lists for Rakhine State.¹⁴ Campaigning under the slogan "Time for Change," the NLD's own draft candidate list drew criticism from its supporters because the party had rejected almost all applications from the "88 generation" activists, including the former protest leader Ko Ko Gyi.¹⁵ In August the UEC announced that election polling would not take place in townships controlled by the United Wa State Army and the MNDA in Shan State due to the hazards posed to immigration officials. The UEC also announced election campaign regulations, including limitations on the campaign period, on party rallies, and on criticizing the army or the constitution, and that the content of speeches broadcast on radio or television would have to be submitted to the Ministry of Information for approval.¹⁶ However, the UEC signed a memorandum of understanding with the EU to send a full election observation mission to the polls, and similar arrangements were entered into with the Carter Center, the International Republican Institute, and the Asian Network for Free Elections. In September the UEC rejected 124 potential candidates, one-third of whom were Muslims or Rohingya (including a sitting MP), although 11 candidates successfully

13. "NLD Says Many Errors on Initial Voter Lists," *Irrawaddy*, June 4, 2015.

14. "Former White-Card Holders Cut from Rakhine Voter Lists," *Myanmar Times*, June 24, 2015.

15. "Suu Kyi's Party Shuns Pro-democracy Activists from Running under its Banner in Myanmar Election," *Reuters*, August 2, 2015.

16. "Myanmar Bans Parties from Criticizing Army in State Media," *Reuters*, August 29, 2015; *Burma Bulletin*, August 2015, pp. 2–3.

appealed for their reinstatement following international criticism, including from the US Department of State.¹⁷ While the USDP had no candidates disqualified by the UEC, the NLD chose not to field any Muslim candidates, and the final voter lists were published. Once again, the voter lists were criticized for extensive errors and further omissions—including domestic migrants and temporary householders in Yangon, as well as entire townships totaling almost 100,000 people in Karen State, based on perceived “security concerns.”¹⁸

The election transpired on Sunday, November 8, without major incident. Polling took place in schools, monasteries, and public spaces across the country, under the scrutiny of international election observers who remained in country for several days to oversee the vote-counting. Although the polling booths were open throughout the day, many citizens were eager to vote and chose to do so early. Thus, by early evening it was becoming clearer to the large crowd of supporters gathered at NLD headquarters in Yangon that the party might be on its way to repeating the landslide victories of 1990 and 2012. The UEC slowly released the results over the next several days, and the final seats were not declared for 11 constituencies in northern Kachin State until November 20. Of the 1,150 seats contested for the national and state/regional legislatures, the NLD had won 887, or 77.1%. In the national parliament, this included 255 (77.9%) of the 327 elected seats in the Pyithu Hluttaw (lower house) and 135 (80.3%) of the 168 elected seats in the Amyotha Hluttaw (upper house). Their closest (but distant) rival was the USDP, which managed to win only 117 seats overall (10.2% of contested seats), including 30 and 12 seats in the lower and upper houses, respectively, mostly in Shan State.¹⁹ The comprehensive scale of the NLD’s victory meant that even seasoned campaigners from ethnic constituencies would be replaced by younger MPs with little experience when the government was scheduled to transition in February–March 2016. The supermajority for the NLD also ensured that the party could choose its own candidate for the next president. Over the

17. UN Secretary General Ban Ki-moon described the disqualification of Rohingya MPs from running and the disenfranchisement of the Rohingya as “egregious” (United Nations, “Secretary-General’s Remarks at the Meeting of the Partnership Group on Myanmar,” September 29, 2015).

18. BBC, “Aung San Suu Kyi’s Party Excludes Muslim Candidates,” September 8, 2015; “Muslim Parties Fear Exclusion from Election,” *Myanmar Times*, August 27, 2015; “Over 100,000 People Missing from Voter Lists in Kayin State,” *Myanmar Times*, September 28, 2015; *Burma Bulletin*, September 2015, pp. 2–3.

19. “Final Results Confirm Scale of NLD Election Victory,” *Myanmar Times*, November 23, 2015.

following weeks, Suu Kyi held numerous meetings with Speaker Shwe Mann, and eventually met with Thein Sein and Senior General Min Aung Hlaing to discuss the transition of government. Her own role in that government remained under intense speculation following her December visit to the house of retired Senior General Than Shwe in Naypyidaw, facilitated by his grandson. Although she had attracted much criticism for her previous remarks that she would be “above the president” in whatever government that transpires should the NLD win the election,²⁰ by year’s end she had reiterated her policy of “national reconciliation,” and Than Shwe had endorsed her as “the future leader of Myanmar.”²¹

20. Myint Zan, “Myanmar Election Outcome: A (Im)possible Scenario?” *Asian Currents*, November 8, 2015.

21. “Former Dictator Said to Accept Daw Suu as ‘Future Leader,’” *Myanmar Times*, December 7, 2015.