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## Burma/Myanmar's By-Elections: Will Personalities Trump Institutions?

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**Tin Maung Maung Than, Visiting Senior Research Fellow at the Institute of Southeast Asian Studies, explains that “At this point in time it may be best for Myanmar to let personalities trump institutions, but it is imperative to immediately launch a serious effort to build up viable institutions that will steadily diminish the need for strong personalities to lead the nation.”**

By-elections in electoral democracies usually elicit very little excitement beyond the affected constituencies. However, Burma/Myanmar's recent by-elections held most of Asia and the West in rapt attention, with droves of international observers, media representatives, and curious foreigners flocking to Myanmar on an unprecedented scale. As anticipated, Daw Aung San Suu Kyi and her party, the National League for Democracy (NLD), won 43 of the 44 seats that it contested, subsequently hailed as the “victory of the people.” The lead-up, campaigning, and the actual voting, along with the post-election euphoria, resembled a regime-changing national election rather than a series of by-elections that secured the NLD a very minor 6.4 percent of the overall seats in the parliamentary Union Assembly's Lower and Upper Houses. The current government of President U Thein Sein most likely regarded these by-elections as a means of legitimizing its mandate to govern and enhance its own reform credentials.

Veteran NLD leaders were pleasantly surprised in winning all the seats in the administrative capital, Naypyitaw, the bastion of the military-backed Union Solidarity and Development Party (USDP) that won lopsidedly in the 2010 general election that was boycotted by the NLD. Overall, in these by-elections, the USDP retained only one seat, where the NLD candidate had been disqualified before the polls. Most observers agreed that polling and voting were much freer and fairer than the tainted 2010 elections despite reports of irregularities directed against NLD candidates. Apparently, the single most decisive factor behind this result was the overwhelming popularity, charisma, and appeal of Aung San Suu Kyi. For some, this is reminiscent of U Nu's resounding victory in the 1960 general election when he swept the polls on account of his immense personal popularity.

### Government and Opposition

Now that the NLD has entered the Union Assembly it must quickly transform into “player” mode away from the “dissident critic” mode. In order to carry out its campaign pledges the NLD needs to strategize its moves carefully and develop tactics to progressively advance its main causes within the current political structural constraints. The NLD election manifesto repeatedly identified constitutional amendments as one of the three top priorities of the party; the other two are the rule of law and internal peace.

All three are difficult tasks given the unfavorable voting balance in parliament. Constitutional amendments require the support of twenty percent of the members in the Union Assembly—combined Lower and Upper House—to even table a bill, with a more than seventy-five percent majority vote to pass. Then more than fifty percent of eligible voters have to ratify the bill in a national referendum. This is quite a daunting task for any minority party.



Comments by Aung San Suu Kyi regarding “unelected representatives” as an example of an undemocratic component of the constitution have already rattled Tatmadaw (Myanmar Armed Forces) representatives who hold 25 percent of parliamentary seats. Even more unpalatable for the military would be attempts to amend the constitutional prerogative accorded to the military relating to the declaration of a national emergency which has been interpreted by critics as the right to stage a coup. Moreover, there is no evidence of any significant change in the six-decade old institutional culture enshrining the self-professed role of the military as not only guardians of the state but also “minders” of the body politic, and its skeptical view, bordering on contempt, of democracy oriented politicians and political parties. The concern is that any attempts to reform the military by elected politicians could be seen as an existential threat to its identity and institutional integrity.

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Adherence to the rule of law is a concept which nobody seems to object to, yet which remains controversial in terms of modalities and attributes. As envisioned by the NLD it requires “complete press freedom,” prompt removal of “oppressive” rules, passing of “laws protecting the people,” and ensuring the independence and integrity of the judiciary. In implementing the rule of law, together with ensuring that the “judicial pillar must always be above the executive pillar,” the NLD will not only face an uphill struggle in the Union Assembly, but also will have to contend with the entrenched interests of the judiciary and military.

Peacemaking, which is also universally welcomed, is another extremely complex problem, as it is burdened with historical baggage, identity issues, and conceptual differences. Since only the ruling government can address the grievances and fulfill the demands of the armed ethnic groups, the NLD’s role is likely to be that of a confidence- and bridge-builder than active negotiator. The NLD also needs to dispel the perception that it is ethnically Burman-dominated, and that it is downplaying other ethnic issues in favor of rapprochement with the ruling elite. Furthermore, the NLD’s apparent inclination to support a “genuine Federal Union” favored by the ethnic armed groups touches upon the sensitivities of the ruling elite and the Tatmadaw. At some point, the peace process will entail amending the constitution and the NLD and its allies will face the same structural constraints mentioned above.

### **Whither the NLD?**

The NLD is undoubtedly at a crossroads. Although its aims and objectives resonate with the president’s call for transparent and open government and the Lower House speaker’s attempts to highlight and enhance the role of the legislature, differences among them will emerge sooner rather than later as the NLD pushes its own political agenda. It appears that the way forward has increasingly become dependent on three prominent personalities in the political system in the form of President U Thein Sein, Lower House Speaker Thura U Shwe Mann, and *de facto* “opposition” leader Aung San Suu Kyi. All three will have to cleverly manage the rising expectations from home and abroad but the greatest onus will be on Aung San Suu Kyi. However, it remains to be seen whether she can successfully synergize the *triumvate* to work together towards a common goal in balancing the NLD’s aspirations with the practical aspects of governing Myanmar and providing a stable political environment for pursuing economic development. Clearly, trade-offs are inevitable.

The NLD must be cognizant of the fears and anxieties of those troubled most by the rapid changes and erosion of their long-held privileges and prerogatives. It is also important to engage constructively with the Tatmadaw without perturbing its hierarchical order and chain of command. At this point in time it may be best for Myanmar to let personalities trump institutions, but it is imperative to immediately launch a serious effort to build up viable institutions that will steadily diminish the need for strong personalities to lead the nation.

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