

1 April 2012 – A Much-noticed By-Election and its Manifold Contexts

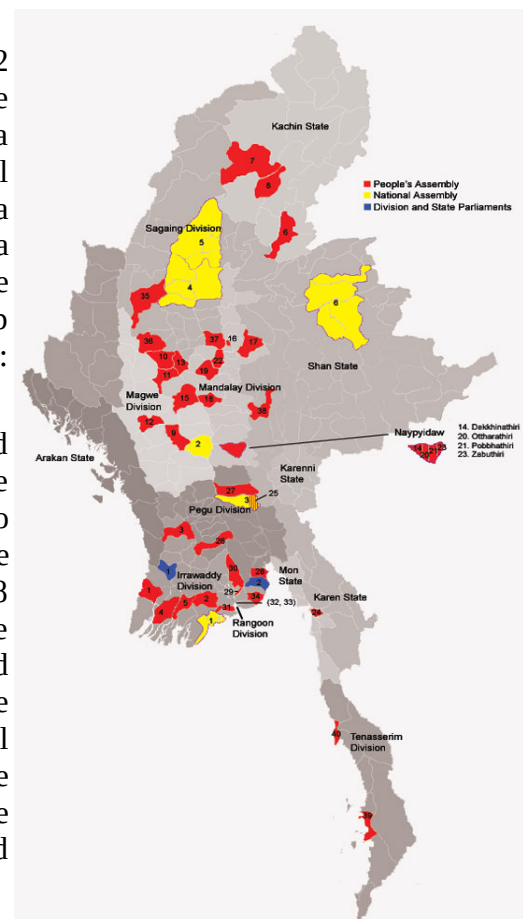
1 Introduction

This chapter deals with just one of the many by-elections held in Burma/Myanmar in the tradition of the British electoral model of filling vacated seats in parliaments. For a number of reasons, this one however was “an unprecedented contest in Myanmar’s election history”. (Tin Maung Maung Than 2013: 208). This can be attributed first and foremost to Aug San Suu Kyi’s direct participation as an electoral candidate and leader of a party opposing the military underpinned government for decades. The actual government was supported by an overwhelmingly large majority of supporters in the 16 parliaments of the country both elected in 2010 as members of the USDP that had been built up by the military since the 1990s and the 25% of soldier-politicians chosen by the head of the armed forces.. In The House of Representatives (*Pyitthu Hluttaw*) it could rely on the support of 369 of the 440 members, 259 of them elected and 110 appointed by Than Shwe, the ceded chief of the armed forces after his retirement from his two function as head of state and supreme commander of the Tatmadaw. As a consequence the two “fractions” supporting the government owed loyalty to different persons, the elected MPs to party chief and elected president Thein Sein, the appointed soldiers to Min Aung Hlaing who had been nominated by Than Shwe as the new chief of the armed forces in 29 March 2011.

Different from by-elections held in Burma until 1962 when according to the British model such elections were held in a single constituency that had been vacated for a variety of reasons.¹ In 2012, a number of the seats in all Burmese parliaments had to be filled. This was due to a novelty provided by the 2008 constitution. It prescribed a separation of office and mandate so that members of the cabinet and other offices as in the judiciary had to give up their seat won in the elections. (Tin Maung Maung Than: 205).

As a consequence, not just one seat had to be contested but a rather great number in different constituencies of the 16 parliaments provided by the constitution, the two Union parliaments (*Pyitthu* and *Amyotha Hluttaw*) and the 14 parliaments of the Regions and States. All in all, 48 seats had been vacated, most of them – 40 of 330 -) in the House of Representatives. In three constituencies located in Kachin State the Election Commission cancelled the voting due to security reasons caused by the ongoing civil war between the Tatmadaw and the Kachin Independence Army. Six – from 224 - seats had been filled in the House of Nationalities and just two - from 630 - in the States and Regions.

Against the more than 220 USDA parliamentarians plus the 110 appointed soldiers, the results of the by-elections could not result in any chance of the NLD to act as a numerically strong opposition in the legislature. However, compared to the 18 seats won by a Shan party and the 12



Constitutions in which by-elections were held; red. Pyitthu Hluttaw; yellow: Amyotha Hluttaw; blue: Region/ State Hluttaws. (Source: Martin 2012: 2)

¹For details see <https://www.parliament.uk/about/how/elections-and-voting/by-elections/> (accessed 21.4.2024).

of the NUP that replaced the BSPP in 1988 and had filed candidates countrywide, Aung San Suu Kyi's party could expect to become the second largest party in the *Pyithu Hluttaw* as well as in the Assembly of the Union (*Pyidaungsu Hluttaw*), the highest parliamentary body entitled to elect the President and his deputies. But in terms of numbers, the NLD would still resemble a David against the Goliath-sized strength of the ruling class of military supporters in the legislature.

In stark contrast to the low impact of the elections with regard to changes in the composition of parliaments, the announcement of the Union Election Commission on 30 December 2011 that the by-elections would be held on 1 April 2012² set the stage for an unprecedented contest in Myanmar's electoral history in terms of publicity and expectations. (Tin Maung Maung Than 2013: 206).

In retrospect, the by-elections of 2012 can be seen as the beginning of a hope that the long desired "transition to democracy" could be realised. Such optimism was however mixed with scepticism as the visit to Myanmar by British Prime Minister David Cameron two weeks after election day shows. Western sanctions could be suspended, he said, not lifted because: "We must respond with caution, with care. We must always be sceptical and questioning, because we want to know these changes are irreversible."²

The prominent but highly ambivalent nature of the by-elections justify that might have been a "historic compromise" some detained looks at the antecedents of the elections and what happened after the resounding victory of the NLD's candidate over their rivals. The focus will be on the question what kind of "compromise" might have happened in the participation of the electoral process under a constitution that had been labelled "undemocratic" before the general elections of 2020. The constitution provided for a "disciplined democracy" guarded by the military whereas the NLD impersonated by Aung San Suu Kyi regarded themselves and were widely seen as promoters of a "genuine democracy". The party however had not been given the chance to demonstrate how this genuineness could be put in political practice.

On this background, the following parts of this chapter will start with a review of the communication between representatives of the two competitors for political leadership after Aung San Suu Kyi had been put under house arrest in 1989 in order to obtain information about the participants' concepts of operation and reconciliation in the interest of the people of Myanmar. Previous chapters have shown the crucial relevance of personalities in the country's politics both with regard to the competition of societal organisations and the relations between leaders and the people of the country.

With regard to the institutional aspect of organising politics on the side of the military and the civilians, Aung San Suu Kyi was almost the only notable representative of "the people" despite her being cut off from the public form some fifteen years between July 1989 and November 2010.³ On the side of the military, a number of personalities acted as her counterparts after Ne Win's influence had faded away. For many years, the generals Khin Nyunt and Than Shwe acted as her counterparts in the military before the latter organised his own exit strategy by establishing a dual leadership with Thein Sein as the civil custodian of the military's interests and Min Aung Hlaing as the head of the armed forces including the soldiers acting in parliaments and the executive according to the

²[British PM David Cameron on landmark Myanmar visit | CNN](#) (accessed 15.11.2024).

³Other leaders of the NLD were a group of elderly men, some of the ex-soldiers who had fallen out with Ne Win earlier, the most prominent being Tin Oo (1927-2024) who had been Commander-in-Chief of the Tatmadaw until his forced retirement in 1976 followed by charges of high treason, a seven-years sentence. After his release in course of an amnesty in 1980, he studied law and co-founded the NLD in 1988. – Another prominent member was Lwin, (1924-2011), a former soldier and minister during the BSPP era who acted as spokesman for the NLD for many years.

provisions of the 2008 constitution. It has further to be noted, that all the political actors on both sides were predominantly ethnic Burmese.⁴

The following part will give an overview on the communication between the two sides highlighting different periods of confrontation and at least apparent cooperation. The ups and downs of the relationship particular between Aung San Suu Kyi and the military during the times when she was at least partly released from house arrest shed light on the different attitudes of the leaders toward the country's people and thus the electorate. (2). After this rather long section bridging the long time between the run-up to the elections of 1990, provide information about the run-up to the polls (3), some personal observations around and on election day (4) a short overview on the election results (5) and a final assessment (6).

2 Communication of Uneven Protagonists on Different Levels

The fact that Aung San Suu Kyi is the daughter of the founder of the today's Myanmar army and still the country's national hero whose legacy is celebrated each year in three national holidays – Union Day, Armed Forces Day, and Martyrs' Day,⁵ can hardly be overestimated when talking about the relations of herself, - and her party, the NLD – and the military. From her first great speech on 26 August 1988 on, she emphasised her "attachments" to the armed forces by referring to memories of her childhood (Aung San Suu Kyi 1995: 195). On the other hand, she had criticised Ne Win as a leader who had left the right path proclaimed by Aung San and called the present soldiers to decide whom to follow (**see above ...**).

On the other side, the Tatmadaw leadership could not but acknowledge Aung San Suu Kyi's very special prominence. She was treated more leniently than other party members. After the confrontation in connection with Martyrs' Day 1989, she was put under house arrest whereas others received prison sentences on different charges among them ex-chief of the military and NLD Chairman Tin Oo. He was sentenced to three years imprisonment in December 1989. The junta tried to isolate the ND's General Secretary from her followers and to damage her reputation by claiming that she was used by the West and denigrated Burmese-Buddhist culture in connection with the award of the Nobel Peace Prize (Zöllner 2012: 204-207).

On the other hand, both sides demonstrated their willingness to communicate in the interest of the country. As the following paragraphs will show, international involvement played a role and both sides took a different approach. The following section will deal with the events happening until the junta announced its roadmap and of August 2003 (2.1), the next one informing about the developments after the process of constitution drafting had come to an end and the decision of the NLD to take part in the by-elections of 2012 (2.2).

2.1 The Meetings in 1994 and 2002/3 and Their Contexts

a) 1994)

Aung San Suu Kyi often emphasised that she wanted to solve the problems of Burma by way of dialogue with the ruling military. She made that clear during a talk with some foreign mediators in February 1994.⁶ When one of her guest, US Congressman Richardson suggested that he would

⁴With regard to the Tatmadaw, no detailed information is about the ethnic composition of the appointed parliamentarians, but it is clear that attempts to increase the ethnic diversity of the army were not successful (<https://asia.nikkei.com/Opinion/Myanmar-s-military-an-identity-problem> ; accessed 16.11.2024).

⁵Union Day (12 February) remembers the signing of the Panglong Agreement in 1947, Armed Forces Day (earlier called "Resistance Day" (27 March) the beginning of the fight of the Burmese Army against the Japanese in 1945) and Martyrs' Day (19 July) the assassination of Aung San, members of his cabinet and bodyguards in 1947.

⁶US Congressman Bill Richardson was accompanied by an official of the local UN agency for development, a member of the US embassy, and a journalist from the *New York Times*. For the text of the conversation see https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs3/The_Need_for_Dialogue-ocr.pdf (accessed 17.11.2024).

recommend Khin Nyunt ,the Secretary 1 of the junta ,to talk with her because such a dialogue was “the key to democratic change” according to his thinking, she answered: that the talks had to be

between the SLORC and the NLD and between the SLORC and the democratic forces. I don't want to see a new personality cult develop. ⁷When we set up a democracy here, we need to base if on solid principles, not individual persons. In all of Asia we see this; we should try to change this. It tomorrow would not help if the SLORC won't take the really necessary actions. What they do to me personally is between them and me. This isn't simply between two people. What is needed at base is a spirit and will for reconciliation. I always said I wanted to talk to them. The only answer to Burma's problem is dialogue. I am ready any time, but they don't seem terribly keen. I don't know why.⁸

After she had been released from house arrest in July 1995, she started a series of “dialogues with the people” in which she answered questions of her followers (Zöllner 2018). She called these events a “process of self-teaching, where I too can learn. I think the people ought to share their knowledge with me. “(ibid: 110) In another speech, she encouraged her followers to start dialogues with the local authorities (ibid: 127).

Her first chance to talk to Khin Nyunt and his superior, junta chief Than Shwe most likely happened on 20 September 1994 at a military guest house in Yangon ten months before her first house arrest ended The meeting had been arranged by another interlocutor, the Buddhist monk Revata Dhamma who lived in England and had talked to both sides before during a visit to his home country (Zöllner 2012: 188-189).



Source: Irrawaddy

Two pictures were shown on state television the next day informing the public that she was smiling and seemed to be well. On the next day, the photos were published in the state newspapers as well. Nothing was told about the contents of the talks. It was just reported that “it was learned that it was a cordial meeting”.⁹ It was reported later that Aung San Suu Kyi had agreed to meet the generals on the condition that She agreed, on condition that “the topic of the discussion would be other than asking her to leave the country.”¹⁰

Khin Nyunt had expressed the willingness of the military leadership in July “to accept an invitation” to meet Aug San Suu Kyi after he had barred out such a meeting in March calling her attitude “negative and counterproductive.”¹¹ With regard to the “invitation”, he probably referred to Bill Richardson’s visit. He was quoted to have said: “We are willing to work hand in hand with

⁷The apogists of the military junta criticed “personality cult” as well as “undemocratic” referring to a famous Buddhist text, the Kalama Sutta, It was argued that the attack on Aung San Suu Kyi’s convoy on 30 May 2003 was caused by a misunderstanding of democracy. (Anonymous 2003: 120-123).

⁸The Online Burma Library offers two versions of the conversation, one is a “transcript of the interview” (<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/reg.burma/archives/199405/msg00060.html>), the other the text published in the second edition of the book published in connection with the award of the Peace Nobel Prize (https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs3/The_Need_for_Dialogue-ocr.pdf; accessed 17.11.2024). The quote is taken from the “transcript”.

⁹Burma Press Summure September 1984 (<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs3/BPS94-09.pdf>; accessed 14.4.2024).

¹⁰She agreed, on condition that the topic of the discussion would be other than asking her to leave the country. (Accessed 17.11.2024)

¹¹<https://www.nytimes.com/1994/03/07/world/burmese-general-bars-talks-soon-with-arrested-democracy-leader.html>; accessed 17.11.2024)

politicians who have opposed us in the past."About the relationship to Aung San Suu Kyi, he was reported to have said: "Daw Aung San Suu Kyi is not an enemy. In fact she is the daughter of one of our generals. [sic!]She is younger than me, and I think of her like a younger sister."¹²

Five weeks later, a meeting between Khin Nyunt, accompanied by two other generals, and Aung San Suu Kyi took place that lasted three hours. The discussions were "frank and cordial", the state newspaper reported and "covered the current political and economic situation" in view of the junta's long term plans for the implementation and steps that should be taken with a view to the long-term welfare of the nation."¹³

Asked shortly after her release in July 1995 about her impression of General Than Shwe and Khin Nyunt, she replied rather ambiguously: "I thought that Gen Than Shwe was very mature very honest and straightforward. And Gen Khin Nyunt I found rather charming. But that was Burmese way of charming."And: She could work with them, because she could work with everybody."¹⁴

The meeting in 1994 can be seen as a gesture of the military leaders towards the people and Aung San Suu Kyi that they respected the daughter of the Tatmadaw's father in their own way. What had happened, was by no means a "dialogue" as envisaged by Aung San Suu Kyi in which she acted as the voice of the people. In her discussion with the US politician, she had stressed the need for unity among the people and that the result of the 1990 elections had shown that this unity existed. The spokesman of the junta stressed in a talk with Yokjo Yokata, the United Nations's Special Rapporteur Human Rights for Myanmar end of 1994 that Aung San Suu Kyi had been "manipulated" by communists in 1988 due to her long absence from the country and that had not been able to stop the unrest in 1988. It was not yet time to meet her, he argued and stressed:

Since the Government was meeting her and holding discussions with her, it did not want any interference in that dialogue, which was being conducted in a "good manner" and based on a "mutual understanding!". He hoped that the Special Rapporteur understood the special circumstances and all the security, political and administrative concerns that such a decision involved. (United Nations 1995: 9)

Obviously, the military government had a very different concept of "dialogue" than Aung San Suu Kyi. Whereas she regarded herself as the representative of the people, the government viewed at her as a "little sister" that had to be guarded against the influence of trouble makers. In view of elections, The leader of the NLD regarded the election victory of 1990 as a conformation that the majority of the people agreed with her political concept. This concept however included the idea that she needed "the people" to continue the process of "self-learning" in which she regarded herself as being just an elder sister in a community of equals standing up against an unjust government.

Aung San Suu Kyi however realised as well that the landslide victory of the NLD might cause a problem. In one of her dialogues" with people held over the gate of her house, she gave this comment on the result

The NLD won more than 400 seats. This means that other parties are extremely weak. It's not good that only the NLD is strong. We need to empower the opposition. We need to encourage opposition parties. If the NLD is growing too strong, we have to take time and efforts to encourage other parties. (applause) If the NLD is too strong, the NLD members can get complacent and less diligent. In a democracy all political parties have to be strong. Now we have relations with other parties. We

¹²;accessed 17.11.20<https://www.nytimes.com/1994/07/12/world/burmese-junta-leader-agrees-to-meet-imprisoned-dissident.html>(24)

¹³Burma Press Summary October 1994 (<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs3/BPS94-10.pdf>; accessed 14.4.2024).

¹⁴<https://www.burmalibrary.org/reg.burma/archives/199507/msg00265.html> (accessed 18.4.2024).5

would like to be on good terms with them, as we want them to have popular support too. (Zöllner 2015: 50)

She did not elaborate on the options to “empower an opposition”.

b) 2001-2003

Almost ten years later, in July 2003, some more undated pictures of meetings between Aung San Suu Kyi and the generals were published in the state media after another attempt of the military to come to an accommodation with the “younger sister” had failed (**see above p.**).

Again, the endeavour had been initiated through a go-between, the Malaysian diplomat Razali Ismail. He had been appointed in April 2000 to serve as the United Nation’s special envoy to Myanmar by Kofi Annan, the General Secretary Razali’s efforts resulted in a number of measures of the junta easing the pressure on the opposition starting with an end to the public campaigns against Aung San Suu Kyi and included the release of political prisoners (Zöllner 2012: 361-371). It was further reported that secret talks had taken place between Aung San Suu Kyi and the generals.¹⁵

Aung San Suu Kyi was finally “unconditionally” released in May 2002 and started to travel the country to reopen branches of the NLD according to an agreement between the two sides, the precise content of which was never made public. The tour turned out to be triumphant. At all places visited, Aung San Suu Kyi was welcomed by masses of people. The last travel to northern Myanmar came to an end with an attack on her convoy on 30 May 2003 by government supporters. (Zöllner 2012: 421-447). These events clearly demonstrated that the military authorities and Aung San Suu Kyi and her followers had a complete different understanding of the “agreement” concluded. Each side regarded its own position as superior. A dynamic was set into motion that made could not be compromised.

Some months later, Aung San Suu Kyi had been put under house arrest again, the government started a public campaign and told its version of how to come to terms with Aung San Suu Kyi and why the attempt failed. The long story was published in the *New Light of Myanmar* in a series of twelve articles allegedly written by a young member of the NLD who had accompanied the party leader on her journey and obviously based on the information gathered by the ruling authorities.¹⁶

The main message of the articles is to show how the NLD leader and the mostly young party members accompanying her and party chairman Tin Oo misused the opportunities provided by the government to install signboards at a number of NLD offices around the country by sowing disunity and creating public disorder in contrast to the junta’s intention to opening the way for “good relations” between the authorities and the NLD. This intention is illustrated by a number of pictures from meetings between the two sides happening in 1994 and at the beginning of the thaw after Razali Ismail had started his diplomatic mission. One of the undated pictures show Aung San Suu Kyi standing between Than Shwe and Khin Nyunt at an event that was called a “family dinner” by the publishers of the articles.¹⁷



¹⁵The Guardian 11 January 2001: 21.

¹⁶The New Light of Myanmar 5 to 23 July 2003. – The articles were entitled “Daw Suu Kyi, NLD Party and our Ray of Hope” and was published as a booklet together with some other articles as a booklet in September 2003 (Anonymous 2003)..

¹⁷The date of the meeting is unclear. The Hawaii Tribune-Herald 31.1.2002: 7 informs about a meeting happening on 22 January 2002 referring to the information from a western diplomat. The information came from a western diplomat.

Other pictures illustrating the articles show her visiting development projects of the government like the Paunglaung Dam Hydro-Power Project near Pyinmana (central Burma, close to the later capital Naypyidaw) on 29 June 2002 on the way back to Yangon after having made her first “political trip” to the last royal capital Mandalay.¹⁸ As the picture show, she was treated as a guest of honour who was invited to be informed about the infrastructure projects performed by the government.



Daw Aung San Suu Kyi being briefed on progress in construction of Paunglaung Dam project on 29/06/2002.

Source: Irrawaddy

As in the previous occasions of meetings with the generals, this visits and others she was invited to attend was a one-sided affair. She and her party had not asked for it. One can call it a “one-sided dialogue”. The government hoped that “her attitude would surely become more flexible to lean towards cooperation with the government.” The military government looked for a change of Aung San Suu Kyi’s mind towards an appreciation of what it had be done in terms of developing the country and would be willing to cooperate. The observations of the virtual NLD member

however indicate that such an expectation was futile. “Sadly, things did not turn out as expected” he is resorted to have notices had describes her attitude shown at a visit of a water pumping project near Pyay thus: “I looked across at her [...], but there she was with folded arms and wearing a pair of dark sunglasses. Oblivious of such thoughts [of appreciation]”¹⁹

The junta leaders’ concept of approaching Aung San Suu Kyi was based on a hierarchical concept of society. At the “family dinner” Than Shwe acted the head of family. Regardless of any difference of age, she was the “younger sister”. It could be expected that she would behave accordingly in the traditional Burmese context. On this background, the government press had defamed Aung San Suu Kyi as being “un-Burmese”. It was further argued that only a country with a good infrastructure as the basis of the economy could be

At the beginning of the travels following her release in 2002, the government invited her to cooperate in the government’s endeavours to improve the country’s infrastructure. She accepted the invitation, but did not appreciate the projects as expected by the junta leaders. She had explained her attitude to the government shortly after having been released from house arrest in 1995 with the statement: “I consider the people far more important than the government” and doubted that the economic measures taken would benefit the majority of the people.²⁰ As a consequence, she did not accept the offer of the junta to cooperate in the efforts to modernise the country

A Burmese editor of a newspaper criticising the military government reported another assessment of her meetings with General Than Shwe: “She told her close associates and UN envoys that she found it difficult to talk to the junta supremo. “After 15 minutes, we [she and Than Shwe] have nothing left to talk about”.²¹

¹⁸Her first trip after the release had been a visit to the monastery of the Buddhist monk Thamanya in Kayin State who was supposed to express an anti-military attitude (Zöllner /Ebbighausen 2018: 150-158)..

¹⁹New Light of Myanmar 6.7.2003: 8.

²⁰ (accessed 18.4.2024). A personal observation of the author shows that this attitude was shared by her supporters. When passing over a newly built bridge I asked a Burmese friend whom I accompanied, if she appreciated that the travel time had been shortened by some hours. “No” she said, “They did it with our money without our consent.”

²¹https://www2.irrawaddy.com/opinion_story.php?art_id=5890 (accessed 18.4.2024).

With regard to the “family metaphor”, Aung San Suu Kyi used it herself. From her first speech at the Shwedagon Pagoda in August 1988 on she appreciated her relationship with “the people” who returned this affection. One can say that serving the people through implementing “genuine democracy” was her top priority. In 1995, she elaborated her relation to “the people” this way:

I always feels very at home with the people. When I meet them, they were just like meeting friends and family. They were very informal. And what make me very happy is the fact that they are not afraid of me. They treat me very much as a friend, as family, as elder sister, their younger or aunt or their daughter. [...] I like the fact that they are not afraid to talk to me. And they are not afraid to disagree with me. But when I am reasoning to them, then, they accepted it. Thus I feels very proud of my people when I meet them like that.²²



SourceIrrawaddy17.11.2010 1

Quite obviously, the people felt “at home” with Aung San Suu Kyi as well as expressed in calling her “Mother Suu” after she had been released after the elections of 2010. It however doubtful if her “family” understood her of mutual dialogues with the people that was based on individual strength or “political spirituality”. She had outlined this concept in her essay “Freedom of Fear” in 1990 that was highly appreciated by her western supporters. s (see above). It is however doubtful whether her appeal to the people as demonstrated in the result of the 1990 elections was based on such an attitude.

2.2. Antecedents of the Decision to Participate in the By-elections

The next attempts of the military government to come to an understanding with Aung San Suu Kyi happened in late 2007 after the so called Saffron Revolution of September 2007 had made international headlines and shown like in 2011 hat mainly younger monks took the lead in asking for political change by demonstrating against the military government (Zöllner 2009). The National

Convention had finished its work of drafting a new constitution according to the seven-step-roadmap to a “disciplined democracy” in 2003.

The National Convention had finished its work on 3 September, on 18 October a committee had been appointed to draft the final text of the constitution that was later adopted through a referendum in May 2008 as a precondition to hold “free and fair elections”. On 10 November 2007, at a time when Aung San Suu Kyi was still under house arrest, a picture on page 1 of the state newspaper showed Aung San Suu Kyi shaking hands with a man in civil dress. The attached text explained:

While putting energy in the democratization process, the government has been making efforts for the national reconsolidation. As part of efforts for transition to democracy by implementing the seven-step Road Map and assuring peace and stability and bringing about development of the country in unity and cooperation, Minister for Labour U Aung Kyi was was assigned duties as Minister for Relations and he met Daw Aung San Suu Kyi at Seinle Kantha Guest House here from 1 pm t1.25 pm and from 2.35 pm to 3.30 pm today. Daw Aung San Suu Kyi held discussion with Chairman of the National League for



Minister for Relations U Aung Kyi meets Daw Aung San Suu Kyi at Seinle Kantha Guest House, Yangon.—MNA

²²<https://www.burmalibrary.org/reg.burma/archives/199507/msg00265.html> (accessed 18-4-2024).

Democracy U Aung Shwe, Secretary U Lwin, Central Executive Committee member of NLD U Nyunt Wai and Spokesperson of NLD U Nyan Win from 1.30 pm to 2.30 pm today.

This meeting reported here was the third between the two. The first had happened on 25 October of that year. The appointment of Aung Kyi as “Relation Minister” had happened on 8 October. Again, the United Nations played a role in the government’s initiative. In 2006, the Nigerian diplomat Ibrahim Gambari had replaced Razali Ismael as special envoy for Myanmar. He visited the country from May 2006 on regularly and met with members of the cabinet among them the new prime minister Thein Sein who had taken over the post in October 2007. Furthermore, the new UN General Secretary Ban Ki-Moon from South Korea took a special interest in Myanmar.

Aung Kyi the government’s envoy, was a newcomer on the political stage. He had been a military officer for a short time before being appointed deputy labour minister end of 2006 to take charge of relations with the International Labour Organisation (ILO). He became head of the ministry on 24 October 2014, on the same day on which Thein Sein took over the post of prime minister after Soe Win had died on 12 October. On the international stage, the Korean diplomat and South Korean foreign minister Ban Ki-moon had taken his post as UN General Secretary on 1 January 2007 and shortly later started a new initiative to end the political impasse in Myanmar. On 8 November, Aung San Suu Kyi responded to the national and international initiatives by sending a letter to the government commenting her meeting with Aung Kyi this way:

I welcome the appointment on 8 October of Minister Aung Kyi as Minister for Relations. Our first meeting on 25 October was constructive and I look forward to further regular discussions. I expect that this phase of preliminary consultations will conclude soon so that a meaningful and timebound dialogue with the SPDC leadership can start as early as possible. In the interest of the nation, I stand ready to cooperate with the Government in order to make this process of dialogue a success and welcome the necessary good offices role of the United Nations to help facilitate our efforts in this regard²³

Aung Kyi, the government’s man to care for the relations with opposition, was a newcomer on the political stage. He had been a military officer for a short time before being appointed deputy labour minister end of 2006 to take charge of relations with the International Labour Organisation (ILO). took over the post of prime minister after his predecessor had died shortly before.

In early November, Gambari had talked to al relevant members of the government except jto unta chief Thein Sein and to Aung San Suu Kyi Aung San Suu Kyi as well. , According to a UN statement, published end of November 2007, Gambari’s recent “mission to the country showed that the Government could be responsive to the concerns of the international community.”²⁴

All this positive signs of initiating a new dialogue between the contenders in Myanmar were interrupted by the catastrophe of Cyclone Nargis in May 2008 happening at the same time as step four of the roadmap, the adoption of the new constitution by way of a referendum, took place. Ban Ki-Moon paid a surprise visit to Naypyidaw but concentrated on relief issues. Another interruption of the issue of a rapprochement of the two sides happened due to a rather bizarre incident happening in early May 2009 when an American citizen entered Aung San Suu Kyi’s compound after having swum to the place from a neighbouring compound and was allowed to stay for one night, This action was regarde3d as trespassing the conditions of her house arrest. She was subsequently charged and sentenced to a prison term of 18 months to be served under house arrest (Zöllner Ebbighausen 2018: 200-202).

²³https://euroburmaoffice.s3.amazonaws.com/filer_public/1b/d8/1bd8587b-a794-450f-aec2-2d12a6507779/eboasskanalysis.pdf (accessed 29.4.2024).

²⁴<https://press.un.org/en/2007/sc9168.doc.htm> (accessed 19.11.2024).

However, the meetings between Aung Kyi and Aung San Suu Kyi continued over the following years,²⁵ No details were made public but a letter to Than Shwe written by her on 25 September 2009 indicates that she was offering help in easing Western sanctions.²⁶ As a pre-condition, she asked to get “a) in-depth knowledge of all the sanctions imposed on Burma, b) to come to full grip with the extent of consequences suffered by Burma as a result of sanctions, c) to firstly exert efforts to know the attitude and opinions of foreign governments, which have imposed sanctions on Burma.” She further wanted to talk with the envoys of western countries and members of her party to discuss this matter. Before, the Obama administration taking office in January of that year had proclaimed a more flexible policy termed “pragmatic engagement” towards a number of “rogue countries” in Asia and Africa than the previous Bush administration (Steinberg 2015: 436-437)..

After steps five and six of the roadmap – holding of elections and convene parliament – had been performed, the last step had to be tackled. The leaders, government and authoritative bodies elected by the Hluttaw had to “continue with the task of constructing a new democratic state”. In his inaugural speech, President Thein Sein announced a reform agenda that stunned foreign observers. The analysis of the speech published by an agency analysing the country’s policies and the 1990s wrote at the end of an analysis of the speech:

What is clear is that in spite of the protestations of some Burmese democrats and their international supporters that nothing has changed fundamentally, change has come to Burma.²⁷

In general, sceptics viewed the new man on the top was widely regarded as the “regime’s pretty face” whose job was “to make continued military rule in Burma acceptable to the international community.”²⁸ In his first speech as president, he made a number of promises that sounded like being copied from a textbook of how a democratic country should be ruled – including the statement that the media must be regarded as the “fourth pillar” of democracy.²⁹ When the decade-long harsh pre-censorship of media were lifted on 20 August 2011, the assessment changed at least a bit.

Change was illustrated by another picture published in the state media on the same day of the lifting of censorship. It showed the president and Aung San Suu Kyi in the president’s office under a picture of her father. This time, the photo did not appear on the title page but on page 9 at the end of a lengthy report about a religious ceremony in Naypyidaw in which Thein Sein and his wife had participated in the morning of that day. The short note on the meeting informed – in bold letters: “President U Thein Sein, Daw Aung San Suu Kyi vow to cooperate for national interest.” A short official information published by the country’s news agency followed.

Aung San Suu Kyi did not comment on the meeting. One of Aung San Suu Kyi’s aides told the BBC about the meeting shortly after it had ended:



New Light of Myanmar 20 August 2011

²⁵9 and 19 Nov 2007; 11 and 30 January 2008; 3, 7 October and 9 December 2009. and 15 January 2010 (ALTSEAN Burma)

²⁶*The Independent* 30.9.2009: 18.

²⁷ (accessed 1https://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/601_ebopaper2_/601_ebopaper2_en.pdf 9.11.2024).

²⁸https://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/601_ebopaper2_/601_ebopaper2_en.pdf (accessed 23.4.2024).

²⁹For the text of the speech see New Light of Myanmar 1 April 2011.

In my view, it was a good meeting. Later she met the director-general of the president's office and the president's wife. It was like meeting old friends. It was a warm and cordial meeting.³⁰

Such pleasant wording does not inform about any political implications of the coming together and if it might be possible to find “common ground”. Nevertheless, the International Crisis group one month after the meeting headlined an update briefing “Myanmar: Major Reform Underway”. With regard to the encounter with the president, the paper noticed:

Aung San Suu Kyi has said that “from my point of view, I think the president wants to achieve real positive change”. A leading member of a democratic party described “a dramatic change in the political course of this country”. Some exiles and outside observers have dismissed the changes as “window dressing”, pointing out that the government and Aung San Suu Kyi have had talks in the past which came to nothing. (ICG 2011: 2).

One can conclude that the “charm offensive” of President Thein Sein with regard to cooperating with the daughter of the “nation’s father” had already commenced when he took over his post as prime minister in 2007 in course of the further implementation of the 7-step roadmap. One can further argue that Aung Kyi was appointed due to his experiences in dealing with foreign officials and agencies like the ILO and his skills as a communicator.

On the other hand, Aung San Suu Kyi continued her policy to work for the interest of the people using the NLD as organisation to uphold the unity of her followers necessary to successfully carry out negotiations with the military government that had partly changed clothes. This way, two very uneven societal pyramids started a new phase of cooperation.

On one side stood the military under the control of the military’s chief commanders Than Shwe until March 2011 and Min Aung Hlaing thereafter. On the other side was Aung San Suu Kyi who as “Mother Suu” was seen as the undisputed leader of the people on top of the NLD that fully depended on her popularity. In terms of organisation, both pyramids were top-down structured, the big difference lay in the quality of the relationship between the persons at the pinnacle and the bottom. The military was had been built up over the years according to the principle of order and command and had developed to become a state within the state that was respected and feared by the civilian population. Aung San Suu Kyi was respected as well by the members of her League as the top leader but “loved” by the people.

As a consequence, the concepts of democracy pursued by both sides still differed. The military’ concept was based on the belief that the country’s unity had to be guarded against forces that put their ideological, ethnic or factional interests first. To achieve this aim, discipline had to be necessary and had to be enforced, if necessary. Aung San Suu Kyi stressed discipline and unity as well but in a very different way emphasising the moral and spiritual quality of both virtues. In one of her speeches over the gate of her house in early 1996 she said:

Unity doesn’t mean unity in misdeed or negative unity. We cannot build unity on corruption by saying ‘Let’s get united. You don’t squeal on me. I don’t squeal on you.’ Unity has to be sought on truth. We will succeed when we are united on our sense of responsibility and sacrifice. (Zöllner 2014: 121).

In this sense, the linked unity to dialogue. In another speech she had said:

Our League is bold enough to ask for a dialogue. We are united. Besides, people are standing firm behind us. We are ready for any dialogue as long as there is unity among ourselves, the people behind us and the truth on our side. (Zöllner 2014: 127)

Thein Sein and Aung San Suu Kyi, the two people standing below the picture of the founding father of the modern Burmese army and the state, represented very uneven traditions of unity and decision

³⁰<https://www.bbc.com/news/world-asia-pacific-14585995> (accessed 15.4.2024).

making both rooted in Burmese traditions. The “authoritarian values” guiding the actions of the Tatmadaw leaders can be traced back to the times of royal rule (Maung Maung Gyi 1988) whereas Aung San Suu Kyi might have been influenced by the writings of the Burmese scholar and minister Hpo Hlaing (1830-1883) who in 1887 wrote a treatise for King Thibaw on the art of governing the country in which he included western concepts. He advocated a rule by way of consensus:

We can see that where there are meetings are held without rancorous disagreement, there is no pervading *fear* but peaceful well-being. Where there is an agreement, things go smoothly.³¹

Aung San Suu Kyi’s promotion of “Freedom of Fear” might thus took up the ideas of the reformist political writer who tried to combine the teachings of the Buddha with his analysis of western political practice.

After the elections had resulted in a convincing victory of the NLD candidates including Aung San Suu Kyi, and the winners were about to take their seats in parliament, UN General Secretary Ban Ki-moon who had been engaged in bringing about an understanding between the opposing camps flew to Naypyidaw to give a speech before the Union Assembly. He recalled his two previous visits and stated: “Today, I return to a new Myanmar, a Myanmar that is making history.” He further stated: “We know that Myanmar can meet the challenges of reconciliation, democracy and development.” In his long speech, he called for advancing “democratic transition” and emphasised that the parliament as being at the very centre of performing this talk.³²

3 The Run-Up to the By-elections

Just one month after the meeting between President Thein Sein and Aung San Suu Kyi, the NLD announced that it considered registering the party again. Changes in the Party Registration Law were made on the suggestion of the Union Election Commission and adopted by parliament on 23 October. The first changed the wording of the regulation that all parties had to “safeguard” the 2008 constitution. The new wording was to “respect and abide by” it. Different from the oath to be sworn as a member of parliament, the law could be easily changed by the legislature. Furthermore, the clause that convicted persons were prohibited from joining a political party was removed. This however did not apply to Aung San Suu Kyi because this clause referred just to people still in jail. (Zöllner/Ebbighausen 2018: 211-212). These rather cosmetic changes helped the NLD and her leader to make an almost complete U-turn with regard to participating in the by-elections in a face-saving way.

Finally, on December 23, 2011, Aung San Suu Kyi together with party leader Tin Oo travelled to Naypyidaw to register the party with the Election Commission. Already before, end of late November, US foreign minister Hillary Clinton visited Myanmar after Aung San Suu Kyi had given the green light in a phone conversation with President Barack Obama. The US foreign minister first visited Naypyidaw and met President Thein Sein, but the focus of the international media were on her meeting with Aung San Suu Kyi thereafter



³¹Quoted after Mon Mon Myat 2023: 92. The author is indebted to the not yet published Ph.D dissertation of Mon Mon Myat on “The Philosophical Foundation of Aung San Suu Kyi’s Political Thought”.

³²-of-the-union-of-myanmar (accessed 22.4.2024).

at her residence in Yangon. The visit confirmed the hope that “there will be no turning back from the road to democracy” as the host of the meeting was quoted.³³

In January 2012, a party spokesman confirmed that the party leader would contest the seat in Kawhmu township situated in the western part of Yangon Region bordering the Ayeyarwadi Region in the forthcoming by-elections. The seat had become vacant because the USDP candidate winning the seat in 2010 had taken over a ministerial post.



People at a NLD rally in Yangon (Source: Boston Globe 31.3.2023)

The move was however not welcomed by all of her followers. "Some members of the party are concerned that my dignity will be affected if I run for the election," she was quoted to have told her colleagues, but: "If one is engaged in politics, one has to do what is necessary. If I feel I should take part in elections, I will run."³⁴

As mentioned above, the by-elections had only a small numerical impact on the composition of the 16 Myanmar parliaments. The participation of Aung San Suu Kyi and the NLD however were seen as a litmus test for the government's seriousness to implement reforms. "This is an important moment for Burma," a US spokesperson said. "These by-elections, if seen as free and fair, will demonstrate the government's commitment for democratization."³⁵ Furthermore, an election victory of Aung San Suu Kyi was seen as "highly symbolic" as a newspaper worded it and quoted a Myanmar supporter: "She is a person who can make my dreams come true. She can make this country good, She can give me a good life."³⁶

In accordance with such a hope, large crowds attended her campaign speeches that took her to many of the polling places around the country to support the NLD candidates. Her sober speeches about the "tough and rough road towards democracy" were answered with cries of "Mother Suu, we love you".³⁷ As a result of her campaigning efforts, she fell ill during a tour to the southern town of Myeik one week before the elections and had to cancel further rallies.

She recovered quickly after her return to Yangon and gave a press conference one day before election day in the garden of her residence attended by more than hundred local and foreign journalists. There, she called the forthcoming polls as being not free and fair. Stones had been thrown at candidates of her party, candidates of her party had been threatened and campaign posters vandalised. All that went "beyond what was acceptable for a



Aung San Suu Kyi's press conference on 20 March 2011 (Photo: Khin Maung)

³³<https://www.csmonitor.com/World/Latest-News-Wires/2011/1202/Aung-San-Suu-Kyi-and-Hillary-Clinton-> (accessed 3.5.2024).establish-strong-bond-video

³⁴*Democrat and Chronicle*, 1911.2011: 3A.

³⁵*Boston Globe* 31.2.2012: A4.

³⁶*Tampa Bay Times* 10.3.2012: 20A.

³⁷*Casper Star Tribune/WY* 8.3.2012: 15.

democratic election."On the same matter, the president admitted that there might have been some flaws and asked politicians and people to "respect the will of the people".³⁸

Besides the NLD, 16 other parties participated in the elections. All i all, there were 148 candidates including 7 independents. One candidate each from the NLD and the NUP were disqualified ba the UEC, the polls in three constituencies in Kachin State were suspended because of security reasons. The number of candidates was thus reduced to 137. Only the NLD and the USDP fielded candidates in all constituencies, the NUP and NDF 23 and 13 respectively. (Tin Maung Maung Than 2013: 207-209). The regulations for campaigning were the same than in previous elections.

The rules and regulations for the campaigning period that started in February 2012 were similar to those prescribed for the 2010 elections. Each party could inform the public vis TV about the parties' programmes, Aung San Suu Kyi spoke on March 14. After referring to her party' fight for democracy during the last 20 years, she summarised the party programs in three points: The rule of law, internal peace and constitutional amendments. With regard to the first part, she stressed the need for an independent judiciary. As for the second point, she she stressed the need to "put out the fire of civil war" in rather general terms. Before turning to the third point, she referred to the Tatmadaw and said: "I believe that the endeavours for development of Myanmar call for essential participation of the Tatmadaw". Then she talked at some length about the weaknesses of the constitution:

Actually, a constitution is a charter placed between the people and the rulers. It can be amended, changed or abolished when necessary. It is found that the present constitution is not in conformity with democratic norms and standards. One clear example is that only the rule of people by the representatives elected by the people is the true essence of democracy. It has been known to all that in the 2008 constitution, the parliamentary



Source: *New Light of Myanmar* 15.3.2012

seats of unelected representatives account for 25 percent of all. As there are unelected representatives in the respective Hluttaws, it is not in conformity with democratic principles. The National League for Democracy has publicly announced the sections of the constitution that need amendments.

It is common knowledge that after the 1988 democratic campaign, the NLD has been struggling for the emergence of a genuine democracy for over 20 years under various pressures and oppressions. The members loyal to the party were kicked out of their jobs, lawyers and doctors had their licences revoked, some were unjustly arrested and got severest sentences. Consequently, our social lives were ruined and the economy of our families deteriorated. Anyhow, our NLD members have stood for the people and the party maintaining their conviction.³⁹

After this rather strong statement, she turned to a number of other issues from economy to the rights of women and finally referred to the objection that such a programs was easier proclaimed than realised. Her answer:

Well, to establish the Union aspired by us is not an easy task. But, I do believe nothing is impossible if only we try out of wish, industry, sentiment and knowledge in unison. The National League of Democracy has decades of experiences in dealing with difficult tasks with diligence and industry. I would like to request the voters to vote in favour of our candidates as an assignment of harder national tasks for us to accomplish.⁴⁰

³⁸*Boston Globe* 31.2.2012: A4.

³⁹*New Light of Myanmar* 15.3.2012: 6.

⁴⁰All quotations from *New Light of Myanmar* 15.3.2012: 6.

Differently from 2010, the government allowed a number of elections observers and journalists to witness the elections. Like in 2010, diplomats were offered to visit polling stations in different parts of the country.⁴ Personal Observations

4 Personal Observations

This section of this chapter contains some observation of the author who spent some days before and after election day. To indicate the personal character of the observations, the style of the diary from which the following notes are taken, is preserved..

I took the chance to travel to the official residence in Kawhmu township in a car driven by a friend of a Burmese friend of mine. The leaving the rather new asphalt road leading to Kaw-hmu town, the street became very bumpy and dusty. It took us rather long because there were no signposts and the driver and his wife had to ask some times for the right direction. We had already learned before that the residence was a kind of donation of one of her supporters, a widow and, maybe, a member or a relative of her household staff. We further knew that the village was mainly inhabited by Buddhist Karens.



Signpost and posters at the entrance of the village (Photo: H.-B. Zöllner)

We had no difficulty to make sure that we had reached our destination because at the entrance to the village a picture of the famous candidate dressed in Karen style and the logo of the NLD were posted. At first glance, the village seemed quite well-to-do, on our way we had seen rice fields and bamboo plantations. Most of the houses were built in the traditional style built with wood and raised a bit off the ground, some were concrete buildings, one of the official residence of the candidate. It could not be overlooked because large placards displayed portraits of Aung San and his daughter. We had seen this combinations already on the smaller NLD election posters at the streets and some party offices we had passed. In the yard besides the house, a structure of bamboo poles could be seen. We were told that it was to sustain a plastic cover to protect the people coming here on election day from the sun. A Japanese TV team will cover the big event here, too and Aung San Suu Kyi, albeit only shortly.

When we approached the house, we were invited to come in. Some 20 villagers were present, one of them acting as a spokesman. We were offered drinks and fruits. They were not members of the NLD, we were told, there was no party office in the village.



Photo: H.-B. Zöllner

Why was just this village was chosen by her as her residence? Because she is half Karen and works for the reconciliation of the ethnic groups. How many votes she would get? 100%. Did she promise anything to happen after the elections? No, Daw Suu had visited the collage once and told that she was not promising anything but would try her best. What about a better road as many candidates mention as their election pledge? No, the people are just content that she cares. "We love her." What has changed since the

last elections in 2010? Nothing, just that Aung San Suu Kyi was allowed to participate in the elections. And why did the government act like this? Because it listened to the voice of the people. That was good.

After half an hour we leave the house after having written our names and a thank-you message in the guest book that was presented to us. Many journalist, mainly from Asian countries, had been here before, the first entry however was coming from a reporter of the New York Times.

On our way back we have a coffee in a tea shop in Kaw-hmu situated opposite of the local headquarter of the USDP. The candidate of the party is a medical doctor who recently opened a medical office there. He had no chance said the owner and gave us a leaflet that contained a poem in Burmese language about Aung San Suu Kyi. Some time later, I got a translation. The title is "The Loving Mother" The first lines read:

The dark nights of an evil past
lasted far too long, mother.
The full moon that pushed through the black
lightless midnight hour, mother.
When you hear dogs baying in the dark night
don't get up, mother,
it could rob you of your sleep, I fear.
No matter how much Galon U Saw's coat of arms
brings shame to Kawhmu,
the blood in the peacock's coat of arms
is bright red, mother.

The poem refers to the killing of Aung San. His daughter must not be afraid however. The fighting peacock, the new symbol of her party, will protect her. The last lines read:

Thanks to a mother's love
can entire Myanmar
let flowers bloom instead of bullets.

Election day in Yangon some days later was a quiet and relaxed affair. I visited a polling station close to the house of my friend. Differently from two years ago, I could come close, take a photo and have a look at the voter lists displayed publicly. Later, I watch a report on the election broadcast by the Democratic Voice of Burma from abroad. In 2010 we went to the polls like robots, somebody says, now we feel free.

In the evening, I attended the election party in front the NLD headquarters and witnessed her supporters jubilantly welcomed the first results coming in. The NLD had even won all contested seats in Naypyidaw.

5 Results and Reactions

The outcome of the elections duly published in the state newspapers was more than clear. The NLD won all but two of the 45 finally contested seats. Three elections were cancelled due to civil war. One seat was won by the USPD Pcandidate because of the disqualification of his NLD contender. One seat for the Amyotha Hluttaw in Shan State was lost to the SNDP. In terms of votes cast. the NLD got 66% compared to 37% for the USDP. Somehow amazingly, the great interest aroused by the polls did not result in a higher voter turnout than in 2010. 66.79% of the 4,091.840 voters went to the polling stations, significantly fewer the 77% that had "robot-like" did so one and a half year before. The number of advanced votes was rather small (3,6) (Tin Maung Maung Than 2013; 210).

Inside and outside Myanmar, some surprise was expressed about the extent of the NLD's victory that was called "historic" by some observers. Aung San Suu Kyi named the event the "beginning of

a new era". In a short speech given to her supporters on April 2, she stated: "What is important is not how many seats we may have won, but that the people participated in the democratic process" and incited all other parties to work together for the peace and prosperity of the country.⁴¹ Ko Ko Hlaing, the key political advisor of President Thein Sein, explained the result thus: "For many years, people have seen old faces. They wanted change, to taste a new cuisine. Politics, especially elections, is based on emotions of the people. And the emotional mood was for NLD." He added that Ms. Suu Kyi's personality was a major factor in the victory. "She is not just a politician. She is a celebrity and has star power, which helped the party's candidates."⁴²

Western observers stressed the importance of the elections as an important step for the country's transformation towards democracy as Hillary Clinton worded it. As a result, the USA would soon appoint an ambassador to represent the country. Between 1990 and 2012, the highest representative of the country in the US embassy was a Chargé d'Affaires. Furthermore, sanctions were eased both by the USA and the European Union.⁴³

6 The NLD in Parliament

Aung San Suu Kyi and the other newly elected NLD parliamentarians did not listen to the speech of Ban Ki Ki-Moon at given at the first session of parliament after the by-elections.. Her seat was still empty when parliament was convened again on 23 April. Only a number of new Tatmadaw members of the parliament were sworn in. Just before the first session of parliament, the commander-in-chief of the Tatmadaw, Min Aung Hlaing, had exchanged 59 junior military MPs with seniors higher military ranks, as possible counter measure to the at least symbolically increased influence of the new "NLD opposition" in parliament.

The NLD parliamentarians-to-be had asked to change the oath prescribed in the constitution. It was worded "to uphold and abide by" it. They asked to change the strong wording by the pledge to "respect" the constitution. Since the wording of the oath was prescribed in the constitution, a possible change would take time. The NLD faced a dilemma. She had either to compromise is stand on the undemocratic quality of the constitution and its promise to make changing the constitution her top priority or forfeit the 43 seats won in the elections.⁴⁴

The party finally decided nit to insist on changing the oath, Aung San Suu Kyi referred to the "desire of the voters" in justifying the decision: She was quoted to have said: ""The reason we accept (the oath), firstly is the desire of the people. Our voters voted for us because they want to see us in parliament."⁴⁵

This episode reveals a great gap between big expectations and hopes and the realities. The NLD and the its leader had accepted the 2008 constitution. The government had not made any concession. When the elected members took their places, they were just integrated into thy parliament in which the order of seating was egalitarian. Since the electoral system is based on polls on a basis of constituencies, the order of seating follows the alphabetical order of the their names – except the bloc of the appointed members of parliament.

⁴¹*The Guardian* 2.4.2012 (<https://www.theguardian.com/world/2012/apr/02/aung-san-suu-kyi-new-era-burma>; (accessed 17.2.2021).

⁴²*The Hindu* 3.4.2012 <https://www.thehindu.com/news/international/top-myanmar-official-welcomes-election-results/article3277557.ece> (accessed 17.2.2021).

⁴³*The Boston Globe* 5.4.2012: A4.

⁴⁴Article 130 (a) was worded: "If a Pyithu Hluttaw representative is, without permission of the Pyithu Hluttaw, absent from a Pyithu Hluttaw session for a period of at least 15 consecutive days, the Pyithu Hluttaw may declare his seat vacant. In computing the said period of 15 days, no account shall be taken of any period during which the session is adjourned."

⁴⁵BBC News 2.5.2011 (<https://www.bbc.com/news/world-asia-17918414> (accesse4d 19.11.2024).



Oath taking ceremony on 2.5.2011 (Source: Blick)

A senior Myanmar scholar working in Singapore referring to this action (Tin Maung Maung Than 2012) argued that the “six-decade old institutional culture” of the military’s self perception should be taken into account. He described this culture as

enshrining the self-professed role of the military as not only guardians of the state but also ‘mind-ers’ of the body politic, and its sceptical view, bordering on contempt, of politicians and political parties. As such military leaders who have embraced the idea of symbiosis between the state and the *Tamada* could regard the current standoff between the NLD and the political establishment as the beginning of a campaign to change the rules of the political game and threatens its identity and institutional integrity. (Tin Maung Maung Than 2012)

In retrospect, this observation sounds prophetic. It is obvious that the optimistic assessments with regard to further developments as expressed by Ban Ki-moon were wrong. The seemingly minor issue of how to word the oath might indicate a fundamental difference of political cultures on the side of the civil and military contestants of defining and guarding Myanmar politics that might have been often overlooked.

Aung San Suu Kyi’s tensely awaited first appearance in parliament was unspectacular but was described by some media as historic. On July 25, she took part in a discussion on a proposed law to protect the rights of minorities. In her speech she stressed that minority rights must extend beyond the strengthening of language and culture of certain ethnicities. Shortly thereafter, Aung San Suu Kyi was chosen to lead a parliamentary committee on the rule of law, peace, and tranquillity. The committee went on to propose an anti-corruption law, which was passed in August 2013.

Not surprisingly, the small numbers of NLD parliamentarians in the *Pyithu Hlattaw* had no great impact on the proceedings in the house. The issue of changing the constitution that had been a core issue of the party program explained in her TV campaign speech was taken up by forming a 109 member committee to review the constitution. It included 7 NLD members. Two years later, the results of the proceedings were debated for three days by both chambers of the Union legislature. One of the six proposals concerned the crucial issue of lowering of the 75 per cent threshold (Sec. 436) for constitutional change to 70 per cent that would make an end to the power of the 25% of appointed military members to veto any constitutional changes. It rejected with 33,45% votes against it. That means that most USDP parliamentarians must have voted in favour for the proposal. Some other changes that were in line with demands of the NLD were rejected as well. One of these

other amendments referred to section 59f of the constitution barring all candidates to become president who had spouses or children with foreign passports.⁴⁶ NLD speakers supported the amendments, but with some reservations.⁴⁷ It was reported that the changes proposed by the USDP went not far enough.

Aung San Suu Kyi was appointed by Thein Sein to head a commission investigation protests against a copper mine. After she had not agreed with some demands of villagers affected by the mine, she was heavily criticised by villagers. Western critics complained that she had not spoken out in favour of the Muslim minority in Rakhine State after the communal riots happening in 2012.⁴⁸ Summary

Without doubt, the by-elections of April 1, 2012 signify a milestone in the political history of Myanmar after the implementation of the 2008 constitution. This significance is twofold. Most onlookers and analysts stress the relevance of the polls as an important step towards democratisation in the country and a confirmation that the nominally civilian government was serious about its reform agenda. It was however less often noticed that Aung San Suu Kyi and her party had made kind of a U-turn by accepting the terms of the 2008 constitution in participating in the elections. This happened, as Aung San Suu Kyi explained, because "the people" wanted to see her and other members of her party in parliament.

By taking the oath prescribed in the constitution, she became part of the system created by the Tatmadaw's constitution. She had entered realpolitik on a foundation the principles of which had been defined already in 1993 at the beginning of the Tatmadaw's attempts to draft a new constitution. This way, the chance of changing the rules of the political game were dim. As a consequence, the role of elections as a means for political change was reduced to an acclamation of "queen of the hearts" without far reaching political power called "Mother Suu" by her supporters. This way, some kind of personality cult could be observed that was criticised by her as well as by her military condensers.

The long history of attempts by the leaders of the Tatmadaw to coopt her as an ally to help building up a well developed modern state failed because Aung San Suu obviously envisioned an egalitarian society in which people lived together by way of a "permanent revolution of the spirits" (Lubina 2021).

⁴⁶*Global New Light of Myanmar* 26.6.2015: 1.

⁴⁷*Global New Light of Myanmar* 25.6.2015: 1

⁴⁸For details see Zöllner/Ebbigausen 2018: 229-240.