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**The End of Military-Guided Electoral Authoritarianism:
The 2015 Elections in Myanmar**

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Abstract

This paper looks at the special case of military-guided electoral authoritarianism in Myanmar. Examining why electoral authoritarianism crumbled so easily, it looks into the historical importance of elections, the formation of the electoral authoritarian regime under military guidance, and its demise. This article identifies the strong charisma of the opposition leader, Aung San Suu Kyi, as well as the increasing struggles within the ruling party and the incumbent government's promise to the international community to hold free and fair elections as the main triggers of the downfall of electoral authoritarianism. This demise, however, did not bring an end to the dominant position of the military, which retains ultimate veto power for all far-reaching changes in the country.

Introduction

In the wake of the Cold War authoritarian regimes around the world adapted to the new political climate by embracing the form – though not necessarily the substance – of democracy. The outcome has been an increase in electoral authoritarian regimes, in which political positions are filled through multiparty elections. The defining feature of these regimes is that they hold regular elections that are not entirely free, fair, and competitive. On the contrary, the playing field under these regime is often tilted in favor of the ruling party (Schedler 2002b:3). These “hybrid regimes” defy simple classifications, challenge existing theories of democratization, and call into doubt some of the basic premises of the classic transition paradigm, which primarily revolves around elite-level bargaining (O’Donnell and Schmitter 1986). The global rise of these regimes has triggered a wave of scholarship interested in explaining how such regimes fully democratize, how ruling parties are defeated at the ballot box (Levitsky and Way 2002; Bunce and Wolchik 2010), and whether the repeated holding of elections leads to further democratization (Staffan 2006; 2009). The central puzzle revolves around the following key questions: Why do elections serve to stabilize certain electoral authoritarian regimes yet undermine others? How do they matter? And how do elections stabilize or liberalize political regimes?

This article contributes to this ongoing debate by exploring the case of Myanmar. As a case study, Myanmar helps us to identify further contextual factors and broaden our existing knowledge on electoral authoritarianism. Up till now, the fate of electoral authoritarian regimes has primarily been discussed with the help of statistical analysis and probability tests. Additionally, certain paradigmatic cases such as Singapore, Malaysia, and Mexico have been highlighted. By using the case of Myanmar, I am following Morse's lead of employing case studies to add more analytical leverage for theory building (Morse 2012). Myanmar’s long-standing military regime has seen impressive political changes since it held its first elections in 2010 after 22 years of direct military rule. The regime-sponsored Union Solidarity and Development Party (USDP) won those elections by a landslide. Since 2011 we have witnessed a slow liberalization of the regime, culminating in the decisive victory of the opposition National League for Democracy (NLD) at the November 2015 elections. So far, the country’s political changes have been analyzed primarily from the perspective of a transition from *direct* to indirect military rule. Scholars such as Bünte (2011, 2014, 2016), Egretau (2016), Hlaing (2012), Huang (2013), Jones (2014a, b), and Pederson (2011) have

provided important insights into the transition from military to quasi-military rule as well as the motives, drivers, pathways, and limitations of these changes. Emphasizing continued military dominance in the political arena, these scholars argue that the military is guiding, guarding, and ultimately restraining the democratization process. The army defines the red line that should not be crossed and thus still controls the political order and the degree of political liberalization. While this perspective is certainly valid, it plays down the transformative role elections play in this setting. As Farrelly and Macdonald both argue, a new power structure has evolved and “elections have become the central conduit to achieving and maintaining power” (MacDonald 2013: 21; Farrelly 2015:17). Farrelly’s and Macdonald’s assessments of Myanmar’s regime reveal the pattern established at the 2010 general elections, when little democratic content could be perceived and the promilitary USDP managed to win as widely expected. However, how did the incumbent hegemonic electoral authoritarian regime convincingly lose the 2015 parliamentary elections to the opposition? Why did neither the military nor the ruling party attempt to manipulate the outcome? How can we explain the breakdown of military-guided electoral authoritarianism in Myanmar? Why did the 2010 and 2015 elections produce such different results? Does it herald a new phase of democratization in the country? The case of Myanmar provides valuable insights into the inability of electoral authoritarianism to take root where weak party structures and factionalism are present. The charisma of Aung San Suu Kyi, the NLD leader, easily outweighed all USDP attempts to gain ground on a performance-based platform in 2015. Myanmar’s opening to the outside world and the role of the military as guardian also created incentives for the ruling elite not to engage in any form of manipulation. This article will show that the military-backed hegemonic party was only capable of winning elections by imposing a certain degree of repression. Once liberalization was introduced in 2011, the foundations of military-guided electoral authoritarianism slowly eroded.

The article proceeds as follows: First, it reviews the literature on electoral authoritarianism and the democratization potential of elections and identifies the main factors behind the defeats of these regimes at the ballot box. Second, it outlines the main path of Myanmar’s military regime, its transformation into a hegemonic electoral authoritarian regime, and the role elections have played in the country's postindependence history. Third, it discusses the reasons for the USDP's defeat at the 2015 elections and the demise of electoral authoritarianism in Myanmar. Fourth, it assesses the impact of the 2015 elections on democratization in Myanmar. Finally, it closes with some remarks on the importance of the Myanmar case for theory building.

Theorizing the Democratizing Potential of Elections

Elections have always played a paramount role in the democratization literature. In the early days of transitology "founding elections" were supposed to signal an institutional break with the authoritarian past. They were a key indicator of successful democratization and, at the same time, one of multiple defining elements of democracy. Most of the early transitions of the third wave of democratization were those from military rule, which brought down military dictatorships in southern Europe and South America. O'Donnell and Schmitter (1986:37) characterized these as having the clearly defined phases of liberalization and democratization. Transitions were seen as strategic choices between incumbent governments and the opposition, with hard-liners and soft-liners within military regimes and the opposition agreeing on pacts that would redefine the rule concerning the "exercise of power on the basis of mutual guarantees for the vital interests of those entering it" (O'Donnell and Schmitter 1986:37). After these founding elections the consolidation or deepening of democracy, conceived as widespread acceptance of the rules of competition and participation, was put on the political agenda. Electoral criteria were also used to measure democratic consolidation; Huntington's so-called two-turnover test should give an indication of when a democracy is secured. Democracies, which fulfilled this definitional minimum of free and fair elections but demonstrated severe weaknesses in other areas (e.g., the rule of law, civil liberties, and inadequate checks and balances), were labeled "democracies with adjectives" (Collier and Levitsky 1997) or "defective democracies" (Merkel and Croissant 2000).

Criticizing the approach of focusing solely on elections, Terry Karl (1990) raises the specter of a "fallacy of electoralism" – a term that ironically foreshadowed developments at a later stage of the "third wave," when the transition paradigm came under increasing pressure (Carothers 2002). Analyzing later transitions, Schedler (2002b) and Levitsky and Way (2006) demonstrate that elections are often deprived of their democratic substance: they are seldom inclusive, meaningful, or minimally competitive. In many elections multiple parties compete, but incumbents manipulate the electoral arena by limiting the opposition's space to campaign and access to campaign finances, by monopolizing media coverage, by staffing election commissions and courts with affiliates, or simply by redistributing votes and seats through electoral fraud (Levitsky and Way 2002; Schedler 2002b). The stability of the authoritarianism literature proves that elections in electoral authoritarian regimes are not

battlegrounds for real competition but rather serve other purposes, such as managing intraelite competition, maintaining patronage networks, and signaling the incumbent's strength (Köhler 2008; Magaloni 2006: 15–24; Gandhi 2008). According to this understanding, elections are not a harbinger of democratization but a method of authoritarian regime survival.

Yet against this view, the democratization-by-election literature claims that repeated elections, even when they are held in authoritarian contexts, lead to successful democratization (Lindberg 2009). Analyzing African elections, Lindberg argues that even authoritarian elections increase the levels of civil liberties and political freedoms (Lindberg 2006); Bunce and Wolchik confirm some of these results with regard to postcommunist countries (Bunce and Wolchik 2010). However, Boogards' findings that only a few states in Africa really democratized contradict Lindberg's thesis (Boogards 2013). The contrasting theoretical propositions for the effect of elections are also reflected in the mixed results of cross-national studies (Hadenius and Teorell 2007; Brownlee 2009; McCoy and Hartlyn 2009). Schedler suggests a middle way, arguing that elections are actually ambiguous: in some cases they fortify electoral authoritarian rule, and in others they lead towards democratization (Schedler 2013: 5). Hence, it seems to be increasingly important to understand the conditions and contexts under which elections contribute to democratization – which, in this regard, means improving the quality and conduct of elections by leveling the playing field between incumbents and the opposition. Casting and counting should also be conducted in the absence of massive fraud so that results reflect the public will. This means refraining from electoral misconduct before the elections, which can manifest itself broadly in unduly registration requirements for opposition parties and candidates; the arbitrary removal of opposition parties and candidates from the ballot; uneven campaign finances; gerrymandering; malapportionment; intimidation of opposition parties and candidates through violence; and the intimidation of party supporters. Moreover, it is also reflected in the restrictions on media freedom, intimidation of journalists, and limitations on opposition access to the media. But when does the electoral quality in electoral authoritarian regimes improve?

In this respect, context matters. One decisive factor seems to be the nature of the former regime. Hegemonic electoral authoritarian regimes, in which the incumbents enjoy overwhelming electoral dominance with more than 70 percent of the vote or seats, have been

proven more resilient against democratization than competitive authoritarian regimes, where opposition parties pose greater challenges and win larger vote shares (Brownlee 2009; Dunno 2013; Roessler and Howard 2009). Mass parties are the mechanisms through which broad support for coalitions is maintained in these regimes and thus help to bolster regimes (Brownlee 2007). Bech Seeberg (2014) also highlights the importance of state capacity, arguing that a highly capable state may abuse the bureaucracy to manipulate elections, while a strong coercive state apparatus may prevent opposition mobilization and postelection protests. In this context Slater (2009) contends that state building is a path-dependent process and may depend on the role of class-based communal conflict, which leads elites to create repressive authoritarian state apparatuses. This long-term view of elite actions is complemented by Schedler (2002a; 2013), who sees the strategic games of elites during times of transition as paramount to the success of democratization. For him, when opposition parties are weak and fragmented, regime elites and their supporters are less likely to break ranks and disobey orders in order to orchestrate or tolerate electoral fraud. However, if opposition parties unite, it can lead to a split in the ruling coalition and the defection of key allies. Howard and Roessler (2006:371) reveal that in the case of a strong opposition coalition, “the police, the army, and bureaucrats may be less inclined to employ illegal practices to benefit the incumbent.” Summing up, we see that the democratizing potential of elections is a path-dependent, long-term process that revolves around elites' behavior and their ability to build up strong parties or repressive states. In times of transitions the unity of regime opponents or the ruling coalition seems paramount. Whereas military regimes often negotiate pacted transitions, ruling parties embrace democratization if they have a real chance of winning elections. Slater and Wong (2013: 718) show that ruling parties are willing to concede if they have substantial antecedent resources, if they have experienced an “ominous setback signaling that they have passed their apex of power,” and if they have embarked on a “publicly announced forward strategy.”

Formation and Demise of Electoral Authoritarianism under Military Guidance

Myanmar is a special case since it does not have a tradition of strong political parties. After 1948 the military became the most important institution. The consequence thereof was not only a highly militarized regime but also the lack of strong institutions. The following chapter

will look closely at the role elections have played within the last 50 years, the role of the army, and the actions of key politicians during the most important critical junctures.

The Evolution of Military Dominance and the Stolen Elections, 1990

Although the nationalist Anti-Fascist People's Freedom League (AFPFL) – an alliance of political parties under the leadership of independence hero, Aung San, and, after his death, U Nu – managed to win all free and fair elections in the postwar period (1949, 1951, 1956), it was unable to build up party institutions that were strong enough to dominate the political system. On the contrary, the AFPFL's increasing factionalism led to its split in 1958, which prompted Prime Minister U Nu to invite General Ne Win take over as prime minister. This so-called caretaker experiment from 1958 to 1960 proved disastrous as it reinforced the militarization trend that had already begun directly after independence. The rise of communist and ethnic rebellions in the 1950s triggered the institutional modernization of the armed forces, imbued soldiers with a praetorian ethos, and led to an increasing centralization of political power in military realms (Callahan 2003). Consequently, the repressive arms of the state were modernized while the institutional aspects of party and state were neglected. Moreover, the state was virtually absent in large parts of the country (Taylor 2009:272). During the caretaker government, the military came to see parliamentary democracy as ineffective, and military officers developed a deep-rooted belief that civilian politicians were distrustful; in fact, until this day, one of the most important and recurrent narratives of the military leadership is that the military is above "disruptive party politics." The army also began to develop its role as state builders who could engender stability and order as well as engage in endless battles with ethnic armies in the periphery (Smith 1990).

In March 1962 General Ne Win staged a military coup, which brought an end to Myanmar's parliamentary period and led to the formation of the Revolutionary Council – a 17-member body of senior military officers that ruled the country by fiat until 1974. It abolished the 1947 Constitution, dissolved Parliament, and banned all political parties. Apart from aborting political pluralism, the coup hindered the development of political parties for almost three decades. The military set up its own Leninist party, the Burmese Socialist Program Party (BSPP), which ran the country unchallenged for over 25 years (Silverstein 1977). Elections were held (under the 1974 Constitution) for the unicameral People's Assembly in 1974, 1978,

1981, and 1985 – all of which were easily won by BSPP representatives since the party did not face any competition from rival parties; allegedly, voter turnout was regularly more than 90 percent (Morgenbesser 2015: 173). The military became the backbone of Myanmar's socialist one-party state (1974–1988), in which General Ne Win was both party chairman and president. Based on his personal influence in the army and the party, he kept his subordinates divided and controlled all potential rivals through regular purges. Active and retired military officers dominated the cabinets and rubber-stamp parliaments. In the closing years of the socialist period, the influence of the military waned due to the fact that the BSPP was transforming into a socialist mass party (Taylor 2009:318–321). Yet, even during the socialist period, the military was unable to organize a strong party with deep roots in society. The BSPP was riddled with factionalism and was highly unpopular; it is thus no wonder that the popular uprising of August 1988 abruptly ended the BSPP's one-party rule (Stokke 2015:13). As Slater (2009:272) puts it, the regime “suffered from an abject lack of social backing since the onset of the Tatmadaw regime in 1962.” Finally, the military stepped in and crushed the prodemocracy protests with its “tried and true tactics of brute force” (Slater 2009: 273).

After toppling the BSPP and putting an end to the street protests, the State Law and Order Restoration Council (SLORC) organized the country's first multiparty elections for 30 years. Having lost its state-party status, the BSPP relabeled itself the National Unity Party (NUP) and contested the polls. Although the NUP ran a huge number of military candidates on its tickets, the military stayed on the sidelines of the electoral contest and “was at great pains to show that it was not favouring the NUP” (Guyot 1990:205). With 93 parties competing, the elections were regarded as substantially fair and competitive. However, because martial law remained in place during the vote and major opposition leaders (including NLD leaders Aung San Suu Kyi and Tin Oo) were arrested before the start of campaigning, which itself was severely restricted in both form and content (Guyot 1990:205), the elections were not considered entirely free. The NLD, borne out of the prodemocracy movement, emerged as the principal mass-based party and won the election by a landslide. The NLD crushed the military-backed candidates in the May 1990 vote, capturing 60 percent of the vote and 80 percent of seats (492 seats) compared with the NUP's 21 percent of the vote and 2 percent of seats (10 seats). Major ethnic-based parties such as the Shan Nationalities League for Democracy (SNLD) and the Arakan League for Democracy (ALD) also performed well, receiving the second- and third-largest number of seats, respectively. The elections were largely seen as free from count manipulation, which may be attributed to the law requiring

that votes be tallied in each constituency in the presence of the candidates or their agents. In another respect, however, the elections can be seen as a perfectly “administered charade” (Guyot 1990:206) since the SLORC military junta announced shortly before the elections that it would stay in power until a new constitution had been adopted (Tonkin 2007).

The SLORC – later renamed the State Peace and Development Council (SPDC) – waited until 1993 to convene a national convention to draft a new constitution and prolonged the process until 2007. Apart from these “stolen elections,” the NLD experienced a huge degree of repression and was consequently unable to undertake any party building (Stokke et al. 2015:4). NLD leaders and the representatives elected at the 1990 elections were arrested, imprisoned, or forced into exile. From 1990 to 2011 the country had approximately 1,500 political prisoners. Aung San Suu Kyi herself spent 16 of those 21 years under house arrest (1989–1995, 2000–2002, and 2003–2011), during which time she was not permitted to communicate with her followers; this severely impeded party development. In addition, the exile communities were unable to agree on a common tactic to bring down the government, which extremely hampered the democracy movement’s efforts (Hlaing 2007). The only visible impact the opposition and exile community could make was to successfully undermine the legitimacy of the military regime both domestically and internationally. Aung San Suu Kyi and the NLD called on the international community to impose economic sanctions as early as 1989. However, the international sanctions regime imposed on the military junta in the 1990s and the early part of the first decade of the twenty-first century did not threaten its existence. Feeling threatened by an urban democracy movement that could well collaborate with insurgent groups or foreign powers, the junta felt a strong need to modernize the armed forces – or as Selth (2002:33) puts it, “to take whatever measures were required to recover and consolidate its grip on government.” Arguably, sanctions had only a marginal effect as they drove Myanmar into the arms of its neighbors (above all, China and the ASEAN countries), cut off Western influence from the country once again, and strengthened the bunker mentality of the generals. Today, there is substantial evidence that in the absence of social forces conducive to democratization (such as a big working class or middle class), sanctions weakened the opposition and strengthened the ruling military junta (Bünthe and Portela 2014; Pedersen 2008). Sanctions also perpetuated the NLD’s “losing strategy based on moralistic opposition and political boycotts” and arguably “delayed Myanmar’s liberalization” (Jones 2015: 11). This liberalization only started in 2011 following a decade of military modernization and regime stabilization.

Formation of Electoral Authoritarianism under Military Guidance: Roadmap and Elections 2010

The military only reverted to civilian rule once it had managed to create a new political order that “locked in” the military’s political role. The army relinquished direct rule not because of internal dissension or external challenges, but rather due to the diminishment of the threats that initially prompted military intervention. This enabled the junta to impose a “constrained electoral regime that would contain these threats and safeguard the *Tatmadaw*’s corporate interests” (Jones 2014a:784). The weakening of the country’s opposition and the diminished threat from centrifugal forces through ceasefire agreements stabilized the military’s position throughout the 1990s and early into the first decade of the twenty-first century. Having consolidated its position internally and severely weakened the opposition movement, the top military leadership announced a “roadmap to disciplined democracy” in 2003 (Bünthe 2014). The most important steps in this formal institution-building process were the writing of the new Constitution (1993–1996; 2004–2007), the referendum on the new Constitution (2008), the creation of a regime-sponsored party in 2010¹ (the Union Solidarity and Development Party, USDP), and the 2010 elections, which were followed by a transfer of power to a civilian government in March 2011. However, these political changes between 2003 and 2011 did not constitute a genuine democratic transition, since they did not entail any form of political liberalization. Political spaces were extremely narrow during that time, and repression was at its most severe during the years of implementation (Praeger Nyein 2009; Pederson 2011). When we look at it from Slater and Wong’s (2013) “transition by strength” perspective, we can understand the roadmap as a “publicly announced forward strategy” and the crackdown on Buddhist monks in September 2007 as an “ominous setback signaling that the military regime [had] passed its apex of power” (Slater and Wong 2013:718). Yet, most of the “antecedent resources” were vested in the military, and, consequently, the military regime needed to come up with the dual “survival strategy” (Croissant and Kamerling 2013) of constitution drafting and party building. The new Constitution secured the military’s influence and veto position through a number of legal safeguards² that guaranteed its core functions

¹ The creation of the USDP was not a “formal” step of the road map announced in 2003.

² Section 6(f) of the 2008 Constitution guarantees the military a role in the national leadership of the state, and section 20 makes it the principal safeguarding force of the Constitution. Section 17(a) and (b) specify that the military has a role in both the executive and legislative at the union and regional levels. According to Art. 232 (ii) of the 2008 Constitution, the minister of defense, the minister of home affairs, and the minister of border affairs are appointed from serving officers by the commander-in-chief. The Ministry of Home Affairs is particularly important as the head of the General Administration Department for a region or state, who ultimately

could not be touched by the civilian government (ICG 2014: 10) and ensured the military's continued dominance while offering the chance for generational change within the army. This strategy allowed Senior General Than Shwe and General Maung Aye to retire from the SPDC leadership and let younger members of the former military junta take over.

To ensure that this strategy worked, the regime established the USDP in March 2010. This consisted of transforming the Union Solidarity and Development Association (a reported 22-million-member mass organization that was formed in 1993 to support the policies of the military regime) into a political party. The USDP inherited the association's nationwide infrastructure and huge financial resources. Senior figures of the military regime, such Prime Minister Thein Sein and third-in-command Shwe Mann, were given high-ranking positions within the party, while many high-ranking officers resigned from the military to stand as USDP electoral candidates. Additionally, business cronies close to the military regime were asked to finance the party or run for election. For instance, Htay Myint – a businessman who was deeply involved in the transportation, construction, and the hotel and tourism sectors and served as chairman of the Myanmar Fisheries Association – ran for a seat in the People's Assembly in Mergui Township Constituency, while Win Myint, chairman of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCI) and owner of the Shwe Nagar Min Group, ran for a seat in the National Assembly in Constituency No.3 in Sagaing Division. (ALTSEAN 2011:11).

Myanmar's first elections in 20 years took place on November 7, 2010. It was the fifth and crucial stage of the military's roadmap. The regime heavily interfered with the elections, using the whole "menu of manipulation" (Schedler 2006). The new 17-member Union Election Commission (UEC), headed by a former military officer, was formed and imposed many restrictions, which severely violated the principles of free elections, benefited the regime-sponsored USDP, and prevented opposition parties from registering and fielding

reports to the minister of home affairs, is deemed to be secretary of the region or state government (section 260). As a result, the minister of home affairs, and through him the military, has a significant role in state and regional government administration in addition to the powers granted to appoint state and regional ministers (sections 262(a) (ii) and 276(d) (ii)). Moreover, 6 out of 11 seats on the powerful National Defense and Security Council are filled by serving military officers. The military is guaranteed 25 percent of seats in the upper house and lower house of Parliament and in all regional parliaments – these representatives are appointed by the commander-in-chief of the armed forces, as stipulated in Articles 109(b), 141(b), and 161(b). Since a quorum of 75 percent in the legislature is needed to change the Constitution (Art.436), the military has de facto veto power over further constitutional changes.

candidates on a nationwide basis. For example, the election laws and by-laws banned anyone serving a prison term – including Aung San Suu Kyi and more than 1,500 other political prisoners – from participating in the elections. Moreover, the law stipulated that political parties had to “safeguard” the Constitution (Myanmar Observer 2010:32). Additionally, international observers and foreign correspondents were not allowed to enter the country, and only selected representatives were invited to participate in a guided tour on polling day (Than 2011:196). The NLD – which in its Shwegoindaing Declaration called for the release of all political prisoners, a review of the Constitution, and “inclusive and fair elections under international supervision” – decided to boycott the elections and became automatically defunct (together with four other parties). Although acknowledging the uneven playing field, some ethnic parties and a splinter faction of the NLD registered with the hope that political spaces would be opened by the elections (Than 2011:195). Nevertheless, the opposition were fighting an uphill battle given that the promilitary USDP had the financial backing of the regime. For instance, USDP candidates easily paid the required registration fee of 500,000 Kyats (Than 2011). They also had unlimited access to the state media, whereas opposition candidates did not; meanwhile, private media outlets were heavily censored. The USDP also utilized the state apparatus as an “electoral machine” for their candidates, using different propaganda, intimidation, and vote-buying strategies. For example, civil servants and members of government organizations were ordered to vote for the USDP – though it is not clear how much of this was centrally controlled and how much was the result of USDP members using their personal power and connections to strengthen their candidature (Pederson 2011:55). The results mirrored the uneven playing field: the regime-sponsored USDP won 77 percent of upper house seats and 75 percent of state/regional seats. The leadership regarded these elections as a great success, whereas most Western observers regarded them as sham elections. The National Democratic Institute concluded that the 2010 elections were “clearly designed to guarantee a predetermined outcome, and, therefore, [do] not meet even the very minimum of international standards” (NDI 2010).

By building up a hegemonic party and securing victory in a heavily manipulated election, the military regime successfully transformed into an electoral authoritarian regime under military dominance. To stabilize the evolving regime, junta strongman Senior General Than Shwe chose key representatives of the new regime himself. For president, he picked General Thein Sein – the first secretary of the SPDC and a loyal supporter who previously managed the National Convention (2003–2007) and headed the Emergency Response Agency during

Cyclone Nargis in 2008. Thein Sein's main competitor for the presidency, Shwe Mann, was made Speaker of the lower house. With this move, Than Shwe sought to balance contending actors within the new institutional framework. After Parliament had formally elected Thein Sein as president, the SPDC dissolved, and Than Shwe retired.

Liberalization and the End of Electoral Authoritarianism

Instead of consolidating electoral authoritarian rule under military guidance, Thein Sein and a few senior members of the regime embarked on a process of liberalization that undermined the very foundations of electoral authoritarianism – though not the dominant position of the military (Bünthe 2016). From 2011 to 2015, this saw Thein Sein relax the military's coercive controls and open up considerable political spaces for the opposition and civil society. He also released approximately 1,500 political prisoners (including the 1988 student leaders Min Ko Naing and Htay Kywe), relaxed media controls and abolished prepublication censorship, allowed peaceful protests, permitted associations and labor unions to organize, started a new peace initiative, and increasingly linked Myanmar to the international community.³

Admittedly, all these reforms were heavily contested by senior regime members and encountered resistance from conservative bureaucrats and military hard-liners, all of whom felt that their interests and positions would be endangered. These reforms completely changed the political environment, easing repression and opening channels for participation for the opposition and civil society (Hlaing 2012; Callahan 2012; Bünthe 2016; Lall 2016). After Aung San Suu Kyi was released from house arrest in late 2010 and engaged in a short period of confidence-building talks with the president in 2011, her NLD party was legalized. The NLD went on to contest the 2012 by-elections, winning 33 out of 34 seats. Although the free and fair by-elections only had limited importance and would do nothing to change the power relations between the incumbents and the opposition, they heralded the end of electoral

³ President Thein Sein attributed the need for reforms to his experience visiting the Irrawaddy Delta after the devastating Cyclone Nargis hit the area in May 2008. Seeing that people were not expecting state authorities to help them led to an “understanding that things could not go on the way they were” (Financial Times 2012). His personal experience might explain his own reformist agenda, but other daunting challenges provided further incentive for reform. First, Myanmar's heavy reliance on China and the military's nationalist fear of China's growing influence made economic and social reforms imperative and triggered decisions to seek reengagement with the West. Second, although sanctions did not lead to a split in the military or threaten military rule, it became clear that Myanmar needed to end the isolation in order to create new job opportunities in the business sector (made up of military cronies) and the population at large. Since a political liberalization was a precondition for a dialogue with the West, political and economic reforms needed to be initiated (Bünthe and Portela 2012).

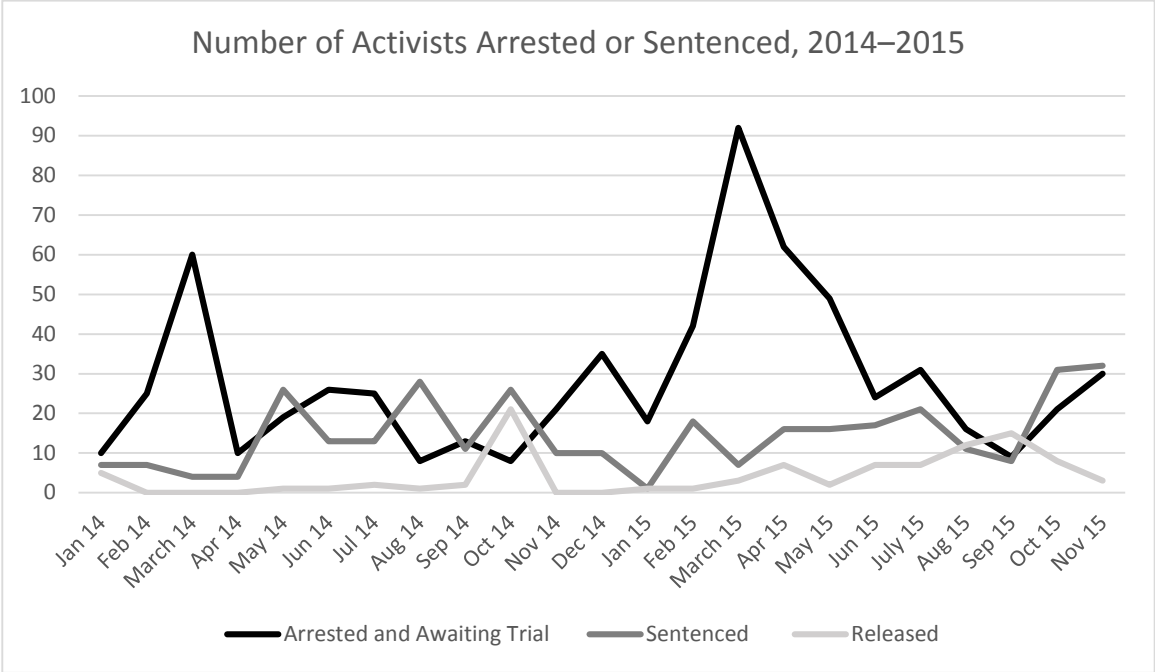
authoritarianism and provided a clear warning to the ruling USDP that its dominance was under threat.

The second national election under the 2008 Constitution was held on November 8, 2015. The electoral environment was radically different to that in 2010 for two reasons. First, the media environment underwent dramatic changes during the five years prior: prepublication censorship had been abolished, which saw an increase in the freedom of expression and media freedom; a number of privately owned newspapers had started to operate; and the number of Internet users had increased. The relaxation of media controls and the end of censorship saw Myanmar improve its ranking in the Reporters without Borders World Press Freedom Index from 174 in 2011 (out of 179) to 145 in 2015 (RFB 2015). Despite this progress, however, certain restrictions on press freedom and freedom of expression are still in place. For instance, criticizing the government or the military and disclosing state secrets or corruption are all still legally punishable (Bünthe 2016; Brooten 2016). A number of journalists were imprisoned in 2014, and several Facebook users were detained in the lead-up to the election (Asia Times 2015). Although these cases had an adverse impact on the freedom of expression during the campaign, they did not result in an uneven playing field. In fact, media coverage during the election campaign was rather balanced (MID 2015): state media primarily focused on the incumbent party and President Thein Sein, while private news outlets (e.g., DVB) largely concentrated on the opposition, particularly Aung San Suu Kyi and the NLD.

Second, new freedom of movement laws and freedom of association laws allowed opposition candidates to move freely and without fear. Although the Association of Political Prisoners Burma reported a backsliding of reforms in 2014 and 2015, documented an increasing number of activist arrests, and criticized the government for reducing spaces for political action, one has to concede that political party activists were not targeted by the regime during the election period. The arrests identified by the Association of Political Prisoners Burma resulted from Myanmar's restrictive Peaceful Assembly Law, which allows peaceful protests only after the authorities have been notified. Although authorities often use this statute to stifle certain protests and arrest activists (Amnesty International 2015) – such as the student protests in 2015 and land-rights protests (Bünthe 2016) – opposition political parties did not complain about restrictions during campaigning. As a consequence of these new freedoms, the number of political parties almost tripled from 37 to 91 in 2015, while the number of candidates

doubled from 3,154 to 6,189. A reason for this might lie in the fact that the Union Election Commission (UEC) had lowered the registration fee for candidates from 500,000 kyats to 300,000 kyats (~280 US dollars).

Figure 1: Freedom of Movement during the Election Year: Political Prisoners



Source: Data taken from the APP(B) (2014–2015).

The 16-member UEC, appointed by President Thein Sein in 2011, is responsible for managing all aspects of the electoral process, including voter registration and the designation of constituencies. Since the UEC chair was a former USDP member and reportedly close to the president, there was a widespread fear that the UEC would not be neutral. Election observers spoke of an “over-concentration of decision-making power in the office of the chair” (EU EOM 2015:1). Despite these concerns, the UEC refrained from systematically manipulating the elections. There were, however, some issues that diminished the quality of the elections. The accuracy of voter lists, for example, was a major source of contention throughout the preelection period, with both parties and civil society organizations complaining about it. Nevertheless, it did not prove to be a problem on polling day, and no voters were turned away or prevented from voting (Carter Center 2015). The UEC did disqualify several Muslim candidates on the grounds of citizenship though. However, the UEC was not alone in this

respect, as all major political parties discriminated against Muslims when selecting their candidates. For instance, neither the NLD nor the USDP fielded a single Muslim candidate (Myanmar Times 2015c).⁴ Campaigning was also influenced by anti-Islam sentiment. In September 2015 President Thein Sein bowed to political pressure from the hard-line Buddhist Patriotic Association of Myanmar (Ma Ba Tha) and signed the so-called Protection of Race and Religion bills, which were seen as advancing an anti-Muslim, ultra-Buddhist nationalist agenda. Ma Ba Tha also claimed that the NLD would not protect Buddhism. Political parties and observers expressed their concerns about the mixing of religion and politics, which is prohibited by the Constitution (Min 2015). Despite these ultra-Buddhist undertones, the campaign period – which lasted for 60 days – was generally regarded as peaceful and fair, and violence remained the exception on polling day. The peaceful nature of the elections proved wrong those scholars who predicted a “high risk of electoral violence” (Nilsen and Tonnesson 2015). The fact that 67 political parties came together to agree on rules for “party conduct” during campaigning (similar to those in South Africa in 1994), which included the establishment of local conflict resolution centers, might have paved the way for the peaceful election in 2015 (Myanmar Times 2015b).

The UEC also improved the “advance voting” process. In 2015 approximately 34,000 nationals registered to cast early votes. The process went smoothly compared to the 2010 elections, when a dubious number of absentee ballots helped the USDP to a landslide victory. According to one estimate, six million advance ballots were counted in the 2010 elections. Transparency also increased tremendously in 2015, with the UEC officially inviting both international and domestic observers to monitor the elections. According to the International Institute for Democracy and Electoral Assistance, 12,000 observers were accredited. Some of the major international observation teams included the Carter Center, the European Union Election Observation Mission (EU EOM), and the Asian Network for Free Elections (ANFREL). Polling day was overwhelmingly peaceful and free, and the secrecy of the vote was maintained – though maybe less so in military compounds, which international election monitors were not able to enter (Carter Center 2015; EU EOM 2015). Around 23 million

⁴ The background to the disenfranchisement of Muslims in Myanmar lies in the contested issue of Myanmar citizenship. Most Buddhists believe that the Rohingya are migrants from Bangladesh who moved to the country after the formation of the union in 1948. Others, however, argue that the Rohingya can trace their ancestors back to precolonial times. The 1982 Citizenship Law states that those seeking citizenship must prove that their ancestors lived in Burma before 1823, which is because the British colonized Arakan in 1824 (Holliday 2014).

voters (69 percent of the registered 34 million) – slightly fewer than in 1990 – took part in what was later called a historic election (Vogt 2015).⁵

Table 1: Elections in Myanmar, 1990–2015

	1990	2010	2015
Seats	492	644	491
Contesting Parties	93	37	91
Eligible voters	20.8 million	29 million	
Voter turnout	72.6	77.3	69%
Incumbent Candidates	–	1154	1128
Incumbent Candidates Elected	10 (2%)	554 (76.5)	41
Opposition Candidates	–	–	1130
Opposition Candidates Elected	–	12 (1.8%)	

Sources: Marston (2013), Than (2011), ICG (2015b), and EMR (2015).

The election was decisively won by the NLD, which obtained 77 percent of all seats (390) in both houses of Parliament. The incumbent USDP won only 8.1 percent of all seats (41). Parties representing ethnic minorities did not fare well either, collectively winning only 11 percent of seats in the lower house – which was down on the 15 percent they managed at the highly manipulated 2010 elections and the 10 percent they won at the 1990 elections. Individually, only two ethnic parties achieved some success in 2015: the Arakan National Party (ANP) with 22 seats and the Shan Nationalities League for Democracy (SNLD) with 15 seats. All in all, the elections resulted not only in a “seismic shift in the division of power” (ICG 2015b) but also the factual end of any electoral authoritarian ambitions of the USDP.

⁵ The relatively low number of voters can be attributed to a complex voter registration process as well as the disenfranchisement of some minority groups (e.g., the Rohingya).

Election Results in the National Legislature

Party	Lower House (Phyithu Hluttaw)	Upper House (Amyotha Hluttaw)	Total	% Elected
NLD	255	135	390	77.4%
USDP	30	11	41	8.4%
SNLD	12	3	15	3.1%
ANP	12	10	22	4.5%
Ta'Ang	3	2	5	1.0%
PNO	3	1	4	0.8%
ZCDP	2	2	4	0.8%
Lisu NDP	2	0	2	0.4%
KSPD	1	0	1	0.2%
Mon NP	0	1	1	0.2%
Wa-DP	1	0	1	0.2%
NUP	0	1	1	0.2%
Independent Candidates	1	2	3	0.6%
Total	323	168	491	100

NLD: National League for Democracy; USDP: Union Solidarity and Development Party; SNLD: Shan Nationalities League for Democracy; ANP: Arakan National Party; Ta'Ang: Ta'Ang National Party; PNO: Pao-National Organization; ZCDP: Zomi Congress for Democracy Party

Explaining the Demise of Electoral authoritarianism

How can we explain the demise of electoral authoritarianism in Myanmar? Why was the USDP beaten at the ballot box? Why did the USDP not engage in large-scale vote rigging and manipulation even after it had received a warning signal of electoral defeat at the 2012 by-elections? Why did the military not steal the elections? I argue that false perceptions, growing divisions within the incumbent party, and the ability of opposition leader Aung San Suu Kyi to capitalize on fissures within the ruling party and the military are the prime reasons for the breakdown of electoral authoritarianism. With the easing of repression, the broadening of political freedoms, and the growing exposure to the outside world, the leading faction within the ruling party and the military did not see any choice but to accept electoral defeat.

Additionally, the military's goal has never been to dominate the political landscape via a proxy party, but rather to act as guardians of the evolving political order.

Divisions in the House: The USDP, the Military, and Internal Factionalism

The prime reason for the demise of electoral authoritarianism was the inability of the incumbent elite to reach out to a bigger segment of the population. At the same time, efforts to build up a strong mass party were inhibited by factionalism. Once the regime was transformed into an electoral authoritarian regime and the use of repressive tactics was eased considerably, the main actors of the ruling coalition developed different interests. At the elite level this could be witnessed in the intense rivalry between President Thein Sein and Shwe Mann, the Speaker of the lower house – both of whom were installed by Senior General Than Shwe in 2011. This played out within both Parliament and the party. Shwe Mann, who was of higher military rank than Thein Sein, had always had presidential ambitions and made Parliament his own power base and a reform actor in its own right (Kean 2014; Egretreau 2014). Although, Shwe Mann supported Thein Sein's reform agenda, he often criticized it for being too slow. He developed a good working relationship with opposition leader Aung San Suu Kyi, which earned him the distrust of the military. He also censured members of the administration, allowed Parliament to debate constitutional changes to the military-drafted Constitution, and also expressed his desire to make Parliament much more representative. He wanted to create a more Westminster-style parliamentary system, in which the president and cabinet members would be chosen from both houses of Parliament. All of this drew the ire of the military, which holds 25 percent of legislative seats, sees itself as the guardian of the Constitution, and successfully blocked any changes to the Constitution in 2015 (Egretreau 2016; Bunte 2016:). All of this prompted the commander-in-chief, Min Aung Hlaing, to write a letter to Shwe Mann expressing his dissatisfaction with his political positions. The military also began targeting his family business and investigating his son's transportation firms. Shwe Mann also used his position as chairman of the USDP to advance his own ambitions. He wanted to transform the USDP from a military proxy party into a real political party. This was evident when Shwe Mann only agreed to include one-third of the more than 150 retired senior officers (among them, former chief advisor Soe Thein and former peace negotiator Min Aung) put forward by Senior General Min Aung Hlaing on the party list for the November elections. Shwe Mann's justification for this was that his own candidates enjoyed huge popularity in their constituencies. In the end, the Ministry of Home Affairs, under the direct control of the

military, sent some 400 police officers to remove Shwe Mann from the USDP leadership and reinstated Thein Sein as party chair. This “party coup” highlights the deep divisions within the party elite and the lack of consensus within the party on its future course. These developments finally reached their climax in April 2016 when Shwe Mann was ousted because of violations of the party’s charter.

In general, there seem to have been misperceptions in the USDP about the people’s desire for change, and the party failed to reach out to sections of the population beyond the military elite, civil servants, and those who profited from the reform policies initiated from 2011 onwards. First, Thein Sein ran on a performance platform, which seemed to imply his satisfaction with the status quo. He defended the military-guided, peaceful transition to “disciplined democracy” as a successful model compared to the violence-producing version in the Arab world. Yet, he could not attract larger parts of the rural population, as political changes had not had a profound effect in the countryside during the first years of reform. Consequently, there was a huge demand for real change, which the USDP leadership did not notice. Second, Thein Sein also tried to position the USDP as a defender of Buddhist nationalism, in part aligning it with the ultra-nationalist Buddhist groups. The elections show that this tactic did not work. Even when an opinion poll commissioned by the USDP flagged the possibility of a catastrophic loss three weeks before the elections, USDP leaders expected they could avoid that outcome. Third, it seems that the USDP underestimated Aung San Suu Kyi’s broad appeal, her message of change, and how strongly people wanted to remove the military elite. The USDP believed a mixture of influential candidates, incumbent advantage, and dissatisfaction with the NLD – particularly due to its inability to defend Buddhism and its lack of nationalist credentials – would translate into votes (ICG 2015b:6). Internal predictions saw the USDP coming close to winning one-third of the seats in the lower house (ICG 2015:5). However, the first-past-the-post system amplified the electoral loss of the USDP, which would have fared much better under a proportional representation system, winning around 28 percent of the vote. However, the USDP and smaller parties shied away from changing the election system in 2014 after the Constitutional Tribunal decided that a change would be against the Constitution (Thant 2014)

Despite these prospects, the party was opposed to rigging the results as it had done in 2010. Thein Sein had promised free and fair elections to the international community and tied his

political legacy to keeping this promise. Since losing the elections would not endanger the military's dominant position within the political system, he and leading USDP figures were willing to accept defeat.

Another factor that contributed to the demise of electoral authoritarianism was the hands-off approach of the military. Senior General Min Aung Hlaing repeatedly promised that the military would not manipulate the election outcome even when the extent of the NLD's victory became clear. After the UEC announced the results, Min Aung Hlaing congratulated NLD leader Aung San Suu Kyi and promised to work with her. It can be assumed that the Tatmadaw leadership, maybe in consultation with President Thein Sein, collectively decided to accept the final results. Though the army might have hoped for a different outcome, the election loss of the incumbent USDP was not going to result in any drastic changes for the military as an institution, since it secured its prerogatives the decade before. Moreover, any move to steal the election would have further undermined the already tarnished reputation of the army. By accepting the results and for having engineered a peaceful transition that put the opposition in power, the military greatly improved its credibility and protected its influence.

The Aung San Suu Kyi Factor: Strength of the Opposition Movement

The strength of the opposition movement can be solely attributed to the personal charisma of Aung San Suu Kyi. In Myanmar everybody knows her and her party, the NLD. In most of the constituencies the other candidates received little attention as the whole campaign consisted exclusively of Aung San Suu Kyi speeches. The NLD focused its entire campaign on her charisma, only promising some vague idea of “change” and avoiding to focus in great detail on the specifics of its party manifesto (Lone 2015) – which covered transparency, clean government, rule of law, peace, development, national reconciliation, and amendments to the 2008 Constitution. Although the charisma of Aung San Suu Kyi was decisive, it did not ensure that the opposition movement was united. Ethnic groups were fractured, and the NLD declined to form alliances with them. In fact, the NLD treated all political groups as outright competitors. The strategy devised by Aung San Suu Kyi saw her campaign in all highly contested regions and other members of the Central Executive Committee campaign in safe constituencies. She even campaigned in remote areas in Shan, Kayah, and Mon state, where the NLD faced stiff competition from ethnic parties. This proved to be successful since her

message of change and a better future, as well as her long opposition to military rule, resonated strongly with voters in ethnic areas. In the absence of strong ethnic party alliances voters may have felt that a strong NLD government would be better capable of bringing lasting peace and development to their regions.

Despite the NLD's decisive victory and Aung San Suu Kyi's charisma, the NLD is rife with divisions and factionalism (Stokke 2015). After being elected chairperson by the first-ever congress in March 2013, Suu Kyi singlehandedly chose all members of the party's Central Executive Committee. She also had in say in candidate selection and included her trusted people on the party list. Her rejection of credible new-generation recruits such as Ko Ko Gyi, a senior leader of the 1988 Generation student group, prompted unprecedented complaints. In some cases her decisions even triggered street protests by local cadres (Lwin and Ye Mon 2015). These issues taken together with NLD's alleged lack of openness to civil society organizations and unwillingness to train its cadres mean that the NLD faces a dim future without Aung San Suu Kyi as leader.

The Impact of the Election on Democratization

The 2015 elections ended military-guided electoral authoritarianism, yet they have not fully democratized the political system. For the second time since 1990, the NLD proved that it was able to beat a military-backed party in relatively free and fair elections. The NLD secured a landslide victory and a majority in both houses of Parliament, which it can use to further democratize the political system. Undemocratic laws inhibiting press freedom and freedom of movement can now be revised. While the elections ended electoral authoritarianism, they were not able to terminate the dominance of the military, which is able to veto far-reaching democratic changes. The military is not only entitled to 25 percent of all legislative seats, the army commander also has the ability to appoint the minister of defense, the minister of border affairs, and the interior minister, who controls the whole bureaucracy. The Constitution additionally allows the commander-in-chief to reimpose military rule if he or she believes the country is on the verge of disorder. Thus, democratization is not complete. Myanmar is, at best, a tutelary democracy with fragile civil liberties and political rights. Praetorian influence is also immense, although the commander-in-chief has recently indicated that the military might withdraw from politics at a certain point in the future. He also noted that this might take

up to 10 years and is subject to positive developments, such as peace, national reconciliation, and the maturing of democracy (Weymouth 2015). This points to the most important factor behind the military's involvement in politics: ethnic conflicts in some parts of the country (Jones 2014; Bünthe 2016). Although Thein Sein signed a ceasefire with eight armed rebel groups in October 2015, tackling the issue of ethnic conflict remains a daunting challenge for the government. Some of the largest groups – such as the United Wa State Army and the Kachin Independence Army – have not signed the ceasefire. Following the November 2015 elections, Aung San Suu Kyi promised that building peace with ethnic armies left out of the ceasefire agreements would be the NLD government's “first priority.” Another side effect of the long period of military rule is the heavy involvement of the military in the economy. The military-owned Union of Myanmar Economic Holding Ltd. (UMEH) and Myanmar Economic Corporation (MEC) are multibillion-dollar entities active in nearly every sector of the economy (e.g., the steel, jade, gems, and tourism sectors). Senior figures within the NLD have indicated that they will leave the military businesses untouched even though they believe that the companies should be state enterprises (Interview NLD member, December 5, 2014). Another issue resulting from military involvement is land grabbing carried out by the military and its cronies. Since all these problems overlap in ethnic minority areas, finding sustainable peace will be an enormous challenge (Lee 2014a).

Apart from military involvement, Myanmar's tutelary democracy also faces additional challenges – such as addressing its weak institutions, lack of the rule of law, and long authoritarian past. Moreover, the political culture of Burma is only very superficially attached to democracy. According to recent public opinion surveys, Burmese are attached to the word “democracy” and the idea of democracy as a concept, but when it comes to the principles of liberal democracy, they are still very politically illiberal. Moreover, the Burmese have a lot of religious and ethnic sentiments (Welsh et al. 2016).

What does Myanmar tell us in light of theory building? This article has highlighted the particularities of military-guided electoral authoritarianism in Myanmar, which is a special case of electoral authoritarianism due to the historically weak institutionalization of political parties and the long and pervasive influence of the military in the country. Electoral authoritarian structures were only enforced as part of an exit strategy of the ruling military junta, which enjoyed a position of strength after years of regime modernization and repression of the opposition.

Yet, although it controlled more than three-quarters of both legislatures, the hegemonic USDP could not maintain its dominance of the political system. Once it ceased to repress the opposition and introduced political liberalization, the foundations of electoral authoritarian rule crumbled. Due to long-time repressive rule, the military's poor reputation, and the strong charisma of opposition leader Aung San Suu Kyi, any attempt to sell the performance of the hegemonic party was nipped in the bud. Internal factionalism and growing dissonance within the party compounded the USDP's failure. It therefore remains questionable whether the political system of Myanmar can correctly be classified as electoral authoritarian. It veils the true arbiter of power, the military, which now guards the tutelary democracy.

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