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Myanmar's National League for Democracy: From Opposition to Office One Year On

By Alistair D. B. Cook

Synopsis

The 2015 General Election in Myanmar was largely seen as free and fair, and adhered to international standards. It saw the National League for Democracy under the chair of Aung San Suu Kyi forming the new government. One year hence, how has the NLD-led government fared?

Commentary

COME APRIL, it will be 18 months since the historic election victory in 2015 of the National League for Democracy (NLD) in Myanmar led by Aung San Suu Kyi. The NLD also faces its first by-elections as an incumbent administration scheduled for 1 April 2017 - just over one year after it took office. These by-elections will be their first tangible bell-weather as candidates contest to fill seats left vacant following the post-2015 political transition. How far has the NLD-led government addressed the challenges faced by people in Myanmar?

Some suggest it is too early to assess as the NLD's policies need time to have effect, while more changes will come over the next four years. Others suggest that renewed civil war, the Rohingya crisis and the recent death of prominent NLD lawyer U Ko Ni show that the NLD has no control over military, police or border affairs which limits what the NLD can achieve. The NLD has begun its transformation from an opposition coalition into a governing party, but it now needs to define what that means.

Post-2015 Litmus Tests

Under the 2008 Constitution, the Myanmar government is elected to serve a five-

year term, which means the next general election could be held around November 2020. The NLD-led government under Suu Kyi initially challenged the military with its thumping super-majority but this did not lead to constitutional change in Myanmar. As a result, over the past year the negotiations with the military over power and policy have remained at the highest levels of government with seemingly limited success; this has led to the disappointment of many inside and outside of Myanmar.

This highest-level decision-making process has also challenged the functionality of the bureaucracy – with bottlenecks common across the ministries. If the NLD are to turn this around, then they will need to reassess how they advance their platform of human rights particularly freedom of speech, the rule of law, and national reconciliation.

After the overwhelming win in 2015 by the NLD, expectations for the new government they were to lead were high. The NLD headed by Suu Kyi had long campaigned for human rights particularly freedom of speech, the rule of law, and national reconciliation. In the election aftermath, it became clear that the protected position of the military under the 2008 Constitution was unlikely to change in the near term.

This meant that the NLD and the military would make for strange bedfellows in government. This political reality has so far led to the politics of compromise between the two, which has disappointed many inside and outside Myanmar.

Political Space

Many in Myanmar have expected the NLD to pursue a reform agenda that would continue to open up the political space for debate, particularly in the media. Under the previous President Thein Sein government, Myanmar saw freedom of speech emerge under new media laws. However, this political space has taken a turn for the worse with the use of section 66 (d) of the 2013 Telecommunications Law as an avenue to sue for defamation on any network, which carries with it a jail term of up to three years.

Since the NLD took office, there have been over 40 defamation cases compared to seven cases from the enactment of the law in 2013 to the end of the previous government's term in office. Till today the NLD government shows no sign of reforming the law. Furthermore the NLD has been reluctant to share information on government policy with the media; the administration has also not taken criticism well, which has left many wondering about their commitment to their own platform.

War in the North

Since the ceasefire between the Kachin Independence Army (KIA) and the Myanmar Army collapsed in 2011, fighting continues to this day. This month an estimated 20,000 people fled the conflict into China, and some 3,000 were left internally displaced. Last December, significant military clashes occurred and still continue in Kachin State and Northern Shan State between the Myanmar Army and the Northern Alliance, a military coalition of four separatist armies.

Three militaries have not been invited as yet to sign the National Ceasefire Agreement. The KIA has so far refused to sign the agreement and calls for equality in negotiations. This is despite the NLD-led government attempts for national reconciliation through the Twenty-First Century Panglong peace conference. The second round of the peace conference scheduled for this month was postponed until May. So far ethnic groups have been underwhelmed by what has been on offer since the NLD took office.

Rohingya Crisis

The most recent humanitarian crisis to affect the Rohingya started in May 2012 with the rape and murder of a Buddhist woman allegedly by a group of Rohingya men. This quickly escalated into communal violence and degenerated further with some fleeing across the border into Bangladesh, others remaining internally displaced and the rest killed.

Last October border guard police posts were attacked on the Myanmar-Bangladesh border. Authorities say that Rohingya militants killed nine police officers and they responded with heightened security and raids, again leaving many dead, others internally displaced or fleeing across the border.

The most recent response came under the NLD-led government, which was condemned in the international community in the United Nations report this year. Despite the broader anti-Muslim rhetoric common in Myanmar, some 40 civil society organisations called for a 'truly independent' international investigation into the situation in Rakhine State. In recent days, the NLD-appointed commission delivered its interim report, which highlighted key concerns with incremental policy suggestions.

Long Way to Go

The one-year-old NLD government has made some progress in economic reforms and attracting foreign investment. However the protections afforded to the military in the 2008 constitution have so far ensured their free reign over security matters. The NLD therefore still has a long way to go in meeting the aspirations of all the people of Myanmar. It has yet to renew its cadre of officials to take over the functions of government from the military in internal affairs - if it can get them to agree to it.

The NLD therefore has an uphill struggle to realise its platform for change by 2020. This includes the promise of national reconciliation with the ethnic nationalities; the need to independently investigate and hold those accountable for the deaths and destruction in Rakhine State; the cementing of open political space; and the injection of fresh capacity in education, health and social services.

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