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AUNG SAN SUU KYI – GETTING HOPES UP FOR NOTHING?

THE FAILURE OF DEMOCRATIZATION IN MYANMAR

AFTER 2015

Bachelor's thesis

Programme Law, specialisation International Relations

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Tallinn 2020

I declare that I have compiled the paper independently
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The document length is 9605 words from the introduction to the end of conclusion.

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ABSTRACT

The purpose of this research is to assess the essence of the failure of democratization in the Republic of the Union of Myanmar after the 2015 elections and Aung San Suu Kyi's role in it. The main argument directing the discussion speculates that the failure to deliver a democracy-framed political regime in Myanmar is attributable to the strategic discordance between Aung San Suu Kyi's pre-elections assurances and latter's implementation in practice in post-election years. The political West saw Aung San Suu Kyi as having the most quality for bringing about a change in an ex-authoritarian political system for her vocal promotion of democratic values in earlier years, when the democracy icon spent her days under house arrest. By following a qualitative approach the paper gathers data from academic discourse, Aung San Suu Kyi's own writings and speeches, Myanmar's legislation and several international institutions' reports to outline a necessary background of the issue, covering the pre- and post-election years. Discussion on the main argument is supported by questions looking into Suu Kyi's past vision on state-building, her contradicting actions in the office today as a State Counsellor and how latter affect the democratization process. The research focuses on the issues of freedom of speech, transparency, ethnic conflict and the Rohingya crisis as being among the most important factors contributing to the success of delivering a regime relying on democratic values.

Based on the evident strategic discordance in several areas found in the paper, the discussion demonstrates that by having taken part of the autocratic practices in the government, Aung San Suu Kyi as a trusted democracy figure has contributed to strengthening of the autocratic tendencies in Myanmar's political arena. As a result of her, both, action and inaction the appreciation for democratic values among the people of Myanmar may decline. As her reliability suffers, the support from Western countries is also under threat. It is recommended that Aung San Suu Kyi pressured the government more aggressively, if she is still loyal to the democratic values, and bring more reforms in front of the Parliament. Further study is needed to look also into economic-, educational- and corruption policies, and into the possible autocratic tendencies of Aung San Suu Kyi.

INTRODUCTION

Previously known as Burma, The Republic of the Union of Myanmar (further – Myanmar) has seen one of the longest running internal conflicts, which is remarkably affecting the declared process of democratization to eventually succeed in both the country and the whole sub-region of Southeastern Asia. For past years, Myanmar has been *de facto* led by Aung San Suu Kyi in her capacity as State Counsellor. The new position was created specifically for her, in order to give her official power on the political arena where the country's ex-authoritarian political system is still directed by the military. Despite the latter factor (the military's enormous role in Myanmar), a noticeable "change of heart" has been evidently detected in the context of political West openly expressing its disappointment in Suu Kyi¹. After all, considering the Sakharov Prize for Freedom of Thought as well as the Nobel Peace Prize, she was seen as a figure possessing the most potential for changing the political course of Myanmar by having the ear of the military and was expected to deliver plenty, but allegedly did not succeed. Furthermore, she added to the letdown with her silence on the Rohingya crisis, which now has evolved into a defensive stance for Myanmar in front of the ICJ. It has been considered by the Western world as a political suicide².

In the context of the debate, one may specify the military's ubiquitous presence in the government as a major factor for Suu Kyi's possible inability to lead the democratization process more successfully, but one shall consider also the probable lack of harmony in Suu Kyi's own past vision of state building and its actual implementation today, latter being what the author of this paper suggests and is going to assess. As a basis for discussion, this research argues that the failure of democratization in Myanmar after 2015 is not only attributable to the military's presence in the country, but also to a strategic discordance between Aung San Suu Kyi's pre-election assurances and latter's implementation in practice in post-election years. For a democracy icon who was thought to be the one capable of cooperating with the military towards a democratic Myanmar, Suu Kyi's practices, policies and post-election words in matters directing the democratization

¹ Lubina, M. (2019). From idealisation to demonization: Aung San Suu Kyi in the Western media. In D. Seekins, S. Sudo, & M. Takeda (Eds.), Series VI: discourse on diversity, divides and development issues in South Asia from educational, political and societal viewpoints. KOHMURA, 1-13.

² Myat, M.M. (2019). Is politics Aung San Suu Kyi's vocation? *Palgrave Communications*, 5 (50), 6.

process in the country have raised suspicions in the Western political atmosphere into her sincere convictions. For example, Zoltan Barany has criticized Suu Kyi for being "unwilling to pay the political price of doing the right thing by putting her voice – and her enormous global prestige – into the effort to defend a persecuted people who are facing ethnic cleansing and perhaps even genocide"³.

Before diving into the discussion on the argument's academic credibility in the paper's third section, this research will provide for outlining the necessary background of the issue in focus, covering the pre- and post-election years, respectively, in the initial sections. It is essential to, firstly, draw a summarization of Suu Kyi's past vision on state-building and bring out some of her key speeches and writings in which she expresses her ways for achieving a democratic government. In order to have a possibly contradicting content for the discussion, the second section covers three outstanding factors of the post-election years: escalation of Rohingya conflict, the ongoing civil disagreement between ethnic minorities and the question of freedom of speech and transparency in Myanmar. In all three focuses chosen, which contribute heavily to the democratization of the country, Suu Kyi has possibly failed to oblige with her past assurances on delivering a democratic government. In short, the three research questions supporting the search for the argument's quality are: "What was Aung San Suu Kyi's vision on state-building before she took the office as State Counsellor? Has Aung San Suu Kyi followed that vision now?" and "How have her actions/convictions influenced the success of the democratization process?"

Following a qualitative approach, this paper arranges its data-gathering process around primary and secondary sources, namely academic discourse, the United Nations- and ICJ-issued reports and other documents, Aung San Suu Kyi's own writings and speeches delivered, Myanmar's legislation and reputable newlines to lay the base for the narrative to be developed in the discussion chapter, while relying on the highlights and contradictions in the topic. It will be an exploratory and explanatory research journey in order to identify and understand the essence of the failure of democratization in Myanmar after 2015 elections and Suu Kyi's role in it. In the section of the analysis, the paper will connect the collected evidence with the research questions to find whether there is coherence in the author's main argument by offering interpretations and associations to descriptive information provided. There will be offered ideas on how Aung San

³ Barany, Z. (2018). Burma: Suu Kyi's Missteps. *Journal of Democracy*, 29 (1), 14.

Suu Kyi's apparent discordance in her strategy and values has contributed to the failure of democratization before making a finalizing judgement on the matter.

Interest in academic study of Myanmar's political arena is especially wide-spread after the new government formed led by Aung San Suu Kyi. The literature goes over and above screening the transfer to democracy in Myanmar, but usually focuses more on the obstacles the military, the Constitution and ethnic armed organizations in the country are representing. The purpose of this paper is to come back to the importance of the root – individual's fundamental values and how those are able to have a directive power over a course of a country. Latter become a question to be discussed every time when the impact of one person's actions reaches millions of human lives. Aung San Suu Kyi's individual values as a politician constitute an influential part of the democracy course of Myanmar due to people's trust in her and, therefore, deserve effort of study into them and her values-inspired actions. As Suu Kyi once noted, "the quintessential revolution is that of the spirit, born of an intellectual conviction of the need for change in those mental attitudes and values which shape the course of a nation's development"⁴. For this reason, there is a need to look into those of her own as her beliefs have constructed the ones held by many others and her actions have given us reason to evaluate her role in Myanmar's road to a democracy-framed political regime.

⁴ Aung San Suu Kyi. (1991). *Freedom from Fear*. Retrieved from <http://sites.asiasociety.org/asia21summit/wp-content/uploads/2011/02/1.-Aung-Suu-Kyi-Freedom-from-Fear.pdf> , 5 March 2020.

1. MYANMAR'S ROAD TO DEMOCRACY TOGETHER WITH AUNG SAN SUU KYI

The democratization process in a state generally starts before the actual implementation of democracy occurs⁵. Latter can be clearly seen also in the democratization case of Myanmar as we have seen a preparing society, will of people and some of country's democracy-supportive key figures contributing to a democratic future already since the beginning of the independent Myanmar, once called Burma. Not only Myanmar's own people, but also the international arena saw a potential and promising beginning of the actual implementation period in 2011-2015, but as of today, the Republic is still struggling in its capability to own democratic values and transfer them into action.

As for 2011, the country "officially" transitioned away from the authoritarian military rule, which led to elections in 2015 bringing political power to the winning party National League for Democracy (NLD) and with it to the democracy icon Aung San Suu Kyi⁶. Or should one say "some" political power as the country aiming for democracy headed by the elected party still sees regular indirect military rule, too? In 2018, the Democracy Index report classified Myanmar still as an authoritarian regime lacking especially on civil liberties, electoral process and functioning of government⁷ although Myanmar has been de facto led by Aung San Suu Kyi as a State Counsellor for a few years already and she has always been the figure promoting those three lacking now. As Coclanis has noted: "The trials of Aung San Suu Kyi never seem to end."⁸

⁵ Kipgen, N. (2016). *Democratisation of Myanmar*, New Delhi: Routledge, 2.

⁶ International Crisis Group Asia Briefing No 151, 2018. Myanmar's Stalled Transition, 1.

⁷ The Economist Intelligence Unit Democracy Index 2018

⁸ Coclanis, P.A. (2009). Understanding Burma: No One Talks to the Generals. *Strategic Insights*, 8 (5).

1.1 Meaning of democracy as a context for the rough start of the process in Myanmar

Besides knowing the story of Aung San Suu Kyi, one should also be briefly familiar with the background of political arena of the country and the tools of democracy, otherwise there can be no understanding of why the present issue discussed in this paper is even a question. Elections alone do not make a country democratic, even more so, when there is lacking on the process itself. Essential for democracy and democratic elections is transparency and latter itself needs assistance by "respect for human rights, economic welfare, distribution of wealth, comprehensiveness of corruption laws, accountability of government, quality of education, freedom of speech and freedom of press"⁹. Such definition provides a significant playground to play in while researching Aung San Suu Kyi's attitude and Myanmar's progress in the areas since her de facto reign in the office and assessing all of them would give a good picture of where in the progress of democratization Myanmar currently is. This paper will not reach the details of all of them, but will touch most of them and expand on a few. The transparency guaranteed by freedom of expression and freedom of press, for example, is a base for an election to be fair at the first place - the people need to have information to be able to elect. Until present day, the truth in Myanmar that gets out to the public is bent.

There was an attempt of little democracy in Myanmar already around 1990, but as it is relative to corruptive military-led countries, when the result of a certain democratic process is not likeable, it is just left aside. The NLD won already in 1990 as the State Law and Order Restoration Council (SLORC) established by the leading military junta managed to hold a fairly free multi-party election after having halted the previous Socialist Constitution¹⁰. However, the NLD politicians were never given the power and some of them just got promised a chance to contribute to the drafting of a new constitution. Only to be expelled from the National Convention (NC) brought together for this some years later. The new constitution finally was established as a part of a seven-step roadmap to democracy concluded in 2007 by the military¹¹ with which they guaranteed themselves dominance in Myanmar's politics until today¹². Such an arrangement, 25% of parliamentary seats assured for Tatmadaw's representatives, is their "version of a genuine,

⁹ Luoma-aho, V., Canel, M.J. (Eds.) (2020). *The Handbook of Public Sector Communication*. Hoboken: John Wiley & Sons, Inc., 71-73.

¹⁰ Huang, R.L. (2017). Myanmar's way to democracy and the limits of the 2015 elections. *Asian Journal of Political Science*, 25 (1), 27.

¹¹ *Ibid.*, 27-28.

¹² Barany (2018), *supra nota* 3, 6.

disciplined multi-party democratic system"¹³. Furthermore, several key figures of the NLD ended up being imprisoned by SLORC after the elections and serving a 25-years-sentence for "attempting to set up a parallel government"¹⁴.

1.2 Aung San Suu Kyi's years as a democracy icon

During all those years of the pre-game of democratization process brought up in the end of previous chapter Suu Kyi was for most of the time under house arrest and a vocal supporter of democratic Myanmar. Above the paper brought attention to the obstacle of military's presence and corruptive ways in the government, in addition Myanmar's another challenge over the years has been peace between its many ethnic minorities. Suu Kyi's father Aung San, the founder of Burma who was assassinated just before the independence was achieved, assured the ethnic minorities of Myanmar of a future federal government¹⁵. Aung San Suu Kyi continued Aung San's efforts towards a free Myanmar, although in her own way and by going against an army formed by her father¹⁶. Still and most importantly, she was convinced that every individual "regardless of race, nationality or religion" has the right to basic freedoms, but as long as there is oppression forcing some groups to defend such obvious rights, there is also struggle¹⁷.

Suu Kyi wrote of struggle and fear in the 1990s when she was awarded the Sakharov Prize for Freedom of Thought by the European Parliament. She saw the "humiliation of the way of life" as a driver of want for democracy in Myanmar – their life was led by "corruption and fear". She did include the challenges in the country's economy as another cause, but she focused a lot on two mentioned above and the basic human rights. Suu Kyi called "freedom from fear" as being both the means and an end as she saw no point in fixing the official policies and institutions alone where there is no determined and united mindset for a firm democracy.¹⁸ Suu Kyi as a devoted Buddhist saw democracy as the only way for a man to realize his potential for there must exist a social environment and a political system allowing one to do so¹⁹. In 2010 right after being released

¹³ Huang (2017), *supra nota* 10, 29.

¹⁴ Aung San Suu Kyi. (1995-1996). *Letters from Burma*. Retrieved from https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs/Letters_from_Burma.htm , 3 March 2020.

¹⁵ Barany (2018), *supra nota* 3, 9.

¹⁶ Silverstein, J. (1996). The Idea of Freedom in Burma and the Political Thought of Daw Aung San Suu Kyi, *Pacific Affairs*, 69 (2), 212.

¹⁷ Aung San Suu Kyi (1991), *supra nota* 4, 2.

¹⁸ *Ibid.*, 1-3.

¹⁹ Silverstein (1996), *supra nota* 16, 224.

from 15 years of house arrest which had been extended over 21 years she emphasized that for such environment there must be no oppression on speech. She stated that "the basis of democratic freedom is freedom of speech".²⁰

Freedom of speech guaranteed by a remarkable number of legal instruments, including by Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on Economic, Social and Cultural Rights²¹ has been the very base of Aung San Suu Kyi's own action enabling her to become a democracy icon in people's eyes in the first place. Speaking out in a country of an autocratic military government has meant also paying a price for her words and being a target of the government-inspired groups. For example, in 2003 a convoy where Aung San Suu Kyi was travelling was attacked by a pro-government mob as an assassination attempt, resulting in deaths of several NLD bodyguards and Suu Kyi's detainment in prison²². Latter is just one example of what Suu Kyi has been through since she returned to Myanmar in the end of 1980s.

It is not unexpected that we feel curious now for the motives of her actions today in the office when her past enables her to identify with the people being punished on present day for relying on same freedoms she once protected. We need to ask whether Aung San Suu Kyi may have developed a personal inclination towards autocracy or is she following a precautious tactics. We also should look if there were any hints or explanations for her behavior today already hidden in the past between her noble and couraegous work. Among the referrals to freedoms and rights in her speeches, there actually was already apparent also the worry about Suu Kyi's and her party's mentality towards the importance of equality between the ethnic minorities²³. While Suu Kyi's father was welcomed and appreciated by the minority leaders in the country for his down-to-earth stance and politeness, then Suu Kyi was regarded as being more disdainful towards the minority issues. A Shan leader has recalled how father Aung San acted as an equal and kept his word, whereas Aung San Suu Kyi had the leaders waiting as if she was a nobility comparing to them.

20 (2010, November 14) Aung San Suu Kyi calls for freedom of speech. *The Independent*.

21 United Nations Human Rights Office of the High Commissioner. *Freedom of Opinion and Expression – International standards*. Retrieved from <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Standards.aspx> , 5 May 2020

22 Human Rights Watch. (2010). *Burma: Chronology of Aung San Suu Kyi's Detention*. Retrieved from <https://www.hrw.org/news/2010/11/13/burma-chronology-aung-san-suu-kyis-detention> , 20 March 2020.

23 Hlaing, K.Y. (2007). Aung San Suu Kyi of Myanmar: A Review of the Lady's Biographies. *Contemporary Southeast Asia*. 29 (1).

After not staying by her words, too, promising that the NLD would not run in Shan State the Shan leader predicted an unfortunate fate to the minorities if the NLD would some day gain power in the government.²⁴

The possible disdain for Myanmar's ethnic groups has been visible in Suu Kyi's story already pre-election. The NLD has a history of engaging with other parties of preference who are Burman Buddhists and Suu Kyi has regarded the parties of other ethnicities as being obstacles on the road to democracy. She has indicated that the other ethnic groups are more interested in personal gains than in the bigger picture entailing the fight against military power on national level, which is Suu Kyi's priority.²⁵ Her political writings often emphasize primarily the Buddhist rhetoric and its traditional values. In addition, over the years there is noticeable how she connects Buddhist ideas to achieving democracy and attaining freedom from authoritarian rule. McCarthy has speculated though that the association was necessary for the people of Myanmar to embrace the idea of democracy at all. ²⁶ In spite of her preferable attitude for ethnic Buddhists, Suu Kyi still managed to stay the "untainted" politician in a cave of corruption, who had the gut to frankly judge the government²⁷.

In her Letter from Burma No.30 in 1996 she wrote that "it is never easy to convince those who have acquired power forcibly of the wisdom of peaceful change"²⁸ and there were many people then believing that she was the one capable of doing exactly that²⁹. She had the gut to publicize the content of NLD's documents after they were not allowed for public eye with government's decision after the 1990 elections, such as the Manifesto on economy laying down the party's objectives for attaining an open-market economy relying on rule of law, for example. And her plans sounded noble and morally right – she declared "unity in diversity" as a base for a leader who sincerely wants to strengthen Myanmar's nation towards a tranquil coexistence of various beliefs, cultures and races.³⁰ With looking for the existence of "unity in diversity" in Suu Kyi's policies today, we can move on to the second section of the paper.

²⁴ Hlaing (2007), *supra nota* 23.

²⁵ Walton, MJ. (2013) The 'wages of Burman-ness': ethnicity and Burman privilege in contemporary Myanmar. *Journal of Contemporary Asia* 43 (1), 1-27.

²⁶ McCarthy, S. (2004). The Buddhist political rhetoric of Aung San Suu Kyi. *Contemporary Buddhism*, 5 (2), 67.

²⁷ Hlaing (2007), *supra nota* 23.

²⁸ Aung San Suu Kyi (1995-1996), *supra nota* 14.

²⁹ Hlaing (2007), *supra nota* 23.

³⁰ Aung San Suu Kyi (1995-1996), *supra nota* 14.

2. DEMOCRATIZATION PROCESS UNDER THE NEW NLD-GOVERNMENT LED BY AUNG SAN SUU KYI

A transition from authoritarian regime to democracy can be gradual, sudden, with or without consent or in cooperation with the authoritarian leaders. A consensual transition with the authoritarian side participating may result in a process having a terminal point which is favourable to the authoritarian regime. Simply said, the country can get as democratic as the authoritarian side wants it to be.³¹ With the 2008 Constitution, the Tatmadaw guaranteed itself 25% of the seats in the Parliament to hold a veto power over constitutional changes – the new Constitution demands three quarters plus one votes for a constitutional amendment to go through³². In doing so, they made sure of their presence in the government, or in other words, their power to control the terminal point of the democratization. The NLD-led government started its work together with the 25% of Tatmadaw's seats on 1 April 2016³³.

As planned in the introduction, this section moves on to post-2015 years covering escalations in three areas the author of this paper considers important for being able to assess the paper's argument in next chapter. By showing the developments in Myanmar during Suu Kyi's office and bringing up her words from recent years it is possible to analyze her contribution to the democratization process. Necessary to specify, it does not indicate that she is the only one deciding the course in Myanmar, but rather to look for the deficiency of her past fundamental values in her actions today, which in turn instead of exterminating the authoritarian inclinations over time from the government, will encourage the Tatmadaw's way of conduct. However, most issues do go through the office of Suu Kyi, which has been called a "government's centre of gravity" – usually before the officials and ministers finalize their decisions, the question has been passed to the president's office, where Suu Kyi as a minister of the office has much power³⁴.

³¹ Share, D. (1987). Transitions to Democracy and Transition through Transaction. *Comparative Political Studies*. 19 (4).

³² Barany (2018), *supra nota* 3, 6.

³³ Huang (2017), *supra nota* 10, 25.

³⁴ International Crisis Group (2018), *supra nota* 6.

With Aung San Suu Kyi and her party finally besides the military representatives in the Parliament it was expected that the work would start, leading the way to an extensive democracy. Most importantly, the elections brought her a majority in the Parliament, which gives her power over all legislative changes that do not engage with the Constitution³⁵. In addition, the elections brought civilians into the executive and the Parliament³⁶.

Today, the country still has to overcome several key issues that have been great obstacles of a democratic government. It needs to become transparent, get rid of its discriminatory ways and change respective laws in order to hold the new approaching elections as transparent, free and inclusive. Currently it is standing before the International Criminal Court with the Rohingya crisis, keeps information from its people by suspending internet services in selected areas, holds reportedly nearly 700 political prisoners, sustains a legal framework far from supportive of free expression and so on.³⁷ In discussing the achievements in the democratization process, one could probably count them on his fingers. Barany suggests that the political power in the government has not yet been really transferred, but as Suu Kyi, lacking in power, skills and experience, is holding the positions of a State Counsellor and a foreign minister she is in the eyes of everyone the "face of the government"³⁸. The author of this paper, too, acknowledges the limits the Tatmadaw presents for Suu Kyi's power as a State Counsellor, but does not perceive her merely as the "face". Suu Kyi's position is not simply of representative and honourable character, but holds significant influence over the daily process of democratization in Myanmar.

2.1 Non-existent progress for freedom of speech and transparency as a base for democracy after 2015

As stated above, freedom of speech was the very right on which Aung San Suu Kyi's reputation's development into a democracy icon relied on. Therefore, it is an inseparable part of this paper to evaluate the appreciation for the freedom in Myanmar after NLD won the elections. Since the freedom is indiscriminatory, it shall be a right of everyone in the country to rely on it.

³⁵ Clapp, P. (2016). *Myanmar's New Parliament with Suu Kyi Party Majority*. Retrieved from <https://www.usip.org/publications/2016/01/qa-myanmars-new-parliament-suu-kyi-party-majority> , 6 May 2020.

³⁶ Ganesan, N. (2017). Democratization and Its Implications for the Resolution of Ethnic Conflict in Myanmar. *Asian Journal of Peacebuilding*, 5 (1), 126.

³⁷ The Human Rights Council (2020) Report of the Special Rapporteur on the situation of human rights in Myanmar, A/HRC/43/59.

³⁸ Barany (2018), *supra nota* 3, 6-7.

Unfortunately, this chapter's evidence found shows primarily the discriminatory ways government uses today in relation to the freedom, again preferring the ethnic Burman Buddhists and also, men. Neither the controversial media- nor the citizenship law have been „fixed“ during last years, as there is a serious lack of freedom of expression resulting in arrested journalists still present and there are many in the country without a nationality due to the discriminating practices. Issue of citizenship is connected to the area of freedom of speech and transparency due to the usage of words in the law governing media.

Until today, Myanmar relies on the 2014 News Media Law. While latter was seen in the beginning as a positive attempt bringing forward the idea of media freedom, it still does not fulfill the international standards, the Article 19 of Universal Declaration of Human Rights places the control over the media under the power of the Media Council controlled by the government³⁹. One of the objectives of the law is "to make news accessible to every citizen"⁴⁰ and for Myanmar this one sentence in the law alone already brings up a lot of controversiality and inequality. First of all, citizen-ship related laws (such as the 1982 Citizenship Law and its Procedures or the 2015 Myanmar Buddhist Women's Special Marriage Law) in Myanmar are gender-discriminatory⁴¹. Secondly, the 1982 Citizenship Law recognizes only the "national races", of which the Rohingya, for example, is not seen as being a part of⁴². In 2018 the statistics showed nearly a third of the population in the country living without a citizenship⁴³, but all Suu Kyi has done is forming a special commission that has vaguely suggested that the 1982 Citizenship Law should be reviewed⁴⁴.

In case of freedom of expression, Suu Kyi has retained making use of the vastly problematic Section 66(d) of 2013 Telecommunications Law, which broadly allowed imprisonment for up to three years before for "extorting, coercing, restraining wrongfully, defaming, disturbing, causing

³⁹ Article 19 . (2014). *Myanmar: News Media Law*. Retrieved from <https://www.article19.org/resources/myanmar-news-media-law/> , 28 March 2020.

⁴⁰ Pyidaungsu Hluttaw Law No. 12/2014 – News Media Law

⁴¹ NRC – Norwegian Refugee Council; The Seagull Human Rights Peace Development; ISI – Institute on Statelessness and Inclusion; SNAP. (2018). *A gender analysis of the right to nationality in Myanmar*. Retrieved from <https://www.nrc.no/globalassets/pdf/reports/myanmar/cedaw-report-web-7-march-2018.pdf> , 28 March 2020.

⁴² Burmese Rohingya Organisation UK. (2014). *Myanmar's 1982 Citizenship Law and Rohingya*. Retrieved from <https://burmacampaign.org.uk/media/Myanmar%E2%80%99s-1982-Citizenship-Law-and-Rohingya.pdf> , 28 March 2020

⁴³ NRC – Norwegian Refugee Council; The Seagull Human Rights Peace Development; ISI – Institute on Statelessness and Inclusion; SNAP (2018), *supra nota* 28.

⁴⁴ Finnigan, C. (2018). *Myanmar 2020 – Rohingya Citizenship: Now or Never?* Retrieved from <https://blogs.lse.ac.uk/southasia/2018/11/02/rohingya-citizenship-now-or-never/> , 7 May 2020.

undue influence or threatening any person using a telecommunications network”⁴⁵. The Section 66(d) has been used to prosecute people even for Facebook communications⁴⁶. Some progress was thought to have been made by Suu Kyi when in 2017 the law was amended and in result the defendants now could be granted bail and the maximum prison sentence was changed from three to two years⁴⁷. As it turns out it was a clever move for it still did not lessen the possibilities of prosecution. The grounds for charging that were also suspended in the amendment were never the ones used for the complaints relying on innocent opinions, where real defamation was not ever proved⁴⁸.

Most cases are simple criticism on powerful politicians⁴⁹ and Suu Kyi also is acting fully against her past understandings by not letting her people criticize her – in July 2018 a man was sentenced to seven years in jail and a huge fine for, according to his wife, sharing suggestions for Aung San Suu Kyi in a critical way on Facebook⁵⁰. After the first half-term of Suu Kyi’s administration, more people had been prosecuted for libel than during all the years of previous government. Even a former child soldier ended up in prison for being brave enough to share his experience with the media. Fortunately, there have been some instances where Suu Kyi has asked the President to issue a pardon⁵¹, but the legislation has stayed untouched until today.

2.2. Peace progress in the country of many ethnic minorities under Suu Kyi

Although it has been established already that Suu Kyi’s opinions on ethnic minorities are confusing, she and the NLD still prioritized ethnic peace over everything else right after the elections⁵². One of the things they had to continue handling was the in 2013 negotiated nationwide

⁴⁵ Human Rights Watch. (2017). *Burma: Repeal Section 66(d) of the 2013 Telecommunications Law, Joint Statement by 61 Human Rights Organizations*. Retrieved from <https://www.hrw.org/news/2017/06/29/burma-repeal-section-66d-2013-telecommunications-law> , 30 March 2020.

⁴⁶ *Ibid.*

⁴⁷ Milko, V. (2018). *The Decay of Press Freedom Under Aung San Suu Kyi*. Retrieved from <https://newnaratif.com/journalism/decay-press-freedom-aung-san-suu-kyi/> , 30 March 2020.

⁴⁸ Free Expression Myanmar. (2017). *66(d): No real change, An analysis of complaints made before and after the 2017 legal amendment*. Retrieved from <http://freexpressionmyanmar.org/wp-content/uploads/2017/12/66d-no-real-change.pdf> , 31 March 2020, 2.

⁴⁹ *Ibid.*

⁵⁰ Gerin, R. (2018, September 9) Former Columnist Jailed For Social Media Criticism of Myanmar’s Aung San Suu Kyi. *Radio Free Asia*.

⁵¹ International Crisis Group (2018), *supra nota* 6.

⁵² Ganesan (2017), *supra nota* 36, 112.

ceasefire agreement (NCA)⁵³. The idea of the agreement was to include all the ethnic armed organizations to establish a policy structure laying the base for the end of civil war by treating all participants in the peace process as equal legal organizations. Since 2016 relatively little has improved – signatures of crucially important armed groups are still absent and the fighting in northern Myanmar has continued.⁵⁴ The latest development is the northern Shan rebel armed group considering signing the NCA during 2020, but they are concerned of the Myanmar's army making use of the agreement and are also strongly expressing necessity for a reform in the 2008 Constitution. They want equal rights and support the idea of compromise to be found between the NLD and Tatmadaw. ⁵⁵ In 2018, two new ethnic organizations, the New Mon State Party (NMSP) and Lahu Democratic Union (LDU), joined the other 8 NCA signatories⁵⁶. Until now, it can be deduced that the primary obstacle here is the military, not Suu Kyi.

However, Suu Kyi still plays a role, too. In 2017 Suu Kyi stated to the British Broadcasting Corporation (BBC) that "military matters are to be left to the army"⁵⁷. This represents a problem in relation to getting the signatures of the rebel groups who want to cooperate with the NLD and avoid the army making use of the NCA. Secondly, it contradicts her own promises from 2016. Barany has speculated that prioritizing ethnic peace has been the Suu Kyi's ground mistake for its complexity⁵⁸. Deciding to focus on the most difficult issue at hand during first years seems to impede improvement in every other field. The promise did not have any strategic plan behind it and was relying on constitutional amendments, which need the Tatmadaw members' votes. Furthermore, only in 2017 the member of government's peace commission validated the slow progress with referring to the first steps in discussions. At the same time, Suu Kyi has pushed the ethnic groups even further from cooperation with sending NLD candidates to local elections without taking into account the ethnic parties in the areas.⁵⁹

⁵³ Thawngmung, A.M. (2017). Signs of life in Myanmar's nationwide ceasefire agreement? Finding a way forward. *Critical Asian Studies*, 49 (3).

⁵⁴ Theidon, K. (2017). Challenges and Prospects for Peace in Colombia. *Presented at the Brad Morse Speaker Series*. UMass Lowell, MA referenced in Thawngmung (Thawngmung, A.M. Signs of life in Myanmar's nationwide ceasefire agreement? Finding a way forward. *Critical Asian Studies* 2017, 381)

⁵⁵ Weng, L. (2020, February 20). Shan Armed Group May Sign Myanmar's Nationwide Ceasefire. *The Irrawaddy*.

⁵⁶ The Republic of the Union of Myanmar President Office. (2018). *Two new signatories become members of NCA*. Retrieved from <https://www.president-office.gov.mm/en/?q=issues/peace/id-8518> , 7 April 2020.

⁵⁷ Aung San Suu Kyi. Myanmar: Aung San Suu Kyi exclusive interview. Fergal Keane, BBC. Video recording. 5 April 2017.

⁵⁸ Barany (2018), *supra nota* 3.

⁵⁹ *Ibid.*,

The ethnic organizations have expressed that as long as the Constitution can be amended, the peace progress will not succeed. Right now the groups do not have equality nor self-determination rights, are scared of Tatmadaw's monopolistic character and find it necessary to develop a practical mechanism which guarantees commitment to future agreements. The NLD's good reputation among the local parties of ethnic groups is not as good as before, but the groups are willing to work towards solving the conflict if they are given a possibility to take part of the Constitution amending process.⁶⁰ In the past Suu Kyi has written that „democracy acknowledges the right to differ“⁶¹, but such attitude is non-existent in Myanmar's system today. The course towards a more fair political participation of ethnic minorities in the country has not been taken in a serious manner, affecting first and foremost with it the Muslims, including the Rohingya⁶². Muslims are estimated to make 4.3% of the 54-million population in Myanmar⁶³. Next, a separate chapter will be dedicated to them.

2.2.1. Rohingya minority, Suu Kyi and the International Court of Justice

In the end of 2019 Myanmar was brought a suit against at the International Court of Justice (ICJ) in relation to the possible violation of the Convention on the Prevention and Punishment of the Crime of Genocide in Rakhine against the Rohingya ethnic minority and Aung San Suu Kyi is leading the country's defence⁶⁴. The latest development in the Court from the end of January 2020 is the setting of time-limits for both sides, Gambia (who brought the suit) and Myanmar, for submitting the initial pleadings⁶⁵. The UN high commissioner for human rights, Zeid Ra'ad Al Hussein, has referred to the Rohingya situation in 2017 as a "textbook example of ethnic cleansing". The same year, Suu Kyi noted to BBC that ethnic cleansing would be an extreme way to put it and that is not what is happening.⁶⁶ For a democracy icon who once was known for her passion for human rights is this clearly a challenging, but also a defining situation as the whole world is keeping an eye on Suu Kyi's words and actions about the matter and in the Court.

⁶⁰Hlaing, H.A., Zau Lawn, L.G. (2019) Framing the Constitution-Making Process for Peace-Building in Myanmar: The Perspectives of Ethnic Armed Organizations and Civil Society. Peace Leadership and Research Institute. 4-12.

⁶¹ Aung San Suu Kyi, Aris, M. (1995). *Freedom from fear: And other writings*. London: Penguin Books.

⁶² Human Rights Council (2020), *supra nota* 37, 3

⁶³ World Population Review: Myanmar Population 2020. Retrieved from <https://worldpopulationreview.com/countries/myanmar-population/> , 6 April 2020.

⁶⁴ Prasse-Freeman, E. (2020). Aung San Suu Kyi at the ICJ. *Anthropology Today*, 36 (1), 3.

⁶⁵ International Court of Justice. (2020a). *Press Release No. 2020/4.. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar): Fixing of time-limits for the filing of the initial pleadings*. Retrieved from <https://www.icj-cij.org/files/case-related/178/178-20200129-PRE-01-00-EN.pdf> , 28 March 2020.

⁶⁶ Kipgen, N. (2020a). Myanmar's Perspective on the Rohingya Crisis. *International Journal on World Peace*, 37 (1), 43-44.

Furthermore, the final solution hopefully to be found soon for the crisis will exemplify where the government stands on democratic values.

The factual background behind the accusations of Myanmar's military being responsible for "killings, rape and other forms of sexual violence, torture, beatings, cruel treatment, and destruction of or denial of access to food, shelter and other essentials of life, all with the intent to destroy the Rohingya group, in whole or in part"⁶⁷ has been labelled by Suu Kyi in front of the ICJ as "misleading" and "incomplete", and the State Counsellor has invited the case to be left to be handled by Myanmar's military justice system itself⁶⁸ which regrettably does not give a very promising atmosphere of justice to be achieved. For example, in 2017 seven men who were sentenced 10 years in prison for killing 10 Rohingya men were released in less than a year⁶⁹. Whereas, the journalists covering the incident were charged with obtainment of state secrets and ended up spending 16 months in prison⁷⁰.

Unfavourable conditions were created for the Rohingya already with the same 1982 citizenship law waiting to be changed, which left the minority stateless. The ill-treatment included restrictions on movement inside the country, tearing down the Mosques, displacement by force, confiscating Rohingya lands, giving what was theirs to the Buddhists. Today, along with the NLD government even the minority's name is under attack. The term "Rohingya" was used by the first government of independent Myanmar, but today the parliament's position is that there is no such national race in Myanmar and it has asked other countries to not use the term either. They have invited the international arena to use the term "Muslim community in Rakhine state". However, the widely used "Bengali" which is not supported by Rohingya themselves, is also not preferred by Aung San Suu Kyi as she sees both terms contributing to the disagreement.⁷¹ The United Nations, while using the term Rohingya, have defended their choice with the right to self-identify⁷². Similarly has done the US ambassador to Myanmar, Scot Marciel, who also relied on an international norm of

⁶⁷ International Court of Justice. (2020b). *Summary 2020/1, Application of the Convention on the Prevention of Punishment of the Crime of Genocide (The Gambia v. Myanmar): Request for the indication of provisional measures*. Retrieved from <https://www.icj-cij.org/files/case-related/178/178-20200123-SUM-01-00-EN.pdf> , 28 March 2020.

⁶⁸ (2019, December 12) Statement by Daw Aung San Suu Kyi, State Counsellor and Union Minister for Foreign Affairs of the Republic of the Union of Myanmar As Agent Before the International Court of Justice. *The Global New Light of Myanmar*.

⁶⁹ Kipgen, N. (2020b, January 6) Why is Suu Kyi defending the military? *Bangkok Post*.

⁷⁰ *Ibid*.

⁷¹ Kipgen (2020a), *supra nota* 66, 48-56.

⁷² Human Rights Council. (2018). Report of the independent international fact-finding mission on Myanmar, A/HRC/39/64, 5.

communities being able to choose their own name⁷³. In front of the ICJ in 2019 December, Suu Kyi did not use neither the "Rohingya" nor the "Bengali". She primarily kept referring to the "situation in Rakhine State" and in some cases called the minority "Muslims".⁷⁴

While Suu Kyi was widely known for speaking out on controversial topics before the elections, she is the most remembered in relation to the Rohingya crisis for her silence. Her silence during the fleeing of 700 000 Rohingya refugees to Bangladesh raised concerns about her ethical principles and suitability for politics. However, latter was not the case inside Myanmar as one potential reason for being silent is the probable loss of the ethnic Burmese support if Suu Kyi would corroborate to the narrative of inhumanity of the Rohingya situation.⁷⁵ What Suu Kyi could have done, but did not, was allowing the media into the crisis areas. While her ability to prevent the killings and rape in Rakhine State is a much more difficult issue due to Tatmadaw's power and independent character, she has not also been cooperating in all power or truthfulness with the international organizations and reporters who were trying to bring attention to the situation⁷⁶.

Two Reuters journalists were convicted in 2017 under the Official Secrets Act 1923 for revealing the cruel and discriminatory slaughtering in Rakhine State. Recently, in January 2020 the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, was refused access to Myanmar. Lee's access to different areas in Myanmar in previous years has been selective by Myanmar government, but the UN has got a fairly decent picture of the humanitarian conditions. Although Suu Kyi arranged an Advisory Commission already in 2016 to look into Rakhine State, its results have been questionable. Firstly, it does not have any members representing the Rohingya. Secondly, despite of the government insisting that the recommendations offered by the commission have been implemented, a look into them shows that actually none of them has been fully put into effect.⁷⁷ Last but not least, Suu Kyi claims in the ICJ that "Muslims are not" even "a party to this conflict", but just among all the civilians unfortunate enough to be affected by the "security measures" taken in the conflict area⁷⁸.

⁷³ Kipgen (2020a), *supra nota* 66, 57

⁷⁴ Suu Kyi (2019), *supra nota* 68.

⁷⁵ Myat (2019), *supra nota* 2, 1.

⁷⁶ Barany, Z. (2019). The Rohingya Predicament - Why Myanmar's Army Gets Away with Ethnic Cleansing. *IAI Papers*, 19.

⁷⁷ The Human Rights Council (2020), *supra nota* 37.

⁷⁸ Suu Kyi (2019), *supra nota* 68.

3. IS THERE A STRATEGIC DISCORDANCE APPARENT AND HOW IT AFFECTS THE DEMOCRATIZATION PROCESS?

In the introduction the paper laid down the main point of the discussion arguing that the failure of democratization in Myanmar after 2015 elections is attributable to strategic discordance between Suu Kyi's pre-election vision on state-building and its actual implementation today. By having brought out the most important bits of information drawing the picture of Suu Kyi's past values and having covered the present situation in areas that act as a base for delivery of democratic regime, the research can now move on to the discussion with a final ambition of being able to answer the supportive research questions and assess the quality of the main argument.

Deducting from the first section, Aung San Suu Kyi's past assurances have not been as one-sided as they are usually being characterized as. Although she has succeeded in bringing the civilians onto the government positions and the classic storyline of a "democracy icon" is still dominating, the research reveals that some of the characteristics she is being assigned to today, were present already in 1990s. Between the vocal incentives emphasizing the need for democracy in Myanmar, there were also apparent her own personal inclinations of being more supportive of the ethnic Burman Buddhists comparing to the other ethnicities in the country. It is important to notice her convictions on latter, because they contradict many of her speeches and influence the way she works in the office today. Such revelation dismantles the main argument in a moderate way, because the strategic discordance the paper was looking for, ergo, is not absolute. Also, the finding is important due to its role in the strategy Suu Kyi uses in solving the ethnic conflicts.

Although the previous result decreased the scale of the discordance a bit, it is still apparent in where she constantly has promoted the idea of unity in diversity before 2015. Today, she is doing the minimum in relation to the crisis in Rakhine State and even when the evidence shows the opposite, still does not embrace the investigation into a possible genocide happening. She has taken a stance relying on denial in relation to obstruction of rights she once deemed basic necessities. She has not expressed any opinions on how the Buddhist ethnic groups wish to call themselves in the country, but does try to suppress the Rohingya for their name. Another policy

she has left unhandled is to look into 1982 Citizenship Law and put it for a vote in the Parliament for a change. It is auspicious, that the matter has been brought to ICJ. There is more pressure necessary from the international arena for the solution to be found for the Rohingya people. It is of no doubt, that the crisis in Rakhine State is one of the biggest factors delaying the democratization process in Myanmar right now.

The discordance becomes clearly apparent also in the area of freedom of speech, freedom of expression and transparency. In case of all three, Suu Kyi's actions today conflict remarkably with her past values. As said above, she relied on relevant freedoms herself during all the years of house arrest and promoted them freely and loudly as being the very foundations of a democratic system. In opposite of encouraging the freedoms today, she has not renewed the News Media Law 2014 despite of having the majority in the Parliament. Furthermore, as brought out before, the number of arrests related to freedom of expression has increased during Suu Kyi's time as a State Counsellor. There is no way for the country to move on with the democratization before the freedom of speech guarantees more transparency, because as speculated above, the truth that is allowed to become available for the public is bent. It contributes in great extent to the fairness of the next elections happening in Myanmar soon, and right now by evaluating the situation in the country, they won't be in full harmony with the democratic values.

In the introduction there was a speculation brought out by Zoltan Barany that Suu Kyi just is not willing to pay the political price for staying by her fundamental values. The author of this paper fully agrees with the idea, but needs to add about the special importance of the effect such tactics is causing. Suu Kyi has been a trusted figure for a long time and for having been encouraging democratic values for years there exists undoubtedly a group who deducts from her behaviour today that she knows what she is doing and the slow progress is only a part of her strategy towards a democratic Myanmar. Be as it may, but going against her own past values in cooperation with the Tatmadaw in the government every day only drills the autocratic tendencies deeper in the system. If Suu Kyi's ideas have always been good, then why not trust her now? Her reliability suffers when her actions contradict her words and on diplomatic level it decreases her possibilities for cooperation and support from the Western countries. The West has the right to be disappointed after she was thought to be the one blending the Western values into Myanmar's regime and possibly being able to affect with it also the surrounding corrupt neighbouring countries.

Suu Kyi should have paid the political price by staying with her past vision that would have continued deepening the roots of appreciation for democratic values among the people of Myanmar, because taking part of the autocratic practices has an opposite effect. Latter can be also supported by the fact that NLD's reputation in Myanmar is diminishing. Suu Kyi's 'actual implementation' of her past values is mostly non-existent as the policies she has been implementing have nothing to do with her pre-election assurances. By not paying the political price and, possibly, taking over some autocratic tendencies, Suu Kyi has contributed to the failure of democratization in Myanmar.

CONCLUSION

The purpose of this research was to develop an understanding into the essence of failure of democratization in the Republic of the Union of Myanmar after 2015 elections, which brought the NLD and Aung San Suu Kyi to the front of the government. The main basis for the discussion argued that the failure of delivering a political regime relying on democratic values in Myanmar is attributable to a strategic discordance between Aung San Suu Kyi's past vision on state-building and its implementation in practice post-election. By looking into Suu Kyi's years as a democracy icon and comparing them to her time in the office as a State Counsellor, the research developed an understanding of where her policies and inaction today contradict her fundamental values she promoted pre-election. The discordance was evident in her attitude towards freedom of speech, transparency and the ideas of unity in diversity, but the study also revealed a pattern of thinking in relation to ethnic minorities that was morally suspect already in earlier years. While Suu Kyi's support in case of former has become questionable today, she showed a discriminating mentality towards the ethnicities other than ethnic Burman Buddhists already pre-election.

While the previous finding weakens the quality of the main argument to some extent, it, nevertheless, does not break it down due to the obvious conflict between Suu Kyi's values pre- and post-election in other areas. By discussing the effects such discordance in Suu Kyi's strategy may have on delivering a democratic government, the paper arrived on a conclusion that by going along with the autocratic practices of the Tatmadaw as a trusted democracy icon not willing to pay the political price for staying by her values from earlier years, the action and inaction taken by Suu Kyi today only contributes to the strength of autocratic tendencies in the government. As a result, an appreciation for democratic values in Myanmar may diminish and the support from the Western political arena, which is a necessary encouragement due to Myanmar's geopolitical position, may be wasted or lost. Previous finding means a higher chance that the democratization attempt is going to fail or is already failing, and Aung San Suu Kyi has a role in it. This paper suggests that a more aggressive strategy is needed by Aung San Suu Kyi, if she wants to prove her loyalty to democratic values and change the course of political system in Myanmar. There is a necessity for the same brave character she showed in the 1990s, today in the government assuming that in her heart she

still wants a real democracy. However, if her autocratic inclinations are a revelation of her true convictions, Myanmar needs a new person to take control of the democratization process.

To better understand the implications of these results, future studies could address the question of discordance in other areas that contribute to the democratization process as well, such as the economic- or educational policies, the handling of corruption and the corruption laws, the gender-discriminatory environment in Myanmar, the structure of the government and its accountability, and so on. A further and more detailed look is necessary into all the reforms Suu Kyi has brought in front of the Parliament to address the question of her determination better. In addition, it would be interesting to read a work attempting to invalidate this paper's argument and conclusion. This research, specifically, emphasized the importance of how person's fundamental values can direct the course of political regime and offered a new theory on how Suu Kyi's inaction, primarily, may contribute to the embracing of autocratic government and in result, loss of the appreciation for democratic values. The research can be used as a base for further studies into Aung San Suu Kyi's autocratic tendencies and developments she has led in other areas mentioned in the beginning of this paragraph. A formal decision resulting from this research is that the strategic discordance evident in several issues between Aung San Suu Kyi's vision on state-building during the years of being a vocal democracy icon and her policies as a State Counsellor after 2015 elections have contributed to the failure of achieving a democratic regime in Myanmar today.

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