German-Southeast Asian Center of Excellence for Public Policy and Good Governance
CPG

CPG *Online Magazine*

Issue No 1, 2016

Foreword

Dear Readers, Colleagues, and Friends,

Welcome to the 1st issue of CPG's Online Magazine (COM) in 2016 providing an overview about our public activities and events in November and December 2015.

Besides two international conferences on good governance for regulators and international relations and geopolitics in Asia, CPG in Nov. and Dec. hosted two international seminars on human rights in Southeast Asia and the German reunification, two workshops on human rights in Thailand's Southernmost Border Provinces, another seminar on the German unification and a special lecture on the Islamic State.

Additionally, this issue contains seven articles on a number of current topics of constitutional politics and governance in Europe and Asia, namely:

- The Myanmar Elections – Challenges and Opportunities for the Future by *Marie Lall*
- Myanmar's Democrats Face the Future by *Nicholas Farrelly*
- Myanmar: Democratisation and the Internal Contradictions of Ethnicity and Religion by *Jonathan Bogais*
- No Regime Change Just Yet? A Comment on the 2015 Swiss Elections by *Clive Church*
- Switzerland: A landslide election, which only shifts 4% of the votes by *Daniel Bochsler, Marlène Gerber, and David Zumbach*
- How will Poland's Law and Justice Party Govern? by *Aleks Szczerbiak*
- The German-German Border Regime by *Siraprapa Chalermphao*

Furthermore, we are happy to present three interviews on cross straits relations between the People's Republic of China and Taiwan (ROC) with Prof. Dr. Chin-peng Chu and Prof. Dr. Richard Weixing Hu, on the Islamic State with former chief intelligence advisor to the Indian cabinet Major-Gen. Ashok Hukku, and the global nuclear threat to peace and stability with Prof. Dr. Christoph Bluth.

As usual, COM 1/2016 is rounded off by some announcements on persons and events which are related to our scope of work and interest and on related job opportunities.

With many thanks to all who contributed to CPG's work of the last two months 2015 and this first 2016 issue of the CPG Online Magazine I hope you enjoy reading!

Henning Glaser
Director
German-Southeast Asian Center of Excellence for Public Policy and Good Governance (CPG), Faculty of Law, Thammasat University

Table of Contents

CPG events November-December 2015 5

Articles 17

The Myanmar Elections – Challenges and Opportunities for the Future
Marie Lalle 18

Myanmar's Democrats Face the Future
Nicholas Farrelly 21

Myanmar: Democratisation and the Internal Contradictions of Ethnicity and Religion
Jonathan Bogais 24

No Regime Change Just Yet? A Comment on the 2015 Swiss Elections
Clive Church 28

Switzerland: A landslide election, which only shifts 4% of the votes
Daniel Bochsler, Marlène Gerber, David Zumbach 36

How will Poland's Law and Justice Party Govern?
Aleks Szczerbiak 40

The German-German Border Regime
Siraprapa Chalermphao 44

Interviews.....51

Prof. Chin-peng Chu and Prof. Richard Weixing Hu on prospects of Cross-Strait relations in the light of the January 2016 Elections in Taiwan 52

Major General Ashok Hukku (ret.) on the Islamic State.....58

Prof. Dr. Christoph Bluth on current nuclear threats to peace and stability 62

Announcements.....66

CPG Job Market.....71

Impressum 75

CPG events November-December 2015

Movie Seminar "The Lives of Others", on the occasion of the 25th anniversary of the German re-unification in cooperation with the Thai-German Society Thailand, the Department of Western Languages of the Faculty of Arts of Chulalongkorn University, and Konrad Adenauer Foundation

6 November 2015, Faculty of Arts, Chulalongkorn University, Bangkok

On the occasion of the 25th anniversary of the German re-unification, CPG together with the Thai-German Society Thailand, the Department of Western Languages of the Faculty of Arts of Chulalongkorn University, and Konrad Adenauer Foundation arranged a movie-seminar on "The Lives of Others" on **6 November 2015** at the Faculty of Arts, Chulalongkorn University. Presented was the movie "The Lives of Others", a German Oscar-winning drama film on the surveillance system and practice in former East Germany. ***Henning Glaser*** (CPG) introduced to the movie with a lecture on "State Surveillance and Repression in the GDR", followed by the presentation of the movie which then was lively discussed among the participants. The discussion was initiated by a panel highlighting various aspects of the German unification. Among the panelists of the discussion session were ***Dr. Warawit Kanithasen***, CPG Senior Research Fellow; ***Prof. Dr. Pornsan Watanangura***, President of the Thai-German Society Thailand; ***Dr. Cattiyaporn Sassitaramas***, Faculty of Social Sciences, Srinakharinwirot University; ***Jan Blezinger***, Counsellor, Head of Press and Cultural Section, German Embassy in Bangkok; ***Dr. Georg Verweyen***, Director, DAAD Information Center Bangkok; and ***Michael Winzer***, Head, Konrad Adenauer Foundation (KAS), Thailand office.

From left: Dr. Duc Quang Ly, Dr. Warawit Kanithasen, Dr. Cattiyaporn Sassitaramas, Prof. Dr. Pornsan Watanangura

From left: Jan Blezinger, Michael Winzer, Dr. Gerorg Verweyen

Seminar on "Human Rights in ASEAN – Current Issues and Future Prospects of an ASEAN Human Rights Regime"

25 November 2015, Faculty of Law, Thammasat University, Bangkok

On **25 November 2015,** CPG hosted a seminar on **"Human Rights in ASEAN – Current Issues and Future Prospects of an ASEAN Human Rights Regime"** at the Faculty of Law, Thammasat University. The seminar provided a platform for discussion on problems and potentials of the establishment of a regional human rights regime for Southeast Asia. Keynote speaker ***Prof. Andreas Føllesdal***, Director of the PluriCourts Center of Excellence at the University of Oslo, presented **"The ASEAN Human Rights Declaration: A Principle of Subsidiarity to the Rescue?"** in which he proposed the principle of subsidiarity as a possible structural principle of international law to be applied to the ASEAN Human Rights framework. His presentation was complemented by response statements by ***Chalida Tajaroensuk***, Executive Director of the People's Empowerment Foundation, and ***Dr. Seree Nonthasoot***, Representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights (AICHR), elaborating the chances and challenges to the implementation of the ASEAN Human Rights Declaration in Thailand and the region.

International Conference on "Good Governance for and by Regulators in ASEAN", in cooperation with Hanns Seidel Foundation

30 November–1 December 2015, Windsor Suites Hotel Bangkok

In cooperation with Hanns Seidel Foundation, CPG hosted the International Conference on **"Good Governance for and by Regulators in ASEAN"** on **30 November and 1 December**

2015 at Windsor Suites Hotel Bangkok. Subject matter of the conference was an evaluation of the status and development of regulatory law and practices in ASEAN countries in two directions: The first question was directed at the standards set by national regulatory bodies to guarantee good governance while the second perspective was directed at the standards the regulators themselves apply to secure good governance within their own regulatory agency.

The event brought together 13 speakers from 7 Asian countries, namely Thailand, Malaysia, Indonesia, Singapore, Cambodia and the Philippines, Japan and South Korea. They covered a wide range of expertise and experience from the perspective of regulatory authorities, researchers from academic institutions as well as lawyers from the private sector. Equally varied were the topics presented ranging from international standards and mechanisms (TPPA, WTO trade agreements) and national regulatory systems in Asia and beyond (USA, the European Union, Australia) to different policy fields of regulation (competition, energy, telecommunications) and typical challenges such as the issue of corruption or governmental influence as well.

Dr. Haniff Ahamat, Assistant Professor, Ahmad Ibrahim Faculty of Laws of the International Islamic University, Selangor, Malaysia, opened the presentations with an account on the current discussion of the Trans-Pacific Partnership Agreement (TPPA) in South East Asia in general and Malaysia in particular with a special focus on the chapter on regulatory coherence in the TPPA. Continuing the issue of the international framework of regulatory law ***Shintaro Hamanaka***, Economist at the Asian Development Bank in Manila, The Philippines, discussed challenges to international service trade regulation in the light of a lacking of a sufficient definition of the term 'service'. Highlighting the importance of the rule of law ***Dr. Robert Ian McEwin***, professor at the Malaysian Centre of Regulatory Studies at the University of Malaya, Kuala Lumpur, Malaysia, followed with a comparison of procedural standards in the United States, the European Union and various Asian countries.

Presentations on the specific developments of regulatory systems in particular countries were then started by ***Dr. Marife Ballesteros***, Vice-president of the Philippine Institute for Development Studies, who gave an account on the development of the regulatory reform process in the Philippines throughout the last decades. Dealing with the regulatory system in Indonesia ***Dr. Enny Nurbaningsih***, Head of National Law Development Agency, Jakarta, Indonesia, presented

a view on the regulatory reform process in Indonesia while ***Dr. Jamie Seth Davidson***, Associate Professor at the Department of Political Sciences of the National University of Singapore, critically assessed the performance of various Indonesian governmental institutions involved in setting regulatory policies. The compromising effects of corruption on the regulatory system in Thailand were elaborated on by ***Buntoon Wongseelashote***, Thai Chamber of Commerce and Thai Board of Trade who gave a detailed analysis of particular cases and pointed to loopholes in the new draft bill on government procurement which he saw as enabling corruption. ***Joseph Seon Hur***, lawyer and Of Counsel at DaeRyook & AJU Law Firm in Seoul, and former Secretary General of the Korea Fair Trade Commission (KFTC), presented on the development of the enforcement of competition rules in Korea, with the KFTC being one of the strictest competition authorities in the world.

Selected policy field related contributions completed the conference with ***Andi Zubaida Assaf***, Senior Investigator for Policy, Research and Advocacy Directorate. Indonesian Competition Authority (KPPU), introducing into a KPPU compiled checklist as to ensure that all relevant questions concerning competition policy issues are addressed by governmental decisions. ***Lai-Lynn Angelica B. Barcenas***, Partner at Barcenas Barcenas & Partners Law Offices in Manila, The Philippines, introduced into the main structures of the new Philippine competition act that came into force just in July 2015 and elaborated on conflicts between various stakeholders that could arise under the new law. ***Nurhafiza Bt Hasan***, Head, Licensing Unit, Energy Commission of Malaysia, spoke about the development of energy regulation in Malaysia over the last two decades and illustrated the development by the example of the licensing system in the Malaysian energy market. ***Dr. Pratompong Srinuan***, Senior Economist, National Broadcasting and Telecommunications Commission of Thailand, introduced into the recent telecom market development. ***Im Vutha***, Director, Regulation and Dispute Resolution Unit, Telecommunication Regulator of Cambodia, discussed the current regulatory situation of Cambodia's telecommunication

market.

The lively and lengthy discussions following each of the presentations reflected the keen interest among all participants to deepen the understanding of the issues presented and to gain new ideas and insights for furthering good governance by regulatory law and practice in their respective countries.

Fact Finding Workshops "Human Rights Based Guidelines for Enforcement Officers", in cooperation with Hanns Seidel Foundation

2-3 December 2015, CS Pattani Hotel, Pattani

With the aim to support efforts of the National Human Right Commission of Thailand (NHRC) and the Internal Security Operations Command, Region 4, (ISOC) to develop and implement a comprehensive human right based training program and a field manual on a right based conduct for security officials in the South, CPG and the Hanns Seidel Foundation, Thailand/Laos Office (HSF) jointly conducted two fact finding workshops in Pattani on the issue on 2 and 3 December 2015.

The first workshop on **"Human Rights Based Guidelines for Enforcement Officers - The Civil Society's Perspective"** was conducted on the 2nd Dec. with the participation of selected NGOs' and citizens' networks. It was introduced by ***Henning Glaser*** and moderated by ***Siraprapa Chalermpao*** (both CPG) in form of a pre-structured open discussion along selected topics.

Based on the findings of this workshop the following, second one on **"Human Rights Based Guidelines for Enforcement Officers – The security officials perspective"** could be fine-tuned and similarly successful conducted as the first one. Participants of the second workshop which was organized with the support

of the ISOC were representatives of relevant security agencies, especially the Royal Thai Army, the Royal Thai Police and Thai Rangers (Tahan Pran). Basically, the workshop was conducted according to the model applied for the first workshop too, namely based on pre-structured discussions moderated by Ms. ***Siraprapa Chalermpao*** (CPG) following an introduction by ***Henning Glaser*** (CPG) and Mr. ***Kitti Surakhamaeng*** (Director, Law Enforcement and Human Rights Department, ISOC, Region 4).

Both workshops provided platforms for vivid engagement and discussion which significantly contributed to the understanding of the situational demands and constraints. In sum, both workshops proved to be an indispensible preparation for the outlined project to draft a training program/field manual on the protection of national and international human rights as being projected by NHRC, ISOC and CPG. The workshops represent the long standing engagement of CPG and HSF in the fields of human right related work and Thailand's southernmost border provinces in particular.

International Conference on "Peace and Stability in Asia – Conflict and Cooperation", in cooperation with the Taiwan ASEAN Studies Center

17-18 December 2015, Amari Bouvelard Hotel Bangkok

On **17 and 18 December 2015** CPG in cooperation with the Taiwan ASEAN Studies Center arranged an international conference on **"Peace and Stability in Asia – of Conflict and Cooperation"** at Amari Boulevard Hotel Bangkok.

The conference mainly dealt with two distinct yet interrelated themes of international politics related to peace and stability in Asia. The first was the struggle between the major competing geopolitical players – namely the USA and China – for dominance in Asia. The geopolitical strategies of these two global players were examined and discussed in the light of their impacts on the Asian security structure. Second, the conference looked at selected current spots of conflict and risk developments threatening peace and stability in Asia.

A total of 13 speakers from 10 countries contributed to the success of the conference, namely from Australia, China, Denmark, France, India, Singapore, Taiwan, Thailand, the United Kingdom and the USA. They presented on the general role of geopolitical strategies for international relations in Asia, facets the US-China relations and geopolitical strategies, the disputes in the South China Sea and the Taiwan-Strait, North Korea's nuclear weapon program, arms-racing in Asia, and cyber-security.

The thread running through the papers and discussions of the conference was the conviction that the current geostrategic dynamics ultimately boil down to a large extent to the challenge of the uni-polar hegemonic position of the USA by China. Right from

the beginning of the conference ***Prof. Dr. Hall Gardner***, Chair of the Department of International and Comparative Politics at the American University of Paris, France, made this clear in his opening presentation on "Overcoming Geo-historical Rivalries in the Indo-Pacific: Toward the Implementation of Peace and Development Communities". Subsequently, HE. ***Kasit Piromya***, Member of the National Reform Steering Assembly and former Minister of Foreign Affairs of Thailand; ***Assoc. Prof. Dr. Jingdong Yuan***, Department of Government and International Relations, The University of Sydney, Australia; and ***Prof. Dr. Klaus Larres***, Krasno Distinguished Professor of History and International Affairs, University of North Carolina at Chapel Hill, USA, agreed in their respective papers on "Geopolitics and the Asian Security Order: Perception and Reality", "A new Type of Great Power Relationship: China and the United States in a Changing Asia" and "Containment or Engagement: Is there a U.S. 'Grand Strategy' Toward China?" on a growing Chinese assertiveness in its foreign and security policies. All geopolitical indicators hint to an aggravation of the confrontational US-China relationship in the long term although a major military clash is unlikely. The only conflict spot in Asia which indeed has the potential for a major armed conflict is North Korea, albeit that this danger is currently not imminent as demonstrated by ***Prof. Dr. Christoph Bluth***, Professor of International Relations and Security at Faculty of Social Sciences, University of Bradford, United Kingdom, and advisor to various governments in the area of nuclear weapon policies and nuclear proliferation, in his paper on "Nuclear Weapons and International Security in Asia – The Case of the Korean Peninsula".

The dynamics of the relationship between the US and China involve also other big players as the Indian perception of China's 'One Road, One Belt'-Initiative shows which was discussed by ***Major General Ashok Hukku (ret.)***. The former chief intelligence advisor to the Indian government presented on "One Belt, One Road & its Strategic Implications" highlighting China's determination to 'transform the existing world's power structure into a bipolar one, of which one pole will be China'. Another conflict area involving a great number of competing powers

is the South China Sea dispute discussed by ***Assoc. Prof. Dr. Liselotte Odgaard***, Institute for Strategy, Royal Danish Defence College, Denmark; ***Prof. Dr. Prasit Aekaputra***, Faculty of Law, Huachiew Chalermprakiet University, Thailand; and ***Assist. Prof. Dr. Chi-Ting Tsai***, Department of Political Science, National Taiwan University, Taiwan (ROC) on "China's Strategy of in their respective presentations Deterrence and Legitimacy in the South China Sea Disputes", "Legal Title to Territory in the Case of the Spratly Islands", and "The South China Sea Peace Initiative and Taiwan's Future South China Sea Policy". Presenting from different perspectives of international relations and international law, all three scholars, however, agreed that the South China Sea is of vital strategic importance for the Chinese assertiveness as a leading global power reflected by Beijing's intransigence with regards to its claims in the South China Sea. ***Prof. Dr. Richard Weixing Hu***, Department of Politics and Public Administration, The University of Hong Kong, PR China, in his paper on "Taiwanese Party Politics and its Impacts on Prospects of Cross-Strait Relations" connected the regional security discourse to national politics highlighting the importance of the respective mutual influences. ***Prof. Dr. Chin-Peng Chu***, Department of Public Administration, National Dong Hwa University, Hualien, Taiwan (ROC), and former Minister for of the Research, Development and Evaluation Commission, in his presentation on "Ma Ying-jeou and Xi Jinping's Meet in Singapore: Implications for Future Cross Taiwan-Straits Relations" focused then on the actual status of the Chinese-Chinese relations. Coining it "cold peace" to characterize the foreseeable relationship between China and Taiwan (Hu) for the time after the predicted victory of Democratic Progressive Party presidential candidate Tsai Ying-Wen in the election in January 2016, they demonstrated that a too assertive interpretation of the '1992 consensus' and the 'One China' principle therein by Tsai Ying-Wen, will be inacceptable for Beijing and will lead to a grave deterioration of the relationship between China and Taiwan.

Prof. Dr. Richard Weixing Hu (left), Prof. Dr. Chin-peng Chu

The presentations were completed by two presentations pertaining to arms-racing and cybercrime. ***Dr. Tim Huxley***, Executive Director, International Institute for Strategic Studies – Asia, Singapore, presented on the topic of "Military Modernisation, Arms-racing and Security in Asia" depicting an increasing military competition among Asian countries with the potential to increase the risk of an

armed conflict in the light of the difficulty to establish instruments and measures of arms control in the foreseeable future. Finally, ***Prof. Dr. Roderic Broadhurst***, Department of Sociology, College of Arts and Social Science, Australian National University, Australia, in his presentation on "Cyber Threats and Cyber-Security in Asia" drew the audience's attention to net-security and cyber-crime in the Asian region and its instrumentalization for espionage between states illustrated in particular by the example of the US-China agreement on cooperation in the field of cyperspace.

The conference was well attended by participants coming from a variety of institutions including the Ministry of Foreign Affairs and Ministry of Defence of Thailand, international organizations, universities, and the diplomatic corps. Among the embassies represented at the conference were the , Belgian, Bhutanese, Bruneian, Canadian, Danish, German, French, Kenyan, Malaysian, Pakistani, Russian, Singaporean, Swiss, Vietnamese, as well as the Delegation of the European Union.

CPG Alumni Christmas Seminar on "Moments of Change – Moments of Hope"
19 December 2015, Saw Sam Sai Restaurant, Bangkok

On **19 December 2015**, CPG hosted the CPG Alumni Christmas Seminar **"Moments of Change – Moments of Hope"** at Saw Sam Sai Restaurant Bangkok on the occasion of the 25th anniversary of the German re-unification. The event brought together a panel of three speakers presenting on different aspects of the Fall of the Berlin. CPG Senior Research Fellow ***Dr. Warawit Kanithasen*** discussed the lessons which could be learned by the people in Thailand from the Fall of the Berlin Wall. ***Prof. Dr. Klaus Larres***, an expert on Cold War history from the Department of History of the University of North Carolina at Chapel Hill, presented on the attitudes towards the German re-unification among the allied

powers, highlighting the strong skepticism of British Prime-Minister Margret Thatcher. ***Felix Pülm***, lecturer for German language, history and culture at Silpakorn University Nakhon Pathom, spoke about the phenomenon of nostalgia for aspects of life in East Germany among the East German population after re-unification. Following the presentation of the panelists CPG Director ***Henning Glaser*** rounded up the seminar with remarks on the Christmas Truce of 1914 as a remarkable historical moment of true humanity when hostile soldiers stopped fighting and crossed the trenches for a short moment of peace and friendship on 24 December 1914.

From left: Prof. Dr. Klaus Larres, Dr. Warawit Kanithasen, Felix Pülm

Special Lecture on "The Islamic State – Its Profile and Reach", by Major General Ashok Hukku (ret.)

21 December 2015, Faculty of Law, Thammasat University, Bangkok

On **21 December 2015**, CPG arranged the Special Lecture on "The Islamic State – Its Profile and Reach" at the Faculty of Law, Thammasat University. The lecture was given by **Major General Ashok Hukku (ret.)**, expert for strategic development and international relations in South and East Asia regularly advising international organizations such as the NATO, the United Nations and the OSCE and former commanding military officer of the Indian. Having served as Divisional Commander in insurgency contexts and former chief intelligence advisor to the Indian government, Major General Ashok gave a comprehensive and instructive account on the internal structure and organization of the IS, the development of the Jihadists, the prospects of joint actions of the international community and the geopolitical impacts of the current developments in the region and beyond.

Articles

The Myanmar Elections – Challenges and Opportunities for the Future

Marie Lall, Professor of Education and South Asian Studies at University College London

On Sunday 8th November 2015 Myanmar went to the polls. More than 90 parties contested seats for the two houses of parliament as well as the 14 state and regional assemblies. Despite the large number of parties, all eyes were on the opposition NLD and the regime USDP. In order to control the government the NLD needed 67% of the seats (or 329 seats). The NLD did much better than that and won by a landslide. Myanmar has a 'first past the post' system, which means that the number of seats do not represent the percentage of the vote. However the NLD still received 57% of the vote, compared to 28% who voted for the USDP. This clear win was reminiscent of the 1990 elections where the NLD had also swept the board, but was not allowed to rule.

Prior to the elections many locals as well as the international media abroad had worried about 'free and fair', but there don't seem to have been any major infringements despite repeated issues with voter lists before the elections. International observers deployed across the country confirmed that the voting had been 'free', although the fact that 25% of the seats are reserved for the military means that the process could not be labelled 'fair'. The NLD had complained that candidates had suffered intimidation in the run up to the elections, filing over 100 complaints over violations of election rules. However, given the margin of the win, there is little point in complaining about the process.

The USDP had campaigned hard on the development agenda. It was after all due to their efforts and the leadership of President U Thein Sein that the country had been transformed. As the results started to trickle in, the disappointment across the USDP ranks was intense. Acting USDP chair U Htay Oo lost his seat as did his predecessor, popular parliamentary speaker U Shwe Mann, who in a previous incarnation before the reforms had been the junta's third most powerful general. Many of those who felt they had served the country and made change possible have had to concede defeat. This includes the President's peace envoy U Aung Min who almost singlehandedly delivered an unprecedented peace process with the Ethnic Armed Groups (EAGs) and laid the foundations for the NCA that was signed by 8 EAGs on the 15th of October this year. Those who did win seats for the USDP generally had stood in constituencies dominated by the military.

In the ethnic states many parties and candidates were also licking their wounds with ethnic parties having taken high losses apart from in Rakhine State and some Shan State areas. Even in war torn Kachin state the NLD swept the board. In part the result reflected the lack of unity amounts ethnic parties, with too many parties seeking to represent one set of ethnic stakeholders. In 2010 there had been fewer ethnic parties to choose from; and of course in 2010 the NLD had refused to take part.

It is clear that the vote was one for change across the board. The NLD campaigned on a change agenda and was therefore the obvious choice. The achievements of the Thein Sein government did not expunge the military from its role over the previous 50 years. In ethnic states the Myanmar citizens did not believe that their ethnic parties would be able to transform the overall system, and therefore threw themselves behind the NLD, despite the fact that the NLD does not have a significant ethnic agenda.

What happens next?

There is almost a three-month transition period during which time the old government is still in power. The new parliament will only sit after the old parliament dissolves on the 30th of January 2016. The NLD will then have to propose two presidential candidates – one from the lower house and one from the upper house, whilst the military MPs will propose the third candidate. The vote that ensues will mean that one of the NLD candidates will become president and the other two will become vice presidents. At present it is unclear who the NLD will nominate although rumours abound. Daw Aung San Suu Kyi is barred by the constitution, due to her British sons.

In the past few weeks Daw Aung San Suu Kyi has met with President Thein Sein, Commander in Chief Min Aung Hlaing and even retired senior general (and former dictator) Than Shwe to discuss the transition. Well-connected personalities have hinted that she met with all the senior leaders not as the head of the victorious party, but to ask for their support and advice. Than Shwe is supposed to have endorsed Daw Suu as a leader, fuelling more speculation about her position and how the administration will deal with the hierarchy and command structure when the new government starts its term. Rumours in Yangon even propose that parts of the constitution might be suspended to allow Daw Aung San Suu Kyi to rule eventually – however nothing is clear at present. All that is known is that the NLD has promised to rule very differently from the previous government.

In order to fulfil that promise Daw Aung San Suu Kyi has started the change process with her own MPs. During the campaign candidates were not allowed to speak about themselves – the election was about the NLD as a party and her as a leader. It looks like the party will continue to be ruled tightly during this term. At a recent meeting in Yangon she laid down the law for her successful candidates. Their salaries will be cut so as to support the party's finance. All will have to take exams on the constitution and the party's manifesto. Those who do well and who have good English skills will be given the opportunity to travel and get further exposure. MPs were also told that they have to pick up the rubbish in the streets of their constituencies to lead by example. In the glare of the media Daw Aung San Suu Kyi herself started by picking up trash in her constituency Kwamu a couple of weeks ago. The parliamentarians elect have to declare their assets and regular checks will be made to control corruption. It has been made clear that cliques in the party will not be tolerated and MPs have been encouraged to report on each other if they feel colleagues are not good team players. Party policy will

superseded personal ideas and ambitions. Whilst all these new rules certainly offer the opportunity for clean and possibly even transparent governance, some have been grumbling that Daw Aung San Suu Kyi has to be careful not to replace one dictatorship with another.

As the world waits to see how Myanmar will form a new government, there are a number of challenges that the NLD needs to prepare for.

The first challenge will be to develop cordial relations with the military. Myanmar has mainland Southeast Asia's largest standing army. The constitution guarantees their place in parliament and control over key ministries. They will remain significant stakeholders in the political system. A divided parliament on military-civilian lines won't be good for national reconciliation nor the peace process. The NLD will have to find a way to cooperate with the chief of staff as well as the military MPs. The NLD's commitment to alter the constitution and in particular change article 436 is likely to bring the party into conflict with the military leadership. Daw Aung San Suu Kyi's comment that she would be 'above the president' and would take all the decisions was not appreciated.

The second big challenge will be ruling and administering the country. The 43 NLD MPs did not do much during the last parliament and the party did not campaign on clear policy lines. With the exception of wanting to change the constitution, the NLD has not made its priorities clear to its electorate. It is unclear how the NLD will finance its reforms and it remains to be seen in how far the MPs that will be nominated as ministers will have the capacity to bring the changes about that their supporters are awaiting. The new ministers might actually have to rely on the old bureaucracy and it would be counter-productive to try and change everyone in the administration since the NLD has no experience in running the country. The old bureaucracy for its part might make change more difficult. The NLD is seen as the 'saviour' of the country. It will be a challenge to fulfil these expectations.

The biggest challenge will probably be the one uniting the country. Myanmar's ethnic and religious diversity will not make this an easy task. An ultra nationalist Buddhist movement – called Ma Ba Tha (Society for the protection of race and religion) led by monks has gained traction in the last three years and has been fuelling anti Muslim feelings across the country. Ma Ba Tha's influence did not only result in the four race and religion protection laws being passed last year – which clearly discriminate against Muslims, it has also resulted in Muslim electoral candidates not being able to contest their seats. Not one of the 1051 NLD candidates was a Muslim. Despite a reasonably large Muslim population, Myanmar's parliament might not have a single Muslim MP. The NLD has not spoken up for the disenfranchised Rohingya either, in fear of being branded foreigner friendly. The country is clearly divided on religious lines and community cohesion is going to be a difficult goal to achieve.

Another issue includes the representation of ethnic people. Around 38% of Myanmar's population are ethnic minorities and there are a large number of ethnic parties. In 2010 the ethnic MPs formed the first legal opposition to the

USDP dominated parliament. Despite local ethnic leaders' misgivings the NLD fielded candidates in all ethnic majority areas. Consequently many locals feared the vote would be split leading to an end of vibrant ethnic politics that had been an unforeseen result of the 2010 elections. Their fears came true as the NLD displaced the ethnic parties in their own states. This does not bode well for an inclusive political process. The NLD has always maintained that democracy is their first priority and ethnic grievances can be addressed later. A sizeable ethnic representation is essential so as to represent the ethnic civilian voice and a parliament dominated by Bamar voices will not be good for trust and peace in the long term.

Linked to the representation of ethnic voices is of course Myanmar's protracted and ongoing peace process with the ethnic armed groups. Myanmar has been fighting civil wars against several ethnic armed groups since independence. Today fighting continues in the north of the country. Daw Aung San Suu Kyi has promised that the peace process that was started by President Thein Sein's administration will go on. The main actors however were linked to the outgoing government and at the time of writing it is unclear what will happen to the Myanmar Peace Centre and the negotiation teams that have been working on a political dialogue framework with the eight Ethnic Armed Groups that did sign the Nationwide Ceasefire agreement in October last year. The teams on both sides, including many of the non-signatory groups had learnt to trust each other. The army had been a part of the process. At present it is unclear how the process will continue with those who signed and what will happen with those who did not. A central question will be in how far the NLD led government will be able to stop the fighting between the Tatmadaw and the KIA in Kachin and northern Shan States.

Today euphoria and popular expectation across Myanmar's electorate is high. We have to hope that beyond the excitement the NLD will be able to satisfy the expectations of a country that has been waiting for these results for a quarter of a century. Clearly, this will not be an easy task.

Myanmar's Democrats Face the Future

Dr. Nicholas Farrelly, Director of the Myanmar Research Centre at the Australian National University and co-founder of New Mandala, a website established in 2006 on Southeast Asian affairs.

When Myanmar went to the polls on 8 November 2015 expectations were high that a free-and-fair election would deliver a thumping endorsement of Aung San Suu Kyi's National League for Democracy. Her party campaigned hard, across the length-and-breadth of the country, with a message of hope and change. It insisted that only NLD leadership could complete the half-finished business of democratization. Even though the popularity of the democratic icon was never in doubt, there were big questions

about the quality of the vote and the potential for the country's first-past-the-post voting system to deliver a patchwork of results.

With no robust opinion polling to judge the national mood, analysts were forced to give their best guesses about who would do well. The consensus was that the NLD would win a majority of the seats in the popular vote, but that the Union Solidarity and Development Party – a reincarnation of the old military dictatorship – would retain some of its influence. As the patron of the post-authoritarian transition, the USDP enjoyed all the advantages of incumbency and had clear support among senior army figures. At pre-election rallies, USDP powerbrokers called on the people to support the party that had brought an end to direct military rule. Given the public resentment of the dictatorship's wasted opportunities, it was always a weak campaign pitch.

In the end, the NLD obliterated the USDP on polling day, and also made large gains in most ethnic areas of the country. Across the spectrum of Myanmar life – from the mountains to the marshlands, in majority heartlands and lonely minority tracts – the NLD enjoyed red-hot support. The message from voters was clear: Aung San Suu Kyi's democrats are the people's choice for the next phase of Myanmar's development. For now, the USDP has been reduced to modest representation in all of the country's 16 legislatures. It may never recover. USDP politicians who might have imagined another comfortable term in Naypyitaw will be forced to look for alternative employment. It is a new generation from the NLD who will be taking their seats.

These freshly-elected NLD figures, most of whom are relatively unknown, even to their own constituents, face an uphill struggle. They inherit economic, social, political, constitutional, legal, environmental and strategic problems that would test even the most effective government. In Myanmar's case five recent decades of military rule have starved energy and creativity, leaving a policy void too often filled by opportunism and erratic management. It has only been in the past few years that more aggressive and successful responses to some age-old problems have begun to change the equations. Yet much of the hard work remains to be done, especially along festering ethnic and religious fault lines.

The partial Nationwide Ceasefire Agreement signed in October 2015 is a good example. While eight of the country's ethnic armed groups signed up to the government's deal, the most powerful armies – the United Wa State Army, the Shan State Army – North and the Kachin Independence Army – opted out of the agreement. They wanted to wait and negotiate with whoever won the election. That now means the NLD will have substantial responsibility, in the months and years ahead, for creating more peaceful interactions with these key ethnic groups. The NLD's resounding popular mandate will help their chances. It is also relevant that at the November poll ethnic parties – long touted as serious competitors to the national political parties in some local areas – fared poorly. Most struggled to pick up just a few State legislature seats, and only 56 representatives from ethnic parties will need to make the long trek to Naypyitaw in 2016. Most ethnic constituencies will be represented by the NLD.

For its part, the NLD exceeded expectations, securing around 60 per cent of seats in the Union Assembly and over 50 percent in the 14 State and Region legislatures. This means it will have a healthy buffer in the Union Assembly, the joint houses of the national legislature. As expected, in the major urban centres – Yangon, Mandalay and Naypyitaw – it dominated the vote. What was more surprising was its overwhelming support in rural areas and remote ethnic townships. There was only one major exception to this nationwide pattern: Rakhine State, where the Arakan National Party bested its NLD and USDP opponents. It won 22 seats from this region in the Union Assembly and 23 in the Rakhine State legislature.

Rakhine State will matter for other reasons too. It hosts a long list of economic, social and political challenges, and Aung San Suu Kyi will not be able to avoid some tough conversations. There remains great contention, and aggravation, between Muslim and Buddhist groups, most acutely in the townships of northern Rakhine State. The exclusion of Rohingya and many other Muslims from participating in the 2015 election also blights what was, in most other respects, an impressively handled process. Because of the electoral mathematics, the NLD has been determined to avoid antagonizing Buddhist nationalist forces. If it ends up leading the government from 2016 then it will need a new strategy. Such a big and potentially dangerous social cleavage will require Aung San Suu Kyi's direct intervention if she hopes to avoid gifting her enemies another opportunity to undermine her control.

The armed forces, which have enjoyed decades of political primacy, will also need to adjust their expectation after the NLD's triumph. Some older-style authoritarians may grumble that they are surrendering too much, too quickly, but it appears that President Thein Sein and the Commander-in-Chief of the Armed Forces, General Min Aung Hlaing, are both prepared to support the peaceful transfer of power. Uniformed military personnel will still take 25 percent of the seats in all the legislatures, a constitutional handbrake that cannot be dismantled straightaway. There are also the constitutional obstacles to Aung San Suu Kyi holding the presidency. She has, for good measure, reminded the Myanmar people that she plans to be "above the President", perhaps in a non-constitutional role of her own creation.

After so many decades of political paralysis, and the recent spurt of exuberance about a "disciplined democracy", a genuinely democratic system is unchartered territory for Myanmar. With the legislative vote for the President likely to take place in early 2016 there is still time for more push-and-shove. What seems likely, however, is that the USDP and its supporters in the military are committed to relinquishing much of their power and transferring control to the NLD. Millions of people have fought, for generations, for this outcome. Their expectations are understandably high. But they will all need to make prudent decisions if this historic political moment is to generate long-term national success.

This article was originally published in Italian ("I democratici birmani e le sfide del futuro") in Relazioni internazionali e

International political economy del Sud-Est asiatico (RISE), Torino World Affairs Institute, January 2016.

Myanmar: Democratisation and the Internal Contradictions of Ethnicity and Religion

Dr. Jonathan Bogais, Associate Professor (Adjunct), Department of Sociology and Social Policy, School of Social and Political Sciences, University of Sydney

Civilianising the state

The overwhelming victory, on 8 November 2015, of the National League for Democracy (NLD) headed by Aung San Suu Kyi was not the end, but rather a waypoint for democratic development in Myanmar. Strategic thinking on the part of the NLD must now shift towards the broader question of how to civilianise the state while governing Myanmar with its subterranean forms of military influence. True civilianisation will begin when governing is no longer conditional on the military's acquiescence or on ideas related to the role of the military as the saviour of Myanmar, but on such processes as elections, parties and coalitions. The NLD, however, still needs the support of the military to address the long-lasting ethnic and sectarian conflicts, some of which are still raging. Civilianising Myanmar requires that the security sector transformation be embedded in a broader set of political reforms, whose success is essential for the new government to address the multi-layers of conflict. Failure to resolve these will impede the democratisation process.

The essential question now is how the military can rebuild itself in a new political system – with other political forces – that is likely to involve a federalist model, an option it rejected outright in 1962 and has fought against since.

The Tatmadaw: A unique form of public organisation

The Tatmadaw (Myanmar military) has been the most powerful and influential actor in Myanmar since its independence from British rule in 1948 by being the sole long-lasting pillar of authoritarianism. Since the reform process was announced in 2011, it has managed to maintain some organisational coherence and legitimacy and has served as the convener for various and changing forces that are the crux of the NLD. It has contributed to seemingly free elections and has recognised the overwhelming success of its opponents. Short of a small number of hardliners, most members of the Tatmadaw have accepted that full-blown military regimes have become something of the past and it is reasonable to assume now that the Myanmar military no longer represents an existential threat to the establishment of democracy.

Two characteristics are pivotal to understanding the Tatmadaw. Firstly, it is a large body that creates an equilibrium of power among key constituencies with a strong corporate sense of its interests. It is a

unique form of public organisation that can create a virtual enclave, with its own rules that encroach on the civilian sphere. In fact, one of the most debated issues about Myanmar is the so-called 'military economy'. The military's most conspicuous encroachments are its economic enterprises in the civilian market and its huge real estate ventures. There are few enterprises in Myanmar today that are not directly or indirectly controlled by the military, or by businessmen affiliated with the military. The political economy of the country is such that the armed forces control most of the economic activities. Unlike in Thailand and Indonesia, where the military became involved in business as they consolidated their political control over time, when the Myanmar military seized control in 1962, most private property was confiscated and handed over to a number of military-run state corporations.

Secondly, the Myanmar military is endowed with a strong sense of government. It has assumed full authority in nation-building since in power, using all available means to propagate its unequivocal role in all matters of state among military personnel, in the controlled media, in numerous military-sponsored events, even in schools. This sense of legitimacy among officers can veer towards a sense of superiority over civilians, making it evident that it has always been the responsibility of the military to ensure that the country was in safe hands – and this by virtue of the constitution. It also allowed the military to amend or impose a new constitution to suit its needs in changing environments as it did in 2008 to prevent Aung San Suu Kyi from contesting the elections. In 1962, the Tatmadaw seized power from an elected government – which had amended the constitution in response to a strong ethnic federal movement - claiming that federalism would break up the country.

Federalism and ethnic conflicts

The significant discussion of federalism in Myanmar goes back to when the country's modern statehood emerged from the late British colonial administration. The formation of the Panglong Accord and the 1947 draft constitution laid down the basic federal principles of governance integration between the Burman heartland and non-Burman ethnic frontiers areas. This accord was negotiated by Aung San Suu Kyi's father, Aung San from the predominant Bamar ethnic group. After gaining independence on 4 January 1948, however, neither genuine federalism nor a highly decentralising governance system had been established or implemented in Myanmar's political structure. The balance between state integrity and local autonomy – which ethnic leaders considered essential – could not be reached and led to calls for secession from disillusioned indigenous and political group leaders who did not trust the Bamar. Faced with a state that refused to listen and address their grievances through dignified mechanisms and credible processes, ethnic leaders resorted to armed struggles and warfare which have been ongoing throughout the country's political landscape.

Myanmar's lack of pre-colonial statehood made it prone to fragility because its legitimacy rested on actors and institutions that had their roots in a stateless pre-colonial past rather than with the institutions of a newly

independent state. Its population of about 52 million is made up of about 135 ethnic groups with unique indigenous identities. The eight main ethnic groups are Burman, Shan, Kayin (Karen), Kashin, Arakanese, Mon, Chin and Kayah (Karenni). Among these, the Burman – or Bamar – represent about two-thirds of the population while the remaining groups, including their sub-clans and other fragmented minority tribes (such as the Wa, Pao and Kokang), number about one-third.

These antecedents are significant in today's democratisation paradigm as Aung San Suu Kyi and her party need to create a trustworthy environment to rectify the errors of the past as part of the national dialogue and to give legitimacy to the reconciliation process. Expectations from the ethnic groups will be high.

Sectarianism: An intractable challenge

Another intractable challenge the NLD faces is the religious conflict in the state of Rakhine between Buddhist nationalists and Muslims. Sectarian-based conflicts in Myanmar – or at any rate, spasms of inter-communal violence characterised as such – are not new and have claimed many lives, mostly Muslim. Ironically, democratisation worsened the problem, as the lifting of a long-standing ban on protests paved the way for major and often violent anti-Muslim demonstrations – and also served to put pressure on politicians to become pro-active. During the election campaign, Aung San Suu Kyi, under pressure from the international community to take action to recognise the rights of the Rohingya, had to tread carefully between showing "pro-Muslim" compassion for their struggle on the one hand, and being perceived as indifferent to religious violence and the suffering of nearly 800,000 marginalised people on the other. The Rohingya have been described by the United Nations as one of the most persecuted minorities in the world. Until now, Suu Kyi has refused to acknowledge the term 'Rohingya', refering instead to the people she calls "illegal immigrants from Bangladesh" as Bengalis.

Two days before the elections, Ben Rhodes, Assistant to the US President and Deputy National Security Adviser, said that the world was witnessing the opening of a country that had been entirely closed for decades and that, "it could be easy to overstate the problem", referring to the plight of the Rohingya. Taking a similarly pragmatic approach, Aung San Suu Kyi said that "It is very important that we should not exaggerate the problem in this country." Both, it seems, are trying to downplay what appears to be an unsolvable problem at the moment. Successful democratisation will be less about speedy democratic reforms than about whether the reformists are able to maintain political stability throughout the transition process, even though it may delay the advent of full democracy. This commitment to pragmatism would explain Suu Kyi's and Rhodes' unwillingness to advance an issue they cannot resolve for fear of inflaming an already volatile environment. Such pragmatism, however, is no doubt of little comfort to the many Rohingya living in constant fear for their safety – at times for their lives – and wondering where their future lies.

Addressing the Rohingya issue

requires a rethinking of the 'Race and Religion Laws', instigated by Ma Ba Tha (the organisation for the Protection of Race and Religion), a body of ultra-nationalist monks campaigning aggressively against Muslims in the name of the people whose faith is Buddhism to protect the 'purity of the race'. The laws – that experts say discriminate against people based on religion and gender – were passed in September 2015 with the support of the NLD. Soon after the elections, Ma Ba Tha and the Myanmar military announced that they would not accept any change to the laws, removing hopes of an end to the discrimination and violence against the Rohingya.

This crisis is not only about religion, it is an ethno-cultural conflict, where violence is condoned by local governance leadership and involves land dispossession, internally-displaced people (IDPs) and forced migrations, the impact of which can be felt throughout the region. The state-endorsed disenfranchising of so many people of one faith – Islam – in the midst of a democratisation process is a contradiction that the new government must address by means more sophisticated than a reductionist approach or a Western simplification of a complex environment.

Against the backdrop of the violence and tragic loss of lives, there are significant questions begging for answers that the new government needs to address: Are religious doctrinal differences primarily responsible for stoking inter-communal fear and hatred? What roles have states, local authorities and transnational actors played in fomenting sectarian discord? And, importantly, what mechanisms and approaches could be employed to avert further sectarian violence, to foster understanding of differences and peaceful coexistence and to promote reconciliation?

Overhauling the national dialogue

The conflicts in Myanmar are too diverse, multi-layered, deep-rooted and complex for a single mediation mechanism. To end the violence, the new government must overhaul the national dialogue process and involve all of the country's ethnic and religious elements – and other key stakeholders – to give legitimacy to key political reforms. This can only be achieved if the dialogue is based on national ownership and political inclusion. These conditions are essential for the national dialogue to serve as an agency to engage stakeholders into a deep dialogue, and create a mechanism to regulate and legitimise interreligious and ethnic relationships aimed at protecting minorities' rights.

Legitimacy is context-specific. To succeed, peace processes and initiatives need to work with the grain of local cultures, traditions and sources of authority, which abound in Myanmar. Domestic and international experts can help build capacity of multiple local stakeholders and help facilitate dialogue between each stakeholder group but international actors must facilitate conditions that empower and raise the productivity and economic inclusion and contribution of the bulk of the population, rather than imposing an overall 'development solution', which is predicated on a false belief that economic development and investment is the only formula to achieve successful democratisation.

Conclusion: Myanmar needs good governance

Any transition to democracy is difficult – Myanmar's transition will be especially difficult. The key to successful democratisation is managing political stability and order. Aung San Suu Kyi faces a formidable challenge to reconcile the wide-ranging expectations of the people who still consider her as a political activist and the imperatives of being a constructive politician with no other option than selective pragmatism. Her charisma contributed to the NLD's overwhelming victory in the election, but this alone may not suffice. She has become the (unofficial) leader of a country that has been at civil war for 60 years, where poverty is endemic and some of the wealthiest business people are tied to illicit trades - and where hundreds of thousands of people have been displaced by fighting, many of whom are now refugees.

In this complex environment, geopolitics plays an important role. Myanmar's key geographical location makes it a strategic space coveted by both the United States and China for their own geostrategic objectives. With its large potential untapped markets and abundant natural resources, competition for control of the anticipated revenues intensifies pressure on all sides. While economic development can quickly generate enormous wealth, the extractive, agricultural and infrastructure-building industries are at risk of being concentrated in the hands of privileged elites with the potential to create or increase local grievances over social injustice and environmental damage. This, should it happen, could disrupt fragile cease-fires in conflict-sensitive zones and compromise the future stability of the new federation.

To prosper, Myanmar needs good governance. It needs the national capacity to transform itself into a democratic state in the foreseeable future. It needs political parties that can articulate the interests of the people, craft programs and policies in complex environments and perform integrative functions in resolving internal contradictions of ethnicity and religion. For the democratisation process to retain legitimacy, Myanmar must find the appropriate balance between the needs and vision of the state and the rights and freedoms of all individuals.

No Regime Change Just Yet? A Comment on the 2015 Swiss Elections

Clive Church, Emeritus Professor of European Studies at the University of Kent, United Kingdom

The initial response to the results of the Swiss elections of 18 October 2015 suggested to many a dramatic shift to the right. And some observers also hinted that this was not just a matter of extra numbers but implied a paradigm shift in the nature of the Swiss democratic system. Such views were echoed after the election of a second right-winger to the government on 9 December. However, it is always unwise to prophesy too radical

changes in Swiss politics.

Certainly in October the Swiss People's Party [SVP] did resume its onwards and upwards march. And nominally, there was then a right wing majority in the National Council. However, elections to the upper house somewhat gainsaid this. Thereafter too the SVP made some gestures towards consensus, which enabled it to secure the election of a second SVP Minister. However, the situation remains complicated and uncertain. So, it may be that the only certainty is that the country faces further uncertainty.

The Campaign

Although the SVP was to make more gains in the elections, it did so on the back of a singularly content free campaign, described by some as 'depoliticised'. Indeed, by the end the only real subject of discussion seems to have been the make-up of the government and whether the SVP would have another hissy fit if it was not given a second seat. This was partly because, for once, the SVP largely eschewed the inflammatory posters which have distinguished its previous campaigns and, like many others, concentrated on dog whistle politics to win over its core supporters. Its slogans urged people to stay secure and free, in other words to resist outside challenges, notably the growing waves of refugees seeking a European escape from Eastern war and chaos.

In fact, the campaign did take place under the influence of external events. As was pointed out this was the first general election to be held after the outbreak of the migration crisis. And, although the country did not see any significant influx of refugees till October, the fear that the wave of migrants assaulting Europe through the Balkans would engulf Switzerland frightened many people. Moreover, in 2015 there was nothing like the Fukushima nuclear disaster to divert voter's attention as had happened in 2011. The party also talked much about breaking the alleged hold of the centre-left in Parliament. Hence it did not really engage in detailed policy prescriptions. In particular Europe was hardly mentioned. This approach was followed by other parties many of which made noises about being tough on migrants while avoiding the sensitive subject of relations with the EU.

National Council results

On 18 October the SVP emerged with a historically unparalleled double record of 29.4% of the votes cast and 65 seats. This represented a gain of 2.8% and 11 seats on its disappointing 2011 result. So its strategy seemed to have worked. It lost no seats and strengthened its control of the political agenda. However, although it is now the largest party in most districts and continued to attract former Social Democrat voters, its main gains came in its German speaking heartland. This included seats in Appenzell AR, Aargau, Berne, Graubünden, Lucerne, Schwytz, St Gallen, Uri and Zurich. These gains probably came from having attracted new or occasional voters with right wing sympathies. It also won extra seats in the bilingual cantons of Fribourg and Valais. Four of these came from the Socialists, two from the Radicals and the rest from the centre parties. Exit polls also suggest that, while the party did well on the fringes of

agglomerations, it did much less well in the big cities where its share of the vote never passed 17%. It was also somewhat weak in several smaller cantonal capitals. This points to the continuing division between two Switzerlands, one outward looking and very urban, the other introverted and more rural.

The Social Democrats came second with 18.8% and 43 seats. However, although they marginally increased their vote they still lost three seats, leading to argument about whether the party was suffering a long term decline. It was followed by the Radicals who gained 1.3% and three seats, ending with 16.4% and 33 seats. This was the first time in many years that the party had not lost votes. The Social Democrats did well in large cities, winning two seats in Zurich while losing in Aargau, Fribourg, Schwyz, Valais and Vaud. And in the biggest cities they won over 30% of the vote. The Radicals lost seats in Appenzell AR, Neuchâtel and Uri but won in six other cantons. The Christian Democrats lost less than usual, going down by 0.7% and one seat to 11.6% and 26 seats. In fact, they still managed to win a seat in Valais though losing two, in Solothurn and Basle City.

The gains made by the SVP and the Radicals came mainly from the ecologists. In 2011 the latter had benefitted from Fukushima which had made environmental issues highly salient. Four years later fashions had changed. Hence the centrist Green Liberals lost 1.2% and 5 seats, ending with 4.6% and seven seats. The orthodox, left of centre Green party, lost 1.3% and 5 seats, finishing up with 7.1% and 10 seats. It won a seat in Basle City while losing elsewhere, largely in Western Switzerland. The other centre parties were unable to win any new seats. Thus, the other centrist winner from 2011, the Conservative Democratic Party (BPD) lost 1.3% and two seats, ending with 4.1% and 7 seats. In other words, most of the 14 seats won by the two main right wing parties came essentially from the centre, not from the left. In fact, what was hailed in 2011 as the triumphant 'Neu Mitte', was reduced to its real proportions in 2015. However, the Marxist Parti Ouvrier Populaire won a seat in Neuchâtel, bringing the far left back to parliament after a longish absence.

Of the three other parties, the centrist Evangelical People's party (EVP) VP held on to its two seats, while two regional far right formations also maintained their place. The Ticinese League kept its two seats and the Genevan Citizens' Movement (MCG) held on to its one. However, their percentages of the overall vote were very limited because they only stood in their home territories. And, significantly, despite the talk of a 'slippage' to the right, neither managed to win the extra seats they had hoped for. Nonetheless the National Council ended up hosting eleven parties, showing that Swiss political pluralism is alive and well. All these suggest that the shifts in electoral support were more complicated than a simple shift to the right, so that there were limits to any shift.

Elections to the Council of States

As has often been the case, the elections for the Ständerat or Upper House turned out very differently to those in the National Council. Only 26 of its 46 seats were actually filled on the 18. The remainder were filled by second round, on the French model (except for Jura and Neuchâtel which use PR), held on the

four Sundays, beginning on 1 November. From these the Radicals emerged as the clear winner with two more seats, taking their total to 13. They won in Vaud (from the Greens), in Uri (from the Green Liberals) and Nidwald (from the CVP) while also losing to the Christian Democrats in Obwald. Some of their victories were quite stunning. Thus in Aargau, the FDP president Philippe Müller turned a 7,000 deficit to the SVP at the first round into a 10,000 advantage in the second round. And, in Zurich, the Radical candidate in the second round polled twice as many as his SVP rival. The Christian Democrats also finished with 13 seats after swopping seats in the two half cantons of Unterwald. This rather reinforces Kriesi's argument that there is now a tri-polar party system in Switzerland.

The Social Democrats could also claim one remarkable win, taking its first seat in Zurich for 32 years in the first round, at the expensed of the Green Liberals. It also held seats it might have lost such as St Gallen and Solothurn where its candidates finished up, on average, a massive 30,000 votes ahead of their rivals. At the same time the Greens' claim to speak for the left was reduced by the defeat, and the immediate retirement from political life of Luc Recordin. The Green Liberals were even harder hit being beaten not just in Zurich, but also in Uri. They lost to the SPS and the Radicals respectively, thus depriving them of any voice in the Ständerat.

Against this the SVP could do no more than hold its five seats: two in Schwyz and one each in Glarus, Schaffhausen and Thurgau. This was 10.8% of the seats compared to the 32.5% they won in the Lower House. And when one of its star performers, Jean-François Rime, gambled on standing in the second round in Fribourg, without having entered in the first round, he was soundly beaten, ending up 21,000 behind the winners. Very often its candidates trailed badly, especially in the bigger towns and cities. As a result, they were unable to deny the BDP its single seat in Berne, with another star, in its campaign manager Albert Rosti, not even bothering to stand in the second round. However, the independent Thomas Minder, who has links with the party, did hold his seat in Schaffhausen. Sciarini is right to attribute this poor performance to the party's hard line which is good at attracting core voters in the PR elections for the National Council but bad at encouraging the alliances needed in the very different Upper House elections. And the SVP is often seen as an oppositional party and not a natural executive player. The party's poor showing may also reflect annoyance at what was seen as SVP arrogance after the 18 October. Whatever the reasons it was clearly a warning shot across the SVP's bows and, to an extent, the party heeded the warning, not making too much of its aggressive style.

The election of the government

Once finalized, the new parliament, as a whole, had the task of electing the members of the Federal Council for the next four years. This is the keystone of the Swiss separation of powers. Election is done individually in order of seniority. The great question was whether Eveline Widmer-Schlumpf, who had been brought in by a coup to replace party leader Christoph Blocher in 2007, would be able to hold her seat. Given the SVP's clamour that its newfound strength entitled it to a second seat, given the roughly proportional tradition

of government composition and the BDP's losses, this would have been difficult though not impossible. In the event, after eight no doubt draining years, she decided not to risk it and announced her retirement. This removed one political problem and opened the way to allowing the SVP to gain a second seat. And most people accepted the justice of the case, so there was no talk of organizing an alternative solution. Nonetheless, the GPS made it clear that it would never vote for any SVP candidate.

This opened the way to much speculation on who the SVP would propose. In the end some dozen candidates emerged but many of these were dismissed brusquely by the party leadership – a move which caused some internal muttering. They opted to propose three candidates from whom the Parliament could choose. And, in a gesture to the belief that the party should be present in all three language zones, it offered a triple ticket of a German speaker, a French Speaker and an Italian speaker. The latter opposed a problem as the party had to 'adopt' Norman Gobbi, a leading albeit controversial, figure in the Lega as its Italian speaking candidate. For many observers this made it a 'tricket' because Gobbi was not a true SVP member and the French speaking candidate, Guy Parmelin from Vaud, lacked both executive experience and linguistic expertise. In any case there were already two French speakers which threatened to upset the regional and linguistic balance. This left Thomas Aeschi, a new but renowned free market hardliner MP from Zug, who was thought to be very close to Blocher as the speaking option. Many assumed that that the two Latins were just a smokescreen to ensure the election of Aeschi, thus allowing Blocher to reverse the humiliation of 2007.

The press talked much of finding another, more acceptable SVP Minister than the austere Aeschi. However, given the growth of social media, it was much less easy to organize a secret coup than it had been in 2007. In any case, following the Widmer-Schlumpf debacle, the party had rewritten its rules and given itself the power to exclude from the party any SVP member who accepted election to government without being on the official party ticket. For the other parties, backed by the opinion of a leading lawyer, this was unconstitutional because it infringed the rules that all citizens were eligible for election and that MPs could not accept outside direction.

When it came to the election the six existing Ministers were all easily elected on the first ballot. The Radical Didier Burckhardt topped the list with 217 out of 234 votes, followed by the Christian Democrat Doris Leuthard and the Social Democrat Alain Berset, both of who scored over 200 votes. The other Radical, Johan Schneider-Amman got 191 and the second Social Democrat, serving President Simonetta Sommaruga, attracted only 182. SVP criticism of her handling of asylum probably led many of its MPs to abstain. Conversely Ueli Maurer of the SVP came bottom with 173, though this too was far above the required majority. However, he failed to obtain the support of many Greens, Social Democrats and centrists.

The first round of voting for the now empty desk of Eveline Widmer-Schlumpf put Parmelin into a clear lead with 90 votes, 32 ahead of Aeschi. Gobbi won 50 and

an outsider SVP man from Schaffhausen attracted 22. He dropped out in the second round which saw Parmelin only 3 short of the required majority of 120. Come the final round he romped home with 138, 19 above the bar, followed by Aeschi on 88 and Gobbi on 11. So the Romande presence was raised to three. With two Bernese already in place, this over represents western Switzerland. Some might say it infringes Article 175/4 of the new Constitution which says that the various regions and linguistic communities must be equitably represented in government.

The reason that Parmelin was chosen seems to be that he represented one of the more traditional elements of the SVP, being a vigneron from Bursins in the far west of the canton. He had been in the Vaud Grand Council from 1994-2003 and had won a reputation as a pragmatist and centrist. He drifted somewhat to the right once in the National Council from 2003, serving on the committee that organized the 9 February referendum and toeing the party line on the bi-laterals. However, he remained clubbable and approachable. His website also shows that remained a practical politician, and was not another hard-line ideologue. Moreover, he spoke warmly of team playing in his interviews with the other parties. All this led Parliament to take a chance that, unlike Blocher, he could be domesticated. Ostensibly, for the SVP the election was likely to strengthen its position in the Suisse Romande, which remained weaker than that in the east of the country. More significantly, it meant that concordance (as the party understood it) was restored and that the party had regained its rightful place in government. This would allow it to push its preferred agenda. However, some observers said that it actually dismayed Blocher and the leadership who felt that Parmelin was too changeable to be relied on to push the party line in the way they would have wished.

This question also emerged of which department Parmeliin might be given. One has to say given because the system allows him no voice. Initially, the Radicals and the Christian Democrats had suggested he should take over the Justice and Police portfolio as this would show up the weaknesses of the party's policies on asylum. Others feel that he would be under too much pressure from his party and try extremist measures which would cause clashes with Switzerland's international obligations and might generally upset the apple cart. In any case the SVP seems to have shown no desire to take over the portfolio, perhaps because it preferred to be able to go on criticising. Parmelin's own preference was for the Interior brief as this covers agriculture. However, the incumbent, like the other four Ministers, wanted to see through the policy reforms on which he was engaged and preferred not to move. However, Maurer wanted to take the now vacant Finance brief even though banking secrecy was no longer there to be defended. So Parmelin was left with Defence and Sport which has become something of a starter portfolio. What use the two SVP ministers will make of their new briefs, and their new role in the Federal Council, remains to be seen.

Onward to system change

Nonetheless, much foreign comment seems to be convinced that the two elections will

push the country very far to the right. Indeed some still see the SVP as threatening to change the regime, thereby putting Swiss liberal democracy at risk. This view derives largely from the party's populist policy aims. Nominally it does not have any long term plans to reconstruct the Swiss political system. Its aims seem to be conservative. Hence it seeks to defending Swiss exceptionalism and tradition by reversing the key policy changes which have compromised Swiss identity and sovereignty.

Thus its contract with the Swiss people now commits itself, firstly, to preventing attachment to the EU and any expansion of the rule of 'foreign' judges. Secondly it commits to limiting the growth of migration so that Switzerland does not become a country of 10 million people. Thirdly it undertakes to ensure the expulsion of foreign criminals and the maintenance of societal security. And finally it guarantees to bring in lower taxes and a lessened burden of regulation. This is hardly an anti-system stance.

However, these aims have two-fold institutional implications. On the one hand, they imply powers for the state. Expulsion of criminal foreigners would be impossible without it. This is despite its commitment to a smaller state and the rights of cantons. On the other, the party also needs to gain power in order to impose its ideological aims. In other words, as some of its leaders have said, unless it gets a majority in parliament and hence government, it cannot be sure that its policies can be fully implemented. Even direct democracy cannot yet guarantee this. In other words, it seeks to succeed in the system rather than overthrowing it.

Moreover, both some of the party's other targets and some of its behaviour suggest that it also has institutional changes in mind. To begin with it is very critical of existing institutions, notably the Federal Council and the Federal Tribunal. It would like to see the former directly elected but even its own supporters turned this down. Where the latter is concerned, while it dislikes international law, it also derides some of the decisions taken by judges in the national courts. At the same time, it has a strong belief in traditional institutions. Most importantly, it has a populist commitment to direct democracy, which it sees as the essence of the Swiss exception, and the supreme expression of sovereignty. It treats this as its secret weapon and pushes for it to be superior to all other institutions. Indeed, at present it is seeking to push through a new initiative which would force literal implementation of an initiative on the authorities depriving government and parliament of their traditional powers of interpretation.

At the same time, the SVP also places great stress on the rights of party. Because it has been reborn out of the old agrarian SVP it is very conscious of the need to impose its new hard-line. Hence, initially, Blocher's unwillingness to bow to the collective will and cease being a party spearhead when in government, and then its argument in 2008 that, with the ejection of Blocher, its voters were not represented in government as they ought to be. As a result it rewrote its rules to insist that all its candidates for the Federal Council must formally and fully subscribe to its anti-European and migration principles. And, through its Exclusion clause which stipulated that any party member who was not on the official list and who accepted

nomination would be automatically ejected from the party, it seemed to deny the right of MPs to make their own choice of its representatives. Secure in the support of a large minority of the electorate, not to mention in the correctness of its views, it sees its role as forcing its views on the system rather than either replacing it or compromising. For the moment the party seems willing to work wholly within the system, having learned from the failure of its attempt at opposition in 2008. But we do not know whether it will favour low key parliamentary negotiation over aggressive use of direct democracy. The normalization claimed by some observers has yet to be demonstrated in other words.

In any case, if thereafter its self-proclaimed 'long march through the institutions' continues, this could change. Some of its leaders still hope to get 50% of the vote. This would clearly change things. Thus, at present it can only rely on its two votes of the seven in government, because it cannot rely on the support of the other centre right parties, despite the rash talk of 'a right wing majority. but were this to alter, the whole nature of government and politics would change. Structures would largely remain the same, but the old norms and customs would go, and the country would become much more majoritarian. And the spirit of balance, consensus and proportionality would probably disappear. In other words, despite the commitment to the 'good old ways' the logic of the SVP's stance is pretty radical, if not revolutionary, in Swiss terms. Critics who see the SVP as a nationalist populist party and not a conservative one have a point. If it has its way it could well set Switzerland on the road to becoming a 'partitocrazia'

Were this kind of implicit regime change to occur, Switzerland would become much more European in nature. This is partly because of what would be its greater majoritarianism and partly because of the fact that the rise of the SVP is part of a continent wide erosion of the post 1945 and its stable party systems. Its nationalist tones are being heard all the way from Barcelona to Warsaw and this at a time when cooperation is increasingly needed, having been undermined by national egoism. So there is a deep irony in the fact that the most Europeanized party in the country is leading the anti-EU drive.

For the moment there is hope that the SVP will listen to the calls from German speaking Switzerland for it to drop its oppositional role, to refrain from destabilizing initiatives and challenges and instead to play a properly responsible part in government. Many people have had enough of its persistent denunciation of others and its excessive lamentations about the state of the country. The selection of Guy Parmelin may point in this direction. However, the proof of the pudding will be in the eating. The SVP will be tested and will have to choose between settling back into the old consensual ways or continuing with its un-house trained polecat style. Here, leading Green and Social Democrat parliamentarians assume that there will be no change and that political battles will continue to be fought out aggressively through direct democracy and not through concordance. If this is the case than the fears expressed by foreign commentators may prove justified somewhere down the line. Conversely, things may be turn out to be much less clear cut than many assume. In

fact, it is probable that the present uneasily balanced situation will continue and the party's potentially revolutionary push for a regime dominated by the divine right of party will be held up. Hence, the reality is that Switzerland faces four more years of difficult negotiations and confrontations. Watch this space in other words.

Switzerland: A landslide election, which only shifts 4% of the votes

Daniel Bochsler (PhD, University of Geneva) is Assistant Professor of Comparative Politics and Democratisation at the University of Zurich.

Marlène Gerber (PhD, University of Bern), Deputy Director, Swiss Political Yearbook (Année Politique Suisse), University of Berne.

David Zumbach, Research Assistant, University of Bern

Switzerland has just experienced one of the most stable elections, even by Swiss standards, with net volatility of just over 4% of the votes. Daniel Bochsler, Marlène Gerber and David Zumbach explain why it is still perceived as a landslide victory of the right. In the very fragmented Swiss party system (5 effective parties in parliament), vote shifts only rarely lead to a considerable shift between the left and the right. This time, the right could make considerable gains of 15 seats in the lower house (National Council), where it now counts 101 out of 200 seats. Their seat gains were much more pronounced than their vote gains. This leads to a divided house between the National Council and the Senate.

Election results

The main winner of the 18 October was the national conservative Swiss People's Party (SVP) that saw its share of votes increase by 2.8%, reaching a historical high of 29.4% which resulted in a net gain of 11 seats in the lower house (out of 200). On the other side of the political spectrum, the Greens (-1.3%) and the Social Democrats (SP) (+0.1%) had to give up four and three seats, respectively, with the consequence that the two leftist parties for the very first time hold less seats (54) than the nationalist-conservative SVP (65). While the Liberal Party FDP – representing an economic conservative position – increased their vote share for the first time in 36 years (+1.3%; +3 seats), the Christian Democrats (CVP) did not manage to halt their decline (-0.7%; -1 seat). Two small, and very young parties of the centre-right, the Bourgeois Democratic Party (BDP) and the Green Liberals (GLP) suffered losses of -1.3% and 0.8%, the latter losing 5 out of 12 seats in parliament.

Gains and losses of vote and seats are

very disproportional to each other, as most of the 26 electoral districts (equal to the cantons) are very small. Only seven districts count 10 or more seats. While list apparentments allow parties partly to escape the electoral system bias against small competitors, they can even foster the discrepancies between the seat allocation and the vote distribution.
In the lower house, the National Council, the economic conservatives FDP and the nationalist-conservatives SVP (jointly with two tiny parties of this camp) now occupy a razor-thin majority of 101 out of 200 seats.

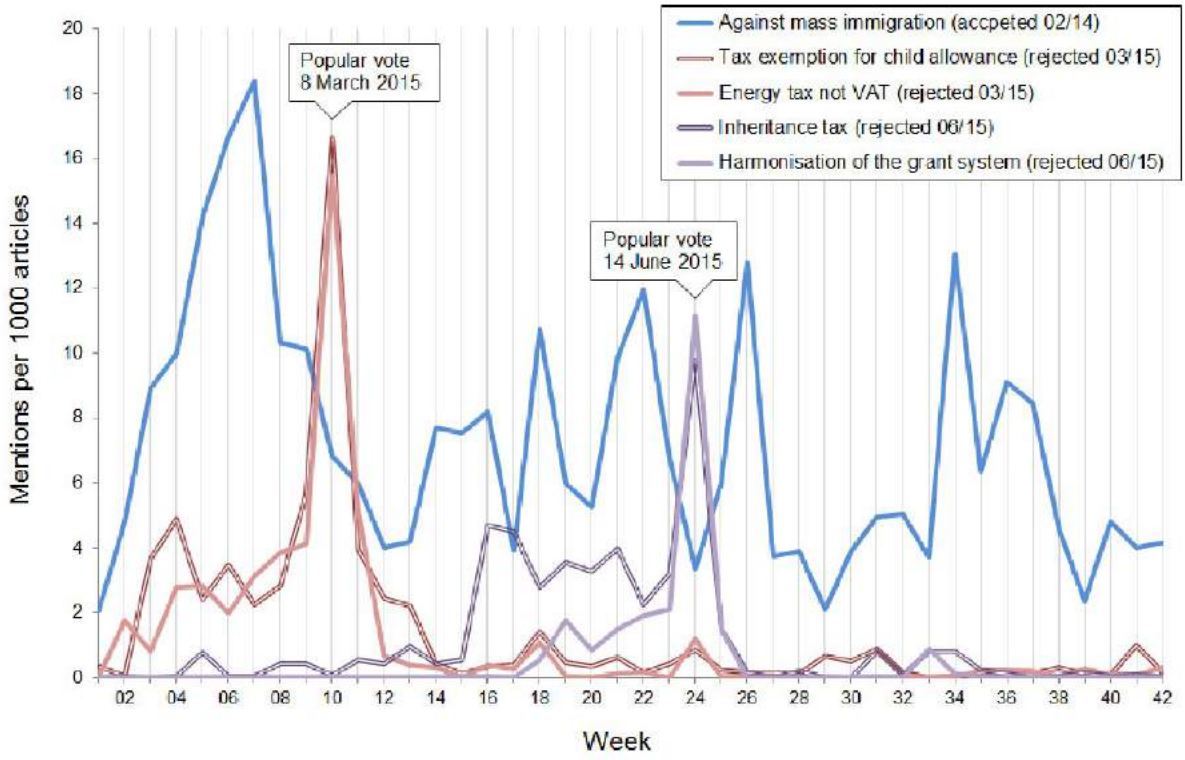
The Senate will probably remain stable, so that the two right-wing parties need to rely on the Christian Democrats for a majority. The upper house is elected in most cantons by a two-round majority vote, leading to an overrepresentation of the FDP, the CVP, and lately also the Social Democrats , while the largest party, SVP does hard in succeeding to win seats in majority vote elections, holding only five out of 46 seats. A definitive assessment will only be possible after second rounds of elections have taken place in 12 out of 26 cantons by the end of November.

Electoral campaign: Does hullabaloo trump substance?

The campaign 2015 has not only widely been seen as the most expensive campaign ever, it was also considered to be one without content. Event-wise, and in social media, personality and hullabaloo trumped substance. The peak of this campaign style was when a music video by the SVP, "Welcome to SVP", entered the charts.

While in 2011, almost every party pursued its own popular initiative in the forefront of the election, it was only the SVP that launched one in 2015: the self-determination initiative demanding that the Swiss Constitution stands above international law. However, given that other parties' initiatives were rejected at the ballot or even failed at the stage of signature collection, this change in strategy may be comprehensible. Back then, the big exception was the "initiative against mass immigration" by the SVP that was accepted in February 2014 by a narrow majority of 50.3 percent of the voters and 17 out of 26 cantons. In order to implement the popular initiative, the Federal Council is assigned to renegotiate the Agreement on the free movement of persons with the EU – a still ongoing process. Given the significance of the bilateral treaties for Switzerland, it is surprising how little the relation with the EU has been brought up by the parties in the run-up to the elections, also shown by an analysis of parties' press releases. The initiative and its potential effects, in turn, still receive enormous attention by the media in 2015 – in total even more than popular initiatives during the week before they were subjected to vote, as Figure 1 shows.

Figure 1: The presence of popular initiatives in the Swiss online media (2015)



Note: Analysis based on automated information retrieval of 82 Swiss online news resources (59 in German, 14 in French, and 9 in Italian language). Data: Année politique suisse.

On the omnipresence of the Swiss People's Party (SVP)

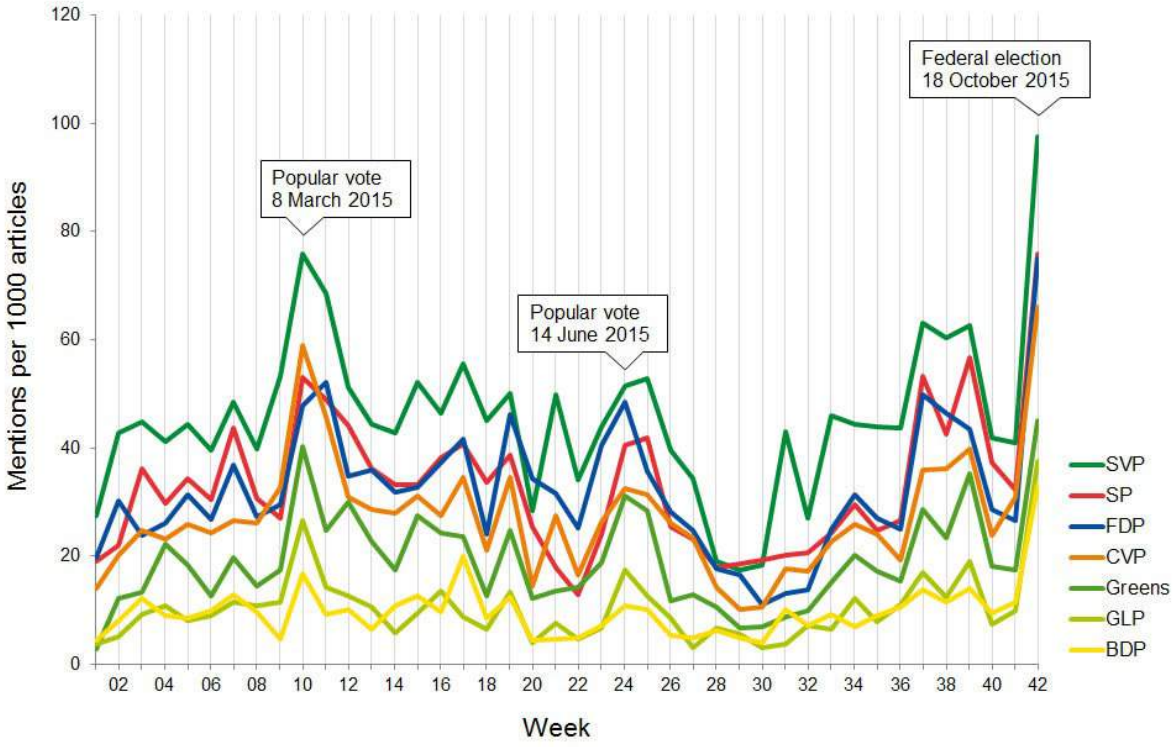
In addition, the SVP reached omnipresence in terms of advertisements placed in print media. Together with the FDP, they accounted for about 60% of party ads published in newspapers (30% each), including expensive national-wide campaign ads in newspapers. Repeatedly, international organisations have expressed their concern with the absence of transparency about campaign funds.

Campaigns are funded through private donations and membership fees.

In the campaign, the main issues emphasised by the SVP were their opposition to migration, refugees and EU integration, whereas the FDP was emphasising economic issues. The Social Democrats campaigned for social welfare, especially against cuts to the pension system.

While a party can influence their visibility in terms of campaign ads through their campaign strategy and the available financial means, they are not in direct control of their presence in the media. However, as Figure 2 shows, the media accredits attention more or less in relation to a party's strength, electing the SVP to the leading actor once more.

Figure 2: The presence of parties in the Swiss online media (2015)



Note: Analysis based on automated information retrieval of 82 Swiss online news resources (59 in German, 14 in French, and 9 in Italian language). Data: Année politique suisse.

Government formation

In a joint meeting on 9 December, the two houses of parliament will sequentially elect each of the seven ministers by majority vote. Since 1943 (with an interruption between 1953-9), the government is composed of the four largest parties, although one minister has been expelled from her own party. So far, out of seven seats, this is the only one which is disputed. Eveline Widmer-Schlumpf (SVP) was elected to government in 2007, although not as an official party candidate, which is not uncommon. She was subsequently expelled by her own party, leading to the formation of a small split-off party, BDP. Now, the FDP as well as the SVP urge the parliament not to re-elect her. They argue that the small BDP party, with only 7 seats in the lower house, does not bring in the necessary weight for representation in government. Her supporters, including the left and the Christian Democrats, refer to an iron rule, according to which ministers should only be fired after major scandals or bad performance in office. However, they also fear that the seat of the BDP is taken over by the SVP, which would move the balance to a government dominated by FDP and SVP.

How will Poland's Law and Justice Party Govern?

Prof. Dr. Aleks Szczerbiak, Professor of Politics & Contemporary European Studies at the University of Sussex, United Kingdom

Poland's new right-wing government has prioritised implementation of the expensive social spending pledges that were critical to its election victory. However, its determination to radically reform the Polish state has drawn accusations of authoritarianism from the opposition while the new prime minister has yet to stamp her authority on the administration.

Delivering on social spending, re-assuring on the economy

The October parliamentary election saw a stunning victory for the right-wing Law and Justice (PiS) party. It became the first political grouping in post-communist Poland to secure election to government with an outright parliamentary majority, winning 235 seats in the 460-member Sejm, the country's more powerful lower chamber. This month, the party's deputy leader Beata Szydło was sworn in as the new prime minister and her government received a parliamentary vote of confidence. In her inaugural address, Mrs Szydło devoted most attention to socio-economic issues, promising to introduce programmes aimed at spurring investment and innovation. She also promised to increase social spending and quickly implement Law and Justice's key election pledges, including: its flagship 500 złoties per child monthly subsidy for poorer households, and for second and subsequent children in all families; reversing the deeply unpopular increase in the retirement age to 67 (from 60 for women and 65 for men) introduced by the previous government, led by the centrist Civic Platform (PO) party; increasing tax-free income thresholds to 8,000 złoties; raising the hourly minimum wage to 12 złoties; and introducing free medicines for over-75s.

These policies were critical to the party's election victory so it is vital that the new government is seen to be implementing them as quickly as possible. However, they are also very costly: the monthly child subsidy programme alone is estimated at 15-16 billion złoties for 2016 and up to 21.5 billion in subsequent years. The new government, therefore, faces a significant fiscal challenge at a time when the Polish economy appears to be slowing down and state of the public finances deteriorating. So, as well as allowing a small increase in the budget deficit, to fund this additional social spending the Szydło government is planning to introduce a series of revenue raising measures, including: more dividend receipts from state-owned companies; improved tax collection; and new taxes on banks and larger retailers.

Moreover, in a bid to re-assure markets and investors who are worried that the party's expensive social promises could wreck Poland's public finances and damage the business environment, Mrs Szydło appointed a number of figures who are seen as fiscally prudent and pro-business to senior roles

within the government. The most notable of these is Mateusz Morawiecki, the highly respected chief executive of Bank Zachodni WBK bank, Poland's third largest lender, who becomes deputy prime minister in charge of economic affairs. Mr Morawiecki will stand at the head of a new development ministry set up with broad competencies to co-ordinate the government's economic policy across a range of departments. In fact, the previous 2005-7 Law and Justice administration pursued fairly orthodox, pro-market economic policies: lowering income and payroll taxes, pushing through a tax relief package for families, and bearing down on the budget deficit and public debt. However, when Law and Justice was elected in 2005 its main priority was its 'Fourth Republic' programme of moral and political renewal of the Polish state, alongside a rather vague pledge to build a 'solidaristic' Poland in contrast to Civic Platform's economic liberalism. This time the party's electoral appeal was based more on 'bread-and-butter' socio-economic issues with very specific social spending pledges playing a prominent role in the campaign, so it will be under a lot of pressure to deliver on these.

Controversial appointments

Mrs Szydło's new cabinet also includes several controversial appointees who served in the previous Law and Justice-led government. The defence ministry will be headed by the hawkish party deputy leader Antoni Macierewicz, a decision that contradicts Mrs Szydło's statement during the election campaign when, to distract media attention from controversial remarks made by Mr Macierewicz to Polish diaspora in Chicago, she said that she was 'likely' to appoint the more emollient Jarosław Gowin to this post. Law and Justice feels that it needs someone more experienced in the defence ministry at a time when Poland is spending large sums on contracts to modernise its military assets. Mr Macierewicz, who was deputy defence minister in the previous Law and Justice government, has built up a powerful position within the party in recent years by heading up a commission investigating the causes of the April 2010 Smolensk tragedy in which the then Law and Justice-backed President Lech Kaczyński, twin brother of party leader Jarosław Kaczyński, and dozens of other senior officials died in a plane crash in Western Russia. However, Mr Macierewicz's commission has caused controversy by appearing to countenance Russian sabotage as a possible cause of the tragedy. Although increasing numbers of Poles have questioned the official version of events – which blames poor planning, pilot error and mistakes by Russian air traffic controllers in difficult weather conditions – most continue to reject the idea that the crash was orchestrated by Moscow. For his part, Mr Gowin – who is leader of the small, liberal-conservative Poland Together (PR) party, one of Law and Justice's electoral allies – became higher education and science minister and one of the prime minister's three deputies.

The new justice minister is Zbigniew Ziobro, who returns to the post that he held in the 2005-7 government. Mr Ziobro was, at one time, a Law and Justice deputy leader but was expelled from the party in 2011 when he clashed with Mr Kaczyński over its future direction. However, he made his

way back into office by heading up the small right-wing Solidaristic Poland (SP) party; another Law and Justice electoral ally which, along with Poland Together, Mr Kaczyński's party needs to maintain the government's parliamentary majority. Although critics argue that Mr Ziobro's eagerness to pursue high profile criminal cases meant that he engaged in politicised prosecutions that by-passed proper procedures, his supporters defend him as a fearless exponent of that government's law-and-order and anti-corruption crackdown.

The new security service co-ordinator is Mariusz Kamiński, another controversial figure who, in a non-binding verdict which he appealed, was sentenced by a Warsaw court in March to three years imprisonment and a ten-year ban on holding public office. Mr Kamiński was accused of abusing his powers while head of the elite central anti-corruption bureau (CBA), which he ran from 2007-9, during the investigation of the so-called 'land affair' in the agriculture ministry. According to the court, Mr Kamiński, along with three other bureau officials, initiated an operation that involved forging documents and 'phone tapping in spite of the fact that there was no reliable information on infringements to the law. His supporters argue that the judgement was politically motivated and followed several earlier court rulings that the bureau's action was lawful. Indeed, in a controversial move Law and Justice-backed President Andrzej Duda pardoned Mr Kamiński immediately before the new minister took office.

Reconstructing the Polish state

Critics argue that these appointments contradict the moderate, centrist image that Law and Justice cultivated during the election campaign; exemplified by the decision to nominate Mrs Szydło, rather than the more combative Mr Kaczynski, as the party's prime ministerial nominee. However, they also suggest that the party is committed to the radical reconstruction of the Polish state and, although it did not give a very high profile to this issue during the election, this remains at the core of Law and Justice's programme and ideology. The party continues to believe that many Polish state institutions have been expropriated by an extremely well entrenched, and often deeply corrupt, post-communist elite and that the new government needs to have hawkish and determined individuals in charge of these key ministries in order to cleanse the political system.

These appointments, together with a series of decisive early government actions in this sphere, have already led to charges from the party's political opponents and the liberal-left media that it is repeating the allegedly confrontational and authoritarian style of politics that they argue characterised the previous Law and Justice administration. For example, the government was criticised for replacing the four heads of the civilian and military intelligence services, and forcing the resignation of the anti-corruption bureau chief (after an investigation was launched into his security certificate), all of whom were appointed by the previous Civic Platform-led administration. It also scrapped the six-month rotational chairmanship of

parliamentary security services commission which gave the opposition an opportunity to scrutinise their conduct more effectively. Law and Justice argued that: changes at the top of the security services were common when a new administration took office; an urgent re-structuring was necessary as their functioning was distorted by pathologies; and Civic Platform had also prevented the opposition chairing the security services commission in the previous parliament.

However, the greatest controversy surrounded the Law and Justice-dominated parliament's decision to annul the appointment of five judges nominated by the previous Civic Platform government to Poland's 15-member constitutional tribunal, a powerful body that rules on the constitutionality of laws. The move met with widespread criticism from both opposition parties and elements of the Polish legal establishment, who accused the government of violating the constitutional division of powers by interfering in the independence of the judiciary. The tribunal's critics, however, see it as a highly politicised body that struck down key elements of the previous Law and Justice-led government's legislative programme. Mr Kaczyński's party also argues that Civic Platform provoked the situation because two of five outgoing judges' terms of office were not due to expire until December but the then ruling party still forced through their replacement in October, just before it was due to lose power, in order to complicate the new government's work.

How secure is Mrs Szydło?

Implementing a programme of radical reconstruction of the Polish state was always going to bring the new government into conflict with the post-communist establishment. Nonetheless, Law and Justice has a number of political assets that should help ensure its stability and longevity. Together with an unprecedented single-party parliamentary majority, it also enjoys the support of the 41-member 'Kukiz '15' parliamentary caucus on some constitutional issues. This is an ideologically eclectic and unstable 'anti-system' right-wing grouping clustered around the charismatic rock star and social activist Pawel Kukiz, some of whose deputies may even end up defecting to the ruling party. The government's position is also buttressed by the strong backing of President Duda who has already shown that he will facilitate rather than obstruct the government's programme. Moreover, Civic Platform, now the main opposition grouping, is severely weakened and faces a protracted period of soul-searching and internal divisions as it is engulfed in a party leadership election.

However, some commentators have raised concerns that competing power centres could emerge in the prime minister and Mr Kaczyński's offices with the Law and Justice leader trying to steer Mrs Szydło from behind-the-scenes. Indeed, there was speculation, fuelled by the party's rather chaotic public relations in the post-election period, that the government was being chosen for her by Mr Kaczyński and better-placed party insiders. Mrs Szydło is certainly surrounded by powerful ministers whom she had only a limited say in choosing. Although having a direct electoral mandate should put her in a strong position, analogies have been drawn with the situation following the

2005 election when Mr Kaczyński, whose brother was elected President at the same time, appointed a second-rank politician, Kazimierz Marcinkiewicz, as prime minister to avoid the controversy of twins filling Poland's two highest state offices, only to replace him a few months later. We will soon find out if Mrs Szydło can stamp her authority on the new administration or, as many commentators have predicted, proves to be a weak prime minister who will be pushed aside quickly if the government starts to encounter serious difficulties.

This article was first published on 30 November 2015 on Prof. Szczerbiak's Polish Politics Blog: https://polishpoliticsblog.wordpress.com/2015/11/30/how-will-polands-law-and-justice-party-govern/.

The German-German Border Regime[1]

Siraprapa Chalermphao, Office Manager, German-Southeast Asian Center of Excellence for Public Policy and Good Governance, Faculty of Law, Thammasat University

Twenty-five years ago the formerly divided German states which have been the bigger West Germany, the Federal Republic of Germany (FRG), a capitalist NATO – member German on the one side and East Germany, the German Democratic Republic (GDR), a socialist Warsaw Pact member, on the other, were unified by the German people again.

This was result of historical developments starting from the USSR whose leader *Michael Gorbatchov* had begun to reform the Soviet system with his *Perestroika* and *Glasnost* policies. They emitted strong impulses of change and especially encouraged reformist movements in all socialist countries around the world. The East German government however resisted for the first time to follow its big brother in Moscow and his call for change.[2] East German state and party leader *Erich Honecker* stated instead in 1988 that East Germany would pursue a socialism in the "colors of the GDR" remaining true to the old regime.[3] By this, the GDR leadership greatly underestimated the power of the sea change that had started in Russia and quickly leading to a growing civil protest movement and a revolt in the party grass roots.[4] At the same a time a mass exodus of GDR citizens to other Eastern European countries started. Only in Prague hundreds of GDR citizens camped in October 1989 on the grounds of the West German Embassy until

1 This article is based on a paper presented at CPG's Alumni Seminar on "25 Years of the Fall of the Berlin Wall" on 26 December 2014. The author thanks Henning Glaser for the encouragement and opportunity to publish this paper and Duc Quang Ly for helpful comments on language and content.

2 See Gert-Joachim Glaessner, *German Democracy. From Post World War II to the Present Day*, New York: Berg, 2005 p. 137 f. For the relation between the USSR and the GDR see David Childs, *The GDR: Moscow's German Ally*, London: Unwin Hyman, 1988, passim, especially pp. 308 ff. and 320 ff.

3 See Childs, *The GDR: Mosco's German Ally*, pp. 325 f.; Glaessner, *German Democracy*, p. 137 f. and more detailed on the historical course of events and backgrounds William F. Buckley, Jr., *The Fall of the Berlin Wall*, Hoboken, New Jersey: John Wiley and Sons, 2004, passim; David Childs, *The Fall of the GDR: Germany's Road To Unity*, London: Longman, 2001, passim.

4 See Glaessner, *German Democracy*, p. 142.

thousands of East German tourists to the socialist brother state Hungary escaped via Austria to Germany in fall 1989. The GDR leadership tried now to prevent the collapse of the old system by concessions especially by talking about ending the severe travel restrictions the system had become famous for.[5] Accompanied by a series of internal scandals showing the corruption of the party, mass demonstrations of hundreds of thousands of people who raised the cry "We are the people!" and an increasing stream of East Germans leaving the country, the final collapse became inevitable.[6] It became visible with the unexpected announcement by GDR authorities that the Wall was open in Berlin to East Germans who wanted to go to the Western part of the city on the 9th of November 1989. This was the beginning of the Wall's fall and the symbol for the end of the whole GDR regime. This short article tries to explore the nature of the border regime the Wall represented which also symbolized the GDR as such and finally also its breakdown.

This border regime which divided the two parts of Germany was indeed a comparably unique phenomenon as one of the most impressive expressions of the World's separation during the Cold War. Other massive or even rough border regimes and are known from various countries – examples are the US-Mexican and the Israel-Palestine border or the border between the two Korean states but the 'Wall' separating the two German states was much more a symbol of the whole country's and even the World's division than other strongly separating borders ever were. For this, and in the context of a series of events organized by the CPG on the German unification, a brief outlook shall be given.

The German-German border: nature and impact

As indicated above, the German-German Border, the border between West Germany and East Germany, the American-friendly and the Soviet-friendly German state, was more than a normal border. Built in 1961 it has not only been one of the world's most heavily fortified frontiers, but had also an immense symbolic meaning. Technically this border regime was defined by a continuous line of high metal fences and walls, rounds and rounds of barbed wire, various sensor and alarm mechanisms, anti-vehicle ditches, manned watchtowers, automatic booby traps and minefields.[7] It was patrolled by 50,000 armed guards, who served under an order to kill those who tried to overcome the fences and walls, minefields and traps.[8] Many did so, and many died indeed.[9] For most of the others who did not try, travelling to the Western part

5 See Glaessner, *German Democracy*, p. 141. See also the documents on the GDR's citizen's exodus 1989 collected by Volker Gransow, Konrad Hugo Jarausch, *Uniting Germany: Documents and Debates, 1944-1993*, New York: Berghahn Books, 1994, p. 30 ff.

6 See Glaessner, *German Democracy*, p. 147 ff.; Quint, *The Imperfect Union: Constitutional Structures of German Unification,* Princeton, New Jersey: Princeton University Press, 1997, p. 16.

7 See detailed Gordon L. Rottman, The Berlin Wall and the Intra-German Border 1961–89, New York: Osprey Publishing, 2008, p. 20 ff.; and for a short overview Heiko Burkhardt, http://www.dailysoft.com/berlinwall /history/facts.htm; http://www.dailysoft.com/berlinwall/history/facts_01.htm; http://www.dailysoft.com/berlin wall/history/facts_03.htm; P. Dousset; A. Souquet; S. Lelarge, https://web.archive.org/web/20060913215115 http://www.wall-berlin.org/gb/mur.htm.

8 See Rottman, The Berlin Wall and the Intra-German Border 1961–89, p. 42.

9 See some examples by A. James McAdams, *Judging the Past in Unified Germany*, New York: Cambridge University Press, 2001, pp. 23 ff.

of the country became "a forbidden dream".[10]

So the "the wall" – as it was simply called – became the physical manifestation of the so called "Iron Curtain" which divided the Western and the Eastern, the US- and the USSR-led bloc of the world during the Cold War.

In the eyes of many people in the Western World the Iron Curtain running through Europe marked not only the boundary between the two hostile ideological systems but was the very expression of the tyranny associated with the communist world, while the East considered it as the expression of its state sovereignty and the attempt to build and protect a socialist society by this "anti-fascist wall" against what East Germany's government considered as Western materialism and imperialistic infiltration which was responded by a huge wave of migration of its citizen to East Germany.[11]

The legal wall

How did this extremely harsh and politically very differently perceived border regime look like and what was its impact?

Constructed mainly with the purpose to stop the large-scale emigration of East German citizens to the 'West' the border has to be understood against the background of the legal prohibition for East Germans to leave their country without official permission.

There were several legal regulations in communist Germany which attempted to prevent the illegal border crossing of East Germans with an increasing punishment over the years:[12]

- From 1951 to 1954 the law foresaw up to *3 months* imprisonment for everyone who did not return his ID card (meaning registering himself) when leaving the country to the West,
- from 1952 to 1968 the law foresaw up to *3 years* imprisonment for everyone who left the territory of the GDR without permission, and
- from 1968 up to 1989 the law foresaw 3 years for everyone who left the territory of the GDR without permission with the additional *qualification of a 'severe case'* punishable initially with up to 5 years imprisonment, which was even increased in 1979 with up to 8 years. Such "severe cases" included even those constellations in which people were trying to escape with "special intensity" or by using a hideout. In practice these were the quite 'normal' cases making a serious crime.

Relevant provision of the law was Art. 213 of the Penal Code of the GDR which regulated illegal border crossing.[13] The punishable illegal action was simply

10 Quint, *The Imperfect Union*, p. 15.

11 See for the diverging perceptions David Clarke, Ute Wölfel (eds.), *Remembering the German Democratic Republic: Divided Memory in a United Germany*, New York: Palgrave Macmillan, 2011.

12 See for the legal provisions in detail Thomas Vormbaum, Michael Bohlander (eds.), *A Modern History of German Criminal Law*, Heidelberg et al.: Springer, 2014, pp. 245 ff.; see also Heinrich Schrader, "Freedom of Movement in the German Democratic Republic", 19 I.C.J. Rev. 44, 1977, pp. 44-45.

13 Another notorious provision was Art. 219 prohibiting the "unlawful establishment of connections" to the West. See Manfred Wilke, *The Path to the Berlin Wall: Critical Stages in the History of Divided Germany*, New York: Berghahn Books, 2014, p. 48.

to leave the Soviet occupied zone or later, after the founding of East Germany as an independent state, the GDR respectively without having an official permission. This offense was unofficially called "escape from the Republic" and its perpetrators were considered as a kind of political deserters or traitors of the fatherland.[14]

The reason why the East German government decided to implement such harsh laws and even harsher border fortification was, as mentioned, to prevent a mass migration of workforce out of the territory of the GDR which was economically much less successful (even if it was the strongest economic power in Eastern Europe) than West Germany. Moreover, a mass migration would have unfolded a strongly detrimental symbolic message implying that the ideologically claimed superiority of socialist Germany was only a myth, that the regime which knew no free elections did not at all enjoyed the legitimacy it always and loudly claimed.

Cross-border migration

Against the background of the law against escape from the Republic and the border protecting it, the migration of East German citizens to the West has to be distinguished. Four forms of migration have to be separated so far:

- temporary legal visits of GDR-citizens to the West,
- regular (legal) emigration of GDR-citizens to the West,
- illegal escape of GDR-citizens to the West, and
- GDR-citizens 'released' by the East German government to the West due to ransom money paid by the West German government for political prisoners of the GDR.

While West Germans enjoyed the freedom to travel to every country they wanted to according to the West German constitution, West Germans, according to the laws of the GDR, have been allowed to visit East Germany under strict conditions. As many families were affected by the Iron Curtain separating them these visits had mostly a family background. West Germans who used this opportunity were tightly restricted and controlled and further observed by the East German authorities. East German citizens on the other side had it far more difficult to be able to travel to West Germany to visit the country or, especially, their family.[15] While West German law allowed them to do so almost unrestrictedly, was it very difficult to obtain an official permission for a short visit of the West by the East German authorities which was needed to leave the country without committing a crime.

Basically such permissions to leave the country were only granted if this had been in the interests of the GDR with respect to economic, scientific, political or intelligence reasons or because of urgent family business such as marriage or serious illness or death of a close relative under tight conditions: Besides the fact that the approval was often granted arbitrarily, it was only given if there was no doubt of duly return because the rest of the

14 Schrader, "Freedom of Movement in the German Democratic Republic", p. 44-45.

15 See Quint, *The Imperfect Union*, p. 15.

applicant's family had to stay in East Germany or the respective applicant was considered as politically absolutely reliable.[16] In average around 15-25 % of the applications for travel permission were successful over the years. This has to be seen against the background that many who wanted to go did not even ask for a visa because they knew that they would not get it or because they were afraid of even getting into the focus of the security forces with detrimental consequences.[17]

Those citizens who were granted permission were especially welcomed in West Germany according to governmental policies. One expression was a welcome payment by the German government of 100 German Mark for every visitor from East Germany to make it possible for them to enjoy their stay. Until the end of the German-German border regime more than 4 billion German Mark were paid as "welcome money".

Much more difficult than to get permission for such a short visit to the West were the attempts to get approval to permanently emigrate to West Germany. They were often allowed only if the applicants were of no interest for the East German government because they were sick, criminals, addicts and so on. If these conditions were not given, applicants who asked for the permission to emigrate had very often severe problems after their application was refused. Often they lost their jobs, were excluded from universities and kept under heavy control and surveillance by the secret service, sometimes effectively leading to imprisonment as political prisoner.

A third way according to which East Germans could migrate to the West was to be 'bought free' by the West German government which unofficially paid money to the East German government to release political prisoners from East Germany, a process which often was mediated by the Christian Churches.[18] Until 1989 around 34.000 persons could be ransomed in this way by sums between 40.000 to 100.000 DM each.[19]

The last and most famous way to leave the GDR, however, was to escape illegally which was a way often used yet one which was very dangerous and often a deadly for the one who tried it.

Those who did had to overcome one of the best secured borderlines of the world as described in the beginning. With a 5 km deep security strip, protected by sharp dogs, watchtowers, tripwires and electric signals as well as antipersonnel mines and with the mentioned shooting order given to all border guards on a daily basis, the escape was extremely difficult. Most notorious was the shoot-to-kill or 'shooting order' requiring the border guards to "ruthlessly" shoot any person who tried to overcome the border.[20] *Erich Honecker*, later the chief of state of East Germany, ordered in 1974, as Chairman of the GDR's National Defence Council: *"Firearms are to be ruthlessly used in the event of attempts to break through the border, and the comrades who have successfully used their firearms are to be commended."*[21]

Despite this deadly determination East

16 See Quint, *The Imperfect Union*, p. 15.

17 Hans-Hermann Hertle, The Berlin Wall: Monument of the Cold War, Berlin: Ch. Links, 2007, p. 124.

18 Buckley, The Fall of the Berlin Wall, p. 104; Hertle, The Berlin Wall, p. 117; Wilke, *The Path to the Berlin Wall*, p. 50.

19 See Wilke, *The Path to the Berlin Wall*, p. 50.

20 See Hertle, The Berlin Wall, pp. 100 ff.

21 Quoted from Hertle, The Berlin Wall, pp. 100 ff.

Germans again and again tried to overcome the "Wall" by a range of methods: through tunnels, with all sorts of air vehicles, in hideouts in cars, self-made submarines and so on.

Between 1949 and 1989, around 1200 Germans died at this border. Officially recognized by the general attorney in Berlin are 270 homicides and at least 420 *assumed* homicides by the border protection forces of socialist Germany.[22]

Interestingly, around 200 of the East German border guards died themselves at the border, some because of suicide and accidents, while others were shot in the wake of escape attempts making up for 25 cases among the 200.[23]

But not only those who were shot dead or wounded and their relatives and friends were victims but also all those who were imprisoned for attempting to escape across the border based on the above mentioned Art. 213.

All in all, more than 75,000 people – an average of more than seven people a day – were imprisoned this way serving an average of one to two years imprisonment under comparatively harsh conditions as political prisoners. Border guards who attempted to escape themselves were treated much more harshly.

Furthermore, many West Germans tried to help East Germans to escape socialist Germany and if they were caught they were often additionally punished to very harsh sentences because of espionage.

A special case were also the more famous citizens of the GDR who managed it to escape to West, often after they had been granted a visit to participate sport events or conferences in the West. Some of them were later killed by secret service commandos of socialist Germany to take revenge.

Most of the East Germans who took the risk to escape did so due to political reasons including those who refused to join political engagement or an engagement with the security services of the GDR, others for personal and family or economic reasons.

The migration because of escape caused indeed some damage to the GDR, including those caused by

- brain drain of work force,
- the symbolical damage in ideological respect inside the country and pertaining to the international perception of the GDR, and lastly by the risk that
- refugees would be used as a source of intelligence for the West German intelligence services.

All in all, from 1949 to 1990, about 3.8 million people left East Germany, the vast majority of them illegally, yet 480,000 legally with an official permission.[24]

Concluding assessment

Both, the harsh border regime built by the strict laws against free movement over the borders and the seemingly invincible

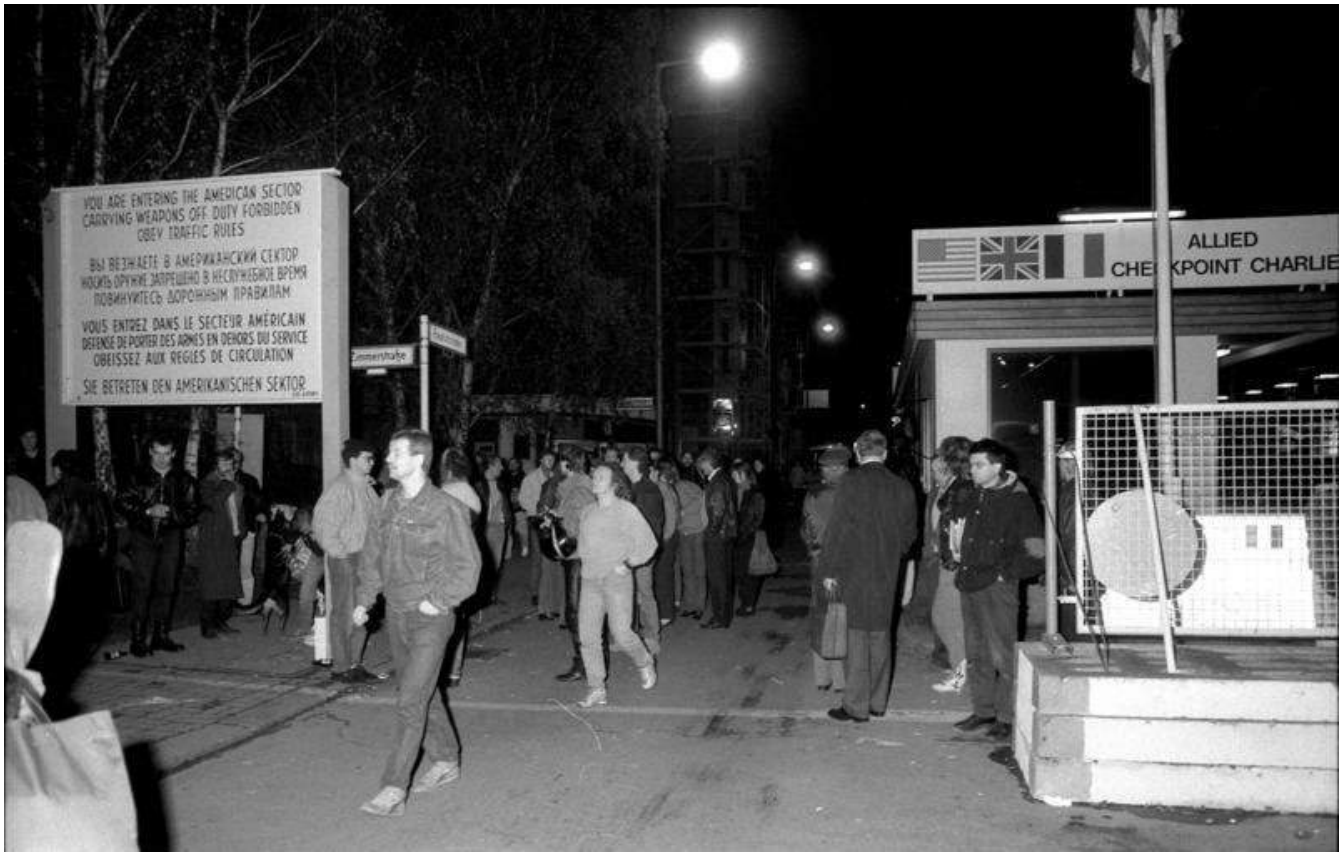
22 See https://en.wikipedia.org/wiki/List_of_deaths_at_the_Berlin_Wall.

23 See Frederick Baker, "The Berlin Wall", in Paul Ganster, David E. Lorey (eds.), Borders and Border Politics in a Globalizing World, Lanham, MD: Rowman & Littlefield, 2004, p. 29, and https://en. wikipedia.org/wiki/List_of_deaths_at_the_Berlin_Wall.

24 See Hertle, The Berlin Wall, pp. 124.

border fortification on the one hand and the continuous stream of refugees from East Germany which prominently contributed to the ideological warfare between the systems made the German Wall to become such a strong symbol.[25] The symbol however changed its meaning over time. First, the Wall served the West as the most prominent symbol for Soviet tyranny and, due to the steady flow of refugees despite all attempts to stop them, also as another proof for the inferiority of the Soviet system.

In 1989 then, the Wall and the border regime it represented became the symbol for the breaking down of the whole East German system when the country ultimately failed to regain control of the masses of migrants leaving the country via the opened borders in the East, especially in Hungary. The inner-German Border, the "Wall", remains a symbol for the tyranny of the socialist regime and the German people's efforts to overcome it by peaceful means.



25 This is different from the inner-Korean border which totally seals the border between North- and South-Korea. However, for the symbolic meaning of the inner-Korean border see the movie *Joint Security Area* (2004) by Park Chan-wook.

Interviews

Interview with Prof. Chin-peng Chu and Prof. Richard Weixing Hu on prospects of Cross-Strait relations in the light of the January 2016 Elections in Taiwan

The Cross-Strait relations between mainland China and Taiwan is one of the major conflict areas of peace and stability in Asia. It has been one of the topics dealt with at CPG's international conference on *"Peace and Stability in Asia – Conflict and Cooperation"* on 17-18 December 2015 (see report above). On the sidelines of the conference CPG could talk to *Prof. Chin-peng Chu* and *Prof. Richard Weixing Hu* about their assessments of the Cross Taiwan Strait relations in the light of the predicted government shift in Taiwan after the upcoming presidential and parliamentary election in Taiwan on 16 January 2016.

Chin-peng Chu, former Taiwanese Minister for Research, Development and Evaluation, is Professor and Jean Monnet Chair as well as the Director of the European Union Research Center at the Department of Public Administration, National Dong Hwa University, Hualien, Taiwan (ROC). His research areas cover Cross-Straits Relations and Mainland China Studies as well as globalization and local governance

Richard Weixing Hu is Professor of Political Science at the University of Hong Kong. His teaching and research areas include global political economy, East Asian international relations, and China's foreign relations. He has published widely in leading academic journals.

Q: Prof. Chu, Prof. Hu, the presidential and parliamentary elections in Taiwan is close at hand. What do you expect as the outcome?

Chu: According to the latest polls in December the presidential candidate of the Democratic Progressive Party (DDP), Tsai Ying-wen, will win the presidential election obtaining more than 50% of the votes. The candidate of the ruling Chinese Nationalist Party (KMT) is supposed to receive only about 20%. For the parliamentary election it is expected that the two major contestants, the DPP and the KMT will receive 28-37% and 19-33% respectively. That means that the elections will result in a DDP government led by Tsai Ying-wen as president with either a majority of the DPP or a KMT led majority in the parliament.

Hu: For the KMT it means that they will have no chance to remain in government for a third term of office. One of their main objectives in the election is to secure enough seats in the parliament to prevent being politically marginalized in Taiwan politics. So they need to secure something like 40-50 seats in the parliament. If they could have this critical mass of seats they could at least block any of the DPP's movement to make constitutional amendments or to make major changes on Taiwan's mainland policy or other public policies.

Q: What impacts on the Cross-Strait relations do you anticipate in the light of the predicted election outcome and the shift in government in Taiwan?

Chu: In my opinion there are three levels to differentiate with regards to this question, namely a higher, medium and lower level. The first level of Cross-Taiwan Strait relations concerns the higher level in international politics which will much more intense. On the medium level the status quo for economic exchange programs ties should be continued by the new government in Taiwan. If the DPP wins the election in January she also must take these actions because this is the mainstream of the Taiwan public opinion. They need a stable and peaceful environment. On the third, lower level, I think the DPP government will continue to encourage the people to people policy between mainland China and Taiwan.

The "coldpeace", as Prof. Hu described in his presentation the likely relation between mainland China and Taiwan for the period to come after the election, would depend to a great extent on the question how Tsai Ying-wen would address the Cross-Taiwan Strait relations in her inaugural speech May 2016. It is not possible for her to follow Chen Shui-bian's doctrine of Taiwanese independence as that will be very tough and will cause many conflicts.

So, I assume she will not do that. In her speech I think she must overcome the problem of how to come to an agreement on the '1992 consensus' because for Tsai Ying-wen the '1992 consensus' is yet not agreed on and not recognized as she created the 'two states theory' in 1999 in the time of former President Lee Teng-hui. The utmost for her to accept is to a 'agree to disagree'-principle expressing that Taiwan has its one understanding of the 'One China'-principle and does not agree with mainland China's definition of the 'One China '-principle. And I think even Ma Ying-jeou's interpretation of the '1992 consensus' and 'One China' in the form of 'two areas under the Republic of China Constitution' is quite different from Tsai Ying-wen's envisioned Cross Straits concept.

Hu: As I said in my presentation, DPP is very likely to return to power. So this will be the third power shift since the late 1990s in Taiwan. There will be three scenarios if the DPP returns to power: The first scenario will be: the DPP administration under Tsai Ying-wen's leadership will continue Ma Ying-jeou's current peaceful development policy in Cross-Taiwan Strait relations. The second scenario will be to go back to Chen Shui-bian's policy and to have a more confrontational relationship with mainland China. I think none of these two scenarios is likely because – given what Tsai Ying-wen have said – she wants to pursue something different from Chen Shui-bian. So, the likely course will be something what I called a 'cold peace' situation across the Taiwan Strait.

There are various elements making up a 'cold peace' between mainland China and Taiwan: First, it is not a genuine peace like the one in the Ma Ying-jeou period because the DPP cannot change its fundamental policy about Taiwan's national identity and they will not support any actions leading to eventual unification with mainland China. So, this is their bottom line. It is not

possible for them to continue or completely take over Ma Ying-jeou's political legacy to have a peaceful development across the Taiwan Strait. However, they would not go back to confrontational policies either, as it is not in Taiwan's interest. There are high economic costs and international, structural constraints from the US and the region on their policy. It is not possible for Tsai to become 'Chen Shui-Bian no. 2', no way. So, what the 'cold peace' means is: First, the relationship will deteriorate because the two sides cannot have a common ground or agreement on what is the political base to develop this relationship.

Second, this deterioration will not reach a dangerous level that makes the Cross-Strait relations completely collapse.

Third, there will be a lot of uncertainties and risks. The situation will very much depend on how the DPP will make the move and how Beijing will react. And there will be a testing period. Beijing will wait and see how the DPP will come clear on its political discourse about what is the direction of the Cross-Strait relations policy of the DPP, whether they can come out with something close to the '1992 consensus'. The '1992 consensus' was basically used by the KMT as a very ambiguous way to accept that there is only one China. But this 'One China' is up to individual or independent interpretations by either side. This ambiguity gives a lot of room for maneuvers to the both sides. They can continue to engage each other in economic relations and social interactions.

But the DPP cannot accept this framework because this is based on the 'One China' principle and framework. They will not directly or explicitly say that they can accept 'One China'. They cannot go that far. But Tsai Ying-wen has so far already said that the DPP government will try to maintain the status quo. So, what is the status quo? The current status quo is based on the '1992 consensus' containing a mutual assurance between mainland China and Taiwan that Taiwan is not going for independence. So, this will create a lot of uncertainty. Both sides will struggle on what kind of discourse will come up. Will DPP's new discourse be accepted by Beijing or not? If Beijing says that this new discourse is not good enough it will affect the future economic and exchange relations. But I think Tsai Ying-wen is pragmatic. She does not want to see the complete collapse of exchanges and economic ties with mainland China. She has said that she will continue to build up the accumulated result of the last eight years and that she will respect the Republic of China's constitutional order. But that is a very vague language and it is unclear whether this is good enough for Beijing to accept. So this is a big uncertainty.

Another uncertainty is the social movement in Taiwan. The social movement in Taiwan like social movements in other places is not created by a particular party and is more independent from party politics. However, it could be a big factor for the existing systems. We can see that from the Sunflower movement that has been very disruptive. It has interrupted Ma Ying-jeou's mainland policy process and in some way benefitted and played into DPP's hands. Whether in the future the DPP can ride on this social movement once it is in power is questionable. In 2006/2007 a social movement brought Chen Shui-bian down on anti-corruption themes. We don't know

if the DPP in power can manage, control or manipulate the social movement. That is a big variable. So far, the DPP managed to control the Sunflower movement well. They manipulated it in its own way. But in future you don't know.

Another uncertainty relates to international relations. Especially, mainland China has a lot of leverage. It controls the economic relations. It can also narrow and contain Taiwan's international space. So there may be a diplomatic war again. And there are also international constraints from the US and other countries.

So there are a lot of uncertainties. We don't know now. We need wait at least a few months and see what Tsai Ying-wen is up to. A good indicator is to look in her inaugural speech on May 20, 2016.

Q: How has mainland China reacted so far on the likely shift of government in Taiwan?

Hu: This is not the first time Beijing has to deal with a new government in Taiwan. It is not the first time Beijing has to deal with a DPP government. Beijing is anticipating that DPP will return to power, so they have already begun to start with something trying to framing the DPP's future mainland policy. Prof. Chu's presentation dealt with Xi Jinping's and Ma Ying-jeou's recent summit meeting in November. Beijing knew that the DPP would win and they tried to use this summit meeting to send a clear signal saying that the last eight years' peaceful development is based on the political foundation that both sides accept that there is only one China. Although it is not quite expressly, but implicitly, mainland China would expect that the DPP will not deny the fact that there is only 'One China' in the world. Taiwan must accept this framework.

So, both leaders Xi Jinping and Ma Ying-jeou have repeatedly said that in the last eight years the largest legacy is the '1992 consensus' and both leaders have made a statement that they support and endorse this consensus. This has created some kind of framing effect for future leaders. What Beijing is basically saying to Taipei is that if you don't follow this and try to overthrow or undermine this political foundation, there will no peace and we cannot continue to deal with you. If you follow this we can continue to work with you. We can even arrange a summit meeting between Xi Jinping and Tsai Ying-wen and everything is possible.

So, Beijing basically lays out in a pro-active way: this is the choice for the new president whether you take it or not. Now, this is something Beijing already did. The next step Beijing will do is to wait and see what Tsai Ying-wen is really up to. They will watch carefully to look at Tsai Ying-wen's statements and policies and actions, even at her personnel appointments for the cabinet. These are the things they will watch carefully. Another aspect in China's stance towards Taiwan under Tsai Ying-wen's leadership is learning from the past lessons. They will not give a very long period for a try-out because in Chen Shui-bian's first term they waited and remained inactive for about a year and a half and then Chen Shui-bian changed his mind and policy. This time they will probably give a shorter period of 'probation' and they will really put pressure on Tsai Ying-wen. And if she doesn't go by these rules there will be forthcoming troubles, possibly diplomatic

war or military pressure or international space narrowing.

Chu: I totally agree to Prof. Hu's statement about mainland China's stance towards Taiwan in the wake of the government change. I think Ma Ying-jeou's greatest contribution is that he was not a troublemaker. This has stabilized the peaceful environment for both sides.

I also do totally agree that Beijing knew that Tsai Ying-wen will win the election. They had to prepare to face this new situation in Taiwan. I think Beijing doesn't want to repeat the Chen Shui-bian experience. So, the most significant signal of the Ma-Xi meeting was to create a mechanism or a platform for whoever will be elected the new president in Taiwan. But if this redline would be crossed, I think this would be very serious. Beijing has patience to wait and see.

Tsai Ying-wen on her side has also to face diverging views within the DPP with regards to the perception to Taiwan's position. For example Hsieh Chang-ting, the former Chairman of the DPP, is a key person supporting to uphold the 'One-China under the ROC constitution' policy. Last year five scholars' debated at the Taipei Forum a framework for peaceful Cross-Strait relations which is supposed to keep peace and stability for both sides. I think this is the most moderate policy for the DPP to be observed in Taiwan. So, I think this will be acceptable for Beijing. But the debate is still going on. Tsai Ying-wen is aware of Taiwan's domestic different positions concerning the prospective Cross-Strait strategies. She should integrate all the differences at the election speech in May 2016.

Q: What could be constraints of domestic politics for Tsai Ying-wen's presidency in general and with regards to Cross Straits relations?

Hu: There will be several domestic constraints. I think the no. 1 constraint is the economy. She needs to have a good policy to bring the Taiwanese economy back on track to continue steady growth because under the current negative environment Taiwanese economy is hurt, is slowing down and a lot of business already moved out of Taiwan. Almost 1 Mio Taiwanese went out Taiwan to mainland China. They live there, invest there and have their factories and enterprises there. And so Taiwan's economic ties with mainland China are very close. Ma Ying-jeou's tried to bring Taiwanese business men (taishang) back and ask them to invest back in Taiwan. But what happens is that these Taiwanese business men from mainland bring the money back but they don't invest in enterprises and factories. They invest in the real estate and stock market which jacked up the housing prices. But this creates social problems. Young people, I have heard, cannot afford rising housing prices. It doesn't help Taiwanese economy to grow.

So, Tsai Ying-wen will face the same problem and she additionally has to deal with the economic slowdown, globally and in mainland China where the economy also slows down and the opportunities for business shrink. How to re-boost the economy will be the no 1 challenge to the Tsai administration. But there also other social conditions deteriorating and that is the hotbed for social movements. If you do

not address these problems the young people will go back to the street. They could be anti-Tsai Ying-wen as they have been anti-Ma Ying-jeou because a social movement is a double edged sword. So, this would be another domestic challenge.

Another constraint lies in the identity issues and public attitude towards Cross-Strait Relations which are keeping shifting in Taiwan, especially young people nowadays have more negative views about Ma Ying-jeou's Cross-Strait exchange engagement.

Chu: Perceptions and awareness of Cross-Strait relations among the people are growing. In my presentation I mentioned that Xi Jinping should maybe accept a new generation of Taiwanese people. This new generation is not like the previous one. This generation is politically involved, and the students are used as tools to gain political interest and political power as reflected by the challenges the Ma Ying-jeou administration had to face in the past three years with regards to a number of unpopular policies such as those in the fields of controversial issues of Cross-Strait relations, electricity power price, stock tax policy and pension reform. The Sunflower movement is surely dominated by students but it includes also many other sectors in society. The complaints against the Ma Ying-jeou administration came together and caused the big defeat for the KMT in November 29 local elections last year.

Tsai Ying-wen has now reached the peak of her popularity. However, she appears sometimes too optimistic with regards to her party's policies concerning areas such as nuclear safety, energy sector and the reform of the parliament. The problems Ma Ying-jeou faced will come back again. And the Taiwanese people will watch carefully about what Tsai Ying-wen has promised and what she will deliver. I expect challenges and critics will come from the future opposition as well as from social movements.

Hu: Tsai is likely to win over 50 percent in the presidential election. If she does this she will have a robust mandate. At the same time the expectations will be very high. To live up to these expectations will be another challenge. If she does not deliver, the disappointment will be equally high.

Thank you very much Prof. Chu and Prof. Hu for the interview.

This interview was conducted by Dr. Duc Quang Ly, CPG.

Interview with Major General Ashok Hukku (ret.) on the Islamic State

The jihadist group Islamic State has been capturing the attention of the world since it burst on the international scene with its claim to establish a Caliphate and with seizures of territories in Iraq and Syria in 2014. It has become infamous for mass killings, abductions and beheadings. In the interview below *Major General Ashok Hukku* (ret.), Y.S.M., expert on strategic development and international relations in South and East Asia and former chief intelligence advisor in the Cabinet Secretariat of the Indian government, shares his insights on the Islamic State and its geopolitical impacts on international peace and security.

Q: Gen. Ashok, the Islamic State (IS) stands as one of the most threatening jihadist groups next to Al-Qaeda. What is the background of the emergence of the IS? Where is it coming from?

The Islamic State movement basically started in Iraq. Initially Al-Qaeda was operating against the United States forces in Iraq. The Islamic State grew out of Al-Qaeda in Iraq and – after the withdrawal of the US forces in 2011 – became the main group fighting government forces in Iraq and Syria under the leadership of al-Baghdadi who had been a prisoner at Camp Bucca, a US military detention facility in Iraq. The Shia government which came to power after the withdrawal of the US continued to promote the Shia agenda backed by Iran. The Sunni insurgents rose in anger and started attacking the state apparatus. So basically, the IS is a Sunni jihadist organization operating from Iraq to Syria with the intention of establishing a Caliphate.

Q: So, the root cause for the emergence of the IS is the failure to build a stable state?

Exactly. I would go to the extent of saying that when Saddam Hussein was alive, the region was stable despite the conflict with Iran and in spite of the internal problems in Iraq. At least, the insurgent groups that later transformed into the Islamic State and Al-Qaeda were not as active as they are today. Moreover, when the US withdrew from Iraq in 2011, they left a very big power vacuum which was eventually occupied by the Islamic State in North West of Baghdad while the Iranian influence affected South of Baghdad. It was basically a failure on part of the political leadership of Iraq which failed to govern the country properly. Saddam Hussein's army and its leadership were completely destroyed. It was replaced by a new leadership which was inexperienced and pro Shia and pro Iran. This was a hotbed for internal turbulences out of which the Islamic State grew.

Q: How is the IS structured with regards to its organization, process of decision-making and financing?

The Islamic State is essentially a one man organization. And that man is al-Baghdadi. He is a very strong leader, highly respected within the Islamic State, and the real source

of authority in the organization. What he says happens. There is no dissent against him. I'm sure that if there is any dissent that person will be eliminated. But that does not mean that the organization will collapse if Baghdadi is killed. There is a Shura Council, a committee on which some important leaders sit. They are the people controlling the operations on the ground and some of them could take over the leadership in case al-Baghdadi is killed. So, even though I say that al-Baghdadi is the undisputed leader of the Islamic State today, killing him alone will not destroy the Islamic State. As of now, there are no rivalries – at least not visible – within the leadership of the IS. But I would not rule that out in the future. Rivalries come up in all organizations as it happened within al-Qaida. In all major organizations I have seen eventually rifts develop, either based on philosophy or simply on power. So I would not rule that out for the future in case of the IS.

One big reason for its success is the kind of money the IS has access to. A major part of their finances is coming from the oil fields they have captured in Iraq and Syria. Oil provides the IS with about 2 million USD per day, i.e. 50-60 million USD per month. The second largest source of finances is extortion and taxes. In the area occupied by the IS they are taxing the population, especially the non-Sunni people and other minorities very heavily, also the businessmen. They are allowed to do business, but they have to pay heavy taxes. From taxation they are earning around 3 to 5 million USD per month which is a very large amount. And then, of course, there are the ransom payments as a good source of funds. Overall, the income of the IS is around 60 to 70 million dollars per month.

Q: The IS poses a tremendous challenge to the international community. How do see the positions and geo-political moves of major powers involved such as Turkey, the USA and Russia?

Turkey is situated on North of Syria. It has played a very intriguing role in this whole drama. Turkey is a member of the NATO, but not a member of the European Union (EU) – they are very unhappy about not being a part of the EU. However, up to now, until one month ago, President Erdogan had, in a sense, been supporting the Islamic State. And when I say supporting, I mean two things. First, no insurgency can survive without logistic support. Insurgents must get reinforcements, weapons, ammunition; they must get finances and medical treatment. For the IS the logistic support has been going through Turkey. Across the border with Syria. Erdogan was aware of it but he did not stop it. Second, he did not allow the US to operate against the Islamic State from the Incirlik Air Base in Turkey. The US wanted to send fighters aircrafts from Incirlik Air Base, but Turkey did not agree. In fact, there was a lot of tension about this issue. Basically, Erdogan was more interested in Syrian politics. He wanted Assad out, so he was supporting the rebel groups in Syria. However, when IS attacks took place on Turkish soil such as the Suruc bombing in July, he got extremely worried. Turkish intelligence had warned Erdogan that already there were IS sleeper cells in Turkey, but he chose to ignore the information. Now, after the recent incidents, things have changed. Now, he does allow the

airbase to be used by the US coalition. He is also helping to close down the IS supply routes. But some gaps are still open, not all of them have been closed. Basically, he is operating against the Kurdish rebels. That is his focus of attention and not so much the IS. But since some recent incidents have happened, perhaps he will be more cooperative.

The United States of America leads a coalition against the Islamic State. The US faces a dilemma. Earlier President Obama, who happens to be a "lame-duck" president now because his term of office will end this year, had a very clear policy. He was out to destroy al-Qaida in Afghanistan. 150.000 troops operated in Afghanistan. Then the draw down began. He promised his countrymen that he would take the American troops out of Afghanistan. There was a tremendous public opinion against the loss of US lives in Afghanistan, and not only loss of life, also the expenditure incurred and ran into billions of dollars every month, troops were injured, families destroyed.

So, there was a strong public opinion in the United States against operating in Afghanistan. When he was trying to stick to his public commitment to bring US soldiers home, the Islamic State issue came up. At this stage he is politically and psychologically not in a position to put troops on the ground again against the IS.

Even in Europe no one is willing to put troops on the ground because they have seen what happened in Iraq and in Afghanistan. With so many lives lost, thousands of families destroyed, billions of dollars gone, and the problem still not solved, no one wants to put boots on ground either in Iraq or in Afghanistan. No country really wants Syria and Iraq on its hands now. Therefore, the only option left to the US was to carry out airstrikes. The US and the coalition are carrying out intensified airstrikes. This year and last year they have launched more than 5,500 airstrikes in Iraq and Syria. It is interesting to note, that France initially was of the opinion that they need to negotiate with the IS and were reluctant to take military action. But after the attacks in France, they changed their outlook. France has increased the intensity of airstrikes in Syria in Iraq.

The problem is that an insurgency of this kind cannot be eliminated by airstrikes. Air strikes can kill a lot of jihadists; they can destroy their strongholds, their weapons and their buildings. But they cannot destroy the organization or the idea of the IS. It is that which needs to be addressed but that is not being done with full force.

Russia supports the Assad regime. They are not for a replacement of Assad. The airstrikes which are being carried out by Russia in Syria are not targeting the IS, they are against the rebel forces operating against Assad. If IS members are killed in the process, that is an additional bonus. But now, it seems that Russia is changing its opinion slightly – not against Assad but towards the Islamic State to a certain extent.

Q: How do you assess the recent steps taken by the international community against the IS?

The UN Security Council has passed Resolution 2253 on 17 December 2015 saying that the financial resources of the Islamic State have to be choked, which means

their oil must not be bought amongst other measures. Buyers of IS oil are Turkey, the Kurds and the Syrians. Let us see how this resolution is implemented. Though this was a US proposed resolution Russia signed it. To that extent I think there is some cooperation from Russia, but it remains to be seen if they will operate against the Islamic State more effectively.

A day after the attacks in Paris the US, Russia, Britain, France, Iran and Saudi Arabia signed a statement in Vienna which stipulates 1 January 2016 as deadline for the start of talks between the Syrian government and the opposition, with the aim of agreeing on a ceasefire by 14 May 2016.

Saudi Arabia of course wants to oust Assad and has been supporting rebel forces operating against Assad with the exception of the Islamic State. Saudi Arabia is very worried about the Islamic State because the IS against the monarchy. So the Vienna meeting of 14 November shows some promise as does the UN resolution.

Q: What are the prospects for the fight against the Islamic State in the near future?

There is no mandate for troops on the ground. I also do not see that coming in the near future. If we try to see what kind of an environment is likely to prevail in the foreseeable future 2016-2017, I see the present struggle going on, air strikes going on, one leader killed here, another there, a new leadership emerging, the Islamic State losing certain territory here, gaining some territory there. These kinds of things are going to happen unless there is a categorical change in the offensive policy of the coalition. A lot will depend on what Russia is going to do. Until a ground force takes up an offensive against the IS it will not be defeated. Today the Islamic State is the world's richest extremist organization. They have the weapons, the money, their logistic lines are running even now. They have a very strong presence on the Internet, on Twitter in the electronic media. This seems to attract a lot of people from all over the world. So the idea of the Islamic State is very much in existence and the more you suppress the IS the more will they reach out to potential recruits to show them how the world is against Muslims. Most probably status quo is likely to remain for the foreseeable future.

Thank you very much Gen. Ashok for this interview.

The interview was conducted by Dr. Duc Quang Ly, CPG.

Interview with Prof. Dr. Christoph Bluth on current nuclear threats to peace and stability

Christoph Bluth is Professor of International Relations and Security at the Division of Peace Studies, University of Bradford. He was previously Professor of International Studies at the University of Leeds. He is a specialist on nuclear weapons policy and nonproliferation, and has published numerous books and articles. His most recent books are "The Crisis on the Korean Peninsula" (Potomac 2011) and "US Policy towards the Caucasus and Central Asia" (IB Tauris 2014). On the sidelines of CPG's international conference "Peace and Stability in Asia – Sources and Solutions of Conflict and Cooperation" CPG had the opportunity to conduct the following interview with Professor Bluth in which he gives an assessment of the current situation nuclear threats and risks.

Q: Professor Bluth, how would you describe the current nuclear threat in the world?

Unlike in the Cold War period, nuclear weapons have very much a residual deterrent effect as the big nuclear powers have reduced their arsenals considerably. Now that all non-nuclear states have joined the Non-Proliferation Treaty, it is more difficult for states to acquire nuclear weapons because it would mean that they would have to abrogate the membership of an international regime and they would be subject to possible sanctions. But it is also because interstate military conflict has become much rarer than it used to be in the past. So many states do not see any advantage in having nuclear weapons. The P5 (five official nuclear powers) are holding on to nuclear weapons partly as a deterrence of last resort, and the fact that they have nuclear weapons stabilises some crisis regions, which we can see for example in North-East Asia: If the United States did not provide extended nuclear deterrence to Japan and South Korea, then those countries might be tempted to acquire nuclear weapons themselves. In a strange way, complete nuclear disarmament is not an option for the time being, but the role of nuclear weapons is much reduced compared to the Cold War period.

Q: Besides North-East Asia, which world regions are particularly sensitive with regard to the development of nuclear weapons?

Obviously, in South Asia, there is a kind of arms race between India and Pakistan. Pakistan pursues a very dangerous policy because they are a revisionist power. They want to change the territorial status quo and they want to balance India. They are committed to a possible first use of nuclear weapons in the event of a major conflict. India may have the upper hand in the longer term because their economic capabilities surpass those of Pakistan considerably. Although the sheer number of nuclear weapons in Pakistan is slightly higher, India is likely to have a more sophisticated arsenal in the future. That is a very dangerous situation. Then, of course, we have the problems in the Middle East where there is the possibility of

proliferation if Iran were to acquire nuclear weapons. However, that seems to have been mitigated at the moment by virtue of the Iran deal so that Saudi Arabia and the Arab countries will be happy to still rely on the American security guarantee at the nuclear level and will not move toward acquiring nuclear weapons themselves. But it still is a very unstable region and, therefore, there are risks there.

Q: How would you assess the current danger of nuclear proliferation and where would you situate the sources of proliferation?

The risk of further nuclear proliferation is very low because all non-nuclear states are now member states of the Non-Proliferation Treaty. It would be only conceivable if security risks arise in a region where states felt that they absolutely have to acquire a nuclear deterrent, and the Middle East is the most likely candidate for this. But the United States try to reduce this possibility by the arrangement with Iran and by providing extended nuclear deterrence to the other states in the region.

Q: How would you assess the nuclear threat by terrorism, especially regarding so called dirty bombs?

This topic has been discussed for quite a long time already, but it has not materialised yet. Until the emergence of ISIS, this was a very difficult proposition because the manufacture of nuclear devices and the acquisition of missile materials requires some kinds of infrastructure which terrorists cannot really create because they are constantly hiding from the security forces and they are not able to locate themselves in a particular area to develop such facilities. If ISIS persists for a longer period of time, there might be a risk that ISIS might look towards the acquisition of a chemical and even a nuclear kind of capabilities. They are clearly thinking about it and there is some evidence for that. But for the moment, the risk is low.

Q: Do you see any probability that one of the nuclear powers would retaliate terrorist attacks by using nuclear weapons against the terrorists' host country?

Over the years and decades of the nuclear age, the use of nuclear weapons has increasingly become a matter that is not really acceptable anymore in terms of international conventions and law because nuclear weapons are so indiscriminate. The trend in the development of military power has been towards more and more discriminate targeting and conventional force-protection capabilities. The function of nuclear weapons is more political. They have a deterrent effect, but are not for actual military use. Military use would only occur in extremis where the threat reached such an extent that it threatened the national survival.

I do not think that terrorism comes anywhere near that. The numbers of deaths from terrorism are relatively small. Terrorists cannot cause the collapse of a country. They cannot occupy a country. Therefore, the nuclear threat is inappropriate and, moreover, the terrorists are not deterred by such threats. The deterrent function of nuclear weapons which is their main function is not applicable in this case. So it would not be very wise for politics to introduce this topic into the public

discourse because it is not really credible.

Q: Is there a cooperation between North Korea and Iran regarding the development of nuclear weapons?

We know for certain that there has been cooperation in the ballistic missile field because the Iranian ballistic missiles which would be the delivery systems for nuclear devices are, to a large extent, North Korean technology and design. In terms of nuclear weapons development, of course, the main technological element of the Iranian nuclear program is Uranium enrichment. This is something that North Korea has started now, but whatever technology they use they did not acquire it from Iran. They acquired it from Pakistan. And Iran obviously also acquired this technology from Pakistan. The extent to which Iran has provided any more advanced centrifuges, for example, to North Korea is not known. The technological sophistication of the North Korean Uranium enrichment programme is also unknown. We know that it exists and some people speculate that it is quite advanced, but there is no evidence for that.

Q: Which repercussions does the North Korean nuclear programme have with regard to the foreign policies of other countries and for a possible destabilisation of the country itself?

The United States would have lost interest in North Korea at the end of the Cold War if it had not been for the nuclear programme. That really focused American interest on North Korea and that equated a paradox because the very threat that North Korea is emphasising only exists because of the nuclear programme. For North Korea, the nuclear programme had been the means to try and find some amelioration of a very difficult situation which arose because of the termination of economic relations with Russia as a result of the end of the Cold War and, of course, the famine that killed about 3 million people in the mid-1990s.

In terms of relations with North Korea regarding other countries, the alliance between the United States and South Korea is very strong, because, although South Korea could defeat North Korea in conventional warfare, it could not respond to the non-conventional means that North Korea has developed. That increases the reliance by South Korea on the United States even though the Cold War has ended. So, North Korea's nuclear programme clearly has a pronounced effect.

It also makes the relations between North Korea and China more difficult and troublesome for China. The fact that China has this close relationship with a North Korea that has defected from the Non-Proliferation Treaty is not good for China's international image. So, there are all kinds of ramifications. The importation of ballistic missile defence systems to the region only occurs because of North Korea. But they effect China's security because China is worried that these missile defences might also be targeted at Chinese nuclear capabilities. So, it has far-reaching consequences. That is for sure.

Q: As North Korea basically only has the nuclear card to play, how could it be discouraged to develop its nuclear programme

further?

Some of the elements of the agreed framework deal that involved some kind of political relationship to be established between the United States and North Korea as well as some economic support, especially in meeting North Korea's energy needs, could be revived. North Korea is not prepared to go back to the point where it would disarm completely.

What might be possible is that North Korea would be willing to constrain future developments because it seems that the fact of having an existential deterrent without very clear knowledge about which weapon systems there are and what targets they might be targeted at is probably enough for North Korea to say: It is a nuclear state, it is a powerful state, and it has a deterrent that will deter the United States and South Korea from attacking North Korea. So, that deal might be plausible. Until now, the United States and South Korea have not been willing to entertain this. They have basically said: The only talks that we are going to have would involve going back to the 13 February 2007 agreement and North Korea agreeing to complete disarmament.

But, if they are willing to entertain a second line of negotiations which is purely aimed at constraining future developments, that is a possibility and it is quite desirable because this is something worth having. I think we can live for some time with a nuclear North Korea if it does not become a greater threat, especially if it does not have a demonstrated capability to attack the continental United States.

Q: Do you see any connection between Japan's new defence policy enabling wider deployments of troops outside of Japan and the nuclear threat by North Korea?

The Japanese will be extremely concerned about the missile threat to Japan because most of the missiles that have been tested had a trajectory over Japan. This is the reason why the Japanese have invested so much in missile defence systems. It seems to me, however, that the changes in the way in which Japan is looking at self-defence have more to do with Japan as a state and the identity of that state. I do not think that it is very much directed at North Korea. But it has applications especially because it provides Japan with a defence against possible maritime intrusions by North Korean vessels. But the main threat to Japan from North Korea is not this kind of attack but a ballistic missile attack and, therefore, ballistic missile defence is the key effort that they are undertaking.

Thank you very much for the interview, Professor Bluth.

The interview was conducted by Dr. Lasse Schuldt and Michael Gayger, CPG.

Announcements

Announcements

People

New in town: Glyn Townsend Davies new U.S. Ambassador to Thailand

On 14 September 2015, Ambassador *Glyn Townsend Davies* was sworn in as the new Ambassador of the United States of America to the Kingdom of Thailand. He arrived in Thailand on 22 September 2015.

Glyn Townsend Davies, a career member of the Foreign Service, Class of Minister-Counselor, previously served as a Senior Advisor in the Bureau of East Asian and Pacific Affairs at the Department of State, a position he held since 2014. Prior to that, he was Special Representative for North Korea Policy from 2012 to 2014. From 2009 to 2012, he served as the United States Representative to the Vienna Office of the United Nations and the International Atomic Energy Agency. Ambassador Davies served as the Principal Deputy Assistant Secretary of State, and Deputy Assistant Secretary of State in the Bureau of East Asian and Pacific Affairs from 2006 to 2009. Ambassador Davies was a Senior Advisor at the Foreign Service Institute's Leadership and Management School from 2005 to 2006; Acting Assistant Secretary in the Bureau of Democracy, Human Rights, and Labor in 2005; Deputy Assistant Secretary for European Affairs from 2004 to 2005; and Political Director for the U.S. Presidency of the G-8 from 2003 to 2004. From 1999 to 2003, he served as Deputy Chief of Mission at the U.S. Embassy in London, United Kingdom. Ambassador Davies was Executive Secretary of the National Security Council staff from 1997 to 1999, State Department Deputy Spokesman and Deputy Assistant Secretary for Public Affairs from 1995 to 1997, and Director of the State Department Operations Center from 1992 to 1994. His earlier assignments include posts in Australia, France, and Zaire. Ambassador Davies received a B.S.F.S. from Georgetown University and later earned a masters degree in National Security Strategy from the National War College at Ft. McNair, Washington DC. He and his wife Jacqueline Davies have two adult daughters and two granddaughters.

CPG alumni received Royal Thai Government Scholarship

Four CPG alumni, namely *Wischapas Pimm-achsorn*, *Nitikorn Chaiwiset*, *Wanrat Ngamniyom* and *Witcha Nedhadsanai*, have been awarded the three-year Royal Thai Government Scholarship by the Office of the Civil Service Commission (OCSC) for pursuing a Master study program in law in Germany. These scholarships are awarded to outstanding students who are considered best able to contribute to the development of their home country after completion of their studies. All four students previously

Wanrat Ngamniyom

Nitikon Chaiwiset

received CPG's scholarships for CPG's German language classes, Spring School and Winter School. Wischapas has already begun the LL.M program "German Law" at Bonn University in 2015. Nitikon and Witcha will pursue their Master degree at Bonn University, too, while Wanrat will study at the Faculty of Law of Göttingen University in this year. Congratulations and we wish you all much success in your studies!

Wischapas Pimm-achsorn

Witcha Nedhadsanai

CPG alumnus granted DAAD Ph.D scholarship

Thossaporn Saensawatt, former CPG office assistant and holder of CPG's scholarships for German language classes, the Spring School and the Masters studies program in Germany, received a scholarship of the German Academic Exchange Service (DAAD) for a Ph.D study program at the Faculty of Law, University of Passau, Germany. Congratulations!

Farewell to Chatmongkhon Suttiwichai

Chatmongkhon Suttiwichai, CPG project assistant, has left our team at the turn of the year. Thank you very much for your contributions to CPG. It was a great pleasure to with you. We wish you all the best, Chat!

Events

On 7 January 2015, the Faculty of Law, Thammasat University will host the seminar ***"Law Applicable to International Sale Contracts"*** at the Faculty of Law, Thammasat University. Please find more information at http://www.law.tu.ac.th/law-applicable.

On 7 January 2016, the Thailand Office of Konrad Adenauer Foundation will arrange a seminar on ***"Public Health Policy for an Aging Society: Experience from Germany"*** at Sukosol Hotel Bangkok. For more information please visit http://www.kas.de/thailand/en/events/66791/.

On 9-10 January 2016, the International Economics Develop-ment and Research Center (IEDRC) will host the ***"Fifth International Conference on Government, Law and Culture- ICGLC 2016"*** in Penang, Malaysia. Details are available at http://www.icglc.org/.

On 15 January 2016, the Center for International Law and the National University of Singapore will host the seminar *"**CIL Fireside Chat Series – Arbitration between the Philippines and China: Award on Jurisdiction**"* at the National University of Singapore. Further information is provided at http://cil.nus.edu.sg/programmes-and-activities/upcoming-events/cil-fireside-chat-series-arbitration-between-the-philippines-

and-china-award-on-jurisdiction/.

On 21 January 2016, the Sasin Graduate Institute of Business Administration of Chulalongkorn University will host a guest lecture on *"**Drydye™: Coloring Sustainability**"* by Peter Decorte, CEO, Tong Siang Co., Ltd., at the Sasin Graduate Institute of Business Administration, Chulalongkorn University. Please visit http://www.sasin.edu/drydye-coloring-sustainability/ for more information.

On 21-23 January 2016, the Defence Technology Institute (Public Organization), Ministry of Defence, Thailand, will host the ***"Second Asian Conference on Defence Technology" and the "First Pacific Rim International Workshop"*** at Le Meridien Hotel Chiang Mai. For more information see http://acdt2016.com/

On 28 January 2016, Faculty of Law, National Institute of Development Administration (NIDA), the Faculty of Law, Thammasat University, and the Office of the Auditor General of Thailand will jointly arrange the conference ***"The First Nithipat - Thammasat"***. The event will be held at the Faculty of Law, NIDA. Please find further information at http://www.nida.ac.th/th/images/banners/seminar_news/poster_niti590129.jpg.

On 31 January 2016, the Indian Studies Center, Chulalongkorn University, will host the public lecture ***"The Agony and Ecstasy of Indian Democracy"*** by independent scholar and columnist *Prem Shankar Jhar* at the Faculty of Political Science, Chulalongkorn University. More information is available at http://www.isc.chula.ac.th/.

On 1-5 February 2016, the Graduate School of Public Administration, National Institute of Development Administration (GSPA-NIDA) in collaboration with the Leadership Academy for Development (LAD), Stanford University, will host the seminar ***"The Role of Public Policy in Private Sector Development"*** at Grand Four Wings Hotel Bangkok. Please find more information at http://gspa.nida.ac.th/PPPSD2016/.

On 16 February 2016, the Malaysian Centre of Regulatory Studies, University of Malaya, will host the public lecture on ***"Competition Law and Corporate Governance: Can They Co-Exist?"*** by Dr. R. Ian McEwin, Khazanah Nasional Chair, at Faculty of Law, University Malaya. Further information are provided at https://www.um.edu.my/about-um/media-centre/events/2015/02/24/default-calendar/public-lecture-on-competition-law-and-corporate-governance-can-they-co-exist-.

On 21-23 February 2016, ASIS International will host the ***"Seventh Middle East Security Conference & Exhibition***" in Dubai, UAE. Please see https://www.asisonline.org/Education-Events/Global-Conferences/2016-Middle-East-Security-Conference-and-Exhibition/Pages/default.aspx for further details.

On 2-4 March 2016, the Comprehensive Africa Agriculture Development Programme (CAADP) will arrange the conference ***"Innovation and Sustainable Development – Exploring Contex-tual***

Issues in Developing Countries" at Mika Convention Centre, Lusaka, Zambia. Details are available at https://www.facebook.com/events/822679277844078/.

On 9-10 March 2016, Tomorrow People Organization will host the **"Ninth Annual Poverty and Social Protection Conference"** at AETAS Lumpini Hotel Bangkok. Please see http://www.pspconference.org/ for more details.

On 17-18 March 2016, the International Mediation Institute (IMI) will arrange the conference ***"The Global Pound Conference (GPC)"*** at the Auditorium of the Supreme Court of Singapore. Please follow http://singapore2016.globalpoundconference.org/ for more information.

On 30 March 2016, the School of Social and Environment Development, National Institute of Development Administration (NIDA), will host the international conference on ***"Disaster Management: From the Polar Regions to the Local Communities".*** The venue of the event will be the School of Social and Environment Development, NIDA. More information is provided at http://www.nida.ac.th/th/images/banners/seminar_news/poster_ssed590330.jpg.

CPG Job Market

CPG Job-Market

As a service, CPG provides a regularly updated overview of currently open job offers in fields and from institutions related to CPG's focal areas of work.

Organization	Vacant position	Department, Office, Location	Closing Date	Information available at:
CPG	Project Coordinator	Faculty of Law, Thammasat University	31 January 2016	http://www.cpg-online.de/uploads/file/Agenda2015/CPG%20job%20ad%20program%20coord_%202016%281%29.pdf
Norwegian People's Aid Humanitarian Disarmament Program Thailand	Team Leader	Humanitarian Disarmament (HD)/NPA HD Program / Thailand	10 January 2016	http://volunteer.thaingo.
Norwegian People's Aid Humanitarian Disarmament Program Thailand	Finance Manager (FM), Part Time	Humanitarian Disarmament/ Bangkok Office (External Office: EO)/ Thailand	10 January 2016	http://volunteer.thaingo.
Friends for Asia (Bangkok)	Coordinating Staff	Friends for Asia (Bangkok)	Not Specified	http://volunteer.thaingo.
Agency for Technical Cooperation and Development (ACTED)	Vocational Training Officer	Mae Hong Son	15 January 2016	http://volunteer.thaingo.
Suwannimit Foundation	Grants Manager	Mae Sot, Tak Province, Thailand	20 January 2016	http://volunteer.thaingo.
Suwannimit Foundation	Administra-tive Officer	Mae Sot, Tak Province, Thailand	20 January 2016	http://volunteer.thaingo.

Handicap International (HI)	Mine risk education (MRE) Project officer	Mae La temporary shelters, Mae Hong Son Province	Not specified	http://volunteer.thaingo.
Mekong Institute	Director of Innovation Technological Connectivity (ITC) Department	Mekong Institute, Khon Kaen, Thailand	31 January 2016	http://volunteer.thaingo.
Education Development Center	Project Officer	Education Development Center, Bangkok, Thailand	January 31, 2016.	http://volunteer.thaingo.
Earth Rights International	Mekong Legal Coordinator (Thailand and Laos)	Chiang Mai, Thailand	January 26, 2016	http://www.earthrights.org/careers/mekong-legal-coordinator-0
Earth Rights International	Summer Legal Internships	Chiang Mai Thailand or Yangon, Myanmar	January 22 2016	http://www.earthrights.org/careers/summer-legal-internships-chiang-mai-thailand-and-yangon-myanmar
Soi Dog Foundation	Director of Fundraising	Phuket, Thailand	January 29, 2016	http://www.idealist.org/view/job/sC2F8x9cW9h4/
Human Development Forum Foundation	Program Development Officer	Bangkok, Thailand	31 Jan 2016	http://reliefweb.int/job/1329586/program-development-officer

ActionAid Thailand	Monitoring, Evaluation, and Research Officer	Bangkok, Thailand	January 25, 2016	http://www.actionaid.org/thailand/jobs/monitoring-evaluation-and-research-officer-mer-officer-0
ActionAid Thailand	Women's Rights Program Officer	Bangkok, Thailand	January 25, 2016	http://www.actionaid.org/thailand/jobs/womens-rights-program-officer-1
ActionAid Thailand	Fundraising and Communications Manager	Bangkok, Thailand	January 25, 2016	http://www.actionaid.org/thailand/jobs/fundraising-and-communications-manager-0
ECPAT International	Intern on Sexual Exploitation of Children in Travel and Tourism	Bangkok, Thailand	11 January 2016	http://www.ecpat.net/sites/default/files/151201%20Global%20Study%20Intern.pdf
Boat People SOS	Legal Intern	Bangkok, Thailand	31 Jan 2016	http://reliefweb.int/job/1302386/legal-intern
Première Urgence Internationale (PUI)	Medical Coordinator	Mae Sot, Thailand	31 Jan 2016	http://www.premiere-urgence.org/offres-emploi/a-medical-coordinator-in-thailand/
International Rescue Committee	Cultural Orientation Program Coordinator	Bangkok, Thailand	09 Feb 2016	http://chj.tbe.taleo.net/chj04/ats/careers/requisition.

Impressum

© Copyright 2015 by
German-Southeast Asian Center of Excellence
for Public Policy and Good Governance (CPG)
Faculty of Law, Thammasat University
2 Prachan Road
Bangkok 10200, Thailand
Phone: +66 2 613 2971
Fax: +66 2 224 8100
Website: www.cpg-online.de
E-mail: contact@cpg-online.de
Facebook: facebook/CPGTU

Responsible for content: *Henning Glaser, Duc Quang Ly, Lasse Schuldt, Siraprapa Chalermphao*

Outline and artwork: *Duc Quang Ly, Siraprapa Chalermphao, Oliver Fleig*