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Burma 2012: Democracy and Dictatorship

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The triumphant tour of Europe by Burmese pro-democracy leader Aung San Suu Kyi has been a boost to the forces for change in a country that came under iron-fisted military rule half a century ago. She was received with almost the same honour as a head of state in Switzerland, Norway, Britain, Ireland, and France, where she met leading statesmen, government officials, prominent human-rights activists and even royals. Today, there is an air of optimism as some reforms toward a more democratic system have been introduced since a new quasi-civilian government took over in March last year.

Suu Kyi's European tour in June follows a by-election on April 1, in which her party, the National League for Democracy (NLD) won 43 of the 44 seats it contested in a by-election to the country's national parliament and some local assemblies. During the election campaign, a mass movement spread across Burma on a scale not seen since tens of thousands of Buddhist monks led anti-government demonstrations in 2007, and the massive nationwide uprising against the old military regime in 1988 which first brought Suu Kyi to the fore of the country's pro-democracy movement. Wherever Suu Kyi appeared this year on the campaign trail, tens of thousands of people of all ages showed up to listen to her speeches, or just to line the roads and cheer along the routes of her motorcade. Big screen televisions, expensive sound systems and other sophisticated paraphernalia at her rallies were clear indications of support from sections of the private business community, which until recently had links almost exclusively with the military establishment. Until a year ago many Western observers, including prominent European Union diplomats in Bangkok who cover Burma, asserted that Suu Kyi was a spent political force that many young people didn't even know who she was because she had been held under house arrest most of the time since her first incarceration in 1989. Instead they felt that a new "Third Force" was emerging, one that challenged the supposed uncompromising stands of both Suu Kyi and the NLD, and the military-dominated government. Recent events in Burma and abroad show clearly how wrong they were; most outsiders failed to understand that Suu Kyi was not only a political figure but, in the minds of many ordinary Burmese citizens, a female *bodhisattva* who was going to deliver them from the evils of the country's military regime. At an election rally in Mandalay, two teenage girls carried between them a huge red banner declaring that Suu Kyi was "a second god."

Suu Kyi herself is opposed to her apotheosis, but such representations promise to continue in the context of Burma's polarized political landscape. The existence of a viable "Third Force" may be a myth invented by donor agencies of Western countries and a host of mainly European private foundations eager to expand their enterprises and find a solution to Burma's decades-long political crisis. But there is a "third factor" to the equation that is bound to make Burma's journey toward democracy and peace extremely difficult: the unresolved ethnic issue. In the far north of the country, fighting flared up again last year as a ceasefire agreement between the government and one of Burma's most powerful ethnic rebel groups, the Kachin Independence Army (KIA), broke down. The KIA had made peace with the central government in 1994 ending decades of civil war. But the agreement never produced a political solution to the group's calls for autonomy and other rights.

A YouTube song dedicated to Suu Kyi alternates photographs of her with images of the bodhisattva (http://www.youtube.com/watch?v=tTZ9mrJJN10)

The then-ruling military junta told the KIA that a new constitution had to be promulgated and an elected government installed before it could engage in a political dialogue about autonomy. KIA representatives participated as observers in a National Convention, which the junta set up to draft a new constitution, and agreed to hold a referendum on the charter in the area under their control in May 2008. When the new constitution was promulgated and general elections held in November 2010, the promised political dialogue failed to materialize. Instead, the KIA came under pressure to put down their arms and join a Border Guard Force under the command of the Burmese army. In exchange, they were offered little more than business opportunities, similar to the terms of the original 1994 ceasefire that led to the reckless exploitation of Kachin State's once abundant forests and resources by Chinese businessmen, local entrepreneurs and certain KIA officers. The ceasefire collapsed on those broken promises, and hostilities resumed as government forces moved into KIA-held areas in June 2011. Villages have been burnt by the Burmese army during the counterinsurgency campaign, scores of civilians have been killed, women raped and tens of thousands of refugees are flocking into makeshift camps along the Chinese border.

The KIA and ethnic groups seem to have pinned their hopes on a number of international peace and reconciliation organizations that have recently flocked to the country to assist in the reconciliation process. The Burmese government, on the other hand, wants the same foreign interlocutors to help persuade armed resistance groups to effectively surrender and embrace the terms of the new charter. The Norwegian government has earmarked some US$5 million to support its own peace plan and has asked other donors for additional assistance, while several other international nongovernmental organizations have offered their services as intermediaries. Critics argue that foreign pressure will not be on the government to amend the constitution — a far-fetched proposition in any case — but rather on the rebels to agree to work within the new existing political structures in exchange for development assistance in their respective areas.

Kachin Independence Army in a 2009 photo

At a meeting in the far eastern town of Kengtung held between May 19-20, the Shan State Army (SSA) and government representatives signed a 12-point agreement to "restore peace" in that long restive part of the country. Apart from humanitarian issues such as resettlement and "rehabilitation" of people displaced by the fighting, the agreement only contains references to "existing laws" on all major issues; autonomy is not on the negotiation table. The government's primary aim of the negotiations is to get the SSA to accept the 2008 constitution and convince armed rebels to return to what successive military administrations have consistently termed as the "legal fold". Talks with Karen National Union (KNU) rebels, who are also fighting for autonomy in the areas they control, have been along the same lines. They have been offered business opportunities in exchange for peace but no promise of constitutional reform. Because the 2008 constitution does not recognize federalism, there is no negotiating space for concessions that would jeopardize the military's traditional notion of a unitary state with itself at its apex. Ethnic leaders have been told that "a discussion about federalism is not even on the table." But as the outbreak of hostilities in Kachin State shows, ceasefires only freeze underlying problems without providing lasting solutions. There are still at least 50,000 men and women under arms across the country in ethnic resistance forces. Last year, to address these underlying problems, Suu Kyi called for the convention of a second "Panglong Conference," in reference to an agreement that her father Aung San, who led Burma's struggle for independence from Britain, signed with representatives of the Shan, Kachin and Chin peoples at the small market town of Panglong on February 12, 1947. The agreement paved the way for a new federal constitution, which was adopted in September of that year, and independence for Burma which was declared on January 4, 1948.

Aung San (center) at the Panglong Conference

Aung San was assassinated by a political rival in July 1947 — half a year before independence — but the Panglong agreement he had signed with ethnic leaders was honored in the constitution. Chapter Ten of that charter even granted the Shan and Karenni States the right to secede from the Union after a 10-year period of independence. Other ethnic states were not granted that right but the Panglong agreement stipulated that "full autonomy in internal administration for the Frontier Areas is accepted in principle." One of Burma's main ethnic groups, the Karen, did not sign the Panglong Agreement and instead resorted to armed struggle in 1949. Other, smaller ethnic groups such as the Karenni, Mon and Muslim *mujahids* also took up arms, as did the powerful Communist Party of Burma (CPB) as well as various groups of mutineers from the regular army who wanted to turn the country into a socialist republic. The civil war and political chaos led to the formation of a military caretaker government in 1958, which after less than two years in office handed power back to an elected civilian cabinet. In March 1962, Burma's experiment with parliamentary democracy and federalism ended abruptly in a military coup. Then civilian prime minister U Nu had convened a seminar to discuss the future status of the ethnic frontier areas, not in order to dissolve the union, but rather to find ways forward by better defining and strengthening the country's federal structure. The new military government, led by General Ne Win, arrested all the participants in the seminar and scrapped the 1947 constitution. With federalism abolished, Burma adopted its present, strictly centralized power structure with the military at its core. The military has remained in power in various guises since the 1962 *coup d'état*, sometimes through extremely repressive regimes and, occasionally, with periods of relative openness. A constitution adopted in 1974 laid down provisions for seven "divisions" — where the majority *bama* live — and seven ethnic states. But there was no difference between those administrative entities. The new 2008 constitution grants the formation of local assemblies and the old divisions have been renamed "regions", but Burma is a Union only in name.

When Suu Kyi first broached a "Second Panglong" after her release from house arrest in November 2010, she received the backing of several ethnic leaders and organizations, among them the Shan Nationalities Democratic Party, the All Mon Regions Democracy Party, and the Rakhine (Arakan) Nationalities Development Party. At the same time, several pro-government bloggers branded her a "traitor" for resurrecting the autonomy granting agreement. Among them was a "Myanmar patriot" who wrote last November in a commentary on the exile-run *Irrawaddy* website: "The incoming Parliament must make Panglong illegal! Anyone who promotes Panglong must be tried for treason, for endorsing the divide-and-rule of colonizers. NO way! We will fight all the way to stamp out traitors." Suu Kyi has since been quiet on a "Second Panglong", but the problem with the new constitution and its centralized power structure remains a huge obstacle to achieving lasting peace in ethnic areas. Even if such a conference was convened, the procedure would be the reverse of what it was during the independence struggle of the 1940s. In January 1947, colonial authorities set up what was known as the Frontier Areas Committee of Enquiry, which held talks with representatives of various ethnic groups. The Panglong Agreement was signed under colonial rule and half a year later an elected Constituent Assembly gave the country a new federal constitution under which independence was declared.

From the very beginning, the problem has been one that many Burmese rulers and even ordinary citizens are reluctant to admit: Burma is a colonial creation that includes nationalities which historically had little or nothing to do with each other until British authority was established over the old *bama* kingdom and a horseshoe-shaped ring of surrounding mountain ranges. Even today, there are remote tribal areas where the local people do not even know that they belong to a country called "Burma," or even less so "Myanmar" — the official name of the country since 1989 and which is supposed to encompass the country's "135 national races," as if such a term existed in any language. Now, Burma's ethnic representatives have been pressured to accept the new non-federal, military-drafted constitution, and lay down their arms in the name of "national reconciliation". The constitution was ostensibly drawn

up by a National Convention which met on and off over a 15 year period. Its delegates, however, were mostly handpicked by the then ruling military junta. Ethnic group representatives were clad in their respective colorful national costumes for the spectacle and spent most of the time listening to endless speeches rather than discussing their regions' futures. A prominent Shan representative, Khun Htun Oo, was even charged with high treason and sentenced to 93 years imprisonment for criticizing procedures relating to the National Convention. He was released in January this year along with several hundred other political prisoners.

While government seems to be stuck in its notion that the ethnic rebel groups would be more interested in making money than pressing demands for constitutional reform and political autonomy, efforts by the various ethnic resistance forces to form a united front — or even to devise a common political platform — have also failed miserably. It is important to remember that the conflict is not only between the *bama* and other nationalities but also among different minority ethnic groups. For instance, tensions have existed for centuries between the Kachin and the Shan, and between the Shan and the Karen. A smaller group, the Pa-O, even took up arms in the early 1950s to fight against local Shan princes. In later years, Shan and Kachin rebels fought turf wars for control of areas in the country's northeast which have sizable Kachin populations but belong to the Shan State. Even more recently, the Shan and Wa armies have fought bloody battles for control of areas adjacent to Thailand's border.

It is also clear that the different backgrounds of Burma's multitude of ethnic groups, many with armed insurgent wings, will make it difficult to achieve a lasting solution to the problem. The insurgency among the Karen, who number at least 3.5 million and live in the Irrawaddy delta southwest of the old capital Yangon and in hills near the Thai border, is one of the longest lasting in the world. Many of them are Christian, mainly Baptist, and they have dominated most Karen rebel movements for more then six decades. The majority of the Karen, however, are Buddhist and fierce battles have been fought between the Democratic Karen Buddhist Army and the forces of the Christian-led Karen National Union.

The Shan are Buddhist and related to the Thais and the Laos, and traditionally have been ruled by feudal princes called *saohpa*, or "Lords of the Sky." Shan youths supported by some elder local leaders, took up arms when the Panglong Agreement's 10-year-trial period was up in 1958 and it was clear that they would not be allowed to exercise their then constitutional right to secede from the union. The Kachin in the far north are almost entirely Christian, also mainly Baptist. Their rebellion broke out in 1961 when the then U Nu government tried to make Buddhism the state religion and at the same time had negotiated a border agreement with China, which many Kachins rejected. Shortly after the war broke out, Kachins, whose guerrilla warfare skills were recognized and utilized by Britain and the United States during the Japanese occupation in the 1940s, quickly seized control of most of their rugged hill country between China and India. The government has consistently failed to dislodge the Kachin from the geographical strongholds they established in the 1960s. The most powerful of Burma's ethnic armies, the drug-trafficking United Wa State Army (UWSA), has recently received scant attention. Its more than 30,000 men and women in arms are equipped with sophisticated weaponry obtained mainly in China, including modern automatic rifles, heavy machine-guns, 120mm mortars, and even man-portable, surface-to-air anti-aircraft missiles. The UWSA was born out of a mutiny among the Wa and other hill tribe rank-and-file of the Communist Party of Burma (CPB) in 1989 in which they drove the old, orthodox communist and mainly *bama* leaders into exile in China.

UWSA forces

The CPB subsequently crumbled and was later divided into four regional ethnic armies of which the UWSA was the strongest. Currently the UWSA controls a huge area adjacent to the Chinese border, enclaves along the Thai border in the south, and most of the lucrative production areas of narcotics, opium, heroin and methamphetamines in the Burmese sector of the so-called Golden Triangle. The Wa have never been controlled by any central government in Burma, pre-colonial, colonial, or independent. They were headhunters well into modern times and few outsiders entered the area before it was taken over by the insurgent CPB in the early 1970s. Since the 1989 mutiny, the UWSA has independently administered the areas it controls.

A return to federalism may be the only lasting solution to Burma's ethnic problems, but, on the other hand, there are few countries in the world that have a federal system based on ethnicity or along linguistic lines. India, the former Soviet Union and the former Yugoslavia are a few examples and show the perils ahead for such a potential model in Burma. India has survived and despite all the problems that country faces is perhaps the best model for Burma to adopt. The United States has geographical entities as member states of a union, Germany is based on ancient kingdoms and principalities, and even multinational Malaysia has a federal system based not on ethnicity — there are no Malay, Chinese and Indian states there — but on the old Malay sultanates.

However, any fundamental changes to the 2008 constitution are almost impossible to achieve, even after the landslide victory for the NLD in the April by-election. Suu Kyi's party won 43 of the 44 seats it contested in the April by-election, but that amounts to no more than seven percent of all seats in the bicameral parliament. Her powers are extremely limited, and so are her choices. Early last year, Suu Kyi told visiting foreign diplomats that she was apprehensive about talking to the present government that assumed office after a blatantly rigged November 2010 election. At the time, she reportedly said that the main problem was the new constitution, which was adopted after an equally fraudulent referendum in May 2008 and guarantees the military 25% of the seats in parliament.

For instance, the charter's Chapter 12 lays out the complicated rules for constitutional amendments, which effectively give the military veto power over any proposed changes. The upper house currently consists of 168 elected representatives with a quarter, or 56 delegates, directly representing the defense services; the lower house is made up of 330 elected MPs and 110 appointed to represent the military. The ruling Union Solidarity and Development Party (USDP), meanwhile, is widely viewed as a vehicle for the military's political interests.

Minor constitutional changes may be considered by the parliament if 20% of MPs in both chambers submit a bill. However, a tangle of 104 clauses mean that major charter changes can not be made without the prior approval of more than 75% of all MPs, after

which a nationwide referendum must be held in which more than half of all eligible voters cast ballots. With 25% of seats allotted to the military, that leaves little power in the hands of elected representatives, whoever they might be.

This complicated procedure, coupled with Burma's record of holding bogus referendums — the first in 1973 for the 1974 constitution was as lacking in credibility as the one held in 2008 — make it virtually impossible to change those clauses, which in various ways and means legally safeguard the military's now indirect hold on power. For instance, one of the first sections of the constitution guarantees the military's "national political leadership role of the State" and, in case of an "emergency", the "Commander-in-Chief of the Defense Services has the right to take over and exercise State sovereign power" after consulting the president. "No legal action" can be taken against the military for what it does while exercising such emergency powers, according to the constitution.

Another clause bars anyone whose parents, spouse or children "owe allegiance to a foreign power" from becoming president or vice president. Suu Kyi's late husband, Michael Aris, was a British citizen, as are their two sons. The military's right to appoint a quarter of all seats in what is otherwise an elected parliament is also guaranteed, as is military control of one-third of all seats in local assemblies.

In 2008, Burma's generals got the constitution they wanted — which in essence is completely undemocratic — and through rigged elections now control a solid majority of all seats in the parliament. Consequently, they can now afford to make some political concessions in response to international pressure and get the foreign aid and investment they so desperately want and need to avoid further social unrest and challenges from the population at large. And there are three more years to go till the next election, a time the military can use to manipulate and neutralise the opposition — an art that the military has become extremely skilled at during its decades of near-absolute power.

However, without substantial constitutional reform — which seems almost impossible — Burma cannot break decades-long stifling military rule and move forward to achieve real democracy and federalism. Sai Wansai, general secretary of the Shan Democratic Union, a non-armed Shan interest group, aptly said in a recent statement posted to the Internet that the change of political system, and not just a few paragraphs change here and there of the 2008 constitution, is a necessity for long-lasting peace and political settlement." While fighting and mediation efforts continue in Kachin State, sources with access to military insiders say that the central government refuses to accept that the KIA is representative of the Kachin people. They argue instead that the "elected" Kachin State government and its "chief minister", Lajawn Ngan Seng, who was appointed after the rigged 2010 election swept by military-backed candidates, are the true democratic representatives of the Kachin State. From this perspective, the KIA must be co-opted into the system or wiped out militarily. But the government's hard-line stand has also had consequences that authorities may not have anticipated when the peace process began. The negotiations have led to the emergence of a new, younger generation of Kachin leaders who are more driven by political goals than commercial interests. The most charismatic of these new leaders is KIA vice chief of staff General Sumlut Gun Maw, a physics graduate from Mandalay University who joined the KIA in 1987, a year before the nationwide uprising for democracy. Many of his old classmates and contemporaries took part in that suppressed uprising, and Gun Maw has maintained throughout that a solution to the ethnic conflict and the struggle for democracy are equally important. On the other side of the coin is the fact that government appointed chief minister Lajawn Ngan Seng — who comes from a tiny minority of Buddhist Kachins —has been seen by many Kachins, 90% of whom are Christians, as a slight to local culture and sensitivities.

In essence, there are two fundamentally opposing views on how Burma's ethnic question should be resolved. For the government, the solution to ethnic strife is for the rebels to lay down their arms under terms stipulated by central authorities. For ethnic rebels, hopes are that the ceasefire process, despite setbacks, will through negotiations eventually lead to the establishment of a federal union and more regional autonomy — while if negotiations fail, which seems likely, there will be more violent unrest in Burma's ethnic areas. As Shan leader Sai Wansai argues, as long as the core problem, the controversial 2008 constitution, is not addressed, "it is hard to imagine that the ethnic conflicts within Burma could be resolved anytime soon."

Will Suu Kyi, who after events in April and June is at the peak of her popularity, take up the challenge, renew calls for a "Second Panglong", and press for constitutional reform in areas other than the ethnic issue as well? The problem is that if she does, she would embark on a potentially disastrous confrontation course with the military. But if she doesn't, Burma's decades-long political and ethnic turmoil is likely to continue unresolved with even more tragic consequences for the country and, especially, the long-suffering peoples in the frontier areas.

Bertil Lintner was a senior writer for the *Far Eastern Economic Review* for more than twenty years, covering Burma and related issues. He now writes for *Asia Times Online*, the Swedish daily newspaper *Svenska Dagbladet* and Jane's Information Group in the UK. He is a recognized expert on Burmese issues as well as ethnic minorities, insurgencies and narcotics in Southeast and South Asia. In 1985, the Swedish-born Lintner and his Shan wife from Burma headed out on an eighteen-month, 2,275-kilometre overland journey from northeastern India across Burma's northern rebel-held areas to China. Travelling by foot, jeep, bicycle and elephant, they became the first outsiders in over four decades to cross that isolated area, which then was controlled by various ethnic insurgents. Lintner chronicled that epic trek in his classic *Land of Jade: A Journey from India through Northern Burma to China*. He is the author of six other books on Burma, among them his *Burma in Revolt: Opium and Insurgency Since 1948*, which tells the story of the ethnic and communist insurgency in Burma, and the intertwined Golden Triangle opium trade. His most recent books on Burma are *Merchants of Madness: The Methamphetamine Explosion in the Golden Triangle* and *Aung San Suu Kyi and Burma's Struggle for Democracy*. He has also written a book about organized crime in Asia, *Blood Brothers: Crime, Business and Politics in Asia*, and one about North Korea: *Great Leader, Dear Leader: Demystifying North Korea under the Kim Clan*. In *World.Wide.Web: Chinese Migration in the 21st Century—And How it will Change the World*, which was published in 2012, Lintner examines modern, state-sponsored migration from China and what it means for the rest of the world. His most recent book, *Great Game East: India, China and the Struggle for Asia's Most Volatile Frontier*, describes the rivalry between China and India, and how it has affected the geopolitics of the region, including northern Burma. Lintner has been living in Asia since 1975, and in Thailand since 1980.

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