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Burma

Is change possible in Burma?

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In Burma, more than twenty years have passed since the last election on May 27, 1990. The military junta refused to recognize the outcome of the elections, won overwhelmingly by the National League for Democracy (NLD) party formed two years earlier by the Burmese oppositionist Aung San Suu Kyi.

Burma: is change possible?

Danielle Sabai.

In Burma, more than twenty years have passed since the last election on May 27, 1990. The military junta refused to recognize the outcome of the elections, won overwhelmingly by the National League for Democracy (NLD) party formed two years earlier by the Burmese oppositionist Aung San Suu Kyi.

The people of Burma suffer from its strategic position - between China and India, between the Indian Ocean, the Malacca Straits and the China Sea - and its abundance of natural resources: gas, oil, rare wood, precious jewels and so on. These riches are coveted by neighbouring countries with few scruples (China, Thailand and India in particular) who do not hesitate to do business with the junta, helping to limit the effects of international pressure and allowing the military to maintain power through coercion and repression with their main aim being their personal enrichment.

It is in this context that the military junta will organise new parliamentary elections on November 7, 2010. The State Peace and Development Council (SPDC-official name of the junta) will organize the fifth stage of the "roadmap to democracy" of which the seventh and final step is to "build a modern, developed and democratic nation".

Behind the facade of this discourse, the military seek to perpetuate their power through parliamentary elections and the establishment of a civilian government. There is no doubt that their goal is not to give power to civilians but to change their green khaki clothes for civilian garb. In a remodelling of an unprecedented scale, in late August most senior officers left the army in order to stand in the elections. They will be candidates alongside 26 members of the government.

These elections are held in the wake of two major political crises during which the regime of the Burmese generals has persisted despite international pressure and condemnations: the "Saffron Revolution" led by Buddhist monks in September and October 2007 [\[1\]](#) and the holding of the referendum on the new constitution even though the Irrawaddy delta was devastated by cyclone Nargis in May 2008 [\[2\]](#). More than ever, the junta seems to control the Burmese political landscape.

The November 7 elections are thus a major political event. The majority of voters are aged under 38 and have never been involved in an election (just three in 50 years). The question is raging among oppositionists and activists in Burma and among exiles as to what extent they could provide opportunities for change. These elections being neither free nor fair, the question arises of whether to participate in the electoral framework proposed by the Burmese junta or to boycott it.

Without trying to resolve this debate, this article tries to give an overview before the vote and describe the issues at stake.

Transfer of power?

Begun in 2003 and relaunched in 1993, the "roadmap to democracy" fuelled fears in the ranks of the military junta that power might escape them during the process of transfer to a civilian Government. [3]. The junta has therefore done everything to conserve power, and in particular in May 2008 it forced through the adoption of a preliminary draft of a new customized constitution.

Among the most prominent elements of the constitution which should take effect after the elections, 25% of the seats in the two national parliaments (upper and lower chambers) will be filled by soldiers nominated by the Commander in Chief of the armed forces. The assemblies will appoint a President who must "have military experience" and does not have children of foreign nationality (which excludes the possible candidacy of Aung San Suu Kyi). The ministers for Defence, the Interior and Foreign Affairs will be appointed by the President from a list submitted by... the Commander in Chief of the armed forces. The constitution provides no right of scrutiny over military affairs or control over their expenditure. The amendment of the constitution will require a vote of 75% by members followed by a referendum validated by at least 50% of people of voting age. In other words with 25% of designated military members in both houses, it will be impossible to amend the constitution against their wishes. The Commander-in-Chief of the armed forces is empowered to declare a state of emergency if they perceive a threat of "disintegration of national solidarity". As for the military junta, article 445 guarantees that no legal action can be taken against members of the SLORC (State Law and Order Restoration Council) and SPDC, the two successive names taken by the junta since it took power in 1988 [4]. Finally, sub section (a) of article 121 of the constitution stipulates that persons who have been imprisoned or convicted are not entitled to stand in the elections. This article excludes from the outset more than 2,171 political prisoners including the main oppositionists and ethnic leaders (379 members of the National League for Democracy (NLD) including Aung San Suu Kyi under house arrest since 2003; 40 members of the 88 Generation Students including Min Ko Naing, Ko Ko Gyi and Nilar Thein; 200 ethnic leaders and activists including the spokesperson Hkun Htun Oo and secretary Sai Nyunt Lwin of the League of Shan Nationalities For Democracy imprisoned since 2005 for respectively 93 and 85 years) [5].

The actions taken leave little doubt as to the role that the military intend to play in the future civilian disposition. Unfortunately, these elections do not set Burma on the road to democracy.

A controlled process

The electoral process is itself closely controlled by the junta which does not want to see a new major setback as in 1990. The stakes are high: 1,157 seats are to be filled with 326 for the People's Assembly (lower house), 168 for the National Assembly (upper house) and 663 for representatives of the 7 regions (Sagaing, Magwe, Mandalay, Pegu, Irrawaddy, Rangoon and Tenasserim) and 7 States (Kachin, Chin, Shan, Arakan, Karen, Karenni and My) distributed between the people's assemblies and the regional or state assemblies [6].

Out of 47 requests, 37 parties obtained permission to run in the elections. Existing parties, including the NLD, which did not apply for registration were dissolved by the electoral commission. In fact, only the two parties close to the Government, the Union Solidarity and Development Party (USDP) led by Prime Minister Thein Sein and the National Unity Party (NUP-formerly the Burma Socialist Programme Party founded by dictator Ne Win in 1974) will be able to compete on a national scale. These two parties will present three times more candidates than the other 35 parties put together. In many constituencies with a Burmese majority, there will only be USDP and NUP candidates. But in nearly 20 constituencies, including Rangoon, a number of opposition candidates will be in competition [7]. This should provide the two pro-government parties with a large majority in the upper and lower chambers as well as in the regional parliaments, the seven regions being populated predominantly by Burmese. According to this one round

electoral system already in place in 1990, the winner is the candidate who gets the most votes irrespective of turnout. Finally, in contests where there is only one candidate, the latter is declared elected without an election being held.

Among the opposition parties, only three have the means to run in a significant number of constituencies: the Shan Nationalities Democratic Party (SNDP-157 candidates), the Democratic Party led by the oppositionist Thu Wai (DP-49 candidates) and the National Democratic Force (NDF-163 candidates) led by former NLD leaders. The barriers are financial and organizational. In this country where a third of the population lives below the poverty level and where an employee earns \$50 per month, each candidate must, in order to stand in the election, pay the sum of 500,000 kyats which is equivalent to approximately \$500, non-recoverable. No opposition party has \$580,000 for the financing of candidates at the national level, without counting the cost of the campaign.

At the organizational level, the Burmese opposition is weak and divided. The national council of the NLD, the main opposition force, met on March 29 and unanimously decided to boycott the elections. But in practice, a part of its leadership has formed a new party, the NDF. For them, the absence of NLD candidates leaves no obvious anti-governmental choice for voters. Many parties have been constituted for the elections, their electoral base is weak, or indeed not yet established. The SPDC has wished to see a multiplicity of political parties in order to reduce the votes for the opposition parties. It is possible that for tactical reasons or through political weakness a number of these small parties will not differentiate themselves from the military junta. With the approach of the elections the latter seems to be manoeuvring: funding of the NDF by somebody close to the junta has destabilized the alliance of 6 [8] opposition parties formed in October to oppose the pro-government candidates and work together inside the future parliament. These manoeuvres cast doubt on the independence of the different candidates and political parties and the risk is great of increasing abstention or the division of the vote among several opposition parties.

Neither just nor fair elections

To say that these elections are neither fair nor fair is not mere verbiage. The rules laid down by the electoral commission drastically restrict freedom of expression, assembly and organization of political parties. The publications of parties are subject to censorship and election material must not oppose the regime or the army. The organisation of public meetings is not free either. An application must be filed one week in advance specifying the number of participants expected. Finally, in this country where there is no independent press, opposition parties suffer a serious disability.

The restrictive measures do not equally apply to all parties. The USDP represents the transformation into a political party of the powerful USDA (Union Solidarity Development Association), a mass association formed in 1993 one year after the inauguration of General Than Shwe as head of state. The USDA has since fulfilled the function of control of society and repression of social mobilization. Members of the USDA attacked the convoy of Aung San Suu Kyi in 2003 near Depayin with the objective of killing her, and they attacked the monks during the demonstrations of autumn 2007. The USDP therefore receives the political support of the USDA and its financial resources. It also enjoys support from the government and army of whom most high placed members are among the USDP candidates. Its transformation into a political party has not changed its methods. There are accounts of intimidation by USDP members against opposition candidates and voters [9]. The NUP represents the old guard of dictator Ne Win, the head of the State in 1988. The party also has powerful support and financial resources.

The ethnic question, a central question

No democratic Burmese State will emerge without taking into account the demands of ethnic minorities which

represent nearby one-third of the population [10]. Prior to independence in 1948, the Panglong Agreement (February 12, 1947) drew the contours of the rights of ethnic minorities. The guarantees granted were never really respected and shortly after independence the first armed conflicts broke out with the government, with some persisting today. In 1989, a year after taking power, the junta began negotiations with the ethnic groups at war so as to agree a cease-fire. Most groups signed and the junta pursued a war without mercy against the other groups.

The armies of Wa and Kokang, serving until 1987 the Burmese Communist Party, were among the first signatories. In exchange for a cease-fire, they were allowed to cultivate opium and trade "without interference". Entire border areas [11] were thus left under the control of armed ethnic militias. The junta exploited the divisions that resulted between different ethnic groups, with some organizations such as the Karen National Union and Kachin Organization for Independence objecting strongly to the cultivation and sale of drugs.

In April 2009 the junta decided to retrieve the territories in the hands of the armed ethnic groups. It ordered that the groups that had signed cease-fire agreements should be transformed into a new border force guard under the authority of the government. Most armed groups agreed but the most important including the United Wa State Army (UWSA), the New Mon State Party (NMSP) and the Kachin Independence Organization (KIO) refused. In August 2009, the situation deteriorated when the Tatmadaw (Burmese regular army) launched an attack against the army of the National Democratic Alliance of Myanmar in Kokang territory. More than 30,000 people took refuge in China. A serious subject of discontent for Beijing whose main objective is the maintenance of stability of 2,192 miles of common border. On his trip to Burma last June, Chinese Prime Minister Wen Jiabao let it be known that he wanted to see a broad participation of ethnic groups in the electoral process in order to increase its credibility and reduce the risk of tensions on the borders.

The participation of ethnic groups in the elections was however not agreed. To participate in the elections could mean that the ethnic groups recognize the validity of the constitution of 2008 that denies the right of self-determination and renders armed militias illegal. Participation would also recognize the future organization of the country under the control of a centralized executive against their demand for a Union or a federal state [12]. Since August the UWSA has made it known that it rejected the elections and will not allow their conduct in the territory it controls. During September, as a reprisal for the refusal to integrate into the border guard force, the election commission refused to register three Kachin parties as well as all the independent candidates for members of these organizations, depriving the Kachin of independent political representation. On September 16, the commission announced that the elections would not be held in 3,401 villages in Kachin, Karen, Karenni, Mon and Shan states because it was not possible "to ensure free and fair elections"(sic!). This decision deprives about 1.5 million voters in the regions which do not have a Burmese majority [13]. "An implicit confession of the failure of regime to impose its candidates and elections in the regions inhabited by ethnic minorities" [14]. One of the first consequences of the elections could be the return of war with the various ethnic groups [15]

To participate or not in the elections?

There is little doubt that the conditions in which the November 7 elections take place leave little room for a (happy) surprise as was the case in 1990. The government has done everything to ensure that pro-government parties, primarily the USDP, win the elections, including in the ethnic areas controlled by armed groups. Parliament will consist mainly of pro-government members and appointed soldiers. The share of progressive deputies and independent representatives of ethnic groups in comparison will be relatively very low. An unknown is the balance of power between USDP elected officials and those belonging to the NUP. This latter party is composed of members loyal to the dictator Ne Win, deposed in 1988 and replaced by the current junta. Some believe that its members are relatively independent of the government and may in the context of a parliamentary process gain in autonomy. It remains to be seen to what extent this party is supported by the military.

It remains nonetheless that these elections represent a major political event for an entire generation of Burmese. Any activist involved in Burma political life, in the country or outside, must decide on the ultimate issue; whether or not to participate in the elections.

Although the electoral process is not democratic, a significant number of parties have decided to participate in the elections. The decision to boycott the elections by the NLD and several ethnic parties has been very controversial. The boycott of the election could undermine its credibility if it was accompanied by a very low participation. In this case, the international community would be very much obliged to denounce the masquerade. But the experience of the referendum in 2008 proves that the junta is quite able to falsify the results. The critics believe that not participating in the elections reinforces automatically the number of pro-government deputies having regard to the electoral system in place. In this perspective, for many parties, these elections represent "the only valid option". And participating does not imply accepting them, but considering them as inevitable. Groups and associations activist in Burma have also argued that it is dangerous to rely on the international community whose divisions over the past 20 years have not allowed the imposition of any change to the current regime.

A number of groups within Burmese civil society think that "elections represent the first opportunity in 20 years to be able to mobilize communities on the issue of their democratic rights". This is a "chance to develop the political consciousness of the people, particularly among young people who have not had the opportunity to vote before" [16]. They believe that the elections will bring a bit of democracy and freedom in the country. The establishment of a Parliament could offer the possibility to express opposition. Knowing that the elections are legislative and won't bring a change of regime in the immediate future, their stated goal is to work for the mobilization of a base which could lead to new elections by 2015. This position is also defended by "think tanks" and major international non-governmental organisations who see the possibility of a major political transformation with the emergence of new political parties and new leaders [17]. One of the arguments put forward by these groups is "the absence of any results brought about by sanctions" [18]. Instead of continuing on this path, they propose Burma be reintegrated into the international community, which the electoral process could allow, if it is not decried by the international community.

Provisional conclusion

Nobody seriously thinks that elections will bring significant changes in the coming months. The military junta will continue to run the economy for its own benefit and to the detriment of the Burmese people as a whole even after the establishment of a "civilian" Government

It is hard to see too much which could prevent it. Inside Burma it does not feel threatened by a weak and divided opposition. At the international level, economic sanctions imposed by the United States and Europe have fizzled out, especially because states such as France and Germany oppose any sanctions relating to strategic sectors which bring money to the junta and help keep it in power because these sanctions threaten their own interests in Burma [19]. Calls for the immediate release of Aung San Suu Kyi and other political prisoners do not obscure the cynicism and the lack of political will of the Western and Asian states to fight against the military junta.

The Burmese generals do not need to hold fair and democratic elections since other states and international organizations are willing to settle for a parody of democratic elections. Some states wish it to be believed (or want to believe) that supporting the electoral process is equivalent to supporting incremental change towards democracy. In fact, they are looking to the end of sanctions and the opportunity to invest in the country. More and more articles explain that the path of democracy in Burma lies through development (and therefore investments).

Is change possible in Burma?

The latest victim is the Burmese pro-democracy movement, deeply divided by the difficult question of whether or not to boycott or participate in elections while there is no doubt that the big winner will be once more the ruling junta.

- [1] See Danielle Sabai "Burmese crisis, its foundation and the urgency of solidarity: enough of hypocrisy!" [<http://daniellesabai.wordpress.com/2007/09/30/la-crise-birmane-ses-fondements-et-l%E2%80%99urgence-de-la-solidarite-assez-d%E2%80%99hypocrisie-des-actes/>]
- [2] Marc Johnson and Danielle Sabai. "Issues that have little to do with international solidarity". [<http://daniellesabai.wordpress.com/2008/05/11/56/>]
- [3] Larry Jagan and Renaud Egretau. "Back to the Old Habits." Isolationism or the Self Preservation of Burma's Military Regime "(Page_44)." Irasec [here-?]
<http://www.reseau-asie.com/ouvrage/ouvrages/back-to-the-old-habits-isolationism-or-the-self-preservation-of-burma-s-military-regime/>]. For an analysis of the 2008 constitution see "The SPDC constitutional referendum: a dead end for democracy in Burma". Altsean Burma
- [4] <http://www.altsean.org/Reports/SPDCReferendum.php>
- [5] "SPDC Election Law Strangle Democracy". Altsean Burma. July 15, 2010 [<http://www.altsean.org/Reports/SPDCElectionLaws.php>]
- [6] For details of seats see [Altsean Burma <http://www.altsean.org/Research/2010/Key%20Facts/At%20stake%20in%20these%20elections.php>]
For details of the political parties and their platform see [Mizzima <http://www.mizzima.com/election2010.html>]
- [7] The Irrawaddy Magazine. [A Foregone Conclusion http://www.Irrawaddy.org/article.php?art_id=19642&page=2]
- [8] The Irrawaddy. October 18, 2010. [Donor Dispute Shakes 6-Party Alliance
<http://www.Irrawaddy.org/election/interview/524-donor-dispute-shakes-six-party-Alliance.html>]
- [9] The Irrawaddy, 22 October 2010. [Rohingya Party Prevented from Campaigning http://www.irrawaddy.org/article.php?art_id=19801]
Voters "Urged to Cast Advance bundles". [The Irrawaddy <http://www.irrawaddy.org/election/news/565-voters-urged-to-cast-advance-ballots.html>]
- [10] In the absence of a census we do not know the exact composition of the population of Burma. Identified ethnic groups are Karen, Shan, Akha, Chin, Chinese, Danu, Indian, Kachin, Karenni, Kayan, Kokang, Lahu, Mon, Naga, Palaung, Pao, Rakhine, Rohingya Tavoyan and Wa
- [11] Most ethnic minorities live in mountainous areas on Burma's borders established during the British settlement between 1824 and 1948
- [12] China's Myanmar Strategy: Elections, Ethnic Groups and Economics. International Crisis Group. Asia Briefing N° 112. Update.
<http://www.crisisgroup.org/~media/Files/asia/north-east-asia/B112%20Chinas%20Myanmar%20Strategy%20%20Elections%20Ethnic%20Politics%20and%20Economics.ashx>
- [13] Burma Bulletin Issue n° 45 - September 2010. Altsean Burma. <http://www.altsean.org/Reports/Burma%20Bulletin/BBSeptember10.php>
- [14] Info Burma - analysis September elections 2010 <http://www.info-birmanie.org/>
- [15] "Burma's ethnic Minorities Prepare for War". Denis D. gray. The Irrawaddy. November 2, 2010.
http://www.Irrawaddy.org/article.php?art_id=19915
- [16] Report of the workshop PRIVÉES: The Emerging Role of Civil Society in Burma and challenges and Opportunities of the 2010 Elections. October 3, 2010. <http://Euro-Burma.EU/doc/Report - AEPF workshop notes - FINAL.PDF>
- [17] See e.g. FFT: Burma's 2010 Elections: challenges and Opportunities. June 2010.

Is change possible in Burma?

<http://www.tni.org/briefing/burma%E2%80%99s-2010-elections-challenges-and-opportunities-0>

International Crisis Group: Elections in Burma (Myanmar) won't be fair, but they will be significant. Jim Della-Giacoma, The Christian Science Monitor.

<http://www.crisisgroup.org/en/regions/asia/south-east-asia/burma-myanmar/dellagiacomaelections-in-burma-myanmar-wont-be-fair-but-they-will-be-significant.aspx>

[18] For a review of sanctions and why this policy did not obtain the expected results read: The European Union and Burma: The Case for Targeted Sanctions. Burma Campaign UK (March 2004).

<http://www.burmacampaign.org.uk/index.php/news-and-reports/reports/title/the-eu-and-burma-the-case-for-targeted-sanctions>
EU & Burma, briefing and recommendation (March 2008).

<http://www.burmacampaign.org.uk/index.php/news-and-reports/reports/title/EU-Burma-briefing-and-recommendations-March-2008>

[19] French diplomacy did not hesitate to support the Total company, one of the most important investors in Burma, accused of having recourse to forced labour