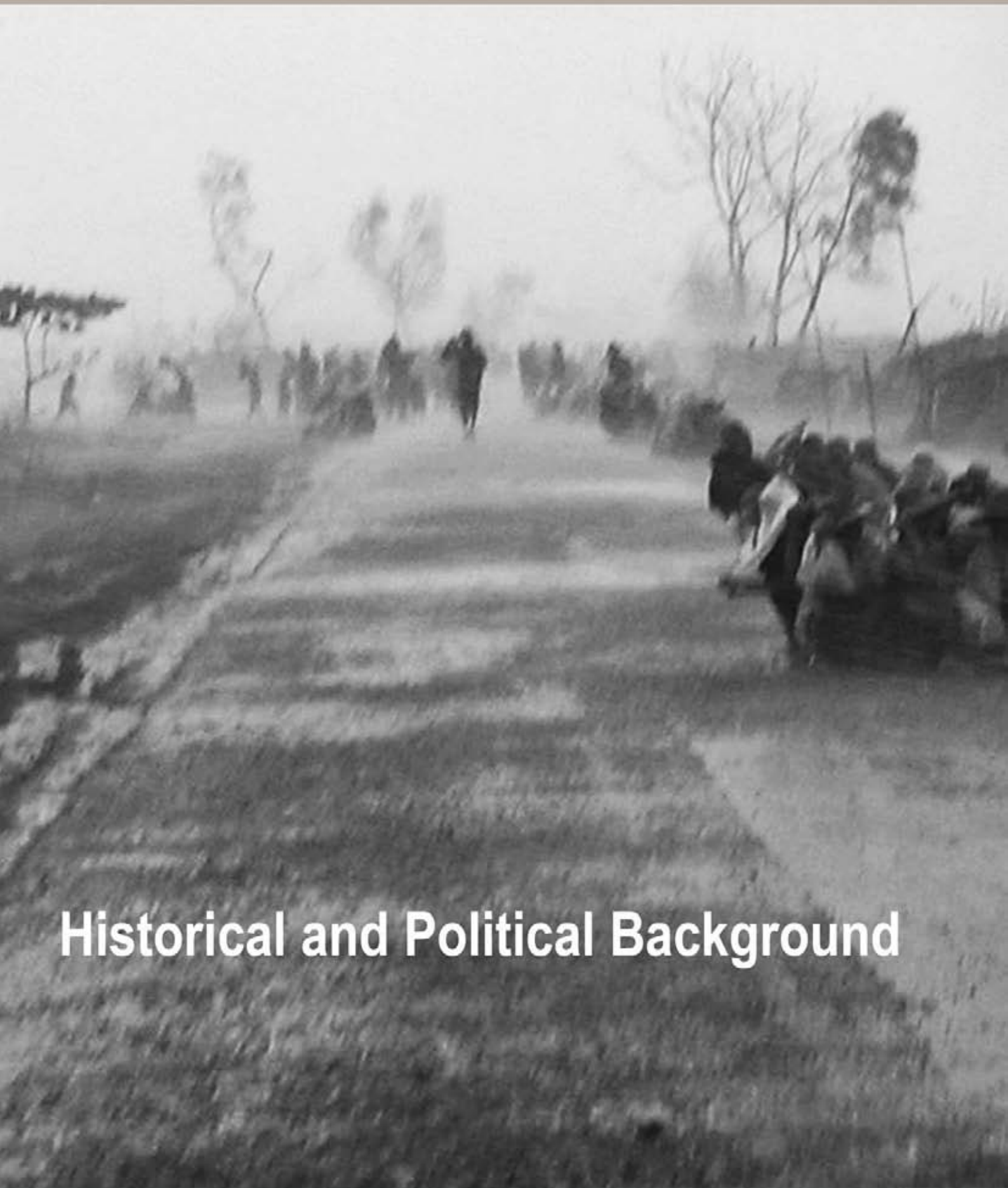


15th Annual Edition

BURMA

HUMAN RIGHTS YEARBOOK 2008





Historical and Political Background

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Introduction

Since 1992 the United Nations Human Rights Council (HRC) has placed Burma under a “*mandate on the situation of human rights in Myanmar*” and appointed successive Special Rapporteurs on the situation of human rights in Burma to monitor the progress of human rights development in that country.¹ With little positive improvement, the mandate has been renewed every year. The widespread use violence against ethnic minorities and women, the illegal detention of prisoners in appalling conditions, and the persistent use of child soldiers feature on the list of abuses that have earned Burma this dubious honour from the UN. A brief review of Burma’s history over the last sixty years clearly indicates that this hostility towards the population of Burma is typical of the Burmese military.

Burma has been plagued by civil war since it gained independence from the United Kingdom (UK) on 4 January 1948. The State’s repeated failure to acknowledge the legitimate grievances of insurgent groups and the populations from which they arise has seen civil war continue. Stathis N. Kalyvas, a prominent authority on the use of violence in civil warfare, has observed that violence often becomes the only tool of control in a civil war and those who monopolize violence in civil war assume the mantle of power.² In Burma, the military has done just this. Kalyvas has further noted that when the incumbent enjoys ‘strong’ control over their population, incidences of violence will be unlikely, but when the incumbent maintains only ‘secure’ but not ‘strong’ control over an area, insurgents may organise clandestine cells and attack the establishment. Thus violence by the incumbent is typically more frequent in a zone of only ‘secure’ control, as they fear possible defection to the opposition movement.³

In the context of civil war, counter-insurgency campaigns are typically designed to target civilians who, it is feared, will provide support for the insurgents. In Burma, the military has largely monopolized the exploitation and allocation of resources, the means of communication and political power at the expense of the civilian population. In the eyes of the military, this renders civilians who may protest for the right to participate in political activity and the right to decide on the management of the economy as potential insurgents and autonomous organization in civil society is deemed an anti-State activity. Political activity is only permissible if it manifests itself as consent to the military’s rule and aims. The prevention of the defection of civilians to the opposition movement requires the constant surveillance of society to ensure that any dissent is promptly and effectively suppressed. The Burmese military has relied heavily on a political intelligence apparatus to ensure that society never coheres or organizes in an ‘insurgent-like’ manner. This, and the continued violence exercised against ethnic minority groups who seek to manage their own affairs, has ensured that Burma exists in a ‘secure’ but never ‘strong’ state of control, and thus creating an environment for a high frequency of human rights abuses.

Constitutional Period (1948 – 1962)

On 4 January 1948, Burma gained its independence from the British who, in the nineteenth century, fought three wars against the Burman Empire and finally conquered it in 1886. Civil war on independence was an inevitable outcome of the violence of the preceding years. A group of Nationalist Burmese calling themselves the *Thakins* (“masters”) had agitated against British colonial rule during the thirties and invited the Japanese imperial army into their country in 1942 after having been promised that they would help Burma regain her independence from the British. The Japanese had provided military training to the *Thakins*, who then formed the nucleus of a national army, named the Burma Independence Army (BIA).

During the Second World War, the Japanese succeeded in driving the British out of Burma and governed the country under military rule until 1 August 1943, when they granted Burma her independence under Japanese ‘protection’. However, on 27 March 1945, the *Thakins* turned against the Japanese and defected to the Allies and the country once again came under British colonial administration. The population of Burma was scarred by its experience of the war. Japanese, British and American forces who had all been active in the arena had armed the different peoples of Burma against one another and communities retained a vast number of firearms after the war’s end. Prior to the war, the British had often armed village militias to aid its forces in counter-insurgency operations.

The *Thakins* received their military training from Japanese colonialists who had extensive experience in brutal repression of the populations in China and Korea, and under the Japanese occupation, the BIA had massacred ethnic Karen communities for their sympathies with the British colonialists. In a civil war, local grievances often underlie violence. At the war’s end, grievances in Burma were manifold and the fault lines for a bitter civil war were all present.

Insurgencies, violent crime and assassinations flared during the British transfer of power. The British Labour government had agreed to hand over powers to a local government led by *Thakin* General Aung San, who had been the leader of both the BIA and the nationalist civilian Anti-Fascist People’s Freedom League (AFPFL). However, Aung San and a number of his colleagues were assassinated on 19 July 1947 as the constituent assembly that was writing a new constitution was in recess. Power was then given to *Thakin* U Nu to lead the independent government of Burma. A number of the details of the transfer of powers exacerbated the tensions among numerous ethnic and political factions in the country. Ethnic groups felt marginalized by the new constitution, and the Communist Party of Burma (CPB) considered the agreements for military cooperation with the British a betrayal to the anti-imperialist cause. Within three months of independence, the CPB had revolted, resulting in the defection of two army battalions. Counter-insurgency operations against the CPB had used Karen troops, which fostered greater animosity between Karen and Burmese communities. In December 1948, Karen dissent was stoked by the bombing of a Karen Church and in January 1949, Karen representatives also instigated an insurgency against the central government with the formation of the Karen National Union (KNU). With a high proportion of Karen soldiers and Communist sympathisers defecting from the government army, the Burmese military was desperately under-resourced and inadequate to the task of suppressing the numerous insurgencies which began to open up across the country.

At this point in history, the government of the Union of Burma was so weak that it was known as the ‘Rangoon Government’ as it had little administration over the rest of the country. In January 1949, the newly-formed Karen rebellion came within miles of the capital. The army was so under-resourced that field commanders were told to supply themselves from their local environment.⁴ Paramilitary units that were affiliated to landowners or politicians were a more significant presence in Burma than the military itself. Local grievances vented

themselves in armed conflict. Indeed, Bertil Lintner has noted that CPB membership was based more on clan loyalty than ideological fidelity.⁵ Nevertheless, the U Nu government's control of key resources enabled it to buy the loyalty of factions around the country and push back the various insurgencies. Communist-held towns were taken back and the Karen had retreated from central Burma by 1950. British and Indian support for U Nu's government aided its survival in the early years of independence.

In 1950, however, the government was undermined by an invasion into Shan State. The nationalist, anti-communist Chinese Kuomintang (KMT) fled China after the victory of the Chinese Communist Party (CCP), and those who arrived in Burma sought to establish a base in Yunnan Province, bordering Shan State. Around this time, and much to the disappointment of American anti-communist foreign policy makers, Burma had adopted a neutralist stance in global politics.⁶ The United States Central Intelligence Agency (CIA) escalated support for the Kuomintang to launch armed attacks on Yunnan, motivating the Burmese government to rearrange its armed forces. The Burmese military is said to have become reorganized as a "*structured, centrally administered armed force for large-scale operations*".⁷ Meanwhile, the KMT supported itself by capitalizing on the opium trade in Shan State. The threat posed by the persistence of the KMT encouraged U Nu to bestow a number of new powers to the military, which allowed it to attain a position of great influence over civilian affairs. The security apparatuses, counter-insurgency tactics, the role allocated to the civilian population in times of war and the definition of the enemy, which dominate Burma's contemporary history, were all developed in the 1950s.⁸

Thakin Ne Win, Burma's defence minister, was then able to expand his role in State affairs as head of counter-insurgency operations. The War Office secreted control of the defence budget from the civilian government, and the military used the Defence Services Institute (DSI) to provide an independent economic base for the military. Originally, the DSI provided welfare needs for soldiers in the field, however, under Ne Win; the military used it to enrich themselves with tax-free business opportunities. In the absence of stability and a secure standing in the country, U Nu charged the military with the task of "*ridding them of internal and external elements*".⁹ Violence against political opponents of the State was quickly becoming a tool of control in independent Burma.

U Nu's AFPFL government was "*increasingly intolerant*" as civil war heightened in intensity.¹⁰ This intolerance entailed a number of totalitarian measures, including imprisonment without trial. Intelligence agencies were increasingly called upon to aid control of the civilian population, rather than to merely provide intelligence for military operations.¹¹ In a civil war the opponents struggle for control of civilians; their compliance is crucial to the rule, order and security of the party struggling for dominance. Intelligence becomes vital to deterring defection to the opponent while directing force and repression to selected targets. In the absence of reliable intelligence, however, counter-insurgents attempt to deprive the insurgent of civilian support by more severe and indiscriminate means of violence. While a number of insurgencies still flared in Burma, the government sought the intelligence services to provide an understanding of civilian attitudes to the government to enable it to maintain power.

In early 1953, the Burmese army was defeated in battle by the KMT. This saw the most drastic overhaul of its organization, outlook and ideology to date. Developing an army capable of defending against a foreign invader for a three-month period then became paramount as Burma had feared reprisals against the KMT from China. Burma army officers had reportedly expressed the necessity of "*mobilising the population*" against an invader at Commanding Officers conferences, and at the Commanding Officers conference in 1956, a Psychological Warfare directorate was established to counter the influence of communist propaganda. According to Mary Callahan, this was "*U Nu's personal project*".¹² The notion of civilians as a battleground for control was becoming firmly entrenched in State power.

That same year Burma held a general election. The AFPFL was returned to power but U Nu absented himself from the premiership and delegated authority to his subordinate Ba Swe. Ba Swe had strong sympathies for the military, which used his brief tenure to expand its powers, its military intelligence apparatus, and the DSI's profit base.¹³ U Nu returned to politics in February 1957 to find civilian rule further compromised. Meanwhile, the army did not enjoy a hegemonic identity; Ne Win was struggling to achieve control over dissenting opponents within the military ranks. Field and staff commanders were divided, with the field commanders having enjoyed a significant degree of autonomy from central control thus far.

Factionalism ran rife within mainstream politics as well. In mid-1958, the AFPFL split into two factions: one led by U Nu and the other by Ba Swe. On 4 June 1958, Ba Swe filed a motion of no confidence against U Nu which was put to a vote later that month. U Nu won the vote, but by a margin of only eight votes. As a result of growing instability in the country, on 26 September 1958, U Nu stepped down from office and recommended that Army Chief of Staff, General Ne Win take over as the head of a "caretaker government" until such time as new elections could be held.

Ne Win was sworn in as the country's fourth Prime Minister on 27 October 1958. Ne Win's "caretaker government" of 1958-1960 consolidated the army's developments in internal security and the Psychological Warfare Department stepped up its propaganda against communism, utilising Buddhism in its support.¹⁴ In addition, the military produced a paper entitled: *Some Reflections on our Constitution*, in which they outlined the role of the army in holding the Union together and suggested that civilians were too easily influenced, and thus untrustworthy.¹⁵ The negative implication of this is that, by definition, the population was incapable of winning the trust of the military. Suspicion of the population required constant tabs on their attitudes towards the caretaker government. Ne Win understood this well and embarked on his "pet project" to form a Military Intelligence (MI) apparatus that went beyond military intelligence duties to monitor the civilian population. A number of camps were set up throughout the country to train officers in intelligence gathering duties. Ne Win's training under the Japanese secret police, the *Kempeitai*, was the reference point for the security services. A network of spies and informers was cast over society and the MI became an "integral part of the administration".¹⁶

Where the caretaker government was unable to rely on the intelligence network to enforce its control over society, it resorted to the use of indiscriminate violence. In Shan State, counter-insurgency operations against KMT bases had taken their toll on the local population. The KMT was less the target than the civilian population. According to Kalyvas, "*Civilians are the primary and deliberate target*" in a civil war.¹⁷ The caretaker government actively opposed the autonomous organization of civilians. Meanwhile, young Shan nationalists claimed their right to secede from the Union of Burma and in 1959 launched an attack on a government-affiliated paramilitary outpost in Shan State. Similarly, Kachin nationalists who likewise reserved the right to secede under the 1947 constitution rose up against the central government after years of neglect and poverty¹⁸. The founding of the Shan State Independence Army (SSIA) and the Kachin Independence Army (KIA) resulted in a confrontation with the military that would endure for decades.

The caretaker government clamped down on freedom of expression and the Psychological Warfare Department circulated information deemed appropriate for the population. Meanwhile, Ne Win increased the numbers of military personnel within the administration. In the capital, thousands of the poorest members of society were relocated to new settlements. Ne Win's aim was the "*disenfranchisement of the weaker sections of society*", and the suppression of alternative forms of political, social and economic organization paved the way for a major expansion of DSI ventures.¹⁹ The DSI quickly became the biggest business in the country after its purchase of a number of transport, industry and other enterprises. To further entrench its position, the caretaker government also dismantled all forms of the U Nu

government's local administration apparatus. Ne Win's government had no popular mandate and instead used propaganda and intelligence to control people, and where this was inapplicable or difficult to enforce, indiscriminate violence was the rule.

The military consolidated its organization, power and outlook during the 16 month term of the caretaker government. General parliamentary elections in February 1960 saw U Nu returned to power. The electorate was tired of military rule. However, U Nu's return did not ameliorate Burma's escalating problems. Floods and low fuel supplies, combined with the new insurgent uprisings across the country caused widespread dissatisfaction with the central administration. U Nu had then provoked dissent among Christian and Muslim minorities when he called for Buddhism to become the official State religion. The KMT had also renewed its campaigns and an American airplane providing them with supplies was shot down over Shan State, exacerbating fears of a foreign invasion.²⁰ U Nu also provoked the military itself when he attempted to nationalize Burma's import and export trade at the DSI's expense.²¹ By this stage, the military had become a class in its own right and had enough force to repress threats to its political and economic privileges. When violence is often the only tool of control in civil warfare, those who wield it monopolize authority.

The military's role as protectors of Burma's unity was further threatened by the organization of ethnic groups into a Federal Movement, which called for greater rights under the constitution of Burma. U Nu sponsored an Ethnic Nationalities Seminar in 1962 as a forum for minority representatives to air their grievances, during which, the army's heavy repression came in for particularly scathing criticism. However, much of this fell on deaf ears. The military was convinced that only it could lead the nation. Its ideological indoctrination and the propaganda of the Psychological Warfare Department had persuaded its officers of their supremacy.

During the caretaker government, Ne Win had suppressed dissenting factions within the military and had consolidated the command and organization of the army. The impoverished and divided population was not able to unify and organize in opposition to the army, and Ne Win planned to keep them in such a condition to enable military rule. The caretaker government had provided Ne Win with a trial run for long-term rule, which he moved to establish in 1962.

BSPP Military Rule (1962-1988)

On 2 March 1962, before U Nu was able to implement the recommendations from the ethnic nationalities seminar held earlier in the year, Burma army units seized control of Rangoon in an organised *coup d'état*. There was no other arm of the State capable of defending parliamentary government and the coup was thus carried out without fear of any resistance. Soon after taking power, Ne Win established a Revolutionary Council (RC) comprised of 17 senior military officers. He appointed himself as its chairman and very carefully filled the positions of the other 16 members with officers who were loyal to him. In July 1962, the Revolutionary Council founded the Burma Socialist People's Party (BSPP) as the only legitimate political party in the country, effectively ending Burma's only period of parliamentary democracy.

The BSPP produced a book, the *System of Correlation of Man with his Environment* to inform the population of the correct way to behave in the new society. Many of the concepts outlined in this work paralleled earlier Psychological Warfare propaganda and it became apparent that Ne Win was less interested in legitimizing the rule of the new administration with the people than with persuading them to concede to its authority. The civilian population became the contested ground for control in a civil war, not participants in society with economic, social and political rights.

Ne Win's actions against protesters post-coup confirmed this; students rallying against the regime's rules in 1962 were shot down. The student union was dynamited, according to fellow students, with hundreds still inside.²² In 1963, rallies held in support of peace talks with the CPB and ethnic factions were repressed with ruthless violence. Educational facilities were filled with informants for the regime to ensure that dissent could be quickly repressed with minimal disorder. Meanwhile, rural communities fared no better. In 1963, a General Staff Office report observed that it was "*difficult to distinguish insurgents from villagers*".²³ Repression and Ne Win's intransigence towards opposition groups' political demands exacerbated insurgencies. Only a refined use of intelligence could aid the BSPP's efforts to repress dissent with the minimal amount of violence possible; where government presence was insecure and an intelligence flow at a minimum, the use of violence was heightened. Nowhere was this truer than ethnic minority areas where local informers were unlikely to be forthcoming and where there was a tendency to consider all members of the ethnic group to be sympathetic to the insurgents, if not insurgents themselves.

In the meantime, the DSI had monopolized control of the economy. Foreign-owned businesses were taken over and the private sector was all but eliminated. Farmers were made to sell their rice to the State at rates that were well below the prevailing market values. This widespread nationalization of the economy was less about a socialist redistribution of wealth to the poorest than "*the material foundation for the emergence of the Tatmadaw [Burmese armed forces] as a privileged, self-perpetuating caste*".²⁴ Ne Win was content not to engage with foreign trade, even for military materiel. Isolation provided a better pay-off for ensuring the continuance of the military caste. However the plan backfired by producing a thriving black market along Burma's borders benefiting the insurgent groups who administered taxes along informal trade routes.

The military moved to repress these insurgencies. It had adapted its counter-insurgent strategy after its experiences of the first decade of independence. There was a decrease in large-scale operations and a move towards smaller-scale operations more suitable to counter-guerrilla style warfare.²⁵ The Revolutionary Council, incapable of facing down all insurgencies at once, made pacts with local warlords and their militias in an effort to contain local disorder. In Shan State, for example, they allied with leading drug warlord Lo Hsing Han, permitting him trading privileges in return for ensuring security in the area. These

militias, known locally as *Ka Kwe Ye* (KKY) were established in numerous rural ethnic areas across the country. Khun Sa was another local warlord who rose to prominence through the KKY system. Perhaps rehashing recommendations made by the army's commanding officers in the 1950's, the military high command adopted the notion of a "*people's war*", to inspire the general population to fight on the side of the military.²⁶ Neutrality was not an option, nor even a concept, and areas such as Shan State in which the KKYs operated were devastated. Civilian sympathies for the insurgents marked them out for severe repression.

Integrating the civilian population into the State by affording them economic and political benefits was discarded in favour of increasing efforts to establish a monopoly of violence over the population. According to some analysts, "[t]he main objective" of counter-insurgency strategies "*is to deprive insurgents of civilian support*". Counter-insurgents have often resorted to relocation of the civilian population into concentrated areas of control "*in order to 'dry the sea' in which insurgents swim like fish*".²⁷ The military organised their forces according to this principle and implemented the 'Four Cuts Policy'. The four 'cuts' which lend themselves to the name of this Policy were to 'cut' the recruitment base, intelligence, food supply and funds of insurgents, which lay in the rural villages. Villagers were cordoned off and ordered into strategic villages under direct military control.²⁸ In these villages, the residents were ordered to form village militias to suppress dissent in the local area and widespread violence and destruction was levelled against civilian villagers. The Four Cuts Policy was responsible for a great number of the human rights abuses for which Burma became notorious.

In order to more effectively implement the Four Cuts Policy, the military created the Light Infantry Divisions (LID): large readily-mobilized offensive forces comprised of up to ten infantry battalions to violently suppress any opposition to continued military rule. The LIDs have been referred to as the "*backbone of Ne Win's support*" and received preferential treatment among the army.²⁹ In areas where there was likely to be a total absence of any local collaboration or informers, especially in insurgent-held areas and/or ethnic minority regions, the LIDs were mobilized and indiscriminate violence was utilised. The Revolutionary Council had a map of Burma which was divided it into military-secured 'white areas', contested 'brown areas' or insurgent-held 'black areas'. The aim was to turn the map white, and rather than understanding white as representing safety and an end of conflict, the white zones would be areas where the regime could rely on informers to monitor dissent and where they could exploit local populations to serve the interests of the military. This would see a shift from indiscriminate violence to selectively applied violence and pressure.

In central Burma, Ne Win moved to replace all vestiges of civil society with loyal mass organizations that would support the military. Peasant workers and council organizations were initially founded in the 1960s and their support base eventually grew into the millions over the years. The civilian population was part of the strategic planning of the military's master plan: they were expected to participate in the "*people's war*". Roads were developed to ostensibly improve trade routes, though when needed, would form part of the military's communications infrastructure and facilitate the rapid mobilization of large numbers of troops. Similarly, civilian organizations developed during times of peace could mobilize support for the military during times of war. Complementary to this were the ideological indoctrination training courses compulsory for all military personnel, which were rigorously observed.³⁰

Much of the conflict that has been waged in Burma since independence has been guerrilla warfare, which is far more complex than conventional warfare. To effectively counter a guerrilla war requires activity on political, social and economic grounds as well as military capacity. Psychological Warfare, MI agents, provocateurs and informers were the means of countering potential support for insurgents. For example, in 1967, in response to popular anger over widespread food scarcity, Ne Win provoked communal riots against the Chinese in Burma, bearing striking similarities to an earlier tactic of Ne Win's Japanese mentors who

had provoked ethnic riots in the hope of “uniting” the Burmese.³¹ As the CPB, backed by the Government of China, took over vast swathes of land in northeastern Burma in 1968, Ne Win accelerated his efforts to “solidify the nation in the wake of the ‘Communist invasion’”.³² He even made some approaches to U Nu and other opponents, however, when it became clear that Ne Win would not compromise, U Nu fled the country in 1969 and later formed the Parliamentary Democracy Party (PDP) which was allied with a number of ethnic insurgent groups and had vowed to unseat Ne Win from power. Through the implementation of the Four Cuts Policy, the military eventually pushed the CPB out of central Burma. Ne Win was confident enough of his power to call for a new constitution in 1974.

The constitution won the approval of 90 percent of the electorate. After years of building up a mass base of support within the BSPP, Ne Win mobilised this following to ensure support for the constitution. That it was not a constitution based on the participation of constituents is evident from the arrests made of those who dared to contribute suggestions.³³ Politics in Burma at the time was a battleground for control, not a forum for participation. Following adoption of the new constitution in March 1974, the Revolutionary Council was dissolved and the country was proclaimed the Socialist Republic of the Union of Burma. The second constitution of independent Burma differed markedly from its predecessor. The *Pyithu Hluttaw* or People’s Assembly, a single chamber legislature, became the highest governing structure in the country and Ne Win, who was the head of the BSPP, took over the Presidency. Under the one-party regime, freedom for the people of Burma was largely repressed.

The security apparatus was also revised again at this time to provide a more centralised means of intelligence gathering and the National Intelligence Bureau (NIB) was formed. Improved intelligence gathering was required to maintain the functioning of the new constitution. However, the intense MI counter-intelligence operations failed to suffocate widespread discontent over the economy.³⁴ Violent repression was employed against striking workers and Ne Win’s mishandling of former Burmese UN Secretary-General U Thant’s funeral provoked major agitation. In response to the protests, indiscriminate force was applied and unknown numbers killed by the security forces. Afterwards, universities were closed down at the first sign of any agitation and Ne Win narrowly averted a coup by younger officers in 1976.

At the same time, the counter-insurgency operations in the border regions were escalating in ferocity. Tactics had changed with the abandonment of the KKY program. Drug warlords had become too powerful and Ne Win had a new ally in destroying civilian support for insurgents: the US Drug Enforcement Agency (DEA), which had bolstered the Ne Win regime with military materiel for countering opium traffickers. Critics of the program at the time considered it to “provide the very equipment that makes deprivation of human rights more efficient”.³⁵ The situation worsened in the 1980s when the DEA had supplied the BSPP with a herbicide to poison opium crops. The poison, however, was primarily used by the military in its counter-insurgency campaigns to poison the land and water used by local villages in an attempt to depopulate those areas.

Deteriorating Chinese support for the CPB aided the military’s operations against their bases in the Northeast culminating with the assassination of numerous prominent communist leaders. Divisions were rife among other insurgencies as well; rapprochement with the CPB was a sore point among some insurgent groups. U Nu’s reluctance to concede on the question of federalism had ended his short-lived alliance with several insurgent groups. Meanwhile, ideological tensions divided the insurgent groups against each other, such as the CPB and the KNU under their anti-communist leader Bo Mya.³⁶ Despite these differences and the best efforts of the military, the insurgencies would not disappear; the political demands of the local populations still persisted. Ne Win’s intransigence aggravated the grievances of ethnic populations. Into the 1980s the army was suffering from the

isolation of the country and their lack of materiel. They simply did not have the resources to occupy the areas in which the insurgents operated. Prominent Burmese military analyst, Andrew Selth has maintained that, “[t]he army was frequently outgunned, and out manoeuvred by its opponents, who often enjoyed better sources of supply ... and greater support from the local population”.³⁷

The persistent and bitter civil war was ruining the nation and Ne Win applied for ‘Least Developed Country’ status from the United Nations in 1987. A series of demonetisations aimed at denying black market support for insurgent groups devalued people’s savings overnight. Economic policy was oriented to military requirements. The widespread human rights violations perpetrated by the military were beginning to come to the attention of the world. For instance, the operation against the predominantly Muslim Rohingya in Arakan State in 1978 which drove approximately 200,000 refugees over the border into Bangladesh resulted in the emergence of numerous reports of army harassment, rape and looting. Amnesty International (AI) revealed that extra-judicial executions, torture, rape and the burning of villages were frequent in areas subject to the Four Cuts Policy. The notions that economic, political and social affairs were subordinated to military ends ensured that development was neglected. Political negotiation with insurgents, the only means of ensuring peace, was anathema to a ruling caste that only understood politics insofar as it meant mobilizing citizens in support of the military project and its self-serving objectives. Nevertheless, even the military elite recognised the constraints of isolation and deterioration. Tensions were running rife throughout the 1980s and they culminated in a confrontation with the army that would stimulate as revolutionary an adaptation as their earlier response to the KMT invasions.

SLORC Military Rule (1988 – 1997)

Tension within the country escalated to a breaking point in 1988. In March of that year, a teashop brawl ended in the death of a student from the Rangoon Institute of Technology (RIT) following the intervention of riot police. Daily protests by RIT students ensued which quickly spread to other universities. Protest was met with repression which escalated with increasing violence and the murder of hundreds of students. After twelve days of violent clashes with police, the regime closed the universities, just as they did back in the mid-1970s. The riots left several students dead and missing. When the universities reopened in June, the students resumed protests, calling for accountability into the student deaths and injuries. The military, however, responded with force, killing at least 20 more students and arresting hundreds of others. Once again the universities were closed.

The wave of social unrest spread as the people of Burma became unified in their demand for political change. In response, the military declared a state of martial law. The instability had seemingly convinced Ne Win that his time was up and he resigned. On 23 July 1988, the BSPP appointed General Sein Lwin as the new party head and later president. Sein Lwin was a veteran of repression of civil protest; he was behind the crackdown on student dissent in 1962 and again in 1974, and his appointment was widely met with revulsion.

On the auspicious date of 8 August 1988 (8/8/88), students and activists organized a peaceful nationwide strike to demonstrate their opposition to continued military rule. The now-notorious 8888 uprising led to the death and arrest of thousands of protestors and demonstrators at the hands of the regime. Even 20 years on, the death toll remains unknown, but is believed to be somewhere in the vicinity of 3,000 protestors. The uprising, and the severe reprisals levelled by the military, focussed unprecedented levels of world attention on Burma and became one of the most infamous events in Burma's contemporary history.

Records of the 1988 uprising provide an inspirational account of the remarkable efforts of Burmese citizens to organise independently of the State. The failure of the state to provide for the needs of the people stimulated the rise of independent democratic councils throughout urban centres of Burma that took over the running of society where the ordinary channels of control had broken down. Many of these were somewhat *ad hoc*, but student activists had operated networks of communication for years prior to 1988 which provided a means of organization for the protests. Underground literacy groups had flourished in the years prior to the uprising.³⁸ The web of military informants had a few holes in it and they failed to pick up on these areas of dissent. Activists were well aware of MI's role in their repression and where protestors were able to establish secure zones in 1988 they meted out harsh justice against suspected intelligence agents. The protests escalated to the level of insurgent warfare when citizens used rocks, catapults and sharpened staves against riot police. Where the counter-insurgent's intelligence apparatus breaks down and selective pressure can no longer be applied, they resort to indiscriminate use of violence and the Light Infantry Divisions were called in from rural areas around the country to carry out the crackdown.

Following the protests and their brutal suppression, on 12 August 1988, the BSPP was dissolved and its president, General Sein Lwin was replaced by a civilian lawyer named Dr. Maung Maung. However, the period of civilian rule was not only superficial but short-lived. On 18 September 1988, the military regained power through a bloody coup. During the month of civilian leadership, agents of the military spread rumours that criminals had been released into the general population, the water supply was poisoned and that other heinous acts had been committed in order to stimulate an environment of fear and chaos. The revived military dictatorship forcibly took control under the name, the State Law and Order Restoration Council (SLORC).

On 23 September 1988, SLORC chairman, General Saw Maung, publicly declared that the sole aim of military intervention was to restore law and order, improve the economic conditions of the people, and organize multiparty elections as soon as possible. He insisted that it was not his intention to “cling to State power for long” and promised that multiparty elections would be held in 1990. In spite of these statements, the SLORC declared martial law, suspended the 1974 constitution and brutally suppressed all opposition through force, resulting in thousands of deaths and arrests.

Within months political parties began to register for the promised election. Though in the months leading up to the elections, the SLORC moved to frustrate the campaigns of its political opponents, particularly the National League for Democracy (NLD), lead by Daw Aung San Suu Kyi, daughter of Burma’s independence hero General Aung San. As word spread of the appearance of the fabled Aung San’s daughter, the NLD quickly emerged as the leading opposition party. Daw Aung San Suu Kyi and her colleagues travelled throughout the country attracting large crowds, despite the SLORC decrees limiting public gatherings to four persons. As her following expanded, the military tried to discredit her. They accused her of not having “pure” motives, disparaged her marriage to a foreigner, questioned her loyalty to Burma, and suggested that she was being manipulated by Communists in her party. Unable to sway her supporters, in July 1989, the SLORC placed Daw Aung San Suu Kyi under house arrest and disqualified her from participating in the elections. However, in spite of these tactics, the NLD achieved a landslide victory in the elections which were held on 27 May 1990, winning 392 of the 485 seats contested. The SLORC-backed National Unity Party (NUP), in comparison, had won only ten seats.

In direct contrast of the earlier words of Saw Maung, the SLORC refused to step down from power and simply dismissed the results of the election. They instead moved for a new constitution to replace the now-suspended 1974 constitution before any further moves towards parliamentary democracy. Given the SLORC’s efforts to massively increase their military capacity after 1988 it was not altogether unsurprising that they refused to take a back seat in party politics in Burma. Meanwhile, the SLORC maintained control over the country through martial law. There was an apparent continuity of thought in the military’s approach from the Ne Win era, in that politics remained a battleground for control. The military’s confrontation with protestors in urban areas which continued into 1990, demonstrated that civilians were regarded as potential insurgents. The Urban Relocation Programme moved thousands of citizens into impoverished satellite towns; a preferred tactic of counter-insurgency operations. By viewing the population as insurgents or potential insurgents made it easy for the SLORC to dismiss the will of the people voiced in the elections.

On 27 July 1990, the SLORC promulgated Declaration 1/90 stating that, “[the SLORC] is not an organisation that observes any constitution; it is an organisation that is governing the nation under Martial Law”. Following this announcement, the SLORC began to arrest, harass, and intimidate NLD members as well as members of other political parties. As the SLORC persisted in its refusal to hand over power, in December 1990 numerous members of the elected Parliament established the National Coalition Government of the Union of Burma (NCGUB) as Burma’s parallel government in exile.

On 24 April 1992, the SLORC issued Order No. 11/92, entitled the “Convening of a National Convention”. This edict declared that a National Convention (NC) would be convened “in order to lay down basic principles to draft a firm constitution”. However, on 2 October 1992, the regime delineated six objectives to “guide” the NC without ever having consulted any members of the political opposition or ethnic minority leaders. The sixth principle virtually guaranteed a dominant role for the military in any future Burmese government. In January 1993, the convention finally assembled with 702 delegates, of whom only 106 were elected representatives. Daw Aung San Suu Kyi remained under house arrest at the time and was

not permitted to attend. The remaining delegates were either handpicked by the SLORC to “represent” farmers, labourers, intellectuals, the ethnic minorities, and service personnel, or were “specially invited persons”. Sessions were repeatedly suspended after ethnic delegates had persisted in opposing a centralized State structure. The regime responded to all alternative proposals by imposing another 104 principles to “guide” the constitutional drafting process, all of which were carefully worded to benefit the military. Later, to further suppress any and all opposition to the NC, the SLORC issued Order No. 5/96 on 7 June 1996 prohibiting criticism of the NC. The order carries a potential 20 year sentence.

On 10 July 1995, Daw Aung San Suu Kyi was finally released from house arrest after almost six years. Though her release had initially raised hopes for an improvement in the human rights situation in Burma, nothing changed. Rather, the pace of political arrests and persecution accelerated dramatically after November 1995 when the NLD withdrew, along with other groups, from the SLORC-controlled NC due to its entirely undemocratic nature. The SLORC responded to the NLD withdrawal by expelling the NLD permanently from the convention. Increased targeting and harassment of NLD members and supporters followed soon thereafter. On 9 November 1996, a group of approximately 200 young men attacked Daw Aung San Suu Kyi’s motorcade with iron bars and sticks. The men were thought to be members of the Union Solidarity Development Association (USDA), a puppet organization created by the regime to feign civilian support and intimidate the pro-democracy movement. In December 1996, more than 2,000 people, including hundreds of students, were arrested after engaging in peaceful demonstrations calling for genuine reforms. Public gatherings on weekends in front of Daw Aung San Suu Kyi’s home were banned soon after.

The SLORC embarked on yet another major overhaul of the armed forces; with few modern weapons or training the army was failing against the armed resistance groups which continued to oppose them. Military materiel was bought from China where Burma army personnel were also sent for training. Recruitment surged to expand the armed forces by thousands throughout the 1990s and a large proportion of Burma’s GDP was spent on defence and military procurement after 1988. Analysts have observed that the SLORC was bent on creating a modern army capable of conventional warfare.³⁹ At the same time, Military Intelligence units were expanded across the country. Numerous Burma watchers have noted that throughout the 1990s, surveillance was all pervasive, and similarly that the “presence of military personnel was a daily reality”.⁴⁰ The two complemented one other.

This military expansion impacted severely on the lives of Burma’s people. Boosting cash reserves for military materiel required exports and the SLORC drained the country’s natural reserves for revenue. With a minimal industrial base, Burma possessed few products for export. Areas rich in natural resources were devastated by Burma army campaigns. For example, the race for resources in Mon and Shan States resulted in “enormous internal dislocation, enforced labour, relocations, rape, murder and other serious human rights abuses”.⁴¹

Hostilities between the SLORC and armed ethnic resistance groups meanwhile continued throughout this period. The SLORC maintained a military presence throughout the ethnic minority areas, instigating attacks against resistance fighters. During this time, the CPB fell apart after ethnic factions within it had rebelled against the politburo in 1989. These ethnic factions, most notably the Wa from Shan State, formed their own paramilitaries. Lieutenant General Khin Nyunt was quick to arrange ceasefires with these groups with the latter receiving concessions for limited political autonomy in a move resembling the KKY agreements from the 1960s. Since then approximately thirty armed ethnic factions across Burma’s ethnic states have entered ceasefire arrangements with the junta. However, not a single ceasefire has resulted in improved conditions for citizens living in ceasefire areas. In some areas, conditions have actually deteriorated. For example, in areas controlled by the SPDC-allied Kachin Independence Organization, poverty of the local population has actually

worsened.⁴² Meanwhile countries such as Singapore, China, and Pakistan supported the SLORC campaign by supplying the weaponry needs of the regime. Thailand disregarded increased offensives against border groups after the SLORC granted timber and fishing concessions in the border areas. In 1989, the SLORC heightened aggressive tactics in an effort to pressure opposition groups into one-sided ceasefire pacts. At this time, several resistance groups succumbed to the regime's pressure and signed onto restrictive ceasefire agreements. Meanwhile attacks have continued in the ethnic minority areas. During the offensives, the military committed a range of human rights violations and abuses against ethnic minority villagers living within the conflict zones.

The SLORC's purported moves towards a market economy were, as Donald Seekins has stated, designed to promote the power of the military in the same way that Ne Win's so-called socialist programme had been. Members of the military hierarchy afforded themselves major welfare benefits, subsidised shares in the new investment outfit the Union of Myanmar Economics Holding (UMEH) and reserved health and educational facilities. As the army's privileges increased at the expense of the civilian population, the human rights situation in Burma deteriorated further. If society itself was a threat to the military's expansion and privilege efforts needed to be increased to divide and weaken that society.

SPDC Military Rule (1997 – 2008)

On November 15, 1997, the SLORC was reorganized and renamed the State Peace and Development Council (SPDC). Although the three most senior members of the regime retained their posts in the SPDC, 14 former members, all senior military officers, were replaced and a four-member SPDC advisory group was established. In late November 1997, three members of this advisory group were placed under house arrest. The three were former Tourism Minister Lieutenant General Kyaw Ba, the former Commerce Minister Lieutenant General Tun Kyi, and the former Agriculture Minister Lieutenant General Myint Aung. A number of their aides and staff at other ministries were also placed under investigation. Following their detention, the advisory group was dissolved on 10 December 1997, less than a month after its formation. Official reports maintained that the members of the advisory group no longer held their military posts. However, the changes did not stop there. On 20 December 1997, there was an unexpected reshuffle within the second tier of the military regime's cabinet. Another eight posts in the cabinet were reshuffled and one new member was added. SPDC leaders conducted another reshuffle of the top generals in November 2001, and in March 2002 arrested four relatives of former BSPP chairman General Ne Win. The four were accused of plotting to overthrow the current regime in a military coup, and were given death sentences on charges of high treason in September 2002.

The opposition Committee Representing the People's Parliament (CRPP) was formed on the 16 September 1998 in response to the military regime's failure to cede power, thus enabling the elected representatives to form a parliament and the NLD to form a government within the country. A total of 251 elected members of parliament (52 percent of all those elected in 1990) gave their endorsements to the ten founding members of the CRPP. This endorsement was given based on the principle articulated in the 1974 *Pyithu Hluttaw* Law that requires State authorities to convene parliament if 34 percent or more of the members of parliament so desire. The CRPP's stated objective was to convene the parliament until all members of parliament (MPs) elected were able to do so. The CRPP's first act was to issue a proclamation that repealed all SLORC & SPDC orders, decrees, notifications, rules and laws. The SPDC, unsurprisingly, declared the CRPP to be an illegal organization. However, despite serious restrictions and the almost immediate arrest and imprisonment of Chairman Dr Saw Mra Aung, the CRPP survived and on 16 September 2002 held a ceremony at NLD headquarters to celebrate its fourth anniversary.

In September 2000, the SPDC initiated a major crackdown on NLD leaders, during which Chairman U Aung Shwe, and Vice-Chairman U Tin Oo were detained and General Secretary Daw Aung San Suu Kyi was once again placed under house arrest. This latest move appeared to be the catalyst for the initiation of UN brokered "*talks*" between the regime and Daw Aung San Suu Kyi. On 9 January 2001, a spokesperson for the UN Secretary-General announced that there had been ongoing dialogue between the SPDC and the NLD since October 2000. While the content of the talks remained undisclosed, this news was hailed as a significant breakthrough and a positive step towards democratic transition. In the following months, the SPDC allowed a number of NLD offices to reopen and released a number of political prisoners, acts which were hailed by the international community as a sign of the regime's sincerity towards pursuing change.

On 6 May 2002, Daw Aung San Suu Kyi was once again released from house arrest after having been detained for the past 19 months. Burmese military intelligence operatives, however, continued to monitor NLD leaders and attend many NLD meetings conducted in Rangoon. While, Suu Kyi's release was met with widespread international applause as a positive step in the right direction, upcountry, the SPDC launched a massive forced relocation campaign in southern Karen State which resulted in the forced relocation of at

least 60 civilian villages and the displacement of an estimated 6,000 individuals, safely hidden away behind the fanfare of the release of a woman who should never have been detained in the first place.

Following her release, the junta allowed Daw Aung San Suu Kyi and the NLD a greater measure of freedom to travel around the country and to meet with representatives of foreign governments and international organizations. The regime recognized the NLD as a legal entity and permitted the party to reopen approximately 90 out of 300 offices throughout the country. Meanwhile, scores of other political and ethnic opposition groups remained officially banned.

By the end of 2002, the “*talks*” had ground to a halt and the economic situation inside the country had worsened. It had become increasingly evident that the regime lacked the will to pursue substantive reforms and was using the dialogue as a tool to deflect international criticism and garner increased aid and investment. This sentiment continued throughout the first half of 2003, as the SPDC repeatedly stalled in scheduling new talks or allowing UN Special Envoy Razali Ismail to come to Burma to facilitate such talks. While Aung San Suu Kyi and the NLD were able to engage in several campaigning tours in the first half of 2003 and NLD offices continued to open, harassment perpetrated by members of the USDA and other similar State-sponsored actors such as the *Swan Arr Shin* (“masters of physical force”) was relentless.

On 30 May 2003, a motorcade carrying Aung San Suu Kyi, NLD members and numerous supporters was violently attacked by members of the USDA and *Swan Arr Shin*, armed with bamboo sticks and metal rods, on the outskirts of Depayin in Sagaing Division. The attack resulted in the re-arrest of Aung San Suu Kyi, NLD Deputy Chairman U Tin Oo, and all members of the Central Executive Committee of the NLD. Though the attack was carried out by State-sponsored groups, the SPDC insisted that Suu Kyi be placed back under house arrest once again “*for her own safety*”. Unknown numbers of NLD members and supporters were killed, injured, or imprisoned during or following the attack. NLD offices across the country were ordered to close and all political opposition activities were banned.

The attack on the NLD and the ensuing crackdown on the democracy movement resulted in international outcry and demands for the release of Aung San Suu Kyi as well as an independent and transparent investigation into the events of 30 May 2003. The SPDC has not allowed such an investigation to take place and has claimed that the attacks were instigated by the NLD. Moreover, the SPDC has reported that only four people were killed and 50 people were injured in the attack. However, eyewitness accounts and unofficial sources have indicated that the actual numbers of dead and wounded are significantly higher and that possibly as many as a hundred had been killed. In addition to other international reactions, the crackdown on the democracy movement resulted in tougher economic and trade sanctions enacted by the United States (US) and the European Union (EU).

Despite repeated calls for more open lines of communication, the SPDC increasingly withdrew from further discussions and throughout the first half of 2003 the regime refused to schedule further talks. The regime then excluded Razali Ismail, the UN Special Envoy for Burma, and Paulo Sergio Pinheiro, the UN Special Rapporteur on Human Rights in Burma, from entering the country for several years. Razali later resigned his office on 8 January 2006, citing an inability to effectively carry out his mandate, while Pinheiro continued in his post as Special Rapporteur until the end of his term in March 2008, when he was replaced by Tomas Ojea Quintana.

On 25 August 2003, the SPDC reshuffled its cabinet, stripping Lieutenant General Khin Nyunt of his position as Secretary 1 of the SPDC and chief of the Military Intelligence Services (MIS), and appointing him as Prime Minister. Lieutenant General Soe Win, who is believed to have orchestrated the 30 May 2003 Depayin attack, replaced Khin Nyunt as Secretary 1. Almost immediately after his appointment as Prime Minister, Khin Nyunt announced the SPDC's "Seven Step Roadmap to Democracy" on 30 August 2003. It is believed that this was done to deflect international criticism following the Depayin Massacre only three months prior. One of the steps of the "Roadmap" was the reconvening the stalled 1993 National Convention through which a State Constitution would eventually be drafted. Thereafter, the Constitution would be voted on in a national referendum, and free and fair elections would eventually ensue. Yet, the plans for the National Convention included no mention of the participation of the NLD or the ethnic groups.

By the end of 2003, the SPDC was placing greater emphasis on the participation of the ethnic groups in the National Convention, both those engaged in ceasefires with the regime and those which continued to oppose it. Many ethnic ceasefire groups had initially indicated that they would participate if certain conditions were met, such as the release of all political prisoners or the equal participation of all political and ethnic groups, both ceasefire and non-ceasefire. However, despite the fact that these conditions went unmet, 34 ceasefire groups sent delegates to the National Convention, which was convened on 17 May 2004. This included the 17 major ceasefire groups and various splinter groups.

On 7 April 2004, seven of the nine NLD Central Executive Committee (CEC) members had been invited to attend the 2004 National Convention. The two excluded CEC members were the detained Daw Aung San Suu Kyi and U Tin Oo. The invited CEC members initially reported that the NLD's attendance was likely but contingent upon the SPDC's agreement to a list of demands. These requests included, among other things, the release of the remaining two NLD CEC members in detention, the release of all political prisoners and the reopening of NLD offices across the country. The NLD's requests also addressed the fact that the 2004 National Convention was to follow the "104 Basic Principles" and "Six Objectives" which had been created for the 1993 National Convention from which the NLD walked out in 1996. The "104 basic principles" and "six objectives" had been created to steer the constitution drafting process and ensured the military's dominance in a future Burmese government. The SPDC did not meet the NLD's principle demands and therefore the NLD boycotted the 2004 session of the National Convention.

In total, 1,076 out of the invited 1,088 delegates attended the 2004 session of the National Convention. Of these, only 15 MPs elected in the 1990 general elections attended. In addition, only seven legally registered political parties that participated in the 1990 elections attended. Eight political parties, aside from the NLD, had boycotted the National Convention. These included the National Unity Party (NUP), the Kokang Democracy and Unity Party (KDUP), the Union Pa'O National Organization (UPNO), the Khami National Solidarity Organization (KNSO), the Lahu National Development Party (LNDP), the Wa National Development Party (WNDP), the Shan Nationalities League for Democracy (SNLD) and the Shan State Kokang Party (SSKP).

The 2004 session of the National Convention proceeded under highly restrictive conditions which suppressed the freedoms of opinion, expression, movement, assembly and association of the delegates. Moreover, Order No. 5/96, enacted by the SLORC in 1996, was maintained permitting the imprisonment of up to 20 years those who expressed political views which were considered a threat to the stability of the State or the pre-ordained constitution itself. This law effectively prevented expression of opposition to any SPDC policies. The National Convention was recessed on 9 July 2004 with the next session was scheduled for early 2005.

In November 2003, the SPDC sent a delegation to meet with Karen National Union (KNU) leaders based in Mae Sot, Thailand. By this stage, the KNU had been fighting against the military regime in Rangoon for the past 54 years. This visit was followed by a KNU delegation visit to Rangoon. By the end of 2003, the KNU and the SPDC agreed upon a verbal ceasefire and formal ceasefire discussions commenced in early 2004. Though, by the end of 2004, a formal ceasefire agreement had still yet to be reached. Despite the verbal ceasefire agreement, SPDC army units used the freedoms granted to them under the ceasefire to further encroach upon KNU territory and commit human rights violations against Karen civilian populations without fear of reprisal. Unsurprisingly, the negotiations fell apart and the KNU soon returned to arms.

Hot on the heels of the KNU's decision to engage in ceasefire talks, the Karenni National Progressive Party (KNPP) also announced plans to engage in ceasefire discussions in late 2003, and while talks had been scheduled for early 2004, progress was thwarted when the KNPP and SPDC disagreed over the KNPP's position of negotiation. Like most other ceasefire 'negotiations', the SPDC had demanded a full surrender and would not entertain anything which could be considered a compromise. Human rights abuses perpetrated against the civilian population of Karenni State by the SPDC and its allied ceasefire groups continued to be reported throughout 2004, yet in spite of this, the KNPP continued to express the desire to engage in formal ceasefire discussions with the junta.

On 19 October 2004, the SPDC was reshuffled yet again with the purge and arrest of Prime Minister Khin Nyunt and many of his affiliates. Lieutenant General Soe Win was appointed as the new Prime Minister and Lieutenant General Thein Sein replaced Soe Win as Secretary 1. The reshuffle included several other shifts in SPDC leadership and was viewed by many analysts as a consolidation of hardliners loyal to Than Shwe among the top leadership of the SPDC. As Khin Nyunt had played a key role in the formation of most ceasefire agreements, his removal raised concerns regarding the status of these agreements with the newly-appointed leaders. However, the SPDC indicated that all ceasefire agreements would remain unchanged.

In conjunction with the reshuffle, on 22 October 2004, the 1983 law on the National Intelligence Bureau (NIB) was annulled, and the NIB as well as the MIS, which had been under the direct authority of Khin Nyunt, were dissolved. In the months that followed, 300 top level former MI agents were arrested, some 1,500 were "*allowed to retire*", and approximately 2,500 were transferred to active combat duty. Dismemberment of the NIB, however, did not spell the end to MI in Burma. Intelligence operations have since been reorganized to function under the Office of the Military Affairs Security and report directly to the regional military commands.

The removal of Khin Nyunt as prime minister and dissolution of the NIB was followed by three mass prison releases over the course of 2004. However, out of the 14,318 prisoners released from prison during November and December 2004, only 76 were political prisoners. Among the 76 political prisoners released was well known activist Min Ko Naing, chairman of the All Burma Federation of Student Unions (ABFSU), who had been imprisoned for over 15 years. Another mass release of prisoners occurred on 3 January 2005, with the NC a little over a month away and the regime desperate to gain political favour. The SPDC released 5,588 inmates from prisons around the country, however, this time; only 23 political prisoners were among those released.

Since the ouster of Khin Nyunt, the military leadership has been in a state of constant flux. At the end of May 2005, the regime underwent yet another major reorganisation with a reshuffle of about half of the regional commanders. Then, in August 2005, several high ranking SPDC officers were removed from their posts and placed under house arrest or were "*permitted to retire*". The following year saw the continuation of this power struggle

within the upper echelons of the SPDC. On 26 January 2006, Lieutenant General Myint Swe, a known close ally of Than Shwe, vacated his post as commanding officer of the Rangoon Command to be appointed as chief of the newly created Bureau of Special Operations (BSO) under the Ministry of Defence. Subsequently, yet another large-scale shake-up was initiated in mid-May 2006, which called the country's top 12 generals together, and on 16 May 2006 it was announced that four top officials were "*ready to retire*". It was believed at the time that Senior General Than Shwe was favouring a younger generation of graduates from the National Defence Academy who could contribute to a new program of economic liberalization and transition to civilian government in which Than Shwe could adopt the role of President-for-Life.

Meanwhile, in an attempt to feign some level of stability and progress within the country, the regime announced plans to recommence the National Convention on 17 February 2005. In the lead up to the February 2005 session, the junta made efforts to stifle all potential opposition to the process by targeting and harassing opposition groups. Political and ethnic minority leaders were subject to arrest, detention, and other abuses at the hands of the SPDC in an attempt to silence resistance to the regime's agenda. The regime arbitrarily extended the detention of ten prominent political dissidents, including NLD leaders, Daw Aung San Suu Kyi and U Tin Oo as well as several elected MP's. Military build-up and increased hostilities in the ethnic areas also continued. The SPDC also arrested several prominent Shan activists and leaders, including General Hkun Htun Oo and General Hso Ten, chairmen of the Shan Nationalities League for Democracy (SNLD) and the Shan State Peace Council (SSPC) respectively, only days before the February session was scheduled to resume. These leaders were later charged with treason and handed severely harsh sentences ranging from 70 years to 93 years imprisonment following the announcement of the establishment of an Interim Shan Government on 25 March 2005 and the later declaration of the independence of Shan State. The February 2005 sessions of the NC adjourned on 31 March 2005 without achieving any genuine progress towards democratic reform.

Before the NC was reconvened, the SPDC made the sudden and unexpected move of relocating its ministries, civil servants and operations to a remote site near Pyinmana in Mandalay Division, approximately 320 kilometres north of Rangoon. The move occurred at the auspicious time of 6:37 am on 6 November 2005. Civil servants were forced to relocate without advance notice, leaving families and businesses behind. The civil servants meanwhile found the site of the new capital near Pyinmana, later named Naypyidaw ("seat of the king"), unprepared for their arrival, with basic accommodations, facilities, and commodities lacking. Those who tried to resign were threatened with imprisonment, leading some to go into hiding. The site itself was reportedly surrounded by barbed wire and under heavy military guard. No official reason was given for the surprise move, although analysts have proffered numerous theories. Some of these have included: concerns over possible civilian protests in Rangoon; foreign criticism of the SPDC; fear of a sea-borne foreign military invasion; the need to locate the SPDC more centrally to direct its military campaigns against ethnic insurgencies along the eastern border; and to mark the establishment of a new dynasty just as the Burmese kings of old. Building and construction at Naypyidaw continued on a massive scale throughout 2006 and 2007, for which land was confiscated from thousands of local residents, and villagers and convicts alike were conscripted as forced labourers. In April 2006, in an apparent attempt to ease the tensions of the relocation, the SPDC awarded five to ten-fold salary increases to the nation's estimated one million civil servants, "*from Senior General Than Shwe right down to the country's road sweepers*".⁴³ The salary increase, however, only precipitated runaway inflation and resulted in the foreign exchange rate hitting an all time low of 1,450 kyat to the US dollar. Less than a month after the announcement, civil servants were informed that ten percent of their salaries was to be withheld and placed in trust on their behalf (although they were not permitted to retain the bankbooks or otherwise gain access to the money), and that their electricity and travel subsidies had been cut.

Meanwhile, the situation in many of the ethnic states continued to deteriorate. In November 2005, the SPDC launched its largest military campaign in Karen State in over a decade. In northern Karen State, Toungoo, Nyaunglebin and Papun Districts were flooded with thousands of SPDC army soldiers who proceeded to mount military attacks on undefended civilian villages without warning or provocation. During the attacks, SPDC army units deliberately and directly targeted Karen villages and their inhabitants, and operations resulted in egregious and large scale human rights abuses. The attacks continued into 2006, and unlike previous offensives, where the soldiers would withdraw from the hills with the onset of the monsoon, the attacks continued throughout the rainy season. Since that time, the attacks on civilian villagers and internally displaced communities, their food supplies and their livelihoods have persisted unabated. At the time of publication, the ongoing offensive was in its fourth year without pause or respite. Tens of thousands of villagers have been displaced as a result and an unknown number have been killed. Similarly, in central and southern Shan State, security forces continued to engage the opposition Shan State Army – South (SSA-S), with the SPDC employing other ethnic militias as auxiliary forces to suppress the rural population in these areas. The military maintained a program of forced relocation of villagers in the region that was accompanied by killings, rapes, and other abuses of civilians. In ethnic minority areas where the SPDC had established near total control over the local population, forced labour and extortion were rife, often enforced through the threat of arrest and torture.

Meanwhile, back in Rangoon, the NC reconvened in December 2005, only to adjourn again on 31 January 2006 without any discernable advancement. It once more resumed its activities on 10 October 2006 before going into recess on 29 December 2006. Participation in both 2006 sessions remained highly unrepresentative with several political and ethnic minority groups excluded from the proceedings. Like past sessions, the majority of the delegates in attendance were members of SPDC-sponsored organizations, such as the USDA. Furthermore, open discussion was largely circumscribed by the regime who actively stifled all proposals initiated by delegates that were not in keeping with its predetermined agenda. On 18 October 2006, the 179th Session of the Inter-Parliamentary Union (IPU) Governing Council in Geneva passed a resolution regarding the NC process, which was later endorsed by the UN Special Rapporteur on Human Rights in Burma, stating that:

“[T]he National Convention, in its present form, is designed to prolong and legitimize military rule against the will of the people as expressed in the 1990 elections, and that any transition towards democracy will fail so long as it is not genuinely free, transparent and reflective of the people’s will, and preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity”.

In the face of no real progress toward democratic reform and continued human rights abuses, certain sectors of the international community made some attempt to pressure the junta for reform. In September 2005, the global law firm DLA Piper Rudnick Gray Cary published *Threat to the Peace: A Call for the UN Security Council to Act in Burma*, a report commissioned by Vacláv Havel, former President of the Czech Republic, and Desmond Tutu, Archbishop Emeritus of Cape Town and Nobel Peace Prize Laureate. The report provided a detailed argument of why the United Nations Security Council (UNSC) was obliged to act on the situation in Burma, and added huge impetus to the international campaign to bring Burma before the Security Council. Following its publication, the United States (US) took up the case of having Burma placed on the UNSC’s formal agenda. Due to opposition from China and Russia, on 2 December 2005, the 15 Council members reached a compromise to receive a briefing on the situation in Burma.

UN Under-Secretary General for Political Affairs, Ibrahim Gambari, briefed the Council on 16 December 2005. In response, the SPDC invited Gambari to visit the country, where he was allowed to meet with Daw Aung San Suu Kyi. Subsequently, Gambari again briefed the Council on 31 May 2006, and the US stepped up their attempts to pursue a UN Security Council resolution underlining the international community's concerns about the situation in Burma. While France, Britain and other council members supported the US position; UNSC Permanent Members Russia and China continued to oppose their efforts.

On 1 September 2006, the US formally requested that the President of the Council, Greece, put Burma on the formal agenda of the Council. On 15 September 2006, after procedural voting of ten in favour (United States, Argentina, Denmark, France, Ghana, Greece, Japan, Peru, Slovakia and United Kingdom), four against (China, Congo, Qatar, Russia) and one abstention (United Republic of Tanzania), Burma was officially adopted onto the formal UNSC agenda. On 27 September 2006, three prominent members of the 88 Generation Students Group; Min Ko Naing, Ko Ko Gyi, and Htay Kywe, were arrested after issuing a statement in support of the impending UNSC debate. On 29 September 2006, the Security Council initiated discussions on Burma, but continued opposition from China and Russia as well as South Africa frustrated attempts to pass a resolution.

The year 2006 also saw a significant toughening of the International Labour Organization's (ILO) stance towards the Burmese regime. At the ILO Governing Body meeting in March 2006 the members agreed to begin reviewing new courses of action which could be taken against the regime for its non-compliance with the Forced Labour Convention, to which it is a States Party. The key sticking point was the continued lack of any viable complaints mechanism for accusations of forced labour, and the new practice of prosecuting people for "*false complaints*". Three options for future action were presented to the annual ILO conference in June. Two involved referring Burma to the International Court of Justice (ICJ) and the other would see the establishment of an *ad hoc* tribunal to rule on the matter. In response to this increased threat of international legal measures the regime immediately released prominent labour rights activist Daw Su Su Nway, who had been imprisoned after bringing convictions against local officials for forcing villagers to work on a road building project. On her release, Su Su Nway declared that she would be keeping her prison uniform as she knew that the regime would only move to re-arrest her again in the future. The SPDC later released another high profile prisoner, U Aye Myint, who was being held on similar charges. Despite these releases, it was widely felt among ILO members that the actions did not go far enough and as a result the ILO remained firm on its insistence that effective action on the establishment of a complaint mechanism had to be made by November 2006. This deadline subsequently passed with no further progress on the issue. The ILO Governing Body then agreed to begin full preparations to refer Burma to the ICJ for an advisory opinion on the matter and placed the issue on the agenda for a final decision at the Governing Body meeting in March 2007.

While the Association of South East Asian Nations (ASEAN) has traditionally preached non-interference in the internal affairs of its member states, the year 2006 saw unprecedented pressure placed on the SPDC from its neighbours, compelling Burma to decline its first opportunity to chair ASEAN. The SPDC also agreed to host an ASEAN envoy to assess their progress towards democratic reform. After constantly delaying his visit, the envoy was finally authorized to visit the country in March 2006, although he interrupted his mission and left the country when the SPDC refused to allow him to meet with Daw Aung San Suu Kyi. Subsequently, several ASEAN members issued very critical public statements highlighting the significant absence of progress, in terms of democracy and human rights, within Burma.

Regardless of international pressure and condemnation, the regime continued to commit severe and widespread human rights abuses against the civilian population of Burma, including the use of forced labour, forcible recruitment of child soldiers, extra-judicial killings,

arbitrary arrests, rape, torture, forced relocation and the confiscation of property. Similarly, the regime continued to heavily restrict fundamental freedoms, including the freedoms of speech, assembly, association, press, movement, and religion. While such abuses were committed under the rubric of counter-insurgency, security and development; in actuality they have significantly impeded civilian's attempts to sustain their livelihoods, and have created large scale human insecurity within the country.

Harassment against political organizations continued, with a widespread campaign mounted throughout 2006 to pressure members of the NLD and SNLD to resign their posts, and the regime again extending the terms of house arrest for Daw Aung San Suu Kyi and U Tin Oo on 27 May 2006 and 13 February 2006 respectively. On 12 February 2006, Burma's Union Day, the NLD issued a statement offering to recognise the SPDC as the country's legitimate government *de jure*. The unprecedented (and somewhat suspicious) proposal came on condition that Daw Aung San Suu Kyi be released from house arrest and a parliament convened in accordance with the election results of 1990. The NLD further pressed for its offices to be reopened nationwide and for a cessation to the pressure on its members to resign. The NLD's Union Day proposal was formerly rejected in April 2006 by Information Minister Brigadier General Kyaw Hsan who warned that the NLD could be criminalized as it maintained contact with "terrorist" organizations – a common euphemism for organizations operating in opposition to the central military regime.

In 2007, public outrage against the SPDC boiled over in the single-largest display of discontent against the regime in almost twenty years. Not since the nationwide protests in 1988 had there been such a unified public outcry against the military. During the months of August and September, anti-SPDC protests were staged in 66 towns and cities in all of Burma's seven states and seven divisions across the country. At least 227 separate protests were reported to have been staged across the country. In August 2007, the SPDC suddenly announced sharp increases in the prices of fuel. The price of diesel had doubled overnight, while Compressed Natural Gas (CNG), which powered the vast majority of Burma's public vehicles, had increased by over 500 percent. Commodity prices shot up accordingly with some reports maintaining that the cost of a standard plate of noodles at a roadside food stall had tripled in the space of two weeks. Over the following weeks, hundreds of civilians in Burma's cities had begun to protest to rising prices, and on 28 August 2007, Burma's monastic community (the "*Sangha*") had become involved. The sharp increase in food and commodity prices had threatened to upset the important bond between the monastic and lay communities, in which the former rely on the latter for food, and the latter upon the former for spiritual guidance. Many civilians were no longer able to afford to support the monks in addition to their own families. On 5 September 2007, a demonstration of approximately 500 monks and nuns in Pakokku, Magwe Division, was dispersed when SPDC army soldiers had fired warning shots over their heads and beaten a number of them with the butts of their rifles. One monk was confirmed killed and the situation quickly escalated. Two days later, on 7 September 2007, an underground association of Buddhist monks, referring to themselves as the All Burma Monks Alliance (ABMA) issued a series of demands on the SPDC, which included: a public apology for the mistreatment of their fellow monks, an immediate reduction of all basic food and commodity prices, the unconditional release of all political prisoners, and the immediate commencement of genuine dialogue with the democratic opposition for national reconciliation. The ABMA warned that if their demands were not met within ten days, they would call upon the monastic community throughout the country to enact a *Patam nikkujjana kamma* ("overturning of the alms bowl") boycott of the regime and its associates. This boycott, which represents the harshest criticism that the monastic community can deliver, proscribes all religious activities involving the junta, including the acceptance of alms. On 17 September 2007, without a single demand being met, the excommunicative decree of the SPDC was read out in numerous locations around the country.⁴⁴

The following day, on 18 September 2007, the “Saffron Revolution” began with a procession of an estimated 1,000 Buddhist monks marching through the streets of Rangoon, protected by thousands of civilians who formed a human chain around them. Other, similar sized processions were reported from around the country, including Pegu, Sittwe, Aungmye, Pakokku, Mandalay and Kyauk Padaung. Protests continued across the country over the next few days, until, in an unexpected turn of events, on 22 September 2007, a crowd of an estimated 2,000 protestors, approximately half of whom were monks, were allowed to pass security checkpoints and continue on to the home of detained opposition leader Daw Aung San Suu Kyi who reportedly emerged tearful from her home to pay her respects to the monks. It remains unknown why the SPDC had allowed this to happen as this act only served to fan the flames of the protestors. By 24 September 2007, crowds estimated to number somewhere in the vicinity of 100,000 protestors were taking to the streets of Rangoon, Sittwe, and other locations around the country. Buddhists and Muslims reportedly walked side by side, unified in their fight against the regime where one Burmese Muslim later commented: *“For the first time in our lives we felt a sense of solidarity with the Buddhist Burmese”*. The daily protests continued, despite the imposition of night time curfews and warnings issued by the SPDC.⁴⁵

On 26 September 2007, a day which will live on in infamy in the annals of Burmese history, hundreds of SPDC army soldiers, riot police and members of the USDA and *Swan Arr Shin* were stationed throughout Rangoon; monasteries were sealed and barricades were set up at strategic points around the city. A procession of approximately 1,000 protestors were cornered by security forces as they approached the Shwedagon Pagoda and the soldiers had ordered the monks into waiting trucks so they could be returned to their monasteries. The monks refused and a standoff ensued. At approximately 11:30 am, a senior monk, reported to have been over 80 years of age, approached the security personnel to negotiate a solution but was immediately pushed to the ground and beaten with the butt of one of the soldier’s rifles. Enraged over the treatment of so senior a monk, a number of youths attempted to intervene, but also became targets and were beaten about the head with bamboo staves. Soon after, the riot police attacked the trapped protestors, beating and arresting whoever they could get their hands on. At least three protestors were killed in this initial confrontation. Those who were able to escape reassembled a short distance away near the Sule Pagoda, where again they were met with violence at the hands of the security personnel. Some reports maintained as the day progressed; SPDC army soldiers had begun to fire indiscriminately into the crowds with live ammunition.⁴⁶

That night, a number of monasteries around Rangoon were raided by security personnel to remove the monks and the legitimacy they gave to the demonstrations. Hundreds of monks were arrested and detained. The following morning, numerous monasteries were littered with spent rubber bullets, broken glass and pools of blood.⁴⁷

Despite the heavy presence of security forces on the streets and the use of lethal force the previous day, the demonstrations continued in Rangoon on 27 September 2007 and over the days which followed. The number of monks participating in the protests, however, was much smaller than on the previous day, largely due to the night time raids on a number of monasteries throughout Rangoon, and ongoing security presence at others.

It remains unknown how many people were killed during the protests. Information networks were disabled; security personnel deliberately targeted journalists and individuals with cameras and mobile phones; the bodies of the wounded and dead were quickly removed following each protest; and there were credible reports of secret night time cremations, all designed to cover up the actual number of dead. SPDC Police Chief Khin Yi has maintained that only 15 persons had been killed during the crackdowns. This figure was widely dismissed as being little more than an attempt to conceal the true number of those who had lost their lives. Paulo Sergio Pinheiro, the UN Special Rapporteur on the Human Rights

Situation in Burma, reported of having uncovered evidence of twice this number of deaths in Rangoon alone. Meanwhile, at the time of publication, the Assistance Association for Political Prisoners in Burma (AAPPB) alleged that several hundred protestors who had been arrested by security personnel during the demonstrations still remained unaccounted for, approximately two years after the protests. With protests staged in no fewer than 66 towns and cities across the country, many of which lack reliable information, coupled with the systematic removal of the dead and wounded from the site of each crackdown, and the disposal of the bodies during secret night time cremations, the number of fatalities may well be as high as 100. Sadly, as with the mass public protests of 1988, we may never know the true human toll of the Saffron Revolution.⁴⁸

Following the protests, the SPDC launched a “*witch hunt*” in search of those who had participated in the protests, and by the first week of October 2007, it was reported that an estimated 6,000 people had been arrested. The arrests, however, did not stop there and continued into 2008. Many activists were forced to flee or go underground to escape the authorities. Hundreds fled the country as refugees.

Just as the country was recovering from the aftermath of the Saffron Revolution, the people were thrust right back into crisis. On 2 and 3 May 2008, Tropical Cyclone Nargis struck the Burmese coastline with winds of up to 215 KPH (135 MPH) in what has become the single-most catastrophic natural disaster in Burma’s history and the second deadliest named cyclone in the world’s recorded history. The cyclone affected communities in Irrawaddy, Rangoon and Pegu Divisions as well as those in Mon and Karen States. The United Nations estimated that as many as 2.4 million people from those areas had been adversely affected by the cyclone. It has been estimated that at least 140,000 people had died and one million more had been displaced. The UN had further estimated that as much as 95 percent of all the homes and infrastructure in Bogale Township in Irrawaddy Division had been destroyed. Meanwhile, official figures maintained that only 84,000 had died with a further 54,000 unaccounted for. Though the SPDC had known of the existence of the storm since 26 April 2008 as it grew in the Bay of Bengal, no effort was made to evacuate local populations or even provide them with warning of the approaching disaster. It was not until the day that the cyclone struck that the SPDC published an alert warning of “*widespread rain or thundershowers*” in the State-controlled media.

While the world was on Burma’s doorstep with offers of aid for the devastated population, the SPDC sat on its hands and did little to help its own people. Offers were turned down and visas for aid workers were rejected. When foreign aid workers were eventually allowed into the country, they were denied access to many of the worst affected areas and relief supplies were either misappropriated by the military or relabelled so as to appear to local communities that it was the SPDC who was responsible for the provision of aid. In mid-May 2008, less than two weeks after the cyclone had struck, reports began to emerge of the forced eviction of cyclone survivors from relief centres. Hundreds of thousands of displaced persons were forced out of schools and monasteries where they had taken refuge and ordered back to their villages, the majority of which no longer existed. Meanwhile, reports emerged of survivors performing forced labour for the military in exchange for food. By mid-July 2008, the junta had prematurely closed almost all of the relief camps in Irrawaddy and Rangoon Divisions, telling those interned there that “*The government has given you enough assistance and relief material so you must go back home*”.

Despite the extensive devastation wreaked by the cyclone, and the estimated 140,000 deaths it caused, the SPDC moved ahead with its planned constitutional referendum as planned on 10 May 2008. Many of the evictions and forced relocations of cyclone victims out of schools and assembly halls were carried out so that those venues could be used as polling stations. Members of the international community and UN Secretary General Ban Ki Moon requested that the referendum be postponed and concentrate all available resources

to responding to the disaster. In apparent response to the global revulsion of their response, the SPDC awarded a postponement of the voting in a number of the worst affected areas, including in seven townships in Irrawaddy Division and 40 townships in Rangoon Division. This concession, however, was given purely to appease the international community and voting was to go ahead in these areas also on 24 May 2008.

However, on 15 May 2008, more than a week before these areas were even able to cast their votes, the SPDC had already announced the election result. Chairperson of the Referendum Holding Committee, Chief Justice Aung Toe, announced on State radio that Burma's draft constitution had been "*overwhelmingly approved*" with 92.4 percent of voters casting their ballots in favour. He further claimed that there had been a 99 percent voter turnout and that of the more than 22 million enrolled voters, 20,786,596 had voted yes. Numerous reports emerged of election fraud, including the use of coercion and bribery, of voters being given ballot papers which had already been marked in favour of the constitution, of harassment and intimidation both at home and at the polling station, and of villages being visited by SPDC authorities ahead of the polling day and forced to cast 'yes' votes on absentee ballot forms. The results, were unsurprisingly, rejected by members of the opposition and the wider international community as a "*sham*".

Unfortunately, the approval of the constitution will likely result in fortifying and entrenching the military's position of power even further. The constitution stipulates that 25 percent of parliamentary seats and 33 percent of all state and regional assemblies be reserved for military personnel; that the Ministry of Home Affairs and Ministry of Border Affairs fall directly under military control; that the military operates independently of all branches of government and answers only to its commander-in-chief; that no legal action can be taken against those "*who officially carried out their duties according to their responsibilities*" during the period of military rule; that any person married to a foreigner is illegible for contesting Burma's presidency (thus rendering Daw Aung San Suu Kyi, who had married Englishman Dr Michael Aris, ineligible); that all ceasefire groups are obliged to surrender their weapons; and also completely failed to provide for the rights of ethnic minority groups.

With the referendum over and the constitution approved in favour of the SPDC, it looks likely that the intended 2010 general parliamentary elections will go ahead as planned. However, it is unlikely that they will spell much of a change for the people of Burma. All of the evidence suggests that rather than permitting free and fair elections to take place, the SPDC will continue to engineer the process to ensure that the military retains its grip on power; they learned their lesson in the 1990 general elections. However, the incredible contrast between the results of the 2008 constitutional referendum and the public outpouring of dissatisfaction with continued military rule manifested through the September 2007 Saffron Revolution protests highlights the phenomenal disparity between what is good for Burma's military elite and what is good for the Burmese population.

Endnotes

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The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15th annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

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Human Rights Documentation Unit

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