Burma

Mapping the Challenges and Opportunities for Dialogue and Reconciliation

A Report by
Crisis Management Initiative
Martti Ahtisaari Rapid Reaction Facility
Burma:
MAPPING THE CHALLENGES AND OPPORTUNITIES FOR DIALOGUE AND RECONCILIATION

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Martti Ahtisaari Rapid Reaction Facility*

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The Union of Myanmar (Burma) has suffered political and ethnic conflict for more than half a century, which continues to hamper the country’s social, political and economic development. The present report, prepared by the Crisis Management Initiative for the European Commission, seeks to map the conflict landscape, including its history, the actors involved, and the main obstacles and opportunities for dialogue and reconciliation. It assesses the change processes currently underway in the country and considers relevant comparative experiences from similar transitions elsewhere in the world. The final section contains specific recommendations to the EU and its member states, with particular attention to the possible role for a private (track-2) facilitator.

Section I: Overview of the Conflicts

Since Independence in 1948, the central government has faced armed rebellion from several dozen ideological, ethnic and economic groups, including the Communist Party of Burma (1948-89), the Karen National Union (1949-) and the All-Burma Students Democratic Front (1988-). According to the Uppsala Conflict Dataset, the number of direct battle deaths reached more than a thousand in most years from 1948-1994 with gradually receding peaks in 1948-1954, 1963-74, 1985-88 and 1990-94.

Since the mid 1990s the number of battle deaths has fallen to a few hundred per year, reflecting the spread of ceasefires and gradual weakening of the remaining insurgent forces. By contrast, political opposition at the heart of the state has substantially increased since the 1988 uprising and the take-over of power by the State, Law and Order Restoration Council (SLORC), later renamed the State, Peace and Development Council (SPDC).

The consequences of these continuous conflicts has been cumulative and devastating for the country and its people, resulting in a chronic social, political, economic and humanitarian crisis. Since 1948, Burma has seen:

- 1,000s of political activists murdered, tortured or jailed;
- 10,000s of combatants and non-combatants killed in war;
- 100,000s of mainly ethnic minority villagers displaced from their homes in conflict zones; and
- 1,000,000s of people from all nationalities suffering poverty or illness as a consequence of conflict and resultant emergency governance.

Clearly, peace is vital for Burma to progress. And peace is needed now, before the country’s institutions and conditions of life deteriorate to a point from which recovery will be impossible.

Section II: Conflict Actors

• The Military

Burma’s military rulers are engaged – as they have been for nearly fifty years – in fashioning a state that will ensure enduring order and stability according to their own interpretation of national security imperatives. This objective serves the perceived interests of the country, as well as the regime and the armed forces – the needs of which are conflated and largely equated with the needs of the people.

Although the new constitution formally establishes a multiparty democracy with regular elections and associated civil and political rights, key elements of a democratic system are lacking: The separation of powers is circumvented by the extensive authority provided to the president to appoint, dismiss or otherwise control legislative and judicial officials; all democratic rights are subject to laws enacted for national security and prevention of law and order; and the military will maintain a dominant role in politics, as well as full autonomy in its internal affairs. Similarly, although the constitution implicitly sets out a structure of regional federalism, with fourteen regions and states of equal status – each with its own executive, legislature and judiciary – and with a bicameral parliament, where the “upper house” has a legislative role, the actual sharing and decentralisation of power is limited.

The elections scheduled for 2010 will be governed by a newly appointed political party and election laws that have yet to be publicised. According to government officials, all existing political parties will be allowed to re-register, including the NLD, and the ceasefire groups will have the option of transforming themselves into political parties. Other new parties will also be allowed, although some form of threshold will supposedly be imposed to avoid the situation in 1990 when more than 200 parties registered and 93 eventually ran in the election. Yet, many things remain unknown: What role, for example, will the USDA play? How much campaigning will be allowed? And how will the constitutional stipulations concerning the required qualifications of candidates for parliament be interpreted, especially in regard to Aung San Suu Kyi and former political prisoners?

The prevalent assumption is that the USDA, which today claims nearly 24 million members, will be turned into a political party before the elections. The USDA was set up in 1993 – soon after the convening of the National Convention – explicitly to support the regime’s “national” objectives. Since 2004, local USDA chapters have been directed to further step up their recruitment drive and involvement in local development projects, the latter seemingly in an effort to build support in local communities. Individual members have also increasingly been given formal administrative roles, for which they are provided training by military and government officials in such matters as the management and control of local communities. It seems likely that USDA members will be favoured in the future not only politically but also for local
administrative positions as a means of securing continued centralisation of power through strict hierarchies.

Like any other institution, the Myanmar Army is a product of its history and environment, which have created a number of enduring “mindsets” that strongly influence its governmental behaviour. Contrary to Western liberal democratic thinking, the Myanmar Army perceives political leadership as an integral part of its professional role and responsibilities. The outbreak of multiple insurgencies immediately after independence in 1948, followed closely by the invasion of Chinese nationalist Kuomintang forces in Eastern Shan state, made the first civilian government dependent on the army, which from the outset enjoyed considerable autonomy as it undertook critical security and state-building tasks, especially in remote areas of the country. These experiences, coupled with the perceived failures of politicians in the 1950s, set the stage for the 1962 military coup and subsequent attempts to resurrect the state under military leadership that continue today.

From the SPDC’s perspective, a transition to democracy could undermine everything the army has worked for since before Independence. Aside from a deep-seated disdain for civilian politicians, which they believe historically have shown themselves to be weak, parochial and incapable of managing the state’s affairs, the military leaders are worried about the NLD’s apparent commitment to a federal system of government and close relations with Western governments. These policies set the main opposition party on a course that many in the armed forces believe would destroy national unity and threaten the country’s sovereignty. For the military leaders who see themselves as “guardians of the state”, and the army as the only institution with genuine national aspirations, this makes it impossible to contemplate allowing a new civilian government a free reign. The military’s leading role in national politics, as explicitly stated in the principles of the new constitution, must be secured.

It is important to recognise that the new constitution, for all its shortcomings, does constitute a compromise by the SPDC; it is under no urgent pressure to give up power. For the time being, at least, any further concessions to democracy or federalism is likely to be unacceptable to the powers-that-be.

• The Democratic Opposition

Although technically a political party, the NLD is better understood as a social movement. Its original programme was: “To organise unity among the democratic forces, to protect the democratic rights of the people, and to create conditions for holding a free and fair general election in order to form a genuine democratic government in conformity with the will of the majority of the people”. This focus on regime change has remained.

In pursuing this national agenda, the NLD has called for dialogue with the military, rejecting the path of violence and revolution. Aung San Suu Kyi personally has often spoken with respect about the army, which her father founded and, particularly in recent years, has been stressing that everything is open for discussion. The party, however, has insisted that the people’s call for democracy, expressed in the 1988 uprising and 1990 election, must be respected and thus for the past twenty years has refused to cooperate with the government-led transition process.

The principled stand of the NLD has put it at loggerheads with the government. Having rejected violence, including street protests, the NLD has had few domestic means of forcing the SPDC to the negotiation table and breaking the deadlock. Instead, it has relied mainly on the international community (and time) to help pressure the military leadership to engage in substantive dialogue. Aung San Suu Kyi first started calling for sanctions soon after her release from house arrest in 1995. She later repeated these calls in numerous interviews, most recently in private discussions with foreign diplomats in early 2003, shortly before she was re-detained.

Time has not been kind to the NLD, which has fractured under pressure from the authorities and lack of political progress and today faces a serious crisis of leadership as well as waning public confidence. Each crackdown has left the party weakened, its membership diminished, and internal cohesion under increasing pressure as hopes for victory have subsided. While many supporters understandably celebrate the leadership and ideology of the NLD, former members describe a party suffering from internal disunity, authoritarian management and ineffective strategies.

During the 1990s, Aung San Suu Kyi’s towering influence (and the international community’s single-minded focus on the NLD) helped keep the party united and other activists largely unified behind it. Over the past 5-6 years, however, the continued deadlock and internal strains in the movement have given rise to growing criticism. NLD members have called for a rejuvenation of the party and a new strategy. In the exile community, some have begun questioning whether the democracy movement needs a new vanguard party. This is all symptomatic of growing perceptions of a crisis within the NLD.

In recent years, the weakness of the NLD-led opposition has seen a growing counter-movement among people who believe the best way forward is to focus on how the country is governed rather than by who. This “new” opposition is not a coherent movement, but rather a collection of individuals and organisations sharing a common view of the situation and the prospects for change. They do not believe that defeat of the military or genuine democratisation is a realistic goal in the foreseeable future. Thus, they seek for ways to engage with, and within, the existing system to achieve their objectives, which vary from political reconciliation to policy reform, capacity-building and social improvements. They believe progress can be made without necessarily changing the regime, either by influencing or complementing the current government.

• Ethnic Insurgent Groups

Most observers today count only three significant insurgent groups: the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army South (SSA-S). No longer able to control and tax the black market trade, which for decades provided their main income, even these main groups are facing serious problems arming and financing their armies, and all three are critically dependent on continued Thai hospitality for their survival. Still, they keep the flame of insurgency alive and, as such, have significance beyond their numbers and the threat they pose to the military government.
Although the insurgent groups, in principle, all favour peace talks, they insist that any ceasefire agreement must be accompanied by direct negotiations concerning their core political demands. Burma’s ethnic conflicts, they argue, are constitutional in nature and require political solutions – agreeing to anything less would amount to surrender and a betrayal of the ideals for which they have been fighting for so long. They criticise the existing ceasefires for merely facilitating increased government control of the border regions at the expense of ethnic aspirations and the welfare of local populations, and do not believe they will lead to peace.

Some senior leaders and commanders in the KNU/KNLA, however, have indicated that they might be willing to accept a ceasefire agreement without the precondition of a political settlement. They worry that efforts to rebuild their areas cannot be postponed any longer and believe they can do better than the existing ceasefire groups if they eschew their political demands and focus on their people’s more immediate needs. It was this kind of thinking that led to the “gentleman’s agreement” in December 2003 to cease hostilities.

• Ceasefire Groups

The ceasefire groups fall in two categories. The main groups have all been given formal autonomy over areas defined as Special Regions, together with varying levels of financial support and business opportunities for the development of their areas. They have pledged to cease hostilities against the government and avoid any cooperation with the remaining insurgent groups, but remain under arms, supposedly until the new constitution is in place. By contrast, many smaller groups – mostly breakaway factions from the larger ceasefire and non-ceasefire armies – have “exchanged arms for peace” in arrangements that are closer to outright surrender. They have been provided some land for resettlement and receive economic support from Rangoon, but have little or no autonomy.

Like the remaining insurgent armies, the main ceasefire organisations maintain their long-standing quest for self-determination and equal rights within the Union. They have chosen, however, to pursue this goal by an alternative path, emphasising dialogue with the government and development of their war-torn communities. By the late 1980s, war weariness was setting in among many ethnic veterans who had been fighting in the jungle for decades with little to show for it. With the prospect of epoch-shaping changes underway in central Burma, they were concerned about getting on the inside of the political process, lest they be left marginalised in the jungle for another half a century. There was also growing pressure from local communities that had suffered immensely from the long-running civil war and now wanted peace. From this perspective, the government’s new ceasefire policy provided armed opposition groups an opportunity to enter the country’s transitional landscape as “legal” entities and at the same time begin to address the mounting socioeconomic challenges facing their people.

Within some ceasefire groups, pressure has been building to withdraw cooperation with the government. Such reassessments reflect a number of considerations, including fear that the ceasefire groups are losing their legitimacy as the vanguard of their communities, dissatisfaction with personal benefits arising from the ceasefire agreements, or anger over continuing human rights abuses and lack of development of their areas. Most ceasefire leaders, however, are concerned about not losing their opportunity for participating in national politics, whatever the outcome. The lessons from the 1950-80s have been learned and few believe that continuing distant armed struggles will bring any resolution to their problems. They want to keep arms as a measure of protection, but may accept an arrangement whereby they are reconstituted as local security forces.

Section III: Conflict Diagnosis

Burma’s conflicts exhibit many of the characteristics of intractable conflicts elsewhere in the world: The situation is highly complex, involving multiple actors and interlocking issues; the parties see issues involved as having a zero-sum nature; conflict itself has become embedded in the mentalities, behaviours and institutions of society; and there is no mutual hurting stalemate which could push all sides towards compromises. There are, however, some potential openings for reconciliation.

• Obstacles to reconciliation

The complexity of the conflicts in Burma makes it hard to identify causes and solutions. The ethnic nationalist struggle for local autonomy and group rights, for example, was a significant contributor to the failure of democracy in the 1950s and the emergence of an all-dominant military, and continues to complicate civil-military relations today. Conversely, the struggle for democracy has complicated the ethnic struggle, most notably by raising questions about which Burmese to negotiate with. While the ceasefire groups have opted to take their chances with the military regime rather than seek to forge a common front for regime change, the KNU, in particular, in aligning itself with democracy groups on the border, has taken on the responsibilities of the wider democratic struggle.

Resolving conflicts requires identifying a compromise that satisfies the core interests of all the main parties involved. Yet, the values at stake in Burma are not easily shared. The military and the democracy movement compete essentially for control of the central state; while the military and the ethnic nationalists struggle over who rules in local areas. Although all sides are supposedly committed to the development of the country and welfare of their constituents, the prospect of reconciliation is weakened by this preoccupation with who governs (rather than how).

The irreconcilable nature of the conflicts is compounded by the fact that the issues have become entangled in the broader views of history and mythologies of each side. While the military insists that the Union of Burma has existed since ancient times and only was divided by the British colonialists, ethnic nationalists maintain that the Karens, Kachins, Shans and other minorities are nations in their own right with historic homelands and rights of self-determination. Similarly, while the military justifies its leadership role in terms of its historic role of safeguarding the nation against internal and external enemies, the NLD has projected its struggle as “the second struggle for independence”, implying that since 1962 the military has in fact
robbed the people of Burma of their freedom and right to determine their own destiny. Rather than simply competing for power, all sides have come to view themselves as fighting historic struggles to restore something which is inherently right (and righteous), thus reinforcing perceptions of non-negotiable positions.

Decades of conflict have led to its “institutionalisation”: conflict has become embedded in the conceptions of people of each other, as well as in the broader political culture and the identity of the main conflict parties. This means that even if a reasonable compromise could be imagined, leaders, factions or even communities may resist it.

At the same time, there is a lack of experience in Burma of dealing with disagreement by peaceful means. From the independence struggle, through a democratic period marred by high levels of political violence, followed by more than forty years of military stewardship, arms have been the primary means used, not just in the pursuit of power, but also to settle differences over state policy and direction.

The talks between longstanding enemies, which have taken place over the past one and a half decades, demonstrate a perception among moderates on all sides that violence holds no solutions. Yet, so far, the perceived need to break the political deadlock has not been matched by sufficiently widespread confidence that a satisfactory outcome can be reached through cooperation and compromise.

**Opportunities for reconciliation**

The military leadership recognises the importance of legitimising the transition process, and, over the years, have regularly sought dialogue with members of the opposition. So far, these contacts appear to have been aimed essentially at co-opting the opposition rather than negotiating more substantive compromises. It remains a possibility, however, that the military leadership would agree to liberalise politics within the parameters of the constitution.

A starting point for compromises could be in the parts of the constitution that are ambiguous or contradictory. Some of these parts (related to the political role of the military, emergency powers, eligibility criteria for the president and members of parliament, and the military’s independence of and non-subordination to civilian leadership) are among the ones that the opposition is most concerned about. By discussing the relevant clauses, clarifying and specifying their contents, it might be possible to start a process through which compromises can be made by the government, without it being seen to back down, and members of the democracy movement and ethnic nationalist groups can come to see the constitution in a more positive light.

In any case, the transition to constitutional government in 2010 will limit the exercise of arbitrary personal power as executive decisions become subject to a legislative process. The shift to civilian politics within a more stable, long-term framework should also alleviate the preoccupation with security issues (over welfare). In the ceasefire areas, the civilianisation of local politics has already begun. The cessation of open hostilities have changed the challenges of government, and in some areas have facilitated the emergence of a new and fairly dynamic civil society, which not only has taken over significant governance responsibilities, but also appear likely to be producing a new generation of local, or even national, political leaders. Through such changes, civilian, democratic politics could gradually emerge. This is how democratic transitions have occurred in many other countries, including Thailand, Indonesia and South Korea, which may be relevant comparisons.

**Burmeses views and hopes**

Many in the opposition believe the roadmap is no more than a ploy to perpetuate the power and privileges of the military. They distrust the SPDC immensely and do not believe that any process under its control could have positive outcomes. Thus, they continue to fight the transition with all means available in the hope that the generals can still be forced to revise the constitution and allow a more inclusive and collaborative transition process to go ahead.

By contrast, some government officials believe a managed transition, aimed at ensuring stability could gradually give way to more democratic politics. Thus they urge the critics (both at home and abroad) to see the roadmap as an opportunity for change and engage in the process to seek to modify rather than reject it.

Many Burmese intellectuals and community leaders fall somewhere in-between these two views. While they remain sceptical of the SPDC’s intentions, they do not perceive that they have any choice but to cooperate with the roadmap, and seek to push for change from “within”. This pragmatic view reflects fatigue and resignation, but also some degree of hope and even confidence in the future. Many civil society actors, in particular, feel that the space for social and, to a lesser extent, political activities are expanding.

**Section IV: Comparative Experiences from Other Countries**

**Sanctions and democracy**

Sanctions only work in about one-third of the cases where they are implemented, and then often only partially. Moreover, the use of sanctions must be adjusted to the power setting in the target state. If the aim is to topple a regime, one needs to be consistently tough/negative, whilst if one wants to persuade a regime to make democratic compromises, one needs to focus on making authoritarian behaviour less attractive than democratic behaviour by combining toughness with softness.

For the purpose of persuasion, sanctions have been most successful when:

- Sanctions affect the core interests of the authoritarian leadership.
- The effect of sanctions is not reduced by nations outside the sanctions regime that can replace the denied values.
- Sanctions are short and decisive so that the regime cannot, over time, work out strategies to compensate the denied values or direct the costs to the people or the opposition.
- Sanctions (financial rather than comprehensive trade sanctions) are strictly targeted against the regime and not against the nation or the people.
- Sanctions are conditional on the target’s behaviour rather than its identity. If the
target of sanctions feel that punishment would be forthcoming regardless of what it does, sanctions will fail. Sanctions that are imposed by enemies normally fail, too, because they are framed as hostile acts, while sanctions imposed by allies often succeed.

- The overall strategy maximises the incentive for compromise from the target. This can be done by combining sanctions with support for democratic compromise.
- Compromise by the target is made easier by considering nationalistic sensitivities and offering face saving formulas. In the context of a power struggle (where yielding would be a defeat), sanctions rarely, if ever, succeed in persuading the target.

Importantly, many of the long-term conditions that make democratisation more probable are difficult to combine with a strategy of economic pressure. Higher income levels and the emergence of a capitalist middle-class make democratisation more likely. Furthermore, higher levels of education make democracies more durable and resistant to populist authoritarianism.

- **Conflict resolution**
  In general, comparative evidence shows that democracy is strongly associated with a reduced risk of conflict, as it poses an alternative to violence by encouraging the resolution of disputes through the political process. However, in ethnically divided societies, simple majoritarian democracy can discriminate against minority groups, and elections can, in practice, become racial/ethnic censuses, if voting patterns and the party structures follow ethnic lines. Preferably, political structures that offer autonomy in regional and ethnic issues to local or ethnic administrations, and guarantee influence for diverse groups in national politics, are needed.

  Importantly, poverty breeds conflict and often needs to be tackled before a durable peace can be expected. All other things being equal, one can calculate on the basis of comparative evidence, that if Burma’s per capita income could be doubled its conflict risk could be halved, whereas if its per capita income halves, its conflict risk would be doubled. Thus a long-term strategy for transformation of Burma’s conflict structures has to manage to produce economic growth and diversify the economy and make economic growth more inclusive.

- **Good governance**
  Contrary to the assumption underlying Western policy on Burma, global experience does not support a claim that democracy needs to precede the development of good governance. However, it does not appear that good governance is a precondition either for the development of democracy. For a functioning democracy, democratic structures of decision-making are needed, but so is capacity for governance, and both of these goals can be addressed simultaneously.

  While the first steps on the path of democratisation seem to allow for focusing on macro and micro levels, the development of democratic attitudes and capacities of civil society are preconditions for the development of higher levels of democracy.

Once the basic requirements of democracy have been created, the development of effective democracy – the type of democracy that allows more developed popular participation – requires work at the level of civil society before progress can be achieved at the macro level. But this is a challenge that Burma will face later. At this stage, the lesson is that democratisation can be attempted simultaneously at the micro and macro levels.

Thus the challenge in international cooperation for democracy and good governance in Burma is how to work for a better polity in the country while at the same time working for better governance, and without allowing the work for one objective to sabotage the other.

**Section V: Conclusions and Recommendations**

Sanctions aimed at defeating the Burma government may serve important expressive purposes, but they are unlikely to succeed. To promote peace, human rights and economic development, Europe will need to engage with the government, as well as with other groups, in a more constructive manner.

- The EU should establish high-level access to the top military leadership in order to improve communication and identify areas of common ground. This will require lifting restrictions on high-level EU officials visiting Burma for dialogue, as well as on Burmese officials visiting Europe.
- The EU should expand cooperation with Myanmar in the areas of human rights, democracy, good governance and conflict prevention. The EU should also support efforts to diversify the Myanmar economy and distribute growth more equally. The private sector should be supported to take a greater role.
- The conflicts in Burma are likely to remain a mainly internal affair where outsiders might be allowed to help, but not in a manner that places control over the processes outside the country. A variety of unofficial European actors, including CMI, however, have developed strategies and mechanisms for assisting conflict resolution without exerting European control over the process, while simultaneously cooperating with the EU. Such an approach may be attempted in Burma too.
A. Background

The complex social, political and economic crisis facing Burma (Myanmar) today is the result of incessant warfare since Independence in 1948, compounded by poor governance and non-responsiveness of the political system to the needs of the people. For more than half a century, these two sources of crisis have fed upon each other, creating a vicious, self-reinforcing and self-sustaining cycle. The fighting has polarised society and caused a systematic redistribution of power and wealth in favour of those who control the guns, resulting in a break-down of normal administration and the rule of law, and contributing to a system that normalises violence and human rights abuses. At the same time, violent structures and bad governance have sustained political discontent. Although open conflict has subsided since a series of ceasefires in the 1990s, the mentality and structures of warfare and occupation persist within the central state, as well as in local areas outside its control, thus greatly complicating any efforts to establish peace, democracy and a market economy.

The EU and its member states, along with the broader international community, have committed to help overcome this situation by promoting dialogue and national reconciliation. The core of EU policy, to which all member states are committed, is identified in the EU Common Position, which was first adopted in 1996 and has since been revised regularly. This policy has three main strands: diplomatic and economic pressure (sanctions), a call for dialogue and cooperation in areas of common concern, and humanitarian and development assistance. Sanctions have been the dominant element, but since 2001 assistance has been stepped up significantly, and EU support for humanitarian needs has been explicitly separated from the political track (i.e. – such support is no longer conditional on political progress or the behaviour of the regime in general, but is provided purely on the basis of needs). However, remaining EU restrictive measures have been ‘supposedly’ selected to avoid hitting vulnerable sections of the population. The main focus is on the development of civil society, opening links to the outside world, as well as progress on Millennium Development Goals.

In addition to the Common Position, Mr. Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP), appointed Mr. Piero Fassino in November 2007 as the EU Special Envoy for Burma/Myanmar. Mr. Fassino’s task has been to coordinate the EU’s efforts in bringing about change in Burma. A crucial part of his mandate has been to provide support to the UN efforts, led by Mr. Ibrahim Gambari, Special Adviser to the UN Secretary General on Burma.

So far, however, the results of EU and broader international reconciliation efforts have been disappointing. In February, Burma’s ruling State Peace and Development Council (SPDC), for the first time announced a timetable for the remainder of its seven-point roadmap towards a “discipline-flourishing democracy”, which includes a referendum on the new constitution in May and fresh elections in 2010; however, most opposition groups have denounced the entire process as a unilateral attempt to institutionalise military control of the country and are working to mobilise a “no” vote in the upcoming referendum. The UN and the EU and its member states, similarly, have expressed serious misgivings about the lack of inclusiveness and compromise in this process. The US has rejected the roadmap entirely as a “sham”.

B. CMI and Its Mandate

Crisis Management Initiative (CMI) is an independent, non-governmental, non-profit organisation responding to challenges of crisis and sustainable security. CMI acts as a bridge builder within the international community, providing innovation for a more effective response to security challenges. CMI seeks practical solutions and effective multi-stakeholder partnerships. CMI is presently organised into two multi-project programmes and Martti Ahtisaari Rapid Reaction Facility (MARRF) operations. CMI was founded by its Chairman, President Martti Ahtisaari in 2000.

In the immediate aftermath of the events in August-September 2007, the international community has had to face the urgent challenge of how to deal with the situation, and with the country’s leadership. The EU’s official approach emphasises the importance of establishing a legitimate civilian government, which respects human rights, effectively pursues the MDGs, and can restore normal relations with the international community. The Common Position includes a number of sanctions and restrictions on the government and the country. At the same time, the European Commission has been seeking ways to collaborate, especially in the areas of education, health and poverty alleviation.

In order to support the efforts by the European Union, and the Commission, CMI/MARRF, as an independent actor, has wanted to study and approach the situation with a fresh mind. This report has been written as part of the activities of CMI’s Martti Ahtisaari Rapid Reaction Facility, which is an enhanced tool for Track Two Diplomacy. The aim of MARRF is to respond without delay to stakeholder requests, and provide impartial and analytical information for the benefit of the international community. In order to fulfil its aim MARRF does follow-up activities on selected conflict-affected societies – as it has done so with regards to Burma.

To help the EU think through its options in Burma, the European Commission in early 2008, commissioned CMI to undertake a conflict mapping study; which would also reflect the thinking of ethno-national groups and democracy movements after the demonstrations led by Buddhist monks and political activist in August-September 2007.
C. The Report

The present report provides a map of the conflicts in Burma, including their history, the actors involved, and the main obstacles and opportunities for dialogue and reconciliation. It also assesses the change processes currently underway in the country and considers relevant comparative experiences from similar transitions elsewhere in the world. While further details could be added and continuous updating will be necessary, the purpose here is to provide a historically grounded snapshot of the situation and the challenges it presents for international peacebuilders. The final section contains specific recommendations to the EU and its member states. *

The report draws on a total of more than twenty years of primary research by its main authors on the conflicts in Burma and elsewhere in the world. In addition, some forty interviews were conducted last February in Burma and on the Thai-Burma border. These included extensive conversations with Burmese government officials, ethnic armed leaders and democracy activists, as well as with economists, aid officials and other informed observers. It is also important to note that the main analysis of the report was written before the end of April 2008 (before the constitution referendum and Cyclone Nargis).

In this report, CMI/MARRF has collaborated with two scholars and acknowledged experts on international relations in general, and Burma more specifically. CMI/MARRF wants wholeheartedly to thank Dr. Morten B. Pedersen and Dr. Timo Kivimäki for their personal and professional commitment to the process. It is our hope that the report will contribute to finding a peaceful and constructive solution to the conflicts in Burma and help its 55 million people achieve a freer, more secure and more prosperous life.

* Any views presented in this report are views of the authors solely and should not be considered as views by the European Union.

A. General Overview

Since Independence in 1948, the central government has faced armed rebellion from several dozen ideological, ethnic and economic groups, including the Communist Party of Burma (1948-89), the Karen National Union (1949-), Khun Sa’s quasi-nationalist drug-running Mong Tai Army (1984-96), the All-Burma Students Democratic Front (1988-), and a plethora of other mainly ethnic separatist armies. The strain from these armed conflicts has further divided the ruling elites, who have split along military/authoritarian-civilian/democratic lines and at no time have fully gained the support of a long-suffering population. Popular uprisings against perceived unjust rulers, which have a long tradition going back to British colonial rule, have continued until the present day, most recently with the Saffron Revolution that rocked Rangoon in September 2007. Burma’s conflict problems deserve Europe’s attention due to their relatively devastating extent: During the past two decades, Burma’s direct conflict casualties have represented over 40% of the total conflict casualties in East Asia. Yet, it is the indirect casualties and development effects that represent the most serious conflict-challenge for the country.

1. Types of Conflict

According to the Uppsala Conflict Dataset, the following conflicts have produced more than 25 battle deaths per year.

Table 1: Armed Conflicts

| 2. Karen insurgents – Government: KNU, 1948- |
| 8. All-Burma Students Democratic Front – Government, 1990-94. |

2. Much of the analysis in this report is based on confidential interviews, stretching back over the past ten years. While these sources cannot be revealed, official statements and second-hand sources are included whenever possible.
This list, however, gives only a partial impression of the bewildering number of armed groups that have formed, splintered and reunited or joined with other groups over the course of Burma’s long-running civil war. Groups claiming to represent all of the country’s main ethnic groups, including the majority of Burmese people, and several smaller ones have been in rebellion more or less continuously at least since the 1960s. The 60-year long, ongoing struggle by the KNU for self-determination and equal rights may be the longest-running armed conflict in the world today.

In addition to armed rebellion, revolutionary civilian movements have been a permanent feature of Burma’s political landscape, although state repression has meant that they have erupted only intermittently. Since 1988, the main part of the democracy movement has been operating above-ground, as there have been a number of former armed ethnic groups that now have ceasefire agreements. Underground political activities, however, never stopped entirely and have escalated again after the crackdown on the monk-led protests in September 2007, raising the prospect for further uprisings in the future.

Table 2: Political and Social Challenges to the Government

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948-1962</td>
<td>AFPFL government (civilian)</td>
</tr>
<tr>
<td>1958</td>
<td>military constitutional coup (power returned in 1960)</td>
</tr>
<tr>
<td>1962</td>
<td>military coup</td>
</tr>
<tr>
<td>1962-1974</td>
<td>Revolutionary Council (army)</td>
</tr>
<tr>
<td>1962</td>
<td>student protests</td>
</tr>
<tr>
<td>1974-1988</td>
<td>BSPP government (mainly retired and active army officers)</td>
</tr>
<tr>
<td>1974</td>
<td>U Thant unrest (students)</td>
</tr>
<tr>
<td>1975</td>
<td>workers strikes</td>
</tr>
<tr>
<td>1988</td>
<td>popular uprising</td>
</tr>
<tr>
<td>1988-2008</td>
<td>SLORC-SPDC (army)</td>
</tr>
<tr>
<td>1988</td>
<td>(ongoing) NLD/democracy movement</td>
</tr>
<tr>
<td>1989</td>
<td>(ongoing) ethnic ceasefire groups and political parties</td>
</tr>
<tr>
<td>1990</td>
<td>monks boycott</td>
</tr>
<tr>
<td>1996</td>
<td>student protests</td>
</tr>
<tr>
<td>2007</td>
<td>monks boycott/popular uprising</td>
</tr>
</tbody>
</table>

While external attention has centred on these challenges to the government/state, society is by no means united. Many rebel armies with overlapping claims and areas of operation have spent as much time and resources fighting each other as they have fighting the government. In a testament to the opportunism that often mixes with political motivations in war, numerous “rebels” leaders have for shorter or longer periods joined forces with the government against other groups in their areas. Similarly, the Burmese army has used offers of power and material benefits to attract thousands of opportunists to quasi-military institutions, such as the Union Solidarity and Development Association (USDA), thus further reinforcing an “us versus them” mentality throughout society. Significant numbers, particularly of young men facing an uncertain future and a serious identity crisis, have been attracted to the power and sense of belonging that membership of the military club provides. The recent spate of killings within the Karen armed community demonstrates the potential dangers of these developments, as does the viciousness of the attacks by civilian vigilantes on NLD members and supporters on 30 May 2003 and on monks and other protesters in September 2007.

At the community level, racial, ethnic, and religious tensions run high, compounded by an intensifying struggle over scarce resources. Many people in Burma identify strongly with their own group against outsiders, and prejudices against other groups are often strong. Pervasive discontent over tough economic conditions and frustration at the absence of any real prospect for change fuel conflicts between insiders and outsiders. The anti-Chinese riots in 1967, as well as the religious clashes between Buddhists and Muslims that rocked several main towns in 1997 and 2001, reflected such tensions (even if they may have been instigated by government provocateurs). The potential for communal violence may well be as high as in, for example, India or Indonesia, even though it has not yet reached similar levels.

2. Patterns of Conflict

A quick overview of the past sixty years of conflict shows that armed conflict has been in overall decline, while political conflict has been roughly increasing proportionally.

According to the Uppsala Conflict Dataset, the number of direct battle deaths reached more than a thousand in most years from 1948-1994 with gradually receding peaks in 1948-1954, 1963-74, 1985-88 and 1990-94 (see table 3). Since the mid 1990s the number of battle deaths has fallen to a few hundred per year, reflecting the spread of ceasefires and gradual weakening of the remaining insurgent forces. By contrast, political opposition at the heart of the state has substantially increased since the 1988 uprising and the take-over of power by the current military regime. These reverse trends reflect a number of factors, but the most prominent is probably the changes in the opportunity structures of conflict. While rebel armies have come under growing pressure from both the Burmese army and neighbouring countries, and have found it harder and harder to arm and feed their soldiers, non-violent opposition has grown since 1988 in response to a partial liberalisation and stronger international support.
While conflict has been a constant in Burma since Independence, the tendency has been for the level of violence to increase after failed attempts at reconciliation and promised reforms. Some of the fiercest battles were fought in the years following the assumption of power by the Burman-dominated independence government in 1948, which ended of hopes for local ethnic autonomy, after the abolishment of parliamentary rule in 1962 and the failure of peace talks in 1963, and after the squashing of the 1988 uprising and effective annulment of the 1990 election results. Another, smaller upsurge in armed violence followed in 2004 after the purge of the former intelligence chief and prime minister, Gen Khin Nyunt, who was the main architect of the ceasefires and had been engaged in good faith negotiations with both the ethnic and political opposition.

Similarly, peaks in authoritarian violence have followed periods of relative political liberalisation, including the brief presidency of civilian president Maung Maung in August-September 1988, the 1990 election, the releases of Aung San Suu Kyi in 1995 and 2002 respectively, and the peaceful monks movement in September 2007. On each of these occasions temporary openings of political space saw the expansion of political activity, which in turn provoked a government backlash, and on each occasion new hope was raised only to be squashed, leaving even deeper frustration and anger among the populace. Thus, it seems that Burma follows a general pattern identified in the conflict studies literature, where political violence is intensified whenever the government strengthens its authoritarian rule after a period of liberalisation.4

### 3. Consequences of conflict

The consequences for the country and its people of these continuous conflicts have been cumulative and devastating, resulting in a chronic social, political, economic and humanitarian crisis. This is not the place for a detailed survey of the conditions of life in Burma, which is covered elsewhere, but a few figures serve to emphasise the point. Since 1948, Burma – according to CMI estimates – has suffered:

- 1,000s of political activists murdered, tortured or jailed;
- 10,000s of combatants killed in war;
- 100,000s of ethnic minority villagers displaced from their homes; and
- 1,000,000s of ordinary people suffering poverty or illness as a consequence of conflict and resultant emergency governance.

These tragic statistics are in large part the result, directly or indirectly, of conflict, which has pitted different elements of society against each other and sustained a continuous state of emergency under which governance has come to serve the purpose of power rather than development. It is this legacy, which is pivotal to the efforts, both domestically and internationally, to promote dialogue and reconciliation. Peace is vital for Burma to progress. And peace is needed now, before the country’s institutions and conditions of life deteriorate to a point from which recovery will be near impossible.

### B. The History of the Main Conflicts

Each of the conflicts listed above has weakened the state and contributed to the basic ungovernability of Burma and resultant crises. Yet, the future of Burma hinges primarily on the outcome of the two inter-related struggles against the state over democracy/human rights and ethnic autonomy/equal rights respectively. The history of those struggles thus deserves particular attention.

#### 1. The Struggle over Democracy and Human Rights

While most current writings focus on the epic battle between Nobel Peace Prize laureate, Daw Aung San Suu Kyi, and the ruling State, Peace and Development Council (SPDC), which dates back only to 1988, the democracy struggle has its roots in the immediate post-independence period when civilian and army leaders first parted ways after having fought together in the liberation struggle against the British. The tendency to lump together the period since the military coup in 1962 as one continuous period of military dictatorship, too, is a simplification, which is made to the

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3. The Uppsala data does not cover battles between non-state actors, which have produced fewer, but nonetheless significant numbers of casualties. Nor does it include civilians killed by armed groups, whether by accident or design. Globally, the number of casualties of democide is more than 4 times the number of casualties of war. During the cold war, the ratio in the world was about 1:8. Regionally, the ratio is highest in East Asia – in absolute terms, as well as relative to population. In addition to direct killings by the government, the concept of democide covers cases in which death is caused by intentional or knowingly reckless and depraved disregard for life (thus constituting practical intent). See Kivimäki 2003, 2005, 2007 (data supplied by Rummel 1994).

detriment of understanding. Indeed, it is in history – and, more specifically, in the
differences, as well as the continuities, between the several regimes that have gov-
erned Burma since Independence in 1948 – that we are most likely to find the key to
unlocking the door to a better future for the country and its people.

The parliamentary period (1948-62)
The political system of the independent Union of Burma was democratic in principle
and involved multi-party elections, as well as a relatively high level of civil and
political rights for the general population. The poli¬tical base of the governing Anti-
Fascist People’s Freedom League (AFPFL), however, was so broad as to effectively
create a one-party system. At the same time the Burmese army remained closely in-
volved in politics and developed largely independent of civilian control. With the
1947 assassination of the country’s independence hero, Aung San, the leadership of
the AFPFL and the coun¬try fell to U Nu, while General Ne Win became commander-
in-chief of the army. Both of these men were young (a fact that some believe helps ex-
plain the confrontational nature of post-independence politics), and both had started
in student politics in the 1930s before joining the Burma Independence Army. The
older politicians from the pre-war British-controlled parliament never gained any
significant influence after Independence.

While independence had been a widespread aspiration in Burma, it soon became clear that many pro¬blems of national unity remained unresolved by the political
negotiations, which preceded the British withdrawal. Within the core of the libera-
tion move¬ment there were tensions between the socialist leaders of the AFPFL and
the Communists, who had been excluded from the anti-fascist front in 1946 after
loosing an internal power struggle. Karen and other ethnic nationalists were resis-
tive, too, after having failed to secure a satis¬fac¬tory degree of self-determination with-
in the Union. Within two years of Inde¬pend¬ence, the new state exploded into a
confusing series of rebellions which included the Communist Party of Burma (CPB)
and the Karen National Union (KNU), as well as several other ethnic and political
groups. The Burma Army suffered badly from defections by com¬mu¬ni¬st as well as
Karen sympathisers and by 1950, the disparate insurgent forces con¬trolled most of
the country. Later, the army under Ne Win’s leadership was able to reorganise
and expand and began pushing the insurgents out of the central plains. They dug in, how-
ever, in the less accessible hill and jungle areas, where they for the next three decades
remained in control of extensive “liberated zones” that in many ways functioned as
autonomous states.

Faced with extensive insurgencies and its own internal differences, the inexpe-
rienced AFPFL never managed to establish an efficient administration. The govern-
ment initiated a moderate socialist programme with an emphasis on state planning,
but a shortage of capable managers, coupled with an overemphasis on industrial
develop¬ment at the expense of agriculture, meant that the economy recovered only
slowly from the massive devastation of the Second World War. U Nu main¬tained
popular support partly through his personal charisma, partly by openly promoting
and propagating Buddhism (the religion of 85 per cent of the popu¬lation), and the
AFPFL won dominant majorities in both the 1951 and 1956 elections. However, the
unity of the League suffered under personal struggles over power and patronage and
in 1958 it split into two factions: the “Clean” AFPFL headed by U Nu, and the “Sta-
ble” AFPFL which had close ties with the Burma Army.

As the elections scheduled for November 1958 approached, the economy remained
in sham¬bles, law and order were breaking down throughout the country, and there
were signs that the elections might increase the influence of the extreme left and the
ethnic nationalists. At this point, military leaders pressured U Nu into temporarily
transferring power to a military “Care-taker Government”, headed by Ne Win. The
new admini¬stration halted all poli¬tical activity and military officers took over the
management of most ministries and govern¬ment departments, while extensive ef-
forts were made to crush the insurgents and lower crime rates, as well as increase
the availability and decrease the prices of consumer products in the markets. After
18 months of what by all accounts was effective govern¬ment, the military allowed
new elections to take place and transferred power to U Nu and his “Clean” AFPFL
(now called the Union Party), which won an overwhelming victory. However, the
withdrawal to the barracks proved to be short-lived. A clear precedent had been set
for later interventions, and, when U Nu failed to improve on previous performance,
the military leaders decided that Burma’s experi¬ment with democratic institutions
had become too costly. On 2 March 1962, Ne Win staged a coup that inaugurated a
new era in Burmese politics.

The Ne Win period (1962-88)
In the first few months after the coup, the military leaders moved cautiously. The
seventeen-man Revolutionary Council suspended the Consi¬deration, abolished the
parliament, and placed all legislative, judicial and executive powers in the hands of
its Chairman, General Ne Win. Attempts were made at first to co-opt other political
forces and the initial economic policy statements were restrained. Soon, however,
the moderate approach was abandoned. In May and December 1962, two general
policy documents – The Burmese Way to Socialism and The System of Correlation of
Man and His Environment respectively – were published which firmly esta¬blished
the new military regime as revolutionary and promised to revitalise the socialist
revolu¬tion. This set the stage for a range of far-reaching political and economic re-
forms, most of which were implemented by the mid-1960s.

Having failed to gain the co-operation of the organised political opposition, the
Revolutionary Council moved swiftly to eliminate all potential challengers to their
regime and establish a state monopoly in educa¬tion, information and culture. Not
only political parties, but also many social and reli¬gious organi¬sations were de-
clared illegal, the free press was eliminated, schools were natio¬nalised, and even
the traditionally independent Buddhist mona¬stic order (the Sangha) was attempted
brought under state control. Burma’s isolation from the inter¬national commu¬nity
increased as foreign libraries and cultural institu­itions were closed, English language
teaching abolished and travel abroad seriously restricted. To further strengthen its
political authority, the Revolutionary Council introduced an elaborate network of
Security and Admini¬strative Councils (SACs), headed by military commanders and
organised hierar¬chically downwards through all levels of administra¬tion from
the national to the sub-local. This system established firm military control of the bureaucracy and ensured that governance flowed from the top to the bottom of the system. Together with the omnipresent military intelligence, whose agents infiltrated all walks of national life, it also extended central state control further into the minority states and the countryside than at any time previously in Burmese history. The result was a highly centralised state, but also a growing separation of the state from society, which increasingly forced the military regime to rely on repression and outright terror for the exercise and maintenance of its rule.

For twelve years, the Revolutionary Council governed directly through decrees, but during most of this period the military leaders were looking for a way to institutionalise the centralisation of power. In an attempt to mobilise mass support for their regime, the military leaders, already in 1963, had established a government party, the Burma Socialist Programme Party (BSPP), with ancillary mass organisations. The BSPP for the first decade remained an elite cadre party with membership limited to an exclusive group of mainly military officers. However, its various subsidiary organisations – including Peasants’ Councils, Workers’ Councils and youth organisations, as well as groups for war veterans, intellectuals and so on – were expanded rapidly and according to official figures had together a total membership of over ten million in 1985, or almost half the population. These organisations brought many people into closer contact with the state, but mainly served as instruments for the government to influence and control its “subjects” rather than the reverse.

In the early 1970s, the BSPP was expanded into a mass party and its top leaders, including Ne Win, retired from their military commissions to become “civilian” administrators. Then, in 1974, the military promulgated a new constitution that formally established a socialist one-party state headed by the BSPP. The organising principle of the new state was democratic centralism. A system of elected administrative bodies at all levels was introduced with elections taking place every four years. As in other communist states though, the electorate’s real choice was marginal and in hindsight they were the first major manifestation of the popular resentment of the regime. On the other hand, these events were clearly symptomatic of the inability of the military rulers to translate physical power and control into political legitimacy, and in hindsight they were the first major manifestation of the popular resentment of the government’s disastrous economic policies and military mismanagement, the gulf between the regime and the people gradually widened.

In 1974, Burma was twice convulsed by massive anti-government protests. In May, a strike broke out in the state-run railway workshop in Myittrine in response to economic hardships caused by rising consumer prices and insufficient wage adjustments, and rapidly spread to over 50 other state-owned enterprises in Upper and Central Burma. The government managed to contain the situation by closing schools and universities – thus avoiding the protests spreading to the easily aroused student population – and by sending the army in to dissolve the strikes. Popular discontent, however, continued to run high and in December rioting broke out again in Rangoon in connection with the funeral of Burma’s foremost international statesman, former UN Secretary-General U Thant. In a spon-taneous response to the Government’s unwillingness to give the great leader an honourable funeral, students and monks seized his coffin and the situation exploded in a second round of anti-government demonstrations. Like those earlier in the year, the December protests primarily grew out of deep popular dissatisfaction with the Government’s disastrous economic policies and the low standard of living, but this time there were also strong political undertones. Motivated by the expression of public support for their cause, left-wing students openly expressed the country’s wider grievances and mobs symboically began attacking police stations and government offices. In the end, martial law was declared and the army was sent in again to restore order, reportedly killing more than a hundred people. Student protests resumed in June 1975 but failed to obtain the support of the wider population, probably due partly to an increase in Government distribution of essential commodities which had helped to mitigate the worst effects of the economic crisis, and partly to the memories of military brutality in 1974.

The 1974 protests were by far the most serious between 1962 and 1988, but like other lesser upheavals in this period they involved a relatively limited section of the populace and were rather diffuse. The main concerns were economic and, although the strikers and demonstrators criticised military rule, they did not really promote an alter-native political system. In this respect, the protests failed to develop into a pressure for fundamental political change and never seriously threatened the regime. On the other hand, these events were clearly symptomatic of the inability of the military rulers to translate physical power and control into political legitimacy, and in hindsight they were the first major manifestation of the popular resentment of military repression and inefficiency which exploded once again fourteen years later in 1988 (and, again, although less disruptively, in 2007).

The 1988 uprising
When the BSPP Government in September 1987, in an attempt to curtail the black market, demonetised 80 percent of all currency in circulation without compensa-
it created a rebellious atmosphere, particularly among the student population. Grave discontent simmered throughout the autumn and winter and culminated in large-scale student demonstrations in March 1988. The wider population initially remained calm, but the brutal and unprovoked killing of possibly hundreds of student demonstrators by the riot police and subsequent attempts by the Government to cover up the acts, changed the confl ict into major protests in Rangoon. On 27 July, Ne Win in response to the mounting popular pressure resigned from his post as BSPP Chair- man, thus formally ending his 25-year reign as Burma’s omnipotent ruler. This was the fi rst admission by the military of the many failures during its rule, but it did not stop the unrest. Instead the appointment of Sein Wein (the head of the riot police and the man held responsible for the many killings in March) as new state and party leader caused the demonstrations to spread beyond Rangoon to most of the country’s cities and towns.

During late July and August, the protests exploded into a countrywide challenge to military rule, involving millions of people from all walks of life. Having begun as a cry for eco¬¬nomic relief and spontaneous anger over police brutality, they also developed into concerted demands for demo¬¬cracy and became gradually more orga¬¬nised as new and old pro-democratic leaders emerged to complement the students and give the uprising a more authoritative character. At this stage, expectations were widespread that the military regime was on the verge of collapse. In mid-August, Sein Wein was replaced by a civilian, Maung Maung, the army was withdrawn from the streets, and a pledge was given to hold a referendum on the intro¬¬duction of a multi¬¬party system. However, while the protests continued unabated, the military leaders rather than preparing their withdrawal were in fact planning to reassert themselves in power.

On 18 September, the formation of the State, Law and Order Restoration Council (SLORC) was announced and the army moved into the streets of Rangoon, fi ring indiscriminately on congre¬¬gations of people. In a meticulously planned attempt to root out the core of the democracy move¬¬ment possibly thousands of people were killed or arrested, adding greatly to the already high number of casualties from the uprising. Another ten thousand democracy activists managed to fi ee to the “liberated areas” along the borders with Thailand, China and India where they found sanctu¬¬ary with the ethnic insurgent groups and in many cases began training for armed struggle.

For the political leaders who stayed behind in central Burma, an early promise by the new junta to arrange multi-party elections as soon as possible, provided an oppor¬¬tunity to start organising above-ground oppo¬¬sition. On 24 September, the National League of Democracy (NLD) was founded with Aung San Suu Kyi as general secretary and she immediately began touring the country in preparation for the promised elec¬¬tions.

Aung San Suu Kyi and the National League for Democracy

Aung San Suu Kyi stepped onto the political scene for the fi rst time on 26 August 1988 when she in her fi rst public appearance, speaking to hundreds of thousands of people in front of the Shwedagon Pagoda, called for a “second struggle for national independence”. Coming from the daughter of Burma’s independence hero, Aung San, to whom the armed forces trace their lineage – and ultimately their legitimacy in national politics – these were poignant words, containing a direct challenge to the legitimacy of the military regime, which since became the hallmark of the NLD’s strategy.

Between October 1988 and July 1989, Aung San Suu Kyi travelled all over the country and delivered hundreds of campaign speeches. The SLORC at fi rst allowed these activities, perhaps out of respect for her lineage. Yet, as the crowds at the NLD’s political rallies grew to tens of thousands, military intelligence began harassing and arresting local party organisers. In turn, Aung San Suu Kyi’s speeches became increasingly strident. She began openly attacking the military, which she described as “fascist” and “an obstruction to peaceful change”. She also publicly accused Ne Win of being “the source of the people’s hardships”, and “the man who destroyed every¬thing her father stood for and tried to achieve”. Finally, on 20 July, Aung San Suu Kyi was detained, along with NLD Chairman Tin Oo. She was subsequently barred from running in the election and put under house arrest until July 1995.

The arrest of the party’s leaders effectively ended the NLD’s election campaign. Yet, the powerful image of Aung San Suu Kyi calling for a return to the ideals of her father, who forty years after his death remained a mythical fi gure in the country, had settled in the popular consciousness. Thus, on 27 May 1990, when the SLORC to the surprise of many not only fulfilled its pledge to hold an election, but actually al¬¬lowed the voting to go ahead without any interference, the NLD registered a landslide victory, taking around 60 percent of the vote and 80 percent of the seats. The NUP, which in the popular mind was closely associated with the military, got 25 percent of the vote but only 2 percent of the seats, while the remaining votes/seats were di¬¬vided among 25 other parties, most of which ran on ethnic nationalist platforms in minority-dominated constituencies in the border areas. The election result was never implemented, however.

The 1990 election (beyond the fi gures)

The 1990 election represents one of many paradoxes in recent Burmese political his¬¬tory. Despite the fact that they took place under close supervision by a military with a record of anything but commitment to democratic norms, only relatively minor breaches of inter¬-nationally upheld procedures and standards were recorded. Ballot¬¬ing was widely perceived to have been free and fair and the resulting massive victory to the pro-democratic opposition was duly publicised.

The prelude and especially the epilogue to the elections present a different pic¬¬ture, however. During the campaign period most political parties were seriously re¬¬stricted in their freedom to organise rallies and propagate their programmes. Only the National Unity Party (NUP), a direct descendant of the former ruling BSPP and thus essen¬¬tially the military’s party, was allowed to campaign freely around the country. Moreover Aung San Suu Kyi and other key opposition politicians were arrested and dis¬¬qualified from running in the elections. When the NLD, despite the harassment,
won an overwhelming majority, SLORC proceeded to deny them government power.

While the SLORC formally acknowledged the NLD’s victory, it insisted that a new constitution had to be written before the transfer of power legally could take place. On 27 July, the ruling council issued SLORC Order No. 1/90, which laid out the regime’s own roadmap for the transition:

- The representatives elected by the people are responsible for drafting a constitution for the future democratic state.
- Drafting an interim constitution to obtain state power and to form a government will not be accepted in any way, and if it is done, effective action will be taken according to the law.
- During the interim period before the emergence of a government formed under a firm constitution, the SLORC – the Defence Services – hereby announce it will give priority and safeguard its responsibilities toward:
  - the three National Causes of prevention of disintegration of the Union, prevention of disintegration of national unity, and perpetuation of sovereignty.
  - prevalence of law and order and regional peace and tranquillity, secure and smooth transport and communications, and easing of people’s need for food, clothes and shelter.
  - development of all national people in all of Myanmar.

According to the head of military intelligence, Maj-Gen Khin Nyunt:

A party or an organisation should not monopolise or consider as personal the drafting of a constitution…. The wishes of the people should be taken into consideration in as extensive a manner as possible in the drafting process…. People’s representatives are to draft it…. The SLORC and the Defence Forces will do everything possible to render help and will also provide suggestions…. What we aim for is the inclusion of the full essence of the three National Causes that have been declared since the inception of SLORC…. If that is the case, there will be peace of mind regarding the future of the nation…. Once the state constitution has been drafted in a systematic, correct and complete manner, and once it has been approved by the people, the SLORC is to hand over power to a government formed in accordance with the constitution.7

These statements are almost a carbon copy of the “seven-point roadmap” that the SPDC officially announced in August 2003 and that is now in the process of being implemented.

The link to the present

The subsequent struggle for control of the state between the SLORC/SPDC and the NLD, now in its 18th year, has followed a cyclic pattern of liberalization, mobilization and repression, which is discussed in more detail in section III.B below. The NLD has continued to challenge the regime’s legitimacy, demanding that it recognises the 1990 election results. The extended war of attrition has left deep marks on the party, which has lost much of the pluralism and dynamism of the early years. However, its weakening force in the pro-democracy movement has prompted a re-emergence of popular activism. Since 2006, veteran activists from 1988 have spearheaded a series of civil disobedience campaigns, which for the first time in nearly twenty years have drawn part of the public back into politics and became the catalyst also for the monk-led protests in September 2007.

The 2007 protests, which have become known as the “Saffron Revolution”, started with small-scale protests by members of the 88 Generation Students and other social activists against an increase in government fuel prices. Yet, after security forces attacked protesting monks in upper Burma and the government refused to apologise, it exploded into a major uprising, which drew out tens of thousand monks and lay people (mainly in Rangoon, but with smaller protests also in about a dozen other towns around the country). The protests were quickly and brutally suppressed, but the violence against the monks has politicised a new generation of students and other youth, who appear intent on carrying the struggle forward.

Most of the popular protests, including the “Saffron Revolution”, have been sparked by immediate social or economic grievances. The underlying yearning for freedom and justice, however, is unmistakable. Although much of the population knows little about democracy – having lived without it and in near total isolation from the outside world for almost half a century – they know they want something different from the repression and arbitrary power that rules their lives today. By demanding regime change, Aung San Suu Kyi and the NLD, along with other democracy activists, have come to represent popular hopes for improvements in people’s daily lives.

Officially, the SPDC, too, is committed to democracy. Yet, the ongoing struggle over the transition from military rule has revealed strong limitations to how much popular participation and political freedom the army is prepared to countenance at this time, and Burma still suffers under one of the most repressive regimes in the world.

2. The Struggle over Ethnic Autonomy and Equal Rights

The mass protests last year have renewed international attention to Burma’s struggle for democracy. Like in the past, however, less attention is paid to the country’s ethnic minority groups, whose struggle for autonomy and ethnic rights lies at the roots of the broader political and humanitarian crisis. One of the ethnically most diverse countries in the world, Burma has suffered large-scale violent ethnic conflict lasting more than half a century. A series of ceasefires since the late 1980s have greatly reduced the level of fighting, but the roots of inter-ethnic hostility run deep and the conflicts continue in other forms. Genuine peace remains a far off prospect.

Historical background

Although much of the area constituting present day Burma was conquered by the Burman king Anawrahta already in the 11th century, the multiple ethnic groups inhabiting this territory never lived under a common sovereign long enough to develop a common sense of nationhood. From the 11th to the 19th century, power vacillated.

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as various Mon, Arakanese and Shan rulers periodically defeated the Burman kingdoms and established their own rule over core areas. The Karens/Karennis, Kachins, Chins and other groups living on the fringes of the main empires, meanwhile, were only ever nominally brought under control of the central kings. The different ethnic groups thus to a large extent remained distinct from each other in terms of language, culture, patterns of production and political tradi-tions.

The arrival of the British in the 19th century temporarily imposed external authority over this complex ethnic mosaic, but at the same time exacerbated existing ethnic cleavages. While Ministerial Burma was put under direct British rule, subject to British legal, administrative and educational institu-tions, the Frontier Areas were largely left alone once British supremacy had been acknowledged. This division impeded interactions between the different ethnic groups in a period of rapid change and compounded existing political and economic differences. British policy of recruiting Karens, Kachins and Chins into the colonial army and administra-tion, while curtailing access for the Burmans, further fuelled inter-ethnic suspicions, as did the conversion of many of the former to Christianity.

During the Second World War, Burmese nationalist forces aligned with the Japanese Imperial Army were involved in a series of bloody clashes with ethnic minority groups who stayed loyal to the British. The Burma Independence Army (BIA) eventually turned against the Japanese and cooperated with the returning British army and their ethnic allies. Yet, atrocities committed by BIA during the early months of the Japanese campaign in Karen communities left a deep-seated hatred of Burmans, which has added to later difficulties of reaching a level of mutual tolerance and trust sufficient to overcome the country’s ethnic cleavages.

At the 1947 Panglong Conference, Shan, Kachin and Chin representatives agreed to form a Union of Burma with the Burmans in return for promises of full autonomy in internal administration and an equal share in the country’s wealth. The Karens, however, boycotted the negotiations, believing to the last that the British would grant them an independent state, and there were strong critics also among other ethnic groups. The first constitution deepened these emerging fault lines by giving unequal rights to different ethnic groups. Thus, the conditions were set for the ethnic conflicts that have bedevilled the new state since Independence.

The first major group to take up arms against the new independent government was the Communist Party of Burma (CPB), which went underground within weeks of Independence in January 1948, accusing its socialist partners in the liberation movement of selling out to the British. The CPB, however, was closely followed by Karen, Mon, Karenni, Pao and Arakan natio-na-lists who rebelled mainly in protest over the minimal input they had had in the negotiations for the establishment of the new Union of Burma and perceived shortcomings in the 1947 Consti-tution. The invasion by thousands of Chinese Nationalist Kuomintang (KMT) remnants into Shan State in 1949 further aggravated the problems for the government, adding to the complexity of the armed conflicts that followed.

During the 1950s, more groups rebelled as dissatisfaction with the new Union grew among other minority communities, who felt the central government was giving insufficient attention to their areas. In 1960, Shan leaders organized a “federal move-ment”, which sought to amend the Constitution to replace what, despite the promises made at the Panglong Conference, was a highly centralised system of government with a genuinely federal one. Their efforts were cut short though, when the Burma Army led by General Ne Win seized power in March 1962, supposedly to “prevent the nation from breaking up”, and suspended the Constitution.

The new military government took a two-track approach to counter the threat of armed struggle and the wider demands for ethnic rights. On the political front, attempts were made to de-politicise ethnicity by promoting equal rights and equal status for all ethnic groups within a common nation. While pledging to protect minority cultural practices and uplift the remote minority regions both economically and socially, the new leadership rejected all demands for special political rights as illegitimate and the special councils and ministries that existed for the ethnic states were abolished. Parallel to these political measures, the armed forces stepped up their counter-insurgency programmes in areas controlled by ethnic nationalist armies. In the mid-1960s a new strategy known as the ‘Four Cuts’ strategy was drawn up which aimed at cutting off the rebels from the four main links (food, funds, intelligence and recruits) between them and local villagers. The programme proved to be extremely effective, but its results were achieved at the expense of millions of local people, mainly from ethnic minority groups, who lost their livelihood as numerous villages were forcibly relocated, and, food and crops destroyed. Many civilians were also killed in the process. Ethnic minorities reacted strongly against the attempts by the military to increase central state control over their areas and most of the old insurrec-tions intensified while several new ones broke out.

During the 1960-70s, the Burmese army succeeded in gradually pushing all insurgent groups out of the central plains and into the hills and mountains of the border regions, where they no longer presented a direct threat to the government. It was un-able, however, to defeat its opponents, who, in several cases, established what were essentially independent mini states, complete with local administration, schools and hospitals, and seemed content to defend their ‘liberated’ areas. Funds were raised through taxation of the local population, trade with neighbouring countries and, in some cases, opium production and smuggling. In 1967-68, with renewed support from the Chinese Communist Party, the CPB launched a successful invasion from Chinese territory into northern Shan State, where it soon absorbed most of the local ethnic armies, including Wa and Kokang forces, and became the strongest insurgent force in the country. Several groups in adjoining areas also formed loser strategic alliances with the CPB to take advantage of the flow of weapons from China, although others took a strong stand against the communists, on ideological grounds. In 1976, the anti-communist ethnic nationalist armies formed an alternative alliance, the National Democratic Front (NDF), which reached a total of eleven component members, including the Karen National Union (KNU), the Kachin Independence Organisation (KIO) and the New Mon State Party (NMSP). None of these developments, however, affected the basic division of Burma into two parts, the central areas controlled by the Burmese army, and the border areas, which apart from the main towns and valleys, were controlled by the insurgents. The armed conflicts thus persisted in a state of stalemate that, despite heavy fighting and losses of lives during the annual Burma
Army dry season offensives against insurgent strongholds, saw few major changes in the political reality.

By 1988, more than twenty groups remained in rebellion with an estimated 40-50,000 soldiers. Since then, however, the new military regime has succeeded through a combination of military expansion, renewed military offensives and a series of mutually advantageous ceasefire deals with some two dozen former insurgent groups in greatly expanding its physical control of the country.

The post-1988 situation

The pro-democracy uprising in central Burma in 1988 at first seemed to invigorate the ethnic struggle. Judging that the best chance of realising their political goals lay within the framework of a new democratic state, the CPB, the KNU and the KIO all stepped up their military activities, leading to several large-scale battles in 1988-89. The resurgence of armed conflict was further fuelled by a large outflow of democracy activists from the cities to the “liberated zones” who, having failed to displace the military through peaceful means, took up military training under the wings of the insurgent groups. This new alliance helped the ethnic nationalists to reform their “armed rebels” image, which was problematic in the West, through the association with the more “legitimate” democratic cause. Indeed, one prominent scholar referred to the emergence of a “new politics” in the border areas, suggesting that Burma now had more than doubled the size of the armed forces from 186,000 to around 400,000 soldiers. It has also increased Burma’s defence imports manifold and expanded the indigenous defence industry, thus vastly improving the firepower and logistical capacity of the previously under-resourced armed forces. This has given the army the capability to attack on more fronts at one time, as well as to keep up its manoeuvres during the rainy season, which used to be an important time of respite and reorganisation for the ethnic forces. New roads have been built into many previously insurgent-controlled or contested areas. Numerous new, permanent army bases have also been established, greatly increasing the government’s physical control of local populations and ensuring that the army can respond quickly to any signs of rebellion.

The ceasefire movement

The ceasefires, as indicated, evolved in several waves, each driven by the models and pressures arising from earlier ones, as well as developments in the broader political and regional environment. The early ceasefires in the northeast freed the Burma army to significantly increase the military pressure on other ethnic armed groups, particularly in northern Shan State, and by 1991 several of the weaker members of the NDF in this area felt compelled to follow suit. In 1992, the government announced a unilateral cessation of hostilities and invited all insurgent groups for ceasefire negotiations. The remaining members of NDF agreed to take this chance to negotiate a nationwide ceasefire for all groups fighting the government as part of an overall political solution. Internal unity subsequently broke down, but the KIO went on to sign its own agreement in early 1994 and two other key members, the NMSP and the Karenni National Progressive Party (KNPP), followed in 1995 (although the latter agreement broke down after a few months). The agreements are basically military accords, concerned primarily with the demarcation and division of authority in formerly contested areas. They do not address any of the main grievances of the ethnic groups [and all but one are verbal only, their exact content contested by the parties involved and thus difficult to ascertain]. Yet, most of them have held, in some cases, for almost twenty years, due in large part to the absence of acceptable alternatives.

The ceasefires came about as the result of a number of factors. The new willingness of the central government to consider ceasefires where before it had insisted on complete surrender, together with the prospects of inclusion in forthcoming negotiations about the future of Burma and offers of development assistance, were important pull factors. At the same time, ethnic minority armies came under increasing pressure from the Burma army, neighbouring countries and their own communities to halt the fighting, further pushing them towards a reassessment of their strategic options. The massive expansion of the armed forces undertaken by the post-1988 military government allowed it to apply much stronger and more consistent pressure on the insurgents. The military also succeeded to a large extent in undermining the economic base of the insurgencies. By applying a double-strategy of attacking insurgent strongholds on the Chinese and Thai borders and liberalising border trade, it cut off much of the highly lucrative black market trade that had traditionally financed the insurgent armies.

Until the late 1980s, the Thai government tacitly allowed groups like the KNU to retreat into Thailand when they were under attack from government forces. This served Thai interests since the KNU and other anticommunist forces provided an important buffer between the CPB and Thailand’s own communist insurgency. How-

9. For a detailed account of the structural aspects of the Burma Army, see Selth 2002.
ever, after the Burmese government in 1988 launched a series of market-oriented, open door economic reforms and the communist parties disintegrated on both sides of the border, Thai leaders, for economic and strategic reasons, disintegrated in favor of the new constitution and has instead stepped up pressure on some of the ceasefire groups to disarm. Two of the Shan ceasefires have already broken down, and growing frustration and anxiety is evident across the board, raising the prospects that more groups will return to war. Many ethnic minority leaders find themselves in a catch-22 situation. On the one hand, their privileges look increasingly under threat and continued inability to develop their areas and stem Burmese army abuses risk losing them support from local communities on which they depend for recruits, taxes, and ultimately legitimacy. On the other hand, the massive military superiority of the Burmese army, and lack of support from neighboring countries, almost guarantees that a return to fighting will be futile, and will only cause further suffering.

Whatever the ultimate fate of the ceasefire movement, though, the developments that have taken place since 1988 have significantly changed the political dynamics of Burma’s ethnic conflicts. Where ethnic interests before were pursued almost solely by military means, minority groups are now represented by ceasefire groups, as well a number of new political parties and civil society groups. All of these groups suffer from serious weaknesses, but they also present opportunities for a better future (see further below, part III.C.).

3. Inter-linkages between the Two Struggles

While the international community focuses on the struggle between the military and the democracy movement, Burma’s ethnic nationalists continue to form their own organisations and pursue their own strategies for change. Although most, in principle, support the democratic cause, some have chosen to work with the military, which has the power to change their situation, rather than to side with the democratic opposition which does not. Mostly, they want to make sure that they are on the inside of any political transition process that may unfold, so that they do not remain marginalised for another half a century. As the Ethnic Nationalities Council states: “The question of democracy, military rule and the constitutional arrangement between the constituent states of the Union of Burma are intrinsically intertwined and cannot be resolved one without the other.”

Although sharing the same enemy, the democratic and ethnic struggles ensued largely in isolation from one another until 1988. Since then, contacts and cooperation between democracy activists and ethnic nationalists have grown, to the extent that they now share a stated goal of a federal, democratic Burma and formally cooperate in organisations such as the Committee Representing People’s Parliament (CRPP) and the border-based National Council of the Union of Burma (NCUB). Yet, real unity among the different anti-government groups remains illusive.

The NLD has taken the position that once democracy is in place, dialogue between all groups and interests in the country can ensue and any further issues can be resolved. The main opposition party has thus worked mainly for a “bilateral” solution to its disagreements with the military government, expecting the ethnic minorities to wait their turn. Although the NLD is formally committed to establishing a federal union, some ethnic minority leaders feel that the party, by giving priority to democracy before ethnic rights and equality, has shown the same arrogance and insensitivity to minority issues exhibited by other Burman-dominated organisations throughout history. Most support the democratic cause, if for nothing else, because a regime change would provide them with a chance to renegotiate their position in the Union. Their priority, however, is securing local autonomy, safeguarding their cultures and getting their fair share of the country’s economic wealth (much of which is located in the border areas).

While ethnic and political parties have cooperated with the NLD since the 1990 elections, the expansion of the NLD-led Committee Representing Peoples Parliament in 2003 to include several new ethnic party representatives, prompted eight other ethnic political parties to set up their own United Nationalities Alliance (UNA) to ensure that their ethnic cause did not become subsumed under that of the NLD. The ethnic ceasefire groups similarly have insisted on the need for tripartite dialogue, with a distinct space for the ethnic voice.

On the Thai border, attempts by democracy activists to link up with ethnic armed groups similarly have left a mixed legacy. The large outflow of democracy advocates from the cities to the “liberated areas” in the aftermath of the 1988 uprising created a link between insurgents and political opposition groups, while also adding a new dimension to the armed struggle itself. Over the next couple of years, these meetings in the jungle led to the establishment of new inter-ethnic alliances in the form of the Democratic Alliance of Burma (DAB) and the National Coalition of the Union of Burma (NCUB), which included most of the major ethnic nationalist groups as well as the new Burman democracy groups, thus representing the broadest coalition of political forces seen in Burma since the AFPFL liberation movement in the 1940s. This new alliance helped the ethnic nationalists to reform their “armed rebels” image, which was problematic in the West, through the association with the more “legitimate” democratic cause. Indeed, a prominent scholar referred to the emergence of a “new politics” in the border areas, suggesting that Burma now had two capitals, one in Rangoon and one in Manerplaw, the joint headquarter of the KNU and the Burman democracy groups.11

10. See, for example, interview with Aung San Suu Kyi, Far Eastern Economic Review, 7 May 1994.
11. This order of priorities became a matter of contention during the “secret talks” between Aung San Suu Kyi and the military leadership in 2000–02, facilitated by UN Special Envoy Ismail Razali, which led some ethnic minority leaders to express concern that they were being left out.
While the new alliances established in the aftermath of the 1988 uprising were seen by some observers as an indication that the traditional gap between majority Burman organisations at the centre of the state and ethnic minority groups could be bridged, comments by ethnic leaders, however, suggest that the experience of living and working together with the Burman activists has often reinforced existing prejudices. In fact, Martin Smith has suggested that negative perceptions of the democracy groups that formed on the border were partially responsible for the decision by groups such as the KIO in the early 1990s to seek common ground, through the ceasefire process, with the military regime instead of the opposition. Even today, many ethnic nationalists complain that Burmans continue to exhibit a superiority complex, and that they are receiving privileged treatment by international donors. Most border groups thus remain ethnically exclusive. Although there are several umbrella groups, the Burmans are noticeably less active in these than are the various minority groups, which by contrast appear to be quite successful in building new links among themselves. There is, for example, no Burman component to the ambitious state constitution project led by the Ethnic Nationalities Council (see further below).

This brief discussion obviously cannot do justice to the complexities of the situation or its human face. However, the seriousness of the conflicts dividing Burmese society and the complex emergencies that flow from them cannot be overstated. Unfortunately, the crisis appears to be self-sustaining. While the anti-government forces blame it on military rule, the military hierarchy views it as a justification for continued centralisation of state power and limitations on human rights. Meanwhile, forces blame it on military rule, the military hierarchy views it as a justification for continued centralisation of state power and limitations on human rights. Meanwhile, the deteriorating political, social and economic conditions threaten to undermine the basis for a peaceful transition.

13. In an interview with KNU leader Bo Mya on 20 February 2004, for example, the general strongly criticized the student soldiers: “We thought that it would be good to have Burmans in the revolution and fighting against the military regime, a common enemy. So we helped them in every way. We had to feed the 5,000 of them for at least one and a half months. We gave them weapons and they formed the students’ armed force. And when they formed, I told them, all of you fled our country because of the government’s ill behaviour, so be united and stand together, do not get divided and scattered here and there. But my words lasted only for a few moments. They start fighting among themselves, and I had to solve their problems.” He also criticized the NCGUB: “Before the coalition government came, we the KNU had done all the [governmental] seals. We wanted to form a government with all nationalities. We had done all the seals and also selected the people. When they arrived, they made requests to participate. We agreed and allowed them and gave them all seals and everything. Previously we thought we would be included, but we were not. As we are rebels and they are ‘government’, they said, ‘the government and the rebels cannot work together’ as they rejected our group altogether.” Burmehot News, 10 March 2004.


15. The first step of Than Shwe’s retirement, according to some sources, was planned already for October 2006, but was postponed at the last moment. The Senior General’s resignation as Commander-in-Chief of the Armed Forces in fact was announced on Singapore television, but never occurred, reportedly because Maung Aye refused to retire with him.
The great majority of government ministers are former commanders. Having officially shed their military titles, they are technically outside the dominant military hierarchy. In fact, the ministers often seem like little more than glorified administrators and ministerial orders are regularly ignored by the regional commanders. Some, however, are personally close to Than Shwe, or otherwise enjoy respect or loyalty, which gives them influence on decision-making at the top. Several also do double duty as leaders of the Union Solidarity and Development Association (USDA), which in recent years has been amassing significant power and likely will become a vehicle for retired military personnel to enter civilian politics.

Over the years, there have been frequent rumours of power struggles between the top generals and between different segments of the military. The purge of Khin Nyunt and the entire intelligence structure over which he presided in 2004 provided tangible evidence that tensions and rivalry do indeed exist. Yet, unusually for military regimes, which are often highly unstable, at no time since 1962 has there been open internal strife. Whatever divides Burma’s generals personally, it is less than what unites them as an institution.

2. Regime structures

The executive arm of the government at the central level has four tiers, all controlled by the military – the ruling council, the cabinet, a dozen policy coordination committees and about forty ministries. At the apex, the SPDC consists entirely of generals at the lieutenant-general level or above. The full council meets only half a dozen times a year, including regular quarterly meetings and at times of national crisis and major political decisions. Its chairman, Senior General Than Shwe, however, concurrently serves as de facto head of the cabinet and defence minister.16 The top generals also head key policy committees, such as the Committee on Major Projects and the Trade Policy Council, which supervise and coordinate ministerial activities in their respective areas. The cabinet includes a few civilian ministers, but none are in a position of any real influence. In fact, the whole executive system down to and including director generals is stacked with active and retired military officers who are subservient to the military hierarchy.17

From the centre, political authority radiates outwards through three partly overlapping administrative networks. The most powerful of these is the four-tiered structure of Peace and Development Councils (PDCs) under the SPDC – state/division, district, township and village/ward. Composed of local military commanders, police and civil service officers from the relevant levels of administration, the main responsibilities of the PDCs are to enforce law and order, to pass on the directives of the central state to the subordinate structures, and to coordinate the activities of the subordinate political organs as well as other state departments and economic agencies. State/division PDCs are chaired by the regional commanders, who since 1988 have been given extensive autonomy in the general administration of their regions and thus effectively act as governors. Township and village/ward PDCs have civilian leaders, but nonetheless, are an integral part of the system of state control. The village/ward PDCs, for example, are responsible for enforcing state policies, such as agricultural production quotas, at the individual household level, as well as for organising the communities to provide labour and financial contributions for state projects. They also serve a crucial control function through their surveillance of local community life, including the monitoring of people’s movements, which must be reported to military intelligence.18

The civil service forms a parallel administrative structure throughout the country down to the township level, but is under double military control, subservient to the local commander as well as a military minister. Each national ministry and department has its field-staff, who perform their specialist functions, and yet none of them can implement policies without consulting and getting approval from the PDC at their parallel levels. Although the large majority of officials outside the top levels of the central government are civilians, the power gap between them and the soldiers among them ensures that all defer to the military hierarchy. Moreover, most civil servants are rotated around the country every two to three years in order to ensure that they do not form loyalties that conflict with the needs of the state.

The third arm of the SPDC’s politico-administrative structure is the state’s mass organisations – usually referred to as government-organized non-governmental organisations (GONGOs) – which serve to mobilise support for the government’s objectives and policies, implement specific programmes and disseminate official orthodoxy around the country. The largest and most powerful of these is the Union Solidarity and Development Association (USDA), which officially boasts 24 million members – nearly half of the entire population – and has sections at the state/division, district and township level, as well as in many wards and villages. Other prominent GONGOs, with a nationwide structure, are the Myanmar War Veteran’s Organisation (136,000 members), the Myanmar Fire Brigade (104,000 members), the Myanmar Red Cross Society (260,000 members), the Women’s Affairs Organisation (1.6 million members) and the Myanmar Maternal and Child Welfare Association. While all of these are classified by the government as civil society organisations, they are usually run directly by senior military officers – or, in the case of the two latter, by their wives – and benefit from the use of public buildings, as well as privileged access to economic monopoly activities.

Most of the GONGOs serve a combination of political and developmental roles.19 Their fundamental purpose, however, is to serve the state. They figure prominently in the state-controlled press where they are presented as the “voice of the people”, invariably expressing support for government objectives and denigrating anti-gov-
ernment forces, both at home and abroad. Moreover, they work closely with the PDCs in mobilising communities for participation in mass rallies, state development projects and other activities seen to benefit the national interest.

3. Political Agenda

Despite its long-standing hold on power, the Burmese military has never claimed a right to rule directly. Since they first assumed the reigns of government in 1988, the generals have thus struggled to find a way to return titular sovereignty to civilians without relinquishing actual control of the country. Their first attempt to do so was unsuccessful when the 1990 election failed to produce a compliant parliament. They hit another snag five years later when the National League for Democracy (NLD), the landslide winners of that election, walked out of the first National Convention convened in January 1993 to draw up the basic principles for a new constitution, prompting the government to suspend the proceedings for eight years. Yet, with the launch of its seven-point roadmap on 30 August 2003, the SPDC has revived the process and this time, it appears, it is not going to take “no” for an answer.

The first step of the roadmap, the re-convening of the National Convention, was completed on 3 September 2007 and the third, the actual drafting of that constitution, on 17 February (the second step is an ongoing process, which essentially focuses on establishing the “right” conditions for implementation of the other). With the announcement of a timetable for a national referendum on the constitution on 10 May (step 4) and “free and fair elections for parliament” in 2010 (step 5), the generals for the first time have provided a timetable for the remainder of the process. The elections, supposedly, will be followed by the convening of parliament (step 6) and, finally, the building of “a modern, developed and democratic nation” (step 7).

Although officially preparing a transition from military rule to democracy, the military leadership has made no secret of its intention to institute a “discipline-flourishing” democracy, which supposedly will be consistent with the country’s history and present conditions. Rather than a vehicle for negotiation and compromise, the roadmap is intended primarily as a means for the SPDC to control the transition and protect its interests, specifically by institutionalising a “national political leadership role” for the armed forces. That said, the exact intentions of the top leaders remain uncertain.

The Drafting of the Constitution

The conduct of the National Convention, which drew up the basic principles for the new constitution, was marred by a lack of inclusiveness, heavy restrictions on debate and limited room for compromise. The two main opposition parties, the NLD and the Shan National League for Democracy (SNLD), both boycotted the proceedings and the non-ceasefire groups were not invited. Although the ceasefire groups all participated, they were repeatedly frustrated in their attempts to influence the draft principles, which were drawn up by the military-controlled National Convention Working Committee with only limited input from the delegates. The subsequent drafting of the constitution did nothing to improve on this. The Drafting Committee was made up solely of government-appointed officials and did, in any case, not have any mandate to make substantive changes.

According to some delegates, the proceedings were somewhat less dictatorial than commonly suggested. The group of special invitees, in particular – which included representatives of the ceasefire groups, as well as a number of intellectuals – was a forum of often heated discussions, important views were aired, and some concessions were made by the government. The requirement for presidential candidates, for example, was lowered from “having military experience” to “having an understanding of military affairs”, while the ability of the president to dominate the political process was reduced by denying him veto rights over legislation and by requiring him to appoint chief ministers of the states and regions only from among the members of the relevant local parliaments. Still, the process was heavily scripted, and for many delegates deeply unsatisfactory.

The Constitution

Unsurprisingly, the constitution that has emerged from this top-down process reflects the military’s authoritarian ideology, notably an insistence on centralised power to counter perceived centrifugal forces in society. Although it formally establishes a multiparty democracy with regular elections and associated civil and political rights, key elements of a meaningful democratic system are lacking: The separation of powers is circumvented by the extensive authority provided the president to appoint, dismiss or otherwise control legislative and judicial officials; all democratic rights are subject to laws enacted for national security and prevalence of law and order; and the military will maintain a dominant role in politics, as well as full autonomy in its internal affairs.

According to the draft principles, the commander-in-chief will appoint twenty-five percent of the members of the upper and lower houses, as well as in the state legislatures. He will also assign the ministers for defence, home affairs and border affairs. All of these representatives will remain serving members of the Burma Army, so they will be subject to military discipline. In addition, the armed forces are charged with the responsibility to safeguard the constitution itself; to safeguard the non-disintegration of the union, non-disintegration of national solidarity and perpetuation of union; and to take the leading role in safeguarding the union against all internal and external dangers. Importantly, the commander-in-chief will be the head of the armed forces, not the president, and the armed forces will independently administer its own affairs.

According to some readings of the constitution, the army will also have the right to take over state power in the case of ill-defined threats to national security, but this remains unclear, as the relevant articles are conflicting. While chapter I, article 28c states that “when there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of national sovereignty, due to take over of sovereign State power or attempts therefore by wrongful forcible

20. The last few years have seen a major upsurge in these activities with near-daily meetings of one mass organisation or another. This seems to reflect a difference of style between Senior General Than Shwe who has always preferred socialist-style mass mobilisation activities, and former head of military intelligence, General Khin Nyunt, who favoured political dialogue (or at last communication) with the main political groups.

21. The following analysis is based on the constitutional principles adopted by the National Convention. CMI has not yet had access to the final document produced by the drafting committee.
means such as insurgency or violence, the Defence Services Commander-in-Chief has the right to take over and exercise State power, chapter XI, article 8 confers that same right on the president only.  

The constitution sets out a structure of regional federalism (although it never uses that term), with fourteen regions and states of equal status – each with its own executive, legislature and judiciary – and with a bicameral parliament where the “upper house” has a legislative role. Yet, the actual sharing and decentralisation of power is limited. First, the president appoints the chief minister of each region/state, who then chooses all the other ministers (except the those for security and border affairs who are appointed by the commander-in-chief). The president also appoints the members of the region/state judiciaries. In other words, the top region/state executive and judicial officials are for most intents and purposes agents of the national government rather than of the region/state governments.

Secondly, the constitution delegates only very limited power to the region/state legislatures, and even then they often appear to come with qualifications. While the powers conferred on the federal government tend to be described in very general terms, those conferred on the regions and states are generally more specific and often trivial. Even when the state has power in a given area, the central government will thus often have power too, by virtue of its broader powers. And whenever the central and state governments both have power in a given case, the central government is supreme. Importantly, the constitution give the regions and states no power over matters that are very important to the ethnic minorities, such as language, natural resources and even environmental protection.

The lack of decentralisation is particularly problematic because the ethnic minorities, who make up between one-third and two-fifth of the population, also remain marginalised at the federal level and therefore have little prospect of influencing key issues affecting their communities. Under the constitution, each of the seven minority states will receive the same number of representatives in the upper chamber as each of the seven Burman-dominated divisions. Since the commander-in-chief will appoint twenty-five percent of the representatives from each state, the minorities will really control only seventy-five percent of those representatives from the minority states—in other words only 3/8ths of the chamber (the upper house) that was supposed to be their bastion. In addition, even if the minorities had controlled the upper house, it would not have mattered, because when the two houses disagree, the issue would be decided by the two houses sitting together as a unicameral legislature in which the Burmans dominate.

22. According to a government official intimately involved with the proceedings, the language in chapter XI, article 8 was in fact another concession by the government to the delegates in the National Convention, which objected to giving the commander-in-chief the right to declare a state of emergency. This could explain the contradiction as a simple error in drafting (with the error being in chapter I). If so, it has hopefully been cleaned up in the final version of the constitution.

23. On this point, the same official cited above explains that the government felt it necessary to ensure that the chief ministers are loyal to the president in order to avoid a repeat of the debilitating splits in the executive that happened twice in the 1950s. He argued that, in reality, the president will have to appoint someone who has the approval of the local parliament as otherwise the legislature can simply block all legislation sponsored by the chief minister. How it plays out in reality remains to be seen, but this does point to the need to look below the surface and beyond the distort that often leads observers to interpret the constitution in the worst possible light.

24. The constitutional principles, in other words, do not constitute a system of ethnic federalism, where ethnic minorities in the upper house balance the ethnic majority in the lower house, but a regional federalist system.

The Elections

The elections scheduled for 2010 raises similar issues regarding freedom and fairness, and will be governed by a new political party and election laws that have yet to be publicised. According to government officials, all existing political parties will be allowed to re-register, including the NLD, and the ceasefire groups will have the option of transforming themselves into political parties. Other new parties will also be allowed, although some form of threshold will supposedly be imposed to avoid the situation in 1990 when more than 200 parties registered and 93 eventually ran in the election. Yet, many things remain unknown: What role, for example, will the USDA play? How much campaigning will be allowed? And how will the constitutional stipulations concerning required qualifications of candidates for parliament be interpreted, especially in regard to Aung San Suu Kyi and former political prisoners? The recent claim by Foreign Minister Nyan Win that Aung San Suu Kyi cannot run in the elections does not seem to be supported by an objective reading of the constitution (which excludes her from assuming the presidency only). But did he, as one official explained to CMI, make a “mistake” – or did his comments foreshadow future attempts by the military to marginalise its main nemesis (and perhaps other key opposition figures) by exploiting ambiguities in the laws?

Outside the Roadmap

Importantly, the roadmap with its formal laws and processes reveals only part of the SPDC’s agenda. Even with the obvious limitations of the constitution, another opposition sweep in future elections would effectively sideline the military appointees and give it control of the presidency as well as the broader legislative agenda. To prevent this, the military has been building up its civilian-front organisations – in particular the USDA – to provide the political basis for continued control of the government, while it continues to suppress any independent political activity.

The prevalent assumption is that the USDA, which was set up in 1993 soon after the convening of the National Convention explicitly to support the regime’s “national” objectives and today claims nearly 24 million members, will be turned into a political party before the elections. This would run afoul of at least two clauses in the constitution, which forbids public servants from being members of political parties and parties from receiving any support from the state. But whatever exact model the military leaders have in mind, there is no doubt that the USDA, along with other state-sponsored mass organisations, will be used as “electoral machines” to secure support for loyal candidates, as well as to maintain central government control at the local level.

Since 2004, local USDA chapters have been directed to further step up their recruitment drive and involvement in local development projects, the latter seemingly in an effort to build support in local communities. Individual members have also increasingly been given formal administrative roles, for which they are provided training by military and government officials in such matters as the management and
control of local communities. It seems likely that USDA members will be favoured in the future not only politically but also for local administrative positions as a means of securing continued centralisation of power through strict hierarchies (much like was the case under the BSPP regime, as well as under military regimes before and after).

Meanwhile, heavy repression of all political opposition groups continues. Just three days after announcing the timetable for the referendum and elections, the authorities extended the detention of NLD deputy leader Tin Oo by a year. The leaders of the SNLD and several Shan ceasefire groups, too, remain in jail, and arrests continue as part of the crackdown after the protests in 2007, which has decimated the ranks of political monks and other established activist networks, notably the 88 Generation Students. Many believe that neither Aung San Suu Kyi, nor the also widely popular and respected 88 Generation leaders, will be allowed to run in the elections, and that the NLD as a party may even be disbanded beforehand.26

The regime has also stepped up the pressure on the ethnic armed groups to succumb to central government authority. In recent years, many ceasefire groups have reported increasing army encroachment on their territory, while some have come under direct pressure to surrender their arms and allow the establishment of state administrative structures and schools in their areas. According to a close observer of Shan politics, “since the purge of Khin Nyunt [the main architect of the ceasefires in the early 1990s], the government has been openly favouring the ethnic militia groups over the ceasefire groups”, a clear indication of declining tolerance for any form of autonomy or non-cooperation with the regime’s plans.27

The few remaining insurgent groups similarly have come under increasing pressure. The KNU, which reached a so-called “gentleman’s agreement” with the former intelligence chief in 2004 to cease hostilities, has come under renewed attack since December 2005 when the army launched a major offensive in northern Karen state and eastern Pegu (Bago) division. Since then, several thousand Karen refugees have arrived at the Thai border with stories of army attacks on villages, which closely resemble experiences during past “four-cuts” counter-insurgency campaigns in ethnic areas. This is likely to be followed, as it has been in other border areas, by the establishment of new army bases, access roads and central government institutions. While the SSA-S and the KNPP so far are under less pressure, it seems inevitable that their turn will come.

4. Underlying values and interests

The SPDC’s insistence on continued centralisation of power under military leadership is viewed by many observers purely and simply as a personal quest for power and privileges. This view, however, ignores important elements of the subjective basis of military rule. Like any other institution, the Burma Army is a product of its history and environment, which have created a number of enduring “mindsets” that strongly influence its behaviour as a government. The military leadership certainly has vested interests in maintaining power, but these are probably better seen as contributing to its reluctance to transfer power than as a main factor.

The professional political army

Contrary to Western liberal democratic thinking, the Burma Army perceives political leadership as an integral part of its professional role and responsibilities. The outbreak of multiple insurgencies immediately after independence in 1948, followed closely by the invasion of Chinese nationalist Kuomintang forces in Eastern Shan state, made the first civilian government dependent on the army, which from the outset enjoyed considerable autonomy as it undertook critical security and state-building tasks, especially in remote areas of the country. These experiences, coupled with the perceived failures of politicians in the 1950s, set the stage for the 1962 military coup and subsequent attempts to resurrect the state under military leadership that continue today.

Since Myanmar began its struggle for freedom, the Tatmadaw has been the most important organisation.... The Tatmadaw has performed not only military duties, but also political duties uniting political elements and organising the masses of the people.... The political experience of the Tatmadaw that has stood firm for fifty years is much greater than the political experience of the political parties.28

While others, understandably, condemn the army’s ruthless counter-insurgency campaigns in ethnic minority areas, as well as its role in quelling popular unrest in the cities, in the mind of many military officers these experiences have only affirmed the central role of the army in protecting the state against centrifugal forces that threaten its integrity and sovereignty. The army, in other words, is perceived to have a right – or indeed duty – to play a leading role in the country’s affairs, political or otherwise, rather than simply acting as a servant of the state.

The national security state

While the democracy forces view military command-style leadership and ineptitude as the primary causes of Burma’s problems, from ethnic conflict to economic underdevelopment, the military rulers perceive democracy as a recipe for political instability and a threat to national unity and sovereignty. Many in the military hierarchy are convinced that without the strong hand of the armed forces, civilian government would be harmful to Burma.

Part of this fear grows out of the historical record of civilian politicians. During the first decade of the country’s independence, civilian governments were greatly

26. The SPDC may calculate that this would cripple the opposition movement, which have few other nationally recognised and respected 88 Generation leaders, will be allowed to run in the elections, and that the NLD as a party may even be disbanded beforehand.

27. The militia groups, the strongest of which is the Democratic Karen Buddhist Army (DKBA), have formally surrendered to the government and essentially serve as a form of border security forces, working closely with the army and under its ultimate command. The ceasefire groups, by contrast, have not surrendered and maintain independent authority in their designated areas.

weakened by opportunistic struggles for personal power and the spoils of office, which caused several splits in the ruling Anti-Fascist People’s Freedom League. The military’s claim that the 1962 coup was necessitated by civilian performance failures was widely accepted at the time, and military leaders have continued to argue that politicians lack the unity and patriotism of the armed forces. Recent military publications contrast “party politics” with “national politics”, arguing that the former is concerned only with power and self-enrichment.

The army leadership is also vehemently opposed to some of the policies that an NLD-led government is set to pursue, such as the party’s stated support for increased ethnic autonomy within a federal state. Since colonial times, military leaders have regarded ethnic nationalists as “stooges and separatists”, who are instigated by foreign powers. This distrust has been fuelled by a decade of ethnic and ideological insurgencies, many of which have indeed received funding and other support from abroad. Military leaders fear that federalism would create instability and constant danger of foreign interference in the border areas. In 1962, the (all-Burman) Revolutionary Council justified the military coup primarily as a pre-emptive strike to forestall moves by Prime Minister U Nu toward a federal state, which they believed would destroy the union. Since 1988, military speeches and the official media have made frequent references to the former Yugoslavia as an example of what could happen to Burma if the ethnic states were given more autonomy.

Army leaders also view the NLD’s support from the U.S. and European countries as threatening another of its core values: national sovereignty. Burma’s rulers remain steeped in xenophobic notions of nationalism that strongly influence both their domestic policies and responses to outside pressure. These sentiments are rooted in the fears of a young nation of losing its newly won independence in a hostile world. Over time, however, the practical reference point has moved from the country’s physical borders to an abstract ideal of absolute national control over all details and affairs of Burmese life. Although the post-1988 regime has significantly relaxed the long-cherished notion of territorial sanctity, the ideal of absolute sovereignty and perceived need to insulate Burma from foreign influence remain. The official discourse is permeated by warnings about foreigners, and each new opening is accompanied by control mechanisms to limit the impact of allowing them into the Burmese “domain”.

This preoccupation with the past may seem unreasonable to outsiders. However, the isolation of the officer corps from both domestic and international society, coupled with the strength of internal propaganda and continuance of internal and external threats to the state, real and perceived, has mitigated against any significant changes in outlook. From the SPDC’s perspective – and this is really the crucial point – a transition to democracy could undermine everything the army has worked for since before independence. Apart from their deep-seated disdain for civilian politicians, who they believe historically have shown themselves to be weak, parochial and incapable of managing the state’s affairs, the military leaders are worried about the NLD’s apparent commitment to a federal system of government and an opening of the country to the wider world. These policies set the main opposition party on a course that many in the armed forces believe would destroy national unity and threaten the country’s sovereignty. For the military leaders who continue to see themselves as “guardians of the state”, and the army as the only institution with genuine national aspirations, this makes it impossible to contemplate allowing a new civilian government a free reign. The military’s leading role in national politics, as explicitly stated in the principles of the new constitution, must be secured.

The command mindset

In addition to these perspectives, which arise in large partly from Burma’s unfortunate historical experiences (as interpreted by army leaders), the SPDC exhibits a number of orientations more generally associated with militaries around the world. These include features such as conservativeness, rigidity of thought and closed-mindedness to societal and international affairs, as well as a preoccupation with hierarchy and order and an inclination to influence human behaviour by restriction or punishment.

Anti-politics. Ironically, given their political orientation, the military leaders show a strong aversion to “politics”, which they associate with inefficiency. In the words of late Senior General Saw Maung:

“The military science which we are well versed in is higher than political science…. I have said that I will not do politics…. The SLORC is not a party organisation. It is the government of the country carrying out administrative work…. I want to reiterate that we will not tolerate any organisation or individual if it is against us…. They [the political parties] do not do what they have to do. They ask for a time frame. This is a demanding process. Don’t do that. Do what you have to do till you finish it.”

This emphasis on resolute, administrative leadership obviously clashes with the principles of parliamentary government. The military leaders do not appreciate that debate and compromises among groups representing different interests is at the heart of a sound policy process. If we want to get the work done in the future under a parliamentary government, there will be a lot of problems with bureaucracy and we will have to do everything step by step. If we have a parliament they will have to discuss it, and make contracts and so on.

29. Although most of Burma’s ethnic groups today have officially abandoned the goal of secession and are merely seeking greater autonomy and equality within the Union, it is not so long ago that large areas of the country were controlled by armed rebels, some of whom essentially had established independent states. Moreover, many military officers, who spent their formative years fighting insurgents in the jungle and saw friends die on the battlefield, are imbued with a strong distrust of ethnic nationalism. Such attitudes go a long way toward explaining the military’s insititute on maintaining a strongly centralised, unitary state.
30. For example, state personnel, who met with foreigners, for many years after 1988 had to file a report with military intelligence on all contacts abroad. Military leaders fear that federalism would create instability and constant danger of foreign interference in the border areas. In 1962, the (all-Burman) Revolutionary Council justified the military coup primarily as a pre-emptive strike to forestall moves by Prime Minister U Nu toward a federal state, which they believed would destroy the union. Since 1988, military speeches and the official media have made frequent references to the former Yugoslavia as an example of what could happen to Burma if the ethnic states were given more autonomy.
31. Although the post-1988 regime has significantly relaxed the long-cherished notion of territorial sanctity, the ideal of absolute sovereignty and perceived need to insulate Burma from foreign influence remain. The official discourse is permeated by warnings about foreigners, and each new opening is accompanied by control mechanisms to limit the impact of allowing them into the Burmese “domain”. Measures to strengthen national resilience to foreign influences have also been stepped up.
Such views go some way towards explaining the regime’s adoption of the concept of “discipline-flourishing democracy”, the essence of which is the ring-fencing of national security policy so it does not get “caught up” in the political process.

**Dirigism**: Just as the military rejects the political “market place”, so it remains wary of economic market forces. Although the government since 1988 has adopted the language and, to some extent, the form (laws and institutions) of an open-door market economy, this has been motivated more by the inefficiencies of the socialist system than by an ideological or intellectual endorsement of the arguments of laissez-faire capitalism. Many military officers look at the state as the provider of all good things and still exhibit the planning mentality of the socialist era. They view private entrepreneurs as inherently egoistic and greedy, and believe that people and markets must be controlled to protect national interests.

There were allegations against us that we forcibly purchased paddy [at below market prices]…. You think that if the private traders buy, the price will be higher? The private traders are preparing to fleece the farmers….”

When the government increased salaries in 1989, private businessmen immediately raised prices. Only the few government shops maintained prices.

So who is responsible for inflation?13

Not surprisingly, the suspicion of private entrepreneurs extends with added intensity to international capital, which is seen to be inherently exploitative and prone to interfering in national political affairs.

The values and principles of this “command mindset” are rooted in the particular needs of an institution responsible for conducting wars. Yet, in power, military officers have continued to do what they know best, centralising control, eliminating pluralism and generally emphasising action over dialogue. These methods of leadership not only provide the framework for military governance, but are also applied as criteria for assessing the needs of society and the behaviour of other actors.

The claim is not made here that all members of the military elite (not to speak of the rank-and-file) share all of these mindsets to the same extent. There are officers who appreciate the intimate links between national security, economic development and participatory government, and who are more restrained in their fear of internal and external subversion. Some military officials in private indicate a certain empathy with Aung San Suu Kyi and even express support for a power-sharing arrangement. Some have gone out on a limb to facilitate cooperation with international human rights and development agencies. There are also significant differences between military officers, often commented on by businessmen, when it comes to leadership style and willingness to engage with other actors. Yet, by and large, in a system that places extreme value on unity and conformity, the most powerful leaders — and often the most hard-line views — set the standard. Others play along with the illusion of unity for strategic purposes, or simply to survive.

**Vested interests**

The insistence on continued centralisation of power through military dominated structures, of course, also serves the corporate and personal interests of the military leadership. After almost a half century of military rule, the military as an institution has grown accustomed to dominating all other power structures in the country and having full decision-making and budgetary autonomy in the pursuit of its goals. The upper echelons of the military have come to constitute a privileged upper class in Burmese society with superior access to everything from consumer products to education and health care. These privileges have been further extended since 1988, which has seen a great increase in economic opportunities for those who control new state-linked direct foreign investments and the expansion of state control in the border areas with their rich natural resources. Moreover, high-level officers have good reasons to fear that they could face punishment for decades of human rights violations should they lose the protective shield provided by absolute power.14 What is at stake is no less than the way of life, a threat which is bound to invoke very powerful defence mechanisms, even if it is not the only — or even the primary — determinant of government policy. But even among staunch critics of the regime, few who actually know the top leaders personally believe they are driven solely by greed or self-preservation. Rather, most critics see the reasons why change in Burma has been slow in coming lie in a particular worldview that is fundamentally hostile to change in general and pluralism in particular. This worldview — this siege mentality — needs to be taken seriously and actively addressed by anyone committed to bringing about reform.

Whatever the mix of motivations, it is important to recognise that the constitution, for all its shortcomings, does constitute a compromise by the SPDC, which is under no urgent pressure to give up power. According to one insider, the top-two are concerned with their legacy and, in transferring power, are going further than some in the ruling circle would like. Conversely, there is ample, if mainly anecdotal, evidence to suggest that others within the regime accept the need for broader changes, including finding an accommodation with the opposition. Against this backdrop of diverging views, the constitution is perhaps best seen as a “bottom-line” proposal by those currently in control, aimed at protecting the vital interests (as perceived by them) of themselves and their families, the armed forces as an institution, and the country. For the time being, at least, any further concessions to democracy or federalism is likely to be unacceptable to the powers-that-be. Which presents the democratic and ethnic opposition with a devil’s choice: accept the limited changes offered or face the continuance of the status quo (or worse).

**B. The Democracy Movement**

To many in the outside world, the democracy movement is synonymous with Nobel Peace Prize laureate Aung San Suu Kyi and her National League for Democracy.

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38. Aung San Suu Kyi has tried to weaken the spectre of retaliation by emphasizing the value of forgiveness, but in the early 1990s there were demands from more militant members of the opposition for the responsible officers to be brought before human rights tribunals or tried by the inter-national community in absentia.
(NLD). While the NLD undeniably has provided vital leadership and legitimacy for the movement as a whole, there is, however, a wide range of disparate groups and people working for democratic change. The students and monks, who organised the 1988 uprising, in particular, have maintained an independent, if generally supportive, activist role and over the past few years have effectively eclipsed the NLD as the vanguard of the movement. A similar trend was evident much earlier outside the country where the NLD-led exile government, the National Coalition Government of Burma (NCGUB), always struggled to assert its leadership of the many democracy groups that have formed on the Thai border and overseas.

In addition to the NLD and the NCGUB, prominent democracy organisations today include the 88 Generation Students (a.k.a. 88 Students), the All-Burma Monks Alliance (ABMA), the All-Burma Federation of Student Unions (ABFSU), the Forum for Democracy in Burma (FDB) and the Free Trade Unions of Burma (FTUB), along with a host of new groups established in the aftermath of the Saffron Revolution. There is also an informal network of mainly intellectuals and businessmen, who have rejected the activist stand, otherwise associated with the democracy movement, in favour of efforts to produce change from within the current system (here referred to as the “new opposition”). Ethnic nationalist groups, many of which are also explicitly committed to democracy, are discussed in section C below, as is the National Council of the Union of Burma (NCUB), which is an umbrella group of democracy and ethnic nationalist organisations, but is dominated by the ethnic armed groups.

1. The NLD

The NLD was established in September 1988, within weeks of the military’s take-over of power. Led by a coalition of prominent political personalities, including Aung San Suu Kyi and Tin Oo, the party brought together three key elements of Burmese society: the urban intellectual elite, former military officers who still enjoyed influence within the armed forces, and the students, or youth, who had led the 1988 uprising. Although several veteran politicians from the 1950s also set up new political parties, the people were looking for a fresh start and the NLD quickly attracted 2-3 million members, establishing a near nationwide party structure. Its landslide victory in the 1990 election cemented its status as the vanguard party of the democracy movement, and it has remained. As Aung San Suu Kyi herself has stated:

“The chief aim of the NLD and other organisations working for the establishment of a democratic government in Burma is to bring about social and political changes which will guarantee a peaceful, stable and progressive society where human rights, as outlined in the Universal Declaration of Human Rights, are protected by the rule of law.”

The opposition leader has repeatedly stressed that democracy comes first; issues of governance must wait until this is secured:

“After establishing democracy, we may have new responsibilities in the economic sphere, but at this time we work towards democracy…. People shouldn’t be sidetracked by all these so-called economic reforms from the fight for democracy. If we don’t change the political system, we’re not going to progress economically either. A government that cannot guarantee basic human rights certainly won’t be able to guarantee any economic rights.”

Strategy and Strategic objectives

In pursuing this national agenda, the NLD has called for dialogue with the military, rejecting the path of violence and revolution. Aung San Suu Kyi personally has often spoken with respect about the army, which her father founded and, particularly in recent years, has been stressing that everything is open for discussion:

“We do have a transitional plan… but we want to talk it over with the authorities, after all, it is at present the SPDC which is in power, and since we want to bring about change through non-violent means, that means we want to bring about change through dialogue and negotiation, so our plans, our hopes, our timetables as it were, are flexible ones…. A dialogue will be a process through which we can come to a solution which… would be of benefit to both sides, or to all participants in the dialogue process. We are not out to punish anyone, we are not out to crush or annihilate anybody, that is not our way, that is not our policy.”

The party, however, has insisted that the people’s call for democracy, expressed in the 1988 uprising and 1990 election, must be respected and thus for the past twenty years has adamantly opposed any attempt by the SLORC/SPDC to circumvent the democratic process and unilaterally impose a “solution” to the political crisis.

Aims

Although technically a political party, the NLD is better understood as a social movement. Its original programme was: “To organise unity among the democratic forces, to protect the democratic rights of the people, and to create conditions for holding a free and fair general election in order to form a genuine democratic government in conformity with the will of the majority of the people.” This focus on regime change has remained. As Aung San Suu Kyi herself has stated:

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37. The initial leadership consisted of Aung San Suu Kyi as General Secretary, Brigadier Aung Gyi as Chairman and U Tin Oo as Vice-Chairman. Aung Gyi, however, was expelled a few months later after accusing Aung San Suu Kyi of being influenced by communist members of the party. Tin Oo took over as chairman, while U Kyi Maung became vice-chairman.

38. Many students though joined the Democratic Party for a New Society (DPNS), which campaigned for the NLD in the election, but remained independent of it. It was disbanded in 1990 and has since been active in exile only.


We consider it our responsibility to implement the will of the people, and we will certainly not fail in carrying out our responsibility.  

As Aung San Suu Kyi has also emphasised: The NLD is willing to compromise. But it is not willing to kneel.

We have always been ready to compromise for the good of our nation and for peace, stability and harmony within the region. ... There is a difference between a readiness to compromise and a readiness to kneel. We are not ready to kneel – that we have to say frankly, because by kneeling we would be letting down those who trusted us to bring democracy to Burma.

The NLD has tried twice to unilaterally convene the parliament elected in 1990. In July 1990, two months after the election, the party called on the SLORC “to convene Parliament by 30 September, enter into political talks with the NLD, release Aung San Suu Kyi and all other political prisoners, and withdraw all restrictions on people’s freedom.”  

When the SLORC ignored the deadline, a group of elected representatives left for the “liberated areas” on the Burma-Thai border where, on 16 December 1990, they set up the National Coalition Government of the Union of Burma (NCGUB), headed by Aung San Suu Kyi’s cousin, Dr. Sein Win.  

The new exile government pledged “to eliminate the SLORC”, “to call a National Convention with the elected representatives, as well as members of ethnic nationalist organisations and other democratic forces”, and “to establish a genuine democratic government”.  

Eight years later, in 1998, the NLD set up the Committee Representing People’s Parliament (CRPP) inside the country. Comprising ten members – mainly from the NLD Central Executive Committee, but including also a representative from a small ethnic political party – the CRPP was charged with acting “on behalf of the parliament until a parliamentary session attended by all the elected representatives is convened”.  

Aung San Suu Kyi appealed directly to elected parliaments overseas to convene.  

The two sides have met for talks on several occasions in 1994, 2000-02, 2004 and, most recently, in December 2007-January 2008. But each time, any sign of reconciliation has quickly given way to renewed confrontation.

The principled stand of the NLD has put it at loggerheads with the regime, which has responded with heavy repression of the party, although it has stopped short of disbanding it. Having rejected violence, including street protests, the party has had few domestic means of forcing the regime to the negotiation table and breaking the deadlock. Instead, it has relied mainly on the international community (and time) to help pressure the military leadership to engage in substantive dialogue. Aung San Suu Kyi first started calling for sanctions soon after her release from house arrest in 1995.

I would like to call upon those who have an interest in expanding their capacity for promoting intellectual freedom and humanitarian ideals to take a principled stand against companies which are doing business with the military regime of Burma. Please use your liberty to promote ours.

She later repeated these calls in numerous interviews, most recently in private discussions with foreign diplomats in early 2003, shortly before she was re-detained. Although other NLD leaders have subsequently denied these calls for sanctions, they have not rescinded them. On the contrary, they have welcomed Security Council action on Burma and have called on countries in the region to strengthen pressure on the regime.

43. Ibid.
45. NLD 1990.
46. NCGUB 1991.
47. NCGUB 1992, 238-40.
49. NLD 2006.
50. NLD-Central Executive Committee 2006.
52. The government agreed to a demand that the NLD could choose its own delegates for the Convention, but failed to offer firm promises that the constitutional principles adopted in 1993-96 would be open to discussion. It also turned down demands that Aung San Suu Kyi and her deputy Tin Oo be released from house arrest and party offices allowed to reopen. The government’s negotiators asked the NLD to be patient, arguing that the release of Aung San Suu Kyi could create unrest and undermine the Convention. The party, however, did not feel that they were acting in good faith and therefore decided to boycott the assembly.
Current status

Aung San Suu Kyi has often stated her conviction that time is on the side of the democracy movement. But time has not been kind to the NLD, which has fractured under pressure from the authorities, and lack of political progress, and today faces a serious crisis of leadership, as well as waning public confidence. Each crackdown has left the party weakened, its membership diminished, and internal cohesion under increasing pressure as hopes for victory have subsided. While many supporters understandably celebrate the leadership and ideology of the NLD, former members describe a party suffering from internal disunity, authoritarian management and ineffective strategies. The NLD, they argue, has suffered greatly from the loss of most of its intellectual cadres, many of whom were imprisoned early on or have left the party in frustration over the way it is run. This has left the leadership in the hands of conservative ex-military officers who run the party in rigid, top-down fashion, squashing individual initiative and paying scant attention to the need to train future leaders and mobilise active popular support.

During the 1990s, Aung San Suu Kyi’s towering influence (and the international community’s single-minded focus on the NLD) helped keep the party united and other activists largely unified behind it. The few who openly challenged the party line were expelled, and in the wider democracy movement criticism of the main opposition party was deeply frowned upon if not actively suppressed. For many the main concern was to maintain the unity of the movement, even if this meant denying voice to any kind of (public) dissent or self-reflection. Over the past 5-6 years, however, the continued deadlock and internal strains in the movement have given rise to growing criticism. NLD members have called for a rejuvenation of the party and a new strategy. In the exile community, some have begun questioning whether the democracy movement needs a new vanguard party. This is all symptomatic of growing perceptions of a crisis within the NLD.

With her near total isolation from the party and the people since June 2003, the force of Aung San Suu Kyi in Burmese politics is much less palatable than before. While she remains an enormously important symbol for the democracy movement, both at home and abroad, and seemingly still induces anxiety among the military leaders, she is no longer able to lead it in concrete ways. Other NLD leaders never had the legitimacy and authority of Aung San Suu Kyi, whether within the party or among the wider population or the international community, and the extended war of attrition with the authorities has left deep marks on the organisation which has lost much of the pluralism and dynamism of the early years. The membership is down dramatically from its peak in 1990; nearly all party offices have been shut down; and the party’s organisational structure has all but collapsed, although individuals in many areas try to carry on as best they can. Without Aung San Suu Kyi, the aging leadership appears rudderless, ineffective and largely disassociated from its constituency.

The re-emergence of veteran student leaders from 1988 in 2006 and the mass protests last year have brought things to a head. Many younger, more activist-minded NLD members have begun openly defying the Central Executive Committee, joining with the 88 Generation and other activists in the streets. Several members elected in 1990 and district leaders have also issued independent statements, including early calls for people to vote “no” in the referendum (before the party had taken an official stand) and strong criticism of the UN and the international community for their way of handling the situation concerning the roadmap. Considering the strict discipline that the party leadership had upheld before, this amounts to near open rebellion.

That said, the transitional strategy of the SPDC may inadvertently bring the NLD back to the fore of the struggle for change. Due not least to the inability of new political parties to form over the last twenty years, the NLD remains the only party with broad national recognition and would go into a future election with a major advantage. Indeed, it is likely that many political activists currently working outside the party would join a common platform, simply to avoid splitting the vote for anti-USDA parties. The NLD thus would likely maintain its position as the main independent party — and, depending on how the elections are conducted, it could well repeat its election victory from 1990. This is, of course, assuming that it is not disbanded beforehand, and that the election is not rigged.

2. Popular activism

The NLD was born of a social movement, which brought together a wide cross-section of Burmese society. The 1990s and early 2000s saw a gradual decline in popular activism as people returned to passive strategies of resistance or simply gave in to the reality of military rule. The students and the monks, which led the 1988 uprising and remained key supporters of the NLD before, during and after the 1990 election, has been under intensive repression and for fifteen years was much less of a political force. Lacking leadership, popular activism became increasingly infrequent, largely limited to sporadic individual acts of defiance. Although significant numbers of people turned out to see Aung San Suu Kyi at public events such as her weekend talks in 1996-97 and during her tours around the country in 2002-03, at no time between 1990 and 2006 were there any indications of broader mobilisation against the regime. On the contrary, many people seemed to have lost faith in the promises of change and appeared increasingly disillusioned with all sides in the political conflicts. This has changed significantly, however, with the return to politics of several veteran student leaders in 2006 and the eruption of the new monks movement in September 2007.

65. Although student protests erupted towards the end of 1996 in both Rangoon and Mandalay, and again briefly in 1998, these events focused on internal student affairs. After that, the student movement inside the country appeared to have gone dormant. Kyaw Yin Hlaing, who did field research in December 2001, was unable to find anyone engaged in informal student groups [personal communication, Singapre, February 2004]. A more detailed follow-up survey by the same author in 2004, involving in-depth interviews with 45 students, revealed that none of them had been approached by any political group for recruitment purposes. The great majority, he concluded, exhibit very limited knowledge of the country’s history of student politics and show clear signs of political apathy. The differences between the pre-1988 and post-1988 period, he pointed out, is that none of the leading political groups in the country today have actively attempted to mobilise the students: “Student activism survived the harsh repression of the previous socialist regime. However, since the collapse of the BCP, no new organisation has made an attempt to help students organise informal student groups. It appeared that the NLD and other democracy organisations spent more time on attracting international attention than strengthening civil society and organising underground political organisations. Due to political constraints the NLD did not approach students; it only worked with the students who came and joined the party. Likewise exiled organisations including the ABSFU did not try to mobilise the students in the way the BCP had done.” Kyaw Yin Hlaing, 2004.
The 88 Generation Students (and their 2007 generation heirs)
The 88 Generation Students group, which was formed in August 2006 by veteran student leaders from the 1988 uprising after their release from prison, breathed fresh air into the democracy movement and quickly eclipsed the NLD as the focal point for anti-government politics. The group initially took a fairly low-key, conciliatory approach, calling on all sides to cooperate for the sake of the country. But, after five of its leaders were detained in September 2006, second-tier leaders swung into action with a series of high-profile campaigns aimed at mobilising the general population.

The first campaign was a countrywide petition for the release of the 88 Generation leaders and all other political prisoners, which garnered more than 500,000 signatures. This was followed by the “White Expression” campaign in which the students called on the public to wear white clothes as a mark of honesty and purity, and then a multi-denominational prayer week involving candle vigils at monasteries, churches and mosques around the country where prayers were offered for a peaceful resolution of the country’s political crisis. In early 2007, the group called on members of the public to write letters to Senior General Than Shwe, urging him to undertake political, social and economic reform. “Our aim”, explained one of the group’s leaders, “is to have the military authorities hear the feelings of the people.”

Perhaps because the group mainly focused on social and economic issues, the authorities initially showed surprising restraint. Despite some incidents of harassment by local authorities, the campaigns largely went peacefully. The top leaders were released again in January 2007 and, in media interviews, explained that they had been questioned about their political views and intentions but overall had been treated well. By March, however, members of the group were coming under close surveillance. Tensions escalated with several incidents of violence against activists by government vigilantes and when the group in August took to the streets to protest against the doubling of fuel prices, the entire leadership was almost immediately arrested. It subsequently was revealed that the group for some time had been planning a major campaign against the National Convention, which at the time was in its final session, and the authorities likely moved pre-emptively to prevent the former students from using the explosion of popular resentment over the price increases to launch a political movement.

Like the year before, lower-level members picked up the baton and played an important role, alongside the monks, as the protests gathered pace, culminating in the Saffron Revolution in late September, which brought tens of thousands of monks and lay people into the streets in Rangoon, with smaller protests also in some two dozen other towns around the country. This, however, made them a primary target during the subsequent crackdown and at the time of writing nearly all known members of the original group have been arrested. Although a few remain in hiding, they are in no position to do much more than give sporadic interviews and statements; the same goes for those who have gone into exile. According to one veteran from 1988, who went not directly involved in the 2007 protests and remains active above-ground, he and his colleagues have to stay away from other activists for fear of bringing attention to them. Their main role today thus seems to be providing strategic guidance through public statements and demands, and giving covert interviews with the international media.

While the 88 Students may thus for the time being have been contained, the events of last year have become the catalyst for a long-delayed generational shift in the student movement. Student activism had nearly disappeared during the 1990s and the first half of this decade, as the youth focused on more mundane issues of securing jobs and careers. Yet, the recent violence against their peers and the monks have re-politicised this group. The All Burma Federation of Student Unions (ABFSU), which has roots back to the independence struggle and played a central role in the 1988 uprising and its aftermath, was revived during the protests in 2007 and since then several new underground groups have been formed, including “Generation Wave”, the “2007 Generation Students” and various regional “People’s Movement” committees.

The new monks movement
Like the 88 Generation students, several of the leaders of the new monks movement, which sprung up in September 2007, earned their spurs during the 1988 uprising and have remained in contact with other activists. According to one of the six members of the All-Burma Monks Alliance, which became the rallying point for the movement, political monks had been planning for some time to join the people in the streets when the time was ripe.

It is important not to conflate this politicised leadership of the monk’s movement with the great majority of clergy whose participation in the 2007 protests was more spontaneous and driven primarily by the immediate suffering of the people. Several of the latter subsequently complained over the politicisation of the movement by fellow monks and democracy activists, which they felt was inappropriate and had provoked the government crackdown. Yet, members of the ABMA, who have avoided capture, have subsequently openly joined forces with the 88 Students, and since October have publicly been calling for a resumption of the protests. Meanwhile, hundreds of monks at monasteries in Rangoon, Mandalay and Pakkoku have maintained a religious boycott against members of the regime.

58. Like the students, Burma’s monks have a long tradition of resistance to “unjust” rule, going back to the colonial period when Buddhist religious organisations were among the first to confront the British authorities over their disregard for the local population and culture. Buddhism is a pervasive force in Burmese society and individual monks are held in great respect and veneration as religious leaders and teachers, placing them in a position of authority often surpassing that of local government officials and other leaders. With around 400,000 monks nationwide, including novices, the Sangha is a force to be reckoned with. During the 1988 uprising, monks played an important role alongside the students in helping organise the demonstrations and maintaining security in local communities after the breakdown of the state apparatus. Even after the SLORC’s take-over of power, outspoken monks continued to actively support the NLD during the run-up to the 1990 election. In August 1990, demonstrations commemorating the killings of 8 August 1988 led to clashes between soldiers and Buddhist monks in Mandalay where two monks were killed. As a result, monks all over the country imposed a religious boycott of the regime, refusing to receive alms from or provide other religious services for military officers and their families. After that, the SLORC/SPDC re-established state control of the Sangha hierarchy and “wayward” monks suffered heavy reprisals from the authorities no less harsh than other activists, resulting in the near disappearance of open opposition by the monkhood. Several illegal politically oriented monk organisations, however, remained in existence and appear to have provided the leaders for the 2007 movement.
Prospects
The Saffron Revolution has reenergised the grassroots and the anger is by no means contained. Small-scale protests by students, monks and other activists have broken out in several places. The primarily young activists are showing impressive creativity in their political activities, which have included, for example, hanging pictures of the military leaders around the necks of street dogs, in addition to more traditional forms of protest. With the continued refusal of the regime to accommodate any of the protesters demands, this is something that is bound to escalate and become increasingly organised.

Yet, activists will continue to face major obstacles in mobilising the general public. First, everyone over 35 remembers 1988. They know there are few limits to the violence the generals are prepared to apply to maintain control. They know, too, that the army was able, if not to live down the domestic and international outrage over killings of thousands of protesters in 1988, then certainly to survive it and carry on.

The seeming international impotence in the face of the recent violence will not have given them more confidence that victory is possible soon. While youths may ignore the dangers, many older people express deep reluctance to take further risks and fear for their children. Parents, teachers and senior monks keep a close eye on those under their care.

Secondly, the ongoing military crackdown has been far more decisive and wide-ranging than anything seen before and has seriously disrupted all existing activist networks. No successful movement is possible without effective leadership and organisation; even if there is an acceleration of underground activities, it will take time for new groups to gain the experience and public legitimacy of the NLD and 88 Generation leaders. Although one can never rule out the possibility that anger and despair will drive people to react in ways that are hard to imagine at this time, any further unrest in the coming months is likely to originate with angry youths whose networks, organisational resources and influence with the general population are weak.

The monks have already defied expectations once and maintain nationwide networks. Yet, thousands of monks from the main monasteries in the cities have been ordered by the authorities or their abbots to return to their home villages, or have left voluntarily, making collective action significantly more difficult. Although political monks have been warning since mid-October that further large protest marches are being organised,60 so far little has come of it, suggesting that the Sangha, too, has fractured under the repression.

3. Border politics
“The border” has been an important political and geographical dimension of the democracy movement since thousands of activists fleeing the crackdown in 1988 sought refuge there. While separated from the Burmese heartland by hundreds of kilometres of mountains and jungle, the groups on the border, in contrast to the wider exile movement, have remained, at least in theory, active inside the country. The character of this segment of the movement, though, has undergone several transformations, reflecting the difficulty it has had in making an impact (as well as the changing fashions of Western democracy aid, which is sustaining most of these groups).

Armed Struggle
More than 10,000 young activists are estimated to have fled to the border during the army’s crackdown in 1988, with smaller waves following after the election in 1990 and the student protests in 1996. Upon arrival, they formed an uneasy alliance with the ethnic nationalist armies, particularly the KNU and KIO, which helped set up a new student army, the All Burma Student Democratic Front (ABSDF).60 Yet, like their new allies, the students found themselves stuck in the border areas, far too weak to launch attacks on the main cities and towns, not to mention the capital. Many were killed in battles in the jungle or died of malaria or other illnesses in the new and unhealthy environment, while others moved on to life and politics in exile, which has had weak links to the opposition inside Burma. By 2005, the ABSDF battalions counted less than 800 soldiers and the numbers continue to decline.61

Political defiance
In 1999, there was an attempt by exile activists on the Thai border to bring the struggle back into central Burma by organising a “political defiance” movement. The plan was for agent provocateurs, which had been trained in KNU-controlled areas, to filter back into the country where they would mobilise the people behind a countrywide general strike and civil disobedience campaign. A target date was set for 9 September 1999 (9-9-99) – a deliberate reference to the last general strike which was launched on 8 August 1988 (8-8-88) – and, as eleven years earlier, foreign radio stations were used to deliver the message to the general population. Exile activists went on the air, confidently claiming that the days of military rule were numbered. Yet, symptomatic of the weakness of the resistance at the time, the movement failed to gain any significant momentum and in the end simply fizzled out. The military made a few dozen pre-emptive arrests in the main cities and, apart from a few lone protestors in Rangoon, nothing happened on the specified date, or afterwards.

The idea of mobilising people inside Burma against the regime remains alive. Indeed, the chairman of the Federation of Trade Unions - Burma (FTUB), Maung Maung, in the aftermath of the Saffron Revolution claimed to have helped organise the protests and called for urgent international funding to fund the revolution (the claim was dismissed by other border-based activists and is not supported by discussions with participants in the protests who describe them as a fully “home-grown” movement). Yet, frustration over the continued failure to make an impact inside the country have seen more and more activists leave the border to establish families and pursue normal careers, while those remaining increasingly have embraced social transformation and capacity-building as the means for change.

60. The move to the border is often described as an attempt by the mainly Burman students to link up with the ethnic insurgent groups and form a national front against the military regime, and in practice this is to some extent what happened. Yet, the model for this move to the border was not so much the struggle of their ethnic cousins, but rather the independence struggle fifty years earlier when Aung San together with 29 other young leaders left Burma for Japan and returned with the Japanese Imperial Army to push out the British. The students in 1988 saw themselves as the new generation of liberators.
Social transformation
The Thai border has long been a place for education and capacity-building of its own displaced populations. In recent years, however, there has been an increased focus on the broader challenges of transforming Burmese society (inside). The Forum for Democracy in Burma (FDB), an umbrella group of border-based democracy organisations established in 2003, for example, has a two-fold programme, which aims (1) to raise political awareness and participation among the general population, and (2) to prepare for the future through a series of research and training projects that focus on political transition and development models. The group encompasses the ABSDF, the People’s Defence Force (PDF), the Democratic Party for a New Society (DPNS), the ABFSU, the Burmese Women’s Union (BWU), the Migrant Worker’s Association (YCOWA), the Network for Democracy and Development (NDD), and various individuals. Most of these groups are essentially of the 88 generation and members say they feel a responsibility to take the lead again in a new movement for social change.

4. Exile groups
The exile movement encompasses a wide range of different groups, many of which have a mix of Burmese and foreign members. Many of its leaders are veterans from the struggle inside Burma who have since left the country and have continued to work for the democratic cause from their new home countries, mainly by raising awareness of the human rights situation and lobbying for international sanctions.62 The movement has suffered from incessant factionalism and rivalry among leaders and groups, often linked to competition over international funding. Nonetheless, helped by international human rights and solidarity groups, it has been quite successful in advocating for sanctions in North America and Europe.

The two most prominent exile groups today are probably the NCGUB and the FTUB, both of which have received strong financial and support from, among others, the international trade unions (but are widely criticised among the broader exile community for being unrepresentative). The NCGUB for a short while in the 1990s challenged the SLORC for Burma’s seat at the UN, but otherwise have worked mainly as an international lobby arm for the democracy movement (although apparently with little regular contact with the NLD). It has been particularly active in lobbying for strong human rights resolutions on Burma at the UN General Assembly and the UN Commission for Human Rights. In recent years, falling funding has forced it to drastically reduce the number of ministers (from 20 to 6).

The FTUB has a range of activities, including inside the country, but has been particularly prominent in the push for ILO action on forced labour. A third group, the Free Burma Coalition (FBC), played a vital role in energising the broader sanctions campaigns in the 1990s, but its leader, Maung Zarni, has since renounced this strategy and today works with some of his former colleagues to find ways to engage with the regime and build capacity for the future.

The exile movement has played a critical role in exposing human rights violations in Burma and drawing international attention to the plight of the Burmese people. Political organisations linked to the NLD or insurgent groups inside Burma have joined with single-issue NGOs and more established human rights organisations like Amnesty International and Human Rights Watch to produce a wealth of reports detailing human rights abuses ranging from extra-judicial killings and rape to forced relocations, the denial of political freedoms and economic exploitation. It has also engaged directly in lobbying governments and international organisations to condemn or impose sanctions on the military government, and has worked in its own right to deny the military regime the benefits of international trade and investments, parallel to and beyond the official sanctions regime. The latter has involved a wide range of actions from negative publicity campaigns and the threat of consumer boycotts to shareholder resolutions, divestment and lawsuits aimed at forcing companies doing business with or in Burma to pull out.

5. Challenges for the democracy movement
The democracy movement enjoys widespread support within Burma. In political science terminology, this support – or legitimacy – is mainly personal and performance based. The main leaders – Aung San Suu Kyi, but also Min Ko Naing and other 88 leaders – enjoy immense respect and admiration for their courage in speaking openly to the powers that be. At the same time, the movement as a whole has given people hope for a better future. Even if it has not actually been able to deliver as such, the mere promise of an alternative to decades of repression and deteriorating socioeconomic conditions have gained it support from a people starved of hope. Inside Burma, any legitimacy the NLD and other political parties derive from their election victories in 1990 are of less importance. It has, however, been critical – together with the personal charisma of Aung San Suu Kyi – in gaining recognition and support for the democratic cause in the world outside.

The NLD for two decades has used its domestic and international support to block the SLORC/SPDC’s initiatives to institutionalise military power within a nominally democratic structure. It has failed, however, to translate this “negative” influence into progress towards its main goal of bringing about democracy and, as a result, has suffered a gradual erosion of its authority within the broader democracy movement. In recent years, this lack of “positive” influence has seen the movement splinter in two directions. Many activists, including veterans from 1988 and younger members of the NLD, have sought to return to the original roots of the movement – which was, literally, founded in the streets – and revive a people’s power movement. Others have abandoned the confrontational approach seeking instead to work within the framework of the existing regime and bring about change through gradual reform. The emergence of the 88 Generation Students and the repolitisation of the monkhood and the current youth generation during and after the 2007 protests may have partly resolved this structural crisis. Certainly, it has reenergised the movement, which is currently experiencing an upsurge in activism. Yet, several long-standing problems remain:

62 While most of the border groups discussed above technically are exile groups too, the term is used here to refer primarily to those groups which have worked mainly to influence international Burmese policy. The distinction is not always clear though, as the activities of some are directed both inward and outward.
While dissatisfaction with military rule in the general population is pervasive, popular mobilisation behind the main democracy groups has proven to be ephemeral. Although the 1988 uprising and, to a lesser degree, 2007 protests saw evidence of the kind of mass movements that have brought authoritarian regimes down elsewhere in Asia and the wider world, democracy activists ultimately have failed to build lasting, functional coalitions with other segments of society that could create the consistent critical mass of opposition necessary for regime change. The Burmese population continues to resist the regime in numerous small ways. But as Monique Skidmore observes, “undoubtedly the most common reply of Burmese of all social classes and ages to the question of resistance is “I resist in my mind only”.

There are many reasons for this failure. Aside from the unwillingness of the NLD leadership to actively mobilise people, the numerous laws which prohibit assembly of more than five people, printing of most kinds of political material, any form of criticism of the government or the army, and so on, have made it extremely difficult for activists to engage with each other, never mind the broader population. Popular opposition to military rule has deep roots and if anything has been growing over the last decade in response to increasing socio-economic inequalities and continuing violations of basic human rights. However, the SLORC/SPDC has shown no hesitation in applying whatever means necessary to protect its position, and memories of the violence of previous confrontations have had a paralysing effect on many people.

In addition, there are several deep-seated structural obstacles to effective opposition in Burma’s underdeveloped political society. One of the greatest challenges for the democracy movement is the lack of autonomous organisations. The NLD today faces the same problem the students did in 1988: Burmese society lacks organisations that can carry the struggle into the realm of institutional bargaining, and on which the regime depends for the maintenance of the existing order. The fragmentation of society may be overcome temporarily in times of crisis when people are drawn together by common frustrations and the excitement of the moment. Yet, as subsequent developments have showed, it is nearly impossible to achieve a sustained social movement without extensive organisation. Activists need to create formal organisations that are sufficiently robust to support sustained relations with the military regime, but flexible enough to facilitate the informal connections that link people and networks to one another to aggregate and coordinate contention. Challenges to the regime that result in widespread social unrest provoke a knee-jerk response from the military leaders and ultimately are no match for an army prepared to shoot to restore order.

Burma, which is still predominantly an agricultural subsistence society, has been slow to develop a modern social structure. The shift to a more open and market-oriented economy under SLORC/SPDC has facilitated the rise of a group of “new rich” which today is visible all over Rangoon and Mandalay; where new Japanese cars, satellite dishes and stores full of foreign consumer goods gives a deceptive air of prosperity. This privileged class, however, is drawn almost exclusively from within the state (top officers, their families and those with connections), or the expanding Chinese community, which seems to wish to stay out of politics; most likely since its privileged position depends on the maintenance of the state in its present configuration. Neither the small middle class, nor the general population, has benefited significantly from the present development pattern (indeed, many have suffered from it) and in the meantime, the former continues to be the main focus of military repression. Unlike the experience elsewhere in East Asia, in Burma there are no signs so far of the emergence of a democratic vanguard class with an independent economic base and sufficient organisation and influence over state affairs to seriously challenge the military rulers.

Most Burmese feel deeply disempowered. Having been socialised for decades into obedience and passivity, they do not see themselves as playing any role in bringing about change, but expect Aung San Suu Kyi to deliver them from their suffering. In the words of Kei Nemoto: “The people seem to have little interest in her philosophy of democracy or her precepts relating to the making of a future democratic Burma... What the ordinary people expect from Suu Kyi is to become the political leader and change Burma promptly to the ‘golden age of democracy’ where the nation enjoys peace and prosperity.”

For people to participate in sustained opposition, they need certain resources and outlooks. Yet, the large majority of the Burmese population live at the subsistence level, preoccupied with the daily needs of survival. They may well share the aspirations of democracy activists for a better government, but they have little time to engage in non-economic activities and cannot take the risk of losing their freedom or jobs on which their families depend for survival. As one of the organisers of the 9-9-99 movement commented after the failed resistance: “It would seem that people are too poor to devote time and resources to political activism; they struggle for daily survival.” Two other long-time activists express similar sentiments: “Instead of politicizing and channelling their discontent into revolutionary activities, the public is adjusting to the economic demands of living under military rule. The popular culture and society is shifting toward cooperation with the regime in order to improve their lot.” Ardeth Maung Thawnghmung concludes, based on her research in Burmese rice farming villages:

Paddy farmers are more likely to use passive resistance and individual contacting, which present the most clear, direct, and immediate link between actions and results. The option for voice through peaceful protests, not to mention violent actions or rebellions, is usually non-existent, since the results of exercising voice are often uncertain, risky, and dangerous…. The goals of paddy farmer resistance against the state is directed towards changing particular policies and practices that have a detrimental impact on their lives, and it is seldom aimed at changing those responsible for peasant economic stress and disaster, or the government in power.

To make matters worse, the opposition is divided by ethnicity. Although ethnic minority leaders have generally expressed support for the democratic cause, their primary concerns are with local issues of autonomy, identity and development. Aung

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64. Nemoto 1999.
San Suu Kyi and the NLD, on the other hand, seem to view the issue of ethnic rights and aspirations as secondary to democracy. While the establishment of the DAB in the aftermath of the 1988 uprising was seen by some observers as an indication that the traditional gap between majority Burman organisations at the centre of the state and ethnic minority groups could be bridged, comments by ethnic leaders suggest that the experience of living and working together with the Burman activists only reinforced existing prejudices.67 In fact, Martin Smith suggests that negative perceptions of the democracy groups that formed on the border were partially responsible for the decision by groups such as the KIO to seek common ground through the ceasefire process with the military regime instead of the opposition.68 On both sides, decades of armed conflict and propaganda have left deep scars of distrust.

The aspirations of the Burmese people for regime change remains, and many committed and courageous individuals continue to work to make it a reality. But given the current balance of power, realistically, the only chance for a break-through in the short-term is a negotiated solution between military and civilian leaders emphasising common concerns, which would remove the element of confrontation and thus neutralise the massive power imbalance that exists. Failing that, a longer-term process of military-controlled reform may over time allow the civilian counter-elites to develop the organisation and support necessary to successfully challenge the military at a later date.

6. Facing the challenges: The “new opposition”

In recent years, the perceived weaknesses of the opposition has seen a growing counter-movement among people who, while decrying the lack of political freedoms and deteriorating socioeconomic conditions in the country, believe this situation is best addressed by challenging – and at times cooperating with – the military on policy issues, while seeking to empower and build the capacity of civil society.

This “new” opposition is not a coherent movement, but rather a collection of individuals and organisations sharing a common view of the situation and the prospects for change. They do not believe that defeat of the military or genuine democratisation is a realistic goal in the foreseeable future. Thus, they seek for ways to engage with, and within, the existing system to achieve their objectives, which vary from political reconciliation to policy reform, capacity-building and social improvements. They believe progress can be made without necessarily changing the regime, either by influencing the current government or complementing it (although many hope their efforts over time will help make a broader political transition possible).

At the most political level, some of these new generation activists are seeking ways to bridge the gap between the generals and the “opposition” by engaging with the government on policy issues. They believe reconciliation can be achieved gradually by redirecting attention from “who governs” to “how to govern”.69 Others are focusing essentially on building and strengthening civil society. They are establishing interests groups, which engage in advocacy or policy dialogue with the government (both national and local authorities), and seek to empower their own members.70 In addition, there is a large and growing group of NGOs and community-based organisations, which engage in social welfare activities, ranging from community development activities to financial aid for poor households facing high costs for education, health or funerals, for example.

There are in the “new opposition” the seeds of a broader social movement which, given the threat perceptions of the military regime, could possibly be a more effective bearer of the people’s aspirations for change than traditional political activism (or at least an important complement to it). It is not a cohesive, or even always deliberate, force by any measure, but it is helping shape policy, train future leaders and empower local communities. In some sense at least, it is thus addressing some of the weaknesses of the mainstream opposition discussed above. Certainly it belies the all too widespread notion that “civil society in Burma is dead”, or unable to function independently.

Some in the “new opposition” have been criticized for “caving in” or even accused of “weakening the democracy movement”. Yet, the thinking behind many of their activities are broadly similar to those of activists in the Forum for Democracy in Burma (FDB) on the border or the reformed Free Burma Coalition (FBC), which is based in exile (as well as to those of several ethnic organisations discussed below). Together they represent an important and increasingly dynamic element of the movement for change, which is growing out of a re-evaluation of past strategies and a keen recognition of the obstacles to democratisation in Burma’s deeply divided and impoverished society. Some are likely to emerge as political leaders in a post-constitution government, although others will no doubt prefer to continue their work as social activists.

C. The Ethnic Nationalist Movement

1. Ethnic organisations

The original flag bearers of the struggle for ethnic rights were armed insurgent groups, some of which have been fighting the central government for more than half a century. Since 1988, however, there has been a substantial reduction in insurgency, while other types of ethnic organisations have grown in prominence, including ceasefire groups, political parties, and a variety of civil society organisations.71 Understand-

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67. In an interview with KNLA leader Bo Mya on 20 February 2004, for example, the general strongly criticised the student soldiers: “We thought that it would be good to have Burmese in the revolution and fighting against the military regime, a common enemy. So we helped them in every way. We had to feed the 5000 of them for at least one and a half months. We gave them weapons and they formed the students’ armed force. And when they formed, I told them, all of you fled our country because of the government’s ill behaviour, so be united and stand together; do not get divided and scattered here and there. But my words lasted only for a few moments. They started fighting among themselves, and I had to solve their problems.”


69. The 1988 Students initially seemed to be heading in this direction, but may have pulled back due to concern about losing their revolutionary credentials. Since October 2008, they have returned to a more activist, old-style opposition politics.

70. Many of these new political entrepreneurs are retired government officials, who – contrary to expectations – are genuinely committed to public service and able to draw on their contacts within the official system for permissions and protection.

71. For two detailed and authoritative accounts of Burma’s ethnic conflicts since independence, see Smith 1999 and Linzner 1999.
ing ethnic politics requires understanding all of these groups and the interlinkages between them.

**Insurgent Groups**

Most observers today count only three significant insurgent groups: the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army South (SSA-S). The SSA-S is the largest with an estimated three to four thousand soldiers, the KNU has around two thousand, and the KNPP, maybe five hundred to a thousand. Another dozen or so small groups operate along the eastern and western borders, including several splinter units from the ceasefire groups, but none of them have more than a few hundred soldiers and few appear to have any particular political agendas.

None of the insurgent groups controls significant territory any longer. The SSA-S has three small “permanent” base areas, literally, on the border, but can only travel between them through Thailand. The KNU and KNPP operate as guerrilla armies from small or mobile bases along remote parts of the Thai border, with rear base areas inside Thailand in border towns and refugee camps. No longer able to control and tax the black market trade, which for decades provided their main income, even the main groups are facing serious problems arming and financing their armies, and all three are critically dependent on continued Thai hospitality for their survival. Still, they keep the flames of insurgency alive and, as such, have significance beyond their numbers and the threat they pose to the military government. The KNU insurgency, in particular, has major symbolic importance due to its duration and the prominent role the organisation plays within the broader antigovernment alliances on the Thai border.

**Ceasefire Groups**

The main ceasefire groups can roughly be divided into two clusters: the four groups which emerged from the collapse of the CPB (UWSA, MNDA, NDAA, and NDA-K), and eight former members of the anti-communist alliance, the National Democratic Front (NDF) (SSA-N, PNO, PSLP, KIO, KNLP, SSNLPO, NMSP, and SSNA). In addition, there are about 20 smaller or splinter groups. The UWSA is by far the strongest with an estimated 15-20,000 soldiers under arms. The KIO has 4-5,000 and the SSA-N about the same.

<table>
<thead>
<tr>
<th>Table 5: Ceasefire Groups</th>
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</thead>
<tbody>
<tr>
<td>1. Myanmar National Democratic Alliance Army (MNDA) (Kokang), Shan State (North) Special Region-1.</td>
</tr>
<tr>
<td>2. United Wa State Army (UWSA), Shan State (North) Special Region-2.</td>
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<tr>
<td>4. National Democratic Alliance Army (NDAA), Shan State (East) Special Region-4 (Shan, Akha).</td>
</tr>
<tr>
<td>5. Kachin Defence Army (KDA), Shan State (North) Special Region-5.</td>
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<tr>
<td>6. Pa O National Organisation (PNO), Shan State (South) Special Region-6.</td>
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<tr>
<td>10. Kayan National Guard (KNG), Kayah (Karenni) State Special Region-1, Breakaway group from Kayan New Land Party.</td>
</tr>
<tr>
<td>15. Karenni National Unity and Solidarity Organisation (Ka Ma Sa Nya).</td>
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<tr>
<td>17. New Mon State Party (NMSP).</td>
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<tr>
<td>18. Democratic Kayin Buddhist Association (DKBA), Splinter group from the KNU, 1994.</td>
</tr>
</tbody>
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72. The KNU, with its armed wing the Karen National Liberation Army (KNASA), is perhaps the oldest active insurgent groups in the world today, having fought the government continuously since 1949. Since losing its main base areas in the mid 1990s, it has reverted to classic guerrilla warfare, staging raids from remote, mountainous parts of Karen state and Tenasserim division along the Thai border into government-controlled areas. Most of its top leaders live in Thailand, where the Karen refugee camps also serve as important rear bases. For detailed historical overviews of the Karen struggle, see Smith 2003 and Fink 2001.

73. The KNPP is similar to the KNU, but significantly smaller: it operates along the Thai border in Karenni state. A ceasefire with the government in 1995 broke down within a few months, reportedly due to disagreements over logging rights.

74. The SSA-S is a splinter group from the Mong Tai Army led by notorious drug lord Khan Sa, who surrendered to the government in 1996. It controls three small base areas on the Thai border near Mae Hong Son, but carries out raids across much of Southern Shan state and today may be the most dynamic of the insurgent armies. Aiming to establish a pan-Shan nationalist movement, it works closely with the broader Shan resistance complex, including the Shan ceasefire groups, the Shan National League for Democracy (SNLD) and Shan civil society organisations based in Thailand.

75. Personal communication with Martin Smith, July 2006.

76. With an estimated 20,000 soldiers, the UWSA is by far the strongest of the ethnic armies. It has taken over the former CPB headquarter in Phangsang and controls most of the Wa hills in northern Shan State along the border with China. It also has a southern command on the Thai border and representative offices around the country. The Wa region for most intents and purposes today is an independent state and has much closer links with China than with the rest of Burma. The Wa have their own administration, their own defence force, even their own foreign affairs. The local economy is Chinese, as is the administrative language: most schools teach in Chinese, and there is much Chinese investment and migration into the area (and the northeast more generally). Still, the Wa accept the nominal authority of the Burmese government and have generally cordial relations with its officials. On several occasions, the UWSA has cooperated militarily with the Burma Army. See Kramar 2007.

77. The KIO has long been one of the most powerful armed groups, with several thousand soldiers. Like the UWSA, it today has formal administrative authority over territory formerly under its control and functions, at least on paper, as a local government. It has departments of health, education, agriculture, women’s affairs and development affairs. It runs civilian hospitals, schools (that teach Kachin language and culture), and even a Teachers Training School. It has also initiated infrastructure projects, including roads, bridges and hydro-electric power, as well as some community development programmes, the latter with assistance from international and local NGOs. The KIO maintains an armed wing, the Kachin Independence Army (KIA), along with conscription and other military practices from the past, but it does not appear to be building up its military strength. It has close links with other leaders and organisations in Kachin state.

78. The NMSP, like the KIO, was a leading member of the NDF. The 1995 ceasefire has given it control over some territory in Mon State. However, already much weakened at the time, it has been penned up in a number of small areas, mainly along the Thai border and quite far from the Mon heartland along the coast. The leadership is closely watched by the Burma authorities — probably due to its association with Mon anti-communist groups in Thailand that work with the broader democracy movement — and has had little room to manoeuvre. Many hardliners have left the organisation, feeling that it has compromised too much, and the remaining members are divided over the degree of cooperation with the government. For a comprehensive account of the Mon struggle, see South 2003.
The main groups have all been given formal autonomy over areas defined as Special Regions, together with varying levels of financial support and business opportunities for the development of their areas. They have pledged to cease hostilities against the government and avoid any cooperation with the remaining insurgent groups, but remain under arms, supposedly until the new constitution is in place. The Kachin Defence Army (KDA) and Kayan National Guard (KNG), which broke away from the KIO and KNLP respectively before they entered into ceasefires, have similar deals. By contrast, many smaller groups – mostly breakaway factions from the larger ceasefire and non-ceasefire armies – have “exchanged arms for peace” in arrangements that are closer to outright surrender. They have been provided some land for resettlement and receive economic support from Rangoon, but have little or no autonomy. Most essentially serve as government militia groups or border police forces. The only one of any significant size is the Democratic Kayin Buddhist Army (DKBA).79

Most ceasefire groups are facing declining legitimacy due in part to the loss of their revolutionary credentials, in part to their inability to stop Burma Army encroachment and exploitation of local communities. Many of their leaders have been accused of corruption as they have become involved in new business ventures. While some groups, such as the Wa and Kokang, have been amassing large fortunes from illegal and legal business activities, others are facing serious financial difficulties. The KIO, for example, has lost control of its jade mines. The ceasefire groups are also finding it difficult to elicit tax from local communities now that they can no longer do so in the name of the revolution.

That said, over the past decade, the ceasefire groups have emerged as a significant political force, due partly to their potential for providing an alternative source of legitimacy for the military’s transition plan, but also to their success in building new links and agreement among former deeply divided ethnic communities on their position within the Union.

Political Parties

The 1990 election presented ethnic minorities with a historic opportunity to form legal organisations to represent local, ethnic interests. Although voting was suspended in many minority areas due to ongoing fighting, over thirty-five ethnic political parties contested the election in which nineteen won seats. Today, only eight remain legal, notably the Shan National League of Democracy (SNLD), which won the second largest number of seats of any party in 1990, and has worked relatively closely with the main opposition party, the NLD. Several others, however, continue to operate “underground.” In 2002, the SNLD joined with eight of these de-registered parties in setting up a new United Nationalities Alliance (UNA), officially to prepare for tripartite talks and create a platform to meet and discuss with then UN special envoy Ismail Razali. Several of them are also represented on the NLD-led Committee Representing the People’s Parliament, which was set up in 1998 as a kind of shadow government.

Table 6: Ethnic Political Parties

<table>
<thead>
<tr>
<th>Legal</th>
<th>Special Region Group</th>
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<tbody>
<tr>
<td>1.</td>
<td>Shan National League for Democracy (SNLD)*</td>
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<tr>
<td>2.</td>
<td>Kokang Democracy and Unity Party</td>
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<td>3.</td>
<td>Union Kayin League</td>
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<tr>
<td>4.</td>
<td>Union Pa-O National Organisation</td>
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<tr>
<td>5.</td>
<td>Mro (or) Khami National Solidarity Organisation</td>
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<tr>
<td>6.</td>
<td>Lahu National Development Party</td>
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<tr>
<td>7.</td>
<td>Wa National Development Party</td>
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<tr>
<td>8.</td>
<td>Mro (or) Khami National Solidarity Organisation</td>
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<table>
<thead>
<tr>
<th>Disbanded</th>
<th>Special Region Group</th>
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<tbody>
<tr>
<td>9.</td>
<td>Arakan League for Democracy (ALD)*</td>
</tr>
<tr>
<td>10.</td>
<td>Chin National League for Democracy*</td>
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<tr>
<td>11.</td>
<td>Kachin State National Congress for Democracy*</td>
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<tr>
<td>12.</td>
<td>Kayah State All Nationalities League for Democracy*</td>
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<tr>
<td>13.</td>
<td>Kayin National Congress for Democracy*</td>
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<tr>
<td>14.</td>
<td>Mara’s People’s Party*</td>
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<tr>
<td>15.</td>
<td>Mon National Democratic front*</td>
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<tr>
<td>16.</td>
<td>Zomi National Congress*</td>
</tr>
</tbody>
</table>

*) Members of the United Nationalities Alliance (UNA)

80. The SNLD was the most successful ethnic minority political party in the 1990 election, winning 23 seats out of the 57 it contested, the second highest number of any party. Initially, the party prioritised its survival as a legal entity and kept a low profile. However, from the late 1990s until he was arrested in 2005, its chairman, Khun Htoo Do, in particular, assumed a very vocal role, attending meetings with foreign dignitaries and giving interviews to the international press, including opposition radio stations.

81. The other seven legal parties appear to toe the government line and have had no noticeable role in ethnic opposition politics.
Like most of the armed groups, the ethnic political parties are relatively “shallow,” both politically and administratively. Aside from a general commitment to democracy and federalism, few have any apparent ideological underpinnings or developed party platforms. Nor do they have any substantial organisational strength. Most consist mainly of a few party leaders operating from Rangoon with very limited contacts with their constituencies around the country. Like the NLD, they have been unable to legally recruit new members since 1988. Their status, however, positions them to compete for a direct role in government once, or if, the constitution is approved. The expectation is that some of the armed groups will transform themselves into political parties in time for future elections, or at least set up parallel political party structures.

**Civil Society Groups**

In addition to the armed groups and political parties, which seek to represent ethnic constituencies in the struggle over state power and policy, a growing number of civil society actors are working to promote ethnic interests in hands-on ways. These include:

**Peace mediators.** Community leaders — mainly from the church, but in a few cases the Buddhist sangha — have played an important political role in facilitating the ceasefire negotiations and resolving tensions and misunderstandings between the government and the ceasefire groups. In 2000, one of the most prominent mediators, Reverend Saboi Jum, set up the Shalom Peace Foundation to work more systematically on peacebuilding. Subsequently, he and some twenty colleagues established the Ethnic Peace Mediators Fellowship to further this work.

**Religious groups.** Christian churches in Burma have long been involved in charity and community development activities and increasingly have come to see this as an essential part of their social responsibilities. The Myanmar Council of Churches (MCC) undertakes a range of umbrella functions in this respect, while the Kachin Baptist Convention (KBC) is perhaps its most active member organisation. Muslim, and to a lesser extent Buddhist and Hindu, organised religious groups throughout the country have developed activities to include community development work as a means to build and sustain peace. The Foundation aims to work in all religious and ethnic communities, and its board includes both Christians and Buddhists. See <http://www.shalommyanmar.org/index.htm>.

**Specialised development organisations.** Traditional nongovernmental organisations (NGOs) of any ethnic or other background are a very recent feature in Burma’s social landscape and remain limited in number. The Metta Development Foundation, however, based in Kachin state, is a prominent NGO now working in several minority regions to assist local communities to recover from the impact of decades of civil war. The Karen Development Network and the Karen Development Network also have ambitions in this direction.

There are also a large number of community-based welfare organisations, including local religious committees, funeral associations, and so on.

Many of these groups are associated with or operating in the space created by the ceasefires (particular in Kachin state, whose clan-based society has unusually strong community networks), but civil society is emerging even in some conflict-affected areas. The main exceptions are eastern Shan state, where almost no civil societies exist due, in part at least, to a hostile political culture that includes non-state actors, and the northern Arakan state, where mainly Muslim population faces extreme repression by the Burmese authorities. Ethnic civil society groups also operate in the cities and towns of central Burma.

**Border-Based Groups and Alliances**

A range of ethnic organisations are based on the border. The most influential are the political umbrella groups, the National Council of the Union of Burma (NCUB) and the Ethnic Nationalities Council (ENC). But other important border-based organisations include various ethnic human rights groups, media groups and education programmes for Shan, Karen, Karenni, and Mon refugees and migrants.

The NCUB is an umbrella organisation of ethnic and Burman opposition groups based mainly on both sides of the Thai-Burma border. Formed in August 1992, its official aims are: to topple the Burmese military dictatorship, to promote understanding and cooperation among Burma’s ethnic groups, to bring about a democratic system of government that guarantees human rights for all Burma’s citizens, and to establish a Federal Union under which equality among all ethnic groups is guaranteed. Although particularly influential in the early 1990s, it remains a prominent voice for the insurgent and exile community.

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**Notes:**

82. “Shalom” was set up in early 2000, in Kachin state, for the purpose of peace mediation and conflict resolution, but has expanded its activities to include community development work as a means to build and sustain peace. The Foundation aims to work in all religious and ethnic communities, and its board include both Christians and Buddhists. See <http://www.shalommyanmar.org/index.htm>.

83. The Mediators Fellowship was set up, formally, to help form and strengthen mediators groups in all ethnic areas, facilitate education and training programmes on peacebuilding, undertake development activities, and represent local communities. It operates under the umbrella of the Shalom Foundation, but includes mediators from five states (Kachin, Karen, Karenni, Mon, and Chin), and has invited members from Shan and Arakan states as well.

84. “Metta” was the first organisation to be officially registered as an NGO under the Ministry of Home Affairs in October 1998. The main objective of its programmes is to assist local communities to recover from the impact of decades of civil war by initiating a development process that helps them to evolve into stable, self-reliant societies. It has established close working relationships with the development departments of various church organisations, as well as with ceasefire organisations, and as a matter of principle works in all ethnic minority communities, regardless of race and religion. See <http://www.metta-myanmar.org/>.

85. The KDC was established in April 2002 by a forum of more than 100 Karen delegates, who agreed, among other things, to give the new organisation organisational responsibility for peacebuilding activities in their areas. The KDC was set up in 2001, partly by former members of the KDO who felt too little was being accomplished. It has since established an active programme for training of community leaders.
Table 7: NCUB Members

1. Democratic Alliance of Burma (DAB)
2. National Democratic Front (NDF)

The DAB consists of 25 organisations (nine of them armed*):

1. All Burma Young Monks’ Union (ABYMU)
2. All Burma Muslim Union (ABMU)
3. All Burma Students Democratic Front (ABDSDF)
4. Arakan Liberation Party (ALP)*
5. Burma Labour Solidarity Organisation (BLSO)
6. Chin National Front (CNF)*
7. Committee for the Restoration of Democracy in Burma (CRDB)
8. Democratic Party of Arakan (DPA)
9. Democratic Party for New Society (DPNS)
10. Federation of Trade Unions - Burma (FTUB)
11. Karen National Union (KNU)*
12. Lahu Democratic Front (LDF)*
13. Myeik-Dawei United Front (MDUF)
14. Muslim Liberation Organisation of Burma (MOB)
15. Network for Democracy and Development (NDD)
16. Naga National League for Democracy (NNLD)
17. Overseas Burma Liberation Front (OBLF)
18. Overseas Karen Organisation (OKO)
19. Pa-O Peoples Liberation Organisation (PPLO)*
20. Peoples Defence Front (PDF)
21. Peoples Liberation Front (PLF)
22. Peoples Patriotic Party (PPP)
23. Peoples Progressive Front (PPF)
24. Palaung State Liberation Front (PSLF)*
25. Wa National Organisation (WNO)*

The NDF consists of seven non-ceasefire groups, Which are also part of the DAB (marked with an asterisk above), and the NMSP, which is a ceasefire group.

The MPU includes about 55 individual elected members of parliament from 1990.

The ENC (formerly the Ethnic Nationalities Solidarity and Cooperation Committee) was established in August 2001 to help ethnic minority organisations prepare for eventual tripartite dialogue. It presents itself not as a new organisation but rather as a task force, and aims to represent non-ceasefire as well as ceasefire groups. Since 2007, it has been constituted as a state-based (rather than organisation-based) forum.

Table 8: Organisations participating in the ENC.

1. Arakan National Council
   a) All Arakan Students & Youth Congress
   b) Arakan League for Democracy
   c) Arakan Liberation Party
   d) Arakan Rohingya National Organisation
   e) Democratic Party of Arakan
   f) National Unity Party of Arakan
   g) Rohingyas Solidarity Organisation
   h) Rakhaing Women's Union

2. Chin National Council
   a) Chin National Front
   b) Chin National League for Democracy
   c) Chin Youth Organisation
   d) Mra Peoples Party
   e) Women's League of Chinland
   f) Zomi National Congress
   g) Zomi Reunification organisation

3. Kachin State Coordinating Body
   a) Kachin Consultative Assembly
   b) Kachin Independence Organisation
   c) Kachin National Organisation
   d) Kachin Women's Association
   e) Kachin Women's Association Thailand
   f) New Democratic Army - Kachin

4. Karen State Coordinating Body
   a) Democratic Karen Buddhist Army
   b) Karen National Union
   c) Karen Women's Organisation
   d) Karen Youth Organisation

5. Karenni State Coordinating Body
   a) Karenni Women's Organisation
   b) Kayan National Guard
   c) Kayan New Land Party
   d) Karenni Nationalities People's Liberation Front
   e) Karenni National Progress Party

6. Mon State Coordinating Body
   a) Mon National Youth Organisation
   b) Mon Unity League
   c) Mon Women's Association
   d) New Mon State Party
   e) Pa-O People's Liberation Organisation
   f) Palaung State Liberation Front
   g) Palaung Women's Action Network
   h) Palaung State Liberation Front
   i) Shan Nationalities
   j) Shan State Army - North
   k) Shan State Army - South
   l) Shan State Nationalities
   m) Shan Women's Action Network
   n) United Wa State Army
   o) Wa National Organisation
The Karen Human Rights Group (KHRG) and Shan Women’s Action Network (SWAN) are influential representatives of the large and dynamic ethnic human rights community, which engages in fact-finding and human rights reporting. Kao Wao News (a Mon group) and Shan Herald Agency for News (S.H.A.N.) serve similar functions with a somewhat broader focus on general news and analysis.

There are also a few ethnic exile groups and individuals active in the United States, Europe, and elsewhere. These provide limited funding and, in some case, intellectual leadership for organisations inside Burma and on the border, but are much less influential than, for example, the Aceh diaspora was in Indonesia.

While this list of ethnic minority organisations is by no means exhaustive, it gives an idea of the breadth and diversity of organisations representing ethnic minority interests. Contrary to the impression one might get from the international political and media coverage, Burma’s ethnic minorities are a crucial and, in important ways, increasingly dynamic part of the political landscape. They are not, by any measure, a cohesive group and therefore can be hard to approach or work with. Organisational capacity, too, is a major problem across the spectrum. But they will not – and must not – be ignored.

2. Ethnic grievances and aspirations
Burma’s ethnic problems are rooted in real and perceived discrimination by the Burman-dominated state against minority groups, particularly in the border regions. While the military government is seemingly intent on centralising political control and forging a homogeneous Burman-Buddhist culture, ethnic nationalists are fighting for autonomy, equality, and the right to maintain their own languages and cultures.

Political Autonomy
The most fundamental grievance of ethnic leaders in Burma is their lack of influence on the political process and thus on policy decisions that affect them and their communities. Since Independence, all the main national political institutions, including the army, have been dominated by Burmans. As political centralisation has ensued, traditional ethnic leaders have gradually been excluded from power in local areas as well. Many have thus accused Burman-dominated governments of having betrayed the promises made at the 1947 Panglong Conference, which paved the way for the new Union of Burma, by denying them a role in national political life and influence over conditions in their own areas. As Vice-Chairman of the of the Arakan Liberation Party (ALP) Khaing Soe Naing Aung, lamented some years ago, “The Panglong Agreement, to a certain extent, could have drawn all the ethnic nationalities to live together within a Federal Union, having the rights of equality and self-determination for each of them. But in practice, 50 years of bitter experiences has convinced [us] that the so-called Union of Burma has been a total lie.”86

To redress this situation, ethnic groups have called for a “new” Panglong conference to renegotiate the basis for the Burmese state and establish a “genuine federal union” with substantial autonomy for the ethnically designated states. In private, some minority leaders admit to harbouring aspirations for outright independence, while others indicate that they would accept a unitary, but decentralised, political and administrative system that protects the human and ethnic rights of minorities wherever they reside in the country. But for the purpose of unity and establishing a clear negotiation position vis-à-vis the government, most groups since the early 1980s have formally framed their political objectives in federalist terms. The ENC, accordingly, has launched the New Panglong Initiative – essentially a roadmap for rebuilding the nation with eight equal constituent states – that since 2001 has become a focal point for cooperation among ethnic organisations on the Thai border and, to a lesser extent, inside Burma.

Economic Equality
The belief that the minorities need formal political control of their “homelands” has grown due to economic and other discrimination by successive Burman-dominated governments against ethnic groups and areas. Many of the early insurgencies arose, at least in part, due to perceptions of economic neglect, which has improved little over time. While five decades of civil war and economic mismanagement have undermined economic development and fed a deepening humanitarian crisis across the country, ethnic minority areas have generally suffered the worst. According to UNICEF’s Child Risk Index,87 most of the border regions, for example, fall significantly below the national average on twelve socioeconomic indicators of household income; on health status; and on access to health care, education, and safe water and sanitation. Chin, Arakan (Rakhine), eastern Shan, and Karen states are considered particularly high-risk areas for children, followed by southern Shan, northern Shan, and Karenni states (in descending order). Only Mon and Kachin states are better off than the least developed parts of central Burma.88

The post-1988 government has stepped up budgetary allocations to (some) ethnic minority areas, but the assistance has mainly gone into infrastructure of questionable value for local populations and has hardly made a dent in the needs. Instead, growing numbers of army bases in minority areas have led to escalating demands for land, labour, food, and other contributions from local people.89 Improved access to former conflict areas has also attracted new investors who are plundering the natural resources, closing access for local communities, and rapidly exhausting the potential for future development.90 Although, overall, livelihoods have improved for many communities in former conflict areas as a result of the end to overt hostilities, which has allowed more “normal” life to resume, such exploitative practices are reinforc-

86. Quoted in A Brief History of the National Democratic Movement of Ethnic Nationalities 2000.
88. A similar picture emerges from a UN Food and Agriculture Organisation study of food security in Burma (FAO 2004), which includes proxy measures of local food production, physical access for food imports, and the resilience of the population to periodic food shortages. While most of the border townships are judged to be “highly” or “moderately” vulnerable in food security terms (with Shan, northern Kachin, and Chin states being the worst off), nearly all townships in central Burma are considered to have “low” vulnerability. Even then, the actual disadvantages of the border areas are likely to be even greater than indicated by these data sets since the most remote and conflict-affected areas are not included.
89. See, for example, Special Rapporteur on the situation of Human Rights in Myanmar 2006; Amnesty International 2006.
90. See, for example, Global Witness 2003; Images Asia 2004 EarthRights International 2007.
ing long-standing perceptions of discrimination and thus laying the basis for further resentment and conflict.

**Group Rights**

Burma’s ethnic minorities lament, too, their inability to maintain and practice their own cultures, including language, literature, and religion, all of which are crucial to ethnic identities. After the 1962 military coup, the use of ethnic minority languages in the education system was curtailed, and the publication of non-Burmese language newspapers and books was banned. Ethnic minority communities have come to see this as a deliberate policy by the central government to Burmanise them. As one (illegal) publication by the Mon Unity League states, “The ethnic non-Burman communities of the country have systematically been deprived of their birth right to teach their own ethnic languages and literature and to preserving their own cultural heritage, under a policy of Burman nationalism and Burmanisation traditionally exercised by the successive Burman-dominated governments in Rangoon.”

The situation has improved somewhat since 1988. Tolerance is greater today at the local level for ethnic minority language classes run by Mon, Shan, Karen, Kachin, and other minority groups outside the government education system. In 1999, Mon monks were allowed to take most of their exams in Buddhist literature in the Mon language (a right taken away from them in the early 1980s). Still no legal newspapers are available in ethnic minority languages, and the curriculum at colleges in minority states remains heavily Burmanised. Many of Burma’s non-Buddhist ethnic minorities also resent the central role of Buddhism in the regime’s nation-building project, including the construction of Buddhist structures in their areas, which they view as a further attempt to destroy and assimilate their cultures.

**Human Rights**

In addition to discrimination and neglect, Burma’s ethnic populations have suffered disproportionately from the human rights situation in the country overall. Since the 1960s, large numbers of people have been displaced by fighting or forcibly relocated as part of the government’s “four cuts” counterinsurgency campaigns, which seek to deny the insurgent groups access to food, funds, recruits, and intelligence by moving the civilian population into areas under government control. The situation improved somewhat after the ceasefires, but then deteriorated again in the late 1990s after the army defeated the last major insurgent bases in the southeast and stepped up its efforts to “secure” areas previously controlled by ethnic armed groups, causing a spike in the numbers of refugees as well as internally displaced persons (IDPs). According to Amnesty International, the army has continued to launch regular patrols across large swaths of the countryside, aimed at seeking out noncompliant villagers and destroying their shelters and rice supplies to deny support for the remaining insurgents. Ethnic people in these areas have come to see the army as an institution (not just its leaders or specific officers or soldiers) as “the enemy,” causing even deeper alienation from the military government than that felt by Burmans and ethnic minorities in central parts of the country.

Many of these grievances reflect an underlying layer of centre-periphery tensions found in many countries. Yet, they are caused also by racial arrogance on the part of some Burmans, and have been exacerbated by the behaviour of the Burmese army in minority areas, particularly in heavily militarised areas of conflict. Not all of Burma’s ethnic minorities are equally alienated from the central state or the Burman majority population, and not all “ethnic” struggles are truly nationalist in nature. Yet, the fact remains that many of the country’s minorities have had little reason to feel that they are part of the Union or owe any allegiance to it.

3. **Strategies for change**

While most ethnic nationalists share common goals, different organisations have chosen different paths to their destination. As a rough outline, four ideal type strategies may be distinguished, each of which is associated with particular types of organisations and defined by particular methods, strategic objectives and, ultimately, theories of how change is best brought about.

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*) The identification of groups associated with each strategy is indicative only. As discussed further below, there are significant and growing differences within each of these categories of organisations, which are breaking down traditional boundaries.

91. See, for example, Articles 19 1995, 36–37.
92. Mon Unity League n.d.
96. Burma’s multi-religious population enjoys a relatively high degree of religious freedom in central parts of the country. There have been frequent reports over the years, however, particularly from Chin and Kachin states, of villagers being pressured to adopt Buddhism, as well as restrictions on building new churches. See, for example, U.S. State Department 2002. More ominously, many Burmans, both soldiers and civilians, are strongly prejudiced against Muslims, who are commonly accused of harbouring aspirations of turning the country into an Islamic state. In February 2001 tensions between the Muslim and Buddhist population of Akyab (Sittwe), the capital of Arakan (Rakhine) state, erupted in large-scale riots in which an unknown number of people were killed and Muslim property was destroyed. Anti-Muslim riots have also taken place on numerous occasions in towns in central Burma, for example, in 2001 in Taungoo, Prome, and Pegu. Human Rights Watch/Asia 2002.
97. This strategy is similar to that applied by the British in Malaya and the Americans in Vietnam, who also faced insurgents that were rooted in the local communities.
Confrontation

Although the main insurgent groups, in principle, all favour peacetalks, they insist that any ceasefire agreement must be accompanied by direct negotiations about their core political demands (something which the government has refused). Burma’s ethnic conflicts, they argue, are constitutional in nature and require political solutions – agreeing to anything less would amount to surrender and a betrayal of the ideals for which they have been fighting for so long.103 They criticise the existing ceasefires for merely facilitating increased government control of the border regions at the expense of ethnic aspirations and the welfare of local populations, and do not believe they will lead to peace.

The military government, on its part, insists that the KNU, like the earlier ceasefire groups, must renounce armed struggle in favour of limited autonomy and development support. It has largely refused to even negotiate with the SSA-S and KNPP, which it argues already have deals that they must honour.104 Government officials until last year maintained their long-standing and seemingly nonnegotiable position that any political discussions had to take place within the National Convention, which the non-ceasefire groups were informed they could join once they entered “the legal fold.” Since the National Convention is now completed, the remaining insurgent groups presumably have no option but to accept the arrangements outlined in the new constitution.

Faced with these options, the remaining insurgent groups continue a largely defensive guerrilla war against the expanding control of the Burmese army. Hardliners believe the armed struggle is imperative for maintaining the identity of their organisations and protect their people. Others, however – particularly in the KNU – have been growing increasingly concerned about the perverse consequences of this strategy, which continues to provoke violent counterinsurgency campaigns targeting civilian populations and delays efforts to reconstruct local communities and economies, including education.

In December 2003, the KNU agreed with the government to cease hostilities, raising the possibility that it might join the ceasefire process. The peacetalks stalled after the purge of former prime minister and chief of military intelligence General Khin Nyunt in October 2004,102 and military officials later informed the KNU that their “gentleman’s agreement” would have to be renegotiated. This has yet to happen, despite several meetings between the two sides. Yet, the former powerful commander of the KNU’s 7th Brigade, Major General Saw Tin Maung, made a separate deal with the SPDC in February 2007 and established the Karen Peace Council (KPC), which settled in a government-controlled area in western Karen state with about 200 soldiers and their families. Other commanders are believed to be interested in a similar deal, although for the time being the central leadership remains united against it.

Accommodation

Many militants have accused the ceasefire groups of opportunism. While this may be a valid criticism of some, such generalisations ignore the proactive strategies pursued by groups such as the KIO, the NMSP, the PNO and even the UWSA. Like the remaining insurgent armies, these organisations maintain their long-standing quest for self-determination and equal rights within the Union. They have chosen, however, to pursue this goal by an alternative path, emphasising dialogue with the government and development of their war-torn communities.105

By the late 1980s, war weariness was setting in among many ethnic veterans who had been fighting in the jungle for decades with little to show for it. With the prospect of epoch-shaping changes underway in central Burma, they were concerned to get on the inside of the political process, lest they be left marginalised in the jungle for another half a century. There was also growing pressure from local communities that had suffered immensely from the long-running civil war and now wanted peace. From this perspective, the government’s new ceasefire policy provided armed opposition groups an opportunity to enter the country’s transitional landscape as “legal” entities and at the same time begin to address the mounting socioeconomic challenges facing their people.

Some groups initially believed their own agreements could pave the way for a nationwide ceasefire and tripartite talks with the government and the democratic opposition. But even as such early hopes were frustrated, they reasoned that the gap between the ceasefires, which by definition are transitory, and the end goal of inclusive political reforms could be bridged through a longer-term process of cooperation and confidence building. Thus, they embraced a “development-first” approach, which focused on reconstruction of their war-torn communities. Rather than further pursue a deadlocked military confrontation, which had brought much suffering on local populations, they hoped cooperation with the government on the development of their areas could help build the confidence necessary to transcend existing prejudices and further national reconciliation.

When the government in May 2004 reconvened the National Convention to draw up the basic principles for a new constitution, all ceasefire groups joined, seeing it as a long-awaited opportunity to address their political demands. Inside the Convention, they worked actively – and with growing cooperation among them – both to improve the process and to elicit concessions from the government on substantive issues. Even before the proceedings started, the KIO, NMSP, SSNA, SSA-N, PSLP, and KNLP sent a joint letter to the chairman of the convention stating, among other things, that the military’s leading role in national politics should be revised, that free debate should be allowed, that the elected representatives from 1990 should be permitted to attend, and that ceasefires should be entered into with the remaining armed groups so they could attend too.104 A month later, during the first session, they followed up

102. The idea of betraying a historical cause is particularly pronounced within the KNU, whose leaders since 1997 have sworn to uphold the four principles of Saw Bu (Kyi), the founding father of the Karen revolution: “There shall be no surrender, the recognition of the Karen state must be complete, we shall retain our arms, and we shall decided our own political destiny.” For a wide-ranging statement of the KNU’s perspective on the struggle, its grievances and aspirations, see Karen History and Culture Preservation Society 2006.
103. See footnotes no. 73 and 74.
104. Khint Nyunt was the main architect of the post-1988 ceasefires and together with a group of high-level intelligence officers managed nearly all subsequent dealings between the government and the ceasefire groups until his purge. Since then, responsibility for government relations with the ethnic armed group appears to have been substantially decentralised to regional commanders in the relevant areas, although the revamped military intelligence (now the Office of Military Affairs Security), headed by Maj-Gen Ye Myint, maintains a role.
105. For statements on the KIO’s rationale for a ceasefire, see KIO 1993a; 1993b; and n.d. See also NMSP 1995. 106. The standpoint of the ceasefire groups in relation to the National Convention 2004.
with another joint submission with seven additional groups (the KDA, NDA-K, KNG, KNLFP, SNPLO, and two small splinter groups), calling for more power to the constituent states within a “genuine federal system.” The UWSA, MNDA, and NDAA – submitted a separate proposal, calling for sub-states of their own on the model of ethnic autonomous regions in China.

Although the government-controlled National Convention Committee summarily rejected most of their demands, many ceasefire leaders continue to view cooperation with the military as the best chance of moving forward. Any constitution, some reason, is better than no constitution – at least, it will provide a formal framework for future negotiations. Similarly, although the military will control 25 percent of the seats in parliament, some view this as better than the present situation where it controls everything. Of course, they are acutely aware, too, of the backlash they would face were they to openly withdraw their cooperation. Hemmed in by the growing Burma Army and under pressure from neighbouring countries to maintain peace, they have little space to manoeuvre.

Yet, tensions have been growing. In February 2005, two groups, the SSA-N and the SSNA, boycotted the new session of the National Convention in protest after several of their leaders were arrested and charged with treason for discussing the new constitution with other Shan groups. Similarly, before the subsequent session in December that year, the NMSP suspended active participation in the proceedings, complaining about a lack of willingness on part of the government to consider ethnic demands. It did not withdraw altogether, but sent an observer mission only. The KIO stayed with the Convention until the end, but made a final attempt (unsuccessfully) before the final session in July 2007 to get its demands considered by submitting a 19-point proposal for constitutional revisions directly to Senior General Than Shwe. The NMSP and the KIO have also both been resisting government demands for the ceasefire groups to issue statements condemning, for example, the adoption of Burma’s 19-point proposal for constitutional revisions directly to Senior General Than Shwe. The NMSP and the KIO have also both been resisting government demands for the ceasefire groups to issue statements condemning, for example, the adoption of Burma on the UN Security Council agenda (and have been paying for their “obstinacy” by a blockade of trade in and out of their regions).

The finalisation of the National Convention in September 2007 heightened fears among the ceasefire groups that the government may move to disarm them, although few of the political issues have been resolved. At the same time, criticism of the ceasefires and continued cooperation with the military has been mounting, especially among the youth in Kachin and Mon states, raising the prospect that a new generation may take to the jungle. Not all ceasefire groups are equally concerned about the future though, some saying they have been promised they can keep their arms under controls everything. Of course, they are acutely aware, too, of the backlash they would face if they openly withdraw their cooperation. Hemmed in by the growing Burma Army and under pressure from neighbouring countries to maintain peace, they have little space to manoeuvre.

Two critical issues facing the ceasefire group today are whether to join the new elections as political parties and what to do if the government moves to disarm them. While some are still hoping for further concessions from the government on their main demands, most groups are planning for worst-case scenarios. Some may seek to split into two, with a political arm reconstituting itself as a political party and a military wing that maintains arms. If the government seeks to force their disarmament, some of the former may return to armed struggle. Ceasefire leaders though are concerned not to lose their opportunity for participating in national politics, whatever turn it takes. The lessons from the 1950-80s have been learned and few believe that continuing distant armed struggles will bring any resolution to their problems. They mainly want to keep arms as a measure of protection (and thus may accept an arrangement whereby they are reconstituted as local security forces).

Contestation

The main ethnic political parties, i.e., the SNLD and its allies in the UNA, have aligned themselves closely with the NLD and the democratic cause. Like the main opposition party (and the insurgent groups), they have rejected outright the government’s roadmap, which they argue will only serve to institutionalise military political control. Instead, they are holding out for a process of genuine democratic reform, which they believe would pave the way for adequate representation of ethnic interests in a future political system. The SNLD, since it is still legal, will supposedly be permitted to re-register and run in the election should it wish to do so, but it remains uncertain what will happen to those which have been disbanded.

Avoidance

Civil society activities, as indicated above, span a wide spectrum from peacebuilding to leadership training, community development, ethnic language promotion, and social welfare programmes. Underlying these various initiatives, however, is a common vision of change that emphasises the need to work in existing spaces to strengthen local capacities for peace and development and to begin the long and difficult process of reconstructing war-torn societies (rather than waiting for an uncertain future). The emerging civil society organisations are, with few exceptions, apolitical (or at least not vying for political influence). Yet, some aim over time to help produce capable leaders and strengthen local governance structures. Indeed, they do not just challenge the authoritarian structures of the state, but also those of local armed groups. This is important, since the behaviour of the latter have tended to mirror those of the military government and therefore have limited potential to serve as a vanguard for more plural and participatory structures.

Many of those who are most active belong to a younger generation than the leaders of the armed groups and existing political parties, and may become the face of a new generation of ethnic political parties. Meanwhile, many members of civil society are simply getting on with the job of helping vulnerable populations cope with the pressures of everyday life. They may not always have a broader vision, but they all recognise that local communities have to work together to cope, whatever happens politically.
4. Border Politics

The border groups are involved in a number of strategies, reflecting their diversity. The NCUB and later the ENC have focused on developing common positions among different ethnic organisations, specifically through their work on an alternative (federal) constitution and separate states constitutions for each of the seven ethnically designated states. Several ethnic human rights groups have followed their Burmese and international colleagues in advocating for increased international political and economic pressure to force the military regime to the negotiation table, while other groups focus on capacity-building activities. At the grassroots, a variety of education programmes target the large refugee and migrant worker communities, some with the purpose of training future leaders, others simply to improve the children’s prospects for the future.

Work on a model federal constitution started decades ago, but intensified after the 1990 election and the proclamation by the SLORC that it would oversee the drafting of a new constitution for the Union of Burma. Later drafts have been based on principles established by the NCUB in the early 1990s and agreed upon at the Mae Tha Raw Hta Ethnic Nationalities Seminar in 1997:

- dismantle the military dictatorship and establish peace in the country;
- practice the democratic political system;
- achieve the rights of equality and self-determination for each and every nationality; and
- establish a federal union.\(^\text{109}\)

Over the past few years, the constitution drafting has been centred in the Federal Constitution Drafting and Coordinating Committee (FCDCC), which has been commissioned by, and represents, six umbrella organisations: NCUB, NCGUB, ENC, Women’s League of Burma (WLB), Student and Youth Congress of Burma (SYCB) and National Youth Forum (NYF). The FCDCC has produced a final document that was signed in Mae Sot in February 2008.

The FCDCC, as some of its members readily admit, is less representative than the formal list of participating organisations would suggest. The groups on the border have limited access to organisations and communities inside the country. Moreover, several of the main groups are divided, and in most cases it is mostly the “political wings” that are participating in the constitution drafting process. Yet, as one of the initiators of the process explains, the idea of drafting a “shadow” constitution was mostly to bring the different groups together and develop ideas that could be used in a future tripartite dialogue with the SPDC and the democracy movement.

In addition to the federal constitution, groups from each of the 7 ethnic states are involved in an ENC-lead process to draft individual state constitutions. The idea is that genuine federalism and decentralisation could require fundamentally different principles of governance in the different states and that each will need a constitution of its own to supplement the federal constitution.

4. Recent Trends

In theory, the four main strategies outlined above in ideal typical form are mutually exclusive. The difficulties faced by most groups in accomplishing their objectives, however, are causing distinctions to break down. This is evident both in the breakdown of consensus within individual groups on the best course of action and in the growing recognition that different approaches can be complementary and should be coordinated.

**Internal Splintering**

While hardliners in the KNU, for example, remain firmly committed to the fundamental principles of the politics-first approach, pragmatism is driving other members to reassess their strategic options. Some senior leaders and commanders in the KNU/KNLA have indicated that they might be willing to accept a ceasefire agreement without the precondition of a political settlement. They worry that efforts to rebuild their areas cannot be postponed any longer and believe they can do better than the existing ceasefire groups if they eschew business and focus on helping their people. It was this kind of thinking that led to the “gentleman’s agreement” with Khin Nyunt in December 2003 to cease hostilities and that continues to motivate contacts with the government today.

At the same time as some previously staunch insurgents in the KNU have been contemplating a limited ceasefire, some ceasefire groups have been considering returning to armed struggle (and several factions have indeed done so). Within the NMSP, in particular, pressure has been building for some time to withdraw cooperation with the government. Such reassessments reflect a number of considerations, including fear that the ceasefire groups are losing their legitimacy as the vanguard of their communities, dissatisfaction with personal benefits arising from the ceasefire agreements, or anger over continuing army human rights abuses in their areas. Most fundamentally they reflect the absence of progress toward genuine peace and development.

Most worrying from the perspective of ethnic communities is the possibility that key groups such as the KNU, NMSP and KIO rather than working through their difference will fragment further. Already, there is a long tradition of splinter groups from the main insurgent groups making separate deals with the government and splinter groups from the ceasefire groups returning to armed struggle. Some factions have gone back and forth a few times. Should this pattern escalate, the ability of these groups to represent ethnic or local interests would seriously weaken.

**External Convergence**

Somewhat paradoxically, the growing dissent within groups has been accompanied by increasing dialogue and cooperation between different groups and categories of actors. The uncertainties and lack of progress along all paths are causing boundaries between previously opposing views to erode. To give a few examples:

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\(^\text{109}\) The Mae Tha Raw Hta agreement was signed by the All-Arakan Students and Youth Congress (AASYC), Arakan Liberation Party (ALP), Chin National Front (CNF), Kachin Independence Organisation (KIO), Karen National Union (KNU), Karenni National Protection Organisation (KNP), Kayah National Front (KNF), Karen National Progressive Party (KNPP), Kayan New Land Party (KNLP), Lahai Democratic Front (LDF), New Mindat State Party (NMSP), Pa-O People’s Liberation Organisation (PPLO), Palaiung State Liberation Front (PSLF), Shan United Nationalist Army (SUNA), Shan Nationalities进步ary (SNBP), United Wa State Party (UWSP), and Wa National Organisation (WNO).
In an unusual show of unity amidst the complexity of Shan politics, two ceasefire groups – the SSA-N and SSNA – in 2002 gave the main Shan political party, the SNLD, a mandate to represent them as a group.

In 2003, the three Kachin ceasefire groups – KIO, KNA, and NDA-K, which represent opposite poles of the ceasefire spectrum – joined with elected Kachin MPs to set up the Kachin Consultative Assembly to work out a common Kachin position.

More generally, meetings across the ceasefire/non-ceasefire divide have multiplied in recent years, encouraged by peace mediators and groups such as the ENC. There is also significant and growing cooperation between ceasefire groups such as the KIO and NMSP and civil society groups in their areas, as well as between insurgent groups and civil society groups in Thailand.

Such cooperation reflects, and at the same time reinforces, an ongoing process in which past rejections of other “camps” are slowly giving way to understanding of the complementarity between different approaches. Non- ceasefire groups, which before denounced ceasefire groups as traitors to the cause, have come to value their role in representing ethnic minority interests within the government-controlled transition process. There also appears, in some cases, to be growing understanding between “mother” organisations and splinter groups that their different strategies may serve the same objective, which could help limit intra-ethnic fighting and violence.

These latter developments, together with the growth of civil society organisations and activities, are perhaps the most hopeful development in the ethnic nationalist resistance complex. While Burma’s minority groups appear to have suffered a decisive defeat on the battlefield and are facing great problems, too, in dealing with the country’s self-appointed military rulers politically, they are adapting in ways that may ultimately build a more dynamic and nationally relevant movement.

The depth of the divisions in Burmese society is evident not only in the scope and scale of the conflicts that have bedevilled the country since Independence, but also from the paucity of meaningful reconciliation efforts. Between 1948 and 1988, only four rounds of peace talks were ever undertaken between the government and the insurgent groups, and at no time did the discussions reach a substantive stage. Indeed, it has been suggested that the purpose of engaging in talks, on all sides, often had more to do with giving the appearance of pursuing peace than actually reaching a settlement. While the ceasefire agreements in the late 1980s and early 1990s were a breakthrough, symptomatically, they were reached without addressing the core issues dividing the different sides. The intermittent ceasefire talks between the SPDC and the remaining insurgent groups since then have followed the same pattern, as have the discussions within the National Convention.

The SLODC/SPDC and the NLD, similarly, have never had substantive discussions about the issues that divide them. Talks between the government and Aung San Suu Kyi took place in 1994, 2002-03, 2004 and began again in December 2007, but at no time have they progressed beyond talks about talks. While moderates exist in all camps, most organisations for most of the time have stood rigidly on long-standing principled positions, seemingly content with protecting their own “corner”. Those who have reached out to make peace have often faced strong opposition from others within their own groups, while the opposing side typically has seen such gestures as signs of weakness and thus a reason to insist on its own demands and step up the pressure for a one-sided “solution”. Since no side so far has been able to impose its agenda, the situation remains deadlocked.

Unsurprisingly, Burma’s conflicts exhibit many of the characteristics of intractable conflicts elsewhere in the world: The situation is highly complex, involving multiple actors and interlocking issues; the parties see issues involved as having a zero-sum nature; conflict itself has become embedded in the mentalities, behaviours and institutions of society; and there is no mutual hurting stalemate, which could push all sides towards compromises. There are, however, some slightly hopeful trends. The junta remains concerned with legitimising its roadmap and has been seeking ways to do so through contacts with anti-government groups. Moreover, there are parallel institutional and generational transitions underway, which may help create new opportunities for reconciliation. Given the depth of the conflicts and resultant crises, one should not assume that the problems can be solved simply by means of a transfer of power. Still, these institutional and generational transitions may hold within them the seeds of an incremental process of reform, provided they are properly nurtured.
A. Obstacles to Reconciliation

1. Complexity

A basic obstacle to reconciliation in Burma is the complexity of the conflicts, which makes it hard to identify causes and solutions. The two main struggles each impact on the other, making solutions more difficult to reach. Moreover, the ethnic groups are not all engaged in the same struggle, and many organisations are divided internally.

The ethnic nationalist struggle for local autonomy and group rights was a significant contributor to the failure of democracy in the 1950s and the emergence of an all-dominant military, and continues to complicate civil-military relations today. The military leadership still does not trust civilians to handle the perceived threat of separatism properly — thus its insistence on maintaining a leading role for the military in politics and full internal autonomy, which aims at ring-fencing national security policy. This imposes obvious limitations on any process of demilitarisation and democratization, but also on ethnic conflict resolution.

The struggle for democracy, similarly, has complicated the ethnic struggle, most notably by raising questions about which Burmans to negotiate with. While the ceasefire groups have opted to take their chances with the military regime rather than seek to forge a common front for regime change, the KNU, in particular, in aligning itself with democracy groups on the border, has taken on the responsibilities of the wider democratic struggle, thus sacrificing its opportunity for negotiating separate ethnic issues. The agreements reached between ethnic nationalists and democracy groups go much further towards accommodating ethnic aspirations than those reached with the government. Yet, they exist only on paper and will not be implemented while the military maintains a veto. In fact, the insurgent groups run the risk of remaining marginalised as the transition goes forward. The ceasefire groups, by contrast, are positioned to make the transformation from armed struggle to political struggle, with the hope of furthering their case within a future parliamentary system. But many have suffered a loss of support in their communities and it remains uncertain how much influence civilian groups will have in the new system. While the jury remains out on which strategy is the most effective, the divisions have weakened the struggle for ethnic rights.

Further complicating matters is the existence of diverging goals among ethnic armed organisations. While most of the former NDF members — whether in rebellion or under ceasefires — are united in their opposition to the SPDC roadmap, the former CPB armies in Shan state, as well as a number of smaller groups and militias, are committed to this process and indeed have fought on the side of the government against other ethnic organisations.

Many, both ethnic nationalist and democracy, organisations are also divided internally. The importance of the legitimacy derived from the 1990 election has created a situation where the old leaders, who participated in that election 18 years ago, have difficulties in handing over power to a new generation without compromising the political legitimacy of the whole organisation. As a result, many ethnic parties and democratic organisations — to the great frustration of many youth members — are ruled by leaders in their 70s-80s; who in some cases are losing touch with reality. As a young former leader of an ethnic revolutionary party puts it: “The generation gap is taking place in all organisations. Even armed conflict is sometimes taking place within armed revolutionary organisation both within ceasefire groups and no-ceasefire groups”. While these divisions might seem to help the government, it at the same time creates a complexity that makes peacemaking difficult. In order to make peace, the government needs an opponent that can make binding compromises for peace. An undisciplined, disunited opposition is incapable of that.

The long detour of Aung San Suu Kyi has further complicated the situation. As a prominent leader of an ethnic party puts it: “The current leadership [of the NLD] doesn’t want to lead the process and just sits and waits for Daw Aung San Suu Kyi.” At the same time, Aung San Suu Kyi herself has a limited ability to make compromises since she cannot discuss them with the other leaders of the party. Thus, difficulties of communication make conflict resolution challenging, as the opposition has limited capacity to commit to and sustain compromises.

Democracy activists, both inside Burma and abroad, have tended to conflate the quest for peace with that for democracy. This assumption, however, is problematic on two counts: First, the government’s determination to preserve a unified state remains the main justification for military rule. Unless sustainable peace is established in the border regions, it will likely be all but impossible to phase out the military’s political control and start the process of reorienting the country’s overarching political culture towards democracy. (At the same time, it is difficult for the opposition groups to accept peace on the terms of the SPDC: acceptable terms of peace cannot be achieved without cessation of hostilities, while cessation of hostilities cannot be achieved without acceptable terms of peace.) Secondly, democracy does not provide an infallible solution to conflict, whether in Burma or elsewhere. In general, comparative evidence shows that democracy is strongly associated with a reduced risk of conflict as it poses an alternative to violence by encouraging the resolution of disputes through the political process. Furthermore, comparative work on heterogeneous societies and war shows that in general, the less democratic a plural society is, the more prone it is to guerrilla war and rebellion. However, especially in ethnically deeply divided societies, democracy is no guarantee for peacefulness. As Robin Luckham warns, “democratic institutions have often failed to resolve conflicts and in some cases have even aggravated them.” In ethnically divided societies, simple majoritarian democracy can discriminate against minority groups, and elections can, in practice, become racial/ethnic censuses, if voting patterns and the party structures follow ethnic lines. The challenge is to ensure that political institutions and processes are as inclusive as possible for all ethnic groups and that a sufficient level of autonomy is allowed in issues of core interest to specific ethnic groups.

Ultimately, democracy is not sufficient for national reconciliation, which is dependent also on the emergence of moderate voices and organisations on all sides that promote peaceful compromise, tolerance and inclusiveness. This is a major challenge in a country where inter-ethnic prejudices run deep and most groups historically have taken an all-or-nothing approach to politics.

2. Mutually exclusive solutions

The key to resolving conflicts lies in identifying a compromise, which satisfies the core interests of all the main parties involved. The values at stake in the Burmese conflicts, however, are not easily shared. The “solutions” to the grievances of each side generally appear mutually exclusive. A win-win situation is thus difficult to fashion or even envision.

The military and the democracy movement compete essentially for control of the central state; while the military and the ethnic nationalists struggle over who rules in local areas. Although all sides claim to be committed to the development of the country and welfare of their constituents, the prospect of reconciliation is weakened by this preoccupation with who governs (rather than how). To many ethnic nationalists, this indeed is an existentialist question, since they believe that without “home rule”, they will be gradually assimilated into the dominant Burman culture and will eventually cease to exist as peoples.

The irreconcilable nature of the conflicts is compounded by the fact that the issues have become entangled in the broader views of history and mythologies of each side. While the military insists that the Union of Burma has existed since ancient times and only was divided by the British colonialists, ethnic nationalists maintain that the Karens, Kachins, Shans and other minorities are nations in their own right with historic homelands and rights of self-determination. Similarly, while the military justifies its leadership role in terms of its historic role of safeguarding the nation against internal and external enemies, the NLD has projected its struggle as “the second struggle for independence”, implying that the military since 1962 has in fact robbed the people of Burma of their freedom and right to determine their own destiny. Rather than simply competing for power, all sides have come to view themselves as fighting historic struggles to restore something which is inherently right (and rightful), thus reinforcing perceptions of non-negotiable positions.

The military believes its historical role of safeguarding the nation gives it a right and duty to lead, if not rule. The NLD believes its victory in the 1990 election gives it the same right. The ethnic groups believe they as nations have an innate right to rule with historic homelands and rights of self-determination. Similarly, Burmans consider their needs take precedence over minority demands. Many also believe the only genuine politics is at the individual rather than institutional level.

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Many ordinary Burmans share the attitude of successive military leaders that the Burmans are the rightful leaders of the state. As the Crisis Group observes: “Many Burmans consider their needs take precedence over minority demands. Many also consider Burman historical achievements and culture superior to that of minority groups. In part due to regime propaganda, Burmans tend to understand unity as requiring homogeneity and oppose any attempt by ethnic groups to break that unity. There is implicit tolerance for regime attempts to Burmanise minorities by discouraging the practice of other religions and the use of minority languages.”

3. Institutionalisation of the conflicts

Another important aspect of the intractability of the conflicts in Burma derives from their duration. Decades of conflict have led to its “institutionalisation”; conflict has become imbedded in the conceptions of different groups of each other, as well as in the broader political culture and the identity of the main conflict parties. This means that even if a reasonable compromise could be imagined, leaders, factions or even communities may resist it.

The “us”-“them” mentality

Many military officers have deep disdain for civilian politicians whom they view as being concerned only with promoting party interests. Such narrow concerns, they argue, are evident in the methods of the NLD which “defines the authorities” and “collaborates with insurgent groups and foreign governments”, thus supposedly undermining the government’s efforts to unify the country. This kind of “party politics” is contrasted with the “national politics” of the armed forces, which ostensibly work to achieve the aspirations of the whole nation. In short, politicians are seen to lack the patriotism of the military and therefore to be unsuited to manage the multitude of internal and external threats facing the nation.

Similarly, military officers, who have spent their formative years fighting insurgents in the jungle and seen friends die on the battlefield, are imbued with a strong distrust or even hatred of ethnic nationalists. In the words of one officer: “The KNU would only be too ready to betray the nation as opportunity occurs. Insurgents with such a gene and such a behavioural pattern are ideologists to the bone who would never surrender their objectives”. The past fifteen years of ceasefires and mutual cooperation, to some degree, have helped improve understanding between the military and armed ethnic groups, but the changes have occurred mainly at an individual rather than institutional level.

Many ordinary Burmans share the attitude of successive military leaders that the Burmans are the rightful leaders of the state. The Crisis Group observes: “Many Burmans consider their needs take precedence over minority demands. Many also consider Burman historical achievements and culture superior to that of minority groups. In part due to regime propaganda, Burmans tend to understand unity as requiring homogeneity and oppose any attempt by ethnic groups to break that unity. There is implicit tolerance for regime attempts to Burmanise minorities by discouraging the practice of other religions and the use of minority languages.”

114. Whenever they have the opportunity, they oppose, attack, denounce and condemn. How can you create grounds where we can stand together...? We had a vision we could start our economy moving with tourism, so we put in a lot of effort and money preparing for that. Then they had a campaign not to visit Myanmar... The people have come to understand the real motive of the NLD: just for power, not for the nation-building process. Foreign Minister Win Aung, interview, Reuters, 27 April 1999.
115. “The Tatmadaw represents no political ideology. It does not represent any particular class of people, any particular national group, or any particular territory. It represents...the whole of Myanmar”. Naingnya 1995, 110.
116. Tatmadaw Researcher’ 1997:11
many ethnic minorities who have suffered from decades of brutal counter-insurgency campaigns and other abuses by what they perceive as an invading army have come to view all Burmans as “the enemy”. Much like in central Burma, such sentiments have been reinforced by strident nationalist propaganda by ethnic leaders seeking to rally local populations behind their counter-hegemonic wars.

The “us vs. them” mentality is strengthened by the symbolic terminological identifiers of different positions. Many of the key concepts of the debate on democracy and ethnic rights have become associated with a particular camp or position. The use of partisan concepts, such as “Burma” or “Myanmar”, “roadmap” or “tripartite dialogue”, “reconciliation” or “reconsolidation”, identify the speaker/writer as belonging to a particular camp and thus emphasise his or her position instead of allowing a focus on the interests involved. Regardless of what interests the government constitution might or might not satisfy, the approach is often that a process, or a constitution, that does not identify with the partisan identifiers of a certain camp, fails to be accepted by that camp. A senior leader of the CRPP, for example, cannot accept a solution that is not based on a process that is called “tripartite dialogue”118, while a government official cannot accept a solution – regardless of how similar it might be to the solutions laid down within the National Convention – unless it is reached within the parameters of the existing “roadmap”. Solutions become genuine only through their usage of the identifiers – that are inherently partisan symbols. As a former leader of an underground movement puts it “Although they are claiming that their constitution represents and gives right to ethnic minorities, it is not the real one.” The fact that any argument is made partisan with these identifiers makes argumentation between camps difficult. Solutions, in order not to be marginalised by one of the conflicting parties, somehow need to be simultaneously based on the “roadmap” and a “tripartite dialogue”.

The culture of confrontation

The culture of confrontation is both a consequence of the long conflict and a result of the absence of cultural roots of conflict resolution.

The long years of conflict have institutionalised mechanisms that reward extreme positions. A democracy activist who is publicly pushing for compromises risks becoming marginalised in the movement as a sell-out, or a traitor. Similarly the patriotic commitment of officials who open up the political space to dialogue are often questioned. Eric Hoffer has called this common tendency among conflicting parties in long conflicts a “true believer culture”.119 Members of parties to long conflicts can secure their trustworthiness only by being, essentially, stubborn and unyielding. The ceasefire groups are often seen as opportunists, even though at least some leaders clearly work for the interests of their communities.120 The psychology of being in exile also bolsters the true believer culture. Both the government and anti-government activists at home often refer to exiles as people who live “in the safety and comfort of a foreign country”. In order to prove that they do not live in exile for the comfort and safety, there is a temptation among exiles everywhere – not only from Burma – to constantly prove their “fighting spirit”. Here again, any appearance of inclination to make compromises with the government becomes difficult.

At the same time, there is a lack of experience in Burma with peaceful means of dealing with disagreement. From the independence struggle, through a democratic period marred by high levels of political violence, followed by more than forty years of military stewardship, arms have been the primary means used not just in the pursuit of power but also to settle differences over state policy and direction. It is no historical coincidence that the mobilisation of the population, whether during Aung San Suu Kyi’s party organisational tours around the country in 2003 or during the recent protests in September 2007, were quelled by violence, or that dissident groups overseas have subsequently renewed calls for a US invasion and armed struggle.121

The talks between longstanding enemies, which have taken place over the past decade and a half – however limited and often unsuccessful – demonstrate a perception among moderates on all sides that violence holds no solutions. Yet, so far, the perceived need to break the political deadlock has not been matched by sufficiently widespread confidence that a satisfactory outcome can be reached through cooperation and compromise. Five decades of continuous conflict, compounded by the often confrontational positions assumed by both the military government and pro-democracy groups since 1988, have created an atmosphere of alienation, distrust and a lack of basic understanding and empathy. This fragmentation of society and resultant psychological resistance to cooperation constitutes a fundamental obstacle to reconciliation.

The intermingling of conflict and identity

To make matters worse, the main parties to the conflicts are all products of those same conflicts, and risk losing their identity, or raison d’être, if the struggle were to transform into cooperation. The army needs enemies and conflict to sustain the state of siege through which it justifies its special role in society. The identity and cohesion of key ethnic armed groups, too, is intrinsically linked to the struggle. Asked how in the absence of any prospect of military victory armed struggle serves the ethnic cause, an ethnic armed leader emphasised how crucial the struggle is to keep people united and focused on the collective goal of protecting ethnic identity (this conundrum is underscored by the fragmentation of many of the ceasefire groups during “peace” time). A similar dilemma exists for the NLD, whose position and legitimacy is wound up in one of the main issues of contestation, the 1990 election results. While the party today has abandoned the idea that the parliament elected in 1990 will take power, giving up the result of that election altogether would risk losing it its pre-eminent status within the democracy movement and thus the prospect of leading a future democratic government.

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118 “Without the tripartite Burma’s problems will not be settled” (interview, March 2008).
119 Hoffer, 2002/1952.
120 The effect of this is evident in meetings with leaders of the ceasefire groups, who often seem to feel a need to defend themselves even if no one in the room has criticised them of anything.
121 See, for example, “The Fort Wayne Declaration,” 30–31 August 2003 [issued by exiled activists after a meeting in Fort Wayne, USA].
4. Asymmetric power (and conflict trends)

Resistance to reconciliation may be overcome through the development of a “mutually hurting stalemate”.122 Once the parties to a conflict realise that they cannot reach their goal through continued confrontation, nor continue to sustain the costs of conflict indefinitely, they may accept compromises that they rejected before. This, however, implies a certain symmetry of power and “fortune” – without it, the stronger, more successful side will push forward with its demands, seeking to defeat or wear down the opponent(s), which is exactly what is happening in Burma.

The Burmese conflicts are significantly asymmetric with the military holding the upper hand both in terms of power and momentum. While the cycles of confrontation between the regime and the NLD continues, now in their twentieth year, the spiral for the main opposition party has been downwards. Each crackdown has left the party weakened, its membership diminished, and internal cohesion under increasing pressure as hopes for victory have subsided. Aung San Suu Kyi has spent the last five years in near total isolation and without her the aging leadership has presented few challenges to the regime. When Malaysian Foreign Minister Syed Hamid Albar in March 2007 sought a meeting with Aung San Suu Kyi, he was told by officials that “she has no more influence, the NLD has no more influence”.123 The protests in 2007 no doubt shook the regime and may have moved it to speed up the transition process. For a while it seemed that the threat of “disorder and instability” could motivate new openness of the government towards domestic and exiled opposition groups. Yet, unrest was effectively contained to the bigger cities and quickly crushed and there are no signs that the SPDC has felt it necessary to revise its basic agenda.

The situation in the border areas is even more favourable to the regime. As noted, the SLORC/SPDC since 1988 has significantly increased the territorial reach of the central state, leaving only some small “islands” in the most remote areas under full control of anti-government forces. The few remaining insurgent groups today are fighting a largely defensive guerrilla war against the expanding control of the Burma Army, with little apparent hope of reasserting their authority over significant areas. Even if a new generation of conflicts were to emerge, the ethnic nationalist armies do not pose a serious threat to the central government. The national army today enjoys a massive superiority in both manpower and firepower, and, without support from and access to neighbouring countries, any sizable insurgent group will find it difficult to secure funding and supplies. Any risk that a broader anti-government movement could emerge bridging the traditional centre-periphery divide thus also appears to have been removed.

These trends help explain why most ethnic groups and, to a lesser degree, the democracy forces today are seeking accommodation with the military under conditions, which they previously would have rejected. It also explains, however, why the military leaders are rejecting any compromises on its own agenda.

B. Opportunities for Reconciliation

So far, the SPDC has given little indication that it will allow any deviations from its roadmap. Yet some potential “crossroads” are coming up ahead, which could see the direction of Burmese politics change.

1. The search for legitimacy

The military leadership does recognise the importance of legitimising the transition process, both at home and abroad, and thus of gaining the cooperation of at least some elements of the opposition. In addition to the much-reported talks with Aung San Suu Kyi, managed by the new Minister of Relations, Brig-Gen Aung Kyi, the government for some time have quietly also been making contact with members of the opposition in exile, as well as foreign governments, to explore the possibilities for reducing current hostilities.

So far, these contacts appear to have been aimed essentially at co-opting the opposition rather than negotiating more substantive compromises. For example, according to a Burmese official, the government offered Aung San Suu Kyi that, in return for her accepting the result of the referendum, the NLD would be allowed to reopen its offices, hold internal meetings, and some political prisoners could be released.124 It remains a possibility, however, that the SPDC would agree to liberalise politics within the parameters of the constitution, for example, by allowing a freer and fairer election or taking a lesser role in post-election politics, than would currently seem to be on the cards.

The starting point for compromises could be in the parts of the constitution that are ambiguous or contradictory. Some of these parts (related to the political role of the military, emergency powers, eligibility criteria for the president and members of parliament, and the military’s independence of and non-subordination to civilian leadership) are among the ones that the opposition is most concerned about. By reviewing the relevant clauses, it might be possible to start a process through which compromises can be made by the government, without it being seen to back down, and members of the democracy movement and ethnic nationalist groups can come to see the constitution in a more positive light.

2. Institutional reform

Even if the SPDC stands its ground, the new constitution contains significant changes in the structure and institutions of power, which may take on a life on their own and gradually lead to bigger changes.

The transition to constitutional government is likely, minimally, to lead to a reduction in the exercise of arbitrary personal power that defines the current period as executive decisions become subject to a legislative process. The shift to civilian politics within a more stable, long-term framework should also alleviate the preoc-
cipation with security issues (versus welfare), even if the change may be slowed by continued dominance of ex-military personnel. Further pressure in that direction will come from the institution of periodical elections. Most members of the new legislatures – specifically the three-fourths of them that will not be appointed by the commander-in-chief – will at least in principle be subject to people’s judgement and thus should be motivated to work for the welfare of their constituents.

Over time, changes in the nature of governance could facilitate a shift also in the underlying relations of power. Not only will the ratio of civilians and military personnel in the government shift in favour of the former, but the formal separation of the military-as-government and military-as-institution may allow those officers still involved in government to develop a more “civilian” outlook. This could also help weaken the military hierarchies and facilitate a diversification of outlooks within the army. Moderates may begin to build bridges with political parties, thus further reducing the gap between army personnel and civilians. If at the same time, political parties are able to use the new political space to build stronger party organisations and strengthen their capacity for governance, the basis for a future democracy will improve.

In the ceasefire areas, the civilianisation of local politics has already begun. The cessation of open hostilities have changed the challenges of government, and in some areas have facilitated the emergence of a new and fairly dynamic civil society, which not only has taken over significant governance responsibilities, but is producing a new generation of local, or even national, political leaders. The constitutional provision for local self-governance, which for the first time ever will see the setting up of local legislatures, is likely to accelerate this process. Indeed, with the reformation of the current system where regional commanders act as de facto governors, these trends are likely to further expand from the ceasefire zones into surrounding government-controlled areas. Even if the responsibilities of the local governments remain strictly limited, the new set-up could still provide valuable laboratories for local democratisation, including the growing involvement of civil society in governance.

While the new constitution is clearly intended to institutionalise military control of the political process in a more legitimate and stable framework, Burma’s leaders would not be the first to see a managed transition processes spark greater changes than originally envisioned. Indeed, given their conservatism and risk averseness, this may be the only way to unlock the stranglehold the military has on the country. Through the type of changes described here, the pretence of civilian, democratic politics could gradually become reality. This is how democratic transitions have occurred in many other countries, including Thailand, Indonesia and South Korea, which may be relevant comparisons – although those examples also show that the future mobilisation of popular pressure may be necessary for more decisive breakthroughs.

3. Generational change
It is doubtful whether the current senior general(s), whose legacy and personal interests are closely associated with the roadmap, would be willing to contemplate any major changes. Yet, given the personalisation of Burmese politics, a leadership succession could potentially lead to substantial changes.

The career experiences of the next generations of military officers are significantly different from those of the current leadership. They have had much less combat; they are educated at improved military academies, nearly all having university degrees; and they have spent a significant part of their lives and careers in the very different post-1988 environment in which contacts with the outside world have greatly expanded, if not always for them personally then certainly in the government and society at large.

It would be unreasonable to assume that a leadership succession would lead to a dramatic break with the past. The younger officers may have a significantly different outlook, but they also have much in common with their current leaders and have been subject to decades of indoctrination and socialisation into the basic attitudes, values and beliefs of the military as an institution. There are, however, strong tensions in the current military project, which together with mounting external pressure may well motivate new leaders to experiment once again with managed reforms.

Obvious tensions in the military project include the eroding legitimacy of the military as an institution, its failures as a government, and growing dissatisfaction among mid-level officers and government officials with their personal conditions. While the official view is that the regime’s development plans are working and have the support of the general population, many in the military have no illusions about the problems the country is facing. The deteriorating economic situation is increasingly hurting everyone, including members of the regime. Although there are no indications of open splits, there have long been rumblings in the ranks over economic mismanagement and corruption. These increased substantially after the unpopular move of the capital to Naypyidaw. Such cracks will have grown after the crackdown on the monks last year, which has cost the regime any residual legitimacy it could claim as protector of the faith. The virtual unanimity of international criticism will also have raised concern among the more outward-oriented officers who do not wish to see Burma remain isolated.

External pressure, on its own, is unlikely to have a determining impact under the current leadership whose worldview is dramatically shaped by the liberation struggle and continuing threat perceptions. However, a new leadership, perhaps with a different vision for the future and facing mounting internal tensions may well be more responsive to international concerns. While nationalism and vested interests all but rule out that any Burmese military leader would substantially comply with external demands for reform, pragmatism – or simply self-preservation – may well lead the next generation to re-engage with the world and thus help bring the country back on the path of incremental change.

A coup is unlikely. Than Shwe has stacked the top levels of the defence ministry with hand-picked subordinates, who, while they might pursue a somewhat different line once in power, are considered by government insiders to be fiercely loyal to their leader.125 Than Shwe, however, is 75 and no longer in good health. The pressures of the current situation may increase his inclination to make way for a new generation.

125. The loyalty of some regional and lower-level commanders may be weaker but any challenge from this level would require a broader conspiracy than seems feasible in a closely monitored environment characterised by fear and distrust.
The inauguration of a new constitution and transfer of power to a nominally civilian government would be an obvious time.

How different a new leadership will be is difficult to say, partly because it remains uncertain who will take over and how power will align around and underneath the next senior general. But they will have strong motivation in the failures of the past to try a different approach, as well as new opportunities in the planned transition to a formally parliamentary government.

4. Burmese views and hopes

Many in the opposition believe the roadmap is no more than a ploy to perpetuate the power and privileges of the military. They distrust the SPDC immensely and do not believe that any process under its control could have positive outcomes. Thus, they continue to fight the transition with all means available in the hope that the generals can still be forced to revise the constitution and allow a more inclusive and collaborative transition process to go ahead.

By contrast, some civilian government officials close to the centre of power believe significant openings will appear as the process moves forward. They believe Senior General Than Shwe is looking to secure his legacy by overseeing a meaningful transition and describe the roadmap as a recipe for “change-with-stability”, which gradually will give way to more democratic politics (as long as the opposition can convince the army that they present no threat to its vital interests). Thus they urge the critics (both at home and abroad) to engage in the process to seek to push the boundaries rather than reject it.

Many Burmese intellectuals and community leaders fall somewhere in-between these two views. While they remain sceptical of the SPDC’s intentions, they do not perceive that they have much choice but to cooperate with the roadmap and seek to push for change from “within”. This pragmatic view reflects fatigue and resignation, but also some degree of hope and even confidence in the future. Many civil society actors, in particular, feel that the space for social and, to a lesser extent, political activities is expanding. They also point to the different outlook of the younger generations, both within the military as well as the opposition, as hopeful for the future.

Many in the state remain thoroughly disenfranchised. There is a lot of anger and despair in the aftermath of the crackdown on the monk movement last year, which can potentially be mobilised in a “no” vote on the constitution (and certainly would come through in future elections). To many ordinary families, though, the all-overshadowing concern is growing socio-economic hardships and any changes that improve their livelihoods would likely be welcomed and result in at least a temporary easing of the pressure for political reforms.

While the costs of conflict may open new opportunities for dialogue and compromise, the emergence and sustainability of any peace would depend to a high degree on improvements in governance and the general conditions of life for the conflict parties and their constituents. This will be a major challenge in a country where decades of fighting and military rule have not only left a legacy of social divisions and deep-rooted structural poverty, but also have weakened all institutions of governance, within the state as well as in civil and economic society.

A. The State

For all other purposes than coercion, the Burmese state is exceptionally weak. The country has never had an authoritative and unified administrative structure, and the civil service has been gradually eroded.

Despite significant progress since the early years of independence when the U Nu government, faced with a plethora of mutinies and insurgencies, controlled only the main cities and towns, the authority of the central government is still contested in many parts of the country. Moreover, the state itself is fragmented, lacking clear lines of authority between central and local authorities. This undermines the ability of the government to implement policies effectively across the country and thus to initiate and guide appropriate development efforts.

While the ceasefire in the 1990s, along with more overt military conquest, has extended Rangoon’s authority further into the border areas than at any time in the past, seventeen “special regions” remain formally under the administration of ethnic nationalist armies or militias. The degree of autonomy varies from group to group, but in parts of eastern Shan state under control of the UWSA government officials cannot enter without permission. These and other regions along the Chinese border are for most intents and purposes part of China rather than Burma. The common language is Chinese; the currency is the Yuan; they use the Chinese telecommunication system; and most trade and investment come from China. In other conflict-affected areas, there is no clear demarcation of authority at all, which may be claimed by several armed groups or by no one. The primary organising principle in many parts of the border areas is competition for control over natural resources, which frequently causes clashes between army battalions, local warlords, and even security forces of private companies.

The situation is further complicated by unclear demarcations of authority among state agencies. Since 1988, there has been a de facto devolution of power to local army commanders, who have almost unlimited authority over military, political, economic and social affairs in their areas. There is little oversight or coordination among them. Although line ministry personnel are present in local areas, they have little

VI. PEACE AND THE NEED FOR INSTITUTIONAL DEVELOPMENT
influence. A similar pattern is evident in areas under control of ceasefire or insurgent groups, where individual commanders and battalions often act independently of the central leadership, reflecting the traditionally decentralised nature of insurgent warfare in these regions.

These macro-level obstacles are compounded by the weakness of the civil service. Since the military coup in 1962, the administration has been greatly weakened by the appointment to leadership positions of military officers with little relevant experience and the dismissal of thousands of competent civilian officials accused of disloyal behaviour. The military culture of top-down decision-making has further stifled creativity and independent thinking at all levels, while the erosion of real wages has fuelled corruption and absenteeism. There are still a significant number of well-educated civil servants (although many are close to, or beyond, retirement age), and in some areas reasonable technical and professional skills have been maintained even if there is limited scope for applying them. Yet, the capacity of the civil service as a whole has been severely compromised. There is no transparency or accountability, no culture of reform and improvement, and weak commitment to public service.126 Even if there is a democratic transition, a new government initially will have to work with the existing personnel, which likely will resist any reforms that challenge existing hierarchies or seek to curb opportunities for rent-seeking. Many civil servants will have to be replaced or retrained, a major task given the scarcity of human and financial resources and the political dangers of alienating large numbers of state personnel.

Adding to the administrative problems is the acute lack of capacity at the local level. Peace and democracy will depend critically on decentralisation of both power and administrative responsibility to the states and divisions. Indeed, support for any government by the country’s ethnic minority groups will depend on such decentralisation. Yet, the experience of the ceasefire groups, which currently have authority over the special regions, stems from wartime administration and economics only. Few, if any, are familiar with modern government methods. Some, such as the KIO and the NMSP, have formal administrative systems with departments for health, education, development and so on. Others are little more than loose networks of warlords whose essential purpose is amassing wealth for themselves and their clients. Everywhere soldiers or ex-soldiers remain in control. Although the traditional extractive, tributary nature of relations with the peasantry is softened in some areas by emerging civil society structures (or, in the case of the Pao, by the influence of a benevolent leader), the exercise of authority generally is top-down, “command-style” with little attention to local community needs. Even those groups with more modern, rational governance structures have limited capacity for public administration or development, beyond maintaining control of their territory.

Many of these weaknesses are a direct result of decades of war, but they also reflect broader issues of administrative culture and expertise. In many areas, ways of political organisation have changed little over the centuries and few people have any formal education or experience with modern administration.127 The establishment of effective local governance structures necessary to sustain demands for increased local autonomy is thus a major task in itself and likely to take decades. Minimal steps required include demilitarisation and a clearer division of authority and responsibility between the centre and the regions, complemented with a comprehensive training programme for new administrative personnel of all nationalities.

Any political transition, while necessary to jump-start a long overdue process of reform, will place new leaders in the difficult position of having to run a low-income country with little state capacity to rely on. This will place major constraints on its ability to undertake the kind of administrative and economic restructuring required to turn the country around and fulfil popular demands for change. Given the multi-ethnic character of Burmese society and strong demands for local autonomy, a more effective central government structure must be complemented by decentralised local government. But how to do this in ways that facilitate effective governance remains a major challenge.

B. Civil society

Civil society, too, is weak and, in some areas, non-existent. The military after 1962 largely succeeded in crushing civil society by disbanding or co-opting any autonomous organisations and setting up its own, tightly controlled network of mass organisations. The post-1988 regime to some extent has acknowledged that the state has neither the capacity nor the resources to do everything, and thus has allowed some new space for autonomous organisations to develop. These include a narrow range of political parties (which have been kept on a very short leash), but also a growing number of professional associations, low-key advocacy organisations, development NGOs and, particularly, community-based organisations which serve various social welfare needs. Yet, all of these new sectors are in the early stages of development. The growth in civil society is limited geographically, mostly to the main cities and two or three ceasefire areas. Moreover, the pervasive influence of the military — and the difficult and limiting circumstances under which any independent grouping continues to function — greatly hampers the development of organisational capacity.

According to civil society organisations themselves, as well as aid officials interacting with these organisations, most of them have a long way to go before they can fulfil the roles expected of them in a future democratic system or required to help unite the country on a significant scale. The political parties are particularly weak, largely consisting of a few leaders based in Rangoon with few links to their supposed constituencies. Welfare organisations have had somewhat more space to function — and some have received external support and training — but even the oldest and best organised ones (typically the church groups) generally lack planning and...
management as well as implementation skills. Cooperation among such groups is also very limited.

While liberalisation undoubtedly would facilitate a rapid expansion of civil society, many new organisations are likely to be elitist, even anti-democratic, and their influence on broader democratisation and development processes will be ambiguous. Most Burmese organisations are dominated by strong, charismatic leaders who tend to make decisions with little consultation or participation of the rank-and-file. Like the military, political parties and insurgent groups tend to be platforms for the pursuit of power by their leaders, rather than vehicles for the aggregation and promotion of broader community interests. Political participation and debate is stifled by a seemingly systemic intolerance for diverging views. Even the NLD, whose stated objective is to work to spread democratic norms into society, has shown a disconcerting tendency to expel party members who disagree with the official line or act independently of the party leadership. This inability to accommodate, and work through, disagreements is also evident in negotiations between different organisations, which often turn confrontational, reflecting the unwillingness on all sides to compromise on maximalist positions.

The implications of these orientations and behaviours for collective action are only too evident in the paralysing divisions which historically have seen Burmese organisations divide internally around rival leaders and prevented groups from coalescing around common national goals. The issue of ethnicity has created particularly deep fault lines, but factionalism is rife also within ethnic and other communities. The persistence of these traits today is reflected in the inability of opposition groups – both inside the country and exile groups abroad – to build a broad anti-authoritarian front, despite the presence of a common “enemy” and the clear imperative for working together.

The point here is that the Burmese, if given the chance, would not embrace organisational activities, or that they are somehow less capable of democracy than other peoples. Broad popular participation in politics remains a major challenge in most countries. The introduction of a formal democratic system, however, would not necessarily lead to the flourishing of democratic politics. The obstacles to organisational life in Burma go beyond the constraints imposed by the military regime, and the rights of the individual are generally not well understood on any side of the political divides.

Burma’s conflicts can be mapped on the basis of experiences in the country itself. However, when mapping the conflict resolution potential, one has to open the horizon also to the lessons from other relevant cases, especially since the lessons on democratisation and conflict resolution from the country’s own history, are not very encouraging. This chapter will look into the how nations become democratic, and how they manage and resolve their conflicts and transform their conflict structures. All this investigation is tailored to find out how the international community and especially Europe could help in conflict resolution, by means of pressure, and positive support for democracy and conflict resolution. Cases during the past century – of democratization, conflict resolution and pressure for these objectives – will be mobilized for the investigation. To make the investigation more directly relevant from the European perspective, the exact objectives and instruments of Europe will first be identified.

A. European Objectives of Economic Pressure and Support of Democracy and Conflict Prevention

One of the main elements of European policy on Burma is economic sanctions. In order to find recipes for success in sanctions policies from comparative analysis of cases of sanctions, one needs to study the objectives of the use of this instrument in order to understand the criteria for success from the European objectives regarding sanctions.

The aim of these is partly expression; that is, the sanctions are intended for domestic and international consumption, as well as for changing the behaviour of the Burmese government. The audience is European voters and other nations, primarily the United States, which support sanctions against Burma. It has been suggested that this is the case with the majority of international sanctions: sanctions do not primarily seek to change a situation, but rather aim at profiling politicians in the sender nations. Sanctions can also be used to punish the government without seeking to influence its behaviour as such. This, too, is a typical feature of sanctions politics.

Yet, even when sanctions are used for expressing disagreement or simply for punishing authoritarian governments, they have consequences. By demonstrating the costs of authoritarianism, the EU creates incentives for democracy, not only in Burma, but elsewhere, too. According to some analysts, though, so far European conditionalism has continued to be more interested in advancing sounder economic governance than in the political dimensions of democratisation. However, instead of creating
precedence against authorisation by imposing sanctions as ad hoc measures, EU has managed to create a much more systematic precedence with its partners in Africa, Pacific and the Caribbean where, through the Cotonou Treaty of 2000, democracy, respect for human rights and good governance have been contractually defined as conditions of partnership. There, Europe has reacted systematically to deterioration in the human rights situation related to the respect of civil liberties, freedom of participation and treatment of dissent and the allowing of political rights. Furthermore, the EU has been consistent in reacting with consultations and appropriate measures to the deterioration of democracy and rule of law, as indicated by the weakening of competitiveness and openness of executive recruitment, relaxing constraints on the chief executive, and reduced competitiveness of political participation, and increasing regulation of popular participation. With an agreement with the potential targets of conditionality, and with a systematic implementation of the agreement, the EU has created a much more convincing precedence in APC countries for its action against authoritarianism and poor governance, than it can do with visible ad hoc measures and punishment. Importantly, it has still worked constructively with countries, which have governance problems, instead of just demonstrating to potential autocrats, with an inflexible policy, of the European resolve to oppose dictatorship.

Another objective of sanctions, which the EU sanctions against Burma serve, is to avoid participating in something that is against European values. The arms embargo in 1990, suspension of defence cooperation in 1991 and ban on military aid in 1996, in addition to punishing the military regime, have prevented any direct EU involvement in and support for authoritarian violence in Burma.

Whilst EU sanctions policies towards Burma have multiple objectives, the purpose of this conflict mapping exercise is to look for strategies that may facilitate conflict management, resolution and transformation with regards to democracy, good governance, human rights and ethnic conflicts. These fundamental European objectives to help democracy and conflict resolution in Burma have remained relatively unchanged. From the beginning of the current regime in Burma, it seems that the European objectives have been related to the people of the country rather than state-to-state relations, and the main targets are the promotion of a) democracy and human rights, b) peace/non-violence and c) the alleviation of poverty. The European Council Conclusion of October 8, 2005, defines these objectives as “Restoration of democracy, the pursuit of national reconciliation and the protection of human rights in Burma in the interests of all the peoples of the country.”

The objective of economic development of the people of Burma has been defined less explicitly, as it has been the assessment of the EU that political reforms are a condition for development. Yet, the interest can be implicitly read from the efforts to limit the damage of sanctions to ordinary people, and the careful limitation of the aid-related restriction in the 2004 Common Position, as well as in the actual aid work Europeans are doing in the country. If one compares the debate that lead to the earlier European Common Positions with the debate related to the 2006 Council Regulation, one could probably say that the objective of protecting the poor and the vulnerable groups has gained more prominence in European thinking. Furthermore, relatively new interest is building in establishing political capacity and contacts for dialogue and communication with the Burma leadership. This political power interest is clearly explicated in EC -- Burma-Myanmar Strategy Paper 1997-2012 according to which “Council has ... reiterated its desire to establish meaningful political dialogue with the SPDC and EU Ministers...”

Thus the European interest behind sanctions and pressure policies (including those that are seen to destabilise the government and support the opposition) ranges from the aim of extracting compliance or democratic compromises from the government to supporting the opposition and the civil society vis-à-vis the government. It is highly unlikely that the government could be toppled in order to allow a policy reform, and the fact that this is not attempted can be seen in the effort to promote dialogue with the government. Yet, the European debate is ambiguous on this issue. For many member states the sanctions are seen as a result of the fact that the Burmese “regime and its members are evil and should therefore be avoided”, even if this means missing opportunities to help democratic compromises that the government could otherwise be persuaded to make. If a positive change requires compromises from the government and it is not possible for the opposition to bring about the collapse of the government and take over if the government collapses, the strategy has to make democratic compromise attractive for the government. Then it is not sufficient to make stubbornness costly; one also has to make compromises attractive.

Given that Europe also has demonstrative, expressional goals for its sanctions, as well as simple objectives to punish the military regime, it is sometimes difficult to keep in mind that the objective of extracting compromises from the government requires a more subtle approach than one that simply tries to defeat the government. If one wants to topple a regime, one needs to be consistently tough/negative on the regime, whilst if one wants to persuade a regime, one needs to punish unwanted behaviour and reward desired behaviour. Recognising the merits of democratic concessions (by a generally objectionable regime) is often interpreted as softness towards a bad government, or as “mixed signals” in Europe’s sanctions policies. Yet the power logic of persuasion, as well as empirical evidence from the 135 cases of sanctions since the First World War, suggest that one needs to focus on making authoritarian behaviour less attractive than democratic behaviour by combining toughness with softness, in order to change the behaviour of an authoritarian nation.
B. International Influence and Domestic Power Settings in Democratising Nations

A review of the twenty most spectacular processes of democratisation globally provides some useful insights for Burma. One interesting issue in each of them is the fact that in all these cases external pressure from outside the country’s borders played an important role. Compromising governments rarely admit that they have been influenced by international pressure as this goes against their sense of national pride. Still the fact that external powers have been influential in all the main cases of impressive democratisation should not be forgotten: the international community does have power, even if democratisation requires the leadership of national pro-democracy actors.

Ending foreign occupation was the crucial factor in four cases [Lithuania 1991 (2nd most drastic democratic change), Czechoslovakia 1990 (8th), Bulgaria 1990 (9th) and Latvia 1991 (10th)], while military occupation or the humiliation of a military leader by a military defeat played a crucial role in four other cases [Greece 1925 (1), Panama 1989 (5), Argentina 13 (7), Haiti 1993-4 (14)]. Considering that seven of these cases were among the 10 most spectacular processes of democratisation, military influence appears to be the rule rather than an exception in drastic processes of democratisation. More peaceful influence is typical for the more gradual transitions.

The strength of the Burmese military, coupled with the logistic difficulties an occupying force would face in the Burmese terrain, makes the country a less tempting prospect for external military intervention. Furthermore, it would naturally be inconceivable that China would ever agree to an invasion of a neighbouring country, or that Western countries would do so against the will of China or ASEAN. Thus it seems that the country’s potential for democratisation should be compared to the countries with more gradual and less military paths to progress. Furthermore, it is important to recognise the domestic power setting in Burma, in order to clarify the basic tenets of the strategy of economic pressure. While the path of externally forcing the military government out of power does not seem tempting, also the possibility of supporting a domestic opposition against the government is less likely. Militarily, the opposition has about one fifteenth of the troops of the government, many of them not fulltime soldiers. More than 2/3 of them are in a ceasefire with the government and fear some other opposition groups as much as the government. Most of the troops are in areas where they cannot be transported against the government troops. Politically, the opposition has popular support but lacks freedom to take on the government on political battlefields.

Thus, Burma will have to follow the path of those countries (Indonesia, Philippines, South Africa, Bolivia, Uruguay, Argentina, and many others), which democratised either due to a division of the elite (palace coup: Bolivia, Argentina, for example), or due to the willingness of the authoritarian political elite to compromise (Chile, for example). While the division of the government could be possible, this option could run the risk of creating violent clashes between the factions. However, in some cases these two patterns (division and unanimous government compromise) cannot be clearly separated from one another, creating a third option: the government stays united, but members of the government start insisting from inside the government that authoritarian rules should be changed (Indonesia, South Africa, for example).

In some cases members of the government become convinced of the lack of legitimacy of their rule. This happened especially in those Latin American countries where the role of the church was important in the process of democratisation. In South Africa where the legitimacy of the apartheid state was built on a myth of the state as a bastion of anti-communism and the defender of a Christian order in the country, members of the government, including the prime minister, lost their trust in the legitimacy of their rule when the anti-communist countries turned against them, and the evangelical church declared apartheid a sin. In some other countries the radicalisation of the civil society convinced some members of the government of the inevitability of democracy in the country. As a result, individual officials started calculating their career moves and decided that it was a wise policy to start building their “democratic credentials” in order to rescue their positions in the democratised society. Officials felt that they had to jump on the bandwagon of democracy to survive politically. The more people did this, the more attractive this choice became. What happens on the macro level when individuals start jumping into the bandwagon of democracy is not really controllable, and can surprise the people who made the first moves towards democracy. Very often though, the process does benefit those who moved first. In Indonesia the current president was the first cabinet minister, and general to turn against the authoritarian President Suharto. Similarly, in the Philippines the first general to challenge Marcos, General Fidel Ramos, later became president. This pattern, where the first members of the authoritarian elite that turn against their own subsequently inherit power in a democratic setting, has been evident in many other countries with different variations, including several East European countries such as Poland and Russia, as well as in Latin America.

The bandwagon of democracy could have been in motion in Burma during the time of Prime Minister Khin Nyunt. While the elite were not seriously divided, scholars could identify the emergence of a third way of political governance even inside the military. The bandwagon process to democracy is precarious, though, since the fear of political future will often disappear when authoritarian measures create a much more immediate danger of survival. The bandwagon to democracy was moving in Burma in 2001, as it was moving also in China of 1989, but it stopped, once the government cracked down on the ones that were going too far. Thus it is essential that the international support for processes of democratisation focuses more on keeping government’s committed to democratic reforms than on pushing them towards new measures of democratisation. According to conflict literature, this can be done by maximally publicising the commitments of the leaders in a positive context, by interpreting statements as commitments and by rewarding political compromise.

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145. These are determined using Polity IV data on changes in the democracy profile of all countries in the world from 1800-2004. See Marshall and Jaggers 2005.
146. TKivimäki 2002.
The international and domestic power setting for economic pressure can be summarised in the following table:

<table>
<thead>
<tr>
<th>Method of external pressure</th>
<th>Effect</th>
<th>Prospects for Burma</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Change of military balance</td>
<td>Dramatic change: Authoritarian government collapses, and a new democratic order is being guaranteed by external force.</td>
<td>Not feasible militarily</td>
</tr>
<tr>
<td>2. Changing internal balance of power by supporting a democratic opposition.</td>
<td>Democratic opposition defeats the authoritarian government, authoritarian government collapses and a democratic opposition takes over.</td>
<td>Not politically feasible: democratic forces in coalition can render the country ungovernable (and thereby tempt the government to voluntary power transfer) but do not possess power resources to capture power against the will of the military.</td>
</tr>
</tbody>
</table>

All of these are possible, although the likelihood of b is probably higher than a, and the likelihood of c is higher than b. c and b probably less risky options.

It is strategically important to understand the power political setting in Burma, because if we understand how democratisation may realistically happen we will be able to push its leadership in the right direction. Sanctions aimed at defeating the Burmese government may serve important expressive purposes, but they are unlikely to succeed. A policy of seeking to persuade the government to change its behaviour is more likely to work.

### C. Successful Strategy of Sanctions

The history of sanctions suggests that this measure is useful in more than one third of the cases, but rarely useful as the only means of pressure against a deviant government. According to Hufbauer, Schott and Elliot’s analysis of the 116 cases of sanctions 34% of the sanctions were successful or relatively successful. Sanctions after 1990 have not been much more successful. Since 1990 until 2000 there were ten cases of UN mandates sanctions, and two well-known unilateral sanctions. These cases have been coded for this study in the same manner as the pre-1990 cases for the purpose of quantitative analysis, and derivation of lessons available from the experience of sanctions until year 2000. Sanctions from 1990 to 2000 have not been substantially more successful than those before 1990. However, if one looks at the 10 cases after year 2000, where the EU has had to activate mechanisms that it has for dealing with African, Pacific or Caribbean (APC) development cooperation partner countries that no longer fulfil the governance criteria for partnership, one can instantly realise that they have been much more successful than normal sanction cases.

These cases are not similar to the Burma sanction case, as appropriate measures have not been seen as negative sanctions, but as measures that return the development partnership to the normal, after it has been disrupted by a coup or other serious problems of governance by the developing country. Yet these measures have always involved at least a threat of sanctions if things will not improve. In most cases aid relationship has already been cut, while further measures limiting or cutting trade or political relations are not ruled out. Yet, since the setting of the Cotonou “sanctions” is so different from the setting of other sanctions, these 10 cases have not been taken into account in any of the quantitative analyses of this report. Yet the elements of the Cotonou cases provide important lessons for the Burma case since they are so successful. The Cotonou cases are studied in order to derive successful ideas for the management of the Burma case.

The Cotonou cases are the following:

<table>
<thead>
<tr>
<th>Cases</th>
<th>Reason for invoking Article 96</th>
<th>Outcomes of consultations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zimbabwe (2002)</td>
<td>Violation democratic principles, human rights and the rule of law 2002</td>
<td>Measures applicable</td>
</tr>
</tbody>
</table>

Six of the ten cases have clearly been highly successful, and these countries have returned to constitutional democratic order very soon after these measures have been introduced. Here also the degree of success has been very high, whilst even in the successful cases of sanctions, measures by the senders of sanctions might have contributed to a better behaviour of the target, but that change has never been very optimal. Pape\textsuperscript{150} analyses the same cases as Hufbauer et al., i.e. cases before 1990, but sets a higher criteria for success and rejects successful cases where, for example, military power was used in tandem with sanctions. Thus he gets a much lower success score of 4.4\%-7\%. Even with Pape’s criteria, the 6 post-2000 cases would have been judged as successful cases.

Analyses based on enacted sanctions have sometimes been criticised for producing too pessimistic results: in a way economic persuasion and the threat of sanctions has already failed when sanctions have to be implemented. Evidence based on unsuccessful cases of economic persuasion naturally leads a too pessimistic picture of the opportunities offered by sanctions.\textsuperscript{151} However, since the case of Burma is already at a phase where sanctions have been implemented, comparisons with other sanction cases would be most useful.

Different types of sanctions seem to have very different prospects for success. What is interesting is that human rights and democracy-related sanctions, as in the case of Burma, have a success rate slightly higher (35\%) that other sanctions, even though they are typically sanctions where the “sanctity of domestic affairs” is being used against the sender of sanctions. Also different kinds of sanctions and different conditions of the sender and the target and their relationship greatly impact the probability of success. If, for example, destabilisation is the goal and the regime is distressed, the success rate of sanctions is 80\%,\textsuperscript{152} however, if policy change is aimed at and quick financial sanctions are used the success rate is 64\%.\textsuperscript{153} Thus one cannot conclude much about the overall success rate of sanctions; one has to go deeper into the analysis, explain how sanctions work and see what kind of conditions and strategies could be most useful for sanctions in Burma. Furthermore, one needs to see what kind of additional measures would be needed for a comprehensive strategy on Burma.

1. How to Make Sanctions Work?

The logic of bargaining on sanctions is evident, as we look at the success of the past sanctions. The success of sanctions has been based on how much the international community has managed to manipulate the attractiveness of democratic compromises and costs of stubbornness both for the senders and the targets of sanctions.\textsuperscript{154} Thus success of sanctions has been dependent on four components. The first two are the following:

1. Ability of the sender to make sanctions (that are conditional to the sanctioned behaviour) costly to the target of sanctions.
2. Ability of the sender to convince that sanctions are not very costly for the sender.

The fact that sanctions must be costly to a stubborn government seems natural. However, the cost for the target should be considered together with the costs for the sender, since if the target feels that the sender suffers more from sanctions, the threat of sanctions is not credible\textsuperscript{155}: if the target bares the cost of sanctions for a while, it is more likely that the sender yields and ends sanctions than that the target yields and ends the sanctions that way. Looking at the history of 130 sanctions since the First World War up to 2000, we can, for example, see that weaker senders (who could possibly suffer more from the sanctions) rarely imposed sanctions on stronger targets (who would probably suffer less). When they were, they were never fully successful.\textsuperscript{156} Yet Hufbauer, Schott and Elliot\textsuperscript{157} conclude that the relative size of the sender in comparison to the target is not meaningfully correlated with the probability of success of sanctions. This seemed to be the case only when the sender tries to achieve modest policy changes, or stabilise the target government (either as the final objective or as an instrument for extracting further compromises from the weakened government).

If the target does not get help from other countries, sanctions will hit the target harder and this will increase the likelihood of sanctions.\textsuperscript{158} This is especially true if the target cannot substitute the supply of important import goods from countries outside the sanctions regime.\textsuperscript{159}

The cost of sanctions is also dependent on the vulnerability (not only size or economic linkages to the sender of sanctions) of the target state. The stability of the regime, for example, influences the experienced severity of sanctions, and thus the probability of success.\textsuperscript{160} According to Dashti-Gibson, Davis & Radcliffe\textsuperscript{161} the probability of success of destabilising sanctions improves from 37\% to 80\% if the regime is distressed rather than stable. Distressed targets are also easier to persuade to compromise, as both the bivariate analysis of Hufbauer, Schott and Elliot and the multivariate analysis of Drury show.\textsuperscript{162} This might be because destabilisation is one of the main concerns of authoritarian governments and thus destabilising sanctions hit authoritarian governments hard.\textsuperscript{163} Furthermore, in successful sanctions, trade with the sender country tends to be more important for the target of sanctions than in unsuccessful cases.\textsuperscript{164}

Thus we know that the more sanctions hurt the target, and the less the sender, the more effective they are. However, for an effective strategy of sanctions we need to reach greater detail. It is not enough to know that the target country needs to be

\textsuperscript{150} Pape 1997.
\textsuperscript{151} Drezn 2003.
\textsuperscript{152} Dashti-Gibson et al. 1997.
\textsuperscript{153} Ibid.
\textsuperscript{154} This logic has been modelled by the Nobel price winners of 1996, John Nash (1950) and John Harsanyi (1994).
\textsuperscript{155} This element of the logic of the Nash’s and Harsanyi’s bargaining game is well elaborated in Thomas C. Schelling’s classical book, Strategy of Conflict (London, 1963).
\textsuperscript{156} Canada managed to impose several sanctions on targets stronger than or equally strong as itself, but always represented a moral sender community (of NPT supporters, for example) that was stronger than the target. At the same time, the Soviet Union tried to take on the West in the Berlin Blockade and failed miserably, as did Australia, when imposing sanctions on France, after France’s nuclear testing in the Pacific Atolls. In the latter case, however, the intention of sanctions was probably more demonstrative, and as a moral punishment, one could say that Australia managed to reach her objectives.
\textsuperscript{157} Hufbauer, Schott and Elliot 1985/1990, 83-4.
\textsuperscript{159} Drury 1998, 497-509.
\textsuperscript{160} Green 1983; Rowe 1993.
\textsuperscript{161} Dashti-Gibson, Davis & Radcliffe 1997.
\textsuperscript{162} Hufbauer, Schott and Elliot 1985/1990; Drury 1998.
\textsuperscript{163} Martinov 2005.
\textsuperscript{164} For corroborating evidence, see Lektran & Srouva 2007; Galtung 1987, p. 388; Miyagawa 1993; Martinov 2005.
threatened with considerable value-deprivation, but one also needs to know whom the sanctions should target. According to several studies, this depends on the regime type of the target of sanctions. Democracies, for example, can be sanctioned differently from kleptocracies, or authoritarian rentier states.\footnote{165} If the target of sanctions is an authoritarian country like Burma, with an elite that has amassed overseas assets, hitting these assets has been seen as a good strategy for creating pressure.\footnote{166} Thus this element of the European sanctions seems to get support from empirical evidence of comparative sanctions studies. Furthermore, financial sanctions tend to hit authoritarian regimes better than many other types of sanctions.\footnote{167} In the same vein, Olson finds restrictions to aid, investment, finance and technology especially useful in pressuring authoritarian regimes.\footnote{168} Export restrictions of senders in military hardware are mainly motivated by the unwillingness of the West to participate in violent practices of Burmese government, but they, too hit a well selected target. The impact is felt by much of the military, but at the same time export restrictions also benefit local weapons industries and arms smugglers (as has been pointed out by Brooks).\footnote{169} In order to hit the elite, Brooks also suggests restrictions on the export of luxury items to the target. This has not been in the agenda of European sanctions debate.

Symbolic sanctions hitting the elite, such as travel restrictions, sports ban of an elite sport (for example, the sport of the white population of South Africa, cricket) have been reported to have a significant influence on elite populations, making it more likely that a strong elite develops progressive factions.\footnote{170}

Hitting the people by trade sanctions that are not restricted to state-owned companies of the target countries can increase the price of the sanctions to the target country. However, unrestricted trade sanctions mainly hits people rather than the elite, and can thereby actually play against the power of the pro-democracy coalitions, which are more dependent on the support of large constituencies of the target country.\footnote{171} In addition to this, all-out trade sanctions go against European objectives in Burma as they also hit the people. The contribution of sanctions to the suffering of ordinary people is often greater than believed, and often compares to the popular suffering of people in wars.\footnote{172} This can help the government use the sanctions for its own legitimacy by channelling the popular dissatisfaction of the people to the international community that is imposing sanctions. This does not make sanctions less costly for the target, but it makes the target more determined, as people are more prepared to accept costs for the sake of the nation.\footnote{173}

While the duration of sanctions could be seen as increasing the costs for the target, long sanctions tend to offer the target opportunities of substituting restrictions with domestic production and supply from countries outside the sanction regime. Further-more, if sanctions are not effective in a few years, the government often finds ways to transfer the costs of sanctions to the people or to the opposition.\footnote{174} Thus it seems that the dragging on of sanctions in Burma tends to reduce the likelihood of success.

The effect of a number of senders is similar to that of time. In principle, the more senders there are the more the sanctions exert a cost. At the same time, if the same cost can be produced by one nation only, the target could not play the senders against each other, and the coordination problems would not reduce the effect of sanctions.\footnote{175} However, if the sanctions are instituted and organised well, the negative effect of coordination problems on the effectiveness of sanctions can be avoided.\footnote{176} When looking at the experience of UN sanctions, it seems that the close cooperation of frontline states, and the existence of a special sanctions committee, or a role for a regional organisation, help the coordinated implementation and monitoring of sanctions, and greatly improve their effectiveness.\footnote{177} In the case of Burma, the fact that the UN has not managed to institute the sanctions, but instead the sanctions have been unilateral, coordinating their implementation has been difficult. Also, the fact that Burma sanctions are not based on mutually agreed mechanisms and that they are not implemented as part of an institutional setting – as is the case with the EU’s conditionality measures with APC aid in recipient countries – makes the implementation and coherence of sender sanction policies difficult. The coherence of EU policies towards Burma would be easier if there were procedures for monitoring European action and mechanisms for the communication of a unified position, as is the case with ACP countries. Alternatively giving a leading role in the implementation and monitoring of sanctions to (committed) ASEAN would help the effectiveness of Burma sanctions.

The number of independent sanction senders, together with the length of sanctions, has made the coordination very difficult and helped the government of Burma to find sources to replace the restrictions set by the West. Yet one should not exaggerate the difficulties: the West still has considerable control over Burma government’s access to capital and high technology, and these assets put it in a better position in terms of making sanctions work than is normally realised.

While the needs of making the sanctions costly for the Burmese government have been realised in the European policy debate, the logic of “sanctions-bargaining” has elements that have not been fully understood in the European debate. For making stubbornness less attractive, one needs not only to punish it, but one also needs to make compromises attractive. According to the bargaining logic, it is equally important that to create greater sanction costs for the target, then the sender as to:

3. Reduce the costs of yielding for the target and to
4. Demonstrate the costs to the sender from yielding to the target by accepting the undesired behaviour that has caused the sanctions.

\footnotesize\begin{thebibliography}{177}
\bibitem{166} Morgan & Schwabach 1993.
\bibitem{167} Daftsi–Gibson, Davis & Radschi 1997; Hoffbauer, Schott and Elliot 1985/1990.
\bibitem{168} Olson 1979, 471–494.
\bibitem{169} Brooks 2002.
\bibitem{170} For the positive experience of sports sanctions, in the context of South Africa, see Brooks 2002.
\bibitem{171} Lakhtian & Soura 2007.
\bibitem{172} Mueller & Mueller 1999.
\bibitem{173} Schreiber 1973; Baer 1973; Pape 1993; Olsen 1979, 478.
\bibitem{174} Hoffbauer, Elliott, Cytius and Winnicot 1997; Hoffbauer, Schott and Elliot 1990; Miyawasa 1992; Daftsi–Gibson, Davis & Radschi 1997; David and Dajani 1983; Brady 1997; Nimce and Wallensteen 1995; David Cortright, Julia Wagler, George A. Lopes 2000.
\bibitem{175} Hoffbauer, Schott and Elliot 1985/1990.
\bibitem{176} Drury 1998.
\bibitem{177} Cortright, Wagler & Lopes 2000.
\end{thebibliography}
Elements 3 and 4 of the logic of sanctions bargaining are related to the elements 1 & 2. Even high costs of sanctions can be justified by the target if the price of yielding is high. Similarly, if the target of sanctions feels that the senders do not have a legitimate interest in demanding the compromises that they have made conditional to the lifting of sanctions, the target is not likely think that the senders are committed to their demands, but instead would be punishing them regardless of what it did.

The reason it is often difficult for senders to reduce the costs of yielding for the target is that the sanctions game is normally antagonistic, where states often conclude incorrectly that they can win by defeating their enemies. However, if one cannot gain a victory by defeating ones enemy, as seems to be the case with Burma, where the opposition so much weaker than the government and cannot simply take over after a victory by defeating ones enemy, as seems to be the case with Burma, where the opposition so much weaker than the government and cannot simply take over after a government collapse, one needs to focus on opening doors for compromises in addition to pushing the government towards them. According to Hovi, Huseby & Sprins\textsuperscript{178} one of the three main reasons for sanctions failing is the misperception by the target, that the punishment would be forthcoming in any way regardless of the target’s behaviour, and thus, there is no reason for the target to make compromises and still get punished. Thus Europe should be clear about whether it is playing a confrontational game of punishing Burma regardless of the consequences to the country and its people (and taking it as an example for other authoritarian regimes), or if Europe wants to push the government to a democratic path. If the latter is the case, Europe will need to demonstrate its willingness to reward democratic compromises, help the government to save face while making those compromises, help the government commit to its own openings and prevent the backtracking from compromises. For this Europe would need to complement its strategic tools of influence with more flexible ones, tools that do not just have two options: punishment (until all the problems have been resolved) or no punishment.

What, therefore, are the main difficulties that prevent targets from making compromises? If one looks at the 116 sanction cases until the 1990s\textsuperscript{179} and the 14 cases since 1990, one can realise that when compromise becomes a nationalistic issue of sovereignty, the chances of success become very slim (13%). If the target perceives the issue of foreign pressure as a matter of threat to sovereignty, it will not want to make a negative precedence or garner a reputation of a nation that can be pushed around. If one studies only the total failures and total successes (for the sake of not having to study 130 cases, and for the sake of not making conclusions on the basis of unclear cases), one can see clearly how the cases where compromises put forward by the senders of sanctions became a nationalistic issue and made yielding costly thereby reducing the success rate.

Table 14: Nationalism and the Successfulness of Sanctions

<table>
<thead>
<tr>
<th></th>
<th>Successful cases</th>
<th>Unsuccessful cases</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nationalism became a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>major issue</td>
<td>3 (13% of all</td>
<td>20 (87%)</td>
<td>23</td>
</tr>
<tr>
<td>(nationalism became a</td>
<td>cases where</td>
<td></td>
<td></td>
</tr>
<tr>
<td>major issue)</td>
<td>nationalism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nationalism did not</td>
<td>14 (54%)</td>
<td>12 (46%)</td>
<td>26</td>
</tr>
<tr>
<td>become a major issue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>32</td>
<td></td>
</tr>
</tbody>
</table>

It is often the strategy of the target government to try to make sanctions a nationalistic issue, but it seems that this strategy only succeeds sometimes. One the one hand, when sanctions hit the entire nation and not just the leadership, compromises can easily become a nationalistic issue. However, if sanctions are targeted (at least intended) against the elite only, and especially if the elite has as little political legitimacy as the Burmese government, it is unlikely that the entire nation could be united against sanctions. Without nationalism uniting the resistance of the target against the senders, the probability of success for the sanctions is over 50%.

The issue of nationalism is not an either/or issue. Instead, any strategy that aims at effectiveness has to try to avoid making compromises an issue of nationalism. To do this the sender community should try to build confidence in the target that it is not aiming to compromise its national sovereignty or territorial integrity. This could be made clear in European public diplomacy. The fact that European public diplomacy already emphasised that Europe is not against the people of Burma, is positive for the success of economic pressure. However, the communication of this position could be a problem. Instead of seeing good communications with the Burmese government as a matter of concession to a pariah government, institutionalised communication with the target of sanctions, and working together with the target in order to help it reach the conditions set for the lifting of sanctions should be an integral policy of sanctions, in order to avoid misinterpretations on the sanctions and in order to make compromises easier. This is the case with the highly successful cases of European conditionality as defined by the Cotonou Treaty with the ACP countries. Article 96 of the treaty obligates the EU presidency, in coordination with the government in question and EU member state embassies in the target country to initiate consultations, which normally last until the lifting of the appropriate measures that are set to encourage the target country to reach the conditions to continuing development cooperation partnership. With good communication it is possible to avoid provoking nationalistic sentiments in conjunction with conditionality. Of the 10 cases, the issue of nationalism has only become a major problem in the case of Zimbabwe, where the coordination of European action is most problematic.\textsuperscript{180}

\textsuperscript{178} Hovi, Huseby & Sprins 2005, 480.
\textsuperscript{179} Hufbauer et al. 1990.
\textsuperscript{180} Laakso, Kivimäki & Seppänen 2007.
In addition to nationalism, compromise should not be made a defeat in a power battle. The cases that were related to the battle between communism and capitalism, between enemies across very rigid political power lines are rarely successful. Not all of the eight cases of sanctions across the iron curtain were a total failure. If the relationship between the West and Burma is not similar to the one between the communist world and the West, the lesson we can draw from this is that one should not punish Burma when it makes a compromise, by parading this compromise as a victory in the confrontational battle involving sanctions. The Western reaction to the September 2007 crackdown made it costly for the Burmese government to compromise, as it would have been seen as a defeat in a power battle. The concession of announcing the timetable for the constitutional referendum and the first parliamentary elections had to be scheduled later, so that the connection, if there was any, would not be visible. While the success record of sanctions would suggest that Europe should acknowledge every compromise, such as this, and publicly endorse them to the degree it is possible from the point of view of expressionist sanction motivations (see above), this acknowledgement should not link the power political game of sanctions to the concession. If compromises are linked to the power politics of sanctions, compromises are made more costly as they constitute a power political defeat for the Burmese government.

The history of sanctions suggests, too, that Europe should pursue its pressure in a constructive spirit, perhaps also using sympathetic track two approaches, in order to make its pressure more effective and compromises less costly for the Burmese government. Furthermore, Europe should do its best to coordinate its policies with the allies of Burma, the other ASEAN states and China, instead of going it alone. Record shows that compromises to an ally are much cheaper for the target of sanctions than the same compromises to an enemy. Thus sanctions by friends have a much better success record. If we look at clear cases only, and extend Hufbauer's data to the new decade the conclusion becomes even clearer:

| Table 15: Hostility and the Successfulness of Sanctions (total successes & total failures) |
|-------------------------------------|-----|------|------|------|
| Total                              | allies | neutral | enemies | Total |
| Successful cases                   | 10   | 4     | 2      | 16    |
| Unsuccessful cases                 | 5    | 9     | 18     | 32    |
| Total                              | 15   | 10    | 16     | 41    |

Of the clearly successful cases, in only two of the target of sanctions was an enemy. The chances of success drop from 67% to 10% if the sender of sanctions is an enemy of the target instead of an ally. This clearly shows that sanctions imposed by allies tend to be more useful in that they make compromises less costly for target.

If one looks only at economic pressure for human rights and democracy, as in the case of Burma, the influence of the friendliness of the pressure is also very clear.

| Table 16: Hostility and Successfulness of Sanctions (Democracy and Human Rights cases) |
|-----------------------------------------------|-----|-----|-----|-----|
| Total                                         | Allies | Neutral | Enemies | Total |
| Totally successful cases                      | 2    | 0    | 0    | 2    |
| Modestly successful cases                     | 4    | 2    | 1    | 7    |
| Modestly unsuccessful cases                   | 6    | 1    | 0    | 7    |
| Unsuccessful cases                            | 0    | 6    | 4    | 10   |
| Total                                         | 12   | 9    | 5    | 26   |

If sanctions become a matter of power battle between enemies, they will succeed only if the senders can succeed by defeating their enemies with sanctions, as in the case of Khmer Rouge, and the UN sanctions against them in 1992 onwards until their demise. Otherwise they tend to fail totally: compromising to an enemy means losing ones face, and this is often too costly in comparison to the costs of sanctions. This is another reason, why it would be important that Europe collaborated with Burma's allies: in order to avoid Western sanctions becoming a “punishment from an enemy”, they should be coordinated with policies of friendly nations. If allies can support some of the objectives of Europe in Burma, this could have a special effect, as one can see if one takes a qualitative look at cases of successful sanctions and successful democratisations. When the target of pressure tries to marginalise the influence of enemy coercion, it often does that by building an idiosyncratic barrier between the target and sender of pressure: because of the identity of the opposition as something that belongs to a group of marginalized forces or values, its arguments can be ignored. When the South African apartheid government tried to marginalise pressure from the ANC and its international allies, it did so by associating the movement with communism and immorality. While doing this it also linked its own identity to the block of anti-communist countries, to free trade, and to the Christianity. By doing this, it also made itself very vulnerable to pressure from its anti-communist and Christian allies, and after these forces, important to the identity of the Apartheid government, had turned their backs, and the country was left to trade with socialist countries, it was very difficult for the government to legitimise its rule to its own supporters. The government’s defence against ANC’s anti-racist critique collapsed, and members of the government, as individuals, became exposed to democratic criticism of their roles as officials of a racist government. More and more people from the government itself started pressuring the government for reforms and finally the prime minister himself decided to open a secret channel of negotiation with the ANC.

Similarly, when the authoritarian governments of Bolivia, Argentina, and Uruguay tried to marginalise pressure from President Jimmy Carter’s “idealistic regime”, it

181. Success in each of the cases was judged by Hufbauer (1990) as 1 in a scale of 1-16. Here the case of UK sanctions against the Soviet Union in 1933 is not counted, as the fixed setting of power political antagonism had not yet become rigid. While also this particular case was also a failure (6/16), it was not a total failure.
183. For the categorising of cases to total successes, modest successes, modest failures and total failures, this study uses the criteria of Hufbauer et. al. (1990) to the post-1990 cases. Totally unsuccessful cases are the ones that are rated as not changing the situation towards the better (1 out of 16), while totally successful cases are the ones that result in the desired behavior changes and where the contribution of sanctions is substantial (16 out of 16). Cases are modestly successful if they in Hufbauer et. al. get a success score of 9 or higher (but not 10), while those that receive 8 or lower (but not 1) are modestly unsuccessful.
184. For a more thorough analysis of this process, see Kivimäki 2002.
also made itself more vulnerable to the pressure of President Ronald Reagan’s “realist administration”. When the USA continued to criticise these countries (although no longer only due to democracy problems) after the ending of Carter’s pressure, the elites soon became ready for compromises. Also, the marginalisation of the West in Burma, by using arguments related to neo-colonialism, domination, etc. and by building on Asian exceptionality, has made the country more vulnerable to criticism from fellow Asians, especially China, who is often seen as the leading critic of Western moralist domination. This is clear also from the interviews with government officials conducted for this project: Southeast Asian criticism and the Chinese behind the scenes persuasion is difficult to counter.

If negative sanctions could be coupled with positive ones, it could also be possible that EU pressure could be more efficient. It would be very beneficial if EU had similar institutional and contractual instruments for supporting the democratisation of Burma as it has for Africa, the Caribbean and the Pacific Islands (ACP countries) in the Cotonou Agreement (and the Lome agreement before the Cotonou agreement). 185 With a contractual agreement on partnership, which also covers problems related to governance, it would be possible to frame European persuasion for democracy and human rights (including minority and ethnic rights) as the creation of fruitful conditions for mutually beneficial partnership rather than indications of hostility. If it was possible to utilise the new resources for the improvement of governance included in the country strategy 2007–2012, as a kind of a “governance incentive tranche” (as is suggested for ACP countries) 186, it would probably be possible to reduce the level of hostility felt by the Burmese government towards sanctions. This could help reduce the costs of democratic compromise for Burma.

Compromise can also be expensive if the compromises required are too fundamental. According to Hufbauer et al., 187 senders of sanctions should be realistic with their demands, otherwise the probability of success in sanctions becomes low. Yet it is natural that cosmetic changes in Burma will not change the situation of its people. What could be done to avoid demanding too much would be to frame the demands in a way that avoids offending the country’s sensitive nationalism, by not making the compromises a matter of victory for the West. This could be done by trying to highlight the positive elements of the government’s own roadmap for peace, and the constitution and encouraging reform that could then be based on the progressive elements of government’s own programme. The optimal situation would be if the process that the government calls the roadmap or Seven Steps to Democracy, which already facilitates some openness towards ethnic groups, the exiled, and detained democratic opposition (the government has openly declared that it will negotiate with anyone who wants) could be encouraged to open further so that it could effectively be some kind of tripartite negotiation on the constitution. If this could be introduced without discrediting the merits of the progressive elements of government’s own strategy, the compromises that should be encouraged and pressured from the government would not be felt as too costly.

The final element of making compromises easier for the target of economic pressure is controversial. In the case of most Latin American and the South African democratisation processes, as well as in the reality of Thai, Philippine and Indone- sian democratisation, the authoritarian elites were granted amnesty before they accepted to step down. In the case of the Philippines the de facto amnesty was given by the United States when President Ronald Reagan allowed the authoritarian President, Ferdinand Marcos to settle in the United States and thus avoid criminal charges. In Indonesia, President Suharto avoided being punished for the crimes he had committed during his long term as an authoritarian president, but this “amnesty” took place in a less predictable, extra-legal manner (the case against Suharto was delayed until he died). In any case, it seems that in surprisingly many successful cases of democratisation, rulers stop clinging to power once their own safety and the safety of their families are guaranteed. While amnesty naturally lowers the costs of compromise, it goes against the logic of creating disincentives for violent governance.

The last element in a successful strategy of sanctions is the legitimation of the senders’ interest and determination to demand the compromises expected from the target. This is a special problem in questions related to democratisation and human rights, as the idea of non-interference on domestic affairs is often interpreted as something that illegitimates external influence on these issues. UN-based commitments to the universality of certain basic human rights has not improved the situation too much: if there is no understanding in the Burmese administration to Europe’s insistence on democracy and human rights as a foundation to partnership and a good relationships, it will not consider the EU as genuinely committed to its own demands. If it is not convinced of the European commitment, it is not rational for it to yield to the European demands – if the commitment of the Burmese government not to yield to external pressure is greater. The new interpretations of ASEAN countries with relation to the non-interference principle may help convince the government of the legitimacy of European concern. Singaporean, Malaysian and Indonesian recent similar interest might have helped Europe in this respect. Furthermore, if the EU was able to contractually regulate its relations with Southeast Asia as it has done with ACP countries, Europe’s commitment to democracy, human rights and good governance would not be suspected. When reaction to problems in governance is negotiated in advance and not decided upon on an ad hoc basis, the demonstration of European commitment would not be as difficult as it has been in the case of Burma. This would help, as can be seen in the cases of ACP negotiations on governance, where the probability of total success is 60%.

D. Can Positive Means of Supporting Conflict Management Supplement Economic Pressure?

From the point of view of conflict resolution, it seems clear that economic pressure to push for progress in relations between the government, democracy movement and ethnic groups could be helped by supplementing measures. According to experience

185. For an analysis of how the Cotonou framework has managed to deal with governance issues, see Laakso, Kerimäki & Seppälä 2007.
186. €2.7 billion has been reserved and distributed to ACP countries from the 10th European Development Fund for positive incentives for improving the level of governance.
from post World War II sanctions, the duration of conflict is substantially reduced if sanctions are complemented by means of facilitation of information and contact between the conflicting parties.\textsuperscript{188} This is especially important in the beginning of a conflict, and after a long time has passed from the ignition of the conflict, but not after the initial phase before the ripening of the conflict.\textsuperscript{189} After six decades Burma’s conflicts should be ripe for resolution.

1. Burma’s ethnic conflict structures
In the long run, helping conflict prevention in Burma will require work to tackle the relatively persistent conflict structures that make the country prone to conflicts. There are at least three kinds of structures that should be considered: political, social, and economic.

Propensity to ethnic conflict in Burma has been used as a legitimisation of authoritarian rule, not only by the Burmese military, but also previously by the colonial masters. However, comparative evidence suggests that the sources of conflict proneness are not the ones that authoritarian rulers of the country point to, and indeed, that the authoritarian rule is one of the factors that make the country prone to conflict, rather than authoritarianism being a solution. The lack of political democratic channels of protest emphasises non-democratic, violence channels, and increases the potential of conflict. Consistently hash authoritarian control of a strong and united coercive apparatus can manage to contain the protests for a while, but in the long run the lack of ways to tackle problems by means of politics is a conflict risk.\textsuperscript{190} The risk for a citizen of dying in civil wars is reduced by more than half (from 0.56\% to 0.24\%) if the citizen lives in a democracy.\textsuperscript{191} Furthermore, according to Rummel\textsuperscript{192}, the lack of democratic openness is the main predictor for genocides, arbitrary killings by the security apparatus, and violence by the state. Thus the policy of promoting democracy in Burma also promotes ethnic harmony and conflict prevention. However, with Burma’s ethnic structure, the democracy needs to take into account the ethnic divisions of the society.

Ethnic diversity as such is not a good predictor of conflicts. However, discrimination that is often practiced against potentially rebellious ethnic minorities is one of the main causes of ethnic conflict, according to comparative evidence.\textsuperscript{193} Also political and administrative centralism is a poor guarantee for national unity in a heterogeneous society like Burma, as centralism seems to be correlated with intra-state conflict.\textsuperscript{194} However, comparative data suggests countries with more than five ethnic groups can be as peaceful as perfectly homogeneous societies; It is the societies where ethnic structure is bipolarised that have a greater conflict risk.\textsuperscript{195} In Burma the dominance of the Burman ethnicity with more than a 60\% majority position makes the country conflict prone, as bipolarity is easily introduced between ethnic Burmans and the minorities. As is the case in almost all similar countries where about half of the population are from one ethnic group, such as Indonesia (Javanese), Pakistan (Punjabis), Fiji (Fijians), Bosnia-Hercegovina (Bosnians) Brazil (whites.) East Timor (Tetum speakers), Afghanistan (Pashtuans), Rwanda before the genocide (Hutus), minorities in Burma easily see the state as serving the interests of the majority group only. This setting increases the risk in Burma of conflict, and it contributes to the ethnic structure of politics, which makes democracy difficult.\textsuperscript{196} Also any indigenous conflict resolution mechanisms are difficult to create as such mechanisms are easily seen as ethnically biased. Political systems based on simple majority rule that does not acknowledge the need to protect the channels of expression and influence of the ethnic minorities do not tend to produce ethnic stability in bipolarised countries like Burma (Welsh 1993, 43–60). Political structures that offer

1. autonomy in regional and ethnic issues to local or ethnic administrations\textsuperscript{197}, and
2. guarantee influence for diverse groups in national politics\textsuperscript{198}

are needed for the stability and conflict resolution in a country like Burma which does not have a long tradition in democracy.\textsuperscript{199} Whether that means a regional federalism as exemplified by the government constitution, ethnic federalism as exemplified by the FCDCC constitution, a consociational model of power sharing between communities\textsuperscript{200} or something else\textsuperscript{201}, is less important as long as the issue of autonomy and national influence of each group is tackled. It would make sense for Europeans to offer assistance in the process of finding a model for Burma: it would be good if the variety of alternatives were better known for the stakeholders. It seems, for example, that commitment to the best-known models of federalism has affected the fact that ethnic representation has been sought, both by the government constitution and the FCDCC constitution drafters from a system based on states. However, if ethnic groups no not live in geographical areas that could be easily defined, ethnic interests cannot be guaranteed by a system based on states in a federal upper house. A model where

\textsuperscript{188} Regan & Aydin, 2006.
\textsuperscript{189} Regan 2000; Sartman 1989.
\textsuperscript{190} Gurr 1970; Hibbs 1973; Muller & Weede 1990.
\textsuperscript{191} Rummel 1995.
\textsuperscript{192} Rummel 1994.
\textsuperscript{193} Gurr 1994; Gurr 1993.
\textsuperscript{194} Gurr & Lichbach 1979.
\textsuperscript{195} Collier 2000; for supporting evidence on the peacefulness of homogeneous societies, see Fearon & Laitin 2003.
\textsuperscript{196} For the difficulties of democracy and peace in countries where politics is structured along ethnic lines, see Zartman 2005.
\textsuperscript{197} Here the opportunities are many. In Indonesia and in Belgium regional autonomy is complemented with cultural roles of ethnic groups. While in Belgium this is written in the constitution, in Indonesia, the practice is based on the division of authority between positive law and customary law, and the practice varies from province to province to another. In the FCDCC constitution, the task of coordination is left to the regional states so that they mirror the historical ethnic lines. In the National Convention constitution, this is done with the exception of the area of the majority ethnic group, which is divided into 7 divisions (1 state).
\textsuperscript{198} Lijphart points to several optional manners of guaranteeing power-sharing in national affairs: “broad representation in the executive has been achieved by a constitutional requirement that it be composed of equal numbers of the two major ethnolinguistic groups (Belgium); by granting all parties a minimum of 5 percent of the legislative seats the right to be represented in the cabinet (South Africa, 1994–99); by the equal representation of the two main parties in the cabinet and an alternation between the two parties in the presidency (Colombia, 1958–64); and by permanently earmarking the presidency for one group and the prime ministership for another (Lebanon).” Lijphart 2004, 99.
\textsuperscript{199} McGarry & O’Leary 2006.
\textsuperscript{200} Lijphart 1977; Dahl 1971; Rabushka & Shepsle 1972; Lijphart 2004.
\textsuperscript{201} Ian O’Byrne (2006) advocates a system of deliberative democracy that aims at promoting principled decision-making, which involves stakeholders regardless of their ethnic origin (regional people in regional issues, ethnic Pā-i-in issues that affect ethnic Pā-i-i). O’Byrne criticizes the ethnic quota-based power-sharing of the consociational model by pointing out the fact that this will consolidate and rally the ethnic divisions in politics. This criticism can be seen in the development of Fiji: for example, Laeken, Kivimäki & Soppmann 2007.
in addition to regional representation ethnic groups have a non-territorial ethnic representation, could be more suitable as an alternative or a supplement to the suggested models. In this respect, for example the Belgian model could be interesting as a comparison to the one envisioned to Burma.

Finally, poverty affects Burma’s ethnic conflict potential and needs to be tackled before a durable peace can be expected. All other things being equal, one can calculate on the basis of comparative evidence, that if Burma’s per capita income could be doubled its conflict risk could be halved, whereas if its per capita income halves its conflict risk would be doubled. At the level of Burma’s economic development, one percent of growth in income would reduce the probability of war by one percent. Poverty has to be won in Burma in ways that utilise broader economic participation than an economic resolution. This situation can sometimes be helped by non-partial go-betweens, who because of the willingness to recognise their opponents as legitimate actors of conflict resolution, can relay information on the positions and interests of the conflicting parties, without making it necessary for them to meet at the outset of conflict resolution process. It is clear that the government officials interviewed for this project have been extremely interested in the main problems opposition groups see in the government constitution, while the opposition groups have been very interested in “sending messages” to the government as well as getting the latest views and interpretations of the government constitution process.

Even though within this project the contacts have not been on sufficiently high levels on the government side, it seems clear that the possibilities of facilitating the information flow between the conflicting parties are feasible and needed for progress in conflict resolution. In addition to acting as go-betweens, the EU can support initiatives to help secret meetings between conflicting parties that would not like to recognise each other as legitimate agents of conflict resolution in public. Also, this activity has already started with European facilitation, and is appreciated by both sides. Assisting this activity to reach higher levels of the Burmese government, and helping it to focus on interests behind the conflicting positions, would be useful for conflict resolution.

2. Conflict Resolution in Burma

Long-term conflict patterns (based on global comparative data of conflict since 1814) reveal that East Asian conflicts last longer than elsewhere in the world. This seems to be caused by the difficulties of East Asian governments in

1. acknowledging the problem of conflict (instead of seeing it a matter of law enforcement),
2. accepting the need to negotiate over it,
3. accepting the need to listen to and include their enemies in these negotiations,
4. focus on issues that divide the conflicting parties (rather than trying to “expand and strengthen the commonly accepted principles”) and
5. accept external help in the conflict resolution process, if needed.

While East Asia has generally been more successful than Burma in managing violence in conflicts and preventing casualties – especially in regards to spontaneous civil society movements where there is not so much authoritarian violence – East Asian governments tend to need help in getting rid of their old conflicts and disputes.

When governments have difficulties in talking to their enemies this is not because of a lack of interest in ending the conflict and the disorder their enemies cause, but because of the willingness to recognise their opponents as legitimate actors of conflict resolution. This situation can sometimes be helped by non-territorial go-betweens, who

\[202.\] This is based on statistical evidence by Collier and Hoeffler, in Collier & Hoeffler 2002.
\[203.\] Collier & Hoeffler 2002.
\[204.\] Aszemgäu & Robinson 2006.
\[205.\] Kivimäki 2007, see also Kivimäki 2008.
the drafting of the crucial laws on political parties and elections and when the status of the ceasefire groups will have to be determined. The opportunities will be broadened once the country has a parliament (even a less representative), especially if the government was open to facilitating interests of those groups, too, who are left out of the political participation due to the eligibility criteria of the military government.

The government’s and the EU’s common interest in avoiding instability and ungovernability could serve as a foundation for European cooperation in Burma’s conflict resolution processes. At the same time the common interests of the opposition and the EU in helping democratisation and tripartite dialogue could serve as a foundation for cooperation on the reduction of authoritarian violence. Due to the difficulty in East Asian cultures of admitting problems, it is important that any help acknowledges the sensitivities involved in conflict resolution. For Europe, issues related to the Burmese conflict concerning democracy and ethnic rights are the main issues hindering relations with the country. Yet, this does not make it justified for Europeans to offer their help in Burmese conflict resolution without an invitation. A process that is based on silent, non-committing, unofficial diplomacy on a high enough level to reach the real decision-makers would be the most likely entry-point for an European role and such an invitation. A good framing for the process would be a focus on EU-Burmese relations, rather than directly dealing with the “internal conflict issues”.

E. Can Economic Pressure Be Complemented by Positive Means of Building Good Governance?

Europe’s Common Foreign and Security Policy is committed in its partnership with the developing world to the promotion of human rights, democratic principles, the rule of law and good governance. On the level of polities, this means an effort to promote a political system that is responsive to the needs of the people, and which aims at protecting human rights in all of the administration. But democracy, human rights and especially good governance and rule of law also imply that administrators and local governments on the ground abide with these principles in their everyday work. In the democratisation debate, especially with reference to Burma, there has been a lot of debate about the relationship between democracy as characteristic of the political system (macro level of democracy)208 versus good governance as a dynamic feature felt on the ground, by people dealing with the public sector (micro level of democracy).209 There have been arguments suggesting that one of the two is primary and has to be dealt first before the other.

Robert H. Taylor supports the standpoint where good governance and micro democracy is the road to democracy on the macro level. According to him, democracy in Burma cannot be introduced from the macro level: “Those who perceive their solutions as simple, and to be solved quickly by the mere introduction of democratically elected civilian rule, are in danger of deluding themselves”210. Also according to David I. Steinberg, development of “a younger group of technocrats ... would be necessary for the broader meaning of democracy and good governance”211.

According to Mansfield and Snyder the problem with this sequencing of electoral democracy first, and governance capacity second, is that it is dangerous: “Countries taking the initial steps from dictatorship toward electoral politics are especially prone to civil and international war. Yet states endowed with coherent institutions—such as a functioning bureaucracy and the elements needed to construct a sound legal system—have often been able to democratis peacefully and successfully. Consequently, whenever possible, efforts to promote democracy should try to follow a sequence of building institutions before encouraging mass competitive elections.”212 However, there is also an implicit argument, reflected in the European Common Position on Burma, according to which the macro structures are primary, and should therefore be dealt with first before progress on the ground could be expected. The view has been theorised by Thomas Carothers,213 who claims that the idea of working out the preconditions of democracy first “overestimates the willingness and capability of autocrats to build a strong foundation for democracy”. This question of “micro versus macro democracy first” is strategically important since, if conditions for micro democracy were needed before a democratic political system was possible, Europe should mostly focus on governance-related capacity building, while if the development of good governance on the ground required a democratic political basic structure, then Europe should not build the capacity for governance before it has managed to push the rulers of Burma to accept compromises in the political system of the country.

There is clear evidence suggesting that micro and macro level democracy are related: good governance predicts democracy and democracy predicts good governance. Data are available from 1800 until 2003 on the level of democracy, as well as on the level of human rights and on the level of stability of all countries of the world (Polity IV data). According to these data, good governance in the sense of limitations to the power of the executive towards the citizens (the human rights aspect)214 and democracy are very strongly associated215, and the fact of these two having just coin-

208. A concept of democracy that focuses on the narrow, macro-level of electoral democracy as the core of power of the people, see Przeworski & Limongi 1997.
209. Democracy literature often refers to the broader concept of democracy as liberal democracy (vs. electoral democracy). This concept is developed in detail in Dahl 1971. In this concept, democracy is not only a political system with regular elections, and features of the polity, but depends largely on the social preconditions such as the wide distribution of participatory resources and a trusting, tolerant public that prizes free choice. See for example, Inglehart & Welzel 2005. However, what the Burma-debate emphasizes in this broader concept of democracy is the ground level of governance; democracy as it is felt by the people on the ground. This interpretation corresponds to Welzel & Inglehart concept of affective democracy, see Welzel & Inglehart 2008.
211. Steinberg, 2005, 105.
212. Mansfield & Snyder 2007, pp. 5-9. Citation is from the abstract of the article. The argument is countered by references to the European experience on democratisation in Burma 2007, 14-17; for example, according to extensive quantitative evidence of Gleditsch & Ward, democratisation (with some conditions) actually reduces the risk of conflict, see Gleditsch & Ward 2002, 1-29.
213. Carothers 2007. Citation from the abstract.
214. Mansfield & Snyder 2007, pp. 5-9. Citation is from the abstract of the article. The argument is countered by references to the European experience on democratisation in Burma 2007, 14-17; for example, according to extensive quantitative evidence of Gleditsch & Ward, democratisation (with some conditions) actually reduces the risk of conflict, see Gleditsch & Ward 2002, 1-29.

Human rights indicator: constraints to governance (XCONST, 1 = unlimited authority, 7 = executive parity or subordination), which looks at a. Whether constitutional restrictions on executive action are ignored.

b. Whether the constitution is frequently revised or suspended at the executive’s initiative.

c. Whether there is a legislative assembly and if so whether it is called and dismissed at the executive’s pleasure.

d. Whether the executive appoints a majority of members of any accountability group and can remove them at will.

e. Whether the legislature can initiate legislation or veto or suspend acts of the executive.

f. Whether rule by decree is repeatedly used.

214. Spearman correlation coefficient 0.66, n=5708

215. Stability indication: regulation (democratic or authoritarian) of executive recruitment (XREG, 1-3, 1 = unrelegated; changes in chief executive occur through forceful seizures of power, 3 = regulated: chief executives are determined by hereditary succession or in competitive elections).
cidentally existed together in politics is very low (less than 0.01 per cent). Also, stability of regime transition and democracy tend to belong together: Polity’s level of democracy is associated with governance quality.

The fact that good governance and democracy are associated does not reveal, however, which would be needed first to support the other. Empirical evidence looking at how one of the two helps build up the other shows surprisingly, that while both seem to have similar roots, it would be wrong to claim that one of the two would require the other as a precondition.

In order to prove if a democratic polity is a condition for the development of good governance, we look at the correlation between the level of democracy and the development in governance (the two chosen governance indicators). If these two had a significant, strong, positive association, we could conclude that democracy as a political system is a condition for the improvement of governance. Correlations between high levels of democracy and development of governance (HR and stability) are, however, weak and, in the case of the human rights development, negative. We must therefore conclude that democracy as a political system is not a pre-condition for good governance. Democracy and good governance are strongly associated and they tend to come together, but not so that a democratic system would need to precede the development of good governance. This suggests that it should also be possible to work on governance issues in Burma before the country becomes democratic. The idea that fair and inclusive elections are required before improvements in governments are possible is not supported by global experience since 1800.

However, it does not appear that good governance is a precondition either for the development of democracy. This we can see if we look at the level of governance values and see whether they correlate with the development of democratic systems. Both correlations (regulation and democratic development; executive constraints and democracy development) are weakly negative. In other words, the assumption that we need to build capacity to govern before we can work for a democratic system also goes to the bin. For a functioning democracy we do need democratic structures of decision-making, but we also need capacity for governance and both of these goals could be addressed simultaneously.

While the first steps on the path of democratisation seem to allow for focusing on macro and micro levels, the development of democratic attitudes and capacities of civil society are preconditions for the development of higher levels of democracy. Once the basic requirements of democracy have been created, the development of effective democracy – the type of democracy that allows more developed popular participation – requires work at the level of civil society before progress can be achieved at the macro level. But this is a challenge that Burma will face later. At this stage the lesson that can be learned is that democratisation can be attempted simultaneously at the micro and macro levels.

Which of the two policies – the gradual build-up of micro levels of governance or pressure for macro level change of polity – is, then, more effective; which one should be prioritised. It seems that there are arguments downplaying the usefulness of international efforts of both supporting micro and macro levels of change. The experience of US efforts to work with better governance suggests that working on the micro level does not have much value in the bigger picture. At the same time, experiences of sanctions suggest that international pressure works only in slightly more than one-third of the cases (it is the main component of change even more seldom, only in 4-7 percent of the cases). However, different conditions and different strategies yield different results. The support of both the micro and macro levels of democratisation are often successful and one should reject neither out of hand. The strategy of sanctions that are discussed in the previous chapter has a fair chance of success. At the same time, the strategy that will be discussed below on the ways to complement sanctions by means of positive build-up of governance capacity is also meaningful and has its chances of success.

The challenge of the dual path of democratisation is to develop strategies that facilitate the development of the micro and macro levels of democracy simultaneously. It has been argued that helping an authoritarian government to improve its capacity of governance will not produce results, because an authoritarian government will not want governance that is good for the people, but governance that is good for its own elite interests. Furthermore, if the international community is pushing a government to make democratic compromises, cooperation on governance weakens the pressure and gives mixed signals. Sanctions literature shows clearly the power-logic of pressure; if sanctions do not sufficiently hurt the target country, it is less likely to bring about a change. In fact, it has been shown that the probability of successful reforming of the policies of the target nation increases substantially if a threshold of cost per GDP is reached.

At the same time, measures to pressure the government to accept the reform of the political system have been claimed to have a negative effect on the international community’s ability to address governance issues. “Sanctions (to pressure the target government to reform its political system)... contribute to maintaining a situation where no one in authority pays any serious attention to governance issues.” Instead, according to this view, the international community should be encouraging good governance for example in development cooperation programme administra-

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216. Stability indicator: regulation (democratic or authoritarian) of executive recruitment (XRREG, 1-3, 1 = unregulated; changes in chief executive occur through forcible seizes of power, 3 = regulated; chief executives are determined by hereditary succession or in competitive elections).

217. Here the correlation is much lower, but nevertheless sufficiently systematic to make it significant and clearly not coincidental.

218. This is calculated by looking at how the indicators of governance develop in the following year.

219. The observation is focused on those countries that can improve their democratic or governance. Had this not been done the large number of democracies or perfect systems of governance would have given a bias suggesting that existing high level of various recruitments or governance performance reduces the likelihood of progress in democracy. Thus when testing the assumption of the alternative model, cases where democracy cannot develop were taken from examination. In the examination of the EU model, cases where governance cannot be developed were excluded from examination.

220. This conclusion is confirmed by means of qualitative analysis of democratisation processes in Canzfers 2007.


222. The poor experience of the United States is analysed in Scott & Steele 2000; while the poor record of the EU is scrutinized in Patrick Holden 2005.

223. HSE 1990 claims that 35% of sanctions have been clearly successful. At the same time Pape (1996) claims that sanctions have been the sole reason for success only in 4.4%-7% of the sanction cases.


tion, trade and investment cooperation. Empirical evidence on some types of projects to improve micro level governance suggest, however, that pressure does not destroy the working conditions but can be necessary to get the government’s acceptance for operations that are needed for success, for example in supporting the development of a free media.227

Thus the challenge in international cooperation for democracy and good governance in Burma is how to work for a better polity in the country at the same time as working for better governance, and without allowing the work for one of the two objectives to sabotage the other. Thus also the strategies on how to combine pressure with positive measures will have to be looked at separately in the next subchapter.

F. How Should Positive Work for Democracy Complement Economic Pressure?

Many of the long-term conditions that make democratisation more probable are difficult to combine with a strategy of economic pressure. It seems that higher income levels228 and the emergence of a capitalist middle-class229 make democratisation more likely. Furthermore, higher levels of education230 make democracies more durable and resistant to populist authoritarianism. However, it is difficult to achieve capitalist development with thriving middle classes in authoritarian military dictatorships, especially if powerful states are determined to punish and isolate them. Gaining democracy through economic development could also take decades and might still not succeed – as has been the case in China. Furthermore, despite the long-term need for economic growth, it has been the economic crises, on the short run, rather than growth, that have brought about democratic change.231 Yet the correlation between long-term capitalist development and the probability of democracy does give an extra reason for sanctions policies to try to precisely target the government rather than hitting the economy as a whole.

In addition to economic development, political development is needed to increase the probabilities of democracy. As we concluded above, the development of civil society capacities is not a condition for a democratic transition, but it seems that the understanding of the basic ideas of democracy by the population at large deepens popular participation once this participation is made possible by a democratic transition.232 Furthermore, the education of administrators is needed for the improvement of the quality of governance in practice.233 Democratic transition is possible without administrative capacity on the side of the democratic forces, as the post-communist societies who had made their training of administration exclusive to the elite and administrative capacity on the side of the democratic forces, as the post-communist societies who had made their training of administration exclusive to the elite and highly specific to the ideological orientations of the authoritarian state. Bolivia was able to democratise in 1982 even though the bureaucracy of the military government had been totally militarised, as in Burma, for a long time. In the case of South Africa, the majority population had been excluded from education relevant for public administration, but this lack of capacity did not prevent the country from democratisation or developing competent democratic governance. Building the capacity for democratic governance will be easier in a democratic setting, and it develops quickly once it is given a chance. Yet for the sake of smoother democratic transition and for the sake of more tolerable authoritarian governance,234 both projects to build civilian and administrative capacity could be useful.

However, when building administrative capacity for and civil society’s understanding of democratic participation, experience shows that the focus should be on building the ingredients for durable change, rather than being focused on project level progress.235 In authoritarian settings, building institutions that are needed for governance and participation is challenging but necessary. In situations such as that facing Burma, programmes to build capacity for forms of media, and competence for the organisation of political party institutions, labour organisations, and interest groups would be useful.236 Furthermore, of course, media support and the support of media infrastructure can contribute to the reduction of violent repression if it manages to build in at least some measure of transparency in an authoritarian country.237

The ability to design and modify constitutions and knowledge of the constitutional opportunities would also support the process of democratisation and conflict resolution, as has been discussed in the subchapter on conflict management.238 How much external assistance can be given to these elements of democratisation depend partly on the level of trust and distrust of the government towards foreigners or specific countries and donors, but also on the effectiveness of incentives and pressures that persuade the government to allow help in the build-up of democratic capacity.239 The third wave of democratisation, from 1974-1990, proved the importance of religious organisations, their independence of the state and their contacts within the democratising society and with actors outside the country. Wherever the catholic church was sufficiently independent and well connected inside the countries’ networks of pro-democracy groups and donors, who were pushing the countries towards democracy, it could play a constructive role in persuading the elite to compromise by using extra-political arguments against violence that were felt legitimate both within the elites and among the democracy movements.240 This experience could also offer lessons to Burma, where Buddhist monks are challenging the legitimacy of the authoritarian government. Buddhist norms against violence should especially be used to weaken the legitimacy of authoritarianism within the elite. One forum where this could be done is the inter-religious dialogue forum that the EU supports directly and through ASEM cooperation in Southeast Asia.

The purpose of this report has been to map the conflict situation for potential peace-builders and identify the problems that need to be tackled, as well as the potential opportunities that may exist to bring about dialogue and reconciliation.

Europe and European unofficial actors can support the reduction of violence and conflict in Burma on several levels: by acting to prevent or minimise conflict behaviour itself; by helping resolve the disputes that result in conflict behaviour; and by supporting the transformation of the structures of interaction that give rise to violent disputes.

A. How to Prevent Violence in Burma?

Armed conflict and associated violence has substantially declined in Burma over the past decades. However, this has not happened as a consequence of a peace agreement or a transformation of the structures of interaction in a permanently peaceful direction. Rather, armed conflict has been reduced as a result of temporary ceasefires and the gradual closing of opportunities for insurgency through government occupation and pressure from China and Thailand on the armed ethnic groups to cease hostilities. In many former conflict areas, conflict violence has thus simply been replaced by repressive violence in the form of land confiscation, forced labour, denial of humanitarian aid to rebellious areas and other forms of exploitation imposed on local communities. It would not be politically possible for Europeans to support such developments whereby conflict violence is reduced by repressive enforcement of military ‘law and order’.

Tackling violent behaviour and destruction is normally attempted through limiting the supply of weapons to the conflict parties – hence the European arms embargo (1990), suspension of defence cooperation (1991) and the ban on military aid (1996). Europe, however, has limited opportunities for influencing arms sales to the government, beyond stopping its own trade. The main suppliers of arms to the SPDC are China and, increasingly Russia and Serbia,241 none of whom have shown any inclinations in this direction. The EU and its member states can work for a universal UN ban on arms sales, but this will require UN Security Council consensus, the prospects of which appear remote given China and Russia’s veto power. It would be comparatively easier to limit the access of the remaining insurgent groups to arms (and indeed to stop their activities all together), which would require only the cooperation of Thailand in closing its border. Yet since Europe is fundamentally opposed to military rule it would be difficult for it to support any process that tilted the balance of power against the ethnic and democratic opposition. In the absence of major democratic developments or compromises by the government it would even be difficult for Euro-

241. According to SIPRI Arms Transfer data, Chinese arms exports to Burma have drastically declined during the past decade from USD199 million in 1999, and almost USD300 million in 1993, to 0 in both 2006 and 2007 (SIPRI 2008).
peans to support the decommissioning of ceasefire troops and other irregular fighters in Burma.242

Thus, Europe’s possibilities of containing violence in Burma are limited. Rather, the starting point for European policies will have to be the recognition that the political power balance is, and will remain, in favour of the government. Efforts to exert positive influence will have to go deeper than the level of conflict behaviour, to the level of conflict resolution: as Europe cannot directly stop the use of force it will have to persuade the conflicting parties to compromise in order to end the disputes that give rise to the conflict behaviour. As a group of democratic nations, the EU is first and foremost focused on persuading the military government to accommodate the demands of anti-government groups for democratic and ethnic rights.

B. Conflict Resolution

1. Sanctions and beyond

As noted, the backbone of European policies on Burma is economic pressure on the government, aimed at inducing it to compromise on democracy (and ethnic rights). Comparative analysis in this report shows that the strategy of sanctions has to be adjusted to the power political setting. The strategy will have to be different when the desired outcome can be achieved by defeating the target, from when the target is too strong to be defeated and will have to be persuaded to compromise. In the case of Burma, the asymmetry of power between the regime and the opposition is so large as to virtually rule out the possibility of defeating the regime. In other words, the regime has to be persuaded.

Global experiences with sanctions show that this strategy is most successful for persuasion when:

- Sanctions threaten the core interests of the authoritarian leadership.
- The effect of sanctions is not reduced by nations outside the sanctions regime that can replace the denied values.
- Sanctions are short and decisive so that the regime cannot, over time, work out strategies to compensate the denied values or direct the costs to the people or the opposition.
- Sanctions are strictly targeted against the regime (financial rather than comprehensive trade sanctions), rather than against the nation or the people. This is in order to avoid unnecessary cost and in order to deny the regime the opportunity to successfully frame the sanctions as an issue of nationalism.
- Sanctions are conditional on the target’s behaviour rather than its identity. If the target of sanctions feel that punishment would be forthcoming regardless of what it does, sanctions will fail. Sanctions that are sent by enemies normally fail, too, because they are framed as hostility, while sanctions sent by allies often succeed.

- The overall sanction strategy maximises the incentive for compromise for the target. This can be achieved by combining punishment of authoritarian action with rewards for democratic compromise.
- Compromise by the target is made easier by considering nationalistic sensitivities, offering face saving formulas, and avoiding power political framing. In the context of a power battle (where yielding would be a defeat), sanctions do not succeed in persuading the target.

In terms of creating and targeting pressure, European policies towards Burma have been largely in line with these best practices drawn from the track record of a century of sanctions. Europe has not tried symbolic sanctions (sport bans, and the like) or bans on the export of luxury items to Burma, both of which have a good track record. But otherwise, it has generally succeeded in maximising the pressure and minimising counter-productive effects. Relative European unity (the implementation of common sanctions) has furthermore worked for optimising the pressure. The new sectoral sanctions, however – adopted after the crackdown on the monks in 2007 – fail to limit the value deprivation to the military elite, and are thus more problematic. The EU should be very careful about adding further new sanctions to the Common Position that fail to precisely target the government. In fact, such sanctions should be avoided altogether.

In order to make sanctions more effective, and to move beyond the simple objective of persuasion to actively promoting conflict resolution, Europe could focus on the following issues:

- Integrating its strategies with those of China and ASEAN.
- Improving and expanding its communication strategy (official and unofficial) by:
  - opening up options for sending positive signals when democratic compromises are made, and by
  - working for the establishment of confidential lines of communication with the top leadership of Burma.
- Working out incentives for democratic compromises.

Further, in doing so, Europe should combine its economic pressure with mobilising the diversity of Europe for strategies and communications on various levels.

Europe does not appear to have fully taken account (until perhaps very recently) of the need to collaborate with Burma’s neighbours and allies in order to prevent the negative effects of sanctions busting, frame sanctions as less hostile, and avoid a power political framing for sanctions. If Europe tried to work with ASEAN, China and India and adjusted its sanctions to policies led by these groups, it would be easier for the Burmese military to make compromises. In that framing, compromises would not be seen by the military government as concessions to nationalism; they would not be made to an enemy but to friends, and the conditionality of Europe, as an element of a more comprehensive strategy, would not constitute a power political framing.

242. It would be tempting to suggest that Europe could allow the sale of arms for the purpose of external national defense, but work to block the sale of any weapons that can be used for repression. However, the flexibility of weapons systems rules out this option. As we saw in the Hargeisa aerial bombings in Somalia in the 1980s, a repressive government can also use weapons that are mainly associated with national defense against rebellious groups (and civilians).
If Europe’s Burma sanctions could further operate in a contractual setting between the EU and ASEAN, they should be considered more legitimate and not be seen as power politics. This way conditionality might begin to have similar positive effects to those witnessed from the Cotonou Agreement between the EU and the ACP countries, as has been discussed in chapter 6. Of course, while the ASEAN Charter with its human rights instruments could offer opportunities to strengthen the political partnership instruments of EU policies in the region, one also has to realise the difference between the two situations. There will probably never be any instruments comparable to the Cotonou Article 96 in EU-ASEAN relations. However, collaboration, even with lower ambitions – such as in the development of EU-ASEAN dialogue on Burma, or in the creation of measures to prevent ASEAN institutions from helping to circumvent the European sanction measures – could reframe European policies towards Burma in a way that would make it easier for the regime to compromise without losing face.

European sanctions also need to be coupled with better policies concerning communication. On the one hand, Europe should be able to publically communicate positive signals: When the government offers multiparty elections and a referendum on a constitution, Europe has to be able to react positively, even as it points out the fundamental shortcomings of these processes. As argued above, the government considers its roadmap to democracy a compromise to the democratic forces, and thus it would expect a positive European response. If Europe is not able to recognise democratic openings, it will not be able to build its own policies on frameworks that the government feels ownership of. To make democratic compromises easier for the military government, Europeans should try to avoid taking ownership of the process of democratization and conflict resolution and allow the Burmese parties to develop ownership of these processes. Further, if Europe cannot recognise government concessions towards democracy, it cannot pressure the government to stick to them. If Europe does not recognise a value in allowing people to show their preferences on the constitution, it also does not have justification for requesting to send observers, as the NLD requested on 10 April that it does. Similarly, if Europe does not recognise the potential value of multiparty elections, it cannot reasonably push for better legislation regarding, for example, the eligibility of individuals and parties to participate in the elections.

Historically, conflict and repression casualties have come in greater numbers every time the government has started backtracking from more liberal policies. Thus, from the point of view of reducing violence, it would be important if Europe – by acknowledging any positive steps that the government initiates – could help lock it into such compromises and limit its temptation to backtrack. Further, democratization often happens when government officials start making calculated moves towards democracy in order to save their careers in case the country were to become democratic. However, all this can stop if the government starts backtracking from its democratic compromises and makes coercive moves against officials that make compromises towards democracy. Thus, focusing pressure on making sure the government does not backtrack is essential both for preventing violence and for promoting democracy.

Communications should be improved, too, to enable Europe to properly signal the threats and promises European conditional policy entails, and to find ways of supporting democratisation and conflict resolution. Two centuries of global history of democratisation shows that pressure for macro level polity reforms can be coupled with positive micro level work for better governance and transformation of conflict structures. Yet, without access to the military leadership, this will be extremely difficult. Europe has had many success stories in helping democratic governance and conflict resolution around the world, but in Burma such work would have to be preceded by efforts to establish better communications between the EU, EU member states, and unofficial actors of conflict resolution (including Burmese exiles in Europe).

While European strategies do punish authoritarianism, they are not optimal for inducing the Burmese government to make compromises. Partly, this is related to the inability to communicate positive signals and, partly, to the fact that EU policy is opposed to and detached from the policies of Burma’s neighbours. In terms of the legal framework of European policies, rational policies would require greater flexibility in the Common Position in regard to the possibilities of supporting positive processes and deterring negative ones (backlashes). In order to optimise the incentive for democratic reforms and conflict resolution, pressure would need to be complemented by rewards for democratic reform.

Further, in order to maximise European official and unofficial contributions to conflict resolution and conflict transformation, Europe should establish high-level access to the top military leadership and open dialogue on ways in which Europe can be of help. While the military government has already allowed some European unofficial assistance for training of ethnic ceasefire mediators, for facilitating contacts between the government and its enemies, and for improving information flows more generally regarding the concerns and perceptions of the various conflict parties, such work would be easier if EU contacts reached all the way to the top. Thus Europe should also adopt a more liberal interpretation of article 4, paragraph 6 of the European Common Position on Burma/Myanmar of 2006 on exceptions for a visa ban for the purpose of “political dialogue … [that] directly promotes democracy, human rights and the rule of law in Burma/Myanmar” in order to avoid creating obstacles for the Burmese government’s confidential engagement with the exiled opposition. Furthermore, liberalizing restrictions on high-level EU officials visiting Burma for dialogue on democracy, human rights and conflict prevention issues could improve communication between Burmese and EU officials. If this could be made a European concession vis-à-vis Burma (since it is related to relaxation of the praxis of the visa ban), Europe could try to get Burma, in return, to allow more space for European aid “projects and programmes in support of human rights, democracy, good governance and conflict prevention,” which article 3a of the Common Position defines as something that would be politically acceptable and desirable for Europeans. Without high-level contacts, Europe’s ability to work for the fulfilment of its objectives in Burma will be limited to indirect means of persuasion, whereas with more connections, and more trust, Europeans might be able to push compromises by actually helping the conflict resolution process in the country between conflicting parties. In fact, rather than limiting itself to offering exemptions for visa bans or aid bans for initiatives that have the direct objective of promoting democracy, good governance, human rights
and conflict resolution, the Common Position should include stipulations that more explicitly encourage dialogue.

The conflicts in Burma are likely to remain a mainly internal affair where outsiders might be allowed to help but not in a manner that places control over the processes outside the country. A variety of unofficial European actors, however, have developed strategies and mechanisms for assisting conflict resolution without exerting European control over the process, while simultaneously cooperating with the EU. The Henry Dunant Center’s facilitation in Mindanao, and CMI’s moderation of the Aceh Peace Talks, for example, utilised the technique of non-exclusive negotiations – negotiations that did not claim a monopoly on dialogue. This prevented any impression that the CMI or HDC were structuring the agency of conflict, since excluded stakeholders were welcomed to establish their own dialogue processes. Furthermore, the technique of facilitating or moderating talks that from the beginning of the process assume the idea of “nothing is agreed before everything is agreed” effectively frame a setting where moderation helps the sides to reach an agreement in an unofficial setting, but in which compromises will be finally agreed in the end, by following the normal official decision-making procedures of the national governments (and rebel organisations). This way the moderated process does not really challenge the control of the parties over peace processes.

In order to avoid the pressures of publicity, and sensitivities about the control of domestic conflicts, Europe could also facilitate the role of unofficial actors (actors that are actually the only currently accepted European peace actors in Southeast Asia) in conflict resolution and in the creation of links to the military government for dialogue on the terms of European engagement in conflict resolution. In order to reach the top, Europe would need to mobilise public prestige without official commitments to public policies. An unofficial dialogue mode should also operate without official political power backing, since that would easily raise nationalistic sensitivities about the control over internal affairs. The framing of negotiations on EU-Burma relations, and Burma-EU common interests in a resolution of the conflicts in Burma, could be an entry point for Europeans into the facilitation of dialogue between the conflict parties in the country. At a minimum, it would be a feeling that might make it easier for Europe to persuade the Burmese government from backtracking from the positive elements in its own roadmap.

2. Positive European Contribution for Conflict Resolution

In order to make compromise easier for the conflict parties, it is always important to frame peace facilitation in such a way that they feel ownership of the process. In the case of Burma, the government has insisted that any transition takes place within the framework of the seven-point roadmap, although it has also reached out directly to some members of the opposition in a kind of “engagement policy”. Neither the roadmap, nor such individual contacts are, however, satisfactory platforms for negotiations for the democracy movement or the ethnic groups. They want tripartite talks leading to new rules of the game as stipulated in the FCDCC constitution, for example. Since success requires the ownership of the process by all conflict parties, the challenge for any European facilitator would be how to create something that could be simultaneously “engagement” on the government model and “tripartite”. Tripartite talks though, would not need to involve formal negotiations among three parties sitting in the same room; it could initially, at least, consist of a number of individual bilateral, but interlinked dialogue processes. In fact, there are elements of this already in the engagement policy of the government, which involves contacts with both the democratic opposition and ethnic groups. The fact that democracy groups already collaborate with ethnic groups, in a way, already completes the triangular setting of pre-negotiation, even if the government tends to be hostile to contacts between the two opposition fronts.

If a process could be created that was framed both as following the roadmap and the tripartite framework, the next objective would be to see how this process could target simultaneously the National Convention principles (as the first step, not as an endgame) and the various political visions of the fragmented opposition (most explicitly expressed in the FCDCC constitution). Opening up for such a constitutional debate would not be easy, since the government already has a constitution. However, the implementation of this law, as well as the many political issues that the constitution does not define, could be the focus for further negotiations. For example, the scheduled 2010 elections, including the eligibility criteria for individual candidates and political parties, have not been laid down yet, or have not been clearly defined in the constitution. Yet, these issues are clearly essential for how the country develops politically. Furthermore, the issue of the role of the various armies in a constitutional setting is unresolved.245 Of course, the constitution itself can also be amended, although technically that would not be possible until after parliament has been convened (something which the SPDC is likely to insist on).

As mentioned, the explicit issue of the constitution (and its opposite version), could be a concrete handle with which to break the current deadlock. The constitutional principles could serve as a concrete focal point for discussions that could help move beyond the more intractable framings of hostility between the conflicting parties. It is easier to compromise on a paragraph in a constitution than on decades of hatred, suspicion and historical divisions. Yet if compromises can be found on constitutional issues, this may help to begin to tackle the institutional foundations of suspicion and divisions. Some opposition groups feel that the constitutional questions are central to the search for acceptable political conditions for peace. If progress can be achieved on this, other groups – even ones with perhaps more political weight – could be drawn into the negotiations. It is often the case in peace processes that once there is political progress, those leaders that are involved in the negotiations (usually the political wings) gain momentum and the centre of gravity within each of the conflict parties moves towards them and away from the military wings.

245. According to the constitution (chapter VII, article 1) the federal army will be the only army in the country. But this still leaves various options open for allowing the armed ethnic groups to keep their arms, for example, by incorporating them into the federal army as local defence units. This is what some ceasefire groups say they have been promised.
The main disputes between ethnic groups and the government are related to the following constitutional principles:

- the role of the military;
- the type of the federalist arrangement and;
- the guarantees for separate identities (the cultural existence of the ethnic groups); and
- the role of the non-state troops and militias.

The first issue that needs to be solved is related to the role of the military. This is a common concern for both ethnic groups and the democracy movement. But as indicated, it is not an issue where the military is likely to yield a lot. Ethnic groups are particularly concerned about the stipulations that:

- the military will have a national political leadership role,
- the military will have full autonomy in its internal affairs (i.e., it will not be subordinate to civilian leadership),
- the military will have the right to declare a state of emergency and take over state power in the case of a threat to national security,
- the ministers of defence, home affairs and border areas will be appointed by the commander-in-chief,
- the president will have to have military experience, and
- 25 percent of the members of parliament will be nominated by the commander-in-chief.

The above list of concerns is in the order of urgency as revealed by interviews mainly among ethnic groups outside the ceasefire arrangements. While the issue of military’s leadership role was seen as a serious problem by practically every group, all groups seemed to be able to live with the idea of the military having one quarter of the parliamentary seats.

While these concerns are understandable, some may be exaggerated. The articulation of the military’s leadership position, as stipulated in chapter 1, article 2f of constitutional principles, is unclear. According to the exact wording, the military will “participate in the national political leadership role of the State.” This in the fears of ethnic group activists could mean a continued role by the military. However, this stipulation is part of the introductory text rather than part of any of the operative articles. Furthermore, the rest of the text on the role of the military does define the areas where military participates in state affairs. Even if past experience shows that the military might implement this article in a “maximalist sense”, it seems that at least that the legal text as such does not support the interpretation of the ethnic groups.

Chapter 1, Art 9b, defines the independence of the military in military affairs, while the non-subordination of the civilian leadership is stipulated in Chapter 1, art 9d. However, the latter principle could be seen as contradicted by Chapter VII, art 5 which explicitly defines that the military can organise the entire population for defence and security only with the permission of the partly political Security Council and by Chapter VII article 9 that gives the politically elected President the power to appoint the Commander in Chief of the military with the proposal and approval of the National Defence and Security Council. The experience of the past gives an indication on how these laws could be interpreted in reality. However, if it was possible to commit the government to the letter of its own constitution, and to a standard interpretation of the legal text in it, one could possibly see limits to the independence and the non-subordination of the military.

As analysed earlier in this report the issue of who issues the state of emergency and who exercises emergency powers is unclear. Chapter I, article 28 of the constitution seems to support the fear of many in the opposition, while chapter XI, art 1, gives the emergency powers, and the permission to declare it, to the president.

Also the foundation of the fourth fear could be doubtful. It could be based on the military’s stipulated independence in security affairs. Chapter V, art 2.2.a of the constitutional principles does define that the strategically important key ministers (home, foreign and border affairs and defence) will be nominated by the military and that the ministers will be military officials. Yet the constitution also stipulates that it is the president that appoints these ministers, and that these ministers will be serving a presidential cabinet. Even though it is our realistic assessment that the retaining of the military’s independence in defence affairs is one of the core interests of the current government, indeed, an interest that will not be compromised, it could be possible to try to investigate if this interest could coexist with the more civilian and democratic constitutional principles. Perhaps it could be possible to resolve the contradiction of the constitution on military’s independence by defining functions of the key ministries of Foreign Affairs, for example, that could be trusted to civilian administration: thus defining the issues where the strategically important ministers could make their rulings in accordance to principles defined by the president, and in which issues they would need to act as military officials, in order to secure the military’s independence. It could also be possible to define the types of choices that the president could genuinely make between ministerial candidates that are acceptable to the military.

Of all the main fears of many opposition groups, the assumption that the president will have to be from the military has probably the shakiest foundation. Chapter III, art 4d defines that the president needs to be “acquainted with affairs of State such as political, administrative, economic and military affairs”. However, the interpretation seems to reflect the poor level of trust, as the same logic would suggest that the president will have to be an economist and a politician. The interpretation that the constitution requires the president to be from the military has also been explicitly rejected by many participants of the National Council interviewed by the project team.

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244. Security Council consists of the following 11 members (Principles on sharing of executive powers, art 2): President, two Vice-presidents (president and the vice presidents are nominated by a parliamentary “presidential electoral college” with 2/3 of a elected majority). Speaker of Lower House, Speaker of Upper House (both selected by the Parliament); Minister for Defence, Foreign Minister, Home Minister, Border Affairs Minister and the Commander in Chief and his deputy. Taken that the minister representatives of the Security Council are from the military (Chapter V, art 2.2.a), only a minority of the members of the security council are civilian. However, the portfolios of the ministers are political, and they are appointed from the military’s list, by the elected president. As ministers of a presidential cabinet, they would legally have to follow the leadership of the president, but in reality, they are likely to follow military, rather than political command.
Thus it seems that all but the least pressuring concern about 25% of the military appointed parliament seats, refer to constitutional stipulations that are either contradictory in the constitutional principles, or misunderstood/distrustfully interpreted by the ethnic groups. Thus despite the fact that the military will probably not like to make further compromises on its position, there could be some progress related to the main fears opposition groups have in relation to the role of the military, especially where the fear is based on misunderstandings. If progress can be achieved in these specific disagreements, that progress could spill over into hope and confidence for dialogue between the government and the opposition.

With regards to fears that are partly products of a misunderstanding of the constitutional principles (leadership of the military and military experience of the president), some progress could be made, and hope and trust generated, by simply sorting out the confusions in an exchange of information. For this to happen all that is needed is the facilitation of information exchange between conflicting parties by actors that are trusted by both and who get access to both the ethnic groups and the government. For this there is no need for direct meetings between the conflicting parties, just with the facilitator. Informal diplomatic actors, who cannot be suspected of having hidden agendas in favour of one of the conflicting parties, could be optimal for the purpose.

If the misunderstandings could be settled and the informal diplomatic actor could persuade the government to publicly declare the correct interpretation of a part of the constitution – for example, official explanation that the president does not have to be from the military establishment, or an explanation that the military will not lead political aspects of the state, only security aspects – would not constitute compromises from the government if it never intended to require a military rank from presidential candidates or continue to monopolise political leadership. Yet, these declarations would do a lot in generating hope and trust between the conflicting parties, and legitimacy for the government constitution internationally. It would also be possible for the facilitator to match government declarations with opposition declarations that would similarly clarify government misperceptions with regards to the opposition. An ABSDF, NCGUB, FTUB and NLD(LA) declaration banning civilian targeting from their supporters would not be a concession to these organisations, as none of them need to be addressed. As the analysis revealed, these demands were mostly related to some of the core motivations of some of the fighting groups.

An ABSDF, NCGUB, FTUB and NLD(LA) declaration banning civilian targeting from their supporters would not be a concession to these organisations, as none of them have ever considered terrorist strategies. Yet, it could help alleviate the fears amongst government officials caused by the states own propaganda related to the home Ministry’s declaration of these groups as terrorist organisations on 12 April 2006. Similar declarations could be NLD’s declaration to not to support “defiance of all orders, confrontation, imposing four kids of sanctions, and relying on external elements”, which in fact, has never been the policy of the organisation, but which is what the government accuses the organisation of.

Settling inconsistencies would require compromises from the government, if it acquiesced to the stipulations that were resented or feared by the FCDCC groups. However, as Aceh peace talks proved, it is much easier for governments to compromise in favour of a legal stipulation that they have also committed to, even if they preferred an alternative stipulation. In Aceh, easier issues on the negotiation table were precisely these kinds of issues, where one article of the Aceh Special Autonomy Law of 2001 was in contradiction with another, and where one of the two stipulations was acceptable to the rebel movement. There it was easier for the government to yield since it already had also committed itself to the stipulation that satisfies the fundamental interests of the ethnic groups. After managing to alleviate concerns based on misunderstandings, a facilitator of information flow could be able to design packages for matching compromises between the conflicting parties, even without the need for the conflicting parties to meet at this stage. If it was possible for the government to accept an interpretation according to which the interpretation of the emergency powers favouring the president instead of the Commander-in-Chief, or if it was possible to see at least some limitations to the military’s power in the appointment of key ministers, publicity to that effect could alleviate important concerns of the opposition. After initial success, there could be an opening for the possibility of moderated direct talks between the conflicting parties. This kind of sequencing, starting with facilitation of information flow or mediation between parties, and only then proceeding to the facilitation of moderated direct talks, has been found 5 times more successful than any other type of sequencing in all peace processes since 1990.245

The FCDCC groups also reject the government constitutional principles on the structure of states, which gives the 7 ethnic Burman divisions the same rights as the other states have, and thus reject the concept of ethnic federalism. Similarly they object to the subordinate position of the upper house to the lower house. These are clearly issues where the disagreement is very real and goes to the core of federation’s political order. At this stage it would be impossible to imagine a solution that could satisfy the party, but in the end this will be one of the issues that ethnic groups would need to settle in order to be able to live with the terms of tripartite peace. Dialogue on these issues should also be easier if negotiation contact was already established in easier issues before tackling the issues of federal structure.

As such it is difficult to imagine a voluntary peaceful setting without somehow guaranteeing these fundamental interests. Equally, it would be difficult to imagine that the government would allow international moderation in an important domestic political issue such as this; however, especially informal actors could help the pre-negotiation process in the settlement of this issue. Again the facilitation of communications between the conflicting parties seems to require help. An informal political actor, who could not be seen as partisan in the issue, could easily analyse positions, interests and interpretations between the conflicting parties, and help develop a better constructions and framings for compromises.

Also the demands of a number of ceasefire groups of National Convention will need to be addressed. As the analysis revealed, these demands were mostly related to issues of autonomy of the states, and especially to identitive, linguistic and cultural issues. Many of which were related to some of the core motivations of some of the fighting groups for their battle (national unity, common ethnicity, cultural existence).

It is clear that without specifications the SPDC/NC constitution will not be a guarantee against all of the cultural existential threats that some of the fighting groups share with a number of ceasefire groups. However, the constitution does not directly

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245. See Hekti 2008. It seems that the relationship between conflicting parties requires some successful confidence-building before moderated direct talks can be optimally useful.
create these threats either. Chapter 1 article (11)(a) stipulates that the State shall help develop language, literature, fine arts and culture of the national races; furthermore it stipulates in the same chapter, article (16) that the State shall help in development, consolidation and preservation of national culture. It would be important that the implementation of these constitutional principles could be negotiated in some manner in order to tackle the core interests of the conflicting parties. While some ethnic groups are worried about their identities and cultural existence, the central government could be worried about the national unity if separate political, and not only cultural identities start emerging. Many of the ethnic groups are still suspected of separatism by the military, and an arrangement that could alleviate this fear by the military would probably be the other side of a package that could eventually settle the issue of separate identities. Somehow a political package should be invented that could tackle the two fears simultaneously. It could be possible that such a package does not yet exist, as the confidence needed for it does not exist. The process of long conflict has created a situation where conflict has become part of the identity of the conflicting parties (intermingling of conflict and identity), and thus peaceful solutions that somehow rescue the cultural and identitive existence of fighting ethnic groups are difficult to find. In such a situation finding the contract zone (area where all sides would be better off than in conflict) will need a lot of creative reframing of the agendas and social realities. This can take time. The process of conflict resolution related to the core issues of identity could need an innovative moderation for the facilitation of communications and perhaps direct talks between the conflicting parties. The creation of a package, a solution that could fit both the core interests of the military and the ethnic groups, regarding ethnic identities could require the construction of new realities by means of innovative reinterpretations of the political realities. Whilst it is up to the process to create the shape of the package, Europe could only plan ways to support the process of packaging, while the main work of gradual confidence building would necessarily be done by moderate forces inside the country itself. In order to offer a change for the distancing of identities of ethnic combatants from the processes of war, Europe could support the creation of civilian economic opportunities for the combatants. Civilian Karen identities, civilian Karenni or Shan identities can only be born when civilian lives are economically feasible for the ex-combatants. The facilitation of dialogue between the conflicting parties will need a broad-based effort of mediation. The patterns used for the mediation of ceasefire agreements could be utilised here, and Europe could have opportunities to support these patterns. Training of mediators inside the country, supporting facilitators of exchange of information and communication, the mobilisation of Burmese European exiles for peace could require European financial resources. Finally, the activity would require communications to the highest levels of the government. For this process of negotiation, support of the operations and national reconciliation programmes of high profile ethnic leaders in exile in Europe could be highly useful in support of the moderate forces inside of the country. Burmese exiles in Europe could be useful, despite the fact that it is likely that moderate forces inside the country, could be in a much better position to work for a gradual conflict resolution and change.

In addition to the main concerns aired by the political wings of various ethnic groups, the issue of control over access to lands and resources is one that probably will cause difficulties between the government and the especially ethnic groups, unless resolved. Here the constitution does not offer any easy answers: instead of misunderstandings, or unclarities of the text, this issue does represent clear differences in interests: The constitution (Chapter I, art. 25) stipulates that in “connection with the land, the waters, the atmosphere and natural resources, it is laid down that

(a) the State is the ultimate owner of all the land, and natural resources above and below the ground, above and beneath the water and in the atmosphere within its territorial boundary;
(b) the State shall enact necessary law to supervise economic forces’ extraction and utilisation of State owned natural resources;
(c) the State shall permit citizens right of private property, right of inheritance, right of private enterprise, right of initiative and right of patent in accord with law.

Due to the difficulties of these issues it is not likely that successful conflict resolution could start from this issue. That approach would only contribute to the emergence of bad will and distrust. Furthermore, this is probably not an issue where European influence could be significant. However, as comparative evidence suggests, land issues are an important motive for intractable conflicts, and thus they need to be tackled at some stage.

C. Could Europe Help the Transformation of Structures of Conflict in Burma?

While any recommendations on Europe’s role in potential conflict resolution are speculative and need to make very optimistic assumptions in order to identify opportunities (however unlikely), the identification of opportunities to transform structures that give rise to violent conflicts can be more firmly grounded in empirical analysis. Long term processes that address the deep divisions and economic sources of conflict are less controversial from Burma political point of view and less subject to the volatile development of the political scene. At the same time, especially the transformation of economic structures of conflict could be difficult from the point of view of European political realities: developing an economy might be difficult in the context of economic pressure.

For the transformation of the political long-term conflict structures, Europe can already now do limited positive work for governance, media, and NGO capacity, and conflict resolution capacity. Europe should help the development of the political structures of transparency, by helping the emergency of a freer media. The difference between the professionalism and openness of Myanmar Times (more open) and the New Light of Myanmar (closed, owned by the government) testify that the limits of transparency can be pushed somewhat. If the constitution gets the acceptance of the people in the May referendum, and the country starts preparing for its first elections, limits of political inclusion should be tried by offering all the help needed
for the training and capacity building among independent (rather than government controlled) organisations of participation. Focusing on helping the creation of stable institutions and organisations – such as independent media outlets political parties or labour unions – would help the creation of democratic institutionalisation, and capacity for democracy.

In addition to programming to create institutions of participation, capacity will also need to be built for administration: if the level of administrative capacity is poor, change on the political system level fails to translate optimally to the level of better policies. Making the administration more rational would not support military authoritarianism, if it offered simple tools of democratic governance or best practices of transparency, responsiveness and accountability. In order to avoid merely focusing on projects; in order to highlight the institutionalisation of durable democratisation, the international community would need to consolidate its efforts to coordinate its work for democracy also inside the country, let alone coordinating policies inside, with those in the borders.

Political space available for grass root-level cooperation for democracy can and should be expanded. Enhanced European contacts with the government and the trust built by these contacts would be useful for the opening up of political space for European conflict transformation. Work for the transformation of political structures of conflict creates better ground-level performance for the administration, greater transparency of the political scene and increased indigenous ability to settle disputes peacefully. Against the diagnosis of the country as one deeply divided and with a culture of confrontation, one could conclude that political conflict transformation is badly needed. Also none of these positive activities challenge the sanction-based EU policies: they all nicely fit into the category of exceptions defined in the European Common Position on Burma, article 3a.

More radical measures to tackle the impunity of political governance have been suggested. However, they could be challenging to fit into the context of the common position. It has been suggested that one way to tackle the problem of governance would be exposing the military to the ways and manners of more democratic nations. Some moderate voices in the democracy movement are suggesting that Burmese officials should be involved in the observation of international peace keeping activities, in order to expose them to international best practices, and in order to alleviate the suspicions the Burmese military might have towards the UN and the international community. Furthermore, involvement in UN peacekeeping activity has been a useful leverage for several militaries, as some forms of it create economic incentives for officers to work for Burma’s international acceptance and respectability. For some countries with difficulties in financing decent salaries for military officers, the possibility of participating in UN operations with standard, internationally sponsored UN salaries is a central issue in the incentive structure of soldiers. Thus exposing the Burmese military in a conditional manner, to the potential opportunities available if Burma manages to get rid of its isolation, would mean leverage for forces of peace and ethnic rights. While it is clear that this would be useful also on the basis of our analysis, involving a rogue army in the observation of UN peacekeeping activities could be difficult politically. Here the crucial question is what positive action can be taken for the increasing of the standard of governance within the limits of the economic pressure for democracy.

However, given the long duration of conflict and the complexity of the humanitarian crisis, it could be that the transformation of structures of conflict should be mainly focused on the socio-economic aspects of conflict. At a macro level Burma’s economy will have to be diversified and economic growth will have to be made more inclusive. The national economy needs to be rid of its dependence on exports of raw materials as such dependence has been found harmful both to democratisation and to conflict prevention. Furthermore, the private sector should be encouraged to take a greater role in order to develop entrepreneurship and help the development of a middle class, which again would be important for democratisation. Encouragement of the private economy could be possible within the political framework of the EU Common Position, which focuses its sanctions on the state owned companies. Yet, given the leading role of the state in the economy, the encouragement of diversified, private-lead sectors could be difficult. Furthermore, this should be done in a way that would not sabotage the pressure and inconvenience the government experiences because of European sanctions, if it fails to make democratic compromises. Sanctions are valuable, too, and they are part of the European political strategy, but they should be complemented with positive measures for democratisation and conflict transformation, whenever possible.
BURMA: MAPPING THE CHALLENGES AND OPPORTUNITIES FOR DIALOGUE AND RECONCILIATION

Kramer, Tom. 2007. The United Wa State Party: Narco-army or ethnic nationalist party. East-West...


The EU receives and actively gathers information about the human rights, democracy, rule of law and governance situation in ACP countries from different sources: locally through the Member States’ Heads of Missions or the EU delegation, and in Brussels through, for example, the reports of election observation missions. When it becomes apparent that problems are looming, initial dialogue with the country in question should be conducted under Article 8 of the Cotonou Partnership Agreement. Article 8 dialogue should be an ongoing political process with ‘difficult partners,’ not interrupted even if Article 96 consultations are invoked. Ideally Article 8 dialogue should involve both state and non-state actors.

**Preparation phase**

The decision to start consultations under Article 96 is made by the General Affairs and External Relations Council. The proposal is issued by the Commission, either on its own initiative, or based on a request by the Council. This proposal includes a draft letter to the authorities of the ACP country in question inviting them for consultations.

The Commission’s proposal is discussed in the capital of the ACP country by Member State Heads of Mission and the EU delegation under the chairmanship of the EU Presidency. Discussion on the situation is also conducted bilaterally between the Member States. In Brussels, the proposal is discussed in the relevant geographical working group of the Council (for example the Africa working group). If the Council’s geographical working group considers that the situation has implications for development cooperation, the matter is passed on to the ACP working group. The proposal, however, is not discussed in horizontal working groups (like Human Rights or United Nations working groups). The ACP working group can amend the proposal of the Commission for a Council decision. The working groups may request additional information on the situation from the EU delegation and Member States’ Heads of Mission. For such information the EU delegation and the Presidency can draw up a draft that is circulated for comments among other Member State Missions. The final proposal is sent to the Council of Ministers via the Committee of Permanent Representatives (COREPER).

**ANNEX 1: THE PROCEDURE FOR INVOKING ARTICLE 96 (CONSULTATION ARTICLE) OF THE COTONOU AGREEMENT**

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**ANNEX 2: 20 MOST DRAMATIC PROCESSES OF DEMOCRATIZATION SINCE 1900**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
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<tbody>
<tr>
<td>Greece</td>
<td>1926</td>
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<tr>
<td>Lithuania</td>
<td>1991</td>
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<tr>
<td>Ecuador</td>
<td>1979</td>
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<td>Uruguay</td>
<td>1985</td>
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<td>Panama</td>
<td>1989</td>
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<td>Bolivia</td>
<td>1982</td>
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<td>Argentina</td>
<td>1983</td>
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<td>Czechoslovakia</td>
<td>1990</td>
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<tr>
<td>Bulgaria</td>
<td>1990</td>
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<td>Latvia</td>
<td>1991</td>
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<td>Lesotho</td>
<td>1993</td>
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<td>Pakistan</td>
<td>1988</td>
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<td>Thailand</td>
<td>1992</td>
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<tr>
<td>Indonesia</td>
<td>1999</td>
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<tr>
<td>Philippines</td>
<td>1986-1987</td>
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<tr>
<td>Haiti</td>
<td>1990</td>
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<tr>
<td>Haiti</td>
<td>1994</td>
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<td>Yugoslavia</td>
<td>2000</td>
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<td>Estonia</td>
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