Prospects for the Democratic Transition in Burma

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On May 6, 2002, the military government in Burma released Daw Aung San Suu Kyi from house arrest. Its official spokesman, Lt. Col. Hla Min, said “Today, marks a new page for the people of Myanmar and the international community…We shall recommit ourselves to allowing all of our citizens to participate freely in the life of our political process, while giving priority to national unity, peace and stability of the country as well as the region.” As the news flashed around the world and drew positive responses from political leaders, diplomats and newspaper editors, only in Burma did the state-controlled newspapers, radio and television ignore the event and statement and the people of Burma learned of it from international radio broadcasts and word of mouth.

In addressing two audiences, was the government sending each a different message? To the outside world, was it saying that this was a first step and political change soon would be underway for the people of Burma while the message to the people inside of Burma, was it saying that Daw Suu Kyi’s release did not represent any change as the military’s existing undisclosed plans for the nation’s political future were still guiding its action.

The Burmese rulers probably hope that the release of Daw Aung San Suu Kyi will appear to imply that they are doing more than what they intended to do. For twelve years they have repeatedly said that they were
laying the foundation for what they now call a “discipline” democratic state according to their own timetable and plans. In mid-May, they reported that the National Convention Convening Commission, which has been writing the principles for a new constitution, met on the 15th; it gave no details nor did it say when its work would finish. While some foreign states and commentators around the world have criticized what the Burma military rulers have revealed about their ideas of a “democratic” system, others have given enough praise to encourage the ruling junta in Burma to believe that in a divided world, they can say anything they want and enough states will be satisfied to offset those who are not. For the deeper meaning of the release of Daw Aung San Suu Kyi, this must be seen in the context of what else is occurring and being said by the military leaders before assessing the importance of her release as a harbinger of political change.

Although the euphoria amongst the people of Burma, following Daw Aung San Suu Kyi’s “freedom” continued for days as she moved about Rangoon and met with party members and people at large, but when the government made no further gestures supporting the idea that change would follow, the people’s enthusiasm began to decline. Journalists, both local and foreign, also began to convey growing doubts as they heard increasing skepticism from their informants and looked for the next step in this slow dance of political change. Meanwhile, Daw Aung San Suu Kyi moved gingerly, testing the boundaries of her “unlimited release” and sought to breathe new life into her party. On June 14, she made her first trip outside of Rangoon, going on a two-day trip to the monastery on Thamyinnya Hill in the Karen State to visit the Burmese monk, U Winiya.

She also made her first visit outside of Rangoon in 1995 to meet with him following her release from her earlier house arrest. This recent visit was her initial test of freedom and, if successful, probably will be followed by visits to party headquarters elsewhere in Burma, meetings and talks with people, making speeches, participating in rallies and trying to publish a party newspaper.

The real measure of whether or not freedom and democracy in Burma is increasing or decreasing cannot be measured by the freedom of Daw Suu Kyi alone, but must be gauged by the amount enjoyed by the people. There are at least three issues in the current political life of the nation which are important indicators of whether or not their condition is improving or declining—the civil wars, political prisoners and the prevention of elected representatives to form a parliament.
On the day after Daw Aung San Suu Kyi’s release, soldiers stationed in the border areas ordered the people of Kho Kay village in the Karen state to leave their homes or be shot; the soldiers made their point by killing the people’s livestock and burning their houses and rice barns as punishment for antigovernment sympathy and to create internal discord. This was not an isolated event. Similar events and worse occur all the time elsewhere in the hill and border areas where journalists cannot go, to see and talk with people who have been victimized and fled their villages seeking safety in the jungle or across the international border. In the most recent report of the ILO on forced labor, the international organization repeated what it said before, that the military has not discontinued the use of forced labor in the border areas and no soldier or officer has been arrested, tried and convicted for his involvement in human rights violations, which Burma, by international treaty, said it would do. The rulers’ wars against the ethnic minorities has been in progress since the 1950s and there are no signs that they are taking steps to end them now or in the immediate future.

The release of political prisoners from captivity is a second important marker of political change. Between 1988 and 2002, the military rulers denied that there were any political prisoners even though the world knew that Daw Aung San Suu Kyi and others were held without charges, trials or convictions. Following a leadership change in the ruling group in 1992, Gen. Than Shwe, the new junta leader, admitted that the state held political prisoners and announced that it was beginning to release them. Recently, responsible estimates of the number held in captivity was between 1,500 and 2,000; since Amb. Razali Ismail, Special Envoy of the UN Secretary General, and Special Rapporteur Prof. Paulo Penheiro for the UNHRC began their visits to Burma, 200-250 are reported to have been released. At the time of Daw Suu Kyi’s May release, Col. Hla Min made a positive announcement that the ruling junta had released 600 and that it would continue to release “those who will cause no harm to the community…” However, this was challenged almost immediately by Col. Tin Hlaing, who, while attending an international meeting in Malaysia, declared that Burma no longer was detaining any political prisoners and that the 200 “so-called NLD members were actually involved in criminal activities…” With the world aware of the continuing imprisonment of Ko Min Ko Naing, other student and party leaders—some beyond the date of the completion of their sentences—and ordinary citizens, Daw Aung San Suu Kyi made clear her party’s position on the issue when she told an interviewer from The Irrawaddy:

“Regarding the release of political prisoners, we have prioritized it as one of the most crucial issues—that they are all released uncondi-
tionally and at the earliest possible date. The Burmese junta knows it as well. This happens to be one of the things that I have mentioned again and again since I was released. We are totally frustrated at the slow progress in the release of political prisoners. We want them to be released immediately and unconditionally.”

An unpublicized aspect of the tragedy of holding political prisoners is that their prisons are widely scattered throughout the country and their families face unnecessary difficulties in locating them, large expense in traveling long distances to visit them and uncertainty in knowing when they will be released. If, as Lt. Col. Hla Min said, a new page for the people of Burma was opened on May 6, it was not blank; it is stained by the names of political prisoners still under detention who are carried over as unfinished business to be completed before political change can be said to be finally underway.

On May 27, journalists, still in Burma, and the world at large encountered afresh, the issue of the unseated elected representative to a parliament, which the government will not allow to assemble and take power. More than 1,000 people joined Daw Aung San Suu Kyi to celebrate the twelfth anniversary of the 1990 election. As each anniversary of the date arrives and passes, the people of Burma and the international community are reminded that despite UN resolutions calling for the government to permit the parliament to form and carry out the first step in a peaceful transfer of power, the military rulers disregard the appeals and continue they dictatorial form of rule. When forced to say anything, they now contend that too much time has passed since the election and therefore it should be ignored and everyone should look forward to a new election which will be held after the constitution, the rulers are preparing, is in place. This was made clear when the Burma Ambassador to Canada, U Nyunt Tin, speaking on Canadian Television, three days after Suu Kyi’s release, said, in response to a question about the election, that “it [was] already 12 years ago. Even in the (sic) any Western democracy countries, term of MP is 4 years or 5 years. It is 12 years now… Now we close the chapter.”

But Daw Aung San Suu Kyi has not forgotten the event and, with local and international attention focused upon her said, on May 10,

“This is a matter of policy so this is something that will have to be discussed. We have always been flexible…and we are ready to negotiate an outcome which will be favorable to the people of Burma.”

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A week later, she addressed the issue again, this time making a stronger and more direct statement.

“What we have always insisted is that the results of the 1990 election must be honored because it is a bad precedent to allow the results of an election to be set aside if they do not suit somebody’s wishes. So what are we insisting is very much in line with the provisions of the United Nations resolutions on Burma—successive United Nations resolutions. It also says that the will of the people of Burma as expressed in the 1990 elections must be respected and honored. So this is what we have always asked for and I think this is something which is a very, very reasonable thing to demand should happen in a country that is progressing with democracy.”

When the party members met to celebrate the anniversary of the election, they backed her call for a peaceful resolution through dialogue. Meanwhile, the military rulers have said nothing in public to indicate a change from the position enunciated by its Ambassador in Canada.

For the people of Burma, the revival of the election issue brought back memories of Burma government intimidation, arrest, violence and murder as they pressured party members to resign from the party and the elected member to surrender their right to represent their constituents. After twelve years of various forms of oppression, thousands of members and many elected representatives, who suffered imprisonment rather than resign from the party and surrender their rights to represent the people, remain. Despite the best efforts of the military rulers to undermine her support, enough people remain loyal and recognize Daw Aung San Suu Kyi as their leader who was not permitted to stand for election, see the party’s election victory as having established its right and legitimacy to govern and remind the world that the military rules by force alone with no popular support and no mandate. So long as the memory of the election and its results remain alive amongst the people, this chapter is not closed and political change has not begun.

The three issues, together with the events and statements of May 6 and afterward, form a framework for examining the question, what are the prospects for a democratic transition in Burma? At this point, they are not promising. Six weeks have passed— as this is being written— and while the time may be too short to judge whether or not the military rulers were sincere and truthful when they declared their recommitment to “allow” all citizens to participate freely in the political process, they have given no concrete evidence that they soon will.
Forty years have passed since Burma last enjoyed its original form of democracy. During that time, power has been concentrated in the hands of the military who have used it, in part, to erase the democratic legacy of the past. When the people rose on the streets of Rangoon and elsewhere in 1988, and called for political change from dictatorship to democracy, many who chanted the slogans did not know the meaning of the term, democracy. What they did know was that after twenty-six years of brutal, corrupt and incompetent rule by the military, they wanted change. Many stopped the few foreign reporters and tourists from the West and asked, what is democracy and how does it work?

They knew that it had something to do with civilian rule, choosing and changing your leaders by elections and freedom; they had hazy memories of civil society. Many remembered that before the military seized power in 1962, they could form almost any kind of association or group they wanted. They could publish and read newspapers and books on most any subject without interference by state censors, they could travel anywhere and visit any one without registering their moves and securing permission before leaving their homes. Schools and libraries were open and were stocked with reading materials on most subjects and people— adults and students— could organize political and social groups, discuss and advocate ideas which both supported and criticized the government’s leaders and policies. Most knew that the military destroyed the Rangoon University Student Union building in 1962 where students and national political leaders debated the issues of the day and most future political and social leaders, such as Aung San, gained their first real political experiences within its walls. These and other things constituted past freedoms which, while far from perfect under Burma’s first constitution, nevertheless, were rights and privileges most had never experienced under military rule.

The foregoing forms the starting point of any discussion of democracy today and its prospects for Burma in the near future. The writings and speeches of Daw Aung San Suu Kyi, which are available in Burma, but not easily obtained, form an excellent source of what democracy should and can mean for Burma, once the dictatorship of the military and its authoritarian ideas are swept into the “dustbin of history.”

It is the stated objective of both Daw Aung San Suu Kyi and the NLD leaders and the military rulers of Burma that the country, one day, will return to democracy. When the idea is discussed is there any real agreement between the two on its meaning? When Daw Suu Kyi was asked that question shortly after her release, she said optimistically, “I don’t
think our real understand of democracy is any different, although perhaps some would like to put a different official interpretation on it.” In response to a comment from her interviewer that it is the view of most people that the rulers do not believe that Burma is ready for democracy and that the country would fall apart if they [the rulers] loosened control, Daw Suu Kyi responded by saying that,

“I don’t think a country falls apart simply because there isn’t a ‘strong’ junta at the top—‘strong’ in a totalitarian sense. I think a truly strong junta is one that has the support and trust of the people.”

Since, she said that during the nineteen months of confinement after being stopped from traveling and restricted to her home and in semi-isolation in 2000-2002, she held many talks with the military leaders centered on “confidence building” and not on substantive matters, one has to ask, when, if ever, did they exchange views on democracy? If one compares the constitutional principles the military rulers are preparing and their speeches with the writings and comments of Daw Aung San Suu Kyi and the temporary constitution the NLD leaders drew-up in 1990 by which they intended to govern, it is apparent that there is a wide gulf separating the two which can never be overcome unless they talk together and are ready to compromise in order to find an agreeable definition which they can use to develop an acceptable democracy system.

The military says that power belongs to the people. But when government had been in the hands of civilians who were about to lose or had lost control of it, the military leaders believe, with Mao Tse-tung, that “power grows out of the barrel of a gun” and they had to seize it. That in brief, is how Gen. Saw Maung explained the military’s action in taking power in 1988 and he promised to return it to them, once an election was held and a civilian government was formed.

But the reality is that after a dozen years of exercising power, the military wants to make it permanent. It created a national convention of hand-picked delegates to write the principles of a new constitution which will include the proposition that the military will participate in the leading role of national politics in the future state. Because the national convention was a creature of the military, its members had to clear everything with the military officers in charge and were not free to discuss what went on in the convention with people they represented. Daw Aung San Suu Kyi withdrew her party’s representatives and refused to participate unless they were given freedom to talk freely, both in the halls of the meeting and outside with party members. This difference between the military rul-
ers and Daw Aung San Suu Kyi has never been resolved and is part of the wide gulf between them.

The military recognizes that society is multiracial and multicultural, but all are not equal. The armed forces are dominated by Burman officers and recruits. This is not the way it was when Aung San and the British created the army in 1945. Then, its officers and recruits were drawn both from the Burman-dominated Tatmadaw, and from the indigenous ethnic minorities whom the British had recruited into the Burma Defence Forces. After independence and the eruption of civil war and insurgency, the Burma Army, under Gen. Ne Win, slowly replaced its minority members with Burmans. Today, Burman dominance exists throughout the armed forces and elsewhere in society.

Daw Suu Kyi and the democrats in Burma also hold the view that society is multiracial and multicultural, but, as citizens, all are equal before the law. It is the democratic view of Burma that all are equal as citizens to participate in politics and take part in the economy.

The military leaders use the brief experience of popular rule and a quasi-federal system of government between 1948 and 1962 as reason why Burma was a weak state with ineffective government and why the survival of the state was under constant threat. Only after Gen. Ne Win seized power and displaced the system in 1962 did the military establish strong central control and order.

The soldiers-in-power believe that national security takes precedence over all other obligations. Thus, the future elected leaders must have extensive military knowledge and experience and in time of emergency, executive power will be taken over by the Minister of Defence. The military demands that it must receive 25% of the seats in parliament; the budget of the armed forces will not be part of the national budget and will not be discussed or voted upon by the whole parliament; only the military members will discuss and approve their own budget requests. These and other related powers are needed to insure that the military can carry out its self-defined responsibilities to “ensure the nondisintegration of the union, the perpetuation of national unity and the perpetuation of national sovereignty.” What remains for the people are secondary powers. With real power so unevenly distributed and with no checks and balances, the peoples’ powers can be set aside whenever the soldier-rulers declare that they interfere with the military’s responsibilities to protect the people and the state.

In 1962, U Nu, the last freely elected Prime Minister, invited all ethnic
leaders to come to Rangoon and enter into talks with the goal of finding permanent and lasting solutions to the political causes of disunity and political unrest. The minority leaders accepted the invitation, but before talks ended, the military seized power, jailed the participants and destroyed any chance for peaceful resolution.

Daw Aung San Suu Kyi and the NLD leaders also see dialogue as the way to solution. They believe that the internal wars reflect the unresolved political problems and that all involved participants must be brought together to talk, reason, compromise and seek lasting political solutions. Several of the issues trace back to the inequality felt and experienced by the ethnic minorities and the unwillingness of the military to resolve them by peaceful means. In 1963, when the military called a meeting of those in revolt to talk, the minorities quickly learned that it was not for dialogue, but a forum in which the military informed the others its conditions for ending the civil wars. The opposition could accept or reject the proposals. They rejected them and the wars resumed.

In 1989, the military adopted a new strategy which saw the rulers offer the insurgents cease-fire agreements which allowed the opposition to keep their weapons, continue to administer their areas and control their local economies in exchange for halting their wars against the state and not joining together with any minority group remaining at war with the state. Fourteen groups accepted and technically stopped their wars; five minorities continue their struggle with no end in sight. Throughout the thirteen years, there has been no dialogue on the causes and how to politically resolve the problems. The military’s position is that the problems will be addressed by the future civilian government.

The military rulers argue that for a strong and united nation, Burma must have a unitary system of government. With all real power concentrated in the hands of the rulers in Rangoon, and with a strong all-embracing administration system radiating from the capital to the furthest village on the nation’s borders, it will be possible for the government to respond to the needs and circumstances existing everywhere in the land. Also, given the fact that most of the ethnic minorities live in the mountains and border areas discontent and unrest can be dealt with quicker and more efficiently in a unitary state than in one which is decentralized; in the past, the states neither had the resources nor the manpower to deal effectively with all problems.

The minorities in Burma long have argued that they entered voluntarily into the Union in 1947; the original constitution established the principle that all states had the right to secede, but only gave it to two—the Shan
and Kayah States. Much of the discontent among the minorities stems from the inequality between states on this and other issues. In 1984, ten of the largest ethnic minorities at war with the state signed an agreement not to demand the right of secession; instead, they asked for the creation of a truly federal union so that the residents could enjoy some political control over their lives and the right to preserve and protect their way of life. To date, that statement has never been acknowledged by the military and they never explored its meaning and how it can be applied to Burma. Instead, the ruling junta continues to insist that without a strong central state, the union will fly apart.

The federal ideas of Daw Suu Kyi grew, in part, out of the thought expounded by her father in 1947 when he united the peoples in the final stages of their march to freedom. His thought and statements centered on the idea of “unity in diversity.” He pleaded with his followers not to interpret Burmese nationalism too narrowly. “It could only result in ugly consequences.”8

In February 1947, shortly after returning from London, Aung San told the Hill Peoples two important things: first, that if they joined the Burmans in forming a political union, they “would be allowed to administer their own areas in any way they pleased and the Burmans would not interfere in their internal administration.” And second, that they and their people would be equal to the Burmans—that there would be no dominant and inferior citizens. “If Burma receives one kyat, you will get one kyat.”9 Clearly, a federal Burma, gives everyone a stake in the nation’s survival and success and creates a peaceful united state.

When Daw Aung San Suu Kyi was asked recently, “do you see a federalist nation in the future of Burma,” she responded by saying that for a long and lasting union of Burma it would have to be federal. She reminded her listeners that many in Burma did not understand the term, federalism, believing, as many in the past believed, that it was “a system under which each state could opt to secede from the union. The NLD, she continued, had been trying to explain that that is not what it means. “Federalism” she said, simply means the division of powers between the central and the state governments, and that the constitution makes clear what powers the central government has and what powers the states have and who is responsible for anything that could be termed residual powers. “If there is a conflict over this, it could be resolved by the judiciary. She closed her remarks by saying that, “…the ethnic nationalities are not asking for secession. They are just asking for their rights within a true federal union.”10

The other great issue which divides the two rivals for power, is what con-
stitutes a democratic state. Daw Aung San Suu Kyi offers a traditional interpretation of democracy, that power belongs to the people and they should exercise it. Power is limited so that there is a degree of freedom and privacy enjoyed by all. Power is not the possession of any one class or group. It is open to all who contest for it peacefully through elections. Governments should be in the hands of civilians and so long as they remain within the bounds of the constitution, they contest for power on the basis of programs and ideas and the quality of the leader they support for elected office.

The military rulers have uttered very few words about the rights of the people in the 1947 constitution, rights were absolute, protected by the state and placed at the front of the law; under the 1974 constitution, rights were placed in the middle of the document and were not absolute. They were limited by the goals of the state and tied to duties. Under the new constitutional principles adopted at the National Convention, individual rights will be available only according to ordinary law. They will be available to “all citizens” but not to all people and again, duties will be tied to rights.

From the brief examination of some of the principles, it is clear that the two sides are far apart. If they are to achieve the goal of democracy, they have much to discuss and many compromises to make before they can establish a basis for democracy in Burma.

**II.**

The prospects for democracy turn on whether or not the military rulers really want to transfer power to the people; if they do they must take four important steps, end the internal wars, free all political prisoners, allow the rule of law to be restored and create the conditions so that a national informed dialogue can begin.

The internal wars must end! The government must call a national truce and combatants on all sides must draw back so there can be no accidental return to fighting. The military and many of the cease-fire groups have experience of living with each other while both retain arms but do not use them. This must be broadened and apply to all groups, especially those still at war. The latter must be given evidence that the ceasefires are genuine and the international community should be asked to provide peace observers with authority to report where and why there have been breakdowns and recommend ways to repair them quickly. Only in an environment, free of fighting can the three sides begin to hold talks and shift the
nation from war to peace.

If the military rulers want to signal the others that they are ready to find real solutions, the best way would be to follow the cease-fires with the release of all political prisoners; the government must give a full accounting of the prisoners it holds and, for any, whom it wants to continue to hold, it must prefer charges and allow the courts to decide. Nothing will say more and receive a quicker response than doing this. It will say loud and clear that the military no longer is judge, jury and jailer and the process of moving from dictatorship to government under law has begun. The military rulers must follow the release of political prisoners with an end to all restrictions on the people which are not based on laws which conform to the International Declaration of Human Rights, which Burma signed in 1948 in the UN General Assembly and with international treaties on human rights and freedom which it carried over from the colonial period and newer ones adopted following independence.

The military rulers must end the use of the elaborate surveillance system which it erected and used for four decades to control the people and deprive them of their basic rights and freedoms. The rulers must make it possible for the people to assemble, communicate and travel freely throughout the country and interact with anyone they wish either through direct conversation or the use of a restored popular press. Such a change will go a long way in reestablishing a civil society.

In anticipation of tripartite talks, all individuals should be encouraged to begin to hold discussion with one another about the future constitution and political system of Burma. In this informal way, dialogue can help evolve ideas and recommendations which can be passed on to the representatives in the formal dialogue process and thereby make the people realize that they are participating in the creation of the new constitution and the political institutions by which they will live.

Once change is underway and people begin to communicate with one another, meaningful and successful dialogue can begin and thrive in the new emerging environment. Peaceful and serious discussions between the three leading forces— Daw Aung San Suu Kyi and the NLD leaders, the military leaders and the ethnic minority leaders— can begin by building confidence between the participants from all sides. With real confidence in dialogue partners, talks can begin to be fruitful and will deepen the emerging process of change. The three sides must come as equals and all must be ready to listen to the others and look for ways to harmonize the different points of view they hear and they represent. There will be no peace or political changes unless all three can be satisfied that the talks
will be based on the principle of equality. No one group must try to impose its will upon the other two. A spirit of give and take must prevail and all three sides must give the others reason to believe that all are there to create a lasting and peaceful union, therefore, the ideas put forward, modified and adopted must have meaning to all three and not just one.

Finally, as the nation moves away from war to peace and local police replace armed soldiers in maintaining law and order, the environment at street level really will change. If all three of the major groups want to see Burma move from war to peace, the time to begin is now.

The military rulers seemed to have missed the opportunity to change the political environment following the release of Daw Aung San Suu Kyi; it appeared as though the nightmare of military rule will continue into the indefinite future. But the window of opportunity may still be open. If it is, the protagonists may still have a chance to introduce political change; but if they miss the opportunity the present will continue into the future and political change may never come in the lifetime of the present generation.

Note:
This article was originally given as a speech at the Democratic Voice of Burma’s (DVB) 10th anniversary celebration at Oslo, Norway.

Endnotes

* Professor Josef Silverstein is an academic from the United States of America. He is a well-known Burma expert with a long history of involvement in the issues of Burma. The Professor witnessed political changes in Burma from democratic regime to dictatorship in 1962, as he was teaching at Mandalay University in central Burma during that period. He has written and edited several books and articles on Burma. His book entitled "Burma: Military Rule and the Politics of Stagnation" (Cornell University Press, 1977) is a well-known text.

2. Aung Zaw, “An Interview with Aung San Suu Kyi,” The Irrawaddy


