Moving In Two Directions: Where Is Burma Headed?

Josef Silverstein*

The year, 2003, will be remembered for two events: the Depayin massacre and the Burma road map. In May, the junta permitted Daw Aung San Suu Kyi and members of her party to travel into northern Burma and engage in political activity; then, on May 30, as her party was peacefully returning to Rangoon, it was viciously attacked. The military rulers offered an unbelievable and unacceptable explanation of what had occurred. They accused the victims, Daw Aung San Suu Kyi and members of her party, the National League for Democracy (NLD), of initiating the attack to which the people who support the government retaliated. Not only was it quickly established that the minions of the ruling junta beat and killed her supporters, they also tried very hard to attack and murder her as well. Most of the world quickly condemned the military junta, several states placed new political and economic restrictions upon Burma. Despite the world’s outrage over the affair, the Burmese rulers took no steps to form an inquiry commission and seek to ascertain and report in full what had happened, why it happened and what the government did in response. Instead, it relied upon Art. 2.7 of the UN Charter, which declares that nothing authorizes the members of the UN “to intervene in matters which are essentially within the jurisdiction of any state...” and has said no more.

Three months later there were important changes in the ruling junta. On Aug. 25, Gen. Khin Nyunt, was appointed Prime Minister, and while Burmese and outside observers argued whether it was a promotion, as it was one of the offices Sen. Gen. Than Shwe, the head of SPDC—the ruling body—previously held, or a demotion because Gen. Khin Nyunt
gave up the office of Secretary-1 in SPDC—which made him third in ranking among its members. The move overshadowed the fact that there were four other personnel changes in the ruling group. Five days later, the new Prime Minister gave his first speech and used it to announce a road map to political change in Burma. His announcement surprised the nation and caught the world off-guard; it abruptly shifted the dialogue amongst friendly and hostile nations alike from their focus upon the brutal assault to an outline of how Burma intended to move peacefully from military dictatorship and martial law to constitutional democratic rule.

Since both events were initiated by the military rulers without warning, they appear to suggest that the oft-rumored split amongst the members of SPDC may now center on two issues: what to do about Daw Aung San Suu Kyi and the National League for Democracy (NLD) and political change as factions within SPDC struggle to lead the nation down different roads; do the events of 2003 reflect more than a split in tactics amongst the leaders? Are they still united in the goal to remain in power at any cost? While these and other questions hold the world’s attention and the Burmese people continue their forced march down the road of permanent dictatorship?

The Depayin Massacre...

The world was shocked by the attack upon Daw Aung San Suu Kyi at Depayin; its causes and expected gains for the soldiers in power are still unclear despite the efforts of governments, diplomats and journalists to get all the facts and understand who was responsible and why such a massacre was perpetrated. To the friends of Burma, it is especially puzzling as they remember that a year earlier, the military rulers made a great show of releasing Daw Suu Kyi from house arrest and informing the Burmese and the world beyond that she was free to do whatever she wished, to move about, talk and meet whomever she wanted. On May 6, 2002—the day of her release—Lt. Col. Hla Min, made the government announcement,

“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”.

Daw Suu Kyi almost immediately tested the government’s sincerity by making trips to areas beyond Rangoon in order to reconnect with leaders and members of her party and revive their involvement in working for po-
political change. Yet, a year later, the military turned its attack bullies on the peaceful homeward return of a caravan of her party members with the obvious intent of putting an end, once and for all, to their political opposition.

Why did this happen and how does it relate to Lt. Col. Hla Min’s declaration?

Thus far, there are no clear answers. The only public statement about the event made by the military was that Daw Suu Kyi’s meetings and statements were inflammatory and together with her followers’ actions, provoked the attack which befell them. The government’s spokesperson declared that only four persons were killed and fifty were injured. Today, neither the people in Burma nor the world beyond believe that government statement; at the same time, the ruling junta has made no effort to hold an official inquiry or allow an investigation by a responsible independent international body to come to Burma and report its findings. Immediately after the incident at Depayin, the US Embassy sent its own staff members to examine the area of the attack and interview any at the location with knowledge of what happened; it released its findings almost immediately. Other embassies, independent journalists and the Special Rapporteur for the UN Human Rights Commission sought to uncover the truth of the event but only Mr. Pinheiro was able to talk to government officials and learn what they had to say and written.

What happened at Depayin may never be fully known; however, the most responsible report, [in the judgement of the writer] was made by UN Human Rights Commission Special Rapporteur, Paulo Sergio Pinheiro. He wrote it after he made his last visit to Burma on Nov. 3-8 and submitted it to the Human Rights Commission in Geneva on January 4, 2004. His report was based on meetings and discussions with senior military leaders, Daw Aung San Suu Kyi and U Tin U of the NLD, other victims, bystanders to the incident and others with whom he talked. Some of what he reported and conclusions he drew are the following:

- the government officially investigated the Depayin Affair and wrote a report, but never circulated or made it public. He requested and was given a copy of the unpublished report.
- from what he saw and heard, “he is convinced that there is prima facie evidence that the Depayin incident could not have happened without the connivance of State agents.”
- he reported that “...as pro-Daw Aung San Suu Kyi rallies were growing larger, in particular in the period between 25-and 30 May 2003, there was an escalation of threats, provocations, harassment, intimidation, bullying and orchestrated acts of violence.

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with the involvement of those opposed to NLD and/or those who had some connection to Government affiliated bodies...

on the day of the incident... “At about 7 p.m., the motorcade, comprising at least around 11 cars and 150 motorcycles left the village of Saingpyin and headed for Depayin.

“By the time they arrived near Kyee village, at around 7.30-8p.m., it was getting dark. Testimonies state that two or more monks, or people dressed as monks, appeared in front of the motorcade and asked Daw Aung San Suu Kyi to address the people. Violence erupted when approximately 50 people riding in a truck that was tailing the motorcade began to attack the convoy. They were joined by others from more than 10 buses and trucks, each carrying 30-40 people that had been following the convoy since it left Butalin, their headlights on lighting up the scene. The motorcade seemed to hesitate; then, as if on command, the people dressed as monks began to smash the vehicles' windows with bamboo stakes, including the vehicle in which Daw Aung San Suu Kyi was riding. The truck drivers seemed to have been forced by local authorities to participate.

“The attackers were civilians and wore white armbands, including the ones dressed as monks. People wearing such armbands had been seen prior to the incident in a smaller village and photos of the site of the attack taken a few days later show white armbands strewn around the field. There seemed to have been one or more leaders giving orders to the attackers. The violence was directed both against those in the convoy and the 200-500 villagers who had gathered to greet Daw Aung San Suu Kyi and her party. Some of those in the convoy stayed in their cars and some got out of their cars and tried to hide in the fields; both groups were attacked. The attackers used sharpened bamboo and wooden stakes and iron rods. The attackers also hit people with stones, reportedly harassed women, ripped off their blouses and stripping off their jewelry, and also took people’s personal belongings from the cars. The attackers reportedly shouted, “Do not call us Kyantphut any more” Kyantphut being a derogatory term used to refer to members of the Union Solidarity and Development Association (USDA) a pro-government mass organization. According to testimonies, there were between 50 and 70 people lying on the road, either injured or dead. By 9 p.m., the violence ended.

“It is reported that after the situation had calmed down, about eight vehicles, including trucks, arrived at the site of the incident. Their passengers covered the bodies with blankets and put them on the trucks. Some of those removing the bodies were allegedly wearing military uniforms. They also cleaned the road with branches they ripped off nearby trees.”

“Daw Aung San Suu Kyi was traveling at the front of the motorcade
in the cab of a pick up truck with two other persons; more people were in the open bed of the truck. When the truck was attacked, one of her companions pushed Daw Aung San Suu Kyi’s head down and covered her with his body while the driver pushed onto Ye-u, a town beyond Depayin. At the entrance they were stopped by a bar across the road.

“Daw Aung San Suu Kyi and her companions were then taken to Ye-u police station where they remained in what appears to be a guest room until 1 a.m. Later that morning, she was told that arrangements had been made to take her somewhere else. At that point she realized that U Tin Oo and some of the others from the convoy who had been left behind were at Ye-u as well. When she refused to go without the others, policewomen carried her to a car. They started driving, stopping twice, first at the 6th Tank Battalion rest room and then at an army guest house in Minbu. They drove for 24 hours, reaching Insein prison at 8.20 a.m. on 1 June. There she was kept in a small house in the prison compound until 24 June, when she was moved to Ye Gaung Yeiktha in Ye-Mon army camp.; She left the camp on 16 September, when she went into hospital for an operation. She remained in the hospital 10 days and returned home on 26 September.”

When the peoples of Burma and the international community learned that she was home and later, that she was free to leave her house, the international press began to lose interest and turned its attention elsewhere. But for the peoples of Burma, the situation did not return to normal. Daw Aung San Suu Kyi refused to accept her “release” until other leaders, such as U Tin U, also were released and all were free to resume their normal activities. As this is being written Daw Suu Kyi and the other leaders still are confined under house arrest.

Mr. Pinheiro concluded his report of the event with the observation that,

“The Special Rapporteur therefore proposed to SPDC that he conduct an independent assessment of the Depayin incident under his mandate, or assist in carrying out a full and independent inquiry.”
Apparently, the new page that Lt. Col. Hla Min reported had been opened was closed when Daw Aung San Suu Kyi used her freedom to travel widely and reawaken national interest in politics. It brought ever larger crowds to see and listen to her and the military rulers must have realized that she and not they were the object of the publics’ attention and affection. It seems likely that the military rulers hastily turned to another page.

**The Burma Road Map.**

Even as the world’s interest in Burma affairs remained seized by the Depayin Affair, the Burma military rulers refocused their gaze at the end of August when they made important changes in political leadership with Gen. Khin Nyunt’s replacement of Sen.Gen. Than Shwe as Prime Minister as the most significant. While diplomats and commentators alike tried to understand the meaning of the changes, five days later, the new Prime Minister drew the world’s attention by giving his first address and ending it with an announcement and brief discussion of the road map to political change the government intended to follow. For some time, various states, NGOs and foreign political leaders had been suggesting road maps to political change and had been urging the junta to announce a plan of its own or adopt one of their suggestions and set it in motion. Spokespersons for the Burma junta contended that such suggestions and offers of aid by others, in both devising a road map and helping to put it into play, were “interference in Burma’s internal affairs” and contrary both to the UN Charter and the Asean Way and would not comment upon them. Once Burma put forward its own plan, Thailand dropped its suggested road map, gave full support to the plan of the Burma Prime Minister and sought to rally other nations to join him.

General Khin Nyunt announced his road map as part of a larger address which he delivered to a domestic audience drawn from members of his government, military leaders and at least two members of the SPDC. Neither members of the diplomatic community nor the public were invited to attend. He devoted the largest portion of his remarks to reviewing the state’s accomplishments since the military seized power. With this as a reminder of what they have done thus far, and having said nothing about the Depayin affair, he closed his address by announcing the government’s next mission—transforming Burma into a disciplined democratic system.

Khin Nyunt framed his proposal with the reminder that Burma is a multi-nation state of “over 100 nationalities that have lived together in
unity and harmony for thousands of years, it is a nation that is striving with highest priority to build national unity and repeated the watchwords of the Tatmadaw: non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, “as the national policy of the country.” He reemphasized this thesis by declaring that “the most important factor in building a new, peaceful, modern, developed and democratic nation is the emergence of a disciplined democratic system that does not effect the historical traditions of the Union...and that does not effect the national prestige and integrity of our people and nation; and that does not effect the national characteristics of our people.” He never specifically said what he meant by “disciplined”, although he used the term twice; he apparently did not need to as the audience understood. If any didn’t, his summary of Burma’s history under military rule—its economic and social accomplishments under order it imposed in 1988 and maintains over most of the 50 million people living in Burma—should have made it clear. If any still didn’t understand or had any doubt where the new Prime Minister intends to lead the nation, he said in closing,

“...it is very important to advance along the national path without deviation by firmly embracing patriotism, national spirit, spirit of national unity and Union spirit for the perpetuation of the Union in its march toward the national goal of a new peaceful, modern, developed and democratic state for the long term interest of the state and all the people.”

The Khin Nyunt road map offers seven steps to political change. It begins with the reconvening of the National Convention (NC), an institution which the military created in 1992 and allowed to remain active until 1996.

2. A “step-by-step implementation of the process necessary for the emergence of a genuine and disciplined democratic system.”

3. “Drafting of a new constitution in accordance with basic principles and detailed basic principles laid down by the National Convention.

4. “Adoption of the constitution through national referendum.

5. “Holding of free and fair elections for Pyithu Hluttaws (legislative bodies) according to the new constitution.

6. “Convening of Hluttaws attended by Hluttaw members in accordance with the new constitution.”
7. “Building a modern, developed and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.”

Even as he spoke, the first steps onto his road map had been taken. The government reassembled the three leadership bodies of the National Convention, the 18-member National Convention Convening Commission under Lt Gen. Thein Sein, Secretary-2 of SPDC, which is charged with overseeing the drafting of the Constitution; the 35-member National Convention Convening Work Committee; the 43-member National Convention Convening Management Committee. In the report of the Special Rapporteur, Mr. Pinheiro noted that there were no representatives of the NLD, other political parties or the ethnic minorities on any of the three committees.

The Special Rapporteur’s January 4, 2004 Report said that he was informed that the new NC will start where its predecessor left off, building upon the 104 Principles adopted in 1993 and all political parties will be able to participate equally in the Convention as one of the eight eligible categories of participants. Mr. Pinheiro also wrote that in answer to his specific question regarding NLD participation, he was informed that NLD would be expected to take part in the National Convention and it was now up to NLD to come forward and join the process. Gen. Khin Nyunt gave no indication that the government would recognize the overwhelming victory of the NLD in the 1990 election and that it would count for something in the new NC. The Special Rapporteur observed that “the process of the National Convention has yet to embrace those elements that are conducive to a genuinely free, transparent and inclusive process involving all political parties, ethnic nationalities and elements of civil society.

So little is known about the stops along the road map, it is impossible to know if its goal can be reached. All who have read and studied the map make the same first observation—it has no time table. Since it has taken sixteen years since the military seized power in 1988 to get to this point, it seems unlikely that the road to a disciplined democracy will be completed anytime soon.

The first step appears complete; what other principles are left to add if the NC must begin its work where its predecessor left off? There seems to be little for it to do. The original NC made certain that the military would dominate the future government in the executive and legislative branches. The military must have a quarter of the seats in the new Pyithu Hluttaw and the hluttaws at the levels below; it also excluded the military budget.
from review by the civilian members of parliament. Although the principles adopted by the first NC acknowledged the subdivision of the country into fourteen parts—the same as before the military seized power in 1988—the previous divisions will be called regions and the states will continue to use the names given to them in 1974. The new political system will not be federal; instead, to satisfy the ethnic minorities who have struggled for so long to achieve some form of self government and right of self determination, the constitutional principles adopted call for subdivision of states and regions into self administered areas and allotting them to peoples of the same race who reside together in common stretches of land in appropriate sizes of population; at the same time, the national races who have states will not receive additional territory of their own in the states or regions of others regardless of how large their concentrations outside of their own states may be.

As for the Tatmadaw, the accepted 104 principles declare that it has the right to independently administer all affairs concerning the armed forces; the Defences Services Commander-in-Chief is the Supreme Commander of all armed forces; and the Tatmadaw has the right to administer for participation of the entire people in State security and defence; the Tatmadaw also has the main responsibility for safeguarding non-disintegration of the Union, of national solidarity, perpetuation of sovereignty. The Tatmadaw is mainly responsible for safeguarding the State constitution.

If one assumes that the new NC completes its work, who will define the work to be done at the second step—implementation of the process necessary for the emergence of a genuine and disciplined democracy? Although Prime Minister Khin Nyunt discussed the concept in his formal speech, the term does not appear in the adopted principles. This, in fact, may be a topic the new National Convention will take up and resolve.

From the Prime Minister’s speech, it is not clear whether the elected members to the Pyithu Hluttaw who were chosen by the people in 1990 will be assembled. According to the SLORC Announcement No. 1/90, July 1990, Art. 20, “The representatives elected by the people are responsible for drafting a constitution for the future democratic state.” Unless the present rulers intend to violate their own law, the Pyithu Hlattaw should finally be seated. Also, if the military honors its own declaration (1/90) there is no basis for the National Convention to have any role in writing the new constitution. If both the NA and the members of the Pyithu Hluttaw are seated, it could lead to a contest between the two over the validity of the constitutional principles. Since the accepted meaning of the term, Pyithu Hluttaw was defined in the 1974 constitution as the “highest Organ of state power and exercises the sovereign powers of the...
State on behalf of the people,” it remains to be seen, whether or not the SPDC will allow the Pyithu Hluttaw to be seated and act freely, without dictation, as implied in the formal term or if it will be required, as a price to be seated, to voluntarily follow the principles drafted by the NC. Or, does the ruling junta intend to cancel the election results, even at this late hour, and give the job of writing the new constitution to the members of the NC?

These are just a few of the questions which must be answered if a constitution emerges which the people will accept and live under in peace.

What Do The Two Events Suggest About The Future?

How do Depayin and the road map relate? Did they occur because the military leaders were divided on the question which has vexed them since Daw Aung San Suu Kyi arrived on the political scene on August 26, 1988—how to get rid of her without arousing the population against the military? Did the military leaders see her growing crowds during her visits outside of Rangoon and their own failure, thus far, to win popular backing as an intolerable situation. Did they reason that unless they got rid of Daw Aung San Suu Kyi they would never be able to make their dictatorship permanent. Depayin offered them a way of solving their problem with her if she had been killed. Anything, they may have reasoned, can happen in a riot; and had the attempt on her life been successful, it would have drawn sharp and loud criticism from abroad and caused great discontent and unrest among the peoples of Burma. But, had she been removed, it would have become an historical fact, just as the assassination of her father became a fact that everyone eventually learned to live with.

Given that no other person has her charisma and hold upon the people, both in and outside of Burma, a leaderless opposition to permanent military rule could, in time, have been manipulated, split and made irrelevant.

Does the road map idea achieve the same end without the need to murder their rival and fear that someone else might rise from the crowd, take her place and assume the leadership in Burma’s struggle against military dictatorship? Presumably, the road map was addressed to the people primarily and to the outside world secondarily. It suggested that the military, at last, felt strong enough to push through their constitution and erect a permanent constitutional dictatorship. With or without Daw Aung San Suu Kyi, it may have seemed to the military leaders, who sup-
ported the map, that it could count on the people not to rise up and attempt to challenge their rule and count on a few foreign states to support its move; it also may have discounted the states of Western Europe and the United States as unwilling to repeat the Iraq experience. So long as Burma opened its physical and human resources to foreign investors and gave them financial or other rewards for supporting strong military rule, the military rulers could triumph.

For the supporters of the road map, the elimination of Daw Aung Suu Kyi, was not necessary to successfully complete their plans. They know that her isolation under house arrest is acceptable to the Burmese people and the international community so long as everyone knows or believes that she is not mistreated and is allowed a tiny decree of freedom within the walls of her villa. If, however, the plan to murder her in a riot, or in a situation where her guards were incapable of protecting her from the wrath of her attackers, that might be made acceptable if they could convince the people that they did everything to protect her. And, if they failed, it would be seen by all that it was not the military which murdered her, but an individual or group of individuals who were unknown before the tragic act and they could not be prevented from carrying out their plans. If a proper period of mourning was decreed and she was interred with her father it could respond positively to the Burmese sense of forgiveness that Buddhism teaches, all of its followers might respond peacefully and no hold the military rulers at fault.;

Time seems to be on the military rulers’ side as states both near and far grow impatient to see some sort of political stability return to Burma, some sort of power structure in place which can contain the “radicals” in Burma and create an environment to allow the nation to participate in the great projects of international highways, waterways, dams and power projects being planned in Southeast Asia which depend upon the inclusion of a peaceful and cooperative Burma.

It can be hypothesized that probably most of the members of SPDC favored the Depayin plan, as it was the first to be tried. When its failure was realized, the leaders drew together, said nothing and waited to see what domestic and international action it might have provoked. The people, though angered, were not able to unite and respond forcefully to the men who almost succeeded in murdering Daw Aung San Suu Kyi. The international community quickly spoke up and major industrial nations such as the United States, Japan and the Western European states took some kinds of economic action. But carried on at a distance and with the United States deeply involved in the Middle East, the industrialized states, too, could not unite on what to do and, in the end, each took

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its own action as they reacted independently.

In the face of the negative reaction primarily from Western states, the Burma rulers turned to Asian neighbors and friends to contribute support. Thailand, leaped to Burma’s defense and PM Thaksin sought to lead and orchestrate a “Stand by Burma” program. Since Thaksin assumed the office of Thailand’s PM, he has moved his nation as close to Burma as possible with the hope of receiving economic benefits for his family’s businesses as well as for the nation. China, India and Bangladesh, too, refused to condemn Burma or join the West in any common anti-Burma program. With these and other nations on its side, Burma had nothing to worry about from neighbor states.

In this situation, the Burma leaders were free to rethink the Depayin and other anti-Daw Aung San Suu Kyi actions. The plan to announce a “road map to political change” was an ideal way to shift interest away from the horrors of Depayin and toward Burma as it “turned, yet another page”; this time to solve the long festering political problems by moving the nation toward a “disciplined” democracy. Even though the seven steps are so vague that the map can lead anywhere or nowhere, each nation can fill in the blanks itself and wait to see if its guesses were correct.

In the meantime, the junta reshuffled the seats at the leadership table, giving their system a French look with a Prime Minister to oversee the day to day affairs and shoulder the blame if any emerges and establish a Presidency with real power in his hands of the nation’s leader, especially to choose and dismiss his Prime Minister.

As Daw Aung San Suu Kyi awaits the freedom of her fellow leaders and the people await peace, freedom and security from a demanding, violent and predatory government, Burma’s wheel of fortune is being readied to be spun once again.

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**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.