Burma and its road map

Uncertainty

Burma’s Constitution-drafting National Convention resumed after a break of 8 months. The exercise is going on since 1993. Now it is the fourth session scheduled to last two months. This is the first step of the seven steps envisaged in the “road map”. Even within 2 years, the first step could not be completed. The draft document includes 15 chapters, with 9 left to be finished. Australian Foreign Minister stated “The progress has been as fast as glue flowing up the hill” How long the seven steps will take to be reached, is anybody’s guess. No time frame has been laid down because basically it lacks sincerity and confidence in their own capacity to reach the goal. It is therefore consolidation of power that is the main determinant. The seven steps will take years to be reached. In the first step with many more sessions, only the outline of the future constitution will be settled. Thereafter it will have to go to the expert Committee to refine it. The refined Constitution will come back to yet another session for approval. Then there will have to be a referendum which is a time consuming process: the appointment of Election Commission, updating of the voters’ list and other logistics of referendum process are a few examples. After that, if referendum accepts the constitution, a General Election will have to be held. Participation of different political parties and groups and all the requirements for free and fair election will have to be arranged. Whether the verdict in the election will be honored or not, there is no guarantee. Nobody can assure that it will not be repetition of May 1990 election.

Objectives

It made an announcement that it will endeavour “to build a genuine disciplined, and flourishing democratic state” which is best suited to its people. One of the six objectives of the convention calls for the military to play a “Leadership role in
the future State”. This session will focus on issues, sharing of administrative and judicial power in future government.

As a matter of fact, the critical objective is to entrench the military grip on power with a façade of a Constitution.

**Composition**

There are 1086 delegates, military picked representing “all walks of life”. The appearance of representative ness and inclusiveness has been sought. But representatives cannot be delegates unless they come with the mandate of people exercised through free and fair ballot system. Composition has been made so that they all become yes voice. The previous sessions bear testimony to the fact of rottnness of the composition. Constitution is the Supreme Law of a country bestowed with respect and regard. The process that the junta is following is fraud and a crime. In order to make the convention more democratic, junta could have put the issue of participation of NLD/SNLD members for debate and discussion by the delegates. Although they may reject the debate would have lent some understanding of the issues at stake.

**Legitimacy**

The convenors of the Convention are lacking in legitimacy. The junta had held a General Election in May 1990. Daw Aung San Suu Kyi and her party NLD got 88% of people’s vote. Non-participation of representatives of this vast majority group rendered the entire Constitution making process invalid. The illegal detention of NLD leader makes the case far worse.

From international dimension, the matter is also seriously flawed. The United Nation Security Council has taken the issue to hold a closed door “briefing regarding the prevailing situation in Burma. The US has called Burma under junta as “out post of tyranny”. The Asean lawmakers have also asked for the release of Daw Aung San Suu Kyi. Their pressure enabled a situation to develop where by the junta was forced to give up its chairmanship of the Asean Summit soon to be convened.

**Credibility**

The gingerly manner that the process is being conducted and prolonged has already cast doubts in the minds of the people as to its real destination. Convention is shaky, credibility has further eroded, with ethnic groups marginalised at the talks. The New Mon State Party which signed a peace deal with the junta and
represents the ethnic Mon are not attending because their earlier proposals were ignored. The leaders of Shan groups have been arrested and convicted a few months before the convention was due to start. Daw Aung San Suu Kyi is still under house arrest and her opposition party of Daw Aung San Suu Kyi has refused to participate. The house arrest was extended for 6 months on the eve of the commencement of the session. By non-extension junta could have given a gesture to initiate confidence building step. The junta could have also amended some office rules and regulation governing the National Convention to enable Daw Aung San Suu Kyi’s NLD to rethink and rejoin “and involve them in the military’s reform process. This would have been a positive step to add credibility to the Convention.

The delegates are barred from speaking to reporters or even leaving the compound. The UN human rights envoy to Burma likened the event to “mass house arrest”. This restriction in the context of secrecy shrouding the Convention is a factor which weighs heavily against credibility of the exercise. Phillipine Foreign Secretary said “When your credibility is at stake there is a limit to one’s tolerance and patience”

Conclusion

The demand of different political parties inside and outside Burma, the demand of the ethnic nationalities for a peaceful settlement of the political crisis are being ignored by the junta. In tandem, the call by the international community to speed up progress of the constitution making process has been rebuffed. The junta is acting like a full blown dictatorship. All such dictators have fallen. The more it becomes adamant for a peaceful regime change, the more will the ground under its feet be removed. Nobody is asking it to do a favour to the democratic society. All that it expected is that it takes lessons from history, end the misery and suffering of the people, open the door for creation of a new society in the family of nations. Let the process be inclusive, participating and representative. The Convention is the only chance for junta to take initiative to break deadlock with Daw Aung San Suu Kyi’s NLD and for the people to wrestle any political reform from the junta.