The Protection of Law for the Rule of Law

According to what we know about the history of human civilisation, human beings first lived in families. Later, they formed villages, towns, cities, and states and today live as larger groups based on geographical, racial, religious, political factors or other common purposes.

Individuals and groups of individuals in any society relate to each other through a set of broadly-agreed understandings defined as rules and laws. The same is true of the relationship between nations.

Consider what might occur if there should be no respect for the rule of law in our society. Speculate if you will about what might be the outcome if the formal rules and laws which govern the relationships within civil society were to be overthrown. Without the rule of law, the most powerful are always right while the weaker ones always wrong. We can find many examples throughout history where the more powerful safeguard their personal, family or junta interests at the expense of the powerless by might of arms. In society where the rule of law is replaced by armed might, individuals have no access to the protection of law.

The importance of rule of law for civil society is clear and beyond question.

This is exactly the situation in today’s Burma under the SLORC/SPDC. The country and its people suffer because the rule of law has been replaced by the domination of the military junta who cling to power illegally and who continue in power by perpetrating acts of cruel suppression on the people who dare to challenge their right to usurp government. One incident which demonstrates the abuse of power and the fear which is engendered in a community by the use of “bully boys”, follows. It may only be regarded as a minor matter to some, but it is indicative of the day to day harassment of political opponents at a local level.
The NLD party signboard, erected at the NB) party’s Northern Shan State office in Lashio township, was destroyed unlawfully by the Local Law and Order Restoration Council Chairperson and his collaborators on February 22, 1997.

On that day, NLD MP U Sai Myint Maung from Lashio constituency, officially informed both the SLORC/SPDC’s Shan State Administrative Commission in Taunggyi and Lashio Townships Administrative Commission that he intended to erect an NLD signboard at his home (used as NLD party’s Northern Shan State office). A legally registered political party has the legal right to open a party office and to erect a party signboard. MP U Sai Myint Maung was exercising his rights as a member of legally registered political party, the NLD).

At ten a.m. on the day in question, SLORC/SPDC’s Local Law and Order Restoration Chairperson Mr. U Ba Aye, together with other local officials, arrived at MP U Sai Myint Maungs office and demanded that the NLD signboard be removed, gave the reasons cited 1 - 4 below, and promptly left. Those reasons were:

(1) As a SLORC/SPDC local administrative chief, he had no authority to permit the setting up of the NLD signboard,
(2) (Local residents) did not want to see the signboard in the area,
(3) The setting up of the NLD party signboard was not acceptable to local residents,
(4) He could not be held responsible if local residents who opposed the setting up of the signboard created problems for the NLD.

Chairperson U Ba Aye returned four times to demand that MP U Sai Myint Maung move the party signboard.

U Sai Myint Maung is an MP, a legally and democratically elected people’s representative. In democratic countries, MP’s are always highly respected by government officials of all levels. In a country ruled by military dictators like Burma, it is totally the opposite. A provincial SLORC/SPDC official, such as the local administrative chief, could assert considerable power, not law, over an MP.

Although U Sai Myint Maung tried to reason with U Ba Aye, the SLORC/SPDC’s local chief, his reasoning fell on deaf ears. Although the SLORC/SPDC agent was not able to sustain his objections, he would not agree to back down. All U Sai Myint Maung’s reasons and explanations failed to convince the SLORC/SPPC’s local chief.
When NLD MP U Sai Myint Maung asked those local administrative officials who came with U Ba Aye about the signboard issue, they admitted that they were only told by U Ba Aye to go with him and knew nothing about it and that they had neither heard nor seen any local resident who opposes the NLD signboard being set up in area.

At exactly 11:15 a.m. on the same day, the SLORC/SPDC’s local chief came back with a gang of 15 “bully-boys” to U Sai Myint Maung’s office and, shouting and cursing loudly, they started to throw bricks and stones at the NLD party signboard and destroyed it completely. U Sai Myint Maung immediately telephoned the local police, the local investigation unit, and the special investigation unit for help.

But no one came.

SLORC/SPDC’s purposeful violation of U Sai Myint Maung’s political and personal rights is no aberration on the part of a provincial operative who was over-zealous. Rather, such behaviour stems from a military dictatorship which is determined to hold on to power at any cost, and this attitude is reflected in their treatment of all those MPs elected in the 1990 election. For it is the democratically elected members of parliament who stand with Aung San Suu Kyi as the one great threat of all the usurping military junta represent.

In a country ruled by the oppressive regime like SLORC/SPDC that monopolists not only administrative, but also legislative and judicial power, who can people like U Sai Myint Mating turn to for justice and the protection of law?

The clear answer is that there is no-one in the administration or in the judiciary who can stand with them. Their recourse is to the people who suffer under the military tyrants, and to the international community.

Superficially, readers may view this case as that of an angry mob simply destroying a signboard set up at a house - a petty offence that has little or no significance. However, the action of the SLORC/SPDC-inspired mob was clearly politically motivated. The signboard itself is not the target. The motive of the mob was obviously not just to destroy the signboard, but to harass the NLD party’s activities, and to intimidate the on-lookers who then kept their silence though fear of similar retaliation or worse.

In a country completely lacking the rule of law like Burma, all that the NLD party can do is to send a letter of a complaint. NLD Chairman, U Aung Shwe, sent one such letter to SLORC/SPDC’s Chairman, who simply ignored it. SLORC/SPDC’s lackeys continue to do whatever they
want to destroy the vulnerable NLD party.

The official view of BLC is that as long as the rule of law has not returned to Burma, harassment of the NLD party and its supporters will continue at the hands of the SLORC/SPDC’s lackeys.