

**(A.5)****ANALYSES OF THE SITUATION IN BURMA****A. THE SPDC: NOT PLANNING TO STEP DOWN BUT *STRENGTHENING* ITS POWER**

The SPDC has proven its unwillingness to relinquish power. The regime repeatedly promises one thing, and then reneges on what it has stated to serve its own purposes. In 2005, the SPDC established Naypyidaw as the new capital of Burma. Located approximately 320 km north of Rangoon, the move attests to the SPDC's intent to maintain political control. In contrast to Rangoon, Naypyidaw is relatively undeveloped and unpopulated (except for by government officials). The area is void of mobile phone service and private landlines are prohibited for civil servants. The top military generals themselves live hidden from the public eye in mansions 11 km from the main government offices. Naypyidaw represents less of a capital city where a citizen would go to petition a government, and more of what it really is—a military base with pitiful civilian trappings.¹

One advantage of the new capital is that it is too removed from the population to be disrupted by events like the 2007 Saffron Revolution, where monks flooded the streets of Rangoon. Business continued as usual in Naypyidaw, while the junta brutally quelled the uprising down south and arbitrarily imprisoned thousands of citizens. In the face of such blatant protest, General Than Shwe proceeded to prepare for a referendum on 10 May 2008 to ratify the constitution developed by the National Convention.

B. ARE ALL ELECTIONS STEPPING STONES FOR A GRADUAL DEMOCRATIZATION?

The tenets of liberal democracy—protection of individual rights, separation and independence of government branches, media freedom, and a robust civil society—will not appear overnight. Such institutions must be intentionally fostered and sustained in a political environment that is conducive. It is difficult to maintain democracy in the best of situations, and nearly impossible to establish democracy following a history of violence akin to the scale in Burma. The current example of Iraq highlights the difficulties of uniting a diverse population under one national, democratic government after decades of authoritarianism—despite billions of dollars in aid and technical assistance. The lack of information in Burma is another barrier to democratic transition. Even if liberal norms are clearly understood, the practice of such norms is a completely different matter. In order to prime the population for democracy, the SPDC should give civil society free reign to education others about the exercise of



liberal rights. Without this political backdrop, the elections are just another puppet show with no clear objective.

Earlier this year, the International Crisis Group (ICG) released a report describing the 2008 Constitution as the “flawed product of a flawed process”.² At the same time, the report submitted optimistic hopes for the elections to spur political change. Though the Burma Lawyers’ Council would like nothing more than for this election to ignite genuine democratization, it is crucial to remember that the 2008 Constitution, as it stands, will never lead to such a transformation. Though elections were held four times under the 1974 Constitution, none of these could be described as gradual stepping-stones towards democratization. The ICG raised three points as to why the 2010 Elections might lead to democracy:

- the hopeful promise of generational transition;
- provisions in the 2008 Constitution envisioning a multi-party state capable of representing divergent interests;
- the improvement in the domestic and international contexts, including developments in information technology (IT), media, civil society, and political awareness.³

Unfortunately, even given these concessions, there is no reason to believe that the present scenario will differ from the historical course of elections in Burma.

First, positive generational transition can only occur when the generation coming into power has been exposed to and believes in the merits of liberalization. Nothing in the past half century has set the groundwork for that occurrence. Moreover, the 2008 Constitution does not lead in the right direction for promotion of human rights and encouraging democratic Rule of Law. No country in the world has transformed itself from the rule of military dictatorship to democracy within the framework of a Basic Law similar to the SPDC’s 2008 Constitution, which simply legitimizes the military dictatorship.

Second, despite claims of multi-polarity, no actions on the part of the SPDC have fostered such a political climate. Decades of anti-association and anti-assembly promulgations make the declarations of political heterogeneity ring hollow. Even if divergent groups were allowed to be elected and hold office, the charade of democracy would end there. Between the 75 percent majority needed to pass bills and the 25 percent of parliament claimed by the military, it would be virtually impossible for any group to pass meaningful legislation. A multi-party state is pointless if even the best of coalitions remain impotent to render change.

Third, while IT, civil society, and political awareness in Burma have undoubtedly developed from 35 years ago, instances like the Saffron Revolution



reveal that it is still unable to influence the governing powers. Media is so tightly censored that it symbolizes the junta's unquestionable control more than anything else. Regional pressure is unlikely to materialize considering the passivity of the Association of Southeast Asian Nations (ASEAN) in dealing with the military. The analysis that 'the [regional] context has changed'⁴ presents a worrisome presupposition. Moreover, the lack of sustained pressure and tangible action on the part of the international community has actually seemed to result in an ever-emboldened regime. Though the international community has expressed the intent to take action, current efforts appear uncoordinated and even contradictory at times.

In Asian countries where democratization has occurred (such as South Korea, Taiwan, and Indonesia) economic liberalization and the loosening of political control have preceded such transitions. In the cases of all three countries, military dictators ruled for several decades. Generational transition, however, did not happen within the framework of the constitutions. Instead, student demonstrations with the background support of civil society organizations facilitated societal change outside of the constitutional framework. Additionally, the authoritarian regimes of all three countries were reasonably susceptible to popular opinion, which paved the way for stabilization into liberal democracy. Thus, civil society can only be effective in propelling democratic change if the ruling authorities are also willing to concede power incrementally. These factors are still not in place in Burma. Due to arbitrary restrictions made by the military regime,⁵ the status of civil society inside Burma has yet to reach the level of civilian participation experienced by any of the aforementioned countries prior to liberalization.

(Endnotes)

¹ Nina Martin, 'Living in a ghost town' *Bangkok Post* (18 October 2009) <<http://www.bangkokpost.com/news/investigation/25872/living-in-a-ghost-town>> accessed 21 October 2009.

² International Crisis Group, 'Myanmar: Towards the Elections' (20 August 2009) <<http://www.crisisgroup.org/home/index.cfm?id=6280>> accessed 13 November 2009.

³ *Id.*

⁴ International Crisis Group, 'Myanmar: Towards the Elections' (20 August 2009) <<http://www.crisisgroup.org/home/index.cfm?id=6280>> accessed 13 November 2009.

⁵ Community-based and non-profit organizations cannot receive funding directly from international sources.

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