



Part A: Special Features

Militarized development is always unsustainable

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Decades of military rule have fostered a repressive political environment in which democratic principles are flouted, public resources are exploited for the benefit of the military elite and human rights and the rule of law enjoy little respect. Without basic rights, the voiceless people of Burma suffer the consequences of economic mismanagement that undermines the environment and retards sustainable development. Burma urgently needs strong democratic institutions that promote sustainable development, public participation and accountability.

Despite the country's abundance of natural resources, a majority of the Burmese people face challenging life conditions as a result of governmental economic mismanagement. More than 32% of the population lives below the poverty line.¹ Burma ranked 132 out of 169 countries in the 2010 UNDP Human Development Index.² The lack of public participation in developing economic policies is reflected in the Government's allocation of only 0.5% of the gross domestic product (GDP) for health, and 0.9% for education.³ Meanwhile, the Government pours more than 60% of its spending into State-owned businesses.⁴

The lack of democratic institutions effectively bars the public from participating in decision-making on economic, social and environmental policies. Abuse of power is rampant. Development projects are used to line the pockets of military officials at the expense of citizens.



The military regime, known as the State Peace and Development Council (SPDC), organized a national election in November 2010 – the first in 20 years – but it was characterized by flawed election laws and repressive practices. The SPDC continues to hold the reins of government in Burma, officials regularly abuse their power to further their own interests. Because no means currently exist to hold them accountable, they face little to no repercussions for these abuses.

2008 Constitution and 2010 elections

The 2008 Constitution entrenched military rule by reserving a quarter of national parliamentary seats and a third of state and regional parliamentary seats for military representatives appointed by the Commander-in-Chief.⁵ The military appoints all of the members of the Union Election Commission (UEC), the government body responsible for ensuring that elections are free and fair.⁶ Election laws bar political prisoners from joining parties and place restrictions on campaigning activities of political parties. In response to the restrictive laws, the National League for Democracy (NLD), and other key opposition groups boycotted the elections, further delegitimizing the results.⁷

The elections were also marred by voter intimidation, electoral fraud and corruption.⁸ One of the most common complaints concerned the manipulation of voting results through the collection of votes in advance and vote-rigging.⁹ In some areas, villagers were threatened with land confiscation and the discontinuation of public services if they did not vote for the regime-backed Union Solidarity and Development Party (USDP).¹⁰

The military regime has further entrenched its position through laws that obstruct judicial independence.¹¹ The President has the power to appoint and dismiss Supreme Court Justices at his discretion.¹² The Supreme Court does not exercise jurisdiction over military or constitutional issues. Additionally, the Constitution guarantees impunity to members of the ruling military regime, thereby preventing the judiciary from enforcing the law in cases involving them.¹³ Pervasive corruption further undermines the legitimacy of the judiciary, as well as its ability to protect the rights of individuals and hold government officials accountable.¹⁴

In most countries, civil society organizations play a fundamental role in the promotion of democratic principles and help ensure transparency, accountability, defense of human rights, and public participation. In Burma, these organizations are stifled by repressive restrictions or outright bans on civil society activities.¹⁵ In the absence of a vibrant civil society military junta rule is unchecked, unmonitored, and unaccountable.



The grim face of militarized development

SPDC has sold rights to exploit domestic resources to neighbouring countries, generating billions of dollars, yet the Burmese people have not seen the economic benefits.¹⁶ Instead, in pursuing its own interests and militarizing development projects, the government has exploited local villagers and exposed them to human rights abuses.

Villagers are systematically subjected to forced labour by Burmese army troops.¹⁷ For example, during the construction of the Yadana gas pipeline in Eastern Burma, a joint venture of the French-owned Total and the US-owned Unocal (now owned by Chevron), Government soldiers and proxy military groups providing security forced civilians to cut down trees, serve as porters, and build military infrastructure.¹⁸ Those who refused were beaten, raped, tortured and killed.¹⁹

Large-scale land confiscation is another prevalent development-related government abuse. Villagers receive nominal or no compensation for the farmland seized. In 2010, approximately 2,500 acres of land in Southern Burma were confiscated and distributed to logging companies.²⁰ Villagers who live by the China-sponsored development of the Shwe gas pipelines in Western Burma also report that authorities have been confiscating land without compensation.²¹

Many Burmese rely primarily on farming for their livelihoods. Forced labor leaves them much less time to cultivate their land, while confiscation completely deprives them of their source of food and income.²² Additionally, militarization of areas with development projects, which is common, is often accompanied by an increase in unofficial taxes, imposed on local villagers by soldiers.²³ These corrupt practices not only heighten food insecurity, they also close off educational opportunities: farmers can no longer afford to send their children to school.²⁴

Environmental impact

The severe environmental degradation that frequently results from these projects further exacerbates their negative social and economic impact. Unsustainable logging, shrimp farming and hydro-electric projects, as well as extractive industries have seriously damaged the environment. For example, air and water pollution created by a 2010 coal mining partnership agreement between Chinese and Burmese companies in Shan State have contaminated water supplies and caused approximately 2,000 cases of skin disease.²⁵ This concern is the largest cooperative mining project between China and Burma, located in the Sagaing Division. The venture could release toxic chemicals during the refining process.²⁶

The environmental risks associated with development projects are not disclosed



to affected communities,²⁷ and in the absence of the rule of law there victims of development-related government actions have no viable legal recourse. Order 1/99, which outlaws forced labor, it is hardly enforced.²⁸ When individuals subjected to forced labor and land confiscation have filed complaints, the SPDC has retaliated against them and their lawyers through criminal charges and arbitrary sentences to hard labor camps.²⁹

The country's environmental laws are not enforced. Although the Forest Law emphasizes the importance of conserving and protecting Burma's forests,³⁰ between 1990 and 2005, the country lost almost 20% of its forests,³¹ and in recent years the rate of deforestation has increased. Similarly, although the Myanmar Mines Law of 1994 requires permission from land users before a mining permit is issued, in practice villagers are not consulted and their lands are typically confiscated.³²

Additionally, no law requires that companies seeking to invest in development projects in Burma consult with affected communities. Even when companies have taken the initiative to do so, the environmental impact assessments that were commissioned have been fundamentally flawed, leading to inaccurate conclusions.³³ For example, the third-party environmental impact assessment commissioned by the French oil company Total's on the Yadana gas pipeline project relied on the testimony of Burmese villagers procured through interviews conducted in the presence of military intelligence officials.³⁴

Conclusions

Strong democratic institutions that promote good governance are an essential prerequisite for sustainable development. This entails respect for the rule of law and human rights, effective public participation, access to knowledge, and accountability in the management of public resources.

Democratic principles must be strengthened in Burma through free and fair elections, an independent judiciary that upholds the rule of law, and a constitutional review that involves all stakeholders. Public participation should also be incorporated into all stages of development so that the people can shape economic policies, become fully aware of the social and environmental impact of all development initiatives, and have the power to hold government actors and companies accountable for any rights violations.

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