



Part B: Special Features

The Burmese Government in Exile: Outcast but not Irrelevant

By Stephanie Swigert

I. Introduction

The National Coalition Government of the Union of Burma (NCGUB) is one of the world's approximately two-dozen self-proclaimed governments in exile.¹ Traditionally, the term "government in exile" has been used to refer to a political entity that has been forcibly deposed and claims legitimate governmental authority over its home state with the consent and recognition of the hosting state from which it conducts its activities.²

During World War II, allied governments from occupied continental territory fled to the United Kingdom and continued to operate in exile. These governments were fully recognized by both the United Kingdom's government and much of the international community.³ Outside of similarly extraordinary circumstances, however, international recognition of governments in exile is almost nonexistent.⁴ As a result, the term is used loosely to describe political groups claiming to have legitimate political authority in their home state, regardless of whether or not the host state recognizes the group's legitimacy. The NCGUB, together with its exiled parliament, the Members of Parliament Union – Burma (MPU), comprise just such a political body.

Contemporary exiled governments vary greatly. Perhaps the most widely known and internationally well-respected government in exile is the Central Tibetan Administration (CTA). The Tibetan government in exile was formed in 1959



after the Dalai Lama's escape from Tibet following a failed uprising against the Chinese occupation.⁵ As the official head of the Tibetan Government in Exile, the Dalai Lama met with world leaders, raised awareness about the plight of Tibetans under China's rule, and continued to advocate for self-determination for Tibet. In April 2011 he stepped down from his political role, and the Tibetan diaspora elected the Harvard-educated Lobsang Sangay as Prime Minister. Representing a well-organized and motivated exiled population, the Central Tibetan Administration has been highly effective in shaping opposition strategy, raising awareness, and applying pressure to the international community.⁶ The Tibetan government in exile stands in stark contrast to some self-proclaimed "governments in exile" that have little local or international influence and no real basis for their claims to power.⁷ In terms of both legitimacy and respect, the NCGUB falls somewhere in between these two ends of the spectrum.

II. Background

The NCGUB was formed in December 1990 after Burma's ruling military junta, the State Law and Order Restoration Council, refused to recognize the results of popular elections held in May the same year. In those elections, the National League for Democracy (NLD) won over 80% of the popular vote. When it became clear that the junta would not allow for a democratic transition, the MPs-elect and the NLD Central Executive Party convened the July 1990 "Gandhi Conference" to seek recognition of the election results and a transition of power. At the conference, the "Special Leading Committee" was elected and given authority to create a political transition plan.⁸ In accordance with resolutions passed by the seven-member committee, a few elected MPs crossed the border to Thailand to institute a parallel government in exile. Dr. Sein Win, first cousin of Daw Aung San Suu Kyi, was elected to serve as Prime Minister of the newly formed NCGUB.⁹

In June 1996, representatives elected in the May 1990 elections formed the Members of Parliament Union – Burma (MPU) to act as the Parliament of the NCGUB and to decide the exiled government's policies, elect a prime minister, and confirm his cabinet appointments.¹⁰ In 2002, at the fourth Convention of Elected Representatives, the NCGUB released the Bommersvik Declaration outlining and the exiled government's broad goals. These include ending military rule, instituting democracy, and establishing a federal Union of Burma.¹¹ Both organizations' more immediate objectives focus on facilitating talks between Daw Aung San Suu Kyi and the ruling junta with the goal of transitioning to full democracy in Burma.¹² Unlike the allied governments in World War II, the Burmese government in exile does not intend to take political control of Burma in the event of democratic change. One of the NCGUB's declared principles, in fact, is that it will be dissolved once democracy and human rights



are restored to Burma.¹³¹³ The National Coalition Government of the Union of Burma (2009) <<http://www.ncgub.net/>> Accessed

The NCGUB's intention, then, is to use their mandate to advocate for democratic change and help facilitate democratic transition.

III. Challenges Facing the Burmese Government in Exile

The NCGUB faces challenges unique to its position as a government in exile. Three major, interrelated challenges are: maintaining cohesion among the Burmese pro-democracy community, ensuring adequate representation of the population they purport to represent, and building legitimacy among both the international community and the Burmese opposition movement.

A. Representation

Although the NCGUB and the MPU are composed of representatives elected to Parliament in the 1990 elections, the exiled government has, in recent years, faced criticism for being unrepresentative of the Burmese democracy movement.¹⁴ Indicative of this criticism was the January 2009 announcement by the National Council of the Union of Burma (NCUB), that it would form a new parallel government in exile that would be more inclusive of Burma's myriad ethnic groups.¹⁵ The NCUB is an umbrella group of exiled opposition organizations, including the MPU, which has similar objectives to the NCGUB.¹⁶

The desire for an inclusive, representative government in exile seems natural for a pro-democracy movement. But opening up the NCGUB and the MPU to members other than MPs elected in the 1990 elections would create a representational dilemma for the organization. Although expanding representation of ethnic groups would improve governmental representation, it would do so at the risk of disenfranchising the pro-democracy movement within Burma. A new election would be necessarily limited to the diaspora, as the logistics of conducting an election for an exiled government within the borders controlled by the repressive ruling party are prohibitive. Because the NCGUB and the MPU are comprised of the representatives elected by those who voted in the 1990 elections—both those who still live inside Burma and those who have since fled—the organizations would face a distinct representational deficiency by holding elections limited to the diaspora.

Even if the NCGUB and the MPU remain closed to new members, their mandate diminishes with time. When the NCGUB was formed in 1990, its members had been elected less than a year prior, and their mandate to form a government



was still fresh. As the amount of time elapsed since the 1990 elections increases, however, the exiled government's claims of political relevance are weakened. Significant developments within Burma, including the adoption of the 2008 Constitution, the ostensible separation of the ruling Junta's military and political wings, and the 2010 'democratic' elections, might, in a functioning democratic system, be accompanied by a shift in opposition party's political strategy that would be tested at the ballots. For the exiled government, however, fresh elections within Burma are logistically impossible, and accordingly, the Burmese lose a powerful mechanism by which to hold the exiled government accountable for their strategic decisions.

Despite this loss, a lack of full representation should not, on its own, condemn the NCGUB and MPU to irrelevance. For, unlike the exiled governments of WWII, and, for that matter, traditional non-exiled governments, the Burmese government in exile does not engage in most normal political functions. They do not, for example, legislate or direct military strategy. Their activities are primarily confined to lobbying the international community, and the primary goal of their lobbying efforts—to bring about democratic change in Burma—is shared by the greater opposition movement. While a failure to achieve full representation may limit their effectiveness, as discussed in further detail below, it does not immediately impact the lives of the government's constituency.

B. Cohesion

The NCGUB's perceived failure to achieve adequate representation of the contemporary pro-democracy movement exacerbates a second challenge faced by exiled governments: maintaining cohesion within the opposition movement. A cohesive pro-democracy movement speaking with a unified voice is more likely to secure and maintain the attention of the international community. Because lobbying and advocacy are the primary goals of the NCGUB and the MPU, a lack of cohesion, symptomatic of the inability to ensure accurate representation, may negatively impact the effectiveness of Burma's government in exile in achieving its goals.

Among the opposition movement, some exiled groups have recognized the need for cohesion. In 2009, Pado David Taw, the joint-secretary of the Ethnic Nationalities Council, a coalition of ethnic political organizations, said: "We badly need unity and consolidation at this juncture. We need to pave the way for setting up of a sole, unified and consolidated united front, which will be more effective."¹⁷

The lack of cohesion among the exiled community became public in January 2009, when the NCUB announced the formation of a new parallel government



in exile.¹⁸ The announcement followed a division between the two groups over the NCGUB's failure to support the NCUB's 2008 campaign to challenge the credentials of the Burmese junta in the UN General Assembly.¹⁹ The credential challenge, which aimed to unseat the junta's representatives to the UN and replace them with elected representatives of the Burmese people, was ultimately unsuccessful.²⁰

A lack of cohesion in an exiled community does not always result in impotence. Tibetans in exile, for example, are sharply divided over not only strategy, but over the ultimate goal of their movement.²¹ Some members of the movement call for nothing less than full independence from China. Others, like the Dalai Lama, advocate a "middle way" characterized by greater autonomy for the Tibetan people while preserving the essential interest of China in Tibet.²² This sharp division over the movement's end goal has not, however, paralyzed the Tibetan exiled community. This may be due in large part to the Dalai Lama himself, who has acted as a righteous, charismatic, and internationally respected spiritual and, until recently, political leader.

Unlike the CTA, the NCGUB lacks such dynamic leadership, further exacerbating the lack of cohesion among the opposition movement. The NCGUB, as elected representatives of the Burmese people, would seem the natural group to lead the movement from outside of Burma. The organization, however, has been criticized for failing to take an active leadership role in the pro-democracy movement.²³ This might, in part, be attributed to the shortcomings in the leadership abilities of Prime Minister Sein Win.²⁴ Although Daw Aung San Suu Kyi has a tremendous amount of respect in the international community and serves as an inspirational leader of the Burmese pro-democracy movement, her political activity has been consistently stifled by the regime. Additionally, though her decision to remain inside Burma allows her to act as a leading force for democratic change from within the country, and as inspiration for the exiled opposition movement, it prevents her from acting as the actual head of the NCGUB. The exiled government must overcome the challenge of both maintaining cohesion and leading the opposition without the movement's most well-known and well-respected leader at its helm.

Despite the drawbacks discussed above, fresh elections among the diaspora may improve the effectiveness of the exiled government. By allowing the MPs elected in 1990 to remain a part of the exiled government, while also opening it up to new members through a vote among the diaspora, the Burmese government in exile could enhance representation, giving the opposition movement greater control over the strategic decisions of the exiled government and thereby improving cohesion. Elections would also draw on fresh talent to find new leadership. These changes could improve the government's effectiveness on



the international stage and help it overcome a third challenge – perceived legitimacy.

C. Legitimacy

A third obstacle faced by exiled governments is the continuous struggle to achieve and maintain legitimacy, both within their constituencies and more broadly in the international community. A failure to acquire or maintain internal legitimacy can quickly render an exiled government impotent.

Legitimacy in the eyes of the international community is equally as important as internal legitimacy, and can be even more difficult to achieve. A primary goal of many exiled governments is recognition by the international community as the legitimate government of the state from which the organization is exiled. Outside of wartime, this form of recognition can be nearly impossible to achieve, and no states currently recognize the NCGUB as the legitimate government of Burma. Although international law allows for recognition of governments in exile, many states maintain a policy of recognizing only other states, not governments.²⁵ The United States is somewhat of an outlier among western democracies in that it has a more flexible policy that allows for the discretionary recognition of governments. In 1994, for example, Congress recognized the Tibetan government in exile as the true representatives of the Tibetan people, without recognizing Tibet as an independent state.²⁶ Despite the pressure the United States has put on the Burma to democratize, however, it has not recognized the Burmese exiled government as the representatives of the Burmese people.

Barring full-out recognition, exiled governments can seek international support in other ways. During his time as the leader of the TCA, for example, the Dalai Lama met with heads-of-state and policy-makers to advocate for Tibetan autonomy.²⁷ His meetings often drew international attention, galvanizing the Chinese government to warn of potential damage to diplomatic relations if the meetings moved forward.²⁸ China's reaction may reflect the perceived threat posed by CTA, and, in turn, the organization's effectiveness as an exiled government.²⁹ The Palestinian Liberation Organization (PLO) also successfully sought out alternative types of international support. In 1974, while it was essentially acting as an exiled government for the Palestinian people, the PLO was granted permanent observer status to the United Nations General Assembly,³⁰ ensuring a permanent voice for the Palestinian independence movement in an international forum.

International recognition of the legitimacy of the NCGUB has been less forthcoming, perhaps in part as a result of a lack of internal cohesion and the failure to ensure representation of the exiled community. Diplomatic challenges, such



as difficulty arranging meetings with foreign government officials, reflect the failure to obtain international legitimacy. Prime Minister Sein Win has experienced the drawbacks of a failure to attain international legitimacy. His attempts to meet with officials in India and China, and to move the NCGUB's headquarters from Maryland to India, for example, have been rebuked by both countries' governments.³¹ Improved representation and cohesion brought about by fresh elections might help counter the perceived lack of legitimacy, both within the opposition movement and, by extension, among the international community.

IV. Conclusion

In many cases, contemporary governments in exile are little more than lobby groups.³² Other opposition groups have called on the NCGUB to fill a greater role.³³ Considering the tremendous obstacles facing the NCGUB, their limited effectiveness should not come as a surprise. Although their influence is limited, their very existence serves as a constant reminder to the international community that the legitimacy of Burma's ruling party is disputed. As elected representatives, the NCGUB and MPU have a strong legal basis from which to build international support and lobby for democratic transition in Burma. To do so, however, they must first unify the opposition movement in its common goals, address the calls for enhanced representation by holding fresh elections, and re-establish themselves as the legitimate voice of the Burmese people.

(Endnotes)

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