

**PEACEFUL CO-EXISTENCE:
Towards Federal Union of Burma**

[Series No. 7]

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(စာစဉ်အမှတ် - ၇)

**The New Panglong Initiative:
REBUILDING THE UNION OF BURMA**

Revised and Expanded Version with
Road Map for Rebuilding the Union of Burma

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CHAPTER ONE

ENSCC MISSION STATEMENT :

BACKGROUND HISTORY, MANDATE AND MISSION

ENSCC
Ethnic Nationalities Solidarity and Cooperation
Committee

MISSION STATEMENT

BACKGROUND HISTORY, MANDATE AND MISSION

The “Ethnic Nationalities Solidarity and Co-operation Committee” (ENSCC) was formed in August 2001 to co-ordinate the work of the following non Burman Political groupings:

- National Democratic Front (NDF),
- United Nationalities League for Democracy Liberated Areas (UNLD-LA),
- Non-ceasefire groups like the Karenni National Progressive Party (KNPP), and
- Ceasefire groups.

The ENSCC is a practical result of the National Reconciliation Programme (NRP) that was launched in 1999. The ENSCC is a task force. It is not a new political organization nor a united front. The task of ENSCC is to ensure that a ‘Tripartite Dialogue’ takes place by coordinating the efforts of the ethnic nationalities and their organizations.

The ENSCC will speak on behalf of the non-Burman ethnic nationalities only to bring about a ‘Tripartite Dialogue’ as called for by the United Nations General Assembly. The ENSCC will not speak on behalf of all non-Burmans at the ‘Tripartite Dialogue’. It is envisioned that duly appointed representatives of the various ethnic nationalities will speak on behalf of their own people in the future ‘Tripartite Dialogue’.

The immediate task of the ENSCC is to launch the ‘New Panglong Initiative’ in support of the current ‘confidence building’ talks between the State Peace and Development Council (SPDC) and Daw Aung San Suu Kyi in Rangoon.

The ENSCC will work and consult closely with all non-Burman organizations including those that have signed ceasefire agreements with the SPDC.

Mission

- Promote the Profile of the Ethnic Nationalities on the international stage.
- Coordinate and work for Tripartite Dialogue.
- Reviving the Panglong Spirit, and nation-building.
- Build or facilitate Unity and Cohesion among all Ethnic Nationalities forces, inside and outside, including promoting and supporting political actions inside.

DIALOGUE STRATEGY

Tripartite Dialogue

A 'Tripartite Dialogue' is usually understood to mean a dialogue amongst three parties: the military government (SPDC), the democracy forces (NLD) and the ethnic nationalities. The notion of 'Tripartite Dialogue', therefore, highlights the indispensable participation of the ethnic nationalities in political transition and national reconciliation process. However, this also raises the question of who will represent ethnic nationalities?

A 'Tripartite Dialogue' was first used in the 1994 United Nations General Assembly resolution because most external actors thought the problem of Burma can be resolved by solving two issues- the issues of democracy versus military rule. 'Tripartite' was used to indicate that a third party or issues must also be resolved.

The underlying intent was to emphasize the fact that the Burmese problem is a constitutional problem- not just a minority or even an ethnic problem which can be resolved at a later date once democracy is established. The question of democracy, military rule and the constitutional arrangement with the non-Burman ethnic nationalities are intrinsically intertwined and cannot be resolved one without the other. This is the meaning behind the call for a 'Tripartite Dialogue'. It requires 3 issues to be

resolved at the same time by 3 parties group. It is not enough to resolve the question of democracy versus military rule without also resolving Burma's constitutional crisis.

The ethnic nationalities consider the constitutional problem to be the major problem. The problem in Burma is not just a 'minority' problem. A minority problem affecting 5% to 10% of the population can be resolved at a later date. In Burma, the non-Burmans make up at least 40% of the population and the ethnic states occupy 57% of the total land area.

The problem in Burma is also not an 'ethnic' problem as in the former Yugoslavia. The ethnic nationalities are not fighting and killing each other, requiring a strong army to maintain law and order. The ethnic nationalities live peacefully and work well together. The common enemy in the past 50 years has been the Burmese military controlled by the central government. Solving the constitutional crisis will strengthen the unity of the nation. It will end the current ethnic violence.

The ultimate 'Tripartite Dialogue' will involve an inclusive nation-wide convention to draft a new constitution. The drafting of the new constitution will resolve all three issues- the role of the military in Burmese politics, democracy, and the constitutional arrangement between the constituent states of Burma. In this context, the process to get to a constitution drafting convention could be further down the road from the current 'confidence building' talks.

However it is important for future of the nation that the process leading to the constitution drafting process be inclusive- whether it is 'confidence building', negotiating compromises, or forming a transitional authority. In other words, the concept of a 'Tripartite Dialogue' or 3 parties discussing 3 issues need to be incorporated into the dialogue process as early as possible.

The Constitutional Crisis

After the end of Second World War, the leaders of the various ethnic nationalities met in 1946 in Panglong to deliberate the possibility of a future together after the proposed withdrawal of British protection. General Aung San, the Burman leader of

the independence struggle in Ministerial Burma participated in the 2nd Panglong Conference in February 1947. He proposed that the separate ethnic homelands in the Frontier Areas be joined to Ministerial Burma as equal partners in a 'Union of Burma' to hasten the process of achieving independence from Britain.

The Panglong Agreement, which recognized the equality, voluntary participation, and self-determination, of the constituent states, formed the basis for the Republic of the Union of Burma.

But after General Aung San was assassinated in July 1947, the Union Constitution was rushed through to completion without reflecting the spirit of Panglong. The ethnic homelands were recognized as constituent states but all power was concentrated in the central government. In spite of these setbacks, the ethnic nationalities leaders continued to support the government of U Nu who had succeeded Aung San, even when the Communist Party of Burma started their armed revolution; when the war veterans of the People's Volunteer Organization went underground; and when Burman units of the Burma Army mutinied. In fact, army units made up of ethnic nationalities helped restore order and ensured the survival of the government of U Nu.

In 1958, the right of the Shan and Karenni people to disassociate from the Union after 10 years, guaranteed in the 1947 Union Constitution, could be exercised. Fearful that the Shan and Karenni might secede, the Commander-in-Chief, General Ne Win, was invited to form a 'Caretaker' government for a period of 2 years. In reaction, young Shans took to the jungles to claim their rights.

In 1961, the ethnic nationalities leaders tried to return to the spirit of Panglong by proposing to amend the 1947 Constitution as a means of preventing the nation from disintegrating.

But General Ne Win launched a coup d'état in 1962 'to save the nation from disintegrating' and suspended the 1947 Constitution. From the ethnic nationalities' point of view, this act abolished the legal instrument that bound their homelands to the Union. As such, they consider themselves to be

independent entities held by force in subjugation by an invading army.

In 1974, General Ne Win's Burmese Socialist Programme Party adopted a new constitution but this had no status in law as far as the ethnic nationalities were concerned. In any case, the 1974 Constitution was suspended by the State Law and Order Restoration Council (SLORC) in 1988.

In 1993, SLORC and now the State Peace and Development Council (SPDC) convened a new National Convention to draft a constitution that will guarantee a leading political role for the military in a future Burma. After nearly 9 years, the process is still stalled.

The ENSCC, therefore, considers that it is of the utmost importance for the constitutional crisis in Burma to be resolved if the nation is to be rebuilt.

Vision for the Future

The ENSCC firmly believes that the crisis in the Union of Burma today is rooted in a political problem, specifically a constitutional one - the non-adherence to the spirit of Panglong.

The ENSCC believes that differences can be overcome through political means, i.e. through political dialogue, negotiations and compromise. The ENSCC, therefore, welcomes the current 'Talks' between Daw Aung San Suu Kyi and the State Peace and Development Council (SPDC).

The ENSCC is confident that these 'Talks' will lead to a wide-ranging and in-depth political dialogue, involving all stakeholders that will eventually lead to a new constitutional arrangement between the various constituent states of the Union of Burma as was envisioned in 1947.

The ENSCC recognizes that in order to oversee a smooth transition to democracy, a 'Transition Authority' or government may have to be formed.

The ENSCC is of the opinion that the 'Transitional Authority' must make it a priority to convene a new 'Panglong Conference' or convention of representatives of the constituent

states of Burma to determine how all parties and ethnic nationalities can work together to rebuild the nation.

In order to be able to draft a new constitution expediently, the ENSCC proposes that the following principles be agreed upon by all participants:

MORATORIUM - In the initial stage of the transition, before a constitutional arrangement between the historic states of the Union is decided upon, all parties should agree to refrain from attempting to subdivide or change the boundaries or names of the current states and divisions. All issues of concern should be addressed in subsequent constitutional talks.

HUMAN AND CITIZENSHIP RIGHTS - Agree that all citizens of the Union regardless of their ethnic or social background, religion or state of residence, have the same basic human and democratic rights. It should be further agreed that illegal immigrants have the basic human rights as set up in the Universal Declaration of Human Rights. They, however, do not have the same democratic rights as citizens. Cultural and religious rights should also be respected.

DECENTRALIZATION - Agree that all states within the Union should consider decentralizing their administrative structures to enable the multi-ethnic societies in their midst to function in harmony with their respective neighbours and prevent the unjust domination of one group over the other. Decentralization, however, should not be taken to mean that the national government cannot have national policies that will benefit the whole nation.

INCLUSIVE REPRESENTATION - Agree that an inclusive representation system should be considered for all electoral processes within the Union including state and local elections, in order to enable smaller ethnic grouping to participate fully in the political process. Such a system will enable multi-ethnic societies to function in harmony with their respective neighbours and prevent the unjust domination of one group over the other.

Humanitarian Aid

In order to rebuild the Union of Burma, any ‘Transitional Authority’ will face tremendous challenges. It cannot convene a new ‘Panglong Conference’ or ‘Constitutional Convention’, without also dealing with the huge problems facing the nation - both economic and social.

The ‘Transitional Authority’ will need to alleviate the suffering of those most deprived if it wants to convince the people of Burma that they will benefit if they participate in efforts to rebuild the nation. The ethnic nationalities homelands have been devastated by five decades of war. Fertile lands lie fallow, hundreds of thousands have been displaced from their homes. They have been deprived of security, their livelihood, education and medical care, and many are refugees or living sub-standard lives as migrant labourers in foreign lands.

The ENSCC, therefore, calls upon the international community to, within the framework of the current ‘Secret Talks’ between the SPDC and Daw Aung San Suu Kyi, explore ways and means to begin delivering humanitarian aid directly and without political interference to those in most urgent need, especially in the non-Burman ethnic states.

LAWKHILAH STATEMENT

Ethnic Nationalities Seminar 2001

(30 August 2001)

Ethnic nationalities leaders from major organization met at Law Khii Lah, Kawtholei, in August 2001, and discussed the need for unity and closer cooperation. The leaders agreed on the need to strengthen the unity of the ethnic nationalities and a working committee, the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC), was established. The committee was entrusted with the task of fostering unity and cooperation between all ethnic nationalities and to promote a

peaceful political settlement in Burma through a ‘Tripartite Dialogue’.

The ethnic nationalities leaders were cautiously optimistic about the ‘confidence building’ talks between Daw Aung San Suu Kyi and the State Peace and Development Council (SPDC) held since October 2000 in Rangoon. The ethnic nationalities leaders welcome and fully support the efforts of Ambassador H.E. Razali Ishmael, the UN, Special Envoy, to facilitate a peaceful settlement through a ‘Tripartite Dialogue’ in Burma.

It was also resolved that the ethnic nationalities would-

- Undertake pro-active and constructive action to bring about a peaceful resolution to the political conflict in Burma through a dialogue process involving the SPDC, the NLD led by Daw Aung San Suu Kyi, and the ethnic nationalities, as dialogue partners;
- Consult widely, cooperation, and work closely with all stakeholders in Burma and with the international community, international bodies and agencies, the UN, and humanitarian organizations to resolve the grave humanitarian crises in Burma, which most seriously affect the ethnic nationalities population;
- Strive to facilitate an orderly and peaceful democratic transition in Burma, and to rebuild the country in accordance with the spirit of Panglong, which is based on the principle of Equality, Self-determination, Democracy and Justice.

Participants:

1. Arakan Liberation Party (ALP)
Member- National Democratic Front,
2. Chin National Front (CNF)
Member- National Democratic Front,
3. Karen National Union (KNU)
Member- National Democratic Front,
4. Lahu Democratic Front (LDF)
Member- National Democratic Front,
5. Palaung State Liberation Front (PSLF)
Member- National Democratic Front,

6. Pa-O People's Liberation Organization
Member- National Democratic Front, (PPLO)
 7. Karenni National Progressive Party (KNPP),
 8. United Nationalities League for Democracy- Liberated
Areas (UNLD-LA) *, and
- Other allied ethnic nationalities organizations.

ENSCC COMMITTEE MEMBERS

1. Saw Ba Thin
Chairman, Karen National Union
Chairman, National Democratic Front
2. Khu Hteh Bupeh
Chairman, Karenni National Progressives Party
3. Dr. Chao Tzang Yawnghe,
Senior Advisor
National Reconciliation Programme
4. Sao Seng Suk
Chairman, Shan Democratic Union,
5. Teddy Buri
President, Members of Parliament Union
6. Hkun Okker
Joint General Secretary
National Democratic Front
7. Dr. Lian H. Sakhong
General Secretary
United Nationalities League for Democracy (L-A)

Duties and Responsibilities

In order to perform their duties more effectively, the committee members will share the ENSCC responsibilities as follow:

1. Saw Ba Thin,
Chairman and Spokesperson
2. Khu Hteh Bupeh,
Strategy Analysis and Policy Research

* UNLD-LA represents 11 political parties which participated in the May 1990 elections.

3. Dr. Chao Tzang Yawngghwe,
Strategy Analysis and Policy Research
4. Sao Seng Suk,
Strategy Analysis and Policy Research
5. Teddy Buri,
External Affairs Relations
6. Hkun Okker,
Internal Affairs Relations
7. Dr. Lian H. Sakhong,
Secretary
8. Harn Yawngghwe
Senior Advisor
9. David Taw
Personal Assistant to Saw Ba Thin
10. Rimond Htoo
Personal Assistant to Khu Hteh Bupeh



CHAPTER TWO
ENSCC POLICY PAPERS

THE NEW PANGLONG INITIATIVE

RE-BUILDING THE UNION OF BURMA

Preamble

Over five decades ago, while our leaders were meeting in Panglong to deliberate the possibility of a future together after the proposed withdrawal of British protection, General Aung San, the Burman leader of the independence struggle in Ministerial Burma arrived. He instead proposed that our separate homelands in the Frontier Areas be joined to Ministerial Burma as equal partners in a new 'Union of Burma' to hasten the process of achieving independence from Britain. On 11 February 1947, he said:

The dream of a unified and free Burma has always haunted me ... We who are gathered here tonight are engaged in the pursuit of the same dream.... We have in Burma many indigenous peoples: the Karen, the Kachin, the Shan, the Chin, the Burmans and others... In other countries too there are many indigenous peoples, many "races"... Thus "races" do not have rigid boundaries. Religion is no barrier either, for it is a matter of individual conscience... If we want the nation to prosper, we must pool our resources, manpower, wealth, skills and work together. If we are divided, the Karen, the Shan, the Kachin, the Chin, the Burman, the Mon and the Arakanese, each pulling in a different direction, the Union will be torn, and we will come to grief. Let us unite and work together.

Our forefathers agreed and the Panglong Agreement came into being, providing a legal framework within which the different ethnic peoples would cooperate as equals. The Aung San-Attlee Agreement, which paved the way for Burma's independence, had called for the "unification of the Frontier Areas and Ministerial Burma with the free consent of those areas." The Panglong Agreement, therefore, became the basis

for the 1947 Union Constitution and the Republic of the Union of Burma gained independence in 1948.

We, the representatives of the Arakan, Chin, Kachin, Karen, Karenni, Mon and Shan peoples, therefore, in the spirit of Panglong, are putting forward our vision of how our peoples can once again work together voluntarily as equals with the Burmans to rebuild the Republic of the Union of Burma, which has been devastated by five decades of war.

Background

Our new nation, the Republic of the Union of Burma, started well with the Panglong Agreement on 12 February 1947. But five months later on 19 July, General Aung San was assassinated. However, it was not only the Burmans who lost their leader, two of our leaders, Sao Sam Htun, the Shan Sawbwa of Mong Pawn, and Mahn Ba Khaing, a Karen, also died for their dream of a united country together with Aung San.

In spite of the fact that in the aftermath of the assassination, the 1947 Union Constitution was rushed through to completion without reflecting the spirit of Panglong – a voluntary union of equal partners - our leaders continued to support the government of U Nu who had succeeded Aung San. When the Communist Party of Burma started their armed revolution; when the war veterans of the People's Volunteer Organization went underground; when Burman units of the Burma Army mutinied; our leaders remained loyal to the spirit of Panglong and their promise to work together to build a new nation.

The loyalty of our leaders was, however, not rewarded. Instead of moving to conform more to the spirit of Panglong as the Union Government stabilized, the opposite was true.

Our ethnic identities and equality, which were specifically recognized at Panglong, were slowly eroded away. Even the constitutional rights, including the right of secession, guaranteed in the 1947 Union Constitution, were denied them. Our leaders tried to return to the spirit of Panglong by proposing to amend the 1947 Constitution.

But General Ne Win launched a coup d'état in 1962 supposedly 'to save the nation from disintegration' and further denied us our rights even those guaranteed in the Union constitution. This increasing repression of our rights unfortunately led to more and more abuses until it finally led to the unhappy massacre of unarmed civilians in 1988.

The State Law and Order Restoration Council (SLORC) and now the State Peace and Development Council (SPDC) arranged separate cease-fire arrangements with different non-Burman ethnic armies. It has represented the cease-fire as correcting the wrongs of the past, as building peace and rebuilding the country.

However, while the fighting has stopped in some areas, it has intensified in others causing more suffering for the people. This is because the root of the problem has not been dealt with by the ceasefires. No political negotiations have taken place since the ceasefires started in 1989 and no political settlements have been reached between the ethnic armies and the Burmese military. A comprehensive political solution for the whole nation is needed, not just temporary military ceasefires which can be revoked at any time.

The Union of Burma today is facing an unprecedented crisis – economic, social and political. The survival of the Union as we know it may even be at stake.

Therefore, while remembering the past, we must look to the future. The question is - Can we overcome our differences and prevent the Union of Burma from disintegrating? Can we work together to perpetuate the sovereignty of the Union of Burma? Can we unite to raise the quality of life of all the peoples of Burma?

We, the non-Burmans believe that all these can be achieved, if the spirit of Panglong is respected.

Vision for the Future

We firmly believe that the crisis in the Union of Burma today is rooted in a political problem, specifically a constitutional one – the non-adherence to the spirit of Panglong.

As such, we believe that our differences can be resolved through political means, i.e. through political dialogue, negotiations and compromise. We, therefore, warmly welcome the current ‘Secret Talks’ between Daw Aung San Suu Kyi and the ruling State Peace and Development Council (SPDC) led by Senior General Than Shwe.

We are confident that these talks will lead to a wide-ranging and in-depth political dialogue, the Tripartite Dialogue, involving all stakeholders that will eventually lead to a new constitutional arrangement between the various states of the Union of Burma as was envisioned in 1947.

We recognize that in a mature democracy, there is no room for a political role for the military but we also recognize that the military played a key role in the struggle for independence from Britain. Non-Burman military forces have also played key roles in the defence of our homelands and to uphold the political aspirations of our people. In times of crisis, the military has to ensure that the rights of the people are protected.

We further recognize that in 1990, the people of the Union voted for the National League for Democracy (NLD) under the leadership of Daw Aung San Suu Kyi. We believe that, she should have been able to form a government.

Therefore, given the crisis Burma is facing, we believe that it is within Daw Aung San Suu Kyi’s mandate – if she wishes – to invite the State Peace and Development Council and non-Burmans nationalities, including those with ceasefires arrangement as well as those without, to form a transition government to oversee a smooth transition to democracy.

The ‘Transition Government’ should, however, make it a priority to convene a new ‘Panglong Conference’ of representatives of the constituent states to determine how we can work together to rebuild the nation.

Interim Measures to facilitate the transition

The ‘Transition Government’, however, will face tremendous challenges. How can it convene a new ‘Panglong

Conference' or 'National Convention', without also dealing with the huge problems facing the nation – both economic and social?

The 'Transition Government' will need to alleviate the suffering of those most deprived if it wants to convince the people of Burma that they will benefit if they participate in efforts to rebuild the nation. Our ethnic homelands have been devastated by five decades of war. Fertile lands lie fallow, hundreds of thousands have been displaced from their homes. They have been deprived of security, their livelihood, education and medical care, and many are refugees or living sub-standard lives as migrant labourers in foreign lands.

We, therefore, call upon the international community to, within the framework of the current 'Secret Talks' between the SPDC and Daw Aung San Suu Kyi, explore ways and means to begin delivering humanitarian aid directly and without political interference to those in most urgent need, especially in the non-Burman ethnic states.

The delivery of humanitarian aid to areas of most urgent need, however, cannot be done effectively and efficiently in a war zone. We are, therefore, ready to cease all hostilities if SPDC will also agree to cease hostilities. We are even willing to unilaterally declare a ceasefire in our respective areas if the United Nations can ensure that the SPDC will accept the ceasefire and the international community is willing to monitor the ceasefire.

Such a nationwide ceasefire will demonstrate irrevocably that the current 'Secret Talks' are being taken seriously by all parties and that it will develop into an all encompassing political dialogue to resolve the crisis in Burma. The nationwide ceasefire will help reduce the incidence of forced labour (including military portering), anti-religious activities, forced relocations and human rights abuses. It will also reduce the flow of refugees into neighbouring countries.

Furthermore, as the 'Transition Government' moves to convene a new 'Panglong Conference', or 'National Convention', it will need to ensure that all segments of society including non-Burmans, Burmans, exiles and the military, can actively participate

in the political deliberations and contribute to the rebuilding of the Union of Burma.

Therefore, we urge all parties to seriously consider the possibility that the 'Transition Government' grant - immunity from arrest for those considered to be outside the law by the SPDC and immunity from prosecution for military leaders considered to have committed abuses by the world community. A truth and reconciliation process as was carried out in South Africa could be considered at a later date.

Basic Principles to Ensure Political Stability

In addition to the above interim measures, we propose that the following principles be agreed upon by all participants, to enable the 'Transition Government' and the new 'Panglong Conference' or 'National Convention' to resolve the many problems we face in a systematic and step-by-step process:

MORATORIUM - In the initial stage of the transition, before we have decided on a constitutional arrangement between the historic states of the Union, we should agree to refrain from attempting to subdivide or change the boundaries or names of the current states and divisions. All issues of concern should be addressed in subsequent constitutional talks.

HUMAN AND CITIZENSHIP RIGHTS – Agree that all citizens of the Union regardless of their ethnic or social background, religion or state of residence, have the same basic human and democratic rights. It should be further agreed that illegal immigrants have the basic human rights as set up in the Universal Declaration of Human Rights. They, however, do not have the same democratic rights as citizens. It should be further agreed that cultural and religious rights must be respected.

DECENTRALIZATION – Agree that all states within the Union should consider decentralizing their administrative structures to enable the multi-ethnic societies in their midst to function in harmony with their respective neighbours and prevent the unjust domination of one group over the other.

Decentralization, however, should not be taken to mean that the national government cannot have national policies that will benefit the whole nation.

PROPORTIONAL REPRESENTATION – Agree that proportional representation should be considered for all electoral processes within the Union including state and local elections, in order to enable smaller grouping to participate fully in the political process. Such a system will enable multi-ethnic societies to function in harmony with their respective neighbours and prevent the unjust domination of one group over the other.

Conclusion

The Union of Burma came into being as an independent sovereign nation in 1948 because all the different ethnic nationalities agreed to work together as equals. Today, the Union of Burma is facing a very serious crisis due to the non-adherence to the spirit of and the agreement reached at Panglong.

The current ‘Secret Talks’ between Daw Aung San Suu Kyi and the ruling State Peace and Development Council (SPDC) led by Senior General Than Shwe is a very crucial and important first step in the right direction.

We, the non-Burman ethnic nationalities, warmly welcome this development and are confident that these talks will lead to a wide-ranging and in-depth political dialogue that will in turn lead to a new just and voluntary constitutional arrangement between the various states of the Union of Burma as was envisioned in 1947.

We believe that if we adhere to the spirit of Panglong, we can overcome our many and long-fought-over differences and rebuild a nation that will benefit all our peoples.



RATIONALE FOR THE NEW PANGLONG INITIATIVE: WHY REBUILD THE UNION OF BURMA?

Introduction

'Secret Talks' between Daw Aung San Suu Kyi, the leader of the National League for Democracy (NLD), and the generals of the State peace and Development Council (SPDC) began in October 2000, and is still on-going.

To date, no substantive matters have been discussed. Daw Aung San Suu Kyi has in the past said that she will not make decisions without broader consultations and that she supports United Nations General Assembly resolutions calling for a 'Tripartite Dialogue' involving the military, the democracy forces and the non-Burman ethnic peoples.¹

The international community very much wants the 'Secret Talks' to succeed and develop further into a political dialogue, which will bring about change in Burma. The UN Special Envoy has visited Burma four times since mid-2000 and is about to make another visit in August 2001. Most countries agree that a 'Tripartite Dialogue' is needed.

However, there is the possibility that the 'Secret Talks' could break down. The fact that Daw Aung San Suu Kyi did not attend the 19 July Martyrs' Day Ceremony signals that all is not well despite the SPDC's assurances to the contrary.

Is a 'Tripartite Dialogue' Likely?

But even if the 'Secret Talks' do not fail and it develops into a political dialogue, there is no guarantee that a 'Tripartite Dialogue' will actually take place. As long as the military can reach an agreement with Daw Aung San Suu Kyi, what reason would they have to include non-Burmans in the dialogue process?

As far as the military is concerned, including the non-Burmans would only complicate matters. Why allow them to have a political platform?

After all, in the military's opinion, they already have a winning formula – non-political ceasefires with some non-Burman ethnic armies, and the isolation and suppression of those that will not sign ceasefires. Why should they change their formula?

It is true that Daw Aung San Suu Kyi and the international community agree to a 'Tripartite Dialogue', but what if the military will not agree? How much pressure can be brought to bear? And even if enough pressure could be brought to bear to make the military accept a 'Tripartite Dialogue', what kind of a 'Tripartite' will it be?

Possible 'Tripartite' Scenarios

The ideal 'Tripartite' would include the military under the SPDC, the democratic forces under the leadership of Daw Aung San Suu Kyi and all the non-Burman ethnic peoples under one umbrella. The National Reconciliation Programme currently being developed is designed to enable the non-Burmans to agree to a common political platform.

A possible 'Tripartite' scenario based on the 1990 elections could have the SPDC and the military-backed National Unity Party (NUP) representing the military; the NLD representing the democracy forces; and the non-Burman ethnic-based political alliance, the United Nationalities League for Democracy (UNLD) representing the non-Burman ethnic peoples. This configuration would exclude the non-ceasefire ethnic armies.

If it became inevitable that a 'Tripartite Dialogue' has to take place, the SPDC might opt for their National Convention scenario that would have the ethnic armies that have signed ceasefires with the military representing the non-Burmans. This configuration would exclude both the UNLD and the non-ceasefire ethnic armies.

Another possible 'Tripartite' scenario is a combination of the above two. This configuration would also exclude the non-ceasefire ethnic armies.

From these speculations it is clear that even if the SPDC is forced into a 'Tripartite Dialogue', there is a strong possibility that the non-ceasefire armies could be excluded.

Of course, the international community is committed to the principle of inclusiveness. And of course, if the non-ceasefire armies are excluded, there will never be peace but what if the military is prepared to live with a simmering low-intensity war? In fact, it would be to the military's advantage to continue to have a war to fight.

What Can Induce the Military to Agree to an Inclusive 'Tripartite Dialogue'?

Another factor to consider is that there is no incentive for the SPDC to include the non-ceasefire armies. The non-ceasefire armies are closely associated with the exile National Coalition Government of the Union of Burma (NCGUB), which is linked to the NLD. The SPDC may feel that including the non-ceasefire armies will strengthen the NLD's hand in any future negotiations.

The non-ceasefire armies have three options: one is to concede and sign a ceasefire with the SPDC in the hope that by doing so they will be included in any future 'Tripartite Dialogue'. This will increase their chances of being included but there is no guarantee and the SPDC may also require that they lay down their arms and surrender.

Another option is for the non-ceasefire armies to openly break with the NCGUB and the NLD. But while it may increase their chances to be included, there is still no guarantee and it would be self-defeating since it is ultimately only Daw Aung San Suu Kyi that can ensure that the rights of the non-Burmans are respected.

The third option is for the non-ceasefire armies to adopt a strategy that will make it attractive for the SPDC to include them in a 'Tripartite Dialogue'.

What does the SPDC want?

It is very clear that the SPDC wants legitimacy; international pressure to be reduced; increased aid; and a guarantee that they will not be punished for their past deeds. Can the non-ceasefire armies offer these in exchange for being included in a 'Dialogue'?

The ideal is in order to be included, the non-ceasefire armies could launch a 'Dialogue Initiative' that will not only offer the SPDC what it wants but also act as a catalyst to accelerate the pace of the 'Secret Talks' and transform it into a dialogue.

It is not sufficient for the non-ceasefire armies to just keep on demanding a 'Tripartite Dialogue' and to be included based on the UNGA resolutions.

LEGITIMACY – The SPDC has gained a measure of legitimacy by beginning the 'Secret Talks' with Daw Aung San Suu Kyi. It will gain more legitimacy when the 'Talks' develop into a political 'Dialogue'. It will even gain more legitimacy if it is included in a power-sharing agreement with the NLD. The non-ceasefire groups can add to the SPDC's legitimacy if they can help develop a 'Dialogue' process in which the role of the military in politics or a transition government is recognized as legitimate. This initiative could be used to make it attractive for the SPDC to include non-ceasefire armies in the 'Dialogue'.

AID – The SPDC has also received increased aid for talking with Daw Aung San Suu Kyi. Most countries are willing to give humanitarian aid to Burma if the 'Talks' develop into a 'Dialogue'. Again, if the non-ceasefire armies can help develop a 'Dialogue' process that calls for an early resumption of humanitarian aid in exchange for their inclusion, the SPDC might be find it useful to include the non-ceasefire armies.

RETRIBUTION or ACCOUNTABILITY FOR PAST ACTIONS – This is a very sensitive subject, which no one will admit to being worried about. In any war situation, atrocities are committed. Those who commit atrocities feel there are justified because of security concerns. The victims strongly feel that the perpetrators need to be brought to justice. The question is, can the non-ceasefire armies provide a way out of this dilemma?

INTERNATIONAL PRESSURE – is linked to all the above. If the above key issues can be dealt with in a sensitive way by the non-ceasefire armies in their 'Dialogue Initiative' so as to achieve their objective of being included in a 'Tripartite Dialogue', international pressure on the SPDC could be reduced.

The key then, is for the non-Burman non-ceasefire ethnic armies to develop a strategy for 'Dialogue Process' that will meet all the above requirements and at the same time ensure that they are included in a 'Tripartite Dialogue' to resolve Burma's political future.

It must be stated here that the 'Dialogue Initiative' must be realistic and acceptable to all parties. Otherwise, either the SPDC or the NLD could reject the 'Initiative'.

A Proposed Dialogue Initiative

The proposed 'Dialogue Initiative' from the non-Burman non-ceasefire armies must be built upon a foundation that is acceptable to the non-Burmans, the NLD and the SPDC. To do so, it is important to find a point in history or an issue where all parties were in agreement and can continue to be in positive agreement about. The following are some key issues to be considered and included in the 'Dialogue Initiative'.

THE 1947 PANGLONG AGREEMENT – Panglong represents the time when non-Burmans and Burmans voluntarily agreed to work together as equals, voluntarily join their territories together to form the Union of Burma, and jointly sought early independence from Britain. Their historic homelands were, therefore, recognized as constituent states of the Union of Burma in the Union Constitution. The 'spirit' of Panglong, the spirit of equal partners working voluntarily together to build a nation could be used in the non-Burman 'Dialogue Initiative'. The advantage of this approach is that it will deal directly with the root of the current problems in Burma – a new constitutional arrangement. It will also remove all the artificial barriers – participation in the 1990 elections, ceasefires agreements and no ceasefire agreements. All eight constituent states will select their own representatives taking into account all parties and all ethnic groups within their own states.

THE NON-DISINTEGRATION OF THE UNION – This is one of the key tasks of the Burmese military. If the 'spirit' of Panglong is adopted, the emphasis is on the building or rebuilding of a nation, not its disintegration. The military and the non-

Burmans can then have a common basis. The concern of the non-Burmans for 'self determination' and 'independence' can be addressed by the fact that they are voluntarily putting forward this 'Initiative'. It is their 'self-determination'. The next item will also address their concerns.

DEMOCRACY – The principle that the power to rule shall be derived from the will of the people. The military accepts this although in a gradual and 'guided' form. The principle of democracy includes the safeguard that the rights of an individual or group shall not infringe on the rights of other individuals or groups. If the power of state really resides in the people, the people of the various states can later decide whether they want a unitary state, a federal union, a confederation of states or independence. If the power of state does not reside in the people, it is meaningless to call for self-determination or a secession clause in the constitution. It will not happen.

BASIC RIGHTS – Another principle that can be accepted by non-Burmans and Burmans alike is that all citizens of the Union regardless of their ethnic or social background, religion or state of residence, should have the same basic human and democratic rights. This will partially solve the problem of the multiplicity of different ethnic groups living in any one state.

A 'Dialogue Initiative' that is based on these common principles and can provide the military with what it wants, is at the same time acceptable to the democratic movement, and can provide a catalyst for change in the current 'Secret Talks' would be beneficial not only to the non-Burman non-ceasefire armies but to the nation as a whole.



THE DECISIONS OF STRATEGY COORDINATION COMMITTEE

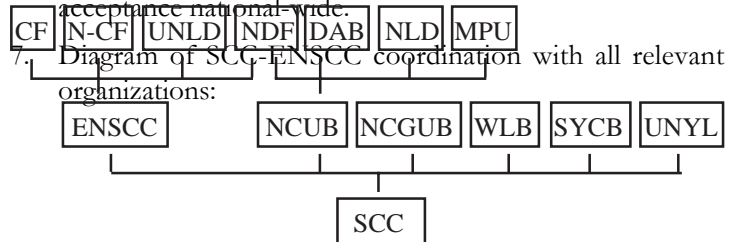
Meeting on Thai-Burmese border, 18-20 January 2002

Decisions:

1. The Strategy Consultation is of the opinion that the secret talks between Daw Aung San Suu Kyi and the SPDC have not produced any significant results although the talks have entered into its 16th month.
2. The Strategy Consultation re-affirms the **twelve conditions** for a genuine dialogue, which were outlined during the strategy consultation between pro-democracy and ethnic leaders on **March 6-7, 2001** (See attached document).
3. Further, the Strategy Consultation:
 - a. Re-affirms that the movement's main objective is the establishment of democracy and a Federal Union.
 - b. Re-affirms that a tripartite dialogue is the main strategy for achieving its objective. However, all available options and tactics are to be used. This may include the empowerment of the masses (people power), political activities, international lobbying and defensive military action as well as using the powers of persuasion on the military.
 - c. A decision is made to strive for elevation of the secret talks between Daw Aung San Suu Kyi and the SPDC to a genuine political dialogue and to find new initiatives in our endeavour for the realization of a tri-partite dialogue in which genuine delegates of the ethnic nationalities are represented.
4. Further, the Strategy Consultation:
 - a. Believes that the root cause of the on-going humanitarian crisis in Burma is the lack of a democratic government accountable to the people and the military's

- focus of holding on to power instead of promoting the interest of the nation. These fundamentals need to be exposed.
- b. Contends that humanitarian assistance from the international community should be designed to contribute to positive democratic changes in Burma.
 - c. Defines humanitarian assistance as food, clothing, shelter and health care, which are the basic necessities of the people.
 - d. If humanitarian assistance is to be delivered to the people of Burma, the following criteria must be met. The assistance must -
 - 1. Be delivered directly to people.
 - 2. Be delivered to the most needy areas.
 - 3. Be delivered through credible international NGOs.
 - 4. Not be delivered through the SPDC or organizations under its control.
 - 5. Be delivered only after prior consultation with Daw Aung San Suu Kyi and the NLD.
 - 6. Be delivered to border areas where the need is greatest. In order to do this, SPDC should declare a nation-wide cease-fire.
 - 7. Be delivered only after prior consultation with independent local leaders and community organizations.
 - 8. Be monitored by an independent impartial body.
 - 9. Be delivered by NGOs that abide by an international Code of Conduct, which will be agreed to by all parties.
 - 10. The Strategy Consultation further agrees to encourage the delivery of humanitarian assistance across national borders.
- 5. The Strategy Consultation supports the formation of the ENSCC to prepare the ethnic nationalities for a tripartite dialogue and its efforts to bring about a tripartite dialogue.
 - 6. The Strategy Consultation further supports the ENSCC's **'New Panglong Initiative'**, which is aimed at national reconciliation. The organizations participating in the Strategy

Consultation undertake to work together to promote the concepts and principles of the ‘Initiative’ and for their acceptance national-wide.



In carrying out this activity, SCC will -

- a. Share and exchange information and political analysis regularly.
- b. Consult with the various alliances, organizations, and work committees in order to ensure smooth coordination.
- c. Narrow any gaps between the various organizations caused by misunderstandings.
- d. Call for strategy consultations to exchanges views on policy matters from various organizations.

CF	Ceasefire ethnic armies;
N-CF	Non-Ceasefire ethnic armies;
UNLD	United Nationalities League for Democracy (Liberated Area);
NDF	National Democratic Front (ethnic armies);
DAB	NDF plus 8.8.88 Democracy groups;
NLD	National League for Democracy (Liberated Area);
MPU	Members of Parliament Union;
ENSCC	Ethnic Nationalities Solidarity and Cooperation Committee;
NCUB	National Council of the Union of Burma;
NCGUB	National Coalition Government of the Union of Burma;

- WLB Women's League of Burma;
SYCB Students and Youth Congress of Burma;
UNYL United Nationalities Youth League;
SCC Strategy Coordination Committee;
8. The SCC is to be expanded by addition, as a member, of a suitable representative sent by the Women League of Burma.

APPENDIX

Strategic Consultation Meeting Decisions

March 6 - 7, 2001

1. The current secret talks being held between Daw Aung San Suu Kyi and the SPDC have not reached the stage of a genuine political dialogue.
2. In order to accept the talks as a dialogue, the following criteria must be met:
 - a. There is equality and freedom during the talks.
 - b. The talks discuss political matters.
 - c. Genuine representatives are allowed to participate in the talks.
 - d. Respective organizations have the right to choose their own representatives.
 - e. All representatives to the dialogue are of equal rank.
 - f. The United Nations or a third party is involved as a mediator.
 - g. The subject of the talks is made public in a joint-declaration.
3. Pressure must be maintained until the talks become a genuine dialogue.
4. Commitment towards a political dialogue is crucial.
5. The talks must include ethnic participation.
6. Ethnic participation should be 'as soon as possible'.
7. Representatives from all ethnic groups must be included in the tripartite dialogue.
8. It cannot be deemed to be a Tripartite Dialogue until non-ceasefire ethnic groups are included.

9. The objective of the dialogue is to:
 - a) To bring about national reconciliation,
 - b) To establish democracy and a federal union,
 - c) To establish a civilian government.
10. A political dialogue implies a transition period.
11. A transition means the Burmese armed forces will have a political role.
12. No new elections can be undertaken without a transition and a new constitution.



CHAPTER THREE

ETHNIC NATIONALITIES INITIATIVE FOR TRIPARTITE DIALOGUE

ROAD MAP FOR REBUILDING THE UNION OF BURMA

**ETHNIC INITIATIVE FOR A TRIPARTITE
DIALOGUE:
Workshop's Background Paper**

(29 August - 2 September, 2003)

The Pyi-daung-su lies at the crossroads of great civilizations where many nations, peoples, cultures and religions have co-existed for centuries. But instead of using the unique strengths of each to build a great nation, the differences have been used to tear apart the national fabric. More than five decades of conflict have devastated the land and inflicted great suffering on the people. The time has come to stop the destruction, heal the wounds and rebuild the Pyi-daung-su.

After the terrible destruction of the Second World War, the leaders of the Frontier Areas - Federated Shan States, Kachin (Myitkyina & Bhamo) and Chin Hills - met in Panglong in 1946, to discuss the future without the British. They met again in 1947, and this time, they were joined by Aung San legally representing Ministerial Burma, which at that time included the peoples of present day Arakan, Karen and Mon States. The leaders agreed to work together to build a new nation based on mutual respect and benefit - the Pyi-daung-su.

Given the grave danger the Pyi-daung-su is presently in, the Arakan, Chin, Kachin, Karen, Kareni, Mon and Shan leaders have decided that it is time once more for them to pull together as in 1946. Their vision is to see the unique and distinct characteristics of each peoples and nations of the Pyi-daung-su woven into a tapestry where all peoples can be proud of their own culture and identity and to be able to use their attributes to contribute to a common national identity.

The objective of the 'Ethnic Initiative for a Tripartite Dialogue Workshop' is to help these leaders achieve their vision by -

1. Trying to find an equitable political solution to the current crisis,
2. Reaching a consensus on common basic principles,

3. Reaching a consensus on what a new 'Pyi-daung-su' should look like,
4. Reaching a consensus on how a new 'Pyi-daung-su' should be rebuilt,
5. Reaching a consensus on how to accommodate the Burmese military
6. Reaching a consensus on how to accommodate the Burmese democracy movement,
7. Reaching a consensus on how to engage the international community.

Background

- The United Nations General Assembly in 1994 and subsequent years adopted resolutions calling for a 'Tripartite Dialogue' amongst the military, the democracy advocates and the ethnic peoples, as the best means of establishing an enduring democracy in Myanmar.
- The UN/World Bank tried in October 1998 to persuade the Burmese military to start a dialogue with Aung San Suu Kyi.
- In October 2000, the ruling SPDC initiated secret 'talks' with ASSK.
- In August 2001, the ENSCC - Ethnic Nationalities Solidarity and Cooperation Committee - is formed by the KNPP, NDF, and UNLD-LA to coordinate efforts by the ethnic nationalities inside and outside Burma to achieve a 'Tripartite Dialogue' as called for by the UN.
- In May 2002, ASSK is released but the 'talks' with the SPDC falter and both sides become more confrontational.
- In February 2003, Thai Prime Minister Thaksin Shinnawatta offers to mediate between the SPDC and the Karen, Karenni and Shan. They welcome the offer but it is rejected by SPDC.
- In March 2003, the ENSCC proposes a more concrete 'Ethnic Initiative' to break the political deadlock in Burma - to achieve a 'Tripartite Dialogue'.

- In April 2003, the NCGUB, NCUB (DAB, MPU, NLD-LA and NDF), KNPP and UNLD-LA endorse the 'Ethnic Initiative' proposed by the ENSCC. The ethnic-based political parties, the RCSS and some CF (cease-fire) groups also agree to the proposal in principle.
- In May 2003, Aung San Suu Kyi is arrested and the SPDC refuses to continue with the 'talks'.
- In July 2003, the ENSCC reaffirms that in spite of recent set backs, it will continue with its 'Ethnic Initiative' to break the political deadlock and bring about a 'Tripartite Dialogue'. It will emphasize - National Reconciliation and Nation-Building.

Analysis

It is clear from its actions that SPDC does not want a political dialogue.

It is clear from recent events that the SPDC will not tolerate any dialogue initiatives from ASSK/NLD and the democracy movement (both those inside and in exile).

Of the three potential 'Tripartite Dialogue' partners, this leaves only the ethnic leaders with any possibility at all of initiating a dialogue.

The key is how to make the SPDC accept such an initiative since it has warned ethnic cease-fire groups that it will not tolerate any discussions regarding federalism, a tripartite dialogue and power sharing arrangements. The SPDC has also said that it is willing to discuss issues individually with each group but it will not tolerate a joint effort by the ethnic groups.

Rationale for an 'Ethnic Initiative'

A 'Tripartite Dialogue' as called for by successive UNGA resolutions presupposes that the problems Burma faces cannot be seen as merely a democracy versus military rule struggle. The case of the ethnic nationalities of Burma also has to be addressed.

In addition to there being 3 protagonists, the 'Tripartite Dialogue' further presupposes that there are three issues at stake

- The SPDC in principle wants 100% military rule. ASSK/NLD in principle want 100% democracy. The ethnic nationalities in principle want 100% federalism - a new constitutional arrangement. How can these demands be accommodated?

Up to the present, the ethnic peoples have been supportive of ASSK and their position has not differed much from that of the NLD. If their positions are identical, there is no need for a 'Tripartite Dialogue' and there is no room for compromise with the SPDC. In other words, there is no possibility for breaking the current deadlock.

The ENSCC, therefore, proposed that while the ethnic people still support ASSK and want a 'Tripartite Dialogue', it will develop a third position that is not 100% military rule or 100% democracy to create some space for all 3 parties to be able to compromise and find a mutually acceptable solution to the crisis in Burma.

A Proposed Strategy

The SPDC understands power and is interested in preserving its own power. No amount of economic incentives (commercial or humanitarian) will move the generals. International goodwill and acceptance also is not high on their priority list.

The SPDC fears a -

- a) US-led invasion a la Iraq (no matter how remote the possibility); and
- b) UN-led intervention (political or military).

The SPDC's first line of defense is China, followed by India, Bangladesh and the ASEAN. It has given up on Japan as being too closely aligned with the West. As long as these nations oppose US involvement in the region, the SPDC feels that it is safe.

The involvement of the UN is more problematic for the SPDC as there is a precedence in Cambodia and East Timor. However, the SPDC is banking on the fact that China does not want UN involvement on its very door steps. The recent ASEM statement (which includes China) calling for ASSK's release is a cause for worry for the SPDC.

To get the SPDC to accept a dialogue, there is a need to -

1. Increase international pressure as is being applied following 30 May.
2. Increase activism by Burmese democrats around the world for more concrete action - i.e. the US *a la* Iraq or a more active UN initiative via the Security Council.
3. Increase efforts by friendly governments to get Burma on the agenda of the UN Security Council and other international fora.
4. As the pressure increases, ASEAN and neighbouring countries, especially China will have to become more active in trying to resolve the crisis in Burma.
5. China will have to evaluate the cost/benefit of defending Burma and the cost/benefit of being seen as a progressive world power vis-à-vis regional stability, WTO, MFN, etc.
6. If the ethnic nationalities can launch a reasonable and practical 'Transition Plan' to solve the Burma problem, it might give China a way to avoid being seen as a defender of a pariah regime. If the plan is not detrimental to China's interests, it might even endorse a UN effort to implement the ethnic nationalities 'Transition Plan'.
7. Giving the 'Transition Plan' to the SPDC will not work. It will reject it out of hand especially if it is done secretly. The SPDC could also come up with a counter-plan which will have the right trimmings with no substance to defuse the situation.
8. The detailed 'Transition Plan' must be first presented to China, the UN, the USA, EU, Japan, ASEAN, India, and Bangladesh. It must then be launched publicly.
9. The best solution would be a China endorsed and led UN mediation effort to try and implement the ethnic nationalities' proposed 'Transition Plan'.

Conclusion

Given the current situation in Burma, neither the SPDC nor the ASSK/NLD are in a position to compromise or bring about a political dialogue. The third party in the proposed 'Tripartite Dialogue' - the ethnic nationalities, may now be the only party that can break the deadlock.

The international community is similarly unable to move the issue forward because of China's unwillingness to discuss the Burma issue. The proposed 'Ethnic Initiative' may give China a way out of its isolation and enable it to endorse a UN-led mediation effort.

The ethnic nationalities of Burma - the political parties in Rangoon, the armies with cease-fire agreements with the SPDC, the armies still resisting the Burmese military and those in exile (including the muslim Rohingyas) - have for the first time in history agreed to a common platform based on national reconciliation, a tripartite dialogue, and nation-building. All groups have agreed that it is in their best interest not to pursue independence.

Although the present situation in Burma is very bleak, all is not lost. There is a real possibility that a solution can be found if the ethnic leaders can agree on how to resolve the crisis.

The 'Ethnic Initiative for a Tripartite Dialogue Workshop' is, therefore, a very timely and crucial workshop which may set the course of history for the future of Burma.



ROAD MAP FOR REBUILDING THE
Pyi-Daung-Su Myanmar Naing-Ngan-Daw
UNION OF BURMA

We welcome and appreciate the concern of the international community over the crisis in our country. We specifically appreciate the leading role played by the United Nations, and the efforts of the Government of Thailand to bring about national reconciliation. We also appreciate the concern expressed by the international community, in particular ASEM, ASEAN, Canada, China, Japan, the European Union, Norway and the USA.

We note the ruling State Peace and Development Council's declared commitment to establish democracy in the Union through the launching of a road map by Prime Minister Khin Nyunt.

To promote national reconciliation and establish a democracy in the Union, Daw Aung San Suu Kyi must be released immediately.

The Burmese military has always claimed that there are 135 national races in the Union, and that it must remain in power to prevent a break up of the country.

We dispute this. The founding fathers of the Union were Chin, Kachin and Shan leaders and Aung San. We created the Union of Burma through the 1947 Panglong Agreement.

The ethnic nationalities took up arms only because all attempts to solve problems by political means were blocked. We were forced to defend ourselves against military aggression.

But in the spirit of Panglong, we are committed to national reconciliation and to the rebuilding of the Union as equal partners in the process. We believe that in order to establish a stable, peaceful and prosperous nation, the process of rebuilding the Union must be based on a democratic process which includes the following basic principles:

1. A peaceful resolution of the crisis in the Union,
2. The resolution of political problems through political dialogue,
3. Respect for the will of the people,
4. The recognition and protection of the rights of all citizens of the Union,
5. The recognition and protection of the identity, language, religion, and cultural rights of all nationalities,
6. The recognition and protection of the rights of the constituent states of the Union through a federal arrangement.

Therefore, in the interest of the nation, we recommend a two-stage process to generate confidence in the transition to democracy:

Stage (1): Two Years

Congress for National Unity

The current administration will immediately convene a Congress for National Unity. To conform with the six principles outlined above, and to fulfil the demand for a tripartite dialogue, as called for by successive United Nations General Assembly resolutions since 1994, the participants must include in equal proportions:

- representatives of the 1990 election winning parties,
- representatives of the SPDC, and
- representatives of ethnic nationalities.

National Accord

The Congress for National Unity will draft in two years, a National Accord under which a Government of National Unity will be formed.

The procedural codes of the SPDC's National Convention and the one hundred and four articles for the constitution proposed by the Burmese military in the past, do not reflect democratic principles and cannot by their implementation lead to a democracy.

Therefore, the National Accord will recognize the results of the 1990 general elections, a political role for the military and the rights of the ethnic nationalities.

International Mediation

Decisions of the Congress for National Unity will be made by consensus. International mediation will be sought to break any deadlocks.

To ensure that the transition progresses smoothly and on schedule, we request that the international community under the leadership of the UN, Thailand, and ASEAN continue to assist in the transition process.

Independent Constitution Drafting Commissions

The Congress for National Unity will constitute independent National Constitution Drafting and State Constitution Drafting Commissions.

The composition of the Constitution Drafting Commissions will be as broad-based as possible but reflect the tripartite nature of the Congress for National Unity.

Humanitarian Aid

With the successful convening of the Congress for National Unity, the international community is called upon to increase humanitarian aid to the people of the Union.

Programs to alleviate the suffering of the people and address the problems of HIV-AIDS, internal displacement, refugee repatriation and resettlement, border area development and drug eradication should also be launched in consultation with affected local communities.

Stage (2): Four Years

Government of National Unity

At the end of the two-year period, a Government of National Unity, will be established as per the National Accord.

Lifting of Sanctions

With the successful establishment of the Government of National Unity, economic sanctions including import bans and the ban on new investments, could be lifted.

Funding for Development

At this point, the international community is called upon to provide development aid to fund economic reform, civil service reform, public health and educational programs, security integration and other programs that will facilitate a transition to democracy.

Referendum

A referendum monitored by the international community will be conducted to ensure that the will of the people is reflected in the new National Constitution

General Elections

Following a successful referendum on the new National Constitution, general elections monitored by the international community will be held to establish a democratic federal government at the end of the four years.

ENSCC

Ethnic Nationalities Solidarity and Cooperation Committee

Union of Burma

02 September 2003



CHAPTER FOUR

ENSCC INTERNATIONAL CAMPAIGN

Workshop on Burma in Oslo

Saturday 8th December, 2001

Organised by:

Norwegian Church Aid, Norwegian Burma Committee and
Worldview Rights

Venue:

Håndverkeren, Oslo

BURMA-THE CURRENT SITUATION

Dr Sein Win

Prime Minister

National Coalition Government of the Union of Burma

Mr Chairman, Mr Gareth Evans, Distinguished Guests, Ladies and Gentlemen,

On behalf of the people of Burma and Daw Aung San Suu Kyi, I would like to express our thanks to the organizers of this event – Norwegian Church Aid; the Norwegian Burma Committee; Worldview Rights; and the Norwegian Government.

Thank you for your strong support for Daw Aung San Suu Kyi and the people of Burma over the last ten years. We appreciate your help. Ten years is a long time but we would not have been able to achieve as much as we have without the support we have received from many of you, especially from the Noble Committee when they awarded the Nobel Peace prize to Daw Aung San Suu Kyi, and the Royal Norwegian Government. I am happy to say that your Prime Minister, Mr Bondevik himself is a good friend of Burma. We wish him a good second term.

I am also very happy today to introduce to you the leaders of three key ethnic nationalities in Burma – the Karen, the Karenni, and the Shan. They are Padoh Saw Ba Thin, Chairman of KNU; Khu Hteh Bupeh, Chairman of the KNPP and Sai Myo Win, General Secretary of the SDU. I have not had the opportunity to consult with them on a personal basis for many years and I am glad that we have this time together to discuss the problems we face in Burma.

I can tell you that without the participation of the ethnic nationalities in the political process, we will not be able to resolve the problems that have plagued Burma for the last five decades. It is very important and timely that they are here, at a time when talks have started in Rangoon between Daw Aung San Suu Kyi and the ruling State Peace and Development Council. If we are

going to have national reconciliation, if we are going to rebuild the nation, the ethnic nationalities who make up more than 40% of the population must be included in the political process. You will also hear from their presentation the real contribution they can make for the future of Burma.

Ladies and Gentlemen:

I am sure you are waiting to hear of the latest developments regarding the talks in Rangoon. Unfortunately, I cannot give you any good news. I can even say that officially nothing is taking place because the SPDC has not made any official announcement to the Burmese people about the talks. This means that the military can pull out of the talks at any time and deny that they ever took place. The main thing that is keeping the talks alive today is international attention and pressure.

As you know, Ambassador Razali of Malaysia, the UN Special Envoy has just completed his 6th trip to Burma since his appointment in June 2000. I believe he met with the SPDC and with Daw Aung San Suu Kyi. He also met with NLD executives; ethnic Members of Parliament; leaders of the United Wa State Army and the Myanmar National Democratic Alliance Army (MNDAA). He says that he is 'hopeful' that there will be further developments soon but could give no progress report or definite milestones.

Some in the international community have pointed to positive signs and said that we are too impatient or negative. For example, they say that Razali has visited Burma 6 times already in eighteen months. Of course, compared to the last UN Special Envoy, this is a great improvement. The political atmosphere in Rangoon also seems to have relaxed a bit compared to the year 2000 when the SPDC was trying to annihilate the National League for Democracy and DASSK. The SPDC's cooperation with the International Labour Organization, and their agreement to allow the visit of the UN Special Rapporteur for Human Rights in Burma; the European Union's Troika Mission; and various government missions can also be seen as positive signs.

In addition, people also point to the fact that political prisoners are being released and that NLD offices are being allowed to reopen.

First, let me say that we are not denying that changes have taken place. Of course there has been changes. For example instead of attacking DASSK, the military is now talking to her. This is a big change and we welcome the change. In fact, the NCGUB has been working very hard since 1999 to make the military talk to DASSK. But our question is this, “Are the changes enough?” Is the military committed to political change or is it just playing a game to buy time so that it can strengthen its weak position and rule from a stronger position?

We do not deny that some positive changes have taken place in Burma. We are not being impatient but the reason we question the SPDC's commitment to bringing about real political change, is based on the following facts:

- The SPDC has made no official announcement regarding the talks,
- The SPDC is using the ‘talks’ internationally to show that it is changing,
- After more than a year of talks, not one agreement has been reached with DASSK,
- Within this same year, the SPDC has made numerous agreements with external actors – business deals with Thailand and Malaysia,
- The SPDC is talking to only one person – DASSK – they are not in a hurry to start a process,
- However, the SPDC has expanded its external contacts and is entering into various processes - ILO, UN Special Rapporteur, Drug eradication, etc
- The atmosphere in the cities have relaxed but repression in ethnic areas have increased – witness the situation in the Shan, Karen and Karenni areas.
- Some prisoners have been released but no laws have been repealed. They can be re-arrested. Of the 2,000 political prisoners, less than 10% have been released.

- NLD offices have been allowed to re-open but the NLD is not allowed to organize politically. Of the over 400 offices, 25 have been reopened in Rangoon Division.

What then can we conclude from these facts? We can be certain that the military has responded to both the domestic economic situation and international pressure to find a way out of its dilemma. What we cannot be certain about is what solution they are aiming for. We, and the international community are hoping that the SPDC is serious about finding a solution to Burma's problems through political dialogue with DASSK, the NLD and Burma's ethnic nationalities.

They could also, however, be seeking to use the talks as a showcase to ease international pressure, gain legitimacy and resources and consolidate their position. If this is the case, they will drag out the talks as they have been doing this last year, launching a public relations campaign internationally to gain legitimacy and aid. When they have consolidated their position sufficiently, they may hope to eventually force DASSK to break off the talks by not responding to her demands for more freedom. In this scenario, the international community would be so frustrated that it would then given up on Burma and accept the status quo of continued military rule in Burma.

We are very certain that even if this is the scenario the military is hoping for, they will not succeed. This is because they are seriously underestimating the problems Burma is facing. The economic problem in Burma cannot be resolved by stop-gap measures and the continued expansion of military spending. The whole economic system has to be overhauled and this requires political reform.

Additionally, the international community will not forget DASSK, support for her is stronger than anything the military is able to do to discredit her.

Third, they do not clearly understand that international processes like that of the UN Commission on Human Rights, the International Labour Organization and the International Criminal Court, are processes that cannot be turned back by superficial measures. Real changes have to be implemented.

That is why we feel that at this juncture, it is important to send a strong signal to the generals that they have to make the right choice and choose dialogue if they want to survive. The international community must make it clear that real dialogue with DASSK is the only viable option. They should forget their strategy of prolonging the talks indefinitely, trying to discredit DASSK and consolidating their position. They have to be told that it will not work.

In this respect, the recent announcement in the UK by fund managers that they will discourage investments in Burma is very timely and welcome. They are sending a strong message to the generals that, just talking to DASSK is not enough. Serious problems in the political structure in Burma have to be addressed or investments will not be flowing into Burma as the generals expect.

Another possible positive sign could be the recent change in leadership in Burma. We are well aware that the changes were aimed at restructuring and consolidating the military command structure. This could be in preparation of the strategy I mentioned earlier. If the military is intending to consolidate its rule, it needs to become less cumbersome. But it can also be seen in a positive light.

Specifically, the changes reduced the power of new regional military commanders and the old members of the ruling SPDC by concentrating power in the three top generals – SPDC Chairman Senior General Than Shwe, Army Chief General Maung Aye, and Intelligence Chief Lieutenant-General Khin Nyunt.

If we look at it positively, this means that if they want to, the top three can now take decisive action regarding the political dialogue with DASSK, the NLD, and the ethnic nationalities.

So once again, I wish to emphasize that it is very important at this time for the international community to send out a strong clear message to the generals that they cannot hope to continue to rule without compromising with DASSK. Thank you for your continued support.



THE NON-BURMAN ETHNIC PEOPLE OF BURMA

Harn Yawngghwe
Director
Euro-Burma Office

Mr Chairman, PM Dr Sein Win, Mr Gareth Evans, Distinguished Guests and friends. Thank you for this opportunity to clarify some points about of the non-Burman ethnic peoples of Burma. I would like to start by defining some terms and clarifying some misconceptions:

‘Burman’ or ‘Burmese’? – ‘Burman’ and ‘Burmese’ are often used interchangeably in the English language. I will use ‘Burman’ to refer to the majority ethnic population, and ‘Burmese’ refers to all the citizens of Burma.

‘Burma’ or ‘Myanmar’? - It has been argued by the military that ‘Burma’ refers only to the majority Burman population, whereas ‘Myanmar’ is more inclusive and therefore, more appropriate because it refers to all the peoples of Myanmar. Ironically, Burmese nationalists fighting British colonialism in 1936, argued the reverse. Therefore, as far as the non-Burmans are concerned, the real question is not what the country is called but what political system will include the non-Burmans?

‘135 races’ – The military likes to say that there are 135 races or tribes in Burma implying that it is impossible to cater to everyone and therefore, it is necessary to have a strong military to hold the country together. In fact 65 of the so-called 135 races are all from the Chin State, which makes up about 3% of the population and they live in an area that makes up about 5% of the whole nation. In other words, the military is exaggerating the problem.

According to the SPDC, people who speak different dialects are classified as being of a different race. It would be like saying that somebody from Oslo is of a different race from somebody from Bergen. We all have differences but both are of the same race.

In actual fact, all Burmese are from the same racial grouping and they can be roughly sub-divided into 3 major subgroups: Tibeto-Burman, Sino-Thai and Mon-Khmer.

In political terms, Burma has only 8 constituent states, not 135: Arakan, Chin, Kachin, Shan, Kayah, Karen, Mon and 'Burma Proper or Ministerial Burma' in the centre. At this point, it should be pointed out that the Burmans are also one of the ethnic groups of Burma. So we cannot really talk about the ethnic people and the Burmans.

Ethnic Nationalities –

In the past, the non-Burmans were referred to as the 'Nationalities' as in Chamber of Nationalities or the Upper House of Parliament. But the word the 'ethnic minorities' became used more frequently in international circles. So now, we use the term 'ethnic nationalities' or the non-Burman ethnic nationalities to denote the non-Burman.

'Minorities' –

We do not like to use the term 'Minorities'. This is because it gives the impression to outsiders that they are talking about only 1-2% of the population.

It is estimated that Burma today has a population of approximately 50 million people. Burmans are supposed to make up 60% of the population. Therefore, when we talk about the 'minority' problem in Burma, we are in fact talking about a problem that affects the lives of at least 20 million people. I think this is more than the population of Norway.

In terms of geography, the non-Burmans occupy 55% of the land area or 371,000 sq kms – slightly larger than Germany (357,000 sq km). The non-Burman problem in Burma is definitely not a 'minority' problem.

'Tribes' and 'Hill Tribes' –

Another favourite of the military is to describe the non-Burmans as 'Tribes' or 'Hill Tribes'. This implies that the

Burmans are the only civilized people and that it is their burden to guide the 'Tribes' to a better Burman way of life.

This is actually a gross abuse of historical facts. Arakan and Mon kingdoms preceded Burman kingdoms by at least 500 years. The first Burman kingdom was not recorded before the 11th century. Then Shan kings ruled most of Burma from the 13th century until the 16th century when Burman kings ruled again. It is also well documented that the Burmans took their civilization and culture from the Arakanese and Mon peoples. Therefore, the non-Burmans are not uncivilized tribes that need to be civilized by the Burmans.

Of course, the non-Burmans today are less developed than their neighbours but is this because they are uncivilized or because they have been systematically deprived of their rights for the last 50 years? For example, a UNICEF study showed literacy in the non-Burman areas to be lower than the Burman areas. Why is this so? One reason is that literacy in Burma is measured in terms of knowledge of the Burman language. In the last 50 years the non-Burmans have not been allowed to teach their own languages. Another factor of course is the 50 year-old civil war in the non-Burman areas.

Burma – a Kingdom or a Union of States?

Another major difference in perspective between the Burman nationalists and the non-Burmans is history.

At the time the British came into contact with Burma in 1824, the Burman king ruled over the Arakan, Mon and Karen areas and claimed the allegiance of the rulers of the Kayah and Shan states as well as Assam and Manipur in India. After the British conquest in 1886, the Burman kingdom (including Arakan, Mon and Karen) was made a part of British India. It later became known as 'Ministerial Burma' or 'Burma Proper'. Karenni or Kayah State was recognized as a sovereign state. The Shan States which later became the Federated Shan States like the Malay states, became a British Protectorate. The Kachin and Chins were administered separately as the Frontier Area.

Burman nationalists, therefore, claim that they are the heirs of the pre-British Burman kingdom and that rightfully all of Burma belongs to them. They claim that the British deliberately carved up the country to divide and rule. So to the nationalists, the claims of the non-Burmans for self-determination are nothing but a product of British imperialism. The non-Burmans, however, claim that by 1886 the Burman empire was crumbling and that the British only took the practical way out by recognizing their de-facto independence from the Burman king. In any case, after 62 years, the Burmans who no longer had a king could have no practical claims on them.

The Burmese situation is, therefore, different from Indonesia where most of the islands were one colony under the Dutch. The colony then became Indonesia. In Burma a formal agreement was entered into by different entities to become the Union of Burma.

1947 Panglong Agreement –

To the Chins, Kachins and Shans, the Panglong Conference and Agreement formed the basis of their current union with the Burmans, not any historical claims of a now defunct empire. At that Conference, General Aung San, leader of the Burman independence struggle from ‘Ministerial Burma’, and leaders of the Shan, Kachin and Chin peoples agreed to merge their homelands on the basis of equality to form the ‘Republic of the Union of Burma’ in order to accelerate the process of seeking independence from Britain.

1947 Constitution –

Based on the Panglong Agreement, a Union Constitution was drawn up. The non-Burmans believed they were getting a federal system but in reality, while the Shan, Kachin, and Kayah States and the Chin Special Division were recognized, power was not devolved to the states. At this time, the Kayah or Karenni people felt that they had been forced into a union without adequate consultation and took up arms against the central government. Separate negotiations with the Karens also broke

down and they also took up arms. The Mon also joined the rebellion as did the Arakanese although the Arakan, Karen and Mon States were recognized at a later date.

From this you can see that, the non-Burman problem in Burma stems from a failure of the government of Burma to properly address the basic constitutional arrangement between the different states that make up the union.

1958

To make matters worse, Prime Minister U Nu requested General Ne Win to form a 'Caretaker Government' to prevent the Shan and Karenni states from exercising their constitutional right to secede from the Union after 10 years if they were not satisfied. This started the Shan struggle for independence. To understand the problem you need to be aware that the Shan State makes up 23% of the land area of Burma and about 20% of the population.

1962

Following the Caretaker Government, the Shan leaders recognized the need to amend the constitution if the nation was to be saved and initiated the Federal Movement. But General Ne Win instead seized power and said he was saving the nation from disintegration. General Ne Win also suspended the 1947 Constitution.

As far as the Shan, Kachin and Chin were concerned, the suspension of the 1947 Constitution nullified the Panglong Agreement which bound them legally to 'Ministerial Burma' and as such, Ne Win had at one stroke set them free and illegally occupied their homelands. This plunged the country into civil war in earnest.

Ethnic:

From all this, it is very clear that the non-Burman problem in Burma is not a 'minority' problem, it is not a tribal problem and it is not an ethnic problem. I want to emphasize this because when we say ethnic problem, most people think of the former

Yugoslavia where different ethnic people were killing each other. We do not have that kind of problem in Burma. Our problem is not a horizontal ethnic problem, but vertical one. It is basically a constitutional problem and it can be resolved by negotiations.

It is clear that we do not need a strong army to keep the country together. In fact in Burma, the army has made the problem worse by preventing dialogue and refusing the 8 states to engage in constitutional talks. I trust I have been able to clarify some issues for you. My colleagues will continue to inform you of their vision for a future democratic and multi-ethnic Burma. Thank you.



THE NEW PANGLONG INITIATIVE

Saw Ba Thin

Chairman

Karen National Union

Mr Prime Minister, distinguished guests and friends. Thank you for this opportunity. I would also like to thank Norwegian Church Aid, Norwegian Burma Committee, Worldview Rights, and the Norwegian Government for making this workshop possible.

I am very happy to be here to discuss Burma's problems and how we see the future. I am also very glad to be able to speak face-to-face again with Dr Sein Win. It has been 7 years.

First on behalf of the Karen people and other ethnic nationalities leaders from Burma, I would like to state that we welcome the talks between Daw Aung San Suu Kyi and the State Peace and Development Council (SPDC). We also appreciate and fully support the efforts of Ambassador Razali to facilitate a peaceful settlement in Burma through a 'Tripartite Dialogue' as called for by UN General Assembly resolutions since 1994.

We believe that we the non-Burmans can play a positive role in helping to facilitate an orderly and peaceful transition in Burma. We believe that we can together with the military, the National League for Democracy, and others, help rebuild the country if we all respect the spirit of Panglong, which was based on the principle of Equality, Self-determination, and Democracy.

To achieve this task, we established in August 2001, the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC). Our task is to undertake pro-active and constructive action to bring about a peaceful resolution to the political conflict in Burma. We see the SPDC, the NLD led by Daw Aung San Suu Kyi, and the ethnic nationalities, as dialogue partners.

At this point, I would like to clarify why we are taking this initiative at this time. Some people have said that the non-Burmans should be patient and wait. They say that the time is

not right. They say we should let the SPDC and Daw Aung San Suu Kyi talk together and later, at the right time, we can talk about a 'Tripartite Dialogue'. Still others accuse us of trying to derail the talks between the military and DASSK by pushing for a 'Tripartite Dialogue'.

As I have said at the beginning, we support the talks between DASSK and the military. We believe that it is the only way to resolve the problems we face in Burma. We do not want to jeopardise the current talks in any way.

However, as explained by my colleague, the Union of Burma came into being in 1948 because of the active participation of the non-Burmans. We helped to create the nation that is known as Burma today. We have a stake in the future of the country. If the talks are stalled as we believe they are, we have to offer some way out of the deadlock. It is our duty and our responsibility.

It is our hope that the ENSCC can help by clarifying some of the issues:

For example, a 'Tripartite Dialogue' is usually understood to mean a dialogue amongst 3 parties - the military (SPDC); the democracy movement (NLD); and the ethnic nationalities. This often raises the question of who will represent the ethnic nationalities?

The term 'Tripartite Dialogue' was first used in the 1994 United Nations General Assembly resolution because most external actors thought the problem of Burma can be resolved by solving two issues - the issue of democracy versus military rule. 'Tripartite' was used to indicate that a third party or issue must also be resolved.

The underlying intent was to emphasize the fact that the Burmese problem is a constitutional problem. The question of democracy, the military's role in politics and the constitutional arrangement with the non-Burman ethnic nationalities are intrinsically intertwined and cannot be resolved one without the other. This is the meaning behind the call for a 'Tripartite Dialogue'.

It requires all 3 issues to be resolved at the same time. It is not enough to resolve the question of democracy versus military rule without also resolving Burma's constitutional crisis. Solving the constitutional crisis will strengthen the unity of the nation. It will end the 50-year civil war.

In our view, the ultimate 'Tripartite Dialogue' will involve an inclusive nation-wide convention to draft a new constitution. In this context, the drafting of a new constitution will come at the end of a process of 'confidence building' talks, political dialogue and negotiations.

However, it is important for the future of the nation that the process leading to the constitution drafting process be inclusive – whether it is 'confidence building', negotiating compromises, or forming a transitional authority. In other words, the concept of a 'Tripartite Dialogue' or 3 issues need to be incorporated into the dialogue process as early as possible.

If we accept this concept that all three issues – democracy, the role of the military in politics and the constitutional arrangement between the constituent states – must be resolved together by drafting a new constitution, we can move ahead without worrying too much about the timing for a tripartite dialogue.

So the next question is how do we get from the current 'confidence building' talks between the military and DASSK to a new inclusive constitution drafting convention or a new Panglong Conference? There are many possible solutions depending on what is negotiated. As far as I know, such negotiations have not yet taken place. But there are some principles we can rely on:

DASSK's National League for Democracy won the 1990 general elections and got 82% of the parliamentary seats. The NLD therefore has the legal right to form a government. The NLD and the ethnic-based United Nationalities League for Democracy, which won 14% of the seats, have an understanding. For example, the NLD and the UNLD formed the Committee Representing the People's Parliament. Therefore, it is legally acceptable for the NLD and the UNLD to form a government.

Given the political mandate from the people of Burma, the NLD could invite the SPDC and the UNLD to join it in forming a transition authority to oversee a smooth transition from military rule to a democracy.

In our view, the main task of the transition authority should be to convene a new Panglong Conference with representatives from all 8 constituent states to deal with the three issues – democracy, the role of the military and the constitutional relationship between the states.

At this point, I want to clarify why we refer to Panglong and the spirit of Panglong. General Aung San was a visionary. He fully understood and accepted the aspirations of the non-Burmans. Without him, the Union of Burma would not have been created. His assassination ended the vision he had. His daughter Daw Aung San Suu Kyi caught his vision and has said that we need a 3rd Panglong Conference. We agree and want to emphasize that:

The non-Burman ethnic nationalities helped to create Burma and we have a stake in its future.

The non-Burman ethnic nationalities came to Panglong voluntarily. They were not forced by anyone. It was their own self-determination.

The non-Burmans came to Panglong as equals. General Aung San also came to Panglong as an equal representing the people of Ministerial Burma.

The Panglong Agreement decided on a democratic future for Burma. The traditional feudal leaders agreed to the concept that the will of the people shall decide who will rule them.

We, the non-Burman nationalities truly believe that we can work together to rebuild the Union of Burma if we respect the spirit of Panglong – self-determination, equality and democracy.

In conclusion, I would like to highlight the case of the Karen people to illustrate the point. We have been fighting the longest but we are not fighting because we hate the Burmans. In fact, the Karens endorsed the concept of the Panglong Agreement

but were prevented from participating because at that time, the Karen state was not a recognized state. It was viewed as being a part of Ministerial Burma. We started resisting in 1949 only after negotiations with the U Nu government failed and Karens were massacred in Insein.

But prior to that time, we participated fully in the political process. One of our Karen leaders was assassinated together with General Aung San. Several others also served in the cabinet with U Nu after independence. In fact when the Burma Army mutinied and the Communist Party went underground it was the Karen troops backed by Kachin, Chin and Shan troops who protected and saved the newly independent government of Burma. So we are ready, if the spirit of Panglong is respected, to once again contribute to the rebuilding of the nation. Thank you.



TOWARDS A DEMOCRATIC TRANSITION IN BURMA

Khu Hteh Bupeh

Chairman, Karenni National Progressive Party

On behalf of the Karenni people, I would like to thank Norwegian Church Aid, Norwegian Burma Committee, Worldview Rights, and the Norwegian Government, for this event.

I am especially glad to be here because most people do not know about the Karenni. But even if they do, they may not understand why we have been fighting the government in Rangoon for fifty-four years.

People may look at the Karenni and wonder why such a small community is trying to exert its rights as a nation. We may be small but our existence as a nation is a historic fact. We cannot forget our history and culture and allow our nation to be crushed. It is also not true that small nations have no right to exist. No one is saying that Iceland is too small to exist.

The Karenni land was forcibly annexed to the Union of Burma in 1948. This was done in direct contravention of the expressed will of the Karenni people. Since then we have resisted the effort of the government of Burma to subjugate our nation and assimilate our people.

The Karen people faced the same problem and began their resistance soon after Burma gained independence. Over the years, the other ethnic nationalities of Burma have also found their rights trampled upon and began resisting the efforts of the central government to subjugate them.

The situation for the ethnic nationalities got worse after the Burmese military seized power in 1962. Slowly, the repression of the ethnic nationalities by the army led to the trampling of the rights of all the citizens of Burma. This led to the 1988 democracy massacre where thousands of unarmed citizens were shot and killed by the military.

It became clear that unless the military dictatorship in Rangoon was stopped, no one's rights was going to be respected. That was why in 1990, we welcomed the landslide election victory of Daw Aung San Suu Kyi's National League for Democracy.

We felt that perhaps with a new democratic government, the issue of the Karenni could be re-examined. But this was not to be. The military refused to respect the results of the general elections, which they themselves had called for and supervised.

Given this denial of the expressed will of the Burmese people, the KNPP together with the Karen National Union, the Kachin Independence Organization, the New Mon State Party, and other ethnic organizations agreed to help Dr Sein Win form a government in Manerplaw. It was our understanding that the whole issue of the relationship between the various constituent states of Burma would be re-examined. The NCGUB made it clear that their objective is to end military rule and establish a genuine democratic federal system of government.

Since then, the KNPP has assisted and cooperated with the Burmese democracy movement. Daw Aung San Suu Kyi and the Burmese democracy movement are fighting to ensure that the will of the people of Burma is respected. The KNPP is also fighting to ensure that the will of the Karenni people is respected. We have a common goal and can work together.

We want to live in peace and harmony with our neighbours. We even signed a ceasefire agreement with the Burmese military in 1993. We wanted to relieve the suffering of our people and find a political solution. But the ceasefire was violated by the Burmese military within 3 months of the agreement.

The KNPP has lost confidence in the State Peace and Development Council (SPDC). We will not enter into another ceasefire unless it is part of a process leading to a political solution.

The KNPP maintains that Karenni is a sovereign nation. Its sovereignty was violated by the Union of Burma. However, if there is going to be a new union based on the spirit of Panglong, namely the principles of equality, self-determination, and democracy, the KNPP is ready to participate in such a process.

The Karenni people, therefore, welcomed the talks between Daw Aung San Suu Kyi and the SPDC. The KNPP is actively participating in the ENSCC to bring about a peaceful resolution to the conflict in Burma. To do this, we have been trying to determine how we the Karenni and the ethnic nationalities can contribute to the process of nation building.

One issue that is very clear is that in 50 years of war, our people have suffered at the hands of the Burmese military. Fertile lands lie fallow, hundreds of thousands have been displaced from their homes. As a result of the military's forced relocation program, many of our villagers have become refugees in their own homeland.

A conservative estimate puts the number of internally displaced people in the Shan, Karenni and Karen states, at 1 million. Of that number 20,000 are Karenni. The people have been deprived of security, their livelihood, education, medical care, and even their right to worship freely. At least 120,000 are refugees in Thailand. Of that number, another 20,000 are Karenni. The number of displaced Karenni of 40,000 may seem small but that amounts to 20% of our total population, which is a very high proportion. Most of our villagers no longer want to have anything to do with Burma. Since being annexed by Burma, the Karenni people have known nothing but suffering.

If we are going to rebuild the nation of Burma, if we are to convince our people that rebuilding the nation together with the Burmese democracy movement will benefit them, we will need to alleviate their suffering. Otherwise, they will say that they do not want to suffer anymore.

The ENSCC, therefore, is of the opinion that if the ethnic nationalities are going to be able to contribute positively to the process of developing the dialogue in Rangoon, the international community will have to start exploring ways and means to begin delivering humanitarian aid directly and without political interference to the ethnic nationalities.

This of course raises the question of how the aid can be delivered in a war zone. One option is to adopt UN initiated humanitarian or peace corridors or undertake cross-border

operations from neighbouring countries. A more permanent arrangement would be to initiate a nation-wide ceasefire or cessation of hostilities.

Ceasefires currently exist between the SPDC and some ethnic nationality armies. Many agreed to ceasefires to alleviate the suffering of their people and to find a political solution. But in the last 10 years of ceasefires, not one political discussion has taken place between the SPDC and the ceasefire groups. Each ceasefire agreement is also negotiated separately and with different conditions making it difficult to access the different areas. Therefore, if humanitarian aid is made available for our people, those of us that do not have a ceasefire would be willing to enter into a nation-wide ceasefire guaranteed by the international community. The delivery of aid and a nation-wide ceasefire has to be an integral part of the process of political dialogue.

As the process develops and the eight constituent states of the Union of Burma prepare for a new Panglong Conference to draft a new federal constitution, it will be necessary to take steps to ensure that all parties in the 8 states can participate.

The SPDC considers the KNPP and others to be illegal organizations. It is not willing to include us in the political process. From our point of view, the military seized power illegally in 1962 and lost the election in 1990. So it is ruling illegally and should not be included in the process. But since we are trying to find a political solution, the ENSCC is of the opinion that a general amnesty covering all parties on both sides could be granted. This could also offer protection to military officials from being prosecuted for crimes against humanity. Such a move in the interest of nation building would be acceptable if it is part and parcel of the process to move from the current talks towards a new Panglong Conference. It cannot be considered separately from the political process because our people have suffered greatly in the last 50 years and they need to be convinced that it is necessary to forgive past wrongs if we are to move forward.

Such a step would enable all groups, armed and unarmed, political and religious, and of all ethnic communities within each state to consult each other freely. It would enable them to discuss the future of their state and how they want to live and work together with the other 7 states. State representatives could also be elected to attend the new Panglong Conference.

If such a concept could be accepted by the SPDC and the NLD, it would go a long way towards solving the problems we face today. The military will no longer need to fear that the ethnic nationalities want to breakup the nation. If the spirit and concept of Panglong is accepted, even we the Karenni, who believe ourselves to be an independent nation, would be willing to work together with the SPDC and the NLD to rebuild the nation.

The Panglong spirit is very important. We will not be forced into a union. But we will exercise our self determination and decide to join the union if it benefits our people. We will also come as equals. We have not been subjugated and we will not be subservient to another nation. But if our neighbours are willing to work with us as equals, we are ready to reciprocate. Last but not least, we want democracy. In the same way that Daw Aung San Suu Kyi wants the will of the people to be respected, we want the will of our Karenni people to be respected. Thank you.



VISION FOR THE FUTURE

Sai Myo Win

General Secretary
Shan Democratic Union

Mr Chairman, Delegates, Ladies and Gentlemen:

On behalf of the people of the Shan State, I would also like to thank Norwegian Church Aid, Norwegian Burma Committee, Worldview Rights, and the Norwegian Government, for taking the initiative to address the issue of Burma. I am also honoured to speak alongside guest speakers here and to present the Shan position.

I agree with the points raised by my colleagues and fully support the political initiative being proposed by the ENSCC.

But before I continue, I would like to clarify what the SDU is and what its relationship is to the ENSCC and the rest of the Shan community. As explained earlier by my colleague Harn Yawngghwe, each of the 8 constituent states of Burma are not homogeneous ethnic states corresponding to their given names. Instead, they are historical states and multi-ethnic in nature but carry the name of the dominant ethnic group.

For example, the Shan State's population include the Shan, Kachin, Pa-O, Palaung, Wa, Kokang, Lahu, Lisu, Akha, Kayan, Padaung, Intha, Danu, etc. Together they make up about 20% of the population of Burma. The Shan State covers an area that is 23% of the total area of Burma. Shans make up about 60% of the population of the Shan State. Because of the civil war each of the groups in the Shan State have their own political and armed organizations. But I wish to emphasize that we usually live in harmony with each other and we are waging a war of resistance in unison against the Burma Army.

Amongst the Shans as a whole, the Shan National League for Democracy that won 23 parliamentary seats in the 1990 elections is recognized as the legitimate voice of the Shan people. In addition, there are 3 independent Shan State Armies – Shan

State Army (North), Shan State Army (Central), and Shan State Army (South). The North and Central Armies have ceasefire agreements with the SPDC. The Southern Army is continuing to resist. But all 3 armies have an understanding between themselves and accept the leadership of the SNLD. The 3 armies would have merged but were prevented from doing so by the SPDC. Outside the Shan State, there are many Shan organizations and the SDU is the umbrella organization whose task is to make the voice of the Shan people heard internationally. The SDU coordinates with the Shan State Armies and the SNLD.

The ENSCC has invited the political body of the SSA (South) which is known as the Restoration Council of the Shan State to participate in the new Panglong initiative. The SSA agrees in principle but has not yet formally ratified it. The representatives of the RCSS also had some technical difficulties getting here and I was requested to represent the Shan State.

As I said earlier, I agree with the ENSCC initiative. The Shans firmly believe that the crisis in the Union of Burma today is rooted in a political problem, specifically a constitutional one – the non-adherence to the spirit of Panglong. If we can address this, we have a solution to the fifty-year civil war we have been fighting.

The Shans, therefore, welcomes the current ‘Talks’ between Daw Aung San Suu Kyi and the State Peace and Development Council (SPDC) and hope that these ‘Talks’ will lead to a wide-ranging and in-depth political dialogue, involving all stakeholders that will eventually lead to a new constitutional arrangement between the various constituent states of the Union of Burma as was envisioned in 1947.

There are many issues that need to be addressed before we get to that stage but some basic principles could be agreed upon by all participants to facilitate the process:

MORATORIUM - In the initial stage of the transition, before a constitutional arrangement between the historic states of the Union is decided upon, all parties should agree to refrain from attempting to subdivide or change the boundaries or names of

the current historical states. All issues of concern should be addressed in subsequent constitutional talks.

HUMAN AND CITIZENSHIP RIGHTS – Agree that all citizens of the Union regardless of their ethnic or social background, religion or state of residence, have the same basic human and democratic rights. It should be further agreed that illegal immigrants have the basic human rights as set up in the Universal Declaration of Human Rights. They, however, do not have the same democratic rights as citizens. Cultural and religious rights of each group must also be respected.

DECENTRALIZATION – Agree that all states within the Union should consider decentralizing their administrative structures to enable the multi-ethnic societies in their midst to function in harmony with their respective neighbours and prevent the unjust domination of one group over the other. Decentralization, however, should not be taken to mean that the federal government cannot have policies that will benefit the whole nation.

INCLUSIVE REPRESENTATION – Agree that an inclusive representation system should be considered for all electoral processes within the Union including state and local elections, in order to enable smaller ethnic grouping to participate fully in the political process. Such a system will enable multi-ethnic societies to function in harmony with their respective neighbours and prevent the unjust domination of one group over the other.

To discuss some of these concepts, we have within the overall National Reconciliation Program started a Shan State Constitution Drafting Commission. The Commission is multi-ethnic in composition and 5 of its 11 members are women. The Commission will be raising various issues on how the different ethnic peoples in the Shan State want to relate to each other and discuss procedures on how different issues can be resolved in a democratic way.

We are aware that not every group in the Shan State can as yet freely participate in the current process, therefore, the constitution we are drafting is of necessity only a model which will have to be modified at a later date. But we feel that we

need to start the process of dialogue to enable us to realistically deal with the many issues we will face in the future. Lessons learnt will also be valuable for others who will eventually have to deal with the problems. It will also lay the ground work for the new Panglong Conference when each state will have to discuss at the national level how they want to relate to each other.

I am happy to inform you that the other states have also started a process of drafting their own state constitutions. In fact, representatives from the State Constitution Drafting Commissions of the Arakan, Chin, Kachin, Karen, Karenni, Mon and Shan states are currently in Germany to look at the German federal model. Such joint-working groups will also enable the various State Constitution Commissions to compare notes and ensure compatibility within an overall federal structure. They are also being accompanied by representatives from the National Coalition Government of the Union of Burma and the Burma Lawyers' Council. We believe that such exercises can give us a better understanding of the problems we could face in the future and will contribute to the betterment of the Union of Burma.

I would like to conclude by once again endorsing what my colleagues have said before me, especially the forward looking proposals made by the ENSCC. I am certain that our non-Burman compatriots in Burma including the ceasefire groups can agree to them.

A similar proposal was made by Khun Htoon Oo, the leader of the Shan National League for Democracy. In order to allow non-Burman ethnic nationalities to work out a 'common position', he called for:

- A nationwide ceasefire,
- The freedom of assembly and meeting,
- A free passage for non-ceasefire groups like the SSA (South) and the KNU, for consultations, and
- The re-instatement of banned political parties.

The Panglong Agreement in 1947 was the first and only time all the peoples of Burma agreed to work together to form

a nation. Given the desperate condition Burma is in today, it is time for all the peoples of Burma to once again work together.

A call from the ENSCC to return to the spirit of Panglong with the New Panglong Initiative is not only timely but very appropriate. I sincerely hope, the State Peace and Development Council will give it serious thought and respond in a positive and constructive manner. Thank you.



MINUTES FROM “WORKSHOP ON BURMA”

The Current Situation in Burma

Dr. Sein Win (Prime Minister of the National Coalition Government of the Union of Burma)

- Without participation of ethnic nationalities (40% of population) there will no political solution in Burma. They must be included in the political process.
- There has been no official news about the talks between Aung San Suu Kyi and the SPDC. Not one agreement has been reached with Aung San Suu Kyi after more than one year of talks.
- Some political prisoners have been released, the attacks on Aung San Suu Kyi and the NLD have stopped, and some NLD offices have been permitted to reopen, but this is not enough.
- Dr. Sein Win called on the international community to keep up the pressure on SPDC.

‘The Non-Burman Ethnic Peoples of Burma’

Harn Yawngghwe

(Director of the Euro-Burma Office in Brussels)

- Burma has eight constituent states: Arakan, Chin, Kachin, Shan, Kayah, Karen, Mon and ‘Burma Proper’ or ‘Ministerial Burma’. Burmans are also one of the ethnic groups.
- Burman nationalist say that present day Burma resembles the pre-colonial Burman kingdoms. Ethnic nationalities reject this claim, and say that they entered into a formal agreement with the British to form the Union of Burma.
- The Panglong Agreement of 1947 forms the basis of the current union of Burma. The Union Constitution of 1947 is based upon it. The non-Burman problem stems from a failure of the government of Burma to address the constitutional argument between the different states. Therefore the ethnic nationalities started an armed struggle against the central government.

- In 1962 the army led by General Ne Win seized power after Shan leaders had formed the 'Federal Movement' to amend the constitution. Ne Win suspended the 1947 constitution. For the Shan, Kachin and Chin this ended their legal binding to the Union of Burma.
- The problem in Burma is how the different states relate to each other. It is a constitutional problem that can be solved by negotiations. It is not the ethnic groups who are fighting each other like in former Yugoslavia. All the ethnic groups are fighting the military government. The argument of the military that Burma needs a strong government to keep the country together is not valid.

'The New Panglong Initiative'

Saw Ba Thin (Chairman of the Karen National Union)

- The KNU believes it can build up the country together with the military, the National League for Democracy, and others if all respect the spirit of Panglong, which was based on the principles of equality, self-determination and democracy. To achieve this task the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC) was set up.
- The question of democracy, the military's role in politics and the constitutional agreement with the non-Burman ethnic nationalities are cannot be resolved one without the other. 'Tripartite Dialogue' involves an inclusive nation-wide convention to draft a new constitution.
- Aung San Suu Kyi and the NLD won the 1990 elections. The NLD could invite the SPDC and the UNLD to form a transition authority to oversee the transition from military rule to democracy.
- The main task of this transition authority is to convene a new Panglong Conference with representatives from all eight constituent states. We can work together to rebuild the Union of Burma if we respect the spirit of Panglong – self-determination, equality and democracy.

‘Towards a Transition in Burma’

Khu Htet Bupeh

(Chairman of the Karenni National Progressive Party)

- Karenni land was forcibly annexed to the Union of Burma in 1948. Since then the Karenni took up arms against the invading Burmese troops.
- The KNPP, the KNU and others helped set up the NCGUB. The KNPP has a common goal and can work together with the Burmese democracy movement.
- The KNPP signed a cease-fire agreement with the SPDC in 1995. The Burmese military violated this agreement within three months. The KNPP will not enter into another cease-fire unless it is part of a process that leads to a political solution.
- The KNPP maintains that Karenni is a sovereign nation. But it is willing to be part of a process to form a new union if it respects the spirit of Panglong: equality, self-determination and democracy.
- Humanitarian aid should be delivered directly and without political interference to the ethnic nationalities. The KNPP is willing to enter into a cease-fire guaranteed by the international community to make humanitarian aid available to the people. The delivery of aid and a nation-wide cease-fire has to be an integral part of the process of political dialogue.
- The ENSCC feels that a general amnesty could be granted in the interest of nation building.

‘Vision for the Future’

Presentation by Sai Myo Win

(General Secretary of the Shan Democratic Union)

- The three independent Shan armies (SSA North, SSA Central and SSA South) accept the political leadership of the Shan National League for Democracy (SNLD), which won 23 seats in the 1990 election. The SDU pleads for the Shan cause internationally.
- The crisis in Burma is rooted in a political problem, specifically a constitutional one – the non-adherence to the spirit of Panglong.

- To facilitate the talks all parties should refrain from changing boundaries and names of states; agree that all citizens have the same basic human rights; agree that all states should decentralise their administrative systems; and agree that an inclusive representation system be considered.
- A multi-ethnic Shan State Constitution Drafting Commission was set up. Other states have started similar processes and joint-working groups have been set up
- SNLD leader Khun Htoon Oo has called for a nation-wide cease-fire; freedom of assembly and meeting; freedom of passage for non-cease-fire groups for consultations; and the reinstatement of banned political parties, so that ethnic nationalities can work out a 'common position'.
- The ENSCC calls for a return to the spirit of Panglong.

**Comment by Lim Kit Siang
(PD Burma member, former MP from Malaysia):**

Mr. Lim Kit Siang met with Mr. Razali after his recent (6th visit to Burma:

- Razali went to Burma to tell the SPDC that too much time has been spent on building confidence and that it is now time to start a meaningful dialogue and find a political solution.
- Razali is cautiously optimistic about the talks but feels that the international community should help to make the talks irreversible. There is no road map or timetable yet.
- Mr Razali wants to continue the carrot and stick approach. He thinks the recent changes within the SPDC are due to the rampant corruption and could strengthen elements that support changes.

Question from PB Burma member from Denmark

(Henning Gjellerod, former MP Denmark):

From which ethnic groups is the military recruited, and is there equal ethnic representation in the army? Do people that leave the army remain loyal? Are there any freedom fighters in Burma or in neighbouring countries that have connection with terrorist organisations?

Answer by Harn Yawngwe (Euro Burma Office):

Most of the soldiers are Burman. The highest ranking ethnic nationality officer is a colonel. The only non-Burman among the generals is General David Abel, who was called in for his expertise on economic issues, and he does not command any troops. Soldiers who leave the army remain in a special class and do not break ranks. An exception is Gen. Tin Oo who joined the NLD. There are some Muslims in Arakan who have contacts in the Middle East, but these groups are very small and do not present any threat to Burma.

Comment by Gareth Evans

(President of the International Crisis Group/ PD Burma):

- Civil society is depressingly weak; the military is depressingly strong and resistant to arguments and external pressure; the international pressure is unfocussed and weak; there is no unity between the democracy movement and the ethnic opposition groups.
- Hope upon the talks to succeed is based more on optimism than on experience and evidence. The military do just enough to get of the heat from the international community.
- The opposition needs to forger a real united front between the ethnic and democratic opposition; build up a clear detailed view of what the dialogue process should be; make a much more realistic strategic approach to reach the goal; and opposition organisations themselves need to become more democratic structures.
- The international community should develop a clear and united view on what they want to achieve to get real progress and find a common ground with the NLD, NCGUB and ethnic groups; continue to apply pressure on the SPDC; and start thinking to encourage the development of a positive mind set within the Burmese military to change their view to the outside world, a paranoia reduction strategy internal as well as external.
- It is tremendously important to give real support to the opposition groups, moral, financial and physical. The main way forward is to be more systematic.

Question from Kai Grieg (The Rafto Foundation):

Do the ethnic representatives support the call for sanctions against the SPDC?

Sai Myo Win:

Yes if it benefits the people, but not if it benefits the military regime. The sanctions are working and that is why the military regime is opening the door to the ILO.

Saw Ba Thin:

We are trying to find a political solution and a peaceful settlement. We feel that sanctions are a very effective way to bring the SPDC to the negotiation table in order to find a political settlement. We want the sanctions to continue because they are working.

**Comment by Yasuko Takemura
(PD Burma member from Japan):**

We agree that sanctions work. The Japanese government is helping the military government a lot with ODA and a debt relief project. Many of you have criticised this. This programme is based upon UNCTAD and aims at securing economic stability of developing nations, and it is not easy for the Japanese government to stop this. I need your help to bring this issue to the UN.

Guatemala; A Comparative Perspective

Introduction by Arne Aashein, Peace Ambassador of the Norwegian Ministry of Foreign Affairs and former Norwegian Ambassador to Guatemala.

- The Guatemalan Peace Agreement was signed in December 1996 after 36 years of armed conflict that cost the lives of 200.000 people. The first agreement was signed in March 1990 in Oslo, after which process matured until 1993. The active negotiations took place between 1994 and 1996.
- Norway was one of six members of a groups of friends of countries that mainly acted as facilitators. These countries also worked with civil society organisations and representatives of indigenous people. Norway also established relations with

the military, opening the door to them and letting them observe how things were working outside Guatemala.

- Some important military officers were among the more active parties in the negotiations who wanted to comply with the goal of signing a peace agreement before the end of 1996.

Presentation by Rodigiro Asturias,

Party Leader of the Unidad Revolucionaria Nacional Guatemalteca and former guerrilla leader

The peace negotiations lasted for ten years. Lessons from our experience:

- Do not wait until all are united to start peace negotiations because peace and peace negotiations are a process that have to be build along the way.
- We negotiated a treaty on global human rights. This was the door and the guarantee to further negotiations. This treaty was applied immediately, and could be verified by the international community. This made the peace process possible.
- We also made a treaty on the role of the army in a democratic society. For 40 years they represented absolute power and repression in our society. As long as the role of the army was not clearly outlined we could not talk about the future society, including constitutional reforms.
- International participation played an essential role in the peace process. Not only the UN and its institutions but also different foreign offices as well as the moral force of the church.

Question by Kai Grieg:

In Burma there are three different groups while in the case of Guatemala there were only two. What lessons can you give us on this issue?

Answer by Rodigiro Asturias:

In the case of Guatemala we had on one side the army and on the other side the revolutionary movement. The negotiation process was strengthened by the participation of civil society and by the creation of a special Civil Society Assembly. The negotiating parties discussed the proposals from this Assembly and the outcome went back to the Assembly to transform them into agreements.

Comment by Jan Hodann

(Olof Palme International Centre):

Burma can also learn from the case of South Africa where the business community took the initiative. Lessons should also be learned from backlash in the Philippines where the peace treaty results, such as on education and health, were never delivered. It is very important that there is a real commitment

Question by Harn Yawnghwe:

- 1) Why did the military in Guatemala decided to negotiate, what was the key factor;
- 2) What made the military accept international participation in the peace process;

Answer by Rodigiro Astorias:

The conviction in the army was that it was not possible to achieve complete victory. If the army felt they could crush the revolutionary movement there would have been no negotiations. There was also the general condemnation of the human rights abuses and the perception that the Guatemalan army was a horrible army. This was why they needed international participation. In the beginning the negotiations on human rights were very difficult. Later the talks on democratisation and the role of the army in a democratic society were easier.

Question by Tom Kramer (Independent Consultant):

Was the army in Guatemala given an amnesty? How do the ethnic leaders think about this issue?

Answer by Rodigiro Astorias:

We proposed to make amnesty made by the army invalid but this was impossible. The treaty on human rights stipulated that the government could not promote amnesty for members of the army. Later a national reconciliation law was promoted. Investigations on crimes that had a clear political motive were removed. If I had to start negotiations again I would start with the human rights problem, it was the most successful because it was applied immediately and international verification could take place immediately.

Answer by Saw Ba Thin:

We understand the crisis in Burma is a political crisis, and we have tried to solve the problem in a political way many times. The last time was in 1996 but the government gave us an ultimatum to surrender. We can only reach real reconciliation and peace through political negotiations. If we really want a political settlement, we need an amnesty arrangement.

Comment by Gareth Evans:

What is important if you are talking to the military:

- Find the right person to talk to in the military. The SPDC decision making process is collective in the top, which makes this difficult to find one good guy.
- Say something that they listen to. The military wants to hear that the democratic process is evolutionary and not revolutionary. Work out how far the opposition is prepared to go. Address the future position of the country, they think Burma needs a strong government to keep union together.
- Who does the talking, have a group of opposition as well as a group of outsiders who the military feel comfortable with, who talk in a language and style that the military understand.
- Style of talking.

It is long process of reducing of the general paranoia that infects the military regime. It involves symbolic concessions, for instance to accept Myanmar as the name of the country.

Question by Christian Moe

(Norwegian Institute of Human Rights):

At what point should the ethnic nationalities be included in the talks?

Comments by Erik Solheim

(Special Advisor, Norwegian Ministry of Foreign Affairs):

There is an emerging unity among the international community. Some Asian countries told the SPDC that if they do not reform there will be no economic development. Among Western nations there is little talk little of sanctions; they speak about engagement. In the 'Group of Friends of Burma' there is nobody seems in favour of isolation. The ethnic issue lies at the core of the

conflict. We must also address the issue that the military thinks it must save the union from falling apart.

Comments by Harn Yawngghwe:

- We think that there should be an amnesty for the military.
- The ENSCC focuses on constitutional issues. The ENSCC started talks with organisations inside Burma, including cease-fire organisations, to build up support for our ideas.
- The international community must try to meet with representatives of ethnic nationalities when they visit Burma.
- Only Gen. Than Shwe and Gen. Khin Nyunt have international experience. If the negotiations go forward Khin Nyunt will get more credit than his rival Maung Aye. We need to give Maung Aye an international role. This will also give him an opening into the world.

Conclusion and closing by Harald Bøckman

(Chairman Norwegian Burma Committee)

To conclude this workshop: on the pessimistic side the ethnic issue is still hopelessly messy. But on the optimistic side it is remarkable to have people here who have been fighting the Burmese authorities for 50 years that still want to join a decent federal union. There was a lot of talk on experience and the spirit of the Panglong agreement. The intention for this seminar was to invite ethnic leaders to come and speak, and we should be forward looking. In conclusion, I would like to say that there is a responsibility among ethnic Burmans to change their hearts, as they are the dominant ethnic group.



CHAPTER FIVE

MISSION TO THE UNITED NATIONS

**ETHNIC NATIONALITIES FORCES,
ORGANIZATIONS
AND
TRIPARTITE DIALOGUE**

(BACKGROUND BRIEF)

[This paper is based on extensive consultation among top ethnic nationalities leaders operating outside Burma – the Union of Burma – at the Karen National Union/KNU Headquarters on the border, on January 31, 2001, and officially presented to His Excellency Razali Ismail, the United Nations Special Envoy to Burma, at his office in New York, on March 3, 2001.]

**[1] ETHNIC NATIONALITIES SUPPORT FOR
THE TRIPARTITE DIALOGUE**

The ethnic nationalities leaders, organizations and forces (hereafter, the ethnic nationalities) of the Union of Burma (hereafter, Burma) welcome the talks in Rangoon initiated by the United Nations Special Envoy, His Excellency Razali Ismail, between Daw Aung San Suukyi and leaders of the military Government of Burma (hereafter, the military GOM).

The ethnic nationalities believe, and hope that the current initiative will lead to wider negotiation and consultation, namely, a Tripartite Dialogue, as called for by Daw Aung San Suukyi and as so resolved by the United Nations General Assembly.

The ethnic nationalities have officially and firmly endorsed the United Nations General Assembly's call for a Tripartite Dialogue, and have accordingly passed resolutions in this regard at the 1997 Mae Tha Raw Tha (MTRT) Ethnic Nationalities conference and the 1988 Thoo Mwe Klo (TMK) consultative seminar.

The ethnic nationalities welcome the United Nations effort to mediate, and are prepared to cooperate fully with all parties involved with a view to achieving a “win-win” solution to the country's constitutional, economic, humanitarian, and social crises.

**[2] ETHNIC NATIONALITIES FORCES:
POLITICAL CONFIGUTATIONS**

The ethnic nationalities form an important part of the Union of Burma's democracy movement. Some elements are in close alliance with the National League for Democracy/NLD led by Daw Aung San Suukyi. Some are members of the National Council of the Union of Burma/NCUB, an umbrella council operating in the border areas and elsewhere outside Burma.

[2.1] The SNLD and the UNLD

Ethnic nationalities forces closely aligned with the NLD led by Daw Aung San Suukyi are the Shan Nationalities League for Democracy/SNLD, and members of the United Nationalities League for Democracy/UNLD. The UNLD comprises of ethnic nationalities political parties which participated in the 1990 May elections. The ethnic nationalities parties together won 67 seats in the elections, and they subsequently formed an ethnic nationalities "parliamentary bloc" headed by Khun Tun Oo, the leader of the SNLD.

[**NOTE 1:** The UNLD was de-registered and declared unlawful by the military GOM in 1992. However, it was re-formed in February 1998 in the liberated area by UNLD leaders in exile.

NOTE 2: The SNLD led by Khun Tun Oo is still recognized by the military GOM as a legal and lawful party.]

[2.2] The NDF

Ethnic nationalities forces aligned with the National Council of the Union of Burma/NCUB are members of the Nationalities Democratic Front/NDF. This body – the NCUB — was the result of the 1990 Manerplaw Agreement signed primarily between the NDF and Members of Parliament in exile, resulting in the establishment of the National Coalition Government of the Union of Burma/NCGUB, the government in exile.

The NDF is composed of armed resistance organizations of the ethnic nationalities. Its current members are: the Karen

National Union/KNU and its armed forces and auxiliaries, the Chin National Front/CNF, the Arakan Liberation Party (ALP), the Palaung State Liberation Front/PSLF, the Lahu Democratic Front/LDF, the Pa-O People's Liberation Organization/PPLO, and the Wa National Organization/WNO.

[**NOTE 1:** The membership of some NDF members has been suspended from the time they entered in cease-fire agreements with the military GOM. Suspended members of the NDF are the Kachin Independence Organization/KIO, the Shan State Army/SSA (North and Central), the Karenni Progress Party/KNPP, the Pa-O National Organization/PNO, and the Palaung State Liberation Organization/PSLO.

NOTE 2: The following cease-fire armies participated in the 1997 Mae Tha Raw Tha conference (MTRT): the Mon New State Party/MNSP, the Kayan New Land Party/KNLP, the Kachin KIO, and the Palaung PSLO.

NOTE 3: The cease-fire agreement between the military GOM and the Karenni Progress Party/KNPP broke down in 1995.]

[2.3] UnAligned Ethnic Nationalities forces (armed)

There are in addition unaligned armed ethnic nationalities forces. These are the Karenni Progress Party/KNPP and its armed force and auxiliaries, and the Shan State Army/South or SSA/S. They have however participated in the 1997 Mae Tha Raw Tha conference (MTRT) and the Thoo Mwe Klo seminar (TMK).

[2.4] Ethnic nationalities political alliances and forums

These are the Shan Democratic Union/SDU, the Mon Unity League/MUL, and the Chin Forum/CF. These organizations serve as forums for diverse ethnic nationalities organizations and forces, and are pivotal in establishing and maintaining political and communication links between ethnic nationalities organizations and forces.

[3] ETHNIC NATIONALITIES UNITY

In sum, all ethnic nationalities forces are inter-linked in inter-locking nodes or networks of alliances, and are as well directly and/or variously connected to Burma's democracy movement.

The larger cease-fire armies – the KIO (Kachin), MNSP (Mon), and the SSA/North and Central (Shan), and the United Wa State Army/UWSA (Wa) – which are linked to the military GOM, have past and continuing links with ethnic nationalities forces aligned in opposition to the military GOM.

It can in general be said that all ethnic nationalities forces are united. The firm but flexible unity of the ethnic nationalities is based on two principles: (a) Common Goal, Diverse Actions, and (b) Unity in Diversity.

[**NOTE:** The ceasefire agreements are informal agreements signed on an understanding on the part of armed ethnic nationalities forces that the ceasefires would lead to talks and a political settlement of out-standing problems between the state and the ethnic nationalities. On the part of the military GOM, its ceasefire policy however states that (a) ceasefire armies must surrender their arms and form into political parties if they wish to participate in a future general elections which would be called at some undefined point in time, and (b) if they do not wish to participate in the political process, i.e., in an election in the future, they may keep their arms, and negotiate with the new, elected government. In short, the ceasefire program of the military GOM, designed by the military intelligence body, is an informal, open-ended arrangement, but which skirts political issues and problems or lacks political content or substance.]

[4] THE “ETHNIC CONFLICT” IN BURMA: A CONSTITUTIONAL CRISES

Burma has since 1962 – the year the military seized power – been confronted with a crisis situation involving the constitutional order, and is as well faced with deep-seated problems in the political, humanitarian, social sphere, and in the economy.

The military's approach to resolving problem and the current serious crisis in Burma is one that focuses on and is oriented to the imposition of control and is characterized by a habitual dependence on the use of coercive power vested in the military and the state. Broader society and forces within it are viewed by military leaders as destructive and indisciplined elements.

The so-called ethnic conflict in Burma is not one between ethnic forces and communities as in Bosnia and Rwanda. There is no serious horizontal conflict between ethnic forces and population segments.

The "ethnic conflict" in Burma is actually and in essence a vertical conflict between the militarized or military-monopolized state and ethnic nationalities societal segments, and forces from within these population segments. It is one that is grounded in a long-standing constitutional crisis in Burma revolving around the issue of how diverse ethnic segments will live together under one flag.

The ethnic nationalities forces have long advocated a union formation (and nation-building vision) based on the Panglong Spirit, a spirit that informed the Panglong Agreement which was signed on February 12, 1947. The 1947 Panglong Agreement forms the basis of the Union of Burma that emerged in 1948 as a sovereign entity.

The Panglong Spirit, in essence, is informed by the following sentiments among the ethnic nationalities: To obtain independence jointly with Burma Proper (Ministerial Burma) and to establish a voluntary Union composed of co-independent, equal states (i.e., a "Pyidaungsu", which in the Burmese language means a union of nation-states or "Pyidaung").

The flow of events after independence was gained led to a situation that contravened the Panglong Spirit. In response ethnic nationalities leaders attempted in 1961-1962 therefore to redress the constitutional problem through peaceful and legal means, and with the consent moreover of the then Prime Minister, U Nu. This constitutional reform movement – the federal movement – was brought to a rude and abrupt stop by the military's seizure of power in 1962.

Nonetheless, ethnic nationalities leaders and forces up to now stand firmly by the principle that the country's constitutional crisis must be resolved around the table, through a dialogue process.

[5] CONSTRUCTIVE PARTICIPATION IN DIALOGUE PROCESS

The willingness of the ethnic nationalities leaders and forces to resolve the constitutional and other crises is evident from preparations made through the National Reconciliation Program/NRP, to participate constructively in a Tripartite Dialogue with their ethnic Burmese counterparts – the Burmese democracy leadership and the military GOM – in order to establish a democratic, federal Union of Burma.

[6] HANDS-ON UNITED NATIONS GUIDANCE IN THE DIALOGUE PROCESS

The ethnic nationalities forces and leaders worry that without United Nations mediation and, importantly, close participation that the dialogue process may break down or be unilaterally broken off by the military GOM.

In this regard, the ethnic nationalities leaders appeal to the United Nations General Secretary and the Special Envoy, H.E. Razali Ismail of Malaysia to provide for mechanisms, structures, and proper procedures that will ensure the success of the Tripartite Dialogue.

Karen National Union/KNU
Nationalities Democratic Front/NDF
United Nationalities League for Democracy/UNLD
Shan Democratic Union/SDU
Mon Unity League/MUL

GLOSSARY OF ETHNIC NATIONALITIES ARMIES,
PARTIES, AND FRONTS

NOTE:

- [*] Armed group or army, Small (200 to 700 men)
[**] Armed group or army, Large (1,500 to 4,000 men)
[***] Armed group or army, Major (4,000 to 15,000 men)
-

- SNLD** - Shan Nationalities League for Democracy; a major political party (1990 elections)
UNLD - United Nationalities League for Democracy; a front of political parties (1990 elections)
CF - Chin Forum; a political alliance and forum
MUL - Mon Unity League; a political alliance and forum
SDU - Shan Democratic Union; a political alliance and forum
NDF - Nationalities Democratic Front; a front of armed parties
***ALP** - Arakan Liberation Party; armed, member of NDF
***CNF** - Chin National Front; armed, member of NDF
*****KNU** - Karen National Union; armed, member of NDF
***LDF** - Lahu Democratic Front; armed, member of NDF
***PSLF** - Palaung State Liberation Front; armed, member of NDF
***PPLO** - Pa-O People's Liberation Organization; armed, member of NDF
***WNO** - Wa National Organization; armed, member of NDF
*****KIO** - Kachin Independence Organization; armed, cease-fire with the military GOM
***KNLP** - Kayan New Land Party; armed, cease-fire with the military GOM
****NMSP** - New Mon State Party; armed, cease-fire with the military GOM
***PSLO** - Palaung State Liberation Organization; armed, cease-fire with the military GOM

- ***PNO** - Pa-O National Organization; armed, cease-fire with the military GOM
- ***SNPLO**- Shan Nationalities Peoples Liberation Organization (Pa-O), armed, ceasefire with the military GOM
- ****SSA/C**- Shan State Army/Central; armed, cease-fire with the military GOM
- ****SSA/N**- Shan State Army/North; armed, cease-fire with the military GOM
- *****UWSA**- United Wa State Army; armed, cease-fire with the military GOM
- ****KNPP** - Karenni Progress Party; armed, unaligned
- ****SSA/S** - Shan State Army/South; armed, unaligned



THE U.N MISSION REPORT
ETHNIC NATIONALITIES LEADERS MEETINGS WITH
HIGH U.N. PERSONS

[1] Meeting with:

- ❑ H.E. Razali Ismail,
Special Representative of Kofi Anan, UN.Secretary General
- ❑ Mr.Danilo Turk,
Under-Secretary General for Political Affairs
- ❑ Mr. Hitoki Den
Assistant to Mr. Danilo Turk
(Mr. Den was present at both meetings)

[2] The Ethnic Nationalities Team:

- ❑ Dr. Chao Tzang Yawngghwe
- ❑ Mr. David Taw
- ❑ Dr. Lian H.Sakhong

[3] The meetings were held on:

- ❑ March 2, 2001. 6PM to 730PM. Mr.Turk, with Mr.Hitoki Den present.
- ❑ March 3, 2001. 11AM to 12PM. H.E. Razali, with Mr. Hitoki Den present.

[4] The Report of the meetings:

(4.1)

The meetings were exploratory on the part of the important UN persons concerned. They were mainly interested in how the Ethnic Nationalities (EN) were to be represented at and participate in the Tripartite dialogue.

Both H.E.Razali Ismail and Mr.Turk placed great emphasis on the inclusion of EN forces and leaders in any process to resolve problems with which Burma has been and is currently confronted with.

The EN team perceived that the UN persons regard the “ethnic” question as a key problem which has to be resolved as

a matter of priority. The position of the UN persons, in the view of the EN team, is that there cannot be any sustainable political settlement or peace in Burma without dealing with and/or resolving the “ethnic” problem.

In regard to resolving the “ethnic” problem, the EN team obtained a strong impression that UN persons were of the firm opinion that federalism was the best option for a multiethnic country like Burma.

(4.2)

One point specifically raised by the UN persons was in regard to how many ethnic groups there were and how they – or each — will be represented at the talks. From the conversation, it seemed to the EN team that the UN side did not necessarily (or naturally) have a clear picture of how the ethnic nationalities were organized, politically configured, and how they operate.

Accordingly, the EN team explained that the EN forces do not operate per se as ethnic entities, but are organized into political parties, military formations, and fronts (umbrella groups). It was explained that there are currently three EN blocs that are inter-linked and in close communication with one another. These are:

- ❑ ONE, the bloc comprising political parties which participated in the 1990 elections, i.e., the United Nationalities League for Democracy/UNLD and its ally, the Shan Nationalities League for Democracy/SNLD – which in turn is allied with the National League for Democracy/NLD inside (i.e., Daw Aung San Suukyi). This bloc won 67 seats in the elections;

[NOTE: In addition, there are political forums, such as the Chin Forum, the Shan Democratic Union/SDU, and the Mon Unity League/MUL, which are bridging bodies between armed and unarmed organizations.]

- ❑ TWO, the armed EN groups or armies, operating under the banner of the Nationalities Democratic Front/NDF, or linked as military and/or political allies to the NDF; and

- ❑ THREE, EN armies that had entered into ceasefire agreements with the military Government of Myanmar/military GOM.

[NOTE: The above explanation is from a Background Brief, copies of which were given to H.E.Razali and the UN persons mentioned. Other background documents about political parties, the 1990 elections, key organizations and armed groups were submitted as well.]

It was explained and stressed by the EN team that the participation of EN forces in the Tripartite dialogue or pre-Dialogue consultations will be affected as political actors or players, rather than per se as ethnic entities or representatives. That is, EN participants in the dialogue will participate as political actors, rather than as representatives, specifically, of ethnic segments.

H.E.Razali and the UN persons were informed that the question, however, of how these EN forces – political parties, armed forces, and fronts — will participate in the expected or forthcoming Tripartite dialogue or in pre-Dialogue consultations is currently being worked out and discussed by EN leaders.

The EN team also informed the UN persons that the timing of EN participation in the dialogue has not yet been decided on, given that the ongoing talk in Rangoon is still at an early stage. While the EN leaders are prepared to be very patient, they expect that Daw Aung San Suukyi will invite the EN forces to the table sooner than later, and that the UN will also push for a Tripartite dialogue (as so resolved by the UNGA).

(4.3)

The EN team took care to explain that the EN forces have been engaged for quite some time in extensive consultations with each other concerning not only the Tripartite dialogue (and their participation), but also about a common platform.

H.E Razali and the UN persons were informed that the EN forces and democratic forces (i.e., ethnic Burmese forces) have engaged in consultations within a program – i.e., the

National Reconciliation Program/NRP – focused on conflict resolution and capacity building, with a view to preparing for the dialogue and the coming transition.

With regard to the future, the EN team explained that major EN forces (and leaders) have ruled out the secession option. In terms of a common political platform, they have — since the mid 1970s — opted for a federal option, and have always advocated dialogue as a mean to resolve the “ethnic” problem in Burma.

The EN team explained that armed resistance was forced upon the EN segments by military repression and atrocities, and it became the only option after the military seized power in 1962 and closed off all political avenues and channels for the articulation of the legitimate interest and concerns of the EN segments and other societal forces.

(4.4)

The EN team also explained that the “ethnic” conflict in Burma is not one between ethnic groups as, for example, in Bosnia or in Indonesia, but that it was (and remains) a “vertical” conflict between the state monopolized by the military on the one hand, and ethnic segments on the other hand, whose rights have been suppressed by the military-controlled state. At the core of the conflict is the issue of the self-determination rights of ethnic segments and societal autonomy vis-à-vis the controlling and monopolistic militarized state in Burma.

The EN team explained that since the central problem of crisis proportion in Burma revolves mainly around and arises from the concentration of power in the hands of one group within the state sphere – the military, in this instance – the solution to the conflict lies in the re-configuration of power relation between the state and broader society and forces within it. In other words, there is a need for decentralization so that all forces within society is enabled to manage their own affairs without being coercively dictated to and constrained by a controlling state, especially one monopolized by a group within the state (i.e., the military).

In response to a question of how ethnic segments and communities would be empowered and provided with (or enjoy) autonomy and self-determination, the EN team stated that EN leaders see a federal arrangement in the democratic context as the best option, and also that some EN leaders have been exploring the advantages of the proportional representation system – in particular, its usefulness or relevancy in ensuring equitable representation for and the autonomy of all ethnic segments and local communities.

(4.5)

H.E Razali and the UN persons expressed interest in getting all EN leaders, inside and outside the country, to consult with each other in an environment that will induce frank and open exchange of ideas and views, i.e., in a venue outside Burma and Thailand – in Malaysia, or somewhere in Europe, for example.

Regarding the above, the EN team expressed keen interest and support for such meetings, saying that it would be most useful. However, the EN team expressed doubt about whether the military GOM would allow EN leaders inside to leave the country to hold talks with opposing EN leaders. The EN team said that if the military GOM agrees to such meetings, such consultations would be most constructive and would go a long way to affecting a peaceful and orderly transition in Burma and ensuring a smooth and positive dialogue process.

Regarding the details of which of the EN leaders or organizations should be invited to pre-Dialogue consultations, the EN team stated that it hopes that close coordination with the UN, via Mr.Hitoki Den, will be established, and the details thereon worked out.

(4.6)

The EN team stated that a resolution to the conflict in Burma – “ethnic” and/or otherwise – lies in how the dialogue process is designed and undertaken. The key is the dialogue and transition process, rather than “solution-formulas” espoused or tabled by the parties in conflict.

The EN team's view is that a well-designed process, overseen or guided by outside players like the UN, would be essential. Such a process, guided for example by the UN, would bring about or create solutions that address the real needs and the real or core interests of the parties concerned. Irresolvable debates and deadlocks over positions adopted in advance or politicized formulas and slogans tabled by the parties concerned (or the parties in conflict) would be circumvented.

(4.7)

Concerning the outflow of drugs – heroin and amphetamines – from Burma and the Wa (United Wa State Army/UWSA), the EN team informed the UN persons that there are other parties also deeply or allegedly involved. These are: the military GOM (directly or indirectly), corrupt politicians, government officials (top, high and low, again directly or indirectly) of neighboring countries, a variety of influential businessmen and financiers in the region, some rebel/resistance armies, and criminal and underworld elements.

The illicit drug economy is rooted in the politics of instability and feeds on political conflict and problems that arise from political uncertainty and economic instability. The illicit drug problem cannot be resolved prior to a political settlement because it is all mixed up with the politics and the political economy of conflict. It can be resolved only after political conflict and associated problems are resolved. A political resolution in Burma will make it possible to isolate criminal or underworld elements, which can then be targeted by law enforcement agencies and dealt with accordingly.

(4.8)

In response to the question regarding the future status of the “ethnic” resistance or rebel armies, the EN team stated that they could be incorporated into the federal defence forces or serve as territorial auxiliaries, or re-formed as national guard units of the member states (as in the United States).

The EN team stated that the central problem is the militarization of national politics in Burma which stems from

the direct involvement, since 1962, of the Burmese military in politics and its monopolization of state power. The EN team expressed the confidence that once national politics is demilitarized and the Burmese army disengages from politics, the problem of ethnic-based armies can be resolved in the manner indicated above. There will be no need for nor interest in maintaining ethnic-based resistance armies.

(4.9)

Responding to the Rohingya question in the Rakhine (Arakan) State, the EN team stated that there are two categories of Rohingya. One category comprises of indigeneous elements who can rightfully be regarded as a Rakhine minority group. Another category comprises of illegal Bengali immigrants from Bangladesh. The latter group poses a very difficult and complex problem, not unlike the one faced by India in Assam State. The resolution of the problem of illegal Bengali immigrants into Rakhine (Arakan) State is postulated on there being a government in Burma that is accepted by the people, especially the Rakhine, as legitimate and fair.

The EN team stated that the Rakhine people are Buddhist and are therefore very tolerant of differing beliefs. Without the manipulation by the militarized state of the fears of both the Rohingya and the Rakhine people, it is likely that the Rohingya question can be peacefully resolved in time by a democratic government and by democratic and lawful means.

[5]

The above report is based on mental notes made by the author, and may as such require corrections or additions. Members of the EN team – Mr. David Taw and Dr. Lian Sakhong – may find it necessary to make corrections or additions, and are requested to kindly do so.

Chao-Tzang Yawngghwe

March.10, 2001

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CHAPTER SIX

THE QUEST FOR DEMOCRATIC TRANSITION IN BURMA

BRINGING ABOUT CHANGE IN BURMA

Harn Yawnghwe

Summary

The Burmese military has in the past changed when its survival was threatened. It changed from ruling through the Revolutionary Council in 1962 to ruling through the Burmese Socialist Programme Party in 1974. In 1988, the State Law and Order Restoration Council discarded 'socialism' and adopted 'capitalism' hoping to replace foreign aid with foreign investments. In 2000 the State Peace and Development Council (SPDC) again changed tactics from one of confrontation to one of 'dialogue'.

However, it is clear that while the military has changed its tactics, it is not yet committed to finding a solution to the crisis in Burma through political dialogue, negotiations and compromise. The current 'Secret Talks' are designed to decrease pressure and give the military time to consolidate its power base. The aim is to retain its grip on power.

The international community does not have a comprehensive strategy to ensure that this does not happen and that the current 'Secret Talks' will develop into a 'political dialogue'. It is depending instead on the goodwill of the generals and the hope that common sense will prevail. Recent developments indicate that these hopes may be misplaced and that the 'Secret Talks' could be on the brink of a breakdown.

The international community needs an overall comprehensive strategy to ensure that a political dialogue will follow the 'Secret Talks'. Instead, conflicting signals are being sent. The need for a facilitator to coordinate the strategy should also be considered.

However, before a comprehensive strategy is adopted, the international community needs to clearly understand the basic issues at stake in Burma. The root of the conflict is a constitutional one dating back to 1947. Unless the constitutional problem is

also resolved, simply replacing a military government with a democratic one will not work.

To save the ‘Talks’, the international community needs to first demonstrate that it is unanimous in its opinion that the crisis in Burma can only be resolved through a political dialogue, negotiations and compromise. Second, it also needs to convey the message that the current pace and manner in which the ‘Secret Talks’ are being conducted is not acceptable. Minimum requirements must be met if the international community is not to ‘interfere’ by imposing more sanctions to speed up the ‘dialogue process’.

Only when the minimum steps have been taken can progress be made and various steps be taken to encourage the further development of the ‘Dialogue Process’. Without the minimum steps, it cannot be deemed that the ‘Secret Talks’ have progressed.

The unique opportunity presented by the ‘Secret Talks’ must not be lost. The international community must adopt a comprehensive strategy to make it happen.

Introduction

In *“EU-ASEAN Relations – A Burmese/Myanmar Perspective”* published in Panorama Volume 2, 2000, by the Konrad-Adenaur-Stiftung’s ‘Regional Programme for Southeast Asia’, a detailed background information on the situation in Burma (See next article in 6.2.) was given. The document circulating amongst the leaders of the Burmese democracy movement, non-Burman ethnic leaders, and key decision makers in the international community entitled, *“A Possible Transition Plan for Burma/Myanmar”* dated January 2000 (See next article in 6.3.), gives a possible step-by-step process towards democracy in Burma. This paper builds on both and expands on how change could be brought about.

As noted in the Panorama article, when circumstances demanded it, the Burmese military leadership did change. It changed in 1974 from ruling as a Revolutionary Council by adopting a ‘Socialist’ one-party constitution and continued to rule through the Burmese Socialist Programme Party. Again,

when foreign aid was withdrawn by the international community in the aftermath of the 'SLORC coup' in 1988, the generals became 'capitalists' overnight and invited direct foreign investments in order to survive.

The question is not whether the generals will change but what will make them change and in which direction? The author maintained in early 2000 that circumstances in Burma were ripe for the military to make another major tactical change. The January 2001 announcement by the United Nations Special Envoy for Burma Ambassador Tan Sri Razali Ishmael that secret talks have been underway between the generals and Aung San Suu Kyi since October 2000, indicates that the military has made that tactical change.

What brought about the change?

Events in 2000 may have convinced the military that it can no longer continue ruling by force of arms alone. At the beginning of the year 2000, the policy of the ruling State Peace and Development Council (SPDC) was to eliminate the election-winning National League for Democracy (NLD) and its charismatic leader Aung San Suu Kyi by year-end. After systematically closing down NLD offices and increasingly restricting its leadership, SPDC tried in September to detain Aung San Suu Kyi (ASSK) and marginalize her.

The strong reaction and increased international pressure even from neighbouring states caught the generals by surprise. The stronger Common Position adopted by the European Union (EU) in April 2000, and the unprecedented decision by the International Labour Organization (ILO) in June 2000 to sanction the regime for its forced labour practices also shook the generals. By year-end, the military seemed to have accepted that changes have to be introduced if it seriously wants to maintain its political role in the future.

The military might also have realized that it is not in its self-interest to allow the situation in Burma to deteriorate further: that a weakened nation might not be able to defend her sovereignty and territorial integrity, and that her viability as a

nation might be brought into question. The severe deterioration in the nation's health and education systems, the continuing economic and social problems, the increased fighting and unrest in non-Burman ethnic areas and the high rate of desertion from the army could have been some of the factors that contributed to the decision to change tactics.

Events in the rest of Southeast Asia in the year 2000 could also have influenced the military's decision. The increasing violence and uncertainty in Indonesia and the political crises in the Philippines may have convinced the generals that it is in their best interest to oversee a planned transition to democracy rather than allow a situation to develop where control may not be possible and the threat of foreign intervention increased.

The current 'Secret Talks'.

Much misinformation, speculation and rumours surround the 'Secret Talks', but the facts that can be ascertained are as follows:

- ASSK has since October 2000 had a series of meetings with Major-General Kyaw Win of the SPDC's Office of Strategic Studies.
- SPDC Chairman Senior General Than Shwe is ultimately in charge of the 'Secret Talks', not Intelligence Chief and Secretary 1, Lieutenant-General Khin Nyunt.
- SPDC has ordered its news media to stop public attacks on ASSK and the NLD.
- Without specifically mentioning the 'Secret Talks', Senior General Than Shwe made a somewhat reconciliatory speech on Armed Forces Day 27 March 2001.
- The helicopter crash in February 2001, which killed SPDC Secretary-2 and Army Chief of Staff Lieutenant-General Tin Oo together with Armed Forces Inspector General, Brigadier General Lun Maung, and South-west Military Region Commander Major-General Sit Maung, seriously affected the stability of the SPDC and could have adversely affected the progress of the 'Secret Talks'.

- The Myanmar Times which is published in English and read by foreign businessmen carried front-page news of Razali's announcement of the breakthrough and reports regularly on the 'Secret Talks'.
- While the fact that the 'Secret Talks' are taking place has been confirmed to the international community and has been reported extensively by foreign media, no official statement has been made about the 'Talks' in Burmese in the official media up until the end of June 2001. Since all media in Burma is controlled, it means that the people of Burma have actually not been told about the talks that have been taking place in the last nine months and are known to the rest of the world.
- ASSK agreed to stay within her compound in order to facilitate the talks.
- ASSK has access to U Lwin, a member of the NLD Executive.
- The substance of talks is not known to either the UN or the diplomatic community. It is not known how well informed the NLD executives are of the substance of the talks.
- Neither the UN Special Envoy nor his representative nor NLD executives are ever present at the talks. The Special Envoy himself was unable to visit Burma again until June 2001 after he made the announcement about the talks in January 2001. His unofficial representative in Burma, Leon de Riedmatten of the Humanitarian Institute, was also unable to visit ASSK between January and April 2001.
- Since the UN Special Envoy's visit in June 2001, a number of political prisoners have been released, apparently as a gesture of goodwill. These include prisoners over 65 years old; members of parliament; prisoners who have already finished their official sentences; and those who have been detained without being formally charged.
- NLD Vice-Chair Tin Oo, and other executives have been released from detention but certain restrictions seem to have been placed on them. They are not totally 'free'.

- The NLD HQ, the Mandalay Divisional office and 18 township offices in Rangoon Division have been allowed to reopen. Local authorities have not permitted the NLD to open other offices elsewhere. The local authorities claim that it is illegal to do so.

Analysis of the ‘Secret Talks’

- There is an imbalance. ASSK does not have the same freedoms and access to the media as the SPDC has. She has not talked to the media. The SPDC Foreign Minister has twice make pronouncements about the progress of the ‘Talks’ to the media.
- ASSK alone is involved in the talks. She has no access to colleagues or advisors to discuss and weigh options, whereas the SPDC is able to consult each other and have, at the very least, the Office of Strategic Studies to depend upon.
- ASSK is not talking to an equal. Major-General Kyaw Win can always appeal to his superiors if a disagreement develops. If ASSK disagrees, there can be no solution.
- No facilitator is involved. Neither side may be getting adequate input regarding possible compromises and negotiating techniques. A deadlock could easily develop.
- A public relations war seems to have developed around the ‘Secret Talks’ with rumours and stories being circulated to discredit ASSK. For example, it has been insinuated that ASSK is arrogant and very content to talk to the generals by herself; and that she is in the process of making deals with the military without consulting either her party executives or other leaders, especially the non-Burmans. These stories ignore the fact that access to ASSK is controlled by the SPDC. Her isolation is the condition imposed on her by the SPDC. It is not of her choosing. In fact, she has in the past stated categorically that she will not make unilateral decisions about the future of Burma without wider consultation (Appendix III).

It is becoming clearer from these developments that while the military has changed its tactic from one of confrontation to that of 'dialogue', it is not yet committed to actually finding a solution to the crisis in Burma through dialogue. To date, it is still trying to use the 'Secret Talks' to decrease internal and external pressure and give itself more time to regroup and consolidate so that the military can continue to retain power with as little compromise as possible. In other words, SPDC is still not serious about negotiating a transition whereby the military's prominence in national affairs could be reduced.

It is also possible that ASSK may not yet be fully committed to finding a compromise solution. She may be in the process of testing the commitment of the generals by making demands and waiting to see if they will be complied with. She could be trying to decrease the military's power with as little compromise as possible. She may not want to negotiate a compromise transition whereby the military's prominence in national affairs could be maintained or institutionalized.

In essence, the 'Secret Talks' have, after 9 months not yet gotten to step 1 – "Official Agreement to Enter into Negotiations" as outlined in "*A Possible Transition Plan for Burma/Myanmar*" dated January 2000 (Appendix II). Both sides are using the 'Secret Talks' to bargain and strengthen their position. Neither side is as yet convinced that the best solution for Burma is a negotiated compromise solution.

Without a firm commitment from both sides to try to find a solution to the crisis in Burma through dialogue, negotiations, and compromise, the 'Secret Talks' will fail.

The fact that ASSK did not attend the official ceremony on Martyr's Day on 19 July 2001 indicates that, notwithstanding SPDC Foreign Minister Win Aung's claims that all is well, the talks are in serious trouble. It may require another visit in August by the UN Special Envoy Ambassador Razali to salvage the talks, as he did in June 2001.

Given the fact that the 'Secret Talks' have not progressed towards a 'Dialogue', other domestic actors and the international community are also beginning to lose patience and some domestic

actors are beginning to make demands to be informed regarding the substance of the secret talks and/or to participate in the talks.

As for the international community, the United States is considering increasing sanctions against the SPDC with legislation to ban imports from Burma in order to speed up the 'Dialogue Process'; the European Union is also considering strengthening its Common Position on Burma in October 2001 if there is no progress; whereas Japan is considering relaxing sanctions and increasing aid in order to speed up the 'Dialogue Process'.

In other words, the initial momentum behind the 'Secret Talks' is faltering and, more and more actors are beginning to introduce their own initiatives to speed up the process. Such initiatives, if they are uncoordinated, could work at cross-purposes and complicate the already complicated political process in Burma. It is, therefore, urgent that an overall comprehensive strategy for Burma be put in place.

How can the 'Secret Talks' be further developed?

Since both parties in the 'Secret Talks' are not yet negotiating a compromise solution, it may be necessary for the international community to adopt a strategy that will clearly show the participants that negotiating a compromise is the only viable solution.

An example of the necessity for a strategy can be illustrated by the current 'Talks'. It is the expectation that the current 'Secret Talks' will lead to a 'Dialogue Process':

Expectations

TALKS	→	PRISONERS	→	\$\$\$	→	POLITICAL	→	DIALOGUE
		RELEASED				AID		FREEDOM

Possibility

TALKS	→	PRISONERS	→	\$\$\$	→	Gap/	→	\$\$\$	→	SPDC
		RELEASED		AID		MORE AID		RULE		

However, the question is what will happen if the expected outcome of 'Political Freedom' is not forthcoming after aid is given?

If, as suggested, the SPDC is trying to use the 'Secret Talks' to decrease internal and external pressure and give itself more time to regroup and consolidate so that the military can continue to retain power with as little compromise as possible, what is to prevent the military from not allowing more 'Political Freedom' after it has received aid?

Another point to be considered is that it may also be necessary to provide a facilitator or mediator although neither side is currently requesting this. SPDC, for one, is quite adamant that the problem can be solved by the Burmese without any outside help.

Basic Issues

However, before the international community can propose or adopt a coordinated strategy for Burma, it is crucial that the basic issues be clearly understood.

To casual observers, the problem in Burma is a power struggle between authoritarian rule represented by the SPDC and democracy represented by ASSK. More knowledgeable ones say that, there is an underlying 'ethnic' problem.

In fact, the military likes to advertise that there are '135 races' in Burma implying that without a strong military to hold the country together, the country will fall apart. First, all Burmese are actually from the same 'Mongoloid' people group. They can be roughly divided into 3 major subgroups: Tibeto-Burman, Sino-Thai and Mon-Khmer.

In political terms, there are only 8 ethnic-based states, not 135 – Arakan (Rakhaing), Burman, Chin, Kachin, Shan, Kayah (Karenni), Karen, and Mon (It should be pointed out that the Burmans are also one of the ethnic groups of Burma). The so-called 135 races are actually the number of different dialects spoken by the 3 major sub-groups. The problem, therefore, is not as complicated as that painted by the military.

BURMA



The Constitutional Problem

Based on the Panglong Agreement, the 1947 Union Constitution was drawn up. The non-Burmans believed they were getting a federal system but in reality, while the Shan, Kachin, and Kayah States and the Chin Special Division were recognized, power was not devolved to the states. A concession made in the 1947 Constitution gave the Shan State the right to secede from the Union after 10 years if its people were not satisfied.

Given the assassination of General Aung San, the unwillingness of the British to continue to rule Burma, the post-World War II uncertainty and Cold War, and the mutiny of the Burma Army following the Burmese Communist Party taking up arms immediately after independence in 1948, the non-Burman leaders decided to support the newly independent Government of Burma and try to make the best of a bad deal.

At that time, the Kayah or Karenni people felt that they had been forced into a union without adequate consultation or recognition of their independent status and took up arms against the government of Burma.

Separate negotiations with the Karens also broke down. Atrocities committed during World War II against the Karens who had remained loyal to the British by the Burma Independence Army did not help matters. The Mon and Arakan people also joined the rebellion and Burma was thrown into a civil war which continues to this day.

In 1958 the Commander-in-Chief of the Burma Army General Ne Win was invited by the then Prime Minister U Nu to take over the reins of government. The rationale given was that the 'Caretaker Government' was necessary to stabilize the political situation in Burma after the ruling Anti-Fascist Peoples Freedom League split into two factions.

Non-Burmans, however, saw it as a constitutional crisis - an attempt by Burman nationalists to prevent the Shan people from exercising their constitutional right to secede. This led young impatient Shan nationalists to take up arms against the central government while their elders attempted to legally amend the constitution instead.

Burma's constitutional crisis finally came to a head in 1962. Convinced by non-Burman leaders of the 'Federal Movement' that the constitution needed to be amended, Prime Minister U Nu convened a National Convention. While all of Burma's political leadership assembled in Rangoon, General Ne Win launched a coup d'état and arrested them all. Ne Win claimed that he had to act to prevent the nation from breaking up.

Ironically, while General Ne Win was able to prevent the amendment of the 1947 Constitution, he actually pushed the nation closer to disintegration. As seen above, the non-Burmans saw the 1947 Agreement and the 1947 Constitution as the legal basis binding them to the Burmans. When Ne Win discarded the Constitution in order to rule through the Revolutionary Council, the non-Burmans no longer felt bound to the Union.

In fact, the Shans argued that since they were no longer legally bound, they were independent and that the Burma Army in the Shan State was an illegal army of occupation. As a result, the Shan State Independence Army, which was founded in 1958 was transformed into the Shan State Army to defend the homeland from the invaders.

Following the example of the Shans, other non-Burman nationalists armies were also formed and plunged Burma into a deeper and wider civil war.

Therefore, it is clear that in order to find a solution to the problems in Burma, it is not sufficient to just replace military rule with a democratic government. The basic constitutional problem also has to be resolved.

This problem has been recognized by the United Nations General Assembly which has called for a 'Tripartite Dialogue – the military, the democracy forces led by ASSK, and the non-Burman peoples' in order to restore democracy to Burma.

A Comprehensive International Strategy

In order to ensure that the 'Secret Talks' develop into a 'Dialogue':

1. The international community should not be seen to be divided. When the unity of the international community was demonstrated in the aftermath of the UN-sponsored 'Seoul Meeting on Burma' in March 2000, the 'Secret Talks' became a reality. A divided international community invites the Burmese to play one nation off against another to delay actually having to negotiate a political compromise.
2. All international actors need to clearly show the Burmese participants that they support the comprehensive strategy for a compromise solution and will act in concert to promote the development of a 'Dialogue Process' in Burma, regardless of their 'special interests' or 'special relationships' with the participants.
3. The international community needs to agree on having only one comprehensive strategy and only one facilitator or mediator to manage the 'Dialogue'. This could possibly be the UN Special Envoy for Burma. His role could be enhanced to make him more effective in encouraging the 'Secret Talks' to develop into a 'Dialogue'.
4. There is an urgent need to establish an 'irreversible process', which is not dependent on the goodwill of one or more parties, and can be expanded to include all.
5. There is a need to urgently revitalize the 'Secret Talks' and boost the confidence of all political actors in Burma and the international community that the 'Talks' will actually lead to a 'Dialogue Process', and in time political and economic reforms.

To boost confidence in and to ensure that the 'Secret Talks' actually lead to a 'Dialogue Process', the following steps are recommended -

If it is agreed in step 3 above that the UN Special Envoy for Burma should be the sole facilitator, he could convey to the Burmese participants of the 'Secret Talks' that:

- A. Ultimately, Burma's problems cannot be resolved except through political dialogue, negotiations and compromise.

- B. The process must be inclusive rather than exclusive; and that a Tripartite Dialogue to address the constitutional problem will be necessary (as per UN General Assembly resolutions since 1994) before new elections can be held.
- C. The pace of progress and the manner in which the ‘Secret Talks’ have been conducted to date is not acceptable.
- D. A minimum level of ‘results’ from the ‘Secret Talks’ is required to keep individual nations or group of nations from imposing unilateral action to speed up the ‘dialogue process’. In other word, if the Burmese want minimum ‘interference from the outside’, certain basic steps need to be implemented.
- E. The international community needs to clearly state that without these steps further aid – humanitarian or otherwise, would not be forthcoming.

Recommended Basic Steps

The participants in the ‘Secret Talks’ need to agree on the following basic steps without which it cannot be deemed that there has been progress:

1. Make an official joint statement in Burmese on the status of the ‘Secret Talks’.

Example: “The talks since October 2000 have enabled SPDC and ASSK to understand each other’s position better. To date we have met X times. No substantive issues such as power-sharing or new elections have been discussed. Prisoners are being released to show our commitment to a dialogue and to enable us to continue with the talks. All sectors need to work together for the good of the nation”.
2. Commit to make Joint Statements in Burmese on the status of the ‘Secret Talks’ in a similar vein on a regular basis – i.e. at the beginning of each month. Such regular announcements will build confidence, keep the “Talks” alive, assure others that they are part of the process, and dispel fears that the ‘Secret Talks’ are being manipulated.
3. Make a public commitment that substantive issues will not be discussed without proper and wide consultations with

appropriate bodies. This will allow the ‘Secret Talks’ to develop at an appropriate pace without undue pressure to immediately include other parties, which could jeopardize the ‘Talks’ if it is done prematurely.

4. Schedule regular visits by the UN Special Envoy for Burma – i.e. once a month at the time of the announcement of the Joint Statements. Such visits will give more credibility to fact that the ‘Secret Talks’ are progressing well. Recurring delays seemingly at the whim of the SPDC do nothing for the credibility of the ‘Talks’.
5. Agree to discuss ‘difficulties’ or ‘sensitive’ issues with the UN Special Envoy for Burma to enable the international community to respond appropriately to the perceived difficulties by agreeing to provide aid – humanitarian or otherwise; or agreeing to not impose more sanctions against the regime. This will enable specialists from various countries with similar ‘transition’ experiences to provide technical input to both parties to help bridge differences. However, to have credibility, the UN Special Envoy will also need a clear mandate and framework within which to work. He must be seen to be an honest broker, and not a shady backroom dealmaker.

If the participants in the ‘Secret Talks’ can agree to implement the above basic steps, it will do much to revitalize the ‘Talks’ and ensure that they will not fail.

Only when the basic steps are taken will it be possible to look at various ways to encourage the participants to continue with the ‘Dialogue Process’.

Conclusion

To ensure that the ‘Secret Talks’ do not fail and that they actually develop into a ‘Political Dialogue’, the international community, especially the UN Special Envoy for Burma needs to develop a comprehensive strategy for Burma.

It is recommended that he convene a small group of experts to assist him to brainstorm and further develop the plan outlined above and in *“A Possible Transition Plan for Burma/Myanmar”* dated

January 2000 (Appendix II). There is still much good will towards Burma and a practical plan that can be acceptable to all is possible.

The UN Special Envoy could then present the proposal for further input to the Burmese participants in the 'Secret Talks' as a recommendation. At this point, it would be crucial to stress that the proposal's acceptance by the Burmese will benefit Burma and ensure that control of the 'Dialogue Process' remains in Burmese hands.

The UN could then convene another 'Burma' meeting such as the one held in Seoul in March 2000 to enable all international players including ASEAN, China and India to acknowledge the proposed international strategy for Burma.

The 'Secret Talks' present a unique opportunity to solve Burma's crisis by non-violent means. The opportunity should not be missed. If these recommendations are followed, there is strong reason to believe that the challenge can be met.

End.

Notes - Various Factors that Could Facilitate the 'Secret Talks':

1. Humanitarian Aid - It has been suggested that giving humanitarian aid for HIV-AIDS could be a first step to encourage the 'Secret Talks' even if a substantive political agreement cannot yet be reached. Difficulties that have to be surmounted include:
 - a) Funding for SPDC's Ministry of Health,
 - b) SPDC allowing international NGOs to implement the programmes,
 - c) SPDC allowing the aid into the areas of most need – non-Burman ethnic areas,
 - d) A nation-wide ceasefire to ensure that aid can be delivered.
2. In addition to HIV-AIDS, humanitarian aid in terms of medicine, immunization, food, clothing, shelter, etc, for internally displaced populations especially in non-Burman

ethnic areas and cross-border operations should also be considered.

3. Forced labour cannot be eliminated in Burma as long as the military structure in Burma remains the same – porters are required when the military launches an offensive. To satisfy ILO requirements and also indicate the military's seriousness about a dialogue, SPDC should declare a unilateral nation-wide cease-fire.
4. A National Reconciliation 'movement' or Council to support the talks has been proposed. Organizing a 'movement' overseas is feasible and might be desirable to consolidate international support - India, China, Japan- for the UN initiative but a domestic council might be too threatening to the military. It needs a context or the Council could become too political and intrusive. The timing and the definition of the role of the Council would also be crucial. It may only be possible after the 'Dialogue Process' has been established and a 'transition' mechanism has been agreed upon by both sides. The Council representing all walks of life - religious, ethnic, professional and political - could perhaps then lend moral legitimacy to the 'transition' mechanism. It could be a sort of council of eminent 'wise' men/women.
5. It is going to be very difficult to lift sanctions against the SPDC to facilitate the talks if no substantive agreement is reached. This is especially so since all sanctions are based on the human rights and democracy situation in Burma. The conditions in these areas have not changed. The only possible relaxation might be visa restrictions for specific individuals involved in the 'Talks'.
6. In the longer-term, after some substantive political agreement has been reached, it may be useful to invite General Maung Aye and a few key field commanders to observe UN Peace Keeping operations in East Timor. Myanmar is on the UN's Standby List for Peace Keeping. A visit will 'reward' the SPDC and at the same time expose them to how other modern armies function and cooperate.

It will also give them ideas about alternate roles for the Army in the future.

Notes – Some Definitions

‘BURMAN’ or ‘BURMESE’? – ‘Burman’ and ‘Burmese’ are often used interchangeably in the English language. In this article, ‘Burman’ is used to refer to the majority ethnic population, and ‘Burmese’ refers to all the citizens of Burma.

‘BURMA’ or ‘MYANMAR’? - It has been argued by the military that ‘Burma’ refers only to the majority Burman population, whereas ‘Myanmar’ is more inclusive and therefore, more appropriate because it refers to all the peoples of Myanmar. Ironically, Burmese nationalists fighting British colonialism in 1936, argued the reverse.

DIVISIONS & STATES - The constituent states of Burma are:

‘Burma Proper’	287 thousand sq kms	43.2% land area
Shan State	156 thousand sq kms	23.4%
Kachin State	89 thousand sq kms	13.5%
Karen State	37 thousand sq kms	5.6%
Arakan State	37 thousand sq kms	5.5%
Chin State	36 thousand sq kms	5.4%
Mon State	12 thousand sq kms	1.8%
Karenni State	12 thousand sq kms	1.8%

‘Burma Proper’ is divided into 7 administrative divisions – Irrawaddy, Magwe, Mandalay, Pegu, Rangoon, Sagaing, and Tenasserim.

HISTORY OF BURMA

146	Arakan Kingdom of Dinnya-wadi
754	Nanchao (Shan?) dominion over northern Burma
825	Mon Kingdom of Hanthawaddy
1044	Burman Kingdom of Pagan.
1287	Shan Kingdom of Ava.
1531	Burman Kingdom of Toungoo.
1752	Burman Kingdom of Shwebo.

- 1824 British begin annexation of Burma and neighbouring principalities.
- 1886 Burma is annexed to British India
- 1937 Burma is separated from British India
- 1941 Japanese occupation of British Burma.
- 1945 The British return to Burma.
- 1947 Panglong Agreement to form the 'Union of Burma'.
- 1948 Independence from Britain, civil war, parliamentary democracy
- 1958 Caretaker Government of General Ne Win
- 1960 Return of Parliamentary Democracy
- 1962 Coup d'état by General Ne Win
- 1968 Anti-Chinese riots. Chinese support for the Communist Party of Burma.
- 1974 New constitution - one-party rule by Burmese Socialist Programme Party
- 1987 United Nations classifies Burma as a 'Least Developed Country'.
- 1988 Democracy uprising. State Law and Order Restoration Council seizes power.
- 1989 SLORC cease-fire negotiations with non-Burman ethnic armies
- 1990 General Elections organized by SLORC. NLD wins but is denied power
- 1991 Manerplaw Agreement to establish a Federal Union of Burma (in exile)
- 1992 Establishment of the National Council of the Union of Burma (in exile)
- 1993 SLORC convenes the National Convention.
- 1994 UN General Assembly calls for Tripartite Dialogue to resolve Burma's future
- 1995 Aung San Suu Kyi's statement - 'No Secret Deal'.
- 1997 Maetha Rawhta Agreement – non-Burmans agree to work with Burmans (exile)
- 1998 UN-World Bank \$1 Billion Proposal for Dialogue
- 1999 National Reconciliation Programme established (exile)
- 2000 UN Seoul Meeting. SPDC and ASSK begin 'Secret Talks.

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**EU-ASEAN RELATIONS:
A Burmese/Myanmar Perspective**

Harn Yawngghwe

The question of EU-ASEAN relations and the political issues regarding Burma/Myanmar have been discussed at length by Paul Lim¹, and Simon Tay and Goh Chien Yen² in previous issues of Panorama. The issues were examined from the perspective of the European Union and the Association of South East Asian Nations. This article looks at the same issues from a Burmese/Myanmar perspective in the hope that it can contribute to the ongoing debate on what can be done to improve the situation both for EU-ASEAN relations and to strengthen Burmese/Myanmar participation within ASEAN and in the international community. Before embarking upon the subject, it may be helpful to first clarify a few misconceptions.

‘Bama/Burma’ or ‘Myanmar’? - Many arguments have been put forward regarding the linguistic and political significance of both versions of the same name. The main argument used by the then ruling State Law and Order Restoration Council (SLORC) was that ‘Burma’ has a colonial history and that it refers only to the majority Burman population, whereas ‘Myanmar’ by inference is more nationalistic and inclusive because it refers to all the peoples of Myanmar³. Ironically, the reverse argument was made by Burman nationalists fighting British colonialism when they formed the nationalist Dohbama Asiayone or ‘We, the Burman Association’ in 1936⁴. The difficulty of making a definitive statement on this issue can be illustrated by the words ‘Burman’ and ‘Burmese’. In this article, ‘Burman’ refers to the majority population and ‘Burmese’ means all the citizens of Burma. Other writers, however, use ‘Burmese’ to denote the majority population and ‘Burman’ to describe the people of Burma. The word ‘Myanmarese’ is not used because it is not linguistically correct. If one accepts the name of the

country to be 'Myanmar-pyi' – Land of the Myanmar' (Instead of Bama/Burma-pyi), the people should be called 'Myanmar', not Myanmarese. For democratic reasons, the author prefers 'Burma' - if a nation is going to change its name, the people should make the decision, not a small elite. However, because official organizations like ASEAN, the EU, and the United Nations have no choice in the matter but to refer to the country as 'Myanmar', this article will use 'Burma/Myanmar' to denote the country, and 'Burmese' to refer to all its citizens.

Ethnic Diversity

Contrary to popular opinion, the struggle in Burma/Myanmar is not a recent one. It is not only a struggle about democracy and human rights versus military rule. The struggle actually started in April 1948, almost as soon as Burma/Myanmar gained independence from Britain. But most people came to know about Burma/Myanmar only after the popular democracy uprisings in 1988 and after the movement's leader Ms Aung San Suu Kyi received the Nobel Peace Prize in 1991. As a consequence, the focus especially in the media, has naturally been on her and the struggle against the current military dictatorship. Burma/Myanmar is a multi-ethnic nation with approximately 45 million people of 8 major ethnic nationalities: Burmans account for roughly 60% of the population, Karen 10%, Shan 7%, and the Arakan, Chin, Kachin, Karenni, Mon and other indigenous peoples make up the rest⁵. Chinese, Indian, and other minorities also live in Burma/Myanmar. While more than 90% of the population practise Buddhism, Christianity, Islam and a variety of animism is also practised.

The boundaries of modern Burma/Myanmar are not historical. They were forged by General Aung San, leader of the Burman independence struggle, and leaders of the other ethnic nationalities at the Panglong Conference in February 1947. Based on the principle of equality for all ethnic nationalities, the leaders agreed to the formation of the Republic of the Union of Burma in order to jointly seek independence from the British. General Aung San was, however, assassinated in July 1947 by a Burman political rival. U Nu, another Burman, assumed Aung

San's leadership and as Prime Minister, led Burma/Myanmar to freedom. The Communist Party of Burma and others, however, rejected U Nu's leadership and took up arms. Units of the Burma Army also mutinied, plunging the newly independent nation into a civil war. Atrocities committed in the fighting and a breakdown in negotiations also led some ethnic nationalities, notably the Karen, Mon and Karenni, to try and establish their own independent homelands by force of arms.

Parliamentary Democracy

Although parliamentary democracy was practised from 1948-62, the civil war continued unabated. In the 1950s, nationalist 'Kuomintang' Chinese troops fleeing from Mao Tze Tung's Red Army invaded the Shan State and complicated the already complex task Prime Minister U Nu faced. Political manoeuvrings in parliament and a move by the other ethnic nationalities to amend the constitution in order to establish a federal system of government brought matters to a head. General Ne Win, claiming that the nation was breaking up, staged a coup in 1962 when in fact the other ethnic leaders were trying to prevent the break-up of the nation. Prime Minister U Nu in his autobiography even said, "There was nothing sinister about this Federal Principle, which was an adaptation of the constitution of the United States"⁶. General Ne Win, however, arrested all political leaders, abolished all civil rights, took over all private businesses, expelled all foreigners and placed military officers in charge of every aspect of life. No dissent – political or otherwise, was tolerated. The system Ne Win instituted in 1962 is essentially still in place today. The fact that Burma/Myanmar's current problems stem from Ne Win aborting the democratic process in order to impose his own brand of 'nationalism' and concept of statehood 38 years ago is little understood today. Therefore, both the EU and ASEAN have been puzzled by Burma/Myanmar's foreign policy reactions to overtures made by the international community in recent years. General Ne Win's concepts and his rise to power can be discerned by a careful review of events.

Civil War against Communists

At independence, the Burmese military was commanded by non-Burman officers – mainly Karens who had served under the British. As the civil war against the communists intensified and the Karens and other ethnic peoples took up arms to assert their rights, the British-trained professionals were replaced by Burman officers loyal to General Ne Win who became the Commander in Chief. The Burma Independence Army had been founded in 1941 by General Aung San to fight the British and later as the Patriotic Burmese Forces, fought the Japanese during World War II. After independence, the Burma Army fought to safeguard the democratic government of U Nu from a communist take-over in 1948, and later, to keep the other ethnic nationalities from leaving the Union. However, by the 1950's, the Burma Army had been transformed into an army that was personally loyal to Ne Win and not necessarily to the Burmese state. To build up a loyal military, a system of privileges had been instituted making the military a state within a state ⁷. The Burmese military owned its own business corporation known as the Defence Services Institute, its own bank, its own trading company, its own shipping line, its own service contractors, its own publishing house, and even its own English language newspaper – the Guardian. The complete transformation of the Burma Army founded by Aung San, from an instrument of state into the embodiment of the state can also be discerned by the fact that by 1957, only Ne Win of the original “Thirty Comrades” was left in the army ⁸ (The “Thirty Comrades” were the legendary nationalist leaders led by Aung San who were trained by the Japanese to lead the fight against British colonialism).

The new military began to exert more political influence and in 1958 pressured Prime Minister U Nu to hand over power to a ‘Caretaker Government’ headed by Ne Win ostensibly in order to ‘restore law and order’. This took place at a time when the communist threat was waning and the ethnic insurgencies as well as the Koumintang threat had been contained. In November 1958, the first week the ‘Caretaker Government’ was in power, the military estimated that there

were about 9,000 insurgents in the country, less than a third of the number in 1949⁹. Yet this did not stop Ne Win from explaining to the Burmese parliament that, “the rebels were increasing their activities, and the political pillar was collapsing. It was imperative that the Union should not drown in shallow waters as it nearly did in 1948-49. So it fell on the armed forces to perform their bounden duty to take all security measures to forestall and prevent a recurrence”¹⁰.

The Military in National Politics

As General Ne Win moved to establish the role of the military in national politics, he also began to implement his vision of national unity. He tried to erase the fact that the Republic of the Union of Burma came into being as a result of the voluntary participation by separate political entities. Instead, he saw the ethnic diversity of Burma/Myanmar as a threat and tried to forge the nation into a unitary state with such slogans as ‘one blood, one voice, one command’ by force of arms. Any deviation from his concept of nationhood was considered to be a national security threat. Concern for the territorial integrity and sovereignty of the nation was, therefore, used increasingly to justify the role of the Burmese military in national politics until it culminated in the 1962 coup. But This concept of national unity is flawed and is at best misguided because 40% of the population is excluded from the dream of Burman hegemony. Burma/Myanmar’s military leaders often evoke such Burman historical heroes as King Bayinnaung who conquered neighbouring kingdoms including Thailand, in order to instil patriotism and loyalty to the state. The fact that Bayinnaung is not looked upon as a hero but as an enemy by the other ethnic nationalities in Burma/Myanmar is not appreciated by the generals. This same basic policy was carried out under the Revolutionary Council from 1962-74, the Burmese Socialist Programme Party from 1974-88, the State Law and Order Restoration Council from 1988-1997, and the State Peace and Development Council from 1997 to the present.

As Ne Win’s dream of national unity was implemented, atrocities by the military against the other ethnic nationalities

became a major concern. Questions were asked in parliament and Prime Minister U Nu was asked in vain to control the excesses of the military in ethnic areas ¹¹. For the ethnic nationalities, the voluntary union forged by Aung San and their leaders had become a prison kept together only by Burman force of arms. They had joined the union on the understanding that they would be treated as equals, their homelands would be respected and their rights guaranteed by the constitution. If these conditions were not met, they had every right to leave the Union. One state in particular – the Shan State – even had a constitutional guarantee that after 10 years, it could secede from the Union. But when the leaders of the ethnic nationalities tried to amend the constitution to more accurately reflect the spirit of the original agreement, they were accused of being ‘traitors’ by a military that had not played a part in the original agreement they had forged with Aung San.

General Ne Win was initially welcomed by most Burmans as the ‘Saviour’ of the nation when he launched his coup. But the affect on the other ethnic nationalities was to remove all doubts that the Burmans had any intention of keeping General Aung San’s promise of equality, and that the Burman were intent on colonizing them. Wars of independence from Burman rule, therefore, flared up all over the country. The fact that General Ne Win succeeded in convincing the Burman population that he was saving the nation by illegally seizing power is ironic and underlies the basic problem Burma/Myanmar faces. The fact that the other ethnic nationalities had acted legally within the existing democratic political framework to amend the constitution was not understood by the populace. By endorsing General Ne Win’s illegal seizure of power in 1962, the nation in effect ended the rule of law, which has had grave consequences for the nation to this day.

As the civil war dragged on, the distinction between keeping the country whole and keeping the military in power became blurred. The military became the privileged class upon whose shoulders the responsibility of state rested while civilians needed to be guided for fear that they might inadvertently lead to the break-up of the nation. While General Ne Win and the Burmese

military succeeded in keeping the country together, the nation as a whole paid a heavy price in terms of the economy and civil liberties. Burma/Myanmar became a nation of fear with pervasive control mechanisms.

Opium Production

The extent to which the Burmese military has gone to maintain its dominant role in national politics in the name of preserving Burma/Myanmar's territorial integrity and sovereignty can be seen in how opium production and trafficking was indirectly used to finance security operations. In the 1960's militia to fight Shan nationalists were raised by allowing them to trade in opium. Worse yet, in 1989, fearing that some ethnic armies – especially the United Wa State Army - that had been the backbone of the Communist Party of Burma (which collapsed) would join the democracy movement, the military signed cease-fires with them. In exchange for not joining the democracy movement, the ethnic armies were given the right to freely 'trade' (including opium and heroin) without any restrictions. Cease-fires with other ethnic armies followed.

The Burma Army was not the first to use opium to fund security operations. The British first introduced opium cultivation to Burma/Myanmar but the annual production of opium at independence was only about 30 tons ¹². Opium was used by the allied forces to pay for their operations behind Japanese lines in Burma/Myanmar during the Second World War. Again in the 1950's and 1960's, opium was used by the Koumingtang, Taiwan intelligence operatives, and the US Central Intelligence Agency to finance their secret war against communism. This brought the annual production of opium in Burma/Myanmar to the 400 ton level. In its turn, the Communist Party of Burma used opium to finance its operations in the late 1970's increasing its annual production to the 800 ton level. The production of opium in Burma/Myanmar, however, shot up to the 2,500 ton level in the 1990s – the period when the Burmese military wielded absolute control over the country.

After General Ne Win seized power in 1962 and tried to control all economic activity, the economy naturally declined.

By the early 1970's it became clear that the status quo could not be maintained without a fresh injection of funds. Recognizing this vulnerability, General Ne Win in 1974 took steps to tap the international community for funds. Ne Win legitimized his rule by adopting a new constitution and establishing a one-party system of government. Military officers removed their uniforms and became civilian leaders of the Burmese Socialist Programme Party – 60% of all BSPP members belonged to the military or police, or were retired officers¹³. The remainder were mostly civil servants whose career prospects depended on their membership. Satisfied by this cosmetic change, the international community led by Japan and the World Bank poured in billions of dollars in foreign aid. Japan alone contributed about US\$ 5 billion. But since the system was still controlled and dominated by military men with little understanding of economics, and the civil war continued, the situation after improving for a few years, declined again. By 1987, the United Nations had declared Burma/Myanmar to be a Least Developed Country. The fact that Burma/Myanmar had become an LDC, one of the world's ten poorest nations, when it used to be one of the wealthiest countries in Asia, shocked the people of Burma/Myanmar and set the stage for the next round of crises.

This severe shock to the national psyche and the ill-timed de-monetization of large denomination bank notes in late 1987 sparked nation-wide protests in 1988, after police mishandled a tea room brawl. Unlike the student protest of 1962, and the students and workers protest of 1974, which were contained before they could spread, the demonstrations in 1988 were nation-wide, spontaneous, and political, calling for an end to military rule and a return to a free economy and multi-party parliamentary democracy.

Direct Military Rule

In September of that year, the military, calling itself the State Law and Order Restoration Council (SLORC) re-established direct military rule by ordering troops to open fire on unarmed civilian democracy protesters. General Ne Win, angry that the people did not appreciate his 'benevolent' rule

had earlier warned the people on national television that “when the Burma Army shoots, it shoots to kill”. At that point, the Burmese military that was founded by General Aung San to protect the Burman people in the 1940’s was totally subverted. From being a much respected and even revered national institution with a glorious past of fighting for the rights of the people, it overnight became a hated regime. There is no doubt that in the 1950’s the military’s protection of the civilian and democratic government of U Nu kept the newly independent nation alive. But as the Army became more enmeshed in a political role, its reputation and professionalism suffered. The 1960’s saw the military become an instrument of the Burman elite to suppress ethnic nationalism and independence movements. The 1970’s saw the military trying to fulfil the role of economic managers in a command economy, a task they were ill-equipped to handle as witnessed by the disastrous performance of the Burmese Socialist economy. But the Burman people still gave the military the benefit of the doubt and continued to respond to the call to support the military as their patriotic duty. The SLORC ‘coup-de-e’tat’ of 1988 shattered that last bond between the Burman people and the military. Burma/Myanmar became a nation at war with itself – the military versus the people.

1990 Elections

To pacify the international community and try to re-establish its political legitimacy, SLORC called for and held multi-party elections in May 1990. However, the military’s plans were thwarted. Unlike previous occasions, the people found a champion they could rally around – Aung San Suu Kyi, daughter of Burma’s independence hero and founder of the Burma Army. Despite heavy restrictions, the National League for Democracy (NLD) headed by Aung San Suu Kyi, won 392 out of the 485 parliamentary seats. The military-backed National Unity Party (NUP) won 10 seats, while ethnic-based political parties and independents won the remaining 83 seats who immediately formed an alliance with the NLD. The generals belatedly realized that the key components in Burma’s political

landscape had irreversibly changed and that they had seriously miscalculated. Some scholars speculate that had the NLD won less than 50% of the seats, and the NUP had been able to form a majority government, SLORC would have proceeded with its announced plans to hand over power and move towards a more democratic system of government. As things stood, it was too dangerous to place the fate of the nation into the hands of a civilian government, especially one headed by an 'inexperienced' woman married to a foreigner. The generals had to urgently revise their strategy – they reneged on their promise to hand over power, cracked-down on the election winning party, increased suppression of dissidents to buy time, and finally in 1993, came up with the National Convention to draft a new constitution that would enshrine the leading role of the military in Burma/Myanmar's political affairs.

The extent of the military's alienation from the people and the fear of the generals of losing control can be seen in how the military has expanded. At independence, the military numbered about 12,000 men. As the civil war expanded, the Burmese military also understandably expanded correspondingly to about 80,000 in the 1950's. At the height of the combined threat from ethnic armies and the Communist Party of Burma, which was then backed by the Chinese Communist Party, the strength of the Burmese military was about 180,000 men. The military had doubled in about 40 years. But after 1988, when the military turned on its own people, it expanded to its current strength of about 450,000 men. The military has more than doubled again in the last 10 years at a time it claims to have signed cease-fires with 15 ethnic armies and brought peace to the country. The SPDC also increased the salary of its civil servants and military men by 500% in early 2000 to buy their loyalty. It is clear to any rational thinker that this rate of expansion cannot be sustained without a corresponding increase in productivity.

(Note: The Burmese military claims that only one ethnic army – the Karens – are still fighting the military regime. In fact, ethnic armies still fighting the central government include the Arakan Liberation Party, the Democratic Party of Arakan, the National Unity Party of Arakan, the Rohingya Solidarity

Organization, the Chin National Front, the Palaung National Liberation Front, the Shan State Army (Southern), the Karenni National Progressive Party, the Pa-O Peoples Liberation Organization, the Karen National Union, and the Wa National Organization. The other armies that have signed cease-fires still carry their arms and move about in areas not under the control of the army. Since 1989, not one group has reached a political settlement with the military)

Failure to Attract Investments

The saga of Burma/Myanmar then, is one of a military that originally sought to preserve the sovereignty and territorial integrity of the nation. But along the way its mission was subverted by its leadership into one of preserving their privileged positions at the expense of all else. At this point, it may be useful to clear up another misconception. It has been said that sanctions by western countries have hindered the Burmese generals' plans to develop the country but that the sanctions have not worked to change the generals' attitude towards political reform. The argument is made that if sanctions are lifted, the generals will develop the economy and on their own, introduce political reform. The facts are that apart from the suspension of foreign aid, no country except for the United States of America has ever imposed any type of investment or trade ban although these measures have been called for by the democracy movement. European as well as Asian (including ASEAN) businesses have invested or would have liked to have invested heavily in Burma/Myanmar. However, the failure to attract foreign investment has more to do with the regime's own policies than with any sanction imposed by the west. For example, Burma/Myanmar approved US\$ 1.38 billion in 1995 but only US\$ 138 million or 10% was actually invested. Even at the height of the investment boom in 1997, although US\$ 2.8 billion in investments were approved, only about 25% materialized. The same can be said of its tourism policy, which was too unrealistic and badly planned. The failure to attract sufficient tourists was eventually blamed on the boycott campaigns of the democracy movement. But as Singapore's

Senior Minister Lee Kuan Yew recently said: “The European Union boycott and American prohibitions are not seriously handicapping Burma. The ASEAN countries have invested in tourism, hotels, etc., but the Burmese have implemented policies that have aborted the process of development... These wrong policies have risen out of a fear of losing political control ¹⁴. This fear of losing political control is a key factor that has to be recognized and understood in formulating any policy towards Burma/Myanmar.

But whether the generals acknowledge it or not, their policies are affecting the long-term viability of Burma/Myanmar as a nation. In addition to being a major source of illicit drugs, Burma is also a major source of HIV/AIDS infection, which will in the long run affect regional stability. Burma after India and Thailand has the highest incidence of HIV/AIDS in Asia. The next factor is the fact that more and more Burmese women and girls are being sold into the sex trade in neighbouring countries. When they test positive, they are shipped home without any explanation and are sent back to their home villages. There is no information, education or treatment program because the military in Burma/Myanmar is still denying that HIV/AIDs is a problem. The World Health Organization and other independent sources, however, estimate that there are at least 500,000 HIV/AIDs positive cases in Burma/Myanmar. A recent World Bank also paints a very bleak picture indeed – In 1989 the education budget for 5-9 year olds was Kyat 1,200 per child per year and this amount was reduced to Kyat 100 per child per year in 1999! In addition, the World Bank reports that half of the primary school-aged children are malnourished and on average it takes a Burmese child 9.5 years to complete 5 years of primary school. The closure of universities and even high schools for years to prevent students from gathering to organize anti-regime demonstrations, shows a remarkably short-sighted approach to education. Seen in this context, it is not surprising that Burma/Myanmar has become a burden to ASEAN and a thorn in EU-ASEAN relations.

Democracy and Human Rights

To date, the west has correctly concentrated on democracy and human rights issues, which are appalling. But this has not moved the regime because the repression of democracy and the systematic abuse of human rights that the west is complaining about are necessary tools for the regime to remain in power. It will not willingly dismantle these apparatus unless it in itself becomes a threat to the regime's survival. To achieve such a status, the west would have to be willing to intervene militarily and this is not about to happen. Perhaps recognizing this, Australia has tried to distance itself from the rest of the western nations and tried to 'engage' the regime by trying to help set up a Human Rights Commission. But Australia is still focussing on human rights and it is unlikely that the 'deputy sheriff' will succeed where the 'sheriff' cannot ultimately succeed because he is not willing to come in with both guns blazing.

ASEAN and Japan have used economic interests and ASEAN itself as a shield to 'protect' Burma/Myanmar from China to lure it into their orbit. However, as stated above, economic matters do not necessarily interest the generals. They are interested in power politics and China does not necessarily scare them either. Relying on Burma/Myanmar's strategic location, the generals are quite willing to use their apparent friendship with China to moderate reaction from the west towards their unpalatable policies. For its part, as long as Burma/Myanmar does not actively seek to destabilize her, China is also quite willing to maintain a benign presence. In fact, Burma/Myanmar and China have maintained quite a stable relationship regardless of who is in power in Rangoon. Democratic Burma was the first Asian nation to recognize China when the Communist Party came to power. When the Koumingtang troops in the Shan State became a serious threat to Burmese sovereignty, Red Army troops helped to eject them. And immediately after the 1990 general elections, the Chinese embassy was the first foreign embassy to offer its congratulations to the National League for Democracy. China has also never defended the Burmese military regime in international fora be it at the United Nations General Assembly or the United Nations

Commission for Human Rights. The one serious exception was when the Chinese Communist Party decided in the late 1960s to support the Communist Party of Burma in its bid to overthrow Ne Win's Revolutionary Council. Therefore, Japan and ASEAN's attempts to use the China card to affect change in Burma has been and will continue to be as ineffective as the west's human rights focus. The Burmese generals will only bend to ASEAN and Japan's will only to the extent that they can contribute to the military's survival.

Bringing About Change

Is there nothing then that will persuade the Burmese generals to change? That is definitely not the case. The junta changed in 1974 from being the Revolutionary Council to become the Burmese Socialist Programme Party for its survival. Again in 1988, when all foreign aid was withdrawn by the international community in the aftermath of the 'coup', the generals became 'capitalist' and invited direct foreign investment in order to survive. The question is not whether the generals will change but what will make them change and in which direction? As stated previously, human rights, democracy, economics and a fear of China are not adequate motivators. To bring about change -

First, the military has to be convinced that it cannot continue ruling by force of arms alone. Mass repression in this day and age cannot be supported by any country no matter how friendly that country may be. Changes have to be introduced if the military is serious about maintaining its role in Burma/Myanmar's national politics.

Second, the military has to be convinced that it is not in any body's interest to allow the situation in Burma to deteriorate. An appeal has to be made to the military's sense of patriotism that if the situation continues to deteriorate, Burma/Myanmar's sovereignty and territorial integrity could be at stake and that Burma/Myanmar's viability as a nation may be jeopardized.

Third, the military has to be convinced that it is in the country's best interest to plan for and oversee a transition to

democracy rather than sit tight and allow a situation to develop where no control will be possible.

The military has repeatedly said that it wants to bring about a democratic system of government in Burma/Myanmar and that it is only a 'Transition' government. The so-called transition has taken 12 years and Burma/Myanmar is nowhere nearer to democracy than it was in 1988. It is time that the military adopted a more inclusive approach and work with the rest of the country rather than against it. Burma/Myanmar's problems are huge and will require time and resources to resolve. The process of re-building the nation needs to begin sooner rather than later.

If all the international actors involved, be it the EU, ASEAN, Japan, China, USA or Australia, were to help convince the Burmese military of this reality rather than give it false hope, it is feasible that a political settlement could be reached with the National League for Democracy and the various ethnic peoples. Only then can Burma/Myanmar take its rightful place in the international community and contribute positively to ASEAN and to EU-ASEAN relations.

NOTES:

1. Lim, Paul (1999) "Political Issues in EU-ASEAN Relations". Panorama 1/1999. Manila: Konrad Adenauer Stiftung.
2. Tay, Simon and Goh Chien Yen (1999) "EU-ASEAN Relations: The Question of Myanmar". Panorama 3/1999, Manila: Konrad Adenauer Stiftung.
3. Working Peoples Daily, 27 May 1989
4. "A Brief History of the Dohbama Asiayone" (1976), Rangoon: Sarpay Beikman, p.215
5. 1931 Census. The last complete census carried out by the British is quoted by most scholars as subsequent censuses carried out by the Government of Burma were incomplete due to the civil war. The British census, however, is based on one's 'habitual' language rather than ethnicity.
6. U Nu (1976) "Saturday's Son: Memoirs of the Former Prime Minister of Burma". Bombay: Bharatiya Vidya Bhavan, p.340
7. Lintner, Bertil (1999) "Burma in Revolt – Opium and Insurgency Since 1948", Chiang Mai: Silkworm Books, p.157, 3rd Edition
8. Lintner, Bertil (1999) p.176, 3rd Edition

9. "Is Trust Vindicated? The Chronicle of trust, striving, and triumph" (1960), Rangoon: Director of Information, p.19 and 31 quoted by Lintner, Bertil (1999) p.180, 3rd Edition
10. "Is Trust Vindicated?" p.545-549 quoted by Lintner, Bertil (1999) p.178, 3rd Edition
11. Interview with Inge Sargeant (13 March 1992) quoted by Lintner, Bertil (1999) p.203-204, 3rd Edition.
12. Lintner, Bertil (1999) Author's Note, p.v, 3rd Edition
13. Steinberg, David I (December 1980) "Burma: Ne Win After Two Decades", Current History p.181
14. Lee Kuan Yew (June 9, 2000) Interview by Bernard Kishner in Asiaweek p.34

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A POSSIBLE TRANSITION PLAN FOR BURMA/MYANMAR

January 2000

The latest World Bank report underlines the gravity of the situation in Burma/Myanmar. It has taken 38 years of gradual decline to reach this level of devastation. No government, democratic or military can hope to solve the problems in the short-term. Massive and sustained international aid will be required for many years to come in order to turn the country around. No short cut solutions with the injection of a few hundred million dollars in investments or aid will work.

The political deadlock makes it impossible for anyone to even begin to address the problems. It may be possible for the current regime to maintain the status quo for some time yet. But the longer the problems persists, the less it will benefit the people. As the situation deteriorates further, Burma/Myanmar's sovereignty and territorial integrity may also be compromised. It is no longer a question of whether it is a military or a democratic government that will rule.

The whole nation, the military, the democratic forces and the ethnic nationalities need to be mobilized to work together to reverse the situation. The international community also needs to mount a sustained and coordinated effort to encourage the Burmese/Myanmar people to talk to each other and work together to rebuild their nation. Independent highly publicized short-term efforts by individual nations or individuals only confuse the picture, are not particularly helpful and may even be counter-productive.

The question is how to break the political deadlock and bring the various political actors together? It is clear that the future of Burma/Myanmar is at stake.

Key Ingredients:

For any transition plan to work, the following points must be emphasized and respected:

1. The problem is essentially a Burmese/Myanmar problem,
2. Only the Burmese/Myanmar themselves can ultimately resolve their problems satisfactorily for the long-term.
3. The international community is willing to support the Burmese/Myanmar in their efforts to try and resolve together, the serious problems they face.
4. The international community will only assist to the extent requested – i.e. hosting negotiations in a neutral third country, facilitating talks or if required, mediation. The Burmese/Myanmar themselves will decide what they require.
5. A solution unacceptable to one or more of the parties will not be imposed.
6. There is a solution to the problems if the Burmese/Myanmar have the political will.
7. Basic to this plan is the preservation of Burma/Myanmar's sovereignty and territorial integrity
8. The ultimate aim is to see democracy established in Burma/Myanmar. This goal is acceptable to all parties in the conflict.
9. The plan is based on the principle that dialogue, negotiations and political compromises, instead of coercion or force, are necessary if democracy is to be established and brought to maturity in Burma/Myanmar.
10. The plan does not apportion blame and seeks to reconcile differences.

For the plan to work, the various political players must be convinced as follows:

Democratic leaders have to be convinced that an immediate return to democracy will not solve Burma/Myanmar's deep-rooted problems. Basic social infrastructures need to be rebuilt to sustain the change. It will take time, political will, and resources both human and material to get the job done. Popular and unrealistic expectations could in the short-term cause many to become disillusioned with a democracy.

Ethnic leaders need to be convinced that they have more to gain by remaining within the Union of Burma/Myanmar and voluntarily working out their own political future to their satisfaction than by opting out as an independent entity. They

need to be convinced that participating actively in the political transition process in Burma/Myanmar is to their best advantage.

Military leaders need to be convinced that they can no longer continue to hold on to power by force. It is not economically or politically sustainable. The situation can only deteriorate further. The military will then have to suppress the unrest by more force, which will be even harder to sustain. The fear that without a strong hand, the nation will disintegrate may prevent the military from negotiating. They need to be convinced that if they want to preserve the nation, the military needs to work with the rest of the country, not against it.

The danger is that although the political actors in Burma/Myanmar realize that change is required in order to prevent the situation from deteriorating further, they may not realize the extent of the problem. They may be tempted with some small amounts of foreign aid from one or two sources to attempt a quick-fix solution, which may alleviate symptoms but ultimately lead to a worse situation.

The Transition Plan:

In order to allay suspicions, distrust and fear of hidden political agendas, it will be beneficial if all concerned parties can first agree on how a transition will develop and how their concerns will be addressed. The following is an attempt to outline such a plan.

1. Unofficial talks to determine areas of common concern

This step has already been taken by various Burmese/Myanmar actors and is continuing informally and in utmost secrecy. This process needs to be recognized and integrated with international efforts. The international community should also not send conflicting signals, which can derail or have a negative impact on these initial efforts by the Burmese/Myanmar themselves. Publicity should at this stage be avoided at all costs.

2. Official Agreement to enter into Negotiations

If the international community supports the unofficial Burmese/Myanmar initiative and coordinate its own efforts to encourage all parties in the Burmese/Myanmar conflict to accept a framework similar to the one outlined here, official agreement to enter into negotiations will definitely follow. The political actors have to date been distracted by various international offers of help. This has slowed the informal process as each new external initiative is evaluated by the actors to see if it offers a more palatable way out. There is only one way out – an all inclusive political dialogue, negotiations, compromises, and a transition. The sooner this message is driven home, the sooner they will get to the negotiation table.

3. Official low-level Pre-Negotiations to determine Objectives/ Conditions/ Participants/ Agenda/ Time-Table/ & Procedures, etc, including the steps outlined below.

This step will enable wider participation from all sides (it can start as a bilateral process between the SPDC and NLD) to test the waters and re-evaluate their own positions to see what issues they are willing to compromise on and what are non-negotiable. It is important at this stage that the issues under discussion are not publicized and politicized. If this happens, this will kill the process. It must be emphasize that the parties are at this stage only negotiating a process and a possible time-table for the process that will be acceptable to all parties. They are not as yet negotiating the substance, or making political compromises. Confidence building measures could be negotiated and built into the process at this stage.

4. Lifting of political restrictions to facilitate Negotiations

For the Pre-Negotiations and Negotiations to really work, the military must be willing to lift some political restrictions to enable the other parties, especially the NLD to function properly. Effective negotiations cannot take place if one party is seriously

disadvantaged. It is obvious that the NLD must convince the military that it is committed to this transition plan and dialogue process and will not use its political freedom to rally the country against the military or use it to implement the results of the 1990 general elections. Apart from political activities, lifting restrictions and controls on other social and civil society activities might also be considered.

5. Negotiations

The 1990 election results will be a key negotiating item between the SPDC and the NLD. While the military may wish to ignore the results, the NLD cannot possibly relinquish them because it represents a mandate freely given by the people. For the same reasons, the military cannot accept the 1990 election results. Recognizing these facts, a compromise needs to be worked out whereby the election results are recognized by the military but the NLD does not use them to take-over power. The NLD's election mandate can be used to legitimize the negotiations and the proposed Transition Administration. In return, the military must accept that neither the SLORC nor the SPDC are transition governments that they claim to be. A 10-year plus transition period claimed by SPDC cannot qualify as a transition. Democratic governments do not normally exceed a 5-year term.

6. Formation of an Interim Administration to oversee the Transition.

Apart from the question of the 1990 election results, how the Transition Administration will be formed, who will be included, under what constitution or regulations will the Transition Administration govern, what is its main task, how long it will govern, what powers it will have over the military, etc, will be the substance of the negotiations.

7. Political normalization as agreed by all sides.

This will be another major item to negotiate. To achieve political normalization, the military must be confident that all

the parties will not gang-up against it. Again, they need to be convinced that all parties are committed to the process and will not deviate from it for short-term political gain. Without political normalization, the Transition Administration will only be another form of SPDC-rule with some NLD and others co-opted into the regime. Without political normalization, the political process cannot be all inclusive. If the process is not all inclusive, the objective of establishing a stable democracy in Burma/ Myanmar cannot be achieved.

8. Nation-wide cease-fire/ General amnesty for all sides

Nation-wide cease-fires and a general amnesty are essential and necessary measures for political normalization. Without a general cease-fires and an amnesty, the armed groups cannot be included in the political process. If they are not included, it means that Burma/Myanmar will continue to face years of rebellion and violence. On the other hand, the general amnesty could also work for the generals and officers accused of human rights abuses and other misdeeds.

9. International Financial Assistance to facilitate step no.10

This step will be necessary if Step No.10 is to be undertaken. The support of the international community becomes crucial at this point. It might perhaps be necessary at the beginning of the Transition Process for the international community to guarantee that at the appropriate time, it will step in to provide the necessary financial assistance to implement the regional development and social rehabilitation programmes.

10. Regional development and social rehabilitation programmes nation-wide

It is not enough that the Transition Administration opens up the political process. In order to convince people that problems must be resolved by political means, the Transition Administration must also be able to visibly deliver social and economic benefits. This is especially true for the ethnic people

who have suffered years of devastation. Their faith in and their commitment to the Transition process must yield material as well as political benefits if they are to be convinced that remaining in the Union of Burma/Myanmar is to their advantage. Demobilization in Step No.12 will also be more attractive if soldiers on both sides see that there are other easier ways to earn a living.

11. National Convention to draft a new Constitution

The SLORC/SPDC's National Convention and constitution, the 1990 NLD constitution, the 1974 Socialist Constitution, the 1947 Union constitution, and the NCUB Federal constitution, all need to be debated and discussed. The role of the military in politics will be a key factor to be discussed and negotiated. However, there are grounds to believe that all parties generally agree that a negotiated transition to democracy is desirable. In this context, the SPDC must be willing to negotiate how the military can participate in the political process in Burma/Myanmar without reserving a special role for the military, which is not compatible with a democracy.

12. Demobilization, security integration, peace-building

As mentioned in Step No.10, demobilization and security integration may be easier to undertake if material benefits from an alternate lifestyle are obvious. Without demobilization, the national referendum on the new constitution and the subsequent general elections will have little meaning. Armed men marauding freely around the country are not conducive to free and fair elections. Security integration and peace-building will be key items to negotiate with the ethnic peoples of Burma/Myanmar.

13. National referendum on the new Constitution

If the Transition Administration has been successful in implementing an all inclusive political process, been able to deliver improved regional development and social rehabilitation programmes and successfully demobilized the armed groups, the national referendum should not be a difficult process.

International observers, etc, could be invited to allay fears and suspicions.

14. General Elections

Again, if the previous steps have been more or less successful, a general election should pose no particular difficulties.

15. Transfer of power to the Elected Government

As with the referendum and general elections, this step should merely be a formality but perhaps it would be the real test to see if the Transition Administration will hand over power.

[The above should not be seen as a proposal being put forward by any one party. The plan is a summary or distillation of various proposals and contains common elements acceptable to all concerned.

This plan is workable if no one Burmese group claims ownership and, if the international community agrees to work together and firmly support it instead of following a single nation's particular agenda].

APPENDIX:

NO SECRET DEAL

In response to concerns expressed by non-Burman ethnic leaders about the secret meetings held between the leader of the National League for Democracy Daw Aung San Suu Kyi and Senior General Than Shwe, Chairman of the State Law and Order Restoration Council, and Secretary 1 Lieut-General Khin Nyunt in September and again with Khin Nyunt in October 1994, Dr Michael Aris released the following statement in Bangkok on 23 January 1995:

“It has always been the firm conviction of those working for democracy in Burma that it is only through meaningful dialogue between diverse political forces that we can

achieve national reconciliation, which is the first and most vital requisite for a united and prosperous country.

That the international community shares this view is evident from clause 5 of the General Assembly resolution of December 1994 which encourages the Government of Burma to engage ‘in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives from ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy.’

It was in full acceptance of this view and with genuine good will that I approached the meeting with members of the State Law and Order Restoration Council on 20 September and 28 October 1994.

There have not been and there will not be any secret deals with regard either to my release or to any other issue. I adhere to the principle of accountability and consider myself at all times bound by the democratic duty to act in consultation with colleagues and to be guided by the aspirations of those engaged in the movement to establish a truly democratic political system in Burma. I remain dedicated to an active participation in this movement.”

Aung San Suu Kyi

22 January 1995

Rangoon, Burma.

Note: As a result of Dr Michael Aris’ role in publicizing Daw Aung San Suu Kyi’s position regarding the 1994 talks with SLORC, he was barred from visiting his wife. Dr Aris died on 27 March 1999 in England of cancer without ever seeing her again.



CHAPTER SEVEN

DEMOCRACY MOVEMENT TOWARDS FEDERAL UNION

DEMOCRACY MOVEMENT TOWARDS FEDERAL UNION:

The Role of UNLD in the Struggle for Democracy and Federalism in Burma

Lian H. Sakhong*

Introduction

The United Nationalities League for Democracy (UNLD), an umbrella political organization of non-Burman or non-Myanmar nationalities in Burma,¹ was formed in 1988 following the nationwide democracy movement against three decades of General Ne Win's dictatorship. From the very beginning, the UNLD adopted a policy aimed at the establishment of a genuine federal union based on democratic rights for all citizens, political equality for all nationalities and the rights of self-determination for all member states of the Union. It openly declared that democracy without federalism would not solve the political crisis in Burma, including the civil war, which had already been fought, for four decades. Thus for the UNLD, the ultimate goal of the democratic movement in present Burma is not only to restore democratic government but to establish a genuine federal union. In other words, the UNLD views the root of political crisis in Burma today as a constitutional problem rather than a purely ideological confrontation between democracy and dictatorship.

In this paper, I shall explore the role of the UNLD in the on-going struggle for democracy and federalism in Burma. In doing this, attention will be given to the basic principles of federalism and democratic decentralization, which of course is the goal of the movement and the aim of the UNLD. However, instead of presenting a theoretical paper on the basic principles of federalism, I shall focus my attention to the quest for federalism within the historical framework of "religious and ethnic conflicts", so-called, in modern Burma. In this way, I shall argue that the democracy movement in Burma since the military *coup d'état* in 1962 is the continuation of the "federal movement" during the parliamentary democratic period in the 1950s and early 1960s. The central argument in this paper

therefore will run through the military coup in 1962 as “the culmination of political process” stemming from the political crisis during the parliamentary democratic period.²

I shall then try to point out how and why we can view the role of UNLD in present struggle as the continuation of the Supreme Council of the United Hills Peoples (SCOUHP), which played a leading role in federal movement during the late 1950s and early 1960s. Another way of putting it is to say that what the UNLD is trying to achieve at present is what the SCOUHP attempted even before the military coup in 1962. But because the federal movement led by the SCOUHP was abruptly interrupted by the military coup in 1962, the struggle for democracy and federalism needs to be continued today.

Background History

The Union of Burma is a nation-state of diverse ethnic nations (ethnic nationalities or nationalities), founded in 1947 at the Panglong Conference by pre-colonial independent ethnic nationalities such as the Chin, Kachin, Karen, Karenni, Mon, Rakhine (Arakan), Myanmar (Burman), and Shan, based on the principle of equality. As it was founded by formerly independent peoples in 1947 through an agreement, the boundaries of the Union of Burma today are not historical. Rather, the Union of Burma, or Burma in its current form, was born of the historic Panglong Agreement signed in 1947.

In order to understand the complex background of religious and ethnic diversity in Burma, one might firstly note that there is an age-old identification of Burman/Myanmar ethnicity and Buddhism, which has been the dominant ideological and political force in what is today called the Union of Burma or Myanmar. Secondly, there are other ethnic nations or nationalities such as the Mon, Rakhine (Arakan), and Shan, who are Buddhists, but feel dominated by the Burman/Myanmar majority. Thirdly, there are ethnic nationalities who are predominantly Christians within a Baptist tradition. The most prominent Christian groups are the Chin, Kachin and Karen. They — like the Mon and the Shan — form ethnic communities which transcend the boundaries of the modern nation-states of Burma, Bangladesh, India, China,

and Thailand. The present state of relations between majority Burman/Myanmar Buddhists and minority Christian ethnic groups must be understood against the background of colonial history.

The British annexed “Burma Proper”, i.e., the Burman or Myanmar Kingdom, in three Anglo-Burmese wars fought in 1824-26, 1852 and 1885. As a result, the British took over Burma Proper in three stages: the Rakhine (Arakan) and Tenasserim coastal provinces in 1826, Lower Burma (previously Mon Kingdom) including Rangoon — the present capital of Burma — in 1852, and Upper Burma including Mandalay, the last capital of the Burman Kingdom in 1885. When the last King of Burma, Thibaw, was deposed and exiled to India, the possessions of the Burman Kingdom — including semi-independent tributaries of the Burman king, such as the Arakan and the Mon — were transferred to the British. However, this arrangement did not include the Chin, Kachin, Shan and Karenni, who were completely independent peoples, and had never been conquered by the Burman King. Thus, the British separately conquered or “pacified” them during a different period of time. The Chin people, for instance, were “pacified” only ten years after the fall of Mandalay, and their land Chinram, or Chinland,³ was not declared a part of British India until 1896.

During the colonial period, the British applied two different administrative systems: “direct rule” and “indirect rule”. The first was applied to the peoples and areas they conquered together with the Burman Kingdom, i.e., “Burma Proper”. “Indirect rule”, on the other hand, was applied to the peoples who were “pacified” or added by treaty (the Shan principalities, for example) to the British empire after the annexation of the Burman kingdom. Under the British policy of “indirect rule”, the traditional princes and local chiefs of the Chin, Kachin and the Shan were allowed to retain a certain level of administrative and judiciary powers within their respective territories.

In 1937, when the Burma Act of 1935 was officially implemented, Burma Proper was separated from British India and given a Governor of its own. The 1935 Act also created a government structure for Burma Proper, with a Prime Minister

and cabinet. The Legislative Council for Burma Proper was also created, although essential power remained firmly in the hands of the British Governor and Westminster. From that time on, Burma Proper was commonly known as “Ministerial Burma”. In contrast to this, the term “Excluded Areas” was used to denote the Chin, Kachin and Shan States (Federated Shan States), which were not only subject to “indirect rule”, but also excluded from the Legislative Council of Ministerial Burma. The term “Excluded Areas”, however, was superseded by the term “Frontier Areas” when the British government created a “Frontier Area Administration” soon after the Second World War.

The Second World War and the Japanese invasion of Burma brought British rule to an abrupt end. Accompanied and helped by the Burma Independence Army (BIA) led by General Aung San (later, U Aung San, upon leaving the armed services), the Japanese easily eliminated the British and captured Rangoon. In May 1942, the Governor of Burma fled to Simla, India, and established the British Burma government in exile there. Having successfully driven the British into India, the Japanese occupied Burma Proper and set up a military administration along their lines of advance.

When the BIA were allowed by the Japanese to be stationed in the Irrawaddy delta where the majority of the population were Karen, who were loyal to the British, communal violence erupted between the Karen and the Burman. The Japanese ended the bloodbath but only after more than 1,000 Karen civilians lost their lives. Because of that event, a full-scale war broke out between the Karen and the newly independent Burmese government in 1949. This ethnic conflict was the beginning of civil war in modern Burma, in which hundreds of thousands of lives have been lost over more than five decades and which is still in progress. As will be explained, only in the case of the Karen, can the term “ethnic conflict” be applied, but not, for example, the Chin, Kachin, Shan, etc..

After expelling the Japanese, the British returned to Burma in the spring of 1945. They outlined their long-term plan for the future of Burma in the form of a White Paper. This plan

provided for a three-year period of direct rule under the British Governor, during which economic rehabilitation from the ravages of war was to be undertaken. Next, the Legislative Council of Ministerial Burma would be restored in accordance with the 1935 Burma Act. Only after the elections had been held under this Act would the legislature be invited to frame a new constitution “which would eventually provide the basis on which Burma would be granted dominion status.”⁴

For the Frontier Areas, the White Paper provided a means of maintaining the pre-war status quo. The Karenni (Kayah) State was still bound by the pre-colonial treaty as an independent nation. Since the Chinram, the Kachin State and the Federated Shan States were excluded from the administration of Burma Proper, they would, according to the White Paper, have “a special regime under the Governor”.⁵ When Stevenson became the Director of the Frontier Areas Administration, he even promoted plans to create a “United Frontier Union” for the Chin, Kachin, Karen, Shan and other non-Burman nationalities. However, the plans did not come to fruition as the British Conservative Party of Prime Minister Winston Churchill, lost the general election in 1945.

In the early stage of the post-war period, the British strongly highlighted the rights and interests of the Chin, Kachin, Karen and other non-Burman nationalities from the Frontier Areas who had loyally defended the British Empire during the war. But when the Labour Government came to power, Britain reversed its policy, and Burma’s political agenda became largely a matter of bilateral negotiation between the British Labor government and U Aung San’s AFPFL (Anti-Fascist People’s Freedom League).⁶ Thus, in December 1946, the Labor government invited only U Aung San, the undisputed leader of the Burmese nationalist movement. The delegation, which did not include a single representative from the Frontier Areas, went to London to discuss “the steps that would be necessary to constitute Burma a sovereign independent nation.”⁷ Since Attlee’s Labour Government had already prepared to grant Burma’s independence either within or without the Commonwealth, the London talks were largely a formality, at most putting into more

concrete form the principles to which they had already agreed.⁸ It might be said — as Churchill stated in parliament — the people of the Frontier Area were abandoned by the British and left to salvage what they could of their former independent status with U Aung San and the AFPFL.

The Question of Non-Burman Nationalities

At the London Talks in December 1946, the Burman delegates demanded that “the amalgamation of the Frontier Areas and Ministerial Burma should take place at once, and that the Governor’s responsibility for the Frontier Areas should end.”⁹ As noted already, the London Talks was bilateral negotiation between the British Labor government and Aung San’s AFPFL without a single representative from non-Burman nationalities. Although there were at least three Karen members in the Constituent Assembly of the Interim Burmese government, none of them were included in the London Talks. Instead, Aung San included several councilors, civil servants and politicians in the delegation. He even included his main rival politicians such as U Saw and Ba Sein.

On the demand of amalgamation of Frontier Areas with the Ministerial Burma, the British countered the AFPFL’s demand with the following position:

The HMG for their part are bound by solemn undertakings to the people of those Areas to regard their wishes in this matter, and they have deep obligations to those peoples for the help that they gave during the war. According to the information available to HMG the Frontier Areas are not yet ready or willing to amalgamate with Burma Proper.¹⁰

During the talk, Attlee received a cable from the Shan *Sambwa* (princes), through the Frontier Areas Administration and the Governor, stating that Aung San and his delegation did not represent the Shan and the Frontier Areas.¹¹ Stevenson, Director of Frontier Areas Administration, also cabled to London, saying that,

We understand that the Hon'ble U Aung San and the Burman Mission visiting London will seek the control of FA. If this is the case we wish to state emphatically that neither the Hon'ble Aung San nor his colleagues has any mandate to speak on behalf of FA.¹²

In short, Aung San and his delegation had no right to discuss the future of the Frontier Areas.

Indeed, it might rightly be said that Aung San and his delegation neither represented nor had the right to discuss the future of the peoples of the Frontier Areas, especially the Chin, Kachin, and Shan because they were independent peoples before the colonial period and were conquered separately by the British, and they were not part of Ministerial Burma (Burma Proper). Aung San could therefore legitimately represent only Burma Proper, or the Ministerial Burma, which belonged to an old Burman or Myanmar kingdom before colonial period. In the pre-colonial period, no Burman or Myanmar King had ever conquered, for instance, the Chin people and their land, Chinram. That was the reason the British had applied two different administrative systems. Thus, when Burma and India were to be given independence by the British, the Chinram was not to be handed over to either India or Burma since it was not annexed by the British as a part of either country. They had the full right to be a sovereign independent state by themselves when the British withdrew its imperial administration from British India and Burma. In a nutshell, Aung San did not and could not represent the Chin and/or other nationalities from the Frontier Areas without any mandate from the peoples themselves.

During this critical period, U Aung San showed not only his honesty but also his ability for great leadership, which eventually won the trust of the non-Burman nationalities. He acknowledged the fact that the non-Burman nationalities from the Frontier Areas had the right to regain their freedom, independence, and sovereign status because they were not the subjects of the pre-colonial Burman or Myanmar Kingdom. Thus, they had the very right of self-determination: to decide on their own whether they would like to gain independence directly from Great Britain, and to found their own sovereign

nation-states, or to jointly obtain independence with Burma, or even to remain as Provinces of the Commonwealth of Great Britain. Aung San reassessed his position and bravely and wisely put his signature to the historic agreement, the Aung San-Attlee Agreement, signed on January 27, 1947. This historic agreement spelled out the position of the Frontier Areas vis-à-vis independence that was to be granted Ministerial Burma, as below:

8. Frontier Areas:

- ❑ (b) The leaders and the representatives of the peoples of the Frontier Areas shall be asked, either at the Panglong Conference to be held at the beginning of next month or at a special conference to be convened for the purpose of expressing their views upon the form of association with the government of Burma which they consider acceptable during the transition period .
- ❑ (c) After the Panglong Conference, or the special conference, His Majesty's government and the government of Burma will agree upon the best method of advancing their common aims in accordance with the expressed views of the peoples of the Frontier Areas.¹³

However, on that particular issue of non-Burman nationalities, two members of the Burman delegation refused to sign the Aung San-Attlee Agreement. One was U Saw, the former Prime Minister, and the other was Thakin Ba Sein, who had shared with Thakin Tun Ok the leadership of the minority faction of *Dobama Asi-Azone* after it split earlier (in 1938).¹⁴ In their view, the clause concerning the Frontier Area in the Agreement carried an implicit threat of “dividing Burma into two parts.”¹⁵ Thus, they not only ignored the history of non-Burman nationalities such as the Chin, Kachin and Shan, but also the will of the people from the Frontier Areas.¹⁶ Upon their return to Rangoon, U Saw and Thakin Ba Sein joined Ba Maw and Paw Tun, another former Prime Minister, formed the National Opposition Front, and accused Aung San of having sold out for the sake of holding office.¹⁷

U Aung San, however, was not unduly troubled by the accusations of his political opponents and plunged straight into negotiation with pre-colonial independent nationalities such as the Chin, Kachin and Shan. As mentioned above, the Aung San-Attlee Agreement had left the future of the Frontier Areas to the decision of its people.¹⁸

Jointly gaining Independence with Burma

After having successfully negotiated with the British, U Aung San turned his attention to the non-Burman nationalities and persuaded them to jointly obtain independence with Burma. He promised the frontier peoples separate status with full autonomy within the Burma Union, active participation at the centre within a Senate-like body, protection of minority rights, and the right of secession.¹⁹ He also promised to make the agreed terms into law as guarantee of their right for the future, and told them they need have no fear of the Burman.²⁰ The negotiations between Aung San, as the sole representative of the interim Burmese government, and the Chin, Kachin and Shan, were held at the Panglong Conference in February 1947.

U Aung San successfully persuaded the Chin, Kachin, and Shan to join Independent Burma as equal, co-independent partners, and the historic Panglong Agreement was thus signed on February 12, 1947. The essence of the Panglong Agreement – the Panglong Spirit — was that the Chin, Kachin, and Shan did not surrender their rights of self-determination and sovereignty to the Burman. They signed the Panglong Agreement as a means to speed up their own search for freedom together with the Burman and other nationalities in what became the Union of Burma. Thus, the preamble of the Panglong Agreement declares:

Believing that freedom will be more speedily achieved by the Shans, the Kachins, and the Chins by their immediate co-operation with the interim Burmese government.²¹

The Panglong Agreement therefore represented a joint vision of the future of the pre-colonial independent peoples

— namely the Chin, Kachin, Shan and the interim Burmese government led by Chief Minister Aung San, who came into power in August 1946 according to the Burma Act of 1935. The interim Burmese government was a government for the region formerly known as Burma Proper or Ministerial Burma, which included such non-Burman nationalities as the Mon, Rakhine (Arakan), and Karen. The Arakan and Mon were included because they were occupied by the British not as independent peoples but as the subjects of the kingdom of Burman or Myanmar.²² The Karens were included in the Legislative Council of Ministerial Burma according to the 1935 Burma Act because the majority of the Karens (more than two-thirds of the population) were living in delta areas side by side with the Burmans.²³ Since these peoples were included in the Legislative Council of Ministerial Burma, U Aung San could represent them in Panglong as the head of their government. Thus, the Panglong Agreement should be viewed as an agreement to found a new sovereign, independent nation-state between peoples from pre-colonial independent nations of what they then called Frontier Areas and Burma Proper, who in principle had the right to regain their independence directly from Great Britain, and to form their own respective nation-states. In other words, the Panglong Agreement was an agreement signed between the peoples of a post-colonial nation-state-to-be.²⁴

Ever since the Union of Burma gained independence in 1948, the date the Panglong Agreement was signed has been celebrated as Union Day. The observance of February 12th as Union Day means the mutual recognition of the Chin, Kachin, Shan and other nationalities, including the Burmans, as “different people historically and traditionally due to their differences in their languages as well as their cultural life”.²⁵ It is also the recognition of the distinct national identity of the Chin, Kachin, Shan, and other nationalities who had the right to gain their own independence separately and to found their own nation-state separately. In other words, it is the recognition of pre-colonial independent status of the Chin, Kachin, and Shan, and other nationalities as well as their post-colonial status of nation-state-to-be.

Condition Underpinning the Creation of the Union of Burma

According to the Aung San-Attlee Agreement, the Frontier Areas Committee of Enquiry (FACE) was formed to inquire through an additional and specific consultation about the wishes of the frontier peoples. The British government appointed Col. D. R. Rees-William as Chairman of the FACE. Since the committee conducted its inquiry after the signing of the Panglong Agreement during March and April 1947, the evidence they heard was generally in favour of cooperation with Burma but under the condition of:

- (i) Equal rights with Burman,
- (ii) Full internal autonomy for Hill Areas [that is, ethnic national states], and
- (iii) The right of secession from Burma at any time.²⁶

The FACE finally concluded its report to the Government that the majority of witnesses who supported cooperation with Burma demanded the “right of secession by the States at any time”.²⁷

The FACE report, particularly the right of secession, was strongly criticized by such Burman nationalists as U Saw and Thakhin Ba Sein who had earlier refused to sign the Aung San-Attlee Agreement. They accused Aung San of having given up Burman territory and argued that the Frontier Areas were just the creation of the colonial policy of “divide and rule”. U Aung San dismissed this criticism as historically unfounded and politically unwise. And he said, “The right of secession must be given, but it is our duty to work and show (our sincerity) so that they don’t wish to leave.”²⁸ And in keeping with his promise to the Chin, Kachin and Shan leaders at the Panglong Conference to make agreed term into law, the right of secession was provided for in the 1947 Union Constitution of Burma, Chapter X, Article 201, and 202:

Chapter (X): The Right of Secession

201. Save as otherwise expressly provided in this Constitution or in any Act of Parliament made under

section 199, *every state shall have the right to secede from the Union* in accordance with the condition hereinafter prescribed.

202. The *right of secession* shall not be exercised within ten years from the date on which this Constitution comes into operation.

Although the “right of secession” was put into law in the Union Constitution, Burma did not become a genuine federal union.

The End of Aung San’s Policies of Pluralism and Federalism

At the Panglong Conference in 1947, the Chin, Kachin, Shan and other non-Burman nationalities were promised, as Silverstein observes, the right to exercise political authority of [administrative, judiciary, and legislative powers in their own autonomous national states] and to preserve and protect their language, culture, and religion in exchange for voluntarily joining the Burman in forming a political union and giving their loyalty to a new state.²⁹

Unfortunately, U Aung San, who persuaded the Chin, Kachin, Shan and other non-Burman nationalities to join Independent Burma as equal partners, was assassinated by U Saw on July 19, 1947. He was succeeded by U Nu as leader of the AFPFL. When U Nu became the leader of the AFPFL, Burman politics shifted in a retro-historical direction, backward toward the Old Kingdom of Myanmar or Burman. The new backward-looking policies did nothing to accommodate non-Myanmar/Burman nationalities who had agreed to join Independent Burma only for the sake of “speeding up freedom”.

As a leader of the AFPFL, the first thing U Nu did was to give an order to U Chan Htun to re-draft U Aung San’s version of the Union Constitution, which had already been approved by the AFPFL Convention in May 1947. U Chan Htun’s version of the Union Constitution was promulgated by the Constituent Assembly of the interim government of Burma in September

1947. Thus, the fate of the country and the people, especially the fate of the non-Burman/Myanmar nationalities, changed dramatically between July and September 1947. As a consequence, Burma did not become a genuine federal union, as U Chan Htun himself admitted to historian Hugh Tinker. He said, “Our country, though in theory federal, is in practice unitary.”³⁰

On the policy of religion, U Nu also reversed U Aung San’s policy after the latter was assassinated. Although Aung San, the hero of independence and the founder of the Union of Burma, had opted for a “secular state” with a strong emphasis on “pluralism” and the “policy of unity in diversity” in which all different religious and racial groups in the Union could live together peacefully and harmoniously, U Nu opted for a more confessional and exclusive policy on religion.³¹ The revision of Aung San’s version of the Union Constitution thus proved to be the end of his policy for a secular state and pluralism in Burma, which eventually led to the promulgation of Buddhism as the state religion of the Union of Burma in 1961.

For the Chin and other non-Burman nationalities, the promulgation of Buddhism as the “state religion of the Union of Burma” in 1961 was the greatest violation of the Panglong Agreement in which U Aung San and the leaders of the non-Burman nationalities agreed to form a Union based on the principle of equality. They therefore viewed the passage of the state religion bill not only as religious issue, but also as a constitutional problem, in that this had been allowed to happen. In other words, they now viewed the Union Constitution as an instrument for imposing “a tyranny of majority”, not as their protector. Thus, the promulgation of Buddhism as the state religion of Burma became not a pious deed, but a symbol of the tyranny of the majority under the semi-unitary system of the Union Constitution.

There were two different kinds of reactions to the state religion reform from different non-Burman nationalities. The first reaction came from more radical groups who opted for an armed rebellion against the central government in order to gain their political autonomy and self-determination. The most

serious armed rebellion as a direct result of the adoption of Buddhism as state religion was that of the Kachin Independence Army, which emerged soon after the state religion of Buddhism was promulgated in 1961. The “Christian Kachin”, as Graver observes, “saw the proposal for Buddhism to be the state religion as further evidence of the Burmanization [*Myanmarization*] of the country,”³² which they had to prevent by any means, including an armed rebellion. The Chin rebellion, led by Hrang Nawl, was also related to the promulgation of Buddhism as the state religion, but the uprising was delayed until 1964 owing to tactical problems. Thus, the Chin rebellion was mostly seen as the result of the 1962 military coup, rather than the result of the promulgation of Buddhism as the state religion in 1961.

The second reaction came from more moderate groups, who opted for constitutional means of solving their problems, rather than an armed rebellion. The most outstanding leader among these moderate groups was Sao Shwe Thaik, a prominent Shan Sawbwa who was elected as the first President of the Union of Burma. Although a devout Buddhist, he strongly opposed the state religion bill because he saw it as a violation of the Panglong Agreement. As a president of the Supreme Council of United Hills People (SCUHP), formed during the Panglong Conference, he invited leaders of not only the Chin, Kachin and Shan, the original members of the SCUHP, but also other non-Burman nationalities — the Karen, Kayah, Mon, and Rakhine (Arakan) — to Taunggyi, the capital of Shan State, to discuss constitutional problems. Unfortunately, these problems still remain unsolved. The conference was attended by 226 delegates and came to be known as the 1961 Taunggyi Conference, and the movement itself was known later as the Federal Movement.

The Federal Movement in 1961-62

At the Taunggyi Conference, all delegates, except three who belonged to U Nu’s party,³³ agreed to amend the Union Constitution based on Aung San’s draft, which the AFPFL convention had approved in May 1947, as noted already. At the AFPFL convention, U Aung San asked, “Now when we build

our new Burma shall we build it as a Union or as Unitary State?... “In my opinion”, he answered, “it will not be feasible to set up a Unitary State. We must set up a Union with properly regulated provisions to safeguard the right of the national minorities.”³⁴ According to U Aung San’s version of the constitution, the Union would be composed of National States, or what he called “Union States” such as the Chin, Kachin, Shan and Burman States and other National States such as Karen, Karenni (Kayah), Mon and Rakhine (Arakan) States. “The original idea”, as Dr. Maung Maung observes, “was that the Union States should have their own separate constitutions, their own organs of state, *viz.* Parliament, Government and Judiciary.”³⁵

U Chan Htun had reversed all these principles of the Federal Union after Aung San was assassinated. According to U Chan Htun’s version of the Union Constitution, the Burma Proper or the ethnic Burman/ Myanmar did not form their own separate National State; instead they combined the power of Burman/Myanmar National State with the whole sovereign authority of the Union of Burma. Thus, while one ethnic group, the Burman/ Myanmar, controlled the sovereign power of the Union, that is, legislative, judiciary, and administrative powers of the Union of Burma; the rest of the ethnic nationalities who formed their own respective National States became almost like the “vassal states” of the ethnic Burman or Myanmar. This constitutional arrangement was totally unacceptable to the Chin, Kachin, Shan who signed the Panglong Agreement on the principle of equality, and also for other nationalities.

They therefore demanded at the 1961 Taunggyi Conference the amendment of the Union Constitution and the formation a genuine Federal Union composed of National States, with the full rights of political autonomy, i.e., legislative, judiciary and administrative powers within their own National States, and self-determination including the right of secession. They also demanded separation between the political power of the Burman/Myanmar National State and the sovereign power of the Union, i.e., the creation of a Burman or Myanmar National State within the Union.³⁶

The second point they wanted to amend on the Union Constitution was the structure of Chamber of Nationalities. The original idea of the creation of the Chamber of Nationalities was that it was not only to the safeguard of the rights of non-Burman nationalities but also for the symbolic and real equality, envisaged at the Panglong Conference. Thus, what they wanted was that each National State should have the right to send equal representatives to the Chamber of Nationalities, no matter how big or small their National State might be. In other words, they wanted a kind of Upper House like the American Senate.

But what had happened according to U Chan Htun's Union Constitution, was that while all the non-Burman nationalities had to send their tribal or local chiefs and princes to the Chamber of Nationalities; it allowed Burma Proper to elect representatives to the Chamber of Nationalities based on population. Thus, the Burman or Myanmar from Burma Proper, who composed majority in terms of population, were given domination in the Union Assembly.

In this way, the Union Assembly, according to U Chan Htun's version of the Union Constitution, was completely under the control of the Burman or Myanmar ethnic nationality. Not only did the powerful Chamber of Deputy had the power to thwart aspirations and interest of non-Burman nationalities, but the Burmans also dominated even the Chamber of Nationalities. That was the reason the total votes of non-Burman nationalities could not block the state religion bill even at the Chamber of Nationalities. Thus, all the non-Burman nationalities now viewed the Union Constitution itself as an instrument for imposing "a tyranny of majority", not as their protector. They therefore demanded a change of such constitutional injustice at the 1961 Taunggyi Conference.³⁷ Thus, the Federal Movement and its Taunggyi Conference can be viewed, as noted by a Shan scholar Chao Tzang Yawnghe, as "a collective non-Burman effort to correct serious imbalances inherent in the constitution" of 1947.³⁸

In response to the demand of the 1961 Taunggyi Conference, U Nu had no choice but to invite all the political leaders and legal experts from both Burman and non-Burman nationalities to what became known as the Federal Seminar at which "the

issues of federalism and the problems of minorities would be discussed with a view to finding a peaceful solution.”³⁹ The meeting opened on 24 February, 1962 in Rangoon while the parliament was meeting also in regular session. But before the seminar was concluded and just before U Nu was scheduled to speak, the military led by General Ne Win seized state power in the name of the Revolutionary Council in the early morning of 2 March, arresting all the non-Burman participants of the Federal Seminar and legally elected cabinet members, including U Nu himself, dissolving the parliament, suspending the constitution and ending all the debate on federal issues.

The Military Coup in March 1962

Brigadier Aung Gyi, the most powerful but second only to General Ne Win in the Revolutionary Council, stated that the main reason of the military coup in 1962 was “the issue of federalism.”⁴⁰ The Burma Army, which staged the *coup d'état*, was “the product of Burman nationalism,” as a Shan leader and scholar Chao Tzang Yawngkhwe pointed out, “a national sentiment revolving around racial pride and memories of the imperial glories of Burinnong, Alaungpaya and Hsinphyusin,”⁴¹ and was very much enraged by the federal movement. They were desperate too, since a successful constitutional reform would undermine the army’s supremacy in the non-Burman areas.⁴² Moreover, if the constitutional reform was carried out successfully, the Burman would be on the same level as non-Burman nationalities and this certainly was unthinkable for Burman national-chauvinists like Ne Win and Aung Gyi.⁴³

Although the Burma Army was originally established by Aung San as the BIA (Burma Independence Army) during the Second World War, two factions from very different backgrounds made up the Thirty Comrades, the core of the BIA. “Twenty-two of the young comrades were followers of the old writer and national hero, Thakhin Kodaw Hmaing” and were later known as “Kodaw Hmaing-Aung San faction”. But another eight, including Ne Win, came from the “Ba Sein-Tun Oke faction.”⁴⁴ As noted already, Ba Sein refused to sign the Aung San-Attlee Agreement, mainly because of non-Burman

nationalities issues on which he could not agree with U Aung San. As a matter of the fact, while Aung San had officially recognized, by signing that agreement, the pre-colonial independent status of the Chin, Kachin, Shan and other non-Burman nationalities, and their right to regain independence directly from Great Britain and their right to form their own respective sovereign nation-states without any mutual attachment to Burma, Ba Sein and his fellow U Saw, who later killed Aung San, could not recognize historical truth and refused to sign that agreement in 1947. They also accused U Aung San of being a traitor of Burman traditional nationalism, and they went about saying that Burma had been sold down the river by Aung San.⁴⁵ Hence, General Ne Win and Brigadier Aung Gyi, as the most faithful disciples of the Ba Sein-Tun Oke Burman national-chauvinist faction, reclaimed their vision of Burma — which in their view U Aung San betrayed. And they promulgated the Unitary State Constitution in 1974 by force.

Ever since the chauvinistic Burma Army launched a full range of “Myanmarization” measures under the leadership of General Ne Win, the Chin, Kachin, Karen, Karenni (Kayah), Rakhine (Arakan), Shan and other non-Burman nationalities have had no choice but to struggle for their survival by any means, including the use of arms. Today almost all non-Burman nationalities are fighting against the central government in order to gain full political autonomy and self-determination within the Union of Burma. Thus, the civil war in Burma which began at the time of independence intensified under General Ne Win’s military dictatorship and his successor, the present military junta, which came into power in 1988, in order to suppress the nationwide popular uprising for a democratic change.

Struggle for the Second Independence

As Daw Aung San Suu Kyi correctly points out, the struggle for democracy, equality and self-determination in present Burma is the struggle for the second independence of Burma because what Burma’s leaders tried hard to achieve in the first independence movement had all been coercively negated by General Ne Win in the 1962 military coup. Moreover, the 1962

military coup abruptly interrupted the federal movement, which indeed was a struggle for the reformation of a genuine federal union in accordance with the Panglong Agreement and Spirit. Thus, the nation-wide democratic movement in 1988 can be seen as the struggle for the second independence, especially as the revival of the spirit of Panglong. Likewise, the formation of the UNLD can be viewed as the continuation of federal movements in 1950s and 1960s, then led by the SCOUHP.

In order to achieve the goal of the struggle for the second independence, the UNLD therefore adopted the following policies as its objectives:

- (1) To establish a genuine federal union.
- (2) To guarantee democratic rights, political equality, and self-determination for all nationalities of the Union.
- (3) To build a firm unity of all nationalities in the Union based on the principles of equality and justice.
- (4) To promote the development of all member states of the Union.
- (5) To abolish all types totalitarianism in Burma.
- (6) To establish internal peace and tranquility through dialogue.

The UNLD believes that for building a genuine federal union, the Union constitution must be based on a democratic administrative system, because as noted by a Shan analyst, "...democracy is an essential pre-condition for federalism. Federalism will not work in a polity where there is no democracy because federalism is, at the bottom, about decentralization of power and limits placed on power. In federalism the above is achieved via a set of arrangement that limits and divides or disperses power, so that parts of the whole are empowered and are further enabled to check central power and prevent the concentration of power."⁴⁶ In short, democracy and federalism are inseparable, as head and tail of a coin, in a pluralistic and multi-ethnic country like Burma.

The Basic Principles of Federal Union

On the formation of a genuine Federal Union, the UNLD has adopted seven principles of federalism for the future constitution of the Federal Union of Burma, at its conference held in Rangoon, on June 29 - July 2, 1990. These seven principles are:⁴⁷

- (1) The constitution of the Federal Union of Burma shall be formed in accordance with the principles of federalism and democratic decentralization.
- (2) The Union Constitution shall guarantee the democratic rights of citizens of Burma including the principles contain in the United Nation's declaration of universal human rights.
- (3) The Union Constitution shall guarantee political equality among all ethnic national states of the Federal Union of Burma.
- (4) The Federal Union of Burma shall be composed of National States; and all National States of the Union shall be constituted in terms of ethnicity, rather than geographical areas. There must be at least eight National States, namely, Chin State, Kachin State, Karen State, Kaya State, Mon State, Myanmar or Burma State, Rakhine (Arakan State), and Shan State.
- (5) The Union Assembly shall be consisting of two legislative chambers: the Chamber of Nationalities (Upper House) and the Chamber of Deputies (Lower House).
 - (i) The Chamber of Nationalities (Upper House) shall be composed of equal numbers of elected representatives from the respective National States; and
 - (ii) The Chamber of Deputies (Lower House) shall be composed of elected representatives from the respective constituencies of the peoples.

The creation of Chamber of Nationalities based on equal representation of the member states of the Union is intended to safeguard the rights of National States and minorities in the Union government. It also intended as a symbol and instrument of the principle of equality among all nationalities of the Union.⁴⁸

- (6) In addition to the Union Assembly, all member states of the Union shall form their own separate Legislative Assemblies for their respective National States. In Federalism there must be a clear separation of Union Assembly, or Federal Parliament, from the Legislative Assemblies of the member states of the Union. Moreover, the residual powers, that is, all powers, except those given by member states to the federal center, or the Union, must be vested in the Legislative Assembly of the National State. In this way, the Union Constitution automatically allocates political authority of legislative, judiciary, and administrative powers to the Legislative Assembly of the National States. Thus, all member states of the Union can freely exercise the right of self-determination through the right of self-government within their respective National States.
- (7) The Sovereignty of the Union shall be vested in the people of the Union of Burma, and shall be exercised by the Union Assembly. Moreover, the central government of the Federal Union shall have authority to decide on action for: (i) monetary system, (ii) defense, (iii) foreign relation, and (iv) other authorities which temporarily vested in the central government of Federal Union by member states of the Union.

UNLD Policies concerning of Power Transition

After the election held in May 1990,⁴⁹ the UNLD adopted some policies to be applied during the power transition from an authoritarian military junta to a democratically elected government. Among them: (1) tripartite dialogue, (2) national reconciliation, and (3) national convention. In this paper I shall discuss briefly the need for national convention and tripartite dialogue, the policies adopted by the UNLD at the conference held in Rangoon from June 29-July 2, 1990. I shall, however, omit in this paper the policy of National Reconciliation, the program that is mainly conducted by the UNLD in exile⁵⁰ together with other democratic forces, such as NCGUB, NCUB, NDF, and others.

(a) UNLD for Tripartite Dialogue

From the very beginning, the UNLD has opted for a non-violent political transition in Burma, from military dictatorship to a democratic open society. The UNLD believes that Democracy is the only form of sustainable governance which guarantees both individual citizens and national and cultural collectivities in Burma the rights of full participation in the development of social, economic, and cultural resources available to all citizens of the Union. Enduring democracy therefore requires the active participation of all the citizens — as individual citizens and as members of an ethnic-cultural collectivity — to build and renovate not only the democratic institutions but also the structure of the Union itself, which shall balance the different interests of nationalities for the common good of all member states of the Union.

As the UNLD believe in democratic principles and the rights of full participation of all nationalities in the process of nation rebuilding, the UNLD demands dialogue as an integral part of the political transition, not only in the process of power transformation from military rule to a democratically elected body, but also in the entire process of democratization, which includes the restructuring of the Union into a federal system. Therefore, in the processes of both power transformation and democratization, dialogue must be the main instrument for bringing all individual citizens and collective members of nationalities of the Union together at all levels.

After the general election in 1990, the UNLD believed that because of some significant political natures in Burma, at least two levels of dialogue might be necessary to achieve the goal of the creation of democratic open society and the establishment of a genuine Federal Union. The first step of dialogue is for a “breakthrough” of political stagnation; and the second step, which is more important than the first level, will be not only for power transformation but also to solve the entire political crisis and to end the civil war in Burma.

Two levels of dialogue that we need therefore are:

- Pre-negotiation Talk, or Dialogue for a “Breakthrough”

- Tripartite Dialogue (for power transformation/power sharing, and lay the foundation of the future federal union).

The First Level: Pre-negotiation

The UNLD believes that since the NLD had received the trust of the people in a landslide victory of the 1990 election, the first level of dialogue should be a dialogue between the NLD led by Daw Aung San Suu Kyi and the military junta, the *de facto government* of present Burma. The core of dialogue at that level must be for a “breakthrough” of political stagnation, which have created so many political and social crises in today Burma.

We sincerely believe that current “talks” in Rangoon is the first level of dialogue, which will bring a significant “breakthrough” and open up the door for the second level of dialogue, that is, a tripartite dialogue. We therefore welcome the “talks” between Daw Aung San Suu Kyi and the Military government in Rangoon, which is initiated by the United Nations Special Envoy Mr. Razali Ismail.

The Second Level: Tripartite Dialogue

As mentioned above, the UNLD strongly believes that political crisis in Burma today is not just a conflict between totalitarianism and democracy. It involves an unmanaged and neglected conflict of civil war that has consumed many lives and resources of the country for five decades. The root of civil war in Burma is the conflict of power-sharing between the central government, which so far has been controlled by one ethnic group called Myanmar or Burman, and all National States in the Union. In other words, it is, as mentioned already, a problem of constitution, or more specifically, the rights of self-determination for non-Burman nationalities who joined the Union as equal partners in 1947. Indeed, most nationalities in Burma are now fighting against the central government for their rightful self-determination and autonomous status of their respective National States within the Union. Since they were not

able to resolve their problems through dialogue, they have no choice but to attempt to solve their disputes through violent means of civil war.

In order to avoid further bloodshed and violence during the political transition, the UNLD believes that the second level of dialogue must start almost simultaneously with the first level of dialogue. The aim of dialogue at the second level must be not only for power transformation or power sharing but also to solve the entire political crisis in Burma and to end five long decades of civil war by laying down the foundation of a genuine Federal Union. It is believed that without a genuine Federal Union there is no means of ending the civil war in Burma. Without ending the civil war, there is no means of establishing a democratic system either. Thus, the participation of all ethnic nationalities in the political transition is the most important element in the entire process of democratisation and restructuring the Union into a federal system. They all have the right to participate in this important process of restructuring the Union. Alternatively, it could be said that the tripartite dialogue will serve not only as a platform for power transformation but also as a kind of peace talks aiming to end the civil war, which had consumed many lives and national resources for five decades, and trying to solve the political crisis in Burma today

Thus, dialogue at that level must no longer be a two-way dialogue but a *tri-partite dialogue*, which shall include three forces, namely the forces composed of the non-Burman nationalities, the democratic forces led by Daw Aung San Suu Kyi, and the military junta.

We, ethnic nationalities in Burma, therefore welcome the United Nations effort to mediate a tripartite dialogue, and we are well prepared to cooperate fully with a view to achieving a “win-win” solution to the country’s constitutional, economic, humanitarian, and social crises.

(b) The Need for a National Convention

On June 29 to July 2, 1990, the UNLD held its conference at the YMCA Hall in Rangoon. At that conference, all the

members of the UNLD unanimously adopted a policy on national convention that states that in order to lay down the general guidelines of a federal constitution which will serve as the foundation on which to build a new democratic society for the future Federal Union, a National Consultative Convention shall be convened, similar to the Panglong Conference.⁵¹ As UNLD had adopted from the start a policy for the restoration of “internal peace and tranquility through dialogue,”⁵² it was envisaged that such a National Consultative Convention will ensure peace, unity and equality for all nationalities of the Union. Alternatively, it could be said that the National Consultative Convention would serve as a kind of peace talks aiming at ending the civil war, which had consumed many lives and the country’s resources for five decades.

The UNLD consulted issue of the National Consultative Convention with the NLD, the winner of the general election in 1990. On August 29, 1990, the UNLD and the NLD made a joint declaration known as Bo Aung Kyaw Street Declaration. Some of the points included in this declaration were:

- (i) After the emergence of the *Pyithu Hluttaw* (Union Assembly or Federal Parliament), this *Hluttaw* shall form the elected government at the earliest time, then the *Pyithu Hluttaw* shall organize to convene a “National Consultative Convention” consisting of the representatives from all the nationalities, and other personages that are deemed necessary to take part in this convention. This convention shall lay down general guidelines for the Constitution of the Union. The *Pyithu Hluttaw* shall draw up, approve, and enact the constitution of the Union in compliance with above general guidelines.
- (ii) All nationalities shall have full rights of equality, racially as well as politically, and, in addition to having the full rights of self-determination, it is necessary to build a Union with a unity of all the nationalities which guarantees democracy and basic human rights.⁵³

Conclusion

In this paper, I have argued that the democratic movement in Burma since 1962 was the continuation of the federal movement led by the SCOUHP in the late 1950s and early 1960s. At the same time I have highlighted the fact that the role of the UNLD in the struggle for democracy and federalism is the continuation of a political role undertaken by the SCOUHP in the federal movement in the late 1950s and early 1960s. The only difference between the SCOUHP and the UNLD is neither the policy nor the goal, but the political situation. In the early 1960s, the Federal Movement was seen mainly as a separatist movement by the majority ethnic Burman or Myanmar. Thus, the non-Burman nationalities under the leadership of the SCOUHP did not receive enough support from their fellow citizens, the Burman majority. At the Taunggyi Conference, for instance, three delegates who belonged to U Nu's Party were against the move for the formation of a genuine federal union, despite the fact that they all were non-Burman politicians.

By contrast, the movement for federalism is now seen as the movement for equality. The UNLD now enjoys strong support from all the democratic forces in Burma, especially the National League for Democracy (NLD) led by Daw Aung San Suu Kyi, the National Coalition Government of the Union of Burma (NCGUB) headed by Dr. Sein Win, the National Council of the Union of Burma (NCUB), the National Democratic Fronts (NDF), the All Burma Students' Democratic Fronts (ABSDF), and other democratic forces. They all agree that the ultimate goal of democratic movement in Burma is the establishment of a genuine federal union, where all indigenous nationalities can live peacefully together. This unity in the same policy is the best hope not only for the UNLD but also for the future of the entire Federal Union of Burma.⁵⁴

NOTES:

- * Lian H. Sakhong is General Secretary of Chin National League for Democracy (CNLD) and General Secretary and founding member of the UNLD. He was a graduate student at Rangoon University when the student-led democracy movement erupted in 1988. He quickly joined the movement, and was arrested and interrogated on three separate occasions between 1988-90. He has published numerous articles on Chin history and traditions and politics in Burma, including his book *In Search of Chin Identity: A Study in Religion, Politics and Ethnic Identity in Burma* (Copenhagen: Nordic Institute of Asian Studies, 2003).
- ^{1.} Ever since the first Myanmar Kingdom of the Pagan dynasty was founded by King Annawrattha in 1044, the term “Myanmar” has been used to denote the ethnicity of the majority ethnic group, which is in turn inseparably intertwined with, as the saying goes: *Buddabata Myanmar Lu-myo* (broadly, the implication is that to be “Myanmar” is to be Buddhist). The term Myanmar-Buddhist does not include the Chin and other ethnic groups who joined together in a union, the Union of Burma, in 1947 on the principle of equality. Thus, although the present military junta has changed the country name from Burma to Myanmar after the unlawful military coup in 1989, almost all the ethnic groups and as well Burmese democratic forces (led by Daw Aung San Suu Kyi) do not recognize the name, since it was changed by an illegitimate *de facto* government. I shall therefore use the term Burma to denote the country, and the term Myanmar will be used to denote the ethnic group of Myanmar, interchangeably with the word Burman. It might in parenthesis be noted that there is controversy over the use of the terms Myanmar, Bama, Burman, and Burmese, revolving around the question about whether the terms are inclusive (referring to all citizens of the Union) or exclusive (referring only to the Burmese-speakers).
- ^{2.} Maung Maung Gyi, *Burmese Political Value: The Socio-Political Roots of Authoritarianism in Burma*, (New York: Preager Publishers, 1983), p. 3.
- ^{3.} Here I use Chinland and Chinram interchangeably. At the “Chin Seminar”, held in Ottawa, Canada, on 29th April to 2nd May 1998, Dr. Za Hlei Thang, one of the most outstanding politicians and scholars among the Chin, proposed the word *ram* in Chin should be used in stead of the English word *land*, as *Chinram* instead of *Chinland*. It was widely accepted by those who attended the seminar.
- ^{4.} Aung San Suu Kyi, *Freedom from Fear*, (London: Penguin Books, 1991), p. 24.
- ^{5.} The White Paper, Part 11, Section 7, cited also in Aung San Suu Kyi (1991), p. 24.
- ^{6.} Clive Christie, *Modern History of South East Asia* (London: Tauris Academic Studies, 1998), p. 155

- ^{7.} Aung San Suu Kyi (1991), op.cit., p. 30
- ^{8.} U Maung Maung, *Burmese Nationalist Movements, 1940-1948*, (Honolulu: University of Hawaii Press, 1989), p. 253
- ^{9.} Hugh Tinker, *Burma: The Struggle for Independence(1944-1948)*, (London:1984) p. 217.
- ^{10.} Ibid., quoted also in Maung Maung (1989), p. 257.
- ^{11.} See in C. T. Yawngghwe, *The Shan of Burma* (Singapore: Institute of Southeast Asian Studies, 1987), p. 99.
- ^{12.} Original document is reprinted in Tinker 1984 and quoted in Maung Maung (1989).
- ^{13.} The full text of this document is reprinted in Tinker (1984), pp. 325-328.
- ^{14.} In 1938, the *Dobama Asi-Azone* split into two factions: one faction was led by Aung San and *Thakin* Kodaw Hmaing, and the other by Tun Ok and Ba Sein. Although each claimed to maintain the *Dobama Asi-Azone*, they were in reality two separate parties. While Aung San and Kodaw Hmaing opted for the “non-racial, non-religious secular” approach of inclusive secularism, Tun Ok and Ba Sein centered their political conviction on “race” and religion, namely, Burman or Myanmar “race” and Buddhism. As they put it well, to be Myanmar is to be a Buddhist (“*Buda-bata Myanmar-lu-myo*”, their creed in Burmese). Moreover, while Aung San stood for democracy and federal Union, Tun Ok and Ba Sein were in favour of totalitarian form of national organization and the restoration of monarchy, a country in which the Burman or Myanmar race would tightly control the entire political system. See in Maung Maung (1989), and Khin Yi, *The Dobama Movement in Burma, 1930-1938*, (Cornell University, 1988).
- ^{15.} U Maung Maung (1989), op.cit., p. 255.
- ^{16.} Ibid., pp. 20-21.
- ^{17.} Aung San Suu Kyi, *Aung San of Burma: A Biography Portrait by His Daughter* (Edinburgh: University of Queensland Press, 1984), p. 46.
- ^{18.} Ibid. However, notwithstanding the British insistence that the Frontier Areas people be consulted on their wishes and aspirations, the commitment of the British Labor government to the FA peoples is doubtful. Would the Labor HMG have supported the FA peoples had they opted for independence — against its treaty partner, Aung San and the AFPFL — is an open question. Besides, the Labor HMG was at the time embroiled in the bloody partition of the Indian subcontinent into two new nation-states — India and Pakistan. As such, it might not be unfair to say that the Labor HMG was more than happy to let the FA peoples negotiate on their own their future with Aung San and the AFPFL.

- ^{19.} John F. Cady, *A History of Modern Burma*, (Cornell University Press, 1958), p. 539
- ^{20.} Maung Maung (1989), op.cit., p. 282
- ^{21.} Cited by Aung San Suu Kyi (1991), op.cit., p. 32
- ^{22.} The Mon Kingdom was conquered by the Burman King Alaung-paya in 1755, and the Rakhine (Arakan) Kingdom by King Bodaw-paya in 1784.
- ^{23.} The Karen National Union (KNU) rejected the terms of the 1935 Burma Act in 1946 because they demanded independence for a separate homeland. They thus boycotted general elections of the 1947 Constituent Assembly, but the Karen Youth Organization (KYO) entered the general elections and took three seats in the Constituent Assembly and even the cabinet post in the Aung San's Interim Government.
- ^{24.} My concept of "nations-to-be" can be compared with Benedict Anderson's theory of "imagined political community" and Shamsul's "nations-of-intent". See Benedict Anderson, *Imagined Community: Reflections on the Origin and Spread of Nationalism* (London: Verso (2nd.ed) 1991 and Shamsul A. B. "Nations-of-Intent in Malaysia" in Stein Tönnesson and Hans Antlöv (ed.), *Asian Forms of the Nation* (Copenhagen: NIAS, 1996), pp. 323-347.
- ^{25.} Lian Uk, "A Message on the Golden Jubilee of National Chin Day" in *Chin Journal* (February 1998), p. 185
- ^{26.} See the resolutions of Chin, Kachin and Shan leaders at SCOUHP's meeting on March 23, 1947 and the memorandum they presented to the FACE (FACE's report 1947).
- ^{27.} Ibid.
- ^{28.} See Aung San's speeches "*Bogyoke Aung San i Maint-khun-mya*, (Rangoon, 1969); quoted also in Tun Myint, *The Shan State Secession Issue*, (Rangoon, 1957) pp. 10-11.
- ^{29.} Josef Silverstein, "Minority Problems in Burma Since 1962", in Lehman (ed.), *Military Rule in Burma Since 1962* (Singapore, 1981), p. 51.
- ^{30.} Hugh Tinker, *Union of Burma* (London, 1957); quoted also in Tun Myint 1957, p. 13 ; See also my article in *Chin Journal* (March, 1997) No.5, pp. 84-94.
- ^{31.} Josef Silverstein, "Minority Problems in Burma", in Lehman (ed.), *Military Rule in Burma since 1962*, (Singapore: SIAS, 1981),pp.51-58
- ^{32.} Mikael Graver, *Nationalism as Political Paranoia in Burma* (Copenhagen: NIAS, 1993), p. 56 (Emphasis added!)
- ^{33.} Those three delegates who did not agree to the idea of a federal Union were Za Hre Lian (Chin), Aye Soe Myint (Karen), and Sama Duwa Sinwanaung (Kachin).

- ^{34.} Aung San, *Burma's Challenge* (Rangoon, 1947), reprinted in Josef Silverstein, *The Political Legacy of Aung San*, (New York: Cornell University Press, 1993), cited in Maung Maung, *Burma's Constitution* (The Hague, 1959), p. 169.
- ^{35.} Maung Maung (1989), p. 170.
- ^{36.} See *Documents of Taunggyi Conference, 1961* (Rangoon: Published by the SCOUR, 1961) in Burmese.
- ^{37.} See *Documents of Taunggyi Conference, 1961* (in Burmese).
- ^{38.} Chao Tzang Yawngghwe, "The Burman Military", in Josef Silverstein (ed.), *Independent Burma at Forty Years: Six Assessments* (Cornell University, 1989), pp. 81-101.
- ^{39.} Josef Silverstein in Lehman (1981), op. cit., p. 53.
- ^{40.} *Guardian*, March 8, 1962; cited also in Josef Silverstein, *Burma: Military Rule and the Politics of Stagnation* (Cornell University Press, 1977), p. 30.
- ^{41.} Those are the Burman or Myanmar Kings who conquered their neighbouring countries such as Mon, Rakhine, Shan and Siam in their past history. But no Burman king ever conquered the Chinland.
- ^{42.} Chao Tzang Yawngghwe, *The Shan of Burma: Memoirs of a Shan Exile* (Singapore: Institute of Southeast Asian Studies, 1987), p. 120.
- ^{43.} Ibid.
- ^{44.} Bertil Lintner, *Outrage: Burma's Struggle for Democracy* (Hongkong: Review Publishing, 1989), p. 34.
- ^{45.} Dr. Maung Maung, *Burma's Constitution* (The Hague: Martinus Nijhoff, 1959), p. 80.
- ^{46.} Chao Tzang Yawngghwe, "On Federalism", a posting on the internet, in 1998.
- ^{47.} I do not follow the original Burmese version of the UNLD text strictly here, but I am confident that this English translation will not miss the points we have described in Burmese, for I myself have drafted the original version in Burmese. See the UNLD documents in Lian H. Sakhong, *Peaceful Coexistence: Towards Federal Union of Burma* (Chiangmai: NPR Program Printing, 1999), pp.94-95 [in Burmese!]
- ^{48.} As James Madison once explained regarding the role of the Senate in the USA, the role of the Chamber of Nationalities also will be "first to protect the people against their rulers, and secondly to protect against the transient impressions into which they themselves might be led".
- ^{49.} The UNLD and its umbrella parties contested in that election and won 69 seats, which is 16% of the parliamentary seats in the Union of Burma. A landslide victory went to NLD, a grand alliance of UNLD.

- ⁵⁰. The UNLD was unilaterally dissolved by the SLORC in 1992. Thus, UNLD in exile has to be formed in a liberated area in order to carry out its mission until the victory comes. An official announcement on the formation of UNLD (exile) was made on Union Day of 1998.
- ⁵¹. The protocols of UNLD's Second Conference, held the YMCA Hall, Rangoon from June 29-July 2, 1990.
- ⁵². See UNLD's aims and objectives, No. 6.
- ⁵³. See also in my upcoming book *Peaceful Co-existence: Toward Federal Union of Burma* (in Burmese), the text of "Bo Aung Kyaw Street Declaration" is reprinted.
- ⁵⁴. See such important documents as the *Bo Aung Kyaw Street Declaration* signed by the NLD and UNLD on August 29, 1990, and the *Manerpalaw Agreement* signed by NCGUB, NLD (LA), DAB and NDF on July 31, 1992.

REFERENCES

- Anderson, Benedict. *Imagined Community: Reflections on the Origin and Spread of Nationalism*. London: Verso (2nd.ed) 1991.
- Aung San. *Burma's Challenge*. Rangoon, 1947, reprinted in Josef Silverstein, *The Political Legacy of Aung San*. New York: Cornell University Press, 1993.
- Aung San Suu Kyi. *Aung San of Burma: A Biography Portrait by His Daughter*. Edinburgh: University of Queensland Press, 1984.
- Aung San Suu Kyi. *Freedom from Fear*. London: Penguin Books, 1991.
- Christie, Clive. *Modern History of South East Asia*. London: Tauris Academic Studies, 1998.
- Cady, John F. *A History of Modern Burma*. Ithaca, New York: Cornell University Press, 1958.
- Graver, Mikael. *Nationalism as Political Paranoia in Burma*. Copenhagen: Nordic Institute of Asian Studies, 1993.
- Khin Yi. *The Dobama Movement in Burma, 1930-1938*. Ithaca, New York: Cornell University, 1988.
- Lian Uk. "A Message on the Golden Jubilee of National Chin Day" in *Chin Journal* (February 1998)
- Lintner, Bertil. *Outrage: Burma's Struggle for Democracy*. Hongkong: Review Publishing, 1989.
- Maung Maung, Dr. *Burma's Constitution* (The Hague: Martinus Nijhoff, 1959)
- Maung Maung, U. *Burmese Nationalist Movements, 1940-1948*. Honolulu: University of Hawaii Press, 1989.

- Maung Maung Gyi, *Burmese Political Value: The Socio-Political Roots of Authoritarianism in Burma*. New York: Preager Publishers, 1983.
- Sakhong, Lian H. *Peaceful Coexistence: Towards Federal Union of Burma*. Chiangmai: NPR Program Printing, 1999. [in Burmese!]
- Sakhong, Lian H. *Religion and Politics among the Chin People in Burma, 1896-1949*. Uppsala University, 2000.
- Shamsul A. B. "Nations-of-Intent in Malaysia" in Stein Tönnesson and Hans Antlöv (ed.), *Asian Forms of the Nation*. Copenhagen: Nordic Institute of Asian Studies, 1996.
- Silverstein, Josef. *Burma: Military Rule and the Politics of Stagnation*. Cornell University Press, 1977.
- Silverstein, Josef. "Minority Problems in Burma", in Lehman (ed.), *Military Rule in Burma since 1962*. Singapore: SIAS, 1981.
- Tinker, Hugh. *Union of Burma*. London: 1957
- Tinker, Hugh. *Burma: The Struggle for Independence(1944-1948)*. London:1984.
- Yawngghwe, C-T. *The Shan of Burma: Memoirs of a Shan Exile*. Singapore: Institute of Southeast Asian Studies, 1987.
- Yawngghwe, C-T. "The Burman Military", in Josef Silverstein (ed.), *Independent Burma at Forty Years: Six Assessments*, Cornell University, 1989.
- Documents of Taunggyi Conference, 1961*. Rangoon: Published by the SCoup, 1961.(in Burmese).



CHAPTER EIGHT

DIALOGUE: NON-VIOLENT STRATEGY FOR DEMOCRACY MOVEMENT IN BURMA

**DIALOGUE:
Non-violent Strategy for Democracy Movement in
Burma
Lian H. Sakhong**

Introduction

“Dialogue” in popular usage simply means “conversation or talk”. The original Greek word for “dialogue” meant “a form of literally expression in the form of a conversion between two or more people”. In Greek culture, dialogue was usually expressed in a “literary or philosophical work, written in the form of conversation”. One of such examples is the “Platonic Dialogue” which revealed the “antiquity, dignity and seriousness of the term dialogue and what it implied.” In fact, the word dialogue was one of the fundamental terms at the root of Greco-Roman world, Judeo-Christian traditions and Western cultures. Sakowicz, therefore, claims, “at the start of civilization there was conversation, and there was dialogue.”¹

In today’s world, the concept of dialogue is no longer contained within Western civilization; it has become a global phenomenon within the civilization of humanity, a civilization without any boundaries between East and West, North and South. Dialogue challenged “religions and cultures to come out of security of their yards” in order to overcome distrust and to attain liberation from fear. It has challenged all kind of political doctrines which built “walls of prejudice” and created a culture of “monologue”. The task of dialogue in such context is to “oppose any form of injustice” imposed upon society by dictators. In a democratic open society, on the other hand, dialogue between political powers is necessary for the normal functioning of a nation, since it keeps government from abusing its powers.

As Pope John Paul II teaches us, “society cannot give its citizens happiness which they expected from it, unless it is based on dialogue.”² Dialogue also enables one to understand the past as well as the future marked by a spirit of openness, and the “fruit of dialogue always is reconciliation between people.”³

Dialogue in Burmese Political Context

In a new Burmese political culture, the term “dialogue” becomes the key word to express the nature of the democracy movement and the meaning of the freedom struggle, especially after 1994 when the United Nations General Assembly passed a resolution, which called for a “Tripartite Dialogue”.

“Tripartite Dialogue” in Burmese political context means a negotiation amongst three parties: the military government known as “State Peace and Development Council” (SPDC), the 1990 election winning party, the National League for Democracy (NLD), and ethnic nationalities, the founding nations or national groups of the Union.

The essence of tripartite dialogue is “inclusiveness” and “recognition” which, in concepts, includes all the major political stakeholders, or conflict parties in Burma: military junta, democratic forces led by Daw Aung San Suu Kyi, and ethnic nationalities. Moreover, the UN’s tripartite dialogue resolution recognizes the 1990 election results which have been denied by the military government for 14 years, and recognizes the indispensable participation of ethnic nationalities in the political transition and national reconciliation process in Burma.

The UN resolution also acknowledges the very nature of political crisis in Burma which, in conceptually speaking, is a “constitutional problem” rather than solely an ideological confrontation between democracy and military rule or totalitarianism. It is not a “minority” problem, or even an ethnic problem which some Burman or Myanmar politicians argue can be solved later, once democracy is established. The question of democracy, military rule and the constitutional arrangement with special reference to the non-Myanmar (non-Burman) ethnic nationalities—comprising close to 40 percent of the total population—are intrinsically intertwined and cannot be solved one without the other. This is the meaning behind the call for a “tripartite dialogue”.⁴

Ever since the United Nations General Assembly passed the resolution calling for a “tripartite dialogue” in 1994, “dialogue” has become the grand strategy of the democracy

movement in Burma. However, this also raises the question of how does Burma's "armed resistance movement" fit within the call for dialogue? Armed resistance has been the main strategy—a self-defence response, and in reaction to repression and atrocities—of ethnic nationalities of Burma in their struggle for self-determination and political equality which began some fifty years ago.

In this paper, I will argue that adopting dialogue as a "grand strategy" does not mean the rejection of armed struggle or "people's power", the latter being advocated so dearly by some elements of Burman/Myanmar politicians in exile. Both armed resistance and "people's power" are still important but they now play different roles. The crucial point, however, is this: strategy may change as the changing situation demands, and the tactics may change in accordance with the changing internal and external politics but the ultimate goal shall not be changed until and unless the goal itself is achieved. A strategy is adopted in order to achieve a goal, and tactics are applied in order that the strategy works; but the changing strategy and tactics shall not affect the ultimate goal.

PART ONE: ULTIMATE GOAL

The Ultimate Goal of the Democracy Movement in Burma

What is the ultimate goal of democracy movement in Burma?

The answer to this question depends on how we analyse the nature of political crisis in Burma. How do we perceive and analyse the nature of Burma's political crisis, and how do we intend to solve its problems? Should Burma be a unitary state or a federal union? How shall we deal with the problem of power sharing and division of powers between the central government and states? In short, how do we avoid the Burman/Myanmar domination and ethnic separation—which are two very crucial issues that has dominated and shaped politics in Burma, especially after 1962? Are there any means to live peacefully together in this Union? If the answer is yes, then the

next question is: how are we going to build a peaceful nation together?

Different actors answer this question differently, for their goals are fundamentally different in nature. For the military junta, the answer is “*total* domination”, even “ethnic Myanmar domination of Burma”. For them, politics is nothing but power—i.e. power as a means of “domination”. In their attempt to achieve their goal, they have opted for a strictly centralised government based on a unitary constitution, where the Armed Forces—dominated by the Burman segment—can play a central role in governing the state by, as they proposed at the National Convention in 1995, controlling 20 percent of the national parliament and as well state and divisional assemblies.

The politics of “ethnic domination” actually is not a new phenomenon in Burmese political culture; it has long been associated with Myanmar ethnic nationalism that emerged from within the Myanmar nationalist movements in the colonial period. As U Maung Maung observes in his book *From Sangha to Laity: Nationalist Movement in Burma, 1920-1940*, a main source of inspiration for the early Burman/Myanmar nationalist movement were religion oriented as illuminated in the creeds, such as, “*Buda-Bata Myanmar-lu-myo*” (To be a Myanmar is to be a Buddhist), in which Myanmar ethnicity and Buddhism were inseparably blended together. When *Dobamaa Asi-Azone*, one of the earliest anti-British national organization, was founded, ethnicity (Myanmar identity), religion (Buddhism) and language (*Myanmar-sa*, the language of the Myanmar or Burman) played the central role: Nationalism was conceived in terms of race and religion.⁵

Aung San, however, challenged such ethno-religious brand of nationalism when he became Secretary General of *Dobama Asi-Azone* in 1938. He criticized the notion of religious-oriented traditional Burmese nationalism of “our race, our religion, our language”, which he said “have gone obsolete now”. And he clearly states “religion is a matter of individual conscience, while politics is social science. We must see to it that the individual enjoys his rights, including the right to freedom of religious belief and worship. We must draw clear lines between politics

and religion because the two are not the same thing. If we mix religion with politics, then we offend the spirit of religion itself.”⁶

Although Aung San claimed that the *Dobama Asi-Azone* was the “only non-racial, non-religious movement that has ever existed in Burma”, some elements of traditional nationalism, which blended Myanmar (Burman) ethno-nationalism with Buddhism remained, it being the founding principles of the organization when it was established in the 1930s, and this stream was represented by such prominent figures as Tun Ok and Ba Sein. Thus, while Aung San’s policy, defined by an inclusive radical secular approach, allowed a certain level of inclusiveness towards the non-Burman nationalities, this very same policy caused *Dobama Asi-Azone* to split into two factions in March 1938. A group opposed to Aung San’s policy of inclusion and secularism was led by Tun Ok and Ba Sein, and was thus known as the “Tun Ok–Ba Sein” faction. The remaining majority faction was led by Thakin Kodaw Hmaing and Aung San. Although each claimed to be *Dobama Asi-Azone*, “they were in reality two separate parties.”⁷

While Kodaw Hmaing and Aung San opted for a “non-racial, non-religious secular approach”, Tun Ok and Ba Sein’s political convictions were centred on ethnicity and religion, namely the Myanmar ethnicity and the religion of Buddhism. Moreover, while the former pair advocated democracy and a Federal Union, Ba Sein and Tun Ok were in “favour of a totalitarian form of national polity,”⁸ and declared that “totalitarianism would benefit Burma”.⁹ They also “favoured the restoration of the monarchy”, an institution which was inseparably associated with the state religion of Buddhism.¹⁰ Buddhism for them was not just a religion but a political ideology as well. Thus, they could not conceive of religion without a defender of the faith, i.e. the “king who appointed and ruled the Buddhist hierarchy”.¹¹ They proposed the revival of the monarchy as the best means of achieving independence.

As Tun Ok and Ba Sein had opted for the exclusion of non-Buddhists and non-Burman/Myanmar ethnicities, under such slogans as “one race, one blood, one voice,” and “a purer race, a purer religion and a purer language,”¹² they not only

excluded non-Burman nationalities, such as the Chin, Kachin and Shan, they even ignored the existence of these nationalities and peoples. That was the reason why Ba Sein and his fellow U Saw refused to sign the “Aung San – Attlee Agreement” and rejected the result of the 1947 Panglong Agreement. And U Saw killed Aung San, who invited Chin, Kachin, Shan and other ethnic nationalities to join the Union of Burma as equal partners.

After Aung San’s assassination, Ba Sein and Tun Oke buried Aung San’s policy of pluralism, ethnic equality and the secular state. The legacy of “Ba Sien – Tun Oke” which advocates the ethno-religious oriented Myanmar domination in Burma politics was kept alive by Ne Win and Aung Gyi in the 1950s and 1960s. It continues with the current military junta. In addition to General Ne Win and his military successors, there are elements who even now maintain that non-Myanmar ethnic nationalities claim for self-determination should be considered *only* after democracy is restored. For them “democracy is first, democracy is second, and democracy is third”: so, the non-Myanmar ethnic nationalities must “keep silent, follow the leaders, and obey the order”.

It seems that history is repeating itself. During the independence movement, the “Tun Oke – Ba Sein” faction of Myanmar nationalists claimed that “independence is first, independence is second, and independence is third” and they ignored non-Burman issues completely. In contrast, Aung San came to Panglong in 1947, and invited Chin, Kachin, Shan and other ethnic nationalities to jointly form the Union, a year prior to independence. In this way, Aung San created a political atmosphere in which all of Burma’s nationalities could feel that they were the founding members of the Union of Burma.

During the 1988 democracy uprising, while Aung Gyi and other leaders rejected ethnic nationalities demands for self-determination and federalism, Daw Aung San Suu Kyi, like her father, met with non-Myanmar ethnic leaders, and a meeting at the UNLD office, on 15 July 1989, they agreed to work together for “democracy and to resolve the ethnic issues”. Thus, the position of Aung San Suu Kyi and ethnic nationalities was that the questions of “democracy and the ethnic issues” — which are inseparably linked with the “constitutional problems” —

must be addressed together in order for democracy to be restored. They cannot be separated, for they hold the same value like the two sides of the same coin.

Currently, Myanmar ethnic politicians in exile say that “to solve these two problems [democracy and ethnic issues], we need different approaches.” Accordingly, they say: “we need to establish democracy in the country first.” They impatiently asks, “Why [can’t we] wait until we have democratic government? Why do we have to insist on addressing the ethnic issue under a repressive military regime rather than waiting to do so under a democratic [government]? Do the ethnic nationalities believe that demanding their rights under military rule is easier than under a democratic government?”¹³

The main problem with such an argument is that they cannot definitely proclaim their ultimate goal, and the sort of democracy that they want to restore is unclear. For example, a former Burman student leader has said, “We already have the 1947 constitution, which guarantees democratic rights.”¹⁴ A counter question that may be posed in response is: do they want to restore the semi-unitary arrangement of the parliamentary democracy system of the 1950s? Democracy can be, as Tocqueville warned us a century ago, a “tyranny of majority” which only encourages the politics of “ethnicity and ethnic domination”.

For the non-Myanmar ethnic nationalities, though they want democracy, the typical Westminster-style majoritarian system of governance is simply not the solution. They have had enough negative experiences of the tyranny of Westminster-style majoritarian rule during the so-called parliamentary democracy era of the 1950s and early 1960s under the 1947 Constitution, especially when the central government promulgated Buddhism as a state religion in 1961. For them, the only option is federalism with strong emphasis on self-determination, decentralization, and inclusive representative system of all the people at local, state and federal levels.

Similar to ethnic nationalities’ position, Daw Aung San Suu Kyi stand is that the current democracy movement is “the

struggle for second independence”. In this way, she links current struggle for democracy with the first struggle for self-determination—for both of them are rooted in the “Spirit of Panglong” upon which the Union of Burma was founded at the first place. Under her leadership, the NLD (National League for Democracy) and UNLD (United Nationalities league for Democracy, an umbrella political organization of all the non-Myanmar or non-Burman political parties in Burma), issued a statement which read:

All nationalities shall have full rights of equality, racially as well as politically, and, in addition to having the full rights of self-determination, it is necessary to build a Union with a unity of all the nationalities which guarantees democracy and basic human rights.¹⁵

Thus, we can conclude by saying that for the NLD under the leadership of Daw Aung San Suu Kyi and ethnic nationalities, as represented by the UNLD, the ultimate goal of democracy movement is to establish a genuine federal union based on the principles of political equality for all member states of the union, the right of self-determination for all ethnic nationalities, and democratic rights for all citizens of the union. This policy has been adopted also by the ENSCC (Ethnic Nationalities Solidarity and Cooperation Committee) when they launched the policy of “The New Panglong Initiative: Re-building the Union of Burma” in 2001.

PART TWO: THE GRAND STRATEGY

Dialogue: Grand Strategy for Democracy Movement

As mentioned above, dialogue has become the grand strategy for Burma’s democracy movement since 1994. However, we must remember that “dialogue strategy” is derived from the notion of a non-violent struggle for democratic change, a concept advanced by Daw Aung San Suu Kyi in 1988. “Dialogue strategy” cannot be separated from “non-violent movement” — for the two holds the same value together.

The purpose of “dialogue strategy” is not only to achieve the ultimate goal of the democracy movement, that is, to establish a genuine democratic federal union through a peaceful transition without bloodshed. It is believed that through dialogue competing interests can interact in a non-adversarial way. In countries like Burma that are or have been engaged in serious conflicts, dialogue can also act as a mechanism to help prevent, manage and resolve conflict:

- *As a mechanism for the prevention of conflict.* By bringing various actors together for structured, critical and constructive discussions on the state of the nation, dialogue can result in a consensus on the reforms that are needed to avoid confrontation and conflict.
- *As a mechanism for the management of conflict.* Dialogue can help put in place democratic institutions and procedures that can structure and set the limits of political conflicts. Democratic institutions and procedures provide mechanisms for political consultation and joint action that can peacefully manage potential conflicts.
- *As a mechanism for the resolution of conflict.* Furthermore, political dialogue can defuse potential crises by proposing appropriate peaceful solutions. Democratic institutions and procedures provide a framework to sustain peace settlements and prevent the recurrence of conflict.¹⁶

Likewise, the UNLD also adopted the non-violent strategy when it was formed in 1988, and they declared that “democracy is the only form of sustainable governance which guarantees for all members of various nationalities, both individually and collectively, the rights of full participation in their social, economic, and cultural development and as well the ownership of resources available to all citizens of the Union.”¹⁸ Stable and enduring democracy therefore requires an active participation of all the citizens—as an individual citizens and collective members of ethnic communities—to build and renovate not only the democratic institutions but also the structure of the Union itself, which shall balance the different interests of nationalities for the common good of all member states of the Union.

Since they believe in democratic principles and the rights of full participation of all nationalities in the process of nation rebuilding, both ethnic nationalities and democratic forces in Burma demand *dialogue* as an integral part of political transition, not only in the process of power transformation (from a military-controlled and monopolized kind of power to a democratically ordered one), but which also includes the restructuring of the Union into a federal system. Therefore, in the processes of both power transformation and democratisation, dialogue must be the main instrument for bringing all individual citizens and collective members of ethnic nationalities of the Union together at all levels.

After the general election in 1990, it was generally accepted that at least three levels of dialogue might be necessary to achieve the goal of the creation of a democratic open society and the establishment of a genuine federal union.

The first step of dialogue is for a “breakthrough” which will break the stagnant political deadlock; and the second step, which is more important than the first level, will be not only for power transformation but also to find a solution to the entire political crisis and to end the civil war in Burma; and the third step will be concerned with the entire process of democratisation and the restructuring of the Union as a federal system.

Three levels of dialogue that will, in concepts, be needed are:

- Pre-negotiation Talk or Talk about Talk.
- Tripartite Dialogue (for power transformation/power sharing, and to lay the foundation of the future federal union).
- National Consultative Convention (for consolidating democratic federal system).

The First Level: Pre-negotiation Talk

At the first level, Pre-negotiation Talk is needed for the first contact between opposite parties (directly or through negotiator/mediator) to discuss the “process” of negotiation, without mentioning the “substance” or the “out comes”.

In any kind of negotiation for transition plan, there are always two components: the “process” and the “substance”. The “substance” is concerned with what the conflicting parties want to achieve? What kind of outcome do they want to see through this negotiation? What sort of political structure should be negotiated for during the “process”? In short this is the substance of the solution itself, or the goal of the struggle. “Process”, on the other hand, is the business of negotiation and dialogue, which focuses on the element of the solution, that is, how to reach a solution? Both are important: without the substance, process is worth nothing and without a good process the substance cannot be achieved.

Pre-negotiation Talk, therefore, is needed to set up the framework within which the “process of negotiation” is going to be designed. Thus, the “Pre-negotiation Talk” should be chiefly concerned with:

- (i) Where and when the negotiation will take place (time and venue)?
- (ii) How to choose the representatives: that is, who will participate in the process, and what shall be the method of representation?
- (iii) Agreeing on basic rules and procedures;
- (iv) Dealing with preconditions for negotiation and barriers to dialogue;
 - A nation-wide ceasefire
 - Freedom of assembly and meeting
 - Free passage for non-ceasefire groups (for example!)
 - Re-instatement of banned political parties
 - Release political prisoners, especially Daw Aung San Suu Kyi.
- (v) Communication and information exchange;
- (vi) Managing the proceeding;
- (vii) Time frames;
- (viii) Decision-making procedures;
- (ix) The possible assistance of a third part;
- (x) Resource and financial assistance that will be needed during the negotiation, etc.¹⁸

The Second Level: Tripartite Dialogue

As mentioned above, political crisis in Burma today is not just a conflict between totalitarianism and democracy. It involves a protracted civil war that has consumed many lives and much of the resources of the country for five decades. The root of civil war in Burma is the conflict over power arrangement between the central government, which so far has been controlled by one ethnic group called Myanmar or Burman, and all the non-Myanmar (or non-Burman) ethnic groups in the Union. In other words, it is, as mentioned, a problem of constitution, or more specifically, the rights of self-determination for non-Burman nationalities who joined the Union as equal partners in 1947. Indeed, most nationalities in Burma are now fighting against the military monopolized central government for self-determination and autonomous status of their respective National States within the Union.

In order to avoid further bloodshed and violence during the political transition, the second level of dialogue must start almost simultaneously with the first level of dialogue. Dialogue at the second level shall be concerned not only with power transformation and sharing but also with solving the entire political crisis in Burma. It should end the five long decades of civil war by laying down the foundation of a genuine Federal Union. The non-Myanmar (non-Burman) ethnic nationalities' position is that without a genuine Federal Union there is no means of ending the civil war in Burma. Without ending the civil war, there is no means of establishing a democratic system. Thus, the participation of all ethnic nationalities in the political transition is the most important element in the entire process of democratisation and restructuring of the Union into a federal system. Alternatively, it could be said that the tripartite dialogue will serve not only as a platform for power transformation but also as a means to end the civil war, which has consumed so many lives and national resources over the last five decades.

Thus, dialogue at that level must be a three ways negotiation, or a *tri-partite dialogue*, as called for by the successive United Nations General Assembly since 1994. To fulfil the demand for a tripartite dialogue, the participants must include in equal

proportions the representatives of the 1990 election winning parties, representatives of the SPDC, and representatives of ethnic nationalities.

The Third Level: National Consultative Convention

As a tripartite dialogue is needed for power transformation during the process of democratisation, another level of dialogue is needed for “consolidating” a democratic federal system and “ensuring” peace in Burma. That stage of dialogue can be called the “National Consultative Convention”.

In regards to this, the UNLD had adopted a policy of national convention at the conference held in Rangoon, on June 29 to July 2, 1990. At that conference, all the members of the UNLD unanimously adopted a policy of national convention that stated “in order to lay down the general guidelines of a federal constitution which will serve as the foundation on which to build a new democratic society for the future Federal Union, a National Consultative Convention shall be convened, similar to the Panglong Conference.”¹⁹

The UNLD consulted the issue of the National Consultative Convention with the NLD, the winner of the 1990 general election. On August 29, 1990, the UNLD and the NLD made a joint declaration known as *Bo Aung Kyaw Street Declaration*, which called for a “National Consultative Convention”.

Similar to the *Bo Aung Kyaw Street Declaration* (but within different political context due to fourteen years of political deadlock), the ENSCC called for the “Congress of National Unity” which will produce the “Government of National Unity”, when they produced the “Road Map for Re-building the Union of Burma” in the beginning of September 2003.

The ENSCC’s political “road map” stated: “in the spirit of Panglong, we are committed to national reconciliation and to the rebuilding of the Union as equal partners in the process. We believe that in order to establish a stable, peaceful and prosperous nation, the process of rebuilding the Union must be based on a democratic process which includes the following basic principles:

1. A peaceful resolution of the crisis in the Union,
2. The resolution of political problems through political dialogue,
3. Respect for the will of the people,
4. The recognition and protection of the rights of all citizens of the Union,
5. The recognition and protection of the identity, language, religion, and cultural rights of all nationalities,
6. The recognition and protection of the rights of the constituent states of the Union through a federal arrangement.”²⁰

In lines with above principles, the ENSCC’s political “road map” recommends “a two-stage process to generate confidence in the transition to democracy”: A Congress for National Unity (two year term) and Government of National Unity (four year term). The Congress for National Unity, which in fact is a “Tripartite Dialogue”, will draft a “National Accord”, according to which, the “Independent Constitution Drafting Commissions” (for the Federal Constitution and State Constitutions) and the “Government for National Unity” will be formed.

At a second stage of third level, the “Government of National Unity” will conduct “a referendum”, which will be monitored by the international community to ensure that the will of the people is reflected in the new National Constitution. Following a successful referendum on the new National Constitution, “general elections” monitored by the international community will be held to establish a democratic federal government at the end of the four years.²¹

Some Obstacles to Negotiation and Dialogue Strategy

Since Burma’s democracy movement, under the leadership of Daw Aung San Suu Kyi, has chosen dialogue as the main strategy; negotiation and compromise will become the methods that are employed to achieve the objectives of the struggle. It is clear from the onset that negotiations will undoubtedly require to compromise on many issues in order to achieve a peaceful settlement. Actually, in democratic culture, politics itself is a

“process of compromise”. However, a successful negotiation can be defined as “compromise” without losing one’s position, compromise without sacrificing the “ultimate goal”.

The leaders of both democratic forces and ethnic nationalities should, therefore, mentally prepare for difficult and painful compromises at tripartite negotiation, in order to solve the political crisis in Burma in a sustainable manner. At Tripartite Dialogue, at least three challenges can be foreseen:

- (i) The role of Armed Forces in future democratic Union of Burma: The SPDC’s Generals are demanding, as they have proposed at the National Convention in 1995, that they should control at least 25% of parliamentary seats, and also in state and division assemblies. Can such undemocratic demand be accepted?
- (ii) The 1990 election result: Can the NLD compromise their hard won victory in order to form a Transitional Authority, in which they need to include military and ethnic nationalities?
- (iii) Federalism: The establishment of Federal Union is the ultimate goal, especially for ethnic nationalities. But, the SPDC Generals maintain that Federalism equals “disintegration of the Union”, which they oppose. How could agreement be reached on this particular issue? Is there any compromise possible with such opposing views?

In addition to the challenges that will be faced at the dialogue table, there are a number of obstacles, partly because of the misconception of dialogue itself. Some people think that a dialogue strategy means only a “tripartite dialogue”, which for the Myanmar ethnic group in exile is too complicated and should therefore be bypassed altogether. Htun Aung Kyaw, for example, said “tripartite dialogue at this point in time will not offer the solution. Instead it will complicate a situation.”²² On the other hand, most ethnic nationalities leaders envision the “tripartite dialogue” as similar to the negotiation at the 1947 Panglong conference. It might be suggested that dialogue as a strategy should not be seen as a “One Time Event”, but rather should be seen as a long term process, in which “tripartite dialogue” is only one step in a very long process.

A single main obstacle to dialogue, of course, is the SPDC's unwillingness to engage in dialogue with democratic forces and ethnic nationalities. Since they first came to power in 1962, General Ne Win and his successors have never believed in a peaceful political settlement. Their strategy has always been one of violent suppression, for they only believe in power that comes from the barrel of a rifle. The most effective tactics they employ are those of violent confrontations, including civil war and urban killings. And they want their opponents to play along accordingly, as they are masters of violence. In fact, violent confrontation is the name of their game which they want to deploy at any cost. On the other end, they refuse to engage dialogue because they know and think that they are going to lose if they do.

One of the most disturbing excuses for the unwillingness among some in the movement to accept the dialogue strategy is that "SPDC is not sincere, and they are not going to enter into a dialogue". Sincerity seems an inappropriate word in this regard, because one cannot expect "sincerity" from one's opponent. It is obvious that the Generals are going to use every brutal means that they can in order to keep their power intact. Holding on to power at any cost is their ultimate goal, and ethnic Myanmar domination through *Tatmadaw* is their dream; violent suppression is the strategy they employ to achieve their goal, torture and killing are the tactics they use, deception is the method they apply, and avoiding dialogue is their escape. Surely, the junta is buying time and weapons to keep their power. However, democratic forces and ethnic leaders should know that therein lay their strengths and weaknesses. Thus, it is essential to study their strength and weaknesses, and analyze why they refuse to engage dialogue. What is needed to do, therefore, is to create a situation—through coordinated local, national and international efforts—whereby the junta will have to come to the negotiating table, to see dialogue not as a danger but as a way to resolve the conflict in Burma that has plunged the country into crisis.

PART THREE: TACTICS

Tactics: Non-violent Actions (Internal Pressures, People's Power), Armed Resistance Movement, and International Pressures, etc.

The term “tactic” is seldom used in this movement. Instead, “strategies” is used interchangeably with “tactic”. The misuse of terminology can cause a lot of confusion and misunderstanding, as observed by a Shan politician and leader, “A lot of time has been wasted in the meeting debating which strategy to recognize and support and which to discard or abandon, without a practical acceptable outcome for all the groups because each group has its own strategies [tactics?] based on its own political role, status and space which are different from one another.”²³

As a matter of fact, terms like “strategy” and “tactic” are dynamic words, not static or rigid, in terms of both theory and practice. Armed Struggle, for example, can be the main “strategy” of certain ethnic armed groups, but it has become a “tactic” for the entire movement. Likewise, “economic sanction against the regime” can be the main “strategy” of certain international Burma support groups, but they should be only one of the “tactics” in terms of the entire democracy movement in Burma. It is essential to look at the big picture of the entire movement, in which all “strategies” and “tactics” are integrated in to a “Grand Strategy”. As has been pointed out, “the strategies of ENSCC, Daw Aung San Suu Kyi’s NLD, UNA and other democratic forces should be considered as part of the Grand Strategy of the movement.”²⁴ The understanding of “the Grand Strategy will create cohesion among the groups, who could independently carry out their own strategy [tactic?], having in mind that one’s strategy is complimentary to others in the integrated GRAND STRATEGY form, because all are striving towards the same accepted aims.”²⁵

1. Non-violent Actions (Internal Pressures and People's Power)

Since the 1988 popular uprising for democracy, the struggle for freedom in Burma has usually been described as “non-violent movement”. The notion of “non-violent movement” was strengthened when Daw Aung San Suu Kyi was awarded Nobel Peace Prize in 1991. Indeed, the non-violent actions in 1988 represented the finest hours of Burma’s democracy movement, which remains today its greatest strength for the struggle. Moreover, “non-violent action” is the most relevant tactic which can easily translate into the grand strategy in order to produce a final victory.

Some leaders and activists in the movement now criticize “non-violent movement” as “passivity, submissiveness, and cowardice.” However, non-violent action, as Gene Sharp asserts, is “not to be equated with verbal or purely psychological persuasion, although it may use action to induce psychological pressures for attitude change; non-violent action, instead of words, is a sanction and a technique of struggle involving the use of social, economic and political power, and the matching of forces in conflict.”²⁶ It is not submission or cowardice, as Pundit Nehru once wrote,

In spite of its negative name it was a dynamic method, the very opposite of a meek submission to a tyrant’s will. It was not a coward’s refuge from action, but a brave man’s defiance of evil and national subjection.²⁷

The basic theory of non-violent action is that the “political power of governments or dictators disintegrates when the people withdraw their obedience and support”. Based on this simple theory that the political power of governments may in fact be very fragile, Mahatma Gandhi challenged British colonial power, saying that:

You have great military resources. Your naval power is matchless. If we wanted to fight with you on your own ground, we should be unable to do so, but if the above submissions be not accepted to you, we cease to play

the part of the ruled. You, if you like, cut us to pieces. You may shatter us at the cannon's mouth. If you act contrary to our will, we shall not help you; and without our help, we know that you cannot move one step forward.²⁸

Gandhi's theory of non-violent action is based on the fact that "if the maintenance of an unjust or undemocratic regime depends on the cooperation, submission and obedience of the populace, then the means for changing or abolishing it lies in the non-cooperation, defiance and disobedience of the populace." Applying Gandhi's theory of non-violent action, Gene Sharp outlines the main characteristics of non-violent action as follows:

In political terms non-violent action is based on a very simple postulate: people do not always do what they are told to do, and sometimes they do things which have been forbidden to them. Subjects may disobey laws they reject. Workers may halt work, which may paralyze the economy. The bureaucracy may refuse to carry out instructions. Soldiers and police may become lax in inflicting repression; they may even mutiny. When all these events happen simultaneously, the man who has been "ruler" becomes just another man.

And he concludes, by saying that:

The human assistance which created and supported the regime's political power has been withdrawn. Therefore, its power has disintegrated.²⁹

Since 1988, non-violent actions have been applied in various means and ways and it will continue to do so. The important factor, however, is that the tactics of non-violent actions need to be able to translate into a grand strategy, which will bring the final victory for the movement. During the 1988 uprising, the movement employed the best tactic of non-violent actions but did not have a grand strategy. The movement, therefore, needs to learn lessons from both its successes and failures.

2. Armed Resistance Movement (A.R.M)

Carl von Clausewitz, in his classic work *On War*, wrote, “war is the continuation of politics by other means”. His famous quote leads to the discussions of those of “other means”, that is, the military strategy of winning war through force, but “it does not say how to achieve the state’s goal without war.”³⁰ In contrast to the Western concept of war, ancient Chinese philosopher Sun Tzu in his *The Art of War* suggested that military strategy should be integrated into domestic policy and foreign policy in a form of “state craft”, which includes “looking beyond conflict to its resolution, ensuring peace and system of interstate relationships more profitable to one’s nation.”³¹

The Armed Resistance Movement (A.R.M) that all the non-Myanmar ethnic nationalities in Burma engage in, is in essence, different from waging offensive war. The difference is that in offensive war, military strategy is deployed in order to win the war by force. The A.R.M. of Burma’s ethnic nationalities never applied such a strategy, but holds arms only for defensive purpose. The similarity, however, is that ethnic nationalities in Burma engage in civil war only because they are unable to resolve the conflict through peaceful means. The A.R.M, therefore, is, like any other war, “the continuation of politics by other means”.

None of non-Myanmar ethnic nationalities in Burma believe that the armed struggle or A.R.M. is the end game. It is only for self-defence. However, “as long as SPDC wages war on us”, as one of CNF (Chin National Front) leaders said, “killing our children in order to wipe out our future generations, using rape as weapon of war against ethnic minorities in the country, and applying religious persecution as the method of destroying ethnic identities, especially against the Chin Christians; our hands will be forced to hold arms in order to protect our children, to defend our mothers, our sisters and our homeland, and to uphold our dignity and identity intact.”³²

It is, therefore, very clear that the dialogue strategy does not reject A.R.M. altogether. It encourages A.R.M as an important “tactical means” for the movement, as part and parcel of the pressures that should be put on military junta to bring it to the

dialogue table. It is essential to build unity among ethnic armed groups, and support the efforts of the NDF (National Democratic Front), the largest alliance of Ethnic Armed Groups in Burma, and “Five Nations Military Alliance”. However, as Sun Tzu suggested, the long term goal of A.R.M should be “to subdue the enemy without fighting”, which he said is “the acme of skill”. The best military “strategy is not only to achieve the nation’s aims through controlling or influencing its sphere of influence, but to do so without resorting to fighting.”³³

According to Sun Tzu, the best military strategy is the one that can subdue the enemy through negotiation and talk without fighting; that is what we call in our context “dialogue” which will bring a “win-win” solution to the establishment of a democratic government in Burma.

War, including A.R.M, may sometimes be a necessary evil. But, as Jimmy Carter said, “no matter how necessary, it is always an evil, never a good. We will not learn how to live together in peace by killing each other’s children.”³⁴ That’s the reason why dialogue, not war, is calling for by all.

3. International Pressures

As mentioned above, “dialogue” was adopted by the democracy movement as a grand strategy, and it was based on the United Nations General Assembly resolution of 1994. This indicates the fact that international pressure is viewed as a very important strategic and tactical factor. In the ENSCC’s Political Road Map, the role of international community has been strongly emphasized as follow:

We welcome and appreciate the concern of the international community over the crisis in our country. We specifically appreciate the leading role played by the United Nations, and the efforts of the Government of Thailand to bring about national reconciliation. We also appreciate the concern expressed by the international community, in particular ASEM, ASEAN, Canada, China, Japan, the European Union, Norway and the USA.

From the very beginning, the movement has adopted at least three international pressure tracks, to put strong pressures on the military junta to get it to the dialogue table. They are, One, lobbying the UN, governments, regional blocs, neighboring countries such as China, India, Japan, to bring about diplomatic pressure for dialogue; Two, undertaking international campaigns, calling for sanctions, exposing and condemning human rights abuses by the regime, exposing forced labor practices, highlighting the plight of political prisoners, and so on; and Three, calling for international mediation.

The role of International Mediation has been highlighted by the ENSSC's Road Map, saying that "to ensure that the transition progresses smoothly and on schedule, we request that the international community under the leadership of the UN, Thailand, and ASEAN continue to assist in the transition process". It is, therefore, very clear that the "third party" involvement in this process is more than welcomed. However, the exact role of third party intervention or involvement still needs to be clarified, that is what kind of third party involvement will be needed: Arbitration? Facilitation? Pure Mediation? Or Power Mediation?

Conclusion

In this paper, I have explored: What is the ultimate goal of democracy movement in Burma? What is the grand strategy that the movement has adopted to achieve its goal? And what are tactics that the movement has applied? I have argued that the strategy and tactics may change in accordance with the changing political situation has demanded, but the changing strategy and tactics shall not affect the ultimate goal.

The central argument in this paper is that the fundamental issues of political crisis in Burma is not only ideological confrontation between democracy and totalitarianism, but a constitutional problem rooted in the question of self-determination for non-Myanmar (non-Burman) ethnic nationalities who joined the Union as equal partners in 1947 at Panglong. The ultimate goal of democracy movement in Burma, therefore, is not just changing the government in Rangoon but

to establish a genuine democratic federal union, where various ethnic nationalities from different backgrounds (ethnically, culturally, religiously, linguistically, and historically, etc.) can live peacefully together.

I have highlighted in this paper that since 1994, the movement has adopted “dialogue” as the main strategy based on the United Nation General Assembly’s resolution which called for a “tripartite dialogue”. The main source of “dialogue strategy”, however, is derived from non-violent actions which the movement has taken since 1988, under the leadership of Daw Aung San Suu Kyi. As such, non-violent actions and international pressures become the most important tactics in this movement, which put the pressures on the military junta to bring it to a dialogue table.

I also argued that adopting “dialogue” as a “grand strategy” does not undermine the “Armed Resistance Movement” which most of the non-Myanmar ethnic groups are engaging in order to defend themselves for more than five decades. As a matter of fact, the armed resistance that all the non-Myanmar ethnic nationalities in Burma engage in is a defensive war. Moreover, they carry arms and waged an armed struggle only because they are unable to resolve the conflict through peaceful means. None of non-Myanmar ethnic nationalities in Burma believe that the armed struggle or armed resistance is the end game. It is only for self-defence.

Strategically speaking, armed resistance or struggle constitutes only a tactical means, a part and parcel of the pressures that should be put on the military junta in order to bring them to a negotiating table.

Since the military junta is refusing to engage in dialogue, it is essential to employ several tactics at once, to make sure that the strategy works properly. All kind of tactics, such as, Non-violent Actions (including Internal Pressures and the so-called “People’s Power”), Armed Resistance Movement (A.R.M.) and International Pressures, etc., should be integrated into the Grand Strategy of the entire movement in order to produce a final victory.

NOTES:

- ^{1.} Eugeniusz Sakowicz, "Dialogue and Identity" in David W. Chappell(ed.), *Socially Engaged Spirituality* (Bangkok: Sathirakoses-Nagapradipa Foundation, 2003), pp. 435-447.
- ^{2.} Cited by Sakawicz, *ibid.*, p. 440
- ^{3.} *Ibid.*, p. 436.
- ^{4.} See "Tripartite Dialogue" in *The New Panglong Initiative: Re-building the Union of Burma* (Chaing Mai: ENSCC Publication, 2002), pp. 5-6.
- ^{5.} See Khin Yi, *The Dobama Movement in Burma, 1930-1938* (Cornell University, 1988), p. 255.
- ^{6.} Aung San's speech entitled "Problems for Burma's Freedom", delivered on January 20, 1946, in Josef Silverstein (ed.), *Political Legacy of Aung San* (Ithaca, New York: Cornell University Press, 1993), p. 96.
- ^{7.} U Maung Maung, *Burmese Nationalist Movements 1940-1948* (Honolulu: University of Hawaii Press, 1989), pp. 20-21.
- ^{8.} *Ibid.*
- ^{9.} *Ibid.*
- ^{10.} *Ibid.*
- ^{11.} Cf. Jerold Schector, *The New Face of Buddha: The Fusion of Religion and Politics in Contemporary Buddhism* (London: Victor Gollance, 1967), pp. 105-127.
- ^{12.} See Khin Yi, *The Dobama Movement in Burma, 1930-1938* (Cornell University, 1988), p. 255.
- ^{13.} Htun Aung Kyaw, "Searching for the Common Ground" in Mizzima News, <http://www.mizzima.com> , September 18, 2003.
- ^{14.} *Ibid.*
- ^{15.} "Bo Aung Kyaw Street Declaration" issued jointly by NLD and UNLD on August 29, 1990.
- ^{16.} *Dialogue for Democratic Development: Policy Options* (Stockholm: International IDEA, 1999), p. 40
- ^{17.} See "Democracy Movement towards Federal Union: The Role of UNLD in the Struggle for Democracy and Federalism in Burma" in *Peaceful Co-existence: Towards Federal Union of Burma*, Volume Two, Collection of Papers from UNLD-LA Conference, 2001.
- ^{18.} Cf. Peter Harris and Ben Reily, *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm: International IDEA, 1998), pp.66-69.
- ^{19.} The protocols of UNLD's Second Conference, held the YMCA Hall, Rangoon from June 29-July 2, 1990.

- ²⁰. See ENSCC's Road Map for Re-building the Union of Burma (2003-09-01)
- ²¹. ENSCC's Road Map for Re-building the Union of Burma (2003-09-01).
- ²². Htun Aung Kyaw, "Searching for the Common Ground" in Mizzima News, <http://www.mizzima.com> ,September 18, 2003.
- ²³. Sao Seng Suk, e-mail communication posted on Internet on September 17, 2003.
- ²⁴. Ibid.
- ²⁵. Ibid.
- ²⁶. Gene Sharp, *The Politics of Nonviolent Action: Part One - Power and Struggle* (Boston: Porter Sargent, 1984), p. 70
- ²⁷. Cited by Gene Sharp, *ibid.*, p. 87
- ²⁸. Larry Collins and Dominique Lapierre, *Freedom at Midnight* (New York: Avon Books, 1975); cited also by Gene Sharp, p. 84
- ²⁹. Gene Sharp, *ob.cit.*, pp.63-64
- ³⁰. Mark McNeilly, *Sun Tzu and the Art of Modern Warfare* (Oxford and New York: Oxford University Press, 2001), p.14
- ³¹. Ibid.
- ³². Interview conducted by the author but his name is withheld.
- ³³. Cited in Mark McNeilly, *Sun Tzu and the Art of Modern Warfare* (2001), p.13
- ³⁴. Jimmy Carter's speech, delivered upon receiving the Nobel Peace Prize on December 10, 2002.



The Basic Principles of Rebuilding the Union of Burma

1. A peaceful resolution of the crisis in the Union,
2. The resolution of political problems through political dialogue,
3. Respect for the will of the people,
4. The recognition and protection of the rights of all citizens of the Union,
5. The recognition and protection of the identity, language, religion, and cultural rights of all nationalities,
6. The recognition and protection of the rights of the constituent states of the Union through a federal arrangement.