

Historical and Political Background

Constitutional Period (1947-62)

On 4 January 1948, Burma gained its independence from the British who, in the nineteenth century, fought three wars against the Burman Empire and finally conquered it in 1886. On the eve of the Second World War, the Japanese secretly promised to help Burma recover its freedom by training 30 youth led by Gen. Aung San who then formed the nucleus of a national army. During the war, the Japanese drove the British out of Burma and governed the country directly under military rule until 1 August 1943, when it was granted independence under its protection.

On 27 March 1945, the armed forces of Burma revolted against the Japanese and joined the Allies. Also during the war period, the leaders of the new army, together with an underground civilian group, formed a broad anti-Japanese coalition, the Anti-Fascist People's Freedom League (AFPFL). The AFPFL and the army were led by Gen. Aung San. On 19 July 1947, Gen. Aung San and some of his colleagues were assassinated while the constituent assembly that was writing a new constitution was in recess. U Nu, a civilian and close colleague of Aung San, was able to lead Burma to gain its independence on 4 January 1948. A parliamentary federal union system was introduced as the basis of the system of governance.

Independence did not bring peace and progress to Burma. Within three months of independence, the members of the Communist party in Burma revolted, resulting in the defection of two army battalions. In January 1949, following growing hostility between the ethnic Karen and Burman, the Karen also revolted. Several other political and ethnic groups also took up arms against the State. The multiple insurgencies nearly caused the Union of Burma to completely collapse. Prime Minister U Nu managed to keep his government in power and he gradually recovered control of the people and territories, though the country remained unstable.

During this tumultuous period, democracy took root and began to grow. However in 1958 unity among the leaders of the ruling AFPFL dissolved. Prime Minister U Nu proposed that the parliament decide which group should govern the country. U Nu won by such a narrow margin that within a few months he resigned and recommended that Gen. Ne Win, the head of the army, replace him and conduct new elections.

Gen. Ne Win's provisional government, comprising senior military officers, was short-lived, lasting only 16 months. When the promised elections were held, a U Nu-led faction won. After he resumed leadership U Nu called a meeting for February 1962 where he planned to discuss with all ethnic leaders a way to find a solution to their grievances through peaceful and open discussions. However, before U Nu could instate his recommendations for peace, Gen. Ne Win led a military coup to seize power on 2 March 1962. Gen. Ne Win established a Revolutionary Council comprised of 17 senior officers, effectively ending the constitutional period.

Military Rule (1962-88)

The Revolutionary Council established a military dictatorship replacing the parliamentary federal system enshrined in the constitution. In July 1962, the Revolutionary Council created its own party, the Burma Socialist Program Party (BSPP), after having failed to win the backing of the established political parties. The Revolutionary Council published its first ideological statement entitled, “The Burmese Way to Socialism” at the end of April 1962. A year later it moved to a policy of rapid nationalization and assumed direct control of the economy. In 1971, the BSPP transformed itself into the governing structure though it retained the same military rulers, many of whom had retired from the armed forces. In 1974, a new constitution was adopted with additional centralized powers, serving to further entrench BSPP’s position as the only legal political party in the country.

The second constitution of independent Burma differed markedly from its predecessor. The *Pyithu Hluttaw* or People’s Assembly, a single chamber legislature, became the highest governing structure in the country and U Ne Win, who was the head of the BSPP, took over the Presidency. Under the one-party regime, freedom for the people of Burma was largely repressed. Furthermore, civil strife continued with the military instigating campaigns against the forces of the ethnic nationalities and the Burma Communist Party (BCP). During this period, the ruling regime faced popular unrest. Workers staged violent strikes in 1974 and 1975. Students also demonstrated throughout this period. A particularly serious student protest erupted in 1974 after a struggle between the students and the regime over the proper burial of the remains of U Thant, the third Sec. Gen. of the UN. In 1981 Ne Win abdicated the presidency but continued to head the BSPP. Political mismanagement and instability also severely affected the economy. For example, in 1987, following intense criticism from Ne Win, the regime demonetized three banknotes without warning or reimbursement. As a result, nearly 70 percent of the currency in circulation became worthless.

Tension within the country escalated to a breaking point in 1988. In March 1988, a teashop brawl led to the death of a student from the Rangoon Institute of Technology (RIT) after the intervention of riot police. Daily protests by RIT students ensued and spread to other universities. After twelve days of violent clashes with police, the regime closed the universities. The riots left several students dead and missing. When the universities reopened in June, the students resumed protests, calling for accountability into the student deaths and injuries. The military, however, responded with force, killing at least 20 more students and arresting hundreds of others. And once again the universities closed.

The wave of social unrest spread as the people of Burma became unified in their demand for political change. In response, the military declared a state of martial law. On 23 July 1988, the BSPP appointed Gen. Sein Lwin as the new party head and later president. To demonstrate opposition to continued military rule in the country, students and activists organized a peaceful, nationwide strike on 8 August 1988. The now notorious 8888 uprising led to the death and arrest of thousands of protestors and demonstrators at the hands of the regime.

Following the protest, on 12 August 1988 Gen. Sein Lwin was replaced by a civilian lawyer named Dr. Maung Maung. The period of civilian rule was not only superficial but short-lived. On 18 September 1988, the military regained power through a bloody coup. During the month of civilian leadership, agents of the military spread rumours that criminals had been released into the general population, the water supply was poisoned and that other heinous

acts had been committed in order to stimulate an environment of fear and chaos. The revived military dictatorship forcibly took control under the name “State Law and Order Restoration Council” (SLORC). Opting for martial law, SLORC suspended the 1974 constitution and brutally suppressed all opposition through force, resulting in thousands of deaths and arrests.

SLORC’s Military Rule (1988-1997)

On 23 September 1988, having established himself as Burma’s leader, the head of the SLORC, Gen. Saw Maung, assured the public that the sole aim of military intervention was to restore law and order, improve the economic conditions of the people, and organize multiparty elections as soon as possible. He insisted that it was not his intention to “*cling to State power for long.*”

Within months parties began to register with the advent of a new election law. The National League for Democracy (NLD) led by Daw Aung San Suu Kyi, daughter of the national hero Gen. Aung San, quickly emerged as the leading opposition party. Daw Aung San Suu Kyi travelled throughout the country attracting large crowds, despite the SLORC decrees limiting public gatherings to four persons. As her following expanded, the military tried to discredit her. They accused her of not having “pure” motives, disparaged her marriage to a foreigner, questioned her loyalty to Burma, and suggested that she was being manipulated by Communists in her party. Unable to sway her supporters, in July 1989 SLORC placed Daw Aung San Suu Kyi under house arrest and disqualified her from participating in the elections. In spite of these tactics, the NLD achieved a landslide victory in the elections held on 27 May 1990, winning 392 of the 485 seats contested. In contrast, the SLORC-backed National Unity Party (NUP) won 10 seats.

Rejected by popular vote, the junta refused to implement the results claiming a constitution must be drafted before Parliament can convene. Meanwhile, the SLORC maintained control over the country through martial law. On 27 July 1990, the SLORC promulgated Declaration 1/90 confirming this stating, “[the SLORC] *is not an organisation that observes any constitution; it is an organisation that is governing the nation under Martial Law.*” Following this announcement SLORC began to arrest, harass, and intimidate NLD members as well as members of other political parties. As time progressed and the SLORC persisted in its refusal to hand over power, in December 1990 members of the elected Parliament established the National Coalition Government of the Union of Burma (NCGUB) with the support of all major ethnic groups struggling to assert themselves within Burma.

On 24 April 1992, two years after the elections, SLORC issued Order No. 11/92 titled the “Convening of a National Convention.” It indicated that a National Convention (NC) would be convened “*in order to lay down basic principles to draft a firm constitution.*” On 2 October 1992, however, without consulting any political or ethnic leaders, the regime delineated six objectives to “guide” the NC. The sixth principle essentially guarantees a dominant role for the military in any future government. In January 1993, the convention finally assembled with 702 delegates, of whom only 106 were elected representatives. The remaining delegates were either handpicked by the SLORC to “represent” workers, peasants, intellectuals, national races, and service personnel, or were “specially invited persons.” Regardless, meetings were repeatedly suspended after ethnic delegates persist in opposing a centralized state structure. Overriding such opposition and alternative proposals, the regime imposed another 104 principles to “guide” the constitutional drafting process. Furthermore, to

suppress opposition to the NC, the SLORC also issued Order No. 5/96 on 7 June 1996 prohibiting criticism of the NC. The order carries a potential 20 year sentence.

On 10 July 1995, Daw Aung San Suu Kyi was released from almost six years of house arrest. Although her release initially raised hopes for an improvement in the human rights situation in Burma, nothing changed. Rather, the pace of political arrests and persecution accelerated dramatically after November 1995 when the NLD withdrew, along with other groups, from the SLORC-controlled NC due to its undemocratic processes. SLORC responded to the NLD withdrawal by expelling the NLD permanently from the convention. Increased targeting and harassment of NLD members and supporters followed. On 9 November 1996, a group of about 200 young men attacked Daw Aung San Suu Kyi's motorcade with iron bars and sticks. The men were thought to be members of the Union Solidarity Development Association (USDA), a puppet organisation created by the regime to feign civilian support for the regime and intimidate the pro-democracy movement. In December 1996, more than 2,000 people, including hundreds of students, were arrested after engaging in peaceful demonstrations calling for genuine reforms. Public gatherings on weekends in front of Daw Aung San Suu Kyi's home have been banned since the end of 1996.

Hostilities between the SLORC and armed ethnic resistance groups meanwhile continued throughout this period. The SLORC maintained a military presence throughout the ethnic minority areas, instigating attacks against resistance fighters. Singapore, China, and Pakistan supported the SLORC campaign by supplying the weaponry needs of the regime. Thailand disregarded increased offensives against border groups after the SLORC granted timber and fishing concessions in the border areas. In 1989, the SLORC heightened aggressive tactics in an effort to pressure opposition groups into one-sided ceasefire pacts. At this time, several resistance groups succumbed to the regime's pressure and signed onto restrictive ceasefire agreements. Meanwhile attacks have continued in the ethnic minority areas. During the offensives, the military committed a range of human rights violations and abuses against ethnic minority villagers living within the conflict zones.

SPDC's Military Rule (1997-Present)

On November 15, 1997, the SLORC was renamed the State Peace and Development Council (SPDC). Although the three most senior members of the regime retained their posts in the SPDC, 14 former members – all senior military officers – were replaced and a four - member SPDC advisory group was established. In late November three members of this advisory group were placed under house arrest. The three were former Tourism Minister Lieutenant-General Kyaw Ba; the former Commerce Minister Lieutenant-General Tun Kyi; the former Agriculture Minister Lieutenant-General Myint Aung. A number of their aides and staff at other ministries were also placed under investigation. Following the detention, the advisory group was dissolved on December 10, 1997, less than one month after its formation. Officials said the members of the advisory group no longer held their military posts. The changes did not stop there. On December 20, there was an unexpected reshuffle within the second tier of the military regime's cabinet. Another eight posts in the cabinet were reshuffled and one new member was added. SPDC leaders conducted another reshuffle of top generals in November 2001, and in March 2002 arrested four relatives of former top general Ne Win. The four were accused of plotting to overthrow the current government in a military coup, and were sentenced to death for treason in September 2002.

The Committee Representing the People's Parliament (CRPP) was formed on the 16 September 1998 in response to the military regime's failure to cede power thus enabling the elected representatives to form a parliament and the NLD to form a government. Two hundred and fifty-one elected MPs (52% of MPs elected in 1990) gave their authority to the ten founding members to form the CRPP. This was based on the principle articulated in the 1974 *Pyithu Hluttaw* Law that requires State Authorities to convene parliament if 34% or more of the members of parliament so desire. The CRPP's objective was to convene the Parliament until all MPs elected were able to do so. The CRPP's first act was to issue a proclamation that repealed all SLORC & SPDC orders, decrees, notifications, rules and laws. The SPDC declared the CRPP to be illegal. However, despite serious restrictions and the almost immediate arrest and imprisonment of Chairman Dr Saw Mra Aung, the CRPP survived and on September 16, 2002 held a ceremony at NLD headquarters to celebrate its fourth anniversary.

In September 2000, there was a major crackdown by the SPDC on NLD leaders, during which Chairman U Aung Shwe, and Vice-Chairman U Tin Oo were detained and General Secretary Daw Aung San Suu Kyi was placed under house arrest. This act appeared to be the catalyst for the initiation of UN brokered 'talks' between the regime and Daw Suu. On January 9, 2001 the UN Secretary-General's Spokesman announced that there had been ongoing dialogue between the SPDC and the NLD since October 2000. While the content of the talks remained secret, this news was hailed as a significant breakthrough and a positive step towards democratic transition. In the following months, the SPDC allowed a number of NLD offices to reopen and released substantial numbers of political prisoners, acts which were hailed by the international community as a sign of the regime's sincerity towards pursuing change.

On May 6, 2002, Daw Aung San Suu Kyi was released from 19 months of house arrest, though Burmese intelligence continued to monitor NLD leaders and attend many NLD meetings in Rangoon. Following her release, the junta allowed Daw Suu and the NLD a greater measure of freedom to travel around the country and to meet with representatives of foreign governments and international organizations. The regime recognized the NLD as a legal entity and permitted the party to reopen approximately 90 out of 300 offices throughout the country. However, to a lesser degree the SPDC continued to monitor and restrict the activities of the NLD and Daw Suu through harassment and threats. Other political and ethnic opposition groups remained banned.

By the end of 2002 the dialogue had ground to a halt and the economic situation inside the country had worsened. It had become increasingly evident that the regime lacked the will to pursue substantive reforms and was using the dialogue as a tool to deflect international criticism and garner increased aid and investment. For the first half of 2003 this sentiment continued, as the SPDC repeatedly stalled in scheduling new talks or allowing UN Special Envoy Razali Ismail to come to Burma. While Aung San Suu Kyi and the NLD were able to engage in several campaigning tours in the first half of 2003 and NLD offices continued to open, harassment perpetrated by members of the Union Solidarity and Development Association (USDA) and other state sponsored actors was relentless.

On May 30, 2003, Aung San Suu Kyi, NLD members and supporters were violently attacked by members of the USDA and other state organized individuals armed with bamboo sticks and metal rods on the road to Depayin, Sagaing Division. The attack resulted in the re-arrest of Aung San Suu Kyi, NLD Deputy Chairman U Tin Oo, and all members of the Central Executive Committee of the NLD. In addition, unknown numbers of NLD members and

supporters were killed, injured, or imprisoned during or following the attack. NLD offices across the country were ordered to close and all political opposition activities were banned.

The attack on the NLD and the ensuing crackdown on the democracy movement resulted in international outcry and demands for the release of Aung San Suu Kyi as well as an independent and transparent investigation into the events of 30 May. The SPDC has not allowed such an investigation and claims that the attacks were instigated by the NLD. Moreover, the SPDC reports that only four people were killed and 50 people were injured in the attack. Eyewitness accounts and unofficial sources indicate that the actual numbers of dead and wounded are significantly higher. In addition to other international reactions, the crackdown on the democracy movement resulted in tougher sanctions enacted by the United States and the European Union.

Despite repeated calls for more open lines of communication, the SPDC increasingly withdrew from further discussions and throughout the first half of 2003 the regime refused to schedule more talks. Beginning in 2003 and continuing throughout 2005, the regime excluded Razali Ismail, the UN Special Envoy for Burma, and Paulo Sergio Pinheiro, the UN Special Rapporteur on Human Rights in Burma, from entering the country. Razali resigned his office on 8 January 2006 citing an inability to effectively carry out his mandate, and Pinheiro continued to be denied access to the country throughout 2006.

On 25 August 2003, the SPDC reshuffled, removing the relatively moderate General Khin Nyunt from the position of Secretary 1 and placing him in a newly created position of Prime Minister. Lt Gen Soe Win, who is believed to have planned the 30 May attack on the NLD, replaced Khin Nyunt as Secretary 1. Seemingly to deflect international criticism following the Depayin Massacre, Khin Nyunt announced a seven-point roadmap to democracy just five days later on 30 August 2003, which included reconvening the stalled 1993 National Convention through which a State Constitution would be drafted. Thereafter, the Constitution would be voted on in a national referendum, and free and fair elections would eventually ensue. Yet, the plans for the National Convention included no mention of the participation of the NLD or ethnic groups.

By the end of 2003, the SPDC was placing greater emphasis on the participation of the ethnic groups in the National Convention, both ceasefire and non ceasefire. Most ethnic ceasefire groups had initially indicated that they would participate if certain conditions were met, such as the release of all political prisoners or the equal participation of all political and ethnic groups, both ceasefire and non ceasefire. However, despite the fact that these conditions went unmet, 34 ceasefire groups sent delegates to the National Convention, which was convened on 17 May 2004. This included the 17 major ceasefire groups and various splinter groups.

On 7 April 2004, seven of the nine NLD Central Executive Committee (CEC) members had been invited to attend the 2004 National Convention. The two excluded CEC members were the detained Daw Aung San Suu Kyi and U Tin Oo. The invited CEC members initially reported that the NLD's attendance was likely but contingent upon the SPDC's agreement to a list of requests. These requests included, among other things, the release of the remaining two NLD CEC members in detention, the release of all political prisoners and the reopening of NLD offices across the country. The NLD's requests also addressed the fact that the 2004 National Convention was to follow the "104 basic principles" and "six objectives" which had been created for the 1993 National Convention from which the NLD walked out in 1996. The "104 basic principles" and "six objectives" had been created to steer the constitution drafting

process and ensured the military's dominance in a future government. The SPDC did not meet the NLD's principle demands and therefore the NLD boycotted the 2004 session of the National Convention.

In total, 1,076 out of 1,088 delegates attended the 2004 session of the National Convention. Only 15 MPs elected in the 1990 elections attended. In addition, only seven legally registered political parties that participated in the 1990 elections attended. Eight political parties, aside from the NLD, boycotted. These included the National Unity Party, the Kokang Democracy and Unity Party, the Union Pa-O National Organization, the Mro or Khami National Solidarity Organization, the Lahu National Development Party, the Wa National Development Party and the Shan Nationalities League for Democracy. The Shan State Kokang Party was absent.

The 2004 session of the National Convention proceeded under highly restrictive conditions which suppressed the freedoms of opinion, expression, movement, assembly and association of the delegates. Moreover, Order No. 5/96, enacted by the SLORC in 1996, was maintained allowing for imprisonment of up to 20 years those who expressed political views which were considered a threat to the stability of the State. This law effectively prevented expression of opposition to any SPDC policies. The National Convention was recessed on 9 July 2004 with the next session was scheduled for early 2005.

In November 2003, the SPDC sent a delegation to meet with Karen National Union (KNU) leaders in Mae Sot, Thailand. The KNU had been fighting against the government in Rangoon for over 50 years. This visit was followed by a KNU delegation visit to Rangoon. By the end of 2003, the KNU and SPDC agreed upon a verbal ceasefire and formal ceasefire discussions commenced in early 2004. Yet, by the end of 2004, a formal ceasefire agreement had yet to be reached. Despite the verbal ceasefire agreement, SPDC offensives in Karen areas continued, with concomitant human rights abuses.

Following the KNU's decision to engage in ceasefire talks, the Karenni National Progressive Party (KNPP) also announced plans to engage in ceasefire discussions in late 2003. While talks had been scheduled for early 2004, progress was thwarted when the KNPP and SPDC disagreed over the KNPP's position of negotiation. Throughout 2004 both fighting and human rights abuses perpetrated by state sanctioned actors continued to be reported in Karenni areas. Despite this, the KNPP continued to express the desire to engage in formal ceasefire discussions with the military government.

On October 19, 2004, the SPDC reshuffled again with the removal and arrest of Prime Minister Khin Nyunt and many of his affiliates. Lt Gen Soe Win was appointed as the new Prime Minister and Lt Gen Thein San replaced Soe Win as Secretary 1. The reshuffle included several other shifts in government leadership and was viewed as a consolidation of hardliners among the top leadership of the SPDC. As Khin Nyunt had played a key role in the formation of most ceasefire agreements, his removal raised concerns regarding the status of these agreements with the new government leaders. However, the SPDC indicated that all ceasefire agreements would remain unchanged.

In conjunction with the reshuffle, the 1983 law on the National Intelligence Bureau (NIB) was annulled on October 22, 2004. The SPDC reported that the NIB, which had been under the leadership of Khin Nyunt, was no longer appropriate for the well being of the people. As a result, the NIB and organisations within its apparatus, such as the Military Intelligence Services (MIS), were disbanded. In the months that followed, 300 top level former MI agents

were arrested, some 1,500 were allowed to “retire,” and about 2,500 were transferred to combat duty. Dismemberment of the NIB, however, has not meant the end to MI in Burma. Intelligence operations have since reorganized now functioning under the Office of the Military Affairs Security and reporting directly to the regional military commands.

The removal of Gen. Khin Nyunt as prime minister and dissolution of the NIB also led to three mass prison releases over the course of 2004. However, out of the 14,318 prisoners released from November to December 2004, only 76 were political prisoners. Among the 76 political prisoners released was Min Ko Naing, chairman of the All Burma Federation of Student Unions (ABFSU), who had been imprisoned for over 15 years. Another mass release of prisoners occurred on 3 January 2005, with the NC a little over a month away and the regime desperate to gain political favour. The SPDC released 5,588 inmates from prisons around the country, however only 23 political prisoners were among those released. In 2006, there were no mass amnesties and at the close of the year the number of political prisoners was estimated to be 1,114, a figure that did not include the significant number of prisoners detained in military bases and secret jails.

Since the ouster of Gen. Khin Nyunt, the military leadership line-up has been in constant flux. Power struggles between SPDC chairman Sen. Gen. Than Shwe and his second-in-command Vice Sen. Gen. Maung Aye continued throughout 2005 spurring rumours of another potential ouster. At the end of May 2005 and in August 2005, the regime underwent yet another major reorganisation with a reshuffle of about half of the regional commanders. In addition, several high ranking SPDC officers were removed from their posts in August 2005 and placed under house arrest or “permitted to retire,” including the Director General of the SPDC Office Lt. Col. Pe Nyein, Director General of the Prime Minister’s office Soe Tint, as well as Brig. Gen. Pyi Sone and Than Shwe who are attached to the Prime Minister’s office. 2006 saw the continuation of this power struggle within the upper echelons of the SPDC. On 26 January 2006, Lt Gen Myint Swe, who is known to be a close ally of Sen. Gen. Than Shwe, vacated his post as commander of the Rangoon Command, to be appointed as chief of the newly created Bureau of Special Operations (BSO) under the Ministry of Defense. The creation of BSO directly limits the power of Maung Aye-aligned Hla Htay Win, and the move is seen as a weakening of Maung Aye. Subsequently, a large scale shake-up was initiated in mid May, which called the country’s top 12 generals together, and on 16 May it was announced that four top officials were said to be ready to “retire”. Sen. Gen. Than Shwe is reportedly favouring a younger generation of graduates from the National Defence Academy who are supposed to contribute to a new program of economic liberalisation and transition to civilian government with Sen. Gen. Than Shwe taking on the role of President-for-Life.

Meanwhile, in an attempt to feign some level of stability and progress within the country following the ouster of Gen. Khin Nyunt, the regime announced plans to recommence the NC on 17 February 2005. However, in the lead up to the February 2005 session, the junta made efforts to stifle all potential opposition to the process by targeting and harassing opposition groups. Political and ethnic minority leaders were subject to arrest, detention, and other abuses at the hands of the SPDC in an attempt to silence resistance to the regime’s agenda. The regime arbitrarily extended the detention of ten prominent political dissidents, including NLD leaders, Daw Aung San Suu Kyi and U Tin Oo as well as several elected MP’s. Military build-up and increased hostilities in the ethnic areas also continued. The SPDC also arrested several prominent Shan activists and leaders, including Gen. Hkun Htun Oo and Gen. Hso Ten, chairmen of the Shan Nationalities League for Democracy (SNLD) and the Shan State

Peace Council (SSPC) respectively, only days before the February session was scheduled to resume. These leaders were later handed severely harsh sentences ranging from 70 years to 93 years of imprisonment. The February 2005 sessions adjourned on 31 March 2005 without achieving any genuine progress towards democratic reform.

Before the NC was again reconvened, the SPDC made the unexpected move of relocating its ministries, civil servants and operations to the remote village of Pyinmana, Mandalay Division, located about 320 km. from Rangoon. The move occurred at the auspicious time of 6:37 am on 6 November 2005. Without advanced notice, civil servants were forced to relocate to Pyinmana, leaving families and businesses behind. The civil servants meanwhile found the site of the new capital near Pyinmana, later named Nay Pyi Daw ('place of king' or 'royal city'), unprepared for their arrival, with basic accommodations, facilities, and commodities lacking. Those who tried to resign were threatened with imprisonment, causing some to go into hiding. The site itself was reportedly surrounded by barbed wire and under heavy military guard. No official reason was given for the surprise move, although analysts have suggested factors to include; concerns over possible civilian protests in Rangoon, foreign criticism of the SPDC, a fear of a foreign military intervention, and the need to locate the SPDC more centrally to direct its military campaigns against ethnic insurgencies along the eastern border. Building and construction at Nay Pyi Daw continued on a massive scale throughout 2006, for which land was confiscated from thousands of local residents, and villagers and convicts alike were conscripted as forced labourers. The SPDC gave its civil servants a substantial salary increase in an attempt to soothe the pain of relocation; greatly agitating already spiralling rates of inflation within the country.

In December 2005 the NC again reconvened, adjourning on 31 January 2006 without any discernable advancement. It once more resumed its activities on 10 October, recessing on 29 December 2006. Participation in both 2006 sessions remained highly unrepresentative with several political and ethnic minority groups excluded from the proceedings. Like past Conventions, a majority of the delegates in attendance were members of SPDC-sponsored organisations, such as the USDA. Furthermore, open discussion was largely circumscribed by the regime who actively stifled all proposals initiated by delegates that were not in keeping with its predetermined agenda. On 18 October 2006, the 179th session of the Inter-Parliamentary Union Governing Council in Geneva passed a resolution concerning the NC process, since endorsed by the UN Special Rapporteur on Human Rights in Burma, stating:

"[T]he National Convention, in its present form, is designed to prolong and legitimize military rule against the will of the people as expressed in the 1990 elections, and that any transition towards democracy will fail so long as it is not genuinely free, transparent and reflective of the people's will, and preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity".

In the face of no real progress toward democratic reform and continued human rights abuses, certain sectors of the international community made some attempt to pressure the junta for reform. In September 2005, the global law firm DLA Piper Rudnick Gray Cary published 'Threat to the Peace: A Call for the UN Security Council to Act in Burma', a report commissioned by Vacláv Havel, former President of the Czech Republic, and Desmond Tutu, Archbishop Emeritus of Cape Town and Nobel Peace Prize Laureate. The report provided a detailed argument of why the United Nations Security Council (UNSC) should act on the situation in Burma, and added huge impetus to the international campaign to bring Burma

before the Council. Following its publication, the U.S. took up the case of placing Burma on the UNSC's agenda. Due to opposition from China and Russia, on 2 December 2005, the 15 Council members reached a compromise to receive a briefing on the situation in Burma.

UN Under-Secretary General for Political Affairs, Ibrahim Gambari, briefed the Council on 16 December 2005. In response, the SPDC invited Gambari to visit the country, where he was allowed to meet with Daw Aung San Suu Kyi. Subsequently, Gambari again briefed the Council on 31 May 2006, and the U.S. stepped up their attempts to pursue a UN Security Council resolution underlining the international community's concerns about the situation in Burma, including the continued detention of Daw Aung San Suu Kyi and the need for an inclusive and democratic political process. Whilst France, Britain and other council members supported the U.S. position; Russia and China continued to oppose their efforts.

On 1 September 2006, the U.S. formally requested that the President of the Council, Greece, put Burma on the formal agenda of the Council. On 15 September, after procedural voting of 10 in favour (United States, Argentina, Denmark, France, Ghana, Greece, Japan, Peru, Slovakia and United Kingdom), 4 against (China, Congo, Qatar, Russia) and 1 abstention (United Republic of Tanzania), Burma was officially adopted onto the formal agenda. Three prominent members of the 88 Generation Student group; Min Ko Naing, Ko Ko Gyi, and Htay Kywe, were arrested in Burma on 27 September 2006, after issuing a statement in support of the impending UNSC debate. On 29 September, the Security Council initiated discussions on Burma, but continued opposition from China and Russia as well as South Africa frustrated attempts to pass a resolution.

The year 2006 also saw a significant toughening of the ILO's stance towards the Burmese regime. At the ILO Governing Body meeting in March 2006 the members agreed to begin reviewing new courses of action which could be taken against the regime for its non-compliance with the Forced Labour Convention. The key sticking point was the continued lack of any viable complaints mechanism for accusations of forced labour, and the new practice of prosecuting people for "*false complaints*". Three options for future action were presented to the annual ILO conference in June. Two involved referring Burma to the International Court of Justice (ICJ) and the other would see the establishment of an ad hoc tribunal to rule on the matter. In response to this increased threat of international legal measures the regime immediately released Su Su Nway, imprisoned after bringing convictions against local officials for forcing villagers to work on a road building project. The SPDC later released another high profile prisoner, Aye Myint, who was being held on similar charges. Despite these releases, it was widely felt among ILO members that the actions did not go far enough and as a result the ILO remained firm on its insistence that effective action on the establishment of a complaint mechanism had to be made by November 2006. This deadline subsequently passed with no further progress on the issue. The ILO Governing Body then agreed to begin full preparations to refer Burma to the ICJ for an advisory opinion on the matter and placed the issue on the agenda for a final decision at the Governing Body meeting in March 2007.

Whilst the Association of South East Asian Nations (ASEAN) has traditionally preached non interference in the internal affairs of its member states, 2006 saw unprecedented pressure placed on the SPDC from its neighbours, compelling Burma to decline its first opportunity to chair ASEAN. The SPDC also agreed to host an ASEAN envoy to assess their progress towards democratic reform. After constantly delaying his visit, the envoy was finally authorized to visit the country in March 2006, although he interrupted his mission when the

SPDC refused to allow him to meet with Daw Aung San Suu Kyi. Subsequently, several ASEAN members issued very critical public statements highlighting the significant absence of progress, in terms of democracy and human rights, within Burma.

Regardless of international pressure and condemnation, the regime continued to commit severe and widespread human rights abuses against the people of Burma, throughout 2006, including forced labour and portering practices, forcible recruitment of child soldiers, extrajudicial killings, arbitrary arrests, rape, torture, forcible relocation and confiscation of property. Furthermore, the regime continued to heavily restrict fundamental freedoms, including the freedom of speech, press, assembly, association, movement, and religion. Whilst such abuses were committed under the rubric of security and development; in actuality they significantly impeded civilian's attempts to sustain their livelihoods, and created large scale human insecurity within the country.

Harassment against political organisations continued, with a widespread campaign mounted throughout 2006 to pressure members of the NLD and SNLD to resign their posts, and the regime again extending the terms of house arrest for Daw Aung San Suu Kyi and U Tin Oo on 27 May 2006 and 13 February 2006 respectively. On 12 February 2006, Burma's Union Day, the NLD issued a statement offering to recognise the SPDC as the country's legitimate government *de jure*. The unprecedented proposal came on condition that Daw Aung San Suu Kyi be released from house arrest and a parliament convened in accordance with the election results of 1990. The NLD further pressed for its offices to be reopened nationwide and for a cessation to the pressure on its members to resign. The NLD's Union Day proposal was formerly rejected in April by Information Minister Brigadier-General Kyaw Hsan who warned that the NLD could be criminalised as it maintained contact with "*terrorist*" organisations. A succession of bombings beginning in 2004 and continuing throughout 2006 had led the SPDC to assert that its political rivals were responsible, declaring the NCGUB, the Federation of Trade Unions – Burma (FTUB), the All Burma Students' Democratic Front (ABSDF), the National League for Democracy-Liberated Area (NLD-LA), the Karen National Union (KNU) and the National Council of the Union of Burma (NCUB), to be terrorist organisations. All these groups denied these charges, and the junta failed to provide any concrete evidence to substantiate its claims. Numerous arrests of political activists occurred throughout 2006 under charges of terrorist activity.

Meanwhile, the situation in many of the ethnic states continued to deteriorate. In November 2005 the SPDC launched a large scale military offensive in the Karen areas of Nyaunglebin, Papun and Toungoo, which continued throughout 2006. During the offensives SPDC forces deliberately and directly targeted Karen villages and their inhabitants, and operations resulted in egregious and large scale human rights abuses. Estimates place the number of Karen villagers who were forced to abandon their homes and live as IDPs in the forests at 25,000. Another 3,000 found shelter in refugee camps in Thailand, whilst around 2,000 camped at an IDP settlement near the Salween River. In central and southern Shan State, security forces continued to engage the Shan State Army -South, with the SPDC employing other ethnic militias as auxiliary forces to suppress the rural population in these areas. The military maintained a program of forced relocation of villagers in the region that was accompanied by killings, rapes, and other abuses of civilians. In ethnic minority areas where the SPDC had established near total control over the local population, forced labour and extortion were rife, often enforced through the threat of arrest and torture.

