

Adapting Consociationalism: Viable Democratic Structures in Burma

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WORKING PAPER

Burma's¹ crackdown on the NLD, a democratic opposition group, during the fall of 2000 is representative of the struggle for democracy in that country. During a coup in 1962, the Burmese military, the Tatmadaw, usurped the power of the democratic government. Since that time, it seems that little can be done to remove the strong military force in Rangoon. The continuous human rights abuses of the 1980s and 1990s revived the push for democracy in 1990, and the military allowed the first open elections since coming to power. After a devastating defeat at the polls, the regime rejected the election results, and instead demanded a new constitution, which it views as a prerequisite to multiparty democracy.

Since 1993, the National Convention, a group largely made up of military appointments, has been charged with the task of creating a new constitution. Unfortunately the convention is mired down in the assignment because of military demands for a secure role in government.

Much of the current academic literature regarding Burma's democratic dilemma focuses on possible tools and initiatives, such as economic sanctions, which would successfully remove the military regime. There is also a debate in the literature regarding the reasons for democracy's failure in Burma, and whether democratic structures are even feasible within this particular country. This study, however, focuses on the possibility of constitutional design as a solution to the problems of democracy and ethnic conflict in Burma, which has proven

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to be an impediment to democratization. Assuming that a democratic constitution could be implemented tomorrow, what types of institutions would it feature? This is a question not fully addressed in the current literature, and in light of the inability of the National Convention to develop a constitution; it is also a very timely question.

There are certain structures outlined in the theory of consociationalism that provide valuable direction for this inquiry. This paper adapts the tenants of consociationalism to the special cultural context of Burma in order to provide suggestions for a democratic future. In order to prepare a proper background for later arguments, a review and analysis of Burmese history is first offered. The current problem of ethnic conflict is also analyzed in order to understand the context of constitutional engineering in this case. Two structures derived from consociationalism – proportional representation and regional autonomy – are combined with presidential-parliamentarianism. Analysis will demonstrate that these structures, which attempt to bridge the gap between consociational and integrative theories of power sharing, may represent viable solutions to the problem of democratic stability in Burma. Additionally, the role of civilian-military relations, a second major factor in Burma's road to democracy, within a constitutional framework is also discussed.

I. Presenting the Case: Historical Background and Current Situation

Not all structures available for constitutional engineering are suited to every single case. Appropriate institutions should be chosen in relation to the context of the case, which is first shaped by the cultural and historical elements of the society. Burma possesses a rich history, which over the last 200 years has witnessed monarchical rule, life as a British colony, Japanese occupation, constitutional de-

mocracy, and a one party military state. History's legacy and ethnic diversity limit the scope of possible institutions in Burma.

I.A. The Heritage of Monarchy and Colonialism

Before official British annexation in 1824, several different ethnic groups occupied the area that is now known as Burma. The most dominate of these groups were the Burmans, who established a kingdom within the territory around 849 AD, which was continuous except for a period between 1287 and 1532, during which some non-Burman leaders ruled the kingdom. However, because of persistent wars among various groups, especially the Mons, Shans, and Burmans, land often changed hands and borders were never solidified. Furthermore, the Burman court, which served as the political center during pre-colonial times, was isolated socially and many of the outlying areas remained under local control. As long as tributes were sent to court, local chiefs were left to make and enforce their own laws (Silverstein, 1977). The roots of decentralized power and a tradition of local rule can be traced back to these monarchial policies.

In the 1700s, British traders arrived, who for the most part remained out of the way of Burmese politics. As economic interest in the area increased, however, and the first of three Anglo-British wars broke out in 1824, which began the slow process of annexation that culminated in 1885. Some of the most lasting effects of colonialism are a result of British administration, which reinforced the tradition of decentralization.

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Burma was originally considered a province of the Indian Empire, and administration of the territory was separated into two areas. "Burma proper" consisted of the lower, delta areas and Rangoon. All other areas were divided according to ethnic group, and known as the

“frontier areas.” These “frontier areas” were granted local, self-rule, and to a large extent were mostly ignored by the British. “Burma proper” was strongly controlled via a centralized executive government. Furnivall argues that the division of Burma into two territories followed the accepted political theory of the time, i.e. the functions of government should be limited to the maintenance of law and order (Furnivall, 1960: 6). The focus of the British at the close of the 19th century was not on political structures, but rather on turning Burma into the world’s largest producer of rice. Therefore the establishment of law and order were paramount to economic efficiency.

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The British attempt at securing the region via this partition is best described as a divide-and-rule strategy. Divisions between Burmans and ethnic nationalities grew larger, as the British attempted to alienate groups from one another. For example, ethnic nationalities were favored in the colonial army, which made Burmans suspicious of both the British, as well as other ethnic groups (Smith, 1991: 44). Later, Burmans would side with the Japanese invasion because of these suspicions. This strategy was successful at entrenching divisions among groups. Cooperation to throw off colonialism was almost impossible and British power was thus further consolidated.

On the heels of World War I and after the 1917 announcement of self-governance in India, Burma experienced a political “awakening.” Political parties began to form, and student organizations protested colonial rule. In 1923, the India Act of 1919 was applied to Burma, although official separation from India did not occur until 1937. After free elections in 1932, a constitution was written, which established a legislature and cabinet government. During the period from 1937 to the beginning of Japanese occupation in 1942, four different Burmese prime ministers held office and more political parties formed, although only one election was ever held. The Thakin² party, a spin-off

of student organizations that first became active in the 1920s, was one of the strongest of these parties.

Japanese occupation from 1942 to 1945 brought an end to British rule. The Japanese tried to gain the loyalty of the people via promises of independence, and created an indigenous Burmese army as a sign of faith. After training, Burmese army leaders returned to their homeland with a fierce determination to see it become independent. Because of the valuable administrative training they received, these “thirty comrades” became Burma’s political leaders following occupation. One of the most important political organizations of that time was the Anti-Fascist People’s League (AFPFL), which was comprised on many groups cooperating together.

In 1945 the British, after regaining control of the area, announced their intention of establishing an independent country in Burma. Aung San, one of the “thirty comrades,” emerged as the head of the dominant party, the AFPFL. In the ground breaking 1947 Panglong agreement, the Shan, Kachin, and Chin groups agreed to work with the AFPFL in gaining independence. Unfortunately, in an event that foreshadowed future conflict, the Karen National Union refused to participate in the elections held that year. A Constituent Assembly met, and a resolution established a mandate for an independent state with constitutional guarantees of economic, social, and political justice. During the constitutional deliberations Aung San, Burma’s national leader, was assassinated in July of 1947. This terrible event could not stop ratification of the constitution on Sept. 24. U Nu became the new leader of the AFPFL. On January 4, 1948, the Union of Burma was officially established.

There are two important factors that emerge from Burma’s early history. First, both monarchy and colonial rule emphasized a tradition of decentralized power. Although the political center was tightly con-

trolled, ethnic groups who lived away from the center were granted local rule. When constitutionalism restricted the power of local ethnic groups, conflict was seemingly inevitable. Second, the national myth of Burma's "thirty comrades" established the savior image of the military. Fifty years later, this image has helped contribute to the military's ability to entrench itself and its power.

I.B. Constitutionalism and Its Failure in Burma

The optimism that followed the establishment of independence was short lived, and the country was immediately thrown into civil war. Disgruntled communists left the AFPFL, and the Karen National Defense Organization (KNDO) demanded either a larger role in government or an independent state. It was in this tumultuous environment that the AFPFL attempted to implement democracy via the structures outlined in the constitution of 1947.

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The constitution of 1947, which was doomed to failure because of ethnic conflict, was hastily written and largely modeled upon British structures, such as a majority-rule parliamentary system. Furthermore, it instituted a socialist state, which reflected the radical views of Burma's founders. Debate exists over the intentions of the 1947 constitution. Callahan argues that the constitution personifies a distrust of democracy (Callahan, 1998), whereas Maung Maung contends that the constitution provides the structures for a bright democratic future (Maung Maung, 1959).³

Parliament consisted of two chambers. The Chamber of Deputies, the Lower House, was the stronger of the two houses, and consisted of 250 members. The electoral system was first-past-the-post and based on single-member districts. Based on the boundaries of electoral districts, Callahan (1998) determines that 210 seats were

allotted to central Burma (20 of which were reserved for Karens), 25 seats were represented by Shans, 7 by Kachins, 6 by Chins, and 2 by Karennis (Kayahs) (9). The Chamber of Nationalities was the upper, weaker house and comprised of 125 members, who were intended to represent ethnic nationalities. 53 seats were assigned to Burmans, 25 to the Shans, 12 to the Kachins, 8 to the Chins, 3 to the Karenni, and 24 to the Karens.

Executive power was divided between the Prime Minister and the President. The president was largely a figurehead. The Prime Minister and his cabinet, although dependent on the confidence of parliament, held most of the power. Parliament's ineffectiveness as a whole was largely due to the fact that it only met for two months out of the year. Thus, the Prime Minister exercised most of the authority within the country.

Although the word "federal" is never used in the constitution, a federal state was established on paper (Silverstein, 1977: 56). States were ensured separate legislative powers, which were enumerated by schedule III of the constitution. Local government also came under state supervision. Unfortunately, the states were disadvantaged in several ways. First, not all states were treated equally within the constitution, e.g. the Kachin and Karen groups were denied the right to secession and the Shan and Kayah states were required to wait until 1958 to succeed. Secondly, the states were dependent upon the central government for revenue, which was not distributed equally. These inequalities reinforced ethnic tensions already prevalent in society. Silverstein refers to this as the "federal dilemma in Burma" – "Officially the government supported the constitution and its objectives; unofficially it sponsored and advocated policies which ran counter to its formal constitution" (1959: 97).

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lem facing Burma. As a result of the electoral system, Burma was a de facto one party state. National elections were held in 1947, 1951, 1956, and 1960. In each election the AFPFL was able to gain an overwhelming majority in parliament.⁴ Only the National United Front (NUF) can be considered a viable “loyal opposition” party. Callahan (1998) argues that the one party state in Burma was not only a result of the electoral system, but also of, what she describes as, coercive tactics by the government. Through the 1947 Public Order (Preservation) Act, the AFPFL was able to arrest many major opposition leaders, with most arrests taking place in the months preceding an election (Callahan, 1998: 12). Because the AFPFL was the only game in town, unity and uniformity were crucial in maintaining the government. Callahan continues, “the obsession with unity and uniformity would impede the development of party and government institutions that could tolerate and process competition and difference in political ideas” (13). However, it should be noted that the domination of one party was normal in many transitional democracies of that time, and that the government felt that such tactics were necessary for the maintenance of peace.

However, the unity and nation building attempted in the 1947 constitution failed miserably in Burma because it ran counter to the decentralized experiences of Burmese history. In 1958 conflicts within the AFPFL, became public. A vote of no confidence in the government of U Nu barely failed, and the party was irrevocably split. Violence by ethnic insurgent groups and opposition groups ensued. In September 1958, following a military coup, an exit was staged for U Nu in which he issued an invitation to the Tatmadaw, the Burmese army, to step in and restore public order until new elections could be held (U Nu, 327).

The military caretaker government, headed by General Ne Win,

slashed crime rates, and quashed rebellions. Although U Nu's "Clean" AFPFL trounced the opposition, the elections of 1960 are considered the cleanest and least corrupt during Burma's constitutional period (Butwell and von der Mehden, 1960). However, when U Nu conceded to Shan demands for a quasi-autonomous state, which provoked increasing demands by the other ethnic groups, the situation deteriorated (SarDesai, 1997: 236). Because the Tatmadaw saw this trend towards autonomy as a serious threat to the Union of Burma, Ne Win seized power again on March 2, 1962. This time the grab for power was permanent, and the military brought an end to democracy in Burma.

In evaluating the "democratic" era of Burma, Callahan (1998) finds that "the patched-together constitutional solutions for the minority-dominated areas aggravated existing ethnic tension by delaying any serious dialogue about how to harmonize never-before integrated portions of this territory into a functional state . . . parliamentary politics was not the problem that crashed the system. The problem was governability" (Callahan, 1998: 15). An unclear federal system and an electoral system that created a one party state are two structures that contributed to this problem of governability. That is, states and ethnic groups were in a power struggle with the national government and many groups did not feel as though they had a voice in government. It was very difficult to implement policy in this type of environment. Because of these inconsistencies, it is difficult to determine how democratic this era really was.

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I.C. Burma's Military Regime

Military rule in Burma can be divided into three different periods. The pre-constitutional period lasted from 1962 through 1974,

which was followed by the constitutional period from 1974 until 1988. Both periods were dominated by the rule of General Ne Win and the military party, Burma Socialist Program Party (BSPP). After 1988, Ne Win stepped down and the State Law and Order Restoration Council (SLORC) took control and began the third period of military rule, which remains in power today as the State Peace and Development Council (SPDC).

The focus of the first stage of military rule was the implementation of socialist policies and a “reeducation of the people.” The 1947 constitution was in effect during this period, but political power resided in the Revolutionary Council. All power was centralized in order to prevent the breakup of the Union, and all suspected minority leaders were imprisoned (Silverstein, 1977: 96).

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In 1974 a new military constitution was written in order to legitimize the government. This constitution established a unitary state and destroyed any autonomy given to the states. Seven divisions and seven states with arbitrary boundaries were created in order to centralize administration (Thompson, 1995). Elections were also held in 1974, but by only allowing voters to approve or disapprove of the BSPP candidate, they were rigged in favor of the BSPP. Military “democracy” was a farce. As a result of the centralization of power, ethnic insurgency continued throughout both periods of military rule, with the KNU and KIO being the two most active groups.

By 1988, students began intense demonstrations against the government in response to a failing economy. During the suppression of these protests some 1000 were killed and many more imprisoned. In response to the demands for democracy by the protesters, Ne Win proposed a referendum on multiparty democracy. However, by July the demonstrations forced Ne Win to step down. SLORC⁵

took control in September, at the same time the National League for Democracy (NLD)⁶ began to form.

For the next two years SLORC, which was still heavily influenced by Ne Win, ruled via martial law, attempted to establish order, and promised new elections. In 1990 the long awaited multiparty elections were held. The NLD won an overwhelming majority of the seats in the Burmese parliament, Pyithu Hluttaw.⁷ SLORC declared the election results cannot be implemented until a new constitution is drawn. On July 29, 1990, SLORC announced in order 1/90 that elected representatives needed to write a new constitution during which the SLORC would be the sole authority of state. For this reason the National Convention was formed in 1993 to draw a new constitution. However, in 1995 the NLD withdrew from the convention citing restrictive procedures and little progress has been made since then.⁸

II. Examining Ethnic Division in Burma

The historical experiences presented here have shaped the democratic dilemma of the 1990s. However, the failed attempt at democracy combined with military control highlight a primary problem of democracy within Burma – ethnic conflict. Within a total population of about 42 million (although some population estimates run as high as 47 million), there are currently eight main ethnic groups in Burma, which can be divided into more than 100 sub-groups. The traditionally largest groups remain the Arkanese (or Rakhine), Burman, Chin, Karen, Kachin, Mon, Shan, and Kayah (also know as the Karenni). Chinese and Indian immigrant populations represent other important minority groups within the county. Because a comprehensive census has not been taken since the 1930s except a controversial one taken by the regime in 1983, reports regarding the population strengths of

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these groups are inconsistent, however Table I presents an approximation of group numbers. As can be seen from these figures and the presented historical overview, ethnic conflict within Burma can be characterized as a “dominant majority,” in which one group dominates and military rule serves as a mask for ethnic domination (Sisk, 1996).

Table I: Breakdown of Ethnic Populations

Group	Percent of Population (Callahan 1998)	Percent of Population (CIA World Fact Book 1999)	Distribution in Thousands (SarDesai 1997)
Arkanese	4 – 5	4	1.579
Burman	60	68	28.254
Chin	2 – 3		1.127
Chinese		3	673
Indian		2	1.052
Kachin	2 – 3		904
Karen	10	7	2.493
Mon	8 – 9	2	1.088
Shan	7 – 8	9	3.359
Other		5	1.021
<i>Total</i>	<i>100</i>	<i>100</i>	<i>41.550</i>

“language problems have proven to be a barrier to successful insurgency”

Language and religion are two of the many characteristics that distinguish these groups. Burman and English are widely spoken; however, some 100 different ethnic languages have been identified. Communication between groups even on a very basic level is difficult. There is no standard language usage, and many ethnic groups will not use Burman because it is seen as the language of the repressive majority. Thus, language problems have proven to be a barrier to successful insurgency and attempts to overthrow the regime. Buddhism remains the overwhelming religion, but one of the largest groups, the Karens, features a small but vocal Christian section.⁹ These two religions represent the overlapping cleavage of ethnicity and religion. Although small, there are also active Muslim and Animist religious populations.

Foundations for current ethnic claims to autonomy can be traced

to the actions of Burman kings. For example, the Burman defeat of the Mons and subsequent cultural plunder of Mon monasteries in the Eleventh Century ignited feelings that have not yet been reconciled (SarDesai, 1997: 35). By separating Burmans from the rest of society, British colonial practices also contributed to emerging feelings of difference among groups. However, British and monarchial policies were largely decentralized and permitted a high degree of self-determination for groups, who therefore did not feel the need to fight for recognition. Thus, the concept of ethnicity and its importance to politics is actually relatively new in Burma. Although ethnic differences existed prior to 1945 during British divide-and-rule policy, ethnic identity became salient during the “federal era” and the military regime. This saliency actually emerged with the centralizing, nation building policies that began in the 1940s, which alienated a large portion of population.

These centralized policies surfaced after independence, and during the struggle to rid the country of all colonial influences. This struggle fostered the development of a “national paranoia” that emphasized homogeneity (Gravers, 1999). The objective of both the constitutional government and the military regime was the creation of a single Burmese national identity. Evidence of attempts to “Burmanize” ethnic nationalities is apparent in the language policies during the “federal” era (Silverstein, 1959). For example, Burman and English were the only languages allowed in Parliament. Additionally, in order to receive federal money for schools (which was their only source of revenue) states had to ensure that Burman was the dominant language of teaching. Language policy is one example of how ethnic identity became salient because national policy now interfered with the self-determination of groups.¹⁰

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Today this “national paranoia” is exaggerated and SLORC has

attempted to erase all memory of previous ethnic ways of life by manipulating history and controlling the news (Gravers, 1999). The SPDC has continued the perpetuation of nation building rhetoric by acknowledging the goal of “establishing and founding national unity, peace, stability, and all-around development.¹¹” Participating in political parties is not as important for citizens because “the nation needs all her strength for nation-rebuilding and national unity.”

As a result of the conflicting goals of nation building and group identity in the form of ethnicity, insurgency became a way of life for nationalities within Burma. Under the auspices of nation building, the primary demands of ethnic groups for self-determination and autonomy have been continuously rebuffed since 1947.¹² However, attempts to build nationalism have been abysmal failures, and only succeeded at further entrenching ethnic tensions. Certain cultural, historical, and territorial roots make a sense of community easier to build, and help instill loyalty to the nation-state (Thompson, 1995). The absence of these roots, combined with inadequate political structures intensified the failure of nationalism and the problem of ethnic division in Burma. Thompson concurs and elaborates further on this theme.

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“Lack of interest-group articulation and access to the political arena often exacerbate the problem through politicization of ethnicity, manipulation of the socioeconomic structure, creation of power disparities, and unequal control of land. As ethnicity becomes increasingly politicized, socioeconomic gaps widen, power disparities rule, and competition for control of territory dominates, the tendency toward the “mobilization of discontent” increases. This pattern is an appropriate characterization of the current dilemma in Burma, where the combination of inherent instability and interethnic cleavages produces a situation in which the plural identities are reinforced in which loyalty to or identity with the state becomes increasingly less likely” (270).

One of the first tasks in resolving this crisis is to identify the

basis of ethnic unrest and the goals of groups. These goals change over time and from group to group. Some groups demand self-determination, while others focus on complete succession. Despite these differences, many groups in Burma have united in order to fight the military regime. In an attempt to break the strength of these coalitions, SLORC has employed a “divide-and-rule” strategy by using “standfast” agreements between individual groups and the regime. By 1997 seventeen agreements had been signed between the government and different groups. Nevertheless, the government is more concerned with access to natural resources than with fulfilling the demands of ethnic groups, and thus these agreements do not represent government intent to acknowledge the demands of ethnic groups, i.e. cultural and religious self-determination. As a result, many ethnic groups broke their agreements shortly after signing them (Silverstein 1997: 151). However, in those cases where ceasefire agreements have been relatively successful, economic concessions, i.e. granting business rights to fisheries, forestry and trade, by the government have been key. For example, the some ethnic groups agreed to a ceasefire when the government granted them import licenses and other economic perks.

Although, the divide-and-rule strategy has been mildly successful in producing limited peace, many groups remain united in the struggle for democracy. Additionally, ethnic demands and goals have changed in Burma. All ethnic nationalities have given up demands for territorial sovereignty, and instead focus on cultural and religious autonomy (Gravers, 1999). Unfortunately these limited demands are not consistent with a government so concerned with establishing a national identity. As Thompson summarizes, “the central government and its military will probably never entirely suppress the rebellions. As the heart of the dilemma is a government that is unwilling to evaluate a basic assumption: a territorial policy that treats the great diversity as

“All ethnic nationalities have given up demands for territorial sovereignty, and instead focus on cultural and religious autonomy”

a single assailable entity” (Thompson, 1995: 274).

Today, the NLD¹³ works with DAB (a moderate, democratic party), NCGUB (an exiled government comprised of officials elected in 1990), and other groups in publicizing and applying international pressure to the military government. Silverstein refers to this cooperation as “Burma’s new politics” (Silverstein, 1997: 153). An excellent example of these “new politics” is the Committee Representing the People’s Parliament (CRPP). This interim body was formed to take actions that would lead to convening parliament. The group is comprised of nine members of the NLD, as well as an individual representing minority groups (the Arakan, Mon, Shan, and Zomi). Although the NLD has some Karen MPs in their local wings, attempts to further incorporate this group have been frustrated by internal Karen divisions.

Coalition building may also find support from a new phenomenon. Because of modern internal migration, ethnic cleavages have taken on a new form – regionalism. Although groups remain concentrated in the states that bear their names, migration has taken place within these boundaries, which were largely artificial to begin with (see figure I and II for a comparison). As groups migrate, regional differences also begin to define groups. For example, many ethnic insurgents have fled to outlying boarder areas, which the regime attacks relentlessly without regard for the other groups that live there. Additionally, the center has destroyed the economic advantages of states by stripping them of their natural resources, e.g. over mining. This destruction affects many groups rather than one. Migration also makes demands for secession problematic, as it is difficult to define boarders that would encompass the entire group. All of these factors help to bring groups together in an effort to bring down the center.

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It is important to note that there is another possible solution to

ethnic conflict – partition. However, in order for partition to be effective, ethnic groups must be concentrated in areas with definitive boundaries (Lijphart, 1977). Also, partition does not always succeed because it does not address the problem of ethnic conflict, but rather rearranges the configuration of nationalities (Sisk, 1996:2). In the Burman case, ethnic populations overlap artificial boundaries, and urbanization and migration have led to shifts in population patterns. Thus partition is not a feasible option in Burma. Therefore, viable solutions to ethnic conflict are best found in democratic, constitutional structures, designed to compensate for this dilemma.

III. Constitutional Engineering and Possible Structures

III.A. The Context of Constitutional Engineering in Burma

The historical and cultural features discussed above shape the context of constitutional engineering in Burma. First, ethnic conflict has been shaped in a manner that makes it the paramount issue for constitutional designers. Ethnic groups demand religious and cultural autonomy, and have made it clear that they will not lay down their arms until these demands are met. Certainly, the demands of groups and power dimensions vary. However, Karen insurrection after independence and the military maintenance of conflict, which is used to justify their rule, illustrate the strain that ethnic conflict places on a political system.

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Second, the current movement towards constitutional government is tainted by the demands of the military for a secure role in government. Because they are a major player in the political arena, a way must be found to accommodate this faction. However, as Diller (1993,

1997) insists, the National Convention must be taken out of the hands of the military if the new constitution is to be considered legitimate.

Both of these issues are related to the absence of institutionalized dissent in the history of Burma (Callahan, 1998). Burma has been a de facto one party state for most of its post-independence period, and ethnic minorities have used violence as a means of influence. Promotion of opposition and dissent must be placed within the constitution in order to ensure cooperation. Contested and meaningful elections are an essential piece of democracy, and are key to the creation of institutionalized dissent.

As a result of these nuances, a debate has emerged in the literature regarding appropriate institutional recommendations, with authoritarian versus democratic advocates representing the two primary opposing views. Robert Taylor is one author that supports a continued role for the military and authoritarian structures. Taylor and others who support this theory regard the historical tradition of authoritarianism in Burman culture as an insurmountable hurdle to lasting democracy. As Carey summarizes, “To expect the military to return to the barracks and allow the civilian politicians to take over is not only unrealistic, but flies in the face of Burma’s historical experience” (Carey, 1997a: 5). This argument is supported by Taylor’s (1987) description of the long tradition of military involvement in the state, which emphasizes that the military is the only force that can stabilize the country and bring about bureaucratic efficiency. Because of its emphasis on the importance of economic change before democratization, Carey refers to this side of the debate as the “dirigiste model,” in which “the military continues to rule, but where enlightened economic and administrative policies are the order of the day” (Carey, 1997a: 3). Advocates of this model use Thailand and Indonesia as examples of past success stories. When Ne Win visited Indonesia in 1997, many ob-

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servers viewed it as an indication that the SPDC may attempt to emulate the Indonesian path to democracy.¹³ Military suggestions for the constitution include combining the decentralized federal concepts of the 1947 constitution with the democratic centralist concepts of the 1974 constitution, as well as a powerful head of state (Taylor, 1997). Although, these recommendations may appear to be democratic on paper, they are in reality a tool for military and ethnic repression. Additionally, as the historical overview indicated, there is a record of democratic practices dating back to 1920, but full democracy has never really been given a chance to function in Burma. In actuality it is the centralized policies of the military that flies in the face of historical experience, as it contradicts the decentralized policies of the monarchy and colonialism.

Silverstein, Diller, and Smith are supporters of democratic structures, and form the second side of the debate. Carey characterizes the group as “liberals who see Burma’s salvation lying principally in the development of strong civil society institutions – the rule of law, effective representative government, multi-party democracy, and a federal constitution sensitive to the needs and aspirations of Burma’s diverse ethnic minorities” (Carey, 1997a: 3). Federalism is the largest concern for these authors, because federalism is viewed as the only viable solution to the problem of ethnic conflict in Burma. Support for democracy and federalism has spread to Burmese political groups as well. DAB and representatives of the NCGUB (in conjunction with several ethnic groups) have even proposed a constitution that places federalism at the center and envisions a relationship between a central government and equal national state (Silverstein, 1997 and Carey, 1997a). Additionally, these authors agree that special clauses guaranteeing safeguards for ethnic nationalities must also be inserted into the constitution so that all parties have an incentive to remain within

“federalism is viewed as the only viable solution to the problem of ethnic conflict in Burma”

the legal framework.

III.B. Adapting Consociationalism

Because, as has already been discussed, partition is not an option in the Burmese case, a power sharing approach to the democratic dilemma in Burma must be used. Sisk defines power-sharing approaches as those political systems that “foster governing coalitions inclusive of most, if not all, major mobilized ethnic groups in society” (Sisk, 1996: 4). There are two possible power-sharing models – consociational and integrative.

At first glance the integrative approach is appealing.¹⁵ Integrative systems place an emphasis on the moderation of ethnic extremism by creating overarching loyalties among different groups. In order to accomplish its integration goals, there are several different structures that this theory suggests. First, rights are seen in an individual rather than group context. Second, moderation is encouraged via multiethnic districts and vote pooling, which is supposed to create multiethnic coalitions.¹⁶ Finally, integrative theories advocate the use of a presidential system, which provides a unifying figurehead for the country. Inducements towards moderation via the integrative approach have been mildly successful in several cases, e.g. South Africa and Northern Ireland. Unfortunately, the integrative emphasis on conformity to the center may leave democracy vulnerable to ethnic extremism, as in the case of Sri Lanka. Although strong national, overarching loyalties are advantageous, if not mandatory for long-term democratic success in Burma, it is not a realistic goal in the short term, especially given Burma’s historical experience and fractured present. If ethnic nationalities do not receive the autonomy and recognition they demand, then they will have no incentive to cooperate.

“integrative approach have been mildly successful in several cases, e.g. South Africa and Northern Ireland”

The consociational model of power sharing is perhaps a better theory to begin with in the Burmese case. Consociational democracy features four “pillars:” a grand coalition among parties, the principle of proportionality, a mutual veto for minorities, and segmental autonomy (Lijphart, 1997). Elite cooperation and recognition of group rights are the focus of this model, with all institutions designed to encourage collaboration among ethnic nationalities. The consociational model is flexible, and wide ranges of constitutional tools are available within this paradigm. Recommending the use of consociationalism in Burma does have precedent. Callahan (1997) suggests, although only in passing, that the consociational model represents a viable theory for functional democracy within Burma.

“a grand coalition among parties, the principle of proportionality, a mutual veto for minorities, and segmental autonomy”

In addition to the four pillars, Lijphart (1977) outlines several “favorable factors” for consociationalism. The Burmese case is consistent with many of these criteria including country size, the structure of cleavages, and traditional elite cooperation. Unfortunately, consociationalism is best suited to countries with a small number of groups. Burma features eight main ethnic groups, with several of these groups internally divided, e.g. the Karens, which creates even more factions. There are, however, institutional mechanisms to deal with this problem. Moderate proportional representation is one possible solution to this dilemma, as it would limit the effective number of groups and encourage further cooperation. This will be discussed in further depth below. Additionally, only the Shan and Karen groups have played a role in national government in the past, as can be seen in the election results in appendix III. Thus, the effective number of political parties already has a limited universe. Furthermore, because of the nature of federalism, which is one recommendation of this paper, some groups would be best suited to remaining active on the regional level.

There are, of course, several criticisms of the consociational

model. One of the most predominant critiques concerns the theory's focus on elites. How can we be sure that elites are representative of groups? In this case, however, deference to elite leadership is actually a characteristic of the "authoritarian" nature of Burmese culture. Silverstein's description of the "new politics" in Burma fits within the elite accommodation paradigm (Silverstein, 1997). Because of the long struggle against SLORC and the SPDC, elite cooperation has increased over the past several years. The CRPP, DAB and NCGUB are several examples of current elite cooperation. Although the AFPFL is an example in Burma's history of a coalition that did not survive, it is very different from current coalitions. Another criticism believes that consociationalism may actually perpetuate ethnic division by solidifying ethnic identity. Two examples of this problem are Bosnia and Sierra Leon. However, one important primary advantage of the model is that it provides potentially vulnerable groups constitutional protection.

"A general consociational framework is favored because of the nature of ethnic demands. However, long-term democratic survival may require more integrative techniques"

These criticisms and limitations are important to keep in mind, as they shape the selection of institutional structures. A general consociational framework is favored because of the nature of ethnic demands. However, long-term democratic survival may require more integrative techniques. These two points frame the democratic dilemma in Burma - how to get groups to the bargaining table versus long-term goals. This paper approaches this problem by constructing a bridge between integrative and consociational theories. Therefore, there are three structures that suit the case of Burma. Proportional representation and federalism are clear tenants of consociationalism. The third recommendation, premier-presidentialism, attempts to address the executive problem in Burma and to reconcile authoritarian advocates with democracy, as well as the unifying appeals of integrationists. It will be shown that premier-presidentialism is not inconsis-

tent with the consociational model. Although these suggestions are discussed separately, they are intertwined and often reinforce one another within a constitutional framework.

III. B. 1. Federalism and Autonomy

One of the foundations of consociational democracy, segmental autonomy in the form of decentralized federalism, is a key to successful constitutional engineering in Burma. As defined by Lijphart, segmental autonomy allows “rule by the minority over itself in the area of the minority’s exclusive concern” (Lijphart, 1977: 41). Federalism is a form of government that “guarantees division of power between central and regional governments” (Lijphart, 1984: 170). Support of federalism as a means of bringing peace to divided societies provides a bridge between consociational and integrative systems. Horowitz acknowledges four advantages to federalism, but his ultimate conclusion is that federalism “proliferates the points of power, and makes control of the center less vital and pressing” (Horowitz, 1991: 217).

“Support of federalism as a means of bringing peace to divided societies provides a bridge between consociational and integrative systems”

A federal structure in Burma would not look as different on paper as some of the guidelines of the 1947 constitution. Cultural and religious autonomy must be guaranteed for all groups. States should therefore be given the right to determine legislation on education, language, and other issues of cultural or regional importance. In order for legislation to be effective, states should also be empowered to collect taxes for these regional programs, thus making them less dependent on the federal government and less susceptible to any attempts of “Burmanization” by the national government. However, because most states are not homogenous, guarantees of individual rights are just as important as group rights. This prevents federalism from

becoming a new face of ethnic domination.

Bicameralism is another important component of the autonomy concept. Within a bicameral legislature, the federal chamber could provide an opportunity for the overrepresentation of smaller groups. However, for federalism to be effective, segmental cleavages must coincide with regions as they are represented in the legislature. Therefore, state boundaries should try to emulate traditional population patterns of ethnic groups. In Burma, such a requirement is difficult given modern internal migration. As a result, some districts may actually be multiethnic, and therefore the guarantee of individual and groups rights is reiterated.

In a bicameral legislature, one house consists of representatives elected in a national election, and the second house is based on the election results of the regions. The Upper House proposed in this paper, which is representative of the states, is similar to the Chamber of Nationalities created in the 1947 constitution. However, the new Upper House is more empowered. This "state house" has authority and jurisdiction over all bills and legislation regarding issues directly concerning states. The "national house" has jurisdiction over legislation of a national concern.

"minority veto would be best served in the "national house" for only one reason: to veto bills that affect the national resources of a particular area"

Within in the consociational model, a minority veto is usually recommended for ethnic minorities within the "national house." However, the minority veto could be used as a retaliation device between groups, which could further splinter groups or break coalitions. Therefore, a minority veto would be best served in the "national house" for only one reason: to veto bills that affect the national resources of a particular area. This veto is designed to keep the federal government from trying to destroy the environment or economic advantage of the states and ethnic minority groups.¹⁷

There are several crucial differences between the federal struc-

ture within this proposal and the constitution of 1947. First, this proposal makes the federal nature of the government transparent. This ensures that not all power becomes settled at the center. Second, the “state house,” what used to be referred to as the Chamber of Nationalities, is granted more power, which gives minorities an important voice at the national level. Finally, it must be noted that a federal system will only work if it is implemented and all states are treated equally. The constitution must be followed in practice; otherwise it is not helpful in solving the democratic dilemma of Burma. In 1947 the opportunity for federalism failed because implementation did not match then intention of the constitution.

One criticism of this proposed federal model is that it may encourage secession. As states become stronger, they will have less need for the national government. Federalism has been perceived as an impetus for increase demands for autonomy and continuation of center-periphery conflicts, which would ultimately lead to secession. However, in Burma the regions are not homogeneous enough to make secession a reality, which coincides with the arguments against partition already discussed.

“in Burma the regions are not homogeneous enough to make secession a reality”

There are two other criticisms of federalism that also need to be addressed. First, there is the possibility that federalism will entrench and increase polarization between groups. The process of rapid decentralization adopted in Indonesia is often cited in regards to this concern. In Indonesia, an authoritarian government was, for years, a mask for ethnic oppression. The 1999 election of Abdurrahmah Wahid indicated a shift in political rights from authoritarianism to partly free democracy. However, many ethnic clashes continue, and many critics point to decentralization as its cause.¹⁸ Perhaps federalism does exacerbate certain problems, but in Indonesia, clashes may be the reaction of a dominant majority unwilling to give up power, rather than

the effects of federalism. Additionally, it is difficult to evaluate the effect of federalism on ethnic relations in Indonesia, given that partial democracy is only two years old. However, in order to avoid this trend, Burman elites must cooperate with ethnic nationalities. Furthermore, it is possible to use institutional structures to induce moderation within a federal framework, for example multiethnic districts and proportional representation, which is discussed in further depth below.

Finally, federalism often comes at an extremely high fiscal cost. New infrastructures and bureaucracies must be built on a state and national level. For states to become empowered, greater control over resources and local economies may be necessary. Unfortunately, this is contradictory to International Monetary Fund (IMF) policies, which require a greater centralization and consolidation of fiscal policy. This dilemma is not an easy one to resolve, and in fact many democratizing countries face these same problems, e.g. Thailand and Indonesia. The prospects of a more unitary state may alienate ethnic groups within the country. There are two possible solutions to this paradox. First, although it is unlikely, the IMF can modify its requirements in relation to the special cultural context of the country. Second, groups must come to agreement about the distribution of fiscal resources from the center. This is probably the solution that Burma may face. The center must make an effort to fund federalism in order to accommodate ethnic nationalities and the IMF.

III.B.2. Proportional Representation

“Choosing an electoral system is one of the first, and most important decisions facing new democracies”

Choosing an electoral system is one of the first, and most important decisions facing new democracies. Identifying the correct electoral system is a matter of analyzing the aims of the system (how many parties should a system feature) and identifying possible outcomes of

different systems that could accomplish this goal. Burma's miserable experience with a first-past-the-post system is illustrated by the 1990 election results. Had this election been conducted under a PR system, then the military would have received 30% of the seats within parliament, instead of the 10 seats that they actually received. Such an outcome could have encouraged the military in the direction of democratic transition. However, this is a difficult judgement to make in retrospective.

Overall, however, proportional representation is a more effective means of accommodating ethnic nationalities, as it represents an attempt to "translate a party's share of the national votes into a corresponding proportion of parliamentary seats" (Reynolds, Reilly et al., 1997: 60). This type of electoral system is advantageous in divided societies for several reasons. Proportional representation advances the participation of minority groups, which might otherwise be excluded within a plurality system. Reynolds, Reilly et al. discuss and illustrate examples of this benefit (the most notable example being South Africa) and conclude that, "for many new democracies, particularly those which face deep societal divisions, the inclusion of all significant groups in parliament can be a near-essential condition for democratic consolidation" (62).

"Proportional representation advances the participation of minority groups, which might otherwise be excluded within a plurality system."

Within a proportional representation system there are still many different structural choices available. List PR, multi-member proportional representation, and the single-transferable vote represent three different types of proportional electoral systems. Other considerations of the proportional representation system include threshold requirements, district magnitude and closed versus free party lists. A threshold requirement limits the number of effective parties in parliament by establishing an electoral minimum that must be reached before proportional seats are awarded. For example, parties in Germany must

receive at least 5% of the national vote or win three direct district seats before they can receive proportional seats in parliament. The differences between high and low thresholds are referred to as the “extreme versus moderate” dichotomy. Moderate proportional representation, with some sort of minimalist threshold, e.g. one percent, has been shown to be the most effective in divided societies (Lijphart, 1991a). According to these variations, the most proportional systems feature a greater number of representatives from a district, combined with a low threshold.

“Excessive party fragmentation and the problems of governability associated with the coalitions created from this type of electoral model are two important criticisms of proportional systems.”

Excessive party fragmentation and the problems of governability associated with the coalitions created from this type of electoral model are two important criticisms of proportional systems. These criticisms are especially applicable and problematic within extremely plural societies, such as Burma. However, it is important to remember that only the Shan and Karen groups were able to gain enough votes during the constitutional period to win seats (see appendix III). The majority of other groups did not seek an active voice in national government or were not strong enough to obtain seats.

Party fragmentation is also a valid criticism, but which may be an unfounded fear in the Burmese case. Even in the 1990 elections, only the Shan and Rakhines were able to contest and win seats. On the national level, the NLD appealed to a wide variety of individuals. Because it motivates parties to moderation, list PR may be a way to solve the possible puzzle of party fragmentation. List proportional representation requires parties to present a list of candidates to the public, which identifies potential members of parliament for that party. Because parties want to draw voters from around the country, parties will present inclusive and socially diverse lists of candidates (62). The list system would ensure that a diverse group was elected from the national parties, because it would force parties to become more het-

erogeneous. Additionally, if this system was combined with multiethnic districts in certain areas, then the moderation emphasized by integrationists could be pursued.

Designing a system that produces a relatively small number of effective parties without discouraging competition is the aim of constitutional design in Burma. In this manner democracy can function while accommodating ethnic groups. Proportional representation in Burma should feature a threshold in order to decrease fragmentation and encourage coalitions among parties. An open list PR system, with a one-percent threshold could accomplish this goal. Considering the federal structure also recommended in this paper, competition for state legislatures becomes a more consequential race. Broad regional and national parties should be encouraged to participate on the federal level, however, smaller more ethnically and ideologically differentiated parties on the state level will ensure that all ethnic nationalities will have an effective voice within the state and national government. Although the states are diverse, they do not feature the same problem of party number, because the level of heterogeneity is often radically lower.

Proportional representation can exist in a system of many parties, as long as the number of effective parties, i.e. those that actually win seats, remains relatively small, e.g. eight. Based on past electoral results and budding coalitions, the system recommended here would accomplish that goal. It is important to note that the control of the number of parties on the national level is also more conducive to the premier-presidential structure of executive-legislative relations, which is the third structure appropriate to Burma.

One very valid criticism of proportional representation in Burma is that even PR may not be enough to create the “grand coalition” recommended by consociationalism. The election results from 1990

“ the control of the number of parties on the national level is also more conducive to the premier-presidential structure of executive-legislative relations, which is the third structure appropriate to Burma”

reveal that the NLD's overwhelming majority would dominate a legislature, even under a proportional setting. At most, the NLD only has an incentive to come into coalition with one other party. Therefore, the danger on inter-party conflict damaging democracy, as was seen in the case of the AFPFL, may still exist.¹⁹

III. B.3. Premier-Presidentialism

“ There are several reasons why this (presidential) option is not highly recommended in the Burman case”

Another important decision facing new democracies addresses the executive-legislative relationship. This relationship is intertwined with the electoral design dilemma. There are two traditional choices in regards to executive-legislative relations – presidentialism and parliamentarianism. A presidential system features the direct election of the head of state for a fixed span and presidential direction of the executive, which is independent from the legislature (Sartori, 1994; Shugart and Carey, 1992). There are several reasons why this option is not highly recommended in the Burman case. First, presidentialism increases ideological polarization and frustrates coalition building in multiparty systems (Maninwairing, 1993), and there is compelling evidence that presidentialism is problematic in those countries. Because the electoral system recommended above creates multiparty democracy in Burma, presidentialism would only frustrate the proposed system.

Parliamentarianism is based on the sovereignty of parliament, and features legislative / executive power sharing (Sartori, 1994). The members of the executive are “drawn from the ranks of parliament and ultimately dependent on its members for its continued governance” (Sisk, 1996: 53). Parliamentary government is advantageous because it does not concentrate power in the hands of one individual and fosters an environment inclusive of all groups. Because

parliamentarianism is compatible with the proportional representation concept already recommended and fosters coalitions, the recommendation of this form of executive-legislative relations is consistent with consociational theory (Lijphart, 1991a). There is further support for consociationalism and parliamentarianism in findings where pure parliamentarianism functioned better in multiparty democracies than presidentialism (Stepan and Skatch, 1993).

The advantages of parliamentarianism are obvious. However, traditional Burmese culture creates an environment that focuses on the importance of a figurehead. Therefore, a hybrid form of the two systems is perhaps best suited to the Burmese context. Premier-presidentialism, which is often associated with Sartori's semi-presidentialism theory, is thus proposed. There are three characteristics of this system (Shugart and Carey, 1992: 23). First, the president is popularly elected. Second, the president possesses considerable powers. And finally, a premier and cabinet (who are subject to assembly confidence) perform executive functions. These characteristics are not rigid, and the relationship between the premier and the president is flexible and varies across regimes.

Technically, Burma was a premier-presidential system under the constitution of 1947. Unfortunately, this system was flawed because the Prime Minister was not as dependent on parliament as the theoretical construct assumes it should be. The primary reason for this is that parliament only met two months out of the year. A second departure from the theory was that the president (who possessed no effective powers) was not popularly elected, but rather elected by the Chamber of Deputies.

Thus, the executive model from 1947 provides useful direction, but must be modified. First, the legislative body must meet on a regular, consistent basis for a meaningful length of time. This will bring

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“the power to dissolve the assembly, which is a typical power granted to the president within this paradigm, should not be offered in the Burman case”

the executive and the legislative on a more equal power footing. Second, the president will be popularly elected, and possess some material powers. As Shugart and Carey (1992) indicate, these powers are not necessarily legislative, but may include the power to introduce legislation. However, the power to dissolve the assembly, which is a typical power granted to the president within this paradigm, should not be offered in the Burman case. A figurehead with some definitive powers is advantageous for cultural reasons, but the executive also has a historical legacy in Burma of changing democracy into an authoritarian regime. Burma is certainly not an isolated example of the tendencies of presidents to abuse power, and therefore, the boundaries between the two executives must be kept distinct. However, within this model, the president serves an important symbolic role that not only functions to accommodate cultural factors, but also helps democracy function. Once again this proposal bridges the gap between consociational and integrative theories by providing ethnic recognition while trying to influence long-term integration goals.

IV. Civilian-Military Relations in a Constitutional Framework

This paper has discussed constitutional design within the context of one primary dimension – ethnic conflict. However, there is another dimension to constitutionalism and democratic transition that must be addressed – civilian-military relations. As was discussed earlier, the military has shown little inclination towards releasing its power. During the National Convention, other groups have been given little opportunity to debate various aspects of the proposed military constitution. The junta has also made demands for up to 25% of national posts within any new democratic system. An important ques-

tion that emerges from this impasse is how to get the soldiers to go back to the barracks, and what will civilian-military relations look like in a new constitutional order.

Samuel Huntington (1957) proposes two different types of civilian control over the military. First, “subjective control” of the military involves the maximization of the power of the ruling group over the military via the manipulation of subjective views. Such an approach entails the use of slogans that promote the supremacy of certain institutions over the military. However, this method may be inappropriate in Burma given its cultural context, i.e. the military has a certain “savior” image. Second, an “objective control” involves depoliticizing the military by creating a strict definition of the military’s role in society. One way to pursue such a control would be to specifically define the military within the constitution. It should be noted however that “objective” controls indicate a higher degree of professionalization within the military, which some scholars argue can lead to greater military intervention (Danopoulos, 1992: 13).

Many successful examples of military disengagement have been a function of the democratic government’s ability to establish effective institutions, as in Spain, France and Greece. Additionally, the military has been granted autonomy and control over issues fundamental to their own affairs. A constitutional guarantee of separation and autonomy of the military over its own affairs can lead to moderation and depolitization of the military.

“ A constitutional guarantee of separation and autonomy of the military over its own affairs can lead to moderation and depolitization of the military”

A final factor is current junta demands for positions in parliament. Here, the partial transition of Indonesia may provide insight into possible courses of action. In Indonesia, while the military may still run candidates, the military’s guaranteed presence has been reduced to only 35 seats within parliament. Such a demand would not be unreasonable in the case of Burma. In all likelihood, Burmese elite may have

“giving into high demands now with the hope of constitutional reform later is a dangerous strategy that could perpetuate the cycle of military involvement”

to provide informal guarantees to the military in exchange for a more secular constitution. However, giving into high demands now with the hope of constitutional reform later is a dangerous strategy that could perpetuate the cycle of military involvement, which has been seen in Latin American cases (Danopoulos, 1992).

Finally, it should be noted that accountability and reconciliation might be a fear that drives military motivations. Certainly the prospect of being tried in court for human rights abuses during their regime motivates those in power to take a hard-line stance. Backing off from a constitutionally guaranteed truth commission may pacify the junta. However, truth, justice, and purging institutions of criminals are an important goal of any new democracy. Finding a way to combine prosecutions with truth reports will be a problem faced in the future, but one that may not find a place in a constitution that will certainly be a product of compromise between several different groups – the military, pro-democracy groups, and ethnic nationalities.

V. Prospects for Democracy and Postscript

If democracy is to find a place in Burma, then the dilemma of ethnic division must first be addressed. Even if the military does step down, which is arguably the current largest barrier to democracy, ethnic insurgency may not end. The key to lasting democracy in Burma is to find consistent structures that are appropriate to the culture and accommodate all groups. Further more, these institutions must then be enforced. On paper, the constitution of 1947 was a model of democracy. But the actions of the government were inconsistent with its mandates, which led to political crises and the eventual fall of democratic government. “New politics” have revived coalition building and cooperation. For democracy to have a chance, these attitudes must

be fostered. Bridging the gap between consociationalism and integrative theories of power sharing may provide structures for agreement and long-term cooperation.

Unfortunately, the situation in Burma often appears hopeless. Many authors remain pessimistic about the future, regardless of the institutions recommended. Thompson best articulates these fears.

“Unification even under a federal structure would be difficult to achieve due to the lack of commonalities such as language, religion, internal administrative structure, or most importantly, economic-cultural niche. The only unifying factor for minority groups appears to be their common enemy; which has adopted a unitary assimilationist policy that alienates these groups rather than integrating them into Burmese society. The prospects for a peaceful long-term solution to the minority problem in Burma is not optimistic. The basic minority-group dilemma will continue until the rebelling factions find a place and an identity in a pluralistic society” (Thompson, 1995: 284).

Perhaps, Thompson is correct. In the long-term, more integrative approaches will be necessary. However, these mechanisms will never get the peace process started and therefore consociationalism and the structures outlined in this paper represent a good start. Constitutional design remains important to political groups in Burma. In fact many of the proposals made here follow the recommendations of other groups. This is a good sign that there is wide spread agreement regarding basic structures of democracy. Other details, for example electoral design, may be finessed along the way. Therefore the road to democracy should be filled with greater dialogue regarding broad themes and further cooperation regarding specific nuances.

“the road to democracy should be filled with greater dialogue regarding broad themes and further cooperation regarding specific nuances”

The events of the fall and winter of 2000 and 2001 illustrate the constant flux of Burmese progress towards democracy. In September and October hopes dimmed as several NLD leaders, including Suu Kyi were arrested during an attempt to leave Rangoon. However, after an ASEAN / EU meeting in December, the military government

announced that many prisoners were being released. Talks began again in January 2001 between Suu Kyi and the junta. This progress further highlights the possibility of elite cooperation, which has been emphasized in this paper.

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Endnote:

¹ Burma was renamed “Myanmar” by the military regime in 1989. The reason for the change, the regime argues, is that Burma was a name imposed by colonialists and Myanmar is the accurate, historical name of the area. Although the United Nations recognizes the name change, academic literature is divided between the uses of the terms. Those supportive of a democratic system use Burma, whereas those authors supportive of authoritarian structures use Myanmar. Because this paper is written from a pro-democracy standpoint, Burma will be used.

² Thakin is a Burmese word meaning, “master,” which was used during colonial times to refer to the British. The party adopted the term in order to promote the image of individuals as the masters of their own country. Many members of the party incorporated the term into their own names. U means “uncle,” and is a term of respect for males, which became popular around the time of independence (Silverstein, 1977: 20).

³ His close ties to the government may have colored Maung Maung’s interpretation of the constitution. Maung Maung is a Burmese historian, who later served as president for four weeks during the tumultuous summer of 1988.

⁴ The electoral results for 1956 and 1960 are reported in appendix III, and illustrate the disproportionality in percentage of votes versus percentage of seats, especially for the AFPFL. These results are difficult to interpret because only results for two elections could be located. Additionally, most articles of that time report inconsistent and incomplete figures.

⁵ SLORC’s name was changed to the State Peace and Development Council on November 15, 1997. This was meant to reflect a change in the goals of the committee, i.e. from establishing control to fostering development.

⁶ Daw Aung San Suu Kyi, the daughter of slain national hero Aung San, heads the NLD. After spending many years in Great Britain, Suu Kyi quickly became a national symbol upon her return to Burma. Because of her anti-regime stance, she was placed under house arrest in 1990. After receiving the Nobel Peace Prize in 1991, the house arrest order was lifted in 1994. However, her movements remain constrained to this day.

⁷ Complete lists of the 1990 results were unavailable at the time of this writing. However, there are many articles regarding the elections, which have comparable figures. The NLD won between 392 and 396 seats (out of 485), and the Shan approximately 23, and 10 for the NUP, the military party (Diller, 1997).

⁸ To date, only an outline for 15 chapter headings have been completed, as well as the chapters on the State, State Structure, and Head of State.

⁹ 30 to 40 percent of Karens are Buddhists, and approximately 1/6 are Christian (Smith, 1991: 44). This small group, however, has led to a deep split and internal Karen struggle.

¹⁰ This description of the development of ethnic identity in Burma is consistent with the constructivist theory of ethnicity. Constructivists argue that identity is a modern construct created by social interactions. Modernity has changed the meaning of ethnicity, which used to be focused on local identities but has now bloomed into larger, imagined communities (See *Riots and Pogroms*, edited by Paul Brass, 1996). Although ethnic identity is constructed, it does provide an important source of meaning to the individual.

¹¹ These quotes were obtained from an official website for the country of Myanmar, which is maintained by military regime (www.myanmar.com, www.myanmar-information.net/political/english.pdf).

¹² For an excellent and widely regarded history of ethnic insurgency in Burma, see Smith (1991).

¹³ There are two different NLD groups. The NLD (liberated area) is a group that was formed by former members of the NLD who fled Burma. The elected MPs of NLD together with other elected MPs from ethnic-based political parties founded the National Coalition Government of the Union of Burma (NCGUB) in 1990 at the Thai-Burma border. The NCGUB has received tacit support from Daw Aung San Suu Kyi, who is the cousin of Dr. Seen Win, the NCGUB Prime Minister, and the inside NLD.

¹⁴ Indonesia witnessed its first free elections in 40 years in 1999. Although the transition has been one of the smoothest in the area, problems of ethnic conflict, corruption, and repression, still plague the state.

¹⁵ The integrative model is best articulated in the writings of Donald Horowitz (1985, 1991). See Sisk (1996) for a good overview of the theory, and a comparison with consociationalism.

¹⁶ Vote pooling electoral systems allow voters to express first, second, and third preferences for candidates (Sisk, 43). The alternative-vote and the single-transferable vote systems are two examples. Horowitz (1985) argues that these systems will induce politicians to moderate and appeal to individuals for second and third preference rankings.

¹⁷ The federal framework suggested here is similar to the federal structure of government in Germany. In Germany the states (*Länder*) are represented on the national level in the *Bundesrat*, and must approve of all legislation that directly impacts state responsibilities, such as education.

¹⁷ Rizal Sukma. "Conflict Management in Post-Authoritarian Indonesia: Federalism, Autonomy and the Dilemma of Democratization," Paper submitted to "Democratization and Conflict Management/Prevention in Southeast Asia in the 21st Century?," International Conference, January 16-19, organized by UNDP and ISIS, Thailand. Dr. Sukma discusses the limits of federalism as a solution for ethnic conflicts and proposes greater speed of democratization as an antidote for ethnic extremism.

¹⁷ The discontented population voted overwhelming against the military in 1990 and 1960 elections, which were more like referendums on the *ancien regime*.

Appendix I. Time Line of Important Events:

- 1824: British begin conquest of Burma
- 1886: Official British annexation of Burma
- 1923: India Act of 1919 applied to Burma
- 1935: Constitution written providing for local rule in Burma. Constitution goes into effect in 1937, the same year that the first assembly meets. The selection of representatives is based on the 1932 election results.
- 1942 – 1945: Japanese occupation
- 1947: Constitution written; U Aung San assassinated in July
- 01/04/1948: Official independence
- 1952: First election held: AFPFL dominate, U Nu becomes Prime Minister
- 1956: Second election held: renewal of the AFPFL
- 1958: Split in AFPFL
- 11/58 – 1960: “Care taker” government of Ne Win
- 1960: Third election held: victory for U Nu’s “Clean AFPFL”
- 1962: Military coup – Ne Win takes power
- 1974: Military regime adopts a constitution, with superficial elections
- 1988: Regime Crisis: Student demonstrations sparked by economy; Ne Win steps down after failed proposal for multi-party democracy; short rule of Saw Maung and U Maung Maung; SLORC establishes control on September 18, 1988.
- 06/18/1989: SLORC establishes Myanmar as official country name
- 1990: Free elections held: NLD dominates the results with Daw Aung San Suu Kyi as their leader; SLORC does not honor the results and calls for a new constitution
- 1991: Daw Aung San Suu Kyi awarded Nobel Peace Prize
- 04/23/1992: Gen. Than Shwe becomes head of state
- 01/09/1993: First meeting of the constitutional convention
- 01/27/1995: SLORC captures Manerplaw from KNU
- 11/30/1995: NLD delegates expelled from the constitutional convention
- 07/23/1997: “Myanmar” admitted to ASEAN. By 1997, 17 “standfast” agreements had been signed between minority insurgent groups and the government.
- 11/15/1997: SLORC renamed the State Peace and Development Council (SPDC)
- 09/16/1998: NLD establishes the Committee Representing the People’s Parliament
- Sept. 2000: Military crackdown on NLD after Suu Kyi and others attempt to leave Rangoon.

Appendix II: Acronyms

AFPFL	Anti-Fascist People's Freedom League
ASEAN	Association of Southeast Asian Nations
BSPP	Burma Socialist Program Party
CRPP	Committee Representing the People's Parliament
DAB	Democratic Alliance of Burma
IMF	International Monetary Fund
KNPP	Karenni National Progressive Party
KNU	Karen National Union
NCGUB	National Coalition Government of the Union of Burma
NLD	National League for Democracy
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council

Appendix III: Election Results by Year

1956	Votes Cast	Votes Cast as %	Seats Won	Seats Won as %
Burma Proper				
AFPFL	1844614	47.7	147	58.8
NUF	1170073	30.4	48	19.2
BDP	113091	2.9	0	0.0
BNB	77364	2.0	1	0.4
ANUO	38939	1.0	5	2.0
Independents	119148	3.1	4	1.6
Minor Parties	35943	0.8	0	0.0
Other States				
UHPC*	163283	4.2	14	5.6
PECDO**	49203	1.3	4	1.6
ASSO*	41940	1.1	4	1.6
SSPO*	31112	0.8	2	0.8
KNC**	30837	0.8	2	0.8
UNPO*	22185	0.6	1	0.4
Independents	120018	3.2	9	3.6
Minor Parties	4462	0.1	0	0.0
Contests Not Held			9	
Total	3868242	100.0	250	100.0

1960	Votes Cast	Votes Cast as %	Seats Won	Seats Won as %
Burma Proper				
Clean AFPFL	3480588	52.7	157	62.8
Stable AFPFL	1974469	29.8	42	16.8
NUF	362495	5.4	4	1.6
BDP	7788	0.1	0	0.0
ANUO	51611	0.7	9	3.6
Independents	281127	4.2	6	2.4
Minor Parties	59214	0.8	0	0.0
Other States				
PECDO**	51060	0.7	2	0.8
ASSO*	17904	0.3	0	0.0
KNC**	46950	0.7	3	1.2
UNPO*	49131	0.7	3	1.2
SSHPUO*	78090	1.1	9	3.6
SSUP*	30781	0.4	2	0.8

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Figure I. Map of Burma (OSI, 1998)

Figure II. Ethnic groups of Burma

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