

Introduction

Since November 2010 there have been a series of political developments in Burma, many of which have variously been hailed as 'new', 'unprecedented' and 'progress'.

In August 2011 the slow drip of 'positive' developments became a steady stream, with a number of initiatives which have gained positive publicity for the dictatorship. While some remain cautious, there is an increasing perception that something new is happening in Burma.

Once again, many governments are arguing that now is not the time to increase pressure for reform or for an improvement in human rights. They argue that we must wait and see what happens. Some are even arguing for some existing measures to be relaxed. This is despite the fact that on the ground in Burma, the human rights situation has deteriorated, most significantly with the increase of rape and gang rape of ethnic minority women committed by the Burmese Army.

The dictatorship in Burma has a long track record of lying, and of dangling the prospect of impending change to the international community, in order to avoid increased pressure, or to try to get pressure relaxed.

This briefing paper assesses whether events in Burma in the past year really are new.

Are recent events in Burma a sign that real change is on the way at last? Or is this more spin and propaganda from the dictatorship, designed to relax international pressure while maintaining their grip on power?



"The government has taken a number of steps that has in my opinion the potential for the improvement of human rights. The problem is that we need to see concrete actions from the government so that those steps are translated into reality."

Tomas Ojea Quintana, UN Special Rapporteur on Human Rights in Burma.

Key points:

- Events taking place are not new.
- So far no concrete steps have taken place that give grounds for optimism.
- No substantive reforms have taken place.
- Human rights abuses are increasing.
- Pressure should not be relaxed without significant reform.
- The dictatorship in Burma has a long track record of lying.

New Elections in 2010

The first significant event was the 'election' held on 7th November 2010. To have an election is not a new development in Burma. Elections had previously been held in post independence democratic Burma, and in 1974 Ne Win, dictator at the time, also held a national vote for representatives to a sham 'Parliament' he had created.

More recently, elections were held in 1990. While the 1990 elections were not free or fair, the counting of votes on the day was largely fair, and the National League for Democracy (NLD) won 82 percent of the seats. The results of the election were never honoured, with the dictatorship refusing to hand over power.

In the event, even those observers who had been claiming the November 2010 elections would be a major development, and some who had even predicted they would be fair, were shocked by the level of restrictions, unfair election rules and ballot stuffing that took place. They swiftly retreated into arguing that while these elections were not free and fair, it was a step in the right direction, and perhaps elections in five, ten, or fifteen years time would be better.

Conditions were put in place to make it impossible for the NLD to take part, including having to expel more than 400 members jailed for their political activities, and supporting a new constitution which is designed to maintain dictatorship. The elections had no credibility whatsoever. Despite this, great attention has been paid to the powerless rubber-stamp Parliament, where the military has a built in veto.

Given the new Constitution, which maintains dictatorship, and rules designed to prevent the NLD from taking part in the election, severe restrictions on parties and candidates, and mass ballot stuffing, the elections cannot be seen as a credible and significant new step towards democratisation.

The Release Of Aung San Suu Kyi

"We hope that the decision to release Aung San Suu Kyi has begun an irreversible process towards

democracy and economic reform, accompanied by respect for human rights, which will lead to a closer relationship between our two countries....We are greatly encouraged by her unconditional return to freedom and the atmosphere of conciliation in which her release has taken place."

British Foreign Secretary Malcolm Rifkind, 11th July 1995.

"What I would like the world to realise is that the elections and my release do not mean we have reached some kind of turning point."

Aung San Suu Kyi, January 2011

The release of Aung San Suu Kyi on 13th November 2010 was a classic example of the masterful way that the dictatorship manipulates the international community. Aung San Suu Kyi should never have been in detention in the first place, but by releasing her they received international praise, and the rigged elections held just six days before were overshadowed. This is the third time that Aung San Suu Kyi has been released from house arrest. Experience has shown it is not a sign that there is a process of political reform.

On 6th May 2002 coinciding with the release of Aung San Suu Kyi, the dictatorship released a statement that sounds eerily similar to that being given to visiting diplomats today:

"Today marks a new page for the people of Myanmar and the international community. As we look forward to a better future, we will work toward greater international stability and improving the social welfare of our diverse people."

A New President

Thein Sein may be new in his role as President, but he is not a new figure. He has been in the top ranks of the dictatorship since joining the State Peace and Development Council in 1997. Prior to becoming President, he had been appointed Prime Minister in 2007.

Thein Sein has variously been described as a puppet for Than Shwe, or a moderate. In fact, he is neither. Than Shwe doesn't need to pull Thein Sein's strings, Thein Sein has been in his inner

circle since at least 1992. Thein Sein is a true believer, a trusted ally, hence his appointment. He certainly has a different style and approach, but the goals are the same, continued control of the country, and crushing, controlling or co-opting opponents in order to maintain that control.



Prime Minister General Thein Sein briefs Senior General Than Shwe after Cyclone Nargis.

Again, having a new dictator in Burma is not new, and does not in itself mean that political reforms and democratisation is on the way. In fact, in Burma, the opposite has been the case. Saw Maung and Than Shwe could each be considered more brutal than their predecessor.

President's Speech

On March 31st Thein Sein made a speech to Parliament promising reforms, chiefly economic, not political reforms. The fact that the speech got so much attention was surprising in itself. Thein Sein was on the ruling Council of the dictatorship for 14 years. The track record of the dictatorship in telling the truth during that time is amongst the worst in the world. They have lied in media, lied at international conferences, lied at the UN General Assembly, and lied to successive UN envoys, even when they knew those envoys were reporting back to the UN Security Council. For example, after his visit in November 2007, UN Envoy Ibrahim Gambari faithfully reported back to the Security Council regime promises to halt arrests and release political prisoners. However, there were no releases, and the arrests continued. Since early 2007 Thein Sein, as Prime Minister, has been the main person responsible for telling lies on behalf of the dictatorship. There has been speculation that his experience and skill in dealing with the international community was one of the reasons Than Shwe picked him for the job.

Little attention was given to reasons Thein Sein gave for needing economic reform, such as "building military might" and that "National Economy is associated with political affairs. If the nation enjoys economic growth, the people will become affluent, and they will not be under the influence of internal and external elements." In his own words, Thein Sein's stated motivation for economic change is strengthening the military and consolidating power, not tackling poverty.

Again it has been stated that for a President to make such a speech promising reform is new. Except it isn't. The previous dictator, Than Shwe, also promised reforms, though without the high profile rhetoric. In fact, in 1992, when he became dictator, Than Shwe did more than just talk, he admitted there were political prisoners, and released more than 400 of them. This is in stark contrast to Thein Sein's regime, which denies political prisoners even exist.

Khin Nyunt, head of military intelligence and later Prime Minister under Than Shwe, also made regular promises of reform, in public and in private.

"The hypothesis being that the disgraced Prime Minister was a moderate or a reformer who lost out to the hard-liners in a power struggle ... General Khin Nyunt was a hard-liner, albeit a more polished and approachable one. He was a pragmatist who cultivated foreign countries and a purported dialogue with the opposition simply as a means to mollify the international community and perpetuate the regime's absolute control."

US cable from Rangoon August 2005, released by Wikileaks.

Go back further and there are numerous examples of Ne Win, Burma's first dictator, promising reforms, often in similar grand speeches. Again, no genuine reforms followed.

"We have taken on heavy responsibilities, and we shall continue to discharge them. Lack of know-how may be a handicap for us, but we shall acquire that know-how some day through trial and error. But how people grumble and complain, and how cunningly mischief-makers fan the fires. 'How long will the transition last?' they ask with sarcasm. 'Look back,' I would answer, 'look back across the years...'"
General Ne Win speech about economic reform, 1965.

New Parliament

Burma's new Parliament is powerless. This is not just because the military have 25 percent of seats reserved for them, giving them a veto power over constitutional reform. Nor is because it is dominated by representatives of the dictatorship's party, the Union Solidarity and Development Party, who are there only because the elections were rigged. Nor does its powerlessness stem from strict rules and restrictions imposed on MPs. The Parliament is constitutionally powerless. True power lies with the President, the military, and the new National Security and Defense Council, which replaced the old State Peace and Development Council through which the dictatorship used to rule Burma.

The first session of Parliament faced severe restrictions, with no opportunity for serious debate, and ministers refusing to answer some questions posed by MPs, and some questions not even being allowed to be asked.

In the second session there has been slightly more debate. However, the significance attached to incidents such as a question on political prisoners being asked by an MP does not warrant the attention it has been given. This is far too low a bar to be saying there is change and improvement in Burma. Even if by some miracle Parliament passed a motion calling for the release of political prisoners, the government is not obliged to act on it.

The Parliament has allowed some opening for a small amount of political debate in Burma, which is welcome, but such debate takes place in an environment completely under the control of the dictatorship, and in a constitutionally powerless institution. This is not accidental, but rather part of a carefully conceived plan to take over and control political debate, which has traditionally been led by the NLD, and so outside of the influence of the dictatorship. The dictatorship wants political debate to take place in a Parliament where it has veto power, complete control, and which sits behind giant walls in a remote capital, separated from the population. It also serves the purpose of giving an impression of change to the international community.

Again, having an institution where issues are discussed and debated by representatives elected in a rigged election would not be new in Burma. It took place under Ne Win's regime after he also brought in a new constitution, and held a national vote in 1974. Indeed, there were some surprisingly robust debates, despite there only being one political party, the Burma Socialist Programme Party. However, those who went too far found themselves jailed by Ne Win.

New Economic Advisor

Another drip in the flow of positive stories, warmly welcomed by some, was the appointment of U Myint, a friend of Aung San Suu Kyi's, as a government economic advisor. Attaching political significance to this was rather claspng at straws. A few weeks later wasn't even allowed to give a talk to the NLD. One initiative credited to U Myint was an economic workshop in Nay Pyi Daw, also hailed as significant. However, some participants complained it wasn't a workshop at all, merely a series of presentations by government officials, without opportunity for detailed questions or discussion.

More Visas For Visiting Diplomats

More and more visas started to be granted to diplomats wanting to visit, and many of these same diplomats attached political significance to this. Aung Din, Executive Director of US Campaign for Burma, brilliantly exposed the use of visa blackmail by the regime in evidence to the US Congress on 22nd June. Having made securing a visa so difficult, diplomats now see merely getting a visa as progress and significant. It's a cheap way of point scoring for the dictatorship. In the 1990s visas were much easier to obtain. The regime has learnt that if they take a negative step, and later drop it, they get praise or credit for doing so, even though the situation hasn't genuinely progressed.

Aung San Suu Kyi Meets Aung Kyi

A meeting was held between Aung San Suu Kyi and Aung Kyi, the minister appointed to liaise with her after the uprising in 2007. This was widely reported as the first meeting since the new government came to power, rather than their 10th meeting over a course of several years, which does not sound quite as significant. Another meeting followed, the eleventh.

In November 2002 Than Shwe boasted to the Japanese Prime Minister Junichiro Koizumi that Aung San Suu Kyi had met with government ministers on 13 occasions, and had met with a liaison officer an incredible 107 times. These meetings didn't lead to political reforms.

Allowing Aung San Suu Kyi to Leave Rangoon

Here again the dictatorship used the technique of taking a step back, then forward again, and winning praise. State owned media first alluded to violence that could take place if Aung San Suu Kyi left the capital, effectively threatening a repeat of the Depayin Massacre in which around 70 of her supporters were beaten to death. Then the dictatorship ensured her first political trip went peacefully, and got praised for it. Political significance was attached to it. This tactic was also used during Aung San Suu Kyi's trial, where incredibly, some praised them for leniency for not imposing the maximum sentence of five years with hard labour, and instead commuting the sentence to a shorter period of house arrest. This is despite the fact she should never have been on trial in the first place.

It is not new for Aung San Suu Kyi to travel around the country, she did so in the 1980s before being placed under house arrest, and again in 2002 and 2003. On these occasions harassment gradually increased over a series of trips, rather than being intense and violent from the very first trip.



Aung San Suu Kyi addresses crowds in Mogok, Kachin State in May 2003 during her tour of the country.

In November 2002 Than Shwe told the Japanese Prime Minister Junichiro Koizumi the government was making efforts towards democratisation, and that Aung San Suu Kyi was free to visit anywhere inside of Myanmar, and the NLD was free to engage in political activities. Seven months later his regime attempted to assassinate her in the Depayin Massacre, many NLD members were arrested, and NLD offices were forced to close.

Propaganda Slogans Changed

Another much reported step has been the dropping of some propaganda slogans in newspapers, particularly ones attacking foreign media. But these were only introduced into newspapers daily four years ago at the time of the protests which began in August 2007. This is another case of change that isn't real change, just taking us back to the situation in 2007.

While slogans attacking exile Burmese media have been removed, censorship laws remain in place. Twenty-three journalists are in jail. In the same month as slogans attacking exile media were removed, Democratic Voice of Burma journalist Sithu Zeya, already serving an 8 year prison sentence, was taken to court and charged with further offences, and is facing another sentence of up to 15 years. He has been repeatedly tortured.

Ceasefire Offer

There has also been an offer of ceasefire talks to armed ethnic political parties. This must have been received with incredulity by the Shan State Army - North and Kachin Independence Organisation. In March and June respectively they had been attacked by the Burmese Army for refusing to become Border Guard Forces under the control of the Burmese Army, breaking decades-long ceasefire agreements. The Burmese Army has been targeting civilians in areas where it has broken ceasefire agreements, with soldiers killing, raping, looting and using forced labour.

Ceasefire offers which turn out to be highly conditional, or in effect amount to demands to surrender, have been made by dictatorships in Burma literally dozens of times in the past 60 years. There is nothing new in this proposal to think its genuine this time. But the call served its purpose, adding to the positive mood music and impression of change.

Exiles Can Return?

A rumour has also emerged that Thein Sein told an audience he was speaking to that political exiles could return home and help the country develop. Again some hailed this as a sign of change, even though no amnesty was offered, no laws that led to many of the exiles being jailed and forced to flee the country have been repealed, and military attacks of the kind that have forced hundreds of thousands of people to flee their homes have increased, not decreased.

Asked about this possible offer in an interview with Radio Australia on 30th August, the UN Special Rapporteur on Human Rights in Burma warned exiles they could be arrested if they do return, stating; *“The situation is that those who at this moment may decide to express their opinions against authorities may face the risk to be arrested arbitrarily.”*

Even if an offer of amnesty was made, again, it would not be new. Ne Win did the same, back in 1980. Again it wasn't a sign of any genuine change on the way.

Aung San Suu Kyi Meets President Thein Sein

The event perceived as most significant was the meeting between Aung San Suu Kyi and Thein Sein. It's another first that isn't quite a first. It is the first meeting that Aung San Suu Kyi has held with President Thein Sein, but not her first meeting with a President. Than Shwe also held meetings with Aung San Suu Kyi, as long ago as 1994. He knew then, as does Thein Sein now, the propaganda value of such meetings.

The problem there has been in the past with meetings that Aung San Suu Kyi has had with officials from the dictatorship at various levels is that they have rarely moved on from basic talks and into substantive dialogue about political change. Of course, there must be a stage of confidence building, and that may be the stage things are at now, but experience tells us that the meeting in itself does not necessarily indicate that the talks are either anything more than public relations, or that they will move on to issues of substance.

The other widely ignored factor is the importance of ethnic representatives to be included in dialogue. A process only involving the dictatorship and Aung San Suu Kyi will not lead to a stable and lasting solution to the problems in Burma. However, at the present time the dictatorship is moving further away from dialogue with ethnic groups, and is instead opting for increased military attacks.

Aung San Suu Kyi in Newspapers

Here again, history is repeating itself.

“The English-language New Light of Myanmar printed a front-page picture of the dissident placing flowers at the mausoleum during Wednesday's official ceremonies honouring independence leaders including her father Aung San who were murdered 48 years ago. Chief among them was her father Aung San....Her television appearance suggests that the military government is willing to accept her as a legitimately player in the public political arena. She was last seen on state television when she held talks with senior members of the military government last year during her detention.”
The Nation (Thailand) 21st July 1995



Aung San Suu Kyi appears in the state newspaper New Light of Myanmar in November 2007.

Pictures of Aung San Suu Kyi on the pages of newspapers and magazines in Burma have been banned most of the time, so allowing pictures of Aung San Suu Kyi to be pictured in media also generated attention and speculation. Again though,

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while not normal, allowing such pictures is certainly not new. Such pictures have been published when certain meetings have taken place, especially at times when the dictatorship is keen to placate the international community and people in Burma, such as the meeting with UN Envoy Ibrahim Gambari in November 2007, following the crushing of the Monk-led pro-democracy uprising.

UN Special Rapporteur on Human Rights Visits Burma

The visit by the UN Special Rapporteur on Human Rights in August 2011 wasn't his first, it was his fourth, and there have been more than 40 visits to Burma by UN Envoys and Special Rapporteurs in the past 20 years. However, this was the first visit since Thein Sein took control of the country, and the Special Rapporteur had been refused visas previously. In his statement following his trip Thomas Quintana stressed that while there were; *“real opportunities for positive and meaningful developments to improve the human rights situation and bring about a genuine transition to democracy,”* at the same time; *“many serious human rights issues remain...attacks against civilian populations, extrajudicial killings, sexual violence, arbitrary arrest and detention, internal displacement, land confiscations, the recruitment of child soldiers, as well as forced labour and portering.”*

In summary

Almost all of the above steps, often described as 'progress' and 'positive', have happened before and did not lead to change in Burma. Given the track record of the dictatorship, including Thein Sein's own record during his 14 years on the ruling council of the dictatorship, it is wise to treat these developments with a large degree of scepticism.

None of the steps taken so far take Burma any closer to improving human rights and embarking on a transition to democracy. Indeed, they have taken place in a context of a worsening human rights situation, with an increase in serious abuses which violate international law being committed by the Burmese Army in eastern and northern Burma. What has happened so far appears to be public relations, and not even new public relations, Burma has seen all this before. There has been no substance, no release of political prisoners, no

removal of repressive laws, and no end to attacks on ethnic civilians. So far, the only thing that has definitely changed with the dictatorship is that it has improved its public relations work.

Why this flurry of initiatives now?

These events are not new, what is new is that they have happened so closely together. Why? There are several factors at play.

The new political structure in Burma is very important to the dictatorship. They see themselves as essential for holding the country together, and knowing what is best for the population. It is important to remember that Thein Sein is the man who chaired the National Convention which drafted the principles of the Constitution, and as such is one of its main architects. The dictatorship saw the new Constitution as creating a new political structure through which they would legalise, legitimise and consolidate their rule. It is designed to solve the key problems they have faced, controlling domestic politics, controlling ethnic populations, and gaining international legitimacy and acceptance.

Fear of huge popular support for the NLD, and the memory of the crushing defeat they received in the 1990 elections, led the dictatorship to taking an extremely hard line on the elections, creating conditions which would make it impossible for the NLD to take part. This destroyed what little credibility the elections might have been able to garner for them. They are now left with two choices, crack down on the NLD as an illegal political party, or try to coax the NLD to come in under the umbrella of the Constitution, while making the minimum number of concessions in the process.

In dealing with ethnic issues, their strategy has also failed. Thein Sein took a very hard line on making any concessions and granting rights, protection and some level of autonomy to ethnic people in the Constitution. All of the ethnic ceasefire groups' proposals were rejected. They were given an ultimatum to register their political wings as parties which would compete in a rigged election for a powerless Parliament, and for their armed wings to come under the control of the Burmese Army. Many have rejected this. Thein Sein has resorted to military solutions to impose his will,

but the increased conflict and associated human rights abuses have also caused concern in the international community.

With the Constitution, elections, and release of Aung San Suu Kyi failing to persuade the USA, EU and Canada to relax economic sanctions, and even ASEAN baulking at the prospect of having Burma as its Chair in 2014, delaying a decision, it was clear that further steps would be needed. With a decision on the ASEAN chairmanship likely to be made before the end of the year, there is a clear sense of urgency. To be turned down would be a major blow to Thein Sein and the dictatorship.

This may help explain the flurry of activity, including the meeting with Aung San Suu Kyi, and the attempt to talk with the NLD to find a way to bring them under the Constitution. It also explains the ceasefire offer, talking peace while waging war.

What is highly unlikely, given their track record and continuing actions, rather than words, is that this has anything to do with genuine reform.

A next likely step will be the release of some political prisoners, possibly even hundreds. Of course, the release of any political prisoners is very welcome, but it must be remembered that such a release would not necessarily be about moving towards political change, it will be about achieving the goals of securing the ASEAN Chairmanship, and getting sanctions relaxed.

When considering a response, the international community should recall that again, the release of political prisoners is not new. It would take the release of almost a thousand political prisoners just to return to the number prior to the 2007 uprising. At that time having around 1,000 political prisoners was considered unacceptable, and the international community had been discussing how pressure

could be increased to help secure their release. The dictatorship should not be rewarded for almost doubling the number of political prisoners, and then releasing just a few hundred.

The dictatorship has successfully engaged in lies and delaying tactics for decades. They take superficial actions designed to present the impression that change could be round the corner, but that corner is never turned. All the evidence so far is that we are seeing more of the same. There is potential to turn talk into action, but now is not the time to adopt a wait and see approach, or for the usual softly softly dialogue.

The international community is keen to encourage change, and to reward change, but going too far in welcoming steps taken so far which have not been concrete, or even considering relaxing pressure without significant steps being taken, will have the opposite impact than intended. It will act as a disincentive for real significant changes to be made.

Experience in dealing with the dictatorship is that concessions have been wrung from them on the rare occasions when a united firmer approach is taken, for example the ILO Commission of Inquiry, the Security Council considering a resolution on Burma, and allowing more international aid workers into the country after cyclone Nargis. Each resulted in small, but concrete changes.

The softly softly wait and see approach has been tried before when the dictatorship has indicated it might be willing to change. That approach failed. This time a different approach should be tried. A concerted international effort needs to be made, setting the dictatorship clear benchmarks and timelines for change. The international community has what the dictatorship wants. The international community also has leverage. It is time to use it.

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