

Burma's Sham National Convention

The following 2 articles examine Burma's National Convention process and its implications.

Return to arms?

By Mark Farmaner
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No-one seriously believes that the regime's so-called road-map to democracy is a genuine effort to bring democracy to Burma. But while much diplomatic attention has been naively focussed on whether the National Convention, which is drafting the guiding principles of any future constitution, can be reformed into a genuinely inclusive process that the National League for Democracy could take part in, another potential crisis is looming. One that could have serious consequences for the country.

Over the past 19 years, the regime has negotiated a series of ceasefires with armed ethnic organisations. Most of these ceasefire groups have been taking part in the National Convention, and are increasingly concerned about its potential outcome.

Ethnic delegates to the Convention complain that not a single proposal for the new constitution has been accepted by the regime. Their aspirations for a federal state that would provide a degree of autonomy from central government and protect their culture, have all been rejected. Furthermore, demands by the regime that the ceasefire groups lay down their arms are causing increasing concern. As the National Convention enters its final session in Summer 2007, ethnic organisations at the Convention, including ceasefire groups, are looking at a constitution that amounts to the complete surrender of everything they fought for, and, as some have told Burma Campaign UK, could herald the end of their culture and identity.

Debates are now raging within and between ceasefire groups on how to respond. There appears to be a real possibility that many ceasefire organisations could return to arms, or split, with factions once again taking up their guns. If this were to happen on a large scale, it would not only completely change the current political situation within the country, but also threaten a new human rights and humanitarian crisis, as the regime ruthlessly targets civilians in conflict areas.

While the international community regularly issues calls for the regime to reform the convention into a genuinely inclusive process, there seems to be little understanding or recognition about this potential new crisis. While it is by no means certain that Burma will be plunged into a new round of conflict, the danger is real. So real that China, which probably knows more about what is happening in Burma than any other country, is believed to have organised meetings with ceasefire groups in early Summer 2007 to discuss concerns about ceasefires breaking down.

The military capacity of some ceasefire groups is being scaled up significantly. New military facilities are being built, and old ones repaired and improved. New recruits are being trained and new techniques of guerrilla warfare are being taught. If the regime thinks that years of ceasefire and lucrative business concessions given to some of the ceasefire groups have reduced their will to fight, they are mistaken. The leadership of some groups may have been 'bought off', but lower ranks have not. In addition, many see this not just as a battle against a brutal dictatorship, but as one for the very survival of their culture.

There are signs that the process has already begun. Earlier this year several soldiers, including a delegate to the Convention, defected from the Shan State Army – North, a ceasefire group, and joined the Shan State Army - South, which is still fighting the regime.

In June another ceasefire organisation, the Shan Nationalities People's Liberation Organisation (SNPLO), split, largely as a result of disagreement over the direction the National Convention is taking. The splinter group has taken up arms again, and joined forces with another armed group fighting the regime, the Karenni National Progressive Party.

Col Khun Thurein, a secretary of the SNPLO, told the Irrawaddy magazine, "We will fight back against the government for a chance to have democracy and a real federal union in Burma."

Ironically, the regime may have inadvertently helped bring greater unity between the many armed groups in Burma. When the new round of National Convention sessions began in 2004 the ceasefire groups were placed under strong pressure to take part, as their participation was seen as essential in order to attempt to persuade the international community that all the people of Burma were represented. The ceasefire groups delegates were originally placed in accommodation together, and so for the first time armed groups from across Burma were able to meet and share experiences. The regime soon realised its mistake, and they were placed far apart in future sessions but the damage was done, and contacts continue.

Stronger relationships have also been forged between those organisations still fighting the regime, such as the Shan State Army – South, Karenni National Peoples Party, Karen National Liberation Army, Kachin National Organisation, Chin National Front and others. These groups are conducting joint military exercises and sharing intelligence. For a regime that has successfully deployed divide and rule tactics for decades, this growing unity must send a chill down their spine. Especially if reports of the increasing levels of desertion from the Burmese army are correct.

It is impossible to predict what will happen if the regime persists on its current path. Resistance may peter out and groups compromise. Or there could be a return to large-scale conflict, prompting a military offensive from the regime that could displace tens of thousands of people, and require an international humanitarian response. And the regime may be content to force some of the smaller ceasefire groups to give up their arms, and ignore the more powerful groups such as the Kachin Independence Organisation and United Wa State Army.

What is without doubt is that the international community needs to pay greater attention to the concerns of ethnic groups and the risks that the National Convention and road map pose to the prospects of democracy and stability in Burma. A process designed by the regime to enshrine its rule is not one that can be engaged with and reformed to bring change to Burma. What is needed is genuine tri-partite dialogue between the NLD, ethnic organisations and the regime. As the representative of one ethnic organisation put it to the Burma Campaign UK; "The National Convention is not 'the only game in town' as some diplomats like to tell us, but instead is the most dangerous game in town. If the SPDC (State Peace and Development Council) continue the Convention like this, and trying to destroy our culture, we will not accept it. We are ready to fight again."

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Boots in Suits

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October 2006 saw Burma's thirteen year old National Convention awaken once again from its narcoleptic slumber to a fanfare of cameras as the regime briefly welcomed in the world's press to attend its re-opening ceremony. This is the tenth time the convention - tasked by Burma's military regime to draft a new constitution for the country - has resumed since it first started in 1993.

At the opening ceremony Secretary of the National Convention Convening Commission, Information Minister Brig-Gen Kyaw Hsan told journalists that a constitution would have been finalised by now had it not been for obstacles posed by 'destructive elements' - a direct reference to the National League for Democracy (NLD) who were forced to walk out of the convention in 1995 due to its undemocratic proceedings. In 2004 the Shan Nationalities League for Democracy, Burma's largest ethnic political party, was also forced to abandon the convention.

Attended by over 1,000 hand-picked delegates, cloistered within a military compound north of Rangoon, the convention is the heralded first step on the military's seven-point roadmap which the junta claims will lead to a 'disciplined' democratic state. No timetable or detail has ever been given regarding any democratic reforms. The constitution drafting process may complete sometime in 2007, before a carefully controlled referendum is carried out and then plans laid for future elections that the authorities will have no intention of losing a second time around.

Without the fundamental participation of the victors of the 1990 elections – the National League for Democracy - the assembly clearly lacks any credibility and the convention has long been dismissed by pro-democracy organisations within and

outside Burma as a sham - a showcase designed to preserve military rule and manipulate regional opinion. It has also been severely criticized within international circles. UN Special Rapporteur on Burma Sergio Pinheiro has termed the convention "surrealistic" and "meaningless and undemocratic". But it is more insidious than that. Constitution principles adopted so far clearly aim to legitimise an authoritarian centralist government, entrench the military in every institution of state and effectively establish the military as an ultra-constitutional organization - above the constitution and above the law. Criticism of any convention proceedings is an imprisonable offence with delegates sentenced to 20 years for 'crimes' as minor as distributing a paper that hasn't first been 'approved' by the authorities. The regime is intent on forcing its constitution through – all be it at its own painfully slow pace - and will brook no dissent.

An escalating United Nations Security Council (UNSC) process will undoubtedly be playing its part in driving the National Convention forward again at this point. So too will the regime's (if somewhat limited) recognition of the need to appease regional audiences eager to see even a façade of democratic process. Put simply, the junta is sticking with the convention process – very likely under guidance from China - in an attempt to seem like it is making progress. By giving China, in particular, just enough to work with, it hopes to cultivate on-going support and thwart any effective pressure from the United Nations. Being seen to permit a second visit in November 2006 by UN Under-Secretary Ibrahim Gambari was a key part of this strategy.

And certainly the regime has been bullish in the face of increasing UNSC pressure: "We will not let the national constitution process be harmed by the US-sponsored action at the UN Security Council...We will continue as before. There is no rush or delay to the National Convention because of it."

The regime's determination to force through their constitution is evident too in heightened pressure on the NLD and other pro-democracy groups. In April 2006, the regime's Information Minister Kyaw Hsan publicly threatened to outlaw the NLD. Following the threat, a mounting campaign to intimidate NLD members began, with security forces all over the country forcing NLD members to resign from the party. In the run-up to the latest round of convention 'talks', and as the UNSC held discussions on Burma as a formal agenda item for the first time, the junta arrested six prominent pro-democracy activists, and vowed to "crush" any opponents to the convention process. Kyaw Hsan accused the NLD of wanting to "grab power and to destroy the National Convention and threatened: "we will crush whoever intends to destroy the National Convention."

Military and political pressure on Burma's ethnic nationalities has been particularly fierce too in recent years, seeing thousands more ethnic peoples forced from their homes and their villages turned into free-fire zones. The regime intends to leave both those still engaged in resistance and ceasefire groups, nowhere to go but into the unyielding arms of a constitution drafting process intent on avoiding precisely the federal system of government for which most have long fought.

Whilst this will take yet more time, the constitution as it stands is said to be over seventy-five percent complete and the regime is already looking ahead to a referendum, new elections and constitution implementation. What is clear is that any referendum and election process will be scrupulously stage-managed to avoid

any repeat 1990 humiliation and will boldly feature the military's new political face - the Union Solidarity and Development Association (USDA).

The USDA, established in September 1993 under the patronage of State Peace and Development Council (SPDC) Chairman Snr-Gen Than Shwe Than Shwe, is better known as a blunt instrument for the mobilisation of support for the military government and for its key part in the Depayin massacre - which saw about 100 NLD supporters beaten to death in a failed assassination attempt on Aung San Suu Kyi's life. However, the SPDC has simultaneously been attempting to cultivate and grow the USDA into a proper political force - inserting key members directly into the country's administrative apparatus. The timing of any future elections will therefore be dependent on the precise time at which the regime judges the USDA to be strong enough to ensure them certain victory.

With all this as a backdrop, rumoured reshuffles in the top ranks of the military - though currently denied by the SPDC - make perfect sense. The system of government proposed by the constitution to date is essentially a presidential one, with extensive powers vested in a civilian President who will be subject to few, if any, limitations. Than Shwe unquestionably has his eye on this role for himself and recognises the consequent need for a degree of controlled 'civilianisation'.

Reports suggest that at some point he will relinquish his role as Commander-in-Chief of the armed forces to his protégé Gen Thura Shwe Mann (the junta's number three and currently army chief-of-staff), though he will remain firmly in position as head of state. SPDC Vice-Chairman Snr-Gen Maung Aye is also said to be due to hand over his position as Deputy Commander-in-Chief of the armed forces to former military commander Maj-Gen Thura Myint Aung. But these changes, though predictive of the regime's gameplan, are surface in terms of what they actually mean. Whilst the regime readies itself by pulling on suits over its military boots, and a new generation may even appear to be at the helm, what is certain is that Than Shwe will remain firmly the power behind the throne - ruling from his shiny new capital kingdom at Pynmana.

There can simply be no doubt in anyone's mind that Burma's National Convention is anything more than camouflage for a constitution pre-drafted by the military. However, there is real danger in the process if governments prove themselves willingly fooled by it, or latch onto it in frustration as 'the only game in town'. If they do, then the military's undemocratic constitution may ultimately form the basis for a new mutation of military rule - enshrining its control of Burma - behind the façade of a civilian government - into the foreseeable future. The international community cannot and must not let that happen. The UN Security Council and not the National Convention must hold centre stage as the only game in town worth playing.