

## Misguided engagement in Burma

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**There can be no lasting peace in Burma without constitutional reform. Bertil Lintner comments on Aung San Suu Kyi's Oslo visit and the Norwegian peace initiative in Burma.**

There is no doubt that Aung San Suu Kyi's visit to Europe has been a huge success for the Burmese pro-democracy icon herself as well as all those supporting her, Burmese and non-Burmese alike. She received almost the same honour as a head of state in Switzerland, Norway, Britain and Ireland, where she met leading statesmen, government officials, prominent human-rights activists and even royals. I was in the audience in the Oslo's City Hall when, on June 16, she received the Nobel Peace Prize, which she was awarded 21 years ago while still under house arrest in Rangoon and unable to travel abroad. Today, there is an air of optimism as certain changes have taken place in Burma since a new quasi-civilian government took over in March last year. Hundreds of political prisoners have been released, press censorship has been relaxed — and Suu Kyi has entered the Burmese parliament after an historic by-election in April. The government has been promised lavish foreign aid packages and international investors are itching to get into a country to explore and exploit what is considered one of Asia's last economic frontiers.

But, as Donna Guest, Asia-Pacific deputy director at Amnesty International, pointed out in a recent commentary: "Now comes the hard part." Hundreds of political prisoners remain behind bars, the country is still at war with itself in several ethnic minority areas — and Suu Kyi's party, the National League for Democracy, NLD, may have won 43 of the 44 seats it contested in the by-election. But that amounts to no more than seven percent of all seats in the bicameral parliament. Her powers are extremely limited, and so are her choices. Early last year, Suu Kyi told visiting foreign diplomats that she was apprehensive about talking to the new government that assumed office after a blatantly rigged November 2010 election. At the time, she reportedly said that the main problem was the new constitution, which was adopted after an equally fraudulent referendum in May 2008 and guarantees the military 25% of the seats in parliament.

For instance, the charter's Chapter 12 lays out the complicated rules for constitutional amendments, which effectively give the military veto power over any proposed changes. The upper house currently consists of 168 elected representatives with a quarter, or 56 delegates, directly representing the defense services; the lower house is made up of 330 elected MPs and 110 appointed to represent the military. The ruling Union Solidarity and Development Party (USDP), meanwhile, is widely viewed as a vehicle for the military's political interests.

Minor constitutional changes may be considered by the parliament if 20% of MPs in both chambers submit a bill. However, a tangle of 104 clauses mean

that major charter changes can not be made without the prior approval of more than 75% of all MPs, after which a nationwide referendum must be held where more than half of all eligible voters cast ballots. With 25% of seats allotted to the military, that leaves little power in the hands of elected representatives, whoever they might be.

This complicated procedure, coupled with Burma's record of holding bogus referendums — the first in 1973 for the 1974 constitution was as lacking in credibility as the one held in 2008 — make it virtually impossible to change those clauses, which in various ways and means legally safeguard the military's now indirect hold on power. For instance, one of the first sections of the constitution guarantees the military's "national political leadership role of the State" and, in case of an "emergency", the "Commander-in-Chief of the Defense Services has the right to take over and exercise State sovereign power" after consulting the president. "No legal action" can be taken against the military for what it does while exercising such emergency powers, according to the constitution.

Another clause bars anyone whose parents, spouse or children who "owe allegiance to a foreign power" from becoming president or vice president. Suu Kyi's late husband, Michael Aris, was a British citizen, as are their two sons. The military's right to appoint a quarter of all seats in what is otherwise an elected parliament is also guaranteed, as is military control of one-third of all seats in local assemblies.

In 2008, Burma's generals got the constitution they wanted — which in essence is completely undemocratic — and through rigged elections now control a solid majority of all seats in the parliament. Consequently, they can now afford to make some political concessions in response to international pressure and get the foreign aid and investment they so desperately want and need to avoid further social unrest and challenges from the population at large. The NLD's landslide victory in the April 1 by-election will not affect Burma's fundamental power structure with the military at its apex. And there are three more years to go till the next election, a time which the military can use to manipulate and neutralise the opposition — an art that the military has been extremely skilled at since it first seized power in a coup d'état in 1962.

Without substantial constitutional reform — which seems almost impossible — Burma cannot break decades-long of stifling military rule and move forward to achieve real democracy. And then there is the question of the civil war between ethnic rebel armies and successive, military-controlled governments. Some countries, among them Norway, are now launching projects to "achieve peace" through negotiations between the ruling military and those rebel forces, and success is being claimed as, to quote Burmese government officials, "only one army, the Kachin Independence Army, KIA, is still at war.

But that argument fails to take into consideration that the Kachin rebels did have a cease-fire agreement for seventeen years — from 1994 to 2011 —

which ended in complete failure. The Kachins were promised a political dialogue which never materialised. Instead, they came under pressure to join a Border Guard Force under the command of the Burmese army. In exchange, they were offered little more than business opportunities, similar to the terms of the original 1994 cease-fire agreement that led to the reckless exploitation of Kachin State's once abundant forests and other resources mainly by unscrupulous businessmen from China. Not surprisingly, the ceasefire collapsed in June last year as government forces moved into KIA-held areas.

The Norwegian government has earmarked some US\$5 million to support its own peace plan and has asked other donors for additional assistance, while several other international nongovernmental organizations have offered their services as intermediaries. Critics argue the foreign pressure will not be on the government to amend the constitution — a far-fetched proposition in any case — but rather on the rebels to agree to work within the new existing political structures in exchange for development assistance in their respective areas.

Despite their lavish foreign funding, the peace initiatives are essentially non-starters. Sai Wansai, general secretary of the Shan Democratic Union, a non-armed interest group representing the Shans, another of Burma's many ethnic minorities, said in a recent statement posted to the Internet that "the change of political system, and not just a few paragraphs change here and there of the 2008 constitution, is a necessity for long-lasting peace and political settlement."

I wrote in my history of the civil war, *Burma in Revolt: Opium and Insurgency Since 1948*, which was published in 1994, long before the present changes but when the government first entered into cease-fire agreements with a number of ethnic rebel forces: "The shaky business deals which the ruling military has reached with some rebel groups...hardly serve as models of...a [lasting] solution. These agreements have merely frozen the ethnic problems without addressing the underlying issues which caused the minorities to take up arms in the first place." And those issues include demands for ethnic rights and a federal system, for which there are no provisions under the highly undemocratic, 2008 constitution. As the Kachins have discovered after several rounds of talks with the government — there is no negotiating space for concessions that would jeopardise the military's notion of a unitary state with itself at the apex.

A draft document for "the Norwegian Peace Support Initiative", dated May 3, 2012, does not even mention the need for constitutional reform. Instead, it concentrates on "capacity building", support for development in "pilot-areas", and the return of "internally displaced persons", or IDPs. The Norwegian attitude towards the latter especially has been controversial. In 2010, Norway decided to cut cross-border assistance from Thailand, and, in 2012, Oslo informed the Thai foreign ministry of an impending cut in all Thailand-based assistance. There are more than 100,000 refugees in camps

in Thailand, and even more IDPs just across the border in an area which, despite ceasefire talks between the government and ethnic Karen rebels, remains highly militarised.

Norway's controversial stand has already been severely criticised by ethnic groups based on the Thai–Burma border. SHAN, a news agency run by exiles from the Shan nationality, reported on May 31: “Representatives of civil societies who met Norwegian Deputy Foreign Minister Torgier Larsen in Chiangmai yesterday, on his return from a visit to Burma were openly skeptical of Norway's involvement in the country's reforms and peace process.” SHAN quoted Larsen saying that “Norway is not forcing the IDPs and the refugees on the Thai–Burmese border to return home.” Charm Tong, a prominent Shan human–rights activist, retorted: “While Oslo is saying that, it is also cutting aid for food, medicines, education and shelters to them.”

Another NGO worker commented, “The ethnic peoples have suffered so much under the Burma Army's 4 cut campaigns (cutting food, funds, information and population) against them. As if it wasn't enough, they are now under another 4 cut campaign from Norway, of all countries.” Earlier, a Karen rights campaigner had asked a Norwegian Peace Support Initiative worker, “Do you believe peace can be restored in Burma by cutting off food to the refugees?” The said worker was unable to give a satisfactory answer. According to SHAN, social workers, on the other hand, say IDP–refugee aid should be maintained until, as Aung San Suu Kyi put it recently, “an environment (is created) that allows citizens to return home in peace when they want to.”

There is also widespread suspicion among activists along the border that economic incentives are behind Norway's drive for peace in Burma. One of Norway's “pilot projects” is located near Dawei, a low–intensity area as far as the ethnic insurgency is concerned but close to a multi–billion dollar project to establish a deep–water port and a huge industrial zone with lucrative investment opportunities for foreign firms. Norway's state–owned Pension Fund already holds shares in 15 energy companies operating in Burma, and is now showing a renewed interest in oil and gas exploration in Burma.

Norway should learn from its past, bitter experiences of ethnic and regional conflicts in Sri Lanka and the Middle East, where it got involved without a proper understanding of the real issues and how to solve them. Moreover, experiences from other conflict areas in Asia such as East Timor clearly shows that economic development alone is no guarantee for making people satisfied with their present dispensations. East Timor was dirt poor and any noteworthy development virtually non–existent when Indonesia took over the former Portuguese colony in 1975. After more than two decades of economic development, the East Timorese still opted for separation from Indonesia when they had a chance to do so in a 1999 referendum.

Burma's non–Burman ethnic groups are not asking for independence, but for a return to the federal system that existed prior to the 1962 military takeover, but the issue is the same: recognition of ethnic identity is more important than paved roads, new schools and some local industries. Despite

the spate of recently renewed ceasefires — which Norway has hailed as “progress” — the ethnic rebels will sooner or later have to confront the same issues that compelled the KIA to scrap its 1994 agreement with the government and resume fighting. As Shan leader Sai Wansai argues, as long as the core problem — the highly controversial 2008 constitution — is not addressed, “it is hard to imagine that the ethnic conflicts within Burma could be resolved anytime soon.”

And what would happen when — or if — Suu Kyi herself decided to confront the military and ask for an entirely new constitution, which the country badly needs in order to move forward? She may have been hailed as a hero during her trip around Europe, but long road to democracy and peace in Burma has just begun. Despite “reforms”, the military remains in power, and anyone who may have thought that Burma is anywhere near a solution to its decades-long ethnic and political strife should be prepared for more to come. And it seems that Norway already has chosen the wrong path in its approach to Burma’s many problems.

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