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Is Burma Finally Poised for Change?

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The seemingly interminable process of formulating a constitution and holding elections in Burma/Myanmar came to a conclusion on Nov. 7, with neither a bang nor a whimper.

The completion of the state-controlled constitution, writing of which began in 1993, was probably speeded up by the "saffron revolution" of monks in the fall of 2007. The constitution and the elections that followed were likely designed, at least in the minds of the military leadership, to restore the legitimacy that had been sacrificed by the state's brutal repression of the monks – the most important symbol of Burman Buddhist identity. Following a referendum in May 2008, which was approved by a Stalinistic margin of 92.4 percent of ballots cast shortly after Cyclone Nargis devastated the country and killed some 138,000 people, the military finally set the election date, which was no doubt determined astrologically to be auspicious. Within 90 days, a new government will be formed that will inaugurate if not a new era in Burmese political life, at least a more pluralistic form of military control.

Senior Gen. Than Shwe, the head of state, said in March 2009 that this latest incarnation of military rule, which he awkwardly dubbed "discipline-flourishing democracy," was like a newly dug well that for a period of time yields muddy water. The *tatmadaw* (military) will be its filter, he said. The constitutional provisions and the elections ensure that the filter will be very fine indeed.

The constitution provides for a series of legislatures – a central bicameral one and 14 provincial ones, seven in majority Burman areas and seven in minority areas. Twenty-five percent of each legislature will consist of active-duty military personnel appointed by the minister of defense, who also will be a tatmadaw member. The constitution also protects the military from civilian oversight and ensures its leadership in the political process. Many rights are enumerated in the new constitution, but as in so many other constitutions, they are subject to limitations such as law, security, national unity, public morality – in fact, whatever the state wishes. Officials of the previous military government are specifically given immunity from prosecution for any acts committed in their official capacities.

Despite the limitations, were these elections really the complete sham that the Western media, human rights organizations, the Burmese expatriate community and some foreign governments contend? Outright denunciation is simplistic and ignores the potential for modest but significant change over time – even if the election process, the voting and tabulation of results were seriously flawed, as they were.

These elections are highly significant, no matter how manipulated they were to ensure that the leadership was not embarrassed by the results (as happened in the 1990 elections, the results of which were ignored by the junta). For the first time since the elections for a civilian government in 1960, opposition voices will be heard in the legislatures. Whether they will be freely heard and whether their views will be freely circulated in the media are crucial questions. For the answers to be yes will require transformation of the rigid censorship laws now in effect.

Although 37 parties were registered to run in the elections, the government party – the Union Solidarity and Development Party (USDP) – was paramount, contesting every seat at all levels, with many of the candidates former soldiers. It has been transmogrified from a state-controlled mass organization of 24.5 million people into the elective apparatus of the military. There were also a large number of ethnic parties, both government and opposition. In certain minority areas deemed insecure by the government, no voting was allowed. Registration and election laws were strict, expensive and designed to limit registration. The National League for Democracy (NLD), Aung San Suu Kyi's party, decided on her recommendation not to register for elections and was legally disbanded, although some members formed a new democratic party, ran, and were labeled "traitors" by some in the NLD leadership. Many former NLD members remain in detention.

Results of the manipulated election were predictable. The USDP got almost 80 percent of the non-military seats in the legislatures. Together with the seats automatically allocated to the military, this gives the military almost complete control. In six of the seven minority areas, however, the USDP did not achieve such success (30 to 46 percent of the votes) in non-military seats and is in a minority. But, when the 25 percent of members belonging to the military are factored in, there is a majority for the government at all levels.

Before the elections, the US government had determined that they would not be "free, fair and inclusive." Some had wanted Suu Kyi to be allowed to run for office, but this was impossible under military-decreed regulations. This characterization of the elections was in large part accurate.

At least by March 2009, a private conversation I had in Burma indicated that Suu Kyi would continue to be held under house arrest, as she had been for much of the past two decades, until about the time of the elections so that she could not "disrupt" them. This turned out to be accurate. For many years, the United States, the European Union and other states have called on the government to release her, with the US

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even calling for "regime change." Now that she has been released, a new set of questions has arisen. As one US official noted, her release "creates its own issues and challenges" – for her, the state, and for external actors.

Suu Kyi's strong views on the illegitimacy of the regime (but, significantly, not of the military that her father founded) are well known, but in the days since her release she has been remarkably conciliatory. She even said that personally she did not believe the junta had mistreated her. Yet each time she has been released from house arrest, she has tested the limits of her freedom, and ended up back under house arrest when she seemed to threaten the junta's power. There are widespread rumors about the personal antipathy toward her by Than Shwe, and even if he assumes no administrative role in the new state apparatus (he is now about 76), his personal influence is likely to be important for a number of years. How the state will deal with her is unknown and highly contentious.

Her role in the new political configuration is also unclear. She will remain a beacon and avatar of democracy to much of the Western world. It is evident that she still has a vigorous domestic following, though of undetermined strength. Questions remain about how she will deal both with the new government and with renegades from her own party

How will the West react to this new situation? The US has long called for Suu Kyi's release, but deemed the elections illegitimate. President Barack Obama's administration has embraced "pragmatic engagement," a recognition of the need to move away from the "regime change" strategy of Presidents Bill Clinton and George W. Bush. This has involved high-level diplomatic contacts while retaining economic sanctions – acknowledging US domestic political realities that call for a hard line toward Burma. US policies have largely been determined by the actual or perceived views of Suu Kyi, which have called for sanctions and isolation. Now, however, she has said that she is willing to discuss these issues with the Burmese leadership.

The complexity of the political landscape is compounded by the junta's ham-handed attempt to force all 17 of the country's armed minority groups currently in ceasefire agreements with the government to integrate with the national army as "Border Guard Forces," which would emasculate their capacity for autonomous action. In the far northeastern region near China, the small Kokang force, which rejected integration, was destroyed by the Burmese Army in August 2009. If tensions with minority groups escalate, fighting could break out on the Chinese border that could have international repercussions. China has attempted to mediate these tensions.

In this bleak picture, what potential is there for improving the poor economic, social and political conditions of the diverse populations of this potentially rich land?

The most important is the inauguration of provincial legislatures, even if they are dominated by the military. This is the first time in Burma's history that elected pluralistic centers of even modest influence may begin to emerge in minority areas. Pro- and anti-state ethnic peoples may find that their concerns about the plight of their own people trump politics, because the minority questions facing the state are the most critical ones, and have never been satisfactorily resolved. Despite constitutional provisions to foster minority cultures since the founding of the modern state, they have been ignored. As a result, minority issues remain explosive.

If the censorship laws are changed and legislative debates can be accurately reported through the media, this will have a profound influence on the future. This will not come about easily, because state censorship has been in effect since 1962.

It is likely that additional space will be created between the state and the individual, allowing for more freedom. Perhaps a new generation of military leaders will have alternative views, but their education, while more extensive, has been insular and they are said to be highly nationalistic. This opening process is likely to be slow and tortuous, but the political climate in the urban areas seems far more catholic since the failed people's revolution of 1988.

There are considerable provisions in the new constitution for more freedoms, although circumscribed. An independent judiciary is provided for, although this will be most difficult to achieve. In the country's period of civilian rule (1948-1962), the judiciary did occasionally find against the state.

The past year has also seen quiet indicators of a greater awareness of, and interest in, economic reform. With a new economic commission built into the constitution, we may witness at least the beginnings of a more rational approach to the economic plight of the nation.

Finally, the monolithic thinking under the military socialist regime may morph into divergent views between the active duty officer elite and the military-dominated USDP. A similar divergence of views emerged under the Burmese Socialist Political Party government (1974-1988) between party members (including retired military officers) and active duty military. As the new legislatures become established, there is the possibility that there will be divergent views between the tatmadaw in uniform and those in politics, each reflecting their diverse interests.

For the military to step back from its overwhelming influence on Burmese society will require the development of autonomous avenues of social mobility, which are virtually all dominated by the military. This will include the private sector (now effectively controlled by the military and the Chinese), academic and non-profit sectors, and, yes, even politics. More freedom throughout society will be required. This is a consummation devoutly to be wished and toward which much attention and work is needed.

Diplomats regularly remark that they are "cautiously optimistic" about a situation; in the case of Burma, however, one may only be "cautiously pessimistic."

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