

ASSESSING POLITICAL/MILITARY DEVELOPMENTS AFTER THE DEPARTURE OF KHIN NYUNT

1 The political situation in Myanmar

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The State Peace and Development Council (SPDC) is the most important actor in Myanmar's political economy.

This chapter focuses on the political situation in Myanmar in mid 2006 through the prism of the implementation of the seven-step 'road-map' of the SPDC, announced in August 2003 (Table 1.1). Outwardly, the implementation of this road-map appears glacial, with three years already devoted to step one (the resumption and completion of the National Convention to draw up a new draft constitution). But the road-map provides a framework that can be used to consider the wider political situation, as well as the SPDC's agenda and activities—declared and undeclared—and the responses of the opposition and the prospects for the future. The wider aspects of the road-map implementation can be considered to extend to the continuing war of attrition against Aung San Suu Kyi and her party, the National League for Democracy (NLD), in addition to other opposition elements which have strong name recognition, such as members of the 1988 student generation, and the SPDC's attempts to eliminate or suborn all armed opposition groups.

Table 1.1 **The SPDC's seven-step road-map of 30 August 2003**

1. Reconvening of the National Convention that has been adjourned since 1996
 2. After the successful holding of the National Convention, step-by-step implementation of the process necessary for the emergence of a genuine and disciplined democratic system
 3. Drafting of a new constitution in accordance with detailed basic principles laid down by the National Convention
 4. Adoption of the constitution through a national referendum.
 5. Holding of free and fair elections for *pyithu hluttaws* [legislative bodies] according to the new constitution.
 6. Convening of *hluttaws* [assemblies] attended by *hluttaw* members in accordance with the new constitution.
 7. Building a modern, developed and democratic nation by the state leaders elected by the *hluttaw*, and the government and other central organs formed by the *hluttaw*.
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Source: *New Light of Myanmar*, 31 August 2003.

In parallel, the SPDC is trying to organise a political and administrative structure that can pursue its agenda during the latter stages of the road-map, a structure headed by the Union Solidarity and Development Association (USDA), which is being groomed to be the dominant political actor in a future multi-party state.

The SPDC has been trying to improve its popularity among the people, through enhanced publicity for its state-building activities and an anti-corruption drive among civil servants. This latter initiative, however—together with attempts to raise revenue by clamping down on tax evasion, the sudden move of the administrative capital to Naypyitaw and a lack of transparent, predictable or sound economic policies—is currently further slowing the nation's economy.

This chapter does not go into wider questions of Myanmar's history, or the present geopolitical situation, including the interests, policies

and influence—or lack of them—of neighbouring countries and the wider international community, although these points need to be borne in mind when considering why the SPDC has adopted its current strategy.

The National Convention

SPDC Secretary One and National Convention Convening Commission Chairman, Lieutenant-General Thein Sein, had announced that the National Convention, adjourned on 31 January 2006 after three sessions since May 2004, would reconvene in the second week of October 2006.¹ He had previously noted that 15 chapters had been set down of the draft constitution, comprising some 75 per cent of the work (Table 1.2). This includes the controversial principles guaranteeing military participation in the Parliament (25 per cent of seats in the national, and 33 per cent in the regional, assemblies reserved for serving military) and their domination of key positions in the Executive.²

The October 2006 session would adopt the ‘detailed basic principles’ for the chapters tabled by the SPDC in early 2006, including relationships between *bluttaws* (or assemblies), rights and responsibilities of citizens and the role of the *Tatmadaw* (military). Judging by the process in previous sessions, once the convention reassembled, the proposals for these chapters would be adopted by a majority (but without a vote), in much the same form that they were tabled by the SPDC, although cosmetic changes could be included. A majority is easy to obtain since of the more than 1,000 delegates in the eight delegate groups, less than 100 were not hand-picked or vetted by the SPDC. Most elected political representatives, including those from the NLD, have declined to attend, since their leadership remains in detention and their offices outside Rangoon (Yangon) are closed.

Since the May–July 2004 session of the convention, few of those participating have bothered to engage with the process and make proposals for change. During that session, members of the ‘Group of Eight’, comprising ethnic cease-fire groups and ‘other invited guests’,

Table 1.2 Chapters of the Draft Constitution

‘Laid down’	Remaining to be tabled by the SPDC (as of July 2006)
State fundamental principles	Election
State structure	Political parties
Head of State	Provision on the state of emergency
Legislature	Amendment of the Constitution
Executive	State flag, Seal, National Anthem and Capital
Judiciary	Transitory provisions
<i>Tatmadaw</i> [army]	General provisions
Citizens and their fundamental rights and responsibilities	

Source: *New Light of Myanmar*, 31 August 2003:1.

tabled significant—albeit poorly presented—proposals concerning the distribution of legislative powers between the centre and the regions. These were overruled by the SPDC, and the cease-fire groups now attend only because they are likely to face further pressure if they do not show up.

For all participants at the National Convention, whether hand-picked or otherwise, their chief objective is that it should be completed as quickly as possible. It appears that the SPDC is conscious of this, and of the cost of feeding, housing and entertaining more than 1,000 delegates, and is therefore accelerating the discussions by tabling a

number of chapters simultaneously. It has not gone as far as committing to finish the process by a particular date.

It is possible, however, that the October 2006 session could be the last, particularly as many of the remaining chapters are fairly simple: for example, they deal with the state flag, seal, national anthem and capital. The basic principles set down as long ago as 1993 have already set the framework for some of the remaining chapters, although not the all-important provisions for amendment of the constitution. For example, the chapter concerning 'general provisions' will cover the designation of 'Myanmar' as the official language, and the establishment of a Constitutional Tribunal to interpret provisions of the State Constitution, to scrutinise whether or not laws enacted by the Union assembly, Region assemblies and State assemblies and functions of executive authorities of the Union, regions, states and self-administered areas are in conformity with the State Constitution, to decide on disputes in connection with the State Constitution between the Union and the regions, between the Union and states, between regions and states, among regions, among states, and between regions or states and self-administered areas and among self-administered areas themselves [and] to perform other duties prescribed in the State Constitution.³

The next steps on the road-map

The SPDC has consistently refused to provide a timetable for the next stages in the road-map process, much to the frustration of the international community, including the Association of Southeast Asian Nations (ASEAN), and appears to be keeping its options open by using the National Convention to provide it with flexibility, including over the timing of elections. There are some pointers that indicate that it is working to an internal timetable.

In November 2005, when SPDC representatives announced to embassies resident in Rangoon that the government would be shifting its administrative capital to a new site at Pyinmana (now called Naypyitaw), they informed the diplomats that at the end of 2007, plots of land would be allocated to missions on which they would be able to build

new embassies. At the time, SPDC representatives were reluctant to allow foreigners to visit the area. By mid 2006, however, most official meetings with ministries were taking place in Naypyitaw, and the SPDC was keen to portray the new site as a pleasant and functioning administrative capital, to which it might have been expected it would be keen to encourage embassies to move (taking into account that most such moves take years). The most likely explanation for providing a target date for the official notification of the move of embassies two years hence could therefore be that late 2007 was expected to be the date when a new constitution, including the chapter designating Naypyitaw as the new capital, would have been adopted by referendum (road-map step four). This would thereby allow an official notification to embassies in line with diplomatic conventions.

Furthermore, some senior members of the government had indicated privately (with a certain air of desperation) that 'it will all be different after 2008'.⁴ This suggests that 2008 is the year envisaged for elections of a semi-civilian parliament and assemblies (road-map steps five and six) after which the SPDC presumably hopes that Myanmar's relationship with its neighbours, and even the West, will be more normal. A normally well-informed Chinese diplomat also predicted as long ago as 2004 (at a time when the general view was that the SPDC was working to a 2006 timetable dictated by the forthcoming ASEAN presidency) that 2008 was a more likely internal deadline for a transition.⁵

Current political activity by the SPDC

In the meantime, the SPDC appears to be working on the intervening steps two and three of the road-map (see Table 1.1). The Attorney-General's department is thought to already have an almost-complete draft constitution reflecting the principles so far set down and those chapters to come, requiring little adjustment for the completion of step three.

Some had hoped that this and step two ('step-by-step implementation of the process necessary for the emergence of a genuine and disciplined

democratic system') (Table 1.1) could have offered a space for a mechanism of national reconciliation involving opposition/civil society and the military/SPDC. But it appears that the SPDC is, instead, using the current period to try to garner support for its development activities, particularly among the rural population, while marginalising and eliminating all organised opposition. It is also engaging in *ad hoc* attempts to disarm (with negotiation) the smaller ethnic armed groups participating in cease-fires, in some cases rearming them as militias. This reflects the provision in the draft constitution that there will be only one *Tatmadaw* and that all those bearing arms in the country must be subordinate to it. Larger armed groups such as the Mon and Kachin expect that similar tactics will eventually be applied to them.

Indeed, stability, a single force, army unity, opposition to outside influence and a step-by-step approach to transition are the guiding principles of the SPDC's current approach, which is driven by an exaggerated fear of external interference in Myanmar, including a possible invasion by the United States and a deep-seated distrust of the NLD, Aung San Suu Kyi and all non-Burman groups. In the eyes of the SPDC, from its Chairman, Senior General Than Shwe, down, the aim of those opposing the SPDC, including the NLD, is to undermine the National Convention and revert to the 1990 election results and/or win the next elections with foreign assistance. All ethnic groups are regarded as wanting separation and independence, or at least federation—a dirty word for the military—and therefore should be treated with a firm hand militarily.

Than Shwe has also instructed his government to focus on 'union spirit' and avoid manifestations of regional or ethnic diversity.⁶ This reflects his tactic of responding to ethnic nationality demands by broadly ignoring or over-riding them, rather than seeking imaginative solutions that could address the concerns of the ethnic nationalities about preserving their languages and culture within the SPDC's fundamental opposition to federalism.

The growing role of the Union Solidarity and Development Association

Another indication of the SPDC's apparent plans to move into the home stretch of the road-map is the enhanced focus on boosting numbers in and activities of the Union Solidarity and Development Association (USDA), and to a lesser extent the Myanmar Women's Affairs Federation (MWWAF). The USDA is officially not a political party, but a social organisation. Since its formation in 1993, however, and particularly in recent years—although there was a brief hiatus after the USDA-orchestrated attack on Aung San Suu Kyi's convoy at Depayin in May 2003, when the USDA fell off the radar—the SPDC has been pursuing an internal strategy intended to make it the post-SPDC civilian political vehicle. The USDA is also taking a greater informal role in local administration, including a 'neighbourhood snoop' role (reinforcing the dislike that most of the population has for USDA cadres). The military is instructed to work in close cooperation with the USDA on irrigation, agriculture, economic issues and transportation in the regions, and central instructions have been for them to be present at all opening ceremonies of dams and bridges and so on, wearing USDA uniforms.

If the SPDC intends that the USDA should contest the election as a political party with its current name, it remains to be seen how it will overcome the self-created obstacles in the draft constitution that '[s]tate service personnel shall be free from party politics' (since most civil servants are required to be USDA members).⁷ Since the strategic intention is clear, doubtless a solution will be found to fudge this and the fact that most USDA offices are on government property.

Courting popularity

Conscious of the *Tatmadaw's* lack of support among the general population due to the demands made on them by the military, which shows up *inter alia* in recruitment problems and desertion, regional commanders have

been instructed to improve discipline and morale among their forces, and to reduce the number of problems with the local population, including by minimising demands for forced labour, red-carpet welcomes and directives to grow crops against the farmers' wishes.⁸

After the huge increases in civil service salaries in April 2006 (another attempt to court support among a significant number of the population), the authorities instigated a clamp-down on civil service corruption on the grounds that this was no longer justified. The SPDC believes that since the main daily complaints of the 'Man on the Okkalapa Omnibus' relate to corrupt government officials and red tape, addressing this will improve its popularity. Officials in the trade, customs and tax departments have been arrested and reassigned, with heavy jail sentences handed out to officials, and disciplinary action has been taken against those government teachers who teach mainly outside school hours to supplement their low salaries. But with inflation wiping out most of the salary hike, any improvements are likely to be transient, particularly if they are not accompanied by simplification of the bureaucracy to eliminate the opportunities for graft, and a reorientation of civil servants towards serving the public rather than the military leadership.⁹ Also, a number of well-known government figures and their wives appear to be untouchable, which undermines the credibility of any anti-corruption drive. Like most cultures, the Burmese have an adage equivalent to 'a building leaks from the roof'.¹⁰

The SPDC, and Senior General Than Shwe in particular, appear to be focusing on building support among the rural population, which makes up 70 per cent of the country, in the belief that they are more straightforward and honest and less likely to support opposition politicians or align themselves with urban intellectuals.¹¹ (That said, recent high-profile attempts to improve electricity supply by doubling the number of Electric Power Ministers suggests that the SPDC remains concerned about the urban population's anger about regular electricity blackouts). The senior leadership has instructed ministers to bombard the state-run media with facts and figures about infrastructure, in the belief that if the population is aware of the number of roads, hospitals

and bridges built since 1988, they will support the SPDC and, by extension, the USDA. As part of this public relations drive, Information Minister, Brigadier-General Kyaw Hsan, has revived regular press conferences and has taken to bribing or forcing the non-state media into running coverage favourable to the SPDC. He has also increased attacks on the vernacular radio stations beyond his control (the BBC, Radio Free Asia, Voice of America and the Democratic Voice of Burma), on whom the majority of the population relies for domestic news.

The possibility that placing fewer demands on the local population or providing them with information about roads and bridges will lead to more favourable views of the SPDC is slight. The SPDC's approach is undermined, not just by critical radio stories, but by a shared common experience among most citizens of bad local governance and abusive local military-run administrations. It is also not helped by the continuing campaign to carpet the country with seven million acres of 'physic nut' (the castor-oil plant, a source of bio-diesel) to promote fuel self-sufficiency. This centrally directed project contradicts any directives to win the hearts and minds of farmers. Throughout 2006, the campaign received daily, blanket coverage in the state media as each of the commanders in the 14 states and divisions competed to show how they were meeting their 500,000-acre target. Even if it makes sense to develop some alternative energy supplies, the fanaticism with which the SPDC is approaching the planting of physic nut is regarded by the general populace as, at best, a perverse superstition and, at worst—by those who are forced to buy or plant the trees, or lose their land to plantations—a further abuse of their freedom and livelihoods.

Marking enemies

As part of its media campaign since 2005, the SPDC has intensified its public attacks on anyone it perceives as a possible political challenge, such as the NLD and the '1988 students'. The number of articles in the state-run media seeking to discredit the NLD as 'Western stooges' and 'axe-handles' and the verbal attacks on individuals increased in

frequency and rancour. The SPDC's political approach towards those who dare to disagree with it was to identify them as enemies, and this intensified after the ousting of Khin Nyunt in 2004. In the filing cabinets of the military, the category of 'enemy'/'potential enemy' is a bulky one, encompassing well-known political figures such as Aung San Suu Kyi, former student leader Min Ko Naing, all NLD members, non-Burman ethnic groups (in particular the Shan) and, above all, the Shan State Army (South), Muslims, businessmen and former members of Khin Nyunt's Military Intelligence and his supporters. Indeed, it sometimes seems that, in principle, anyone outside the military should be considered an enemy. This includes foreign governments who are privately labelled enemies, even those such as China and India who publicly avoid criticism of the SPDC. For the SPDC, such governments could be considered temporary allies, but should always be treated with deep suspicion (something that has rendered attempts by countries to engage with the SPDC a frustrating experience).

Meanwhile, domestic enemies continued to be vilified, locked up, harassed and excluded from economic opportunities, or attacked through military means, in the case of the armed groups. While Senior General Than Shwe could have a personal and deep-seated antipathy towards Aung San Suu Kyi, dislike of her runs deep within the military, reinforced by almost two decades of indoctrination, as does the mistrust of the other categories of political opponents. Unfortunately, this is mirrored by an equally deep-seated mistrust of the military (and/or Burmese) among many of those categorised as enemies, and in particular those ethnic minorities who have borne the brunt of the past four decades of conflict.

The opposition

'Organised' opposition, whether in the form of the NLD, the 1988 students or ethnic groups, remained weak, harassed, divided and suffering from lack of effective leadership and experience, including in how to approach negotiations and build consensus. Their main objective is survival, as parties, groups or individuals. They have failed

over the decades to come up with ideas that might have awakened the interest of the SPDC leadership in working with them, by addressing their key concerns, such as a continued role for the military, or their personal security. Yet their constant focus on the past, including the 1990 elections, rather than on the SPDC's road-map agenda, has further entrenched the SPDC view that there is no point in dealing with them.

Having marked them indelibly as part of a Western conspiracy, the SPDC has now clearly decided that marginalisation of the NLD is feasible and effective. It is not clear whether the party will ultimately be deregistered, but the threat has been made. NLD members in the districts are being systematically forced to resign and publicly criticise the party or face harassment in their daily lives, and even imprisonment on trumped-up charges. Many erstwhile activists are focused on personal, charitable or business concerns. Others, and the wider public, avoid contact with politically active groups, since these are punished by an SPDC jealous of the attention given to key opposition activists. The majority of the population, while privately opposed to continued military rule, remains focused only on the daily struggle to survive.

Meanwhile, the uneasy truce with the Karen National Union (KNU) has been put under pressure by increased fighting between the SPDC and the KNU's second and third brigades in the Toungoo area, and widespread human rights abuses against civilians forced to flee the fighting. Major operations are likely to continue against the Shan State Army (South). Other ethnic armed groups with cease-fire agreements with the SPDC are under increasing pressure to disarm, and their economic and political activities are being constrained if they do not do so. There is no sign that the SPDC and the ethnic groups will be able to bridge the gap between the latter's call for federalism and the former's abhorrence of it.

Prospects for a referendum and elections

In the SPDC senior leadership's mind, their political strategies to strengthen organisations supposedly loyal to the army are bearing fruit. They regularly 'count their votes', basing them on estimates of

membership of the MAAF and USDA (currently at about 22 million, out of a national population of about 50 million, and rising, boosted by various incentives, such as the right to pedal a trishaw late at night).¹² As a result, the leadership is reportedly increasingly confident of securing its own future, and of therefore pushing ahead with the final steps of the road-map.¹³

Although an election could take place as soon as late 2007 or early 2008, there has so far been no sign of any preparation to run a referendum or election according to international standards. In particular, no preparation appears to have been made to update voter lists, which should include not only those attaining the age of 18 since 1990, but those who have never been registered by the central government, the majority of whom live in remote or cease-fire areas.

The cease-fire groups have not facilitated the prospects for this, having resisted for many years the adoption of registration mechanisms recognised by Yangon. One government official commented that this issue would have to await the referendum and new constitution.¹⁴ (This raises the question of whether unregistered citizens would be disenfranchised from the referendum itself.) In 2004–05, there were rumours of preparations for an imminent census, which might have been a precursor to establishing a new voter register. These rumours have, however, stopped.

An election requires a significant investment to meet international standards for voter registration, civic education, provision of transparent ballot boxes and other things if it is to have any chance of being considered genuinely free and fair (as attested by the millions spent by the international community on post-conflict elections in Congo, Afghanistan, East Timor, Iraq and elsewhere). In its present cash-strapped state, the SPDC is unlikely to be able to make the necessary investment, even if it were in its interests to have a free and fair election. But it will also be unwilling to see any international involvement or observation, even if it brings with it funds to run the election, since it will perceive this as interference. It is likely to run a shoestring operation, with the laces carefully tied. According to one government official,

the leadership has reviewed the way in which the 1973 referendum on the 1974 constitution was conducted, with separate 'Yes' and 'No' boxes (white and black respectively), the latter requiring a long walk to reach. Despite their supposed confidence that they can now carry the rural population with them, it is widely believed that they will take whatever measures are necessary to avoid the 'mistakes' of the 1990 election, which produced a landslide victory for the NLD. There is even speculation that the SPDC could skip a full plebiscite on the draft constitution (step four of the road-map) and simply opt for a nationwide mass rally, citing the support of 22 million USDA members as proof that the referendum has majority support, similar to the manner in which they have run the National Convention.

While the 1973 referendum was marked by relatively high levels of participation and interest (although the official turn-out figures—more than 90 per cent—were likely exaggerated), any future referendum and elections are likely to see a low real turn-out. This will reflect partly problems of registration, but a major factor will be voter apathy, a lack of interest in politics—growing among the urban young—and the nature of the draft constitution, which few believe will make any significant difference to their lives. Indeed, the lack of public and private debate on any of the steps of the road-map, including the National Convention, constitution and elections, is striking. Apathy is likely to favour the SPDC.

None of the groups constituting an organised opposition (the NLD or the larger cease-fire groups) had indicated their approach towards either a referendum or election, including whether they would opt to participate in elections, if they were able to do so. They understandably prefer to wait to see how the SPDC approaches an election. They would also be aware of the provisions in the draft constitution that disqualify from election to the *Hluttaw* 'a person who commits or abets or [a] member of an organisation that commits or abets acts of inciting, making speeches or issuing declarations to vote or not to vote'.¹⁵

Poor prospects for progress

Although things could be 'different after 2008', there were no indications in the middle of 2006 that current changes would result in a fundamental shift either in the way Myanmar was governed, or in its relations with the international community. The present political situation in Myanmar, therefore, offers gloomy prospects.

In particular, there is currently no prospect of an end to *de facto* military rule in Myanmar, as codified in the much-contested sixth guiding principle of the National Convention/draft constitution requiring 'the *Tatmadaw* to be able to participate in the national political leadership role in the State'.¹⁶ In other countries emerging from military rule, such as Indonesia and Thailand, timed phase-outs of constitutional military involvement in politics and government have been spelt out. But there is no sign of this in the draft Myanmar constitution. Although such a constitutional phase-out alone will not be enough to demilitarise the State, it at least provides a framework containing the ultimate prospect of civilian government. This would be something that the population and the international community could look forward to and that might help to lift the gloom.

It seems likely, however, that if current political trends continue, any elections held under the road-map will not come close to meeting international standards for a free and fair poll. Although the detailed basic principles of the constitution concerning elections and political parties are not yet available, let alone an election law that would be based on them, the SPDC's current approach towards the main legally registered political party, the NLD, suggests that in practice it would take all measures necessary to avoid a level playing field at the time of the election.

The consequence will be that the Myanmar/Burma 'brand' will continue to be associated internationally with human rights abuses and 'that woman'. The deadlock with the international community, and in particular the United States and the European Union, and international financial institutions such as the World Bank, the Asian Development

Bank and the International Monetary Fund, will continue. Furthermore, if the end of the road-map promises more of the same governance under different hats, there appears little likelihood of better informed or more accountable economic policies, or more transparent rule of law, which could attract foreign investment. As a result, Myanmar will not attract the international public or private investment it needs to benefit from its geographical situation and potential, and it will continue to be a weak link in the development of the Asian region.

More importantly, the outcome looks like failing to open the way towards a new era of politics for Myanmar, which might begin to resolve the tensions and inequities that precipitated the past five decades of internal conflicts, including the uprisings in 1988.

Notes

- 1 *New Light of Myanmar*, 3 September 2006:1.
- 2 *New Light of Myanmar*, 30 July 2006:16.
- 3 Available from <http://www.ibiblio.org/obl/docs/104principles-NLMb.htm>
- 4 Personal communications with several SPDC officials, mid 2006.
- 5 Personal communication, 2004.
- 6 Personal communication, 2005. This instruction probably lay behind the sudden order to the luxury hotel under construction near Putao to change its name from Lisu Lodge to the less ethnically identifiable Malikha Lodge; and the instruction to ban Mon students from wearing national dress to university every ‘Mon-Day’ (*Burmanet news*, Issue 3039, 2–5 September 2006).
- 7 <http://www.ibiblio.org/obl/docs/DBP-LEGISLATURE.htm>, Paras 33(j) and (k).
- 8 Personal communication, 2005.
- 9 As typified by the requirement for local education or health officials to waste a day waiting to greet a visiting military VIP rather than getting on with their jobs.
- 10 *Kaun-gá-sá mo: má-loun-hmá-táw*.
- 11 In *Behind the Teak Curtain* (2004), Ardeth Maung Thawngmung explores the attitudes of the rural peasantry since independence and shows that they did—at least before 1988—tend to identify more strongly with the military, which has risen from rural stock, than distant urban élite politicians.

- 12 Network of Democracy and Development (2006) outlines some of the positive and negative incentives for USDA membership.
- 13 Personal communication with a senior official, June 2006.
- 14 Personal communication, late 2005.
- 15 <http://www.ibiblio.org/obl/docs/DBP-LEGISLATURE.htm>, Para.33(h).
- 16 *New Light of Myanmar*, 31 August, 2003:1.

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