

'The Irrawaddy' September 2004
Beyond the National Convention

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By ASHLEY SOUTH Monday, September 27, 2004

Burma's ceasefire groups look ahead.

It is never wise to try and second-guess the turn of events in Burma, but it's safe to say that the current constitution-drafting National Convention is widely perceived as illegitimate—both inside Burma and abroad. This perception won't change unless the process is broadened to include meaningful participation on the part of the National League for Democracy, or NLD, and the United Nationalities Alliance, or UNA, a coalition of ethnic nationality parties elected in 1990, which has always worked closely with the NLD.

Despite the legitimacy deficit of the constitution-drafting exercise, the convention has emerged as the most important political arena since the 1990 election—and perhaps even since the military takeover of 1962. For Burma's ethnic nationalist communities in particular, it represents a milestone in efforts to have their concerns registered on the national political stage.

Ceasefire groups speak

The 1,076 delegates to the convention are divided into eight categories: political parties, representatives-elect (MPs from 1990), national races, peasants, workers, intellectuals, state service personnel and representatives of 28 armed ethnic groups which have agreed to ceasefires with Rangoon since 1989.

The ceasefire groups are a mixed bunch, enjoying varying degrees of legitimacy. Nevertheless, they share several common concerns and have developed coherent positions on several key issues. Despite their reservations about the process most groups are attending the convention in good faith, in the hope of registering their aspirations on the national political agenda.

Can those insurgent groups which have “returned to the legal fold” use the ceasefire agreements to address some of the key issues which have structured armed conflict in Burma for over five decades? Participation in the convention seems at last to have created opportunities to focus on the “ethnic question” in Burmese politics.

Over the past few years, the Kachin Independence Organization, or KIO, and New Mon State Party, or NMSP, have taken the lead among a group of politically engaged ceasefire groups, in developing common positions on the main issues to be included in any negotiations with the military government—and the NLD.

In contrast however, several ex-communist and other militias in northern Burma have been accused of following the junta's line and of steering clear of

'The Irrawaddy' September 2004

politics, in order to concentrate on local community and economic development programs (including, in some cases, the drugs trade). Some analysts have expected the junta to offer further concessions to the ceasefire groups, in exchange for their support (or at least, acquiescence) in efforts to complete the convention.

However, since late 2003, the United Wa State Army, or UWSA, and other ceasefire groups in northern Shan State have adopted positions very similar to the KIO and NMSP—i.e., that the “sixth objective” of the convention, which guarantees “military participation in the future state”, is unacceptable, and that amendments are necessary to some of the 104 articles of the proposed constitution (agreed between 1993-96, before the original convention was suspended).

Despite the military government’s longstanding policies of “divide and rule” in regards to the ethnic nationalities, the representatives of ethnic ceasefire groups currently seem more united than at any time in recent years. It is unlikely, however, that their concerns will be formally acknowledged at the convention.

In June representatives from 13 ceasefire groups made a joint submission to the convention outlining their main demands. This document calls for the promulgation of state constitutions (to grant state governments significant legislative and administrative powers), proposes that all residual powers lie at the state level (rather than with central government), and requests a “bill of rights for ethnic nationalities”, as well as the formation of local ethnic security forces (a new role for the ceasefire armies). Crucially, the document calls for a federal union of Burma, under the rubric of “ethnic or national democracy”.

Soon afterwards, however, representatives of the most politically active ceasefire groups were summoned by the convention’s Convening Work Committee, headed by Chief Justice U Aung Toe, and informed that their proposals would not be included on the convention’s plenary agenda. U Aung Toe reminded the ceasefire groups that the convention was recalled merely to conclude the work suspended in 1996, and to propagate the regime’s 104 proposals. As the ceasefire groups’ submission fell outside of this remit, it would be forwarded directly to the prime minister, Gen Khin Nyunt. But it remains to be seen if he can accede to the ceasefire groups’ demands or if junta chairman Sr-Gen Than Shwe will block such a move.

Leaders of the 13 ceasefire groups which signed this document—as well as several others, including the UWSA, which submitted parallel proposals that also rejected the 104 principles—await the government’s next move with great interest. In the meantime, the convention has been suspended since July 9, supposedly for a two-month period of reflection and consolidation. It is not clear when the convention will reconvene—the last time the convention adjourned, it did not re-open for nearly eight years!

A win-win situation?

Despite this set back, the early outlook for the ceasefire groups looks good. If any of their demands are accepted for inclusion in a draft constitution, it would represent a small victory for the ethnic nationalist cause and would

'The Irrawaddy' September 2004

highlight the desire of elites within Burma's minority communities for self-determination.

The danger here is that the regime may attempt to buy the ceasefire groups' support for the convention process by offering concessions over the issues of most concern to ethnic nationalist communities—such as regional autonomy, language use, local control over resources—in exchange for the ethnic nationalist bloc's acceptance of ongoing military control of the central government. This strategy would expose long-standing tensions between the post-1988, predominantly urban-based “democracy movement”, and the movement for ethnic rights, initiated in the early years of independence. (The regime may also attempt to dilute ethnic state-level demands, by offering concessions to several relatively small ethnic groups in Shan State and elsewhere.)

Alternatively, the junta will reject most—perhaps all—of the ceasefire groups' demands. In this case, they will have to review their tactics and make a critical decision: whether to continue to take part in a bankrupt forum or to walk out on the process.

This second scenario looks bleak. But whether or not their demands are accepted, in expressing their concerns on the national political stage the ceasefire groups have laid the groundwork for the future. Regardless of the outcome of the convention, it will never again be possible for ethnic nationalist proposals to be ignored when political elites discuss the future of Burma.

Whether a future government is dominated by the NLD, the Tatmadaw, or Burmese armed forces, or some combination of the two—or perhaps even a fantastical US “provisional authority”—the ceasefire groups will have begun to place their aspirations on the national political agenda. Any future arrangement regarding the country's future will have to take these into account. It should therefore no longer be possible for the international community to demand a resolution of the NLD-junta conflict first, before addressing “the ethnic question”.

The case of the Karen

The last time Burma's ethnic nationality constituencies were systematically canvassed as to how they should be governed was probably during the Frontier Areas Commission of Enquiry, implemented by the departing British colonial power in 1946–47. Unfortunately, the Karen community in particular was notable for the diversity and fatal contradiction of the views expressed by its (often unrepresentative) leaders. This confusion played directly into the hands of those who sought to “divide and rule” the ethnic nationality groups. History may be on the verge of repeating itself.

Official Karen participation at the convention is restricted to a handful of small groups, most of which are easily dominated by the regime; the militarily strongest of these groups, the Democratic Karen Buddhist Army, has almost no political leadership. Although a number of prominent Karen individuals, including a well-known doctor and several lawyers, are attending the convention as representatives of “national races”, “intellectuals” and “state service personnel”, the Karen National Union, or KNU, is not—despite the announcement in December 2003 of a “gentleman's ceasefire agreement” with the Tatmadaw.

One of the last significant insurgent groups in Burma, today's KNU is heir to 55 years of dogged resistance to the Tatmadaw, giving the Karen ethnic nationalist movement a special symbolic weight in Burmese politics. Although the KNU currently has no place at the convention, if Karen leaders in exile and inside Burma can grasp the moment, they may yet be able to engage politically with the junta, while addressing the urgent needs of Karen society. But if they fail to act carefully and in unison, Karen leaders may forfeit the historic opportunity represented by the ongoing ceasefire talks.

Meanwhile, debates continue within other ethnic communities over the relative advantages and disadvantages of the ceasefires and over participation in the convention. The main arguments are outlined below:

Post-ceasefire achievements: a limited "peace dividend"

Generally, the Tatmadaw perpetrates fewer acute human rights abuses in ceasefire areas than in zones of armed conflict. There are greater opportunities for travel and local trade in and adjacent to the ceasefire zones.

The expanded role of civil society: local NGOs and community-based organizations have implemented a number of important development programs in ceasefire and adjacent government-controlled areas. These include often-impressive local education projects, refugee and internally displaced persons resettlement initiatives, and some reconstruction of conflict-affected communities, such as in Kachin State.

Post-ceasefire disappointments: missed opportunities for "peace building"

Extensive militarization, and the forcible mobilization of local communities, in the context of Tatmadaw expansion into previously contested areas. Widespread land confiscation—especially well-documented in Mon State—illustrates the need to address the Tatmadaw's self-support policy, and to de-militarize areas of former armed conflict.

Rampant post-ceasefire natural resource extraction and environmental degradation undermines livelihoods, often resulting in population displacement—especially well-documented in Kachin State. (Villagers also migrate due to the dire socio-economic climate, often moving to get access to education and other services.)

The junta's attitude towards development and trade in the ceasefire areas is one of neglect, or active obstruction. Where infrastructure development does occur, it often results in "development"-induced displacement, or other abuses like forced labor.

Lack of political progress at the national or state levels has resulted in frustration within nationalist communities. Since signing truces with Rangoon, the KIO and NMSP in particular have made repeated calls for political engagement with the military government. Despite obvious flaws, the convention remains the first forum in which they can air their demands since the 1960s.

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