

## Commentary from Burma Campaign UK

Burma's generals have finally announced Sunday 7th November as the date of their 'elections'.

The fact that the 'elections' have so far generated a lot more interest from the international community than from most ordinary people in Burma, says much about the prospect of the election bringing significant change to the country.

This is not going to be an election to choose a new government. It is an election to choose a rubber-stamp Parliament packed with allies of the dictatorship. Real power is likely to lie in a National Defence and Security Council, which will be full of soldiers and ex-soldiers.

Burma has been here before. In 1974 General Ne Win also brought in a new constitution aimed at legalising his rule, and giving it a civilian front. He remained in power for more than a decade, before a new and even more brutal dictatorship assumed control.

Burma's elections do not signify democratic change. They are designed to facilitate the transition from military to civilian dictatorship, with the hope that a showcase Parliament and government officials in longyis and suits instead of military uniforms will be enough to persuade the international community to drop sanctions and diplomatic pressure.

Little has been left to chance, with opposition figures detained, a new constitution designed to maintain dictatorship whoever wins the elections, and a 25 percent allocation for the military in Parliament making it impossible to amend that constitution.

## Key points

- Burma's 'elections' will not bring the kind of change needed in Burma.
- Calls for free and fair elections miss the point. The Constitution enshrines civilian dictatorship.
- There has been disproportionate focus on small possible improvements after the elections.
- None of the usual indicators seen in a reforming regime are happening in Burma. Repression has been increasing.
- It is time to move on from focussing on the elections. The international community should unite behind a UN-led effort to secure negotiations between the dictatorship, the democracy movement and ethnic representatives.

Election laws are designed to make it even harder for those opposed to dictatorship. They require parties to defend the constitution, something a party committed to democracy could not do without compromising its principles. They also require parties to expel members serving a prison term. This may or may not have meant that the National League for Democracy would have to expel its leader, Aung San Suu Kyi, who is still under house arrest. It would definitely have meant the NLD would be forced to expel more than 400 members currently jailed for their peaceful activities. These conditions were designed to prevent the NLD from registering as a party. Following its refusal to

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compromise its principles and register under these new rules, the dictatorship banned the NLD.

Election laws go further in trying to exclude democratic opposition. Huge fees are incurred by any party wanting to take part. Simply fielding candidates in each seat will cost a party around quarter of a million dollars. Such fees can easily be afforded by regime allied parties, which benefit from government funding and backing by business cronies.

Permission for public meetings has to be applied for a week in advance to four different authorities, with numbers given of who will attend and biographies of who will speak. Party publications are also subject to censorship. The UK equivalent would be if in the elections held earlier this year, the Conservatives and Liberal Democrats had to get Labour Party approval for their leaflets and posters.

As expected, the Union Solidarity Development Association, a regime backed political militia, has become the main civilian front party for the dictatorship. The new Union Solidarity Development Party (USDP) is led by current Prime Minister Thein Sein, and he and other government ministers have already resigned their military positions. Under the regime's election laws government officials are not allowed to form political parties, but this and other election laws are not applied to the USDP.

It was the Union Solidarity Development Association which attacked the convoy Aung San Suu Kyi was travelling in on May 30th 2003, in a failed attempt by the regime to assassinate her. Aung San Suu Kyi survived, but dozens of her supporters were beaten to death by USDA thugs.

Potential USDP candidates have been preparing for the election for the past couple of years. Rich local businessmen who have done well under military patronage and who want a seat in Parliament have been funding local health clinics or other community buildings. Many of these second tier local business cronies see a seat in Parliament as a good business opportunity. Just in case local people are not completely convinced, the USDP also offers 'loans' to voters.

Many people in Burma are likely to vote in the elections, but it is fair to say that the vast majority do not see hope of them bringing significant change. Some will vote because they are afraid not to, some because they have some small hope, and some won't need to vote because, as in the referendum, the generals will vote for them.

Even with the NLD banned, a rigged election process, and a constitution designed to maintain dictatorship, some governments and foreign observers are desperately trying to put a positive spin on the elections, arguing something is better than nothing, or that more political space will be created. This is despite a constitution which bars MPs from calling for genuine political change, as they have a legal duty to defend the constitution. Repressive laws which enable the dictatorship to arrest people on virtually any grounds remain in place. If an MP did speak out in Parliament, if the government did not like what the MP said it can arbitrarily arrest the MP. The new constitution even has a clause ensuring that what the MP said is deleted from the official Parliamentary record, and of course there is no free media to report what the MP said anyway.

None of the key indicators that normally take place from a regime in a process of reform, seen from South Africa to the Soviet Union, are happening in Burma. Political parties are not being unbanned, in fact the NLD has been banned. Military operations are not being scaled back, attacks against ethnic minorities continue. Political prisoners are not being released, their numbers are at a record high. Media censorship is not being relaxed, and undercover Burmese journalists are being increasingly targeted.

Some ethnic political parties taking part in the election hope that there may be more space in regional Parliaments for ethnic people to be able to do more to protect their culture, and use their own language in schools. This may happen to some small degree. However, there are no guarantees of this in the constitution. In fact, the dictatorship explicitly rejected such proposals when drafting the principles of the constitution.

The failure of the dictatorship's constitution to

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address the rights and aspirations of Burma's ethnic people, who make up an estimated forty-percent of the population, guarantees that the dictatorship's roadmap and elections cannot be a catalyst for positive change in the future. Such failures have been at the root of instability in Burma since its independence in 1948.

Excited talk from some foreign observers of a generational change as aging generals retire does not bring hope to people who remember that so far every dictator has been replaced by another who is even more brutal.

Even the most optimistic observer is forced to agree that even if there is some change, it will be very small, and a long way from any recognisable form of democracy, where human rights are respected. Burma's elections may be the political equivalent of giving a starving man a single grain of rice.

The major focus given by some observers to the possibility of what amounts to very small improvements in the political situation in Burma is out of proportion to their significance.

Burma Campaign UK believes it is time to move on from the focus on the elections, which are clearly nothing close to a solution to the country's problems, and instead get back to what the international community has agreed is the way forward. Dialogue.

For years the United Nations Security Council, United Nations General Assembly, United Nations Human Rights Council, United Nations Secretary General, European Union, ASEAN, USA and even China has stated that the way forward in Burma is for dialogue between the democracy movement, including the NLD, genuine ethnic representatives, and the dictatorship. The jargon used to describe this dialogue is tri-partite dialogue. This dialogue should lead to national reconciliation and a transition to democracy.

Everyone agrees this is the way forward, and the NLD and ethnic groups have agreed to this dialogue. It is the dictatorship which refuses to enter into such dialogue. It is sometimes forgotten, but calls for targeted economic sanctions came not as

a way to bring down the dictatorship, but mostly as a way to help force the dictatorship to enter into dialogue. However, despite the general consensus that there should be dialogue, and the United Nations General Assembly even mandating the UN Secretary General to work for this, since 2003 very little practical effort has been made to pressure the generals to enter into tri-partite dialogue.

For the past seven years the United Nations and many governments have allowed themselves to be diverted by the dictatorship's so-called 'roadmap to democracy'. Instead of focussing on getting the generals to sit down at the negotiating table, the focus has been on trying to reform the roadmap. When the National Convention, which drafted the principles of the constitution, was set up, the focus was on making it a more open process with input from the NLD and others. Every proposal by the UN was rejected. When the committee was set up which drafted the actual constitution, the UN asked for the process to be more inclusive, they were ignored. When the referendum was held, the UN asked for it to be free and fair. It wasn't. Ahead of the election the UN asked for the election to be free and fair, and political prisoners to be released and able to take part. Election laws ensure the election cannot be free and fair, and prisoners, including Aung San Suu Kyi, remain in detention. The UN also asked to send election observers. This was rejected.

For seven years the dictatorship successfully diverted the UN from focussing on what it knew to be the proper way forward. Its efforts were on trying to reform the dictatorship's process rather than focussing on securing tri-partite dialogue. After the crushing of the 2007 uprising UN Envoy Ibrahim Gambari did get an agreement from the regime to meet with Aung San Suu Kyi, but only a low level government official was sent, and he had no authority to come to any kind of agreement. Ethnic representatives didn't even get a look-in. Gambari met some ethnic representatives on ceasefire with the dictatorship, and some picked by the dictatorship to meet him. But he never met with top leaders from organisations such as the Karen National Union, Karenni National Progressive Party, or Restoration Council for Shan State, for fear of offending the dictatorship. If even the UN envoy won't meet with these leaders, how is the UN going

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to persuade the dictatorship to negotiate with them and bring peace to the country?

In June 2010 The Elders, which was founded by Nelson Mandela and includes former UN Secretary General Kofi Annan as a member, issued a wake-up call to the international community. They said that the elections could not be free and fair, and called for the international community to unite behind a UN-led initiative to secure dialogue. The message is clear. It's time to move on.

At the end of June the G8 joined them in calling for dialogue as a solution to the problems in Burma, specifically pinning the blame for lack of dialogue on the dictatorship.

For 20 years there have been more than 40 UN envoy visits to Burma without anything to show for it. What is needed is high level diplomatic engagement backed by effective, well targeted, and coordinated political and economic pressure. UN Secretary General Ban Ki-moon should personally lead the UN effort to persuade the generals to enter into dialogue. He has the authority to call world leaders, East and West, and insist they give him their backing, for the first time uniting the international community in their approach to Burma. It's a big challenge, and it won't be easy, but it stands a much greater chance of making progress in Burma than sitting with fingers crossed hoping the generals' fake elections are going to bring change.

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