

Historical Background

Constitutional Period (1947-62)

On January 4, 1947, Burma gained its independence from the British who, in the 19th century, had fought three wars against the Burman Empire and finally displaced it in 1886. On the eve of the second World War, the Japanese secretly promised to help Burma recover its freedom by training 30 Burmese youth led by Aung San who then formed the nucleus of a national army. During the war, the Japanese drove the British out of Burma and governed the country directly under military authority until August 1, 1943, when it was granted independence under its protection.

The Burmese army, on March 27, 1945, revolted against the Japanese and joined the Allies. Also during the war period, the leaders of the new Burmese army, together with an underground civilian group, formed a broad anti-Japanese coalition, “the Anti-Fascist People’s Freedom League” (AFPFL). The AFPFL and the army were led by General Aung San. On July 19, 1947, General Aung San and some of his colleagues were assassinated while the assembly for writing a new constitution was in recess. U Nu, a civilian, was able to lead Burma to gain its independence on January 4, 1948. A Parliamentary federal union system was practiced after independence.

Independence did not bring peace and progress to Burma. Within three months of independence, the Communists revolted, taking two army battalions with them. In January 1949, following growing hostility between the Karens and Burmans, the Karens also revolted. Several other ethnic and political groups also took up arms against the state. The multiple insurgencies nearly caused the Union to collapse. Prime Minister U Nu managed to keep the government in power; it gradually recovered control of the people and territories, though it was unable to bring the wars to an end.

During this tumultuous period, democracy took root and began to grow. However, in 1958, unity among the leaders of the ruling AFPFL dissolved. Prime Minister U Nu proposed that the parliament decide which group should govern the country. U Nu won by such a small margin that within a few months he resigned and recommended that General Ne Win, the army head, replace him and conduct new elections.

General Ne Win's Caretaker Government, comprising of senior military officers, was short-lived; it lasted only 16 months. When the promised elections were held, a U Nu-led faction won. After he resumed leadership, U Nu called a meeting for February 1962; he planned to charge all minority leaders to find a solution to their grievances through peaceful and frank discussions. However, before U Nu could announce his own recommendations for peace, the military, led by General Ne Win, seized power on March 2, 1962. General Ne Win established a Revolutionary Council comprised of 17 senior officers, effectively ending the constitutional period.

Military Rule (1962-74)

The Revolutionary Council established a military dictatorship, replacing the parliamentary federal system of the past constitution. In July 1962, the Revolutionary Council created its own party, the "Burma Socialist Program Party" (BSPP), after having failed to win the backing of the established political parties. The Revolutionary Council published its first ideological statement entitled, "The Burmese Way to Socialism," at the end of April 1962. A year later, it moved to a period of rapid nationalization of policy and assumed direct control of the economy. In 1971, the BSPP transformed itself into a civilian government, though it retained the same military rulers, many of whom had retired from the armed forces. In 1974, a new Constitution was adopted which additionally centralized powers and further entrenched BSPP's position as the only legal political party in the country.

Military Rule (1974-1988)

The second constitution of independent Burma differed markedly from its predecessor. The highest level of government was the *Pyithu Hluttaw* or People's Assembly, a single chamber legislature. Under the new laws, U Ne Win was chosen President of the country and head of the BSPP. During this period of military rule, the government faced popular unrest with workers staging violent strikes in 1974 and 1975. Students also protested throughout this period; the most serious protest, in 1974, resulted over a struggle between the students and the government over the proper burial of the remains of U Thant, the third Secretary General of the United Nations. Civil wars continued with the military launching regular campaigns against the forces of the ethnic minorities and the Burma Communist Party. Freedom of association, press, and assembly were severely repressed under this one-party government. In 1981, Ne Win abdicated the presidency, but continued to head BSPP.

In 1987, Ne Win suddenly began criticizing government reporting and management

and called for economic reforms. A few weeks later, the government, without warning, demonetized three bank-notes of currency and offered no replacement. Nearly 70% of the currency in circulation became worthless.

In March 1988, students and local people were involved in a fracas at a tea shop; a major brawl ensued. The intervention of riot police led to the death of a student from the Rangoon Institute of Technology. RIT students began protesting daily. The protest spread to other universities. After twelve days of violent conflicts with police, causing many deaths, the government closed the universities and promised to investigate the student deaths. When the students returned to the universities in June, they demanded an account of the still-missing students and called for the arrest of those responsible for student deaths and injuries. Again, the police and military responded to the student protests with force, killing at least 20 students and arresting hundreds of others. And once again, the universities were closed. The wave of social unrest spread; the resistance movement became stronger as the people called for political change. The military declared martial law.

On July 23, 1988, the BSPP appointed General Sein Lwin as the new party head and later President. A general strike took place on August 8, 1988 and in response to it, the police and army attacked the demonstrators, killing an unknown number, estimated in the thousands.

On August 12, 1988, U Sein Lwin resigned and was replaced by a civilian lawyer, Dr. Maung Maung. During this period, the jails were opened and criminals released, causing fear as crime rose. Rumors also were spread by government agents that the water supply was poisoned and that other villainous acts were being committed.

Peaceful student-led demonstrations were snuffed out on September 18, 1988, as the military staged a bloody coup and established a new dictatorship under martial law, called the "State Law and Order Restoration Council" (SLORC). It brutally put down the popular movement resulting in thousands of deaths and arrests. Many students left the city and their homes and fled to border areas. The SLORC suspended the 1974 Constitution.

SLORC's Military Rule (1988-Present)

On September 23, 1988, having established himself as Burma's leader, General Saw Maung, head of the SLORC, assured the public that the sole aim of his military intervention was to restore law and order, improve the economic condition of the people, and organize multiparty elections as soon as possible. He insisted that it was

not his intention to “cling to State power for long.”

Within months, parties began to register while a new election law was drawn up. The National League for Democracy (NLD) quickly emerged as the leading opposition party led by Daw Aung San Suu Kyi, daughter of national hero General Aung San. Daw Aung San Suu Kyi traveled widely and attracted large crowds, despite the SLORC decrees that public gatherings be limited to four persons. As she gained an ever wider following, the military tried to discredit her as not having “pure” motives, being the wife of a European. SLORC announced that she was being manipulated by Communist members in her party, and that she considered herself above the law when she called meetings in violation of the SLORC decree against public gatherings. Indeed, on July 1989, SLORC placed Daw Aung San Suu Kyi under house arrest and disqualified her from participating in the elections. In spite of these tactics, the NLD achieved a stunning victory in the elections, held on May 27, 1990, winning 392 of the 485 seats contested.

Having been rejected at the elections, SLORC began systematically to eliminate its opposition. It refused to allow the Pyithu Hluttaw to convene; it then said that the actual purpose of the election was to form a constituent assembly. On July 27, 1990, SLORC promulgated Declaration 1/90 which said, among other things, that “[the SLORC] is not an organization that observes any constitution; it is an organization that is governing the nation by Martial Law.” Following this announcement, SLORC began to arrest and intimidate NLD members as well as members of other opposition parties.

Meanwhile, SLORC continued waging war against the minorities. Having won Thailand’s support by granting timber and fishing concessions in the border area and the along the Tenasserim coast, SLORC was able to mount a major campaign against the Karens and Mons with new weapons purchased from Singapore, China, and Pakistan. The SLORC even crossed the river frontier and launched attacks from Thai territory. During the offensive, the army forced innocent villagers to serve as porters in the war zones and killed many who fell from exhaustion or injury.

In 1989, the army achieved an unplanned victory of sorts in the north, along the Burma-China border. A minority cadre turned against the Burma Communist Party (BCP), driving its leaders across the border and declaring themselves free and independent of their former BCP leaders. The SLORC quickly entered into agreements with the leaders of the minority BCP cadres in Kokang and the Wa State, promising to allow their former enemies to keep their weapons, retain power in their traditional areas, and pursue local trade (mostly opium) in exchange for ending their wars against the SLORC and even fighting on SLORC’s side against other minorities.

As time progressed, the SLORC persistently refused to allow the newly elected NLD-led Parliament to assemble. Some elected MPs fled to liberated areas on the Thai-Burma border. In December 1990, the Parliament met secretly and elected the “National Coalition Government of the Union of Burma” (NCGUB) with the support of all major ethnic groups struggling to assert themselves within Burma.

On April 24, 1992, two years after the elections, SLORC issued Order No. 11/92 entitled “Convening of a National Convention.” It indicated that a National Convention would be convened “in order to lay down basic principles to draft a firm constitution.” In January 1993, the Convention finally assembled with 702 delegates, of whom only 106 were elected representatives. The remaining delegates were either hand-picked by the SLORC to “represent” workers, peasants, intellectuals, national races, and service personnel or were “specially invited persons.” The SLORC stated that the Convention would only be drawing up the “principles” of a new constitution, and the final draft would still be written, as promised, by the elected representatives. Moreover, SLORC stated, the principles discussed by the delegates had to conform with the “objectives” of the Convention, as defined by SLORC, which included the “participation of the *Tatmadaw* (armed forces) in the national political leadership role of the State in the future.” Despite repeated calls in UN resolutions for the SLORC to give a timetable for the Convention, there is no sign that the Convention is near conclusion.

On July 10, 1995, Daw Aung San Suu Kyi was released from her almost six-years under house arrest. Although her release initially raised hopes for an improvement in the human rights situation in Burma, nothing has changed. Indeed, the pace of political arrests and persecution has accelerated dramatically since November 1995 when the NLD withdrew from the SLORC-controlled National Convention due to the undemocratic process. SLORC responded to the NLD withdrawal by expelling the NLD permanently from the Convention. A call from the NLD to begin a dialogue with the SLORC in order to start a process of national reconciliation has been refused by the SLORC.

Political turmoil in Burma has increased significantly since the NLD announced that it would hold a meeting in late May 1996 to commemorate the sixth anniversary of their 1990 election victory. The SLORC reacted by arresting hundreds of NLD MPs and other supporters in an effort to prevent the meeting. In addition, on June 7, 1996, SLORC issued Law No. 5/96, the sweeping provisions of which allow for up to 20 years imprisonment for anyone who expresses their political views publicly.

On November 9, 1996, a group of about 200 young men attacked Daw Aung San Suu Kyi’s motorcade with iron bars and sticks. The men were thought to be members

of the “Union Solidarity Development Association” (USDA), a SLORC sponsored group. In December 1996, more than 2,000 people, including hundreds of students, involved in peaceful student demonstrations were arrested for calling for human rights reforms. Public gatherings on weekends in front of Daw Aung San Suu Kyi’s home have been banned since the end of 1996. Daw Aung San Suu Kyi is repeatedly refused permission to leave her compound, and has been effectively confined to her house for long periods.

Since 1989, the SLORC has sought a military cease-fire with some of the ethnic forces, bringing a kind of peace to the areas under their control. In December 1994, a renewed offensive against the Karen National Union (KNU) was launched following a split within the KNU and the formation of the Democratic Karen Buddhist Army (DKBA), which was supported by the SLORC. In February 1995, the KNU retreated from its headquarters in Manerplaw. Since then the offensive has taken a new turn as DKBA and SLORC troops launched the first of several raids into refugee camps in Thailand. DKBA and SLORC troops have had easy access to refugees in Thailand. The raids, which were intended to terrify the refugees into returning to Burma, have continued. The KNU has made several offers to the SLORC to engage in cease-fire talks. However, while there have been meetings between the two sides, there is no sign of any progress.

In the Karenni State, the Karenni Nationalities Progressive Party (KNPP) signed a cease-fire agreement at a ceremony in Loikaw in March 1995. In June, the KNPP issued a statement claiming that the SLORC had broken the terms of the agreement. Intermittent fighting continues between the SLORC troops and the KNPP in Karenni State. SLORC undertook massive relocation operations in Karenni State, Shan State, and Tenasserim division during 1995 and 1996, causing a mass influx of refugees into Thailand.

In mid-February 1997, SLORC launched two new major offensives against the KNU. SLORC’s 1997 offensive against the KNU has resulted in more than 7,000 new refugees entering Thailand.

In November 1997, the SLORC was renamed as the State Peace and Development Council (SPDC). Although the three most senior members of the regime retained their posts in the SPDC, 14 former members – all senior military officers – were moved to 4-member advisory group. In late November three members of this advisory group were placed under house arrest. The three were former tourism minister, Lieutenant-General Kyaw Ba; the ex-commerce minister, Lieutenant-General Tun Kyi; and the former agriculture minister, Lieutenant-General Myint Aung. A number of their aides and staff at other ministries were also placed under investigation.

Following the detention, the advisory group was dissolved on December 10, 1997, less than one month after its formation. Officials said the members of the advisory group no longer held their military posts. The change did not stop there. On December 20, there was an unexpected reshuffle of the second tier of the military regime, the cabinet. Another eight posts in the cabinet were reshuffled and one new member was added to the cabinet.

Although the main impetus behind recent changes has been to improve the regime's image, many see the moves as cosmetic attempts to quell international criticism.

On December 12, five members of the NLD Central Executive Committee met the SLORC Minister for Home Affairs, Colonel Tin Hlaing, at the invitation of the regime. The delegation did not include Daw Aung San Suu Kyi, or the NLD chairman U Aung Shwe. Colonel Tin Hlaing asked the NLD to stop issuing statements and to discontinue party organizational activities, such as efforts by Aung San Suu Kyi to attend party meetings in order to reorganize the youth wing of the party. Later, the official press of the regime reported that, unless these demands were met, moves towards a dialogue would slow even further. In a statement issued after the meeting, the NLD said that, as a legal political party, it was entitled to continue with such activities.