

**MYANMAR:
THE ROLE OF CIVIL SOCIETY**

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MYANMAR: THE ROLE OF CIVIL SOCIETY

EXECUTIVE SUMMARY

Around the world, much hope has been placed in the prospect that civil society – the loose groupings of non-government actors in political processes – would act as a major force to change or remove undemocratic governments. This has particularly been the case in Myanmar where there has been an expectation that students or monks might force the military government from power. This has not been realised; indeed civil society is at its weakest state in decades.

When Burma was under democratic government from 1948 to 1962, a vibrant civil society existed in urban areas although paramilitary organisations and local politicians tended to repress dissenting views and independent organisations in rural areas. Since General Ne Win's military coup in 1962, however, successive regimes have sought to stamp out civil society and permit only state-controlled organisations that further the regime's interests.

Civil society re-emerged during the nation-wide pro-democracy demonstrations in 1988, with an explosion of student organisations, political parties, and independent media. After the military retook control in September of that year, however, it clamped down on most independent organisations, although it allowed political parties to form. Following the 1990 election, the results of which it did not honour, the regime declared most political parties illegal. Nevertheless, the National League for Democracy (NLD), under the leadership of Aung San Suu Kyi, and some ethnic minority political parties have struggled to restore democracy.

The military regime continues to restrain civil society in Myanmar severely today. Because the

generals rule by decree and judges are under the influence of the authorities, legal challenges are virtually impossible. While individuals can complain about economic woes, they cannot publicly criticise the military, suggest that the NLD should be in power, or advocate federalism.

The generals maintain tight control over the media and are extremely reluctant to expand access to communication technologies such as mobile phones and the Internet, because of their potential use in anti-government activities. The regime seeks to isolate and demoralise those who would speak out for political change by extending its intelligence network into all the institutions where frustrated individuals could organise and by imposing long prison sentences for even minor actions.

Certain students, monks, and writers have taken great personal risks to promote the restoration of democracy, but they have not been able to galvanise a mass movement since 1988. International NGOs and some local organisations have worked to start small-scale projects addressing local problems, but they must stay clear of politics. Many educated people have left the country rather than live under such constraints.

Today Myanmar is entangled in two political struggles: the restoration of democracy and the resolution of ethnic minority rights. To what extent can civil society play a role in solving these conflicts? Aung San Suu Kyi strongly promotes the idea that everyone must take part in the democracy struggle, but because of the harsh repression, most people leave it to the NLD leadership to resolve the political crisis itself. Yet

because civil society is weak, and so many members have resigned under pressure, the NLD's bargaining power is reduced.

At the same time, few independents in central Myanmar have thought seriously about ethnic minority political demands and how a process of understanding and cooperation between majority Burmans and minority groups can be achieved. While the NLD has reached out to the ethnic minority political parties, the regime has sought to limit such contact by imprisoning elected MPs from those parties and the NLD.

Because Myanmar has been under military rule for so long, few people today understand the role that civil society is meant to play in a democracy or that a healthy democracy requires broad-mindedness and a dispersion of power. Thus, even organisations outside the regime's direct control tend to replicate the hierarchical organisational structures and lack of tolerance for dissent which characterise state-controlled organisations. Low levels of education and cultural factors mean many ordinary people in Myanmar lack confidence in their ability to effect change.

For all these reasons, civil society has had an extremely limited share in the political process in Myanmar in recent years. That said, independent organisations would surely proliferate if the space emerged for them to do so. With more openness, organisations would also be likely to expand the scope of their activities and develop more dynamic organisational structures.

Foreign radio broadcasts are currently one of the few sources of uncensored information but the domestic media would be likely to play a particularly significant role in a political transition. Independent journalism has a long tradition in Myanmar, and journalists and writers could serve both as watchdogs and educators while citizens come to terms with an altered political arena. Nevertheless, it should also be noted that a

sensationalist media and organisations promoting narrow nationalism could emerge to disrupt the difficult process of resolving the country's deep political crises.

The military regime's resistance to devolution of power to the ethnic states and its determination to unify the country's diverse population through cultural and religious assimilation have deepened the mistrust between many minority groups and Burmans. Turning Myanmar into a pluralist society in which power is decentralised and differences are respected is a challenging and long-term process.

However, more could be done to support this process and to develop the key civil society organisations that will be essential if any negotiated political transition is to be durable. With this in mind, expanded external support is needed to promote civil society in Myanmar, including in the areas controlled by ethnic opposition groups. New entry points for such international support do exist, especially in cooperation with Myanmar's Asian neighbours.

Should the SPDC and the NLD reach an agreement on future political structures, they will both need to reassure their supporters about this deal. The SPDC will have to get the full backing of the military, which will be fearful that a deal could result in instability. The NLD will have to prepare its supporters for the compromise over the military's political involvement that will be necessary for a deal.

Civil society organisations will be important in creating the backing for any solution, and in consolidating the democratisation process once it begins, but are not likely to be crucial players in achieving a momentum for change.

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MYANMAR: THE ROLE OF CIVIL SOCIETY

I. INTRODUCTION

This report¹ addresses two key questions:

- How much of a role are organisations not controlled by the state playing, and how much can they play, in restoring democracy in Myanmar? ; and
- How much of a role are civil society organisations playing, and how much can they play, in promoting understanding of the ethnic issues at the root of many of Myanmar's political problems?

Civil society generally refers to all organised groups, small and large, which act independently of the government. This includes the private media, business and legal associations, religious, cultural, and social welfare organisations, student groups, and political parties. A flourishing civil society implies an open political and economic system and the dispersion of power. A weak civil

society is generally related to the centralisation of power and a lack of tolerance for dissent.

Under military rule in Burma/Myanmar², independent groups have had little space in which to emerge and develop. Some religious, cultural, and social welfare organisations have been allowed to function outside direct government control, particularly at the local level, but many seemingly innocent organisations have either been eliminated or co-opted. Meanwhile, the regime has established numerous military-led organisations which promote loyalty to it and its policies. Still, it should be noted that many individuals in state-controlled organisations and the civil service do not support military rule and occasionally defy regime policies. Such people initiated the formation of independent organisations and unions during the 1988 pro-democracy demonstrations, and would certainly do so again if given the space to act freely.

This report analyses how the military regime has worked systematically to prevent the emergence of

¹ This report is the second in a series intended to provide essential background - not at this stage any kind of detailed policy prescriptions - for policy makers addressing the prospects for non-violent democratic transition in the country and ways to achieve that transition. The first addressed the strengths and weaknesses of the military regime (ICG Asia Report No. 11, *Burma/Myanmar: How Strong is the Military Regime?*, 21 December 2000). Subsequent ICG reports over the next few months will analyse the world view of the military leadership, international engagement with it, the role of ethnic minorities in the peace process, the military grip on the economy, what the military should look like under a democracy, and repatriation and rehabilitation of Myanmar's refugees.

² As ICG Asia Report No. 11, *Burma/Myanmar: How Strong is the Military Regime?*, 21 December 2000, has noted, there is significant controversy over whether to refer to the country as "Burma" or "Myanmar". In 1989, the military regime changed the country's name along with the names of several towns and roads. The ruling State Law and Order Council (SLORC) sought to divorce itself from its failed predecessor, the Burma Socialist Programme Party, and to demonstrate its nationalism by ridding the country of a name that it saw as a colonial legacy. They said that Myanmar was the correct Burmese name. The National League for Democracy and other political opponents of the regime have protested the name change because the public was not consulted. They continue to use Burma. This report uses Burma for historical references and Myanmar, the name currently in use at the United Nations, for contemporary references.

a strong civil society and how various groups have responded. It explores the full range of organisations, including political parties that won seats in the 1990 election but were not allowed to take power. Although these parties have been extremely restricted, they have continued to play an important role in keeping the democracy struggle alive. State-controlled organisations will be considered briefly because of their potential for independent action.

The report also notes how those independent groups that do exist have tended to follow the regime in creating hierarchical structures which limit full participation and discourage diverse opinions. In fact, few people in Myanmar fully understand the function of a civil society – nor is there an indigenous Burmese term for the concept.

With limited access to information about other countries' democracy struggles and the pre-requisites for a successful democratic system, citizens find it difficult to conceive of a roadmap from dictatorship to democracy. Given the high levels of repression, most have retreated into passivity, hoping that somehow change will come without their having to take risks.

The lack of attention to ethnic minority concerns is worrying. The military regime believes that it can ultimately Burmanise the ethnic minority populations or at least severely weaken their political forces so that they can no longer realistically call for autonomy or independence. Most ethnic Burmans have grown up with the idea that their culture is superior and the political concerns of the majority Burman population properly take precedence.³

Ethnic minorities comprise at least a third of Myanmar's population, however, and many people are of mixed parentage. In much of the seven mountainous ethnic states that surround Burma's central plains, the local people do not speak Burmese, and in some cases, their only encounters with Burmans are with soldiers.⁴ Armed ethnic

organisations have been engaged in a civil war for greater autonomy in these seven ethnic states for more than 40 years. Since 1989, there have been a number of cease-fires but no political settlements, and most ethnic minorities in these areas strongly mistrust Burmans.

From the perspective of many armed ethnic nationalist groups, all politics is ethnic, and there is no tolerance for those of mixed ethnicity who advocate pluralist policies or chose to work in multi-ethnic organisations. Similarly, the regime's propaganda asserts the need for central power and the elimination of dissent. To bring about democracy and ethnic political rights, there is a need for independent organisations to mediate and promote creative, inclusive solutions. However, there are few influential civil society organisations presently encouraging respect for diversity of opinions in either central Burma or the ethnic states.

³ "Burman" refers to the ethnic group and "Burmese" refers to all citizens of Myanmar. "Burmese" is also the name of the language spoken by Burmans.

⁴ The seven ethnic states are, from east to west, Mon State, Karen State, Karenni State, Shan State, Kachin State, Chin State, and Arakan State. Chin State has been the least affected by civil war, although an armed Chin National

Front emerged in the late 1980s to fight for autonomy. Central Myanmar is divided into seven divisions. Many ethnic nationalists who support federalism would like to see the seven divisions amalgamated into one state representing Burmans.

II. BACKGROUND OF CIVIL SOCIETY IN MYANMAR

A. AN EMERGENT CIVIL SOCIETY: 1948-1962

To understand today's restrictions as well as the potential for independent organisations to emerge, it is necessary to briefly assess the history of civil society over the past 40 years. Many aspects of Myanmar's earlier political culture have shaped understanding of the government's and citizens' roles in politics. Moreover, the long military rule has meant that as much as citizens might want to participate in independent organisations, they have little understanding of what civil society has done to bring about political change and keep democracy healthy in other countries.

Burma enjoyed democratic rule from independence in 1948 until 1958 and from 1960 to 1962. A military caretaker government briefly held power from 1958 to 1960. British colonial rule permitted independent Burmese organisations, and in the post-independence period, a rich civil society continued to develop in the cities and some towns, though not in the countryside.

In the late 1940s and early 1950s, much of rural Myanmar was wracked by civil war, hindering the development of civil society. Two factions of the Burma Communist Party and the People's Volunteer Organisation, consisting of World War II veterans, went underground, as did an armed Karen nationalist movement. The government was unable to provide adequate protection, so it encouraged formation of village defence forces. While these were helpful in restoring government control, abuses of power were common. Criminals and former insurgents who joined were allowed to carry weapons.⁵ Meanwhile, government troops burned villages to keep them from enemy hands.⁶

By the mid-1950s, the government had regained control over most of central Myanmar, but in rural areas, the tendency to use force to accomplish goals remained. While elections took place in the

1950s and in 1960, they were often marred by intimidation, bribery, the kidnapping of candidates, and other abuses.⁷ Not infrequently, local political leaders in the ruling Anti-Fascist People's Freedom League (AFPFL) relied on pocket armies to provide local security and intimidate rivals.

The idea that a healthy democracy required opposition parties as watchdogs in Parliament and to generate creative solutions was new to Myanmar. The British had allowed political parties to form and contest elections for a legislative assembly, but the colonial governor reserved the right to veto decisions. Thus, many politicians felt that the only way to show opposition was to boycott the entire system.

As in many countries in the region, party politics tended to be organised around magnetic leaders rather than issues. At the local level, political party leaders often made it clear that only those who voted for them would receive the benefits of government programs. In many ways, this continued the patron-client relationships from Myanmar's pre-colonial past.⁸ As anthropologist Manning Nash wrote in the early 1960s:

There is a strong tension between the powerless peasantry with the hollow forms of democracy and the powerful national leaders who lack the historical, ideological, and institutional commitment to fostering the dispersion of power among the citizenry.⁹

Still, independent organisations proliferated in urban areas such as Rangoon and Mandalay. There were numerous library clubs, student organisations, and professional associations. Literacy was widespread compared to neighbouring countries, and university students took great pleasure in essay contests and debates. In imitation of the speakers' corner in Hyde Park, people in Rangoon built platforms in a park in

⁵ Balwant Singh, *Independence and Democracy in Burma, 1945-1952* (Center for South and Southeast Asian Studies, University of Michigan, 1993), p. 69.

⁶ *Ibid.*, pp. 74-5.

⁷ Maung Maung, "The Role of Political Parties in Burma from Independence to the Coup D'Etat of 2 March 1962", (M.A. Thesis, Rangoon University, 1963), pp.55-59, 67-68 (cited in R. H. Taylor, "Elections in Myanmar: For Whom and Why?" in *The Politics of Elections in Southeast Asia* (Cambridge: Cambridge University Press, 1996), p. 174.

⁸ Manning Nash, *The Golden Road to Modernity: Village Life in Contemporary Burma* (Chicago: University of Chicago Press, 1965), pp. 275-280.

⁹ *Ibid.*, p. 289.

front of City Hall so citizens could voice their opinions publicly.¹⁰ An independent Burma Journalists' Association provided a forum for promoting press freedom, and the media was lively.

By 1958, however, the ruling party had split into two factions, and General Ne Win took control.¹¹ His caretaker government closed many presses, imprisoned several journalists and writers on Coco Island, and reinforced restrictive colonial press laws. After Prime Minister U Nu was voted back into office in 1960, the groups which had suffered under Ne Win fought to restore their rights, but before they could make any significant progress, Ne Win seized power again.

B. CIVIL SOCIETY REPRESSED UNDER MILITARY RULE

When Ne Win and his Revolutionary Council staged a coup on 2 March 1962, many people in the country assumed that he would restore power to a civilian government after a few years. Instead, he began disbanding those institutions that promoted the rule of law and gradually eliminated or co-opted the organisations that formed the backbone of civil society. Within three weeks, the Parliament and Supreme Court had been dissolved, the Constitution abrogated, and Ne Win invested with full executive, legislative and judicial authority.¹² Independent organisations, such as the Burma Writers' Association and the Burma Journalists' Association, were replaced with a government-controlled association while others such as the National Workers' Association and Peasants' Association were put under the leadership of military men.

University students were the first to defy the military government. But Ne Win made it clear that he would tolerate no dissent. When a protest broke out at Rangoon University, he sent in troops

to shoot the protestors and then had the student union building blown up.¹³ The historic Rangoon University Students' Union, which had been led by General Aung San and Prime Minister U Nu in their student days, was outlawed.

In 1963 and 1964, the Revolutionary Council nationalised all industry, large businesses, and most stores. As a consequence, business associations collapsed. Private schools, missionary hospitals, and cinemas were also nationalised, library associations were shut down, and public debates ended. The regime established a press scrutiny agency to check all publications, including cover designs for magazines and calendars. By 1969, all private newspapers had either been nationalised or replaced with government-controlled publications.¹⁴

In 1964, the National Solidarity Act banned all political parties. Only the newly-formed Burma Socialist Programme Party (BSPP) was allowed to recruit members. Civil servants were expected to join that party if they hoped to advance.

In 1972, the Revolutionary Council held a referendum on a new constitution, which went into effect in 1974. From 1974 to 1988, Myanmar was under one-party rule, led by Ne Win and backed by retired and serving military officers. In the mid-1970s, underground student groups and state-enterprise workers, frustrated with their declining standard of living, organised small-scale protests. The government used troops to quickly crush these public manifestations of discontent.

In 1988, the BSPP leadership was surprised when student protests sparked nation-wide demonstrations joined by people from all walks of life. The year before, the UN's downgrading of Myanmar to the status of least developed country and the government's demonetisation of several bank notes had indicated the extent of economic hardship. In July 1988, at an extraordinary BSPP conference, Ne Win suggested a referendum on whether to restore multi-party democracy.

¹⁰ U Thuang, *A Journalist, a General, and an Army in Myanmar* (Bangkok: White Lotus, 1995), p. 48.

¹¹ U Nu, who was prime minister at the time, was forced to accept General Ne Win's seizure of power, although he tried to make it appear as if he had done so voluntarily. See Mary Callahan, *The Origins of Military Rule in Burma*. Ph.D. Dissertation (Ithaca, NY: Cornell University, 1996), pp. 480-1.

¹² U Thuang, *A Journalist*, op. cit., p. 52.

¹³ The storming of the university took place on 7 July 1962, and more than 100 students were killed. For more information see Bertil Lintner, *Outrage: Burma's Struggle for Democracy* (Bangkok: White Lotus, 1990), pp. 38-9.

¹⁴ U Thuang, *A Journalist*, op. cit., p. 57.

Although the conference ultimately rejected the idea, some people were encouraged by the proposal and joined pro-democracy demonstrations in August 1988. Those who took to the streets were also motivated by anger. Through a BBC radio interview, they learned that military officers had raped protesting female university students after demonstrations by university students a few months before.

The initial protestors in August 1988 were primarily students, but after the military retreated to its barracks, the demonstrations grew to include doctors, lawyers, housewives, civil servants, wage labourers, and even some military personnel. Members of many of the state-controlled organisations reformed themselves as independent organisations and made statements in favour of ending one-party rule. Many BSPP members publicly burned their party cards. Civil servants in the Foreign Ministry and in embassies world-wide wrote and distributed statements advocating the restoration of democracy.

Meanwhile, high school and university students established unions, some of which were expanded into city-wide and regional networks. Monks, who had previously been organised by the state, also formed independent unions and allowed citizens' strike committees to operate at monasteries. Monks further organised security patrols and took over administration of some localities, particularly around Mandalay.¹⁵

While the demonstrators did not take over the state TV and radio stations, there was an explosion of small independent newspapers, journals, and magazines. Over 50 different news sheets were produced in Rangoon alone, and 40 in Mandalay.¹⁶ Still, with a large percentage of the population having known nothing but authoritarian rule, few understood what democracy meant in practice.

The State Law and Order Restoration Council (SLORC) seized power on 18 September 1988, and emptied the streets by shooting demonstrators who refused to disperse. By the end of 1988, an estimated 10,000 people had been killed as a result

of this and subsequent crackdowns.¹⁷ As many as 10,000 students fled to areas controlled by armed ethnic nationalist groups to take up arms against the regime. The majority joined the All Burma Students' Democratic Front. Fearful and needing pay checks, most civil servants returned to work. Independent associations were dissolved.

The regime sought to placate the population by declaring it would hold an election to restore multiparty democracy and allowing the formation of political parties. Aung San Suu Kyi, with two long retired generals, quickly registered their party, the National League for Democracy (NLD). Student groups, eager to maintain a legal basis for their organising work, also formed political parties.

The Democratic Party for a New Society (DPNS), founded by Moe Thee Zun, was the most successful of these, with the second largest number of party members. Although many ethnic minority individuals joined the NLD, others organised ethnic-based political parties. The regime encouraged numerous parties with the hope that the vote would split and its National Unity Party would win.

The regime did not permit civil society to function freely during the campaign. Several student activists and most of the top DPNS leadership were arrested in 1989, while other student leaders had to go into hiding or flee. Aung San Suu Kyi was put under house arrest in July 1989, and several top members of her party, including journalist and key strategist U Win Tin, were imprisoned.¹⁸

Meanwhile, political parties worked under conditions that severely limited their ability to disseminate information and organise. The regime's declaration 3/90, issued on 23 February 1990, forbade groups of five or more from

¹⁵ See Bertil Lintner, *Outrage*, for a detailed account of this period.

¹⁶ Article XIX, *State of Fear: Censorship in Burma* (London, December 1991), p. 28.

¹⁷ See Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, Revised edition, The University Press, Dhaka, 1999, pp.41-6. Smith acknowledges that the number killed will never be known with great accuracy but is confident that the number is of this order.

¹⁸ U Win Tin was put imprisoned in July 1989 but not tried until October. He was sentenced to three years imprisonment with hard labour for offering hospitality to a girl who had had an illegal abortion. In 1992, he was sentenced to eleven more years under the 1950 Emergency Provisions Act. In 1995, he was given an additional seven years after political writings were found in his cell.

gathering, marching, chanting slogans, and delivering speeches. Party publications and speeches on TV and radio were subject to censorship.¹⁹ Still, local groups of students and party organisers travelled to outlying communities to explain a democratic system and encourage voters for pro-democratic parties.

The NLD's overwhelming victory, despite the restrictions, reflected both the voters' strong desire to end military rule and their confidence in Aung San Suu Kyi. It should be noted that some victorious NLD candidates were not particularly popular or had not even campaigned in their districts. They won because they were members of Aung San Suu Kyi's party.

Also of interest is that most ordinary people did not refer to Aung San Suu Kyi by her own name but as General Aung San's daughter. People attributed to her the same political qualities as her father, namely, decisive leadership, integrity, and a clear sense of justice. Most voters were looking for a strong and charismatic leader with a prominent political heritage to lead them out of decades of authoritarian rule.

III. REGIME CONTROL OVER CIVIL SOCIETY SINCE 1988

After the election, the SLORC did not transfer power, but instead argued that a National Convention needed to be convened to write a new constitution. Only a fraction of the delegates would come from the election winners. Elected MPs who sought to form a parallel government were either arrested or forced to flee the country, and Aung San Suu Kyi remained under house arrest. Ordinary citizens concluded that change was not imminent, and they had best keep their heads down. Because the regime had taken the first steps toward opening up the economy to private enterprise and foreign investment, some focused on developing new businesses, with the hope that economic liberalisation would eventually lead to political liberalisation.

The regime, however, weeded out those whose loyalty was suspect. Between late 1988 and 1992, it sought to identify and dismiss soldiers and civil servants who had been active in the democracy movement. A questionnaire was given to civil servants in 1991 to identify those who supported Aung San Suu Kyi and the NLD. Those who admitted this were transferred or fired.

The SLORC renamed itself the State Peace and Development Council (SPDC) in 1997 but maintained the same policies. Despite some economic opening, the regime has continued to eliminate or co-opt most independent organisations that crop up. It has also followed the Ne Win practice of establishing mass organisations under the leadership of current or retired military personnel who can ensure allegiance to the state.

A. LACK OF THE RULE OF LAW

Because the generals govern by decree, there is no legal space for challenging the regime. In democratic countries, civil society advocacy groups focus much of their work on changing laws and ensuring their fair enforcement. The government is expected to be accountable to the law and to operate transparently. Independent groups can challenge the government in court, work with legislators, or use the media to expose violations of the law.

¹⁹ All Burma Students' Democratic Front, *To Stand and be Counted: Suppression of Burma's Members of Parliament* (Bangkok: self-published, 1998), pp. 16-17.

Under military rule in Myanmar today, such actions are impossible. The military regime refers to itself as a temporary government, but one with the right to rule by decree. When the SLORC took power in 1988, it suspended the 1974 Constitution. Although it formed a Law Scrutiny Board in 1991 to examine all statutes and amend or repeal those no longer appropriate, it has never published the many changes it claims to have made.²⁰

The regime has also justified punitive actions on the basis of laws from many different periods in Myanmar's history, including the colonial era. An example is the authorities' widespread use of forced labour. The International Labour Organisation (ILO) urged the regime to repeal the 1907 Towns Act and the 1908 Villages Act, which British officials had used to requisition labour. In October 1995, the regime informed the UN that it had issued two directives to "discourage the practice of forced labour in irrigation and other national development projects," but they were not made public.²¹ Due to intense ILO pressure, it finally publicly issued a decree banning forced labour in 2001.

There are no legal human rights groups in Myanmar. Thus, the only groups able to provide information for the ILO investigation into forced labour were those based in areas controlled by armed ethnic organisations or on the borders of neighbouring countries. These included the Chin Human Rights Organisation, the Federated Trade Unions of Burma, the Human Rights Foundation of Monland, the Karen Information Centre, and the Shan Human Rights Foundation.²² While individuals inside Myanmar were willing to point out examples of forced labour or be interviewed, they could not organise to combat the practice.

In this case, change could only be brought about by pressure from the international community, using the fact that in 1955 Burma had signed the ILO Conventions on Forced or Compulsory Labour and on the Freedom of Association and Protection of the Right to Organise. Still, reports of forced

labour continued to come out of Myanmar in 2001.²³ In one instance, a local authority in charge of a community reforestation project got around the ban by telling villagers they had broken the law in the past by cutting down trees for firewood, so their punishment was to plant trees for the project.²⁴ Without recourse to courts, citizens feel powerless to protest such abuses.

Other decrees make it difficult for people to organise and communicate. Since the 1988-90 election campaign period, groups of five or more people have not been permitted to meet in public to discuss anything considered anti-government. According to SLORC Order 1/91, neither civil servants nor their family members are permitted to join political parties, labour associations, unions, or other organisations not approved by the government.²⁵ In addition, any guests, including relatives, spending the night at one's home must be registered with ward authorities. In May 2000, U Soe Han, a lawyer for the NLD, was detained under this law after a night at his mother's house.²⁶

The media, another critical actor in civil society, has also been extremely restricted. The Printers and Publishers Registration Law of 1962 instituted state censorship over all publications and continues to be rigorously enforced. Numerous writers and journalists have gone to prison for criticising the regime in interviews with foreign journalists or for supporting the NLD.

The regime also promulgated laws and amendments to weaken the parties that won the 1990 election. The July 1991 amendment to the People's Assembly Election Law stated that any member of the People's Assembly who commits an offence related to law and order or "moral turpitude" immediately ceases to be a member and cannot contest future elections. Using this

²⁰ See Article XIX, *Burma Beyond the Law* (London, August 1996), pp. 3-4.

²¹ *Ibid.*, p. 51.

²² However such groups have rarely dared to criticise abuses by armed ethnic nationalist organisations because they depend on these organisations for access to areas where army violations have taken place.

²³ Larry Jagan, "ILO Turns Spotlight on Use of Forced Labour," *Bangkok Post*, 28 September 2001.

²⁴ ICG interview, July 2001.

²⁵ Zunnetta Liddell, "No Room to Move: Legal Constraints on Civil Society in Burma", in *Strengthening Civil Society in Burma: Possibilities and Dilemmas for International NGOs* (Chiang Mai: Silkworm Books, 1999), pp. 63-4.

²⁶ U.S. State Department, "Burma," in the *U.S. State Department Report 2000* (Washington D.C.).

amendment, the Election Commission disqualified 94 MPs between 1991 and 1996.²⁷

According to the Political Parties Registration Law, the Election Commission can deregister parties declared illegal under any domestic law. Often without specifying what the parties had done wrong, the Election Committee deregistered 83 of 93 political parties in the early 1990s. The Election Commission has also refused to allow legal parties to fill vacancies in top party positions, because a party can be deregistered if its central executive committee falls below a minimum membership.²⁸

In June 1996 a decree was issued stating that political parties or organisations which disrupt the stability of the state, hinder the National Convention, or write a state constitution can be disbanded or declared illegal.²⁹ This was clearly aimed at the NLD, whose members had walked out of the National Convention in late 1995 and began talking about drafting their own constitution.

Political cases in Burma are generally tried in closed court and the accused are not allowed representation by a lawyer. With judges compelled to heed the recommendations of military officers, there is no possibility of appealing for a fair hearing. Even non-political cases involving theft or property disputes are not necessarily handled impartially because corruption has become pervasive throughout the judicial system.

B. HIGHLY RESTRICTED ACCESS TO COMMUNICATIONS TECHNOLOGY

Access to communications technology is critical for development of civil society not only because it facilitates networking and organising but also because it can provide a channel for information about democratic cultures and movements outside the country. The regime restricts such access even more than most other authoritarian states in the region. In early 2001, there were only 5.5 telephone lines per 1000 people, and the cost of

cellular phones is prohibitively high.³⁰ The introduction of a GSM cellular phone system has been delayed for a number of reasons including concerns about its use for political organising, a lack of infrastructure, and competition between businessmen with links to the regime.³¹ At the time of writing, pagers had not yet been permitted.

The military regime has been extremely reluctant to provide e-mail and Internet access. Anyone possessing a computer fax/modem or a fax machine without permission can be sentenced to seven to fifteen years in prison.

In the late 1990s, some government offices, hotels, and businesses were granted permission to open e-mail accounts on a server controlled by the intelligence service that uploads and downloads e-mail through Singapore. By early 2001 there were only about 3000 e-mail users.³² A few e-mail shops in downtown Rangoon allow individuals to send and receive e-mails, but they are not legal. Shops call e-mail senders when reply messages come in. The customer then goes to the shop to pay for and receive the message.

In September 2001, the regime approved a slight expansion of e-mail accounts to 4000 but there is still no Internet access to web sites outside Myanmar.³³ Inside the country, a small, controlled Intranet has been set up for businesses to post webpages.

Because of frequent electricity blackouts even in the capital, only those with generators can count on regular access to communications technology. At the same time, the regime has acquired surveillance technology which allows it to monitor phone, fax, e-mail, and satellite connections,

²⁷ Ibid, pp. 59-60.

²⁸ Article XIX, *Burma Beyond the Law*, op. cit., p. 62.

²⁹ Ibid, p. 61.

³⁰ "Myanmar," *World Development Indicators Database*, April 2001.

³¹ ICG interviews, July and August 2001.

³² Maung Maung Oo, "Myanmar's IT Dream", *Irrawaddy*, May 2000.

³³ Zarny Win, "Junta Allows New E-Mail Accounts", *Irrawaddy Online*, 17 September 2001, citing information from an article in *Living Color*, a Burmese magazine published by Lt. General Khin Nyunt's son, Ye Naing Win.

making secure communication almost impossible except by word of mouth and private messenger.³⁴

Access to other forms of communication are also limited. According to the CIA World Factbook 2000, there were only 4.2 million radios and 260,000 televisions in the country in 1997. With just two Burmese-language TV stations, both state-controlled, domestic TV holds little interest for most people in the country. Those who can afford it have sought to obtain news and entertainment from the outside world through satellite dishes. However, the Posts and Telecommunications Department granted only 2000 satellite licenses, primarily to hotels and government departments, before 1993, and none between 1993 and early 2001.

With the number of illegal satellite dishes having grown to an estimated 20,000, the Posts and Telecommunications Department announced in January 2001 that all owners must apply for licenses.³⁵ This approach of tacitly allowing citizens access to something they want, but keeping legal access restricted, fits a common pattern. The authorities can arrest someone for political activities using the pretext that they have violated the satellite dish law or similar laws.

Citizens' use of cell phones, pagers, fax machines, and the Internet played an important role in informing and bringing together popular movements to overthrow a military-led government in Thailand in 1992 and President Estrada in the Philippines in 2001. The regime is aware of these events and has concluded that while business could expand if the communications infrastructure were liberalised, the risk of popular mobilisation is too great. As a result, the extension of communications access proceeds at an extremely slow pace.

C. INDEPENDENT ORGANISATIONS STIFLED

The regime maintains a policy of zero tolerance for dissent. It has recognised, correctly, that allowing open criticism of the military and its policies could galvanise dissatisfied citizens to action.³⁶ Even those who consider themselves apathetic about politics have been frustrated with the dismal economic conditions. Despite the fact that Myanmar is a resource-rich country, the regime has been able to raise the standard of living only for a small minority. Most people have continued to struggle at the bare subsistence level. Thus, the authorities carefully watch out for new independent organisations, fearing they could be mobilised for anti-regime activities.

The regime is most concerned about the emergence of independent politically-minded groups which could develop an action program. It has significantly expanded its physical presence and intelligence gathering capabilities in order to predict and prevent domestic upheavals.³⁷ The size of the army has been increased from 180,000 in 1988 to more than 400,000. Troops have been sent to a large number of new bases throughout the seven states and seven divisions of Myanmar so that any civil disturbances can be quickly crushed.

The number of intelligence detachments increased from less than a dozen before 1988 to 23 by 1992.³⁸ An extensive network of agents and informers monitor campuses, monasteries, and military posts. At the time of writing, the intelligence services were planning to extend their reach and improve their coordination even further. Military intelligence service will be reorganised into twelve battalions, with four companies each, and three platoons per company. Lt. General Khin Nyunt will become commander-in-chief of the

³⁴ Andrew Selth, *Burma's Secret Military Partners* (Strategic and Defence Studies Centre, Australian National University, 2000), p. 36.

³⁵ "Satellite Dishes will be okay, says DG", *Myanmar Times*, 26 February–4 March 2001.

³⁶ See David Steinberg, "A Void in Myanmar: Civil Society in Burma", in *Strengthening Civil Society in Burma: Possibilities and Dilemmas for International NGOs* (Chiang Mai: Silkworm Books, 1999), p. 11.

³⁷ Andrew Selth, *Burma: A Strategic Perspective* (The Asia Foundation Working Paper #13, May 2001), p. 18.

³⁸ Desmond Ball, *Burma's Military Secrets: Signals Intelligence (SIGINT) from 1941 to CyberWarfare* (Bangkok: White Lotus, 1998), p. 80.

intelligence forces, which will be elevated to equal status with the army, navy and air force.³⁹

The junta has made the stakes for participation in anti-regime activities very high. Those arrested for organising protests or criticising the regime through writings and performances can expect prison sentences of from a few years to life. Even high school students have been given lengthy sentences for organising demonstrations at their schools. Prison conditions are dismal, and all political prisoners face the prospect of physical and psychological torture.

Many political prisoners suffer from malnutrition, skin diseases, and other ailments because of a lack of sufficient food and clean water and in some cases, because of having to sleep on bare cement floors. They are often denied appropriate medicine for their illnesses. Even after they are released, former political prisoners are kept under surveillance and find it difficult to obtain a job or continue their education.⁴⁰

State-sponsored magazines and newspapers frequently carry accounts detailing the activities of dissident groups and the arrest and imprisonment of their leaders. Most ordinary citizens do not dare to join underground organisations for fear that their activities will be detected and punished. Activists themselves are wary about expanding their organisations beyond a trusted group of friends.

The regime's main goal is to isolate and demoralise activists, and with this in mind, it also punishes those who continue to associate with such people. As a result, known political activists and their families, and in particular, former political prisoners, often find themselves shunned by neighbours, friends, and relatives. When the authorities cannot find a political activist whom they want to arrest, they may arrest or harass family members, including spouses and children.⁴¹

D. REGIME-SPONSORED ORGANISATIONS

The regime has also tried to control the populace by establishing mass organisations under military leadership. Members of such organisations are expected to turn out for rallies against the opposition and are rewarded with perks. Such organisations can be understood from a traditional patronage perspective. People feel compelled to demonstrate loyalty in return for protection.

The largest such organisation is the Union Solidarity and Development Association (USDA) under patronage of the regime's chairman, Senior General Than Shwe. Set up in 1993, it replaced the Burma Socialist Programme Party, which collapsed in 1988. Despite its ostensible social welfare functions, the USDA has been referred to by General Maung Aye as an "auxiliary national defence force."⁴² In the late 1990s, it was frequently used to denounce Aung San Suu Kyi, the NLD, and the Committee Representing the People's Parliament (CRPP).⁴³ It is widely believed that the USDA will be transformed into a political party should the regime hold another election.

To some extent the USDA attempts to respond to people's interests by opening English and computer courses in urban areas, but most of its training courses provide management skills for USDA executives at the divisional, state, and township levels. Not surprisingly, the courses also emphasise loyalty to regime policies. By 1999, USDA membership topped 11 million. Civil servants, soldiers, and high school and university students are generally compelled to join or find their names added without consultation. Others join for benefits, such as less hassle at checkpoints when travelling beyond hometowns.

In the mid and late 1990s, the regime also set up several new professional organisations. Current or retired military officers were generally appointed to head these organisations, which are expected to support of regime policies. In late 1998, the Myanmar Red Cross, the Auxiliary Fire Brigade, the Computer Entrepreneurs Association, the Rice

³⁹ Maung Maung Oo, "MIS gets a Facelift", *Irrawaddy Online*, 26 September 2001.

⁴⁰ See Amnesty International, *Myanmar: The Institution of Torture*, December 2000.

⁴¹ See Christina Fink, *Living Silence: Burma Under Military Rule* (London: Zed Books, 2001), Chapters 5 and 6.

⁴² "Council Meets Trainees of USDA Management Course", *New Light of Myanmar*, 24 June 1997.

⁴³ The CRPP was established by the NLD and ethnic minority party MPs elected in 1990.

Millers Association, Myanmar Chamber of Commerce and Industry, and the Myanmar War Veterans Organisation joined the USDA in denouncing Aung San Suu Kyi and the NLD.⁴⁴

The regime has also co-opted originally independent organisations such as the Myanmar Women's Entrepreneurial Association (MWEA), formed in 1995. When it registered with the Ministry of Home and Religious Affairs, members were told they would have to sign pledges to stay out of politics. After the women announced their first anniversary celebration, they were informed that Lt. General Khin Nyunt would attend and give the keynote address. His speech was then quoted at length in the state-controlled press. Later, members were pressured to join the USDA.⁴⁵

Members of professional organisations under regime control generally join because they are afraid their businesses will suffer if they do not, or they hope to benefit from the connection. Few members want to spend time demonstrating against the NLD, but when ordered, they dare not refuse.

E. EDUCATIONAL AND CULTURAL LIMITATIONS

Several other factors have worked in the regime's favour to hinder development of civil society. Most important is the strikingly low level of education. According to UNICEF's 1995 report, *Children and Women in Myanmar*, 39 per cent of children never attend primary school. Of those who start, 34 per cent drop out between kindergarten and fifth standard (grade). Thus, more than 70 per cent of children do not even complete primary school.⁴⁶ Low levels of education are particularly prevalent in remote areas and urban slums, where older children must often care for younger siblings while parents work.

Expanding educational opportunities has not been a priority for the regime, which has been

decreasing the money it spends per child. It allocates over 200 per cent more on military expenditures than on education and health combined.⁴⁷ Only a few countries, such as Iraq and Syria, have worse ratios. Universities are shut for years at a time whenever there is student unrest, and many primary schools in rural and remote areas lack teachers and adequate supplies.

Low education levels often correlate to a citizen's lack of confidence in ability to take initiative and advocate change. The generals have contributed to a sense of disempowerment by insisting that they know what is best. When they inspect state projects and factories, they always give "necessary instructions" to management and staff, whether or not they have expertise. The regime relates to the people as if they were children who need guidance and can not be trusted to make correct decisions.

Symptomatically, the army regularly referred to the people during the democratic period as the mother and father of the army. Under military rule, the slogan has become the army is the mother and father of the people.

The formal education system and family practices reinforce the idea that citizens should be docile followers. The former, through university, is structured around rote memorisation and regurgitation, not analytical skills and critical thinking. In the home, parents often discourage children from asking questions and focus instead on obedience.

As in many countries, girls in particular are trained to be compliant, with self-assertive behaviour often condemned as unbecoming. Although many women have excelled in professional fields such as medicine and education, they are not encouraged to translate this competence into political or organisational leadership.

Meanwhile, the military makes efforts to ensure that its own people obtain superior education. Besides the Defence Services Academy, there are well-equipped military medical and engineering universities. Many top military families and their relatives send their children abroad for higher education, something few others can afford.

Myanmar is a status-based society, in which interactions are governed by who is higher. While

⁴⁴See, for instance, "People extol virtues of peace, stability and order prevailing throughout union, condemn perpetrations of detractors, subversives to undermine nation building, question if NLD has not wronged enough to earn unlawful association status", *New Light of Myanmar*, 27 September, 1998.

⁴⁵Fink, *Living Silence*, op. cit., p. 134.

⁴⁶UNICEF, *Children and Women in Myanmar: A Situation Analysis* (Rangoon, 1995), pp. 33-4.

⁴⁷UNDP Human Development Report 1997.

it does not have a caste system, and social mobility is possible, few people interact with each other as equals. Relative status is determined by age, position, occupation, wealth, and gender. In organisations and community meetings, those perceived to have higher status dominate discussions, while others who are perceived as having lower status (and so perceive themselves) will either not attend or will stay silent.

Although such norms to an extent characterise interactions in democratic societies as well, in Myanmar, hierarchical relations are generally accepted as a fact. There is a reluctance to challenge this norm because of its positive attributes. People tend to use family terms to relate to each other, giving even interactions with non-relatives a feeling of warmth and familiarity.

Power is related to control over information and decision-making, so powerholders are often reluctant to share knowledge. The regime has inserted itself at the apex of society, with control over information about political, economic, and social issues. It relies on traditional understandings of power to justify its right to decide on behalf of the people.

Similar dynamics operate in independent organisations, including the pro-democracy groups in exile. Leaders tend to make decisions with little consultation. Ordinary members accept such practices as normal. If they are dissatisfied with decisions, they may leave the organisation, but in general, there is little understanding of the need to reform the entity so that decision-making is more participatory and power dispersed.

Although Aung San Suu Kyi has called on all democracy supporters to be involved in the struggle, few have dared. The use of the pre-colonial expression that rulers are one of the five enemies to be avoided (along with fire, floods, thieves, and malevolent people) reflects a generally fearful and negative attitude toward politics.⁴⁸

Finally, a fatalistic belief in karma plays into the hands of those in power. Some Buddhists tell

themselves that whoever is in power must be deserving because of good deeds in past lives. A corollary is that ordinary people have no power because of misdeeds in their last lives. Thus, challenging the regime is pointless, and what is necessary is to focus on merit-making to improve status in one's next life.

Many who voice such views during periods of harsh repression nevertheless voted NLD in 1990. It is not that Buddhists in Myanmar are content to continue to live under military rule but that such a philosophy can rationalise passivity during times of little hope.

As a result of these factors, many people have little confidence in their ability to effect change. Moreover, even within non-state controlled organisations, there is reluctance to push new initiatives, to challenge authority, and to work together on an equal footing. Increased educational opportunities and exposure to alternative ways of thinking and operating are necessary to make civil society more dynamic.

F. SIMILAR RESTRICTIONS IN AREAS CONTROLLED BY ARMED ETHNIC NATIONALIST ORGANISATIONS

Independent civil society is also undeveloped in areas under the administration of armed ethnic nationalist organisations. Most of the organisations fighting for political autonomy are not democratic in structure or practice. Like the regime, they tend to suppress associations they do not control and seek to mute dissent, arguing that unity is necessary during this period of struggle. Moreover, because most focus on the concept of loyalty based on ethnicity, there is generally little promotion of pluralism.

To an extent, the smaller, more left-leaning armed groups operating in mixed areas defy this characterisation, as they have reached out to people from different ethnic backgrounds and promoted more equality in decision-making.⁴⁹

⁴⁸ See Melford E. Spiro, "Ethnographic Notes on Conceptions and Dynamics of Political Power in Upper Burma (Prior to the 1962 Military Coup)", *Ethnology*, Vol. 36, No. 1, Winter 1997, pp. 31-47.

⁴⁹ The Karenni State Nationalities People's Liberation Front and the Shan State Nationalities People's Liberation Organisation are comprised of people from more than one ethnicity and have, therefore, taken a more pluralistic approach.

In some areas where the armed ethnic nationalist organisations have made cease-fire deals with the regime, some community-based organisations have been able to expand their social welfare and development activities.⁵⁰ This is particularly true in the Kachin State where the Kachin Independence Organisation insisted that foreign NGOs be able to work as part of its cease-fire deal. The Christian church also is prominent in Kachin community life.

In Mon State, where there is a cease-fire between the New Mon State Party and the regime, Buddhist monks have been active in promoting literacy and education, but they are closely monitored by military intelligence. Nevertheless, the expansion of welfare and development activities in all the ethnic states has also been limited by their rugged topography. Underdeveloped transportation and communication structures, poverty, and low levels of education have made expansion of coordinated activities beyond the local level quite difficult.

IV. KEY ACTORS IN CIVIL SOCIETY

Despite the numerous military-imposed restrictions and cultural inhibitions, political parties, students, monks, and others have sought to carve out some space for independent action. In many cases, fear of torture and lengthy imprisonment starkly limits their activities, but they can be expected to do much more, particularly in urban areas, should they be allowed to operate freely.

A. POLITICAL PARTIES

Political parties continue to be the most important civil society actors although many have been deregistered and they cannot operate freely. Student-organised and other small pro-democracy parties that did not field candidates in at least three districts were deregistered. Several ethnic parties were declared illegal after the election, with those calling for a federal constitution in party manifestos being the first to go.⁵¹

The remaining ten legal parties are the National League for Democracy (NLD), the Shan Nationalities League for Democracy, the National Unity Party (regime-backed), the United Karen League, the Union Pa-O National Organisation, the Shan State Kokang Democratic Party, the Mro (or Khami) Unity Organisation, the Kokang Democracy and Unity Party, the Lahu National Development Party, and the Wa National Development Party.⁵² The last seven have small constituencies and minimal influence.

The NLD is the largest party. During the 1990 campaign it had over two million members and offices country-wide while winning 392 of 485 seats. Although the party is still legal, the regime attempts to squeeze it out of existence by arresting MPs and other active members, pressuring members to resign, and closing offices.⁵³

NLD members who resist have been threatened with losing business permits, transfers if they are civil servants, and denial of educational opportunities for their children. In late 1998,

⁵⁰ At the time of writing, the Karen National Union, the Shan State Army and the Karenni National Progressive Party were continuing armed struggle. Other smaller groups on Myanmar's western border such as the Chin National Front, the Arakan Liberation Party, the National Socialist Council of Nagaland, and the Rohingya Solidarity Organisation also have not agreed to cease-fires with the regime.

⁵¹ Liddell, "No Room to Move", p. 55.

⁵² Article XIX, *Burma Beyond the Law*, p. 61.

⁵³ NLD Statement No. 115, 1 December 1998.

authorities in some towns collected signatures on petitions and held no-confidence rallies to pressure NLD MPs to resign.⁵⁴ In April 2000, the Home Minister, Col. Tin Hlaing, directed all regional police chiefs and commanders of riot control police battalions “to employ all administrative techniques to completely crush the NLD within the year.”⁵⁵

There have also been instances of authorities intimidating landlords into revoking leases on NLD branch offices. Few remain open outside Rangoon, and most NLD members in rural areas either do not dare to be active or do not see what they can do given the tight restrictions. According to a Democratic Voice of Burma broadcast in 2001, NLD members are under surveillance by military intelligence in every township, with all meetings and travel carefully recorded and the information sent daily to the Directorate of Defence Services Intelligence in the capital.⁵⁶

Many NLD MPs and party members have resigned because of the unrelenting pressure. Harassment of family is often what makes the party member give in. Relatives argue that determination to stay in the party is selfish, because it just brings suffering to the family. Given the difficulties of making a living, this is difficult for party members to ignore, particularly when they feel isolated and have few chances to meet with other party members, let alone with Aung San Suu Kyi.

While those who joined the NLD in the election campaign surely hoped for restoration of democracy, many were not prepared for such a lengthy and personally costly struggle. The regime is well aware of this, and its goal is to gradually compel enough resignations that the party can lose its legal status.

NLD members are much more active at the Rangoon headquarters than district offices. This is largely because the regime wants to show diplomats and journalists that it allows the NLD to function, knowing that few will make it out of the

capital, in part because of the regime’s travel restrictions. At the same time, NLD members in Rangoon have more contact with the top leadership, giving them more confidence to continue their work.

NLD members in Rangoon continue to hold periodic educational seminars, political meetings, and party ceremonies. They have issued statements documenting the mistreatment of members and worked with ethnic minority political party leaders to establish the Committee Representing the People’s Parliament, which is meant to represent the 1990 Parliament until it can meet. The headquarters has also organised occasional donations of food and medicine for the poor.

However, the NLD is not permitted to photocopy or distribute party documents or newsletters or organise public rallies, so its ability to communicate with the public is extremely limited. Most people only learn about NLD activities through foreign radio broadcasts.

Although the NLD insists it is willing to discuss everything in negotiations, it has not made public transition plans or identified areas for possible compromise. The leadership worries that such information could play into the regime’s hands and lead to conflicts within the party and the pro-democracy movement generally. However, the lack of information about NLD thinking also causes problems. Independent organisations cannot show support without information, and the public is left with the impression that the NLD may not have a viable plan.

The NLD leadership is a mix of retired officers who believe that the military belongs in the barracks and intellectuals from a leftist tradition. Differences of opinion on acceptable compromises for political problems are likely. The party may also face conflicts over its policy on ethnic minority rights. The NLD has a number of ethnic minority members, including MP-elects. Several have been imprisoned for refusing to resign.⁵⁷ In late 2000, the central executive committee announced plans to draft a federal constitution, which most ethnic minority members would

⁵⁴ Altsean, *Ten Years on: A Parliament Denied* (Bangkok: self-published, 2000), pp. 23-4.

⁵⁵ “Police Force Ordered to Crush Democracy Party”, *Democratic Voice of Burma*, 8 May 2000.

⁵⁶ “Burma’s Military Intelligence Closely Monitors Political Activity”, *Democratic Voice of Burma*, 22 August 2001.

⁵⁷ Assistance Association for Political Prisoners, *Statement on Ethnic Minority Political Prisoners* (Burma, 12 February 2001).

support. But the party certainly also has Burman party members who do not favour devolution of power to the ethnic states.

Given the severe restrictions on communication and assembly for eleven years, the NLD leadership has had to make most of its decisions without being able to consult members. The NLD has occasionally been allowed to hold congresses at which attendees could vote on overall policy directions and issue statements declaring their trust in Aung San Suu Kyi and the central executive committee. Granting the leadership full authority has been necessary, but the seemingly unavoidable result is a less dynamic and democratic party.

The NLD youth wing is active in supporting party activities and serving as an informal link to other student activists. Several members are in prison, but the youth wing has the potential to bring new ideas into the party and keep it responsive to ordinary citizens' concerns.

Nineteen ethnic minority political parties won seats in the 1990 election, with the Shan Nationalities League for Democracy taking 23 and the Arakan League for Democracy eleven. Before the election, both parties, along with 19 other ethnic-based parties, formed the United Nationalities League for Democracy (UNLD). It won 66 seats, and its members have continued to work closely with the NLD.⁵⁸

Despite being declared illegal, members of the Arakanese League for Democracy and the Mon National Democratic Front have continued to pursue their political interests, although several of their MPs have ended up in prison or indefinite detention at military bases.

The leaders of the Arakan League for Democracy (ALD) have been active in promoting good working relations between the NLD and ethnic parties. It was also a founding member of the CRPP. To punish CRPP founders and cut contacts between the ethnic political parties and the NLD, the military regime arrested two senior ALD leaders. Dr. Saw Mra Aung, the 83 year old

chairman, was detained at a military base from late 1998 until June 2001.

Aye Tha Aung, a member of the ALD central executive committee and the UNLD secretariat and the chairman of the CRPP committee on Ethnic Nationalities' Affairs, was arrested in April 2000 and sentenced to 21 years in prison. His crime was to have written articles on ethnic issues in CRPP bulletins and to have met with ethnic minority representatives to discuss a political dialogue with the regime. In the CRPP, he represented four ethnic political parties.⁵⁹

The 63-year-old chairman of the Zomi National Congress (ZNC), Cin Shing Thang, was also arrested in September 1998 and put under indefinite detention at Ye Mon military camp. Min Soe Linn, an MP from the Mon National Democratic Front, was sentenced to seven years in prison in 1998 for continuing political activities.⁶⁰

Khun Htun Oo, the chairman of the Shan Nationalities League for Democracy, which is a legal party, continues to play a significant role in national politics. He and several other SNLD delegates attended the regime-organised National Convention, but his party issued a letter of protest to the National Convention Convening Committee after that body proposed a draft constitution which bore little resemblance to what the delegates had drawn up. Khun Htun Oo has frequently represented the ethnic political parties in meetings with diplomats.

In mid-2001, SNLD party members, like NLD members, were reported to be under regular surveillance by military intelligence.⁶¹ The ethnic political party leaders have attempted to meet regularly, but their travel is often restricted.

⁵⁸ See All Burma Students' Democratic Front, *To Stand and Be Counted*, pp. 20-21, for a chart of the number of seats won by each political party.

⁵⁹ The Shan National League for Democracy (SNLD), the Arakan League for Democracy (ALD), the Mon National Democratic Front (MNDF), and the Zomi National Congress (ZNC).

⁶⁰ Assistance Association for Political Prisoners, *Statement on Ethnic Minority Political Prisoners*.

⁶¹ "Burma's Military Intelligence Closely Monitors Political Activity", *Democratic Voice of Burma*, 22 August 2001.

Moreover, they cannot hold full party meetings or formal meetings with NLD leaders.⁶²

Through family connections, classmates, and friends, some ethnic minority political party members have informal contacts with members of the ethnic cease-fire organisations, and to a lesser extent, with the non-cessate-fire groups. These are important for sharing ideas on who should represent the ethnic minorities at possible tripartite talks with the regime and the NLD and for developing scenarios for a devolution of power to state and local levels in a transition. But because of different perspectives and limited opportunities to meet, the ethnic representatives have not been able to agree on how to proceed.

Still, the ethnic political parties are likely to be critical in a transition process. First, they will probably be more moderate than some of the armed ethnic nationalist organisations and may mediate between armed groups demanding more autonomy and Burman-dominated groups advocating a centralised political structure.

Both the military regime and the NLD have sought good relations with the ethnic political parties, which may tip the balance on certain issues. On the other hand, strong differences of opinion between the ethnic groups or between the ethnic representatives and the regime and NLD representatives could make compromises difficult.

B. STUDENTS

Students have a long tradition of political activism starting from the colonial period. The historic All Burma Federation of Students' Unions, which was banned by Ne Win in 1962, emerged again in 1988 to spearhead the pro-democracy demonstrations. It went underground after the coup but 1988 members and new recruits continue to search for ways to support the pro-democracy movement.

More than others in the society, students are motivated by commitment to justice, belief they have a historical legacy to fulfil, and relative independence from family responsibilities. While

most parents are reluctant to see their children risk their lives in political activities, student activism is generally viewed favourably, because students are seen as genuinely acting for the public good.

University activists organised protests in downtown Rangoon and on university campuses around the capital in December 1996. To prevent these from spreading, as in 1988, the universities were closed. When a few were briefly reopened in 1998 so upper level students could take exams, demonstrations broke out again, and the universities were not reopened until July 2000.

In 1999, some students coordinated with activists in exile to try to spark demonstrations on 9-9-99, a numerologically auspicious date. The authorities foiled the plan by arresting activists beforehand and warning citizens to stay off the streets. Since this failure, students activists have found it difficult to identify new actions.

Most student leaders of the 1988 nation-wide demonstrations and the smaller 1996 and 1998 protests are either still in prison or in exile. With university campuses the primary recruiting grounds for new supporters, student activists have been hampered by the long closure of most universities and the relocation of campuses from the capital to satellite towns in 2000. Not only are campuses now far from the downtown, but access is restricted to students of that campus. These changes make it difficult and expensive for underground activists to link campuses.⁶³

Parents of university students are required to sign letters of guarantee that their children will not participate in political activities, and lecturers must spend significant time monitoring students outside the classroom. Professors are also expected to inform students to avoid politics and can be held accountable for student actions.

The authorities strongly promote distance education classes to minimise on-campus time. Some high school headmasters encourage parents to enrol their children in these programs to reduce the possibility of their becoming involved in political activities. Former student political prisoners have access only to these courses. While many students are upset with declining educational

⁶² "Ethnic Groups 'Trust' Suu Kyi But Seek to Solve Their Own Problems", *Democratic Voice of Burma*, 5 September 2001.

⁶³ ICG interview, July 2001.

quality at satellite campuses, a significant percentage do not want to engage in protests for fear of prison and more university closures.

Another problem for underground student groups is that they tend to be organised around charismatic leaders, with ordinary members merely following orders. Although they are dedicated to working for restoration of democracy, the latter do not believe that they can offer their own ideas. When a student leader is arrested or goes into hiding, his (rarely her) followers may be unable to carry on effectively, because they lack confidence in their own decision-making. Aware of this, the regime seeks to identify and arrest the strategists and organisers and often lets ordinary members go.

Student activists still committed to political work can do little more than attempt to regroup, write publications, and slowly cultivate new recruits. The authorities tacitly allow distribution of uncensored student publications on campuses in order to provide an outlet for frustrations and a gauge of student feelings. Politicised students, like everyone else, hope that the current dialogue between the NLD and the SPDC will lead to a transition and relax restrictions. Although students are quiescent, they could still be quickly mobilised should the space emerge for them for this.

What role might students play in a transition process? If they are given freedom to organise, they likely will press for reforms and freedoms within both the educational system and the wider political system. During the 1988-1990 election period, student activists played an important role in educating voters and identifying exploitation and injustice. Should there be another election, it is likely students would participate in political education campaigns again.

Minority students with an interest in ethnic issues would probably also take part. The regime permits campus-based ethnic literature and culture committees to put out calendars and annual publications. These groups cannot engage in any political activities, but some members become politicised as they begin to understand the links between restrictions on the use of their languages and a lack of political rights. In the past, many university-educated recruits to the armed ethnic nationalist organisations had been members of such literature and culture committees. Ethnic minority members of such groups are likely to

participate actively in political education campaigns in minority areas during a transition.

C. RELIGIOUS GROUPS

The Buddhist monkhood consists of over 300,000 monks and novices and has the moral authority to influence the majority of the population. It has a hierarchical structure under the state's authority but in 1988, independent monks' unions emerged to support the pro-democracy movement. In August 1990, monks in Mandalay and other towns in central Myanmar participated in a religious boycott of the regime in which they refused to accept alms from military personnel and their families and to preside over religious ceremonies, such as funerals.

The boycott marked the second anniversary of the 1988 demonstrations and was meant to pressure the regime into recognising the 1990 election results. While it ended after troops raided monasteries and arrested hundreds of monks, the regime is still concerned about a Buddhist role in politics.

To keep the monks in line, it issued two decrees in October 1990 banning all independent Buddhist monks' organisations and authorising army commanders to try monks in military tribunals for any "activities inconsistent with and detrimental to [Buddhism]".⁶⁴ Sentences can range from three years' imprisonment to death.

Many monks feel that politics could sully the reputation of the monkhood, while others have been impressed by the massive donations the regime has lavished on temples in recent years. However a number of young monks, like high school and university students, feel a duty to fight against unjust rule. They have not forgotten the active role that highly respected monks, such as U Ottama and U Wisara, and Buddhist organisations, such as the Young Men's Buddhist Association, played in protesting British colonial rule.

In 1997, the annual monastic exams were cancelled because the regime feared that they might be converted into demonstrations. Some monks had

⁶⁴ SLORC Order 7/90, cited in Article XIX, *Burma Beyond the Law*, op. cit., p. 57.

been upset over the continued imprisonment and death in custody of monks arrested in 1990. Others were angry that the authorities had apparently tried to provoke violence between monks and Muslims in order to divert the former's attention from the desecration of the famous Mahamyatmuni Buddha image in Mandalay. Some believed that military authorities in that city had been involved in a plan to remove a precious ruby said to be located in the belly of the image.

When the monastic exams were held the following year, monks had to pair off and guarantee that their partner would not participate in political activities. If either broke the promise, both could be punished. Monasteries where monks have been active in pro-democracy politics are believed to be infiltrated by intelligence agents, and monks' travel is carefully monitored.

While it is generally the younger monks who take an interest in politics, two highly respected senior monks called for a dialogue between the regime and Aung San Suu Kyi in late 1999. One, U Zawtipala, offered to serve as a mediator, but the regime rebuked his offer.⁶⁵ Following this, some monks insisted that the regime begin a political dialogue with the CRPP by 25 May 2000 and planned a boycott of alms. Ten monks in Mergui were arrested for refusing to accept alms or attend events outside their monasteries.

The SPDC also issued an order on 12 May 2000 prohibiting monks from discussing politics with lay people, giving speeches encouraging unrest, or allowing meetings in monasteries. Monks were also forbidden from reading any anti-SPDC materials and were informed that they must apply for permission before travelling outside their districts.⁶⁶ Such restrictions clearly indicate regime concern that monks could again join with lay people in organising large-scale protests against military rule.

Christian organisations. Less than 10 per cent of Myanmar's population is Christian, the majority of

whom live in the mountainous ethnic states. Nevertheless, churches and related associations have actively engaged in local development, education, and social welfare activities in their communities. The regime likely tolerates Christian-sponsored projects particularly in ethnic minority areas because they fulfil basic welfare demands not met by the state.

A major factor in the formation of armed ethnic resistance organisations in the late 1950s and early 1960s was the minority groups' frustration that so little central government funding went to development of their areas. As long as the Christian activities have no political content, they can operate with some freedom.

To a greater extent than the Buddhist community, Protestant Christians have an extensive lay organisation tradition, with church-based women's groups, youth groups, and oversight committees.⁶⁷ Moreover, the Protestant and Catholic communities have links with international Christian groups, and despite frequent restrictions on obtaining passports, a number of Christians have found ways to attend meetings and study abroad. They have also been able to meet with visiting church groups. Through such contacts, members of the Christian community have been encouraged to introduce development projects and capacity building programs in their areas.

Some of the strongest Christian associations are the Myanmar Christian Council of Churches, which represents thirteen Protestant denominations, the YMCA, the Myanmar Baptist Convention, and one of its members, the Kachin Baptist Convention. These have organised leadership training for youth and women, management courses, and a host of small-scale development and welfare initiatives. They have also built a sense of community among Christians from different ethnic backgrounds.

The Kachin Baptist Convention was instrumental in producing the cease-fire between the Kachin Independence Organisation and the regime in 1994

⁶⁵ "Senior Monk Appeals to Burmese Ruling Council, Opposition to Hold Peace Talks", *BBC Radio*, 4 November 1999.

⁶⁶ "Arrests follow Monks' Refusal to Accept Alms in Burma", *Religious Perspectives on Human Rights Weekly E-News Letter* (of the Asian Human Rights Commission), Vol. 2, No. 21, 22 May 2000.

⁶⁷ Martin Smith, "Ethnic Conflict and the Challenge of Civil Society in Burma", in *Strengthening Civil Society in Burma: Possibilities and Dilemmas for International NGOs* (Chiang Mai: Silkworm Books, 1999), p. 44.

and has been involved in development projects in Kachin State ever since.

While at least some Christian leaders understand that ideally the church should be active in civil society, church groups feel they cannot do much at the national level, both because of the regime's intolerance of dissent and because Christians are a small minority. They may try to influence authorities in their areas through informal discussion but otherwise must limit their activities to non-threatening humanitarian, educational, and economic development projects.⁶⁸

D. INTELLECTUALS, PERFORMERS, AND ARTISTS

Many writers feel obliged to critique regime policies, educate their readers, and promote critical thinking, but find this difficult. Publications are closely scrutinised by the censorship board, limiting opportunities to communicate what the regime considers subversive. If censors disapprove of a portion of text, the publisher has to ink out the word or rewrite the offensive section and reprint. Pushing the limits of censorship became a risky game when the Press Registration Act forced publishers and printers to re-register every year.

Writers known to support the pro-democracy movement or who have managed to get oblique criticism of the regime through the censorship board in the past are put under extra scrutiny. Some are banned from writing altogether. As a result, both writers and editors are under tremendous pressure to engage in self-censorship. Most independent magazines and journals play it safe by focusing on magic, religion, business, sports, entertainment, and fashion. Still, readers are used to reading between the lines and look for political meanings in seemingly apolitical texts, sometimes reading in meanings never intended.

While there are writers who push the limits, many now urge colleagues who have a chance to travel to seek asylum abroad. Others have fled arrest. Some of the country's most respected writers, such as U Tin Moe and Dr. Tin Maung Than, are in exile and face imprisonment if they return.

However, they can still communicate through international radio broadcasts. Likewise, dissident singer Mun Awng and dissident poets in exile reach audiences through radio broadcasts and uncensored tapes and books which are smuggled into the country. Exile newspapers and journals are also sent in through networks of contacts. Distribution is limited though, because those caught can receive jail sentences up to seven years.

Censorship extends to art. Galleries are not allowed to display works showing poverty, because this would suggest a failure of the regime's economic policies. Rangoon University's Fine Arts Department has been permanently closed due to the number of students who provided artwork for independent publications, posters, and banners during the 1988 pro-democracy movement.

The authorities try to create divisions between intellectuals, singers, and movie stars by rewarding those who cooperate and punishing those who refuse. Musicians and movie stars who sing propaganda songs or perform in propaganda movies may receive cell phones, cars, or other luxuries. Those who say no are threatened with performance bans. As performers attempt to negotiate these boundaries of how much work for the regime is necessary or acceptable, inevitably disagreements develop between colleagues, leading to mistrust and in some cases, a break down of relations. This serves regime interests, for divided intellectual and artistic communities cannot effectively challenge the status quo.⁶⁹

All university scholars are civil servants and thus not allowed to join political parties. Academic conferences are tightly controlled to ensure that no anti-regime discussions emerge. Many scholars have left the country rather than work where they cannot speak, teach, or write freely.

Writers, poets, cartoonists, and editors continue to meet at teashops to discuss their work and the issues of the day, but they have found it difficult to hold regular discussions at a fixed place because of surveillance. The authorities forced one well-known teashop in the heart of Rangoon to move in order to stop the regular gatherings there.⁷⁰

⁶⁸ ICG interview, September 2001.

⁶⁹ See Fink, *Living Silence*, Chapter 10.

⁷⁰ ICG interview, September 2001.

Literature study groups still meet in Rangoon and Mandalay but generally avoid politics for fear of surveillance. While outsiders are often surprised by the extent to which writers, businessmen, and others can complain about economic problems and government-imposed restrictions, talk about alternative political solutions is not allowed. The author Saung Oo Hlaing was arrested and sentenced to one year in prison just for talking about Aung San Suu Kyi. The regime realises it can maintain power even if people are unhappy. What it must prevent is people articulating and organising around an alternative.

People in Myanmar take great pride in the country's literary tradition and revel in biting satire. Should censorship be lifted, magazines and journals would surely challenge regime policies actively and shape public opinion on political and social issues.

E. INDEPENDENT MEDIA

The most important sources of uncensored information are four foreign-based radio stations broadcasting in Burmese: BBC, VOA, the Democratic Voice of Burma, and Radio Free Asia. The Democratic Voice of Burma is based in Oslo and run by exile-based pro-democracy organisations. It also produces short programs in several ethnic minority languages. The Burmese section of Radio Free Asia, based in Washington D.C., focuses primarily on news about Myanmar but is not linked to any political organisations.

People listen to these stations to learn what is happening not only abroad but also in their own country. Although talks between Aung San Suu Kyi and the regime began in October 2000, the state-controlled media has never mentioned them. It was only through foreign radio broadcasts that people in Myanmar learned a dialogue had begun. Some of the stations also carry educational programs related to politics and civil society.

However, only a minority tunes into foreign broadcasts regularly. Soldiers are forbidden and few civilians dare listen openly. In 1999, a teashop owner was sentenced to two years in prison for turning on a Voice of America broadcast in his

shop.⁷¹ Many also feel that it is pointless to listen unless dramatic events occur that might change the political situation.

F. BUSINESS ASSOCIATIONS

In 1987, Brigadier General Aung Gyi travelled abroad for the first time in years. He was stunned by the rapid pace of development in the region and wrote letters warning Ne Win that change was necessary to catch up. Since then, many more people have travelled abroad, with business people in particular appreciating the advances other countries have made through trade, private investment, and information technology.⁷² Certainly most business people would like a much greater opening of the economy and access to information and communications technology. However the private sector is still very small and its bargaining power limited.

Some businessmen organise regular informal discussions on economic matters, with foreign businessmen attending. New business associations have been set up, including the Myanmar Computer Industry Association and the Myanmar Computer Federation. Yet so far, business people have not had much luck in persuading the regime to rationalise economic policies.

Authorities continue to change the rules and take other arbitrary actions, so business people are never sure where they stand. When ministers change, so do the policies. Fearful of losing control and lacking economic expertise, the generals promote the interests of less aggressive business people, who are willing to conform to regime restrictions. These are often friends or relatives of top officials.⁷³ Corruption is also pervasive in business and government transactions because civil servants are inadequately paid, and the lack of clear regulations provides a climate for bribes.

⁷¹ NLD Statement No. 21 cited in the transcript of Aung San Suu Kyi's videotaped message to the 56th Session of the UN Commission on Human Rights, 5 April 2000.

⁷² See "Women's Group Makes Conference Debut", *Myanmar Times*, 3-9 September 2001.

⁷³ ICG interview, July 2001.

G. TRADE UNIONS

Unlike in many countries, trade unions have not been important in Myanmar's democracy struggle. First, the independent variety are banned, although the regime has organised some controlled workers' associations. Secondly, more than 70 per cent of the population lives in rural areas and is primarily engaged in small-scale farming, fishing, and animal breeding.

Nevertheless, state-enterprise workers did protest ration cuts in the mid-1970s, and urban workers formed independent unions during the 1988 pro-democracy demonstrations. Some of those workers who were not arrested continue to look for ways to support the democracy movement. However, it has been extremely difficult for them to expand their support base when most factory workers are poor and desperate to keep jobs.

Hundreds of thousands have migrated to neighbouring countries to find better-paying employment, despite often having to work illegally. The exile-based Federation of Trade Unions of Burma has sought to organise underground unions and educate workers about their rights but there has been little visible political activity. The recent surge in factories producing garments might provide a broader recruiting ground, but most of these workers are poor women who are trying to sustain families and will be reluctant to take risks.

H. THE ROLE OF NGOS

More than a dozen international NGOs and several U.N. agencies have carried out programs since the mid-1990s. They have focused on providing safe drinking water and sanitation, supporting access to education and health care, starting community-based development projects and micro-loans, and confronting the HIV/AIDS crisis. In the early and mid-1990s, some international NGOs worked through government-sponsored organisations, but since then, they have increasingly dealt with church and women's groups and encouraged formation of village or ward-level associations. One NGO has sought to introduce educational messages about HIV/AIDS into performances of traditional theatre groups.

The HIV/AIDS crisis has reached epidemic proportions with almost 3.5 per cent of the adult population HIV positive as of mid-2001.⁷⁴ Malnutrition has also become a severe problem, with 25 per cent of all new-born babies underweight and an estimated one out of three children suffering from malnutrition by age five.⁷⁵ In August 2001 the heads of nine UN agencies in Myanmar appealed urgently for significantly increased humanitarian funding.⁷⁶

Aung San Suu Kyi has been reluctant to endorse international assistance while the regime holds power, in part because of concerns that it would skim off assistance and gain legitimacy from NGO presence. There have been instances of authorities demanding vehicles or other equipment, and the regime has strongly pressured international NGOs to refrain from contacts with the NLD. Nevertheless, most international NGO staff feel they cannot ignore the humanitarian crisis.

Aung San Suu Kyi has questioned whether development assistance can make much difference when the regime's mismanagement and misallocation of resources is at the root of the problem. Despite virtual bankruptcy, the regime decided to spend U.S.\$150 million on twelve MiG fighter planes from Russia in 2001.⁷⁷

Linking development assistance to empowerment, Aung San Suu Kyi has further argued: "It is not enough merely to provide the poor with material assistance. They have to be sufficiently empowered to change their perception of themselves as helpless and ineffectual in an uncaring world."⁷⁸ In practice, this requires introducing democratic organisational structures into community development work and encouraging creative and independent thinking.

⁷⁴ This figure was reported by epidemiologist Chris Beyrer in "AIDS Hidden in Myanmar, Expert Says", *The New York Times*, 25 June 2001.

⁷⁵ "Experts Call for Urgent Removal", *The Nation* (Thailand), 7 August 2001.

⁷⁶ Ibid.

⁷⁷ Roger Mitton, "The Arms Deals: Burma and Thailand Go Shopping", *Asiaweek*, 10 August 2001.

⁷⁸ Aung San Suu Kyi, "Empowerment for a Culture of Peace Development". Address to a meeting of the World Commission on Culture and Development in Manila, 21 November 1994. Reprinted in *Burma Debate*, Vol. 1, No. 3, December 1994/January 1995.

Some international NGOs emphasise participatory development in their project designs, but this can only be taken so far. Obtaining permission to operate in Myanmar is not easy. The regime worries that international NGO's will expose its bad practices and encourage political defiance. Many international NGOs have entered as sub-contractors of UNDP projects and in effect must spend a couple of years proving themselves before they can obtain memorandums of understanding for their own work.

Most international NGOs in Myanmar provide direct services, such as food, health care and shelter, and/or support development projects that help build local capacities. These are first and second generational strategies, according to David Korten's typology of four levels of NGO operating strategies in developing countries.⁷⁹

International NGOs have found it very difficult to move to the third stage of reconfiguring policies at the national level to ensure sustainable development. This is because of the regime's concern for the political impact of such changes and the frequent disinterest of ministers with military backgrounds.

The fourth generation strategy would be to foster linkages to international social movements and would mean completely rethinking broader political and social policies. Under current conditions, this is impossible. Still, it can be argued that international NGOs are establishing the foundation for community groups to dramatically expand activities and roles in civil society once they have the chance.

GONGOs, or government-organised non-governmental organizations, are prominent in Myanmar. Some, such as the Myanmar Red Cross, the Myanmar Medical Association, the Myanmar Maternal Child and Welfare Association, and the

Auxiliary Fire Brigades, have chapters nationwide. Similar to USDA and professional organisations controlled by the regime, GONGOs are often run by military officers or their wives.

While politically closely aligned with the regime, there are also some members at the local level who participate to address health or social welfare issues. Indeed, many are very concerned about the country's mounting problems and are eager to do what they can to help.

The Myanmar Maternal Child and Welfare Association, for instance, is headed by Lt. General Khin Nyunt's wife, but there are also members outside the capital who are not necessarily regime supporters and who genuinely seek to improve conditions for women and children. Members of such organisations are carefully watched to ensure they do not develop close relations with the NLD or get involved in party politics.⁸⁰ The regime may continue to mobilise these organisations to demonstrate support for its policies but it is conceivable some can be democratised in the future. One analyst has suggested that while international NGOs should not work with GONGOs as such, it could be valuable to identify dynamic individuals within them and encourage their participation in capacity-building training.⁸¹

Independent NGOs and professional associations are only legal if they register under the Companies Act.⁸² Few want to register for fear they will draw unwanted attention. Small community groups, such as funeral associations which help poor people cover burial expenses, women's groups, literature and culture groups, sports groups, and religious associations, do not need to register as long as their activities are local and specific.

However, even such activities as cooking food for poorer villagers by ad hoc community groups are sometimes stopped. In other instances, independent groups have been told they are not needed because government-controlled organisations have been set up to handle social

⁷⁹ This discussion follows Marc Purcell's application of Korten's theory to Myanmar. See Marc Purcell, "Axe-handles or Willing Minions?", International NGOs in Burma", in *Strengthening Civil Society in Burma: Possibilities and Dilemmas for International NGOs* (Chiang Mai: Silkworm Books, 1999), pp. 70-75. See also David C. Korten, *Getting to the 21st Century: Voluntary Action and the Global Agenda* (West Hartford, CT: Kumarian Press, 1990), pp. 114-123.

⁸⁰ "Authorities Dismiss Official for Contact with Opposition", *Democratic Voice of Burma*, 20 August 2001.

⁸¹ Purcell, "Axe-Handles or Willing Minions", op. cit., pp. 87-88, 97.

⁸² Liddell, "No Room to Move", op. cit., p. 55.

welfare activities. The constant uncertainty over what is legal makes it difficult for groups to initiate activities. The regime has tried to minimise the space between the government-controlled sphere and private life.

One of the few independent NGOs permitted is the Metta Development Foundation. It was established in 1998 by a Kachin woman with connections to the Kachin Independence Organisation (KIO), after the KIO and other armed ethnic groups made cease-fire agreements with the regime.⁸³ Foreign donors have supported its projects in communities damaged during the civil war.

Originally focusing on Christian Kachin communities, the foundation has begun expanding to other ethnic areas and has focused on sustainable community based projects and skills training. Unlike international NGOs, which are restricted to communities within a narrow radius of large towns, Metta can work in more remote areas.

It is likely that the regime sees allowing development projects in Kachin and other ethnic states as one way to limit the possibility that the ethnic armed organisations will call off their cease-fires. As long as Metta stays away from politics and carefully manages its relations with authorities at various levels, it seems able to operate fairly independently.

In some towns, interfaith councils bring together Buddhists and Christians and sometimes Muslims and Hindus to promote religious tolerance and joint solutions to shared problems. Again, these groups generally focus on social welfare projects such as clean water and food for the needy. They cannot address political issues.

One final sector of society that should be mentioned is military veterans. Many retired military officers are unhappy with regime policies but still have contacts in the military. The most organised and outspoken group is the Veteran Political Colleagues, which consists of a few surviving members of the Thirty Comrades. The Thirty Comrades, who included Generals Aung San and Ne Win, were trained in Japan in 1941 and

were active in Burma's independence struggle against the British.

The leading member of the Veteran Political Colleagues, Bo Hmu Aung, has senior statesman status. In open letters and private conversations, he has appealed several times to the regime to engage in a serious dialogue with the NLD and lift restrictions on legal parties.⁸⁴

From the above it should be clear that while many groups in Burma would like to act politically, they dare not. Civil society is highly restricted and has not been able to play a significant role in promoting the restoration of democracy. Under military rule, people have been forced into narrowly defined alternatives: support military rule, support the pro-democracy movement, or try to remain passive and stay safe.

The intensity of the repression has stifled creativity within the military, the political parties, and civil society as a whole. While people have crafted survival strategies, they have not been able to explore viable solutions to political problems. As much as most would like to see change, few are actively developing realistic scenarios for how a stable political transition might occur.

⁸³ For more information on the Metta Development Foundation, see its website: www.metta-myanmar.org.

⁸⁴ See for instance Bo Hmu Aung's open letter on behalf of the Veteran Political Colleagues to Sr. General Than Shwe, dated 20 June 2001. An English translation was posted in the *BurmaNet News* (an online newspaper), Issue no.1834, 29 June 2001.

V. ROLE OF CIVIL SOCIETY IN RESTORING DEMOCRACY

Democracy in Myanmar (understood as representative and responsible government elected by universal adult suffrage and operating under a rule of law) can only be instituted in two ways: either the SPDC is forced out of power or it decides willingly to surrender power from a position of strength. For the latter to happen, there would need to be a significant shift of values in the armed forces leadership – and civil society will have a role if that is ever to occur.

It needs to be noted that the mere ejection of the SPDC from power in Myanmar will not represent a 'return' to democratic government. Leaving aside the need to overcome the social devastation caused by the SPDC/SLORC over two decades and documented in this report, Myanmar has never had a functioning democracy by the standards that the NLD in Myanmar now aspire to. Even if the SPDC were forced from power, a transition to a functioning and effective democracy would be protracted, it would be highly conflictual, and it could be bloody.

Ethnic and religious communities could clash during the transition process. Containment will depend on whether moderate voices predominate and progressive civil society organisations emerge to promote tolerance and compromise. It is possible that narrowly-defined Burman and ethnic minority nationalism could grow in response to uncertainties over how political and economic power would be reconstituted. As in many other countries, political parties might seek popularity by setting groups against each other. A particularly sensitive issue is the status of the Muslim Rohingya people in Arakan State. Some Arakanese Buddhists argue that most Rohingya migrated from Bangladesh relatively recently and therefore do not deserve citizenship or political representation. The regime has engaged in military operations to drive the Rohingya out of the country in the past. As a result, the Rohingya are vulnerable, and Arakan State could be a flashpoint.

Another concern is that monks may publicly support Buddhism at the expense of religious minorities. In the late 1950s, some monks strongly supported U Nu's campaign pledge to make Buddhism the state religion. Monks participated in the desecration of Muslim mosques on several

occasions in the 1990s. While these attacks may have been incited by authorities seeking to deflect popular attention from other issues, numerous monks were willing to participate. Indeed, a common belief among monks is that Muslims in Myanmar are determined to make the country a Muslim state. Thus, some can easily be persuaded to take aggressive action.

A. THE LINK BETWEEN CIVIL SOCIETY, FORCING OUT THE REGIME, AND DEMOCRATISATION

There is no doubt that a strong link exists between a vibrant civil society and a vibrant democracy. But in looking forward to democratisation in Myanmar over the longer term and in framing shorter-term efforts to weaken and then replace an authoritarian regime of the sort represented by the SPDC, a clear understanding of the nature of that link is needed. One does not get very far before finding considerable controversy about just what that link constitutes. Is a vibrant and complex civil society necessary to force out an authoritarian military regime? Is a strong civil society an outcome of democratisation, an essential precondition for it, or an active agent of the process of democratisation? Answers to these questions may well be quite different for different cases.

The available evidence for Myanmar discussed in this report suggests that the balance of power lies firmly in favour of the SPDC, and that civil society is not sufficiently unified, organised, focused or powerful to force the SPDC from power by either violent or non-violent means. The only coercive instruments supporting its efforts are the international sanctions.⁸⁵ But, as an earlier ICG report on the strengths and vulnerabilities of the military regime notes, an important caveat must be that we do not have reliable and comprehensive information that allows us to be completely confident of our judgements about the relative strengths of the SPDC.⁸⁶

⁸⁵ For a discussion of these, see ICG Asia Report No. 11, *Burma/Myanmar: How Strong is the Military Regime?*, 21 December 2000.

⁸⁶ ICG Asia Report No. 11, *Burma/Myanmar: How Strong is the Military Regime?*, 21 December 2000.

A much stronger, more vibrant and more complex civil society operating throughout Myanmar can probably only be the outcome of democratisation, after the demise of the regime by whatever means. It is on the areas of political party organisations, educational organisations and associations, religious associations, the media, and professional associations (lawyers, civil servants and business people) that international activists and donors would need to focus their attention if they want to enhance the prospects for collapse of the SPDC and a peaceful transition after that. And this attention would need to be paid much more to those groups operating in Myanmar than is now the case, where significant support goes to civil society groups operating in exile. But the delivery of such assistance would be extremely difficult in practice.

In the absence of the overthrow or collapse of the SPDC, the only path to democracy in Myanmar is one negotiated by the SPDC from a position of relative strength. If the dialogue between Aung San Suu Kyi and the SPDC progresses, and a transition plan is agreed, it is likely that an interim government would be set up to oversee the writing of a new constitution. After some extended period, elections would be held and power transferred. It is not clear how much power the military would continue to wield and how much freedom independent organisations would be permitted under an interim government or even after elections.

Even if allowed much freer rein, the ability and willingness of non-state actors in Myanmar to inculcate a democratic culture should not be overstated. Many people still understand power as finite and personalised, and there is little tolerance for differences of opinion. Currently almost no civil society groups openly promote the talks between the regime and Aung San Suu Kyi except the ethnic minority political parties and the Veteran Political Colleagues. However, the armed non-cease-fire organisations and the exile-based pro-democracy groups have also issued statements in support.⁸⁷ Moreover, not all civil society groups would necessarily make positive contributions. Some might advocate exclusionary and divisive policies. With so many weapons in the country,

groups may also threaten violence against those with opposing viewpoints.

B. THE ROLE OF THE NLD

The NLD has worked actively, but so far ineffectually, to drive the SPDC from power by non-violent means. It has used several interlocking strategies – civil resistance, political dialogue, international activism (including establishment of a government in exile), and support for international sanctions on the regime. This is the sort of strategy that worked quite effectively in the case of the African National Congress (ANC) in South Africa, but key differences with that situation suggest some limits on the prospects for the NLD. In South Africa, there was a highly internationalised business sector that was responsive to economic and financial pressures of financial sanctions. Sections of this business sector were also more liberal than, and indeed opposed to the apartheid government. Moreover, even though the electoral system was skewed overwhelmingly in favour of the minority, apartheid South Africa was organised according to principles of electoral democracy, and this allowed for an easy and obvious transition mechanism. The front-line states bordering South Africa also had a unified position on an end to the apartheid regime, and South Africa eventually had no great power allies on which it could rely to divide the international consensus. By contrast, Myanmar has no internationalised, liberal business sector. It is not organised on the principle of electoral democracy. It has compliant front-line states, and it has two great powers (China and Japan) which counteract in different ways the consensus of the Western countries. In South Africa, the ANC used violence to terrorise and intimidate its political opponents, which the NLD has eschewed violence. This is not the place to analyse the utility or morality of resort to violence by the ANC in the South African case, but it is important to note this difference between the ANC and NLD strategies.

There is another essential difference in Myanmar. The NLD is not the representative of the majority of anti-government forces, as the ANC was. The NLD does not command the support of the main ethnic opposition groups in a way that constitutes significant pressure on the SPDC. While the independent ethnic political groups pay respect to the NLD, they do not work with it to coordinate a

⁸⁷ The UN has played a key role by tasking Malaysian diplomat Razali Ismail to visit Myanmar regularly to keep the talks moving.

political strategy for the overthrow of the SPDC. Aung San Suu Kyii opened the current 'confidence building talks' with the SPDC without consulting the main ethnic groups. The NLD has shown no signs of seeking to build on the military capacities of the ethnic groups to use armed force to overthrow the regime.

The possibility of NLD leadership of a people power revolt of the type seen in Poland in 1979-1980 with Solidarity and in the Philippines in 1986 cannot be ruled out. The essential elements of those two 'bloodless revolts' were a catalysing event (the shipyard strike in Gdansk or the assassination of Ninoy Aquino); an alternative source of moral authority apart from the government (which in both cases was the Catholic Church); sharply divided loyalties in the armed forces; and a politically engaged community in the main centres of power. These elements either exist or could easily come to exist in Myanmar. But in both Poland and the Philippines, there was to begin with a significantly more vibrant 'civil society' than we know now to exist in Myanmar; the direct intervention of a great power had an important effect on the outcome;⁸⁸ and there was no recent history of large scale violent repression of street demonstrations in the capital cities as occurred in Rangoon in 1988.

C. ROLE OF OTHER POLITICAL PARTIES

Other political parties have even less prospects of being able to force the SPDC from power by non-violent means. A nation-wide campaign of civil disobedience by all of the main political groups acting together would appear to be impossible, if only because of the continuing military confrontations between the government and some ethnic armies. The ethnic parties that have their own armed forces probably have the firepower and manpower to force a settlement on the government, but this would depend on a well coordinated strategic plan, a high degree of operational coordination, and reasonable levels of sustained

effectiveness in combat. It would also depend on their seeing their economic and political interests served by a restoration of democracy. It is not clear that this is the case with some groups that are reported to be heavily involved in the drug trade, for which they rely on government protection or acquiescence.

At the same time, ethnic nationalist organisations will need to promote democracy and rule of law in their own structures and territories. There is little evidence of any preparedness for an early change to a new social or political order of that kind in some important ethnic areas. And some of these groups will likely try to retain their weapons as long as possible so they can use the threat of renewed fighting to ensure that their political demands are considered. However, as long as they are armed, they can also threaten the democratic process locally and nationally. This is particularly true of the groups involved in heroin and amphetamine production. They are well-armed and benefit from cease-fire deals which allow them to do what they want in their own territories.

D. OTHER SECTORS OF CIVIL SOCIETY

Among other sectors of civil society, students and monks could individually challenge the regime through some widespread demonstrations. Senior monks have called on the regime to engage in a political dialogue in the past and might do so again if it appeared that the talks were not progressing beyond confidence-building measures. Groups of politicised young monks and students might engage in small-scale demonstrations should the dialogue process stall, but given the regime's ability to disrupt such actions and imprison the leaders before demonstrations spread, most young people feel the risks would be pointless. Even if they did so, and there is no evidence to suggest they are organised and equipped to do this, it would remain to be seen what role they would play in the immediate tasks associated with establishing order and then democratic rule in Myanmar after the collapse of the SPDC. At this point, members of the international community are playing a much more visible role in promoting the democratisation process than civil society organisations inside Myanmar.

⁸⁸ The Polish revolt was suppressed by martial law after the USSR delivered an ultimatum to the Polish government to do so or face Soviet use of force by its few divisions already in country and the twenty plus divisions of Warsaw Pact forces near its borders. In the Philippines, the revolt ended successfully after the US arranged to fly President Marcos out of the country.

VI. ROLE OF CIVIL SOCIETY IN PROMOTING ETHNIC COEXISTENCE AND COOPERATION

Many who identify themselves as majority Burmans (some from mixed parentage) consider their needs take precedence over minority demands. Many also consider Burman historical achievements and culture superior to that of minority groups. In part due to regime propaganda, Burmans tend to understand unity as requiring homogeneity and oppose any attempt by ethnic groups to break that unity. There is implicit tolerance for regime attempts to Burmanise minorities by discouraging the practice of other religions and the use of minority languages.

At the same time, with very little information about the destruction wrought by the army in the remote ethnic areas, Burmans from the central plains tend to think the minorities have suffered no more than they themselves. They believe that restoring democracy will also solve the ethnic minorities' problems. As a result, few independent study groups or intellectuals in central Myanmar see ethnic rights as something they need to consider. They have not sought to educate themselves about federalism and other decentralised forms of political power.

While many Burmans have a hegemonic attitude toward the ethnic minorities, many ethnic minorities from areas devastated by the civil war distrust Burmans. Thus, it is difficult for people who have grown up under some of the armed ethnic nationalist organisations to envision a political system that could accommodate their and Burman interests. There is a lack of information in both central Myanmar and the ethnic states about political systems that have been adapted successfully to ensure respect for minority rights.

Pro-democracy groups based in neighbouring countries have far greater understanding of ethnic concerns. Activists who have lived along Myanmar's borders have seen firsthand how the army has treated ethnic minority villagers, and they have interacted regularly with ethnic minority political leaders. As a result, the draft constitution drawn up by the National Council of the Union of Burma, an umbrella group including ethnic

nationalist organisations and pro-democracy groups in exile, calls for a federal system.

Aung San Suu Kyi is also sensitive to ethnic minorities' concerns, and the NLD leadership has discussed a federal constitution. Yet earlier NLD documents did not contain the word "federalism" because many in central Myanmar believe the concept leads inevitably to anarchy. Recognising the legitimate rights of minorities and finding viable ways to guarantee their fair treatment will be essential to establishing lasting peace in Myanmar.

VII. CONCLUSIONS

It has not been possible to give very optimistic answers to the two questions with which we began this report.

The SPDC has the will to reach every corner of civil society but it is also the case that, as in other countries, it is not capable of or even interested in reaching every corner all of the time. Some political parties, including the NLD are legal, and hold meetings and even public gatherings. There are meetings of writers and business people. There are professional associations. All of these are constrained in some ways by the SPDC, and seriously so, although not all of the time and not for all of their activities. But civil society as it exists today in Myanmar appears to offer no threat to the regime and therefore holds out little prospect of playing a big role in fostering eventual democratisation.

For Myanmar to develop a stable and vibrant democracy, the space for civil society must be increased dramatically and the capacity of people to develop a strong civil society enhanced. At the same time, it is essential that independent organisations that do exist or new ones that emerge be based on principles of tolerance and democratic practice. Open-mindedness and willingness to compromise must be redefined as positive attributes, not signs of weakness.

Education campaigns will be extremely important for promoting understanding of the need for tolerance and non-violent resolution of problems. Unless there is progress toward the rule of law and impartial institutions, a political transition could result in continuation of many exploitative and non-democratic practices and quite possibly a high level of violence.

Because civil society in Myanmar is very weak and heavily controlled, the sorts of steps that can be taken are in all likelihood going to be small and gradual. It would be preferable if this were not the case, but the citizens of Myanmar cannot afford to wait for democratisation to begin to rebuild their civil society. In the absence of major political reform, the impact on democratisation of expanding civil society in Myanmar will remain first and foremost a pathway to local empowerment. This cannot be a substitute for

political reform and democratisation at the national level, but an expanded civil society is an increase in citizens' power over their daily lives that is worth pursuing as a distinct, if closely related, goal.

There are several entry points for greater international support to civil society within Myanmar, though few of these can be expected to have anything but the most indirect influence on political reform. The experience of the gradual opening up by China in the early 1980s may be instructive, both as to what to expect and a possible time frame. Only brief and relatively superficial contacts may be possible. And, as in China even today, organisations in Myanmar funded by the government and in which military officers or government officials participate, will need to be part of the foundation for a rejuvenated civil society in Myanmar.

There are also some entry points within Asia with which Western donor countries are not so familiar. The countries, governments and societies with most opportunities to directly influence development of civil society in Myanmar are probably its neighbours, especially those with relatively close ties (China, Thailand) or relatively greater wealth (Japan, Singapore, Taiwan and even India). All these countries have been much more prepared than Western countries to foster normal international exchanges at the civil society level. Within these Asian countries, it will be civil society organisations, such as Buddhist associations, professional associations or Chambers of commerce, that are most likely to have the greatest impact on Myanmar's civil society. Western donors should consider proxy aid programs to Myanmar civil society through this path. But the governments of these Asian states must be mobilised more effectively to support the expansion of civil society in Myanmar.

There is also a clear need for the international community to work more vigorously in areas controlled by ethnic opposition groups to develop civil society and values of tolerance and rule of law. This may be the single most underdeveloped area of international engagement with Myanmar.

Myanmar's civil society is isolated, but it is not alone or bereft of potential help. It is surrounded by countries where there has been a blossoming of civil society in recent years, a general trend

matched by the growth of an international civil society. The challenge should not be just how to make Myanmar's civil society more Western or more 'liberal pluralist', but also how to connect and build bridges between the currently isolated elements of it and the economic and political reform processes in neighbouring countries.

Rejuvenation of Burma's civil society will be a constituent element of and a low level catalyst for democratisation, and the backing of civil society

organisations will be important in generating support for any political compromise that may emerge between the SPDC and NLD.

But these organisations, even with such support as can be mustered for their development, are not likely to be the crucial players in achieving a momentum for change.

Bangkok/Brussels, 6 December 2001

APPENDIX A

MAP OF MYANMAR



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

Ice's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

Ice's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Mart Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in nineteen crisis-affected countries and regions across four continents:

Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America.

ICG also undertakes and publishes original research on general issues related to conflict prevention and management. After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office planned for Amman) and Pakistan/Afghanistan (with a field office planned for Islamabad).

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.

December 2001

APPENDIX C

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APPENDIX D

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