

# The limits of reform in Myanmar

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BANGKOK - The release of more than 200 political prisoners and a tentative ceasefire with the rebel Karen National Union represent the latest of steps taken by Myanmar president Thein Sein's government to improve its international image and assuage its many critics at home and abroad.

The cosmetic change in the traditionally military-run country is unmistakable. In recent months, it has become easier for ordinary citizens to access the Internet and local magazines and journals are able to publish articles on topics that would have been

unthinkable only a year ago. Pictures of pro-democracy icon Aung San Suu Kyi, who spent 15 of the past 21 years under house arrest, are now for sale in markets not only in the former capital Yangon but also in small upcountry towns.

The United States government, for more than two decades the fiercest critic of successive military-dominated regimes in Myanmar, promised enhanced engagement in exchange for "further reforms" immediately after Friday's prison release. As a first step, the US is going to send an ambassador to its embassy in Yangon, which has been headed by a charge d'affaires since Washington decided to downgrade relations with Myanmar in 1990 in response to a brutal crackdown on pro-democracy demonstrators.

Many Myanmar citizens undoubtedly welcome the easing of the extreme authoritarian pressure they have lived under as long as they can remember. But critics maintain the loosening is not tantamount to a "reform process", which would require changes in the country's fundamental power structure, and that the US may have other diplomatic objectives in mind over concerns for human rights and democracy.

Meanwhile, some Myanmar dissidents are beginning to ask, albeit in hushed tones, the hitherto unthinkable: is Suu Kyi being used by the Thein Sein's military-backed, civilianized government as a pawn in its efforts to break the country's long isolation from the West? And, has she come under pressure from the US and possibly other Western powers with a stake in Myanmar's future geopolitical role to strike a deal with her former military adversaries?

Less than a year ago, Suu Kyi was known to have said to visiting foreign diplomats that she was apprehensive about talking to the new government that assumed office after a blatantly rigged November 2010 election. At the time, she reportedly said that the main problem was the new constitution, which was adopted after an equally fraudulent referendum in May 2008 and guarantees the military 25% of the seats in parliament.

For instance, the charter's Chapter 12 lays out the complicated rules for constitutional amendments, which effectively give the military veto power over any proposed changes. The upper house currently consists of 168 elected representatives with a quarter, or 56 delegates, directly representing the defense services; the lower house is made up of 330 elected MPs and 110 appointed to represent the military. The ruling Union Solidarity and Development Party (USDP), meanwhile, is widely viewed as a vehicle for the military's political interests.

Minor constitutional changes may be considered by the bicameral parliament if 20% of MPs submit a bill. However, a tangle of 104 clauses mean that major charter changes can not be made without the prior approval of more than 75% of all MPs, after which a nationwide referendum must be held where more than half of all eligible voters cast ballots.

This complicated procedure, coupled with Myanmar's record of holding bogus referendums - the first in 1973 for the 1974 constitution was as lacking in credibility as the one held in 2008 - make is virtually impossible to change those clauses, which in various ways and means legally safeguard the military's now indirect hold on power.

For instance, one of the first sections of the constitution guarantees the military's "national political leadership role of the State" and, in case of an "emergency", the "Commander-in-Chief of the Defense Services has the right to take over and exercise State sovereign power" after consulting the president. "No legal action" can be taken against the military for what it does while exercising such emergency powers, according to the constitution.

Another clause bars anyone whose parents, spouse or children who "owe allegiance to a foreign power" from becoming president. Suu Kyi's late husband, Michael Aris, was a British citizen, as are their two sons. The military's right to appoint a quarter of all seats in what is otherwise an elected parliament is also guaranteed, as is military control of one-third of all seats in local assemblies.

In 2008, Myanmar's generals got the constitution they wanted and through rigged elections now controls a solid majority of all seats in the parliament. Consequently, they can now afford to make some minor political concessions in response to international pressure. Allowing MPs from Suu Kyi's National League for Democracy (NLD) to take part in a by-election on April 1 for 40 seats in the lower house and six in the upper chamber left vacant by the appointment of ministers, will not affect Myanmar's fundamental power structure with the military at its apex.

## **Reversible reform**

The semblance of reform, however, has improved Myanmar's standing in the international community, as are other steps expected to be taken by Thein Sein's government, including new laws allowing for limited public protests and the creation of labor unions.

Since the constitution bars Suu Kyi from becoming president, some observers speculate that if she wins a seat in parliament she will be appointed minister of health or education, two positions which she would consider important but will not give her substantial political power and certainly no influence over the military.

"She would be an excellent choice for a person to be sent abroad to solicit aid for health and education programs and to attend international AIDS conferences and the like," says a veteran Myanmar politician who spoke on condition of anonymity.

Few would doubt that Suu Kyi remains Myanmar's most popular politician - and for many the country's main hope for a better future. But for the first time critical voices of her role are also being heard. In an unusually candid interview with The Australian on January 6, Win Tin, one of the original founders of the NLD in 1988 who was imprisoned for 19 years for his beliefs, said that the "reforms" taking place in Myanmar "are a ploy by the country's dictatorship to seduce foreign governments and neutralize Aung San Suu Kyi".

Other dissidents - former political prisoners and leaders of local civil society groups - complain that

Suu Kyi meets readily with one foreign visitor after another but has no time to see them. "One comment I hear frequently is, 'what was the NLD fighting for if Daw Suu [Aung San Suu Kyi] will run for the by-elections and by that accepting the 2008 constitution'?" lamented one non-governmental organization worker in Yangon.

Ongoing fighting between ethnic rebels and government forces are another point of division. "In particular the Kachin are disillusioned that there is no compassionate speech or letter [from Suu Kyi] to their community, although some of the Catholic Bishops have explicitly asked Daw Suu to send such a message," said one civil society activist. Since June last year, heavy fighting has been raging between government troops and the rebel Kachin Independence Army in the country's far north.

Tens of thousands of civilians have fled the fighting to the Chinese border, or taken refuge in churches and community halls in towns in the predominantly Christian state of the Union. Farmers have been forced to abandon their crops and most refugees are living as destitutes in border areas under constant threat of being pushed back by unsympathetic Chinese authorities.

Some critics argue that Suu Kyi has grown old and tired - she will turn 67 this year - and the present, slight opening, however flawed, may be her last chance to achieve her vision of a more democratic Myanmar. But it is equally plausible that Myanmar's close relationship with China, and, more menacingly, its military partnership with North Korea, have prompted Western powers to push her into accepting some kind of accommodation with Thein Sein's government. Without her engagement with the new regime, it would be hard for the US and European Union to justify a dramatic change in policy towards Myanmar.

When US Secretary of State Hillary Clinton met Thein Sein during her historic visit to Myanmar last December - the first by such a high-ranking US official in half a century - China was tellingly high on her diplomatic agenda. The first agenda item raised by Thein Sein during the meeting was the importance of Myanmar's relationship with China, which Clinton apparently did not object to. However, she emphasized that relations with the US would "if reforms maintain momentum" - thus leaving the door open for Myanmar to diversify its foreign relations.

After Washington decided in mid-January to establish full diplomatic ties with Myanmar, Clinton said the US "will further embrace" Myanmar if "the government releases all remaining political prisoners, ends violence against minorities and cuts military ties with North Korea". After her December visit, she said that the US would agree to and support assessment missions to Myanmar by the World Bank and International Monetary Fund, a first step toward renewed multilateral lending for badly needed infrastructure.

Myanmar's staunchly nationalistic military may be willing to lessen its dependence on China, and even cut its ties with North Korea, provided the US and its allies can offer something substantial in return, including an eventual removal of economic sanctions. However, if one reads the 2008 constitution carefully, Myanmar will not become a genuine democracy any time soon, but rather a thinly disguised authoritarian state that the US and the West can cynically live with to counterbalance China's influence.

That is not what many pro-democracy activists, both at home and in exile, have been fighting for since the bloody, nationwide uprising against military-dominated rule in 1988, when thousands of protesters were mowed down by the military, and when they overwhelmingly voted for the NLD in the 1990 election, a democratic result that the military refused to honor. In the case of any future "emergency", the limited new freedoms that Myanmar's people are now enjoying can also be curtailed, perhaps next time by constitutional means rather than the barrel of a gun.

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