Raising the Stakes In Burma

by Ian Holliday

On May 18, a closed court inside Rangoon's notorious Insein Prison assembled for the trial of Aung San Suu Kyi, opposition leader, Nobel Peace Prize laureate, and repository of hope for Burmese near and far. The charge was violation of the terms of the house arrest to which the democratic icon has been subjected on and off for nearly 14 of the past 20 years. The circumstance that provoked it was a nocturnal swim across Inya Lake by American adventurer John Yettaw, who washed up at Daw Suu's dilapidated University Avenue villa on May 3. He was grudgingly allowed to recuperate for a day or two before returning across the lake into the custody of what pass for the forces of law and order in Burma. The sentence, should a guilty verdict be found, could be a prison term of up to five years. Also arraigned alongside Aung San Suu Kyi in Criminal Case No. 47/2009 were her two female companions for her period of house arrest and the stranger in the night.

The initial reaction to this latest twist in the long-running Burma saga was outrage. Close to Insein Prison, brave huddles of largely silent witnesses gathered under the watchful eye of a heavy security presence. In downtown Rangoon and some other cities, small scale acts of protest were launched. In the world outside a wave of revulsion gained expression in street marches, an ongoing signature campaign, celebrity sound bites, and official rebukes from the United Nations Security Council and numerous governments. Unusually, some states in Burma's neighborhood also issued condemnations, though the key Asian powers, China and India, maintained their customary silence on Burma's internal affairs. The common call sent up by all voices was for paramount leader Senior General Than Shwe and the ruling State Peace and Development Council to free both Aung San Suu Kyi and a further 2,100 political prisoners so that national reconciliation talks and a genuine transition to democracy might take place.

Alongside this storm of indignation and protest, there was also a broad feeling that

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the pretext for Than Shwe to move against Aung San Suu Kyi was unbelievably and unbearably ill-timed. Even by its own laws, the junta appeared to have no legal mechanism for extending the house arrest of the National League for Democracy leader. Imposed following the Depayin massacre of May 2003, when around 100 NLD supporters were murdered in a premeditated attack on Aung San Suu Kyi's convoy, and customarily extended at the end of May each year, this was widely believed to have an immutable six-year expiry date of May 27. The appearance, from nowhere, of an American intruder bearing gifts, Mormon books and prayers looked to be a heaven-sent opportunity for the junta to press fresh charges and reset the clock on its famous captive. With a tightly choreographed general election scheduled for 2010, and Aung San Suu Kyi still a potent political threat, most analysts predicted a perfunctory trial, a premeditated verdict and a harsh sentence. "Everyone is very angry with this wretched American," said NLD lawyer Kyi Win. "He is the cause of all these problems. He's a fool."


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Aung San Suu Kyi

By May 20, the third day of the trial, however, it was already clear that locking up the opposition leader and throwing away the key for another five years was not going to be easy. On this day, the junta sought to still the raging storm of global protest by briefly opening the trial to 29 foreign diplomats and 10 Burmese journalists. "I hope to meet you again in better times," Daw Suu said as she was led back to her cell. But this minor concession did little to placate the junta's critics. In a BBC interview, British Ambassador Mark Canning denounced the proceedings as a "show trial." On CNN, U.N. Secretary-General Ban Ki-moon decried an "unacceptable situation" and pledged to visit Burma "as soon as possible" to "urge again the release of political prisoners including Aung San Suu Kyi." The consequence was that by May 21, day four of the trial, it was not the opposition but rather the junta that was lamenting Mr. Yettaw's unanticipated intervention in Burmese politics. According to Foreign Minister Nyan Win, this was "synchronized foul play" by "internal and external antigovernment elements" designed to embarrass and distract the regime.

At a time when all can see that the stakes have been raised in Burmese politics, what then might be the fallout from the Yettaw incident? For years, Than Shwe and Aung San Suu Kyi have engaged in an almost ritualistic stand-off, with the paramount leader projecting xenophobic nationalism and condemning all foreign influence, and the democratic siren appealing to universal values and demanding that her country rejoin the global society of nations. As one holds Weber's monopoly on violence and exhibits few qualms about exploiting it, and the other occupies the moral high ground and shows no sign of vacating it, an established routine plays itself out. Little ever changes. Will this time be any different? Some 20 years on from Aung San Suu Kyi's first confinement under house arrest in July 1989, might an end game finally ensue?

On the side of the ruling SPDC, the attempt to break free from the moral shackles in which Aung San Suu Kyi has long encased it resides above all in the 2010 general election. This is the culmination of a two-decade junta search for political legitimacy that, as a result of global pressure, is informed by the dominant liberal view that legitimacy flows from democratic elections. In the immediate aftermath of a September 1988 coup, which saw a formal junta seize control from a collapsing military-backed regime and quickly crush the mass movement associated with the 8-8-88 revolt, senior generals promised to hold elections and transfer power to an elected government. However, their first attempt to deliver on this promise did not go to plan and, long before the May 1990 general election was won in a landslide by the NLD, junta leaders had substituted for their pledge a commitment to convene a constitutional convention. In the event, they did not even do that until 1993, and then they stuffed the assembly with cronies and denied seats to many NLD members elected in 1990.

Nevertheless, the convention labored through an NLD boycott and a lengthy suspension of activity to produce a constitution that was put to a national referendum soon after Cyclone Nargis struck the Irrawaddy Delta in May 2008. The declared result, an implausible 92% support on a yet more implausible 98% turnout, enabled the junta to move to the general election that since August 2003 has formed the centerpiece of a seven-stage roadmap to democracy. That election, scheduled for an as yet unspecified date next year, is widely expected to produce a handsome victory for junta-backed parties. Then a formal power transfer will take place, and a constitutional government will take office. In this scenario, the end game is a transition to what the junta calls discipline-flourishing democracy, in which discipline is generated by ample constitutional safeguards for military control, and democracy is guided down a very narrow path. Implicit in it will be a final laying to rest of the specter of 1990.

On the side of the opposition, the attempt to overturn the monopoly of violence long held by Than Shwe is in key respects the obverse of junta strategy. Possessed of a moral mandate ever since the brutal crushing of the 1988 mass uprising, and of a popular mandate ever since the landslide victory in 1990, the opposition has for nearly 20 years appealed for implementation of its electoral triumph. It thus demanded a swift transfer of power in 1990, majority representation in the constitutional convention in 1993 and the convening of the 1990 parliament at many points thereafter. More recently, it has sought national reconciliation talks designed to bring together democratic forces, ethnic minority leaders and the military junta in a shared quest for genuine democratic reform. By extension, leading figures in the opposition movement are widely expected to call for a boycott of the 2010 general election, which they regularly denounce as a sham.

Furthermore, finding that typically their demands are not even partially met, leading opposition figures have frequently supported external measures designed to force the junta to fall in line with their agenda. Chief among these are sanctions, applied comprehensively by the United States and no more than half-heartedly by some of its allies. In this scenario, the end game is a suspension of plans for a 2010 general election. In place of the generals' roadmap will emerge an elite-led national debate about liberal democracy in a Burmese setting, and possibly an interim government formed from the 1990 election result and charged with overseeing a full transition to democracy. Implicit in it will be not a slaying of the dragon of 1990, but

rather its revival through an inclusive national reconciliation process.

How, then, does the trial of Aung San Suu Kyi impact on these contending strategies and end games? In proceeding against the NLD leader, the junta has upped the ante on what has always been a dual bet. Internally, it figures that putting its nemesis behind bars for a lengthy period will minimize the risk of nasty surprises on the road to 2010. Externally, it assumes that key regional players will once again be sufficiently tolerant, indifferent or craven to ensure that the chorus of disapproval raining down from the U.S. and its allies will fall on deaf ears in its neighborhood, and allow it to continue to unfold its roadmap to discipline-flourishing democracy.

On both counts, the junta's bet could be shrewd. On the first, it has long been clear to the generals that Aung San Suu Kyi is a far more potent domestic force when free than when incarcerated, and that almost any amount of foreign censure is worth tolerating to keep her out of the public arena. On the second, with China and India vying for strategic influence and many regional players seeking access to abundant resource holdings and preferring not to see instability in Burma, the junta's strategy has invariably been winning. It is true that following harsh military repression of the saffron uprising in September 2007, China allowed some criticism to flow from the U.N. Security Council and worked behind the scenes to open up a modicum of access for a U.N. envoy. Also, in the wake of Cyclone Nargis in May 2008, the Association of Southeast Asian Nations prevailed upon the SPDC to join it in forming a trilateral partnership with the U.N. to facilitate humanitarian access to affected regions. On the whole, however, the junta has not been forced outside its comfort zone.

Faced with the junta's raised stakes on this dual wager, opposition forces both inside and outside Burma thus have their work cut out to ensure that the patent nonsense of Aung San Suu Kyi's trial backfires and exposes the SPDC for what it is: power-hungry, paranoid and corrupt. To bring this beguiling prospect into sharper and closer relief, they must seize the chance the show trial has given them.

Inside Burma, a lengthy prison term for the NLD leader could trigger some protest. While always fraught with immense danger in the SPDC's garrison state of fear, renewed street demonstrations cannot be ruled out. Furthermore, any action in the democracy arena could have repercussions elsewhere. At present, the junta is enmeshed in delicate negotiations with minority ethnic groups aimed at incorporating their militias into the national army as border patrols, and channeling all political activity into parties contesting the 2010 election. However, the challenges it faces on this front may not be containable, particularly if unrest is building in other parts of the polity. Indeed, at that point even an army revolt is conceivable. Knock-on impacts that could undermine the junta's carefully scripted political development and force it to compromise with the pro-democracy movement and minority ethnic groups are no longer unthinkable.

Outside Burma, the critical task is to build real pressure on the SPDC to pull back from its unyielding pursuit of a self-serving political agenda. Here, the key issue remains unchanged: convincing China of the need for substantive reform. It is now well understood that this will not be done by documenting human-rights violations in extrajudicial killings, forced labor and pervasive repression, denouncing Burma's democratic deficit, or exposing the endemic corruption of a kleptocratic regime. What could trigger a rethink in Beijing is, however, the looming prospect of unrest, disorder and violence on China's southwestern frontier.

Moreover, following a series of trou-

bling events, such as the abrupt and unexplained shift of the Burmese capital to Naypyidaw in November 2005, the crude crushing of the saffron uprising in September 2007, and the callous early response to the humanitarian emergency created by Cyclone Nargis, it is possible that Beijing could be persuaded to look for alternative ways forward. It is already said that Chinese leaders do not share the junta's view of Aung San Suu Kyi as a stooge of foreign powers bent on imposing neoimperialist control on Burma. From here it is not such a large step to a gradual process of mediated change that allows the junta to retain control in the medium term, but also sees opposition forces and minority ethnic groups incorporated into the political process.

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For Western powers publicly committed to reformulating their Burma policies, and for Asian powers more than usually discomfited by the odious junta in their midst, a critical phase is thus opening up. The treatment meted out to Aung San Suu Kyi means that Western states cannot be expected to dismantle their political and economic sanctions. In fact, they are now being augmented. At the same time, however, sanctions can be partnered by fresh initiatives.

In the political realm, the aggressive diplomacy increasingly advocated in the U.S. would be welcome. Such diplomacy should seek to bring China and other Asian powers into a united front designed to engage not only Burma's generals, but also its people led by the democratic opposition and minority ethnic groups, in a national debate about substantive political reform. Also urgently needed is a total rethink of aid policies aimed at enhancing humanitarian access to a population with less support than any needy citizenry on earth. Ultimately, once key way markers have been reached, economic sanctions must also be dismantled, and enlightened global corporations advertising a broad commitment to social responsibility must be encouraged to invest in Burma to help build an economic foundation for sustainable democracy.

None of this will be easy, for isolationist policies crafted over two decades by states in the U.S. orbit have had the intended effect of severing contact between Burma and key parts of the outside world. Indeed, at the end of so much separation and stalemate, Burma's most probable political future may well be more of the same. It remains entirely possible that the junta will succeed in extending its incarceration of Aung San Suu Kyi, rolling out its general election, manipulating the vote and the outcome, and installing in power a civilian version of itself. While this would represent some change, and put in place a set of political institutions with the potential for further growth, it would not be the paradigm shift sought by so many. Equally, however, by raising the stakes in its titanic struggle with the NLD leader, the junta has exposed itself to the risk that events could finally spiral out of control.

Either way, building bridges into Burma remains the essential task, both to open a closed and fettered nation to diverse voices and influences, and to provide a helping hand for what is only ever going to be a difficult transition to democracy.