

ALTSEAN BURMA

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NATIONAL CONVENTION: THE SPDC DELUSION OF DEMOCRATIC REFORM

- **The National Convention (NC) convenes in December, adjourns in January and accomplishes nothing.**
 - **SPDC tells foreign diplomats that the latest session of the NC will not complete new constitution.**
 - **NMSP and KNPP pull delegates from the NC as tensions mount between SPDC and other ceasefire groups.**
 - **Slow pace of democratic reform draws criticism from international community.**
 - **Convention delegates meet in climate of fear and intimidation.**
 - **The NC, an alleged constitution-drafting process has been meeting for 13 years. The process continues to be illegitimate, unrepresentative, and an exercise in futility.**
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In May 2005, SPDC Sr Gen Than Shwe told UN Secretary General Kofi Annan that the convention was going well and could be completed by the end of 2005.¹

Ever since I've been Foreign Minister, I have been told by three foreign ministers in that time that they were gradually moving towards constitutional reform. Well, the progress has been about as fast as glue flowing up a hill." –Australian FM Alexander Downer²

THE ROADMAP WITH NO END

On 5 December 2005, the SPDC reopened the National Convention with 1,074 delegates in attendance.³ Any expectations for completing a draft constitution during the current session of the convention were muted by the SPDC before the convention started. On 1-2 December 2005, SPDC officials from the National Convention Convening Commission met with foreign diplomats and UN officials to inform them that it would be impossible to wrap up the convention by the end of the year because so few of the expected chapters of the draft constitution had been finalized. Sources in Rangoon said that of 15 potential chapters, less than five had been finalized.⁴ A foreign diplomat who attended the briefing said there was still no timetable offered for completing the process.⁵

The SPDC officials confirmed that the NC delegates would discuss the issue of the future role of the SPDC Army in the constitution during this session. The issue of the SPDC Army's future role in

¹ Mizzima News (02 Dec 05) National Convention is behind schedule military tells foreign officials

² DVB (10 Dec 05) Aussie FM expresses frustration with Burma junta

³ Irrawaddy (05 Dec 05) Rangoon Resumes National Convention amid Criticism

⁴ Mizzima News (02 Dec 05) National Convention is behind schedule military tells foreign officials

⁵ Irrawaddy (02 Dec 05) National Convention to Discuss Future Military Role

government has been one of the main points of contention, because the SPDC Army has wanted a clause in the constitution that guarantees itself at least 25 % of parliamentary seats.⁶

Roll Call – NMSP and KNPP Boycott; SNLD not Invited; SPDC Orders KDP to Attend; NLD says nothing has changed

- The Karenni National Progressive Party (KNPP) announced that they would not attend the National Convention. Raymond Htoo, KNPP secretary said, “the KNPP believes that the National Convention is not for the benefit of the people of Burma, but just an excuse for SPDC to hold on to its military rule longer.”⁷
- The New Mon State Party (NMSP) decided not to attend the National Convention. On 3 December NMSP secretary Nai Hantha said that the party would not attend the convention because of the lack of the right to discuss matters freely and openly. Hantha added that the NMSP would continue to observe the ceasefire agreements with the junta.⁸
- The SPDC issued a directive to the Kokang Democratic Party (KDP) to attend the convention. The junta threatened to outlaw and abolish the KDP if the group did not attend the convention.⁹
- The Kachin Independence Organization (KIO), New Democratic Army - Kachin (NDA-K) and United Wa State Army (UWSA) are planning to resume their attendance.¹⁰
- SSA-N is sending a five-ember delegation to the National Convention.¹¹ Col. Gaifah, deputy commander of the SSA-N, has decided to return to the National Convention after an absence in protest against the arrests of Shan leaders.¹²
- According to sources in the Shan Nationalities League for Democracy (SNLD), whose top leaders remain in jail, has not been invited to attend the upcoming session of the National Convention. This is the second time the SNLD has been left out of the convention.¹³
- The NLD indicated that the party’s attitude towards the NC remains unchanged. Spokesperson Nyan Win said, “NLD’s original attitude is, we want to attend the convention. But it needs to be a democratic form.”¹⁴

RECONVENED CONVENTION DRAWS INTERNATIONAL CRITICISM

The convention process has drawn repeated criticism from the international community over the length of time it is taking. The process is said to be only about a third of the way through after 12 years of stop-start discussions.¹⁵

- **US** - On 5 December 2005, the US State Department issued a statement that condemned the SPDC’s National Convention. The statement said, “The Convention includes only delegates hand-picked by the regime, prohibits free and open debate on crucial issues, and continues to exclude Burma’s democratic opposition and key ethnic minority groups. “Unless the convention becomes genuinely inclusive and credible, it will only serve the narrow interests of the same leaders who have driven Burma steadily in the wrong direction.”¹⁶
- **Australia** - Australia’s Foreign Minister, Alexander Downer, expressed deep concern at the lack of progress towards constitutional reform in Burma. After a meeting with SPDC Foreign Minister, Nyan Win, at a regional summit in Kuala Lumpur on 10 December 2005, Downer said, “Ever since I’ve been Foreign Minister I have been told by three foreign ministers in that time that they

⁶ Irrawaddy (02 Dec 05) National Convention to Discuss Future Military Role

⁷ Mizzima (19 Nov 05) National Convention a farce: KNPP tells Pinheiro

⁸ DVB (03 Dec 05) Peace group NMSP won’t attend Burma’s convention

⁹ Mizzima (17 Nov 05) Burmese junta orders Kokang Party to attend NC

¹⁰ DVB (17 Nov 05) All ‘peace’ groups to attend Burma junta’s National Convention

¹¹ DVB (22 Nov 05) Shut up: Shan group told not to complain about imprisonments of leaders

¹² SHAN (30 Nov 05) Popular ceasefire leader rejoins convention

¹³ SHAN (23 Nov 05) Shan party not invited to constitutional meet

¹⁴ DVB (31 Oct 05) Burma’s ‘National Convention’ to resume and NLD’s response

¹⁵ Irrawaddy (06 Dec 05) US Slams National Convention

¹⁶ Irrawaddy (06 Dec 05) US Slams National Convention

were gradually moving towards constitutional reform. Well, the progress has been about as fast as glue flowing up a hill.”¹⁷

- **South Korea** - On 9 December 2005, South Korean Foreign Minister Ban Ki-moon urged Burma’s military regime to move swiftly on its roadmap to democracy, and said that the lack of progress is holding Seoul back from seeking stronger ties. Ban Ki-moon made the appeal during a meeting with SPDC Foreign Minister, Nyan Win.¹⁸
- **Malaysia/ASEAN** - Malaysia’s Prime Minister Abdullah Badawi called on the SPDC to allow the Association of South East Asian Nations (ASEAN) delegates to visit the country to assess progress on human rights and democracy if it wants the forum’s continued support. Malaysia’s Foreign Minister Syed Hamid Albar also expressed his exasperation at the refusal by SPDC Foreign Minister Nyan Win to set out the SPDC’s position on initiating reforms in weekend talks.¹⁹ ASEAN nations announced on 12 December 2005 that they would send an envoy to Burma to look for signs the junta was taking steps towards democracy and the release of opposition leader Daw Aung San Suu Kyi.²⁰

SPDC THREATENS OPPOSITION PARTIES, MUZZLES CONVENTION DELEGATES

SPDC authorities warned opposition political leaders with prison sentences if they criticized the ongoing National Convention. The SPDC relied on Edict 5/96, the Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions in delivering its threats.²¹ On 16 December 2005 it was reported that Aye Tha Aung, Secretary of the Committee Representing People’s Parliament (CRPP), along with another member of the CRPP were taken to an SPDC Army camp where they were detained for six hours. During the detention, SPDC agents warned them not to criticize the convention when answering questions asked by foreign media. The CRPP members were told that if they ignored the warning, they would be prosecuted under Edict 5/96 and sentenced to 20 years in jail.²² SPDC authorities also targeted NLD members. Win Mya Mya, an active member of Mandalay Division NLD organizing committee, said that she was taken to the Mandalay Division SPDC police station and briefly detained. Win Mya Mya said, “The main points were, I was told not to belittle the National Convention and if I criticised it in a destructive way, action would be taken against me.”²³

The SPDC couldn’t even trust its own hand-picked NC delegates. On 17 December 2005, SPDC Army officials met with approximately twenty NC delegates at the office of Military Affairs Security. The delegates were advised not to say anything critical about the National Convention and to keep the authorities informed of their whereabouts on the days when the convention was not meeting. Lt-Gen Myint Swe, Commander of Rangoon Region Command and head of the new military intelligence bureau said, "You will be held accountable for anything you say (to the foreign media)". One ceasefire representative was overheard saying, "We are not even allowed to say anything at the Convention, let alone outside. So right now all of us are trying to make the best of it."²⁴

SPDC ARMY ACTIONS IN KACHIN STATE DRAWS ANGRY RESPONSE FROM KIA/KIO

On 5 January 2006, it was reported that a Kachin Independence Army (KIA) official warned Burma’s military junta that the future of the National Convention may be in jeopardy if no steps were taken to investigate the unprovoked killing of six Kachin nationals by SPDC Army soldiers. The KIA official claimed that on 2 January 2006 the SPDC Army launched a surprise attack on a Kachin District Office in northern Shan State that left six KIA men dead. The political wing of the KIA, the Kachin Independence Organisation (KIO), has demanded an urgent inquiry into the attack while the SPDC

¹⁷ DVB (10 Dec 05) Aussie FM expresses frustration with Burma junta

¹⁸ DVB (11 Dec 05) S. Korea urges Burma to follow up its pledge to democratize

¹⁹ DVB (11 Dec 05) S. Korea urges Burma to follow up its pledge to democratize

²⁰ DVB (19 Dec 05) Burma junta ready to explain 'democratisation' to ASEAN envoy

²¹ DVB (14 Dec 05) Shut up: Burmese opposition warned not to criticise junta's convention

²² DVB (16 Dec 05) What a gag: 20 years for criticising Burma junta's convention

²³ Irrawaddy (22 Dec 05) Critics Warned to Keep Silent on National Convention

²⁴ SHAN (24 Dec 05) Ceasefire delegates told to fight shy of foreign media

Army has been trying to portray the attack as unintentional. The KIA official related that a KIO delegation had departed for Lashio in an attempt to meet with SPDC Maj Gen Myint Hlaing to discuss the incident. When asked whether the relations between the KIO and the SPDC regime could deteriorate if the problem was not resolved, the KIA official said, "It looks like there are problems within the SPDC with some people supporting the National Convention and others who wish to disrupt it like what they have done now."²⁵ [see *Ethnics Briefer*]

USDA ORCHESTRATES RALLIES TO SUPPORT NC PROCESS

Beginning in early January 2006, USDA officials began organizing rallies throughout Burma in an effort to show that the NC process has the popular support of Burma's people. The series of mass 'shouting' rallies started in Rangoon on 7 January 2006 and other rallies soon followed in Kachin and Karen States, and Pegu and Mandalay Divisions. Local people who attended the rallies said that they were forced to attend the rallies and were threatened with fines, violence, prosecution and imprisonment if they didn't attend them.²⁶

CONVENTION ADJOURNS WITH NO CONCLUSION IN SIGHT

On 24 January 2006, Dr. La Ja, Gen Sec of the KIO, said the chairman of the Convention's convening work committee had told delegates that the convention will recess at the end of next week. No reason was given for the recess and no date was provided for resuming the convention. Dr La Ja said that no independent proposals had been made by any of the groups or individuals attending the current session.²⁷ A spokesman for the KIA said that delegates would break next week to review the recently drafted chapter of the constitution on the political role of the SPDC armed forces.²⁸ On 31 January 2006, Lt Gen Thein Sein, NC chairman, said in his closing speech that the convention would resume at the end of the year. Convention delegates reported that Thein Sein said the convention would resume "after farmers have finished their cultivation and harvest, and before the end of the year."²⁹ Diplomatic circles in Rangoon said that the adjournment shows, yet again, that the military regime was not really interested in carrying out democratic reforms.³⁰

THE FEBRUARY 2005 SESSION

Oppressing the Opposition

Following the ouster of Gen Khin Nyunt, the restructured regime announced plans to recommence the National Convention (NC) on 17 February 2005.³¹ In the months leading up to the February session, the junta demonstrated that they would continue to advance their agenda for the NC through intimidation and coercion rather than through dialogue and negotiation.

- In contravention of earlier assurances, the junta reverted to bullying ethnic and ceasefire groups into submission, including a military build-up and increased in hostilities in the ethnic areas.
- The regime arbitrarily extended the detention of ten prominent political dissidents, including NLD leaders, Daw Aung San Suu Kyi and U Tin Oo as well as several elected MP's.³² On 16 December 2004, the junta also limited Daw Suu Kyi 's access to her doctor and decreased her security provisions.³³ Meanwhile, NLD members experienced increased harassment by the SPDC.
- Beginning on 7 February 2005 and in the days that followed, the regime arrested about 30 Shan activists, including General Hkun Htun Oo and General Hso Ten, chairmen of the Shan Nationalities League for Democracy (SNLD) and the Shan State Peace Council (SSPC)

²⁵ DVB (05 Jan 06) KIO warns killing of its members jeopardises Burma convention

²⁶ DVB (12 Jan 06) Sieg Heil, SPDC: Burma junta thugs hold mass rallies for military rule

²⁷ Irrawaddy (24 Jan 06) National Convention to Recess Again Next Week

²⁸ Mizzima News (24 Jan 06) Burma's National Convention to recess next week

²⁹ Irrawaddy (31 Jan 06) Burma's National Convention Adjourns Again

³⁰ DVB (31 Jan 06) Burma junta adjourns 'National Convention' yet again

³¹ BP (27 Nov 04) Democratization to Continue

³² U.S. Campaign for Burma (21 Mar 05) Locked up forever? Burma campaigners seek ruling from United Nations on ten imprisoned dissidents; BBC News (29 Nov 04) Suu Kyi's house arrest 'extended'; DVB (08 Feb 05) Dr. May Win Myint given one more year imprisonment; DVB (22 Sep 04) Dr. Than Nyein on hunger strike and transferred to Tharawaddy prison in Burma

³³ AFP (16 Dec 04) Myanmar junta putting Aung San Suu Kyi's health, safety at risk

respectively.³⁴ At least 10 Shan leaders remained under SPDC custody throughout the NC proceeding.³⁵

- Other dissident leaders were also subjected to harassment. On 8 February 2005, officials threatened U Aye Tha Aung, General Secretary of the Committee Representing the People's Parliament (CRPP), with arrest under Order 5/96, which prohibits criticism of the NC and carries a 20-year jail sentence.³⁶ Student leader Min Ko Naing and Pu Cin Siang Thang, chairman of the Zomi National Congress and CRPP member, both reported being monitored and harassed by the military.³⁷

Conventional Criticism

The Convention was widely condemned both within the country and throughout the international community.

- **CRPP:** On 12 February 2005, the CRPP rejected the NC stating, “it cannot be expected that the ethnic problems, including the rights of the nationalities, could be discussed and solved at the continued Convention...” or that it could “guarantee democracy, human rights, and public well being according to the will of the people.”³⁸
- **NLD:** The NLD reiterated that they would join the process if Aung San Suu Kyi and Tin Oo were released from house arrest and the NLD offices were reopened.³⁹
- **New Mon State Party (NMSP):** Leaders of the NMSP reluctantly agreed to attend the NC but demonstrated their opposition to the proceedings by downgrading their delegation. They sent a member of the Central Committee rather than a joint secretary.⁴⁰
- **Vigorous Burmese Student Warriors (VBSW):** Demanding an immediate end to the NC, a small band of anti-junta students threatened additional bombings after claiming responsibility for bombings that occurred between 17 to 22 March 2005 in Rangoon.⁴¹
- **Thailand:** Foreign Minister Dr. Kantathi Suphamongkhon noted the improbability of any legitimate form of democracy resulting from the NC since “the door is closed for the opposition to join.”⁴²
- **United States:** On 15 February 2005, the US State Department spokesperson Richard Boucher insisted that the meeting “cannot possibly reflect the true political aspirations of the Burmese people.”⁴³ Separate statements issued by Congressman Christopher Smith and Joseph Pitts attacking the legitimacy of the NC echoed these sentiments.⁴⁴
- **European Union (EU):** The EU said that the NC “could provide an opportunity for genuine and transparent dialogue” but only if the NLD leader was freed, all party offices were reopened and all political prisoners were released.⁴⁵
- **United Nations (UN):** UN Special Rapporteur Paulo Sérgio Pinheiro expressed “serious concerns” about the inclusiveness and the procedures governing the NC. He also reiterated the need to release of political prisoners and relax restrictions on opposition groups.⁴⁶ UN General Secretary Kofi Annan declared that the outcome of the NC could not be accepted without the

³⁴ DVB (29 Mar 05) Exiled Shan nationals to hold on to armed struggle; AFP (15 Mar 05) Ten Shan activists arrested in Myanmar for conspiracy: minister

³⁵ DVB (29 Mar 05) Exiled Shan nationals to hold on to armed struggle

³⁶ Narinjara (11 Feb 05) CRPP General Secretary threatened by SPDC authorities

³⁷ Irrawaddy (14 Feb 05) Shan ceasefire group will quit NC unless leaders released; AFP (21 Jan 05) Myanmar military harassing freed student leader: US group

³⁸ AP (12 Feb 05) Myanmar pro-democracy parties calls for boycott of constitution-drafting talks

³⁹ AFP (13 Jan 05) Myanmar opposition NLD considers helping junta draft constitution

⁴⁰ DVB (29 Jan 05) NMSP to attend Burma junta's “NC”

⁴¹ DVB (19 Mar 05) Another bomb exploded in Rangoon; DVB (23 Mar 05) Student warriors warn three more blasts in Burma

⁴² Irrawaddy (17 Feb 05) NC condemned by rights group

⁴³ Irrawaddy (16 Feb 05) Media invited; NC slammed

⁴⁴ Christopher Smith (17 Feb 05) Democracy in Burma: Statement before the U.S. Congress; Joseph Pitts (15 Feb 05) Statement of Support on Burma: Statement before the U.S. Congress

⁴⁵ AFP (16 Feb 05) EU appeals for proper talks in Myanmar ahead of convention

⁴⁶ UNGA (28 Oct 04) Statement by Mr. Paulo Sérgio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar

inclusion of the elected parties and representatives. His spokesperson also emphasized that the NC flouted UN resolutions.⁴⁷

THE FLAWED FEBRUARY SESSIONS

1,072 handpicked delegates congregated on 17 February 2005 to “participate” in the junta-controlled proceedings. The NLD, the SNLD and the Shan State Kokang Democratic Party (SSKDP) continued to be excluded from the events after they walked out of the May-July 2004 session.⁴⁸ The SSA-N and SSNA joined the boycott following the arrests of their leaders in early February.⁴⁹ Similar to past Conventions, a majority of the delegates in attendance were members of the Union Solidarity and Development Association (USDA), a junta-created organization.⁵⁰

Delegates were once again confined to the lavish accommodations of Nyaung Hna Pin camp, which is surrounded by military bases.⁵¹ The isolation of the delegates caused the UN Special Rapporteur Paulo Sergio Pinheiro to liken the NC to “mass house arrest.”⁵²

While more media visas were granted to journalists to cover the convention than in the past, the junta restricted reports on anything beyond the opening ceremony.⁵³ Unsupervised interviews with delegates were also largely circumscribed.⁵⁴

Precluded Participation

It was readily apparent that the February NC was merely one more step towards a predetermined outcome. Despite attempts by political and ethnic groups, participation and dialogue on the NC process was denied.

- The NLD repeatedly appealed to the junta for dialogue prior to and during the NC.⁵⁵ All such calls went unanswered.
- Ceasefire groups and delegates fared no better. The junta was unresponsive to the collective proposals of six ceasefire groups to amend the structure and content of the NC, including “military participation in the future state.”⁵⁶
- Without any acknowledgement by the junta, the Chin National Front (CNF) issued a statement calling for a review of the junta-drafted constitutional guidelines.⁵⁷
- Delegates were denied the opportunity to submit proposals peripheral to the junta’s agenda. “The Wa tried...to recapitulate on what they had proposed during the last round,” said a Shan State delegate, “but they were barred.” “So were the Karenni National Progressive Liberation Front (KNPLF) people,” said another delegate.⁵⁸
- Several ceasefire groups were reportedly threatened with an annulment of their ceasefire agreements if they attempted to initiate any proposals during the NC.⁵⁹

A Scripted Roadmap

The Convention produced an outline of legislative power sharing principles before adjourning on 31 March 2005. Amid increased international pressure on the regime due to Burma’s claim on the ASEAN chair, the regime blamed the adjournment on the impending monsoon season despite previous

⁴⁷ DVB (19 Feb 05) Kofi Annan says Burma junta’s convention not legitimate

⁴⁸ Xinhua (01 Feb 05) Myanmar NC to approve power sharing principles

⁴⁹ Irrawaddy (14 Feb 05) Shan ceasefire group will quit NC unless leaders released; SHAN (15 Feb 05) Rangoon, Shans: No more Mr Nice Guys

⁵⁰ DVB (5 Feb 05) Burma junta invites delegates to attend convention

⁵¹ DVB (5 Feb 05) Burma junta invites delegates to attend convention

⁵² Reuters (15 Feb 05) Myanmar to reopen charter talks, critics sceptical

⁵³ Irrawaddy (16 Feb 05) Media invited; NC slammed; DVB (18 Feb 05) Burma restricts convention reporting by foreign journalists

⁵⁴ DVB (18 Feb 05) Burma restricts convention reporting by foreign journalists

⁵⁵ NCUB-PDC (Dec 04) PDC News Commentary; DVB (01 Jan 05) Mandalay Division NLD holds meeting to support leaders

⁵⁶ SHAN (22 May 04) Junta scraps ceasefire groups’ demands; Irrawaddy (25 Feb 05) No regime response yet to ceasefire groups’ demands

⁵⁷ CNF (01 Feb 05) Briefing by CNF Representative to the US at the US Department of State

⁵⁸ SHAN (28 Mar 05) Convention rep: No law in Burma

⁵⁹ DVB (09 Apr 05) Ethnic nationals told not to present proposals at Burma’s convention

conventions being held throughout the rainy season.⁶⁰ Meanwhile, UN Sec Gen Kofi Annan urged the SPDC to provide some sort of timetable to the roadmap process.⁶¹

⁶⁰ Xinhua (04 Mar 05) Myanmar NC lays down principles for sharing legislative power; Thai Press Reports (06 Apr 05) Myanmar postpones reform despite pressure from the US, ASEAN

⁶¹ UN Office of the Secretary-General (08 Apr 05) Statement attributable to the Spokesman for the Secretary-General on Myanmar