

Burma's major ethnic cease-fire groups will not accept the junta's border guard force plan and are reluctant to contest the election because the Constitution is rigged against them.

Leaders of the Association of Southeast Asia Nations (Asean), who have long endured criticisms of the infamous Burmese generals in the bloc's relationship with the international community, are hoping that the country's election this year will end the issue.

During the Asean ministerial meeting in Vietnam in mid-January, Secretary-General Surin Pitsuwan said the ministers of the member countries "have expressed their high hope that the issue of Myanmar [Burma] will be resolved this year and that we can move on to the new era of Asean relations and cooperation with the international community."

Asean leaders again hailed the bloc's state-to-state principle of non-interference, leaving the interest of the suffering Burmese people behind.

Clearly, Asean would be happier to deal with a Burmese civilian government elected by its citizens rather than the incumbent military junta. However, it would be too optimistic to believe the election will restore normalcy and fully reintegrate Burma into the region anytime soon.

Asean leaders view the new Constitution and the election as positive steps by the junta. They may see the Constitution as a tool to recognize the political rights of the ethnic nationalities, since it grants the major ethnic states their own local parliaments as well as self-administrative areas for some ethnic minorities.

Those are positive changes, but why has the disarmament of the ethnic cease-fire groups, especially in the cases of the Kachin Independent Army (KIA) and United Wa State Army (UWSA), remained such a stumbling block? What are the difficulties behind this plan?

After an unsuccessful series of negotiations and postponements of the deadline for transforming into a Border Guard Force (BGF) last year, the KIA, with just 4,000 troops, is still in talks with the junta. The latest KIA proposal is to totally give up its arms if the junta honors the principles of the Panglong Agreement.

What is at stake here is a KIO effort to convince the junta to recognize its administrative departments other than the military wing: education, health, agriculture, local development and general administration, which all operate in their occupied area.

A transformed KIA border guard force would have no place for high-ranking KIA leaders from the rank of colonel to generals. As an alternative, the KIA proposes to form a Kachin Regional Guard Force (KRGF), which would conform to the present size of its leadership structure.

KIO leaders also seek the direct appointment of representatives to the Kachin State legislature,

executive and judiciary bodies. Critics note that such a plan is non-democratic, relying on a top-down approach reminiscent of the junta itself.

The other BGF holdout, the UWSA, seeks the creation of a new Wa State, rather than a self-administrative division.

From a structural viewpoint, Burma's new Constitution does appear to embrace a decentralized system with legislative power granted to state and regional Hluttaws [Parliaments] as well as the Leading [legal] Bodies within Self-Administered Areas.

Section 56 of the Constitution grants the UWSA-controlled areas in Shan State the status of a Self-Administered Division in a geographical area including six townships. In effect, it is equal to the other five Self-Administered Zones, which include the Naga, Danu, Pa-O, Pa Laung and Kokang.

However, the degree of freedom granted to the lowest legislative bodies in both administrative areas is so controlled that they will not have the autonomy necessary to make a single law governing their area if it is believed to be against the laws enacted by the Shan State Hluttaw, which also must be consistent with the laws of the national Hluttaw [Parliament], according to Section 198 of the Constitution.

In the national Hluttaw, the junta is assured of at least 25 percent of the seats (by the Constitution), in effect granting it a veto power to reject any legislation that the generals' oppose.

As a consequence, the border guard force proposal and the limited legislative powers granted to major ethnic groups in the Constitution are both major obstacles to national reconciliation. The major ethnic cease-fire groups will not accept the junta's BGF plan and so far are reluctant to form political parties to contest the election, in effect granting it credibility.

This should be no surprise to Asean leaders. If the generals were as smart as Singapore's Lee Kuan Yew or Malaysia's Mahathir Mohamad, Burma would have achieved economic and political stability decades ago.