

What can the international community and the opposition do to ensure that next year's election puts Burma on the road to genuine political reform?

Burma's ruling junta has yet to disclose its plans for next year's election, but it's not too early to start asking if there is a chance, however remote, that the generals will allow the vote to be free and fair, and what can be done to make this happen.

So far, the regime has revealed few details about how or even when it will conduct the election. Speculation is rife about possible polling dates, but past experience suggests it will be sometime in the first half of the year. May seems especially likely, since that was the month when both the last election in 1990 and the constitutional referendum in 2008 were held. This is also when most schools are closed, meaning that students—historically regarded by Burma's authoritarian rulers as troublemakers—will not be gathered in large numbers.

Ultimately, the date, like everything else about the election, will be decided by the junta's supreme leader, Snr-Gen Than Shwe. Although he has kept everyone guessing about his exact strategy, it is widely assumed that he will approach the election much as he did last year's referendum on the new Constitution: by rigging it to deliver an outcome favorable to the military. At that time, opponents of the new charter were rounded up or harassed, and votes in favor were cast en masse by regime proxies. The result: a ludicrous approval rate of more than 92 percent for the Constitution.

Of course, manipulating a multiparty election will not be as simple as fixing a referendum. To make matters even more complicated, the regime seems determined not only to vanquish its political nemesis, the National League for Democracy (NLD), once and for all, but also to neutralize ethnic cease-fire groups by incorporating them into the state security apparatus as border guard forces.

To achieve these goals without incurring further international condemnation or igniting a renewed civil war, Than Shwe will need to rely on more than just bully tactics and electoral legerdemain. Indeed, unless he can somehow bring his staunchest critics on board—namely, NLD leader Aung San Suu Kyi and the US government—the election will go down in history as yet another failed attempt to hoodwink the Burmese people and the rest of the world.

More than 20 years have passed since the regime seized power in a bloody coup, and so far nothing has succeeded in forcing the generals to weaken their stranglehold on Burma. Sanctions have failed, as has “constructive engagement.” Mass popular uprisings have been mercilessly crushed, and armed resistance has become increasingly implausible, as the regime has strengthened its own military might to unprecedented levels. The dream of a US-led invasion, once seriously entertained by many Burmese, is now acknowledged by most to be a complete fantasy.

This has left the regime’s opponents with no other option than to try to engage with the generals, albeit on different terms than those of Burma’s neighbors, who have generally been willing to deal with the junta in exchange for access to the country’s natural assets.

Realizing this, the Obama administration announced in September that it would break with past US policy to directly engage with the regime. Unlike Burma’s other “dialogue partners,” however, Washington will expect a different payoff for its outreach: political progress.

When Kurt Campbell, the US assistant secretary of state for East Asia, announced the new US policy of direct dialogue with the regime, he noted that Burma’s generals also seemed eager to talk.

“For the first time in memory, the Burmese leadership has shown an interest in engaging with the United States,” he said. As further evidence of the junta’s readiness to get back on a friendlier footing with the US, Campbell revealed in late October that a US delegation was planning to go to Burma to start a new round of talks with the generals and the democratic opposition.

This should come as no surprise. Although the sheer staying power of the regime has amply demonstrated the ineffectiveness of sanctions, Burma’s military rulers are nonetheless desperate to see them lifted. Speaking to the UN General Assembly in New York in September, Burmese Prime Minister Gen Thein Sein denounced the sanctions as “unjust” and insisted that “such acts must be stopped.”

Meanwhile, Suu Kyi also realized that the moment was ripe for a change of tack. Even before the US unveiled its new Burma policy, she sent a personal letter to Than Shwe to request an

opportunity to discuss the issue of sanctions with the regime and foreign diplomats. He quickly agreed, allowing her to meet twice with the junta's liaison officer, Aung Kyi, and then with top diplomats from the US, UK and Australia. This was followed by a meeting between senior members of the NLD and 20 European diplomats.

Than Shwe's unusually swift responses to both the US and Suu Kyi initiatives show that while the sanctions have not forced the regime to change, they remain a powerful bargaining chip. Thus it would be imprudent to make any move to lift them prematurely, before the junta has made any meaningful concessions. They will, indeed, be the most crucial factor in determining the success or failure of the engagement policy.

Now that we know what the generals want, we need to ask what they are willing to give in return.

Unfortunately, it seems unlikely at this stage that they are ready to accede to any of the oft-stated demands of the international community and pro-democracy groups—namely, the release of all political prisoners, including Suu Kyi; a review of the Constitution before the election; and guarantees that the election will be open, free and fair.

If the US is to finally break the stalemate, it will need to use the possibility of ending the sanctions as an incentive for the regime to change its ways, while setting a clear timeframe for the changes it wants to see implemented. It is also important to set clear priorities, since it is highly unlikely that the junta will meet more than one demand at a time.

Although the most frequently stated demands have been for the release of political prisoners and a free and fair election, there is a strong argument to be made for putting a constitutional review at the top of the agenda. This is because prisoners, once released, can easily be rearrested, and elections, even when they are free and fair, are in themselves no guarantee of a sound democracy.

In his book, "*The Future of Freedom: Illiberal Democracy at Home and Abroad*," Fareed Zakaria writes: "For people in the West, democracy means 'liberal democracy': a political system marked not only by free and fair elections but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property. But this bundle

of freedoms—what might be termed ‘constitutional liberalism’—has nothing intrinsically to do with democracy and the two have not always gone together, even in the West.”

Much has already been said about the provisions in the 2008 Constitution that set aside 25 percent of all seats in parliament for the military, but few people have commented on the absence of a US-style Bill of Rights that would limit the powers of the state and the military vis-à-vis the country’s citizens. There is nothing, for instance, comparable to the Third Amendment of the US Constitution, which states: “No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.”

This severe imbalance is the reason that opposition and ethnic parties led by the NLD and the international community, including the UN, have called on the junta to review the charter. Indeed, unless significant changes are made to the Constitution before the election is held, it is no exaggeration to say that Burma’s prospects for meaningful political reform in the years ahead are dead.

However, this is the point on which Than Shwe seems most determined not to yield.

“The new state Constitution has been approved by the great majority. Elections will be systematically held in 2010 in accord with the Constitution,” he said in an address to a war veterans’ organization in Naypyidaw in October, just days after talks with the US began.

It will not be easy to get Than Shwe to change course at this stage, but opposition groups, and especially Suu Kyi, can continue to play a role in trying to move the junta in the right direction. Even if she is not freed or allowed to participate in the upcoming election, Suu Kyi may be able to influence the political process through her talks with the regime on ending the sanctions.

The US and the rest of the international community should be prepared to support her efforts by giving her the leverage she needs to get her message through to Burma’s stubborn generals.

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