

Ahead of the 2010 election, the Burmese people must ask whether the role of “union level” civil society groups and the role of elected members of parliament will be competing or complementary in the new Constitution.

Some Burmese politicians and pro-democracy scholars inside and outside the country have begun talking about a gradual move to democratization and a more normal society after the 2010 election.

Many commentators are optimistic that this extended transition period will—with time—lead to improvements in all spheres of life, although they recognize that the road will not be smooth or easy and anything is possible, knowing the history of the country's military.

“Dictators don’t want to relinquish their power and even if they can’t avoid doing it, they will release their power in a piecemeal fashion,” said U Thu Wai, a well-known veteran politician in a statement on why he decided to participate in the election. “The people should seize the opportunity at hand and strive to build up their strength gradually. In this way, they will gain democracy fully.”

U Thu Wai together with two daughters of former prime ministers formed a political party, called the “Democratic Party,” on August 9.

Similar views were shared by Dr. Zarni, a Burmese pro-democracy activist and scholar, in an article, “*Trust the People*,” in the July issue of *The World Today*.

“Supporters of change in Burma should embrace strategic engagement with civil society and potentially reformist elements in the state bureaucracy and even the military,” Dr. Zarni wrote. “This type of targeted, strategic engagement will lead to the gradual emergence of alternative centers of power: economic, societal, intellectual and eventually political.”

Deepening democracy gradually through the engagement of civil society members is a valid goal, but the question arises: What kind of civil society organizations will emerge under a “disciplined democracy” as envisioned by the military junta?

Most analysis of the 2008 Constitution has focused on the military’s control over the parliament and the government formed after the election. Fewer analysts have paid attention to some key provisions that are likely to shape the character of the civil society organizations at the national level.

It would be a mistake to underestimate the Burmese generals, who understand that a growing number of well organized civil groups could threaten the status quo of their power. Anticipating such threats, the junta incorporated various key provisions in the Legislature Chapter of the Constitution.

Section 90 states: “Members of the organizations representing any of the Union level organizations formed under the Constitution while attending the Pyidaungsu Hluttaw (Union Parliament) with the permission of the Speaker have the right to explain, converse and discuss the Bills and other matters in connection with the respective organization.”

Section 100/a states: “The Union level organizations formed under the Constitution shall have the right to submit the Bills relating to matters they administered among the matters included in the Union Legislative List to the Pyidaungsu Hluttaw in accord with the prescribed procedures.”

Non-elected representatives under the name of “Union-level organizations” will be able to participate in Hluttaw sessions and enjoy the same status as Members of Parliament from political parties, such as the right to submit bills and legal protection. However, they will have no voting privilege.

Section 92/b states: “No action shall be taken against such members or persons for their submission and speeches in Pyidaungsu Hluttaw by other law except under its law.”

Despite the lack of definition or a precise list of Union-level organizations in the Constitution,

they are sure to be state-controlled organizations, because in the Union Budget Bill, which the president is charged with submitting to the Pyidaungsu Hluttaw, the leadership and members of the organizations are entitled to receive salaries and allowances from the State, according to Section 103/b.

After a study of the Union Legislative List, it's estimated that more than a dozen existing state-founded organizations will become Union-level organizations and play a major role in legislative affairs. Others will probably be created in the immediate future.

Some of the organizations that already have established nationwide networks are: Union Solidarity and Development Association (USDA), Myanmar National Committee for Women's Affairs (MNCWA), Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Women's Affairs Federation (MWAF), Myanmar War Veterans Organization (MWVO), Myanmar Red Cross Society (MRCS) and Myanmar Fire Brigade (MFB).

Each of these organizations is, in fact, a strong civilian wing of the military regime, and the generals and their wives have assumed the role of patrons or active leadership roles in the organizations. The organizations, whose members wear green, blue and yellow uniforms, were formed under a socialist-style centralized power hierarchy.

Apart from these organizations' current dominance in the State's civil society sector, the regime will create more Union-level organizations in the fields of economics, health, literature, art and the media.

In the economic sector, the leading organizations will be the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), Myanmar Economic Corporation (MEC), Union of Myanmar Travel Association (UMTA) and Myanmar Economic Holding Ltd. (MEHL), the conglomerate of military-owned businesses. The UMFCCI is an umbrella organization under which there are 26 trade associations.

In literature, art and media, the dominant organizations are the Myanmar Writers and Journalists Association, Myanmar Music Asiyon [Association], Myanmar Motion Picture Asiyon, Myanmar Thabin Asiyon and Myanmar Traditional Artists and Artisans Asiyon.

In the health sector, there are the Myanmar Medical Association (MMA), Myanmar Dental Association (MDA), Myanmar Nurses Association (MNA) and Myanmar Traditional Medicine

Practitioners Association.

During the colonial and democratic government periods, some of these civic organizations enjoyed a degree of independence and have a history of managing their affairs in a professional manner. To what extent they will be allowed to control their own affairs in light of the new Constitution is unknown at this point.

Some go back to the colonial era and early independence. The UMFCCL and MRCS were formed in 1919 and 1920, and the MMA in 1949.

Unlike them, the USDA, which was formed in 1993 by the current military generals, plays a dual role as a social as well as paramilitary organization.

The USDA has been used to launch violent public attacks on democratic icon Aung San Suu Kyi and her supporters, reminiscent of similar violent acts by the Pyu Saw Hti, a paramilitary group formed in the parliamentary democratic era of the country.

Although some of the organizations, such as the USDA, claim to be non-profit voluntary social organizations, they don't embrace the international humanitarian norms of "independence and impartiality."

In the country's history, such organizations have been used by the government or powerful individuals as a means to hold onto power.

In a democracy, the existence of nationwide civil society organizations are important adjuncts to government and can foster more effective cooperation between government and various public sectors.

The country may well experience conflict and strife from the emergence of established civil society organizations that try to wield real influence if they are not allowed the freedom to

exercise their role in society in a professional, accepted fashion, but are subject to top-down control by the government.

Hope for the genuine development of civil society rests on the organizations being able to perform their role in an environment that respects their function and is free from intimidation or manipulation by a military government intent on dictating decisions that are not in the best interest of the people.