

A provision in the 2008 Constitution requiring every citizen to serve in the armed forces may be used to enact military conscription in Burma following the election.

RANGOON — Following the upcoming election in Burma, the new government may introduce military conscription in accordance with the 2008 Constitution, according to sources.

A high court lawyer in Rangoon said a provision allowing the government to force every citizen to serve in the armed forces is already included in the 2008 Constitution, which will take effect once the new parliament is seated.

Article 386 of Chapter VIII of the Constitution, titled “Citizen, Fundamental Rights and Duties of the Citizens,” states that: “Every citizen has the duty to undergo military training in accord with the provisions of the law and to serve in the Armed Forces to defend the Union.”

“Based on this provision, I am pretty sure an additional act will be introduced forcing every adult citizen to serve in the armed forces,” said the high court lawyer.

But a politician from a Rangoon-based political party, speaking on condition of anonymity, said any military conscription law must be approved by parliament, and if the law is oppressive then parliamentarians may not vote in favor.

“No matter what kind of law is introduced, it must be adopted by a majority of parliament. If it is a very repressive military service law, as a political party we will lobby parliamentarians to vote against it,” said the general secretary of another political party, who also asked to remain anonymous.

However, if conscription is promulgated as a military law by the commander-in-chief of the Defense Services, it will be difficult for parliament to oppose.

“The Constitution says that the decision of the commander-in-chief of the Defense Services is final and conclusive in all military affairs, so a conscription law will not likely be revoked if he introduces it as a military law,” said a senior journalist in Rangoon.

A political analyst from Rangoon said that because the upcoming election will prolong the military rule and will not bring a democratic outcome to Burma, it cannot be expected that laws promulgated by the new government will reflect the people's desire.

“The laws adopted by an undemocratic system will only be dictatorial laws. The country's future situation will not be much different from now,” said the analyst.

Many young people are also unhappy with the constitutional provision stating that every citizen has the duty to serve in the armed forces.

A student from the University of West Rangoon said an army is essential for the defense of the country, but he does not want to serve in the current army in Burma because it does not contribute to the good of the people.

“People hate soldiers from the bottom of their hearts. So even if I am conscripted I will have to think about it before entering the army,” said the student.

In addition, some observers say that a future conscription law may involve those even younger than university students.

“For a long time, the military regime has forced people to act as porters and recruited child soldiers. It may not be wrong to predict that under the future conscription act the regime can and will officially recruit more child soldiers,” said a Rangoon resident.

Burma's military junta adopted the new Constitution in a highly-criticized referendum held only one week after Cyclone Nargis devastated the country in 2008.

Asian countries that currently practice military conscription are Singapore, Taiwan, South Korea and North Korea. Thailand and China also practice conscription, but with exemptions.