

Who is the Bad Actor

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By Kanbawza Win

The US has suspended economic sanctions on Burma as President Obama marks the beginning of a new chapter in the relationship between the United States and Burma, and had nominated Derek Mitchell as the first American ambassador in 22 years.

The aim is to support reformers in government and civil society, facilitating broad-based economic development, and bringing Burma out of isolation and into the international community. It also claims that sanctions will now specifically target "**bad actors**" But the question is who are the bad actors?

Contemporary history of Burma has proven that since 1962, the Myanmar Army better known as **Tatmadaw**, which is the pocket army of the Generals is public enemy Number One. This remains to be true up to this day. Originally it was the people's army founded by *Bogyoke Aung San* (father of Daw Aung San Suu Kyi), until 1958 when they have a chance to taste power as a caretaker government because of the inability of the civilian administration, somewhat similar to the a Weimar Republic of Germany before Hitler assumes power. Since then the *Tatmadaw* is unable to let go off the power up to this day

General Ne Win used the Tatmadaw to propel his *Burmese Way to Socialism* taking the country from the rice bowl to the rice hole of Asia, the bottom line is the country cannot wriggled out of the world's LDC (Least Developed Country) status. The people of Burma could not bear it any longer that they embarked upon the 1988 democracy uprising. Again the Burmese Generals used the *Tatmadaw* and shoot point blank range into the crowds and even inside the General hospital, a stigma which they can never erase. Seeing the people suffer so much at the hands of the *Tatmadaw* the Buddhist clergy could no longer stay aloof and in 2007 embarked on a peaceful protest only to be gunned down mercilessly by the marauding soldiers. Even now the *Tatmadaw* rewarded the commander who implemented the order Colonel Aung Kyaw to sit smart at the Burmese parliament. This is but one of the examples as there are several hundreds, if not thousands whose hands are still covered with blood that has all become the gentleman of *Naypyidaw*.

The Tatmadaw is a state within a state since the 60s and implement only when it serve its interest *and what more authentic prove is needed as even today Tatmadaw has twice over the past six months ignored President Thein Sein's public orders to halt the offensive against the KIO and is bent on ethnic cleansing and did not recognize the Union of Burma. In other words Tatmadaw is the public enemy number one for the people of Burma.*

Currently the NLD has played down its latest protest insisting not a "boycott", but a "postponement" of its immediate tactics. Yet the underlying problem is fundamental to the country's hopes of democracy. That is the Nargis Constitution foisted on the people of Burma by the former Junta in a farcical referendum in 2008 (a 92.48% "yes" vote on a turnout of 98.12% in a poll held just after the devastation and chaos of Cyclone Nargis). The row was over the oath used to swear in members of parliament, requiring them to promise to "safeguard" this constitution. The oath is actually incorporated as an annex to the constitution itself. And one of that charter's most objectionable features is that it can only be amended with the consent of 75% of the members of parliament. (*Another fact is that 25% of the seats are reserved for the army.*) The upset has drawn attention to the big unanswered questions about Burma's "democratisation". Will the *Tatmadaw* ever accept amendment of the constitution? And, if not, what meaning will democracy have?

Clearly it was a document of the *Tatmadaw*, by the *Tatmadaw*, for the *Tatmadaw*. The president must have "military knowledge". "All affairs" of the *Tatmadaw* including budgets and promotions, are beyond the pale of civilian control. A state of emergency can be declared by the president after consultation with a National Defence Security Council, dominated by the *Tatmadaw* high command and the ministry of defence. Thereafter, power is transferred to the *Tatmadaw* commander-in-chief, who has the right to exercise the powers of legislature, executive and judiciary. It also provides immunity to the former Junta for any misdeeds in office.

No wonder NLD has campaigned on a platform of constitutional reform. Parties representing Burma's many ethnic nationalities want other big changes, too—to reduce central-government as well as military domination. The limited devolution of power that the charter envisages falls far short of the federal structure many hope for. But up to this date there is little sign on the part of the *Tatmadaw* that it has any intention of even discussing relinquishing its power and perks. On Resistance Day on March 27th, the commander-in-chief, said the army has

an obligation to defend the constitution and will continue to take part in politics, one of the very few countries of the world where the army promised to participate in politics. More than that ever the reformer Thein Sein, whom Daw Aung San Suu Kyi trust, in a speech on March 1st marking the first anniversary of the transition to civilian rule, declared: "*Our country is in transition to a system of democracy with the constitution as the core.*"

It was evident that the ex generals have been following a seven-stage "road map to discipline-flourishing democracy", the first four stages of which entailed drafting and embedding the Nargis constitution. Here in this respect it does raise serious questions about the limits to Burma's reforms, and of how foreign governments should react to this sly approach. Is it too optimistic? Daw Aung San Suu Kyi has warned.

Nobody can deny that Burma has already embarked on a reform for the better. Liberalising economic reforms, notably of the exchange rate, have attracted a gold rush of excited foreign businesses eager to exploit the country's human and natural resources and Western governments now seem to be racing each other to ease their punitive actions and sanctions little realising that the regime has only suspended their restrictions rather than lifting them. A bonanza in foreign trade and investment as foreign sanctions are relaxed could end up benefiting above all the very soldiers and cronies the sanctions were intended to punish. After all, these men retain their economic interests. From this perspective all the boasts of political reform look less like a blueprint for democracy, and more like the generals' pension plan.

Now it seems that the objective of *Tatmadaw*'s offensives in Northern Shan State and Kachin State with excessive military force is to protect foreign investments' mega business projects..It is necessary for the international community to oppose and pressure the *Tatmadaw* for its wrong actions. With its actions and attitude it is impossible to correct the dreadful situations of the country. It is necessary for the NLD members, members of the fraternal ethnic parties and members of the democratic society in parliament, the experts, intellectuals and the international forces, supporting and pushing for change of the political system in Burma. It must be remembered that violations of international law by the *Tatmadaw* include: the deliberate targeting of civilians with gunfire and mortar bombs; burning homes, churches and entire villages; arbitrary executions; arbitrary detention; rape and sexual violence, including gang-rape and rape against children; (the latest news is the *Tatmadaw* soldier gang rape the Kachin grills in the church) torture; land confiscation; looting; and the blocking of humanitarian assistance. Around 70,000 people have fled their homes since the attacks started.

We know from experience that the Burmese army will not make any effort to avoid injuring civilians. Worse than that, they deliberately attack them. There could be significant civilian casualties, and an even greater humanitarian crisis as people who have already fled their villages once, and are suffering from malnutrition and illness, try to flee again.

There needs to be concerted and co-ordinated international pressure applied to the government. This is an issue that should be discussed at the United Nations Security Council.

As it has done on more than one occasion since the Arab Spring began last year, the Council should issue a statement saying attacking a town full of civilians is unacceptable. It should demand immediate free access for the delivery of humanitarian assistance (the army still blocks it in Kachin State). Those responsible for abuses must be held to account; there should be justice, and reparations made to the victims of the conflict and abuses.

The bottom line is that in place of the marauding *Tatmadaw*. there must be the Union army (*Pyidoungsu Tat*) draw from all the ethnic fighting forces and disciplined and educated them with the international standard to defend the mother land and not the marauding Tatmadaw whose aim is ethnic cleansing with gross human rights violations.. Then and only then one can hope to see a peaceful federal democratic republic of Burma not dominated by the Myanmar race only.

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