

BURMA PROGRAM 2016-2019

SUMMARY

Even though Burma has been through a transformative development during the last years, moving from one of the world's hardest dictatorship into having a quasi-civilian government, many serious problems still remain. In 2015 there national elections will be held, but unless the controversial constitution from 2008 is amended the elections will neither be free nor fair. Armed conflicts continue in the eastern parts of the country and anti-Muslim break outs have driven over one hundred thousand Rohingya from their homes and more than 1 000 people have been killed. Women are greatly underrepresented in the parliament as well as in the ongoing peace process. Land confiscation has increased a lot during the last year and is one of the most common reasons for conflicts in the country.

However, the civil society have gained grounds during the last years by using the increased open space to express their concerns over the political situation. Many civil society organizations and oppositional political parties are now working more openly and have been registered by the authorities. Labour unions and farmers unions have been able to form for the first time under the new labour law and both workers and farmers are increasingly demanding their rights through right based actions such as demonstrations, strikes and complaints letters to authorities and companies. The results within the Palme Center Burma program (2012-2014) have been affected by the positive developments and it is also evident that they have contributed to the transformative developments.

POLITICAL SITUATION

Despite the last years political reforms, the new government structure remains highly centralized, populated by weak and inexperienced political parties, and dominated by a military presence that is enshrined in the controversial constitution from 2008. This structure has exerted near-complete control over the economy, resources, and land for decades. This has resulted in the sixty-year armed conflict and an abysmal human rights record, both of which persist until today. Since the 2010 change from a military junta to a quasi-civilian government, military troops in conflict-ridden ethnic areas have increased, and the number of people displaced by violence in Burma has actually grown by nearly a quarter of a million people. Armed conflict between the Burma army and non-state armed groups rages in Kachin and Shan states, while sporadic but devastating outbreaks of anti-Muslim violence have spread throughout the country. Systematic sexual violence perpetrated by government forces continues to be a massive problem particularly in the ethnic states, with UN Secretary General Ban Ki-moon officially calling for a full investigation of military involvement in these crimes¹.

In November 2015 parliamentary elections will be held in Burma and as the elections approach, public demand for constitutional reform is increasing. Article 445 in the Constitution from 2008 intends to guarantee the military impunity from prosecution by providing the regime officials blanket amnesty for all crimes committed as a result of their

¹ Irrawaddy News, "UN Chief Calls for Burma to Investigate Military Rape Claims", 24-04-2014, <http://www.irrawaddy.org/burma/un-chief-calls-burma-investigate-military-rape-claims.htm>

official duty². Furthermore, the constitution gives the military commander the highest power in the country and ensures that the civilian government is deprived of its sovereign powers over the military³, a situation which is a serious impediment to deepening of democratic reforms. Although a Parliamentary constitutional review committee was convened during 2013-2014 and attracted 28 247 submission proposing more than 300 000 amendments⁴, its final recommendations were minimal. Key constitutional articles guaranteeing military control over constitutional amendments, control of national and local governance, military immunity from prosecution and perpetuation of impunity were not addressed. Articles maintaining exclusive central control of land, natural resources and justice that perpetuate inequality and the danger of armed conflict were untouched.

LEGISLATION

Legislatively, only one out of 14 draconian laws identified by the UN were repealed, as of May 2014. New positive laws remain subject to these oppressive laws. Several new laws enacted by the Parliament have been designed to limit political participation, freedom of speech, and civilian access to the rule of law. For example, the Peaceful Gathering and Demonstration Law was selectively used to sentence at least 63 peaceful protestors to prison terms up to 19 months for peaceful assemblies or protests regarding mining projects, land confiscation, Rohingya IDPs, the 8888 pro-democracy uprising and the war in Kachin state during 2013. It is feared that the Association Registration Law, which is still in draft stage, will be used to restrict civil society activity and pressure groups into self-censorship⁵.

The main legislative focus has been on developing laws in the economic interests of the military and ruling party, such as the Foreign Investment Law, the Telecommunications Law, and the Anti-Money Laundering Bill. The 2012 Farmland Law, for example, legalizes arbitrary land confiscation by the authorities, while restricting access to legal redress by affected communities⁶.

The increased calls and rallies for constitutional reform in the lead-up to the 2015 general election have been largely ignored or subjected to arrest and official harassment. The failure to implement constitutional reforms and the institutional of new repressive election rules (e.g. banning politicians from campaigning outside their constituency, designed to limit Aung San Suu Kyi's influence) will have serious implications on the conduct and outcome of the 2015 general elections.

The effectiveness of political parties to promote and implement change has been undermined by lack of capacity or political will, including amongst members of parliament. The opportunities present are the willingness of the public to openly speak up on these issues and to engage in public campaigns. However, activists are free to engage in indoor activism but are tightly controlled when it comes to outdoor or street actions.

²Women's League of Burma, January 2014, *Same Impunity, Same Patterns*.

³Ibid.

⁴Eleven Media, "Constitutional Review Committee to submit proposal to parliament", 31-01-2014 http://www.elevenmyanmar.com/index.php?option=com_content&view=article&id=4912:constitutional-review-committee-to-submit-proposal-to-parliament&catid=32:politics&Itemid=354

⁵Altsean Burma Bulletin, BN 2014/1099: March 21, 2014, "Legislative Reform in Burma: One Step Forward... Two Steps Back".

⁶Altsean Burma Bulletin, BN 2014/2001: March 25, 2014. Updated May 5, 2014. "Land Confiscation in Burma: A Threat to Local Communities & Responsible Investment".

PEACE AND CONFLICT

Processes such as the internationally-funded 2014 census have been manipulated to perpetuate exclusion and discrimination against ethnic nationality and religious minority groups⁷ and has deepened some of the ethnic conflicts.

The changing pattern of aid and development cooperation undermines the advances made amongst civil society movements since 1988. The push to direct aid through Rangoon and reduce cooperation through the border areas is disadvantaging vulnerable communities in the ethnic nationality and rural areas while benefiting government and government-aligned organizations. This trend has also strengthened a paternalistic charity approach above a right-based and empowerment approach.

There is also growing anger that the approach of Myanmar Peace Centre and officials have focused on the personal economic interests of ethnic leaders, excluded participation of women and youth, undermined local democracy and promoted corruption. A key focus of the peace processes have been on securing business deals that are socially and environmentally harmful⁸. However, impunity over looting, violence against civilians including sexual violence against women and girls, and recruitment of child soldiers continue, albeit on a lesser level in some areas.

The authorities' refusal to discuss or commit to transitional justice to remedy past damage and prevent recurrence of conflict, injustice and inequality, endangers the possibility of sustainable peace. Meanwhile, the pressure to push IDPs, refugees, asylum-seekers and migrants back to their states is high, despite concerns over land confiscation, landmines and lack of protection and impartial monitoring mechanisms.

In order to defuse and divert the public resentment against the government over economic and political problems as well as rampant corruption, the authorities, including officials of the President's office, have provoked more racial and religious based instigation amongst the general public. Governmental protection and promotion of ultra-nationalist groups such as the extremist Buddhist 969 movement, has intensified social division, undermined public commitment to international human rights standards and manipulated loyalty to Buddhism to secure greater support for the ruling party and the army.

Racism against Muslims is rampant and getting worse. E.g. if Karen people want to buy goods from Muslim businesses, they must pay a "fine" to local authorities because there is an economic sanction against Muslims. Civil society groups and women leaders who have publicly opposed proposed laws to criminalize interfaith marriage have been denounced as "traitors." The violent nature of these extremists continues to intimidate and inhibit peace-building, reconciliation and conflict prevention initiative.

The main focus of the authorities has been on liberalizing the economy to attract lucrative investment deals, especially concerning natural resources and infrastructure development that

⁷ International Crisis Group, "*Myanmar Conflict Alert: A Risky Census*", Feb 12, 2014.

⁸ Democratic Voice of Burma, "*Norway-backed Burma peace initiative 'probably' to end*", Jan 12, 2014.

are linked to land confiscation, forced displacement as well as violent conflict. A fundamental challenge lies in the 2008 constitution and official policies which deny local populations any control over these issues.

In Rakhine state, investment in the energy sector has been one factor in anti-Rohingya and anti-Muslim violence, which allowed land to be confiscated on a massive scale. Similarly, control of land for a hydro-power project served as the spark to reignite the war in Kachin state after a 17-year ceasefire. The rise of extractive industry activity and development of Special Economic Zones create a minimal number of jobs for local people while threatening the food and livelihood security.

ECONOMY

The majority of people are struggling every day for their own survival due to inflation and insufficient income, particularly in urban areas such as Yangon, which has become a bubble economy. The gap between rich and poor is growing rapidly under this government because rapid economy growth⁹ since 2010 has been extremely uneven and benefited mainly political elites, cronies and former military. Inflation and the income gap have risen, partly due to electricity price increases and big jumps in the salary of government officials.

The Human Development Index for Burma is in the category of low human development ranked as 150 out of totally 189 countries. Between 1980 and 2013 the country has increased its HDI value and Burma has also reduced its poverty rate during the last decade, but the differences between the urban and rural areas as well as between different states and regions are big¹⁰. The median income in Burma is only 25 percent above the poverty line¹¹.

Corruption in Burma is widespread and according to Transparency International Burma is ranked as number 157 out of 177 countries¹². Budgetary prudence, transparency and accountability remains extremely low despite increase in media freedom. For example, the military has consistently enjoyed increases of between 57 percent and 19 percent in monetary allocations of the national budget, while social spending remains a very low priority¹³. There is also a lack of political will to hold public servants and ruling party politicians accountable for corruption and mismanagement.

HUMAN RIGHTS

Despite the increasing development of civil society organizations, they are still reluctant to join in rights based and activities openly criticizing the government. Cooperation and coordination in some sectors and areas are weak. Discrimination against women, youth, ethnic nationalities, religious minorities, people with disabilities and LGBT community is backed up by laws, policies and practices of the authorities. Public harassment and constraints on these groups continues to be considered “normal”. The practice corruption and abuse of power is deeply

⁹ Transformation Index, BTI 2014 | Myanmar Country Report: <http://www.bti-project.org/reports/country-reports/aso/mmr>

¹⁰ UNDP, *A regional perspective on poverty in Myanmar*, Stephan Schmitt-Degenhardt, August 2013.

¹¹ Ibid.

¹² Transparency International, *Corruption Index Myanmar 2014*

¹³ Transformation Index, BTI 2014 | Myanmar Country Report: <http://www.bti-project.org/reports/country-reports/aso/mmr>

entrenched in society and this becomes a tool of oppression for the government to oppress and divide.

Official and unofficial constraints and pressures on civil society groups continue to threaten operations, including the ability of activists to travel. Other operational considerations include the frequency of electricity blackouts and inconsistent communication support, especially on telephone and internet in rural and conflict ridden areas.

Despite some positive reforms, the challenges for Burmese farmers and workers who constitute the vast majority of the country's population of 60 million are many. In 2012 a new labor law was passed but it still hasn't been fully implemented. The consequence of this is that several of the ILO's core conventions still are being ignored¹⁴.

Under the labor law, workers must apply for permission to strike, but it is rare that these permit applications are granted, forcing the workers to strike without permission, which has resulted in numerous arrests and lawsuits against union activists. Hence, workers are still afraid to join unions. The law on minimum wages is another problem for the Burmese workers. The law describes minimum wage as a merger of overtime, bonuses for good character and reward for not having had any sick days. An average textile worker cannot survive on the salary they receive for working eight hours a day, six days a week, which adds up to around 30 USD per month¹⁵. Since 2012 labor unions are legally allowed to be formed under the labour law along with farmers unions. As of the end of 2013 814 independent labor unions were formed and registered, of which 514 are farmers' unions. However, a majority of these unions are small in terms of numbers of members and weak in relation to the employers¹⁶.

The mainstream education system perpetuates socially divisive and discriminatory attitudes as part of a broader Burmanization policy. There is also a fundamental lack of respect or value for linguistic diversity, human rights and democratic processes in the content and delivery of social services including health and education.

GENDER EQUALITY AND ENVIRONMENT

According to the UN's gender equality index, Burma is ranked as 150 of the 187 countries assessed, compared with Sweden which is ranked as number 12¹⁷.

Burma acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997 while under military rule, but neither the past regime nor the current government have acknowledged the deep-rooted gender discrimination in the country. Provisions in the current 2008 Constitution, crafted by military-picked delegates (of whom only 6.2 percent were women), "not only fail to effectively promote gender equality, but guarantee that the armed forces, an almost exclusively male institution, will control a quarter of the seats in the lower and upper houses of the legislature."¹⁸ This means that the military,

¹⁴ Human Rights Watch, <http://www.hrw.org/news/2013/08/25/burma-revise-or-reject-draft-association-law>

¹⁵ Forum for Democracy in Burma, Modern Slavery, A Study of Labour Conditions in Yangon's Industrial Zones (2012-2013). <http://www.palmecenter.se/Documents/MS.pdf>

¹⁶ Institute for Peace and Social Justice, Annual Report to the Palme Center 2013.

¹⁷ UN Development Index, <http://hdr.undp.org/en/content/gender-inequality-index>

¹⁸ Women's League of Burma, In the Shadow of the Junta, CEDAW Shadow Report, 2008

whose members have enjoyed impunity for sexual violence and other crimes, is now constitutionally empowered to help formulate and approve national laws. In the 2010 elections, only 36 women out of a total 1 541 seats (2.34 percent) were elected into parliament, including in the state and regional assemblies. After new by-elections in 2012, this number increased to 54 (3.5 percent). The percentage of women in the upper house of the national union parliament (1.4 percent) is, together with Yemen, the lowest of any upper house in the world.¹⁹ Women continue to be absent from the peace-talk table and their voices and concerns have not been reflected in the ceasefire-agreements²⁰.

The mitigation of local and global environmental threats has not been a priority for the Burmese government. Disaster prevention and response mechanisms have not improved despite the lessons of the Cyclone Nargis in 2008. Instead, the growth of natural resource exploitation, intensive commercial agriculture and commercial infrastructure development has destroyed natural features such as mangrove swamps and forests which have traditionally served as buffers to climate change. In addition, pollution of water and food sources is a growing threat. The contamination of such sources, as well as disregard for food safety protocols in factories is posing a serious health risk for the public.

INTERNATIONAL DEVELOPMENT COOPERATION

In 2013 alone, more than 96 000 people from the target group, of which 48 percent are women, were reached by the Palme Center partner organizations' activities and information campaigns, which is an increase of 90 percent since 2012, a majority of these consist of workers and farmers have been supported by partner organizations in negotiations with employer and received support during strikes and demonstrations where they demanded respect for labour rights. As a result of partner organizations' activities more workers and farmers are organized in unions where they can demand improved living and working conditions from their employers.

As a result of the training programs for women leaders from different ethnic groups more women are now found in senior positions within the partner organizations and their networks.

Civil society in Burma, including the partners within the Palme Centers Burma Program, has taken advantage of the existing political space to express public concern about development and peace issues such as the impact of large-scale infrastructure projects, land confiscation, and the need for constitutional reform. The ethnic political parties are increasingly turning to civil society to receive input on environmental issues, economic issues and agricultural policies, which creates new opportunities for civil society participation.

The Palme Center's partner organizations in Burma are now able to more openly train the target groups in the local communities and help them to advance their interests and give constructive policy recommendations to policymakers. Grassroots ethnic state-based organizations are increasing their public presence in the country, and many have established themselves in areas where they more easily can mobilize the target group and expand their network with other progressive actors within civil society.

¹⁹ Global Justice Center, *The Gender Gap and Women's Political Power in Burma*, May 2013

²⁰ Women's League of Burma, January 2014, *Same Impunity, Same Patterns*.

There are several other donors working in the field of democracy and human rights in Burma. However, there are less international organizations supporting grass-root organizations and labor NGOs. The Palme Center is giving ongoing support to our partners in terms of administrative skills trainings and workshops in result based management and internal democratic structures as well as organizational development while many other donors are not focusing on giving support for organizational development but rather focus their support on specific activities.

Other Swedish donors in Burma, working in the same field as the Palme Center, are Diakonia, the Swedish Burma Committee and Save the Children Sweden and international donors supporting the same type of organizations, and in some cases the same organizations as the Palme Center, are NED and OSI. The Palme Center has previously been an active member of the Burma Donors Forum, but during the last year this loose network has not been meeting on a regular basis. However, the Palme Center Burma program manager as well as the local coordinator in Rangoon are meeting with other relevant donors on a regular basis.

The Palme Center has for more than two decades been working closely with civil society organizations in Burma. A relationship of partnership and mutual trust has been built up with our partners. As such, the Palme Center can contribute to capacity development and work with organizations that are important in order to strengthen a more inclusive democratization and peace process in Burma. The Palme Center will work to develop the internal democracy within partner organizations and will also specifically work to enhance gender policies within partner organizations. Representation of women in the leadership of organizations will also be followed up and addressed in dialogue during the program period. The Palme Center's international network is also an asset and helps us to create links for exchange of experience with civil society actors in Pakistan and the Philippines, as well as with the Swedish labor unions and popular movements such as ABF.

Within this new program the Palme Center intends to take a more active role to implement capacity building and network activities identified in cooperation with our partners building on lessons learned from the previous program period, including recommendations and observations made by the evaluation of the program. These activities include yearly network meetings/activities including trainings in internal democracy, women's representation and training methodology. An emphasis will be on creating platforms for discussion and exchange between representatives from different ethnic and religious groups.

PROGRAM OBJECTIVES

Program objective

Burmese people living in exile and in Burma²¹ have increased their ability to claim their rights

Intermediate objective 1

The target group has increased its knowledge of human rights, the political situation in Burma, democratic work methods and gender equality.

Intermediate objective 2

The partner organizations has an increased internal democracy and ability to organise the target group in order to achieve an impact for its values and objectives.

Intermediate objective 3

The partner organisations has contributed to improved cooperation and coordination within the democracy movement in Burma and the one in exile.

²¹ The target group includes Burmese workers, youth, women and ethnic minorities in Burma and living in exile (mostly young people and women migrant workers from ethnic minorities).