

Date: 28th September, 2009

Dear Senator Webb,

Thank you for initiating a hearing on the impact and effectiveness of U.S. policy toward Burma. We are especially encouraged by your intention to examine how Burma's long history of internal turmoil and ethnic conflicts has affected the development of democracy. This issue is, we believe, the key to building a sustainable democracy in Burma.

The Burmese military first seized power in 1962 precisely because it did not agree with the manner in which it was proposed that the ethnic conflicts be ended. At that time, the democratically-elected government of U Nu had agreed to the demand of the ethnic states to amend the constitution. They wanted a federal system of government instead of a centralized one.

It is the view of the Ethnic Nationalities Council (ENC) that democracy cannot flourish in Burma without resolving the question of how its constituent states relate to each other and to the national government. The military, democracy advocates and the ethnic nationalities need to agree on their vision for a future Burma. If this question is not resolved, the conflicts will continue and the development of democracy in Burma will be seriously hindered.

For the past twenty years, the conversation on US policy has been dominated by the issue of Daw Aung San Suu Kyi and the 1990 elections. While these are crucial matters, the equally important issue that lies at the heart of Burma's problem, has been largely ignored. The complex problem of governing one of the most ethnically diverse countries in the world needs to be addressed.

The ethnic nationalities together make up 30-40% of the total population of Burma. The seven ethnic states bordering Bangladesh, India, China, Laos and Thailand make up 60% of the national territory. Many of the ethnic nationalities can also be found in large numbers in at least five of the seven administrative divisions of Burma. Furthermore, their close cousins can also be found numbering tens of millions across the borders in all the neighbouring countries.

While military rule in lowland Burma is not conspicuous, the Burma Army in the ethnic states is an army of occupation. It controls the cities, towns and highways. In the contested highlands, it wages a war of terror against civilians in order to deny ethnic forces food, recruits, information and communication routes. This "Four Cuts" strategy has displaced at least a million villagers and sent hundreds of thousands of refugees and migrant workers into neighbouring countries.

Beginning in 1989, many of the ethnic groups agreed to ceasefires with the Burmese military in the hope of finding a political solution. But no political negotiations have taken place in the ensuing 20 years. And in spite of the ceasefire groups' participation in the military's National

Convention, none of the constitutional recommendations made by the ethnic nationalities was accepted.

Today, ethnic-based parties that won parliamentary seats in the 1990 elections are in danger of being marginalized. Military operations against civilians in contested areas in the ethnic states have increased to reduce resistance to the 2010 elections. Ethnic ceasefire groups are also being threatened with military action unless they agree to come under the control of the Burmese military and agree to participate in elections that will legitimize military rule in Burma.

In principle, the ethnic nationalities cannot accept the military's 2008 Constitution because it is not democratic. Furthermore, it is hegemonic in nature and provides for a centralized top-down system of government. The 2010 elections will also not lead to a democracy.

However, the citizens of Burma have no choice. They will at the very least be forced to cast their votes. If there are no opposition parties, the military's candidates will win by default. This is especially true in ethnic areas. The military (and the majority ethnic 'Burman') candidates will then become the "elected representatives" of the seven ethnic states. An added complication is that if the ethnic groups with ceasefires do not participate in the election, they will have to revert to armed struggle. We do not believe that armed struggle is the solution.

The ENC's short-term policy is to support eligible ethnic groups in running for office in the 2010 elections. The aim is to ensure that –

- 1) The ethnic nationalities have a voice in Burma's national politics;
- 2) The ethnic nationalities can participate in a meaningful, though limited, way in the governance and development of their homelands;
- 3) Democracy is promoted by encouraging the population to participate in the democratic process of periodically choosing whom they want as leaders;
- 4) The new elected government promotes the rule of law and becomes more transparent and accountable to the people of Burma.

While the Burmese military will remain in control after the 2010 elections, it is our hope that representatives elected by the people will be able to help hold the military accountable to their own constitution. It is also our hope that the new government will be more open to negotiating a political solution with the ethnic groups that are still engaged in armed struggle.

The ENC's long-term policy is to continue to develop a robust civil society that will be capable of holding an elected government accountable to the people.

Consequently, we believe that the United States can best help by:

- A. Not condemning the 2010 elections before they are held, but instead calling for a more inclusive election process that will be free and fair. Electoral assistance can be offered either directly or indirectly through neighbouring countries;
- B. Providing assistance (overt and covert/ inside the country and cross-border) to existing civil society organizations to promote civic education in preparation for the elections. We specifically urge the United States to provide assistance to existing *local organizations* that are:

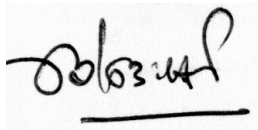
- Educating potential political candidates about how to run for office and how to govern democratically,
- Educating citizens about their rights, and
- Preparing local organizations to monitor the upcoming elections.

C. Retaining targeted sanctions against members of the current regime and their families.

D. Increasing humanitarian assistance to Burma, not only for Cyclone Nargis recovery, but also for poverty eradication, public health, education, capacity building for civil society and the civil service, and for refugees and internally displaced populations.

Thank you for your efforts on behalf of the people of Burma. Please let us know if we can provide you with any further information about our work or the needs and aspirations of our people.

Yours truly,

A handwritten signature in black ink, appearing to read 'Saw David Taw', written over a horizontal line.

Saw David Taw
General Secretary
Ethnic Nationalities Council (Union of Burma)