

Myanmar in Transition: Implications for India

Talk by Dr. Walter Fernandes, at NESRC Guwahati, 5th December, 2014

This is not a formal talk but a brief reflection in two parts: 1. Myanmar in Transition. 2. What does it mean for India? The international, particularly western, media speak only about political transition. Linked to it is the focus on what are called human rights that are mainly political rights. But the West ignores other basic rights.

The Nature of Rights

Political rights are important because for nearly 50 years Myanmar was under a very repressive military regime. Repression was not merely political but also linguistic, ethnic and religious, based on the theme of “one country, one people, one language, one religion.” Schools were nationalised in 1965 and children were indoctrinated into the language, culture and religion of the majority Bamar. This approach is repulsive to secular minds and to people who work with what are called ethnic minorities in Myanmar and tribes in India. The religion of the Bamar is Buddhism but the country has a group of Muslims, Hindus and Christians, the last group belonging mainly to the ethnic minorities.

The country had a large number of political prisoners. The international media and the West concentrated only on their political rights and on a multi-party political set up which it identified with democracy and ignored economic and cultural rights. Thus, they supported only political transition from a military dictatorship to democracy. It began in 2010 but crucial to it was Cyclone Nargis of 2nd May 2008 in which 150,000 bodies were counted but the estimate of the dead goes up to 370,000. At that time Myanmar was closed to outsiders. It was a crime for a foreigner to be found in a private home or for a local person to host a foreigner. They could be jailed for three years and the foreigner would be jailed and then expelled. With Nargis suddenly Myanmar woke up to the international community and reality. Slowly the country had to open up. It did not do it after two other major events, the student revolt of 1988 and the monks’ revolt of 2007.

The August 1988 student revolt catapulted Aung San Suu Kyi into the leadership position of the democratic movement. She was a British citizen and had come to Myanmar to visit her mother and that’s when the revolt took place and she took the lead because her father Aung San was the Father of the Nation. He led the freedom movement and also joined the Japanese. After World War II he brought the ethnic communities together to and signed the February 12, 1947 agreement that all the communities will ask for independence together and would build a nation in which all ethnic communities would enjoy equality. However, he and all his associates were murdered in July 1947

during a cabinet meeting. Three tribal persons were hanged for it but many believe that the colonial power was behind the murders because he was too strong a person for them. That is where the problems of Myanmar began. A very weak person U Nu who was the Foreign Minister under the Japanese was made Prime Minister and he could not manage the divisions. Eventually the military installed an extremely repressive regime in 1962.

The first revolt against it came in 1988 and the rebellion of the monks was in 2007. After the Cyclone Nargis of 2nd May 2008 the military regime had to loosen the shackles a bit. But they have not given up. They had elections in 1990 in which Aung San Suu Kyi got a landslide majority but the regime annulled them. In 2010 Aung San Suu Kyi boycotted the elections but the 2008 Constitution under which they were held, gives 25 per cent of the seats in the parliament to the military. An amendment to the constitution requires 75 per cent plus one of the vote so you cannot amend the constitution without the consent of military regime. They introduced a clause that persons whose spouse or children are foreign nationals cannot hold the office of the president. That is unfair and also unfortunate because the whole focus of Aung San Suu Kyi is to get rid of that clause in order to become president and the West is focusing only on that clause and on political prisoners. What is called amendment to the constitution is around that clause. Thus what is called political transition is centred on these two issues. The military wants a sort of controlled democracy based on small steps. They also tried to introduce proportional representation because that would have given the army backed party more seats but the parliament has rejected it. It means that Aung San Suu Kyi can get many seats but to become president she has to negotiate with the army and make many compromises. During his visit last month President Obama said that the Constitution should be changed and that refers to this clause.

Economic and Social Transition

However, the West ignores and intentionally the economic transition. The rich countries have a vested interest in ignoring these rights because Myanmar has accepted liberalisation whose impact is worse than in our country. In India liberalisation meant the corporate sector getting control of the economy but also the middle class getting many benefits. It meant that there was a good bit of production in this country. That is not happening in Myanmar firstly because the middle class is very small. It is emerging but remains small. Secondly because it does not have big middle class there is very little production. The rich countries want not production but the minerals of Myanmar. It is one of the richest countries in the world. Name the mineral or any natural resource you have it - petrol, coal, gas, name it and you have it. All the countries want just the minerals and not production. So they are focusing on political transitions ignoring economic transition. They keep showing that liberalisation in the country is positive. The thesis

being propagated is that finally Myanmar has got back its senses. The message that the West is giving is that Myanmar is finally seeing reason and that it is the right direction.

One cannot deny that Myanmar was a closed society under the military regime. But someone who has studied displacement can also realise that the present form of liberalisation can be destructive of people. The military regime installed what they called a socialist economy and it is similar to what one saw in West Bengal. Because of its focus on labour rights one witnessed flight of capital but West Bengal witnessed high growth of agriculture because of the reform of the *barghadari* (share cropper) system and a big number of medium dams. The military regime followed such a leftist policy of low importance to industries and encouraging agriculture. Myanmar witnessed phenomenal agricultural growth as you see in the data of 1988 and 2010 (see chapter 1 of “Disaster to Development”). However, unlike in West Bengal Myanmar did not introduce land reforms and did not change the land laws and that goes against the people with liberalisation.

That is where the land laws make a difference. Indian land laws are based on the principle of the State’s eminent domain which recognises individual *pattas* and treats common land as State property. It has also made many concessions. It has recognised the customary law in two States and has modified the law through the Fifth and Sixth Schedules in some other States. The Myanmar law is similar to the *Assam Land Rules 1838*. Under the Tai Ahom kings land belonged to the king and they gave around 5 acres to each family in return for a month of free labour to the King. The British took only the first part, that all land belonged to the King and forgot the second part. That forgetting was intentional. The law in Myanmar was similar because till the Yandabu Treaty of 1826 the Northeast was part of the Burmese domain of influence. Only in 1826 it became a part of the political map of India with the defeat of the Burmese emperor that gave the Brahmaputra valley to the East India Company. The law it imposed on Myanmar is the *Crown Lands Act 1890*. Under it all land belongs to the Crown (the king or queen). That law remains even today and it has become part of the 2008 constitution with a difference. The British regime and practically till the beginning of the last decade the Myanmar government were concerned only with land in the plains where settled wetland agriculture was practised. They were not worried about the hill areas inhabited by the ethnic minorities. However, The Farmlands Act 2012 and the Constitution 2008 have brought all the lands under it so it applies also to the ethnic communities.

That is basic to liberalisation. The West and most other countries including India want the minerals. For example three Indian companies have signed petroleum contracts. Till recently China has been the main partner and the West keeps repeating that China is stealing the resources of Myanmar. That blame game is part of the competition between

the rich countries and China for the resources of Myanmar. China has cut the teak forests and today one sees only small trees. It has built a pipeline from the coast right up to the North through the Kachin state for gas. It has built all the roads and only now India is competing with China for the contract for the Stillwell road. It will probably get the contract for the Moreh-Mandalay road. Myanmar too is trying to take a distance from China but their alternatives are Korea, USA, France and Japan. They are coming in force. Very few local entrepreneurs exist. As in India a major area of liberalisation is on the real estate. Yangon Region, for example, wants 70 per cent of its territory to have high rise buildings. Much investment is in real estate and in exploiting minerals. The law has been made to suit these two needs. Every country wants land for minerals, real estate speculations Special Economic Zones (SEZ). That is very important to remember because most minerals (probably around 90%) are in the ethnic minority hill areas. That is where the law on land and also its definition will be destructive of people.

That is a problem that the ethnic minorities and the poor are going to face. The social policies are extremely weak. For example the investment on education was 0.6 per cent of the GDP till recently and now it has been raised to 1.9 per cent when the norm for social development is 6 per cent for education and 3 per cent for health. Even in India investment in education was around 4 per cent and it has come down to below 3 per cent after liberalisation, and much of it is goes for higher education. Also in Myanmar much of the addition is for higher education with Australia helping it to rebuild the universities that were destroyed during 50 years of the military regime. So the social situation in the country goes against the poor and the economy is meant for the rich and for foreign companies. That is the economic transition taking place in Myanmar. Social transition is meant for the small emerging middle class and not for the poor. In fact if you go to Yangon you see the beautiful rich city. Only those who have studied the slums know that the military regime pushed all the poor to one area where around 200,000 families live in small huts in cramped and unhygienic locations. But the Centre of Yangon is expanding. So we are sure that also the land of the slum dwellers will be taken away soon. Our organisation had built 600 houses in the slums after Cyclone Nargis. Now we have stopped building them because we know that the land will be taken over sooner or later, Now we are concentrating on education and health. So investment on health is low, investment on education is low, on hygiene is low.

Also the rise of fundamentalism has to be seen in this context. Exactly as it happened in India, in Myanmar too liberalization and fundamentalism go hand in hand. Today Muslims are the target and we know that as it happened in Gujarat and Orissa, Christians can be the target next. There is freedom of religious practice today. So one has to see how one can support the ethnic minorities not in the name of religion but from the point of human rights. Their land is under threat and their customary law is not

recognised. It is important to study their customary land rights and use the study to help the communities together to understand their rights and demand them. They need to look at the formal laws and see what demand can be made before the elections. It has to be research for advocacy but the work has to be done by the people affected by the laws. While doing it one has to know that the rich countries will not support the ethnic minorities because they have a vested interest in ignoring these rights.

Implications for India

There is much that India can share with Myanmar. From a purely economic point of view India has middle level technology and twenty years of experience of liberalisation. I may not agree with all that has happened but our experience shows that its effect can be moderated through some extent through civil society involvement with the official systems. One has seen it in some recent official policies and the success of civil society groups in getting the Government to enact the Forest Rights Act, Right to Education Act, the Right to Food Security Act etc. It has to be done through critical collaboration between the government and civil society groups. The first is to share the experience of Indian civil society groups with their counterparts in Myanmar. NGOs were discouraged in Myanmar by the former regime. There is some opening today though there is much suspicion of NGOs. Civil society groups in India can establish links with their counterparts in Myanmar, share with them their experiences of dealing with the ill effects of liberalisation. They should also be aware of its pitfalls. For example, after two decades of struggles and advocacy India enacted a Land Acquisition Act in 2013, that is meant for the corporate sector but has many clauses that favour the land and livelihood losers of projects. However, the present government is planning to delete from it all the clauses that favour the displaced. At a time when land is a crucial issue in Myanmar, they too have to be aware of the possibilities of pitfalls.

Indian civil society groups can also share with their counterparts their experience of critical collaboration with the government. For example, India's approach to Myanmar was rather low key for some years. The present ambassador is very active and it gives the civil society groups possibilities of working together while keeping their autonomy. An area of possible collaboration is the Look East Policy. There is a danger of it becoming Delhi-centred with the Northeast becoming only a corridor to Southeast Asia. Civil society groups have to find ways of making it Northeast-centric and getting involved together with the Government of India in the States and regions of Myanmar bordering on Mizoram, Manipur, Nagaland and Arunachal Pradesh. Student exchange is a possibility, so is sharing of expertise. For example, an estimated 100,000 Chins are in Mizoram because of high unemployment and low land fertility in the Chin State. Civil society groups of Northeast India can join the Government of India in finding ways of

improving production and water availability in the Chin State as ways of improving land fertility, irrigation and drinking water, marketing through cooperative formation and other changes that can deal with the problem. It would be civil society contribution to the Look East policy and a mode of working for peace by solving the problems that forces the Chins to migrate to Mizoram. It causes much tension between them and the Mizos. It will need collaboration between the Indian civil society and the government in India. Sharing of that experience can help the Myanmar NGOs in their dealing with their State.

Another area of possible collaboration is the negotiations on peace and conflict. The issues of sovereignty and autonomy are crucial in the peace negotiations in Myanmar between the Union Government and the ethnic communities that are in conflict for five decades. Some civil society groups in India have the experience of interacting with the parties in conflict in the Northeast without, however, being direct participants in the negotiations with the Government. That has led to some autonomy which is not perfect but is the beginning of a long process. Civil society groups can share these experiences with the NGOs in Myanmar who can in their turn deal with the militant group of their States and Regions. That can be one more contribution to peace with justice. Peace parleys are going on in Myanmar. What has happened in India has many shortcomings but they are slow steps towards slow autonomy that has taken the form of recognition of customary laws. It is part of a process and that can be India's contribution.

Another area of possible learning is the electoral process. It is defective in India but has many positive points. Because of the "first to the post" system, many minority tribal and other groups have managed to feel their presence felt to a limited extent at the central level and much more in the States where they are a majority. Some neglected ethnic communities in India have been able to make their voice heard at least in the State legislatures which they control in some cases. Their voice may be weak at the Centre but it cannot be ignored. Similarly, many civil society groups have been active in the fight against fundamentalism which, in its present form, is an offshoot of liberalisation. The middle class that wants its benefits uses a religious identity to protect their interests. The system ensures that it becomes a selfish middle class that ignores growing poverty much of which is caused by diversion of resources for their lifestyle. In Myanmar too the emerging middle class wants most resources for itself and religion becomes a tool in it.

Conclusion

These are some of the lessons I feel that Myanmar can learn from India. The type of democracy, the type of economy and the type of people to people relations have to be encouraged. NGOs are beginning only now in Myanmar. The government is suspicious

of them exactly as our present government is suspicious of the civil society. Fundamentalism is part of it. That is where people to people relations can work.