Militarized development is always untenable

Decades of military rule have fostered a repressive political environment in which democratic principles are flouted, public resources are exploited for the benefit of the military elite and human rights and the rule of law enjoy little respect. Without basic rights, the voiceless people of the country suffer the consequences of economic mismanagement that undermines the environment and retards sustainable development. Burma urgently needs strong democratic institutions that promote sustainable development, public participation and accountability.

Despite the country’s abundance of natural resources, a majority of the Burmese people face challenging life conditions as a result of governmental economic mismanagement. More than 32% of the population lives below the poverty line.1 Burma ranked 132 out of 169 countries in the 2010 UNDP Human Development Index.2 The lack of public participation in economic policies is reflected in the Government’s allocation of only 0.5% of the gross domestic product (GDP) for health, and 0.9% for education.3 Meanwhile, the Government pours more than 60% of its spending into State-owned businesses.4

The lack of democratic institutions effectively bars the public from participating in decision-making on economic, social and environmental policies. Abuse of power is rampant. Development projects are used to line the pockets of military officials at the expense of citizens.

The military regime, known as the State Peace and Development Council (SPDC), organized a national election in November 2010 – the first in 20 years – but it was characterized by flawed election laws and repressive practices. The SPDC continues to hold the reins of Government in Burma and officials regularly abuse their power to further their own interests. They have little fear of the consequences since no means currently exist to hold such people accountable, they often face little to no repercussions for these abuses.

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The military regime has further entrenched its position through laws that obstruct judicial independence.11 The President has the power to appoint and dismiss Supreme Court Justices at his discretion.12 The Supreme Court does not exercise jurisdiction over military or constitutional issues. Additionally, the Constitution guarantees impunity to members of the ruling military regime, thereby preventing the judiciary from enforcing the law in cases in which they are involved.13 Pervasive corruption further undermines the legitimacy of the judiciary, as well as its ability to protect the rights of individuals and hold government officials accountable.14

In most countries, civil society organizations play a fundamental role in the promotion of democratic principles and help ensure transparency, accountability, defense of human rights, and public participation. In Burma, these organizations are stifled by repressive restrictions or outright bans on civil society activities.15 In the absence of a vibrant civil society, military junta rule is unchecked, unmonitored, and unaccountable.

Basic Capabilities Index (BCI)

Children reaching 5th grade

Surviving under-5

2008 Constitution and 2010 elections

The 2008 Constitution entrenched military rule by reserving a quarter of national parliamentary seats and a third of state and regional parliamentary seats for military representatives appointed by the Commander-in-Chief. The military appoints all of the members of the Union Election Commission (UEC), the government body responsible for ensuring that elections are free and fair.6 Election laws bar political prisoners from joining parties and place restrictions on campaigning activities of political parties. In response to the restrictive laws, the National League for Democracy (NLD), and other key opposition groups boycotted the elections, further delegitimizing the results.7

The elections were also marred by voter intimidation, electoral fraud and corruption.8 One of the most common complaints concerned the manipulation of voting results through the collection of votes in advance and vote-rigging.9 In some areas, villagers were threatened with land confiscation and the discontinuation of public services if they did not vote for the regime-backed Union Solidarity and Development Party (USDP).10

Gender Equity Index (GEI)

Education

Empowerment

1 Constitution of the Republic of the Union of Myanmar, (September 2008), arts 74, 109, and 141.
5 Constitution of the Republic of the Union of Myanmar, (September 2008), arts 74, 109, and 141.
6 UN General Assembly. Situation of human rights in Myanmar, (15 September 2010).
10 Ibid.
13 Ibid., art. 445.
accompanied by an increase in unofficial taxes, imposed on local villagers by soldiers.22 These corrupt practices not only heighten food insecurity, they also close off educational opportunities: farmers can no longer afford to send their children to school.

**Environmental impact**

The severe environmental degradation that frequently results from these projects further exacerbates their negative social and economic impact. Unsustainable logging, shrimp farming and hydro-electric projects, as well as extractive industries have seriously damaged the environment. For example, air and water pollution created by a 2010 coal mining partnership agreement between Chinese and Burmese companies in Shan State have contaminated water supplies and caused approximately 2,000 cases of skin disease.23 This venture is the largest cooperative mining project between China and Burma, located in the Sagaing Division, and it continues to release toxic chemicals during the refining process.24

The environmental risks associated with development projects are not disclosed to affected communities, and in the absence of the rule of law the victims of development-related government actions have no viable legal recourse. Order 1/99, which outlaws forced labour, is hardly enforced.26 When individuals subjected to forced labour and land confiscation have filed complaints, the SPDC has retaliated against them and their lawyers through criminal charges and arbitrary sentences to hard labour camps.27

The country’s environmental laws are not enforced. Although the Forest Law emphasizes the importance of conserving and protecting Burma’s forests,28 between 1990 and 2005, the country lost almost 20% of its forests,29 and in recent years the rate of deforestation has increased. Similarly, although the Myanmar Mines Law of 1994 requires permission from land users before a mining permit is issued, in practice villagers are not consulted and their lands are typically confiscated.30

**Conclusions**

Strong democratic institutions that promote good governance are an essential prerequisite for sustainable development. This entails respect for the rule of law and human rights, effective public participation, access to knowledge, and accountability in the management of public resources.

Democratic principles must be strengthened in Burma through free and fair elections, an independent judiciary that upholds the rule of law, and a constitutional review that involves all stakeholders. Public participation should also be incorporated into all stages of development so that the people can shape economic policies, become fully aware of the social and environmental impact of all development initiatives, and have the power to hold government actors and companies accountable for any rights violations.