



1444 N Street, NW, Suite A2
Washington, DC 20005
Tel: (202) 234 8022
Fax: (202) 234 8044
info@uscampaignforburma.org
www.uscampaignforburma.org

Letter to President Obama regarding His Planned Visit to Burma

November 7, 2012

Hon. Mr. Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Mr. President,

First, I would like to congratulate you for your victory in the election. The people of the United States have given you another mandate of four years to lead their country for positive changes. I also believe that, with this new mandate, you will continue to extend your leadership to support the freedom-loving peoples from all over the world, including in my home country Burma, also known as Myanmar, in their continued struggle for freedom, justice, democracy and equality among all ethnic nationalities. With this belief, I strongly request you not to visit Burma for the time being.

Many people believe that Burma is now on the right path, and in transition to democracy. So, let me begin with where we are right now.

It is true that Burma's democratic opposition is now working within the regime's new political system, based on the undemocratic 2008 Constitution. The National League for Democracy (NLD), led by Daw Aung San Suu Kyi has joined the Parliament through the by-election in April. Ethnic politicians who boycotted the 2010 election have also formed political parties and prepared to stand in future elections. Workers are allowed to form trade unions. Peoples are allowed to stage protests subject to attaining permission from relevant authorities in advance.

More than 700 political prisoners were freed between October 2011 and now. But they are free only because the President has suspended their prison terms. They can be re-arrested without warrant and sent back to prison to serve the remainder of their prison terms if the President is not happy with their actions. Furthermore, there are still more than 300 political prisoners, including human rights defender

U Myint Aye, that remain incarcerated in prisons.

Recently, the regime announced that all publications be made public without censorship. However, there are still strict guidelines that the media has to follow. The government's censorship board, known as "The Press Scrutiny and Registration Division," still exists. The laws that threaten the freedom of press are still active. And the regime's propaganda machine is still up and running.

The regime said it is committed to making peace with ethnic resistance forces. Most of the ethnic armies have accepted a ceasefire agreement and continue peace talks with the regime. However, their expectation to have a meaningful political dialogue and sustained political solution are far away from the reality while they are forced to open their areas for economic advancement and development projects. And severe fighting in Kachin State, in the northern part of Burma, between the regime's troops and the Kachin Independence Organization (KIO), is ongoing and now entering its 18th month resulting in more than 100,000 internally displaced persons.

Violence has erupted in Rakhine State, in the western part of Burma, between the Rakhine Buddhist community and the Muslim communities, known as the Rohingya, since May of this year and continued to this day with the great loss of hundreds of lives, thousands of houses and properties, and more than one hundred thousand peoples displaced. Preventing violence, protecting and providing safety for civilian populations, making the rule of law effective and bringing those responsible for the violence to justice are the responsibilities of President Thein Sein's so-called civilian government. However, the ongoing and continued crisis in Rakhine State proves that this government has continuously failed its own responsibilities in serving the people of Burma.

There are three major areas where I have not seen any changes. First, the judiciary system is still not independent and impartial. It is still working to serve the pleasure of the regime. Incompetent judges are running "kangaroo courts" with the support of corrupt and abusive law enforcement officers whose only way to get confession from the accused is torture and manipulation. Many laws and decrees created by the successive military regimes to oppress democratic opposition are still active and being used. Second, the country's economy is still dominated and controlled by the military, crony capitalists, and families of the regime. There is no chance for ordinary citizens to compete with them on a level playing field. And third, the Burmese military is still above the law and dominant in the country's political affairs with supreme powers. There is no sign in sight that the Burmese military will stop committing human rights violations and come under the civilian control.

This is where Burma is right now. I seriously doubt to call this situation a transition to democracy. That's why, I request you not to visit Burma at this time.

The country is still ruled by the Burmese military and the military-back Union Solidarity and Development Party (USDP), led by ex-generals. Their political foundation is the 2008 Constitution, which is designed to grant the supreme powers in the hands of the military and its Commander-in-Chief who can run the military independently. The military is independent from all administrative, legislative and judiciary authority; yet can interfere in all branches of power. It controls 25% of the seats in each parliament and three significant security ministries in the government, and ensures civilian judges have no jurisdiction over members of the armed forces. Moreover, the Commander-in-Chief can assume all powers, dismiss the government and rule the country under the martial law in the name of a state of

emergency. Although regional parliaments and governments are formed at the ethnic minority areas, the Union President holds the powers to appoint Chief Ministers and Judges which leaves little for the ethnic minorities in their expectation for autonomy and self-determination.

The constitution was purposefully crafted to be difficult to amend. At least 20% of lawmakers have to submit the Bill to amend the Constitution to the Union Parliament, a Joint Session of the Lower and Upper Houses, and the amendment can only be approved by a vote of more than seventy-five percent of all the representatives of the Union Parliament. This effectively gives a veto power to the military with its 25% of seats in the Parliament. Even if all 75 percent of the elected representatives stand together for the amendment, they can't win if they can't get even one vote from the military bloc.

I would call this transition as a “transition to the establishment of military supremacy with limited democracy.” The opposition will have access to the power, can contest in election, will have some seats in the Parliament, can raise their voices, but will not be able to control the power. Exercise of power will still remain in the hands of the military and its allies constitutionally. This might be similar to Indonesia under the Suharto's regime or Egypt under the Mubarak's regime. I believe your visit to the country at this time will only strengthen the ruling USDP party and President Thein Sein's government, and undermine the democracy activists and ethnic minorities as well as remaining political prisoners and ever-growing civil society organizations.

However, I understand that you may have already decided to go. If so, I request your visit to Burma should not be just to meet with President Thein Sein and Daw Aung San Suu Kyi. You should make your visit beneficial for the people of Burma by;

- (1) Meeting with your real counterpart, Commander-in-Chief General Min Aung Hlaing and educate him to put the military under civilian control and to serve the people of Burma.
- (2) Address the Union Parliament and encourage the members of the parliament to be courageous to amend the 2008 constitution to be democratic and equal among all ethnic nationalities.
- (3) Meeting with all political parties, civil society organizations and former political prisoners and support their continued struggle for democracy, human rights and national reconciliation.
- (4) Visiting refugees in Kachin State and Rakhine State.
- (5) Visiting U Myint Aye, one of the remaining political prisoners, at the Loi Kaw prison in Kayah State to show your solidarity with all remaining political prisoners.
- (6) Meeting with ethnic leaders from the United Nationalities Federal Council in Thailand to support their call for political dialogue and sustained solution for making of permanent peace.

Thank you,



Aung Din
Executive Director
U.S. Campaign for Burma
aungdin@uscampaignforburma.org

Enclosed: Letter of UNFC Chairman to President Thein Sein, dated 28 September 2012