

BURMA'S SEMI-FREEDOM SCORECARD

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Dictator Watch has dedicated itself to helping Burma one day unambiguously become free. Our dream is that the dictators of the country, the BSPP/SLORC/SPDC/NDSC, will fall, and never to be resurrected, as occurred with the German and Japanese regimes at the end of World War II. We planned to celebrate this event with the word "VICTORY," in 96 point type, across the banner of our website.

Oh well. Burma is not there yet. The question is: Will Daw Aung San Suu Kyi and the National League for Democracy joining the rulers in Naypyidaw bring real victory and real freedom closer, or will it make them more remote? Only time, and the actions of Daw Suu, will tell.

Many critical elements of the Burma situation have now changed. It is therefore a good idea to appraise where we are. There are clearly winners, but also losers, from the new status quo. The jury is out on what the new situation means for the most important group of all - really the only important group - the people of the country.

Losers

The victims of Burma's military regime

The biggest losers from the "New Burma" are the victims of the Burma Army (Tatmadaw), the police, and the other organs of the dictatorship's oppression apparatus (i.e., military intelligence, *swan-arr-shin*, fire brigades, prisons and labor camps, etc.). Most directly this comprises all of the people who have been raped, assaulted, murdered, robbed, extorted, forced to labor, imprisoned, and tortured. Their victimhood is now compounded, because in the New Burma there is no chance that they (or their families) will ever receive justice. Daw Suu and the NLD made a political calculation that justice must be sacrificed, that there should not be an international investigation into the regime's crimes against humanity, or a tribunal for them, much less the ability to bring a case to a local court.

The NLD talks about establishing the rule of law in Burma, but since it will take years to address the problems with the regime's 2008 Constitution, which grants the generals and their foot soldiers immunity from prosecution, any possible investigations are probably at least a decade if not two decades away. It is noteworthy that the tribunal for the victims of Cambodia's Khmer Rouge also took decades to organize, and that due to this and the fact that Dictator Hun Sen, who was with the KR, did everything possible to impede it, this effort at national justice failed. Through the process now underway in Burma it is inevitable that the Naypyidaw regime will preserve its own veto power and that its victims will also be denied justice.

Almost everyone in Burma is a victim of the regime in one of these ways (directly or through immediate family members) as well as in others, including through having had to suffer enforced relocation, poverty, malnutrition, inadequate medical care, and the denial of education. In this sense then the entire country has lost through being refused justice. In recent years, though, the bulk of the regime's victims who have suffered the worst forms of abuse have been members of the country's ethnic minorities (aka the ethnic nationalities).

Three observations about this are as follows:

1. Daw Suu had no right to decide unilaterally that the people of Burma should never have justice. While she may have received near unanimous support in 1990, and this year from the country's Burman majority, her support among the ethnic nationalities, who have their own leaders and who in some cases openly disagree with her, is less.

2. While I would hope this is not the case, the question should be asked: Did Daw Suu make this calculation because the greatest number of contemporary victims are from the ethnic groups, and that it is safe to ignore their suffering?

More generally, she has ignored the ethnic nationality plight for years. (She traditionally focused almost exclusively on the nation's political prisoners.) Through doing this she turned a blind eye to what is Burma's core social issue: Racism against the ethnic nationalities by the country's Burman generals. (A credible case of genocide has been prepared.)

It is difficult to fathom her actions, but a number of explanations are possible, including: She didn't know how bad the Tatmadaw was treating the ethnic groups; she was afraid to talk about the subject, fearing a reaction from the regime, so she censored herself; she thinks the problems that the ethnic nationalities have are their own fault (as many Burmans believe); she doesn't want to upset those Burmans among her supporters who are racist (it is not only the generals who have an ethnic superiority complex); or, she noticed that since the international community ignored the atrocities it was safe for her to do so as well. (Of note, the United States, her close advisor, for two decades only backed her and refused to acknowledge the regime's war crimes.)

I don't know which one of these possibilities is correct. I'm assuming it is fear of the regime. Nevertheless, since this fear has subsided, she must - if she intends to represent all of Burma - concentrate on the country's ethnic problems front and center.

3. The regime remains free to continue its crimes, as it has been doing, most notably against the Kachin and the Karen peoples, safe in the knowledge that it has impunity and will never be charged.

Many commentators say the reform is driven by the regime's desire to escape from the United States' economic sanctions, which is certainly true in part. However, it begins with this. Than

Shwe, Maung Aye, Shwe Mann, Thein Sein and the other leading generals want a guaranteed amnesty for all of their past and future crimes.

The victims of Burma's military junta are not unknown. Indeed, a few are as follows.

I want to start with Nan Bway Pong, whose story is described in the top center article on the Dictator Watch homepage. On June 10, 2002, now almost ten years ago, she was gang raped by some twenty Burma Army soldiers in Karen State. After returning home (many ethnic rape victims are murdered after they have been violated, but some are released), she announced: "*I am not willing to live in this world anymore,*" and committed suicide. Her final words remain an indictment of everything that is taking place in Burma, including Thein Sein's "reform." (They have been a personal goad for me.) Daw Suu does not have a right to deny Nan Bway Pong and her family justice. What is worse is that the lead perpetrator, Captain Ye Htut, of LIB 349, was clearly identified. Who knows, perhaps he is a Colonel or even a General now. He can and should be brought to trial for this crime and the no doubt many others that he has committed. It is intolerable that the thousands of Ye Htuts in the Tatmadaw can be given immunity. It won't work in any case, either. If and when Burma does finally become free, the dictatorship's victims will raise their voices and demand justice.

From last month:

A newly-wed Arakanese woman was gang-raped by one soldier from LIB 550 and two members of the *swan-arr-shin*, after she and her husband reported their overnight stay at her home village.

A Karen villager, Saw Lay La Thaw, was killed by MOC 9 troops while crossing a road.

Northeast Regional Command troops in Shan State under Col. Tun Tun Nyi killed two Palaung villagers, Gawlai Hkam and Aik Chaing, while they were fishing.

Burma Army troops attacked the Kachin Independence Army's 5th Battalion with chemical weapons, the latest in a series of attacks using the banned ordinance.

A Karen woman was sexually assaulted by two BA soldiers at Thay Baw Bo village.

Two Karen women were killed during fighting between the regime's BGF troops and the DKBA.

There have been tens of thousands if not hundreds of thousands of such victims in Burma since the massacre in 1988 (and of course many more before that), and for which not one person has received justice. For a record of the regime's atrocities during the last year, please visit our Burma Death Watch blog - <http://www.dictatorwatch.org/burmadeathwatch.html>

I would strongly encourage everyone who has been victimized by the military junta to travel to the NLD office, 97/B West Shwegondine Road, Bahan Township, Rangoon, and file a grievance

with their now duly elected Members of Parliament, providing as many details about the crimes as possible. (If a lot of people do this, maybe the Party will start to show more concern.)

The Burma Pro-Democracy Movement

In the years following the 1990 election, a major pro-democracy movement, one of the most substantial in the world, was created for Burma. It had many different elements, including:

- Ethnic and student armies, which sought to overcome the junta through force.
- The NLD, which advocated pacifist tactics and which tried, repeatedly, to achieve positive change through “Burma’s legal system” (an oxymoron, if ever there was one).
- Student activists inside the country, who led protests and organized other forms of dissent.
- And manifold groups on the outside, including both free media and political dissidents, most notably in neighboring Thailand, the United States, Europe, and Australia, and organized both by exiles and foreign activists, which in innumerable ways documented the terrible crimes of the junta and sought to bring about its defeat.

The objective of this movement was always singular and clear: The end of the dictatorship and real freedom for the people of Burma, followed by the construction of a well-functioning system of democracy and then carefully planned and methodically implemented social and economic development.

This entire movement, and also its goal, are also losers in the New Burma. The reason for this is again quite simple. The movement existed to exert pressure against the junta. Daw Suu, with one sweep of her hand, decided that the correct course of action was actually to join the regime, to merge with it, and then try to change it from within. Pressure therefore was no longer necessary, or even desirable.

Through taking this step, she effectively became the Dictator of the Pro-Democracy Movement. She has even repudiated the idea that Burma should be a subject of pro-democracy activism and advocacy. Her astonishing decision has left everyone in disarray, wondering what, if anything, they should now do. Many different organizations that have worked hard for years are failing, their contributions are no longer desired. (If you are not going to prosecute crimes against humanity, why even document them?) In addition, particularly for groups outside of Burma, they are losing their funding. Funders are now redirecting their money to other groups inside the country, and which also have different missions, to set up a financial system, to lay the grounds for economic development, etc.

Now, all of this would be fine if we could be certain that the regime will carry through with its reform, that it will meet the basic demands of a free and open society.

1. To stop attacking the ethnic groups and establish a nationwide ceasefire.
2. To stop expropriations of villager land for economic development.
3. To irreversibly end the Myitsone Dam project, and to evaluate properly all other developments that will have a significant impact on local populations and the environment.
4. To put in place strong protections against corruption and bribery.
5. To release all the political prisoners.
6. To end the nuclear and missile programs including their cooperation with North Korea.
7. To allow political parties and the press complete freedom to operate.
8. To hold a free and fair general election in 2015, if not sooner.
9. And finally, to honor that election result.

This is what a real democratic transition would encompass, but there is already great evidence that it is not the regime's intention. Most importantly:

Naypyidaw is continuing its policy of divide and conquer with the ethnic groups, currently through making all sorts of promises to the KNU while at the same time conducting a massive offensive against the KIO.

There has been no movement on the release of the remaining political prisoners, believed to number close to one thousand individuals.

The regime very carefully excluded the ethnic groups and also the 88 Generation student activists from Parliament. This has a number of consequences. First, it means the generals only have to deal with the tame NLD for at least the next three years. Secondly, it reinforces Daw Suu as Burma's focal point, which responsibilities she is ill-equipped to deal with on a day-to-day basis, if only because there is so much to do. Daw Suu is being forced to act as an opposition Prime Minister, but without resources or staff, and also with no guarantees that her actions will be tolerated.

Furthermore, this has also reinforced the death of the Burma Pro-Democracy Movement. The movement has now been transformed into the Suu Kyi Democracy Movement, meaning that where democracy, human rights and environmental activists formerly targeted the regime and also the International Community, the activists that do remain must now press their cases directly with Daw Suu, as she is the only legitimate representative. She is now an advocacy choke-point, which is both a structural flaw and also an inappropriate role, given that she has so many demands on her time, and also that given her age, health, and inclinations she is not really suited for the role of a master hands-on administrator of all the issues that need to be addressed in Burma, and also all the area's of regime activity, from military to political to economic, that need to be scrutinized.

The ethnic nationalities

The varied ethnic nationalities are also losers in the New Burma, because they allowed themselves to be out-maneuvered and out-negotiated. They fell victim to a decades-long series of divide and conquer entreaties, and were never able to create a unified military front, which with coordinated campaigns could have defeated the Tatmadaw. They also now have been excluded from Parliament for the next three years, and will therefore be forced to lobby Daw Suu as well, to press for their interests through her, even though she has never been their strong advocate. Furthermore, taken one-by-one they are at the mercy of international corporations, which in partnership with supranational institutions such as the United Nations, International Monetary Fund, World Bank, and Asian Development Bank, and the trade representatives of the United States, the members states of the E.U., China, Thailand, Singapore, India, Japan, Australia, etc., are certain to create unbearable pressure to go along with poorly-planned, large-scale economic developments in their respective homelands.

However, the ethnic nationalities, even without representation in Parliament, are in no way powerless. They still control armies, and they should fight back against any regime violations of their ceasefire agreements, inappropriate developments including villager land expropriation, and also assist those groups such as the KIA against which the Tatmadaw continues to wage war.

In addition, even though the ethnic nationalities failed to create a working military front, they can create an effective political front, through the United Nationalities Federal Council. This organization is now well-established, and political cooperation is in many ways easier than military. (Burma's geography always presented a huge hurdle to armed coordination.) Indeed, the UNFC is an excellent forum for the different ethnic nationalities to combine their common interests, to provide a balance to the NLD, and to ensure that their demands are both heard and satisfied, until they are in a position to enter Parliament as well (if and when the regime ever permits it).

Internal pro-democracy groups such as 88 Generation, ABFSU, ABMA, Generation Wave, etc.

The many different internal pro-democracy organizations, which operated clandestine, "underground" networks, dedicated to supporting if not actually organizing a new popular uprising, are also now left out in the cold in the New Burma. The common goal of these groups was to achieve a real freedom transition following the pattern of what has in recent years been accomplished by the people of Tunisia, Egypt, Libya, Yemen, Serbia, the Ukraine, Georgia, Czechoslovakia, and Poland (among others - uprisings are also now underway in Syria and Bahrain). Daw Suu and the NLD, by joining Naypyidaw, ended - for the moment at least - any possibility of a new uprising for Burma. These groups have been sidelined, and it is difficult to see what they can do, what room for action they have, other than to serve a supporting role for the NLD and to patiently wait until 2015.

(The question should also be asked: Why did Burma's massive pro-democracy movement, and which strove for twenty years, fail, when Tunisia, Egypt, Libya, etc., which had relatively microscopic movements, at least at the beginning, succeed, and all in a short period of time? Who is responsible for this?)

On the other hand, I do not mean to in any way underestimate the ingenuity of individuals such as Min Ko Naing, Ko Ko Gyi, and their many colleagues. They are fearless, and will unquestionably make their voices heard through strong and varied pressure for a new, better, and ultimately free and democratic Burma.

The workers, natural environment, and future social make-up and character of Burma

Countries are graded by the United Nations and other institutions. One measure is the Human Development Index, and under this system Burma is ranked Low Human Development. A broader and in some ways less precise measure is simply "Development," with countries split between developed, developing or less-developed, and least developed. This measure has an implicit bias towards economic indicators, and here Burma ranks Least Developed.

The first is an excellent guide. Every country should strive for high human development, since it encompasses such measures as life expectancy, literacy, education, standard of living, and quality of life. Development in the New Burma should focus almost exclusively on social development projects, beginning with education - schools, health care - clinics, and sufficient supplies of nutritious food and clean water; and political development, meaning real democracy and the rule of law, as these are necessary to ensure one's quality of life. The quickest way therefore for Burma to escape from its Low Human Development level is to focus on social and political objectives.

The standard of living measure in the Human Development Index, and the overall Development characterization, concentrate instead on economic development, meaning the manner and outcome of one's "employment," as measured by such variables as personal income and also a nation's gross domestic product. There is a bias here, though. More income and a higher GDP, and with both growing as fast as possible from year to year, is not only an unequivocal good, it is the goal. Standard development measures (based on the "neoliberal" development model, the idea that markets and corporations should be unregulated for the greatest economic growth to be achieved) assign no value whatsoever to whether a nation has a rich culture or collection of cultures, which prize their traditions and also the elderly; a high degree of personal morality and a correspondingly low crime rate; massive and intact areas of natural environment, in which other forms of life are free from hunting and other forms of abuse; a degree of social fairness such that there is limited income and wealth inequality and therefore personal inequality and class structure; and also that the overall society pitches in, through different mechanisms, to help the disadvantaged and disabled.

Paradoxically, many traditional societies, while at the mercy of annual weather and crop cycles, do an excellent job on all of these measures. They value their cultures, and establish communities with minimal inequality and where everyone who needs it is helped. They are, though, almost exclusively Least Developed, which to the greater world is an unacceptable stigma and which must be changed, no matter the cost.

Had Burma achieved real freedom, it could have used its Least Developed status, ironically, to its advantage. It could have worked to preserve everything that makes the country special, its rich array of cultures and extraordinary natural environment, while working on social and political projects to boost its human development index. Economic development, such as resource exploitation, industrial factories, etc., could have been pursued slowly and very carefully to ensure that the benefits went to all the people of the country and that the social and environmental costs were minimized if not eliminated.

This development course is now precluded, because the military regime remains in power. Three years from now, even if the election in 2015 is fair, the die will have been set. So much will take place in the interim that it will be impossible to redirect Burma back to the correct development course. Naypyidaw, working with the U.N., World Bank, ADB, IMF, and the U.S., Europe and Asia (all neoliberal true believers, at least as far as “primitive” countries like Burma are concerned), will shove large-scale economic development projects down the throats of the people (as is happening now with Tavoy and ItalThai). Let the Burma Gold Rush, the corporate rape of the natural environment and the exploitation of Burma’s workers, begin!

For decades, young ethnic women have systematically been raped by the Tatmadaw, and Burma’s workers exploited in Thailand. Now the powers that be want to - they will - rape the environment in Burma on a scale hitherto impossible (shiploads of earthmoving machines will soon begin arriving at Thilawa Port), and exploit the country’s workers in new industrial estates full of sweatshops. Indeed, the people of Burma will work for less than the Chinese! It is impossible to understate how quickly this exploitation will ramp up. Corporate dealmakers are already signing contracts with regime officials at the Strand, Sedona and other top-end Rangoon hotels, greased by lucrative bribes, and there are absolutely no controls in place.

Years from now, when Burma’s towns and cities are monstrosities like those in Thailand, and there are no longer disparate peoples (as Thailand also once had), and the political economy is so stagnant and class ridden and corrupt that real democracy can never take hold and high-level criminals can never be held to account (again, like Thailand), and where the environment is destroyed (Thailand), everyone should understand that now, 2012, is when it all began.

Burma will have higher personal income and GDP, to be sure, but its quality of life, its overall quality as a nation, will be much lower.

Winners

Daw Aung San Suu Kyi

The biggest winner by far in the New Burma is Daw Suu. She is back on the pedestal again and subject to wild public exaltation (at least in Burma's major cities). She also has such prominence now in the eyes of the International Community that really, the Nobel Peace Prize does not do her justice. She is the Savior Of A Nation. In all of human history, very few individuals have ever been able to claim that accolade.

I do not mean to begrudge Daw Suu her due. She has suffered tremendously, including by being locked up interminably under house arrest. She also maintained her courage and commitment throughout years of hardship and sacrifice, and through this deserves unqualified respect.

The only concern that one might have is if she fully grasps not only the magnitude of the risk her strategic redirection poses for Burma, but also the risk that having everything channeled through her presents. She has to consider, and guard against, the possibility that she is being used not only by Thein Sein and Than Shwe, but also by the U.S., including Barack Obama, Hillary Clinton and Derek Mitchell, as well as Europe, the U.N., etc.

Daw Suu should not want to be the dictator of the pro-democracy movement. She should work to ensure that other, younger leaders are given public prominence, particularly from among the ethnic nationalities. She should ask the diplomats of the world not only to speak to her, but to have regular communications with the leaders of such groups as the UNFC, KNU, KIO, RCSS, etc. At the moment, this is not happening at all. The international community has been very careful not to talk to the ethnic leaders or to show concern for their specific problems.

Although I hesitate to mention it, Daw Suu also cannot ignore the legacy of her father. The country's premier national hero, Bogyoke Aung San's career was ended by his mortality, and through this all of Burma plunged into dictatorship for over a half a century. The two greatest risks of leadership in the system of representative democracy are (1) poor leadership, and (2) a leader's passing and the power vacuum this creates and which opportunists soon seek to exploit.

The leadership of a nation has to be diversified. For example, the 'uncles' of the NLD have been criticized for years for blocking the development of a new generation of leaders. Had this not been the case, there would now be a large group of middle-aged NLD members fully qualified to take charge at both the national and regional levels, and not only as politicians but as administrators. Indeed, the NLD is a beneficiary of the New Burma as much as Daw Suu. Coming under increasing criticism in recent years for its ineffectiveness, it has now been revived.

As for policy recommendations for Daw Suu, this article is not the place for such an analysis. I can only suggest that as an MP she finally become specific, that she take clearly defined

positions and push for them as forcefully and repetitively as possible. For instance, it is not enough to oppose the conflict in Burma, in general. She needs to acknowledge openly that Burma's Civil War begins with the Tatmadaw. She also should very aggressively call for the cancellation of the Myitsone Dam. As a figurehead (or diplomat), you have the luxury of not being specific. This is no longer the case when you become a hands-on politician.

Daw Suu should announce, firmly and repeatedly, her opposition to uncontrolled economic development, including major projects such as Myitsone, Tavoy, Kaladan, and the Dawei pipeline. If she does not oppose these projects, she is sending a clear signal of what she thinks is important for Burma and how development of the country should proceed. She is saying that she fully supports the neoliberal model.

I can further comment that I have a number of friends who are pro-democracy activists for China, and they are very disappointed that Daw Suu on a number of occasions has said that Burma should have good relations with Beijing, i.e., the Communist Party. They think it would be much better if she supported publicly the democratic aspirations of the people of China, rather than implicitly back their oppressors.

The military regime

After Daw Suu, the biggest winner in the New Burma is the military regime, starting, of course, with Senior General Than Shwe. He can relax and enjoy his Asian-style elderly dictator retirement, still pulling the strings from behind the scenes as required. He will not be overthrown, or tried at the International Criminal Court. His family is protected. All is well.

All levels of the regime are in fact winners, and in multiple ways. The other top generals, who should also be tried at the ICC, as well as all the specific on the ground war criminal Tatmadaw commanders and soldiers, are now off the hook. The generals and officers, whether they retain their uniforms or not, will also cement their position as the new upper-class elite of Burma, as they become the part-owners and signatories to the new development deals. Not only will they not be charged for their crimes, they are being given preferred positions as the Gold Rush, otherwise known as the initial stage of astronomical corruption for the country, commences.

To them we can also add all the regime cronies and fixers, such as Tayza, Myanmar Egress, etc., Burmese and international consultants, and corrupt ethnic leaders and "pro-democracy" politicians, who are also well-positioned for the start of the nation's degradation.

And finally, the rank and file soldiers of the Tatmadaw are winners. They had been under tremendous stress, with insufficient rations and through being ordered into one battle bloodbath with the ethnic nationalities after another. The peace is good for them. Except against the Kachin their lives are no longer at risk, and they will probably get more food. Development will also improve their lot. There will be a lot more money available for the Tatmadaw, even after the top leaders take their cut. The soldiers should beware, though, their respite may well be temporary. If

and when Than Shwe decides that enough is enough, the nation-wide offensives and battles will restart.

The Obama Administration

Another big winner is the Obama Administration. The President has been roundly and properly criticized for having a weak and poorly conceived foreign policy (and which ignores human rights). Washington has struggled to respond to, much less anticipate, developments in Iran, North Korea, China, and the Arab Spring. Indeed, for the last Secretary Clinton backed the Arab world dictators, pushing for “peaceful,” negotiated transitions in which the dictators would both participate and be protected. The local peoples, though, would have none of it, and instead rose up. This forced Washington to reverse its policy, and it also created mistrust and suspicion among the Arab peoples that the United States was not really for democracy, at least as far as Muslims are concerned.

Because of Daw Suu, the U.S. was able to pursue its preferred policy in Burma. A new popular uprising was circumvented. Now there will be an attempt at a negotiated transition, which, even if it fails, still benefits the Administration. The U.S. has positioned itself well in the geopolitical game against China, and also India. Furthermore, U.S. corporations can now grab a share of the Burma lucre. Also, even if everything falls apart, and Than Shwe’s stormtroopers at some point reassert overt control and even kill or imprison Thein Sein, regarding President Obama’s most important objective, his re-election, he will have a foreign policy victory to trumpet. Presuming he is re-elected, what happens later in Burma is irrelevant. He is limited to two terms.

We can prevent a complete betrayal by the U.S. by forcing it to pay attention to the real world, as Daw Suu in fact has done. The U.S. should not end its sanctions until all its benchmarks have been achieved.

The by-election was only the first of these (and as we anticipated, it was not free or fair but nevertheless the regime allowed the NLD to win). There are still three benchmarks to go: The end of the civil war; the freeing of all political prisoners; and the hidden issue, which is often ignored, the nuclear and missile program cooperation with North Korea.

If we, and Daw Suu, continue to demand that these benchmarks be met, we can force the U.S. to preserve the sanctions, and only eliminate them in response to demonstrable positive change.

There is also another issue about the sanctions which no one has mentioned. They do not “belong” to the U.S. government. Rather, the sanctions are “owned” by the many Burma activists who pushed for them, who pressed Congress and then the President to act. As one of those activists - in the Spring of 1997 I was doing a photo show about Burma at a series of U.S. universities, which installation called for sanctions, when President Clinton signed the first law, actually an executive order prohibiting new investment - I feel like they are “our” sanctions. We, the U.S. activist community (most of which was affiliated with the Free Burma Coalition), and

other groups such as the NCGUB, pushed for them and got them enacted. I personally want them to stay enacted until their job is complete, until Burma is irreversibly on the road to democracy and a path of appropriate social, political and economic development.

(Of note: It is the new investment sanction of President Clinton's executive order that the Administration announced the U.S. will now relax - ironically, by Bill Clinton's wife, now Secretary of State Hillary Clinton. The Administration is able to do this because this sanction is not part of a congressionally-approved law, i.e., the Burmese Freedom and Democracy Act or the Tom Lantos Block Burmese JADE Act.)

We also need to guard against the Administration deceitfully dropping the nuclear/North Korea issue, which is actually, together with the geopolitical positioning relative to China, its greatest concern. To fully illuminate the depth of the deception that is now underway, I want to describe, once again, the State Department's woeful response to my Freedom Of Information Act filing for the Report on Military and Intelligence Aid to Burma required under Section 10 of the Tom Lantos Act, and which report must include whatever intelligence the U.S. has about the nuclear program and its North Korean links.

My April 2010 filing was accepted by State's FOIA office that June, and it should then have been easy to fulfill. The Act requires that the report be prepared, for submission to the House and Senate foreign affairs and foreign relations committees, with an unclassified version to be placed on State's website. Therefore, I was not asking for anything extra, something that would require a State foreign service officer to set aside time from his or her busy schedule to prepare. Under the FOIA, the agency in question has to respond within thirty days. I actually expected a response, but that it would say that my request had been denied. The FOIA allows a number of exemptions to information requests, the first of which is for "national defense or foreign policy." I expected State, specifically the East Asian and Pacific Bureau, to say that it could not satisfy my request, and also the provision of Section 10 which requires the report's publication, because it would be detrimental to U.S. security. We believe that the report has been prepared, given to the Congressional committees, and that it describes relations between U.S. allies such as Israel and Germany, and the Tatmadaw. Revealing this would be embarrassing. By claiming the exemption, these links can be kept hidden (and perhaps also older military cooperation between the U.S. and Ne Win, not to mention China's involvement in the nuclear program.)

EAP though refused to follow the law, indeed, both laws - FOIA and Tom Lantos. They just ignored the filing. I have had a series of discussions with officials at the State FOIA office, who have been very helpful. They have done everything in their power to get EAP to comply. Every month or two they send a "search tasker," which request EAP then ignores. This month I escalated the process and a State FOIA officer talked to EAP's Burma Desk Officer. This individual responded that the Burma department was busy and that they would need an additional six to nine months to release the report. (This after what is already now a two year delay.) This response, though, was a lie. The last BDO apparently never had time to satisfy the

filing either. It is clear that what is really happening is that EAP Assistant Secretary Kurt Campbell has instructed the department never to respond.

State's FOIA office told me that my only hope is "judicial review." What this means is that I must hire a lawyer and sue EAP to get it to comply, which step frankly I can't afford. EAP therefore itself has immunity, from its legal obligations, and like the criminals in the Tatmadaw it too can act with impunity.

Does anyone think that any of this will change when Derek Mitchell, after Daw Suu, the biggest individual winner in the New Burma, is approved as Ambassador?

Total and Chevron

Probably what activists will regret more than anything is that the western oil companies Total and Chevron, who are clearly villains, absolutely culpable for the regime's war crimes, are also winners in the New Burma. Starting with the No Petrodollars for SLORC campaign in the early 1990s, we tried - and failed - to force them to divest. Chevron, then Unocal, was given an exemption to President Clinton's order, and the Tom Lantos JADE Act was postponed and then rewritten to protect it as well. The fact that these companies, like the regime, have gotten away with murder, is deplorable, all the more so because they can now expand their operations in Burma without restraint and exploit the country and the people even more.

If Burma had gone free, a new democratic government could have carefully evaluated all of the regime's contracts with multinational corporations, and invalidated them where appropriate. This opportunity is now lost. Instead, these companies, which helped the regime block democracy in Burma for decades, now get to profit even more from the reform. This is disgusting.

The modern world, which Nan Bway Pong forsook, where the rich and powerful do everything they can to exploit the poor and weak, is truly a savage place. Right now, legions of corporate executives and bankers are drooling over Burma, like dogs around fresh meat. They have already begun to penetrate the country, as an invading army. Moreover, not only do they not care if it goes free, they prefer the status quo. Legitimized dictatorships are better for business.

If Daw Suu, the NLD, internal activists who are still willing to protest, and the ethnic armies don't stop it, Burma is open for business, and Everything and Everyone Is For Sale.

Conclusion

I'd like to conclude by saying that I hope I am wrong, about all of the above: about the New Burma, about Daw Suu, and even about deceptive and self-serving American diplomats. I'm a foreign activist who decided to dedicate his life to helping the people of the country. (There are lots of people like me.) I believe it is too early to tell if the reform is good or not, particularly for

the ethnic nationalities. I dearly hope, however, that it does succeed and that in the coming months Daw Suu and the NLD make great inroads in Parliament on all of the above issues.

To recall her famous words, we should hope for the best but plan for the worst. (It is not hope for the best and be blind to the rest!) If Than Shwe launches a new crackdown, the people of Burma need to be prepared to rise up, and, Daw Suu should publicly support this. The ethnic armies should never surrender their weapons. They need to continue to improve their cooperation with each other, maintain their operational readiness, and fight against all Tatmadaw aggression. Everyone needs to oppose the forthcoming corporate rape of Burma, including its diplomatic, media, academic, trade association, and economic consultant promoters. There is absolutely no need to rush. The people of the country do not need any new factories, mines, or pipelines this year or even next. Instead, they need food, water, schools, and clinics, and which the International Community should be prepared to help provide, and with no neoliberal economic development strings attached.