

**USING THE CONVENTION ON THE  
ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN  
TO ADVOCATE FOR THE POLITICAL RIGHTS OF  
WOMEN IN A DEMOCRATIC BURMA**

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The military dictatorship ruling Burma<sup>1</sup> has had a firm grip on the country for over forty years.<sup>2</sup> Despite authorizing a democratic election in 1990, the junta refused to turn over power, and jailed many elected to office. Forces for a democratic Burma remain strong, although the draconian measures taken by the ruling regime have forced the majority of those fighting for democracy to organize in exile. These groups in exile are joined together by a vital fight to bring peace to Burma after decades of violence, a peace that would enable them to return home. Unfortunately, the inclusion of women in this effort has been pushed aside in the name of a larger struggle, likely with the assumption that equality will be addressed once there is democracy. This assumption undermines democracy itself. Critical to the formation of a democratic Burma is the inclusion of women in all the nation-building steps, such as peace negotiations, transitional governments, constitution drafting, and war-crimes tribunals. Those groups arguing for democracy and the rule of law must live up to their own rhetoric and set the stage for a true democracy by ensuring the inclusion of women.

While I was in Thailand conducting human rights trainings with women from Burma living on the Thai-Burma border, the Women's League of Burma ("WLB") asked for suggestions on how to ensure inclusion of women in a new constitution for Burma. The WLB is an umbrella organi-

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<sup>1</sup> Myanmar is the name used by the current ruling military dictatorship; the democratically elected government refers to the country as Burma.

<sup>2</sup> See *infra* text accompanying notes 11–23.

zation consisting of twelve Nongovernmental Organizations (“NGOs”) that have been organized in exile and are working for the empowerment of women from Burma.<sup>3</sup> As we began to discuss the process being used by the NGOs in exile to draft their constitution, it became apparent to me the extent to which women are marginalized in the process and that none of the leadership positions of the various ethnic or other exile groups are held by women. International law, such as the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”),<sup>4</sup> already recognizes women’s vital role in nation building, such as in The most innovative aspect of CEDAW is that it grants women a legal right to political power.<sup>5</sup> Yet while CEDAW is frequently used to highlight violations of women’s rights, it is rarely used as a basis to argue for more political power for women. CEDAW must be used to advocate for a substantive role for women in democracy-building, including redefining what democracy is and framing women’s human rights in terms of inclusion in a country’s power structures.

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<sup>3</sup> The WLB’s “mission is to work for women’s empowerment and advancement of the status of women, and to work for the increased participation of women in all spheres of society in the democracy movement, and in peace and national reconciliation processes through capacity building, advocacy, research and documentation.” Women’s League of Burma, <http://www.womenofburma.org/index.html> (last visited Feb. 21, 2005); *see also infra* text accompanying notes 32–36.

<sup>4</sup> G.A. Res. 34/180, U.N. GAOR, 34th Sess., U.N. Doc. A/RES/34/180 (1979) [hereinafter CEDAW]. In addition to CEDAW, U.N. Resolution 1325 calls upon countries to include women in peace and reconciliation processes. Sec. Council Res. 1325, U.N. SCOR, 4213th Meeting, U.N. Doc. S/RES/1325 (2000) (stating that the United Nations “[u]rges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict . . .”). Also, the Beijing Platform for Action, adopted at the Fourth World Conference on Women in Beijing, China, in September 1995 is frequently used to argue for women’s empowerment. *See* Fourth World Conference on Women Platform for Action, *available at* <http://www.un.org/womenwatch/daw/Beijing/platform/plat1.htm> (last visited Mar. 6, 2005).

<sup>5</sup> *See* CEDAW, *supra* note 4, art. 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men . . . .

*Id.* arts. 3, 7.

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: . . . [t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

*Id.* art. 7.

I. THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN

CEDAW was adopted by the U.N. General Assembly in 1979 and is described as an international bill of rights for women. "CEDAW defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination."<sup>6</sup> There are 180 states that are party to CEDAW, making it the second-most ratified international convention.<sup>7</sup> The government of Burma ratified CEDAW on July 22, 1997.<sup>8</sup> Countries that ratify CEDAW commit to its implementation, which includes bringing their domestic laws into accord with the convention.<sup>9</sup> Although it was adopted over twenty-five years ago, it was not until the past ten to fifteen years that NGOs began to focus on CEDAW as a means for advancing women's rights.

One of the reasons CEDAW has been embraced is its requirement of substantive, as opposed to merely formal, equality. This means that a commitment to equality without any real change or results is not enough: signatories to CEDAW cannot just pay "lip-service" to gender equality. CEDAW addresses the realities of institutionalized inequality by calling on countries to undertake corrective measures to achieve equality. This includes requiring that women be adequately represented in decisionmaking, including through temporary measures such as affirmative action.<sup>10</sup> Under CEDAW, governments cannot simply adhere to principles of equality going forward, but must redress the systemic problems that created the inequality in the first place.

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<sup>6</sup> U.N. Div. for the Advancement of Women, *Convention on the Elimination of All Forms of Discrimination Against Women*, available at <http://www.un.org/womenwatch/daw/cedaw/> (last visited Feb. 9, 2005).

<sup>7</sup> The most widely ratified is the Convention on the Rights of the Child, which has been ratified by 192 countries, including all of the U.N.-recognized countries except the United States and Somalia. United Nations Children's Fund, *Convention on the Rights of the Child*, available at <http://www.unicef.org/crc/crc.htm> (last visited Feb. 26, 2005).

<sup>8</sup> U.N. Div. for the Advancement of Women, States Parties, available at <http://www.un.org/womenwatch/daw/cedaw/states.htm> (last visited Mar. 4, 2005). The government placed a reservation on its ratification that it does not consider itself bound by Article 29, granting jurisdiction to the International Court of Justice. See United Nations Division for the Advancement of Women, available at <http://www.un.org/womenwatch/daw/cedaw/reservations-country.html> (last visited Mar. 6, 2005).

<sup>9</sup> See U.N. Div. for the Advancement of Women, *supra* note 6.

<sup>10</sup> See *id.* (stating that "[s]tates parties [to CEDAW] agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms").

## II. HISTORICAL BACKGROUND AND POLITICAL CIRCUMSTANCES IN BURMA

In 1947, the Union of Burma achieved independence after sixty years of colonial rule<sup>11</sup> that had further divided its factions of ethnic groups.<sup>12</sup> This division, plus a history of military power, led to a military coup in 1962.<sup>13</sup> Under this isolated, paranoid military rule, Burma went from being one of the wealthiest countries in Asia to one of the ten poorest in the world.<sup>14</sup>

As part of a growing movement for democracy, on August 8, 1988, a peaceful, nationwide strike took place, during which thousands of people left their jobs and schools to protest the repressive actions of the military.<sup>15</sup> The strike was violently crushed, and two months later a new military dictatorship, then called the State Law and Order Restoration Council ("SLORC"), took over Burma. SLORC, which later renamed itself the State Peace and Development Council ("SPDC"), has been in power ever since.<sup>16</sup>

In 1990 SLORC held a democratic election under the assumption that it would easily win.<sup>17</sup> Instead SLORC suffered a devastating defeat by the National League for Democracy ("NLD"), led by Aung San Suu Kyi, which won over eighty percent of the seats in the new parliament.<sup>18</sup> Aung San Suu Kyi, the daughter of a national hero who had led the liberation movement,<sup>19</sup> reached iconic status within Burma.<sup>20</sup> Despite the election

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<sup>11</sup> Burma was defeated by the British in 1886 and, except for a short period of rule by the Japanese, was under British rule until independence in 1947. See Nehginpao Papao, *The Rise of Conflicts in Modern Burma (1947–2004)*, available at [http://www.manipuronline.com/Features/August2004/burmapoliticalconflictsA12\\_1.htm](http://www.manipuronline.com/Features/August2004/burmapoliticalconflictsA12_1.htm) (last visited Mar. 3, 2005).

<sup>12</sup> Burma has a complicated ethnic make-up, with over 135 different tribes, most with their own language and traditions. An estimated two-thirds of the people are Burman. The largest two ethnic groups after Burman are Karen and Shan, each making up approximately ten percent of the population. In addition, Akha, Chin, Chinese, Danu, Indian, Kachin, Karenni, Kayan, Kokang, Lahu, Mon, Naga, Palaung, Pao, Rakhine, Rohingya, Tavoyan, and Wa peoples each constitute five percent or less of the population. See Soros Open Society Institute, *The Burma Project*, available at [http://www.burmaproject.org/ethnic\\_groups.html](http://www.burmaproject.org/ethnic_groups.html) (last visited Feb. 21, 2005), see also Joshua 2000, available at <http://www.joshuaproject.net/countries.php?rog3=BM> (last visited Feb. 26, 2005) (by a Christian missionary organization providing detailed information on the ethnic groups of Burma).

<sup>13</sup> See Papao, *supra* note 11.

<sup>14</sup> Nat'l Coalition Gov't of the Union of Burma, *Brief History of Burma*, available at <http://www.ncgub.net/Burma/index%20of%20Burma.htm> (last visited Feb. 21, 2005).

<sup>15</sup> See Papao, *supra* note 11.

<sup>16</sup> See PASCAL KHOO THWE, *FROM THE LAND OF THE GREEN GHOSTS: A BURMESE ODESSEY* (2002) (giving a first-person account of the general strike of August 8, 1988, and the repressive regime).

<sup>17</sup> Papao, *supra* note 11.

<sup>18</sup> The NLD won 392 out of 485 parliamentary seats. *Id.*

<sup>19</sup> See AUNG SAN SUU KYI, *FREEDOM FROM FEAR 3* (Michael Aris ed., Penguin Books 1995) (1991) (giving an account of the life of Aung San Suu Kyi's father, Aung San, and other writings by Aung San Suu Kyi).

<sup>20</sup> It is noteworthy that the people of Burma are able to rally behind a woman leader as a symbol of democracy and freedom.

results, SLORC refused to cede control.<sup>21</sup> When the NLD challenged SLORC, the key NLD leaders were arrested and jailed, including Suu Kyi, who was placed under house arrest.<sup>22</sup> She became the international symbol of hope for democracy in Burma, and was awarded the Nobel Peace Prize in 1991. She is still under house arrest today, having only been released for a short period.

Most NLD Members of Parliament (“MPs”) left Burma and went into exile. They responded to Suu Kyi’s request to continue democratic movements by organizing the National League for Democracy–Liberated Area (“NLD–LA”).<sup>23</sup> Then the National Council of the Union of Burma (“NCUB”) was formed as the de facto parliament, composed of MPs from various political parties who were living in exile, including the NLD. The National Coalition Government of the Union of Burma (“NCGUB”) was formed to serve as the Burmese government in exile.<sup>24</sup> It will be dissolved once democracy is restored in Burma.<sup>25</sup>

Meanwhile, the ongoing human rights violations of the SPDC government are well-documented and include forced labor; using civilians as human mine-sweepers; murder and rape by the military; forcing families from their homes and destroying villages; and complete repression of speech, press, and association.<sup>26</sup> The SPDC intentionally starves and terrorizes its own people as a military tactic in the ongoing civil war with various ethnic resistance groups.<sup>27</sup> The SPDC is a highly repressive military regime that has been condemned by the international community and sanctioned by the United States and the European Union for its human rights violations.

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<sup>21</sup> Papao, *supra* note 11.

<sup>22</sup> Suu Kyi is being held under Article 10a of the Burmese criminal code, which permits the state to detain anyone it considers a security risk for up to five years without charge or trial. She has been held for well over ten years. Burma Statement by Tom Malinowski to the Congressional Human Rights Caucus (June 19, 2003), *available at* <http://hrw.org/backgrounders/asia/burma-testimony061903.htm> (last visited Mar. 6, 2005).

<sup>23</sup> Nat’l League for Democracy–Liberated Area, *available at* <http://nldla-la.org/index.html> (last visited Feb. 28, 2005).

<sup>24</sup> *See* Nat’l Coalition Gov’t of the Union of Burma, *The Birth of the NCGUB*, *available at* <http://www.ncgub.net/NCGUB/index%20of%20NCGUB.htm> (last visited Feb. 24, 2005).

<sup>25</sup> *Id.*

<sup>26</sup> *See, e.g.*, Human Rights Watch World Report 2003, *available at* <http://www.hrw.org/wr2k3/asia2.html> (last visited Feb. 21, 2005); Soros Open Society Institute, *supra* note 12; Burma Lawyer’s Council, *Suppressive Law*, *available at* [http://www.blc-burma.org/legal\\_resource.html#sl](http://www.blc-burma.org/legal_resource.html#sl) (last visited Feb. 28, 2005) (giving examples of suppressive laws).

<sup>27</sup> As part of the “four cuts policy,” the SPDC “aims to cut the supplies of food, funds and recruits and information to resistance groups by systematically terrorizing, controlling, and impoverishing the civilian population in resistance areas so that they have neither the opportunity nor the means to provide any form of support to the [insurgent groups].” THE SHAN WOMEN’S ACTION NETWORK, SHAN REFUGEES: DISPELLING THE MYTH 1 n.1 (2003).

## III. DRAFTING A CONSTITUTION IN EXILE

Beginning in 1993, the SPDC began the effort to convene a constitutional convention.<sup>28</sup> They have tried to do so as recently as February 17, 2005.<sup>29</sup> The NLD, however, did not participate due to the continued house arrest of Suu Kyi, nor did the Shan State Army, one of the major insurgent groups fighting the government, due to the arrests of U Hkun Htun Oo and U Sai Nyunt Lwin, chairman and secretary, respectively, of the Shan Nationalities League for Democracy (“SNLD”), on February 11, 2005.<sup>30</sup> These boycotts led the international community to condemn the constitutional convention as a “sham.”<sup>31</sup>

At the same time, three groups working in exile, the Women’s League of Burma (“WLB”), the National Council of the Union of Burma’s Federal Constitution Drafting Committee, and the Supporting Committee for State Constitutions, began organizing their own constitution drafting process. These three groups, plus a number of others,<sup>32</sup> began the drafting process with the Seminar on Basic Principles for a Future Federal Constitution, a preparatory session for the constitutional convention that took place in February 2005 in Mae Sot, Thailand.<sup>33</sup> The NCUB took the lead in organizing the constitution drafting process. The process will culminate with another convention to take place within the liberated zones in northern Burma, which are under the control of the insurgent armies.<sup>34</sup>

## IV. PUTTING WOMEN IN THE CONSTITUTION

The WLB has taken on the task of advocating for women’s representation at the constitution drafting sessions.<sup>35</sup> CEDAW gives a legal foundation to the WLB’s argument that the constitution drafting process must in-

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<sup>28</sup> South Asia Analysis Group, Paper No. 1272, *available at* <http://www.saag.org/%5Cpapers13%5Cpaper1272.html> (last visited Mar. 20, 2005).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* They have not been released. *Id.*

<sup>31</sup> Channel NewsAsia, *available at* [http://www.channelnewsasia.com/stories/afp\\_asiapacific/view/85166/1.html](http://www.channelnewsasia.com/stories/afp_asiapacific/view/85166/1.html) (last visited Mar. 20, 2005).

<sup>32</sup> The Seminar was organized by the NCUB, National Democratic Front, Union of the NLD-LA, Karen National People’s Party, Shan Democratic Union, and the WLB. E-mail from Ying Lao, Member of the WLB Constitution Learning Team (Mar. 18, 2005, 08:12:09 GMT) (on file with author).

<sup>33</sup> Interview with Ohmar Khan, President of the WLB, & Ying Lao, Chair of the WLB Constitution Learning Team, in Chiang Mai, Thail. (Jan. 18, 2005).

<sup>34</sup> The main insurgent groups include the Karen National Union, the Karenni National Progressive Party, and the Shan State Army-South. Global IDP Database, *Burma, available at* <http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wViewCountries/40DE4116E0D19F6CC1256DCF00587741> (last visited Mar., 3 2005) (citing Christian Aid and discussing Burma’s dirty war, the humanitarian crisis in eastern Burma) (May 2004), *available at* <http://www.reliefweb.int/library/documents/2004/chruid-mmr-24may.pdf> (last visited Mar. 3, 2005)).

<sup>35</sup> Interview with Khan & Ying Lao, *supra* note 33.

clude adequate representation of women.<sup>36</sup> Articles 3 and 7 of CEDAW require governments to ensure adequate representation of women within political bodies.<sup>37</sup> The WLB can thus use the requirements of CEDAW to pressure the NCUB to give women substantive roles in the drafting process. The requirements of CEDAW to modify domestic law so that it is not in conflict with the Convention provide support for the argument in favor of equality guarantees in the constitution itself.<sup>38</sup>

According to Ohmar Khan, a WLB board member representing the Women's League of Burma in the constitution drafting process, as well as Ying Lao, a member of the WLB's Constitution Learning Team,<sup>39</sup> they as women have had to fight just to be included in the constitutional development process.<sup>40</sup> Despite women's key role in initiating the alternative constitution drafting process and the Seminar, their presence was questioned. At one of the consultation meetings in India, one of the participants asked why the WLB was doing "political work" when it was a "civic organization." They did not see a role for women in the political realm.<sup>41</sup>

The process of drafting the constitution in exile is hardly "democratic" in that women are practically not in the process. Out of the forty-two groups in exile participating in the Seminar, not one group other than the WLB chose to send a woman participant.<sup>42</sup> The only woman present, other than those sent by the WLB, was Daw San San.<sup>43</sup> As an elected MP, Daw San San was entitled to attend as part of the Members of Parliament Union (the exile group of parliamentarians who were never seated after the election of 1990). Even the WLB found it difficult to obtain the twelve seats they should have been allotted. Only after a struggle, and intervention by the government of Denmark,<sup>44</sup> was the WLB guaranteed space at the Seminar. It was at this Seminar that the bulk of the constitution drafting occurred.<sup>45</sup>

When asked about the lack of women in the constitution drafting process, U Bo Thaug,<sup>46</sup> a vice president of the NCGUB, immediately pointed

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<sup>36</sup> See CEDAW, *supra* note 4.

<sup>37</sup> *Id.*

<sup>38</sup> Interview with Khan & Ying Lao, *supra* note 33.

<sup>39</sup> The Constitution Learning Team is the WLB Committee working for the inclusion of women's rights in the new constitution. *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> E-mail from Ying Lao, Member of the WLB Constitution Learning Team (Mar. 18, 2005, 08:12:09 GMT) (on file with author).

<sup>42</sup> E-mail from Ying Lao, Member of the WLB Constitution Learning Team (Feb. 18, 2005, 05:10:13 GMT) (on file with author).

<sup>43</sup> Members of Parliament Union, available at <http://www.ncgub.net/MPU/index%20of%20MPU.htm> (last visited Mar. 30, 2005). Daw San San was imprisoned for the SPDC for a number of years due to her political activity. See Aung San Suu Kyii Message on the 50th Anniversary of the Declaration of Human Rights, available at <http://www.ibiblio.org/freeburma/assk/50/> (last visited, Mar. 30, 2005).

<sup>44</sup> The Danish government has been very supportive of the legitimate Burmese government, and a number of influential Burmese are in exile there.

<sup>45</sup> Interview with Khan & Ying Lao, *supra* note 33.

<sup>46</sup> U Bo Thaug was elected as a Member of Parliament in 1990, representing the NLD.

to the participation of the WLB.<sup>47</sup> He was defensive about their efforts to include women and argued that the WLB was part of the planning process, and therefore women were fully represented.<sup>48</sup> The WLB, however, said that not only were they initially excluded from the process, but that they also had very limited actual representation at the constitutional convention.<sup>49</sup> Bo Thaug responded that he could not control who was and was not invited and that it was expensive to include more people. His opinion highlights the contrast between the formal equality that most governments embrace and the substantive equality that is required by CEDAW.

It cannot be the responsibility of the WLB alone to represent women. When interviewed, U Bo Thaug continued to hide behind the WLB's membership on the organizing committee as proof that women were sufficiently involved in the constitutional formation process.<sup>50</sup> It seems likely that the government of Burma as represented by the NCUB, which is claiming legitimacy and rule of law, may create a constitution without honoring its commitment under CEDAW to ensure women have a substantive role in the process.

The WLB Constitution Learning Team is creating a "Gender Perspective Paper" to inform the constitution drafting process. The influence of CEDAW and international law is clear in what the team selected as the four key issues for the paper. These were: (1) written customary law;<sup>51</sup> (2) unwritten customary law; (3) affirmative action/quota system; and (4) international treaties that the Burmese government has signed.<sup>52</sup> That it is the organizations representing the interests of women who are prioritizing the respect for international law is reflective of the fact that international norms are ahead of many Burmese policies when it comes to equality.

Custom and cultural norms are a major impediment to the inclusion of women in Burma,<sup>53</sup> however, Article 5 of CEDAW directly addresses the role custom plays in oppressing women and requires modification of custom to obtain sex equality.<sup>54</sup> One of the ways that this can be achieved is by

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He is currently living in exile and is a vice president of the NCUB. Interview with U Bo Thaug, Member of Parliament, NLD and Vice President, NCGUB, in Mae Sot, Thailand. (Jan. 21, 2005).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Interview with Khan & Ying Lao, *supra* note 33.

<sup>50</sup> Interview with U Bo Thaug, *supra* note 46.

<sup>51</sup> Customary law is made up of international norms that are so widely accepted as to be considered law, despite not being codified in any written document. See HENRY STEINER & PHILIP ALSTON, *INTERNATIONAL HUMAN RIGHTS IN CONTEXT* 227–28 (2d ed. 2000).

<sup>52</sup> E-mail from Ying Lao, Member of the WLB Constitution Learning Team (Jan. 23, 2005, 17:28:00 GMT) (on file with author).

<sup>53</sup> Interview with Khan & Ying Lao *supra* note 33.

<sup>54</sup> See CEDAW, *supra* note 4, art 5 ("States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.").

ensuring inclusion through quotas. The use of affirmative action, or positive steps by the government to guarantee women's full participation in the democratic process, is encompassed by CEDAW.<sup>55</sup> The groups drafting the constitution are familiar with the idea of quotas. In the NCUB's draft constitution, they plan for states based on ethnic groups, yet the representation of women is not even mentioned.<sup>56</sup> Similarly, when Du Wa M. Zau Aung,<sup>57</sup> a man elected to parliament in 1990 as a member of the NLD, gave a speech to the U.S. Counsel in Chiang Mai, Thailand, suggested a requirement that equal representation and status be given to NLD and ethnic nationalities in a tripartite dialogue.<sup>58</sup> He does not mention the inclusion of women in the constitutional process or the negotiation of cease-fires or peace discussions.<sup>59</sup>

Although the WLB continues to make commendable progress in ensuring women are included to some extent in the constitution drafting session, they cannot do it alone. There are a number of immediate steps that can be taken to address women's lack of political power in the democracy-building process in Burma. First and foremost, the NCUB should commit to women composing at least thirty percent of those attending and voting at the constitutional convention. All the NGOs working for democracy in Burma should follow suit and include women in decisionmaking, including the cease-fire agreements between the insurgent armies and the SPDC. International pressure should be put on the government in exile to follow international law and abide by CEDAW. NGOs in countries that do business in Burma or have diplomatic relations with Burma can advocate to their governments not to invest in or trade with Burma, and not to ignore the ongoing human rights violations. Finally, the United States should join the international community and ratify CEDAW. It is hard for the U.S. to argue with credibility that Burma must meet its obligations when we ourselves have not ratified CEDAW.

CEDAW embodies the promise of real political power. New and developing democracies provide the opportunity to make the promise of CEDAW a reality from the beginning. All countries must constantly be reminded that there is an international obligation to include women at every stage in nation-building and decisionmaking processes. Gender equality is not satis-

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<sup>55</sup> See United Nations Division for the Advancement of Women, *supra* note 6.

<sup>56</sup> Nat'l Council of the Union of Burma, *Draft Future Constitution of the Federal Union of Burma*, available at [http://www.blc-burma.org/pdf/Constitution/ncubcon\\_e.pdf](http://www.blc-burma.org/pdf/Constitution/ncubcon_e.pdf) (drafted Dec. 1997).

<sup>57</sup> Du Wa M. Zau Aung was elected an MP as an NLD candidate in 1990. He is currently living in exile and is Chairman of the Constitutional Committee on The Revelation of the People's Aspirations ("CCRPA"). The CCRPA's mission is to identify the desires of Burmese residents in both the refugee camps and within Burma for the constitution. Duwa M. Zau Aung, *The Constitutional Committee on The Revelation of the People's Aspirations, Notes for Chairman's Speech* (Oct. 20, 2004) (on file with author).

<sup>58</sup> *Id.* The NCGUB is calling for a tripartite dialogue between the ethnic nationalities, the NLD, and the military. Nat'l Coalition Gov't of the Union of Burma, *supra* note 14.

<sup>59</sup> Duwa M. Zau Aung, *supra* note 57.

fied by male-dominated governments handing out protections to women; full attainment of women's rights requires changing the way we think about democracy and government to ensure that women have a real voice in the futures of their countries.