

Foreword

reading classics in legal and political theory from a young age and getting sage advice from sympathetic mentors. His keen intellect and scholarly talents took him to the University of Hong Kong, where he completed an LL.M. Returning to Myanmar in the days of its incipient political rebirth, he has since seized every opportunity to communicate on matters of law, human rights and democracy, travelling the length and breadth of the country to work with people from all walks of life for meaningful and lasting legal and political change.

This book is the latest of Kyaw Min San's many initiatives. As he makes amply clear in a number of its chapters, whether or not Myanmar's rule-of-law revival succeeds in passing from the realm of ideas to the realm of practices remains to be seen. Some of the tremendous problems the country confronts include blanket impunity that the armed forces enjoy under current constitutional and structural arrangements, the persistence of executive control over the judiciary, and widespread abuses of power and corruption. So far, little progress has been made beyond the earnest idea that these conditions are inimical to the interests of Myanmar's people. Solutions are still wanting, and for the most part, seem a long way off.

Of course, the rule-of-law_ as law professor Martin Krygier observed with the collapse of communism and the rise of analogous demands for legality in Eastern Europe_ is no panacea. It does not and cannot remedy a lot of ills, including many afflicting Myanmar: among them, religious intolerance and religiously motivated violence, habitual militarism and persistent civil war. Nor do the more sensible rule-of-law advocated pretend that it can. They know that the solutions to problems like these lie elsewhere. But they also know that the idea of law is important because it animates thought and debate about arrangements we encounter in the present.

Without such thought and debate, things don't get

better, as decades of stifling ultraconservative military rule in Myanmar prove. With them, we've no guarantees that things will improve either, but they just might_ although the experience of other countries coming out of protracted repressive rule has been that in the short to medium term, things could well get worse. Which is precisely why Myanmar needs the lides of Kyaw Min San to keep reminding it of the long-term goals that the rule of law signifies, and to act as sane, informed interpreters of change amid times of flux: times when less rational, less knowledgeable voices are especially prone to dominate public discourse.

So I commend Kyaw Min San not only for this book but also for his and his colleagues' efforts beyond its pages. May they continue to advocate for the rule of law, not as a hopelessly utopian ideal to which people in Myanmar might aspire but will never realize, or as a generic answer to whatever militancy or strife their country encounters, but as a necessary if not sufficient condition for a civilized, modern political order suited to people in Myanmar.

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Nick Cheesman' Forward

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