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Myanmar's Military and the Dilemma of Federalism

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EXECUTIVE SUMMARY

- Myanmar's long and incomplete efforts to achieve a nationwide ceasefire agreement between the army and the various ethnically-designated armed groups are only the first step in the process of finding a constitutional resolution to the issues underlying the conflict.
- The second step, the so-called political dialogue, will be about the fundamental issue of reaching an agreement on the nature of federalism in Myanmar. Should Myanmar have a 'soft federalism', undergo a tinkering with the current constitution, aim for a 'hard federalism,' or dismantle the state and replace it with a structure more like a common market with a single currency and foreign policy?
- Ethnically-designated armed groups often argue that they want a 'federal army' while the Myanmar army insists that it is in effect already a federal army as members of all the country's recognised 'national races' are eligible to join. However, the perception in the eyes of many members of minority communities is that the army, particularly the senior officer corps, is intentionally and overwhelmingly Bama and Buddhist.
- Opening up officer recruitment to non-Bama ethnic communities and ensuring that non-Buddhist officers can be promoted to the senior ranks would help to convince sceptics of the army's intentions to be all-inclusive. The army needs to be not only ethnically and religiously representative, but be seen to be so.

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INTRODUCTION

Myanmar's long search for peace between the central state and the country's multiple ethnically-designated armed groups appears to be a long way from resolution despite the efforts of both the previous and the current governments to find a negotiated settlement to the nearly 70-year long conflict. Even if an all-inclusive nationwide ceasefire agreement could be reached, that would be only a step, though a significant one, toward re-opening the set of deep political conundrums that surrounds the question: "What kind of federalism should Myanmar create to replace the current constitutional framework?" Within that question, however, lies another even more contentious one: "Is or can the central state be representative of the ethnic diversity of the country or is it the tool of the majority ethnic community, the Bama, to suppress the cultures, languages, religions and rights of the numerous far smaller ethnic minorities?" How you answer that question helps to determine, to borrow language from the Brexit debate in Europe, whether you believe Myanmar should have a 'hard' federalism or a 'soft' federalism.

By soft federalism is meant basically a series of adjustments to the current constitution which created 14 elected state or regional legislatures and executives with limited powers and six autonomous local governments. Enhancing the powers of these governments, and making their executives responsible to the elected legislatures while maintaining the ultimate dominance of the central government would satisfy those who see the state as either benign or ethnically neutral. By hard federalism is meant a more radical constitutional reorganisation involving the creation of eight ethnically-designated states – the existing seven states for the 'big seven' minorities, and a new Bama-designated state from the existing seven regional governments. Despite the vast differences in population, ethnic composition, economic development and viability, these eight possible states would be juridically equal and the central government would be responsible to them rather than as now, where the states are subordinates of the central government.¹ Switzerland is often pointed to as something of a model. A further feature of hard federalism is the notion that somehow the Myanmar army would become a 'federal army', with eight separate armed forces loyal to their respective states rather than to a new shadow central state with few responsibilities, primarily in foreign affairs, currency and finance. In effect, Myanmar would be turned into a mini-common market rather like what the European Union purports to be.²

To revert to the initial argument, both theoretically and ideally, the state-*qua*-state has no ethnicity. As an institution, what Thomas Hobbes called 'an artificial man', the state is *sui*

¹ See for example David C. Williams and Lian H. Sakhong, eds., *Peaceful Coexistence: Towards Federal Union of Burma* (Chiengmai: UNLD Press, 2005).

² There is apparently no appetite for a third alternative, largely to ignore the existing states and regions, and decentralize power to the 74 district governments which are the immediate subunit of government under the state or regional governments. See Robert H. Taylor, *Can Myanmar's NLD Cut the Gordian Knot of Federalism and Ethnicity?* (Singapore: ISEAS-Yusof Ishak Institute, Trends in Southeast Asia 2016, No. 3).

generis, without the ethnic baggage learned at its mother's knee that humans are encumbered with. However, the state is managed by elites who do have ideas about ethnicity and are known often to think about ethnicity as a tool of state strengthening or nation building.³ So the question then becomes this: Does the elite that manages the state choose to do so in such a manner as to represent the ethnic composition of its entire population or has the state been captured by a mono-ethnic elite for the benefit of that ethnicity to the exclusive of other ethnicities? If the latter, then it flies in the face of the state's legal obligation to treat all its citizens equally and to provide protection to all who reside within its borders. Ethnic minority opponents of the Myanmar government often argue this to be the actual situation.⁴

IS THE ROLE OF ETHNICITY EXAGGERATED IN THE PEACE PROCESS?

While the leaders of armed ethnic groups argue that the Bama and their control of the central state is at the root of Myanmar's long low-level civil war, the voters in the 2015 general election, in the privacy of the ballot box and out of sight with the men with guns, seemed to think otherwise. That election produced an overwhelming majority for the National League for Democracy, a party often derided as an essentially Bama organisation no different from the army-generated government it replaced last year, suggesting that ethnicity is not as salient in Myanmar politics as some loud voices argue.

Ethnically-designated parties did remarkably badly in the elections. They won only 11.2% of the seats in the bicameral national parliament (Pyidaungsu Hluttaw) and were in no position to claim to dominate the state legislatures that bear the labels of the seven largest ethnic categories, other than Bama. In these legislatures, ethnically-designated parties won just 2 of 18 seats in Chin, 7 of 40 in Kachin, none of 15 in Kayah, 1 of 16 in Kayin, 3 of 23 in Mon, 22 of 35 in Rakhine, and 47 of 103 in Shan. In the case of Shan State, the Shan-designated party was only one of a variety of ethnically-identified parties. The particular history of Rakhine as once a separate kingdom, as well as the explosive issues of the large Muslim minority in the predominantly Buddhist population, explains the strength of the Rakhine-designated party in this exceptional result. The meaning of the 2015 elections in terms of the saliency of ethnicity in political life in Myanmar has, however, been largely

³ This can be benign, as in the case of India (see Steven Wilkinson, *Army and Nation: The Army and Indian Democracy Since Independence* [Cambridge: Harvard University Press, 2015]), or result in genocide as occurred in Nazi Germany.

⁴ See, for example, Lian H. Sakhong, "The Dynamics of Sixty Years of Ethnic Armed Conflict in Burma," Burma Centre for Ethnic Studies, Peace and Reconciliation, Analysis Paper No. 1 (January 2012), p. 1, or Costas Laoutides and Anthony Ware, "Reexamining the Centrality of Ethnic Identity to the Kachin Conflict," in Nicholas Cheesman and Nicholas Farrelly, eds., *Conflict in Myanmar: War, Politics, Religion* (Singapore: ISEAS, 2016), pp. 47-66. For the conundrums these views pose and related issues, see Robert H. Taylor, "Refighting Old Battles, Compounding Misconceptions: The Politics of Ethnicity in Myanmar Today," *ISEAS Perspective*, No. 12, 2015 (2 March 2015) and Robert H. Taylor, "Ethnicity, Federalism, Citizenship and Politics in Myanmar," *ISEAS Perspective*, No. 31, 2015 (26 June 2015).

ignored in the debates over federalism. Hence, the alleged ethnic identity of the state and its institutions remains a point of contention in the peace process.

How members of ethnic minorities perceive the putative ethnicity of the central state is through the composition of its major institutions. For example, the President of Myanmar today is said to be of mixed Mon and Bama ethnicity, while the two vice-presidents are a Mon and a Chin, though the dominant figure in the government, the State Counsellor and Foreign Minister, is said to be Bama. The cabinet, about which firm ethnic data is not available, would appear to be overwhelmingly Bama, with the known existence of only one minister of Mon ancestry.⁵ Given the urban and educational backgrounds of most ministers, their being primarily Bama is perhaps not surprising.

Despite the existence of a civilian-led constitutional order, most people in Myanmar perceive the army as being the key pillar or instrument of the state and it is the army's putative ethnic bias in favour of the Bama majority which has been the main source of complaint for leaders and supporters of ethnically-designated armed groups, and advocates of a hard federalism for Myanmar. This is not surprising for as Cynthia Enloe wrote "the perception of a military 'belonging' to one or two ethnic communities rather than the populace as a whole cannot help but undermine the legitimacy of the nation-state itself."⁶ This has been at the crux of Myanmar's ethnically-labelled civil war.⁷ The demand for a federal army stems from this perception.

ETHNICITY AND THE MYANMAR ARMY

Hard, accurate, and recognised data on the composition of the army in Myanmar today, as in the past, is difficult to access, most particularly those about its ethnic composition. It is commonly believed that the army is predominately Bama in composition, hence the basis of the mistrust by leaders of the armed ethnically designated groups in the military's ability to provide security for all citizens regardless of ethnicity. There is, of course, little reason to doubt that the majority of both the officer corps and the rank and file of the army would identify themselves as Bama for the simple fact that Bama make up probably two-thirds of the total population of Myanmar.⁸ Moreover, the history of the Myanmar army in its nearly continual nearly 70-year struggle against ethnically designated insurgent groups would lead one to suppose that this would be the situation.

⁵ "Who's Who: Myanmar's New Cabinet," *Myanmar Times*, 23 March 2016, updated to include two ministers appointed in early April, 2016.

⁶ Cynthia H. Enloe, *Police, Military and Ethnicity: Foundations of State Power* (New Brunswick, N. J.: Transaction Books, 1980), p. 15.

⁷ From the perspective of the central state, the notion of a 'federal army' is an obvious oxymoron.

⁸ Data from the 2014 census on the ethnic composition of Myanmar has yet to be released but it is unlikely to be dramatically different from that implied from previous data released in 2016 on the religious composition of the population.

The army at independence was composed of four predominantly Bama battalions raised from troops which had fought under General Aung San against the British and one Bama battalion and 10 battalions composed of Kayin, Kachin, Chin and Gurkhas raised by the British. A year after independence, at the January 1949 commanding officers' conference, only four of the 33 officers present were from former anti-colonial forces while the majority were from the former British Burma army, including nine Kayin officers and 16 others who were Chin, Shan and other minorities. Bama officers were a distinct minority.⁹

That was soon to change, however, as General Ne Win took command from the Kayin General Smith Dun after the revolt of the Karen National Union against the government and the subsequent defection of most Kayin battalions and one Kachin battalion to the anti-government forces. Most Kayin officers were soon put on leave and confined until their loyalty was determined. Few returned to positions of authority. Nonetheless, during the height of Myanmar's immediate post-independence civil war, Bama, Kachin, Chin, Anglo-Burman, and other officers inherited from the colonial army fought side-by-side with their Bama compatriots from the Burma Independence Army against the overwhelmingly Bama Burma Communist Party and the Kayin National Union insurgents.¹⁰

During the next decade, the army built itself up from its small base in order to confront its ideological and ethnic-designated foes, the latter predominantly fighting under the banner of the Kayin or Mon ethnic labels. One would not be surprised, given the level of distrust that developed between Kayin and soldiers of other ethnicities, particularly Bama, that recruits and volunteers from the Kayin group were limited. However, until the elected government of U Nu made Buddhism the state religion in 1961, ethnically-fuelled insurgency was limited to the Mon and Kayin in the main except for a small group in the Shan State which emerged about the time the "traditional" Sawbwa (rulers) gave up their "feudal rights".¹¹

After 1962, Kachin students and others, in the name of protecting their culture and predominantly Christian religious orientation, took up arms and by then insurgency had become endemic. Chin, Palaung, Kayah and other groups emerged as the economy under the Burmese road to socialism imploded and smuggling, including of gemstones and opium, burgeoned. When the Burma Communist Party was forced to the Chinese border in the late 1960s, it in a sense became an ethnic force as it drew most of its troops from minority groups on the border, including the Wa, Kachin and others. Not surprisingly, in this situation the army relied heavily on the one dominant ethnicity that remained loyal to the government, the Bama.

⁹ Mary P. Callahan, *Making Enemies: War and State Building in Burma* (Ithaca: Cornell University Press, 2004), p. 119.

¹⁰ Robert H. Taylor, *General Ne Win: A Political Biography* (Singapore: ISEAS, 2015), particularly chapter 5.

¹¹ This potted history of the spread of Myanmar's ethnic conflict does a good deal of damage to historical accuracy but it provides a broad outline of the process by which the internal conflict expanded to draw in more and more groups.

As Martin Smith once wrote, ethnic “insurgency became a way of life”,¹² and though “most recruits were Burman, [...] notably the Chins, but also some Mons, Karens, Kayah and Kachins, also joined the ranks. In broad terms, the armed forces were ethnically integrated....”¹³ That pattern did not change after the political upheavals of 1988 which allowed the army to escape the financial constraints imposed by the Burma Socialist Programme Party and nearly double in size in a few years. “Frequent recruitment drives” were conducted in “ethnic minority areas” and recruitment was “from virtually every ethnic group.”¹⁴ There is no evidence that this has changed in recent years and the official Defence White Paper of 2015 states that “every citizen has a responsibility to undergo military training and serve in the armed forces,” though at that time all who did so should be volunteers “without discrimination of genders.” Ethnicity is not mentioned in the White Paper at any point.¹⁵

ETHNICITY AND THE OFFICER CORPS

While at the level of the rank and file it would appear that the army has endeavoured for whatever reasons to ensure that it “represents” the ethnic diversity of the nation and therefore should be an institution with which all citizens of Myanmar could identify. However, at the officer level, this appears to be less the case. This may pose an issue for the future of the peace process in as much as Enloe wrote:

...One cannot understand the relationships between the state elite and the military without asking whether both have compatible dependence on the ethnic-class stratification in the society at large. Military manpower pools and state elite constituency linkages can be congenial or contradictory, but the relationship between them in either case will affect the ways in which the state is entrenched.¹⁶

Available evidence of the ethnic composition of the officer corps in the Myanmar army today is scarce and largely anecdotal but it points in the direction of a predominantly Bama composition out of proportion to the apparent overall ethnic structures of the country. As noted above, a year after independence, even after the dismissal of most of the Kayin officers inherited from the British, the top leadership of the army was only about 50 per cent Bama, less than their proportion of the total population. However, as the officer corps aged and retirements took place, often by transferring older officers into civilian administrative

¹² Martin Smith, *State of Strife: The Dynamics of Ethnic Conflict in Burma* (Washington, D. C. East-West Centre Press, 2007), p. 1.

¹³ Andrew Selth, *Burma's Armed Forces: Power without Glory* (Norwalk, Conn.: East Bridge, 2002), p. 77. See also John W. Henderson *et al.*, *Area Handbook for Burma* (Washington, D. C.: U. S. Government Printing Office, 1971), p. 278.

¹⁴ Smith, *State of Strife*, p. 118.

¹⁵ The Republic of the Union of Myanmar, *Defence White Paper* (2015), unofficial translation.

¹⁶ Enloe, *Police, Military and Ethnicity*, p. 8.

positions, and more and more junior officers were brought up, not from the rank and file, as occurred during the expansion of the army in the very early 1950s, but from the Defence Services Academy (DSA) and the university Officer Training Corps (OTC), these competitive institutions naturally favoured the best educated and therefore more likely urban and consequently Bama, Rakhine or Mon youths. It has been noted that especially after the 1962 coup, which led to the resignation of most of the remaining Anglo-Burmese officers, “the large majority of officers [were] ethnic Burmans.”¹⁷

As the years passed and increasingly the DSA took in the sons of previous officers, the officer corps became perceived to be an increasingly closed coterie, weakening one of the previous institutions of social mobility in Myanmar.¹⁸ Moreover, sometime after General Maung Aye became the Vice-Chairman of the ruling State Law and Order Restoration Council and deputy commander-in-chief of the armed forces in 1993, it became army policy that only Buddhists could be promoted above the rank of major.¹⁹ Therefore many Chin, Kachin and perhaps Kayin officers were forced to remain outside the top ranks of the military elite. Though this policy has been said to have been cancelled since 2011 with the appointment of Senior General Min Aung Hlaing as commander-in-chief, its legacy lives on.²⁰ This is implicitly recognised in the partial Nationwide Ceasefire Agreement signed in October 2015 by, amongst others, the army leadership.²¹

Though the various theories about the role of the military, and particularly the officer corps, in state building and national integration remain contestable,²² there is little doubt that most ethnic armed group leaders in Myanmar perceive their government opponents to be almost exclusively Bama. There is little research on how armies can overcome the perception that they or their officer corps are mono-ethnic but if “more and more doors” are not open for

¹⁷ Selth, *Burma's Armed Forces*, p. 77.

¹⁸ Of the 56 military appointed members of the *Pyidaungsu Hluttaw* in 2013, 51 were Bama, 3 Rakhine, 1 Kayah-Mon, and 1 Kayin-Bama. Renauld Egretau, “Legislators in Myanmar’s First ‘Post-Junta’ National Parliament (2010-2015): A Sociological Analysis”, *Journal of Current Southeast Asian Affairs*, No. 2, 2014, Table 3, Detailed Ethnic Composition, p. 106. Or see the same authors “Who Are the Military Delegates in Myanmar’s 2010-2015 Union Legislature?”, *Sojourn*, Vol. 30, No. 2 (July 2015), pp. 338-370.

¹⁹ Henry Van Thio, a Christian and one of Myanmar’s two vice presidents, rose to the rank of major in the army before resigning to support his wife’s theological studies.

²⁰ All of the military members of the *Pyidaungsu Hluttaw* in 2013 were Buddhists. Egretau, “Legislators in Myanmar’s First,” *Table 4, Religious Composition*, p. 111.

²¹ Article I, section 1.c. states that to be discussed in the future political dialogue will be the question of how the army shall be composed of all ethnic nationalities. The agreement is printed in Aung Naing Oo, *Pathway to Peace: An Insider’s Account of the Myanmar Peace Process* (Yangon: Mizzima Media, 2016). The pledge is reiterated in Chapter 2, Paragraph C of the subsequent “Framework for Political Dialogue,” *ibid.*, p. 164.

²² Though the general literature on this subject is rather dated, the generalizations drawn do not seem out of place. See Warren L. Young, *Minorities and the Military: A Cross-National Study in World Perspective* (Westport, Conn.: Greenwood Press, 1982), pp. 22-32. See also N. F. Dreisziger, ed., *Ethnic Armies: Polyethnic Armed Forces from the Time of the Hapsburgs to the Age of the Superpowers* (Waterloo, Ontario: Wilfried Laurier Press, 1990).

ethnic minority soldiers, “as the fate of the military and the state in Yugoslavia and Rwanda demonstrate, a state may not survive the failure to integrate its ethnic groups” in all levels of the armed forces.²³

Myanmar’s armed forces not only should be ethnically representative but be seen and understood to be so.

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²³ Alon Peled, *A Question of Loyalty: Military Manpower Management in Multiethnic States*. (Ithaca: Cornell University Press, 1998), p. 193. Peled, who examined ethnicity in the armies of Israel, South Africa and Singapore amongst other states, advises that army commanders should in their recruitment policies “be professional and look to build the army, not play politics”; that politicians should “defend the army and support moves to integrate”, and ethnic leaders should “negotiate and be helpful.” *Ibid.*, Chapter 5, Moving Toward Ethnic Integration, pp. 169-193.